



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, May 20, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, May 20, 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, Police Chief Ron Davis, Fire Chief Ted Williams, Town Planner James Eller, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Councilman Nagle asked to move Consent Agenda, Item C – Initial Consideration of Conditional Zoning District on the Property Commonly known as 108 Church Street, down to Discussion Item A.

Councilwoman Sherrill made a motion to approve the agenda with the aforementioned revision. Councilman McKenna seconded and all voted in favor of the motion.

3. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from the April 9, 2019 Town Council Workshop and April 15, 2019 Town Council Regular Meeting. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.

4. Special Recognition

Town Manager Selena Coffey gave special recognition to Police Chief Ron Davis and the Weaverville Police Department for their hard work and dedication, and honored them with a Proclamation recognizing National Police Week.

5. General Public Comment

Public comments were received as follows:

Louis Accornero expressed opposition to privatizing the ABC system. When the ABC first established, he was the Chairman of the ABC Board, and found the location for the store, designed the inside/outside of the ABC Store and secured financing for the building and stock. It bothers him that they are trying to take that away from the Town of Weaverville and if they do he will invoice them for the numerous hours he spent getting it started. Since, he did that for the Town of Weaverville, not the County, State, or City of Asheville.

Rhonda McKenna, 30 Yost Street, discussed a few concerns about the proposed new community center. She believed that when the Parks and Recreation survey was presented, most citizens wanted a recreational or exercise type facility, and now it has developed into a conference center for the first phase with the second phase being the recreational area. Secondly, she understands that the project started with \$500,000 from the sale of the conservation easement being set aside for the project which was estimated at \$1 million, but now it is around \$3 million. Lastly, she thinks the community center design is more about meeting rooms and we don't even use the Town Hall community room for meetings. She wonders if there is going to be a deposit that is too high, so local groups or small town groups are excluded. She thinks we need to do more research and make sure that this big community center room is going to be utilized.

Earl Valois, 42 Loftin Street, mentioned that last week he was at a Board of Adjustment meeting and overheard discussion about streets being developed in the Creekside Village neighborhood. He is under the assumption that nothing is moving forward with it, even though the developer had a long meeting with them stating that their engineers can prove that standards have been met. The project is continuing on, but it doesn't appear there is any enforcement. He hopes Town Council can help out before this becomes a lawsuit.

Thomas Veasey, 69 Lakeshore Drive, thanked Town Council and staff for all their time and effort put into the new community center. He informed Council that the LLPA supports the community center and hopes its moves forward.

6. Consent Agenda

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

- A. Proclamation Recognizing National Police Week – Adopted Proclamation**
- B. Monthly Tax Report – Information Only**
- C. Resolution Concerning Minimal Taxes – Approved Resolution Concerning Minimal Taxes**
- D. Comprehensive Land Use Update – Tentatively scheduled Joint Meeting between PZB and Town Council to discuss the Comprehensive Land Use Plan at the workshop on Tuesday, July 9, 2019 at 6 pm at the Town Hall**
- E. Set Public Hearing on the Budget for June 11, 2019 at 6 pm – Scheduled Public Hearing on Budget for Tuesday, June 11, 2019 at 6 pm at the Town Hall**

7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including that 1) the "2nd Saturday Summer Series" will begin on June 8 and run from 6pm-8pm at the Main Street Nature Park. It will feature performances by local traditional music artists; 2) Straus Developmental Associates has asked her to assist them in the selection process for the Mills River Town Manager on May 30-31. Therefore, she will be out of the office on these dates, but will be available if staff needs her; 3) In accordance with the Town's Strategic Plan, staff has drafted a walkability map and they are working with the Weaverville Business Association to develop a parking map for the Town. These efforts will be combined into a two-sided map; 4) the current fiscal year budget included funds for replacing carpet in Town Hall/PD and security cameras for Town Hall/PD and Public Works. The cameras have been installed and are operational, and we are currently waiting on the carpet installation; 5) The next budget workshop is Tuesday, May 21 at 6pm at the Town Hall and will focus on the Water Fund and discussion on the WTP expansion; 6) Lastly, the Planning and Zoning Board is offering to meet with Council to discuss the Comprehensive Land Use Plan goals and objectives as addressed in the consent agenda.

Mayor Root mentioned that he had a scheduling conflict on July 9, 2019 for the proposed joint meeting, but if no more Council members had an issue than the meeting could be held. There were no other scheduling conflicts identified, so staff will reach out to the Planning and Zoning Board to see if that date works.

8. Discussion and Action Items

A. Initial Consideration of Conditional Zoning District on the Property Known as 108 Church Street

Town Planner James Eller mentioned that staff is in possession of an executed conditional zoning district (CZD) application for 108 Church Street, which calls for the creation of 20 lots from the present 2.87 acres. Due to the reduced lot sizes, setbacks and increased density than would be permissible within the underlying R-1 zoning district, a CZD is required.

Mayor Root asked if Council is just sending the matter to the Planning and Zoning Board to keep the process going and then the matter would come back to Council after their full review process. Mr. Eller noted that he believes we are legally required to provide them an opportunity to appear before the Planning and Zoning Board, the value of tonight is whether Town Council is comfortable with the density that is proposed by the project. Town Attorney Jennifer Jackson mentioned that this is an opportunity for Council to express any concerns or questions they have for the Planning and Zoning Board to focus on during their review and deliberations.

Councilman Nagle mentioned that he asked to have it taken off the Consent Agenda, since it asks for Council's opinion. But if it has to go to the Planning and Zoning Board by law, then should Council give opinion now or wait until it comes back from PZB. Councilman McKenna noted that this is right in the middle of an R-1 district, where the other projects were adjacent to other high density areas.

Town Manager Selena Coffey mentioned that this was on the Consent Agenda, since the initial review has to come before Council. It would help save an additional month if it didn't have to come to Council in this manner and went directly to the Planning and Zoning Board. This means Council would have to re-write their rules and procedures of Conditional Zoning District (CZD) applications. Town Attorney Jackson mentioned that this initial review gives some information to the developer as to whether to pursue it or not, but they are entitled to go through the process. The Code requires initial review to go through Town Council.

Councilman McKenna noted that he can't see the rationale for this project. Council has talked about keeping R-1 consistent and to look for other areas to introduce these projects on the periphery. Vice Mayor/ Councilman Jackson commented that he believes it would destroy the integrity of the downtown area by placing this project in the center of Town and that it would set a bad precedent. Councilman Nagle mentioned that it is actually less density than the Kyfields community, which is in R-1, and it isn't downtown it is almost in farmland. He doesn't believe Council would be being consistent. Town Planner James Eller commented that Kyfields lies in the R-2 district and was approved as a special use permit in the late 1980s.

Chris and Joe Kaselak, owners of North Hill Ventures, thanked Council for hearing their proposal. They noted that housing is a challenge in this area, since it is hard to find quality housing at a reasonable price. Their objective is to create well-designed quality homes at a reasonable price and believes this helps build neighborhoods and communities.

Councilman Fitzsimmons mentioned that the homes in the neighborhood are priced from \$265,000 to \$295,000, so if they could devote some of the homes to a small version at a lower price that would attract younger families that would be desirable.

B. Community Center Project: Final Approval of Plans

John Legerton from Legerton Architecture covered the Power Point that is attached and was handed out to Town Council. The Power Point illustrates the proposed site plan and proposed floor plan. Mr. Legerton mentioned that the initial cost estimate, as of April 5, 2019 was around \$3 million, but the cost estimator had made some assumptions that weren't accurate. After the revisions and with the Public Works department doing some of the site demolition, the current cost estimate came out around \$2.64 million. This cost estimate can be reduced with additional cost saving

options by around \$140,000, which includes deleting the front entry covered pavilion, the stone fireplace at covered terrace, the heavy timber wood truss design and the fire sprinkler system. Other additional cost saving options includes deleting site furnishings and interior display casework, which would lower the cost estimate by another \$30,000. If all these cost saving options were accounted for then the total estimate would come to around \$2.473 million.

Councilman McKenna wondered if the wooden trusses were structural and instead of paying \$80,000 for a renovated restroom could that be included in the community center. Mr. Legerton noted that the trusses are structural and if went the steel route it would be cheaper but with tariffs, the cost of steel is increasing. As for the restrooms, it was brought early in the design process but staff wasn't sure if the community center would be accessible 24/7 and it is around 100 yards away.

Vice Mayor/ Councilman Jackson mentioned that we need to consider how much of the aesthetics do we want to maintain. He is all for saving, but it is only about 1% of the cost and adds greatly to the appearance. Councilwoman Sherrill noted that she personally would hate to see the entry way cover taken away, all the other fixtures she is fine not having them.

Mayor Root commented that he reacted strongly to the wooden trusses, but the others he is fine with them being taken away.

Public Comment:

- Thomas Veasey, 69 Lakeshore Drive, commented that he likes what he sees and maybe we could add the front cover on later and the fireplace is a nice touch. As for the sprinkler system, insurance will give a better deal if we have it.
- Lou Accornero commented that the timber is beautiful, but the front entry way looks botchy and we don't need a sprinkler system.
- Jan Lawrence mentioned that she loves the wooden trusses and thinks the steel trusses are tacky. She doesn't want a sprinkler system in the museum and thinks the front entry give it more ambience.
- Earl Valois commented that this place holds more than 50 people so the sprinkler system would be mandatory, especially with the cooking area.

Town Manager Coffey mentioned that Council is being asked to give approval for staff to move forward with the project, which includes the budget and bringing to them all the documents that need to move ahead.

Councilman Fitzsimmons noted that he would like to move forward with the plan and would be willing to make a motion if the following conditions were met: 1) create a service plan, 2) collect data on the current Town Hall usage requests, 3) create a new pricing structure for the current Town Hall, 4) design rooms so they can be converted into recreational areas, and 5) look at other similar municipalities who built a community center to determine what was most successful.

Councilman McKenna commented that he would like to speak with other municipalities who might have added a fireplace to see if they were happy with their decision. Also to make sure that there are groups who will utilize the facility, since he spoke with the boy scouts and they weren't aware of it. Given the fact that the facility started at \$1 million and is now \$3 million gives him a lot of pause.

Councilman Nagle noted that some mistakes were made at the beginning of the process and there wasn't a professional quote given. But there was a lot of talk about obtaining a grant and allocating the funds from the Eller Cove watershed, so only \$200,000 was needed to be raised. He also mentioned that this was never supposed to be an indoor basketball gym or pickle ball court. This is a lot of money and he doesn't mind pausing, but there needs to be time limit on it.

Town Manager Coffey commented that a service plan was emailed out to Council on October 12, 2018, usage data was collected for requests to use the Town Hall facility from December through February, and redesigning the rooms for recreation was brought up at a meeting showing that Legerton had given a cost opinion on. However, there was no direction given to change this.

Mayor Root mentioned that he personally doesn't see anything wrong with the building proposed, but it makes perfect sense to look around to make sure there is a real need and desire to address recreational needs. He doesn't believe the community room needs to be a basketball court. However, we are at a crossroad here as far as budgeting. The Dry Ridge Museum closes by the end of summer and as time goes by, he is afraid it won't get finished.

Vice Mayor Jackson noted that there are other Town activities like Memorial Day, Veterans Day, and Observance Day that go on each year that would be using the facility if it were rained out. Also, the growth in Weaverville has been tremendous the last few years and we need to look to see how this community center is going to help the Town in 10 or 15 year to come.

Councilwoman Sherrill made a motion to move forward with the community center and eliminate all cost options except the wooden trusses. There was no second motion. Motion failed.

Councilman Fitzsimmons made a motion to accept the plan with no eliminations, but the approval be conditioned on conducting market research before the construction funds are allocated. Councilman McKenna seconded the motion. The motion failed by a 2-3 vote of Council. Vice Mayor Jackson, Councilwoman Sherrill and Councilman Nagle voted against the motion.

Additional Public Comment:

- Thomas Veasey commented that he did research when this started and he looked at the Black Mountain Community Center. It is beautiful and well used, and if we build it, it will be used the same way. Move forward with the whole package.
- Doug Theroux mentioned that we should move forward this evening and see which of the options the Council members want to keep.
- Rhonda McKenna believes this is a beautiful building and wondered if it is open ended or close ended quote. She thinks calling other community centers would be a good idea.
- Lou Accornero mentioned to eliminate sprinkler, fireplace, and entry way.
- Judy Reagan mentioned that people are looking for meeting places.
- Peter Stanz commented that we had a community input with the recreation survey and asked what those results showed.
- Doug Keen mentioned that the longer we wait the more expensive it will be, so do it now.
- Walt Thompson noted that aesthetics are very important, so don't become penny pinching.
- Jan Lawrence commented that they are trying to obtain grants, but can't secure them without an address, so please move forward.

Vice Mayor/Councilman Jackson made a motion to accept the plan as proposed and budget the entire amount. Councilwoman Sherrill seconded the motion. The motion failed by a 2-3 vote of Council. Councilman Fitzsimmons, Councilman McKenna and Councilman Nagle voted against the motion.

Councilman Fitzsimmons made a motion to accept the plan with no eliminations, but the approval be conditioned on conducting market research within 60 days (or by the July Town Council meeting) before the construction funds are allocated. Councilman McKenna seconded the motion. The motion passed by a 3-2 vote of Council. Vice Mayor Jackson and Councilwoman Sherrill voted against the motion.

C. Action on Conditional Zoning District for 37 Brown Street

Town Attorney Jennifer Jackson mentioned that there is an ordinance attached that incorporates the Planning and Zoning Board recommendation for Council. She remembers Councilman Nagle asking last meeting if Council is pressured into taking action tonight. She indicates that Council is eligible, but not required, to take action tonight through adoption of the ordinance as written or however they wish to amend it.

Town Planner James Eller gave a quick recap of the public hearing held at 6pm. Council is being asked to consider the internal renovation of the existing old college boys' dormitory into a multi-family residential complex to accommodate no more than 16 units.

Vice Mayor Jackson noted that the initial plan for CZD proposed 100 square foot of signage. He believes this would be very distasteful for this area and thinks there should be a historical small sign illustrating that this used to be a part of the old Weaver College. Councilman McKenna mentioned that he had a similar suggestion for that as well. Town Attorney Jackson mentioned that with no objections from the developer item H would be eliminated from the ordinance.

Councilman Nagle noted that he has two concerns, one being the number of units based on some community input and secondly, with the limited amount of square footage per unit if they plan on renting or selling. Town Attorney Jackson mentioned that it can be dictated that Council won't approve units that are this small; however NC law doesn't allow them to dictate the type of ownership.

Thomas Wolfe, Principal of Saba Holding Group, LLC, mentioned that the total square footage of the building is 13,000 and including the parking area, it is 15,000. He also noted that there is a national trend right now towards small living in small spaces, and he believes that this is consistent with that trend.

Town Attorney Jackson drew Council's attention to page 87, where a Guarantee of conditions provision is available if Council would wish to add any.

Councilman Fitzsimmons made a motion to approve the ordinance with 2(h) and 3 being removed. Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Action on Riverside Stump Dump Annexation & Initial Zoning

Town Planner James Eller mentioned that Council is eligible to take action on the proposed annexation of property at 135 Monticello Road, which is the Riverside Stump Dump and the initial zoning of R-12. The public hearing was held earlier tonight and there is a unanimous recommendation before them related to the initial zoning of R-12 from the Planning and Zoning Board.

Councilman Nagle commended the developers for taking the process that Council has asked them too. He is happy that they are following the steps suggested and sticking to it.

Councilman Nagle made a motion to approve the ordinance as presented. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

E. Update on Bus Garage

Town Attorney Jennifer Jackson mentioned that the Town has an eligible offer in hand for approval to purchase the Town's surplus property located at 13 Central Avenue. The offer is accompanied by the required bid deposit and proposes a purchase price of \$350,000. Closing would occur within 30-days of action taken, so the funds could be available to the Town by the end of this fiscal year.

Vice Mayor/Councilman Jackson made a motion that we declare 13 Central Avenue as surplus property, accept the offer submitted by Nekko Properties, LLC for \$350,000, and authorize the Mayor, Town Manager, and Town Attorney

to prepare and execute the agreement and such other documents as are necessary to consummate the sale in accordance with the agreement. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

F. Personnel-Related Policies and Proposed Policy & Procedures Manual

Town Attorney Jennifer Jackson briefly discussed the Alcohol and Substance Abuse and Drug-Free Workplace Policy and Procedures drafted that Town Council has delegated to the Town Manager. Staff is looking for any red flags or recommendations from Council. There are some pretty significant laws that need to be respected and have been covered in this policy. Town Attorney Jackson also noted that there is a proposed process laid out to wind the project up. There will be a proposed Policy and Procedure Manual available to them no later than June 3, 2019 for their review. This will be brought back to Council at the June 17, 2019 meeting with a resolution which addresses all of the steps in order to repeal the previous policies and put these new policies in place.

G. Quarterly Report: Fire Department

Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for February - April 2019. They had 464 calls this quarter with an average response time for all calls at 4:25 minutes, 18 child passenger safety seat installations, 76 commercial business inspections, and with their reporting system being a more user friendly, data productive system they can give Council more helpful information

H. Quarterly Report: Police Department

Police Chief Ron Davis presented the Weaverville Police Department Quarterly Report for February – April 2019. Chief Davis noted most all categories listed on the activity chart remained the same with little change over the same period. However, calls requiring more than one officer to be on scene increased, as have the total of reports taken. They are averaging 17 arrests a month with 35% of those persons having an outstanding warrant from another jurisdiction, and the total number of police activities/calls for service is ranging from 900-1,100 per month.

9. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn, Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 9:54 p.m.



Derek K. Huninghake, Town Clerk



Town of
Weaverville,
North Carolina
New
Community
Center Building

Project Update for the
Weaverville Town Council
May 20, 2019
Legerton Architecture



Weaverville Community Center

Existing Site

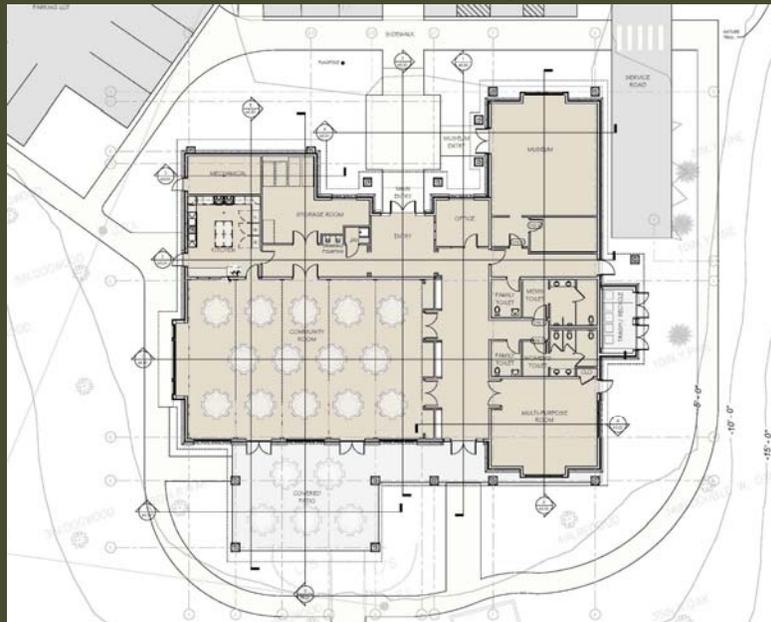


Weaverville Community Center



Proposed Site Plan

Weaverville Community Center



Proposed Floor Plan

Weaverville Community Center



Summary of Project Cost Opinions & Cost Estimates

• Original Cost Opinion from May 2018	\$2,181,000
• Initial Cost Estimate - 4/5/2019	\$3,012,600
• Cost Estimate Revision #1 - 4/17/19	\$2,868,800
• Current Cost Estimate Revision #2 - 5/16/19	\$2,643,300

Weaverville Community Center



Summary of Current Cost Saving Options

<u>Description</u>	<u>Est. Cost Savings</u>
1. Delete Front Entry Covered Pavilion	\$20,500
2. Delete Stone Fireplace at Covered Terrace	\$20,600
3. Delete Heavy Timber Wood Truss Design	\$30,000
4. <u>Delete Fire Sprinkler System</u>	<u>\$68,400</u>
Total Estimated Savings #1 – 4	\$139,500

Weaverville Community Center



Additional Cost Saving Options

<u>Description</u>	<u>Est. Cost Savings</u>
5. Delete Site Furnishings (Flagpole, benches, etc.)	\$9,800
6. Delete Interior Display Casework	\$20,500
Total Estimated Savings #5 – 6	\$30,300

Weaverville Community Center



Summary of Current Cost Saving Options

• Current Cost Estimate Revision #2 - 5/16/19	\$2,643,300
• <u>Total of Estimated Cost Savings #1 – 4</u>	<u>\$139,500</u>
• Revised Cost Estimate with #1 – 4 accepted	\$2,503,800
• <u>Total of Estimated Cost Savings #5 – 6</u>	<u>\$30,300</u>
• Revised Cost Estimate with #1 – 6 accepted	\$2,473,500

Weaverville Community Center



Front Entry Covered Pavilion – Current Base Design

Weaverville Community Center



Front Entry – Alternate Design without Covered Pavilion
Estimated Cost Savings: \$20,500

Weaverville Community Center



Front Entry Covered Pavilion – Current Base Design

Weaverville Community Center



Front Entry – Alternate Design without Covered Pavilion
Estimated Cost Savings: \$20,500

Weaverville Community Center



Rear Covered Terrace with Fireplace – Current Base Design

Weaverville Community Center



Rear Covered Terrace – Alternate Design without Fireplace
Estimated Cost Savings: \$20,600

Weaverville Community Center



Rear Covered Terrace with Fireplace – Current Base Design

Weaverville Community Center



Rear Covered Terrace – Alternate Design without Fireplace
Estimated Cost Savings: \$20,600

Weaverville Community Center



Community Room Heavy Timber Truss – Current Base Design

Weaverville Community Center



Community Room – Design with Alternate Truss
Estimated Cost Savings: \$30,000

Weaverville Community Center



Community Room Heavy Timber Truss – Current Base Design

Weaverville Community Center



Community Room – Design with Alternate Truss
Estimated Cost Savings: \$30,000

Weaverville Community Center



Summary of Project Cost Opinions & Cost Estimates

- Original Cost Opinion from May 2018 \$2,181,000
- Initial Cost Estimate - 4/5/2019 \$3,012,600
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- Current Cost Estimate Revision #2 - 5/16/19 \$2,643,300
- Cost Estimate with Items #1 – 6 accepted \$2,473,500

Weaverville Community Center



Questions – Discussion