



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Meeting  
Monday, August 19, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, August 19, 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/Councilmember Doug Jackson, and Councilmembers Dottie Sherrill, Jeffrey McKenna, Andrew Nagle and Patrick Fitzsimmons.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Town Clerk Derek Huninghake, Fire Chief Ted Williams, Police Chief Ron Davis, 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**

*Councilmember Sherrill made a motion to approve the agenda as presented. Councilmember McKenna seconded and all voted in favor of the motion.*

### **3. Approval of Minutes**

*Vice Mayor Jackson made the motion to approve the minutes from July 15, 2019 Town Council Regular Meeting and August 6, 2019 Town Council Special-Called Meeting. Councilmember Sherrill seconded the motion and all voted in favor on the approval of the minutes.*

### **4. Special Recognition: Doug Theroux**

Mayor Root, on behalf of Town Council, presented a plaque in special recognition to Doug Theroux for his 10 years of dedicated service to the Town of Weaverville. Mr. Theroux was the Chairman of the Planning and Zoning Board for the last five years.

### **5. General Public Comment**

Public comments were received as follows:

Louis Accornero, 50 Highland Pointe Drive, thanked Council for everything that they do and addressed some comments that were made on social media about a Town Council member. Mr. Accornero acknowledged that these comments were ridiculous and wrong, and that this individual has helped improve and grow the Town of Weaverville.

### **6. Consent Agenda**

*Councilmember Sherrill moved for the approval of the Consent Agenda. Councilmember Nagle seconded the motion and all voted unanimously to approve all action requested in the Consent Agenda.*

**A. Tax Collector Charge and Order of Collection – Approved Resolution Setting the Bond Amount for the Tax Collector and Adopting the Order of Collection for the 2019-2020 Tax Year**

- B. Board Appointments** – *Appointed Rachael Bronson as an alternate member on the Planning and Zoning Board to serve a three-year term beginning in Sept. 2019; Reappointed Peter Stanz as a regular member of the Planning and Zoning Board to serve a three-year term beginning in Sept. 2019; Moved John Chase from an alternate member to a regular member on the Planning and Zoning Board with a term to expire in Sept. 2020; Reappointed Paul Clauhs as a regular member of the Board of Adjustment to serve a three-year term beginning in Sept. 2019; Reappointed Gene Knoefel as an alternate member on the Board of Adjustment to serve a three-year term beginning in Sept. 2019; and Reappointed Warren Alcorn to the ABC Board to serve a three-year term beginning in Sept. 2019 and designated Rob Chason as the ABC Board Chairman.*
- C. Annexation Petition and Initial Zoning Request for 0.3 Acre Strip on Monticello Road** – *Council adopted the Resolution Concerning the Annexation Petition and Initial Zoning submitted for the +/- 0.3 acre strip of land located along Monticello Road which directed the Town Clerk to investigate the sufficiency of the petition and the Planning and Zoning Board to review and make a recommendation on the request initial zoning of R-12..*
- D. Approval of US Cellular Tower Lease** – *Approved Resolution Declaring Its Intent to Authorize a Lease Under NCGS §160A-272*
- E. Budget Amendment: Re-appropriations** – *Approved Budget Amendment*
- F. Employee Incentive Award Recommendation** – *Approved the Employee Incentive Award Submission*
- G. Preliminary Plat Approval for 108 Church Street** – *Approved Preliminary Plat for 108 Church Street*

## 7. Town Manager’s Report

Town Manager Selena Coffey presented her Manager’s report to Council including that 1) she has been working with a graphic designer on developing a new seal for the Town and would like their feedback on it; 2) the Saturday Summer Series Concert held on August 10 featuring Zoe & Cloyd was a huge success. It was nearly double the last one with approximately 175 attendees. The final concert of the year will be on Saturday, September 14; 3) Dry Ridge Museum will be moving their artifacts into the Town Hall on August 27 and will display two large display cases in the community room; 4) the Town was able to extend the contract with the paving company so now some other streets on the list will be completed; 5) the Community Center committee appointed by Town Council has met twice and has final drawings being developed in order to put the project out to bid; 6) she is actively involved with the Community Leadership Council TDA TMIP and sent out surveys for Weaverville residents to complete last week. They also held several public input sessions on August 15 and 16; 7) Curbside Recycling has increased their fee from \$2.72 to \$2.78; 8) Town Council has a workshop on September 10 at 6pm at the Town Hall to discuss streets/road policies; 9) the Town will host the 911 Observance on Wednesday, September 11 at Lake Louise Park; 10) and lastly, in collaboration with North Buncombe High School, the Town of Weaverville will have an intern for the upcoming school semester.

## 8. Discussion and Action Items

### A. Update on Greenway Project

Doug Dearth updated Town Council on the Reems Creek Greenway Project that he has been working on with Buncombe County staff. He noted that last year, Town Council approved the Interlocal Agreement with Buncombe County, which they approved in October 2018 to establish the partnership. The next steps were a Request for Proposal (RFP) was drafted in conjunction with the county and is in its final phase, and an agreement between Buncombe County and NCDOT was drafted and completed last month. Buncombe County has approved their budget amendment to provide funding, so the Town of Weaverville can submit their funds anytime. Before Town Council tonight for their approval is a Greenway Agreement with MSD that Public Works Director Dale Pennell established with MSD for approval of right-of-ways.

*Councilmember Fitzsimmons made a motion to approve the Greenway Agreement with MSD and authorize the Mayor and staff to execute and deliver it to MSD. Councilmember McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0*

## **B. Update on Waterline Extension Project**

Town Attorney Jennifer Jackson gave Town Council a brief update on the Waterline Extension project and a forecast of the remaining steps in the project. She mentioned that since this is USDA financed it will be closely monitored. (Attached is a thorough timeline and projected action steps) The next step for Town Council to take is approval of the plans and specifications for the waterline extension project. The plans and specifications are quite lengthy so they are not attached to the agenda, however they are available for viewing at the Town Hall.

*Councilmember Fitzsimmons made a motion to approve the Resolution Approving the Plans and Specifications of the Waterline Extension Project. Vice Mayor/Councilmember Jackson seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.*

## **C. Code Amendment: Recreational Fishing Program at Lake Louise**

Town Manager Selena Coffey mentioned that for many years the Town has maintained Lake Louise as a fishing lake. Public Works Director Dale Pennell has been working with the NC Wildlife Commission on becoming a part of the Community Fishing Program, where they will restock the lake, but the Commission would like the Town of Weaverville to allow for catch and keep subject to the Commission's limitations and any limitations that the Town might want to impose. Also, staff is in communication with the Commission concerning the possible installation of a fishing pier at Lake Louise to allow ADA accessible fishing opportunities. Before Town Council tonight for approval is an ordinance amending Code Chapter 18 to repeal the "catch and release" regulation and allow "catch and keep" subject to limits established by the NC Wildlife Commission or the Town Manager.

Councilmember McKenna mentioned that with allowing catch and keep, it would increase traffic and might change the character of the lake. Also, he wondered if the fishing pier would be scaled down to the size of Lake Louise.

Vice Mayor/Councilmember Jackson noted that these types of piers are mostly expensed by the Wildlife Commission, since they get paid from the restoration fund.

### Public Comment:

Tom Plaut, Lakeshore Drive, commented that by opening this type of fishing there is a concern about a big change in the quantity and character of the visitors to Lake Louise.

*Councilmember Sherrill made a motion to approve the Ordinance Amending Code Chapter 18. Councilmember Nagle seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.*

## **D. Town Parks-Preservation for Public Recreational Purposes**

Mayor Root noted that this was put on the agenda due to Councilmember Nagle asking him about the legal protections to preserve Lake Louise and Main Street Nature Park for public recreation purposes. Basically, three votes on Town Council can change anything, so they wondered what the protections were for these properties.

Town Attorney Jackson mentioned that in her opinion there are no enforceable restrictions in the deeds, so if Council decided to change the use, as long as it was for a public purpose they would be allowed to do so. From a legal standpoint, there is a duty of Council to use the property for public purposes, but if it is vacant unused property than statutes would allow it to be sold either with or without restrictions attached. The deed has no binding restrictions for park and recreational purposes, but Council could bind it legally through conservation easements or convey the property to a trust.

Town Manager Selena Coffey noted that if Council does decide to subject the property to a conservation easement, it would greatly restrict what we are able to do with it.

Councilmember Nagle mentioned that he did bring this item up and he believes that the conservation easement can be written up however Council wants, so it can be legally binding to stay as parks forever. He doesn't believe that a resolution needs to be passed tonight, but we need to look into getting those properties as parks permanently.

Vice Mayor/Councilmember Jackson commented that we should hold a workshop on this issue, so that we can gather more information and resources. Also, we could invite the Southern Appalachian Conservancy and Lake Louise residents to get their input.

Public Comment:

Walt Thomson, 5 Birkdale Drive, mentioned that he was in this business and conservation easements can be written in various spectrums of grade with some parts being very strict and others fairly loose. This is very important because there is a lot of grant funding for conservation grades of land available.

**E. Quarterly Report: Police Department**

Police Chief Ron Davis presented the Weaverville Police Department Quarterly Report for May – July 2019. Chief Davis noted that there were 3,134 calls for service last quarter, which is an increase of 5.5% from the same quarter last year, 61 arrests, which is a decrease of 4.5% from same quarter last year, and 51 vehicle collisions with 11 injuries and 1 fatality. He also noted that the State Bureau of Investigation has adopted a new reporting standard called National Incident Base Reporting System (NIBRS) with a deadline of January 2021. The old system, Uniform Crime Report (UCR) lacked detailed information and wasn't universally used by all agencies/states. He will be transitioning his report to the new NIBRS data.

**F. Quarterly Report: Fire Department**

Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for May – Jul 2019. There were 506 calls this quarter with an average response time for all calls at 6:22 minutes, the increase is due to a large number of calls to the golf course area for a camp at Windy Gap, 26 child passenger safety seats were installed, 78 commercial business inspections, and 8 fire prevention and education classes were held.

**9. Closed Session**

*Councilmember Fitzsimmons made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney and N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance. Councilmember Sherrill seconded the motion and by a majority vote Council entered into closed session.*

[CLOSED SESSION]

*Councilmember Nagle made the motion to exit closed session. Councilmember Sherrill seconded and all voted unanimously to exit closed session and re-enter open session.*

**10. Adjournment**

*Councilmember Nagle made the motion to adjourn; Councilmember McKenna seconded and all voted to adjourn the Council's meeting at 10:15 p.m.*



**Derek K. Huninghake, Town Clerk**