



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, October 21, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, October 21, 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, Town Planner James Eller, Fire Chief Ted Williams, Police Chief Ron Davis, 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. PUBLIC HEARING: Rezoning of Unaddressed Merrimon Ave. from I-1 to R-12

Mayor Root opened the Public Hearing.

Town Planner James Eller stated that before Town Council this evening was a proposed rezoning of unaddressed property on Merrimon Avenue from I-1 to R-12. The public hearing on this rezoning has been duly advertised. The rezoning proposal was before the Planning and Zoning Board on September 3 and the Board, in a 4-1 majority vote, found R-12 zoning to be consistent with the Town's adopted Comprehensive Land Use Plan and sent a favorable recommendation on the proposed rezoning to Town Council.

Public Comment:

Thomas Jones from WGLA Engineering PLLC noted that this property has been vacant for several years and would be better off if it was rezoned as R-12. It an odd shape of land with big elevation changes, which doesn't really allow for large industrial projects which is the typical use in I-1 zoning. He also indicated that this property is shown as residential on the future land use map and is consistent with the surrounding property uses. He believes that R-12 zoning is a more appropriate zoning on the property than I-1.

William Ratford, who represented the proposed buyer, noted that with this being a straight zoning they cannot present any details of their project or offer conditions. He did note that there have been discussions on a future Reems Creek Greenway and they have met with the Town about a future easement.

Dale White, 80 Church St., mentioned that she was the seller of the property and when she first bought the property it was zoned universal use and was changed to industrial zoning a few years ago. She believes that multi-family residential use is a justified use for the property because with all the topography involved it really couldn't be used for commercial or industrial purposes. If it was residential, it would include a wonderful green space and have the creek running along it. This property has been for sale for a long time and she hasn't received much interest in it at all, which further indicates that I-1 zoning is unreasonably limiting development on the property.

Tom Plaut, 16 Riddle Ridge Drive, congratulated Town Planner Eller and staff on a very thorough report. He noted that with theoretically 135 units housing approximately 286 people, it appears there could be about 500 cars added to the traffic pattern. He believes the traffic needs to be considered since Merrimon Avenue is already crowded and that a traffic analysis should be completed.

Rhonda McKenna, 30 Yost St., wondered whether R-12 was the only zoning possible for this property or if there was anything less than that. She also wondered whether, with these buildings being built, are they required to plant a certain number of trees or do any type of landscaping, so that in 10 years it doesn't just look like a bunch of apartments.

Cindy Waseleski, 25 Brown St., noted that along the Reems Creek opposite of the water wheel, she has noticed that a lot of construction debris has been dropped into the water from the houses being constructed above it. The construction builders haven't made an effort to clean it up and she wanted to make it aware to Town Council.

Councilmember Sherrill made the motion to close the Public Hearing; Councilmember McKenna seconded and all voted in favor of closing the Public Hearing.

3. PUBLIC HEARING: Annexation & Initial Zoning of R-12 for Unaddressed Monticello Road

Mayor Root opened the Public Hearing.

Town Planner James Eller stated that before Town Council for their consideration is a voluntary annexation petition and application for initial zoning of R-12 for an unaddressed parcel on Monticello Road. It is his belief and understanding that the property owner intends to combine this parcel with the much larger parcel that achieved R-12 zoning and annexation a few months back. This public hearing has been duly advertised. The proposed R-12 zoning was before the Planning and Zoning Board on September 3 and the Board found R-12 zoning to be consistent with the Town's adopted Comprehensive Land Use Plan and voted unanimously to send a favorable recommendation on the proposed initial zoning to Town Council.

Public Comment – No additional comments

Councilmember Sherrill made the motion to close the Public Hearing; Councilmember McKenna seconded and all voted in favor of closing the Public Hearing.

4. Approval/Adjustments to the Agenda

Mayor Root asked to remove Item E - Approval of U.S. Cellular Tower Lease from the Consent Agenda until they can receive more details about the lease.

Councilmember Sherrill made a motion to approve the agenda with the aforementioned revisions. Councilmember McKenna seconded and all voted in favor of the motion.

5. Approval of Minutes

Councilmember Sherrill made the motion to approve the minutes from September 10, 2019 Town Council Regular Workshop, September 16, 2019 Town Council Regular Meeting, and September 25, 2019 Town Council Special- Called Meeting. Councilmember Nagle seconded the motion and all voted in favor on the approval of the minutes.

6. General Public Comment

Public comments were received as follows:

Nancy Fitzpatrick, 20 Central Avenue, commented that as a Weaverville resident and owner of a dog, she would like to see a dog park come to Weaverville where her dog can run around free and get exercise. She has formed a Dog Park committee with James Ferry, Robin Summers and Jerry Summers.

James Ferry mentioned that he is a member of the Dog park committee that was formed over a month ago. The committee is very passionate and driven, but wants to do what's best for Weaverville. The committee is now an established non-profit organization, they have received (or anticipate) a \$50,000 donation for the dog park, and have

demonstrated public interest with a petition showing 522 names on it with 80% being Town residents. They would like to see Town Council establish a committee to further investigate whether a dog park would be good for the community, and hopes that a few members of their committee could participate in that study.

Robin Summers, 26 Penny Lane, presented the benefits for having a dog park in the Weaverville community. These benefits include an increase in property value, dog parks are one of the fastest growing amenities, an increase in revenue from people walking their dogs here and then spending money in Town. She thanked the Weaverville businesses for allowing them to place their petitions in their business since 95% of names came from that. They would like to start the dog park for the good of the Town, good of the people and good of the dogs. They are asking Mayor and Town Council to work with their committee on the feasibility of establishing a dog park.

Jerry Summers, 26 Penny Lane, is the administrator for Weaverville Fur Babies on Facebook, and indicated that the \$50,000 donation to their cause is expected to come from a terminally ill lady and she has expressed a willingness to provide a letter of that intent to the Town.

Louis Accornero, 50 Highland Pointe Drive, mentioned that he looks at the dog park from the business side of it and believes that a dog park could be a business venture all on its own. They could purchase land and have social activities for the animals, but act as a private enterprise.

Doug Theroux, 73 Hillcrest Drive, noted that a dog park would be a great idea, but he doesn't think it would be smart to have it on Town property. He agrees with Mr. Accornero that it would be smart to keep it as a private enterprise.

Cindy Waseleski, 25 Brown St., mentioned she is a dog trainer and her business is Good Dog, Better Dog. She has been training at the water wheel by Lake Louise and recently has had issues with compliance with the leash law provisions of Town Code and this has personally hurt her business. She mentioned that the first people that approach her dogs are kids and that they love the animals. She mentioned that dogs enrich our lives and this community could be the first to have a family dog park with children and dogs all playing together.

Mayor Root asked that Town Manager Selena Coffey go ahead and address this issue since a portion of her Town Manager's Report was on this topic. She noted that staff met with several individuals from the dog park committee on Monday, October 14 where she gave her thoughts regarding potential liabilities and costs to the Town for a dog park. The two proposed sites were the lower two acres of the Main Street Nature Park and a portion of land at the water wheel at Lake Louise Park. She shared with them that she didn't feel that she could recommend either of these sites for several reasons, including potential liability to the Town, active use on both proposed sites, and the physical limitations of the sites. They did discuss the Eller Cove Watershed Conservation acreage as a potential site for folks to walk their dogs, and encouraged them to reach out to the County for assistance. She did reach out to County Commissioner Amanda Edwards to open the door for these folks to discuss this topic with her.

Mayor Root commented that he appreciates the enthusiasm the committee has expressed to address this issue, but as the Town Manager points out there are difficulties in these solutions. Unless Town Council objects, he believes between the Town Manager and himself, they can explore the idea of a committee and see what else can be done and see what the County can do to step up on this. He doesn't think the Town is in a position to establish a dog park itself, but he doesn't want to turn his back on these enthusiastic individuals trying to improve Weaverville.

Councilmember McKenna mentioned that he thinks there is a need and appreciates all the energy and organization, but doesn't believe there is any way to do anything on Town property. He believes they can be a great match maker with the County or a private organization to try and get this accomplished. Right now, you can take dogs anywhere on leash, we just need to find a way to broaden the scope a little bit.

Councilmember Nagle noted that from visiting the Weaverville Fur Babies social media page, he doesn't understand how they can say Town Council has done nothing to accommodate a dog park, when this is the first time it was

brought up before them. He mentioned that Town Council, through the hard work of the Town Manager and Public Works Director Dale Pennell has changed the rules around Town to allow better dog access at Lake Louise. He owns dogs and believes they are great and we need to keep in mind that taxpayer's money should benefit the community at large.

7. Consent Agenda

Councilmember Nagle moved for the approval of the Consent Agenda. Vice Mayor/Councilmember Jackson seconded the motion and all voted unanimously to approve all action requested in the Consent Agenda.

A. Tax Collector's Monthly Report – Informational Only

B. Tax Release– *Approved the tax release of the business personal property of O'Reilly Automotive Inc. at 7 North Buncombe School Road valued at \$25,410, so that \$96.56 can be released from the 2019 levy.*

C. Road Closure Ordinance: Christmas Parade – *Approved Road Closure Ordinance for 2019 Weaverville Christmas Parade that is scheduled for December 7, 2019 from 1:00 pm – 3:30 pm.*

D. Approval of Amendment to Planning & Zoning Board Rules of Procedure: Voting – *Approved the Amendment to Rule 13 of the Rules of Procedure for the Planning and Zoning Board that was adopted by said Board on October 1, 2019.*

E. Budget Amendment: Re-appropriations from FY 2019 – *Approved Budget Amendment*

8. Town Manager's Report

Town Manager Coffey presented her Manager's report to Council including that 1) Our architects have finalized the bid documents and the Community Center project remains scheduled to go to bid on Tuesday, November 5; 2) the Town of Weaverville is planning to host a dinner for our volunteer board and committee members with potential dates of November 7, 14, or 19. She asked Town Council for preferred or unavailable dates; 3) the Town of Weaverville will host its Veterans Day program at the Town Hall in the Community Room on Monday, November 11 at 11:00 am; 4) she gave a reminder that staff and some of Town Council will be attending a training session in Asheville on Thursday, October 24 from 12 pm – 4:30 pm; 5) and lastly, the Buncombe County Tourism Development Authority will be holding a forum on October 23 from 6 pm – 7:30 pm at AB Tech's Ferguson Auditorium, where she will be attending and invites anyone to attend.

9. Discussion and Action Items

A. Rezoning of Unaddressed Merrimon Avenue from I-1 to R-12

Town Planner James Eller addressed some of the Public Comments from the Public Hearing by noting that the landscape requirements required of all new developments will be fully applicable to this project in the event that the zoning is achieved and that the Code will require two parking spaces per dwelling unit instead of 500 vehicles that was suggested. Town Planner Eller also commented that there is a clause in the Comprehensive Land Use Plan that suggests when we are considering land use decisions, the Town provides assurances that Town services like police, fire, public works will be able to be provided to this property and that staff from each department head has confirmed that such services will be available for this site if the zoning is changed to R-12.

Councilmember McKenna mentioned that R-12 is a vitally important component to the Comprehensive Land Use Plan, but wondered if there is a target for what would be balanced for R-12 or not. Town Planner Eller mentioned that in 2016, we were at 80% single family, 19% multi-family and the remaining 1% was mobile homes. With the projects and developments that have been approved since then, should each of these projects be built out, the ratio would change to 69% single family and 31% multifamily.

Vice Mayor Jackson wondered whether Mr. Ratford was making a statement about whether they would or wouldn't allow for the greenway. Mayor Root noted that the Town cannot condition rezoning on particular promises and all this is about intent and not a condition of zoning. William Ratford commented that this is a straight zoning so no conditions could be added, but they knew the Town really wanted a greenway down Reems Creek and didn't know where it was going to be added. He mentioned that they would amendable to offering up an easement or a land lease

between the attorneys' to make sure it is written up correctly to allow the option. He noted that if the Town planned it, they can give different options to work with the Town to make it work, since it would be a benefit for everyone.

Councilmember Nagle noted that he is concerned about the unusable acres that are in the floodplain and doesn't think it should be included in the density calculation. Town Attorney Jackson noted that at this time the ordinance does not address how the density is to be calculated so it is interpreted most favorable to the property owner, but indicated that a policy change could be made to define how density is calculated and what is and is not included in the calculation. Councilmember Nagle also asked if they could allow multi-family residential but at a lower density. Attorney Jackson indicated that right now R-12 is the only zoning district that allows for multifamily, but Town Council could change the ordinance to allow multi-family at a lower density, such as an R-8. That would require a text amendment.

Councilmember Fitzsimmons made a motion to approve an Ordinance Amending the Town's Zoning Map - Rezoning Unaddressed Parcel on Merrimon Avenue Bearing Parcel Identification Number 9742-03-2555 from I-1 to R-12. Vice Mayor Jackson seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

B. Annexation and Initial Zoning of R-12 for Unaddressed Monticello Road

Town Planner James Eller mentioned that he didn't have anything else to add from the Public Hearing that was held early and asked if Council had any questions for him.

Councilmember Nagle made a motion to accept the Ordinance Extending the Corporate Limits of the Town of Weaverville, North Carolina – Crest Residential, LLC -+/-0.3 Acres Near 135 Monticello Road Annexation# 2019-2. Vice Mayor Jackson seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

C. Waterline Extension Project

Town Attorney Jennifer Jackson mentioned that before Town Council tonight are two resolutions related to the waterline extension project. The first is a resolution supporting an application to the Local Government Commission for its approval of Town water revenue bonds and notes in an estimated amount of not more than \$2,800,000. The second is a formal resolution approving the Final Plans and Specifications and authorizing the solicitation of construction bids on the Waterline Extension Project. Staff is seeking a formal resolution that approves the Final Plans and specifications and authorizes the project to be put out for bid.

Vice Mayor Jackson made the motion to adopt the Resolution Supporting an Application to the Local Government Commission for its Approval of Town Water Revenue Bonds and Notes in an Estimated Amount of Up to \$2.8 million and the Resolution Approving the Final Plans and Specifications and Authorizing the Solicitation of Construction Bids on the Waterline Extension Project. Councilmember Sherrill seconded the motion and all voted in the affirmative. Motion passed 5-0.

D. Quarterly Report: Finance

Finance Officer Tonya Dozier gave Town Council a brief update on the 2019 audit and mentioned that it is in its final review. It is planned to be submitted to the LGC next week for their approval and then have the auditor present his findings to Town Council next month. She then discussed the Quarterly Finance Report from July 2019 – September 2019 with charts summarizing Revenues and Expenditures that provide comparisons from previous years. As well as an updated summary of the Waterline Extension Project. (Documents attached)

E. Quarterly Report: Planning

Town Planner James Eller presented the Planning Department Quarterly Report and noted that 36 Zoning Permits and 2 Sign Permits have been issued during this period. Mr. Eller also gave a review of the activity from the Planning and Zoning Board during these months. There weren't any Zoning Board of Adjustment meetings during this time.

10. Closed Session

Councilmember McKenna made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney, N.C. Gen. Stat. § 143-318.11(a)(5) to establish or instruct staff concerning the position to be taken on the acquisition of real property or amount of compensation or other terms of an employment contract 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 Vice Mayor Jackson seconded the motion and by a majority vote Council entered into closed session.

[CLOSED SESSION]

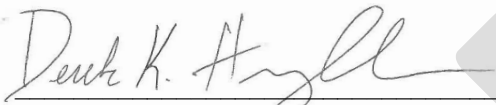
Councilmember Nagle made the motion to exit closed session. Councilmember Sherrill seconded and all voted unanimously to exit closed session and re-enter open session.

11. Re-enter Open Session

Vice Mayor Jackson made the motion to amend the current base rate of pay for Town Attorney Jennifer Jackson from \$60,000 to \$75,000. Councilmember McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion passed 5-0.

12. Adjournment

Vice Mayor Jackson made the motion to adjourn; Councilmember Fitzsimmons seconded and all voted to adjourn the Council's meeting at 9:15 p.m.



Derek K. Hunninghake, Town Clerk