



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, December 16, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, December 16, 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: Vice Mayor/Councilmember Doug Jackson and Councilmembers Dottie Sherrill, Jeffrey McKenna, Andrew Nagle and Patrick Fitzsimmons. Mayor Al Root was absent.

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

Vice Mayor Doug Jackson 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

Councilmember McKenna made the motion to approve the minutes from November 18, 2019 Town Council Regular Workshop. Councilmember Nagle seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Terry Yeager, 107 Elk Lane, commented that two Airbnb's have been operating in his lovely residential neighborhood and the continuous traffic has become an issue. He understands that Airbnb's are very profitable and in high demand, but he believes they should be managed properly and not allowed in residential areas. He is asking that Town Council look into establishing an ordinance about this issue.

Laura Ayers, 300-1 Reems Creek Road, commented that she noticed that the issue of actual acres versus useable acres came up again on the rezoning of Merrimon Avenue property at Town Council's October meeting. She noted that this issue will more than likely come up again in the future, so she asked Town Council to look into adding the "actual acres versus useable acres" into the ordinance.

5. Consent Agenda

Councilmember Sherrill moved for the approval of the Consent Agenda. Councilmember Fitzsimmons 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 Releases & Refunds**– *Approved the tax release of a portion of real property owned by Dorothy Lille, LLC, PIN 9752-09-1393, valued at \$192,400, so that \$731.12 can be released from the 2018 levy and refunded, the tax release of a portion of real property owned by Dorothy Lille, LLC, PIN 9752-09-1393, valued at \$146,705, so that \$557.48 can be released from the 2019 levy, and the tax release of a portion of real property owned by Amit Dorf, PIN 9742-99-4566, valued at \$512,430, so that \$1,947.23 can be released from the 2019 levy.*
- C. 2015 Closure of Portion of Brittain Street and Water Easements** – *Adopted the Amended and Restated Resolution and Order Regarding Permanent Closure of Portion of Brittain Street and accepting the Waterline Easement Agreements.*
- D. Road Closure Ordinance: Music on Main 2020** – *Approved Road Closure Ordinance for Music on Main on June 20, 2020 from 12:00 pm until 10:30 pm*

6. Town Manager’s Report

Town Manager Coffey presented her Manager’s report to Council including that 1) it is time again for her to start ordering the fireworks for the Town’s downtown July 4, 2020 event, unless Town Council or Mayor have any reservations; 2) she thanked Councilmember Sherrill for organizing another fantastic Christmas Parade and also congratulated her on it being her 30th year organizing the Christmas Parade; 3) the Community Center project is out to bid and due by 2:00 pm on January 22, 2020, so staff will be bringing back a recommended bid/proposal at the January 2020 meeting; 4) the Waterline Improvement project is now open for bids and are due by 2:00 pm on January 15, 2020; 5) she is very proud of all our departments for participating in October’s Breast Cancer Awareness and #PinkPatchProject and with their efforts the Town was able to raise \$3,811 to go to The Hope Chest for Women; and 6) lastly, she and staff have met on the downtown parking and parking enforcement issues, unfortunately, they are not at a place to present their findings and recommendations. It can be expected to be at the January 27, 2020 Town Council meeting. Merry Christmas and Happy Holidays to you all!!

7. Discussion and Action Items

A. Greenway Project Update

Doug Dearth has been working with Buncombe County staff on the Greenway project and provided Town Council with a brief update. Mr. Dearth noted that the project is on track and making progress. The letters of interest or request for proposals (RFP) have been put out for bids with a deadline of January 20, 2020. Under the rules that govern this project at least three bids are required, however if more than three are submitted the Oversight committee will cut down the list through interviews until there are only three remaining. The Oversight Committee will consist of 6 members: two Buncombe County representatives, one being Buncombe County Director of Parks and Rec. Josh O’Connor, Town Manager Selena Coffey, Doug Dearth, MPO Board representative Tristan Winkler, and NCDOT representative. The Oversight Committee will manage/oversee the progress of the successful vendor and hold at least three progress meetings and one open house public meeting during the process.

B. Acceptance of Waterlines for Maple Trace Phase IV

Public Works Director Dale Pennell mentioned that Windsor Built Homes, Inc. is in the process of developing a subdivision outside of Town limits known as Maple Trace. They have completed the water infrastructure for Phase IV, the last phase of the subdivision, and those lines are ready to be accepted into the Town’s water system. He is requesting that Town Council accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney and himself. He also urges Town Council to set an improvement defects guaranty at \$4,000 to cover any defects that might be discovered within three years of our acceptance.

Councilmember Sherrill made a motion to accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney, and Public Works Director, and set the improvement defects guaranty amount at \$4,000. Councilmember Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 4-0

C. Remote Participation in Town Council Meetings

Town Attorney Jennifer Jackson mentioned that Town Council has an opportunity to put in place some rules that can help govern remote participation at Town Council Meetings. Remote participation is referred to when a councilmember is not able to be physically present at a meeting, but has technology available to phone/video into the meeting to have their presence noted and to be heard. Town Attorney Jackson noted two areas to be careful with: 1) If the remote member would be necessary to constitute a quorum, and 2) how the members vote counts if technology fails. She proposes that remote participation be allowable as long as it is not necessary to make a quorum or to cast a deciding vote, since it could be subject to challenge.

Councilmember Nagle mentioned that he thinks this is a good thing to do so Council isn't breaking the law, but he believes if a Councilmember walks out of the room and still counts towards quorum, then it would be the same if the call failed for the remote participant. Town Attorney Jackson noted that there is a provision in the resolution that if the member knows they only have a limited amount of time then there would be notification that they are excused from the meeting.

Councilmember McKenna mentioned that this will only be an occasional situation and all members should still make their best effort to make the meetings. Town Attorney Jackson mentioned that if someone is abusing it then Town Council has the authority to cut it off.

Councilmember McKenna made a motion to approve the resolution adopting special rules for remote participation in Town Council meetings as presented. Councilmember Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion passed 4-0.

D. Town Hall Entry

Town Manager Selena Coffey mentioned that there have been quite a few questions about what will be going in the circular area in front of the Town Hall, so she included this to the agenda for Town Council discussion. She proposed for it to be a fountain built in brick on the outside with a topper and inside a structural ring that can heat the water, adjust the lighting and control the water flow direction. The project is estimated to be around \$10,000.

Councilmember Nagle asked Town Manager Coffey for a recap on why the Town had to remove the previous tree in front of the Town Hall and wondered if the Town had any way to appeal the NCDOT decision when they don't agree with it. Councilmember Fitzsimmons agreed and noted that when it affects the appearance of our Town, we should be able to have a say in the matter. Town Manager Coffey mentioned that NCDOT requested the Town remove the tree since it was obstructing the crosswalk signs that need to be visual. The Town appealed the decision twice, but was turned down.

Councilmember McKenna mentioned that hopefully the NCDOT would consider a different outcome instead of requiring the Town to dip into their funds to purchase a replacement for the tree. He also recommended that staff get approval from NCDOT on the design of the fountain to make sure they don't come back and have us remove it.

Councilmember Nagle commented that he wasn't in favor of the fountain and doesn't know if the Town should be making such a bold statement, instead he would rather see a neon sign that list Town events/meetings.

Vice Mayor Jackson noted that Town Manager Coffey would like some kind of consensus from Town Council, so staff can move forward with a plan. He is in favor of the fountain and believes it would be another attraction to our Town like the clock and waterwheel.

Consensus was given by Town Council to move ahead with the fountain after it has been approved by NCDOT.

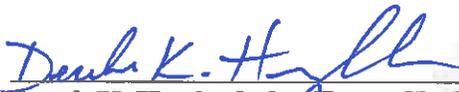
E. Quarterly Report: Public Works and Water Department

Public Works Director Dale Pennell presented the Public Works and Water Services Quarterly Report for September 2019 through November 2019. Some highlights were that the total number of active water meters has increased to 2,901 and our monthly unaccounted water increased to 14-15% in November, but due to dry weather the Town found a broken 2 inch waterline under Reems Creek that was the culprit. Mr. Pennell also noted that at the Water Treatment Plant our daily average is still only at 45% of the plant capacity, and if the current water commitments are included it increases to 67%. Lastly, he mentioned that the Quarry Road project is underway and if weather cooperates we will have an 18 foot wide road completed by Thursday and our Public Works department is running behind on leaf pickup this season since equipment had to be repaired and staffing issues with temporary employees, so leaf season will be extended to at least January 17, 2020.

Town Manager Selena Coffey mentioned that completion of Quarry Road was part of the feasibility study on the Greenway project, which required building sidewalks around this portion that could potentially loop back towards the water wheel. Also, she bragged about how staff was able to save the Town significant money by sloping and cutting back the area that was supposed to require a retaining wall.

8. Adjournment

Councilmember Sherrill made the motion to adjourn; Councilmember McKenna seconded and all voted to adjourn the Council's meeting at 7:54 p.m.



Derek K. Hunninghake, Town Clerk

