



## Minutes

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Workshop  
Tuesday, January 14, 2020**

The Town Council for the Town of Weaverville met for a regular workshop on Tuesday, January 14, 2020, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present: Mayor Al Root, Vice Mayor/Councilmember Doug Jackson, Councilmembers Dottie Sherrill, Jeff McKenna and Andrew Nagle. Councilmember Patrick Fitzsimmons was absent.

Staff present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Planner James Eller, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Public Works Director Dale Pennell, Fire Marshal Kile Davis, and Water Treatment Plant Supervisor Trent Duncan.

### **1. Call to Order**

*Mayor Root called the meeting to order on behalf of Town Council at 6:00pm.*

### **2. Continued Discussion of Policies/Procedures for Town Acceptance of Private Streets**

Mayor Root mentioned that the Town Council meeting tonight is to continue their discussion on the procedures/policies for the town acceptance of private streets. He noted that Council needed to determine whether the Town should even consider accepting private streets at all or, if they do plan to accept them, when should it be tried for the first time. Also, Council needs to determine that if the customer jumps through all the hoops to get their streets tested and they pass, should Council have to accept them into the Town.

Councilmember Nagle commented that the existing policy shows that after all the road testing, the subdivision still has to come before Council to get approval for acceptance into the Town. The problem with this is if there are new Councilmembers when the testing is finished the outcome from Council could be different, so he is afraid Council could get in trouble. He thinks that they should bring it to Council before any testing is completed and get direction on whether they will approve them if they meet all the steps and pass the testing.

Vice Mayor Jackson agreed with the suggestion by Councilmember Nagle that Council could vote on the developments roads beforehand and notify them that if they pass all the testing then they will be accepted into the Town, so they don't stay in limbo waiting to know if they will be accepted.

Town Attorney Jennifer Jackson indicated that Council could follow the same commitment process as the water allocation process, so that when a developer asks for the Town to bring their streets into the Town, they could say no or yes and apply a set of conditions up front.

Councilmember McKenna believes that Council should have an overriding policy or philosophy in place that would move from Council to Council, so that it is not a case-by-case basis and is more consistent.

Mayor Root mentioned that he thought that if it was a new development and they wanted to be public then they had to be inspected by the Town as they were being built. Public Works Director Dale Pennell mentioned that ideally when the developers come in front of Town Planner James Eller with the project, they inform us from the beginning if the

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streets are going to be private or public. This would be the basis on which they go through the entire approving and construction process.

Councilmember McKenna wonders if it is a good thing to take an open philosophy and bring all developers in that want to be brought in from the beginning or existing that pass all the tests, since there will be trade-offs and taxes would most likely have to be increased to help with maintaining these roads.

Mayor Root wondered how reliable the testing was for private streets that have already been built. Public Works Director Dale Pennell noted that the testing would be completed by a reliable testing engineering firm, who would perform a series of tests on the road. If they pass all the testing then that is great, but if they fail then there will be more extensive testing in that substandard area. Plus, it won't just be testing on the service, if there was any valley filled in then they will test down to the initial ground to make sure it is secure.

Councilmember Nagle mentioned that he disagrees with the Town taking in any existing streets, but believes that Council needs to keep it consistent, so if we are going to allow subdivisions to come into the Town then we should give the same opportunity to apartment complexes. He thinks if they pass the testing assigned by the Public Works Director then they should be allowed into the Town.

Mayor Root asked if there were any downfalls to having the developers come before Council first. Town Manager Selena Coffey commented that from an operational perspective it would put more burden on Public Works and staff to take more time looking over the plans.

Mayor Root wonders if the testing would reveal issues that might not fail the test, but might indicate other problems making Council wish they weren't approved. Public Works Director Dale Pennell noted that if they perform all the testing that we require them to do, we will find all the problems with the road and all the underlying parts of the road like draining system.

Councilmember Nagle noted that what he is hearing is if there is a list of conditions and they pass the test, then they would be allowed into Town. He would prefer them to come before Council, so if they don't want the road taken in then they can tell them beforehand.

Town Attorney Jennifer Jackson mentioned that factors, other than the condition of the street, that Town Council might consider could include topography, connecting streets, traffic pattern, or number of houses or businesses served by the street.

Town Manager Selena Coffey noted that this truly is a cost to the Town when we are accepting any streets into the Town, since the Powell Bill funds will not be increasing much. Last year, we received \$106,000 from them and it increased by less than a percent. This is only a small portion of the cost of resurfacing a streets which is approximately \$500,000 per mile.

Councilmember McKenna commented that these other factors are what he likes to see, so that we can avoid them. He doesn't want to take each subdivision at its own merit, so that we can be consistent and take the discretion out of it.

Mayor Root noted that what he is hearing from the majority of Town Council is that, for new streets, they would like them to come before Council first to implement a set of conditions before any work is undertaken. As for existing streets, some Councilmembers might want them to come before Council first and pass conditions as well and others do not want to accept them at all.

Councilmember McKenna noted that he agrees with Councilmember Nagle from the economics of it and doesn't believe we should take in any existing streets. He cares more about the policy being consistent. He is going to continue to researching this issue, but thinks that the liability cost is going to add up someday.

Vice Mayor Jackson would like to know all the streets that could come before Town Council asking to be brought into Town beforehand, since he is concerned that we could be opening a can of worms and have everyone wanting to be taken over by the Town.

Councilmember Sherrill noted that she agrees that the policy needs to be consistent and has concerns that everyone will want to be accepted into the Town but could consider the drafted ordinance in January 2020 if all the risks have been illustrated.

**3. Direction to Staff/Next Steps**

Mayor Root gave direction for Town Attorney Jackson to draft an ordinance showing that Town Council would not be accepting any existing streets into Town. As for new streets, developers will need to inform the Town during the initial process that they want their streets to be public and private. If they are going to be public then they will need to meet the applied conditions to be accepted.

**4. Adjournment.**

*Vice Mayor/Councilman Jackson made the motion to adjourn the Town Council workshop; Councilman McKenna seconded and all of Town Council voted to adjourn the Council's workshop at 7:05 p.m.*

  
Derek K. Hunninghake, Town Clerk

