



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, April 27, 2020**

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/84711190168>

Meeting ID: 847 1119 0168

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, April 27, 2020, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina and as an electronic video meeting via Zoom Meeting. Access to the meeting began at 6:50 p.m. and the meeting will start at 7:00 p.m.

Councilmembers present were: Mayor Al Root, Vice Mayor Doug Jackson, and Councilmember Andrew Nagle. Councilmembers Dottie Sherrill, Jeffrey McKenna, and Patrick Fitzsimmons were present remotely.

Staff present was: Town Manager Selena Coffey and Town Planner James Eller. Staff remotely present was: Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, 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 Nagle made a motion to approve the agenda as presented. Councilmember McKenna seconded and all voted in favor of the motion.

3. Approval of Minutes

Mayor Root suggested a minor change to the January 27, 2020 Town Council Meeting minutes. Councilmember Nagle made the motion to approve the minutes from the January 27, 2020 Town Council Meeting as revised, and the minutes from February 24, 2020 Special Called Meeting, February 24, 2020 Town Council meeting, March 10, 2020 Town Council Joint Meeting with Planning and Zoning, and April 14, 2020 Town Council Workshop as presented. Vice Mayor Jackson seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

No Public Comment

5. Consent Agenda

Mayor Root moved Consent Agenda item I, July 4 Downtown Celebration Road Closure Ordinance, down to the first discussion and action item. Vice Mayor Jackson moved for the approval of the revised Consent Agenda. Councilmember Nagle seconded the motion and all voted unanimously to approve all action requested in the Consent Agenda.

- A. **Monthly Tax Report – Information Only**
- B. **Tax Releases & Refunds**– *Approved the tax release of personal property of David Foster at 212 North Main Street with PIN P3025190, valued at \$3,588, so that \$13.63 can be released from the 2018 levy and the tax release of personal property of Robert and Martha Hoyle at 68 Highland Street with PIN P753263, valued at \$22,057, so that \$87.44 can be released from the 2018 levy and refunded.*
- C. **Resolution Approving Donation of Surplus Personal Property -Used Fire Hoses – Approved Resolution Declaring Used Fire Hoses and Supply Lines Surplus Personal Property and Approving Donation Pursuant to G.S. §160A-280**
- D. **Approval of Preliminary Plat for Major Subdivision – Greenwood Park – Approved Preliminary Plat for Greenwood Park Major Subdivision**
- E. **Annual Presentation of Town Manager Delegated Policies – Information Only**
- F. **Minor Amendments to Personnel Policy-** *Adopted Resolution Amendment to the Town’s Personnel Policy*
- G. **Ratification of Earth Day & Census Day Proclamations – Ratified the Attached Proclamations for Census Day and Earth Day**
- H. **Revised Arbor Day Proclamation – Revised and Approved Arbor Day 2020 Proclamation for October 15, 2020**
- I. **Budget Amendment: Police Department – Approved Budget Amendment**

6. Town Manager’s Report

Town Manager Coffey presented her Manager’s report to Council including 1) that her proposed budget will be presented to Town Council at the May 12 workshop. She noted that the budget process will be very difficult this year since we won’t have a full grasp on the pandemic’s impact on our revenue, 2) the fountain in front of Town Hall is almost complete. Public Works is waiting for the final slate to arrive for the top of the fountain walls, 3) Community Center construction has continued with contractors doing their grading work and digging and pouring footings, 4) the Weaverville Small-Town-Strong Initiative survey is going well and has had 30 business owners responses so far, and 5) as the May1 deadline comes near, we have received a number of applications to transfer private streets to the public system including Creekside Village, Fox’s Lair, several small sections of Weaver Village Way, Reems Creek Village, and Reems Creek Villas. Town Manger Coffey thanked Public Works Director Dale Pennell for working hard to receive a grant of \$30,000 for blue recycling trash carts and is working on another grant to supplement this for \$13,000. She also gave an update on the COVID-19 statistics in Buncombe County stating that the County has 54 cases and 4 deaths.

7. Discussion and Action Items

A. July 4 Downtown Celebration Road Closure Ordinance

Mayor Root noted that even though it seemed problematic, he had left the road closure ordinance related to the July 4th Downtown Celebration on the agenda. With the Governor’s new plan on how we can work our way out of the pandemic, even the optimistic version, the size of the gathering would not be allowed for our July 4 event. At this point the Mayor doesn’t see how we will be able to go forward with a July 4th celebration.

Vice Mayor Jackson wondered since we had to sign a contract for fireworks and music if we would be relieved of the commitment. Town Manager Coffey mentioned that is the goal, but the contract says no. She will be working with Pyrotecnico to see if they can come up with an alternative arrangement under the circumstances or if we can apply the funds to next year. Councilmember Nagle noted that if we aren’t going to get our funds back then maybe we can take the fireworks and use them at a different time like Labor Day or the grand opening of the community center.

Mayor Root noted that there was consensus from Town Council that we will not be holding a July 4th celebration this year and asked the Town Manager Coffey to take the next steps in that regard.

B. Downtown Parking Update & Amendment to Code Chapter 28

Town Manager Coffey let Town Council know that the Public Works Department has installed the two-hour parking signage and the Weaverville Police Department has their new citation book, so the Town is ready to proceed with

parking enforcement. She noted that they will be sensitive to the fact that the Town will be reopening the economy from the COVID 19 situation just as the timed parking requirements are going into effect.

Town Attorney Jennifer Jackson highlighted the revisions that were brought up at the January meeting. The revisions include using revenues from the violations to support the Town's parks and facilities, updating the operation of bicycles to abide by state law, specific operations on the sidewalks on Main Street between Brown street and Hamburg Mountain Road, and updated prohibited parking in certain places. She noted this is a police power ordinance so there is no public hearing requirement and the Planning and Zoning Board will be considering a few correlated issues related to parking and traffic.

Vice Mayor Jackson made a motion to adopt the Ordinance Repealing and Replacing Town Code Chapter 28 Concerning Traffic and Parking. Councilmember Fitzsimmons seconded the motion. The motion passed by a majority vote of Council. Motion carries 4-1. Councilmember Nagle voted nay.

C. ADA Transition Plan

Town Attorney Jennifer Jackson mentioned that she and Town Manager Coffey have been working on the Town's compliance with the Americans with Disabilities Act and the goal is for the ADA Transition Plan to be present at the June Town Council meeting. They recommend that Town Council adopt amendments to the Town's ADA Compliance Policy and Town's Grievance Policy and Procedures to clearly set out these policies and provide procedures to address issues that arise. The Town is required to receive public input from its citizens in order to discover any concerns on accessibility to Town programs and facilities. Staff plans to conduct a public comment period during the month of May and to host one or more public input sessions in order to receive comments on problem areas and allow adequate investigation of any issues that might be brought to the Town's attention.

Councilmember Nagle believes that the Town should be consistent and go above and beyond to make sure that we accommodate employees and citizens with disabilities, not just for undue hardship. Town Manager Coffey noted that we must implement this plan, so we might have some difficult issues regarding funding in this process.

Councilmember Nagle made a motion to adopt the Proposed Resolution Concerning the ADA Compliance Policy and the Grievance Policy and Procedures. Councilmember Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

D. Civil Rights – Title VI Implementation Plan

Town Attorney Jennifer Jackson noted that Title VI of the Civil Rights Act specifically applies to local governments and the federal government is looking more closely at what cities and towns are doing to protect civil rights of its citizens from discrimination and to provide a clear way for a citizen to have complaints heard and resolved. Town Manager Coffey and her recommend that Town Council adopt the proposed Title VI Implementation Plan and the Title VI Civil Rights Compliance Policy. Town Attorney Jackson will be the Title VI Implementation Plan and Program Coordinator and would provide the training, public information, and any recommendations that need to be looked at by Town Manager Coffey.

Councilmember Nagle made a motion to adopt the Proposed Resolution Adopting the Title VI Implementation Plan and the Title VI Civil Rights Compliance Policy. Vice Mayor Jackson seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

E. Set Public Hearings:

Mayor Root noted that the package shows the public hearings would be held on May 25, 2020, but he imagines that it is a clerical error due to Memorial Day, and that they would be held on May 18, 2020 at 6:30pm.

1. Code Amendments to Chapters 25 & 36 on Streets, Parking, and Notices

Town Planner James Eller noted that the first public hearing is for a set of proposed text amendments regarding streets, traffic, and parking, which would ensure code consistency throughout the code.

2. Code Amendments to Chapter 36 on Mixed Use Development

Town Planner James Eller mentioned that before them is a proposed text amendment to achieve the stated goals of the comprehensive land use plan that would better accommodate mixed use developments and transition districts in R-12, C-1 and C-2 zoning districts. Planning and Zoning Board has review text amendments and offered a unanimous positive recommendation.

3. Conditional Zoning District for Garrison Reserve

Town Planner James Eller mentioned that staff is possession of a Conditional Zoning District application for properties commonly known as 10 and 30 Garrison Branch Road. The application calls for the establishment of a multi-tenant development of 25,000 square feet or more. Planning and Zoning Board has the application and offered a unanimous positive recommendation.

Councilmember Nagle made a motion to approve setting a Public Hearing for the Proposed Text Amendments Related to Parking, Streets, and Mandated Notices for the Zoning Board of Adjustment, a Public Hearing on Proposed Text Amendments to Permit Mixed Use Structures with Standards in the C-1, C-2 and R-12 Zoning Districts, and a Public Hearing on a Proposed Conditional Zoning District on the Property Commonly Known as Garrison Reserve at 10 and 30 Garrison Brand Road all on May 18, 2020 at 6:30 pm. Councilmember Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

4. Fiscal Year 2020-2021 Proposed Budget

Town Manager Selena Coffey mentioned that in accordance with North Carolina’s Local Government Budget and Fiscal Control Act, G.S. § 159-12(b), Town Council must hold a public hearing.

Councilmember Nagle made a motion to schedule the Public Hearing on the Fiscal Year 2020-2021 budget for Tuesday, June 9, 2020 at 6:00 pm. Vice Mayor Jackson seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

F. Quarterly Report: Planning and Code Enforcement

Town Planner James Eller presented the Planning Department Quarterly Report from January – March 2020 and noted that 39 Zoning Permits were issued. Mr. Eller also gave a review of the Planning and Zoning Board and the Zoning Board of Adjustment activity during these months.

G. Quarterly Report: Public Works & Water Department (from March)

Public Works Director Dale Pennell presented the Public Works and Water Services Quarterly Report for November 2019 through February 2020. Some highlights were that the monthly unaccounted water decreased to 2.9%, since they were able to find and fix leaks and the Town’s water commitments for future developments has increased, due to the project on Garrison and Monticello Road. Mr. Pennell also noted that the total tons brought to the landfill has continued to stay up since Christmas and he imagines it will be double the amount on his next quarterly report.

8. Adjournment

Councilmember Nagle made the motion to adjourn; Councilmember McKenna seconded and all voted to adjourn the Council’s meeting at 8:20 p.m.


Derek K. Huninghake, Town Clerk

