



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, May 18, 2020**

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/87513712738>

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, May 18, 2020, at 7:00 p.m. as an electronic video meeting via Zoom Meeting.

Councilmembers remotely present were: Mayor Al Root, Vice Mayor Doug Jackson, and Councilmembers Andrew Nagle, Dottie Sherrill, and Jeffrey McKenna. Councilmember Patrick Fitzsimmons joined the meeting at 8:10 pm.

Staff remotely present was: Town Manager Selena Coffey, Town Planner James Eller, 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 in a roll call vote all voted in favor of the motion. Motion passed 4-0. Councilmember Fitzsimmons was absent for this vote.

3. Approval of Minutes

Councilmember Sherrill made the motion to approve the minutes from the April 27, 2020 Town Council Meeting as presented. Councilmember McKenna seconded the motion and in a roll call vote all voted in favor of the approval of the minutes. Motion passed 4-0. Councilmember Fitzsimmons was absent for this vote.

4. General Public Comment

Mayor Root noted that usually when the meetings are held at Town Hall we have the citizens go to the podium and speak for a maximum of three minutes, but with COVID-19 public health emergency we have had to allow public comment in writing in advance of the meeting. Public comments are to be limited to 450 words and the normal rule of decorum should be observed. Numerous public comments were received by email and in the Town's drop box. Mayor Root stated that all emails received have been given to Town Council for review and the Town Clerk read as many of the public comments as he could in the 18 minute public comment time limit in the chronological order they were received. Town Clerk Derek Huninghake mentioned that there were 33 public comment emails and a petition with over 135 signatures received, all of which are attached to these minutes. In the time allowed public comments from the following were read: 1) Nina Narozny and Barbara Adams at 35 Sandstone Drive, 2) Mary Parker at 31 Sandstone Drive, 3) John Rukavina at 31 Sandstone Drive, 4) Richard Coble and Lindsey Williford at 76 Loftin

Street, 5) Burt and Donna Anderson at 7 Duncannon Street, 6) Susan Waldman and William Swarts at 30 Robin Roost Road, 7) Steve and Frieda Cooper at 5 Duncannon Street, 8) Raymond and Bonnie Russolillo at 26 Robin Roost Road, 9) Gary and Pat Whitson at 61 Loftin Street, 10) Dee Lawrence and Diane Amos at 44 Sandstone Drive, 11) Claude Broach at 59 Loftin Street, 12) Sylvia Valois at 42 Loftin Street, and 13) the emailed petition from Mike Clifford at 48 Loftin Street with 135 signatures from residents of Creekside Village.

5. Consent Agenda

Vice Mayor Jackson moved for the approval of the Consent Agenda. Councilmember Sherrill seconded the motion and in a roll call vote all voted to approve all action requested in the Consent Agenda. Motion passed 4-0. Councilmember Fitzsimmons was absent for this vote.

A. Monthly Tax Report – Information Only

B. Approval of Final Subdivision Plat and Improvement Guarantee for Greenwood Park Phase I – Approved
Final Subdivision Plat and Improvement Guarantee of \$208,606.88 for Greenwood Park Phase I

C. Approval of FY 2019-2020 Audit Contract – Approved FY 2019-2020 Audit Contract

D. Amendments to Fee Schedule- Adopted amendments to 2019-2020 Fee Schedule with immediate effective date

6. Town Manager’s Report

Town Manager Coffey presented her Manager’s report to Council including 1) a reminder that the Public Hearing on the Fiscal Year 2020-2021 Budget will be held on Tuesday, June 9, 2020 at 6 pm; 2) the June Summer Music Series event has been cancelled, due to the COVID 19 situation; 3) we have had to cancel three Citizens Academy Sessions so far, but have scheduled a makeup for the Zoning and Coding Enforcement session by Town Planner James Eller via Zoom on May 28, 2020; and lastly, 4) as Town Council discussed at their last budget conversation, they asked staff to move forward on a Bike/Ped grant and she has a resolution in support of the application that Town Council will need to consider and take action on.

7. Discussion and Action Items

A. Public Street Commitment Applications

Town Manager Coffey noted that the following public street commitment applications have been timely submitted for Town Council review and possible action: (1) Weaver Village Way – Aldi, (2) Weaver Village Way – Hoopers Creek Storage/Firehouse Subs; (3) Weaver Village Way – Weaver Village Walk Residential Development; (4) Fox Lair Crossing – Camsyn Drive and Carden Drive; (5) Reems Creek Villages – Compass Park Drive, Al Dorf Drive, Governor Thomson Terrace; (6) Reems Creek Villas – Rabbit Ridge Drive; and (7) Creekside Village – Barnett Shoals, Loftin Street, Athena Avenue, Duncannon Street, Seneca Street, Robin Roost Road, Sandstone Drive. All of these applications were included in the agenda packet along with a staff analysis and recommendation. The Town Manager noted that the staff recommendation that is included is based upon current conditions.

- (1) Weaver Village Way – Aldi: Staff noted that this private street is a commercial street and the Town typically does not include commercial streets within its public street system. Also noted was that the recorded right-of-way for Weaver Village Way is only 36 feet in width where the Town’s standard is 45 feet. For these reasons staff is recommending that the public street commitment application be denied.
- (2) Weaver Village Way – Hoopers Creek Storage/Firehouse Subs: Staff noted that the same issues and recommendation apply for this section of Weaver Village Way.
- (3) Weaver Village Way – Residential Section for Weaver Village Walk: Staff noted that the recorded right-of-way for Weaver Village Way is only 36 feet in width where the Town’s standard is 45 feet. Additionally it was noted that the Town does not maintain any “islands” of public streets that must be

accessed by crossing private streets. For these reasons staff is recommending that the public street commitment application be denied.

Vice Mayor Jackson made a motion to accept staff's recommendations and deny the applications for public street commitment for all three (3) applications pertaining to Weaver Village Way. Councilmember Sherrill seconded the motion. In a roll call vote all voted in favor of the motion and the motion passed 4 to 0. Councilmember Fitzsimmons did not participate in this deliberation or vote.

- (4) Fox Lair Crossing: Staff's review of the streets showed that these streets were intended to be private and were not inspected and construction plans have not been located. Surface inspections indicated that there appears to be substantial repair work needed to bring the streets up to Town standards. There is also a gate that impedes public access. For these reasons staff recommended that public street commitment application be denied.
- (5) Reems Creek Villages: Staff's review of the streets indicates that there is a gate that impedes public access and that the developer opted to maintain the private street status to avoid repairs necessary to bring street construction up to Town standards. Surface inspections indicated that there appears to be substantial repair work needed to bring the streets up to Town standards. For these reasons staff recommended that public street commitment application be denied.
- (6) Reems Creek Villas: Staff's inspection of the street indicates that there are many issues that would need to be corrected and due to the age of the road construction this street would like be near the top of the street improvement schedule should it be accepted. Some of the lots are accessed via a 20-foot wide private right of way. For these reasons staff recommended that the public street commitment application be denied.

Councilmember Nagle made a motion to accept staff's recommendation and deny the applications for public street commitment for Fox Lair Crossing, Reems Creek Villages, and Reems Creek Villas. Councilmember Sherrill seconded the motion. In a roll call vote all voted in favor of the motion and the motion passed in a 4 to 0 vote. Councilmember Fitzsimmons did not participate in this deliberation or vote.

Councilmember Fitzsimmons joined the meeting at 8:10pm and was available for the presentation, discussion and deliberation of all of the following matters.

- (7) Creekside Village: Staff noted that it has been working with the developer over a period of months to establish an agreed upon proposal for the acceptance of the streets within Creekside Village. The Town's staff needs supplemental testing and inspection in order to determine that the Town's street standards have been complied with. The recommended supplemental testing and inspections is set out in a March 24, 2020, letter from the Town Manager to the developer. The developer asserts that the streets have been constructed to Town standards and objects to supplemental testing and inspection. The developer's letter to the Creekside Village homeowners dated May 11, 2020, was included with the agenda packet and a statement from Thomas Grella, the attorney representing Serrus Creekside LLC, was received and distributed to Town Council in advance of the meeting and is attached to these minutes. Additionally, Town Council received many public comments urging Town Council to accept these streets into the Town's public street system. All of those comments are included with these minutes.

Councilmember Nagle made a motion to accept the streets within the Creekside Village development (Barnett Shoals, Loftin Street, Athena Avenue, Duncannon Street, Seneca Street, Robin Roost Road, and Sandstone Drive) conditioned upon and subject to the supplemental testing and inspections as outlined by the Public Works Director with supplemental testing and inspection to occur within 3 months and any repair work to be

completed within 6 months thereafter. Councilmember McKenna seconded the motion. In a roll call vote all members voted in favor of the motion and the motion passed with a 5 to 0 vote.

B. Code Amendment – Chapter 24 – Streets

Town Attorney Jennifer Jackson reminded Town Council that at its January 27, 2020 meeting, staff reviewed some proposed amendments to the Town Code Chapter 24 concerning streets. The purpose of those amendments was to provide a policy and procedures for public streets within the Town's public street system and to provide a procedure for private streets to be added to the Town's public street system. The attached draft ordinance is consistent with Town Council's direction at the meeting and she can answer any questions they may have. Town Attorney Jackson did note that since these amendments are being enacted under the Town's police power no public hearing is required, but that there are a few related land development amendments related to this ordinance that would be eligible for action on May 20, 2020, since Town Council just held a public hearing on them.

Councilmember Sherrill made a motion to adopt the Ordinance Amending Town Code Chapter 24 Concerning Streets. Councilmember McKenna seconded the motion and in a roll call vote the motion passed by a unanimous vote of Council. Motion carries 5-0.

C. Action on Proposed Code Amendments Regarding Parking and Streets, Mandated Notices for Quasi-Judicial matters, and Mixed-Use Development in C-1, C-2, and R-12

Mayor Root noted that Town Council just held Public Hearings on Discussion Item C and by law Town Council must wait 24 hours before action can be taken to allow for additional public comment. He proposes that action on this item be taken back up for discussion and action on Wednesday, May 20, 2020 at 6:00 pm.

D. Action on Proposed CZD for Multi-Tenant Development at 20 and 30 Garrison Branch Road

As with the previous item, Mayor Root noted that Town Council just held Public Hearings on Discussion Item D, and by law Town Council must wait 24 hours before action can be taken to allow for additional public comment.

E. COVID-19 Update

Town Manager Selena Coffey gave an update and where the Town, County and State are with respect to COVID-19. Based on the Governor's briefing on May 18, she thought that some action might be taken mid-week by the Governor. At this time, the Town of Weaverville is following the Governor's orders.

Town Manager Coffey would like to provide \$10,000 to the Weaverville Business Association (WBA) to assist our local-owned small businesses. She is meeting with the WBA in the morning to discuss ways to hold the WBA accountable for the use of the \$10,000. Manager Coffey indicated that she and her staff are working on the application for the Coronavirus Relief Funds that are being distributed by the County. She said that some of those monies could be used to support businesses, including the \$10,000 that she is proposing to go to the WBA. Manager Coffey asked if there is Town Council support for this \$10,000 expenditure. *There was a consensus of Town Council that this was a good project for the Town as long as there was some accountability on the spending of the money by the WBA.*

F. Quarterly Report: Finance Department

Finance Officer Tonya Dozier presented the Quarterly Finance Report from January 1, 2020 – March 31, 2020 with charts summarizing Revenues and Expenditures that provide comparisons from previous years. These reports largely represent pre-COVID numbers so they will be useful in providing a comparison to show the financial impact of the pandemic. It is expected that our sales tax revenue will be down for the last quarter of the fiscal year, but those figures will not be out until after Sept 1. Finance Officer Dozier also provided updates on Capital Project Funds for both the Community Center Project and the Waterline Extension Project through April 2020, and how both projects recently had the first payments made on the construction phase.

G. Quarterly Report: Police Department

Police Chief Ron Davis provided a quarterly report with data from February 2020 – April 2020 and noted that in general police officer initiated activity is down since the emergency orders and social distancing are in effect. Overall the police responded to 2,302 calls during the quarter versus 2,807 from the same quarter last year. This represents a 18% decrease in activity. Drug offenses, traffic violations, citations issued, arrests and accidents are down, but business security checks have increased by 21% and health and welfare checks on citizens are up 24%. Shoplifting, larceny of goods, and trespassing are all trending upward. Crime in general is down and there has been no reported violent crimes such as robberies, rape, assaults, arson.

H. Quarterly Report: Fire Department

Fire Chief Ted Williams presented his departmental quarterly report from February 2020 through April 2020. There were 434 calls during this period with an average response time for all calls at 6:28 minutes. 6 child passenger seats were installed, 31 commercial businesses inspections were conducted and 8 fire prevention and education classes were conducted. Inspection reports were scanned into new software during the months of March and April.

8. Adjournment

Councilmember Nagle made the motion to recess the meeting to Wednesday, May 20, 2020, at 6pm, in order to discuss and take action on Discussion Items C and D and the Resolution in Support of the NCDOT Bicycle and Pedestrian Grant Application. Councilmember McKenna seconded and in a roll call vote all voted to adjourn the Council's meeting at 8:20 p.m. Motion passed 5-0. It was noted that the same remote meeting information will be used to access the meeting on May 20, 2020 at 6pm.



James Eller, Interim Town Clerk

Derek Huninghake

From: N Narozny <ppan9a@gmail.com>
Sent: Thursday, May 14, 2020 7:18 PM
To: Public Comment
Subject: Creekside Village Streets/Roads/Comments for Meeting on May 18, 2020

Dear Weaverville Mayors and Council Members:

We are writing to you regarding the acceptance of the roads/streets in Creekside Village. We want to impress upon you the importance of this decision. We strongly urge you to decide in favor of accepting our roads as part of the Town of Weaverville. We purchased property **IN** the Town of Weaverville. We are citizens of Weaverville, NC 28787, who are and have been paying taxes to the Town and all of its services. We moved into our home in August, 2018.

Please come to a solution for this matter. We are counting on you, the elected officials, to accept our community roads, so that all of us can move on in peace. We have watched the careful construction of these streets during the past two years. There have been certified surveyors and engineers here at every step. We ask that the Town take into consideration that the appropriate amount of our taxes should be used for the roads within our development. Please do not abandon this large group of Weaverville citizens!

We ordinarily would be present at the meeting to express our opinions and requests had we not been in the middle of this pandemic.

We appreciate your service. Stay well. Nina Narozny and Barbara Adams. 35 Sandstone Drive.

Derek Huninghake

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Please come to a solution for this matter. We are counting on you, the elected officials, to accept our community roads, so that all of us can move on in peace. We have watched the careful construction of these streets during the past two years. There have been certified surveyors and engineers here at every step. We ask that the Town take into consideration that the appropriate amount of our taxes should be used for the roads within our development. Please do not abandon this large group of Weaverville citizens!

We ordinarily would be present at the meeting to express our opinions and requests had we not been in the middle of this pandemic.

We appreciate your service. Stay well. Nina Narozny and Barbara Adams. 35 Sandstone Drive.

Derek Huninghake

From: marysparker@frontier.com
Sent: Friday, May 15, 2020 4:06 PM
To: Public Comment
Subject: Request for comments to be entered into the record of the public hearing May 18th
Attachments: 450 word version.docx

Please see that the attached (which is exactly 450 words) is entered into the public record at the public hearing on May 18th regarding the acceptance of streets by the Town of Weaverville.

Thank you!

Mary S. Parker
31 Sandstone Drive
Weaverville NC 28787
marysparker@frontier.com
(828) 484-8711

Comment for Public Hearing – May 18th – Acceptance of Streets in Creekside Village:
Mary S. Parker (co-owner 31 Sandstone Drive)

With respect to streets in Creekside Village, the Town has failed to provide residents with the same protection as would have applied in an unincorporated area. Had Creekside Village been in an unincorporated area, under NC General Statute §136-102.6(f), the seller/developer would have had to clearly identify subdivision streets as public or private “up front” in the real estate transaction process.

The developer’s sales agent stated Creekside Village streets were public. Buyers were assured that acceptance had not already occurred only because the Town would do so only after the entire subdivision had been completed. The developer even filed a site plan last year with the Board of Adjustment that labeled all streets as “public.” **The expectation that streets would be maintained by the Town for items such as snow removal yielded higher selling prices and a higher tax base for the Town than would have otherwise been the case.**

In the context of the BOA request, residents became aware that Town administration was relying on undocumented comments, made earlier by Town workers, that the streets were not constructed according to state standards, and that a recommendation was going to the Mayor and Council that the streets NOT be accepted when completed.

For Town staff to have knowingly allowed streets within its jurisdiction that purported to be constructed to state standards to be in violation of those standards, and to have taken absolutely no action to document the problem and/or to address the problem with the developer is unconscionable.

This failure of Town staff to document alleged substandard construction errors has also effectively precluded residents’ legal recourse against the developer. (Note: the developer disagrees that problems were identified and asserts that previous Town staff would have recommended acceptance of the streets.)

Because the Town has no documentation, current photographs of pavement imperfections are used to suggest substandard construction. Some are of pavement cuts made to connect water-lines or other utilities for new streets or residences, have nothing to do with pavement failures, and are non-applicable to this issue.

The Town’s apparent refusal to accept the Creekside Village streets unless a cost-prohibitive core-sampling program is undertaken at someone’s else expense seems designed to raise the bar to street acceptance so high that it cannot be met. It appears that the Town is simply trying to avoid taking on the cost of routine street maintenance, such as snow removal – and in an area where the tax revenue per street mile ratio is far better than average.

It is a fundamental issue of fairness for the Town to accept the streets in the Creekside Village development, subject to the developer the correcting agreed-upon problem with a spring deteriorating a street in one area.

Derek Huninghake

From: jrukavina@frontier.com
Sent: Friday, May 15, 2020 4:09 PM
To: Public Comment
Subject: Public comment for May 18th public hearing on acceptance of streets
Attachments: Comment for Public Hearing.docx

Please have the following recorded as an official public comment at the May 19th public hearing regarding the acceptance of streets by the Town of Weaverville.

Thank you.

John Rukavina
31 Sandstone Drive
Weaverville NC 28787
jrukavina@frontier.com
(828) 606-2550

Comment for Public Hearing – May 18th – Acceptance of Streets in Creekside Village
John D. Rukavina (co-owner 31 Sandstone Drive)

I would like the Mayor and Town Council to answer the following questions publicly before voting on whether or not to accept the streets in Creekside Village:

#1. How many applications to take over streets were received in response to the city's recent solicitation for applications to take over private streets?

#2. How many street miles did these applications represent?

#3. How many street miles in the applications currently had curb and gutter, storm water management systems, and sidewalks installed?

#4. How many street miles in applications had certified statements by state-licensed professional engineers that the streets were constructed to state standards?

#5. For the streets in any applications other than for Creekside Village streets did the Town orally – or otherwise - allege that state standards were not being following in street construction but fail to document these findings, thereby putting future property owners at risk and precluding their ability to hold the developer accountable for performing as claimed?

Derek Huninghake

From: Richard Coble <rcoble@gcpcusa.org>
Sent: Saturday, May 16, 2020 1:09 PM
To: dsherrill452@gmail.com; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Public Comment
Subject: Creekside Village Roads

Dear Members of the Weaverville Town Council,

Our family of 3, now going on 4, bought and moved into our home at 76 Loftin Street in the Creekside Village neighborhood in the summer of 2017. Though both of our jobs are in Asheville, we decided to move to Weaverville because we fell in love with this small town and this community. We are now deeply saddened and troubled by the current impasse between the town government and Serrus building company over the roads in our community.

As residents, we are outsiders to this dispute, and frankly, to a layman, it looks like while there are some legitimate issues, the dispute has led to quite a lot of posturing, jargon, and misunderstandings. In the midst of it, the residents of Creekside Village, not Serrus, are the ones being hurt. We feel powerless, overlooked, and taken advantage of by both our builders and our town. We feel like our well-being and our interests are not being taken as the primary concern in this dispute. We pray that the town and Serrus can come to a workable solution that will allow the town of Weaverville to incorporate the roads of Creekside Village. This is in the best interest of the citizens of this town and, in the long run, it will be in the best interest of the town and the wider community, because it will enable this neighborhood to continue to thrive in the years and decades to come. We are proud residents of Weaverville. We hope that this town will continue to do all it can to care for us and our children.

Thank you for your work and dedication to our town and for your attention to this important issue.

Peace,
Richard Coble and Lindsey Williford
76 Loftin St., Weaverville, NC

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Rev. Richard Coble, PhD
Associate Pastor
Grace Covenant Presbyterian Church
789 Merrimon Ave., Asheville, NC 28804
828.254.3274
gcpcusa.org

Derek Huninghake

From: Burt Anderson <burtanderson@charter.net>
Sent: Saturday, May 16, 2020 4:07 PM
To: Public Comment
Subject: Town Hall Meeting, May 18, 2020

To: Weaverville Town Council

We recently purchased a new home in Creekside Village, with the understanding that we would be residents of, and taxpayers to the town of Weaverville. It is distressing to hear that Weaverville may not want the responsibility of maintaining our streets, even though they are in the city limits.

We hope that you will reconsider your position, for your new residents and taxpayers here in Creekside Village.

Sincerely,

Burt and Donna Anderson
7 Duncannon Street
Creekside Village
Weaverville, NC 28787

Derek Huninghake

From: Susan <susan.waldman@gmail.com>
Sent: Sunday, May 17, 2020 9:39 AM
To: Public Comment
Subject: Adoption of roads in Creekside development

The town of Weaverville would be placing an undue and onerous burden on the residents of Creekside, (many of whom are retired) if it does not incorporate the Creekside development into road maintenance. Unless, of course, taxes are reduced by the amount of the increase in our HOA fees needed to maintain roads ourselves.

This is an equivalent of "taxation without representation" in that it is taxation without receiving equable services that other property owners are entitled to. It appears that the town may have been derelict in their duty to ensure that road were built in accordance with their requirements and therefore, should not have allowed the county to issue certificates of occupancy if roads leading to the homes are unsafe. Differential treatment of town residents is the outcome if the town refuses to maintain our roads.

It is discriminatory and punitive to have the town benefit greatly by the additional tax base, while refusing to provide all services that residents are entitled to.

And why would any slight deficiencies in the roads, (if there are indeed any) interfere with road maintenance.? And where is the town's documentation that provides a clue to oversight during road construction?

We demand that the town fulfill its responsibilities to all its residents.

Susan Waldman and William Swarts

Derek Huninghake

From: Mike Clifford <mcliffoh@gmail.com>
Sent: Sunday, May 17, 2020 10:52 AM
To: Public Comment; Al Root; Doug Jackson; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Dottie Sherrill
Subject: Creekside Roads Petition
Attachments: Creekside Roads Petition.pdf

Town of Weaverville-

I have attached a pdf of a signed petition from the residents of Creekside Village requesting that our roads are adopted as town roads. 135 residents (of voting age) have signed this petition or have submitted letters and emails supporting this petition.

I request that both the petition and the names of signees be read at the Town Meeting on Monday May 18th one by one. While I recognize this will take a bit of time, our voices deserve that time.

Please acknowledge receipt of this email.

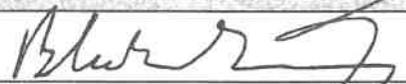
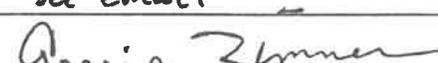
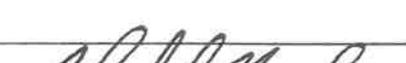
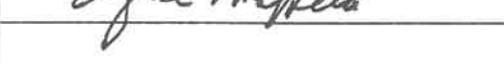
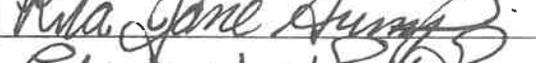
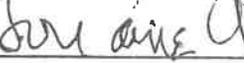
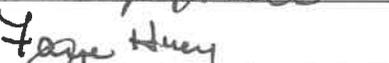
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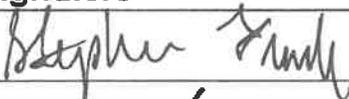
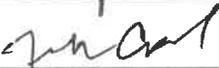
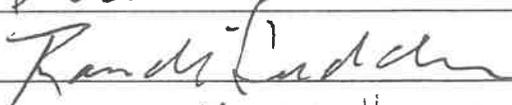
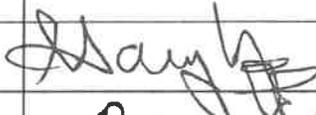
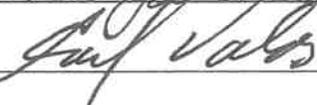
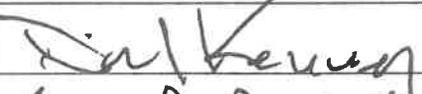
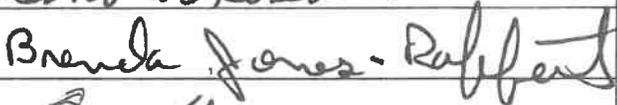
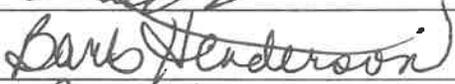
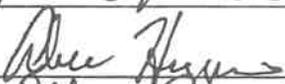
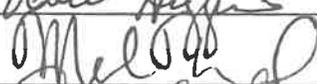
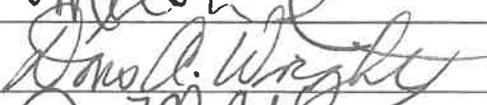
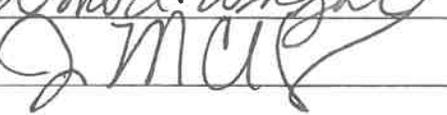
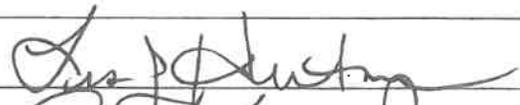
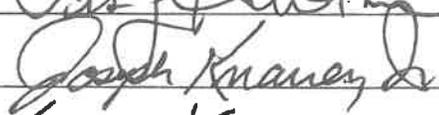
Mike Clifford
48 Loftin St.

Petition

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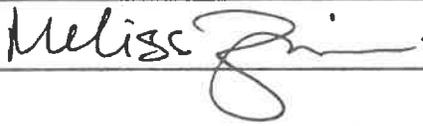
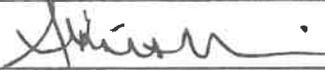
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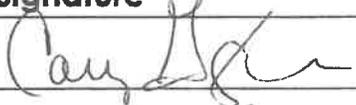
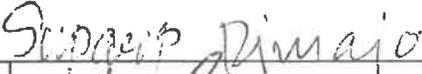
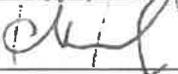
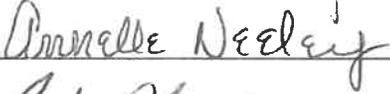
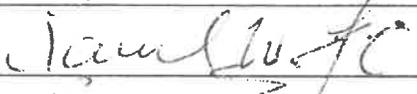
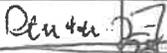
Name	House #	Signature
LOFTIN		
Blake Griggs	17 Loftin	
Anna Stefanidis	18 Loftin	see email
Harry Stefanidis	18 Loftin	see email
Gerrie Zimmer	19 Loftin	
Alan Theisen	21 Loftin	
Misty Theisen	21 Loftin	
Melanie Grooms	23 Loftin	
Richard Novicky	24 Loftin	
Lynn Novicky	24 Loftin	
Michael Thornhill	25 Loftin	
Tracey Thornhill	25 Loftin	
Rosemary Jackson	26 Loftin	
Engene Makela	26 Loftin	
	27 Loftin	
Rita Jane Gump	28 Loftin	
Elizabeth Olwell	29 Loftin	
Bill Asman	30 Loftin	
Lorraine Asman	30 Loftin	
Homer Warters Jr.	31 Loftin	
Faye Huey	32 Loftin	
James Huey	32 Loftin	
Joe Fracy	33 Loftin	

Name	House #	Signature
Stephanie Frady	33 Loftin	
Frank Cox	34 Loftin	
Randi Dudder	34 Loftin	
Franklin Rogers	35 Loftin	see email letter
	36 Loftin	
Gary Upp	37 Loftin	
Delores Upp	37 Loftin	
Linda Snyder	38 Loftin	
Wilma Witham	41 Loftin	
Earl Valois	42 Loftin	
Sylvia Valois	42 Loftin	
Donal Kenney	44 Loftin	
Gino Dibenedetto	44 Loftin	
Brenda Jones-Rafferty	45 Loftin	
Ed Henderson	46 Loftin	
Barb Henderson	46 Loftin	
Alice Higgins	47 Loftin	
Mike Clifford	48 Loftin	
Doris Wright	48 Loftin	
Joy McKey	49 Loftin	
William Russell	50 Loftin	
Lisa Hultman	51 Loftin	
Joe Knauer	53 Loftin	
Sara Knauer	53 Loftin	

Name	House #	Signature
Sara Knauer	53 Loftin	see her list.
Gary Athelstan	54 Loftin	Gary Athelstan
Gail Yuhasz	54 Loftin	Gail Yuhasz
Wendy Criqui	55 Loftin	see letter
Mike Criqui	55 Loftin	see letter
John Isgrig	57 Loftin	John Isgrig
Lynn Isgrig	57 Loftin	Lynn Isgrig
Sue Long	58 Loftin	Sue Long
Dave Long	58 Loftin	David G. Long
Sallie Broach	59 Loftin	Sallie Broach
Claude Broach	59 Loftin	Claude Broach JR
Gary Whitson	61 Loftin	Gary Whitson
Pat Witson	61 Loftin	Pat Whitson
Linda Engwall	64 Loftin	Linda M. Engwall
Lucy Dilworth	65 Loftin	A. C. Dilworth
Bill Mobley	67 Loftin	W. C. Male
Rhonda Mobley	67 Loftin	Rhonda Mobley
Sherrill Zoller	68 Loftin	Sherrill Zoller
Ted Zoller	68 Loftin	Ted Zoller
Greta Hillin	69 Loftin	Greta Hillin
Nan Fiedler	72 Loftin	Nan Fiedler
Jeff Zuck Jeff Zuck	72 Loftin 65 Loftin	<hr/>
Paul De Crosta	73 Loftin	Paul De Crosta

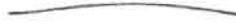
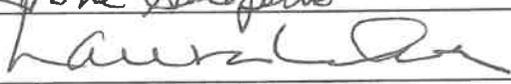
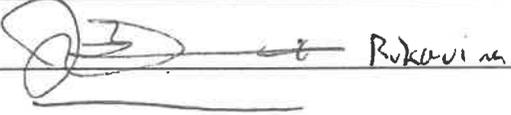
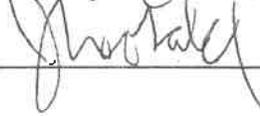
Name	House #	Signature
Jim Metlicka	73 Loftin	<i>James metlicka</i>
Lindsey Williford	76 Loftin	<i>Lindsey Williford</i>
Richard Coble	76 Loftin	<i>Richard Coble</i>
Frank Nullet	78 Loftin	<i>Francis Nullet</i>
DUNCANNON		
Elaine Stein	2 Duncannon	<i>Elaine Stein</i>
Robert Stein	2 Duncannon	<i>Robert Stein</i>
Steve Warren	3 Duncannon	<i>Steve Warren</i>
Jeni Warren	3 Duncannon	<i>Jeni Warren</i>
Frieda Cooper	5 Duncannon	<i>Frieda Cooper</i>
Steve Cooper	5 Duncannon	<i>Steve Cooper</i>

Name	House #	Signature
ATHENA		
Wendy Donlon	1 ATHENA AVE	
Charles Donlon	1 ATHENA AVE	
Nathan Marcho	2 ATHENA AVE	
For sale	3 ATHENA AVE	see email
Laura Russell	4 ATHENA AVE	
Mary Elrod	5 ATHENA AVE	
Scott Macrae - moved?	5 ATHENA AVE	
Melissa Zimmer	6 ATHENA AVE	
Robert McMearly	7 ATHENA AVE	
Wendy Balot	9 ATHENA AVE	
Joan Dinerman	11 ATHENA AVE	
Jeffrey Richardson	15 ATHENA AVE	see email
Helen Richardson	15 ATHENA AVE	
Annette Medalie	17 ATHENA AVE	
William Sanders	19 ATHENA AVE	
BARNETT SHOALS		
ZINAIDA KLIMOVITCH	1 BARNETT SHOALS DR	
ANNA KAZANTSEV	1 BARNETT SHOALS DR	
?	3 BARNETT SHOALS DR	see email
Jessica Cunningham	5 BARNETT SHOALS DR	
Britten Barry	5 BARNETT SHOALS DR	
Jeremy Gregory	7 BARNETT SHOALS DR	

Name	House #	Signature
Cary Gagliano	9 BARNETT SHOALS DR	
Jennifer Maurer	10 BARNETT SHOALS DR	
Courtney Banks	11 BARNETT SHOALS DR	
Isaiah Banks	11 BARNETT SHOALS DR	
Suparp Dimaio	12 BARNETT SHOALS DR	
Kelly Russell Luke Williams	14 BARNETT SHOALS DR	
Marie Bowers	15 BARNETT SHOALS DR	
Stefan Nolet	16 BARNETT SHOALS DR	see letter from home owner
Annelle Neeley	17 BARNETT SHOALS DR	
Cody Cheek	18 BARNETT SHOALS DR	
Alexandria Jordan Kodek	18 BARNETT SHOALS DR	
Jan Alloway	19 BARNETT SHOALS DR	See attached email
Rodney Pruett	20 BARNETT SHOALS DR	
Ginger Schantz	21 BARNETT SHOALS DR	See attached email
Keith Schantz	21 BARNETT SHOALS DR	See attached email
Tim Kennedy	22 BARNETT SHOALS DR	
Laurel Frick	22 BARNETT SHOALS DR	
Brian Harris	22 BARNETT SHOALS DR	
Chantelle Coones	23 BARNETT SHOALS DR	
Michael Coones	23 BARNETT SHOALS DR	
Rachid Cheriet	25 BARNETT SHOALS DR	
Ali Salama	25 BARNETT SHOALS DR	
Samira Salameh	25 BARNETT SHOALS DR	

Name	House #	Signature
? Rashid Chertef	27 BARNETT SHOALS DR	see letter from [unclear]
Chad Donnahoo	28 BARNETT SHOALS DR	_____
Cara Natkin	30 BARNETT SHOALS DR	See attached email
Roberto Novoa	32 BARNETT SHOALS DR	_____
Deborah Clark	34 BARNETT SHOALS DR	_____

~~Rashid Chertef~~
 Michael W. Schaefer 19 Barnett Shoals Dr.
 Martha H. Schaefer 19 Barnett Shoals Dr.
 Laura West 27 Barnett Shoals
 Nichelle Demko 16 Barnett Shoals

Name	House #	Signature
SANDSTONE		
For Sale	7 Sandstone	
Sonia Kapur	8 Sandstone	See email
Toni Soloperto	12 Sandstone	Toni Soloperto
Laura Uber	12 Sandstone	
Margaret Davis	16 Sandstone	Margaret Davis
Bill Cosgrove	16 Sandstone	W. 
For Sale	20 Sandstone	
Lisa Sygnature-Causer	26 Sandstone	Lisa Sygnature-Causer
Bob Doucette	30 Sandstone	Bob Doucette
Suzanne Fix	30 Sandstone	Suzanne Fix
Mary Parker	31 Sandstone	Mary Parker
John Rukavina	31 Sandstone	
For Sale	32 Sandstone	
Barbara Stickle	34 Sandstone	Barbara Stickle
Marty Stickle	34 Sandstone	Marty Stickle
Nina Narozny	35 Sandstone	Nina Narozny
Barbara Adams	35 Sandstone	Barbara Adams
Suzanne Booth	36 Sandstone	
Larry Rollins	37 Sandstone	Camille Rollins
Camille Rollins	37 Sandstone	Camille Rollins
Vivian Ellner	38 Sandstone	Vivian Ellner
Jim Theobald	38 Sandstone	

Name	House #	Signature
Natalie Stanley	41 Sandstone	<i>[Signature]</i>
Jimmy Winker	40 Sandstone	<i>Jimmy Winker</i>
Stephanie Winker	40 Sandstone	<i>See attached email</i>
Nancy Saidman	42 Sandstone	<i>[Signature]</i>
Bruce Saidman	42 Sandstone	<i>[Signature]</i>
Diane Amos	44 Sandstone	<i>Diane Amos</i>
Dee Lawrence	44 Sandstone	<i>[Signature]</i>

Michelle Rippon 40 Sandstone
Laura West 27 Barlett
Ruth Reynolds 3 Athena Ave
Wesley Heidi
Nancy Ladd 41 Sandstone
Richard Ladd
Fred De Luca 36 Hoffman

See attached letter

Petition

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Ann B. Morrison
3 Barnett Shoals Dr.
Weaverville, NC
28787

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Michelle Demko

Michelle Demko

116 Barnette Shoals Dr

Petition

84 Peachtree Road
Suite 230
Asheville, NC 28803

m 828.333.4218
d 828.333.5010
f 828.277.5138
c 828.775.1677

A wider lens on workplace law

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Michelle Rippon (HO Sandstone)

*I live in Pinebrook Farms. We have the same
issue with having to pay for road maintenance -
increasing HOA dues and you absolutely do not
want to be in that position.*

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Laura West

*27 Barnett Shoals Dr.
Creekside*

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Ruth Reynolds
Leslie Steele

3 Athena Ave

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Jeffrey Richardson
15 Athena Ave.

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Nancy Ladd
N C Ladd
41 Sandstone

Dear Creekside Village Homeowner,

Because we do not have your email, we are mailing you this important notice about our streets in Creekside Village so that you can have a voice. We are currently knocking on all the doors of the units in Creekside to get signatures for the petition (attached), which is a request to the Town of Weaverville to make our streets **Public**. We are meeting with the Town Council on February 24th to present this petition and if you would like to add your signature, please sign the petition and the unit you own and return it to me.

This issue is concerning to all of us homeowners or renters, because if the Town does NOT take over our streets, our assessments and rents will increase if we have to maintain our own streets. We were assured when we built here, that the Town would make them Public once the development was completed, and now that is in dispute.

So please...read the petition, sign it if you agree, and return it to me. The more signatures we have, the more power we have.
Thank you!

Diane Amos
44 Sandstone Drive
Weaverville, NC 28787

(I am collecting all of the signatures for our homeowner HOA Board).

Nancy + Richard LADD
41 SANDSTONE DR

FYI

Our Email is
RLADD3@BELLSOUTH.
NET

RLADD3@BELLSOUTH.NET

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1/9/20

Fred DeLuca 36 Hoffin

Petition

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John Mangum

*Robin Mangum
35 Loftin
Weaverville*

I am really sorry that I was not at home every time you stopped by. Please take this email as a confirmation of my support and signature for this petition.

Sorry for the inconvenience.

Thanks.
Sonia

Sonia Kapur
of Sandston

Jan 2, 2020, 9:52 PM (4
days ago)

Cara Natkin

to me

I agree with this email

Sent from my iPhone

30 Barnett Shoals

Jan 3, 2020, 2:42 PM (2 days ago)

Stephanie Winker

to me:

I agree to this petition in favor of making Creekside Village public to the town of Weaverville

Best regards,

Stephanie Winker (renter #40 sandstone)

Fri, Jan 3, 9:06 AM (2
days ago)

Jan Alloway

to me

I approve of the petition and would like to be included.

Jan Alloway

19 Barnett Shoals

Thu, Jan 2, 8:57 PM (3
days ago)

Ginger Schantz

to me

My husband and I are responding separately as two separate signatures.

Thank you,

Ginger Schantz

21 Barnett Shoals

Fri, Jan 3, 9:46 AM (2
days ago)

Anna Stefanidis

to me

Hartion & Anna Stefanidis, approves this petition.

Jan 3, 2020, 8:28 AM (2
days ago)

**mcricui@centralpennsewing.co
m**

to me

Diane,

I agree with the petition. Please add my name .

Mike Criqui

55 Loftin St.

Weaverville, NC

Sat, Jan 4, 5:23 PM (1
day ago)

Wendy Criqui

to me: 1

Mike just said he approved of this petition so I'm also adding my name to the petition..

Thank you for keeping us in the loop..

The Criquis

Derek Huninghake

From: Frieda Setzer Cooper <cooperfs@frontier.com>
Sent: Sunday, May 17, 2020 11:30 AM
To: Public Comment
Subject: Creekside Village

We have lived in the city limits of Weaverville for almost 30 years. (Reems Creek Golf Course, Fortress Ridge on top of Hamburg Mtn. and Creekside Village) The reason we chose Creekside Village was that we expected to receive the basic town-maintained infrastructure. We pay the same taxes.

We urge you to vote to accept these existing roads into the Town system.

Thank you.

Steve and Frieda Cooper
5 Duncannon Street
Weaverville NC 28787

[Sent from Frontier Yahoo Mail on Android](#)

Derek Huninghake

From: Raymond Russolillo <shalomrr@icloud.com>
Sent: Sunday, May 17, 2020 12:44 PM
To: Public Comment
Subject: Public Comment Re: Road Acceptance by the Town of Weaverville

Dear Messrs. Root and Jackson and Members of the Weaverville Town Council:

We recently purchased a newly constructed home in the Creekside Village development in Weaverville and will be moving in [on May 19, 2020](#). This is the culmination of a long-term process that formally began in August 2018 when our home was just a vacant lot on an as-yet unnamed street in Phase IV of the development. Over the past couple of years our experience with the Town has been positive up to and including our experience with Town Manager Selena Coffey's office when we recently looked to her for guidance about moving in during the pandemic. We have also been extremely fortunate to be able to cultivate friendships with several people in the community in advance of our relocation. All in all, we are very much looking forward to our move next week.

Therefore, you can imagine our surprise and distress to learn of the controversy between the developer of the property, Serrus Creekside LLC and the Town over the transfer of the community's private roads from Serrus to the Town. After reading Ms. Coffey's letter of March 24, 2020 to Serrus' Stephen Mudge and Mr. Mudge's May 11, 2020 correspondence to the Creekside homeowners, we are left wondering how it is possible that interim inspections by the Town were inadequate to determine the suitability and quality of the road construction on a "real time" basis. It appears that the Town is discounting or disregarding whatever oversight was provided by former Director of Public Works Tony Laughter and his staff and that new standards are being applied to the road construction, requiring prohibitively expensive, "after the fact" testing by Serrus.

Our questions are simple and straightforward: How is it possible that the construction of a housing development with over 100 housing units, that has been in development for over a decade through two developers, has not passed interim inspections enabling the Town to confidently accept the roads into its system with adequate assurances of a 20 year life? How can the Town ignore the history of the developer's interactions with the former Director of Public Works? Why is the Town insisting on the completion of such expensive physical testing prior to its acceptance of the roads into its roadway system?

As homeowners, we expect and are entitled to certain basic Town maintained infrastructure. As far as we know, the homeowners of Creekside Village do not pay a discounted real property rate for residing on private roads. We therefore urge you to vote to accept these existing private roads into the Town system as soon as possible. Thank you.

Regards,

Raymond G. and Bonnie Russolillo
[26 Robin Roost Road](#)
[Weaverville, NC 28787](#)
[\(646\) 662-6852](#)

Derek Huninghake

From: Pat Whitson <gpwhitson@gmail.com>
Sent: Sunday, May 17, 2020 12:57 PM
To: Public Comment
Cc: djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna
Subject: Re: Creekside Roads

On May 17, 2020, at 12:50 PM, Pat Whitson <gpwhitson@gmail.com> wrote:

We are former residence of Perrion Avenue, which is a city street of Weaverville and very well maintained by the town. We sold our home on Perrion, in order to downsize our square footage and reduce management responsibilities of a substantially large residence and property. We knew we wanted to remain in Weaverville, which has been our home town since 1971 and desired to reside in a neighborhood where we had city streets, because of the excellent maintainance of the roads in our previous neighborhood. Creekside met all of our requirements for our future and we had no second thoughts.

At this time as Serrus is completing the development and over hundred homeowners have chosen to make their homes here, we find out the town of Weaverville has decided not to acquire the streets as city streets. This is an extreme disappointment to all of the voting and tax paying residence who were told that the streets were being built to the specifications of the Town of Weaverville. We understand that the engineers working with Serrus have submitted all required data to the town showing that they have constructed the streets to meet your specifications. If you are planning not to accept that data, it would be of interest for us to review inspections filed at the town, stating why the streets failed to meet your specifications.

We love living here and have always respected our town government but this is far from the message received concerning our new neighborhood. The amount of tax revenue being collected by the town from this neighborhood should be sufficient to maintain these new streets for years to come.

Weaverville, Do The Right Thing!

Gary and Pat Whitson
61 Loftin Street
828-231-0930
828-231-7648

Derek Huninghake

From: Diane Amos <famsamos1@gmail.com>
Sent: Sunday, May 17, 2020 1:28 PM
To: Public Comment
Subject: Creekside Village roads issue

Mayor Root and Council Members of the Town of Weaverville,

We, along with over 200 tax paying Weaverville citizens respectfully request that you approve the adoption of our Creekside Village roads.

We have two concerns: First, negligence by the Town of Weaverville. After all our attempts to negotiate and find a solution, it still remains that the Town was negligent in their responsibility to inspect the roads in the first place so that our roads COULD become Public. Ignoring the previous Director of Public Works recommendations is not right. It was discovered that in fact Phase 2 was inspected **and approved**, so why didn't the inspections continue? Anecdotal verbal stories by the Town is not documentation, yet our engineers have clear documentation that show the roads were constructed to the original standards.

Second - the cover up. Now the Town has "moved the goalposts" to arbitrarily set new standards that would be cost prohibitive to us. It appears that the Town was caught flat footed and realized their past mistakes, had no policy for this, and now are making Creekside Village pay for those mistakes. The cover up was "we never intended in the first place to make the roads public". This can be contested by the past Town of Weaverville Minutes showing otherwise.

We expected better. We hope that your sense of fairness and decency to do the right thing for your tax paying citizens will prevail and vote YES to adopt our roads. Our roads should be grandfathered in to the original standards which have been well documented by reputable engineers.

If you choose to vote No on adoption of the roads, you will have done a grave disservice to your many constituents. Our community of over 200 are well organized, had a petition drive (petitions are being submitted), and have a long memory and will remember this at the next Municipal election.

Dee Lawrence and Diane Amos
44 Sandstone Drive
Weaverville, NC 28787

Derek Huninghake

From: Claude Broach <seabro2@gmail.com>
Sent: Sunday, May 17, 2020 2:55 PM
To: Public Comment
Subject: 59 loftin st - i do not under stand why you will not do what is clearly the right thing for our roads . you just don' t seem to want to do what is right

Derek Huninghake

From: Sylvia Valois <svalois2000@yahoo.com>
Sent: Sunday, May 17, 2020 4:41 PM
To: Public Comment
Cc: Ted Zoller; Mike Clifford; Diane Amos
Subject: Comments for May 18, 2020 Town Council Meeting

We are most disappointed to deliver these comments to the Town Council of Weaverville, but are compelled to defend ourselves and our property for quality of life and financial purposes.

As the development has become more populated, it is comprised primarily of retired residents. The expense that comes with roads, drainage and sidewalks ownership is unbearable for its residents. Had we known there was any question about the streets becoming owned by the Town of Weaverville (the "Town"), we'd have reconsidered our purchase of a house and property in the Creekside Village development.

Documentation presented thus far indicates that it was planned for the Creekside Village streets to be owned by the Town. It is incomprehensible to residents that the Town changed its streets, drainage and sidewalks requirements somewhere along the way while the neighborhood was being developed. We, as taxpaying citizens of the Town, are entitled to know how the Town is able to take that position, and to think that to be a fair and reasonable thing to do. On what basis and when did the Town decide that the streets in Creekside Village are non-compliant with standards? Further, citizens are entitled to see the Town's documentation of the reasons for which the Town refuses to take ownership. To say that such documentation is unavailable is completely unacceptable. It is our understanding that the streets were certified compliant by local, professional engineers and documentation thereof was provided to the Town.

We enjoy life in Weaverville, especially in the neighborhood in which we hoped and planned to spend the rest of our lives. We are proud and happy to serve the Town in volunteer capacities. Creekside Village is a strong and vocal community. We are hopeful that a mutually beneficial result will be reached, instead of a destructive rejection by the Town of Creekside Village streets. Please take this matter into serious consideration. Thank you for your time and the allowance of our comments.

Derek Huninghake

From: Tim Kennedy <tim@sflmail.com>
Sent: Sunday, May 17, 2020 5:40 PM
To: Public Comment
Cc: djackson@weaverville.org; dsherrill@weaverville.org; pfitzsimmons@weaverville.org; anagle@weaverville.org; jmckenna@weaverville.org; Tim Kennedy
Subject: CREEKSIDE HOUSING DEVELOPMENT - ROADS WITHIN THE COMMUNITY

Dear Vice Mayor and Council Members,

I hope you are all well.

I am writing to ask that you vote to include the roads within our community as part of the Town of Weaverville's road maintenance. When I bought my townhouse in 2015 I was told the roads would be part of the Town of Weaverville as public roads and maintained by the Town.

There has been so much conflicting information it is confusing to keep up. I was advised the Town inspected and approved roadwork as it was being done. Then we were told there were issues but we haven't received reports on these issues. We provide a large tax base for Weaverville and Buncombe County.

Not including these roads into Weaverville's maintenance plan and budget would increase our HOA fees. We are not a gated community and should not be considered private.

Please vote to include our roads into the Town or provide records as to why they can't be included.

Thanks for your time and consideration.

Tim Kennedy
22 Barnet Shoals Dr
Weaverville, NC 28804

Derek Huninghake

From: Suzanne Fix <suzmsw@gmail.com>
Sent: Sunday, May 17, 2020 6:11 PM
To: Public Comment
Subject: Roads in Creekside Village -Help!

I was shocked to hear that the Town of Weaverville is disregarding the needs of its citizens over a disagreement that the Town has not documented. Most of us in the neighborhood are retired, having downsized to reduce expenses. Now we are being told by the people who are supposed to represent the citizens that we have no recourse if the developer will not do the testing.

The other group of residents this ruling will effect are the new families with young children, as they will be denied a school bus stop in the neighborhood, and be forced out onto busy roads outside our boundaries.

Please consider the *human cost* of your decision to deny us public roads. We cannot afford, on a fixed income, to sustain the huge increase in HOA fees that will be inevitable in the current situation.

Suzanne Fix
Robert Doucette
30 Sandstone Dr
Weaverville
828-636-9898

--
Suzanne Fix Doucette LCSW

Derek Huninghake

From: Lisa Hultman <ljhultman@charter.net>
Sent: Sunday, May 17, 2020 6:39 PM
To: Public Comment
Subject: Creekside Village Roads

I have lived in the city of Weaverville and paid Weaverville city taxes since 1993 and have lived in Creekside Village since 2016. I never thought that our roads would not be adopted by the Town. It would be a financial hardship for me if I would be expected to continue to pay taxes to the city of Weaverville, but also have to pay increased HOA fees because the city chooses not to maintain our roads, but they continue to take our tax dollars.

Serrus has remained in compliance and there are no failed inspection reports. It seems that the conditions of compliance were changed after the roads had been constructed and that there might be some unethical behavior in the Public Works department concerning documentation that should be addressed.

I would ask you to vote to accept our roads into the town system.

Thank you,
Lisa Hultman

Sent from my iPhone

Derek Huninghake

From: robertestein@me.com
Sent: Sunday, May 17, 2020 6:43 PM
To: Public Comment
Cc: djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Steve Mudge; tzoller@relloz.com
Subject: Creekside Village-Approval of Roads
Importance: High

Attention Mayor and Weaverville Council Members,

As a current home owner in Creekside Village and also an experienced construction and engineering professional, I am communicating my concerns and displeasure with how the Town is handling the developer's request for acceptance of the Creekside roads and streets. Without being repetitive, one of the major issues that I have, is that the Town is applying new completion and construction standards against roads that were built to previously accepted and approved standards. I have been in the construction and engineering profession for over 40 years and involved in residential, commercial and industrial construction of varying magnitudes. It is common practice for contractors to build to existing and predefined codes and standards, and for construction to be reviewed/approved during construction by local authorities responsible for insuring that contractors and their engineers satisfy the required standards during construction.

It is unreasonable to assume that any contractor would be held accountable to new codes and standards that are put in place *after* plans and specifications are approved by regulating bodies and then roads, buildings, etc. built to those standards. If this was the case, existing roads and buildings would have to be reengineered and reconstructed and/or upgraded each time a regulatory body updated their construction and engineering standards. It is unreasonable to request the developer to go thru extensive core boring and testing to prove that the existing construction meets a standard that was not in place prior to or during construction. Based on the new codes and standards, is the Town then reevaluating existing streets and roads that it is maintaining, and upgrading to new standards...if this is the case, then existing roads would also have to be tested accordingly and rebuilt to new standards at excessive cost to the town and its taxpayers.

It is reasonable to request the developer to repair the road on Duncannon Street, and other minor issues, however, since I drive the streets in Creekside on a daily basis, I do not see any major cracks or deformities in the roadwork. There are some patches, however, there are no significant issues to warrant a significant testing program after the fact. If the Town and its regulatory body had any issues with construction, then those issues should have been resolved at the time of construction, not after many of the roads and streets have been in place for 1-3 years.

On behalf of myself and other homeowners, I would appreciate your consideration and reasonable review of Serrus's request to approve and accept the roads and streets in Creekside Village.

Respectfully Submitted,

Robert E. Stein- Homeowner

Senior Project Management Consultant

Derek Huninghake

From: billcosgrove@charter.net
Sent: Sunday, May 17, 2020 6:45 PM
To: Public Comment
Cc: Al Root; djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; billcosgrove@charter.net
Subject: Comment submitted to Weaverville Town Council meeting, May 18, 2020

My wife and I consider ourselves to be good citizens. We believe in paying taxes to help and strengthen our community. We believe that education and good schools are important. We believe that communities need businesses that serve their populations and that the residents of the community ought to support those businesses. We also believe that local government must support the citizens that they represent.

Weaverville is our community and we feel a strong loyalty to that community. The Creekside Community is a terrific neighborhood within Weaverville. We believe that the residents of the Creekside Community are likeminded and supportive of Weaverville.

The current situation with the developer, Serrus Capital Partners, and the Town of Weaverville over the Town takeover of development roads is a serious issue and the residents of Creekside Community are concerned about being disenfranchised by the Town of Weaverville. We feel that our representatives in Town Council may not be helping the citizens that they represent.

Reading correspondence from both parties does not offer much promise. Both sides seem intent on making statements rather than compromises.

The Town of Weaverville seems to be interested in toughening up their position regarding development. We support the Town's need to do this.

Serrus Capital Partners seems to see themselves as an experienced, well-intentioned business. They need to show positive returns to their investors. That's the American way, and we support them in that effort.

Creekside Community is comprised of citizens of the Town of Weaverville who seem caught between the Town and a developer. We look forward to the developer moving on. We also look forward to our future as residents of Weaverville.

Are the issues between the Town of Weaverville and Serrus Capital Partners best resolved on the backs of citizens of Weaverville? Is the Town of Weaverville willing to discount our property taxes in exchange for public roads? Will Serrus Capital Partners be allowed to walk away without resolution? Can the Town of Weaverville be allowed to bury its head in the sand with the hope that this issue will disappear while we continue to pay taxes? Will Weaverville citizens need to resolve this in the courts and election day?

We ask that the Town Council support the citizens they represent in finding a solution. Surely there is a compromise between the Town and Serrus that will result in a Community service that we support with our tax payments.

Respectfully submitted,
Margaret Davis & Bill Cosgrove
16 Sandstone Drive
Weaverville, NC 28787

Derek Huninghake

From: James Metlicka <jim@metlickadesigns.com>
Sent: Sunday, May 17, 2020 7:13 PM
To: Public Comment
Subject: Approve Creekside Village Roads!

Mayor and Council Members
Town of Weaverville

I am a resident of Creekside Village and have been a resident of Weaverville for over five years. I have worked in Weaverville for over five years. I pay Weaverville taxes. I add to Weaverville's economy. I help your friends and neighbors when they come to my studio. The people who live in Creekside Village ALSO support the Weaverville economy. We live in a time where blame is shifted back and forth, where its easier to avoid taking on the hard stuff and passing the buck.

It is clear to me that the Mayor and Council Members MUST take responsibility for their failure to produce any documented substandard construction issues OR take responsibility for their failure. Again, as a taxpayer and a part of the Weaverville community, please take ownership and responsibility, as I do, as a contributor to Weaverville's community.

It is clear the town, the restaurants, the galleries, the yoga studios and many other businesses have benefited from the residents of Creekside Village. Its time the Mayor and Council Members step up and take care of us. It seems to me that it is more than fair for the Town to accept the streets of Creekside.

Thank you,

Jim Metlicka
73 Loftin Street
Weaverville, NC 28787

Derek Huninghake

From: Linda Krajewski <linda2020@dolphingal.com>
Sent: Sunday, May 17, 2020 7:19 PM
To: Public Comment; Doug Jackson; Dottie Sherrill; Andrew Nagle; Patrick Fitzsimmons; Jeff McKenna
Subject: Creekside Village Roads

To: Town Council Members

We recently bought in Creekside Village. We closed on our new home in April, 2020. We recently retired and are relocating from the Dallas, TX area. We did extensive research on where to buy in the Asheville area. We planned on this house being the house to get us through our golden years. We were not interested in buying in any unincorporated areas. We knew we would buy in a city or town that provided all the municipal services (i.e. police, fire, water/sewer, garbage, streets/roads, etc.). We were very excited to move to the town of Weaverville. We feel that we have everything we need right here (i.e. Walmart, Lowes, grocery stores, banks, churches, library, retail stores/business services, restaurants, and gyms). It is our understanding that we will be paying property taxes that are based on having full municipal services including streets/roads. We are located just 1 1/2 miles from downtown Weaverville and we border one of the main streets going through Weaverville (Merrimon). The average price of the houses in our subdivision are a good % higher than the average home price in Weaverville with property taxes based on home value assessments. We ask you to include all the streets in Creekside Village as public streets, the same as the other residential streets in Weaverville.

Regards, Linda Krajewski & Constance Basham

Derek Huninghake

From: Barbara Stickle <barbarastickle@me.com>
Sent: Sunday, May 17, 2020 8:03 PM
To: Public Comment
Cc: djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Al Root
Subject: Creekside Village Roads

The Town of Weaverville has always intended to adopt the roads in Creekside as public roads. All the approved site plans (signed by Town of Weaverville officials) dating back to 2007 have indicated roads were to be dedicated public roads. When the developer, Serrus, submitted site plans to finish the community (which were approved) they also stated that the roads would be public. Serrus has submitted complete data and inspection reports that show any issues with the roads have been remediated.

It is beyond our comprehension that Weaverville states that the roads did not pass inspection, but they do not have any written record of these inspections. In addition, the town has added conditions and insisted on expensive tests.

We feel that Creekside residents are being punished for the incompetence of previous town officials.

We sincerely hope that you will weigh the issue carefully and honor your commitment to the taxpayers who are residents of Creekside.

Marty and Barbara Stickle

34 Sandstone Drive, Weaverville

Derek Huninghake

From: Vivian Ellner <ellner.v@gmail.com>
Sent: Sunday, May 17, 2020 8:11 PM
To: Public Comment
Subject: Creekside Village streets

Vivian Ellner

James Theobald

38 Sandstone Drive

Weaverville, NC 28787

To The Mayor and Town Council of Weaverville, NC :

As residents of Creekside Village, we must admit we are confused about the Town's handling of the question of the possession of streets in our development. It is our understanding that the Town has provided no documentation of inspection of the roads within the development, while the engineers for the developer maintain that they have submitted the requisite documentation regarding the roads. As taxpayers we feel that we are entitled to more information regarding the process that the Town will use to determine whether or not it will assume the responsibility for the streets at Creekside.

When investigated buying at CV, one of the selling points was that the streets would be maintained by the Town; how did this change? In addition, as taxpayers and voters, we feel that the oversight of housing construction should be the responsibility of the Town government, which you seem to have neglected.

We expect to receive further information from the Council on how you made the decision and how you can justify such neglect and how you can remedy this.

Derek Huninghake

From: Mike Clifford <mcliffoh@gmail.com>
Sent: Sunday, May 17, 2020 8:41 PM
To: Public Comment; Al Root; Doug Jackson; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Dottie Sherrill
Subject: Comments from Mike Clifford on Creekside Village Roads Adoption
Attachments: Weaver Town Meeting - May 2020 - Clifford comments.docx; Weaver Town Meeting - May 2020 - Clifford comments.pdf

Please include my attached comments regarding the Creekside Village Roads adoption to be considered in the May 18th Town of Weaverville meeting. I have attached my comments in both Word and pdf format.

I would like to speak to my comments during the Town meeting on Monday.

Thanks,

Mike Clifford

I am writing on behalf of 200 Weaverville taxpayers and voters asking you to approve the adoption of our Creekside Village roads and infrastructure.

As purchasers, we relied on assertions made by Serrus that our roads were constructed in compliance with Town standards for adoption. This reliance was clearly to our detriment.

In August 2018 we learned of a possibility that our roads would not be adopted. We heard disturbing comments from the Town lawyer and Planning Director that “the Creekside roads will never be adopted”. This remains extremely confusing as all the approved and signed site plans dating back to 2008 indicate the roads are intended to be public roads.

In response to our requests for documentation from the Town inspections detailing the scope and location of the failures, the Town replied with only anecdotal evidence and failed to provide inspection reports. Ultimately, we learned that there were no written Town inspections.

By contrast, Serrus submitted an extensive engineering record that shows the roads were constructed to NC and Weaverville standards. The records show that there were limited interim test roll failures witnessed by the Town. Specifically, a small section of Sandstone (near the Robins Roost intersection) and a small section of Seneca had interim test roll failures. The engineering record, however, also clearly shows that both problems were rectified and subsequently passed the test rolling prior to pavement.

In November, we requested that Serrus meet with the Weaverville Public Works director to discuss the engineering record. A preliminary meeting was held in February in which Mayor Root indicated a willingness to come to a common-sense plan. A subsequent meeting between the Serrus technical team and Dale Pennell was held to review the engineering data in detail.

Instead of the expected concise, common-sense plan to check these *limited* areas of concern that homeowners hoped for, Mr. Pennell promulgated an extensive core sample plan for all of Sandstone, Robins Roost and Seneca that will make the neighborhood we call home look like swiss cheese. Such a plan is demonstrably unfair and should you choose to vote No, residents will be left to clean up the mess.

The Town Manager and Mayor Root assured us that a common-sense, fair process would be instituted throughout this ordeal. If you choose to vote No, you will be voting to deprive Creekside residents of a fair chance to have our roads assimilated into the town, along with depriving us of the benefits of adoption. Voting No gives your seal of approval to the earlier unsubstantiated statements by Town officials saying “The Creekside roads will never be adopted”.

Do the right thing, support your constituents, and vote Yes to adoption.

Mike Clifford

Derek Huninghake

From: Ted Zoller <tzoller@relloz.com>
Sent: Sunday, May 17, 2020 8:42 PM
To: Public Comment
Subject: May 18 Town Council - Creekside Village Roads

Creekside Village has been undergoing development for some ten plus years. The roads in Phase I have never been repaired or tended to in that amount of time. Those roads and the current roads were put in using the same two engineering firms. However, in the interim, the Town has used two Directors of Public Works who appear to have differing opinions on road construction. The current Director has operated without providing any documentation of his job function. He also admitted that he had no inkling of the accepted work by his predecessor in Phase II & III of the project.

At a Town of Weaverville 6/11/2007, Town Manager Mike Morgan stated that all roads in Creekside Village have to be built to NC DOT specs, same as the Town, whether they are private or public. Based on this statement, how did Public Works ensure that such actions were carried out? Does the department take action or just wait for the developer to comply? What is Council's role in ensuring that rules are followed? Why was Phase I never inspected to ensure that it met NC DOT specifications?

The Town has now instituted new work procedures for road acceptance; however, these procedures were probably developed based on the Town's failure to do its job during Creekside's road development. As the Town grows, such policies are necessary.

In closing, Weaverville's professional staff is one of the highest paid in WNC according to financial information available. As Board members, what do you expect from your staff? Do you really study issues or do you acquiesce to your high paid professional staff and hope they know what they are doing? As part of 200 plus tax payers and voters in your community, we would like to understand how you handle your elected responsibility?

I hope that Town of Weaverville and the developers of Creekside Village can come to some reasonable solution to what appears to be more than a 10-year problem. I hope there is an ombudsman on this Council that will get us moving in the right direction.

Theodore Zoller

68 Loftin St

Weaverville, NC 28787

Derek Huninghake

From: David Long <pastor_long@yahoo.com>
Sent: Sunday, May 17, 2020 9:27 PM
To: Public Comment
Subject: RE: Creekside Village Road Issue

Dear Members of the Weaverville Town Council:

As three-year residents of Creekside Village, we have followed with interest the issue with the roads in the development. We are disappointed with the response of your body and feel that you have not been honest with us.

We are aware that your former employee who had responsibility for testing and keeping appropriate records as the roads were constructed failed to keep appropriate documented evidence. It is not the fault of Creekside developers that this was not done, rather it shows negligence on your part for failure to require your employee to produce what should have been required reporting records.

We are also aware that the developer maintained testing and documentation on the road construction. We are also aware that this documentation has been offered to you, but you have refused it. It seems that you prefer to rely on hearsay from undocumented oral conversations after the fact. This reeks of incompetence from elected officials who are sworn to defend the rights and privileges of the citizens they are elected to represent.

We are further aware that you have changed the rules in the middle of this process. When construction began, you had no serious plan for road construction. When it became obvious that Creekside Village would defend the issue of the roads, you created a new standard and are requiring that we meet these new standards. We find this to be unjust and perhaps illegal. No matter how you look at it, it is not right to change a game plan in the middle of the game. You can apply the new plan to future development, but we find your action dishonest and a poor representation of the values you swore to uphold when you were sworn into office.

We are concerned that you are further asking us to pay taxes as citizens of this town without providing us one of the protections we had anticipated receiving when our son purchased this house for us in 2017. As voting citizens we will use our power at elections to do all we can in unity with other Creekside Village residents to elect honest representatives who will require keeping appropriate records, to report honestly, and to justly protect the rights and privileges of Weaverville citizens.

We trust this issue can be resolved soon without further hard feelings and disappointment with you who are elected to represent us. It is desirable that we keep this issue in Weaverville and not in the larger context of Buncombe County via news outlets. Such news could make Weaverville less desirable for future potential residents.

Sincerely,

David C. and Sue S. Long
58 Loftin Street

Derek Huninghake

From: Sallie Broach <sallietb@gmail.com>
Sent: Sunday, May 17, 2020 10:13 PM
To: Public Comment
Subject: Creekside Village Roads

to: Members of the Weaverville Town Council:

I know that your job is challenging and that our town budget is tight. What I don't know and am asking for an explanation is why you have been dishonest about taking over our roads. It seems this evidence is irrefutable:

- The approved site plans (**signed by Weaverville officials**) indicated that roads were to become dedicated public roads.
- When Serrus submitted the site plans to finish the community, they also stated the intent of making the roads public
- Serrus has submitted complete data and inspections showing the roads were constructed in compliance with local and state regulations. These reports were submitted by two certified engineering companies both of whom are well-known and respected across the state.
- A question about the sub foundation was corrected and then subsequently passed inspections.

Based on all of the above, just please explain your justification for denying that our roads become public. Just be honest-don't change the rules after the fact or tell us that your agent at the time has retired, so you can't trust his word. You know all of that is a prevarication and sullies your reputations as honest people. If you can explain your answers to the bullets listed above, perhaps we can go back to trusting you as honest public officials. Otherwise, you have not earned our trust and we will use what influence we have to elect good, honest commissioners in every upcoming election.

Honestly is all we are asking. It's the best policy.

Sincerely,
Sallie T. Broach
59 Loftin St.
Weaverville, NC 28787

--
The thing that is really hard, and really amazing, is giving up on being perfect and beginning the work of becoming yourself.

Anna Quindlen

Derek Huninghake

From: Jeni Warren <jmrwarren@gmail.com>
Sent: Sunday, May 17, 2020 11:14 PM
To: Dottie Sherrill
Cc: Public Comment
Subject: Creekside Village Street issue

Please feel free to call me (Jennifer Warren at 704 807 9899) if you have any questions.

Comments for May 18, 2020 Town of Weaverville council meeting
From Jennifer Warren, resident of Weaverville, Creekside Village

I am requesting that the Town of Weaverville look more closely at the unfair and unprofessional treatment of taxpayers who live in Creekside Village concerning the issue of our streets. We had no reason to think that our streets would not be maintained by the Town after our subdivision was completed. Town officials signed off on the approved site plan in 2007 that specified public roads after completion. That is the most common outcome in North Carolina after the completion of a subdivision inside town or city limits. When the developer made it known that there may be an issue with roads being public, we repeatedly asked the town for more information and any records that could shed light on the issue. There was almost no response except to say that they had no records. It seems that basic respect for the residents'/taxpayers' need for information and proper record keeping were greatly lacking.

Meanwhile, we have had several families with young children moving into our subdivision. Some grandparents here may be raising their grandchildren. These families assumed that their children could get on a school bus on one of the quiet roads in our development. If our roads are not approved, children will have to be picked up on either Aiken or Merrimon which are busy and curvy. Their safety is at risk.

Whatever the issues may be that have some town employees and town officials predetermining that Creekside Village streets will not be approved must be ignored and put to rest. The residents here are from many backgrounds, locations and walks of life. Some were born in this area. We love our houses and neighborhood. We pay taxes at the same rate as people who live on the many public streets in Weaverville. In fact, our lots are small so this translates into a much more favorable tax revenue/per street mile ratio for the town. We deserve the same respect and protections as other taxpayers.

We understand that the town is requesting some repairs. However, whatever the standards were when the roads were built are the ones we need to be held to now. The developer paid for and submitted complete data and inspection reports (certified by two leading engineering companies) that show the roads have been constructed in compliance with the state of NC and Town of Weaverville requirements. What has happened to common sense? Why is this report ignored? Please do the ethically right thing and respect our right to be treated the same as your other tax paying citizens.

Derek Huninghake

From: Tim Kennedy <tim@sflmail.com>
Sent: Monday, May 18, 2020 8:13 AM
To: Public Comment
Cc: Doug Jackson; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna
Subject: RE: CREEKSIDE HOUSING DEVELOPMENT - ROADS WITHIN THE COMMUNITY

Dear Vice Mayor and Council Members,

I hope you are all well.

I am writing to ask that you vote to include the roads within our community as part of the Town of Weaverville's road maintenance. When I bought my townhouse in 2015 I was told the roads would be part of the Town of Weaverville as public roads and maintained by the Town.

There has been so much conflicting information it is confusing to keep up. I was advised the Town inspected and approved roadwork as it was being done. Then we were told there were issues but we haven't received reports on these issues. We provide a large tax base for Weaverville and Buncombe County.

Not including these roads into Weaverville's maintenance plan and budget would increase our HOA fees. We are not a gated community and should not be considered private.

Please vote to include our roads into the Town or provide records as to why they can't be included.

Thanks for your time and consideration.

Tim Kennedy
22 Barnet Shoals Dr
Weaverville, NC 28804

Derek Huninghake

From: Alice Higgins <AHigg78195@aol.com>
Sent: Monday, May 18, 2020 9:40 AM
To: Public Comment; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Dottie Sherrill
Subject: Creekside roads

As a resident of the town of Weaverville and of the Creekside community and a voter, I am alarmed by the adversarial relationship that the town has developed with the Creekside community. I bought here in good faith expecting that Creekside roads would eventually be included as town roads especially since they were being constructed in conjunction with two reputable engineering firms. I understand that this is a collaborative process between the town and the developer yet the town has no written documentation of their objections or attempts to follow up and protect the taxpayers (who if the town does not approve the roads will be subsidizing everyone else's roads but their own). Apparently the town has recently drawn up guidelines and procedures for acceptance of private roads as town roads- too little too late. It is unreasonable to apply these after the fact. These would subject the Creekside community to very expensive core sampling procedures that would not be necessary if the town had done and documented adequate supervision.

As a taxpayer and voter, I am entitled to a certain amount of protection and goodwill and should not be experiencing the town as an adversary. I urge the town council members to vote to accept Creekside roads as town roads.

Alice Higgins
47 Loftin St
Weaverville, NC

Sent from my iPad

Derek Huninghake

From: William Sanders <19wks49@gmail.com>
Sent: Monday, May 18, 2020 10:30 AM
To: Public Comment
Subject: Creekside Village roads issue

Dear Town of Weaverville Board members:

I would like to add my voice urging you to adopt Creekside Villages roads into the the public road system of the town of Weaverville. I understand that the community developer, Serrus, has shown data and inspection reports proving that the roads were constructed in compliance with NC state and Town of Weaverville requirements. If the Board indeed has evidence that the roads have failed inspections, you should submit these records for public review. If not, then please do the reasonable thing and adopt our roads.

If indeed you have valid and substantiated reasons for not converting Creekside Villages private roads into town roads, will you then do the right thing and rebate the residents a fair portion of their town taxes that would ordinarily gone to road maintenance?

Thank you for approaching this issue with an attitude of consideration and fairness.

Sincerely yours,

William K. Sanders
Creekside Village
19 Athena Ave.
Weaverville, NC 28787

Selena Coffey

From: Brenda Jones Rafferty <brenda.jonesrafferty@gmail.com>
Sent: Monday, May 18, 2020 11:06 AM
To: Public Comment
Subject: Creekside Village Road Acceptance

Dear Town Council,

I purchased my property in Creekside Village with the understanding that the roads would be adopted if constructed according to state and Town specifications. We are primarily retirees and if the roads are not adopted this will present a financial hardship for Creekside residents. **Will the town rebate us a portion of our Weaverville taxes to offset this cost?**

My questions are simple and straightforward:

1. How is it possible that the construction of a housing development with over 100 housing units, which has been in development for over a decade through two developers, has not passed **ANY** interim inspections enabling the Town to confidently accept the roads into its system with adequate assurances of a 20 year life? (The Town has stated that the roads failed inspections. We, the residents, have requested in writing multiple times the failed inspection reports to understand the nature and scope of the detected problems. **There are no inspection records by the Town of Weaverville** that indicate the scope and location of the problems.)
2. How can the Town ignore the history of the developer's interactions with the former Director of Public Works?
3. Why is the Town insisting on the completion of such expensive physical testing prior to its acceptance of the roads into its roadway system?

Numerous town officials, including the Town Lawyer and the Planning Director, have made comments to the effect that the Creekside roads will never become public. ***Are they pre-determining the decision or is this truly a decision the Town Council will make after examining both sides of the issue?***

As homeowners, we expect and are entitled to certain basic Town maintained infrastructure. As far as we know, the homeowners of Creekside Village do not pay a discounted real property rate for residing on private roads. **We therefore urge you to vote to accept these existing private roads into the Town system as soon as possible.**

Brenda Jones-Rafferty
45 Loftin Street
Weaverville, NC 28787

Derek Huninghake

From: Larry and Camille Rollins <larcam.r@gmail.com>
Sent: Monday, May 18, 2020 12:04 PM
To: Public Comment
Subject: Creekside Village - Road Acceptance
Attachments: Creekside Roads.pdf

May 18, 2020

To Members of the Weaverville Town Council:

“Courage is what it takes, to stand up and speak; courage is also what it takes, to sit down and listen.” - Winston Churchill

Today, we live in extraordinary times, brought about by COVID-19. At the same time, it has allowed us to witness all that is good, as well as bad, in our nation. Lacking sound leadership at the top levels, we all flounder, in search of responsible direction. Instead of our leaders taking moral responsibility, we see needless blame. In the end, it is those they serve, who suffer the most.

The Weaverville Town Council will today, consider the issue of accepting the streets within Creekside Village as part of the village system. It has been demonstrated to the town authorities, that during the construction of Creekside under the current developer Serrus, coordination of the street work occurred between Serrus, their contractor, and the Weaverville Director of Public Works, Mr. Tony Laughter. With construction plans approved, both parties understood what was required, to meet the standards for village acceptance of the roads. For their part, using respected and licensed engineers, Serrus and their contractor met those standards. Following the retirement of Mr. Laughter, a new director was named. Suddenly, the standards for acceptance changed, and the coordination efforts between Mr. Laughter and Serrus, were considered meaningless.

Serrus worked with the understanding that Mr. Laughter represented the Town of Weaverville. If that were not the case, it should have been disclosed to Serrus, immediately. Efforts surely would have been made to coordinate construction activity, with the essential party representing the town. Instead, all the tax paying owners in Creekside Village were left with the problem. Many of them like us, are on fixed incomes. This is not what we would expect from those who represent us in the town government. This is not what drew us to Weaverville.

It is our hope that the Village Council embrace the efforts coordinated between Serrus and Mr. Laughter, the former Weaverville Director of Public Works. While Mr. Laughters actions may not have coincided with those of the Town Council, we ask that the Council show the moral responsibility for his actions, as their representative. We, the tax payers of Creekside Village ask for your leadership.

Sincerely,

Robert L. Rollins

Camille M. Rollins

Robert Larry Rollins

Camille M. Rollins

37 Sandstone Drive
Weaverville, NC 28787
larcam.r@gmail.com

May 18, 2020

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Sincerely,



Robert L. Rollins



Camille M. Rollins

Derek Huninghake

From: Linda Engwall <lmengwall96@gmail.com>
Sent: Monday, May 18, 2020 11:51 AM
To: Public Comment
Subject: Adopt Creekside Village Roads

I am writing in support of the adoption of the Creekside Village Roads by the Town of Weaverville. I will not add to the already eloquent letter written by Mary Parker and those from others in the community except to say that when I moved into my home at 64 Loftin St on September 4, 2018, it was my understanding that Creekside Village roads would be town roads. I urge you to follow through and adopt the roads.

Sincerely,

Linda M Engwall
64 Loftin St
Weaverville, NC 28787-8863

May 18, 2020

Town Of Weaverville
30 South Main Street
Weaverville, NC 28787
Allan P. Root, Mayor

Re: Creekside Village Streets

I bought my home in 2016, never thinking someday I would be writing to the City of Weaverville questioning the fact that our streets are not on record as being part of City.

It just seems un-conscionable that the Public Works Engineer did not follow thru on making the inspection, and submit a written report to the City for public records. Our taxes are used for street maintenance.

The Town of Weaverville, City Council, and Dept. of Public Works, should in good faith, see that these streets at Creekside, are entered into the records as being part of the City of Weaverville, And will be properly maintained by the City.

Respectively,

Wilma Withem

Wilma Withem
41 Loftin Street
Weaverville NC 28787

c. City Council Members

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 24 CONCERNING STREETS**

WHEREAS, Town Council of the Town of Weaverville wishes to exercise its authority under N.C. Gen. Stat. § 160A-296 in order to establish regulations and procedures concerning the Town’s public street system; and

WHEREAS, Chapter 24 of the Weaverville Town Code contains the Town’s regulation of streets and sidewalks and it is the desire of Town Council to amend that Chapter to add new regulations;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville, North Carolina, as follows:

1. Chapter 24 of the Weaverville Town Code of Ordinances is hereby amended to add the following as Article V:

CHAPTER 24 – STREETS AND SIDEWALKS

ARTICLE V. – STREET STANDARDS AND ACCEPTANCE OF PRIVATE STREETS AND RELATED INFRASTRUCTURE INTO PUBLIC STREET SYSTEM

Sec. 24-81. – Public Street System – Town Council Discretion

The Town of Weaverville maintains a public street system which includes streets and sidewalks that are publicly maintained and open for use by the public. The public street system also includes curbing and storm drainage systems that are connected or related to the streets.

In its sole discretion the Weaverville town council has the authority and right to determine the location and extent of its public street system and which streets and related infrastructure are to be publicly maintained by the town. Nothing contained in this article should be construed as a limitation on the absolute discretion of town council with regard to the town’s street system.

Regarding the town’s public street system, town council may consider, but is not limited to, the following factors:

general operational needs of the town, general fiscal needs and financial standing of the town, town strategic plans, comprehensive land use plans, economic development, traffic patterns, traffic or transportation plans, interconnectivity to other public streets, location of street, length and width of street and right-of-way area, topography and slope, number and types of uses along the street, affordable housing considerations, standards of construction of street and related infrastructure, anticipated cost of maintenance and repairs to the street, cost of maintenance of the public street system as a whole, any other factor found by town council to be reasonable.

Sec. 24-82. – All Streets are Private Unless Accepted into a Public Street System

All streets are private unless accepted into a public street system. The notation of a “public street” on a recorded plat serves only as an offer of dedication for that street for public use. A developer/owner cannot obligate the town to take over a street. The approval of a plat shall not be deemed to constitute or affect

the acceptance of the town or by the public of the dedication of any street or related infrastructure shown on the plat. Streets remain private until the town (or other public road system such as North Carolina Department of Transportation) formally accepts the street into its public street system.

Sec. 24-83. – Private Street Standards

The minimum streets standards for all private residential streets constructed within the town are the standards set forth in the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards, as the same shall from time to time be amended.

Streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial and industrial uses and manufactured home parks, must be constructed in such a way as to allow reasonable access for the anticipated traffic associated with the specific use being served and for ease of emergency access.

For all private streets constructed within the town, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

Sec. 24-84. – Public Street Standards

In order for a new street to be eligible for acceptance into the town's public street system, a street and its related infrastructure must be constructed in accordance with the town's adopted public street standards, as the same may from time to time be amended. In addition, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

Site visits and observations by the public works department and town review of certain test results are required at the completion of certain critical phases of the street system construction including specifically the following:

- (a) On-site review of site clearing and grubbing prior to grading;
- (b) On-site review of grading and fill operations and review of compaction test results on all fill areas under the roadway;
- (c) On-site review of storm drainage system and review of compaction test results of the storm drainage trench;
- (d) Review of compaction test results for all utilities installed in the roadway;
- (e) On-site review of curb/curb and gutter, sidewalks, and drive entrances;
- (f) On-site review of proof-rolling of the sub-grade material;
- (g) On-site review of installation of the ABC stone base and review of compaction test results;
- (h) On-site review of proof-rolling of the stone base; and
- (i) On-site review of asphalt paving and review of compaction test results.

The developer/owner must notify the public works department at each of the above phases in order to allow the Town's public works department the opportunity to review the work. Failure on the part of the developer/owner to notify public works at each of these critical construction phases may disqualify a

street from eligibility for acceptance into the town's public street system or may cause work to have to be uncovered and redone at the expense of the developer/owner.

Sec. 24 - 85. – Streets Serving Multi-Family Residential, Institutional, Commercial and/or Industrial Uses or Manufactured Home Parks

All streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial or industrial uses or manufactured home parks, will remain private unless, in town council's discretion, such streets further a significant public interest.

Sec. 24-86. – Developer/Owner Declaration Concerning Residential Streets

Prior to development approval, developers/owners constructing new residential streets must declare whether they will be requesting that the new streets be accepted into the town's public street system or are to remain private. Requests for acceptance into the public street system must follow the procedures for a public street commitment as set out in this article and such commitment must be decided prior to development approval.

Residential streets that are declared to be private will not be observed by town representatives and will not be eligible for inclusion into the public street system.

Sec. 24-87. – Public Street Commitment

If a developer/owner wishes to have a street accepted into the town's public street system then the developer/owner must request a public street commitment letter in accordance with this section.

- (a) Application for public street commitment – A developer/owner that desires a public street commitment shall submit such request in writing on such forms and in such detail as prescribed by the town manager.
- (b) Processing fee – At the time of requesting a public street commitment letter, the applicant shall pay to the town a nonrefundable processing fee in the amount set forth in the town's adopted fee schedule.
- (c) Staff review and recommendation – Upon receipt of an application, town staff shall evaluate the request and make recommendations to town council, including any recommended conditions to be included in the commitment letter.
- (d) Town council action – Town council shall consider and take action to either decline acceptance or to issue a declaration of intent to accept streets upon condition that streets be constructed to Town standards with required periodic Town inspections, and/or other conditions as deemed necessary by town council.
- (e) Issuance of street commitment letter – Upon town council approval the town manager will issue a street commitment letter outlining the conditions imposed and requirements for town verification of compliance with conditions and requirements, and applicable time limits. The street commitment letter is transferable by the applicant, but is only valid for the original project and for streets and related infrastructure that are the same as or substantially similar to what was originally proposed.
- (f) Expiration, termination, and revocation of public street commitment letter –

- (1) A public street commitment is valid for one (1) year from its issuance but, upon request, may be extended for an additional one (1) year period by the town manager upon a showing of good reason for the delay.
- (2) Once construction of a street has begun the developer/owner must use reasonably diligent efforts to complete the construction of the street in a reasonable time. If more than one (1) year elapses from the commencement of construction without any work being done on the street, then the street shall be deemed abandoned and the commitment letter shall terminate.
- (3) If a developer/owner fails to call for on-site observation of critical construction phases by town representatives or conduct the required testing, or if town standards have not been met, then the public works director shall report such information to town council and the public street commitment letter is subject to revocation by town council.
- (4) The developer/owner will be given an opportunity to be heard by town council concerning termination or revocation of the public street commitment letter.

Sec. 24-88. – Existing Private Streets

Owners of existing private streets were provided an opportunity to request a public street commitment from January 27, 2020, through May 1, 2020. Unless a public street commitment application is in process prior to May 1, 2020, private streets are not eligible for acceptance into the town's street system.

Sec. 24-89. – Report and Recommendation of Public Works Director

Prior to town council's acceptance of any street and related infrastructure into the public street system, the public work's director shall submit a report and recommendation for town council's consideration. The report should address the developer/owner's compliance with any conditions or requirements stated in the public street commitment letter. The report should also include a recommendation as to the amount of a reasonable repair guaranty.

Sec. 24-90. – Warranty and Repair Guaranty.

As a condition of acceptance into the public street system, all streets and related infrastructure shall be warranted by the person, corporation or company making the improvements for a period of two (2) years from the date of final approval which warranty shall be in writing and include an indemnification clause, agreeing to indemnify and hold the town harmless from any such claims during the two-year warranty period. As a condition of acceptance into the public street system, the developer/owner shall be required to submit a repair guaranty in a reasonable amount set by town council for three (3) years following the warranty period.

Sec. 24-91. – Street Right-of-Way Plat.

Once the street and related infrastructure, or any required repair work, are completed and approved by the public works department, developer/owner shall provide to the public works department a proposed recordable plat showing the as-built streets and related infrastructure and the right-of-way to be conveyed.

The public works director, planning director, and town attorney are to review the proposed plat to determine its adequacy and provide recommendations as they deem appropriate to town council.

Sec. 24-92. – Formal Acceptance of Street and Related Infrastructure.

Once the street and all related infrastructure have been completed, the right-of-way plat has been prepared and approved by the public work's director, planning director, and town attorney, and the public work's director has prepared and submitted his/her report and recommendation, or at any other time requested by the developer/owner, the town manager will put the request for acceptance on the next available town council regular meeting agenda so that town council can consider the request.

Town council will be asked to consider acceptance of the street and related infrastructure into the Town's public street system.

Sec. 24-93. – Post Acceptance Recordation.

If accepted and approved by town council, developer/owner must, at its expense, record the approved plat and convey the right-of-way by deed to the town in a form approved by the town attorney.

Sec. 24-94. – Limitation of Town Representative Responsibility.

Participation of town representatives in any on-site review or observation is for town purposes only and should not be relied upon by the developer/owner for engineering inspection and certification purposes.

Sec. 24-95. – Appeal of Administrative Decisions

Any administrative decision concerning the public street system is appealable to town council. Such an appeal must be submitted in writing to the town clerk within 30 days of the administrative decision and the writing must include the reasons for or basis of the appeal.

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2. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.
 3. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the 18th day of May, 2020, by a vote of 4 in favor and 0 against.



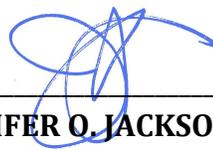
ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney