



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, September 28, 2020**

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/85948891960>

The Town Council for the Town of Weaverville met for a special called meeting on Monday, September 28, 2020, at 6:45 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, Jeffrey McKenna and Patrick Fitzsimmons.

Staff members remotely present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, 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 6:45 p.m.

2. Public Hearing: Annexation and Initial R-3 Zoning for Conrad Property on Reems Creek Road

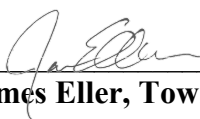
Councilman Nagle noted the need to recuse himself from the conversation based upon a close familial relationship with the property owner. Councilman Fitzsimmons motioned to have Councilman Nagle recused. Vice Mayor Jackson seconded and via a roll call vote all voted unanimously.

Mr. Eller noted that the public hearing had been duly advertised and spoke to the particulars of the property and the voluntary annexation and initial zoning request. Mr. Eller made particular note that an initial zoning of R-3 is requested but the Planning and Zoning Board offered a unanimous recommendation of R-2 due to a slightly larger minimum lot area and a prohibition of manufactured housing which differentiate the R-2 and R-3 zoning districts. Planning Board Chairman Gary Burge also spoke regarding the Planning Board's recommendation.

Bernie and Paul Conrad spoke to their desire to have the property zoned as R-3 upon annexation.

3. Adjournment

Mayor Root declared the meeting adjourned at 6:58 p.m.



James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, September 28, 2020**

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/85948891960>

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, September 28, 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, Jeffrey McKenna and Patrick Fitzsimmons.

Staff members remotely present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, 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

With no comment related to the agenda, Mayor Root declared the agenda adopted.

3. Approval of Minutes

With no comment related to the minutes, Mayor Root declared the minutes adopted.

4. General Public Comment

On a temporary basis due to the COVID-19 public health emergency, general public comments must be submitted in advance of the meeting. Comments are limited to no more than 450 words and must observe normal rules of decorum. Only comments that are timely received will be read into the record during the public comment period. Public comments can be submitted (1) by **emailing** to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a **drop box** at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) by **mailing** your written comment (must be received not later than Monday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

No public comments were received.

5. Consent Agenda

Councilmember Sherrill moved for the approval of the Consent Agenda. Vice-Mayor Jackson seconded the motion and in a roll call vote all voted to approve all action requested in the Consent Agenda listed below. Motion passed 5-0.

- A. Monthly Tax Report** – Submitted from the Buncombe County Tax Department.
- B. Board Appointments** – Transitioning Racheal Bronson from an alternate member to a regular member of the Planning and Zoning Board. Appointment of Suzanne Devane and Bob Pace as alternate members of the Planning and Zoning Board.
- C. Budget Amendment** – Related to the additional revenue for the coronavirus relief fund and cops for kids program.
- D. Approval of WCCHL Programming Letter** – Setting forth the preliminary plans for programming through the Weaverville Center for Creative and Healthy Living.

6. Town Manager’s Report

Town Manager Coffey presented her Manager’s report to Council which included information related to a potential solar project in conjunction with Buncombe County to determine if any municipal facilities are appropriate for the placement of solar panels; the filming of music series events to be posted to the Town’s YouTube channel; a sales tax revenue update; and an update on Community Center fundraising efforts.

7. Discussion and Action Items

A. Revaluation Presentation.

Keith Miller, an assessor with the Buncombe County Tax Department, provided a presentation to Council on the 2021 reappraisal process. Mr. Miller also addressed various questions from Council.

B. Code Amendment to Code Section 28-95 Concerning Prohibited Parking in Fire Lanes.

Ms. Coffey informed Council that the North Carolina Fire Code requires dead end streets to be constructed with an appropriate cul-de-sac or hammerhead intersection to provide for suitable turnaround areas for emergency services vehicles. As such, it is important for these areas to remain free of obstruction including parked vehicles. Ms. Coffey recommended to Council an amendment to code section 28-95 to prohibit parking within cul-de-sacs and hammerhead intersections that serve as fire truck turn arounds by designating them as fire lanes.

Vice-Mayor Jackson moved to approve the proposed code amendment. Councilmember Sherrill seconded the motion and in a roll call vote all voted to approve the code amendment. Motion passed 5-0.

C. Code Amendment to Chapter 22 Concerning Solid Waste Penalties.

Ms. Coffey offered a recommendation to Council which would increase the civil penalty leveled against violators of the Town’s solid waste ordinance specifically related to the disposal of hypodermic instruments. Said increase would transition the penalty from its current \$50 to \$500.

Councilmember Nagle moved to approve the proposed code amendment. Councilmember McKenna seconded the motion and in a roll call vote all voted to approve the code amendment. Motion passed 5-0.

D. Water Treatment Plant Expansion Project Update and Reimbursement Resolution.

Ms. Coffey informed Council that staff has taken the preliminary steps to secure an engineering firm through the advertisement of a request for qualifications and to develop funding options including the issuance of additional revenue bonds. Since costs are typically incurred at this point Ms. Coffey requested that Council adopt a reimbursement resolution so that those expenses can be considered for reimbursement out of potential bond proceeds.

Vice-Mayor Jackson moved to approve the proposed reimbursement resolution. Councilmember Sherrill seconded the motion and in a roll call vote all voted to approve the resolution. Motion passed 5-0.

E. Christmas Parade.


A discussion occurred related to whether or not the Town will be conducting a Christmas parade for in light of the current situation related to COVID-19. It became the consensus of Council that no Christmas parade will be held in 2020.

F. Quarterly Report: Public Works and Water Department.

Public Works Director Pennell presented Town Council with the quarterly report for the Public Works Department.

8. Adjournment

Mayor Root declared the meeting adjourned at 8:30 p.m.



James Eller, Town Clerk

**ORDINANCE AMENDING
WEAVERVILLE TOWN CODE CHAPTER 22
CONCERNING SOLID WASTE PENALTIES**

WHEREAS, in 1998 the Town enacted Code Chapter 22 entitled Solid Waste and now wishes to amend certain sections of that ordinance;

WHEREAS, the Town wishes to amend Code Section 22-10 to update the applicable penalties for solid waste violations, and to set out a specific penalty for solid waste disposal violations pertaining to hypodermic syringes and other related instruments;

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

1. Section 22-10 of the Weaverville Town Code of Ordinances is hereby amended as follows, with deletions shown with strikethroughs and additions shown with underlining:

CHAPTER 22 – SOLID WASTE

ARTICLE I. – IN GENERAL

Sec. 22-10. - Penalty for violation of chapter.

~~Any person continuing to violate any provision or requirement of any section or subsection of this chapter after official notice of violation has been issued to him, or any person willfully failing, refusing or neglecting to comply with any such provision or requirement, shall, in addition to any other remedy, be issued a citation in which a penalty of \$50.00 shall be assessed for each offense, with each day of violation being a distinct and separate offense. Upon failure to pay the penalty, a civil action may be instituted to enforce collection of the penalty.~~

Except as specifically provided herein, violations of this chapter shall be subject to penalties and enforcement as set out in Code Section 1-6.

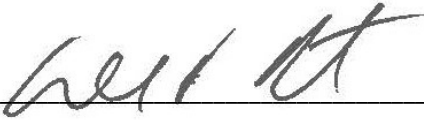
Due to the significant risk to the health and safety of town personnel in handling solid waste containing improperly safeguarded hypodermic instruments, any person disposing of hypodermic instruments in a manner that violates Code Section 22-52(e) shall, without notice, be assessed a civil penalty of \$100 per hypodermic instrument, up to a maximum of \$500 per bag.

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.

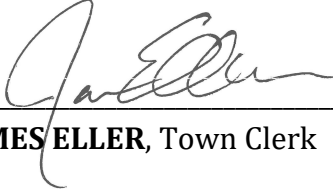
3. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the 28th day of September, 2020, by a vote of 5 in favor and 0 against.



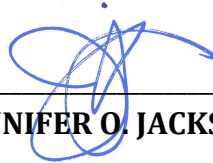
ALLAN P. ROOT, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



**ORDINANCE AMENDING
WEAVERVILLE TOWN CODE SECTION 28-95
CONCERNING PROHIBITED PARKING IN FIRE LANES**

WHEREAS, the Town enacted Chapter 28 entitled Traffic and Parking under its authority in N.C. Gen. Stat. §§ 160A-296, 160A-300, and 160A-301;

WHEREAS, Section 28-95 sets out a list of areas in which parking is prohibited, including designated fire lanes;

WHEREAS, the North Carolina Fire Code requires dead end streets to be constructed with an approved cul-de-sac or hammerhead intersection as a turnaround for fire apparatus;

WHEREAS, it is important for the preservation of life and property for these turnarounds to remain clear of obstructions, including parked vehicles;

WHEREAS, the Weaverville Town Council wishes to amend Section 28-95 of its Code of Ordinance in order to specifically designate cul-de-sacs and hammerhead intersections as fire lanes and prohibit parking in those areas;

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

1. Section 28-95 of the Weaverville Town Code of Ordinances is hereby amended as follows, with deletions shown with strikethroughs and additions shown with underlining:

Sec. 28-95. - Parking prohibited in certain places.

No person shall stop, stand or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places, unless parking within a marked parking space:

- (13) In any area designated as a fire lane, including but not limited to cul-de-sacs and hammerhead intersections serving as fire apparatus turnarounds, and designated fire lanes in shopping centers or mall parking lots and all other public vehicular areas; provided, however, persons actively engaged in loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.
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 28th day of September, 2020, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



TOWN OF WEAVERVILLE
RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM
PROCEEDS OF BORROWING ON WATER TREATMENT PLANT EXPANSION PROJECT

WHEREAS, on July 27, 2020, the Weaverville Town Council adopted a resolution of intent to expand the Town's Ivy River Water Treatment Plant (the "WTP Expansion Project") in order to provide water to current and anticipated customers well into the future; and

WHEREAS, the WTP Expansion Project will include the construction of facilities and installation of equipment that will double the WTP's current production capacity, resulting in up to 3 million gallons of treated water produced per day; and

WHEREAS, the cost of the WTP Expansion Project has not yet been estimated but the Town experts to finance the WTP Expansion Project on a long-term basis by issuing tax-exempt bonds or other tax-exempt obligations (collectively the "Bonds"); and

WHEREAS, because Bonds may not be issued prior to commencement of the WTP Expansion Project, the issuer must provide interim financing to cover costs of the WTP Expansion Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, the Weaverville Town Council deems it to be necessary, desirable, and in the best interest of the Town to advance moneys from its funds on hand on an interim basis and to secure conventional financing to pay the costs of the WTP Expansion Project until the Bonds are issued;

Now, therefore, **BE IT RESOLVED** by the Town Council of Weaverville, North Carolina, that:

SECTION 1. EXPENDITURE OF FUNDS. The Town of Weaverville shall make expenditures as needed from its funds on hand to pay the cost of the WTP Expansion Project until proceeds of the Bonds become available.

SECTION 2. DECLARATION OF OFFICIAL INTENT. The Town of Weaverville hereby officially declares its intent under U.S. Treas. Reg. Sec. 1.150-2 to reimburse said expenditures with proceeds of the Bonds.

SECTION 3. UNAVAILABILITY OF LONG-TERM FUNDS. No funds for payments for the WTP Expansion Project, from sources other than Bonds, are or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Town pursuant to its budget or financial policies.

SECTION 4. PUBLIC AVAILABILITY OF OFFICIAL INTENT RESOLUTION. The Resolution shall be made available for public inspection at the office of the Town Finance Officer within 30 days after its approval in compliance with applicable state law governing the availability of records of official acts, and shall remain available for public inspection until the Bonds are issued.

SECTION 5. EFFECTIVE DATE. This Resolution shall be effective upon its adoption and approval.

THIS the 28th day of September, 2020.


TOWN OF WEAVERVILLE



Allan P. Root, Mayor



ATTESTED BY:



James Eller, Town Clerk