



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, December 21, 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, December 21, 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 7:02 p.m.*

#### **2. Public Hearing: Rezoning of 16 Reems Creek Road from I-1 to R-3**

Mr. Eller described the property and proposed rezoning from I-1 to R-3, including the unanimous recommendation from the Planning Board in favor of the proposed rezoning. No public comment was made in advance of or during the public hearing.

#### **3. Approval/Adjustments to the Agenda**

*Without objection Mayor Root declared the agenda adopted by consent.*

#### **4. Approval of the Minutes**

*With no comment related to the minutes and no objection, Mayor Root declared the minutes of the November 23, 2020 regular meeting and the December 8, 2020, regular workshop adopted.*

#### **5. 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](mailto: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.

Mr. Eller read into the record comments offered by e-mail from Steve Rotundo asking Council to consider the prohibition of tobacco use on municipal properties, a copy of which is attached to these minutes.

## 6. Consent Agenda

*Vice-Mayor Jackson moved for the approval of the Consent Agenda. Councilmember Fitzsimmons 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** – *Information only – submitted by Buncombe County Tax Department.*
- B. **Budget Amendment: Cops for Kids, CRF Funds, Police Grant, Pink Patch Project** – *Approved budget amendment reflective of amendments to cops for kids, coronavirus relief funds, a grant for the police department and the pink patch project.*
- C. **Budget Amendment: Community Center Project Fund** – *Transfer from contingency to fixtures and equipment.*
- D. **Annexation Agreement with Woodfin** – *Set public hearing for January 25, 2021, at 7pm via zoom.*
- E. **Waterline Acceptance for Northridge Commons Townhouses** – *Approved subject staff level approval by the Town Manager, Town Attorney and Public Works Director, and with a repair guarantee of \$15,000.*

## 7. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to polling sites for elections, USDA bond closing, sales tax update, coronavirus relief funds and a Red Cross blood drive.

## 8. Discussion and Action Items

### A. Manufactured Home Overlay District.

Mr. Eller presented Council with information related to the consideration of a manufactured home overlay district as called for by the comprehensive land use plan. This information included a notice of public hearing, proposed ordinances and a staff report related to the overlay district. Councilmember Nagle noted that the Planning Board had been reviewing language presented by staff over the previous months and that a recommendation from the Board would be prepared in advance of the public hearing.

*Councilmember Nagle motioned to set a public hearing on the proposed zoning text and map amendments related to the manufactured home overlay district and revisions to R-3 for January 25, 2021 at 7pm, or at such time as Council reaches the matter, with the public hearing to be held via zoom. Councilmember Sherrill seconded and in a roll call vote all voted in favor of the motion.*

### B. MS4 Stormwater Program Compliance

Ms. Jackson presented to Council information related to the Town's compliance with the MS4 stormwater program. NCDEQ was recently audited by the EPA for compliance which has resulted in much closer scrutiny of MS4 permits issued to North Carolina jurisdictions. The Town was recently audited and, consistent with the vast majority of the other jurisdictions, deficiencies were found with certain components of the MS4 permit which constitute a violation of the Clean Water Act. Ms. Jackson indicated that staff has developed a plan to gain compliance as outlined in the November 16th letter and notice of violation. She will be taking the lead on the project with the majority of this work being the drafting of a stormwater management plan that will serve as a transition plan which will yield compliance within a 5 year period. Engineering assistance from WithersRavenel as a consulting engineer on the remaining self-audit requirements is recommended and a budget amendment in the amount of \$5,000.00 was requested for that engineering assistance. Town Council was asked to formally declare support for a compliant stormwater management program through adoption of a resolution.

*Vice-Mayor Jackson motioned to approve the resolution affirming the Weaverville Town Council's support regarding implementation of a compliant NPDES MS4 stormwater program and the budget amendment for professional engineering services in the amount of \$5,000. Councilmember Fitzsimmons seconded and in a roll call vote all voted in favor of the motion.*

**C. Town Charter Amendments**

Ms. Jackson reviewed the next steps to further Town Council’s conversation from its regular workshop meeting on December 8 which proposed to amend the Town Charter to increase the number of councilmembers from five to six and to provide the elected mayor with the right to vote on all matters before Town Council. She reviewed a proposed resolution of intent, a notice of public hearing and a proposed ordinance.

*Councilmember Nagle motioned to adopt the resolution of intent to consider an ordinance amending the charter of the Town of Weaverville to change the number of councilmembers from five to six and to provide the elected mayor the right to vote on all matters, and setting a date of January 25, 2021 at 7pm, or at such time as Council reaches the matter, for a public hearing thereon. Councilmember Fitzsimmons seconded and in a roll call vote all voted in favor of the motion.*

**D. 2021 Meeting and Holiday Calendar**

MS. Coffey present the proposed 2021 meeting and holiday schedule for Town Council.

*Councilmember Sherrill motioned to adopt the proposed calendar as presented. Councilmember McKenna seconded and in a roll call vote all voted in favor of the motion.*

**E. Quarterly Report – Public Works and Water Departments**

Public Works Director Pennell presented Town Council with the quarterly report for the Public Works and Water Departments.

**9. Closed Session**

Vice-Mayor Jackson made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(5) in order to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract; and pursuant to N.C.G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment of an individual public officer or employee. Councilmember Fitzsimmons seconded the motion and without objection Town Council went into closed session.

All meeting attendees, except the Mayor, Vice Mayor and Councilmembers were placed in the waiting room and the closed session meeting was locked during the closed session.

[CLOSED SESSION]

Councilmember McKenna made a motion to exit closed session and return to open session. Vice Mayor Jackson seconded the motion. All voted in favor and the open session meeting resumed.

**10. Adjournment**

*Mayor Root declared the meeting adjourned at approximately 8:20 p.m.*

  
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**James Eller, Town Clerk**

**From:** [Steve Rotundo](#)  
**To:** [scoffey@weaverville.org](mailto:scoffey@weaverville.org)  
**Cc:** [James Eller](#)  
**Subject:** Lake Louise Park (Playground, Shelters & Exercise Area)  
**Date:** Monday, May 04, 2020 8:12:14 AM

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Good Morning Ms. Coffey,

First and foremost, thank you and your staff for navigating through these uncharted waters, and providing leadership and guidance necessary to keep the town of Weaverville functioning, and it's citizens safe.

Prior to this big shift in our daily routines, I had a conversation with Mr. Eller regarding the potential for creating smoke free areas at Lake Louise Park. Mr. Eller referred me to you to continue the discussion.

Clearly, you have your hands full with all that needs to be addressed with regard to the quarantine, and that until Lake Louise Park is fully open it will not be a priority. So I am writing to at least plant the seed for future discussion and action with regard to making the playground, picnic shelters, and exercise area at Lake Louise Park non-smoking areas .

I am both a parent and grandparent who takes his children to the playground on a regular basis, when it's not closed due the current protections. During several visits to the park in the last year, I was surprised to see a parent smoking while monitoring or helping their child play on the equipment. Unfortunately, the smoke from the parent's cigarette was affecting other children and parents who were trying to enjoy their time at the playground. Some of who cut their visit short due to the cigarette smoke.

Please consider this possibility of making the above mentioned areas smoke free while you and your staff are also considering when to re-open the Park for public use. If there is anything I can do help make this possible, please let me know.

Thank again for all that you and your staff are doing for the our town!

Regards,  
Steve Rotundo  
828-273-9683

**RESOLUTION AFFIRMING THE WEAVERVILLE TOWN COUNCIL'S  
SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT  
NPDES MS4 STORMWATER PROGRAM**

**WHEREAS**, Section 402(p) of the federal Clean Water Act requires National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges from municipal separate storm sewer systems (MS4) in order to protect water quality; and

**WHEREAS**, in North Carolina, NPDES permits are issued by the North Carolina Department of Environmental Quality (NCDEQ); and

**WHEREAS**, NCDEQ issued the Town of Weaverville its second NPDES MS4 Permit for discharge of stormwater on February 20, 2017; and

**WHEREAS**, the Town of Weaverville was issued Notice of Violation number NOV-2020-PC-0479 on November 16, 2020, for noncompliance with the issued NPDES MS4 Permit; and

**WHEREAS**, the Town of Weaverville acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES MS4 Permit; and

**WHEREAS**, the Town of Weaverville acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by NCDEQ and to develop a draft stormwater management plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 permit requirements, and to submit its draft stormwater management plan to the NCDEQ no later than 120 days from November 16, 2020, for review and approval; and

**WHEREAS**, the Town of Weaverville acknowledges the specific Notice of Violation requirement to adopt a Council resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit #NCS000448 and the required new stormwater management plan, and said resolution is to be submitted to NCDEQ no later than 60 days from November 16, 2020; and

**WHEREAS**, the Town of Weaverville acknowledges the requirement to provide adequate funding and staffing to implement a stormwater management program that complies with its NPDES MS4 Permit and approved stormwater management plan; and

**WHEREAS**, the Town of Weaverville acknowledges that NCDEQ enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2020-PC-0479; and

**WHEREAS**, the Town of Weaverville acknowledges that any NCDEQ enforcement action and penalties may not prohibit the US Environmental Protection Agency (EPA) from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

**NOW, THEREFORE BE IT RESOLVED**, that the Weaverville Town Council hereby affirms its support for development and implementation of a compliant stormwater management program that meets the requirements of the Town of Weaverville's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit #NCS000448 to discharge stormwater, inclusive of a required stormwater management plan to be prepared by the Town of Weaverville and approved by the North Carolina Department of Environmental Quality.

**ADOPTED** this the 21st day of December, 2020.

  
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**ALLAN P. ROOT**, Mayor

  
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**JAMES ELLER**, Town Clerk



**RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF WEAVERVILLE TO CHANGE THE NUMBER OF COUNCILMEMBERS FROM FIVE TO SIX AND TO PROVIDE THE ELECTED MAYOR THE RIGHT TO VOTE ON ALL MATTERS, AND SETTING THE DATE FOR A PUBLIC HEARING THEREON**

**WHEREAS**, pursuant to G.S.160A-101 and 160A-102, the Town Council of the Town of Weaverville may adopt an ordinance to amend the Charter of the Town to implement any of the optional forms set out in G.S. 160A-101; and

**WHEREAS**, G.S. 160A-102 requires that proposed Charter amendments first be submitted to a public hearing and that due notice thereof be published not less than ten (10) days prior to the date fixed for the public hearing;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Weaverville that:

1. The Town Council hereby intends to consider an ordinance amending the Charter of the Town of Weaverville, as set forth in Chapter 335 of the 1909 Private Laws of North Carolina , as amended, to change the number of councilmembers from five to six, as authorized by G.S. 160A-101(5), beginning with the 2021 municipal elections, and to provide the elected mayor with the right to vote on all matters before Town Council as authorized by G.S. 160A-101(8), beginning with the organizational meeting of Town Council following the 2021 municipal elections.
2. A public hearing on the proposed ordinance is hereby called as a remote electronic meeting to be held at 7:00 pm on Monday, January 25, 2021, or as soon thereafter as the matter can be reached.
3. Following the public hearing called hereby, the Town Council shall consider passage of the ordinance at its regular meeting on Monday, February 22, 2021.
4. The Town Clerk is hereby directed to cause to be published in the Weaverville Tribune a proper notice of the public hearing called, which notice shall contain a summary of the proposed Charter amendments.

**ADOPTED** this 21st day of December, 2020.

  
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**ALLAN P. ROOT**, Mayor

**ATTESTED BY:**  
  
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**JAMES ELLER**, Town Clerk

