



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, July 26, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, July 26, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

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

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, and Water Superintendent Trent Duncan.

1. Call to Order

Mayor Al Root called the meeting to order at 7:00 p.m.

Upon calling the meeting to order Mayor Root noted that with the closing of the filing period for the upcoming municipal election ended, Councilmember Fitzsimmons would be running unopposed as the next Mayor of the Town. Mayor Root also stated that he would be tendering his resignation to Town Council at the Monday, August 10 workshop with an effective date of August 23 in order to begin the transition sooner and permit Town Council to elect a mayor to serve the remainder of his term.

2. Approval/Adjustments to the Agenda

Vice Mayor Jackson motioned to adopt the agenda as presented. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0

3. Approval of the Minutes

Councilmember Sherrill motioned to adopt the minutes as amended. Such amendment was reflective of a correction to a motion to adjourn the July 13 joint meeting of Council and the Planning Board. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0.

4. General Public Comment

General public comments may be submitted either during the meeting or in writing in advance of the meeting. Normal rules of decorum apply to all comments. The general public comments section of the meeting will be limited to 20 minutes and priority will be given to those commenters in attendance. Individuals presenting comments during the meeting are generally limited to 3 minutes. Written comments that are timely received will be provided to Town Council, included as part of the minutes of the meeting, and read into the record during the 20 minute general public comment period as time

allows. Written comments are limited to no more than 450 words and can be submitted as follows: (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, (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. For more information please call (828)645-7116.

Though several public comments were received in writing prior to the meeting, Mayor Root instructed Mr. Eller to read these comments into the record later in the meeting as each were pertaining to discussion and action agenda item 7E.

5. Consent Agenda

Councilmember Sherril moved for the approval of the Consent Agenda. Councilmember Fitzsimmons seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 4-0.

- A. **Year-End Tax Report** – *Information only – submitted by Buncombe County Tax Department.*
- B. **Budget Amendment: Recycling Grants** – *Budget amendment approved as presented.*
- C. **Waterline Acceptance: Amblers Chase** – *Accept the waterline extension and related improvements into the Town's water system subject to staff level approval by the Town Manager, Town Attorney and Public Works Director and set the repair guarantee at \$25,000.*
- D. **North Buncombe Fire District Service Agreement** – *approve the services contract and the budget amendment to create a special revenue fund and transfer the relevant line items of revenues and expenditures from the general fund to the new special revenue fund.*

6. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to the grand opening of the Community Center, a Recreation Coordinator update, a bike/ped plan update, Saturday Summer Music Series, the comprehensive pay & classification study update and Art in Autumn 2021.

7. Discussion and Action Items

A. Community Center Change Order #5.

Change order number five was presented to Council which represented a \$4,015.90 increase in construction cost due to an increase in cost for the replacement of an uninstalled dishwasher with a high temperature unit and a decrease in cost due to the deletion of unused signage. Mr. Pennell described the proposed changes, which had been reviewed and recommended for approval by the project architect and noted that he and Ms. Coffey supported the approval of the change order and corresponding budget amendment as well.

Vice Mayor Jackson motioned to approved change order #5 and corresponding budget amendment as presented. Councilmember Sherrill seconded and all voted in favor. Motion passed 4-0.

B. Performance Pay Plan Follow-up.

Ms. Coffey, at the direction of Council from the previous month's meeting, presented to Council a proposal for awarding merit or performance pay to employees in place of the traditional method of a combined cost of living adjustment (COLA) and merit pay. The plan called for a revision of the Town's employee performance evaluation form, allows supervisors to rate an employees performance based upon several variables and formalized an improvement action plan for employees rates as below expectations in any area.

Councilmembers Fitzsimmons and McKenna spoke in favor of the transition to a merit pay increase system in place of the current combination of COLA and merit. Vice Mayor Jackson spoke in opposition to completely eliminating Cola.

Upon being prompted by the Mayor for public comment, Michele Wood, Thomas Veasey and Catherine Cordell spoke to Council regarding the proposed performance pay plan and shared their apprehension toward completely eliminating COLA from the pay plan.

Councilmember McKenna motioned to adopt the performance pay plan. Councilmember Fitzsimmons seconded and Councilmember Sherrill also voted in favor of the motion. Vice Mayor Jackson cast a dissenting vote. Motion passed 3-1.

C. USCellular Perpetual Easement Final Proposal.

Ms. Coffey presented Council with information reflective of a \$270,000 perpetual easement from USCellular for their cell tower located on Town property off Quarry Road. Councilmember McKenna voiced his support for the perpetual easement and offered a recommendation that proceeds from the easement be devoted to phase 2 of the Community Center project. Vice Mayor Jackson and Councilmember Fitzsimmons agreed.

Vice Mayor Jackson motioned to accept the proposal from USCellular. Councilmember Sherrell seconded and all voted in favor. Motion passed 4-0.

D. ADA Transition Plan Update.

Ms. Jackson presented Council with information related the implementation of the ADA transition plan. Of note were improvements which were made to municipal facilities over the previous year and others which are anticipated in the upcoming year.

E. Municipal Election 2021.

Ms. Coffey reported that Board of Elections staff has toured the Community Center and is expected to use the facility as a precinct beginning with the election this fall. Through conversation it became the consensus of Council to establish one day of early voting and to consider an ordinance prohibiting firearms at polling locations.

Upon being prompted by the Mayor for public comment, Nell Kelly, John Brown, Louise Root and Michele Wood each expressed their support for the proposed ordinance banning firearms at polling locations. Mr. Eller read into the record four written public comments from Homer Warters, Mollie Warlick, Amolia Willowsong and Rod and Beth Mangum each stating their support of the prohibition of firearms at polling locations.

Councilmember Fitzsimmons motioned to establish one day of early voting for the fall election, such date being October 30, 2021, and to adopt the proposed ordinance prohibiting firearms at polling locations and in all Town facilities. Councilmember Sherrill seconded and all voted in favor. Motion passed 4-0.

F. American Rescue Plan Update.

Ms. Dozier presented to Council a proposed grant project ordinance and summary of key deadlines in relation to the first installment of Coronavirus State and Local Fiscal Recovery Funds in the amount of \$641,697.31. A second payment of the same amount is expected to be received in 12 months.

Councilmember Fitzsimmons made a motion to adopt the grant project ordinance. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0.

G. Quarterly Report – Finance.

Ms. Dozier presented Town Council with the quarterly report for the Finance Department.

H. Quarterly Report – Planning.

Mr. Eller presented Town Council with the quarterly report for the Planning Department.

8. Closed Session.

Councilmember Fitzsimmons made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Councilmember Sherrill seconded the motion and all voted in favor. Motion passed 4-0.

[CLOSED SESSION]

Councilmember Fitzsimmons made a motion to exit closed session and return to open session. Councilmember McKenna seconded the motion. In a 4-0 vote in favor closed session was ended and the open session meeting resumed.

9. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember McKenna seconded and all voted in favor. Meeting adjourned at 9:10 p.m.



James Eller, Town Clerk

**GRANT PROJECT ORDINANCE FOR THE TOWN OF WEAVERVILLE
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

WHEREAS, the Town of Weaverville wishes to accept the Coronavirus State and Local Fiscal Recovery Funds and to adopt a grant project ordinance in order to provide for the proper accounting of the revenues received and qualified expenditures made;

BE IT ORDAINED by the Town Council of the Town of Weaverville, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). The Town of Weaverville has received the first tranche in the amount of \$641,697.31 of CSLRF funds. The total allocation is \$1,283,394.62, with the remainder to be distributed to the Town within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law:

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amounts are appropriated for the project and authorized for expenditure:

CSLRF Project	\$1,283,394.62
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Section 3: The following revenues are anticipated to be available to complete the project:

CSLRF Funds	\$1,283,394.62
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Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the town, whichever occurs sooner.

ADOPTED by Town Council this 26th day of July, 2021, with a vote of 4 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTEST:



JAMES ELLER, Town Clerk

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CONCERNING FIREARMS**

WHEREAS, the right to vote is a fundamental right and firearms at polling places can serve to intimidate citizens wishing to cast their ballot and can create unsafe situations during elections;

WHEREAS, G.S. 14-409.40(f) allows a municipality to prohibit the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, and in public parks or recreation areas, with the exception that the storage of a firearm within a motor vehicle while the vehicle is on the grounds or areas is permissible;

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

1. Section 16-1 of the Weaverville Town Code is hereby amended as follows, with all amendments adopted in this Ordinance being shown in red with added language underlined and deleted language shown with strike-throughs:

Sec. 16-1. Handgun Firearm regulations.

- (a) *Prohibition of firearms handguns*. No person shall possess, use, or carry any firearm, whether open carried or concealed, ~~concealed handgun~~ on property or facilities posted by the town as described hereinafter, except as authorized hereinafter or by state law.

Facilities posted by the town are as follows:

Bus Garage	13 Central Avenue
Course View Storage Tank	Course View Drive
Debose Dubose Hill Storage Tank	Old Home Road (end)
Eller Cove Storage Tank	Eller Cove Road
Hamburg Pump Station	Hamburg Drive
High Bluff Storage Tank	High Bluff Drive
Le Perrion Pump Station	Le Perrion Avenue
Motor Grader Building	58 Lakeshore Drive
Old Pool Building	46 Lakeshore Drive
Ox Creek Storage Tank	Ox Creek Road
Rabbit Ridge Storage Tank	Flicker Trail
Tin Building	35 West Lakeshore Drive
Water Treatment Plant	Sams Road
Weaverville Fire Department	3 Monticello Road
Weaverville Public Works	15 Quarry Road
Weaverville Town Hall	30 South Main Street
<u>Community Center at Dottie Sherrill Knoll</u>	<u>60 Lakeshore Drive</u>

This may not be an inclusive list of facilities prohibiting concealed carry and the town may add facilities to this list as long as they meet the requirements of subsection (b).

- (b) *Posting of signs required.* The town manager is ordered to post appropriate signage at each building or portion of a building owned, leased as lessees, operated, occupied, managed, or controlled by the town, as well as the appurtenant premises to such building and facilities, indicating that concealed handguns are prohibited in that building as well as the appurtenant premises. Concealed handguns are permitted in the parking areas of any town building or recreations facility provided they are secured in the trunk, glove box, or other enclosed compartment within a locked motor vehicle.
- (c) *Location of signs.* The signs described herein above shall be visibly posted on the exterior of each entrance by which the general public can access the building or appurtenant premises.
- (d) *Recreational facilities identified.* The town does not operate any recreational facilities as defined by G.S. § 14-415.23.

2. Section 16-8 of the Weaverville Town Code is added as follows:

Sec. 16-8. Firearms Prohibited at Polling Places

The possession of any firearm, whether concealed or carried openly, in any Town owned or operated facility, or on the grounds or in any parking lot associated with such facility, is expressly prohibited while such facility is being used as a polling or voting place, either for early voting or election day voting, and where proper signage is posted. Nothing herein shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on those grounds or in those parking areas.

- 3. 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.
- 4. These amendments shall be effective upon adoption and codified on that date.

ADOPTED THIS the 26th day of July, 2021, by a vote of 4 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:


JAMES ELLER, Town Clerk

APPROVED AS TO FORM:


JENNIFER O. JACKSON, Town Attorney