



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, October 25, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, October 25, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Doug Jackson, and Councilmembers John Chase, Jeffrey McKenna 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, Water Superintendent Trent Duncan and Recreation Coordinator Shelby Stovall.

1. Call to Order

Mayor Patrick Fitzsimmons called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

Councilmember McKenna requested that the appointment of Councilmember Chase to the French Broad River Metropolitan Planning Organization be added to the consent agenda as agenda item 5G. Ms Coffey requested that a road closure ordinance for the Christmas parade be added as consent agenda item 5H.

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

3. Approval of the Minutes

Councilmember McKenna motioned to adopt the minutes as presented. Councilmember Sherrill 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.

Kevin Ude of 20 Alabama Avenue spoke to Council regarding a request to strengthen the town's noise ordinance.

Elizabeth Swann of 19 Alabama Avenue spoke to Council regarding a request to strengthen the town's noise ordinance.

Cameron Patton, on behalf of the Weaver House, spoke to Council regarding his willingness to work with the town related to noise complaints.

Mr. Eller read a written comment submitted by Beth Mangum supporting Weaver House on Main Street.

5. Consent Agenda

Councilmember Sherril moved for the approval of the Consent Agenda. Councilmember McKenna 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. Monthly Tax Report and Tax Collector's Settlement** – *Information only – submitted by Buncombe County Tax Department.*
- B. Budget Amendment – Police, Fire and Public Works** – *Budget amendments related to the police department, fire department and public works.*
- C. Budget Amendment – Community Center** – *Budget amendment related to the Community Center project.*
- D. Source Water Resiliency and Response Plan** – *Notice provided pursuant to NCGS 130-320 of the development and implementation of a SWRRP*
- E. Set Public Hearing for 11/22/21at 7pm on Code Amendments for Chapter 20 regarding Flag Lots and Technical Changes** – *Public hearing set for ordinance amendments.*
- F. Board Appointments** – *Appointment to the Planning Board*
- G. Nomination of Councilmember John Chase the FBRMPO** – *Councilmember Chase appointed to the FBRMPO*
- H. Road Closure Ordinance** – *Closure of Main Street for the Christmas Parade.*

6. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to a public wifi system, 2021 Christmas parade, an update on the Woodfin annexation agreement, remote & hybrid meeting procedures, the November Town Council workshop and multi-factor authentication for network security.

7. Discussion and Action Items

A. Tailgate Market Request

Lori Jenkins spoke to Council regarding the Weaverville Tailgate Market Request for use of Community Center indoor space. Councilmember Sherril and Vice-Mayor Jackson shared their reservations related to the request. Through conversation it became the consensus of Council to have Ms. Coffey and Ms. Jenkins to work on an agreement with the tailgate market for use of the facility.

B. Fee Schedule Amendments – Facility Fees

Ms. Stovall presented information related to an update of the facility fees for the Community Center to Town Council.

Councilmember McKenna made a motion to approve the revised facility fees with the additional of a maximum daily fee. Councilmember Chase seconded and all voted in favor of the motion. Motion passed 4-0.

C. US Cellular Easement Acquisition Agreement

Ms. Jackson presented Council with information related to the proposed easement agreement with US Cellular. The possible increase in the height of the tower as allowed by the easement agreement and other provisions within the easement agreement led Town Council to reconsideration its willingness to convey a perpetual easement. The lease agreement that has a term beginning January 1, 2022, will be unaffected.

Vice Mayor Jackson motioned to decline the easement agreement as presented. Councilmember Chase seconded and all voted in favor. Motion passed 4-0.

D. Update on Criminal Justice Reform and Proposed Code Amendment

Ms. Jackson presented Council with information related to recent legislative changes which affects the town's police department operations and the decriminalization of certain types of code violations. With an effective date of December 1, ordinance violations will be unenforceable under criminal law unless action is taken by Town Council to provide otherwise. An ordinance was presented as a stop gap measure until staff can provide a fuller analysis and recommendation.

Councilmember Sherrill motioned to adopt the ordinance revisions presented. Vice Mayor Jackson seconded and all voted in favor. Motion passed 4-0.

E. Annexation Petition for 25+ Acres on Ollie Weaver Road

Mr. Eller presented Council with information related to the proposed voluntary annexation including the location of the properties, the aggregate acreage of the properties and the desired zoning district and use of the properties if annexed. Mr. Eller also noted that the action requested of Council, ordering the Town Clerk to investigate the sufficiency of the annexation, would not bind Council to a particular action in future deliberations on the petition. Ms. Jackson noted that there is no set timeframe for Council to consider the annexation petition.

Doug Theroux provided his opinion that the annexation petition was invalid due to a discrepancy in the acreage shown on the GIS system and irregularities related to the correction of the date on the application.

Warren Sugg spoke to the validity of the annexation petition.

Vice Mayor Jackson motioned to adopt the proposed resolution ordering the Town Clerk to investigate the sufficiency of the annexation. Councilmember Sherrill seconded and all voted in favor of the motion. Motion passed 4-0.

F. Quarterly Report – Planning

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

G. Quarterly Report – Finance

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

8. Closed Session.

Councilmember Sherrill motioned to enter closed session as per NCGS Chapter 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 Chase seconded and all voted in favor of the motion. Motion passed 4-0.

[Closed Session]

Councilmember Sherrill motioned to exit closed session. Councilmember McKenna seconded and all voted in favor of the motion to exit closed session and re-enter open session.

9. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember Chase seconded and all voted in favor. Meeting adjourned at 9:45 p.m.



James Eller, Town Clerk