



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, March 28, 2022**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, March 28, 2022, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC with remote access via zoom.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Jeff McKenna, and Councilmembers Doug Jackson, John Chase, Catherine Cordell, Andrew Nagle and Michele Wood.

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 Resources Superintendent Trent Duncan.

### **1. Call to Order**

*Mayor Patrick Fitzsimmons called the meeting to order at 6:00 p.m.*

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

*Councilmember Nagle moved for the approval of the agenda. Vice Mayor McKenna seconded the motion. Via a roll call vote all voted in favor of the motion to approve all the agenda. Motion passed 7-0.*

### **3. Consent Agenda**

*Councilmember Jackson moved for the approval of the Consent Agenda. Vice Mayor McKenna seconded the motion. Via a roll call vote all voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 7-0.*

- A. Resolution Ratifying Town Council Action on February 28, 2022** – ratification of nine action items from the February meeting of Council
- B. Town Council Minutes** – approved February 28, 2022 regular meeting minutes of Council
- C. Board Appointment – Planning Board** – Removal of Suzanne Devane from the Planning Board and appointment of Mark Endries as a regular member of the Board to fill the vacancy created
- D. Monthly Tax Report** – Information only; submitted by Buncombe County Tax Department
- E. Budget Amendment – Community Center (Rec Complex)** – Budget amendment for donations made to the Community Center
- F. Northridge Commons Townhomes – Notice of Minor Modification** – notification of a minor modifications made to Northridge Commons Townhomes regarding square feet
- G. Proclamations – Earth Day and Arbor Day**

#### **4. Town Manager's Report**

Ms. Coffey presented her Manager's report to Council which included information related to Arbor Day, public wifi and an elections precincts update.

#### **5. 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@weaverville.org](mailto:public-comment@weaverville.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.

Mr. Eller read a statement regarding general public comment during Town Council meetings. Mr. Eller also noted that no comments had been received via email, or written comment through the drop boxes or mail.

James Heintz spoke to Council regarding the proposed Ollie Weaver project and the Weaverville water system.

Joy Pansiera spoke to Council regarding the walking trail around Lake Louise and a desire to have Lakeshore Drive converted to one-way traffic.

Larry Scott spoke to Council regarding the proposed Ollie Weaver Development.

Mr. Eller noted that no member of the public attending remotely via zoom had identified themselves as wishing to make a public comment.

*Mayor Fitzsimmons closed the public comment period.*

#### **6. Discussion and Action Items**

##### **A. Bike/Ped Study Presentation**

Kristy Carter and Rachael Bronson of Traffic Planning and Design spoke to Council regarding status of the Bicycle and Pedestrian project. Direction was sought on the policy questions of new development, redevelopment, pedestrian context areas, sidewalk waivers and future land planning. It became the consensus of Council to organize individual meetings with Traffic Planning and Design to share their thoughts on the project.

##### **B. Ollie Weaver Road Project**

Ms. Jackson presented information to Council regarding the proposed Ollie Weaver project broken down into the individual decision eligible to be made on the water allocation, initial zoning request, and voluntary annexation. Ms. Jackson noted that the Public Hearing related to the matter were held during the February Town Council meeting.

A potential annexation agreement was presented which would annex the property at a later date if the zoning could be agreed upon in the interim. Individual members of Council questioned why this information was not made available prior to the meeting or if such an agreement is necessary. *Councilmember Nagle made a motion to deny the R-12 zoning request for the properties identified as Buncombe County Parcel Identification Numbers 9733-73-5347, 9733-83-1054, and 9733-83-3019, to deny the water commitment application based on a need to conservatively approach water requests for properties outside of the Town's municipal limits at this time, and to take no action on the pending annexation petition at this time. Vice Mayor McKenna seconded the motion. In a roll call vote the motion passed 6-1, with Mayor Fitzsimmons voting against the motion.*

**C. Initial Consideration of Conditional District – Duke Energy Substation**

Mr. Eller presented Council with an application for a conditional district and supporting documents and plans which had been submitted by Duke Energy for a potential substation adjacent to Hickory Lane and Aiken Road and described variables related to the property. James Shepard appeared remotely via zoom to represent the application and answer questions offered by Town Council.

Mr. Eller requested that Council send the application for a conditional district and supporting documents and plans for the next phase of conditional district review.

*Councilmember Jackson motioned to send the application to the Planning Board. Councilmember Cordell seconded the motion. Via a roll call vote all voted in favor of the motion. Motion passed 7-0.*

**D. Update on GIS Implementation**

Mr. Eller presented Council with information related to the implementation of a Town GIS system as called for within the comprehensive land use plan reporting that the zoning layer of the map had gone live on the town's website and described the next phases of the project such as the mapping of the Town's water system and stormwater system.

**E. Code Amendment – Dog Waste Disposal**

Ms. Jackson presented Council with a proposed ordinance concerning dog waste disposal, reporting that the EPA considers dog waste a pollutant of water bodies.

*Councilmember Chase motioned to approve the ordinance amending Town Code Chapter 4 concerning dog waste disposal as written. Councilmember Cordell seconded the motion. In a roll call vote the motion passed 6-1, with Councilmember Nagle voting against the motion.*

**F. Update on Water Regionalization Conversations**

Mayor Fitzsimmons updated Council regarding meetings that have been held with regional authorities related to the Town's water system.

**G. Recreation Complex Update**

Mr. Pennell presented information to Council related to the proposed phase two of the Community Center Project. Said information included a schematic design of portions of the property to be used for recreational opportunities including an area for lawn games, shelter, tennis court, pickleball courts, half basketball court, relocated trail, asphalt drive, handicap parking and a renovation of the former pool building into storage and ADA accessible public restrooms.

Council gave staff unanimous consent to proceed with the project as shown and develop a budget reflective of the project.

**H. Quarterly Report – Public Works and Water**

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

**7. Adjournment.**

*Councilmember Chase motioned to adjourn the meeting. Councilmember Jackson seconded the motion. In a roll call vote the motion passed 6-1, with Councilmember Nagle voting against the motion. Meeting adjourned at approximately 8:20 p.m.*



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**James Eller, Town Clerk**

DRAFT

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE  
CHAPTER 4 CONCERNING DOG WASTE DISPOSAL**

**WHEREAS**, the Environmental Protection Agency (EPA) considers dog waste a pollutant of water bodies and it is most often introduced into receiving waters by way of stormwater runoff;

**WHEREAS**, dog waste left on the ground also increases exposure to community members, especially to children who play outside and other pets, to bacteria, viruses and parasites, including the following: fecal coliform and salmonella bacteria; certain parasites including hookworms, roundworms & tapeworms; and a virus known as toxoplasma gondii;

**WHEREAS**, in 2013 the Town enacted certain ordinance provisions that are now found in Article III of Code Chapter 4 entitled “Dogs;”

**WHEREAS**, Town Council and now wishes to add a section to that ordinance pertaining to dog waste disposal;

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

1. Section 4-77.1 of the Weaverville Town Code of Ordinances is hereby added:

CHAPTER 4 – ANIMALS  
ARTICLE III – DOGS  
DIVISION 1. GENERALLY

**Sec. 4-77.1. Dog Waste Disposal.**

- (a) Any person owning, harboring, walking, in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owner, shall remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner.
- (b) Persons owning, harboring, walking, in possession of or in charge of a dog on public property, public park property, public right-of-way or any private property without the permission of the private property owner shall carry a bag, or other container that closes, which is suitable for removing feces deposited by the dog.
- (c) Any violation of this section shall constitute a non-criminal violation punishable by a fine or a civil penalty in accordance with Town Code Section 1-6.

(d) The provisions of this section shall not apply to a guide dog, hearing dog, or service dog accompanying any person with a disability if the disability would reasonably hinder compliance.

(e) Nothing in this section shall prevent a private citizen from bringing an action to abate a nuisance or from bringing an action for damage, loss or injury to the private citizen or his property resulting from the animal being a public nuisance.

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 March, 2022, by a vote of 6 in favor and 1 against.



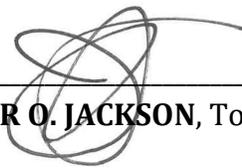
**PATRICK FITZSIMMONS**, Mayor

**ATTESTED BY:**



**JAMES ELLER**, Town Clerk

**APPROVED AS TO FORM:**



**JENNIFER O. JACKSON**, Town Attorney



