



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, May 23, 2022**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, May 23, 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 and Councilmembers Doug Jackson, John Chase, Catherine Cordell, and Michele Wood. Councilmembers remotely present were: Vice Mayor McKenna and Andrew Nagle.

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. Public Hearing: FY 2022-2023 Budget

Ms. Coffey again briefed Council on the proposed 2022-2023 fiscal year budget originally presented during the April 25, 2022, meeting of Council. As per NCGS 159-12(b) the governing board shall hold a public hearing at which time any persons who wish to be heard on the budget may appear.

Bruce Gudger, Doug Sims, Amanda Soule, Scott Moss and Jeff Tracy each spoke expressing concern about pay for fire department employees.

No comments were offered from those attending remotely.

3. Public Hearing: Conditional District for Duke Energy Substation

Mr. Eller presented information related to the proposed conditional district for a Duke Energy substation on a 33.75 acre tract in the vicinity of Aiken Road and Hickory Lane. It was noted that the proposed conditional district had been reviewed by the Planning Board and that a unanimous favorable recommendation was tendered. Mr. Eller reviewed the noticing of the public hearing and the applicant reviewed the required community meeting that was held by the applicant.

Bernie Conrad spoke to Council regarding the location of the substation on the subject property.

Nadine Hamby, attending remotely, spoke to Council regarding activity on the subject property in close vicinity to Creekside Drive.

Jason Walls of Duke Energy spoke to Council regard the conditional district proposal for a substation adjacent to Aiken Road and answered questions of Town Council and others.

4. Public Hearing: Code Amendments – Solar Collectors, Sidewalk Waivers and Technical Change

Mr. Eller presented information related to the proposed zoning text amendments concerning regulations of solar collectors, sidewalk waivers, and one technical change, and noted the requisite noticing of the public hearing and the unanimous positive recommendation from the Planning Board on the matter. There were no comments that were offered by public, either in person or attending remotely.

5. Approval/Adjustments to the Agenda

Councilmember Jackson moved for the approval of the agenda as amended. Councilmember Cordell seconded the motion. Via a roll call vote all voted in favor of the motion to approve all the agenda. Motion passed 7-0. Such amendment was to maneuver the order of discussion and action items.

6. Consent Agenda

Councilmember Jackson moved for the approval of the Consent Agenda. Councilmember Cordell 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. Town Council Minutes – *approved April 25, 2022, regular meeting minutes of Council*

B. Town Council Minutes – *approved May 14, 2022, special called workshop minutes of Council*

C. Monthly Tax Report – *Information only; submitted by Buncombe County Tax Department*

D. Budget Amendment – Police – *Budget amended for various police department matters*

E. Budget Amendment – Community Center – *Budget amended for donations made*

F. Annual Presentation of Town Manager Policies – *Facility use policy delegated to Town Manager; otherwise information only*

G. Code Amendment: Repeal of Town Issued Fishing Licenses - *approved*

H. Notice of Minor Modification – *Information only; minor modification of a previously approved conditional district for the development commonly known as Garrison Reserve*

I. Financial Audit Contract – *Approved Engagement letter and contract between the town and Gould Killian CPA Group*

7. Town Manager’s Report

Ms. Coffey presented her Manager’s report to Council which included information related to the upcoming citizens academy schedule, a special called workshop, a reception for Fire Chief Williams and the Memorial Day program.

8. 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.

Mayor Fitzsimmons read a statement regarding public comment during Town Council meetings. Mr. Eller also noted that one comment had been received in advance of the meeting and distributed to Town Council.

Gail Canty spoke to Council regarding an upcoming art auction which may be of interest to the Town. Brenda Edward spoke to Council sharing her support for the Fire Department.

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.

9. Discussion and Action Items

A. Conditional District for Duke Energy Substation

Ms. Jackson briefed the Board on the Conditional District review process and noted that Councilmember Nagle was an adjoining property owner. Councilmember Nagle recused himself from a vote on the matter.

Mr. Eller presented information related to the proposed conditional district for a Duke Energy substation on a 33.75 acre tract in the vicinity of Aiken Road and Hickory Lane. It was noted that the proposed conditional district had been reviewed by the Planning Board and that a unanimous favorable recommendation would be presented to Town Council at their May 23 meeting. It was the previous public hearing was duly advertised and the community meeting requisite of conditional districts had been held by the applicant.

Ms. Jackson noted that the conditions of the conditional district must be agreed upon by both the town and the applicant.

Jason Walls the regional director of government and community relation for Duke Energy spoke to Council on behalf of the proposed conditional district. Pamela Lindquist, Leigh Butler, James Shepard also were available. Mr. Walls spoke to the need of the project to support the growth of the community, provided a project description and described the particulars of the property. Mr. Shepard spoke to the increased buffer that will be provided to some of the neighboring properties at the request of the Planning Board, the topography of the site, and the attempt to retain as much of the present tree canopy.

Councilmember Nagle inquired as to the tax value of the property and structure once completed. Ms. Jackson described how properties and structures are taxed which are subject to review by the Department of Revenue rather than local taxing authorities.

Councilmember Nagle spoke to how the property could be developed under current residential R-3 zoning. Mr. Eller spoke to the potential for this project to reallocate 270 dwelling units worth of water back into the system for future development and water allocations.

Upon the questioning of Councilmembers Jackson and Cordell, Mr. Walls and Mr. Shepard spoke to the visual impacts on neighboring property owners. Mr. Shepard further described the chosen placement of the substation on the property to minimize excessive grading, mitigate the need for retaining walls and preserve the existing tree canopy.

Ms. Jackson wished to confirm Duke Energy's consent to the proposed conditions recommended by the Planning Board and which were present in the packet of information distributed to Town Council and the applicant. Mr. Walls answered in the affirmative on behalf of Duke Energy.

Mayor Fitzsimmons motioned to adopt the ordinance regarding the conditional district with the particular conditions as presented. Councilmember Jackson seconded the motion. Via a roll call vote all voted in favor of the motion. Motion passed 6-0 with Councilmember Nagle having recused himself from voting.

B. Update on Regional Water Discussions

Mayor Fitzsimmons updated Council regarding meetings that have been held with regional authorities related to the Town's water system. Mayor Fitzsimmons also offered his recommendations to Town Council as a result of these discussions. These recommendations included the development of a more aggressive tiered pricing system for water, the application for state funds in conjunction with the Town of Marshall, a retrofit of the water line connection to Mars Hill, the connection of the Town's water system to that of Woodfin Water District, the negotiation of an extra water supply from the City of Asheville and the expansion of the water treatment plant.

C. Ollie Weaver Road Project – Water, Zoning and Annexation

Ms. Jackson briefed Council on the evolution of the project and applications including a recommendation from Ms. Coffey that Town Council approve the water request conditioned upon the property's annexation into municipal limits. Ms. Jackson also noted that two actions are necessary for Town Council to consider the adoption of R-3 zoning upon annexation. These actions are to waive the waiting period for subsequent zoning requests and to refer the zoning application to the Planning Board for review and set a public hearing on the matter.

Hobbie Orton spoke to Council on behalf of the application.

Councilmember Cordell motioned to waive the waiting period for subsequent zoning requests. Councilmember Jackson seconded the motion. The motion passed in a 6 to 1 roll call vote with Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

Councilmember Wood motioned to refer the zoning application to the Planning Board for review and recommendation and to set a public hearing on the zoning request for June 27. Councilmember Cordell seconded the motion. The motion passed in a 6-1 roll call vote with Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

Councilmember Jackson motioned to grant the water allocation request conditioned upon annexation into the Town. Councilmember Cordell seconded the motion. Via a roll call vote the motion passed in a vote of 6 to 1 with Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

D. Waterline Extension Request – Pleasant Grove Townhomes

Mr. Pennell presented Town Council with information related to a water allocation request for a project consisting of 54 residential units. This information included an application for a water commitment, a proposed water plan and a draft commitment letter.

Mayor Fitzsimmons motioned to grant the water allocation request. Councilmember Jackson seconded the motion. The motion passed in a 5 to 2 roll call vote with Councilmembers Nagle and Cordell cast dissenting votes. Motion passed 5-2.

E. Code Amendments for Solar Collectors, Sidewalk Waivers and a Technical Change

Mr. Eller described the code amendments which would create a set of additional standards for solar collector systems, expand the criteria the Board of Adjustment may consider when granting sidewalk waivers and a technical change related to a reference to the Planning Board.

Councilmember Jackson motioned to adopt the proposed code amendments as presented. Councilmember Wood seconded. Via a roll call vote all voted in favor of the motion. Motion passed 7-0.

F. Weaverville Center for Creative and Healthy Living Update

Tom Balestrieri provided an update to Council regarding the activity of the WCCHL at the Community Center.

G. Parking Update

Councilmember Cordell provided Council with information obtained from the informal monitoring of parking downtown indicating that in general there are parking spaces in the downtown area.

H. I-26 Bridge Replacement Project

Ms. Jackson provided information to Council related to an impending bridge replacement project on I-26 which would require a temporary construction easement, a permanent drainage easement, a permanent right-of-way and a right of entry agreement for access to Quarry Road. Each of these specific to property owned by the Town. A payment of \$11,000 is being proposed for the aforementioned easements and agreements.

Councilmember Jackson motioned to accept compensation in the amount of \$15,000 for the requested easements and agreement. Councilmember Wood seconded. Upon further discussion the motion was withdrawn.

Mayor Fitzsimmons motioned to propose a counteroffer of \$25,000 for the requested easements and agreement. Councilmember Chase seconded. Via a roll call vote all voted in favor of the motion. Motion passed 7-0.

I. Quarterly Report – Fire Department

Chief Williams presented Town Council with the quarterly report for the Fire Department.

J. Quarterly Report – Police Department

Chief Davis presented Town Council with the quarterly report for the Police Department.

10. Adjournment.

Prior to adjournment Council Member Nagle spoke regarding the compensation level of employees of the Fire Department.

Without objection Mayor Fitzsimmons declared the meeting adjourned. Meeting adjourned at approximately 8:45.



James Eller, Town Clerk

**ORDINANCE ESTABLISHING THE
CONDITIONAL DISTRICT DESIGNATED AS CD-6
FOR THE DUKE ENERGY SUBSTATION ON AIKEN ROAD**

WHEREAS, the proposed project consists of the construction of an electric utility substation on 33.75 acres located on Hickory Lane and Aiken Road and bearing Buncombe County Parcel Identification Number 9732-72-5148, which is owned by Duke Energy Progress, LLC, as shown in Deed Book 5729 at Page 1868; and

WHEREAS, the property is bounded by the public road known as Aiken Road to the North, and private properties to the South, East and West;

WHEREAS, the property is currently zoned R-3 and the Town's Code of Ordinances requires that a conditional district be approved for a utility substation use; and

WHEREAS, the conditional district application was submitted by Duke Energy Progress, LLC, the property owner; and

WHEREAS, the Town of Weaverville has the authority pursuant to Chapter 160D of the North Carolina General Statutes to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and to amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, Section 20-3203 of the Code of Ordinances of the Town of Weaverville establishes the procedures and requirements for zoning property to Conditional Districts; and

WHEREAS, the Planning Board of the Town of Weaverville has reviewed the project and submitted a favorable recommendation along with its statement finding the reasonableness of the project and consistency with the Comprehensive Land Use Plan; and

WHEREAS, Town Council adopts the Planning Board's findings that the project is consistent with the Town's Comprehensive Land Use Plan in that it provides necessary infrastructure to support the existing land uses and the growth contemplated by the Plan; and

WHEREAS, the proposed substation is fully compliant with the setback requirements for the R-3 zoning district;

WHEREAS, the property owner held a community meeting on May 5, 2022, as required by Town Code Sec. 20-3203(e)(2) and after proper notice, and provided a report to Town Council on the meeting which indicated that the issues that were discussed included the following:
_____;

WHEREAS, a formal traffic analysis was not conducted as one was not required for this use; and

WHEREAS, after proper notice required by law, Town Council held a public hearing on this application on May 23, 2022, in accordance with North Carolina law, at which time public input on this proposed development was taken;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE THAT:

1. The zoning classification of that certain real property described in Book 5729 at Page 1868, Buncombe County Registry and which bears Buncombe County Parcel Identification Number 9732-72-5148 is changed from R-3 to a conditional district known as CD-6 and is subject to compliance with the conditions set out herein. The official zoning map of the Town of Weaverville shall be amended to reflect this change upon the effective date of this ordinance.
2. The following conditions shall apply:
 - a. The project is to be constructed in substantial compliance with the Conditional District Plans dated 8 February 2022, which include the following:
 - i. Renderings of the project and the existing trees that are to remain on the property;
 - ii. Area of selected clearing;
 - iii. Transmission line right-of-way;
 - iv. Approximate size and location of a stormwater management feature;
 - v. Footprint of the substation;
 - vi. New driveways/streets to provide interior access; and
 - vii. Ground elevations showing both the height of the substation and transmission lines in relation to the topography and the existing trees that are to remain.
 - b. The project shall be constructed in substantial compliance with the Conditional District Site Plan dated 14 February 2022 which includes the following:
 - i. Sheet 1 – Coversheet;
 - ii. Sheets 2-4 – Surveys;
 - iii. Sheet 5 – Overall Site Plan; and
 - iv. Sheets 6-7 – Detailed Site Plans
 - c. Sidewalks are not required within the project or along Aiken Road or Hickory Lane.
 - d. All driveways/streets within the project shall be private. Said private driveways/streets shall be constructed to standards set forth in the North Carolina Department of Transportation subdivision road minimum construction standards.

- e. Adequate security of the property and the substation must be installed and maintained, including but not limited to a gate which restricts access to the property and fencing surrounding the substation, all as shown on Sheet 5 of the Conditional District Site Plan.
 - f. Adequate off-street parking spaces must be provided as parking on or along Aiken Road and Hickory Lane is expressly prohibited.
 - g. Construction related vehicles must be parked on the property and not on the public streets or the shoulders of those public streets. All dirt, mud, construction materials, or other debris deposited on the public streets as a result of construction activities must be removed by the contractor or owner on a daily basis, pursuant to Code Section 22-48.
 - h. All outdoor lighting on the property shall include blocking, shielding, and aiming of so as to minimize light trespass on to adjoining properties. The outdoor lighting plan must be submitted and approved in conjunction with a zoning permit application.
 - i. The developer has indicated a willingness to maintain all trees except for those which must be removed for the construction of the substation, transmission line area, and driveway/streets or those that are endangering the buildings. On the areas of the property which abut a residentially zoned property a minimum 30-foot landscape buffer must be maintained or installed. A landscaping plan must be submitted and approved in conjunction with a zoning permit application.
 - j. Compliance with Buncombe County sedimentation and erosion control standards and with Buncombe County's stormwater regulations is required.
 - k. All construction must be completed within 24 months of the issuance of the permit allowing work to begin on the property. Upon request of the owner/developer, Town Council may, in its sole discretion, grant such extension as Town Council deems appropriate under the circumstances.
 - l. Code Section 20-3203 shall continue to govern the project including, but not limited, to those provisions regarding issuance of zoning permits, modifications, appeals, and final plat approval.
3. That the Town Zoning Administrator is hereby authorized and directed to make the changes as herein enacted on the official zoning map with said Conditional District labeled as "CD-6" and to issue a zoning permit for the improvements that are to be made in compliance with this Conditional District.
 4. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, it will be up to Town Council to determine if the validity of the remaining portions of this ordinance is affected.

4. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, it will be up to Town Council to determine if the validity of the remaining portions of this ordinance is affected.
5. That all ordinances and clauses of ordinances contained within the Town's Code of Ordinance which are in conflict herewith, are hereby repealed to the extent of such conflict.
6. That this ordinance is effective immediately.

ADOPTED THIS the 23rd day of May, 2022, with a vote of 6 for and 0 against, with Councilmember Andrew Nagle excused from the vote due to a conflict of interest.



PATRICK FITZSIMMONS, Mayor



JAMES ELLER, Town Clerk



OWNER CONSENT TO CONDITIONS:

DUKE ENERGY PROGRESS, LLC



_____, Manager

Date: *5/25/22*

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20
CONCERNING SOLAR COLLECTOR SYSTEMS, SIDEWALK WAIVERS,
AND TECHNICAL CHANGES**

WHEREAS, the Planning Board met January 4, 2022, March 2, 2022, and April 5, 2022, in order to discuss certain Code amendments that would define and regulate solar collector systems, amended the standards for sidewalk waivers, and to review proposed technical changes to correct typographical errors;

WHEREAS, the Planning Board found that the proposed code amendments concerning solar collector systems and sidewalk waivers are consistent with the Town’s comprehensive land use plan and are reasonable and in the best interest of the public in that such amendments provide for more orderly development by regulating a previously unregulated use;

WHEREAS, the Planning Board also found that the proposed technical change is consistent with the Town’s comprehensive land use plan and are reasonable and in the best interest of the public in that they correct a typographical error currently in the Code;

WHEREAS, after proper notice the Town Council held a public hearing on May 23, 2022, in order to receive input from the public on the amendments related to solar collector systems, sidewalk waivers, and the proposed technical changes;

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

1. The findings and recommendations of the Planning Board are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town’s adopted comprehensive land use plan.
2. Code Section 20-1202 is hereby amended to add the following definition:

Solar Collector System. The components and subsystems required to convert solar energy into electric or thermal energy suitable for use.

Solar Collector System – Roof-Mounted. A solar collector system attached to the roof of a primary or accessory structure. Included within this definition are solar canopies which are attached to primary, or accessory structures or a secondary dwelling.

Solar Collector System – Ground-Mounted. A freestanding solar collector system mounted on the ground using either a metal frame or pole, or other structural framework. Included within this definition are solar canopies which are freestanding and not attached to a primary or accessory structure or a secondary dwelling.

3. Code Section 20-3205 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-3205. Table of uses.

The following notes shall be applicable to the Table of Uses established herein.

- (1) Additional standards for those uses identified on the Table of Uses as "permitted with standards" are found in article III of part III of this chapter.
- (2) If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the zoning administrator shall make a determination on which use most closely resembles the proposed use and shall apply those regulations and restrictions. Such determination may be made as a formal interpretation, or as part of an issuance or denial of a zoning permit or a notice of violation. The zoning administrator's determination is subject to an appeal of an interpretation which shall be heard by the board of adjustment.

- (3) The abbreviations and symbols shown in the Table of Uses have the following meanings:

"C" = Conditional District required

"P" = Permitted

"PS" = Permitted with Standards

"-" = Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
UTILITIES								
<u>Solar Collector System – Primary Use</u>	-	-	-	-	-	-	<u>PS</u>	-
MISCELLANEOUS USES								
<u>Solar Collector System – Roof Mounted – Accessory Use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Solar Collector System – Ground Mounted – Accessory Use</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>

4. Code Section 20-3323 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-3323. Accessory structures.

- (a) The footprint of accessory structures within any residential zoning district shall not exceed the following maximum footprint(s).

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

- (1) The footprint of any structure defined as "dwelling - secondary" shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Code section 20-3309.
 - (2) The footprint of any structure defined as "solar collector system – ground mounted" shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Code section 20-3327.
 - (3) The footprint of any accessory structure implemented with any use defined as "agriculture - commercial" or "agriculture - neighborhood" shall not be included in the calculation of foot print for accessory structures but such structures shall meet the additional standards established by Code section 20-3305 and Code section 20-3306.
- (b) Accessory structures shall not exceed the height of the primary structure and in no event exceed 25 feet.
 - (c) Accessory structures shall only be located within the side or rear yard of the primary structure and shall only be permitted within the setbacks established by the applicable zoning district.
 - (d) Accessory structures providing common facilities for residential developments, including but not limited to a clubhouse, mail receptacle facilities, pool house, rental or property management office, shall not be subject to the footprint limits or location requirements established in this section.

5. Code Section 20-3327 is hereby added as follows:

Sec. 20-3327. – Solar Collector Systems

- (a) Solar collector systems of any kind, regardless of whether they are primary or accessory uses, shall not be placed within the setbacks established by the underlying zoning district.
- (b) Ground mounted solar collector systems that are accessory uses shall only be located within the side or rear yard of the primary structure, except as provided by subsection (c) below.
- (c) In order to provide for reasonable availability of solar collector systems on double fronted and corner lots, ground mounted solar collector systems are allowed in one of the "front" yards for double-fronted or corner lots. All setbacks are still applicable and attempts should be made to place it in the "front" yard that has the least public view.
- (d) Ground mounted solar systems that are accessory uses shall not exceed 25% of the footprint of the primary structure.
- (e) Ground mounted solar collector systems that are accessory uses shall not exceed the height of the primary structure on the property and in no case be taller than 15 feet as measured from finished grade to the highest point of the structure.
- (f) Ground mounted solar collector systems, whether a primary use or an accessory use, that are abandoned or are no longer operational must be timely removed and failure to do so

may result in the revocation of the zoning permit and/or other enforcement action. For purposes of this section abandonment of a solar collector system means that the system has not been in use for 180 consecutive days or more, regardless of any intent or efforts to resume the use.

6. Code Section 20-3108 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-3108. Quasi-judicial zoning decisions.

(e) *Sidewalk waivers.* The board of adjustment shall hear and decide all requests for waivers of sidewalk requirements, with a majority vote of the members based on competent, material, and substantial evidence. Limitations and standards applicable to sidewalk waivers are as follows:

(1) Sidewalk requirements imposed by a conditional district or special use permit are not eligible for a waiver of such sidewalk requirements.

(2) Major subdivisions are not eligible for a waiver of the sidewalk requirement for sidewalks on new streets proposed for construction within the major subdivision. Major subdivisions may, however, be granted a sidewalk waiver of the sidewalk requirements along existing streets upon the finding that:

(a) The construction of the sidewalk is proposed to be constructed within an existing right-of-way where sufficient right-of-way or easement width does not exist or cannot be dedicated to build the sidewalk; or

(b) The construction of the sidewalk is not feasible due to special circumstances including but not limited to impending road widening or improvements or severe roadside conditions or slope which would prohibit sidewalk construction; or

(c) The construction of the sidewalk will not meaningfully provide for better pedestrian access and/or connectivity to the existing or proposed pedestrian network or sidewalk system.

(3) Minor subdivisions may be granted a sidewalk waiver upon the finding that:

(a) The construction of the sidewalk is proposed to be constructed within an existing right-of-way where sufficient right-of-way or easement width does not exist or cannot be dedicated to build the sidewalk; or

(b) The construction of the sidewalk is not feasible due to special circumstances including but not limited to impending road widening or improvements or severe roadside conditions or slope which would prohibit sidewalk construction; or

(c) The construction of the sidewalk will not meaningfully provide for better pedestrian access and/or connectivity to the existing or proposed pedestrian network or sidewalk system.

7. The following technical changes are hereby made to Chapter 20: The reference to the “planning and zoning board” in subsection (b) of Code Sec. 20-3110 is amended to read “planning board”.
8. 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.
9. These amendments shall be effective immediately upon adoption and immediately codified.

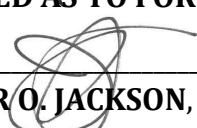
ADOPTED THIS the 23rd day of May, 2022, by a vote of 7 in favor and 0 against.



PATRICK FITZSIMMONS, Mayor

ATTESTED BY:


JAMES ELLER, Town Clerk

APPROVED AS TO FORM:


JENNIFER O. JACKSON, Town Attorney



**TOWN OF WEAVERVILLE
ORDINANCE AMENDING TOWN CODE TO ELIMINATE
TOWN-ISSUED FISHING LICENSES**

WHEREAS, in addition to holding a fishing license issued by the North Carolina Wildlife Commission, Section 18-37(b) of the Weaverville Town Code requires the issuance of a Town fishing license for fishing at Lake Louise and Section 18-37(c) indicates that a fee must be paid and the permit obtained at Town Hall;

WHEREAS, on 22 June 22 2020 and 24 May 24 2021, Town Council took action to temporarily suspend Code Sections 18-37(b) and (c) concerning the issuance of fishing licenses in order to minimize the spread of COVID-19 in order to keep the public and staff as healthy as possible as the COVID-19 public health emergency, and the temporary suspension of these Code sections is due to expire on June 30, 2022;


WHEREAS, historically the revenues generated from fishing licenses helped to defray the cost of stocking Lake Louise with fish, but the North Carolina Wildlife Commission is now, at its expense, routinely stocking the lake with a variety of fish;

WHEREAS, the requirement of Town issued fishing licenses results in an inconvenience and cost to the citizens of the Town wishing to fish at Lake Louise and a significant volume of phone calls and foot traffic in and out of Town Hall;

WHEREAS, Town Council now wishes to permanently eliminate the requirement of Town-issued fishing licenses;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville, North Carolina that subsections (b) and (c) of Section 18-37 of the Weaverville Town Code of Ordinances are hereby repealed effective immediately.

ADOPTED THIS the 23rd day of May, 2022, by a vote of 7 in favor and 0 against.



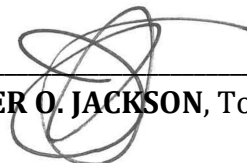
PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

