



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, September 26, 2022**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, September 26, 2022, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC, with remote electronic access by the general public via zoom.

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

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Deputy Clerk Grace Keith, Police Chief and Interim Fire Chief Ron Davis, Public Works Director Dale Pennell, and Water Treatment Plant Supervisor Randall Wilson.

### **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 requested that consent agenda item 3D be moved into the Discussion & Action Items as item 6F. Councilmember Jackson made a motion to approve the agenda as amended.*

*Councilmember Wood seconded the motion. All members voted to approve the motion. Motion passed 7-0.*

### **3. Consent Agenda**

*Councilmember Chase moved for the approval of the Consent Agenda. Vice Mayor McKenna seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below, except that Item D that was moved to discussion Item 6F. Motion passed 7-0.*

- A. **Town Council Minutes** – *Approved August 22, 2022 Town Council regular meeting minutes*
- B. **Monthly Tax Report** – *Information only; submitted by Buncombe County*
- C. **Budget Amendment – Police** – *Budget Amendment approved*
- D. **Report of settlement of Judicial Action and Budget Amendment** – *Moved to Discussion & Action Item as item 6F.*
- E. **Code Amendment – Retail Uses in C-1 Districts** – *Public Hearing set for 10/24/2022 at 6 p.m.*
- F. **Comprehensive Land Use Plan Update** – *Public Hearing set for 10/24/2022 at 6 p.m.*
- G. **Board Appointments** – *Board appointments and reappointments made*
- H. **DWSRF Grant/Loan Application** – *Resolution presented was adopted*

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

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Ms. Coffey presented her Manager's report to Council which included the introduction of the new Deputy Town Clerk, as well as information related to the new Fire Chief, October Town Council Workshop, the fountain at Lake Louise, the I-26 Bridge replacement, and new garbage totes.

## 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@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, (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.

Jennifer Young, Thomas Veasey, Tasha Vanderveer, Tim Devine, Eileen Riehnman, Pam Retzloff, Karin Hadberg, and Lou Accornero spoke in opposition to the LDG Project.

Mark Kendall spoke in favor of the LDG Project.

Mayor Fitzsimmons also noted that Town Councilmembers have received numerous written comments concerning the LDG affordable housing project.

## 6. Discussion & Action Items

### A. Community Center Usage Report

Recreation Coordinator Shelby Stovall presented a facility use report that contained data concerning the use of all spaces in the Weaverville Community Center from September 6, 2021 to September 6, 2022 in celebration of the one year anniversary of the Community Center opening. During that time frame there were a total of 1,035 reservations within the Community Center and Community Room at Town Hall, which generated a total of just over \$35,000.

### B. Water Allocation Request - LDG Multifamily LLC - 171 Monticello Road

Councilmember Jackson disclosed a conflict of interest that he has regarding the property at 171 Monticello Road noting that his family has a direct financial interest in the outcome of Town Council's decision on the matter. Without objection from Town Council Councilmember Jackson was excused from the vote.

Town Council discussed the water commitment application submitted by LDG Multifamily, LLC, for a proposed affordable housing development on property located at 171 Monticello Road. This application requests 56,600 gallons per day off of a 3-inch water meter for a proposed apartment complex consisting of 168 dwelling units.

*Mayor Fitzsimmons motioned to grant the water commitment request conditioned upon annexation into the Town and development approvals of the project by the Town. Councilmember Wood seconded the motion. There being no further discussion, the motion passed in a majority vote with Councilmembers Cordell and Nagle voting no and Councilmember Jackson being excused from the vote due to conflict of interest previously disclosed.*

**C. Town Hall Roof Replacement**

The roof on the Town Hall building is original to the construction of the building that was completed in 2001. It is now at the end of its useful life and several small roof leaks are occurring. Town staff has been informed that repairs will not be particularly effective, and a complete roof replacement has been recommended by more than one roofing company. Manager Coffey recommended proceeding with the roof replacement based on the quote received from WNC Roofing totaling \$48,350.00. There was consensus to proceed with the roof replacement.

*Council Member Nagle motioned to approve the budget amendment for the roof replacement as presented. Council Member Jackson seconded the motion. All voted in favor. Motion passed 7-0.*

**D. Proposed Sidewalk Priority List**

Planning Director, James Eller presented a staff report concerning a proposed sidewalk priority list. This list is intended to provide a list of streets upon which sidewalks will be required as a part of development approvals at the developers' expense and does not obligate the Town to install any sidewalks. The Planning Board reviewed the list and provided a unanimous favorable recommendation for the list and its inclusion within the Comprehensive Land Use Plan.

*There was consensus to include the proposed sidewalk priority list within the public hearing that has been scheduled for October 24, 2022, at 6 pm on the updates to the CLUP. Action to approve the sidewalk priority list and include it within the CLUP could be taken after that public hearing.*

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

Mr. Pennell presented the Town Council with the quarterly report regarding Public Works & Water.

**F. Report of settlement of Judicial Action and Budget Amendment**

In accordance with N.C. Gen. Stat. § 143-318.11(a)(3) the Town Attorney Jackson reported that the Weaverville Town Council approved a \$70,000 settlement of *McKinney vs. Town of Weaverville*, et al., No. 1:21-cv-253, with the Town of Weaverville paying \$20,000 and the North Carolina League of Municipalities paying \$50,000. This settlement was of a disputed claim and was not intended to be an admission of liability, but rather a compromise in order to avoid the expense of litigation, to terminate all controversies between the parties, and to finally resolve all claims by and between the parties. Town Council was asked to approve a budget amendment of \$20,000 related to this settlement.

*Council Member Cordell motioned for the approval of the budget amendment. Council Member Jackson seconded the motion. All voted in favor of the motion. Motion passed 7-0.*

**7. Adjournment.**

*Without objection, Mayor Fitzsimmons declared the meeting adjourned. Meeting adjourned at approximately 7:55 pm.*



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**James Eller, Town Clerk**

## **TOWN OF WEAVERVILLE RESOLUTION CONCERNING APPLICATION FOR GRANTS AND/OR LOANS FOR WATER TREATMENT PLANT PROJECTS**

**WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works; and

**WHEREAS,** The Town currently owns and operates a 1.5 MGD water treatment plant (WTP) and associated water distribution system. This plant was constructed in 1996 and is approaching water production values which trigger mandated actions to begin the planning, design, and construction process for increase capacity of this facility; and

**WHEREAS,** The Town of Weaverville has need for and intends to construct drinking water treatment works projects described in the alternative as:

- (1) Water Supply Resiliency Improvements Project to increase resiliency of the water supply by installing two new generators to service the WTP, back wash pumps and a new high service pump station, and a new liquid chlorine system for the WTP which will convert the treatment process from chlorine gas to sodium hypochlorite; or
- (2) Water Treatment Plant Expansion Project which will double the capacity of the WTP from 1.5 MGD to 3.0 MGD; the expansion of the water treatment plant.

**WHEREAS,** The Town of Weaverville intends to request state grant/loan assistance for the project;

### **NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE:**

That Town of Weaverville, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant/loan award and such award is accepted by **Applicant**.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Weaverville to make scheduled repayment of the loan, to withhold from the Town of Weaverville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That **Selena Coffey, Town Manager**, and **Patrick Fitzsimmons, Mayor**, the **Authorized Officials**, and successors so titled, are hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant and/or loan to aid in the construction of the project described above.

That the **Authorized Officials**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

**ADOPTED** this the 26th day of September, 2022, at Weaverville, North Carolina.



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Patrick Fitzsimmons, Mayor



**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting Town Clerk of the Town of Weaverville does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the 24th day of January, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September, 2022.

A handwritten signature in black ink, appearing to read 'James Eller', written over a horizontal line.

James Eller, Weaverville Town Clerk