



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, November 21, 2022**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, November 21, 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 Fitzsimmons, Vice Mayor Jeff McKenna, and Councilmembers Andrew Nagle, John Chase, Catherine Cordell, and Michele Wood. Councilmember Doug Jackson was remotely present but did not participate in quorum or voting.

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 Ron Davis, Fire Chief Scottie Harris, Public Works Director Dale Pennell, Water Treatment Plant Supervisor Randall Wilson, and Zoom Room Coordinator Lauren Ward.

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

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

*Mayor Fitzsimmons called for a moment of silence to reflect on the hate crimes that are occurring including the Colorado Springs tragedy.*

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

*Vice Mayor Jeff McKenna motioned to approve the agenda. All voted in favor of the motion to approve the agenda. Motion passed 6-0.*

### **3. Conflicts of Interest Statement**

Mayor Fitzsimmons noted that it is the duty of the Mayor and every Town Council Member to avoid both conflicts of interest and appearances of conflicts. Mayor Fitzsimmons asked if any member have any known conflict of interest or appearance of conflict with respect to any matters coming before Town Council.

Councilmember Chase disclosed a conflict of interest that he has regarding the water request at 480 Reems Creek Road noting that his co-worker and friend has a direct financial interest in the outcome of Town Council's decision on item 7E. Councilmember Cordell motioned to accept Councilmember Chase's recusal and excuse him from voting on item 7E regarding 480 Reems Creek Road. All voted in favor. Motion passed 6-0.

#### 4. **Consent Agenda**

*Councilmember Chase moved for the approval of the Consent Agenda. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 6-0.*

- A. **October 24, 2022 Town Council Minutes** – *Minutes approved as presented*
- B. **Monthly Tax Report** – *Information only*
- C. **Budget Amendment – Police** – *Budget Amendment approved*
- D. **Renewal of Tailgate Market Memorandum of Understanding** – *Approved Memorandum of Understanding*

#### 5. **Town Manager’s Report**

Town Manager Coffey presented her Manager’s report to Council which included the announcement that The Town was Awarded Certificate of Achievement Award for Excellence in Financial Reporting, as well as information related to the Christmas Parade, meeting dates during the Holidays, the need for a replacement of the Town Hall Audio System, and the 2023 Citizens Academy Program.

#### 6. **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 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 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.

Kate Lane, of the Weaverville Tailgate Market, spoke on behalf of the market to thank Town Council for allowing the market to use the community center. She spoke about her positive experience as a customer and farmer at the Weaverville Tailgate Market, and commented favorably on the ADA accessibility of the Community Center.

Dennis Pounder, the owner of 480 Reems Creek, introduced himself to Town Council and made himself available for questions concerning the water request related to 480 Reems Creek Road (Discussion Item 7E).

#### 7. **Discussion & Action Items**

##### A. **FY 2021 – 2022 Audit Presentation**

Dan Mullinax, of Gould Killian CPA Group, PA, presented Town Council with the 2022 annual financial report which issued an unmodified opinion, reported no material weakness in internal control and reported no instances of noncompliance with laws and regulations

##### B. **Weaverville ABC Audit Presentation**

ABC Board Chair Rob Chason presented the fiscal year audit reporting that the ABC system remains profitable and in good financial standing.

**C. Voluntary Annexation Petition – 171 Monticello Road**

Town Attorney Jackson presented Council with information regarding a voluntary annexation petition for the 10.68 acres located at Monticello Road. Ms. Jackson noted that this property is contiguous to the primary municipal limits of the Town.

The annexation petition references an intent to develop a 168-unit multi-family apartment complex on the property consistent with a conditional district application also being submitted. Ms. Jackson noted that under a separate agenda item Town Council will be given an opportunity to initially consider the application and offer preliminary comments to the owner/developer and Planning Board.

*Councilmember Wood motioned that Town Council adopt the proposed Resolution directing the Clerk to investigate the sufficiency of Voluntary Annexation Petition 2022-2 received for property located at 171 Monticello Road. Motion passed 4-2 with Councilmembers Cordell and Nagle voting no.*

**D. Initial Consideration of Conditional District – 171 Monticello Road**

Planning Director James Eller asked for Town Council’s initial consideration of the Conditional District Application as required by Town Code § §20-3203(e)(1). This application reflects a proposed project consisting of a 168-unit multi-family apartment complex on 10.68 acres. Mr. Eller noted that this step is intended to provide Town Council with an opportunity to express any preliminary thoughts related to the application but shall not serve as a final determination. A referral of the application to the Planning Board for a full review and recommendation is also needed.

*Vice Mayor McKenna motioned to approve the Resolution referring the Conditional District Application submitted for 171 Monticello Road to the Planning Board for review and recommendation with amendments to add the following comments: installation of safe pedestrian access to the Northridge Commons shopping center through the use of sidewalks and crosswalks is critical for this project; buffering between neighboring properties should be maximized with a preference for some of the buffering to be undisturbed vegetation; a redesign of the project to push development to the middle of the property or to the side of the property that is currently undeveloped should be considered; the location of the pool appears to be too close to the neighboring property; density was raised as a concern by at least one Councilmember parking spaces being below what Town Code would require is not a concern.. Motion passed 5-1 with Councilmember Nagle voting no.*

**E. Water Request – 480/484 Reems Creek Road**

Public Works Director Dale Pennell provided Council with information regarding a water extension application for a proposed multifamily housing development that is currently known as 480/484 Reems Creek. This application requests 67,200 gallons per day off of a new 6-inch water line for a proposed townhouse development consisting of 160 dwelling units.

The Public Works Director, who also serves as the Town Engineer, has reviewed the request, and has found that, at this time, there is sufficient capacity within the Town’s water system to accommodate this request without any adverse effects on service to the Town’s current water customers.

Mr. Pennell noted that an annexation petition was not submitted with the water request. Warren Sugg of CDC, a representative of the developer, did indicate that an annexation petition had been submitted to the Town (after the agenda packet had been prepared and distributed).

*There was consensus for Town Council to consider the water request after the annexation petition was formally received by Town Council during its December 19, 2022, regular meeting. Action to approve the Water Extension Request could be taken during this upcoming meeting and could be conditioned upon annexation.*

**F. Recreation Complex Site Design Proposal and Budget Amendment**

Public Works Director Pennell presented Council with the financial breakdown of the landscape architectural services received from SiteWork Studios. The Town Manager and Public Works Director recommend that Town Council approve the proposal so that this project can move forward with construction and installation anticipated to begin in the Spring of 2023 with the hope that the complex would be operational in July 2023.

Mr. Pennell noted that this project is currently under a capital project ordinance and currently has a balance of \$261,154.79, but this expenditure has not been authorized. If Town Council wishes to approve the proposal, a budget amendment is needed to authorize this expenditure.

*Vice Mayor Jeff McKenna motioned to approve the proposal from SiteWorks Studio without the neighborhood input session and to approve the related budget amendment. All voted in favor. Motion passed 6-0.*

**G. Town Council Board and Committee Assignments**

*Without any objection, Councilmember Wood will be serving as the Town Council Liaison to the Planning Board beginning with the Planning Board's December meeting.*

*Mayor Fitzsimmons motioned to appoint Councilmember Cordell to the French Broad River Metropolitan Planning Organization Board. All voted in favor, motion passed 6-0.*

**H. Quarterly Report – Police Department**

Police Chief Davis presented the Town Council with the quarterly report regarding activities, response times, and crime reports.

**I. Quarterly Report – Fire Department**

Fire Chief Harris presented the Town Council with the quarterly report regarding the Fire Department.

**8. Adjournment.**

*Without objection, Mayor Fitzsimmons declared the meeting adjourned. Meeting adjourned at approximately 7:45 pm.*

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**James Eller, Town Clerk**