

**In-Person and Remote Access via Zoom:**

<https://us02web.zoom.us/j/85948891960> ; Meeting ID: 859 4889 1960

	<i>Pg #</i>	<i>Presenter</i>
<b>1. Call to Order .....</b>		Mayor Fitzsimmons
<b>2. Approval/Adjustments to the Agenda .....</b>		Mayor Fitzsimmons
<b>3. Public Hearing: Ollie Weaver Rd Project – Voluntary Annexation .....</b>	3	Planning Director Eller
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<b>5. Consent Agenda .....</b>		Town Manager Coffey
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<b>7. General Public Comments (see below for additional information) .....</b>		Mayor Fitzsimmons
<b>8. Closed Session .....</b>		Mayor Fitzsimmons
<i>N.C.G.S. § 143-318.11(a)(3) - To consult with the Town Attorney</i>		
<b>9. Discussion &amp; Action Items</b>		
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<b>10. Adjournment .....</b>		Mayor Fitzsimmons

General public comments may be submitted during the meeting or in writing in advance on any meeting topic or any other item of interest. Normal rules of decorum apply to all comments and duplicate comments are discouraged. The general public comments section of the meeting will be limited to 20 minutes and priority will be given to those commenters in attendance and residents of the Town. Comments during the meeting are generally limited to 3 minutes. For those attending remotely, at the appropriate time you will be asked to “raise a hand” if you would like to give a comment (this is found with the reactions button on Zoom). You must be recognized before giving your comment and are asked to turn your video on during your comments if possible. Written comments 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 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, (2) by emailing to [public-comment@weavervillenc.org](mailto:public-comment@weavervillenc.org) at least 6 hours prior to the meeting, (3) by mailing your written comment (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.

**WEAVERVILLE TOWN COUNCIL REGULAR MEETING – FEBRUARY 28, 2022, AT 6PM  
REMOTE ELECTRONIC MEETING LOGIN CREDENTIALS**

This **NOTICE OF REMOTE ELECTRONIC MEETING** is provided pursuant to N.C. Gen. Stat. § 166-19.24 to inform the public that the Weaverville Town Council will hold its regularly scheduled meeting on **Monday, February 28, 2022, at 6:00 p.m. as both an in-person meeting (Council Chambers/Community Room at Town Hall, 30 South Main Street) and as an electronic video meeting via Zoom.** For those wishing to participate remotely via Zoom the following information is provided.

**A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting at 6:00 p.m. The instructions to access this public meeting are:**

**To join the meeting by computer**, go to this link

<https://us02web.zoom.us/j/85948891960>

You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960. You will first enter a virtual waiting room. The host will admit you into the meeting close to 6:00 p.m.

**To join the meeting by phone**, call: (253) 215-8782 or (301)715 8592

You will then be asked for the Meeting ID which is: 859 4889 1960 . There is no password for this meeting, so if asked for one just press the # button.

**Guidelines and Instructions for General Public Comment:** A portion of the meeting will be set aside for general public comments. Normal rules of decorum apply to all comments and duplicate comments are discouraged. Public comments may be submitted during the meeting or in writing in advance. The public comments section of the meeting will be limited to approximately 20 minutes, but may be extended by Town Council if time allows. If attending remotely, at the appropriate time you will be asked to "raise a hand" if you would like to give a comment (this is found with the reactions button on Zoom). You must be recognized before giving your comment and are asked to turn your video on during your comments if possible. Individual comments during the meeting are generally limited to 3 minutes. Written comments timely received will be provided to Town Council, included as part of the minutes of the meeting, and read into the record during the meeting 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 (received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

**To view the agenda and related materials**, please visit the Town's website at

<https://www.weavervillenc.org>.

**Access to the Meeting Recording:** A recording of the meeting will be available for one or two months, depending on storage capacity, beginning 24 hours after the meeting. To access the recording visit the Town's website at <https://www.weavervillenc.org> or the Town's YouTube channel at [https://www.youtube.com/channel/UcKbK1doIGY\\_O6\\_vIqimFUQ](https://www.youtube.com/channel/UcKbK1doIGY_O6_vIqimFUQ), or call the Town Clerk at (828)645-7116.

Patrick Fitzsimmons, Mayor

2/24/2022

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

# **PUBLIC HEARING**

**MEETING DATE:** February 28, 2022  
**SUBJECT:** Ollie Weaver Rd Project – Annexation Petition  
**PRESENTER:** Town Planner James Eller  
**ATTACHMENTS:** Annexation Petition and Related Materials  
Public Hearing Notice and Affidavit

**DESCRIPTION/SUMMARY OF REQUEST:**

WeaverVegas, LLC, and Gregory and Sharon Schulz, as the owners of several properties located between Ollie Weaver Road, Garrison Branch Road and US Highway 25-70, have submitted a voluntary annexation petition for approximately 25 acres located behind CVS, Southern Concrete, and North Point Baptist Church. This property is contiguous to the primary municipal limits of the Town. The annexation petition references an intent to develop a 244-unit multi-family apartment complex, which is consistent with the zoning map amendment that has also been submitted requesting an initial zoning of R-12 which is subject to a separate public hearing to be held tonight.

Tonight’s public hearing on the annexation petition was advertised in accordance with North Carolina law.

As a part of the public hearing staff will provide any written comments that were timely received regarding the proposed annexation, offer staff level comments, and be available to answer questions of Town Council.

**COUNCIL ACTION REQUESTED:**

Town Council is asked to hear from the public on the proposed annexation.

**TOWN OF WEAVERVILLE  
NOTICE OF PUBLIC HEARINGS WITH  
REMOTE ELECTRONIC MEETING CREDENTIALS**

**PUBLIC NOTICE** is hereby given that the Weaverville Town Council will hold two public hearings during its regularly scheduled monthly meeting on **Monday, February 28, 2022, beginning at 6:00 p.m.**, or as soon thereafter as the matters can be reached. One public hearing will be held on the **potential voluntary annexation for properties commonly known as unaddressed Garrison Branch Road, 55 Garrison Branch Road and 60 Ollie Weaver Road, bearing the parcel identification numbers 9733-73-5347, 9733-83-1054 and 9733-83-3019.** The other public hearing will be held on the **proposed R-12 zoning for these properties** should they be annexed.

**These public hearings are to occur as a part of Town Council's regular monthly meeting which is scheduled as both an in-person meeting and as an electronic audio/video meeting via Zoom Meeting;** however, the Mayor reserves the right to convert the meeting, and these public hearings, to an entirely remote meeting format (using the remote meeting credentials as stated below), as allowed by law.

**FOR REMOTE PARTICIPATION,** a virtual waiting room will be enabled beginning at 5:45 p.m. and participants will be allowed entry into the meeting just prior to the start of the meeting at 6:00 p.m. The **INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING** are:

To join the meeting **BY COMPUTER,** use this link: <https://us02web.zoom.us/j/85948891960> . You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960 .

To join the meeting **BY PHONE,** call: (253) 215-8782 or (301) 715 8592. You will then be asked for the Meeting ID which is: 859 4889 1960 .

For those wishing to submit a comment remotely, at the appropriate time you will be asked to "raise a hand" if you would like to give a comment. This is found with the reactions button on Zoom. You must be recognized before giving your comment and are asked to turn your video on during your comments if possible.

**WRITTEN PUBLIC COMMENTS** can also be submitted in advance of the public hearings and will be made a part of the record of the public hearings. Written public comments 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, or (3) **BY MAILING** your written comment (must be received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like **ADDITIONAL INFORMATION** or to review the content related to either of the public hearings or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or [jeller@weavervillenc.org](mailto:jeller@weavervillenc.org).

Patrick Fitzsimmons, Mayor

Posting Date – 2/7/2022

Publication Dates – 2/10/2022 and 2/17/2022

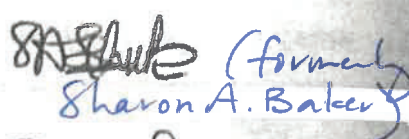

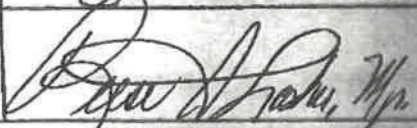
**PETITION FOR VOLUNTARY ANNEXATION  
 PETITION/APPLICATION  
 Town of Weaverville, North Carolina**

Submittal Date: 10/15/2021  
 Date Fee Paid: 10/2021  
 Petition No: 2021-1

**STATE OF NORTH CAROLINA  
 COUNTY OF BUNCOMBE**

**TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA**

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.
4. The property and property owner information is as follows:

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference & Property PIN	Property Owner Signature
Gregory & Sharon Schulz 1538 Country View Way Arden, NC 28704	<sup>828-042-9766</sup> bakesharon@gmail.com	4305/0609 9733-83-3019	 (formerly Sharon A. Baker)
Gregory & Sharon Schulz 1538 Country View Way Arden, NC 28704	828-030-1164 gyschulz@outlook.com	4305/0609 9733-83-1054	
Weavarvegas, LLC 6 Celebration Place Asheville, NC 28806	828-242-5294 RLashen@CRESTMtn.com	5814/412 9733-73-5347	

5. Zoning vested rights \_\_\_\_\_ are not claimed, \_\_\_\_\_ have been established under G.S. § 153A-344.1 or § 160A-385.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 25.24 Acres  
 Population in annexed area: 0  
 Proposed Zoning District: R-12  
 Reason for annexation:  Receive Town Services \_\_\_\_\_ Other (please specify)

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)464-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.

# PETITION FOR VOLUNTARY ANNEXATION DATA SHEET

Town of Weaverville, North Carolina

Submittal Date: 10/15/2021

Petition No. 2021-1

Annexation Area Name: 25+ acres Ollie Weaver Rd

Petitioner: Warren Sugg, P.E.

Subject Area Acreage: 25.24 Acres

Current Land Use: Vacant

Proposed Land Use or Development (describe): R-12 Zoning, 244 Multi-family apartment development

Residential (single family): Number of Units: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years  
Average Sales Price: \$ \_\_\_\_\_ /dwelling unit

Residential (multi-family): Number of Units: 244 Anticipated build out in 2 years  
Owned: Average Sales Price: \$ \_\_\_\_\_ /building unit  
Rental: Average Rental Amt: \$ Varies /month

Retail: Square footage: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years  
Type of tenancy: \_\_\_\_\_

Commercial - Non-Retail: Square footage: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years  
Type of tenancy: \_\_\_\_\_

Other: Square footage: \_\_\_\_\_ Anticipated build out in \_\_\_\_\_ years  
Type of tenancy: \_\_\_\_\_

Development Scale: Max building height of \_\_\_\_\_; max number of stories of \_\_\_\_\_

Infrastructure: Linear feet of publicly dedicated roadways proposed: \_\_\_\_\_ feet  
Public water proposed (describe): \_\_\_\_\_

Other Public Services Requested (describe): \_\_\_\_\_

Zoning Vested Rights Claimed (describe and attach documentation): \_\_\_\_\_

Gregory Sugg Warren Sugg, P.E.  
Signature of Owner(s)

**PETITION FOR VOLUNTARY ANNEXATION  
 CERTIFICATE OF AUTHORITY FOR LIMITED LIABILITY COMPANY  
 Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected, qualified and active member / manager of Weaver Vegas, LLC, a limited liability company organized and existing in the State of North Carolina (hereinafter "Company"), does hereby certify that:

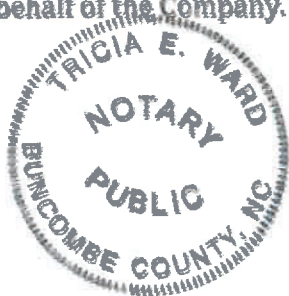
1. That the Company currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of the members and the manager of the Company have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Company to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	OFFICE HELD	SIGNATURE
<u>Reece Lasher</u>	<u>Manager</u>	<u><i>Reece A. Lasher, Mgr.</i></u>
_____	_____	_____
_____	_____	_____

THIS the 15<sup>th</sup> day of October, 2019.

STATE OF NORTH CAROLINA  
 COUNTY OF Buncombe

I, Tricia E. Ward, a Notary Public, certify that Reece A. Lasher personally came before me this day and acknowledged that he/she is the Manager of Weaver Vegas, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing Certificate of Authority was signed by him/her on behalf of the Company. Witness my hand and seal this the 15<sup>th</sup> day of October, 2019.



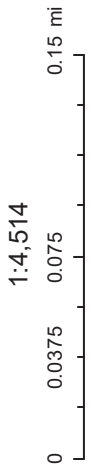
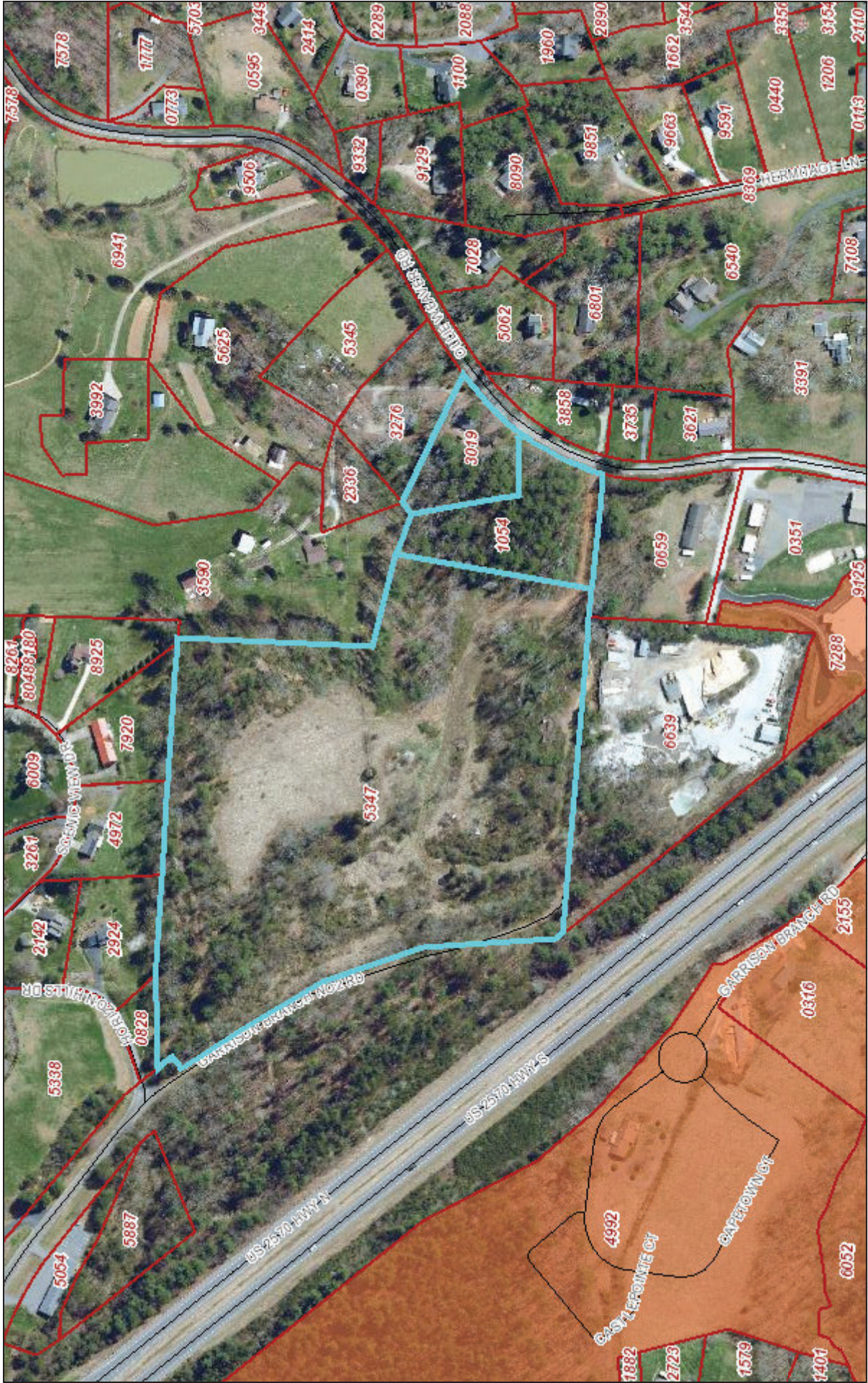
*Tricia E. Ward*  
 Notary Public

My Commission Expires: 6/28/2026





# Tax Map - 25+ Acres - Ollie Weaver Rd - Possible Annexation



1:4,514

October 14, 2021

**CERTIFICATE OF SUFFICIENCY OF  
ANNEXATION PETITION 2021-1  
+/- 25 ACRES ON OLLIE WEAVER ROAD**

**TO THE WEAVERVILLE TOWN COUNCIL:**

I, James Eller, Weaverville Town Clerk, do hereby certify that I have investigated Voluntary Annexation Petition No. 2021-1 submitted by WeaverVegas, LLC, Gregory Schulz and wife Sharon Schulz (formerly Sharon A. Baker), and have found as a fact that the Petition is signed by all the owners of real property lying in the area described therein and that the area to be annexed is contiguous to the Town's primary boundary.

Therefore, in accordance with North Carolina General Statutes § 160A-31, *et seq.*, I certify that the Petition is valid and sufficient for the voluntary annexation of a contiguous area pursuant to said § 160A-31 *et seq.*, of the North Carolina General Statutes.

**IN WITNESS WHEREOF**, I have hereto set my hand and affixed the seal of the Town of Weaverville, this the 10th day of November, 2021.

  
\_\_\_\_\_  
**JAMES ELLER**, Town Clerk

Town of Weaverville, North Carolina  
**Preliminary Staff Report:**  
**Ollie Weaver Annexation**  
**Initial Zoning Request of R-12**

Prepared November 2021  
Updated February 2022

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

**Zoning Analysis**

Town Council is set to consider a voluntary annexation of contiguous parcels adjacent to Ollie Weaver Road. The parcels consist of 25.24 acres as shown on the voluntary annexation petition and zoning map amendment application and an initial zoning of R-12 is desired. With the acreage present and the density permitted within the desired zoning district the Town may expect approximately 302 dwelling units in a multifamily configuration under these conditions.

Such an initial zoning of R-12 provide zoning would provide contiguity of district and use with the neighboring development of Blue Ridge Crossing across 25/70 to the southwest.

**Comprehensive Land Use Plan Compliance**

When considering compliance with the Town’s Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map. Here it is found that the future land use map has identified the area in question for mixed use development. Mixed use as identified on the future land use map is defined as follows:

*“Areas as shown on the future land use map are where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants. These areas include Monticello Road, North Buncombe School Road and Reems Creek Road. There is a belief that these particular developments can coexist in such environments and that they will continue to increase in these areas due to the transportation and utility infrastructure present.”*

Additionally, the stated goal within the CLUP of “define and consider ways to achieve balanced residential development” should be taken into account. The 2020 census provided a figure of 2,354 total housing units within the Town. Of these total units it is the belief of staff that approximately 766 of these are multifamily in nature which represents 32% of the housing stock. Adding the potential units for this particular development staff anticipates that the percentage of total housing units in a multifamily configuration will rise to 39%.

**Preliminary Staff Report:  
Ollie Weaver Annexation  
Initial Zoning Request of R-12**

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

Given the aforementioned variables, it is the opinion of staff that the voluntary annexation and desired zoning of R-12 is not inconsistent with the Town’s CLUP.

**Strategic Plan Compliance**

Within the Town’s Strategic Plan (SP) a parallel sentiment toward fostering a diversity of housing opportunities is found. Town Council identified *“affordable housing – mixed income housing, additional housing opportunities”* within a list of 3-5 year visioning found on page 3 of the SP. Additionally, a similar statement is made within the list of 15-20 year visioning found on page 4 of the SP and reads as follows, *“self-sustaining, vibrant community with a mix of young, old, long-term and new residents with a common bond of living in a safe space that meets their needs.”* It was found when compiling information for the update of the CLUP that the Town’s median age was the eldest at 52.6 years of age and home values the highest at \$335,000 of all jurisdictions studied in both Buncombe and Madison Counties. One could reason that additional leased housing stock could invite a younger population to become invested in the Town hence forwarding the stated visions adopted by Town Council.

**Other Considerations**

The 2016 American Community survey provided the Town with a household size of 2.12 persons per household. This figure applied to the theoretical 302 units suggests that this project will grow the population of the Town by approximately 640 people should Town Council annex the property and grant the desired R-12 Zoning District.

Should Town Council annex the property, said annexation would be a contiguous annexation. The properties are eligible for annexation into the corporate limits of the town as evidenced by the certificate of sufficiency.

A comparable project, the Holston Apartments, is expected to yield an annual tax revenue of \$106,000 based upon current property valuation and municipal tax rate. Another comparable project, the Hawthorne at Weaverville Apartments currently uses approximately \$120,000 of water annually.

## **WATER**

302 possible units x 400 gallons per day (GPD) = 120,800 gallons of required daily water allocation for the development. Please note that the original water allocation request submitted by the engineer was for 240 units. Approximately 2.2 hours of plant run time would be required for this required flow; however, based on recent usage from comparable projects (Hawthorne) the actual usage will probably be closer to 100 GPD per unit, or 30,200 GPD and approximately 0.56 hours of plant run time based on recent historical trends. Based on our most recent figures, we now produce an average of 663,000 GPD with additional future commitments of approximately 265,074 or 465,074 with Mars Hill GPD, totaling 928,074 or 1,128,074 GPD with a total availability capacity of 1,500,000 GPD; therefore, the proposed project can be added to our current water production. There will be an additional cost to produce this water and distribute it to customer; however, our water rates generally cover this cost, especially when it involves only 1 domestic meter for monthly reading and occasional maintenance. The maintenance for the fire meter and piping is minimal, with other similar installations having little or no maintenance issues in the past.

## **STREETS**

None of the streets in this development will be town maintained so there will be no additional impact or cost to the town's Street Division.

However, traffic at the nearby intersection of Monticello Road and US 25-70 has become increasingly busy due to other nearby apartment projects. Perhaps a traffic study will be needed to address the public's perception that traffic has become progressively busy in recent months.

## **STORM WATER**

None of the storm drainage system or storm water management features within this private development will be maintained by the town so there will be no additional impact or cost to the Street Division.

## **SANITATION**

The town will not be responsible for garbage pickup, brush chipping or leaf collection within this private development so there will be no additional impact to the town's Sanitation Division.

## **RECREATION**

The town's recreational facilities (Main Street Nature Park, Lake Louise Park, and Community Center) are used by both town residents and visitors throughout the year. Additional usage by new residents from this development may increase congestion within these facilities during busy times of the year, but no one can predict the impact of such usage.

Provided by the Public Works Department  
November 12, 2021



## Weaverville Police Department

30 South Main Street  
Post Office Box 338  
Weaverville, NC 28787

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James,

In response to your request regarding the possible voluntary annexation between Ollie Weaver Road, Garrison Branch Road and US Highway 25-70. A development a cost impact study was completed as well as a site survey.

Based on other developments such as Hawthorn/Holston Apartments, calls for service and required extra patrols, I do not anticipate calls for service that would be of a volume, or a degree as to adversely impact the department. As in similar complexes I anticipate we will need to patrol this new subdivision at least 1,100-1,400 times per year to have an adequate presence. Of course, this does not consider any other calls for service which might arise outside the scope of "routine patrol". However, I do anticipate a more nuisance type issues such as parking and noise complaints etc., the would be a product of living in an apartment setting.

However, we have had a number of reportable traffic collisions on Monticello Rd near US 25/70 over the last 4 years. I would anticipate the proposed development might impact the daily traffic volume on Monticello Road. As such any DOT traffic study conducted in this area would be helpful.

I have estimated fuel, maintenance and additional man hours to be the following per year:

**Fuel:** \$ 800.00

**Maintenance:** \$ 500.00

**Additional man hours:** 180 per year

Please let me know if you have any questions.

Respectfully,

Ron Davis  
Chief

**From:** [Ted Williams](#)  
**To:** [James Eller](#); [Selena Coffey](#); [Jennifer Jackson](#); [Tonya Dozier](#); [Ron Davis](#); [Dale Pennell](#); [Trent Duncan](#)  
**Subject:** RE: Staff Report - Voluntary Annexation  
**Date:** Tuesday, November 9, 2021 4:58:14 PM  
**Attachments:** [image001.png](#)

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James

As in previous requests we are already providing service to these parcels. These parcels consist mainly of forested area with two small rental homes at 60 Ollie Weaver Road with no calls for service at any of the parcels in the past year. Basing our call volume numbers off of Weaver View Circle for the year 2020 we can expect to see an approximate increase in call volume of roughly ½ of a percent based on the possible size of this project. We will still be able to provide our same level of service with this project but will point out that with a full build out and rental of this location as well as Holston, Garrison Branch and the Merrimon projects we will be looking at an increase of almost 3% in call volume and with our percentage of multiple calls consistently hovering around 20% we may start to see times when additional personnel are needed to answer the volume realized? I will also again just add that the North Buncombe fire tax would be eliminated for those parcels once annexed and those monies are part of our total budget.

Please let me know should I be of further assistance.

Thanks!

*Ted Williams*

Fire Chief

Weaverville Fire Department

(828)645-3500 ext. 1801

(828)484-7031 Direct

(828)645-9868 Fax

(828)545-2823 Cell



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**From:** James Eller <jeller@weavervillenc.org>

**Sent:** Tuesday, November 9, 2021 9:11 AM

**To:** Selena Coffey <scoffey@weavervillenc.org>; Jennifer Jackson <jjackson@weavervillenc.org>; Tonya Dozier <tdozier@weavervillenc.org>; Ron Davis <rDavis@weavervillenc.org>; Ted Williams <twilliams@weavervillefd.org>; Dale Pennell <dale.pennell@weavervillenc.org>; Trent Duncan

<tduncan@weavervillepublicworks.org>

**Subject:** Staff Report - Voluntary Annexation

All,

As you are aware, Town Council is set to consider a voluntary annexation of parcels in the vicinity of Ollie Weaver Road and 25/70 just north of the CVS off Monticello Road. Attached you will find the agenda item from the October Council meeting launching the certificate of sufficiency for the proposed annexation. In short, the sum of these properties amounts to 25.24 acres and a zoning map amendment application has also been furnished requesting and initial zoning of R-12. This would amount to a theoretical maximum of 302 units in a multifamily setting. 244 units are noted on their water commitment application, but I think it is wise to plan for all that could be permitted.

### 302 multifamily units

As before, I am writing to request information from your respective departments which may be useful for Council's consideration in the coming deliberations. Included in the Comprehensive Land Use Plan is a requisite finding that the "town provide quality services to the proposed land use to the same extent and under existing policies." Also attached you will find the most recent version of an annexation staff report should you wish to repurpose for this instance.

If you will send your response to me I will gather all into a consolidated staff report. Thank you for your time and consideration to this matter and please feel free to contact me if I may offer any additional information.

James Eller  
Planning Director  
Town of Weaverville



The Weaverville Tribune

Affidavit of Publication

Buncombe County, North Carolina

Before the undersigned, a Notary Public of Buncombe County, North Carolina, duly commissioned, qualified and authorized by law to administer oaths, personally appeared

Kathie Moyer of

The Weaverville Tribune, a newspaper published, issued and entered as second-class mail in the Town of Weaverville, in said County and State; that he/she is authorized to make this affidavit and sworn statement; that the notice of other legal advertisement, a true copy of which is displayed hereto, was published in

The Weaverville Tribune, on the following date or dates: 2/10/22, 2/17/22

Said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and is a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

The 17th day of Feb. 2022  
K. Moyer

Sworn and subscribed before me,  
This 17th day of Feb. 2022  
R. H. [Signature]

REGINA NOTARY PUBLIC, my commission expires: June 7, 2022  
NOTARY  
MY COMMISSION EXPIRES 6/7/2022  
BUNCOMBE COUNTY, NC

TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARINGS WITH REMOTE ELECTRONIC MEETING CREDENTIALS

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two public hearings during its regularly scheduled monthly meeting on Monday, February 28, 2022, beginning at 6:00 p.m., or as soon thereafter as the matters can be reached. One public hearing will be held on the potential voluntary annexation for properties commonly known as unaddressed Garrison Branch Road, 55 Garrison Branch Road and 60 Ollie Weaver Road, bearing the parcel identification numbers 9733-73-5347, 9733-83-1054 and 9733-83-3019. The other public hearing will be held on the proposed R-12 zoning for these properties should they be annexed. These public hearings are to occur as a part of Town Council's regular

monthly meeting which is scheduled as both an in-person meeting and as an electronic audio/video meeting via Zoom Meeting; however, the Mayor reserves the right to convert the meeting, and these public hearings, to an entirely remote meeting format (using the remote meeting credentials as stated below), as allowed by law.

FOR REMOTE PARTICIPATION, a virtual waiting room will be enabled beginning at 5:45 p.m. and participants will be allowed entry into the meeting just prior to the start of the meeting at 6:00 p.m. The INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING are:

To join the meeting BY COMPUTER, use this link: <https://us02web.zoom.us/j/85948891960>. You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960

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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, or (3) BY MAILING your written comment (must be received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like ADDITIONAL INFORMATION or to review the content related to either of the public hearings or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or [jeller@weaverville.org](mailto:jeller@weaverville.org). Patrick Fitzsimmons, Mayor  
Posting Date - 2/7/2022  
Publication Dates - 2/10/2022 and 2/17/2022

(WL2870) 2/10, 2/17

**TOWN OF WEAVERVILLE  
REGARDING THE MATTER OF:**

Annexation, Initial Zoning - Public Hearing  
Ollie Weaver Road

**AFFIDAVIT OF MAILING AND POSTING**

Being first duly sworn, I, James W. Eller, do hereby swear or affirm that on the 7th day of February, 2022, I:

1. Mailed the attached Notice of Public Hearing, attached as Exhibit A, to all of the persons listed on the attached Exhibit B and that said mailing was accomplished by putting the Notice in envelopes, with postage pre-paid, addressed to all persons shown and at the addresses reflected on the attached Exhibit B, and that said envelopes were deposited in a U.S. Mail Box under the exclusive control of the U.S. Postal Service; and
2. Posted the attached Notice of Public Hearing Sign(s), Exhibit C, at the locations shown on Exhibit C and that a Notice of Public Hearing, Exhibit A, was affixed to the reverse side of same.

This the 7<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
James W. Eller

Sworn to and subscribed before me  
this 7 day of Feb, 2022

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 3/21/2026

[Notary Seal]

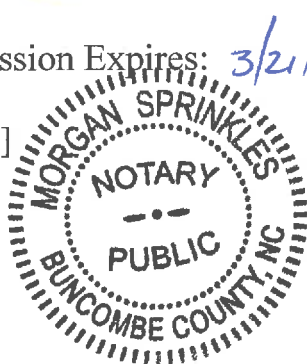


Exhibit A

**TOWN OF WEAVERVILLE  
NOTICE OF PUBLIC HEARINGS WITH  
REMOTE ELECTRONIC MEETING CREDENTIALS**

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Patrick Fitzsimmons, Mayor

Posting Date – 2/7/2022

Publication Dates – 2/10/2022 and 2/17/2022

Exhibit B

Weavervegas, LLC  
6 Celebration Pl.  
Asheville, NC 28806

Sharon Baker  
1538 Country View Way  
Arden, NC 28704

Graybul Retreat, LLC  
200 E. Broad St. Ste. 220  
Greenville, SC 29601

Chriswhitney, LLC  
49 Pegg Rd.  
Weaverville, NC 28787

Michelle Hall  
76 Garrison Branch Rd.  
Weaverville, NC 28787

Christ United Methodist Church  
81 Garrison Branch Rd.  
Weaverville, NC 28787

Horizon Hills HOA  
18 Scenic View Dr.  
Weaverville, NC 28787

Jonathan Clowney  
12 Horizon Hills Dr.  
Weaverville, NC 28787

John Prettyman  
15 Scenic View Dr.  
Weaverville, NC 28787

Virginia Bailey  
13 Scenic View Dr.  
Weaverville, NC 28787

Jerry Perkins  
11 Scenic View Dr.  
Weaverville, NC 28787

Ann Mathis  
70 Ollie Weaver Rd.  
Weaverville, NC 28787

Robert Sheppard  
1186 Patton Ave.  
Asheville, NC 28806

Patrician Lux  
32 Hermitage Ln.  
Weaverville, NC 28787

Paul Sexton  
45 Ollie Weaver Rd.  
Weaverville, NC 28787

Eric Suhren  
35 Ollie Weaver Rd.  
Weaverville, NC 28787

Stephen Zarnowski  
24 A Ollie Weaver Rd.  
Weaverville, NC 28787

Southern Concrete Materials  
PO Box 5395  
Asheville, NC 28787

Exhibit C





**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

# **PUBLIC HEARING**

**MEETING DATE:** February 28, 2022

**SUBJECT:** Ollie Weaver Rd Project – Initial Zoning

**PRESENTER:** Town Planner James Eller

**ATTACHMENTS:** Application of Initial Zoning  
Planning Board Findings and Recommendation  
Public Hearing Notice and Affidavit

**DESCRIPTION/SUMMARY OF REQUEST:**

The annexation petition submitted by WeaverVegas, LLC, and Gregory and Sharon Schulz was accompanied by an initial zoning request of R-12.

Tonight’s public hearing on the initial zoning of the property that is being considered for annexation was advertised in accordance with North Carolina law.

As a part of the public hearing staff will present the Planning Board’s findings and recommendations, provide any written comments that were timely received regarding the proposed R-12 zoning, offer staff level comments, and be available to answer questions of Town Council.

**COUNCIL ACTION REQUESTED:**

Town Council is asked to hear from the public on the proposed annexation.



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Patrick Fitzsimmons, Mayor

Posting Date – 2/7/2022

Publication Dates – 2/10/2022 and 2/17/2022

# The Town of Weaverville

NORTH CAROLINA

January 4, 2022

Mayor Patrick Fitzsimmons and  
Weaverville Town Council

Re: *WeaverVegas, LLC; Schulz – +/-25 Acres Ollie Weaver Road*  
*Proposed Zoning Map Amendment - R-12 Zoning*  
**Statement of Consistency/Reasonableness and Recommendation**

Dear Mayor and Council –

At the direction of Town Council, and under the leadership of Vice Chairman Rachael Bronson, the Planning Board reviewed the application for a zoning map amendment that was submitted in conjunction with the pending annexation petition on the above-referenced properties on December 7, 2021, and submits this letter as its statement on plan consistency and reasonableness.

The property involved consists of three separate parcels located near the northwest corner of the intersection of Monticello Road and US 25/70, off of Ollie Weaver Road, and is currently in the unincorporated portion of Buncombe County with zoning designations of EMP and R-3.

Town development regulations concerning zoning map amendments require the Planning Board to review the application for plan consistency and reasonableness. At the meeting on December 7, 2021, the Planning Board reviewed the project for compliance with the Comprehensive Land Use Plan and the reasonableness factors contained in Town Code Section 20-1505(d).

There was much discussion and debate during these meeting and unanimous votes were not achieved.

**In a majority vote of 4 to 1 the Planning Board found that R-12 zoning for these properties is consistent with the Town’s Comprehensive Land Use Plan (CLUP).** The Board made this determination based in large part on a finding that R-12 zoning is consistent with the future land use map which identifies the property as being within the mixed use area of Ollie Weaver Road/Monticello Road and mixed use areas, as specifically defined in the CLUP, are “where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants.” Information was presented that indicates that the Town can provide quality services to the proposed land use to the same extent and under existing policies. It was also found that the increase in population associated a multifamily residential development could have a positive economic impact on the Town and potentially enhance the Town’s unique and vibrant downtown area. This proposed zoning district represents a consistent and compatible use when considering the zoning and current uses in the area

and is expected to diversify the housing stock within the Town. While there was a considerable concern about whether this zoning designation would contribute to or diminish “balanced residential development” the majority of the Planning Board agreed that the proposed R-12 zoning is consistent with the CLUP. The Strategic Plan adopted by Town Council in 2018, as a component of the CLUP, was also reviewed. The proposed R-12 zoning was found to be consistent with the Strategic Plan in that the additional leased housing stock could invite a younger population to become invested in the Town and further the vision of a “self-sustaining, vibrant community with a mix of young, old, long-term and new residents with a common bond of living in a safe space that meets their needs.”

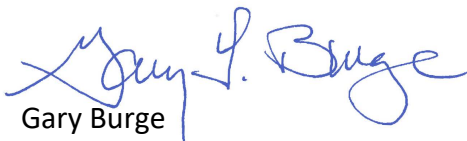
**In a majority vote of 3 to 2 the Planning Board also found that the proposed R-12 zoning is reasonable.** To support this finding the Board found to the zoning is compatible with the current uses and zoning of several properties within the area and that a multifamily residential development, which is the primary use that is permitted within the R-12 zoning district, could act as a transition between the existing industrial and commercial uses and single-family residential dwellings that are located near the properties. Another factor cited in favor of reasonableness is that a multifamily residential development could also occur under current Buncombe County development regulations.

As the Planning Board struggled to gain consensus on this matter, it is recommended that Town Council renew its conversation about what “balanced residential development” means and how it should be used in the Planning Board’s work in determining plan consistency. Without that the Board feels that it is only able to rely on the future land use map and the designated areas that have been identified on that document in determining plan consistency. The Planning Board is willing to work with Town Council on this as a part of the annual review of the CLUP that will be undertaken in 2022.

This meeting was conducted without the aid of a Town Council liaison. A Town Council voice is often helpful in these difficult discussions and the Planning Board appreciates the recent appointment of Catherine Cordell to fill the position as liaison.

Please let me know if you need anything further from the Board on this matter.

Sincerely,



Gary Burge  
Planning Board Chairman

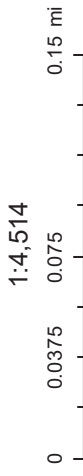
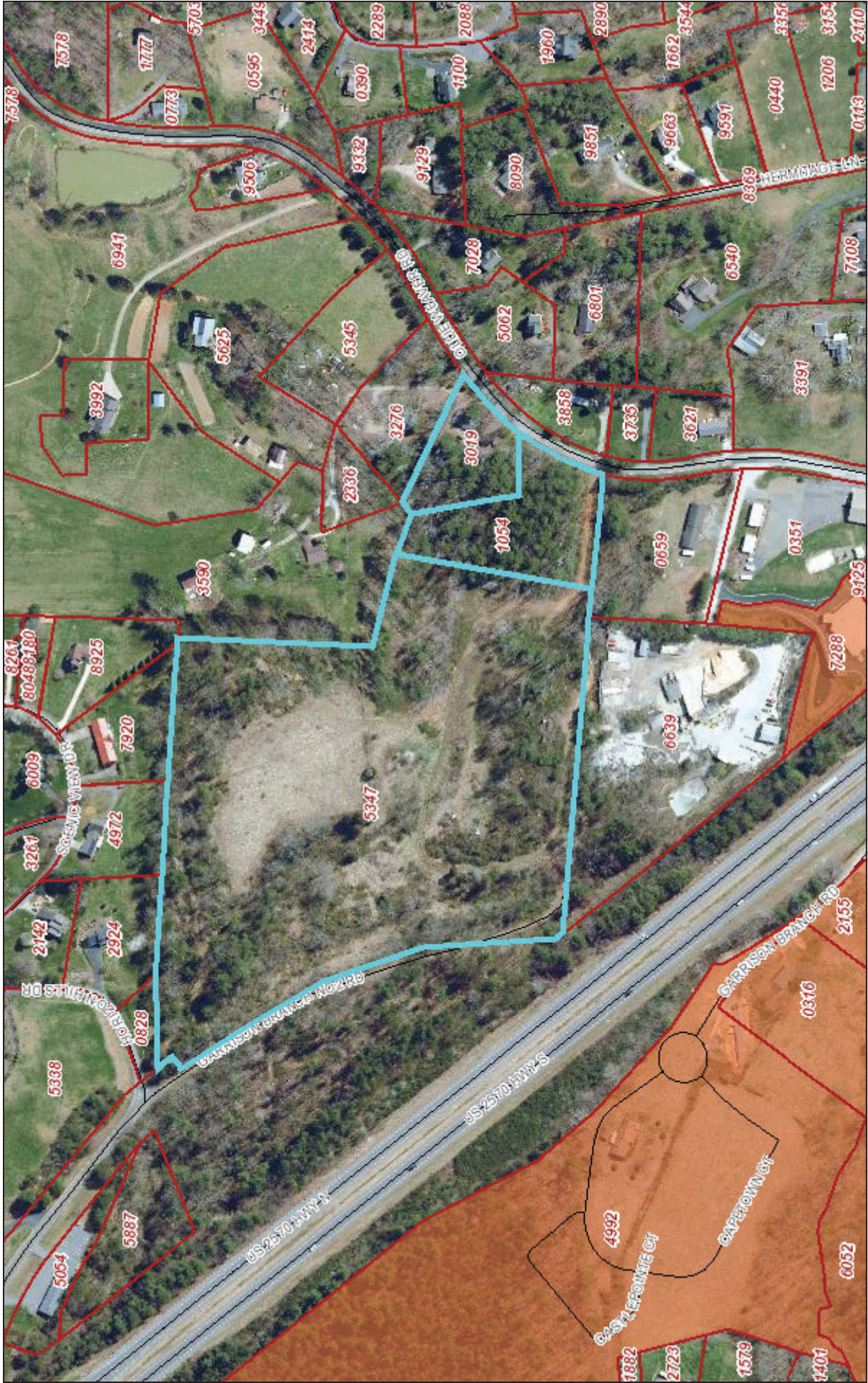


Rachael Bronson  
Planning Board Vice Chairman

cc: James Eller, Town Planner  
Selena Coffey, Town Manager  
Jennifer Jackson, Town Attorney  
WeaverVegas, LLC and Schulz



# Tax Map - 25+ Acres - Ollie Weaver Rd - Possible Annexation



1:4,514

October 14, 2021

**TOWN OF WEAVERVILLE APPLICATION FOR  
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787  
(828) 484-7002 --- fax (828) 645-4776 --- [jeller@weavervillenc.org](mailto:jeller@weavervillenc.org)

Application Fee Based Upon Size of Property

OWNER/APPLICANT NAME: <sup>① GREG & SHARON SCHOLZ</sup> WENNER VEGAS, LLC  
(DEBCE LAGNER)  
PHONE NUMBER: <sup>②</sup> 280-1164 & ② 242-5294  
APPLICATION DATE: 11/1/2021  
MAILING ADDRESS: ① 1538 COUNTRY VIEWWAY  
ADDEN, NC 28704  
② 6 CELEBRATION PL  
ASHEVILLE, NC 28806

Application is made to the Town Council of Weaverville to amend:

- The Zoning Map
- The text of the Zoning Ordinance (Chapter 20 Planning and Development)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: <sup>55 GARRISON BRANCH</sup> 9999 GARRISON BRANCH & 60 OLLIE WEAHER  
PIN: 9733-73-5347  
9733-83-1054  
9733-83-3019  
LOT AREA (acres): 25.24  
CURRENT ZONING DISTRICT: EMP & R-3  
PROPOSED ZONING DISTRICT: R-12

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 20 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR  
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787  
(828) 484-7002 — fax (828) 645-4776 — [jellen@weavervillenc.org](mailto:jellen@weavervillenc.org)  
Application Fee Based Upon Size of Property

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

*Dave A. Lasher, III*  
SIGNATURE OF APPLICANT

11/1/2021  
DATE

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

Application fees are due at the time of submittal. Withdrawal of an application after the public hearing has been advertised will result in the forfeiture of the application fee.

**REZONING FEE SCHEDULE:**

< 1 acre	\$250.00
1-3 acres	\$500.00
4-9 acres	\$750.00
10 + acres	\$1,000.00

Text Amendment

Fees..... \$500.00

**OFFICE USE ONLY**

FEE: \$	DATE PAID:	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	

TOWN OF WEAVERVILLE APPLICATION FOR  
A ZONING MAP OR TEXT AMENDMENT

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787  
(828) 484-7002— fax (828) 645-4776 — [jsclen@weavervillenc.org](mailto:jsclen@weavervillenc.org)  
Application Fee Based Upon Size of Property

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

ASchub                      Cogan Schub                      11/1/2021  
SIGNATURE OF APPLICANT                      DATE

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Text Amendment  
Fees..... \$500.00

OFFICE USE ONLY			
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DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
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DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	





Town of Weaverville, North Carolina  
**Preliminary Staff Report:  
Ollie Weaver Annexation  
Initial Zoning Request of R-12**

Prepared November 2021  
Updated February 2022

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

**Zoning Analysis**

Town Council is set to consider a voluntary annexation of contiguous parcels adjacent to Ollie Weaver Road. The parcels consist of 25.24 acres as shown on the voluntary annexation petition and zoning map amendment application and an initial zoning of R-12 is desired. With the acreage present and the density permitted within the desired zoning district the Town may expect approximately 302 dwelling units in a multifamily configuration under these conditions.

Such an initial zoning of R-12 provide zoning would provide contiguity of district and use with the neighboring development of Blue Ridge Crossing across 25/70 to the southwest.

**Comprehensive Land Use Plan Compliance**

When considering compliance with the Town’s Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map. Here it is found that the future land use map has identified the area in question for mixed use development. Mixed use as identified on the future land use map is defined as follows:

*“Areas as shown on the future land use map are where the town has experienced a variety of development pressures ranging from high density single family residential development and multifamily residential development to local retail establishments and restaurants. These areas include Monticello Road, North Buncombe School Road and Reems Creek Road. There is a belief that these particular developments can coexist in such environments and that they will continue to increase in these areas due to the transportation and utility infrastructure present.”*

Additionally, the stated goal within the CLUP of “define and consider ways to achieve balanced residential development” should be taken into account. The 2020 census provided a figure of 2,354 total housing units within the Town. Of these total units it is the belief of staff that approximately 766 of these are multifamily in nature which represents 32% of the housing stock. Adding the potential units for this particular development staff anticipates that the percentage of total housing units in a multifamily configuration will rise to 39%.

**Preliminary Staff Report:  
Ollie Weaver Annexation  
Initial Zoning Request of R-12**

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan; Strategic Plan; Town of Weaverville Fact Sheet

Given the aforementioned variables, it is the opinion of staff that the voluntary annexation and desired zoning of R-12 is not inconsistent with the Town’s CLUP.

**Strategic Plan Compliance**

Within the Town’s Strategic Plan (SP) a parallel sentiment toward fostering a diversity of housing opportunities is found. Town Council identified *“affordable housing – mixed income housing, additional housing opportunities”* within a list of 3-5 year visioning found on page 3 of the SP. Additionally, a similar statement is made within the list of 15-20 year visioning found on page 4 of the SP and reads as follows, *“self-sustaining, vibrant community with a mix of young, old, long-term and new residents with a common bond of living in a safe space that meets their needs.”* It was found when compiling information for the update of the CLUP that the Town’s median age was the eldest at 52.6 years of age and home values the highest at \$335,000 of all jurisdictions studied in both Buncombe and Madison Counties. One could reason that additional leased housing stock could invite a younger population to become invested in the Town hence forwarding the stated visions adopted by Town Council.

**Other Considerations**

The 2016 American Community survey provided the Town with a household size of 2.12 persons per household. This figure applied to the theoretical 302 units suggests that this project will grow the population of the Town by approximately 640 people should Town Council annex the property and grant the desired R-12 Zoning District.

Should Town Council annex the property, said annexation would be a contiguous annexation. The properties are eligible for annexation into the corporate limits of the town as evidenced by the certificate of sufficiency.

A comparable project, the Holston Apartments, is expected to yield an annual tax revenue of \$106,000 based upon current property valuation and municipal tax rate. Another comparable project, the Hawthorne at Weaverville Apartments currently uses approximately \$120,000 of water annually.

## **WATER**

302 possible units x 400 gallons per day (GPD) = 120,800 gallons of required daily water allocation for the development. Please note that the original water allocation request submitted by the engineer was for 240 units. Approximately 2.2 hours of plant run time would be required for this required flow; however, based on recent usage from comparable projects (Hawthorne) the actual usage will probably be closer to 100 GPD per unit, or 30,200 GPD and approximately 0.56 hours of plant run time based on recent historical trends. Based on our most recent figures, we now produce an average of 663,000 GPD with additional future commitments of approximately 265,074 or 465,074 with Mars Hill GPD, totaling 928,074 or 1,128,074 GPD with a total availability capacity of 1,500,000 GPD; therefore, the proposed project can be added to our current water production. There will be an additional cost to produce this water and distribute it to customer; however, our water rates generally cover this cost, especially when it involves only 1 domestic meter for monthly reading and occasional maintenance. The maintenance for the fire meter and piping is minimal, with other similar installations having little or no maintenance issues in the past.

## **STREETS**

None of the streets in this development will be town maintained so there will be no additional impact or cost to the town's Street Division.

However, traffic at the nearby intersection of Monticello Road and US 25-70 has become increasingly busy due to other nearby apartment projects. Perhaps a traffic study will be needed to address the public's perception that traffic has become progressively busy in recent months.

## **STORM WATER**

None of the storm drainage system or storm water management features within this private development will be maintained by the town so there will be no additional impact or cost to the Street Division.

## **SANITATION**

The town will not be responsible for garbage pickup, brush chipping or leaf collection within this private development so there will be no additional impact to the town's Sanitation Division.

## **RECREATION**

The town's recreational facilities (Main Street Nature Park, Lake Louise Park, and Community Center) are used by both town residents and visitors throughout the year. Additional usage by new residents from this development may increase congestion within these facilities during busy times of the year, but no one can predict the impact of such usage.

Provided by the Public Works Department  
November 12, 2021



## Weaverville Police Department

30 South Main Street  
Post Office Box 338  
Weaverville, NC 28787

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James,

In response to your request regarding the possible voluntary annexation between Ollie Weaver Road, Garrison Branch Road and US Highway 25-70. A development a cost impact study was completed as well as a site survey.

Based on other developments such as Hawthorn/Holston Apartments, calls for service and required extra patrols, I do not anticipate calls for service that would be of a volume, or a degree as to adversely impact the department. As in similar complexes I anticipate we will need to patrol this new subdivision at least 1,100-1,400 times per year to have an adequate presence. Of course, this does not consider any other calls for service which might arise outside the scope of "routine patrol". However, I do anticipate a more nuisance type issues such as parking and noise complaints etc., the would be a product of living in an apartment setting.

However, we have had a number of reportable traffic collisions on Monticello Rd near US 25/70 over the last 4 years. I would anticipate the proposed development might impact the daily traffic volume on Monticello Road. As such any DOT traffic study conducted in this area would be helpful.

I have estimated fuel, maintenance and additional man hours to be the following per year:

**Fuel:** \$ 800.00

**Maintenance:** \$ 500.00

**Additional man hours:** 180 per year

Please let me know if you have any questions.

Respectfully,

Ron Davis  
Chief

**From:** [Ted Williams](#)  
**To:** [James Eller](#); [Selena Coffey](#); [Jennifer Jackson](#); [Tonya Dozier](#); [Ron Davis](#); [Dale Pennell](#); [Trent Duncan](#)  
**Subject:** RE: Staff Report - Voluntary Annexation  
**Date:** Tuesday, November 9, 2021 4:58:14 PM  
**Attachments:** [image001.png](#)

---

James

As in previous requests we are already providing service to these parcels. These parcels consist mainly of forested area with two small rental homes at 60 Ollie Weaver Road with no calls for service at any of the parcels in the past year. Basing our call volume numbers off of Weaver View Circle for the year 2020 we can expect to see an approximate increase in call volume of roughly ½ of a percent based on the possible size of this project. We will still be able to provide our same level of service with this project but will point out that with a full build out and rental of this location as well as Holston, Garrison Branch and the Merrimon projects we will be looking at an increase of almost 3% in call volume and with our percentage of multiple calls consistently hovering around 20% we may start to see times when additional personnel are needed to answer the volume realized? I will also again just add that the North Buncombe fire tax would be eliminated for those parcels once annexed and those monies are part of our total budget.

Please let me know should I be of further assistance.

Thanks!

*Ted Williams*

Fire Chief

Weaverville Fire Department

(828)645-3500 ext. 1801

(828)484-7031 Direct

(828)645-9868 Fax

(828)545-2823 Cell



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**From:** James Eller <jeller@weavervillenc.org>

**Sent:** Tuesday, November 9, 2021 9:11 AM

**To:** Selena Coffey <scoffey@weavervillenc.org>; Jennifer Jackson <jjackson@weavervillenc.org>; Tonya Dozier <tdozier@weavervillenc.org>; Ron Davis <rdavis@weavervillenc.org>; Ted Williams <twilliams@weavervillefd.org>; Dale Pennell <dale.pennell@weavervillenc.org>; Trent Duncan

<tduncan@weavervillepublicworks.org>

**Subject:** Staff Report - Voluntary Annexation

All,

As you are aware, Town Council is set to consider a voluntary annexation of parcels in the vicinity of Ollie Weaver Road and 25/70 just north of the CVS off Monticello Road. Attached you will find the agenda item from the October Council meeting launching the certificate of sufficiency for the proposed annexation. In short, the sum of these properties amounts to 25.24 acres and a zoning map amendment application has also been furnished requesting and initial zoning of R-12. This would amount to a theoretical maximum of 302 units in a multifamily setting. 244 units are noted on their water commitment application, but I think it is wise to plan for all that could be permitted.

302 multifamily units

As before, I am writing to request information from your respective departments which may be useful for Council's consideration in the coming deliberations. Included in the Comprehensive Land Use Plan is a requisite finding that the "town provide quality services to the proposed land use to the same extent and under existing policies." Also attached you will find the most recent version of an annexation staff report should you wish to repurpose for this instance.

If you will send your response to me I will gather all into a consolidated staff report. Thank you for your time and consideration to this matter and please feel free to contact me if I may offer any additional information.

James Eller  
Planning Director  
Town of Weaverville

The Weaverville Tribune

Affidavit of Publication

Buncombe County, North Carolina

Before the undersigned, a Notary Public of Buncombe County, North Carolina, duly commissioned, qualified and authorized by law to administer oaths, personally appeared

Kathie Moyer of

The Weaverville Tribune, a newspaper published, issued and entered as second-class mail in the Town of Weaverville, in said County and State; that he/she is authorized to make this affidavit and sworn statement; that the notice of other legal advertisement, a true copy of which is displayed hereto, was published in

The Weaverville Tribune, on the following date or dates:

2/10/22, 2/17/22

Said newspaper in which such notice, paper, document or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and is a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

The 17th day of Feb. 2022  
K. Moyer

Sworn and subscribed before me,

This 17th day of Feb. 2022  
Patricia



Public, my commission expires: June 7, 2022

TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARINGS WITH REMOTE ELECTRONIC MEETING CREDENTIALS

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold two public hearings during its regularly scheduled monthly meeting on Monday, February 28, 2022, beginning at 6:00 p.m., or as soon thereafter as the matters can be reached. One public hearing will be held on the potential voluntary annexation for properties commonly known as unaddressed Garrison Branch Road, 55 Garrison Branch Road and 60 Ollie Weaver Road, bearing the parcel identification numbers 9733-73-5347, 9733-83-1054 and 9733-83-3019. The other public hearing will be held on the proposed R-12 zoning for these properties should they be annexed. These public hearings are to occur as a part of Town Council's regular

monthly meeting which is scheduled as both an in-person meeting and as an electronic audio/video meeting via Zoom Meeting; however, the Mayor reserves the right to convert the meeting, and these public hearings, to an entirely remote meeting format (using the remote meeting credentials as stated below), as allowed by law.

FOR REMOTE PARTICIPATION, a virtual waiting room will be enabled beginning at 5:45 p.m. and participants will be allowed entry into the meeting just prior to the start of the meeting at 6:00 p.m. The INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING are:

To join the meeting BY COMPUTER, use this link: <https://us02web.zoom.us/j/85948891960>

You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960

To join the meeting BY PHONE, call: (253) 215-8782 or (301) 715 8592. You will then be asked for the Meeting ID which is: 859 4889 1960.

For those wishing to submit a comment remotely, at the appropriate time you will be asked to "raise a hand" if you would like to give a comment. This is found with the reactions button on Zoom. You must be recognized before giving your comment and are asked to turn your video on during your comments if possible. WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearings and will be made a part of the record of the public hearings. Written public comments can be submitted as follows: (1) by EMAILING [topublic-comment@weaverville.org](mailto:topublic-comment@weaverville.org)

[weaverville.org](http://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, or (3) BY MAILING your written comment (must be received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like ADDITIONAL INFORMATION or to review the content related to either of the public hearings or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or [jeller@weaverville.org](mailto:jeller@weaverville.org). Patrick Fitzsimmons, Mayor Posting Date - 2/7/2022 Publication Dates - 2/10/2022 and 2/17/2022

(WL2870) 2/10, 2/17

**TOWN OF WEAVERVILLE  
REGARDING THE MATTER OF:**

Annexation, Initial Zoning - Public Hearing  
Ollie Weaver Road

**AFFIDAVIT OF MAILING AND POSTING**

Being first duly sworn, I, James W. Eller, do hereby swear or affirm that on the 7th day of February, 2022, I:

1. Mailed the attached Notice of Public Hearing, attached as Exhibit A, to all of the persons listed on the attached Exhibit B and that said mailing was accomplished by putting the Notice in envelopes, with postage pre-paid, addressed to all persons shown and at the addresses reflected on the attached Exhibit B, and that said envelopes were deposited in a U.S. Mail Box under the exclusive control of the U.S. Postal Service; and
2. Posted the attached Notice of Public Hearing Sign(s), Exhibit C, at the locations shown on Exhibit C and that a Notice of Public Hearing, Exhibit A, was affixed to the reverse side of same.

This the 7<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
James W. Eller

Sworn to and subscribed before me  
this 7 day of Feb, 2022

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 3/21/2026

[Notary Seal]

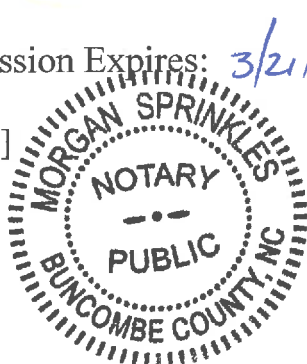




Exhibit A

**TOWN OF WEAVERVILLE  
NOTICE OF PUBLIC HEARINGS WITH  
REMOTE ELECTRONIC MEETING CREDENTIALS**

**PUBLIC NOTICE** is hereby given that the Weaverville Town Council will hold two public hearings during its regularly scheduled monthly meeting on **Monday, February 28, 2022, beginning at 6:00 p.m.**, or as soon thereafter as the matters can be reached. One public hearing will be held on the **potential voluntary annexation for properties commonly known as unaddressed Garrison Branch Road, 55 Garrison Branch Road and 60 Ollie Weaver Road, bearing the parcel identification numbers 9733-73-5347, 9733-83-1054 and 9733-83-3019.** The other public hearing will be held on the **proposed R-12 zoning for these properties** should they be annexed.

These public hearings are to occur as a part of Town Council's regular monthly meeting which is scheduled as both an in-person meeting and as an electronic audio/video meeting via Zoom Meeting; however, the Mayor reserves the right to convert the meeting, and these public hearings, to an entirely remote meeting format (using the remote meeting credentials as stated below), as allowed by law.

**FOR REMOTE PARTICIPATION**, a virtual waiting room will be enabled beginning at 5:45 p.m. and participants will be allowed entry into the meeting just prior to the start of the meeting at 6:00 p.m. The **INSTRUCTIONS TO ACCESS THE REMOTE ELECTRONIC PUBLIC MEETING** are:

To join the meeting **BY COMPUTER**, use this link: <https://us02web.zoom.us/j/85948891960> . You may be asked for permission to access your computer's video and audio. If so, click "allow." You will then be asked for the Meeting ID which is: 859 4889 1960 .

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**WRITTEN PUBLIC COMMENTS** can also be submitted in advance of the public hearings and will be made a part of the record of the public hearings. Written public comments 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, or (3) **BY MAILING** your written comment (must be received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like **ADDITIONAL INFORMATION** or to review the content related to either of the public hearings or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director and Town Clerk James Eller at 828-484-7002 or [jeller@weavervillenc.org](mailto:jeller@weavervillenc.org).

Patrick Fitzsimmons, Mayor

Posting Date – 2/7/2022

Publication Dates – 2/10/2022 and 2/17/2022

Exhibit B

Weavervegas, LLC  
6 Celebration Pl.  
Asheville, NC 28806

Sharon Baker  
1538 Country View Way  
Arden, NC 28704

Graybul Retreat, LLC  
200 E. Broad St. Ste. 220  
Greenville, SC 29601

Chriswhitney, LLC  
49 Pegg Rd.  
Weaverville, NC 28787

Michelle Hall  
76 Garrison Branch Rd.  
Weaverville, NC 28787

Christ United Methodist Church  
81 Garrison Branch Rd.  
Weaverville, NC 28787

Horizon Hills HOA  
18 Scenic View Dr.  
Weaverville, NC 28787

Jonathan Clowney  
12 Horizon Hills Dr.  
Weaverville, NC 28787

John Prettyman  
15 Scenic View Dr.  
Weaverville, NC 28787

Virginia Bailey  
13 Scenic View Dr.  
Weaverville, NC 28787

Jerry Perkins  
11 Scenic View Dr.  
Weaverville, NC 28787

Ann Mathis  
70 Ollie Weaver Rd.  
Weaverville, NC 28787

Robert Sheppard  
1186 Patton Ave.  
Asheville, NC 28806

Patrician Lux  
32 Hermitage Ln.  
Weaverville, NC 28787

Paul Sexton  
45 Ollie Weaver Rd.  
Weaverville, NC 28787

Eric Suhren  
35 Ollie Weaver Rd.  
Weaverville, NC 28787

Stephen Zarnowski  
24 A Ollie Weaver Rd.  
Weaverville, NC 28787

Southern Concrete Materials  
PO Box 5395  
Asheville, NC 28787

Exhibit C







## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Workshop  
Tuesday, January 18, 2022**

The Town Council for the Town of Weaverville met remotely for its regularly monthly workshop on Tuesday, January 18, 2022, at 6:00 p.m. with remote access via zoom.

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

Staff members present remotely were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Public Works Director Dale Pennell, Water Superintendent Trent Duncan.

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

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

### **2. Water System and Water Treatment Plant Expansion Discussion**

Representatives of WithersRavenel, a civil & environmental engineering firm, presented Council with information related to the proposed water treatment plant expansion project.

James Heinel, a representation of save the Ivy, spoke to Council regarding the organization's opposition to the water treatment plant expansion project.

Councilmember Chase presented the Town Council Water Subcommittee findings and recommendations which included 1) Move ahead with deliberate speed on the water supply resiliency, redundancy and safety improvements and pursue all reasonable funding sources including the Drinking Water State Revolving Fund grants/loans, 2) Engage in formal discussions with neighboring jurisdictions and other stakeholders to determine the feasibility of cooperative agreements that will allow a broader regional approach to the supply of water in and around the Town of Weaverville and, 3) Delay the Town's Water Treatment Plant Expansion Project while the regional water discussions are taking place and the water supply resiliency improvements are being pursued and to consider carefully and water allocation requests for properties outside of town limits during these regional conversations.

### **3. Questions& Answers**

Representatives of WitherRavenel entertained questions from Council and the general public related to the water treatment plant expansion project including the capacity of the plant, allowable

withdrawal from the Ivy River, environmental concerns, and alternatives to water treatment plant expansion.

**4. Public Input**

Alea Tuttle, John Bowen, Jeremy Diner, Roger Cordell, Chuck Thornton, Will Harlan, Jim Tibitz,, Sarah Murphy, Thomas Veasey, and Meagan Taylor shared their comments and questions with Council related to the proposed water treatment plant expansion project.

*Following the public input session Councilmember Jackson motioned to enter into closed session as allowed by NCGS § 143-318.11(a)(3) in order to consult with its attorney. Vice Mayor McKenna seconded the motion. The motion passed by a majority vote of 6-1 with Councilmember Nagle cast a dissenting vote.*

[CLOSED SESSION]

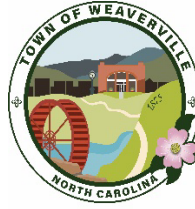
*Councilmember Nagle motioned to exit closed session. Vice Mayor McKenna seconded the motion. and all voted in favor of the motion. Motion passed 7-0.*

**5. Adjournment.**

*Councilmember Cordell motioned to adjourn the meeting. Councilmember Wood seconded the motion. All voted in favor of the motion which passed 7-0. Meeting adjourned at 8:15pm.*

---

**James Eller, Town Clerk**



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, January 24, 2022**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, January 24, 2022, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC with remote access also provided via zoom.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Jeff McKenna, and Councilmembers Doug Jackson, Andrew Nagle, 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 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**

Noting that agenda item 6A should be removed at the request of the applicant, Mayor Fitzsimmons requested a motion to approve the agenda as amended.

*Councilmember Jackson motioned to approve the agenda as amended. Vice Mayor McKenna seconded the motion. All voted in favor of the motion to approve the agenda as amended. Motion passed 7-0.*

### **3. Consent Agenda**

*Vice Mayor McKenna moved for the approval of the Consent Agenda. Councilmember Cordell seconded the motion. 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** – December 20, 2021 regular meeting of Town Council
- B. Town Council Minutes** – October 25, 2021 regular meeting of Town Council amendment
- C. Monthly Tax Report** – Information only; submitted by Buncombe County Tax Department
- D. Budget Amendment – Public Wifi, Police, Fire** – Budget amendment for the related items
- E. Budget Amendment – Community Center** – Community Center budget amendment
- F. Drinking Water State Revolving Fund Resolutions** – Resolutions authorizing funding applications for water system resiliency and water treatment plant expansion
- G. Proposed Personnel Policy Amendment** – Amendments to the personnel policy and its provisions concerning holiday pay, sick leave accrual and discipline



**H. Resolution Approving Donation of Surplus Personal Property – Approval of donation to governmental entity of blue lights and related speakers and supplies**

**4. Town Manager’s Report**

Ms. Coffey presented her Manager’s report to Council which included information related to a July 4<sup>th</sup> event, noise ordinance update, public wifi update and a February workshop update.

Consensus was achieved to move forward with a downtown fireworks display.

**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.

Laura Ayers spoke to Council regarding fishing at Lake Louise and proper lure disposal.

David Steinman requested that members of Council drop their masks when speaking so as to be more clearly understood.

**6. Discussion and Action Items**

**A. Water System Committee Recommendations**

Vice Mayor McKenna presented the water committee’s findings which included 1) Move ahead with deliberate speed on the water supply resiliency, redundancy and safety improvements and pursue all reasonable funding sources including the Drinking Water State Revolving Fund grants/loans, 2) Engage in formal discussions with neighboring jurisdictions and other stakeholders to determine the feasibility of cooperative agreements that will allow a broader regional approach to the supply of water in and around the Town of Weaverville and, 3) Delay the Town’s Water Treatment Plant Expansion Project while the regional water discussions are taking place and the water supply resiliency improvements are being pursued and to consider carefully and water allocation requests for properties outside of town limits during these regional conversations.

A conversation occurred among Councilmembers regarding the length of the proposed delay in the town’s water treatment plant expansion project with Councilmember Cordell noting that the proposed resolution did not set a sunset provision for said delay.

*Councilmember Nagle motioned to adopt the proposed resolution concerning the town’s water system as presented. Vice Mayor McKenna seconded the motion. With a majority vote of 6-1 the resolution was adopted. Councilmember Cordell cast a dissenting vote because she thought a timeframe related to the delay of the water treatment plant expansion project should have been included.*

**B. Proposed Recreation Complex**

Ms. Coffey presented Town Council with a proposed site plan to be used moving forward with the proposed recreation complex at Lake Louise. The rendering closely aligns with the development of the property proposed by the Town prior to the construction of the Community Center and the public input received during a public input meeting in November, 2021.

Vice Mayor McKenna voiced his support for the pickleball aspects of the proposed plan. Councilmember Cordell noted a potential need for public restrooms. Consensus was achieved to move forward with the proposed concept, while maintaining a multipurpose striping and nature for the various courts shown.

**C. COVID-19 Vaccination Surcharges / Incentives Update**

Ms. Coffey gave an update to Council regarding the COVID-19 vaccination surcharge/incentive program including a table indicating vaccination status by department.

Consensus was achieved to allow the Town Manager to drop the departmental percentage of vaccinated employees below 95% for eligibility for vaccination incentives.

**D. Economic Development Advisory Committee Update**

Mayor Fitzsimmons provided an update to Town Council on his efforts to restart the economic development advisory committee reporting that the first meeting would be held on January 26.

**E. Quarterly Report – Planning**

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

**F. Quarterly Report - Finance**

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

**7. Adjournment.**

*Without objection, Mayor Fitzsimmons declared the meeting adjourned. Meeting adjourned at 9:45 p.m.*

---

**James Eller, Town Clerk**



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Workshop  
Tuesday, February 15, 2022**

The Town Council for the Town of Weaverville met for its regularly monthly workshop on Tuesday, February 15, 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: Vice Mayor Jeff McKenna, and Councilmembers Doug Jackson, John Chase, Catherine Cordell and Michele Wood. Councilmembers present remotely were: Mayor Fitzsimmons and Councilmember 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 Superintendent Trent Duncan.

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

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

### **2. Final Presentation of the Compensation Study**

David Hill of the Piedmont Triad Regional Council presented the compensation study to Town Council. Said presentation included the focus of study which was competitive market positioning, employee recruitment and employee retention; a general overview of competitive market positioning, employee recruitment and employee retention; and pay and classification study implementation options including an emphasis on option III. Mr. Hill then answered various questions from Council.

### **3. Town Manager's Proposal for Implementation of Compensation Study**

Ms. Coffey provided further information on option III for implementation including the number of employees who would receive increases, 29; positions of those who would receive and increase; average salary of affected employees; a \$81,000 figure for cost of implementation of option III of the plan. Ms. Coffey also noted that the living wage in Buncombe County was set to increase nearly \$2 to \$17.70 per hour. The Town Manager noted that the Town Manager and Town Attorney positions were not included in the implementation but should be dealt with separately.

### **4. Town Council Discussion and Direction**

Town Council discussed the various aspects of the plan and implementation of the plan. Consensus was achieved to have the Town Manager budget for the implementation of the plan in the upcoming budget process. Mayor Fitzsimmons recognized and summarized the comments of Council which included a focus on the bottom salary levels and bring them up to the new living wage as soon as possible; maintaining the merit based pay increase program; and continued study of pay plans of similarly situated jurisdictions excluding the outliers both high and low.

**5. Adjournment.**

*Councilmember Jackson motioned to adjourn the meeting. Vice Mayor McKenna seconded the motion. In a majority vote of 6-1, with Councilmember Nagle cast a dissenting vote, the motion passed and the meeting was adjourned at 7:00pm.*

---

**James Eller, Town Clerk**

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** February 28, 2022  
**SUBJECT:** Monthly Tax Report  
**PRESENTER:** Finance Director  
**ATTACHMENTS:** Monthly Tax Report

**DESCRIPTION/SUMMARY OF REQUEST:**

Buncombe County provides the following monthly tax report for January 2022. This report is provided for information only.

No action is requested or required.

**Town of Weaverville  
MONTHLY TAX REPORT  
FY 2021-2022**

**Tax Year 2021  
Summary for YTD Jan 2022:**

Original Billed Amts	\$	3,717,125
Abs Adj (Adjustments by Assessor)	\$	(2,640)
Bill Releases	\$	(33)
Discovery Levy	\$	14,153
Additional Levy	\$	527
Net Levy	\$	3,729,132
<b>Total Current Year Collections</b>	<b>\$</b>	<b>3,625,299</b>
<b>% Collected</b>		<b>97.22%</b>
<b>Total Left to be Collected:</b>	<b>\$</b>	<b>103,833</b>
Prior Years Tax Paid	\$	38,045
Prior Years Interest Paid	\$	2,841

Date run: 2/3/2022 4:00:10 PM

TR-401G Net Collections Report

NCPTS V4

Data as of: 2/2/2022 11:31:12 PM

Report Parameters:

Date Sent to Finance Start: Min - January 1, 2022 Date Sent to Finance End: Max - January 31, 2022 Abstract Type: BUS,IND,PUB,REI,RMV

Tax District: WEAVERVILLE

Levy Type: Admin Expense, Advertisement Fee, Attorney Fee, Collection Fee 5, Collection Fee 9, Cost, Docketing Expense, EXPENSE, FEE INTEREST, Garnishment Fee, Interest, LATE LIST PENALTY, Legal Ad Expense, NSF Penalty, Postage Expense, Sheriff Service Fee, SPECIAL ASSESSMENT, TAX, VEHICLE FEE, WEAVERVILLE TAX

Tax Year: 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004

Year For: 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003

Collapse Districts: N

Default Sort-By: Tax Year Grouping: Tax District,Levy Type

Tax Year	Fiscal Year Activity from July 1, 20XX to January 31, 2022										Activity from January 1, 2022 to January 31, 2022			
	Tax Orig. Billed Amt (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)	Net Levy (\$)	Amt Collect. (\$)	Unpaid Balance (\$)	Amt Collect. (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)	Assessor Refunds (\$)	Assessor Refunds (\$)	Additional Levy (\$)
2021	0.00	0.00	0.00	0.00	0.00	0.00	1,478.07	0.00	1,478.07	0.00	0.00	0.00	0.00	0.00
2020	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2019	0.00	0.00	0.00	0.00	0.00	0.00	11,355.60	0.00	11,355.60	0.00	0.00	0.00	0.00	0.00
2018	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2017	0.00	0.00	0.00	0.00	0.00	0.00	4,892.70	0.00	4,892.70	0.00	0.00	0.00	0.00	0.00
2016	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2015	0.00	0.00	0.00	0.00	0.00	0.00	192.28	0.00	192.28	0.00	0.00	0.00	0.00	0.00
2014	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2013	0.00	0.00	0.00	0.00	0.00	0.00	39.57	0.00	39.57	0.00	0.00	0.00	0.00	0.00
2012	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2011	0.00	0.00	0.00	0.00	0.00	0.00	64.92	0.00	64.92	0.00	0.00	0.00	0.00	0.00
2010	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2009	0.00	0.00	0.00	0.00	0.00	0.00	100.08	0.00	100.08	0.00	0.00	0.00	0.00	0.00
2008	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2007	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2006	0.00	0.00	0.00	0.00	0.00	0.00	6.70	0.00	6.70	0.00	0.00	0.00	0.00	0.00
2005	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00
2004	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00

2013	0.00	0.00	0.00	0.00	0.00	0.00	1,020.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2012	0.00	0.00	1,020.36	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2011	0.00	0.00	0.00	0.00	0.00	0.00	566.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sub.	0.00	0.00	0.00	0.00	0.00	0.00	19,728.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TAX DISTRICT: WEAVERVILLE LEVY TYPE: LATE LIST PENALTY																		
2021	1,214.82	14.28	0.54	3,159.35	4,359.35	4,208.43	4,208.43	150.92	231.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2020	1,211.84	418.91	0.96	6,083.77	7,107.56	6,652.49	6,652.49	455.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sub.	2,426.66	433.19	1.50	9,243.12	11,466.91	10,860.92	10,860.92	605.99	231.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TAX DISTRICT: WEAVERVILLE LEVY TYPE: TAX																		
2021	3,717,125.43	2,640.01	32.94	14,153.16	3,729,132.48	3,625,299.23	3,625,299.23	103,833.25	671,578.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2020	3,354,216.35	5.92	3,625,305.15	526.84	0.00	97.22 %	97.22 %	2.78 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2013	73,342.49	0.00	1,623.13	0.00	71,719.36	71,719.36	71,719.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2012	68,037.63	0.00	1,498.22	0.00	66,539.41	66,539.41	66,539.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2011	82.56	0.00	0.00	0.00	82.56	82.56	82.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sub.	7,212,804.46	8,040.01	3,214.23	37,003.72	7,241,807.54	7,134,158.59	7,134,158.59	107,648.95	671,578.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TAX DISTRICT: WEAVERVILLE LEVY TYPE: WEAVERVILLE TAX																		
2019	49,954.82	0.00	191.19	0.00	49,763.63	43,545.59	43,545.59	6,218.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2018	1,576.57	0.00	43,545.59	0.00	0.00	87.50 %	87.50 %	12.50 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2017	771.97	0.00	771.65	0.00	0.00	49.01 %	49.01 %	50.99 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2016	217.62	0.00	145.15	0.00	0.00	18.86 %	18.86 %	81.14 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	201.36	0.00	168.06	0.00	0.00	168.06 %	168.06 %	47.00 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	201.36	0.00	8.59	0.00	192.77	160.43 %	160.43 %	32.34 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00



2014	2,126.15	0.00	160.43	0.00	0.00	0.00	83.22 %	16.78 %	0.00	0.00	0.00	0.00
		0.00	5.98	0.00	2,120.17	23.32	23.32	2,096.85	0.00	0.00	0.00	0.00
		0.00	23.32	0.00	0.00	1.10 %	1.10 %	98.90 %	0.00	0.00	0.00	0.00
2013	570.35	0.00	0.00	0.00	570.35	1.15	1.15	569.20	0.00	0.00	0.00	0.00
		0.00	1.15	0.00	0.00	0.20 %	0.20 %	99.80 %	0.00	0.00	0.00	0.00
2012	752.46	0.00	111.58	0.00	640.88	0.00	0.00	640.88	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0 %	0 %	100 %	0.00	0.00	0.00	0.00
2011	1,636.85	0.00	0.00	0.00	1,636.85	0.00	0.00	1,636.85	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0 %	0 %	100 %	0.00	0.00	0.00	0.00
2010	277.25	0.00	0.00	0.00	277.25	0.00	0.00	277.25	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0 %	0 %	100 %	0.00	0.00	0.00	0.00
<b>Sub.</b>	<b>58,085.40</b>	<b>0.00</b>	<b>324.32</b>	<b>0.00</b>	<b>57,761.08</b>	<b>44,815.35</b>	<b>44,815.35</b>	<b>12,945.73</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
		<b>0.00</b>	<b>44,815.35</b>	<b>0.00</b>	<b>0.00</b>	<b>77.59 %</b>	<b>77.59 %</b>	<b>22.41 %</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Total</b>	<b>7,273,316.52</b>	<b>8,473.20</b>	<b>3,540.05</b>	<b>46,246.84</b>	<b>7,311,035.53</b>	<b>7,209,563.83</b>	<b>7,209,563.83</b>	<b>121,200.67</b>	<b>673,288.43</b>	<b>0.00</b>	<b>2.18</b>	<b>0.00</b>
		<b>1,457.40</b>	<b>7,211,021.23</b>	<b>3,485.42</b>	<b>0.00</b>	<b>98.34 %</b>	<b>98.34 %</b>	<b>1.66 %</b>			<b>0.00</b>	<b>0.00</b>

Signature (Tax Collector) \_\_\_\_\_

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** February 28, 2022  
**Subject:** Budget Amendment – Police, Fire  
**Presenter:** Town Finance Director  
**Attachments:** Budget Amendment Form

**Description:**

A portion of each quarterly distribution the Town receives from the ABC Store must be allocated to Alcohol Education, and Law Enforcement activities. For the quarter ending 12/31/2021 the Town received **\$78.86** for Alcohol Education and **\$56.33** for Law Enforcement.

The Town received a donation of **\$53.58** for the Fire Department in February 2022.

The attached budget amendment is necessary in order to include these funds in the fiscal year 2021-2022 budget.

**Action Requested:**

Town Manager recommends approval of the attached Budget Amendment.

**Budget Amendment FY 2021-2022**

**Town of Weaverville**

**What expense accounts are to be increased?**

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-430-431-26400	Police - Alcohol Ed & Prevention	\$78.86
010-430-431-26450	Police - ABC Law Enforcement	\$56.33
010-430-434-26600	Fire - Contributory Expense	\$53.58

**What expense account(s) are to be decreased or additional revenue expected to offset expense?**

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-004-300-06045	ABC Store - Alcohol Education	\$78.86
010-004-300-06050	ABC Store - Police Dept Revenue	\$56.33
010-004-300-09026	Contributions Fire Dept	\$53.58

**Justification: Please provide a brief justification for this budget amendment.** *ABC Store distribution for Q2 FY 2022; Contributions to the Fire Department Feb 2022.*

_____ <b>Authorized by Finance Officer</b>	_____ <b>Date</b>
_____ <b>Authorized by Town Manager</b>	_____ <b>Date</b>
_____ <b>Authorized by Town Council (if applicable)</b>	_____ <b>Date</b>

Budget Ordinance Section 7:

- B. The Budget Officer or his/her designee is hereby authorized to distribute departmental funds based upon the line item budgets and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.
- C. The Budget Officer or his/her designee may authorize transfers between line items, expenditures and revenues, within a department or division without limitation and without a report being required.
- D. The Budget Officer or his/her designee may transfer amounts up to 5%, but not to exceed \$10,000 monthly, between departments, including contingency appropriations, but only within the same fund. The Budget Officer must make an official report on such transfers at a subsequent regular meeting of Town Council.
- E. The Budget Officer or his/her designee may not transfer any amounts between funds, except as approved by Town Council, as a budget amendment.

**Town of Weaverville**  
**Town Council Agenda Item**

**Date of Meeting:** Monday, February 28, 2022  
**Subject:** Proclamation Recognizing February 2022 as Black History Month  
**Presenter:** Mayor Patrick Fitzsimmons  
**Attachments:** Proclamation

**Description:**

February 2022 has been recognized at the State and National levels as Black History Month and Mayor Fitzsimmons wishes to formally recognize this for the Town of Weaverville.

**Action Requested:**

The Town Manager recommends approval of the attached Proclamation.

# PROCLAMATION

## HONORING BLACK HISTORY MONTH 2022

**WHEREAS**, Black History Month is a time to honor the contributions and legacies of African Americans in United States history and society, from activists to civil rights pioneers and leaders in industry, politics, science, culture, spirituality, and more.

**WHEREAS**, Black History Month grew from the establishment of Negro History Month by noted historian Carter G. Woodson and the Association for the Study of African American Life and History in 1926; and

**WHEREAS**, since 1976 every United States President has officially designated the month of February as Black History Month; and

**WHEREAS**, the national theme for Black History Month 2022 is “Black Health and Wellness” and focuses on the importance of fostering good health and wellness, acknowledging the legacies of African American medical scholars and practitioners; and

**WHEREAS**, this observance of Black History Month provides opportunities to gain a deeper understanding of African American History and acknowledge the centuries of struggles for equality and freedom; and

**WHEREAS**, the Town of Weaverville, urges its citizens to join it in honoring the history and contributions of African Americans in our community, and throughout our state and nation; and

**NOW, THEREFORE** I, Patrick Fitzsimmons, by virtue of the authority vested in me as Mayor of the Town of Weaverville, and on behalf of Weaverville Town Council, do hereby proclaim the month of February 2022 as Black History Month in the Town of Weaverville.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Town of Weaverville to be affixed this the **28<sup>th</sup> day of February** in year of **2022**.

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Patrick Fitzsimmons, Mayor  
Town of Weaverville, North Carolina

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ATTEST: James Eller, Town Clerk



**Town of Weaverville**  
**Town Council Agenda Item**

**Date of Meeting:** Monday, February 28, 2022  
**Subject:** Proclamation Recognizing March 2022 as American Red Cross Month  
**Presenter:** Mayor Patrick Fitzsimmons  
**Attachments:** Proclamation

**Description:**

March 2022 has been recognized at the State and National levels as American Red Cross Month and Mayor Fitzsimmons wishes to formally recognize this important organization and their services to society in Weaverville as well.

**Action Requested:**

The Town Manager recommends approval of the attached Proclamation.

**A Proclamation Recognizing March 2022 as American Red Cross Month  
Town of Weaverville**

**WHEREAS**, the American Red Cross, the humanitarian organization that eases people’s suffering during life’s emergencies in Weaverville, across the United States and around the world; and

**WHEREAS**, the American Red Cross Chapter serving Western North Carolina Chapter has a long history of helping our neighbors in need by delivering shelter, care and hope during disasters; making our community safer through its lifesaving Home Fire Campaign; providing lifesaving blood; teaching skills that save lives; and supporting military, veterans, and their families; and

**WHEREAS**, we thank and honor the selfless volunteers, dedicated employees and generous supporters who make this compassionate work possible; and

**WHEREAS**, last year in Western North Carolina, 327 active volunteers responded to 195 local disasters; trained 6,691 people in disaster preparedness; installed 271 smoke alarms; collected more than 24,963 units of blood; and provided 530 services to military members and their families; and

**WHEREAS**, people in our community depend on the American Red Cross, whose lifesaving mission is powered by the devotion of volunteers, generosity of donors and partnership of community organizations.

**NOW, THEREFORE**, I, Patrick Fitzsimmons, Mayor of Weaverville, by virtue of the authority vested in me by the Constitution and laws of the Town of Weaverville and North Carolina, do hereby proclaim March 2022 as Red Cross Month. We dedicate the month of March to all those who support its vital work to prevent and alleviate human suffering in the face of emergencies. I encourage all Americans to support this organization and its noble humanitarian mission.

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*Mayor Patrick Fitzsimmons*  
Town of Weaverville, North Carolina

**ATTEST:**

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*James Eller, Town Clerk*  
Town of Weaverville, North Carolina

[TOWN SEAL]

**Town of Weaverville**  
**Town Council Agenda Item**

**Date of Meeting:** Monday, February 28, 2022  
**Subject:** Music on Main-June 18, 2022  
**Presenter:** Selena D. Coffey, Town Manager  
**Attachments:** Road Closure Ordinance Music on Main

**Description:**

Attached please find the Ordinances for the road closure for Music on Main.

**Council Action Requested:**

The Town Manager recommends approval of the ordinance.

**Suggested Motion:**

*I move to approve the road ordinance for Music on Main.*



# Weaverville North Carolina

## AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE MUSIC ON MAIN EVENT SPONSORED BY THE WEAVERVILLE BUSINESS ASSOCIATION

**WHEREAS**, the Town Council of Weaverville has been approached by the Weaverville Business Association requesting to hold a Music on Main event on South Main Street, Weaverville;  
and

**WHEREAS**, the Town of Weaverville acknowledged and agreed to permit said event on the date and times specified below as a community and family-oriented event;  
and

**WHEREAS**, the Town Council of acknowledges that Weaverville acknowledges the Town departments require approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc. after the event;  
and

**NOW THEREFORE BE IT ORDAINED** by the Town Council of Weaverville, pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

*Music on Main, Sponsored by the Weaverville Business Association*

**Date:** Saturday, June 18, 2022

**Time:** 12:00 pm until 10:30 pm

**Road Closures:**

- Road closure at intersection of Main Street and US-19-BR Merrimon Avenue
- Road closure at 30 South Main Street

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

*Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022*

\_\_\_\_\_  
Patrick Fitzsimmons, Mayor

Attest:

\_\_\_\_\_  
James Eller, Town Clerk

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** February 28, 2022

**SUBJECT:** Amendments to the Weaverville Tailgate Market Memorandum of Understanding

**PRESENTER:** Town Attorney Jennifer Jackson

**ATTACHMENTS:** Amended and Restated Memorandum of Understanding

**DESCRIPTION/SUMMARY OF REQUEST:**

In December of 2021 Town Council approved a Memorandum of Understanding (MOU) with the Weaverville Tailgate Market concerning its use of the Community Center on their market days in 2022. Their Winter Market has been successfully operating on Wednesdays since early January; however, their experience has led to a request for a few changes in the terms of the Memorandum of Understanding.

The Town Manager, Recreation Coordinator and Town Attorney have worked with the leadership of the Tailgate Market on some amendments that are now recommended. An Amended and Restated MOU is attached for Town Council's consideration with the areas of revision highlighted.

These recommended changes should take us through the end of the year, at which time Town Council will be asked to consider a new agreement for 2023.

**COUNCIL ACTION REQUESTED:**

Town Council approval of the Amended and Restated Memorandum of Agreement with the Weaverville Tailgate Market. A proposed motion is as follows:

*I move that we approve the **Amended and Restated Memorandum of Understanding Between the Town of Weaverville and the Weaverville Tailgate Market.***

**AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING  
BETWEEN THE TOWN OF WEAVERVILLE AND  
THE WEAVERVILLE TAILGATE MARKET**

**THIS MEMORANDUM OF UNDERSTANDING** (“MOU”) is entered into by and between the Town of Weaverville and the Weaverville Tailgate Market (collectively referred to as the Parties);

**WHEREAS**, the Town of Weaverville (hereinafter the “Town”) is a municipal corporation organized and existing under the laws of the State of North Carolina; and

**WHEREAS**, the Weaverville Tailgate Market (hereinafter “Tailgate Market”), is a non-profit corporation organized and existing under the laws of the State of North Carolina, and hosts tailgate and craft markets for local and regional vendors within the Weaverville area; and

**WHEREAS**, the Town owns and operates the Weaverville Community Center on Dottie Sherrill Knoll, located at 60 Lakeshore Drive, Weaverville, North Carolina (the “Community Center”);

**WHEREAS**, the Tailgate Market wishes to formalize a relationship between the Town and the Tailgate Market in order to provide for a regular schedule of market offerings at the Community Center;

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and commitments herein, the Parties agree as follows:

**SECTION 1. PURPOSE.** The purpose of this MOU is to establish a general framework for cooperation and collaboration between the Town and the Tailgate Market. This MOU is non-binding but will assist in defining the relationship between the Parties in order to ensure that the goals of each are accomplished in a mutually supportive way.

**SECTION 2. GUIDING PRINCIPLES AND ASSUMPTIONS.**

- The Town wishes to support the agricultural community within the Town and surrounding areas by providing space for a regular schedule of tailgate market events.
- The Tailgate Market is an independent corporate entity and is not legally or financially affiliated with the Town. The Tailgate Market coordinates market events which offer the sale of agricultural products and/or craft and artisan products.
- Town Council is authorized to set fees on the use of its facilities and waive those fees as deemed appropriate and to partner with a non-profit corporate entity for the provisions of certain opportunities and programming.
- The Town may provide programming for certain holidays and special events and the Tailgate Market regular schedule is subject to cancellation for such events.
- The Community Center is an approved polling site and is subject to use by the Buncombe County Board of Elections for early voting and election day voting. The Board of Elections use preempts all other Town or Tailgate Market events and may result in event cancellations.

**SECTION 3. TAILGATE MARKET ACTIVITIES AND OBLIGATIONS.**

The Tailgate Market agrees to generally provide, on a weekly basis, market events available to the general public at the Community Center with said events being focused on the sale of local

and regional agricultural products and/or craft and artisan products. Subject to availability, the market events are to be generally held as follows:

**A. WINTER MARKET and HOLIDAY MARKET –**

- 1) The Winter Market shall be from January through March;
- 2) The Holiday Market shall be from November through December;
- 3) Wednesdays from 12 pm to 7 pm (includes set up and breakdown);
- 4) Albert Weaver Room, restrooms, **patio**, and up to ~~two (2)~~ **eight (8) parking spaces** in the **lower** non-brick parking area in the Community Center parking lot (**designated parking spaces**);
- 5) Maximum of 20 **inside** vendors arranged in the configuration shown on the attached Exhibit A;
- 6) **The patio and designated parking spaces are limited to vendors that are not permitted inside;**
- 7) Usage does not include Town tables or chairs, the fireplace, **patio**, or kitchen;
- 8) All vendors must use adequate floor protection for their tables, chairs, and signage, such that the floor is protected from cuts, scratches, marring, and scuffing;
- 9) Access to the Town's guest Wi-Fi will be granted, if available;
- 10) **Vendors are allowed to unload and load in the Community Center parking lot but must move their vehicles to any available designated parking spaces or the lower Lake Louise parking lot during the market;**
- 11) Plants and other items that tend to be messy are not permitted indoors;

**B. REGULAR MARKET –**

- 1) April through October;
- 2) Wednesdays from 12 pm to 7 pm (includes set up and breakdown);
- 3) Up to 18 parking spaces in the non-brick parking area in the Community Center parking lot and Community Center restrooms;
- 4) Maximum of 21 vendors arranged in the configuration shown on the attached Exhibit B;
- 5) Usage does not include Town tables or chairs, the patio, or any indoor areas except for restrooms;
- 6) Access to the Town's outdoor guest Wi-Fi will be granted, if available;
- 7) Vendors are allowed to unload and load in the Community Center parking lot but must move their vehicles to the lower Lake Louise parking lot during the market, unless a vehicle is operating as a vendor in one of the spaces allowed;
- 8) Market activities must not impede reasonable pedestrian and vehicular access to the Community Center;

The following provisions apply to all markets:

Food sampling is allowed, subject to prompt cleanup of spills;

Tents and canopies must be properly weighted on all legs to avoid risk of damage and/or injury in a wind event;

Vendors must stay off of the sidewalks, grass, and mulched areas;

Long electrical extension cords are not allowed so that electrical and trip hazards are minimized.

The Tailgate Market agrees to submit a \$200.00 standing security deposit for the regular use of the Community Center and its grounds. The security deposit shall be applied towards any damage to the facility due to the Tailgate Market use of the facility and property but does not provide a cap for such charges.

In lieu of facility use fees the Tailgate Market agrees to provide \$80.00 per week for the **Winter Markets and Holiday Markets** and \$20.00 per week for **the Regular Markets**, to cover cleaning fees. Cleaning shall cover the general cleaning of the Albert Weaver Room, if applicable, restrooms, and parking lot areas, if applicable. The Tailgate Market shall be responsible **for returning patio furniture to its original positions and sweeping the patio (if used) and** disposing of trash and recyclables by utilizing the trash and recyclable receptacles provided at the Community Center. Cleaning shall be scheduled and coordinated by the Town's Recreation Coordinator.

Signage for the Tailgate Market may only be placed on the Community Center property on the days that a market is to be held and is limited to one banner type sign and not more **than 6 10 small ground signs** on the Community Center property. Signs may be placed in the grassy and mulched areas as long as plantings are not disturbed. Signs not removed by the Tailgate Market will be collected by Town staff with a fee of \$20.00 being charged for removal and storage.

The Tailgate Market agrees to require all individuals or organizations operating under it to:

1. Comply with all law, rules and regulations governing the Community Center and its operations;
2. Comply with the non-discrimination provisions of this MOU;
3. Coordinate any scheduling changes with the Recreation Coordinator;
4. Make all reasonable efforts to ensure the security of the facilities and property and the safety of the event participants and attendees;
5. Be responsible for setting up and breaking down the room or property that is to be used for each event;
6. Ensure that the facilities and property are left clean and in good condition for the next program, with the understanding that basic cleaning will be provided for the Albert Weaver Room and the restrooms after each market;
7. Offer entry free of charge to the public.

The Tailgate Market agrees to maintain, at its expense, comprehensive liability insurance through an A-rated company recognized by the State of North Carolina and must have a combined single limit for bodily injury and property damage of not less than \$1,000,000, insuring the Tailgate Market against all claims, demands, and causes of action for injuries received or damages to property in connection with the use of the Community Center. The Tailgate Market agrees to add the Town as an additional insured on its policy and to provide the Town with a copy of said insurance policy annually and upon request.

#### **SECTION 4. TOWN OBLIGATIONS.**

The Town agrees to generally reserve the Community Center for Tailgate Market events as described above, subject to periodic cancellation due to facility issues and facility availability.

The Town agrees to waive any and all rental fees associated with regularly scheduled Tailgate Market events.

**SECTION 5. COMPLIANCE WITH APPLICABLE LAW AND NON-DISCRIMINATION.**

The Tailgate Market shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which hereafter are in force, pertaining to the Community Center and its use.

The Town of Weaverville opposes discrimination on the grounds of race, religion, religious beliefs or non-beliefs, color, national origin, ethnicity, limited English proficiency, income-level, sex, sexual orientation, gender identity or expression, age, or disability, and urges all of its contractors to adopt non-discrimination policies and practices, and to provide a fair opportunity for all individuals, including those individuals historically excluded and under-represented, to participate in their work forces and as subcontractors and vendors under Town contracts. The Tailgate Market agrees to honor these non-discrimination practices and not discriminate on any of the above-stated bases in the programs, services, and activities that it provides under this MOU.

**SECTION 6. NOTICES.** Any notice to either party hereunder must be in writing signed by the party giving it, and shall be deemed given when mailed postage prepaid by the US Postal Service first class, certified, or express mail, or other overnight mail service, or hand-delivered, when addressed as follows:

**TO THE TOWN:** Town Manager  
30 South Main Street  
Weaverville, NC, 28787

**TO WCCHL:** Weaverville Tailgate Market  
777 Petersburg Road  
Marshall, NC 28753

**SECTION 7. TERM, TERMINATION, AND AMENDMENT.**

The term of this MOU shall be for one year but may be extended by mutual agreement of the parties.

The MOU shall immediately terminate in the event that the Tailgate Market dissolves or loses its non-profit tax-exempt status. If the Tailgate Market defaults in the performance of any obligation of condition stated herein, the Town may give notice to the Tailgate Market of such default and if the Tailgate Market does not cure any such default within 30 days after giving such notice then the Town may terminate this MOU on not less than 30 days' notice to Tailgate Market. This MOU can be terminated by either party upon six (6) months advanced written notice.

This MOU may be amended in writing signed by the authorized representative of both Parties.

**APPROVED BY** the Town of Weaverville this 20th day of December 2021, and **AMENDED BY** Town Council on the 28th of February, 2022.

**APPROVED BY** the Weaverville Tailgate Market on the \_\_\_\_ day of \_\_\_\_\_, 2022.

**TOWN OF WEAVERVILLE**

**WEAVERVILLE TAILGATE MARKET**

\_\_\_\_\_  
By: Patrick Fitzsimmons, Mayor

\_\_\_\_\_  
By: Lori Jenkins, President



*February 2022*

### **St. Patrick's Day Block Party**

Staff has been working with the Weaverville Business Association on a Saint Patrick's Day event that will take place Saturday, March 19th from 2pm - 7pm on a portion of Florida Avenue and Merchants Alley. This event is being planned as a street festival with music, food, beer, a themed costume contest, and family friendly activities.

### **Tree City Award**

The Town has again been recognized as a Tree City for 2021. We will be planning an Arbor Day program for the end of April and I will update you once this has been scheduled.

### **Recreation Complex Update**

Staff is currently drafting a preliminary sketch for the amenities for the recreation space above the Community Center as discussed by Town Council at last meeting. We hope to have this to Council next month.

### **Budget Process and Calendar**

Attached please find a draft of the calendar for fiscal year 2022-2023 budget process. The first budget workshop is proposed for the regularly scheduled workshop on April 19. During this meeting, staff will be presenting preliminary revenue forecasts for the upcoming year and departments will be asked to present an overview of their departmental structures and opportunities and challenges they expect for the upcoming budget year.

### **Economic Development Advisory Committee Update**

The Economic Development Advisory Committee has met once now. Phil Barnett will be present during the meeting and the Town Manager will call upon him to update Town Council.

**Town of Weaverville  
Budget Calendar  
FY 2022-2023 Budget**

<b>Budget Activity</b>	<b>Date/Time</b>
Budget Requests & CIP Requests Due to Manager	Friday, March 4, 2022 Due by 5:00pm
Manager's Budget Review, Analysis & Department Head Meetings in Development of Proposed Budget	March 7 – April 15, 2022
Pre-Budget Workshop <i>(Regularly-Scheduled Workshop)</i>	Tuesday, April 19, 2022 6:00pm
Initial Draft Budget Presentation <i>(Regular Town Council Meeting)</i>	Monday, April 25, 2022 6:00pm
Budget Workshop <i>(Regularly-Scheduled Workshop)</i>	Tuesday, May 17, 2022 6:00pm
Public Hearing on Budget <i>(Regular Town Council Meeting)</i>	Monday, May 23, 2022 6:00pm
Potential Budget Workshop <i>(Special-Called Workshop)</i>	TBD
Budget Workshop <i>(Regularly-Scheduled Workshop)</i>	Tuesday, June 21, 2022 6:00pm
Town Council's Adoption of Budget Ordinance & Fee Schedule <i>(Regular Town Council Meeting)</i>	Monday, June 27, 2022 6:00pm



**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** February 28, 2022  
**SUBJECT:** Ollie Weaver Rd Project – Annexation and Zoning  
**PRESENTER:** Town Attorney Jennifer Jackson  
**ATTACHMENTS:** Draft Annexation Ordinance

**DESCRIPTION/SUMMARY OF REQUEST:**

WeaverVegas, LLC, and Gregory and Sharon Schulz, as the owners of several properties located between Ollie Weaver Road, Garrison Branch Road and US Highway 25-70, have submitted a voluntary annexation petition for approximately 25 acres located behind CVS, Southern Concrete, and North Point Baptist Church. This property is contiguous to the primary municipal limits of the Town. The annexation petition references an intent to develop a 244-unit multi-family apartment complex, which is consistent with the zoning map amendment that has also been submitted requesting an initial zoning of R-12.

After the public hearings that scheduled for tonight are conducted, action on this annexation request and initial zoning is proper. Town Council usually forecasts to the applicant which zoning district designation that it would find appropriate prior to taking any action on the annexation. This allows the applicant to withdraw their annexation application should it not wish to proceed with the zoning that Town Council feels is appropriate for the property.

Town Council discussion on the initial zoning and annexation is requested at tonight's meeting. Action on the annexation petition should be in the form of Council's adoption of an annexation ordinance should that be found to be appropriate by Town Council. A draft ordinance is provided in the event that it is helpful to Town Council and its discussions.

**COUNCIL ACTION REQUESTED:**

**Discussion and possible action by Town Council on the initial zoning of the property should it be annexed and the annexation petition.** A draft annexation ordinance is provided for discussion purposes.

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS  
OF THE TOWN OF WEAVERVILLE, NORTH CAROLINA –  
WEAVERVEGAS, LLC, AND SCHULZ – 25+/- ACRES ON OLLIE WEAVER ROAD  
ANNEXATION #2022-1**

**WHEREAS**, the Town Council has been petitioned under N.C. Gen. Stat. § 160A-31 to annex the area described below and to designate the property as R-12 zoning; and

**WHEREAS**, the Town of Weaverville has the authority pursuant to Part 3 of Article 19 of Chapter 160A 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**, Town Council directed the Town Clerk to investigate the sufficiency of the petition and the Town Clerk has certified the sufficiency of the petition;

**WHEREAS**, on 7 December 2021 the Planning and Zoning Board reviewed the requested R-12 zoning designation, found multifamily residential zoning to be consistent with the Town's Comprehensive Land Use Plan and in particular the future land use map incorporated into said Plan;

**WHEREAS**, public hearings on the question of annexation and initial zoning were held during a hybrid meeting of Town Council on 28 February 2022 at 6:00 p.m., that allowed both in-person and remote participation, after due notice by mailing, posting the property, and publication on 10 February 2022 and 17 February 2022, and a written comment period beginning on 7 February 2022;

**WHEREAS**, at the public hearing the residents of Weaverville and the surrounding area were given an opportunity to be heard on any questions regarding the desirability of the annexation and the R-12 zoning requested;

**WHEREAS**, Town Council finds that the petition is valid and the public health, safety, and welfare of the inhabitants of the Town and the area proposed for annexation will best be served by annexation of the area proposed;

**WHEREAS**, when considering such factors as the size, physical conditions, and other attributes of the property, the benefits and detriments to the landowners, the neighbors, and the surrounding community, and the relationship between the current actual and permissible development on the property and the adjoining areas and the development that would be permissible under the proposed zoning, Town Council finds that R-12 zoning is reasonable and in the public interest in that R-12 zoning is compatible with the current uses and zoning of several properties within the areas and that a multifamily residential development, which is the primary use that is permitted in the R-12 zoning district, could act as a transition between the existing industrial and commercial uses and single-family dwellings that are located near the properties;

**WHEREAS**, Town Council further finds that R-12 zoning is consistent with the Town's Comprehensive Land Use Plan;

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

1. By virtue of the authority granted by N.C. Gen. Stat. § 160A-31, the +/-25 acres which are shown on the survey that is attached hereto and incorporated herein by reference, said properties being described in Deed Book 5814 at Page 412 and Deed Book 4305 at Page 609, both of Buncombe County Registry, and further identified as Buncombe County Parcel Identification Numbers 9733-73-5347, 9733-83-1054, and 9733-83-3019 are hereby annexed and made part of the Town of Weaverville. Said territory shall be subject to the municipal taxes according to N.C. Gen. Sta. § 160A-58.10.
2. From and after the effective date of this annexation ordinance, the area so annexed shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Weaverville and shall be entitled to the same privileges and benefits as other parts of the Town of Weaverville.
3. The Zoning Map of the Town of Weaverville is hereby amended to establish an R-12 zoning classification for the property so annexed.
4. The property owner is directed to submit to the Town of Weaverville an annexation map showing the property so annexed for recordation purposes.
5. The Mayor of the Town of Weaverville shall cause to be recorded in the Office of the Register of Deeds for Buncombe County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Paragraph 1 above and shown on the attached survey, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Buncombe County Board of Elections as required by N.C. Gen. Stat. § 163-288.1.
6. This ordinance shall be in full force and effect immediately.

**ADOPTED THIS** the \_\_\_\_ day of \_\_\_\_\_, 2022, with \_\_\_\_ voting in favor and \_\_\_\_ against.

\_\_\_\_\_  
**PATRICK FITZSIMMONS**, Mayor

**ATTESTED BY:**

\_\_\_\_\_  
**JAMES ELLER**, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JENNIFER O. JACKSON**, Town Attorney

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** February 28, 2022

**SUBJECT:** Ollie Weaver Rd Project – Water Allocation

**PRESENTER:** Public Works Director Pennell and Town Attorney Jackson

**ATTACHMENTS:** Water Commitment Application  
Draft Water Commitment Letter

**DESCRIPTION/SUMMARY OF REQUEST:**

Civil Design Concepts, on behalf of the owner/developer of certain properties on Ollie Weaver Road, submitted a water commitment application on October 12, 2021, requesting 98,000 GPD for a proposed apartment complex consisting of 244 dwelling units on the following parcels on Ollie Weaver Road: 9733-73-5347, 9733-83-3019, and 9733-83-1054. To serve this project the developer has requested a water commitment of 98,000 gallons per day with peak demand of 1,000 gallons per minute and a 6-inch water meter. No extension of the Town’s water system is needed to serve this project as it would connect directly into the new water main on Ollie Weaver Road.

This request is brought to Town Council pursuant to Code Section 30-77(3) which requires Town Council approval on commitments involving water meters that are larger than 2 inches. Applications are required to be presented to you after it has been determined by the town engineer that the system has adequate capacity to serve the connection. The Public Works Director, who also serves as the town engineer, has reviewed the request and has found that 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.

Town Code Sec. 30-77(3) indicates that the “criteria for the determination shall be based on the town manager’s recommendations; the standing of the request as it relates to priorities listed in Town Code Sec. 30-31(5) and/or the exclusive right of the town to deny the request for any reason whatsoever.” Priorities listed in Town Code Sec. 30-31(5) include: capacity in the system, public health and safety, orderly growth, environmental conditions, capital improvement plans, annexation plans, master plans, zoning, fiscal impact on the town, and effect on service to existing customers.

Town Manager recommends that Town Council approach this water request carefully given that decisions have not yet been made concerning increasing the capacity in the water treatment plant.

**ACTION REQUESTED:**

**Discussion and possible action related to the water allocation request should be considered, regardless of the outcome of the annexation petition on the subject property.** A draft water commitment letter is provided for Town Council’s review should it feel that is appropriate.



rec'd 10/12/21

**Transmittal**

**Date: September 15, 2021**  
**Project Name: Ollie Weaver**  
**CDC Project: 12148**

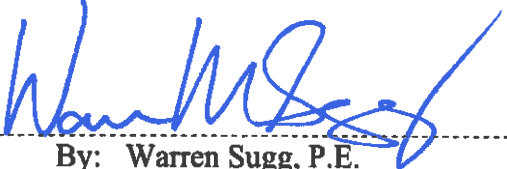
**To: Dale Pennell, P.E., P.L.S.**  
**Town of Weaverville**  
**Public Works Director**  
**15 Quarry Road**  
**Weaverville, NC 28787**

Via Mail  Overnight  Hand Delivered  Pick up @ CDC Office

Copies	Date	Description
1	09-15-21	Application for a Commitment Letter
1	09-15-21	Check for \$35.00 to cover processing
1	09-15-21	11x17 Conceptual Layout Bulletin

**REMARKS:**

cc:

  
By: Warren Sugg, P.E.

TOWN OF WEAVERVILLE  
WATER DEPARTMENT

APPLICATION FOR A COMMITMENT LETTER

APPLICANTS NAME: Warren Sugg, P.E.

PROJECT NAME: Ollie Weaver

ADDRESS: 168 Patton Avenue

LOCATION: 60 Ollie Weaver Rd., Garrison

Asheville, NC 28801

Branch Rd., 55 Garrison Branch No 2 Rd

PHONE NUMBER: 828-252-5388

PIN NUMBER: 9733-73-5347; 9733-83-3019; 1054

ELEVATION: 2120

TYPE OF SERVICE:

- RESIDENTIAL  SINGLE FAMILY HOME  
 TWO FAMILY \_\_\_\_\_ NUMBER OF BUILDINGS  
 MULTI-FAMILY 11 NO. OF BUILDINGS 24/20 UNITS PER BUILDING  
 RESIDENTIAL SUBDIVISION \_\_\_\_\_ NO. OF LOTS
- COMMERCIAL  SINGLE COMMERCIAL BUILDING  
 UNIFIED BUSINESS DEVELOPMENT \_\_\_\_\_ NO. OF BUILDINGS  
\_\_\_\_\_ NO. OF UNITS
- INDUSTRIAL  SANITARY FACILITIES ONLY  
 SANITARY & INDUSTRIAL PROCESS WATER
- OTHER  FIRE SPRINKLER SYSTEM  
 IRRIGATION SYSTEM

CAPACITY REQUESTED:

MAXIMUM GALLONS PER MINUTE 1,000  
MAXIMUM GALLONS PER DAY 98,000  
ANTICIPATED DATE OF SERVICE Fall 2022

PROJECT DESCRIPTION:

By way of Attachment(s) provide as much information as possible about this project. At minimum, attach A copy of the County Tax Map showing the location of the property. If the project involves a subdivision or more than one building location, a topographic map of the property is required to show building or lot Elevation.

ACKNOWLEDGEMENT:

I Warren Sugg, P.E. understand that the processing fee of \$ 35 paid herewith is non-refundable and is to cover the costs of processing and investigating this request and that an additional Commitment Fee based on the size and number of connections is due upon approval. It is further understood that the Town has the exclusive right to deny the request for any reason whatsoever.

Signature Warren M Sugg

Date 10/11/2021



## WATER DEMAND CALCULATIONS

Project Scope: This project will consist of 244 - 3 bedroom 2 bath units.

### AVERAGE DAILY DEMAND

Establishment Type	Daily Design Flow	No. of Units	Total Flow	Notes
3 Bed/2 Bath Units	400 gal / Unit	244	97,600 gpd	
			-	
Average Daily Demand			97,600 gpd	rounded to 98,000

Are fixture counts available: Yes

### PEAK WATER DEMAND

Fixture Type	Demand Weight of Fixtures	No. of Fixtures	Fixture Units
Sinks	4 fixture units / Fixture	488	1,952
Water Closet FV	5 fixture units / Fixture	488	2,440
Bath/Shower	4 fixture units / Fixture	488	1,952
Washing Machine	4 fixture units / Fixture	244	976
Dishwasher	1.4 fixture units / Fixture	244	342
Total Fixture Units			7,662
Total Peak Water Demand			1,000 gpm

### FIRE PROTECTION

Unit demand = 1,000 GPM

Notes:

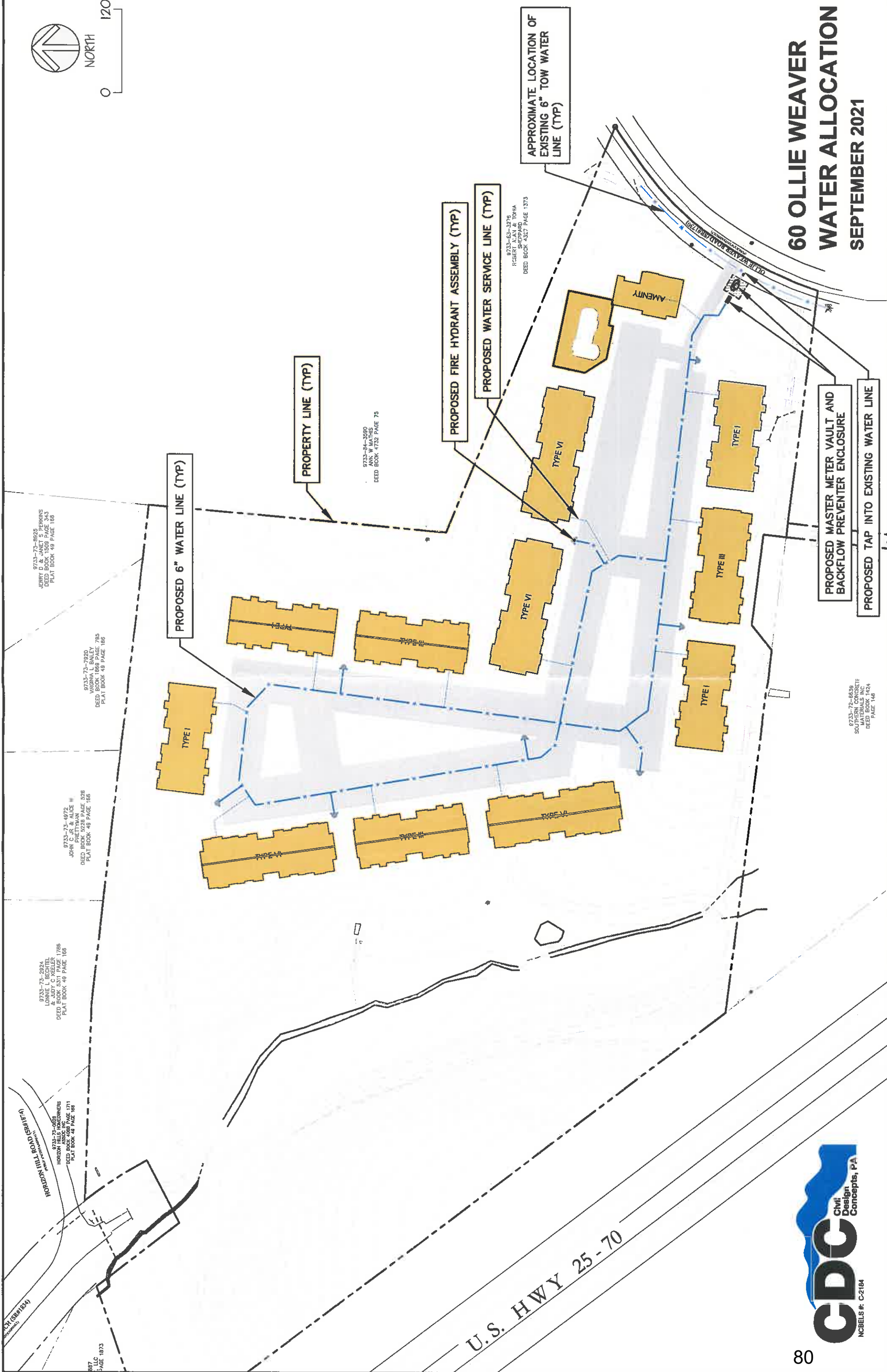
1. Establishment types and daily design flows from Average Daily Water Demand Chart.
2. Fixture types and demand weight from COA Design & Construction Manual figure W02-b.
3. Peak design flows are from Instantaneous Water Demands Chart.
4. Calculated domestic water demand above is based upon anticipated fixture counts for the project. Final calculations shall be done by the Plumbing Engineer during construction document preparation.



NORTH

120

# 60 OLLIE WEAVER WATER ALLOCATION SEPTEMBER 2021



9733-73-8825  
JERRY D. & JANET S. PERKINS  
DEED BOOK 1569 PAGE 343  
PLAT BOOK 49 PAGE 166

9733-73-7820  
VIRGINIA L. BAILEY  
DEED BOOK 1868 PAGE 795  
PLAT BOOK 49 PAGE 186

9733-73-4972  
JOHN C. JR. & ALICE W.  
PRETTYMAN  
DEED BOOK 3221 PAGE 528  
PLAT BOOK 49 PAGE 186

9733-73-2024  
LONNIE L. BECHTEL  
& JUDY C. WELLS  
DEED BOOK 1571 PAGE 186  
PLAT BOOK 49 PAGE 186

9733-73-0659  
HORIZON ASSOC. INC.  
DEED BOOK 408 PAGE 1071  
PLAT BOOK 49 PAGE 186

9733-84-3590  
ANN. W. MATHEIS  
DEED BOOK 4732 PAGE 75

9733-68-1376  
ROBERT A. JAY & TONIA  
SHEPPARD  
DEED BOOK 4327 PAGE 1373

9733-72-6639  
SOUTHERN CONCRETE  
INDUSTRIAL  
DEED BOOK 1424  
PAGE 144

897  
PAGE 1873

U.S. HWY 25-70



NCBELS #: C-2184



The Town of  
**Weaverville**  
NORTH CAROLINA

March 1, 2022

Mr. Warren Sugg, PE  
Civil Design Concepts, PA  
168 Patton Avenue  
Asheville, NC 28801

Re: Water Commitment for 60 Ollie Weaver Road Apartments  
PIN 9733-73-5347, 9733-83-3019, 9733-83-1054

Dear Mr. Sugg:

This letter represents the Town of Weaverville's review of the water commitment request that was submitted by you on behalf of WeaverVegas, LLC dated September 15, 2021 and received on October 12, 2021. Your request indicated that a proposed development on the properties listed above would consist of 11 buildings totaling 244 units. You requested domestic water service for 244 apartments at 400 GPD each (97,800 GPD) rounded to 98,000 GPD and fire protection service at 1000 GPM. Based on our review, it has been determined that our water system has adequate capacity to serve this connection. Therefore, based on the information that you have provided, your commitment request is hereby approved to provide your project with domestic water service and fire protection flow. The following represents the conditions that must be met in order for the Town to provide water to your project:

1. Please have your engineer coordinate with Weaverville Public Works Director Dale Pennell on the detailed plans, materials, and installation of this water service.
2. All water services must be installed in accordance with Town Code and Water Policies, Procedures, and Specifications. Component submittals must be provided to the Public Works Director for approvals. Work must be performed by a NC Licensed Utility Contractor and supervised by Town staff.
3. The Owner/Developer is to pay all costs associated with the installation of the water service, water service line, taps, meters, valves, and other related appurtenances.
4. Tap fees are not required where taps, meters, and associated appurtenances are provided and installed by Owner/Developer; a Tap Fee must be paid if the tap is made by

30 South Main Street • Weaverville, NC 28787 (PO Box 338)  
(828) 645-7116 • Fax (828) 645-4776  
[www.weavervillenc.org](http://www.weavervillenc.org)

Town Staff. System Development Fees, Service Charges, and Deposits will be assessed at the time water service is requested to be turned on.

5. This water commitment is valid only for the project described in this letter and is valid for 1 year from the date of this letter. Installation of the water system improvements must begin before the expiration date unless otherwise extended per town policy.
6. This water commitment does not constitute the Town's approval and acceptance of the proposed project.
7. This water commitment cannot be used to secure a building permit. To be eligible for a building permit, your water tap(s) for the project must be installed, approved, and activated.

You paid \$100 on January 14, 2022 as part of your Application for a Commitment Letter. Additional fees based on the size of the domestic meter for the approved connection will be required to activate your account per the Town's current Fee Schedule.

Sincerely,

Selena D. Coffey, MPA, ICMA-CA  
Town Manager

cc: Dale Pennell, Public Works Director

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** February 28, 2022  
**SUBJECT:** Code Amendments to Chapter 9 – Noise Regulations  
**PRESENTER:** Town Attorney  
**ATTACHMENTS:** Proposed Ordinance Amending Code Chapter 9

**DESCRIPTION/SUMMARY OF REQUEST:**

The Town’s current noise regulations were adopted on January 28, 2019. Town Council and staff have recently heard some complaints concerning noises associated with some commercial activity in the C-1 commercial district. The Town Manager, Police Chief, Code Enforcement Officer and Town Attorney have worked together and recommend some revisions to the regulations to strengthen and clarify the provisions and to specifically address commercial activities. A proposed ordinance is attached for Town Council’s consideration. Proposed changes and primary provisions are as follows:

- Adds a definition section which includes definitions of the terms *amplified sound*, *daytime hours* (6a-10p) and *nighttime hours* (10p-6a)
- Leaves intact the section that provides that “it shall be unlawful to emit a noise of such character, intensity, or duration as to be detrimental to the life or health of reasonable persons of ordinary sensibilities,” and outlines factors to consider in determining whether there is a violation
- Adds a section concerning commercial activity which:
  - recognizes the importance of our commercial districts
  - recognizes the difficult balance between commercial activity and residential uses that about a commercial district
  - allows noises for reasonable commercial activity during daytime hours (6a-10p) but provides for violations for noises related to unreasonable commercial activity
  - provides for full enforcement of noise regulations during nighttime hours (10p-6a)
- Adds a section prohibiting amplified sound during nighttime hours (10p-6a) unless exempt
- Provides exemptions for the following: emergencies, safety signals, weather-related activities, garbage/recycling collection, delivery trucks, lawn maintenance, agricultural activities, construction activities (except outside work is not allowed during nighttime hours), drive-thru operations, school related noises, nonamplified crowd noise, and noises associated with temporary events under permit, license or facility agreements
- Clarifies that the Town will enforce noise regulations only if a violation is found by an investigating officer
- Continues to allow private prosecution and private nuisance actions for disputes between neighbors

**TOWN COUNCIL ACTION REQUESTED:**

Should Town Council wish to enact the proposed text amendments it is appropriate to consider adoption of the attached ordinance at this time or in the future as is the will of Town Council.

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE  
CHAPTER 9 CONCERNING NOISE REGULATIONS**

**WHEREAS**, on January 28, 2019, Town Council enacted certain noise regulations pursuant to N.C. Gen. Stat. §§ 160A-174 and 160A-193 in order declare certain conditions, situations and activities as nuisances and prohibit, regulate, and provide for the removal, abatement, or remedy of the same; and

**WHEREAS**, Town Council, under that same authority, now wishes to amend its noise regulations in order to strengthen and clarify its provisions and to better provide for a balance between noises reasonably associated with commercial activities and abutting residential uses;

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

1. Article IV of Chapter 9 is hereby amended as follows with added language being shown as underlined and deleted language shown with strike-throughs:

**Chapter 9 – Nuisances  
Article IV. Noise**

**Sec. 9-400. Authority and jurisdiction.**

The Town of Weaverville hereby finds that it is necessary to define, prohibit, regulate and summarily abate acts, omissions, or conditions that are dangerous or prejudicial to the public health or public safety within the Town of Weaverville. The regulations contained within this article are adopted pursuant to the authority granted under NCGS § 160A-193 and § 160A-174.

**Sec. 9-401. Definitions.**

Amplified sound – Sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Methods of amplifying sound includes, but are not limited to, sound systems, speakers, and bullhorns. Shouting and group chanting are not amplified sound and are not subject to the special rules on amplified sound but are subject to general rules on noise and disruption.

Daytime hours – The hours between 6:00 a.m. and 10:00 p.m.

Nighttime hours – The hours between 10:00 p.m. and 6:00 a.m.

**Sec. ~~9-401~~ 9-402. Unlawful noise.**

Except as otherwise provided in this article, it # shall be unlawful to emit, or to cause or permit to be made, any unreasonably loud, annoying, frightening, loud and disturbing, or unnecessary noise. Specifically, it shall be unlawful to emit noise of such character, intensity, or duration as to be detrimental to the life or health of reasonable persons of ordinary sensibilities. Factors to consider in determining whether a violation exists include, but are not limited to:

- (a) The volume of the noise;
- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) Whether the origin of the noise is natural or unnatural;

- (e) The volume and intensity of the background noise, if any;
- (f) The proximity of the noise to residential sleeping facilities;
- (g) The nature and zoning of the area within which the noise emanates;
- (h) The density of the inhabitation of the area within which the noise emanates;
- (i) The time of the day or night the noise occurs;
- (j) The duration of the noise; and
- (k) Whether the noise is recurrent, intermittent, or constant.

**Sec. 9-403. Commercial activity.**

The Town of Weaverville recognizes its vibrant commercial districts and the positive economic impacts that they have on the Town. With commercially zoned areas abutting residentially zoned areas within some areas of the Town of Weaverville, a balance between the commercial owners' needs and the desire of the residential owners for quiet enjoyment of their property must be attempted.

Residents should understand and accept that some commercial activities involve noise that may emanate beyond property boundaries.

Noise regulation violations involving commercial activities in a commercially zoned area during daytime hours will only be found for noises that exceed what is reasonably found within a commercial zoning district. Commercial activities occurring during nighttime hours, however, will be subject to noise regulation violations if such noise is detrimental to the life or health of reasonable persons of ordinary sensibilities.

**Sec. 9-404. Amplified sound.**

Amplified sound is expressly prohibited during nighttime hours unless otherwise exempt from these regulations.

**Sec. 9-405. Exemptions.**

The following are specific exemptions to the regulations contained in this Article:

- (a) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency and any other noises associated with emergency response of any kind;
- (b) Noises of safety signals, warning devices, and emergency pressure relief valves;
- (c) Noises associated with weather-related activities including street and sidewalk clearing, and utility restoration;
- (d) Noises resulting from garbage and recycling collection and delivery truck operations as long as the vehicles and equipment are operated in accordance with the manufacturers' specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition;
- (e) Noises associated with lawnmowers and agricultural equipment operated during daylight hours when all the manufacturers' standard mufflers and noise-reducing equipment is in use and in proper operating condition;
- (f) Noises associated with construction operations for which building permits have been issued or are not required, as long as all equipment is operated in accordance with the manufacturers' specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition; provided, however, construction activity conducted outside of a fully enclosed building or structure during nighttime hours is prohibited;

- (g) Noises associated with the normal operations of a commercial drive-thru within a commercial district, including operations that utilize amplified sound;
- (h) Noises related to school operations including announcements and traffic control, which may be delivered through the use of amplified sound;
- (i) Nonamplified crowd noises resulting from the activities such as those planned by student, governmental, or community groups, or civic events or celebrations;
- (j) Noises resulting from activities of a temporary duration permitted by law and for which a license, permit, or facility rental has been granted by the Town. Regulation of noises emanating from such operations shall be according to the conditions and limits stated on the license, permit or facility rental agreement.

**Sec. 9-402 9-406. Presumption in prosecution for noise violation.**

The complaints of two or more persons, at least one of whom resides in a different home from the other complaining person or persons, ~~or the complaint of one or more persons, when combined with the complaint of a duly authorized investigating person,~~ shall be prima facie evidence that such sound is a loud and annoying, frightening, loud and disturbing, unreasonably loud or unnecessary noise and as such may be prosecuted privately, or by the Town if an investigating officer determines that such sound is a violation of these regulations.

**Sec. 9-407. Private prosecution and private nuisance actions.**

Nothing herein is intended to prevent or impede the private prosecution of a noise ordinance violation or the bringing of a private nuisance action.

**Sec. 9-408. Complaints.**

Individuals are encouraged to contact the Town’s police department during a noise event if it is alleged to be a violation of these noise regulations. This is not meant to discourage respectful and civil communications between neighbors in order to attempt a resolution of a noise complaint.

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** \_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_ in favor and \_\_\_ against.

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**PATRICK FITZSIMMONS**, Mayor

**ATTESTED BY:**

**APPROVED AS TO FORM:**

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**JAMES ELLER**, Town Clerk

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**JENNIFER O. JACKSON**, Town Attorney

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** February 28, 2022

**SUBJECT:** Resolution Authorizing Remote and Hybrid Public Meetings During Periods of Emergencies

**PRESENTER:** Town Attorney

**ATTACHMENTS:** Proposed Resolution  
Resolution adopted 14 April 2020  
G.S. § 166A-19.24 and Session Law 2021-35

**DESCRIPTION/SUMMARY OF REQUEST:**

On April 14, 2020, at the beginning of the COVID-19 pandemic, Town Council adopted a resolution that provided for public meetings to be conducted via remote electronic means. The North Carolina General Assembly shortly followed suit and on May 4, 2020, enacted laws pertaining to remote meetings during certain declarations of emergency. Those laws have since been amended in 2021.

Since there are now specific laws in place to accommodate remote electronic meetings during emergencies, much of the content of the April 2020 Resolution is unnecessary.

The Town Attorney recommends that Town Council adopt a simpler resolution that authorizes the Mayor and chairpersons of the Town's committees to conduct public meetings remotely or as hybrid meetings during emergencies and repeal the existing Resolution that was adopted in April 2020.

The legislative authority to conduct remote electronic meetings during non-emergency times is uncertain right now but is expected to be addressed. Remote electronic and hybrid meetings will be addressed in Town Council's Rules of Procedure which are in the process of being drafted.

**COUNCIL ACTION REQUESTED:**

*Adoption of the attached Resolution Authorizing Remote and Hybrid Public Meetings During Periods of Emergency*

**TOWN OF WEAVERVILLE**  
**RESOLUTION AUTHORIZING REMOTE AND HYBRID PUBLIC MEETINGS**  
**DURING PERIODS OF EMERGENCY**

**WHEREAS**, it is essential for the Town of Weaverville and its various boards and committees to continue its governmental operations during emergency situations, including holding public meetings and public hearings;

**WHEREAS**, the Town of Weaverville is committed to the transparency of government that is required by the North Carolina open meetings laws and the right of its citizens to remain engaged through attendance at public meetings and through opportunities to make public comment;

**WHEREAS**, G.S. § 166A-19.24, as amended by Session Law 2021-35, authorizes public bodies within an emergency area to conduct remote meetings throughout the declaration of emergency subject to requirements set forth in G.S. § 166A-19.24;

**WHEREAS**, Town Council is authorized to establish rules of procedure for its official meetings and to mandate rules of procedure for its boards, including the Planning Board, the Board of Adjustment, the ABC Board, and any other board appointed by the Weaverville Town Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WEAVERVILLE, NORTH CAROLINA, ACTING THROUGH ITS COUNCIL MEMBERS, AS FOLLOWS:**

1. Upon the issuance of a declaration of emergency under G.S. § 166A-19.20, public meetings and public hearings of Town Council, the Planning Board, the Board of Adjustment, the ABC Board, and any other board or committee appointed by the Weaverville Town Council or Mayor, may, in the discretion of the Mayor or the chairman of the respective boards, be conducted in a remote electronic format, or a hybrid format which accommodates both in-person and remote electronic formats, as long as the requirements of G.S. § 166A-19.24.
2. All remote or hybrid public meetings shall also be conducted in conformity with rules and regulations adopted by federal, state, or local declarations and applicable laws.
3. This resolution shall become effective immediately and the resolution adopted on April 14, 2020, is hereby repealed.

**ADOPTED** this \_\_\_ day of February, 2022.

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**PATRICK FITZSIMMON, Mayor**

**ATTEST:**

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**JAMES ELLER, Town Clerk**



**TOWN OF WEAVERVILLE**  
**RESOLUTION ADOPTING SPECIAL RULES FOR**  
**REMOTE ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS**  
**DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

**WHEREAS**, it is essential for the Town to continue its governmental operations during the COVID-19 public health emergency, including holding public meetings and public hearings;

**WHEREAS**, the Town of Weaverville is committed to the transparency of government that is required by the North Carolina open meetings laws and the right of its citizens to remain engaged through attendance at public meetings and through opportunities to make public comment;

**WHEREAS**, because of the risks to the public and the Town's officials and employees that would arise from continued in-person meetings, the Town is converting most public meetings and public hearings to a remote electronic format;

**WHEREAS**, Town Council is authorized to establish rules of procedure for its official meetings and to mandate rules of procedure for its boards, including the Planning and Zoning Board, the Board of Adjustment, the ABC Board, and any other board appointed by the Weaverville Town Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WEAVERVILLE, NORTH CAROLINA, ACTING THROUGH ITS COUNCIL MEMBERS, AS FOLLOWS:**

1. During the COVID-19 public health emergency, all public meetings and public hearings of Town Council, the Planning and Zoning Board, the Board of Adjustment, the ABC Board, and any other board appointed by the Weaverville Town Council, may, in the discretion of the Mayor or the chairman of the respective boards, be conducted in a remote electronic format.
2. In-person public meetings and/or public hearings can only be held if limitations on gatherings and social distancing requirements can be met and if the public's ability to attend and listen to the public meeting or attend and participate in the public hearing is provided for.
3. In accordance with G.S. § 143-318.13(a), notice must be provided for all remote electronic meetings in order to provide instructions for how the public can listen and/or participate in the meeting or hearing.
4. Remote participation is allowed only if the member at a remote location can fully participate in the deliberations, can hear and can be heard by the other members of Council and any other individual in attendance at the official meeting. A member participating remotely is considered to be present at the meeting and entitled to

vote. Members participating remotely are required to announce when they are leaving the meeting or rejoining the meeting.

5. If an electronic communication is lost unintentionally by a member due to technical problems, the member will not be considered present. If the entire remote electronic meeting fails due to technical difficulties the meeting will be considered recessed for 10 minutes. If the meeting is not able to reconvene within 10 minutes, then the meeting will be considered adjourned.
6. Roll call votes are required for all remote electronic meetings. A voice vote by telephone or video, which can be heard and recorded, will be counted. If a vote is not made or cannot be heard it will be considered a nay vote.
7. Minutes of the meetings at which one or more members participate remotely must reflect which members were physically present and which members attended remotely. Minutes should also reflect when members are excused from voting or are excused to leave or rejoin the meeting, just as they would for members who are physically present.
8. In order to safely receive public comments, public comments must be submitted in advance of the meeting subject to the following guidance:
  - a. Public comments should be limited to no more than 450 words and no more than one public comment can be submitted.
  - b. Public comments timely received will be read into the record during the public comment period.
  - c. Public comments can be submitted as follows:
    - i. By emailing to [public-comment@weavervillenc.org](mailto:public-comment@weavervillenc.org) at least 6 hours prior to the meeting;
    - ii. 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;
    - iii. 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
  - d. Public comments must observe the normal rules of decorum for public comments during in-person meeting. Public comments contain personal attacks will not be read.
  - e. For additional assistance in providing public comments, please call (828)645-7116.

9. Special instructions will be provided for providing comments during public hearings, including a public comment period in advance of the public hearing where written comments can be submitted in advance and read into the record of the public hearing.
10. For quasi-judicial matters, all applicants will be given an opportunity to postpone their evidentiary hearing until an in-person hearing can be held.
11. This resolution shall become effective immediately and may be terminated at any time by action of Town Council or by action of the Mayor, who is hereby authorized to terminate these rules if he has determined that it is advisable to do so based on the status of the COVID-19 public health emergency.

**ADOPTED** this 14 day of April, 2020.

  
\_\_\_\_\_  
**ALLAN P. ROOT, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**DEREK K. HUNINGHAKE, Town Clerk**

**§ 166A-19.24. Remote meetings during certain declarations of emergency.**

(a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a declaration of emergency under G.S. 166A-19.20, any public body within the emergency area may conduct remote meetings in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency.

(b) Requirements. – The public body shall comply with all of the following with respect to remote meetings conducted under this section:

- (1) The public body shall give proper notice under G.S. 143-318.12 and under any other requirement for notice applicable to the public body. The notice shall also specify the means by which the public can access the remote meeting as that remote meeting occurs.
- (2) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations:
  - a. When the roll is taken or the remote meeting is commenced.
  - b. Prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order.
  - c. Prior to voting.
- (3) All documents to be considered during the remote meeting shall be provided to each member of the public body.
- (4) The method of simultaneous communication shall allow for any member of the public body to do all of the following:
  - a. Hear what is said by the other members of the public body.
  - b. Hear what is said by any individual addressing the public body.
  - c. To be heard by the other members of the public body when speaking to the public body.
- (5) All votes shall be roll call; no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting.
- (6) The public body shall comply with G.S. 143-318.13(c).
- (7) The minutes of the remote meeting shall reflect that the meeting was conducted by use of simultaneous communication, which members were participating by simultaneous communication, and when such members joined or left the remote meeting.
- (8) All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record.
- (9) The remote meeting shall be simultaneously streamed live online so that simultaneous live audio, and video, if any, of such meeting is available to the public. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

(c) Quorum. – A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. The provisions of G.S. 153A-44 and G.S. 160A-75 shall apply to all votes of each member of a county or municipal governing board taken during a remote meeting.

(d) Voting by Members of the Public Body. – Votes of each member of a public body made during a remote meeting under this section shall be counted as if the member were

physically present only during the period while simultaneous communication is maintained for that member.

(e) Public Hearings. – A public body may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the public body allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing.

(f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as a remote meeting only when all of the following apply:

- (1) The right of an individual to a hearing and decision occur during the emergency.
- (2) All persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice of the quasi-judicial hearing and consent to the remote meeting.
- (3) All due process rights of the parties affected are protected.

(g) Closed Sessions. – The public body may conduct a closed session as authorized in G.S. 143-318.11. While in closed session, the public body is not required to provide access to the remote meeting to the public.

(h) Not Exclusive. – This section applies only during emergency declarations and does not supersede any authority for electronic meetings under Article 33C of Chapter 143 of the General Statutes.

(i) [Definitions. – ] For purposes of this section, the following definitions apply:

- (1) Official meeting. – As defined in G.S. 143-318.10(d).
- (2) Public body. – As defined in G.S. 143-318.10(b) and (c).
- (3) Remote meeting. – An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.
- (4) Simultaneous communication. – Any communication by conference telephone, conference video, or other electronic means. (2020-3, s. 4.31(a).)

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

**SESSION LAW 2021-35  
HOUSE BILL 812**

AN ACT TO AMEND THE STATUTE AUTHORIZING THE USE OF REMOTE MEETINGS  
DURING CERTAIN STATES OF EMERGENCY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 166A-19.24 reads as rewritten:

**"§ 166A-19.24. Remote meetings during certain declarations of emergency.**

(a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a declaration of emergency under G.S. 166A-19.20, any public body within the emergency area may conduct remote meetings in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency. Compliance with this statute establishes a presumption that a remote meeting is open to the public.

...

(b1) If a public body has provided notice of an official meeting and one or more of the members of the public body desire to participate remotely after the issuance of the notice, the public body may amend the notice of the meeting to include the means whereby the public can access the remote meeting as that remote meeting occurs. Such amended notice of remote meeting shall comply with all of the following:

- (1) Be issued no less than six hours prior to the official meeting.
- (2) Be distributed in accordance with G.S. 143-318.12(b)(2) and (b)(3), as applicable.
- (3) Be posted in accordance with G.S. 143-318.12(e).

...

(e) Public Hearings. – A public body may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the public body allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours ~~after~~ prior to the scheduled time for the beginning of the public hearing.

...

(i) ~~{Definitions.}~~ Definitions. – For purposes of this section, the following definitions apply:

- (1) Official meeting. – As defined in G.S. 143-318.10(d).
- (2) Public body. – As defined in G.S. 143-318.10(b) and (c).
- (3) Remote meeting. – An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.
- (4) Simultaneous communication. – Any communication by conference telephone, conference video, or other electronic means."



**SECTION 2.** This act becomes effective July 1, 2021, and applies to remote meetings held on or after that date.

In the General Assembly read three times and ratified this the 8<sup>th</sup> day of June, 2021.

s/ Bill Rabon  
Presiding Officer of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 3:36 p.m. this 16<sup>th</sup> day of June, 2021

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** February 28, 2022  
**SUBJECT:** Community Center Project Closeout  
**PRESENTER:** Town Manager  
**ATTACHMENT:** Final Budget Report – Phase 1 - Community Center  
Amended and Restated Capital Project Ordinance

**DESCRIPTION/SUMMARY OF REQUEST:**

The Community Center Project is now at a successful end with the result being an under-budget project that has added a beautiful multi-functional building to the Lake Louise area. The successful completion of this project was not easy given the unusual challenges related to COVID, which coincided with the entire construction process.

Staff will be at tonight’s meeting to present the final budget report on the Community Center project which shows that the project came in \$18,997.55 under budget. There will be year-end transfers that Town Council will need to approve related to this transfer, but no final budget amendments are needed at this time. Town Council will, however, be asked to approve the final change in the date of Substantial Completion to September 3, 2021, which was confirmed and supported by the architect.

Staff is currently working on the planning and cost estimates of the Recreation Complex project and looks forward to presenting that to Town Council at an upcoming meeting. The amount not spent on the Community Center (Phase 1) is proposed to roll into the Recreation Complex (Phase 2) as shown on the Amended and Restated Capital Project Ordinance that is presented for Town Council’s consideration and approval. Once the cost of the Recreation Complex project has been estimated staff will bring back the Capital Project Ordinance to provide greater specificity on the expenses for this Phase 2 project.

**COUNCIL ACTION REQUESTED:**

Town Council is asked to: (1) approve the Amended and Restated Capital Project Ordinance; and (2) approve the date of Substantial Completion on the project as September 3, 2021.



TOWN OF WEAVERVILLE  
 CAPITAL PROJECT FUND  
**COMMUNITY CENTER PROJECT ESTABLISHED 1/27/2020**

	ORIGINAL BUDGET	AMENDED BUDGET	PAID IN FY 2019-FY 2020	PAID IN FY 2021	2/23/2022 YEAR-TO-DATE	CUMULATIVE TOTAL	REMAINING BALANCE	% BUDGET REMAINING
EXPENDITURE:								
070-300-000-19900	2,779,000.00	2,798,407.66	416,670.00	1,985,956.57	369,770.39	2,772,396.96	26,010.70	1%
070-300-000-19002	238,555.00	238,555.00	164,410.30	65,664.80	27,499.91	257,575.01	(19,020.01)	-8%
070-300-000-19008	61,811.00	61,811.00	59,324.59		2,486.41	61,811.00	-	0%
070-300-000-19006	31,150.00	31,150.00	8,193.04	146.50	22,726.88	31,066.42	83.58	0%
070-300-000-19003	92,074.00	161,475.64	1,680.00	143,288.15	24,849.77	169,817.92	(8,342.28)	-5%
070-300-000-19004	-	119,718.66		2,025.00	99,260.49	101,285.49	18,433.17	15%
070-300-000-19005	2,500.00	2,500.00	1,500.00			1,500.00	1,000.00	40%
070-300-000-19007	-	45,798.28	-	21,904.68	23,377.63	45,282.31	515.97	1%
070-300-000-90000	138,950.00	316.42					316.42	100%
TOTAL EXPENDITURE	3,344,040.00	3,459,732.66	651,777.93	2,218,985.70	569,971.48	3,440,735.11	18,997.55	1%
		Increase=						
		115,692.66						
FINANCING SOURCE:								
070-000-300-60010	3,344,040.00	3,424,614.00	651,777.93	2,203,085.70	550,752.82	3,405,616.45	18,997.55	1%
070-000-300-60020	-	35,118.66		15,900.00	19,218.66	35,118.66	-	
TOTAL FINANCING SOURCE	3,344,040.00	3,459,732.66	651,777.93	2,218,985.70	569,971.48	3,440,735.11	18,997.55	1%

**TOWN OF WEAVERVILLE  
 AMENDED AND RESTATED CAPITAL PROJECT ORDINANCE FOR THE  
 COMMUNITY CENTER AND RECREATION COMPLEX PROJECTS**

**BE IT ORDAINED** by Town Council of the Town of Weaverville, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1.** The Phase 1 project is to be known as the “Community Center Project” and consists of the construction of a new community center and improved restrooms within the Lake Louise Park. The Phase 2 project is to be known as the “Recreation Complex” and consists of the construction and installation of multi-sports courts, including tennis, pickleball, and basketball, and other recreational amenities located on the Community Center property;

**Section 2.** The Town Manager, Finance Officer/Director, Public Works Director and other officers and employees are hereby directed to proceed with the capital project within the terms and provisions of Chapter 159 of the North Carolina General Statutes and the budget contained herein.

**Section 3.** The following actual revenues and expenditures were used to complete the Phase I Community Center project activities which is considered closed out as of the effective date of this ordinance:

<b>PHASE 1 - COMMUNITY CENTER</b>		
Transfer from General Fund (incl. Eller Cove Proceeds of \$550,000)		\$3,405,616.45
Revenues from Fundraising Donations		\$35,118.66
<b>TOTAL PH 1 PROJECT REVENUES</b>		<b>\$3,440,735.11</b>
Construction Cost		\$2,772,396.96
Architect Fees		\$257,575.01
Engineering Fees		\$61,811.00
Surveys & Geotechnical Engineering/Testing		\$31,066.42
Fixtures & Equipment		\$169,817.92
Furniture and Furnishings		\$101,285.49
Construction Admin/Permit Fees		\$1,500.00
Landscaping/Site Work		\$45,282.31
<b>TOTAL PH 1 PROJECT EXPENSES</b>		<b>\$3,440,735.11</b>
<b>REMAINING BALANCE - TRANSFER TO PH2</b>		<b>\$18,997.55</b>

Any further fundraising donations received on the Phase I project shall be applied to Phase 2, unless the donor specifically directs otherwise.

**Section 4.** The following revenues are hereby appropriated for the Phase 2 project activities and expenditures authorized:

<b>PHASE 2 - RECREATION COMPLEX</b>		
Appropriated Fund Balance (from Ph 1)		\$18,997.55
Transfer from General Fund		\$250,000.00
Revenues from Donations for Ph 1 or 2		\$TBD
<b>TOTAL PH 2 PROJECT REVENUES</b>		<b>\$268,997.55</b>
Engineering Fees		\$TBD
Construction		\$TBD
Surveys & Geotechnical Engineering/Testing		\$TBD
Landscaping		\$TBD
Fixtures & Equipment		\$TBD
Permit Fees		\$TBD
Contingency		\$TBD
<b>TOTAL PH 2 PROJECT EXPENSES</b>		<b>\$268,997.55</b>

**Section 5.** The Town of Weaverville Finance Office is hereby directed to maintain within the Capital Project Fund established with this ordinance, sufficient detailed accounting records to provide accounting information as required by Chapter 159 of the North Carolina General Statutes.

**Section 6.** The Budget Officer and/or Finance Officer is directed to include a detailed analysis of past and future costs and revenues of this capital project in every budget submission made to Town Council.

**Section 7.** The Finance Officer is directed to report at least quarterly on the financial status of each project element in Section 4 and the revenues received or expected on the project.

**Section 8.** The Town Manager is hereby authorized and empowered to execute any and all documents necessary to commence, carry out, and complete the capital project set forth herein without any further direction, authorization, or consent, including without limitation any and all contract documents, change orders, or any other such documents as may be necessary to give direction to engineers, contractors, and others in completing this capital project, subject to compliance with law.

**Section 9.** The Town Manager is authorized to transfer expenditures within any line item of this capital project ordinance except for the contingency line item (if provided), as she, in her discretion, deems necessary and if allowable by law. Funds budgeted within the contingency line item cannot be expended without Town Council approval.

**Section 10.** The Town Manager shall from time-to-time report to Town Council as they shall direct as to the status of completion of the capital project and/or the status of the budget for the capital project.

**Section 11.** Copies of this capital project ordinance shall be furnished to the Town Clerk, the Budget Officer, and the Finance Officer for direction in carrying out this project.

**Section 12.** This ordinance shall be effective immediately upon adoption but shall not be codified.

**ADOPTED THIS** the 27th day of January, 2020, by a vote of 4 in favor and 0 against; and **AMENDED THIS** the 28<sup>th</sup> day of February, 2022, by a vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
**PATRICK FITZSIMMONS**, Mayor

**ATTESTED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JAMES ELLER**, Town Clerk

\_\_\_\_\_  
**JENNIFER O. JACKSON**, Town Attorney

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** February 28, 2022  
**Subject:** Quarterly Report-Fire Department  
**Presenter:** Fire Chief  
**Attachments:** Quarterly Report

**Description:**

Attached please find the quarterly report for the department

**Council Action Requested:**

No action needed.



## Weaverville Fire Department Quarterly Report November 1, 2021 – January 31, 2022

Total Calls For The Quarter -		507
Call Breakdown by Category –		
Fire		23
Overpressure, Rupture, Explosion, Overheat		1
Emergency Medical		269
Hazardous Condition		6
Service Calls		79
Good Intent Calls		96
False Alarms		29
Severe Weather		4
Average response Time for all Calls- 7:14		
<p>Responded to 67.3% of all calls within the 8 minute industry standard.  <i>The calls that make up the remaining percentage were mutual aid to neighboring departments or calls where we would be requested to stage away until law enforcement determined the scene was safe to enter. This number will also be impacted by calls for routine assistance which are calls identified within the Service Calls and Good Intent Calls categories.</i></p>		
Number of Overlapping Calls - 121		Percent of Overlapping Calls - 23.87%
Number of Calls Within Town Limits - 209		Number of Calls In NB District - 261
Automatic Aid Given – 37		Automatic Aid Received – 13
Total Fire Loss - \$38,000		Pre-incident Value - \$2,005,000
Percentage of Fire Loss – 2% (Includes a mobile home fire in NVMHP and an apartment fire in Holston Apartments)		



## **WEAVERVILLE FIRE DEPARTMENT**

**3 MONTICELLO RD.  
WEAVERVILLE, NC 28787**

*Celebrating 100 years of service to our community*

### **Fire Marshals Office Stats. November 2021, December 2021 and January 2022.**

#### **SafeKids. Child Car Seat Installation.**

November = 5 installations.

December = 3 installation.

January = 3 installations.

#### **Fire Prevention and Education Classes.**

November 12<sup>th</sup>. Pinebrook Farms. Meet and Greet. (25 people)

November 18<sup>th</sup>. Career Café. North Buncombe Middle School. (150 kids)

December 2<sup>nd</sup>. Weaver ville Library. Weaver Village Home Safety Class. (8 people)

January. Working with Asheville Fire Department and AB Tech to set up Arson Investigation  
Training for personnel here in the Western part of the state.

#### **Commercial Business Inspections.**

November = 18 inspections.

December = 15 inspections.

January = 22 inspections.

***Kile R. Davis***

***Fire Marshal***

***Weaver ville Fire Department***

[kdavis@weaver villefd.org](mailto:kdavis@weaver villefd.org)



# **WEAVERVILLE FIRE DEPARTMENT**

**3 MONTICELLO RD.  
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**Town of Weaverville**  
**Town Council Agenda Item**

**Date of Meeting:** Monday, February 28, 2022  
**Subject:** Police Department Report for the 4<sup>th</sup> Quarter  
**Presenter:** Chief of Police Ron Davis  
**Attachments:** Police Department Reports – Q4 Nov 2021-Jan 2022

**Description:**  
Attached you will find the police department’s quarterly report on activities, response times, and crime reports.

**Action Requested:** None

# WEAVERVILLE POLICE DEPARTMENT

## QUARTERLY REPORT NOV '21-JAN '22

**Activity:** There were 1,417 calls for service/activities this quarter. (This number does not include dozens of activities conducted everyday such as checks of businesses, homes and citizens)

Activities were up from November to December but were down in January due to inclement weather which limited traffic and temporary businesses closures etc.

**Arrests:** There were 19 arrests last quarter

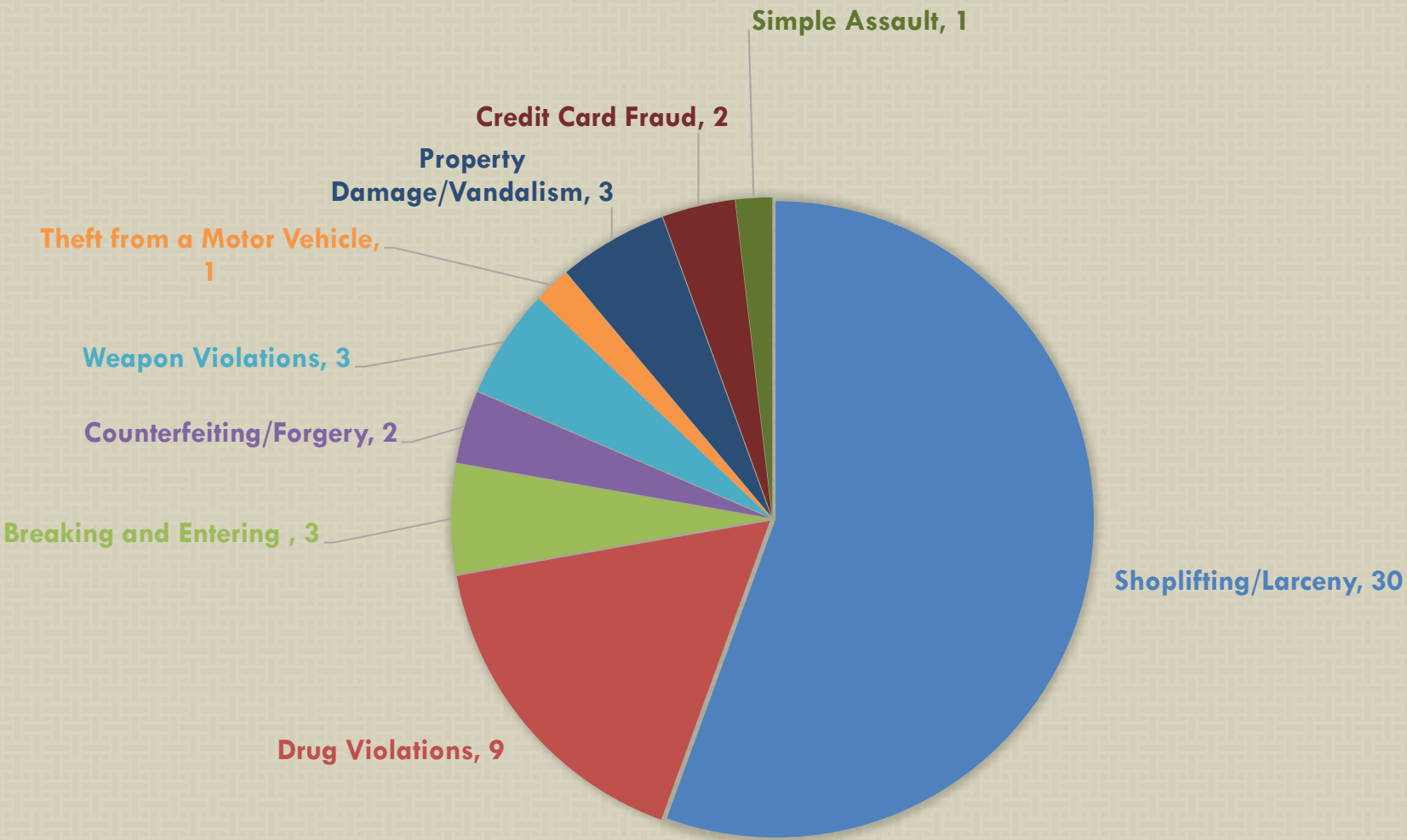
**Accidents:** There were 49 vehicle collisions with 8 injuries

**Events:** There were several special events last quarter which required a additional planning and extra manpower such as The Candlelight Stroll and Christmas Parade. We are also conducting planning for spring events requiring additional resources such as St. Patrick's Day and Music on Main etc.

# Police Activity Report

<b><u>Incident</u></b>	<b><u>November</u></b>	<b><u>December</u></b>	<b><u>January</u></b>	<b><u>Quarter Total</u></b>
Robbery	0	0	0	0
Aggravated Assault	0	1	0	1
Simple Assault	0	1	0	1
Burglary/B&E	1	0	2	3
Theft-Shoplifting	3	5	6	14
Theft-From a Motor Vehicle	1	0	0	1
All Other Theft	5	7	4	16
Motor Vehicle Theft	0	0	0	0
Damage/Vandalism	2	1	0	3
Counterfeiting/Forgery	2	0	0	2
False Pretense/Swindle/Confidence Gm	0	1	0	1
Credit Card/ATM Machine Fraud	1	1	0	2
Embezzlement	0	0	0	0
Stolen Property	0	1	0	1
Drug/Narcotic Violations	1	2	2	5
Drug Equipment Violations	0	2	2	4
Weapon Law Violations	0	2	1	3

# TOP REPORTED INCIDENTS



# RESPONSE TIMES NOV '21- JAN '22

	<u>November</u>	<u>December</u>	<u>January</u>
<i>High priority- average</i>	3.30	3.91	4.58
<i>Average priority-average</i>	3.55	3.30	3.71
<i>Low priority- average</i>	1.19	1.10	1.35

*High Priority Calls-* Response to this is **urgent** (i.e. in progress, weapon calls etc.)

*Average Priority Calls-* Response to the scene is necessary but **not urgent**.

*Low Priority Calls-* Action on this type of call is sometimes handled on the phone (i.e. someone just needs to speak to an officer) thus there is a shorter response time.