

In-Person and Remote Access via Zoom:

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

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<i>N.C.G.S. § 143-318.11(a)(3) – To consult with the Town Attorney in order to preserve the attorney-client privilege, and to consider and give instructions to an attorney concerning the handling or settlement of a claim.</i>		
9. Adjournment		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 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 – JULY 25, 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, July 25, 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. The instructions to access this 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 just prior to the start of the meeting.

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 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 about 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, or call the Town Clerk at (828)645-7116.

Patrick Fitzsimmons, Mayor

7/20/2022

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: July 25, 2022

SUBJECT: Public Hearing on Code Amendments to Ch. 20 –
Outdoor Lighting Regulations

PRESENTER: Planning Director

ATTACHMENTS: Notice of Public Hearing
Planning Board Recommendation

DESCRIPTION/SUMMARY OF REQUEST:

Tonight’s public hearing is on proposed text amendments to Code Chapter 20 pertaining to outdoor lighting regulations.

On May 3, 2022, and June 3, 2022, the Planning Board reviewed these attached proposed text amendments and unanimously found that the proposed text amendments are consistent with the Town’s Comprehensive Plan and recommended adoption of same. The Planning Board’s recommendation is attached and does include the full text amendment which represents a replacement to the current provisions.

Notice of the public hearing was duly advertised as required by North Carolina law and Code Chapter 20.

TOWN COUNCIL ACTION REQUESTED:

Receive public input on the proposed text amendments.

**TOWN OF WEAVERVILLE
NOTICE OF PUBLIC HEARING AND
NOTICE OF REMOTE ELECTRONIC MEETING**

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled monthly meeting on Monday, July 25, 2022, beginning at 6:00 p.m., in Council Chambers and the Community Room of Town Hall, 30 South Main Street, Weaverville, to receive public input on a proposed zoning text amendment related to outdoor lighting regulations.

This public hearing will occur as an in-person meeting, and as an electronic audio/video meeting via Zoom Meeting. Access to the meeting and hearing will begin at 5:45 p.m. and the meeting and hearing will start at 6:00 p.m.

WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be distributed to Town Council and made a part of the record of the public hearing. Written public comments can be submitted as follows: (1) by EMAILING to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a DROP BOX at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) BY MAILING your written comment (must be received not later than Monday's mail delivery on September 28) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

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 .

If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearing, 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.



**Town of Weaverville
Planning Board**

**Recommendation and Plan Consistency Statement for
Proposed Text Amendments**

On May 3, 2022 and June 7, 2022, the Planning Board reviewed and, in a unanimous vote, recommend to Town Council the attached proposed text amendments which pertain to outdoor lighting regulations.

The Planning Board has found that the attached proposed text amendments related to outdoor lighting regulations are consistent with the Town's Comprehensive Plan, reasonable and in the Town's best interest in that the amendments provide for a simplification and clarification of the regulations for outdoor lighting.

Gary Burge, Chairman of the Planning Board

June 8, 2022

ARTICLE VI – OUTDOOR LIGHTING

Sec. 20-3601. - Applicability.

The provisions of this Section shall apply to the installation of all outdoor lighting within the jurisdiction of this Ordinance except that the following shall be exempt from this Section:

- (1) Outdoor lighting installed for governmental purposes by local, state or federal governmental units and their agents.
- (2) Outdoor lighting required to be installed by laws or regulations of a local, state or federal governmental units.
- (3) All fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating streets.

Sec. 20-3602. - Prohibited Outdoor Lighting.

The following types of outdoor lighting are prohibited unless exempt by Section 20-3601 above:

- (1) Light fixtures that imitate an official highway or traffic control light or sign.
- (2) Light fixtures in the direct line of vision with any traffic control light or sign.
- (3) Light fixtures that have a flashing or intermittent pattern of illumination.
- (4) Privately-owned light fixtures located in the public right-of-way.
- (5) Light fixtures that are a source of glare by their design, orientation or intensity.
- (6) Searchlights, unless used for emergency purposes.
- (7) Unshielded open vertical light fixtures.
- (8) Light fixtures that violate any law of the State of North Carolina relative to outdoor lighting.

Sec. 20-3603 - Plan Approval Required.

Outdoor lighting for non-residential development and multifamily development is subject to approval by the Administrator. The lighting plan shall show sufficient information to determine compliance with the standards of this Section and may require a photometric plan or other information which can demonstrate compliance with this article.

Sec. 20-3604 - Outdoor Lighting Requirements.

- (1) Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Glare or hazardous interference are situations where the sensation produced by luminance within the visual field is sufficiently greater than the luminance to which the eyes are adapted, such as to cause annoyance, discomfort, or loss in visual performance and visibility.
- (2) Outdoor lighting shall be constructed and operated to minimize the spillover of obtrusive light onto property outside the boundaries of the property on which the lighting is sited which could result in annoyance, discomfort or distraction to persons on the other property.
- (3) Gas station canopy lights should be recessed into the canopy to minimize light spillover.
- (4) All outdoor lighting fixtures, subject to this Section, except for temporary and emergency lighting, that would otherwise cause glare or obtrusive spillover shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spill over.

- (5) As a general principle, all outdoor lighting shall be directed downward and away from adjoining property and streets.
- (6) All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Floodlights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to and away from the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
- (7) The mounting height of all outdoor lighting shall not exceed 40 feet above finished grade, except that the mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade.
- (8) All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (Type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way. Alternatively, directional fixtures (such as floodlights) may be used provided they shall be aimed and shielded in accordance with this Section.
- (9) Sign lighting shall be regulated in accordance with Section 20-4108.



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Workshop
Monday, June 20, 2022**

The Town Council for the Town of Weaverville met for a special called workshop on Monday, June 20, 2022, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC with remote access via zoom.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Jeff McKenna and Councilmembers Doug Jackson, Andrew Nagle, John Chase, Catherine Cordell, and Michele Wood. Councilmember Nagle exited the meeting at approximately 6:40 pm.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Police Chief Ron Davis, Water Resources Superintendent Trent Duncan. Public Works Director Dale Pennell attended via zoom.

1. Call to Order

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

2. Bike-Ped Plan Presentation & Questions for Town Council

Kristy Carter, of Traffic Planning and Design, presented Town Council with information related to the forthcoming bicycle and pedestrian plan. Ms. Carter sought consensus on the policy questions of new development, redevelopment, pedestrian context areas, waivers, and future land planning for inclusion in the bike-ped plan. Through conversation consensus was reached on each item including a proposed recommendation within the plan to transition from the current sidewalk waiver system to a fee in lieu program for funding multimodal projects.

3. Water System Recommendations

Mayor Fitzsimmons reviewed the water system recommendations which included developing a more aggressive tiered pricing system for water, applying for state funds in conjunction with the Town of Marshall, retrofitting the water line connection to Mars Hill, connecting the Town's water system with Woodfin Water District, negotiating an extra water supply from the City of Asheville, and expanding the Town's water treatment plant. Mayor Fitzsimmons then recognized members of the public who wished to offer comment on the matter.

Thomas Veasey, Roger Cordell, Alton Bradley and Jennifer Young spoke in favor of water treatment plant expansion. Allan Steinberg and Barbara Heller spoke regarding the current water system. John Bowen spoke in opposition to the proposed tiered water pricing system. Jeremy Diner, James Heintl, Michael Matthews and Heather Whittenben spoke in opposition to the expansion of the water treatment plant.

4. Adjournment.

Councilmember Chase motioned to adjourn the meeting. Vice Mayor McKenna seconded and all voted in favor of the motion. Motion passed 6-0 and meeting adjourned at approximately 8:25.

James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Workshop
Tuesday, June 21, 2022**

The Town Council for the Town of Weaverville met for a regularly scheduled workshop on Monday, June 20, 2022, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC with remote access via zoom.

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

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Police Chief Ron Davis, Assistant Police Chief Somer Oberlin, , Water Resources Superintendent Trent Duncan, and Finance Officer Tonya Dozier. Public Work Director Dale Pennell joined via zoom.

1. Call to Order

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

2. I-26 Bridge Replacement and Budget Impact

Ms. Jackson described the negotiation with NCDOT for additional easements, right of entry, and right-of-way on Town-owned property for the upcoming I-26 bridge replacement project. NCDOT has agreed to pay the Town \$20,000 for the right-of-way, easements, and access needed.

Councilmember Cordell motioned to accept \$20,000 as fair and just compensation for the easements and right-of-way and approve the deed for highway right-of-way and agreement for entry and authorize the proper execution of same by the Mayor and Town Clerk. Councilmember Jackson seconded the motion. All voted in favor of the motion which passed 6-0.

3. Water Line Replacement Project and Budget Impact

Mr. Pennell presented information to Council related to a waterline replacement project funded in the FY 2021-2022 budget for the replacement of 3 dilapidated lines in the Town's water distribution system. WithersRavenel prepared plans for the project which achieved state approval. Four bids were received for the project with the low bid of \$349,600 being submitted by T.P. Howard Plumbing Co. Even though the low bid exceeded the \$150,000 cost estimate for the project, Mr. Pennell recommended that the bid be awarded.

Councilmember Jackson motioned to award the bid, add the additional \$199,600 to the FY 2022-2023 water fund budget, and authorize the Mayor and Town staff to execute a contract for this work. Councilmember Cordell seconded the motion. All voted in favor of the motion which passed 6-0.

4. Overview of Fee Schedule

Ms. Dozier provided Council with an overview of the proposed FY 2022-2023 fee schedule specifically identifying items which had been added, deleted, or revised from the previous year.

5. Overview of Revisions to the Proposed Budget

Ms. Coffey presented information regarding outstanding items within the FY 2022-2023 budget for Town Council’s consideration. Within the general fund, consensus was reached to increase fuel costs, provide additional 911 fees, provide hiring bonuses for firefighter and fire engineer positions, change to a 14-day overtime pay calculation for fire department and police department employees, add a Town Clerk position, add revenues from the NCDOT funds for bridge replacement project, remove funding for two Main Street wi-fi cameras (leaving one for the municipal clock lot), grant a donation to Weaverville Center for Creative and Healthy Living. There was not consensus to add a police officer position or a human resources position. Within the water fund, consensus was reached to increase fuel costs, add for rate increases for purchase of chemicals, add a lawn maintenance contract. There was not consensus to designate the use of ARP funds to the water treatment plant expansion at this time, nor consensus to add a transfer to the water capital reserve fund.

6. Closed Session

Councilmember Jackson motioned to enter closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment or employment of an individual public officer or employee; and to establish the position to be taken by the public body concerning the amount of compensation and other material terms of an employment contract or proposed employment contract. Councilmember Chase seconded the motion. All voted in favor of the motion which passed 6-0.

[CLOSED SESSION]

Councilmember Jackson motioned to reenter public session. Councilmember Cordell seconded the motion. All voted in favor of the motion which passed 6-0.

Councilmember Jackson motioned to provide the Town Manager with an annual salary of \$125,000 beginning July 1, 2022 and to continue her benefit package. Councilmember Wood seconded the motion. All voted in favor of the motion which passed 6-0.

Councilmember Jackson motioned to amend the Town Attorney’s employment agreement to provide an annual salary of \$85,000 and provide her with all other benefits provided to other town employees beginning July 1, 2022, with all other terms being unchanged. Councilmember Wood seconded the motion. All voted in favor of the motion which passed 6-0.

7. Adjournment.

Without objection, Mayor Fitzsimmons declared the meeting adjourned at approximately 8:35.

James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, June 27, 2022**

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

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

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, Assistant Police Chief Somer Oberlin, Public Works Director Dale Pennell, Water Resources Superintendent Trent Duncan.

1. Call to Order

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

2. Public Hearing: Ollie Weaver Road Project R-3 Zoning

Mr. Eller presented information related to properties adjacent to Ollie Weaver Road and an application for R-3 zoning should Town Council wish to annex the property. Mr. Eller noted that the public hearing had been duly advertised and that the proposed zoning of R-3 had received a unanimous favorable recommendation from the Planning Board.

Mayor Fitzsimmons opened the public hearing. Mr. Eller noted that three written public comments had been received and distributed to Town Council in advance of the meeting.

Carson Lattimore, Eric Suhren, and Patricia Lux spoke to Council regarding their concerns over development and the increase in traffic.

Warren Sugg of Civil Design Concepts spoke to Council on behalf of the application.

Mr. Eller noted that no member of the public attending remotely via zoom had identified themselves as wishing to make a public comment. Mayor Fitzsimmons closed the public hearing at 6:20 pm.

3. Approval/Adjustments to the Agenda

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

4. Consent Agenda

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

- A. Town Council Minutes** – *approved May 17, 2022 regular workshop minutes of Council*
- B. Town Council Minutes** – *approved May 23, 2022 regular meeting minutes of Council*
- C. Monthly Tax Report** – *Information only; submitted by Buncombe County Tax Department*
- D. Budget Amendment – Community Center** – *Budget amendment for donations made to the Community Center*
- E. Budget Amendment – Fire Department** – *Budget amendment for a donation to the Fire Department*
- F. Board Appointment – Planning Board** – *Appointment of Maggie Schroder as an alternate member of the Planning Board*
- G. Set Public Hearing** – *Set Public Hearing for a text amendment for outdoor lighting regulations*
- H. Resolution Approving Addition to State Highway System** – *Added of .02 miles to Garrison Branch Road (S.R. 1791)*
- I. Proclamation on Centennial Anniversary for First Baptist Church**

5. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to the citizens academy, a joint meeting with the Planning Board, the summer music series, and the July 4th downtown celebration.

6. General Public Comment

General public comments may be submitted either during the meeting or in writing in advance of the meeting. Normal rules of decorum apply to all comments. The general public comments section of the meeting will be limited to 20 minutes and priority will be given to those commenters in attendance. Individuals presenting comments during the meeting are generally limited to 3 minutes. Written comments that are timely received will be provided to Town Council, included as part of the minutes of the meeting, and read into the record during the 20-minute general public comment period as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (3) by mailing your written comment (must be received not later than Monday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

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

Butch Gudger and Doug Sims spoke to Council regarding support for the Fire Department.

Roger Cordell, Alton Bradley and Thomas Veasey spoke to Council regarding their support for the expansion of the water treatment plant.

Lisa Lichtig, Devin Hanaway, Jim Tibbetts, James Heinl, and Jeremy Diner spoke to Council regarding their opposition to the expansion of the water treatment plant.

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

Mayor Fitzsimmons closed the public comment period.

7. Discussion and Action Items

A. Ollie Weaver Road Project: Action on Annexation and R-3 Zoning

Mr. Eller presented information related to properties adjacent to Ollie Weaver Road which had requested annexation and R-3 zoning. Mr. Eller noted that public hearings had now been held on both the annexation and the proposed R-3 zoning and that Town Council was now eligible to take action on these requests.

Councilmember Jackson motioned to adopt the annexation ordinance with R-3 zoning as presented. Vice Mayor McKenna seconded the motion. Via a roll call vote the motion passed in a 6-1 vote, with Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

B. Adoption of the FY 2022-2023 Budget

Ms. Coffey presented information related to the FY 2022-2023 budget noting that a public hearing on the proposed budget had been held on May 23, 2022.

Councilmember Cordell motioned to adopt the FY 2022-2023 budget ordinance, fee schedule, and associated pay plan and position classification plan. Vice Mayor McKenna seconded the motion. Via a roll call vote the motion passed in a 6-1 vote with Councilmember Nagle casting a dissenting vote. Motion passed 6-1.

C. Waterline Extension Request – Clarks Chapel Road

Mr. Pennell presented information to Town Council related to the waterline extension request including an application for a water commitment letter and proposed water plan. Mr. Pennell confirmed that the water system had adequate capacity to serve the project.

Councilmember Jackson motioned to approve the waterline extension request. Vice Mayor McKenna seconded the motion. Via a roll call vote the motion passed in a 6-1 vote with Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

D. Resolution on Water System Recommendations

Mayor Fitzsimmons described the proposed resolution which provides action to: implement the water supply system resiliency improvements as soon as possible; develop a more conservation minded water rate structure; apply for federal/state grant funds in conjunction with the Town of Marshall in order to aid in the expansion of the Town's water treatment plant and a more regional approach to water; retrofit the waterline connection to Mars Hill in order to provide Weaverville with emergency water and negotiate an emergency water supply for both towns; connect the Town's water system to the Woodfin Water District and negotiate a supplemental and emergency water supply from Woodfin; reconfigure the Town's water system connection with the Asheville water system and negotiate a supplemental and emergency water supply from Asheville; and proceed with the water treatment plant expansion project with timing to be determined in the near future.

Vice Mayor McKenna motioned to adopt the resolution on water system recommendations. Vice Councilmember Cordell seconded the motion. Via a roll call vote the motion passed in a 6-1 vote with Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

E. Proposed Disposition of Town Property – Clinton Street

Ms. Coffey presented information related to a proposal from Track West Partners to purchase Town-owned property at the intersection of Weaver Boulevard and Clinton Street. The letter of intent submitted by Track West has a proposed purchase price of \$275,000 with the property tax assessment shown at \$730,000 in February 2021. There was consensus to not accept the Track West offer and to examine all Town-owned properties prior to taking any action on the sale of Town property.

F. Traffic Planning & Design Proposal for Lake Louise Pedestrian & Bicycle Loop

Ms. Coffey presented a letter of engagement from Traffic Planning and Design for study of a pedestrian and bicycle loop around Lake Louise. The fee for services was shown as \$9,500. Consensus was achieved to not contract with Traffic Planning and Design for the study, but to have staff study the area and provide recommendations.

G. Employee Incentive Program Recommendations

Ms. Coffey presented employee incentive program information for five employees: Derek Burrell of the Police Department; and Eric Cutshall, David Fisher, Scottie Proffitt, and Tim Kemp of the Public Works Department.

Councilmember Cordell motioned to approve the employee incentive program recommendations. Councilmember Chase seconded the motion. Via a roll call vote all voted in favor of the motion. Motion passed 7-0

H. MS4 Stormwater Program Update

Ms. Jackson presented Council with information related to the MS4 stormwater program including a proposed intergovernmental agreement between the Town and Buncombe County.

Councilmember Jackson motioned to approve the intergovernmental agreement between the Town and Buncombe County as presented. Councilmember Chase seconded the motion. Via a roll call vote all voted in favor of the motion. Motion passed 7-0

I. Quarterly Report – Public Works Department

Mr. Pennell presented Town Council with the quarterly report for the Public Works Department.

J. Quarterly Report – Water Department

Mr. Duncan presented Town Council with the quarterly report for the Water Department.

8. Closed Session

Vice Mayor McKenna motioned to enter closed session to consult with the Town Attorney in order to preserve the attorney-client privilege, and to consider and give instructions to an attorney concerning the settlement of a claim. Councilmember Chase seconded the motion. Via a roll call vote the motion passed in a 6-1 vote with Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

[CLOSED SESSION]

Councilmember Jackson motioned to reenter public session. Councilmember Cordell seconded the motion and via a roll call vote all voted in favor of the motion. Motion passed 7-0

9. Adjournment.

Councilmember Chase motioned to adjourn the meeting. Vice Mayor McKenna seconded the motion and via a roll call vote all voted in favor of the motion. Motion passed 7-0. Meeting adjourned at approximately 8:30.

James Eller, Town Clerk

DRAFT

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 25, 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 June 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 June 2022:

Original Billed Amts	\$	3,717,653
Abs Adj (Adjustments by Assessor)	\$	(2,659)
Bill Releases	\$	(34)
Discovery Levy	\$	14,153
Additional Levy	\$	527
Net Levy	\$	3,729,640
Total Current Year Collections	\$	3,723,556
% Collected		99.84%
Total Left to be Collected:	\$	6,085
Prior Years Tax Paid	\$	38,247
Prior Years Interest Paid	\$	3,145

TR-401G Net Collections Report

NCPTS V4

Report Parameters:

Date Sent to Finance Start: Min - June 1, 2022 Date Sent to Finance End: Max - June 30, 2022 Abstract Type: BUS,IND,PUB,RE,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, WEATHERVILLE TAX
 Tax Year: 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, Year For: 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, Collapse
 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, Districts: N
 2004

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

Fiscal Year Activity from July 1, 20XX to June 30, 2022												Activity from June 1, 2022 to June 30, 2022			
Tax Year	Orig. Billed Amt (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)	Net Levy (\$)	Collection Fee Amt (\$)	Amt Collect. (\$)	% Coll.	Unpaid Balance (\$)	% Uncoll.	Amt Collect. (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)	
			Net Collections (\$)	Additional Levy (\$)									Assessor Refunds (\$)	Additional Levy (\$)	
TAX DISTRICT: WEAVERVILLE LEVY TYPE: Interest															
2021	0.00	0.00	0.00	0.00	0.00	0.00	4,827.37	NA	0.00	0.00	4,827.37	0.00	0.00	0.00	
2020	0.00	0.00	4,827.37	0.00	0.00	0.00	0.00	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2019	0.00	0.00	0.00	0.00	0.00	11,373.78	11,373.78	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2018	0.00	0.00	0.00	0.00	0.00	0.00	316.01	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2017	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2016	0.00	0.00	0.00	0.00	0.00	39.57	39.57	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2015	0.00	0.00	0.00	0.00	0.00	0.00	64.92	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2014	0.00	0.00	0.00	0.00	0.00	0.00	100.08	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2013	0.00	0.00	0.00	0.00	0.00	0.00	6.70	NA	0.00	0.00	0.00	0.00	0.00	0.00	
2012	0.00	0.00	0.00	0.00	0.00	0.00	1,020.36	NA	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	0.00	NA	0.00	0.00	0.00	0.00
								NA				
2011	0.00	0.00	730.74	0.00	0.00	0.00	0.00	NA	0.00	0.00	0.00	0.00
								NA				
2011	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NA	0.00	0.00	0.00	0.00
								NA				
2011	0.00	0.00	12.59	0.00	0.00	0.00	0.00	NA	0.00	0.00	0.00	0.00
								NA				
Sub.	0.00	0.00	0.00	0.00	0.00	0.00	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	23,384.82	0.00	0.00	0.00	0.00	NA	113.65	0.00	0.00	0.00
								NA				
TAX DISTRICT: WEAVERVILLE LEVY TYPE: LATE LIST PENALTY												
2022	0.00	0.00	0.00	0.00	705.91	705.91	0.00	0.00	705.91	0.00	0.00	0.00
								0%	100%			
2021	1,320.31	14.28	0.54	3,159.35	4,464.84	4,464.84	4,372.89	91.95	116.55	0.00	0.00	0.00
								2.06%				
2020	1,211.84	418.91	0.96	6,083.77	7,107.56	7,107.56	6,662.17	445.39	0.00	0.00	0.00	0.00
								6.27%				
Sub.	2,532.15	433.19	1.50	9,949.03	12,278.31	12,278.31	11,035.06	1,243.25	116.55	0.00	0.00	0.00
								10.13%				
TAX DISTRICT: WEAVERVILLE LEVY TYPE: TAX												
2022	0.00	0.00	0.00	2,541.87	2,541.87	2,541.87	0.00	2,541.87	0.00	0.00	0.00	0.00
								100%				
2021	3,717,652.88	2,659.05	34.73	14,153.16	3,729,639.10	3,729,639.10	3,723,555.54	6,083.56	3,136.62	0.00	0.00	0.00
								0.16%				
2020	3,354,216.35	5,400.00	59.94	22,850.56	3,374,333.73	3,374,333.73	3,370,659.66	3,674.07	0.00	0.00	0.00	0.00
								0.11%				
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%				
2012	68,037.63	0.00	71,719.36	0.00	0.00	0.00	100%	0.00	0.00	0.00	0.00	0.00
								0%				
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%				
2011	82.56	0.00	66,539.41	0.00	0.00	0.00	100%	0.00	0.00	0.00	0.00	0.00
								0%				
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%				
Sub.	7,213,331.91	8,059.05	3,216.02	39,545.59	7,244,856.03	7,244,856.03	7,232,556.53	12,299.50	3,136.62	0.00	0.00	0.00
								0.17%				
TAX DISTRICT: WEAVERVILLE LEVY TYPE: WEAVERVILLE TAX												
2019	49,954.82	0.00	191.19	0.00	49,763.63	49,763.63	43,545.59	6,218.04	0.00	0.00	0.00	0.00
								12.50%				
2018	1,576.57	0.00	43,545.59	0.00	0.00	0.00	87.50%	659.11	0.00	0.00	0.00	0.00
								41.89%				
2017	771.97	0.00	3.29	0.00	1,573.28	1,573.28	914.17	624.61	0.00	0.00	0.00	0.00
								81.14%				
2017	771.97	0.00	914.17	0.00	0.00	0.00	58.11%	624.61	0.00	0.00	0.00	0.00
								18.86%				
2017	771.97	0.00	2.21	0.00	769.76	769.76	145.15	81.14%	0.00	0.00	0.00	0.00

2016	217.62	0.00	2.56	0.00	215.06	168.06	47.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	168.06	0.00	0.00	78.15 %	21.85 %						
2015	201.36	0.00	8.59	0.00	192.77	160.43	32.34	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	160.43	0.00	0.00	83.22 %	16.78 %						
2014	2,126.15	0.00	5.98	0.00	2,120.17	23.32	2,096.85	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	23.32	0.00	0.00	1.10 %	98.90 %						
2013	570.35	0.00	0.00	0.00	570.35	1.15	569.20	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	1.15	0.00	0.00	0.20 %	99.80 %						
2012	752.46	0.00	111.58	0.00	640.88	204.72	436.16	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	204.72	0.00	0.00	31.94 %	68.06 %						
2011	1,636.85	0.00	0.00	0.00	1,636.85	0.00	1,636.85	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0 %	100 %						
2010	277.25	0.00	0.00	0.00	277.25	0.00	277.25	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0 %	100 %						
Sub.	58,085.40	0.00	325.40	0.00	57,760.00	45,162.59	12,597.41	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	45,162.59	0.00	0.00	78.19 %	21.81 %						
Total	7,273,949.46	8,492.24	3,542.92	49,494.62	7,314,894.34	7,312,139.00	26,140.16	3,366.82	0.00	0.00	1.10	0.00	0.00
		1,457.40	7,313,596.40	3,485.42	0.00	99.64 %	0.36 %						

Signature (Tax Collector) _____

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 25, 2022
Subject: Budget Amendment – Community Center Recreation Complex
Presenter: Town Finance Director/Town Manager
Attachments: Budget Amendment Form

Description:

The Community Center fundraising program kicked off in February 2021, in order to raise money from the community to help complete the project. During June 2022 the Town collected an additional **\$96.02** in donations. The total collected to date now stands at \$44,023.14. These latest funds are being assigned to Fixtures & Equipment for the Recreation Complex phase of the project.

A budget amendment is needed so that the funds can be spent on the Recreation Complex at the Community Center.

Action Requested:

Town Manager recommends approval of the attached Budget Amendment for this capital project.

Budget Amendment FY 2021-2022

Town of Weaverville

What expense accounts are to be increased?

Account	Account Description	Transfer Amount
<u>070-300-000-19003</u>	<u>Fixtures & Equipment</u>	<u>\$96.02</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Account	Account Description	Transfer Amount
<u>070-000-300-60020</u>	<u>Community Center - Contributions</u>	<u>\$96.02</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: Please provide a brief justification for this budget amendment. *To record donations received from the public in June 2022 for the Community Center.*

_____	_____
Authorized by Finance Officer	Date
_____	_____
Authorized by Town Manager	Date
_____	_____
Authorized by Town Council (if applicable)	Date
_____	_____

- 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: July 25, 2022
Subject: Budget Amendment - Re-appropriations from FY22
Presenter: Town Finance Director
Attachments: Budget Amendment Form
Description:

The Fiscal Year 2021-2022 Budget contained several items that were received and/or budgeted in Fiscal Year 2021-2022, but need to carryforward to Fiscal Year 2022-2023. These amounts reverted to Fund Balance at 6/30/2022, and must be re-appropriated in order to be spent in the current Fiscal Year.

Town Council is asked to approve a budget amendment to add the following expenditure items to the 2022-2023 Budget:

Police Department

ABC Law Enforcement: **\$887.02**; Alcohol Ed & Prevention: **\$16,586.01**; Cops for Kids: **\$4,172.26**; (All carryovers for unspent funds); Small Equipment: **\$957.52** (for equipment ordered but not received by 6/30/2022)

Governing Body

Building Repair/Maintenance: **\$9,940.00** (for new HVAC unit on order)

Admin

Building Repair/Maintenance: **\$9,940.00** (for new HVAC unit on order)

Streets

Capital Improvements: **\$350,000.00** (for unspent paving project funds); Powell Bill: **\$172,826.00** (for unspent Powell Bills funds); Supplies/Materials: **\$8,550.00** and Capital Equipment: **\$17,033.61** (for equipment ordered but not received by 6/30/22)

Sanitation

Supplies/Materials: **\$6,078.00** (for equipment ordered but not received by 6/30/22)

Grounds Maintenance

Capital Improvement: **\$30,000.00** (for ADA paving project at playground); Supplies/Materials: **\$12,178.14** (for equipment ordered but not received by 6/30/22).

Stormwater Management

Capital Equipment: **\$10,628.00** (for equipment ordered but not received by 6/30/22).

Water Production

Small Equipment: **\$808.54** (for equipment ordered but not received by 6/30/22)

Water Maintenance

Capital Improvements: **\$150,000.00 + \$24,275.00** (for waterline replacement project carried forward to current year); Supplies/Materials **\$21,783.74** (for equipment ordered but not received by 6/30/22).

Action Requested:

Town Manager recommends approval of the attached Budget Amendment.

Budget Amendment FY 2022-2023

Town of Weaverville

What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-430-431-26450	Police - ABC Law Enforcement	\$887.02
010-430-431-26400	Police - Alcohol Ed & Prevention	\$16,586.01
010-430-431-26608	Police - Cops for Kids	\$4,172.26
010-430-431-50100	Police - Small Equipment	\$957.52
010-410-411-35100	Gov Body - Building Repair/Maint	\$9,940.00
010-410-412-35100	Admin - Building Repair/Maint	\$9,940.00
010-450-451-50300	Streets - Capital Improvements	\$350,000.00
010-450-451-26000	Streets - Supplies/Materials	\$8,550.00
010-450-451-50500	Streets - Capital Equipment	\$17,033.61
010-470-471-26000	Sanitation - Supplies/Materials	\$6,078.00
010-470-473-50500	Stormwater Mgmt - Capital Equip	\$10,628.00
010-450-459-50300	Powell Bill - Capital Improvements	\$172,826.00
010-600-612-50300	Grounds Maint - Capital Improv	\$30,000.00
010-600-612-26000	Grounds Maint - Supplies/Material	\$12,178.14
030-700-712-50100	Water Prod - Small Equipment	\$808.54
030-700-713-50300	Water Maint - Capital Improv	\$150,000.00
030-700-713-50300	Water Maint - Capital Improv	\$24,275.00
030-700-713-26000	Water Maint - Supplies/Materials	\$21,783.74

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>
010-004-310-09900	Appropriated Fund Bal (General)	\$649,776.56
030-004-310-09900	Appropriated Fund Bal (Water)	\$196,867.28

Justification: Please provide a brief justification for this budget amendment. *Reappropriations from FY22 Budget to FY23 Budget for: ABC Distribution carryover; Cops for Kids carryover; Unfinished building repairs in Gov Body and Admin Dept.; Unused paving project funds and Powell Bill funds; Equipment ordered but not received by year-end in Streets, Sanitation, Grounds Maintenance, Stormwater Management, and Water Dept.*

Authorized by Finance Officer	Date
Authorized by Town Manager	Date
Authorized by Town Council (if applicable)	Date

Budget Amendment FY 2022-2023

Town of Weaverville

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**

MEETING DATE: July 25, 2022

SUBJECT: Amendments to Water Capital Reserve Fund and related Capital Project Ordinance

PRESENTER: Finance Director

ATTACHMENTS: Amended and Restated Resolution – CRF – Water Fund
Amended and Restated Capital Project Ordinance

DESCRIPTION/SUMMARY OF REQUEST:

Town Council has previously adopted a resolution which created a capital reserve fund (CFR) for the water fund. Staff has updated this resolution in order to reflect the actual funds accumulated and the current appropriations.

The CFR related to the water fund is funded by water system development fees and transfers from the water fund when revenues exceed expenditures. This CFR is divided into two expenditures categories: Water Fund Debt Service and the Water Treatment Plant Expansion Project.

The Debt Service portion of the CFR does not carry any balance as the fund is used only for scheduled debt service payments and only enough revenue to cover debt service is deposited to this portion of the fund. The WTP Expansion portion is funded by excess water system development fees and transfers from the water fund. A portion of the engineering fees has already been paid out of this CFR and a slight amendment is recommended to account for the small amount of additional engineering fees that were incurred during FY2022 (see below). The current unallocated balance is \$598,472 and represents an amount saved and available for upcoming expenditures related to the WTP Expansion Project.

A Capital Project Ordinance was adopted in June of 2021 for the WTP Expansion Project. There were a few additional engineering fees that were incurred during FY2022 (totalling \$1,380) so an amendment to the Ordinance is recommended to reflect the amended budget.

COUNCIL ACTION REQUESTED:

Town Council is requested to adopt the amended and restated resolution and amended and restated capital project ordinance as presented. The following motion is suggested:

*I move that Town Council adopt both the **Amended and Restated Resolution to Establish a Capital Reserve Fund Related to Anticipated Future Water Fund Expenditures for Capital Projects and Equipment** and the **Amended and Restated Capital Project Ordinance for the Water Treatment Plant Expansion Project** as presented.*

**AMENDED AND RESTATED RESOLUTION
TO ESTABLISH A CAPITAL RESERVE FUND RELATED TO ANTICIPATED FUTURE
WATER FUND EXPENDITURES FOR CAPITAL PROJECTS AND EQUIPMENT**

WHEREAS, the Town of Weaverville has certain capital projects and equipment that involve anticipated water fund future expenditures that would benefit from water funds being set aside and accumulated for those purposes; and

WHEREAS, there is a need in the Town of Weaverville to make debt service payments on existing debt related to past capital projects for its water system and to save monies for the anticipated water treatment plant expansion project; and

WHEREAS, as allowed by Article 8 of NCGS Chapter 162A, the Town has adopted system development fees effective July 1, 2018, based on a supporting analysis performed by qualified engineers using the buy-in method; and

WHEREAS, NCGS Chapter 162A, Article 8, requires that all system development fee proceeds be accounted for in a capital reserve fund, NCGS §159-18 authorizes the creation of a capital reserve fund and NCGS §159-19 authorizes amendments to capital reserve funds previously established;

WHEREAS, by adoption of a resolution on June 18, 2018, the Town of Weaverville created a capital reserve fund related to its water system development fees and water system capital projects, and by action on June 17, 2019, and August 23, 2021, the resolution was amended and restated, and Town Council now wishes to further amend and restate such resolution;

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

SECTION 1. Town Council hereby creates a Capital Reserve Fund ("CRF") related to the Town's Water Fund (hereafter to be known as the "Capital Reserve Fund – Water Fund") that shall be in place for 5 years or until such time as it shall be amended or terminated. This CRF may be amended by Town Council as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects, or to modify or extend the term of this CRF.

SECTION 2. The Town assesses and derives revenue from water system development fees adopted pursuant to NCGS Article 8 of Chapter 162. As allowed by NCGS § 162-211(e) water system development fees are hereby pledged to the debt service and revenue bond payments associated with the water system and shall be deposited into such accounts without having to run through this CRF. It is anticipated that the water system development fee revenues will not be sufficient to cover all of the debt service, but if such revenues do exceed the debt service payments that are scheduled in any fiscal year, then such excess water system development revenue then this resolution shall be amended to apply such excess to the capital projects set out in Section 3 below.

SECTION 3. The following is/are declared as capital projects and equipment that are subject to this CRF:

(a) **Water Fund Debt Service** – The Town of Weaverville wishes to provide funds for anticipated expenditures related to debt service on the water fund related loans:

	ACTUAL REVENUE	ESTIMATED REVENUE	EXPENSE	FUNDING SOURCE
FY19	\$204,269		(\$204,269)	FY19 Water System Dev. Fee
FY20	\$203,973		(\$203,973)	FY20 Water System Dev. Fee
FY21	\$203,616		(\$203,616)	FY21 Water System Dev. Fee
FY22	\$272,238		(\$300,471)	FY22 Water System Dev. Fee
FY22	\$28,233			FY22 Water Fund Revenue
TOTAL	\$912,329		(\$912,329)	
CURRENT BALANCE	-	-	-	
FY23		\$199,037	(\$299,037)	FY21 Water System Dev. Fee
FY23		\$100,000		FY23 Transfer from Water Fund
FY24		\$198,540	(\$298,540)	FY21 Water System Dev. Fee
FY24		\$100,000		FY24 Transfer from Water Fund
TOTAL		\$597,577	(\$597,577)	

(b) **Expansion of the Water Treatment Plant** – The Town wishes to provide funds for current and anticipated future expenditures related to the expansion of the Town’s water treatment plant. The following appropriations & expenditures are hereby made:

	ACTUAL REVENUE	ESTIMATED REVENUE	EXPENSE	FUNDING SOURCE
FY19	\$170,600			FY19 Transfer from Water Fund
FY19	\$16,351			FY19 Excess Water Sys. Dev. Fees
FY20	\$149,323			FY20 Transfer from Water Fund
FY20	\$102,495			FY20 Excess Water Sys. Dev. Fees
FY21	\$284,994			FY21 Transfer from Water Fund
FY21	\$95,472			FY21 Excess Water Sys. Dev. Fees
FY22	\$119,117			FY22 Transfer from Water Fund
FY22			(\$339,880)	Transfer to WTP Capital Project Ord. – Engineering Fees Ph 1&2
TOTAL	\$938,352		(\$339,880)	
			\$598,472	CURRENT BALANCE
FY23		TBD	TBD	Financing, Water Fund Revenue, Water Fund Balance
FY24		TBD	TBD	Financing, Water Fund Revenue, Water Fund Balance
TOTAL		TBD	TBD	

SECTION 4. This Amended and Restated Resolution shall be effective as of June 30, 2022.

ADOPTED on the 18th day of June, 2018, and subsequently amended and restated on the 17th day of June, 2019 and the 23rd day of August, 2021. **FURTHER AMENDED AND RESTATED** this the 25th day of July, 2022, by a vote of ___ in favor and ___ against .

PATRICK FITZSIMMONS, Mayor

ATTEST:

JAMES ELLER, Town Clerk

**TOWN OF WEAVERVILLE
 AMENDED AND RESTATED CAPITAL PROJECT ORDINANCE
 FOR THE WATER TREATMENT PLANT EXPANSION PROJECT**

WHEREAS, the Town is engaged in a construction project that involves the expansion of its current water treatment plant and the financing of such project and wishes to adopt a capital project ordinance for said project;

NOW, THEREFORE, 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 project authorized is to be known as the “WTP Expansion Project” and involves the expansion of the current water treatment plant located at 50 Sams Road, Weaverville, NC, to a 3.0 MGD capacity.

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, any USDA loan agreements that have been or may be approved, and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to complete the project activities:

	<i>Original Budget</i>	<i>Amended Budget</i>
Appropriation from Water Capital Reserve Fund	\$338,500	\$339,880
Appropriation from Water Fund	TBD	
Interim Financing/USDA Loan	TBD	
Total Project Revenues		\$339,880

Section 4. The following expenditures are hereby appropriated for the project activities:

	<i>Original Budget</i>	<i>Amended Budget</i>
Engineering Fees (Phases 1-2)	\$338,500	\$339,880
Engineering Fees (Phases 3-6)	\$TBD	
Construction	\$TBD	
Legal Services (Bond Counsel)	\$TBD	
Legal Services (Local Attorney)	\$TBD	
Administrative Costs	\$TBD	
Contingencies	\$TBD	
Interest – Interim Financing	\$TBD	
Total Project Revenues		\$339,880

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 and to comply with USDA funding requirements.

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 appropriations within the various line items of this capital project ordinance as she, in her discretion, deems necessary and if allowable by law.

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 as of June 30, 2022.

ADOPTED the 28th day of June, 2021. **AMENDED AND RESTATED** this the 25th day of July, 2022, in 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**

MEETING DATE: July 25, 2022
SUBJECT: ADA Transition Plan Update
PRESENTER: Town Attorney - ADA Coordinator
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

On June 22, 2020, Town Council adopted an ADA Transition Plan in order to improve the Town's ADA accessibility over a five (5) year period.

Town Council appointed the Town Attorney, Jennifer Jackson, as the ADA Coordinator to oversee the implementation of the Plan. Jackson provides the follow report on the progress towards better ADA accessibility within the Town.

There have been no ADA accessibility complaints or comments received from the public that have concerned Town facilities or operations.

The vast majority of the items slated for completion in FY2022 have been accomplished, or are scheduled for completion in FY2023. This includes the installation of a new handicapped parking area near the playground at Lake Louise Park and an accessible route to the playground equipment. The improvements to the roadway network involve upgrades and modifications to many sidewalk ramps at Town street intersections. That work will be included with the street improvement projects that are currently funded and planned for completion in FY 2023.

In addition to minor improvements that are being made each year, upcoming work that is in the planning stages includes the following:

- Restructuring of the handicapped parking space in front of Town Hall for full ADA compliance and re-striping of a portion of the back Town Hall parking lot for safer ADA access to the Police Department
- Review of adequacy of handicapped parking in the Main Street area
- Reconfiguration of the Lake Louise Park parking lot (below the Community Center) to provide compliant handicapped parking spaces and an accessible route to the walkway around the lake
- Continued upgrades and modifications to sidewalk ramps on Town-maintained streets

COUNCIL ACTION REQUESTED:

No action is requested.



July 2022

Summer Music Series

The next event will be held on Saturday, July 30 at 6pm in the Nature Park.

Update on Position Vacancies

During Town Council's budget workshops, I reported on position vacancies among our departments. This serves as an update to that conversation.

Fire Department: We have received 15 applications for the Fire Chief position and will be holding interviews within the next two weeks. I will not be advertising the Deputy Fire Chief position at this point in time. We remain at 3 vacancies in Firefighter and Fire Engineer positions, but Chief Davis is reviewing 3 applications currently.

Town Clerk: This position was advertised on July 1 and I have received only 1 application to date.

Public Works: The Public Works Department continues to have openings for seasonal laborer positions, and we have had no new applications.

Update on Reems Creek Greenway

Doug Dearth and I will be meeting with the County's recently hired Recreation Director this week and will hopefully revive the Reems Creek Greenway project.

Update on Grant Application for County Recovery Funds

Unfortunately, the Town was not awarded the grant that we applied for on the Water Treatment Plant Expansion Preliminary Engineering Report (PER). The list of awarded projects are published on the County's website.

Update on Traffic Calming at Lake Louise Park

At its last meeting, Town Council directed staff to bring back some traffic calming measures and recommendations for Lake Louise Park. While staff hasn't yet firmed up its recommendations, I anticipate that this topic will be included on next month's agenda.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 25, 2022
SUBJECT: Update from the Economic Development Advisory Committee
PRESENTER: Phil Barnett
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

Phil Barnett serves as the Chairman of the Economic Development Advisory Committee and will be at tonight's meeting to provide Town Council with an update on some of the Committee's work.

COUNCIL ACTION REQUESTED:

None

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 25, 2022
SUBJECT: Update from Town’s MSD Representative
PRESENTER: Doug Dearth
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

Doug Dearth is the Town’s representative on the Board for the Metropolitan Sewerage District of Buncombe County (MSD). At the Mayor’s request, Doug Dearth will be at tonight’s meeting to provide an update on MSD and any conversations that might be relevant to the Town.

COUNCIL ACTION REQUESTED:

None

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 25, 2022
SUBJECT: Code Amendment to Chapter 20 – Outdoor Lighting Regulations
PRESENTER: Planning Director
ATTACHMENTS: Proposed Code Amendment

DESCRIPTION/SUMMARY OF REQUEST:

Having received a recommendation from the Planning Board and provided the public with an opportunity to comment on the proposed text amendments, it is now appropriate for Town Council to consider taking action on proposed text amendments to Code Chapter 20 pertaining to outdoor lighting regulations.

A proposed ordinance is attached for Town Council’s consideration.

TOWN COUNCIL ACTION REQUESTED:

Should Town Council wish to enact the proposed text amendments it is appropriate to consider adoption of the attached ordinance. The following is a proposed motion:

I move that we adopt the **ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 20 CONCERNING OUTDOOR LIGHTING REGULATIONS**

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20
CONCERNING OUTDOOR LIGHTING REGULATIONS**

WHEREAS, the Planning Board met May 3, 2022, and June 7, 2022, in order to discuss certain Code amendments that would better regulation outdoor lighting;

WHEREAS, the Planning Board found that the proposed code amendments concerning outdoor lighting are consistent with the Town’s comprehensive land use plan and are reasonable and in the best interest of the public in that such amendments provide for more orderly development by clarifying and simplifying regulations concerning outdoor lighting;

WHEREAS, after proper notice the Town Council held a public hearing on July25, 2022, in order to receive input from the public on the amendments related to outdoor lighting;

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

1. The findings and recommendations of the Planning Board are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town’s adopted comprehensive land use plan.
2. Article VI of Part III of Chapter 20 is hereby repealed and replaced with the following:

ARTICLE VI – OUTDOOR LIGHTING

Sec. 20-3601. - Applicability.

The provisions of this Section shall apply to the installation of all outdoor lighting within the jurisdiction of this Ordinance except that the following shall be exempt from this Section:

- (1) Outdoor lighting installed for governmental purposes by local, state or federal governmental units and their agents.
- (2) Outdoor lighting required to be installed by laws or regulations of a local, state or federal governmental units.
- (3) All fixtures installed by public agencies, their agents, or contractors for the purpose of illuminating streets.

Sec. 20-3602. - Prohibited Outdoor Lighting.

The following types of outdoor lighting are prohibited unless exempt by Section 20-3601 above:

- (1) Light fixtures that imitate an official highway or traffic control light or sign.
- (2) Light fixtures in the direct line of vision with any traffic control light or sign.
- (3) Light fixtures that have a flashing or intermittent pattern of illumination.
- (4) Privately-owned light fixtures located in the public right-of-way.
- (5) Light fixtures that are a source of glare by their design, orientation or intensity.

- (6) Searchlights, unless used for emergency purposes.
- (7) Unshielded open vertical light fixtures.
- (8) Light fixtures that violate any law of the State of North Carolina relative to outdoor lighting.

Sec. 20-3603 - Plan Approval Required.

Outdoor lighting for non-residential development and multifamily development is subject to approval by the Administrator. The lighting plan shall show sufficient information to determine compliance with the standards of this Section and may require a photometric plan or other information which can demonstrate compliance with this article.

Sec. 20-3604 - Outdoor Lighting Requirements.

- (1) Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Glare or hazardous interference are situations where the sensation produced by luminance within the visual field is sufficiently greater than the luminance to which the eyes are adapted, such as to cause annoyance, discomfort, or loss in visual performance and visibility.
- (2) Outdoor lighting shall be constructed and operated to minimize the spillover of obtrusive light onto property outside the boundaries of the property on which the lighting is sited which could result in annoyance, discomfort or distraction to persons on the other property.
- (3) Gas station canopy lights should be recessed into the canopy to minimize light spillover.
- (4) All outdoor lighting fixtures, subject to this Section, except for temporary and emergency lighting, that would otherwise cause glare or obtrusive spillover shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spill over.
- (5) As a general principle, all outdoor lighting shall be directed downward and away from adjoining property and streets.
- (6) All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Floodlights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to and away from the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
- (7) The mounting height of all outdoor lighting shall not exceed 40 feet above finished grade, except that the mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade.
- (8) All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (Type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way. Alternatively, directional fixtures (such as floodlights) may be used provided they shall be aimed and shielded in accordance with this Section.
- (9) Sign lighting shall be regulated in accordance with Section 20-4108.

- 3. 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.

4. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the ____ day of July, 2022, by a vote of ____ 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: July 25, 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 February 28, 2022. Staff continues to get feedback that is allowing the Town the opportunity to fine tune the noise regulations to allow reasonable commercial activity while also protecting the public health of people residing within the residential areas.

The Town Attorney has been actively working with the Town Manager, Police Department, and Code Enforcement Officer on some amendments to the noise regulations that will provide further clarity on the amplified sound provision and better enforceability through the imposition of escalating civil penalties for repeat violators.

The Town Attorney will be at tonight’s meeting to review the proposed Code amendments with Town Council.

TOWN COUNCIL ACTION REQUESTED:

Town Council discussion and action to adopt the proposed Code amendments is requested.

The following motion is proposed:

*I move that we adopt the **ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 9 CONCERNING NOISE REGULATIONS** as presented.*

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

WHEREAS, on February 28, 2022, 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;

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.

(Ord. of 1-28-2018(1) , § 1)

Sec. 9-401. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

(Ord. of 2-28-2022 (1) , § 1)

Sec. 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.

(Ord. of 1-28-2018(1) , § 1; Ord. of 2-28-2022 (1) , § 1)

Editor's note(s)—Formerly, § 9-401

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.

(Ord. of 2-28-2022 (1) , § 1)

Sec. 9-404. Amplified sound.

Amplified sound that emanates beyond property boundaries during nighttime hours is specifically found to be detrimental to public health.

Unless otherwise exempt from these regulations pursuant to Sec. 9-405, amplified sound occurring during nighttime hours is prohibited if it is found by an investigating officer to be emanating beyond the boundary of the property from which the amplified sound is occurring, and applies if such sound can be heard or felt.

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

(Ord. of 2-28-2022 (1) , § 1)

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.

(Ord. of 2-28-2022 (1) , § 1)

Sec. 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, 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.

(Ord. of 2-28-2022 (1) , § 1)

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.

(Ord. of 1-28-2018(1) , § 1; Ord. of 2-28-2022 (1) , § 1)

Editor's note(s)—Formerly, § 9-402.

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.

(Ord. of 2-28-2022 (1) , § 1)

Sec. 9-409. Violations; owner and occupant responsibility.

- (a) Violations of this article shall subject the offender to penalties as set forth in Code Sec. 9-410, subject to the provisions set forth below.
- (b) Penalties for violations of this article may be assessed against persons responsible for the premises or device producing or causing the noise disturbance.
- (c) An owner of any premises subject to this article, as well as any person responsible for the premises, shall be responsible for any actions by tenants, guests, or other licensees that constitute violations of this article. This section shall in no way relieve any other person from responsibility for violations of this article.

Sec. 9-410. Penalties and Enforcement.

- (a) Violations of the provisions of this article by the same person for the same activity occurring within two years of the first violation shall be subject to civil penalties as follows:
 - First violation (per Town Code Sec. 1-6) \$100.00
 - Second violation\$200.00
 - Third violation \$500.00
 - Fourth and subsequent violation \$1,000.00 per offense
- (b) In addition to the civil penalties provided for above, the Town may enforce the provisions of this article by appropriate equitable remedies as set forth in Code Sec. 1-6 and as allowed by law.

2. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.
3. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the 25th day of July, 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**

MEETING DATE: July 25, 2022
SUBJECT: Proposed Amendments to Personnel Policy
PRESENTER: Town Manager and Town Attorney
ATTACHMENTS: Proposed Resolution Amending the Town’s Personnel Policy

DESCRIPTION/SUMMARY OF REQUEST:

The Town Manager recommends that Town Council consider amendments to the Personnel Policy and its provisions to accomplish the following:

- Provide for a 14-day overtime calculation for non-exempt employees within the Police Department and Fire Department, as allowed by law under the FLSA 7(k) exemption; this was recommended and accepted by Town Council during the budget process and has been included in the FY2023 budget
- Add an opportunity for a name clearing hearing for employees that are demoted or dismissed; this is recommended for legal compliance
- Revise the holiday leave section to include a holiday for Juneteenth; this is consistent with Buncombe County and other municipal jurisdictions in our area

None of these proposed amendments will require a budget amendment.

The Town Attorney assisted in the drafting of these amendments and joins in the recommendation that they be adopted.

Due to its length the entire personnel policy is not provided with this agenda item but is available upon request.

COUNCIL ACTION REQUESTED:

Town Council is asked to approve these amendments to the Town’s Personnel Policy. A resolution that accomplishes this requested action is attached for Town Council’s consideration. A suggested motion is as follows:

*I move the adoption of the **RESOLUTION AMENDING THE TOWN’S PERSONNEL POLICY** as presented/as amended.*

**TOWN OF WEAVERVILLE
RESOLUTION AMENDING THE TOWN'S PERSONNEL POLICY**

WHEREAS, Part 4 of Article 7 of Chapter 160A of the North Carolina General Statutes sets forth certain requirements and provides certain authority to Town Council regarding its employees and the establishment of policies regarding its employees; and

WHEREAS, pursuant to Article I, Section 6 of the Personnel Policy, the Town Manager provided Town Council with copies of the adopted policies and her recommendations on certain amendments and additions to the Town's policies; and

WHEREAS, Weaverville has previously adopted a Personnel Policy and related policies, routinely reviews those policies, and now wishes to adopt new and revised policies regarding personnel and related matters to set forth general guidelines for its employees' conduct and benefits; and

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

1. Town Council hereby amends the **PERSONNEL POLICY** as noted below, with additions shown as underlined and deletions shown with strikethroughs, with an immediate effective date, and directs that the Policy and Procedures Manual be updated with the amended policy:
 - a. Article V, Section 10, entitled "**Pay for Overtime Work**", is amended to provide employees that qualify for an FLSA 7(k) exemption with overtime calculated on a 14-day basis. To that end, the first paragraph of subparagraph (a) of Section 10 is amended to read as follows:
 - (a) **Nonexempt Employees.** Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7-day period; ~~85~~ 171 hours for police personnel in a ~~14-day~~ 28-day cycle and ~~106~~ 212 hours for fire personnel in a ~~14-day~~ 28-day cycle, as allowed by the FLSA 7(k) exemption). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will ~~vacation~~ annual leave, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.
 - b. The following provision is added to Article XIV as a new Section 6 to provide certain disciplined employees with an opportunity to hold a name clearing hearing:

Section 6. Name Clearing Hearing

Following the Town's decision to dismiss or demote an employee, including a probationary employee, the employee shall be afforded an opportunity for a name-clearing hearing if the decision contains negative or stigmatizing

information that could affect the employee's ability to obtain employment in the future.

The employee must request the hearing within 14 days of the date of the written disciplinary decision or the written decision in an adverse employment action appeal, whichever is later.

If requested by the employee, a time and date for the hearing will be established such that the hearing takes place prior to the release of any negative or stigmatizing information about the employee that could inhibit future employment. The employee may invite anyone the employee wishes to invite (including the media) to the hearing.

At this name-clearing hearing, the employee may present any response to information that the employee believes to be false and/or stigmatizing to the employee's reputation with respect to his or her work performance or the reasons for the dismissal or demotion. Any written comments submitted by the demoted or dismissed employee will be placed in the employee's personnel file, and a copy will be provided to anyone who requests the termination letter on that employee. In lieu of actually attending the hearing, the employee may submit written comments and they will be placed in the file just as if the employee had presented them at the scheduled hearing. If the employee speaks at the hearing but does not provide written comments, the person conducting the hearing shall take notes and place a copy of the notes in the employee's personnel file, and a copy will be provided to anyone who requests the termination letter on that employee.

There is no requirement for the Town or the hearing officer to respond in any way to the comments of the demoted or dismissed employee at the hearing. The name clearing hearing is not a substitute for, or a second opportunity for, a pre-disciplinary hearing at which the employee may contest the proposed disciplinary action. Information presented at the name clearing hearing will not be used by the Town to reconsider the disciplinary action.

- c. Article XIV, Section 3 entitled "**Disciplinary Conference for Demotion or Dismissal**" is amended to require that an employee that is demoted or dismissed be advised of their right to a name clearing hearing. To that end, subparagraph (f) of Section 3 is amended to read as follows:

- (f) **Step 6 – Employee Notification of Decision** – If the Town Manager's decision is to demote or dismiss the employee, a written letter of demotion or dismissal containing the effective date of the demotion or dismissal and the employee's appeal rights shall be issued to the employee in person or by mail to the last known address of the employee.

The effective date of a demotion or dismissal shall be determined by the Town Manager but should not be earlier than the date of the letter nor more than 14 calendar days after the notice of demotion or dismissal.

The employee shall be informed in the final decision letter that the final decision letter is a public record and that the agency is required by law to release it pursuant to a public records request. The final

decision letter shall also advise the employee of their right to a name clearing hearing to be conducted in accordance with Section 6 herein.

d. Article VII, Section 2, subparagraph (a) is amended to add Juneteenth to the list of paid holidays:

(a) **Holiday Schedule** - The Town provides paid holidays each calendar year for eligible employees and recognizes the following holidays:

- New Year's Day – 1 day
- Martin Luther King Birthday – 1 day
- Good Friday – 1 day
- Memorial Day – 1 day
- Juneteenth – 1 day
- Independence Day – 1 day
- Labor Day – 1 day
- Veteran's Day – 1 day
- Thanksgiving – 2 days
- Christmas – 3 days

The Town Manager shall adopt and publish a schedule of holidays each year consistent with this policy but taking into consideration the days of the week on which the above holidays fall.

2. The Town Manager is hereby directed to continue to maintain a Policy and Procedures Manual which is to include, but is not limited to, all personnel and related policies adopted by Town Council and the Town Manager, and, in accordance with Section 6 of Article I of the Personnel Policy, is directed to continue to develop, maintain and administer such guidelines, policies, and procedures indicated in the Personnel Policy, and to provide copies of those adopted policies to Town Council on an annual basis or upon request.
3. Section 1a of this resolution shall become effective beginning on July 9, 2022, in order to align with the first full pay period in FY2023. All other sections shall become effective immediately.

ADOPTED this ____ day of July, 2022.

PATRICK FITZSIMMONS, Mayor

ATTEST:

JAMES ELLER, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 25, 2022

SUBJECT: Remote and Hybrid Public Meetings and
Repeal of Emergency Declaration

PRESENTER: Town Manager and Town Attorney

ATTACHMENTS: Resolution adopted 28 February 2022
G.S. § 166A-19.24

DESCRIPTION/SUMMARY OF REQUEST:

During the pandemic, and as allowed by North Carolina law, Town Council has been conducting its public meetings either as an all in-person meeting, an all remote electronic meeting, or as a hybrid that accommodates both. Video recordings of these meetings have also been made available to the public after they have been held.

These meetings have been conducted under specific authority that is tied to an emergency declaration. Governor Cooper is expected to allow the emergency declaration related to COVID-19 to lapse on August 15, 2022, which will have the unfortunate effect of terminating the Town's ability to conduct public meetings remotely under G.S. §166A-19.24.

There is much uncertainty right now over the legislative authority of local governments to continue to conduct its meetings remotely during non-emergency times.

The Town Manager will update Town Council on how other jurisdictions plan to handle their meetings once the emergency declaration has expired, and both the Town Manager and Town Attorney will be at tonight's meetings to offer some recommendations in that regard.

The Town's Declaration of a State of Emergency was put in place by former Mayor Root. Mayor Fitzsimmons may wish to formally proclaim the end of the Town's state of emergency.

COUNCIL ACTION REQUESTED:

Discussion, possible Town Council action and direction to staff.

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 28 day of February, 2022.



PATRICK FITZSIMMON, Mayor

ATTEST:



JAMES ELLER, 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. Compliance with this statute establishes a presumption that a remote meeting is open to the public.

(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.

(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).
- (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 prior to the scheduled time for the beginning of 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); 2021-35, s. 1.)

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 25, 2022
Subject: Departmental Quarterly Report: Finance
Presenter: Town Finance Director
Attachments: Quarterly Report—4th Quarter FY 2022

Description:

Fiscal Year 2021-2022 has closed but the financial statements are currently under audit and not available for review yet. The Auditors will be on site the week of August 1-5, 2022 to conduct their work, and will report their findings at a later date.

Attached you will find a summary of fiscal year 2021-2022 revenues showing budgeted to actual with a comparison to the prior year, as well as other highlights for this past fiscal year and 4th quarter reports for the two capital project funds and the ARP grant project fund.

Council Action Requested:

No action requested.

TOWN OF WEAVERVILLE

Year-End FY 2021/2022 – Finance Dept.

	Budget	Actual (Projected)	\$ Variance	% Variance	Incr/(Decr) FY21
Ad Val Taxes	\$3,472,303	\$3,723,556	\$251,253	7.2%	10.7%
DMV Tax	\$163,753	\$186,078	\$22,325	13.6%	(1.8%)
Utilities Tax	\$434,644	\$475,934	\$41,290	9.5%	1.5%
Sales Tax	\$1,476,027	\$1,724,160	\$248,133	16.8%	12.2%
Bunc Co Fire Tax	\$1,693,703	\$1,809,600	\$115,897	6.8%	8.6%
ABC Store	\$300,000	\$400,417	\$100,417	33.5%	18.6%
Water Revenue	\$2,173,500	\$2,423,356	\$249,856	11.5%	14.4%
System Dev Fees	\$164,000	\$272,238	\$108,238	66.0%	(9.0%)
Total			\$1,137,409		

Other Highlights of FY 2021/2022:

- Total unspent on paving program: \$552,800 (will re-appropriate)
- Powell Bill Funds received: \$133,507 (budgeted but not spent)
- Total collected for Cops For Kids: \$17,255 (\$1,946 less than prior year)
- Total collected in Community Center donations: \$26,027
- Total collected in Community Center rental fees: \$29,000
- Total Parking Enforcement Fees collected: \$4,340
- Grant Funding Received: American Rescue Plan (1st half): \$641,697
Land of Sky Wi-Fi Award: \$42,000

TOWN OF WEAVERVILLE
 CAPITAL PROJECT FUND
 COMMUNITY CENTER PROJECT-RECREATION COMPLEX (PHASE 2) ESTABLISHED 1/27/2020

	BUDGETED	6/30/2022 YEAR-TO-DATE	CUMULATIVE TOTAL	REMAINING BALANCE	% BUDGET REMAINING
EXPENDITURE:					
070-300-000-19900	CONSTRUCTION COST	268,997.55	-	268,997.55	100%
070-300-000-19002	ARCHITECTURAL FEES		-	-	
070-300-000-19008	ENGINEERING FEES		-	-	
070-300-000-19003	FIXTURES & EQUIPMENT	7,456.22	16,295.00	(8,838.78)	-119%
070-300-000-19007	LANDSCAPING/SITE-WORK		-	-	
070-300-000-90000	CONTINGENCY		-	-	
TOTAL EXPENDITURE		276,453.77	16,295.00	260,158.77	94%
FINANCING SOURCE:					
070-000-300-60010	TRANSFER FROM GENERAL FUND	250,000.00	16,295.00	233,705.00	93%
	APPROPRIATED FUND BAL (FROM PHASE 1)	18,997.55	-	18,997.55	
070-000-300-60020	FUNDRAISING CONTRIBUTIONS	7,456.22	-	7,456.22	
TOTAL FINANCING SOURCE		276,453.77	16,295.00	260,158.77	94%

TOWN OF WEAVERVILLE
 CAPITAL PROJECT FUND
 WATER TREATMENT PLANT EXPANSION PROJECT ESTABLISHED 6/28/2021

	BUDGETED	PAID IN FY 2021	6/30/2022 YEAR-TO-DATE	CUMULATIVE TOTAL	REMAINING BALANCE
EXPENDITURE:					
061-300-000-19005	CONSTRUCTION ADMIN	- (TBD)	-	-	-
061-300-000-19007	LEGAL SERVICES	- (TBD)	-	-	-
061-300-000-19008	ENGINEERING FEES	338,500.00	23,850.00	316,029.98	(1,379.98)
061-300-000-19009	INTEREST ON INTERIM	- (TBD)	-	-	-
061-300-000-19900	CONSTRUCTION COST	- (TBD)	-	-	-
061-300-000-90000	CONTINGENCY	- (TBD)	-	-	-
TOTAL EXPENDITURE		338,500.00	23,850.00	316,029.98	(1,379.98)
FINANCING SOURCE:					
061-000-300-60031	TRANSFER FROM WATER CAPITAL RESERVE	338,500.00	23,850.00	316,029.98	314,650.00
061-000-300-60035	PROCEEDS FROM DEBT	- (TBD)	-	-	-
TOTAL FINANCING SOURCE		338,500.00	23,850.00	316,029.98	314,650.00

TOWN OF WEAVERVILLE
 GRANT PROJECT FUND
 CSLRF PROJECT (ARP) ESTABLISHED 7/26/2021

	BUDGETED	6/30/2022 YEAR-TO-DATE	CUMULATIVE TOTAL	REMAINING BALANCE	% BUDGET REMAINING
EXPENDITURE:					
CSLRF PROJECT	1,283,394.62	-	-	1,283,394.62	100%
TOTAL EXPENDITURE	1,283,394.62	-	-	1,283,394.62	100%
FINANCING SOURCE:					
CSLRF (ARP) GRANT FUNDS RECEIVED JULY 2021	641,697.31	-	-	641,697.31	100%
CSLRF (ARP) GRANT FUNDS DUE JULY 2022	641,697.31	-	-	641,697.31	
TOTAL FINANCING SOURCE	1,283,394.62	-	-	1,283,394.62	100%

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, July 25, 2022

Subject: Planning Department Report for the 2nd Quarter of
Calendar Year 2022

Presenter: Planning Director

Attachments: Planning Department Report – Q2, 2022

Description:

Attached you will find a report reflective of permits issued in April, May and June 2022 and Planning Board and Board of Adjustment activity during the same time.

Action Requested:

None

Planning Department Report – Q2, 2022

Total Zoning Permits Issued: 34

Residential:

Single family dwellings: 8 Internal upfit or accessory structure: 19

Commercial:

New Commercial: 2 Internal upfit or accessory structure: 5

Sign Permits: 2

Planning Board Activity:

April: The Board considered an application for a conditional district to house a Duke Energy substation adjacent to Aiken Road, prepared a proposed set of conditions for Council’s consideration and passed along a unanimous favorable recommendation on the conditional district application. The Board concluded its conversation related to proposed text amendments regarding solar collector regulations, sidewalk waivers and a minor technical change and adopted a unanimous favorable recommendation to Council for same.

May: The Board began deliberations on a proposed simplification of the Town’s outdoor lighting ordinances. An upcoming Town Council workshop on land use regulations was also discussed.

June: Th Board concluded conversations related to the simplification of outdoor lighting regulations and adopted a unanimous favorable recommendation to Town Council on the matter. The Board also considered a proposed zoning map amendment for properties adjacent to Ollie Weaver Road and adopted a unanimous favorable recommendation of an initial zoning of R-3 should the properties be annexed by Town Council.

Board of Adjustment Activity:

June: The Board considered a variance from the front yard setback on the property commonly known as 104 Fortress Ridge and a variance from the minimum lot width on the property commonly known as 12 Banks Town Road. On both counts, the Board found in favor of the applicants.