



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, February 27, 2023**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, February 27, 2023, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC, with remote electronic access by the general public via zoom.

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

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

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Council Member Nagle requested Items F & G in the consent agenda be moved to the Discussion Items and Mayor Fitzsimmons indicated that he would like them placed as items D1 and D2 in the Discussion Items. Vice Mayor McKenna motioned for the approval of the Consent Agenda with the adjustments. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 7-0.

3. Consent Agenda

Council Member Doug Jackson motioned for the approval of the Consent Agenda. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 7-0.

- A. **January 23, 2022 Town Council Regular Meeting Minutes** – *Minutes approved as presented*
- B. **Monthly Tax Report** – *Information only*
- C. **Budget Amendment – Police** – *Budget Amendment approved*
- D. **Proclamations: American Red Cross Month, Earth Day, Arbor Day**
- E. **Water Commitment Extension – Garrison Branch Rd Commercial Development** – *Extension approved*
- F. **Water Commitment Extension – Greenwood Park** – *Moved to Discussion Item D1*
- G. **Resolution Supporting Local Control of School Calendars** – *Moved to Discussion Item D2*
- H. **Resolution Regarding North Carolina Investment Pool** – *Resolution adopted (see attached trust agreement)*
- I. **Proposed FY2023-2024 Budget Calendar** – *Budget Calendar approved*

4. Town Manager's Report

Town Manager Coffey presented her Manager's report to Council which included an update on the Drinking Water State Revolving Fund (DWSRF) grant applications, early voting at the Community Center, and the NCDOT Bike Helmet Initiative grant.

5. General Public Comment

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

Eileen Riehman of 5 East Rolling Acres spoke about the lack of written notices given to residents of Rolling Acres regarding the public hearing that occurred on January 17th for the 171 Monticello matter.

6. Conflicts of Interest Statement

Mayor Fitzsimmons noted that it is the duty of the Mayor and every Town Council Member to avoid both conflicts of interest and appearances of conflicts and noted that Councilmember Jackson has previously disclosed a conflict that excuses him from voting on item 7C.

No other member had any known conflict of interest or appearance of conflict with respect to any matters presented before Town Council.

7. Discussion & Action Items

A. Presentation on Black History in Weaverville

Town resident, Forrest Weaver, gave a brief presentation on the history of Weaverville for Black History Month.

B. Overview of Weaverville Business Association'

Bill Boughton, President of the WBA, gave Town Council an overview and update on their Duke Energy Micro-Grant program.

C. 171 Monticello Road – Action on Annexation and Conditional District Zoning

Town Attorney Jackson informed Town Council that since the public hearings on the annexation and the conditional zoning were held on January 17, 2023, and the Planning Board Recommendation on the zoning has been received, Town Council was eligible to take action on the voluntary annexation petition and the conditional district zoning application for 171 Monticello Road.

Ms. Jackson noted that a set of conditions was proposed by the Planning Board and staff added a few as discussed during the public hearing. The conditions set out in the proposed ordinance have been reviewed by the property owner's agent and are acceptable.

Several Town Councilmembers expressed concern over the condition that required a minimum of 50% of the units to be affordable in order to maintain the higher-than normal density. This condition has been revised to provide that all units will be affordable housing units and the developer and owner have agreed to that revised condition.

After some discussion concerning the sidewalks associated with the project the developer and owner's agent agreed to build sidewalks along the entire property frontage along Monticello Road while also paying \$150,000 to the Town of Weaverville as a fee in lieu of making other pedestrian or traffic improvements in the area.

Councilmember Wood motioned to adopt the annexation ordinance as presented and the ordinance approving the conditional district zoning with amendments needed to reflect the agreement concerning the sidewalks. Motion passed 5-1 with Councilmember Nagle voting no and Councilmember Jackson being excused from the vote due to a conflict of interest.

D. Proposed Concept related to Greenways and Biking

Mark Endries presented to Council some ideas that he has regarding the Town's land lying beyond the Public Works Facility and the section of proposed greenway in that area and some potential passive recreational uses of the Town's property within the Eller Cove Watershed that is subject to a conservation easement. See attached slides.

D1. Water Commitment Extension – Greenwood Park

Town Council was asked to consider acting on the renewal of a water commitment letter for the Greenwood Park Development, a 73-lot subdivision.

Councilmember Nagel motioned to approve the water commitment extension/renewal request. Motion passed 7-0.

D2. Resolution Supporting Local Control of School Calendars

Buncombe County Schools Superintendent Dr. Rob Jackson has asked Town Council and other local governmental jurisdictions to review the resolution by the Buncombe County Board of Education requesting flexibility in determining the public school system calendar and to consider offering their support by adoption of a similar resolution. Staff has developed a draft resolution for Town Council's review and approval.

Councilmember Jackson made a motion to approve the resolution. Motion passed 5-2 with Councilmember Nagle and Vice Mayor McKenna voting no.

E. Consideration of Cell Tower Proposals

Town Manager Coffey provided an update on proposals submitted by US Cellular Tower and Tower Point. Consensus was reached by Town Council that they were not interested in selling a perpetual easement or long-term lease of the current US Cellular Tower site now or in the near future.

F. Water System Update and Request for Action/Direction

Mayor Fitzsimmons updated Council on some areas of progress in the water system discussion especially as it related to regional collaboration and coordination.

Town Attorney Jackson lead Town Council through the information on water capacity needs projections and other information that has been requested regarding the Town's Water Treatment Plant (WTP) and water system.

Councilmember Cordell made a motion to authorize staff to move forward to expand the Water Treatment Plant, and to direct staff to continue to seek grant funding and/or other similar funding from outside sources over the next six months so that a funding plan for the project can be established, all with the understanding that the project will proceed with or without outside funding. After some further discussion and a restatement of the motion, Town Council voted and the motion passed 5 to 2, with Vice Mayor McKenna and Councilmember Nagle voting nay.

G. Water System Resiliency Projects

Town Manager Selena Coffey stated that as expressed in the resolution adopted on January 24, 2022, Town Council has indicated a desire to move forward with certain projects at the Town's Water Treatment Plant (WTP) that will serve to increase the resiliency and safety of the plant and its operations. Ms. Coffey noted that those improvements include two backup generators (one at the plant and one at the raw water intake), and a conversion from chlorine gas to sodium hypochlorite in its process.

Applications for grant funding through the Drinking Water State Revolving Fund have been unsuccessful, so the Town can now proceed with these projects without further delay. WithersRavenel has already done a fair amount of engineering work on these resiliency projects as they were originally included with the engineering on the WTP expansion. An engineering proposal from WithersRavenel for the remaining engineering work was reviewed. The agreement shows a lump sum engineering fee of \$79,500, with some possible additional hourly for construction observation. Town staff expects that the construction observation will be limited since Town staff will be on site during installation. WithersRavenel estimates a 30-week construction project (approximately 7 months) once the permitting and bidding are accomplished. The Town's current budget includes \$1,294,900 for these resiliency projects. Once bids are received a budget amendment and/or reappropriations might be necessary.

The Town Manager, Public Works Director, and Water Treatment Plant Supervisor strongly urged Town Council to approve the engineering agreement so that these resiliency projects can be implemented as soon as possible.

Mayor Fitzsimmons expressed an opinion that these projects were not necessary, but other Town Council members disagreed.

Councilmember Nagle made a motion to move forward with the resiliency projects and approve the engineering agreement. The motion passed 6-1 with Mayor Fitzsimmons voting no.

H. Water System Development Fee Study

Town Attorney Jackson noted that as allowed by NC Gen. Stat. §§ 162A-200, et seq., the Town of Weaverville has been charging water system development fees since July 1, 2018. The law authorizing these fees requires that a financial analysis be completed every five years. The Town contracted with Willdan Financial Services for this study and they have now completed their analysis and draft report on the Town's water system development fees.

The current system development fee for a residential dwelling unit is \$2,232. This draft report indicates the maximum amount of system development fees that the Town could charge using several methods:

Buy-In Method = \$2,750 per residential dwelling unit
Incremental/Marginal Cost Method = \$5,430 per residential dwelling unit
Combined Cost Method = \$4,090 per residential dwelling unit

Town Attorney Jackson informed Town Council that The Town has an obligation to provide a 45-day public comment period on the draft report and to hold a public hearing prior to adopting any new or updated water system development fee. Attorney Jackson proposed a public comment period from March 1, 2023, through April 24, 2023, and that the public hearing be set for April 24, 2023, at 6pm.

Councilmember Cordell made a motion to approve the public comment period as suggested and to set the public hearing for April 24, 2023. Motion passed unanimously.

I. Disposal of Surplus Personal Property – Ratification and Code Amendment

Town Manager Selena Coffey informed Council that NC Gen. Stat. § 160A-266 sets out the laws governing the disposal of surplus property by municipalities and provides that a municipality may authorize one or more town official to declare surplus any personal property valued at less than \$30,000, to set its fair market value, and to convey title to the property for the town in accord with regulations established. In February of 1998, the Weaverville Town Council adopted an ordinance that authorized Weaverville’s Town Manager to dispose of surplus personal property that is valued at less than \$5,000.

If the limits of the Manager’s authority stays at \$5,000, it is expected that Town Council will have to take action to authorize more of the disposal of personal property than in years past. To ease the additional burden on Town Council, and for other efficiencies, Town Manager Coffey recommends that Town Council consider increasing her authority to \$20,000. A draft Code Amendment was reviewed and considered.

Councilmember Nagle motioned to adopt the Ordinance Amending Weaverville Town Code Section 2-236 Concerning Disposal of Surplus Personal Property as presented. Motion passed unanimously.

Councilmember Wood motioned to ratify the recent sale of two surplus vehicles on GovDeals for \$5,505 and \$7,800. Motion passed unanimously.

J. Quarterly Report – Fire Department

Report not presented due to absence of Fire Chief Scottie Harris.

K. Quarterly Report – Police Department

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

L. Synopsis of Advanced Leadership Corp Professional Development

Councilmember Cordell shared an overview of her recently completed Advanced Leadership Corps at the UNC-CH School of Government.

8. Closed Session

At approximately 8:25 pm, Councilmember Wood motioned to enter closed session as allowed by N.C.G.S. § 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in

order to preserve the attorney-client privilege between the attorney and the public body, which motion passed with a vote of 6-1 with Councilmember Nagel voting no.

[CLOSED SESSION]

At approximately 8:45 pm Councilmember Jackson motioned to exit closed session and reenter open session at approximately. All voted in favor of the motion. Motion passed 6-0, with Councilmember Nagle not participating in the vote.

9. Request for Funding of Water Treatment Plant Expansion Project

Councilmember Cordell mentioned that Tim Moffitt might be a good contact to support a funding request from the NC Legislature for the Water Treatment Plant Expansion Project. The Mayor and Manager indicated that they would get Councilmember Cordell some information to provide to him and would be working with others as well.

10. Adjournment

Without objection, Mayor Fitzsimmons declared the meeting adjourned. Meeting adjourned at approximately 8:50 pm.

James Eller, Town Clerk