

## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, July 24, 2023**

The Town Council for the Town of Weaverville held the regularly scheduled meeting on Monday, July 24, 2023, 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: Mayor Patrick Fitzsimmons, Vice Mayor Jeff McKenna and Councilmembers Doug Jackson, John Chase, Catherine Cordell, Michele Wood and Andrew Nagle.

Staff members present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, Police Chief Ron Davis, Public Works Director Dale Pennell, Town Clerk Tamara Mercer, and Zoom Room Coordinator Lauren Ward.

### **Call to Order**

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

### **Approval/Adjustments to the Agenda of Interests Statement**

Vice Mayor McKenna requested to add a candidates' forum for the upcoming November elections to be moderated by the League of Women Voters to which Mayor Fitzsimmons requested a motion to amend and approve the agenda.

*Councilmember Jackson moved to add a candidates' forum to be held at the Weaverville Community Center in October and to approve the agenda. The motion was approved unanimously. 7-0.*

### **Conflict of Interests Statement read by Mayor Fitzsimmons**

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. No member had any known conflict of interest or appearance of conflict with respect to any matters on the agenda for tonight's Town Council meeting.

### **Consent Agenda**

*Councilman Chase moved to approve and adopt the consent agenda items as follows:*

- A. June 26, 2023 Town Council Regular Meeting Minutes – approved as presented*
- B. Monthly Tax Report – information only*
- C. Budget Amendment – Police – approved as presented*
- D. Proclamation: September as Childhood Cancer Awareness Month – information only*
- E. Road Closure Ordinance: Art in Autumn – approved as presented*

*The motion was approved unanimously. 7-0.*

### **Town Manager's Report**

Town Manager Coffey provided the update and reported on various projects and programs. The Code-Red program is planned to be rolled out in August for emergency notifications, the Recreation ad-hoc committee has begun meetings, members include Earl Rohrback, Stuart Brown, Vice Mayor McKenna, Russ Kantner and staff members Dale Pennell, Jennifer Jackson, Shelby Stovall, and Ms. Coffey. The internship program developed by

Assistant Police Chief Oberlin, has new guidelines wherein the work is primarily with the Weaverville Police Department and is modeled on other state-wide jurisdictions to bring youth into local government. The intern hired is multi-lingual.

Ms. Coffey noted the Fire Station Solar Project at Weaverville Fire Department is underway in permitting. That is delayed but is expected to begin end-of-year. She provided an update on the Eller Cove Watershed Plans. The Town is moving forward with monitoring the property, securing the watershed, bridge construction engineering, and viewing platforms. Management plans include funding and staffing of the reservoir and the conservation area. This will be placed on the August Town Council agenda for further direction from Council.

### **General Public Comments**

Mayor Fitzsimmons read rules of procedure and inquired if there were any on-line or virtual public comments, to which the Clerk said there were none, and he opened the public comment portion of the meeting.

Mr. David King, HOA board member for Maple Trace Subdivision and resident of Maple Trace, said the submitted petition for voluntary annexation represents 100% of the homeowners' signatures. Mr. King said annexation by the Town would increase the tax base. The subdivision development began in 2016 and was completed in 2021. He said it benefits the residents to allow the town to take over the roads and substructures, and to receive services. This allows the Reems Creek Valley growth corridor to be brought into the town. Mr. King believes this planned growth and annexation is consistent with town's goals and benefits the Maple Trace residents for security and management by the Town instead of the HOA. He supports annexation of Maple Trace Subdivision into the Town of Weaverville.

Mr. Matt Allen Director of professional development at Land of Sky Association said his company represents realtors, members, employees, and hosts of short-term (STR) rentals. Mr. Allen requested to be included as the Town organizes input from stakeholders regarding short-term rental issues.

Ms. Jackie Fox 28 Central Ave said she is a lifelong resident, and she spoke in favor of the Fourth of July fireworks. The fireworks brings people to downtown and the event supports local businesses said Ms. Fox.

Mr. Allen Shepard 100 Central agreed and is in favor of the fireworks event. Mr. Shepard thanked the Fire and Police Departments for their professionalism as his guest apartment had a small fire. Mr. Shepard disagreed with the town office lunch-time closure between 12:30 and 1:30.

Mayor Fitzsimmons noted no other persons wished to speak.

### **Discussion & Action Items**

#### **A. Annexation Petition – Maple Trace Subdivision**

It was noted that David King's comments submitted in General Public Comment were relevant to this discussion item and Mr. King remained available to answer questions as needed..

Attorney Jackson provided an overview of the voluntary annexation petition as submitted by the Maple Trace Homeowners' Association, Inc and the property owners within the Maple Trace Subdivision which encompasses all the subdivision lots and common areas. As reviewed by staff, the application is complete. The area is approximately 65 acres, is located near the Reems Creek Road and Parker Cove Road intersection with approximately 1.4 miles of private roads. The roadways plus water infrastructure, are proposed to be accepted for municipal services and maintenance. This property is non-contiguous to

municipal limits of Weaverville but located approximately 650 feet from the Town's limits.

Consideration by Town Council is discretionary noted Attorney Jackson, and if Town Council wishes to proceed then the resolution should be considered. The resolution provides for the Clerk to investigate and then certify sufficiency of the petition and the Planning Board to recommend the most appropriate zoning district although vested rights are claimed due to the initial zoning through the County zoning review process. There would be an analysis by departments as to extension of town services and additional resources needed and a final recommendation by the Public Works Director evaluating the private street construction standards, condition of streets, and related stormwater system, before acceptance into the Town's public street system is considered.

There was a question-and-answer period regarding the Public Works analysis, inspections, and compliance standards, improvements to the stormwater drainage system, costs, and repairs, negotiations with the HOA, the timeline of large annexation cases, and discussion on ingress and egress over the bridge at Reems Creek. Previously a one-lane, Mr. King stated that NCDOT installed upgrades and is a 2-lane bridge. Emergency services, sidewalks and right-of-way and setbacks were reviewed by Mr. Eller and he explained current town regulations versus the county's which is the reason why the subdivision is declaring vested rights.

In response to Mayor Fitzsimmons question regarding a Pleasant Grove connection, Mr. King provided a letter of intent for the HOA to purchase a right-of-way from the adjacent property owner. Mr. King said that property owner wishes to receive utility sewer service and town water service. After further discussion, Mayor Fitzsimmons called for a motion on the matter.

*Vice Mayor Mckenna moved to proceed with the annexation request and adopt the Resolution concerning Voluntary Annexation Petition for Maple Trace Subdivision as presented. The motion was approved unanimously. 7-0.*

### **B. Code Amendment – Road/Park Closure Compliance**

Attorney Jackson reviewed the proposed code amendment to establish enforcement regarding a road closure. There have been safety issues with people moving road closure signage and State law does not address the issue. Staff proposes to address by ordinance with Code Amendment to Chapter 28: *'it is unlawful for any person to remove any traffic control device, marking, sign, or barrier...'* and staff recommends adding a violation fee of \$300.00 to the fee schedule for enforcement of the amendment.

There was discussion regarding the penalty, recent incidents and vehicle safety problems, Police Department procedures and enforcement. Chief Davis reviewed State traffic laws, traffic control and temporary road closures, signage, and safety protocols.

*Councilman Doug Jackson moved to adopt the code amendment to Chapter 28: Ordinance Concerning Road and Park Closure Compliance and to amend the fee schedule to provide a \$300.00 penalty for removal of traffic related signage and for violating the road and park closures and /or using the closed road or park. The motion was approved unanimously. 7-0.*

### **C. ADA Transition Plan Update**

Attorney Jackson summarized the Americans with Disabilities Act (ADA) Plan to improve the Town's facilities and infrastructure for accessibility which began in 2020. Attorney Jackson serves as the ADA Coordinator, who oversees plan implementation. Two complaints were received regarding the Lake Louise Park ramp being too steep, that is the rise-over-run calculation, which is a code violation. There are code violations on Florida Avenue, wherein tables and chairs are obstructing the sidewalk usage.

After discussion regarding compliance, wheelchair passage, ADA playground equipment, Town Hall parking lot reconfiguration, and funding additional handicap spaces, and other upgrades such as the Public Works street repaving program, *there was general consensus to support Staff's enforcement of the ADA plan and southside sidewalk regulations.*

#### **D. Planning Board Update**

Planning Director Eller updated Council on the Planning Board meeting regarding open space conservation design which is identified as a goal in the COMP Plan to encourage open space design. Mr. Eller explained protecting natural features with utilizing incentives versus regulatory requirements. Greenway conservation for a subdivision design could provide more density for a developer, such as reduced setbacks while protecting greenspace. Currently no regulations are in place at all to either use a 'carrot' approach to encourage open space or conservation measures or a 'stick' approach which would require such measures be incorporated into development.

In response to Councilmember Nagle's questions, Attorney Jackson reviewed the current development regulations and implementing guidelines to encourage conservation design similar to the County's and what other benchmark cities implement. There was discussion on conditional districts and special use permits and examples of clear cutting in sensitive environmental areas, watersheds, flood plains, nature trails, infill lots of large acreage, multi-family developments, and single-family residential districts.

*Mayor Fitzsimmons directed staff to schedule a Town Council and Planning Board joint meeting for September 19 at 6 pm to discuss conservation design incentives or stricter regulations and the CLUP plan goals related to this issue and future development.*

Attorney Jackson further reviewed the Planning Board's progress on short-term rentals, noting that Manager Coffey circulated an STR questionnaire to benchmark city colleagues and the Town received input from area cities on their progress addressing short-term rental and regulations. The Board is continuing to research the topic of STR's and will hold a stakeholders' meeting and form a subcommittee. This is a complicated issue and will take some time to study. *Town Council consensus was that all stakeholder's perspectives should be considered.*

#### **E. Quarterly Planning Department Report submitted**

#### **F. Quarterly Finance Department Report**

Finance Director Dozier presented the Quarterly Finance report highlights such as the revenues, the predictions, and expenditures budgeted. She explained the general fund and enterprise water fund, with the roadway paving funds to rollover as that program was funded through two years. The ARP (American Rescue Plan), SRO (School Safety Grants) and capital projects information was provided, noting that the fiscal year audit will begin in August.

#### **Adjournment. At 7:45**

*Without objection, Mayor Fitzsimmons declared the meeting adjourned at 7:45 p.m.*

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**Tamara Mercer, Town Clerk**