TOWN OF WEAVERVILLE
Weaverville Community Room at Town Hall
30 South Main Street, Weaverville, NC 28787

Remote Access Option for General Public via Zoom (unless technical difficulties):
https://us02web.zoom.us/j/85948891960; Meeting ID: 859 4889 1960

TOWN COUNCIL AGENDA
Monday, September 25, 2023
Regular Meeting at 6:00 pm

1. Call to Order ......................................................... Mayor Fitzsimmons
2. Moment of Silence for Dottie Sherrill ........................................... Mayor Fitzsimmons
3. Approval/Adjustments to the Agenda .............................................. Mayor Fitzsimmons
4. Conflict of Interests Statement .................................................. Mayor Fitzsimmons
5. Consent Agenda ........................................................................ Town Manager Coffey
   A. August 28, 2023, Town Council Regular Meeting Minutes .......... 3
   B. Monthly Tax Report and Request for Refunds/Releases ............... 8
   C. Waterline Acceptance - Palisades ............................................. 18
   D. Renewal of the Tailgate Market Memorandum of Understanding ..... 20
   E. Authorize Fireworks for Fourth of July Celebration ...................... 26
   F. Voluntary Annexation Petition – 492 Reems Creek Rd – Set PHs .... 27
6. Town Manager’s Report .......................................................... 34 Town Manager Coffey
7. General Public Comments (see below for additional information) ........ Mayor Fitzsimmons
8. Discussion & Action Items .........................................................
   A. Planning Board Liaison ............................................................ 35 Councilmember Nagle
   B. Voluntary Annexation Petition – Reems Creek Village Recombination Area .... 36 Town Attorney Jackson
   C. Voluntary Annexation Petition – 300 Hamburg Mountain Rd .......... 45 Town Attorney Jackson
   D. Voluntary Annexation Petition – Northridge Farms ....................... 56 Town Attorney Jackson
   E. Street Paving Projects – Award of Bid ..................................... 73 Public Works Dir. Pennell
   F. Quarterly Report – Public Works and Water ............................. 76 Public Works Dir. Pennell
9. Closed Session ........................................................................ Mayor Fitzsimmons
   N.C.G.S § 143-318.11(a)(3) – To consult with an attorney retained or employed by the Town in order to preserve the attorney-client privilege, which is hereby acknowledged; N.C.G.S. § 143-318.11(a)(6) – To consider the qualifications, competence, performance, character, fitness, conditions of appointment or employment of an individual public officer or employee; and N.C.G.S. § 143-318.11(a)(5) – 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
10. 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 related to the Town of Weaverville. 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. Comments during the meeting are generally limited to 3 minutes. You must be recognized before giving your comment. Written comments timely received will be provided to Town Council and read 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.
The Weaverville Town Council has elected to continue to provide the general public with remote electronic access to its regular monthly meetings, unless technical issues prevent such access.

This NOTICE OF REMOTE ELECTRONIC MEETING is provided to inform the public that the Weaverville Town Council regular monthly meeting will be held as an in-person meeting (Council Chambers/Community Room at Town Hall, 30 South Main Street) with remote attendance by the general public allowed via Zoom. For those members of the public wishing to attend 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. Town adopted Rules for Public Comment will apply. Normal rules of decorum apply to all comments and duplicate comments are discouraged. Public comments may be submitted during the in-person meeting or in writing in advance, but will not be taken from those attending remotely. The public comments section of the meeting will be limited to approximately 20 minutes, but may be extended by Town Council if time allows. You must be recognized before giving your comment and must make comments from the podium. Individual comments during the meeting are generally limited to 3 minutes. Written comments timely received will be provided to Town Council 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_vJiqimFUQ, or call the Town Clerk at (828)645-7116.

Patrick Fitzsimmons, Mayor
The Town Council for the Town of Weaverville held the regularly scheduled meeting on Monday, August 28, 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, Andrew Nagle, John Chase, Catherine Cordell, and Michele Wood.

Staff members present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, Finance Director Tonya Dozier, Police Chief Ron Davis, Fire Chief Scottie Harris, Public Works Director Dale Pennell, Water Treatment Plant Supervisor Randall Wilson, Town Clerk Tamara Mercer, and Zoom Room Coordinator Lauren Ward.

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

2. **Approval/Adjustments to the Agenda**
   Mayor Fitzsimmons requested a motion to approve the agenda and Councilmember Chase moved to approve the agenda. The motion was approved unanimously. 7-0.

3. **Conflict of Interests**
   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.

4. **Presentation of Proclamation Recognizing September as Childhood Cancer Awareness Month**
   Vice Mayor McKenna read the Childhood Cancer Awareness Month Proclamation and presented it to the Meinch family. Many events are scheduled throughout September to bring awareness to childhood cancer, including community fundraisers in particular the Weaverville Police Department raffle at the Weaverville Business Association’s ‘Art in Autumn’ event on Saturday, September 16th. Ms. Amy Meinch thanked Town Council and the community for participating and bringing this issue to the forefront of awareness as the needs and challenges are experienced by family members.

5. **Consent Agenda**
   Town Manager reviewed the consent agenda items.

   Mayor Fitzsimmons recognized Councilmember Nagle. Councilmember Nagle stated his concern regarding item G. Board Appointments. He said it is a mistake for a member to serve 15-years such as the chairman of the ABC Board. Mayor Fitzsimmons agreed that new faces should serve, and he spoke with Chairman Rob Chason on the ABC Board who announced he was resigning next year. Councilmember Nagle added he did not believe...
there is a need for a council member to be appointed liaison to the Planning Board and said the role should be eliminated. No one elected to amend the consent agenda and Mayor Fitzsimmons called for a motion.

_Vice Mayor McKenna moved to approve and adopt the consent agenda items. The motion was approved unanimously (7-0) and the consent agenda was approved as follows:_

_A. July 18, 2023 Town Council Workshop Minutes – approved as presented_
_B. July 24, 2023 Town Council Regular Meeting Minutes. – approved as presented_
_C. Budget Amendment Police quarterly distribution from ABC Store – approved as presented_
_D. Budget Amendment Reappropriations – approved as presented.
_E. Budget Amendment Transfer Recreation Complex – approved as presented.
_F. Road Closure Ordinances for North Buncombe Homecoming Parade and Weaverville Holiday Parade – approved as presented_
_G. Board Appointments: appointments and reappointments approved as recommended_
_H. Water Commitment Renewal for Chapel Crossing Development – commitment renewed for 1 year_

**6. Town Manager’s Report**

Town Manager Coffey provided the Town Manager’s report which included updates on projects and programs, including: an introduction of Sarah Myers as the new Recreation Coordinator, a reminder about the Weaverville 9/11 Observance, CodeRED implementation, the need to set a date in January for a strategic planning retreat, demolition and construction related to the recreation complex, the need for a second bidding date on the street paving project, and the Electrifying Public Safety Training + Ride and Drive program which the Town will be participating in at the invitation of the Land of Sky Clean Vehicles Coalition.

**7. 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.

Ms. Joanna Vanderkolk, a Weaverville resident lodged a complaint of continuous dogs barking. She is concerned there is an unpermitted business being conducted at a dwelling on College Street. Planner, James Eller stated he would check into the matter regarding a permit for a home or commercial use permit.

No other persons elected to speak.

**8. Discussion & Action Items**

_A. Buncombe County Tax Assessor presentation_

Mr. Keith Miller, Tax Assessor with the Buncombe County Tax Department provided an overview of the upcoming property reappraisal that will affect tax bills for 2025. This addressed the scope of the project (approximately 130,000 properties will be reappraised), the process and methodologies of the valuations, the appeals process, and the legal requirements that he and his staff must follow. The department is responsible for appraising and assessing all taxable property within Buncombe County, which is approximately 130,000 properties. The property
assessments are to be completed by January 2025. The law requires that these reappraisals be conducted at least every 8 years, but Buncombe County has been reappraising every 4 years.

The department revalues approximately 2,680 parcels of real estate in Weaverville. For fiscal year 2024 Weaverville has a total of $1.25 billion in taxable value assessed.

There was a question-and-answer period regarding property value changes in the market, the Machinery Act, tax burden and revenue neutral, home square footage, unique properties and historic homes, comparisons, and cluster developments, and commercial assessed values which is based on income and vacancy.

B. Stormwater Program Update

Town Attorney Jackson reviewed the stormwater program and the town’s role in protecting the area’s surface water and impacts to the waterways. NC Department of Environmental Quality reissued the stormwater permit for the Town which is required under the EPA to discharge. The Stormwater Management Plan is incorporated into the FY:2022-2023 through the assistance of Land of Sky Regional Council. Part of the implementation of the improvements in the program includes the purchase of the street sweeper as budgeted. This allows the town to clean up leaves and debris to keep materials out of the stormwater system.

C. Main Street Nature Park Stormwater Concepts and Preliminary Visioning

Attorney Jackson summarized the Main Street Nature Park stormwater plan and noted that staff worked with Land of Sky Regional Council, specifically with Dr. Mary Roderick, who helped to secure grant funding. With her assistance the stormwater mapping and an evaluation of the Main Street Nature Park control measures were incorporated into the park stormwater management plan and concept designs.

Dr. Roderick provided the evaluation analysis for stormwater planning at the park. The project overview included the scope and status of the completed stormwater system inventory and map, the greenway infrastructure improvement plan, and public engagement for a scheduled completion by March of 2024. The funding source for approximately $50,000 was from NC Department of Environmental Quality 205J Grant Program. Dr. Roderick reviewed the stormwater control measures and plan mitigation to address stormwater runoff, area streams, ponds, and the function of enhancements and improvements to the park and natural habitat.

Town Manager Coffey noted that the next steps are to address Council’s determination of priorities and suggested that this could be topic for inclusion in the strategic planning discussions. Staff will continue to work with Dr. Roderick on a volunteer day and other community input and involvement on stormwater programming and will attempt to get cost estimates on the work suggested for the Main Street Nature Park.

D. Eller Cove Watershed Trail Design

Staff has been working with Mark Endries on the possible development of a trail system within the Eller Cove Watershed Conservation Area for hiking and biking. $4,980 was included in the budget for a trail design study to be conducted by Elevated Trail Design, LLC. The Manager’s Office requests authorization for Elevated Trail Design to complete the proposed study.
regarding Eller Cove Watershed trail design. Vice Mayor McKenna reported that there is a group of volunteers who perform trail maintenance.

_Councilmember Chase moved to authorize the Manager to contract with Elevated Trail Design for completion of the trail design study at Eller Cover Watershed. The motion was approved unanimously. 7-0._

**E. Fireworks Fourth of July Event Public Input**

Mayor Fitzsimons reviewed the topic noting that for the past several months the Council has been hearing public input and is seeking more input as well as researching alternatives to the traditional firework show at the July event. The Town Manager provided alternative suggestions such as expanding the day to a festival, using low impact fireworks, drone show, or laser show costs and procedures.

Donna Mann Belt – in favor of traditional fireworks  
Jennifer Young – in favor of traditional fireworks  
Darryl Fox – in favor of traditional fireworks.  
Jerri West Davis – in favor of traditional fireworks

Mayor Fitzsimmons checked to see if anyone attending on-line wished to speak regarding the topic and no one elected to speak.

**F. Voluntary Annexation Petition- 492 Reems Creek Road**

Town Clerk, Tamara Mercer presented the petition for voluntary annexation at 492 Reems Creek Road submitted by Kathy F. Amos containing approximately 1.07 acres which is contiguous to the properties located at 480 and 488 Reems Creek Road that were recently annexed into the Town's municipal limits. The authorized agent for the applicant, the developer Civic Design Concepts, is requesting an initial zoning designation of R-3, which is consistent with the zoning on 480/488 Reems Creek Road.

Attorney Jackson noted that the proposed resolution sets out the next steps in the annexation process, which is to authorize the Clerk’s Office to investigate the sufficiency of the annexation petition and to send the initial zoning request to the Planning Board for review and a zoning recommendation.

_After discussion, Councilmember Cordell moved to approve the resolution concerning annexation 2023-3 as presented. The motion was approved unanimously. 7-0._

**G. Comprehensive Land Use Plan 2024 Goals and Priorities Update**

Mr. Eller presented an overview of the steps so far concerning the CLUP and strategic planning. Staff is requesting that Town Council complete the attached action plan table with their priorities in order to provide that information to the joint meeting of Town Council and the Planning Board at the next Town Council workshop to be held on September 19th at 6:00 p.m. The Planning Board members have completed their portion of scoring their priority list and has been provided in the agenda packet.
Mayor Fitzsimmons requested that Council members submit the completed chart to staff with a deadline of September 10th. The CLUP update will be a central topic of the September 19, 2023, workshop which will be held as a joint meeting between Town Council and the Planning Board.

H. Tax Collection Update and Actions

Attorney Jackson stated that the tax settlement as provided by the Buncombe County Tax Department for Fiscal Year 2022-23, reports the Weaverville tax collection rate of 99.95% was collected for the year with only $1,874.37 ad valorem taxes to be collected. The collection of taxes remains with Buncombe County Tax Department, but the office has advised the Town of Weaverville and other municipalities to formally appoint a Town Tax Collector. Attorney Jackson recommended approve the Resolution which includes the approval of the tax settlement, the tax collector’s bond amount, the addendum to the Tax Collections Agreement with Buncombe County, certain tax collection procedure, and the appointment of a tax collector.

There was further discussion on the process of Buncombe County collecting the taxes and the formality of the appointment, and the total tax collection for the Town of Weaverville.

_Councilmember Nagle moved to approve the Resolution as presented. The motion was approved unanimously. 7-0._

I. Quarterly Police Department Report

Chief Davis reviewed the statistics and data regarding law enforcement calls, arrests, assault, accidents, injuries, and various activities such as burglary noting there was a decrease in most categories from the quarterly period previously. Call response times continue to increase as priority calls are complex.

Other matters discussed were the Electric Patrol Vehicle program and the challenges that involve evidence storage and disposition. Chief Davis said the Town has now hired a records specialist to archive and record the evidence which will be a great help to his department.

Assistant Chief Oberlin introduced the Internship Program and new intern Ben Alfaro, who has been working with the Police and cross training with all departments and Town Staff through the summer. Ben will be enrolling in the BLET program as soon as he is eligible. In the meantime, the program allows him to engage in all aspects of government while pursuing their Police Officer credentials.

J. Quarterly Fire Department Report

Chief Harris reviewed the Fire Department Report and provided statistics on response time, which is under five minutes, safety fire prevention programs, Safekids child car seat inspections and installation, education classes, and business inspections and fire loss costs and property saved during the past quarter.

Adjournment

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

Tamara Mercer, Town Clerk
TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: September 25, 2023
SUBJECT: Monthly Tax Report and Request for Refunds/Releases
PRESENTER: Tax Collector

DESCRIPTION/SUMMARY OF REQUEST:
Buncombe County has provided the monthly net collections report with data through the end of August 2023 and a request for tax releases/refunds.

A summary of the monthly tax report is provided and shows that $192,103.73 out of the total real property, personal property, and business personal property tax levy of $4,167,304.37 has been collected so far (4.61% collected). This low collection is not surprising this early in the tax year. The reports are also included for July 2023.

Buncombe County Assessor’s Office has requested approval of the following releases/refunds:

<table>
<thead>
<tr>
<th>Month</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 2023</td>
<td>Property Tax Levy Release/Refund</td>
<td>$19.35</td>
</tr>
<tr>
<td></td>
<td>Motor Vehicle Levy Release/Refund</td>
<td>$212.25</td>
</tr>
<tr>
<td>August 2023</td>
<td>Property Tax Levy Release/Refund</td>
<td>$2,658.14</td>
</tr>
<tr>
<td></td>
<td>Motor Vehicle Levy Release/Refund</td>
<td>$115.50</td>
</tr>
</tbody>
</table>

COUNCIL ACTION REQUESTED:
The monthly report is provided for information only.

Approval of the tax releases/refunds is requested. The following motion is suggested:

*I move that Town Council approve the releases and refunds as requested.*
Town of Weaverville  
MONTHLY TAX REPORT  
FY 2023-2024  

Tax Year 2023  
Summary for YTD August 2023:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Original Billed Amts</td>
<td>$4,162,897</td>
</tr>
<tr>
<td>Abs Adj (Adjustments by Assessor)</td>
<td>$(1,058)</td>
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<tr>
<td>Bill Releases</td>
<td>$(43)</td>
</tr>
<tr>
<td>Discovery Levy</td>
<td>$4,706</td>
</tr>
<tr>
<td>Additional Levy</td>
<td>$803</td>
</tr>
<tr>
<td>Net Levy</td>
<td>$4,167,304</td>
</tr>
<tr>
<td><strong>Total Current Year Collections</strong></td>
<td>$192,104</td>
</tr>
<tr>
<td><strong>% Collected</strong></td>
<td>4.61%</td>
</tr>
<tr>
<td><strong>Total Left to be Collected:</strong></td>
<td>$3,975,201</td>
</tr>
<tr>
<td>Prior Years Tax Paid</td>
<td>$1,262</td>
</tr>
<tr>
<td>Prior Years Interest and Penalties Paid</td>
<td>$812</td>
</tr>
<tr>
<td>----------</td>
<td>---------------------</td>
</tr>
<tr>
<td>2022</td>
<td>0.00</td>
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<tr>
<td>2021</td>
<td>0.00</td>
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<td>2014</td>
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**Fiscal Year Activity from July 1, 20XX to August 31, 2023**

**Activity from August 1, 2023 to August 31, 2023**

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**Default Sort-By:** Tax Year

**Grouping:** Tax District, Levy Type

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**TAX DISTRICT: WEAVERVILLE**  
**LEY TYPE: Interest**
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<tr>
<th>Year</th>
<th>Tax District</th>
<th>Levy Type</th>
<th>Late List Penalty</th>
<th>Sub.</th>
<th>2023</th>
<th>2022</th>
<th>2021</th>
<th>2020</th>
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<td>WEAVERVILLE</td>
<td>LATE LIST</td>
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<td>LEVY TYPE: LATE LIST PENALTY</td>
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<tr>
<td>2023</td>
<td>9,151.07</td>
<td>29.61</td>
<td>0.36</td>
<td>0.00</td>
<td>9,121.10</td>
<td>52.71</td>
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<td>0.00</td>
<td>52.71</td>
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<td>99.42 %</td>
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<tr>
<td>2022</td>
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<td>0.80</td>
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<td>733.13</td>
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<td></td>
<td>0.00</td>
<td>3,259.94</td>
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<td>99.28 %</td>
<td>0.72 %</td>
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<td>2021</td>
<td>1,320.31</td>
<td>65.20</td>
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<td>3,159.35</td>
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<td>4,388.41</td>
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<td>99.42 %</td>
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<tr>
<td>2020</td>
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<td>0.00</td>
<td>6,083.77</td>
<td>7,047.59</td>
<td>15.10</td>
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<td>99.79 %</td>
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<td>9,976.25</td>
<td>23,866.14</td>
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<td>14,733.55</td>
<td>231.82</td>
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<td>61.73 %</td>
<td>38.27 %</td>
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<table>
<thead>
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<th>Year</th>
<th>Tax District</th>
<th>Levy Type</th>
<th>Tax</th>
<th>Sub.</th>
<th>2023</th>
<th>2022</th>
<th>2021</th>
<th>2020</th>
<th>Total</th>
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</thead>
<tbody>
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<td></td>
<td>WEAVERVILLE</td>
<td>TAX</td>
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<td>4,167,304.37</td>
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<td>95.39 %</td>
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<tr>
<td>2022</td>
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<td>42.26</td>
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Signature (Tax Collector) _____________________________________________________
## Tax Year 2023
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<td>Prior Years Interest Paid</td>
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### TR-401G Net Collections Report

**Date run:** 8/31/2023 10:18:56 AM  
**Date as of:** 8/30/2023 11:31:20 PM

**Report Parameters:**
- **Date Sent to Finance Start:** Min - July 1, 2023  
  **Date Sent to Finance End:** Max - July 31, 2023  
  **Abstract Type:** BUS,IND,PUB,REI,RMV
- **Tax District:** WEAVERVILLE
- **Levy Type:** Admin Expense, Advertisement Fee, Attorney Fee, Collection Fee 5, Collection Fee 9, Cost, Docketing Expense, EXPENSE, FEE INTEREST, Garnishment Fee, Interest, LATE LIST PENALTY, Legal Ad Expense, NSF Penalty, Postage Expense, Sheriff Service Fee, SPECIAL ASSESSMENT, TAX, VEHICLE FEE, WEAVERVILLE TAX

#### Fiscal Year Activity from July 1, 20XX to July 31, 2023

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

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**TAX DISTRICT: WEAVERVILLE**

**LEVY TYPE: TAX**

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Signature (Tax Collector) _____________________________________________________
## NCVTS Pending refund report Fiscal year 2024

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<td><strong>($14,736.33)</strong></td>
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</table>
MEETING DATE: September 25, 2023
SUBJECT: Waterline Acceptance – The Palisades
PRESENTER: Public Works Director
ATTACHMENTS: Approved Easement Plat

DESCRIPTION/SUMMARY OF REQUEST:
The Palisades apartment project on Merrimon Avenue is well under way. As a part of that project the property owner, Southwood Realty Company, has constructed the water infrastructure necessary to provide the apartment complex with public water. A water easement plat is attached showing the lines and the easement area.

The Public Works Director is requesting that Town Council accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Public Works Director, Town Manager and Town Attorney. The Public Works Director also urges Town Council to set a waterline repair guaranty at $1,000 to cover any defects that might be discovered within three years of our acceptance. The Town Attorney has been working with the owner to get the necessary easement documents in place pending Town Council approval.

ACTION REQUESTED:
Council action to (1) accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney and Public Works Director, and (2) set the repair guaranty amount at $1,000. The following is suggested as a motion:

I move that we accept the waterline extension and related improvements for the Palisades Project into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney and Public Works Director, and to set the repair guaranty amount at $1,000.
MEETING DATE: September 25, 2023
SUBJECT: Renewal of the Weaverville Tailgate Market Memorandum of Understanding
PRESENTER: Town Attorney Jennifer Jackson
ATTACHMENTS: Proposed Memorandum of Understanding

DESCRIPTION/SUMMARY OF REQUEST:

In November of 2022 Town Council approved a Memorandum of Understanding (MOU) with the Weaverville Tailgate Market concerning its use of the Community Center on their market days in 2023. This MOU was a one-year agreement that is due to expire at the end of December. An earlier renewal is requested so that the Tailgate Market can better anticipate the upcoming Holiday and Winter Markets since they plan those markets months in advance.

Attached is a proposed MOU that has been updated to provide another year of market events at the Community Center. This draft incorporates a change requested by the Tailgate Market representatives to include the Multipurpose Room at the Community Center as a part of the Winter and Holiday Markets. The MOU reflects that additional room usage, adds to the number of allowable inside vendors, and increases the weekly fee for the Holiday/Winter market to cover the cost of the cleaning of that room. This new MOU is proposed to replace the one currently in place and has a term running from November 1, 2023 (the beginning of the Holiday Market period) through December 31, 2024. The changes are shown as highlighted in the attachment.

The Town Manager and Recreation Coordinator are in agreement with the modifications and renewal of this MOU and the requested change and recommend that the MOU that is attached be approved by Town Council.

COUNCIL ACTION REQUESTED:

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

*I move that we approve the proposed Memorandum of Understanding Between the Town of Weaverville and the Weaverville Tailgate Market.*
MEMORANDUM OF UNDERSTANDING
BETWEEN THE TOWN OF WEAVERVILLE AND
THE WEAVERVILLE TAILGATE MARKET

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

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

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

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

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

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

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

SECTION 2. GUIDING PRINCIPLES AND ASSUMPTIONS.

• The Town wishes to support the agricultural community within the Town and surrounding areas by providing space for a regular schedule of tailgate market events.

• The Tailgate Market is an independent corporate entity and is not legally or financially affiliated with the Town. The Tailgate Market coordinates market events which offer the sale of agricultural products and/or craft and artisan products.

• Town Council is authorized to set fees on the use of its facilities and waive those fees as deemed appropriate and to partner with a non-profit corporate entity for the provisions of certain opportunities and programming.

• The Town may provide programming for certain holidays and special events and the Tailgate Market regular schedule is subject to cancellation for such events.

• The Community Center is an approved polling site and is subject to use by the Buncombe County Board of Elections for early voting and election day voting. The Board of Elections use preempts all other Town or Tailgate Market events and will result in the cancellation of Tailgate Market events during early voting and election day voting.

SECTION 3. TAILGATE MARKET ACTIVITIES AND OBLIGATIONS.
The Tailgate Market agrees to generally provide, on a weekly basis, market events available to the general public at the Community Center with said events being focused on the sale of local
and regional agricultural products and/or craft and artisan products. Subject to availability, the market events are to be generally held as follows:

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

B. **REGULAR MARKET** –
   1) April through October;
   2) Wednesdays from 12 pm to 7 pm (includes set up and breakdown);
   3) Albert Weaver Room, restrooms, patio, and up to 18 parking spaces in the lower non-brick parking area in the Community Center parking lot (designated parking spaces);
   4) Maximum of 20 inside vendors arranged in the configuration shown on the attached Exhibit A;
   5) Maximum of 15 outside vendors arranged in the configuration shown on the attached Exhibit B;
   6) Usage does not include Town tables or chairs, the patio, or any indoor areas except for restrooms;
   7) Access to the Town’s outdoor guest Wi-Fi will be granted, if available;
   8) Vendors are allowed to unload and load in the Community Center parking lot but must move their vehicles to the lower Lake Louise parking lot during the market, unless a vehicle is operating as a vendor in one of the spaces allowed;
   9) Market activities must not impede reasonable pedestrian and vehicular access to the Community Center;
The following provisions apply to all markets:

Food sampling is allowed, subject to prompt cleanup of spills;
Tents and canopies must be properly weighted on all legs to avoid risk of damage and/or injury in a wind event;
Vendors must stay off of the sidewalks, grass, and mulched areas;
Long electrical extension cords are not allowed so that electrical and trip hazards are minimized.

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

In lieu of facility use fees the Tailgate Market agrees to provide $110.00 per week for the Winter Markets and Holiday Markets and $110.00 per week for the Regular Markets, to cover cleaning fees. Fees are subject to change to account for any adjustments in pricing from the cleaning company under contract with the Town. Cleaning shall cover the general cleaning of the Albert Weaver Room, if applicable, restrooms, and parking lot areas, if applicable. The Tailgate Market shall be responsible for returning patio furniture to its original positions and sweeping the patio (if used) and disposing of trash and recyclables by utilizing the trash and recyclable receptacles provided at the Community Center. Cleaning shall be scheduled and coordinated by the Town’s Recreation Coordinator.

The Tailgate Market shall not be charged any cleaning fees for Market events that are cancelled due to weather, facility issues (including power outages), election activities, or Town-provided programming.

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

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

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

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

SECTION 4. TOWN OBLIGATIONS.
The Town agrees to generally reserve the Community Center for Tailgate Market events as described above, subject to periodic cancellation due to facility issues and facility availability.
The Town agrees to waive any and all rental fees associated with regularly scheduled Tailgate Market events.

SECTION 5. COMPLIANCE WITH APPLICABLE LAW AND NON-DISCRIMINATION.
The Tailgate Market shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which hereafter are in force, pertaining to the Community Center and its use.
The Town of Weaverville opposes discrimination on the grounds of race, religion, religious beliefs or non-beliefs, color, national origin, ethnicity, limited English proficiency, income-level, sex, sexual orientation, gender identity or expression, age, or disability, and urges all of its contractors to adopt non-discrimination policies and practices, and to provide a fair opportunity for all individuals, including those individuals historically excluded and under-represented, to participate in their work forces and as subcontractors and vendors under Town contracts. The Tailgate Market agrees to honor these non-discrimination practices and not discriminate on any of the above-stated bases in the programs, services, and activities that it provides under this MOU.

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

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

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

SECTION 7. TERM, TERMINATION, AND AMENDMENT.
The term of this MOU shall begin November 1, 2023, and this MOU shall replace and supersede the MOU that is due to expire on December 31, 2023. This MOU shall expire on December 31, 2024, but may be extended by mutual agreement of the parties.
The MOU shall immediately terminate in the event that the Tailgate Market dissolves or loses its non-profit tax-exempt status. If the Tailgate Market defaults in the performance of any obligation of condition stated herein, the Town may give notice to the Tailgate Market of such default and if the Tailgate Market does not cure any such default within 30 days after giving such notice then the Town may terminate this MOU on not less than 30 days’ notice to Tailgate Market. This MOU can be terminated by either party upon six (6) months advanced written notice.
This MOU may be amended in writing signed by the authorized representative of both Parties.

**APPROVED BY** the Town of Weaverville this 25th day of September, 2023.

**APPROVED BY** the Weaverville Tailgate Market on the _____ day of ______________, 2023.

**TOWN OF WEAVERVILLE**

By: Patrick Fitzsimmons, Mayor

_____________________________________________

**WEAVERVILLE TAILGATE MARKET**

By: Lori Jenkins, President

_____________________________________________
Town Council Action Requested:

Given that time is of the essence and the number of public comments in favor of the fireworks show, I am recommending that Town Council move forward authorizing the traditional fireworks for next year's show. Should Council wish to pull this item from the consent agenda for discussion, I am happy to try to answer any remaining questions you may have in this regard.
TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: September 25, 2023

SUBJECT: Voluntary Annexation Petition – 492 Reems Creek Road – Set Public Hearings

PRESENTER: Town Attorney Jackson

ATTACHMENTS: Certificate of Sufficiency
Petition, Data Sheet, and Certificate of Authority
Survey and Property Tax Map Showing Property

DESCRIPTION/SUMMARY OF REQUEST:

Kathy Amos (formerly Kathy Bullman) is the owner of approximately 1 acre located at 492 Reems Creek Road and has petitioned to have her property annexed into the Town of Weaverville. This property adjoins the larger tracts at 480 Reems Creek Road that were recently annexed into the Town with a townhouse project anticipated.

At Town Council’s meeting on August 28, 2023, the Town Clerk was directed to investigate the sufficiency of the annexation petition. Town Clerk Mercer has done so and has found that the petition is sufficient (see attached).

Planning Director Eller was also able to have the proposed R-3 zoning designation reviewed by the Planning Board with the result being a favorable recommendation on R-3 zoning.

Should Town Council wish to proceed with the annexation the next step would be to set public hearings on the annexation and the initial zoning of the property. Town Council’s regular October meeting, which is to be held on October 23, 2023, is proposed for these public hearings.

COUNCIL ACTION REQUESTED:

The following motion is proposed:

I move that we schedule the public hearing on the annexation petition for 492 Reems Creek Road and the public hearing on the proposed R-3 zoning of the property for October 23, 2023, at 6 pm, or as soon thereafter as Town Council can reach the matter, in the Community Room/Council Chambers at Town Hall, 30 South Main Street, Weaverville.
CERTIFICATE OF SUFFICIENCY OF
ANNEXATION PETITION 2023-3
+/- 1.07 ACRES AT 492 REEMS CREEK ROAD

TO THE WEAVERVILLE TOWN COUNCIL:

I, Tamara Mercer, Weaverville Town Clerk, do hereby certify that I have investigated Voluntary Annexation Petition No. 2023-3 submitted by Kathy Amos, formerly known as Kathy Bullman, and have found as a fact that the Petition is signed by all the owners of the real property lying in the area described therein and that the area to be annexed is contiguous to the Town's primary boundary.

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

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Weaverville, this the 13th day of September, 2023.

TAMARA MERCER, Town Clerk

30 South Main Street • Weaverville, NC 28787 (PO Box 338)
(828) 645-7116 • Fax (828) 645-4776
www.weavervillenc.org
PETITION FOR VOLUNTARY ANNEXATION
PETITION/APPLICATION
Town of Weaverville, North Carolina

Submittal Date: 8/9/2023
Date Fee Paid: 8/10/2023
Petition No: 2023-3

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.

2. The area to be annexed is ☑ contiguous, ☐ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. The property and property owner information is as follows:

<table>
<thead>
<tr>
<th>Property Owner and Mailing Address</th>
<th>Phone Number &amp; Email Address</th>
<th>Deed Reference &amp; Property PIN</th>
<th>Property Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>KATHY F. BULLMAN 492 PEEBS CREEK ROAD WEAVERVILLE, NC 28797</td>
<td>DB 1937 DP0283 9752-24-6A01</td>
<td>[legible signature]</td>
<td>Kathy F. Bullman</td>
</tr>
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5. Zoning vested rights ☐ are not claimed, ☑ have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 4/4 1 Acre
Population in annexed area: 1
Proposed Zoning District: R-3
Reason for annexation: ☑ Receive Town Services ☐ Other (please specify)

The applicant must also submit a zoning map amendment application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.
PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET
Town of Weaverville, North Carolina

Submittal Date: ________________
Petition No. _____________
Annexation Area Name: ____________________________

Petitioner: Warren Sullivan for Kathy F. Bullman
Subject Area Acreage: _______________
Current Land Use: Single Family Residential
Proposed Land Use or Development (describe): Amenity Area as Addition to
480/488 Reems Creek Project

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

Residential (multi-family): Number of Units: _______ Anticipated build out in _____ years
Owned: Average Sales Price: $_____________/building unit
Rental: Average Rental Amt:$_____________/month

Retail: Square footage: ___________ Anticipated build out in _____ years
Type of tenancy: __________________________________________

Commercial - Non-Retail: Square footage: ___________ Anticipated build out in _____ years
Type of tenancy: __________________________________________

Other: Square footage: ___________ Anticipated build out in _____ years
Type of tenancy: __________________________________________

Development Scale: Max building height of ________; max number of stories of ________

Infrastructure: Linear feet of publicly dedicated roadways proposed: _______ feet
Public water proposed (describe): Possible Addition of Hose Bibs and/or Small Amenities Water Served by Existing Water Commitment
Other Public Services Requested (describe): ____________________________

Zoning Vested Rights Claimed (describe and attach documentation): ______________________________________

Kathy F. Amos  f/k/a Kathy F. Bullman
Signature of Owner(s)
TOWN OF WEAVERVILLE
AGENT AUTHORIZATION FOR LAND USE DEVELOPMENT
PETITION/APPLICATION AND APPROVAL

PROPERTY LEGAL DESCRIPTION: DEED BOOK 1937 PAGE 0283

PARCEL ID: 9752-24-6901
STREET ADDRESS: 492 REEMS CREEK ROAD
WEAVERVILLE, NC 28787

PROPERTY OWNER: KATHY F. BULLMAN
(complete Certificate of Authority if a corporation or LLC)

PROPERTY OWNER: KATHY F. BULLMAN

PROPERTY OWNER CONTACT INFORMATION:

EMAIL ADDRESS: 
PHONE NUMBER: 
MAILING ADDRESS: 492 REEMS CREEK ROAD
WEAVERVILLE, NC 28787

PERMIT SOUGHT/APPLICATION TO BE SUBMITTED: ANNEXATION AND REZONING

NAME OF INDIVIDUAL AGENT: HARREN M. SULLIVAN
NAME OF CONTRACTOR/CONSULTING FIRM: CIVIL DESIGN CONCEPTS

AGENT CONTACT INFORMATION:

EMAIL ADDRESS: JSULLIVAN@CDX40.COM
PHONE NUMBER: 828-252-5388
MAILING ADDRESS: 108 PATTON AVE
ASHEVILLE, NC 28801

We, the undersigned property owner(s) of the above noted property, do hereby authorize the individual or company listed above as the property owner's agent to act on his/her/their behalf and to take all actions necessary for the processing, issuance, and acceptance of the above-referenced permit or application. We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.

________________________________________
Property Owner Signature
Date: 8-8-2023

________________________________________
Property Owner Signature
Date: ___________________________
September 2023

Strategic Planning Retreat
We have now set a date for our strategic planning retreat for Saturday, January 20, 2024 from 9am-1pm. Please mark your calendars for this important date. We will be holding the retreat at Town Hall in Council Chambers as the Community Center is not available that date.

Lake Louise Park Updates
If you’ve been by Lake Louise, you have likely witnessed a flurry of activity. We are currently dismantling the old playground equipment to make way for the new. Further up the hill you will see that the land is being graded for the home of our new recreation complex!

Active Weaverville Committee
I believe we now have enough folks to make up the Active Weaverville Bike-Plan Steering Committee. Below is our current participants. Please let Sarah Myers, Recreation Coordinator, know if you have additional interested participants, as she will be the staff lead for this committee.

- Jeff McKenna
- Rachael Bronson
- Dale Pennell
- Ron Davis
- Robin Payne
- Andrew Garrard
- Mark Endries
TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: September 25, 2023
SUBJECT: Planning Board Liaison
PRESENTER: Councilmember Nagle
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:
At last month's Town Council meeting, Councilmember Nagle provided Town Council with a brief history of the Town Council liaison position to the Planning Board when appointments to that board were being reviewed. Nagle also raised the question of whether this liaison position is needed, given that Town Council members can attend the Planning Board just like any member of the public, or wise, given the need for the independence of the Planning Board.

COUNCIL ACTION REQUESTED:
Town Council discussion and possible action concerning the continued appointment of a Town Council liaison to the Planning Board.
MEETING DATE: September 25, 2023

SUBJECT: Voluntary Annexation Petition – Reems Creek Village Recombination Area – +/-2.513 Acres

PRESENTER: Town Attorney

ATTACHMENTS: Voluntary Annexation Petition and Supporting Documentation Map and Property Tax Map Showing Property to be Annexed Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

The owners of Lots 44 (Boyce Trusts), 46 (Elder), 47 (McVay), 49 (Siegel), and 50 (Siegel) within Reems Creek Village have each acquired additional land adjoining their respective lots. This additional property has been recombined with their existing lots so that the additional acreage has been added to those existing lots. These owners are all seeking annexation of this additional land to fix the split jurisdiction that has occurred due to the recombinations. Without annexation into the Town, the Town of Weaverville will have jurisdiction over some portions of the land and Buncombe County will have jurisdiction over other portions. Among other things, this annexation simplifies property taxation on these properties.

The area proposed for annexation is all of Lots A, B, C, and E, as shown on the attached map and collectively is approximately 2.513 acres. The property requesting annexation is contiguous to the Town’s primary municipal limits. The petitioners are requesting an initial zoning designation of R-2, which is consistent with the zoning in Reems Creek Village.

Should Town Council wish to proceed with this annexation the next step is to direct the Town Clerk to investigate the sufficiency of the annexation petition and to send the initial zoning request to the Planning Board for review and recommendation. A resolution for this purpose is attached for consideration.

COUNCIL ACTION REQUESTED:

Town Council discussion and direction and possible adoption of the attached resolution.
PETITION FOR VOLUNTARY ANNEXATION
PETITION/APPLICATION

Town of Weaverville, North Carolina

Submittal Date: 9/11/23
Date Fee Paid: 9/15/23
Petition No: 2623-4

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.

2. The area to be annexed is ☑ contiguous, ☐ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. The property and property owner information is as follows:

<table>
<thead>
<tr>
<th>Property Owner and Mailing Address</th>
<th>Phone Number &amp; Email Address</th>
<th>Deed Reference &amp; Property PIN</th>
<th>Property Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barry B. Boyce, Revocable Trust</td>
<td>561-339-6677 <a href="mailto:barrelb2@gmail.com">barrelb2@gmail.com</a></td>
<td>974-429-9579 190-01272000</td>
<td></td>
</tr>
<tr>
<td>Pamela K. Boyce, Revocable Trust</td>
<td>561-339-6678 <a href="mailto:pamela.boyce@comcast.net">pamela.boyce@comcast.net</a></td>
<td>974-293-9579 190-01272000</td>
<td></td>
</tr>
<tr>
<td>Denise &amp; Robert Siegel</td>
<td>561-382-6545 <a href="mailto:mcvay@comcast.net">mcvay@comcast.net</a></td>
<td>974-429-8870 190-01272000</td>
<td></td>
</tr>
<tr>
<td>Thomas &amp; Tina McVay</td>
<td>828-216-6021 918-750-6486</td>
<td>974-429-8870 190-01272000</td>
<td></td>
</tr>
</tbody>
</table>

5. Zoning vested rights ☐ are not claimed, ☑ have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan].

Total Acreage to be annexed: 2.513 ac (lots A, B, C, E on plat recorded in Book 233, Page 67)
Population in annexed area: 12
Proposed Zoning District: ☑ Receive Town Services ☐ Other (please specify)
Reason for annexation: ☑ to fix split jurisdiction

The applicant must also submit a zoning map amendment application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.
PETITION FOR VOLUNTARY ANNEXATION
PETITION/APPLICATION
Town of Weaverville, North Carolina

Submittal Date: 9/11/23
Date Fee Paid: 9/15/23
Petition No: 2023-4

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.

2. The area to be annexed is ___ contiguous, ___ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. The property and property owner information is as follows:

<table>
<thead>
<tr>
<th>Property Owner and Mailing Address</th>
<th>Phone Number &amp; Email Address</th>
<th>Deed Reference &amp; Property PIN</th>
<th>Property Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stefanie Elder 12815 Mornie Park Lane Afton HI GA 30004</td>
<td>770-265-9827 <a href="mailto:smelder@bellsouth.net">smelder@bellsouth.net</a></td>
<td>6301/640 9742.95.6247</td>
<td>[Signature]</td>
</tr>
</tbody>
</table>

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

Total Acreage to be annexed: 2.513 ac (lots A,B,C,E on plat recorded in Book 239, Page 67)

Population in annexed area: R-2

Proposed Zoning District: R-2 Receive Town Services ___ Other (please specify) ___

Reason for annexation: to fix split jurisdiction

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.
PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET
Town of Weaverville, North Carolina

Submittal Date: 9/1/23
Petition No. 2023-4
Annexation Area Name: Reems Creek Village Recombination Area

Petitioner: Various
Subject Area Acreage: 2.513 ac (Lots A, B, C, E on plat recorded in
Current Land Use: vacant
Book 233, Page 67)
Proposed Land Use or Development (describe): to be added to
existing lots within Reem Creek Village for
recombination purpose

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

Residential (multi-family): Number of Units: __________ Anticipated build out in _____ years
Owned: Average Sales Price: $____________/building unit
Rental: Average Rental Amt:$____________/month

Retail:
Square footage: __________ Anticipated build out in _____ years
Type of tenancy: __________________________

Commercial - Non-Retail:
Square footage: __________ Anticipated build out in _____ years
Type of tenancy: __________________________

Other:
Square footage: __________ Anticipated build out in _____ years
Type of tenancy: __________________________

Development Scale:
Max building height of _______; max number of stories of _______

Infrastructure:
Linear feet of publicly dedicated roadways proposed: ________ feet
Public water proposed (describe): ________________________________
Other Public Services Requested (describe): _______________________

Zoning Vested Rights Claimed (describe and attach documentation): none

Signature of Owner(s)
PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR TRUST
Town of Weaverville, North Carolina

The undersigned, being (a/the) Trustee(s) of a Trust, the exact name of which is Pamela K. Boyce Revocable Trust (hereinafter "Trust"), does hereby certify that:

1. That the Trust is dated as of 11/26/2002 and currently in existence and was executed on 11/26/2002.

2. That the name of the settlors of the Trust is/are: Pamela K. Boyce Co-Trustee
   and Barry B. Boyce Co-Trustee.

3. That name(s) and address(s) of the currently acting trustee(s) is/are (herein the "Trustee(s)") and that the signature(s) appearing above their name is their signature(s):

   NAME, ADDRESS, and SIGNATURE OF TRUSTEE(S):

   Pamela K. Boyce
   Name: Pamela K. Boyce
   Address: 60 Governor Thompson Ter.
   Weaverville, NC 28787

   Barry B. Boyce
   Name: Barry B. Boyce
   Address: 60 Governor Thompson Ter.
   Weaverville, NC 28787

4. That the powers of the Trustee(s) include the authority to conduct real property transactions and tax transactions, which would include the execution of a voluntary annexation petition.

5. That said Trustee(s) adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Trust to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.

   SIGNATURE:
   TRUSTEE NAME:
   DATE: 09/05/2023

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

I, Jennifer O. Jackson, a Notary Public, certify that Pamela K. Boyce and Barry B. Boyce personally came before me this day and acknowledged that they are the Trustee of Pamela K. Boyce Revocable Trust, and that by authority duly given and as the act of the Trust, the foregoing Certificate of Authority was signed by him/her on behalf of the Trust.
Witness my hand and seal this the 5 day of Sept., 2023.
Notary Public

My Commission Expires: 5/29/2026
PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR TRUST
Town of Weaverville, North Carolina

The undersigned, being (a/the) Trustee(s) of a Trust, the exact name of which is Barry B. Boyce Reversible Trust (hereinafter "Trust"), does hereby certify that:

1. That the Trust is dated as of 11/26/2002, is currently in existence and was executed on 11/26/2002.

2. That the name of the settlor(s) of the Trust is/are: Barry B. Boyce Co-Trustee
   and Pamela K. Boyce Co-Trustee.

3. That name(s) and address(s) of the currently acting trustee(s) is/are (herein the "Trustee(s)") and that the signature(s) appearing above their name is their signature(s):

   NAME, ADDRESS, and SIGNATURE OF TRUSTEE(S):

   Name: Barry B. Boyce
   Address: 26 Governor Thompson Ter, Weaverville, NC 28787
   Signature: ____________________________

   Name: Pamela K. Boyce
   Address: 26 Governor Thompson Ter, Weaverville, NC 28787
   Signature: ____________________________

4. That the powers of the Trustee(s) include the authority to conduct real property transactions and tax transactions, which would include the execution of a voluntary annexation petition.

5. That said Trustee(s) adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Trust to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.

   SIGNATURE: ____________________________
   TRUSTEE NAME: Barry B. Boyce Co-Trustee, Pamela K. Boyce Co-Trustee
   DATE: 09/05/2023

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

I, Jennifer Jackson, a Notary Public, certify that Barry B. Boyce and Pamela K. Boyce personally came before me this day and acknowledged that they are the Trustee of Barry B. Boyce Reversible Trust and that by authority duly given and as the act of the Trust, the foregoing Certificate of Authority was signed by him/her on behalf of the Trust.

Witness my hand and seal this the _____ day of _____, 2023.

Notary Public

My Commission Expires: 5/29/2026

JENNIFER O. JACKSON
Notary Public
Buncombe County
My Comm. Exp.
RESOLUTION CONCERNING VOLUNTARY ANNEXATION PETITION SUBMITTED FOR
THE REEMS CREEK VILLAGE RECOMBINATION AREA
WEAVERVILLE ANNEXATION NO. 2023-4

WHEREAS, a petition requesting annexation of Lots A, B, C, and E as shown on the
attached map recorded in Map Book 233 and Page 67, Buncombe County Registry, was
submitted to the Town of Weaverville on September 11, 2023; and

WHEREAS, the properties described in the annexation petition have been
recombined with certain existing lots within the Reems Creek Village subdivision and the
purpose of the voluntary annexation petition is to fix the split jurisdiction that has occurred
as a result of that recombination;

WHEREAS, N.C. Gen. Stat. § 160A-31 provides that the sufficiency of the petition
shall be investigated by the Town Clerk before further annexation proceedings may take
place; and

WHEREAS, the annexation petition requests R-2 zoning classification for the areas
to be annexation for consistency with the adjoining properties; and

WHEREAS, the Town Council of the Town of Weaverville deems it advisable to
proceed in response to this request for annexation and initial zoning;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of
Weaverville that:

1. With the assistance of the Town Attorney, the Town Clerk is hereby directed to
investigate the sufficiency of the above-reference petition and to certify to Town
Council the result of her investigation; and

2. The Town Planning Director is directed to place the application for initial zoning of
R-2 on the next regular meeting of the Weaverville Planning Board’s so that the
Board can review the requested zoning for consistency with the Town’s
Comprehensive Land Use Plan and forward a recommendation to Town Council
prior to or at a public hearing that may subsequently be held on this matter.

THIS the 25th day of September, 2023.

________________________________________________________
PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

________________________________________________________
TAMARA MERCER, Town Clerk
MEETING DATE: September 25, 2023

SUBJECT: Voluntary Annexation Petition – 300 Hamburg Mountain Rd – +/-9.488 Acres

PRESENTER: Town Attorney

ATTACHMENTS: Voluntary Annexation Petition and Supporting Documentation
Map and Property Tax Map Showing Property to be Annexed
Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

Joseph Penley and Reems Creek Village L.L.C. have both signed a voluntary annexation petition seeking to have a total of +/-9.488 acres located at 300 Hamburg Mountain Road annexed into the Town of Weaverville. The purpose of their annexation appears to be to obtain Town services, including water, to support a 35-lot single family lot subdivision that is proposed for development by Windsor Built Homes, Inc.

The petitioners are requesting an initial zoning designation of R-3. A water commitment application has also been submitted and is under review by the Public Works Director, Dale Pennell.

Should Town Council wish to proceed with this annexation the next step is to direct the Town Clerk to investigate the sufficiency of the annexation petition and to send the initial zoning request to the Planning Board for review and recommendation. A resolution for this purpose is attached for consideration.

COUNCIL ACTION REQUESTED:

Town Council discussion and direction and possible adoption of the attached resolution.
PETITION FOR VOLUNTARY ANNEXATION
PETITION/APPLICATION
Town of Weaverville, North Carolina

Submittal Date: 9/19/2023
Date Fee Paid: 8/22/2023
Petition No: 2023-5

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.

2. The area to be annexed is ☑ contiguous, ☐ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. The property and property owner information is as follows:

<table>
<thead>
<tr>
<th>Property Owner and Mailing Address</th>
<th>Phone Number &amp; Email Address</th>
<th>Deed Reference &amp; Property PIN</th>
<th>Property Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reems Creek Village L.L.C.</td>
<td>9% Windsor Built Homes, Inc.</td>
<td>9742464210 4407/141A LT D Plat 233/42 Joseph C. Peake</td>
<td></td>
</tr>
<tr>
<td>Joseph Fenley</td>
<td>9% Windsor Built Homes, Inc.</td>
<td>9742464115 3311/422 LT 1 Plat 234/45 Joseph C. Peake</td>
<td></td>
</tr>
</tbody>
</table>

5. Zoning vested rights ☐ are not claimed, ☑ have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 9.468
Population in annexed area: C
Proposed Zoning District: R-3
Reason for annexation: ☑ Receive Town Services ☐ Other (please specify)

The applicant must also submit a zoning map amendment application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.
TOWN OF WEAVERVILLE
AGENT AUTHORIZATION FOR LAND USE DEVELOPMENT
PETITION/APPLICATION AND APPROVAL

PROPERTY LEGAL DESCRIPTION:

PARCEL ID: 0742-95-4210
STREET ADDRESS: 300 Hamburg Mountain Rd, Weaverville, NC 28781

PROPERTY OWNER:
(complete Certificate of Authority if a corporation or LLC)

PROPERTY OWNER: Joseph Peake

PROPERTY OWNER CONTACT INFORMATION:

EMAIL ADDRESS: 825.691.4456
PHONE NUMBER: 825.691.4456
MAILING ADDRESS: 380 Reems Creek Rd
Weaverville, NC 28781

PERMIT SOUGHT/APPLICATION TO BE SUBMITTED:
Voluntary Annexation
Zoning Map Amendment
Water Availability

NAME OF INDIVIDUAL AGENT: Windsor Built Homes, Inc
NAME OF CONTRACTOR/CONSULTING FIRM: WGLA Engineering

AGENT CONTACT INFORMATION:

EMAIL ADDRESS: 55Street5WindsorBuilt.com
PHONE NUMBER: 864.430.2905
MAILING ADDRESS: 40 W Broad Street
Suite 500
Greenville, SC 29601

We, the undersigned property owner(s) of the above noted property, do hereby authorize the individual or company listed above as the property owner's agent to act on his/her/their behalf and to take all actions necessary for the processing, issuance, and acceptance of the above-referenced permit or application. We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.

Property Owner Signature

Date: 8/10/23

Property Owner Signature

Date: _______________
PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET
Town of Weaverville, North Carolina

Submittal Date: 9/19/2023
Petition No.: 2023-5
Annexation Area Name: 300 Hamburg Mountain Rd

Petitioner: Windsor Built Homes, Inc

Subject Area Acreage: 9.48 acres
Current Land Use: Vacant
Proposed Land Use or Development (describe): Residential Development

Residential (single family): Number of Units: 35 Anticipated build out in 3.5 years
Average Sales Price: $500K/dwelling unit

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

Retail: Square footage: Anticipated build out in ____ years
Type of tenancy: ____________________________________________________________

Commercial - Non-Retail: Square footage: Anticipated build out in ____ years
Type of tenancy: ____________________________________________________________

Other: Square footage: Anticipated build out in ____ years
Type of tenancy: ____________________________________________________________

Development Scale: Max building height of 35'; max number of stories of 2

Infrastructure: Linear feet of publicly dedicated roadways proposed: 1800 feet
Public water proposed (describe): Proposed water extension along new roadway
Other Public Services Requested (describe): All town services except street maintenance

Zoning Vested Rights Claimed (describe and attach documentation): NA

Signature of Owner(s)

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STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE  

COMPANY RESOLUTION  
OF  
REEMS CREEK VILLAGE LLC  

At a specially called meeting of the members of REEMS CREEK VILLAGE, LLC, a North Carolina limited liability company (herein “Company”) on May 30th, 2023 the sole Member/Manager, Joseph E. Penley, approved the sale of that property identified as All of Lot D (PIN 9742-95-4210), and Lot 1 (PIN 9742-94-4151) appearing on a Plat recorded in Plat Book 234, Page 45 and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina.

Joseph E. Penley and/or Amit Dorf have the authority to sign the Deed and any other documents necessary to complete the sale of said property to Windsor Autrey.

There being no further business, the specially called meeting consisting of the members of REEMS CREEK VILLAGE, LLC was duly adjourned.

REEMS CREEK VILLAGE, LLC, a NC LLC

By: ________________________________

Joseph E. Penley, Member/Manager

By: ________________________________

Amit Dorf, Authorized Representative
CERTIFICATE OF AUTHORITY FOR CORPORATION  
TOWN OF WEAVERVILLE, NORTH CAROLINA

The undersigned, being (a/the) duly elected officer of Windsor Built Homes, Inc., a corporation organized and existing in the State of North Carolina (hereinafter "Corporation"), does hereby certify that:

1. That the Corporation currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of shareholders of the Corporation have adopted resolutions with respect to the attached Agent Authorization for Land Use Development Permit/Application and Approval and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Agent Authorization for Land Use Development Permit/Application and Approval and authorized any and all actions on behalf of the Corporation and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Agent Authorization and that the signature appearing to the right of their name(s) is his/her genuine signature:

<table>
<thead>
<tr>
<th>NAME</th>
<th>SIGNATURE</th>
<th>OFFICE HELD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Street</td>
<td></td>
<td>President</td>
</tr>
<tr>
<td>Windsor Built Homes, Inc.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

THIS the 9 day of August 2023.

Signature of Officer

STATE OF NORTH CAROLINA  
COUNTY OF Greenville

I, Oksana Goretsky, a Notary Public, certify that Scott Street, President of Windsor Built Homes, Inc., a North Carolina corporation, and that by authority duly given and as the act of the Corporation, the foregoing Certificate of Authority was signed by him/her on behalf of the Corporation. Witness my hand and seal this the 9 day of August 2023.

Oksana Goretsky  
Notary Public

My Commission Expires: 6/19/2024
TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT
Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002 --- fax (828) 645-4776 --- jeller@weavervillemc.org
Application Fee Based Upon Size of Property

OWNER/APPLICANT NAME: ____________________________ APPLICATION DATE: ________________

PHONE NUMBER: ____________________________ MAILING ADDRESS: ____________________________

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

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

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 300 Hamburg Mt Road and 9999 Reems Creek Road

PIN: portion of 9742-94-4151 and 9742-95-4210 LOT AREA (acres): 9.488 acres +/-

CURRENT ZONING DISTRICT: R-2 (Buncombe County) PROPOSED ZONING DISTRICT: R-3 (Weaverville)

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICTING:

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

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 20 TO AMEND:

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

JUSTIFICATION OF PROPOSED AMENDMENT(S):
TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT
Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002 --- fax (828) 645-4776 --- jeller@weavervillenc.org
Application Fee Based Upon Size of Property

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

SIGNATURE OF APPLICANT

AUGUST 7, 2023

DATE

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

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

REZONING FEE SCHEDULE:

<table>
<thead>
<tr>
<th>Size</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 1 acre</td>
<td>$250.00</td>
</tr>
<tr>
<td>1-3 acres</td>
<td>$500.00</td>
</tr>
<tr>
<td>4-9 acres</td>
<td>$750.00</td>
</tr>
<tr>
<td>10+ acres</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

Text Amendment Fees: $500.00

OFFICE USE ONLY

FEE: S
DATE PAID:

CHECK
CASH

DATE OF INITIAL COUNCIL MEETING: ACTION TAKEN:
DATE OF PLANNING BOARD MEETING: ACTION TAKEN:
DATE OF PUBLIC HEARING & COUNCIL DECISION: FINAL ACTION:

The Town of
Weaverville
NORTH CAROLINA
52
RESOLUTION CONCERNING VOLUNTARY ANNEXATION PETITION SUBMITTED BY JOSEPH PENLEY AND REEMS CREEK VILLAGE LLC FOR 300 HAMBURG MOUNTAIN RD WEAVERVILLE ANNEXATION NO. 2023-5

WHEREAS, a petition requesting annexation of that property located at 300 Reems Creek Road and bearing Buncombe County Parcel Identification Number 9752-24-6901 was received from Joseph E. Penley and Reems Creek Village LLC, by the Town of Weaverville; and

WHEREAS, N.C. Gen. Stat. § 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town of Weaverville is also in receipt of an application for a zoning map amendment request for an R-3 zoning classification for the property to be annexed; and

WHEREAS, the Town Council of the Town of Weaverville deems it advisable to proceed in response to this request for annexation and initial zoning;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that:

1. With the assistance of the Town Attorney, the Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of her investigation; and

2. The Town Planner is directed to place the application for initial zoning of R-3 on the next regular meeting of the Weaverville Planning Board’s so that the Board can review the requested zoning for consistency with the Town’s Comprehensive Land Use Plan and forward a recommendation to Town Council prior to or at a public hearing that may subsequently be held on this matter.

THIS the 25th day of September, 2023.

_________________________________________________________
PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

_________________________________________________________
TAMARA MERCER, Town Clerk
MEETING DATE: September 25, 2023

SUBJECT: Voluntary Annexation Petition – Northridge Farms

PRESENTER: Town Attorney

ATTACHMENTS: Voluntary Annexation Petition and Supporting Documentation
Approved Special Use Permit and Site Plan and Tax Map
Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

The property owners comprising the properties on which the Northridge Farms development is approved have signed a voluntary annexation petition seeking to have a total of +/-88 acres located in the Gill Branch valley (south of the Northridge Commons shopping center) annexed into the Town of Weaverville.

The Northridge Farms development has been approved by Buncombe County and consists of approximately 577 dwelling units in a variety of housing types and styles including the following: apartments, townhouses, small lot single-family residences, and traditional single-family residences. The petitioners are claiming vested rights to develop the properties in accordance with the attached Buncombe County issued Special Use Permit and related approved master site plan. The Town will need to provide a zoning designation for the properties even though vested rights are claimed.

Should Town Council wish to proceed with this annexation the first steps are to: (1) request that the Town Clerk investigate the sufficiency of the annexation petition; (2) request that the Planning Board consider and recommend the most appropriate zoning district for all of the property to be annexed; and (3) request a staff report analyzing the effect that this annexation might have on Town services and any additional resources needed.

Due to the scope of the annexation and the approved development on these properties, the Town Manager and Town Attorney anticipate that the analysis, certifications, and staff report should be available at the November regular meeting of Town Council.

COUNCIL ACTION REQUESTED:

Town Council discussion and direction and possible adoption of the attached resolution.
PETITION FOR VOLUNTARY ANNEXATION
PETITION/APPLICATION
Town of Weaverville, North Carolina

Submittal Date: 9/20/2023
Date Fee Paid: 
Petition No: 2023-6

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.

2. The area to be annexed is ☑ contiguous, ☐ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.

3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. The property and property owner information is as follows:

<table>
<thead>
<tr>
<th>Property Owner and Mailing Address</th>
<th>Phone Number &amp; Email Address</th>
<th>Deed Reference &amp; Property PIN</th>
<th>Property Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Zoning vested rights ☑ are not claimed, ☒ have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]:

Order attached. Additional documentation will be timely supplemented.

Total Acreage to be annexed: Approx. 88 acres
Population in annexed area: TBD
Proposed Zoning District: ☑ Receive Town Services ☐ Other (please specify)

Reason for annexation: ☑ Receive Town Services ☐ Other (please specify)

The applicant must also submit a zoning map amendment application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.
Petition for Voluntary Annexation

Addendum

<table>
<thead>
<tr>
<th>Property Owner and Mailing Address</th>
<th>Phone Number &amp; Email Address</th>
<th>Deed Reference and Property PIN</th>
<th>Property Owner Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>DFK Development, LLC</td>
<td>828-884-7934</td>
<td>BK 6337, PG 1301</td>
<td></td>
</tr>
<tr>
<td>542 S. Caldwell Street</td>
<td><a href="mailto:travis@firstvictory.com">travis@firstvictory.com</a></td>
<td>9732777382; 9732762936</td>
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</tr>
<tr>
<td>Brevard, NC 28712</td>
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<tr>
<td>First Victory, Inc.</td>
<td>828-884-7934</td>
<td>BK 6307, PG 698</td>
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<tr>
<td>542 S. Caldwell Street</td>
<td><a href="mailto:travis@firstvictory.com">travis@firstvictory.com</a></td>
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<tr>
<td>Brevard, NC 28712</td>
<td></td>
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<tr>
<td>Danny C. Buckner</td>
<td>828-775-2444</td>
<td>BK 5098, PG 290</td>
<td>9/20/2023</td>
</tr>
<tr>
<td>56 Gill Branch Road</td>
<td><a href="mailto:Dbucker7@frontier.com">Dbucker7@frontier.com</a></td>
<td>9732665806</td>
<td></td>
</tr>
<tr>
<td>Weaverville, NC 28787</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>John E. Kilby</td>
<td><a href="mailto:Johnkilby164@gmail.com">Johnkilby164@gmail.com</a></td>
<td>BK 1283, P 312</td>
<td></td>
</tr>
<tr>
<td>Shawn Kilby</td>
<td><a href="mailto:Wesley.kilby@ncfbins.com">Wesley.kilby@ncfbins.com</a></td>
<td>23-E-1164</td>
<td></td>
</tr>
<tr>
<td>Shara Kilby</td>
<td><a href="mailto:spchf@msn.com">spchf@msn.com</a></td>
<td>9732789228</td>
<td></td>
</tr>
<tr>
<td>Matthew Kilby</td>
<td><a href="mailto:bry831@gmail.com">bry831@gmail.com</a></td>
<td></td>
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<tr>
<td>Kathy Kirby</td>
<td><a href="mailto:lakelurenanana@gmail.com">lakelurenanana@gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John W. Kilby</td>
<td><a href="mailto:shawnmariek@gmail.com">shawnmariek@gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>170 Deer Trail Lake Lure, NC</td>
<td></td>
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<tr>
<td>28746</td>
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</table>
PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET

Town of Weaverville, North Carolina

Submittal Date: ________________
Petition No. __________
Annexation Area Name: ____________________________
Petitioner: Owners Identified Herein

Subject Area Acreage: 88.12
Current Land Use: ________________________________

Proposed Land Use or Development (describe): The proposed land use and development will be the same already approved by Buncombe County. The order permitted such planned use is attached to this Petition.

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

Residential (multi-family): Number of Units: ________  Anticipated build out in _____ years
Owned: Average Sales Price: $__________/building unit
Rental: Average Rental Amt:$__________/month

Retail: Square footage: ____________  Anticipated build out in _____ years
Type of tenancy: ________________________________

Commercial - Non-Retail: Square footage: ____________  Anticipated build out in _____ years
Type of tenancy: ________________________________

Other: Square footage: ____________  Anticipated build out in _____ years
Type of tenancy: ________________________________

Development Scale: Max building height of _________; max number of stories of _______

Infrastructure: Linear feet of publicly dedicated roadways proposed: _________ feet
Public water proposed (describe): ________________________________________________
Other Public Services Requested (describe): _______________________________________

Zoning Vested Rights Claimed (describe and attach documentation): Documentation regarding the vested rights claimed is attached herein and will be supplemented with additional documentation.

Signature of Owner(s)
STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

BEFORE THE BUNCOMBE COUNTY
BOARD OF ADJUSTMENT
ZPH2022-00038

In the Matter of:                                          )
)                                                        )
)                                                        )
Applicants.                                               )
)                                                        )
)                                                        )

ORDER ON SPECIAL USE PERMIT APPLICATION

THIS MATTER having come on for hearing before the Buncombe County Board of Adjustment (hereinafter the “Board”) at its February 8, 2023, meeting upon application has applied for a Special Use Permit “(SUP)” (the “Application”) to establish a Planned Unit Development (Level 1) for a 577-unit residential development on tax lot PINs 9732-78-9228, 9732-77-7382, 9732-76-5731, 9732-76-5475, 9732-76-2936, and 9732-66-5806 (56, 72, and 74 Gill Branch Road and an unaddressed parcel just south of PIN 9732-78-9724, an unaddressed parcel just south of PIN 9732-78-9228, and an unaddressed parcel just east of PIN 9732-66-5806, (the “Property”), by Warren Sugg, P.E., of Civil Design Concepts, P.A., on behalf of Travis Fowler of First Victory, Inc., applicant, and John Kilby, Donald Burnette, Jr., Jerry Burnette, Wilma Buckner, and Holex Management Company, LLC, owners, (the “Applicant”).

Having considered the evidence presented to this Board, including the Application, the submitted development plan, the GIS maps, the staff report, traffic map (objected to by applicant), the testimony presented, and the arguments advanced by the Parties, the Board hereby finds as follows:

FINDINGS OF FACT

1. That this matter was properly noticed and advertised, is within this Board’s jurisdiction and is ripe for its consideration.

2. That the Applicant applied for a Special Use to establish a Planned Unit Development (Level 1) pursuant to the Zoning Ordinance of Buncombe County, Sec. 78-641(a), Sec. 78-677, and Sec. 78-678(b)(6), for a 577-unit residential development on tax lot PINs 9732-78-9228, 9732-77-7382, 9732-76-5731, 9732-76-5475, 9732-76-2936, and 9732-66-5806 (56, 72, and 74 Gill Branch Road and an unaddressed parcel just south of PIN 9732-78-9724, an unaddressed parcel just south of PIN 9732-78-9228, and an unaddressed parcel just east of PIN 9732-66-5806.
3. That the Applicant and all other parties with standing were given the opportunity to participate in the duly advertised and noticed hearing referenced above.

4. That, pursuant to the Buncombe County Zoning Ordinance, the Board finds as follows regarding the Special Use proposed in the Application:

A. Planned Unit Development Level I (PUD I) Standards (Sec. 78-678(b)(6)):

   i) That the land within the PUD ☒will be ☐will not be under single ownership or management by the Applicant(s) before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) have been provided, such that the development can be successfully completed by the applicant.

   ii) That the density is ☒consistent ☐inconsistent with the intent of the district in which it is located and conforms to that permitted in the district in which the development is located.

   iii) That the land uses ☒are ☐are not compatible with and do not violate the intent of the zoning district and do not disrupt the character of the community.

   iv) That the proposed land use ☒meets ☐does not meet minimum requirements for land development as follows:

      a. the minimum lot size and requirements for interior setbacks ☒do ☐do not preserve the spirit and intent of this section and does comply with the density requirements for the zoning district with respect to the total development plan.

      b. Proposed heights set forth in the applications ☒do ☐do not comply with the spirit and intent of this section with respect to the total development plan. Where building heights exceed the maximum allowed by the ordinance, this Board finds that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district.

      c. This Board finds that the minimum distance between buildings ☒will ☐will not ensure adequate air, light, privacy, and space for emergency vehicles.

   v) That the development ☒does ☐does not provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping will be used for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise. Multilevel buildings are located in such a way as to
dissipate any adverse impact on adjoining low-rise buildings and do not invade
the privacy of the occupants of such low-rise buildings.

vi) That the structures located on the perimeter of the development ☒will ☐will
not be set back from property lines and rights-of-way of abutting streets in
accordance with the provisions of the zoning ordinance controlling the district.

vii) This Board finds that the proposed parking ☒does ☐does not comply with the
spirit and intent of this section.

viii) This Board finds that the conveyance and maintenance of open space,
recreational areas and communally owned facilities ☒are ☐are not in
accordance with G.S. 47-1 et seq. the Unit Ownership Act and/or any other
appropriate mechanisms as specified.

ix) This Board finds that the building envelopes ☒are ☐are not shown in the
submitted plans and depict the maximum expanse of the proposed footprint of
the structure.

5. That, pursuant to 78-677(g) of the Buncombe County Zoning Ordinance, satisfactory provision
and arrangement have been made for at least the following as it relates to:

A. The proposed use ☒will not ☐will adversely affect the health or safety of persons
residing or working in the neighborhood of the proposed use.

B. The proposed use ☒will not ☐will not be detrimental to the public welfare or injurious
to property or public improvements in the neighborhood.

C. The proposed use ☒will not ☐will not cause or have adverse effects on surrounding
properties due to noise, vibration, odor, or glare effects.

D. Satisfactory ingress and egress for the proposed use of the property and proposed
structures ☒has ☐has not been provided. Particular attention has been paid to
automotive and pedestrian safety and convenience, traffic flow and control.

E. Provision off-street parking and loading areas where required, with particular attention
to the items in section 78-658 of the Buncombe County Zoning Ordinance ☒have ☐have
not been arranged for.

F. Provision of adequate and proper utilities, with reference to locations, availability, and
compatibility ☒have ☐have not been arranged for.
G. Provision of buffering, if deemed necessary, with reference to type, location, and dimensions □ have □ have not been arranged for.

H. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility □ are □ are not in harmony with properties in the district.

I. Playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways, with reference to location, size, and suitability □ have □ have not been arranged for.

J. Buildings and structures, with reference to location, size, and use □ are □ are not acceptable.

K. Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood □ are □ are not acceptable.

6. That the following conditions are necessary to ensure that the proposed use will conform to the requirements and spirit of the Buncombe County Zoning Ordinance:

A. Gill Branch Road is to be gated and is exit-only for resident use. Only Fire Rescue and Law Enforcement may use Gill Branch Road as an entrance onto the property. Applicant shall obtain Fire Marshal approval for the final design of the restricted access point.

B. All interior access roads leading to, and all parking lots serving the multi-story apartment buildings shall have a minimum road width and drive aisle of 24 feet, or as otherwise specified by the County Fire Marshal.

C. Submit a major subdivision application prior to submittal of permits for construction.

D. A maintenance easement shall be required around any retaining walls which cross over property line within the development.

E. A NCDOT Driveway permit is required.

F. Project must be constructed as depicted in the site plan.

G. Prior to commencement of land disturbance and construction activity the applicant shall submit a Site Plan Development permit for the entire project, indicating the following information:

   i) exact location of all buildings and accessory structures
   ii) commercial lighting plan (demonstrating it meets the standards of the Buncombe Zoning Ordinance)
   iii) buffering, landscaping, and parking lot landscaping (if required)
   iv) retaining walls (demonstrating they meet the standards of the Buncombe Retaining Wall Ordinance)
   v) easements and rights-of-ways on the property
vi) approved E-911 road names (names to be approved by the Addressing Coordinator before submittal)

vii) any other conditions of site development approved by the Board of Adjustment.

viii) copy of approved permits from the US Army Corps of Engineers, the NC Department of Transportation, and the NC Department of Environmental Quality, where applicable.

ix) **This Master Site Plan Permit approval shall not replace the requirement of pulling an individual Site Plan Permit for each building or structure within the development.**

H. Applicant must agree in writing to these conditions prior to commencement of site work.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Board makes the following conclusions of law:

The Applicant’s request for a Special Use Permit, together with the imposition of conditions found necessary above, which are incorporated herein as is fully set forth, ☑ **meets □ does not meet** each applicable requirement of the Buncombe County Zoning Ordinance.

ORDER

Now therefore, based on the foregoing Findings of Fact and Conclusions of Law, the Buncombe County Board of Adjustment Orders as follows:

☑ That the Applicant is hereby granted a Special Use Permit to establish a Planned Unit Development on the Property as requested, subject to the conditions referenced above, which are incorporated herein as if fully set forth.

☐ That the Applicant’s request for a Special Use Permit is hereby denied.

This the 8th day of February, 2023.

Buncombe County Board of Adjustment

By: [Signature]

Andy Ball, Chair
Attest: 
Jason Payne, Clerk

APPROVED AS TO FORM

Curt Euler
County Staff Attorney
CERTIFICATE OF SERVICE

I, the undersigned hereby certify proper notice has been made by the delivery of copy of the foregoing to the parties in this matter including the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective by:

[ ] personal delivery
[X] electronic mail, or
[X] first-class mail

to the following addresses:

Counsel of Record for the Applicant:
Derek J. Allen
Allen Stahl + Kilbourne
dja@asklawnc.com

Applicant(s):
First Victory, Inc.
Travis Fowler
travis@firstvictory.com

Civil Design Concepts
Warren Sugg, P.E.
wsugg@cdcgo.com

Landowner(s):
Keith Warren, Harriet,
Cynthia, Jerry Burnett, Donald Burnett, Jr.
96 Church St.
Weaverville, NC 28787

John Kilby
170 Deer Trail
Lake Lure, NC 28746

Danny and Kathleen Buckner, Wilma Buckner
56 Gill Branch Rd
Weaverville, NC 28787

Holex Management Company, LLC
55 Mica Hill Road
Swannanoa, NC 28778

This the 10th day of February, 2023.

Nika Briggs
NORTHRIDGE FARMS
BUNCOMBE COUNTY, NORTH CAROLINA

PREPARED FOR:
FIRST VICTORY, INC.
542 S. CALDWELL STREET
BREVARD, NC 28712
TRAVIS FOWLER
(828) 884-7934

INDEX OF SHEETS

Sheet No. Title

C001 COVER
C002 INDEX
C003 EXISTING CONDITIONS & Erosion Plan
C004 SITE Plan - WEST
C005 SITE Plan - EAST
C006 Wastewater & Erosion Control Plan
C009 GRADE & Erosion Control Plan - WEST
C010 GRADE & Erosion Control Plan - EAST
C011 PIPE PROFILE
C012 PIPE PROFILE
C013 PIPE PROFILE
C014 VICINITY MAP

DEVELOPMENT DATA:

DRAINAGE REPORT:

CONTACTS:

SITE CHANGES:

IMPROVEMENTS:

C000
ZPH2022-00038
Northridge Farms
Special Use Permit

Aerial Map

Created By: Buncombe Co. Planning
Date: 1/23/2023
PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR CORPORATION
Town of Weaverville, North Carolina

The undersigned, being (a/the) duly elected officer of First Victory Inc, a corporation organized and existing in the State of North Carolina (hereinafter "Corporation"), does hereby certify that:

1. That the Corporation currently exists and is in good standing with the NC Secretary of State;

2. That a controlling majority of shareholders of the Corporation have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.

3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Corporation to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.

4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

<table>
<thead>
<tr>
<th>NAME</th>
<th>OFFICE HELD</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travis A. Fowler</td>
<td>President</td>
<td></td>
</tr>
</tbody>
</table>

SIGNATURE: ____________________________________________
PRINTED NAME: Travis Fowler
DATE: ____________

STATE OF NORTH CAROLINA
COUNTY OF Transylvania

I, Sabrina M. Pace, a Notary Public, certify that Travis Fowler personally came before me this day and acknowledged that he/she is the President of First Victory Inc, a North Carolina corporation, and that by authority duly given and as the act of the Corporation, the foregoing Certificate of Authority was signed by him/her on behalf of the Corporation. Witness my hand and seal this the 20th day of September, 2023.

Sabrina M. Pace
Notary Public

My Commission Expires: 03-21-2027
PETITION FOR VOLUNTARY ANNEXATION
CERTIFICATE OF AUTHORITY FOR LIMITED LIABILITY COMPANY
Town of Weaverville, North Carolina

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

1. That the Company currently exists and is in good standing with the NC Secretary of State;

2. That a controlling majority of the members and the manager of the Company have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.

3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Company to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.

4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

<table>
<thead>
<tr>
<th>NAME</th>
<th>OFFICE HELD</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travis A. Fowler</td>
<td>manager</td>
<td></td>
</tr>
</tbody>
</table>

SIGNATURE: ____________________________
PRINTED NAME: Travis Fowler
DATE: ____________________________

STATE OF NORTH CAROLINA
COUNTY OF Transylvania

I, Sabrina M. Pace, a Notary Public, certify that Travis Fowler personally came before me this day and acknowledged that he/she is the manager of DKF Development LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing Certificate of Authority was signed by him/her on behalf of the Company. Witness my hand and seal this the 20th day of September, 2023.

Sabrina M. Pace
Notary Public

My Commission Expires: 09-30-2027
RESOLUTION CONCERNING VOLUNTARY ANNEXATION PETITION
SUBMITTED FOR THE NORTHRIDGE FARMS PROJECT PROPERTIES
WEAVERVILLE ANNEXATION NO. 2023-6

WHEREAS, a petition requesting annexation of the properties that will be included in the Northridge Farms development has been received by the Town of Weaverville from DFK Development, LLC, First Victory, Inc., Danny C. Buckner, John Kilby, and others, and include the properties bearing the following Buncombe County Parcel Identification Numbers: 9732-77-7382, 9732-76-2936, 9732-76-5731, 9732-76-5475, 9732-66-5806, and 9732-78-9228; and

WHEREAS, N.C. Gen. Stat. § 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the petitioners claim vested rights under a Buncombe County development approval for the attached site plan, but the property to be annexed will need to be given a zoning classification should the properties be annexed into the Town; and

WHEREAS, the Town Council of the Town of Weaverville deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that:

1. With the assistance of the Town Attorney, the Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of her investigation; and

2. The Town Planner is directed to place the properties on the next regular meeting of the Weaverville Planning Board’s so that the Board can review the Town’s Comprehensive Land Use Plan and forward a recommendation to Town Council on an appropriate zoning designation prior to or at a public hearing that may subsequently be held on this matter.

3. The Town staff is directed to provide a report analyzing the effect that this annexation might have on the provision of Town services and any additional resources that will be needed to extend Town services to these properties should they be annexed.

4. It is acknowledged that this voluntary annexation petition covers approximately 88 acres and involves a large development project and it will take staff time to provide the analysis, certifications, and recommendations required by this resolution. Staff is directed to provide an update at its November 2023 regular meeting, if not before.

THIS the 25th day of September, 2023.

________________________________________________________
PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

________________________________________________________
TAMARA MERCER, Town Clerk
TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

MEETING DATE: September 25, 2023
SUBJECT: Street Paving Project – Award of Bid
PRESENTER: Public Works Director Pennell
ATTACHMENTS: Bid Tabulation and Summary

DESCRIPTION/SUMMARY OF REQUEST:

In accordance with N.C. Gen. Stat. § 143-129, the Public Works Director has advertised, received and opened bids on the Town’s upcoming paving projects. As shown on the attached bid tabulation sheet, the lowest responsive bid was submitted by French Broad Paving out of Marshall, NC, with a bid total of $1,391,104.50.

This bid was within budget and the Town Manager and Public Works Director recommend that Town Council award the bid to the low bidder and authorize staff to execute a paving contract consistent with the bid amount.

COUNCIL ACTION REQUESTED:

It is recommended that Town Council award the paving project bid to French Broad Paving and authorize appropriate Town officers and staff to negotiate and execute a contract consistent with the bid documents and the bid submitted.
# CERTIFIED BID TABULATION

**2023-2024 PAVING PROJECT**

**TOWN OF WEAVERVILLE**

**BID DATE: SEPTEMBER 7, 2023 AT 2:00 PM**

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<thead>
<tr>
<th>BIDDER NAME</th>
<th>ORIGINAL BID AMOUNT ON SEPT. 7, 2023</th>
<th>CORRECTED BID AMOUNT</th>
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<td>$1,400,619.50</td>
<td>$1,391,104.50</td>
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<tr>
<td>JLS COMPANY LLC SKYLAND, NC</td>
<td>$1,577,314.14</td>
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<td>C&amp;T PAVING LEICESTER, NC</td>
<td>$1,757,021.00</td>
<td>$1,596,845.00</td>
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*(math error corrected)*

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 pm local time on the 7th day of September, 2023 in the Public Works Conference Room of the Town of Weaverville, NC.

Dale E. Pennell, PE, PLS
Public Works Director
Town of Weaverville
15 Quarry Road
Weaverville, NC  28787
CERTIFIED BID TABULATION SUMMARY
2023-2024 PAVING PROJECT
TOWN OF WEAVERVILLE

FIRST BID DATE: AUGUST 22, 2023 AT 2:00 PM
SECOND BID DATE: SEPTEMBER 7, 2023 AT 2:00 PM

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<th>JLS COMPANY</th>
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<td>WILDWOOD PARK</td>
<td>$114,975.00</td>
<td>$124,910.16</td>
<td>$124,325.00</td>
</tr>
</tbody>
</table>

**TOTAL OF BID**
(math error corrected)

$1,391,104.50  $1,577,314.14  $1,596,845.00
Town of Weaverville
Town Council Agenda Item

Date of Meeting: September 25, 2023
Subject: Public Works & Water Department Quarterly Report
Presenter: Dale Pennell, Public Works Director
Attachments: Quarterly Report (June 2023 - August 2023)

Description:
Attached please find the quarterly report from the Public Works Department including the Water Department.

Action Requested: None.
TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET  
JUNE 2023 - AUGUST 2023

WATER MAINTENANCE DIVISION:

<table>
<thead>
<tr>
<th>Service Call Type</th>
<th>Jun-23</th>
<th>Jul-23</th>
<th>Aug-23</th>
<th>3 month average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Leaks Repaired</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>New Water Taps</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Total Active Water Meters</td>
<td>3,232</td>
<td>3,235</td>
<td>3,241</td>
<td>3,248</td>
</tr>
<tr>
<td>Water Quality Complaints</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Meter Re-Read Service Calls</td>
<td>36</td>
<td>27</td>
<td>63</td>
<td>42</td>
</tr>
<tr>
<td>General Service Calls</td>
<td>91</td>
<td>64</td>
<td>97</td>
<td>84</td>
</tr>
<tr>
<td>Water Door Tags Delivered</td>
<td>28</td>
<td>32</td>
<td>19</td>
<td>26</td>
</tr>
<tr>
<td>Water Line Locate Utility Service Calls</td>
<td>122</td>
<td>118</td>
<td>110</td>
<td>117</td>
</tr>
<tr>
<td>Reservoir-Pump Station Site Checks</td>
<td>15</td>
<td>18</td>
<td>24</td>
<td>19</td>
</tr>
</tbody>
</table>

Water Line Construction Inspections:

Palisades (100%)  Greenwood Park (5%)
**WATER PRODUCTION DIVISION:**
(Gallons per month)

1A. Raw water pumped from river to Water Treatment Plant
    (daily average vs. 1.5 MGD plant capacity)

1B. Raw water used at the WTP

1C. Finished water Produced at WTP

2. Water Purchased from Mars Hill

A1. TOTAL WATER PRODUCTION (1.C. + 2)

3. Finish Water used at WTP

A2. TOTAL WATER AVAILABLE FOR SALES

B. TOTAL METERED FOR BILLING

C. Metered, Non-Metered & Non-Billed Use by Town

D. Total Accounted For Water (3 + B + C)

E. TOTAL UNACCOUNTED (A1-D)

F. MONTHLY UNACCOUNTED WATER (E/Ax100)

<table>
<thead>
<tr>
<th></th>
<th>Jun-23</th>
<th>Jul-23</th>
<th>Aug-23</th>
<th>3 month average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>21,195,000</td>
<td>21,775,000</td>
<td>21,860,000</td>
<td>21,610,000</td>
</tr>
<tr>
<td></td>
<td>47%</td>
<td>47%</td>
<td>49%</td>
<td>48%</td>
</tr>
<tr>
<td></td>
<td>1,422,000</td>
<td>1,495,000</td>
<td>1,455,000</td>
<td>1,457,333</td>
</tr>
<tr>
<td></td>
<td>19,773,000</td>
<td>20,280,000</td>
<td>20,405,000</td>
<td>20,152,667</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>19,773,000</td>
<td>20,280,000</td>
<td>20,405,000</td>
<td>20,152,667</td>
</tr>
<tr>
<td></td>
<td>711,828</td>
<td>730,080</td>
<td>734,580</td>
<td>725,496</td>
</tr>
<tr>
<td></td>
<td>19,061,172</td>
<td>19,549,920</td>
<td>19,670,420</td>
<td>19,427,171</td>
</tr>
<tr>
<td></td>
<td>16,086,000</td>
<td>15,944,600</td>
<td>16,283,900</td>
<td>16,104,833</td>
</tr>
<tr>
<td></td>
<td>1,050,000</td>
<td>1,775,000</td>
<td>1,547,200</td>
<td>1,457,400</td>
</tr>
<tr>
<td></td>
<td>17,847,828</td>
<td>18,449,680</td>
<td>18,565,680</td>
<td>18,287,729</td>
</tr>
<tr>
<td></td>
<td>1,925,172</td>
<td>1,830,320</td>
<td>1,839,320</td>
<td>1,864,937</td>
</tr>
<tr>
<td></td>
<td>9.7%</td>
<td>9.0%</td>
<td>9.0%</td>
<td>9.3%</td>
</tr>
</tbody>
</table>
**WATER CAPACITY VS PRODUCTION:**
(Gallons per day)

<table>
<thead>
<tr>
<th>Water Plant Design Capacity</th>
<th>Jun-23</th>
<th>Jul-23</th>
<th>Aug-23</th>
<th>3 month average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,500,000</td>
<td>1,500,000</td>
<td>1,500,000</td>
<td>1,500,000</td>
</tr>
</tbody>
</table>

Average Daily Production
Total Water Production (A1 above) / 30 days in month

<table>
<thead>
<tr>
<th>AVERAGE USE RELATIVE TO DESIGN CAPACITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Water Commitments for future development</td>
</tr>
</tbody>
</table>

MONTHLY USAGE & FUTURE USAGE VS 1,500,00 GPD

<table>
<thead>
<tr>
<th></th>
<th>Jun-23</th>
<th>Jul-23</th>
<th>Aug-23</th>
<th>3 month average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>659,100</td>
<td>676,000</td>
<td>680,167</td>
<td>671,756</td>
</tr>
</tbody>
</table>

|                      | 43.9%  | 45.1%  | 45.3%  | 44.8% |

|                      | 442,974 | 442,974 | 442,974 | 442,974 |

|                      | 73.5%  | 74.6%  | 74.9%  | 74.3% |

**STREETS DIVISION:**

<table>
<thead>
<tr>
<th>Street/Sidewalk/Drainage /Sign Repairs Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jun-23: 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Roads paved</th>
</tr>
</thead>
<tbody>
<tr>
<td>na</td>
</tr>
</tbody>
</table>

**GROUNDS MAINTENANCE DIVISION:**

<table>
<thead>
<tr>
<th>Special Projects/Repairs Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jun-23: 0</td>
</tr>
</tbody>
</table>

**STORMWATER MANAGEMENT DIVISION:**

<table>
<thead>
<tr>
<th>Storm drain pipes/structures cleaned or replaced</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jun-23: 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Miles of curbs and streets sweeping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jun-23: 0</td>
</tr>
</tbody>
</table>
**SANITATION DIVISION:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Jun-23</th>
<th>Jul-23</th>
<th>Aug-23</th>
<th>3 month average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Collection Points</td>
<td>2252</td>
<td>2256</td>
<td>2257</td>
<td>2257</td>
</tr>
<tr>
<td>Monthly Residential Collections (4/month)</td>
<td>9024</td>
<td>9028</td>
<td>9028</td>
<td>9027</td>
</tr>
<tr>
<td>Business Pick Ups</td>
<td>80</td>
<td>80</td>
<td>80</td>
<td>80</td>
</tr>
<tr>
<td>Business Pick Ups (4/month)</td>
<td>320</td>
<td>320</td>
<td>320</td>
<td>320</td>
</tr>
<tr>
<td>Residential Set-Outs</td>
<td>107</td>
<td>107</td>
<td>107</td>
<td>107</td>
</tr>
<tr>
<td>Residential Set-Outs (4/month)</td>
<td>428</td>
<td>428</td>
<td>428</td>
<td>428</td>
</tr>
<tr>
<td>TOTAL points picked up per month</td>
<td>9772</td>
<td>9776</td>
<td>9776</td>
<td>9775</td>
</tr>
<tr>
<td>Total Tons to Landfill</td>
<td>133.61</td>
<td>109.40</td>
<td>152.27</td>
<td>131.76</td>
</tr>
<tr>
<td>Average Pounds Per Collection Point (per week)</td>
<td>27.3</td>
<td>22.4</td>
<td>31.2</td>
<td>27.0</td>
</tr>
<tr>
<td>Cubic Yards - Yard Debris</td>
<td>58.5</td>
<td>36.0</td>
<td>49.5</td>
<td>48.0</td>
</tr>
<tr>
<td>Cubic Yards - Brush Chipped</td>
<td>187</td>
<td>165</td>
<td>231.0</td>
<td>194.3</td>
</tr>
<tr>
<td>Cubic Yards - Leaf Collection</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**MISC**

1. Walking trail, interior access road, and connecting trails were paved in July at Lake Louise Park.
2. Bids for FY 23-24 Paving Project were received in August/September with work to begin in October; the list includes: Wildwood Knoll, Alabama Avenue, Wildwood Park, Birkdale Avenue, Courseview Drive, Roberts Street, Twin Courts Drive, Preston Court, and Central Avenue as well as replacement of various handicap ramps around the downtown area.
3. Construction on Recreation Complex is underway. PW Staff is helping with tree removal, temporary seeding, landscaping, and mulching.
4. Street sweeper received on August 29; Garbage truck ordered for January delivery; Playground equipment ordered for October delivery.
## TOWN OF WEAVERVILLE - PUBLIC WORKS DEPARTMENT - WATER COMMITMENTS

Prepared by: Dale Pennell, Public Works Director

REVISED 09-19-2023

<table>
<thead>
<tr>
<th>Water Line Status (commitment expiration date)</th>
<th>Project with current commitment</th>
<th>Address</th>
<th>Description</th>
<th>Number of Units</th>
<th>Gallons per Connection (GPD)</th>
<th>Projected Demand per NCDEQ standards (GPD)</th>
<th>Estimated Demand at 50 GPD/appt and 100 GPD/house</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction (NA)</td>
<td>Stony Knob Mixed Use Development</td>
<td>3 Garrison Road</td>
<td>2 buildings w/ 4 units/blds</td>
<td>8</td>
<td>625</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Construction (NA)</td>
<td>Palisades at Reems Creek</td>
<td>Garrison Branch Road</td>
<td>132 apartments + clubhouse</td>
<td>132</td>
<td>55100</td>
<td>55,100</td>
<td>6,550</td>
</tr>
<tr>
<td>Construction (3/8/2024)</td>
<td>16-18-20 Garrison</td>
<td>Weaverville Highway</td>
<td>3 commercial buildings</td>
<td>3</td>
<td>14824</td>
<td>14,824</td>
<td>14,824</td>
</tr>
<tr>
<td>Construction (NA)</td>
<td>6,000 SF Retail at Northridge Corn</td>
<td>49 Northridge Commons Pkwy</td>
<td>1 commercial building 1</td>
<td>1</td>
<td>800</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>Pending (5/15/2024)</td>
<td>Oldie Weaver Apartments</td>
<td>60 Oldie Weaver Rd</td>
<td>202 apartments + clubhouse</td>
<td>202</td>
<td>260-400</td>
<td>55,600</td>
<td>10,100</td>
</tr>
<tr>
<td>Pending (5/24/2024)</td>
<td>9 Pleasant Grove Townhouses</td>
<td>9 Pleasant Grove Road</td>
<td>40 townhouses</td>
<td>40</td>
<td>400</td>
<td>10,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Pending (8/31/2024)</td>
<td>Clarkes Chapel Subdivision</td>
<td>601 Clarkes Chapel Road</td>
<td>13 homes</td>
<td>13</td>
<td>400</td>
<td>5,200</td>
<td>1,000</td>
</tr>
<tr>
<td>Pending (10/15/2024)</td>
<td>Monticello Family Apartments</td>
<td>171 Monticello Road</td>
<td>7 buildings + clubhouse</td>
<td>156</td>
<td>105/300 + 60/800</td>
<td>56,600</td>
<td>8,400</td>
</tr>
<tr>
<td>Pending (2/3/2024)</td>
<td>460 Reems Creek Townhouses</td>
<td>450 Reems Creek Road</td>
<td>139 townhouses + clubhouse</td>
<td>139</td>
<td>400</td>
<td>55,800</td>
<td>13,900</td>
</tr>
<tr>
<td>Pending (3/15/2024)</td>
<td>Greenwood Park</td>
<td>Union Chapel Road</td>
<td>73 homes</td>
<td>73</td>
<td>400</td>
<td>29,200</td>
<td>7,400</td>
</tr>
</tbody>
</table>

Subtotal Current Projects: 263,724

| on-going | Existing but not active meter sets | 157 open meter sets | 157 | 250 | 39,250 | 15,700 |
| on-going | Projected Inside-town vacant land development (rev 8/27/2020) | 290 | 400 | 100,000 | 25,000 |
| on-going | Projected Outside-town-limit residential units | 25 | 400 | 10,000 | 2,500 |

Subtotal On-going Projections: 149,250

Total Outstanding Commitments: 442,974

### SUMMARY OF PROJECTED WATER DEMANDS (GPD)

<table>
<thead>
<tr>
<th>Average metered and unmetered town usage per day</th>
<th>Average Unaccounted-for daily water</th>
<th>Outstanding Commitments</th>
<th>Mars Hill agreement for emergency water (see note 3 below)</th>
<th>Current usage and commitment</th>
<th>WTP Capacity and permitted withdrawal</th>
<th>Current % of WTP used or committed</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2023 - August 2023</td>
<td>June 2023 - August 2023</td>
<td>(as of Sept 19, 2023)</td>
<td>(approved Nov. 15, 2022)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>685,406</td>
<td>62,164</td>
<td>442,974</td>
<td>0</td>
<td>1,090,546</td>
<td>1,500,000</td>
<td>72.70%</td>
<td>see note 1 below</td>
</tr>
<tr>
<td>685,406</td>
<td>62,164</td>
<td>113,274</td>
<td>0</td>
<td>780,846</td>
<td>1,500,000</td>
<td>59.72%</td>
<td>see note 2 below</td>
</tr>
</tbody>
</table>

Outstanding Wtr Commitments 09-20-2023

Note 1. Chart uses only March - May usage data and NCDEQ projected flow for future commitments.
Note 2. Chart uses only March - May usage data with average actual demand for future commitments.
Note 3. Projections do not include any future flow to the Town of Mars Hill (estimated 500,000 GPD).
## WATER CAPACITY NEED PROJECTIONS
### BASED ON COMMITMENTS AND GROWTH PROJECTIONS (September 2023)

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Acres</th>
<th>Residential Dwelling Units (RDU) Projection</th>
<th>Water Capacity Projection (in GPD)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Low RDU Estimate</td>
<td>Moderate RDU Estimate</td>
</tr>
<tr>
<td><strong>Current Water Commitments</strong></td>
<td></td>
<td>Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>A Stoney Knob Mixed Use Dev. – 3 Garrison Rd</td>
<td></td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>B Retail Dev. – Northridge Commons Pkwy</td>
<td></td>
<td>Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>C Commercial Dev. – 16+ Garrison Rd</td>
<td></td>
<td>Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>D Palisades at Reems Creek – Merrimon Rd</td>
<td>11.21</td>
<td>132</td>
<td>132</td>
</tr>
<tr>
<td>E Ollie Weaver Apts – 60 Ollie Weaver Rd</td>
<td>25</td>
<td>202</td>
<td>202</td>
</tr>
<tr>
<td>F Pleasant Grove TH – 9 Pleasant Grove Rd</td>
<td>10</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>G Clarks Chapel S/D – 601 Clarks Chapel Rd</td>
<td>8.5</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>H Ponder TH – 480 Reems Creek Rd</td>
<td>17.4</td>
<td>139</td>
<td>139</td>
</tr>
<tr>
<td>I Greenwood Park S/D – Al Dorf Dr</td>
<td>46</td>
<td>73</td>
<td>73</td>
</tr>
<tr>
<td>J Maribel/LDG Apt – 171 Monticello Rd</td>
<td>10.68</td>
<td>156</td>
<td>156</td>
</tr>
<tr>
<td><strong>TOTAL ALREADY COMMITTED</strong></td>
<td>755</td>
<td>755</td>
<td>755</td>
</tr>
<tr>
<td><strong>Growth Area 1 – Gill Branch Valley Area</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>K Northridge Farms – Northridge Commons Pkwy</td>
<td>88</td>
<td>577</td>
<td>577</td>
</tr>
<tr>
<td>L Unimproved Parcel – Gill Branch Rd</td>
<td>42</td>
<td>168</td>
<td>336</td>
</tr>
<tr>
<td><strong>Growth Area 2 – Monticello Rd West Area</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M Unimproved Parcel – Monticello Rd</td>
<td>13</td>
<td>52</td>
<td>104</td>
</tr>
<tr>
<td><strong>Growth Area 3 – Ollie Weaver Rd Area</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N Unimproved Parcel – Clarks Chapel Rd</td>
<td>40</td>
<td>40</td>
<td>60</td>
</tr>
<tr>
<td>O Unimproved Parcel – 31 Greenridge Rd</td>
<td>106</td>
<td>106</td>
<td>159</td>
</tr>
<tr>
<td>P Small S/D Development</td>
<td>0</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td><strong>Growth Area 4 – I-26 Corridor</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q Unimproved Parcel – Silverwood Farm Rd</td>
<td>108</td>
<td>0</td>
<td>432</td>
</tr>
<tr>
<td>R Residential Parcel (SFR) – 75 Cole Rd</td>
<td>22</td>
<td>22</td>
<td>44</td>
</tr>
<tr>
<td><strong>Growth Area 5 – Reems Creek Rd Area</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S Unimproved Parcels – Commercial Dev.</td>
<td></td>
<td>Commercial</td>
<td>Commercial</td>
</tr>
<tr>
<td>T</td>
<td>Residential Parcel (SFR) – 294 Reems Creek Rd</td>
<td>448</td>
<td>228</td>
</tr>
<tr>
<td>U</td>
<td>Residential Parcel (SFR) – 27 Old Wvl Farm Rd</td>
<td>448</td>
<td>228</td>
</tr>
<tr>
<td>V</td>
<td>Residential Parcel (TH/SFR) – Pleasant Grove Rd</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>W</td>
<td>Unimproved Parcels – Reems Crk/Hamburg Mtn Rd</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>X</td>
<td>Small S/D Development</td>
<td>0</td>
<td>68</td>
</tr>
<tr>
<td>Y</td>
<td>Woodfin Water District</td>
<td>0</td>
<td>100,000</td>
</tr>
<tr>
<td>Z</td>
<td></td>
<td>415,924</td>
<td>977,924</td>
</tr>
<tr>
<td>ZZ</td>
<td></td>
<td>720,000 GPD</td>
<td>581,000 GPD</td>
</tr>
<tr>
<td>AA</td>
<td>What is the WTP’s current daily raw water withdrawal rate?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BB</td>
<td>How much water capacity is currently available at the WTP?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CC</td>
<td>(‘Current Water Capacity Available’ – see below for calculation) (RR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DD</td>
<td>Current permitted WTP capacity</td>
<td>100,000</td>
<td>120,000</td>
</tr>
<tr>
<td>EE</td>
<td>Estimated water needed for production/system maintenance, unaccounted for water at full WTP capacity</td>
<td>415,924</td>
<td>977,924</td>
</tr>
<tr>
<td>FF</td>
<td>How much water capacity is needed for production/system maintenance, unaccounted for water at full WTP capacity</td>
<td>415,924</td>
<td>977,924</td>
</tr>
<tr>
<td>GG</td>
<td>Total water capacity already committed</td>
<td>293,724</td>
<td>293,724</td>
</tr>
<tr>
<td>HH</td>
<td>Total water capacity projected in growth areas</td>
<td>603,200</td>
<td>1,145,200</td>
</tr>
<tr>
<td>II</td>
<td>Total water capacity projected for in-fill development</td>
<td>100,000</td>
<td>120,000</td>
</tr>
<tr>
<td>JJ</td>
<td>Total water capacity projected for in-fill development projections</td>
<td>100,000</td>
<td>120,000</td>
</tr>
<tr>
<td>KK</td>
<td>Total water capacity available (400 GPD/RDU) (GG+HH)</td>
<td>581,000</td>
<td>1,161,000</td>
</tr>
<tr>
<td>LL</td>
<td>Total water capacity needed (400 GPD/RDU) (II+JJ)</td>
<td>415,924</td>
<td>977,924</td>
</tr>
<tr>
<td>MM</td>
<td>Current water capacity available (TP)</td>
<td>100,000</td>
<td>120,000</td>
</tr>
<tr>
<td>NN</td>
<td>Available water capacity for sale (NN–OO)</td>
<td>1,145,200</td>
<td>1,766,400</td>
</tr>
<tr>
<td>OO</td>
<td>Additional water capacity needed (400 GPD/RDU) (DD–EE)</td>
<td>415,924</td>
<td>977,924</td>
</tr>
<tr>
<td>PP</td>
<td>Additional water capacity needed (400 GPD/RDU) (II–JJ)</td>
<td>415,924</td>
<td>977,924</td>
</tr>
<tr>
<td>QQ</td>
<td>Additional water capacity needed (400 GPD/RDU) (DD–EE)</td>
<td>415,924</td>
<td>977,924</td>
</tr>
<tr>
<td>RR</td>
<td>Additional water capacity needed (400 GPD/RDU) (II–JJ)</td>
<td>415,924</td>
<td>977,924</td>
</tr>
</tbody>
</table>

**Total water capacity available:** 581,000 GPD

**Total water capacity committed:** 720,000 GPD

**Total water capacity available for sale:** 111,800 GPD

**Current water capacity available:** 1,037,000 GPD