



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, July 26, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, July 26, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

Councilmembers present were: Mayor Al Root, Vice Mayor Doug Jackson, and Councilmembers Jeffrey McKenna, Patrick Fitzsimmons and Dottie Sherrill. Councilmember Andrew Nagle was absent.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, and Water Superintendent Trent Duncan.

1. Call to Order

Mayor Al Root called the meeting to order at 7:00 p.m.

Upon calling the meeting to order Mayor Root noted that with the closing of the filing period for the upcoming municipal election ended, Councilmember Fitzsimmons would be running unopposed as the next Mayor of the Town. Mayor Root also stated that he would be tendering his resignation to Town Council at the Monday, August 10 workshop with an effective date of August 23 in order to begin the transition sooner and permit Town Council to elect a mayor to serve the remainder of his term.

2. Approval/Adjustments to the Agenda

Vice Mayor Jackson motioned to adopt the agenda as presented. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0

3. Approval of the Minutes

Councilmember Sherrill motioned to adopt the minutes as amended. Such amendment was reflective of a correction to a motion to adjourn the July 13 joint meeting of Council and the Planning Board. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0.

4. General Public Comment

General public comments may be submitted either during the meeting or in writing in advance of the meeting. Normal rules of decorum apply to all comments. The general public comments section of the meeting will be limited to 20 minutes and priority will be given to those commenters in attendance. Individuals presenting comments during the meeting are generally limited to 3 minutes. Written comments that are timely received will be provided to Town Council, included as part of the minutes of the meeting, and read into the record during the 20 minute general public comment period as time

allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (3) by mailing your written comment (must be received not later than Monday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

Though several public comments were received in writing prior to the meeting, Mayor Root instructed Mr. Eller to read these comments into the record later in the meeting as each were pertaining to discussion and action agenda item 7E.

5. Consent Agenda

Councilmember Sherril moved for the approval of the Consent Agenda. Councilmember Fitzsimmons seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 4-0.

- A. Year-End Tax Report – Information only – submitted by Buncombe County Tax Department.**
- B. Budget Amendment: Recycling Grants – Budget amendment approved as presented.**
- C. Waterline Acceptance: Amblers Chase – 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 set the repair guarantee at \$25,000.**
- D. North Buncombe Fire District Service Agreement – approve the services contract and the budget amendment to create a special revenue fund and transfer the relevant line items of revenues and expenditures from the general fund to the new special revenue fund.**

6. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to the grand opening of the Community Center, a Recreation Coordinator update, a bike/ped plan update, Saturday Summer Music Series, the comprehensive pay & classification study update and Art in Autumn 2021.

7. Discussion and Action Items

A. Community Center Change Order #5.

Change order number five was presented to Council which represented a \$4,015.90 increase in construction cost due to an increase in cost for the replacement of an uninstalled dishwasher with a high temperature unit and a decrease in cost due to the deletion of unused signage. Mr. Pennell described the proposed changes, which had been reviewed and recommended for approval by the project architect and noted that he and Ms. Coffey supported the approval of the change order and corresponding budget amendment as well.

Vice Mayor Jackson motioned to approved change order #5 and corresponding budget amendment as presented. Councilmember Sherrill seconded and all voted in favor. Motion passed 4-0.

B. Performance Pay Plan Follow-up.

Ms. Coffey, at the direction of Council from the previous month's meeting, presented to Council a proposal for awarding merit or performance pay to employees in place of the traditional method of a combined cost of living adjustment (COLA) and merit pay. The plan called for a revision of the Town's employee performance evaluation form, allows supervisors to rate an employees performance based upon several variables and formalized an improvement action plan for employees rates as below expectations in any area.

Councilmembers Fitzsimmons and McKenna spoke in favor of the transition to a merit pay increase system in place of the current combination of COLA and merit. Vice Mayor Jackson spoke in opposition to completely eliminating Cola.

Upon being prompted by the Mayor for public comment, Michele Wood, Thomas Veasey and Catherine Cordell spoke to Council regarding the proposed performance pay plan and shared their apprehension toward completely eliminating COLA from the pay plan.

Councilmember McKenna motioned to adopt the performance pay plan. Councilmember Fitzsimmons seconded and Councilmember Sherrill also voted in favor of the motion. Vice Mayor Jackson cast a dissenting vote. Motion passed 3-1.

C. USCellular Perpetual Easement Final Proposal.

Ms. Coffey presented Council with information reflective of a \$270,000 perpetual easement from USCellular for their cell tower located on Town property off Quarry Road. Councilmember McKenna voiced his support for the perpetual easement and offered a recommendation that proceeds from the easement be devoted to phase 2 of the Community Center project. Vice Mayor Jackson and Councilmember Fitzsimmons agreed.

Vice Mayor Jackson motioned to accept the proposal from USCellular. Councilmember Sherrill seconded and all voted in favor. Motion passed 4-0.

D. ADA Transition Plan Update.

Ms. Jackson presented Council with information related the implementation of the ADA transition plan. Of note were improvements which were made to municipal facilities over the previous year and others which are anticipated in the upcoming year.

E. Municipal Election 2021.

Ms. Coffey reported that Board of Elections staff has toured the Community Center and is expected to use the facility as a precinct beginning with the election this fall. Through conversation it became the consensus of Council to establish one day of early voting and to consider an ordinance prohibiting firearms at polling locations.

Upon being prompted by the Mayor for public comment, Nell Kelly, John Brown, Louise Root and Michele Wood each expressed their support for the proposed ordinance banning firearms at polling locations. Mr. Eller read into the record four written public comments from Homer Wartens, Mollie Warlick, Amolia Willowsong and Rod and Beth Mangum each stating their support of the prohibition of firearms at polling locations.

Councilmember Fitzsimmons motioned to establish one day of early voting for the fall election, such date being October 30, 2021, and to adopt the proposed ordinance prohibiting firearms at polling locations and in all Town facilities. Councilmember Sherrill seconded and all voted in favor. Motion passed 4-0.

F. American Rescue Plan Update.

Ms. Dozier presented to Council a proposed grant project ordinance and summary of key deadlines in relation to the first installment of Coronavirus State and Local Fiscal Recovery Funds in the amount of \$641,697.31. A second payment of the same amount is expected to be received in 12 months.

Councilmember Fitzsimmons made a motion to adopt the grant project ordinance. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0.

G. Quarterly Report – Finance.

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

H. Quarterly Report – Planning.

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

8. Closed Session.

Councilmember Fitzsimmons made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Councilmember Sherrill seconded the motion and all voted in favor. Motion passed 4-0.

[CLOSED SESSION]

Councilmember Fitzsimmons made a motion to exit closed session and return to open session. Councilmember McKenna seconded the motion. In a 4-0 vote in favor closed session was ended and the open session meeting resumed.

9. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember McKenna seconded and all voted in favor. Meeting adjourned at 9:10 p.m.



James Eller, Town Clerk

GRANT PROJECT ORDINANCE FOR THE TOWN OF WEAVERVILLE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, the Town of Weaverville wishes to accept the Coronavirus State and Local Fiscal Recovery Funds and to adopt a grant project ordinance in order to provide for the proper accounting of the revenues received and qualified expenditures made;

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

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). The Town of Weaverville has received the first tranche in the amount of \$641,697.31 of CSLRF funds. The total allocation is \$1,283,394.62, with the remainder to be distributed to the Town within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law:

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amounts are appropriated for the project and authorized for expenditure:

CSLRF Project	\$1,283,394.62
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Section 3: The following revenues are anticipated to be available to complete the project:

CSLRF Funds	\$1,283,394.62
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Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.


Section 7: This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the town, whichever occurs sooner.

ADOPTED by Town Council this 26th day of July, 2021, with a vote of 4 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTEST:



JAMES ELLER, Town Clerk

ORDINANCE AMENDING WEAVERVILLE TOWN CODE CONCERNING FIREARMS

WHEREAS, the right to vote is a fundamental right and firearms at polling places can serve to intimidate citizens wishing to cast their ballot and can create unsafe situations during elections;

WHEREAS, G.S. 14-409.40(f) allows a municipality to prohibit the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, and in public parks or recreation areas, with the exception that the storage of a firearm within a motor vehicle while the vehicle is on the grounds or areas is permissible;

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

1. Section 16-1 of the Weaverville Town Code is hereby amended as follows, with all amendments adopted in this Ordinance being shown in red with added language underlined and deleted language shown with strike-throughs:

Sec. 16-1. Handgun Firearm regulations.

- (a) *Prohibition of firearms handguns*. No person shall possess, use, or carry any firearm, whether open carried or concealed, ~~concealed handgun~~ on property or facilities posted by the town as described hereinafter, except as authorized hereinafter or by state law.

Facilities posted by the town are as follows:

Bus Garage	13 Central Avenue
Course View Storage Tank	Course View Drive
Debose Dubose Hill Storage Tank	Old Home Road (end)
Eller Cove Storage Tank	Eller Cove Road
Hamburg Pump Station	Hamburg Drive
High Bluff Storage Tank	High Bluff Drive
Le Perrion Pump Station	Le Perrion Avenue
Motor Grader Building	58 Lakeshore Drive
Old Pool Building	46 Lakeshore Drive
Ox Creek Storage Tank	Ox Creek Road
Rabbit Ridge Storage Tank	Flicker Trail
Tin Building	35 West Lakeshore Drive
Water Treatment Plant	Sams Road
Weaverville Fire Department	3 Monticello Road
Weaverville Public Works	15 Quarry Road
Weaverville Town Hall	30 South Main Street
<u>Community Center at Dottie Sherrill Knoll</u>	<u>60 Lakeshore Drive</u>

This may not be an inclusive list of facilities prohibiting concealed carry and the town may add facilities to this list as long as they meet the requirements of subsection (b).

- (b) *Posting of signs required.* The town manager is ordered to post appropriate signage at each building or portion of a building owned, leased as lessees, operated, occupied, managed, or controlled by the town, as well as the appurtenant premises to such building and facilities, indicating that concealed handguns are prohibited in that building as well as the appurtenant premises. Concealed handguns are permitted in the parking areas of any town building or recreations facility provided they are secured in the trunk, glove box, or other enclosed compartment within a locked motor vehicle.
- (c) *Location of signs.* The signs described herein above shall be visibly posted on the exterior of each entrance by which the general public can access the building or appurtenant premises.
- (d) *Recreational facilities identified.* The town does not operate any recreational facilities as defined by G.S. § 14-415.23.

2. Section 16-8 of the Weaverville Town Code is added as follows:

Sec. 16-8. Firearms Prohibited at Polling Places

The possession of any firearm, whether concealed or carried openly, in any Town owned or operated facility, or on the grounds or in any parking lot associated with such facility, is expressly prohibited while such facility is being used as a polling or voting place, either for early voting or election day voting, and where proper signage is posted. Nothing herein shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on those grounds or in those parking areas.

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


4. These amendments shall be effective upon adoption and codified on that date.

ADOPTED THIS the 26th day of July, 2021, by a vote of 4 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Workshop
Tuesday, August 10, 2021**

The Town Council for the Town of Weaverville met for its regularly scheduled workshop on Tuesday, August 10, 2021, at 6:00 p.m. within Council Chamber at Town Hall.

Councilmembers present were: Mayor Al Root, Vice Mayor Doug Jackson and Councilmembers Dottie Sherrill, Jeffrey McKenna, Patrick Fitzsimmons and Andrew Nagle.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller and Public Works Director Dale Pennell.

1. Call to Order.

Mayor Root called the meeting of Council to order at 6:00 p.m.

2. Waterline Acceptance: Northridge Commons – Hobby Lobby.

Ms. Coffey presented to Council a waterline easement plat for Hobby Lobby located within Northridge Commons and a recommendation of a repair guarantee in the amount of \$5,000.

Councilmember Nagle motioned to accept the waterline extension and related improvements for the Northridge Commons Hobby Lobby 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 guarantee amount at \$5,000. Councilmember McKenna seconded and all voted in favor. Motion passed 5-0.

3. Community Center Fees.

Ms. Coffey presented Council with a proposed attachment A to the fee schedule related to facility use fees and spoke to the recent hiring filling the position of Recreation Coordinator.

A conversation occurred among Council related to the individual rates and time frames, the Weaverville Center for Creative and Healthy Living use of the facility, an acknowledgement of other private facilities with similar capabilities and methods to prevent over-use of the facility by private entities.

Consensus was achieved by Council to use the facility use fees template provided by Ms. Coffey for the Community Center with possible revisions to make the doubling of fees more consistent. It was also understood that the fees and deposits could be changed as experience with the facility, programming and reservations of the facility are gained.

4. Coronavirus Protocol Update.

Mayor Root requested that Ms. Coffey present Council with an update on coronavirus protocols. Ms. Coffey described that other jurisdictions were returning to full or partial office closures and face covering requirements, regardless of vaccination status, for all persons within government facilities including public meetings.

5. Resignation of the Mayor.

Mayor Root presented Council with a letter of resignation vacating the remainder of his term as Mayor effective August 23, 2021 at 7:00 pm, which is the beginning of the next regulation Town Council meeting. Mayor Root also spoke in appreciation of his time in service of the town through various iterations of Council, Boards and Committees and staff.

6. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting of Council at 6:50 p.m. Councilmember Sherrill seconded and all voted in favor. Motion passed 5-0.



James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, August 23, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, August 23, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

Councilmembers present were: Vice Mayor Doug Jackson, and Councilmembers Jeffrey McKenna, Patrick Fitzsimmons, Andrew Nagle and Dottie Sherrill.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, and Water Superintendent Trent Duncan.

1. Call to Order

Vice Mayor Doug Jackson called the meeting to order at 7:00 p.m.

2. Possible Action Regarding Mayor's Resignation

Mr. Eller noted that at Town Council's regular workshop held on August 10, 2021, Mayor Al Root presented his resignation as Mayor effective at the beginning of tonight's meeting. This resignation creates a vacancy that Town Council is authorized to fill tonight or at a subsequent meeting. Depending on the action that Town Council wishes to take in this regard, a vacancy on Town Council may be created which Town Council is also authorized to fill. Mr. Eller then noted that the Town Attorney is present to answer any questions and to guide Town Council in the procedures related to the action that it wishes to take and asked Vice Mayor Jackson how he wished to proceed.

Vice Mayor Jackson stated that he had been elected by Town Council to serve as Vice Mayor, a position which he was proud to serve, but more importantly he was elected by the citizens of Weaverville to serve as a Councilmember, not Mayor. If a short-term appointment to fill the seat of Mayor is accepted, voting rights would be lost, which Vice Mayor Jackson did not feel would be the responsible thing for him to do, especially when Councilmember Fitzsimmons is running unopposed in the November elections and is ready and willing to transition to that position now.

Vice Mayor Jackson moved to appoint Councilmember Patrick Fitzsimmons as the Mayor of the Town of Weaverville to fill the vacancy created by Mayor Root's resignation.

Councilmember Sherrill seconded.

When asked if there was any discussion from Council on the matter, Councilmember Nagle questioned why public comment was not being offered on the matter and questioned when the appointment would be effective. The consensus of Council was for the appointment to become effective immediately. Vice Mayor Jackson and Councilmember Sherrill agreed that the motion was to be amended as follows.

Vice Mayor Jackson moved to appoint Councilmember Patrick Fitzsimmons as the Mayor of the Town of Weaverville to fill the vacancy created by Mayor Root's resignation, with the appointment to be effective immediately. Councilmember Sherrill seconded. The motion carried in a vote of 3-1 with Councilmember Nagle casting a dissenting vote.

Mr. Eller administered the oath of office to Mayor Fitzsimmons. Vice Mayor Jackson congratulated Mayor Fitzsimmons and turned the meeting over to him.

Mayor Fitzsimmons noted that his appointment to Mayor had created a vacancy on Town Council which needs to be filled and asked for a motion to appoint someone to fill the Town Council seat just vacated for the term which is set to expire in 2023.

Councilmember McKenna motioned to appoint John Chase to fill the vacancy on Town Council for the term set to expire in 2023. Vice Mayor Jackson seconded. The motion carried in a vote of 3-1 with Councilmember Nagle casting a dissenting vote.

Councilmember Nagle offered the opinion that Council should wait until after the election to fill the vacancy and questioned when the effective date of the appointment was. Town Attorney Jackson suggested a motion establishing the effective date would be appropriate.

Councilmember McKenna moved that the appointment of John Chase as a Town of Weaverville Councilmember to fill the vacancy created by former Councilmember Fitzsimmons' appointment as Mayor, be effective immediately. Councilmember Sherrill seconded the motion. The motion carried in a vote of 3-1 with Councilmember Nagle casting a dissenting vote.

Mr. Eller administered the oath of office to Councilmember Chase. Mayor Fitzsimmons congratulated Councilmember Chase and welcomed him to Town Council.

In response to a question concerning the effect of Mr. Chase's appointment to Town Council, the Town Attorney noted that Mr. Chase will need to resign his position on the Planning Board.

3. Approval/Adjustments to the Agenda

Councilmember McKenna motioned to adopt the agenda as presented. Vice Mayor Jackson seconded. The motion carried in a vote of 3-1 with Councilmember Nagle cast a dissenting vote.

4. Approval of the Minutes

Councilmember Sherrill motioned to adopt the minutes as presented. Councilmember Nagle seconded and all voted in favor. Motion passed 4-0.

5. Special Recognition of Mayor Al Root

Councilmember McKenna noted Mayor Root's comments about language related to a Town Marshal found within the Town Charter at the previous meeting of Town Council and suggested that there would be a presentation to this effect at the upcoming grand opening of the Community Center at Dottie Sherrill Knoll. Councilmember McKenna also read a proposed proclamation.

Councilmember McKenna motioned to adopt the proclamation as read. Councilmember Nagle seconded and all voted in favor. Motion passed 4-0.

6. General Public Comment

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

John Bowen spoke to Council regarding his agreement with the Town partnering with the county on recently reinstated mask mandates.

Tom Balestrieri spoke to Council regarding possible information initiatives to draw additional attention to the programming to be offered at the new community center and to alert participants to closures due to COVID or other issues.

Lou Accornero spoke to Council encouraging the adoption of regulations of protests and demonstrations and noting the discrepancy between county and municipal taxation with Town taxes going down and County taxes going up this year.

Thomas Veasey spoke to Council regarding his disagreement with Town Council's decision to eliminate a cost-of-living adjustment (COLA) for employees from this fiscal year's budget, his previous campaign for a seat on Town Council and his assessment that the Town needs an urban planner.

7. Consent Agenda

Councilmember Sherril moved for the approval of the Consent Agenda. Vice Mayor Jackson seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 4-0.

- A. Monthly Tax Report and Tax Collector's Settlement – Information only – submitted by Buncombe County Tax Department.**
- B. Art in Autumn Road Closure Ordinance – Road closure ordinance for Art in Autumn.**
- C. Homecoming Parade Road Closure Ordinance – Road closure ordinance for NBHS homecoming parade.**

- D. Budget Amendment – Reappropriations** – *Budget amendment for reappropriations for the police department, fire department, governing body, streets, water administration and water maintenance.*
- E. Budget Amendment – Transfers** – *Budget amendment for transfers related to the Community Center project fund and water treatment plant capital project fund and those projects.*
- F. Amendments to Capital Reserve Fund Resolutions** – *Amendments to capital reserve fund resolutions for the general fund and water fund.*
- G. Annual Adoption of Pay Plan & Position Classification Plan** – *Approval of pay plan and position classification.*

8. Town Manager’s Report

Ms. Coffey presented her Manager’s report to Council which included information related to the Recreation Coordinator, the grand opening of the Community Center, Bike/Ped plan update and upcoming dates for the Saturday summer concert series.

9. Discussion and Action Items

A. Community Center Update

Ms. Coffey presented information related to the Community Center proposed fee schedule, a memorandum of understanding with the Weaverville Center for Creative & Healthy Living (WCCHL) and Community Center change order #6 for various items.

Thomas Veasey and Jan Lawrence spoke about the upcoming opening of the Community Center.

Councilmember McKenna motioned to approve the Community Center fee schedule.

Councilmember Nagle seconded and all voted in favor. Motion passed 4-0.

Councilmember Nagle motioned to approve the memorandum of understanding with the WCCHL.

Councilmember McKenna seconded and all voted in favor. Motion passed 4-0.

Vice Mayor Jackson motioned to approve change order #6 related to the cost of construction only, and not the change to the date of substantial completion, and approval of the corresponding budget amendment as presented. Councilmember Sherrill seconded and all voted in favor. Motion passed 4-0.

B. Legal Compliance Update

Ms. Jackson provided a legal compliance update to Council with information related to Title VI Nondiscrimination and the MS4 Stormwater Program included.

C. Comprehensive Land Use Plan Update

Mr. Eller presented Council with information related to the annual review of the Comprehensive Land Use Plan (CLUP) including a notation of goals which have been accomplished over the first two years since plan adoption and a table of stated goals, responsibilities and priorities of the CLUP. Staff, the Planning Board and Town Council had rated the stated goals with 1 equaling the highest priority to be accomplished within 12 months of the update. These ratings had been aggregated into proposed scoring within the table for Council’s consideration.

Mayor Fitzsimmons and Councilmember McKenna noted the Planning Board and staff’s work toward accomplishing the goals of the CLUP.

Vice Mayor Jackson motioned to adopt the annual update to the CLUP as presented.

Councilmember Nagle seconded and all voted in favor. Motion passed 4-0.

D. Merrimon Avenue Speed Limit.

Chief Davis presented Council with information related to lowering the speed limit along a specific section of Merrimon Avenue from 45 miles per hour (mph) to 35 mph. NCDOT is requesting Town Council action on the matter prior to the change being made.

Councilmember Nagle motion to reduce the 45-mph speed limit from a point on Merrimon Avenue located 0.36 mile south of Banks Town Road and extending northward to a point 0.18 mile south of Banks Town Road in favor of a 35-mph limit. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0.

E. Quarterly Report – Police.

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

F. Quarterly Report – Fire.

Chief Williams presented Town Council with the quarterly report for the Fire Department.

10. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember McKenna seconded and all voted in favor. Meeting adjourned at 8:35 p.m.



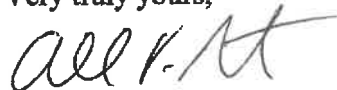
James Eller, Town Clerk

To: Weaverville Town Council

Pursuant to Sec. 2-37 of the Code of Ordinances of the Town of Weaverville, I hereby submit my resignation as Mayor of the Town of Weaverville, effective as of the beginning of the August 2021 regular monthly meeting of the Weaverville Town Council, presently scheduled for 7:00 p.m. on Monday, August 23, 2021. It had been an honor to serve with you, and with our excellent town staff.

Submitted: August 10, 2021

Very truly yours,

A handwritten signature in dark ink, appearing to read "Allan P. Root", with a stylized flourish at the end.

Allan P. Root

Mayor, Town of Weaverville

OATH OF OFFICE

I, **PATRICK FITZSIMMONS**, do solemnly and sincerely swear that I will support the Constitution and laws of the United States;

that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof;

that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability;

and that I will faithfully discharge the duties of my office as Mayor of the Town of Weaverville, so help me God.


PATRICK FITZSIMMONS

Sworn to and subscribed before me
this the 23rd day of August, 2021.


JAMES ELLER
Town Clerk


OATH OF OFFICE

I, **JOHN CHASE**, do solemnly and sincerely swear that I will support the Constitution and laws of the United States;

that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof;

that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability;

and that I will faithfully discharge the duties of my office as Council Member of the Town of Weaverville, so help me God.


JOHN CHASE

Sworn to and subscribed before me
this the 23rd day of August, 2021.


JAMES ELLER
Town Clerk

Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE NORTH BUNCOMBE HOMECOMING PARADE

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual North Buncombe Homecoming Parade, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing the North Buncombe Homecoming Parade for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges the North Buncombe Homecoming Parade celebration requires approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc.

NO THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

North Buncombe Homecoming Parade

Date:	October 1, 2021
Time:	4:00 pm until 5:30 pm
Road Closure:	North Buncombe School Road North Main Street South Main Street

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

Adopted this 23rd day of August, 2021



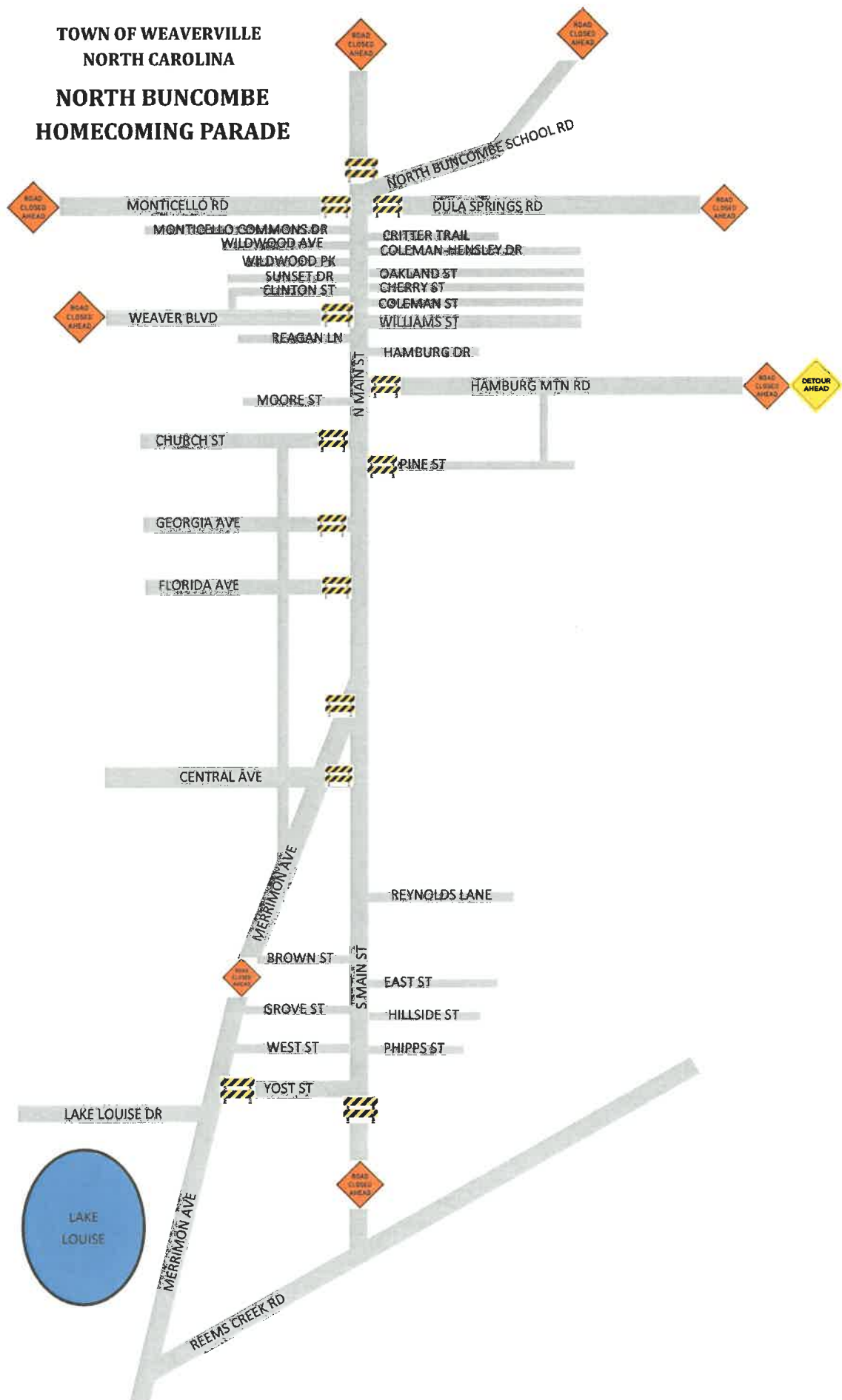
Patrick Fitzsimmons, Mayor

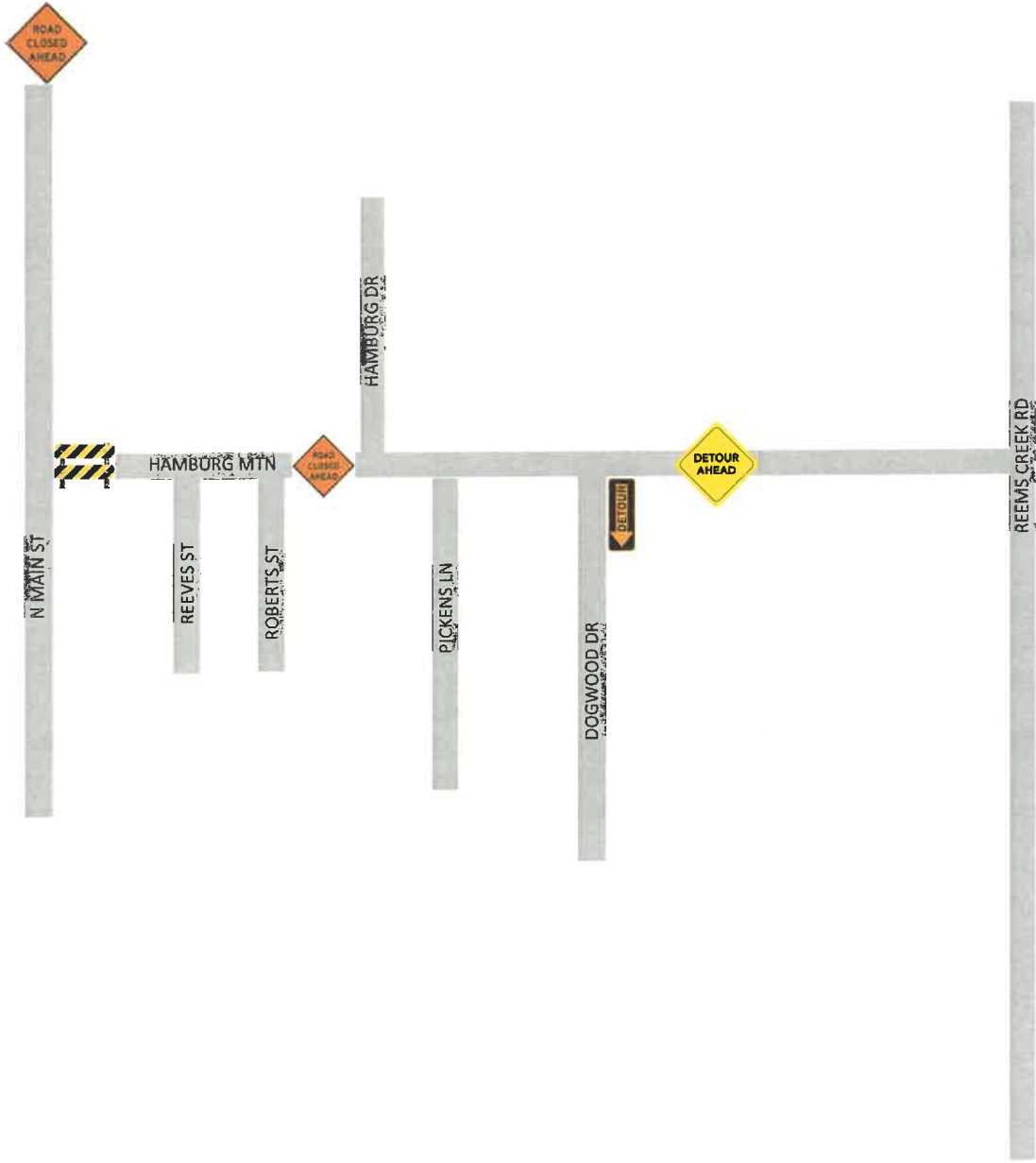
Attest:



James Eller, Town Clerk

**TOWN OF WEAVERVILLE
NORTH CAROLINA
NORTH BUNCOMBE
HOMECOMING PARADE**





Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE Weaverville Art in Autumn Festival

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual Weaverville Art in Autumn Festival, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing the Weaverville Art in Autumn Festival for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges the Weaverville Art in Autumn requires approximately two (2) hours to install signage, and also requires approximately one (1) hour for removing signage, litter, etc.

WHEREAS, The Town Council of Weaverville recognizes that the detour route will be appropriately marked with signage and personnel at various locations to ensure the motoring public travels safely and without unnecessary delay.

NO THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Weaverville Art in Autumn

Date: September 18, 2021

Time: 5:00 am until 10:00 pm

Road Closure: The portion of Main Street between Church Street and Brown Street will be closed and all traffic safely detoured around this area.

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

Adopted this 23rd day of August, 2021



Patrick Fitzsimmons, Mayor

Attest:



James Eller, Town Clerk

TOWN OF WEAVERVILLE
NORTH CAROLINA



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

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

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

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

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

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

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

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

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

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

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

	ACTUAL REVENUE	ESTIMATED REVENUE	EXPENSE	FUNDING SOURCE
FY19	\$204,269		(\$204,269)	FY19 Water System Dev. Fee
FY20	\$203,973		(\$203,973)	FY20 Water System Dev. Fee
FY21	\$203,616		(\$203,616)	FY21 Water System Dev. Fee
FY22		\$164,000	(\$300,471)	FY22 Water System Dev. Fee
FY22		\$136,471		FY22 Water Fund Revenue
TOTAL	\$611,858	\$300,471	(\$912,329)	
CURRENT BALANCE	-	-	-	
FY23		\$199,037	(\$299,037)	FY21 Water System Dev. Fee
FY23		\$100,000		FY23 Transfer from Water Fund
FY24		\$198,540	(\$298,540)	FY21 Water System Dev. Fee
FY24		\$100,000		FY24 Transfer from Water Fund
TOTAL		\$597,577	(\$597,577)	

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

	ACTUAL REVENUE	ESTIMATED REVENUE	EXPENSE	FUNDING SOURCE
FY19	\$170,600			FY19 Transfer from Water Fund
FY19	\$16,351			FY19 Excess Water Sys. Dev. Fees
FY20	\$149,323			FY20 Transfer from Water Fund
FY20	\$102,495			FY20 Excess Water Sys. Dev. Fees
FY21	\$284,994			FY21 Transfer from Water Fund
FY21	\$95,472			FY21 Excess Water Sys. Dev. Fees
FY22	\$119,117			FY22 Transfer from Water Fund
FY22			(\$338,500)	Transfer to WTP Capital Project Ord. – Engineering Fees Ph 1&2
TOTAL	\$938,352		(\$338,500)	
			\$599,852	CURRENT BALANCE
FY23		TBD	TBD	Financing, Water Fund Revenue, Water Fund Balance
FY24		TBD	TBD	Financing, Water Fund Revenue, Water Fund Balance
TOTAL		TBD	TBD	

SECTION 4. This Amended and Restated Resolution shall become effective immediately.

ADOPTED this 23rd day of August, 2021.



PATRICK FITZSIMMONS, Mayor

ATTEST:



JAMES ELLER, Town Clerk

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

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

WHEREAS, NCGS §159-18 authorizes the creation of a capital reserve fund and NCGS §159-19 authorizes amendments to capital reserve funds previously established;

WHEREAS, by adoption of a resolution on June 17, 2019, the Town of Weaverville created a capital reserve fund related to its general fund capital projects and equipment, and Town Council now wishes to amend and restate such resolution;

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

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

SECTION 2. The following are declared as capital projects & equipment subject to this CRF:

- (a) **Fire Truck Replacement** – The Town of Weaverville wishes to provide funds for anticipated future expenditures related to the replacement of those fire trucks which are expected to exceed their useful and safe lives by as early as 2024.

	ACTUAL REVENUE	ESTIMATED REVENUE	FUNDING SOURCE
FY20	\$75,000		FY20 General Fund Revenue or Fund Balance
FY21	\$-0-		FY21 General Fund Revenue or Fund Balance
FY22	\$75,000		FY22 General Fund Revenue or Fund Balance
TOTAL	\$150,000		
		\$150,000	CURRENT BALANCE
FY23		\$75,000	FY23 General Fund Revenue or Fund Balance
FY24		\$75,000	FY24 General Fund Revenue or Fund Balance
FY25		\$75,000	FY25 General Fund Revenue or Fund Balance
TOTAL		\$225,000	

SECTION 3. This Resolution shall become effective upon adoption.

ADOPTED this 23rd day of August, 2021.



PATRICK FITZSIMMONS, Mayor

ATTEST:



JAMES ELLER, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, September 27, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, September 27, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Doug Jackson, and Councilmembers John Chase, Jeffrey McKenna, Andrew Nagle and Dottie Sherrill.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, and Water Superintendent Trent Duncan.

1. Call to Order

Mayor Patrick Fitzsimmons called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

Mayor Fitzsimmons noted the agenda approved with no objections.

3. Approval of the Minutes

Vice Mayor Jackson motioned to adopt the minutes as presented. Councilmember McKenna seconded and all voted in favor. Motion passed 5-0.

4. Special Recognition of Steve Crawford

Mayor Fitzsimmons spoke regarding Mr. Crawford's commitment to the community including coaching in youth baseball and basketball, church membership and manager of the local Ingles Market for nearly 40 years. Mayor Fitzsimmons read a proclamation reflective of Mr. Crawford's commitment to the community and which declared September 30, 2021 as Steve Crawford Day in the Town of Weaverville.

5. General Public Comment

General public comments may be submitted either during the meeting or in writing in advance of the meeting. Normal rules of decorum apply to all comments. The general public comments section of the meeting will be limited to 20 minutes and priority will be given to those commenters in attendance. Individuals presenting comments during the meeting are generally limited to 3 minutes. Written comments that are timely received will be provided to Town Council, included as part of the minutes of the meeting, and read into the record during the 20-minute general public comment period as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by

putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (3) by mailing your written comment (must be received not later than Monday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

James Heintz spoke to Council regarding his opposition to the Town expanding the water treatment plant located on the Ivy River.

Wayne Dow spoke to Council regarding his opposition to the Town expanding the water treatment plant located on the Ivy River.

Thomas Veasey spoke to Council regarding recent zoning ordinance text amendments.

Mr. Eller read a comment submitted in writing related to Jarrett Alexander having passed his eagle scout board review.

6. Consent Agenda

Councilmember Sherril moved for the approval of the Consent Agenda. Councilmember McKenna seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 5-0.

- A. Monthly Tax Report and Tax Collector's Settlement** – *Information only – submitted by Buncombe County Tax Department.*
- B. Budget Amendment – Police, Fire and Public Works** – *Budget amendment for reappropriations for the police department, fire department and Public Works.*
- C. Approval of the Amended Lease Agreement with the Dry Ridge Historical Museum** – *Change in Lease start date.*
- D. Board Appointments** – *Board of Adjustment, Planning Board and ABC Board.*

7. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to the Saturday Summer Concert Series, a water plant expansion update, ongoing IT security efforts, comprehensive pay study update, election polling site relocation, US Cellular perpetual easement update, bike/ped plan update, COVID-19 vaccinations and weekly testing update, OSHA visits, 2021 Christmas Parade, and the sharing of gratitude to Council and others who offered kind words related to a death in her family.

8. Discussion and Action Items

A. Greenway Project Update

Doug Dearth provided information related to the greenway project.

B. Code Amendment: Picketing, Protests & Demonstrations

Ms. Jackson presented a proposed ordinance reflective of Council's desire to consider regulations related to picketing, protests and demonstrations within the Town. Ms. Jackson described the ordinance which she had developed in conjunction with the Town Manager and Police Chief.

Vice Mayor Jackson made a motion to approve the ordinance presented. Councilmember McKenna seconded and all voted in favor of the motion. Motion passed 5-0.

C. Update on Revisions to ABC Laws – Social Districts

Ms. Jackson presented Council with information related to the recently enacted legislation which allows local jurisdictions to adopt ordinances designating social districts in which people may consume alcoholic beverages sold by a premises with a valid ABC permit.

It became the consensus of Council to have staff gather additional information on the matter for further discussion at an upcoming Town Council workshop.

D. Community Center Project Update

Ms. Coffey presented Council with information related to the Community Center including an update on reservation software, updated fee recommendations, update on fundraising, usage of the community center and a budget amendment.

Ms. Coffey also sought Town Council's direction on a request from the Weaverville tailgate market to hold their market indoors rather than in the parking lot of the facility.

Vice Mayor Jackson motioned to have the tailgate market remain outdoors on the community center property. Councilmember McKenna seconded.

In further discussion related to the matter, it became the consensus of Council to have a representative of the tailgate market appear and speak to Council regarding their request to move indoors.

Previous motion was withdrawn without objection.

Councilmember Nagle motioned to adopt the budget amendment presented for the Community Center. Councilmember McKenna seconded and all voted in favor. Motion passed 5-0.

E. Phase II Community Center Project

Councilmember McKenna spoke regarding his desire to earmark funds collected from the cell tower permanent easement for usage toward the development of phase II of the community center. Ms. Coffey spoke regarding receiving public input on the matter which would also serve as an update and supplement for the 2018 Parks & Recreation Master Plan. It became the consensus of Council to receive public input on the matter at their November workshop meeting.

Councilmember McKenna motioned to appropriate funds generated from the cell tower permanent easement toward Phase II of the Community Center project. Councilmember Nagle seconded and all voted in favor of the motion. Motion passed 5-0.

F. Proposal for Remote Access and Recording of Town Council Meetings

Ms. Coffey presented information to Council related to remote access and recording of Town Council meetings which included a proposal from Fiber ConNext for the installation of certain equipment and an annual Zoom Room subscription. The total cost as proposed is \$12,570.

Councilmember McKenna motioned to authorize the manager to execute the proposal and for a budget amendment to be created reflective of same. Vice Mayor Jackson seconded and all voted in favor of the motion. Motion passed 5-0.

G. American Rescue Plan Funds Update

Ms. Dozier presented information related to American Rescue Plan funds reporting that \$641,697.31 had been received. The second half, for a total of \$1,283,394.62, is expected to be received around July 2022.

Catherine Cordell spoke to Council regarding her support for the possibility of Council spending funds from the American Rescue Plan on broadband infrastructure for downtown, the nature park and the community center at Lake Louise.

It became the consensus of Council to have staff send back out the ARP cheat sheet previously provided and to obtain additional information on broadband infrastructure eligible for ARP funds.

H. Quarterly Report – Public Works and Water

Mr. Pennell presented Town Council with the quarterly report for the Public Works and Water Departments.


9. Closed Session.

Councilmember McKenna motioned to enter closed session as per NCGS Chapter 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Councilmember Sherrill seconded and Councilmembers John Chase and Vice Mayor Jackson also voted in favor. Councilmember Nagle cast a dissenting vote to enter into closed session. Motion passed 4-1.

Councilmember Nagle motioned to exit closed session. Councilmember McKenna seconded and all voted in favor of the motion to exit closed session.

10. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember Chase seconded and all voted in favor. Meeting adjourned at 9:05 p.m.



James Eller, Town Clerk

**ORDINANCE AMENDING
WEAVERVILLE TOWN CODE CHAPTER 16 CONCERNING
PICKETING, PROTESTS, AND DEMONSTRATIONS**

WHEREAS, the Town of Weaverville recognizes the fundamental and constitutionally protected rights of free speech and assembly;

WHEREAS, Town Council wishes to enact reasonable time, place, and manner regulations to provide for the safe and orderly exercise of those rights within the Town;

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

1. Section 16-8 of the Weaverville Town Code of Ordinances is hereby enacted as follows:

CHAPTER 16 – OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 16-8. Picketing, Protests, and Demonstrations.

- (a) **Definitions.** The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Picketing, protests, and/or demonstrations mean any public display or demonstration of sentiment for or against a person or cause and which may involve an effort to persuade or influence, including all expressive and symbolic conducts, whether active or passive, and which may include the distribution of leaflets or handbills, the display of signs and any oral communication or speech (sometimes collectively referred to as "picket" and/or "picketing").

Sidewalk means the paved or concrete pedestrian lane within a public street right-of-way that provides people with space to travel by foot with separation from vehicular traffic and, for purposes of this section, also includes paved and unpaved walkways and paths within Town parks and greenways.

Street means the paved or unpaved route within a public street right-of-way which is maintained for vehicular traffic, including that portion that is known as the shoulder of the roadway and the curb.

- (b) **Notice of Intent to Picket.** No picketing, protest, or demonstration involving 10 or more people shall be conducted in the Town of Weaverville, and no person shall participate in the same, unless a notice of intent to picket has been given to the Weaverville Chief of Police or their designee at least 72 hours before the beginning of the picketing, protest, or demonstration. The notice of intent to picket can be submitted on the appropriate form generated by the Town, but does not have to be, and in any event shall include the following information:

- (1) The name, of any, of the organization or group sponsoring or proposing the picket, protest or demonstration;

- (2) The name of the person giving notice of intent to picket, if different from the organizer;
- (3) The name and contact information for the person(s) in charge of the picket, protest, or demonstrations;
- (4) The location where the picketing, protest, or demonstration is to take place;
- (5) The date and time when the picketing, protest, or demonstration is to occur, including the beginning and ending times;
- (6) The number of participants that are reasonably anticipated to participate;
- (7) Whether any participants are reasonably expected to be under the age of 18;
- (8) Whether literature is expected to be distributed.

Upon notice of intent to picket given in accordance with this section, the Chief of Police or their designee shall immediately issue a receipt of notice. One or more individual(s) identified in the notice as the person in charge shall be present during the entire event and is responsible for maintaining the receipt or a copy thereof and shall present it when so requested by any law enforcement officer or other Town official.

- (c) **Regulations.** The following regulations shall apply to all picketing, protests, and demonstrations in the Town of Weaverville:

- (1) Picketing, protests, and demonstrations may only be conducted on public sidewalks, on the lawn of the Town Clock parking lot, in the Main Street Nature Park, in the Lake Louise Park, or on any other Town-controlled park or other Town-owned areas normally used or reserved for pedestrian movement. Additional areas may be available for picketing with the issuance of a special event permit.
- (2) Picketing, protests, and demonstrations may not be conducted in any portion of a street used primarily for vehicular parking or moving traffic (unless a special event permit is obtained); on any median strip, or at any location directed, focused, or targeted at a particular private residence.
- (3) Picketing, protests, or demonstrations shall not disrupt, block, obstruct, or interfere with the following: pedestrian traffic; vehicular traffic; persons crossing streets or otherwise using a public way; the free passage of pedestrian or vehicular traffic into any driveway; or the pedestrian entrance or other access to buildings which abut the public sidewalks.
- (4) If streets, sidewalks, and/or public parking lots are to be closed or obstructed during the picketing, a special event permit must be issued.
- (5) Written or printed placards or signs, flags, or banners (hereinafter "sign") carried by individuals engaged in picketing, protests, or demonstrations, shall be of such a size and/or carried on the sidewalks or other Town-owned areas, as to allow safe and unobstructed passage of pedestrian and vehicular traffic. The staff or pole of the sign shall not be made of metal or metal alloy and shall not be longer than 36 inches. If made of wood the staff or pole shall be no greater than 0.75 inches in diameter at any point. The staff or pole shall be blunt on both ends.
- (6) If more than one group of picketers desire to picket, protest, or demonstrate at the same time and near the same location, law enforcement officers may, without regard to the purpose or content of the message, assign each group a place to

picket, which shall be a minimum of 25 feet apart from one another, in order to preserve the peace. In such event, members of one group shall not enter an area assigned to another group. Priority of location shall be based upon which group of picketers first received its receipt of notice of intent to picket.

- (7) No person participating in the picketing, protest, or demonstration shall make any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.
- (8) If marching, picketers must march in single file and not abreast, except when passing one another, so that pedestrian passage of non-participants can be maintained.
- (9) Picketing, protests, and demonstrations shall be subject to all applicable local, state, and federal laws including, but not limited to, the following:
 - i. N.C.G.S. § 14-225.1 (obstruction of justice);
 - ii. N.C.G.S. § 14-277.2 (weapons);
 - iii. N.C.G.S. § 14-277.4 (obstruction of health care facilities);
 - iv. N.C.G.S. § 14-277.4A (targeted picketing);
 - v. N.C.G.S. § 14-288.2 (riots; inciting riots);
 - vi. N.C.G.S. § 14-288.3 (disorderly conduct);
 - vii. Town Code § 9-401 (unlawful noise);
 - viii. Town Code § 22-6 (littering); and
 - ix. Town Code § 16-6 (special event permits).
- (10) No person observing, engaging in, or assisting in picketing activities, shall bring to or allow to remain in the immediate area of the picketing, any vicious or dangerous animal or dangerous weapon.
- (11) Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with N.C.G.S. § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more people.

(d) Interference with Picketing.

It shall be unlawful for any person to physically interfere with any picketing, protest, or demonstration, or to make any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.

In the event that an assemblage of persons in such numbers as to tend to intimidate picketers pursuing their lawful objective, either through numbers alone or through use of abusive language, utterances, gestures, or displays, or possession of dangerous weapons, are interfering with lawful picketing, protest, or demonstration, law enforcement officers may direct the dispersal of persons so assembled and may arrest any person who fails to leave the place of assemblage when so directed by a law enforcement officer.

Whenever the free passage of any street or sidewalk in the Town shall be so obstructed by a crowd in connection with picketing, the persons composing such crowd shall disperse or move on when directed to do so by law enforcement.

- (e) **Dispersal.** Nothing contained herein shall prohibit a law enforcement officer from issuing a command to disperse in accordance with N.C.G.S. § 14-288.5 in the event of a riot or

disorderly conduct by an assemblage of three or more people. It shall be unlawful for any person to refuse to disperse or move on when so directed by a law enforcement officer.

- (f) **Vandalism, Property Damage, and/or Personal Injury.** All participants and spectators shall be personally responsible for their actions and nothing contained herein shall relieve anyone of criminal and/or civil liability resulting from vandalism, property damage, personal injury or death.
- (f) **Penalties.** Notwithstanding any other provision of Town Code, as allowed by N.C.G.S. § 14-4, it shall be unlawful for any person to violate any provision of this section and violations are punishable as a Class 3 misdemeanor and a fine which is not to exceed \$250.00. In lieu of the criminal penalty stated above, violations of this section may be subject to penalties as allowed by N.C.G.S. § 160A-175, including that the violation may subject the offender to a civil penalty to be recovered by the Town in a civil action.


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

ADOPTED THIS the 27th day of September 2021, by a vote of 5 in favor and 0 against.




PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Workshop
Tuesday, October 12, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly workshop on Tuesday, October 12, 2021, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Doug Jackson, and Councilmembers John Chase, Andrew Nagle and Dottie Sherrill.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, and Water Superintendent Trent Duncan.

1. Call to Order

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

2. Water Treatment Plant Expansion Project

Mayor Fitzsimmons recognized Water Superintendent Trent Duncan who provided Council with the history and current status of the water treatment plant expansion project. Mr. Duncan then introduced Kenneth Orie and Casey Garland of WithersRavenel representing the project team for the water treatment plant expansion project. Information related to an overview of the project, a project timeline, current status, alternatives as per USDA guidance, Ivy River withdrawal, cost estimates and next steps was presented. A presentation conducted by the representatives of WithersRavenel with additional information on the noted items is attached hereto.

James Heintz spoke to Council and presented information regarding his opposition to the Town expanding the water treatment plant located on the Ivy River.

3. Town Council Policies

Ms. Jackson provided Council with an overview of the responsibilities of the Mayor and Vice Mayor as ascribed by a combination of state statute, municipal ordinance and by traditional means. Ms. Jackson noted a set of model rules of procedure published by the school of government which could be used by Council to further refine the roles of the Mayor and Vice Mayor as well as other organizational matters. These model rules were briefly discussed.

It became the consensus of Council for staff to begin drafting a set of rules and procedures for Council to deliberate at a future date.

4. Community Center Fundraising Update

Mayor Fitzsimmons and Ms. Coffey provided an update on community center fundraising efforts. Ms. Coffey requested guidance from Council on a request for naming the patio space in exchange for a contribution and the sale of certain items in relation to fundraising. It became the consensus of Council to not accept the value provided for naming rights of the patio space. The Mayor indicated that he would discuss the matter further with the potential donor. It was also the consensus to distribute the lazy susans and wooden stools to those who had previously contributed to community center fundraising rather than lowering the prices on same.

5. Adjournment.

Without objection, Mayor Fitzsimmons declared the meeting adjourned. Meeting adjourned at 7:20 p.m.



James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, October 25, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, October 25, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Doug Jackson, and Councilmembers John Chase, Jeffrey McKenna and Dottie Sherrill. Councilmember Andrew Nagle was absent.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, Water Superintendent Trent Duncan and Recreation Coordinator Shelby Stovall.

1. Call to Order

Mayor Patrick Fitzsimmons called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

Councilmember McKenna requested that the appointment of Councilmember Chase to the French Broad River Metropolitan Planning Organization be added to the consent agenda as agenda item 5G. Ms Coffey requested that a road closure ordinance for the Christmas parade be added as consent agenda item 5H.

Vice Mayor Jackson motioned to approve the agenda as amended. Councilmember McKenna seconded and all voted in favor. Motion passed 4-0.

3. Approval of the Minutes

Councilmember McKenna motioned to adopt the minutes as presented. Councilmember Sherrill seconded and all voted in favor. Motion passed 4-0.

4. General Public Comment

General public comments may be submitted either during the meeting or in writing in advance of the meeting. Normal rules of decorum apply to all comments. The general public comments section of the meeting will be limited to 20 minutes and priority will be given to those commenters in attendance. Individuals presenting comments during the meeting are generally limited to 3 minutes. Written comments that are timely received will be provided to Town Council, included as part of the minutes of the meeting, and read into the record during the 20-minute general public comment period as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1)

by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (3) by mailing your written comment (must be received not later than Monday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

Kevin Ude of 20 Alabama Avenue spoke to Council regarding a request to strengthen the town's noise ordinance.

Elizabeth Swann of 19 Alabama Avenue spoke to Council regarding a request to strengthen the town's noise ordinance.

Cameron Patton, on behalf of the Weaver House, spoke to Council regarding his willingness to work with the town related to noise complaints.

Mr. Eller read a written comment submitted by Beth Mangum supporting Weaver House on Main Street.

5. Consent Agenda

Councilmember Sherril moved for the approval of the Consent Agenda. Councilmember McKenna seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 4-0.

- A. Monthly Tax Report and Tax Collector's Settlement** – *Information only – submitted by Buncombe County Tax Department.*
- B. Budget Amendment – Police, Fire and Public Works** – *Budget amendments related to the police department, fire department and public works.*
- C. Budget Amendment – Community Center** – *Budget amendment related to the Community Center project.*
- D. Source Water Resiliency and Response Plan** – *Notice provided pursuant to NCGS 130-320 of the development and implementation of a SWRRP*
- E. Set Public Hearing for 11/22/21 at 7pm on Code Amendments for Chapter 20 regarding Flag Lots and Technical Changes** – *Public hearing set for ordinance amendments.*
- F. Board Appointments** – *Appointment to the Planning Board*
- G. Nomination of Councilmember John Chase the FBRMPO** – *Councilmember Chase appointed to the FBRMPO*
- H. Road Closure Ordinance** – *Closure of Main Street for the Christmas Parade.*

6. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to a public wifi system, 2021 Christmas parade, an update on the Woodfin annexation agreement, remote & hybrid meeting procedures, the November Town Council workshop and multi-factor authentication for network security.

7. Discussion and Action Items

A. Tailgate Market Request

Lori Jenkins spoke to Council regarding the Weaverville Tailgate Market Request for use of Community Center indoor space. Councilmember Sherril and Vice-Mayor Jackson shared their reservations related to the request. Through conversation it became the consensus of Council to have Ms. Coffey and Ms. Jenkins to work on an agreement with the tailgate market for use of the facility.

B. Fee Schedule Amendments – Facility Fees

Ms. Stovall presented information related to an update of the facility fees for the Community Center to Town Council.

Councilmember McKenna made a motion to approve the revised facility fees with the additional of a maximum daily fee. Councilmember Chase seconded and all voted in favor of the motion. Motion passed 4-0.

C. US Cellular Easement Acquisition Agreement

Ms. Jackson presented Council with information related to the proposed easement agreement with US Cellular. The possible increase in the height of the tower as allowed by the easement agreement and other provisions within the easement agreement led Town Council to reconsideration its willingness to convey a perpetual easement. The lease agreement that has a term beginning January 1, 2022, will be unaffected.

Vice Mayor Jackson motioned to decline the easement agreement as presented. Councilmember Chase seconded and all voted in favor. Motion passed 4-0.

D. Update on Criminal Justice Reform and Proposed Code Amendment

Ms. Jackson presented Council with information related to recent legislative changes which affects the town's police department operations and the decriminalization of certain types of code violations. With an effective date of December 1, ordinance violations will be unenforceable under criminal law unless action is taken by Town Council to provide otherwise. An ordinance was presented as a stop gap measure until staff can provide a fuller analysis and recommendation.

Councilmember Sherrill motioned to adopt the ordinance revisions presented. Vice Mayor Jackson seconded and all voted in favor. Motion passed 4-0.

E. Annexation Petition for 25+ Acres on Ollie Weaver Road

Mr. Eller presented Council with information related to the proposed voluntary annexation including the location of the properties, the aggregate acreage of the properties and the desired zoning district and use of the properties if annexed. Mr. Eller also noted that the action requested of Council, ordering the Town Clerk to investigate the sufficiency of the annexation, would not bind Council to a particular action in future deliberations on the petition. Ms. Jackson noted that there is no set timeframe for Council to consider the annexation petition.

Doug Theroux provided his opinion that the annexation petition was invalid due to a discrepancy in the acreage shown on the GIS system and irregularities related to the correction of the date on the application.

Warren Sugg spoke to the validity of the annexation petition.

Vice Mayor Jackson motioned to adopt the proposed resolution ordering the Town Clerk to investigate the sufficiency of the annexation. Councilmember Sherrill seconded and all voted in favor of the motion. Motion passed 4-0.

F. Quarterly Report – Planning

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

G. Quarterly Report – Finance

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

8. Closed Session.

Councilmember Sherrill motioned to enter closed session as per NCGS Chapter 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. Councilmember Chase seconded and all voted in favor of the motion. Motion passed 4-0.

[Closed Session]

Councilmember Sherrill motioned to exit closed session. Councilmember McKenna seconded and all voted in favor of the motion to exit closed session and re-enter open session.

9. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember Chase seconded and all voted in favor. Meeting adjourned at 9:45 p.m.



James Eller, Town Clerk

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE
WEAVERVILLE CHRISTMAS PARADE**

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual Weaverville Christmas Parade, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing the Weaverville Christmas Parade for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges the Weaverville Christmas Parade celebration requires approximately one half hour to install signage, approximately one hour fifteen minutes for parade event, and also requires approximately one half hour for removing signage, litter, etc.

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

Weaverville Christmas Parade

Date: December 4, 2021
Begin time: 1:00 pm
End time: 3:30 pm

Description of closure: 1.91 miles along SR2207, US 19 Bus, and SR2127 Main Street from North Buncombe Middle School to Weaverville Elementary School / Yost Street.

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



Patrick Fitzsimmons, Mayor

Attest:



James Eller, Town Clerk

**TOWN OF WEAVERVILLE
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE THE SUFFICIENCY
OF A VOLUNTARY ANNEXATION PETITION**

WHEREAS, a voluntary annexation petition requesting contiguous annexation of certain properties located between Ollie Weaver Road, Garrison Branch Road, and US Highway 25-70 was received on 8 October 2021 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 Council of the Town of Weaverville deems it advisable to proceed in response to this request for voluntary annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that the Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of his investigation at Town Council's regular meeting on November 22, 2021.

THIS the 25th day of October, 2021.



PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Workshop
Tuesday, November 16, 2021**

The Town Council for the Town of Weaverville met for a special called monthly workshop on Tuesday, November 16, 2021, at 6:00 p.m. in the Weaverville Community Center at Dottie Sherrill Knoll at 60 Lakeshore Drive, Weaverville, NC.

Councilmembers present were: Mayor Patrick Fitzsimmons, Vice Mayor Doug Jackson, and Councilmembers John Chase, Jeff McKenna and Dottie Sherrill. Absent was Councilmember Andrew Nagle.

Staff members present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Clerk/Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Public Works Director Dale Pennell, and Water Superintendent Trent Duncan.

1. Call to Order

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

2. Public Input on Recreation Amenities

Mayor Fitzsimmons described the intent of this portion of the workshop which is to gain public input on potential future recreation amenities for phase 2 of the community center project.

Stuart Brown, Earl Rohrback, Jayne McDonald, Krista Engles, Sharon Goldstein, Christina Deblush and Barbara Sexton spoke to Council regarding their support for pickleball courts to be included in the future recreation amenities at the Community Center.

Wanda Smith spoke to Council regarding the possibility of including an area for a basketball court and family games.

Mark Endries spoke to Council regarding the possibility of including an area for a pump track.

Chuck Thornton spoke to Council regarding the possibility of including a large outdoor pavilion.

3. ABC Social Districts

Ms. Jackson provided Council with an overview of newly enacted legislation related to social districts in which alcohol may be consumed under certain circumstances within defined areas. A map of downtown ABC permit holders, relevant state statutes, and an ordinance and map from Kannapolis were provided and discussed.

It became the consensus of Council that such a social district could be beneficial for the town for special events and could be considered in the future should the business community wish for the consideration.

4. Remote/Hybrid Meeting Policies

The installation of the Polycom zoom room has been slightly delayed and should in place in advance of the December regularly scheduled meeting of Council. Staff will be bringing forth policies related to the use of the hybrid/remote meeting system once the system has been installed and tested.

5. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember Chase seconded and all voted in favor. Motion passed 4-0.



James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, November 22, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, November 22, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

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

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

1. Call to Order

Mayor Patrick Fitzsimmons called the meeting to order at 7:00 p.m.

2. Special Recognitions

Mayor Fitzsimmons called for a moment of silence honoring the life of former Councilmember Gene Knoefel. Mayor Fitzsimmons also recognized the service of Dottie Sherrill to the Town of Weaverville.

3. Oaths for Newly Elected Officials and Organizational Matters.

Mr. Eller provided the Oath of Office to Doug Jackson, Catherine Cordell and Michele Wood.

Councilmember Jackson motioned to appoint Jeff McKenna as Vice Mayor. Councilmember Chase seconded and all voted in favor. Motion passed 7-0.

4. Approval/Adjustments to the Agenda

Ms. Coffey noted that Travis Keever could not attend tonight's meeting due to illness and, therefore, agenda item 9D would be moved to a future meeting.

Councilmember Nagle motioned to approve the agenda as amended. Vice Mayor McKenna seconded and all voted in favor. Motion passed 7-0.

5. Public Hearing: Code Amendments to Chapter 20 Regarding Flag Lots and Technical Changes

Mr. Eller briefed Council on the proposed zoning text amendments within Chapter 20 for flag lots and technical changes. Said amendments had achieved a unanimous recommendation from the Planning Board and the Public Hearing had been duly advertised as per municipal ordinance.

Mayor Fitzsimmons opened the public hearing and closed the public hearing with no comment from the public.

6. General Public Comment

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

Jay Schauer of 27 Alabama Avenue spoke to Council regarding information related to the Community Center.

7. Consent Agenda

Councilmember Sherrill moved for the approval of the Consent Agenda. Councilmember McKenna seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 4-0.

- A. Town Council Minutes – October 25, 2021 regular meeting of Town Council**
- B. Monthly Tax Report – Information only; submitted by Buncombe County Tax Department**
- C. Budget Amendment – Cops for Kids and ABC – Budget amendments related to the police department and ABC.**
- D. Budget Amendment – Community Center – Budget amendment related to the Community Center project.**
- E. Intergovernmental Agreement for 911 Call Center and Budget Amendment – Consolidation of the 911 call center operation and related budget amendment.**
- F. Code Amendment: Section 1-6 Criminal Penalties – Adoption of proposed code amendments upon second reading.**
- G. Board Appointments – Appointments to the Planning Board, Board of Adjustment and Animal Control Appeals Board.**

8. Town Manager's Report

Ms. Coffey presented her monthly Manager's report to Council, which included information related to 2021 Christmas activities, Tree City application, December workshop and new Councilmember orientation.

9. Discussion and Action Items

A. Presentation of N.C. Housing Finance Agency Award to Town

Joe Quinlan of Mountain Housing Opportunities presented an award from the North Carolina Housing Finance Agency recognizing the achievement of affordable housing for the Lillie Farm Cove project. Mayor Fitzsimmons accepted on behalf of the town.

B. Public Wi-Fi Proposal

Ms. Coffey presented information related to a proposed public wi-fi system including proposals from Skyrunner, Open Broadband and Spectrum.

Sara Nichols of Land of Sky Regional Council presented Council with information related to available funding through her organization for public wi-fi systems.

Roger Cordell spoke to Council regarding his expertise in cellular and wi-fi systems, the validity of each proposal and the technical aspects of the respective systems.

Councilmember Cordell made a motion to approve the project, authorizing the Town Manager Coffey to enter into a contract with LOSRC and Skyrunner for the project implementation and budget amendments related to same. Councilmember Jackson seconded and all voted in favor of the motion. Motion passed 7-0.

C. Weaverville ABC Fiscal Year 2020-2021 Audit Presentation

ABC Board Chair Rob Chason presented the fiscal year audit reporting that the system remains profitable and in good financial standing.

D. Action on Code Amendments: Chapter 20, Flag Lots and Technical Changes

Mr. Eller briefed Council on the proposed zoning text amendments within Chapter 20 for flag lots and technical changes. Said amendments had achieved a unanimous recommendation from the Planning Board and the Public Hearing had been duly advertised as per municipal ordinance.

Councilmember Nagle motioned to adopt the ordinance amendments as presented. Vice Mayor McKenna seconded and all voted in favor. Motion passed 7-0.

E. Annexation Petition for 25+ Acres on Ollie Weaver Road

Mr. Eller presented Council with information related to the proposed voluntary annexation including the location of the properties, the aggregate acreage of the properties and the desired zoning district and use of the properties if annexed. Mr. Eller also presented the certificate of sufficiency for the annexation and a preliminary staff report.

Mr. Eller noted that town council could send the zoning map amendment request to the Planning Board for review on consistency with the Comprehensive Land Use Plan and recommendation and set a public hearing on the annexation and zoning map amendment.

Vice Mayor McKenna motioned to send the zoning map amendment request to the Planning Board for review on consistency with the Comprehensive Land Use Plan and recommendation. Councilmember Jackson seconded with Mayor Fitzsimmons and Councilmembers Chase, Cordell and Wood also voting in favor. Councilmember Nagle cast a dissenting vote. Motion passed 6-1.

No motion was made related to the setting of a Public Hearing on the annexation and zoning map amendment.

F. Regular Meeting Schedule for Town Council

Mayor Fitzsimmons presented a proposed Town Council regular meeting schedule for the calendar year 2022.

Councilmember Jackson motioned to approve the 2022 schedule of regular meetings for Town Council as presented and with direction to the Town Manager to bring back the schedule for final

approval at the December meeting with resolution of the February, March and November meeting dates. Vice Mayor McKenna seconded and all voted in favor. Motion passed 7-0.

G. Quarterly Report – Police

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

H. Quarterly Report – Fire

Chief Williams presented Town Council with the quarterly report for the Fire Department.

10. Adjournment.

Vice Mayor Jackson motioned to adjourn the meeting. Councilmember Chase seconded and all voted in favor. Meeting adjourned at 9:45 p.m.



James Eller, Town Clerk



2021 MUNICIPAL ELECTION
11/02/2021
ABSTRACT OF VOTES
FOR
BUNCOMBE COUNTY, NORTH CAROLINA

INSTRUCTIONS

The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163-182.6)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 9th day of November, 2021.



Board Chair


Board Secretary



Board Member




Board Member




Board Member

This day personally appeared before me, Jake Quinn, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 9th day of November, 2021.

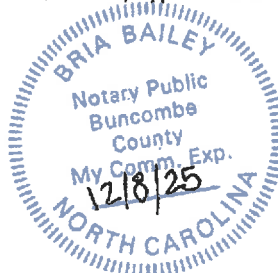


Official Signature of Notary Public



Printed/Typed Name of Notary Public

My Commission Expires: 12/08/2025



(Seal)

STATISTICS		0002_WOODFIN COMMISSIONERS TOWN OF WOODFIN									
V O T E R S	C A S S T	C A S S T	E l l e n	P	G l e z e n	D o n	J i m	L i n w o o d	H a z e l	W R I T E - I N	O V E R V O T E S
R E S	T	T	A	W	B	J	B	E	T	R	R
I S S	B A T T L O T O T A L	B A T T L O T O T A L	J a c k s o n	E d g e e n t e n	H e n s l e y	A l l i s t e r	N i c h o l s	T h o r n t o n	R I T E - I N	R	U N D E R V O T E S
T O T A L	1056	6	0	0	0	0	0	0	0	0	0
28.1	308	0	0	0	0	0	0	0	0	0	0
41.1	23	0	0	0	0	0	0	0	0	0	0
42.1	258	27	0	26	2	1	26	0	25	0	0
58.1	317	19	0	0	0	0	0	0	0	0	0
59.1	383	73	0	0	0	0	0	0	0	0	0
67.1	2473	533	1	1	0	0	1	0	1	0	2
68.1	158	2	0	8	0	6	27	1	22	0	3
69.1	508	35	0	20	11	6	242	10	224	1	23
70.1	3333	320	0	79	82	69	60	4	58	3	10
71.1	1776	170	1	22	23	23	82	1	76	0	9
COKE-OS	0	163	0	80	3	0	8	0	7	0	0
WVCC-OS	0	486	1	0	1	0	21	3	165	0	4
WOCO-OS	0	190	2	11	6	6	37	0	39	0	0
ABSENTEE	0	76	0	1	0	0	0	0	0	0	0
PROVISIONAL	0	2	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0
TOTALS	10593	2102	19	123	615	149	658	19	618	5	55

0003 WOODFIN WATER AND SEWER DIST WOODFIN WATER DISTRICT										0004 WEAVERVILLE MAYOR TOWN OF WEAVERVILLE										0005 WEAVERVILLE COUNCIL TOWN OF WEAVERVILLE									
	W - G a s s a r w a h y	D O n H a y n e s	I B a l l e n t i c e N	W R I T E - I N S	O V E R V O T E S	U N D E R V O T E S	F i l t z s i o n s	W R I T E - I N S	O V E R V O T E S	U N D E R V O T E S	C a t h e r i d e l l	D O u g J a c c h o m e s	P V e l l e w o d I	M i c h e l e w o d I	W R I T E - I N S	O V E R V O T E S	U N D E R V O T E S												
05.1	4	2	4	1	0	7																							
28.1	0	0	0	0	0	0	9	9	0	1	9	8	10	10															
58.1							43	28	0	2	41	41	30	42				20											
59.1																		65											
67.1							346	172	0	15	362	331	217	332				347											
70.1	191	146	149	11	0	334																							
71.1	2	2	2	0	0	9	43	37	0	3	51	42	36	42				72											
COXE-OS	18	17	19	0	0	36	60	12	0	3	60	64	17	59				25											
WVCC-OS	0	0	0	0	0	0	369	90	0	19	385	362	120	370				197											
WOCO-OS	71	63	64	11	0	139	0	0	0	0	0	0	0	0				0											
ABSENTEE	8	7	7	0	0	5	30	2	0	0	28	30	2	30				6											
PROVISIONAL	1	1	1	0	0	0	0	1	0	0	0	0	1	1				0											
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0				0											
TOTALS	295	238	246	23	0	530	900	351	0	43	936	878	433	886		14		732											

November 02, 2021 Municipal Election Results by Contest

Tuesday, November 9, 2021
Page 1 of 1

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
TOWN OF WEAVERVILLE MAYOR	Randy Cox (Write-In)		342	240	99	2	1
	Patrick Fitzsimmons		900	441	429	30	0
	Catherine Cordell		936	463	445	28	0
TOWN OF WEAVERVILLE TOWN COUNCIL	Doug Jackson		878	422	426	30	0
	Thomas P. Veasey II		433	293	137	2	1
	Michele Wood		886	426	429	30	1
TOWN OF WOODFIN BOARD OF COMMISSIONERS	Ellen A. Brown		19	14	3	2	0
	Jackie W. Bryson		123	110	12	1	0
	Eric P. Edgerton		615	327	254	34	0
BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Debra Glezantanner		149	118	25	6	0
	Don Hensley		118	99	13	6	0
	Jim McAllister		658	356	285	37	0
BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Linwood Nichols		19	15	4	0	0
	Hazel Thornton		618	331	248	39	0
	Sarah W. Gassaway		295	197	89	8	1
BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Don Haynes		238	150	80	7	1
	Ivo Ballentine		246	155	83	7	1

November 02, 2021 Municipal Election Results by Precinct

Tuesday, November 9, 2021
Page 1 of 6

Precinct	Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
TOTAL	TOWN OF WEAVERVILLE MAYOR	Randy Cox, (Write-In)		342	240	98	2	1
	TOWN OF WEAVERVILLE TOWN COUNCIL	Patrick Fitzsimmons		900	441	429	30	0
		Catherine Cordell		936	463	445	28	0
		Doug Jackson		878	422	426	30	0
		Thomas P. Veasey II		433	293	137	2	1
		Michelle Wood		886	426	429	30	1
	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Eileen A. Brown		19	14	3	2	0
		Jackie W. Bryson		123	110	12	1	0
		Eric P. Edgerton		615	327	254	34	0
		Debra Glezentanner		149	118	25	6	0
		Don Hensley		118	99	13	6	0
		Jim McAllister		658	356	265	37	0
		Linwood Nichols		19	15	4	0	0
		Hazel Thornton		618	331	248	39	0
	BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Sarah W. Gassaway		295	197	89	8	1
		Don Haynes		238	150	89	7	1
		Ivo Ballentine		246	155	83	7	1
05.1	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Eileen A. Brown		0	0	0	0	0
		Jackie W. Bryson		0	0	0	0	0
		Eric P. Edgerton		0	0	0	0	0
		Debra Glezentanner		0	0	0	0	0
		Don Hensley		0	0	0	0	0
		Jim McAllister		0	0	0	0	0
		Linwood Nichols		0	0	0	0	0
		Hazel Thornton		0	0	0	0	0
	BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Sarah W. Gassaway		4	4	0	0	0
		Don Haynes		2	2	0	0	0
		Ivo Ballentine		4	4	0	0	0
		Sarah W. Gassaway		0	0	0	0	0
28.1	BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Don Haynes		0	0	0	0	0
		Ivo Ballentine		0	0	0	0	0

BUNCOMBE COUNTY

November 02, 2021 Municipal Election Results by Precinct

Tuesday, November 9, 2021
Page 2 of 6

Precinct	Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
41.1	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Ellen A. Brown		0	0	0	0	0
		Jackie W. Bryson		0	0	0	0	0
		Eric P. Edgerton		0	0	0	0	0
		Debra Glezantanner		0	0	0	0	0
		Don Hensley		0	0	0	0	0
		Jim McAllister		0	0	0	0	0
		Linwood Nichols		0	0	0	0	0
		Hazel Thornton		0	0	0	0	0
		Ellen A. Brown		0	0	0	0	0
		Jackie W. Bryson		0	0	0	0	0
		Eric P. Edgerton		26	26	0	0	0
		Debra Glezantanner		2	2	0	0	0
		Don Hensley		1	1	0	0	0
		Jim McAllister		26	26	0	0	0
		Linwood Nichols		0	0	0	0	0
		Hazel Thornton		26	26	0	0	0
58.1	TOWN OF WEAVERVILLE MAYOR	Randy Cox (Write-In)		9	9	0	0	0
		Patrick Fitzsimmons		9	9	0	0	0
		Catherine Cordell		9	9	0	0	0
		Doug Jackson		8	8	0	0	0
		Thomas P. Veasey II		10	10	0	0	0
		Michelle Wood		10	10	0	0	0
		Randy Cox (Write-In)		28	28	0	0	0
		Patrick Fitzsimmons		43	43	0	0	0
		Catherine Cordell		41	41	0	0	0
		Doug Jackson		41	41	0	0	0
		Thomas P. Veasey II		30	30	0	0	0
		Michelle Wood		42	42	0	0	0
		Ellen A. Brown		0	0	0	0	0
		Jackie W. Bryson		0	0	0	0	0
		Eric P. Edgerton		0	0	0	0	0
		Debra Glezantanner		0	0	0	0	0
		Don Hensley		0	0	0	0	0
59.1	TOWN OF WEAVERVILLE MAYOR	Randy Cox (Write-In)		28	28	0	0	0
		Patrick Fitzsimmons		43	43	0	0	0
		Catherine Cordell		41	41	0	0	0
		Doug Jackson		41	41	0	0	0
		Thomas P. Veasey II		30	30	0	0	0
		Michelle Wood		42	42	0	0	0
		Ellen A. Brown		0	0	0	0	0
		Jackie W. Bryson		0	0	0	0	0
		Eric P. Edgerton		0	0	0	0	0
		Debra Glezantanner		0	0	0	0	0
		Don Hensley		0	0	0	0	0
	TOWN OF WOODFIN BOARD OF COMMISSIONERS							

BUNCOMBE COUNTY

November 02, 2021 Municipal Election Results by Precinct

Tuesday, November 9, 2021
Page 3 of 6

Precinct	Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
59.1	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Jim McAllister		0	0	0	0	0
		Linwood Nichols		0	0	0	0	0
		Hazel Thornton		0	0	0	0	0
67.1	TOWN OF WEAVERVILLE MAYOR	Randy Cox (Write-In)		168	168	0	0	0
		Patrick Fitzsimmons		346	346	0	0	0
		Catherine Cordell		362	362	0	0	0
		Doug Jackson		331	331	0	0	0
		Thomas P. Veasey II		217	217	0	0	0
		Michelle Wood		332	332	0	0	0
68.1	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Ellen A. Brown		0	0	0	0	0
		Jackie W. Bryson		1	1	0	0	0
		Eric P. Edgerton		1	1	0	0	0
		Debra Giezantanner		0	0	0	0	0
		Don Hensley		0	0	0	0	0
		Jim McAllister		1	1	0	0	0
		Linwood Nichols		0	0	0	0	0
		Hazel Thornton		1	1	0	0	0
69.1	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Ellen A. Brown		6	6	0	0	0
		Jackie W. Bryson		8	8	0	0	0
		Eric P. Edgerton		20	20	0	0	0
		Debra Giezantanner		11	11	0	0	0
		Don Hensley		6	6	0	0	0
		Jim McAllister		27	27	0	0	0
		Linwood Nichols		1	1	0	0	0
		Hazel Thornton		22	22	0	0	0
70.1	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Ellen A. Brown		4	4	0	0	0
		Jackie W. Bryson		79	79	0	0	0
		Eric P. Edgerton		226	226	0	0	0
		Debra Giezantanner		82	82	0	0	0
		Don Hensley		69	69	0	0	0
		Jim McAllister		242	242	0	0	0
		Linwood Nichols		10	10	0	0	0
		Hazel Thornton		224	224	0	0	0

BUNCOMBE COUNTY

November 02, 2021 Municipal Election Results by Precinct

Tuesday, November 9, 2021
Page 4 of 6

Precinct	Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
70.1	BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Sarah W. Gassaway		191	191	0	0	0
71.1	TOWN OF WEAVERVILLE MAYOR	Don Haynes		146	146	0	0	0
		Ivo Ballentine		149	149	0	0	0
		Randy Cox (Write-In)		35	35	0	0	0
		Patrick Fitzsimmons		43	43	0	0	0
	TOWN OF WEAVERVILLE TOWN COUNCIL	Catherine Cordell		51	51	0	0	0
		Doug Jackson		42	42	0	0	0
		Thomas P. Veasey II		36	36	0	0	0
		Michelle Wood		42	42	0	0	0
	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Ellen A. Brown		4	4	0	0	0
		Jackie W. Bryson		22	22	0	0	0
		Eric P. Edgerton		54	54	0	0	0
		Debra Giezenlanner		23	23	0	0	0
		Don Hensley		23	23	0	0	0
		Jim McAllister		60	60	0	0	0
		Linwood Nichols		4	4	0	0	0
		Hazel Thornton		58	58	0	0	0
	BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Sarah W. Gassaway		2	2	0	0	0
		Don Haynes		2	2	0	0	0
		Ivo Ballentine		2	2	0	0	0
		Randy Cox (Write-In)		2	0	0	2	0
		Patrick Fitzsimmons		30	0	0	30	0
		Catherine Cordell		28	0	0	28	0
	TOWN OF WEAVERVILLE TOWN COUNCIL	Doug Jackson		30	0	0	30	0
		Thomas P. Veasey II		2	0	0	2	0
		Michelle Wood		30	0	0	30	0
		Ellen A. Brown		2	0	0	2	0
	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Jackie W. Bryson		1	0	0	1	0
		Eric P. Edgerton		34	0	0	34	0
		Debra Giezenlanner		6	0	0	6	0
		Don Hensley		6	0	0	6	0
		Jim McAllister		37	0	0	37	0

BUNCOMBE COUNTY

November 02, 2021 Municipal Election Results by Precinct

Tuesday, November 9, 2021
Page 5 of 6

Precinct	Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
ABSENTEE BY MAIL TOWN OF WOODFIN BOARD OF COMMISSIONERS	BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Linwood Nichols		0	0	0	0	0
		Hazel Thornton		39	0	0	39	0
		Sarah W. Gassaway		8	0	0	8	0
TOWN OF WEAVERVILLE MAYOR	TOWN OF WEAVERVILLE TOWN COUNCIL	Don Haynes		7	0	0	7	0
		Ivo Ballentine		7	0	0	7	0
		Patrick Fitzsimmons		429	0	429	0	0
TOWN OF WOODFIN BOARD OF COMMISSIONERS	TOWN OF WEAVERVILLE TOWN COUNCIL	Randy Cox (Write-In)		99	0	99	0	0
		Catherine Cordell		445	0	445	0	0
		Doug Jackson		426	0	426	0	0
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Thomas P. Veasey II		137	0	137	0	0
		Michele Wood		429	0	429	0	0
		Ellen A. Brown		3	0	3	0	0
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Jackie W. Bryson		12	0	12	0	0
		Eric P. Edgerton		254	0	254	0	0
		Debra Giezantanner		25	0	25	0	0
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Don Hensley		13	0	13	0	0
		Jim McAllister		265	0	265	0	0
		Linwood Nichols		4	0	4	0	0
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Hazel Thornton		248	0	248	0	0
		Sarah W. Gassaway		89	0	89	0	0
		Don Haynes		80	0	80	0	0
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Ivo Ballentine		83	0	83	0	0
		Patrick Fitzsimmons		0	0	0	0	0
		Randy Cox (Write-In)		1	0	0	0	1
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Catherine Cordell		0	0	0	0	0
		Doug Jackson		0	0	0	0	0
		Thomas P. Veasey II		1	0	0	0	1
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Michele Wood		1	0	0	0	1
		Ellen A. Brown		0	0	0	0	0
		Jackie W. Bryson		0	0	0	0	0
TOWN OF WEAVERVILLE TOWN COUNCIL	TOWN OF WEAVERVILLE TOWN COUNCIL	Eric P. Edgerton		0	0	0	0	0
		Debra Giezantanner		0	0	0	0	0
		Don Haynes		0	0	0	0	0

BUNCOMBE COUNTY

November 02, 2021 Municipal Election Results by Precinct

Tuesday, November 9, 2021
Page 6 of 6

Precinct	Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
PROVISIONAL	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Don Hensley		0	0	0	0	0
		Jim McAllister		0	0	0	0	0
		Linwood Nichols		0	0	0	0	0
		Hazel Thornton		0	0	0	0	0
		Sarah W. Gassaway		1	0	0	0	1
		Don Haynes		1	0	0	0	1
TRANSFER	TOWN OF WEAVERVILLE MAYOR	Ivo Ballentine		1	0	0	0	1
		Patrick Fitzsimmons		0	0	0	0	0
		Randy Cox (Write-In)		0	0	0	0	0
		Catherine Cordell		0	0	0	0	0
		Doug Jackson		0	0	0	0	0
		Thomas P. Veasey II		0	0	0	0	0
	TOWN OF WEAVERVILLE TOWN COUNCIL	Michelle Wood		0	0	0	0	0
		Ellen A. Brown		0	0	0	0	0
		Jackie W. Bryson		0	0	0	0	0
		Eric P. Edgerton		0	0	0	0	0
		Debra Glezentanner		0	0	0	0	0
		Don Hensley		0	0	0	0	0
	TOWN OF WOODFIN BOARD OF COMMISSIONERS	Jim McAllister		0	0	0	0	0
		Linwood Nichols		0	0	0	0	0
		Hazel Thornton		0	0	0	0	0
		Sarah W. Gassaway		0	0	0	0	0
		Don Haynes		0	0	0	0	0
		Ivo Ballentine		0	0	0	0	0
	BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE	Don Haynes		0	0	0	0	0
		Ivo Ballentine		0	0	0	0	0
		Don Haynes		0	0	0	0	0
		Ivo Ballentine		0	0	0	0	0
		Don Haynes		0	0	0	0	0
		Ivo Ballentine		0	0	0	0	0

ABSENTEE ABSTRACT

Election Date: November 02, 2021

Election Description: 11/02/2021 MUNICIPAL GENERAL

(Totals to be added to official Abstracts on Canvass Day)

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that we met at the time specified in G.S. 163A-1173 and did count the Absentee Ballots returned to the Board no later than 5:00 PM on 11/1/2021, and do further certify that the following is a true and correct tabulation of said Absentee Ballots, the same **TO BE ADDED TO THE OFFICIAL ABSTRACTS ON CANVASS DAY**, by the undersigned:

Contest

Absentee Votes

TOWN OF WEAVERVILLE MAYOR

Patrick Fitzsimmons

457

TOWN OF WEAVERVILLE TOWN COUNCIL

Catherine Cordell

471

Doug Jackson

454

Thomas P. Veasey II

139

Michele Wood

457

TOWN OF WOODFIN BOARD OF COMMISSIONERS

Ellen A. Brown

5

Jackie W. Bryson

13

Eric P. Edgerton

282

Debra Giezentanner

31

Don Hensley

18

Jim McAllister

295

Linwood Nichols

4

Hazel Thornton

280

BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE

Sarah W. Gassaway

96

Don Haynes

86

Ivo Ballentine

89

ABSENTEE ABSTRACT


Election Date: November 02, 2021

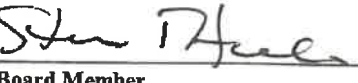
Election Description: 11/02/2021 MUNICIPAL GENERAL

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that the results of the counting of the Absentee Ballots is correctly entered on this Abstract and that the absentee voting recorded herein for each Candidate and/or proposition shall be entered on each Official Abstract following the Canvass on 11/09/2021 as a separate item titled ABSENTEE VOTES.


Board Chair


Board Secretary


Board Member


Board Member


Board Member

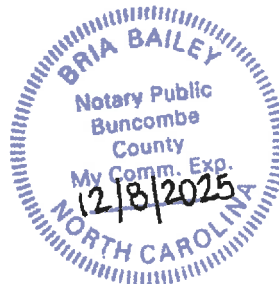
IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notary seal, this 2 day of November 2021

Notary Public

Bria Bailey

My commission expires

12/8/2025



SUPPLEMENTAL ABSENTEE ABSTRACT

Election Date: November 02, 2021

Election Description: 11/02/2021 MUNICIPAL GENERAL

(Totals to be added to official Abstracts on Canvass Day)

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that we met at the time specified in G.S. 163A-1173 and did count the Absentee Ballots returned to the Board pursuant to G.S. § 231(b)(ii) or (iii), and do further certify that the following is a true and correct tabulation of said Absentee Ballots, the same **TO BE ADDED TO THE OFFICIAL ABSTRACTS ON CANVASS DAY**, by the undersigned:

<u>Contest</u>	<u>Absentee Votes</u>
<u>TOWN OF WEAVERVILLE MAYOR</u>	
Patrick Fitzsimmons	<u>2</u>
<u>TOWN OF WEAVERVILLE TOWN COUNCIL</u>	
Catherine Cordell	<u>2</u>
Doug Jackson	<u>2</u>
Thomas P. Veasey II	<u>0</u>
Michele Wood	<u>2</u>
<u>TOWN OF WOODFIN BOARD OF COMMISSIONERS</u>	
Ellen A. Brown	<u>0</u>
Jackie W. Bryson	<u>0</u>
Eric P. Edgerton	<u>6</u>
Debra Giezentanner	<u>0</u>
Don Hensley	<u>1</u>
Jim McAllister	<u>7</u>
Linwood Nichols	<u>0</u>
Hazel Thornton	<u>7</u>
<u>BUNCOMBE - WOODFIN SANITARY WATER AND SEWER DISTRICT TRUSTEE</u>	
Sarah W. Gassaway	<u>1</u>
Don Haynes	<u>1</u>
Ivo Ballentine	<u>1</u>

SUPPLEMENTAL ABSENTEE ABSTRACT

Election Date: November 02, 2021

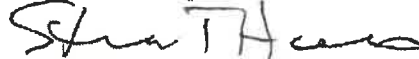
Election Description: 11/02/2021 MUNICIPAL GENERAL

We the undersigned board chair and board members of the BUNCOMBE County Board of Elections, do hereby certify that the results of the counting of the Supplemental Absentee Ballots is correctly entered on this Abstract and that the absentee voting recorded herein for each Candidate and/or proposition **shall be entered on each Official Abstract following the Canvass on 11/09/2021 as a separate item titled ABSENTEE VOTES.**



Board Chair

Board Secretary



Board Member



Board Member

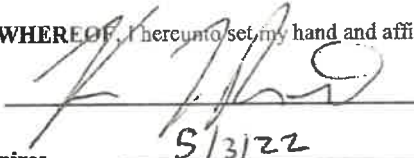
Board Member

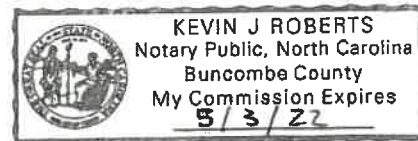
Board Member

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my notary seal, this 5 day of November, 2021

Notary Public

My commission expires


5/3/22



**ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20
CONCERNING FLAG LOTS AND VARIOUS TECHNICAL CHANGES**

WHEREAS, the Planning Board met September 7, 2021, and October 5, 2021, in order to discuss certain Code amendments that would define and better regulate flag lots and related street access, and to review proposed technical changes to correct typographical errors and certain inconsistencies;

WHEREAS, the Planning Board found that the proposed code amendments concerning flag lots are consistent with the Town's comprehensive land use plan and are reasonable and in the best interest of the public in that such amendments provide for more orderly infill development and new subdivision development;

WHEREAS, the Planning Board also found that the proposed technical changes are consistent with the Town's comprehensive land use plan and are reasonable and in the best interest of the public in that they correct typographical errors and inconsistencies currently in the Code;

WHEREAS, after proper notice the Town Council held a public hearing on November, 22, 2021, in order to receive input from the public on the amendments related to flag lots and the proposed technical changes;

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

1. The findings and recommendations of the Planning Board are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town's adopted comprehensive land use plan.
2. Code Section 20-1202 is hereby amended to add the following definition:

Flag lot. A parcel of land shaped like a flag with access to the bulk of the area of the lot being provided by a narrow strip, commonly known as a flagpole, connecting to a publicly maintained street or a private street and meeting the dimensional requirements of the zoning district in which the property is located.

3. Code Section 20-2307 is hereby added as follows:

Sec. 20-2307. Flag lots.

The following subdivision design standards are applicable for flag lots and related driveways and street access.

- (1) The minimum street frontage for a flag lot shall be 35 feet in accordance with 20-3208(g).
- (2) The minimum width of the entire flagpole portion of a lot shall be 35 feet.
- (3) The flagpole portion of a lot shall not be included in the calculation of minimum lot area.
- (4) The maximum length of a flagpole portion of a lot shall be 200 feet.

- (5) No more than two lots or ten percent of the total lots in a subdivision, whichever is greater, shall be permitted as flag lots.
- (6) The number and location of curb cuts shall be designed to minimize traffic and pedestrian hazards.
- (7) Use of a shared driveway to serve flag lots and/or an adjoining lot is permitted and encouraged.

4. Code Section 20-3208 is hereby amended to add new subsection (o) as follows:

Sec. 20-3208. Miscellaneous provisions.

(o) Design standards for flag lots and related driveways and street access.

- (1) The minimum street frontage for a flag lot shall be 35 feet in accordance with 20-3208(g).
- (2) The minimum width of the entire flagpole portion of a lot shall be 35 feet.
- (3) The flagpole portion of a lot shall not be included in the calculation of minimum lot area.
- (4) The maximum length of a flagpole portion of a lot shall be 200 feet.
- (5) No more than two lots or ten percent of the total lots in a subdivision, whichever is greater, shall be permitted as flag lots.
- (6) The number and location of curb cuts shall be designed to minimize traffic and pedestrian hazards.
- (7) Use of a shared driveway to serve flag lots and/or an adjoining lot is permitted and encouraged.

5. The following technical changes are hereby made to Chapter 20, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 20-1311. Appeals in the nature of certiorari.

(j)(i)(e) – “Unsupported by competent, ~~materials~~ material, and substantial evidence in view of the entire record.”

Sec. 20-3108. Quasi-judicial decisions.

(e)(2)(b) – “The construction of the sidewalk is not feasible due to special circumstances including but not limited to impending road widening or improvements or severe roadside conditions or slope which would prohibit sidewalk construction ~~construct~~.”

6. In light of Code Sec. 20-1303 which allows a minor modification to road configuration and internal circulation on a prior-approved development, the following technical change is hereby made to Code Sec. 20-2115 in order to resolve an inconsistency, with deleted language shown with strikethroughs, added language shown as underlined, and renumbering of subsequent paragraphs authorized:

Sec. 20-2115. Modifications.

- (d) *Minor modifications.* The subdivision administrator has the authority to approve minor modifications to a subdivision only if all of the conditions stated herein can be met and only if authorized by Code section 20-1303. Changes to lot sizes and configurations may be minor modifications provided that all of the following conditions can be met:

- (1) No lot or tract of land shall be created or sold which is smaller than the smallest lot shown on the approved plan or plat;
- (2) Lots or tracts can be eliminated by dividing the same to provide additional acreage to immediately contiguous lots or tracts which will remain in single ownership;
- (3) If the original subdivision was approved as a minor subdivision, no additional lots are created;
- (4) Drainage easements or public rights-of-way shall not be changed;
- (5) Public rights, if any, in the streets, alleys, and public grounds, are not changed;
- (6) Dedications shown on the plan or plat are not changed;
- ~~(7) Street alignment shall not be changed;~~
- (8) The property line between the back of the lots shall not be changed;
- (9) The rear portion of a lot shall not be subdivided from the front portion except as set forth in [subsection] (2) above; and
- (10) The character of the area shall be maintained.

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

ADOPTED THIS the 22nd day of November, 2021, by a vote of 5 in favor and 0 against.



PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



**ORDINANCE AMENDING WEAVERVILLE TOWN CODE SECTION 1-6
CONCERNING CRIMINAL PENALTIES**

WHEREAS, Part XIII of S.L. 2021-138 provides that on December 1, 2021, certain municipal ordinances will be decriminalized and the presumption that all local ordinances may be enforced criminally will be removed;

WHEREAS, Town Council believes that certain municipal ordinances should be enforceable through criminal penalties;

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

1. Code Section 1-6 is hereby amended to add the following subsection (g):

(g) Notwithstanding any other provision of the Weaverville Town Code of Ordinances, and except as otherwise specifically set forth in this subsection (g), any person who shall violate a provision of the code shall be guilty of a misdemeanor as provided in G.S. 14-4(a), unless it is an infraction as provided by G.S. 14-4(b), and may be fined not more than five hundred dollars (\$500.00), or such other maximum amount as shall be authorized by North Carolina General Statutes or specifically established in the Code, whichever is less. For each such violation, a criminal citation or citations may be issued by the enforcement officer which shall be processed through the criminal courts of the State of North Carolina.

Violations of the Weaverville Town Code concerning the following shall not be subject to criminal penalties:

- (a) Parking violations
- (b) Planning and regulation of development
- (c) Stream clearing programs
- (d) Regulation of business and trades
- (e) Outdoor advertising
- (f) Solar collectors
- (g) Cisterns and rain barrels
- (h) Taxis
- (i) Setback lines
- (j) Curb cut regulations
- (k) Trees

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

3. These amendments shall be effective on November 30, 2021, and codified immediately thereafter.


ADOPTED FIRST READING ON the 25th day of October, 2021, by a vote of 4 in favor and 0 against.

ADOPTED SECOND READING ON the 22nd day of November, 2021, by a vote of 5 in favor and 0 against.




PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



JAMES ELLER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney





MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Workshop
Tuesday, December 14, 2021**

Remote Electronic Meeting

Zoom: [http:// us02web.zoom.us/j/85948891960](http://us02web.zoom.us/j/85948891960)

The Town Council for the Town of Weaverville met for its regularly scheduled workshop on Tuesday, December 14, 2021, at 6:00 p.m. as an electronic video meeting via Zoom Meeting.

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

Staff remotely present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Planning Director James Eller, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

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

Mayor Fitzsimmons noted the purpose of the meeting which was to review a presentation related to the comprehensive classification & pay study. Mayor Fitzsimmons and Ms. Coffey recognized David Hill of the Piedmont Triad Regional Council who conducted the external study on behalf of the town.

2. Comprehensive Classification & Pay Study

Mayor Fitzsimmons noted the purpose of the meeting which was to review a presentation related to the comprehensive classification & pay study. Mayor Fitzsimmons and Ms. Coffey recognized David Hill of the Piedmont Triad Regional Council who conducted the external study on behalf of the town.

Mr. Hill provided the findings of his study to Council, a copy of the presentation is attached hereto.

Mr. Hill answered various questions from Council and assured his availability to discuss further upon additional review of the study.

3. Adjournment

Mayor Fitzsimmons declared the meeting adjourned at approximately 7:00p.m.

James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, December 20, 2021**

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, December 20, 2021, at 7:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

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

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

1. Call to Order

Mayor Patrick Fitzsimmons called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

Noting no desired revision to the agenda by Town Council, Mayor Fitzsimmons declared the agenda approved by consent.

3. Special Recognition

Mayor Fitzsimmons recognized Earl Valois for his service to the town as a representative on the Metropolitan Sewerage District of Buncombe County Board of Directors.

4. General Public Comment

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

Jay Schauer of 27 Alabama Avenue spoke to Council regarding information related to the Community Center and the Weaverville Center for Creative and Healthy Living.

Ward Patton spoke to Council regarding the ongoing efforts to update the town's noise ordinances.

James Heinl spoke to Council requesting a delay in the scheduling of a public hearing related to a voluntary annexation request.

5. Consent Agenda

Councilmember Jackson moved for the approval of the Consent Agenda. Councilmember McKenna seconded the motion. All voted in favor of the motion to approve all action requested in the Consent Agenda listed below. Motion passed 7-0.

- A. Town Council Minutes** – November 16, 2021 special called meeting of Town Council
- B. Town Council Minutes** – November 22, 2021 regular meeting of Town Council
- C. Town Council Minutes** – December 14, 2021 workshop meeting of Town Council
- D. Monthly Tax Report** – Information only; submitted by Buncombe County Tax Department
- E. Budget Amendment – Cops for Kids** – Budget amendment related to the Police Department
- F. Budget Amendment – Community Center** – Budget amendment related to the Community Center
- G. Board Appointments – MSD, Board of Adjustment, Planning Board Liaison** – Appointment of Doug Dearth to the MSD Board, appointment of Caleb Fieser as an alternate member of the Board of Adjustment, appointment of Catherine Cordell as Town Council Liaison to the Planning Board.
- H. Board of Adjustment – Amendment to Rules of Procedure** – Change in regular meeting time from 7pm to 6pm.
- I. Town Council Regular Meeting Schedule Final Approval** – Adoption of the 2022 regular meeting and holiday schedule.
- J. Fee Schedule Amendment** – Amendments related to fire line consumption.

6. Town Manager's Report

Ms. Coffey presented her Manager's report to Council which included information related to a voting site at Town Hall, the January 2022 Town Council workshop, a noise ordinance update, remote meeting procedures update, and public wi-fi update.

7. Discussion and Action Items

A. FY 2020 – 2021 Audit Presentation

Travis Keever of Gould Killian CPA Group, P.A. presented Town Council with the 2021 annual financial report which issued an unmodified opinion, reported no material weakness in internal control and reported no instances of noncompliance with laws and regulations.

B. Tax Collections

Ms. Dozier presented information to Town Council related to how municipal taxes are collected. Items for discussion included a history of municipal tax collection, legal matters, local and statewide trends, the current contract for tax collection with Buncombe County, audit and accounting matters, results of Buncombe County tax collection, staffing for tax collection, other municipal costs, position classification, cost comparison actuals, cost comparison estimates, and the impact of county tax collection on Council, staff and taxpayers. Also of note is that should Town Council wish to terminate the tax collection agreement with the County, notice must be provided to the County no later than January 31, 2022.

Through discussion on the issue, it became the consensus of Council to not terminate the tax collection agreement with Buncombe County and, therefore, for the County to continue municipal tax collection.

C. State Revolving Fund Grant Application Proposal

Mr. Duncan provided Council with a briefing on monies that may be available through the Clean Water State Revolving fund for certain projects which may be considered separate and apart from the water treatment plant expansion project including the installation of needed generators and other water supply resiliency improvements. WithersRavenel has submitted a proposal for drafting and submitting grant applications on behalf of the Town for water supply resiliency improvements and for the entire water treatment plant expansion project. The proposal includes a fee of \$5,000.

Councilmember Cordell made a motion to approve the proposal from WithersRavenel and related budget amendment. Councilmember Jackson seconded. Via a role call the motion passed in a majority vote of 6-1 with Councilmember Nagle casting a dissenting vote..

D. Weaverville Tailgate Market Memorandum of Understanding

Ms. Jackson presented to Council the proposed memorandum of understanding between the Town of Weaverville and the Weaverville Tailgate Market for the purpose of providing a general framework for collaboration between the Town and Market for the use of the Community Center at Dottie Sherrill Knoll.

Council discussed at length the cleaning fee of \$80, per market occurrence, which was included in the terms of the MOU. A Weaverville Tailgate Market representative spoke to Council regarding the impact on the Market of such a fee. Laura Ayers and Michele Balsom also provide positive comments regarding the Market being held at the Community Center.

Councilmember Nagle motioned to adopt the MOU as presented. Councilmember Jackson seconded and via a role call vote the motion passed with a majority vote of 5-2 with Vice Mayor McKenna and Councilmember Cordell casting dissenting votes.

E. Annexation Petition for 25+ Acres on Ollie Weaver Road

Mr. Eller presented Council with information related to the proposed voluntary annexation including the location of the properties, the aggregate acreage of the properties and the desired zoning district and use of the properties if annexed. Additional information provided included a certificate of sufficiency, the annexation petition, data sheet and certificate of authority, survey and property tax map, application for a zoning map amendment, water commitment application and staff report.

Councilmember Chase motioned to set a date of Monday, February 28 for public hearings on the proposed annexation and zoning map amendment. Mayor Fitzsimmons seconded. Via a role call vote the motion passed with a majority vote of 5-2 with Vice Mayor McKenna and Councilmember Nagle cast dissenting votes.

F. COVID-19 Vaccination Mandates / Incentives

Ms. Coffey described that Mayor Fitzsimmons has requested that Council discuss the town employee's vaccinations at this meeting. Ms. Coffey provided information related to the vaccination status of employees within the Town's individual departments.

Through discussion it became the consensus of Council for the Ms. Coffey to craft and implement a policy related to COVID-19 vaccination incentives, weekly testing, departmental incentives, and surcharges for employees who remain unvaccinated.

G. Quarterly Report – Public Works and Water

Mr. Pennell presented Town Council with the quarterly report for the Public Works and Water Departments.

8. Adjournment.

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



James Eller, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

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

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

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

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

1. Call to Order

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

2. Water System and Water Treatment Plant Expansion Discussion

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

James Heintz, a representative of Save the Ivy, spoke to Council regarding the organization's opposition to the water treatment plant expansion project.

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

3. Questions& Answers

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

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

4. Public Input

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

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

[CLOSED SESSION]

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

5. Adjournment.

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



James Eller, Town Clerk