



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Tuesday, September 11, 2018**

The Town Council for the Town of Weaverville met for a Special Called Meeting on Tuesday, September 11, 2018, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Councilman Andrew Nagle, Vice Mayor/Councilman Doug Jackson, Councilman Patrick Fitzsimmons and Councilman Jeffery McKenna. Councilwoman Dottie Sherrill was absent.

Staff present was: Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Dale Pennell.

1. Call to Order

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

2. Discussion Items:

A.) Community Center

Public Works Director Dale Pennell opened the meeting with a brief overview on how the Town has gotten to this point. Back in May, he worked with an architect to develop a conceptual site plan that included the building and a layout of the building. At that same time, Town Council voted to place the Eller Cove Watershed funds into a Capital Fund for the new community center. Since then, the Public Works Department has been doing site preparations and background work to prepare for the whole project. Mr. Pennell then discussed a tentative construction schedule that he helped develop. This construction schedule is attached.

Town Council was very thankful for the tentative construction schedule that was presented, however it raised some concerns about the timing of each task.

First, Mayor Root wanted to make sure that the Town was ready for Request for Proposals (RFP) from architects the third week of October, since it is only a month away.

Councilman Fitzsimmons is hesitant to begin the process for RFPs if there wasn't a business plan available yet. He believes the Town needs to figure out who is going to pay to staff the facility, what the rationale for a commercial kitchen is, and will the museum be providing any funding.

Councilman Nagle acknowledged that there isn't a business plan, but the Town needs to figure out the purpose of the community center. He doesn't want it to be a visitor center, so we need to reach out to groups and see if they would be interested in using the facility. Some groups that might be interested would be the Boy Scouts, Women of America, and Weaverville Tailgate Market.

Councilman McKenna wondered whether there will be any recreational opportunities around this community center.

Public Works Director Dale Pennell commented that the Town is ready for RFPs, they hope to have it in the architects hand next week, and give them a couple weeks to get a proposal back. As for a business plan, the closest thing he can think of would be the completed Parks and Rec Master Plan and the recreational aspects were part of the overall

master plan for the track of property, however funding was planned to come from the PARTF grant and the Town is not eligible at this time. The Town could use the rooms inside the facility, but it could either be a large reception area for weddings and reunions, or a court for pickleball and tennis.

Council determined that the Town needs to determine what the purpose of the community center is going to be and what will be the best way to have the building used. They need to reach out to groups and organizations around the area, and other Towns who have built a community center recently, to see what they would do differently and if they would use the community center.

Mayor Root suggested that the Town goes forward with the RFP and nominated Vice Mayor/Councilman Jackson and Councilman Nagle to work with the Town Manager and Public Works Director to keep this plan on task and make sure every aspect is accounted for through workshops or meetings.

B.) Land Use Plan

Town Attorney Jennifer Jackson mentioned that she sent Town Council a comprehensive land use plan workshop packet and wanted to answer any questions that they may have about the land use plan.

Mayor Root commented that in the land use packet it showed that the Town's staff believed they would be the best option to take the lead in drafting the land use update, even though the Town has received a proposal from Land of Sky. This brings about some questions as to a) is it something that staff could do? And b) what are the pros and cons of staff doing it instead Land of Sky?

Town Attorney Jennifer Jackson commented that the comprehensive land use plan should be unique to Weaverville. There have been a lot of changes and growth in the Town in the last couple years, the new water treatment expansion will be a big factor and the old plan still reflects the ETJ, which is gone. This will be a complicated process with having to utilize studies in order to support recommendations in the plan, however she believes our staff can do this project. It will be a long and involved process similar to the Table of Uses, and she expects that staff and committee time will be similar, but that there will be more involvement from Town Council, due to it being more policy driven. Town Attorney Jackson believes that there will be a better product with staff completing it, since they already know the information.

Council discussed whether this long process would get in the way of staff completing their regular job tasks, but knows that they always have the option to outsource certain components of the process to Land of Sky if they need to as well.

Town Planner James Eller commented that the Table of Uses process was labor intensive, but it didn't interfere with his other job duties.

Town Attorney Jennifer Jackson mentioned that they are busy and there will be some adjusted priorities that will have to be rearranged on their schedules, but they can make it all work.

Council knows that at the end of the day we will have a better product, but most importantly the Town needs to get the public involved, either through workshops or advertisements, so that everyone is happy and on the same page. Also, reaching out to surrounding communities would be a good decision as well, since they will be affected by it too.

Chairman Doug Theroux commented that he agrees with Town Council that staff can do the new Land Use Plan and do it better than outsourcing to another company. Yes, it will definitely put a time burden on them, but the good thing is that staff already has a foundation to start with from the old Land Use Plan.

Consensus was made by Council to have Town staff perform the new Land Use Plan with the help of other companies.

3. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn; Councilman McKenna seconded and all voted to adjourn the Council's meeting at 7:20 p.m.

Derek K Huninghake

Derek K. Huninghake, Town Clerk

COMMUNITY CENTER
TENTATIVE CONSTRUCTION SCHEDULE
September 10, 2018

2018	Task
July – August	Develop plan to empty motor-grader building and bus garage and provide temporary storage for Public Works equipment and materials at former pool property
September	Prepare RFP for qualification-based Architectural Services including sub-consultants; advertise for proposals
October	Receive proposals; evaluate and select Architect; negotiate contract; execute agreement; end of 2018 Tailgate Market season
November	Work with Architect to finalize Legerton’s concept plan including Museum, commercial kitchen, etc.
December	Demolish motor-grader building; construct temporary storage area at pool property; Architect continues design of building;
2019	
January	Architect continues design of building; presentation to Council of final plans and cost estimate
February	Begin permitting process including building, storm water, erosion control, State Construction Office, MSD, utilities, etc.
March	Continue permitting process; begin public bidding process
April	Complete permitting; received bids; negotiate with low bidder and award contract
May	Groundbreaking; preconstruction conference; begin grading of site
June	Complete site grading for building; continue work on grading, storm water measures and utilities; begin building foundation
July-Dec	Work continues on construction of building exterior, site work, utilities, storm water measures, parking areas, landscaping
2020	
Jan-April	Work continues to completion of building exterior, site work, utilities, interior finishes and equipment; furnishings, parking, landscaping, lighting
May	Final inspections of building and site; project complete
Memorial Day	Grand opening



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, September 17, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, September 17, 2018, at 6:45 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeffrey McKenna, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

Mayor Al Root called the meeting to order at 6:45 p.m. Mayor Root stated the purpose of this special meeting is to hold a public information and input meeting on Weaverville's intent to apply to USDA, Rural Development, for financial assistance for the anticipated construction of a new 12-inch water line on Clarks Chapel Road and Ollie Weaver Road to improve the water distribution system reliability and operation.

2. Overview

Jessica Martin-Lane, WR-Martin, opened up the meeting by mentioning that the Town of Weaverville intends to apply for a USDA application on the waterline project that is estimated to cost about \$2.97 million. There is process required to follow in order to receive USDA financing, so the purpose of tonight's meeting is to hear any comments or questions that the public may have.

Public Works Supervisor Dale Pennell commented that the purpose of this waterline project is to provide a loop in the Town's distribution system to the area West of I-26, which is already experiencing growth. This will require connecting from the point where the 20" line from the water treatment plant transitions into the 10" line at Clarks Chapel Rd on Old Mars Hill Highway, and constructing a 12" waterline on Clarks Chapel Road and down Ollie Weaver Road until it reaches the other existing water system. Currently, there are 25 businesses and 168 apartments receiving water from one single waterline that goes under the I-26 bridge and soon to be 53 more townhouses. This means that if there were to be a break in the waterline under the I-26 bridge, the whole area to the west would be without water until the line was fixed. In addition to providing the redundancy in our system to serve those homes and businesses, a new line would also help the hydraulic capacity of our water system and water quality.

3. Public Input Comments

Rob Chason, 1 South College St. and ABC Board member, commented that the ABC store is one of those businesses that are served from the single waterline and they are in favor of this new waterline project. It would add some redundancy for their store, if anything ever happened to the single waterline under I-26.

Robert Vigeland, 46 High Bluff, commented that he is in favor of the additional waterline; however he is getting nervous about the impact on water rates. Currently in the water fund, there is \$2 million in long term debt and adding \$3 million more to this long term debt makes him wonder what this might do to their water rates. The long term debt will start to accrue before the Town receives any revenue.

Megan Taylor, 14 Al Dorf Drive, questioned whether the \$3 million waterline was included in the total \$10 million project, or if it was in addition to it. She mentioned that some clarity on those financial details would really help out. Town Attorney Jennifer Jackson clarified that the waterline extension project cost of \$3 million and that \$6 million would be for water capacity expansion sometime in the future.

The following additional comments received by email from citizens of the Town of Weaverville were read:

Steve Harris, owner of the developed but unsold property in Northridge Commons, commented that he believes this is a critical and much needed upgrade for future development and quality growth for the Town of Weaverville. He commends the Town for their research and ability to qualify for Rural Development funds to finance the project.

Ken Jackson, developer of Northridge Commons Townhomes, commented that they were highly in favor of the proposed project for the following reasons: 1) Interest rates have recently begun to rise and being able to lock a low rate of 3.875% for 40 years will make financing the project less expensive in future years, 2) a looped system provides an emergency source of water in the event of a line breakage anywhere along the waterline and, 3) the additional waterline mean that the areas receiving the new waterline will see increased property values, meaning an increased property tax base.

Jenny Byers, Branch Manager at Hometrust Bank, commented that Hometrust Bank has been serving the Weaverville Community since the 1970s and has been in Northridge Commons since 2010. They have nine staff members at their branch and thousands of Weaverville customers who visit their office on a weekly basis. They support this project in the interest of public safety for fire protection and drinking water for their staff and customers. If this project prevents Hometrust Bank customers and the adjoining areas from being inconvenienced or keeps them from being put in danger due to lack of water, then she and Hometrust Bank wholeheartedly support this proposal.

4. Adjournment

There being no further comments or questions from the public,
Mayor Root closed the meeting at 7:00 pm.


Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, September 17, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, September 17, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeffrey McKenna, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Councilman Fitzsimmons asked to add the InterLocal Agreement between Buncombe County and the Town of Weaverville for Expansion of Greenways as Discussion/Action item D.

Councilwoman Sherrill made a motion to approve the agenda with the aforementioned revisions. Councilman McKenna seconded and all voted in favor of the motion.

3. Approval of Minutes

Vice Mayor/Councilman Jackson made the motion to approve the minutes from August 20, 2018 Town Council Regular Meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

4. Special Recognitions

Town Manager Selena Coffey recognized Finance Officer Tonya Dozier for her hard work and dedication to the Town of Weaverville. Ms. Dozier's hard work has helped the Town of Weaverville receive the Certificate of Achievement in Financial Reporting (CAFR) from the Government Finance Officers Association for the 23rd year in a row.

5. General Public Comment

Public comments were received as follows:

Thomas Veasey, 69 Lakeshore Drive, LLPA President, asked Council for an update on the new community center and 4th of July firework event, and informed them that the LLPA and him were in favor of the water expansion project.

Laura Ayers, commented about herbicides being sprayed in the Weaverville community and knows that she will need to speak with NCDOT and Duke. However, she would like to know what the Town sprays and if the citizens have any say to whether or not they would like these herbicides sprayed.

Joseph Desantola, 14 Al Dorf Drive, commented on the Town of Weaverville's water supply. In the McGill Report that was presented last year, one chart shows that if no more water was issued, the Town would run out of water in year 2025. However with the expansion of the water plant, the water supply would last until year 2070. But on another chart it showed that if the Town expanded to the north or the west, the water supply would last until year 2055, which is very alarming to him. Mr. Dicintolla believes that the water should be treated like the budget with deciding what the Town can and can't afford.

Megan Taylor, 14 Al Dorf Drive, commented that she would like to see a detailed report on the amount of water that has been committed to development projects so far and for Town Council to think about Weaverville's future when deciding to give water to a project for annexation.

6. Consent Agenda

A. Monthly Tax Report – Information Only

B. Tax Releases - Approved tax releases of the personal property of David Crain at 86 Alexander Road valued at \$1,755, so that \$6.67 can be released from the 2018 levy and business personal property owned by Play Station at 450 Weaverville Road valued at \$47,250, so that \$179.55 can be released from the 2018 levy.

C. Code Amendments – Zoning – Nonconformities, Conditional Zoning Districts, Political Signage – Set Public Hearing for October 15, 2018 at 6:30 pm – Set Public Hearing for October 15, 2018 at 6:30 pm

D. Amendment to Conditional Zoning District for Northridge Townhouses – Initial Consideration and Set Public Hearing for October 15, 2018 at 6:30 pm – Set Public Hearing for October 15, 2018 at 6:30 pm

7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including that 1) she received a response from NCDOT about the removal of the "No Turn on Red" signage at the intersection of Main Street and Weaver Boulevard. They didn't recommend removing the restriction as it could have an adverse effect on pedestrian safety, however this is based on their study in the 1990s and staff doesn't feel that it is appropriate today. With direction from Council, Town Manager Coffey will draft a formal request to NCDOT for the Mayor's signature, requesting this sign be removed; 2) As directed by Town Council in recent meetings to revise the Personnel Policy regarding Longevity Pay, Town Manager Coffey recommends deleting the holiday bonus/longevity pay provision from the personnel policy and make it that the funds only get distributed to employees if Town Council approves budgeting the funds annually. She proposed for this current fiscal year budget that instead of using years of service like the previous model, there will only be two classes of employees who receive bonuses: new hire probationary employees and everyone else. Full-time and part-time employees with less than 6 months of service would receive \$150 in gross wages (estimated \$105 net wages) and employees with 6 months or more would receive \$500 in gross wages (estimated \$350 net wages); 3) Public Works Director Dale Pennell and her have been working on ways to eliminate the downtown parking shortage. They have spoken with the Weaverville United Methodist Church and the First Presbyterian Church, and have come to an agreement to allow public parking in their parking lots except on Sundays during church service and special events; 4) There will be a retirement party for Tax Collector Debbie Bruce on Wednesday, September 26 from 3 – 5 pm at the Town Hall; 5) With this pending retirement, the Town of Weaverville has hired a new finance specialist, Tarakanita Boestan-Smith who will begin on September 24; 6) Per Councils direction, the Town has submitted the \$2,970,600 USDA loan application for the construction of the new waterlines on Clarks Chapel Road and Ollie Weaver Road; 7) NCDOT approached Public Works about improving pedestrian safety on Main Street and noticed that the tree in front of the Town Hall was blocking the drivers visibility of signs or persons waiting to cross. NCDOT asked that the Town correct this problem or they will do the tree trimming for us. Town Manager Coffey believes trimming the tree back will make it unsightly, so her direction would be to have Public Works remove the tree and redesign the entire landscaped area; 9) she would like to attend the Homegrown

Leaders Train Program by the NC Rural Center in Asheville on October 3-4 and November 8-9, instead of attending the ICMA annual conference in Baltimore; 10) and lastly, Town Manager Coffey asked Council to motion to schedule workshops on October 9 and December 11 at 6 pm.

Based on the report, Councilwoman Sherrill made a motion for the Town Manager to draft a formal request to NCDOT requesting the sign be removed. Vice Mayor/Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.

Consensus was given by Town Council on the personnel policy pay provision.

Mayor Root used his power to schedule Town Council workshops on October 9, 2018 and December 11, 2018 at 6 pm at the Town Hall.

8. Discussion and Action Items

A. Sale of Old Bus Garage

Town Attorney Jennifer Jackson informed Town Council that before them tonight was the highest offer that the Town of Weaverville received on the old bus garage on Central Avenue. It was from Lexington Glassworks for \$367,550. Town Council can accept this offer if they wish, or decline it.

Vice Mayor/Councilman Jackson mentioned that with the real estate market being really strong right now, and having gone through two upset bid periods already, he believes the Town should accept the offer.

Town Attorney Jennifer Jackson commented that if Town Council is going to accept the offer, that they modify the closing date to show November 15, 2018, instead of October 30, 2018.

Vice Mayor/Councilman Jackson made a motion to accept the offer and approve the contract with a 30 day examination period and closing to occur on or before November 15, 2018. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

B. Code Amendments – Nuisances

Town Attorney Jennifer Jackson commented that staff has been working hard on a comprehensive revision of the Town's ordinances regarding nuisances in Chapter 9. These regulations have been drafted to focus directly on public health and safety issues like Town Council directed at the July council meeting. Town Attorney Jackson doesn't think Council will take action tonight, but would like to know how they would like staff to go over these policies with them.

Mayor Root commented that Council could piggyback this item into the next workshop, so that it could be completed by Thanksgiving or Christmas. However, he thinks it would be greatly helpful if staff could draw out the provisions that are most significant and potentially impactful on our customers.

C. Public Works & Water Resources Quarterly Reports

Public Works Director Dale Pennell discussed the Public Works and Water Resources Quarterly Report for June, July and August. The report is attached below.

D. Greenways Memorandum of Understanding (MOU)

Town Manager Selena Coffey mentioned that the Town has just received the Interlocal Agreement between Buncombe County and the Town of Weaverville for the design and construction services for the greenway project. The Town of Weaverville has held the \$60,000 funds in their budget until the funds have come through the MPO. Town Manager Coffey is asking Council to approve the contract if they have been able to read it over yet.

Mayor Root commented that this matter has been lingering for a long period of time at the county level, but seems to be a good time to get it back on track. Doug Dearth has been involved in this process for many years and knows the contractors at the county level, and has graciously volunteered to be our representative.

Doug Dearth commented that the Memorandum of Understanding (MOU) was the mechanism that will get this thing rolling with Buncombe County. It has been reviewed by the Town and County Attorney, and basically states that this is going to be a joint project between the Town of Weaverville and Buncombe County. The county will be the executive agent, since they have the size and practice in doing this with other municipalities. If Town Council decides to approve this tonight, the county commissioners are ready to execute this at their October 9 meeting. Going forward, the county would re-notify NCDOT of the intent to execute this grant and form an oversight committee in conjunction with the county, consisting of a member from each, Buncombe County, Town of Weaverville and MPO. At this point, they would put out a Request for Qualifications (RFQ) for executing the Greenway project with the oversight committee handling the interviews and selection, then having some public outreach meetings.

Councilman Nagle made a motion to authorize execution of the Memorandum of Understanding. Vice Mayor/Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

9. Closed Session

Councilman Jackson made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Councilwoman Sherrill seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

Councilman Nagle made the motion to exit closed session. Councilwoman Sherrill seconded and all voted unanimously to exit closed session and re-enter open session.

10. Re-enter Open Session

Upon return to open session, Councilman Nagle made a motion to provide the Town Manager with a 2% merit increase to be calculated on her base rate of pay as of 6/30/2018, and that this would be in addition to the 2% cost of living increase that she received beginning in July 2018. Councilwoman Sherrill seconded the motion, and all voted in favor.

There was general discussion concerning Fourth of July fireworks. Town Manager was asked to bring back information concerning fireworks and the Town's Fourth of July Celebration to aid Town Council in its discussions and decision.

11. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 9:05 p.m.


Derek K. Hunninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, October 15, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, October 15, 2018, at 6:30 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Andrew Nagle, Councilman Patrick Fitzsimmons and Councilman Jeff McKenna.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Water Treatment Plant Supervisor Trent Duncan and Public Works Director Dale Pennell.

1. Call to Order

Mayor Al Root called the meeting to order at 6:30 p.m.

2. Public Hearing: Proposed Code Amendments – Nonconformities, Conditional Zoning Districts, and Political Signage

Mayor Root opened the Public Hearing.

Town Planner James Eller started the Public Hearing by covering the proposed code amendments for Political Signage first. Currently, the Town is non-compliant with state statute on political signage, so staff has amended the code to include a definition and reference state statute. This will change the number of days to have signs removed after elections from two to ten days. Town Attorney Jennifer Jackson added that this treats all town and state maintained streets as the same, in regards to Political Signs. Mr. Eller noted that this proposal has been reviewed by the Planning and Zoning Board and they offer a unanimous recommendation on this revision of language.

Next, Town Planner Eller covered the proposed code amendments for Conditional Zoning Districts. He mentioned that as far as the approval process goes, a vast majority of the language already exists, but has been cleaned up to flow better. Certain provisions were highlighted. The steps of the approval process starts in front of Town Council for initial consideration, then to the Planning and Zoning Board for review and comment, where a statement of reasonableness and recommendation will be given to Council. After this the developer will hold a public involvement meeting to speak with the public and staff prior to the public hearing. Lastly a public hearing is held by Town Council and Town Council is authorized to take action on the CZD after the public hearing. Mr. Eller then covered time limit language on CZD and indicated that

what is proposed gets away from legislated time frames and allows Town Council in setting time limits based on the scope of construction. As for modifications, what staff is allowed to modify is limited to exclude anything that would affect the final plat of the property. Lastly, appeals of administrative decisions go to Zoning Board of Adjustment, however, staff is required to notify Town Council of any appeals so that the Town has the ability to appear and participate in the proceedings with Zoning Board of Adjustment. Town Attorney Jennifer Jackson mentioned that there were some typographical errors in subsection E within the Conditional Zoning District language that will need to be cleaned up.

Lastly, Town Planner Eller covered the proposed code amendments on nonconformities and mentioned that the Town is obligated to provide protection for legal nonconformities. As it relates to nonconforming lots that have a dimensional variable less than 20%, staff can issue a zoning permit for a structure on property. If it is more than 20% nonconforming then they are required to go to Zoning Board of Adjustment to achieve a variance. Moving into nonconforming structures, when the Table of Uses was implemented it created some nonconformities, since prior to that a single family home could be built in any commercial or industrial district. This specifically allows for continued residential use within a commercial or industrial zoning district providing that the requirements for R-1 district are met. As for nonconforming uses, it may be replaced by another nonconforming use, if it falls within the use definition as the original nonconforming use. If it doesn't, then they are required to go in front of the Zoning Board of Adjustment to prove that that the change of use doesn't increase the degree of nonconforming of the use. Mr. Eller next covered the discontinuance of a nonconforming uses and mentioned that the discontinuance language has basically stayed the same except that the amount of time has been decreased. Language has also been added to allow for signage for existing nonconforming uses.

Town Planner James Eller stated that each text amendment has gone before the Planning and Zoning Board and each received a unanimous recommendation which were attached to the public hearing materials and received for consideration. In addition the public hearing was noticed in the Weaverville Tribune on October 3 and 10.

No one from the public had any comments to offer.

Councilman Nagle made the motion to close the public hearing; Councilwoman Sherrill seconded and all voted in favor of closing the public hearing.

3. Public Hearing: Conditional Zoning District for Northridge Commons Townhouses

Mayor Root opened the Public Hearing

Town Planner James Eller stated that the public hearing was noticed in the Weaverville Tribune on October 3 and 10. The issue before Town Council tonight is that the conditional zoning district that was passed for Northridge Commons Townhouses included language that suggested the applicant had a certain amount of time to take ownership of the property otherwise the ordinance would become void. The applicant experienced some difficulty with the private covenants and restrictions that were placed upon their property. This additional time wasn't calculated up front and their deadline to acquire the property has come and gone. The language that is in front of Town Council is the exact copy of the ordinance that was passed, except for one exception that allows the applicant until April 16, 2019 to acquire the property. This date is also the date that the water allocation expires. Town Planner Eller noted that this has been reviewed and

unanimously recommended by the Planning and Zoning Board, a copy of the recommendation was included in the public hearing materials and received by Town Council.

No one from the public had any comments to offer.

Councilman Nagle made the motion to close the public hearing and adjourn the special called meeting; Councilwoman Sherrill seconded and all voted in favor of closing the public hearing and adjourning the meeting at 6:45pm.

Derek K Huninghake

Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, October 15, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, October 15, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeffrey McKenna, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Town Manager Selena Coffey asked to add an Ordinance Declaring a Road Closure for the Weaverville Christmas Parade as Consent Agenda item F.

Councilwoman Sherrill made a motion to approve the agenda with the aforementioned revision.

Councilman Fitzsimmons seconded and all voted in favor of the motion.

3. Approval of Minutes

Vice Mayor/Councilman Jackson made the motion to approve the minutes from September 17, 2018 Special Called Meeting and September 17, 2018 Town Council Regular Meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

4. Special Recognitions

Mayor Root presented Leslie Osborne with a Certificate of Appreciation for her hard work and contributions on the Planning and Zoning Board. She has recently moved outside of Town limits making her ineligible for further service on the Planning and Zoning Board. She was also recognized for her contributions through service on the Friends of the Library, Weaverville Business Association and many other boards.

5. General Public Comment

Public comments were received as follows:

Alan Sheppard, commented that Town Council should start allowing citizens to give input on agenda items during the meetings, like other places do. He thinks getting the agenda in the middle of the prior week

before the meeting doesn't allow for enough time to absorb the information. Mr. Sheppard also noted that the Town was performing at the best it has in a long time and thanked Town Manager Coffey for doing a wonderful job.

Eileen Fleming, 440 Kyfields, thanked Town Council for getting the "Right on Red" sign taken down at the Weaverville Boulevard and Main Street intersection.

Joanna Vanderkolk, 2 Roberts St, commented about some tree limbs hanging at Roberts Street and Hamburg Mountain Road. She is very concerned about someone getting hurt from not being able to see coming traffic and wanted Town Council to be aware of this situation.

6. Consent Agenda

Vice Mayor/Councilman Jackson moved for the approval of the Consent Agenda. Councilwoman Sherrill seconded the motion and all voted unanimously to approve all action requested in the consent agenda.

A. Monthly Tax Report – Information Only

B. Tax Releases and Refunds - *Approved tax releases of the personal property of Garland Pennell at 23 Wildwood Avenue valued at \$2,200, so that \$8.36 can be released from the 2018 levy and real property owned by the Weaverville United Methodist Church at 35 Church Street valued at \$6,900, so that \$26.22 can be released from the 2018 levy.*

C. Waterline Acceptance and Repair Guaranty: Maple Trace Phase II – *Town Council accepted 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 guaranty amount at \$6,000.*

D. Re-Appointment to Animal Control Appeals Board – *Reappointed Tina Jenkins to the Animal Control Board for a three-year term beginning in November 2018 and extending to November 2021.*

E. Final Plat Approval: Bulls Bay, LLC (44 Central Ave) – *Approved the final plat for Bull's Bay, LLC, project at 44 Central Avenue, as presented, and have staff inform the developer that the Town will not be taking ownership or ongoing maintenance of the island created by the cul-de-sac shown on the final plat.*

F. Ordinance Declaring Road Closure for the Weaverville Christmas Parade – *Approved Ordinance Declaring Road Closure for the Weaverville Christmas Parade on December 1, 2018 from 1 to 3 pm.*

7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including the Town has purchased an Automatic Emergency Defibrillator(AED) to be installed at the Town Hall, and staff will be trained on the use of that equipment and in CPR in the coming months; the Residents Patriotic Activities Committee has developed the program for this year's Veterans' Day Observance , which will be on Monday, November 12 at 11 am; she attended the NCGFOA conference in Winston Salem on October 11-12 and provided a brief report that FLSA and staff development were covered in depth. Also, new regulations will be going into effect in 2020 making it more difficult for auditors to bid on the Towns yearly audit; In accordance with the Town's Code of Ordinances, Article V, Division III, she has authorized the disposition of 13 replaced service handguns to Burnette's Rod & Gun Shop, as they are a federal firearms dealer. She estimates the total value of these 13 handguns at \$3,380 (per an estimate provided by the original vendor), well below the \$5,000 value established within the Town's Code for the Manager's approval for disposition. Officers will be able to purchase their firearms from Burnette's; the "No Turn on Red" signage at intersection Main street

and Weaver Boulevard has been taken down by NCDOT; and Buncombe County has executed the Greenways MOU for planning and design of the greenway project.

8. Discussion and Action Items

A. Adoption of Code Amendments: Nonconformities, Conditional Zoning Districts, and Political Signage

Mayor Root had some questions about the proposed code amendments for the Conditional Zoning Districts. He wondered if (1) the language under Conditions section C might be placing limitations on Town Council, (2) who decides the Guarantee of Conditions under section I, (3) is there a requirement in the Modifications section M that Council be informed of the decision made, and (4) lastly under section O for the final plat approval process, is there a reason that the language shows Town Council must do, instead of may do?

Town Planner James Eller commented that language under the conditions sections shows that statutorily Town Council is obligated to keep their conditions in perspective, so that it is site specific and in same scope as the development. Town Attorney Jennifer Jackson added that some governing boards were asking for improvements unrelated to a particular development, so the statutes have tightened up the conditions making them tailored to the specific scope in development. Town Attorney Jackson also noted that the developer gets to choose which option type of guarantee that they offer under the Guarantee of Conditions and those options are statutorily prescribed.

Town Planner James Eller mentioned that there wasn't a requirement in the modifications section to inform Council of the decision made, but one could be included. As for the final plat approval process, Town Planner Eller noted that there was a lot of debate on this matter and his concern with the approval process being open-ended is that a tremendous amount of infrastructure and site work prep could be completed, and Council could end the project at its own will. Town Attorney Jennifer Jackson added that Town Council's big input is at the beginning in holding multiple meetings and a public hearing, then arriving at an ordinance that sets forth all the requirements of the developer. The development goes forward and at the end there will be a final plat showing all the infrastructure and details. So if the developer has complied with everything in the ordinance, it is unfair to deny the final plat. She also, mentioned that there were some typos that need to be fixed from the working document translation to the ordinance.

Mayor Root noted that a notification procedure be added on the decisions being made by the Zoning Administrator as well.

Vice Mayor/Councilman Jackson made a motion to approve the Ordinance with the amendment discussed in subparagraph M within the Conditional Zoning District section adding notice to Town Council for any minor modifications, either approved or denied by the Zoning Administrator, and fixing any typos. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

B. Proposed Conditional Zoning District – Northridge Commons Townhouses

Mayor Root mentioned that the public hearing was held earlier and the only change was to extend the ownership transfer date to April 16, 2019, as explained to Council.

Councilman McKenna made a motion to adopt the Ordinance Establishing a Conditional Zoning District Designated as CZD-3 – Northridge Commons Townhouses as presented. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

C. Comprehensive Land Use Plan Staff Update

Town Planner James Eller commented that staff has begun assembling information that will be incorporated into the Comprehensive Land Use Plan. All the demographic work has been completed and after Town Councils workshop last week related to the strategic plan, there will be some direction as it relates to annexation and water allocations, as well as development and review process. Moving forward into November and December, Town Council's direction will allow staff the knowledge it needs to ensure that the product produced in the Comprehensive Land Use Plan fulfills the wishes of Town Council.

D. Personnel Policy Amendments: Article III Pay Plan and Article VIII Benefits

Town Attorney Jennifer Jackson informed Town Council that in front of them tonight for their consideration and possible approval is the revised Article III – Pay Plan that was presented in May with the one exception being that the longevity pay section has been deleted. The Article VIII – Benefits Policy language was updated and staff added paragraphs on the Employees Assistance Network, Deferred Compensation, 401K and 457 plans to reflect what the Town offers. Town Attorney Jackson did note that under the Group Health coverage section a change is being proposed to have part time employees share the cost of coverage with the Town. Also, workers compensation is provided by the Town, but the policy wasn't very clear on the procedure to follow when needed so it was updated. Staff added a modified light duty part to the policy from a recommendation made by the NC League of Municipalities, stating that the Town doesn't have to create light duty work for someone out on workers comp, but if it is available they must allow it. She did ask that if Town Council was considering taking action on this issue that they make the effective date January 1, 2019.

Vice Mayor/Councilman Jackson made a motion to approve Article's III and VIII as presented with an effective date of January 1, 2019. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

E. Community Center Projects: Selection of Architect

Public Works Director Dale Pennell mentioned that the Town Manager, Selection Committee and himself have been working really hard to complete the qualification-based selection process for choosing an architect for the new Community Center project. There were five architectural firms interested that submitted applications. All the firms were ranked and the top three architectural firms were interviewed. After careful consideration, Town Manager Selena Coffey seeks consensus from Town Council on the selection of Legerton Architecture.

Consensus was given by Town Council for the selection of Legerton Architecture.

F. July 4/ Fireworks Discussion

Town Manager Selena Coffey informed Town Council that staff had some new financial information and specific fireworks staging locations for the July 4 display. The four potential staging locations that were reviewed were the Town's firing range, the Saddle Dam at Lake Louise, the cell tower property and AB Emblem. Pyrotecnico, the Town's firework vendors, did indicate that if the fireworks are closer than 500 feet to a dwelling structure than the Town will have to get secondary insurance for liability and all dwelling structures will have to be vacated. Also, any fireworks that are beyond 1500 feet will not provide for a good show because of the lack of visibility. As for the finances, the total estimated cost to hold the 2019 July 4th

event would be around \$58,600, plus additional costs for secondary liability insurance. The staging locations documents and financial information are attached.

Council held discussion on whether the Town should still hold the 4th of July event, even if there weren't fireworks and if holding the event downtown would be a better choice than at Lake Louise.

Joanna Vanderkolk mentioned to Town Council that there could be a laser light show with sounds and effects for the kids, if there were no fireworks.

Laura Ayers mentioned that maybe there was a spot between the public works department building and the firing range that was more than 500 feet away and still allows for good visibility. If so, we could build a platform to have the fireworks launched off there.

Town Council asked Town Manager Selena Coffey to look into how much secondary insurance would cost, other launching options for fireworks and the cost to hold the 4th of July event downtown with a laser light show.

G. Planning Department Quarterly Reports

Town Planner James Eller presented the Planning Departments Third Quarter Report and noted that 30 Zoning Permits and 5 Sign Permits have been issued during this period, with one of the permits covering 176 dwelling units.

H. Finance Department Quarterly Reports

Finance Officer Tonya Dozier updated Town Council on the FY 2018 audit and indicated that the final draft should be received within a few days. It will then be sent to the Local Government Commission for approval and maybe finally present to Council next month. She presented the Revenue and Expenditure Statement by Departments for the first quarter of FY2019.

9. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 8:32 p.m.



Derek K. Huninghake, 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 1, 2018
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.



Al Root, Mayor

Attest:



Derek Huninghake, Town Clerk

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 36 CONCERNING REGULATION OF
NONCONFORMITIES, CONDITIONAL ZONING DISTRICTS, AND POLITICAL SIGNS**

WHEREAS, on May 21, 2018, Town Council requested that the Planning and Zoning Board study the regulation of nonconformities, conditional zoning districts and political signs and forward recommendations to Town Council concerning same;

WHEREAS, the Planning and Zoning Board met on 3 July 2018, and reviewed the amended statute concerning political signage and proposed amendments to Chapter 36 which bring the Town's Code into compliance with the statute, found such proposed amendments consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments must be made for legal compliance, and voted unanimously to recommend such proposed amendment;

WHEREAS, the Planning and Zoning Board met on 3 July 2018, 7 August 2018, and 4 September 2018, and in those meetings studied and reviewed the Town's existing regulations concerning nonconformities, discussed how best to regulate nonconformities and reviewed certain amendments regarding the same, and ultimately found such proposed amendments consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments are more comprehensive and clearer to understand, and voted unanimously to recommend such proposed amendments;

WHEREAS, the Planning and Zoning Board met on 4 September 2018 and 2 October 2018, and in those meetings studied and reviewed the Town's existing regulations concerning conditional zoning districts, discussed the best procedures for the review and approval of conditional zoning districts, found the resulting proposed amendments consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments more clearly set forth the procedures for review and approval of conditional zoning districts, and voted unanimously to recommend such proposed amendments;

WHEREAS, after proper notice the Town Council held a public hearing on October 15, 2018, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council adopts the findings and recommendations of the Planning and Zoning Board presented during the public hearing;

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 and Zoning Board on each of the three above-described amendments are hereby incorporated by reference and adopted by Town Council.

2. All amendments adopted in this Ordinance are shown in red with added language underlined and deleted language shown with strike-throughs.

3. Section 36-5 is hereby amended to add the following definition:

Political sign – Any sign that advocates for political action or for a particular political candidate.

4. Section 36-201 is hereby amended as follows:

Sec. 36-201. - Temporary signs.

Temporary signs shall be allowable in all zoning districts.

(1) Signs used prior to and during construction to identify the name of contractor(s) and/or developer(s) shall be considered temporary signs, and shall meet the following requirements:

- a. Each contractor shall have no more than one sign per location which shall be removed upon completion of the project.
- b. Construction signs shall not be placed on trees, rocks, or other natural objects.
- c. Construction signs shall be either attached to the building or affixed to a secure temporary post.
- d. Construction signs shall be no greater than 32 square feet per side of the sign up to a maximum of 64 square feet of aggregate surface area for the entire sign.

(2) Political signs are temporary signs and the regulations of subsections (b) through (e) of North Carolina General Statute § 136-32, which are incorporated herein by reference, apply to all political signs within all rights-of-way for North Carolina's highway system and within all rights-of-way for Town streets.

~~(2) Political signs shall be considered temporary signs, and shall meet the following requirements:~~

- ~~a. No political sign shall be placed in any town or state public right-of-way which includes utility poles and/or street medians.~~
- ~~b. All such signs shall be removed within two days after the election day.~~

(3) Real estate signs (signs offering property for sale, lease or development) shall be considered temporary signs, and shall meet the following requirements:

- a. Real estate signs in residential zoning districts shall not exceed six square feet in surface area per side of sign up to a maximum of 12 square feet of aggregate surface area for the entire sign.
- b. Real estate signs in all other areas shall not exceed 16 square feet in surface area per side of sign up to a maximum of 32 square feet of aggregate surface area for the entire sign.
- c. Real estate signs shall be erected only on the property which is being offered for sale, rent, lease and development.
- d. Real estate signs shall conform to all other applicable provisions of the ordinance not inconsistent with this section.
- e. Real estate signs shall be removed with seven days after the sale or lease of the property is closed.

- f. Real estate directional signs (sign indicating the direction to a property being offered for sale) must be located on private property, with written permission of the property owner, at the nearest intersection of the major thoroughfare or collector street to the street upon which the property which is being offered for sale, rent, lease or development is located.
- (4) Any other temporary sign must be approved by the zoning administrator, and shall be of a size and height which is consistent with signs permitted in the neighborhood in which it will be located. Concerning the length of time a temporary sign may be displayed, the applicant must choose between the following options within a calendar year: (a) up to four 15-day periods, (b) up to two 30-day periods; or (c) one 60-day period. In no event may a temporary sign be displayed for more than 60 days within any given calendar year.

5. The following definitions are deleted from Section 36-5:

~~*Nonconforming occupied lot.* A lot which contained a structure on the effective date of this chapter or at the time the lot was brought into the town's jurisdiction but which does not meet the minimum requirements for width, area, front, side, or rear yard, height and/or open space for the zoning district in which it is located.~~

~~*Nonconforming open uses of land.* An open use on a lot when the only structures are incidental and accessory to the principal open use which was in existence prior to the effective date of this chapter or at the time the lot was brought into the town's jurisdiction and which would not be permitted by this chapter in the zoning district in which it is located. Uses such as storage yards, used car lots, auto wrecking yards, and golf driving ranges are examples of open uses.~~

~~*Nonconforming structure.* Any structure which does not conform with the requirements of the zoning district in which it is located, either at the effective date of the ordinance from which this chapter derives or as a result of subsequent amendments to this chapter.~~

~~*Nonconforming use of structure.* A use of a structure which existed prior to the effective date of this chapter, or at the time the lot on which the structure is sited was brought into the town's jurisdiction, and which would not be permitted in the zoning district in which it is located.~~

~~*Nonconforming vacant lot.* A lot which does not meet the dimensional requirements for the zoning district in which it is located, but which was recorded prior to the effective date of this chapter or prior to the time the lot was brought into the town's jurisdiction. This definition shall not be interpreted to include lots recorded prior to the adoption of this chapter which were in violation of any prior subdivision regulation of the town.~~

6. Section 36-5 is hereby amended to add the following definitions:

Dimensional and/or numerical development requirements or standards include, but are not limited to, those requirements or standards associated with density, lot size, lot width, lot depth, setbacks, height, structure size standards, open space, number of parking spaces, or separation requirements between particular uses or zoning districts.

Impact means the effect of one land use upon another as measured by such factors which include, but are not limited to, the following: traffic, noise, site activity, hours of operation, lighting, vibration, dust, smoke, odor emissions.

Lawful nonconformity means any nonconformity involving a dimensional or numerical requirement or use of property that affects a structure erected or a lot created in conformity with the then-applicable development requirements of the town (or for which a vested right has been

established), but subsequently made nonconforming by action of the town through a zoning map or zoning ordinance text amendment.

Nonconforming lot is a lot that was lawfully created prior to the effective date of the applicable sections of town code, or subsequent amendment thereto, but does not conform to the minimum lot size, lot depth or minimum lot width requirements established for the zoning district in which it is located.

Nonconforming structure means any building or structure with a nonconformity involving an applicable dimensional or numerical development requirement.

Nonconforming use means any lawful nonconformity involving the use of the property. This may include, but is not limited to, nonconformities associated with a use not permitted in the zoning district in which it is located, a use which cannot meet the newly enacted standards established in the zoning district for such use, or a use inconsistent with Town zoning but existing upon annexation into the Town.

Renovation means the repairing or remodeling of a structure in which the exterior walls, foundation and roof are maintained structurally intact.

7. Code sections 36-19, 36-20, and 36-21 are hereby deleted in their entirety and replaced with the following new article within Chapter 36:

ARTICLE XVI - NONCONFORMITIES

Sec. 36-530. – Purpose and application

- (a) Purpose. It is recognized that, over time, lawful nonconformities may develop as a result of amendments to the zoning map or zoning ordinance text which change the application of town development regulations to particular properties. Nonconformities can also arise when improved properties and properties on which vested rights have been established are annexed into the municipal boundaries of the town. It is important that such properties, while nonconforming, be adequately maintained and permitted to continue, but not expanded or enlarged in any fashion that increases the extent of nonconformity. Where possible, such nonconformities should be made, wholly or incrementally, conforming.
- (b) Application. The provisions of this article apply only to lawful nonconformities. Nonconformities other than lawful nonconformities shall be considered violations of the town's code.
- (c) Applicability to variances, conditional zoning districts and special use permit. Where a variance, conditional zoning district, or special use permit has been granted for a use or dimensional requirement which does not otherwise conform to the requirements of this chapter, that feature/condition shall be deemed conforming so long as the property remains in compliance with their respective approved site plans. Likewise, when properties on which vested rights have been established are annexed into the municipal boundaries of the town, any use or dimensional requirement which does not otherwise conform to the requirements of this chapter shall be deemed conforming so long as they remain in compliance with the approved site specific development plan.

Sec. 36-531. - Nonconforming Lots.

- (a) A nonconforming lot may be used as a building site subject to the compliance with applicable use regulations and limitations, and minimum dimensional or numerical development requirements for

the zoning district in which the lot is located including, but not limited to, setback and yards, height, open space, buffers, screening, and parking.

- (b) If compliance with the applicable minimum dimensional or numerical development requirements is not possible, the nonconforming lot may be used as a building site subject to the following:
 - (1) Where the lot area and lot width are not more than 20 percent below the minimum standards specified, and all other dimensional requirements are otherwise complied with, the zoning administrator is authorized to issue a zoning permit;
 - (2) Where the lot area and lot width are more than 20 percent below the minimum standards specified in this chapter or other dimensional requirements cannot be met, the board of adjustment is authorized to consider requests for variances of such dimensional and numerical requirements as shall conform as closely as possible to the required dimensions.
- (c) If a lot is nonconforming in that it does not have street access as described in Section 36-12, a building can be constructed on such lot if the applicant can provide evidence of a recorded legal access to a publicly maintained street or roadway which will support actual vehicular access to the lot.

Sec. 36-532. - Nonconforming Structures.

- (a) A nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this article. A nonconformity must have been legal when it was established in order to receive nonconforming protection. A structure which is a violation of the zoning ordinance when it was established shall not ripen into a legitimate nonconformity.
- (b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures so long as no expansion of the nonconformity occurs as a result of such work.
- (c) Section 36-533 shall apply to all changes of use within a nonconforming structure, except that a nonconforming structure with a compatible use may not under any circumstances change its use to a nonconforming use.
- (d) Except as provided in this article, a nonconforming structure may be renovated, expanded, or enlarged, without bringing the nonconforming structure into conformity with these regulations, only if the applicable nonconformity is not increased and no new nonconformities are created. The following shall also apply:
 - (1) Increases in nonconformities related to building height are not allowed;
 - (2) Increases in the square footage of a nonconforming structure within the setbacks of the zoning district in which the structure is located are not allowed. In considering whether an increase in square footage has been made or is proposed the zoning administrator is to take into consideration both horizontal expansion (i.e. increasing the building footprint within the setback) and vertical expansion (i.e. adding a second story to the portion of a structure within the setback).
- (e) Residential structures made nonconforming by a text amendment or map amendment which rezones the property to a zoning district which does not permit residential uses may be renovated, expanded, or enlarged so long as the dimensional and numerical development standards for the R-1 zoning district can be met. See Section 36-533(c) for nonconforming residential uses.

- (f) A nonconforming structure cannot be moved unless it thereafter conforms to the standards of the zoning district in which it is located. If such a move is not possible but a relocation of the nonconforming structure is desired, then such relocation is permissible as long as the applicable nonconformity is lessened and no new nonconformities are created.
- (g) In the interest of public safety and health, structural alterations or remodeling of nonconforming structures which are required by any public law, and so ordered by a public officer in authority, shall be permitted.
- (h) Where a nonconforming structure is destroyed or damaged by fire, flood, wind, or other disaster, the structure may be repaired or restored to its original dimensions and conditions as long as a zoning permit for the repair or restoration is issued within 180 days of the date of the damage. Upon request, the board of adjustment is authorized to extend this period up to an additional 180 days if the applicant can present competent, substantial and material evidence showing good cause for such extension. Good cause could include, but is not limited to, delays related to estate administration, casualty insurance issues, or litigation concerning the property.

Sec. 36-533. - Nonconforming Uses.

- (a) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this article. A nonconformity must have been legal when it was established in order to receive nonconforming protection. A use which is a violation of the zoning ordinance when it was established shall not ripen into a lawful nonconformity.
- (b) Except as provided herein, no nonconforming use can be extended, expanded, enlarged, or moved if such change results in an increase in the extent or intensity of the nonconforming use as it existed at the time the lawful nonconformity was created.
- (c) Residential uses made nonconforming by a text amendment or a map amendment which rezones the property to a zoning district which does not permit residential uses cannot be expanded to increase the number of residences or family units from those existing at the time the lawful nonconformity was created. See Section 36-532(e) concerning nonconforming residential structures.
- (d) Replacement of nonconforming uses.
 - (1) A nonconforming use of a structure may be replaced by another nonconforming use if it falls within the same use definition as the original nonconforming use. Such lawful replacement of use may be permitted by the zoning administrator.
 - (2) A nonconforming use of a structure may be replaced by another nonconforming use if it is no less compatible with the surrounding properties and district than the nonconforming use which it replaces. Such requests must be submitted to the board of adjustment which is authorized to grant such a request if the applicant can present competent, substantial and material evidence that the proposed use is as compatible or more compatible with the surrounding properties and district than the original nonconforming use. Factors for the board's consideration include, but are not limited to, traffic, noise, site activity, hours of operation, lighting, vibration, dust, smoke, odor emissions, and any other factors that the board finds relevant to compare or differentiate between the existing use(s) and the proposed

replacement use(s). The board of adjustment may establish conditions to ensure that the compatibility factors are maintained as approved.

- (e) No use may be established if it renders a conforming use as nonconforming.
- (f) Once a nonconforming use is changed to a conforming use, that nonconforming use cannot be lawfully reestablished.
- (g) Where a nonconforming use is visibly discontinued for 180 consecutive days, regardless of any intent or efforts to resume the use, then the use shall not be reestablished or resumed, and any subsequent use of the land or structure must conform to the requirements of town code.
- (h) Where a structure in which a nonconforming use is located is destroyed or damaged by fire, flood, wind, or other disaster, the structure may be repaired or restored to its original dimensions or substantially similar dimensions if the nonconformity is not increased, and as long as a zoning permit for the repair or restoration is issued within 180 days of the date of the damage and the nonconforming use can resume. Upon request, the board of adjustment is authorized to extend this period up to an additional 180 days if the applicant can present competent, substantial and material evidence showing good cause for such extension. Good cause could include, but is not limited to, delays related to estate administration, casualty insurance issues, or litigation concerning the property.
- (i) Signage for a lawful nonconforming use shall be limited to one wall mounted or attached sign which shall not exceed 10% of the total surface area on which the sign is located. Said signage may be illuminated but must be shielded in a fashion to prevent light trespass and to brighten only the surface of the sign.

Sec. 36-534. – Nonconforming signs.

- (a) All nonconforming signs shall be removed, changed, or altered to conform with the provisions of this chapter within 5 years after the same became nonconforming, except that signs having a valid permit issued pursuant to the provisions of the North Carolina Outdoor Advertising Control Act shall be exempt from the provisions of the 5 year amortization provision above set forth.
- (b) Failure to remove, change, or alter a nonconforming sign within the amortization period set forth above shall result in the removal of said sign by the town at the expense of the owner of said sign.
- (c) If the owner of a nonconforming sign which has been removed by the town fails to pay for the costs of removal within 30 days of the billing date for such action, a lien shall be placed against the property and the town clerk shall certify the same to the town tax collector for collection in the same manner as ad valorem property taxes are collected. The amount certified by the town clerk to the town tax collector for collection shall include the actual cost of removal of said sign.

Sec. 36-535. - Replacement of manufactured homes.

Dimensional or use nonconformities associated with manufactured homes shall be addressed in the following manner:

- (a) Replacement of a manufactured home with another manufactured home in a lawfully established nonconforming manufactured home park. Replacement shall be permitted without regard to dimensional nonconformity provided that the replacement manufactured home is no older and no smaller in footprint than the existing manufactured home, the replaced home is placed in the

same location as the original home, and such replacement occurs within 30 days of the removal of the original manufactured home. In all other situations, replacement shall be prohibited.

- (b) Replacement of a nonconforming manufactured home on an individual lot with another manufactured home. Replacement shall be permitted provided that new dimensional nonconformities are not created, the replacement manufactured home is no older and no smaller in footprint than the existing manufactured home, the replaced home is placed in the same location as the original home or a different location as long as no new nonconformities are created, and such replacement occurs within 30 days of the removal of the original manufactured home. In all other situations, replacement shall be prohibited.

8. Section 36-5 is hereby amended to add the following definition:

Conditional Zoning District (CZD). A zoning district in which the development and use of the property included in the district is subject to ordinance standards and rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

9. Section 36-84 is hereby amended and restated in its entirety as follows:

Sec. 36-84. - Conditional zoning district.

- (a) Intent. It is expected that, in most cases, a general district will appropriately regulate site-specific impact of permitted use and structures on surrounding areas, however conditional zoning districts provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the underlying general district has insufficient standards to mitigate the site-specific impact on surrounding area.
- (b) Use permitted. Any use may be considered for a conditional zoning district and shall be established on an individual basis, at the request of the property owner, according to the procedures of this section.
- (c) Conditions. In establishing a conditional zoning district town council may place conditions on the property which set individualized standards to the site and a site plan and supporting documents illustrating said conditions and standards may be included in the ordinance establishing the district. These conditions which may be established by town council shall only be those which are necessary for ordinance and plan compliance and shall only address the impacts reasonably expected to be generated by the project. Said conditions may be proposed by town council or the applicant and must be mutually approved by town council and the applicant.
- (d) Petition of request. Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners, or agents of the owners of all of the property to be included in the district and shall be accompanied by an petition, a statement analyzing the reasonableness of the proposed rezoning request by the petitioner, the established fee, and documentation as required by the following:
- (1) A petition for a conditional zoning district must include a site plan and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property;
 - (2) A boundary survey and vicinity map showing the property's total acreage, current zoning classification(s), general location in relation to major streets, date and north arrow;
 - (3) Existing topography on the site and within 300 feet of the boundary of the site, and the general nature of the proposed topography contours shown at a maximum of five feet;

- (4) All existing easements, reservations, rights-of-way, and any other valid restrictions on the use of the land;
 - (5) The number and general location of all proposed structures;
 - (6) The proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
 - (7) All yards, buffers, screening, and landscaping and sidewalks required within the underlying zoning district;
 - (8) All existing and proposed points of access to public streets and the locations of proposed new streets;
 - (9) Delineation of areas within the floodplain;
 - (10) Proposed number and location of the signs;
 - (11) Proposed phasing, if any, and the approximate completion time for the project;
 - (12) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
 - (13) Photographs of buildings on properties within 200 feet of the subject property establishing the scale of the buildings within the proposed project with those surrounding;
 - (14) Information on the height of all proposed structures;
 - (15) Exterior features of all of the proposed development including but not limited to construction and finishing materials;
 - (16) Any supporting text and all documents presented shall constitute part of the petition.
- (e) Approval procedures for initial CZD. Except as specifically modified by this section, the procedures to be followed by the town council in reviewing, granting, or denying any petition for a conditional zoning district shall be the same as those established for general use district zoning petitions under G.S. Ch. 160A, Art. 19. The following procedures shall also apply for the approval of conditional zoning districts:
- (1) Initial consideration by town council. Petitions for conditional zoning district shall be initially reviewed by town council. After its initial consideration of a petition for a conditional zoning district, town council shall refer the request to the planning board for the full review process as required by state statute. Initial consideration of such petitions are intended to provide town council with the opportunity to express their preliminary thoughts related to the petition but shall not serve as a final determination on same.
 - (2) Planning and zoning review. Following an initial review by town council as set forth herein and in Sec. 36-358 all conditional zoning requests shall be submitted to the town planning and zoning board to determine if approvals of such plans are made in consideration of identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents. A statement analyzing the reasonableness of the proposed rezoning shall be prepared by the town planning and zoning board for each petition for a rezoning to a conditional zoning district and submitted to the town council for final action on the request. Due to the scope and complexities which may be presented by a conditional zoning district request, the planning and zoning board shall have up to 180 days from its first consideration to submit its statement of reasonableness and recommendation to town council. If the planning and zoning board fails to submit such statement and/or recommendation within 180 days then the request shall be forwarded to town council with a record of the planning and zoning board's comments and town council is eligible to consider the request and take final action thereon.

- (3) Public involvement meeting. Before a public hearing may be held by the town council on a petition for a conditional zoning the petitioner must file in the office of the town clerk a written report of at least one community meeting held by the petitioner. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the town council but shall not be subject to judicial review. Notice of such a public hearing shall be given to all the property owners within 200 feet of the property boundaries and in accordance with the provisions of G.S.160A-364.
- (4) Public hearing. As required by Article 19 of Chapter 160A of the North Carolina General Statutes, town council cannot take any action on a conditional zoning district request until such time as it has held a public hearing that has been properly noticed.
- (f) District approval and ordinance. If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the ordinance establishing the conditional zoning district, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district. Each conditional zoning district will be given a special number, distinguishing such conditional zoning district from another zoning district. Each ordinance adopted by town council which establishes a conditional zoning district within the Town of Weaverville is hereby incorporated into this chapter as a separate and unique zoning district and shall be reflected on the town's zoning map. Copies of such ordinances shall be kept on file with the town clerk and may be reviewed upon request.
- (g) Time limits. Time limits for the completion of the projects infrastructure and completion of construction shall be established on an individual basis by town council based upon the type and scope of development. Extensions to established time frames shall be subject to the approval of town council.
- (h) Phasing of projects. Any project phasing must be reviewed and approved with the conditional zoning district. Phases must be shown on the site plan that is adopted in conjunction with the ordinance approving the conditional zoning district and the time periods related to the phasing must also be addressed in said ordinance.
- (i) Guarantee of conditions. At the discretion of the town council, the council may require the property owner to guarantee the performance or completion of conditions included in the approved conditional zoning plan. Such guarantee may be in the form of:
- (1) A surety performance bond made by a surety bonding company licensed and authorized to do business in the state;
 - (2) A bond of the developer with an assignment to the town of a certificate of deposit as security for the bond;
 - (3) A bond of the developer secured by an official bank check drawn in favor of the town and deposited with the town clerk;
 - (4) Cash or an irrevocable letter of credit; or
 - (5) A bank escrow account whereby the developer deposits cash, a note, a bond or some other instrument readily convertible into cash for a specific face value, with a federally insured financial institution in an account payable to the town.

The amount of the guarantee shall be determined by town council and must be reasonable taking into consideration the type and scope of proposed development.

- (j) *Judicial review.* Conditional zoning district decisions under this section are legislative decisions that are presumed valid if there is a reasonable basis for the decision.
- (k) *Future variance request.* Property zoned CZD will not be able to apply for a variance on the approved project.
- (l) *Maintaining the zoning district.* A CZD is a rezoning which represents both a text and map amendment and as such is maintained after the sale of the property. If the property owner wishes to change the approved CZD plan, all property owners within the original CZD must apply for a rezoning or a modification to the CZD as per Sec. 36-84(n).
- (m) *Modifications.* Minor modifications that can be approved by staff are limited to modifications that do not affect the property lines, do not affect the final plat and which are in substantial compliance with the approved plans. An extension of any time frame stated within an ordinance designating a conditional zoning district must be approved by town council but shall otherwise be considered a minor modification. All other modifications must be approved by town council and are subject to the procedures set out in Section 36-84(n).
- (n) *Approval procedures for modifications of a CZD.* Except for minor modifications that can be approved by staff or town council as provided in Section 36-84(m), the procedures to be followed in reviewing, granting or denying any requested modification to the approved site plan or the CZD ordinance shall be the same as those established for approval of an initial CZD except that a public involvement meeting is not required. Staff is required to notify the mayor and town council of any modifications that staff has approved or denied.
- (o) *Final plat approval process.* All water, sewer, stormwater infrastructure, and all street, sidewalk, and similar improvements must be installed and verified as complete by the appropriate authority prior to final plat review. Once the required infrastructure is complete, the final plat will be reviewed by staff and the planning and zoning board for compliance with the relevant portions of the ordinance approving the conditional zoning district for the project. After its review the planning and zoning board shall submit a recommendation to town council. Town council must consider the planning and zoning board's findings and recommendation and, upon finding that the required infrastructure is complete and compliant, shall approve the final plat and authorize the recordation of same.

Final plats must contain the following language:

"This plat has been approved as part of a conditional zoning district and all lots shown are subject to all the conditions, rules and regulations governing that conditional zoning district and not subject to the subdivision ordinance of the Town of Weaverville. Any modification to any lot or improvement shown on this plat may only be accomplished as an amendment to the conditional zoning district and in accordance with the applicable Code provisions of the Town of Weaverville."

- (p) *Issuance of zoning permits.* The zoning administrator shall not issue a zoning permit until a final plat has been approved and recorded.
- (q) *Noncompliance.* In the event of noncompliance by a property owner or any subsequent resale or lease of a property for use other than that stipulated in the original CZD approval, the property owner would be in violation of the town zoning ordinance.
- (r) *Appeal of zoning administrator decisions concerning CZDs.* Any determination made by the zoning administrator regarding the project and/or this conditional zoning district is appealable to the Zoning

Board of Adjustment. Such appeal shall be made in accordance with the procedure set forth in Town Code Section 36-328(3). In addition, staff is required to notify the mayor and town council of any appeals related to this project and/or this conditional zoning district proceeding before the Zoning Board of Adjustment so that town council has the opportunity to participate as a party to the appeal should it wish to do so.

10. 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.

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

ADOPTED THIS the 15th day of October, 2018, by a vote of 5 in favor and 0 against.



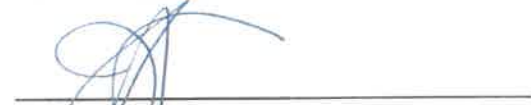
ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

**ORDINANCE ESTABLISHING THE CONDITIONAL ZONING DISTRICT
DESIGNATED AS CZD-3 - NORTHRIDGE COMMONS TOWNHOUSES**

WHEREAS, after proper notice required by law, Town Council held a public hearing on this application on 18 June 2018 in accordance with North Carolina law and Weaverville Town Code and, thereafter, took action to adopt an Ordinance Establishing a Conditional Zoning District Designated as CZD – 3 for Northridge Commons Townhouses;

WHEREAS, on June 18, 2018, Town Council adopted an Ordinance Establishing a Conditional Zoning District Designated as CZD-3 for Northridge Commons Townhouses;

WHEREAS, paragraph 6 of said ordinance provided as follows:

That this ordinance is effective immediately upon transfer of the Property from HFW Endeavors, LLC, to Northridge Commons Investors, LLC. The applicant is required to provide the Zoning Administrator with a copy of a recorded deed showing such transfer as soon as practicable after recordation. If such a transfer has not occurred by October 1, 2018, then this ordinance shall be automatically repealed.

WHEREAS, the applicant has requested that the October 1, 2018, deadline in paragraph 6 be extended and Town Council is agreeable;

WHEREAS, after proper notice required by law, Town Council held a public hearing on the amendment on 15 October 2018 in accordance with North Carolina law and Weaverville Town Code;

WHEREAS, the Planning and Zoning Board of the Town of Weaverville has reviewed the project and submitted a unanimous favorable recommendation along with its statement finding the reasonableness of both the project and the requested amendment to paragraph 6; and

WHEREAS, the project is a residential project consisting of 53 single-family dwellings in multi-unit buildings on three (3) contiguous parcels of land under common ownership; and

WHEREAS, the property is bounded by Walmart to the East, the private road known as Northcrest Road to the North, Monticello Road (SR 1727) and Gill Branch Road (SR 1724) to the West, and private properties outside Town municipal borders to the South, said property being shown on the attached survey prepared by Ed Holmes & Associates with a last revised date of 11 May 2018; and

WHEREAS, the applicant is under contract to purchase the property subject to receiving necessary approvals on the project; and

WHEREAS, the property is currently zoned R-12 and a multi-family residential project of more than four units requires a conditional zoning district; and

WHEREAS, the Town of Weaverville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and to amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, Section 36-84 of the Code of Ordinances of the Town of Weaverville establishes the procedures and requirements for zoning property to Conditional Zoning Districts; and

WHEREAS, this amendment is consistent with the Town's Comprehensive Land Use Plan, including specifically the stated goals and objectives in the Plan which encourage a variety of housing opportunities, the conceptual development in the Town's West Weaverville area which shows a mix of commercial and residential uses, and consistency with the Town's underlying R-12 zoning district which was designed and implemented specifically to accommodate high density residential uses; and

WHEREAS, the number of units in this project is 53 units, which is well below the maximum of 101 units based on the underlying R-12 zoning, and the setbacks and height restrictions typically required for projects within the R-12 zoning district have been voluntarily observed and reflected on the plans submitted; and

WHEREAS, a public involvement meeting was held on May 29, 2018, after proper notice of same and no negative comments were noted; and

WHEREAS, a traffic analysis was not conducted as the applicant's engineers, determined that the peak hour trips would not trigger the requirement stated in Town Code Section 36-25; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE THAT:

1. The zoning classification of that certain real property, which is shown on the survey prepared by Ed Holmes & Associates with a last revised date of 11 May 2018, and which is attached hereto and incorporated herein by reference, is changed from R-12 to Conditional Zoning District and is subject to compliance with the conditions set out herein. The official zoning map of the Town of Weaverville shall be amended to reflect this change upon the effective date of this ordinance.
2. The following conditions shall apply:
 - a. The project is to be constructed consistent with the plans and specifications prepared by Civil Design Concepts, PA, and submitted by the applicant, a copy of which is attached hereto and incorporated herein by reference, and itemized as follows:

- i. Sheet C101 – Existing Conditions and Demolition Plan
 - ii. Sheet C201 – Site Plan
 - iii. Sheet C300 – Overall Grading Plan
 - iv. Sheet C301 – Rough Grading and Erosion Control Plan
 - v. Sheet C302 – Road Profiles
 - vi. Sheet C501 – Storm Drainage Plan
 - vii. Sheet C601 – Water Plan
 - viii. Sheet C602 – Water Profiles
 - ix. Sheet C701 – Sewer Plan
 - x. Sheet C702 – Sewer Profiles
 - xi. Sheet C921 – Site Details (Curb and Gutter)
 - xii. Sheets C951, C952, C953 – Storm Drainage Details
 - xiii. Sheet C961 – Water Details
 - xiv. Sheets C971, C972 – Sewer Details
 - xv. Sheet L101 – Landscape Plan
- b. The project is to be constructed consistent with the plans and specifications, including but not limited to construction and finishing materials, prepared by Fisher Architects, PA, and submitted by the applicant, a copy of which is attached hereto and incorporated herein by reference, and itemized as follows:
 - i. Sheet T1.1 – Fire Wall Plan
 - ii. Sheets A101, A102, A103 – Floor Plans
 - iii. Sheets A201, A202, A203, A204 – Elevations
 - iv. Sheets A301, Wall Sections
- c. Sidewalks, natural walking trails, and crosswalks shall be constructed and/or installed as shown on Sheet C201 and properly maintained. Natural walking trails shall be surfaced with natural materials such as mulch or gravel, at the developer's discretion, and maintained in a good walkable condition. All crosswalks, including the crosswalk on Northcrest Road, shall be routinely maintained to keep the paint visible for pedestrian safety.
- d. All streets within the project shall be private, unless and until said streets are accepted into the public street system by the Town of Weaverville. Said private streets shall be constructed to NC minimum construction standards for subdivision roads or Weaverville's street standards, whichever is more

stringent. The covenants, conditions and restrictions applicable to this project must include language stating that the streets are private and part of the common area of the project, and as such will be maintained through the assessments for common expenses.

- e. For vehicular safety a guardrail must be installed and maintained along the top of the retaining wall to be constructed between Units 17 and 44.
- f. Fencing must be installed at the top level of any retaining wall or retaining wall system in order to protect against unsafe conditions at the edge of the wall. Such fencing shall be at least 4 feet in height and shall be constructed of a chain-link material or a solid barrier fence.
- g. Any and all outdoor lighting that is to be installed must comply with Town Code Section 36-26.
- h. All water, sewer, and stormwater infrastructure, and all street, sidewalk, natural walking trail, and crosswalk improvements must be installed and verified as complete by the appropriate authority prior to final plat review. Once the required infrastructure is complete, the final plat will be reviewed by Staff and the Planning and Zoning Board for compliance with the relevant portions of the ordinance approving the conditional zoning district for the project. After its review the Planning and Zoning Board shall submit a recommendation to Town Council. Town Council shall consider the Planning and Zoning Board's recommendation and shall approve the final plat and authorize the recordation of same, upon finding that the required infrastructure is complete and compliant.
- i. Minor modifications that can be approved by Staff are limited to matters such as the following: minor adjustments to the location of the natural walking trail, modifications that do not affect the property lines, modifications to subsurface infrastructure which do not affect the final plat and which are in substantial compliance with the approved plans. Any modification that affects the site plan as shown on sheet C201 is not to be considered a minor modification. All other modifications must be accomplished as an amendment to the conditional zoning district which can only be approved by Town Council after review and recommendation of the Planning and Zoning Board and a public hearing held by Town Council, but in such circumstance a public involvement meeting is not required.
- j. Any determination made by the zoning administrator regarding the project and/or this conditional zoning district is appealable to the Zoning Board of Adjustment. Such appeal shall be made in accordance with the procedure set forth in Town Code Section 36-328(3). In addition, Staff is required to notify the Mayor and Town Council of any appeals related to this project and/or this conditional zoning district proceeding before the Zoning Board of

Adjustment so that Town Council has the opportunity to participate as a party to the appeal should it wish to do so.

- k. All construction must be completed within 42 months of the issuance of the first permit allowing work to begin on the property. Upon request of the owner/developer, Town Council may, in its sole discretion, grant a 6-month extension or any other extension that it deems appropriate under the circumstances.
3. That the Town Zoning Administrator is hereby authorized and directed to make the changes as herein enacted on said zoning map with said Conditional Zoning District labeled as "CZD-3" on the Town's zoning map and to issue zoning permits for the individual residences that are to be constructed in compliance with this Conditional Zoning District.
4. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, it will be up to Town Council to determine if the validity of the remaining portions of this ordinance is affected.
5. That all ordinances and clauses of ordinances contained within the Town's Code of Ordinance which are in conflict herewith, are hereby repealed to the extent of such conflict.
6. That this ordinance is effective immediately upon transfer of the Property from HFW Endeavors, LLC, to Northridge Commons Investors, LLC. The applicant is required to provide the Zoning Administrator with a copy of a recorded deed showing such transfer as soon as practicable after recordation. If such a transfer has not occurred by April 16, 2019, then this ordinance shall be automatically repealed.

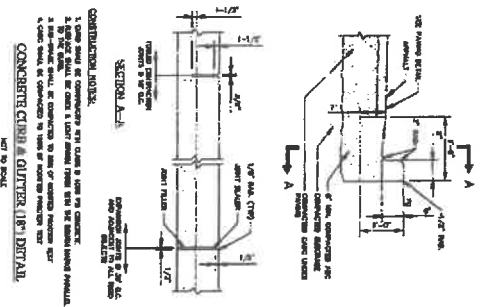
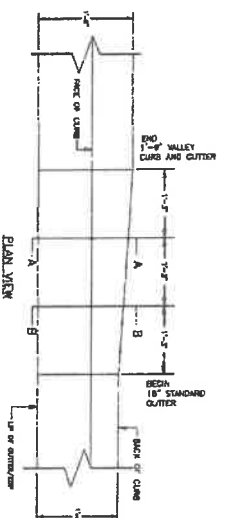
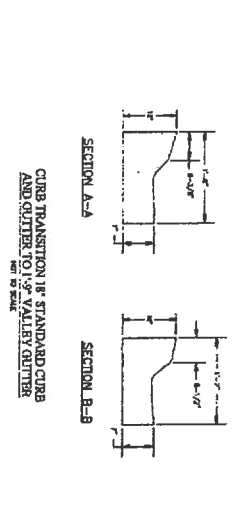
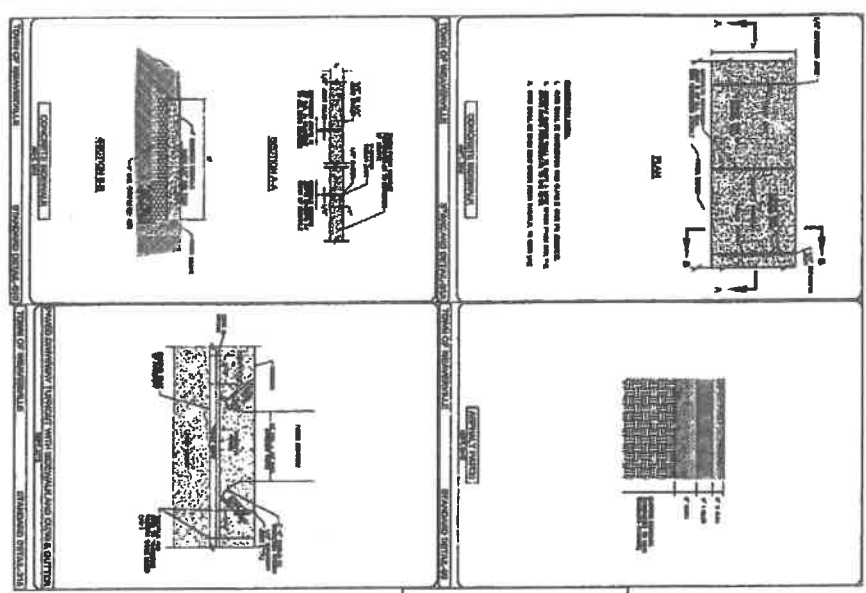
ADOPTED THIS the 15th day of October, 2018, with a vote of 5 for and 0 against.



ALLAN P. ROOT, Mayor



DEREK K. HUNINGHAKE, Town Clerk



SITE DETAILS

C921

NORTHEDGE COMMONS TOWNHOUSES



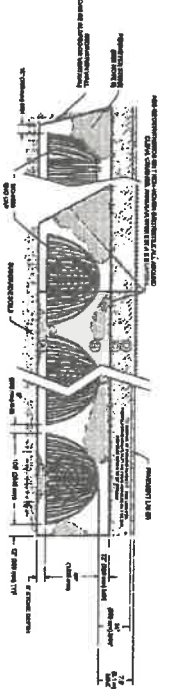
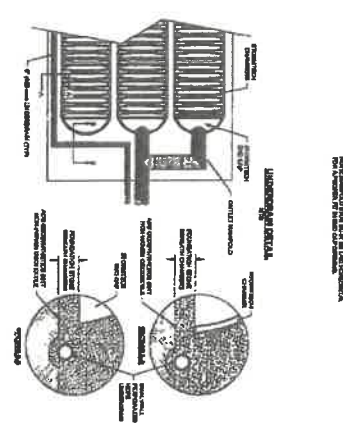
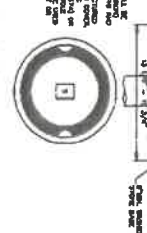
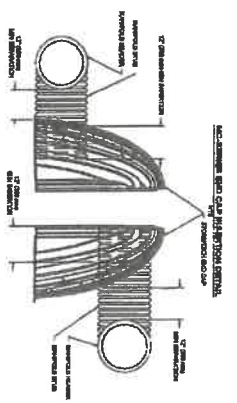
DATE	DESCRIPTION
1. 04/22/2018	CD (PULCRON) SUBMITTAL



NO PORTION OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

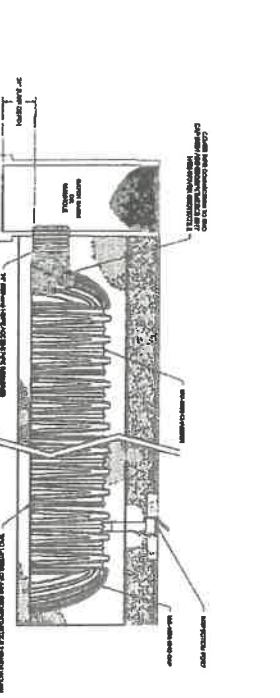
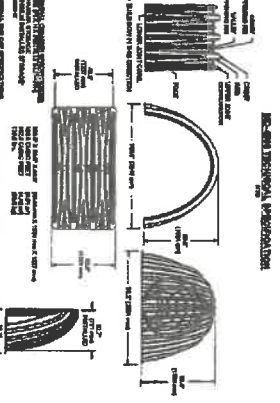
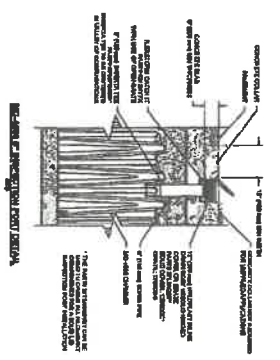
ACCEPTABLE FULL MATERIALS SPECIFICATION CHAPTER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	MANUFACTURER	COMMENTS/NOTES
1. CHAMBER WALLS AND COVER SHAFTS	ACCEPTABLE FULL MATERIALS SPECIFICATION CHAPTER SYSTEMS	ACCEPTABLE FULL MATERIALS SPECIFICATION CHAPTER SYSTEMS	ACCEPTABLE FULL MATERIALS SPECIFICATION CHAPTER SYSTEMS
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NOTES:

1. CHAMBER WALLS AND COVER SHAFTS SHALL BE CONCRETE WITH A MINIMUM STRENGTH OF 4000 PSI.
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ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE
1	CHAMBER WALLS AND COVER SHAFTS	100	SQ. YD.	100.00
2	CHAMBER WALLS AND COVER SHAFTS	100	SQ. YD.	100.00
3	CHAMBER WALLS AND COVER SHAFTS	100	SQ. YD.	100.00
4	CHAMBER WALLS AND COVER SHAFTS	100	SQ. YD.	100.00
5	CHAMBER WALLS AND COVER SHAFTS	100	SQ. YD.	100.00
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9	CHAMBER WALLS AND COVER SHAFTS	100	SQ. YD.	100.00
10	CHAMBER WALLS AND COVER SHAFTS	100	SQ. YD.	100.00



Stormleach

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STORM DRAINAGE DETAILS

C952

STORM DRAINAGE DETAILS FOR

TOWNHOUSE COMMONS NORTH RIDGE

TOWNHOUSES

11400 W. 14th Ave. Suite 100, Denver, CO 80202

DATE: 05/21/2018

BY: [Signature]

CD APPLICATION SUBMITTAL

NO. OF SHEETS: 30

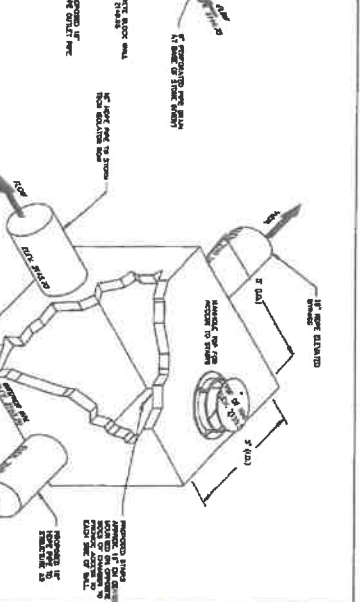
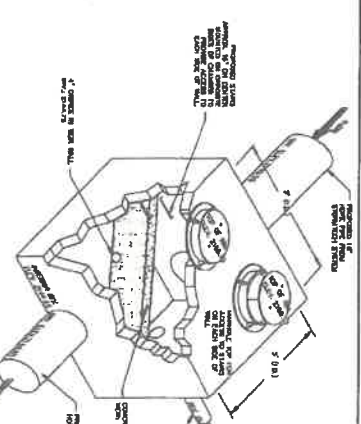
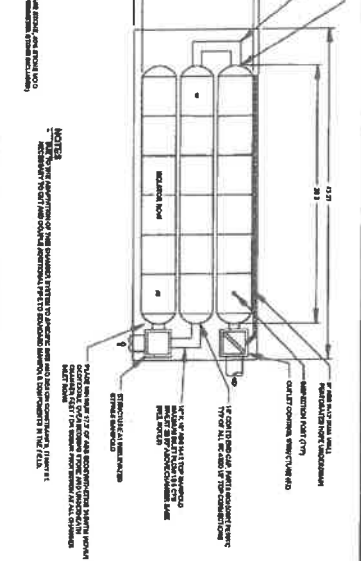
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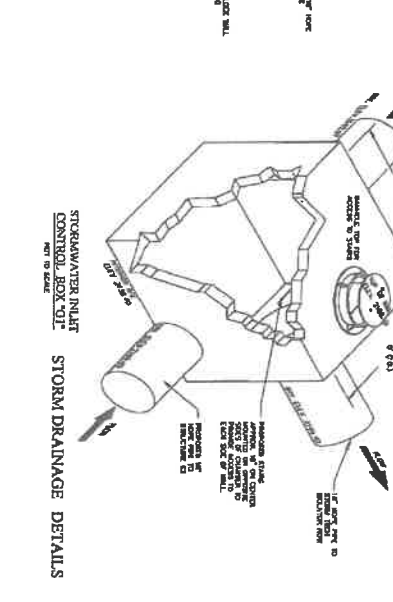
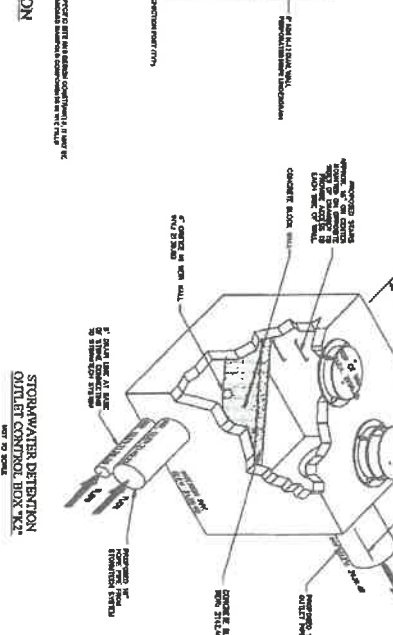
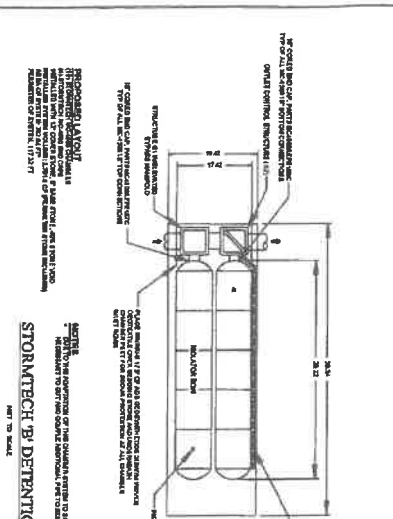
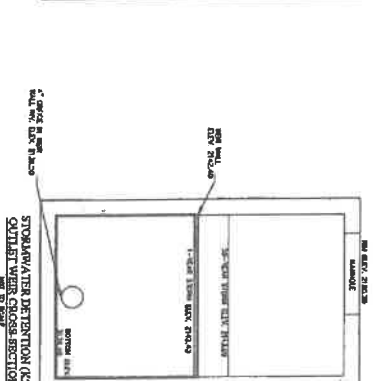
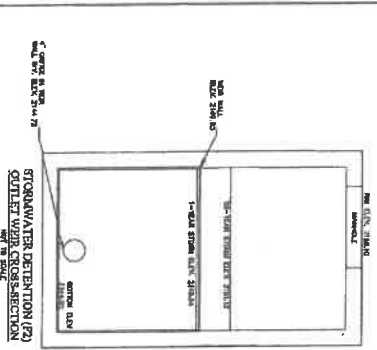
City of Denver

Design Concepts, PA

SECTION 26-0000 - STORMWATER CONTROL SYSTEMS
 PART 1 - STORMWATER CONTROL SYSTEMS
 26-0000 - STORMWATER CONTROL SYSTEMS
 26-0000 - STORMWATER CONTROL SYSTEMS



STORMWATER DETENTION
 PART 1 - STORMWATER DETENTION



150 PATTEN AWARD
 CIVIL ENGINEER
 CIVIL ENGINEER
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 CIVIL ENGINEER

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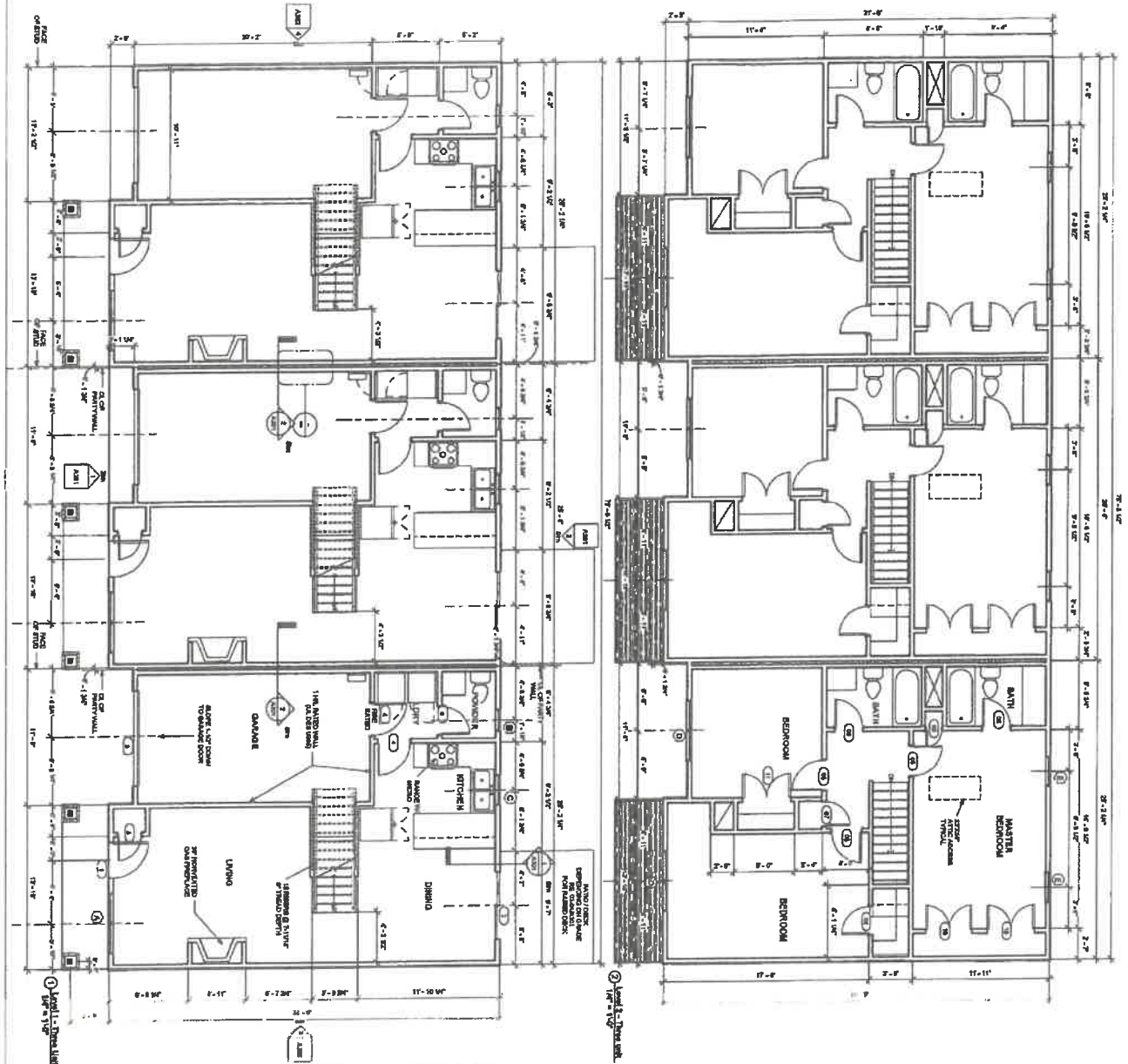
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NO.	DATE	DESCRIPTION
1	04/02/2019	CD APPLICATION SUBMITTAL
2	05/07/2019	RE SUBMITTAL
3		
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STORM GRAPHIC DETAILS FOR
**TOWNTRIDGE COMMONS
 NORTHWOUSES**

150 PATTEN AWARD
 CIVIL ENGINEER
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 CIVIL ENGINEER

C953



Floor Plan Notes:

1. All walls are 2x4 stud unless otherwise noted
2. All ceiling heights shall be 8'-1 1/2" unless noted otherwise
3. Kitchen layout is not exact, refer to layout from owner
4. Garage ceiling shall be fire rated gyp. board, UL #1501
5. See General Contractor for specific location of circuit breaker panel box
6. Verify Depth of second floor trusses with truss engineer. If depth differs from 1'6" as shown in wall section, adjust stair floors accordingly.
7. Three Unit Plans apply to Buildings: A, A2

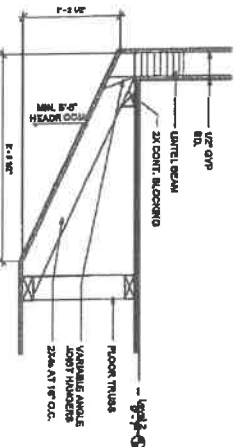
SINGLE UNIT SQ. FT. AREA
 FIRST FLOOR FINISHED 599 SQ. FT.
 SECOND FLOOR FINISHED 817 SQ. FT.
 GARAGE 223 SQ. FT.

Window Schedule

Type	Rough Opening	Description
A	2'-8" x 5'-2" Twn	Single Hung, Tempered
B	2'-0" x 3'-4"	Single Hung
C	2'-8" x 3'-4"	Single Hung
D	2'-8" x 5'-2" Twn	Single Hung
E	2'-8" x 5'-2"	Single Hung

Door Schedule

Locatio n	Mark	Size	Description
Typical	01	3'-0" x 6'-8"	Exterior Front Entrance
Typical	02	6'-0" x 6'-8" sliding glass	Exterior
Typical	03	6'-0" x 7'-0"	Exterior Single Change Door
Typical	04	2'-8" x 6'-8"	Interior
Typical	05	2'-8" x 6'-8"	Interior
Typical	06	2'-4" x 6'-8"	Interior
Typical	07	2'-0" x 6'-8" LOWER	Interior
Typical	08	2'-0" x 6'-8"	Interior
Typical	10	4'-0" x 6'-8" PAIR	Interior
Typical	10	4'-0" x 6'-8" PAIR	Interior
Typical	11	3'-0" x 6'-8" PAIR	Interior
Typical	141	4'-0" x 6'-8" PAIR	Interior



Sheet Title
 Floor Plan - Three Unit

Sheet No.
 A101

Date
 06 / 05 / 2018

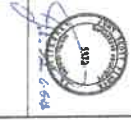
Job No.
 180280

Northridge Commons Townhomes
 Northridge Commons Investors, LLC

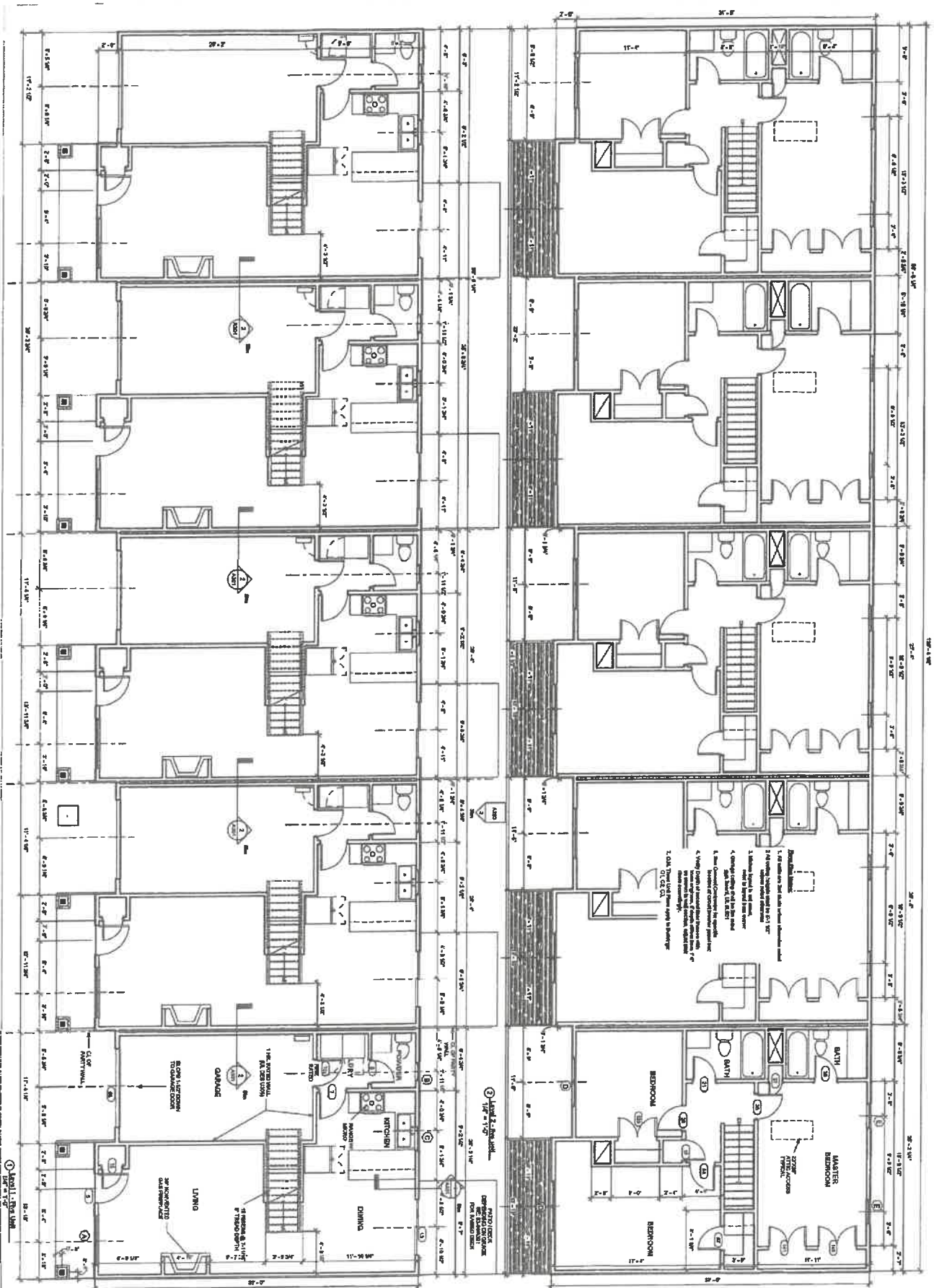
150 Monticello Road, Weaverville, NC 28787

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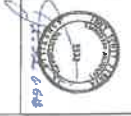


Floor Plan Five Unit

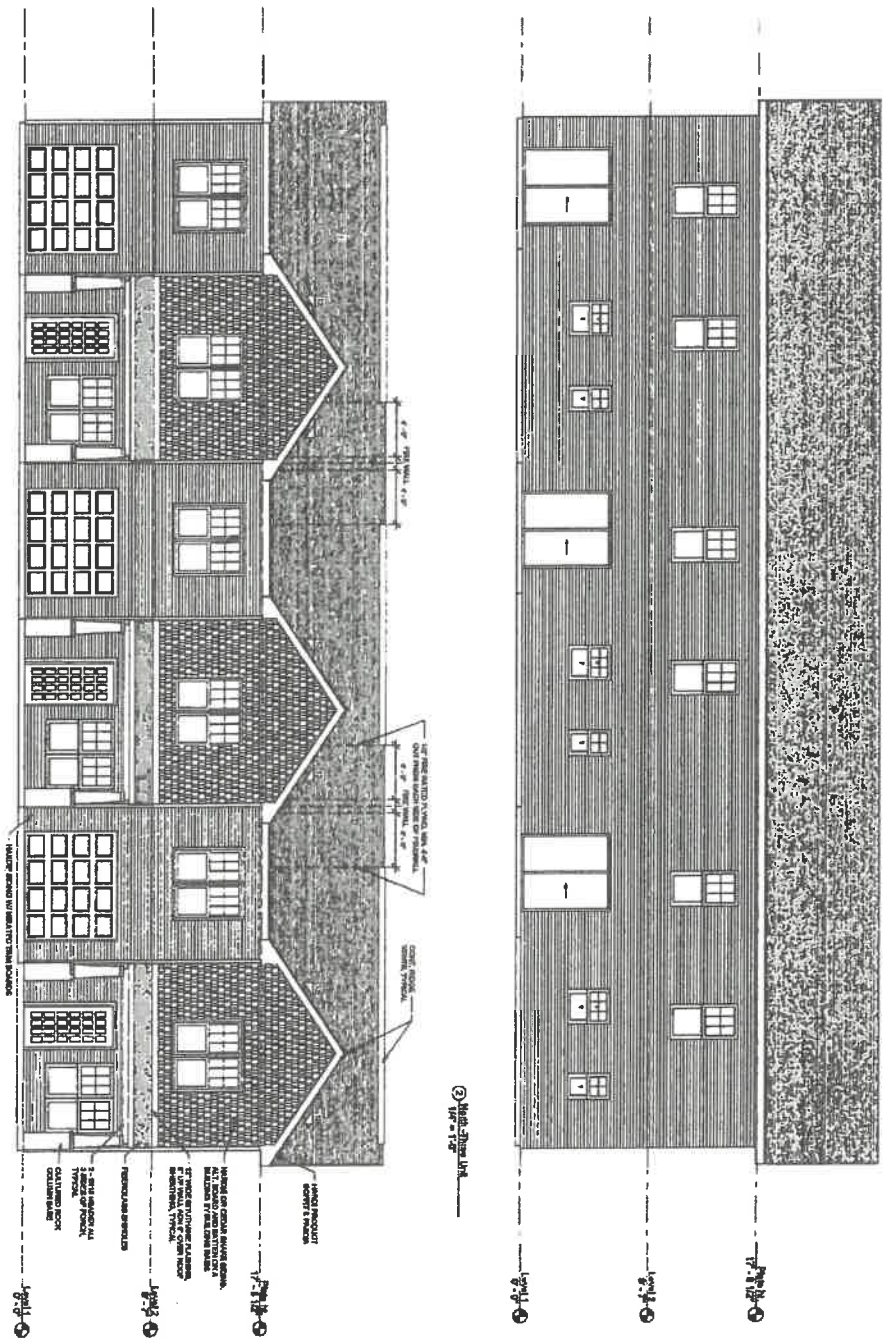
**Northridge Commons
Townhomes**
Northridge Commons Investors, LLC

PROJECT: **A103**
DATE: 06 / 05 / 2018
JOB NO.: 180280

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SHEET TITLE
Three Unit Elevations
 SHEET
A201
 DATE
 08 / 05 / 2018
 JOB NO.
 180289

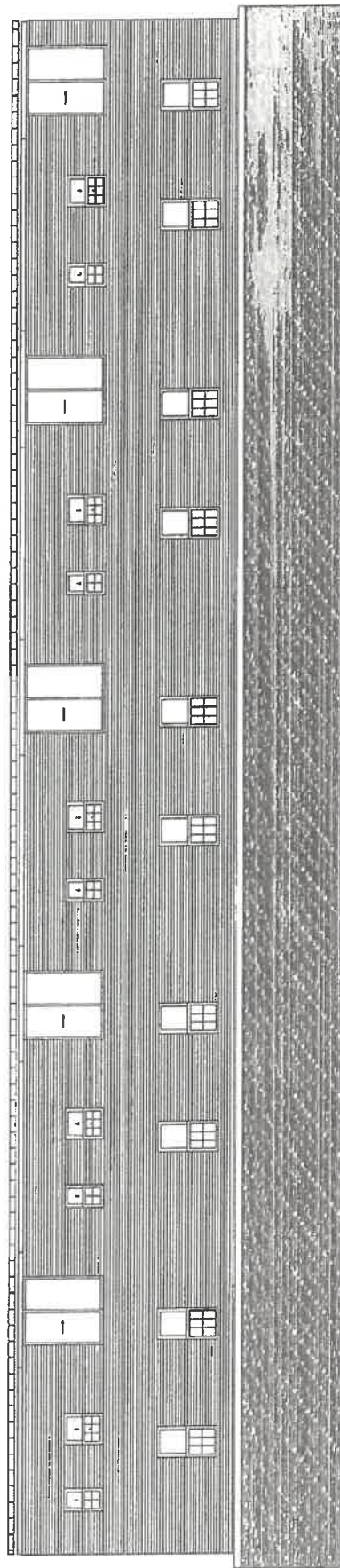
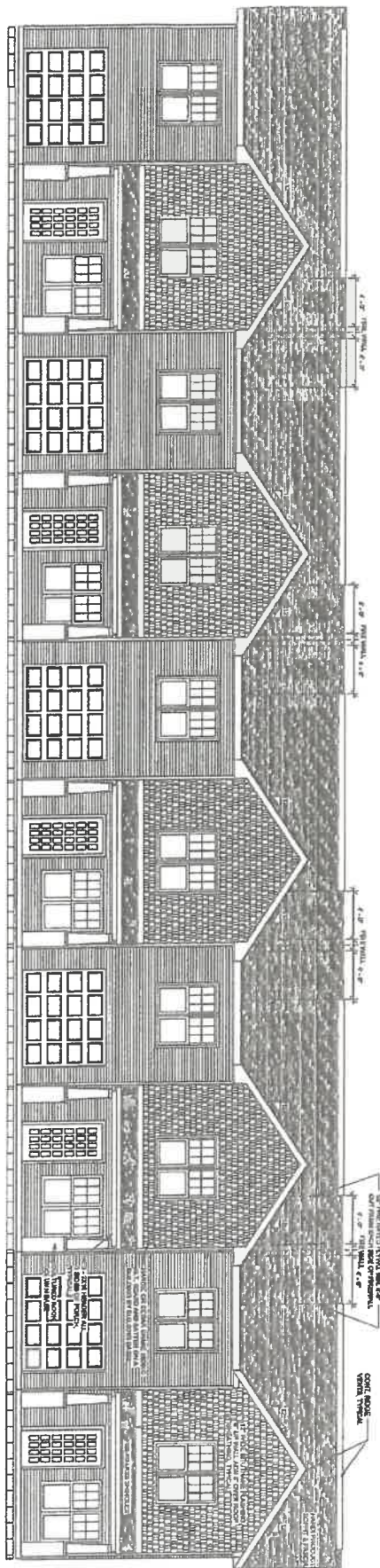
**Northridge Commons
 Townhomes**
 Northridge Commons Investors, LLC
 130 Medfield Road, Waverly, NC 28787

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 271 Main Street
 Asheville, NC 28901
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REVISIONS

NO.	DATE	DESCRIPTION



Five Unit Elevations

DATE: 06/05/2018

A204

180280

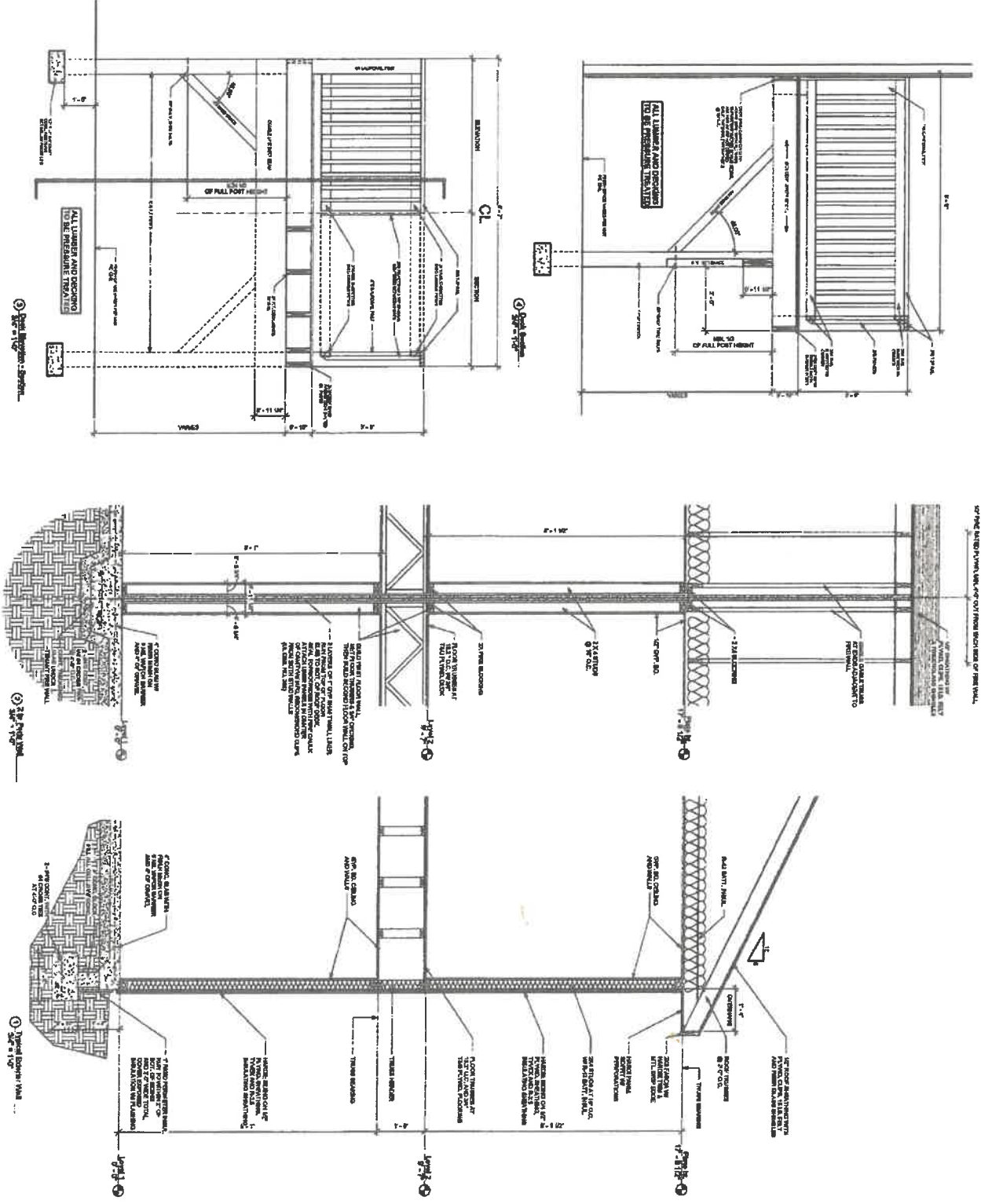
Northridge Commons Townhomes
 Northridge Commons Investors, LLC

150 Monticello Road, Weaverville, NC 28787

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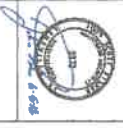
REVISIONS



SHEET TITLE	
Wall Sections	
NO. 301	DATE 06 / 02 / 2019
A301	JOB NO. 1002280

Northridge Commons Townhomes
 Northridge Commons Investors, LLC
 150 Monticello Road, Waverlyville, NC 28787

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REVISIONS



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, October 10, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, October 10, 2018, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeffrey McKenna, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present was: Town Manager Selena Coffey, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

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

2. Moment of Silence

Mayor Root held a moment of silence for Kenneth Chandler, a Town of Weaverville employee who passed away last week.

3. Discussion Items

A. Draft Strategic Plan

Mayor Root commented that the meeting tonight will be focusing on the draft strategic plan that was brought up earlier this year. Mainly, covering the draft strategic plan calendar to make sure items are being tasked to the right party and completed on time.

Town Manager Selena Coffey gave an overview of the process that was followed on the product that was handed out. She mentioned that the document included an introduction for the strategic plan, goals that the Town needed to complete in the short run and long run, and action planning and strategies that described a plan of attack for completing those goals and keeping on track. The goal for the workshop tonight is to draft a strategic plan calendar, by adding the Town's goals and objectives to make sure that they are still appropriate, each individual's responsibility and in what timeframe to be completed by. The draft of the Strategic Plan Calendar is attached.

4. Adjournment

Councilman Nagle made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 7:12 p.m.

Derek K Huninghake

Derek K. Huninghake, Town Clerk

Strategic Plan Calendar

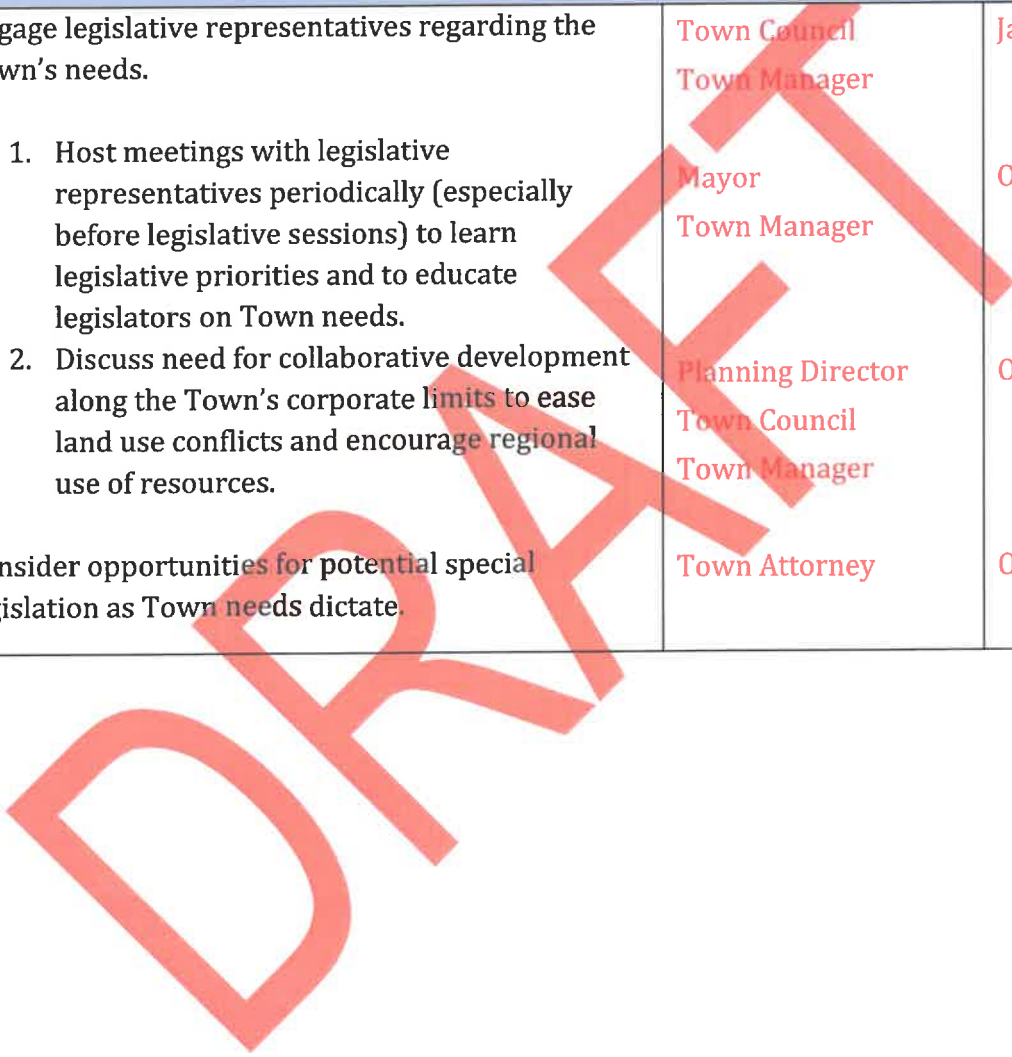
Goals & Objectives	Responsibility	Timeframe
Goal 1: To provide town services to meet the needs of the community.		
<p>A. Develop consensus on water and annexation growth and develop policies consistent with that consensus.</p> <ol style="list-style-type: none"> 1. Provide Town Council with all information necessary to make decisions regarding expansion of the water treatment plant. 2. Develop policy (or procedures) to guide Town Council in approving water allocations outside of Town limits. 3. Develop a formal voluntary annexation program. 	<p>Town Council Planning Director</p> <p>Town Staff</p> <p>Town Council Public Works Director</p> <p>Planning Director Town Council</p>	<p>January 2019</p> <p>Ongoing</p> <p>November 2018</p> <p>November 2018</p>
<p>B. Revisit the relationship with Asheville Rapid Transit to address re-establishment of bus route given new residential development within the Town.</p>	<p>Councilman McKenna Town Council</p>	<p>By Year 2021</p>
<p>C. Enhance the Town's outreach to educate the public about the Town's services.</p> <ol style="list-style-type: none"> 1. Continue the Citizens Academy. 2. Continue fire prevention programs and participation in school events such as field days and career days. 3. Continue community oriented policing programs, Cops for Kids, school programs, crime prevention program, etc. 4. Continue public education regarding services provided by the Public Works Department 	<p>Town Staff</p> <p>Town Manager Dept Heads</p> <p>Fire Chief Fire Department</p> <p>Police Chief Police Department</p> <p>Public Works Dept Public Works Director Water Superintendent</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>

<p>D. Recognize the needs of each Town department in serving an ever-changing and growing population.</p> <ol style="list-style-type: none"> 1. Budget adequately to meet service demands (i.e. personnel, equipment, etc.) 2. Maintain and update the capital improvements plan. 3. Address performance objectives as they correlate to the Town vision and mission. 4. Maintain Town facilities and equipment. 	<p>Town Council TM, Dept. Heads</p> <p>TM, Dept Heads Town Council</p> <p>TM, Dept Heads</p> <p>TM, Dept Heads</p> <p>TM, Dept Heads</p>	<p>FY 2019 Ongoing</p> <p>Annually</p> <p>Annually</p> <p>Annually</p> <p>Ongoing</p>
Goals & Objectives		
Responsibility		
Timeframe		
Goal 2: To improve regional collaboration.		
<p>A. Strengthen relationship with the Asheville-Buncombe Economic Development Coalition and other economic development organizations.</p>	<p>Town Council Town Manager</p>	<p>Ongoing</p>
<p>B. Recognize water as a regional resource and identify regional jurisdictions that wish to partner in water production, sale and distribution.</p>	<p>Town Council Town Manager PW Director Water Superintendent</p>	<p>Ongoing</p>
<p>C. Consistent involvement and collaboration with neighboring and regional jurisdictions in functional areas, such as police, fire, water resources, etc.</p> <ol style="list-style-type: none"> 1. Updates from department heads quarterly regarding regional efforts impacting the Town. 2. Updates from the manager subsequent to quarterly manager meetings regarding regional efforts with potential impacts on the Town. 3. Updates from the Mayor regarding regional efforts. 	<p>Town Council Town Manager Dept. Heads</p> <p>Department Heads</p> <p>Town Manager</p> <p>Mayor</p>	<p>Ongoing</p> <p>Quarterly</p> <p>Quarterly</p> <p>Monthly</p>
<p>D. Distribute information regarding regional programs, services and resources available to Town</p>	<p>Town's MSD Rep. Town's MPO Rep.</p>	<p>Ongoing</p>

citizens, i.e. Land of Sky Regional Council programs, etc.	Mayor Town Manager	Ongoing
Goals & Objectives	Responsibility	Timeframe
Goal 3: To maintain balance in land use planning efforts.		
<p>A. Development of tools to encourage balanced residential economic development.</p> <ol style="list-style-type: none"> 1. Revise Subdivision Ordinance to establish criteria and streamline subdivision approval process. <p>B. Update economic development goals for the Town.</p> <ol style="list-style-type: none"> 1. Energize the Weaverville Economic Advisory Committee to develop proposed goals for Town Council consideration. 	<p>Town Council Planning Director</p> <p>Planning Director P & Z Board</p> <p>Mayor Root Vice Mayor Jackson</p>	<p>Year 2019</p> <p>Jan. 2019</p> <p>Feb. 2019</p>
<p>C. Update the Town's Comprehensive Land Use Plan</p> <ol style="list-style-type: none"> 1. Determine whether plan will be updated internally or externally. 2. Complete update of the plan. 3. Implement plan. 	<p>Planning Director Town Council</p> <p>Town Council Planning Director</p> <p>Town Council Town Manager Planning Director</p>	<p>June 2019</p> <p>Ongoing June 2019</p> <p>July 2019</p>
<p>D. Investigate options for a geographic information system.</p> <ol style="list-style-type: none"> 1. Coordinate with Buncombe County to add the Town layer to County GIS. 2. Assess previous mapping efforts, software and equipment 	<p>Town Manager Planning Director</p> <p>Planning Director</p> <p>Planning Director Town Manager</p>	<p>March 2019</p> <p>Feb. 2019</p> <p>Feb. 2019</p>

Goals & Objectives	Responsibility	Timeframe
Goal 4: To promote a successful downtown.		
A. Consider a zoning district to serve as a transition between residential and commercial districts.	Town Council Planning Director P & Z Board	June 2019
B. Develop a mechanism to expand business opportunities along central Main Street.	Planning Director Town Council	June 2019
C. Develop a plan to enhance business opportunities on North Main Street.	Town Council Town Staff	June 2019
D. Consider mixed-use development regulation as a means of expanding development in areas with geographic limitations.	Town Manager Town Staff	April 2019
E. Provide information resources marketing downtown and its walkability. <ol style="list-style-type: none"> 1. Development of and distribution of Town walkability (sidewalks) and parks map. 2. Collaborate with the Weaverville Business Association (WBA) in marketing downtown restaurants, retail businesses, art studios, breweries and recreation amenities. 	Town Manager Town Staff Public Works Director Town Manager Town Manager	April 2019 April 2019 April 2019
F. Research grant opportunities for downtown beautification efforts. <ol style="list-style-type: none"> 1. Apply for beautification grants. 	Town Manager Dept Heads	Ongoing
G. Act as a liaison between downtown churches and businesses to identify available parking downtown. <ol style="list-style-type: none"> 1. Meet with leaders from downtown churches to identify potential parking for business employees and visitors. 	Town Manager Public Works Director Town Manager Public Works Director	Ongoing Feb. 2018

<ul style="list-style-type: none"> 2. Recognize downtown churches as community collaborators. 3. Create and distribute maps showing parking options in downtown Weaverville. 	<p>Town Manager Public Works Director Public Works Director</p>	<p>Ongoing April 2019</p>
Goals & Objectives	Responsibility	Timeframe
Goal 5: To increase legislative outreach.		
<p>A. Engage legislative representatives regarding the Town's needs.</p> <ul style="list-style-type: none"> 1. Host meetings with legislative representatives periodically (especially before legislative sessions) to learn legislative priorities and to educate legislators on Town needs. 2. Discuss need for collaborative development along the Town's corporate limits to ease land use conflicts and encourage regional use of resources. <p>B. Consider opportunities for potential special legislation as Town needs dictate.</p>	<p>Town Council Town Manager Mayor Town Manager Planning Director Town Council Town Manager Town Attorney</p>	<p>Jan. 2019 Ongoing Ongoing Ongoing</p>





MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, November 19, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, November 19, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeffrey McKenna, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons. Mayor Al Root was absent.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Councilwoman Sherrill made a motion to approve the agenda as presented. Councilman Fitzsimmons seconded and all voted in favor of the motion.

3. Approval of Minutes

Councilman Nagle made the motion to approve the minutes from September 11, 2018 Special Called Meeting, October 15, 2018 Special Called Meeting, and October 15, 2018 Town Council Regular Meeting as presented. Councilwoman Sherrill seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Public comments were received as follows:

Lou Accornero, 50 Highland Pointe Drive, commented that Town Council should reconsider the placement of Dry Ridge Museum in the new community center. He believes the museum would get lost in there and the community center should stay a community center. Dry Ridge Museum could be included at the Town Hall, if it was redesigned and Mr. Accornero would be willing to help with it.

Jon Varner, Eluvium Brewery Co-Owner, thanked Town Council and the community for being so great and supportive. The brewery just celebrated its one-year anniversary and made it in the Mountain Express "Best Of" category.

5. Consent Agenda

Councilman Nagle motioned for the approval of the Consent Agenda. Councilman McKenna seconded the motion and all voted unanimously to approve all action requested in the consent agenda.

A. Monthly Tax Report – Information Only

B. Tax Releases - Approved tax release of the real property of Amit Dorf at 122 Dorothy Lillie Lane valued at \$551,000, so that \$2,093.80 can be released from the 2018 levy.

C. Acceptance of Property Donation – Lake Louise/Mayfair Partners, LLC – Town Council motioned to accept and receive the donation of the real property described in the attached gift deed for use in conjunction with the Lake Louise Park.

D. Comprehensive Land Use Plan Update – Updated Town Council on Comprehensive Land Use Plan

E. Approval of Architectural Services Contract for Community Center Project – Approved the attached agreement for architectural services with Legerton Architects, P.A., for the Lake Louise Community Center Project and to authorize the Town Manager to execute the agreement and any other documents necessary to engage Legerton Architects, P.A., as the architects on this project.

6. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including 1) that Chief Wyatt will be retiring at calendar year end and she has already initiated the recruitment process by posting the position. As of today, she has received 19 applicants; 2) Public Works has completed the striping at the churches and created a mulch path from Weaverville Methodist Church parking lot to the rear alley serving Dr. Bollinger's dentist office and the Creperie in order to mark parking spaces that are available for employees of downtown businesses to park in; 3) Town Manager Coffey is proud to say that 31 employees volunteered to get CPR Training and Certification this week through Action Plan AED + CPR; 4) the Volunteer Appreciation Dinner will be held on Wednesday, November 28 at Town Hall; 5) the Town's Christmas Parade is Saturday, December 1 at 1pm; 6) and lastly, Weaverville's Employee Christmas Dinner will be Monday, December 3 at 6pm.

7. Discussion and Action Items

A. FY 2017-2018 Audit Presentation

Finance Officer Tonya Dozier covered the Financial Condition Analysis, a benchmark tool created by the School of Government and State before the audit presentation. She mentioned that there was very little change, but did inform Council that under the Water Fund our Self-Sufficiency ratio was a little above a one (one or higher is the goal). This ratio is considered to be most important, since it measures whether charges for services covered total expenses.

Travis Kever, of Gould Killian CPA Group, thanked Town Council for allowing them to serve as the Town auditors again and thanked staff for all their hard work and cooperation in completing the audit. Mr. Kever noted that they have issued the Town an unmodified (clean) opinion and reported no material weaknesses in internal control and no instances of non-compliance with laws and regulations.

Councilwoman Sherrill made a motion to approve the FY 2017-2018 Audit Report. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

B. FY 2017 -2018 ABC Audit Presentation

Chairman Robert Chason presented the Weaverville ABC FY 2018 Audit to Town Council. He noted that the ABC store was performing really well and is continuing to grow financially with last year's sales

exceeding \$3 million. Their profit distribution to the Town of Weaverville so far this year is around \$52,000 and overall, they have distributed over \$260,000 since the store opened. He hopes that they will continue to grow financially this year.

C. Approval of Final Strategic Plan Draft

Town Manager Selena Coffey gave Town Council a brief overview of the final strategic plan that was established from the Council workshop on October 10. It identifies the strategic issues, highlights the goals to develop the strategic plan and shows a timeframe of the implementation plan. She also, created a one page brief 2018-2021 Strategic plan for Town Council as a summary.

Councilwoman Sherrill made a motion to approve the final strategic plan draft. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

D. July 4/ Fireworks Discussion

Town Manager Selena Coffey informed Town Council that staff had come back with some additional information and specific fireworks staging locations downtown for the July 4 display like they had requested. She met with the Town's representative from Pyrotecnico last week and they came up with two final potential staging locations that were by the Weaverville Primary School. Pyrotecnico, the Town's firework vendors, did indicate that if the fireworks were shot from the baseball field, they could go with a two inch mortar and a 200 ft. safety radius. This won't require vacating any homes, but will require the roof of the primary school to be covered with fire blankets. The quote for the required fire blankets would be around \$8,000. The second option is to shoot from the playground, but it would have smaller mortars, require more extensive fire blankets to protect the school's roof and might require covering some windows. Town Manager Coffey did note that the firework show won't be the same visibly as it was down at the lake, since they aren't able to use as big of mortars.

Councilwoman Sherrill made a motion to approve the baseball field as the fireworks display location. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

E. Sale of Bus Garage – 13 Central Avenue

Town Attorney Jennifer Jackson gave Council an update on the sale of the bus garage at 13 Central Avenue. Lexington Glassworks is coming to the close of their due diligence and have requested the Town of Weaverville to perform the termite treatment for a current termite infestation on property. The total cost estimate is around \$5,205, including an annual pest contract that would be paid by the buyer. The Town Manager and Public Works Director recommend the treatment come out of funds within the Public Works budget.

Councilwoman Sherrill made a motion to approve the attached Due Diligence Request and Agreement and allow a Town expenditure for the requested termite treatment out of the Public Works budget and to authorize the Mayor and appropriate staff to execute and deliver any and all closing documents for a closing to occur in early December. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

F. Police Department Quarterly Reports

Police Chief Alan Wyatt presented the Weaverville Police Departments Third Quarter Report and noted that there were 55 vehicle wrecks, 267 misdemeanor charges and 29 felony charges. Chief Wyatt gave recognition to the officers at the Weaverville Police Department, not only for their hard work at their regular police duties, but for extending into the community and creating great fundraisers like the Weaverville Bike Run, Weaverville Cops for Kids, and the Pink Patch Project.

G. Fire Department Quarterly Reports

Fire Chief Ted Williams presented the Weaverville Fire Departments Third Quarter Report and noted that the call volume remains consistent and the fire loss costs are up this quarter due to the Weaverville Tire fire. They had 39 contacts about child passenger safety seats, 520 contacts in regards to public education and prevention activities, and 38 commercial business inspections.

8. Adjournment

Councilwoman Sherrill made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 8:01 p.m.

Derek K Huninghake

Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Tuesday, November 13, 2018**

The Town Council for the Town of Weaverville met for a Special Called Meeting on Tuesday, November 13, 2018, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Councilman Andrew Nagle, Vice Mayor/Councilman Doug Jackson, Councilman Jeff McKenna, and Councilwoman Dottie Sherrill. Councilman Patrick Fitzsimmons was absent.

Staff present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Town Planner James Eller, Finance Officer Tonya Dozier, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan

1. Call to Order

Mayor Al Root called the meeting to order at 6:01 p.m.

2. Discussion Items:

A. Growth as it relates to Land Use issues, Economic Development, Annexation, and Water Allocations (Please see attached materials pertinent to these discussions)

Town Attorney Jennifer Jackson informed Town Council that the fact sheets attached are based on data from the American Community Survey and departmental data, Staff tried to get as close as possible on the population and growth estimates, however these are estimates and we won't know how accurate they are until the 2020 Census results come out.

Town Planner James Eller led Town Council in the discussion on growth as it relates to the Town of Weaverville. Since 2016, there have been over 310 dwelling units permitted, one project accounted for 168 units, but over the three year span approximately 50 single family homes annually. Mr. Eller mentioned that it is important to examine the difference between the zoning map and current land use map often to see where the non-conformities lie and if Council/staff want to change the zoning district to get better use on the ground. Vast majority of the Weaverville development has been residential in nature, with the exception of the multi-tenant commercial facility in Weaver Village and the Dollar Tree. There is still a considerable amount of interest in the area for multi-family housing, but with the conditions set by Council on the water allocations as it pertains to annexation, developers are not willing to take that risk. Mr. Eller believes that this could lead to no growth on the periphery, so he asked if Council would like to revisit the situation.

Mayor Root commented that he believes Council's position on the terms of when projects should come into the Town is reasonable, if a couple years go by and no projects have been developed then Council might want to revisit their conditions.

Council discussed that they want the Town to grow, but don't want it to be bad growth. Plus, the pace of growth has been so rapid in the last few years that traffic congestion is getting worse, so stay at same position and see if growth continues.

Town Planner Eller mentioned that if the Town chooses to grow, it is likely to be on the outward direction. Staff hoped the difference in outside water rates would make up the difference in taxation like Council has brought up before; unfortunately the numbers don't illustrate this (i.e. it is usually less expense to stay outside of Town limits and pay double water rates). Mr. Eller also noted that there may be some apprehension toward multi-family developments, but suggested any large commercial or mixed use growth will still have the same conditional zoning roadblock as it relates to water allocation and annexation.

Councilman Nagle commented that without changing Town Council's philosophy, is there a way to let developers know ahead of time the conditions. He posed the question of how the town could "pre-zone" with the ETJ.

Town Attorney Jackson commented that the zoning districts would need to have more standards built into them, instead of defaulting to conditional zoning districts, which allow Council to legislate specifically to that project. However, if there were some uses added to the zoning districts, as permitted or permitted with standards, it would give the developer a more certainty as to what the regulations are, making them more comfortable.

Council discussed possibly bringing the R-12 zoning district back to the Planning and Zoning Board for some standards or to create a punch list for developers to make it easier on the multifamily developments. But, the big concern is to not go back into the same situation as before where Council was litigating in front of the Zoning Board of Adjustments. Town Attorney Jennifer Jackson commented that with Council approval, staff could work with the Planning and Zoning Board on the R-12 district to make some options for permitted with standards to be presented to Council.

Town Planner James Eller asked Council what they saw as balanced residential economic development in Weaverville, since most of the single family homes are owned and more expensive for families than the multi-family residential projects.

Council discussed that they want the Town to have more commercial growth and since there isn't a lot of open land left for businesses, they need to decide on what type of businesses would come in and help the quality life in Weaverville stay successful because businesses don't usually come in overnight.

Town Planner Eller mentioned that all of the high density residential projects were approved by special-use permits by the Zoning Board of Adjustment, so it might be worthwhile for Council to consider creating a zoning district that would accommodate such a use, instead of projects always having to be approved as a conditional zoning district. Also, there has been no commercial growth in about a decade and the Town hasn't received any applications in a quite some time.

Town Attorney Jackson added that the zoning district or zoning map should be encouraging development that Council would like to have happen in Weaverville. If there are other uses that Council would like than rezoning can be used as a tool to guide development growth in the Town as they like.

Mayor Root mentioned that it would be good to reach out to the community and see what types of retail aren't being provided in Weaverville, and then try to encourage that retail to come here.

Council determined that with all the residential projects that have been completed, it is nice that residents have all the necessities within the downtown area. Hopefully, the Town could create some great destinations for residents to be able to walk too, as well as making sure there are medical and retail services available.

Planning and Zoning Board members mentioned that there will be growth in Weaverville, but need to start looking into other things that the Town needs like medical/office park or retirement center. Also, it would be good to look at all of the undeveloped areas in and outside Town, imagine them at full capacity and see the effect on our water capacity.

After all the discussion, Council determined that the Town is going to grow; they need to try to control it as much as possible, and encourage the kind of growth that is beneficial to the Town. Various commercial aspects that would be nice for the Town of Weaverville would be medical, healthcare, neighborhood commercial growth and technology businesses that are not big industrial enterprises. There is some openness to revisiting the R-12 district to provide some comfort to the developers and possibly looking into high density single family homes.

3. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council's meeting at 7:28 p.m.



Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Tuesday, December 11, 2018**

The Town Council for the Town of Weaverville met for a Special Called Meeting on Tuesday, December 11, 2018, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Councilman Andrew Nagle, Vice Mayor/Councilman Doug Jackson, Councilman Jeff McKenna, and Councilman Patrick Fitzsimmons. Councilwoman Dottie Sherrill was absent.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Dale Pennell.

1. Call to Order

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

2. Presentation on Asheville on Bikes

Councilman McKenna introduced Clark Mackey, co-owner of CAKE websites and Asheville on Bikes Board Chairman, and thanked him for coming tonight to present Asheville on Bikes with Council.

Clark Mackey presented to Council the high demand for bicycling in Western North Carolina and that many of the popular bicycle routes in the area lead up to or around the Town of Weaverville. This makes Weaverville a very hot commodity for bicyclists, and with over \$43 million generated each year on bicycle tourism, a good opportunity for the Town to increase its revenue and tax base. There are so many types of bicyclists around the area like the road and gravel bicyclists, cargo and family bicyclists, urban bicyclists, mountain biking and bike packing, so being that it is not just a single demographic makes it even more favorable. Mr. Mackey mentioned that Weaverville doesn't have to invest a lot, since the bicyclists are already coming this way. However, building amenities like protected bikes lanes, greenway connections to neighborhoods, bike racks and bike repair stations would increase the bike riders traffic and keep the small town charm. If positioned correctly leading towards the downtown, it could lead to more revenue for businesses as well. Mr. Mackey believes this would be a great opportunity for the Town of Weaverville and thanked them for their time.

3. Community Center Project

A. Commercial Kitchen

Council held discussion on the commercial kitchen and determined that it would be best to not have it included in the new community center project. Council agreed that the maintenance and cost of a commercial kitchen would be too high and the main use would be for storing and reheating food. Council discussed the possibility of having a recreational room inside the community center, instead of having all the rooms for business/conference meetings and weddings. Manager Coffey agreed to bring back cost estimates to upfit the rooms to double as meeting rooms and multi-sports rooms (i.e. pickleball, etc.).

B. Dry Ridge Museum

Next, Council held discussion on the Dry Ridge Museum and determined that there would need to be space for an exhibit in the new community center. The best place for the Dry Ridge Museum would be within the community center and it would need to be self-sustaining with no employees. Council also mentioned reaching out to the library about the museum and the demand for their community room.

C. Outdoor Space

Council determined that the outdoor space at Lake Louise would be used for recreational activities. There is a lot of usable land for a tennis/basketball court, bike skills park, or pickle ball court. They want to make sure that the space is definitely going to be used and that it doesn't get over looked or placed on the back burner.

After all the discussion, Council determined that the commercial kitchen wasn't a big necessity and there needs to be space for an exhibit for the museum. Staff was asked to reach out to the architect to create other drawings reflecting these changes, and to see if indoor recreational opportunities could be inside community center. Council asked staff to try and reach out to other Towns that have built new community centers recently and see the process that they went through and how they like it.

4. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 7:30 p.m.



Derek K. Hunninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, December 17, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, December 17, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeffrey McKenna, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

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

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Mayor Root asked to move Consent Agenda item K, Annexation Petition and Initial Zoning Request for Barkley Terrace Subdivision, to the first item under the Discussion/Action items.

Councilman Nagle made a motion to approve the agenda with the aforementioned revision. Vice Mayor/Councilman Jackson seconded and all voted in favor of the motion.

3. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from October 10, 2018 Town Council Special Called Meeting and November 19, 2018 Town Council Regular Meeting as presented. Vice Mayor/Councilman Jackson seconded the motion and all voted in favor on the approval of the minutes.

4. Special Recognitions

Mayor Root recognized Police Chief Alan Wyatt for all his hard work and dedication to the Town of Weaverville. Chief Wyatt served in various roles within the Weaverville Police Department and will greatly be missed. We wish him the best in his retirement. Mayor Root reminded everyone that there is a retirement reception for Chief Wyatt at the Town Hall on Friday, December 21 at 3pm.

5. General Public Comment

Mayor Root noted Town Council is going to bring back the ability, on certain agenda items, to comment during the discussion of respective items on the agenda beginning with the January 2019 council meeting.

Public comments were received as follows:

Alan Sheppard, thanked Chief Wyatt for his service as well and mentioned that as for public comment, it was for the sale of the bus garage. He commented that no one in Town was aware of what went down on the sale of the bus garage, whether it was sold or not. Plus, now there are contingencies on it and the buyer was allowed more time to decline the offer if he wanted, which other bidders weren't aware of.

6. Consent Agenda

Vice Mayor/Councilman Jackson moved for the approval of the consent agenda. Councilman Nagle seconded the motion and all voted unanimously to approve all action requested in the consent agenda.

A. Monthly Tax Report – Information Only

B. Tax Releases/Refunds- *Approved tax refund of the personal property of North Carolina RSA #4 Inc., DBA US Cellular valued at \$18,755, so that \$78.77 can be released from the 2014 tax levy.*

C. Award of Badge and Service Weapon to Retiring Police Chief - *Upon payment of \$1 00 (provided by Town Manager Selena Coffey), Police Chief Alan Wyatt was awarded his badge and service firearm.*

D. Budget Amendment: Cops for Kids Program - *Approval of Budget Amendment*

E. Appointment to MSD Board - *Appointed Earl Valois to serve as the Town's representative on the Metropolitan Sewerage District (MSD) Board for a regular 3 year term beginning in January of 2019*

F. Town of Weaverville 2019 Holiday Schedule – *Approved the 2019 holiday schedule as presented.*

G. Town Council 2019 Meeting Schedule – *Approved the 2019 meeting schedule as presented.*

H. Award of Contract for Supervisory Control and Data Acquisition System (SCADA) – *Approved the proposal submitted by Carolina Technical Services, Inc. in the amount of \$58,327.00 and the contract for the SCADA system at the Town's water treatment plant to Carolina Technical Services, Inc. on that basis.*

I. Approvals of Local Water Supply Plan & Water Shortage Response Plan – *Adopted the Resolution Approving the Local Water Supply Plan and the Resolution Approving the Water Shortage Response Plan as presented and directing the Water Treatment Plant Superintendent to forward copies of the adopted, resolutions and plans to the Department of Environmental Quality.*

J. Acceptance of Old Dry Ridge Circle Public Street Dedication – *Accepted the dedication of Old Dry Ridge Circle as a Town street so that it can be included in the Town's street system and authorize the recording of the attached deed for conveyance of the road and road right-of-way to the Town upon the delivery of a \$5,000 repair bond to be held for three years.*

7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including an update on the recruitment of a new Police Chief. There were 40 applications received which were screened down to 11 for phone interviews. After the phone interviews, there were 4 candidates brought in for a full day assessment center that included a panel interview, written exercise, oral presentation, and job simulation. She has offered the position to an individual and they have accepted, but the name cannot be announced until the new Chief has the opportunity to give notice to their current employer; Recognized Public Works Director Dale Pennell and the Public Works staff for refurbishing all 32 snowflake lights. In doing so, their ingenuity is saving energy and the Town thousands of dollars in replacements; there is a retirement reception for Police Chief Alan Wyatt on Friday, December 21 at Town Hall from 3 pm -5 pm; and lastly, the County school system got in touch with Chief Williams and told him that they could not approve staging the fireworks at the Weaverville Primary baseball field due to their insurance. Manager Coffey noted that she is continuing to work towards this goal of having the fireworks downtown and would update Council on her progress at the next meeting.

8. Discussion and Action Items

A. Annexation Petition and Initial Zoning Request for Barkley Terrace Subdivision

Town Attorney Jackson mentioned to Town Council that an Annexation Petition and Initial Zoning Request have been received for the project known as Barkley Terrace Subdivision on Wheeler Road. Town Council approved a water allocation several years ago, upon the condition that they annex in to the Town of Weaverville. The water infrastructure has been constructed and they now are coming forward with their annexation petition. At this time, it is appropriate under statute that Town Council adopts a resolution instructing the Town Clerk to investigate the sufficiency of the petition. This means the Clerk will check to make sure that all property owners signed the petition and that all requirements for satellite annexation can be met. This should be completed and brought back to Council at next meeting.

In addition to the petition, there was an initial zoning request received for R-2 zoning. It is appropriate to try and keep the zoning track together with the petition and for Town Council to send the zoning request to the Planning and Zoning Board for review and recommendation. There is a resolution drafted in the packet for Town Councils approval. Town Attorney Jackson understands that Council may have some concerns and there will be public hearings on both the annexation petition and the zoning request. The developer has gotten approvals from Buncombe County and is asking for vested rights under conditional use permit which was approved by Buncombe County.

Council discussed the water allocation terms and extensions, the development inconsistencies under Town zoning code, vested rights, and annexations.

Councilman Nagle made a motion to adopt the proposed resolution concerning the annexation petition for the subdivision known as Barkley Terrace. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

B. Proposed Code Amendments to Chapter 2 and 20: Planning Board

Town Attorney Jennifer Jackson commented that considering the workload the Planning and Zoning Board is experiencing right now, staff recommends that the Town's Code provisions concerning the establishment and membership of the Planning and Zoning Board be changed to allow up to 2 alternate members and to increase the terms to 3 years instead of 2 years. Town Attorney Jackson also noted that the establishment of the Town's various boards has been scattered throughout the chapters of the Code instead of being consolidated within the Boards, Commissions, and Committees section (Chapter 2 Article IV). Therefore it is recommended that the Planning and Zoning Board establishment be moved to the Boards, Commissions, and Committees section of the Code in order to provide more organized and efficient Code of Ordinances.

Vice Mayor/Councilman Jackson made a motion to adopt the Ordinance Amending Weaverville Town Code Chapters 2 and 20 concerning the Planning and Zoning Board. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

C. Board Appointments: Planning and Zoning Board

Mayor Root recommends that the term of Steve Warren be extended to September 2021 to stagger the terms on a 3-year term basis and that Tom Balestrieri be appointed to the Planning and Zoning Board as an alternate member.

Vice Mayor/Councilman Jackson made a motion that Tom Balestrieri be appointed to the Planning and Zoning Board as an alternate member for a term to expire in September 2021 and that the term of Steve Warren be extended to September 2021 in order to provide for staggered 3-year terms. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Comprehensive Land Use Plan Update

Town Planner James Eller informed Town Council that before them tonight for their consideration is an annexation analysis, a future land use map and municipal borders map. Mr. Eller noted that in regards to involuntary annexation, the General Assembly has made it almost impossible to accomplish them now. As for voluntary annexations, they remain fairly untouched with the same process. Town Attorney Jennifer Jackson added that the Infographic Fact Sheet before Town Council was created from the demographic data and placed in a format that will be beneficial to them and the Town.

Mayor Root asked how we were going forward with the Comprehensive Land Use plan update and how it was playing out in the upcoming months. Town Attorney Jackson mentioned that the next steps will be to create a draft; staff continues to update and get input from the Planning and Zoning Board, and now they need to start outlining a public input process that will be before Town Council.

E. Sale of Bus Garage

Town Manager Selena Coffey mentioned to Town Council that whether the bus garage was sold or not, the termite issue had to be addressed. That issue has been completed, and now the Town found out that the highest bidder's bank appraisal didn't come in high enough for them to make the \$367,550 purchase price work, so opted out of the contract. This means that we will be starting the process over again with a new contract.

Town Attorney Jennifer Jackson reminded Town Council that the last set of offer advertisement upset bid that was approved was a contract that had a due diligence period allowing the potential buyer to do as many inspections as they wanted and have an opt-out date. On the last day of the examination period, the bank appraisal came in too low for them to go forward with the project so they withdrew the offer. Since then they have come back in with a brand new contract. Under the statute this is a negotiated offer, which can be advertised for a 10 day upset bid period. This process will continue until there are no more qualifying bids coming in. Once a final bid is submitted, it comes before Town Council for approval or rejection. Town Council has before them an initial offer that they can propose to accept and authorizing the advertisement of the offer and upset bid period.

Resident Alan Sheppard was permitted to comment and noted that he had never seen property sold like this before and tried to get a contract from the realtor, but wasn't able to obtain one so didn't know there was a due diligence period. He was informed that he could make a bid or not. Secondly, he asked if there was anything found during due diligence by the proposed buyer after the offer was withdrawn. Mayor Root and the Town Attorney briefly commented on the differences between an auction style bidding process that is typically done on the courthouse steps and the process that the Town is using where it has a contract in hand and seeks upset bids in order to try to get the best price for the property.

Mayor Root asked Town Attorney to amend the contract, so that any and all inspections during due diligence become seller's property. Council also discussed which date to publish the advertisement of offer due to the holidays and decided on Thursday, December 27, 2018.

Councilman Fitzsimmons made a motion to propose to accept the offer with the condition that all inspections, reports and cost estimates concerning the property be made public record and directed the Town Clerk to advertise a notice of offer, and seek additional offers through the upset bid period. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

F. Update on USDA Loan for Water Line Extension Project

Town Manager Selena Coffey gave Town Council an update on the USDA Loan for the Water Line Extension project. Two issues came about during the USDA loan preliminary review for our application; 1) The Town has extensive cash in cash reserves and will have to use \$170,600 of Town funds towards the project, and 2) they are anticipating that after January 1, 2019, interest rates will increase from 4% to 4.25%. She would like Town Council to hold a Special Called meeting on Friday, December 21 at 2:30 pm so that Pam Hysong, USDA representative, can be at the meeting to present the loan documents, letter of commitment, and all documents required for Mayor signature. Town Manager Coffey recommended that Council approve the payment of \$170,600 from Town funds and schedule a special-called meeting for December 21, 2018 at 2:30pm.

Councilman Nagle made a motion to approve the requirement by the USDA for the Town to use \$170,600 of Town funds on the Waterline Extension Project and for the Mayor to call a Special Called meeting on December 21 at 2:30 pm at Town Hall. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

G. Public Works & Water Resources Quarterly Reports

Public Works Director Dale Pennell discussed the Public Works and Water Resources Quarterly Report for September – November 2018. He mentioned that he was very proud of the public works department for their hard work over the snowstorm weekend. They worked around the clock to help clean and salt the roads. Due to the snowstorm, they are extending the leaf pickup from December 15 to January 31. As for water resources, Mr. Pennell noted that the Town hasn't committed any water since June and with the transition from commitment phase to the built phase, so the Town's capacity is not quite as worrisome now. The Town is also cooperating with the NC Wildlife Resources Commission on a program called a Community Fishing Program, which is an agreement between the Town and the Wildlife for the US Wildlife Service to come and restock the lake with fish.

Mayor Root thanked the Public Works, Fire and Police Department for all their hard work in making the Weaverville Parade and Candlelight Stroll a big success.

9. Closed Session

Vice Mayor/Councilman Jackson made the motion to enter closed session as per N.C. Gen. Stat. § 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 public body, N.C. Gen. Stat. § 143-318.11(a)(5) to establish or instruct staff concerning the position to be taken by or on behalf of the public body in negotiating, and N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance. Councilman Fitzsimmons seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

Councilwoman Sherrill made the motion to exit closed session. Vice Mayor/Councilman Jackson seconded and all voted unanimously to exit closed session and re-enter open session.

10. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 10:05 p.m



Derek K. Huninghak, Town Clerk

**RESOLUTION APPROVING THE LOCAL WATER SUPPLY PLAN
FOR THE TOWN OF WEAVERVILLE**

WHEREAS, North Carolina General Statute § 143-355(l) requires each unit of local government that provides public water service to prepare and submit a local water supply plan to the Department of Environmental Quality for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning the attached Local Water Supply Plan for the Town of Weaverville has been developed and submitted to Town Council for approval; and

WHEREAS, Town Council of the Town of Weaverville finds that the attached Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute § 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Weaverville, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE HEREBY RESOLVES, that the Local Water Supply Plan that is attached hereto is hereby approved and adopted and staff is directed to submit the same to the Department of Environmental Quality, Division of Water Resources, along with a copy of this resolution; and

BE IT FURTHER RESOLVED that Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years, or as otherwise requested by the Department of Environmental Quality, in accordance with the North Carolina law and sound planning practice.

ADOPTED this the 17th day of December, 2018.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk

Weaverville

2017 ▾

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

System Information

Water System Name: **Weaverville** PWSID: **01-11-025**
 Mailing Address: **P. O. Box 338** Ownership: **Municipality**
Weaverville, NC 28787
 Contact Person: **Jared T. Duncan** Title: **Superintendent/ORC**
 Phone: **828-674-6822** Fax: **828-658-2362**

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	0	0.01 %
Cast Iron	4-10	33.00 %
Ductile Iron	6-20	38.01 %
Galvanized Iron	.75-2	3.98 %
Other	0	0.00 %
Polyvinyl Chloride	2-10	25.00 %

What are the estimated total miles of distribution system lines? **67 Miles**
 How many feet of distribution lines were replaced during 2017? **0 Feet**
 How many feet of new water mains were added during 2017? **9,773 Feet**
 How many meters were replaced in 2017? **253**
 How old are the oldest meters in this system? **20 Year(s)**
 How many meters for outdoor water use, such as irrigation, are not billed for sewer services? **30**
 What is this system's finished water storage capacity? **3.9000 Million Gallons**
 Has water pressure been inadequate in any part of the system since last update? **No**

Hydrants

Does this system have a program to work or flush hydrants? **Yes, Annually**
 Does this system have a valve exercise program? **Yes, Annually**
 Does this system have a cross-connection program? **Yes**
 Does this system have a program to replace meters? **Yes**
 Does this system have a plumbing retrofit program? **Yes**
 Does this system have an active water conservation public education program? **No**
 Does this system have a leak detection program? **Yes**

Water Conservation

What type of rate structure is used? **Increasing Block**
 How much reclaimed water does this system use? **0.0000 MGD** For how many connections? **0**
 Does this system have an interconnection with another system capable of providing water in an emergency? **Yes**

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
French Broad River (05-2)	100 %	Buncombe	100 %

What was the year-round population served in 2017? **6,638**
 Has this system acquired another system since last report? **No**

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	2,474	0.4050	0	0.0000
Commercial	183	0.0750	0	0.0000
Industrial	9	0.0450	0	0.0000
Institutional	9	0.0320	0	0.0000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? **0.0150 MGD**

Filter studies resulted in a dramatic decrease in the amount of filter backwash water. This, combined with a water reclamation project, resulted in a dramatic reduction in the amount of process water used.

Water Sale

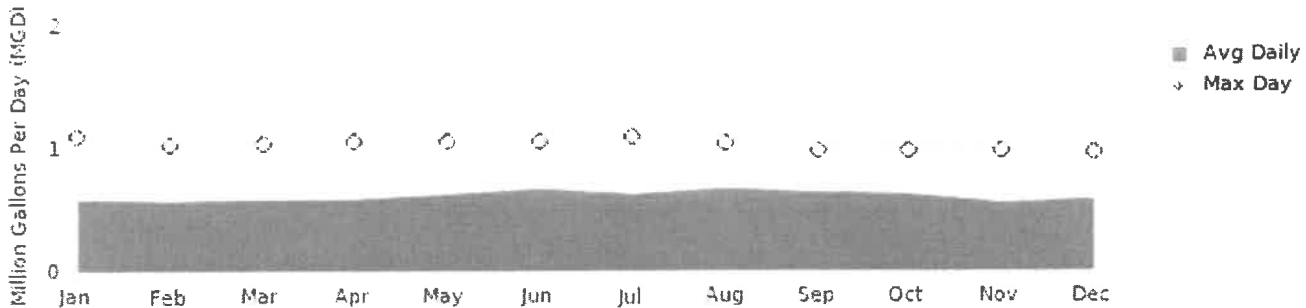
Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Asheville/Buncombe	01-11-010	0.0000	0	0.0000		Yes	Yes	8	Emergency
Town of Mars Hill	01-58-010	0.0000	0	0.2000		Yes	Yes	8	Emergency

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	0.5680	1.0940	May	0.6150	1.0510	Sep	0.6400	0.9840
Feb	0.5580	1.0220	Jun	0.6560	1.0480	Oct	0.6220	0.9840
Mar	0.5700	1.0360	Jul	0.6210	1.0950	Nov	0.5510	0.9790
Apr	0.5810	1.0510	Aug	0.6570	1.0360	Dec	0.5720	0.9620

Weaverville's 2017 Monthly Withdrawals & Purchases



Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Ivy River		0.6010	365	1.0950	1.5000	F	0.0000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Ivy River		112	Yes	French Broad River (05-2)	Buncombe		Regular

What is this system's off-stream raw water supply storage capacity? **0 Million gallons**

Are surface water sources monitored? **Yes, Daily**

Are you required to maintain minimum flows downstream of its intake or dam? **No**

Does this system anticipate transferring surface water between river basins? **No**

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Asheville/Buncombe	01-11-010	0.0000	0	0.0000		Yes	Yes	8	Emergency

Water Treatment Plants

Plant Name	Permitted Capacity (MGD)	Is Raw Water Metered?	Is Finished Water Output Metered?	Source
Lawrence T. Sprinkle WTF	1.5000	Yes	Yes	Ivy River (Madison & Buncombe forks combined)

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2017? **No**

If yes, was any water conservation implemented?

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2017? **No**

If yes, was any water conservation implemented?

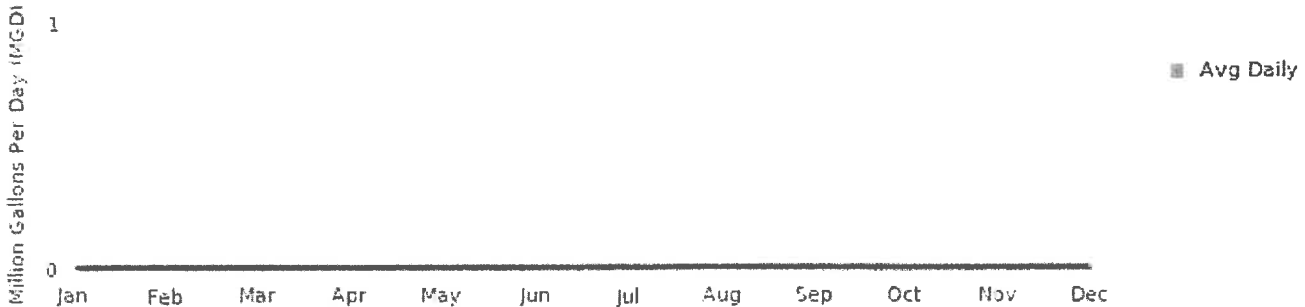
Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? **No**

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	0.0150	May	0.0150	Sep	0.0150
Feb	0.0150	Jun	0.0150	Oct	0.0150
Mar	0.0150	Jul	0.0150	Nov	0.0150
Apr	0.0150	Aug	0.0150	Dec	0.0150

Weaverville's 2017 Monthly Discharges



How many sewer connections does this system have? **1,575**

How many water service connections with septic systems does this system have? **676**

Are there plans to build or expand wastewater treatment facilities in the next 10 years? **No**

Wastewater Discharge

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NC0085154	0.2500	0.2500	0.0150		UT Tributary to Ivy	French Broad River (05-2)

5. Planning

Population

	2017	2020	2030	2040	2050	2060
Year-Round Population	6,638	7,785	8,011	9,445	10,545	12,000

11/19/2018

Local Water Supply Planning - North Carolina Division of Water Resources

Seasonal Population	0	0	0	0	0	0
Residential	0.4050	0.5450	0.5600	0.6600	0.7400	0.8400
Commercial	0.0750	0.1120	0.1280	0.1420	0.1510	0.1640
Industrial	0.0450	0.0700	0.0720	0.0850	0.0950	0.1080
Institutional	0.0320	0.0360	0.0380	0.0460	0.0540	0.0580
System Process	0.0150	0.0310	0.0320	0.0380	0.0420	0.0480
Unaccounted-for	0.0290	0.0450	0.0560	0.0640	0.0700	0.0800

**RESOLUTION APPROVING THE WATER SHORTAGE RESPONSE PLAN
FOR THE TOWN OF WEAVERVILLE**

WHEREAS, North Carolina General Statute § 143-355(l) requires each unit of local government that provides public water service to develop water conservation measures to respond to drought or other water shortage conditions and submit the same to the Department of Environmental Quality for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning the attached Water Shortage Response Plan for the Town of Weaverville has been developed and submitted to Town Council for approval; and

WHEREAS, Town Council of the Town of Weaverville finds that the attached Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute § 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Weaverville, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE HEREBY RESOLVES, that the Water Shortage Response Plan that is attached hereto is hereby approved and staff is directed to submit the same to the Department of Environmental Quality, Division of Water Resources, along with a copy of this resolution; and

BE IT FURTHER RESOLVED that Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years, or as otherwise requested by the Department of Environmental Quality, in accordance with the North Carolina law and sound planning practice.

ADOPTED this the 17th day of December, 2018.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

LINDA CULPEPPER
Interim Director

October 3, 2018

Jared T. Duncan, SUPT/ORC
Town of Weaverville
P.O. Box 338
Weaverville, NC 28787

Subject: WSRP Meets Minimum Criteria
Town of Weaverville
PWSID#: 01-11-025
Buncombe County

Dear Mr. Duncan,

This letter is to notify you that our staff has reviewed the information contained in the Water Shortage Response Plan (WSRP) update submitted by your office. Since all the required information is complete, the WSRP for the Town of Weaverville hereby meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E. 0607.

The Water Shortage Response Plan must next be adopted by your water system's governing board; a model WSRP resolution is available online on the right side of the page in the Forms and Docs section at: http://www.ncwater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/learn. Once adopted, a copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Branch Supervisor, at the address printed at the bottom of this letter. Please note, the WSRP cannot be considered compliant with the requirements of NCGS 143-355(1) until an adopted resolution is received by the Division.

Please be advised that the review process for Water Shortage Response Plans is separate from the review process for your Local Water Supply Plan (LWSP). If you have submitted your LWSP but haven't already been contacted by the Division, you will receive notification as soon as the review of your LWSP is complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Vardry E. Austin at vardry.austin@ncdenr.gov or (919)707-9002, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

Linwood E. Peele, Supervisor
Division of Water Resources
NCDEQ



ARTICLE 5

WATER SHORTAGE RESPONSE PLAN

SECTION 5.1 - PURPOSE

Publicly and privately owned water systems in North Carolina that are required to prepare a Local Water Supply Plan under General Statute 143-355(l) shall include a Water Shortage Response Plan (WSRP) outlining how the system will respond to drought or other water shortage emergencies and continue to meet essential public water supply needs during the emergency.

SECTION 5.2 - DEFINITIONS

In addition to the definitions provided in Article 1, the words defined in this section shall have the meaning herein ascribed:

Available Stream Flow: The flow at the Ivy River Raw Water Intake that will flow into the intake wet well. This is the total river flow minus any amount of said flow that cannot or will not flow freely into the intake wet well due to the topography of the stream bed.

Controlled Watering: Minimal watering required to conserve ornamental plants or vegetables by hand watering or manually operated fixed systems where such watering is fully supervised to prevent excess watering, runoff or waste during the watering process.

Emergency Use Restrictions: This is the most restrictive phase of the WSRP and is to be implemented when water supply shortages reach critically low levels. Only water uses that are absolutely essential are permitted during Emergency Use Restrictions. Penalties, fines and disconnection of water service apply to violations of Emergency Use Restrictions as outlined herein.

Mandatory Use Restrictions: This is Phase II of the WSRP and is divided into two sub-phases, Stage 1 and Stage 2 in order to provide flexibility in the application of mandatory water restrictions. Penalties, fines and disconnection of water service may apply to violations of mandatory conservation as outlined herein. Conservation measures taken during mandatory conservation are intended to reduce water use by 10 to 25 percent.

Total Production Capacity: The total amount of water that can be produced by the water system from all sources. This does not include water purchased from another system under any agreement or in emergency circumstances.

Voluntary Conservation: This Phase I of the WSRP is to be implemented when conditions indicate the potential for water supply shortages. Measures taken during this Phase are intended to reduce water use by 5 to 10 percent. Although there is no penalty for violations, voluntary conservation measures are

to be strongly encouraged or more stringent Mandatory Conservation may be imposed.

SECTION 5.3 - APPLICABILITY

The provision of this Article shall be applicable if and when a potable water shortage exists or is imminent, or if any other situation exists that threatens seriously to disrupt or diminish the municipal water supply including, but not limited to drought, waterline breaks or other large losses of water, contamination of the raw water supply, and extended power outages or other interruption in treatment plant operations.

SECTION 5.4 - AUTHORITY TO IMPLEMENT

If the availability of water so limits the water supply of the Weaverville Water System that unrestricted use of water may endanger the adequacy of water available to customers of the System the Public Works Director or, in the absence of the Public Works Director, the Operator in Responsible Charge (ORC) of the Ivy River Treatment Plant shall make a recommendation to the Town Manager or in the absence the Town Manager, the Mayor and he or she shall be responsible for enacting the Water Shortage Response Plan as outlined herein.

SECTION 5.5 - THREE PHASE RESPONSE PROGRAM

In the event of a water shortage or impending shortage as outlined herein the Town will respond based on the severity of the shortage and expected duration with the goal of bringing demand for drinking water in line with available supply.

The following three phase program is established for conservation purposes:

- Phase I - Voluntary Conservation
- Phase II - Mandatory Use Restrictions (MUR)
 - Stage 1 Mandatory Use Restrictions
 - Stage 2 Mandatory Use Restrictions
- Phase II - Emergency Use Restrictions

SECTION 5.6 - IMPLEMENTATION TRIGGERS AND RESPONSE

Each Phase shall be implemented as follows:

5.6.1 - Phase I - Voluntary Conservation

Triggers	Response
Average daily use exceeds 80% of total production capacity for a period of 7 consecutive days within a 30 day period and supplemental supply from Asheville is restricted or not available, or	<ul style="list-style-type: none"> • Public Works Director to report to Town Manager per Section 5.4. • Town Manager implements WSRP. • Town Manager to inform Town Council of situation.
System failure such as a water leak limits the ability to fill system reservoirs. Reservoir levels are maintained but not declining, or	<ul style="list-style-type: none"> • Notify local news media (Asheville Citizen-Times, WLOS-TV, etc.) and ask for public announcements. • Post notice at Town Hall. • Notify NCDENR that WSRP has been implemented.
Water plant operation is interrupted or limited on a temporary basis due to mechanical failure and adequate supplemental water is available from Asheville subject to Voluntary Conservation by the Asheville system, or	<ul style="list-style-type: none"> • Notify Weaverville, Reems Creek & Jupiter fire departments of WSRP implementation. • All notices listed above shall include the WSRP Phase of restriction and measures to be taken by the public to conserve water.
Any condition when the Town Manager and Public Works Director are in agreement that conditions warrant Voluntary Use Restrictions.	<ul style="list-style-type: none"> • Utilize water use reduction educational materials such as handouts and website if conditions is expected to continue for more than 30 days. • Begin monitoring per Section 5.10

5.6.2 - Phase II - Stage 1 Mandatory Use Restriction

Triggers	Response
Voluntary Conservation measures have been in place for at least 7 days and have failed to measurably reduce average daily consumption, or	<ul style="list-style-type: none"> • Same response as Phase I Voluntary Restrictions, plus • Town Manager will use CodeRED emergency notification system to inform customers of the Step 1, MUR and may repeat CodeRed announcements as necessary.
Any condition when the Town Manager, Public Works Director and Water Treatment ORC are in agreement that conditions warrant Stage 1 Mandatory Use Restrictions.	<ul style="list-style-type: none"> • Update all posted notices to include details of Step 1 MUR provisions and list schedule of penalties.

5.6.3 - Phase II - Stage 2 Mandatory Use Restriction

Triggers	Response
<p>Average daily use exceeds 90% of total production capacity for a period of 5 consecutive days and supplemental supply from Asheville is restricted or not available and Voluntary Conservation measures or Stage 1 Mandatory Use Restrictions have been in place for at least 7 days, or</p>	<ul style="list-style-type: none"> • Same response as Phase I Voluntary Restrictions, plus • Town Manager will use CodeRED emergency notification system to inform customers of the Stage 2, Mandatory Use Restrictions and will repeat CodeRed announcements on weekly basis. • Update all posted notices to include details of Stage 2, Mandatory Use Restrictions provisions and list schedule of penalties. • Contact all commercial and industrial users by personal visits or telephone and advise them of the details of Stage 2, Mandatory Use Restrictions and penalties. • Contact local homeowner's associations and ask them to include notice of water use restrictions in newsletters and e-mails to members.
<p>Water demand from the Ivy River Treatment Plant exceeds 50% available stream flow at the raw water intake for 2 consecutive days after Stage 1 Mandatory Use Restrictions have been in place for 7 days, or</p>	
<p>System failure such as a water leak limits the ability to fill system reservoirs and reservoirs are declining. System failure is not expected to be corrected before system reservoirs drop below a one day supply at current daily demand rate, or</p>	
<p>Water plant operation is interrupted or limited on a temporary basis due to mechanical failure and water is available from Asheville but subject to Mandatory Use Restrictions by the Asheville system, or</p>	
<p>Any condition when the Town Manager, Public Works Director and Water Treatment ORC are in agreement that conditions warrant Stage 1 Mandatory Use Restrictions.</p>	

5.6.4 - Phase III - Emergency Use Restriction

Triggers	Response
<p>Average daily use exceeds 95% of total production capacity for a period of 3 consecutive days and supplemental supply from Asheville is restricted or not available and Stage 2 Mandatory Use Restrictions have been in place for at least 7 days, or</p>	<ul style="list-style-type: none"> • Same response as Phase I Voluntary Restrictions, plus • Town Manager will use CodeRED emergency notification system to inform customers of the Emergency Use Restrictions and will repeat CodeRed announcements on weekly basis. • Update all posted notices to include details of Emergency Use Restrictons provisions and list schedule of penalties. • Contact all commercial and industrial users and advise them of the details of Step 2 MUR provisions. • Contact local homeowner's associations and ask them to include notice of water use restrictions in newsletters and e-mails to members.
<p>Water demand from the Ivy River Treatment Plant exceeds 75% available stream flow at the raw water intake for 2 consecutive days after Phase II, Step 2 Mandatory Use Restrictions have been in place for 5 days, or</p>	
<p>Any condition that limits the ability to fill system reservoirs and system reservoir levels have dropped below a one day supply, or</p>	
<p>Water plant operation is interrupted or limited by mechanical failure, interruption time is undetermined and supplemental water is not available from Asheville or Emergency Use Restrictions are in place on the Asheville system, or</p>	
<p>Any condition by majority vote of Town Council in regular or special session upon recommendation by the Town Manager.</p>	

SECTION 5.7 - ESTABLISHMENT OF USE CLASSIFICATIONS

In order to facilitate a fair and equitable WSRP, every water use will be classified into one of three classifications as follows:

5.7.1 - Class I - Essential Water Uses

Table 5.7.1 - Essential Water Uses	
a. Domestic	<ul style="list-style-type: none"> Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation, including necessary food preparation.
b. Health Care	<ul style="list-style-type: none"> Patient care and rehabilitation. The filling and operation of swimming pools for health care and rehabilitation purposes.
c. Public Use	<ul style="list-style-type: none"> Fire fighting. Water system flushing for health and public protection purposes.
d. All	<ul style="list-style-type: none"> The use of a minimal amount of water necessary to clean any surface which a health official has determined to be contaminated in a manner effecting health and safety. The washing of vehicles where the health and safety of the public requires frequent cleaning such as those that transport food and other perishables and vehicles used to transport sick or injured persons such as ambulances.

5.7.2 - Class II - Socially or Economically Important Uses

Table 5.7.2 - Socially or Economically Important Uses	
a. Domestic	<ul style="list-style-type: none"> Home water use including kitchen, bathroom and laundry use. Controlled watering or drip irrigation of vegetable gardens. Watering of trees, shrubs and flowering plants where necessary to preserve them by controlled watering or drip irrigation.
b. Commercial	<ul style="list-style-type: none"> Commercial vehicle washes and laundromats. Restaurants and hotels. Irrigation for commercial nurseries at a minimum level necessary to maintain stock. Controlled watering at a minimum rate necessary to establish vegetation following grading/building where such vegetation is required by law or regulation. Minimum amount required to maintain essential cooling operations.
c. Public Use	<ul style="list-style-type: none"> Filling and operation of public swimming pools which serve more than 25 residents. Testing and drills by the Fire Department performed in the interest of public safety when specifically approved by the Town Manager.
d. Industrial	<ul style="list-style-type: none"> Minimum use necessary to operate production facilities and maintain jobs. Minimum amount required to maintain essential cooling operations.
e. All	<ul style="list-style-type: none"> The cleaning or power washing of building exteriors prior to painting or repair and not solely for aesthetic purposes.

5.7.3 - Class III - Non-Essential Uses

Table 5.7.3 - Non-Essential Uses	
a. All	<ul style="list-style-type: none"> Ornamental uses such as fountains and artificial waterfalls. Filling and operation for recreational swimming pools which serving fewer than 25 residents and which are not open to the general public. Washdown of driveway and other impervious surfaces except as provided for in Section 5.6.1. Non-commercial washing of motor vehicles, campers, boats, etc. except as provided for in Section 5.6.1. Allowing any tap, hose or pipe to run open for any purpose.
b. Residential	<ul style="list-style-type: none"> Lawn irrigation. Automatic irrigation of trees, shrubs, and ornamental plants except when limited to one watering per week between the hours of 4 a.m. and 7 a.m.
c. Commercial	<ul style="list-style-type: none"> Serving water in restaurants except by request. Cooling systems that rely solely on evaporation.
d. Public Use	<ul style="list-style-type: none"> Irrigation of lawns, gardens, parks, playing fields and recreational areas.

SECTION 5.8 - USE RESTRICTIONS

Upon implementation of water restrictions Phase I though Phase III as outlined herein, all water usage by customers of the Weaverville Water System shall immediately respond by conserving water according to the following table. Any water system purchasing water from the Weaverville Water System shall implement similar conservation measures on said system or immediately discontinue using Weaverville water.

Use Class	Phase I Voluntary Conservation	Phase II Step 1 Mandatory Use Restrictions	Phase II Step 2 Mandatory Use Restrictions	Phase III Emergency Use Restrictions
Class 1. Essential	Voluntary Conservation	Voluntary Conservation	Voluntary Conservation	Additional Conservation
Class 2. Socially or Economically Important	Voluntary Conservation	Voluntary Conservation	Additional Conservation	Prohibited
Class 3. Non-Essential	Voluntary Conservation	Prohibited	Prohibited	Prohibited

SECTION 5.9 - ENFORCEMENT PENALTIES

5.9.1 - Penalties

The following penalties outlined in the following table shall be imposed for violations of the provisions of the Article.

Table 5.9.1 Penalties			
Offence	Phase I Voluntary Conservation	Phase II Steps 1 & 2 Mandatory Use Restrictions	Phase III Emergency Use Restrictions
FIRST	Issue Public Awareness Notice	Notice of Violation	\$100 Fine
SECOND	Issue Public Awareness Notice	\$100 Fine	\$ 500 Fine
THIRD	Issue Public Awareness Notice	\$ 250 Fine	Disconnection of Service
More than 3 Offenses	Issue Public Awareness Notice	Disconnection of Service	N/A

5.9.2 - Fines, Disconnection and Reinstatement

The Town Manager is hereby authorized to disconnect water service to any customer who repeatedly violates the provisions of this Article in accordance with the Penalties outlined herein.

All Fines prescribed for violations of this Water Shortage Response Plan shall be enforceable in the same manner as any other fees and charges for water service from the Town.

Should it become necessary to disconnect the water service from any premises in accordance with Table 5.9.1 said water service will not be restored until that Phase of the water restrictions have been lifted. Said service shall be subject to a Reconnection Fee in the same manner as a water service that has been terminated for non-payment.

SECTION 5.9 - MONITORING

The Weaverville water system is equipped with Supervisory Control and Data Acquisition Systems (SCADA) which continuously monitor critical data, including all system reservoirs, the level of the Ivy River at the intake, and water production and pumping flow rates. Monitored data is retained in historical files readily available for review and trending. The SCADA systems will be used as the primary source of data for monitoring of water supply conditions.

During any stage of implementation of the WSRP the Public Works Director and the Ivy River Treatment ORC shall monitor the effectiveness of any Phase of the

WSRP by reviewing water demand, weather forecasts, system reservoir levels, etc. in accordance with the following table:

Table 5.9 - System Monitoring	
WSRP Restriction Level	Review Schedule
Voluntary Conservation	Weekly
Stage 1, Mandatory Use Restrictions	Weekly
Stage 2, Mandatory Use Restrictions	Daily
Emergency Use Restrictions	Twice Daily

SECTION 5.10 - DURATION

Any water shortage declaration as provided herein shall remain in effect until it has been determined that water supplies and service conditions have returned to normal. The decision to issue, upgrade, downgrade or withdraw the level of declaration will be made in the same manner as described in Section 5.4 of this Article.

SECTION 5.11 - PUBLIC INPUT

Prior to any amendment to Article 5 of the Water Policies and Procedures, the Town Council shall designate a time to receive public comment on the Water Shortage Response Plan ("WSRP") or amendment thereto, provided further that the WSRP, or any amendment thereto shall be available for public inspection at Weaverville Town Hall for a period of at least 7 days prior to receiving public comment, and that notice of the public comment meeting has been made in accordance with North Carolina General Statutes sec. 160A-71.

SECTION 5.12 - VARIANCES AND VARIANCE CRITERIA

Any person, company or corporation (hereinafter "Applicant") requesting a variance from the requirements of the WSRP as contained in this Article may do so by following the hearing and appeal procedures set forth in Article I, Section 1.3 of the Water Policies and Procedures.

Variations from the provisions of Article 5 of the Water Policies and Procedures may be granted if the hearing authority, as determined in Section 1.3, of Article I of the Water Policies and Procedures, determines that there are special conditions specific to the applicant with regard to Use Class that are not applicable to the Use Class as a whole and that granting a variance will not adversely effect other users of

the system or cause the triggering of a more restrictive phase of the WSRP. In no case however, shall a NonEssential use of water be permitted during any period of Phase III -Emergency Use Restrictions.

Any variance granted under this Section shall become null and void if a more restrictive stage of the WSRP is implemented. Nothing in this Section shall prevent any Applicant from reapplying for the same or a different variance after any change in the WSRP to a more or less restrictive phase.

SECTION 5.13 - REVISIONS AND REVIEW

The Town Manager shall be responsible for reviewing the provisions of Article 5 of the Water Policies and Procedures and making recommendations to the Town Council for amendments thereto. Such review shall take place after implementation of any emergency restrictions, upon changes in available water supply such as water plant expansion or upon new interconnections with other approved systems, and otherwise at intervals not to exceed five (5) years.

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTERS 2 AND 36 CONCERNING THE PLANNING AND ZONING BOARD**

WHEREAS, in recognition of the increasing workload of the Town’s Planning and Zoning Board as a result of growth within the Town and the desire to retain the expertise and knowledge gained through service on that board, Town Council wishes to amend the provisions of Town Code governing the establishment and membership of the Town’s Planning and Zoning Board in order to provide for an additional alternate member and to increase the terms of the members from two years to three years;

WHEREAS, in order to provide for a more organized and efficient Code of Ordinances, Town Council wishes to move the establishment section of the Planning and Zoning Board to Article IV within Chapter 2 of the Town Code as such article is expressly set aside for “Boards, Commissions, and Committees”;

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

1. Article II of Chapter 20, entitled “Planning and Zoning Board” and consisting of Sections 20-36 through 20-43, is hereby repealed in its entirety.
2. Article IV of Chapter 2 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:

CHAPTER 2 - ADMINISTRATION

ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 2. – PLANNING AND ZONING BOARD

Sec. 2-151. - Establishment.

Pursuant to the authority granted in G.S. 160A-361, the town council establishes a planning and zoning board of the town, which board shall consist of five regular members and up to two alternate members who shall all serve at the pleasure of town council. Only residents of the Town of Weaverville are eligible to serve on the planning and zoning board. Members shall be appointed by the mayor with the approval of the town council. An alternate member may serve on the planning and zoning board in the absence of a regular member and when so serving has all of the powers and duties of a regular member.

The term of office of each member and alternate member of the planning and zoning board shall be for three years. In appointing original members or in filling vacancies caused by the expiration of the terms of existing members, the mayor and town council

may appoint certain members for less than three years so that the terms of all members do not expire at the same time. Vacancies occurring on the planning and zoning board shall be filled for the unexpired term only.

Members of the planning and zoning board shall receive no compensation for their services.

Any member of the planning and zoning board who is absent without good cause from three consecutive meetings of the board shall be reported to the mayor and may be removed from the board and replaced in the manner prescribed for appointments.

Sec. 2-152. - Records.

The planning and zoning board shall keep records of its meetings and proceedings and may certify attendance of board members to the town council.

Sec. 2-153. - Officers; rules of procedure.

The planning and zoning board shall elect a chairman and a vice-chairman from its membership, who shall each serve for one year or until reelected or until their successors are elected. The planning and zoning board shall appoint a secretary, who may be a municipal officer, an employee of the town, or a member of the planning and zoning board. The planning and zoning board shall adopt appropriate rules of procedure, which rules shall be subject to the approval of the town council. The rules of procedure shall, among other things, provide for regular monthly meetings of the planning and zoning board and may provide that the planning and zoning board may conduct public hearings for the gathering of information to enable the board to more fully assist the town council in an advisory and administrative capacity.

Sec. 2-154. - Duties.

The planning and zoning board shall primarily act in an advisory or administrative capacities and shall perform the following duties:

- (1) Assist in the interpretation, administration and enforcement of the town's land use ordinances, in accordance with the provisions thereof.
- (2) Make studies of the area within its jurisdiction and surrounding areas.
- (3) Determine objectives to be sought in the development of study areas.
- (4) Prepare and adopt plans for achieving objectives.
- (5) Develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.

(6) Advise the council concerning the use and amendment of means for carrying out plans.

(7) Exercise any functions in the administration and enforcement of various means for carrying out plans the council may direct.

(8) Perform any other related duties the council may direct.

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

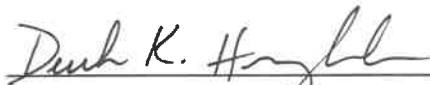
4. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the 17th day of December, 2018, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE THE SUFFICIENCY
OF A VOLUNTARY ANNEXATION PETITION AND SENDING THE ASSOCIATED INITIAL
ZONING REQUEST TO THE PLANNING AND ZONING BOARD
FOR REVIEW AND RECOMMENDATION**

WHEREAS, a petition requesting annexation of that property located on Wheeler Road on which a subdivision to be known as Barkley Terrace has been permitted, was received from Cane Creek Vistas, LLC, on December 13, 2018, by the Town of Weaverville; and

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


WHEREAS, the Town of Weaverville is also in receipt of an application for a zoning map amendment request a R-2 zoning classification for the property to be annexed; and

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

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

1. 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;
2. That the Town Planner is directed to place the application for initial zoning of 12 on the Town's Planning and Zoning Board's next agenda so that the Board can review the requested zoning for consistency with the Town's Comprehensive Land Use Plan and forward a recommendation to Town Council prior to or at a public hearing that may subsequently be held on this matter.

THIS the 17th day of December, 2018.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Friday, December 21, 2018**

The Town Council for the Town of Weaverville met for a Special Called Meeting on Friday, December 21, 2018, at 2:30 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Councilwoman Dottie Sherrill, Vice Mayor/Councilman Doug Jackson, and Councilman Jeff McKenna. Councilman Patrick Fitzsimmons and Councilman Andrew Nagle were absent.

Staff present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Town Planner James Eller, Finance Officer Tonya Dozier, Public Works Director Dale Pennell and Water Treatment Supervisor Trent Duncan.

1. Call to Order

Mayor Al Root called the meeting to order at 2:32 p.m.

2. USDA Loan for Waterline Extension Project

Town Manager Selena Coffey led the discussion stating the for the meeting is for our USDA/Rural Development Regional Representative, Pam Hysong, to present the loan terms that USDA is offering on the Waterline Extension Project and seek Town Council's acceptance on the loan.

Pam Hysong thanked Town Council for holding this special-called meeting and mentioned that the main reason for the meeting today is because interest rates are increasing January 1, 2019. The increase would raise the Town's payments by about \$6,000 a year and with the pending shutdown, today is the last day to complete this application. Going forward the Town will have to complete an obligation of funds and in order to obligate, the application, engineering services and environmental assessments have to be approved. Council would then have to vote on and accept three documents today: 1) Resolution Concerning USDA Loan on the Waterline Extension Project, 2) Letter of Conditions, and 3) Loan Resolution.

Town Manager Coffey noted that both she and the Town Attorney have reviewed the documents and have given the information to Town Council for their approval and the Mayor's signature. She asked Ms. Hysong to highlight the key parts of the documents.

Some highlights that Pam Hysong covered from the document were that if there are any major changes or the scope of the project changes the Town would have to get approval first. Once the form is signed and sent to Raleigh it is safe to say the funds are held for the project. The total loan amount is \$2.8 million with an interest rate of 4%, and the total project cost is \$2,970,600 with the Town funding \$170,600. The repayments of the loan are annual payments over a 40 year term loan, and as security they will have revenue bonds in the amount of \$2.8 million. Also, they require a pre-authorized debit, so that when the payment is due they can process it by pulling the payment out of the Town's account electronically. The Town will have to have a construction account to handle the funds for construction, and

the federal funds would have to be used first and then the finance funds next. There is a reserve requirement for the bonds each year of 10% for 10 years until there is a full interest free payment and a short lived asset reserve. She noted that by accepting the Letter of Conditions, Council is accepting the Loan Resolution, the Equal Opportunity Agreement, and Assurance Agreement. The project has to be completed and funds dispersed within three years of the obligation date. If there are excess funds they can be used on the project, if not they will be de-obligated. The fidelity bond payments will have to insured equal to the annual payment, which is estimated to be at \$141,484. The Town will need to have a vulnerability assessment and emergency response plan on the project. The final condition is have to be in compliance with State, Federal, and Local laws, pollution control, age discrimination act, and development standards.

Councilman Jackson asked for clarification on what service area meant under Loan Resolution, since it states the Town is required to give water to applicants in the service area. He just wants to make sure it doesn't change Council's existing position on water allocations. Pam Hysong clarified that this doesn't mean the Town has to take in big subdivisions, it simply means that in normal business if the applicant meets all the rules and regulations requirement, then they can't be denied on discrimination. Town Manager Selena Coffey commented that this is more of an Equal Opportunity position, and Council will still have the ability to decide on water allocations, but the Town can't discriminate on who gets approved for water.

Town Attorney Jennifer Jackson asked about the graduation provision, since it doesn't seem like a call provision where they can call the loan due for any reason. Pam Hysong mentioned that the refinancing would have to be affordable and if the USDA ever made a decision that the Town didn't agree with they can always appeal it. She has never seen a graduation provision go to appeal before.

Vice Mayor/Councilman Jackson made a motion to adopt both resolutions as presented and to accept the conditions of the loan. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0

3. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council's meeting at 3:00 p.m.



Derek K. Huninghake, Town Clerk