



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Workshop
Tuesday, April 14, 2020**

Remote Electronic Meeting

Zoom: <http://us04web.zoom.us/j/167912792>

The Town Council for the Town of Weaverville met for its regularly scheduled workshop on Tuesday, April 14, 2020, at 6:00 p.m. as a remote electronic video meeting via Zoom Meeting.

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

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

1. Call to Order

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

2. Town's Response to COVID-19 Pandemic

The Town of Weaverville Department Heads reviewed their slides from the Power point presentation that is attached.

Councilmember Nagle wondered 1) what the Town can and can't do in regard to following the authority given by the State and County, 2) can the Town ask the online payment company if we can waive the fee for payments at this time or if we can pay it, and what the estimated sales tax loss would be for the Town.

Town Attorney Jackson noted that the Governor's declaration applies to everyone. She believes that if the County wants to be more restrictive than the State, it can do so but the more restrictive County restrictions are only effective in the municipal jurisdictions if the respective mayors consent to them. The Town of Weaverville can always make it more restrictive as well but the question was whether the Town can be less restrictive than the County. Town Attorney believes that to be an option for the Town but will confirm.

Town Manager Coffey mentioned that the fee is \$2.95 per transaction for payment on water bills online and she was looking into trying to do away with this fee, but if this is possible there are some statements that Town Council will have to approve. She wonders whether jumping through the steps to do this will be effective given that we are hopefully rounding the corner for this to end and it would not be fair to others that have made those payments. There are other payment options, besides paying online, for the citizens and customers to pay their bills without incurring any fees, including: bank draft for water bills, drop boxes at Town Hall, and payment by mail.

As for the sales tax, Town Manager Coffey noted that the County is looking at lowering their sales tax projections by about 20% to 30% and to us that equals out to about \$500,000.

Councilmember Sherrill wondered where the new storage units for Public Works will be placed. Public Works Director Dale Pennell mentioned that they had been installed down where the old quarry used to be, beyond the gate heading toward the firing range.

Vice Mayor Jackson asked when we start to get over this pandemic, are we going to go through phases to get operations back up in the Town. Town Manager Coffey mentioned that she is keeping an eye on what other Towns are planning on doing, but the Small Town Strong initiative will be apart of this to help get information to the community about local businesses and to also get some input from the local businesses on how the community can help them get back up. She is hearing that we should be getting back to normal sometime in the May timeframe and she and Mayor Root have discussed some strategies to help the local businesses out.

Councilmember McKenna mentioned that several companies he works with are rethinking how they do business, including how they deploy people, conduct meetings, and use physical buildings. He wondered if the Town vision would change since there could be a ripple affect when businesses change. Mayor Root noted that this would be a great opportunity for us to rethink our Town model. Councilmember Fitzsimmons mentioned that, after this public health emergency has passed, having large gatherings may not be the norm anymore, so do we rethink about having big meeting rooms in the future.

3. Potential Action

Town Manager Selena Coffey noted that she is recommending a resolution to designate a primary and secondary applicant agent for the Town FEMA reimbursement. She is recommending that Fire Chief Ted Williams be the primary agent and she will be the secondary agent. Town Attorney Jennifer Jackson mentioned that this essentially assigns the paperwork submittal to the primary agent for FEMA reimbursements.

Vice Mayor Jackson made a motion to approve the Designation of Applicant's Agent Resolution. Councilmember Fitzsimmons seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0

Town Attorney Jennifer Jackson mentioned that it is important that we continue our governmental operations including an ability for Town Council on other public boards to continue to meet. The opinion has been given that public bodies can have remote electronic meeting, including public comment, and comply with Open Meetings law that guarantees transparency in government. The resolution before Town Council adopts special rules for remote electronic meetings and public hearings during the COVID-19 public health emergency. It authorizes the Mayor and board chairman to convert the Town's public meetings and public hearings to remote electronic meetings and to only allow in-person meetings and hearings if the gathering limitations and social distancing requirements can be observed.

Councilmember Nagle made a motion to approve the Resolution adopting Special Rules for Remote Electronic Meetings and Public Hearings during the COVID-19 Public Health Emergency as presented. Councilmember McKenna seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0

4. Adjournment

Councilmember Sherrill made the motion to adjourn; Vice Mayor/Councilmember Jackson seconded and all voted to adjourn the Council's workshop meeting at 7:25 p.m.


Derek K. Huninghake, Town Clerk



Town Council Workshop Town Response to COVID-19 Pandemic

TUESDAY, APRIL 14, 2020

Town Response to COVID-19

- ▶ Town Manager
- ▶ Fire Department
- ▶ Police Department
- ▶ Public Works
- ▶ Water Resources
- ▶ Planning and Code Enforcement
- ▶ Legal
- ▶ Finance
- ▶ Action Steps

Town Manager's Office

▶ Town Manager Seana Coffey

- ▶ **Operational Response:**
 - ▶ Expedite to implement regarding safety and air quality concerns
 - ▶ Conduct of Environmental Studies and Joint Initiatives
 - ▶ Reduction of water discharges
 - ▶ Implementation of temporary advance work stoppage and new design work items
 - ▶ Implementation of Emergency Response Plans and prioritization of administrative staff working conditions where possible
 - ▶ Communication to public via website, social media, etc.
 - ▶ Implementation of Safety Plans, Plans, N for Emergency Operations Center (EOC)
 - ▶ Regular interaction with municipal managers and county coordination
- ▶ **Ongoing Operations:**
 - ▶ Participation in Executive Order, Joint Information Center (JIC), EOC Teams, and Emergency Operations Command (EOC)
 - ▶ Continued, update and monitor work
 - ▶ Continued and implementation of proactive water/federal policies
 - ▶ Continued strategy development to facilitate equipment Town operations and services
 - ▶ Development and implementation of Re-Work with Small Forwarding Initiative and other strategies to help local and businesses
 - ▶ Development and review to analyze budgetary of COVID-19 expenditures

Weaverville Fire Department

Chief Ted Wilson

Operational Response:

- Disposal protocol revisions for sick calls
- Normal reduced call volume
- Increased cleaning of the station and apparatus
- Personnel monitoring temperatures twice per shift
- PPE jackets rotated but same on back order
- Patrol command staff within the EOC (Emergency Operations Center) since open

Ongoing Operations:

- Walking within our normal supply zones or walk in through the EOC to ensure the PPE that may be needed based on structure
- Staying abreast of the constant guidance changes through CDC and local medical control for how we report and what PPEs to be worn based on local situation
- Continue to function with the EOC to assist with response planning and provide needed information back to the manager
- Serving as IEMA operations agent for disaster recovery

Weaverville Police Department

Chief Bob Davis

Operational Response:

- Personnel self-monitoring of temperatures at shift change and increased cleaning protocols for dispatchers/patrol cars and equipment
- Limiting normal proactive and public-engaging activities only responding to the most urgent public safety needs
- Addressing routine calls and reports by phone or other non-contact solutions
- Reduced N95 mask and filtered air officers as required
- Number of calls are near normal some reduction in calls such as tobacco
- Additional patrols of closed businesses or those with modified hours
- Additional patrols of closed town parks and buildings

Ongoing Operations:

- Adding reserve officers in preparation for need
- Assisting with medical site at Weaverville Elementary School

Public Works Department

Public Works Director Dave Penning

Operational Response:

- Self-monitoring of staff temperatures each morning and evening
- Sanitizing building's interiors twice daily
- Utilizing extra vehicles where possible to transport personnel to lessen in-vehicle contact
- Routine social distancing use of masks as necessary, and hand washing and sanitizer

Ongoing Operations:

- Decreased public activity allowing for increased work on projects
- All public services continue, including garbage pickup, water production and maintenance, brush and yard debris collection, water meter, radio, 811 utility responses, mowing in parks and road shoulders
- Garbage collections up from approximately 7 tons daily to 12.5 tons daily

Water Resources

Water Superintendent Trent Dampan

- ▶ Operational Response:
 - ▶ Personnel self-monitoring of temperatures each morning and evening
 - ▶ Sanitizing building's interiors multiple times daily
 - ▶ Practicing social distancing measures in house and in the field
- ▶ Ongoing Operations:
 - ▶ Adjusted run schedules to provide water supply as needed to the Town while practicing social distancing in the plant
 - ▶ Networking with all departments electronically to uphold the town's high level of service
 - ▶ Delayed all contractors for current on-site projects and have limited deliveries to essential products

Planning and Code Enforcement

Planning Director Jennifer Blair

- ▶ Operational Response:
 - ▶ Applications accepted via electronic submittal
 - ▶ Site inspections performed within social distancing guidelines
 - ▶ Zoning and sign permits issued electronically
 - ▶ Enforcement visits addressed within social distancing guidelines
- ▶ Ongoing Operations:
 - ▶ Educating the development community
 - ▶ Providing services for developers and property owners if services can be addressed electronically or via telephone

Legal

Town Attorney Jennifer Jackson

- ▶ Operational Response:
 - ▶ Review and analysis of federal, state and local emergency declarations
 - ▶ Develop Emergency Telework Policy
 - ▶ Develop remote electronic meetings rules in compliance with Open Meeting Law
 - ▶ Compliance with Families First Coronavirus Response Act
 - ▶ Guidance Documents
 - ▶ Assistance with Leave Requests
 - ▶ Develop Supplemental Safety Rules related to COVID-19
 - ▶ ABC - Bona Fide Liquor Buyback Public Operational Changes
- ▶ Ongoing Operations:
 - ▶ Stay up-to-date with government briefing and SOG/NCIM meetings
 - ▶ Consultance with federal, state, and local laws, rules, and regulations
 - ▶ Priority to COVID-19 related Request
 - ▶ Normal support to departments
 - ▶ Continued work on larger projects

Finance

Financial Director: Tanya Dames

- ▶ Operational Response:
 - ▶ Benefit-related issues
 - ▶ Increases in use of online payment system
 - ▶ Installation of additional drop box at front of Town Hall
 - ▶ Suspension of water disconnections and late fees for non-payment
 - ▶ In compliance with LGC regulations, reduced frequency of bank visits
- ▶ Ongoing Operations:
 - ▶ Tracking of COVID-19 related expenses for possible reimbursement
 - ▶ Monitoring any COVID-19 related employee leave requests
 - ▶ Payment plans for large water balances
 - ▶ Forecasting effect on next fiscal year revenues
 - ▶ Managing finance staff that is working remotely

Action

- ▶ Resolution Designating FEMA Applicant's Agent
- ▶ Resolution re Special Rules for Remote Electronic Meetings

TOWN OF WEAVERVILLE
RESOLUTION ADOPTING SPECIAL RULES FOR
REMOTE ELECTRONIC PUBLIC MEETINGS AND PUBLIC HEARINGS
DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, it is essential for the Town to continue its governmental operations during the COVID-19 public health emergency, including holding public meetings and public hearings;

WHEREAS, the Town of Weaverville is committed to the transparency of government that is required by the North Carolina open meetings laws and the right of its citizens to remain engaged through attendance at public meetings and through opportunities to make public comment;

WHEREAS, because of the risks to the public and the Town's officials and employees that would arise from continued in-person meetings, the Town is converting most public meetings and public hearings to a remote electronic format;

WHEREAS, Town Council is authorized to establish rules of procedure for its official meetings and to mandate rules of procedure for its boards, including the Planning and Zoning Board, the Board of Adjustment, the ABC Board, and any other board appointed by the Weaverville Town Council;

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

1. During the COVID-19 public health emergency, all public meetings and public hearings of Town Council, the Planning and Zoning Board, the Board of Adjustment, the ABC Board, and any other board appointed by the Weaverville Town Council, may, in the discretion of the Mayor or the chairman of the respective boards, be conducted in a remote electronic format.
2. In-person public meetings and/or public hearings can only be held if limitations on gatherings and social distancing requirements can be met and if the public's ability to attend and listen to the public meeting or attend and participate in the public hearing is provided for.
3. In accordance with G.S. § 143-318.13(a), notice must be provided for all remote electronic meetings in order to provide instructions for how the public can listen and/or participate in the meeting or hearing.
4. Remote participation is allowed only if the member at a remote location can fully participate in the deliberations, can hear and can be heard by the other members of Council and any other individual in attendance at the official meeting. A member participating remotely is considered to be present at the meeting and entitled to

vote. Members participating remotely are required to announce when they are leaving the meeting or rejoining the meeting.

5. If an electronic communication is lost unintentionally by a member due to technical problems, the member will not be considered present. If the entire remote electronic meeting fails due to technical difficulties the meeting will be considered recessed for 10 minutes. If the meeting is not able to reconvene within 10 minutes, then the meeting will be considered adjourned.
6. Roll call votes are required for all remote electronic meetings. A voice vote by telephone or video, which can be heard and recorded, will be counted. If a vote is not made or cannot be heard it will be considered a nay vote.
7. Minutes of the meetings at which one or more members participate remotely must reflect which members were physically present and which members attended remotely. Minutes should also reflect when members are excused from voting or are excused to leave or rejoin the meeting, just as they would for members who are physically present.
8. In order to safely receive public comments, public comments must be submitted in advance of the meeting subject to the following guidance:
 - a. Public comments should be limited to no more than 450 words and no more than one public comment can be submitted.
 - b. Public comments timely received will be read into the record during the public comment period.
 - c. Public comments can be submitted as follows:
 - i. By emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting;
 - ii. By putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting;
 - iii. By mailing your written comment (must be received not later than Monday's mail delivery) to:

Town of Weaverville
PO Box 338
Weaverville, NC 28787
Attn: Public Comments
 - d. Public comments must observe the normal rules of decorum for public comments during in-person meeting. Public comments contain personal attacks will not be read.
 - e. For additional assistance in providing public comments, please call (828)645-7116.

9. Special instructions will be provided for providing comments during public hearings, including a public comment period in advance of the public hearing where written comments can be submitted in advance and read into the record of the public hearing.
10. For quasi-judicial matters, all applicants will be given an opportunity to postpone their evidentiary hearing until an in-person hearing can be held.
11. This resolution shall become effective immediately and may be terminated at any time by action of Town Council or by action of the Mayor, who is hereby authorized to terminate these rules if he has determined that it is advisable to do so based on the status of the COVID-19 public health emergency.

ADOPTED this 14 day of April, 2020.



ALLAN P. ROOT, Mayor

ATTEST:



DEREK K. HUNINGHAKE, Town Clerk







MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, April 27, 2020**

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/84711190168>

Meeting ID: 847 1119 0168

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, April 27, 2020, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina and as an electronic video meeting via Zoom Meeting. Access to the meeting began at 6:50 p.m. and the meeting will start at 7:00 p.m.

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

Staff present was: Town Manager Selena Coffey and Town Planner James Eller. Staff remotely present was: Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, 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

Councilmember Nagle made a motion to approve the agenda as presented. Councilmember McKenna seconded and all voted in favor of the motion.

3. Approval of Minutes

Mayor Root suggested a minor change to the January 27, 2020 Town Council Meeting minutes. Councilmember Nagle made the motion to approve the minutes from the January 27, 2020 Town Council Meeting as revised, and the minutes from February 24, 2020 Special Called Meeting, February 24, 2020 Town Council meeting, March 10, 2020 Town Council Joint Meeting with Planning and Zoning, and April 14, 2020 Town Council Workshop as presented. Vice Mayor Jackson seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

No Public Comment

5. Consent Agenda

Mayor Root moved Consent Agenda item I, July 4 Downtown Celebration Road Closure Ordinance, down to the first discussion and action item. Vice Mayor Jackson moved for the approval of the revised Consent Agenda. Councilmember 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 the tax release of personal property of David Foster at 212 North Main Street with PIN P3025190, valued at \$3,588, so that \$13.63 can be released from the 2018 levy and the tax release of personal property of Robert and Martha Hoyle at 68 Highland Street with PIN P753263, valued at \$22,057, so that \$87.44 can be released from the 2018 levy and refunded.*
- C. **Resolution Approving Donation of Surplus Personal Property -Used Fire Hoses – Approved Resolution Declaring Used Fire Hoses and Supply Lines Surplus Personal Property and Approving Donation Pursuant to G.S. §160A-280**
- D. **Approval of Preliminary Plat for Major Subdivision – Greenwood Park – Approved Preliminary Plat for Greenwood Park Major Subdivision**
- E. **Annual Presentation of Town Manager Delegated Policies – Information Only**
- F. **Minor Amendments to Personnel Policy- Adopted Resolution Amendment to the Town’s Personnel Policy**
- G. **Ratification of Earth Day & Census Day Proclamations – Ratified the Attached Proclamations for Census Day and Earth Day**
- H. **Revised Arbor Day Proclamation – Revised and Approved Arbor Day 2020 Proclamation for October 15, 2020**
- I. **Budget Amendment: Police Department – Approved Budget Amendment**

6. Town Manager’s Report

Town Manager Coffey presented her Manager’s report to Council including 1) that her proposed budget will be presented to Town Council at the May 12 workshop. She noted that the budget process will be very difficult this year since we won’t have a full grasp on the pandemic’s impact on our revenue, 2) the fountain in front of Town Hall is almost complete. Public Works is waiting for the final slate to arrive for the top of the fountain walls, 3) Community Center construction has continued with contractors doing their grading work and digging and pouring footings, 4) the Weaverville Small-Town-Strong Initiative survey is going well and has had 30 business owners responses so far, and 5) as the May1 deadline comes near, we have received a number of applications to transfer private streets to the public system including Creekside Village, Fox’s Lair, several small sections of Weaver Village Way, Reems Creek Village, and Reems Creek Villas. Town Manger Coffey thanked Public Works Director Dale Pennell for working hard to receive a grant of \$30,000 for blue recycling trash carts and is working on another grant to supplement this for \$13,000. She also gave an update on the COVID-19 statistics in Buncombe County stating that the County has 54 cases and 4 deaths.

7. Discussion and Action Items

A. July 4 Downtown Celebration Road Closure Ordinance

Mayor Root noted that even though it seemed problematic, he had left the road closure ordinance related to the July 4th Downtown Celebration on the agenda. With the Governor’s new plan on how we can work our way out of the pandemic, even the optimistic version, the size of the gathering would not be allowed for our July 4 event. At this point the Mayor doesn’t see how we will be able to go forward with a July 4th celebration.

Vice Mayor Jackson wondered since we had to sign a contract for fireworks and music if we would be relieved of the commitment. Town Manager Coffey mentioned that is the goal, but the contract says no. She will be working with Pyrotecnico to see if they can come up with an alternative arrangement under the circumstances or if we can apply the funds to next year. Councilmember Nagle noted that if we aren’t going to get our funds back then maybe we can take the fireworks and use them at a different time like Labor Day or the grand opening of the community center.

Mayor Root noted that there was consensus from Town Council that we will not be holding a July 4th celebration this year and asked the Town Manager Coffey to take the next steps in that regard.

B. Downtown Parking Update & Amendment to Code Chapter 28

Town Manager Coffey let Town Council know that the Public Works Department has installed the two-hour parking signage and the Weaverville Police Department has their new citation book, so the Town is ready to proceed with

parking enforcement. She noted that they will be sensitive to the fact that the Town will be reopening the economy from the COVID 19 situation just as the timed parking requirements are going into effect.

Town Attorney Jennifer Jackson highlighted the revisions that were brought up at the January meeting. The revisions include using revenues from the violations to support the Town's parks and facilities, updating the operation of bicycles to abide by state law, specific operations on the sidewalks on Main Street between Brown street and Hamburg Mountain Road, and updated prohibited parking in certain places. She noted this is a police power ordinance so there is no public hearing requirement and the Planning and Zoning Board will be considering a few correlated issues related to parking and traffic.

Vice Mayor Jackson made a motion to adopt the Ordinance Repealing and Replacing Town Code Chapter 28 Concerning Traffic and Parking. Councilmember Fitzsimmons seconded the motion. The motion passed by a majority vote of Council. Motion carries 4-1. Councilmember Nagle voted nay.

C. ADA Transition Plan

Town Attorney Jennifer Jackson mentioned that she and Town Manager Coffey have been working on the Town's compliance with the Americans with Disabilities Act and the goal is for the ADA Transition Plan to be present at the June Town Council meeting. They recommend that Town Council adopt amendments to the Town's ADA Compliance Policy and Town's Grievance Policy and Procedures to clearly set out these policies and provide procedures to address issues that arise. The Town is required to receive public input from its citizens in order to discover any concerns on accessibility to Town programs and facilities. Staff plans to conduct a public comment period during the month of May and to host one or more public input sessions in order to receive comments on problem areas and allow adequate investigation of any issues that might be brought to the Town's attention.

Councilmember Nagle believes that the Town should be consistent and go above and beyond to make sure that we accommodate employees and citizens with disabilities, not just for undue hardship. Town Manager Coffey noted that we must implement this plan, so we might have some difficult issues regarding funding in this process.

Councilmember Nagle made a motion to adopt the Proposed Resolution Concerning the ADA Compliance Policy and the Grievance Policy and Procedures. Councilmember Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

D. Civil Rights – Title VI Implementation Plan

Town Attorney Jennifer Jackson noted that Title VI of the Civil Rights Act specifically applies to local governments and the federal government is looking more closely at what cities and towns are doing to protect civil rights of its citizens from discrimination and to provide a clear way for a citizen to have complaints heard and resolved. Town Manager Coffey and her recommend that Town Council adopt the proposed Title VI Implementation Plan and the Title VI Civil Rights Compliance Policy. Town Attorney Jackson will be the Title VI Implementation Plan and Program Coordinator and would provide the training, public information, and any recommendations that need to be looked at by Town Manager Coffey.

Councilmember Nagle made a motion to adopt the Proposed Resolution Adopting the Title VI Implementation Plan and the Title VI Civil Rights Compliance Policy. Vice Mayor Jackson seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

E. Set Public Hearings:

Mayor Root noted that the package shows the public hearings would be held on May 25, 2020, but he imagines that it is a clerical error due to Memorial Day, and that they would be held on May 18, 2020 at 6:30pm.

1. Code Amendments to Chapters 25 & 36 on Streets, Parking, and Notices

Town Planner James Eller noted that the first public hearing is for a set of proposed text amendments regarding streets, traffic, and parking, which would ensure code consistency throughout the code.

2. Code Amendments to Chapter 36 on Mixed Use Development

Town Planner James Eller mentioned that before them is a proposed text amendment to achieve the stated goals of the comprehensive land use plan that would better accommodate mixed use developments and transition districts in R-12, C-1 and C-2 zoning districts. Planning and Zoning Board has review text amendments and offered a unanimous positive recommendation.

3. Conditional Zoning District for Garrison Reserve

Town Planner James Eller mentioned that staff is possession of a Conditional Zoning District application for properties commonly known as 10 and 30 Garrison Branch Road. The application calls for the establishment of a multi-tenant development of 25,000 square feet or more. Planning and Zoning Board has the application and offered a unanimous positive recommendation.

Councilmember Nagle made a motion to approve setting a Public Hearing for the Proposed Text Amendments Related to Parking, Streets, and Mandated Notices for the Zoning Board of Adjustment, a Public Hearing on Proposed Text Amendments to Permit Mixed Use Structures with Standards in the C-1, C-2 and R-12 Zoning Districts, and a Public Hearing on a Proposed Conditional Zoning District on the Property Commonly Known as Garrison Reserve at 10 and 30 Garrison Brand Road all on May 18, 2020 at 6:30 pm. Councilmember Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

4. Fiscal Year 2020-2021 Proposed Budget

Town Manager Selena Coffey mentioned that in accordance with North Carolina’s Local Government Budget and Fiscal Control Act, G.S. § 159-12(b), Town Council must hold a public hearing.

Councilmember Nagle made a motion to schedule the Public Hearing on the Fiscal Year 2020-2021 budget for Tuesday, June 9, 2020 at 6:00 pm. Vice Mayor Jackson seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

F. Quarterly Report: Planning and Code Enforcement

Town Planner James Eller presented the Planning Department Quarterly Report from January – March 2020 and noted that 39 Zoning Permits were issued. Mr. Eller also gave a review of the Planning and Zoning Board and the Zoning Board of Adjustment activity during these months.

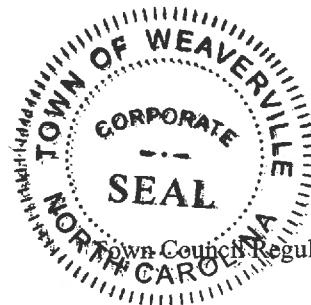
G. Quarterly Report: Public Works & Water Department (from March)

Public Works Director Dale Pennell presented the Public Works and Water Services Quarterly Report for November 2019 through February 2020. Some highlights were that the monthly unaccounted water decreased to 2.9%, since they were able to find and fix leaks and the Town’s water commitments for future developments has increased, due to the project on Garrison and Monticello Road. Mr. Pennell also noted that the total tons brought to the landfill has continued to stay up since Christmas and he imagines it will be double the amount on his next quarterly report.

8. Adjournment

Councilmember Nagle made the motion to adjourn; Councilmember McKenna seconded and all voted to adjourn the Council’s meeting at 8:20 p.m.


Derek K. Huninghake, Town Clerk



TOWN OF WEAVERVILLE
RESOLUTION DECLARING USED FIRE HOSES AND SUPPLY LINES
SURPLUS PERSONAL PROPERTY AND APPROVING DONATION
PURSUANT TO G.S. § 160A-280

WHEREAS, North Carolina General Statute §160A-280 authorizes Town Council to donate surplus personal property to another governmental unit and/or a nonprofit organization incorporated in North Carolina; and

WHEREAS, the Town of Weaverville has replaced several used fire hoses and supply lines within the last year, rendering the following surplus property:

Quantity	Length	Type	Age
15 sections	100 ft	4 ½ - inch supply line	10 years old
8 sections	50 ft	2 ½ - inch fire hose	10-12 years old

WHEREAS, the Town of Mars Hill, a North Carolina municipality, has expressed an interest in receiving the 15 sections of surplus supply lines and the Barnardsville Volunteer Fire Department, Incorporated, a North Carolina nonprofit corporation, wishes to receive the 8 sections of surplus fire hoses;

WHEREAS, in accordance with North Carolina General Statute §160A-280, notice of Town Council's intent to declare these personal property items as surplus and donate them to the Town of Mars Hill and the Barnardsville Volunteer Fire Department, Incorporated, was posted on the Town's website and main bulletin board on March 11, 2020;

NOW, THEREFORE, BE IT RESOLVED, that, as allowed by North Carolina General Statute §160A-280, the personal property described herein is hereby declared as surplus and the respective donations is authorized subject to the execution of a release of liability for donated equipment to be drafted and approved by the Town Attorney.

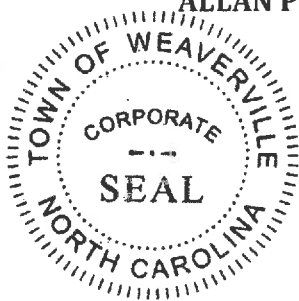
ADOPTED this the 27th day of April, 2020.



ALLAN P. ROOT, Mayor



Derek K. Huninghake, Town Clerk



**TOWN OF WEAVERVILLE
RESOLUTION AMENDING THE TOWN'S PERSONNEL POLICY**

WHEREAS, Part 4 of Article 7 of Chapter 160A of the North Carolina General Statutes sets forth certain requirements and provides certain authority to Town Council regarding its employees and the establishment of policies regarding its employees; and

WHEREAS, pursuant to Article I, Section 6 of the Personnel Policy, the Town Manager provided Town Council with copies of the adopted policies and her recommendations on certain amendments and additions to the Town's policies; and

WHEREAS, Weaverville has previously adopted a Personnel Policy and related policies, routinely reviews those policies, and now wishes to adopt new and revised policies regarding personnel and related matters to set forth general guidelines for its employees' conduct and benefits; and

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

1. Town Council hereby amends the **PERSONNEL POLICY** as noted below with an immediate effective date and directs that Tab 1 of the Policy and Procedures Manual be updated with the amended policy:

Article I, Section 6, subparagraph (i) [page 8] is amended read as follows: "serving as or appointing an employee to the role of a Human Resources Officer."

Article I, Section 6, subparagraph (j) [page 8] is amended to read as follows: "serving as or appointing someone to serve as the ADA Coordinator."

Article XIV, Section 3, subparagraph (e), first sentence [page 63] is amended as follows: "Step 5 – If the Town Manager's decision is to dismiss the employee, a written letter of dismissal containing ~~the specific reasons for dismissal,~~ the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by mail to the last known address of the employee."

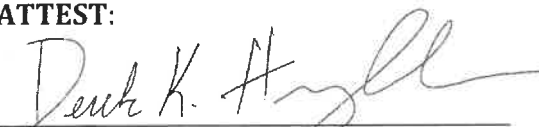
2. The Town Manager is hereby directed to continue to maintain a Policy and Procedures Manual which is to include, but is not limited to, all personnel and related policies adopted by Town Council and the Town Manager, and, in accordance with Section 6 of Article I of the Personnel Policy, is directed to continue to develop, maintain and administer such guidelines, policies, and procedures indicated in the Personnel Policy, and to provide copies of those adopted policies to Town Council on an annual basis or upon request.
3. This resolution shall become effective immediately.

ADOPTED this 27th day of April, 2020.

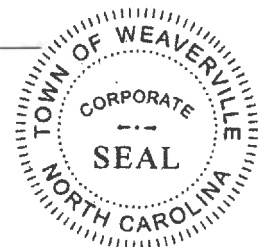


ALLAN P. ROOT, Mayor

ATTEST:



DEREK K. HUNINGHAKE, Town Clerk





Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Allan P. Root, Mayor of the Town of Weaverville, North Carolina do hereby proclaim Thursday, October 15, 2020 as

Arbor Day

In the Town of Weaverville, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 27th day of April, 2020
 Mayor 

**ORDINANCE REPEALING AND REPLACING
WEAVERVILLE TOWN CODE CHAPTER 28 CONCERNING TRAFFIC**

WHEREAS, Town Council of the Town of Weaverville wishes to exercise its authority under N.C. Gen. Stat. §§ 160A-296, 160A-300, and 160A-301 in order to establish control over vehicular and pedestrian traffic and parking within its jurisdiction; and

WHEREAS, Chapter 28 of the Weaverville Town Code contains the Town's regulation of traffic and it is the desire of Town Council to repeal and replace that Chapter with new regulations;

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

1. Chapter 28 of the Weaverville Town Code of Ordinances is hereby repealed and replaced with the following:

CHAPTER 28 - TRAFFIC AND PARKING

ARTICLE I. - GENERAL PROVISIONS

Sec. 28-100. Title

This chapter 28 of the Town's Code of Ordinances may be referred to as the town's traffic ordinance or the town's parking ordinance.

Sec. 28-101. – Authority.

The regulations contained within this article are adopted pursuant to the authority granted under NCGS §§ 160A-296, 160A-300, and 160A-301.

Sec. 28-102. - Administration.

The town's law enforcement officers, code enforcement officer, and the town manager, or his or her designee, shall be responsible for the administration and enforcement of this chapter. The board of adjustment shall be the appeals board for all decisions made under this chapter unless otherwise provided.

Sec. 28-103. – Concurrent jurisdiction.

Nothing in this chapter shall be construed to limit the legal authority or powers of federal, state, or county law enforcement officers or officers of the town's police department or fire department in enforcing applicable laws, rules or regulations, or in otherwise carrying out their duties. Nothing in this chapter shall be construed to limit the authority of the North Carolina Department of Transportation over right-of-way under its jurisdiction.

Sec. 28-104. - Definitions.

For the purposes of this chapter the following definitions shall apply, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means any motor vehicle that has been (1) left upon a street or highway in violation of the law or ordinance regulating or prohibiting parking, (2) left on property owned or operated by the town for longer than 24 hours; (3) left in any town owned or operated parking lot for longer than seven days, (4) left on any street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public, or (5) left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours.

Chronic parking violator means anyone that has three (3) or more outstanding, unpaid and overdue parking citations within a 90 day period.

Curb means the boundaries of the public streets of the town.

Double parking means a motor vehicle parked between a motor vehicle parked at the edge of a curb and the center of a street or the curb on the opposite side of such street.

Gross vehicle weight (GVW) means the weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load on the vehicle.

Motor vehicle or vehicle means any machine designed or intended to travel over land or water by self-propulsion or which is attached to any self-propelled vehicle. Specifically included in this definition are mopeds and electric assisted bicycles, but not electric personal assistive devices as defined in NCGS § 20-4.01(7b) such as wheelchairs.

On-street parking space means a space designated by the town or the state for parking a motor vehicle on a street right-of-way.

Parking means the standing of any motor vehicle, whether occupied or unoccupied, for a longer period of time than is reasonably necessary to receive or discharge passengers. The stopping and/or standing of a motor vehicle for longer than five (5) minutes shall be deemed parking.

Time-limited parking space means an on-street parking space or parking lot space in which parking is lawful for a specified period that is less than 24 hours.

Truck means a vehicle that has any of the following characteristics: (1) any vehicle with a gross vehicle weight (GVW) rating of 10,000 pounds or more, (2) any tandem axle or triaxle vehicle, or (3) any tractor and tandem vehicles when pulling semitrailers or tandem semitrailers.

Sec. 28-105. – Enforcement and penalties.

The provisions of Section 1-6 of the Town's Code of Ordinances shall apply to all violations under this chapter. If civil penalties for violations of this chapter are set out in the adopted fee schedule then such civil penalties shall be assessed in lieu of those established in Section 1-6.

In addition to the enforcement options set out in Section 1-6, the provisions of this chapter may also be enforced by any legal or equitable means, including summary abatement through the use of towing, and vehicle immobilization devices, if such measures are legal under the circumstance. Failure to pay fines may be cause for vehicle towing or immobilization.

Sec. 28-106. – Processing of citations; payment of fines and penalties.

All citations received for the violations of this chapter shall be presented at Weaverville Town Hall at 30 South Main Street during normal business hours for payment processing or the citation and payment shall be mailed to the Weaverville Finance Department, PO Box 338, Weaverville, NC, 28787, all within 10 days from the time of the offense, except when the time limit expires on a holiday or weekend, and then the time limit is extended to the next working day. Failure to pay within 10 days may subject the violator to late payment penalties and other enforcement action.

Revenues received from violations of this chapter shall be used to support the Town's park facilities and programs.

Sec. 28-107. – ADA accessibility.

The town desires to ensure that all of its citizens and the general public have equal opportunity to participate in its programs and services. The town continually looks for ways to better provide access to its facilities, including its sidewalks and parking and to fully comply with the most current accessibility codes. Persons that wish to make a recommendation or file a grievance should contact the town's ADA Coordinator at 30 South Main Street, Weaverville, North Carolina, 28787, by calling (828)645-7116, or by email to coordinator@weavervillenc.org.

Sec. 28-107. – Severability.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid..

Sec. 28-108. – Conflicts with other provisions of town code.

In the event of a conflict between a provision of this chapter and any other section of the Town's Code of Ordinances, the more stringent provision shall apply.

ARTICLE II. – OPERATION OF VEHICLES

Sec. 28-200. – Establishment of traffic regulations - generally.

Town council has the authority to prohibit, regulate, divert, control, and limit pedestrian and vehicular traffic upon the public streets, sidewalks, alleys, and bridges within the town. Included within this authority is the right to establish traffic control regulations on the public streets and sidewalks within its control, including, but not limited to, the establishment of one-way streets, stop and yield intersections, truck traffic restrictions, and speed limits.

Sec. 28-201. – Traffic control regulations and signage.

Traffic control regulations adopted by the town to establish one-way streets, stop and yield intersections, truck traffic restrictions, and speed limits are fully enforceable if signage and/or

markings are installed. It shall be unlawful to disobey traffic control signs and markings within the town.

Sec. 28-202. - Noisy operation.

No person shall willfully operate any automobile, motorcycle or other motor vehicle in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

No person shall start the operation of any motor vehicle in such a sudden and violent manner as to create the screeching of the tires of the vehicle. The leaving of tire marks on the pavement shall be prima facie evidence of the unlawful operation of the vehicle in violation of this section.

Sec. 28-203. - Operation of bicycles.

It shall be unlawful for any person to ride a bicycle on the streets of the town after sundown and before sunup if the bicycle is operated without a working powered front and rear light.

Sec. 28-204. - Specific operation on sidewalk.

It shall be unlawful to ride bicycles, skateboards, roller skates, rollerblades, horses, or other similar device or vehicle, including any power-assisted scooters or recreational devices, upon the sidewalks of Main Street between its intersection with Brown Street on the south and its intersection with Hamburg Mountain Road on the north. Within the section of Main Street described above bicycles can be pushed on the sidewalk but not ridden. This section is not intended to restrict in any way the use of wheelchairs or other similar assistive or adaptive devices on the sidewalks within the town.

Sec. 28-205. - Trucks prohibited on certain streets.

When signs designating a "no through trucks" street have been erected, it shall be unlawful for any truck to travel on any of the designated streets for any purpose other than the delivery of goods, parcels or materials to premises on such streets.

Sec. 28-206. - Speed limitations - generally.

The speed limit within the town is 25 miles per hour unless otherwise established by the North Carolina Department of Transportation or town council and posted as such.

ARTICLE III. - STOPPING, STANDING AND PARKING

Sec. 28-200. – Establishment of parking regulations - generally.

Town council has the authority to prohibit, regulate, divert, control, and limit pedestrian and vehicular traffic upon the public streets, sidewalks, alleys, and bridges within the town. Included within this authority is the right to establish parking regulations on the public streets within its control and the public parking lots owned and operated by the town.

Sec. 28-300. – Law enforcement authority - generally.

Town police officers shall have authority to prohibit the stopping, standing, and/or parking of vehicles in order to allow the safe and efficient flow of traffic given the existing traffic conditions. The driver of a motor vehicle shall be required to move when instructed to do so by a police officer.

Sec. 28-301. - Manner of parking - generally.

Where the street is not sign-posted or marked to show how vehicles are to park, all vehicles shall park parallel to the curb, headed in the same direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway. The driver shall stand or park the vehicle within the lines making the space.

When angled parking is authorized and lines painted on the surface of the street indicate that vehicles may be parked at an angle within the spaces between such painted lines, it shall be unlawful for any person to park a vehicle at such point in any way except at an angle to the curb, as indicated by the lines marking the space. It shall be unlawful for any person to back a vehicle into an angled parking space on a public street or public parking lot so that the rear rather than the front of such vehicle is placed at the curb or the inside of the parking space; provided, however, that nothing contained in this section shall affect the backing of a vehicle into a loading or unloading zone for the purposes of loading or unloading in accordance with the regulations applying to such zones.

The driver shall stand or park the vehicle within the lines marking the space, except that a vehicle may occupy two spaces if it is too long to occupy one space, provided that this exception applies only when the spaces are parallel with the edge of the roadway. Long vehicle parking is not allowed on Main Street between its intersection with Brown Street on the south and its intersection with Hamburg Mountain Road on the north.

Sec. 28-302. - Double parking and parking within a traffic lane prohibited.

No person shall park a vehicle, whether attended or unattended, on the roadway side of another vehicle parked at the edge of the roadway or curb, or on the main traveled portion of any street, unless so directed by competent authority or when a special hazard exists.

Sec. 28-303. - Parking prohibited in certain places.

No person shall stop, stand or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places, unless parking within a marked parking space:

- (1) On the sidewalk. For the purpose of this subsection the sidewalk will be deemed to continue in front of all businesses and residences from a direct line of the sidewalk on each side of such business or residence.
- (2) Within 10 feet of a residential driveway unless permitted by the owner(s) of the property for which the driveway provides access.
- (3) In a crosswalk or within 10 feet of a crosswalk.

- (4) Within 20 feet of any flashing beacon, stop sign or other official traffic control signal located at the side of a street or roadway.
- (5) Alongside or opposite any street excavation or temporary obstruction, when such stopping, standing or parking would obstruct the flow of traffic.
- (6) Upon any bridge or other elevated structure or within an underpass, except to repair such place.
- (7) Within 10 feet of a public facility driveway, commercial driveway, or alley.
- (8) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.
- (9) Within 20 feet from the intersection of curb lines or, if none, within 10 feet of the intersection of property lines at an intersection of highways or streets.
- (10) Within a traffic lane or upon the traveled portion of a roadway.
- (11) Along any portion of a street without marked parking spaces where the clear distance from the side of the parked vehicle to the marked street centerline or to the edge of a left turn lane is less than 10 feet.
- (12) Within 10 feet of a fire hydrant.
- (13) In any area designated as a fire lane, including designated fire lanes in shopping centers or mall parking lots and all other public vehicular areas; provided, however, persons actively engaged in loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.

Sec. 28-304. - Parking prohibited at all times on certain streets.

When signs are placed which prohibit parking or when the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any street so marked or signed.

Sec. 28-305. – Marked and timed parking spaces during certain hours.

The town manager is authorized to create and mark parking spaces on the town's public streets and within public parking lots and to designate a maximum time period for which a vehicle may occupy a marked parking space. Parking time restrictions shall apply between the hours of 8:00 a.m. and 6:00 p.m., on any day except Saturday, Sunday and public holidays. The town manager shall cause appropriate signs and markings to be maintained for each time-limited parking lot and for timed-limited parking spaces.

It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any timed-limited parking space, provided that signs, curb or pavement markings, or other markings are placed so as to be sufficiently legible to be seen by an ordinarily observant person which state the length of time beyond which parking is prohibited.

The town manager has the authority to temporarily suspend parking time limits to accommodate particular activities, including parades and special events.

Sec. 28-306. – Exemptions from limited time zone parking restrictions.

The following are exempt from limited time zone parking restrictions:

- (1) Vehicles parked by individuals attending a funeral, including the funeral director and his or her employees, if the funeral is organized by a funeral director licensed pursuant to NCGS § 90-210.25, during the time period beginning one hour before the funeral is scheduled to begin, while the funeral is in progress, and ending one hour after the funeral has ended;
- (2) Town vehicles while parked to facilitate construction, maintenance, or repair of pipes, apparatus, and equipment used for the supply and transmission of potable water; and
- (3) Vehicles parked by any of the following, while engaged in the performance of their respective occupations: firefighting personnel, law enforcement personnel, EMS personnel, code enforcement personnel, emergency management personnel and emergency management workers.

Sec. 28-307. Prohibited purposes - generally.

No person shall stand or park a vehicle within any marked parking space for the purposes of:

- (1) Displaying it for sale;
- (2) Washing, greasing, or repairing it, except repairs necessitated by an emergency;
- (3) Storing it, when such storage is by garages, dealers, or other persons and when not incidental to the bona fide use and operation of such vehicles; or
- (4) Storing any detached trailer or van when the towing unit has been disconnected, or for the purposes of transferring merchandise or freight from one vehicle to another.

Sec. 28-308. – Parking so as to block driveway as nuisance.

The stopping, standing, or parking of a vehicle in a street in front of the entrance to a public or private driveway so as to cause the blocking of such driveway and to prohibit the use of such driveway for the purpose of gaining access to and from the street is hereby declared to be a public nuisance.

In addition to the penalties prescribed for the violation of this Code, insofar as such section relates to the stopping, standing, or parking of a vehicle in front of a public or private driveway, in the event of the occurrence of a public nuisance as declared in subsection (a) of this section, such public nuisance may be summarily abated and, to that end, the police officers of the town shall cause any vehicle causing such public nuisance immediately to be removed from in front of the entrance to the public or private driveway. In order to affect the abatement of such nuisance, the police officers shall cause the vehicle to be towed away and stored for the use of the owner. The cost of such towing and storing shall be borne by the offender as part of the cost of the enforcement of law.

Sec. 28-309. – ADA accessibility.

ADA accessible or handicapped parking is provided at certain locations within the town and is regulated by NCGS § 20-37.6. Persons that require an additional accommodation should contact the town's ADA Coordinator at 30 South Main Street, Weaverville, North Carolina, 28787, by calling (828)645-7116, or by email to coordinator@weavervillenc.org.

Sec. 28-310. – Abandoned motor vehicles.

Abandoned motor vehicles are subject to the provisions of Article II of Chapter 9 of the Town's Code of Ordinances.

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

ADOPTED THIS the 27th day of April, 2020, by a vote of 4 in favor and 1 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

**TOWN OF WEAVERVILLE
RESOLUTION AMENDING THE TOWN'S ADA COMPLIANCE POLICY AND THE
GRIEVANCE POLICY AND PROCEDURES**

WHEREAS, Part 4 of Article 7 of Chapter 160A of the North Carolina General Statutes sets forth certain requirements and provides certain authority to Town Council regarding its employees and the establishment of policies regarding its employees; and

WHEREAS, Town Council wishes to make clear policy statements with regard to compliance with the Americans with Disabilities Act and provide a process hereby discrimination under the Act can be brought to the Town's attention for resolution;

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

1. Town Council hereby amends and restates the **AMERICANS WITH DISABILITIES COMPLIANCE POLICY** that is shown as Tab 5 of the Policy and Procedures Manual, with the attached policy effective immediately.
2. Town Council hereby amends and restates the **GRIEVANCE POLICY AND PROCEDURES** that is shown as Tab 6 of the Policy and Procedures Manual that is attached, with the attached policy effective immediately.
3. This resolution shall become effective immediately.

ADOPTED this 27th day of April, 2020.



ALLAN P. ROOT, Mayor



ATTEST:



DEREK K. HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE AMERICANS WITH DISABILITIES COMPLIANCE POLICY

Section 1. Purpose and Objectives

It is the policy of the Town to afford equal employment opportunity to all qualified individuals with disabilities as defined in the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA) in all employment-related decisions. As part of this policy, the Town will work to seek reasonable accommodations for applicants in the employment process, qualified employees with disabilities and for applicants with disabilities who have been offered employment.

The Town has long recognized that its employees are its most valuable asset. Accordingly, it is Town policy to support employees and candidates affected by mental or physical impairments, which may limit their opportunities to be productive. It is the Town's intent to provide support and assistance, consistent with the Americans with Disabilities Act and business demands, within reason, to qualified individuals who are disabled. As appropriate, the Town will attempt to eliminate barriers to employment in order to afford all individuals opportunities to pursue available employment to the extent of their abilities and talents.

The cooperation of all employees is expected and necessary to make this policy a reality. Employees with questions about this policy, reasonable accommodation, or who feel they have been treated unfairly because of a disability, perceived disability, or record of a disability should contact the ADA Coordinator as designated in this policy.

In addition to assuring compliance with the ADA in its employment practices, it is the policy of the Town to prohibit discrimination against qualified individuals with disabilities on the basis of disability in the Town's provision of services, programs and activities.

Section 2. Definitions

ADA – Includes collectively the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendment Act of 2008, and any subsequent amendments thereto.

Communicable disease – An illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a person from infected person or animal through the agency of an intermediate animal, host or vector, or through the inanimate environment, pursuant to NCGS 130A-133(1). The term shall include, but is not limited to: acquired autoimmune deficiency syndrome (“AIDS”), AIDS-related complex, human immunodeficiency virus (“HIV”) infection, hepatitis A, B, or C, and tuberculosis.

Direct threat to safety – A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.

Disability – A person is “disabled” under this policy if that person has a physical or mental impairment that substantially limits him or her in one or more major life activities.

Essential job function – The basic job duties that an employee must be able to perform in his or her assigned job, with or without reasonable accommodation. Factors to be considered in determining if a function is essential include: (a) whether the reason the position exists is to perform that function, (b) the number of other employees available to

TOWN OF WEAVERVILLE AMERICANS WITH DISABILITIES COMPLIANCE POLICY

perform that function or among whom the performance of the function can be distributed, (c) the degree of expertise or skill required to perform the function, (d) the time spent performing a function, and (e) the consequences of not requiring that an employee perform a function.

Qualified individual with a disability – An employee or candidate with a disability who has the necessary skill, education, experience, and other job-related requirements to perform the essential functions of a position with or without a “reasonable accommodation.”

Reasonable accommodation –

Reasonable accommodation is any modification or adjustment to a job, job schedule or the work environment that will enable a qualified candidate or employee with a disability to participate in the application process or to perform essential job functions, or enjoy other benefits of employment without imposing an undue hardship on the Town or imposing a direct threat of safety to the individual or others in the workplace.

Examples of reasonable accommodation may include modifying existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs.

Reasonable accommodation may also include reassigning a current employee to a vacant position for which the individual is qualified if the person is unable to do the original job because of a disability even with an accommodation and no other accommodations exist. However, there is no obligation to find or create a position as an accommodation. The Town is not required to lower quality or quantity standards as an accommodation, nor is it obligated to provide personal use items such as glasses or hearing aids. The Town is not required to reallocate essential job functions of a job as a reasonable accommodation.

Undue hardship – The point at which an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.

Section 3. ADA Coordinator

The Town has designated the Town Manager, or designee, to handle issues related to the ADA. All requests for reasonable accommodation, auxiliary communication aids and services, alternative accessible formats for notices, policies, and other information, as well as complaints regarding the Town’s ADA program should be directed to the ADA Coordinator as follows:

TOWN OF WEAVERVILLE AMERICANS WITH DISABILITIES COMPLIANCE POLICY

ADA Coordinator
Weaverville Town Hall
30 South Main Street
Weaverville, NC 28787
828-645-7116
coordinator@weavervillenc.org

Section 4. Complaint Procedures

Complaints of alleged discrimination on the basis of disability by the Town may be filed by job applicants, employees, and ~~former employees members of the general public~~, by using the grievance procedures set forth in Article XV of the Town's Personnel Policy. Members of the general public who feel that they have been discriminated against on the basis of disability may utilize the Grievance Policy and Procedures adopted by Town Council to file a disability related discrimination complaint.

The grievance procedures shall be distributed to members of the general public upon request for persons with disabilities. Any complaints relating to the ADA shall be considered confidential and kept separate from an employee's personnel file.

Section 5. No Retaliation

Individuals who oppose any act or practice that is unlawful under any title of the ADA, or who make a charge, testify, assist, or participate in any investigation, proceedings, or hearing under the ADA will not be retaliated against, nor will they be coerced, intimidated, threatened, or interfered with in the exercise or enjoyment of any ADA right. Job applicants or employees who may have a friend, associate, or family member with a disability are also covered by this ADA nondiscrimination policy pursuant to the ADA.

Section 6. Communicable Diseases

The Town shall not exclude from employment, participation in programs, or receipt of services individuals with communicable diseases or a related condition unless a determination is made by the Town Manager that such individual presents a direct threat or significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. It is the policy of the Town to consider the employment status or participation of an individual with a communicable disease on an individual case-by-case basis and in accordance with the ADA.

Section 7. Confidentiality of Medical Records

All information obtained by the Town regarding an applicant's or employee's disability, medical condition, request for reasonable accommodation, or workers' compensation shall be maintained on separate forms and in medical files which are separate from the regular personnel files. All medical files and records will be treated as confidential. Access to medical information shall be given for the following reasons only:

TOWN OF WEAVERVILLE AMERICANS WITH DISABILITIES COMPLIANCE POLICY

- a. To supervisors who may be told only about work restrictions for an applicant or employee;
- b. To first aid and safety officials where emergency treatment might be required;
- c. To government officials charged with enforcement of disability laws, including the ADA; and
- d. Human Resources staff and legal counsel on an as-needed basis.

Section 8. Reasonable Accommodation

It is the policy of the Town to provide reasonable modifications or adjustments to services, programs, or activities, to avoid discrimination on the basis of disability, unless the modification would result in a fundamental alteration or would impose an undue financial or administrative burden. The Town will make all reasonable efforts to provide appropriate services and aids so that people with disabilities receive effective communication.

The Town will make reasonable accommodations whenever necessary for all qualified employees or candidates for employment with disabilities (as defined by applicable law), provided that:

1. The individual is otherwise qualified to safely perform the essential job functions of the job, and
2. Such accommodations do not impose undue hardship on the Town.

Where a job or work assignment is subject to health or medical standards required for assignments or deployments in support of the military, this policy does not require employment of an employee or candidate who cannot satisfy those standards.

- A. **Requesting an Accommodation – Employee** – If an employee has a disability that requires an accommodation in order to perform the essential functions of his or her job, or otherwise enjoy the benefits and privileges of employments, he or she must initiate a request for accommodation by contacting his or her direct supervisor, the Human Resources Officer, or Town Manager, and identify an adjustment or change at work that is needed because of a disability.
- B. **Requesting an Accommodation – Candidate** – If a candidate for employment has a disability that requires an accommodation in order to apply for a job, he or she must initiate the request for accommodation by contacting Human Resources Officer or Town Manager and identifying an adjustment or change in the application or system that is needed because of a disability.
- C. **Participation in the Interactive Process** –
 - i. An employee seeking an accommodation under this policy will engage in an interactive dialogue (the “interactive process”) with his or her supervisory, department head, and Human Resources Officer, to

TOWN OF WEAVERVILLE AMERICANS WITH DISABILITIES COMPLIANCE POLICY

identify an accommodation that will allow the employee to perform the essential functions of the job effectively or engage in other benefits and privileges of employment that are enjoyed by similarly situated employees without disabilities.

- ii. If the Town is able to accommodate the request as a result of the interactive process, without the need for supporting medical documentation or other information, the employee does not need to proceed with any further steps outlined in this process.
 - iii. The ADA Coordinator has the responsibility to secure a final decision about questions regarding the implementation of an accommodation related to whether the medical condition is a qualifying disability under the ADA. In the event that additional medical information is needed to determine what accommodations may be necessary the ADA Coordinator will secure a release of medical information from the employee in order to obtain the medical information that is needed to make such a determination.
 - iv. The employee must cooperate with Human Resources in submitting necessary medical documentation and/or providing a release of medical information that permits HR to communicate with the employee's health care provider(s). The employee must return all forms and responsive information within 15 days of the request. Processing the request for accommodation may not proceed until all required forms have been completed and returned to Human Resources.
 - v. HR will review the completed request for accommodation forms received from the employee and/or the employee's health care provider. If the information provided is incomplete or requires further clarification, HR may request additional information from the employee or his or her health care provider.
- D. **Determination** – If, based on medical and other information provided by the employee and/or his or her health care provider, the employee is determined to be a qualified individual with a disability, the ADA Coordinator will notify the employee, supervisor, department head and Town Manager. The ADA Coordinator will work with the employee and the department head to identify and discuss reasonable accommodations that will enable the employee to perform the essential functions of the job or to participate in the same benefits and privileges of employment enjoyed by similarly situated employees without benefits. In instances where there is no reasonable accommodation that enables the employee to perform the essential functions of the job, including unpaid leave and assignment to a vacant position, the employee may be terminated.

TOWN OF WEAVERVILLE AMERICANS WITH DISABILITIES COMPLIANCE POLICY

- E. Responsibilities – Employees/Candidates** – Employees and candidates with a disability that interferes with their ability to apply for a job, perform their essential job functions or otherwise enjoy the benefits and privileges of employment that are available to other similarly situated employees without disabilities, and who desire an accommodation, must follow the process set forth above. The employee or candidate who requests an accommodation has the responsibility to submit all required documentation on a timely basis and to remain engaged in the interactive process with the Town while a determination is being made. It is the employee’s responsibility to work with his or her supervisor/department head, ADA Coordinator and qualified health care professional to review and complete all forms required. Any failure by the employee to supply the Town with all relevant and requested medical information or to otherwise meaningfully cooperate in the interactive process may result in the Town’s denial of an accommodation or delay in the process.
- F. Responsibilities – Management** – The Town Manager and all department heads are responsible for ensuring that all employees under their supervision are fully aware of the Town’s reasonable accommodation policy and equal employment opportunity and non-discrimination policy. When an employee requests an accommodation, supervisors and department heads must participate in the interactive process with the employee to determine if a reasonable accommodation can be made, with or without seeking additional information about the employee’s medical condition.

If the ADA Coordinator determines that an employee’s medical condition is a qualifying disability under the ADA, supervisors and department heads must continue to work with the employee to identify existing reasonable accommodations that will enable the employee to perform the essential functions of his or her job.

- G. Responsibilities – ADA Coordinator** – The ADA Coordinator is responsible for determining whether an individual is entitled to an accommodation under the terms of this policy, assisting in the interactive process to identify reasonable accommodations as necessary, and informing employees of their rights and obligations pursuant to this policy. The ADA Coordinator is responsible for ensuring appropriate confidentiality of employees’ and candidates’ medical information, consistent with Town policy and state and federal law.

Section 9. Violations

Any employee found to be in violation of this policy will be subject to prompt disciplinary action under the Town’s Personnel Policy, up to and including dismissal.

Section 10. Adoption and Effective Date

This policy has been amended and restated by Town Council, is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

**TOWN OF WEAVERVILLE
AMERICANS WITH DISABILITIES
COMPLIANCE POLICY**

ADOPTED BY the Weaverville Town Council on the ____ day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Allan P. Root, Mayor

ATTESTED:

By: _____
Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE

GRIEVANCE POLICY AND PROCEDURES

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of grievances of citizens or other non-employees. The purpose of this policy is to outline a grievance procedure and to assure the public that a response to their complaints and grievances will be prompt and fair.

Section 2. Definition

ADA – Collectively the Americans with Disabilities Act and the Americans with Disabilities Act Amendment Act

Grievance – A grievance is a claim or complaint of a citizen or customer of the Town, or member of the public against the Town or any of its officials or employees, including, but not limited to, claims or complaints alleging discrimination, harassment, retaliation, improper or unlawful activity, Title VI civil rights discrimination, ADA accessibility issues, failure to provide services, or access to services, violations of Town policies, excessive or improper imposition of fees.

Title VI – Title VI of the Civil Rights Act of 1964

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- (a) Providing the public with a procedure by which their complaints can be considered promptly and fairly;
- (b) Promoting better understanding of the Town's policies, practices, and procedures;
- (c) Increasing confidence that Town services are being delivered in accordance with established, fair, and uniform policies and procedures;
- (d) Encouraging conflicts to be resolved between the Town and the public in order to foster good relationships; and
- (e) Creating an environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders in order to allow for better public relations and provision of municipal services.

Section 4. Procedure

When a member of the public has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by the aggrieved person shall be considered to be the step at which the grievance is resolved. In all cases the Town Manager's decision shall be the final decision.

- (a) **Informal Resolution** – Prior to the submission of a formal grievance, the aggrieved person and Town employee should meet to discuss the problem and

TOWN OF WEAVERVILLE GRIEVANCE POLICY AND PROCEDURES

seek to resolve it informally. Either the aggrieved person or Town employee may involve the respective Department Head as a resource to help resolve the grievance.

- (b) **Formal Resolution** – If an informal resolution is not achieved then the following procedures shall be utilized with written documentation made at each step. For grievances involving ADA or Title VI civil rights issues, the respective coordinators will serve as the Department Head in the following steps (see Sections 5 and 6 below).

Step 1 – If no resolution to the grievance is reached informally, the aggrieved person who wishes to pursue a grievance shall present the grievance to the appropriate Department Head in writing. The Department Head shall respond to the grievance within 10 calendar days after receipt of the grievance. The Department Head should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Department Head is required to cooperate to the fullest extent possible. The response shall explain the position of the Town and offer options for substantive resolution of the complaint.

Step 2 – If the grievance is not resolved to the satisfaction of the citizen at the end of Step 1, the aggrieved person may appeal, in writing, to the Town Manager within 10 calendar days after receipt of the response from Step 1. The Town Manager shall meet with the aggrieved person to discuss the complaint and possible resolutions. Within 10 calendar days of the meeting the Town Manager will respond in writing with a final resolution of the complaint.

The Town reserves the option, but not the requirement, to obtain a neutral outside party to provide mediation between the aggrieved person and the Town. Such parties might consist of attorneys trained in mediation, mediators, or other parties appropriate to the situation.

In all cases the Town Manager's decision shall be the final decision. The Town Manager shall notify the Mayor and Town Council of any impending legal action.

Section 5. Grievances Related to the Americans with Disabilities Act (ADA) or Title VI Civil Rights Discrimination

Complaints concerning discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town should be sent to the ADA Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached. Where appropriate, responses and resolutions shall be provided in a format that is accessible to the aggrieved person.

Complaints concerning discrimination on the basis of race, color, national origin, sex, age, or disability, in the provision of services, activities, programs, or benefits by the Town should be sent to the Civil Rights Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached.

TOWN OF WEAVERVILLE GRIEVANCE POLICY AND PROCEDURES

Complaints involving the ADA Coordinator or the Civil Rights Coordinator can be made directly to the Town Manager.

Section 6. Contact Information for Submitting Grievances

The following contact information can be used to submit a grievance:

<u>GENERAL GRIEVANCES</u>	<u>ADA GRIEVANCES</u>	<u>TITLE VI CIVIL RIGHTS GRIEVANCES</u>
<u>Town Manager</u> <u>30 South Main Street</u> <u>Weaverville, NC 28787</u> <u>(828)645-7116</u> <u>coordinator@weavervillenc.org</u>	<u>ADA Coordinator</u> <u>30 South Main Street</u> <u>Weaverville, NC 28787</u> <u>(828)645-7116</u> <u>coordinator@weavervillenc.org</u>	<u>Civil Rights Coordinator</u> <u>30 South Main Street</u> <u>Weaverville, NC 28787</u> <u>(828)645-7116</u> <u>coordinator@weavervillenc.org</u>

Section 7. Adoption and Effective Date

This policy has been amended and restated by Town Council, is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

ADOPTED BY the Weaverville Town Council on the ____ day of April, 2020.

TOWN OF WEAVERVILLE

By: _____
Allan P. Root, Mayor

ATTESTED:

By: _____
Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE
RESOLUTION ADOPTING THE TOWN'S TITLE VI IMPLEMENTATION PLAN AND
TITLE VI CIVIL RIGHTS COMPLIANCE POLICY


WHEREAS, Town Council wishes to make it clear that it intends to operate its programs, activities, and services, without regard to race, color, national origin, sex, age, disability, or income level, in accordance with Title VI of the Civil Rights Act of 1964 and related statutes, and to assure that every effort will be made to ensure that no person in the Town will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that it administers, whether those programs, activities and services are federally funded or not;

WHEREAS, Town Council wishes to adopt clear policy statements with regard to compliance with Title VI of the Civil Rights Act of 1964 and provide a process whereby discrimination under the Act can be brought to the Town's attention for resolution;

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

1. Town Council hereby adopts the attached **TITLE VI IMPLEMENTATION PLAN**, including the policy statements included therein, with an immediate effective date;
2. Town Council hereby adopts the attached **TITLE VI CIVIL RIGHTS COMPLIANCE POLICY** and directs that it be included in the Town's Policy and Procedures Manual, with an immediate effective date.
3. This resolution shall become effective immediately.

ADOPTED this 27th day of April, 2020.



ALLAN P. ROOT, Mayor



ATTEST:



DEREK K. HUNINGHAKE, Town Clerk

**TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN**

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TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

INTRODUCTION

The Town of Weaverville has adopted this Title VI Implementation Plan to ensure that the Town is in compliance with the provisions of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. Discrimination on the basis of gender, age, and disability is prohibited under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

Federal-aid recipients, subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services whether these programs, activities and services are federally funded or not. The Town Attorney of the Town of Weaverville is responsible for providing leadership, direction and policy to ensure compliance with Title VI and environmental justice principles.

Title VI is a mechanism that directs the federal financial assistance, which drives or promotes economic development. By legislative mandate, Title VI examines the following public policy issues:

- Accessibility for all persons
- Accountability in public funds expenditures
- Disparate impact
- Economic empowerment
- Environmental justice
- Infrastructure development
- Minority participation in decision making
- Program service delivery
- Public and private partnerships built in part or whole with public funds
- Site and location of facilities

Title VI was enacted to ensure equal distribution of federal funds regardless of race, color, or national origin. Because of this, Title VI:

- Encourages the participation of minorities as members of Implementation Planning or advisory bodies for programs receiving federal funds
- Prohibits discriminatory activity in a facility built in whole or part with federal funds
- Prohibits entities from denying an individual any service, financial aid, or other benefit because of race, color, or national origin

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

- Prohibits entities from providing a different service or benefit, or providing these in a different manner from those provided to others under the program
- Prohibits entities from requiring different standards or conditions as prerequisites for serving individuals
- Prohibits locating facilities in any way that would limit or impede access to a federally funded service or benefit
- Prohibits segregation or separate treatment in any manner related to receiving program services or benefits
- Requires assurance of nondiscrimination in purchasing of services
- Requires entities to notify the respective population about applicable programs
- Requires information and services to be provided in languages other than English when significant numbers of beneficiaries are of limited English speaking ability

Any Weaverville resident who has experienced discrimination or harassment or have a human rights concern, may file a discrimination complaint with the Town.

LEGAL AUTHORITY

The Town of Weaverville establishes the Title VI Implementation Plan not only on the adoption of a local policy, but by long standing federal law.

Title VI of the Civil Rights Act of 1964 [Pub. L. 88-352 (1964), codified as 42 U.S.C. §2000d through 2000d-4]: Title VI of the Civil Rights Act of 1964 prohibits the discrimination in, or the denial of benefits under, any program or activity receiving federal financial assistance on grounds of race, color or national origin.

The Civil Rights Restoration Act of 1987, [Pub. L. 100-259, Sec. 6 (1988), codified as 42 U.S.C. §2000d-4a]: The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Federal Aid Highway Act of 1973, [Pub. L. 93-87 (1973), codified as 23 U.S.C. §324]: The Federal Aid Highway Act of 1973 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Age Discrimination Act of 1975, [Pub. L. 94-135 (1975), codified as 42 U.S.C. §6102]: The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

Americans with Disabilities Act of 1990, Subchapter 2, Part A [Pub. L. 101-336 (1990); codified as 42 U.S.C. §§12131-12134]: The Americans with Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973 [Pub. L. 93-112 (1973), codified as 29 U.S.C. §794]: Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

23 CFR Part 200: 23 CFR 200 are administration regulations promulgated by the Federal Highway Authority that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

49 CFR Part 21: 49 CFR 21 are administration regulations promulgated by the US Department of Transportation that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

Executive Order No. 12898: Executive Order 12898 regards federal actions to address Environmental Justice in minority populations and low income populations. (Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Additionally, environmental justice means that no group of people including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use Implementation Planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies).

Executive Order No. 13166: Executive Order 13166 regards the improvement of access to services for persons with Limited English Proficiency.

DEFINITIONS

As used in this Title VI Implementation Plan, the following mean:

Affected Parties: persons protected against discrimination because of race, color, national origin, sex, age, disability, or income by the Title VI Requirements, and the Town of Weaverville's Non-Discrimination Policy.

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TITLE VI IMPLEMENTATION PLAN

Contractor: a person or entity who has entered into an agreement with the Town that is subject to the Title VI Requirements.

LEP Program: the Limited English Proficient program established by the Town to assist individuals who do not speak English as their primary language, and who therefore have limited ability to read, speak, or understand the English language and connect with Town government and assist with needed services.

Locating and Siting Actions: a recommendation by Town staff or decision by the Town staff or the Town Council that will result in the construction of a public facility that could have adverse environmental impacts on the surrounding area.

Meaningful Access: the provision of communicative assistance by the Town necessary to allow affected persons to participate in governmental services/activities.

Proposed Project: a project that receives federal funds and is subject to the Title VI Requirements.

Subrecipient: a person or entity that receives federal funds from the Town to be used by the entity to further the objectives of the federal grant. The Town is the recipient of the grant, and the person or entity is a subrecipient of those grant funds. An example of a subrecipient relationship would be where the Town grants federal funds to a non-profit corporation that the corporation uses to provide assistance for low-income households to pay utility bills.

Title VI Assurances: conditions imposed upon contractors or subrecipients as a result of federal funding being directly or indirectly provided to the contractor or subrecipient.

Title VI Requirements: the nondiscrimination provisions contained in Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166.

TITLE VI STAFFING AND ORGANIZATION FOR IMPLEMENTATION

Town Manager

The Town Manager is ultimately responsible for ensuring the Town's compliance with Title VI Requirements, including, but not limited to, monitoring Town programs, preparing required reports and undertaking such other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21 (Appendix D). To ensure compliance the Town Manager has appointed the Town Attorney to serve as the Title VI Implementation Plan and Program Coordinator until such time additional staff is hired to support

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

compliance efforts. Other department heads will collaborate with the Town Attorney as needed to ensure required compliance.

Town Attorney

The Town Attorney shall serve as the Title VI Implementation Plan and Program Coordinator. The Town Attorney is responsible for the overall management of the Title VI Program, under the direct supervision of the Town Manager to include the following responsibilities as the Title VI Program Coordinator:

- Process and research complaints regarding compliance with this Title VI Implementation Plan that are received by the Town and coordinate with relevant and appropriate staff and the Town Attorney, to compile statistical data related to race, color, national origin, sex, age, disability, and income of participants in, and beneficiaries of, federally funded programs to ensure compliance with the Title VI Requirements.
- Review Town programs or projects receiving federal funding for matters regarding Title VI compliance and reporting.
- Conduct training programs related to Title VI Requirements for Town staff who are responsible for Title VI compliance, and for contractors or subrecipients who are subject to Title VI Requirements.
- Make recommendations to the Town Manager on ways to achieve compliance with Title VI Requirements.
- Develop information regarding this Title VI Implementation Plan for dissemination to the general public and, where appropriate, use the LEP Program to ensure dissemination of the information to affected populations.
- Ensure that individuals who will be affected by locating and siting actions obtain meaningful access to the public awareness/involvement process.
- Identify deficiencies in compliance with the Title VI Requirements, and make recommendations to the Town Manager for remedial actions to be taken to promptly resolve such deficiencies.
- Properly advise citizens of the process to submit complaints and handle grievances and complaints.
- Annually prepare a Title VI Implementation Plan Report that documents progress, accomplishments, impediments and goals in fulfilling this Title VI Implementation Plan.

Departmental Responsibility

Each Department Head is responsible for Title VI compliance, with support from the Town Attorney, for individual projects. Compliance activities include, but are not limited to:

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

- Ensuring that all aspects of a project's Implementation Planning process and operations comply with the Title VI Requirements.
- Ensuring that Affected Parties have meaningful access to a project's Implementation Planning processes.
- Assisting the Town Attorney in gathering and organizing data for the Title VI Implementation Plan Report.
- Reviewing the Department work programs, policies, and other directives to ensure compliance with the Title VI Requirements.
- Verifying the level of participation of Affected Parties at public outreach meetings.

IMPLEMENTATION PLAN

Policy and Public Notice

The Town, with the adoption of this Title VI Implementation Plan, has adopted the Title VI Non-Discrimination Policy that is set out as **Appendix A**.

The Town will use the general non-discrimination notice set out in **Appendix B** to reflect the adopted policy and support all activities and services provided by the Town of Weaverville

The Town's equal employment opportunity statement is set out on **Appendix C** and is to be included within the Town's Personnel Policy and on the Town's job application forms.

Elimination of Discrimination

The Title VI Civil Rights Compliancy Policy that is attached as **Appendix D** is to be added to the Town's Policy and Procedures Manual.

The Town will continue its practice of identifying discrimination based on race, color, religion, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, and where such discrimination is found to exist, implementing programs or practices to eliminate the discrimination. Programs include, but are not limited to, hiring Minority/Women/Disadvantaged Business Enterprises (DBE) contractors, providing translations through the LEP Program as necessary, and conducting public outreach and involvement in Town projects.

Public Dissemination of Information

The Town will include the Title VI non-discrimination policy and public notice on its website.

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

The Town Attorney shall assist Town staff in the creation and dissemination of Title VI Program information to Town employees, subrecipients, contractors, Affected Parties, and the general public. Public dissemination efforts may include: posting public statements setting forth the Town's non-discrimination policy; inclusion of Title VI Assurances in Town contracts and grants; and publishing a Title VI Policy Statement on the Town's website; including the notice and policy into all adopted plans and program documents.

Title VI Assurances in Contracts and Grants

Contracts and procurement are integrated into each department. Staff will ensure that all federally funded contracts administered by the Town contain Title VI Assurances. In the event that the Town distributes federal funds to another entity through grants or other agreements, the Department Head administering the grant or agreement will ensure that such grants and agreements contain the Title VI Assurances. The Department's project administrator or grant administrator will monitor the performance of the contract or grant for compliance. The Town Attorney and Department Head will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting and grant performance process.

Data Collection

Statistical data on Affected Parties will be compiled by each department head and provided to the Town Attorney. The data compilation process will be reviewed regularly by the Town Attorney to ensure the data is sufficient to meet the requirements of this Title VI Implementation Plan.

Training Program

Annual training will be made available to Department Heads from the Town Attorney. Department Heads will be required to provide training to all staff. Training will provide comprehensive information on the Title VI Requirements and its application to specific programs or operations; assistance on the identification of Title VI issues; and an overview of the complaint process.

Site and Facility Location

The Town shall not make selection of a site or location of a facility for participants in and beneficiaries of the Town's federal aid programs if that selection could exclude individuals from participation in, or deny them benefits of, or subject them to discrimination on grounds of race, color or national origin, or could substantially impair the accomplishment of the objectives of the non-discrimination policy.

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Environmental Justice in Minority and Low-Income Populations

In accordance with Executive Order 12898, titled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” the Town will develop strategies to review, consider, and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, to promote non-discrimination in Federal-aid programs, substantially effect human health and the environment, and to provide minority and low-income communities access to public information and an opportunity for public participation in matters relating to human health or the environment.

Limited English Proficiency (LEP)

In accordance with Executive Order 13166, the Town has established a LEP program. Approximately 2.2% of residents in Weaverville primarily speak a language other than English. Of these residents the vast majority speak Spanish. The Town of Weaverville will review demographic data annually and solicit data from the LEP community to identify language assistance needs within its service areas, utilizing the American Community Survey.

Staff will continue to monitor and evaluate the Town’s efforts based on requests for LEP assistance and make adjustments or changes as needed. There are several measures that can be taken to identify persons who may need language assistance in our service area, with emphasis on our primary group requiring help:

- Send out notifications in Spanish of upcoming events/meeting(s).
- Select locations that may be more convenient for LEP persons; send out the notices in Spanish.
- Train staff to utilize translation apps to support LEP persons during regular customer service provided by Town staff.
- When open houses or public meetings are held, set-up a sign-in table and have a staff member greet and briefly speak to each attendee in order to informally gauge his/her ability to speak and understand English.
- Have the Census Bureau’s “I Speak” card at various events. Although staff may not be able to provide translation assistance at the time, the cards are an excellent tool to identify language needs for future events/meetings.
- Post a notice of available language assistance at open houses/public meetings to encourage LEP persons to self-identify.
- Examine record requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.
- Survey staff who have contact with LEP individuals to record language assistance requests.

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

Town of Weaverville has or will implement the following LEP measures: Users of the Town of Weaverville's website have online access to Google Translate, the online language translation service which allows users to translate to and from Spanish and 56 other languages. Upon request or as needed, documents will be translated into Spanish.

PREVENTION

The Town will actively seek to prevent Title VI deficiencies or irregularities. In taking such action, the Department Head will work with the Town Attorney to create an action Implementation Plan within 90 days of the date the need for preventive or remedial action is identified by Town staff. A copy of the action Implementation Plan will be provided to the Department Head and the Town Manager and retained by the Town Attorney. When the Department Head reasonably believes a contractor or subrecipient has violated a Title VI Requirement, the Department Head will follow the following process:

1. The project or grant administrator and the Department Head will meet with the contractor or subcontractor to conduct an initial review of the facts supporting a finding that a violation of the Title VI Requirements has occurred or is occurring.
2. If, after the initial review, the Department Head concludes that the contractor or subrecipient has violated the Title VI Requirements, the contractor or subrecipient will be given a reasonable time, not to exceed 90 days from the date notice is provided to the contractor or subrecipient, to voluntarily correct noncompliance.
3. The Town will seek to obtain the cooperation of the contractor or subrecipient in correcting noncompliance, and will offer to provide technical assistance needed by the contractor or subrecipient to obtain voluntary compliance with the Title VI Requirements.
4. A follow-up review will be conducted within 180 days of the date notice is provided to the contractor or subrecipient to ensure that the violation of the Title VI Requirements has been corrected. If after the review, the contractor or subrecipient has failed to correct the violation, the Town Manager may take appropriate action (e.g., withhold funds, cancel contract) required to comply with the Town's obligation under the federal grant.
5. When a contractor or subrecipient has failed or has refused to comply with Title VI requirements within the 180 day period after the initial review, the Department Head will submit two copies of the file to the appropriate state or federal agency, along with a recommendation that the file be reviewed for a determination of whether the contractor or subrecipient has violated the Title VI Requirements.

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

COMPLAINT PROCESS

Any person who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in his or her receipt of benefits and/or services from the Town, or by a contractor or subrecipient on the grounds of race, color, national origin, sex, age, disability, or income, may file a Title VI Complaint with the Town Attorney.

Any person who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, may file a complaint. The complaint form is including in Appendix D of this document.

Every effort will be made to obtain early resolution of complaints. The option of information mediation meeting(s) between the Town Attorney, town staff, contractors, subrecipients and Affected Parties may be utilized for resolution.

The use of the Town's Grievance Policy and Procedures (**Appendix E**) is encouraged for all complaints filed under Title VI. These procedures do not deny the right of the complainant after the completion of the Title VI process to file a complaint with state or federal agencies or to bring private action based on the complaint. As an alternative to the Town's Grievance Policy the following procedure can be used:

1. Any person, group of persons, or entity that believes they have been subjected to discrimination under the Title VI requirements may file a written complaint with the Town Attorney. The complaint must be filed within 180 days of the alleged discriminatory act or occurrence.
2. Upon receipt of the complaint, the Town Attorney will determine whether the Town has jurisdiction over the complaint, whether the complaint contains the necessary information, what additional information is needed, and whether further investigation is needed. Within five working days of receipt of the complaint, the Town Attorney will determine whether the Town has jurisdiction, if the complaint is complete, and if it requires additional investigation.
3. The Town Attorney will provide the respondent the opportunity to respond in writing to the allegations of the complaint. The respondent shall have fifteen days from receipt of notification to provide a response to the allegation in the complaint.

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

4. If the complaint is against a contractor or subrecipient, the Town shall have fifteen days from receipt of the complaint to advise the appropriate state or federal agency of the receipt of complaint and statutes of the investigation.
5. Within sixty days of the receipt of the complaint the Town Attorney shall prepare a written investigative report. The report shall include narrative description of the incident, identification of persons interviewed, findings, and recommendations for resolution and corrective action. The written report will be sent to the Town Attorney.
6. The Town attorney will review the report and meet with the Town Attorney and the Town Manager to determine the appropriate action.
7. When the investigative report is complete and appropriate action has been determined, the complainant and respondent shall receive a copy of the report, statement of appropriate action, and notification of appeal rights.
8. Within fifteen days of the complainant and respondent receiving a copy of the report and determination of appropriate action, the Town Attorney will meet with each party to discuss the determination of appropriate action as well as the findings made in the investigative report.
9. Within sixty days of receipt of the original complaint, a copy of the complaint and the Town's investigative report and determination of appropriate action will be provided to the appropriate federal or state agency for comments.
10. Within fifteen days of receiving comments from the federal or state agency, the Town Attorney will meet with all parties to discuss comments provided by the responding agencies.
11. After receiving comments from the federal or state agency, the Town Manager shall review the comments and adopt a final decision that includes taking appropriate actions to address any comments provided by a federal or state agency. The final decision shall be provided to all parties of the proceedings and shall include a statement that a party has a right to appeal the decision if the party produces evidence of new facts that were not previously considered and could not have been reasonably discovered during the investigation.
12. If a party is not satisfied with the results of the investigation or the resolution of the complaint, the party may appeal the Town Manager's decision to the appropriate federal or state agency, by filing a request for an appeal no later than 180 days after the date of the Town Manager's final decision.

**TOWN OF WEAVERVILLE
TITLE VI IMPLEMENTATION PLAN**

TITLE VI PROGRAM REVIEW AND REPORT

The Town Attorney will conduct an annual Title VI Program review to assess the Town's effectiveness in ensuring compliance with the Title VI Requirements. The Title VI Program review will be overseen by the Town Attorney with the assistance of other Department Heads, and will include an evaluation of administrative procedures and staffing; review of operational guidelines for town staff, contractors and subrecipients; and assessment of resources available to ensure compliance with the Title VI Requirements.

The Town Attorney shall annually prepare an annual report to be submitted to the Town Manager on or before June 30th of each year. The Title VI Program Report will be based on the data compiled by the Department Heads and the Title VI Program Review. The Program Report shall include an executive summary; a list of programs subject to the Title VI Requirements; a summary of any complaints of violations of the Title VI requirements and how each complaint was resolved; a summary of the statistical data compiled by the Department Head; a summary of Title VI training provided; and a general assessment of the Title VI compliance by the Department.

ANNUAL COMPREHENSIVE TITLE VI IMPLEMENTATION PLAN REPORT


The Town Attorney shall annually prepare a comprehensive Title VI Implementation Plan Report, and forward it to Town Council on or before October 1 of each year. The Title VI Implementation Plan Report will be based on the Title VI program reviews and report, and shall contain an assessment of the accomplishments during the preceding year; a list of recommended changes to the programs subject to the Title VI Requirements; and a list of recommended goals and objectives for the upcoming year.

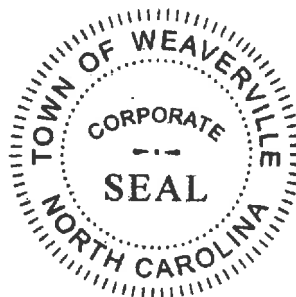
ADOPTION

ADOPTED BY the Weaverville Town Council on the 27th day of April, 2020.

TOWN OF WEAVERVILLE

By: 
Allan P. Root, Mayor

ATTESTED:
By: 
Derek K. Huninghake, Town Clerk



TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

APPENDIX A - TITLE VI NON-DISCRIMINATION POLICY STATEMENT

It is the policy of the Town of Weaverville to ensure that no person shall, on the grounds of race, color, national origin, limited English proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Town of Weaverville program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the Town of Weaverville to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restricting in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Using methods of Administrations, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Applying different standards, criteria, or other requirements for admission, enrollment, or participation in Implementation Planning, advisory, contractual or other integral activities;
- Using acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Allowing discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

APPENDIX B - NON-DISCRIMINATION NOTICE AND ACCESSIBILITY RIGHTS

The Town of Weaverville, pursuant to its policy to comply with Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities, will not exclude from participation in, deny the benefits of, or subject to discrimination any person based on race, color, national origin, limited English proficiency, income-level, sex, age, or disability, (or religion, as applicable), under any programs or activities conducted or funded by the Town of Weaverville.

Any person who believes they have been wronged by a discriminatory act (action or inaction) of the Town of Weaverville or its funding recipients, has the right to file a complaint with the Town of Weaverville. For instructions on how to file a complaint, or additional information regarding the Town of Weaverville's nondiscrimination obligations, please contact:

Town of Weaverville
Town Attorney
PO Box 338
Weaverville, NC 28787
(828)645-7116

Email to: compliance@weavervillenc.org

You may also visit <https://www.weavervillenc.org>

Anyone with a hearing or speech impairment may use Relay NC, a telecommunications relay service, to call the Town of Weaverville. Relay NC can be accessed by dialing 711 or 1-877-735-8200.

ATTENTION: If you speak a language other than English, the following language assistance services are available to you, free of charge. Qualified interpreters and information written in other languages. Call 1-800-522-0453.

ATENCION: Si habla un idioma distinto del inglés, los siguientes servicios de asistencia de idiomas están disponibles para usted, de forma gratuita. Intérpretes cualificados e información escrita en otros idiomas. Llame al 1-800-522-0453.

TOWN OF WEAVERVILLE

TITLE VI IMPLEMENTATION PLAN

APPENDIX C - EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The Town of Weaverville is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to age, sex, race, color, religious beliefs, non-qualifying disability, national origin, ethnicity, sexual orientation, gender identity, veteran status, political affiliation, or genetic information. The Town of Weaverville is committed to providing access, equal opportunity and reasonable accommodation for individuals with disabilities in employment opportunities.

**TOWN OF WEAVERVILLE
TITLE VI CIVIL RIGHTS COMPLIANCE POLICY**

Section 1. Policy

The Town of Weaverville operates its programs, activities, and services, without regard to race, color, national origin, sex, age, disability, or income level, in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. The Town assures every effort will be made to ensure that no person in the Town will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that it administers, whether those programs, activities and services are federally funded or not.

Section 2. Prohibited Practices

The following practices are hereby prohibited:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restricting in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Using methods of Administrations, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Applying different standards, criteria, or other requirements for admission, enrollment, or participation in Implementation Planning, advisory, contractual or other integral activities;
- Using acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Allowing discrimination in any employment resulting from a program, the primary purpose of which is to provide employment. Section 3. Civil Rights Coordinator

Section 3. Civil Rights Coordinator

The Town has designated the Town Manager, or designee, to handle issues related to Title VI Civil Rights. All complaints related to protected classes under Title VI should be directed to the Civil Rights Coordinator as follows:

**TOWN OF WEAVERVILLE
TITLE VI CIVIL RIGHTS COMPLIANCE POLICY**

Civil Rights Coordinator
30 South Main Street
Weaverville, NC 28787
828-645-7116
coordinator@weavervillenc.org

Section 4. Complaint Procedures

Complaints of alleged discrimination on the basis of race, color, national original, sex, age, or disability by the Town may be filed by job applicants, employees or former employees by using the grievance procedures set forth in Article XV of the Town's Personnel Policy.

Complaints of alleged discrimination on the basis of race, color, national original, sex, age, or disability by the Town may be filed by members of the general public by using the grievance procedures set forth in the Grievance Policy and Procedures as adopted by Town Council or by contacting the Town Attorney:

Town of Weaverville
Town Attorney
30 South Main Street
Weaverville, NC 28787
828-645-7116
coordinator@weavervillenc.org


Section 5. Adoption and Effective Date

This policy has been adopted by Town Council and is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

ADOPTED BY the Weaverville Town Council on the 27th day of April, 2020.

TOWN OF WEAVERVILLE

By: 
Allan P. Root, Mayor

ATTESTED:
By: 
Derek K. Hunninghake, Town Clerk



TOWN OF WEAVERVILLE GRIEVANCE POLICY AND PROCEDURES

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of grievances of citizens or other non-employees. The purpose of this policy is to outline a grievance procedure and to assure the public that a response to their complaints and grievances will be prompt and fair.

Section 2. Definition

ADA – Collectively the Americans with Disabilities Act and the Americans with Disabilities Act Amendment Act

Grievance – A grievance is a claim or complaint of a citizen or customer of the Town, or member of the public against the Town or any of its officials or employees, including, but not limited to, claims or complaints alleging discrimination, harassment, retaliation, improper or unlawful activity, Title VI civil rights discrimination, ADA accessibility issues, failure to provide services, or access to services, violations of Town policies, excessive or improper imposition of fees.

Title VI – Title VI of the Civil Rights Act of 1964

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- (a) Providing the public with a procedure by which their complaints can be considered promptly and fairly;
- (b) Promoting better understanding of the Town's policies, practices, and procedures;
- (c) Increasing confidence that Town services are being delivered in accordance with established, fair, and uniform policies and procedures;
- (d) Encouraging conflicts to be resolved between the Town and the public in order to foster good relationships; and
- (e) Creating an environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders in order to allow for better public relations and provision of municipal services.

Section 4. Procedure

When a member of the public has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by the aggrieved person shall be considered to be the step at which the grievance is resolved. In all cases the Town Manager's decision shall be the final decision.

- (a) **Informal Resolution** – Prior to the submission of a formal grievance, the aggrieved person and Town employee should meet to discuss the problem and

TOWN OF WEAVERVILLE

GRIEVANCE POLICY AND PROCEDURES

seek to resolve it informally. Either the aggrieved person or Town employee may involve the respective Department Head as a resource to help resolve the grievance.

- (b) **Formal Resolution** – If an informal resolution is not achieved then the following procedures shall be utilized with written documentation made at each step. For grievances involving ADA or Title VI civil rights issues, the respective coordinators will serve as the Department Head in the following steps (see Sections 5 and 6 below).

Step 1 – If no resolution to the grievance is reached informally, the aggrieved person who wishes to pursue a grievance shall present the grievance to the appropriate Department Head in writing. The Department Head shall respond to the grievance within 10 calendar days after receipt of the grievance. The Department Head should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Department Head is required to cooperate to the fullest extent possible. The response shall explain the position of the Town and offer options for substantive resolution of the complaint.

Step 2 – If the grievance is not resolved to the satisfaction of the citizen at the end of Step 1, the aggrieved person may appeal, in writing, to the Town Manager within 10 calendar days after receipt of the response from Step 1. The Town Manager shall meet with the aggrieved person to discuss the complaint and possible resolutions. Within 10 calendar days of the meeting the Town Manager will respond in writing with a final resolution of the complaint.

The Town reserves the option, but not the requirement, to obtain a neutral outside party to provide mediation between the aggrieved person and the Town. Such parties might consist of attorneys trained in mediation, mediators, or other parties appropriate to the situation.

In all cases the Town Manager's decision shall be the final decision. The Town Manager shall notify the Mayor and Town Council of any impending legal action.

Section 5. Grievances Related to the Americans with Disabilities Act (ADA) or Title VI Civil Rights Discrimination

Complaints concerning discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town should be sent to the ADA Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached. Where appropriate, responses and resolutions shall be provided in a format that is accessible to the aggrieved person.

Complaints concerning discrimination on the basis of race, color, national origin, sex, age, or disability, in the provision of services, activities, programs, or benefits by the Town should be sent to the Civil Rights Coordinator who shall serve as the Department Head in the formal grievance steps set out herein if an informal resolution cannot be reached.

TOWN OF WEAVERVILLE GRIEVANCE POLICY AND PROCEDURES

Complaints involving the ADA Coordinator or the Civil Rights Coordinator can be made directly to the Town Manager.

Section 6. Contact Information for Submitting Grievances

The following contact information can be used to submit a grievance:

<u>GENERAL GRIEVANCES</u>	<u>ADA GRIEVANCES</u>	<u>TITLE VI CIVIL RIGHTS GRIEVANCES</u>
Town Manager 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org	ADA Coordinator 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org	Civil Rights Coordinator 30 South Main Street Weaverville, NC 28787 (828)645-7116 coordinator@weavervillenc.org

Section 7. Adoption and Effective Date

This policy has been amended and restated by Town Council, is effective immediately, and shall be in full force and effect until such time as it is amended or repealed.

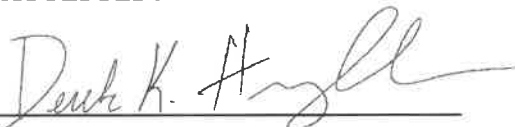
ADOPTED BY the Weaverville Town Council on the 27th day of April, 2020.

TOWN OF WEAVERVILLE

By: 

Allan P. Root, Mayor

ATTESTED:

By: 

Derek K. Hunninghake, Town Clerk

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 24 CONCERNING STREETS**

WHEREAS, Town Council of the Town of Weaverville wishes to exercise its authority under N.C. Gen. Stat. § 160A-296 in order to establish regulations and procedures concerning the Town’s public street system; and

WHEREAS, Chapter 24 of the Weaverville Town Code contains the Town’s regulation of streets and sidewalks and it is the desire of Town Council to amend that Chapter to add new regulations;

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

1. Chapter 24 of the Weaverville Town Code of Ordinances is hereby amended to add the following as Article V:

CHAPTER 24 – STREETS AND SIDEWALKS

ARTICLE V. – STREET STANDARDS AND ACCEPTANCE OF PRIVATE STREETS AND RELATED INFRASTRUCTURE INTO PUBLIC STREET SYSTEM

Sec. 24-81. – Public Street System – Town Council Discretion

The Town of Weaverville maintains a public street system which includes streets and sidewalks that are publicly maintained and open for use by the public. The public street system also includes curbing and storm drainage systems that are connected or related to the streets.

In its sole discretion the Weaverville town council has the authority and right to determine the location and extent of its public street system and which streets and related infrastructure are to be publicly maintained by the town. Nothing contained in this article should be construed as a limitation on the absolute discretion of town council with regard to the town’s street system.

Regarding the town’s public street system, town council may consider, but is not limited to, the following factors:

general operational needs of the town, general fiscal needs and financial standing of the town, town strategic plans, comprehensive land use plans, economic development, traffic patterns, traffic or transportation plans, interconnectivity to other public streets, location of street, length and width of street and right-of-way area, topography and slope, number and types of uses along the street, affordable housing considerations, standards of construction of street and related infrastructure, anticipated cost of maintenance and repairs to the street, cost of maintenance of the public street system as a whole, any other factor found by town council to be reasonable.

Sec. 24-82. – All Streets are Private Unless Accepted into a Public Street System

All streets are private unless accepted into a public street system. The notation of a “public street” on a recorded plat serves only as an offer of dedication for that street for public use. A developer/owner cannot obligate the town to take over a street. The approval of a plat shall not be deemed to constitute or affect

the acceptance of the town or by the public of the dedication of any street or related infrastructure shown on the plat. Streets remain private until the town (or other public road system such as North Carolina Department of Transportation) formally accepts the street into its public street system.

Sec. 24-83. – Private Street Standards

The minimum streets standards for all private residential streets constructed within the town are the standards set forth in the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards, as the same shall from time to time be amended.

Streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial and industrial uses and manufactured home parks, must be constructed in such a way as to allow reasonable access for the anticipated traffic associated with the specific use being served and for ease of emergency access.

For all private streets constructed within the town, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

Sec. 24-84. – Public Street Standards

In order for a new street to be eligible for acceptance into the town's public street system, a street and its related infrastructure must be constructed in accordance with the town's adopted public street standards, as the same may from time to time be amended. In addition, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

Site visits and observations by the public works department and town review of certain test results are required at the completion of certain critical phases of the street system construction including specifically the following:

- (a) On-site review of site clearing and grubbing prior to grading;
- (b) On-site review of grading and fill operations and review of compaction test results on all fill areas under the roadway;
- (c) On-site review of storm drainage system and review of compaction test results of the storm drainage trench;
- (d) Review of compaction test results for all utilities installed in the roadway;
- (e) On-site review of curb/curb and gutter, sidewalks, and drive entrances;
- (f) On-site review of proof-rolling of the sub-grade material;
- (g) On-site review of installation of the ABC stone base and review of compaction test results;
- (h) On-site review of proof-rolling of the stone base; and
- (i) On-site review of asphalt paving and review of compaction test results.

The developer/owner must notify the public works department at each of the above phases in order to allow the Town's public works department the opportunity to review the work. Failure on the part of the developer/owner to notify public works at each of these critical construction phases may disqualify a

street from eligibility for acceptance into the town's public street system or may cause work to have to be uncovered and redone at the expense of the developer/owner.

Sec. 24 - 85. – Streets Serving Multi-Family Residential, Institutional, Commercial and/or Industrial Uses or Manufactured Home Parks

All streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial or industrial uses or manufactured home parks, will remain private unless, in town council's discretion, such streets further a significant public interest.

Sec. 24-86. – Developer/Owner Declaration Concerning Residential Streets

Prior to development approval, developers/owners constructing new residential streets must declare whether they will be requesting that the new streets be accepted into the town's public street system or are to remain private. Requests for acceptance into the public street system must follow the procedures for a public street commitment as set out in this article and such commitment must be decided prior to development approval.

Residential streets that are declared to be private will not be observed by town representatives and will not be eligible for inclusion into the public street system.

Sec. 24-87. – Public Street Commitment

If a developer/owner wishes to have a street accepted into the town's public street system then the developer/owner must request a public street commitment letter in accordance with this section.

- (a) Application for public street commitment – A developer/owner that desires a public street commitment shall submit such request in writing on such forms and in such detail as prescribed by the town manager.
- (b) Processing fee – At the time of requesting a public street commitment letter, the applicant shall pay to the town a nonrefundable processing fee in the amount set forth in the town's adopted fee schedule.
- (c) Staff review and recommendation – Upon receipt of an application, town staff shall evaluate the request and make recommendations to town council, including any recommended conditions to be included in the commitment letter.
- (d) Town council action – Town council shall consider and take action to either decline acceptance or to issue a declaration of intent to accept streets upon condition that streets be constructed to Town standards with required periodic Town inspections, and/or other conditions as deemed necessary by town council.
- (e) Issuance of street commitment letter – Upon town council approval the town manager will issue a street commitment letter outlining the conditions imposed and requirements for town verification of compliance with conditions and requirements, and applicable time limits. The street commitment letter is transferable by the applicant, but is only valid for the original project and for streets and related infrastructure that are the same as or substantially similar to what was originally proposed.
- (f) Expiration, termination, and revocation of public street commitment letter –

- (1) A public street commitment is valid for one (1) year from its issuance but, upon request, may be extended for an additional one (1) year period by the town manager upon a showing of good reason for the delay.
- (2) Once construction of a street has begun the developer/owner must use reasonably diligent efforts to complete the construction of the street in a reasonable time. If more than one (1) year elapses from the commencement of construction without any work being done on the street, then the street shall be deemed abandoned and the commitment letter shall terminate.
- (3) If a developer/owner fails to call for on-site observation of critical construction phases by town representatives or conduct the required testing, or if town standards have not been met, then the public works director shall report such information to town council and the public street commitment letter is subject to revocation by town council.
- (4) The developer/owner will be given an opportunity to be heard by town council concerning termination or revocation of the public street commitment letter.

Sec. 24-88. – Existing Private Streets

Owners of existing private streets were provided an opportunity to request a public street commitment from January 27, 2020, through May 1, 2020. Unless a public street commitment application is in process prior to May 1, 2020, private streets are not eligible for acceptance into the town's street system.

Sec. 24-89. – Report and Recommendation of Public Works Director

Prior to town council's acceptance of any street and related infrastructure into the public street system, the public work's director shall submit a report and recommendation for town council's consideration. The report should address the developer/owner's compliance with any conditions or requirements stated in the public street commitment letter. The report should also include a recommendation as to the amount of a reasonable repair guaranty.

Sec. 24-90. – Warranty and Repair Guaranty.

As a condition of acceptance into the public street system, all streets and related infrastructure shall be warranted by the person, corporation or company making the improvements for a period of two (2) years from the date of final approval which warranty shall be in writing and include an indemnification clause, agreeing to indemnify and hold the town harmless from any such claims during the two-year warranty period. As a condition of acceptance into the public street system, the developer/owner shall be required to submit a repair guaranty in a reasonable amount set by town council for three (3) years following the warranty period.

Sec. 24-91. – Street Right-of-Way Plat.

Once the street and related infrastructure, or any required repair work, are completed and approved by the public works department, developer/owner shall provide to the public works department a proposed recordable plat showing the as-built streets and related infrastructure and the right-of-way to be conveyed.

The public works director, planning director, and town attorney are to review the proposed plat to determine its adequacy and provide recommendations as they deem appropriate to town council.

Sec. 24-92. – Formal Acceptance of Street and Related Infrastructure.

Once the street and all related infrastructure have been completed, the right-of-way plat has been prepared and approved by the public work's director, planning director, and town attorney, and the public work's director has prepared and submitted his/her report and recommendation, or at any other time requested by the developer/owner, the town manager will put the request for acceptance on the next available town council regular meeting agenda so that town council can consider the request.

Town council will be asked to consider acceptance of the street and related infrastructure into the Town's public street system.

Sec. 24-93. – Post Acceptance Recordation.

If accepted and approved by town council, developer/owner must, at its expense, record the approved plat and convey the right-of-way by deed to the town in a form approved by the town attorney.

Sec. 24-94. – Limitation of Town Representative Responsibility.

Participation of town representatives in any on-site review or observation is for town purposes only and should not be relied upon by the developer/owner for engineering inspection and certification purposes.

Sec. 24-95. – Appeal of Administrative Decisions

Any administrative decision concerning the public street system is appealable to town council. Such an appeal must be submitted in writing to the town clerk within 30 days of the administrative decision and the writing must include the reasons for or basis of the appeal.

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

ADOPTED THIS the 18th day of May, 2020, by a vote of 4 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTERS 25 AND 36
CONCERNING TECHNICAL REVIEW COMMITTEES, MIXED USE DEVELOPMENT,
MANDATED NOTICES FOR BOARD OF ADJUSTMENT, STREETS AND PARKING**

WHEREAS, the Planning and Zoning Board has seen directly the positive value of a technical review committee in both subdivision applications and development applications under the Town's zoning regulations, and, in its review on January 7, 2020, found the proposed Code amendments formalizing the technical review committee consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments formalize a multi-department professional review of proposed subdivisions and development, and voted unanimously to recommend such proposed amendments;

WHEREAS, the Planning and Zoning Board met on February 4, 2020, and discussed certain Code amendments concerning the regulations of mixed use development within the C-1, C-2 and R-12 zoning districts and found that the proposed Code amendments are consistent with the Town's comprehensive land use plan and strategic plan in that a stated objective was to "consider a zoning district to serve as a transition between residential and commercial districts" and "consider mixed use development regulation as a means of expanding development in areas with geographic limitations," and are reasonable and in the best interest of the public in that such amendments provide for a more expedited approval process and developmental certainty for mixed use development;

WHEREAS, after proper notice the Town Council held a public hearing on February 24, 2020, in order to receive input from the public on the amendments related to a technical review committee;

WHEREAS, the Planning and Zoning Board met on March 5, 2020, and discussed certain Code amendments concerning the provisions within the land development ordinances pertaining to streets, traffic, and parking and found (1) that the amendments proposed are consistent with the Town's comprehensive land use plan in that the plan sets a goal of reviewing policies concerning standards for private streets and encourages review of regulations to ensure consistency with stated goals, and (2) that they are both reasonable and in the public interest in that they provide better clarity and remove inconsistencies in light of Town Council's recent adoption of amendments to Chapter 24 concerning streets and Chapter 28 concerning traffic and parking;

WHEREAS, the Planning and Zoning Board met on March 5, 2020, and discussed certain Code amendments which would bring the notices requirements for matters before the Board of Adjustment into strict compliance with the provisions of North Carolina law and found that the amendments proposed are consistent with the Town's comprehensive land use plan in that the plan sets a goal of reviewing its regulations for legal compliance and reasonable in light of the strict standards of standing in order to participate in matters before the Board of Adjustment;

WHEREAS, after proper notice the Town Council held a public hearing on May 18, 2020, at 6:30 p.m., and offer a public comment period from April 30, 2020, through May 19, 2020 at 6:30 p.m., in order to receive input from the public on the amendments related to mixed use development in the C-1, C-2, and R-12 zoning districts, mandated notices for quasi-judicial matters before the Board of Adjustment, and streets and parking provisions of the land development ordinances;

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 are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town's adopted comprehensive land use plan and in the public's interest.
2. Concerning a technical review committee for land development:

Code Section 25-78 is hereby amended as follows, with added language shown as underlined:

Sec. 25-78. - General procedures for review of major and minor subdivisions.

All applications for development of major or minor subdivisions, including for review of concept plans, preliminary plats and final plats, shall be submitted to the town planner at the Weaverville Town Hall. In order to be considered at the next regularly scheduled meeting of the planning and zoning board, applications must comply with all code requirements and be received at least ten business days before the meeting. The planning director shall coordinate an evaluation of all applications for minor and major subdivisions with a technical review committee consisting of members of individual municipal departments, including but not limited to the Fire Marshal and Public Works Director or their designees, who may offer expertise on the proposed development. The technical review committee shall offer an opinion on the application for a minor or major subdivision to the Planning and Zoning Board and Town Council based upon the committee's findings or compliance with various sections of municipal ordinance and relevant federal and state laws, rules and regulations. All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in section 25-27. Minor subdivisions shall be reviewed in accordance with the procedure set forth in section 25-79. The minor subdivision procedure may not be used a second time within three years from the date of its first use on any property which is less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or any legal or equitable interest in the original subdivision at the time the original subdivision received concept plan, preliminary plat or final plat approval. Major subdivisions shall be reviewed in accordance with the procedures set forth in sections 25-81 through 25-83.

Code Section 36-298 is hereby amended as follows, with added language shown as underlined:

Sec. 36-298. - Zoning permits required.

A zoning permit shall be obtained from the zoning administrator before beginning any construction on any lot within the town's zoning jurisdiction. No lot shall be graded so as to alter its contour and no building or other structure shall be erected, moved, added to, or structurally altered prior to the issuance of said zoning permit. In no event will the zoning administrator approve any permit for the grading of any lot or the construction or alteration of any building if such building, or its intended

use would be in violation of any of the provisions of this chapter, or if the contour of any lot would be altered or graded in violation of the screening and buffering requirements of this chapter.

- (1) *Application for permit.* All applications for zoning permits shall be accompanied by such information as the zoning administrator determines as needed for a full review of the request. Zoning administrator shall ensure that all applications are compliant with the applicable sections of this chapter prior to issuance of permit or transmittal to the decision-making board.
- (2) *Issuance of zoning permit.* Prior to issuing a zoning permit the zoning administrator shall first review the application and supporting documentation to determine compliance with all of the applicable requirements of this chapter. If the plans show that the proposed construction meets all of the requirements of this chapter the zoning administrator shall, prior to the issuance of the zoning permit, make an inspection of the site to determine that the actual location of all existing or proposed buildings or structures, parking areas, buffer strips etc. are located as shown on the plans. If the services of the town engineer or of a registered land surveyor are required to assure that the actual locations, on the ground, are as shown on the plans, the cost of this service shall be paid by the applicant prior to issuance of the zoning permit. Any such charges shall be in addition to the normal charges for such zoning permit. After the zoning administrator finds that the plans and on-site locations meet the requirements of this chapter, the administrator shall issue a zoning permit stating that the proposed construction, if built as located, meets the provisions of this chapter and that the applicant can apply for building and other permits. When reviewing proposed uses of land related to new commercial, industrial or multi-family residential development, or uses which require the issuance of or an amendment to a special use permit or the adoption of a conditional zoning district, the planning director shall coordinate an evaluation of the proposed development with a technical review committee consisting of members of individual municipal departments, including but not limited to the Fire Marshal and Public Works Director or their designees, who may offer expertise on the proposed development. The technical review committee shall offer an opinion on the proposed development to the Planning and Zoning Board and Town Council based upon the committee's findings or compliance with various sections of municipal ordinance and relevant federal and state laws, rules and regulations.

Explanatory note: While it may be obvious that a proposed building or structure to be located on a large tract of land meets the setback requirements by simple observation, actual field measurements would be required to determine compliance on a typical residential lot. All such measurements must be made from actual property or right-of-way lines using property corner or right-of-way markers. It may be assumed that the paved portion of any street or alley is in the center of the right-of-way for this purpose only if the right-of-way of record cannot be otherwise established by actual surveys.

- (3) *County permits required.* After the zoning permit is approved and issued, the applicant shall apply to the Buncombe County Permits and Inspections Department, or any successor thereto, for building, plumbing, electrical or other required permits. If such permits are not issued within 60 days after issuance of the zoning permit, the zoning permit shall become invalid.
- (4) *Construction progress.* If no substantial construction progress has been made within 180 calendar days of the date of the issuance of the zoning permit, or if work is suspended for 365 calendar days, the zoning permit shall become invalid; provided, however, the zoning administrator may extend the time for substantial construction progress to be made by up to 180 calendar days, for good cause shown. This provision shall not be applicable, however, for time periods for projects in conditional zoning districts, which shall be governed by subsection 36-84(e), or special use permits, which shall be governed by article IX.

3. Concerning mixed use development in the C-1, C-2, and R-12 zoning districts:

Code Section 36-105 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
MISCELLANEOUS USES							
Mixed-Use Building or Structure	-	-	-	<u>G</u> PS	<u>G</u> PS	<u>G</u> PS	-

Code Section 36-140 is hereby added:

Sec. 36-140. – Mixed-Use Building or Structure.

(a) Additional Standards applicable only within the R-12 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 or C-2 Zoning District.
2. The dimensional requirements for the R-12 zoning district and additional standards for the use defined as dwelling-multifamily (more than 4 units/per building are also fully applicable to the use defined mixed-use building or structure.
3. In no case shall the number of dwelling units exceed 12 units per acre.
4. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town’s zoning administrator prior to installation.
5. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
6. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - a. All containment areas shall be enclosed to contain windblown litter.
 - b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe

County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.

- e. Enclosures shall contain gates to allow for access and security.
- f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
- g. Enclosures shall be landscaped in accordance with article VI of Chapter 36.

(b) Additional Standards applicable only within the C-1 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 Zoning District.
2. In no case shall the number of dwelling units exceed 4 units per building notwithstanding the latter permissible density bonus for additional off street parking places provided.
3. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
4. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
 - a. A waiver of the foregoing requirement may be achieved in writing from the Town Manager or their designee upon showing of good cause. Factors for consideration include but are not limited to available space on the subject property, or any variable related to the public health or safety.
5. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - b. All containment areas shall be enclosed to contain windblown litter.
 - c. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - d. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - e. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
 - f. Enclosures shall contain gates to allow for access and security.
 - g. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - h. Enclosures shall be landscaped in accordance with article VI of Chapter 36.
6. Within the C-1 Zoning District additional dwelling units may be permitted up to a maximum of eight dwelling units per building provided the property owner provide off street parking in addition to those spaces required by Article VII of this Chapter at a ratio of two spaces per additional dwelling unit.

(c) Additional Standards applicable only within the C-2 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 or C-2 Zoning District.
2. The dimensional requirements for the C-2 zoning district and additional standards for the use defined as dwelling-multifamily (more than 4 units/per building are also fully applicable to the use defined mixed-use building or structure.
3. In no case shall the number of dwelling units exceed 8 units per acre.
4. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
5. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
6. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - a. All containment areas shall be enclosed to contain windblown litter.
 - b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
 - e. Enclosures shall contain gates to allow for access and security.
 - f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - g. Enclosures shall be landscaped in accordance with article VI of Chapter 36.

4. Concerning mandated notices for quasi-judicial matters, Code Section 36-329 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 36-329. - Hearings and notices.

- (a) *Hearing* . The zoning board of adjustment shall hold a public hearing and enter a written decision on all matters upon which it is required to decide under this chapter. The public hearing shall be held within ~~30-days~~ 45 days after receipt by the town clerk of an application for a special use permit or variance or a notice of appeal, ~~unless otherwise agreed to by the applicant~~. The board shall follow quasi-judicial procedures when deciding appeals, requests for variances and requests for special use permits. The board shall decide the matter within 60-days after the conclusion of the hearing. Upon a

hearing before the zoning board of adjustment, any party may appear in person, or by agent, or by an attorney.

- (b) *Notice* . ~~Notice of the time and the place of the public hearing shall be published weekly for two consecutive weeks in a newspaper of general circulation in the town. The first weekly notice shall be published not less than ten days nor more than 25 days before the date fixed for the public hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.~~ Notice of hearings shall be mailed to the person or entity whose appeal, application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing ~~and to all property owners within 500 feet of the property boundaries even if their property is not abutting.~~ Notice to such persons or entities must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, a notice of hearing shall be prominently posted on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- (c) *Oaths* . The chair of the board of adjustment or any member temporarily acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a class 1 misdemeanor.
- (d) *Subpoenas* . The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. § 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the general court of justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

5. Concerning streets and parking:

Code Section 25-111 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 25-111. - Streets.

- (a) *Type of street required.* All subdivision lots shall abut on a "public" street as herein defined or on a "private" street with reference to which there is a duly recorded maintenance agreement as provided for in this chapter. All public streets may be dedicated to the town or to the state. All public and private streets shall be built to the standards ~~of this chapter~~ established in Chapter 24 and all other applicable standards of the town and the state department of transportation, whichever is the more restrictive standard.

A written maintenance agreement providing for maintenance of the street until it is added to the town or state highway system shall be included with the final plat. Such agreement shall be recorded as provided for in other sections of this chapter.

- (b) *Subdivision street disclosure statement.* All streets shown on the final plat shall comply with the provisions of G.S. 136-102.6 and a designation as "public" shall be conclusively presumed to be an offer of dedication to the town or state. Where streets are offered to be dedicated but are not finally accepted into the town or state system, before lots are sold, a statement explaining the status of the street shall be included on the final plat.
- (c) *Access to adjacent properties.* Where, in the opinion of the planning and zoning board and/or the town council, it may be necessary to provide for public street access to an adjoining property not within the

subdivision proposed streets shall, as allowed by law, be extended by dedication to the boundary of such public adjoining property and a temporary turnaround provided. The extension dedicated shall have the same right-of-way width as the street being extended.

- ~~(d) *Nonresidential streets.* The subdivider of a nonresidential subdivision shall provide streets constructed in accordance with I.F. 4 of the North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, and the standards in this chapter, whichever are stricter in regard to each particular item.~~
- ~~(e) *Design standards.* The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the state department of transportation, division of highways, which are patterned on the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, shall apply for any items not included in this chapter, or where they may be stricter than this chapter.~~
- ~~(f) *Other requirements.*~~
 - (1) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Provision shall be made for the free flow of traffic so as not to cause undue congestion. ~~All streets shall be designed or walkways shall be dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.~~
 - (2) *Sidewalks.* Sidewalks may be required as provided in Sec. 36-24. ~~by the planning and zoning board or the town council on one or both sides of a street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas, or in other areas as deemed appropriate by the planning and zoning board or by the town council. Such sidewalks shall be constructed to a minimum width of five feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be within the street right of way, unless the subdivision is platted as a planned unit or group development. Sidewalks shall consist of a minimum of eight inches of concrete at driveway crossings and at handicapped ramps.~~
 - (3) *Street names.* Street names shall be subject to the approval of Buncombe County E-911 Addressing. ~~Proposed streets which are in alignment with existing streets and which will constitute extension of the existing street shall be given the same name as the existing street. In assigning new street names, duplication of existing names shall be avoided. In no case shall a proposed street name be phonetically similar to an existing street name used in Buncombe County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the planning and zoning board and/or the town council.~~
 - (4) *Street name and other signs.* All subdividers shall be required to provide and erect street name signs to town standards at all intersections within the subdivision. Subdividers shall also erect traffic control and directional signs in appropriate locations.
 - (5) *Permits for connection to state roads.* An approved permit shall be required for connection to an existing state system road. Such permit shall be required prior to any construction on the street or road. A permit application may be obtained at the office of the nearest district engineer of the division of highways.
 - (6) *Offsets to utility poles.* Poles for overhead utilities shall be located back from roadway shoulders, preferably a minimum of at least 30 feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of the curb.
 - (7) *ADA accessibility Ramps for handicapped persons.* Where curbs are provided on streets or where curbs and sidewalks are constructed within any subdivision, any construction or reconstruction of such curbs and sidewalks shall be in full compliance with ADA accessibility standards, the provisions of G.S. 136-44.14 which sets forth standards for providing curb ramps or curb cuts for handicapped persons.

- (8) ~~Guard rails.~~ Guardrails may be required in areas of danger where deemed appropriate by the planning and zoning board or by the town council. Guardrails must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code, whichever is stricter.
- (9) ~~Horizontal width for bridge decks.~~ Bridges. ~~Bridges must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code, whichever is stricter.~~
- a. ~~The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:~~
1. ~~Shoulder section approach.~~
 - ~~Under 800 ADT Design Year: Minimum 28-foot width face-to-face of parapets or rails or pavement width plus ten feet, whichever is greater.~~
 - ~~800—2000 ADT Design Year: Minimum 34-foot width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.~~
 - ~~Over 2000 ADT Design Year: Minimum 40-foot, Desirable 44-foot width face-to-face of parapets or rails.~~
 2. ~~Curb and gutter approach.~~
 - ~~Under 800 ADT Design Year: Minimum 24-foot face-to-face of curbs.~~
 - ~~Over 800 ADT Design Year: Width of approach pavement measured face-to-face of curbs.~~
 - ~~Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be three feet minimum, or greater if sidewalks are required.~~
- b. ~~The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-way traffic shall be as follows:~~
1. ~~Shoulder section approach. Width of approach pavement plus width of usable shoulders on the approach left and right.~~
 2. ~~Curb and gutter approach. Width of approach pavement measured face-to-face of curbs.~~
- (10) Curbs and gutter. ~~Street curbs and gutters must be constructed in accordance with the street standards established in Chapter 24. Curbs and gutters shall be provided where deemed necessary by the town council upon recommendation of the planning and zoning board, the street maintenance superintendent, and/or the town's consulting engineer in order to provide adequate drainage because of high traffic volume, poor soil conditions, or where other similar conditions or special problems exist which justify the necessity of curbs and gutters.~~

Code Section 36-176 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 36-176. - Off-street parking.

- (a) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. Each parking space shall have an all weather surface with


minimum dimensions of nine by 18 feet. The number of parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be provided with vehicular access to a street or alley.

[TABLE NOT CHANGED]

- (b) *Extension of parking space into a residential district.* Required parking space may not extend from a commercial (C-1 and C-2) use district or from a conditional use district (CZD) that contains any commercial or office use into any residential use district.
- (c) Notwithstanding the foregoing, no additional off-street parking other than the parking currently available in the C-1 central business district shall be required except where the structures currently located on an existing lot of record containing more than 1,875 square feet are razed and the lot of record is put to a new use in which event the parking regulations of section 36-176 shall be fully applicable to said property.
- (d) Joint use of parking lots. The required parking space for any number of separate uses may be combined in one lot, but the required number of spaces assigned to one use may not be assigned to another for use during the same hours.
- (e) Remote parking. For any use except residential, if the off-street parking spaces required by this division cannot be reasonably provided on the same lot on which the use is located, such spaces may be provided on any land within 800 feet walking distance of any entrance to such use, provided that the district use regulations for the district in which the remote parking spaces are located permit the use which the parking space serves.

- 6. 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.
- 7. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the 20th day of May, 2020, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

**ORDINANCE ESTABLISHING THE
CONDITIONAL ZONING DISTRICT DESIGNATED AS CZD-5
GARRISON RESERVE PROJECT ON PROPERTY LOCATED AT
10 AND 30 GARRISON BRANCH ROAD**

WHEREAS, on February 10, 2020, Garrison Branch Acquisitions LLC submitted an application for a conditional zoning district for a project to be known as "Garrison Reserve" on property located at 10 and 30 Garrison Branch Road, Weaverville, North Carolina; and

WHEREAS, the project consists of a multi-tenant commercial development consisting of three buildings housing a mix of retail, warehouse, and office spaces for a total square footage of approximately 70,000 square feet, and an outparcel for a future building and use; and

WHEREAS, the project is being developed on that 4.89 acre tract(s) located near the southwestern corner of the intersection of Monticello Road and US 25/70, described in Book 5806 at Page 498 and Book 5806 at Page 490, and bearing Buncombe County Parcel Identification Numbers 9733-72-2155 and 9733-72-0316, and shown as Parcels 1 and 2 on that plat recorded in Book 201 at Page 74, Buncombe County Registry;

WHEREAS, the property is currently zoned C-2 and a multi-tenant development exceeding 25,000 square feet 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, 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 the project and consistency with the Comprehensive Land Use Plan; and

WHEREAS, this project is consistent with the Town's Comprehensive Land Use Plan in that it is consistent with the future land use map which identifies the property as being within the mixed use area of Monticello Road, is consistent with the use and dimensional requirements of the Town's underlying C-2 zoning district which was designed and implemented specifically to accommodate commercial uses, and, with the recommended conditions, can co-exist with the multifamily residential development that is occurring in the area; and

WHEREAS, a public involvement meeting was held on Thursday, May 14, 2020, after proper notice of same and no negative comments were received; and

WHEREAS, a traffic analysis was not conducted as staff believes that the peak hour trips would not trigger the requirement stated in Town Code Section 36-25; and

WHEREAS, after proper notice required by law, Town Council held a public hearing on this application on May 18, 2020 at 6:30 pm, and held a public comment period from April 30, 2020 until May 19, 2020 at 6:30 p.m., in order to receive public input on this project;

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

1. The zoning classification of the real property described herein, including the outparcel, is changed from C-2 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 outparcel is specifically not included in this conditional zoning district. Future development on the outparcel will be in compliance with the Town of Weaverville's approved zoning conditions.
3. The following conditions shall apply:
 - a. The project is to be constructed in substantial compliance with the following plans submitted by the applicant, copies of which are attached hereto and incorporated herein by reference:
 - i. Master plan – Sheet C200
 - ii. Site plan – Sheet C201
 - iii. Grading, erosion control and storm drainage plan – C301
 - iv. Utility plan – Sheet C601
 - v. Building elevations – Sheets A201, A202
 - vi. Building elevation renderings
 - b. The height of buildings constructed on the site may not exceed the height above the final floor elevations as indicated on final plans approved by the Technical Review Committee.
 - c. The exterior of the buildings must be of similar aesthetic quality to the building elevations attached hereto and incorporated herein with the possible use of the following construction materials: metal and/or masonry.
 - d. Sidewalks are required along all portions of the property, including the outparcel, which front Garrison Branch Road to provide access to the

apartment complex that is under construction on the property adjoining to the west.

- e. All driveways/streets within the project shall be private. Said private driveways/streets shall be constructed in such a way as to allow reasonable access for the anticipated traffic of the multi-tenant development proposed and for ease of emergency access, including full compliance with the North Carolina Fire Prevention Code. A driveway permit for the entrance onto Garrison Branch Road must be secured from the North Carolina Department of Transportation.
- f. A minimum of 155 off-street parking spaces, with a minimum size of 9 feet by 18 feet, must be provided and must be constructed and maintain in an all-weather condition.
- g. The warehousing that is proposed is for mini-warehouses, as that term is defined by Code Section 36-5, and is limited to interior storage in Building C only. Warehousing with exterior storage of any kind is expressly prohibited.
- h. Two freestanding signs, with a maximum size of 75 square feet each, will be allowed. All other sign standards in Article VIII of Chapter 36 of the Town's Code of Ordinances shall also apply if not inconsistent with the number and size of allowed signs.
- i. Any and all outdoor lighting that is to be installed must comply with Town Code Section 36-26, except as specifically provided in this paragraph. All outdoor lighting on the property shall be mounted on posts that are no more than 16 feet tall. Blocking, shielding and aiming of all outdoor lighting shall be used to minimize light trespass on to adjoining residential properties. The outdoor lighting plan must be submitted and approved in conjunction with a zoning permit application.
- j. Landscape buffers between the property and adjoining properties are required. Landscaping must comply with Article VI of Chapter 36 of the Town's Code of Ordinances. A landscaping plan must be submitted and approved in conjunction with a zoning permit application.
- k. Grading, sedimentation and erosion control, and storm drainage plans must be reviewed and permitted by Buncombe County.
- l. Construction related vehicles must be parked on the property and not on the public streets or the shoulders of those public streets. All dirt, mud, construction materials, or other debris deposited on the public streets as a result of construction activities must be removed by the contractor or owner on a daily basis, pursuant to Code Section 22-48.
- m. Construction must be completed within 36 months of the issuance of a Town of Weaverville zoning permit. Upon request of the owner/developer, Town

Council may, in its sole discretion, grant such extensions as Town Council deems appropriate under the circumstances.

- n. Code Section 36-84 shall continue to govern the project including, but not limited, to those provisions regarding issuance of zoning permits, modifications, appeals, and final plat approval.
4. The Town Zoning Administrator is hereby authorized and directed to make the changes as herein enacted on the official zoning map with said Conditional Zoning District labeled as "CZD-5" and to issue zoning permits for the improvements that are to be made in compliance with this Conditional Zoning District.
5. 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.
6. 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.
7. This ordinance and the regulations and conditions contained herein are subject to the consent of the property owner which is indicated below.
8. That this ordinance is effective immediately.

ADOPTED THIS the 20th day of May, 2020, with a vote of 5 for and 0 against.



ALLAN P. ROOT, Mayor



DEREK K. HUNINGHAKE, Town Clerk

OWNER CONSENT TO CONDITIONS:

GARRISON BRANCH ACQUISITIONS LLC



Hannah Rikoon, Manager

Date: 5/21/2020

**TOWN OF WEAVERVILLE
RESOLUTION IN SUPPORT OF APPLICATION FOR
NCDOT BICYCLE AND PEDESTRIAN GRANT**

WHEREAS, the North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans; and

WHEREAS, the Town of Weaverville has a desire to provide its citizens with safe, convenient, and more complete bicycle and pedestrian facilities within the community; and

WHEREAS, the Town of Weaverville does not currently have a Bicycle and Pedestrian Plan; and

WHEREAS, the Town's financial and technical resources have limited its ability to prepare a Comprehensive Bicycle and Pedestrian Plan; and

WHEREAS, the Town of Weaverville desires a Comprehensive Bicycle and Pedestrian Plan to achieve the following objectives:

1. Provide for multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate walking and bicycling in appropriate locations.
3. Ensure that North Carolina Department of Transportation (NCDOT) funded projects incorporate the Town of Weaverville's objectives.
4. Move towards an effective network for transportation, recreation and exercise.
5. Have an approved plan that will support funding from NCDOT for bicycle and pedestrian improvements.
6. Ensure land use decisions effectively incorporate multimodal objectives.

WHEREAS, The North Carolina Department of Transportation has announced a competitive Planning Grant Initiative to award funding for comprehensive bicycle and pedestrian plans.

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Weaverville hereby endorses the application for a Comprehensive Bicycle and Pedestrian Planning Grant and, if the project is selected, agrees to provide matching funding up to 10% based on the Town's population of under 5,000 persons, and any staff assistance for the duration of this project.


THIS 20th day of May, 2020.

TOWN OF WEAVERVILLE



Allan P. Root, Mayor

ATTEST:



Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Workshop
Tuesday, May 12, 2020**

Remote Electronic Meeting

Zoom: <http://us02web.zoom.us/j/86912882480>

The Town Council for the Town of Weaverville met for its regularly scheduled regular workshop on Tuesday, May 12, 2020, at 6:00 p.m. as an electronic video meeting via Zoom Meeting.

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

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

1. Call to Order

Mayor Root called the meeting to order at 6:04 p.m.

Before Town Manager Coffey got into the budget presentation, she mentioned that Buncombe County had been approved for roughly \$4.5 million from the Coronavirus Relief Fund. They have divided this out among the municipalities based on ad valorem and fire districts, so the Town of Weaverville is eligible to get a reimbursement of \$65,728. Expenditures that can be covered under this reimbursement includes medical, payroll, PPE, and up to \$10,000 to the Weaverville Business Association to support marketing for local businesses. All expenses must have occurred after March 1, 2020 and been used on the coronavirus relief.

2. Presentation of Budget Message and Proposed Fiscal Year 2020-2021 General Fund Budget

Town Manager Selena Coffey presented the Budget Message and Proposed Fiscal Year 2020-2021 General Fund and Water Fund Budget from the attached PowerPoint slide to Town Council. She mentioned that the COVID-19 pandemic crisis has impacted the economy tremendously and the Town will be negatively impacted. For this reason, the base budget that is proposed reduces capital equipment and capital improvement projects and excludes new personnel and freezes salary and wage increases for current employees for 6 months. The proposed General Fund budget total is \$7,249,242, which is a decrease of \$580,066 from the current budget. General Fund revenue highlights include no changes to the ad valorem tax rate, decreases in sales tax and North Buncombe Fire District tax revenue, and an award of a new recycling grant from the North Carolina Department of Environmental Quality for \$30,000 to go towards the \$87,500 project for providing 2,200 recycling carts.

3. Overview of Proposed Fiscal Year 2020-2021 Water Fund

Town Manager Coffey noted that the proposed Water Fund budget total is \$2,323,750, which is a decrease of \$77,500 from the current budget. Water Fund revenue highlights include a transfer of \$271,685 to the Capital

Reserve Fund for the water treatment plant expansion from our unrestricted net position, a 4% increase in water rates, and \$147,312 from the Town's system development fees. Water Fund expenditure highlights include replacement of gas and diesel dispensing pumps - \$14,600, replacement of fluorescent bulbs with LEDs at Public Works - \$7,500, upgrade fire alarm system at Public Works - \$9,500, sealcoat and re-striping the parking lot at Public Works - \$5,000, replacement of a 1986 air compressor at water plant - \$28,500, continuation of radio-read meter change-out program - \$40,000 and \$75,000 for waterline improvements on Shuford Road waterline, Coleman Street waterline, and abandonment of last section of asbestos-cement waterline.

4. Looking Forward

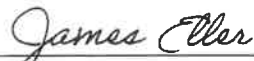
Town Manager Coffey noted that she believes that there are several pivot points during the fiscal year that are logical times to pause and see where the Town is financially. Those points include after the first quarter of sales tax revenue has been posted and December/January to reflect mid-year numbers. She would like to conduct a study of employee compensation in the coming months and reminded Town Council that the Community Center Project and Water Treatment Plan Expansion Project are both underway. The Reems Creek Greenway Project will likely be delayed due to NCDOT budget issues.

Concerning the budget, Town Council asked that Manager Coffey:

- (1) include the NCDOT Bicycle and Pedestrian Grant matching funds in the budget;
- (2) look into whether a part-time grant writer would be beneficial;
- (3) look at what other jurisdictions in our area are doing with employee increases;
- (4) re-examine the need for the backup generators for the water system in this year's budget;
- (5) consider a "stay home-stay safe" mailed fundraiser for the Community Center Project.

5. Adjournment

Councilmember Sherrill made the motion to adjourn; Vice Mayor/Councilmember Jackson seconded and, in a roll call vote, all voted to adjourn the Council's workshop meeting at approximately 7:30 p.m.



James Eller, Interim Town Clerk

Fiscal Year 2020-2021 Budget Message & Proposed Budget

Town of Weaverville, North Carolina



Presented to: **Mayor Al Root**
Vice Mayor Doug Jackson
Councilwoman Dottie Sherrill
Councilman Andrew Nagle
Councilman Patrick Fitzsimmons
Councilman Jeff McKenna

Presented by: **Selena Coffey, Town Manager**

Presented on: **May 12, 2020**

Honorable Mayor and Members of Town Council:

Pursuant to North Carolina General Statutes §159-11, I am writing to convey the fiscal year 2020-2021 budget message and proposed budget. This budget is presented in accordance with the North Carolina Local Government Budget & Fiscal Control Act and is balanced as required by North Carolina General Statutes.

The fiscal year 2020-2021 proposed General Fund budget totals **\$7,249,242**. This is a 7.4%, or \$580,066 **decrease** from the current year budget. The proposed budget maintains the current tax rate of \$0.38 per \$100 of valuation.

The fiscal year 2020-2021 proposed Water Fund budget totals **\$2,323,750**, which is a 3.2%, or a \$77,500 **decrease** from the current year budget. This budget does not include any appropriation from fund balance and includes a 4% increase in water rates.

The General Fund and Water Fund combined totals **\$9,572,993**, which represents a 6.4%, or \$657,567 **decrease** from the current year.

Economic Indicators & Assumptions

Budget development for the upcoming fiscal year has been tenuous, at best. We are in the midst of a crisis with the Coronavirus pandemic that is impacting our federal, state, and local economies in a way that will not be fully realized for some time. While statistics on Coronavirus deaths change daily, economic predictions regarding this public health crisis remain clear – our Town, our community, will be negatively impacted.

For this reason, I have had to make very difficult decisions regarding the proposed budget but have tried to do so without impacting the services that the Town of Weaverville provides to its citizens. The proposed budget is being presented in somewhat of a two-part fashion. First, the base budget that I am proposing drastically reduces capital equipment and capital improvement projects, excludes needed new personnel, freezes salary and wage increases for our current employees for 6 months, and provides basic funding to continue service levels. The second part of the budget, which is found in Supplement 1, sets out a list of the expenses that I have not included in the proposed budget, but we must consider as our Town continues to grow and our service demands grow.

Proposed Budget - General Fund Overview

The proposed General Fund budget for fiscal year 2020-2021 includes the revenues and expenditures as outlined in the following table:

Revenues by Source	FY 2019-2020 Amended Budget	FY 2020-2021 Proposed Budget	% Variance
Ad Valorem Taxes	\$3,475,564	\$3,508,310	0.94%
Buncombe County Fire District Taxes	\$1,616,629	\$1,548,864	-4.2%
Local Government Sales Taxes	\$1,396,000	\$1,116,800	-20.0%
Appropriated Fund Balance	\$445,909	\$246,668	-44.7%
Unrestricted Intergovernmental Revenue	\$613,807	\$634,500	3.4%
Restricted Intergovernmental Revenue	\$106,000	\$100,000	-5.7%
Investment Earnings	\$118,900	\$12,600	-89.4%
Permits & Fees	\$20,500	\$20,500	0.0%
Other Revenue	\$36,000	\$61,000	69.4%
Total Revenues:	\$7,829,309	\$7,249,242	-7.4%
Expenditures by Department	FY 2019-2020 Amended Budget	FY 2020-2021 Proposed Budget	% Variance
Town Council	\$253,151	\$266,376	5.2%
Administration	\$621,539	\$616,175	-0.9%
Planning	\$108,459	\$109,902	1.3%
Police Department	\$1,923,887	\$1,991,639	3.5%
Fire Department	\$2,420,038	\$2,525,692	4.4%
Public Works	\$2,107,426	\$1,545,114	-26.7%
Debt Service	\$299,809	\$174,346	-41.8%
Contingency	\$20,000	\$20,000	0.0%
Transfer to Capital Reserve Fund	\$75,000	\$0	-100%
Total Expenditures:	\$7,829,309	\$7,249,242	-7.4%

Revenue Highlights

Unfortunately, most of the Town's revenue sources are being significantly impacted by the COVID-19 pandemic. In the bullets that follow, I am providing general overviews for each significant revenue source and providing preliminary projections for fiscal year. It is important to note that ad valorem property taxes, North Buncombe Fire District taxes, and local government sales taxes are the Town's largest revenue sources and the three account for roughly 89% of the Town's revenues, with property taxes at 50%, fire district taxes at 22%, and sales taxes at 17%. We must keep in mind that these figures are very likely to change as this period of uncertainty in our economy continues.

Ad Valorem Taxes

The proposed budget is based on the Town's current tax rate of \$0.38 per \$100 valuation at a collection rate

of 99.0% and tax values estimated by Buncombe County of \$916,674,980 in taxable value for real and personal property. This represents a 2.6% increase, adding approximately \$83,485 to the Town's property tax revenues for the upcoming fiscal year.

Buncombe County Fire District Taxes

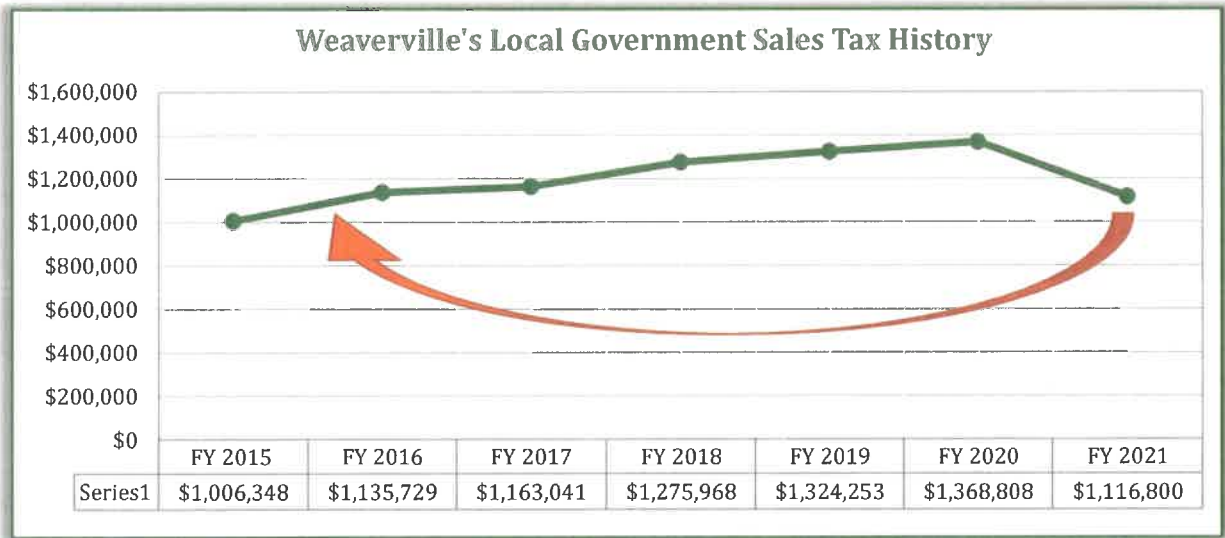
As you are aware, Buncombe County levies all fire district taxes within the county and the Weaverville Fire Department receives funding for fire protection for the North Buncombe Fire District. This funding is essential as our department continues providing fire protection to the area. The proposed budget includes a district tax rate of \$0.12 per \$100 valuation, which represents no change in the current rate. Unfortunately, we anticipate a 4.2%, or approximate \$67,765 decrease in this revenue, due to the COVID-19 impact on sales tax distribution to the fire districts.

Local Government Sales Taxes

With sales taxes making up roughly 17% of the Town's budget coupled with the current economic issues we are facing, our projections for this revenue source are highly questionable at this point in time. The impact of COVID-19 business closings and unemployment is expected to bring negative growth in the last quarter of the current fiscal year. Unfortunately, we will not know the full impact of the pandemic on our final quarter of sales taxes until September, three months after the budget is adopted. Based on conversations with colleagues from across the state, most jurisdictions have planned for 20-35% losses. This proposed budget anticipates a reduction of 25% for Weaverville's last quarter, which translates to approximately \$90,000 less than we expected for the current budget, fiscal year 2019-2020.

In forecasting for the fiscal year 2020-2021 budget, we are relying on information from the North Carolina League of Municipalities (NCLM), as well as state economists' projections. Obviously, this is a huge uncertainty for us, as we do not know how quickly our economy can recover and the public will return to purchasing and contributing to sales tax revenue. Unemployment coupled with business closures and continued social distancing is very likely to lead to at least one quarter of additional negative growth in our sales tax revenue. For this reason, the proposed budget includes an estimated \$1.1 million in sales tax revenue. The proposed budget represents a 20%, or approximately \$279,200 reduction from the fiscal year 2019-2020 budget. To put this in perspective, the proposed budget for sales tax points us back to fiscal year 2015-2016 sales tax revenue actuals, which is depicted in the graph that follows.

Obviously, this represents a monumental loss in revenue for the Town of Weaverville. We will want to revisit these figures once we receive our last quarter of sales tax proceeds for fiscal year 2019-2020 when they are received from the state.



Fees

I have proposed no new fees or increased fees within the fiscal year 2020-2021 General Fund budget compared to the current year budget.

Recycling Grant

I have included funding totaling \$30,000 for a *Community Waste Reduction and Recycling Grant* that has been awarded by the N.C. Department of Environmental Quality for the purchase of recycling carts for the Town's residents. This project totals \$87,500 and therefore I have included the associated match of \$57,500 within the Public Works Sanitation Division expenditure budget.

ABC Revenues

While we have seen significant decreases in our major sources of revenue, ABC revenues have increased. We have already received \$70,000 over the current year budget in this revenue account. However, our ABC Board has not yet adopted their budget and the projection for the upcoming fiscal year will likely change once we receive updated figures. In preparing this proposed budget, I have included \$150,000 and will update this figure once the ABC budget has been completed.

Interest Earnings Income

With the decline in the economy, we've seen interest rates drop significantly. Our investment rates have decreased from an average of 2.25% in fiscal year 2019-2020 to 0.25% currently. The predictions within the banking community suggest that these investment rates will drop even further. This will result in approximately \$150,000 less in anticipated interest income for the upcoming fiscal year.

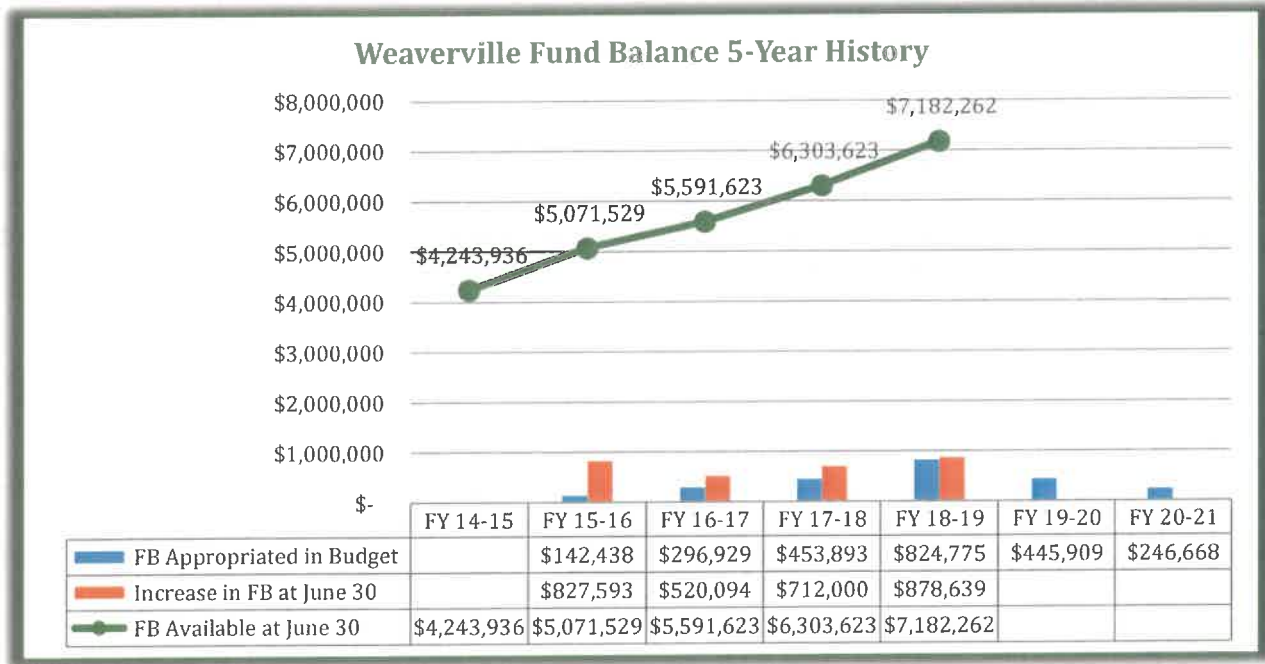
Fund Balance

The Town's last audit confirmed that we had \$7,182,262 in available fund balance as of June 30, 2019. This is approximately \$4.2 million or 58% above Town Council's 40% fund balance target. The proposed budget utilizes approximately **\$246,668** of our accumulated fund balance to offset operational expenses.

The Capital Project Ordinance adopted in fiscal year 2019-2020 includes the community center construction (phases I and II) and estimates the utilization of an estimated \$3,594,040 from General Fund balance in fiscal

year 2020-2021. This could potentially drop the target balance rate to 52%, but still keeps the Town well in line with the fund balance policy.

The chart below shows a five-year history of fund balance appropriated within the budget, as well as the amounts that have been returned to fund balance at fiscal year-end.



Expenditure Highlights

As per the fiscal year 2020-2021 budget calendar, departmental budget requests were due at the beginning of March 2020. Obviously, at that point in time, none of us knew about the detrimental impact that the COVID-19 crisis would have on our federal, state, and local economies. For that reason, our department leaders submitted budgets that clearly reflected the needs within their departments given the Town’s incredible growth over the last two years. See Supplement 1 for more information on these requests. While I believe many of the items included within departmental requests should be funded within the budget, I simply cannot recommend approval of some of the items due to the place we find ourselves today.

General Government Highlights

In my conversations with numerous managers, both in our region, as well as across the state, it has been very clear that the potential loss of revenue may severely impact their ability to maintain existing staffing levels caused by the COVID-19 pandemic. Some of my colleagues have had to make the difficult decisions to furlough positions and, in some cases, eliminate positions altogether, thereby cutting services or restructuring their departments. A survey by the North Carolina League of Municipalities found that 58.8% of the municipalities our size expect to implement a hiring freeze in the upcoming budget and another 5.9% plan to furlough employees. It has been my goal to work with our department leaders to find ways to maintain our staffing levels during the difficult economy in which we live, without eliminating or furloughing employees. I believe we can accomplish this goal.

The following sections outline the items of significance that I am proposing within the proposed budget:

- **General liability insurance** is budgeted with a 6.0% increase, or approximately \$13,000 over the current year budget.
- **Health and dental insurance** is budgeted with a 6.5% increase, or approximately \$32,000 over the current year budget. We do continue to work with our insurance company and there is a small chance that we can lower the increase to 4.5%. This will be updated as we receive more information during budget deliberations.
- **Employee Incentive Program** funding has been included within the proposed budget at the same level as the current year budget at \$10,000. I recommend maintaining this program funding as I see our employees going above and beyond in their roles during this pandemic and find it reasonable to reward their actions as appropriate. Any requests for expending these funds will remain with the approval of Town Council as per the adopted policy.
- **Debt service** expenses will decrease in the upcoming year. The Town's final debt service payment on the fire station is scheduled to be paid in fiscal year 2020-2021, resulting in \$125,000 less in debt service payments. Of note, upon paying off the debt service on one of the Town's fire trucks two years ago, the Town began transferring \$75,000 annually into a Capital Reserve Fund for the future purchase of a replacement fire truck. In an effort to offset the loss in the North Buncombe Fire District tax revenue for the upcoming fiscal year and to fund necessary extrication rescue tools for the Weaverville Fire Department for the safety of our public, we have removed the \$75,000 transfer for this year alone.
- While the proposed budget does not include any new personnel, I feel strongly that we must continue to keep our employee compensation aligned with our neighboring jurisdictions in order to retain our exemplary employees and continue to be competitive in the local government job market. In order to balance our coronavirus-related revenue losses associated with the need to maintain good employees and remain competitive with our local jurisdictions, I am recommending a cost of living adjustment of 1.5%, which is slightly less than the Social Security Administration's adjustment (1.6%), but aligned with the Department of Labor's March 2020 Consumer Price Index (CPI). I am also recommending the continuation of the Town's merit pay program with a maximum 1.5% average increase in departmental wages. I am however, recommending that these increases be **frozen until January 2021**, after we have had the opportunity to better gauge where our economy is headed and how our revenues align with our operational expenses. This total 3% increase proposed is below the 5% (2% cost of living and 3% merit) amount that Town Council has graciously approved for our employees for the last five years.
- **Americans with Disabilities Act (ADA) Improvements:** Another great unknown to budget for in fiscal year 2020-2021 involves any ADA improvements required upon the completion of the Town's ADA Transition Plan, which is currently being developed. At this point in time, we have not received a list of necessary improvements, but this will likely be a budgetary issue that we must address in the coming months.

Police Department

- Restructuring within department with reclassifications to meet succession planning objectives - \$8,200
- Replacement of 2 patrol vehicles with hybrid vehicles per vehicle replacement guidelines (\$55,600 per vehicle with equipment installed) - \$111,200

Fire Department

- Replacement of current unserviceable hydraulic extrication rescue tools, including spreaders, cutters, ram - \$28,000

Public Works

- Streets Division: Main Street parking striping - \$9,000
- Powell Bill: Minimal funding for minor street repairs - \$100,000
- Sanitation Division: Grant match for purchase of recycling carts (\$87,500 project total, \$30,000 offsetting grant award) - \$57,500
- Recreation Division: Replacement of swing set at Lake Louise Park - \$9,000
- Recreation Division: Replacement of trailer for hauling mowers and UTV - \$5,000

Proposed Budget - Water Fund Overview

The proposed Water Fund budget for fiscal year 2020-2021 totals **\$2,323,750**, which represents a 3.2% **decrease** in expenditures over the fiscal year 2019-2020 budget. The table below outlines the major sources of revenue and operational and capital expenditures proposed within the fiscal year 2020-2021 budget.

Revenues by Source	FY 2020-2021 Amended Budget	FY 2020-2021 Proposed Budget	% Variance
Water Revenue	\$1,968,750	\$2,070,000	5.1%
Miscellaneous Revenue	\$15,000	\$15,000	0.0%
Water Taps	\$42,000	\$26,250	-37.5%
System Development Fees	\$270,000	\$147,000	-45.6%
Fees for MSD Collection	\$55,000	\$60,000	9.1%
Interest Earned	\$50,500	\$5,500	-89.1%
Appropriated Fund Balance	\$0	\$0	0.0%
Total Revenues:	\$2,401,250	\$2,323,750	-3.2%
Expenditures by Function	FY 2020-2021 Amended Budget	FY 2020-2021 Proposed Budget	% Variance
Personnel	\$1,041,654	\$1,054,342	1.2%
Operations	\$598,300	\$599,508	0.2%
Capital Outlay	\$213,000	\$104,600	-50.9%
Capital Improvements	\$180,000	\$75,000	-58.3%
Contingency	\$15,000	\$15,000	0.0%
Reserve for Bond Payment	\$203,974	\$203,616	0.2%
Transfer to Water Capital Reserve Fund	\$149,323	\$271,685	81.9%
Total Expenditures:	\$2,401,251	\$2,323,750	-3.2%

Water Revenue Highlights

Unrestricted Net Position

The Town's last audit confirmed that we had \$2,954,545 in Unrestricted Net Position as of June 30, 2019 in the Water Fund. The proposed budget does not utilize any of these funds and includes a transfer of \$271,685 to

the Capital Reserve Fund to continue preparing for future capital projects, including the expansion of our water treatment plant.

Water Rates: In accordance with the water rate analysis provided by Withers-Ravenel, the proposed Water Fund budget includes a 4% increase in water rates for all customers. The increased rates keep us on track with the Withers-Ravenel analysis and assists the Town in preparing to expand the water treatment plant and for the debt service on the waterline extension project.

System Development Fees: Increasing the Town's system development fees in fiscal year 2019-2020 resulted in a significant increase in revenue due to the many new developments that opened, such as the Fairview Inn, the Holston project (i.e. stump dump), and other smaller projects. The proposed budget includes an estimated revenue of \$147,312. This includes system development fees associated with the 828 North apartments, Greenwood Park homes, and some of the Northridge Commons townhomes expected to be constructed in the upcoming fiscal year.

Water Fund Expenditure Highlights

Water Administration

- Replacement gas and diesel fuel dispensing pumps - \$14,600
- Replacement of fluorescent bulbs with LEDs at Public Works - \$7,000
- Upgrade of fire alarm system at Public Works - \$9,500
- Sealcoat and re-stripe parking lot at Public Works - \$5,000

Water Maintenance

- Replace 1986 air compressor - \$28,500
- Radio-read meter change out program - \$40,000
- Waterline improvements: Replacement of Shuford Road and Coleman Street waterlines and abandonment of the last section of asbestos-cement waterline - \$75,000

Looking Ahead

In addition to the requests reflected in the tables above, I would recommend that Town Council discuss and consider the Town's pay scale as we enter into the new fiscal year. It is my understanding that some jurisdictions in our region along with the State of North Carolina have adjusted their minimum pay to \$15 per hour for all employees. Currently, our pay scale minimum wage is \$13.27 per hour.

Moving into the new fiscal year, we will also need to make decisions with regard to the Water Treatment Plant Expansion, expenses related to construction of the Reems Creek Greenway, and completion of construction of the Community Center, phases I and II.

As we enter into the fiscal year 2020-2021 budget, I recommend that we continue to closely monitor what I will refer to as *pivot points*. We know that we are budgeting with much uncertainty. Therefore, as I am asking Town Council to consider funding additional items as reflected in Supplement 1, we must also be prepared to pivot the opposite, which may mean that we must find ways to cut expenses if our revenue streams become even more unstable. The first pivot point will be when the Town receives its last quarter of sales tax revenue for

fiscal year 2019-2021 in September. Another pivot point will come in January 2021 when we have half the fiscal year behind us. Staff will keep a close eye on revenues throughout and will bring issues forward as expeditiously as possible in this regard.


In Closing

The COVID-19 pandemic is teaching many of us how to live with uncertainty. Fortunately, I feel no uncertainty when it comes to our Town team and our ability to provide quality services, even during a pandemic. I would like to thank our department heads for their steadfast dedication and understanding as we've been forced to make difficult decisions with regard to the proposed budget. As I've shared before, our department heads are second to none and I am grateful to work alongside them.

I would like to extend a special thank you to Finance Director Tonya Dozier for her long hours and detail-oriented assistance in preparing the proposed budget. Her help has been invaluable and I have grown to greatly depend on her support in preparing the proposed budget and all things finance-related.

The COVID-19 crisis has placed many obstacles in front of communities across the world. We do not have a blueprint or a finely tuned list of pandemic best practices to help us move forward. Fortunately, the Town's financial resources are solid, our growth continues, and you, our Mayor and Town Council provide strong leadership. The upcoming year will be challenging, but I believe we can meet the challenges easily with your guidance. On behalf of all Town department heads and employees, we appreciate the leadership you provide in moving the Town of Weaverville forward.

Respectfully Submitted,



Selena D. Coffey, MPA, ICMA-CM
Town Manager / Budget Officer

Supplement 1

Prior to the pandemic, the Town's department heads prepared their budgets to request the following new positions, capital equipment, capital projects and new initiatives. Although I cannot recommend funding the following at this time, I believe Town Council should consider funding some of them if our economy improves or should Town Council wish to add to the proposed budget using additional fund balance.

General Fund New Personnel Requests:

Please note that the figures in the following table are estimates of new personnel requested, but not included in the proposed budget. Also, personnel expenses include wages and benefits such as FICA, retirement, insurance, and any other personnel-related expenses including uniforms, supplies, and equipment.

Position	Personnel Expenses	Related Expenses	Justification & Related Expenses	Total Expenses
Community Resource Officer	\$48,333	\$70,700	Allows for departmental structuring to provide for parking enforcement, needed community outreach, and succession planning efforts; Related expenses include uniforms, equipment, supplies and vehicle.	\$119,033
Patrol Officer	\$48,333	\$70,700	Addresses 17.5% increase in calls in 2019 and provides evidence management, purging 8,000 items dating 2 decades; Related expenses include uniforms, equipment, supplies and vehicle.	\$119,033
Streets Maintenance Tech	\$44,900	\$4,000	Position added to current 2-man crew to better address preventative maintenance on the Town's storm drainage system and addition of 1+ miles of new streets added to public street system; Related expenses includes uniforms, equipment, and supplies.	\$48,900
Sanitation Maintenance Tech	\$44,900	\$4,000	Position allows for 2 3-man crews for garbage and brush collection without pulling employee from Recreation Division; Addresses average 5% monthly increase in solid waste collected.	\$48,900
Water Maintenance Tech	\$44,900	\$4,000	Addresses increasing miles of water lines added to Town waterline system (4+ miles of new waterlines added in last 5 years); Allows for preventative maintenance of waterlines, which has not been accomplished due to workload demands.	\$48,900
Water Maintenance Tech	\$44,900	\$4,000	Addresses increasing miles of waterlines added to Town waterline system (4+ miles of new waterlines added in last 5 years); Allows for preventative maintenance of waterlines, which has not been accomplished due to workload demands.	\$48,900
Personnel Request Totals:	\$276,266	\$157,400		\$433,666

General Fund Requests Vehicles, Capital Equipment, Capital Projects and New Initiatives:

As stated earlier in the Budget Message, I have received far more requests for needed equipment and improvements than I am able to include in the proposed budget. I encourage Town Council to consider these items for potential funding once we are able to determine the full impact of the COVID-19 crisis on our local revenues.

Vehicles, equipment, and capital improvement programs are the second largest expense for the Town, behind personnel expenses. I received requests totaling approximately \$915,000 for these expenses. As stated earlier, I have made some difficult decisions regarding my recommendations for these items. In the table below, you will find a description of the departmental requests that have not been included in the proposed budget.

Department	Request	Justification	Expense
Planning	Bike/Ped Plan Development	10% match for development of bike/ped plan	\$10,000
Police	LED message board (1)	Current board reaching end of service life	\$17,500
Police	Portable radios (3)	Replacements of radios at end of service life	\$15,600
Police	In-car cameras(3)	Replacements of cameras at end of service life	\$15,000
Police	Hybrid patrol vehicle (1)	Adds a vehicle for one additional position	\$56,500
Streets Division	Streets Improvement Plan	Continues 5 th year of Street Improvement Plan	\$300,000
Streets Division	Yost Street widening at school	Improves traffic pattern at Elementary School	\$60,000
Streets Division	Storm drainage improvements	Enhances storm drainage maintenance	\$75,000
Streets Division	Mini-excavator and trailer (1)	Necessary for storm drainage program	\$82,000
Sanitation Division	Swaploader (1)	Replacement of current 2005 swaploader	\$119,000
Recreation Division	Lake Louise restroom facility	ADA issue; Replacement of existing restrooms	\$150,000
Recreation Division	Stream trash collector (1)	New forebay trash collection structure	\$15,000
Vehicle, Capital Equipment & Improvements Request Total			\$915,600

Water Fund Requests for Capital Equipment, and Capital Improvements:

Division	Request	Justification	Expense
Water Production	Emergency generators (2)	Installation of stand-by emergency generators and raw water pump station	\$900,000
Water Maintenance	Dubose Hill tank improvements	Repainting of Dubose Hill storage tank	\$60,000
Capital Equipment & Improvements Request Total			\$1,139,600

PROPOSED BUDGET
Fiscal Year 2020-2021
Budgets by Department, Function & Category

GENERAL FUND REVENUE	FY 2020 Amended Budget	FY 2021 Proposed Budget	\$ Variance	% Variance
Prior Year Tax Revenue	\$1,000	\$4,000	\$3,000	300.0%
Ad Valorem Tax Revenue	\$3,215,564	\$3,299,048	\$83,485	2.6%
DMV Tax Revenue	\$255,000	\$201,262	(\$53,738)	-21.1%
Tax Penalties & Interest	\$4,000	\$4,000	\$0	0.0%
Utilities Franchise Tax	\$470,000	\$467,500	(\$2,500)	-0.5%
Beer & Wine Tax	\$17,000	\$17,000	\$0	0.0%
Powell Bill Distributions	\$106,000	\$100,000	(\$6,000)	-5.7%
Local Government Sales Tax	\$1,396,000	\$1,116,800	(\$279,200)	-20.0%
Buncombe County Fire Protection	\$1,616,629	\$1,548,864	(\$67,765)	-4.2%
ABC Store Distribution to Town	\$120,000	\$150,000	\$30,000	25.0%
ABC Store Alcohol Education	\$3,971	\$0	(\$3,971)	-100.0%
ABC Store Police Department	\$2,836	\$0	(\$2,836)	-100.0%
Cell Tower Revenue	\$16,000	\$16,000	\$0	0.0%
Miscellaneous Revenue	\$5,000	\$35,000	\$30,000	600.0%
Interest Earned	\$115,500	\$12,100	(\$103,400)	-89.5%
Interest Earned-Powell Bill	\$3,400	\$500	(\$2,900)	-85.3%
Zoning Inspections Fees	\$20,000	\$20,000	\$0	0.0%
Fire Inspections Fees	\$500	\$500	\$0	0.0%
Sale of Property	\$15,000	\$10,000	(\$5,000)	-33.3%
Appropriated Fund Balance	\$445,909	\$246,668	(\$199,241)	-44.7%
TOTAL GENERAL FUND REVENUE	\$7,829,309	\$7,249,242	(\$580,066)	-7.4%

GENERAL FUND EXPENDITURES	FY 2020 Amended Budget	FY 2021 Proposed Budget	\$ Variance	% Variance
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Town Council

Personnel	\$96,751	\$115,876	\$19,125	19.8%
Operations	\$156,400	\$150,500	(\$5,900)	-3.8%
Capital Outlay	\$0	\$0	\$0	--
Total	\$253,151	\$266,376	\$13,225	5.2%

Administration

Personnel	\$425,389	\$424,712	(\$677)	-0.2%
Operations	\$196,150	\$191,463	(\$4,688)	-2.4%
Capital Outlay	\$0	\$0	\$0	#DIV/0!
Total	\$621,539	\$616,175	(\$5,365)	-0.9%

Planning & Code Enforcement

Personnel	\$96,859	\$100,177	\$3,318	3.4%
Operations	\$11,600	\$9,725	(\$1,875)	-16.2%
Total	\$108,459	\$109,902	\$1,443	1.3%

Police Department

Personnel	\$1,418,647	\$1,524,329	\$105,682	7.4%
Operations	\$363,690	\$356,109	(\$7,580)	-2.1%
Capital Outlay	\$141,550	\$111,200	(\$30,350)	-21.4%
Total	\$1,923,887	\$1,991,639	\$67,752	3.5%

Fire Department

Personnel	\$1,991,501	\$2,141,591	\$150,089	7.5%
Operations	\$384,537	\$356,102	(\$28,435)	-7.4%
Capital Outlay	\$44,000	\$28,000	(\$16,000)	-36.4%
Total	\$2,420,038	\$2,525,692	\$105,654	4.4%

Public Works: All Divisions

Personnel	\$811,236	\$842,915	\$31,678	3.9%
Operations	\$520,090	\$592,599	\$72,509	13.9%
Capital Outlay	\$90,000	\$5,000	(\$85,000)	-94.4%
Capital Improvements	\$686,100	\$104,600	(\$581,500)	-84.8%
Total	\$2,107,426	\$1,545,114	(\$562,313)	-26.7%

Debt Service

Loan Payment-Fire Truck 09/14	\$53,541	\$53,541	(\$0)	0.0%
Loan Payment-Fire Station	\$246,268	\$120,805	(\$125,463)	-50.9%
Total	\$299,809	\$174,346	(\$125,463)	-41.8%

Contingency

	\$20,000	\$20,000	\$0	0.0%
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Transfer to Cap Reserve Fund

	\$75,000	\$0	(\$75,000)	-100.0%
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Total General Fund Revenue	\$7,829,309	\$7,249,242	(\$580,066)	-7.4%
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Total General Fund Expenditures	\$7,829,309	\$7,249,242	(\$580,066)	-7.4%
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WATER FUND REVENUE	FY 2020 Amended Budget	FY 2021 Proposed Budget	\$ Variance	% Variance
Water Revenue	\$1,968,750	\$2,070,000	\$101,250	5.1%
Miscellaneous Revenue	\$15,000	\$15,000	\$0	0.0%
Water Taps	\$42,000	\$26,250	(\$15,750)	-37.5%
System Development Fees	\$270,000	\$147,000	(\$123,000)	-45.6%
Fees for MSD Collection	\$55,000	\$60,000	\$5,000	9.1%
Interest Earned	\$50,500	\$5,500	(\$45,000)	-89.1%
Appropriated Fund Balance	\$0	\$0	\$0	#DIV/0!
Total Water Fund Revenue	\$2,401,250	\$2,323,750	(\$77,500)	-3.2%

WATER FUND EXPENDITURES	FY 2020 Amended Budget	FY 2021 Proposed Budget	\$ Variance	% Variance
Water Fund				
Personnel	\$1,041,654	\$1,054,342	\$12,689	1.2%
Operations	\$598,300	\$599,508	\$1,208	0.2%
Capital Outlay	\$213,000	\$104,600	(\$108,400)	-50.9%
Capital Improvements	\$180,000	\$75,000	(\$105,000)	-58.3%
Total	\$2,032,954	\$1,833,450	(\$199,504)	-9.8%
Contingency	Total \$15,000	\$15,000	\$0	0.0%
Reserve for Bond Payment	\$203,974	\$203,616	(\$358)	-0.2%
Transfer to Water Capital Reserve	\$149,323	\$271,685	\$122,362	81.9%
Total Water Fund Revenue	\$2,401,250	\$2,323,750	(\$77,500)	-3.2%
Total Water Fund Expenditures	\$2,401,251	\$2,323,750	(\$77,500)	-3.2%
GRAND TOTAL BUDGET	\$10,230,559	\$9,572,993	(\$657,567)	-6.4%



MINUTES

Town of Weaverville
State of North Carolina

Town Council Workshop, Budget
Tuesday, June 9, 2020

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/86933148422>

The Town Council for the Town of Weaverville met for its regularly scheduled workshop on Tuesday, June 9, 2020, at 6:00 p.m. via a remote electronic meeting on Zoom.

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

Staff present was: Town Manager Selena Coffey, Planning Director James Eller

Staff present remotely was: Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Fire Chief Ted Williams, Police Chief Ron Davis, 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. Public Hearing on Fiscal Year 2020-2021 Budget

Mayor Root opened the public hearing on the 2020-2021 fiscal year budget at 6:01 pm.

Town Manager Selena Coffey began the public hearing by mentioning that she is proposing a few changes to the budget that were outlined in her recent budget memo including adding the \$10,000 NCDOT Bicycle and Pedestrian Grant matching funds and deleting \$3,000 in revenue generated by fishing permit fees.

It was noted that no member of the public provided comment via emailing public-comment@weavervillenc.org, inserting into a drop box at Town Hall, or mailing to the Town's PO Box, as advertised on the public hearing for written comments; and no member of the public was in attendance in person at Town Hall or via zoom, Mayor Root asked for a motion to close the public hearing. *Councilmember McKenna motioned to close the public hearing. Vice Mayor Jackson seconded and via roll call each council member voted in favor of the motion. Motion passed unanimously 5-0.*

3. Budget Discussion & Potential Direction to Town Manger

Mayor Root asked Councilmembers to discuss any issues concerning the proposed budget that they might have.

Vice-Mayor Jackson noted his position that possible pay raises should be revisited and possibly added in January rather than budgeted now. After further discussion, including a review by the Town Manager of what other jurisdictions in Buncombe County are doing, *it was the consensus of Town Council to remove all cost of living increases and merit bonuses from the budget and revisit those possible increases in December or January.*

Vice Mayor Jackson noted his position that the town should wait on potentially budgeting backup generators for the water treatment plant. *It was the consensus not to add the capital expenditure for the backup generators to this budget.*

Councilman Fitzsimmons noted that Council should reconsider the water rate increase due to current economic conditions. Vice-Mayor Jackson mentioned that no increase or half of the proposed 4% increase could be explored. Councilman McKenna suggested a one year relief from increases to water rates. Town Attorney Jackson noted that the proposed 4% rate increase is linked with the USDA loan for waterline construction which is backed solely by revenues and expressed concern over eliminating or greatly reducing the water revenues. Finance Officer Dozier noted that the proposed increase is based upon the Withers-Ravenel study conducted to secure the USDA loan. Mayor Root inquired if increased development could be used to offset a rate increase. It was confirmed that revenues are also positively affected by growth in the system from new customers. Finance Officer Dozier noted that fund balance could not be used and referred to materials that showed the monthly impact of a 4% increase on the water bills is fairly minimal for the vast majority of water customers. Councilman Nagle suggested that the rate increase would be minimal for individual payers and the town should not jeopardize the loan. Upon inquiry from Mayor Root, *the 4% water rate increase proposed by staff based on the Withers-Ravenel study linked with the USDA loan became the consensus of Council.*

Councilman Nagle inquired as to the shown increase in Town Council expenditure. Town Manager Coffey stated that this was in part due to Town Attorney compensation and a FICA increase. *It became the consensus of Council that staff should explore the possibility of breaking these expenses out in some manner to make it clearer within the governing body's budget line items.*

Councilman McKenna noted that the waiver of the fishing permit fee should be advertised as a temporary one-year arrangement so as not to appear as a permanent entitlement. Councilman McKenna also noted that Council should explore best practices for protests or demonstrations as an agenda item at a future meeting.

Town Manager Coffey noted that \$8,000 has been added to the budget for the first year of corrective action based on the ADA Transition Plan,

Mayor Root noted that should individual members of Council desire an additional workshop for discussion of the budget on next Tuesday, they should notify Town Manger Coffey by Friday, June 12, 2020, to allow time to provide the proper noticing of the special meeting.

4. Adjournment

Councilmember Nagle made the motion to adjourn; Councilmember McKenna seconded and via roll call each remaining member of Council affirmed the motion. Motion passed unanimously 5-0.



James Eller, Interim Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, May 18, 2020**

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/87513712738>

The Town Council for the Town of Weaverville met for a special called meeting on Monday, May 18, 2020, at 6:30 p.m. within Council Chambers at Town Hall located at 30 South Main Street, Weaverville, NC, as an electronic video meeting via Zoom Meeting.

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

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

1. Call to Order

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

2. Public Hearing: Code Amendments regarding parking and streets, mandated notices for quasi-judicial matters, mixed use development in C-1, C-2, and R-12 districts

Mayor Root opened the Public Hearing

Town Planner James Eller stated that the public hearing is on code amendments to Chapters 25 and 36 related to parking and streets, mandated notices for quasi-judicial matters heard by the Board of Adjustment, and mixed use development in the C-1, C-2 and R-12 zoning districts. All of the proposed amendments have been reviewed by the Planning and Zoning Board and received a unanimous favorable recommendation.

The parking and streets amendments are largely in light of Town Councils recent work in Chapters 24 and 28 and ensure code consistency between chapters of the code. Some parking regulations have been removed from a traffic portion of code and inserted into the zoning regulations and a vast majority of this language is related to the fact that street standards have been consolidated within Chapter 24, so references in the subdivision and zoning ordinances need to be reflected of that.

As for mandated notices for the Board of Adjustment for quasi-judicial hearings, the proposed amendments will align the Town's noticing requirements with that of state statute. The reason for this is that the School of Government cautions that a wide notice bubble might subject the Town to a challenge on the issue of standing.

Lastly, there is language within the Town Strategic Plan and Comprehensive Land Use Plan (CLUP) that calls for the better accommodation of mixed-use development. The proposed amendments would transition mixed use

development in the C-1, C-2, and R-12 districts from conditional zoning district review to permitted with standards.

There was no public comment offered on these amendments and *the Mayor concluded the public hearing.*

3. Public Hearing: Conditional Zoning District for Multi-Tenant Development on 20 and 30 Garrison Branch Road

The Mayor opened the public hearing and asked Town Planner James Eller to give an overview of the application. Mr. Eller stated that this proposed conditional zoning district (CZD) to be known as Garrison Reserve, consists of 4.89 acres and is located at the intersection of Monticello Road and US 25/70. The proposed development is a multi-tenant development of approximately 70,000 square feet and, since it is more than 25,000 square feet in size, it requires approval as CZD. This multi-tenant development proposes a mix of warehousing, retail and office uses. The Planning and Zoning Board has spent a considerable amount of time reviewing this development and offers a unanimous recommendation to Town Council with some conditions that are noted in their recommendation letter.

Town Planner Eller noted that the applicant has requested a few changes to the conditions shown in the draft CZD ordinance from the version in the Town Council packet. These changes include: (1) removing the out parcel noted on the plans from the CZD so that the underlying C-2 zoning district regulations will fully apply to that out parcel when development is proposed; (2) modifying the language to allow for similar aesthetic quality to the building elevations that were attached and proposing building materials consisting of metal or masonry instead of fiber and cement siding, (3) reducing the number of required parking spaces from 159 to 155; and (4) allowing three signs to be used for all the businesses rather than the one that is allowed normally in the C-2 zoning district. Mr. Eller noted that Tim Brigman, a representative of property owner, and Warren Suggs, an engineer of Civil Design Concepts, were present for any comments or questions.

Warren Suggs noted that he can go into further detail but feels that Town Planner Eller mentioned the major points within the CZD wording that they wanted Town Council to consider changing. He made himself available to answer questions about these requested changes and the project in general at the appropriate time given by the Mayor.

Mayor Root mentioned that this is a public hearing on the proposal and there will not be any action taken at tonight's meeting due to the emergency rules controlling public hearings. He indicated that Town Council would be recessing the meeting tonight and reconvening on May 20, 2020, at 6pm to further discuss and take action on this matter.

There were no comments offered by the public and *the Mayor closed the public hearing.*

4. Adjournment

Mayor Root adjourned the meeting at 6:45 p.m.



James Eller, Interim Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Recessed Meeting
Wednesday, May 20, 2020**

Remote Electronic Meeting

Zoom: [http:// us02web.zoom.us/j/87513712738](http://us02web.zoom.us/j/87513712738)

On Wednesday, May 20, 2020, at 6:00 p.m., the Town Council for the Town of Weaverville met to reconvene its recessed meeting from May 18, 2020. This meeting was an electronic video meeting via Zoom Meeting.

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

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

1. Call to Order

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

2. Action on Proposed Conditional Zoning District for Multi-Tenant Development at 20 and 30 Garrison Branch Road

Town Planner James Eller gave a quick recap from the Public Hearing on Monday, May 18, 2020. He noted that the property is located along Garrison Branch Road at the intersection of US25/70 and Monticello Road. Town Council is being asked to approve an approximately 75,000 square foot mixed use facility that will span across three buildings.

Vice Mayor Jackson wondered if the proposed amendment is to change from one sign at the entrance to one sign for each building at the entrance. Town Planner Eller agreed that that is his understanding and noted that the underlining C-2 zoning district generally only allows one sign per development. Vice Mayor Jackson noted that two of the other big development areas have one free standing sign for all the other businesses and he doesn't care for a lot of sign pollution, so he would like to know the reasoning behind it.

Warren Suggs, Civil Design Concepts Engineer, mentioned that the project was trying to merge as many small businesses and commercial and office uses as possible into those buildings with the goal of around 12 to 15 per building, which would be approximately 30 different types of individual businesses. They started looking at all the square footage that would be left if they held to one sign and it becomes not visible, so they would like to have the opportunity to show case each building on a separate sign to make it easier for them to be found. Vice Mayor asked whether they would be in front of each building or per entrance, since at another development, Weaverville Commons, they only have one sign for the development and not all businesses are identified. Mr. Suggs mentioned that there are two sign locations up near Garrison Branch, outside the right of way and not within easements, and a third location more interior to the site.

Councilmember Fitzsimmons noted that these signs would be in addition to the signage on the businesses' door fronts. Mr. Suggs confirmed. Vice Mayor Jackson noted that this is a change from the other major projects that we have recently done, and he doesn't want to see a lot of signage around Town if we can consolidate. Councilmember McKenna noted that it would also be proportionate to the number of offices and in the other cases there might be fewer offices, so he can see the rationale for trying to create individual areas with their own character and he doesn't want it to be so small you can't read it. Councilmember Fitzsimmons agreed that the Town is already inundated with signage and if each business sign will be visible from Garrison Branch and US 25/70, additional signage will add little value to the business and a lot of detriment to sign pollution. Mayor Root commented that the idea of three signs has been added since the Planning and Zoning Board reviewed it. Town Planner Eller confirmed.

Tim Brigman, on behalf of the owner/developer, commented that they are trying to bring something different to their spaces by focusing on the small business market. Instead of having large signs on all the businesses like the other projects in Weaverville they are looking for a classier look and are trying to differentiate by bringing in office retail space for smaller businesses and not fast food chains. The idea is to keep a clean look and not have any customers feel outweighed by other businesses signage. They will regulate the signage for each individual customer to keep it professional. Councilmember Nagle noted that he wasn't sure exactly where the signs were going. Mr. Brigman mentioned that the three signs would be up on Garrison Branch Road providing some identification of businesses and direction. Councilmember Nagle commented that the businesses on the inside wouldn't be visible from Garrison Branch Road, so he wondered if the square footage of the signs was going to be triple the sign dimensions or less than what is allowed in one sign. Mr. Brigman noted that they are comfortable staying within size limitations of the sign ordinance or even less than is allowed if they don't need the space.

With consensus to allow up to two smaller signs, *Councilmember Fitzsimmons made a motion to approve the Ordinance Establishing the Conditional Zoning District Designated as CZD-5 Garrison Reserve Project on Property Located at 10 and 30 Garrison Branch Road with the developer requested modifications except that a maximum of 2 signs is allowed with a maximum size of 75 square foot per sign. Councilmember Nagle seconded the motion. In a roll call vote, all voted in favor and the motion passed 5 to 0.*

3. Action on Proposed Code Amendments regarding technical review committee for land development, parking and streets, mandated notices for quasi-judicial matters, and mixed used development in C-1, C-2, and R-12

Town Planner James Eller brief mentioned that all of the code amendments proposed received unanimous favor recommendations from the Planning and Zoning Board and that no public comments were received during the public comment period or during their respective public hearings so action on these amendments is proper at this time. *Vice Mayor Jackson made a motion to approve the Ordinance Amending Town Code Chapters 25 and 36 Concerning Technical Review Committees, Mixed Use Development, Mandated Notices for Board of Adjustment, Streets and Parking. Councilmember McKenna seconded the motion. All voted in favor in a roll call vote and the motion passed 5 to 0.*

4. Resolution in Support of Application for NCDOT Bicycle and Pedestrian Grant

Town Manager Coffey noted that at a recent budget workshop Town Council had indicated that they would like to see the Town apply for the NCDOT Bicycle and Pedestrian planning grant. This grant application requires a resolution in support of the application and Town Council was asked to consider approval of the resolution presented for that purpose.

Councilmember McKenna made a motion to approve the Resolution in Support of the Application for NCDOT Bicycle and Pedestrian Grant as presented. Vice Mayor Jackson seconded the motion. In a roll call vote the motion passed by a unanimous vote of Council. Motion carries 5-0

5. Adjournment

Councilmember McKenna made the motion to adjourn; Councilmember Nagle seconded and in a roll call vote all voted to adjourn at approximately 6:30 p.m.

James Eller

James Eller, Interim Town Clerk

**ORDINANCE ESTABLISHING THE
CONDITIONAL ZONING DISTRICT DESIGNATED AS CZD-5
GARRISON RESERVE PROJECT ON PROPERTY LOCATED AT
10 AND 30 GARRISON BRANCH ROAD**

WHEREAS, on February 10, 2020, Garrison Branch Acquisitions LLC submitted an application for a conditional zoning district for a project to be known as "Garrison Reserve" on property located at 10 and 30 Garrison Branch Road, Weaverville, North Carolina; and

WHEREAS, the project consists of a multi-tenant commercial development consisting of three buildings housing a mix of retail, warehouse, and office spaces for a total square footage of approximately 70,000 square feet, and an outparcel for a future building and use; and

WHEREAS, the project is being developed on that 4.89 acre tract(s) located near the southwestern corner of the intersection of Monticello Road and US 25/70, described in Book 5806 at Page 498 and Book 5806 at Page 490, and bearing Buncombe County Parcel Identification Numbers 9733-72-2155 and 9733-72-0316, and shown as Parcels 1 and 2 on that plat recorded in Book 201 at Page 74, Buncombe County Registry;

WHEREAS, the property is currently zoned C-2 and a multi-tenant development exceeding 25,000 square feet 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, 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 the project and consistency with the Comprehensive Land Use Plan; and

WHEREAS, this project is consistent with the Town's Comprehensive Land Use Plan in that it is consistent with the future land use map which identifies the property as being within the mixed use area of Monticello Road, is consistent with the use and dimensional requirements of the Town's underlying C-2 zoning district which was designed and implemented specifically to accommodate commercial uses, and, with the recommended conditions, can co-exist with the multifamily residential development that is occurring in the area; and

WHEREAS, a public involvement meeting was held on Thursday, May 14, 2020, after proper notice of same and no negative comments were received; and

WHEREAS, a traffic analysis was not conducted as staff believes that the peak hour trips would not trigger the requirement stated in Town Code Section 36-25; and

WHEREAS, after proper notice required by law, Town Council held a public hearing on this application on May 18, 2020 at 6:30 pm, and held a public comment period from April 30, 2020 until May 19, 2020 at 6:30 p.m., in order to receive public input on this project;

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

1. The zoning classification of the real property described herein, including the outparcel, is changed from C-2 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 outparcel is specifically not included in this conditional zoning district. Future development on the outparcel will be in compliance with the Town of Weaverville's approved zoning conditions.
3. The following conditions shall apply:
 - a. The project is to be constructed in substantial compliance with the following plans submitted by the applicant, copies of which are attached hereto and incorporated herein by reference:
 - i. Master plan – Sheet C200
 - ii. Site plan – Sheet C201
 - iii. Grading, erosion control and storm drainage plan – C301
 - iv. Utility plan – Sheet C601
 - v. Building elevations – Sheets A201, A202
 - vi. Building elevation renderings
 - b. The height of buildings constructed on the site may not exceed the height above the final floor elevations as indicated on final plans approved by the Technical Review Committee.
 - c. The exterior of the buildings must be of similar aesthetic quality to the building elevations attached hereto and incorporated herein with the possible use of the following construction materials: metal and/or masonry.
 - d. Sidewalks are required along all portions of the property, including the outparcel, which front Garrison Branch Road to provide access to the

apartment complex that is under construction on the property adjoining to the west.

- e. All driveways/streets within the project shall be private. Said private driveways/streets shall be constructed in such a way as to allow reasonable access for the anticipated traffic of the multi-tenant development proposed and for ease of emergency access, including full compliance with the North Carolina Fire Prevention Code. A driveway permit for the entrance onto Garrison Branch Road must be secured from the North Carolina Department of Transportation.
- f. A minimum of 155 off-street parking spaces, with a minimum size of 9 feet by 18 feet, must be provided and must be constructed and maintain in an all-weather condition.
- g. The warehousing that is proposed is for mini-warehouses, as that term is defined by Code Section 36-5, and is limited to interior storage in Building C only. Warehousing with exterior storage of any kind is expressly prohibited.
- h. Two freestanding signs, with a maximum size of 75 square feet each, will be allowed. All other sign standards in Article VIII of Chapter 36 of the Town's Code of Ordinances shall also apply if not inconsistent with the number and size of allowed signs.
- i. Any and all outdoor lighting that is to be installed must comply with Town Code Section 36-26, except as specifically provided in this paragraph. All outdoor lighting on the property shall be mounted on posts that are no more than 16 feet tall. Blocking, shielding and aiming of all outdoor lighting shall be used to minimize light trespass on to adjoining residential properties. The outdoor lighting plan must be submitted and approved in conjunction with a zoning permit application.
- j. Landscape buffers between the property and adjoining properties are required. Landscaping must comply with Article VI of Chapter 36 of the Town's Code of Ordinances. A landscaping plan must be submitted and approved in conjunction with a zoning permit application.
- k. Grading, sedimentation and erosion control, and storm drainage plans must be reviewed and permitted by Buncombe County.
- l. Construction related vehicles must be parked on the property and not on the public streets or the shoulders of those public streets. All dirt, mud, construction materials, or other debris deposited on the public streets as a result of construction activities must be removed by the contractor or owner on a daily basis, pursuant to Code Section 22-48.
- m. Construction must be completed within 36 months of the issuance of a Town of Weaverville zoning permit. Upon request of the owner/developer, Town

Council may, in its sole discretion, grant such extensions as Town Council deems appropriate under the circumstances.

- n. Code Section 36-84 shall continue to govern the project including, but not limited, to those provisions regarding issuance of zoning permits, modifications, appeals, and final plat approval.
4. The Town Zoning Administrator is hereby authorized and directed to make the changes as herein enacted on the official zoning map with said Conditional Zoning District labeled as "CZD-5" and to issue zoning permits for the improvements that are to be made in compliance with this Conditional Zoning District.
5. 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.
6. 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.
7. This ordinance and the regulations and conditions contained herein are subject to the consent of the property owner which is indicated below.
8. That this ordinance is effective immediately.

ADOPTED THIS the 20th day of May, 2020, with a vote of 5 for and 0 against.



ALLAN P. ROOT, Mayor



DEREK K. HUNINGHAKE, Town Clerk

OWNER CONSENT TO CONDITIONS:

GARRISON BRANCH ACQUISITIONS LLC



Hannah Rikoon, Manager

Date: 5/21/2020

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTERS 25 AND 36
CONCERNING TECHNICAL REVIEW COMMITTEES, MIXED USE DEVELOPMENT,
MANDATED NOTICES FOR BOARD OF ADJUSTMENT, STREETS AND PARKING**

WHEREAS, the Planning and Zoning Board has seen directly the positive value of a technical review committee in both subdivision applications and development applications under the Town's zoning regulations, and, in its review on January 7, 2020, found the proposed Code amendments formalizing the technical review committee consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments formalize a multi-department professional review of proposed subdivisions and development, and voted unanimously to recommend such proposed amendments;

WHEREAS, the Planning and Zoning Board met on February 4, 2020, and discussed certain Code amendments concerning the regulations of mixed use development within the C-1, C-2 and R-12 zoning districts and found that the proposed Code amendments are consistent with the Town's comprehensive land use plan and strategic plan in that a stated objective was to "consider a zoning district to serve as a transition between residential and commercial districts" and "consider mixed use development regulation as a means of expanding development in areas with geographic limitations," and are reasonable and in the best interest of the public in that such amendments provide for a more expedited approval process and developmental certainty for mixed use development;

WHEREAS, after proper notice the Town Council held a public hearing on February 24, 2020, in order to receive input from the public on the amendments related to a technical review committee;

WHEREAS, the Planning and Zoning Board met on March 5, 2020, and discussed certain Code amendments concerning the provisions within the land development ordinances pertaining to streets, traffic, and parking and found (1) that the amendments proposed are consistent with the Town's comprehensive land use plan in that the plan sets a goal of reviewing policies concerning standards for private streets and encourages review of regulations to ensure consistency with stated goals, and (2) that they are both reasonable and in the public interest in that they provide better clarity and remove inconsistencies in light of Town Council's recent adoption of amendments to Chapter 24 concerning streets and Chapter 28 concerning traffic and parking;

WHEREAS, the Planning and Zoning Board met on March 5, 2020, and discussed certain Code amendments which would bring the notices requirements for matters before the Board of Adjustment into strict compliance with the provisions of North Carolina law and found that the amendments proposed are consistent with the Town's comprehensive land use plan in that the plan sets a goal of reviewing its regulations for legal compliance and reasonable in light of the strict standards of standing in order to participate in matters before the Board of Adjustment;

WHEREAS, after proper notice the Town Council held a public hearing on May 18, 2020, at 6:30 p.m., and offer a public comment period from April 30, 2020, through May 19, 2020 at 6:30 p.m., in order to receive input from the public on the amendments related to mixed use development in the C-1, C-2, and R-12 zoning districts, mandated notices for quasi-judicial matters before the Board of Adjustment, and streets and parking provisions of the land development ordinances;

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 are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town's adopted comprehensive land use plan and in the public's interest.

2. Concerning a technical review committee for land development:

Code Section 25-78 is hereby amended as follows, with added language shown as underlined:

Sec. 25-78. - General procedures for review of major and minor subdivisions.

All applications for development of major or minor subdivisions, including for review of concept plans, preliminary plats and final plats, shall be submitted to the town planner at the Weaverville Town Hall. In order to be considered at the next regularly scheduled meeting of the planning and zoning board, applications must comply with all code requirements and be received at least ten business days before the meeting. The planning director shall coordinate an evaluation of all applications for minor and major subdivisions with a technical review committee consisting of members of individual municipal departments, including but not limited to the Fire Marshal and Public Works Director or their designees, who may offer expertise on the proposed development. The technical review committee shall offer an opinion on the application for a minor or major subdivision to the Planning and Zoning Board and Town Council based upon the committee's findings or compliance with various sections of municipal ordinance and relevant federal and state laws, rules and regulations. All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in section 25-27. Minor subdivisions shall be reviewed in accordance with the procedure set forth in section 25-79. The minor subdivision procedure may not be used a second time within three years from the date of its first use on any property which is less than 1,500 feet from the original property boundaries by anyone who owned, had an option on, or any legal or equitable interest in the original subdivision at the time the original subdivision received concept plan, preliminary plat or final plat approval. Major subdivisions shall be reviewed in accordance with the procedures set forth in sections 25-81 through 25-83.

Code Section 36-298 is hereby amended as follows, with added language shown as underlined:

Sec. 36-298. - Zoning permits required.

A zoning permit shall be obtained from the zoning administrator before beginning any construction on any lot within the town's zoning jurisdiction. No lot shall be graded so as to alter its contour and no building or other structure shall be erected, moved, added to, or structurally altered prior to the issuance of said zoning permit. In no event will the zoning administrator approve any permit for the grading of any lot or the construction or alteration of any building if such building, or its intended

use would be in violation of any of the provisions of this chapter, or if the contour of any lot would be altered or graded in violation of the screening and buffering requirements of this chapter.

- (1) *Application for permit.* All applications for zoning permits shall be accompanied by such information as the zoning administrator determines as needed for a full review of the request. Zoning administrator shall ensure that all applications are compliant with the applicable sections of this chapter prior to issuance of permit or transmittal to the decision-making board.
- (2) *Issuance of zoning permit.* Prior to issuing a zoning permit the zoning administrator shall first review the application and supporting documentation to determine compliance with all of the applicable requirements of this chapter. If the plans show that the proposed construction meets all of the requirements of this chapter the zoning administrator shall, prior to the issuance of the zoning permit, make an inspection of the site to determine that the actual location of all existing or proposed buildings or structures, parking areas, buffer strips etc. are located as shown on the plans. If the services of the town engineer or of a registered land surveyor are required to assure that the actual locations, on the ground, are as shown on the plans, the cost of this service shall be paid by the applicant prior to issuance of the zoning permit. Any such charges shall be in addition to the normal charges for such zoning permit. After the zoning administrator finds that the plans and on-site locations meet the requirements of this chapter, the administrator shall issue a zoning permit stating that the proposed construction, if built as located, meets the provisions of this chapter and that the applicant can apply for building and other permits. When reviewing proposed uses of land related to new commercial, industrial or multi-family residential development, or uses which require the issuance of or an amendment to a special use permit or the adoption of a conditional zoning district, the planning director shall coordinate an evaluation of the proposed development with a technical review committee consisting of members of individual municipal departments, including but not limited to the Fire Marshal and Public Works Director or their designees, who may offer expertise on the proposed development. The technical review committee shall offer an opinion on the proposed development to the Planning and Zoning Board and Town Council based upon the committee's findings or compliance with various sections of municipal ordinance and relevant federal and state laws, rules and regulations.

Explanatory note: While it may be obvious that a proposed building or structure to be located on a large tract of land meets the setback requirements by simple observation, actual field measurements would be required to determine compliance on a typical residential lot. All such measurements must be made from actual property or right-of-way lines using property corner or right-of-way markers. It may be assumed that the paved portion of any street or alley is in the center of the right-of-way for this purpose only if the right-of-way of record cannot be otherwise established by actual surveys.

- (3) *County permits required.* After the zoning permit is approved and issued, the applicant shall apply to the Buncombe County Permits and Inspections Department, or any successor thereto, for building, plumbing, electrical or other required permits. If such permits are not issued within 60 days after issuance of the zoning permit, the zoning permit shall become invalid.
- (4) *Construction progress.* If no substantial construction progress has been made within 180 calendar days of the date of the issuance of the zoning permit, or if work is suspended for 365 calendar days, the zoning permit shall become invalid; provided, however, the zoning administrator may extend the time for substantial construction progress to be made by up to 180 calendar days, for good cause shown. This provision shall not be applicable, however, for time periods for projects in conditional zoning districts, which shall be governed by subsection 36-84(e), or special use permits, which shall be governed by article IX.

3. Concerning mixed use development in the C-1, C-2, and R-12 zoning districts:

Code Section 36-105 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
MISCELLANEOUS USES							
Mixed-Use Building or Structure	-	-	-	E PS	E PS	E PS	-

Code Section 36-140 is hereby added:

Sec. 36-140. – Mixed-Use Building or Structure.

(a) Additional Standards applicable only within the R-12 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 or C-2 Zoning District.
2. The dimensional requirements for the R-12 zoning district and additional standards for the use defined as dwelling-multifamily (more than 4 units/per building are also fully applicable to the use defined mixed-use building or structure.
3. In no case shall the number of dwelling units exceed 12 units per acre.
4. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
5. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
6. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - a. All containment areas shall be enclosed to contain windblown litter.
 - b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe

County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.

- e. Enclosures shall contain gates to allow for access and security.
- f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
- g. Enclosures shall be landscaped in accordance with article VI of Chapter 36.

(b) Additional Standards applicable only within the C-1 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 Zoning District.
2. In no case shall the number of dwelling units exceed 4 units per building notwithstanding the latter permissible density bonus for additional off street parking places provided.
3. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
4. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
 - a. A waiver of the foregoing requirement may be achieved in writing from the Town Manager or their designee upon showing of good cause. Factors for consideration include but are not limited to available space on the subject property, or any variable related to the public health or safety.
5. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - b. All containment areas shall be enclosed to contain windblown litter.
 - c. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - d. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - e. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
 - f. Enclosures shall contain gates to allow for access and security.
 - g. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - h. Enclosures shall be landscaped in accordance with article VI of Chapter 36.
6. Within the C-1 Zoning District additional dwelling units may be permitted up to a maximum of eight dwelling units per building provided the property owner provide off street parking in addition to those spaces required by Article VII of this Chapter at a ratio of two spaces per additional dwelling unit.

(c) Additional Standards applicable only within the C-2 zoning district for uses defined mixed use building or structure.

1. Dwelling units are only permissible on the second or higher floor of any structure where the ground floor or street level floor is occupied by a use or uses otherwise permitted by right or with additional standards or by a conditional zoning district in the C-1 or C-2 Zoning District.
2. The dimensional requirements for the C-2 zoning district and additional standards for the use defined as dwelling-multifamily (more than 4 units/per building are also fully applicable to the use defined mixed-use building or structure.
3. In no case shall the number of dwelling units exceed 8 units per acre.
4. Street lighting requirements made necessary by section 36-26 are fully applicable to the use of mixed use building or structure as defined in section 36-5 except that such requirements are hereby modified to provide the following:
 - a. All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - b. Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - c. The exterior lighting plan shall be subject to review and approval by the town's zoning administrator prior to installation.
5. The collection and disposal of garbage and household trash accumulated at mixed use buildings or structures shall be the responsibility of the owner of the land on which the building is located. Likewise, yard trash, tree and shrubbery trimmings and household appliances shall be collected and disposed of by the owner of the land.
6. All containment devices for trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - a. All containment areas shall be enclosed to contain windblown litter.
 - b. Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - c. Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - d. Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access. Enclosures shall contain gates to allow for access and security.
 - e. Enclosures shall contain gates to allow for access and security.
 - f. Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - g. Enclosures shall be landscaped in accordance with article VI of Chapter 36.

4. Concerning mandated notices for quasi-judicial matters, Code Section 36-329 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 36-329. - Hearings and notices.

- (a) *Hearing* . The zoning board of adjustment shall hold a public hearing and enter a written decision on all matters upon which it is required to decide under this chapter. The public hearing shall be held within ~~30 days~~ 45 days after receipt by the town clerk of an application for a special use permit or variance or a notice of appeal, unless otherwise agreed to by the applicant. The board shall follow quasi-judicial procedures when deciding appeals, requests for variances and requests for special use permits. The board shall decide the matter within 60-days after the conclusion of the hearing. Upon a

hearing before the zoning board of adjustment, any party may appear in person, or by agent, or by an attorney.

- (b) *Notice* . ~~Notice of the time and the place of the public hearing shall be published weekly for two consecutive weeks in a newspaper of general circulation in the town. The first weekly notice shall be published not less than ten days nor more than 25 days before the date fixed for the public hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.~~ Notice of hearings shall be mailed to the person or entity whose appeal, application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing ~~and to all property owners within 500 feet of the property boundaries even if their property is not abutting~~. Notice to such persons or entities must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, a notice of hearing shall be prominently posted on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- (c) *Oaths* . The chair of the board of adjustment or any member temporarily acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a class 1 misdemeanor.
- (d) *Subpoenas* . The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. § 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the general court of justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

5. Concerning streets and parking:

Code Section 25-111 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 25-111. - Streets.

- (a) *Type of street required*. All subdivision lots shall abut on a "public" street as herein defined or on a "private" street with reference to which there is a duly recorded maintenance agreement as provided for in this chapter. All public streets may be dedicated to the town or to the state. All public and private streets shall be built to the standards ~~of this chapter~~ established in Chapter 24 and all other applicable standards of the town and the state department of transportation, whichever is the more restrictive standard.

A written maintenance agreement providing for maintenance of the street until it is added to the town or state highway system shall be included with the final plat. Such agreement shall be recorded as provided for in other sections of this chapter.

- (b) *Subdivision street disclosure statement*. All streets shown on the final plat shall comply with the provisions of G.S. 136-102.6 and a designation as "public" shall be conclusively presumed to be an offer of dedication to the town or state. Where streets are offered to be dedicated but are not finally accepted into the town or state system, before lots are sold, a statement explaining the status of the street shall be included on the final plat.
- (c) *Access to adjacent properties*. Where, in the opinion of the planning and zoning board and/or the town council, it may be necessary to provide for public street access to an adjoining property not within the

subdivision proposed streets shall, as allowed by law, be extended by dedication to the boundary of such public adjoining property and a temporary turnaround provided. The extension dedicated shall have the same right-of-way width as the street being extended.

(d) ~~Nonresidential streets. The subdivider of a nonresidential subdivision shall provide streets constructed in accordance with I.F. 4 of the North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, and the standards in this chapter, whichever are stricter in regard to each particular item.~~

(e) ~~Design standards. The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the state department of transportation, division of highways, which are patterned on the American Association of State Highway Officials (AASHO) manuals. The North Carolina Department of Transportation, Division of Highways Subdivision Roads Minimum Construction Standards, July 1, 1985, as amended, shall apply for any items not included in this chapter, or where they may be stricter than this chapter.~~

(f) ~~Other requirements.~~

(1) ~~Through traffic discouraged on residential collector and local streets. Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Provision shall be made for the free flow of traffic so as not to cause undue congestion. All streets shall be designed or walkways shall be dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.~~

(2) ~~Sidewalks. Sidewalks may be required as provided in Sec. 36-24, by the planning and zoning board or the town council on one or both sides of a street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas, or in other areas as deemed appropriate by the planning and zoning board or by the town council. Such sidewalks shall be constructed to a minimum width of five feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be within the street right of way, unless the subdivision is platted as a planned unit or group development. Sidewalks shall consist of a minimum of eight inches of concrete at driveway crossings and at handicapped ramps.~~

(3) ~~Street names. Street names shall be subject to the approval of Buncombe County E-911 Addressing. Proposed streets which are in alignment with existing streets and which will constitute extension of the existing street shall be given the same name as the existing street. In assigning new street names, duplication of existing names shall be avoided. In no case shall a proposed street name be phonetically similar to an existing street name used in Buncombe County irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the planning and zoning board and/or the town council.~~

(4) ~~Street name and other signs. All subdividers shall be required to provide and erect street name signs to town standards at all intersections within the subdivision. Subdividers shall also erect traffic control and directional signs in appropriate locations.~~

(5) ~~Permits for connection to state roads. An approved permit shall be required for connection to an existing state system road. Such permit shall be required prior to any construction on the street or road. A permit application may be obtained at the office of the nearest district engineer of the division of highways.~~

(6) ~~Offsets to utility poles. Poles for overhead utilities shall be located back from roadway shoulders, preferably a minimum of at least 30 feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of the curb.~~

(7) ~~ADA accessibility Ramps for handicapped persons. Where curbs are provided on streets or where curbs and sidewalks are constructed within any subdivision, any construction or reconstruction of such curbs and sidewalks shall be in full compliance with ADA accessibility standards, the provisions of G.S. 136-44.14 which sets forth standards for providing curb ramps or curb cuts for handicapped persons.~~

- (8) ~~Guard rails. Guardrails may be required in areas of danger where deemed appropriate by the planning and zoning board or by the town council. Guardrails must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code, whichever is stricter.~~
- (9) ~~Horizontal width for bridge decks. Bridges. Bridges must be constructed in accordance with the minimum standards for subdivisions as established by North Carolina Department of Transportation or the North Carolina Fire Prevention Code, whichever is stricter.~~
- ~~a. The clear roadway widths for new and reconstructed bridges serving two-lane, two-way traffic shall be as follows:~~
- ~~1. Shoulder section approach.~~
- ~~Under 800 ADT Design Year: Minimum 28 feet width face-to-face of parapets or rails or pavement width plus ten feet, whichever is greater.~~
- ~~800—2000 ADT Design Year: Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.~~
- ~~Over 2000 ADT Design Year: Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.~~
- ~~2. Curb and gutter approach.~~
- ~~Under 800 ADT Design Year: Minimum 24 feet face-to-face of curbs.~~
- ~~Over 800 ADT Design Year: Width of approach pavement measured face-to-face of curbs.~~
- ~~Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be three feet minimum, or greater if sidewalks are required.~~
- ~~b. The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-way traffic shall be as follows:~~
- ~~1. Shoulder section approach. Width of approach pavement plus width of usable shoulders on the approach left and right.~~
- ~~2. Curb and gutter approach. Width of approach pavement measured face-to-face of curbs.~~
- (10) Curbs and gutter. Street curbs and gutters must be constructed in accordance with the street standards established in Chapter 24. Curbs and gutters shall be provided where deemed necessary by the town council upon recommendation of the planning and zoning board, the street maintenance superintendent, and/or the town's consulting engineer in order to provide adequate drainage because of high traffic volume, poor soil conditions, or where other similar conditions or special problems exist which justify the necessity of curbs and gutters.

Code Section 36-176 is hereby amended as follows, with deleted language shown with strikethroughs and added language shown as underlined:

Sec. 36-176. - Off-street parking.

- (a) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. Each parking space shall have an all weather surface with


minimum dimensions of nine by 18 feet. The number of parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be provided with vehicular access to a street or alley.

[TABLE NOT CHANGED]

- (b) *Extension of parking space into a residential district.* Required parking space may not extend from a commercial (C-1 and C-2) use district or from a conditional use district (CZD) that contains any commercial or office use into any residential use district.
- (c) Notwithstanding the foregoing, no additional off-street parking other than the parking currently available in the C-1 central business district shall be required except where the structures currently located on an existing lot of record containing more than 1,875 square feet are razed and the lot of record is put to a new use in which event the parking regulations of section 36-176 shall be fully applicable to said property.
- (d) Joint use of parking lots. The required parking space for any number of separate uses may be combined in one lot, but the required number of spaces assigned to one use may not be assigned to another for use during the same hours.
- (e) Remote parking. For any use except residential, if the off-street parking spaces required by this division cannot be reasonably provided on the same lot on which the use is located, such spaces may be provided on any land within 800 feet walking distance of any entrance to such use, provided that the district use regulations for the district in which the remote parking spaces are located permit the use which the parking space serves.

- 6. 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.
- 7. These amendments shall be effective immediately upon adoption and immediately codified.

ADOPTED THIS the 20th day of May, 2020, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, May 18, 2020**

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/87513712738>

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, May 18, 2020, at 7:00 p.m. as an electronic video meeting via Zoom Meeting.

Councilmembers remotely present were: Mayor Al Root, Vice Mayor Doug Jackson, and Councilmembers Andrew Nagle, Dottie Sherrill, and Jeffrey McKenna. Councilmember Patrick Fitzsimmons joined the meeting at 8:10 pm.

Staff remotely present was: Town Manager Selena Coffey, Town Planner James Eller, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, 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

Councilmember Nagle made a motion to approve the agenda as presented. Councilmember McKenna seconded and in a roll call vote all voted in favor of the motion. Motion passed 4-0. Councilmember Fitzsimmons was absent for this vote.

3. Approval of Minutes

Councilmember Sherrill made the motion to approve the minutes from the April 27, 2020 Town Council Meeting as presented. Councilmember McKenna seconded the motion and in a roll call vote all voted in favor of the approval of the minutes. Motion passed 4-0. Councilmember Fitzsimmons was absent for this vote.

4. General Public Comment

Mayor Root noted that usually when the meetings are held at Town Hall we have the citizens go to the podium and speak for a maximum of three minutes, but with COVID-19 public health emergency we have had to allow public comment in writing in advance of the meeting. Public comments are to be limited to 450 words and the normal rule of decorum should be observed. Numerous public comments were received by email and in the Town's drop box. Mayor Root stated that all emails received have been given to Town Council for review and the Town Clerk read as many of the public comments as he could in the 18 minute public comment time limit in the chronological order they were received. Town Clerk Derek Huninghake mentioned that there were 33 public comment emails and a petition with over 135 signatures received, all of which are attached to these minutes. In the time allowed public comments from the following were read: 1) Nina Narozny and Barbara Adams at 35 Sandstone Drive, 2) Mary Parker at 31 Sandstone Drive, 3) John Rukavina at 31 Sandstone Drive, 4) Richard Coble and Lindsey Williford at 76 Loftin

Street, 5) Burt and Donna Anderson at 7 Duncannon Street, 6) Susan Waldman and William Swarts at 30 Robin Roost Road, 7) Steve and Frieda Cooper at 5 Duncannon Street, 8) Raymond and Bonnie Russolillo at 26 Robin Roost Road, 9) Gary and Pat Whitson at 61 Loftin Street, 10) Dee Lawrence and Diane Amos at 44 Sandstone Drive, 11) Claude Broach at 59 Loftin Street, 12) Sylvia Valois at 42 Loftin Street, and 13) the emailed petition from Mike Clifford at 48 Loftin Street with 135 signatures from residents of Creekside Village.

5. Consent Agenda

Vice Mayor Jackson moved for the approval of the Consent Agenda. Councilmember Sherrill seconded the motion and in a roll call vote all voted to approve all action requested in the Consent Agenda. Motion passed 4-0. Councilmember Fitzsimmons was absent for this vote.

A. Monthly Tax Report – Information Only

B. Approval of Final Subdivision Plat and Improvement Guarantee for Greenwood Park Phase I – Approved
Final Subdivision Plat and Improvement Guarantee of \$208,606.88 for Greenwood Park Phase I

C. Approval of FY 2019-2020 Audit Contract – Approved FY 2019-2020 Audit Contract

D. Amendments to Fee Schedule- Adopted amendments to 2019-2020 Fee Schedule with immediate effective date

6. Town Manager’s Report

Town Manager Coffey presented her Manager’s report to Council including 1) a reminder that the Public Hearing on the Fiscal Year 2020-2021 Budget will be held on Tuesday, June 9, 2020 at 6 pm; 2) the June Summer Music Series event has been cancelled, due to the COVID 19 situation; 3) we have had to cancel three Citizens Academy Sessions so far, but have scheduled a makeup for the Zoning and Coding Enforcement session by Town Planner James Eller via Zoom on May 28, 2020; and lastly, 4) as Town Council discussed at their last budget conversation, they asked staff to move forward on a Bike/Ped grant and she has a resolution in support of the application that Town Council will need to consider and take action on.

7. Discussion and Action Items

A. Public Street Commitment Applications

Town Manager Coffey noted that the following public street commitment applications have been timely submitted for Town Council review and possible action: (1) Weaver Village Way – Aldi, (2) Weaver Village Way – Hoopers Creek Storage/Firehouse Subs; (3) Weaver Village Way – Weaver Village Walk Residential Development; (4) Fox Lair Crossing – Camsyn Drive and Carden Drive; (5) Reems Creek Villages – Compass Park Drive, Al Dorf Drive, Governor Thomson Terrace; (6) Reems Creek Villas – Rabbit Ridge Drive; and (7) Creekside Village – Barnett Shoals, Loftin Street, Athena Avenue, Duncannon Street, Seneca Street, Robin Roost Road, Sandstone Drive. All of these applications were included in the agenda packet along with a staff analysis and recommendation. The Town Manager noted that the staff recommendation that is included is based upon current conditions.

- (1) Weaver Village Way – Aldi: Staff noted that this private street is a commercial street and the Town typically does not include commercial streets within its public street system. Also noted was that the recorded right-of-way for Weaver Village Way is only 36 feet in width where the Town’s standard is 45 feet. For these reasons staff is recommending that the public street commitment application be denied.
- (2) Weaver Village Way – Hoopers Creek Storage/Firehouse Subs: Staff noted that the same issues and recommendation apply for this section of Weaver Village Way.
- (3) Weaver Village Way – Residential Section for Weaver Village Walk: Staff noted that the recorded right-of-way for Weaver Village Way is only 36 feet in width where the Town’s standard is 45 feet. Additionally it was noted that the Town does not maintain any “islands” of public streets that must be

accessed by crossing private streets. For these reasons staff is recommending that the public street commitment application be denied.

Vice Mayor Jackson made a motion to accept staff's recommendations and deny the applications for public street commitment for all three (3) applications pertaining to Weaver Village Way. Councilmember Sherrill seconded the motion. In a roll call vote all voted in favor of the motion and the motion passed 4 to 0. Councilmember Fitzsimmons did not participate in this deliberation or vote.

- (4) Fox Lair Crossing: Staff's review of the streets showed that these streets were intended to be private and were not inspected and construction plans have not been located. Surface inspections indicated that there appears to be substantial repair work needed to bring the streets up to Town standards. There is also a gate that impedes public access. For these reasons staff recommended that public street commitment application be denied.
- (5) Reems Creek Villages: Staff's review of the streets indicates that there is a gate that impedes public access and that the developer opted to maintain the private street status to avoid repairs necessary to bring street construction up to Town standards. Surface inspections indicated that there appears to be substantial repair work needed to bring the streets up to Town standards. For these reasons staff recommended that public street commitment application be denied.
- (6) Reems Creek Villas: Staff's inspection of the street indicates that there are many issues that would need to be corrected and due to the age of the road construction this street would like be near the top of the street improvement schedule should it be accepted. Some of the lots are accessed via a 20-foot wide private right of way. For these reasons staff recommended that the public street commitment application be denied.

Councilmember Nagle made a motion to accept staff's recommendation and deny the applications for public street commitment for Fox Lair Crossing, Reems Creek Villages, and Reems Creek Villas. Councilmember Sherrill seconded the motion. In a roll call vote all voted in favor of the motion and the motion passed in a 4 to 0 vote. Councilmember Fitzsimmons did not participate in this deliberation or vote.

Councilmember Fitzsimmons joined the meeting at 8:10pm and was available for the presentation, discussion and deliberation of all of the following matters.

- (7) Creekside Village: Staff noted that it has been working with the developer over a period of months to establish an agreed upon proposal for the acceptance of the streets within Creekside Village. The Town's staff needs supplemental testing and inspection in order to determine that the Town's street standards have been complied with. The recommended supplemental testing and inspections is set out in a March 24, 2020, letter from the Town Manager to the developer. The developer asserts that the streets have been constructed to Town standards and objects to supplemental testing and inspection. The developer's letter to the Creekside Village homeowners dated May 11, 2020, was included with the agenda packet and a statement from Thomas Grella, the attorney representing Serrus Creekside LLC, was received and distributed to Town Council in advance of the meeting and is attached to these minutes. Additionally, Town Council received many public comments urging Town Council to accept these streets into the Town's public street system. All of those comments are included with these minutes.

Councilmember Nagle made a motion to accept the streets within the Creekside Village development (Barnett Shoals, Loftin Street, Athena Avenue, Duncannon Street, Seneca Street, Robin Roost Road, and Sandstone Drive) conditioned upon and subject to the supplemental testing and inspections as outlined by the Public Works Director with supplemental testing and inspection to occur within 3 months and any repair work to be

completed within 6 months thereafter. Councilmember McKenna seconded the motion. In a roll call vote all members voted in favor of the motion and the motion passed with a 5 to 0 vote.

B. Code Amendment – Chapter 24 – Streets

Town Attorney Jennifer Jackson reminded Town Council that at its January 27, 2020 meeting, staff reviewed some proposed amendments to the Town Code Chapter 24 concerning streets. The purpose of those amendments was to provide a policy and procedures for public streets within the Town’s public street system and to provide a procedure for private streets to be added to the Town’s public street system. The attached draft ordinance is consistent with Town Council’s direction at the meeting and she can answer any questions they may have. Town Attorney Jackson did note that since these amendments are being enacted under the Town’s police power no public hearing is required, but that there are a few related land development amendments related to this ordinance that would be eligible for action on May 20, 2020, since Town Council just held a public hearing on them.

Councilmember Sherrill made a motion to adopt the Ordinance Amending Town Code Chapter 24 Concerning Streets. Councilmember McKenna seconded the motion and in a roll call vote the motion passed by a unanimous vote of Council. Motion carries 5-0.

C. Action on Proposed Code Amendments Regarding Parking and Streets, Mandated Notices for Quasi-Judicial matters, and Mixed-Use Development in C-1, C-2, and R-12

Mayor Root noted that Town Council just held Public Hearings on Discussion Item C and by law Town Council must wait 24 hours before action can be taken to allow for additional public comment. He proposes that action on this item be taken back up for discussion and action on Wednesday, May 20, 2020 at 6:00 pm.

D. Action on Proposed CZD for Multi-Tenant Development at 20 and 30 Garrison Branch Road

As with the previous item, Mayor Root noted that Town Council just held Public Hearings on Discussion Item D, and by law Town Council must wait 24 hours before action can be taken to allow for additional public comment.

E. COVID-19 Update

Town Manager Selena Coffey gave an update and where the Town, County and State are with respect to COVID-19. Based on the Governor’s briefing on May 18, she thought that some action might be taken mid-week by the Governor. At this time, the Town of Weaverville is following the Governor’s orders.

Town Manager Coffey would like to provide \$10,000 to the Weaverville Business Association (WBA) to assist our local-owned small businesses. She is meeting with the WBA in the morning to discuss ways to hold the WBA accountable for the use of the \$10,000. Manager Coffey indicated that she and her staff are working on the application for the Coronavirus Relief Funds that are being distributed by the County. She said that some of those monies could be used to support businesses, including the \$10,000 that she is proposing to go to the WBA. Manager Coffey asked if there is Town Council support for this \$10,000 expenditure. *There was a consensus of Town Council that this was a good project for the Town as long as there was some accountability on the spending of the money by the WBA.*

F. Quarterly Report: Finance Department

Finance Officer Tonya Dozier presented the Quarterly Finance Report from January 1, 2020 – March 31, 2020 with charts summarizing Revenues and Expenditures that provide comparisons from previous years. These reports largely represent pre-COVID numbers so they will be useful in providing a comparison to show the financial impact of the pandemic. It is expected that our sales tax revenue will be down for the last quarter of the fiscal year, but those figures will not be out until after Sept 1. Finance Officer Dozier also provided updates on Capital Project Funds for both the Community Center Project and the Waterline Extension Project through April 2020, and how both projects recently had the first payments made on the construction phase.

G. Quarterly Report: Police Department

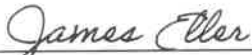
Police Chief Ron Davis provided a quarterly report with data from February 2020 – April 2020 and noted that in general police officer initiated activity is down since the emergency orders and social distancing are in effect. Overall the police responded to 2,302 calls during the quarter versus 2,807 from the same quarter last year. This represents a 18% decrease in activity. Drug offenses, traffic violations, citations issued, arrests and accidents are down, but business security checks have increased by 21% and health and welfare checks on citizens are up 24%. Shoplifting, larceny of goods, and trespassing are all trending upward. Crime in general is down and there has been no reported violent crimes such as robberies, rape, assaults, arson.

H. Quarterly Report: Fire Department

Fire Chief Ted Williams presented his departmental quarterly report from February 2020 through April 2020. There were 434 calls during this period with an average response time for all calls at 6:28 minutes. 6 child passenger seats were installed, 31 commercial businesses inspections were conducted and 8 fire prevention and education classes were conducted. Inspection reports were scanned into new software during the months of March and April.

8. Adjournment

Councilmember Nagle made the motion to recess the meeting to Wednesday, May 20, 2020, at 6pm, in order to discuss and take action on Discussion Items C and D and the Resolution in Support of the NCDOT Bicycle and Pedestrian Grant Application. Councilmember McKenna seconded and in a roll call vote all voted to adjourn the Council's meeting at 8:20 p.m. Motion passed 5-0. It was noted that the same remote meeting information will be used to access the meeting on May 20, 2020 at 6pm.



James Eller, Interim Town Clerk

Derek Huninghake

From: N Narozny <ppan9a@gmail.com>
Sent: Thursday, May 14, 2020 7:18 PM
To: Public Comment
Subject: Creekside Village Streets/Roads/Comments for Meeting on May 18, 2020

Dear Weaverville Mayors and Council Members:

We are writing to you regarding the acceptance of the roads/streets in Creekside Village. We want to impress upon you the importance of this decision. We strongly urge you to decide in favor of accepting our roads as part of the Town of Weaverville. We purchased property IN the Town of Weaverville. We are citizens of Weaverville, NC 28787, who are and have been paying taxes to the Town and all of its services. We moved into our home in August, 2018.

Please come to a solution for this matter. We are counting on you, the elected officials, to accept our community roads, so that all of us can move on in peace. We have watched the careful construction of these streets during the past two years. There have been certified surveyors and engineers here at every step. We ask that the Town take into consideration that the appropriate amount of our taxes should be used for the roads within our development. Please do not abandon this large group of Weaverville citizens!

We ordinarily would be present at the meeting to express our opinions and requests had we not been in the middle of this pandemic.

We appreciate your service. Stay well. Nina Narozny and Barbara Adams. 35 Sandstone Drive.

Thomas C. Grella - Presentation to Weaverville Town Council – May 18, 2020

RE: Serrus Creekside Application for Town of Weaverville to accept all Creekside Village streets into the Weaverville Street system

Good Evening. My name is Tom Grella and I am a partner in the McGuire, Wood & Bisette law firm. Our firm represents Serrus Creekside, LLC. In 2014 Serrus Creekside purchased the remaining real property contained in what is presently known as Creekside Village in Weaverville. The development commenced over five years earlier by a different developer, known as McMoon Manus. The original developer initially planned that the development would be made up of connected townhomes. The first townhome sold in the year 2009. All townhomes in the community are in what is known as Phase I of the development. Phase one, after being completed more than 50% by the original developer, simply stopped. The original developer presumably experienced financial difficulties, and between early 2011 and mid-2014, the project stood partially built with numerous unbuilt pads. In 2014 our client purchased the remaining pads in Phase I, as well as all the remaining undeveloped land. At the time of our client's purchase of the remaining land in the project, the Phase I roads had already been completed, and though title to the Phase I roads has not yet been conveyed to the HOA, the original developer, Moon McManus, filed a transfer of obligations for the Phase I roads to the HOA in 2011, three years prior to my client buying its interest in the project.

My client hired Sundog Development as its Development manager for the project, who has been on site all five years of my client's development of homes within Creekside. Sundog was contracted to build some of the roads within Phases 2 through 4 and Site Development Corporation was contracted to build some of the roads within Phases 2 through 4. As Development Manager, to help with the design of all of Phase 2 through 4 roads, Sundog hired two well respected, qualified and experienced engineering firms – Civil Design Concepts, or CDC and Kessell Engineering.

The covenants filed by the original developer of Creekside Village clearly indicate that unless and until the roads are accepted by the Town, they are private. Further, the plats of the property show the roads as private. Even so, my client planned to build the roads to the required specifications of the Town road system. My client has never guaranteed, and did not ever authorize any agent to guaranty, to anyone that the roads would be accepted by the Town. At the same time, my client had the unenforceable intention to build the roads to standards that would be acceptable to the Town. Because of this intention, my client understands that the contractors and engineers worked closely with the Public Works staff of the Town that existed at that time beginning in 2014, led by a now retired public works director. Regular meetings to inspect the roads as they were being improved were held, and town public works staff was not only invited to attend these meetings with the contractor and engineers, but usually did attend. We are advised that testing of the roads by my client's experienced and qualified engineers was done throughout development to assure that road construction standards were being achieved, and testing conducted during construction is much more economical than waiting until the end of the project. If the public works staff attending these meetings had any issue with the roads as they were constructed in Phases 2 through 4, they were surely given the opportunity to let my client's contractors know, so remedial action could be taken at that time, when doing so would be much less expensive.

Given that the roads have been tested all along, have been certified as complete and in accord with applicable standards relied upon and understood as applicable at the time my client saved this subdivision from the original developer's insolvency, my client has applied for the roads to be accepted into the Town system. Of course, my client would recognize that perhaps certain reasonable conditions of acceptance

of the roads be required by the Town, such as a reasonable punch list. For example, one condition that my client is aware of is that Duncannon Street is in need of repair. Our position is that the roads are properly constructed to standards, however as you can see from the picture you have been provided by the Town labeled Duncannon, my client has been advised that actually depicts road cracking and moisture as a result of an underground spring. My client's contractor does not deny the need, prior to completion of the development, to repair, replace and remedy this small portion of that one street. Further, even though my client is not responsible for the Phase I roads as some of the pictures provided depict, there may be areas of those roads that are identified that the Association membership may need to remedy. My client would hope and expect that correction of any such issues would be done like any other punch list items at the end of a project before final turn over, but that the punch list not include that after-the-fact unreasonable and extremely expensive testing of the whole project road system be conducted.

So, what my client would not agree to as a condition, and I can only speak for my client of course, is the extremely financially exorbitant testing that the Town now seems to desire to require at the end of the project. My client has generally been advised by its engineers that this testing is not needed, and would be very expensive to conduct. This simply is not fair to require, when my client's engineers have tested the roads all along, and the Town never originally mentioned this additional testing requirement back at the beginning of my client's involvement. Please understand that my client is not going to have this testing done and is not going to pay for it. This is not a new position, and they have made this very clear to the members of the Association. The current Town public works director has determined not to rely on the certifications of the quite qualified and knowledgeable engineers that my client has had working on this project, and which have been willing to sign their names and reputations too in certifications that the Town has copies of.

It is up to the Town Council to decide whether or not it is fair and reasonable to apply a new standard as to testing where the developer has relied on the past handling and procedures of Town agents and authorities, as it regards these constructed roads.

We hope the Town will not so require and will instead accept the application that has been made by Serrus Creekside LLC without such a testing condition being imposed.

Thank you

Derek Huninghake

From: N Narozny <ppan9a@gmail.com>
Sent: Thursday, May 14, 2020 7:18 PM
To: Public Comment
Subject: Creekside Village Streets/Roads/Comments for Meeting on May 18, 2020

Dear Weaverville Mayors and Council Members:

We are writing to you regarding the acceptance of the roads/streets in Creekside Village. We want to impress upon you the importance of this decision. We strongly urge you to decide in favor of accepting our roads as part of the Town of Weaverville. We purchased property **IN** the Town of Weaverville. We are citizens of Weaverville, NC 28787, who are and have been paying taxes to the Town and all of its services. We moved into our home in August, 2018.

Please come to a solution for this matter. We are counting on you, the elected officials, to accept our community roads, so that all of us can move on in peace. We have watched the careful construction of these streets during the past two years. There have been certified surveyors and engineers here at every step. We ask that the Town take into consideration that the appropriate amount of our taxes should be used for the roads within our development. Please do not abandon this large group of Weaverville citizens!

We ordinarily would be present at the meeting to express our opinions and requests had we not been in the middle of this pandemic.

We appreciate your service. Stay well. Nina Narozny and Barbara Adams. 35 Sandstone Drive.

Derek Huninghake

From: marysparker@frontier.com
Sent: Friday, May 15, 2020 4:06 PM
To: Public Comment
Subject: Request for comments to be entered into the record of the public hearing May 18th
Attachments: 450 word version.docx

Please see that the attached (which is exactly 450 words) is entered into the public record at the public hearing on May 18th regarding the acceptance of streets by the Town of Weaverville.

Thank you!

Mary S. Parker
31 Sandstone Drive
Weaverville NC 28787
marysparker@frontier.com
(828) 484-8711

Comment for Public Hearing – May 18th – Acceptance of Streets in Creekside Village:
Mary S. Parker (co-owner 31 Sandstone Drive)

With respect to streets in Creekside Village, the Town has failed to provide residents with the same protection as would have applied in an unincorporated area. Had Creekside Village been in an unincorporated area, under NC General Statute §136-102.6(f), the seller/developer would have had to clearly identify subdivision streets as public or private “up front” in the real estate transaction process.

The developer’s sales agent stated Creekside Village streets were public. Buyers were assured that acceptance had not already occurred only because the Town would do so only after the entire subdivision had been completed. The developer even filed a site plan last year with the Board of Adjustment that labeled all streets as “public.” **The expectation that streets would be maintained by the Town for items such as snow removal yielded higher selling prices and a higher tax base for the Town than would have otherwise been the case.**

In the context of the BOA request, residents became aware that Town administration was relying on undocumented comments, made earlier by Town workers, that the streets were not constructed according to state standards, and that a recommendation was going to the Mayor and Council that the streets NOT be accepted when completed.

For Town staff to have knowingly allowed streets within its jurisdiction that purported to be constructed to state standards to be in violation of those standards, and to have taken absolutely no action to document the problem and/or to address the problem with the developer is unconscionable.

This failure of Town staff to document alleged substandard construction errors has also effectively precluded residents’ legal recourse against the developer. (Note: the developer disagrees that problems were identified and asserts that previous Town staff would have recommended acceptance of the streets.)

Because the Town has no documentation, current photographs of pavement imperfections are used to suggest substandard construction. Some are of pavement cuts made to connect water-lines or other utilities for new streets or residences, have nothing to do with pavement failures, and are non-applicable to this issue.

The Town’s apparent refusal to accept the Creekside Village streets unless a cost-prohibitive core-sampling program is undertaken at someone’s else expense seems designed to raise the bar to street acceptance so high that it cannot be met. It appears that the Town is simply trying to avoid taking on the cost of routine street maintenance, such as snow removal – and in an area where the tax revenue per street mile ratio is far better than average.

It is a fundamental issue of fairness for the Town to accept the streets in the Creekside Village development, subject to the developer correcting agreed-upon problem with a spring deteriorating a street in one area.

Derek Huninghake

From: jrukavina@frontier.com
Sent: Friday, May 15, 2020 4:09 PM
To: Public Comment
Subject: Public comment for May 18th public hearing on acceptance of streets
Attachments: Comment for Public Hearing.docx

Please have the following recorded as an official public comment at the May 19th public hearing regarding the acceptance of streets by the Town of Weaverville.

Thank you.

John Rukavina
31 Sandstone Drive
Weaverville NC 28787
jrukavina@frontier.com
(828) 606-2550

Comment for Public Hearing – May 18th – Acceptance of Streets in Creekside Village
John D. Rukavina (co-owner 31 Sandstone Drive)

I would like the Mayor and Town Council to answer the following questions publicly before voting on whether or not to accept the streets in Creekside Village:

#1. How many applications to take over streets were received in response to the city's recent solicitation for applications to take over private streets?

#2. How many street miles did these applications represent?

#3. How many street miles in the applications currently had curb and gutter, storm water management systems, and sidewalks installed?

#4. How many street miles in applications had certified statements by state-licensed professional engineers that the streets were constructed to state standards?

#5. For the streets in any applications other than for Creekside Village streets did the Town orally – or otherwise - allege that state standards were not being following in street construction but fail to document these findings, thereby putting future property owners at risk and precluding their ability to hold the developer accountable for performing as claimed?

Derek Huninghake

From: Richard Coble <rcoble@gcpcusa.org>
Sent: Saturday, May 16, 2020 1:09 PM
To: dsherrill452@gmail.com; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Public Comment
Subject: Creekside Village Roads

Dear Members of the Weaverville Town Council,

Our family of 3, now going on 4, bought and moved into our home at 76 Loftin Street in the Creekside Village neighborhood in the summer of 2017. Though both of our jobs are in Asheville, we decided to move to Weaverville because we fell in love with this small town and this community. We are now deeply saddened and troubled by the current impasse between the town government and Serrus building company over the roads in our community.

As residents, we are outsiders to this dispute, and frankly, to a layman, it looks like while there are some legitimate issues, the dispute has led to quite a lot of posturing, jargon, and misunderstandings. In the midst of it, the residents of Creekside Village, not Serrus, are the ones being hurt. We feel powerless, overlooked, and taken advantage of by both our builders and our town. We feel like our well-being and our interests are not being taken as the primary concern in this dispute. We pray that the town and Serrus can come to a workable solution that will allow the town of Weaverville to incorporate the roads of Creekside Village. This is in the best interest of the citizens of this town and, in the long run, it will be in the best interest of the town and the wider community, because it will enable this neighborhood to continue to thrive in the years and decades to come. We are proud residents of Weaverville. We hope that this town will continue to do all it can to care for us and our children.

Thank you for your work and dedication to our town and for your attention to this important issue.

Peace,
Richard Coble and Lindsey Williford
76 Loftin St., Weaverville, NC

--
Rev. Richard Coble, PhD
Associate Pastor
Grace Covenant Presbyterian Church
789 Merrimon Ave., Asheville, NC 28804
828.254.3274
gcpcusa.org

Derek Huninghake

From: Burt Anderson <burtanderson@charter.net>
Sent: Saturday, May 16, 2020 4:07 PM
To: Public Comment
Subject: Town Hall Meeting, May 18, 2020

To: Weaverville Town Council

We recently purchased a new home in Creekside Village, with the understanding that we would be residents of, and taxpayers to the town of Weaverville. It is distressing to hear that Weaverville may not want the responsibility of maintaining our streets, even though they are in the city limits.

We hope that you will reconsider your position, for your new residents and taxpayers here in Creekside Village.

Sincerely,

Burt and Donna Anderson
7 Duncannon Street
Creekside Village
Weaverville, NC 28787

Derek Huninghake

From: Susan <susan.waldman@gmail.com>
Sent: Sunday, May 17, 2020 9:39 AM
To: Public Comment
Subject: Adoption of roads in Creekside development

The town of Weaverville would be placing an undue and onerous burden on the residents of Creekside, (many of whom are retired) if it does not incorporate the Creekside development into road maintenance. Unless, of course, taxes are reduced by the amount of the increase in our HOA fees needed to maintain roads ourselves.

This is an equivalent of "taxation without representation" in that it is taxation without receiving equable services that other property owners are entitled to. It appears that the town may have been derelict in their duty to ensure that road were built in accordance with their requirements and therefore, should not have allowed the county to issue certificates of occupancy if roads leading to the homes are unsafe. Differential treatment of town residents is the outcome if the town refuses to maintain our roads.

It is discriminatory and punitive to have the town benefit greatly by the additional tax base, while refusing to provide all services that residents are entitled to.

And why would any slight deficiencies in the roads, (if there are indeed any) interfere with road maintenance.? And where is the town's documentation that provides a clue to oversight during road construction?

We demand that the town fulfill its responsibilities to all its residents.

Susan Waldman and William Swarts

Derek Huninghake

From: Mike Clifford <mcliffoh@gmail.com>
Sent: Sunday, May 17, 2020 10:52 AM
To: Public Comment; Al Root; Doug Jackson; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Dottie Sherrill
Subject: Creekside Roads Petition
Attachments: Creekside Roads Petition.pdf

Town of Weaverville-

I have attached a pdf of a signed petition from the residents of Creekside Village requesting that our roads are adopted as town roads. 135 residents (of voting age) have signed this petition or have submitted letters and emails supporting this petition.

I request that both the petition and the names of signees be read at the Town Meeting on Monday May 18th one by one. While I recognize this will take a bit of time, our voices deserve that time.

Please acknowledge receipt of this email.



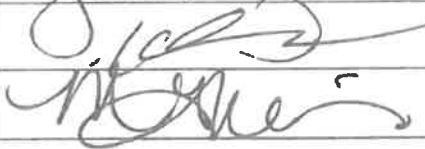


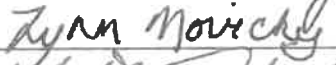






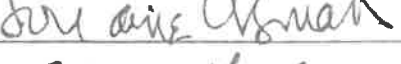




Thank you,

Mike Clifford
48 Loftin St.

Petition

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- If there were mistakes made by staff in not keeping appropriate documentation, as constituents of the Town Council, we should not be forced into defacto double taxation to maintain our streets.

Name	House #	Signature
LOFTIN		
Blake Griggs	17 Loftin	
Anna Stefanidis	18 Loftin	see email
Harry Stefanidis	18 Loftin	see email
Gerrie Zimmer	19 Loftin	
Alan Theisen	21 Loftin	
Misty Theisen	21 Loftin	
Melanie Grooms	23 Loftin	
Richard Novicky	24 Loftin	
Lynn Novicky	24 Loftin	
Michael Thornhill	25 Loftin	
Tracey Thornhill	25 Loftin	
Rosemary Jackson	26 Loftin	
Engene Makela	26 Loftin	
	27 Loftin	
Rita Jane Gump	28 Loftin	
Elizabeth Olwell	29 Loftin	
Bill Asman	30 Loftin	
Lorraine Asman	30 Loftin	
Homer Warters Jr.	31 Loftin	
Faye Huey	32 Loftin	
James Huey	32 Loftin	
Joe Fracy	33 Loftin	


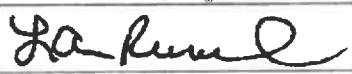

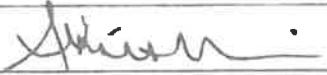


Name	House #	Signature
Stephanie Frady	33 Loftin	Stephanie Frady
Frank Cox	34 Loftin	Frank Cox
Randi Dudder	34 Loftin	Randi Dudder
Franklin Rogers	35 Loftin	see email letter !!
	36 Loftin	
Gary Upp	37 Loftin	Gary Upp
Delores Upp	37 Loftin	Delores Upp
Linda Snyder	38 Loftin	
Wilma Witham	41 Loftin	Wilma Witham
Earl Valois	42 Loftin	Earl Valois
Sylvia Valois	42 Loftin	
Donal Kenney	44 Loftin	Donal Kenney
Gino Dibenedetto	44 Loftin	Gino Di Benedetto
Brenda Jones-Rafferty	45 Loftin	Brenda Jones-Rafferty
Ed Henderson	46 Loftin	Ed Henderson
Barb Henderson	46 Loftin	Barb Henderson
Alice Higgins	47 Loftin	Alice Higgins
Mike Clifford	48 Loftin	Mike Clifford
Doris Wright	48 Loftin	Doris Wright
Joy McKey	49 Loftin	Joy McKey
William Russell	50 Loftin	
Lisa Hultman	51 Loftin	Lisa Hultman
Joe Knauer	53 Loftin	Joe Knauer & Sara Knauer

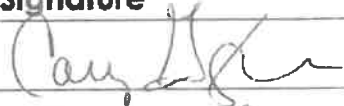



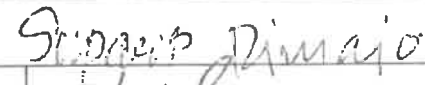
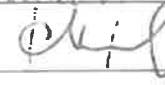

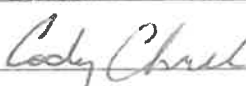

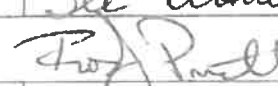
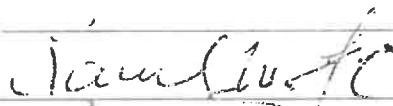

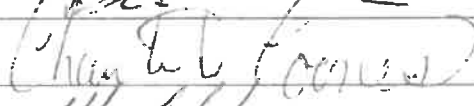

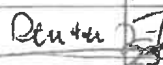

Sara Knauer 53 Loftin

Sara Knauer

Name	House #	Signature
Sara Knauer	53 Loftin	see the list.
Gary Athelstan	54 Loftin	Gary Athelstan
Gail Yuhasz	54 Loftin	Gail Yuhasz
Wendy Criqui	55 Loftin	see letter
Mike Criqui	55 Loftin	see letter
John Isgrig	57 Loftin	John Isgrig
Lynn Isgrig	57 Loftin	Lynn Isgrig
Sue Long	58 Loftin	Sue Long
Dave Long	58 Loftin	David Long
Sallie Broach	59 Loftin	Sallie Broach
Claude Broach	59 Loftin	Claude Broach Jr
Gary Whitson	61 Loftin	Gary Whitson
Pat Witson	61 Loftin	Pat Whitson
Linda Engwall	64 Loftin	Linda M. Engwall
Lucy Dilworth	65 Loftin	A. C. Dilworth
Bill Mobley	67 Loftin	W. C. Mobley
Rhonda Mobley	67 Loftin	Rhonda Mobley
Sherrill Zoller	68 Loftin	Sherrill Zoller
Ted Zoller	68 Loftin	Ted Zoller
Greta Hillin	69 Loftin	Greta Hillin
Nan Fiedler	72 Loftin	Nan Fiedler
Jeff Zuck Jeff Zuck	72 Loftin 65 Loftin	
Paul De Crosta	73 Loftin	Paul De Crosta





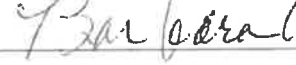
Name	House #	Signature
Jim Metlicka	73 Loftin	<i>James Metlicka</i>
Lindsey Williford	76 Loftin	<i>Lindsey Williford</i>
Richard Coble	76 Loftin	<i>Richard Coble</i>
Frank Nullet	78 Loftin	<i>Francis Nullet</i>
DUNCANNON		
Elaine Stein	2 Duncannon	<i>Elaine Stein</i>
Robert Stein	2 Duncannon	<i>Robert Stein</i>
Steve Warren	3 Duncannon	<i>Steve Warren</i>
Jeni Warren	3 Duncannon	<i>Jeni Warren</i>
Frieda Cooper	5 Duncannon	<i>Frieda Cooper</i>
Steve Cooper	5 Duncannon	<i>Steve Cooper</i>

Name	House #	Signature
ATHENA		
Wendy Donlon	1 ATHENA AVE	
Charles Donlon	1 ATHENA AVE	
Nathan Marcho	2 ATHENA AVE	
For sale	3 ATHENA AVE	see email
Laura Russell	4 ATHENA AVE	
Mary Elrod	5 ATHENA AVE	
Scott Macrae - moved?	5 ATHENA AVE	
Melissa Zimmer	6 ATHENA AVE	
Robert McMearty	7 ATHENA AVE	
Wendy Balot	9 ATHENA AVE	
Joan Dinerman	11 ATHENA AVE	
Jeffrey Richardson	15 ATHENA AVE	see email
Helen Richardson	15 ATHENA AVE	
Annette Medalie	17 ATHENA AVE	
William Sanders	19 ATHENA AVE	
BARNETT SHOALS		
ZINAIDA KLIMOVITCH	1 BARNETT SHOALS DR	
ANNA KAZANTSEV	1 BARNETT SHOALS DR	
?	3 BARNETT SHOALS DR	see email
Jessica Cunningham	5 BARNETT SHOALS DR	
Britten Barry	5 BARNETT SHOALS DR	
Jeremy Gregory	7 BARNETT SHOALS DR	

Name	House #	Signature
Cary Gagliano	9 BARNETT SHOALS DR	
Jennifer Maurer	10 BARNETT SHOALS DR	
Courtney Banks	11 BARNETT SHOALS DR	
Isaiah Banks	11 BARNETT SHOALS DR	
Suparp Dimaio	12 BARNETT SHOALS DR	
Kelly Russell Luke Williams	14 BARNETT SHOALS DR	
Marie Bowers	15 BARNETT SHOALS DR	
Stefan Nolet	16 BARNETT SHOALS DR	see letter from home owner
Annelle Neeley	17 BARNETT SHOALS DR	
Cody Cheek	18 BARNETT SHOALS DR	
Alexandria Jordan Kodek	18 BARNETT SHOALS DR	
Jan Alloway	19 BARNETT SHOALS DR	See attached email
Rodney Pruett	20 BARNETT SHOALS DR	
Ginger Schantz	21 BARNETT SHOALS DR	See attached email
Keith Schantz	21 BARNETT SHOALS DR	See attached email
Tim Kennedy	22 BARNETT SHOALS DR	
Laurel Frick	22 BARNETT SHOALS DR	
Brian Harris	22 BARNETT SHOALS DR	
Chantelle Coones	23 BARNETT SHOALS DR	
Michael Coones	23 BARNETT SHOALS DR	
Rachid Cheriet	23 BARNETT SHOALS DR	
Ali Salama	25 BARNETT SHOALS DR	
Samira Salameh	25 BARNETT SHOALS DR	

Name	House #	Signature
? Rashid Chertot	27 BARNETT SHOALS DR	see Letter from Circum
Chad Donnahoo	28 BARNETT SHOALS DR	_____
Cara Natkin	30 BARNETT SHOALS DR	See attached email
Roberto Novoa	32 BARNETT SHOALS DR	_____
Deborah Clark	34 BARNETT SHOALS DR	_____

~~Rashid Chertot~~
 Michael W Schoenen 19 Barnett Shoals Dr.
 Martha H. Schoenen 19 Barnett Shoals Dr.
 Laura West 27 Barnett Shoals
 Michelle Deuko 16 Barnett Shoals

Name	House #	Signature
SANDSTONE		
For Sale	7 Sandstone	
Sonia Kapur	8 Sandstone	See email
Toni Soloperto	12 Sandstone	Toni Soloperto
Laura Uber	12 Sandstone	Laura Uber
Margaret Davis	16 Sandstone	Margaret Davis
Bill Cosgrove	16 Sandstone	W. Cosgrove
For Sale	20 Sandstone	
Lisa Sygnature-Causer	26 Sandstone	Lisa Sygnature-Causer
Bob Doucette	30 Sandstone	Bob Doucette
Suzanne Fix	30 Sandstone	Suzanne Fix
Mary Parker	31 Sandstone	Mary Parker
John Rukavina	31 Sandstone	 Rukavina
For Sale	32 Sandstone	
Barbara Stickle	34 Sandstone	Barbara Stickle
Marty Stickle	34 Sandstone	Marty Stickle
Nina Narozny	35 Sandstone	Nina Narozny
Barbara Adams	35 Sandstone	Barbara Adams
Suzanne Booth	36 Sandstone	
Larry Rollins	37 Sandstone	Larry Rollins
Camille Rollins	37 Sandstone	Camille Rollins
Vivian Ellner	38 Sandstone	Vivian Ellner
Jim Theobald	38 Sandstone	Jim Theobald

Name	House #	Signature
Natalie Stanley	41 Sandstone	<i>[Signature]</i>
Jimmy Winker	40 Sandstone	<i>[Signature]</i>
Stephanie Winker	40 Sandstone	See attached email
Nancy Saidman	42 Sandstone	<i>[Signature]</i>
Bruce Saidman	42 Sandstone	<i>[Signature]</i>
Diane Amos	44 Sandstone	<i>[Signature]</i>
Dee Lawrence	44 Sandstone	<i>[Signature]</i>

Michelle Rippon 40 Sandstone
 Laura West 27 Barnett
 Ruth Reynolds 3 Athena Ave
 Leslie Hovick
 Nancy Ladd 41 Sandstone
 Richard Ladd
 Fred Deuca 36 Hoffman

See attached letter

Petition

We, the undersigned voters, taxpayers or homeowners of Creekside Village in the Town of Weaverville, request that the Town Council of Weaverville accept our streets as public.

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- We relied on the good faith and appropriate documentation by the staff of the Town of Weaverville to do what was necessary to ensure this result.
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- It is to the advantage of the Town of Weaverville with the high price of these homes that making the streets public will not only increase the tax base by increasing the value of the homes, but allow the school busses to enter the development.
- If there were mistakes made by staff in not keeping appropriate documentation, as constituents of the Town Council, we should not be forced into defacto double taxation to maintain our streets.

Ann B. Morrison
3 Barnett Shoals Dr.
Weaverville, NC
28787

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Michelle Demko

116 Barnette Shoals Dr

Petition

84 Peachtree Road
Suite 230
Asheville, NC 28803

m 828.333.4218
d 828.333.5010
f 828.277.5138
c 828.775.1677

A wider lens on workplace law

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in the Town of Weaverville, request that the Town Council of Weaverville
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Michelle Rippon (HO Sandstone)

*I live in Pinebrook, Iowa. We have the same
issue with having to pay for road maintenance
increasing HOA dues and you absolutely do not
want to be in that position.*

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Laura West

*27 Barnett Shoals Dr.
Creekside*

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Ruth Reynolds
Leslie Steele

3 Athena Ave

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Jeffrey Richardson
15 Athena Ave.

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Nancy Ladd
N C Ladd
41 Sandstone

Dear Creekside Village Homeowner,

Because we do not have your email, we are mailing you this important notice about our streets in Creekside Village so that you can have a voice. We are currently knocking on all the doors of the units in Creekside to get signatures for the petition (attached), which is a request to the Town of Weaverville to make our streets **Public**. We are meeting with the Town Council on February 24th to present this petition and if you would like to add your signature, please sign the petition and the unit you own and return it to me.

This issue is concerning to all of us homeowners or renters, because if the Town does NOT take over our streets, our assessments and rents will increase if we have to maintain our own streets. We were assured when we built here, that the Town would make them Public once the development was completed, and now that is in dispute.

So please...read the petition, sign it if you agree, and return it to me. The more signatures we have, the more power we have.

Thank you!

Diane Amos
44 Sandstone Drive
Weaverville, NC 28787

(I am collecting all of the signatures for our homeowner HOA Board).

Nancy + Richard LADD
41 SANDSTONE DR

FYI

Our Email is

RLADD3@BELLSOUTH.
NET

RLADD3@BELLSOUTH.NET

Petition

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1/9/20

Fred DeLuca 36 hoflin

Petition

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John Mangum

ROBIN MANGUM
35 LEFTY
WEAVERVILLE

1/26/2020

Petition for Creekside Village - famsamos1@gmail.com - Gmail

I am really sorry that I was not at home every time you stopped by. Please take this email as a confirmation of my support and signature for this petition.

Sorry for the inconvenience.

Thanks.
Sonia

Sonia Kapur
of Sandston

Jan 2, 2020, 9:52 PM (4
days ago)

Cara Natkin

to me

I agree with this email

Sent from my iPhone

30 Barnett Shoals

Jan 3, 2020, 2:42 PM (2
days ago)

Stephanie Winker

to me;

I agree to this petition in favor of making Creekside Village public to the town of Weaverville

Best regards,

Stephanie Winker (renter #40 sandstone)

Fri, Jan 3, 9:06 AM (2
days ago)

Jan Alloway

to me

I approve of the petition and would like to be included.

Jan Alloway

19 Barnett Shoals

Thu, Jan 2, 8:57 PM (3
days ago)

Ginger Schantz

to me

My husband and I are responding separately as two separate signatures.

Thank you,

Ginger Schantz

21 Barnett Shoals

Fri, Jan 3, 9:46 AM (2
days ago)

Anna Stefanidis

to me

Hartion & Anna Stefanidis, approves this petition.

Jan 3, 2020, 8:28 AM (2
days ago)

**mcricqui@centralpennsewing.co
m**

to me

Diane,

I agree with the petition. Please add my name .

Mike Criqui
55 Loftin St.
Weaverville, NC

Sat, Jan 4, 5:23 PM (1
day ago)

Wendy Criqui

to me:

Mike just said he approved of this petition so I'm also adding my name to the petition..

Thank you for keeping us in the loop..

The Criquis

Derek Huninghake

From: Frieda Setzer Cooper <cooperfs@frontier.com>
Sent: Sunday, May 17, 2020 11:30 AM
To: Public Comment
Subject: Creekside Village

We have lived in the city limits of Weaverville for almost 30 years. (Reems Creek Golf Course, Fortress Ridge on top of Hamburg Mtn. and Creekside Village) The reason we chose Creekside Village was that we expected to receive the basic town-maintained infrastructure. We pay the same taxes.

We urge you to vote to accept these existing roads into the Town system.

Thank you.

Steve and Frieda Cooper
5 Duncannon Street
Weaverville NC 28787

[Sent from Frontier Yahoo Mail on Android](#)

Derek Huninghake

From: Raymond Russolillo <shalomrr@icloud.com>
Sent: Sunday, May 17, 2020 12:44 PM
To: Public Comment
Subject: Public Comment Re: Road Acceptance by the Town of Weaverville

Dear Messrs. Root and Jackson and Members of the Weaverville Town Council:

We recently purchased a newly constructed home in the Creekside Village development in Weaverville and will be moving in [on May 19, 2020](#). This is the culmination of a long-term process that formally began in August 2018 when our home was just a vacant lot on an as-yet unnamed street in Phase IV of the development. Over the past couple of years our experience with the Town has been positive up to and including our experience with Town Manager Selena Coffey's office when we recently looked to her for guidance about moving in during the pandemic. We have also been extremely fortunate to be able to cultivate friendships with several people in the community in advance of our relocation. All in all, we are very much looking forward to our move next week.

Therefore, you can imagine our surprise and distress to learn of the controversy between the developer of the property, Serrus Creekside LLC and the Town over the transfer of the community's private roads from Serrus to the Town. After reading Ms. Coffey's letter of March 24, 2020 to Serrus' Stephen Mudge and Mr. Mudge's May 11, 2020 correspondence to the Creekside homeowners, we are left wondering how it is possible that interim inspections by the Town were inadequate to determine the suitability and quality of the road construction on a "real time" basis. It appears that the Town is discounting or disregarding whatever oversight was provided by former Director of Public Works Tony Laughter and his staff and that new standards are being applied to the road construction, requiring prohibitively expensive, "after the fact" testing by Serrus.

Our questions are simple and straightforward: How is it possible that the construction of a housing development with over 100 housing units, that has been in development for over a decade through two developers, has not passed interim inspections enabling the Town to confidently accept the roads into its system with adequate assurances of a 20 year life? How can the Town ignore the history of the developer's interactions with the former Director of Public Works? Why is the Town insisting on the completion of such expensive physical testing prior to its acceptance of the roads into its roadway system?

As homeowners, we expect and are entitled to certain basic Town maintained infrastructure. As far as we know, the homeowners of Creekside Village do not pay a discounted real property rate for residing on private roads. We therefore urge you to vote to accept these existing private roads into the Town system as soon as possible. Thank you.

Regards,

Raymond G. and Bonnie Russolillo
[26 Robin Roost Road](#)
[Weaverville, NC 28787](#)
[\(646\) 662-6852](#)

Derek Huninghake

From: Pat Whitson <gpwhitson@gmail.com>
Sent: Sunday, May 17, 2020 12:57 PM
To: Public Comment
Cc: djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna
Subject: Re: Creekside Roads

On May 17, 2020, at 12:50 PM, Pat Whitson <gpwhitson@gmail.com> wrote:

We are former residence of Perrion Avenue, which is a city street of Weaverville and very well maintained by the town. We sold our home on Perrion, in order to downsize our square footage and reduce management responsibilities of a substantially large residence and property. We knew we wanted to remain in Weaverville, which has been our home town since 1971 and desired to reside in a neighborhood where we had city streets, because of the excellent maintaince of the roads in our previous neighborhood. Creekside met all of our requirements for our future and we had no second thoughts.

At this time as Serrus is completing the development and over hundred homeowners have chosen to make their homes here, we find out the town of Weaverville has decided not to acquire the streets as city streets. This is an extreme disappointment to all of the voting and tax paying residence who were told that the streets were being built to the specifications of the Town of Weaverville. We understand that the engineers working with Serrus have submitted all required data to the town showing that they have constructed the streets to meet your specifications. If you are planning not to accept that data, it would be of interest for us to review inspections filed at the town, stating why the streets failed to meet your specifications.

We love living here and have always respected our town government but this is far from the message received concerning our new neighborhood. The amount of tax revenue being collected by the town from this neighborhood should be sufficient to maintain these new streets for years to come.

Weaverville, Do The Right Thing!

Gary and Pat Whitson
61 Loftin Street
828-231-0930
828-231-7648

Derek Huninghake

From: Diane Amos <famsamos1@gmail.com>
Sent: Sunday, May 17, 2020 1:28 PM
To: Public Comment
Subject: Creekside Village roads issue

Mayor Root and Council Members of the Town of Weaverville,

We, along with over 200 tax paying Weaverville citizens respectfully request that you approve the adoption of our Creekside Village roads.

We have two concerns: First, negligence by the Town of Weaverville. After all our attempts to negotiate and find a solution, it still remains that the Town was negligent in their responsibility to inspect the roads in the first place so that our roads COULD become Public. Ignoring the previous Director of Public Works recommendations is not right. It was discovered that in fact Phase 2 was inspected and approved, so why didn't the inspections continue? Anecdotal verbal stories by the Town is not documentation, yet our engineers have clear documentation that show the roads were constructed to the original standards.

Second - the cover up. Now the Town has "moved the goalposts" to arbitrarily set new standards that would be cost prohibitive to us. It appears that the Town was caught flat footed and realized their past mistakes, had no policy for this, and now are making Creekside Village pay for those mistakes. The cover up was "we never intended in the first place to make the roads public". This can be contested by the past Town of Weaverville Minutes showing otherwise.

We expected better. We hope that your sense of fairness and decency to do the right thing for your tax paying citizens will prevail and vote YES to adopt our roads. Our roads should be grandfathered in to the original standards which have been well documented by reputable engineers.

If you choose to vote No on adoption of the roads, you will have done a grave disservice to your many constituents. Our community of over 200 are well organized, had a petition drive (petitions are being submitted), and have a long memory and will remember this at the next Municipal election.

Dee Lawrence and Diane Amos
44 Sandstone Drive
Weaverville, NC 28787

Derek Huninghake

From: Claude Broach <seabro2@gmail.com>
Sent: Sunday, May 17, 2020 2:55 PM
To: Public Comment
Subject: 59 loftin st - i do not under stand why you will not do what is clearly the right thing for our roads . you just don' t seem to want to do what is right

Derek Huninghake

From: Sylvia Valois <svalois2000@yahoo.com>
Sent: Sunday, May 17, 2020 4:41 PM
To: Public Comment
Cc: Ted Zoller; Mike Clifford; Diane Amos
Subject: Comments for May 18, 2020 Town Council Meeting

We are most disappointed to deliver these comments to the Town Council of Weaverville, but are compelled to defend ourselves and our property for quality of life and financial purposes.

As the development has become more populated, it is comprised primarily of retired residents. The expense that comes with roads, drainage and sidewalks ownership is unbearable for its residents. Had we known there was any question about the streets becoming owned by the Town of Weaverville (the "Town"), we'd have reconsidered our purchase of a house and property in the Creekside Village development.

Documentation presented thus far indicates that it was planned for the Creekside Village streets to be owned by the Town. It is incomprehensible to residents that the Town changed its streets, drainage and sidewalks requirements somewhere along the way while the neighborhood was being developed. We, as taxpaying citizens of the Town, are entitled to know how the Town is able to take that position, and to think that to be a fair and reasonable thing to do. On what basis and when did the Town decide that the streets in Creekside Village are non-compliant with standards? Further, citizens are entitled to see the Town's documentation of the reasons for which the Town refuses to take ownership. To say that such documentation is unavailable is completely unacceptable. It is our understanding that the streets were certified compliant by local, professional engineers and documentation thereof was provided to the Town.

We enjoy life in Weaverville, especially in the neighborhood in which we hoped and planned to spend the rest of our lives. We are proud and happy to serve the Town in volunteer capacities. Creekside Village is a strong and vocal community. We are hopeful that a mutually beneficial result will be reached, instead of a destructive rejection by the Town of Creekside Village streets. Please take this matter into serious consideration. Thank you for your time and the allowance of our comments.

Derek Hunninghake

From: Tim Kennedy <tim@sflmail.com>
Sent: Sunday, May 17, 2020 5:40 PM
To: Public Comment
Cc: djackson@weaverville.org; dsherrill@weaverville.org; pfitzsimmons@weaverville.org; anagle@weaverville.org; jmckenna@weaverville.org; Tim Kennedy
Subject: CREEKSIDE HOUSING DEVELOPMENT - ROADS WITHIN THE COMMUNITY

Dear Vice Mayor and Council Members,

I hope you are all well.

I am writing to ask that you vote to include the roads within our community as part of the Town of Weaverville's road maintenance. When I bought my townhouse in 2015 I was told the roads would be part of the Town of Weaverville as public roads and maintained by the Town.

There has been so much conflicting information it is confusing to keep up. I was advised the Town inspected and approved roadwork as it was being done. Then we were told there were issues but we haven't received reports on these issues. We provide a large tax base for Weaverville and Buncombe County.

Not including these roads into Weaverville's maintenance plan and budget would increase our HOA fees. We are not a gated community and should not be considered private.

Please vote to include our roads into the Town or provide records as to why they can't be included.

Thanks for your time and consideration.

Tim Kennedy
22 Barnet Shoals Dr
Weaverville, NC 28804

Derek Huninghake

From: Suzanne Fix <suzmsw@gmail.com>
Sent: Sunday, May 17, 2020 6:11 PM
To: Public Comment
Subject: Roads in Creekside Village -Help!

I was shocked to hear that the Town of Weaverville is disregarding the needs of its citizens over a disagreement that the Town has not documented. Most of us in the neighborhood are retired, having downsized to reduce expenses. Now we are being told by the people who are supposed to represent the citizens that we have no recourse if the developer will not do the testing.

The other group of residents this ruling will effect are the new families with young children, as they will be denied a school bus stop in the neighborhood, and be forced out onto busy roads outside our boundaries.

Please consider the *human cost* of your decision to deny us public roads. We cannot afford, on a fixed income, to sustain the huge increase in HOA fees that will be inevitable in the current situation.

Suzanne Fix
Robert Doucette
30 Sandstone Dr
Weaverville
828-636-9898

--
Suzanne Fix Doucette LCSW

Derek Huninghake

From: Lisa Hultman <ljhultman@charter.net>
Sent: Sunday, May 17, 2020 6:39 PM
To: Public Comment
Subject: Creekside Village Roads

I have lived in the city of Weaverville and paid Weaverville city taxes since 1993 and have lived in Creekside Village since 2016. I never thought that our roads would not be adopted by the Town. It would be a financial hardship for me if I would be expected to continue to pay taxes to the city of Weaverville, but also have to pay increased HOA fees because the city chooses not to maintain our roads, but they continue to take our tax dollars.

Serrus has remained in compliance and there are no failed inspection reports. It seems that the conditions of compliance were changed after the roads had been constructed and that there might be some unethical behavior in the Public Works department concerning documentation that should be addressed.

I would ask you to vote to accept our roads into the town system.

Thank you,
Lisa Hultman

Sent from my iPhone

Derek Huninghake

From: robertestein@me.com
Sent: Sunday, May 17, 2020 6:43 PM
To: Public Comment
Cc: djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Steve Mudge; tzoller@relloz.com
Subject: Creekside Village-Approval of Roads
Importance: High

Attention Mayor and Weaverville Council Members,

As a current home owner in Creekside Village and also an experienced construction and engineering professional, I am communicating my concerns and displeasure with how the Town is handling the developer's request for acceptance of the Creekside roads and streets. Without being repetitive, one of the major issues that I have, is that the Town is applying new completion and construction standards against roads that were built to previously accepted and approved standards. I have been in the construction and engineering profession for over 40 years and involved in residential, commercial and industrial construction of varying magnitudes. It is common practice for contractors to build to existing and predefined codes and standards, and for construction to be reviewed/approved during construction by local authorities responsible for insuring that contractors and their engineers satisfy the required standards during construction.

It is unreasonable to assume that any contractor would be held accountable to new codes and standards that are put in place *after* plans and specifications are approved by regulating bodies and then roads, buildings, etc. built to those standards. If this was the case, existing roads and buildings would have to be reengineered and reconstructed and/or upgraded each time a regulatory body updated their construction and engineering standards. It is unreasonable to request the developer to go thru extensive core boring and testing to prove that the existing construction meets a standard that was not in place prior to or during construction. Based on the new codes and standards, is the Town then reevaluating existing streets and roads that it is maintaining, and upgrading to new standards...if this is the case, then existing roads would also have to be tested accordingly and rebuilt to new standards at excessive cost to the town and its taxpayers.

It is reasonable to request the developer to repair the road on Duncannon Street, and other minor issues, however, since I drive the streets in Creekside on a daily basis, I do not see any major cracks or deformities in the roadwork. There are some patches, however, there are no significant issues to warrant a significant testing program after the fact. If the Town and its regulatory body had any issues with construction, then those issues should have been resolved at the time of construction, not after many of the roads and streets have been in place for 1-3 years.

On behalf of myself and other homeowners, I would appreciate your consideration and reasonable review of Serrus's request to approve and accept the roads and streets in Creekside Village.

Respectfully Submitted,

Robert E. Stein- Homeowner

Senior Project Management Consultant

Derek Huninghake

From: billcosgrove@charter.net
Sent: Sunday, May 17, 2020 6:45 PM
To: Public Comment
Cc: Al Root; djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; billcosgrove@charter.net
Subject: Comment submitted to Weaverville Town Council meeting, May 18, 2020

My wife and I consider ourselves to be good citizens. We believe in paying taxes to help and strengthen our community. We believe that education and good schools are important. We believe that communities need businesses that serve their populations and that the residents of the community ought to support those businesses. We also believe that local government must support the citizens that they represent.

Weaverville is our community and we feel a strong loyalty to that community. The Creekside Community is a terrific neighborhood within Weaverville. We believe that the residents of the Creekside Community are likeminded and supportive of Weaverville.

The current situation with the developer, Serrus Capital Partners, and the Town of Weaverville over the Town takeover of development roads is a serious issue and the residents of Creekside Community are concerned about being disenfranchised by the Town of Weaverville. We feel that our representatives in Town Council may not be helping the citizens that they represent.

Reading correspondence from both parties does not offer much promise. Both sides seem intent on making statements rather than compromises.

The Town of Weaverville seems to be interested in toughening up their position regarding development. We support the Town's need to do this.

Serrus Capital Partners seems to see themselves as an experienced, well-intentioned business. They need to show positive returns to their investors. That's the American way, and we support them in that effort.

Creekside Community is comprised of citizens of the Town of Weaverville who seem caught between the Town and a developer. We look forward to the developer moving on. We also look forward to our future as residents of Weaverville.

Are the issues between the Town of Weaverville and Serrus Capital Partners best resolved on the backs of citizens of Weaverville? Is the Town of Weaverville willing to discount our property taxes in exchange for public roads? Will Serrus Capital Partners be allowed to walk away without resolution? Can the Town of Weaverville be allowed to bury its head in the sand with the hope that this issue will disappear while we continue to pay taxes? Will Weaverville citizens need to resolve this in the courts and election day?

We ask that the Town Council support the citizens they represent in finding a solution. Surely there is a compromise between the Town and Serrus that will result in a Community service that we support with our tax payments.

Respectfully submitted,
Margaret Davis & Bill Cosgrove
16 Sandstone Drive
Weaverville, NC 28787

Derek Huninghake

From: James Metlicka <jim@metlickadesigns.com>
Sent: Sunday, May 17, 2020 7:13 PM
To: Public Comment
Subject: Approve Creekside Village Roads!

Mayor and Council Members
Town of Weaverville

I am a resident of Creekside Village and have been a resident of Weaverville for over five years. I have worked in Weaverville for over five years. I pay Weaverville taxes. I add to Weaverville's economy. I help your friends and neighbors when they come to my studio. The people who live in Creekside Village ALSO support the Weaverville economy. We live in a time where blame is shifted back and forth, where its easier to avoid taking on the hard stuff and passing the buck.

It is clear to me that the Mayor and Council Members MUST take responsibility for their failure to produce any documented substandard construction issues OR take responsibility for their failure. Again, as a taxpayer and a part of the Weaverville community, please take ownership and responsibility, as I do, as a contributor to Weaverville's community.

It is clear the town, the restaurants, the galleries, the yoga studios and many other businesses have benefited from the residents of Creekside Village. Its time the Mayor and Council Members step up and take care of us. It seems to me that it is more than fair for the Town to accept the streets of Creekside.

Thank you,

Jim Metlicka
73 Loftin Street
Weaverville, NC 28787

Derek Hunninghake

From: Linda Krajewski <linda2020@dolphingal.com>
Sent: Sunday, May 17, 2020 7:19 PM
To: Public Comment; Doug Jackson; Dottie Sherrill; Andrew Nagle; Patrick Fitzsimmons; Jeff McKenna
Subject: Creekside Village Roads

To: Town Council Members

We recently bought in Creekside Village. We closed on our new home in April, 2020. We recently retired and are relocating from the Dallas, TX area. We did extensive research on where to buy in the Asheville area. We planned on this house being the house to get us through our golden years. We were not interested in buying in any unincorporated areas. We knew we would buy in a city or town that provided all the municipal services (i.e. police, fire, water/sewer, garbage, streets/roads, etc.). We were very excited to move to the town of Weaverville. We feel that we have everything we need right here (i.e. Walmart, Lowes, grocery stores, banks, churches, library, retail stores/business services, restaurants, and gyms). It is our understanding that we will be paying property taxes that are based on having full municipal services including streets/roads. We are located just 1 1/2 miles from downtown Weaverville and we border one of the main streets going through Weaverville (Merrimon). The average price of the houses in our subdivision are a good % higher than the average home price in Weaverville with property taxes based on home value assessments. We ask you to include all the streets in Creekside Village as public streets, the same as the other residential streets in Weaverville.

Regards, Linda Krajewski & Constance Basham

Derek Huninghake

From: Barbara Stickle <barbarastickle@me.com>
Sent: Sunday, May 17, 2020 8:03 PM
To: Public Comment
Cc: djackson@weaverville.org; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Al Root
Subject: Creekside Village Roads

The Town of Weaverville has always intended to adopt the roads in Creekside as public roads. All the approved site plans (signed by Town of Weaverville officials) dating back to 2007 have indicated roads were to be dedicated public roads. When the developer, Serrus, submitted site plans to finish the community (which were approved) they also stated that the roads would be public. Serrus has submitted complete data and inspection reports that show any issues with the roads have been remediated.

It is beyond our comprehension that Weaverville states that the roads did not pass inspection, but they do not have any written record of these inspections. In addition, the town has added conditions and insisted on expensive tests.

We feel that Creekside residents are being punished for the incompetence of previous town officials.

We sincerely hope that you will weigh the issue carefully and honor your commitment to the taxpayers who are residents of Creekside.

Marty and Barbara Stickle

34 Sandstone Drive, Weaverville

Derek Huninghake

From: Vivian Ellner <ellner.v@gmail.com>
Sent: Sunday, May 17, 2020 8:11 PM
To: Public Comment
Subject: Creekside Village streets

Vivian Ellner
James Theobald
38 Sandstone Drive
Weaverville, NC 28787

To The Mayor and Town Council of Weaverville, NC :

As residents of Creekside Village, we must admit we are confused about the Town's handling of the question of the possession of streets in our development. It is our understanding that the Town has provided no documentation of inspection of the roads within the development, while the engineers for the developer maintain that they have submitted the requisite documentation regarding the roads. As taxpayers we feel that we are entitled to more information regarding the process that the Town will use to determine whether or not it will assume the responsibility for the streets at Creekside.

When investigated buying at CV, one of the selling points was that the streets would be maintained by the Town; how did this change? In addition, as taxpayers and voters, we feel that the oversight of housing construction should be the responsibility of the Town government, which you seem to have neglected.

We expect to receive further information from the Council on how you made the decision and how you can justify such neglect and how you can remedy this.

Derek Huninghake

From: Mike Clifford <mcliffoh@gmail.com>
Sent: Sunday, May 17, 2020 8:41 PM
To: Public Comment; Al Root; Doug Jackson; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Dottie Sherrill
Subject: Comments from Mike Clifford on Creekside Village Roads Adoption
Attachments: Weaver Town Meeting - May 2020 - Clifford comments.docx; Weaver Town Meeting - May 2020 - Clifford comments.pdf

Please include my attached comments regarding the Creekside Village Roads adoption to be considered in the May 18th Town of Weaverville meeting. I have attached my comments in both Word and pdf format.

I would like to speak to my comments during the Town meeting on Monday.

Thanks,

Mike Clifford

I am writing on behalf of 200 Weaverville taxpayers and voters asking you to approve the adoption of our Creekside Village roads and infrastructure.

As purchasers, we relied on assertions made by Serrus that our roads were constructed in compliance with Town standards for adoption. This reliance was clearly to our detriment.

In August 2018 we learned of a possibility that our roads would not be adopted. We heard disturbing comments from the Town lawyer and Planning Director that "the Creekside roads will never be adopted". This remains extremely confusing as all the approved and signed site plans dating back to 2008 indicate the roads are intended to be public roads.

In response to our requests for documentation from the Town inspections detailing the scope and location of the failures, the Town replied with only anecdotal evidence and failed to provide inspection reports. Ultimately, we learned that there were no written Town inspections.

By contrast, Serrus submitted an extensive engineering record that shows the roads were constructed to NC and Weaverville standards. The records show that there were limited interim test roll failures witnessed by the Town. Specifically, a small section of Sandstone (near the Robins Roost intersection) and a small section of Seneca had interim test roll failures. The engineering record, however, also clearly shows that both problems were rectified and subsequently passed the test rolling prior to pavement.

In November, we requested that Serrus meet with the Weaverville Public Works director to discuss the engineering record. A preliminary meeting was held in February in which Mayor Root indicated a willingness to come to a common-sense plan. A subsequent meeting between the Serrus technical team and Dale Pennell was held to review the engineering data in detail.

Instead of the expected concise, common-sense plan to check these *limited* areas of concern that homeowners hoped for, Mr. Pennell promulgated an extensive core sample plan for all of Sandstone, Robins Roost and Seneca that will make the neighborhood we call home look like swiss cheese. Such a plan is demonstrably unfair and should you choose to vote No, residents will be left to clean up the mess.

The Town Manager and Mayor Root assured us that a common-sense, fair process would be instituted throughout this ordeal. If you choose to vote No, you will be voting to deprive Creekside residents of a fair chance to have our roads assimilated into the town, along with depriving us of the benefits of adoption. Voting No gives your seal of approval to the earlier unsubstantiated statements by Town officials saying "The Creekside roads will never be adopted".

Do the right thing, support your constituents, and vote Yes to adoption.

Mike Clifford

Derek Huninghake

From: Ted Zoller <tzoller@relloz.com>
Sent: Sunday, May 17, 2020 8:42 PM
To: Public Comment
Subject: May 18 Town Council - Creekside Village Roads

Creekside Village has been undergoing development for some ten plus years. The roads in Phase I have never been repaired or tended to in that amount of time. Those roads and the current roads were put in using the same two engineering firms. However, in the interim, the Town has used two Directors of Public Works who appear to have differing opinions on road construction. The current Director has operated without providing any documentation of his job function. He also admitted that he had no inkling of the accepted work by his predecessor in Phase II & III of the project.

At a Town of Weaverville 6/11/2007, Town Manager Mike Morgan stated that all roads in Creekside Village have to be built to NC DOT specs, same as the Town, whether they are private or public. Based on this statement, how did Public Works ensure that such actions were carried out? Does the department take action or just wait for the developer to comply? What is Council's role in ensuring that rules are followed? Why was Phase I never inspected to ensure that it met NC DOT specifications?

The Town has now instituted new work procedures for road acceptance; however, these procedures were probably developed based on the Town's failure to do its job during Creekside's road development. As the Town grows, such policies are necessary.

In closing, Weaverville's professional staff is one of the highest paid in WNC according to financial information available. As Board members, what do you expect from your staff? Do you really study issues or do you acquiesce to your high paid professional staff and hope they know what they are doing? As part of 200 plus tax payers and voters in your community, we would like to understand how you handle your elected responsibility?

I hope that Town of Weaverville and the developers of Creekside Village can come to some reasonable solution to what appears to be more than a 10-year problem. I hope there is an ombudsman on this Council that will get us moving in the right direction.

Theodore Zoller

68 Loftin St

Weaverville, NC 28787

Derek Huninghake

From: David Long <pastor_long@yahoo.com>
Sent: Sunday, May 17, 2020 9:27 PM
To: Public Comment
Subject: RE: Creekside Village Road Issue

Dear Members of the Weaverville Town Council:

As three-year residents of Creekside Village, we have followed with interest the issue with the roads in the development. We are disappointed with the response of your body and feel that you have not been honest with us.

We are aware that your former employee who had responsibility for testing and keeping appropriate records as the roads were constructed failed to keep appropriate documented evidence. It is not the fault of Creekside developers that this was not done, rather it shows negligence on your part for failure to require your employee to produce what should have been required reporting records.

We are also aware that the developer maintained testing and documentation on the road construction. We are also aware that this documentation has been offered to you, but you have refused it. It seems that you prefer to rely on hearsay from undocumented oral conversations after the fact. This reeks of incompetence from elected officials who are sworn to defend the rights and privileges of the citizens they are elected to represent.

We are further aware that you have changed the rules in the middle of this process. When construction began, you had no serious plan for road construction. When it became obvious that Creekside Village would defend the issue of the roads, you created a new standard and are requiring that we meet these new standards. We find this to be unjust and perhaps illegal. No matter how you look at it, it is not right to change a game plan in the middle of the game. You can apply the new plan to future development, but we find your action dishonest and a poor representation of the values you swore to uphold when you were sworn into office.

We are concerned that you are further asking us to pay taxes as citizens of this town without providing us one of the protections we had anticipated receiving when our son purchased this house for us in 2017. As voting citizens we will use our power at elections to do all we can in unity with other Creekside Village residents to elect honest representatives who will require keeping appropriate records, to report honestly, and to justly protect the rights and privileges of Weaverville citizens.

We trust this issue can be resolved soon without further hard feelings and disappointment with you who are elected to represent us. It is desirable that we keep this issue in Weaverville and not in the larger context of Buncombe County via news outlets. Such news could make Weaverville less desirable for future potential residents.

Sincerely,

David C. and Sue S. Long
58 Loftin Street

Derek Huninghake

From: Sallie Broach <sallietb@gmail.com>
Sent: Sunday, May 17, 2020 10:13 PM
To: Public Comment
Subject: Creekside Village Roads

to: Members of the Weaverville Town Council:

I know that your job is challenging and that our town budget is tight. What I don't know and am asking for an explanation is why you have been dishonest about taking over our roads. It seems this evidence is irrefutable:

- The approved site plans (**signed by Weaverville officials**) indicated that roads were to become dedicated public roads.
- When Serrus submitted the site plans to finish the community, they also stated the intent of making the roads public
- Serrus has submitted complete data and inspections showing the roads were constructed in compliance with local and state regulations. These reports were submitted by two certified engineering companies both of whom are well-known and respected across the state.
- A question about the sub foundation was corrected and then subsequently passed inspections.

Based on all of the above, just please explain your justification for denying that our roads become public. Just be honest-don't change the rules after the fact or tell us that your agent at the time has retired, so you can't trust his word. You know all of that is a prevarication and sullies your reputations as honest people. If you can explain your answers to the bullets listed above, perhaps we can go back to trusting you as honest public officials. Otherwise, you have not earned our trust and we will use what influence we have to elect good, honest commissioners in every upcoming election.

Honestly is all we are asking. It's the best policy.

Sincerely,
Sallie T. Broach
59 Loftin St.
Weaverville, NC 28787

--
The thing that is really hard, and really amazing, is giving up on being perfect and beginning the work of becoming yourself.

Anna Quindlen

Derek Huninghake

From: Jeni Warren <jmrwarren@gmail.com>
Sent: Sunday, May 17, 2020 11:14 PM
To: Dottie Sherrill
Cc: Public Comment
Subject: Creekside Village Street issue

Please feel free to call me (Jennifer Warren at 704 807 9899) if you have any questions.

Comments for May 18, 2020 Town of Weaverville council meeting
From Jennifer Warren, resident of Weaverville, Creekside Village

I am requesting that the Town of Weaverville look more closely at the unfair and unprofessional treatment of taxpayers who live in Creekside Village concerning the issue of our streets. We had no reason to think that our streets would not be maintained by the Town after our subdivision was completed. Town officials signed off on the approved site plan in 2007 that specified public roads after completion. That is the most common outcome in North Carolina after the completion of a subdivision inside town or city limits. When the developer made it known that there may be an issue with roads being public, we repeatedly asked the town for more information and any records that could shed light on the issue. There was almost no response except to say that they had no records. It seems that basic respect for the residents'/taxpayers' need for information and proper record keeping were greatly lacking.

Meanwhile, we have had several families with young children moving into our subdivision. Some grandparents here may be raising their grandchildren. These families assumed that their children could get on a school bus on one of the quiet roads in our development. If our roads are not approved, children will have to be picked up on either Aiken or Merrimon which are busy and curvy. Their safety is at risk.

Whatever the issues may be that have some town employees and town officials predetermining that Creekside Village streets will not be approved must be ignored and put to rest. The residents here are from many backgrounds, locations and walks of life. Some were born in this area. We love our houses and neighborhood. We pay taxes at the same rate as people who live on the many public streets in Weaverville. In fact, our lots are small so this translates into a much more favorable tax revenue/per street mile ratio for the town. We deserve the same respect and protections as other taxpayers.

We understand that the town is requesting some repairs. However, whatever the standards were when the roads were built are the ones we need to be held to now. The developer paid for and submitted complete data and inspection reports (certified by two leading engineering companies) that show the roads have been constructed in compliance with the state of NC and Town of Weaverville requirements. What has happened to common sense? Why is this report ignored? Please do the ethically right thing and respect our right to be treated the same as your other tax paying citizens.

Derek Huninghake

From: Tim Kennedy <tim@sflmail.com>
Sent: Monday, May 18, 2020 8:13 AM
To: Public Comment
Cc: Doug Jackson; Dottie Sherrill; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna
Subject: RE: CREEKSIDE HOUSING DEVELOPMENT - ROADS WITHIN THE COMMUNITY

Dear Vice Mayor and Council Members,

I hope you are all well.

I am writing to ask that you vote to include the roads within our community as part of the Town of Weaverville's road maintenance. When I bought my townhouse in 2015 I was told the roads would be part of the Town of Weaverville as public roads and maintained by the Town.

There has been so much conflicting information it is confusing to keep up. I was advised the Town inspected and approved roadwork as it was being done. Then we were told there were issues but we haven't received reports on these issues. We provide a large tax base for Weaverville and Buncombe County.

Not including these roads into Weaverville's maintenance plan and budget would increase our HOA fees. We are not a gated community and should not be considered private.

Please vote to include our roads into the Town or provide records as to why they can't be included.

Thanks for your time and consideration.

Tim Kennedy
22 Barnet Shoals Dr
Weaverville, NC 28804

Derek Huninghake

From: Alice Higgins <AHigg78195@aol.com>
Sent: Monday, May 18, 2020 9:40 AM
To: Public Comment; Patrick Fitzsimmons; Andrew Nagle; Jeff McKenna; Dottie Sherrill
Subject: Creekside roads

As a resident of the town of Weaverville and of the Creekside community and a voter, I am alarmed by the adversarial relationship that the town has developed with the Creekside community. I bought here in good faith expecting that Creekside roads would eventually be included as town roads especially since they were being constructed in conjunction with two reputable engineering firms. I understand that this is a collaborative process between the town and the developer yet the town has no written documentation of their objections or attempts to follow up and protect the taxpayers (who if the town does not approve the roads will be subsidizing everyone else's roads but their own). Apparently the town has recently drawn up guidelines and procedures for acceptance of private roads as town roads- too little too late. It is unreasonable to apply these after the fact. These would subject the Creekside community to very expensive core sampling procedures that would not be necessary if the town had done and documented adequate supervision.

As a taxpayer and voter, I am entitled to a certain amount of protection and goodwill and should not be experiencing the town as an adversary. I urge the town council members to vote to accept Creekside roads as town roads.

Alice Higgins
47 Loftin St
Weaverville, NC

Sent from my iPad

Derek Huninghake

From: William Sanders <19wks49@gmail.com>
Sent: Monday, May 18, 2020 10:30 AM
To: Public Comment
Subject: Creekside Village roads issue

Dear Town of Weaverville Board members:

I would like to add my voice urging you to adopt Creekside Villages roads into the the public road system of the town of Weaverville. I understand that the community developer, Serrus, has shown data and inspection reports proving that the roads were constructed in compliance with NC state and Town of Weaverville requirements. If the Board indeed has evidence that the roads have failed inspections, you should submit these records for public review. If not, then please do the reasonable thing and adopt our roads.

If indeed you have valid and substantiated reasons for not converting Creekside Villages private roads into town roads, will you then do the right thing and rebate the residents a fair portion of their town taxes that would ordinarily gone to road maintenance?

Thank you for approaching this issue with an attitude of consideration and fairness.

Sincerely yours,

William K. Sanders
Creekside Village
19 Athena Ave.
Weaverville, NC 28787

Selena Coffey

From: Brenda Jones Rafferty <brenda.jonesrafferty@gmail.com>
Sent: Monday, May 18, 2020 11:06 AM
To: Public Comment
Subject: Creekside Village Road Acceptance

Dear Town Council,

I purchased my property in Creekside Village with the understanding that the roads would be adopted if constructed according to state and Town specifications. We are primarily retirees and if the roads are not adopted this will present a financial hardship for Creekside residents. **Will the town rebate us a portion of our Weaverville taxes to offset this cost?**

My questions are simple and straightforward:

1. How is it possible that the construction of a housing development with over 100 housing units, which has been in development for over a decade through two developers, has not passed **ANY** interim inspections enabling the Town to confidently accept the roads into its system with adequate assurances of a 20 year life? (The Town has stated that the roads failed inspections. We, the residents, have requested in writing multiple times the failed inspection reports to understand the nature and scope of the detected problems. **There are no inspection records by the Town of Weaverville** that indicate the scope and location of the problems.)
2. How can the Town ignore the history of the developer's interactions with the former Director of Public Works?
3. Why is the Town insisting on the completion of such expensive physical testing prior to its acceptance of the roads into its roadway system?

Numerous town officials, including the Town Lawyer and the Planning Director, have made comments to the effect that the Creekside roads will never become public. **Are they pre-determining the decision or is this truly a decision the Town Council will make after examining both sides of the issue?**

As homeowners, we expect and are entitled to certain basic Town maintained infrastructure. As far as we know, the homeowners of Creekside Village do not pay a discounted real property rate for residing on private roads. **We therefore urge you to vote to accept these existing private roads into the Town system as soon as possible.**

Brenda Jones-Rafferty
45 Loftin Street
Weaverville, NC 28787

Derek Huninghake

From: Larry and Camille Rollins <larcam.r@gmail.com>
Sent: Monday, May 18, 2020 12:04 PM
To: Public Comment
Subject: Creekside Village - Road Acceptance
Attachments: Creekside Roads.pdf

May 18, 2020

To Members of the Weaverville Town Council:

"Courage is what it takes, to stand up and speak; courage is also what it takes, to sit down and listen." - Winston Churchill

Today, we live in extraordinary times, brought about by COVID-19. At the same time, it has allowed us to witness all that is good, as well as bad, in our nation. Lacking sound leadership at the top levels, we all flounder, in search of responsible direction. Instead of our leaders taking moral responsibility, we see needless blame. In the end, it is those they serve, who suffer the most.

The Weaverville Town Council will today, consider the issue of accepting the streets within Creekside Village as part of the village system. It has been demonstrated to the town authorities, that during the construction of Creekside under the current developer Serrus, coordination of the street work occurred between Serrus, their contractor, and the Weaverville Director of Public Works, Mr. Tony Laughter. With construction plans approved, both parties understood what was required, to meet the standards for village acceptance of the roads. For their part, using respected and licensed engineers, Serrus and their contractor met those standards. Following the retirement of Mr. Laughter, a new director was named. Suddenly, the standards for acceptance changed, and the coordination efforts between Mr. Laughter and Serrus, were considered meaningless.

Serrus worked with the understanding that Mr. Laughter represented the Town of Weaverville. If that were not the case, it should have been disclosed to Serrus, immediately. Efforts surely would have been made to coordinate construction activity, with the essential party representing the town. Instead, all the tax paying owners in Creekside Village were left with the problem. Many of them like us, are on fixed incomes. This is not what we would expect from those who represent us in the town government. This is not what drew us to Weaverville.

It is our hope that the Village Council embrace the efforts coordinated between Serrus and Mr. Laughter, the former Weaverville Director of Public Works. While Mr. Laughters actions may not have coincided with those of the Town Council, we ask that the Council show the moral responsibility for his actions, as their representative. We, the tax payers of Creekside Village ask for your leadership.

Sincerely,

Robert L. Rollins

Camille M. Rollins

Robert Larry Rollins
Camille M. Rollins
37 Sandstone Drive
Weaverville, NC 28787
larcam.r@gmail.com

May 18, 2020

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Sincerely,



Robert L. Rollins



Camille M. Rollins

Derek Huninghake

From: Linda Engwall <lmengwall96@gmail.com>
Sent: Monday, May 18, 2020 11:51 AM
To: Public Comment
Subject: Adopt Creekside Village Roads

I am writing in support of the adoption of the Creekside Village Roads by the Town of Weaverville. I will not add to the already eloquent letter written by Mary Parker and those from others in the community except to say that when I moved into my home at 64 Loftin St on September 4, 2018, it was my understanding that Creekside Village roads would be town roads. I urge you to follow through and adopt the roads.

Sincerely,

Linda M Engwall
64 Loftin St
Weaverville, NC 28787-8863

May 18, 2020

Town of Weaverville
30 South Main Street
Weaverville, NC 28787
Allan P. Root, Mayor

Re: Creekside Village Streets

I bought my home in 2016, never thinking
some day I would be writing to the City of
Weaverville questioning the fact that our streets
are not on record as being part of City.

It just seems un-conscionable that the
Public Works Engineer did not follow thru on
making the inspection, and submit a written
report to the City for public records. Our taxes
are used for street maintenance.

The Town of Weaverville, City Council, and
Dept. of Public Works, should in good faith,
see that these streets at Creekside, are
entered into the records as being part of
the City of Weaverville, and will be properly
maintained by the City.

Respectively,

Wilms Withem

Wilms Withem
41 Loftin Street
Weaverville NC 28787

c. City Council Members

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 24 CONCERNING STREETS**

WHEREAS, Town Council of the Town of Weaverville wishes to exercise its authority under N.C. Gen. Stat. § 160A-296 in order to establish regulations and procedures concerning the Town’s public street system; and

WHEREAS, Chapter 24 of the Weaverville Town Code contains the Town’s regulation of streets and sidewalks and it is the desire of Town Council to amend that Chapter to add new regulations;

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

1. Chapter 24 of the Weaverville Town Code of Ordinances is hereby amended to add the following as Article V:

CHAPTER 24 – STREETS AND SIDEWALKS

ARTICLE V. – STREET STANDARDS AND ACCEPTANCE OF PRIVATE STREETS AND RELATED INFRASTRUCTURE INTO PUBLIC STREET SYSTEM

Sec. 24-81. – Public Street System – Town Council Discretion

The Town of Weaverville maintains a public street system which includes streets and sidewalks that are publicly maintained and open for use by the public. The public street system also includes curbing and storm drainage systems that are connected or related to the streets.

In its sole discretion the Weaverville town council has the authority and right to determine the location and extent of its public street system and which streets and related infrastructure are to be publicly maintained by the town. Nothing contained in this article should be construed as a limitation on the absolute discretion of town council with regard to the town’s street system.

Regarding the town’s public street system, town council may consider, but is not limited to, the following factors:

general operational needs of the town, general fiscal needs and financial standing of the town, town strategic plans, comprehensive land use plans, economic development, traffic patterns, traffic or transportation plans, interconnectivity to other public streets, location of street, length and width of street and right-of-way area, topography and slope, number and types of uses along the street, affordable housing considerations, standards of construction of street and related infrastructure, anticipated cost of maintenance and repairs to the street, cost of maintenance of the public street system as a whole, any other factor found by town council to be reasonable.

Sec. 24-82. – All Streets are Private Unless Accepted into a Public Street System

All streets are private unless accepted into a public street system. The notation of a “public street” on a recorded plat serves only as an offer of dedication for that street for public use. A developer/owner cannot obligate the town to take over a street. The approval of a plat shall not be deemed to constitute or affect

the acceptance of the town or by the public of the dedication of any street or related infrastructure shown on the plat. Streets remain private until the town (or other public road system such as North Carolina Department of Transportation) formally accepts the street into its public street system.

Sec. 24-83. – Private Street Standards

The minimum streets standards for all private residential streets constructed within the town are the standards set forth in the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards, as the same shall from time to time be amended.

Streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial and industrial uses and manufactured home parks, must be constructed in such a way as to allow reasonable access for the anticipated traffic associated with the specific use being served and for ease of emergency access.

For all private streets constructed within the town, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

Sec. 24-84. – Public Street Standards

In order for a new street to be eligible for acceptance into the town's public street system, a street and its related infrastructure must be constructed in accordance with the town's adopted public street standards, as the same may from time to time be amended. In addition, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

Site visits and observations by the public works department and town review of certain test results are required at the completion of certain critical phases of the street system construction including specifically the following:

- (a) On-site review of site clearing and grubbing prior to grading;
- (b) On-site review of grading and fill operations and review of compaction test results on all fill areas under the roadway;
- (c) On-site review of storm drainage system and review of compaction test results of the storm drainage trench;
- (d) Review of compaction test results for all utilities installed in the roadway;
- (e) On-site review of curb/curb and gutter, sidewalks, and drive entrances;
- (f) On-site review of proof-rolling of the sub-grade material;
- (g) On-site review of installation of the ABC stone base and review of compaction test results;
- (h) On-site review of proof-rolling of the stone base; and
- (i) On-site review of asphalt paving and review of compaction test results.

The developer/owner must notify the public works department at each of the above phases in order to allow the Town's public works department the opportunity to review the work. Failure on the part of the developer/owner to notify public works at each of these critical construction phases may disqualify a

street from eligibility for acceptance into the town's public street system or may cause work to have to be uncovered and redone at the expense of the developer/owner.

Sec. 24 - 85. – Streets Serving Multi-Family Residential, Institutional, Commercial and/or Industrial Uses or Manufactured Home Parks

All streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial or industrial uses or manufactured home parks, will remain private unless, in town council's discretion, such streets further a significant public interest.

Sec. 24-86. – Developer/Owner Declaration Concerning Residential Streets

Prior to development approval, developers/owners constructing new residential streets must declare whether they will be requesting that the new streets be accepted into the town's public street system or are to remain private. Requests for acceptance into the public street system must follow the procedures for a public street commitment as set out in this article and such commitment must be decided prior to development approval.

Residential streets that are declared to be private will not be observed by town representatives and will not be eligible for inclusion into the public street system.

Sec. 24-87. – Public Street Commitment

If a developer/owner wishes to have a street accepted into the town's public street system then the developer/owner must request a public street commitment letter in accordance with this section.

- (a) Application for public street commitment – A developer/owner that desires a public street commitment shall submit such request in writing on such forms and in such detail as prescribed by the town manager.
- (b) Processing fee – At the time of requesting a public street commitment letter, the applicant shall pay to the town a nonrefundable processing fee in the amount set forth in the town's adopted fee schedule.
- (c) Staff review and recommendation – Upon receipt of an application, town staff shall evaluate the request and make recommendations to town council, including any recommended conditions to be included in the commitment letter.
- (d) Town council action – Town council shall consider and take action to either decline acceptance or to issue a declaration of intent to accept streets upon condition that streets be constructed to Town standards with required periodic Town inspections, and/or other conditions as deemed necessary by town council.
- (e) Issuance of street commitment letter – Upon town council approval the town manager will issue a street commitment letter outlining the conditions imposed and requirements for town verification of compliance with conditions and requirements, and applicable time limits. The street commitment letter is transferable by the applicant, but is only valid for the original project and for streets and related infrastructure that are the same as or substantially similar to what was originally proposed.
- (f) Expiration, termination, and revocation of public street commitment letter –

- (1) A public street commitment is valid for one (1) year from its issuance but, upon request, may be extended for an additional one (1) year period by the town manager upon a showing of good reason for the delay.
- (2) Once construction of a street has begun the developer/owner must use reasonably diligent efforts to complete the construction of the street in a reasonable time. If more than one (1) year elapses from the commencement of construction without any work being done on the street, then the street shall be deemed abandoned and the commitment letter shall terminate.
- (3) If a developer/owner fails to call for on-site observation of critical construction phases by town representatives or conduct the required testing, or if town standards have not been met, then the public works director shall report such information to town council and the public street commitment letter is subject to revocation by town council.
- (4) The developer/owner will be given an opportunity to be heard by town council concerning termination or revocation of the public street commitment letter.

Sec. 24-88. – Existing Private Streets

Owners of existing private streets were provided an opportunity to request a public street commitment from January 27, 2020, through May 1, 2020. Unless a public street commitment application is in process prior to May 1, 2020, private streets are not eligible for acceptance into the town's street system.

Sec. 24-89. – Report and Recommendation of Public Works Director

Prior to town council's acceptance of any street and related infrastructure into the public street system, the public work's director shall submit a report and recommendation for town council's consideration. The report should address the developer/owner's compliance with any conditions or requirements stated in the public street commitment letter. The report should also include a recommendation as to the amount of a reasonable repair guaranty.

Sec. 24-90. – Warranty and Repair Guaranty.

As a condition of acceptance into the public street system, all streets and related infrastructure shall be warranted by the person, corporation or company making the improvements for a period of two (2) years from the date of final approval which warranty shall be in writing and include an indemnification clause, agreeing to indemnify and hold the town harmless from any such claims during the two-year warranty period. As a condition of acceptance into the public street system, the developer/owner shall be required to submit a repair guaranty in a reasonable amount set by town council for three (3) years following the warranty period.

Sec. 24-91. – Street Right-of-Way Plat.

Once the street and related infrastructure, or any required repair work, are completed and approved by the public works department, developer/owner shall provide to the public works department a proposed recordable plat showing the as-built streets and related infrastructure and the right-of-way to be conveyed.

The public works director, planning director, and town attorney are to review the proposed plat to determine its adequacy and provide recommendations as they deem appropriate to town council.

Sec. 24-92. – Formal Acceptance of Street and Related Infrastructure.

Once the street and all related infrastructure have been completed, the right-of-way plat has been prepared and approved by the public work's director, planning director, and town attorney, and the public work's director has prepared and submitted his/her report and recommendation, or at any other time requested by the developer/owner, the town manager will put the request for acceptance on the next available town council regular meeting agenda so that town council can consider the request.

Town council will be asked to consider acceptance of the street and related infrastructure into the Town's public street system.

Sec. 24-93. – Post Acceptance Recordation.

If accepted and approved by town council, developer/owner must, at its expense, record the approved plat and convey the right-of-way by deed to the town in a form approved by the town attorney.

Sec. 24-94. – Limitation of Town Representative Responsibility.


Participation of town representatives in any on-site review or observation is for town purposes only and should not be relied upon by the developer/owner for engineering inspection and certification purposes.

Sec. 24-95. – Appeal of Administrative Decisions

Any administrative decision concerning the public street system is appealable to town council. Such an appeal must be submitted in writing to the town clerk within 30 days of the administrative decision and the writing must include the reasons for or basis of the appeal.

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

ADOPTED THIS the 18th day of May, 2020, by a vote of 4 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK K. HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



MINUTES

Town of Weaverville
State of North Carolina

Town Council Regular Meeting
Monday, June 22, 2020

Remote Electronic Meeting

Zoom: <https://us02web.zoom.us/j/89160650474>

The Town Council for the Town of Weaverville met for its regularly monthly meeting on Monday, June 22, 2020, at 7:00 p.m. as an electronic video meeting via Zoom Meeting.

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

Staff remotely present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, 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

Councilmember Fitzsimmons made a motion to approve the agenda as presented. Councilmember McKenna seconded and in a roll call vote all voted in favor of the motion. Motion passed 5-0.

3. Approval of Minutes

Councilmember Sherrill made the motion to approve the minutes from the May 12 Town Council Workshop; May 18 Town Council Public Hearing; May 18 Town Council regular meeting; May 20 Town Council recessed meeting; and June 9 Town Council workshop. Councilmember McKenna seconded the motion and in a roll call vote all voted in favor of the approval of the minutes. Motion passed 5-0.

4. General Public Comment

On a temporary basis due to the COVID-19 public health emergency, general public comments must be submitted in advance of the meeting. Comments are limited to no more than 450 words and must observe normal rules of decorum. Only comments that are timely received will be read into the record during the public comment period. Public comments can be submitted (1) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) by mailing your written comment (must be received not later than Monday's mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. The following comments were timely received and read:

Comment 1: Bill Neeriemer of 63 Brown Street asked the town to review the use of force policy applicable to the Police Department.

Comment 2: Michele Wood of 50 North College Street asked the town to ensure that the speed limit on Church Street be observed.

5. Consent Agenda

Councilmember Fitzsimmons moved for the approval of the Consent Agenda. Councilmember McKenna seconded the motion and in a roll call vote all voted to approve all action requested in the Consent Agenda listed below. Motion passed 5-0.

A. Monthly Tax Report – Information Only

B. Appointment of Interim Tax Collector – Adoption of resolution appointing Jennifer Jackson as Interim Tax Collector.

C. Budget Amendment: Police Department, Cops for Kids – Budget amendment approving \$175 from lost and found to Cops for Kids program.

D. Temporary Suspension of Town Fishing License Requirement – Adoption of ordinance temporarily suspending Section 18-37(b) and (c) of the Code of Ordinances concerning Town fishing licenses.

6. Town Manager’s Report

Town Manager Coffey presented her Manager’s report to Council including an update on the July Summer Series event cancellation; completed and upcoming citizens academy sessions; the appointment of an interim Town Clerk; an update on the progress of the Bike-Ped application; a quarterly report on the strategic plan; a reminder of the upcoming joint meeting with the Planning and Zoning Board; and a second grant for recycling carts.

Manager Coffey, Police Chief Davis, Lieutenant Oberlin and Public Works Director Pennell addressed ongoing efforts to mitigate on-street parking problems in the vicinity of Central Avenue.

7. Discussion and Action Items

A. Community Center Project Change Order & Budget Amendment

Public Works Director Pennell reviewed proposed change order #1 in the amount of \$6,585.24 with Town Council. This change order is related to a grease trap required by MSD and the removal of an unexpected area of rock. The project architect, Public Works Director and Town Manager have reviewed the proposed change order and Manager Coffey recommends approval.

Vice-Mayor Jackson moved to approve change order #1 for the Community Center project and the related budget amendment. Councilmember McKenna seconded the motion and in a roll call vote all voted to approve the change order. Motion passed 5-0.

B. ADA Transition Plan

Town Attorney Jackson reviewed the proposed ADA Transition Plan with Town Council as prepared by the engineering firm of WithersRavenel. The plan reviews each of the town’s facilities including buildings, parks, parking lots and sidewalks along public streets, identifies ADA barriers, and outlines a five year transition plan to gain compliance with the ADA. Keith Pugh of WithersRavenel also spoke to Council regarding the plan.

Councilmember McKenna moved to adopt the plan as presented. Councilmember Fitzsimmons seconded the motion and in a roll call vote all voted to approve the ADA Transition Plan. Motion passed 5-0.

C. Approval of Recycling Contract

Manager Coffey reviewed the proposed recycling contract between the Town and Curbside Management including a proposed rate increase to \$3.00 per household per month up from the current rate of \$2.78 beginning in July 2020 and an increase to \$3.15 plus annual adjustment based on the consumer price index beginning in July 2021. Curbside Management has been collecting recycling within the town for approximately 18 years. The contract is proposed as a five year service contract.

Councilmember Fitzsimmons moved to authorize the Town Manager to finalize and execute a recycling contract with Curbside Management. Councilmember Nagle seconded the motion and in a roll call vote all voted to approve the authorization. Motion passed 5-0.

D. County Tax Collections Agreement

Manager Coffey has been exploring additional possibilities related to property tax collections. One of these options is an interlocal agreement with Buncombe County to provide tax collection for the town for a fee of 2% of all property taxes collected. Finance Officer Dozier estimates this cost to the town for collection at \$62,000, which she believes is the approximate cost of the Town's tax collection services. Manager Coffey and Finance Officer Dozier are recommending approval of the interlocal agreement with Buncombe County for tax collection services.

Several members of Council raised questions for staff related to the cost of collection for contracting with the County versus the cost of replacing an employee to fulfill the responsibility of tax collection.

Vice Mayor Jackson moved to adopt the resolution approving the Interlocal Agreement for tax collection and appointment of the Buncombe County Tax Collector as the tax collector for the Town. Councilmember Sherrill seconded the motion and in a roll call vote Vice Mayor Jackson, Councilmember Sherrill and Councilmember Fitzsimmons voted in favor of the motion. Councilmember McKenna and Councilmember Nagle cast dissenting votes on the motion. Motion passed 3-2.

E. Adoption of FY 2020-2021 Budget Ordinance

Town Council held a public hearing on the fiscal year 2020-2021 budget on June 9 and had a period open for submission of public comments. No comment was received by the public on the budget. The budget ordinance and fee schedule proposed for adoption reflected the revisions requested by Town Council during the budget process.

Councilmember Sherrill moved to adopt the 2020-2021 budget ordinance and fee schedule. Vice Mayor Jackson seconded the motion and in a roll call vote all voted to approve the change order. Motion passed 5-0.

F. Quarterly Report: Public Works & Water

Public Works Director Pennell presented Town Council with the quarterly report for public works and water.

8. Adjournment

Councilmember Fitzsimmons made the motion to adjourn the meeting. Councilmember Nagle seconded and in a roll call vote all voted to adjourn the Council's meeting at 8:57 p.m. Motion passed 4-1 with Councilmember Nagle voting nay.



James Eller, Interim Town Clerk

**TOWN OF WEAVERVILLE
ORDINANCE TEMPORARILY SUSPENDING SECTION 18-37(b) AND (c) OF THE
WEAVERVILLE TOWN CODE CONCERNING TOWN FISHING LICENSES**

WHEREAS, the Town wishes to take some affirmative action to decrease the risk of spread of COVID-19 in order to keep the public and staff as healthy as possible during the COVID-19 public health emergency;

WHEREAS, Section 18-37(b) of the Weaverville Town Code requires the issuance of a Town fishing license for fishing at Lake Louise and Section 18-39(c) indicates that a fee must be paid and the permit obtained at Town Hall;

WHEREAS, due to the COVID-19 pandemic Town Council has determined that the benefit of requiring a Town fishing license does not out weight the risk to the health and safety of the public and Town staff during the in-person issuance of the Town fishing license;

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

1. For the period from July 1, 2020 through June 30, 2021, subsections (b) and (c) of Section 18-37 of the Weaverville Town Code of Ordinances are hereby suspended.
2. This ordinance shall be effective immediately and shall automatically expire on June 30, 2021, at 11:59 pm.

ADOPTED THIS the 22nd day of June, 2020, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



JAMES ELLER, Interim Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



**TOWN OF WEAVERVILLE
RESOLUTION APPROVING INTERLOCAL AGREEMENT FOR TAX
COLLECTION AND APPOINTMENT OF TAX COLLECTOR**

WHEREAS, NCGS § 105-349 requires the governing body of each municipality to appoint a tax collector to serve for a term to be determined by the appointing body and until his or her successor has been appointed and qualified; and

WHEREAS, Article 20 of Chapter 160A of the North Carolina General Statutes allows the Town and Buncombe County to jointly exercise any function that they have been granted to exercise alone and to enter into contracts or agreements to specify the details of these joint undertakings;


WHEREAS, the Town and Buncombe County wish to enter into the interlocal agreement for the collection of the Town's property taxes that is attached hereto;

NOW, THEREFORE BE IT RESOLVED, that the Weaverville Town Council hereby (1) approves the attached Agreement and authorizes the Town Manager and Finance Director to execute it on behalf of the Town, and (2) appoints the Buncombe County Tax Collector as the Tax Collector of the Town of Weaverville effective July 1, 2020 and beginning with FY 2020-2021.

ADOPTED this the 22nd day of June, 2020.



ALLAN P. ROOT, Mayor



JAMES ELLER, Interim Town Clerk



**FY 2020-2021 BUDGET ORDINANCE
TOWN OF WEAVERVILLE, NORTH CAROLINA**

WHEREAS, N.C.G.S §159-8 requires that the Town of Weaverville appoint a Budget Officer to serve at the will of the governing body and Town Council has and hereby appoints the Town Manager to serve in such capacity; and

WHEREAS, in accordance with N.C.G.S. §159-10, departmental budget requests were submitted to the Budget Officer by March 6, 2020, and in accordance with N.C.G.S. §159-11, the Budget Officer submitted the budget message to the Mayor and Town Council on May 12, 2020, which included the tax rate calculated as thirty-eight cents (\$0.38) per \$100 in valuation per the Buncombe County Tax Department's assessments; and

WHEREAS, in accordance with N.C.G.S. §159-12(a), the Budget Officer filed the proposed budget with the Town Clerk on May 12, 2020 and posted the same on the Town's website, and the Town Clerk caused a statement indicating that the proposed budget had been submitted to the governing body and was available for public inspection and that a public hearing on the budget was scheduled for June 9, 2020; and

WHEREAS, Town Council, in accordance with N.C.G.S. §159-12(b) and after proper notice under N.C.G.S. §159-12(a), held a public hearing on the proposed budget on June 9, 2020, providing the public with an opportunity to attend and provide comment; and

WHEREAS, Town Council has carefully considered the anticipated revenues and expenditures necessary to provide for the provision of municipal services within the Town of Weaverville during the 2020-2021 fiscal year and wishes to adopt this Budget Ordinance which reflects a balanced budget in accordance with N.C.G.S. §159-8 with the sum of estimated net revenues and appropriated fund balances equal to appropriations;

BE IT, THEREFORE, ORDAINED by the Town Council for the Town of Weaverville, North Carolina:

Section 1. General Fund Revenues

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

GENERAL FUND

REVENUES

Prior Year Taxes	\$4,000
Ad Valorem Taxes	\$3,299,048
DMV Tax Revenue	\$201,262
Tax Penalties & Interest	\$4,000
Utility Tax Revenue	\$467,500
Beer & Wine Excise Tax	\$17,000

Powell Bill Funds	\$100,000
Local Government Sales Tax Revenue	\$1,116,800
Fire Protection Contract Revenue	\$1,548,864
ABC – Distribution to Town	\$150,000
Cell Tower Revenue	\$16,000
Miscellaneous Revenue	\$35,000
Interest Income	\$12,100
Powell Bill Interest Income	\$500
Planning & Zoning Fees	\$20,000
Fire Inspection Fees	\$500
Sale of Surplus Property	\$10,000
Appropriated Fund Balance	\$238,220
	\$7,240,794
TOTAL ESTIMATED GENERAL FUND REVENUES	\$7,240,794

Section 2. General Fund Appropriations

The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in accordance with the departmental units heretofore established for the Town:

APPROPRIATIONS

Governance	\$265,024
Administration	\$629,587
Planning Department	\$118,564
Police Department	\$1,984,143
Fire Department	\$2,506,566
Public Works:	
Streets Division	\$443,256
Powell Bill Division	\$100,000
Sanitation Division	\$702,518
Recreation Division	\$296,791
Contingency	\$20,000
Debt Service	\$174,346
	\$7,240,794
TOTAL GENERAL FUND APPROPRIATIONS	\$7,240,794

Section 3. Water Fund Revenues

It is estimated that the following revenues will be available in the Water Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

WATER FUND

REVENUES

Water Revenue	\$2,070,000
Miscellaneous Revenue	\$15,000
Water Tap Revenue	\$26,250
System Development Fees	\$147,000
Fees for MSD Collections	\$60,000
Interest Earned	\$5,500

TOTAL ESTIMATED WATER FUND REVENUES **\$2,323,750**

Section 4. Water Fund Appropriations

The following amounts are hereby appropriated in the Water Fund for the operation of the Town's water system for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in accordance with the departmental divisions heretofore established for the Town:

WATER FUND

APPROPRIATIONS:

Water Administration	\$273,277
Water Production	\$817,297
Water Maintenance	\$729,566
Contingency	\$15,000
Reserve for Bond Payments	\$203,616
Transfer to Capital Reserve Fund	\$284,994

TOTAL WATER FUND APPROPRIATIONS **\$2,323,750**

Section 5. Capital Reserve Funds

Capital Reserve Fund – Water Fund

A Capital Reserve Fund for the Water Fund was established by resolution and adopted on June 18, 2018,

effective July 1, 2018. The fiscal year beginning July 1, 2020 and ending June 30, 2021 includes the following:

Transfer from the Water Fund to Capital Reserve Fund for future expansion of the Water Treatment Plant: \$284,994

Section 6. Capital Project Funds

A Capital Project Fund for the Waterline Extension Project was established by ordinance and adopted on February 25, 2019. The total cost of the project is estimated at \$2,970,600 and has a USDA loan approved. Of this amount, \$493,218 in expenditures has been paid as of June 30, 2020. For the fiscal year beginning July 1, 2020 and ending June 30, 2021, it is estimated that an additional \$1,975,000 will be spent on the project.

A Capital Project Fund for the new Community Center was established by ordinance and adopted on January 27, 2020. The total cost of the project is estimated at \$3,344,040 and will be funded by General Fund Balance. Of this amount, \$425,454 in expenditures has been paid as of June 30, 2020. For the fiscal year beginning July 1, 2020 and ending June 30, 2021, it is estimated that an additional \$2,781,600 will be spent on the project.

Section 7. Ad Valorem Taxes

An *ad valorem* tax rate of thirty-eight cents (\$0.38) per one hundred dollars (\$100.00) valuation of taxable property, as listed for taxes as of January 1, 2020 is hereby levied and established as the official tax rate for the Town of Weaverville for fiscal year beginning July 1, 2020 and ending June 30, 2021. This tax rate is based upon a total projected valuation of \$876,939,961 and an estimated collection rate of 99.0%.

Section 8. Fee and Rate Schedule

There is hereby adopted an official Fee Schedule (including Water Rates) listing monies receivable by the Town of Weaverville as referenced in Sections 1 and 3 of this Budget Ordinance. The Fee Schedule is incorporated as an addendum to this Budget Ordinance.

Section 9. Authorizations & Conditions

The Town Manager, serving also as Budget Officer for the Town of Weaverville, is hereby authorized to transfer appropriations as contained herein under the following conditions:

- A. This Budget Ordinance defines departments and divisions as follows:

<u>General Fund Departments:</u>	<u>Divisions:</u>
Governance & Legal Administration Planning Department Police Department Fire Department Public Works:	<ul style="list-style-type: none">• Streets Division• Powell Bill Division• Sanitation Division• Recreation Maintenance Division
<u>Water Fund Departments:</u>	<u>Divisions:</u>
Water	<ul style="list-style-type: none">• Water Administration• Water Production• Water Maintenance

- B. The Budget Officer or his/her designee is hereby authorized to distribute departmental funds based upon the line item budgets and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.
- C. The Budget Officer or his/her designee may authorize transfers between line items, expenditures and revenues, within a department or division without limitation and without a report being required.
- D. The Budget Officer or his/her designee may transfer amounts up to 5%, but not to exceed \$10,000 monthly, between departments, including contingency appropriations, but only within the same fund. The Budget Officer must make an official report on such transfers at a subsequent regular meeting of Town Council.
- E. The Budget Officer or his/her designee may not transfer any amounts between funds, except as approved by Town Council, as a budget amendment.

Section 10. Contingency Concerning Fire Tax Rate

The North Buncombe Fire Tax Rate used in this Budget Ordinance is twelve cents (\$0.12) per \$100.00 in valuation. Should Buncombe County set the fire tax rate applicable within the Town's jurisdiction lower than \$0.12 per \$100.00 in valuation, then the Town's Budget for FY 2020-2021 shall be and is hereby automatically amended to appropriate the resulting difference in fire tax revenue from the fund balance within the Town's General Fund.


Section 11. Utilization of Budget Ordinance

The Budget Ordinance shall be the basis for the financial plan of the Town of Weaverville during the fiscal year beginning July 1, 2020 and ending June 30, 2021. The Budget Officer shall administer the budget. The accounting system shall establish records, which are in consonance with this budget and this ordinance and the appropriate statutes of the State of North Carolina.

Section 12. Distribution & Documentation

Copies of this Budget Ordinance shall be furnished to the Town Clerk, the Budget Officer and the Finance Officer to be kept on file by them for direction in the collection of revenues and disbursement of Town funds.

DULY ADOPTED this the **22nd** day of **June 2020**.



Allan P. Root, Mayor
Town of Weaverville

ATTEST:



James Eller, Interim Town Clerk



**TOWN OF WEAVERVILLE
RESOLUTION APPOINTING AN INTERIM TAX COLLECTOR**

WHEREAS, NCGS § 105-349 requires the governing body of each municipality to appoint a tax collector to serve for a term to be determined by the appointing body and until his or her successor has been appointed and qualified; and

WHEREAS, a person selected to serve as tax collector is required to be a person of character and integrity whose experience in business and collection work is satisfactory to the governing body;


WHEREAS, due to the recent resignation of its tax collector, the Town of Weaverville finds that Jennifer Jackson possesses those qualities and wishes to appoint Jennifer Jackson to serve as tax collector and to carry out all of the duties of that office until such time as a successor can be appointed and qualified;

NOW, THEREFORE BE IT RESOLVED, that the Weaverville Town Council hereby appoints Jennifer Jackson as the Weaverville Tax Collector and directs her to carry out the duties of the office of tax collector, including specifically the preparation and presentation of the tax settlement for FY 2019-2020, and to serve in this office until Town Council can appoint a qualified successor.

ADOPTED this the 22nd day of June, 2020.



ALLAN P. ROOT, Mayor



JAMES ELLER, Interim Town Clerk



