



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Tuesday, January 8, 2019**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Tuesday, January 8, 2019, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, 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 Al Root called the meeting to order at 6:00 p.m.

Mayor Root noted that the workshop tonight was not going to be about making decisions, however instead to talk through issues that are before the Town of Weaverville. Mayor Root also changed the order of the discussion items under the continued discussions related to growth to have the water allocation and commitment process moved to item A, the vested rights moved to item B, the annexation process moved to item C, and if time allows to discuss the other items.

2. Review of Proposed Code Amendments – Chapter 9, Nuisances

Town Attorney Jennifer Jackson informed Council that before them for review were the proposed code amendments for Chapter 9, Nuisances. She mentioned that the first article, Article I – General Provisions, is new and pulls out all the uniform provisions that are applicable to public health nuisances, vehicle issues and noise, so that there isn't any redundancy in the ordinance.

In accordance with direction of Town Council, Article II – Public Health Nuisances, discusses conditions that are dangerous or prejudicial to the public health and public safety within the Town of Weaverville. Section 9-201 is a provision that lists out potential nuisances; however this isn't the exclusive list, so other circumstances that weren't contemplated could be handled in this section.

Council discussed that they don't want to be another homeowners association and to make sure the conditions are solely based on a public health or safety issue and not the appearance of property, but realizes there are some issues that need to be addressed in the Town. Council wants to make sure there is language in the ordinance that if any of these conditions arise, staff is legally capable of taking action to remedy the violation.

Town Attorney Jackson noted that Article III – Abandoned and Junked Motor Vehicles, as directed by Town Council includes vehicles abandoned on public streets, public property, or private property with the permission or request of the private property owner, must be removed. However, private property abandoned vehicles can only be removed without the owner’s permission if the vehicle is causing a traffic hazard. Town Attorney Jackson did clarify that this whole article is largely tied to statutory definitions and procedures that are explicitly laid out, so there isn’t a lot of choice on the procedures.

As for Article IV – Noise, it is largely consistent with the current ordinance, but provisions were added to help strengthen it. One provision that has been added is that if two independent complaints are received, it creates a presumption of a violation. Also, factors have been added to aid in the determination of a violation.

Council discussed whether aesthetics should be added back to Article III for abandoned vehicles and if there should be a specified timeframe added to the noise ordinance for when construction can be completed.

Town Attorney Jennifer Jackson mentioned that this is a general public policy ordinance, so a public hearing is not required, but it can be set by Council if they prefer. Also, there is a nuisance ordinance now, these provisions are to help strengthen and clarify it.

Mayor Root informed Council to study the ordinance and come back with any further suggestions or issues to the Town Attorney, so this matter can be brought up for approval at Town Council’s meeting in January or February.

3. Continued Discussions Related to Growth

A. Water Allocation/Commitment Process and Procedures (Generally)

Town Attorney Jennifer Jackson indicated to Town Council that there are several policies and procedures that apply to the water commitment process. If the water commitment request is for a meter over two inches then it will come in front of Town Council, but if the meter is less than two inches then the Town Manager and Public Works Director will review the application. After approval, water commitments are valid for one year and the owner/developer has the option of requesting a year extension. These extensions are usually granted, since the developer has potential delays through the local and state permitting process and construction. At the end of the two years, in order to keep the water reservation, the minimum monthly water charge would need to be paid per each unit. It is recommended to strengthen the regulations in this regard.

Council discussed adding language to the ordinance that once the water rights are issued, the developer has two years before they will need to be paying a monthly water bill for each unit. Also, to look at increasing the water commitment fees for developers, due to opportunity costs for delays.

B. Vested Rights

Town Attorney Jennifer Jackson mentioned to Town Council that vested rights allow for the continued use or completion of a project as it was approved, despite changes in an ordinance after approval. They are founded on fairness and balance the public interest in uniformity of rules with private interest in protecting good faith investments in property development. They protect property owners who rely on specific approvals from local government. The four ways to establish vested rights are: valid building permit,

common law vested rights, development agreements, and site-specific development plan or phased development plan.

C. Extraterritorial Jurisdiction

Mayor Root mentioned that due to lack of time, Council should place the ETJ issue on the agenda again, so it can be determined if we want to reach out to John Ager and look into possibly getting our ETJ back.

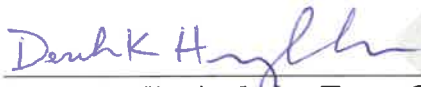
D. Annexation Process and Procedures (Generally)

Town Attorney Jennifer Jackson mentioned to Town Council that they are the only governing body that can annex properties into the Town. Connecting the development approvals with our water approvals was discussed with some emphasis on the difficulties and dangers in linking the two. Council discussed making it a requirement to see the development plan before annexing developments, and that the property must voluntarily annex into the Town for development before water is allocated.

Town Manager Selena Coffey reminded Town Council about the Martin Luther King Commemoration program at the Weaverville United Methodist Fellowship Hall on Martin Luther King Jr Day, January 21st at 11 am.

4. Adjournment

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



Derek K. Huninghake, Town Clerk





MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, January 28, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, January 28, 2019, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Town Clerk Derek Huninghake, 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 Al Root called the meeting to order at 7:01 p.m.

2. Approval/Adjustments to the Agenda

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

3. Approval of Minutes

Vice Mayor/Councilman Jackson made the motion to approve the minutes from November 13, 2018 Town Council Workshop, December 11, 2018 Town Council Special Called Meeting and December 17, 2018 Town Council Regular Meeting, and December 21, 2018 Town Council Special-Called Meeting as presented. Councilman McKenna seconded the motion and all voted in favor on the approval of the minutes.

4. Special Recognition

Mayor Root recognized and welcomed the new Town of Weaverville Police Chief Ron Davis. Chief Davis is a U.S. Army Veteran and has held many roles in the military and law enforcement, including most recently serving with the Town of Fletcher Police Department. In his short time with the Town of Weaverville, he has already made his mark and we really appreciate him being here.

5. General Public Comment

Mayor Root noted Town Council is bringing back the ability, on certain agenda items, to allow comment during the discussion of respective items on the agenda.

Public comments were received as follows: NONE

6. Consent Agenda

Councilwoman Sherrill moved for the approval of the consent agenda. Councilman McKenna seconded the motion and all voted unanimously to approve all action requested in the consent agenda.

- A. Monthly Tax Report – Information Only**
- B. Tax Releases/Refunds-** *Approved tax release and refund of the real property of Stanwood Nutter at 12 Perrion Ct, valued at \$71,600, so that \$272.08 can be released from the 2018 tax levy.*
- C. Approval of Employment Agreement for Town Attorney –** *Approved Employment Agreement for Town Attorney*
- D. Budget Amendment: Police Department -** *Approval of Budget Amendment*
- E. Set Public Hearing for Code Amendments regarding Multi-Family Development –** *Scheduled Public Hearing for Monday, February 25, 2019 at 6:45 pm at the Town Hall.*
- F. Adoption of FY 2019-2020 Budget Calendar –** *Adopted FY 2019-2020 Budget Calendar*

7. Town Manager’s Report

Town Manager Selena Coffey presented her Manager’s report to Council including that their scheduled February 12 workshop is a joint meeting with the Planning and Zoning Board; the Town’s inaugural Martin Luther King Jr. Day program was held on January 21 at the Weaverville United Methodist Church, and almost 50 people were in attendance; only five applications have been received for the 2019 Citizens Academy, so the Town will be postponing the next Academy until 2020; There have been minor leaks in the ceiling in the Police Department area of the building, due to a fallen roof membrane along some points of the roofline of Town Hall. There is a company repairing this in the next few days for \$5,144.00; and lastly, Town Manager Coffey spoke with NCDOT regarding the crosswalk signage in town and was advised that the signage was “refreshed” at the direction of Division Traffic Engineering Director due to statistics involving pedestrian accidents in fatalities in Buncombe County. There have been complaints from citizens of Weaverville that the crosswalks weren’t identified well enough, and the current signs are based on national standards using the USDOT Manual on Uniform Traffic Control Devices for streets and highways.

8. Discussion and Action Items

A. Update on Greenways Project

Doug Dearth gave Town Council a brief update on the Greenway project. In 2012, the County advised a Greenway Master Plan that included area in Reems Creek valley. In conjunction with the County, in 2014, a feasibility study was conducted on the Reems Creek segment. Now, a federal grant for \$600,000 has been secured for a Preliminary Engineering Study. This will be a joint project between Weaverville and the County, and moving forward a Letter of Interest (LOI) will be prepared to solicit vendor proposals to undertake the engineering study. The next steps will be to form an oversight committee with individuals from the County, Weaverville, and MPO staff to interview vendors and award the contract. Two Public Input Sessions will be held and interim reports will be given every few months to the Council and the oversight committee.

B. Update on July 4 Celebration and Budget Amendment

Town Manager Coffey updated Council on the July 4th Celebration, and asked that the budget amendment for the event be approved. She thanked and recognized the school system, because after correspondence and meetings with the Buncombe County Board of Education Chair Ann Franklin, Superintendent Tony Baldwin and Principal Stephen Chandler, it has been approved to stage the Town’s Fourth of July fireworks on the Weaverville Primary School baseball field. This approval is contingent upon the Town covering the affected school roof areas with fire blankets, and there has been a quote received for these fire blankets for \$8,940.00.

Mayor Root recognized Ann Franklin, Town Manager Coffey, BCBOE, and Superintendent and thanked them all for their help in getting this secured and approved.

Councilman Nagle made a motion to approve the attached budget amendment of \$8,940.00 for the purchase of fire blankets for the July 4th event. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

C. Community Center Project

Town Manager Selena Coffey mentioned to Town Council that after the last meeting, staff has worked with the architectural firm to address changing the commercial kitchen to a catering kitchen on the concept plans and requested estimated cost implications if rooms inside the community center were designated for use as sports courts. An analysis was provided by the architect to show these cost implications for sports courts inside and the cost increase ranged from \$59,000 - \$78,350. Town Manager Coffey also requested an additional drawing to reflect plans for the entire community center site, which incorporated outdoor multi-purpose sports courts that could be utilized for recreational purposes.

Public Comment:

Thomas Veasey, 69 Lakeshore Drive, first asked if the Parks and Recreation Board for the Town of Weaverville was still intact and then commented that he would like to know what the cost factor was between the commercial and catering kitchen, since there are senior citizens and boy scouts who would use the kitchen for pancake breakfasts and other fundraisers.

Jim Proffitt, 16 Saint Browns Place, asked about the wormy chestnut that he had removed from the old community center and wanted to make sure that it was going to be put to good use.

Vice Mayor/Councilman Jackson made a motion that the Town Manager be directed to move forward with the community center project that as presented (which does not include accommodation for indoor sports courts), but be tasked with including the outdoor multi-sports courts in a future phase of the project. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Personnel Policy Amendments: Holidays and Leave

Town Manager Selena Coffey informed Town Council that before them tonight was Article VI, the last section of the personnel policy that they have been updating for the past year, which covers Holidays and Leaves of Absence. Staff hopes to incorporate all the changes and present the new updated Personnel policy at the next meeting. At the last Town Council meeting, Council approved the Town's holiday schedule, which was based on the State's holiday schedule and eliminated the personal leave day for each employee. Compensatory time has been deleted throughout the document and all eligible employees accrue annual leave.

Town Attorney Jennifer Jackson mentioned that under item H, Effect of Reinstatement, the three year window was deleted and the authority was given to the Town Manager. As for sick leave, it accrues at a rate of one day per month or twelve days per year and is based on the employee's normal work day. Accumulation of sick leave is allowed for an indefinite period of time and has no maximum number of days that can be accrued. It can be converted upon retirement for service credit as allowed by NC LGERS. Section 6-Family and Medical Leave, is provided in accordance to the Family Medical Leave Act and has been updated for statutory and regulatory compliance. By law this is required to be in our policy. Lastly, Section 8-Leave without Pay has been simplified and the amount of time has been reduced from 6 months to 12 weeks, and during this period of leave the employee will be responsible for paying their entire insurance premium.

Council discussed the amount of accrual leave that should be granted to new employees after the probationary period ends, the amount of hours that can be rolled over into sick leave, and asked that staff check with the state to see if there can be a maximum limit on the number of hours that can be accumulated in sick leave that can go towards retirement, or if a paid time off (PTO) system would be more efficient.

E. Annexation/ Zoning Map Amendment: Barkley Terrace

Town Attorney Jennifer Jackson informed Town Council that before them was an annexation petition that has been submitted by Cane Creek Vistas, LLC, on the Wheeler Road project. It is before Council, since a condition of the water allocation was to be annexed into the Town. Last month, Council asked the Town Clerk to verify the sufficiency of the annexation petition, and this has been completed and certified that the proper owner has requested the annexation. The Town Clerk has also checked with the Town Planner James Eller to make sure that all the

requirements for a non-contiguous or satellite annexation has been met. Town Planner Eller has also been gathering information from various Town Departments to put together some background information on the annexation, including anticipated effects and costs. Town Attorney Jackson also told Council that an application for an initial zoning of R-2 was received as well. She mentioned that the annexation petitions are a Town Council matter, and should they proceed with the request then public hearings would need to be scheduled on the annexation and initial zoning. However, if Council decided not to go forward with the request then they can release the owner from the annexation requirement.

Councilman Fitzsimmons commented that a couple years ago Council gave the developer water on the condition that they annexed into Town, so he believes Council needs to remember that. Also, even if they aren't annexed into Town, the Town will still provide certain services there. These are smaller lots, so it can help the younger generation come into Town and the tax revenue would be good for the Town.

Councilman Nagle commented that he doesn't remember seeing a development plan on the project when it was given water allocation. However, he is not a fan of non-contiguous annexations and believes that Council has worked hard on limiting vested rights. Councilman Nagle believes that it is a matter of being inconsistent with Town Code, and Council could ask Planning and Zoning to look at new zoning and new codes.

Councilman Jackson mentioned that if you look at the R-2 zoning request, the lot sizes are considerably smaller than what R-2 requires. Councilman Jackson proposes that Council look at creating another zoning classification to accommodate projects like this.

Councilman McKenna commented that if Council believes in the future that there could be other higher density projects like this, and possibly in the same area that could be contiguous then this might be a move in the right direction for the Town. He understands that there might be some disagreements on the appearance, however high density projects will come in the future and the Town can't let them pass.

Mayor Root commented that at the end of the day, the development is going to be built and he thinks it is only right to provide services, especially police service.

Chris Day, Civil Design Projects, commented that he was before Council two years ago and there was a condition made for the water allocation to have the project annexed into Town. The owner has agreed to the condition and even though they are in the County, the streets were modified to meet Town standards. All the road, water and sewer lines, and permits are in and they are breaking ground on homes in a month. Mr. Day also added that when he was before Council a few years ago, the vested rights issue for these multi-family homes wasn't discussed and that he wasn't aware that it was an issue.

Public Comment

Walt Townsend commented that Council should be careful with giving away the commodity of water too cheaply. He believes that the water isn't always guaranteed to be available and so need to protect that resource.

Thomas Veasey, 69 Lakeshore Dr., commented that Council should commit to annexing the development into the Town limits and increase the Town's tax base. The only concern he has is the overflow of parking for a development of that size.

Doug Theroux, 73 Hillcrest Dr., commented that he isn't in favor of annexing this property into the Town limits. The development doesn't fit into the Town code or ordinances. The lot is only 29 feet wide with five foot side setbacks, so the home can only be 19 feet wide; it wouldn't even be able to fit a doublewide on it. Not to mention the front setbacks. Mr. Theroux believes that a different zoning classification should be looked at for these high density developments.

Vice Mayor/Councilman Jackson made a motion to reject the annexation application and R-2 zoning request from Cane Creek LLC. Councilman Nagle seconded the motion. The motion passed by a majority vote of Council. Motion carries 3-2. Vice Mayor/Councilman Jackson, Councilwoman Sherrill, and Council Nagle voted yes. Councilman McKenna and Councilman Fitzsimmons voted nay.

F. Proposed Code Amendments: Public Nuisances

Town Attorney Jennifer Jackson mentioned to Town Council that before them tonight was a proposed ordinance that amends Town Code Chapter 9 and has been discussed at previous Town Council meetings. The draft ordinance repeals and replaces the current nuisance provisions and contains articles outlining general provisions and provides regulation of public health nuisances, abandoned and junked motor vehicles, and noise. The amendments proposed are in order to strengthen the provisions and conform to statutory requirements. Town Attorney Jackson mentioned that in light of Town Councils conversations, the proposed general regulations focus on situations that affect the general public and the removal of a junked vehicle from private property without the owners' permission is only authorized if the vehicle is a public health nuisance or traffic hazard. Town Council does have the right to deem a situation a nuisance if it is not prohibited under the general regulations, by adopting an ordinance concerning that specific circumstance under authority granted by NCGS 160A-174.

Vice Mayor/Councilman Jackson made a motion to adopt the Ordinance Repealing and Replacing Weaverville Town Code Chapter 9 Concerning Nuisances. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

G. Sale of Bus Garage

Town Attorney Jennifer Jackson updated Town Council on where the bidding cycle was at on the sale of the old bus garage property located at 13 Central Avenue. Since the December 2018 Town Council meeting, the Town Clerk has held two successful rounds of upset bids with the most recent qualifying bid being received and opened on January 22, 2019. The current bid is for \$345,000 and was received from Howard Cummings. Under NCGS 160A-269, this new bid will be advertised and another 10-day upset bid period will begin to run on January 25, 2019 until February 4, 2019. Staff will continue to report back to Town Council on a periodic basis.

H. Resolution Authorizing Town to Engage in Electronic Payments

Finance Officer Tonya Dozier mentioned to Town Council that in front of them tonight for their approval was a Resolution authorizing the Town to engage in Electronic Payments. This approval will make the Town compliant with legal standards required by the NC Administrative Code 20 regarding procedures for pre-auditing obligations and disbursing public funds by electronic transaction.

Councilman Nagle made a motion to adopt the Resolution Authorizing the Town of Weaverville to Engage in Electronic Payments as Defined by N.C.G.S. 159-28 or N.C.G.S 115C-441. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

I. Quarterly Reports – Finance

Finance Officer Tonya Dozier presented the Quarterly Finance Report from October 2018 – December 31, 2018. She mentioned that the Revenue and Expenditure Statements by Department were used to show where the Town was in comparison to the budget at this time last year. The quarterly report is attached below.

J. Comprehensive Land Use Plan Update

Town Planner James Eller mentioned to Town Council that as staff continues to work on the Comprehensive Land Use Plan project, there are certain reports that would be useful for Town Council to receive prior to the full draft of the plan. The main report presented tonight is on the topic of extraterritorial jurisdiction (ETJ), which has been discussed within the strategic plan and, if re-established, could provide some relief to the Town's discomfort with disparity in development standards inside the Town versus outside the town limits. Staff is working on writing the

Comprehensive Land Use Plan draft and public input will be sought in coming months. The hope is to discuss a public input strategy at the joint meeting in February 2019.

K. Quarterly Reports – Planning

Town Planner James Eller presented the Planning Departments Quarterly Report and noted that 29 Zoning Permits and 1 Sign Permit have been issued during this period. He also noted that at the January 14, 2019, Zoning Board of Adjustments meeting, an approval was granted allowing the Ace Hardware store to move into Ingles Garden Area.

9. Closed Session

Councilwoman Sherrill made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and public body, and N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance. Councilman Fitzsimmons seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

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

10. Revisiting Sale of Bus Garage

Councilman Nagle made a motion to reject all bids and withdraw the Old Bus Garage at 13 Central Avenue from sale at this time. Vice Mayor/Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

11. Adjournment

Councilman Nagle made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 9:55 p.m.


Derek K. Huninghake, Town Clerk



STATE OF NORTH CAROLINA

EMPLOYMENT AGREEMENT

TOWN OF WEAVERVILLE

THIS AGREEMENT is made this 28th day of January, 2019, between the **TOWN OF WEAVERVILLE, NORTH CAROLINA** (the "Town") and **JENNIFER O. JACKSON** ("Jackson" or "Town Attorney");

WHEREAS, NCGS 160A-173 provides that a town must appoint an attorney to serve at its pleasure and to be its legal adviser;

WHEREAS, on May 16, 2016, Weaverville Town Council took action to appoint Jackson to be its Town Attorney and Jackson has served in such capacity since that time;

WHEREAS, Town Council and Jackson wish to continue Jackson's appointment as Town Attorney under the terms and conditions as expressed in this Agreement;

NOW, THEREFORE, in consideration of mutual covenants and agreements contained in this agreement, the Town and Town Attorney agree as follows:

1. APPOINTMENT AND DUTIES –

- a. The Town hereby appoints and employs Jackson as the Town Attorney for the Town of Weaverville to perform the functions and duties specified in NCGS 160A-173, the Town's Charter and Code of Ordinances, and such other legally permissible and proper duties and functions as the Town Council shall from time to time assign.
- b. The Town Attorney shall provide legal services to the Town of Weaverville, its Mayor and Town Council, Town Manager, Town Planning and Zoning Board, Town Board of Adjustment, and other employees and board and committees as requested by the Mayor or Town Manager. Conflicts with this representation shall immediately be brought to the attention of the Mayor and Town Manager.
- c. Expressly excluded from Jackson's scope of appointment and employment is bond work that should reasonably be performed by bond counsel and litigation unless specifically agreed to by Jackson.
- d. The Town Attorney shall devote approximately 30 hours of time each week to the performance of her duties. Except as provided in this agreement, Jackson shall not perform any additional legal services or represent any other client, whether for remuneration or pro bono, without the approval of Town Council. It is expressly understood and agreed that Jackson can continue to represent the City of Marion and the Weaverville ABC Board as long as such representation does not conflict with or unduly interfere with representation of the Town of Weaverville.

- e. The Town Attorney shall strictly observe the Rules of Professional Conduct both during employment and during and after termination.
2. **ATTORNEY-CLIENT RELATIONSHIP** – Any communication between the Town and Town Attorney is presumed to be confidential.
3. **EMPLOYMENT STATUS** – Jackson is employed as a part-time exempt employee of the Town with benefits limited to those expressly provided in this Agreement, required by law, or specifically approved by action of Town Council.
4. **TERM** – This Agreement is for an indefinite period and shall continue until such time as either party may terminate this Agreement as provided herein.
5. **TERMINATION** –
 - a. The Town of Weaverville, through action of Town Council, may terminate the appointment and/or employment of the Town Attorney at any time and for any or no reason by notifying the Town Attorney in writing.
 - b. The Town Attorney has the right to terminate her representation of the Town of Weaverville at any time and to withdraw from representation in any manner and for any reason as long as the Rules of Professional Conduct are observed. While it is not necessary to state a reason for withdrawal from representation, the following conduct or circumstances may cause Jackson to consider termination: nonpayment of salary or other stated benefits, misrepresentation or failure to disclose material facts, significant action contrary to the Town Attorney's advice, conflicts of interest, attorney ethical obligations, personal conflict or disagreement and refusal to cooperate, breach of trust.
 - c. If Jackson's representation of the Town is terminated, any amounts owed to her for work previously performed remain due and payable. The Town also agrees to pay a reasonable fee for any time spent on the Town's matters at the request of the Town after the date of termination based upon the hours devoted by Jackson in performing those requested or required services.
 - d. At the conclusion of the representation, the Town Attorney must take measures to close the Town's files. These measures may include maintaining a hard or digital copy of the Town's files for Jackson's records. The Town's files will be kept confidential in accordance with applicable Rules of Professional Conduct at all times. Once these file closure measures are taken, the Town Attorney will seek direction from the Town concerning the handling and transfer of the files.
6. **COMPENSATION AND BENEFITS** – The only compensation and benefits that the Town Attorney is eligible for are as provided in this Agreement.
 - a. The Town Attorney shall be provided a gross annual salary of \$60,000 which shall be paid bi-weekly with regular payroll.

- b. Up to \$5,000 shall be provided to or for the benefit of the Town Attorney with such amount to be used for the Town's required contributions to Jackson's Local Government Retirement System (LGRS) account and professional dues and subscriptions such as the NC State Bar, NC Bar Association and Buncombe County Bar Association, continuing legal education (and related travel) on municipal law topics, publications related to municipal law.

It is noted that LGRS requires a minimum of five (5) years participation with LGRS before an employee is vested and entitled to receive the Town's contribution to a retirement account. In the event that the Town discontinues Jackson's employment prior to her becoming vested in LGRS, the Town agrees that an amount equal to the Town's contributions to Jackson's retirement account will be paid out directly to Jackson so that she receives the negotiated benefit without forcing a contractual relationship.

- c. The Town Attorney shall be provided up to 18 days of leave with pay.
 - d. The Town Attorney is eligible to participate in the Town's 457 Plan but such contributions are to be unmatched by Town funds.
 - e. The Town Attorney shall be eligible to receive any other one-time or recurring benefit provided to her by action of Town Council.
 - f. The Town Attorney is not entitled to receive any bonuses, leave, cost of living adjustment, or merit increase or bonus provided to or paid in accordance with policies that are established for other Town employees.
7. **CONTINUING LEGAL EDUCATION** – Jackson agrees that the majority of her continuing legal education and coursework will be focused on municipal law and related topics. The Town agrees to cover the expense of the Town Attorney's attendance of at least one North Carolina Municipal Attorney conference each year with such payment being in addition to any compensation or benefits owed to the Town Attorney.
 8. **NON-GUARANTEES** – It is hereby acknowledged that Jackson has not made any guarantee or promise of any kind concerning the outcome or results of any matter or any decisions by any court or administrative body.
 9. **PERFORMANCE EVALUATION** – The Town shall review and evaluate the performance of the Town Attorney at least once annually. Said review and evaluation shall be in accordance with specific criteria developed jointly by the Town Council and the Town Attorney. Annually the Town Council and Town Attorney shall define such goals and objectives which they determine necessary for the proper operation of the Town and in the attainment of the Town's policy objectives, with priorities among such goals and objectives being noted.
 10. **INSURANCE AND INDEMNIFICATION** – The Town agrees to maintain such insurance policies and/or riders that will provide coverage for errors and omissions in the Town Attorney's provision of her duties. To the extent provided by law, the Town shall defend, hold harmless, and indemnify the Town Attorney against any tort, professional liability claim or demand or other legal action, whether groundless

or otherwise, arising out of an alleged act or omission occurring in the performance of her duties as Town Attorney. The Town will compromise and settle any such claim or suit or pay the amount of any settlement or judgment rendered by a court of law thereon.

11. **EFFECTIVE DATE** - This Agreement shall be retroactively effective to January 1, 2019.

12. **GENERAL PROVISIONS** -

- a. The text of this Agreement shall constitute the entire agreement between the parties.
- b. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.


IN WITNESS WHEREOF, the Town of Weaverville has caused this Agreement to be signed and executed on its behalf by its Mayor, and attested by its Town Clerk, and the Town Attorney has signed and executed this Agreement.



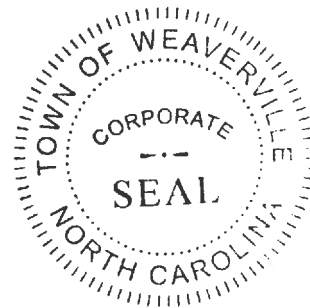
ALLAN P. ROOT, Mayor




DEREK K. HUNINGHAKE, Town Clerk



JENNIFER O. JACKSON, Town Attorney



This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

 1/29/19

TONYA DOZIER, Finance Officer

**ORDINANCE REPEALING AND REPLACING
WEAVERVILLE TOWN CODE CHAPTER 9 CONCERNING NUISANCES**

WHEREAS, Town Council of the Town of Weaverville wishes to exercise its authority under N.C. Gen. Stat. §§ 160A-174 and 160A-193 in order declare certain conditions, situations and activities as nuisances and prohibit, regulate, and provide for the removal, abatement, or remedy of the same; and

WHEREAS, Town Council also wishes to exercise its authority under N.C. Gen. Stat. § 160A-303 in order to regulate certain abandoned and junked motor vehicles in order to protect the health and safety of its residents;

WHEREAS, Chapter 9 of the Weaverville Town Code contains the Town's regulation of nuisances 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 9 is hereby repealed and replaced with the following:

CHAPTER 9 – NUISANCES

ARTICLE I - GENERAL PROVISIONS

Sec. 9-100. – Title.

This Chapter 9 of the Town's Code of Ordinances may be referred to as the Town's nuisance ordinance or public nuisance ordinance.

Sec. 9-101. – 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. 9-102. – Concurrent jurisdiction.

Nothing in this chapter shall be construed to limit the legal authority or powers of county health officials or officers of the town police department or fire department in enforcing other laws or health regulations, or in otherwise carrying out their duties.

Sec. 9-103. – Violators and chronic violators, defined.

For the purposes of this chapter, violator means the person creating the violation, the person operating any motor vehicle, machinery or equipment causing the violation, the violator's employer, and/or the

company, partnership, corporation or other person or entity which owns, possesses or controls the motor vehicle, machinery or equipment utilized by the violator.

A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of the town's public nuisance ordinance.

Sec. 9-104. – Investigation of conditions.

The person(s) having administrative responsibilities under each article within this chapter, upon notice from any person of the existence of any of the conditions described in such article, shall, within a reasonable period of time, make or cause to be made such investigation as may be necessary to determine whether, in fact, such conditions constitute a violation of this chapter.

Sec.9-105. – Enforcement and penalties; penalty not exclusive.

Section 1-6 shall apply to all violations under this chapter. The imposition of a penalty under section 1-6 of this Code for violations of this chapter shall not prevent the revocation or suspension of any license, franchise, or permit issued or granted under the provisions of this Code.

Any condition designated as a nuisance in violation of this chapter may be summarily abated by the town directly or through a private contractor and such summary abatement shall be in addition to the civil and criminal penalties and other remedies as provided under section 1-6 of this Code.

Any town employee charged with enforcement and collection of abatement costs or civil penalties may, in consultation with the town manager and town attorney, reduce the penalties or costs assessed, based upon criteria set forth in department guidelines.

Sec. 9-106. – Administrative fee for town abatement.

An administrative fee in the amount of \$100 shall be assessed for all violations under this chapter that result in abatement action having to be taken by or on behalf of the town. Such administrative fee is considered restorative and is intended to provide compensation to the town for costs associated with the town's code enforcement program, including the cost to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the town for its costs.

Sec. 9-107. – Cost of abatement declared a lien.

The expense of any enforcement action taken by the town for violations of this chapter shall be paid by the person in violation of this article. If the expense is not paid, it shall be a lien on the land or the premises where the nuisance occurred and shall have the same priority and be collected as unpaid ad valorem taxes.

Upon completion of such removal and abatement, a statement shall be delivered to the town tax collector showing the exact cost of the abatement of the unlawful condition plus the administrative fee of \$100 as set out in Section 9-106 to cover the cost of notice and costs of collection as a civil penalty. The town tax collector shall thereupon mail to the owner of the subject property a bill covering the costs, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill

shall become a lien on the property, and if not paid within 30 days shall be collected as in the manner provided for the collection of delinquent taxes.

Any town employee charged with enforcement and collection of abatement costs or civil penalties may, in consultation with the town manager and town attorney, reduce the penalties or costs assessed, based upon criteria set forth in department guidelines.

Sec. 9-108. – 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 ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Sec. 9-109. – 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 Ordinance, the more stringent provision shall apply.

ARTICLE II - PUBLIC HEALTH NUISANCES

Sec. 9-200. – Authority and jurisdiction

The Town of Weaverville hereby finds that it is necessary to define, prohibit, regulate and summarily abate acts, omissions, or conditions that are dangerous or prejudicial to the public health or public safety within the Town of Weaverville. The regulations contained within this article are adopted pursuant to the authority granted under NCGS § 160A-193 and § 160A-174.

Sec. 9-201. - Definitions

For the purposes of this Article, the following definitions apply:

Nuisance – In general a nuisance is defined as a condition, activity or situation that significantly affects, interferes or otherwise negatively impacts another's ability to use or enjoy their own property and which may affect health, safety and welfare.

Open areas are defined as those areas of property or a portion thereof that is open, including building openings of residential dwelling units that are open to the exterior, such as attached carports or porches, and any other exterior portions of properties ordinarily exposed to public view.

Pest – Any animal which has a harmful effect on humans, their food or their living conditions, including, but not limited to, those which carry disease-causing micro-organisms and parasites, attack and eat crops, damage stored food, attack and eat farm and station animals, damage buildings, bite people.

Public health nuisance - A public health nuisance is defined generally as any condition, situation, or persistent activity that is dangerous or prejudicial to the health or safety of the general public by: (1) posing a risk of illness or disease; (2) causing or posing a risk of an infestation of insects, rodents, or other dangerous pests, (3) posing a health or safety threat to the general public, or (4) posing a risk of injury to the general public.

Sec. 9-202. – Public health nuisances prohibited; enumeration not exclusive

Public health nuisances are hereby found, deemed, and declared to be unlawful and prohibited within the Town of Weaverville.

To the extent that the following enumerated and described conditions affect the general public, the same are hereby found, deemed, and declared to be public health nuisances wherever the same may exist and are hereby unlawful; however, this enumeration shall not be deemed or construed to be exclusive, limiting, or restrictive.

- (1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, snakes, or other pests, or has the potential for becoming a breeding ground or harbor for pests.
- (2) Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of a carcass in a sanitary manner within 24 hours after death.
- (3) Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.
- (4) Any collection of garbage, litter, food waste, human waste, animal waste, or any other rotten or putrescible matter of any kind.
- (5) Any condition which blocks, hinders, or obstructs in any way the natural flow of streams, branches, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
- (6) Any improper or inadequate drainage on private property which causes flooding or interferes with the use of or endangers in any way the streets, sidewalks, parks, or other town-owned property of any kind; provided, the notices required and powers conferred by this article by and on the code enforcement officer in abating the nuisances defined by this subsection shall be given and exercised by the director of public works.
- (7) Structures, remains of structures, or lots with a condition that is detrimental, dangerous, or hazardous to the public safety, health, or welfare. For purposes of the enforcement of this section, this shall be a condition which is located in such a way as to endanger the general public by unreasonably affecting or interfering with the use of a street or sidewalk, and which consists of one or more of the following:
 - i. Glass, metal, or other sharp objects in accessible areas;
 - ii. Holes, sinkholes, excavations, wells, or embankments without sufficient enclosure or covering to prevent persons from injury;
 - iii. Surviving foundations, walls, or roofs that may collapse or that create heights of 3 feet or more in areas where they may be scaled;
 - iv. Any substance which is hazardous or harmful to humans or pets;
 - v. Any open or accessible utility lines such as natural gas, water, sewer, or electrical;
 - vi. Structures or remains of structures open to the elements, which are a danger to children, tend to attract vagrants or persons intent on criminal activities or other activities that would constitute a public nuisance;
 - vii. Structures ordered closed by a code compliance officer or other quasi-judicial authority which are reopened without cause or justification;
 - viii. Structures, properties, or conditions posing a fire danger;
 - ix. Structures, properties, or conditions likely to become a breeding place or habitat for rats, snakes or other pests.

- Any owner of property who is in non-compliance with this subsection may enclose the portions of their property in violation with a secure fence of 5 feet in height in order to prevent the entry of humans until such time as the property is repaired to Code standards or completely demolish and is no longer in a detrimental, dangerous or hazardous state. Such enclosed shall be deemed in compliance with this subsection provided the enclosed nuisance condition does not and will not reach beyond the perimeter of the property.
- (8) Any accumulation of mud or debris on a street related to a construction, timbering, or other similar land use project; violator will be given 24 hours to clean or clear the street, however, if it is found by the town that the situation is causing a clear and present danger or hazard to traffic or the general public, such cleaning or clearing may be required to take place as soon after notification as practicable.
- (9) Any growth or overgrowth of grass, weeds, or other vegetation that is greater than 12 inches on the average, except as provided below:
- i. Natural landscape areas or wooded lots. This requirement shall not apply to lots that have never been cleared in anticipation of development, lots that have been landscaped or replanted to appear as natural, lots covered with trees, undeveloped areas. Natural landscape areas and wooded lots shall be maintained and shall not harbor, create, nor allow to exist any condition defined as a nuisance or determined by the code enforcement officer to be a condition which poses a health hazard for the general welfare of the public. Natural landscape vegetation shall not overhang into the street right-of-way.
 - ii. Ravines, creek banks, steep slopes. This requirement shall not apply to those properties, or those portions of properties, consisting of land features such as ravines, creek banks or steep slopes where maintenance would be unsafe and/or the chance of erosion would increase if the vegetation were decreased.
 - iii. Lots exceeding one acre in size. This requirement shall not apply to any lot exceeding one acre in size, or any combined parcels under common ownership that exceed one acre in size, except that such lot(s) must comply with the requirements of this subsection to a depth of 10 feet from the street or sidewalk and the vegetation on such lots must be cut at least twice a year.
 - iv. Hay production. This requirement shall not apply to any property that is cultivating hay for use or sale as an agricultural commodity.
 - v. Ornamental grasses. Ornamental grasses chosen for features like color and form, including but not limited to switch grass, pampas grass, and bamboo, shall not be treated as nuisance vegetation under this section.
- (10) Any and all grass or weeds growing in any sidewalk or street, any hedges or plantings bordering thereon not properly trimmed, or any accumulation of dead weeds, grass, brush, or undergrowth located on the sidewalk or in street (other than items set out for yard debris removal by the Town);
- (11) Any and all trees or bushes that are dead, diseased, or not properly trimmed, and which present a clear and present danger or hazard to streets and sidewalks and the pedestrian and motoring public.
- (12) Any object or vegetative growth within the sight distance at or near street rights-of-way as the same constitutes a hazard to the town and the health and safety of motorists and pedestrians.

- (13) Any growth of noxious vegetation, including poison sumac (Rhus vernix), poison ivy (Rhus radicans), or poison oak (Rhus toxicodendron), in a location likely to be accessible to the general public.
- (14) Any other condition specifically prohibited in this article, or any other condition specifically declared by town council to be a public health nuisance.

Sec. 9-203. – Notice to abate.

If any person shall violate the provisions of this article, it shall be the duty of the town to give notice to the owner or to any person in possession of the subject property, as provided in section 9-205, directing that all unlawful conditions existing on the property be abated within 10 days from the date of such notice, except as provided in section 9-204 below.

The notice of abatement shall contain the following:

- a. A statement that conditions exists on the property which constitute a public health nuisance;
- b. The condition existing;
- c. The location of such condition;
- d. A statement ordering the owner and the occupant or person in possession of the premises to abate the nuisance, and that, unless the condition is abated within 10 days (or such other reasonable period of time for abatement) from the mailing of the notice as specified in section 9-205, the conditions constituting a nuisance will be abated by the town and the cost of abatement shall constitute a lien against the premises;
- e. A statement indicated how and with whom an appeal from the notice of abatement can be filed.

Sec. 9-204. – Emergency abatement by town.

If, in the opinion of the code enforcement officer, the unlawful condition is such that it is of imminent danger or peril to the public, then any authorized representative of the town may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property as is provided in this article.

The code enforcement officer or a law enforcement officer may enter upon the premises for the purpose of abating the nuisance and may summarily remove, abate, or remedy any condition in the town limits that is a prohibited nuisance under this article.

Sec. 9-205. – Service of notice to abate.

The owner and/or occupant of subject property shall be notified of violation of this article by personal delivery of said notice or by posting in a conspicuous place on the premises affected and by regular and registered or certified mail, return receipt requested. If such registered or certified notice is refused or is returned unclaimed, but the regular mail is not returned by the post office within 10 days after the mailing, the service shall be deemed sufficient. The person mailing such order by regular mail shall certify that fact and the date thereof and such certificate shall be deemed conclusive in the absence of fraud. If the name of the owner cannot be ascertained, then the notice shall be served on any person in possession of the subject property.

Any such notice may be served by any authorized representative of the town manager, the code enforcement officer or by any law enforcement officer of the town.

The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail.

Sec. 9-206. – Defect in notice not to affect lien.

Any defect in the method of giving notice required by this section, or in the form thereof, or the giving of such notice to an improper person, shall not prevent the town, in any case where the work of abating an unlawful condition upon any property is caused by the town, from collecting the cost thereof from the owner, nor shall it affect the validity of the lien on the property for such cost.

Sec. 9-207. – Appeal notice.

Within the time frame stated in the notice to abate, the owner or occupant of the property where the nuisance exists may appeal the findings of the town manager, his or her designee, or the code enforcement officer to the Weaverville Board of Adjustment by giving written notice of appeal to such officer signing the notice to abate. An appeal stays the abatement of the nuisances until a final determination by the board of adjustment. In the event no appeal is taken, the town may proceed to abate the nuisance.

Sec. 9-208. – Appeal hearing; determination by the board of adjustment.

In the event an appeal is filed as provided in this article, the board of adjustment, after hearing all interested persons and reviewing the findings of the town manager, his or her designee or the code enforcement officer, may affirm or reverse the finding that a nuisance exists in the town. If the board of adjustment shall determine that the findings are correct and proper, it shall adopt an order specifically declaring the condition existing on the property to be a danger and hazard to the health and safety of the inhabitants of the town and a public health nuisance and direct the town to cause such conditions to be abated.

Sec. 9-209. – Abatement by town where owner fails to abate.

Upon the failure of the owner or person in possession of any premises to abate an unlawful condition existing thereupon within the time prescribed, it shall be the duty of an authorized town representative to cause the removal and abatement of such unlawful condition therefrom. The town manager, code enforcement officer, law enforcement officer, or authorized town representative are hereby given full power and authority to enter upon the premises upon which a nuisance is found to exist under the provisions of this article for the purpose of abating the nuisance and may summarily remove, abate, or remedy any condition in the town limits that is a prohibited nuisance under this article.

Sec. 9-210. – Cost of abatement declared a lien.

The expense of any enforcement action taken by the town for violations of this article shall be paid by the person in violation of this article. If the expense is not paid, it shall be a lien on the land or the

premises where the nuisance occurred and shall have the same priority and be collected as unpaid ad valorem taxes.

Upon completion of such removal and abatement, a statement shall be delivered to the town tax collector showing the exact cost of the abatement of the unlawful condition plus the administrative fee of \$100 as set out in Section 9-106 to cover the cost of notice and costs of collection as a civil penalty. The town tax collector shall thereupon mail to the owner of the subject property a bill covering the costs, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien on the property, and if not paid within 30 days shall be collected as in the manner provided for the collection of delinquent taxes.

ARTICLE III - ABANDONED AND JUNKED MOTOR VEHICLES

Sec. 9-300. – Authority and jurisdiction.

The Town of Weaverville hereby finds that regulation of abandoned and junked motor vehicles is necessary and desirable to protect the health and safety of the residents of the Town of Weaverville. The regulations contained within this article are adopted pursuant to the authority granted under NCGS § 160A-303.

Sec. 9-301. – Administration.

The chief of police and code enforcement officer, and their designees, shall be responsible for the administration and enforcement of this article.

The chief of police, or his or her designee, is authorized to designate a motor vehicle as an abandoned motor vehicle as defined in this article, and shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the streets and highways within the town and on property owned or operated by the town. The chief of police shall further be responsible for administering the removal and disposition of vehicles designated as abandoned and/or junked motor vehicles from private property.

The town may contract with private tow companies to remove, store, and dispose of abandoned motor vehicles and junked motor vehicles in compliance with this article and applicable North Carolina law.

Sec. 9-302. – Administrative search and inspection warrants.

The authorized officials, upon notice from any person of the existence of any of the conditions described in this article, shall make or cause to be made such investigation as may be necessary to determine whether, in fact, such conditions constitute a violation of this article.

The authorized officials are authorized to secure an administrative search and inspection warrant, as provided by NCGS 15-27.2, in order to conduct any necessary inspection of the premises on which an abandoned motor vehicle or junked motor vehicle may be located and to obtain evidence to determine whether there is any violation of any provisions of this article.

Sec. 9-303. – Immunity.

In accordance with NCGS 160A-303(f), no person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in this article.

Sec. 9-304. – Definitions.

Abandoned motor vehicle means any motor vehicle:

- (1) left upon a street or highway in violation of the law or ordinance regulating or prohibiting parking; or
- (2) left on property owned or operated by the Town for longer than 24 hours; or
- (3) left in any Town owned or operated parking lot for longer than 7 days; or
- (4) left on any street or highway for longer than 7 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 2 hours.

Authorized officials are the chief of police and the code enforcement officer, and their respective designees.

Junked motor vehicle means a vehicle that does not display a current license plate and one of the following conditions is present:

- (1) is partially dismantled or wrecked; or
- (2) cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) is more than 5 years old and appears to be worth less than \$500.

Motor vehicle is defined to include all machines designed or intended to travel over land or water by self-propulsion or which attached to any self-propelled vehicle. Use of the term vehicle and trailer in this article shall mean motor vehicle. For purposes of this article an electric personal assistive mobility device as defined in NCGS § 20-4.01(7b) is not a motor vehicle.

Sec. 9-305. – Exemptions.

This article does not apply to any motor vehicle in an enclosed building or any motor vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

Sec. 9-306. – Abandoned motor vehicles unlawful.

It shall be unlawful for the registered owner or person entitled to the possession of the vehicle to allow any abandoned or junked motor vehicle to remain on any public street, public property, or private property in violation of this article.

It shall be unlawful for the registered owner or person entitled to the possession of an abandoned motor vehicle, or for the owner, lessee, or occupant of the real property upon which an abandoned motor vehicle is located to leave or allow the motor vehicle to remain on the property after the motor vehicle has been ordered removed.

Sec. 9-307. – Removal of abandoned motor vehicles from public streets and public property.

Any abandoned motor vehicle on the public streets or public property may be removed by or under the direction of a law enforcement officer or a code enforcement officer. Notice of each removal shall be given to the owner of the vehicle as promptly as possible in accordance with the pre-tow and post-tow notice provisions as stated in this article.

Sec. 9-308. – Removal of abandoned or junked motor vehicles from private property.

Any abandoned motor vehicle on private property may be removed by or under the direction of a law enforcement officer or a code enforcement officer upon the written request of the owner, lessee, or occupant of the premises.

Any abandoned or junked motor vehicle that is located on private property but is found to be a traffic hazard may be removed by or under the direction of a law enforcement officer or a code enforcement officer.

It shall be unlawful for the registered owner or person entitled to the possession of an abandoned motor vehicle, or for the owner, lessee, or occupant of the real property upon which an abandoned motor vehicle is located to leave or allow a motor vehicle to remain on the property after the motor vehicle has been ordered removed.

Sec. 9-309. – Removal and disposition at the request of the owner.

A law enforcement officer or code enforcement officer may, with the consent of the owner of a motor vehicle, remove and dispose of any motor vehicle as a junked motor vehicle regardless of the value, condition, or age of such motor vehicle and without compliance with the notice, hearing, or sale procedures in this article.

Sec. 9-310. – Pre-tow notice; exception.

Except as provided herein, any junked or abandoned motor vehicle in violation of this article may be removed by towing only after a warning notice is provided. Such notice shall be affixed to the windshield or some other conspicuous place on the vehicle. That notice shall state that the motor vehicle will be removed on a specified date, no sooner than 7 days after the notice is affixed to the motor vehicle, unless the motor vehicle is brought into compliance by the owner or legal possessor prior to that time. The notice shall state the procedure the owner must follow to request a probable cause hearing before the towing.

Prior notice need not be given to remove an abandoned or junked motor vehicle if a law enforcement officer determines that there is a special need for prompt action to eliminate obstructions to the flow of traffic or immediate removal is necessary to maintain and protect the public safety and welfare. Circumstances justifying the removal of such vehicles without prior notice include, but are not limited to, the following:

- (1) For vehicles left on the public streets and highways, town council determines that immediate removal of such vehicles may be warranted when they are:
 - (i) obstructing traffic;
 - (ii) left on the street or highway in violation of a law or ordinance prohibiting parking;
 - (iii) parked in a "no stopping" or "no standing" zone;
 - (iv) parked in a loading zone.

- (2) For vehicles left on town-owned property or on private property, such vehicles may be removed without giving prior notice only in those circumstances where the chief of police or code enforcement officer make written findings that there is a special need for prompt action to protect and maintain the public health, safety, and welfare, including, but not limited to, the following circumstances:
 - (i) Vehicles blocking or obstructing ingress or egress to businesses or residences;
 - (ii) Vehicles parked in such a location or manner as to pose a traffic hazard;
 - (iii) Vehicles that represent an imminent threat to life or property.

Sec. 9-311. – Post-towing procedures; post-tow notice.

- (a) Post-towing procedures shall be consistent with Article 7A of Chapter 20 of the North Carolina General Statutes.

- (b) Whenever a vehicle with a valid registration plate or registration number is towed, the authorizing person shall notify the last known registered owner of the following:
 - (i) The description of the vehicle;
 - (ii) The place from which the vehicle may be released;
 - (iii) The violation with which the owner is charged;
 - (iv) The procedure the owner must follow to have the vehicle returned to him or her;
 - (v) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in North Carolina, notice shall be given to the owner within 72 hours. This notice shall, if feasible, be given by telephone. Whether or not the owner is reachable by telephone, notice shall be mailed to his or her last known address unless he or she, or their agent, waives this notice in writing.

- (c) Whenever a vehicle with neither a valid registration plate nor registration is towed as provided herein, the authorizing person shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him or her of the information listed in subsection (a) above. Reasonable efforts shall be presumed if the requirements of the pre-tow notice have been followed.

Sec. 9-312. – Hearing; probable cause hearing.

- (a) The owner or any other person entitled to claim possession of a motor vehicle towed pursuant to this article may request a hearing either before towing or after towing of the motor vehicle. The only issue at the hearing is whether or not the town can demonstrate probable cause to tow the motor vehicle. The town manager, or his or her designee, shall serve as the hearing officer. A request for hearing shall be filed with the code enforcement officer, and he or she shall set the hearing within 3 days of the date of the hearing request. The owner or any other person entitled to claim possession of the vehicle shall be notified of the time and place of the hearing, the specific grounds for the classification of the vehicle as an abandoned motor vehicle or junked motor vehicle, and the reason for removal of the vehicle.
- (b) The owner, the person who towed the vehicle, the person who authorized the towing, and any other interested parties may present evidence at the hearing. The person authorizing the towing and the person who towed the vehicle may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.
- (c) If the hearing is pre-tow and the hearing officer finds that the town has probable cause, the motor vehicle will be removed and the cost for removal will become a lien on the motor vehicle. If the hearing officer finds that probable cause does not exist, the town will not tow the vehicle and no costs will be charged.
- (d) If the hearing is post-tow and the hearing officer finds that the town had probable cause, the lien for cost of removal shall remain. If the hearing officer finds that probable cause did not exist, the lien shall be extinguished.
- (e) The hearing officer shall prepare a written report within 5 days of the hearing stating his or her conclusions concerning whether the vehicle was in violation of this article and the reasons and evidence upon which the conclusion was based. The owner or any other person entitled to claim possession of the vehicle shall be notified of this decision by regular mail.
- (f) Any aggrieved party may appeal the hearing officer's decision to the town's board of adjustment by filing an appeal in writing within 15 days after the date of the report of the hearing officer, but not thereafter.

Sec. 9-313. – Obtaining possession of a towed vehicle; payment of towing fees.

- (a) At any stage in a proceeding under this article, including before the probable cause hearing, the owner or other person entitled to possession may obtain possession of a vehicle that has been towed in accordance with this article by:
 - (1) Paying the towing fee and costs incident to such fee; or
 - (2) Posting a bond for double the amount of the towing fee.
- (b) The person who tows a vehicle under this article is responsible for collecting towing fees from the owner of that vehicle before that owner can obtain possession of the vehicle. In addition, prior to

obtaining possession of the towed vehicle, the owner must pay to the town an administrative fee of \$100 as set out in section 9-106.

Sec. 9-314. – Liens on towed vehicles; sale of towed vehicles.

Liens for nonpayment of charges and fees related to the towing of vehicles under this article, and the sale of such vehicles in enforcement of those liens, shall be handled in accordance with Article 1 of Chapter 44A of the North Carolina, by the person towing vehicles under this article.

ARTICLE IV - NOISE

Sec. 9-400. – Authority and jurisdiction.

The Town of Weaverville hereby finds that it is necessary to define, prohibit, regulate and summarily abate acts, omissions, or conditions that are dangerous or prejudicial to the public health or public safety within the Town of Weaverville. The regulations contained within this article are adopted pursuant to the authority granted under NCGS § 160A-193 and § 160A-174.

Sec. 9-401. – Unlawful noise.

It shall be unlawful to emit, or to cause or permit to be made, any unreasonably loud, annoying, frightening, loud and disturbing, or unnecessary noise. Specifically, it shall be unlawful to emit noise of such character, intensity, or duration as to be detrimental to the life or health of reasonable persons of ordinary sensibilities. Factors to consider in determining whether a violation exists include, but are not limited to:

- (a) The volume of the noise;
- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) Whether the origin of the noise is natural or unnatural;
- (e) The volume and intensity of the background noise, if any;
- (f) The proximity of the noise to residential sleeping facilities;
- (g) The nature and zoning of the area within which the noise emanates;
- (h) The density of the inhabitation of the area within which the noise emanates;
- (i) The time of the day or night the noise occurs;
- (j) The duration of the noise; and
- (k) Whether the noise is recurrent, intermittent, or constant.

Sec. 9-402. – Presumption in prosecution for noise violation.

The complaints of 2 or more persons, at least one of whom resides in a different home from the other complaining person or persons, or the complaint of one or more persons, when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is a loud and annoying, frightening, loud and disturbing, unreasonably loud or unnecessary noise.

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 28th day of January, 2019, by a vote of 5 in favor and 0 against.



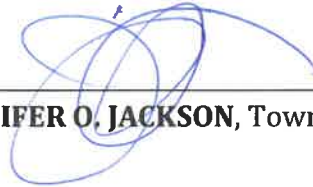
ALLAN P. ROOT, Mayor

ATTESTED BY:

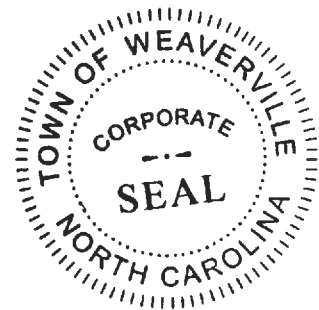


DEREK HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



**A RESOLUTION AUTHORIZING THE TOWN OF WEAVERVILLE
TO ENGAGE IN ELECTRONIC PAYMENTS AS DEFINED BY
N.C.G.S. 159-28 OR N.C.G.S. 115C-441**

WHEREAS, it is the desire of the Town Council of the Town of Weaverville that the Town of Weaverville is authorized to engage in electronic payments as defined by N.C. Gen. Stat. 159-28 or N.C. Gen. Stat. 115C-441; and

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves as the pleasure of the Weaverville Town Council, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03.0409; and

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves as the pleasure of the Weaverville Town Council, to adopt procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03.0410;

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

SECTION 1. Town Council hereby authorizes the Town of Weaverville to engage in electronic payments as defined by N.C. Gen. Stat. 159-28 or N.C. Gen. Stat. 115C-441;

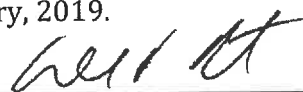
SECTION 2. Town Council hereby authorizes and directs the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03.0409;

SECTION 3. Town Council hereby authorizes and directs the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03.0410; and

SECTION 4. This Resolution shall take effect immediately upon its passage.

Upon motion of Councilman Nagle, and seconded by Councilman Fitzsimmons, the foregoing resolution was passed by a vote of 5 in favor and 0 opposed.

ADOPTED this 28th day of January, 2019.

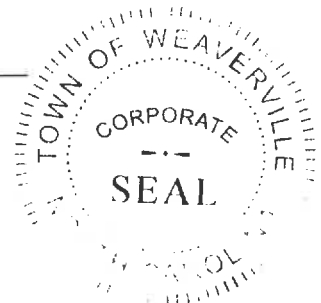


ALLAN P. ROOT, Mayor

ATTEST:



DEREK K. HUNINGHAKE, Town Clerk





**Town of Weaverville
Minutes**

**Joint Meeting of Town Council and Planning and Zoning Board
Tuesday, February 12, 2019 – Town Hall**

The Town Council and Planning and Zoning Board for the Town of Weaverville met for a Joint Meeting on Tuesday, February 12, 2019, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Planning and Zoning Board members present: Chairman Doug Theroux, Vice Chairman Gary Burge, Board Members: Catherine Cordell, Peter Stanz and Steve Warren, Alternate Board Members: John Chase and Tom Balestrieri

Staff present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, and Town Planner James Eller.

1. Call to Order

Mayor Root called the meeting to order on behalf of Town Council at 6:00pm.

Chairman Doug Theroux called the meeting to order on behalf of the Planning and Zoning Board at 6:00pm.

2. Comprehensive Land Use Plan Update

A. Review of Project Status and Timeline

Town Attorney Jackson mentioned that she and the Town Planner Eller have attempted to keep Town Council and the Planning and Zoning Board up to date with where they were with the Comprehensive Land Use Plan. Right now, they are right on track with the timeline and the next step is to start the drafting phase for writing the narrative, which Mr. Eller has completed. Jackson noted that, with the adoption of the FY 2019-2020 Budget Calendar by Town Council at their last meeting, it appears that Town Council has been doubled booked. So it brings up the question as to whether Town Council should push its review out until the budget is adopted. This will allow the Planning and Zoning Board more time to review the plan and will just delay the approval of Town Council until August, instead of in June. Jackson presented an amended timeline (see attached) for Town Council's consideration and by consensus of Town Council the project will proceed based on the amended timeline.

B. Process for Town Council to Review Draft Plan

Mayor Root mentioned that it might be helpful if Council members went to the Planning and Zoning Board meetings when they are reviewing the draft plan to bring themselves up to speed and to hear the board members comments.

Councilman McKenna commented that the draft materials could be passed out earlier, so that Council can have an understanding of the substance of the material and then discuss any further pressing details at the meeting.

C. Process for P&Z Board to Review Draft Plan

Chairman Theroux commented that since we aren't starting from scratch on the land use plan, he believes that the review of the comprehensive land use project can be presented all at once. If it were to be broken down into sections, it would take a lot more meetings. Board Member Steve Warren discussed how many sections each member would be responsible for if it were to be divided among the board members. It was agreed that the Planning and Zoning Board will look at this when the draft plan is presented to them for review.

February 12, 2019
Minutes of Joint Meeting of Town Council and
Planning and Zoning Board

D. Decisions regarding Public Input Strategy for Public Review of Draft Plan

Town Attorney Jackson mentioned that Public Input strategy is really critical for these projects and when staff was going through this process for the Table of Uses, staff tried to get as much public awareness out to the public, so they could come and comment. Unfortunately, there weren't a lot of comments or involvement received. Town Planner Eller noted that all required public notices were recorded, as well as sending out a press release, and staff even made yellow signs to grab the citizen's attention. Still only one individual came out and commented at the public hearing.

Vice Chairman Burge commented that his biggest concern is making sure that the public is aware about this draft plan, so public input can be gathered.

Board member Cordell discussed possibly adding a survey to the water bills so that more data could be collected. There could be a bar code placed on the survey, so that the outside city limit customers could be separated from the inside city limit customers.

Mayor Root mentioned that staff should reach out to the Homeowners Associations and churches to give them an abbreviated version, so that they are aware of what is going on and can schedule a meeting for any questions.

Board member Peter Stanz commented on the surveys and asked what the end goal of the survey was, is it to gather information or data, inform citizens about the land use plan, or get good participation from the community.

Alternate Board member John Chase also noted that it could be more harmful than helpful to have individuals answer a survey if they aren't educated on the land use plan. It might be more beneficial, if we researched how to inform the citizens about the land use plan.

After lengthy discussion, consensus was made between Town Council and the Planning and Zoning Board to schedule two public input/ information meetings at various times, and to reach out to Homeowners' Associations and churches about the material being presented, so that they can reach out to us to schedule a meeting with a representative for any questions they may have. Consensus was reached to not send out a community survey but instead seek some public input from citizens attending the information meetings.

3. Desired and Required Role of Planning and Zoning Board

A. Review of Statutory Duties and Code-Imposed Duties of P&Z Board

Town Attorney Jennifer Jackson gave a brief overview of the materials that were handed out to the boards on the agenda. The table on page 2, lists in general what the Planning and Zoning Board is charged with statutorily by North Carolina law and the ordinances that Town Council has put into place. The administration capacity of the Planning and Zoning Board is listed on page 3 along with the subdivision ordinances that the board does a lot with by reviewing both minor and major subdivisions. Lastly, the yellow part on the table, shows how the board has more of an advisory role in the zoning process.

B. Experience of P&Z Board During Statutory and Code-Imposed Reviews

Peter Stanz commented that after the last meeting on the subdivision, the Planning and Zoning board had been asked to consider zoning a property to be annexed as R-2, but the project was nowhere near the requirements of the Town's R-2 district. He expressed confusion as to what the value of zoning is for the Town. Mayor Root mentioned that as far as the annexation process went, Council took some steps to allow the developer to be annexed into Town. However, the land had to have an underlining zoning attached to it for annexation. Council had a 3-2 vote in January against the annexation so no further steps were taken.

Chairman Theroux mentioned that this is the same issue that came up on the Maple Trace development where they were given water allocations for annexation, and then Council found out how the plan of the development and denied the annexation. Down the road, these developments can still come back and ask to be annexed if they want too.

Gary Burge noted that he is thinking more about the next year or two into future and would like to get back to doing some planning, instead of just zoning and rezoning, so more mixed use districts and densities can be determined.

Board Member Steve Warren noted that zoning should be subordinate to planning, since it is only one tool, along with subdivisions. It can be frustrating when you're creating these entire non-conforming lots based on area regulations. He believes that we need to have more tools and resources available and would love to see a transitional district, less conditional zoning districts, and more tools to go to for development proposals. Plus, our ordinances have to support future plans.

Board member Cordell commented that they try to be like a black and white board, where they have ordinances and a land use plan, and they are supposed to try to tie together whatever is presented to them. If it doesn't fit, then they have to find a way to make it fit and they never know if it will be approved by Council.

Town Planner Eller noted that the Barkley Terrace development was the last annexation left that was combined with water allocation.

Alternate member Tom Baliesteri commented that he has only been on the board for a short period of time, but looks forward to more meetings in the future on discussing planning issues to make this a more livable Town that we're proud of.

Alternate member John Chase stated that he has been on the board for a few years now and realizing how complex these issues are and the rapid growth occurring in Weaverville, but trying to digest everything and present concise information to Town Council is very intriguing and he enjoys the work.

Chairman Theroux mentioned that establishing a Technical Review Committee for another set of eyes, instead of just Town Planner Eller might be valuable. Eller has already started reaching out to the Public Works department and Fire Department to have them review the document before it goes to the Planning and Zoning Board.

C. What information is Helpful to Town Council for Decision-Making

Councilman McKenna mentioned that it would be beneficial if there was more communication between the two boards when it came to presenting the recommendations to Town Council. Especially since Town Council usually only has a limited amount of time to look over the whole packet. Councilman Fitzsimmons commented to put more information and any concerns in the recommendation letter for Council, since sometimes the packets can be quite large and it can be difficult to cover all the material. Mayor Root mentioned that if the letter is completed before the agenda is done, then it can be circulated to Town Council before to allow more time.

D. Balance Between Planning and Administrative Review

Steve Warren asked Mr. Eller how he feels about the Planning and Zoning Board looking over his shoulder on these issues. Town Planner Eller mentioned that the planning review adds an incredible amount of time to the process, when he, together with the Fire Department and Public Works Department, can sit down and review a project in about 15 minutes. He expressed frustration that the actual process takes about three months when the work can be done in less than a day.

Town Attorney Jackson commented that there are some inefficiencies that have grown within the subdivision ordinance, especially with the way it is written now with having to be approved by Town Council. There are already two layers of review, before it gets to Council on the three different plans: concept plan, preliminary plan and final plan. Mayor Root noted that they are open to other options, but were informed by staffs predecessor's that this was the process needed for approval.

E. New and Existing Zoning Districts for Staff/P&Z to study

Consensus was made that the following districts should be looked at by staff and the Planning and Zoning Board: high-density single family residential district, office/institutional district, mixed use district, transitional district and the C-1 Central Business District.

Board member Steve Warren mentioned that the Board of Adjustments also develops the land use patterns, so it isn't completed just by these two groups. Some of their actions do affect us, especially like the Creekside development in an I-1 zoning district.

F. Geographic Areas for Staff/ P&Z to Study

Town Attorney Jennifer Jackson mentioned some specific geographic areas that should be looked at further, which were mentioned on page 5. These areas include the central business area, the north main street/five points area, Monticello corridor, and the Reems creek road corridor. We need to be more proactive and ensure that the central business district remains thriving, enjoyable area.

Board member Peter Stanz mentioned an idea to have another professional in Economic Development and Planning look over our plans. His reasoning was that it might be beneficial since the Planning and Zoning Board members are amateurs and it might help with the time constraints that Town Planner Eller is under.

4. Adjournment.

Vice Mayor/Councilman Jackson made the motion to adjourn the Town Council meeting; Councilman Fitzsimmons seconded and all of Town Council voted to adjourn the Council's meeting at 8:00 p.m.

Board member Cordell made the motion to adjourn the meeting of the Planning and Zoning Board; Board member Stanz seconded and all Board members voted to adjourn the Board's meeting at 8:00 p.m.



DEREK K. HUNINGHAKE, Town Clerk





MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, February 25, 2019**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, February 25, 2019, at 6:45 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

Mayor Al Root called the meeting to order at 6:45 p.m.

2. Public Hearing: Code Amendments for Multi-Family Development

Mayor Root opened the Public Hearing.

Town Planner James Eller mentioned that before Town Council are the proposed code amendments for multi-family developments within R-3 and R-12 zoning districts. Staff has crafted a set of language that has been vetted by the Planning and Zoning Board that will transition the need to apply for a conditional zoning district for multifamily developments within these two districts to multifamily developments being permitted with standards. The proposed amendments will also make it clear that for all uses that are permitted with standards other general regulations within the zoning ordinance will continue to apply unless the specific standards provide otherwise. The standards related to multifamily development within the R-3 and R-12 zoning districts include specific standards on exterior lighting, garbage receptacles and a maximum number of 24 units within an individual building.

Town Planner Eller noted that this Public Hearing has been duly advertised and these regulations come before Town Council with unanimous approval from the Planning and Zoning Board which found that the amendments were consistent with the Comprehensive Land Use Plan and were reasonable and in the public's interest.

3. Public Comment

Thomas Veasey, 69 Lakeshore Drive, commented that he supports changing the zoning in districts, R-3 and R-12.

4. Adjournment

Vice Mayor/Councilman Jackson made the motion to close the public hearing and adjourn the special called meeting; Councilwoman Sherrill seconded and all voted in favor of closing the public hearing and adjourning the meeting at 6:50 pm.



Derek K. Huninghake, Town Clerk





MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, February 25, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, February 25, 2019, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Town Clerk Derek Huninghake, 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 Al Root called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

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

3. Approval of Minutes

Town Manager Coffey recommended to Town Council a change to comments by Doug Theroux on page 16 for the January 28, 2019 Town Council meeting minutes to say, "the lot sizes are only 29 feet wide with 5 foot setbacks, so the home can only be 19 feet wide". Vice Mayor/Councilman Jackson made the motion to approve the minutes from January 8, 2019 Town Council Special-Called Meeting as presented and January 28, 2019 Town Council Regular Meeting with the aforementioned revisions as recommended. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Public comments were received as follows:

Thomas Veasey, 69 Lakeshore Dr., hopes that a commercial kitchen will be added to the new community center. He mentioned that he heard businesses were worried that with a commercial kitchen being added to the community center, it could possibly hurt their catering. He said they shouldn't worry, since it is only for special events like Church pancake suppers or Boy Scouts meals. Mr. Veasey also presented quotes for adding the commercial kitchen that illustrated that the kitchen could be completed for a little less than \$10,000.

Gail Smy, 88 Governor Thomson Terrace, commented that she was having an issue with cats killing her birds and all of our animal ordinances only address dogs, so there is nothing she can do about it. She asked Town Council if they could change the ordinances to address cats, or all pets as well.

5. Consent Agenda

Councilwoman Sherrill moved for the approval of the consent agenda. Councilman Fitzsimmons seconded the motion and all voted unanimously to approve all action requested in the consent agenda.

- A. **Monthly Tax Report and Order to Advertise Tax Liens (\$102,968.25)** – *Adopted the Order to Advertise Tax Liens*
- B. **Budget Amendment: Fire Department and Police Department** - *Approval of Budget Amendment.*
- C. **Set Public Hearing for Zoning Map Amendment: Red Cole Drive** – *Set Public Hearing for Monday, March 18, 2019 at 6:45 pm*
- D. **Initial Review of CZD for 37 Brown Street (Weaver College Old Dormitory)** – *No initial comments were received and the CZD will be reviewed by Planning and Zoning Board*

6. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including that she will be at the ICMA Regional Conference in Greenville on Thursday and Friday this coming week; She thanked Town Planner Eller for managing the Tree City application process and she is pleased to announce that the Town has again been designated as a Tree City; Music on Main has been scheduled for Saturday, June 22, 2019; and the Town is working on a plan for hosting a Summer Music Series in the Nature Park on the second Saturday monthly beginning in June and continuing through September.

Mayor Root recognized Town Manager Coffey for all her hard work on the Summer Music Series and thanked Councilman McKenna for providing a form for the Town Manager to use when she is away on trips which will enable her to report to Council the reason for the trip and the benefits the Town can receive from it.

7. Discussion and Action Items

A. Action on Proposed Code Amendments: Multi-Family Development

Town Planner Eller gave a quick recap to Council that before them for approval was the proposed code amendments for regulations on multi-family developments within R-3 and R-12 zoning districts. These regulations transition from being allowed only upon adoption of a conditional zoning district to being permissible with standards. Working in conjunction with the Planning and Zoning Board, staff created additional standards that would be applicable to this use including language on outdoor lighting, sidewalks requirements, garbage receptacles, and lastly, language about the maximum number of units within an individual building, which was set at 24. Town Planner Eller noted that it is important to know that all general applicable regulations do remain in effect for this particular use in this zoning district, and that these regulations come before Town Council having achieved a unanimous recommendation by the Planning and Zoning Board.

Councilman Nagle made a motion to adopt the Ordinance Amending Weaverville Town Code Chapter 36 Concerning Regulation of Multifamily Residential Development. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

B. Comprehensive Land Use Plan Update

Town Planner James Eller mentioned that before Town Council is a flyer advertising two dates in March for Land Use Information and Public Input Sessions. These sessions will be held on March 21 from 12 pm-3pm and March 26 from 5 pm to 8 pm. The flyer also shows organized groups like HOAs, WBA and churches, how they can request an information/input session in April.

Town Attorney Jackson commented that the meetings in March will be like an open-house style community meeting with a PowerPoint presentation and Q&A session from the community. In April, staff will continue to fine tune the draft and reserve time for organized groups that are interested in having an information/input session. In May, the first draft will be presented to the Planning and Zoning Board for review. In June or July, it will go before Town Council for review, and depending on their schedule, staff will request Council to schedule a joint meeting between the Planning and Zoning Board and them. Town Council will continue their review process until they are ready to adopt.

C. Approval of Capital Project Ordinance & Waterline Engineering Agreement

Town Manager Selena Coffey mentioned to Town Council that the Town has received a letter from USDA, Rural Development that indicates that the \$2.8 million loan has been approved and the funds have been obligated for the project. Since the project will span more than one year, Town Manager Coffey asked Council to approve the proposed Capital Project Ordinance, which essentially establishes a separate fund away from the general fund for this waterline project.

Town Attorney Jennifer Jackson mentioned that the Engineering Services Contract is a uniform contract that has the USDA requirements overlaid in it. She and the Public Works Director Pennell have gone over it with WithersRavenel, Inc. She reminded Council that back at their regular meeting on August 20, 2018, they selected WithersRavenel, Inc. as their engineering firm for Phase 1 and now we are entering into the Phase 2 for the actual design engineering for the waterline. The total engineering cost associated with this is \$405,000, which includes a maximum of \$115,000 included as a high estimate on construction and inspection work. Town Attorney Jackson also noted that we have to be consistent with what was approved by the USDA and the engineering contract, otherwise we have to get permission from USDA to amend, but the figures listed in the contract are consistent with the costs we have had up to this point with a total of \$2,970,600. She thanked Mayor Root for helping review the agreement as well and mentioned that there were a couple changes that need to be added to the agreement: 1) change the language in exhibit I, Limitations of Liability, from "shall not exceed \$50,000" to "shall not exceed total amount of insurance coverage" and 2) change the language in exhibit I to "notwithstanding any other provisions in the agreement, the owners waiver contained in paragraph 6.11 is limited to the following".

Public Works Director Dale Pennell mentioned that it is a USDA requirement to allow 24 months for completion of the project, with a provision to add another 12 months for finalizing all paperwork.

Town Attorney Jackson mentioned that this is a lump sum contract that gets paid out over different phases, depending on where they are on the work. However, should we ask them to do additional work then there are different rates that would apply.

Vice Mayor/Councilman Jackson made a motion that the attached Capital Project Ordinance and the attached Agreement between the Town of Weaverville and WithersRavenel, Inc. for Professional Services related to the Waterline Extension Project as amended be approved. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Discussion of Holidays & Leave and Related Personnel Policy Amendment

Town Manager Selena Coffey mentioned to Town Council that before them is a nine-page Holidays and Leave Analysis, which compares local jurisdictions and private industries paid holidays, annual vacation leave and sick leave accruals. She noted that all comparable jurisdictions do pay out accumulated and unused annual leave, but the maximum amount to be paid out varies. Also, combining annual leave and sick leave into a PTO system would have a negative impact on Town employees in that our employees would not be given creditable service within the retirement system. Town Manager Coffey recommended not making changes to the paid holidays set by Town Council, to keep annual vacation leave and sick leave accruals separate until the state catches up to a PTO system, and keep annual sick leave accruals at 12 days. She did recommend changing the accrued vacation leave days per year for new employees and clarifying that the Town will only pay out 240 hours of accrued vacation leave.

Town Attorney Jennifer Jackson mentioned that sick leave does not get paid out by the Town if an employee leaves, however if the employee retires and has sick leave left, it can be counted as creditable service hours to potentially allow the employee to retire early. Finance Director Dozier mentioned that it could also increase their retirement benefits as those benefits are calculated based on time of service.

Council discussed concerns with the Town's shared leave program and to monitor the sharing of sick leave between employees and department heads. Also, lower hourly pay employees shouldn't be able to share leave with Town

Manager or Department heads with higher hourly pay. It was suggested to look into making all of it sick leave, in a way to encourage the state to update its policy. However, they don't want to hurt the employees so they will keep vacation and sick leave separate until the state catches up.

Public Comment:

Thomas Veasey, 69 Lakeshore Drive, commented that he agrees with our Town policy to have paid vacation and sick leave separate. He believes the new PTO policy takes advantage of the employee and gives back to corporations. He would like the Town to keep the policies separate, since the Town isn't losing money, and it will be an added incentive for employees to retire early.

Consensus was made by Town Council to implement the changes that Town Manager Coffey has recommended.

E. Employee Suggestion Incentive Program

Town Manager Coffey reminded Council that last year during the budget process, Councilman Fitzsimmons made the suggestion to look into creating an Employee Suggestion Incentive Program, so funds were approved within the current year budget. Before Town Council tonight for review, discussion and approval is a draft of the program description. In brief, the program is for eligible employees (not Department Heads) that submit suggestions that both identify the problem and propose a solution. Town Manager Coffey will review each suggestion and present recommendations to the Mayor and Town Council, who will have final approval of any incentives awarded.

Vice Mayor/Councilman Jackson made a motion to adopt the Employee Suggestion Incentive program as presented. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council.

F. Quarterly Reports – Police Department

Chief Davis presented the Weaverville Police Department Quarterly Report for November - December 2018, and January 2019. Chief Davis noted that incidents involving officer activities have increased, but crimes overall have decreased, which means it is taking more time from officer to do same amount of activity. Going forward, Chief Davis is trying to be more efficient, and eliminate costs and paperwork redundancy. He also mentioned that he would like to present future reports in a different format and Town Council was open to that.

G. Quarterly Reports – Fire Department

Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for November - December 2018, and January 2019. They had 23 child passenger safety seat installations, 20 commercial business inspections, and have transitioned their reporting system to a more user friendly, data productive system.

8. Closed Session

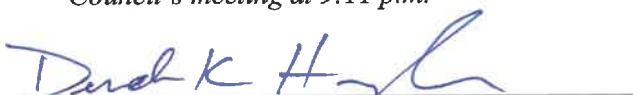
Councilwoman Fitzsimmons made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance. Councilwoman Sherrill seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

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

9. Adjournment

Councilman Nagle made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 9:11 p.m.


Derek K. Huninghake, Town Clerk

STATE OF NORTH CAROLINA

ORDER TO ADVERTISE TAX LIENS

TOWN OF WEAVERVILLE

TO THE TAX COLLECTOR OF THE TOWN OF WEAVERVILLE:

You are hereby ordered pursuant to N.C. Gen. Stat. § 105-369 to advertise the tax liens for all unpaid taxes within the Town of Weaverville in accordance with procedures set forth in Article 26 of Chapter of 105 of the North Carolina General Statutes.

WITNESS my hand and official seal, this 25th day of February, 2019.

TOWN OF WEAVERVILLE

By:



ALLAN P. ROOT, Mayor

ATTESTED BY:



JAMES ELLER, Deputy Town Clerk

Budget Amendment

Town of Weaverville



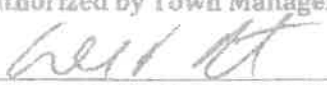
What expense accounts are to be increased?

Account	Account Description	Transfer Amount
010-430-431-26400	Police - Alcohol Ed & Prevention	\$7,026.95
010-430-431-26450	Police - ABC Law Enforcement	\$5,019.26
010-430-434-12100	Fire - Overtime	\$455.38
010-430-434-26600	Fire - Contributory Expense	\$240.00

What expense account(s) are to be decreased or additional revenue expected to offset expense?

Account	Account Description	Transfer Amount
010-004-300-06045	ABC Store - Alcohol Education	\$7,026.95
010-004-300-06050	ABC Store - Police Dept Revenue	\$5,019.26
010-004-300-07060	Fire Department Grants	\$455.38
010-004-300-09026	Fire Department Contributions	\$240.00

Justification: Please provide a brief justification for this budget amendment. To post ABC Distributions for Quarters ended 9/30/18 and 12/31/18; FEMA Reimbursement to Fire Department for Polk Co. deployment; Private contributions to Fire Department.

 Authorized by Finance Officer	2/24/19 Date
 Authorized by Town Manager	2/26/19 Date
 Authorized by Town Council (if applicable)	2/26/19 Date

Budget Ordinance Section Z:

- 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.

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE
CHAPTER 36 CONCERNING MULTIFAMILY RESIDENTIAL DEVELOPMENT**

WHEREAS, on November 13, 2018, Town Council requested that the Planning and Zoning Board study the regulation of multifamily residential development and forward recommendations to Town Council concerning same;

WHEREAS, the Planning and Zoning Board met on both December 6, 2018, and January 3, 2019, and reviewed and studied the Town’s existing regulations concerning multifamily residential development;

WHEREAS, the Planning and Zoning Board has found the resulting proposed amendments consistent with the Town’s comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide stated standards for multifamily residential projects and a more efficient review and approval process, and voted unanimously to recommend such proposed amendments;

WHEREAS, after proper notice the Town Council held a public hearing on February 25, 2019, in order to receive input from the public on these proposed amendments;

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

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

1. The findings and recommendations of the Planning and Zoning Board are hereby incorporated by reference and adopted by Town Council.
2. All amendments adopted in this Ordinance are shown in red with added language underlined and deleted language shown with strike-throughs.
3. Section 36-105 entitled “Table of uses” is hereby amended as follows:

Sec. 36-105. - Table of uses.

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Residential							
Dwelling - Multifamily (more than 4 units/building)	-	-	€ <u>PS</u>	€ <u>PS</u>	-	-	-

4. Section 36-116 is hereby amended as follows:

Sec. 36-116. - Intent.

This article sets forth standards for those uses that have been identified as "permitted with standards" in the Table of Uses set forth in section 36-104. All generally applicable regulations (including but not limited to sidewalks, traffic analysis, street lighting, off-street parking and loading, etc.) shall apply to the uses set out in the sections of this Article unless provided otherwise by the specific provisions within this Article.

5. The following is hereby added as a new Section 36-139:

Section 36-139. Dwelling - Multifamily (more than 4 units/building)

(a) Street Lighting requirements made necessary by Sec. 36-26 are fully applicable to the use of Dwelling – Multifamily (more than 4 units/building) as defined in Sec. 36-5 except that such requirements are hereby modified to provide the following:

- (1) All lighting on the property shall be mounted on posts no more than 16 feet tall.
- (2) Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
- (3) The exterior lighting plan shall be subject to review and approval by the Town's Zoning Administrator prior to installation.

(b) All containment devices for trash and recyclables (including but not limited to compactors, dumpsters, 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:

- (1) All containment areas shall be enclosed to contain windblown litter.
- (2) Enclosures shall be at least as high as the highest point of the compactor or dumpster.
- (3) 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.
- (4) 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.
- (5) Enclosures shall contain gates to allow for access and security.

(6) 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.

(7) Enclosures shall be landscaped in accordance with Article VI of Chapter 36.

(c) Maximum Number of Units per Building - No more than 24 units per building are permitted.

6. Section 36-106 entitled "Table of dimensional requirements" is hereby amended as follows:

Sec. 36-106. - Table of dimensional requirements.

Zoning District	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Minimum Lot Area (sq. Ft.)	10,000 _{2,7}	7,500 ¹ _{2,3,4,7}	5,445 _{1,2,3,4,7}	7,500 ^{4,7,8}	0	0	0
Minimum Lot Width(ft.)	100	75	75	75	0	50	0
Minimum Front Yard (ft.)	30	30	30	30	0	0	0
Major Thoroughfare	30	30	30	30 ⁵	0	60	35 ₅
Minor Thoroughfare	30	30	30	30 ⁵	0	25 ₅	35 ₅
With Parking in Front	-	-	-	-	-	60	-
Without Parking in Front	-	-	-	-	-	40	-
Minimum Side Yard (ft.) Abutting Residential District	10	10 ⁶	10 ⁶	10 ⁶	0	30	40
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40
Minimum Rear Yard (ft.) Abutting Residential District	10	10 ⁶	10 ⁶	10 ⁶	0	30	40
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40

Height Limit (ft.)	35	35	35	45 and no more than 3 stories	Note 10	75	75
Buffer if Abutting a Residential District (ft.)	0	0	0	0 <u>20</u>	Note 9	20	20

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

ADOPTED THIS the 25th day of February, 2019, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK HUNINGHAKE, Town Clerk



APPROVED AS TO FORM.



JENNIFER O. JACKSON, Town Attorney

**CAPITAL PROJECT ORDINANCE
FOR THE WATERLINE EXTENSION PROJECT**

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

Section 1. The project authorized is to be known as the “Waterline Extension Project” and extends the Town’s water system by completing a new 12-inch main waterline on Clarks Chapel Road and Ollie Weaver Road for the purpose of improving the Town’s water distribution system reliability and operations.

Section 2. The Town Manager, Finance Officer/Director, Public Works Director and other officers and employees are hereby directed to proceed with the capital project within the terms and provisions of Chapter 159 of the North Carolina General Statutes, the USDA loan agreements, and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to complete the project activities:

Appropriation from Water Fund		\$170,600
Interim Financing/USDA Loan		\$2,800,000
Total Project Revenues		\$2,970,600

Section 4. The following expenditures are hereby appropriated for the project activities:

Construction		\$2,329,200
Engineering Fees		\$405,000
Legal Services (Bond Counsel)		\$10,000
Legal Services (Local Attorney)		\$5,000
Administrative Costs		\$5,000
Contingencies		\$126,400
Interest – Interim Financing		\$90,000
Total Project Revenues		\$2,970,600

Section 5. The Town of Weaverville Finance Office is hereby directed to maintain within the Capital Project Fund established with this ordinance, sufficient detailed accounting records to provide accounting information as required by Chapter 159 of the North Carolina General Statutes and to comply with USDA funding requirements.

Section 6. The Budget Officer and/or Finance Officer is directed to include a detailed analysis of past and future costs and revenues of this capital project in every budget submission made to Town Council.

Section 7. The Finance Officer is directed to report at least quarterly on the financial status of each project element in Section 4 and the revenues received or expected on the project.

Section 8. The Town Manager is hereby authorized and empowered to execute any and all documents necessary to commence, carry out, and complete the capital project set forth herein without any further direction, authorization, or consent, including without limitation any and all contract documents, change orders, or any other such documents as may be necessary to give direction to engineers, contractors, and others in completing this capital project, subject to compliance with law.

Section 9. The Town Manager is authorized to transfer appropriations within the various line items of this capital project ordinance as she, in her discretion, deems necessary and if allowable by law.

Section 10. The Town Manager shall from time to time report to Town Council as they shall direct as to the status of completion of the capital project and/or the status of the budget for the capital project.


Section 11. Copies of this capital project ordinance shall be furnished to the Town Clerk, the Budget Officer, and the Finance Officer for direction in carrying out this project.

Section 12. This ordinance shall be effective immediately upon adoption but shall not be codified.



ADOPTED THIS the 25th day of February, 2019, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:


DEREK HUNINGHAKE, Town Clerk


APPROVED AS TO FORM:


JENNIFER O. JACKSON, Town Attorney

TOWN OF WEAVERVILLE EMPLOYEE SUGGESTION INCENTIVE PROGRAM

Establishment and purpose

The purpose of the employee incentive award program is to encourage employees' suggestions for improvement in Town of Weaverville functions, operations and safety and to encourage innovation and creativity. Those suggestions properly submitted are to be carefully evaluated to determine their potential utilization by and value to the Town. When an employee's suggestion is deemed to be sufficiently meritorious and of benefit to the Town and the Town puts the suggestion into active use, the employee will be eligible for compensation in accordance with the provisions of this program. Suggestions which are positive, constructive, timely, original, voluntary and beneficial are encouraged.

Eligibility

- A. **Eligibility of Employees.** Full-time Town employees are eligible to submit suggestions for purposes of the suggestion system except for elected officials, town attorney, town manager or department heads. Although department heads are not eligible for a monetary award, they will be recognized with some form of recognition (i.e. certificate of merit, plaque, etc.).
- B. **Eligibility of Suggestions.** All suggestions submitted must both identify a problem or condition and propose a solution. The suggestion may be new and original, or it may be an improvement on an old idea. To be eligible for an award, the suggestion must be adopted and implemented to accomplish one or a combination of the following:

Eligible Suggestions:

- 1) Save time, labor, space, material, supplies or money;
- 2) Improve services or safety conditions;
- 3) Improve methods, procedures, or equipment resulting in increase output and/or efficiency; or
- 4) Eliminate unnecessary procedures, records and/or forms.

Ineligible Suggestions:

- 1) Suggestions that call attention to a problem but do not suggest an acceptable solution;
- 2) Those dealing with normal maintenance, unless such suggestion contributes to a solution of maintenance problems;
- 3) Those dealing with salary adjustments, employee benefits, job classification or provisions covered by personnel policies or procedures;
- 4) Those not originating with the suggester, or those for an ineligible suggester;
- 5) Those that contain an idea already under consideration by the Town;
- 6) Those that deal with hours and other terms and conditions of employment;
- 7) Suggestions that do not relate to internal Town activities or fall within the authority or responsibility of the Town in its internal operations; or would require statutory change in law; or

**TOWN OF WEAVERVILLE
EMPLOYEE SUGGESTION INCENTIVE PROGRAM**

- 8) Suggestions not submitted on the approved suggestion form and signed by the employee(s) making the suggestion.

Awards

The Town Manager will review each suggestion and present a recommendation to the Mayor and Town Council. The Mayor and Town Council will have final approval of any incentives awarded. The Mayor and Town Council will determine the amount to be awarded for suggestions.

Monetary awards for suggestions will be based on their relative worth. In addition to or in lieu of a monetary award, the employee submitting an accepted suggestion may receive a certificate of merit. Suggestions may be awarded a certificate of merit and/or monetary award if the suggestion prompts any action by management, even if the proposed solution is not totally implemented.

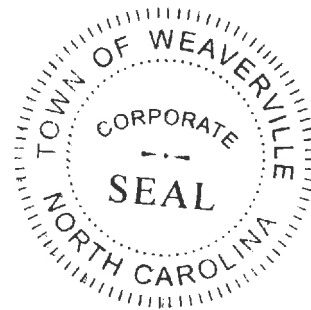
- A. Supplemental Awards. Town council may authorize supplemental awards if the savings realized through implementation are greater than originally estimated.
- B. Income. Suggestion awards are classified as income under Internal Revenue Service and state of North Carolina tax laws, and as such are subject to tax withholdings.

Budgeting of awards

No award shall be final and enforceable in any manner until payment has been budgeted by action of Town Council and only such amounts included in the budgetary process shall be authorized for payment and will be reviewed on a first-come, first serve basis.

Ownership

Participation by employees in the suggestion award program of the Town is on a voluntary basis. All suggestions and all ideas embodied in them shall become the exclusive property of the Town upon submission of the suggestion, as a condition of consideration of an employee's suggestion.





**EMPLOYEE SUGGESTION INCENTIVE PROGRAM
TOWN OF WEAVERVILLE**

Name	Date
Job Title	Department
Present Method:	
Proposed Method / Cost Savings/ Improvement:	

TOWN MANAGER REVIEW		<input type="checkbox"/> Award Recommended	<input type="checkbox"/> Award Not Recommended
Amount (n/a if not recommended)	\$		
Comments:			
Town Manager Signature		Date	

TOWN COUNCIL REVIEW		<input type="checkbox"/> Award Approved	<input type="checkbox"/> Award Not Approved
Amount (n/a if not approved)	\$		
Mayor Signature		Date	



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, March 18, 2019**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, March 18, 2019, at 6:45 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

Mayor Al Root called the meeting to order at 6:45 p.m.

2. Public Hearing: Rezoning of Parcels on Red Cole Drive

Mayor Root opened the Public Hearing.

Town Planner James Eller mentioned that before Town Council was a proposed zoning map amendment related to five parcels consisting of 4.27 acres located adjacent to Red Cole Drive. The rezoning would convert the parcels from their current zoning of C-2 to R-3. This matter was before the Planning and Zoning Board on March 5, 2019 and achieved a unanimous recommendation. This public hearing has been duly advertised.

3. Public Comment – No Comments

4. Adjournment

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



Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, March 18, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, March 18, 2019, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Officer Tonya Dozier, Town Clerk Derek Hunninghake, 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 Al Root called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

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

3. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from February 12, 2019 Town Council Special-Called Meeting and February 25, 2019 Town Council Special-Called Meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Public comments were received as follows:

Thomas Veasey, 69 Lakeshore Dr., gave Council a handout and mentioned that after further research, having a commercial kitchen in the community center would require a stainless steel worktable, refrigerator and dishwasher. Adding these three items to the kitchen proposal brings the total to around \$20,000. He is of the opinion that a commercial kitchen should be included in the final plans for the community center.

Tom Plaut, 16 Riddle Ridge Dr., agreed with the kitchen proposal from Mr. Veasey and commented that the commercial kitchen would be a great investment that could be put to good use. Also, with the new land acquired from 97 Lakeshore Drive, there is a beautiful walking trail that leads along the creek that comes to a fence that says, don't go any further due to Weaverville Police Shooting Range. Mr. Plaut wonders if we could have a discussion on possibly moving the gate back so that the trail could be extended.

Bernie Koester, 37 Lakeshore Dr., reiterated the commercial kitchen idea and believes that we are missing out on an opportunity if we don't include that type of kitchen in the new community center. This would be a great way for us to hold dinners for organizations and is only a small amount of money in the whole community center.

5. Consent Agenda

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

A. Monthly Tax Report – Information Only

B. Tax Releases/Refunds- *Approved tax release of \$26,100 in value from the real property of Jeffrey Lynn Banks at 26 Bankstown Road bearing PIN 9742-13-0984, so that \$99.18 can be released from the 2018 tax levy.*

C. Earth Day and Arbor Day Proclamations – *Adopted Proclamations recognizing Earth Day on Monday, April 22, 2019 and Arbor Day on April 26, 2019.*

D. Comprehensive Land Use Update – *Staff will be hosting Land Use Information and Public Input Sessions on Thursday, March 21, 2019 from noon to 3 pm and on Thursday, March 26 from 5pm to 8pm. Presentations for organized groups upon request in April.*

6. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including that our Public Works Department will be busy working at the Main Street Nature Park on replacing the old stairs from the municipal parking lot with new stairs, and building a new rustic-style stage to be used for many functions including the Town's summer music series; she gave a big thank you to our Finance Officer Tonya Dozier on coordinating a Shred Day for the Town residents with the State Employees Credit Union on May 11, 2019 from 9am – 12pm; she reported that the Town received a final purchase offer on GovDeals for the Weaverville Police Departments 2011 Dodge Charger for \$4,725; she met with Clark Duncan from the Economic Development Coalition of Asheville/Buncombe and discussed how they can help the Town and how the Town can participate more in what they do there; the Economic Development Coalition has a project coming up later this year where they are adding layers in GIS with the essential goal to be a specific site selection criterion and ask for our participation; she provided an update on the progress that has been made on the Strategic Plan Quarterly Report.

7. Discussion and Action Items

A. Proposed Legislation regarding Local ABC Boards

Rob Chason, ABC Chairman, discussed with Town Council some very important issues that have been gaining a lot of attention recently on North Carolina's controlled system of alcoholic beverage sales. There has been discussion on privatizing the ABC system and currently, there are bills pending in both the NC House of Representatives and NC Senate that would mandate the merger of local ABC Boards into a consolidated county ABC Board. Mr. Chason noted that privatizing would mean we would no longer be a controlled state and profits would go to the business owners, instead of the Town. However, the main focus right now is the bill that's pending in the US Senate and NC House of Representatives that mandates a merger to a consolidated county ABC Board, to which the Weaverville ABC Board is against. He urges Town Council to reach out to their legislators to voice their concerns and to join the Weaverville ABC Board in their opposition to legislation on privatizing the sale of beverages in North Carolina and/or mandate the merger of the local ABC Boards by adopting the proposed resolution.

Public Comment:

Roney Hilliard, 85 Alexander Rd., noted that he is here speaking as a Weaverville citizen, not a member of the ABC Board. He mentioned that it all comes down to whether you want to keep the control of alcoholic beverage sales like it is now, or let the state have control and decide where the money goes.

Councilman Nagle recommended that the ABC Board and staff should create a letter for Town Council to sign and send to the state. Also, it could be added to the Town website for citizens to do the same. Town Attorney Jackson agreed to draft a sample letter and distribute to Town Council and the ABC Board.

Vice Mayor/Councilman Jackson made a motion to adopt the proposed Resolution in Support of the Current ABC Control System for the Sale of Liquor. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

B. Dry Ridge Museum Presentation

Jan Lawrence, President of the Dry Ridge Museum, presented to Town Council a preparation plan for the move to the new community center. In the past seven weeks, they have cleaned, sorted and accessed the collection, established arrangements for items needing archival protection, and created layout plans and a timeline. At their current location, they estimate that they have been open a total of 60 days and had 1005 visitors. With the new location, they estimate to be open a total of 300 days and to increase number of visitors by targeting groups like retirement homes, scouts, school groups, the Weaverville Tailgate group, and families at Lake Louise. Also, they have come up with interactive ideas like summer programs, costumes and games, and night programs like storytelling and readers' theatre to attract more visitors. Mrs. Lawrence estimates that their 3000 artifacts will be setup in mini-exhibits and permanent exhibits, and can't wait to have a grand opening at the finish of the project.

Council held discussion on the funding of the Dry Ridge Museum insurance, the amount of museum personnel needed to operate at the new location hours, and if the museum would need to have staff there at all times, or if there would be closed exhibits open to the public without staff present.

C. Action Regarding Map Amendment on Red Cole Drive

Town Planner Eller gave a quick recap of the Public Hearing held earlier on the proposed zoning map amendment related to five parcels located adjacent to Red Cole Drive. These five parcels consist of 4.27 acres and the proposed amendment would convert these parcels from their current zoning of C-2 to R-3. The public hearing was advertised and held and the Planning and Zoning Board submitted a unanimous recommendation to Town Council supporting R-3 zoning for these properties.

Mayor Root asked what uses can be made on the lot that as .12 acres. Town Planner Eller mentioned that this is a non-conforming lot in any zoning district. It is his belief and understanding that no homes could be built on this property as it is presently constituted.

Vice Mayor/Councilman Jackson made a motion to approve the Ordinance Amending the Town's Zoning Map – Rezoning Certain Properties on Red Cole Drive from C-2 to R-3. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Sale of Former Bus Garage

Town Attorney Jennifer Jackson mentioned that the matter before Town Council on the desire to declare and sale the property located at 13 Central Avenue has been on the agenda several times. She understands that Council still wishes to sell this property, so she has been working with the Mayor and Town Manager to come up with a required sales agreement. Some of the requirements in the sales agreement are that the property is to be sold in an as-is condition, a cash sale without loan contingency, the buyer is to close within 30 days of Town Council's acceptance of the offer or forfeit the bid deposit. The only way for a bid deposit to be returned to a buyer is if the Town breaches the contract or cannot convey market title or the condition of the building changes between the time the contract is signed and closing. Town Attorney Jackson noted that this property is in the C-1 zoning district and if there are other issues that Council would like to restrict, they need to be mentioned tonight so they can be included in the agreement. She mentioned that Councilman Jackson had mentioned today to possibly add a restriction on retail stores selling smoke supplies. C-1 regulations were reviewed as were the restrictions that were on the sale of the old fire station that was sold a few years ago. Mayor Root noted that Council cannot waive the C-1 restrictions, but rather can add other restrictions that are not covered under C-1. Based on the conversation Town Attorney Jackson proposed that in the sales agreement under Section 8, Zoning Regulations, it should be changed to Zoning Regulations and Restrictions and include the following language, "the property is also being sold subject to the following deed restrictions: retail stores that sale smoking supplies and accessories such as pipes, rolling papers, grinders and other paraphernalia used for consumption of tobacco, cannabis or other light substances are prohibited on the property. Also, prohibited are retail stores that sale electronic cigarettes, vaping devices, and related equipment accessories and supplies".

Public Comment:

Bernard Koester, 37 Lakeshore Drive, asked what percentage is required for an individual to upset a bid.

Laura Ayers, 83 Ayers Road, asked if Council has to accept the highest bidder and if there is a current bid.

Roney Hilliard, 85 Alexander Road, asked if it was a close bid process until highest bid is confirmed.

Town Attorney Jackson mentioned that to qualify as an upset bid it cannot be less than 10% of first \$1,000, and 5% of the remaining bid. She also stated that Council has to accept the highest bid and there isn't a current bid.

In order to expedite the process, she recommended Town Council propose to accept the offer representing the highest bid received by a set deadline of April 8th and direct the Town Clerk to advertise that offer and seek upset bids until a 10-day upset bid expires without a new qualified high bid.

Vice Mayor/Councilman Jackson made a motion to approve the sales contract as amended to add the deed restrictions and to proceed with sealed bids to be opened on April 8, 2019, to propose to accept the highest offer received on April 8th, and begin a 10-day upset bid after that bid opening. Councilman Fitzsimmons seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

E. Discussion of Delegated Policies with Personnel Policy

Town Manager Selena Coffey mentioned that Council has given a lot of feedback on the Town's personnel policy over the past year and there are a few areas that delegate the policy development to the Town Manager. Before staff brings back the combined final draft of the personnel policy for Council approval, she wants Council to reconsider whether the following specific policies should be their policies or delegated to the Town Manager. These policies are 1) Use of Town Vehicles and Equipment, 2) Internet and Social Media Use, and 3) Substance Abuse.

Councilman McKenna mentioned that regardless of which entity handles the policy, he suggests advising Council on what direction staff is proposing to take it.

Consensus was reached by Town Council to have the Town Manager present the proposed policies for Council's review and further discussion.

F. Annexation Petition/Initial Zoning: Riverside Stump Dump Property Resolution

Town Clerk Derek Huninghake mentioned to Town Council that the Town has received a voluntary annexation petition for the 19.4 acres of land currently being used as Riverside Stump Dump, and also a zoning map amendment application requesting an initial zoning of R-12 if the property is to be annexed into the Town's municipal limits. If annexed on the property, the Riverside Stump Dump, would be allowed to continue as a nonconforming use; however, it appears that the property owner or developer will seek development approvals from the Town in order to develop the property as a multifamily residential development as allowed under R-12 zoning. In order to consider this annexation request the next step is for Town Council to adopt a resolution which directs the Town Clerk to investigate the sufficiency of the annexation petition and directs the Planning and Zoning Board to review and provide a recommendation on the requested zoning of R-12.

Vice Mayor/Councilman Jackson made a motion to adopt the proposed resolution concerning the annexation petition and initial zoning submitted for the property located at 135 Monticello Road. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

G. Quarterly Reports – Public Works & Water Services

Public Works Director Dale Pennell presented the Public Works and Water Services Quarterly Report for December 2019 through February 2019. Some highlights that he mentioned were that the average use relative to design capacity

is at 37% and the monthly usage and future usage is at 62%, which means the Town is well within their means for water production and sales.

8. Adjournment

Councilman Nagle made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 8:51 p.m.


Derek K. Huninghake, Town Clerk

APPROVED



**TOWN OF WEAVERVILLE
EARTH DAY 2019 PROCLAMATION**

WHEREAS, on April 22, 1970, millions of people took to the streets to protect the negative impacts of 150 years of industrial development and, since then, millions of people have celebrated Earth Day in order to increase the awareness among people of the issues affecting the environment in which we live; and

WHEREAS, the Town of Weaverville wishes to join all of the other environmentally-minded jurisdictions around the world celebrating Earth Day; and

WHEREAS, for 2019 the Earth Day Network has engaged in a "*Protect our Species*" campaign in order to educate and raise awareness about the accelerating extinction of millions of species of wildlife and the causes and consequences of that extinction; and

WHEREAS, the Town recognizes the benefit of promoting a global conservation ethic and garnering support for the protection of wildlife;

WHEREAS, the Town recognizes that the use of plastics is a major contributor to landfill expansion and oceanic and other environmental pollution and contributes to injury and illness in several wildlife species;

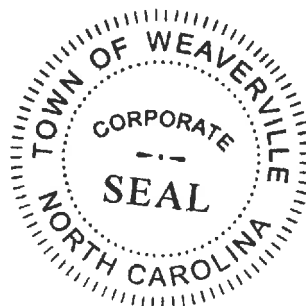
NOW, THEREFORE, the Town of Weaverville proclaims Monday, April 22, 2019, as Earth Day and encourages all residents to join the Town in celebrating the earth, and promoting the protection of all of its wildlife species, and, to that end, encourages local businesses and residents to institute voluntary measures to reduce the amount of plastic they use by finding and using alternative materials.

THIS the 18th day of March, 2019.

ALLAN P. ROOT, Mayor

ATTEST:

DEREK 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.

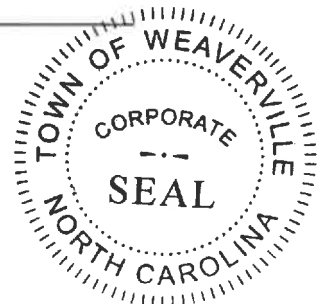
Now, Therefore, I, Al Root, Mayor of the Town of, Weaverville, North Carolina do hereby proclaim as Friday, April 26, 2019

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 18th day of March, 2019
Mayor *Al Root*



**RESOLUTION IN SUPPORT OF THE CURRENT
ABC CONTROL SYSTEM FOR THE SALE OF LIQUOR**

WHEREAS, the citizens of the Town of Weaverville voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina's control system for the sale of spirituous liquors;

WHEREAS, North Carolina is a "control" state and private retail liquor stores are prohibited;

WHEREAS, the General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, the PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications", released on February 11, 2019, (1) did not recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization;

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; Rehabilitation Services \$5 million; Operation of ABC Commission/Warehouse \$17.7 million;

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes;

WHEREAS, the citizens of the Town of Weaverville, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold at retail outlets where beer and wine are sold;

WHEREAS, no State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC's ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, when Washington State privatized its liquor system the number of retail outlets increased from 328 to over 1400, hours of sale/week increased from 73 to 140

hours, and Washington State received only \$30.75 million from auctioning off the rights to apply for retail spirits permits at 167 stores;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion and significantly more consumption; and the 9,000 outlets in NC that sell beer/wine off-premises could be permitted to sell liquor in a privatized system;

WHEREAS, if enacted, Senate Bill 87 and House Bill 91 would mandate that all local ABC boards be merged into a county ABC board;

WHEREAS, local revenue from ABC stores operations is important to the Town;

WHEREAS, local control over the sale of liquor is an important function;

NOW THEREFORE, BE IT RESOLVED by the Town of Weaverville, North Carolina, acting through its Council Members, that the Town desires to retain North Carolina's current control system for the sale of liquor, in that it believes that privatization of liquor will lead to many adverse effects, and also opposes any state mandate to merge local ABC boards into a county ABC board.

ADOPTED this 19th day of March, 2018 in a vote of 5 in favor and 0 opposed.



ALLAN P. ROOT, Mayor

ATTEST:



DEREK K. HUNINGHAKE, Town Clerk



**AN ORDINANCE AMENDING THE TOWN'S ZONING MAP-
REZONING CERTAIN PROPERTIES ON RED COLE DRIVE FROM C-2 TO R-3**

WHEREAS, Town Council has been requested to approve a zoning map amendment which would rezone from C-2 to R-3 zoning the five (5) properties adjoining Red Cole Drive and bearing the following Buncombe County Parcel Identification Numbers: 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, and 9743-43-0162; and

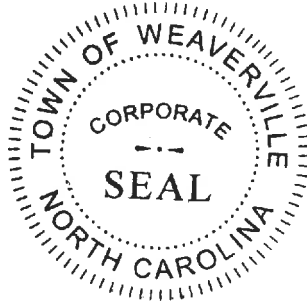
WHEREAS, the Weaverville Planning and Zoning Board reviewed this rezoning request on March 5, 2019, found that the requested zone of R-3 is consistent with the Town's Comprehensive Land Use Plan, reasonable and in the public interest in that it is consistent with the current residential use of the property and a desire to expand the residential use, and unanimously recommends that Council approve the rezoning request;

WHEREAS, Town Council has, this day, held a public hearing on this rezoning as required by law and by Town Code;

WHEREAS, Town Council finds that the rezoning of the property to R-3 is consistent with the Town's Comprehensive Land Use Plan and Chapter 36 of the Town's Code of Ordinance, is reasonable and in the public interest, and will allow the highest and best use of the property and is in the best interest of the public;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Weaverville, North Carolina, that the official Weaverville Zoning Map is hereby amended to reflect that the above-referenced properties are zoned as R-3, effective immediately.

ADOPTED THIS the 18th day of March, 2019, 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

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

WHEREAS, a petition requesting annexation of that property located at 135 Monticello Road, Weaverville, North Carolina, which is commonly known as the Riverside Stump Dump, was received from Riverside Stump Dump, Inc., on February 27, 2019, by the Town of Weaverville; and

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

WHEREAS, the Town of Weaverville is also in receipt of an application for a zoning map amendment request an R-12 zoning classification for the property to be annexed; and

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

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

1. The Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of his investigation;
2. That the Town Planner is directed to place the application for initial zoning of R-12 on the Town's Planning and Zoning Board's next agenda so that the Board can review the requested zoning for consistency with the Town's Comprehensive Land Use Plan and forward a recommendation to Town Council prior to or at a public hearing that may subsequently be held on this matter.

THIS the 18th day of March, 2019.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK HUNINGHAKE, Town Clerk

