

## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, September 25, 2023**

The Town Council for the Town of Weaverville held the regularly scheduled meeting on Monday, September 25, 2023, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC with remote access via zoom.

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

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

### **1. Call to Order**

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

Mayor Fitzsimmons announced that the Town will receive from State funding, \$15 million towards the Town's Water Treatment Plant expansion and improvements. The Mayor also noted that the Police Department has electric and hybrid vehicles, and that Weaverville is the first in the State to move towards a clean energy police department fleet.

**2. Moment of Silence for Dottie Sherrill** – A moment of silence was observed to mark the passing of Dottie Sherrill who served on Weaverville's Town Council for 32 years, and as Vice Mayor or Mayor for much of that time.

### **3. Approval/Adjustments to the Agenda**

Mayor Fitzsimmons requested a motion to approve the agenda.

*Councilmember Chase moved to approve the agenda. The motion was approved unanimously. 7-0.*

### **4. Conflict of Interests Statement read by Mayor Fitzsimmons**

Mayor Fitzsimmons noted that it is the duty of the Mayor and every Town Council Member to avoid both conflicts of interest and appearances of conflicts. No member had any known conflict of interest or appearance of conflict with respect to any matters on the agenda for tonight's Town Council meeting.

## **5. Consent Agenda**

Town Manager Coffey reviewed the consent agenda items.

*Councilman Nagle moved to approve and adopt the consent agenda items. The motion was approved unanimously (7-0) as follows:*

- A. August 28, 2023, Town Council Regular Meeting Minutes - approved as presented*
- B. Monthly Tax Report and Request for Refunds/Releases - approved as presented*
- C. The Palisades Waterline Acceptance - approved as presented*
- D. Renewal of the Tailgate Market Memorandum of Understanding- approved as presented*
- E. Authorize Fireworks for Fourth of July Celebration- approved as presented*
- F. Voluntary Annexation Petition for 492 Reems Creek Rd – Public Hearing set for October 23, 2023*

## **6. Town Manager's Report**

Town Manager Coffey provided the Town Manager's Office update and reported on various projects and programs, including the following:

Town Council's Strategic Planning Retreat is scheduled for Saturday, January 20, 2024, at 9:00 a.m. in Town Council Chambers; she provided an update to the Lake Louise Park and Recreation Complex projects, the Active Weaverville Bike/Ped Committee participants were listed; and the name change for the 2023 Holiday Parade was discussed.

## **7. General Public Comments**

Mayor Fitzsimmons read rules of procedure and he opened the public comment portion of the meeting.

Mr. Lou Accornero spoke about his about the growth of the Town and indicated that he favors local developers and local investment in projects.

No other persons elected to speak.

## **8. Discussion & Action Items**

### **A. Planning Board Liaison**

Councilmember Nagle said he was concerned with liaison appointments to Boards specifically he questioned the need for a liaison to the Planning Board since they are open meetings and anyone from Council may attend.

*Councilmember Nagle made a motion to terminate the Town Council member Planning Board liaison position.*

Attorney Jackson was asked to review the history of the appointment and after doing so, noted that the Planning Board is legally required to be independent of the Town Council and expressed some concern about the Planning Board liaison position making that independence more difficult for their recommendations on land use and development matters.

Vice Mayor McKenna agreed that while the original intent may not have been problematic, no other boards have an appointed liaison, so he was in favor of removing the position and Mayor

Fitzsimmons called the vote. *The motion was approved unanimously (7-0) to remove the Planning Board liaison appointed position.*

**B. Voluntary Annexation Petition – Reems Creek Village Recombination Area**

Attorney Jackson reviewed the voluntary annexation petition for the Reems Creek Village Recombination Area, explaining how the parcels were platted and the history of the subdivision regarding each property owner and how they acquired additional land adjoining their respective lots after the houses were built to include the county acreage. This annexation into the Town would fix the split jurisdiction on the lots. The Resolution provides authorization for the Clerk's Office to certify the sufficiency of the petition and the Planning Director to present the case to the Planning Board for initial zoning recommendations.

*Councilmember Doug Jackson moved to adopt the Resolution Concerning Voluntary Annexation Petition No. 2023-4 submitted for the Reems Creek Village Recombination Areas as presented. The motion was approved unanimously (7-0)*

**C. Voluntary Annexation Petition – 300 Hamburg Mountain Rd**

Attorney Jackson reviewed the voluntary annexation petition by Joseph Penley and Reems Creek Village LLC for 300 Hamburg Mountain Road. The purpose appears to be to obtain Town services, including water for a 35-lot single-family subdivision. Councilmember Nagle inquired if it was contiguous, to which Attorney Jackson replied that the area is contiguous and there was a discussion regarding the zoning request, R-3 zoning, the lot density, and the annexation process and procedures.

*Vice Mayor McKenna moved to adopt the Resolution Concerning Voluntary Annexation Petition No. 2023-5 submitted for 300 Hamburg Mountain Road project properties as presented. The motion was approved unanimously (7-0)*

**D. Voluntary Annexation Petition – Northridge Farms**

Attorney Jackson presented the voluntary annexation petition for Northridge Farms as signed by all property owners for approximately 88 acres. The large development south of the Walmart/Lowes shopping center is proposed for 577 dwelling units. It would be a mixed use of townhouses, apartments, as well as high density single-family lots and traditional single-family size lots. The petitioners are claiming vested rights based on the Buncombe County issued Special Use Permit. The same procedures for a contiguous voluntary annexation would apply.

There was a question-and-answer period regarding the annexation procedure timeline for a large development such as Northridge Farms, the Special Use Permit previously approved by Buncombe County. Travis Fowler, the project representative, indicated their intention to work with the Town on the interconnectivity between the project and the future Reems Creek greenway to provide public walking and biking trail from Northridge Commons Shopping Center to the Reems Creek greenway which is expected to connect to Lake Louise Park.

Town Manager Coffey added that the greenway system study between Weaverville and Woofin is currently underway and Staff will continue to coordinate on this issue.

Other discussions were on the differences between Buncombe County and Weaverville's permitting process, building height, emergency services ingress and egress, roadway standards.

*Councilmember Cordell moved to adopt the Resolution Concerning Voluntary Annexation Petition No. 2023-6 submitted for the Northridge Farms Project properties as presented. The motion was approved unanimously (7-0)*

**E. Street Paving Projects – Award of Bid**

The Town received construction bids for the street paving project. Town Manager Coffey reviewed the matter noting that staff recommends the bid be awarded to the lowest responsive bidder, French Broad Paving. This bid was under budget and she noted that Staff will report to Council if additional funding is to be used.

*Councilmember Nagle moved to award the bid to French Broad Paving as presented for the street paving project. The motion was approved unanimously. 7-0.*

**F. Quarterly Report – Public Works and Water Department Quarterly Report**

Public Works Director, Dale Pennell provided the Public Works and Water Department Quarterly Report.

**9. Closed Session pursuant to NC G.S. 143-318.11 (a) (3) (5) (6)**

*At approximately 7:40 pm, Councilmember Jackson motioned to enter closed session as allowed by N.C.G.S. § 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which motion passed with a vote of 6-1 with councilmember Nagle voting no.*

*[CLOSED SESSION]*

*At approximately 8:11 pm Councilmember John Chase motioned to exit closed session and reenter open session. All voted in favor of the motion. Motion passed 6-0, with Councilmember Nagle not present in the closed session and not participating in the vote.*

*At approximately 7:11 pm Councilmember Wood moved to enter closed session pursuant to NCGS 143-318.11 (a) (3) to consult with an attorney retained or employed by the Town in order to preserve the attorney-client privilege; pursuant to NCGS 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or employment of an individual public officer or employee, and pursuant to NCGS 143-318.11 (a) (5) to establish the position to be taken by the public body concerning the amount of compensation and other material terms of an employment contract. In a majority vote of 6-1, with Councilmember Nagle voting ‘nay’, the Council entered into closed session. CARRIED 6-1.*

*[CLOSED SESSION]*

*At approximately 8:10 pm Councilmember Chase moved to return to exit closed session and return to open session. All voted in favor of the motion and the motion CARRIED 6-0 with Councilmember Nagle not present in the closed session and not participating in the vote.*

**Adjournment**

*There being no further business and without objection Mayor Fitzsimmons declared the meeting adjourned at 8:11 p.m.*

A handwritten signature in cursive script that reads "Tamara Mercer". The signature is written in black ink and is positioned above the printed name.

Tamara Mercer, Town Clerk