

TOWN OF WEAVERVILLE
Weaverville Community Room at Town Hall
30 South Main Street, Weaverville, NC 28787

TOWN COUNCIL AGENDA
Monday, December 18, 2023
Regular Meeting at 6:00 pm

Remote Access Option for General Public via Zoom (unless technical difficulties):
<https://us02web.zoom.us/j/85948891960> ; Meeting ID: 859 4889 1960

	Pg #	Presenter
1. Call to Order		Mayor Fitzsimmons
2. Approval/Adjustments to the Agenda		Mayor Fitzsimmons
3. Conflict of Interests Statement		Mayor Fitzsimmons
4. Consent Agenda		Town Manager Coffey
A. November 14, 2023, Town Council Workshop Minutes	2	
B. November 20, 2023, Town Council Regular Meeting Minutes	7	
C. Monthly Tax Report and Request for Refunds/Releases	18	
D. Budget Amendments – Police	24	
E. Board Appointments – Board of Adjustment	26	
F. Code Amendments – Ch. 20 – Set Public Hearing for 1/22/24 at 6pm	28	
G. Response Letter to LGC – Audit – Water Asset Depreciation	43	
H. Code of Ethics – Adoption	45	
5. Town Manager’s Report	53	Town Manager Coffey
6. General Public Comments (see below for additional information)		Mayor Fitzsimmons
7. Discussion & Action Items		
A. Water Commitment Request – Northridge Farms	54	Public Works Dir. Pennell
B. Annexation Petition – Maple Trace – Update and Discussion	61	David King, Maple Trace Public Works Dir. Pennell
C. Community Center Annual Report	65	Community Ctr Mgr Myers
D. LDG Meribel Project – Minor Modification and Fee in Lieu for Sidewalk	67	Planning Director Eller
E. Personnel Policy Amendments	82	Town Manager/Town Atty
F. Quarterly Report – Public Works & Water	100	Public Works Dir. Pennell
8. Adjournment		Mayor Fitzsimmons

General public comments may be submitted during the meeting or in writing in advance on any meeting topic or any other item of interest related to the Town of Weaverville. Normal rules of decorum apply to all comments and duplicate comments are discouraged. The general public comments section of the meeting will be limited to 20 minutes. Comments during the meeting are generally limited to 3 minutes. You must be recognized before giving your comment. Written comments timely received will be provided to Town Council and read during the 20-minute general public comment period as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (2) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (3) by mailing your written comment (received not later than Monday’s mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

WEAVERVILLE TOWN COUNCIL REGULAR MEETING REMOTE ELECTRONIC MEETING LOGIN CREDENTIALS

The Weaverville Town Council has elected to continue to provide the general public with remote electronic access to its regular monthly meetings, unless technical issues prevent such access.

This **NOTICE OF REMOTE ELECTRONIC MEETING** is provided to inform the public that the **Weaverville Town Council regular monthly meeting will be held as an in-person meeting (Council Chambers/Community Room at Town Hall, 30 South Main Street) with remote attendance by the general public allowed via Zoom.** For those members of the public wishing to attend remotely via Zoom the following information is provided.

A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting. The instructions to access this meeting are:

To join the meeting by computer, go to this link <https://us02web.zoom.us/j/85948891960>
You may be asked for permission to access your computer's video and audio. If so, click "allow."
You will then be asked for the Meeting ID which is: 859 4889 1960. You will first enter a virtual waiting room. The host will admit you into the meeting just prior to the start of the meeting.

To join the meeting by phone, call: (253) 215-8782 or (301)715 8592
You will then be asked for the Meeting ID which is: 859 4889 1960 . There is no password for this meeting, so if asked for one just press the # button.

Guidelines and Instructions for General Public Comment: A portion of the meeting will be set aside for general public comments. Town adopted Rules for Public Comment will apply. Normal rules of decorum apply to all comments and duplicate comments are discouraged. Public comments may be submitted during the in-person meeting or in writing in advance, but will not be taken from those attending remotely. The public comments section of the meeting will be limited to approximately 20 minutes, but may be extended by Town Council if time allows. You must be recognized before giving your comment and must make comments from the podium. Individual comments during the meeting are generally limited to 3 minutes. Written comments timely received will be provided to Town Council and read into the record during the meeting as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by emailing to public-comment@weavervillenc.org at least 6 hours prior to the meeting, (2) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (3) by mailing your written comment (received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

To view the agenda and related materials, please visit the Town's website at <https://www.weavervillenc.org>.

Access to the Meeting Recording: A recording of the meeting will be available for one or two months, depending on storage capacity, beginning about 24 hours after the meeting. To access the recording visit the Town's website at <https://www.weavervillenc.org> or the Town's YouTube channel at https://www.youtube.com/channel/UCkBK1doIGY_O6_vIqimFUQ, or call the Town Clerk at (828)645-7116.

Patrick Fitzsimmons, Mayor

MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Workshop Meeting
Tuesday November 14, 2023**

The Town Council for the Town of Weaverville held the regularly scheduled workshop meeting on Tuesday, November 14, 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: Vice Mayor Jeff McKenna and Councilmembers Doug Jackson, John Chase, Catherine Cordell, and Michele Wood.

Absent: Mayor Patrick Fitzsimmons and Councilmember Andrew Nagle

Staff members present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Planning Director James Eller, and Town Clerk Tamara Mercer.

1. Call to Order

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

2. Public Hearing: Annexation - Reems Creek Village Recombination Areas

Vice Mayor McKenna declared the Public Hearing open concerning the annexation of the Reems Creek Village Recombination Areas and recognized Attorney Jackson who provided a review of the case and site layout of the parcels. Attorney Jackson explained that the areas to be annexed are the additional land that has been added to the Reems Creek Village lots that are already located within the Town's municipal jurisdiction and that the annexation would fix the split jurisdiction that occurred due to the recombination.

Attorney Jackson indicated that the Planning Board has heard the case and Planning Director Eller will review the Planning Board findings and zoning recommendations during the zoning Public Hearing. The Town Clerk has certified the sufficiency of the petition and pursuant to general statutes the advertisement and notifications to the public have been published and the matter is eligible for public hearings.

Vice Mayor McKenna noted that no one had signed up for the Reems Creek Village recombination and asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. Town Clerk Mercer indicated that no written comments were received on-line via email.

Vice Mayor McKenna closed the public hearing; however, due to technical problems with the audio on the electronic Zoom meeting, by action taken later in the meeting, Town Council continued the public hearing on the annexation of the Reems Creek Village Recombination Areas to Monday, November 20, 2023 at 6:00 p.m. to the Town Council's regularly scheduled meeting.

3. Public Hearing: Initial R-2 Zoning request - Reems Creek Village Recombination Areas

Vice Mayor McKenna declared the Public Hearing open for the R-2 zoning request of the Reems Creek Village subdivision.

Planning Director Eller reviewed the zoning request and stated that the request has been advertised in accordance with North Carolina general statute. The Planning Board recommendation for R-2 zoning is consistent with the Comprehensive Land Use Plan and is consistent for Growth Area 5 as referenced in the supporting letter from the Planning Board Chairman.

Vice Mayor McKenna noted that no one had signed up for the Reems Creek Village recombination zoning matter and asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the zoning request. No written comments were received on-line via email, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing; however, due to technical problems with the audio on the electronic Zoom meeting, by action taken later in the meeting, Town Council continued the public hearing on the initial zoning of the Reems Creek Village Recombination Areas to Monday, November 20, 2023 at 6:00 p.m. to the Town Council's regularly scheduled meeting.

4. Public Hearing: Annexation – 300 Hamburg Mountain Road

Vice Mayor McKenna declared the Public Hearing open concerning the annexation petition for 300 Hamburg Mountain Road.

Attorney Jackson reviewed the annexation petition for +/- 9.488 acres located between Reems Creek Road and Hamburg Mountain Road. The purpose of the annexation request is to obtain town services including water to serve a 35-lot subdivision that is contemplated for the property. The Town Clerk has certified the sufficiency of the annexation petition and advertising meets North Carolina law for eligibility for the public hearing.

Richard Brachman of Weaverville said he was concerned that the subject site has no frontage on Hamburg Mountain Road and that traffic access from Reems Creek Road will be dangerous. He inquired about whether a traffic impact study was conducted and asked about roadway lighting and increased impacts to the schools. He questioned if the curvy road could support additional traffic and requested lighting be installed to prevent traffic accidents.

Curt Anderson of Weaverville commented that the shape of the land is unique. There will be more densely populated homes in the area as the subject property is narrow. Since the site is narrow, he was concerned that the development will create stormwater runoff issues to his property. He was concerned about increased traffic impacting his property. He noted that the surrounding area is farmland, and he did not think the request is consistent with farmland.

Kathryn Richie of Weaverville was concerned with over-development and noted that there are two new developments close to her property since she moved to the area.

Vice Mayor McKenna asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. No written comments were received on-line via email, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing; however, due to technical problems with the audio on the electronic Zoom meeting, by action taken later in the meeting, Town Council continued the public hearing on this proposed annexation to Monday, November 20, 2023 at 6:00 p.m. to the Town Council's regularly scheduled meeting.

5. Public Hearing: Initial R-3 Zoning – 300 Hamburg Mountain Road

Vice Mayor McKenna declared the Public Hearing open for R-3 zoning request for 300 Hamburg Mountain Road property.

Planning Director Eller reviewed the R-3 zoning request that accompanied the annexation petition and the supporting documents included the Planning Board positive recommendation and findings that R-3 zoning is consistent with the Comprehensive Land Use Plan, is reasonable, and is consistent with the Town's adopted resolution related to growth areas for Growth Area 5.

Vice Mayor McKenna noted that those that had signed up for the 300 Hamburg Road Annexation had signed up for 'zoning' portion and when asked if they wished to provide additional comments during the zoning hearing. Brachman, Anderson and Richie declined to offer additional comments. Vice Mayor McKenna asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the zoning request. No written comments were received on-line via email, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing on the zoning; however, due to technical problems with the audio on the electronic Zoom meeting, by action taken later in the meeting, Town Council continued the public hearing on the initial R-3 zoning for this property to Monday, November 20, 2023 at 6:00 p.m. to the Town Council's regularly scheduled meeting.

6. Public Hearing: Annexation – Northridge Farms

Vice Mayor McKenna declared the Public Hearing open for the annexation request for the properties comprising the Northridge Farms project.

Attorney Jackson reviewed the case and supporting documents for the voluntary annexation request for the Northridge Farms project. She specifically noted that the petitioner is entitled to vested rights under the Buncombe County issued Special Use permit for 568 residential dwelling units shown on a master site plan, and that the certificate of sufficiency for the petition provided by the Town Clerk. The public hearing had been advertised in accordance with general statute law.

William Cheek of 42 Gill Branch Road said his home borders the proposed development and he is concerned with traffic from the development along Gill Branch Road and wants that limited to emergency services only. Cheek was opposed to the residents having access on Gil Branch Road.

Planning Director Eller said he had received comments from Tahani Sticpewich via email, and she has concerns with vehicle traffic from the Northridge Commons shopping center and the new development. Sticpewich also had questions regarding the Buncombe County special use permit, wherein the developer has claimed vested rights.

Vice Mayor McKenna asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the request. No written comments were received on-line via email, stated Town Clerk Mercer.

Due to technical problems with the audio on the electronic Zoom meeting, by action taken later in the meeting, Town Council continued the public hearing on the annexation for the Northridge Farms Project to Monday, November 20, 2023 at 6:00 p.m. to the Town Council's regularly scheduled meeting.

7. Public Hearing: Zoning – Northridge Farms

Vice Mayor McKenna declared the Public Hearing open for zoning request for R-3 zoning for Northridge Farms.

Attorney Jackson reviewed and explained the vested rights at Northridge Farms and the two options for zoning being the creation of a conditional district which incorporates the SUP conditions or straight R-3 zoning.

There was discussion regarding the utility and sanitation services, R-3 density, and the proximity to Reems Creek, and a proposed connection between Northridge Commons and Northridge Farms to the Reems Creek greenway that is contemplated.

Vice Mayor McKenna asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the zoning public hearing. No written comments were received on-line via email, stated Town Clerk Mercer.

Due to technical problems with the audio on the Zoom meeting, by action taken later in the meeting, Town Council continued the public hearing on the proposed initial zoning for the Northridge Farms Project to Monday, November 20, 2023 at 6:00 p.m. to the Town Council's regularly scheduled meeting.

8. Public Hearing: Comprehensive Land Use Plan Update

Vice Mayor McKenna declared the Public Hearing open for the proposed updates to the Comprehensive Land Use Plan and recognized Planning Director Eller who presented the topic.

Eller stated the Land Use Plan was adopted in 2019 and is reviewed annually with an emphasis on an updated Table of Stated Goals and Priorities. The Planning Board reviewed the proposed updates and recommended that they be adopted. The public hearing has been properly noticed and advertised per North Carolina General Statutes stated Eller.

Vice Mayor McKenna noted that no one signed up for Comprehensive Land Use Plan Update public hearing. Vice Mayor McKenna asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the zoning request. No written comments were received on-line via email, stated Town Clerk Mercer.

9. Continuation of All Public Hearings

Technical problems were experienced throughout the meeting by those attending the meeting remotely via Zoom. It was reported that people joining remotely were not able to hear the meeting or be heard and, therefore, were not able to provide comments for any of the public hearings held.

Vice Mayor McKenna moved to continue all seven (7) Public Hearings, noted below, to Monday, November 20th to 6:00 p.m. at the Town Council regular meeting so that additional comments could be received by Town Council:

- *Public Hearing: Annexation - Reems Creek Village Recombination Areas*
- *Public Hearing: Initial R-2 Zoning - Reems Creek Village Recomb. Areas*
- *Public Hearing: Annexation - 300 Hamburg Mtn Road*
- *Public Hearing: Initial R-3 Zoning - 300 Hamburg Mtn Road*
- *Public Hearing: Annexation - Northridge Farms*
- *Public Hearing: Initial Zoning - Northridge Farms*
- *Public Hearing: Comprehensive Land Use Plan Update*

Motion carried unanimously. 5-0.

9. Adjournment

There being no further business and without objection Vice Mayor McKenna adjourned the meeting at 6:52 p.m.

Tamara Mercer, Town Clerk

MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, November 20, 2023**

The Town Council for the Town of Weaverville held the regularly scheduled meeting on Monday, November 20, 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:, Vice Mayor Jeff McKenna and Councilmembers Doug Jackson, John Chase, Catherine Cordell, Michele Wood and Andrew Nagle.

Councilmembers absent: Mayor Patrick Fitzsimmons

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, Water Treatment Plant Supervisor Randall Wilson, and Town Clerk Tamara Mercer.

- 1. Call to Order Vice Mayor McKenna**
- 2. Continuation of November 14, 2023 Public Hearings:**
 - Public Hearing: Annexation - Reems Creek Village Recombination Areas
 - Public Hearing: Initial R-2 Zoning - Reems Creek Village Recombination Areas
 - Public Hearing: Annexation - 300 Hamburg Mtn Road
 - Public Hearing: Initial R-3 Zoning - 300 Hamburg Mtn Road
 - Public Hearing: Annexation - Northridge Farms
 - Public Hearing: Initial Zoning - Northridge Farms
 - Public Hearing: Comprehensive Land Use Plan Update

Vice Mayor McKenna declared the Public Hearings open:

A. Annexation - Reems Creek Village Recombination Areas

Attorney Jackson reviewed the voluntary annexation request and explained that the parcel owners of lots 44, 46, 47, 49, and 50 within Reems Creek Village, have each added acreage onto their properties, part of which is in Weaverville's jurisdiction and part of which is in Buncombe County. The annexation of the recombination areas would resolve the split jurisdiction. The Town Clerk has certified the sufficiency of the annexation petitions and advertisement has provided the case eligible for the public hearings. This is a continuation of the public hearings from November 14, 2023.

Vice Mayor McKenna noted that no one had signed up for the Reems Creek Village recombination annexation and asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. No written comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing.

B. Initial R-2 Zoning - Reems Creek Village Recombination Areas

Attorney Jackson stated an initial zoning request for R-2 is requested which is consistent with adjoining lots within Reems Creek Village subdivision. This public hearing is a continuation of the public hearing from November 14, 2023, which was advertised in accordance with North Carolina law. The Planning Board unanimously recommended an R-2 zoning designation which is consistent with Comprehensive Land Use Plan and Town Council's adopted resolution for the growth areas and is reasonable.

Vice Mayor McKenna noted that no one had signed up for the Reems Creek Village recombination zoning request and asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. No written comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing.

C. Annexation - 300 Hamburg Mtn Road

Attorney Jackson noted that 300 Hamburg Mountain Road fronts on Reems Creek Road. The Joseph Penley Reems Creek Village LLC voluntary annexation petition includes a total of approximately 9.95 acres in order to receive town services including water. Water services are subject to annexation by the town, to support a 35-lot single family subdivision.

The Town Clerk has certified the sufficiency of the annexation petition and advertisement has provided the case eligible for the public hearing, which is continued from the November 14th meeting.

In response to Council member Cordell's inquiry regarding the roads, Attorney Jackson said the developer has stated they intend to remain as private roads and the development is a gated community.

Vice Mayor McKenna noted that no one had signed up for the 300 Hamburg Mountain Road annexation and asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. No written

comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing.

C. Initial R-3 Zoning – 300 Hamburg Mtn Road

Attorney Jackson reviewed the continuation of the public hearing for 300 Hamburg Mountain Road. An initial R-3 Zoning request is due to the unique lot sizes. The Planning Board provided a recommendation for R-3 zoning as it is found consistent with the Comprehensive Land Use Plan and consistent with Town Council's adopted resolution addressing growth area 5 and is reasonable.

Vice Mayor McKenna noted that no one had signed up for the 300 Hamburg Mountain Road zoning and asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. No written comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing.

D. Annexation – Northridge Farms

Attorney Jackson reviewed the Northridge Farms development project which is seeking to annex approximately 88 acres located in the Gill Branch valley, south of Northridge Commons shopping center. Consisting of approximately 568 dwelling units, the petitioners claim vested rights as approved by Buncombe County Special Use Permit issued with minor modifications in September 2023. Attorney Jackson stated the Town has received emails from the neighbors over concerns to withdraw access to Gill Branch Road. If the developer were to change traffic access they may address this issue during the public hearing regarding the private roadway, the exit for residents, and emergency access via Gill Branch Road.

Dinah Young of 25 Gill Branch Road requested only emergency access onto Gill Branch Road. Young said this was the original plan that emergency vehicles only be allowed on Gill Branch Road, and she was opposed to the residents' exit route. She was concerned with safety and cut through traffic, dump trucks, utility vehicles, and impacts to her quiet street.

Roger Young of 24 Gil Branch Road objected to roadway usage on Gill Branch Road. There are only fourteen houses, and the road is narrow. He was concerned with pedestrian safety in his neighborhood.

Bill Cheek of 42 Gill Branch Road said his family's farm borders the development. He reviewed the history of the neighborhood. Cheek was opposed to the new traffic and

access along his road as it impacts his farm. He was opposed to utility service vehicles. It should be emergency services usage only.

Becky Cheek recounted the history of the neighborhood. Cheek attended the Buncombe County board meetings, and she thought the permit was for emergency service access only. Cheek objected to utility and sanitation services using Gill Branch Road and to construction equipment usage on the road.

Vice Mayor McKenna asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. No written comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing.

E. Initial Zoning – Northridge Farms

Attorney Jackson reviewed the Northridge Farms case for establishing a zoning district versus a conditional use district for the proposed development, as a conditional district could contain provisions if there is agreement from the developer. Those provision have been provided by Staff which includes adding the provisions for installation of a greenway to provide access to Monticello Road and to future Reems Creek connections via a greenway to which the developer has agreed and is in writing. This can be added to the conditional district. The developer has claimed vested rights per the Buncombe County Special Use Permit, and an exit only traffic by the residential units is included but unless the developer is willing to abandon that, then egress may be by Fire, Rescue and Law Enforcement or emergency services only, so the question is regarding exit only traffic for residential use. The Town requested to broaden this definition to allow sanitation service and public utility access which can be addressed by Public Works.

The Planning Board reviewed the initial zoning request and sent a favorable recommendation as an option for R-3 zoning or the option for a proposed conditional district.

Vice Mayor McKenna asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the Northridge Farms zoning request. No written comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing.

G. Comprehensive Land Use Plan Update

Attorney Jackson stated the annual update to the Comprehensive Land Use Plan (CLUP) had been reviewed by Town Council, and the amendments include an updated

action plan table, priority list, Future Land Use Map with growth areas, and inclusion of the Active Weaverville Bike/Ped Plan.

Vice Mayor McKenna noted that no one had signed up for the Comprehensive Land Use Plan public hearing and asked if anyone else in attendance or attending remotely via Zoom wished to provide comment regarding the annexation request. No written comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

Vice Mayor McKenna closed the public hearing.

3. Approval/Adjustments to the Agenda

Council member Nagle disagreed with Northridge Farms development on the agenda as it is the largest annexation case for consideration with the mayor absent, based on this Council member Nagle recommended removing Northridge Farms from the agenda.

There was discussion on concerns, misunderstandings and miscommunication and Council member Doug Jackson said it is an opportunity to address concerns. Attorney Jackson noted Council could have discussions and take no action tonight, to which Council member Nagle withdrew his request to remove Northridge Farms from the agenda.

Vice Mayor McKenna motioned to approve the agenda as presented. The motion was approved unanimously. 6-0.

4. Conflict of Interests Statement

Vice Mayor McKenna stated 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

Manager Coffey thanked Vice Mayor Jeff McKenna and Council member Andrew Nagle and presented them with Certificates of Appreciation. Council member Nagle served on Town Council from 2015 -2023 and Vice Mayor McKenna from 2018-2023 and the town recognizes their years of service to the community.

Manager Coffey reviewed the consent agenda items and in response to Council member Jackson's inquiry regarding the fee schedule at the Community Center, Manager Coffey explained the damage, clean-up, repairs, and the staff recommended mediation to fees. *Council member Cordell motioned to approve the above consent agenda items as presented. The motion was approved unanimously. 6-0.*

- A. October 23, 2023 Town Council Regular Meeting Minutes – approved as presented*
- B. Monthly Tax Report and Request for Refunds/Releases – approved as presented*
- C. Budget Amendments – Governing Body & Police Department – approved as presented*
- D. Fee Schedule Revision: Community Center Deposit Increase – approved as presented*
- E. ABC Audit Update – information only*
- F. Comprehensive Land Use Plan – Resolution Approving Updates – approved as presented*

6. Town Manager’s Report

Manager Coffey provided Town Council with the following updates and projects review:

- Ivy River Water Levels
- Water Rates Study- Conservation, Volumetric Fee, Residential and Commercial rate structure, Healthy Water Fund Balance
- Short-term rentals meetings facilitated by Land of Sky Regional Council Planner, Kayla DiCristina. Session A General Public on 12/5/2023, Session B residents living by STRs on 1/9/2024, and Session C STR owners and operators on 1/17/2024 virtually.
- Lake Louise Park Updates- playground equipment and handicap installation
- Recreation Complex project update with Recreation Complex Rules vetted by the Ad Hoc Committee
- Trail design and concept plan off Quarry Road
- Roadway Improvement Program schedule for paving and milling
- Town Council Strategic Planning retreat homework deadlines for 1/20/2024
- New Council member Orientation December 14th for two newly elected officials
- 2024 Citizens Academy
- Dates important events: Council organizational meeting on 12/12/2023, Thanksgiving Holiday closure, Music on the Knoll 11/25/2023, Holiday Parade 12/2/2023, Holiday Offices closures, Strategic Planning Retreat 1/20/2024

7. General Public Comments

Vice Mayor McKenna read the rules of procedure and he opened the public comment portion of the meeting. No one elected to speak in attendance and no written comments were received on-line via email nor any participants via Zoom on-line wished to speak, stated Town Clerk Mercer.

8. Discussion & Action Items

A. FY 2022-2023 Audit Presentation

Mr. Travis Keever of Gould Killian CPA Group provided the Town of Weaverville Fiscal Year 2022-23 Audit summary wherein he said there were no material weaknesses, and no instances of non-control of financial transactions. Mr. Keever presented and highlighted the Fund Financial Statements for General fund revenues and expenditures, ad valorem taxes, sales tax, utility enterprise funds, ABC distributions, general government administration expenditures, sanitation expenses, and changes in fund balances and debt and cash flow statements. In response to Council member Nagle's inquiry, Mr. Keever reviewed the fund balance at 121% and other municipality comparisons and trends at benchmark cities. Keever also noted a "Financial Item of Concern" regarding some of the Town's water assets being more than 50% depreciated. This item will require a formal response by the Town which will be presented at the next meeting.

B. Annexation and Zoning – 492 Reems Creek Road – Action

Attorney Jackson reviewed the procedure timeline for the voluntary annexation and zoning request located at 492 Reems Creek Road. The public hearing was held at the October 23, 2023 meeting for annexation and zoning. The property adjoins larger tracts recently annexed into the town. The ordinance includes a recommended zoning designation for R-3.

Council member Doug Jackson motioned to approve and adopt the Ordinance to extend the corporate limits of the Town of Weaverville consisting of approximately 1.07 acres and annexation #2023-3 at 492 Reems Creek Road with a zoning designation for R-3 as it is consistent with the Comprehensive Land Use Plan and is reasonable. The motion was approved unanimously. 6-0.

C. Annexation and Zoning – Reems Creek Village Recomb. Areas – Action

Attorney Jackson reviewed the properties at the Reems Creek Village Recombination areas which collectively would add approximately 2.5 acres into the town with a recommended R-2 zoning.

Council member Chase motioned to approve and adopt the Ordinance to extend the corporate limits of the Town of Weaverville consisting of approximately 2.513 acres and annexation #2023-4 Reems Creek Recombination Areas with a zoning designation for R-2 as it is consistent with the Comprehensive Land Use Plan and is reasonable. The motion was approved unanimously. 6-0.

D. Annexation and Zoning – 300 Hamburg Mountain Road – Action

Attorney Jackson reviewed the 300 Hamburg Mountain Road voluntary annexation request which would add approximately 9.5 acres for a 35 single-family subdivision. The ordinance as proposed includes an R-3 zoning designation.

Council member Wood motioned to approve and adopt the Ordinance to extend the corporate limits of the Town of Weaverville consisting of approximately 9.488 acres and annexation #2023-5 Penley and Reems Creek Village LLC with a zoning designation for R-3 as it is consistent with the Comprehensive Land Use Plan and is reasonable. The motion was approved unanimously. 6-0.

E. Annexation and Zoning – Northridge Farms – Action

Attorney Jackson presented the report on the voluntary annexation and zoning request for 88 acres, Northridge Farms located in Gill Branch valley. There are two ordinances provided for consideration which included the annexation ordinance with a separate conditional district ordinance.

Robert “Bo” Carpenter, the attorney for the Northridge Farms development, explained that the special use permit language referred to the parcels which front on Gill Branch Road and not the whole subdivision; therefore, regarding the residential use on Gill Branch Road and that is where the confusion with the lots arose. The provision in the Buncombe County SUP allowed for egress from possible future development on the parcel lots which front on Gill Branch Road but not the other lots for the entire development. Mr. Carpenter said they are open to removing the egress language for residents in the development. The eight (8) lots in question are not to be developed with the multi-family dwellings. The access provision allows only if the eight lots are acquired by the developers, which is to be reserved for future development. That stipulation can be added. The developer agreed to fix the language now to move forward as mentioned by the attorney, the developer has vested rights now by the County Special Use Permit.

Carpenter addressed the internal private roadways and traffic pattern. The roadways inside the development are, at present, to remain private. They are to be built to NCDOT standards and are not intended to be brought into the town. They intend to have the gate at Gill Branch Road to stop access.

Travis Fowler, the developer, agreed with Carpenter and said the multi-family development and roadways are private but it is not a gated community. Fowler described the two bridges on the site and the main entrance to Northridge Commons. The bridge will be raised for the flood plain and is to be gated access on the Gill Branch Road side for emergency services. The details to be worked out with the town and Brooks engineering for roadway enhancements. They will work on those details with the town to connect the private roadway system with the public roadways.

Council member Nagle and Vice Mayor McKenna said the primary concern is for connectivity to allow for greenway access, to which Fowler said they agree to the connectivity. There was further discussion about extending foot paths to allow for the greenway access to Lake Louise utilizing the town’s easement along the waterway.

Fowler said they agree to provide access across their property and to connect a path at the edge of Northridge property to safe passage along Reems Creek. The parties agreed to work on the easement arraignment most beneficial to accomplish the connectivity on the newly adopted concept trial system plan.

In response to Council member Cordell question regarding the size of the lots in question on Gill Branch Road, Fowler said it is 8.8 acres which they are not developing. He agreed to remove the language in the County SUP that provided residents with exit only access through Gill Branch Road.

Fowler said the subject sites in question are identified by the Town as a growth corridor, but they are wetlands with natural features, and are not identified for high density development, so the lots are not included in their plans. He said they do not need the land for sewer outfall or other development. Fowler agreed to no heavy equipment on Gill Branch Road from the construction of the development.

Attorney Jackson addressed the requirements for public street commitments. A recorded plat would state if they were private or public. The ordinance language can be amended to allow for Emergency service vehicle access only and if amenable to adding utility and sanitation access only in the event of future development of the parcels on Gill Branch Road.

Public Works Director Pennell said the town can remove the use of Gill Branch Road for all utility services and or maintenance for Northridge Farms.

In response to Council member Doug Jackson's question, Becky Cheek said she agreed with EMS usage only on Gil Branch Road. Bill Cheek thanked Town Council for listening and for fixing his concerns and removing the residents' usage on Gill Branch Road.

Council member Nagle motioned to approve and adopt the annexation Ordinance extending the corporate limits of the Town of Weaverville Annexation #2023-6 and adopt the Ordinance establishing the Conditional District designated as CD-8 for the Northridge Farms Project as presented with the following amendments to section 2. a. paragraph: residential use of the Gill Branch Road access point is limited to those dwelling units, if any, to be constructed on the +/- 8.8 acre tract lying north of Gill Branch and labeled as "Future Development", but not by any resident of the dwelling units shown on the Master Plans dated 13 July 2023., as it is consistent with the Comprehensive Land Use Plan and is reasonable. The motion was approved unanimously. 6-0.

F. Annexation Petition – Maple Trace Subdivision – Update

Attorney Jackson presented an overview of the Maple Trace Subdivision voluntary annexation request and reviewed the timeline of the process and the reasons for the

delay. The subdivision currently has town water services for the 134 lots and 8 common areas. This subdivision was not annexed into town due to the only access into the subdivision of a one-lane bridge, since then NCDOT has replaced the one-lane with the current two-lane bridge access into the subdivision. It is non-contiguous.

Dale Pennell provided the Public Works and engineering assessment updates and recommended testing of roadways. It was noted that one of the primary purposes of the voluntary annexation petition is for the town to take over the roadways. Mr. Pennell stated that until the Town has an engineer's report on the complete roadway condition status, Staff recommends waiting for full roadway assessments and completed engineering results.

Mr. David King of 192 Waterleaf Drive and representative for the Maple Trace HOA explained they have been working with an engineering firm for the preliminary survey of roadways at a cost of \$20,000. He gave HOA progress and status on annexation. There was discussion regarding resurfacing costs, pavement and street standards, core conditions of streets, materials and compactions, and the town's paving schedule for resurfacing improvements in the town. King indicated that they were likely to do some sampling and review the initial results with Pennell before undertaking all of the recommended testing.

G. Planner/Code Enforcement Officer Position

Manager Coffey reviewed the budget request for a Planning Department position and Code Enforcement officer explaining the reasons for the request. There was a discussion regarding the position be tasked with urban planning and design and long range planning, the Comprehensive Land Use plan, new position costs, wages and benefits, code enforcement responsibilities, planner position responsibilities, growth zones, trends, and annexations, permitting, and project procedure processes, and the Town Council Strategic Planning Retreat for 2024.

Council member Cordell motioned to approve the Planner Code Enforcement position. The motion was approved unanimously. 6-0.

H. Quarterly Report – Police

Chief Davis reviewed the Police Report including the quarterly Town-wide trends and comparisons.

I. Quarterly Report – Fire

Chief Harris reviewed Fire Department report, highlighting the TOWN fire responses and service calls, property saved, public education, and city-wide trends.

9. Closed Session under NCGS § 143-318.11(a)(3)

To consult with the Town Attorney under attorney-client privilege and consider/ give instructions concerning the handling/ settlement of a claim.

At approximately 8:40 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 5-1 with councilmember Nagel voting no.

[CLOSED SESSION]

At approximately 9:04 pm Councilmember Doug Jackson 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.

10. Adjournment

There being no further business, Vice Mayor McKenna adjourned the meeting at 9:05 p.m.

Tamara Mercer, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: December 18, 2023
SUBJECT: Monthly Tax Report and Request for Refunds/Releases
PRESENTER: Tax Collector
ATTACHMENTS: Monthly Tax Report Summary
TR-401G Net Collections Report for November
Motor Vehicle Levy Release/Refund Report for October

DESCRIPTION/SUMMARY OF REQUEST:

Buncombe County has provided the monthly net collections report with data through the end of October 2023 and a request for tax releases/refunds.

A summary of the monthly tax report is provided and shows that 45.63% of the Town's property taxes have been collected. This totals \$1,918,485 out of the \$4,204,343 total tax levy (real property, personal property, and business personal property).

The Motor Vehicle Levy Release/Refund information comes from the State and lags behind the property tax information prepared by the County. The numbers reflected below are from last month's report.

Buncombe County Assessor's Office has requested approval of the following releases/refunds:

October 2023	Motor Vehicle Levy Release/Refund	\$105.70
November 2023	Property Tax Levy Release/Refund	\$6.79
November 2023	Motor Vehicle Levy Release/Refund	\$TBD

COUNCIL ACTION REQUESTED:

The monthly report is provided for information only.

Approval of the tax releases/refunds is requested. The following motion is suggested:

I move that Town Council approve the releases and refunds as requested.

**Town of Weaverville
MONTHLY TAX REPORT
FY 2023-2024**

Tax Year 2023

Summary for YTD November 2023:

Original Billed Amts	\$	4,196,765
Abs Adj (Adjustments by Assessor)	\$	(2,949)
Bill Releases	\$	(51)
Discovery Levy	\$	8,428
Additional Levy	\$	2,149
Net Levy	\$	4,204,343
Total Current Year Collections	\$	1,918,485
% Collected		45.63%
Total Left to be Collected:	\$	2,285,858
Prior Years Tax Paid	\$	-
Prior Years Interest Paid	\$	1,605

Date run: 12/4/2023 2:38:28 PM

TR-401G Net Collections Report

NCPTS V4

Data as of: 12/3/2023 11:31:25 PM

Report Parameters:

Date Sent to Finance Start: Min - November 1, 2023

Date Sent to Finance End: Max - November 30, 2023

Abstract Type: BUS,IND,PUB,REI,RMV

Tax District: WEAVERVILLE

Levy Type: Admin Expense, Advertisement Fee, Attorney Fee, Collection Fee 5, Collection Fee 9, Cost, Docketing Expense, EXPENSE, FEE INTEREST, Garnishment Fee, Interest, LATE LIST PENALTY, Legal Ad Expense, NSF Penalty, Postage Expense, Sheriff Service Fee, SPECIAL ASSESSMENT, TAX, VEHICLE FEE, WEAVERVILLE TAX

Tax Year: 2023, 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004

Year For: 2023, 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003

Collapse Districts: N

Default Sort-By:

Tax Year

Grouping:

Tax District,Levy Type

Fiscal Year Activity from July 1, 20XX to November 30, 2023												Activity from November 1, 2023 to November 30, 2023			
Tax Year	Orig. Billed Amt (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)	Net Levy (\$)	Amt Collect. (\$)	Unpaid Balance (\$)	% Coll.	Amt Collect. (\$)	% Uncoll.		Amt Collect. (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)
TAX DISTRICT: WEAVERVILLE LEVY TYPE: Interest															
2023	0.00	0.00	0.00	0.00	0.00	0.00	1,239.92	0.00	1,239.92	0.00		504.54	0.00	0.00	0.00
		0.00	1,239.92	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2022	0.00	0.00	0.00	0.00	0.00	0.00	4,837.15	0.00	4,837.15	0.00		0.00	0.00	0.00	0.00
		0.00	4,837.15	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2021	0.00	0.00	0.00	0.00	0.00	0.00	5,043.01	0.00	5,043.01	0.00		0.00	0.00	0.00	0.00
		0.00	5,043.01	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2020	0.00	0.00	0.00	0.00	0.00	0.00	11,889.21	0.00	11,889.21	0.00		0.00	0.00	0.00	0.00
		0.00	11,889.21	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2019	0.00	0.00	0.00	0.00	0.00	0.00	5,056.63	0.00	5,056.63	0.00		0.00	0.00	0.00	0.00
		0.00	5,056.63	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2018	0.00	0.00	0.00	0.00	0.00	0.00	316.01	0.00	316.01	0.00		0.00	0.00	0.00	0.00
		0.00	316.01	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2017	0.00	0.00	0.00	0.00	0.00	0.00	39.57	0.00	39.57	0.00		0.00	0.00	0.00	0.00
		0.00	39.57	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2016	0.00	0.00	0.00	0.00	0.00	0.00	64.92	0.00	64.92	0.00		0.00	0.00	0.00	0.00
		0.00	64.92	0.00	0.00	0.00	NA	NA	NA	NA				0.00	0.00
2015	0.00	0.00	0.00	0.00	0.00	0.00	100.08	0.00	100.08	0.00		0.00	0.00	0.00	0.00

2014		0.00	0.00	100.08	0.00	0.00	0.00	0.00	NA	NA		0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	10.54	NA	0.00	0.00	0.00	0.00	0.00
2013		0.00	0.00	10.54	0.00	0.00	0.00	NA	NA	NA		0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	1,020.36	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	1,020.36	0.00	0.00	0.00	NA	NA	NA		0.00	0.00	0.00
2012		0.00	0.00	0.00	0.00	0.00	0.00	730.74	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	0.00	0.00	0.00	0.00	NA	NA	NA		0.00	0.00	0.00
2011		0.00	0.00	0.00	0.00	0.00	0.00	12.59	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	12.59	0.00	0.00	0.00	NA	NA	NA		0.00	0.00	0.00
Sub.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30,360.73	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	0.00	30,360.73	0.00	0.00	0.00	NA	NA	NA		0.00	0.00	0.00
TAX DISTRICT: WEAVERVILLE LEVY TYPE: LATE LIST PENALTY														
2023	9,154.90	55.02	0.36	36.73	9,216.60	7,941.55	1,275.05	43.32	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	7,941.55	80.35	0.00	86.17 %	13.83 %					0.00	0.00	0.00
2022	2,555.97	4.77	0.80	733.13	3,283.53	3,259.94	23.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	3,259.94	0.00	0.00	99.28 %	0.72 %					0.00	0.00	0.00
2021	1,320.31	65.20	0.54	3,159.35	4,413.92	4,388.41	25.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	4,388.41	0.00	0.00	99.42 %	0.58 %					0.00	0.00	0.00
2020	1,211.84	478.88	0.96	6,083.77	7,047.59	7,032.49	15.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	7,032.49	231.82	0.00	99.79 %	0.21 %					0.00	0.00	0.00
Sub	14,243.02	603.87	2.66	10,012.98	23,961.64	22,622.39	1,339.25	43.32	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	22,622.39	312.17	0.00	94.41 %	5.59 %					0.00	0.00	0.00
TAX DISTRICT: WEAVERVILLE LEVY TYPE: TAX														
2023	4,196,765.41	2,948.95	50.60	8,428.28	4,204,343.00	1,918,485.14	2,285,857.86	1,206,086.79	0.00	0.00	6.79	1,775.44		
		0.00	1,918,485.14	2,148.86	0.00	45.63 %	54.37 %				0.00	0.00	0.00	0.00
2022	3,986,151.82	1,317.96	43.41	5,719.53	3,990,509.98	3,988,820.98	1,689.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		735.06	3,989,556.04	0.00	0.00	99.96 %	0.04 %				0.00	0.00	0.00	0.00
2021	3,717,652.88	6,296.91	36.26	14,153.16	3,728,407.71	3,725,320.48	3,087.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		726.57	3,726,047.05	2,934.84	0.00	99.92 %	0.08 %				0.00	0.00	0.00	0.00
2020	3,354,216.35	6,680.68	71.80	22,850.56	3,373,041.19	3,371,961.29	1,079.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		2,156.28	3,374,117.57	2,726.76	0.00	99.97 %	0.03 %				0.00	0.00	0.00	0.00
2013	73,342.49	0.00	1,623.13	0.00	71,719.36	71,719.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	71,719.36	0.00	0.00	100 %	0 %				0.00	0.00	0.00	0.00
2012	68,037.63	0.00	1,498.22	0.00	66,539.41	66,539.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	66,539.41	0.00	0.00	100 %	0 %				0.00	0.00	0.00	0.00
2011	82.56	0.00	0.00	0.00	82.56	82.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
		0.00	82.56	0.00	0.00	100 %	0 %				0.00	0.00	0.00	0.00
Sub.	15,396,249.14	17,244.50	3,323.42	51,151.53	15,434,643.21	13,142,929.22	2,291,713.99	1,206,086.79	0.00	0.00	6.79	1,775.44		

		3,617.91	13,146,547.13	7,810.46	0.00	85.15 %	14.85 %			0.00	0.00
TAX DISTRICT: WEAVERVILLE LEVY TYPE: WEAVERVILLE TAX											
2019	49,954.82	0.00	193.07	0.00	49,761.75	44,424.98	5,336.77	0.00	0.00	0.00	0.00
		0.00	44,424.98	0.00	0.00	89.28 %	10.72 %				0.00
2018	1,576.57	0.00	3.29	0.00	1,573.28	914.17	659.11	0.00	0.00	0.00	0.00
		0.00	914.17	0.00	0.00	58.11 %	41.89 %				0.00
2017	771.97	0.00	566.38	0.00	205.59	145.15	60.44	0.00	0.00	0.00	0.00
		0.00	145.15	0.00	0.00	70.60 %	29.40 %				0.00
2016	217.62	0.00	2.56	0.00	215.06	168.06	47.00	0.00	0.00	0.00	0.00
		0.00	168.06	0.00	0.00	78.15 %	21.85 %				0.00
2015	201.36	0.00	8.59	0.00	192.77	160.43	32.34	0.00	0.00	0.00	0.00
		0.00	160.43	0.00	0.00	83.22 %	16.78 %				0.00
2014	2,126.15	0.00	5.98	0.00	2,120.17	28.67	2,091.50	0.00	0.00	0.00	0.00
		0.00	28.67	0.00	0.00	1.35 %	98.65 %				0.00
2013	570.35	0.00	0.00	0.00	570.35	1.15	569.20	0.00	0.00	0.00	0.00
		0.00	1.15	0.00	0.00	0.20 %	99.80 %				0.00
2012	752.46	0.00	111.58	0.00	640.88	204.72	436.16	0.00	0.00	0.00	0.00
		0.00	204.72	0.00	0.00	31.94 %	68.06 %				0.00
Sub.	56,171.30	0.00	891.45	0.00	55,279.85	46,047.33	9,232.52	0.00	0.00	0.00	0.00
		0.00	46,047.33	0.00	0.00	83.30 %	16.70 %				0.00
Total	15,466,663.46	17,848.37	4,217.53	61,164.51	15,513,884.70	13,241,959.67	2,302,285.76	1,206,634.65	0.00	6.79	1,775.44
		3,617.91	13,245,577.58	8,122.63	0.00	85.16 %	14.84 %			0.00	0.00

Signature (Tax Collector) _____

NCVTS Pending refund report Fiscal year 2024

Jul-23	Tax Jurisdiction	District Type	Net Change
	BUN	COUNTY	(\$5,997.60)
	CAS	CITY	(\$1,494.57)
	CBF	CITY	(\$100.63)
	CBM	CITY	(\$63.08)
	CWO	CITY	(\$98.66)
	CWV	CITY	(\$212.25)
	FBA	FIRE	(\$1.32)
	FEB	FIRE	(\$3.05)
	FEC	FIRE	(\$207.39)
	FFA	FIRE	(\$115.66)
	FFB	FIRE	(\$0.42)
	FLE	FIRE	(\$7.56)
	FNB	FIRE	(\$0.28)
	FRC	FIRE	(\$114.93)
	FRE	FIRE	(\$31.50)
	FRI	FIRE	(\$37.08)
	FSK	FIRE	(\$146.79)
	FSW	FIRE	(\$26.39)
	FUH	FIRE	(\$26.31)
	FWB	FIRE	(\$94.94)
	FWO	FIRE	(\$11.06)
	FAS	SPECIAL	(\$5.33)
	SAS	SPECIAL	(\$244.13)
	Total		(\$9,040.93)

Aug-23	Tax Jurisdiction	District Type	Net Change
	BUN	COUNTY	(\$9,371.86)
	CAS	CITY	(\$2,450.37)
	CBF	CITY	(\$109.77)
	CBM	CITY	(\$77.35)
	CWO	CITY	(\$528.61)
	CWV	CITY	(\$115.50)
	FEB	FIRE	(\$2.30)
	FEC	FIRE	(\$166.98)
	FFA	FIRE	(\$173.05)
	FFB	FIRE	(\$51.24)
	FJU	FIRE	(\$7.00)
	FLE	FIRE	(\$102.56)
	FNB	FIRE	(\$9.53)
	FRC	FIRE	(\$319.28)
	FRE	FIRE	(\$25.38)
	FRI	FIRE	(\$39.19)
	FSK	FIRE	(\$62.31)
	FSW	FIRE	(\$93.16)
	FUH	FIRE	(\$84.04)
	FWB	FIRE	(\$246.22)
	FWO	FIRE	(\$122.23)
	FAS	SPECIAL	(\$7.85)
	SAS	SPECIAL	(\$570.55)
	Total		(\$14,736.33)

Sep-23	Tax Jurisdiction	District Type	Net Change
	BUN	COUNTY	(\$7,331.91)
	CAS	CITY	(\$2,702.48)
	CBF	CITY	(\$12.22)
	CBM	CITY	(\$33.98)
	CMT	CITY	(\$171.10)
	CWO	CITY	(\$113.58)
	FEB	FIRE	(\$28.53)
	FEC	FIRE	(\$198.87)
	FFA	FIRE	(\$56.13)
	FFB	FIRE	(\$9.14)
	FJU	FIRE	(\$10.22)
	FLE	FIRE	(\$58.00)
	FNB	FIRE	(\$55.31)
	FRC	FIRE	(\$103.51)
	FRE	FIRE	(\$2.34)
	FRI	FIRE	(\$75.17)
	FSK	FIRE	(\$55.99)
	FSW	FIRE	(\$19.25)
	FUH	FIRE	(\$225.63)
	FWB	FIRE	(\$55.58)
	FWO	FIRE	(\$43.33)
	SAS	SPECIAL	(\$353.77)
	Total		(\$11,716.04)

Oct-23	Tax Jurisdiction	District Type	Net Change
	BUN	COUNTY	(\$10,002.75)
	CAS	CITY	(\$3,562.85)
	CBF	CITY	(\$76.36)
	CBM	CITY	(\$23.74)
	CMT	CITY	(\$356.90)
	CWO	CITY	(\$604.89)
	CWV	CITY	(\$105.70)
	FBA	FIRE	(\$20.77)
	FEB	FIRE	(\$88.73)
	FEC	FIRE	(\$116.21)
	FFA	FIRE	(\$57.72)
	FFB	FIRE	(\$19.46)
	FGC	FIRE	(\$4.06)
	FJU	FIRE	(\$26.01)
	FLE	FIRE	(\$66.89)
	FNB	FIRE	(\$157.27)
	FRC	FIRE	(\$48.76)
	FRE	FIRE	(\$29.68)
	FRI	FIRE	(\$67.59)
	FSK	FIRE	(\$116.92)
	FSW	FIRE	(\$70.64)
	FUH	FIRE	(\$153.48)
	FWB	FIRE	(\$136.20)
	FWO	FIRE	(\$194.11)
	SAS	SPECIAL	(\$404.74)
	Total		(\$16,512.43)

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: December 18, 2023
Subject: Budget Amendment – Police
Presenter: Town Finance Director
Attachments: Budget Amendment Form

Description/Summary of Request:

The Town collected an additional **\$3,493.94** in Cops for Kids donations during November – December 2023, bringing the fiscal year-to-date total to **\$9,595.37.**

The attached budget amendment is necessary in order to include these funds in the Fiscal Year 2023-2024 budget.

Action Requested:

Town Manager recommends approval of the attached Budget Amendment.

Budget Amendment FY 2023-2024

Town of Weaverville

What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-430-431-26608	Cops for Kids (Expenditure)	\$3,493.94

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

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-004-300-09028	Cops for Kids (Revenue)	\$3,493.94

Justification: Please provide a brief justification for this budget amendment. *Cops for Kids donations received November – December 2023.*

Authorized by Finance Officer

Date

Authorized by Town Manager

Date

Authorized by Town Council (if applicable)

Date

Budget Ordinance Section 7:

- 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.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: December 18, 2023
SUBJECT: Board Appointments - Board of Adjustment
PRESENTER: Mayor Fitzsimmons
ATTACHMENTS: Proposed Roster

DESCRIPTION/SUMMARY OF REQUEST:

With Peter McGuire now serving on Town Council a vacancy on the Board of Adjustment has been created. Mayor Fitzsimmons proposes that Larry Murray move from his alternate seat to fill the regular seat vacancy and that Paul DeCrosta be appointed as an alternate member to fill that unexpired term.

COUNCIL ACTION REQUESTED:

Suggested motion: *I move the approval of the following board reappointments/appointments:*

Larry Murray – appointment as a regular member of the Board of Adjustment to serve an unexpired term ending September 2024

Paul DeCrosta - appointment as an alternate member of the Board of Adjustment to serve an unexpired term ending September 2026

**WEAVERVILLE
BOARD OF ADJUSTMENT**

Regularly meets 2nd Monday of the month at 6:00 pm (subject to cancellation)
in Community Room/Council Chambers at Town Hall

NAME AND POSITION	CONTACT INFORMATION	FIRST APPT	DATE OF APPT	TERM (3 YEARS)
John "Tyce" Lewis Chairman	14 South College Street (cell) 279-4290 tycerrenovations@gmail.com	2017	August 2023	September 2023-2026
Cynthia Wright Vice-Chairman	88 Hillcrest Drive (cell) 703-862-8428 wright.cindy2011@gmail.com	2014	August 2021	September 2021 - 2024
Paul Clauhs Regular Member	P.O. Box 483 74 Hamburg Drive 828-768-6679 weavervilleplumbing@hotmail.com	2011	September 2022	September 2022 - 2025
Roger Parkin Regular Member	57 Church Street 828-337-2868 rdplimey@gmail.com	2017	August 2023	September 2023 - 2026
Larry Murray Regular Member	7 Alexander Road 828-645-4285 flurmur104@aol.com	2021	December 2023	Dec 2023 - Sept 2024
Paul DeCrosta Alternate Member	73 Lofton Street 312-623-2943 pauldecrosta@icloud.com	2023	December 2023	Dec 2023 - Sept 2026
Brent Koenig Alternate Member	7 Coleman Street 619-847-8528 brentkoenig@gmail.com	2022	October 2022	October 2022 - Sept 2025
James Eller, Zoning Administrator	828-484-7002 jeller@weavervillenc.org			
Jennifer Jackson Town Attorney	828-442-1858 jjackson@weavervillenc.org			
Tamara Mercer Town Clerk/BOA Sec.	828-484-7003 tmercerc@weavervillenc.org			

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: December 18, 2023

SUBJECT: Set Public Hearing on Code Amendments for Fee In Lieu of Sidewalk Construction, Conservation Subdivision, and Places of Gatherings and Home Occupations

PRESENTER: Planning Director

ATTACHMENTS: Planning Board Recommendations and Proposed Code Amendments

DESCRIPTION/SUMMARY OF REQUEST:

Over the previous months, the Planning Board reviewed both the current regulations and the attached proposed text amendments to Code Chapter 20 pertaining to fee in lieu of sidewalk construction, conservation subdivisions, and places of gatherings and home occupations.

At the conclusion of its review the Planning Board unanimously found that the proposed text amendments are consistent with the Town's Comprehensive Plan and reasonable and recommended adoption of same. The Planning Board's recommendations are attached.

Staff recommends that Town Council move forward and consider adoption of these text amendments. To do so Town Council must set and hold a public hearing on January 22, 2024, at 6 pm, or as soon thereafter as the matter can be reached.

TOWN COUNCIL ACTION REQUESTED:

The following motion is recommended:

I move that Town Council hold a public hearing on January 22, 2024, at 6 pm in the Community Room and Council Chambers at Town Hall in order to receive public comment on the proposed text amendments to Chapter 20 related to fee in lieu of sidewalk construction, conservation subdivisions, and places of gathering and home occupations.

**RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING FEES IN LIEU OF SIDEWALK CONSTRUCTION**



**Town of Weaverville
Planning Board**

**Recommendation and Plan Consistency Statement for
Proposed Text Amendments**

On December 5, 2023, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendments which provide for a fee in lieu of sidewalk construction. This favorable recommendation is based on the findings as stated herein.

The Planning Board recently undertook a review of the proposed fee in lieu of sidewalk construction proposed text amendments, a recommendation of the recently adopted Active Weaverville plan and a medium priority within the CLUP priorities. The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide for regulations which allow for a fee in lieu system and replace the town's existing waiver system for sidewalk construction.

Bob Pace, Chairman of the Planning Board

December 5, 2023

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING FEES IN LIEU OF SIDEWALK CONSTRUCTION

Chapter 20, Part I

Article VII. Fee in Lieu of Sidewalk Construction

Sec. 20-1701. Purpose

In general, the Weaverville Town Council supports the installation of sidewalks by the development community at the time of development. However, there are circumstances when current site conditions or other considerations justify the acceptance of a fee in lieu of sidewalk construction.

It is the purpose of this ordinance, and the rules and regulations set forth, to establish clear, equitable, and consistent standards for carrying out the fee in lieu of construction alternative provided for in Section 20-2404 and 20-3503 of the town's code of ordinances, as it pertains to sidewalks and related pedestrian facilities. This objective shall be achieved by establishing defined standards related to project eligibility, prioritization, and implementation.

Sec. 20-1702. Discretionary Power

Nothing in this policy shall be construed to limit town council's authority to deny a fee in lieu of sidewalk construction request or credit for off-site sidewalk construction. The standards and material contained herein are meant to guide and support any decision made by Council regarding fee in lieu of sidewalk construction.

Sec. 20-1703. Fee in lieu of Sidewalk Construction Requests

Any project required to install sidewalk per the standards of this Chapter 20 may request to pay a fee in lieu of said physical improvements. All requests to pay a fee in lieu of sidewalk construction shall be reviewed and decided upon by Weaverville Town Council.

Sec. 20-1704. Evaluation Criteria

While any project may submit a request to pay a fee in lieu of sidewalk construction, it is the Town's intention to limit the approval of such requests to those projects which merit serious consideration. The following list of criteria shall be used by town council for the purpose of evaluating a payment in lieu of construction request. A request is not required to meet all of the following criteria to be considered eligible:

- (1) The applicable property will be developed for residential purposes with a density of less than 1 dwelling unit per acre.
- (2) There are no sidewalks in the vicinity of the project, and it is unlikely that there will be development nearby that would require the installation of sidewalks in the future.
- (3) A stormwater drainage ditch or similar public utility facility prevents the installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility.
- (4) The topography would require the construction of a retaining wall more than 6 feet in height to accommodate the sidewalk.
- (5) There is a planned roadway or infrastructure improvement scheduled to be implemented within the next 5 years which would require the removal or relocation of the required sidewalk.
- (6) Other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.

Sec. 20-1705. Fee Calculation

The Town may request a cost estimate of required sidewalk construction from a civil engineering firm to assist in the fee calculation for approved payments in lieu. Cost estimates and fee calculations are subject to review and recommendation

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING FEES IN LIEU OF SIDEWALK CONSTRUCTION

by the Town's Public Works Department.

The fee calculation for approved payments in lieu of sidewalk shall be based on the cost estimate as approved by town council and shall be due prior to (1) final plat approval, or (2) issuance of a zoning permit for any projects requiring sidewalk construction in which final plat approval would not apply.

Sec. 20-1706. Credits for Off-Site Sidewalk Construction

A fee in lieu of sidewalk construction may be credited by an equivalent amount of sidewalk construction in another location, based on estimated cost, subject to review and approval of Weaverville Town Council. The selected location for off-site sidewalk construction must be approved by the Zoning Administrator, as well as inspected by the Public Works department prior to pouring. Additionally, the developer must obtain all necessary encroachments and/or easements and provide copies of said agreements to the Town of Weaverville prior to commencement of work. Unless otherwise approved by the Zoning Administrator, off-site sidewalk construction permitted by this ordinance shall be due prior to (1) final plat approval or (2) issuance of a zoning permit for any projects requiring sidewalk construction in which final plat approval would not apply.

Sec. 20-1707. Use of Funds

Fees deposited with the Town in lieu of sidewalk construction shall only be used to install new sidewalks or new pedestrian facilities (such as curb ramps or crosswalks). Costs associated with sidewalk repairs shall be otherwise budgeted for by the town, and shall not come out of the fees in lieu of sidewalks.

Sec. 20-1708. Prioritization of New Sidewalk Installation

The Town shall periodically compile a priority listing for the installation of paved sidewalk improvements, giving full consideration to the following criteria:

- (1) Paved sidewalks along one side of the streets that constitute major walking routes to a public school shall normally be given first priority in an order established by the town after consideration of the service area.
- (2) Sidewalks along one side of the streets that constitute a major walking route to some public facility or along streets designated as a major or minor thoroughfare shall normally be given second priority in an order established by the town.
- (3) Sidewalks along a second side of the streets that constitute a major walking route to public schools, other public facilities, or along major or minor thoroughfares, where sidewalks already exist on one side, shall be given third priority.
- (4) Paved sidewalks in locations other than those described above shall normally be given fourth priority in an order established by the town.

Sec. 20-1709. Future Site Improvements or Changes

Any fee in lieu of sidewalk installation request approved by Town Council shall only apply to those requirements in place at the time of development. This ordinance shall not be construed to grant exceptions to sidewalk installation related to any future building or parking lot expansions, redevelopment, or changes in use which would require sidewalk installation per the standards of Chapter 20.

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING FEES IN LIEU OF SIDEWALK CONSTRUCTION

Sec. 2-165. Duties.

The board of adjustment shall primarily act in a quasi-judicial capacity and shall perform the following duties:

- (a) *Quasi-judicial procedures.* The board of adjustment shall follow quasi-judicial procedures as specified in G.S. 160D-406 and Code section 20-1309 when making any quasi-judicial decision.
- (b) *General.* The board of adjustment shall hear and decide all other matters which it is required to pass under any statute or development regulation adopted under the authority of GS Chapter 160D.
- (c) *Appeals.* Except as otherwise provided by G.S. Chapter 160D, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of all development regulations and may hear appeals arising out of any other ordinance that regulates land use or development all as set out in chapter 20, including specifically Code section 20-1308 and Code section 20-3108(b).
- (d) *Special use permits.* The board of adjustment shall hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in chapter 20, including specifically Code section 20-3108(c) and Code section 20-3204.
- (e) *Variances.* The board of adjustment shall hear and decide all variance requests in accordance with the principles, conditions, safeguards, and procedures specified in chapter 20, including specifically Code section 20-3108(d).
- (f) ~~*Sidewalk waivers.* The board of adjustment shall hear and decide all requests for waivers of sidewalk requirements in accordance with principles, conditions, limitations and procedures specified in chapter 20, including specifically Code section 20-3108(e).~~
- ~~(g)~~ *Vegetative screening and/or buffer waivers.* The board of adjustment shall hear and decide all requests to alter or eliminate the required vegetative screening or buffering requirement in accordance with principles, conditions, limitations and procedures specified in chapter 20, including specifically Code section 20-3108(f).

Sec. 20-3108. Quasi-judicial zoning decisions.

- (a) *Quasi-judicial procedures.* The board of adjustment shall follow quasi-judicial procedures as specified in G.S. 160D-406 and Code section 20-1309 when making any quasi-judicial decision.
- (b) *Appeals of administrative decisions.* Except as otherwise provided by G.S. Chapter 160D, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of all development regulations and may hear appeals arising out of any other ordinance that regulates land use or development. A majority vote of the members shall be required to decide an appeal. The provisions of G.S. 160D-405 and Code section 20-1308 governing appeals of administrative decisions, and G.S. 160D-406 and Code section 20-1309 governing quasi-judicial procedure are applicable to these appeals.
- (c) *Special use permits.* The board of adjustment shall hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in Code section 20-3204. A majority vote of the members shall be required to issue a special use permit.
- (d) *Variances.* When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation when, based on competent, material, and substantial evidence, it finds all of the following:
 - (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made on the property;
 - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability;

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING FEES IN LIEU OF SIDEWALK CONSTRUCTION

- (3) The hardship did not result from the actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship;
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved;
- (5) The requested variance is not a request to permit a use of land, building, or structure which is not permitted in the zoning district in which the property is located; and
- (6) The requested variance is not a request to permit a prohibited sign.

Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance. Other development regulations that regulate land use or development, including the subdivision regulations, may provide for variances from the provisions of those ordinances consistent with the provision of this section. The concurring vote of four-fifths (4/5) of the board of adjustment shall be necessary to grant a variance. Approved variances are required to be recorded with the Buncombe County Register of Deeds upon approval.

- (e) ~~Sidewalk waivers. The board of adjustment shall hear and decide all requests for waivers of sidewalk requirements, with a majority vote of the members based on competent, material, and substantial evidence. Limitations and standards applicable to sidewalk waivers are as follows:~~
 - ~~(1) Sidewalk requirements imposed by a conditional district or special use permit are not eligible for a waiver of such sidewalk requirements.~~
 - ~~(2) Major subdivisions are not eligible for a waiver of the sidewalk requirement for sidewalks on new streets proposed for construction within the major subdivision. Major subdivisions may, however, be granted a sidewalk waiver of the sidewalk requirements along existing streets upon the finding that:~~
 - ~~(a) The construction of the sidewalk is proposed to be constructed within an existing right-of-way where sufficient right-of-way or easement width does not exist or cannot be dedicated to build the sidewalk; or~~
 - ~~(b) The construction of the sidewalk is not feasible due to special circumstances including but not limited to impending road widening or improvements or severe roadside conditions or slope which would prohibit sidewalk construction; or~~
 - ~~(c) The construction of the sidewalk will not meaningfully provide for better pedestrian access and/or connectivity to the existing or proposed pedestrian network or sidewalk system.~~
 - ~~(3) Minor subdivisions may be granted a sidewalk waiver upon the finding that:~~
 - ~~(a) The construction of the sidewalk is proposed to be constructed within an existing right-of-way where sufficient right-of-way or easement width does not exist or cannot be dedicated to build the sidewalk; or~~
 - ~~(b) The construction of the sidewalk is not feasible due to special circumstances including but not limited to impending road widening or improvements or severe roadside conditions or slope which would prohibit sidewalk construction; or~~
 - ~~(c) The construction of the sidewalk will not meaningfully provide for better pedestrian access and/or connectivity to the existing or proposed pedestrian network or sidewalk system.~~
- ~~(e) Vegetative screening and/or buffer waivers.~~ The board of adjustment shall have the authority to alter or eliminate the required vegetative screening or buffering requirement where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this chapter, between the owner of the lot requiring the vegetative screen and the owner of the adjacent lot zoned residential. These waivers may be granted by the board upon a majority vote of the members based on competent, material, and substantial evidence and any such agreements shall be attached to the approved waiver.

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING FEES IN LIEU OF SIDEWALK CONSTRUCTION

Sec. 20-2404. Sidewalks.

- (a) Sidewalks shall be constructed along all street frontages of the property or properties for which the subdivision, whether major or minor, is proposed if the street is shown on a sidewalk master plan, sidewalk improvement plan, or sidewalk priority list adopted by the town, state, or regional council.
- (b) Sidewalks shall be provided on at least one side of new streets constructed within major subdivisions.
- (c) Curbs and sidewalks shall be constructed in accordance with the Town of Weaverville Street Standard Specifications and Details Manual applicable to sidewalks and in full compliance with ADA accessibility standards, including specifically but not limited to width, ramp and crosswalk construction. Sidewalk rehabilitation shall be required where the existing sidewalk has been determined by the department of public works to be dilapidated.
- (d) ~~Subdivisions may apply to the board of adjustment for a sidewalk waiver in accordance with Code section 20-3108(e).~~ Subdivisions may apply to town council for a fee in lieu of sidewalk construction or credit for off-site sidewalk construction in accordance with Sec. 20-1701 through Sec. 20-1709.

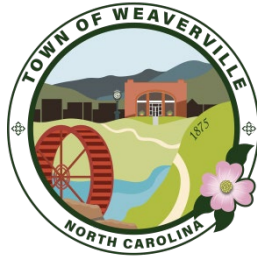
Sec. 20-3503. Sidewalks.

- (a) *Purpose.* The purpose of this section is to ensure that applicants for new construction and renovations, additions, and/or expansions to existing structures consider the need for sidewalks as part of the proposed development and to establish requirements for the construction of sidewalks. While the town recognizes its need to maintain sidewalks and to construct sidewalks to meet the needs of the general population, project applicants may be required to participate in the construction of sidewalks to meet the pedestrian needs of the citizens of the town. The town also recognizes that in certain cases, sidewalks may not be needed or their construction may not be feasible.
- (b) *Sidewalks required.* Sidewalks shall be required for all new commercial construction and development, multi-family residential development, all major subdivision development, and certain minor subdivision development.

Sidewalks shall be constructed along all street frontages of the property for which the development is proposed and least one side of new streets constructed as a part of the development. Curbs and sidewalks shall be constructed in accordance with the Town of Weaverville Street Standard Specifications and Details Manual applicable to sidewalks and in full compliance with ADA accessibility standards, including specifically but not limited to width, ramp and crosswalk construction.

Sidewalk rehabilitation shall be required for the types of development projects identified above where the existing sidewalk has been determined by the department of public works to be dilapidated.
- (c) ~~Waiver of sidewalk requirement. Sidewalk requirements may only be waived as allowed by Code section 20-3108(e).~~ Developments may apply to town council for a fee in lieu of sidewalk construction or credit for off-site sidewalk construction in accordance with Sec. 20-1701 through Sec. 20-1709.

**RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING CONSERVATION SUBDIVISIONS**



**Town of Weaverville
Planning Board**

**Recommendation and Plan Consistency Statement for
Proposed Text Amendments**

On May 2, July 6, and December 5, 2023, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendments which provide for conservation subdivisions. This favorable recommendation is based on the findings as stated herein.

The Planning Board recently undertook a review of conservation subdivisions, a high priority within the CLUP priorities. The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide for regulations which encourage open space and conservation measures.



Bob Pace, Chairman of the Planning Board
December 5, 2023

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING CONSERVATION SUBDIVISIONS

Sec. 20-1202. Specific definitions.

Conservation area, primary. Consists of:

1. Floodplains (100-year and 500-year) and hydric soils identified as part of a *Flood Insurance Study* prepared by the Federal Emergency Management Agency (FEMA), or the County Soil Survey prepared by the USDA Natural Resources Conservation Service;
2. Land located within 50 feet of the bank of any perennial stream;
3. Natural areas, wildlife habitats and corridors identified as part of: (1) an Inventory of Natural Areas and Wildlife Habitats as prepared by a State agency, the Natural Conservancy, or a local land trust; (2) a required Environmental Assessment or Environmental Impact Statement; or (3) an independent site study conducted by a trained botanist or biologist; and
4. Historic or archeological sites including, but not limited to, sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark or district and/or designated as having a high potential for archaeological remains generally identified as part of a local architectural survey, local archaeological survey, required Environmental Assessment or Environmental Impact Statement, or independent site study conducted by a trained architectural historian or archaeologist.

Conservation area, secondary. Consists of:

1. Farmland (whether actively used or not) including cropland, fields, pastures, and meadows;
2. Slopes of 20% or greater (9 degrees or greater) which require special site planning due to their erosion potential, limitations for septic tank nitrification fields and terrain or elevation changes, or identified as part of a County Soil Survey prepared by the USDA Natural Resources Conservation Service, or a site analysis conducted by a registered professional engineer, professional land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the US Geological Society.
3. Non-commercial cemeteries; and
4. Viewsheds (scenic views, especially of natural and cultural features from designated scenic road corridors, including "views from the road" as well as views outward from potential home sites).

Recreation areas, active. Includes, but are not limited to the following: public recreation areas including playgrounds, sports courts, public parks, and community parks; private recreational facilities such as golf courses, playing fields, playgrounds, swimming pools, and sports courts, and commercial campgrounds.

Recreation areas, passive. Includes, but are not limited to the following: pedestrian, bicycle and equestrian trails, greenways, picnic areas, community commons or greens, and similar kinds of areas, whether public or private.

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING CONSERVATION SUBDIVISIONS

Sec. 20-2203. Process of review of major subdivisions and conservation subdivisions.

- (a) *Submission of application and preliminary plan.* All applications for development of a major subdivision and/or conservation subdivision shall be submitted to the subdivision administrator at Weaverville Town Hall. The subdivision administrator shall determine if the application is complete and notify the subdivider of any deficiencies. Once the application is deemed complete, the subdivision administrator will schedule review of the application by the technical review committee. The application should include a water commitment application if the subdivider intends to extend the public water system of the town. The application should include a public street commitment application if the subdivider intends for the streets to be included within the town's public street system.
- (b) *Review of preliminary plan (and town public water/street commitment applications) by technical review committee and others.* The technical review committee shall review all major subdivisions and conservation subdivisions and preliminary plans, and plan revisions if necessary, for compliance with planning and development regulations applicable to major subdivisions. If town public water and/or street commitment application are part of the subdivision application, the technical review committee shall review them and provide a report and recommendation to town council on those requests. If state streets or highways are proposed the request must be submitted to the NCDOT district highway engineer for review and recommendation. If private water wells or septic systems are proposed, the request must be submitted to the Buncombe County Health Director for review and recommendation. If public sewer is proposed, the request must be submitted to MSD for review and recommendation.
- (c) *Review and action on town water commitment and/or public street commitment.* Any public water commitment or public street commitment applications shall be forwarded to town council for review and action. Depending on the action taken by town council, plan revisions may be necessary.
- (d) *Report and recommendation of technical review committee.* Based on its findings during its review and actions taken by the town concerning public water commitment and/or public street commitment, the technical review committee shall prepare and submit to the planning board a report and recommendation concerning the major subdivision and/or conservation subdivision application and the preliminary plan.
- (e) *Review of preliminary plan by the planning board.* The planning board shall review all major subdivisions and conservation subdivisions and preliminary plans for compliance with planning and development regulations applicable to major subdivisions.
- (f) *Approval of preliminary plan.* The planning board shall approve the preliminary plan once it is found compliant with the planning and development regulations of the town for major subdivisions and/or conservation subdivisions. The planning board has 90 days from first consideration to approve or deny a preliminary plat. If the planning board has failed to act within that time period the preliminary plat shall be deemed approved.
- (g) *Submission of certain construction drawings and supporting documentation.* The subdivider shall submit engineer-sealed construction drawings and supporting documentation for required improvements related to the major subdivision as a whole, or for each phase which has achieved preliminary plan approval. The public works director or their designee, in conjunction with the technical review committee or their designees, shall review and approve or recommend approval of the construction drawings for all water system improvements intended to be conveyed to the town and all roads intended to be dedicated to the town as public streets. Construction drawings for sanitary sewer improvements must be provided to MSD.
- (h) *Installation of required improvements.* Upon approval of the preliminary plan, and not before, the subdivider may proceed with the installation for required infrastructure in accordance with the approved preliminary plan and construction plans submitted. Prior to the approval of a final plat, the subdivider shall have installed the required infrastructure improvements. Required infrastructure shall be installed within 18 months of approval of the preliminary plan or phase of a preliminary plan. Otherwise, the planning board shall have the authority to grant up to an additional 12 months for completion of the infrastructure for good cause shown.
- (i) *Submission of final plat and supporting documentation.* Upon completion of the required improvements, the subdivider shall prepare and submit a final plat and supporting documentation to the subdivision administrator. The subdivision administrator shall determine if the final plat is complete and the supporting documentation evidences the completion of the required improvements, and notify the subdivider of any deficiencies. Once the final plat and supporting

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING CONSERVATION SUBDIVISIONS

documentation is deemed complete, the subdivision administrator will schedule review of the final plat by the technical review committee.

- (j) *Review of final plat by technical review committee.* The technical review committee shall review the final plat and supporting documentation, and plat revisions as necessary, for substantial compliance with the approved preliminary plan and with planning and development regulations for major subdivisions and/or conservation subdivisions.
- (k) *Approval of final plat.* The planning director, or their designee, shall approve the major subdivision final plat once it is found compliant by the technical review committee. The planning director, or their designee, shall have 30 days from a fully complete final plat submission within which to approve or deny the final plat. Failure to take such action within this time period will be deemed an approval of the plat.
- (l) *Recordation of final plat.* The final plat of the major subdivision must be recorded, at the subdivider's expense, in the Buncombe County Register of Deeds within 60 days of final plat approval otherwise said approval shall be null and void. A copy of the recorded final plat must be provided to the subdivision administrator or zoning administrator prior to the issuance of any zoning permits. Access easements and road maintenance agreements must be recorded prior to or contemporaneously with the final plat.
- (m) *Issuance of zoning permits.* No zoning permits authorizing work on the property can be issued by the zoning administrator prior to a copy of the recorded final plat being submitted to the subdivision administrator or zoning administrator.
- (n) *Town action on acceptance of town public water and/or public streets dedication.* Improvements installed within rights-of-way or easements including but not limited to utility lines, streets, drainage facilities or sidewalks pursuant to public commitments approved by town council, may be accepted for maintenance by the town upon approval by town council.

Sec. 20-2116. Conservation Subdivision

The conservation subdivision standards found at Sec. 20-2309 are additional standards which shall apply to all subdivisions proposing 25 lots or more.

Sec. 20-2309. Conservation subdivision standards.

The following additional standards shall apply to all subdivisions proposing 25 lots or more:

- (a) Open space shall:
 - (1) Comprise a minimum of 25 percent of the project area. Floodplain areas are allowed to be calculated for both density and open space requirements.
 - (2) Be composed of (in order of which lands should be designated as open space first): primary conservation area, secondary conservation area, and any remaining lands necessary.
 - (3) Be designated so that a minimum of 50 percent of the proposed open space is contiguous and, where possible, adjoins open space or other protected areas (including protected forests or wildlife areas) outside the project area.
 - (4) Be accessible by safe and convenient pedestrian access from all adjoining lots (except in the case of farmland or other resource areas vulnerable to trampling damage or human disturbance).
 - (5) Be used as follows:
 - i. Conservation of natural resources, archaeological resources or historical resources;
 - ii. Agriculture, horticulture or silviculture, provided all applicable best management practices are used to minimize environmental impacts;
 - iii. Passive recreation

RECOMMENDED AMENDMENTS TO CHAPTER 20 REGARDING CONSERVATION SUBDIVISIONS

- iv. Active recreation provided impervious surfaces are limited to a maximum of 12 percent of the total open space area;
 - v. Nonstructural stormwater management practices;
 - vi. Easements for drainage, access, and utility lines; and
 - vii. Water, septic and sewer systems.
- (b) Open space ownership. The applicant must identify current and future owners of open space responsible for maintaining the area and/or facilities. The responsibility for maintaining the open space and its facilities shall be borne by the owner. If a homeowners' association is the owner:
- (1) Membership in the association shall be mandatory and automatic for all homeowners in the subdivision and their successors; and
 - (2) The association shall have lien authority to ensure the collection of dues from all members.
- (c) Open space management. The applicant shall submit an open space management plan which includes:
- (1) A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of open space and its facilities.
 - (2) Cost estimates for maintenance, operation and insurance needs for the open space.
 - (3) A means by which funds will be obtained for all management expenses.
 - (4) A provision allowing the subdivision administrator to approve plan change; and
 - (5) Criteria for plan enforcement.
- (d) Legal instrument for permanent protection. Open space shall be protected in perpetuity by a binding legal document recorded with the deed. The document shall be one of the following:
- (1) Permanent conservation easement in favor of either:
 - (i) A land trust or similar conservation oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (ii) A governmental entity with an interest in pursuing goals consistent with the intentions of this section.
 - (2) Permanent restrictive covenant for conservation purposes.
 - (3) Equivalent legal tool providing permanent protection, subject to approval by the Town Attorney. The instrument shall include all restrictions contained in Section 20-2309 conservation subdivision standards and any further restrictions the applicant chooses to place on the use of the open space.
- (e) Open space density bonus. Base density is determined by the zoning district in which the subdivision is located. Conservation subdivisions proposing more than the minimum required open space may be eligible for increased densities. The following table outlines the criteria for density bonuses. Lands under conservation easement shall not be counted when determining density bonuses.
- Open Space Density Bonuses:
- | | | | | |
|--|--------------|--------------|--------------|---------------|
| <u>Percent Open Space (%)</u> | <u>25-30</u> | <u>31-40</u> | <u>41-50</u> | <u>>50</u> |
| <u>Percent Housing Density Increases (%)</u> | <u>N/A</u> | <u>10</u> | <u>15</u> | <u>20</u> |
- (f) Structure Placement. Structures should be placed as closely to internal roads as permitted. Structures may be:
- (1) Located in the side yard setback of other structures within the development required by the zoning district; and
 - (2) Placed as closely together as permitted by the North Carolina State Building Code.



**Town of Weaverville
Planning Board**

**Recommendation and Plan Consistency Statement for
Proposed Text Amendments**

On April 4, 2023, and May 2, 2023, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendments which provide for consistency in the type of development approval necessary for places of gatherings and provide changes to the definition and regulations of Home Occupations. This favorable recommendation is based on the findings as stated herein.

The Planning Board recently undertook a review of the Table of Uses, a high priority within the CLUP priorities, with an emphasis on legal compliance. Staff identified a legal compliance issue with the inconsistent regulations of places of gathering. The Religious Land Use and Institutionalized Persons Act (RLUIPA) requires that secular and non-secular places of gatherings be treated the same. The recommended changes would require conditional district zoning review for all places of gathering including the following: Cultural or Community Facilities, Religious Institutions, and Event Centers. The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide for better legal compliance with RLUIPA.

The definition and regulation of Home Occupations were reviewed and changes are recommended to remove regulatory language from the definition of Home Occupation and to revise the regulations of that use to make it clear that online and catalog sales activity can be done under a home occupation use. The text amendments also allow home occupations in all districts. The Planning Board found that these amendments are consistent with the Town's comprehensive land use plan, reasonable and in the best interest of the public in that it more clearly defines the regulation of Home Occupations.

Bob Pace, Chairman of the Planning Board
May 2, 2023

1. Code Section 20-3205 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-3205. Table of uses.

The following notes shall be applicable to the Table of Uses established herein.

- (1) Additional standards for those uses identified on the Table of Uses as "permitted with standards" are found in article III of part III of this chapter.
- (2) If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the zoning administrator shall make a determination on which use most closely resembles the proposed use and shall apply those regulations and restrictions. Such determination may be made as a formal interpretation, or as part of an issuance or denial of a zoning permit or a notice of violation. The zoning administrator's determination is subject to an appeal of an interpretation which shall be heard by the board of adjustment.
- (3) The abbreviations and symbols shown in the Table of Uses have the following meanings:
 2. "C" = Conditional District required
 3. "P" = Permitted
 4. "PS" = Permitted with Standards
 5. "-" = Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
RESIDENTIAL								
Home Occupation	PS	PS	PS	PS	<u>PS</u>	<u>PS</u>	<u>PS</u>	-
ENTERTAINMENT / RECREATION								
Cultural or Community Facility	<u>PS C</u>	<u>PS C</u>	<u>PS C</u>	<u>PS C</u>	<u>P C</u>	<u>P C</u>	<u>P C</u>	-
CIVIC / INSTITUTIONAL								
Religious Institutions	C	C	C	C	C	C	C	
MISCELLANEOUS USES								
Event Center	-	-	-	-	C	C	C	-

2. The definition of Home Occupation within Code Section 20-1202 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-1202. Specific definitions.

Home occupation. ~~Any use~~ An occupation conducted entirely within a dwelling or accessory structure and which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the residential character of the dwelling. ~~and which meets the following: (a) no more than one employee, other than family members residing on the premises, shall be employed in connection with the home occupation; (b) no mechanical or electrical equipment shall be installed or used except such equipment as is normally used for domestic purposes; and (c) not over 25 percent of~~

~~the total floor space of any residential structure shall be used for such home occupation. Home occupations include, but are not limited to, child care homes as defined herein.~~

3. Code Section 20-3312 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-3312. Home occupation.

- (a) Home occupations shall be clearly incidental to the residential use of a dwelling and shall not change the residential character of the dwelling or the neighborhood.
- (b) Home occupations shall be contained entirely within the interior of the dwelling or accessory structure. Home occupations within a dwelling shall not occupy more than 25 percent of the gross floor area of the dwelling. Should a home occupation occur within an accessory structure, said use shall not exceed 25 percent of the aggregate square footage of both the dwelling unit and accessory structure.
- (c) Only noncommercial vehicles are permitted in conjunction with a home occupation.
- (d) Business or product identification signs shall not be permitted.
- (e) ~~Commercial sale of merchandise shall not be permitted in conjunction with a home occupation.~~ Commerical sale of merchandise is limited to catalog and internet sales only. On-site customers are expressly prohibited. Products may be received and shipped from the premises to fulfill orders provided that goods, products or commodities are stored within the home, within an accessory structure, or off-site.
- (f) The installation or use of mechanical or electrical equipment not normally used for domestic purposes shall not be permitted.
- (g) Home occupations may include child care homes as defined herein.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: December 18, 2023

Subject: Response Letter to LGC – Audit – Financial Performance Indicator of Concern – Water Asset Depreciation

Presenter: Town Finance Director

Attachments: Response Letter to Local Government Commission (LGC)

Description/Summary of Request:

As recently explained by the Town’s auditor during his audit presentation at the November 20th meeting, the fiscal year 2022-2023 audit revealed a Financial Performance Indicator of Concern (FPIC) that requires a response letter to the Local Government Commission (LGC). The following is a summary of the FPIC noted:

Water and Sewer fund assets are greater than 50% depreciated. This can be indicative of significant capital needs related to water/sewer infrastructure in the near future.

The attached letter to the LGC explains the Town’s current plan to expand our water treatment plant and shows that we are already addressing the issue. The letter must be signed by all members of Town Council as well as the Town Manager and Finance Director.

Action Requested:

Town Manager recommends signing the attached letter to the Local Government Commission.

The Town of
Weaverville
NORTH CAROLINA

December 18, 2023

Department of State Treasurer
Local Government Commission
3200 Atlantic Ave, Raleigh NC 27604

Re: Financial Performance Indicator of Concern from FY 2022-2023 Audit

To Whom It May Concern:

This letter is to address a Financial Performance Indicator of Concern (FPIC) that was identified in our recent fiscal year 2022-2023 audit. The FPIC that is noted is that the Town's water assets are now greater than 50% depreciated.

At this time, the Town has actively begun the process of upgrading and expanding its Water Treatment Plant. Engineers have been retained and are currently working on the design and permitting for the project and a capital project fund for this purpose was established in 2021. The Town was recently awarded a \$15 million grant from the State of North Carolina to help fund the expansion. The plant expansion is estimated to be completed by 2027 and, once completed, aging elements of the existing plant can also be addressed.

In addition to the Water Treatment Plant expansion, the Town implemented a *Waterline Repair & Replacement Program* with the current fiscal year budget that will annually fund waterline upgrades needed as the infrastructure ages.

The Mayor, Town Council, Town Manager, and the Finance Director of the Town of Weaverville have reviewed this Financial Performance Indicator of Concern and, as indicated by the signatures below, hereby submits this response to the LGC.

Mayor Patrick Fitzsimmons

Town Councilmember Doug Jackson

Town Councilmember Catherine Cordell

Town Councilmember John Chase

Town Councilmember Michele Wood

Town Councilmember Peter McGuire

Town Councilmember Dee Lawrence

Town Manager, Selena Coffey

Town Finance Director, Tonya Dozier

30 South Main Street • Weaverville, NC 28787 (PO Box 338)

(828) 645-7116 • Fax (828) 645-4776

www.weavervillenc.org

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: December 18, 2023
SUBJECT: Code of Ethics – Adoption
PRESENTER: Town Attorney Jackson
ATTACHMENTS: Proposed Resolution and Code of Ethics

DESCRIPTION/SUMMARY OF REQUEST:

Town Council is legally obligated to adopt and follow a code of ethics. The Town's current Code of Ethics was put in place by Town Council in 1998 with a substantial supplement being adopted in 2010. Since that time model codes have been developed, including one that was published by the North Carolina Local Government Commission (LGC) in 2022.

The Town Manager and Town Attorney recommends that Town Council consider repealing the current versions and adopting a new and updated Code of Ethics. The proposed Code of Ethics based largely on the LGC's model.

Town Council first considered this Code of Ethics on 12 December 2023 and asked that it be put on this agenda for adoption.

COUNCIL ACTION REQUESTED:

Town Council action to adopt the proposed Code of Ethics. A suggested motion:

I move the Resolution Adopting a Code of Ethics for Town of Weaverville's Mayor and Town Council with the Code of Ethics as presented.

**RESOLUTION ADOPTING A CODE OF ETHICS
FOR TOWN OF WEAVERVILLE'S MAYOR AND TOWN COUNCIL**

WHEREAS, N.C. Gen. Stat. § 160A-86 requires local governing boards to adopt a code of ethics; and

WHEREAS, Weaverville's Town Council adopted a code of ethics on 21 December 1998, and supplemented that code by resolution adopted on 18 October 2010;

WHEREAS, the Town Council of the Town of Weaverville finds that a more comprehensive and updated code of ethics is desirable and in the best interest of the Town;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WEAVERVILLE HEREBY RESOLVES, with a vote of ____ in favor and ____ against, that the previously adopted Code of Ethics is hereby repealed and the attached Code of Ethics is hereby adopted with an immediate effective date.

ADOPTED this the ____ day of December, 2023.

PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

TAMARA MERCER, Town Clerk

CODE OF ETHICS FOR THE TOWN OF WEAVERVILLE, NORTH CAROLINA

Section 1. Preamble

The stability and proper operation of a democratic representative government depends on the continuing consent of the governed, upon the public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

The purpose of this Code is to establish guidelines for ethical standards of conduct for the Mayor and Town Council. It should not be considered a substitute for the law or the Mayor's or Town Councilmembers' best judgment.

For the purposes of this Code the term "Town Council" includes the Mayor unless the specific context indicates otherwise.

Section 2. Support and Adherence to Constitutions and Laws

All members of Town Council shall obey the law. All members of Town Council shall support the Constitution of the United States, the Constitution of North Carolina, and the laws enacted by the United States Congress and the North Carolina General Assembly.

Section 3. Integrity and Independence

All members of Town Council should uphold the integrity and independence of their offices. All members of Town Council should demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all their activities in order to inspire public confidence and trust in local government. All members of Town Council should participate in establishing, maintaining, and enforcing high standards of conduct, and should themselves observe the same, so that the integrity and independence of their offices may be preserved. The provisions of this Code should be construed and applied to further these objectives.

All members of Town Council should avoid impropriety and the appearance of impropriety in all of their activities.

- A. It is essential that local government attract those citizens best qualified and willing to serve. All members of Town Council have legitimate interests of a private nature, including economic, professional, and vocational interests. No member of Town Council should be denied, and should not deny the other members of Town Council or citizens, the opportunity to acquire, retain, and pursue private interest, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. All members of Town Council must exercise their best judgment to determine when this is the case.

CODE OF ETHICS FOR THE TOWN OF WEAVERVILLE, NORTH CAROLINA

- B. All members of Town Council should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of their offices and of local government.
- C. No member of Town Council should allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of their offices to advance the private interest of others, nor should elected officials convey or permit others to convey the impression of being in a special position to influence these private interests.

Section 5. Specific Standards of Conduct

All members of Town Council should perform the duties of their offices diligently. While performing the duties of their offices as prescribed by law, all members of Town Council should give preference to these duties over other activities. In the performance of these duties, the following standards shall apply:

- 1. All members of Town Council should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making rules of the Town Council and open government.
- 2. All members of Town Council should respect the legitimacy of the goals and interests of other Town Council members and should respect the rights of others to pursue goals and policies different from their own.
- 3. All members of Town Council should be faithful to the general and local laws pertaining to their offices and strive for professional competence in them. They should be unaffected by partisan interests, public clamor, or fear of criticism.
- 4. All members of Town Council should demand and contribute to the maintenance of order and decorum in proceedings before the Town Council.
- 5. All members of Town Council should be honest, patient, dignified, and courteous to those with whom they deal and should require similar conduct of the Town Manager, the Town Attorney, and others subject to their direction and control.
- 6. All members of Town Council should accord every person who is legally interested in a proceeding before Town Council a full right to be heard according to the law.
- 7. All members of Town Council should dispose promptly of the business of the Town for which they are responsible.
- 8. All members of Town Council should refrain from inappropriate interference in the administration of Town affairs by the Town Manager and other Town

CODE OF ETHICS FOR THE TOWN OF WEAVERVILLE, NORTH CAROLINA

employees as specified for the council-manager form of government.

9. All members of Town Council should diligently discharge their duties and responsibilities, should maintain professional competence in the administration of those duties, and should facilitate professional competence in the responsibilities of fellow Town Council members and other local government officials.
10. All members of Town Council should conserve the resources of the Town in their charge. They should use Town equipment, property, funds, and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
11. All members of Town Council should require the Town Manager, Town Attorney, and appointed advisory board members to observe the standards of fidelity and diligence that apply to the Town Council.
12. No member of Town Council should involve themselves in the recruitment, selection, promotion, and discipline of Town employees under the charge of the Town Manager.

Section 6. Transparency

All members of Town Council should conduct the affairs of the Town in an open and public manner. All members of Town Council should be aware of the letter and intent of North Carolina's Open Meetings Law. They should conduct the affairs of the Town consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of local government and their respective offices. Consistent with this goal of public trust, all members of Town Council should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the Town, to the reputation of current or potential Town employees, to orderly and responsible decision making, to the integrity of other governmental processes, or other legitimate interests of the Town.

Section 7. Personal Activities

All members of Town Council should carefully evaluate their extra-governmental activities to minimize the risk of conflict with their official duties.

- A. All members of Town Council should inform themselves concerning campaign finance, conflict of interest, and other appropriate laws and should scrupulously comply with the provisions of such laws.
- B. All members of Town Council should refrain from financial and business dealings that tend to reflect adversely on the Town Council or on local government or to

CODE OF ETHICS FOR THE TOWN OF WEAVERVILLE, NORTH CAROLINA

interfere with the proper performance of official duties.

- C. All members of Town Council should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Town Council.
- D. Information acquired by members of Town Council in their official capacities should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

Section 6. Civic Responsibilities and Political Activities

All members of Town Council should refrain from political activity inappropriate to their offices. All members of Town Council have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of local government, and to make themselves available to citizens of the Town so that they may ascertain and respond to the needs of the community.

In doing so, the Mayor and Town Council members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic and political organizations consistent with the Constitution and laws of the United States and North Carolina.

Candidates for the office of Mayor or Town Council, including incumbents, should:

- 1. Inform themselves concerning the laws of North Carolina with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;
- 2. Maintain the dignity appropriate to the office and should encourage members of their families to adhere to the same standards of political conduct that apply to candidates;
- 3. Not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal or unethical if performed, other than the faithful and impartial performance of official duties;
- 4. Not misrepresent their identity, qualifications, present position, or other facts.

Section 9. Violations and Hearing Procedures

If a majority of Town Council has reason to believe that one of its members has violated a provision of this Code, it shall **open an investigation into the matter to determine whether probable cause exists to initiate censure proceedings against the member.**

CODE OF ETHICS FOR THE TOWN OF WEAVERVILLE, NORTH CAROLINA

All information compiled, including the grounds for any finding of probable cause, shall be shared with the member in question when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to North Carolina law. If upon investigation Town Council concludes that a violation of criminal law may have occurred, it shall refer the matter to the District Attorney.

Should Town Council determine that it wishes to proceed further with censure proceedings, it shall call for a hearing, which shall be held at a regular meeting or at a special called meeting convened for that purpose. Notice of the hearing stating its time, place, and purpose, shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the Weaverville area. The notice shall be published for the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Alternatively, the hearing shall be advertised on the Town of Weaverville's website for the same period of time, up to and including the date of the hearing. The notice shall state that a detailed list of allegations against the member is available for public inspection and copying in the office of the Town Clerk.

The hearing shall be convened at the time and place specified. The hearing and any deliberations shall be conducted in open session in accordance with North Carolina law.

The accused member shall have the right to have counsel present, to present and cross-examine expert and other witnesses, and to offer evidence, including evidence of bias of any other member. An audio or video tape of the proceeding shall be prepared. Any and all votes during the hearing shall be taken by the ayes and nays and recorded in the meeting minutes.

Once the hearing is concluded, it shall be closed by vote of Town Council.

The presiding officer shall next entertain a motion to adopt a non-binding resolution censuring the member based on specified violations of the Code. Any motion made must be an affirmative one in favor of adopting the non-binding resolution of censure. If the motion or resolution does not state particular grounds for censure under the Code, the presiding officer shall rule it out of order.

If a motion to adopt a non-binding resolution of censure stating particular grounds under the Code has been made, Town Council shall debate the motion. The accused member shall be allowed to participate in the debate and shall also be allowed to vote on the motion to adopt the resolution.

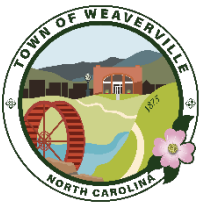
At the conclusion of debate, Town Council shall vote on the resolution. If the motion to adopt the non-binding resolution of censure is approved by a majority vote of those present and voting, a quorum being present, the motion passes and the non-binding resolution of censure is adopted.

CODE OF ETHICS FOR THE TOWN OF WEAVERVILLE, NORTH CAROLINA

The text of the non-binding resolution of censure shall be made a part of the minutes of meeting. Any recording of the Town Council's proceedings shall be approved by the Board as a permanent part of the minutes. The proceedings shall then be considered concluded, Town Council having done all it legally can with respect to the matter in question.

ADOPTED by resolution on this the ____ day of December, 2023.

PATRICK FITZSIMMONS, Mayor



Town Manager's Monthly Report

Selena D. Coffey, ICMA-Credentialed Manager

December 2023

COUNCIL FOLLOW UP ITEMS & UPDATES

Homework for the Strategic Planning Retreat

Please remember to provide your assessment checklist to me by January 1, 2024 in order for us to begin preparation for the January 20 Strategic Planning retreat.

Short-Term Rentals Listening Sessions

Our short-term rental (STR) sessions began with the December 5 Planning Board meeting. It was a successful meeting and we had approximately 70 people in attendance. The audio from this session has been uploaded to the Town's website at <https://weavervillenc.org/lets-talk-about-short-term-rentals> . Our next sessions are as follows:

- Session B - Focus Group/Listening Session for neighborhoods with at least one short-term rental and no declaration of covenants restricting the establishment of short-term rentals: **Tuesday, January 9, 2024 at 6pm** at Town Hall
- Session C – **Virtual** facilitated listening session for short term rental owners: **Wednesday, January 17 at 6pm** via Zoom

INFORMATION

Replacement of Two Bridges at New Stock Road Exit

Staff has been contacted by the NCDOT regarding their next significant I-26 project in our area, which is the replacement of the 2 bridges at the New Stock Road exit. This will also include improvements for the exit/entrance ramps and changes on Merrimon Avenue at the intersection. DOT has identified our water line on Merrimon Avenue, from the Dubose Hill tank to the Ingles shopping center, as a utility that will be affected by the project. Per their policies, if requested by the utility owner, DOT will provide all design, bidding, construction, and inspection services to accomplish the relocation of this line as a part of their overall project at no cost to the Town. We have submitted that letter of request to DOT, but I wanted to inform Council about this project.

UPCOMING EVENTS AND IMPORTANT DATES

- **Holiday Office Closures**, Monday, December 25 – Wednesday, December 27, 2023
- **Strategic Planning Retreat**, January 20, 2024, 9am-1pm, Weaverville Town Hall

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: December 18, 2023

SUBJECT: Water Commitment/Extension Request – Northridge Farms Project

PRESENTER: Public Works Director Pennell

ATTACHMENTS: Application for Water Commitment Letter with Site Plans
WTP Expansion Project Tentative Timeline

DESCRIPTION/SUMMARY OF REQUEST:

The Public Works Director, Dale Pennell, has received a water commitment application for the Northridge Farms Project. This application requests 227,200 gallons per day off of a new 8-inch water line to serve 568 residential dwelling units comprised of the following buildings: 50 duplexes, 11 apartment buildings, and 172 single family lots and townhomes. The property upon which this project is to be completed was recently annexed into the Town's municipal limits.

A short waterline extension from the Town's waterline at the south end of Northridge Commons Parkway is needed to provide water to the property and some of the waterlines that are to be constructed within the project are proposed to become an extension of the Town's water system. Discussions are underway concerning a system loop that could be created by also connecting with the Town's main water line in Gill Branch Road. System loops are important as they provide redundancy that prevents total water outages.

This water request is brought to Town Council pursuant to Code Sections 30-77 and 30-79 which requires Town Council approval on any extensions to the Town's water and meters of over 2 inches.

The Public Works Director, Dale Pennell, who also serves as the town engineer, has reviewed the request and has found that, at this time, there is sufficient capacity within the Town's water system to accommodate this request without any adverse effects on service to the Town's current water customers. Pennell will be at tonight's meeting to formally present his findings and recommendations.

The Town Manager and the Public Works Director recommend that the water commitment request be approved.

Town staff will be available at tonight's meeting to answer any questions that Town Council might have regarding this matter.

ACTION REQUESTED:

Town Council action to approve the water commitment request.

Rec'd 11/13/23



TOWN OF WEAVERVILLE
WATER DEPARTMENT

APPLICATION FOR A COMMITMENT LETTER

APPLICANTS NAME: Brooks Engineering Associates, PA

PROJECT NAME: Northridge Farms

ADDRESS: 15 Arlington St.
Asheville, NC 28801

LOCATION: 56 Gill Branch Rd.
Reems Creek, NC 28787

PHONE NUMBER: 828-232-4700

PIN NUMBER: 9732-78-9228; 9732-77-7382; 9732-76-5731;
9732-76-5475; 9732-76-2936; 9732-66-5806

ELEVATION: +2000

TYPE OF SERVICE:

- | | | |
|-------------|-------------------------------------|--|
| RESIDENTIAL | <input type="checkbox"/> | SINGLE FAMILY HOME |
| | <input checked="" type="checkbox"/> | TWO FAMILY <u>50</u> NUMBER OF BUILDINGS <u>2</u> UNITS PER BUILDING |
| | <input checked="" type="checkbox"/> | MULTI-FAMILY <u>11</u> NO. OF BUILDINGS <u>26.91</u> UNITS PER BUILDING |
| | <input checked="" type="checkbox"/> | RESIDENTIAL SUBDIVISION <u>172</u> NO. OF LOTS SINGLE FAMILY & TOWNHOMES |
| COMMERCIAL | <input type="checkbox"/> | SINGLE COMMERCIAL BUILDING |
| | <input type="checkbox"/> | UNIFIED BUSINESS DEVELOPMENT _____ NO. OF BUILDINGS _____ NO. OF UNITS |
| INDUSTRIAL | <input type="checkbox"/> | SANITARY FACILITIES ONLY |
| | <input type="checkbox"/> | SANITARY & INDUSTRIAL PROCESS WATER |
| OTHER | <input checked="" type="checkbox"/> | FIRE SPRINKLER SYSTEM |
| | <input checked="" type="checkbox"/> | IRRIGATION SYSTEM |
| | <input type="checkbox"/> | _____ |

CAPACITY REQUESTED:

MAXIMUM GALLONS PER MINUTE 1689
MAXIMUM GALLONS PER DAY 227,200
ANTICIPATED DATE OF SERVICE SPRING 2024

PROJECT DESCRIPTION:

By way of Attachment(s) provide as much information as possible about this project. At minimum, attach A copy of the County Tax Map showing the location of the property. If the project involves a subdivision or more than one building location, a topographic map of the property is required to show building or lot Elevation.

ACKNOWLEDGEMENT:

I Liam Cahill understand that the processing fee of \$ 100, paid herewith is non-refundable and is to cover the costs of processing and investigating this request and that an additional Commitment Fee based on the size and number of connections is due upon approval. It is further understood that the Town has the exclusive right to deny the request for any reason whatsoever.

Signature

Liam Cahill

Date

11/13/2023

WATER AND SEWER FLOW CALCULATOR**BROOKS ENGINEERING ASSOCIATES**PROJECT NAME: FIRST VICTORY NORTHRIDGE FARMS CIVIL AND PERMITTINGPROJECT NUMBER: 591023DESIGNED BY: JHKDATE: 10/24/2023SEWER TYPE: PUBLICWATER TYPE: PUBLICSEWER REVIEW: MSDWATER REVIEW: WEAVERVILLE**WATER INFO****COMMERCIAL DEMAND****FIXTURE UNIT CALCS:**

Fixture Type:	Number:	Fixture Units:
Bathtub / Shower:	<u>2</u>	<u>8</u>
Drinking Fountain:	<u>1</u>	<u>2</u>
Dishwasher:	<u>0</u>	<u>0</u>
Washing Machine:	<u>0</u>	<u>0</u>
Other:	<u>0</u>	<u>0</u>
Kitchen Sink:	<u>0</u>	<u>0</u>
Bathroom Sink:	<u>2</u>	<u>4</u>
Urinal / Toilet (FV):	<u>2</u>	<u>20</u>
Toilet (Tank):	<u>2</u>	<u>10</u>
Total Fixture Units:		<u>44</u>

*Fixture Units from 15A NCAC 18C Fig 3(A)

Peak Demand: 26 GPM

*Peak demand from 15A NCAC 18C Fig 3(C)

RESIDENTIAL DEMAND

Number of Units: 568
 Daily Demand: 227,200 GPD
 Peak Demand: 413 GPM

*Peak demand from 15A NCAC 18C .0802 chart

FIRE DEMAND

Hydrant Flow: 1000 GPM
 Sprinkler Type: RESIDENTIAL
 Sprinkler Flow: 250 GPM
 Other:
 Total Fire Demand: 1250 GPM

TOTAL PEAK DEMAND:

Total Domestic Peak: 439 GPM
 Total Fire Demand: 1250 GPM
 Combined Peak Demand: 1689 GPM

SEWER INFO**COMMERCIAL FLOWS:**

Use:	SIZE:	Flow:
Office (employees):	<u>0</u>	<u>0</u>
Church w kitchen (seats):	<u>0</u>	<u>0</u>
Church w/o kitchen (seats):	<u>0</u>	<u>0</u>
Restaurant, Full Serv (seats):	<u>0</u>	<u>0</u>
Hotel / Motel (rooms):	<u>0</u>	<u>0</u>
Medical / Vet Office (pract.):	<u>0</u>	<u>0</u>
School w/ food (students):	<u>0</u>	<u>0</u>
School w/o food (students):	<u>0</u>	<u>0</u>
Retail w food (sq.ft):	<u>0</u>	<u>0</u>
Retail w/o food (sq.ft.):	<u>0</u>	<u>0</u>
Other:	<u>0</u>	<u>0</u>
Total Commercial Flow:		<u>GPD</u>

*Flow Rate calcs from 15A NCAC 02T .0114

RESIDENTIAL FLOW:

Number of Units: 568
 REDUCED RATE 100 GPD PER BR
 Average # of BR: 3
 Total Bedrooms: 1704
 Daily Flow: 170,400 GPD
 Peak Flow: 439 GPM

*Flow Rate calcs from 15A NCAC 02T .0114

TOTAL FLOW:

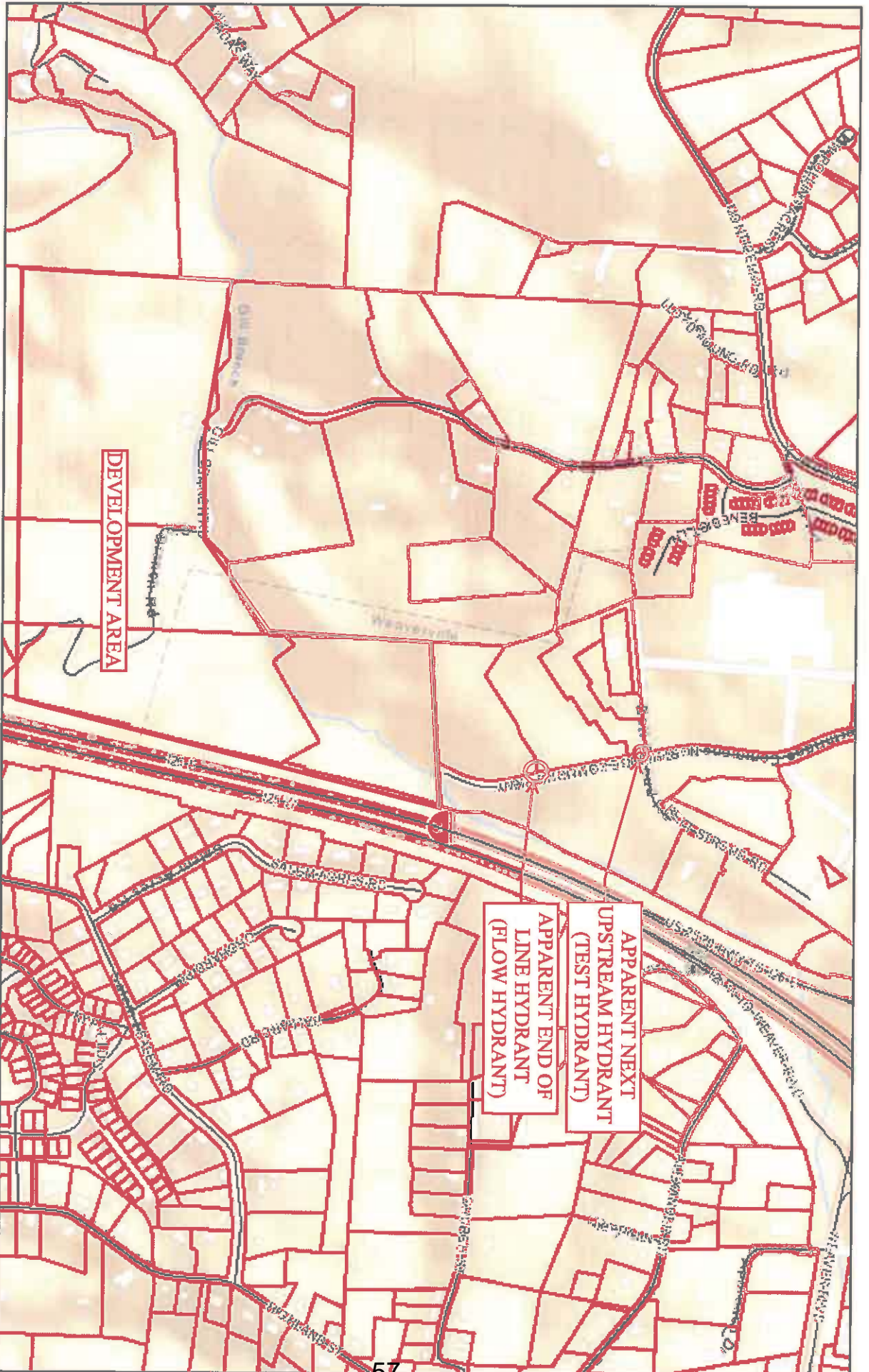
Total Daily Flow: 170,400 GPD
 Total Peak Flow: 439 GPM



Planning & Project Management / Civil Engineering
 Surveying / Environmental Engineering & Services

17 Arlington Street / Asheville NC 28801
 www.brooksea.com / 828-232-4700

Buncombe County



September 18, 2023

1:9,028
0 0.075 0.15 0.3 mi

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Dale Pennell

From: Bo Carpenter <bcarpenter@asklawnc.com>
Sent: Thursday, November 16, 2023 3:17 PM
To: Jennifer Jackson
Cc: Dale Pennell
Subject: Water timeline

Jennifer,

It was good to talk to you as always. I understand the Town wishes to have a better timeline on when the water will be needed. Obviously, the future is uncertain and there is no telling what could cause a delay. COVID taught us all that. I can, however, provide an estimate on when water will come online. Here it is:

1. Permitting has to happen first.
2. The first request for water will likely come 12 months after permitting approval. This will only be for fire during vertical construction so the use will be very minimal.
3. The first service request will likely then come another 9-12 months after that.
4. The services for the individual houses will likely be requested 18-24 months after permitting.
5. Full capacity for everything will not be until 3.5-4 years after permitting.

Again, this is an estimate. The intent is to provide this to the Town for planning purposes to help with the water allocation. The developer cannot definitely commit to this timeline at this stage of the project.

I hope this is helpful. Please let me know if you have further questions.

Bo



Robert C. "Bo" Carpenter

Partner

Allen Stahl + Kilbourne

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This message and its attachments may contain confidential and/or legally-sensitive information that is intended for the sole use of the addressee(s). Any unauthorized review, use, disclosure, or distribution of the information

Town of Weaverville WTP Expansion

Revised Contract signed 5/15/2023		Start date	Finish date	elapse time (days)
Items to be completed updating and finalizing previous 30% design Meet with Town Staff, investigate items such as extending the NPDES Permit discharge, confirm data needed for Final design, separate out generators and chlorine and get those ordered	Finalize Surveying, SUE and Geotech	6/1/2023	9/30/2023	121
	Final design	10/15/2023	12/15/2023	61
	Permit submission to PWSS	11/1/2023	2/28/2024	119
		3/15/2024	5/1/2024	47
construction Drawings				
Construction Drawings generated Installation Contractor bid Bids reviewed to Council for approval Constructor Start/Finish - depending on delivery (30 days for County Epermit added)	Construction Drawings generated	5/1/2024	7/1/2024	61
	Installation Contractor bid	7/15/2024	8/15/2024	31
	Bids reviewed to Council for approval	9/1/2024	11/1/2024	61
	Constructor Start/Finish - depending on delivery (30 days for County Epermit added)	1/1/2025	6/25/2026	540
				1041
				34.22

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: December 18, 2023

SUBJECT: Annexation Petition – Maple Trace Subdivision – Update and Discussion

PRESENTER: David King, Maple Trace HOA, and Public Works Dir. Pennell

ATTACHMENTS: GIS Map; Staff Report

DESCRIPTION/SUMMARY OF REQUEST:

David King is a representative of the Maple Trace HOA and has been the Town's primary point of contact concerning the pending annexation request. Mr. King has requested to be on tonight's Town Council agenda in order to discuss this matter further, especially as it pertains to the street testing.

Maple Trace has indicated that one of the primary purposes for the annexation petition is to have the private roads within the subdivision be taken into the Town's public street system.

Street maintenance and improvements are very expensive and the Public Works Director Dale Pennell has recommended a street testing program (substantially similar to the one proposed for Creekside Village) so that the Town can understand the street construction standards that were used on all of the subdivision streets and the current condition and effective age of those streets prior to any Town Council action on the annexation. His recommendation included 67 core drillings over the 7,415 linear feet of the subdivision roads (average of 1 core drilling every 110 feet). Those core drillings are typically 6-8 inches in diameter and about 12 inches deep.

If the streets are to be made public, the stormwater drainage systems within the streets also become public and the Town's responsibility. Pennell's recommendation also included the videotaping of the stormwater drainage system so that any obstructions or deficiencies could be located in advance.

Mr. King has indicated to staff that he believes that the testing program as outlined by the Public Works Director is too extensive and the associated costs are too high. Mr. King wishes to address this issue with Town Council before any further steps or action is taken by the HOA on this matter.

Town Manager, Public Works Director, and Town Attorney will be at tonight's meeting and will be available to answer any questions for Town Council as considers the matter.

COUNCIL ACTION REQUESTED:

Town Council discuss and direction to staff on this matter.

[illegible]

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ANNEXATION STAFF REPORT

ANNEXATION #2023-2 – MAPLE TRACE SUBDIVISION

PROPERTY DESCRIPTION – Entirety of Maple Trace Subdivision; 142 properties; entrance and exit over a private easement for Water Leaf Dr (private road) to Parker Cove Rd (SR 2106), which crosses Reems Creek via a new 2-way NCDOT bridge and connects directly to Reems Creek Rd (SR 1003)

SUFFICIENCY OF PETITION – With the assistance of the Town Attorney, the Town Clerk certified the sufficiency of the annexation petition on 19 October 2023. This is a satellite annexation and, if annexed, brings the total percentage of satellite annexations from 0.92% to 3.97% (10% is the legal maximum).

FINANCIAL PROJECTIONS

Town Tax Value = +/- \$43,820,025
 Property Tax Revenue = +/- \$153,370 annually
 Water Revenue = +/- \$48,240 annually¹

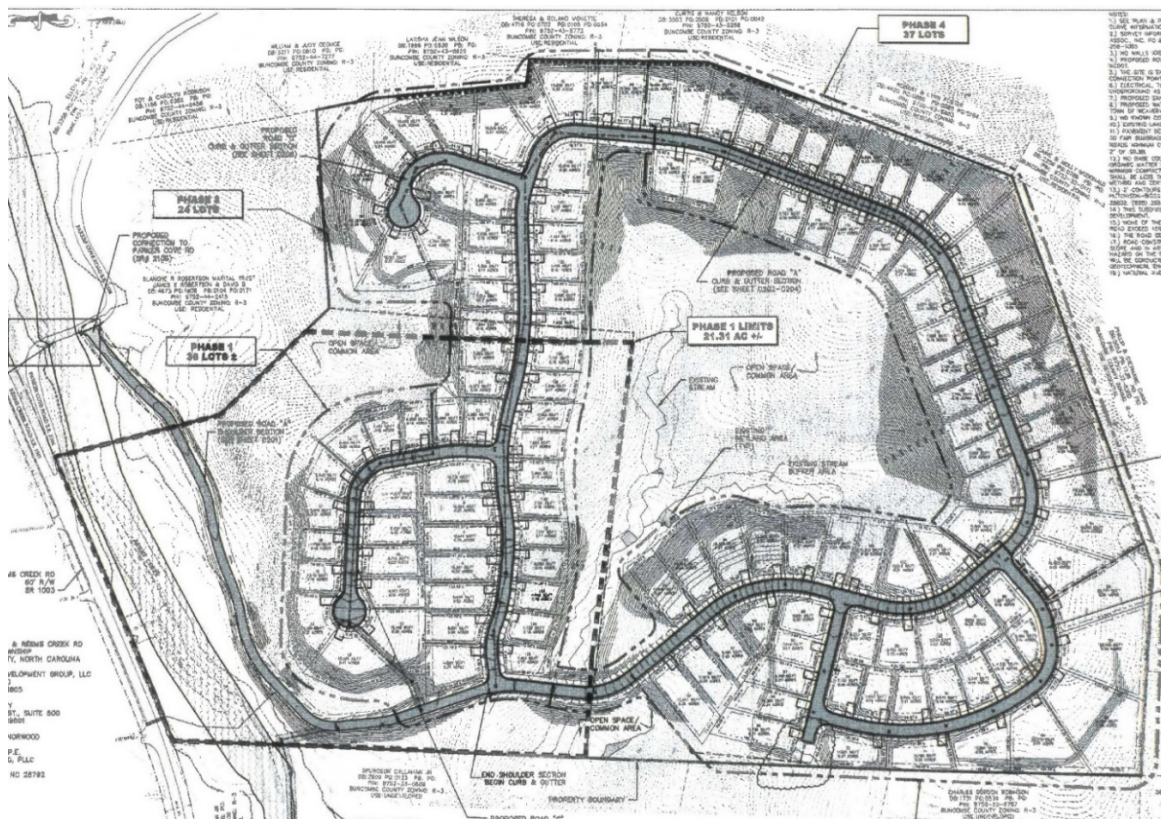
PROPERTY DETAILS

Existing single-family subdivision that is built out and consists of:

- +/- 66.5 acres
- 134 single family residences
- 8 HOA owned and managed common areas
- 5 private streets: +/- 7,415 linear feet = +/- 1.4 miles
- Public utility providers: Town water, MSD sewer

ZONING CLASSIFICATION

Town R-2 zoning was requested as the Town zoning district that most closely aligns with the existing subdivision. The Planning Board reviewed the zoning request and voted to recommend R-2 zoning on 1 August 2023. The only discrepancies appear to be some minor deviations in min. lot area and setbacks (Subdivision 15' front, 15' rear, 7' side vs. Town 30' front, 10' rear, 10' side). Additional improvements in the subdivision will be constructed with prior approved setbacks for consistency and vested rights.



¹ Upon annexation, Town water revenue will be reduced to the approximate amount indicated due to conversion from outside rates to inside rates. Outside water rates for these properties generate approximately \$96,480 in water revenue annually.

ANNEXATION STAFF REPORT

ANNEXATION #2023-2 – MAPLE TRACE SUBDIVISION

OPERATIONAL AND SYSTEM IMPACTS

WATER – The Town currently provides public water to these properties, so no operational challenges or additional system impacts are expected. A decrease in water revenue is noted in footnote 1.

STREETS – 5 private streets were constructed and are in use within the subdivision: Water Leaf Drive, Wild Ginger Court, Rosebud Orchid Way, Checkerberry Court, and Bell Lily Drive. The condition of these private streets is under investigation through a testing program established by the Public Works Director. It is recommended that the results of the testing be reviewed by the PW Director and his recommendation be submitted prior to any decision on the street acceptance or annexation. The HOA is taking steps to obtain title to the road easement portion of the adjoining property over which +/- 75' of Water Leaf Drive is located so that the HOA property will directly abut Parker Cove Road. If obtained the HOA wishes to include that additional tract in the annexation. Street lighting is present along all of the private streets.

STORMWATER – This subdivision operates under a stormwater management permit issued by Buncombe County and includes several stormwater control measures. The stormwater drainage system located within the street improvements is in the process of being inspected to determine if the system is working properly or requires repair or maintenance. The PW Director recommends that the decision on the street acceptance or annexation be delayed until the results of the storm drainage inspection can be reviewed.

SANITATION – If annexed these residential properties must be added to the weekly garbage route and the leaf/yard waste schedule. This, by itself, will not significantly impact the ability of the Sanitation Division to provide Town services; however, when considered with the other annexation petitions that are pending, there may be a need to add another garbage pickup day and staffing may have to be increased. Town staff will have a better idea of the impact of this annexation on sanitation routes once the new garbage truck is received and put into service, which is expected in Spring 2024.

POLICE – The Weaverville Police Department believes that it will be able to efficiently and effectively serve this subdivision at its approved staffing level. These properties will be added to a routine patrol route.

FIRE – Reems Creek Fire Department (RCFD) currently provides fire service to these properties. If annexed these properties will be removed from the RCFD district and the Town will be responsible for providing fire and first responder services. This annexation area represents approximately 4% of the RCFD tax base (4.3% when added to properties recently annexed or pending within the Reems Creek corridor) and will be a significant loss of tax revenue to the RCFD at approximately \$66,000 per year based on current rates.

N.C. Gen. Stat. § 160A-58.2A requires the Town to pay a proportionate share of a tax district's debt on facilities and equipment existing at the time an annexation petition is submitted. The Town's share of RCFD debt for all of the annexations affecting the RCFD tax district, including Maple Trace Subdivision, has been calculated to be \$15,039.62 over a period of approximately 3.5 years.

Weaverville's Fire Department (WFD) and RCFD have a long-standing agreement that RCFD will provide automatic aid to Town properties in the vicinity of the RCFD fire station, particularly east of the intersection of Hamburg Mountain Road and Reems Creek Road. WFD can provide fire and first responder services to this property, however, the response times from the WFD fire station will be pushing acceptable limits and a greater WFD presence in the Reems Creek Road corridor will likely be needed in the future. In the meantime, the Town and RCFD are working on formalizing an automatic aid agreement. Financial compensation to RCFD for providing automatic aid services to Town properties is under negotiation and will include any amounts legally owed to RCFD for the Town's proportionate share of RCFD debt as a result of the anticipated reduction in their tax base.

Town of Weaverville
Town Council Agenda Item

Date of Meeting: December 18, 2023
Subject: Weaverville Community Center Use, Calendar Year 2023
Presenter: Sarah Myers, Recreation Coordinator/Community Center Manager
Attachments: Annual Community Center Facility Use Report

Description:

This agenda item serves to address the following content:

The Recreation Coordinator would like to present an overview of the use of all spaces in the Weaverville Community Center from January 1st, 2023 to December 8th, 2023. The attached report shows the number of paid reservations per space, as well as the revenue generated. The report separates out the number of free and miscellaneous community uses of the building.

Action Requested:

No action requested.

Category	Facility	# of Events	Total Paid (does not include deposits)
Private Rentals	Multipurpose Room (Capacity 15-35)	162	\$ 11,847.50
	Albert Weaver Room (120-165)	175	\$ 41,710.00
	Kitchen	81	\$ 10,626.00
	Covered Patio	1	\$ -
	Fireplace ADD ON	1	\$ 25.00
	Covered Patio ADD ON	5	\$ 125.00
	Weaverville Town Hall	2	\$ 190.00
	Total Paid Events and Revenue:	427	\$ 64,523.50
WCCHL Programs and Events	Multipurpose Room	263	All offered for free, all taught / offered by volunteers
	Albert Weaver Room	327	
Farmer's Market	Multipurpose Room	7	
	Albert Weaver Room	50	
Town Use	Albert Weaver Room	8	
Community Supported Events	Albert Weaver Room	6	
Dry Ridge Museum Talks and Presentations	Multipurpose Room	5	
Committees	Multipurpose Room	9	

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: December 18, 2023

SUBJECT: LDG Meribel Project – Minor Modification and Fee in Lieu of Sidewalk Construction

PRESENTER: Planning Director Eller

ATTACHMENTS: Sec. 20-1303 – Changes to Prior-Approved Development, Sec. 20-3203 – Conditional Districts, LDG Conditional District Ordinance, Construction Estimate

DESCRIPTION/SUMMARY OF REQUEST:

In conversations between NCDOT and LDG for sidewalk construction along Monticello Road, DOT has informed the developer that they prefer sidewalks to not be constructed until there is a connection to an existing sidewalk system.

As a result of these conversations Kimley-Horn, the civil engineering firm for the developer, has been instructed by DOT to seek a minor modification to the conditional district to allow a fee in lieu of construction of the sidewalk along its Monticello Road frontage required by subparagraph 2.g.ii of the conditional district ordinance. A fee in lieu of sidewalk construction is already required by the conditional district for a different section of sidewalk, and this request is for an additional fee.

Kimley-Horn has provided a sidewalk construction estimate that indicates that the estimated cost of the sidewalk along the Monticello Road frontage is \$43,550.

It is the belief of staff that this request may be handled as a minor modification based upon current municipal ordinance found at Sec. 20-1303(c), with notice to Town Council, but Town Council action is needed on the approval of the fee in lieu of sidewalk construction.

COUNCIL ACTION REQUESTED:

Town Council is asked to approve a fee in lieu of sidewalk construction for the Monticello Road frontage sidewalk and to set the fee at \$43,550.

Sec. 20-1303. Changes to prior-approved development.

After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained as set out herein.

- (a) *Major amendments.* Except as allowed under Minor Modifications below, all changes to approved conditional districts, special use permits, subdivision plats, and/or other development approvals, are major amendments and shall follow the same process applicable for the original approval.
- (b) *Changes to individual parcels within a conditional district or special use permit.* For a conditional district or special use permit applicable to multiple parcels, the owners of individual parcels may apply for minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved change shall only be applicable to those properties whose owners petitioned for the change.
- (c) *Minor modifications.* The subdivision administrator is authorized to review and approve administratively a minor modification to an approved subdivision plat, and the zoning administrator is authorized to reviewed and approve administratively a minor modification to an approved conditional district, special use permit or any other development approval. All minor modifications are subject to the following limitations:
 - i. *General limitations.* The modification:
 - 1. Does not involve a change in uses permitted or the density of overall development permitted;
 - 2. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval; and
 - 3. Meets all other ordinance requirements.
 - ii. *Site design.* Site design minor modifications are limited to adjustments to the terms or design of an approved development plan or plat, including a site plan attached as a condition to a conditional zoning district or special use permit. In addition to the general limitations for minor modifications, a site design minor modification must:
 - 1. Comply with underlying zoning standards and other applicable conditions of approval;
 - 2. Be limited to minor changes such as, without limitation, a minor adjustment to road configuration or internal circulation, a minor adjustment to building locations, or a minor adjustment to utility alignment.
- (d) *Appeals and variances.* A decision on minor modifications is an administrative decision and may be appealed to the board of adjustment. An application for a minor modification does not preclude an applicant from seeking a variance from the board of adjustment.
- (e) *Notice to governing board.* Staff is required to notify the governing board of any minor modifications to conditional districts that have been administratively approved or denied.

(Ord. of 5-24-2021(1) , § 5)

Sec. 20-3203. Conditional districts.

- (a) *Intent.* It is expected that, in most cases, a conventional district will appropriately regulate site-specific impacts of permitted uses and structures on surrounding areas, however conditional districts provide for those situations where a particular use, properly planned, may be appropriate for a particular site, but where the underlying conventional district has insufficient standards to mitigate the site-specific impact on surrounding area.
- (b) *Consideration for any use.* Any use may be considered for a conditional district and shall be established on an individual basis, upon petition of the property owner.
- (c) *Conditions.* Specific conditions may be proposed by the petitioner or by the town, but only those conditions approved by the town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by G.S. 160D-703(b) and this section, the town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district must be limited to those that address the conformance of the development and use of the site to town ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.
- (d) *Petition.* Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. The petition must be signed by all property owners, or agents of the owners, of all of the property to be included in the district and shall be accompanied by a statement analyzing the reasonableness of the proposed rezoning request by the petitioner, the established fee, and documentation as required by the following:
 - (1) A preliminary plan or site plan that is substantially in compliance with the mapping standards set out in Code section 20-2504 and supporting information that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property;
 - (2) The number and general location of all proposed structures;
 - (3) The proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
 - (4) All yards, buffers, screening, landscaping, and sidewalks required by ordinance, and notations of any deviation from requirements;
 - (5) Proposed number and location of the signs;
 - (6) Proposed phasing, if any, and the approximate completion time for the project;
 - (7) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
 - (8) Information on the height of all proposed structures;
 - (9) Exterior features of all of the proposed development including but not limited to construction and finishing materials.
- (e) *Approval procedure.* Except as specifically modified by this section, the procedures to be followed by the planning board and town council in reviewing, granting, or denying any petition for a conditional district shall

be the same as those established for zoning map amendments (see Code section 20-1504). The following additional procedures shall also apply for the approval of conditional districts:

- (1) *Initial consideration by town council.* Petitions for conditional districts shall be initially reviewed by town council. After its initial consideration of a petition for a conditional district, town council shall refer the request to the planning board for the full review process as required by G.S. Chapter 160D. Initial consideration of such petitions are intended to provide town council with the opportunity to express their preliminary thoughts related to the petition but shall not serve as a final determination on same.
- (2) *Community meeting.* Before a public hearing may be held by the town council on a petition for a conditional district the petitioner must file in the office of the town clerk a written report of at least one community meeting held by the petitioner. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this subsection shall be considered by the town council but shall not be subject to judicial review. Notice of the community meeting shall be posted on the property and mailed to all the property owners within 200 feet of the property boundaries not more than 25 days nor less than ten days prior to the meeting.
- (f) *Approval and ordinance.* If a petition for a conditional district is approved, the development and use of the property shall be governed by the ordinance establishing the conditional district, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved conditional district. Each conditional district will be given a special number, distinguishing such conditional district from another zoning district. Each ordinance adopted by town council which establishes a conditional district within the town is hereby incorporated into this chapter as a separate and unique zoning district and shall be reflected on the town's zoning map. Copies of such ordinances shall be kept on file with the town clerk and may be reviewed upon request.
- (g) *Time limits.* Time limits for the completion of the project's infrastructure and completion of construction may be established as conditions of the conditional district, subject to consent of the property owner. Extensions to established time frames shall be subject to the approval of town council.
- (h) *Phasing of projects.* Project phasing must be reviewed and approved with the conditional district. Phases must be shown on the site plan that is adopted in conjunction with the ordinance approving the conditional district and the time periods related to the phasing must also be addressed in said ordinance.
- (i) *Performance guarantees.* At the discretion of the town council, the property owner may be required to post performance guarantees to guarantee the successful completion of required improvements included in the approved conditional district. Such performance guarantees are subject to the provisions of G.S. 160D-804.1.
- (j) *Judicial review.* Conditional district decisions under this section are legislative decisions that are presumed valid if there is a reasonable basis for the decision.
- (k) *Future variance request.* Properties subject to a conditional district are not eligible for variances on the approved project.
- (l) *Maintaining the conditional district.* A conditional district is a rezoning which represents both a text and map amendment and as such is must be maintained after the sale of the property district.
- (m) *Modifications.* Minor modifications and major amendments to approved conditional districts shall be in accordance with Code section 20-1303.

-
- (n) *Final plat approval process.* All water, sewer, stormwater infrastructure, and all street, sidewalk, and similar improvements must be installed and verified as complete by the appropriate authority prior to final plat review. Once the required infrastructure is complete, the final plat is to be reviewed by the zoning administrator and the technical review committee for compliance with the relevant portions of the ordinance approving the conditional district for the project. Upon finding that the required infrastructure is complete and the final plat is in compliance with the ordinance, the planning director, or their designee, shall approve the final plat and authorize the recordation of same. Final plats must contain all applicable information as set out in Code section 20-2504 and Code section 20-2505.
- (o) *Issuance of zoning permits.* The zoning administrator shall not issue a zoning permit until a final plat has been approved and recorded.

(Ord. of 5-24-2021(1) , § 5)

9

rat



Doc ID: 035855840009 Type: CRP
Recorded: 03/27/2023 at 12:58:39 PM
Fee Amt: \$51.00 Page 1 of 9
Workflow# 0000818596-0003
Buncombe County, NC
Drew Reisinger Register of Deeds
BK **6305** PG **1660-1668**

PREPARED BY AND RETURN TO:

Jennifer O. Jackson, Weaverville Town Attorney
✓ 30 South Main Street, Weaverville, NC, 28787

**NON-STANDARD
FILING**

**COUNTY OF BUNCOMBE
STATE OF NORTH CAROLINA**

**ORDINANCE ESTABLISHING THE CONDITIONAL DISTRICT
DESIGNATED AS CD-7 FOR 171 MONTICELLO ROAD**

WHEREAS, the property located at 171 Monticello Road is owned by Betty Hollifield Roberts as described in Deed Book 1245 at Page 551, Buncombe County Registry, and bearing Buncombe County Parcel Identification Number 9733-60-3503;

WHEREAS, a petition requesting conditional district zoning on property located at 171 Monticello Road, Weaverville, North Carolina, was submitted to the Town of Weaverville by Betty Hollifield Roberts on October 18, 2022, with a voluntary annexation petition; and

WHEREAS, by contemporaneous adoption of an annexation ordinance by the Weaverville Town Council the property described herein is now located within the municipal jurisdiction of the Town of Weaverville;

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

WHEREAS, the proposed development is an affordable housing project consisting of 156 units and amenities on 10.68+/- acres and the Town's Code of Ordinances requires that a conditional district be created for a multifamily development with a density higher than 12 units per acre; and

WHEREAS, Section 20-3203 of the Code of Ordinances of the Town of Weaverville establishes the procedures and requirements for zoning property to Conditional Districts; and

WHEREAS, the Planning Board of the Town of Weaverville has reviewed the project and submitted a favorable recommendation along with its statement finding the reasonableness of the project and consistency with the Comprehensive Land Use Plan in that it supports the existing land uses and the growth contemplated by the Comprehensive Land Use Plan; and

WHEREAS, the property owner held a community meeting on November 20, 2022, as required by Town Code Sec. 20-3203(e)(2) and after proper notice, and provided a report to Town Council; and

WHEREAS, after proper notice required by law, Town Council held a public hearing on this application on January 17, 2023, in accordance with North Carolina law, at which time public input on this proposed development was taken;

WHEREAS, Town Council adopts the Planning Board's findings that the project is consistent with the Town's Comprehensive Land Use and reasonable and hereby approves such project with the conditions set forth below;

WHEREAS, as indicated by signatures below, the property owner, Betty Hollifield Roberts, and the developer, LDG Multifamily, LLC, have consented to all conditions set forth herein, which are hereby found to be reasonable and relevant;

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

1. The zoning classification of that certain real property described in Book 1245 at Page 551, Buncombe County Registry and which bears Buncombe County Parcel Identification Number 9733-60-3503 is designated as a conditional district known as CD-7 and is subject to compliance with the conditions set out herein. The official zoning map of the Town of Weaverville shall be amended to reflect this change upon the effective date of this ordinance.
2. The following conditions shall apply:
 - a. The project shall be constructed in substantial compliance with the Conditional District Site Plan dated 9 January 2023, and the data shown thereon, a copy of which is attached hereto.
 - b. The maximum allowed number of residential units in the Project is 156.
 - c. 100% of the total units in the Project shall be affordable housing units (as defined in the Buncombe County Code for Community Oriented Development, Buncombe Code sec. 78-650). Said units shall be maintained as affordable for a period of 30 years. In order to monitor compliance with this condition, LDG (or the owner) shall, upon request of the Town, provide the Town with such documentation regarding affordability of units in the Project as has been provided to the federal or State government in order to maintain LDG's eligibility for assistance and/or tax credits, provided that such information shall not reveal any information regarding the income of particular residents or other personal or private information.

- d. The maximum allowed density on the property is 14.61 units per acre, which reflects a “density bonus” for the Affordable Housing aspect of this project. If the Project fails to achieve or fails to maintain the required Affordable Housing within the 30-year period, then the maximum density on the property will revert to 12 units per acre, as allowed by R-12 zoning.
- e. The property shall not be eligible for subdivision for as long as this conditional zoning ordinance remains in effect.
- f. The number of units allowed in each building shall be as shown on the approved Site Plan, and may exceed 24 units per building.
- g. Related to pedestrian safety, LDG will:
 - i. construct and maintain an ADA accessible internal sidewalk network substantially as shown on the approved site plan;
 - ii. construct and maintain an ADA accessible sidewalk along the entire Monticello Road frontage of the Property as shown on the approved site plan;
 - iii. pay \$150,000 to the Town of Weaverville [sidewalk fund] as a fee in lieu of making other pedestrian or traffic improvements in the area, which improvements may include, without limitation:
 - 1. Sidewalk along Monticello Road (outside of the boundaries of the Property) to the intersection of Monticello Road and Northcrest Road;
 - 2. A pedestrian crosswalk across Monticello Road;
 - 3. Sidewalk along Northcrest Road;
 - 4. Traffic or pedestrian crossing signals associated with the above;
 - 5. Costs associated with design, construction, and installation of the pedestrian and/or traffic improvements described above.

Said payment shall be made upon the closing of the financing for construction of the Project, and in any event not later than 5 business days after said closing.
 - iv. negotiate in good faith with the owners of Northcrest Commons and others for the easements or right of way for the sidewalks and other pedestrian facilities on that property.

Nothing herein will prohibit LDG from agreeing to further participation in these improvements when said improvements have been designed and cost estimates have been provided.
- h. A traffic impact study/analysis is required by Sec. 20-3208(n). All traffic improvements required or recommended by NCDOT in the traffic impact study/analysis must be constructed and/or installed, to the extent that said improvements can be installed and/or constructed on property owned or controlled by LDG or NCDOT.

- i. All driveways/streets within the project shall be private. Said private driveways/streets shall be constructed to standards set forth in the North Carolina Department of Transportation subdivision road minimum construction standards, as required by Weaverville Code Sec. 24-83.
- j. The number of off-street parking spaces provided shall be determined by the developer, but shall be adequate to accommodate the multifamily residential use of the property, with the understanding that parking on or along Monticello Road is expressly prohibited.
- k. Construction related vehicles must be parked on the property and not on the public streets or the shoulders of those public streets. All dirt, mud, construction materials, or other debris deposited on the public streets as a result of construction activities must be removed by the contractor or owner on a daily basis, pursuant to Code Section 22-48.
- l. All outdoor lighting on the property shall comply with the outdoor lighting provisions of Code Section 20-3324. A plan shall be submitted and approved as required by Sec. 20-3603.
- m. One (1) freestanding sign per entrance is allowed pursuant to Code Section 20-4106, subsection (c), as long as said sign is no larger than 50 square feet of surface area per side of sign, up to a maximum of 100 square feet of aggregate surface area. Directional signs consistent with Code Section 20-4107(g) are allowed, and included directional signs which are not over six feet in sign height and which do not have a surface area greater than four square feet per side up to a maximum of eight square feet in aggregate surface area for all sides per sign. Notwithstanding anything herein to the contrary, signage required by federal or state is allowed.
- n. A minimum 35-foot landscape buffer must be maintained or installed along the western boundary of the property as shown on the approved Site Plan. Twenty feet of the 35-foot landscaped buffer must be undisturbed with existing trees and shrubbery maintained. Maintenance of the undisturbed area can include the removal of trees that are deemed dangerous, but must be replaced. Landscaping that is installed must comply with the list of recommended species that is maintained by the Town's Planning Department. A landscaping plan meeting the requirements of Town Code Sec 20-3403 must be submitted and approved in conjunction with a zoning permit application. If any revisions to the landscaping are required in order to comply with environmental ordinances administered by Buncombe County, approval of such revisions shall not be unreasonably withheld by the Town. Any landscaping required by the plan shall be maintained in accordance with Sec. 20-3404(e).
- o. Compliance with Buncombe County sedimentation and erosion control standards and with Buncombe County's stormwater regulations is required. All permitting and inspections on these issues will be conducted through Buncombe County.

- p. Onsite amenities shall be provided for the residents of the project as shown on the approved Site Plan. At a minimum, such amenities shall include or be substantially similar to the following: swimming pool, community building with multipurpose room and resident computer center, onsite leasing office, bicycle storage, covered picnic area with tables and grilling area, furnished fitness center/exercise room, commercial grade playground equipment, and toddler play lot.
 - q. This project is subject to a final review by the Town's technical review committee prior to issuance of any permits.
 - r. A zoning permit required by Sec. 20-3110 shall be applied for within one year from the effective date of the Conditional District Ordinance. Upon request of the owner/developer, Town Council may, in its sole discretion, grant such extension as Town Council deems appropriate under the circumstances. Progress on the construction of the Project and the establishment of vested rights shall thereafter be governed by NCGS 160D-108.
 - s. Code Section 20-3203 shall continue to govern the project including, but not limited, to those provisions regarding issuance of zoning permits, modifications (in accordance with Code Section 20-1303), appeals, and final plat approval.
 - t. The Conditional Zoning Ordinance shall be recorded in the Buncombe County Register of Deeds, and shall be binding on the property owner, her successors and assigns.
 - u. The conditional district zoning will be valid for five years from the date of approval by Town Council with building permits obtained within this 60-month period. Failure to obtain building permits within this time frame shall render the approval null and void.
2. This ordinance, including the conditions contained herein, shall be enforced as provided in Article III of Part 1 of Chapter 20 of the Weaverville Town Code, and Chapter 160D of the N.C. General Statutes.
 3. That the Town Zoning Administrator is hereby authorized and directed to make the changes as herein enacted on the official zoning map with said Conditional District labeled as "CD-7" and to issue a zoning permit for the improvements that are to be made in compliance with this Conditional District.
 4. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, it will be up to Town Council to determine if the validity of the remaining portions of this ordinance is affected.
 5. That all ordinances and clauses of ordinances contained within the Town's Code of Ordinance which are in conflict herewith, are hereby repealed to the extent of such conflict.
 6. That this ordinance is effective immediately.

ADOPTED THIS the 27th day of February, 2023, with a vote of 5 for and 1 against, with Councilmember Doug Jackson excused from the vote due to a conflict of interest.

P. Fitzsimmons
PATRICK FITZSIMMONS, Mayor

J. Eller
JAMES ELLER, Town Clerk

OWNER/DEVELOPER CONSENT TO CONDITIONS: By signing below I acknowledge that I am the respective owner and developer of the property, and that I have read, agree, and accept the conditions set forth in this Ordinance.

OWNER:

see separate page
BETTY HOLLIFIELD ROBERTS

DEVELOPER:

LDG MULTIFAMILY, LLC
see separate page
CHRIS DISCHINGER, Managing Member

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

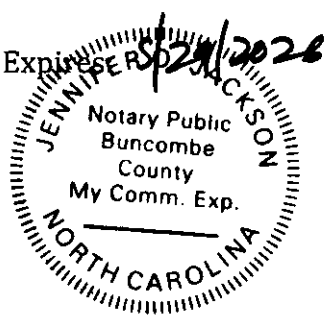
I, *Jennifer O. Jackson*, a Notary Public of Buncombe County, North Carolina, certify that **JAMES ELLER** personally came before me this day and acknowledged that he is the Town Clerk of the Town of Weaverville, a municipal corporation, and that by authority duly given, the foregoing instrument was signed in its name by the Mayor of the Town of Weaverville, and attested by himself as the Town Clerk..

Witness my hand and official seal, this the *28th* day of *February*, 2023.

[Signature]
Notary Public

My Commission Expires *5/24/2028*

[Notary Seal]



ADOPTED THIS the 27th day of February, 2023, with a vote of 5 for and 1 against, with Councilmember Doug Jackson excused from the vote due to a conflict of interest.

PATRICK FITZSIMMONS, Mayor

JAMES ELLER, Town Clerk

OWNER/DEVELOPER CONSENT TO CONDITIONS: By signing below I acknowledge that I am the respective owner and developer of the property, and that I have read, agree, and accept the conditions set forth in this Ordinance.

OWNER:

Betty Hollifield Roberts
BETTY HOLLIFIELD ROBERTS
HOLLIFIELD
BR

DEVELOPER:

LDG MULTIFAMILY, LLC

CHRIS DISCHINGER, Managing Member

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, _____, a Notary Public of Buncombe County, North Carolina, certify that **JAMES ELLER** personally came before me this day and acknowledged that he is the Town Clerk of the Town of Weaverville, a municipal corporation, and that by authority duly given, the foregoing instrument was signed in its name by the Mayor of the Town of Weaverville, and attested by himself as the Town Clerk..

Witness my hand and official seal, this the ____ day of _____, 2023.

Notary Public

My Commission Expires:

[Notary Seal]

ADOPTED THIS the 27th day of February, 2023, with a vote of 5 for and 1 against, with Councilmember Doug Jackson excused from the vote due to a conflict of interest.

PATRICK FITZSIMMONS, Mayor

JAMES ELLER, Town Clerk

OWNER/DEVELOPER CONSENT TO CONDITIONS: By signing below I acknowledge that I am the respective owner and developer of the property, and that I have read, agree, and accept the conditions set forth in this Ordinance.

OWNER:

BETTY HOLLIFIELD ROBERTS

DEVELOPER:

LDG MULTIFAMILY, LLC



CHRIS DISCHINGER, Managing Member

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, _____, a Notary Public of Buncombe County, North Carolina, certify that **JAMES ELLER** personally came before me this day and acknowledged that he is the Town Clerk of the Town of Weaverville, a municipal corporation, and that by authority duly given, the foregoing instrument was signed in its name by the Mayor of the Town of Weaverville, and attested by himself as the Town Clerk..

Witness my hand and official seal, this the ____ day of _____, 2023.

Notary Public

My Commission Expires:

[Notary Seal]



November 15, 2023

Mr. James Eller
Weaverville Planning
14 S. Main Street
Weaverville, NC 28787

RE: 171 Monticello Rd Sidewalk Engineering Cost Estimate

This letter is an Engineering Estimate of Probable Cost to construct a 5' wide sidewalk along the 710' of frontage of 171 Monticello Rd less the approximately 40' wide driveway for the proposed Meribel Development.

Item	Cost Per Unit	Unit	Quantity	Total Cost
Concrete Sidewalk	\$65	Linear ft	670'	\$43,550

Please note, the above is for estimating purposes only. Bid prices will vary.

Please contact me at (984) 275-3905 or Ashton.Smith@kimley-horn.com should you or your staff have any questions concerning this estimate.

Sincerely,

Ashton Smith, PE
Project Manager

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: December 18, 2023
SUBJECT: Proposed Amendments to Personnel Policy
PRESENTER: Town Manager and Town Attorney
ATTACHMENTS: Proposed Resolution Amending the Town's Personnel Policy

DESCRIPTION/SUMMARY OF REQUEST:

To remain competitive as a public employer the Town Manager has reviewed certain Town policies and recommends that Town Council consider amendments to the Personnel Policy to accomplish the following, most of which are minor in nature and scope:

- Add definition of "salary"
- Clarify the handling of overtime compensation in FEMA declared emergencies
- Clarify provision concerning employment of relatives
- Change the conversion of unused holiday leave from annual leave to sick leave
- Clarify that all leave accruals are on a pay period basis
- Note that sick leave can be used for approved bereavement leave
- Change bereavement leave to allow up to 3 days of paid bereavement leave for the death of immediate family members and up to 4 hours to attend the funerals of coworkers or former co-workers
- Increase tuition assistance from up to \$1,000 to up to \$2,000
- Fix discrepancy in Employee Suggestion Program to note that Department Heads are not eligible and note that all recipients must be approved by Town Council
- Authorize a Town Manager administered Employee Incentive Program
- Revise the Grievance Policy and Procedure for clarity and completeness
- Fix typographical errors

None of these proposed amendments will require a budget amendment.

The Town Attorney assisted in the drafting of these amendments and joins in the recommendation that they be adopted. The proposed resolution contains all of the amendments with highlighting to show where changes have been made.

Due to its length the entire personnel policy is not provided with this agenda item but is available upon request.

COUNCIL ACTION REQUESTED:

Town Council is asked to approve these amendments to the Town's Personnel Policy. A resolution that accomplishes this requested action is attached for Town Council's consideration. A suggested motion is as follows:

*I move the adoption of the **RESOLUTION AMENDING THE TOWN'S PERSONNEL POLICY** as presented/as amended.*

TOWN OF WEAVERVILLE
RESOLUTION AMENDING THE TOWN'S PERSONNEL POLICY

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

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

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

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

1. Town Council hereby amends the following sections and/or articles of the **PERSONNEL POLICY** with the amended provisions shown as attached:

Article II – to add definition of “salary” [p. 11]
Section 10(a) of Article V, concerning overtime pay in FEMA emergencies [p. 22]
Section 8 of Article VI, concerning employment of relatives [p. 27]
Section 14 of Article VI, concerning “workplace” [p. 29]
Section 2(d) of Article VII, concerning holiday leave [p. 31]
Section 3(c) of Article VII, concerning annual leave [p. 32]
Section 4(b) and (e) of Article VII, concerning sick leave [p. 34]
Section 5 of Article VII, concerning bereavement leave [p. 36]
Section 10 of Article VIII, to correct a reference concerning law enforcement officers [p. 41]
Section 13(b) of Article VIII, concerning tuition assistance program [p. 42]
Section 16 of Article VIII, concerning Town Council Employee Suggestion Program [p. 44]
Section 17 of Article VIII, adding authority for Town Manager Employee Incentive Program [p. 44]
Article XV, concerning grievances and adverse employment action appeals [pp. 66+]

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

ADOPTED this ____ day of December, 2023.

PATRICK FITZSIMMONS, Mayor

ATTEST:

TAMARA MERCER, Town Clerk

TOWN OF WEAVERVILLE PERSONNEL POLICY

Maximum Salary Rate – The maximum salary authorized by the pay plan for an employee within an assigned salary grade.

Merit Increase – An increase in salary above the standard job rate based on service that exceeds the standard and/or expected performance of the assigned position.

NCGS – The North Carolina General Statutes.

Non-Exempt Employee – An employee that is covered by the Fair Labor Standards Act and is subject to the Wage and Hour Act of North Carolina.

Part-Time Employee – An employee who is in a position for which an average work week is at least 20 hours but less than 32 hours and for which at least 12 months continuous employment is needed.

Pay Plan – A listing by grade and step of all the approved maximum, intermediate, and minimum salary ranges authorized by the Town Council for various position classifications of Town government for hiring purposes.

Performance Evaluation System – An annual review of an employee's performance, designed to facilitate fair and equitable merit pay decisions, recognizing performance as the basis for pay increase within the established pay range.

Permanent Position – A position authorized for the budget year for a full twelve months and budgeted for 20 or more hours per week. All Town positions are subject to budget review and approval each year by the Town Council and all employees' work and conduct must meet Town standards. Therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

Position – A group of concurrent duties and responsibilities requiring the full-time or part-time employment of one person.

Position Classification Plan – A plan approved by the Town Council that assigns classes or positions to the appropriate pay grade.

Probationary Employee – An employee appointed to a full-time or part-time position who has not yet successfully completed the designated probationary period. Probationary employees can be newly hired employees or can be probationary based upon promotion.

Promotion – The reassignment of an existing employee to a position or classification in the Town service having a higher salary range than the position or classification from which their assignment is made.

Reclassification – The reassignment of an existing position from one class to another based on changes in job duties and responsibilities.

Regular employee – An employee appointed to a full-time or part-time position who has successfully completed the designated probationary period.

Salary – A salary is an annual amount paid, or to be paid, to an exempt or non-exempt employee for the work they performed or are to perform, and is paid on a biweekly basis or pursuant to an adopted payroll schedule.

TOWN OF WEAVERVILLE PERSONNEL POLICY

hours in a 7-day period; 85 hours for police personnel in a 14-day cycle and 106 hours for fire personnel in a 14-day cycle, as is specified in the FLSA 7(k) exemption). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will annual leave, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In a FEMA declared emergency, exempt and nonexempt employees who are authorized by the Town Manager for FEMA emergency deployment, are eligible for overtime compensation at the allowable FEMA rate, not to exceed double time, when extended long hours are required.

- (b) **Exempt Employees.** Employees in positions determined to be "exempt" from the FLSA will not receive pay for hours worked in excess of their normal work periods. These employees may be granted flexible time by their supervisor where the convenience of the department allows. Such flexible time is not guaranteed to be taken and ends without compensation upon separation from the Town.

Section 11. Call-Back and Stand-By Pay

The Town provides a continuous twenty-four hour a day, seven day a week (24/7) service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.

- (a) **Call-back** – Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).
- (b) **Stand-By** – Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. Non-exempt employees required to be on "stand-by" duty will be paid a fixed fee set by the Town Manager for each day or portion thereof that they are

TOWN OF WEAVERVILLE PERSONNEL POLICY

Section 7. Dual Employment

The Town prohibits any employee from holding more than one position with the Town if the combined positions will result in the employee working more than 40 hours per week in any week of the year. The Town will consult the Fair Labor Standards Act regulations in all dual employment cases to ensure that the regulations are followed.

Section 8. Employment of Relatives

Except as stated herein, the Town prohibits the hiring and employment of immediate family in full or part-time positions within the same work unit. The Town also prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following positions: Mayor, Vice Mayor, Town Council Member, Town Manager, Town Attorney, Town Clerk, or any Department Head. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- (a) result in a relative supervising a relative;
- (b) result in a relative auditing the work of a relative;
- (c) create a conflict of interest with either relative and the Town; or
- (d) create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision is adopted by the Town. Should an immediate family member of a Town employee be elected to Town Council, the employee shall resign within six months of the beginning of the relative's term of office.

Section 9. Required Travel

In striving to provide the best service possible, the Town promotes continued education and training for its officials and employees, some of which can be gained through on-the-job-training, but other educational and training opportunities require schooling and travel away from Weaverville. Additionally, there are times when official Town business requires travel outside of Buncombe County. This travel is important as Town officials and employees perform their job responsibilities and further their career development. With travel a necessity, the Town must strive to provide superior services while maintaining integrity and fiscal responsibility.

Any official or employee traveling on Town business is expected to exercise the same care in incurring expenses that a prudent person would exercise in traveling on personal business and expending personal funds. The Town shall adopt separate policies and procedures related to travel and travel reimbursements in order to ensure that public funds are expended prudently and effectively. Employees are expected to comply with any and all such policies and procedures.

TOWN OF WEAVERVILLE

PERSONNEL POLICY

The Town Manager shall establish a separate policy in which guidelines are provided to employees regarding appropriate internet and social media use. Employees are expected to follow the guidelines and policies adopted by the Town Manager concerning internet use and social media.

Section 13. Drug-Free Workplace

All aspects of society are harmed by illicit drug use, with the workplace being especially impacted. Providing a positive work environment is a high priority for the Town and, to that end, the Town provides a drug-free workplace for all employees. The Town Manager shall establish policies and procedures related to employee substance abuse in order to ensure the safety and well-being of citizens and employees, and to comply with any federal, state or other laws and regulations. Employees are expected to follow the guidelines, policies and procedures adopted by the Town Manager.

Section 14. Disruptions in the Workplace

The Town has a responsibility to maintain a productive and professional work environment conducive to conducting the Town's business. To that end, employees are expected to keep any workplace disruptions and distractions to a minimum. This includes, but is not limited, personal visits and phone calls, texting and messaging, social media, use of internet for personal purposes, receiving personal mail or packages, charitable solicitations, or other activities that distract an employee or co-workers from the work of the Town. Supervisors will provide feedback to employees on any actions that are becoming distracting.

Section 15. Workplace Violence Prevention

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Behavior that is intended or likely to be perceived as intending to create a fear of bodily harm, actual physical injury, or damage to Town property will not be tolerated. Those who engage in such behaviors will be held accountable and dealt with in a manner consistent with maintaining a violence-free workplace. The Town shall adopt a policy concerning workplace violence prevention which contains guidelines and procedures to deal with intimidation, harassment or other threats of or actual violence that may occur on-site during work-related activities.

Section 16. Weapon-Free Workplace Policy

It is the policy of the Town to maintain a work environment that is safe for all persons, including employees and the community, and conducive to attaining high work standards. To achieve these objectives, the Town is committed to a strong stand against firearms and weapons in the workplace. It is the Town's policy to maintain a firearms and weapons free workplace and prohibit the possession of firearms and weapons regardless of any license or permit that an individual may have which would otherwise authorize the individual to carry firearms or weapons. A concealed carry permit does not supersede Town policy.

TOWN OF WEAVERVILLE PERSONNEL POLICY

Article VII. Holidays and Leave

Section 1. General Policy

The policy of the Town is to provide annual leave, sick leave, and holiday leave to all full-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of differing lengths, subject to a maximum of 12 hours per day. Employees shall accrue leave proportionately with each payroll period.

Section 2. Holiday Leave

- (a) **Holiday Schedule** - The Town provides paid holidays each calendar year for eligible employees consistent with the State's holiday schedule, and includes any personal observance leave or floating holiday provided to State employees.

The Town Manager shall adopt and publish a schedule of holidays each year consistent with this policy.

- (b) **Religious Holidays** - Employees wishing to schedule time off for religious observances must request leave from their respective department heads. The department head will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

- (c) **Eligibility** - All full-time and part-time employees, whether regular or probationary employees shall receive paid holiday leave. Auxiliary and temporary employees are eligible for holiday pay if, and only if, they actually work the holiday.

- (d) **Accrual Rate** - Holiday leave shall accrue at a rate of 13 workdays per year (see Article II for definition of workday) on a pay period basis beginning on January 1 each year. For new employees with a start date after January 1 of any year, holiday leave will be paid out for each holiday as it occurs during the year of hire and will begin to accrue on January 1 after the date of hire.

- (e) **Accumulation** - Holiday leave may be accumulated without any maximum between January 1 and December 31 of each calendar year. All holiday leave balances accumulated in the prior year shall be converted to sick leave in January of each year.

As the latter part of the calendar year includes several holidays, employees are cautioned to be mindful of their use of holiday leave so that a sufficient holiday leave balance is available for use in November and December.

- (f) **Manner of Taking** - Holiday leave requests should typically be submitted with each payroll that includes a holiday. For employees that are required to work a holiday, holiday leave requests should follow the procedures for taking annual leave.

TOWN OF WEAVERVILLE PERSONNEL POLICY

- (g) **Payment Upon Separation** - At separation all holiday leave accumulated by an employee shall be treated like annual leave and paid out in accordance with those provisions.

Section 3. Annual Leave

The Town provides all eligible employees with periods of time off for rest and relaxation for the mutual benefit of the employee and the Town.

Annual leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective department heads. The department head will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

- (a) **Eligible Employees** – All employees, whether full-time or part-time, probationary or regular, are eligible for the accrual and use of annual leave, except for the following employees: elected officials, auxiliary employees (such as relief firefighters and auxiliary law enforcement officers), temporary employees (such as short-term project employees and seasonal workers).
- (b) **Use by Probationary Employees** – Employees serving a probationary period following their initial appointment shall not be permitted to take annual leave during the first six (6) months of the probationary period unless the denial of such leave would create an undue hardship or the leave is agreed upon prior to employment. Any annual leave granted during the probationary period must have the prior approval of the Town Manager.
- (c) **Accrual Rate** – For the purpose of earning and accruing annual leave, the twelve (12) calendar month period between January 1 and December 31 is established as the leave year. Eligible employees shall earn annual leave at the following rate based on total service years **on a pay period basis**:

Service Time	Accrued Per Year for Employees Hired Prior to 7/1/2019	Accrued Per Year for Employees Hired 7/1/2019 or After
Less than 2 years	10 days	10 days
2 years but less than 10 years	15 days	15 days
10 years but less than 16 years	21 days	20 days
16 years but less than 20 years	27 days	20 days
20+ years	27 days	25 days

The above table represents the number of days that an employee shall accrue annual leave time and is based on each employee's normal scheduled work day (e.g. 4 hours, 7.5 hours, 8 hours, 10 hours, 12 hours, 24 hours), subject to a maximum of 12 hours per day of annual leave. Annual leave shall be converted to an hourly rate of accrual that shall be applied in each payroll period.

TOWN OF WEAVERVILLE PERSONNEL POLICY

employee's death, provided, however, the total payment for annual leave shall not exceed 240 hours.

- (h) **Effect of Reinstatement** – Any employee who separates in good standing from Town service and is reinstated may, in the discretion of the Town Manager, receive credit for previous years of service with the Town for purposes of establishing the accrual rate for annual leave. If credit is approved, the total months of previous service time will be added to the employee's service time at the end of the six-month probationary period.

Section 4. Sick Leave

The Town provides all eligible employees with periods of time off for illness and injury. Sick leave is a privilege granted by the Town and not a right.

- (a) **Eligible Employees** – All employees, whether full-time or part-time, probationary or regular, are eligible for the accrual and use of sick leave, except for the following employees: elected officials, auxiliary employees (such as relief firefighters and auxiliary law enforcement officers), temporary employees (such as short-term project employees and seasonal workers).
- (b) **Accrual Rate** – Sick leave shall accrue at a rate of one (1) workday per month (see Article II for definition of workday) **on a pay period basis.**
- (c) **Accumulation** – Sick leave is allowed to accumulate for an indefinite period of time and there shall be no maximum number of days that can be accrued. Sick leave may be converted upon retirement for service credit as allowed by the provisions of the North Carolina Local Government Employees' Retirement System. All sick leave accumulated by an employee shall end and terminate without compensation unless otherwise required by law.
- (d) **No Payment Upon Separation** - At separation all sick leave accumulated by an employee shall end and terminate without compensation unless otherwise required by law.
- (e) **Appropriate Uses of Sick Leave** –
 - (1) Sick leave may be granted for any of the following reasons: sickness, bodily injury, medical or dental examinations or treatment, or exposure to a contagious illness or disease, when continuing work might jeopardize the health of others.
 - (2) Sick leave may be used when an employee must care for a member of his or her immediate family who is ill or injured.
 - (3) Sick leave may be used for approved bereavement leave.**
 - (4) Sick leave may be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining one-third of

TOWN OF WEAVERVILLE PERSONNEL POLICY

- (v) Sick leave accumulated under a policy that does not provide an employee with full salary when used for absences from work due to illness or injury will not be counted.

The Town will provide verification of accumulated sick leave for any employee separated from Town employment if requested within three (3) years from the employee's last work day with the Town. The Town is under no obligation to provide documentation of sick leave balances for employees who have been separated from the Town for more than three (3) years.

Section 5. Bereavement Leave

Full-time and part-time employees are eligible for bereavement leave. An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible. If an employee leaves work early on the day he or she is notified of the death, that day will not count as bereavement leave.

In addition to bereavement leave, an employee may, with his or her Department Head's approval, use any available annual or sick leave for additional approved time off as necessary. Employees under discipline for attendance issues may be required to provide documentation with regard to their bereavement leave.

Bereavement pay is calculated based on the base pay rate at the time of absence, and it will not include any special forms of compensation, such as overtime or shift differentials.

- Employees are allowed up to three (3) consecutive days off from regularly scheduled duty with regular pay in the event of the death of an immediate family member.
- Employees are allowed up to four (4) hours of bereavement leave to attend the funeral or memorial service of a fellow regular employee or retiree of the company, provided such absence from duty will not interfere with normal operations of the company.

Section 6. Family and Medical Leave

The Town will provide family and medical leave in accordance with the Family Medical Leave Act (FMLA) to its eligible employees. The Town shall post the mandatory FMLA Notice and upon hire will provide all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act. The Town shall adopt policies and procedures related to family and medical leave.

Section 7. Workers' Compensation

In accordance with law and without any cost to its employees, the Town of Weaverville provides workers' compensation insurance for use by employees who sustain compensable injuries and/or occupational diseases that arise out of and in the course of employment with the Town. The Town shall adopt policies and procedures related to workers' compensation.

TOWN OF WEAVERVILLE PERSONNEL POLICY

Section 7. Group Life Insurance

The Town provides group term life insurance for each regular full-time and regular part-time employee subject to eligibility under the group life insurance contract and subject to the stipulations of that insurance contract.

Section 8. Optional Group Insurance Plans

Upon authorization of the Town Manager or Town Council, the Town may make other optional group insurance plans available to employees at the employee's expense.

Section 9. Retirement Benefits

The Town provides a general retirement plan to help eligible employees achieve future financial security at retirement or permanent disability and to provide financial benefit to an employee's designated beneficiary in the event of his or her death during active employment. The plan used is the North Carolina Local Government Employees' Retirement System (LGERS).

Each employee who is expected to work for the Town more than 1,000 hours annually, or such other amount which triggers a requirement to participate in LGERS, shall, as a condition of employment, enroll as a participant with LGERS on the first day of employment and contribute such amounts as are required by the plan. For such employees participating in LGERS, the Town shall likewise make such contributions as are required by the plan.

Should the Town employ any other individual who is actively receiving retirement benefits under LGERS, continued eligibility to receive retirement benefits is subject to LGERS rules and regulations. It is noted that the Town may employ retired law enforcement officers in a public safety position in a capacity not requiring participation in the LGERS and doing so shall not cause payment to cease to those officers under these benefits.

Section 10. Optional Deferred Compensation Benefits

The Town offers participation in 401(k) and/or 457(b) deferred compensation plans to full-time and part-time employees beginning on the first day of employment through payroll deduction, subject to certain plan eligibility requirements. The Town's matching contributions are based on a percentage of salary as designated by Town Council and subject to appropriation within each annual budget. See **Section 12** concerning law enforcement officers.

Section 11. Death Benefit

The Town does participate in the death benefits offered through the Local Government Employees' Retirement System. The eligibility for and payout of this benefit will be based on the rules and regulations established by the Local Government Employees' Retirement System.

TOWN OF WEAVERVILLE PERSONNEL POLICY

Section 12. Additional Benefits Pertaining to Law Enforcement Officers

- (a) Every sworn law enforcement officer, as defined by N.C. Gen. Stat. §128-21(11d) or N.C. Gen. Stat. §143-166.50, shall be eligible for a separation allowance as provided by N.C. Gen. Stat. §143-166.42, in the amount specified in N.C. Gen. Stat. §143-166.41(a). Eligibility and continuation of these benefits are limited to what is statutorily request and subject to those statutory provisions.
- (b) Each law enforcement officer shall receive 401(k) benefits as prescribed by North Carolina law beginning on the first day of employment.
- (c) As provided in N.C. Gen. Stat § 143-166.50, all law enforcement officers shall automatically become a member of the Supplemental Retirement Income Plan on the date of hire and qualifying members shall be entitled to all benefits set out in such plan.

Section 13. Tuition Assistance Program

It is the policy of the Town to support employees' efforts toward continuing education which is job-related or career-related and which is attended during employees' non-working hours.

- (a) **Request for Assistance** - Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of Town Manager, subject to appropriation and availability of funds.
- (b) **Maximum Contribution** - Employees may be reimbursed up to \$1000 per semester with a maximum of \$2,000 per fiscal year for eligible expenses. Tuition, registration, books and other materials, fees, laboratory fees, and student fees are eligible expenses. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of Town Manager, subject to appropriation and availability of funds.
- (c) **Continued Employment Requirement** – The Town expects employees to remain employed by the Town for a period of at least one year after the successful completion of a course as a condition of reimbursement by the Town for eligible educational expenses. If such employee voluntarily resigns from service with the Town within one year from the date of the course completion the employee shall reimburse the Town for the financial contribution made for tuition assistance. If the employee fails to reimburse the Town prior to such employee's last day of employment, the authorization on the Request for Tuition Reimbursement form

TOWN OF WEAVERVILLE PERSONNEL POLICY

dependencies. Employees should contact the Human Resources Officer for more information.

Section 16. Employee Suggestion Program

The Town has established an Employee Suggestion Program as a means to encourage Town staff to find or develop strategies to increase positive community impacts and/or cost-savings to the Town. All employees are eligible to participate in this program, except for the Town Manager, Town Attorney, and Department Heads, and recipients must be approved by Town Council.

Section 17. Employee Incentive Program

The Town Manager is authorized to establish an Employee Incentive Program as a means to support employee recruitment and retention efforts. The monetary amount available for such program in any given year shall not exceed the adopted budget for such purpose. The Town Manager can determine eligibility and qualifications for participation in any Employee Incentive Program adopted under this authority; provided, however, that the Town Manager and Town Attorney are not eligible to participate .

TOWN OF WEAVERVILLE PERSONNEL POLICY

Article XV. Grievance Policy and Procedure and Adverse Employment Action Appeal Procedure

Section 1. Policy

It is the policy of the Town to provide a timely, equitable and orderly process for the presentation, consideration, and disposition of employee grievances and adverse employment action appeals. The purpose of this Article is to outline the procedures and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Section 2. Applicability

This policy applies to all regular full-time and regular part-time employees who have more than 6 months of service with the Town of Weaverville. Employees in the new hire probationary period, Department Heads, the Town Manager, and the Town Attorney are not covered under this policy and are not provided with the right to present a formal grievance under this policy.

Section 3. Definitions

Adverse employment action – An action or course or pattern of conduct that, taken as a whole, materially and adversely affects an employee. Examples include, but are not limited to, demotion or significantly diminished material responsibilities, loss of job title or classification, loss of training opportunities, reduction in pay, transfer, reduction in force, material loss of benefits, dismissal or other disciplinary action, failure to hire or promote.

Grievance – A grievance is a claim or complaint by a current or a former employee based upon an event or condition which materially affects the employee's ability to carry out the duties and responsibilities of employment with the Town.

Supervisor – For purposes of this policy a supervisor is any employee that directly manages the aggrieved employee and may be a Department Head or the Town Manager.

Section 3. Purposes of the Grievance Procedure

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

- (a) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- (b) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- (c) Promoting better understanding of policies, practices, and procedures which affect employees;
- (d) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- (e) Increasing the sense of responsibility exercised by supervisors in dealing with their employees;

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- (f) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- (g) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Informal Resolution

Employees are encouraged to meet with appropriate levels of leadership within their department on topics of concern and seek to resolve matters informally. The Town has also enacted an open door policy (see Article IX) which encourages open communication, feedback, and discussion on any matter of importance to an employee and makes the Town Manager and all department heads, even those outside of an employee's own department, available for that purpose.

Section 5. Formal Grievance Procedure

When an employee has a grievance that they wish to pursue formally, the successive steps outlined in this section are to be taken unless otherwise provided.

The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The Human Resources Officer shall determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

The last step initiated by an employee shall be considered to be the step at which the grievance is resolved or otherwise abandoned by the aggrieved employee.

(a) Filing a Grievance –

To begin the formal grievance process an employee must provide written notice to the employee's supervisor or to the Human Resources Officer within 10 days of the action giving rise to the grievance or within 10 days of the employee receiving notice of an action or learning of the event or condition that gives rise to the grievance. The writing must state what is being grieved and the outcome that the employee desires.

If the employee's supervisor is the subject of the grievance or was significantly involved in informal grievance discussions, the employee can choose to begin the formal grievance process at Step 2. If the relevant supervisor is a Department Head, then the formal resolution process can start at Step 2 or Step 3, whichever is most appropriate under the circumstances.

Grievances against the Town Manager should be presented to the Mayor or Town Attorney, grievances against the Town Attorney should be presented to the Mayor or Town Manager, grievances against the Mayor should be presented to the Town

TOWN OF WEAVERVILLE PERSONNEL POLICY

Attorney, grievances against any member of Town Council other than the Mayor should be presented to the Mayor or Town Attorney, and in all situations the matter should be heard as expeditiously as possible. The Mayor and/or Town Attorney shall notify the Town Manager of any grievance filed by an employee and the outcome of same.

(b) Conducting a Grievance Review –

Supervisors and others presented with a grievance should, and are encouraged to, consult with the aggrieved employee and other employees of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted is expected to cooperate to the fullest extent possible.

Meetings with aggrieved employees pertaining to a formal grievance should include a witness and the Human Resources Officer can serve as such witness if requested. The witness should take notes of the meeting including date, time, persons in attendance, materials presented, and matters discussed.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Town Manager and Human Resources Officer.

Step 1 (Supervisor) – The supervisor shall review the grievance and respond to the grievance within 10 calendar days after receipt of the grievance. The response shall be in writing and shall state the determination made by the supervisor.

Step 2 (Department Head) – If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate Department Head within 10 calendar days after receipt of the response from Step 1. The Department Head shall review the appeal and/or grievance which begins at this step and respond to the same within 10 calendar days after receipt of the grievance or appeal. The response shall be in writing and shall state the determination made by the Department Head.

Step 3 (Town Manager) – If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the Town Manager within 10 calendar days after receipt of the response from Step 2. The Town Manager shall review the appeal and/or grievance which begins at this step and respond to the same within 10 calendar days after receipt of the grievance or appeal. The response shall be in writing and shall state the determination made by the Town Manager.

A decision to rescind a disciplinary suspension or demotion must be approved by the Department Head or Town Manager and rescinding dismissal must be approved by the Town Manager before the decision becomes effective.

TOWN OF WEAVERVILLE PERSONNEL POLICY

Section 6. Adverse Employment Action Appeal Procedure

When an employee wishes to appeal an adverse employment action involving anything other than dismissal, such as denied promotions, demotions, or other disciplinary action taken by anyone other than the Town Manager, the employee shall use the steps outlined in Section 5 above, starting at the level or step involving the person that has made the decision that is being appealed. The grievance must be presented within 10 calendar days of learning of the action that is the subject of the grievance.

When an employee wishes to appeal an adverse employment action involving dismissal or any other adverse employment action taken by the Town Manager, the employee has the right to appeal directly to the Town Manager and begin at Step 3 of the procedure outlined in Section 5 above. The employee has 10 calendar days from the date of the letter of dismissal or other action in which to submit an appeal.

When an employee, former employee, or applicant, believes that an adverse employment action involves illegal discrimination (i.e. is based on age, sex, race, color, religious beliefs, non-disqualifying disability, national origin, ethnicity, sexual orientation, gender identity, political affiliation, or marital status), he or she has the right to appeal such action using the grievance procedure outlined in Section 5 of this Article XV. While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Town Manager. An employee or applicant should appeal an alleged act of discrimination within 30 calendar days of the alleged discriminatory action, but may appeal for up to 6 months following the action.

Section 7. Involvement of Neutral Parties

Where the Town Manager has been significantly involved in the matter or taken disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either: (1) provide mediation between the grieving employee, the Department Head and/or the Town Manager [see Section 8]; or (2) consider an appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation. In all cases the Town Manager's decision shall be the final decision. The Town Manager shall notify the Mayor and Town Council of any impending legal action.

Section 8. Mediation

Mediation is the process whereby a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings. Mediation can be used during an informal or formal grievance when mutually agreed upon by all participants to the grievance and upon approval of the Town Manager. The Town Manager may consider the nature and scope of the grievance and the anticipated cost of mediation services in determining whether or not to approve mediation as part of a grievance.

TOWN OF WEAVERVILLE PERSONNEL POLICY

Section 9. Decision of Town Manager is Final

In all cases the Town Manager's decision shall be the final decision.

Section 10. Role of the Human Resources Officer

For the purposes of this Article the Human Resources Officer cannot be the Town Manager. Throughout the grievance procedure, the roles of the Human Resources Officer shall be as follows:

- (a) To advise parties (including employee, supervisors, Department Heads, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- (b) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
- (c) To give notices to parties concerning timetables of the process, etc.;
- (d) To serve as a witness to any grievance related meetings, if requested, and to take notes of such meeting;
- (e) To determine whether or not additional time shall be granted when the parties cannot agree to an extension;
- (f) To assist employees and supervisors in drafting statements;
- (g) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- (h) To help locate mediation or other resources as needed.

Section 11. No Retaliation

It is contrary to the values of the Town for anyone to retaliate against anyone who in good faith seeks to resolve a grievance. The Town prohibits any official or employee from taking action against another employee who in good faith files a grievance or adverse employment action appeal, and specifically prohibits retaliation against the employee, dismissal of the employee, threatening the employee in any way, or otherwise discriminating against the employee regarding his or her compensation or the terms, conditions or privileges of his or her employment.

An employee who retaliates against someone who has in good faith seeks a resolution of a grievance, either informally or formally, is subject to disciplinary action up to and including dismissal.

[END OF PERSONNEL POLICY]

Town of Weaverville
Town Council Agenda Item

Date of Meeting: December 18, 2023
Subject: Public Works & Water Department Quarterly Report
Presenter: Dale Pennell, Public Works Director
Attachments: Quarterly Report (September 2023 – November 2023)

Description:

Attached please find the quarterly report from the Public Works Department including the Water Department.

Action Requested: None.

TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET

SEPTEMBER 2023 - NOVEMBER 2023

WATER MAINTENANCE DIVISION:

	Sep-23	Oct-23	Nov-23	3 month average
Water Leaks Repaired	4	1	1	2
New Water Taps	5	5	4	5
Total Active Water Meters	3,258	3,259	3,247	3255
Water Quality Complaints	1	0	0	0
Meter Re-Read Service Calls	50	45	67	54
General Service Calls	94	119	99	104
Water Door Tags Delivered	30	29	29	29
Water Line Locate Utility Service Calls (811)	117	149	130	132
Reservoir-Pump Station Site Checks	16	18	18	17
Water Line Construction Inspections:				
Greenwood Park (75%)				
Chapel Crossing (5%)				

WATER PRODUCTION DIVISION:

(Gallons per month)

1A. Raw water pumped from river to Water Treatment Plant

(daily average vs. 1.5 MGD plant capacity)

1B. Raw water used at the WTP

1C. Finished water Produced at WTP

2. Water Purchased from Mars Hill

A1. TOTAL WATER PRODUCTION (1.C. + 2)

3. Finish Water used at WTP

A2. TOTAL WATER AVAILABLE FOR SALES

B. TOTAL METERED FOR BILLING

C. Metered, Non-Metered & Non-Billed Use by Town

D. Total Accounted For Water (3 + B + C)

E. TOTAL UNACCOUNTED (A1-D)

F. MONTHLY UNACCOUNTED WATER (E/A1x100)

	Sep-23	Oct-23	Nov-23	3 month average
	22,363,000	22,785,000	22,046,000	22,398,000
50%		49%	49%	50%
	1,502,000	1,583,000	1,479,000	1,521,333
	20,861,000	21,202,000	20,567,000	20,876,667
	0	0	0	0
	20,861,000	21,202,000	20,567,000	20,876,667
	1,250,996	763,272	734,867	916,378
	19,610,004	20,438,728	19,832,133	19,960,288
	16,612,100	16,584,200	17,890,600	17,028,967
	1,048,700	2,061,400	474,000	1,194,700
	18,911,796	19,408,872	19,099,467	19,140,045
	1,949,204	1,793,128	1,467,533	1,736,622
9.3%		8.5%	7.1%	8.3%

WATER CAPACITY VS PRODUCTION:

(Gallons per day)

Water Plant Design Capacity

Average Daily Production

Total Water Production (A1 above) / 30 days in month

AVERAGE USE RELATIVE TO DESIGN CAPACITY

Current Water Commitments for future development

MONTHLY USAGE & FUTURE USAGE VS 1,500,00 GPD

Sep-23	Oct-23	Nov-23	3 month average
1,500,000	1,500,000	1,500,000	1,500,000
695,367	706,733	685,567	695,889
46.4%	47.1%	45.7%	46.4%
442,974	442,974	719,074	535,007
75.9%	76.6%	93.6%	82.1%

STREETS DIVISION:

103

Street/Sidewalk/Drainage /Sign Repairs Completed

Roads paved

Sep-23	Oct-23	Nov-23	3 month average
9	9	7	8
0	0	2	1

GROUNDS MAINTENANCE DIVISION:

Special Projects/Repairs Completed

Sep-23	Oct-23	Nov-23	3 month average
3	5	7	5

STORMWATER MANAGEMENT DIVISION:

Storm drain pipes/structures cleaned or replaced

Miles of curbs and streets sweeping

Sep-23	Oct-23	Nov-23	3 month average
3	0	21	8
4.6	14.4	0	6

SANITATION DIVISION:

	Sep-23	Oct-23	Nov-23	3 month average
Residential Collection Points	2257	2259	2259	2258
Monthly Residential Collections (4/month)	9028	9036	9036	9033
Business Pick Ups	80	80	80	80
Business Pick Ups (4/month)	320	320	320	320
Residential Set-Outs	107	107	107	107
Residential Set-Outs (4/month)	428	428	428	428
TOTAL points picked up per month	9776	9784	9784	9781
Total Tons to Landfill	114.73	129.20	126.58	123.50
Average Pounds Per Collection Point (per week)	23.5	26.4	25.9	25.3
Cubic Yards - Yard Debris	45	49.5	63.0	52.5
Cubic Yards - Brush Chipped	192.5	115.5	121.0	143.0
Cubic Yards - Leaf Collection	0	360.5	647.5	336

MISC

1. Eagle Scout Hayden Guilfoyle from BSA Troop 15 renovated all the benches at Lake Louise Park in October.
2. The FY 23-24 Paving Project has begun, with Wildwood Knoll and Wildwood Park paved in November and concrete drives & Handicap ramps being replaced on Roberts Street and Alabama Avenue in November; paving may be postponed on Alabama Avenue, Central Avenue, Birkdale Avenue, Courseview Drive, Roberts Street, Twin Courts Drive, Preston Court, and Central Avenue Extension until spring due to cold weather.
3. Construction on Recreation Complex is underway with a mid-December completion; construction on playground equipment is 99% complete.
4. Work has begun on the Water Line Replacement Project, with selection of a consultant and identification of water lines in the Stoney Knob and Boyds Chapel area for replacement.

TOWN OF WEAVERVILLE - PUBLIC WORKS DEPARTMENT - WATER COMMITMENTS

Prepared by:

Dale Pennell, Public Works Director

REVISED 12-11-2023

Water Line Status (commitment expiration date)	Project with current commitment	Address	Description	Number of Units	Gallons per Connection (GPD)	Projected Demand per NCDEQ standards (GPD)	Estimated Demand at 100 GPD/apt and 100 GPD/home
1) Construction (8/31/2024)	Clarks Chapel Subdivision	601 Clarks Chapel Road	13 homes	13	400	5,200	1,300
2) Construction (3/8/2024)	Greenwood Park	Union Chapel Road	73 homes	73	400	29,200	7,300
3) Construction (5/24/2024)	9 Pleasant Grove Townhouses	9 Pleasant Grove Road	40 townhouses	40	400	16,000	4,000
4) Construction (3/6/2024)	18-18-20 Garrison	Garrison Branch Road	3 commercial buildings	1	14824	14,824	3,706
5) Pending (5/15/2024)	Ollie Weaver Apartments	60 Ollie Weaver Road	202 apartments + clubhouse	202	200-400	55,600	13,900
6) Pending (10/5/2024)	Monticello Family Apartments	171 Monticello Road	7 buildings + clubhouse	156	108@300 + 60@400	56,600	14,150
7) Pending (2/9/2024)	480 Reems Creek Townhouses	480 Reems Creek Road	139 townhouses + clubhouse	139	400	55,600	13,900
8) Pending (10/26/2023)	Windsor Build	300 Hamburg Mtn Road	35 homes	35	400	14,000	3,500
9) Pending (n/a)	Pleasant Grove (Fox Property)	6 Pleasant Grove Road	50 townhouses	50	400	20,000	5,000
10) Pending (n/a)	Northridge Farms	601 Clarks Chapel Road	568 homes, condos, apts	568	400	227,200	56,800
11) Pending (n/a)	Cole Road Apartments	75 Cole Road	200 apartments	200	400	80,000	20,000
			Subtotal Current Projects			574,224	143,556
on-going	Existing meter sets w/o meters			149	250	37,250	9,313
on-going	Projected inside-town vacant land development per zoning (rev 8/27/2020)			246	400	98,400	24,600
on-going	Projected Outside-town-limit individual residential units			23	400	9,200	2,300
			12) Subtotal On-going Projections			144,850	36,213
			Total Outstanding Commitments			719,074	179,769
SUMMARY OF PROJECTED WATER DEMANDS (GPD)							
Average metered and unmetered town usage per day	Average Unaccounted-for daily water	Outstanding Commitments	Mars Hill agreement for emergency water (see note 3 below)	Current usage and commitment	WTP Capacity and permitted withdrawal	Current % of WTP used or committed	Notes
Sept 2023 - Nov 2023	Sept 2023 - Nov 2023	(as of Dec 11, 2023)	(approved Nov. 15, 2022)				
638,001	57,889	719,074	0	1,414,964	1,500,000		94.33% see note 1 below
638,001	57,889	179,769	0	875,659	1,500,000		58.38% see note 2 below
Outstanding Wtr Commitments 12-11-2023							
	Note 1. Chart uses only September - November usage data and NCDEQ projected flow for future commitments. Note 2. Chart uses only September - November usage data with estimated actual demand for future commitments. Note 3. Projections do not include any future flow to the Town of Mars Hill (estimated 200,000 GPD).						