

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 connectively. 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