



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, January 22, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, January 22, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Dale Pennell.

1. Call to Order

Mayor Root called the meeting to order at 7:02 p.m.

2. Public Hearing: Code Amendments regarding Food Trucks CANCELLED

Mayor Root noted that the Public Hearing on Code Amendments regarding Food Trucks has been cancelled.

3. Public Hearing: Proposed Zoning Map Amendment for Weaverville Condos

Councilman Nagle made the motion to enter into Public Hearing; Councilman Fitzsimmons seconded and all voted in favor of opening the Public Hearing.

Town Planner James Eller mentioned that the Town has received a zoning map amendment application from HFW Endeavors requesting that the zoning of the three adjacent parcels of land (PIN 9733-70-0398, 9733-70-0050, and 9732-79-2660) be changed to R-12. The Town's Planning and Zoning Board has reviewed the application for zoning map amendment and voted to forward a favorable recommendation, via a 3-2 vote, to Town Council on the R-12 zoning designation for the three parcels. Town Planner Eller noted that this Public Hearing was noticed in the newspaper on January 1, 2018 and January 18, 2018.

Warren Suggs, Civil Design Concepts, mentioned that he is available to answer any questions that Town Council may have and can go into as much detail as they would prefer. They are just requesting a rezoning tonight. Owner and developer, Ken Jackson is available and here for questions as well.

Councilwoman Sherrill made the motion to close the Public Hearing; Councilman Jackson seconded and all voted in favor of closing the Public Hearing.

4. Approval/Adjustments to the Agenda

Mayor Al Root made the public aware that agendas for Town Council meetings are posted on the Town's website 72 hours before each meeting.

Councilman Jackson asked Town Manager Selena Coffey if she would mention the steps for finding the Town Council minutes and agendas on the new website, and if possible put them on the front page. He also asked her if the Town could put the new garbage pick-up date for snow days and holidays up on the front page too.

Town Manager Selena Coffey mentioned that to get to the agendas and minutes from the homepage of the website you will scroll over the Governing tab, then scroll over the Mayor and Town Council tab, and then click the Town Council Agenda/Minutes tab on the side. Town Manager Coffey also mentioned that we can put the agendas on the front page 72 hours before the meetings too.

Mayor Al Root asked Council for consent to move Consent Agenda item 7c (Setting Public Hearing on Zoning Text Amendment on Initial Consideration by Town Council) to Action Item 9g.

Town Manager Selena Coffey asked Council to move Consent Agenda item 7e (Final Plat Approval: The Hamlet – Phase 1 – Portions of Reems Creek) to Action Item 9h. She mentioned that there was a duplication in the agenda packet and not all the information was included for the final plat approval, so some documents were distributed to Town Council.

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

5. Community and/or Employee Recognition

Town Manager Selena Coffey introduced to the public the two new Town of Weaverville department heads, Public Works Director Dale Pennell and Police Chief Alan Wyatt.

- Dale Pennell is a professional engineer, who has worked for the Town of Weaverville as an external engineering position for a number of years. He has also worked for the City of Asheville and in the private sector working for the public. Mr. Pennell recently worked for the Town as the Street improvement engineer.
- Police Chief Alan Wyatt has worked for the Weaverville Police Department for 15 years, serving recently Assistant Police Chief and as Detective under former Police Chief Greg Stephens. Chief Wyatt has an advanced certificate in law enforcement and has previously worked for Mars Hill and Mars Hill College.

Town Manager Selena Coffey offered both of them a warm public welcome and thanked them for being members of the Town of Weaverville.

6. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from December 12, 2017 Town Council Workshop and December 18, 2017 Town Council meeting as presented. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.

7. Consent Agenda

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

A. Monthly Tax Report – Information Only

B. Tax Refunds and Releases – Approved three tax releases from 2017 levy and one tax refund.

C. Final Plat Approval: Greenwood Park Phase I – Approval of Final Plat for Greenwood Park Phase I

8. General Public Comments:

Public comments were received as follows:

Aileen Fleming, 440 Kyfields, commented that three new homes were built at the end entrance to Kyfields and a large motorhome has been parked on the corner lot at Salem road and Kyfields drive, which is obstructing drivers view from oncoming and right away traffic, making it difficult and unsafe to enter into Kyfields.

9. Discussion and Action Items

A. Action regarding Proposed Zoning Map Amendment: Weaverville Condos

Mayor Al Root asked Council what action they would like to take, since they just held the Public Hearing for the proposed Zoning Map Amendment on the Weaverville Condos project and there is an Ordinance drafted.

Town Planner James Eller mentioned that he was available for any questions from Town Council.

Councilman Nagle mentioned that he has no issue with changing the Zoning Map. He knows that they are building 50 units, but under the zoning district they are permitted to do about 102 units.

Councilman Jackson made a motion to accept the Zoning Map Amendment to rezone PIN 9733-70-0398, 9733-70-0050, and 9732-79-2660 to R-12 as requested and adopt the Ordinance as presented. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

B. Planning Department Report

Town Planner James Eller presented the Planning Departments Fourth Quarter and Year-end reports. The quarterly and year-end reports are attached.

C. Finance Departmental Report

Finance Officer Tonya Dozier presented the Finance Departments Revenue Expenditure Report from July 2017 – December 2017. She mentioned that this report helps reflect where the Town is with their yearly budget and the Town of Weaverville is in great financial shape. The first section reflects the revenue and the negative numbers are a good thing. Some of these items will come in at different times of the year so it is hard to judge like taxes. The second section reflects the expenditures by each department. The reports are attached.

D. Budget Amendment

Finance Officer Tonya Dozier mentioned that with the retirement of the Town's Police Chief, there were a few expenditures that arose that were not accounted for in the current year's budget. These expenses consist of separation allowance, FICA, retirement, 401K match and vacation payouts.

Mayor Al Root questioned if this was triggered by the state statute about \$100,000 thresholds. Town Manager Selena Coffey mentioned that back in 2014 there was a law enacted that employees who make over \$100,000 are a big expenditures within the retirement system. The State usually sends a notice out to notify you about increasing contributions to the system, but the Town was never notified so we have to handle these finances now. Town Manager Selena Coffey did inform Council that the Town has not received any notification yet about the other retired employee so we might be dealing with that soon as well.

Town Attorney Jennifer Jackson mentioned that annual wages over \$100,000 get flagged. The law is to help prevent intentional spiking of salaries to boost your retirement benefits. The Town just has to pay what the State calculates the annuity would be to payout the individual.

Town Manager Selena Coffey mentioned that there is a contingency account that the Town usually places \$15,000 into during the budget. She recommended that Council's seating arrangement is not the safest and she has gotten some quotes to invest in some new furniture.

Councilwoman Sherrill made a motion to accept the budget amendments as proposed . Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.

E. Waterline Extension & Allocation Request: Weaverville Condos

Public Works Director Dale Pennell discussed that the Town has received a waterline extension and allocation request from Civil Design Concepts for their Weaverville Condo project of 50 units. This project will be served by waterline extensions from the 12” town water lines. The allocation request is for 20,000 GPD with peak demand of 100 GPM and will include fire protection. This demand will account for 1.5% of the current available water at the water treatment plant. Public Works Director Pennell is requesting that Town Council accept the allocation request and waterline extension and related improvements into the Town’s water system.

Warren Sugg, Engineer for Civil Design Concepts, commented that this will be a for sale, single family type of development. The project consists of around 50 units, all three-bedroom townhomes with fire protection. There are waterlines close to the property and sewer has been accepted for the property.

Councilman Nagle made a motion to accept the water allocation request and waterline extension and related improvements into the Town’s water system. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

F. Authorization to Execute Consulting Agreement with Withers-Ravenel-Martin

Town Manager Selena Coffey mentioned that as Town Council will recall, Dennie Martin was in attendance at Town Council’s October 2017 workshop to speak to Council about the potential options for a water treatment plant expansion. As shown on the agreement, the scope of services proposed is to provide a preliminary engineering report that will compliment and take care of the issues that weren’t in the initial McGill study. It will take an in depth look at the alternative analysis, which has to be completed because of state law. Town Manager Selena Coffey reminded Council that there was \$7500 left over from the McGill study that she would like to use towards this contract which is \$8500. She recommended that Town Council authorize her to execute the agreement with Withers-Ravenel-Martin.

Councilman Jackson made a motion to authorize the Town Manager to execute the agreement with Withers-Ravenel-Martin as described and set forth within the agenda packet . Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

G. Set Public Hearing on Zoning Text Amendment on Initial Consideration by Town Council

Mayor Al Root commented that he would like to have Public Hearings prior to the 7 pm Town Council meetings. He did make Council aware that if the Public Hearing finishes early that they not dive into Town business before the meeting.

Town Attorney Jennifer Jackson mentioned that the Public Hearing tonight on the agenda was part of the regular meeting so there was no extra noticing for that. However, if you separate the Public Hearing outside of a regular meeting it becomes a special called meeting of Town Council, which the open meetings law requires noticing of and requires the Mayor or action of Council to call this meeting. Town Attorney Jackson noted that the Public Hearing for next meeting is scheduled for 7 pm on the Proposed Amendment of Code Related to Initial Town Council Review of Zoning Map and Text Amendments and the Mayor is trending towards scheduling this Public Hearing for 6:45 pm.

Councilman Jackson made a motion to set the Public Hearing for February 26, 2018 at 6:45 pm on a Proposed Amendment of Code Related Initial Town Council Review of a Proposed Zoning Map and Text Amendments . Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council.

H. Final Plat Approval: The Hamlet, Phase I – Portions of Reems Creek Village

Town Planner James Eller mentioned that the attached Major Subdivision Final Plat has been reviewed by the Fire Marshal, former Public Works Director Tony Laughter and himself and it has been found to comply with the Town's subdivision ordinance as it relates to major subdivisions. He is seeking approval of the final plat for The Hamlet Phase 1, a portion of Reems Creek Village.

Councilman Nagle made a motion to approve the final plat for The Hamlet Phase I. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

10. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including the new Town of Weaverville website is online and running now; the Administration Department held the first session of the 2018 Citizens Academy on Thursday, January 18; she will be in Winston Salem from Jan.31 - Feb.2, 2018 for the N.C. City-County Managers Association Seminar; there is a Council Retreat scheduled for Saturday, Feb. 3 at 9 am in the Town Hall, and the Town is beginning the process for receiving proposals for the annual audit.

Town Manager Selena Coffey also discussed the draft budget calendar with Town Council that was on the agenda. Town Council decided to schedule their Budget Workshops for March 13 at 6pm, April 23 at 6pm, and May 8 at 6pm. They noted that another workshop can be scheduled later if need be. This budget calendar is attached.

11. Closed Session

Councilman Fitzsimmons made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and public body, and N.C. Gen. Stat. § 143-318.11(a) (5) to establish, or to instruct staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property. Councilwoman Sherrill seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

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

12. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council's meeting at 9:20 p.m.


Derek K. Huninghake, Town Clerk

**ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF WEAVERVILLE**

WHEREAS, HFW Endeavors is the owner of three adjacent parcels of land under common ownership bearing parcel identification numbers 9733-70-1422, 9733-70-0050, and 9732-79-2660, and which are designated as three separate zoning districts (R-3, C-2, and I-1);;

WHEREAS, the Town is in receipt of a zoning map amendment application submitted by HFW Endeavors requesting that the zoning of the three adjacent parcels of land be changed to R-12;

WHEREAS, on January 2, 2018, the Town's Planning and Zoning Board reviewed the application for zoning map amendment and voted unanimously to forward a favorable recommendation on an R-12 zoning designation for the three parcels;

WHEREAS, the Planning and Zoning Board specifically review the application in light of the Town's Comprehensive Land Use Plan and found that an R-12 zoning designation is consistent with the plan in that multi-family residential is contemplated in the area in which the applicant's properties are located;

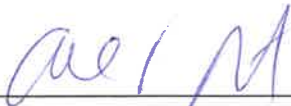
WHEREAS, after proper notice the Town Council held a public hearing on January 22, 2018, in order to receive input from the public on these proposed amendments;

WHEREAS, we find that the zoning map amendment as requested does not conflict with the Town's Comprehensive Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville, North Carolina, that the following parcels be zoned R-12 and that the Town's official zoning map be updated to reflect the as follows: 9733-70-1422, 9733-70-0050, and 9732-79-2660.

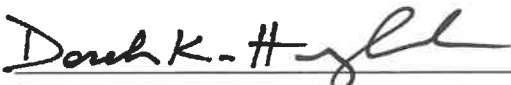
1. These amendments shall be effective immediately upon adoption.

ADOPTED THIS the 22nd day of January, 2018, by a vote of 4 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTD BY:



DEREK HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

Budget Amendment

Town of Weaverville

What expense accounts are to be increased?

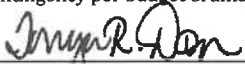
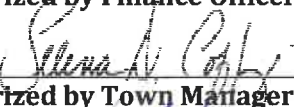
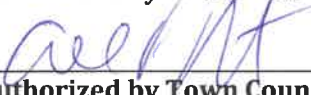
Account	Account Description	Transfer Amount
<u>010-430-431-12100</u>	<u>Police Dept - Salaries & Wages</u>	<u>\$10,589.00</u>
<u>010-430-431-18200</u>	<u>Police Dept - Retirement</u>	<u>\$41,739.83</u>
<u>010-430-431-12500</u>	<u>Police Dept - Separation Allowance</u>	<u>\$13,263.42</u>
<u>010-430-431-18100</u>	<u>Police Dept - FICA</u>	<u>\$2,687.73</u>
<u>010-430-431-18210</u>	<u>Police Dept - 401(K) Match</u>	<u>\$1,093.52</u>
<u>010-410-412-50500</u>	<u>Administration - Capital Equip.</u>	<u>\$15,000.00</u>

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

Account	Account Description	Transfer Amount
<u>010-004-310-09900</u>	<u>Appropriated Fund Balance</u>	<u>\$69,373.50</u>
<u>010-005-999-90000</u>	<u>General Fund - Contingency</u>	<u>\$15,000.00</u>
<u> </u>	<u> </u>	<u> </u>
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Justification: Please provide a brief justification for this budget amendment.

Funds special separation allowance, accumulated vacation payout and contribution-based benefit paid to the N.C. Retirement System for retired police chief with appropriated fund balance. Funds installation of acoustical panels and replacement council dias from contingency per budget ordinance directive.

<u></u>	<u>1/18/2018</u>
Authorized by Finance Officer	Date
<u></u>	<u>1/18/2018</u>
Authorized by Town Manager	Date
<u></u>	<u>1/22/2018</u>
Authorized by Town Council (if applicable)	Date

Budget Ordinance Section 5:

- He/she may transfer amounts between line items, expenditures and revenues, within a department without limitation and without a report being required.*
- He/she may transfer amounts up to \$5,000 between departments within any one division, including contingency appropriations, within the same fund during any month. For the purpose of this ordinance, the Town of Weaverville has the following divisions: Public Works, Public Safety, and General Government. The Budget Officer must make an official report on such transfers at the next regular meeting of the Governing Board. Transfers between divisions would require action of the Governing Board.*
- He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.*



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Saturday, February 3, 2018**

The Town Council for the Town of Weaverville met for a special called meeting and retreat on Saturday, February 3, 2018, at 9:00 a.m. within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Dale Pennell.

Citizens in Attendance: Doug Dearth, Earl Valois and Sylvia Valois

1. Call to Order

Mayor Root called the meeting to order at 9:00 a.m.

2. Introduction

Mayor Root welcomed everyone to the Council retreat and discussed some minutes that Town Manager Selena Coffey had found from a Council retreat five years ago. In those minutes, Council discusses initiating contact with Mars Hill about water issues and regional approaches, and early discussion about the UDO that was on the horizon. Two things he took away from these minutes were how easy it is to talk about things and never follow up on them and the importance in prioritizing. He wants Council to try and be careful with prioritizing and stay on topic and take advantage of all this valuable time.

Town Manager Selena Coffey started off by thanking staff for setting up the room and organizing the food, and then introduced Justin Hembree, Executive Director of Land of Sky Regional Council. She has known Mr. Hembree for a long time and worked with him in Henderson County on strategic planning. Town Manager Coffey mentioned how fortunate the Town was to have a Council of government that has been very helpful in the master plan for Parks and Recreation.

Mr. Hembree thanked Council for allowing Land of Sky and him to facilitate the retreat. He will be facilitating conversation and keeping the retreat moving along by asking the right questions but wants Council to remember that this is their retreat so they can take it in any direction that the discussion may follow.

3. Overview

Mr. Hembree mentioned that the main purpose of today was for Town Council to work on strategic planning. In doing this, they will develop an approach to go back and discuss values, develop a vision for a certain period of time and SET PRIORITIES. Today through facilitated discussion, Council will develop a consensus on the main priorities for the Town of Weaverville now and in the future, and what needs to be focused on in the short term and long term. He did mention that long term strategic planning is really important, but due to elections in local

government priorities change so setting a short term priority checklist is very helpful in achieving long term expectations.

Councilman Nagle mentioned that he struggles with the cycle that every two years there is an election and the chances of staying the same are limited. He was very interested to hear how you become successful with such a short window because of elections, so everything needs to be done before change.

Councilman Jackson commented that he remembered the retreat five years ago and the Town hired a consultant to guide the meeting, but due to political differences it didn't work out. He believes that if you have a vision, don't try to bring everything along at one time. Also, citizen involvement is severely crucial with developing a vision for the Town because Council members often change so they are the ones that give the direction of the town.

Mayor Root mentioned that you can't entirely void long term goals because you have to have something that you're working towards. He agrees that the Town needs to get the community more involved and aware of what is going on with the Town of Weaverville.

Earl Valois commented that anytime you add any kind of occupancy, business or apartment complex it will have adverse effects. The main focus as a city should be critical infrastructure and key resources. There are model codes for streets and how to maintain them. We need to have a master plan for 20 years and prepare for any issues that may arise like how new occupancy will affect the departments infrastructure.

4. Envisioning the "perfect" Town of Weaverville in 3-5 years and 20 years

Town Council was tasked with writing down what they envisioned to be the "perfect" Town of Weaverville in 3 to 5 years (short term) and 20 plus years (long term). Some of the main items discussed by Council in short term were to keep the Town's current charm, coordinate and cooperate with neighboring jurisdictions on land use, plan for the growth and resolve access to 240. The main items mentioned in long term were to have a balanced community and land uses, adequate infrastructure and services, housing for all income levels, vibrant parks and a vibrant entrepreneurial atmosphere. The complete list of all the main focuses in short term and long term is attached.

5. Current Plans

Councilman Jackson noted that there are a couple longer term priorities in the works right now at different stages. Currently, the Town is the process of having a study conducted to help address the expansion of the Water Treatment Plant, and will need involvement from the community over the next 10 to 15 years. The Town is also in the early process of developing a new community center, which the community can identify more with and be more involved.

Councilman Nagle commented that the first four items on the short term list are already in the works or exist being that Town has contributed to the Greenway Connect this year, there are housing developments being established, Lake Louise Community Center and we already have thriving businesses on Main St.

Mayor Root mentioned that there has already been a waterline extended to Mars Hill so there is that opportunity for future growth.

6. Challenges/ Obstacles

Each Council member discussed the main challenge or obstacle they see to achieving the perfect Weaverville.

Councilman Fitzsimmons mentioned that he believe state legislators are a big challenge to re-establishing ETJ.

Councilman Jackson added that the Town has small land area left. Look at voluntary annexation.

Councilman Nagle noted that the community having a stuck in the past attitude is a big challenge.

Councilwoman Sherrill thinks that the water/sewer availability is a very important.

Mayor Root commented that his main challenge would be unifying the North Buncombe County. It will require buy-ins by neighboring jurisdictions.

Other challenges that were mentioned were increasing infrastructure support (Police, Fire, and Public Works Department) as the Town grows, childcare and engaging with the younger demographic to get them more involved.

7. Strategic Plan

The main priorities that Town Council envisioned for a perfect Weaverville were to keep out small town character, build relationships with legislatives and local leaders, develop consensus for water growth so we stay consistent, expansion of WTP, re-establishing the ETJ and identify our best assets and capitalize on them. Here is a list of ways Council could achieve these priorities.

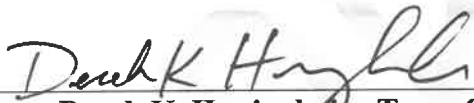
1. Create a statement/policy for annexation and utility extensions for water
2. Explore relationships with North Buncombe, MSD, General Assembly and Local Municipalities
3. Focus on the area that is available for growth and make sure it is to the Towns standards, not the County
4. Hold annual luncheon with local delegates
5. Encourage involvement from Town citizens for Council, boards and public input. Use advertisement through Town website, social media and newspapers. Set up tent at Music on Main to speak with residents about available board seats.

8. Next Steps

Town Council decided that the next steps for the Town will be to engage the public on this planning process, allow the department heads and key staff the opportunity to have input on the regional issues and addressed priorities, finalize the strategic plan and make sure they budget for the action steps needed.

9. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council's meeting at 2:30 p.m.



Derek K. Huninghake, Town Clerk

3 – 5 Years

- More thriving Main St. businesses
- Recreational opportunities
- Walkable community/greenways/ sidewalks
- Affordable housing/ good mix of housing opportunities
- Keep current charm
- Preserve and protect current infrastructures
- Bury utility lines
- Coordination/Cooperation with neighboring jurisdictions on land use - Nagle
- No more fast food
- Balance remaining land use (residential, commercial)
- Plan for growth –Idea of where it wants to grow and how much? Affordable house/quality?
- Movie Theater
- ETJ regulatory authority restored
- Lake Louise Comm. Center
- Access to 240 resolved

20 Years

- Balanced Community and Land Uses (residential, commercial, industrial)
- Traffic Choke Points with growth Local Transportation planning
- Maintain our gem of downtown Weaverville
- Community with diverse public facilities – parks, baseball fields, tennis courts, building friendly for citizens
- Housing for all income levels
- Businesses for different generations (childcare, nursing)
- Vibrant Parks
- Connected greenways
- Self-sustaining vibrant community with mix of young, old, long-term and new residents with a common bond of living in a safe space that meets their needs
- Annexation of surrounding areas
- Vibrant entrepreneurial atmosphere
- Adequate infrastructure/services
- To be the Town that people would hope to live or open businesses in



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, February 26, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, February 26, 2018, at 6:45 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

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

2. Public Hearing and Action on Proposed Amendment of Code Related to Initial Town Council Review of Proposed Zoning Map and Text Amendments

Councilwoman Sherrill made the motion to enter into public hearing; Councilman Penley seconded and all voted in favor of opening the public hearing.

Town Planner James Eller mentioned to Town Council that they are being asked to consider a revision to the Town Code, which calls for certain zoning text and map amendments to be first reviewed at the Planning Board level. Such amendments would only be applicable to a proposed change between two standards zoning districts such as R-1, R-2, R-3, R-12, C-1, C-2, and I-1. Right now, the law reads that any revision to the zoning code text or zoning map has to have an initial review before Town Council. This allows the governing board to let staff and the applicant know in advance their thoughts on the procedure. However, this particular arrangement is adding an extra month to the process with very little input. Most of the rezoning occurs between standard zoning districts so there doesn't need to be a lot of time for these. The proposed language now shows that Town Council would retain the initial consideration for conditional zoning districts and text amendments due to their broad scope and complexities.

Town Planner James Eller noted that these Public Hearings have been advertised in accordance to state statute and the Planning and Zoning Board have reviewed the language and passed along a unanimous recommendation in favor of the proposal.

Councilwoman Sherrill made the motion to close the public hearing; Councilman Nagle seconded and all voted in favor of closing the public hearing.

3. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 6:50 p.m.



Derek K. Huninghake, Town Clerk

APPROVED



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, February 26, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, February 26, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

Mayor Al Root called the meeting to order at 7:01 p.m.

2. Approval/Adjustments to the Agenda

Councilman Nagle asked to add Section 28-74 to the agenda, which discusses where parking is prohibited. Mayor Root mentioned to add this to the discussion and action items before the Police Department Report as item D2.

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

3. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from January 22, 2018 Town Council meeting as presented. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.

4. Consent Agenda

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

- A. Monthly Tax Report & Order to Advertise Tax Liens – Adopted the Order to Advertise Tax Liens**
- B. Schedule a Special-Called Meeting for March 19, 2018 at 6:15 pm for Public Hearings on Proposed Code Amendments – Scheduled Special-Called Meeting on March 19, 2018 at 6:15 pm to hold Public Hearings on Proposed Code Amendments**
- C. Set Public Hearing on Text Amendment related to Mobile Food Vendors for 6:30 pm on March 19, 2018 – Set Public Hearing for March 19, 2018 at 6:30 pm**
- D. Set a Public Hearing on Text Amendment for Additional Standards for Accessory Structures and Storage Containers for 6:15 pm on March 19, 2018 – Set Public Hearing for March 19, 2018 at 6:15 pm**

E. Board Appointments – Board of Adjustment Alternate – *Appointed Sylvia Valois as Zoning Board of Adjustment Alternate*

5. General Public Comment

Public comments were received as follows:

Earl Valois, 42 Loftin St., commented that he attended the Town Council Retreat earlier this month on February 3 and wasn't impressed. There wasn't a master plan or a 5 and 10 year strategic plan created, so he didn't think a lot got accomplished. He believes the Town is compliance focused and needs to go to more performance-based high leveled standards. Also, he has a problem with item 6D (Waterline Extension for Blue Ridge Hospitality Ventures, LLC) going from an 8 inch waterline to a 6 inch waterline and it has to be gritted, teed and looped. Lastly, he was really impressed with the Parks and Recreation Master Plan.

6. Discussion and Action Items

A. Presentation of the Parks & Recreation Master Plan

Town Manager Selena Coffey introduced Kile Guie, the Land of Sky Regional Council Planner to present the Parks and Recreation Master Plan.

Mr. Guie gave an overview of the final Parks and Recreation Master Plan, which consisted of four main sections: demographic, public input results, recommendations, and existing park facilities. No action was taken by Council. The Master Plan will be up for adoption at March 19, 2018 Town Council meeting. The Master Plan is attached.

B. Water Leak Protection Program

Finance Officer Tonya Dozier mentioned to Council that the Town has been working on a new Water Leak Protection Program. Under the current Town Policy, customers with high water bills due to qualifying leaks can apply for a water bill adjustment with the Town Manager, but are only allowed one adjustment every 24 months. On approval of the adjustment, the Town calculates an average cost for water over the last 6 months then deducts it from the water bill and splits the remaining cost with the customer. On average there are about 37 adjustments a year summing up to about \$8,000 a year. The alternative proposed is through the company ServLine, who offers an inexpensive insurance product on a monthly basis that can provide great assistance for large bills associated with water leaks. The plans are \$1.25 a month for residential, \$3.45 a month for commercial and would provide up to \$1,000 in coverage each year. ServLine's customer service would handle each request and would send the Town a check for any overages. Customers will initially be enrolled in the plan, but could opt out at any time. She has been working with Shelby Winston from ServLine, who is here if you have any questions and has reached out to references for ServLine, who all had good things to say about the program.

Town Manager Selena Coffey wanted to make sure the public was aware that if residents opt out of the plan then they would no longer receive a water bill adjustment.

Councilman Penley wondered about the billing process if it would be independently or on the Town's water bill. He also wants to make sure that the citizens are highly educated on this plan before it is implemented. Councilman Jackson asked who would go out and investigate the adjustment requests.

Shelby Winston from ServLine discussed that the plans would be billed through the Town of Weaverville water bill and they would handle the discussion/complaints on adjustments.

Town Manager Selena Coffey mentioned that there would be an information process and the Town would have as long as they need to get the information out and inform the citizens. There will still need to be

amendments to the Town Code and Fee Schedule, program policies adopted and revisions to the Town's customer service policy so this is not the last time that we would be discussing this item.

C. Action on Amendments to Code of Ordinances concerning Initial Consideration by Town Council of Zoning Map and Text Amendments

Town Planner James Eller mentioned to Town Council that they are being asked to consider a revision to the Town Code, which calls for certain zoning text and map amendments to be first reviewed at the Planning Board level. Such amendments would only be applicable to a proposed change between two standards zoning districts such as R-1, R-2, R-3, R-12, C-1, C-2, and I-1. Right now, the law reads that any revision to the zoning code text or zoning map has to have an initial review before Town Council. This allows the governing board to let staff and the applicant know in advance their thoughts on the procedure. However, this particular arrangement is adding an extra month to the process with very little input. Most of the rezoning occurs between standard zoning districts so there doesn't need to be a lot of time for these. The proposed language now shows that Town Council would retain the initial consideration for conditional zoning districts and text amendments due to their broad scope and complexities. The Planning and Zoning Board have reviewed the language and passed along a unanimous recommendation in favor of the proposal

Town Attorney Jennifer Jackson mentioned that the fourth whereas clause stating the Public Hearing was held on January 22, 2018 needs to be changed to reflect February 26, 2018.

Councilman Jackson made a motion to adopt the ordinance with the aforementioned revision . Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.

D. Waterline Extension for Blue Ridge Hospitality Ventures, LLC (Fairfield Inn)

Public Works Director Dale Pennell mentioned that since the past approvals given by Town Council, the Town has received a plat showing that the owners have split the lot. It was originally expected that this project would be able to connect to the Town's existing 8-inch water main. Due to the topography, some shifting of the footprint of the hotel and the anticipated height of the necessary retaining walls, a reconfiguration of the water plans was needed resulting in the need for a 350 foot waterline extension to adequately provide domestic water and fire protection to the hotel. The extension necessary is for a 6 inch ductile iron waterline and at least one fire hydrant for a proposed maximum committed capacity of 13,500 gallons per day for the hotel. Public Works Director Pennell also recommends that the water commitment be revised to reflect the new plan of a 6-inch waterline extension, fire hydrant and meter, and re-issued to the hotel for 13,500 gallons per day. He and the Town Manager have reviewed the request in light of the Town's Water System Management Plan and recommend its approval.

Councilman Jackson made a motion to approve the waterline extension request and revise and re-issue the water commitment to reflect the 6-inch waterline extension and fire hydrant and 13,500 gallon per day allocation for Lot 1 . Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

E. Section 28-74 - Parking

Councilman Nagle mentioned that he read Section 28-74 about parking and looked at number 11 that shows parking needs to be within painted lines, traffic lanes or upon travel portion of roadway. He wondered if this meant that people parking on roads in residential areas are in violation and parking illegally.

Town Manager Selena Coffey mentioned that she noticed people parking in front of homes when she started working here that parking on the street in the roadway in front of homes is in violation and unsafe. Police Chief Alan Wyatt wanted to make sure everyone understood exactly what traffic lane and travel portion of roadway meant. He gave an example that if you are parked in the street, you are in violation.

However, if you are parked off to the side where it isn't the travel lane or nothing posted then it wouldn't be a violation.

F. Police Department Report

Police Chief Alan Wyatt presented the Weaverville Police Departments Quarterly Report for November 2017 – January 2018. This quarterly report is attached.

G. Fire Department Report

Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for November 2017 – January 2018. The quarterly report is attached.

7. Town Manager's Report

Town Manager Selena Coffey presented her manager's report to Council including NCDOT has agreed to revise the speed limit on Weaver Boulevard from 55 mph to 35 mph, the Public Works Department has done a great job in improving the Main Street Nature Park, she has discontinued a landscaping contract that maintained the grounds around Town Hall and Public Works has taken it over and is doing a fantastic job, she met with a representative from Duke Energy to get an Energy Efficiency Proposal to upgrade our lighting at Town Hall, Jill Totman submitted the National Wildlife Federation Community Wildlife Habitat and the Town has again met the requirements to be recertified, they are meeting with WR-Martin tomorrow to see where they are with system and development fees and see where they are with the completion of engineering report, Public Works Director Dale Pennell and her have met with the manager for Mars Hill regarding potential for partnering, Buncombe County is in the process of entering into an agreement with NCDOT to begin the planning process for the Reems Creek Greenway initiative and they will be sending the Town a Memorandum of Understanding for Council's approval in the future, reminder that guest speaker Joe Minicozzi will be here tomorrow at 6 pm talking about building small towns, and lastly, Public Works Director Dale Pennell and her met with ministers from downtown Weaverville to work out an agreement to provide some parking at their churches.

8. Closed Session

Councilman Sherrill made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a) (3) to consult with an attorney . Councilman Fitzsimmons seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

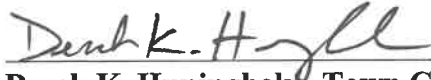
Councilman Nagle made the motion to exit closed session. Councilman Penley seconded and all voted unanimously to exit closed session and re-enter open session.

Upon entering back into open session, Vice Mayor John Penley requested an update regarding the PARTF grant process for the Lake Louise Community Center. Town Manager Selena Coffey shared that she had spoken with the regional consultant who stated that there were many strong applications this year and Coffey felt that we were discouraged from applying for the grant due to the strong competition, as well as the suggestion that the Town could need roughly \$4 match per dollar for the grant match in order to be competitive with some of the other grants and she had been told that the PARTF board does not approve partial grants. Town Council and staff discussed the pros and cons of relying so heavily on a PARTF grant for funding the project. Town Council gave direction to move forward with planning for the construction of the community center, but not applying for the PARTF grant this year and possibly applying for other parks and recreation projects the following grant cycle. Staff will continue looking for other funding options, including other grants. Councilman Nagle also suggested

that the Town should ask the community to develop a fundraising campaign for the community center construction. Town Council directed the Town Manager to begin working with an architect to develop conceptual plans and cost estimates for the construction of the community center, making sure to include space for the Dry Ridge Museum in the facility. Town Manager noted that we hope to have conceptual planning documents at the next Town Council meeting.

9. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 8:20 p.m.



Derek K. Huninghake, Town Clerk

STATE OF NORTH CAROLINA

ORDER TO ADVERTISE TAX LIENS

TOWN OF WEAVERVILLE

TO THE TAX COLLECTOR OF THE TOWN OF WEAVERVILLE:

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

WITNESS my hand and official seal, this 26th day of February, 2018.

TOWN OF WEAVERVILLE

By:


ALLAN P. ROOT, Mayor

ATTESTED BY:


DEREK K. HUNINGHAKE, Town Clerk

ORDINANCE AMENDING WEAVERVILLE TOWN CODE SECTION 36-358 CONCERNING INITIAL REVIEW OF ZONING TEXT AND MAP AMENDMENTS BY TOWN COUNCIL

WHEREAS, Town Staff is continually reviewing the operation of Town Code and has identified a provision within the Town's subdivision regulations that they recommend for amendment;

WHEREAS, the recommended amendment changes the way a map amendment requesting a standard zoning district is handled;

WHEREAS, on January 2, 2018, the Town's Planning and Zoning Board reviewed these proposed amendment and submitted a unanimous favorable recommendation on its adoption;

WHEREAS, after proper notice the Town Council held a public hearing on February 26, 2018, in order to receive input from the public on these proposed amendments;

WHEREAS, we find that the amendments to Town Code do not conflict with the Town's Comprehensive Land Use Plan and that the adoption of said amendments are reasonable and in the public's interest in that the amended language will allow for a more streamlined process for citizens to request zoning map amendments;

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

1. Section 36-358 of the Town's Code of Ordinances is hereby amended as follows with the stricken language denoted with strike-throughs and added language underlined:

Sec. 36-358. - Initial review by the town council.

After its initial consideration of ~~the an~~ application for a conditional zoning district or zoning text amendment, the town council shall refer the request to the planning board for the full review process as required by state statute. Initial consideration of such applications are intended to provide town council with the opportunity to express their preliminary thoughts related to the application but shall not serve as a final determination on same.

Map amendments which propose a change between two standard zoning districts are not required to go before town council prior to being considered by the planning board. Such an application for a map amendment may be subject to an initial review by town council at the request of the applicant.

2. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of

the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.

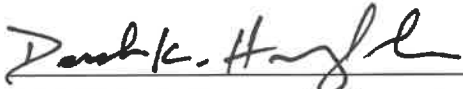
3. These amendments shall be effective immediately upon adoption.

ADOPTED THIS the 26th day of February, 2018, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Workshop
Tuesday, February 27, 2018**

The Town Council for the Town of Weaverville met for a Special called workshop on Tuesday, February 27, 2018, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Clerk Derek Huninghake and Town Planner James Eller,

1. Call to Order

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

2. Introduction

Councilman Fitzsimmons thanked everyone in attendance for coming and commented that as we are all aware the Town of Weaverville is growing rapidly. In 2017, there were twice as many building permits issued than in 2016. Development isn't necessarily bad, but it is if you don't manage it well and plan for it accordingly. This year Town Council has started the process of updating the comprehensive land use plan and already changed and updated zoning ordinances. In preparation of developing the comprehensive land use plan, the Town thought it was important to educate ourselves for the growth in the future. Councilman Fitzsimmons introduced tonight's speaker, Joe Minicozzi from Urban 3 consulting firm.

3. Overview

Mr. Minicozzi gave a presentation through PowerPoint slides to help the Town and its citizens take a different outlook for economic land use development patterns in the future and generating revenue through taxations.

Due to the size of the PowerPoint, please contact Town Hall if you wish to view it.

4. Adjournment

Councilman Fitzsimmons made the motion to adjourn; Councilman Jackson seconded and all voted to adjourn the Council's meeting at 8:15 p.m.



Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Budget Workshop
Tuesday, March 13, 2018**

The Town Council for the Town of Weaverville met for a Special Called Meeting on Tuesday, March 13, 2018, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Dale Pennell.

1. Call to Order

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

2. Background

Town Manager Selena Coffey opened the meeting by giving an overview of the Town's background on taxes. Currently, the Town's tax collection rate is 97.23% based on the current tax rate of \$0.38 per \$100 valuation. The Town's tax history, which is shown by a chart in the power point, shows that the current tax rate is lower now than in 2014. This chart is attached in the power point.

3. General Fund Revenue/ Expenditures

Town Manager Selena Coffey covered the General Fund FY 2018 Projections compared to the FY 2018 budget, which strongly rely on the revaluation by Buncombe County. Some of the major revenue sources are projected to be lower and higher than budgeted for, but the good thing is after calculating them all up the Town is still in the positive. She mentioned that the Town has over \$3 million in available Fund Balance after Council's fund balance policy of 40%, which is more than double the amount targeted for by Town Council. Some of the main expenditures that Town Manager Coffey highlighted were an increase in health insurance, \$150,000 budgeted for three additional firefighters, \$300,000 budgeted for year 3 of the Streets Improvement Plan, Greenways match of \$60,000 re-appropriated to FY2019 and capital equipment of \$216,900 from departmental requests. The whole list of General Fund revenues and expenditures is on the attached power point.

4. Water Fund Revenue/ Expenditures

Town Manager Selena Coffey covered the Water Fund FY 2018 Projections compared to the FY 2018 budget. All of the major revenue sources for the water fund that are projected to be higher than budgeted for are water revenue, water tap revenue and capacity depletion fees. There will also be revenue from system development fees listed on here, but it hasn't been approved yet. The key expenditures that the Town Manager highlighted were increase in health insurance, security upgrades and capital requests of \$362,100 from departmental requests.

5. Considerations

Town Manager Selena Coffey highlighted some considerations that the Mayor and Town Council need to keep in mind going forward. The considerations were 1.) Updating the comprehensive land use plan, whether in-house or to hire a consultant and when it will be completed, 2.) Costs of the community center project, 3.) The former bus garage needs to replace the roof and lighting, but she doesn't want to budget for this if we are going to sell the property, 4.) Expansion of the water plant, 5.) Strategic Plan implications and 6.) Recreation Master Plan adoption implications. She asked Council to think of some action steps to give her direction to which way they want to go moving forward.

6. Questions/ Discussion

Councilman Jackson mentioned that updating the land use comprehensive plan should go together with the strategic plan and recreation master plan.

Councilman Nagle commented about the annual financial audit by Gould Killian and was disturbed when they said they wouldn't be able to find fraud. He wants Council to consider if the Town should do a more in-depth audit.

Mayor Root noted that since the available fund balance is over the targeted amount, Council may want to look at using this for an investment on the water plant expansion and community center.

Councilman Jackson asked about the process of applying for grants and asked if we might be missing some opportunities.

Town Manager Coffey asked Council what they felt was the best decision for the old bus garage.

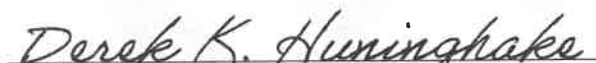
Councilman Nagle commented that we should look to see how much we can sell it for, but it needs to be more than the appraisal and cover the cost for another storage building.

7. Next Steps

Town Manager Selena Coffey mentioned that the next step in the budget process will be to give an initial draft budget presentation to Town Council on April 16 at 7 pm at the Town Council meeting. The next budget workshop is scheduled for April 23 at 6pm in the Training Room at the Weaverville Fire Department.

8. Adjournment

Councilwoman Sherrill made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 7:20 p.m.


Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, March 19, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, March 19, 2018, at 6:15 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

Mayor Al Root called the meeting to order at 6:15 p.m.

2. Public Hearing on Text Amendments: Additional Standards for Accessory Structures and Storage Containers

Councilwoman Sherrill made the motion to enter into public hearing; Councilman Penley seconded and all voted in favor of opening the public hearing.

Town Planner James Eller reminded Town Council that back in November, they asked staff to research the possibility of setting regulations that could prohibit the use of storage containers as an accessory structure within residential zoning districts. Over the course of the last three Planning and Zoning meetings, they have created regulations that will stay consistent with the Town's Comprehensive Plan and protect residential communities within the Town by providing location, bulk and height restrictions on accessory structures within residential districts. After a unanimous vote by the Planning and Zoning Board, they are passing along this proposal to Town Council for adoption. Town Planner James Eller noted that this public hearing has been advertised in accordance to state statute.

There were no citizens present that wished to make any comment during the public hearing.

Councilwoman Sherrill made the motion to close the public hearing; Councilman Jackson seconded and all voted in favor of closing the public hearing.

3. Recess

Mayor Root recessed the meeting until 6:30 pm

4. Reconvene/ Call to Order

Mayor Root called the meeting back to order at 6:30 pm and made the motion to open the public hearing.

5. Public Hearing on Text Amendments: Mobile Food Vendors

Town Planner James Eller gave a brief summary about how they had gotten to this point. In December 2017, staff received an application from Eluvium Brewing Company for a zoning text amendment which called for the reduction in footage a mobile food vendor may be placed adjacent to an existing residential structure within a residential zoning district and the elimination of a requisite special event permit for any mobile food vendor to be placed in the C-1 Zoning District. On January 2, 2018, the Planning and Zoning Board reviewed this application and felt the issues such as parking, permitting, hours of operation and access to restrooms should be addressed in order for mobile food vendors to be considered in the C-1 Zoning District and asked staff to craft language reflective of their concerns. On February 6, 2018, the Board again reviewed the aforementioned application which was submitted for their consideration again, in conjunction with additional language crafted by staff that proposed food vendors be 150 feet from any primary residential structure, hours of operation shall be consistent with the principal building and in no instance shall such hours exceed 7am – 11pm, a zoning permit is required for each parcel with proposes to establish a mobile food vendor and in no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land. The Planning and Zoning Board are passing this recommendation along, with their unanimous vote, to Town Council for approval of the amendments to Town Code related to the regulation of mobile food vendors.

Town Planner James Eller noted that this public hearing has been advertised in accordance to state statute.

Public Comment

Doug Keen, 47 Brown St, commented that he is in favor of food trucks. He and his wife moved here two years ago for the availability to walk everywhere and the developing of fine restaurants.

John Chase, 151 South Main St., commented that he is in favor of food trucks and believes the provisions laid out will eliminate any parking or other issues.

Charlotte and Tom Destino, 2 Orchard Place, both commented in favor of the proposal. She believes bringing smaller businesses into Town is great and that is what she loves about Weaverville.

Chris Tomsic, 81 Chickwood Trail, commented in favor of the proposal and believes more competition is good competition. It will also keep more citizens in town with the variety of food, instead of going elsewhere.

Beth Mangum, 7 South College St., commented in favor of the proposal and believes the ordinance is well conceived and gives careful consideration of zoning issues.

Angie Lamoree, 32 North Main St., commented in favor of the proposal and thinks it's a great opportunity to embrace the growth in our Town. She expresses support for anyone that wants to bring more value and taxes to the Town.

Fian Arroyo, 2 South College St., commented in favor of the proposal and thinks it is a great thing for the Town of Weaverville.

Kimberly Young, 30 North Main St., commented in favor of the proposal and mentioned that she moved her business downtown because of the diversity in businesses and food.

Judy Glicken, 26 North Main St., did not offer any public comment.

Mitch Mull, 142 Reems Creek Rd., commented in favor of the proposal and thinks there needs to be more food competition in Weaverville.

Jon Varner, 11 Florida Avenue, thanked the Planning and Zoning Board and staff for all their help on this request and creating provisions to give mobile food trucks the possibility to operate in Weaverville. He hopes that they can come to a resolution that benefits everyone because food trucks have a large following so it will increase traffic in Weaverville and potentially make more businesses more money.

Dawn Chitwood, 11 Meadowview Terrace, commented in favor of the proposal and thinks it will only stimulate businesses. She hopes to be a future business owner in Weaverville.

Catherine Cordell, 13 Hamburg Drive, commented in favor of the food truck amendment. She grew up in Weaverville, so she has witnessed all the change and thinks it is amazing that Weaverville welcomed all those new businesses. She is proud that Mr. Warner chose here to open his business and hopes that we support them.


Ben Moore, 9 Katies Ridge Drive, commented in favor of the proposal. He noted that he was not a resident of Weaverville, but thinks this will help bring more people to the Town of Weaverville.

Jim Mayo, 6 North Valley Drive, commented in favor of the proposal. He noted that he was not a resident of Weaverville, but he comes here a lot and thinks a food truck will add to the diversity and increase business.

Alan Sheppard, 100 Central Avenue, commented in favor of the proposal and mentioned that the property will have 44 spaces in the back and keep the ones already in the front, so parking shouldn't be an issue.

6. Recess of Public Hearing and Adjournment of Meeting

At 6:57 pm, Mayor Root recessed the public hearing to be reconvened at the Regular Scheduled Meeting at 7 pm and adjourned the special called meeting.


Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, March 19, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, March 19, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

Mayor Al Root called the meeting to order at 7:02 p.m.

2. Reconvene Public Hearing on Text Amendments: Mobile Food Vendors

Mayor Root opened the public hearing on Mobile Food Vendors that was continued from the Special-called meeting on March 19, 2018 to the regular scheduled meeting.

Public Hearing comments continued:

Leslie Osborne, 9 Reeves St, commented in favor of the food truck proposal. She owned a restaurant here for 10 years and wishes there would have been other restaurants at that time to help draw other business to them. This will help the Town of Weaverville bring in more taxes and make them more valuable.

Barbara and Jay Schauer, 47 Alabama Avenue, both commented in favor of the proposal. She owns the yoga studio across from Eluvium brewery and loves seeing everyone gather at the brewery to socialize, but its missing food. She always notices all the food delivery trucks that come through the alley for deliveries and believes having food trucks will be more convenient, since they will only operate during specific hours and not be a permanent structure.

Heather and John Gooding, 53 Weaver View Circle, both commented in favor of the proposal. They love going to Eluvium and think a food truck would be a perfect fit for the brewery and Town.

Councilman Fitzsimmons made the motion to close the public hearing; Councilman Penley seconded and all voted in favor of closing the public hearing.

3. Moment of Silence

Mayor Root called for a Moment of Silence for former Town of Weaverville Attorney, Rebecca Rhinehart, who passed away recently.

4. Approval/Adjustments to the Agenda

Town Manager Selena Coffey asked to revise Consent Agenda item H (Appointment to the MPO Board) to reflect Councilwoman Dottie Sherrill, instead of Councilman Andrew Nagle.

Councilman Nagle asked Council to move Discussion and Action item C (Action on Amendments to Code of Ordinances concerning Mobile Food Vendors) to item A.

Councilman Nagle made a motion to approve the aforementioned agenda as amended. Councilman Fitzsimmons seconded and all voted in favor of the motion.

5. Approval of Minutes

Councilman Penley made the motion to approve the minutes from February 3, 2018 Town Council Special-called meeting, February 26, 2018 Town Council Special-called meeting, February 26, 2018 Town Council meeting, and February 27, 2018 Town Council Special-called meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

6. Consent Agenda

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

- A. Approval of Rules of Procedure for Planning and Zoning Board** – *Approved Rules of Procedure adopted by the Planning and Zoning Board on March 6, 2018*
- B. Proclamation Recognizing April 3, 2018 as National Service Day**
- C. Monthly Tax Report**– *Information only*
- D. Tax Release** – *Approved tax release of \$14,500 in valuation from Lakeside Meadows Homeowners Association, Inc. property identified as PIN 9742-15-3416 for 2017, so \$56.62 can be released from 2017 levy.*
- E. Road Closure Ordinances for July 4th Celebration and Music on Main Events** – *Approval of Road Closure Ordinances for July 4th Celebration and Music on Main event on June 23, 2018*
- F. Resolution Appointing the Mayor and Town Council as the Tree Board** – *Adopted the Resolution Establishing the Mayor and Town Council as the Tree Board for the Town of Weaverville*
- G. Proclamations concerning Arbor Day and Earth Day** – *Adopted Proclamations recognizing Earth Day on April 22, 2018 and Arbor Day on April 27, 2018*
- H. Appointment to the MPO Board** – *Appointed Councilwoman Dottie Sherrill as the Town of Weaverville representative on the French Broad River Metropolitan Planning Organization and Transportation Advisory Committee with her term beginning immediately.*

7. Community & Employee Recognition

- A. National Service Day Proclamation Presentation to Richard Lee**
- B. Firefighter Dustin Thompson** – *Town Manager Selena Coffey recognized Firefighter Dustin Thompson for his commitment to child passenger safety and dedication and care in showing parents and caregivers the proper use and installation of child seats. Town Manager Coffey presented him with an award from “WNC Safe Kids”.*

8. General Public Comment

Public comments were received as follows:

Donna Bollinger, Kyfields, commented that she didn't know about the meeting on February 27, 2018 when the consultant came in to speak with the community. She brought up the UDO from 2013 when the Town wanted to have Alabama street into commercial. She hopes the consultant was just fishing because some proposals are reincarnation of the UDO, which would require zoning changes and she doesn't think it's fair to change zoning where someone bought their home.

Thomas Veasey, 69 Lakeshore Drive, mentioned that he was late to the public hearing and is in favor of the food truck amendment. He just wants it to stay restricted and under control. Also, he mentioned that he was in favor of the Water Leak Protection Program discussed at last Town Council meeting.

9. Discussion and Action Items

A. Action on Amendments to Code of Ordinances concerning Mobile Food Vendors

Town Planner James Eller gave a recap from the earlier public hearing that Town Council is being asked to consider a set of additional standards placed on land use of mobile food vendor in C-1 zoning district, which is in downtown Weaverville.

Councilman Nagle mentioned that he had two concerns: 1) don't allow the food truck to be a permanent establishment (i.e. Squealing Pig) and 2) see a fee schedule in advance before proposal passed. He added that the food truck won't just be at the brewery, it will be allowed in multiple locations.

Town Planner Eller answered that the Town can't limit the number of food trucks permitted legally and these regulations would apply to the entire jurisdiction in C-1, C-2 and I-1. The main general restrictions that are being proposed are: 1) changing the feet requirement from any primary residential structure to 150, instead of 200 ft and 2) the hours of operation shall be consistent with hours of operation of the principal building, but in no instance shall such hours exceed 7 am to 11 pm, instead of 7 am to 10pm. Mr. Eller also mentioned that the fee schedule allows for \$100 a year.

Chairman Doug Theroux mentioned that there is already an ordinance in place allowing for mobile food vendors, these are changes to the text amendments. The health department makes it mandatory for the food vendor to go back to the commissary every night and the permit will specify the amount and a designated time frame.

Councilman Jackson commented that he would like to see the temporary use terms and permit fees written out before he votes on this proposal.

Town Planner James Eller mentioned that these permits will be issued annually and to the site, and there does exist a mechanism within the current schedule of fees to address this as temporary use.

Mayor Root asked Town Attorney Jackson, if Council has a concern about this issue if they could direct it within the fee schedule to have a per day fee and annual permitting.

Town Attorney Jennifer Jackson commented that Council could do this with an amendment to the fee schedule. However, this amendment is to the Town's zoning ordinance that would expand the use of mobile food vendors to be in C-1, outside of a special event permit. If the applicant meets all the additional standards then they would be issued a permit. It would be a zoning permit that the Town Planner could put any specific details on about what is allowed and not.

Councilman Jackson commented that he would like to know the number of days allowed in the permit to be considered temporary use and if it is possible to set a daily fee. Chairman Theroux mentioned that having daily fees would be real hard to keep track of, but the Town could put in the annual permit how many days the food trucks could operate like 180 days.

Mayor Root asked Town Attorney Jennifer Jackson if Council could regulate the number of days for the annual permit through amendments to the fee schedule. Town Attorney Jennifer Jackson mentioned that to set a limit on the number of days a mobile food vendor can operate would have to be done in the ordinance. As for the fees, Council can change these fees every year in the budget by amending the fee schedule.

Councilman Fitzsimmons mentioned that he is happy with the public's input and has heard that the food trucks aren't competition to the other businesses, but will actually be an enhancement.

Councilman Fitzsimmons made a motion to adopt the amendments to the Code of Ordinance concerning Mobile Food Vendors . Councilwoman Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carried 3-2, with Councilman Jackson and Councilman Nagle voted against the motion.

B. Presentation of Community Center Conceptual Plan

Town Manager Selena Coffey introduced John Legerton from Legerton Architecture, P.A., who presented their conceptual plan and cost opinions. Mr. Legerton mentioned that the major components of the conceptual plan is the space for a museum, a community room which seats 120 people, multi-purpose room, kitchen, restrooms, a covered porch and an office and mechanical room. The second plan is basically the same, but adds a fireplace on the covered porch and family restrooms. As for costs, Mr. Legerton commented that the preliminary opinion of probable construction costs on a lower scale would be around \$1.3 million and the higher scale would be around \$1.45 million. These fees do not include architectural and engineering fees, which will be around 8%. These conceptual plans are attached.

C. Action on Amendments to Code of Ordinances concerning Accessory and Temporary Structures

Town Planner James Eller mentioned that before Town Council is a set of regulations that attempt to further address accessory structures, their placement on the property and mitigation of some impact on surrounding property owners. Council directed staff to explore this language and the language before Council was recommended by a unanimous vote from the Planning and Zoning board.

Councilman Jackson commented that he is concerned with the Town not having any architectural standards or restrictions on accessory and temporary structures. There could be shipping containers stacked on top of each other and there is nothing that the home owners can do except look at this visual eye sore.

Town Attorney Jennifer Jackson mentioned that there is a 25 foot height requirement and in no event can the height exceed the primary structure. Also, the landscape buffering was never in the ordinance. The Planning and Zoning board looked at it, but decided not to add it because of the universal applications on all accessory structures.

Chairman Doug Theroux commented that the discussion held was in great depth because it covered all different situations that could come up, not just the one at hand. The Planning and Zoning board felt it would be impossible to write an ordinance to cover everybody that would put in a storage facility in their yard. They are very limited because of statutes that only allow them to govern square footage, height and location.

Councilman Jackson made a motion to adopt the Ordinance amending Code as presented . Councilwoman Nagle seconded the motion. The motion passed by a unanimous vote of Council.

D. Adoption of the Parks & Recreation Master Plan

Town Manager Selena Coffey mentioned that at the last Town Council meeting, the Land of Sky representatives presented to Town Council the final Parks & Recreation Master Plan. There is nothing written in there that the Town has to do, but Town Manager Coffey recommends Councils approval because it gives them good guidance going forward.

Councilman Nagle made a motion to approve the Parks and Recreation Master Plan . Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

E. Code Amendments regarding Parks and Recreation, Chapter 18

Town Attorney Jennifer Jackson commented that Public Works Director Dale Pennell reviewed the Parks and Recreation Master Plan and noted several suggestions. There has been a lot of park maintenance completed, which was mentioned in the master plan, and she and Mr. Pennell have looked at the ordinance to see what needed to be updated. The ordinance, Chapter 18 – Parks and Recreation, was originally put in place in 1973 and has been amended a couple of times in limited areas. The following policy changes are incorporated into the proposed amendments: 1) Dogs allowed on walking trails at Lake Louise Park; 2) Lake Louise as a catch-and-release fishing lake; 3) Prohibition of registered sex offenders; and 4) a change in focus of enforcement provisions to removal of violators from the parks. Town Attorney Jackson pointed out that there needs to be one change to the language on page 121 under fishing that shows “yearly and daily permits issued” to “yearly and monthly permits.” Public Works Director Dale Pennell noted that there were two other changes to both parks: 1) no activities between sunset and sunrise and 2) no walking on the frozen lake.

Councilman Jackson made a motion to repeal the existing Chapter 18 and replace it in its entirety with the new Chapter 18 ordinance . Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council.

F. Amendments to Personnel Policy: Whistleblower Policy, Grievance Policy and Disciplinary Procedures

Town Attorney Jennifer Jackson mentioned that she and Town Manager Selena Coffey have been working on amendments to the Town’s Personnel Policy. In order to not overwhelm and give adequate time for Council to review, they will be placing a few provisions on Council’s agenda at a time. The provisions needing review tonight are: Article IX (Amended) - Disciplinary policy, Article X (New) – Open Door Policy, Article XI (New) – Whistleblower Policy, Article XII (New) – Grievance Policy/Procedure & Adverse Action Appeal, and Article XIII (New) – Separation from Employment and Reinstatement.

Councilman Nagle has some issues with individuals retiring from the Town and getting full retirement benefits, if they were suspended and going to be fired. Also, he wants to know about death benefit when it comes to remaining vacation. Town Attorney Jennifer Jackson mentioned that the Town of Weaverville is an at-will employer, so they can fire any employee at any time for any reason.

Town Manager Selena Coffey mentioned that it references the Human Resources department in these policies and she wants Council to know that would be her and sometimes Finance Officer Tonya Dozier.

Councilman Penley made a motion to adopt the amendments to the Personnel Policy . Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council.

G. Public Works Quarterly Report

Public Works Director Dale Pennell discussed the Public Works Quarterly Report for December, January and February. The report is attached below.


10. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including the recognition of Water Treatment Plant Supervisor Trent Duncan; we are moving forward with the strategic plan to address action plans and strategic objectives; the Mayor, Councilwoman Sherrill and she will be meeting with Rev. Louis Grant to discuss a Day of Prayer service; Arbor Day is scheduled for April 7, 2018; new furniture for Council Chambers is coming this Friday; she asked Council to look at scheduling a Special-called meeting on June 4 at 6 pm to hold a public hearing for system development fees; and the April 23 workshop will be in the Fire Department Training Room instead of Town Hall.

Councilman Penley made a motion to schedule a Special-called meeting on June 4, 2018 at 6 pm to hold public hearing on system development fees . Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.

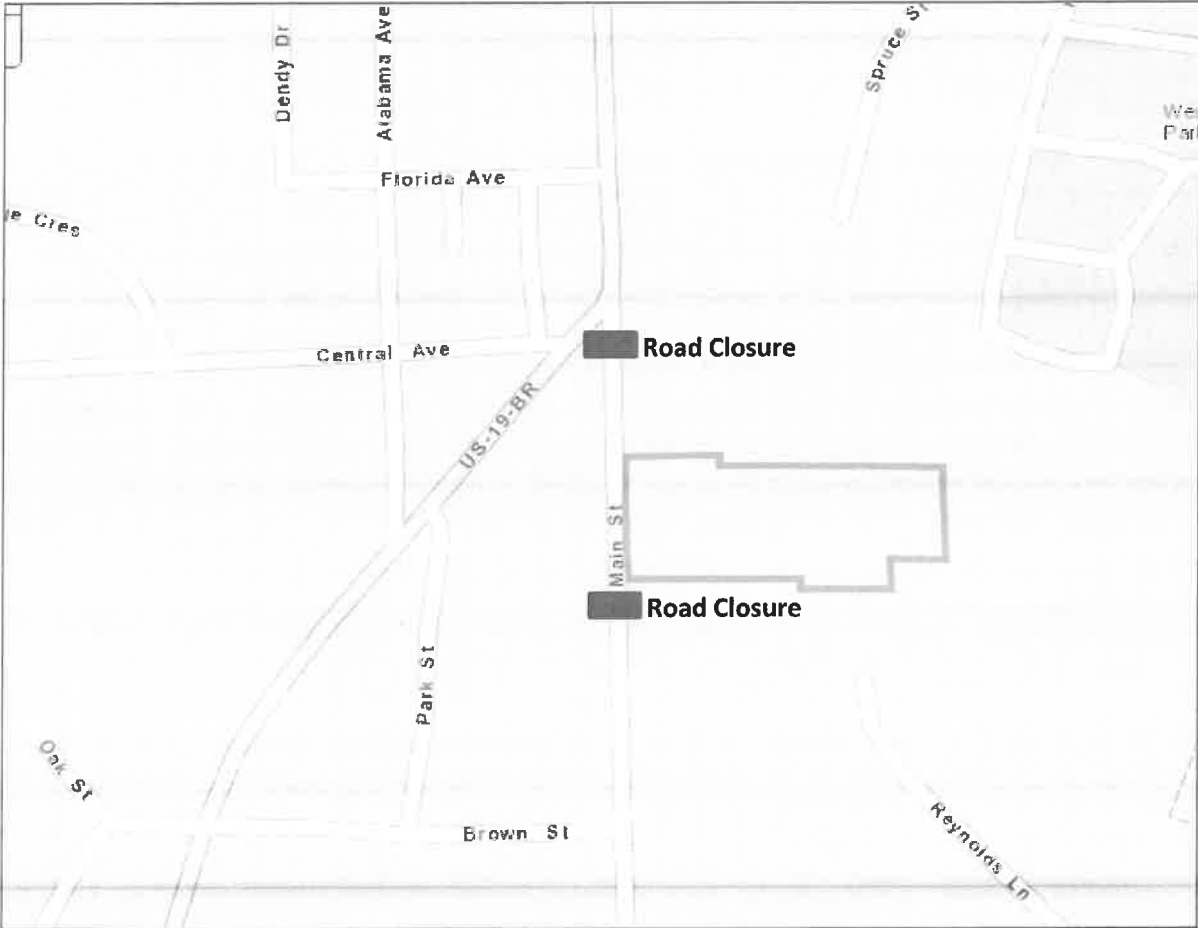
11. Adjournment

Councilwoman Sherrill made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 9:10 p.m.


Derek K. Huninghake, Town Clerk

MUSIC ON MAIN EVENT MAP

ROAD CLOSURES



- **Road closure before intersection of Main Street and US-19-BR Merrimon Avenue**
- **Road closure at 30 South Main Street**

**Weaverville
North Carolina**

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL KIWANIS 5K RUN AND THE WEAVERVILLE INDEPENDENCE DAY "FIRE ON THE LAKE" CELEBRATION

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual Kiwanis 5K run, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing an Independence Day celebration for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges a 5K run and the Independence Day celebration requires approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc.

NOW THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

5K Run

Date: Wednesday, July 4, 2018

Time: 8 a.m. until 9:30 a.m.

Road Closure Description:

0.35 mi. SR 1725-Weaver Blvd from Brian Center Drive to North Main Street., 0.42 mi. US 19Bus-North Main Street from Weaver Blvd. to Merrimon Avenue., 0.19 mi. SR 2127 South Main Street. from Merrimon Ave. to Brown Street.

Appropriate signage will be placed so as to inform all motorist of the temporary delay and traffic control will be intermittent traffic delays with "Law enforcement agency/agencies or individuals trained in traffic control as set forth in General Statute §20-114.1 and supported by appropriately colored or marked vehicles with high-intensity rotating, flashing, oscillating, or strobe lights used in place of signs and channelizing devices".

Independence Day "Fire on the Lake" Celebration

Date: Wednesday, July 4, 2018

Time: 3 p.m. until 11:30 p.m.

Road Closure: That portion of Merrimon Avenue between Bankstown Road and Yost Street

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

Adopted this 19th day of March 2018



Allan P. Root, Mayor, Town of Weaverville, N.C.

Attest:



Derek Hunninghake, Town Clerk, Town of Weaverville, N.C.

**A RESOLUTION ESTABLISHING THE MAYOR AND TOWN COUNCIL
AS THE TREE BOARD FOR THE TOWN OF WEAVERVILLE**

WHEREAS, the duties and responsibilities of the Conservation Board have grown and evolved since its creation and Town Council wishes to discuss the role of the Conservation Board and its responsibilities before making any further appointments to the Conservation Board, which is inactive at this time;

WHEREAS, the Conservation Board has previously served as the Tree Board for the Town of Weaverville and there is a need to maintain a tree board while the role of the Conservation Board is being discussed;

NOW, THEREFORE, BE IT RESOLVED by the Town of Weaverville, North Carolina, acting through its Council Members, that:

1. The Mayor and Town Council shall serve as the Tree Board in an *ex officio* capacity until such time as Town Council sees fit to make other appointments to the Tree Board.
2. All members have a right to vote on all matters coming before the Board.
3. The function, duties and responsibilities of the Tree Board are as established by Town Code and by the Tree City USA Program.
4. The Tree Board shall be subject to the open meetings law of North Carolina and, to that end, all meetings shall be noticed and open to the public, and minutes of all meetings shall be kept.
5. This resolution shall become effective immediately upon its adoption.

ADOPTED this 19th day of March, 2018.



ALLAN P. ROOT, Mayor

ATTEST:



DEREK K. HUNINGHAKE, Town Clerk



**TOWN OF WEAVERVILLE
EARTH DAY 2018 PROCLAMATION**

WHEREAS, since April 22, 1970, millions of people have celebrated Earth Day in order to increase the awareness among people of the issues affecting the environment in which we live;

WHEREAS, the Town of Weaverville recognizes the natural environment as the foundation of a healthy society and strong economy; and

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

WHEREAS, plastic is having a negative impact on our environment and reducing plastic pollution is the focus of Earth Day 2018;

NOW, THEREFORE the Town of Weaverville proclaims Sunday, April 22, 2018, as Earth Day and encourages all residents to join in celebrating the earth by reducing our use of plastics as we continue to build a thriving community of residents working toward environmental and climate literacy.

THIS the 19th day of March, 2018.

ALLAN P. ROOT, Mayor
Town of Weaverville

ATTEST:

DEREK HUNINGHAKE, Town Clerk

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE TO
AMEND CHAPTER 36 CONCERNING REGULATION OF
ACCESSORY STRUCTURES AND TEMPORARY USES**

WHEREAS, on November 20, 2017, Town Council requested that the Planning and Zoning Board study the issue of regulation of accessory structures within residential districts, and in particular the use of storage containers as accessory structures within residential districts;

WHEREAS, the Planning and Zoning Board met on December 7, 2017, January 2, 2018 and February 6, 2018, and studied the legal limitations applicable to regulation of residential accessory structures, reviewed the Town's existing regulations, and discussed how best to regulate accessory structures and temporary uses within the Town;

WHEREAS, with only limited exceptions NCGS 160A-381(h) prohibits regulations relating to building design elements for residential structures, which includes a prohibition on regulations concerning exterior building color, type or style of exterior cladding material, style or materials of roof structures or porches, exterior nonstructural ornamentation, location or architectural styling of windows, doors and garages, number and types of rooms, and interior layout of rooms;

WHEREAS, NCGS 160A-381(h) does allow for regulation concerning the height, bulk, orientation, and use of buffering or screening to minimize visual impacts to mitigate the impacts of light, noise, or to protect the privacy of neighbors;

WHEREAS, while attempts to incorporate buffering and screening requirements were contemplated it was determined that the uniform application of such requirements for all accessory structures would not be reasonable and in the public's interest;

WHEREAS, the Planning and Zoning Board does recommend the proposed amendments that provide regulation of accessory structures as they are allowable under NCGS 160A-381(h), are consistent with the Comprehensive Land Use Plan, reasonable and in the public's interest;

WHEREAS, after proper notice the Town Council held a public hearing on March 19, 2018, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council adopts the findings and recommendation of the Planning and Zoning Board;

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

- Section 36-105 is hereby amended to add “Accessory Structures” under Miscellaneous Uses within the Table of Uses and to provide that they are permitted with standards (“PS”) in R-1, R-2, R-3, and R-12, and permitted by right in C-1, C-2, and I-1 (“P”), as follows:

MISCELLANEOUS USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Accessory Structures	PS	PS	PS	PS	P	P	P
Adult Establishment	-	-	-	-	-	C	C
Agriculture – Commercial	-	-	-	-	PS	PS	PS
Agriculture – Neighborhood	PS	PS	PS	PS	PS	PS	PS
Crematories	-	-	-	-	-	-	C
Event Center	-	-	-	-	C	C	C
Gaming Terminals						PS	PS
Mixed-Use Building or Structure	-	-	-	C	C	C	-
Noxious Uses	-	-	-	-	-	-	C
Tattoo Parlors	-	-	-	-	-	P	P

- Section 36-134 is hereby amended as follows, with all amendments being highlighted, added language underlined and stricken language shown with strike-throughs:

Chapter 36, Article V Additional Use Standards, 36-134 Temporary Uses

- Temporary uses or structures may be permitted summarily in conjunction with a Special Event Permit issued by the Town Manager as described by Section 16-6 Special Events.
- When utilized in conjunction with any construction or renovation on the same parcel of land, storage containers shall only remain on the property for the duration of construction. ~~Construction offices and storage containers or facilities may be permitted provided the structure(s) are placed within the setbacks established by the applicable zoning district and a sunset date is established at which the structure(s) shall be removed from the property. Such structure(s) shall be directly related to the development of a lot and shall be permitted via a zoning permit obtained from the Zoning Administrator.~~
- Temporary vendors may be permitted only one structure which may not exceed 1,500 square feet. Temporary vendors operating in the parking lot associated with a primary use must not cause nonconformity with the parking requirements of this chapter. Temporary vendors may only operate in zoning districts in which general retail is also

permitted. Those conducting yard sales on a property where they currently reside shall not be considered temporary vendors.

- D. Portable and on demand storage containers located within residential zoning districts are permissible for a period of up to 14 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.
- E. Portable and on demand storage containers located within commercial or industrial zoning districts are permissible for a period of up to 60 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.

3. Section 36-138 is hereby added:

Chapter 36, Article V Additional Use Standards, 36-138 Accessory Structures


- A. The footprint of accessory structures within any residential zoning district shall not exceed the following maximum footprint(s).

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

- 1. The footprint of any structure defined as “dwelling – secondary” shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-124.
 - 2. The footprint of any accessory structure implemented with any use defined as “agriculture – commercial” or “agriculture – neighborhood” shall not be included in the calculation of foot print for accessory structures but such structures shall meet the additional standards established by Sec. 36-120 and Sec. 36-121.
- B. Accessory structures shall not exceed the height of the primary structure and in no event exceed 25 feet.
 - C. Accessory structures shall only be located within the side or rear yard of the primary structure and shall only be permitted within the setbacks established by the applicable zoning district.
 - D. Accessory structures providing common facilities for residential developments, including but not limited to a clubhouse, mail receptacle facilities, pool house, rental or property management office, shall not be subject to the footprint limits established by Sec. 36-138A and location requirements established by Sec. 36-138D.

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

ADOPTED THIS the 19th day of March, 2018, by a vote of 5 in favor and 0 against.



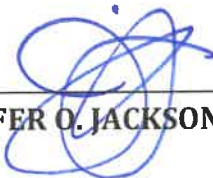
ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE SECTION 36-130
CONCERNING THE REGULATION OF MOBILE FOOD VENDORS**

WHEREAS, an application for a text amendment to modify the regulation of mobile food vendors within the Town was received and reviewed pursuant to Article XIII of Chapter 36;

WHEREAS, the Planning and Zoning Board met on January 2, 2018 and February 6, 2018, and reviewed and discussed the application for a text amendment concerning mobile food vendors;

WHEREAS, during its February 6, 2018, meeting the Planning and Zoning Board also heard from several members of the public concerning the proposed amendments;

WHEREAS, based on concerns raised by the Planning and Zoning Board the applicant agreed to a revision to his proposed text amendment that would be consistent with the regulation that the Planning and Zoning Board determined to be in the best interest of the citizens of the Town of Weaverville;

WHEREAS, Planning and Zoning Board reviewed the C-1 district in which the principal use of the land is for retail and food service businesses and the regulations for the C-1 district were established in order to protect the present retail businesses and service development within the district and promote future development within the district of businesses compatible with a vibrant, walkable main street;

WHEREAS, feeling that the concerns raised by the public comments had been adequately reviewed and discussed in previous meetings and the regulations drafted based on that discussion, the Planning and Zoning Board voted unanimously to recommend that Town Council approve the below amendments which modify the additional standards for mobile food vendors, and in so doing allow mobile food vendors within the C-1, C-2, and I-1 districts, subject to the revised additional standards;

WHEREAS, the Planning and Zoning Board found that the text amendments concerning mobile food vendors that they recommend to Town Council are consistent with the Comprehensive Land Use Plan, reasonable and in the public's interest;

WHEREAS, after proper notice the Town Council held a public hearing on March 19, 2018, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council believes that mobile food vendors are food service businesses that are compatible with a vibrant and walkable main street and, since the proposed regulations require that they be an accessory use to a primary, brick and mortar business, the impact of mobile food vendors on existing food service businesses within C-1 is not appreciably different than the impact that would be felt by a brick and mortar restaurant which is allowable by right within C-1, C-2, and I-1;

WHEREAS, Town Council adopts the findings and recommendation of the Planning and Zoning Board, with a minor change to § 36-130(e) which is shown with the other amendments contained in Section 1 of this Ordinance;

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

1. Section 36-130, which provides for the additional standards for mobile food vendors, is hereby amended as follows, with all revisions highlighted and with added language shown as underlined and stricken language shown with strike-throughs:

Chapter 36, Article V Additional Use Standards, Sec. 36-130. – Mobile Food Vendors

- (a) No waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system, or other public spaces.
- (b) ~~Mobile food vendors shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street or sidewalk and shall not obstruct any loading or handicapped parking space. This requirement shall not apply to special events approved by the town which take place on public streets, sidewalks or parking lots or any other public property.~~

Mobile food vendors:

1. shall be situated at least ten feet from all property lines, excepting those separating contiguous parcels under common ownership, and
 2. shall not encroach onto any street or sidewalk, and
 3. shall not obstruct any loading zone or parking space made requisite by Article VII of Chapter 36, and
 4. shall not create a sight line obstruction.
- (c) Mobile food vendors shall be located at least ~~200~~ 150 feet from any primary residential structure located within the R-1, R-2 or R-3 Zoning District.
 - (d) Mobile food vendors shall not be located within ten feet of any fire hydrant.
 - (e) Hours ~~on site of operation~~ shall be consistent with the hours of operation of the principal building or use of the property on which the mobile food vendor is located but in no instance shall such hours exceed 7am to 11pm, limited to 7am to 10pm. This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property. Such hours may be established in conjunction with the special event.
 - (f) Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation. Municipal waste receptacles shall not be used.

- (g) In addition to signage displayed directly on the vehicle, one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or 8 square feet of surface area, is permitted. Such a sign shall be placed within ten feet of the mobile food unit or vehicle and shall only be displayed during hours of operation and must be removed when outside hours of operation.
- (h) The sale of alcoholic beverages shall not be permitted by any mobile food vendor absent the issuance of the requisite special event permit.
- (i) Mobile food vendors are only permitted in the C-1 Zoning District in conjunction with the issuance of a special event permit on public property, including but not limited to any real property, parking spot or lot, or road or right-of-way under municipal or state control and ownership, in conjunction with the issuance of a special event permit. Mobile food vendors operating in conjunction with a special event permit issued by the Town of Weaverville are not subject to these regulations but are governed by the conditions placed upon the permit for approval.
- (j) Mobile food vendors are ~~Such a use is~~ also subject to standards of the Buncombe County Health Department as it relates to the permitting, inspection and grading of all regulated food service establishments.
- (k) In no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land.
- (l) A Zoning Permit is required for each parcel which proposes to establish a mobile food vendor. The fee for said permit may be found within the schedule of fees.

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

3. These amendments shall be effective immediately upon adoption.

ADOPTED THIS the 19th day of March, 2018, by a vote of 3 in favor and 2 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:

APPROVED AS TO FORM:



DEREK HUNINGHAKE, Town Clerk



JENNIFER O. JACKSON, Town Attorney

**ORDINANCE REPEALING AND REPLACING CHAPTER 18
OF THE WEAVERVILLE TOWN CODE**

WHEREAS, the Town has recently conducted a parks and recreation survey of its citizens and has, this day, adopted a Parks and Recreation Master Plan;

WHEREAS, in light of the survey results and the information presented in the Parks and Recreation Master Plan, including the recommendation that a maintenance plan be adopted, staff identified Chapter 18, entitled Parks and Recreation, as being in need of some amendment;

WHEREAS, we find that the proposed amendments to Chapter 18 of the Town Code are necessary to keep our parks safe and in good condition to provide opportunities for recreation, exercise, and relaxation for the citizens of and visitors to the Town of Weaverville;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville that, effective immediately, Chapter 18 of the Weaverville Town Code is hereby repealed and replaced in its entirety with the Chapter 18 that is attached hereto as Exhibit A.

ADOPTED THIS the 19th day of March, 2018, by a vote of 5 in favor and 0 against.



ALLAN P. ROOT, Mayor

ATTESTED BY:



DEREK HUNINGHAKE, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney

Town of Weaverville Code of Ordinances

Chapter 18 – Parks and Recreation

Article I. In General

Section 18-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Camping means the pitching of a tent; the preparation and erection of a lean-to, shelter or shelter-half; the parking of any vehicle for the purposes of sleeping in the vehicle or the staying of any period lasting through the night.

Section 18-2. Special Event Permits

Special event permits may be issued pursuant to Code Section 16-6. If a special event permit has been issued by the Town of Weaverville, some or all of the prohibited acts enumerated in this chapter may be allowed during a permitted special event, but only to the extent that said acts are expressly made allowable in said special event permit.

Section 18-3. Violations

The rules contained within this Chapter 18 may be enforced by any and all remedies authorized by applicable law. In addition, anyone violating any of these provisions may be asked to leave immediately and may be subject to prosecution for trespassing for failing to do so. Public Works or designated official and law enforcement personnel are charged with enforcement of these rules and regulations. Habitual offenders may be banned from the parks.

Section 18-4. Sex Offenders Prohibited

No person registered with the State of North Carolina and/or any other state or federal agency as a registered sex offender is allowed to enter into a public park or recreation facility maintained or operated by the Town of Weaverville.

Article II. Lake Louise Park

Section 18-35. General

The Town of Weaverville owns and maintains Lake Louise Park as a recreational park for its citizens and visitors. This Park consists of playground equipment, exercise equipment, walking trails which are predominantly ADA accessible, picnic shelters, and open spaces surrounding beautiful Lake Louise.

Section 18-36. Prohibited Acts.

It shall be unlawful for any person, while on the property known as the Lake Louise Park to violate any of the following rules:

1. No bicycles on walking trails.
2. No vending or solicitation.
3. No littering.
4. No activities between sunset and sunrise.
5. No unauthorized posting of signs.
6. No motorized vehicles on the grass or walking trails.
7. No possession and/or consumption of alcohol.
8. No feeding or harassing of wildlife, including wild or domestic water fowl.
9. No destruction or taking of plants, shrubbery or wildlife.
10. Pets must be on a leash of a maximum length of eight (8) feet and under the control of the pet owner at all times.
11. No skate board use on the handicapped ramp.
12. No camping.
13. No swimming or boating in or on Lake Louise.
14. No flotation devices of any type are allowed on Lake Louise.
15. No standing, walking, skating, or using or accessing in any way, the ice which might develop on Lake Louise during winter months.
16. Pet owners must clean up all pet waste and dispose of it in a waste receptacle provided for that purpose.

Section 18-37. Fishing Rules and Procedures

- (a) Individuals fishing in Lake Louise must follow all rules and procedures established by this Chapter and the North Carolina Wildlife Resources Commission.
- (b) In addition to any required state fishing license, anyone over the age of 16 must also have a fishing permit issued by the town.

- (c) The town will issue resident and nonresident yearly permits and monthly permits at town hall during normal business hours. The fees for such permits shall be set on the schedule of fees adopted by town council, a copy of which is on file at town hall.
- (d) There is a limit of one pole per person.
- (e) Lake Louise is a “catch and release” lake, therefore, all fish caught must be released back into the lake immediately upon catching. Care should be taken in removing fish from your line in order to preserve the life of the fish caught.
- (f) Fishing is allowed only during daylight hours.

Article III. Main Street Nature Park

Section 18-45. General

The Main Street Nature Park, which is owned and maintained by the town, provides passive recreation and wildlife viewing opportunities for residents and visitors with easy access to and from Main Street. In addition to the walking trails that meander along a stream, the park has benches and sitting areas for bird watching and relaxation. This park is located near preschools, primary, and elementary schools and provides wildlife and environmental education opportunities.

Section 18-46. Prohibited Acts

It shall be unlawful for any person, while on the property known as the Main Street Nature Park to violate any of the following rules:

1. No bicycles on walking trails.
2. No vending or solicitation.
3. No littering.
4. No activities between sunset and sunrise.
5. No unauthorized posting of signs.
6. No motorized vehicles on the grass or walking trails.
7. No possession and/or consumption of alcohol.
8. No feeding or harassing of wildlife.
9. No destruction or taking of plants, shrubbery or wildlife.
10. Pets must be on a leash of a maximum length of eight (8) feet and under the control of the pet owner at all times.
11. No camping.
12. Pet owners must clean up all pet waste and dispose of it in a waste receptacle provided for that purpose.

Recognition Day for National Service PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 3, 2018.

THEREFORE, BE IT RESOLVED that I, Al Root, Mayor of the Town of Weaverville, do hereby proclaim April 3, 2018, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community; to thank those who serve; and to find ways to give back to their communities.



Al Root, Mayor
Town of Weaverville, N.C.



Derek Hunninghake, Town Clerk



Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE MUSIC ON MAIN EVENT SPONSORED BY THE WEAVERVILLE BUSINESS ASSOCIATION

WHEREAS, the Town Council of Weaverville has been approached by the Weaverville Business Association requesting to hold a Music on Main event on South Main Street, Weaverville; and

WHEREAS, the Town of Weaverville has acknowledged and agreed to permit said event on the date and times specified below as a community and family oriented event; and

WHEREAS, the Weaverville Business Association has completed and provided payment to the Town for the required special event permit and agreed to abide by any and all regulations set forth by Town officials and the State of North Carolina in sponsoring this event; and

WHEREAS, the Town Council of Weaverville acknowledges that the Town departments require approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc. after the event; and

NOW THEREFORE BE IT ORDAINED by the Town Council of Weaverville, pursuant to the authority granted by N.C.G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Music on Main, Sponsored by the Weaverville Business Association

Date: Saturday, June 23, 2018

Time: 2:00pm – 9:00pm

Road Closures:

- Road closure at intersection of Main Street and US-19-BR Merrimon Avenue
- Road closure at 30 South Main Street

This ordinance will become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

Adopted this **19th** day of **March 2018**.



Allan P. Root, Mayor
Town of Weaverville, N.C.

Attest:

Derek K. Huninghake
Derek Huninghake, Town Clerk
Town of Weaverville, N.C.



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, April 16, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, April 16, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

Mayor Al Root called the meeting to order at 7:00 p.m.

2. Moment of Silence

Mayor Root held a moment of silence for Dwight Sherrill, life-long companion of Council Member Dottie Sherrill, who passed away last week.

3. Approval/Adjustments to the Agenda

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

4. Approval of Minutes

Councilman Jackson made the motion to approve the minutes from March 13, 2018 Town Council Budget Workshop/Special-called meeting, March 19, 2018 Town Council Special-called meeting and March 19, 2018 Town Council regular meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

5. General Public Comment

Public comments were received as follows:

Earl Valois, 42 Loftin St., commented that the Town needs to continue to make changes and not wait for something big to happen. We need to start moving towards Community Risk Reduction programs and Emergency response teams to help collect data on risk analysis for the future. Mr. Valois believes going to a performance based management system will help in this direction.

6. Discussion and Action Items

A. Water System Development Fees

Town Attorney Jennifer Jackson introduced Dennie Martin from WR-Martin, the professional firm that Town Council contracted with to complete the supporting analysis, so the Town of Weaverville would be able to charge system development fees starting July 1, 2018.

Dennie Martin started off by giving background on how we have gotten to this point. At the last General Assembly session, HB 436 was passed and became a General Statute. Article 8 of Chapter 162A entitled "System Development Fees" was enacted and signed into law on July 20, 2017, with an effective date of October 1, 2017. System development fees are one-time fees for new users connecting to the water system. Mr. Martin noted that the statute requires a supporting analysis report to be conducted by a qualified professional firm to determine the maximum system development fees. WR-Martin has completed this analysis and the WR-Martin System Development Fee Report has been given to Town Council and is available for public inspection at the Town Hall and on the Town's website. The next steps that need to be complied with to establish these water SDFs are 1) Fee Calculation, 2) 45-Day Public Comment Period, 3) Public Hearing, 4) Town Adoption, and 5) Publication of Adopted Fee. WR-Martin took the Buy-in approach when calculating the water SDFs, since it was more consistent with the Town's status for still having enough capacity to serve new development. They calculated the net value of the water system to be approximately \$9.242 million and then divided it by the respective number of equivalent residential users (ERUs) to yield the maximum SDFs for a 5/8 inch meter of \$2480. Mr. Martin noted that the Town is currently charging \$600 for the 5/8 inch water meter, which is around one of the lowest rates in the state, so the Town has room to increase these SDFs. The Town has used passed SDFs as a revenue source to lessen future water rate increases, but they need to be viewed as important to ensure the equitable distribution of the infrastructure cost between existing and future rate payers.

Town Attorney Jennifer Jackson mentioned that the next steps will be to publish the report that WR-Martin has prepared and allow for a 45-day comment period from the public. Then Town Council will need to set a public hearing on that report. She also noted that Council will have to establish a Capital Reserve Fund for keeping track of these fees, make amendments to Chapter 30 regarding utilities and adjust the fee schedule.

Councilman Penley made a motion to place the WR-Martin Water System Development Fee Report at Town Hall and on the Town's website for public review and inspection, to request and record public comments from April 17, 2018 through June 1, 2018, and to set a public hearing for Monday, June 4, 2018 at 6pm, in Council Chambers, on the WR-Martin Water System Development Fee Report and water system development fees in the Town. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 4-0.

B. Land of Sky Regional Council Update

Justin Hembree, Executive Director from Land of Sky Regional Council, gave a quick summary on what the Regional Council does. The Land of Sky Regional Council reaches across county and municipal borders to provide assistance to local governments and to administer programs that benefit our region's citizens. Right now, they are developing a strategic plan for community outreach and local government engagement to discuss emerging regional issues like workforce housing or transportation and the opioid epidemic. The Regional Council will be directly engaging the elected officials and local government staff to reach out to the community about issues that may be on horizon and how the Regional Council can assist.

C. Amendments to Personnel Policy: Organizational of Personnel System, Conditions of Employment, Records and Reports, Harassment Policy, Travel Policy

Town Attorney Jennifer Jackson reviewed the following new and amended amendments to the Personnel policy with Town Council.

1. **Article I (Amended) – Organization of Personnel System** – Describes the At-Will Nature of Employment with the Town, discusses responsibilities of the Town Manager, Town Council and HR Officer, and has a set of definitions for the whole personnel policy.
2. **Article V (Amended) – Conditions of Employment** - Discusses provisions about work schedule, attendance and promptness, conflicts of interest, outside/dual employment, performance evaluation and internet and social media use.

3. **Article XIV (New) – Records and Reports** – Provisions concerning keeping and handling personnel records and access to confidential records and public information.
4. **Article XV (New) – Harassment Policy** – Extensive provisions from Article V that address harassment moved to this new article. The Policy Statement remains in the amended Article V
5. **Article XVI (New) – Travel Policy** – Extensive provisions from Article V that address travel moved to this new article. The Policy Statement remains in the amended Article V.

Councilman Nagle mentioned that in light of the Buncombe County situation, he had a few concerns with some of the policies. First, he wondered if dual employment counted for Town employees who held two salary positions because he didn't want them receiving two salaries. Secondly, Councilman Nagle questioned the travel policy to make sure that it keeps getting monitored, so that it doesn't get abused and what the Town's responsibility was on third party harassment. Councilman Jackson asked who gave the Town Manager authorization for going on work travel, since usually Town employees get authorization from the Town Manager or Finance Officer. Mayor Root mentioned that in regards to the harassment policy, staff might want to add into the policy that if the harassment involves the Town Manager it will be brought to the Mayor.

Town Manager Selena Coffey mentioned that when she started working for the Town of Weaverville there were a certain number of conferences that she was told she had to attend as Town Manager and any other work travel that comes up, she notifies Town Council of. Also, she has Finance Officer Tonya Dozier look at her statements every month to make sure everything is permitted.

Town Attorney Jennifer Jackson commented that staff will update the personnel policy to show that a harassment complaint involving the Town Manager will be made to the Mayor and to insert language regarding third party harassment.

Councilwoman Sherrill made a motion to adopt the amended amendments presented . Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.

D. Weaverville Townhomes: Amendment to Water Commitment & Initial Consideration of Conditional Zoning District

Town Planner James Eller mentioned that the Town is in receipt of an application for a Conditional Zoning District for a project known as Weaverville Town Homes. The proposal calls for 53 townhomes to be constructed on 8.5 acres with all of the dimensional requirements met. Tonight is Town Council's initial consideration of the application to express their thoughts and concerns before it goes to the planning board for a full review.

Mr. Eller noted that staff is requesting Council to consider the sidewalk requirement established by Sec. 36-24, since the applicant may be seeking a sidewalk waiver from the Zoning Board of Adjustment as allowed by Town Code. However, if Council is going to require sidewalks along all street frontages there will be no need to take this matter before the Zoning Board of Adjustment. Councilman Jackson commented that he would like to keep the sidewalk requirement as it is structured now, since the Town is going to continue to have expansion requests. Mayor Root wondered where the sidewalks would connect at. Councilman Nagle commented that we can't keep making waivers for developers or nothing will happen. We need to have a vision to where the sidewalk won't end somewhere. Councilman Penley mentioned that we have to be careful with the project that fits around the center of Walmart because if we make them construct a sidewalk and Walmart didn't have too, then the Town might be responsible to pay for the construction of another sidewalk to connect to it. Town Planner James Eller noted that there weren't any other sidewalks to connect too, since Lowe's and Walmart weren't ordered to construct sidewalks connecting their properties on Northcrest road. Also, Mr. Eller added that the Town wouldn't be able to construct sidewalks on Northcrest road because all the roads are private.

Warren Suggs, Civil Design Concepts, mentioned that he was trying to get some feedback from Council to determine the best option possible. He thinks if Council knows they are going to keep the sidewalk requirement

then it would be best to let them know so they can avoid wasting any time. Mr. Suggs said that there might be another alternative that they could look at that might work better. Ken Jackson with Northridge Commons investors, mentioned that you can't go back now and force Northridge developers to make sidewalks and there could be more development that happens around there, but it wouldn't connect back to the shopping center. Mr. Jackson also mentioned that there are extra costs in their project for lots that they are unable to use. He will look to see if there is an option of connecting a sidewalk from the other side of the complex.

Town Planner James Eller also mentioned to Council that staff was in receipt of an application for an amendment to the water allocation previously granted by Council requesting to add 3 additional residential units. Town Council already approved water allocation for 50 units, so this would just increase the demand to 53 units.

Councilman Penley made a motion to approve the amendment to the water allocation request for 3 additional residential units, making it a total of 53 residential users. Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.

E. Selection of Audit Firm

Finance Officer Tonya Dozier commented that the Town of Weaverville is required to have an annual audit every fiscal year and the best practice recommendation is to send out a Request for Proposal (RFP) every 3 to 5 years. It has been three years since the Town has sent out a RFP, so in early March they mailed/mailed an Audit RFP to eight CPA firms that conduct governmental audits in WNC. Three of the firms contacted submitted proposals, which included cost estimates for the next three fiscal years. The proposals were evaluated and compared based upon: cost, qualifications of the firm, and meeting the requirements of RFP, which included 20 questions to determine the firm's level of experience, staffing, referrals and method of determining costs. Based upon the results of the RFP, the Town Manager believes it is in the Town's best interest to continue with Gould Killian CPA group for FY 2018 Financial Audit.

Mayor Root wondered with everything happening in the county, if a Town employee was found to have committed fraud, would Town Council be made aware of it? Finance Officer Dozier mentioned that this wouldn't have been a part of the financial audit because the audit only looks at your statements to make sure it is in conformity with GAAP and is accurate and free of misstatement. There are assurance services that you can have conducted to look for fraud but this wouldn't have been found in the financial audit. Councilman Jackson asked about the extra cost to have an internal audit completed. Town Manager Selena Coffey commented that Town Council may want to have an assurance audit completed with a different firm. She believes it will help separate the audits and allow Council to compare them to make sure everything is in a good standing.

Councilman Nagle believes that if the financial audit isn't going to find fraud, then the Town should spend less money on the financial audit and use the extra funds to get an assurance audit completed.

Councilman Nagle made a motion to approve the Audit Contract with Gould Killian CPA Group for FY 2018 audit services. Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.

F. Finance Quarterly Report (includes monthly tax report)

Finance Officer Tonya Dozier presented the Quarterly Finance Report from January 2018 – March 2018. She mentioned that the Revenue and Expenditure Statements by Department were used to show where the Town was in comparison to the budget. She also noted that as of April 10, 2018, the monthly tax collection rate was at 97.95%. This is slightly lower than last year, but this could have occurred because it was a revaluation year. The quarterly report is attached.

G. Planning Quarterly Report

Town Planner James Eller presented the Planning Departments Quarterly Report and noted that 31 Zoning Permits and 5 Sign Permits have been issued during this period. The report is attached.

H. Presentation of Initial Draft Budget

Town Manager Selena Coffey presented the initial preliminary budget for FY 2018-19 to Town Council. She mentioned that there are still some topics that need more discussion and input from the community and Town Council to determine whether they want to include certain items in the budget. These topics include: Lake Louise Community Center Project, funding for former bus garage repairs, water treatment plant expansion, update to the Town's Comprehensive Land Use Plan and the Recreation Master Plan elements. The preliminary FY 2018-2019 budget presented totals \$9,015,200 with the General Fund being \$6,811,979 and the Water Fund being \$2,203,221. The total budget is a 1.5% decrease from the FY 2017-2018 budget. Town Manager Coffey also commented that there are budget workshops coming up on April 23 and May 8 at the Weaverville Fire Department. She thanked Finance Officer Tonya Dozier for her hard work and assistance in completing the budget this year. The preliminary budget for FY 2018-2019 showing highlights for the General and Water Fund budget is attached, as well as the revised Budget Calendar.

7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including the Department heads are meeting on April 19 at the Weaverville Fire Department to update the strategic plan, Arbor Day is scheduled for April 27, 2018 at 11 am, Chief Wyatt to provide active shooter training for our staff at Town Hall, so they know how to protect themselves, street maintenance and improvements are going to start tomorrow for Salem Road, Orchard Place and Salem Acres Road, NCDOT has replaced the speed limit sign on Weaver Boulevard, she has contacted a realtor about getting an appraisal on the former bus garage on Central Avenue and lastly, she hopes that Town Council enjoys the new furniture that was installed last week.

8. Adjournment

Councilman Penley made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 9:06 p.m.



Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Tuesday, April 23, 2018**

The Town Council for the Town of Weaverville met for a Special Called Meeting on Tuesday, April 23, 2018, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Dale Pennell.

1. Call to Order

Mayor Al Root called the meeting to order at 6:03 p.m.

2. Overview

Town Manager Selena Coffey opened the meeting by providing Town Council with a preliminary FY 2018-2019 PowerPoint handout. She informed them that it was available to view at the Town Hall and on the Town's website. The PowerPoint highlights the FY 2019 Revenue and Expense projections for the General and Water Funds, and financing options available on the Lake Louise Community Center.

3. General Fund Revenue/ Expenditures

Town Manager Selena Coffey gave an overview of the General Fund FY 2019 Preliminary compared to the FY 2018 budget. She notified Council that not a lot has changed on the revenue projections for the FY 2019 preliminary budget from the previous budget workshop, except that Buncombe County had a deadline of April 15 for any requests for increases to the fire tax rate. She has requested a rate increase of \$0.008 to help offset expenditures, which will increase our fire tax rate to 12%. As far as expenses, each department's personnel expenses reflect the 3% merit and 2% COLA rates. The Town Council and Administration expenses include an increase in capital equipment to cover new carpet and security equipment. The Police Department expenses include the addition of a School Resource Officer position, new security equipment and replacement of two patrol vehicles. The Fire Department expenses show an increase to cover three additional Firefighter positions and vehicle maintenance due to aging fire trucks. The Public Works Department includes increases to operational expenses for staffing to maintain parks and Town Hall maintenance, due to eliminating the landscaping contract, as well as continuing the Streets Maintenance Plan and \$50,000 for rehabilitation of the Central Avenue bus garage in capital improvements. She reminded Council that the Town has over \$3 million in available Fund Balance after their fund balance policy of 40% is applied, not including the \$550,000 set aside from the Eller Cove Watershed. The whole list of General Fund revenues and expenditures is on the attached power point.

4. Water Fund Revenue/ Expenditures

Town Manager Selena Coffey covered the Water Fund FY 2019 Preliminary compared to the FY 2018 budget and mentioned that the major revenue sources for the Water Fund are projected to be higher than budgeted due to increases in water rates and Town growth. There could also be additional revenue from system development fees, if they are implemented. She noted that the key expenses for the Water Fund were increases to capital and capital improvement, which includes replacing water meters with radio read meters, two truck replacements and Ox Creek tank repairs. The fund balance for the Water Fund at the end of the fiscal year shows a balance of \$2.812 million.

5. Potential Financing Options

Town Manager Selena Coffey mentioned that some upcoming projects that Town Council needs to keep in mind going forward is the costs of the community center project, the replacement of the roof and lighting at the former bus garage and expansion of the water plant. Finance Officer Tonya Dozier has reached out to some financial advisors, who gave her some potential financing options for the community center ranging from \$500,000 to \$1.8 million. After looking at these options, it is important to note that interest rates are only going to keep increasing in today's market. Town Manager Coffey mentioned that it is important for Council to discuss these options, so we have a plan on which direction we want to go in the future with these projects.

6. Questions/ Discussion

Mayor Root questioned if the additional fund balance funds were accruing interest and possibly using some of those funds to build a great community center to place the Dry Ridge Museum in. Councilman Jackson wondered if the overall cost for the community center that was brought before Council is only going to be \$1.8 million. Public Works Director Dale Pennell mentioned that the figure that was brought before them didn't include fees for site prep, engineering fees or even furnishing the community center. Town Manager Coffey noted that there is a Recreation Advisory Board meeting coming up on May 9, so maybe we can gather their input and then go back to John Legerton with it.

Mayor Root asked if we had received any additional information about the expansion to the water plant and if it would affect the budget this year. Town Manager Coffey mentioned that staff has received the draft from WR-Martin and are still reviewing it, but she doesn't see where Council will have to make major budget changes for FY 2019 related to this project. Public Works Director Dale Pennell mentioned to Council that through research the consultants found documentation from the late 1990s, when the water plant was originally built, that the Town was permitted to pull 4.0 million gallons out of the river. This will save the Town a lot of time and money in studies for approval to withdrawal more water from the river.

7. Next Steps

Town Manager Selena Coffey mentioned that the next step will be to update the fee schedule and implement any budget revisions. The next budget workshop is scheduled for May 8 at 6pm in the Training Room at the Weaverville Fire Department.

8. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 7:03 p.m.

Derek K. Huninghake
Derek K. Huninghake, Town Clerk