

## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, January 22, 2024**

The Town Council for the Town of Weaverville held its regular meeting on January 22, 2024, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC with remote access via Zoom.

Councilmembers present: Mayor Patrick Fitzsimmons, Vice Mayor Catherine Cordell and Council members John Chase, Michele Wood, Peter McGuire and Dee Lawrence.

Excused Absence: Councilmember Doug Jackson

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

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

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

### **2. Public Hearing – Proposed Code Amendments-Ch. 2&20 - Places of Gatherings, Home Occupations, Fees in Lieu of Sidewalk Construction, Conservation Subdivisions**

Attorney Jackson reviewed the proposed code amendments to Chapters 2 and 20 that addressed the following: Places of Gatherings, Home Occupations, Fees in Lieu of Sidewalk Construction, and Conservation Subdivisions. She stated that the proposed code amendments were duly advertised pursuant to general statute and were eligible to receive public comments.

Mayor Fitzsimmons declared the Public Hearing open.

Mr. Jeff McKenna of Weaverville said he is concerned about the fee in lieu of sidewalk construction and that the requests should be carefully considered. Should the construction of sidewalks by a developer be waived, he encourages the accounting of the fees be planned with NCDOT and with the Town for walkability and sidewalk connectivity.

Mayor Fitzsimmons asked if anyone else in attendance wished to comment and no one elected to speak. No written comments were received at Town Hall or via email stated Town Clerk Mercer.

Mayor Fitzsimmons closed the public hearing for proposed Code Amendments.

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

Mayor Fitzsimmons made an adjustment to the agenda to remove item 7(G) for the 75 Cole Road water commitment request at the request of the applicant.

*Council member Chase motioned to approve the agenda as adjusted to remove item 7(G). The motion was approved unanimously. 6-0.*

### **3. Conflict of Interests Statement**

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

### **4. Consent Agenda**

Town Manager Coffey reviewed the following consent agenda items:

- A. December 12, 2023, Town Council Workshop Minutes – *approved as presented*
- B. December 18, 2023, Town Council Regular Meeting Minutes – *approved as presented*
- C. Monthly Tax Report and Request for Refunds/Releases 73 % collection rate – *approved as presented*
- D. Budget Amendments – Recreation Complex community center funds for project – *approved as presented*
- E. Budget Amendments – Police donations – *approved as presented*
- F. Waterline Acceptance – Greenwood Park Phase 3 extension waterlines PW – *approved as presented*
- G. Dry Ridge Historical Museum Lease Agreement staff authority to renegotiate lease – *approved as presented*
- H. NCLM Cybersecurity Grant MOU and Resolution cybersecurity assessment - *Resolution adopted*
- I. Board Appointment – Local Firefighter Relief Board of Trustees – *Members appointed as requested*
- J. Proclamations-Arbor Day and Black History Month in Weaverville

*Council member Lawrence motioned to approve and adopt the above consent agenda items as presented. The motion was approved unanimously. 6-0.*

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

Town Manager Coffey provided Town Council with the following project updates:

- Water Treatment Plant Expansion Project
- \$15 Million Appropriation for Water Treatment Plant Expansion
- \$ 1 Million Received from the State & Tribal Assistance Grants Drinking Water State Revolving Fund
- Submitted Additional \$4 Million Request through Water Resources Development Act (WRDA)

Manager Coffey highlighted that the additional \$4 million grant submission has a quick turnaround as the Town met the deadline and the Town thanks Congressman Edwards and his office staff, and she further announced the following:

- Fire Department Solar Panel Project- U.S. made certified materials delayed
- Short-term Rental Sessions and Community outreach- Completed STR report by LOSRC Planner Kayla DiCristina expected in February
- Update on Eller Cove Trail Planning and Study
- Weaverville Police Department Electric Vehicle Fleet Award by Land of Sky Clean Vehicles Coalition
- 2024 Citizens Academy 28 participants- Program has 160 graduates in last 8 years
- OSHA Consultation visit in February ensure that the Town has effective safety programs
- Martin Luther King Jr. Observance hosted community service for trash pickup
- Pickleball Open House Thursday, January 25<sup>th</sup> at 6:00 p.m.
- February Black History Month the Dry Ridge Museum presents the traveling Greenbook series
- Police Department 2024 Main Street Solar Pedestrian Crossing Proposal

Officer Anderson and Assistant Police Chief Oberlin provided information on the Governor's Highway Patrol grant to fund the solar pedestrian crosswalk system and project. This installation would also satisfy the goals in the Active Weaverville Pedestrian Plan added Vice Mayor Cordell.

By Council consensus, Mayor Fitzsimmons stated approval for Staff to apply for the grant. Mayor Fitzsimmons recapped the monies received towards the Water Treatment Plant Expansion Project and he rescheduled the Town Council Strategic Planning Retreat to Saturday, February 24<sup>th</sup> at 9:00 a.m. in Town Hall.

## **6. General Public Comments Mayor Fitzsimmons**

Mr. Paul Carielli, owner of Hoppy Trees on Florida Avenue, provided the Council members with photographs of Florida Avenue. Mr. Carielli was concerned with the traffic pattern located in front of his business. Mr. Carielli suggested removal of the vehicle parking spaces or other options such as shutting down the street to vehicle traffic in order to provide for better pedestrian access and for those wanting to sit outside.

Mayor Fitzsimmons replied that topics such as downtown pedestrian activity, public spaces, and redesign could be discussed at the Strategic Planning Retreat.

Mr. Jeff McKenna of Oak Street, who also serves on the Active Weaverville Bike Pedestrian Committee said they are addressing public spaces and walkability. Mr. McKenna suggested no tax increase or lowering the tax rate. He was concerned with housing affordability for young people and short-term rentals.

Mayor Fitzsimmons asked if anyone else in attendance wished to comment and no one elected to speak. No written comments were received at Town Hall or via email stated Town Clerk Mercer.

## **7. Discussion & Action Items**

### **A. Metropolitan Sewer District Update Doug Dearth, MSD Representative**

Mr. Doug Dearth presented the MSD report on the Finance Committee sanitary district which reported a \$56 million budget, administered by a staff of 152. He highlighted the Capital Improvements Project budgeted over the 10-year plan. He reported on the background of the plant such as current capacity, current demands, and capacity upgrades, as well as the system services for the region, and projected rate increases. Mr. Dearth discussed system pump station components and reviewed future growth areas and right-of-way easements and acquisitions. He explained further project updates include pump station replacement and major rehabilitations planned as it is a 40-year-old system. Projected completion is estimated in two years, said Mr. Dearth.

### **B. French Broad Metropolitan Planning Organization Update, Vice Mayor Cordell**

Vice Mayor Cordell presented a report highlighting the growth and regional challenges over the next 25 years addressed by the MPO. She stated that the Weaverville Woodfin Greenway Connection Study was just approved in 2024. A consultant will make recommendations for potential alignments and these plans include the Woodfin Greenway alignment to the Reems Creek Greenway. She discussed the funding and requirements for matching grants, noting the \$4.8 million grant match requirements for that project.

Vice Mayor Cordell highlighted plans for the park-and-ride carpooling at various locations including: New Stock Road, lower flat creek, and Marshall, and plans for added EV charging stations at Ingles, a regional wildlife crossing study for Madison, Buncombe, and Henderson Counties along I-26. She discussed the passenger railway study. There are opportunities in the Town for safer school routes and roadways working with the Land of Sky Regional Council on that action plan.

It is projected the NCDOT I-26 improvements to be completion in 2027. It was announced Vice Mayor Cordell will be Weaverville's appointed member of the Northend MPO. The 2023 MPO Summary Report is attached to these minutes.

### **C. Woodfin-Weaverville Interlocal Agreement for Greenway Connector**

Manager Coffey provided the budget amounts funded for the study, which is \$120,000, including \$96,000 in Federal Highway Administration funding and a local shared cost of \$24,000 of which \$12,000 will be owed by the Town for its portion.

*Vice Mayor Cordell moved to approve the Woodfin-Weaverville Interlocal Agreement for Greenway Connector and feasibility study and authorize the related budget amendment for Weaverville's cost-share. The motion was approved unanimously. 6-0.*

### **D. Annexation Petition – 9 Pleasant Grove Road**

Attorney Jackson reviewed the 9 Pleasant Grove Road voluntary annexation petition for approximately 10-acres seeking town service including water to develop 40 townhouse units. The petitioners are claiming vested rights as previously approved by Buncombe County and are requesting a designation of R-3 zoning.

Attorney Jackson pointed out the land mass is contiguous due to a small parcel on the site plan.

*Vice Mayor Cordell moved to adopt the resolution which directed the Clerk to investigate the sufficiency of the annexation petition located at 9 Pleasant Grove Road and directed the Planning Board to evaluate the requested R-3 zoning. The motion was approved unanimously. 6-0.*

**E. Annexation Petition – 6 Pleasant Grove Road**

Attorney Jackson continued reviewing the map for the parcel directly across from 9 Pleasant Grove located at 6 Pleasant Grove Road. This voluntary annexation request would be considered a satellite if 9 Pleasant Grove Road is not also annexed. The Town cannot be over 10% of land mass of satellite growth per State Statute.

6 Pleasant Grove Road is seeking town services including water, to develop 50 townhouse units and is requesting a designation of R-3 zoning.

*Council member Lawrence moved to adopt the resolution directing the Clerk to investigate the sufficiency of the annexation petition located at 6 Pleasant Grove Road and directing the Planning Board to evaluate the requested R-3 zoning. The motion was approved unanimously. 6-0.*

**F. Water Commitment Request – 6 Pleasant Grove Road**

Director Pennell reviewed the water commitment request located at 6 Pleasant Grove Road. He provided the water demand calculations and stated Public Works has determined that adequate water capacity is available to serve the request. He noted the standard of 20,000 gallons per day, anticipated capacity and provided the statistics at Town Council's Public Works water workshop held on January 16<sup>th</sup>. Staff recommends approval subject to annexation in the town.

*Council member Lawrence made a motion to approve the water commitment allocation located at 6 Pleasant Grove Road with the approval conditional upon annexation into the Town of Weaverville's jurisdiction. The motion was approved unanimously. 6-0.*

**G. Water Commitment Request – 75 Cole Road removed from agenda**

**H. Action on Code Amendments – Ch. 2 & 20 and Fee Schedule Amendment**

*Vice Mayor Cordell moved to approve and adopt the Ordinance amending Code Chapter 2 & 20 - Places of Gatherings, Home Occupations, Fees in Lieu of Sidewalk Construction, Conservation Subdivisions. The motion was approved unanimously. 6-0.*

**I. LDG Meribel Project – Fee in Lieu of Sidewalk Construction**

Planner Eller presented the findings for a minor modification and fee in lieu of sidewalk construction for the road project at 171 Monticello Road for an amount of \$112,560. He explained the reason for the requested fee in lieu as to the layout of sidewalk connectors and frontage along NCDOT maintained Monticello Road.

There was discussion regarding working with NCDOT, the existing sidewalk system engineering, safety of future residents, and the LDG Meribel project site plan layout.

In response to Mayor Fitzsimmons question regarding the development timeline, Attorney Jackson provided information on the north end connection, the negotiations, the affordable housing project permitting, working with Department of Environmental Quality and Buncombe County, and the timeline for the developer to take title and conclusion of all completed permitting with NC DEQ and Buncombe County.

Attorney Jackson stated the finance department will likely request Town Council approval of a capital reserve ordinance to hold this fee until Town Council identifies a sidewalk project that it should be used for.

*Council member Lawrence moved to approve the Fees in Lieu of Sidewalk Construction for the LDG Meribel Project as presented The motion was approved unanimously. 6-0.*

#### **J. Quarterly Report – Planning**

Planning Director Eller provided the Planning Department quarterly report reviewing the permits issued for residential, new and existing construction for commercial construction, and he provided activity from the Planning Board and Board of Adjustment.

#### **K. Quarterly Report – Finance**

Finance Director Dozier reviewed the quarterly report summarizing the revenues and expenditures and highlighted the remaining balance report. She pointed out the ARP grant funding for the expansion of water treatment plant.

#### **8. Adjournment - Mayor Fitzsimmons**

There being no further business and without objection, Mayor Fitzsimmons adjourned the meeting at 7:18 p.m.

ATTEST:



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Tamara Mercer, Town Clerk