

MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, February 26, 2024**

The Town Council for the Town of Weaverville held its regular meeting on February 26, 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 Doug Jackson, John Chase, Michele Wood, Peter McGuire and Dee Lawrence.

Staff members present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Finance Director Tonya Dozier, Planning Director James Eller, Town Clerk Tamara Mercer, Police Chief Ron Davis, Assistant Police Chief Somer Oberlin, 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. Approval/Adjustments to the Agenda

Council member Wood requested to adjust items E. Annexation & Zoning 9 Pleasant Grove Road and F. Annexation & Zoning 6 Pleasant Grove Road from Consent Agenda to Discussion and Action Items, to which Mayor Fitzsimmons moved the two items to discussion. Mayor Fitzsimmons added the Proclamation for Blue Mountain Pizza under Consent Agenda items for Proclamations.

Council member Jackson motioned to approve the agenda as adjusted above. The motion was approved unanimously. 7-0.

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.

Mayor Fitzsimmons reminded everyone of the importance of the vote in democracy. The Primary Election is March 5th, and early voting ends Saturday, March 2nd.

4. Consent Agenda

Town Manager Coffey reviewed the following consent agenda items:

- A. *January 16, 2024, Town Council Workshop Minutes – approved as presented*
- B. *January 22, 2024, Town Council Regular Meeting Minutes – approved as amended to include MPO report*
- C. *Monthly Tax Report and Request for Refunds/Releases – approved as presented*
- D. *Budget Amendments Police Department – approved as presented*
- E. *Annexation & Zoning – 9 Pleasant Grove Rd – (delayed for discussion)*
- F. *Annexation & Zoning – 6 Pleasant Grove Rd – (delayed for discussion)*
- G. *Proposed Environmental Regulations – Public Hearing set for 3/25/24 @ 6pm*
- H. *Revisions to Weaverville Tailgate Market MOU – approved as presented*
- I. *Earth Day Proclamation and Blue Mountain Pizza Proclamation – approved with amendment to Earth Day Proclamation*

Vice Mayor Cordell clarified that the MPO report from January 22nd should be included and attached to the meeting minutes. Council member McGuire requested a correction to the preamble in the Earth Day Proclamation.

Council member Chase moved to approve the Consent Agenda with the aforementioned amendments. The motion was approved unanimously 7-0.

5. Town Manager’s Report Town Manager Coffey

Town Manager Coffey provided the Town Council with project updates and program highlights:

- Short-term rentals Community Engagement session and report
- OSHA Consultation and Safety Committee report
- Outdoor Recreation Complex basketball and pickleball court usage and noise reduction panel materials and vegetative buffers installation
- Eller Cover Watershed and Elevated Trail System
- Quarry Road Trail System report and updates
- Active Weaverville Committee Update- Hillside and Main Streets intersection and Main Street streetscape Project
- Avian Bird Flu and Lake Louise secondary lab testing and results
- Dry Ridge Historical Museum Annual Report for 2023
- Annual Budget Process and workshop and meeting schedule March 19th is first workshop
- Weaverville Business Association Candlelight Stroll and Holiday Parade collaboration
- Appointment of Assistant Chief Oberlin as new Police Chief
- Retirement Reception for Police Chief Davis on March 21st
- Early Voting and Primary Voting schedule

In response to Council member Jackson’s question regarding the Electric Vehicle program, Chief Davis said the Town has six charging stations, but they are not fast-charging station. He reviewed the plan to expand, the expected costs, and to consult with Duke Energy.

6. General Public Comments

Mr. Bo Platt of Crescent Court requested that Town Council consider an ordinance to add golf cart usage for the Golf Club.

Mr. Ward Patton owner of Weaver House on Main Street addressed the 10:00 p.m. noise ordinance, stating that it negatively impacts his clients between 25-35 age range, particularly in summer months. Mr. Patton requested Town Council to consider allowing a few events extended to 11:00 pm. He suggested they notify the neighborhood if there were to be any later events.

Ms. Alexandra Bertram, manager at Weaver House for five years, reiterated the request to extend the noise ordinance hours for amplified sound to 11:00 p.m.

Mr. Doug Dennison of Weaverville spoke in opposition to noise ordinance amendments to increase to later hours. Mr. Dennison complained of the noise from Weaver House as it negatively impacts his family at his home behind the event space.

Ms. Janie Neely of Alabama Avenue objects to a special event noise ordinance. She is opposed to any changes past 10 p.m. as other businesses will be allowed to stay open later and there will be noise pollution.

Mr. John Philips of Valley Drive spoke in favor of code amendments that will allow golf cart usage on the Town streets in the Reems Creek golfing community. He is in favor of expansion of water distribution system in particular the water main at Ponder Road property and Lakeway Circle. Mr. Philips requested consideration at the Budget Workshops to address the drainage system at Reems Creek Golf Course. There are holes in drain lines under the major roadways causing drainage problems.

Kevin Ude of Alabama Avenue was opposed to an extended hour noise ordinance. The loud music at Weaver House events vibrates his dwelling. The 10:00 p.m. timeframe was a compromise at the time of the noise ordinance adoption. Mr. Ude was in favor of sound buffer requirements. Mr. Ude agrees with the notification suggestion by Mr. Patton of any later events.

7. Discussion & Action Items

A. Audit Contract Renewal

Finance Director Dozier stated the Audit Contract with Gould Killian CPA Group was a 3 year agreement that has now expired. Staff recommended approval to renew for another 3-year period without going through an RFP process.

There was discussion regarding the RFP from 2018, and who is to staff future audits if Gould Killian continues as the Town's auditing firm.

Council member Jackson moved to renew a three-year contract for audit services with Gould Killian CPA, but to request that they change the personnel staff who perform the audit. The motion was approved unanimously 7-0.

B. Annexation Petition – 75 Cole Road

Attorney Jackson reviewed the voluntary annexation petition located at 75 Cole Road. She explained the resolution, if approved, directs the Clerk's Office to investigate the sufficiency of petition and the Planning Board to review and recommend a zoning district. She clarified the definition of satellite annexation. Additionally, the Public Works Director would provide the

analysis of the water allocation next month for 220 units in a multifamily development proposed at the subject site.

There was discussion regarding the MSD sewer lines, survey and connections. Attorney Jackson indicated the applicant's engineer and developer will have to address this as the developer needs a public sewer connection which is currently on the east side of I-26.

Council member Lawrence moved to adopt the Resolution concerning Voluntary Annexation Petition which directed the Clerk's Office to investigate the sufficiency of the annexation petition located at 75 Cole Road and directed the Planning Board to evaluate the R-12 zoning request. The motion was approved unanimously 7-0.

C. Resolution Supporting County Passive Recreation Lands Grant Application

Attorney Jackson reviewed the Resolution Supporting County Passive Recreation Lands Grant Application noting the request provides authority to submit an application for funding. She explained that Elevated Trail Design has provided preliminary information on the Eller Cove Watershed trail system, as well as Reems Creek and Quarry Road areas, and that presentation is expected in the near future to be presented by Mr. Mark Endries.

If granted authority, the Town can apply for the Buncombe County Open Space Bond monies. Application deadline is end of March, if the Town has this funding option, Town Council would then review this grant if it wished to move forward. Manager Coffey added volunteers cannot complete the work for this project, so funding helps.

Council member Jackson moved to approve the Resolution that authorizes Staff to submit an application for the County Passive Recreation Lands Grant funding for the Weaverville Watershed Trail's Projects. The motion was approved unanimously 7-0.

D. Waterline Easement Approval – Lakeway Circle

Public Works Director Pennell presented the proposed easement for the Lakeway Circle waterline system. He reviewed the layout of the water system, noting the narrow buffer area located between the subject site and the Town's right-of-way. The developer would connect to Lakeway Circle at the right-of-way.

Mr. Pennell reviewed the negotiations with the Reems Creek Homeowners Association, Golf Course, the State Agency review and permitting process, and the easement agreement. The Staff recommends granting the easement, subject to final review and minor modifications that are approved by Town Manager, Town Attorney and Public Works Director.

Council member Jackson moved to approve waterline easement agreement subject to staff level review and approval by the Town Manager, Town Attorney and Public Works Director. The motion was approved unanimously 7-0.

E. Paving Contract Change Order – ADA Sidewalk Ramps

Public Works Director Pennell summarized the ADA sidewalk ramp and paving project and the request for the Paving Project change order to include the ADA compliant sidewalk ramps.

Council member McGuire noted the project contract time was not updated on the change order and should be.

Council member Wood moved to approve change order with the project contract time correction. The motion was approved unanimously 7-0.

F. Citizen Requested Code Amendments – Initial Consideration

Mayor Fitzsimmons addressed the Weaver House request to extend noise ordinance hours. There was discussion regarding Asheville's downtown noise ordinance at music venues, the current Weaverville noise ordinance, the Police Department's enforcement and complaints.

Council member Jackson was concerned that there should be consistency and standards applied throughout the town. He disagreed with allowing a few events to have an extended hour of amplified sound. Council member Wood read a letter she received from the homeowners at 19 Alabama Avenue who were opposed to extended hours of amplified noise.

Mayor Fitzsimmons stated there was general consensus to take no action and pursue no changes to the current noise ordinance.

Mayor Fitzsimmons addressed the request from the Reems Creek golfing community to allow the use of privately owned golf carts on a select number of public streets around the Reems Creek Golf Course.

In response to Vice Mayor Cordell inquiry, Manager Coffey said staff investigated several ordinances from cities that allow golf cart usage within golf communities. Staff recommend that there be a list of specific streets within the golf community they would apply to. Further discussion regarding safety features, roadway miles-per-hour speed, licensed drivers, and list of streets and Police Department procedures and town impacts and concerns were addressed.

Mayor Fitzsimmons stated there was general consensus for Staff to prepare a proposed ordinance for golf cart usage for a list of streets within the golf course community for Council's consideration.

G. Tree Board

Manager Coffey noted staff seeks direction from Council regarding the Tree Board. She reviewed the history of the previous Tree Board, National Arbor Day requirements, Tree Ordinance process, and impacts on town property.

Mayor Fitzsimmons stated there was general consensus to move forward with re-establishing an independent Tree Board and asked staff to work on any needed code amendments to Chapter 2 and 32.

H. Rules of Procedure – Meeting Cancellation

Attorney Jackson noted there was some council member interest in discuss the parameters in place to govern meeting cancellations. Attorney Jackson indicated that there was nothing in Town Council's Rules of Procedures that addresses meeting cancellations, but that would be a good place to include some parameters. The Attorney reviewed possible amendments with the highlighted sections being want could be added.

Council member Wood said she requested the amendments and Council member Chase said he reviewed the language and would be in favor of amending the Rules of Procedure.

Council member Chase moved to adopt the amendments to the Rules of Procedure for Town Council as presented. The motion was approved unanimously 7-0.

I. Annexation & Zoning – 9 Pleasant Grove Road request to set the Public Hearings for March 25, 2024

Planning Director Eller reviewed the voluntary annexation request located at 9 Pleasant Grove Road containing approximately 10 acres. The subject site is claiming vested rights as they have Buncombe County approved development plans for 40 townhouse units. The water allocation by the Town was renewed conditioned upon voluntary annexation into the town. The Town Clerk previously submitted her Certificate of Sufficiency and the Planning Board has completed its review of the requested zoning.

Council member Wood questioned the density. There was discussion regarding the flood plain, grading and elevation requirements and steep slope, vested rights, floodplain construction requirements, and the County's floodplain inspection procedures. Mr. Warren Sugg, Engineer for the applicant was available for questions.

In response to Vice Mayor Cordell's question regarding the infrastructure in the area, Mr. Pennell explained that the water lines infrastructure would not be affected by the grading and construction or from flooding. He described the layout of the site area and subject site.

Mr. Sugg said the design addressed the 100-year floodplain elevation and the driveways must be at least 2-foot above the units.

Council member McGuire moved to set the Public Hearing for Annexation and Zoning located at 9 Pleasant Grove Road for March 25, 2024 at 6:00 p.m. or soon thereafter. The motion was approved unanimously 7-0.

J. Annexation & Zoning – 6 Pleasant Grove Road to set Public Hearings for March 25, 2024

Mayor Fitzsimmons requested staff review of the voluntary annexation request. Attorney Jackson stated that 6 Pleasant Grove Road annexation petition covers approximately 6 acres. Annexation was requested for the purpose of obtaining town services to support a development of up to 50 townhouse units on the property. The approval of water allocation would be subject to annexation by the town. Mr. Warren Sugg is the same engineer who is available to answer questions. The subject site does not have vested rights.

Council member Lawrence moved to set the Public Hearing for Annexation and Zoning located at 6 Pleasant Grove Road for March 25, 2024 at 6:00 p.m. or soon thereafter. The motion was approved unanimously 7-0.

K. Quarterly Report – Police

Chief Davis provided the Police Department quarterly report including the town-wide trends.

L. Quarterly Report – Fire

Chief Harris reviewed the Fire Department quarterly report, and highlighted the response times, inspections, safety, community engagement, wildfire season education, stewardship and partnerships with various agencies, such as the nursing home facility.

8. Closed Session NCGS § 143-318.11(a)(3), NCGS § 143-318.11(a)(5), NCGS § 143-318.11(a)(6)

At approximately 8:02, Council member Chase moved to enter closed session as allowed by N.C.G.S. § 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, NCGS § 143-318.11(a)(5) – To establish or to instruct the public body’s staff or negotiating agents concerning the amount of compensation or other material terms of a proposed employment contract; and NCGS § 143-318.11(a)(6) – To consider the qualifications, competence, performance, character, fitness, conditions of appointment/employment of a public officer or employee. The motion was approved unanimously (7-0) and Town Council entered into closed session.

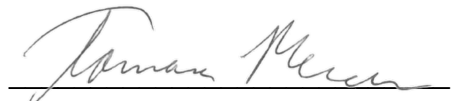
[Closed Session]

At approximately 8:56 pm, Vice Mayor Cordell motioned to exit closed session and reenter open session. The motion was approved unanimously 7-0.

9. Adjournment Mayor Fitzsimmons

There being no further business and without objection, Mayor Fitzsimmons adjourned the meeting at approximately 8:57 p.m.

ATTEST:



Tamara Mercer, Town Clerk