

MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, March 25, 2024**

The Town Council for the Town of Weaverville held its regular meeting on March 25, 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. Public Hearings – Annexation – 6 Pleasant Grove Road

Mayor Fitzsimmons opened the public hearing on the annexation of 6 Pleasant Grove Road.

Planning Director Eller presented information regarding the voluntary annexation request located at 6 Pleasant Grove Road. Mr. Eller noted the Clerk previously certified the sufficiency of the annexation petition and that the public hearing had been duly advertised and that the matter was eligible to receive public comments.

Mr. Eller noted Staff did not receive written comments in advance of the meeting on the proposed annexation. Mayor Fitzsimmons noted that no one signed up to speak on the annexation matter and closed the public hearing.

3. Public Hearings – R-3 Zoning – 6 Pleasant Grove Road

Mayor Fitzsimmons opened the public hearing on the proposed R-3 zoning of the property at 6 Pleasant Grove Road.

Mr. Eller stated the petitioner requested R-3 Zoning located at 6 Pleasant Grove Road consisting of approximately 6-acres. The public hearing had been duly advertised and that the initial zoning of R-3 had received a favorable recommendation from the Planning Board.

Mr. Eller noted Staff did not receive written comments in advance of the meeting on the proposed zoning. Mayor Fitzsimmons noted that no one signed up to speak on the zoning request matter and he closed the public hearing for the zoning request located at 6 Pleasant Grove Road.

4. Public Hearings – Annexation – 9 Pleasant Grove Road

Mayor Fitzsimmons opened the public hearing on the proposed annexation of properties at 9 Pleasant Grove Road.

Planning Director Eller stated the owner Pleasant Grove of WNC, LLC requests voluntary annexation located at 9 Pleasant Grove Road for approximately 10.67 acres. Buncombe County issued a special use permit and the applicant is claiming vested rights to develop the property under the special use permit.

Mr. Eller noted the Clerk previously certified the sufficiency of the annexation petition and that the public hearing had been duly advertised and that the matter was eligible to receive public comments.

Mr. Eller noted Staff did not receive written comments in advance of the meeting.

Mayor Fitzsimmons noted that no one signed up to speak on the annexation matter and closed the public hearing.

5. Public Hearings – R-3 Zoning – 9 Pleasant Grove Road

Mayor Fitzsimmons opened the public hearing on the proposed R-3 zoning of the properties at 9 Pleasant Grove Road.

Mr. Eller stated the petitioner requested R-3 Zoning for the properties at 9 Pleasant Grove Road that will be developed into 40 townhouse units. He also noted that the public hearing had been duly advertised and that the initial zoning of R-3 had received a favorable recommendation from the Planning Board.

Mayor Fitzsimmons noted that no one signed up to speak on the zoning request matter and he closed the public hearing for the zoning request located at 9 Pleasant Grove Road.

6. Public Hearing – Code Amendments to Chapters 13 and 20 – Environmental Regulations

Mayor Fitzsimmons opened the public hearing.

Director Eller and Town Attorney Jackson reviewed the proposed language for environmental regulation to Chapter 13 & 20 in the Code pertaining to steep slopes, mountain ridge protection, and various aspects of stormwater management including provisions on illicit discharge detection and elimination, and other related technical amendments. The Planning Board reviewed the proposed text amendments on February 6, 2024, and issued a favorable recommendation that included a statement on the consistency of the proposed amendments with the Comprehensive Land Use Plan.

Staff noted two minor text revisions from what the Planning Board recommended. One involved adding some language to the mountain ridge protection section to handle nonconforming structures and those properties that have already received a variance from a front yard setback that may push them into the 15-foot protected area. The other minor revision was to recognize that charity car washes are permitted discharges into the Town's stormwater system.

Staff noted that the public hearing had been advertised as required by law and that no written comments had been received in advance of the meeting.

The Mayor noted that no one signed up to speak on the proposed Code Amendments pertaining to environmental regulations, and he closed the public hearing for the proposed Code Amendments.

7. Approval/Adjustments to the Agenda

Council member Chase motioned to approve the agenda as presented. The motion was approved unanimously. 7-0.

6. 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.

7. Consent Agenda

Town Manager Coffey reviewed the following Consent Agenda items:

- A. February 26, 2024, Town Council Regular Meeting Minutes- approved as presented*
- B. Monthly Tax Report and Request for Refunds/Releases 98.6% tax collection rate- approved as presented*
- C. Approval of Audit Contract with Gould Killian CPA – approved as presented*
- D. Renewal of Water Commitment – 480 Reems Creek Road - approved as presented*

Council member Lawrence motioned to approve the consent agenda as presented. The motion was approved unanimously. 7-0.

8. Town Manager's Report

Manager Coffey provided Town Council with the projects report and program highlights.

- Annual Budget Process Update
- Update on Governor's Crime Commission Grant- includes ADA improvements.
- Pickleball Courts and Noise Reduction Efforts
- Tree Board Applications Update
- Active Weaverville Committee Update
- Town Council Strategic Plan Update and Councilman Lawrence
- Open Space Bond and Grant Application for Passive Recreation Lands
- Music on Main collaboration with the Weaverville Business Association
- Application for Cybersecurity and IT Assessment Program Grant
- Invasive Species and Live Staking Workshop Sponsored by River Link, Land of Sky Regional Council, and the Town of Weaverville
- Upcoming Town Council schedule dates include:
 - Saturday, April 13, 5pm, Weaverville Fire Department Awards Banquet
 - Tuesday, April 16, 2024, 6pm, Budget Workshop – Proposed Budget Presentation
 - Friday, April 26, 2024, 11am, Arbor Day Program at Town Hall

Public Works Director Pennell said the costs for materials at the Outdoor Recreation Complex are \$10,000 for sound panel installation and \$10,000 for vegetation and tree buffers.

9. General Public Comments

Mr. Bo Platt of Crescent Court Weaverville addressed the Weaverville employee COLA. He said if we do not keep up with COLA, there will be the loss of employees which leads to increased

training costs. He wants the Town's quality of life and great services to continue and that takes good Town staff. Mr. Platt supports an increase in COLA and merit pay.

10. Discussion & Action Items

A. Short-Term Rental Presentation

Kayla DiCristina, LOSRC Regional Planner, provided the Land of Sky Regional Council presentation: 'Let's Talk about Short-term Rentals'. She reviewed the background of the topic and noted the Town began addressing the short-term rental question in 2023. Town Manager Coffey, with approval of Town Council, contracted Land of Sky Regional Council to facilitate these public input sessions. The goal was to identify community concerns and issues, and to be pro-active in planning.

DiCristina reviewed the timeline of the public engagement sessions with the community. The process, results and key takeaways, and highlights in the report analysis, such as population changes in population growth, age demographics, child-dependency ratio, median value of homeownership, housing stock, income, and affordable housing.

19% increase in population growth yet housing stock only 14% increase in construction this is a major factor which is compounded by national level increase of costs. 64% of median dwellings value is in line with the State's housing value increases. STR guest stays and comparisons of benchmark cities.

Ms. DiCristina explained the working age population composition and trend changes in age brackets, affordability challenges, polls, and in the quantitative data. Explained ownership structures, ex. Less a factor of management of STRs.

Key Takeaways:

- Weaverville's population composition is aging.
- Housing affordability is a national issue compounded by local factors such as there are not enough housing units for the demand.
- It is unclear whether short-term rentals contribute to housing affordability, and housing stock. Portions of the community have preemptive concerns regarding short-term rentals.
- Short-term rental owners and operators who engage directly with neighbors and communities are viewed more positively.
- Short-term rentals have positive economic impact on Weaverville's local businesses, as tourism is a local economic driver.
- Community solutions may be effective in resolving STR issues.
- The Town cannot regulate land use based on ownership.

In response to Council member Jackson question regarding the customary STR time period, Ms. DiCristina said between one day or one week to less than 30-days.

There was discussion regarding whole house stays versus homestays, out-of-state entities that own and rent or in-state owners, businesses versus residential zoning, HOA restrictions and municipality restrictions.

Attorney Jackson said the Planning Board provided a straw poll and, in a 5-2 vote, indicated that some regulation should be considered. If Town Council directs staff to regulate short-term rentals, then some guidance or direction is requested, including whether to craft minimal or stringent regulations.

In response to Councilmember McGuire question regarding short-term rental lodging tax, Manager Coffey said the levied occupancy tax is received by the County, the town does not receive a disbursement.

Vice Mayor Cordell explained the three taxes on short-term rentals, in her opinion the subject will blow-over between homeowners.

Councilmember Chase said he was in support of short-term rental guidelines.

Councilmember Wood said she was in favor of regulations on whole house rentals only, so if they own more than one house, regulations should keep people who are out of state from renting short-term rentals. The Town should seek regulations similar to Woodfin's ordinance.

Mayor Fitzsimmons requested that staff look at the County proposed regulations for consistency. He indicated that they are addressing whole house short-term rental regulations, and we should be similar to the county proposal.

Manager Coffey thanked Council members for giving direction on the topic. Staff and the Planning Board will begin developing some regulations. Staff will review Buncombe County and Woodfin's regulations for whole house rentals.

B. Water Fund Financial Analysis/Water Rate Study Presentation

Alison Alexander and Steve Miller, both with Withers Ravenel, provided the Water Fund Financial Analysis/Water Rate Study Presentation. Project prioritizations were included in the 10-year capital improvement plan, including the water treatment plant expansion funding. The rate structure goals and objectives included a minimum rate increase for residential and commercial customers. Best practices were examined and included in the report from FY 2019, the current state, and servicing debt projections through the 10-year long-term investment planning.

Mr. Miller explained the proposed rate changes: Option 1, Option 2, and Option 3. Option 1 encourages conservation, splits the 3,000-to-25,000-gallon rate tiers, and does not penalize industries. Option 2: simplifies rates, encourages conservation, charges per meter size in FY 2025, and does not penalize industries applied over five years. Option 3: charge a 50% rate premium for irrigation usage, encourages conservation, pushes costs to peak water demands to those customers contributing to the most peaks.

The study's conclusions were accepted, and Mayor Fitzsimmons noted the options will help Council assess the rates moving forward as they are all three good recommendations. In response to Council member Lawrence's question during the FY 2022 revenues, Mr. Miller explained the reason for the spike, and therefore Finance classified the capital projects revenue and water revenue source, as detailed in the separate accounts.

C. PSIP/CDE Intergovernmental Agreements

Public Safety Interoperability Partnership (PSIP) and Central Data Entry (CDE) was reviewed by Chief Davis and Eric Grau, Information Technology Director of Buncombe County. The PSIP Technical agreement will formalize the coordinated services and improve public safety operations. Chief Davis explained the current Police Department uses the Buncombe County IT services without an agreement for computer aided dispatch services. The interagency agreement will define service, provide transparent cost structure, and formalize this agreement for emergency services the Town already receives.

Mr. Grau provided the history of the system regionally, explained the cost model, and reviewed some of the benefits of the coordinated approach including that it promotes officer safety, provides 24/7 support, defines responsibilities, and uses CAD GMS DMV traffic data. They are working towards the replacement of the 20+ year old system within three years.

Manager Coffey noted all municipal managers in Buncombe County are working on the adoption of these various agreements and is a County wide recommendation.

Council member Jackson moved to authorize the Town Manager to execute the PSIP/CDE agreements as presented. The motion was approved unanimously. 7-0.

D. Northridge Farms Project Update

Attorney Jackson reviewed the Northridge Farms project. On March 14th the developer asked to remove a condition in the water commitment which requires connection to the town's system at its existing water lines at Northridge Commons Parkway and Monticello Road via Gill Branch Road. Public Works Director and Town Engineer Pennell has noted the vulnerability if one source were to fail. The developer noted concerns over NCDOT approval of the encroachment agreements in the rights-of-way of Gill Branch Road as a reason for the request to remove the second connection.

There was general consensus agreement to maintain the Water Commitment condition unless NCDOT denies the encroachment agreement into the rights-of-way.

Attorney Jackson noted that there is not a public street commitment that has been submitted yet to the Town, but that she anticipates that the developer will request that at least some of the streets be made public and taken over by the Town. There was limited preliminary discussion regarding private streets vs public streets, NCDOT improvements, walking path and sidewalk connections, and bridge replacement costs.

E. Annexation and Zoning – 6 Pleasant Grove Road

Attorney Jackson provided an overview of the satellite voluntary annexation request located at 6 Pleasant Grove Road consisting of approximately 6-acres to develop 50 townhouse units. A public hearing was held, and the case is eligible for annexation. This property does not come with vested rights, once annexed then the development must fully comply with the Town's code.

(Note: Mayor Fitzsimmons suspended the rules, paused this request, and addressed 9 Pleasant Grove Road)

Mr. Warren Sugg, Engineer for the developer provided a concept plan for the subdivision. Any development must comply with the Buncombe County floodplain regulations. The R-3 zoning request is consistent with the Town of Weaverville CLUP.

Councilmember Lawrence moved to adopt Ordinance #2024-1 extending the corporate limits of the Town of Weaverville to 6 Pleasant Grove Road and designate R-3 zoning as it is consistent with the Comprehensive Land Use Plan and is reasonable as presented. The motion was approved unanimously. 7-0.

F. Annexation and Zoning – 9 Pleasant Grove Road

Councilmember Chase was concerned regarding the floodplain, claiming vested rights allows a developer to circumvent our regulations in the event of a major flood. Director Pennell said the Public Works Department is not concerned with the water lines in a flood event. Pleasant Grove Road is a State maintained road.

Attorney Jackson noted the Buncombe County Special Use Permit allows the developer to construct 40 townhouse units. She also indicated that the project did obtain a Flood Permit and must comply with all provisions of the flood plain regulations.

Warren Suggs, professional engineer with Civil Design Concepts, stated that the Developer requests to hold action so they can perform and complete civil engineering.

Without objection Mayor Fitzsimmons noted that Town Council will postpone action on this matter per the applicant's request but requested that it be back on the agenda for action not later than Town Council's June 2024 meeting.

F. Code Amendments – Environmental Regulations and Technical Amendments

Attorney Jackson presented the proposed code amendments to Chapter 13 and 20 for environmental protection pertaining to steep slopes, mountain ridge protection, and various aspects of stormwater management including provisions on illicit discharge detection and elimination, and other related technical amendments.

Councilmember McGuire moved to adopt the ordinance to amend Chapters 13 and 20 concerning Environmental Protections as presented. The motion was approved unanimously. 7-0.

H. Code Amendments - Golf Cart Operations on Certain Town Streets

Mr. John Phillips, representative from the Reems Creek Homeowners Association, Inc., requested consideration of regulations to allow golf cart operations on certain town roads. Mr. Phillips indicated that there was general consensus within his community in favor of allowing the golfing community to use carts on certain streets.

Councilmember Lawrence moved to adopt the Golf Cart regulations Article 28- Traffic and Parking Article IV. Golf Cart Operation on Certain Town Streets and fee schedule amendments as presented. The motion was approved unanimously. 7-0.

I. Automatic Aid Agreement with Reems Creek Fire Department

Weaverville's Fire Department (WFD) and the Reems Creek Valley Fire Department (RCVFD) have a long-standing agreement that RCVFD will provide automatic aid to Town properties in the vicinity of the RCVFD fire station, particularly east of the intersection of Hamburg Mountain Road and Reems Creek Road. Town staff and the RCVFD have been working on formalizing an automatic aid agreement and Chief Harris presented the resulting agreement and offered to answer any questions.

Councilmember Chase moved to approve the Automatic Aid Agreement with Reems Creek Valley Fire Department. The motion was approved unanimously. 7-0.

J. Awarding of Service Badge and Sidearm to Retiring Chief Davis

Manager Coffey presented to Chief Davis his Service Badge and Sidearm and thanked him for his dedicated service to the Town and this community. To comply with North Carolina law she recommended that Town Council set a sale price of \$1.00 for the sidearm and noted that she has already paid that sum.

Councilmember Jackson moved to award retiring Police Chief Ron Davis his service badge and sidearm, with a sales price of \$1.00. The motion was approved unanimously. 7-0.

Chief Davis said it was a privilege and an honor to work with the entire Weaverville team on community solutions.

K. Quarterly Report – Public Works and Water

Director Pennell provided the Public Works and Water Division quarterly report from December through February. He reviewed the waterline and utility service calls, tipping fees and garbage tonnage and costs. The Town pays more for the recycling material and we are educating the public regarding CURBIE sorting with on-line website and social media postings, PSAs in Town Hall lobby, and the new flyers. He explained the new installations at the Outdoor Recreation Complex. Provided an update on the street improvements and roadway paving projects. There were no new water allocation requests received and the waterline improvements and water expansion projects are on-track for bidding this spring.

11. Adjournment Mayor Fitzsimmons

There being no further business and without objection, Mayor Fitzsimmons adjourned the meeting at 8:05 p.m.

ATTEST:



Tamara Mercer, Town Clerk