

MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Tuesday, May 20 2024**

The Town Council for the Town of Weaverville held its regular meeting on May 20, 2024, at 6:00 p.m. in Council Chambers within Town Hall at 30 South Main Street, Weaverville, NC.

Councilmembers present: Mayor Patrick Fitzsimmons, Vice Mayor John Chase and Council members Doug Jackson, Catherine Cordell, 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 Somer Oberlin, Assistant Fire Chief Michael Hunter, Public Works Director Dale Pennell, Water Plant Supervisor Randall Wilson, and Zoom Room Coordinator Lauren Ward.

1. Call to Order Mayor Fitzsimmons

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

Vice Mayor Cordell made a statement that she will continue serving as a member of Town Council but not as Vice Mayor citing some personal differences with Town Council.

Council Member Lawrence nominated John Chase as Vice Mayor. The motion was approved unanimously. 7-0.

2. Public Hearing – Annexation 75 Cole Road

Mayor Fitzsimmons opened the public hearing and recognized the Town Attorney.

Attorney Jackson presented information regarding the voluntary annexation request located at 75 Cole Road by Mr. Roger Spittle seeking approximately 22 acres be annexed in order to receive town services. The Clerk previously certified the sufficiency of the annexation petition and Attorney Jackson noted the public hearing had been duly advertised and that the matter was eligible to receive public comments.

Attorney Jackson said written comments from citizens were submitted to the Council members via email and hard copies were provided to the Town Council. Ms. Jackson reviewed the following submitted citizens comments:

Mr. Bentley Morley and April Morley of Flat Creek objected to annexation due to environmental concerns in Little Flat Creek and Flat Creek specifically the natural habitat. Other development impacts of concern were increased traffic and noise pollution in the area.

Mr. Randy Hintz of Cole Road and owner of Salvaterra Pottery and Woodworks and the engineer who worked on the infrastructure at Clarks Chapel Road stated he was in favor of the annexation and increase of traffic but was concerned that the sanitary sewer system should be improved to support the surrounding community as well as receiving municipal water services to the residents in the area. Mr. Hintz requested annexation be contingent upon infrastructure improvements to the neighbors.

Vicky Keith and Madeliene Abling of Tipton Lane requested a delay of annexation and rezoning of 75 Cole Road until a comprehensive environmental impact study is conducted as the development site is in close proximity to Little Flat Creek/ Flat Creek natural habitat which is a community resource.

Mayor Fitzsimmons noted that no one signed up to speak in-person on the annexation request matter and he closed the public hearing for the annexation request located at 75 Cole Road.

During general public comment Mr. Michael Hatch of Clarks Chapel Road stated he and his wife, Hillary Hatch, are opposed to annexation and the R-12 zoning at 75 Cole Road. Mr. Hatch said he was concerned the construction would negatively impact the residents and objected to the increased traffic and traffic patterns in the area.

3. Public Hearing – R-12 Zoning and CLUP Amendment – 75 Cole Road

Attorney Jackson reviewed the Planning Board zoning recommendation, noting that the Board offered a favorable recommendation of R-12 Zoning to be reasonable but is inconsistent with the Comprehensive Land Use Plan. The Board specifically stated that Growth Area 4 in the CLUP be amended to include a mix of high-density residential uses and commercial uses within the I-26 corridor growth area. The multi-family development will result in the MSD sewer infrastructure being installed thus supporting the travel corridor and likely a catalyst to further commercial development.

Mayor Fitzsimmons opened the public hearing for zoning located at 75 Cole Road.

Mr. Michael Hatch of Clarks Chapel Road stated he and his wife, Hillary Hatch, are opposed to annexation and the R-12 zoning at 75 Cole Road. Mr. Hatch said he was concerned the construction would negatively impact the residents and objected to the increased traffic and traffic patterns in the area.

All those given an opportunity to speak, Mayor Fitzsimmons closed the public hearing for the zoning request located at 75 Cole Road.

4. Approval/ Adjustments to Agenda

Councilmember Lawrence moved to approve and adopt the agenda. The motion was approved unanimously. 7-0.

5. 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.

6. Consent Agenda

Town Manager Coffey reviewed the following Consent Agenda items:

- A. *March 19, 2024 Town Council Workshop Meeting Minutes – approved as presented*
- B. *April 16, 2024 Town Council Workshop Meeting Minutes – approved as presented*
- C. *April 22, 2024, Town Council Regular Meeting Minutes – approved as presented*
- D. *Monthly Tax Report and Request for Refunds/Releases – approved as presented*
- E. *Budget Amendment – Fire Department – approved as presented*
- F. *Board Appointments – Planning Board – approved as presented*
- G. *Resolution on Meribel Project (171 Monticello Rd) and Approval of Housing Authority Issuance of Revenue Bonds – adopted as presented*
- H. *Water Commitment Renewal – Garrison Branch Rd Commercial Development – approved as presented*

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

7. Town Manager's Report

Manager Coffey provided Town Council with the projects report and program highlights for the following:

- Woodfin/Weaverville Greenway Connector Update- Traffic Planning Design project to kick-off June
- Outdoor Recreation Complex Pavilion- sound mitigation at pickleball courts, restrooms and storage pavilion updates
- Weaverville Fire Department Solar Panel Project system costs and schedule
- Buncombe County Open Space Bond for Passive Recreation Lands Application Update for Eller Cove Trail System
- National Police Week
- Citizens Academy Graduation June 20th at the Community Center
- Public Works Water Meters supply chain issues with Radio-read meters
- Dry Ridge Museum Quarterly Report
- Memorial Day Observance Monday, May 27th
- Budget Workshop #4 June 4th
- Budget Workshop #5 & Annual Budget Adoption June 18th

8. General Public Comments

Mayor Fitzsimmons opened the general public comment portion of the meeting.

Ms. Mari Fox of Lakeshore Drive said she has lived here for 24 years and is opposed to the noise disturbances at the pickleball courts. Ms. Fox lives next door to the courts and she recounted instances of noise such as loud music and loud people. She requests further examination and mitigation for noise abatement at the outdoor complex. Ms. Fox passed out photographs stating that it was her property overlooking the pickleball courts.

Ms. Julie Nelson said she is a short-term rental property owner in Weaverville and Asheville and said she advocates for continued use of STRs in Weaverville. Ms. Nelson cited the fact-finding process by the town, the report submitted by the Land of Sky Regional Council, and statistics and data for allowing short-term rentals to remain in business. She questioned the motives for implementing STR regulations and Ms. Nelson suggested reevaluation in 18 months. She also suggested a citizen ad hoc committee to further address the issue and volunteered to serve.

Ms. Maggie Shroder, an Alexander Road resident, said she reviewed the proposed budget. Ms. Shroder noted that she attended the March Town Council budget workshop, and she was concerned with the employee cost-of-living adjustment. She is in support of a COLA increase for staff due to Town's recent growth and added services. Ms. Shroder suggested implementing at least a 5% COLA to compensate for the past years. Ms. Shroder added she is in favor of noise mitigation at the Outdoor Recreation Complex pickleball courts.

9. Discussion & Action Items

A. Maple Trace Annexation Update

Mr. David King, Maple Trace HOA President introduced the engineer Mr. Will Buie with WGLA Engineering, LLC., who provided the engineering report on the Maple Trace roads and roadway assessments.

Mr. Buie said he is the engineer with WGLA and also for the developer Windsor Built Homes. They designed the roadways infrastructure and said they constructed them to Buncombe County standards. He explained materials used, construction process and the inspections conducting the compaction testing. The testing was to standard GEO technical compaction tests.

There was a question-and-answer period on the town roads and street standards, average asphalt depth of streets. Mr. Pennell said the town's minimum depth of asphalt is 2-inches and 8-inches of stone.

The town requested 62 core samples, but only 16 core samples were performed. Mr. Pennell added that 14 core tests out of the 32 data points collected did not meet the town's standards.

Mr. Pennell said Public Works department is concerned with the subdivision's stormwater system and indicated that Maple Trace has not undertaken any testing or investigation of the stormwater drainage system as recommended by Mr. Pennell. Public Works is very concerned with the stormwater system as repairs are very costly if needed and the condition of the system is not known without investigation.

Further discussion referenced the age of the roadways in the Maple Trace subdivision, the street materials, Maple Trace paying for upgrades to their roadways, damage repairs and patching the streets, roadway improvement costs, Waterleaf Drive connector and ownership of the connector.

In response to Vice Mayor Chase's question if Maple Trace would pay for the roadway upgrades at the entrance, Mr. King said they could within reason, and he pleaded for vision to annex Maple Trace into the town.

There was general support among Town Council to consider bringing Maple Trace into the town for additional tax base and to provide better connectivity and growth opportunities within the Reems Creek corridor. Mayor Fitzsimmons directed staff to work with the Maple Trace HOA towards annexation.

B. Trail Design Reports for Eller Cove Watershed and Quarry Road Trail Plans

Mr. Peter Mills of Elevated Trail Designs said they were contracted to create a trail plan and he provided the report on Eller Cove Watershed and Quarry Road proposed trail systems.

Mr. Mills said the trail system design is for the Town's +/- 300 acre property that is within the conservation easement administered by Southern Appalachian Highlands Conservancy. The proposed plan utilizes the old logging roads for a design of approximately 9.5 miles of trail experience and will have minimal environmental impact on the environment on scenic Elk Mountain. Manager Coffey stated the town has two grant applications being processed for the Eller Cove Watershed property: one with the Tourism Development Authority and the other is working and collaborating with the Buncombe County Town Manager for the Open Space bonds. The Town's grant application to Buncombe County has moved forward to the next phase of meetings/presentations which are scheduled for June.

Mr. Mills also presented the Quarry Road site layout design, connectors and said we would work with the developers and adjacent landowners for active uses and connectivity.

There was discussion regarding costs, parking, trail routes, cyclists and hikers, and interconnectivity.

C. Water Commitment/Extension Request – 75 Cole Road

Director Pennell provided the request noting the water demand calculations determine that there is adequate water capacity, and the Town can service the project located at 75 Cole Road. He explained the connection and infrastructure extension planned at the developers' expense along Cole Road from the town's Clarks Chapel Road to connect to the water line. The line is sufficient and coincides with the water plant expansion project stated Mr. Pennell.

There were questions from Council regarding the schedule of the water extension project, the location of the pump station, the 2024 initial water needs, and the sanitary infrastructure.

Mr. Warren Suggs, Engineer for the developer with Civil Design Concepts explained the plan to work with the Metropolitan Sewerage District (MSD) for the forced main, pump station and gravity line along the east side of I-26. Mr. Sugg reviewed the layout of the sewer gravity lines.

Attorney Jackson pointed out that Town Council action on the annexation and zoning of this property is next on the agenda, but that Town Council could take action to approve the water commitment request conditioned upon annexation into the Town.

Mayor Fitzsimmons moved to approve the water commitment for the project located at 75 Cole Road on the condition of approval for municipal annexation into the Town of Weaverville. The motion was approved unanimously. 7-0.

D. Annexation and Zoning – 75 Cole Road

Attorney Jackson said the owner of the property located at 75 Cole Road submitted the voluntary annexation petition seeking annexation for approximately 22 acres. The Clerk has certified the sufficiency of the annexation petition, and the public hearings were held on May 20th on annexation and proposed R-12 zoning. The Planning Board reviewed included the recommendations to update the Comprehensive Land Use Plan to amend and restate a resolution concerning specifically the Growth Area 4 along the I-26 corridor as provided.

Mayor Fitzsimmons moved to adopt the amended and restated Resolution Concerning the Growth Areas and to adopt the Annexation Ordinance Extending the Corporate Limits of the Town of Weaverville 75 Cole Road +/-22 Acres Annexation #2024-3 as presented. The motion was approved unanimously. 7-0.

E. Active Weaverville Committee Update Sarah Myers

Recreation Coordinator Myers presented an update for the Active Weaverville Plan. Some revisions to the adopted plan will be necessary on some of the identified projects. She explained the need for NCDOT cooperation, funding challenges, next steps, and highlighted the Hillside Street improvement plan, Yost Street sidewalks, and concept plans for Main Street streetscape.

F. Code Amendments – Chapter 20 – Sign Regulations

Planning Director Eller said the proposed Code amendments to the sign regulations have a positive recommendation from the Planning Board and included the consistency statement as it is deemed a high priority within the CLUP for legal compliance.

Attorney Jackson reviewed the legal compliance issues with US Supreme Court rulings. The courts have ruled that local government regulations based on content of the sign are typically prohibited and that regulations should be content neutral and primarily focused on time, place, and manner. Staff requests a Public Hearing be set on the matter for June 24th.

Council member Lawrence moved to schedule the sign regulation code amendments for June 24, 2024, at 6:00 pm or soon thereafter. The motion was approved unanimously. 7-0.

G. Tree Board – Code Amendments and Board Appointments

Council member Jackson moved to approve Ordinance Amending Weaverville Town Code Chapters 2 and 32 concerning the Tree Board and appoint the seven tree board members and one alternate board member as presented. The motion was approved unanimously. 7-0.

H. Staff Report on Potential Changes to Florida Avenue

Manager Coffey reviewed the process thus far regarding potential changes to Florida Avenue. The Weaverville Business Association provided Town Council with their recommendations in April that included some options. Mayor Fitzsimmons inquired if Town Council is in favor of the options presented to modify Florida Avenue, and Council member McGuire said he was not in favor of a full traffic closure on Florida Avenue and was concerned with the costs for the project improvements. No action was taken at this time.

I. Quarterly Report – Police Department

Police Chief Oberlin provided the quarterly report on the department trends, training, and professional development. She also reported on the flood damage that occurred in the building.

J. Quarterly Report – Fire

Fire Chief Harris reviewed the Fire Department quarterly report, and highlighted the response times, inspections, safety, community engagement, and career day education.

10. Adjournment Mayor Fitzsimmons

There being no action taken and no further business and without objection, Mayor Fitzsimmons motioned to adjourn the meeting at 8.20p.m. The motion was approved unanimously. 7-0.

ATTEST:



Tamara Mercer, Town Clerk