

**TOWN OF WEAVERVILLE**  
**Weaverville Community Room at Town Hall**  
**30 South Main Street, Weaverville, NC 28787**

**TOWN COUNCIL AGENDA**  
**Monday, June 24, 2024**  
**Regular Meeting at 6:00 pm**

**Remote Access Option for General Public via Zoom (unless technical difficulties):**  
<https://us02web.zoom.us/j/85948891960> ; Meeting ID: 859 4889 1960

	<i>Pg #</i>	<i>Presenter</i>
<b>1. Call to Order</b> .....		Mayor Fitzsimmons
<b>2. Public Hearing – Code Amendment – Ch. 20 – Sign Regulations</b> .....	3	Town Attorney Jackson
<b>3. Approval/Adjustments to the Agenda</b> .....		Mayor Fitzsimmons
<b>4. Conflict of Interests Statement</b> .....		Mayor Fitzsimmons
<b>5. Consent Agenda</b> .....		Town Attorney Jackson
A. May 14, 2024, Town Council Workshop Meeting Minutes .....	16	
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<b>7. General Public Comments</b> (see below for additional information) .....		Mayor Fitzsimmons
<b>8. Discussion &amp; Action Items</b>		
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F. Quarterly Report – Public Works and Water .....	118	Public Works Dir. Pennell
<b>9. Adjournment</b> .....		Mayor Fitzsimmons

General public comments may be submitted during the meeting or in writing in advance on any meeting topic or any other item of interest related to the Town of Weaverville. Normal rules of decorum apply to all comments and duplicate comments are discouraged. The general public comments section of the meeting will be limited to 20 minutes. Comments during the meeting are generally limited to 3 minutes. You must be recognized before giving your comment. Written comments timely received will be provided to Town Council and read during the 20-minute general public comment period as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (2) by emailing to [public-comment@weavervillenc.org](mailto:public-comment@weavervillenc.org) at least 6 hours prior to the meeting, (3) by mailing your written comment (received not later than Monday’s mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

## **WEAVERVILLE TOWN COUNCIL REGULAR MEETING REMOTE ELECTRONIC MEETING LOGIN CREDENTIALS**

The Weaverville Town Council has elected to continue to provide the general public with remote electronic access to its regular monthly meetings, unless technical issues prevent such access.

This **NOTICE OF REMOTE ELECTRONIC MEETING** is provided to inform the public that the **Weaverville Town Council regular monthly meeting will be held as an in-person meeting (Council Chambers/Community Room at Town Hall, 30 South Main Street) with remote attendance by the general public allowed via Zoom.** For those members of the public wishing to attend remotely via Zoom the following information is provided.

**A virtual waiting room will be enabled and participants will be allowed entry into the meeting just prior to the start of the meeting. The instructions to access this meeting are:**

**To join the meeting by computer,** go to this link <https://us02web.zoom.us/j/85948891960>  
You may be asked for permission to access your computer's video and audio. If so, click "allow."  
You will then be asked for the Meeting ID which is: 859 4889 1960. You will first enter a virtual waiting room. The host will admit you into the meeting just prior to the start of the meeting.

**To join the meeting by phone,** call: (253) 215-8782 or (301)715 8592  
You will then be asked for the Meeting ID which is: 859 4889 1960 . There is no password for this meeting, so if asked for one just press the # button.

**Guidelines and Instructions for General Public Comment:** A portion of the meeting will be set aside for general public comments. Town adopted Rules for Public Comment will apply. Normal rules of decorum apply to all comments and duplicate comments are discouraged. Public comments may be submitted during the in-person meeting or in writing in advance, but will not be taken from those attending remotely. The public comments section of the meeting will be limited to approximately 20 minutes, but may be extended by Town Council if time allows. You must be recognized before giving your comment and must make comments from the podium. Individual comments during the meeting are generally limited to 3 minutes. Written comments timely received will be provided to Town Council and read into the record during the meeting as time allows. Written comments are limited to no more than 450 words and can be submitted as follows: (1) by emailing to [public-comment@weavervillenc.org](mailto:public-comment@weavervillenc.org) at least 6 hours prior to the meeting, (2) by putting your written comment in a drop box at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, (3) by mailing your written comment (received not later than with the mail delivery on the meeting day) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

**To view the agenda and related materials,** please visit the Town's website at <https://www.weavervillenc.org>.

**Access to the Meeting Recording:** A recording of the meeting will be available for one or two months, depending on storage capacity, beginning about 24 hours after the meeting. To access the recording visit the Town's website at <https://www.weavervillenc.org> or the Town's YouTube channel at [https://www.youtube.com/channel/UckBK1doIGY\\_O6\\_vJiqimFUQ](https://www.youtube.com/channel/UckBK1doIGY_O6_vJiqimFUQ), or call the Town Clerk at (828)645-7116.

Patrick Fitzsimmons, Mayor

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

# **PUBLIC HEARING**

**MEETING DATE:** June 24, 2024

**SUBJECT:** Public Hearing on Code Amendments – Ch. 20 – Sign Regulations

**PRESENTER:** Town Attorney and Planning Director

**ATTACHMENTS:** Notice of Public Hearing  
Planning Board Recommendations with Proposed Code Amendments

**DESCRIPTION/SUMMARY OF REQUEST:**

Tonight’s public hearing is on proposed text amendments to Code Chapter 20 pertaining to sign regulations.

The primary focus of the proposed amendments has been on legal compliance. Recent U.S. Supreme Court cases have significantly impacted how local governments are able to regulate signs. In general, the Town can no longer establish regulations based on the content of the sign. This puts any regulation that requires you to read the sign in jeopardy. The Town can, however, continue to regulate the time, place, and manner of the placement of signs. Much of staff’s work has been to change the regulations to be content neutral. Some revisions have also been proposed in order to clarify the regulations or resolve inconsistencies between the sign regulations and other provisions of the Town Code.

At its meeting on 7 May 2024 the Planning Board reviewed the proposed text amendments and voted unanimously in favor of their adoption. Their recommendation, with the Code amendments, is attached.

There are a couple of additional revisions that are minor in nature that staff will address at the public hearing.

Notice of the public hearing was duly advertised as required by North Carolina law and Code Chapter 20.

**TOWN COUNCIL ACTION REQUESTED:**

Receive public input on the proposed amendments to Code 20 concerning sign regulations.

## **TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARING**

**PUBLIC NOTICE** is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled meeting on Monday, June 24, 2024, beginning at 6:00 p.m., or as soon thereafter as Town Council can reach the matter, for the purpose of receiving public input on proposed amendments to Code Chapter 20 regarding sign regulations.

This public hearing will occur as an in-person meeting in Council Chambers/Community Room at Town Hall, 30 South Main Street, Weaverville, NC.

WRITTEN PUBLIC COMMENTS can also be submitted in advance of the public hearing and will be distributed to Town Council and may be read into the record of the public hearing. Written public comments can be submitted: (1) by EMAILING to [public-comment@weavervillenc.org](mailto:public-comment@weavervillenc.org) at least 6 hours prior to the meeting, (2) by putting your written comment in a DROP BOX at Town Hall (located at front entrance and back parking lot) at least 6 hours prior to the meeting, or (3) BY MAILING your written comment (must be received not later than the day of the meeting) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments.

If you would like ADDITIONAL INFORMATION or to review the content related to the Public Hearings, or have questions regarding how to submit a comment or join the meeting, you may contact Planning Director James Eller at 828-484-7002 or [jeller@weavervillenc.org](mailto:jeller@weavervillenc.org) or Town Clerk Tamara Mercer at 828-484-7003 or [tmercerc@weavervillenc.org](mailto:tmercerc@weavervillenc.org).



**RECOMMENDED AMENDMENTS TO CHAPTER 20  
REGARDING SIGNS**



**Town of Weaverville  
Planning Board**

**Recommendation and Plan Consistency Statement for  
Proposed Text Amendments**

On May 7 the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendments which provide for needed updates to sign regulations. This favorable recommendation is based on the findings as stated herein.

This project was deemed a high priority within the CLUP for legal compliance.

The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide for regulations of signs that are more content neutral and legally compliant with recent U.S. Supreme Court cases.

A handwritten signature in black ink that reads "Bob Pace".

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**Bob Pace, Chairman of the Planning Board  
May 8, 2024**

## **ARTICLE I. SIGN REGULATIONS**

### **Sec. 20-4101. Findings, Purpose and Intent Purpose.**

- A. The purpose of this article is to regulate and control ~~the time, place and manner in which signs may be placed and their placement~~ throughout the town's planning and development regulation jurisdiction. The sign regulations contained herein are designed to enhance the health, safety and visual communication of the residents within the area in addition to preserving the natural beauty of the surrounding environment. This chapter also establishes the procedures through which such goals can be fulfilled.
- B. This chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- C. Signs placed on land or a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate to their intended purpose while balancing the individual and community interests identified herein.
- D. Regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity or use to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound condition.
- E. These regulations do not regulate every for and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth herein.
- F. These regulations do not entirely eliminate all harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while reducing and mitigating the extent of the harms caused by signs.
- G. It is the intent of this article to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as shown on the zoning map of the town whether a sign is directly visible from the street right-of-way or not.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-4102. Signs exempt from regulation Authorized signs.**

The following signs are considered authorized and allowed ~~by right~~ in all zoning districts without permit:

- (a) Signs erected or installed by a governmental agency under governmental authority to identify public buildings, welcome or direct visitors, or to regulate, control or direct traffic, including signs indicating bus stops, ~~taxi stands~~, and similar transportation facilities. Such signs may be illuminated, flashing or moving as

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required for public safety. Furthermore, signs erected by a governmental agency which convey information regarding a public service or the location of a public facility may also be illuminated as necessary.

- (b) Signs erected, maintained or otherwise posted, owned or leased by the local, state, or federal governments.
- (c) Legal notices, warnings, regulatory informational signs erected, or required, by a public agency to ensure the public health, safety, or general welfare.
- (d) Signs required by law, including, but not limited to, building permits, exit signs, etc.
- (e) Signs which warn of hazard to life, limb, and property, such as high voltage electrical equipment, explosives, etc.
- (f) "No Trespassing" and "No Parking" signs equal to or containing less than four square feet of surface area and located on private property.
- ~~(e) Trade names or product names and graphics which are customarily painted on newspaper stands, soft drink machines, gasoline pumps and automatic teller machines.~~
- ~~(f) Temporary display of decorations, when such are clearly incidental to, and are customarily and commonly associated with any national, local or religious holiday or celebration.~~
- ~~(g) Signs indicating finance or credit information such as Visa, MasterCard, etc., not to exceed one square foot per financial sign.~~
- ~~(h) One freestanding church sign located on church property, or two freestanding church signs on church property if said church is located on a corner lot (one sign facing each street that borders the lot). Exempt church signs shall not exceed 36 square feet in surface area per side of sign up to a maximum of 72 square feet of aggregate surface area.~~
- ~~(i) One church bulletin board not to exceed 12 square feet of surface area (which may be a wall sign or a freestanding sign).~~
- ~~(j) Church directional signs. These signs may be located on private property with permission of the owner, at the nearest intersection of the major thoroughfare and/or collector street to the site of the church.~~
- ~~(k) The display of the flag of the United States, North Carolina, Buncombe County, or the Town of Weaverville.~~
- ~~(l) Private residential signs indicating the name, box, or house number of a particular residence not to exceed two square feet.~~
- ~~(m) Temporary signs or festival signs indicating town, civic club or school sponsored events, which must be removed within three days after the event is held.~~
- (g) Signs which are located inside a particular establishment and which are not intended for external viewing. ~~are not regulated by this chapter.~~
- ~~(e) Signs considered to be historically significant and/or landmark signs if so designated by resolution of the town council.~~
- ~~(p) Fence wraps – see Code section 20-4114.~~
- (h) Temporary signs with an aggregate sign face area not to exceed 6 square feet. Off premises commercial signs are not considered temporary signs under this section.
- (i) Political signs are temporary signs and the regulations of G.S. 136-32(b)–(e), which are incorporated herein by reference, apply to all political signs within all rights-of-way for North Carolina's highway system and within all rights-of-way for town streets.

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( Ord. of 5-24-2021(1) , § 5)

**Sec. 20-4103. Prohibited signs.**

The following signs shall not be erected or maintained in any zoning district within the jurisdiction of the town:

- (1) Any sign located in a manner or place so as to constitute a hazard to traffic as determined by the ~~zoning administrator~~ **Planning Director** or a law enforcement officer.
- (2) Any sign (except a governmental sign) located within a street right-of-way, or projecting into a street right-of-way.
- (3) Any sign which obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.
- (4) ~~Billboards and other types of off-premise advertising signs, except such signs located along U.S. 19-23 (Future I-26) and U.S. 25-70, which permitted signs must, nevertheless, comply with all DOT and Buncombe County sign restrictions.~~ Any sign which violates any provision of North Carolina law relative to outdoor advertising.
- (5) Roof signs. (Except signs painted or affixed to awnings, canopies, facades, parapets or soffits which shall be allowed.)
- (6) Any flashing device or sign displaying flashing or intermittent lights, or lights of changing degrees of intensity, except a sign indicating time and/or temperature, with changes alternating ~~on not less than a five-second cycle more frequently than five seconds.~~
- (7) Any sign painted on a roadway (except governmental signs) or any sign posted to utility poles, ~~trees, fences, rocks,~~ or upon other signs.
- (8) Any sign which is a copy of or an imitation of an official governmental sign, or which purports to have official status.
- (9) Portable or moveable signs such as rented or leased signs, not permanently affixed to the ground or to a building.
- (10) ~~Business or product identification signs associated with home occupations.~~
- (11) ~~Signs not expressly permitted as being allowed by right or otherwise expressly allowed by Town Council or the Board of Adjustment consistent with the provisions of this chapter.~~

( Ord. of 5-24-2021(1) , § 5)

**~~Sec. 20-4104. Sign—generally.~~**

~~No freestanding pole sign, ground level sign, marquee or menu board, shall be greater than six feet in height measured from street grade of the closest point in the street upon which the sign is located or from the grade at the base of the sign, whichever is higher, to the highest point of the sign or sign structure. This shall not include wall signs, multiple tenant development signs, mobile home park residential development name signs or projecting signs. All signs shall be aesthetically appealing and in harmony with the environment.~~

( Ord. of 5-24-2021(1) , § 5)

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## **Sec. 20-4105. Temporary signs.**

Temporary signs shall be allowable in all zoning districts, but are subject to the following regulations:

- (1) Signs used prior to and during construction to identify the name of contractor(s) and/or developer(s) shall be considered temporary signs, and shall meet the following requirements:
  - a. Each contractor shall have no more than one sign per location which shall be removed upon completion of the project.
  - b. Construction signs shall not be placed on trees, rocks, or other natural objects.
  - c. Construction signs shall be either attached to the building or affixed to a secure temporary post.
  - d. Construction signs shall be no greater than 32 square feet per side of the sign up to a maximum of 64 square feet of aggregate surface area for the entire sign.
- (2) Political signs are temporary signs and the regulations of G.S. 136-32(b)-(e), which are incorporated herein by reference, apply to all political signs within all rights-of-way for North Carolina's highway system and within all rights-of-way for town streets.
- (3) Real estate signs (signs offering property for sale, lease or development) shall be considered temporary signs, and shall meet the following requirements:
  - a. Real estate signs in residential zoning districts shall not exceed six square feet in surface area per side of sign up to a maximum of 12 square feet of aggregate surface area for the entire sign.
  - b. Real estate signs in all other areas shall not exceed 16 square feet in surface area per side of sign up to a maximum of 32 square feet of aggregate surface area for the entire sign.
  - c. Real estate signs shall be erected only on the property which is being offered for sale, rent, lease and development.
  - d. Real estate signs shall conform to all other applicable provisions of the ordinance not inconsistent with this section.
  - e. Real estate signs shall be removed with seven days after the sale or lease of the property is closed.
  - f. Real estate directional signs (sign indicating the direction to a property being offered for sale) must be located on private property, with written permission of the property owner, at the nearest intersection of the major thoroughfare or collector street to the street upon which the property which is being offered for sale, rent, lease or development is located.
- (4) Any other temporary sign must be approved by the zoning administrator, and shall be of a size and height which is consistent with signs permitted in the neighborhood in which it will be located. Concerning the length of time a temporary sign may be displayed, the applicant must choose between the following options within a calendar year: (a) up to four 15-day periods, (b) up to two 30-day periods; or (c) one 60-day period. In no event may a temporary sign be displayed for more than 60 days within any given calendar year.

(Ord. of 5-24-2021(1), § 5)

## **Sec. 20-4106. Sign restrictions for R-1, R-2, And R-3 districts.**

In addition to the sign regulations contained in Code section 20-4104, the following restrictions apply within R-1, R-2 and R-3 districts:

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- (a) ~~Professional services, medical services doctor offices, personal services, and bed and breakfast establishments~~ Signs displaying commercial messaging for legally operating nonconforming uses shall be allowed one nameplate sign not to exceed eight square feet per side of sign for a maximum total aggregate sign area of 16 square feet.
  - (b) ~~Manufactured or mobile home parks shall be allowed one freestanding sign per entrance. Such sign shall be no larger than 32 square feet of surface area per side up to a maximum of 64 square feet of aggregate surface area per sign.~~
  - (c) Each residential development approved under a special use permit or conditional district, or as a major subdivision, **or legally operating nonconforming residential uses** shall be allowed one freestanding sign per entrance. Said sign shall be no larger than 50 square feet of surface area per side of sign up to a maximum of 100 square feet of aggregate surface area per sign **and shall not exceed six feet in height.**
  - (d) **Flags:**
    - 1. **Size:** Not to exceed 24 square feet in area.
    - 2. **Height:** Not to exceed 24 feet in height or no higher than the highest point of the principal building roof, whichever is lower.
    - 3. **Number:** Up to three flags on one flagpole per lot shall be allowed on the property.
    - 4. **Location:** Flagpoles shall be placed inside the setbacks of the applicable zoning district.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41075. Sign restrictions for C-1, C-2, I-1, And R-12 districts.**

- (a) Wall signs shall not cover an area greater than 50 percent of the total surface area of the wall(s) upon which the sign(s) is located. (The surface area of a wall(s) shall be computed excluding windows and doors). All signs attached to a building, including all the visible face of flat signs, and both sides of projecting signs, and suspended signs shall be computed to determine the 50 percent wall coverage limitation. Within the R-12 district, excluding signs which show the address or building number of residential units, such attached signage shall only be permissible on common buildings which are not primarily used for residential purposes within the development.
- (b) Projecting or suspended signs shall be limited to one per business per building front, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign.
- (c) Signs overhanging any sidewalk shall be placed at least ~~7½ feet~~ **80 inches** above the sidewalk and shall not extend over the sidewalk for a distance equal to or greater than two-thirds of the width of the sidewalk ~~and in no event shall such a sign extend more than ten feet from the building upon which it is located.~~ **In all circumstances signs overhanging sidewalks must fully comply with the standards for protruding objects set forth in the Americans with Disabilities Act.**
- (d) Changeable copy signs shall be limited to one per store front, not to exceed 50 square feet in surface area per side up to a maximum of 100 square feet of aggregate surface area.
- (e) Detached ground-level signs, excluding private directional signs, shall be limited to one per commercial site. Ground level signs shall not extend more than six feet, at their highest point above ground level and shall not exceed 50 square feet in aggregate surface area per side of sign and shall not exceed a maximum of 100 square feet of aggregate surface area for the entire sign.

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- (f) All ground level signs and freestanding pole signs shall be located on the **immediate** premises of the advertised commercial establishment, and shall be no closer than ten feet to any street pavement, but in no event shall such sign be erected on a street right-of-way.
  - (g) Private directional signs on premise shall not be over six feet in sign height, and shall not have a surface area greater than four square feet per side up to a maximum of eight square feet in aggregate surface area for all sides.
  - (h) Where two or more business premises share a common courtyard, alley, or access area, the businesses therein shall be limited to one freestanding identification sign, no higher than 20 feet from top of grade, which shall contain no greater than 75 square feet of surface area per side of sign up to a maximum of 150 square feet of aggregate surface area for the entire sign. Each business establishment located within the development shall be permitted one nameplate sign, not to exceed 12 square feet in surface area per side of sign up to a maximum of 24 square feet of aggregate surface area for the entire sign to be attached to (or hung from) the freestanding identification sign for the development as a whole. (Nameplate signs shall not be of changeable copy). The total square footage of the identification sign and all of the attached nameplate signs shall not exceed 150 square feet per side of sign or 300 square feet for both sides. Signage within the R-12 district is not permitted under this subsection.
  - (i) The proper installation and/or secure attachment of any sign permitted under this chapter is the responsibility of the owner of the building, the tenant and/or the person installing/securing the same. A Buncombe County building permit may be required in addition to the requisite sign permit from the Town of Weaverville.
- (d) **Flags:**
1. **Size: Not to exceed 96 square feet in area.**
  2. **Height: Not to exceed 54 feet in height or no higher than the highest point of the principal building roof, whichever is lower.**
  3. **Number: Up to three flags on one flagpole per lot shall be allowed on the property.**
  4. **Location: Flagpoles shall be placed inside the setbacks of the applicable zoning district.**

( Ord. of 5-24-2021(1) , § 5)

**Sec. 20-41086. Sign construction, design, and illumination.**

- (a) All signs, except temporary signs and window signs, shall be constructed of materials which will not rapidly deteriorate, fade, fall apart, or in any way become a threat to the public's health, safety, and general welfare.
- (b) All signs shall be securely fastened, anchored, and generally placed so as to withstand ordinary adverse weather conditions.
- (c) No sign shall use a light reflecting background, but may use light reflecting letters.
- (d) Any sign may be illuminated unless otherwise prohibited by Code section 20-4103(6). The lights of indirectly illuminated signs shall be shielded in such a manner so as to illuminate only the face of the sign.

( Ord. of 5-24-2021(1) , § 5)

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**Sec. 20-410~~97~~. Sign maintenance.**

- (a) The owner of each sign shall be responsible for maintaining the area around the sign, including the cutting of weeds and grass, and the removal of all trash and litter from the sign locale.
- (b) In the event that one sign is placed over another sign, the original sign shall be adequately covered or removed so that the original sign is not visible.
- (c) All signs, supports, braces, poles, wires and the anchors thereof shall be kept in good repair. They shall be maintained in a clean and safe condition, free from deterioration, missing parts, and peeling paint. Any sign not in compliance with these standards shall be deemed a nuisance and shall be subject to removal by the sign owner or by the town through the ~~zoning administrator~~ **Planning Director or their designee**.

( Ord. of 5-24-2021(1) , § 5)

**Sec. 20-41~~108~~. Sign permit required.**

- (a) ~~Unless otherwise authorized by this Chapter,~~ all signs placed or erected within the town shall require a sign permit issued by the ~~zoning administrator~~ **Planning Director or their designee**. Failure to secure a permit, when required, shall constitute a violation of this article. A sign permit fee shall be charged for each sign placed or erected after the effective date of the ordinance from which this chapter derives. Fees shall be charged in accordance with the schedule of fees established by town council.

~~(b) A sign permit shall not be required for the following types of signs; provided they meet all of the other requirements of this chapter:~~

~~(1) Private directional or safety signs;~~

~~(2) Temporary construction signs;~~

~~(3) Real estate signs;~~

~~(4) Political signs;~~

~~(5) Window signs;~~

~~(6) Any flag, badge, insignia or design customarily displayed by any governmental, charitable, civic, fraternal, patriotic, religious or similar organization;~~

~~(7) Municipal, school, recreational and civic club sponsored signs which indicate a schedule of events or rules and regulations, and school and public park signs which do not exceed 48 square feet of aggregate surface area per sign.~~

~~(c) All signs which are erected or which are in place prior to the adoption of this chapter or the adoption of any amendment thereto shall require a sign permit in order to be allowed to remain or shall require a statement of noncompliance issued by the zoning administrator setting forth those things which must be done by the sign owner in order to bring the sign within the provisions of the article. Such statements of noncompliance or sign permits shall be issued by the town within 180 days after the initial adoption of this chapter or after the adoption of subsequent amendments hereto which affect a sign. No permit fee shall be collected for the issuance of such noncompliance statement or sign permit.~~

~~(d) In the event that the town fails to issue a sign permit or statement of noncompliance within the 180-day period, the sign owner may assume that the sign is in compliance with all provisions of this chapter and that the sign is permitted to stand but the town shall not be bound by such assumption and may challenge the permissibility of the sign at a later date. A sign owner may request, at any time, that the town issue a sign permit stating that the subject sign is in compliance with the provisions of this chapter.~~



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~~(e) Sign permit applications for which a statement of noncompliance is issued, shall include a list of all reasons for such statement of noncompliance. The owner of such sign shall have 90 days from receipt of the statement of noncompliance within which to bring the sign into compliance with the article or to remove the sign. If the sign is not brought into compliance or removed prior to the expiration of the 90-day period, the town may remove the same at the owner's expense.~~

(f) All signs erected or placed after the adoption of this article without prior sign permit approval shall immediately be removed upon inspection by the town if found not to be in compliance with the provisions of this article. If the sign is found to be in full compliance, an after-the-fact permit may be issued provided that all specified fees charged and collected.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~119~~. Obsolete or abandoned signs.**

(a) Signs or parts of signs which advertise or pertain to a development, complex, business, product, service, commodity, or which pertain to a purpose which no longer exists or which has not been in use for 90-days or more shall be deemed to be an obsolete or abandoned sign. Signs which are associated with a seasonal business shall not be considered obsolete or abandoned provided there is clear intent to continue the business in an upcoming season.

(b) Obsolete or abandoned signs are prohibited and shall be removed by the owner or agent of the owner within 30-days after the termination or the business or event so advertised.

(c) If the owner or agent of an abandoned or obsolete sign fails to remove said sign within the time allowed, the town may seek removal of the sign by an order of abatement pursuant to G.S. § 160A-175.

( Ord. of 5-24-2021(1) , § 5)

### **~~Sec. 20-4112. Miscellaneous provisions.~~**

~~Any sign which is not clearly covered by the provisions of this chapter shall, for the purposes of this chapter, be considered a commercial sign and shall comply with all of the provisions concerning commercial signs.~~

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~1310~~. Violation of article.**

(a) *Notice of violation.* The ~~code enforcement officer~~ Planning Director or ~~his~~ their designee shall have the authority to issue a notice of violation for all violations of this article. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee, a copy of the notice of violation shall be delivered to the sign owner by hand delivery or by registered or certified mail. In all other cases, a copy of the notice of violation shall be posted on the sign. A copy of the notice of violation shall also be delivered by hand delivery or registered or certified mail to the owner of the property where the sign is located as shown on the Buncombe County tax records. In addition, service of a notice of violation hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure.

(b) *Time to remedy violation.* Other than for temporary signs, all violations shall be remedied within 30-days after notice of the violation. The 30-day period shall commence upon the service of the notice of violation by any means set forth above. ~~Violations of regulations for temporary signs shall be remedied within 24 hours after service of the notice of violation by any means set forth above.~~

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- (c) *Extension of time for compliance.* ~~Other than for violations of regulations for temporary signs,~~ The ~~code enforcement officer~~ Planning Director or ~~his their~~ designee shall have the authority to grant a single 30-day extension of time within which to remedy the violation. For violations of regulations for temporary signs, the ~~zoning administrator~~ Planning Director or ~~his their~~ designee shall have the authority to issue a single 24-hour extension of time within which to remedy the violation. Either single extension of time may be issued based upon a written request for an extension of time which sets forth valid reasons for not complying within the original time period.
- (d) *Remedies for failure to comply.* Pursuant to G.S. § 160A-175, the ~~code enforcement officer~~ Planning Director or ~~his their~~ designee may choose from the remedies set forth below to enforce the requirements of this article when there is a failure to comply with the notice of violation. Those remedies are as follows:
- (1) In addition to or in lieu of the other remedies set forth in this section, the ~~code enforcement officer~~ Planning Director or ~~his their~~ designee may issue a citation and impose a ~~civil penalty as provided in Sec.1-6 of the code of ordinances.~~ In the case of a continuing violation, each 72-hour period during which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person(s) described in subsection (a) by the means set forth therein. In the event the offender does not pay the penalty within 30 days of service of the citation, the civil penalty shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14-4.
  - (2) In addition to or in lieu of the other remedies set forth in this section, the ~~code enforcement officer~~ Planning Director or ~~his their~~ designee shall have the authority to issue an order to remove for any sign not repaired or otherwise brought into compliance within the provisions of this chapter within the time required by the foregoing provisions. Orders to remove shall be issued to and served upon the person(s) described in subsection (a) by the means set forth therein. Any sign ordered to be removed shall be removed 30-days after the service of the order to remove at the expense of the offender. The order to remove shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the order to remove, including specific reference to the provisions of this article which have been violated.
  - (3) In addition to or in lieu of the other remedies set forth above, the town may use all of the remedies set forth in G.S. § 160A-175. ~~Specifically, the person violating a provision of this chapter may be charged with a misdemeanor or infraction pursuant to G.S. § 14-4 and fined in accordance with the provisions.~~
- (e) *Removal and recovery of expense.* In the event of the failure to comply with the requirements of an order to remove, the ~~code enforcement officer~~ Planning Director or ~~his their~~ designee may cause such sign to be removed. The sign owner and property owner shall be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (a) by the means set forth therein. If the cost of removal is not paid within 30-days thereafter, such costs shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14-4.
- (f) *Removal of dangerous signs.* Pursuant to G.S. § 160A-193, the town, through the planning director or ~~his their~~ designee shall have the authority to summarily remove, abate or remedy a sign which is determined to be dangerous or prejudicial to the public health or safety. The expense of removal shall be paid by the sign owner, or if the sign owner cannot be determined, by the owner of the property, and if not paid, the expense shall be a lien upon the land or premises where the sign is located and shall be collected in the same manner as unpaid taxes.
- ~~(g) *Removal of prohibited signs.* The planning director or his their designee shall have the authority to remove summarily any signs prohibited under Code section 20-4103 of this article.~~
- (g) *Stay upon appeal.* In the event of a timely appeal of a decision of the ~~code enforcement officer~~ Planning Director or ~~his their~~ designee to the board of adjustment, enforcement of all proceedings and the

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furtherance of the action appealed from shall be stayed, unless the ~~code enforcement officer~~ Planning Director or ~~his~~ their designee certifies to the board of adjustment that a stay would cause imminent peril to life or property.

- (h) In addition to the remedies set forth in this section, the Planning Director or their designee may remove any illegally posted temporary sign or sign which has been ordered to be removed. Any such removed sign will be retained for seven days, during which period the sign may be retrieved by the owner. After those seven days illegal signs removed by the town may be disposed of or destroyed.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~14~~11. Fence wraps.**

Pursuant to G.S. 160D-908, fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation pertaining to signage until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this section or G.S. 160D-908 may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

( Ord. of 5-24-2021(1) , § 5)

### **Sec. 20-41~~15~~12. Outdoor advertising.**

The provisions of this Article establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards). The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between Town regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent. In cases where there is no applicable State/Federal standard, then existing Town regulations shall be enforced.

Notwithstanding any of the foregoing, the mandatory provisions of G.S. 160D-912 shall apply.

( Ord. of 5-24-2021(1) , § 5)

## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Workshop  
Tuesday, May 14, 2024**

The Town Council for the Town of Weaverville held the Public Hearing and Budget Workshop on May 14, 2024, at 6:00 p.m. in the Meeting Room at Weaverville Fire Department, 3 Monticello Road, Weaverville, N.C.

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 Somer Oberlin, Fire Chief Scottie Harris, Public Works Director Dale Pennell, Water Plant Supervisor Randall Wilson.

### **1. Call to Order Mayor Fitzsimmons**

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

### **2. Public Hearing on Proposed FY 2024-2025 Annual Budget**

#### **A. Overview of the proposed fiscal year 2024-2025 Annual Budget**

Town Manager Coffey provided an overview of the proposed fiscal year 2024-2025 Annual Budget to Town Council. Ms. Coffey noted pursuant to NC General Statutes §159-11 Fiscal Control Act the proposed annual budget shall include the Budget Message, the proposed budget is available on-line via the Town's website and a printed copy is available at Town Hall, and the Town is holding the public hearing. Public Hearing requirements are met pursuant to General Statute §159-12 for advertisement. She reviewed the Town Manager's Budget Message and Executive Summary and highlighted the economic outlook and budgetary goals. This review included area demographics for population and development growth, property tax revenue estimates, and details about the Enhanced Budget.

Manager Coffey stressed that the property tax rate is to remain at the current .35 cents per \$100 valuation but noted an increase in fire tax and the water rate increase per the report in the rate structure study. Forecasts included the Local Sales Tax and interest rate income, fees and fund balance charts were provided in the presentation.

There are proposed new staff positions for an Assistant Public Works Director for a portion of the year, and three fire fighter trainee positions in the Fire Department for a partial year, funded by the fire district rate increase. There is a 6% Health Insurance cost increase.

Enhanced budget items, items that could be added, were reviewed by Manager Coffey.

## **B. Public Comment and Input on Proposed Budget**

Mr. Bo Platt of Preston Court in Weaverville said he is a new resident and is happy with quality of services in the town. Mr. Platt said he participates in and learns about the town through the Citizens Academy, and he is in favor of town programs and supports Staff receiving a Cost-of-Living Adjustment to maintain the quality of life in Weaverville.

Ms. Darla Letourneau of Lakeshore Drive agreed with Mr. Platt. She supports the employees, and to continue community services encouraged fully funding the COLA and merit pay due to inflation and as proposed by the manager.

## **3. Town Council Discussion and Budget Input**

There was discussion regarding the Enhanced Budget, staffing positions, the new parking lot at Public Works, parking at Lake Louise, and the Public Works Grapple Truck. There was general consensus to support the Grapple truck with knuckleboom loader using additional funds per the Finance Director Dozier's explanation on the fund balance. There was general consensus from Town Council to remain at the 40% target fund balance, Ms. Dozier reiterated that Town Council could authorize a lower target for fund balance.

Manager Coffey reviewed grant funding for the Active Weaverville Plan. The Active Weaverville Committee is expected to ask for a half-million dollars.

In response to Council member Chase's questions regarding the Police Department electric charging stations, further grants and matching grant funding was noted by Manager Coffey. Chief Oberlin and Officer Burrell answered functionality questions on the Police Department electric vehicle charging station system. Mayor Fitzsimmons said that Duke Energy has a lease program which Chief Oberlin confirmed, and agreed with Mayor Fitzsimmons that the department will need to add fast charging stations if they continue towards an all-electric fleet.

Council member Wood stated she was in favor of a 5% COLA for all personnel. Mayor Fitzsimmons reiterated his belief that a merit based system is better.

In response to Vice Mayor Cordell's question about the market adjustment last year, Manager Coffey replied that not all employees received the market adjustment last year.

## **B. Mayor Fitzsimmons reopened the Public Hearing per request from a citizen**

Mr. Brent Koenig of Coleman Street arrived late to the meeting and asked to provide input on the budget. Without objection he was allowed to provide comment.

Mr. Koenig said the town's population is expected to increase dramatically. He was concerned with the lack of funding for sidewalks. He is in favor of expanding and improving sidewalk safety, addressing increased traffic, and purchasing land for future parks. Mr. Koenig suggested a park be located on the north side of town. He requested Council to consider the value of more parks and sidewalks.

Manger Coffey added that the next Budget workshop is scheduled for June 4, 2024 at 6:00 p.m. in Town Council Chambers, Town Hall.

**4. Adjournment**

There being no further business and without objection, Mayor Fitzsimmons adjourned the workshop at 6:33 p.m.

ATTEST:

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Tamara Mercer

## 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 Trial System
- National Police Week
- Citizens Academy Graduation June 20<sup>th</sup> 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 27<sup>th</sup>
- Budget Workshop #4 June 4<sup>th</sup>
- Budget Workshop #5 & Annual Budget Adoption June 18<sup>th</sup>

## **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 20<sup>th</sup> 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 24<sup>th</sup>.

*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**

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:

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Tamara Mercer, Town Clerk

**MINUTES**  
**Special-Called Meeting**

**Town of Weaverville**  
**State of North Carolina**

**Town Council**  
**Tuesday, June 11, 2024**

The Town Council for the Town of Weaverville held the Special-Called Meeting of the Budget Workshop on June 11, 2024, at 6:00 p.m. in the Town Council Chambers, 30 S. Main Street, Weaverville, N.C.

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

Attending via Zoom but absent from the vote: Mayor Patrick Fitzsimmons

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, Fire Chief Scottie Harris, Public Works Director Dale Pennell, Water Plant Supervisor Randall Wilson.

**1. Call to Order Vice Mayor Chase**

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

**2. Meribel 171 Monticello Road Water Commitment Renewal**

Public Works Director Pennell stated that the developer is requesting a renewal of the Meribel project water commitment as the previous year's allocation for the water commitment expired on April 4<sup>th</sup> of this year. Attorney Jackson explained that the original request was for 168 units but that the conditional district along permitted the project for 156 units. The request for renewal is for the reduced number of units. In response to Council member Cordell's question, Mr. Pennell replied that the water commitment date, if approved, would be for one-year beginning June of 2024.

*Council member Lawrence moved to approve the water commitment request for the Meribel Project located at 171 Monticello Road, to be extended for an additional year upon payment of the associated fees. The motion was approved unanimously. 6-0.*

**3. Proposed FY 2024-2025 Annual Budget**

Town Manager Coffey provided an overview of the proposed fiscal year 2024-2025 Annual Budget to Town Council. She noted the Finance Director will review the fund balance report and Manager Coffey will review the Enhanced Budget and revised Fee Schedule, such as the water rate changes and options for funding the additions in the Enhancements portion of the proposed budget.

Finance Director Dozier explained the timeline for the audit process and that Fund Balance is only calculated once a year on June 30<sup>th</sup> as part of the audit. She further explained all the factors that affect fund balance, such as excess revenues, unspent expenditures, and unfinished projects that carry into the next year and must be reappropriated. It is difficult to accurately predict fund balance before the audit.

Staff requested direction from Town Council if they are comfortable adding another \$200,000 to the budget, to which Vice Mayor Chase asked if there was still four months of operating budget and the Finance Director replied in the affirmative. There was further discussion regarding ad valorem property tax estimates, on-going projects and completion dates, the Buncombe County Tax administration reevaluation timeline for 2025, and Public Works Department equipment and sanitation truck costs.

Manager Coffey reviewed the budget enhancements item list and requested further feedback from Town Council as to the direction from Town Council on their goals for the fiscal year.

The proposed COLA and merit pay history chart was provided. The proposed budget includes 3% COLA and up to 2% merit in the personnel department budgets.

Manager Coffey highlighted the additional requests in the enhanced budget:

- Planning Department, code enforcement, strategic planner, urban designer
- DC electric vehicle fast charger
- Grapple truck with knuckleboom loader
- Main Street Nature Park upgrades
- Granicus software for STR tracking and monitoring
- New parking lot below Public Works Facility
- Eller Cover Watershed Trail system
- Public Works Assistant for quarter year
- Street Improvement Program
- Recreation Complex Pavilion/restrooms/storage
- Active Weaverville Committee request
- Florida Avenue upgrades or alternatives
- Part-time Recreation Assistant

Further Town Council discussion included: funding, short-term rental regulation enforcement costs, court cases and violations penalties, and administrative procedures allowed by the courts. Part-time recreation assistant, additional parking lot below Public Works facility, Manager Coffey recommends funding using additional fund balance. Eller Cove Trailways, Buncombe County and Open Space Parks grants, part-time Recreation Assistant and Assistant Public Works Director positions were also discussed. Street improvement plan is on-going and previously, Outdoor Recreation Complex upgrade costs and the Active Weaverville Committee planning were noted by Manager Coffey. Remote meetings were also discussed with software upgrades options and quote estimates provided.

Town Council decided to delay the Florida Avenue sidewalk project including street and lighting improvement until after the audit.

There was general consensus to exclude Granicus and code enforcement of short-term rentals from the budget, as Council member McGuire requested, since policy has not yet been established and budgeting is premature.

Splitting the Main Street Nature Park project into two projects was discussed.

Mr. Pennell answered questions regarding the procedures, safety issues, and how the grapple truck loader process works. The workers will not be feeding the chipper, which has been the leading cause of injuries with public work employees. There was general consensus from Town Council to include the purchase of the grapple truck in the budget.

Mr. Pennel suggested installing a gravel parking lot at Public Works to lower costs, and Council agreed.

There was brief discussion regarding the Town Manager's employment agreement resulting in Town Council consensus to talk about that further in closed session at Town Council's June 18 workshop.

Town Council requested that the following four enhancements be added to the budget:

- Grapple truck with knuckleboom loader
- Parking Lot below Public Works Facility
- Assistant Public Works position for a total of  $\frac{3}{4}$  of the year
- Part-time Recreation Assistant position

#### **4. Adjournment**

There being no further business and without objection, Vice Mayor Chase adjourned the workshop at 6:59 p.m.

ATTEST:

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Tamara Mercer



**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024

**SUBJECT:** Monthly Tax Report, Refunds/Releases, Appointment of Tax Collector

**PRESENTER:** Tax Collector

**ATTACHMENTS:** Monthly Tax Report Summary  
TR-401G Net Collections Report for May  
RMV Refund/Release Report for April and May

**DESCRIPTION/SUMMARY OF REQUEST:**

Buncombe County has provided the monthly net collections report with data through the end of May 2024 and a request for tax releases/refunds.

A summary of the monthly tax report is provided and shows that **99.86% of the Town's property taxes have been collected as of the end of May**. This totals \$4,198,577 out of the \$4,204,333 total tax levy (real property, personal property, and business personal property). At the end of May 2024, there was only \$5,756 left to collect of the 2023 property taxes.

The Motor Vehicle Levy Releases/Refunds report for April and May is attached.

Buncombe County Assessor's Office has requested approval of the following releases/refunds:

April 2024	Motor Vehicle Levy Release/Refund	\$239.89
May 2024	Property Tax Levy Release/Refund	\$5.07
May 2024	Motor Vehicle Levy Release/Refund	\$0.00

It is appropriate for Town Council to take action to appoint a tax collector for the upcoming tax year with the understanding that the current Tax Collections Agreement delegates all property tax collection responsibilities to Buncombe County. Manager Coffey recommends that Morgan Worley be considered for such appointment.

**COUNCIL ACTION REQUESTED:**

The monthly report is provided for information only.

The following action is requested: (1) approval of the tax releases/refunds is requested, and (2) appointment of Morgan Worley as the Town Tax Collector beginning July 1. The following motion is suggested: *I move that Town Council approve the releases and refunds as requested and that Morgan Worley be appointed as the Town's Tax Collector beginning July 1, 2024, with a bond amount of \$100,000.*

**Town of Weaverville  
MONTHLY TAX REPORT  
FY 2023-2024**

**Tax Year 2023**

**Summary for YTD May 2024:**

Original Billed Amts	\$	4,196,765
Abs Adj (Adjustments by Assessor)	\$	(2,949)
Bill Releases	\$	(60)
Discovery Levy	\$	8,428
Additional Levy	\$	2,149
Net Levy	\$	4,204,333
<b>Total Current Year Collections</b>	<b>\$</b>	<b>4,198,577</b>
<b>% Collected</b>		<b>99.86%</b>
<b>Total Left to be Collected:</b>	<b>\$</b>	<b>5,756</b>
Prior Years Tax Paid	\$	-
Prior Years Interest Paid	\$	4,886

Date run: 6/4/2024 9:33:10 AM

TR-401G Net Collections Report

NCPTS V4

Data as of: 6/3/2024 11:31:01 PM

Report Parameters:

Date Sent to Finance Start: Min - May 1, 2024

Date Sent to Finance End: Max - May 31, 2024

Abstract Type: BUS,IND,PUB,REI,RMV

Tax District: WEAVERVILLE

Levy Type: Admin Expense, Advertisement Fee, Attorney Fee, Collection Fee 5, Collection Fee 9, Cost, Docketing Expense, EXPENSE, FEE INTEREST, Garnishment Fee, Interest, LATE LIST PENALTY, Legal Ad Expense, NSF Penalty, Postage Expense, Sheriff Service Fee, SPECIAL ASSESSMENT, TAX, VEHICLE FEE, WEAVERVILLE TAX

Tax Year: 2024, 2023, 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004

Year For: 2023, 2022, 2021, 2020, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003

Collapse Districts: N

Default Sort-By: Tax Year Grouping: Tax District, Levy Type

Tax Year	Fiscal Year Activity from July 1, 20XX to May 31, 2024										Activity from May 1, 2024 to May 31, 2024			
	Orig. Billed Amt (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)	Net Levy (\$)	Collection Fee Amt (\$)	Amt Collect. (\$)	% Coll.	Unpaid Balance (\$)	% Uncoll.	Amt Collect. (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)
WA	Assessor Refunds (\$)	Net Collections (\$)	Additional Levys (\$)									Assessor Refunds (\$)	Additional Levys (\$)	
2023	0.00	0.00	0.00	0.00	0.00	0.00	6,276.59	0.00	0.00	0.00	210.54	0.00	0.00	0.00
2022	0.00	0.00	6,276.59	0.00	0.00	0.00	4,861.85	0.00	0.00	0.00	0.90	0.00	0.00	0.00
2021	0.00	0.00	4,861.85	0.00	0.00	0.00	5,050.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2020	0.00	0.00	5,050.81	0.00	0.00	0.00	11,904.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2019	0.00	0.00	11,904.51	0.00	0.00	0.00	5,056.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2018	0.00	0.00	5,056.63	0.00	0.00	0.00	316.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2017	0.00	0.00	316.01	0.00	0.00	0.00	39.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2016	0.00	0.00	39.57	0.00	0.00	0.00	64.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2015	0.00	0.00	64.92	0.00	0.00	0.00	100.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2014	0.00	0.00	100.08	0.00	0.00	0.00	0.00	NA	NA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2013	0.00	0.00	47.72	0.00	0.00	0.00	0.00	NA	NA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2012	0.00	0.00	1,020.36	0.00	0.00	0.00	0.00	NA	NA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2011	0.00	0.00	730.74	0.00	0.00	0.00	0.00	NA	NA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2010	0.00	0.00	12.59	0.00	0.00	0.00	0.00	NA	NA	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Sub.</b>	<b>0.00</b>	<b>0.00</b>	<b>35,482.38</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>35,482.38</b>	<b>NA</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TAX DISTRICT: WEAVERVILLE LEVY TYPE: LATE LIST PENALTY</b>																
2024	0.00	0.00	0.00	181.03	181.03	181.03	0.00	21.25	159.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2023	9,154.90	55.02	0.36	36.73	9,216.60	9,216.60	0.00	11.74 %	88.26 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2022	2,555.97	4.77	0.80	733.13	3,283.53	3,283.53	0.00	99.07 %	0.93 %	0.62	0.00	0.00	0.00	0.00	0.00	0.00
2021	1,320.31	65.20	0.54	3,159.35	4,413.92	4,413.92	0.00	99.50 %	0.50 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2020	1,211.84	478.88	0.96	6,083.77	7,047.59	7,047.59	0.00	7.032.49	15.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2019	14,243.02	603.87	2.66	10,194.01	24,142.67	24,142.67	0.00	99.79 %	0.21 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Sub.</b>	<b>14,243.02</b>	<b>603.87</b>	<b>2.66</b>	<b>10,194.01</b>	<b>24,142.67</b>	<b>24,142.67</b>	<b>0.00</b>	<b>23,843.76</b>	<b>298.91</b>	<b>3.73</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TAX DISTRICT: WEAVERVILLE LEVY TYPE: TAX</b>																
2024	0.00	0.00	3.95	1,838.05	1,834.10	1,834.10	53.12	1,780.98	1,118.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2023	4,196,765.41	2,948.95	60.11	8,428.28	4,204,333.49	4,204,333.49	4,198,577.02	5,756.47	0.00	1,607.83	0.00	0.00	0.00	0.00	0.00	0.00
2022	3,986,151.82	1,317.96	43.41	5,719.53	3,990,509.98	3,990,509.98	3,989,028.72	1,481.26	0.00	6.20	0.00	0.00	0.00	0.00	0.00	0.00
2021	3,717,652.88	6,296.91	36.26	14,153.16	3,728,407.71	3,728,407.71	3,725,357.32	3,050.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2020	3,354,216.35	6,680.68	71.80	22,850.56	3,373,041.19	3,373,041.19	3,372,014.52	1,026.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2013	73,342.49	2,156.28	3,374,170.80	2,726.76	0.00	0.00	99.97 %	0.03 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2012	68,037.63	0.00	1,498.22	0.00	66,539.41	66,539.41	100 %	0 %	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00



## Apr-24

Tax Jurisdiction	District Type	Net Change
BUN	COUNTY	(\$9,692.23)
CAS	CITY	(\$2,006.07)
CBF	CITY	(\$225.02)
CMT	CITY	(\$33.11)
CWV	CITY	(\$239.89)
CWO	CITY	(\$206.05)
FBA	FIRE	(\$76.95)
FBR	FIRE	(\$23.50)
FEB	FIRE	(\$8.23)
FEC	FIRE	(\$154.69)
FFA	FIRE	(\$236.52)
FFB	FIRE	(\$24.63)
FJU	FIRE	(\$34.23)
FLE	FIRE	(\$80.72)
FNB	FIRE	(\$37.67)
FRC	FIRE	(\$63.86)
FRE	FIRE	(\$41.70)
FRI	FIRE	(\$110.30)
FSK	FIRE	(\$467.82)
FSW	FIRE	(\$74.05)
FUH	FIRE	(\$34.10)
FWB	FIRE	(\$168.23)
FWO	FIRE	(\$34.79)
SAS	SPECIAL	(\$198.41)
<b>Total</b>		<b>(\$14,272.77)</b>

## May-24

Tax Jurisdiction	District Type	Net Change
BUN	COUNTY	(\$3,541.79)
CAS	CITY	(\$1,183.64)
CBF	CITY	(\$6.58)
CBM	CITY	(\$178.69)
FBA	FIRE	(\$85.95)
FEC	FIRE	(\$59.57)
FFA	FIRE	(\$2.17)
FFB	FIRE	(\$14.34)
FJU	FIRE	(\$26.39)
FLE	FIRE	(\$35.67)
FNB	FIRE	(\$24.13)
FRC	FIRE	(\$40.40)
FRE	FIRE	(\$11.83)
FRI	FIRE	(\$6.31)
FSK	FIRE	(\$96.07)
FSW	FIRE	(\$6.75)
FWB	FIRE	(\$109.90)
SAS	SPECIAL	(\$174.53)
<b>Total</b>		<b>(\$5,604.71)</b>

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** June 24, 2024  
**Subject:** Budget Amendment – Police  
**Presenter:** Town Finance Director  
**Attachments:** Budget Amendment Form

**Description/Summary of Request:**

As part of the Memorandum of Understanding between Buncombe County Schools and the Weaverville Police Department signed on August 31, 2023, the Town received **\$52,082.65** this month as reimbursement for SRO duties provided by the Weaverville Police Department during fiscal year 2023-2024.

The Police Department applied for and received a safety grant totaling **\$5,000** from the North Carolina League of Municipalities for the purchase of the vehicle barrier system earlier this year.

The Town filed an insurance claim after suffering major water damage in the police department in March 2024, and has received **\$9,482.41** in insurance proceeds to help with the repair costs.

The attached budget amendment is necessary so that the funds can be properly recorded as revenue in FY 2023-2024.

**Action Requested:**

Town Manager recommends approval of the attached Budget Amendment.

## Budget Amendment FY 2023-2024

### Town of Weaverville

What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-430-431-12100	Police – Salaries & Wages	\$52,082.65
010-430-431-50100	Police – Small Equipment	\$5,000.00
010-430-431-35100	Police – Building Repair/Maint	\$9,482.41

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

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-004-300-07050	Police Dept Grants	\$52,082.65
010-004-300-07050	Police Dept Grants	\$5,000.00
010-004-300-09043	Property Insurance Claims	\$9,482.41

**Justification:** Please provide a brief justification for this budget amendment. *Reimbursement from Buncombe County for SRO duties performed by Police Department during fiscal year 2023-2024; Safety Grant funds from NCLM for purchase of vehicle barrier system; Insurance claim proceeds from water damage at Police Department.*

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

Budget Ordinance Section 7:

- B. The Budget Officer or his/her designee is hereby authorized to distribute departmental funds based upon the line item budgets and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.
- C. The Budget Officer or his/her designee may authorize transfers between line items, expenditures and revenues, within a department or division without limitation and without a report being required.
- D. The Budget Officer or his/her designee may transfer amounts up to 5%, but not to exceed \$10,000 monthly, between departments, including contingency appropriations, but only within the same fund. The Budget Officer must make an official report on such transfers at a subsequent regular meeting of Town Council.
- E. The Budget Officer or his/her designee may not transfer any amounts between funds, except as approved by Town Council, as a budget amendment.



**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** Dry Ridge Historical Museum Lease Agreement  
**PRESENTER:** Town Attorney  
**ATTACHMENTS:** Proposed Lease Agreement

**DESCRIPTION/SUMMARY OF REQUEST:**

The Dry Ridge Historical Museum has leased space within the Community Center since it opened in 2021. The current lease agreement is due to expire in September 2024 and Town staff has been working with Museum representatives to negotiate a new lease. The result of that work is attached as a proposed lease agreement.

The changes from the current lease are highlighted in yellow. Both the Manager and Attorney will be available to review those changes if requested.

The Town Manager recommends that Town Council consider approving the proposed lease agreement. The Town Attorney has been involved in the drafting of the lease provisions does not have any objection to its approval.

**COUNCIL ACTION REQUESTED:**

Town Council is asked to approve the lease agreement with the Dry Ridge Historical Museum, either as presented or as amended. A suggested motion is as follows:

*I move that the Lease Agreement with the Dry Ridge Historical Museum, Inc., be approved as presented.*

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF BUNCOMBE

**THIS LEASE AGREEMENT** is made on this the \_\_\_\_ day of \_\_\_\_\_, 2024, between the **TOWN OF WEAVERVILLE**, a North Carolina municipal corporation having an address of PO Box 338, Weaverville, NC, 28787 (herein called the “Town”), and **THE DRY RIDGE HISTORICAL MUSEUM, INC.**, a North Carolina non-profit corporation having an address of PO Box 413, Weaverville, NC, 28787 (herein called the “Museum”).

The Museum hereby offers to lease from the Town the premises as defined herein and the Town hereby agrees to such lease upon the following **TERMS AND CONDITIONS**:

1. **Premises.** The premises that is the subject of this lease agreement is collectively defined as the exclusive use and occupancy of the designated museum space (“museum space”) within the Weaverville Community Center located at 60 Lakeshore Drive, Weaverville, NC, 28787, and the non-exclusive use of the restrooms and corridors within the Weaverville Community Center and outside areas designated by the Town for historical markers (“shared spaces”).
2. **Term.** The term of the lease is for two three years beginning on the 1st day of October, 2024, and is subject to the terms of this agreement.
3. **Option to Renew.** This lease is automatically renewable for up to two one additional two one-year term unless either party gives a minimum 6-month written notice of termination of the lease, and such renewal shall be considered a subsequent term under this lease. Additional or modified terms may apply to the subsequent term as provided herein. Any amendments to the lease provisions for the additional term shall be documented in writing and signed by both parties.
4. **Rent.** In consideration of the public purposes involved in the use of the premises by the Museum as defined herein, the rent shall be \$ -0- per month during the term of the lease. The Town reserves the right to fix a reasonable monthly rental amount for subsequent terms.
5. **Alterations, Fixtures and Improvements.** The Museum shall not, without the written consent of the Town, install any statues, markers, monuments, or landscaping, or otherwise make any improvements to the outside areas surrounding the Community Center.

Except as provided herein, the Museum shall not, without the written consent of the Town, make any alterations, additions, or improvements, in, to or about the premises, or affix any items to the walls, floor, or ceiling within or on the premises. Subject to the repair provisions set out in Section 9(b), the Museum is expressly allowed to attach or secure the following to the walls, but not the ceilings or floors, of the museum space:

- a. Dividers and displays in order to provide for the safety of Museum staff and volunteers and the general public;

- b. Shelving and cases as necessary for the display of Museum items, collections, and artifacts;
  - c. Sections of beadboard, barnwood, shiplap, and/or vintage wallpaper as deemed necessary by the Museum in order to enhance the educational value of the displays;
  - d. Photographs, historical documents, and other educational material for display purposes; and
  - e. Shelving, cases, and other storage racks for safe storage of the Museum's archives and collections.
6. **Equipment, Furniture and Supplies.** The Museum is solely responsible for providing all necessary equipment and furniture for operation of the museum within the museum space portion of the premises.
7. **Use.**
- a. The Museum will be allowed to use and occupy the museum space for museum, genealogical, archival, and educational purposes and shall generally be open to the public. The premises shall be used for no other purpose without the written authorization of the Town. The Museum is solely responsible for supervision and security of the designated museum space.
  - b. The Museum will be allowed to use and occupy the shared spaces to the extent necessary to provide access to restrooms and to provide reasonable access to display cases within the corridors containing museum items and artifacts.
  - c. The normal operating hours of the Museum, where the Museum is accessible to the general public, shall be Wednesday through Saturday from 11 a.m. to 5 p.m. during the months of April through November and Thursday through Saturday from 11 a.m. to 5 p.m. during the months of December through March. These times can be modified by the Museum upon consent of the Town Manager or her designee, which consent shall not be unreasonably withheld. The Museum can also be open at other times by appointment and for educational programming as a part of its normal activities as long as those times do not conflict with other Community Center programming or events.
  - d. Upon one week's prior written notice and with the consent of the Town Manager, or their designee, the Museum may hold meetings and other functions on the premises outside their normal activities and normal times of operation. The Town Manager's consent shall not be unreasonably withheld.
8. **Conditions.** In addition to providing the public with access to the Museum's displays and genealogical information, the consideration of this lease includes the following obligations that must be undertaken by the Museum:
- i. Installation and maintenance of permanent display items within the museum space reflecting the Town's history and its diverse inhabitants;

- ii. Installation and maintenance of two (2) permanent display cases, subject to advance approval by the Town Manager or their designee, one of which must provide accurate information on the general history of the Town of Weaverville;
- iii. The installation and maintenance of four (4) display cases that rotate on a quarterly basis with the schedule and topics approved in advance by the Town Manager or their designee;
- iv. A non-voting member on the Museum's Board of Directors selected by the Town Manager; and
- v. Accurate collection of visitor data and quarterly reporting to Town Manager or their designee.

- b. The Lessee must incorporate all relevant public health directives and federal, state, or local emergency directives or orders into its operational planning.

9. **Care and Maintenance of Premises.**

- a. The Museum acknowledges that the premises are in good order and repair. The Museum shall, at its own expense and at all times, maintain the premises in good and safe condition and shall surrender the same, at the termination hereof, in as good condition as received, except for normal wear and tear.
- b. The Museum must follow all rules and regulations established by the Town for the Community Center concerning the safety, security, and general use and upkeep of the facility and its grounds.
- c. The Museum must keep all equipment and furniture in safe working order. Items within the museum's collection do not have to be in working order, but must be made safe prior to display or storage within the premises.
- d. The Museum must keep the premises orderly and clean. The Town agrees to provide routine cleaning services for the shared spaces including the restrooms.
- e. The Museum is responsible for taking all trash and recyclables from the museum space to the designated trash and recycling carts on at least a weekly basis. The Town is responsible for providing adequate trash and recycling receptacles for the premises and for placing trash and recyclables from the shared spaces into the appropriate trash and recycling carts.
- f. The Museum will be responsible for adhering to the Town's security plan for the Community Center. Museum shall immediately notify the Town of any breach of security or breach of security protocol.
- g. Approval from the Town Manager must be received before any items are affixed to the walls or doors within the museum space. No items may be affixed to the walls or doors within the shared space. It is preferred that posters, announcements, artwork, etc. be mounted on a centralized bulletin board that can be moved when needed.

- h. The Lessee must incorporate all relevant public health directives and federal, state, or local emergency directives or orders into its cleaning and maintenance planning.
10. **Repairs.**
- a. The Town shall provide all maintenance and repairs to the Community Center facility, including the roof, structural foundation, electrical, plumbing, and the HVAC system. The Museum shall be financially responsible for all repairs to the premises made necessary due to the Museum's use of the premises, normal wear and tear excepted. The Museum must immediately notify the Town Manager of any repair or maintenance needed within or on the premises.
  - b. The Museum shall be responsible for returning the museum space to its original condition, normal wear and tear excepted, at the end of the lease term or upon earlier termination as provided in this agreement. This includes, but is not limited to, the repair of any and all damage to the walls due to the removal of items affixed or attached to or hung on the walls as allowed by Section 5.
11. **Ordinances and Statutes.** The Museum shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which hereafter are in force, pertaining to the premises affecting the use thereof by the Museum.
12. **Assignment and Subletting.** The Museum shall not assign this lease or sublet any portion of the premises without prior consent of the Town. Any such assignment or subletting without consent shall be void and, at the option of the Town, shall terminate this lease.
13. **Utilities.** For this term of the lease the Town shall pay for all utilities, including electricity, water and sewer, and internet, related to the premises, including the museum space. Town reserves the right to reasonably charge the Museum for utilities for subsequent terms with an amount to be negotiated.
14. **Entry and Inspection.** The Museum shall permit Town or Town's agents to enter upon the premises at reasonable times and upon reasonable notice, for the purpose of inspecting and/or performing routine or as-needed maintenance on the premises.
15. **Indemnification.** The Town shall not be liable for any damage or injury to the Museum, or any other person, or to any property, occurring on the premises or any part thereof, and the Museum agrees to hold the Town harmless from any claims for damages, except for the Town's own negligence. The Museum, its officers and employees shall, through the signing of this document by an authorized party or agent, indemnify, hold harmless, and defend the Town, and its officials, agents, and employees from all suits and actions, including attorney's fees and all cost of litigations and judgment of every name and description brought against the Town as a result of loss, damage or injury to

person or property resulting from the Museum's use and occupancy of the premises.

16. **Insurance.**

- a. **General Liability.** The Museum, at its expense, shall maintain public liability insurance which shall name the Town of Weaverville as an additional insured party on the policy. This coverage must be carried through an A-rated company recognized in the State of North Carolina, and must have a combined single limit for bodily injury and property damage of not less than \$1,000,000; insuring the Town against all claims, demands, and causes of action whatever for injuries received, or damage to property in connection with the use, occupancy, management, and control of the premises while in the use by the Museum. The Museum shall provide the Town with a Certificate of Insurance as evidence of liability insurance and agrees to notify the Town of any modification, cancellation or other changes in liability insurance. The Certificate of Insurance shall provide for at least a ten-day written notice to the Town in the event of cancellation or material change of coverage. To the maximum extent permitted by insurance policies owned by the Museum, the Museum waives any and all rights of subrogation which might otherwise exist.
- b. **Property Loss/Damage.** The Town, at its expense, agrees to maintain property loss coverage on the building and on personal property of the Town contained therein to the extent of its full insurable value **and to request a non-subrogation clause.**
- c. **Personal Property Loss/Damage.** The Museum, at its expense, shall maintain insurance in such amounts as are deemed advisable by the Museum to adequately cover the loss of personal property located on the premises, including but not limited to items contained in the museum collection.

17. **Eminent Domain.** If the premises or any part thereof, or any other part of the building materially affecting the Museum's use of the premises, shall be taken by eminent domain, this lease shall terminate on the date when title vests pursuant to such taking. The rent, and any additional rent, shall be apportioned as of the termination date, and any rent paid for any period beyond that date shall be repaid to the Museum. The Museum shall not be entitled to any part of the award for such taking or any payment in lieu thereof.

18. **Option to Terminate by Museum.** The Museum shall have the option to terminate this lease, with or without cause, upon providing the Town with a **30 90-day advance written notice.**

19. **Option to Terminate by Town.** The Town shall have the option to terminate this lease as follows:

- a. Should the Museum be in default of any provision of this lease agreement, the Town shall have all remedies under the provisions of Paragraph **19 20** below.

- b. Should the Museum lose its non-profit, 501(c)(3) status, the Town shall have the right to terminate this lease for cause upon 90 days advance written notice.
  - c. Should the Museum cease operating as a museum on the premises for more than 45 days, then the Museum shall be deemed to have abandoned this lease and the Town shall have the right to terminate for cause upon 90 days advance written notice. For the purposes of this section, the failure to be open to the general public without substantial justification shall be deemed a cessation of operations. Substantial justification to be temporarily closed to the public includes, but is not limited to, active reorganization of museum displays.
  - d. Should the Museum not be able to operate for enough hours to provide the general public with sufficient access to the museum, then the Town shall have the right to terminate for cause upon 90-days advance written notice. For the purposes of this provision, operating hours of 24 or more per week during the months of April through November and operating hours of 18 or more per week during the months of December through March, shall be deemed sufficient access for the general public.
  - e. Should the Town reasonably determine that its operational and/or facility needs require additional space within the Community Center, then the Town shall have the right to terminate the lease upon at least 6 months advance written notice to the Museum. Should the Town determine that the Museum's operations are an unanticipated unreasonable interference with the operations within the main areas of the Community Center, then the Town shall have the right to terminate for cause upon 90-days advance written notice; provided however, the Town shall be obligated to reimburse the Museum for the following: (1) cost to upfit of the museum space, and (2) cost of the equipment and furniture purchased solely for the museum space.
20. **Town's Remedies on Default.** If Museum defaults in the payment of rent or utilities, or defaults in the performance of any of the other covenants or conditions hereof, Town may give Museum notice of such default and if Museum does not cure any such default within thirty (30) days after giving such notice (or if such other default is of such nature that it cannot be completely cured within such period, if Museum does not commence such curing within such thirty (30) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Town may terminate this lease on not less than thirty (30) days' notice to Museum. On the date specified in such notice the term of this lease shall terminate, and Museum shall then quit and surrender the premises to the Town, but the Museum shall remain liable as hereinafter provided. If the lease shall have been so terminated by Town, Town may at any time thereafter resume possession of the premises by any lawful means and remove Museum or other occupants and their effects. No failure to enforce. any term shall be deemed a waiver.

21. **Security Deposit.** Town hereby waives the requirement of a security deposit during this term, but reserves the right to require one during any subsequent term of this lease. Should one be required the security deposit shall be held as security of the performance of Museum's obligations under this lease, including without limitation, the surrender of possession of the premises to Town as herein provided.
22. **Attorney's Fees.** If a suit should be brought for recovery of the premises or for any sum due hereunder, or because of any act which may arise out of the possession of the premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee.
23. **Waiver.** No failure of Town to enforce any term hereof shall be deemed to be a waiver.
24. **Notice.** Any notice required under this agreement should be sent via first class mail and a copy emailed as follows:
  - a. To the Town:
 

Weaverville Town Manager  
PO Box 338  
Weaverville, NC 28787  
[scoffey@weavervillenc.org](mailto:scoffey@weavervillenc.org)
  - b. To the Museum:
 

Dry Ridge Historical Museum Board Chairman  
PO Box 413  
Weaverville, NC 28787  
[dryridgemuseum@gmail.com](mailto:dryridgemuseum@gmail.com)
25. **Entire Agreement.** The foregoing constitutes the entire agreement between the parties and may be modified only in writing signed by both parties.

**TOWN:**

**TOWN OF WEAVERVILLE**

BY: \_\_\_\_\_  
Patrick Fitzsimmons, Mayor

DATE: \_\_\_\_\_

**MUSEUM:**

**THE DRY RIDGE HISTORICAL MUSEUM, INC.**

BY: \_\_\_\_\_  
Judith Reagan Craggs, President/Board Chairman

DATE: \_\_\_\_\_



**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** ADA Transition Plan Update  
**PRESENTER:** Town Attorney - ADA Coordinator  
**ATTACHMENTS:** None

**DESCRIPTION/SUMMARY OF REQUEST:**

On June 22, 2020, Town Council adopted an ADA Transition Plan in order to improve the Town's ADA accessibility over a five (5) year period. Town Council appointed the Town Attorney, Jennifer Jackson, as the ADA Coordinator to oversee the implementation of the Plan. Jackson provides the follow report on the progress towards better ADA accessibility within the Town.

Over the last year there has been one ADA accessibility complaint/comment received from the public that has concerned Town facilities or operations. This comment related to the sink height and stall door latch height at the Lake Louise Park bathrooms. This comment is under review and corrective action will be taken, if necessary, to ensure that the bathrooms are ADA accessible.

The vast majority of the action items under the Transition Plan have been fully addressed and several Town projects were undertaken in FY2024 to increase the ADA accessibility of the Town facilities.

FY 2024 saw the completion of the handicapped parking spaces at the Lake Louise Park and the installation of the new playground equipment that includes some ADA accessible features.

70 sidewalk ramps and driveway aprons were reconfigured along several downtown streets during FY2024 to bring them into conformity with ADA requirements. This allows for easier pedestrian navigation along Town streets by all.

The parking lot behind Town Hall is currently slated for improvement in July. Those improvements will reduce the slope within the back parking lot and provide for compliant handicapped parking spaces, access aisles and marked accessible routes to allow better ADA access to Town Hall and the Community Center.

In addition to minor improvements that are being made each year, upcoming work that is in the planning stages includes the following:

- Review of adequacy of handicapped parking in the Main Street area
- Possible restructuring of the handicapped parking space in front of Town Hall for full van-accessible ADA compliance
- Continued upgrades and modifications to sidewalk ramps on Town-maintained streets

**COUNCIL ACTION REQUESTED:**

Continued support of efforts to increase and maintain ADA accessibility is also appreciated.

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** Proposed Amendments to Personnel Policy  
**PRESENTER:** Town Attorney  
**ATTACHMENTS:** Proposed Resolution Amending the Town’s Personnel Policy

**DESCRIPTION/SUMMARY OF REQUEST:**

The Town Attorney recommends an amendment to the Town’s Personnel Policy to clarify sections regarding position reclassifications and amendments to the Town’s position classification plan and/or pay plan.

The proposed amendments are shown in the attached resolution in the highlighted areas with added language underlined and language to be deleted shown with strikethroughs.

None of these amendments will require a budget amendment.

The proposed resolution contains all of the amendments with highlighting to show where changes have been made.

Due to its length the entire personnel policy is not provided with this agenda item but is available upon request.

**COUNCIL ACTION REQUESTED:**

Town Council is asked to approve these amendments to the Town’s Personnel Policy with an effective date of July 1. A resolution that accomplishes this requested action is attached for Town Council’s consideration. A suggested motion is as follows:

*I move the adoption of the **RESOLUTION AMENDING THE TOWN’S PERSONNEL POLICY** as presented/as amended.*

**TOWN OF WEAVERVILLE  
RESOLUTION AMENDING THE TOWN'S PERSONNEL POLICY**

**WHEREAS**, Part 4 of Article 7 of Chapter 160A of the North Carolina General Statutes sets forth certain requirements and provides certain authority to Town Council regarding its employees and the establishment of policies regarding its employees; and

**WHEREAS**, pursuant to Article I, Section 6 of the Personnel Policy, the Town Manager provided Town Council with copies of the adopted policies and her recommendations on certain amendments and additions to the Town's policies; and

**WHEREAS**, Weaverville has previously adopted a Personnel Policy and related policies, routinely reviews those policies, and now wishes to adopt new and revised policies regarding personnel and related matters to set forth general guidelines for its employees' conduct and benefits; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WEAVERVILLE, NORTH CAROLINA, ACTING THROUGH ITS COUNCIL MEMBERS, AS FOLLOWS:**

1. Town Council hereby amends Article IV and Article V of the **PERSONNEL POLICY** as shown on Exhibit A with the added language shown as underlined and the language to be deleted shown with strikethroughs.
2. The Town Manager is hereby directed to continue to maintain a Policy and Procedures Manual which is to include, but is not limited to, all personnel and related policies adopted by Town Council and the Town Manager, and, in accordance with Section 6 of Article I of the Personnel Policy, is directed to continue to develop, maintain and administer such guidelines, policies, and procedures indicated in the Personnel Policy, and to provide copies of those adopted policies to Town Council on an annual basis or upon request.
3. All amendments shall become effective on July 1, 2024.

**ADOPTED** this \_\_\_\_ day of June, 2024.

\_\_\_\_\_  
**PATRICK FITZSIMMONS, Mayor**

**ATTEST:**

\_\_\_\_\_  
**TAMARA MERCER, Town Clerk**

## TOWN OF WEAVERVILLE PERSONNEL POLICY

### Article IV. Position Classification Plan

#### Section 1. Purpose and Objectives

The Town's position classification plan, as approved by Town Council, provides a complete inventory of all authorized and permanent positions in the Town service, and an accurate description and specifications for each class of employment. The plan standardizes job titles, each of which is indicative of a definitive range of duties and responsibilities.

#### Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- (a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- (b) class titles descriptive of the work of the class;
- (c) written specifications for each class of positions; and
- (d) an allocation list showing the class title of each position in the classified service.

#### Section 3. Use of the Positions Classification Plan

The classification plan is to be used:

- (a) as a guide in recruiting and examining applicants for employment;
- (b) in determining lines of promotion and in developing employee training programs;
- (c) in determining salary to be paid for various types of work;
- (d) in determining personnel service items in departmental budgets; and
- (e) in providing uniform job terminology.

#### Section 4. Administration of the Position Classification Plan

The Town Manager shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the approved position classification plan. The Town Manager shall periodically review portions of the classification plan and recommend appropriate changes to the Town Council. The Town Manager may delegate some or all of these duties to the Human Resources Officer.

#### Section 5. Authorization of New Positions and the Position Classification Plan

New positions shall be established upon recommendation of the Town Manager and approval of the Town Council. New positions shall be recommended to the Town Council with a recommended class title after which the Town Manager shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. The position classification plan, along with any new positions or classifications, shall be reported to the

# TOWN OF WEAVERVILLE

## PERSONNEL POLICY

Town Council and kept on file with the Town Manager. Copies will be available to all Town employees for review upon request.

### **Section 6. Request for Reclassification**

Any employee who considers his or her current position classification to be improper shall submit a request for reclassification, with such request being submitted in writing to his or her immediate supervisor, who shall immediately transmit the request through the Department Head to the Town Manager. Upon receipt of such request, the Town Manager shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the Town Council. The Town Manager may delegate some or all of these duties to the Human Resources Officer.

### **Section 7. Amendments to a ~~Transition to a New Salary Plan~~**

The Town's position classification plan and/or pay plan should be reviewed from time to time and new salary plans may be adopted by Town Council with changes to some or all positions to reflect the organizational needs of the Town and its departments, increased complexity in job duties, and salary range revisions based on labor market conditions, recruitment and retention data, and results of pay plan studies.

Changes to an employee's position and/or salary as a result of the adoption of a new plan and/or a related reclassification are not considered to be promotions, demotions, or transfers.

# **TOWN OF WEAVERVILLE PERSONNEL POLICY**

## **Article V. Pay Plan**

The pay plan includes the basic salary schedule and the assignment of position classes to salary grades as adopted by Town Council. Positions are assigned to grades within the pay plan based upon the complexity of duties, levels of responsibility, and education and training required for the position. The salary schedule consists of minimum, midpoint, and maximum rates of pay for all classes of positions.

### **Section 1. Administration and Maintenance of the Pay Plan**

The Town Manager, assisted by the Human Resources Officer, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year the Human Resources Officer shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the minimum, midpoint and maximum rates change according to the market.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class or classes and adjusting the rate of pay for employees in the class when the action is approved by the Town Council.

### **Section 2. Starting Salaries**

All persons employed in positions approved in the position classification plan shall be employed at the minimum rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum rate of the established salary range upon approval of the Town Manager.

### **Section 3. Merit Pay and Merit Bonus**

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager.

# **TOWN OF WEAVERVILLE PERSONNEL POLICY**

Town Council may designate a portion of its annual budget for use by the Town Manager in rewarding employees with merit pay increases or bonuses based on performance-related criteria.

Employees who have demonstrated qualification for a performance related increase as described in their performance evaluation are eligible for a merit pay increase within the established salary range.

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. However, merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

## **Section 4. Trainee Designation and Provisions**

Applicants being considered for employment with the Town or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the Town Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head.

"Trainee" salaries shall be no more than two grades below the minimum salary rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

## **Section 5. Salary Effect in Promotions, Demotions, Transfers and Reclassifications**

- (a) **Promotions.** The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of at least 5% over the employee's salary before the promotion, whichever is greater. In the event of (1) highly skilled and qualified employees, (2) shortage of qualified applicants, (3) a promotion that exceeds an increase of two pay grades, or (4) for other reasons related to the merit principle of employment, the Town Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the Town. In that case the Town Manager will

## TOWN OF WEAVERVILLE PERSONNEL POLICY

take into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town Manager shall consider internal comparisons with other employees in the same or similar jobs.

- (b) **Demotions.** Demotion is the voluntary or involuntary movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position for which he or she is qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.
- (c) **Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

- (d) **Reclassifications.** An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately up to 5% or an increase to the minimum rate of the new pay range, whichever is higher. Factors to be considered in determining the percent increase include the employee's current and new duties, salary, and time in position within the context of the time in service of the employees currently serving in that position. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

### Section 6.— Effect of Salary Range Revisions

A salary range revision is a change in the salary range or grade assigned to a specific class of positions. The change may be based upon increased salaries in the relevant labor market, recruitment and retention data, or increased complexity in job content. When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5% or an increase to the minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the



# TOWN OF WEAVERVILLE PERSONNEL POLICY

new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

## **Section 6. Amendments to the Plan; Salary Effect for Amended Plans Transition to a New Salary Plan**

The Town's position classification plan and/or pay plan should be reviewed from time to time and new salary plans may be adopted by Town Council with changes to some or all positions to reflect the organizational needs of the Town and its departments, increased complexity in job duties, and salary range revisions based on labor market conditions, recruitment and retention data, and results of pay plan studies.

Changes to an employee's position and/or salary as a result of the adoption of a new plan or a plan amendment are not considered to be promotions, demotions, or transfers.

The following principles shall govern the transition to a new salary or amended plan, but salary increases will not be automatically provided:

- (a) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- (b) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised at least to the minimum rate for their classes.
- (c) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule.
- (d) All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

## **Section 7. Effective Date of Salary Changes**

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the Town Manager.

## **Section 8. Pay for Part-Time Work**

Compensation of any employee appointed as a part-time employee shall be computed on an hourly basis. These employees will receive the same holidays as the regular employees provided they are regularly scheduled to work on the day the holiday occurs. Holiday pay for part-time employees is limited to the number of hours the part-time employee was scheduled to work on the day of the holiday. All employees who work in a part-time position will be covered by workers compensation insurance and Social Security. Other benefits are available as provided in Articles VII and VIII.

# TOWN OF WEAVERVILLE

## PERSONNEL POLICY

### Section 9. Pay for Overtime Work

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head, Town Manager or other designee.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Manager and Human Resources Officer shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

- (a) **Nonexempt Employees.** Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 85 hours for police personnel in a 14-day cycle and 106 hours for fire personnel in a 14-day cycle, as is specified in the FLSA 7(k) exemption). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will annual leave, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In a FEMA declared emergency, exempt and nonexempt employees who are authorized by the Town Manager for FEMA emergency deployment, are eligible for overtime compensation at the allowable FEMA rate, not to exceed double time, when extended long hours are required.

- (b) **Exempt Employees.** Employees in positions determined to be "exempt" from the FLSA will not receive pay for hours worked in excess of their normal work periods. These employees may be granted flexible time by their supervisor where the convenience of the department allows. Such flexible time is not guaranteed to be taken and ends without compensation upon separation from the Town.

### Section 10. Call-Back and Stand-By Pay

The Town provides a continuous twenty-four hour a day, seven day a week (24/7) service to its customers. Therefore, it is necessary for certain employees to respond to any

## **TOWN OF WEAVERVILLE PERSONNEL POLICY**

reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.

- (a) **Call-back** – Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).
- (b) **Stand-By** – Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. Non-exempt employees required to be on "stand-by" duty will be paid a fixed fee set by the Town Manager for each day or portion thereof that they are required to remain on stand-by. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Standby time requiring an employee to remain at a designated location or otherwise substantially restrict personal activities in order to be ready to respond when called is considered work time under the provisions of the FLSA. Stand-by schedules require advance approval by the Town Manager.

### **Section 11. Payroll Procedures and Deductions**

All employees shall be paid on a schedule adopted by the Town Manager. All employees shall be paid via direct deposit unless specifically approved the Town Manager.

Deductions shall be made from each employee's salary as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to the capability of payroll equipment and software, associated increased in workload and appropriateness of the deduction.

### **Section 12. Hourly Rate of Pay**

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees.

The hourly rate for employees will be determined by dividing the number of hours scheduled per year into the annual salary or wages for the position based upon the department's standard work schedule.

### **Section 13. Pay for Interim Assignments in a Higher Level Classification**

An employee who is formally designated by the Town Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the

**TOWN OF WEAVERVILLE  
PERSONNEL POLICY**

employee is acting or an increase of 5%, whichever is greater. The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the interim role, taking into account any increases the employee would have received if they had not been placed in the interim role.

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** Board Appointments  
**PRESENTER:** Mayor Fitzsimmons  
**ATTACHMENTS:** Proposed Rosters – Planning Board and Tree Board

**DESCRIPTION/SUMMARY OF REQUEST:**

Bob Pace has had to resign from his regular seat on the Planning Board as he is moving out of the Town’s jurisdiction. The Mayor recommends that Michelle Rippon be moved from her alternate seat to fill the regular seat vacancy and that Jonathan Brown be appointed to fill Ms. Rippon’s alternate seat.

The Tree Board had its first meeting this month and Board Member Shelby Ellenburg indicated that she would not be able to serve as a resident member of the Tree Board as she was also moving out of Town limits. The Town has two applications for the Tree Board from Town residents. Mayor Fitzsimmons recommends that Inger Stallmann-Jorgenson be appointed to fill the regular resident seat vacancy. He also recommends that Gary Harmon, a Town resident, be appointed to fill an alternate seat for a term to end in May of 2025. With these appointments the Tree Board should be full and ready to undertake their tasks.

**COUNCIL ACTION REQUESTED:**

Suggested motion: *I move the approval of the following board reappointments/appointments:*

*Michelle Rippon – appointment as a regular member of the Planning Board to serve an unexpired term ending September 2025*

*Jonathan Brown - appointment as an alternate member of the Planning Board to serve an unexpired term ending September 2025*

*Inger Stallmann-Jorgensen – appointment as a regular member of the Tree Board to serve an unexpired term ending May 2027*

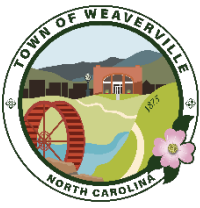
*Gary Harmon - appointment as an alternate member of the Tree Board to serve a term ending May 2025*

<b>WEAVERVILLE PLANNING BOARD</b>				
Regularly meets 1 <sup>st</sup> Tuesday of the month at 6 pm in Community Room/Council Chambers at Town Hall				
<b>NAME AND POSITION</b>	<b>CONTACT INFORMATION</b>	<b>FIRST APPT</b>	<b>DATE OF APPT</b>	<b>TERM (3 YEARS)</b>
Jane Kelley Regular Member Vice Chair	Moore Street	2021	August 2023	September 2023 – 2026
Mark Endries Regular Member	Grove Street	2021	March 2022	March 2022 - Sept 2024
Donna Mann Belt Regular Member	Highland Street	2021	August 2023	September 2023 – 2026
Stefanie Pupkiewicz-Busch Regular Member	Clinton Street	2023	August 2023	September 2023 – 2025
Michelle Rippon Regular Member	Holston View Drive	2023	June 2024	June 2024 – Sept 2025
Michael Sollazzo Alternate Member	South Main Street	2024	May 2024	May 2024 – Sept 2024
Jonathan Brown Alternate Member	North Main Street	2024	June 2024	June 2024 – Sept 2025
James Eller Town Planner	828-484-7002 (direct line) <a href="mailto:jeller@weavervillenc.org">jeller@weavervillenc.org</a>			
Jennifer Jackson Town Attorney	828-442-1858 (cell) <a href="mailto:jjackson@weavervillenc.org">jjackson@weavervillenc.org</a>			
Tamara Mercer Clerk/Bd Sec.	828-484-7003 (direct line) <a href="mailto:tmercerc@weavervillenc.org">tmercerc@weavervillenc.org</a>			

*Last updated June 2024*

<b>WEAVERVILLE TREE BOARD</b>				
Regularly meets _____ of the month at 6 pm in Community Room/Council Chambers at Town Hall				
<b>NAME AND POSITION</b>	<b>CONTACT INFORMATION</b>	<b>FIRST APPT</b>	<b>DATE OF APPT</b>	<b>TERM (3 YEARS)</b>
Peter Stanz Jr Regular Member	Brown Street <i>Town Resident</i>	2024	May 2024	May 2024 – 2027
Pauline Griffith Regular Member	Rabbit Ridge Drive <i>Town Resident</i>	2024	May 2024	May 2024 - 2026
Russ Kantner Regular Member	Loftin Street <i>Town Resident</i>	2024	May 2024	May 2024 – 2025
Inger Stallman- Jorgensen Regular Member	North Main Street <i>Town Resident</i>	2024	June 2024	June 2024 – 2027
Greg Sanfilippo Regular Member	Comfrey Lane <i>Outside Town limits</i>	2024	May 2024	May 2024 – 2026
Jeff Colavecchia Regular Member	Benfield Road <i>Outside Town limits</i>	2024	May 2024	May 2024 – 2025
Caroline Lord Regular Member	Norden Way <i>Outside Town limits</i>	2024	May 2024	May 2024 – 2027
Caleb Hudson Alternate Member	Dogwood Drive <i>Outside Town limits</i>	2024	May 2024	May 2024 – 2026
Gary Harmon Alternate Member	Sherwood Drive <i>Town Resident</i>	2024	June 2024	June 2024- May 2025
Selena Coffey Town Manager	828-484-7001 (direct line) <a href="mailto:scoffey@weavervillenc.org">scoffey@weavervillenc.org</a>			
Tamara Mercer Clerk/Board Sec.	828-484-7003 (direct line) <a href="mailto:tmercerc@weavervillenc.org">tmercerc@weavervillenc.org</a>			

*Last updated June 2024*



*June 2024*

## COUNCIL FOLLOW UP ITEMS & UPDATES

### **Presentation for the Town's Passive Recreation Lands Application**

As you will recall, we have received notice that the Passive Recreation Lands Subcommittee would like to invite Town of Weaverville to share a brief presentation and Q&A regarding the Weaverville Watershed Trails and Wildlife Preserve project on **June 25. This will be a brief virtual meeting, with the** presentation expected to take no more than 15 minutes. We will then be notified if we will advance in the process, with the next step being a site visit. I have asked Recreation Coordinator Sarah Myers and Peter Mills from Elevated Design to participate in my absence in this virtual meeting.

### **Final Report from Elevated Trail Design on 127 and 15 Quarry Road Trails**

As you will recall from the last meeting, Peter Mills, Elevated Trail Design spoke regarding the trail design planning for Quarry Road. At that point in time, the report was not complete and I am therefore including the report herein.

### **Update on Staff's Collaboration with AdventHealth**

AdventHealth's team has been in contact with me and we will be scheduling meetings with appropriate staff in June/July. As an update, AdventHealth won the first appeal and Mission has appealed that decision. At this point in time, they are headed to the Appellate courts, which AdventHealth fully expected. In the meantime, AdventHealth has hired their design team and are starting to move forward in earnest on the design of the new hospital campus in Weaverville.

### **Invitation to Participate in Phase II of Tourism Product Development Fund Grant Process**

I have received notification that we have been invited to participate in Phase II of the application process for the **Weaverville Watershed Trails and Wildlife Preserve** project through the Tourism Product Development Fund. This next phase will include a second application, which is due August 16. We will also have an opportunity to present our project to the TPDF Committee and host the Committee for a site visit. We expect that the presentations will be held on September 5 and site visits for phase II projects will begin September 19. I will keep Town Council updated on this process.



**INFORMATION**

**Metropolitan Sewerage District Rate Increase**

We have received notification that the Metropolitan Sewerage District (MSD) Board has adopted new sewer rates for the upcoming fiscal year. The domestic rate will increase from \$7.03 per 1,000 gallons to \$7.38 per 1,000 gallons.

**Citizens Academy**

Our 2024 Citizens Academy participants graduated on Thursday, June 20. We have now opened up the application period for the 2025 Citizens Academy. The dates for the 2025 classes are listed in the table below and the application is available at <https://weavervillenc.org/wp-content/uploads/2024/05/Citizens-Academy-Application-Fillable-2025.pdf>.

Date and Time	Town Department Presenting	Class Meeting Site
Thursday, January 9, 2025 at 6pm	General Government	Town Hall, 30 S. Main St., Weaverville
Thursday, February 6, 2025 at 6pm	Planning	Town Hall, 30 S. Main St., Weaverville
Thursday, March 6, 2025 at 6pm	Recreation & Community Center	Community Center, 60 Lakeshore Dr.
Thursday, April 3, 2025 at 6pm	Police	Police Dept., 30 S. Main St., Weaverville
Thursday, May 1, 2025 at 6pm	Fire	Fire Dept., 3 Monticello Dr., Weaverville
Thursday, May 29, 2025 at 6pm	Public Works & Water (Virtual tour for Water)	Public Works, 15 Quarry Rd., Weaverville
Thursday, June 5, 2025 at 6pm	Final Session (Graduation)	Community Center, 60 Lakeshore Dr.

# Trail Planning 127 and 15 Quarry Rd.

Client: Town of Weaverville  
**Location:** 127 and 15 Quarry Rd.  
**Prepared By:** Peter Mills  
Elevated Trail Design LLC  
280 Hunter Ridge Dr.  
Marshal, NC 28753

**Date:** June 12th, 2024



## Overview:

My local trail design and construction firm has been working with the town of Weaverville to examine and extensively explore 127 and 15 Quarry Rd properties. The Town wanted to determine if it would be feasible to integrate trails for residents to enjoy hiking and biking in town. Lake Louise is nearby and is a popular park space for people to enjoy being outside close to downtown Weaverville. The beautiful Reems Creek runs along the southern border of these properties and provides a lovely park setting that is currently not open to public use. The town's public works department resides on these properties, and it was critical to examine their current use and needs in this space. Meeting with the town multiple times to fully understand and see their needs and use of this space was key for assessing the potential for developing trails on these properties. The findings have been presented to Weaverville Town Council, and our findings are outlined in this report.

The photo Below Identifies 127 & 15 Quarry Rd.



## **Current Use:**

**Weaverville Public Works department:** The department's office, storage yard, material yard, staging area, mulch yard, and town equipment currently needs and uses this land. With no alternative area for the public works department, I do not think developing a small trail system in this space can happen safely or effectively with the current use. Lacking sufficient room around the public works building and fenced storage yard to have a trail safely navigate the perimeter is made more difficult by the topography and the close proximity of the private land owners. Quarry Rd is actively used for parking equipment. The town employees drive public works equipment up and down this road during regular operations for the works department to work effectively and efficiently. Currently, the town has no alternative space for their needs, and they would have to re-imagine how they use this space or acquire additional land for their immediate needs.

**Cell Tower:** The high point of 15 Quarry Rd. has a cell phone transmission tower. This is accessed with a very steep paved road. This area should remain closed to the public. The road has an exposed "cliff" edge that presents a fall hazard. If this space were open to the public with trails in the vicinity, an extensive fence would reduce the danger.

**I26 construction:** Active construction on the I26 bridges requires a large staging area on these properties that will be active until the I26 work in this area is completed.

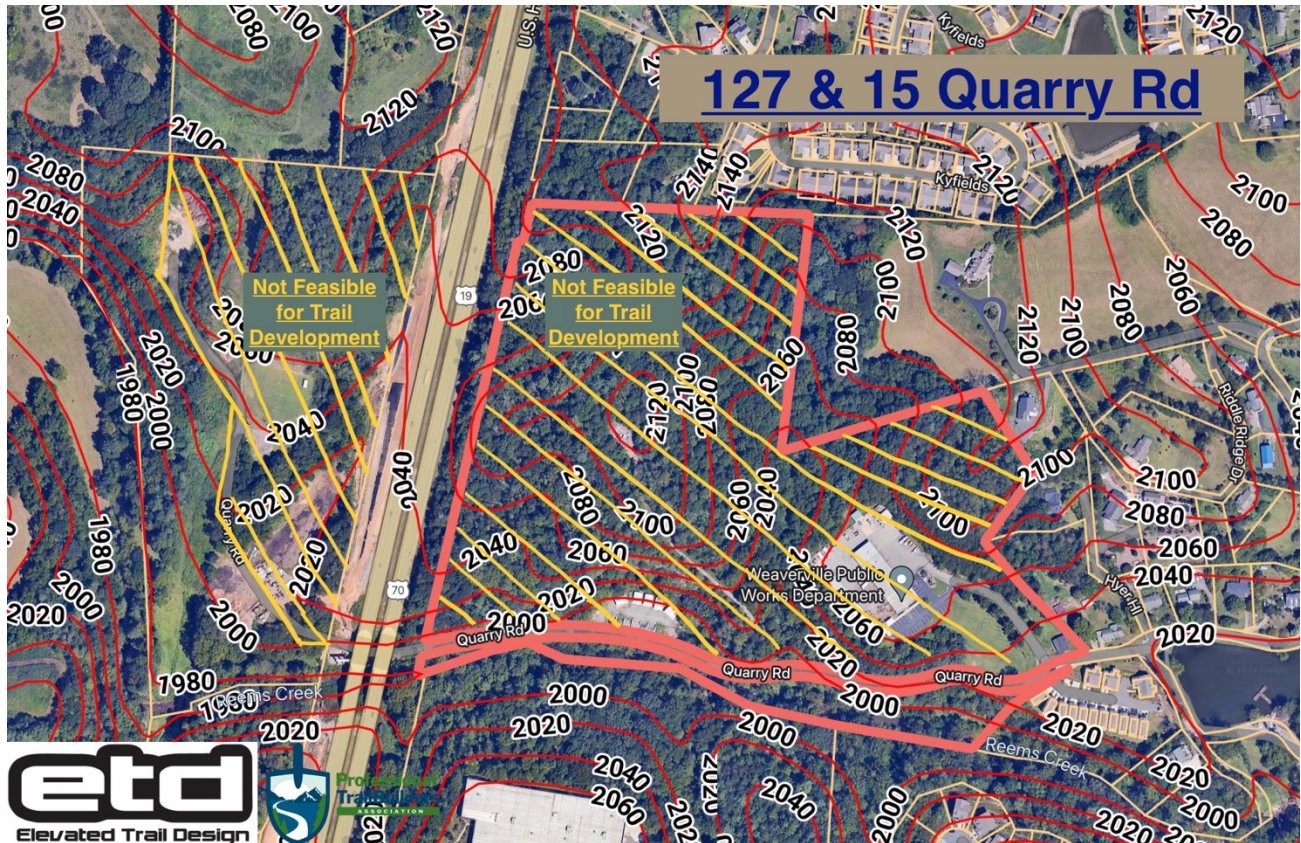
**Police:** The police use and maintain a well-established shooting range and training area. This is a real asset for the Town of Weaverville Police to have available, and it would not be easy to acquire a new location for this purpose locally. The areas behind and immediately around the shooting range are off-limits to any future trail.

**Topography:** The terrain is challenging, given the topographical restraints and difficulties that arise from the existing infrastructure and site work. The property's borders and steep terrain make it not conducive for hiking or biking trails. Dealing with storm run-off from the public works building and parking was an additional challenge, with not enough space to mitigate it in a sustainable fashion before and after crossing potential trails.

## **Can Trails be Built on 127 & 15 Quarry Rd:**

Unfortunately, our professional opinion is that 127 and 15 Quarry Rd are neither feasible nor conducive to creating a trail system with the current use and state of the properties. The map below identifies the large zones that are suitable for trails. If the town creates a long-term plan for shifting away from using this space for its public works department and town operations, then there could be potential to invest in this space and create a small park with a very large investment. However, given the lack of immediate available land and space in close proximity to downtown Weaverville, it would be a large commitment that may not have a rewarding return on the investment. Please see the map below with the areas identified.





Quarry Rd Photos Below: These photos take you on a tour down Quarry Rd.









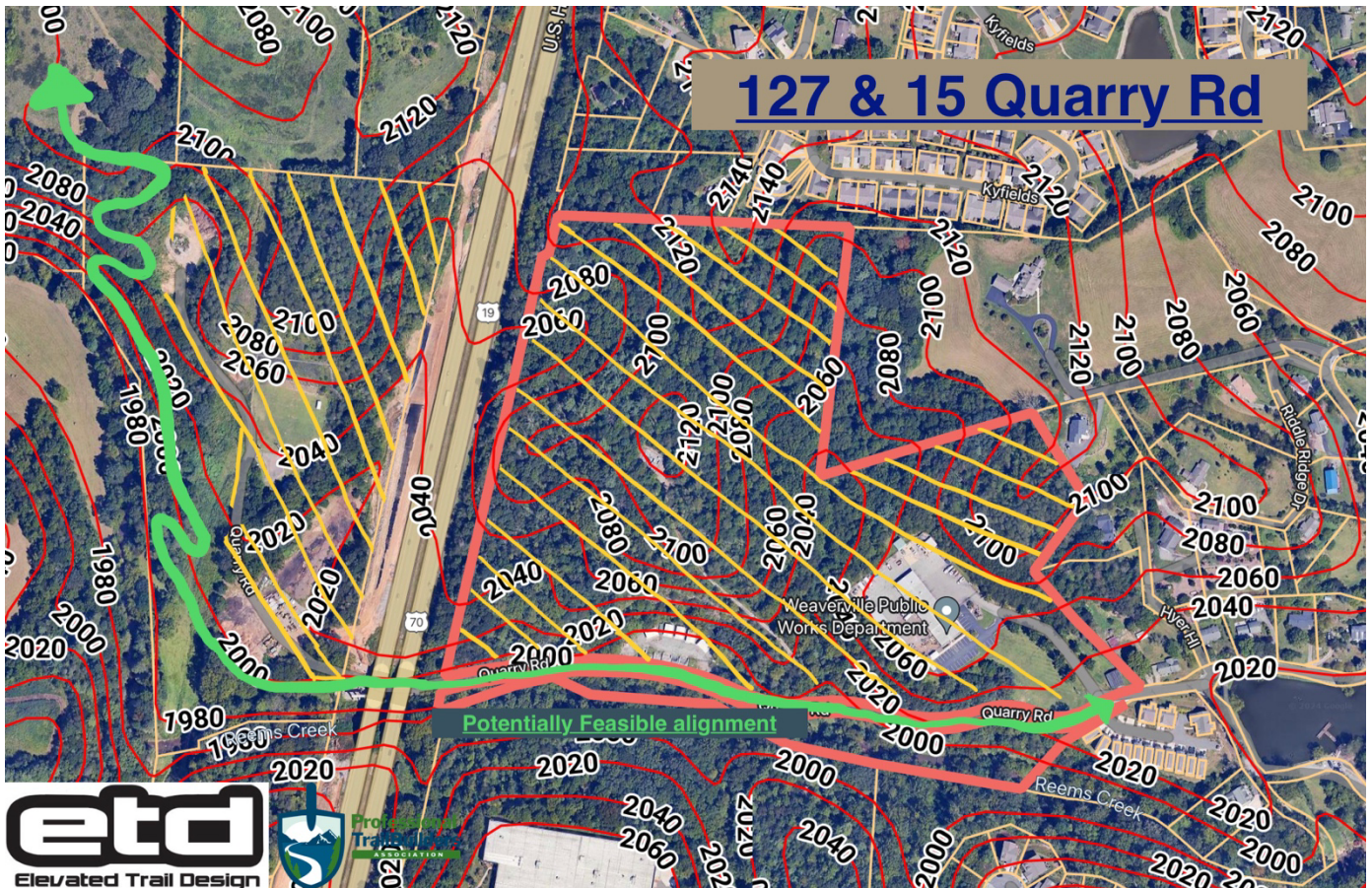






**What can happen with Quarry Rd?** The photos above show the road's current state and how it is being used. Could this road be made wider? Could it have an additional bike/pedestrian lane? Could there be a separated bike/walking path? Could it be paved? Could future adjacent development allow an easement and assist with creating a connection to the Weaverville Commons shopping center? Could the town get an easement granted to have access along Reem's Creek to Lake

Louise These are the questions and ideas that have emerged after examining all the available properties. Could additional land or easements with adjacent landowners be acquired? Our firm feels that it could be feasible to improve Quarry Rd. However, this would require further study and plans beyond this scope. Please see the map below to see our conceptual alignment. We feel that there is good potential to invest in this space to provide more in-town greenspaces for local residents to explore and enjoy for years to come.



**Conclusion:**

After exploring 127 and 15 Quarry Rd extensively, our team discovered the many challenges in activating this space with trails. Unfortunately, The trail system was not easily feasible, and developing the potential alignment using Quarry Rd will take time and a significant investment. This could become a great asset for local residents to enjoy the beautiful section of Reems Creek and the forest along the river. In addition, If adjacent landowners and developers work with the town, the potential is there to provide a real functional connection that could improve the quality of life for local residents in the area. Please contact Peter Mills to discuss any questions or comments. 919-614-2391.





**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** Short-Term Rental Project  
**PRESENTER:** Town Attorney and Planning Director  
**ATTACHMENTS:** Planning Board Recommendation with Draft Regulations

**DESCRIPTION/SUMMARY OF REQUEST:**

The Town’s adopted Comprehensive Land Use Plan sets out the following as a high priority: “Study & consider regulation of short-term rentals”.

The Planning Board has been working on the Short-Term Rental Project since March 21, 2023. The first phase of its work was learning about short-term rentals and receiving public input on the topic. This first phase concluded in March 2024 with the final report and presentation by Kayla DiChristina with Land of Sky Regional Council. The Planning Board shifted its focus to possible regulation as requested by Town Council on March 25.

Based on the information gathered during the input sessions and the Planning Board’s conversations on April 2 and May 7, staff developed a set of draft regulations. At its meeting on June 6, the Planning Board completed its review and adopted the attached recommendation.

Staff will be at tonight’s meeting to provide its recommendations on this possible regulation and to guide Town Council through its review of the draft regulations, Planning Board recommendation, and topic in general.

Town Council’s consideration of the following questions may be helpful in determining a direction on this complicated matter:

- (1) Should short-term rentals be regulated within the Town?
- (2) Should action to regulate short-term rentals within the Town be delayed?  
If yes, how long?
- (3) Do the draft regulations reflect the regulation that Town Council would like to consider for adoption?
  - a. If yes, when would Town Council like to hold the public hearing on the draft regulations?
  - b. If no, Town Council is requested to provide further direction to staff and the Planning Board on what is desired.

**ACTION REQUESTED:**

Council discussion and direction on this matter.

**RECOMMENDATION ON AMENDMENTS TO CHAPTER 20  
REGARDING SHORT-TERM RENTALS**



**Town of Weaverville  
Planning Board**

**Recommendation and Plan Consistency Statement for  
Proposed Text Amendments**

The Planning Board has been working on the Short-Term Rental Project since March 21, 2023. The first phase of its work was learning about short-term rentals and receiving public input on the topic. The first phase concluded in March 2024 with the final report and presentation by Kayla DiChristina with Land of Sky Regional Council. The Board then shifted its focus to possible regulation as requested by Town Council on March 25, 2024.

This project was deemed a high priority within the CLUP. The Planning Board has discussed this complicated topic at 8 or more of its meetings since its joint meeting with Town Council on the topic was held on March 21, 2023, and devoted large amounts of time outside of those meetings to better understand the issues.

Based on the information gathered during the input sessions and the Planning Board's conversations on April 2 and May 7, staff has developed a set of draft regulations. The Planning Board reviewed the draft regulations at its meeting on June 6 and offers comments as contained herein.

**On the question of whether short-term rentals should be regulated in the Town of Weaverville, the Planning Board voted 4 to 1 in favor of regulating short-term rentals within the Town.**

**With a majority vote of 3 to 2, the Planning Board submits a favorable recommendation to Town Council on the attached text amendments and supports the adoption of these regulations of short-term rentals. This favorable recommendation is based on the findings as stated herein.**

**The Planning Board has reviewed this regulation against the CLUP and unanimously found that the CLUP does not directly address this topic and would recommend that the CLUP be amended to provide better guidance on the issue.**

**We also note that the following impacts/concerns over the regulation of Short-Term Rentals were expressed by one or more of the Planning Board members:**

- The number of short-term rentals within the Town, when considering the overall number of housing units, may not justify the need for regulation

**RECOMMENDATION ON AMENDMENTS TO CHAPTER 20  
REGARDING SHORT-TERM RENTALS**

- Amount of resources that may be needed to adequately enforce these regulations
- Generally applicable regulations (sanitation, noise, parking) apply to short-term rental uses and most problems can be handled through general regulations
- Delay of adoption might be considered pending a decision by Buncombe County on similar regulations
- To delay adoption may result in more short-term rentals that are allowed to continue in the R-1, R-2, and R-3 districts and may result in the Town being a safe harbor for short-term rentals
- Concern about potential legal risks
- Concern about entrenching the existing STRs within the R-1, R-2, and R-3 district
- This regulation provides an opportunity for an increase in housing availability
- Short-term rentals provide economic opportunities that regulation may limit
- Role of government is to protect the general public and often times does so by enacting regulation
- Concern about respecting the general character of residential areas

It should be noted that to make short-term rental uses legal in the R-12, C-1, C-2, and I-1 as proposed, an expansion of the districts within which single family dwellings can be constructed was necessary. A thorough review of the residential use section of the Table of Uses should be undertaken in the near future as this change should be reviewed alongside all other residential uses.



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**Bob Pace, Chairman of the Planning Board**

**June 6, 2024**

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## Sec. 20-1202. Specific definitions.

Unless otherwise provided in this chapter or any other development regulations adopted by the town, the following definitions shall apply in the administration of all development regulations adopted by the town:

*Bed and breakfast.* Any dwelling in which three or more persons, either individually or as families, are housed or lodged for hire, with or without meals. A bed and breakfast must be managed or operated by a person or family who resides on the premises. A "rooming house" and a "boarding house" establishment shall be deemed a bed and breakfast. If such an establishment is not managed by a person who resides on the premises, it shall be considered as a hotel, motel, or inn as herein defined.

*Homestay:* Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached secondary dwelling units where the operator lives on the same property.

*Hotel, motel, inn:* A building or group of buildings containing in combination ten (10) or more lodging units intended primarily for rental or lease to transients by the day or week. This term does not include short-term rentals.

~~*Hotel, motel, inn.* Establishments providing lodging and short-term accommodations for travelers. These establishments may offer a wide range of services including, but not limited to, overnight sleeping space, food services, convention hosting services, laundry services, and/or entertainment and recreation activities.~~

*Short-term rental.* A residential use within a single dwelling unit, whether attached or detached, that is rented for compensation for periods of less than 30 days. The following activities shall not be considered as a short-term rental use for the purposes of this ordinance:

- a) Dwelling units rented, in whole or in part, where a permanent resident lives on-site on the property. This shall include attached or detached secondary dwelling units where the operator lives on the same property.
- b) Rental of property in any permitted hotel, motel, inn, or bed and breakfast establishment.
- c) Bed and breakfasts are not considered short-term rentals.

## Sec. 20-3205. Table of uses.

The following notes shall be applicable to the Table of Uses established herein.

- (1) Additional standards for those uses identified on the Table of Uses as "permitted with standards" are found in article III of part III of this chapter.
- (2) If a proposed use can't be found on the table of uses herein established or is not specifically defined herein, then the zoning administrator shall make a determination on which use most closely resembles the proposed use and shall apply those regulations and restrictions. Such determination may be made as a formal interpretation, or as part of an issuance or denial of a zoning permit or a notice of violation. The zoning administrator's determination is subject to an appeal of an interpretation which shall be heard by the board of adjustment.
- (3) The abbreviations and symbols shown in the Table of Uses have the following meanings:
  - "C" = Conditional District required
  - "P" = Permitted

"PS" = Permitted with Standards

"-" = Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO
<b>RESIDENTIAL</b>								
Dwelling - Single Family	P	P	P	P	P	P	P	-
Dwelling - Duplex	-	P	P	P	-	-	-	-
Dwelling - Multifamily (4 or fewer units/building)	-	P	P	P	-	-	-	-
Dwelling - Multifamily (more than 4 units/building)	-	-	PS	PS	-	-	-	-
Dwelling - Secondary	PS	PS	PS	PS	PS	PS	PS	-
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	-
Child Care Home (6 or fewer children)	PS	PS	PS	-	-	-	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	PS	-
Manufactured Home	-	-	-	-	-	-	-	PS
Manufactured Home Park	-	-	-	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-	C	C	-
Bed & Breakfast, <b>Homestay</b>	P	P	P	P	P	P	P	-
Hotel, Motel, Inn	-	-	-	-	C	C	C	-
<b>Short-Term Rental</b>	-	-	-	PS	PS	PS	PS	-

**Sec. 20-3301. Intent.**

This article sets forth standards for those uses that have been identified as "permitted with standards" in the Table of Uses set forth in Code section 20-3205. All generally applicable regulations (including but not limited to sidewalks, traffic analysis, street lighting, off-street parking and loading, etc.) shall apply to the uses set out in the sections of this article unless provided otherwise by the specific provisions within this article.

**Sec. 20-3328. Short-term rentals.**

- (a) Existing short-term rentals in R-1, R-2, and R-3 in operation at the time of the effective date of this ordinance shall be allowed to continue operations as a nonconforming use, in accordance with section 20-1604.
- (b) A zoning permit shall be required to establish new short-term rentals and all existing short term rentals existing as of \_\_\_\_\_, the time of the adoption of this ordinance.
- (c) Signs for short-term rentals operating as a nonconforming use in R-1, R-2, and R-3 are limited to one sign which shall not exceed 3 square feet. Signs for short-term rentals operating as a conforming use within the R-12, C-1, C-2, I-1 zoning districts are limited to one sign which shall not exceed 3 square feet.

**Sec. 20-1604. Nonconforming uses.**

- (a) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this article. A nonconformity must have been legal when it was established in order to receive nonconforming protection. A use which is a violation of the zoning ordinance when it was established shall not ripen into a lawful nonconformity.

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- (b) Except as provided herein, no nonconforming use can be extended, expanded, enlarged, or moved if such change results in an increase in the extent or intensity of the nonconforming use as it existed at the time the lawful nonconformity was created.
  - (c) Residential uses made nonconforming by a text amendment or a map amendment which rezones the property to a zoning district which does not permit residential uses cannot be expanded to increase the number of residences or family units from those existing at the time the lawful nonconformity was created. See Code section 20-1603(e) concerning nonconforming residential structures.
  - (d) Replacement of nonconforming uses.
    - (1) A nonconforming use of a structure may be replaced by another nonconforming use if it falls within the same use definition as the original nonconforming use. Such lawful replacement of use may be permitted by the zoning administrator.
    - (2) A nonconforming use of a structure may be replaced by another nonconforming use if it is no less compatible with the surrounding properties and district than the nonconforming use which it replaces. Such requests must be submitted to the board of adjustment which is authorized to grant such a request if the applicant can present competent, substantial and material evidence that the proposed use is as compatible or more compatible with the surrounding properties and district than the original nonconforming use. Factors for the board's consideration include, but are not limited to, traffic, noise, site activity, hours of operation, lighting, vibration, dust, smoke, odor emissions, and any other factors that the board finds relevant to compare or differentiate between the existing use(s) and the proposed replacement use(s). The board of adjustment may establish conditions to ensure that the compatibility factors are maintained as approved.
  - (e) No use may be established if it renders a conforming use as nonconforming.
  - (f) Once a nonconforming use is changed to a conforming use, that nonconforming use cannot be lawfully reestablished.
  - (g) Where a nonconforming use is visibly discontinued for 180 consecutive days, regardless of any intent or efforts to resume the use, then the use shall not be reestablished or resumed, and any subsequent use of the land or structure must conform to the requirements of town code.
  - (h) Where a structure in which a nonconforming use is located is destroyed or damaged by fire, flood, wind, or other disaster, the structure may be repaired or restored to its original dimensions or substantially similar dimensions if the nonconformity is not increased, and as long as a zoning permit for the repair or restoration is issued within 180 days of the date of the damage and the nonconforming use can resume. Upon request, the board of adjustment is authorized to extend this period up to an additional 180 days if the applicant can present competent, substantial and material evidence showing good cause for such extension. Good cause could include, but is not limited to, delays related to estate administration, casualty insurance issues, or litigation concerning the property.
  - (i) Signage for a lawful nonconforming use shall be limited to one wall mounted or attached sign which shall not exceed ten percent of the total surface area on which the sign is located. Said signage may be illuminated but must be shielded in a fashion to prevent light trespass and to brighten only the surface of the sign.
  - (j) Short term rentals that are nonconforming use shall be deemed discontinued if the property/unit is not listed or rented for short term rental purposes for a period of 180 days.

(Ord. of 5-24-2021(1), §

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** Maple Trace Annexation  
**PRESENTER:** Town Attorney  
**ATTACHMENTS:** GIS Map, Staff Report, David King email dtd 6/13/24, Notes from 6/3/24 Meeting, Dale Pennell email dtd 5/10/24

**DESCRIPTION/SUMMARY OF REQUEST:**

At its meeting on May 20, Town Council asked that Town staff meet with Maple Trace HOA representative David King to see if something could be negotiated concerning the outstanding issues with regard to the HOA's request that the Town take its streets into the Town's public street system and annex the subdivision.

Town staff has met with Mr. King twice since May 20. Meeting notes and related email correspondence is attached, as is a table showing Town Staff's recommendations and the HOA's response concerning the private streets and stormwater drainage system.

Staff will be at tonight's meeting to provide their recommendations on this possible public street commitment and annexation and to answer questions. Town Council's consideration of the following questions may also be helpful in determining a direction on these requests:

- (1) Does Town Council support annexing the Maple Trace subdivision into the Town?
  - a. If no, Town Council can deny the petition or decline to take further action.
  - b. If yes, Town Council should consider the remaining questions.
- (2) Does Town Council find that there is a public purpose in accepting the Maple Trace streets into the Town's public street system?
  - a. If no, then Town Council should not accept the streets and the voluntary annexation petition will likely be withdrawn.
  - b. If yes, Town Council should consider the remaining questions.
- (3) Does Town Council support accepting the Maple Trace streets and making them Town streets?
  - a. If no, the voluntary annexation petition will likely be withdrawn.
  - b. If yes, are there any conditions that Town Council would like to impose on the street acceptance? Examples of conditions include:
    - i. Additional testing of streets?
    - ii. Video inspection of stormwater drainage system?
    - iii. Monetary contribution towards street repair & repaving?
    - iv. Delayed eligibility for street improvement?
- (4) Does Town Council wish to consider modifications to the Town's public street standards or consider setting or modifying regulations or policies concerning acceptance of existing streets?

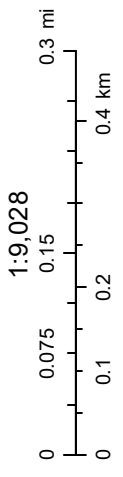
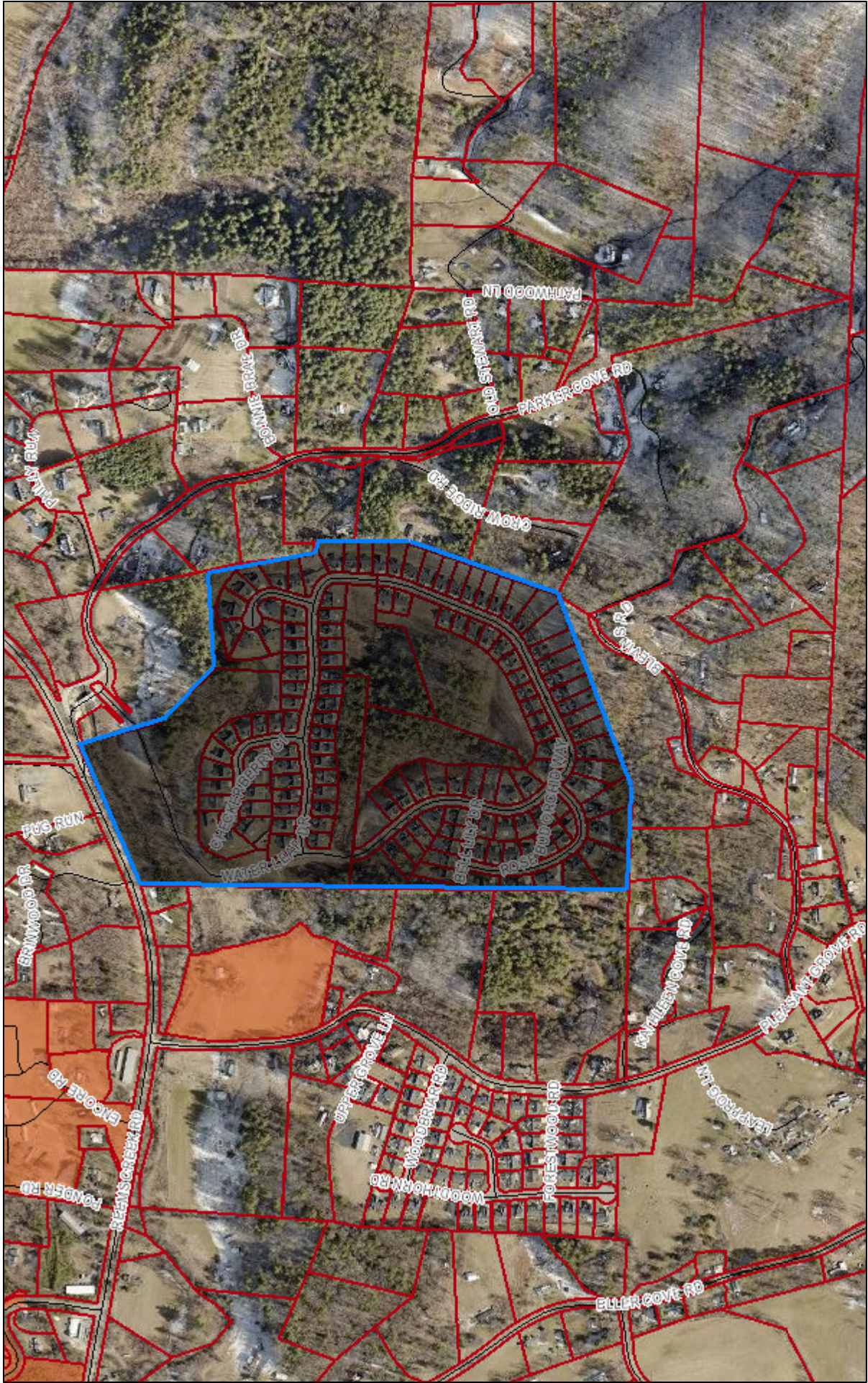
**ACTION REQUESTED:**

Council discussion and direction on this matter.

	<b>Town Staff Recommendation</b>	<b>Maple Trace HOA Position</b>
<p><b>Private Street Repair &amp; Repaving</b> +/- 1,000' – 1,200' of Water Leaf Drive</p>	<p>PW Director recommends milling, proof-rolling, repairing, and repaving +/- \$134,000 cost, based on pricing in current paving contract HOA pays this expense either one-time or annual payments so that cost can be spread over a period of years:</p> <ul style="list-style-type: none"> <li>• \$70,000 up front;</li> <li>• \$81,000 over 5 years: \$16,200/year (\$120/year per lot x 5 years = \$81,000)</li> </ul> <p>Repairs and repaving to be done by the Town after full payment is received from HOA</p>	<p>HOA engineer recommends 2" asphalt cap with limited repairs HOA proposes to contract with their engineer to perform repair &amp; repaving without Town oversight HOA declines monetary assistance to Town for repair &amp; repaving \$0.00</p>
<p><b>Private Street Testing</b> +/- 1.4 miles Water Leaf Drive Bell Lily Drive Rosebud Orchid Way Checkerberry Court Wild Ginger Court</p>	<p>PW Director recommended 62 core drillings (1 per 119') at specific locations PW Director continues to recommend completion of the remaining 42 core drillings</p>	<p>16 core drillings performed (1 per 460') averages show compliance with Town standards; but 14 of the 32 data points were sub-standard (43%) HOA has declined to perform additional testing \$0.00</p>
<p><b>Stormwater Drainage System Investigation</b> +/- 5,000 feet of pipe +/- 75 catch basins, inlets, etc.</p>	<p>PW Director recommends that a video inspection be performed on the stormwater drainage system to determine the condition of the system and any areas that need repair ≤ \$10,000 cost based on informal quote received by staff Repair work, if needed, will be costly as almost all of the stormwater infrastructure is under the street and at or near the street curb</p>	<p>HOA declines monetary assistance for investigation, testing, or repair \$0.00</p>



# Buncombe County



April 15, 2024



# UPDATED ANNEXATION STAFF REPORT

## ANNEXATION #2023-2 – MAPLE TRACE SUBDIVISION

Updated May 2024 (see highlighted provisions for updates)

**PROPERTY DESCRIPTION** – Entirety of Maple Trace Subdivision; 143 properties; entrance and exit over a private easement for Water Leaf Dr (private road) to Parker Cove Rd (SR 2106), which crosses Reems Creek via a new 2-way NCDOT bridge and connects directly to Reems Creek Rd (SR 1003)

**SUFFICIENCY OF PETITION** – With the assistance of the Town Attorney, the Town Clerk certified the sufficiency of the annexation petition on 19 October 2023. This is a satellite annexation and, if annexed, brings the total percentage of satellite annexations from 0.92% to 3.97% (10% is the legal maximum).

### FINANCIAL PROJECTIONS

Town Tax Value = +/- \$43,820,025  
Property Tax Revenue = +/- \$153,370 annually  
Water Revenue = +/- \$48,240 annually<sup>1</sup>

### PROPERTY DETAILS

Existing single-family subdivision that is built out and consists of:

+/- 66.5 acres  
134 single family residences  
9 HOA owned and managed common areas  
5 private streets: +/- 7,415 linear feet = +/- 1.4 miles  
Public utility providers: Town water, MSD sewer

### ZONING CLASSIFICATION

Town R-2 zoning was requested as the Town zoning district that most closely aligns with the existing subdivision. The Planning Board reviewed the zoning request and voted to recommend R-2 zoning on 1 August 2023. The only discrepancies appear to be some minor deviations in min. lot area and setbacks (Subdivision 15' front, 15' rear, 7' side vs. Town 30' front, 10' rear, 10' side). Additional improvements in the subdivision will be constructed with prior approved setbacks for consistency and vested rights.

### OPERATIONAL AND SYSTEM IMPACTS

**WATER** – The Town currently provides public water to these properties, so no operational challenges or additional system impacts are expected. A decrease in water revenue is noted in footnote 1.

**STREETS** – 5 private streets were constructed and are in use within the subdivision: Water Leaf Drive, Wild Ginger Court, Rosebud Orchid Way, Checkerberry Court, and Bell Lily Drive. The condition of these private streets has been reviewed and tested by engineers engaged by the HOA with a report dated 27 March 2024 being generated. The report and results of the testing have been reviewed by the PW Director and his comments and recommendation submitted. The HOA has obtained title to the portion of Water Leaf Drive that connects to Parker Cove Road and has updated its annexation petition to include this newly acquired property. Street lighting is present along all of the private streets.

**STORMWATER** – This subdivision operates under a stormwater management permit issued by Buncombe County and includes several stormwater control measures. The stormwater drainage system located within the street improvements has not yet been inspected to determine if the system is working properly or requires repair or maintenance.

**SANITATION** – If annexed these residential properties must be added to the weekly garbage route and the leaf/yard waste schedule. When considered with development that is expected with recent annexations, this annexation will require the addition of another garbage collection day. Staffing needs may be impacted and will have to be analyzed once the new garbage truck is received and put into service, which is expected in within the next month.

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<sup>1</sup> Upon annexation, Town water revenue will be reduced to the approximate amount indicated due to conversion from outside rates to inside rates. Outside water rates for these properties generate approximately \$96,480 in water revenue annually.

# UPDATED ANNEXATION STAFF REPORT

## ANNEXATION #2023-2 – MAPLE TRACE SUBDIVISION

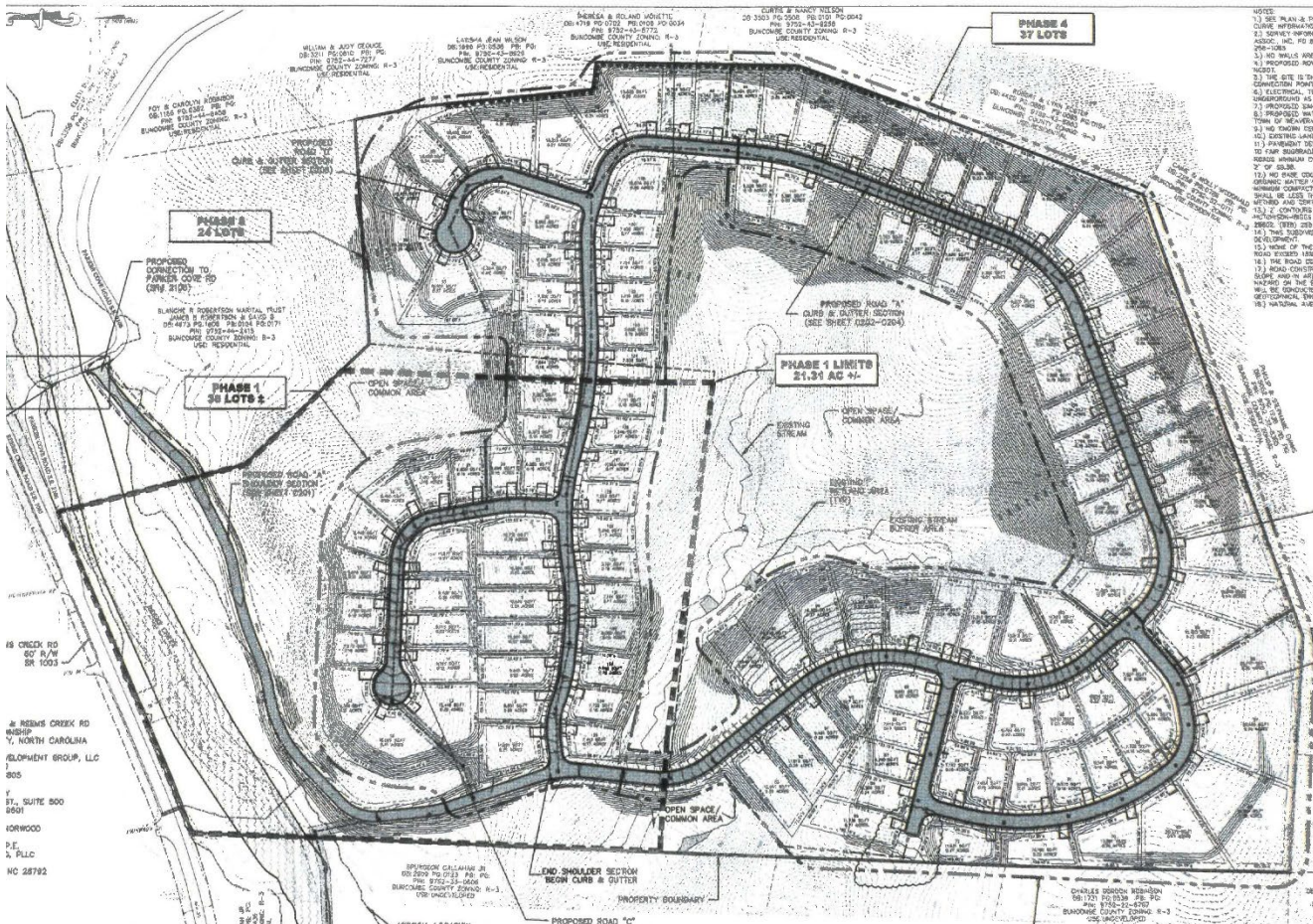
Updated May 2024 (see highlighted provisions for updates)

**POLICE** – The Weaverville Police Department believes that it will be able to efficiently and effectively serve this subdivision at its approved staffing level. These properties will be added to a routine patrol route.

**FIRE** – Reems Creek Valley Fire Department (RCVFD) currently provides fire service to these properties. If annexed these properties will be removed from the RCVFD district and the Town will be responsible for providing fire and first responder services. This annexation area represents approximately 4% of the RCFD tax base and will be a significant loss of tax revenue to the RCVFD at approximately \$66,000 per year based on current rates.

N.C. Gen. Stat. § 160A-58.2A requires the Town to pay a proportionate share of a tax district’s debt on facilities and equipment existing at the time an annexation petition is submitted. The Town’s share of RCVFD debt for all of the annexations affecting the RCVFD tax district, including Maple Trace Subdivision, has been calculated to be \$15,039.62 over a period of approximately 3.5 years.

The Town of Weaverville and the RCVFD recently entered into an automatic aid agreement which specifically provides that the annual amount owed by the Town to the RCVFD under the agreement will need to be renegotiated if the Maple Trace subdivision is annexed and will include any amounts legally owed to RCVFD for the Town’s proportionate share of RCVFD debt as a result of the anticipated reduction in their tax base.



## Jennifer Jackson

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**From:** Selena Coffey  
**Sent:** Sunday, June 16, 2024 1:25 PM  
**To:** Patrick Fitzsimmons; Jennifer Jackson  
**Subject:** FW: Maple Trace Annexation

FYI. Do we want this on the upcoming agenda to set the public hearing?

**Selena D. Coffey, MPA, ICMA-CM**  
Town Manager  
Town of Weaverville

*All email correspondence to and from this address is subject to public review under the NC Public Records Law.*

**From:** David King <[davidking.avl@gmail.com](mailto:davidking.avl@gmail.com)>  
**Sent:** Thursday, June 13, 2024 11:58 AM  
**To:** S. Coffey <[coffey.selena@gmail.com](mailto:coffey.selena@gmail.com)>  
**Subject:** Maple Trace Annexation

Ms. Selena,

I have met with the Maple Trace HOA Board. They weighed all of the options for road repair and have decided rather than paying a given amount of money over many years, it would be preferable to do one expenditure. Maple Trace would contract with Will Buie and his firm WGLA to oversee the paving and repairing contract and BLE Engineering to do the field testing. The road will have a two inch asphalt cap. All reports will be submitted to the Town of Weaverville.

Maple Trace will not pay for any testing of stormwater drains. We will however provide all of the engineering test reports to the Town Council.

We would sign a contract to this effect at the time of annexation. When convenient I would like to meet with you for a discussion about moving forward.

David

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Maple Trace Annexation/Streets Meeting - Notes  
6/3/24 – David King, Selena Coffey, Dale Pennell, Jennifer Jackson

- Storm Drainage System

- Based on the as-builts the storm drainage system consists of +/- 5,000 feet of pipe and +/- 75 catch basins, inlets, etc.
- Storm drainage system has not been evaluated by the HOA
- HOA is not willing to pay to study the storm drainage system
- Public Works Director feels strongly that it should be evaluated prior to Town Council decision to take over the streets
- Most of the storm drainage system is located at or near the curb so any repair work will be costly since above-ground structures (curbs, etc.) will have to be repaired also
- Public Works could use Town staff and existing or rented equipment to evaluate or contract for that work (DP to get quotes)

- Streets

- It is agreed that the “connector street” (running from Parker Cove Road to the subdivision lots) is in need of repair.
- Based on the Town’s current paving contract it is estimated that the repair (milling, proofrolling, repairs, paving) will be \$134,000
- HOA has authorized up to \$70,000 to be paid to the Town towards those connector street repairs
- HOA is considering an additional \$81,000 to be paid to the Town towards those repairs and storm drainage assessment/repairs with payments to be made in 5 annual installments of \$16,200. That amount is calculated as follows:
  - \$120/year additional assessment per lot for 5 years
  - $\$120 \times 135 \text{ lots} = \$16,200 \text{ annually}; \$16,200 \times 5 \text{ years} = 81,000$
- Town would not be required to perform the paving project on the connector street until all monies received (HOA is agreeable to that delay), but the Town could elect to do so
- HOA is agreeable to the other subdivision streets not being eligible for improvement until some specified number of years in the future

- Action on Annexation

- Town and HOA are agreed that this should not be unnecessarily delayed
- Next step is for Town Council to decide either to: (1) move forward with the annexation by setting public hearings and related public street commitment request, or (2) not annex the properties.



## Jennifer Jackson

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**From:** Dale Pennell  
**Sent:** Friday, May 10, 2024 11:20 AM  
**To:** Selena Coffey  
**Cc:** Jennifer Jackson; Dale Pennell  
**Subject:** Evaluation of Maple Trace Road Report  
**Attachments:** Maple Trace Road report attachments.pdf

Selena,

I have completed my evaluation of the 172-page report furnished by WGLA Engineering of Hendersonville dated March 27, 2023 regarding the 1.4 miles of streets within the Maple Trace subdivision.. This report was prepared on behalf of the Maple Trace Homeowners Association, as they pursue the annexation of their development into the Town of Weaverville and the proposed acceptance of their streets into the town's street system. The condition of these streets (built between 2016 and 2019) has been a point of contention during the annexation process, with the Town's Public Works Department (PW) requesting a thorough study of the streets and the underlying storm drainage system. In lieu of complying with the PW's recommended 62 cores of the pavement cross-section and a video inspection of the drainage system, the HOA chose to have the original engineering firm for the Maple Trace development provide a less thorough road study with only 16 pavement cores and no drainage study at all. After reviewing this report, I have the following observations.

1. The study provided by WGLA Engineering was primarily conducted by a geotechnical & testing sub-consultant, Bunnell Lammons Engineering (BLE) of Asheville. The first 8 pages were provided by WGLA and included inspection reports from their 3+ years of road and utility construction. The remaining pages were provided by BLE, consisting of inspection reports, related maps, photographs, test results, and pavement core results.
2. WGLA and BLE mention several times that the road construction exceeds Buncombe County and NCDOT requirements for subdivision roads. These standards are defined as minimum of 6" of ABC stone base and 1-1/2" of asphalt for "good" subgrade conditions and 8" ABC stone and 1-1/2" asphalt for "poor to fair" subgrade conditions, in order to produce a road with a 15-20 year life span. While these requirements are important, the Town's requirements are more stringent (minimum of 8" ABC stone base and 2" of asphalt) in order to build streets with a minimum 20 years of lifetime with many town streets now exceeding 25 years.
3. Public Works asked for pavement testing consisting of 62 cores throughout the 1.4 miles of streets, which equal approximately 1 core per 119 feet of road. The WGLA/BLE study provided results for 16 pavement cores for the 1.4 miles of streets, or approximately 1 core per 460 feet of road, as shown on Figure 2 of Appendix A provided by BLE (**see attached**), or 25% of the town's requested amount. The HOA asked for this smaller representative study to see if the majority of results would meet or exceed the town's standards before moving on to further testing. Unfortunately, the results did not give this outcome. Their Field Data Summary Sheet (**see attached**) shows 2 results for each of the 16 cores (one each for asphalt thickness and ABC stone thickness) for a total of 32 test results. **14 of the 32 did NOT pass** the town's standard specifications for road construction, meaning 43% of the tests did not pass.
4. The written BLE report (**see attached 4 pages**) contains a number of statements that deserve comment from PW and these are highlighted in yellow on the attached.
  - a. On page 1 of 4, Section 3.0, the report stated "No significant areas of distress had been noted in the AC (asphaltic concrete paving) by the Maple Trace HOA prior to requesting this evaluation". However, the first 1000 to 1200 feet of Water Leaf Drive has had numerous repairs of failed pavement in the past as

well as recent replacement of several asphalt pavement edges. In addition, some of the patches are now showing distress and cracking and the remaining original pavement is developing “alligator” cracking in a number of areas.

- b. Just FYI, this same Section 3.0 states that Maple Trace intends on dedicating the roads to the City of Woodfin – obviously just a typo.
  - c. In the last paragraph of Section 4.0, the report states “The base course material encountered generally appeared to consist of standard NCDOT ABC material. No specific testing of the ABC was performed.
  - d. In the first paragraph of Section 5.0, BLE says the asphalt pavement thickness was measured between 1.75” and 3.75” in depth and generally looks in relatively good condition. Please note that 2” is the minimum town standard and numerous areas of asphalt surfaces on the lower section of Water Leaf Drive have visible cracking and areas of deterioration as mentioned in 4.a. above.
  - e. In the second paragraph of Section 5.0, the stone (ABC) thickness under the paving layer was between 6 and 12 inches. Please note that the stone thickness is required to be 8” per the town’s standards.
  - f. In Section 6.0 “Assessment and Evaluations”, the report restates many of the observations that were found, including: no groundwater was encountered in any of the cores; AC thickness between 1.75 and 3.875; ABC thickness was between 6 and 12”; expected pavement life of 15-20 years; NCDOT recommends a minimum pavement thickness of 1-1/2” asphalt and 6” ABC stone. There was no notation within the report that the town’s road construction standards were more stringent than the NCDOT requirements.
  - g. In Section 6.0 last paragraph, the report states that “No significant areas of distress were identified during this investigation.” However, PW staff has clearly identified areas within the first 1,000 to 1,200 feet of Water Leaf Drive. It should also be noted that this section of road was the only access in or out of the Maple Trace development throughout construction so every construction vehicle, loaded dump truck, concrete truck, material delivery truck, moving van, and resident’s vehicle had to travel this street section. As evidence of our staff’s observations, I have **attached 10 pictures** from the first 1,000 feet of Water Leaf Drive which show multiple locations of deterioration to original pavement, areas of patches and recent pavement edge repairs, cracking of patched pavement which demonstrate continued distress.
  - h. Finally, the last 3 sentences in Section 7.0 read as follows: “We are not responsible for determining what work transpired before or after site visits and/or testing. Our scope in these cases is strictly limited to providing test results and observations for a given location at a given time. It cannot and should not be extrapolated for broader interpretation.” I agree with this statement by the geotechnical engineer, particularly the last sentence, and our opinion remains that 16 cores for 1.4 miles of streets does not accurately represent the current conditions for the entire street network within Maple Trace. Also, no deep cores were conducted by the engineer in areas where significant fill was placed to determine if organic materials were present in these areas.
5. Lastly, a properly functioning drainage system under the streets is as important for the longevity of the streets as the pavement structure itself. When the town assumes responsibility for a street, we also assume responsibility for the drainage system within the road right-of-way. We originally asked for a video survey of the drainage system under the streets as a part of the road study, to determine the condition of the piping and structures and the watertightness of the system. Unfortunately, no study of drainage system has been provided by the HOA.

To summarize our findings, (A) only 16 cores were made as opposed to 62 cores that were requested by PW; (B) 43% of the engineer's 16 borings failed to meet town standards for road construction; (C) approximately 1,000 to 1,200 feet of the lower section of Water Leaf Drive is exhibiting significant distress and deterioration, with previous patches continuing to show cracking; (D) the deterioration of the lower section of Water Leaf Drive after only 6-8 years gives us concerns about the remainder of the roads as time passes; and (E) no drainage study has been provided. In order to protect the Town of Weaverville from future significant costs to repair and/or repave these streets (currently estimated to exceed \$900,000), we would recommend completion of the remaining 46 cores of the road study as well as the video survey of the drainage system. Without these additional testing results, our opinion is to recommend that the Town deny the Maple Trace's HOA request to assume ownership of their streets as a part of their annexation request.

I am available at your convenience to discuss our review of this study.

Thanks,  
Dale

***Dale Pennell, PE, PLS***  
***Public Works Director***  
***Town of Weaverville***  
***15 Quarry Road***  
***Weaverville, NC 28787***  
***828-645-0606 Office***  
***828-231-7050 Cell***







**LEGEND**  
 < Soil Borings

250 125 0 250 500  
 APPROXIMATE SCALE IN FEET

**REFERENCE:**  
 2023 AERIAL IMAGE - NCONEMAP.GOV

DRAWN BY:	KLC	DATE:	2-6-24
CHECKED BY:	COD	FILE:	BLP.MXD
APPROVED BY:	COD	JOB NO:	J24-22142-01



**SOIL BORING LOCATION MAP**  
 GEOTECHNICAL EXPLORATION  
 MAPLE TRACE DEVELOPMENT  
 WATER LEAF DRIVE, WEAVERVILLE  
 BUNCOMBE COUNTY, NORTH CAROLINA

FIGURE  
 2



Field Data Summary Sheet  
Maple Trace, Weaverville, North Carolina

Boring Number	Asphalt/ABC Thickness  (inches)	Roadway Condition at Test Location	Dynamic Cone Penetrometer blows/increment (1st - 2nd - 3rd)		General Soil Subgrade Description	Notes
			- 1 foot (depth)	- 2 feet (depth)		
B-1	1.75 / 8	Minor alligator cracking.	8 - 6 - 7	7 - 8 - 7	Brown, silty sand with some gravel and rock fragments	Terminated at 33.75" from road surface
B-2	2.125 / 8	No signs of distress	8 - 10 - 10	9 - 10 - 8	Brown, silty sand with some gravel and rock fragments	Terminated at 33.875" from road surface
B-3	1.875 / 8	No signs of distress	5 - 5 - 7	15 - 15 - 8	Brown, silty sand with some gravel and rock fragments	Terminated at 33" from road surface
B-4	2.375 / 8.5	No signs of distress	9 - 8 - 10	5 - 5 - 5	Brown, silty sand with some gravel and rock fragments	Terminated at 34.875" from road surface
B-5	2.75 / 8	No signs of distress	8 - 13 - 13	10 - 12 - 13	Brown, silty sand with some gravel and rock fragments	Terminated at 32.75" from road surface
B-6	1.75 / 7.5	No signs of distress	25+	20 - 25+	Brown, silty sand with some gravel and rock fragments	Terminated at 33.25" from road surface
B-7	2.25 / 8	No signs of distress	25+	21 - 25+	Brown, silty sand with some gravel and rock fragments	Terminated at 33.25" from road surface
B-8	1.125 / 9.75	No signs of distress	10 - 12 - 10	8 - 7 - 7	Brown, silty sand with some gravel and rock fragments	Terminated at 35.5" from road surface
B-9	2.125 / 8	No signs of distress	15 - 11 - 9	Auger Refusal	Brown, silty sand with some gravel and rock fragments	Auger encountered refusal at 33.625" from road surface
B-10	2.25 / 9	No signs of distress	25+	25+	Brown, silty sand with some gravel and rock fragments	Terminated at 35.25" from road surface
B-11	3.875 / 8	No signs of distress	6 - 10 - 9	5 - 6 - 5	Brown, silty sand with some gravel and rock fragments	Terminated at 35.875" from road surface
B-12	2 / 10	No signs of distress	15 - 11 - 8	Auger Refusal	Brown, silty sand with some gravel and rock fragments	Auger encountered refusal at 36" from road surface
B-13	1.875 / 11	No signs of distress	25+	Auger Refusal	Brown, silty sand with some gravel and rock fragments	Auger encountered refusal at 35.875" from road surface
B-14	1.75 / 12	No signs of distress	25+	7 - 8 - 9	Brown, silty sand with some gravel and rock fragments	Terminated at 37.75" from road surface
B-15	2.25 / 10	No signs of distress	8 - 11 - 7	11 - 9 - 14	Brown, silty sand with some gravel and rock fragments	Terminated at 35.875" from road surface
B-16	1.75 / 8	No signs of distress	8 - 6 - 7	7 - 6 - 9	Brown, silty sand with some gravel and rock fragments	Terminated at 35.875" from road surface



Limited Pavement Assessment and Subgrade Evaluation  
Maple Trace Residential Development – Weaverville, NC

March 18, 2024  
BLE Project No. J23-22142-01

## 1.0 AUTHORIZATION

A limited pavement assessment and subgrade evaluation has been requested for the Asphaltic Concrete (AC) roadways in the Maple Trace Residential Development in Weaverville, North Carolina. This exploration was performed generally as described in Bunnell-Lammons Engineering (BLE) proposal No. P24-0094 dated January 15, 2024. The exploration was authorized on January 16, 2024, by the signature of Mr. David Kniffin of the Maple Trace HOA on our proposal acceptance sheet.

## 2.0 SCOPE OF EXPLORATION

This report details the findings of the limited pavement assessment and subgrade evaluation that BLE completed in the Maple Trace Community in Weaverville, North Carolina (reference Figure 1 in Appendix A). The intent of this study was to evaluate the condition/thickness of the Asphaltic Concrete (AC), stone base and subgrade of the roadways in the residential development (reference Figure 1 in Appendix A). BLE completed Construction Materials Testing Services (CMT) on this development during its construction between 2016 and 2019. BLE also completed a review of the Testing Reports from the CMT as part of this assessment.

## 3.0 PROJECT INFORMATION

This report has been prepared based on an emailed request for proposal from Mr. Will Buie, P.E. of WGLA to BLE representative, Mr. Colm O’Doherty, P.E. on January 8, 2024. BLE are also in receipt of the site civil plans provided by WGLA Engineering dated March 23, 2015.

The Property Owners Association for Maple Trace has requested an evaluation of the AC roadways within the housing development known as Maple Trace in Weaverville, North Carolina. There are approximately 1.4 miles of road in Maple Trace which needed to be assessed. The roadways in the residential development are labelled as Water Leave Drive, Checkerberry Circle, Wild Ginger Couty, and Rosebud Orchid Way. BLE proposed to assess the roads by collecting pavement sample cores, measuring base course thickness, and evaluating the underlying subgrade using Hand-Auger Borings and Dynamic Cone Penetrometer (DCP). BLE are familiar with this development having completed Construction Materials Testing (CMT) at the development during the construction between 2016 and 2019. BLE also reviewed their Testing Reports from construction as part of this scope.

No significant areas of distress had been noted in the AC by the Maple Trace HOA prior to requesting this evaluation. The HOA has requested this evaluation because they are intending on dedicating the roads in the Maple Trace Community to the City of Woodfin.

## 4.0 FIELD EXPLORATION

Sixteen (16) test locations were selected by BLE. The test locations are shown on Figure 2 in Appendix A and the Hand-Auger Boring (HAB) Logs are shown in Appendix C. A summary of the collected field data is shown in Appendix B. At each test location, the AC was cored using an electrically powered, water-cooled, core drill with a six-inch diameter diamond tipped core barrel. The AC core was removed at each location to expose the supporting stone base, which was then further excavated to expose the subgrade soils. Upon encountering the soil subgrade, dynamic cone penetrometer (DCP) testing was performed to evaluate the relative consistency of underlying soils at select locations. The DCP testing was repeated at one-foot





Limited Pavement Assessment and Subgrade Evaluation  
Maple Trace Residential Development – Weaverville, NC

March 18, 2024  
BLE Project No. J23-22142-01

vertical intervals to depths of between 1 foot and 2 feet into the subgrade soils. The dynamic cone penetrometer is an instrument composed of a conical point driven with blows from a 15-pound hammer falling 20 inches. The point is driven into the soil in three increments of 1¾ inches. The number of hammer blows required to drive each increment is recorded. The average number of blows of the final two increments, when properly evaluated, is an index to soil strength. Upon completion of the testing, the core holes were backfilled with the cuttings and patched using an asphalt cold patch mix.

Once extracted, the AC pavement cores were visually observed and measured for thickness. After the cores were removed, the base course material was removed and measured for thickness by excavating through the material until the underlying soil subgrade was reached. A tape measure was then used to measure the in-place base course material. The base course material encountered generally appeared to consist of standard North Carolina Department of Transportation (NCDOT) Aggregate Base Course (ABC) material. The measured thicknesses of the AC and ABC are also shown on the Hand-Auger Boring logs in Appendix C. A summary of the collected field data is shown in Appendix B.

## 5.0 SUBSURFACE CONDITIONS

### Asphaltic Concrete (AC)

The thickness of the AC material was measured as being between 1.75 and 3.875 inches in depth. Generally, the AC looks in relatively good condition. It was placed between 2016 and 2019.

### Aggregate Base Course (ABC) Material

Below the surface AC, an Aggregate Base Course (ABC) stone was encountered. The thickness of this layer was between 6 and 12 inches. The ABC generally appeared to consist of standard NCDOT ABC stone. This material was also placed during the construction of the roads between 2016 and 2019.

BLE completed density testing using a nuclear gage density testing methods (ASTM D6938) on both the AC and the ABC during construction. BLE reviewed the density testing reports completed during the construction. All results appeared to conform to industry standard compaction standards.

### Subgrade Soil

The subgrade soil immediately below the aggregate base course stone typically consisted of a firm silty sand with some gravel. Due to the disturbed conditions of the soil in the hand auger bucket, it was difficult to discern the difference between fill and residual soil. The soils encountered have similar appearance, and the transition (if any) was not easily identifiable. The soil encountered in our hand auger borings were generally free of organic and deleterious materials. However, it should be noted that the content and quality of soils can vary significantly, especially at sites that have been previously graded. BLE reviewed the subgrade inspection reports completed during the road construction. The areas intended to provide support for the pavement were subjected to a proofroll using a four-wheeled, rubber-tired roller or similar approved equipment. The proofroll also was reported to have passed this subjective inspection.

### Refusal Material

Material sufficiently hard to cause auger refusal to our hand-auger boring equipment was encountered in B-9, B-12, and B-13 at approximate depths of between 33.625 and 36 inches. Refusal may result from boulders, rock fragments Partially Weathered Rock (PWR) or dense residual soils. In this case, the refusal is believed to have resulted from rocks fragments/gravel in the soil matrix. Power drilling procedures are required to penetrate hand auger refusal materials and determine the material character and continuity. Power drilling was beyond the scope of this investigation.



Limited Pavement Assessment and Subgrade Evaluation  
Maple Trace Residential Development – Weaverville, NC

March 18, 2024  
BLE Project No. J23-22142-01

### Groundwater

No groundwater was encountered in any of the Hand-Auger Borings at the time of the assessment. However, it should be noted that groundwater levels may fluctuate several feet with seasonal and rainfall variations and with changes in the water level in adjacent drainage features. Normally, the highest groundwater levels occur in late winter and spring and the lowest levels occur in late summer and fall.

## 6.0 ASSESSMENT AND EVALUATION

BLE understands the AC for the entire Maple Trace development was placed in five stages between 2016 and 2019. Most of the AC at the development appears to be in good condition, other than normal wear and tear, given that the pavement is approximately 7 years old. In our experience, most pavement sections are expected to provide adequate performance considering a 15- to 20-year service life. The AC thickness varied between 1.75 and 3.875 inches for the project site. BLE also reviewed the Compaction Testing Results that were completed during the asphalt placement. The asphalt was tested using nuclear gage density testing methods (ASTM D6938). All results appear to meet or exceed the normally recommended 92% compaction requirement.

The thickness of the ABC layer was measured as being between 6 and 12 inches on all hand auger borings completed at the development. BLE also reviewed the Compaction Testing Results that were completed during the ABC stone placement. The ABC was tested using nuclear gage density testing methods (ASTM D6938). All results appear to meet or exceed the normally recommended 100% compaction requirement.

As part of this report, BLE reviewed the *North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards (January 2010)*. This manual recommends a pavement surface of 1.5-inch layer of S9.5B Asphaltic Concrete overlying a 6-inch layer of ABC for a good subgrade soil with AASHTO classification A-2-7. The recorded thickness of the AC pavement and the ABC base course appeared to be within the recommendations of this document.

The Hand-Auger Borings (HAB) and the DCP data suggests that the subgrade also generally appears to be of sufficient quality to support the traffic loading frequency for this section of roadway. The subsurface soils appeared to consist of moderate to firm, silty sand with trace gravel and rock fragments. The DCP data suggests that the subsurface soils received compactive effort at the time of placement. BLE reviewed the subgrade inspection reports completed during the road construction. The areas intended to provide support for the pavement were subject to a proofroll using a four-wheeled, rubber-tired roller or similar approved equipment. The proofrolls also appeared to pass inspection.

Based on the data collected during this limited pavement assessment and subgrade evaluation and the Testing Inspection Reports reviewed during the road construction between 2016 and 2019, the roads appear to be in relatively good condition and constructed to a high standard. No significant areas of distress were identified during this investigation.

## 7.0 BASIS OF EVALUATION

Our evaluation has been based on our understanding of the project information and data obtained in our exploration as well as our experience on similar projects. The general subsurface conditions utilized in our subsurface evaluation have been based on interpolation of the subsurface data between the widely spaced hand auger borings. Subsurface conditions between the borings may differ. If the project information is incorrect, please contact us so that our recommendations can be reviewed. The assessment of site



*Limited Pavement Assessment and Subgrade Evaluation  
Maple Trace Residential Development – Weaverville, NC*

*March 18, 2024  
BLE Project No. J23-22142-01*

environmental conditions for presence of pollutants in the soil, rock and groundwater of the site was beyond the scope of this exploration.

Details of individual testing activities and observations have been provided in the Daily Field Reports. These reports were issued to our client (Windsor Built Homes) during the construction between 2016 and 2019. The inspections were performed on an on-call, part-time basis. This approach reduces the extent and efficacy of our services. On-call, part-time work frequently consists of intermittent observations, and is often scheduled by a third party. With part-time work, where, when and what testing/observation occurs is dictated and scheduled by the client's designated representative. We do not accept any responsibility for performing the required testing when we are not scheduled for work, are not present on-site, or for items requiring testing that we have not been directed to test or observe. We are not responsible for determining what work transpired before or after site visits and/or testing. Our scope in these cases is strictly limited to providing test results and observations for a given location at a given time. It cannot and should not be extrapolated for broader interpretation.





**WATER LEAF<sub>9</sub> DRIVE 5-7-24 #1**





**WATER LEAF DRIVE 5-7-24 #2**





**WATER LEAF DRIVE 5-7-24 #3**





**WATER LEAF DRIVE 5-7-24 #4**





**WATER LEAF DRIVE 5-7-24 #5**









**WATER LEAF DRIVE 5-7-24 #7**





**WATER LEAF DRIVE 5-7-24 #8**





**WATER LEAF DRIVE 5-7-24 #9**





**WATER LEAF DRIVE 5-7-24 #10**



**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** Code Amendments – Ch. 20 – Sign Regulations  
**PRESENTER:** Town Attorney and Planning Director  
**ATTACHMENTS:** Proposed Ordinance

**DESCRIPTION/SUMMARY OF REQUEST:**

The proposed Code Amendments are to Chapter 20 and would amend the Town’s sign regulations for better clarity, consistency, and legal compliance.

The Planning Board unanimously found that all of these proposed text amendments are consistent with the Town’s Comprehensive Plan, reasonable, in the best interest of the public, and recommended adoption of same.

There are two staff recommended changes to these proposed regulations that are highlighted in yellow at Code Sec. 20-4103(g) and 20-4104, both of which were noted during the public hearing.

The Town Attorney, Town Manager, and Planning Director all support the adoption of these proposed Code Amendments.

Now that Town Council has provided an opportunity for the public to comment on the proposed amendments, it is appropriate for Town Council to consider taking action on those amendments.

**TOWN COUNCIL ACTION REQUESTED:**

Should Town Council wish to proceed with these recommended amendments, the following motion could be used:

*I move that Town Council adopt the **ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20 CONCERNING SIGN REGULATIONS** as presented/as amended.*

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE  
CHAPTER 20 CONCERNING SIGN REGULATIONS**

**WHEREAS**, the Planning Board met on 7 May 2024 in order to considered amendments to its regulations concerning signs;

**WHEREAS**, the Planning Board found the proposed code amendments to be consistent with the Town’s comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide for better clarity, consistency, and legal compliance with recent US Supreme Court decisions, and unanimously recommended adoption;

**WHEREAS**, after proper notice, the Town Council held a public hearing on 24 June 2024 in order to receive input from the public on these amendments;

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

1. The findings and recommendations of the Planning Board are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town’s adopted comprehensive land use plan, reasonable, and in the best interest of the public.
2. Article I of Part IV of Chapter 20 of the Town’s Code of Ordinances, entitled “Sign Regulations”, is hereby replaced in its entirety with the regulations that are attached hereto.
3. 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.
4. These amendments shall be effective immediately upon adoption and codified.

**ADOPTED THIS** the 24th day of June, 2024, by a vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
**PATRICK FITZSIMMONS**, Mayor

**ATTESTED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**TAMARA MERCER**, Town Clerk

\_\_\_\_\_  
**JENNIFER O. JACKSON**, Town Attorney

**CHAPTER 20 – PLANNING AND DEVELOPMENT**  
**PART IV. REGULATIONS REQUIRING SEPARATE PERMITS**  
**ARTICLE I. SIGN REGULATIONS**

**Sec. 20-4101. Findings, Purpose, and Intent.**

- (a) The purpose of this article is to regulate and control the time, place and manner in which signs may be placed throughout the town's planning and development regulation jurisdiction. The sign regulations contained herein are designed to enhance the health, safety and visual communication of the residents within the area in addition to preserving the natural beauty of the surrounding environment. This chapter also establishes the procedures through which such goals can be fulfilled.
- (b) This chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- (c) Signs placed on land or a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate to their intended purpose while balancing the individual and community interests identified herein.
- (d) Regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity or use to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound condition.
- (e) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth herein.
- (f) These regulations do not entirely eliminate all harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while reducing and mitigating the extent of the harms caused by signs.
- (g) It is the intent of this article to regulate signs on a per lot basis in conjunction with the zoning designation of the lot as shown on the zoning map of the town whether a sign is directly visible from

**Sec. 20-4102. Authorized signs.**

The following signs are considered authorized and allowed by right in all zoning districts without permit:

- (a) Signs erected or installed by a governmental agency under governmental authority to identify public buildings, welcome or direct visitors, or to regulate, control or direct traffic, including signs indicating bus stops and similar transportation facilities. Such signs may be illuminated, flashing or moving as required for public safety. Furthermore, signs erected by a governmental agency which convey information regarding a public service or the location of a public facility may also be illuminated as necessary.
- (b) Signs erected, maintained or otherwise posted, owned or leased by the local, state, or federal governments.
- (c) Legal notices, warnings, regulatory informational signs erected, or required, by a public agency to ensure the public health, safety, or general welfare.
- (d) Signs required by law, including, but not limited to, building permits, exit signs, etc.
- (e) Signs which warn of hazard to life, limb, and property, such as high voltage electrical equipment, explosives, etc.
- (f) "No Trespassing" and "No Parking" signs equal to or containing less than four square feet of surface area and located on private property.
- (g) Signs which are located inside a particular establishment and which are not intended for external viewing.
- (h) Temporary signs with an aggregate sign face area not to exceed 6 square feet. Off premises commercial signs are not considered temporary signs under this section.
- (i) Political signs are temporary signs and the regulations of G.S. 136-32(b)—(e), which are incorporated herein by reference, apply to all political signs within all rights-of-way for North Carolina's highway system and within all rights-of-way for town streets.

**Sec. 20-4103. Prohibited signs.**

The following signs shall not be erected or maintained in any zoning district within the jurisdiction of the town:

- (a) Any sign located in a manner or place so as to constitute a hazard to traffic as determined by the Planning Director or a law enforcement officer.
- (b) Any sign (except a governmental sign) located within a street right-of-way, or projecting into a street right-of-way.
- (c) Any sign which obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building.
- (d) Any sign which violates any provision of North Carolina law relative to outdoor advertising.
- (e) Roof signs. (Except signs painted or affixed to awnings, canopies, facades, parapets or soffits which shall be allowed.)

- (f) Any flashing device or sign displaying flashing or intermittent lights, or lights of changing degrees of intensity, except a sign indicating time and/or temperature, with changes alternating more frequently than five seconds.
- (g) Any sign painted on a roadway (except governmental signs), tree, rock, or other natural feature.
- (h) Any sign posted to utility poles or upon other signs.
- (j) Any sign which is a copy of or an imitation of an official governmental sign, or which purports to have official status.
- (j) Portable or moveable signs such as rented or leased signs, not permanently affixed to the ground or to a building.
- (k) Business or product identification signs associated with home occupations.
- (l) Signs not expressly permitted as being allowed by right or otherwise expressly allowed by Town Council or the Board of Adjustment consistent with the provisions of this chapter.

**Sec. 20-4104. Sign restrictions for R-1, R-2, And R-3 districts.**

In addition to the sign regulations contained in Code section 20-4104, the following restrictions apply within R-1, R-2 and R-3 districts:

- (a) Signs displaying commercial messaging for legally operating nonconforming uses shall be allowed one nameplate sign not to exceed eight square feet per side of sign for a maximum total aggregate sign area of 16 square feet.
- (b) Each residential development approved under a special use permit or conditional district, or as a major subdivision, or legally operating nonconforming residential uses, shall be allowed one freestanding sign per entrance. Said sign shall be no larger than 50 square feet of surface area per side of sign up to a maximum of 100 square feet of aggregate surface area per sign and shall not exceed six feet in height.
- (c) Flags:
  1. Size: Not to exceed 24 square feet in area.
  2. Height: Not to exceed 24 feet in height or no higher than the highest point of the principal building roof, whichever is lower.
  3. Number: Up to three flags on one flagpole per lot shall be allowed on the property.
  4. Location: Flagpoles shall be placed inside the setbacks of the applicable zoning district.

**Sec. 20-4105. Sign restrictions for C-1, C-2, I-1, And R-12 districts.**

- (a) Wall signs shall not cover an area greater than 50 percent of the total surface area of the wall(s) upon which the sign(s) is located. (The surface area of a wall(s) shall be computed excluding windows and doors). All signs attached to a building, including all the visible face of flat signs, and both sides of projecting signs, and suspended signs shall be computed to

determine the 50 percent wall coverage limitation. Within the R-12 district, excluding signs which show the address or building number of residential units, such attached signage shall only be permissible on common buildings which are not primarily used for residential purposes within the development.

- (b) Projecting or suspended signs shall be limited to one per business per building front, not to exceed eight square feet per side of sign up to a maximum of 16 square feet of aggregate surface area for the entire sign.
- (c) Signs overhanging any sidewalk shall be placed at least 80 inches above the sidewalk and shall not extend over the sidewalk for a distance equal to or greater than two-thirds of the width of the sidewalk. In all circumstances signs overhanging sidewalks must fully comply with the standards for protruding objects set forth in the Americans with Disabilities Act.
- (d) Changeable copy signs shall be limited to one per store front, not to exceed 50 square feet in surface area per side up to a maximum of 100 square feet of aggregate surface area.
- (e) Detached ground-level signs, excluding private directional signs, shall be limited to one per commercial site. Ground level signs shall not extend more than six feet, at their highest point above ground level and shall not exceed 50 square feet in aggregate surface area per side of sign and shall not exceed a maximum of 100 square feet of aggregate surface area for the entire sign.
- (f) All ground level signs and freestanding pole signs shall be located on the premises of the advertised commercial establishment, and shall be no closer than ten feet to any street pavement, but in no event shall such sign be erected on a street right-of-way.
- (g) Private directional signs on premise shall not be over six feet in sign height, and shall not have a surface area greater than four square feet per side up to a maximum of eight square feet in aggregate surface area for all sides.
- (h) Where two or more business premises share a common courtyard, alley, or access area, the businesses therein shall be limited to one freestanding identification sign, no higher than 20 feet from top of grade, which shall contain no greater than 75 square feet of surface area per side of sign up to a maximum of 150 square feet of aggregate surface area for the entire sign. Each business establishment located within the development shall be permitted one nameplate sign, not to exceed 12 square feet in surface area per side of sign up to a maximum of 24 square feet of aggregate surface area for the entire sign to be attached to (or hung from) the freestanding identification sign for the development as a whole. (Nameplate signs shall not be of changeable copy). The total square footage of the identification sign and all of the attached nameplate signs shall not exceed 150 square feet per side of sign or 300 square feet for both sides. Signage within the R-12 district is not permitted under this subsection.
- (i) The proper installation and/or secure attachment of any sign permitted under this chapter is the responsibility of the owner of the building, the tenant and/or the person installing/securing the same. A Buncombe County building permit may be required in addition to the requisite sign permit from the Town of Weaverville.



(j) Flags:

1. Size: Not to exceed 96 square feet in area.
2. Height: Not to exceed 54 feet in height or no higher than the highest point of the principal building roof, whichever is lower.
3. Number: Up to three flags on one flagpole per lot shall be allowed on the property.
4. Location: Flagpoles shall be placed inside the setbacks of the applicable zoning district.

**Sec. 20-4106. Sign construction, design, and illumination.**

- (a) All signs, except temporary signs and window signs, shall be constructed of materials which will not rapidly deteriorate, fade, fall apart, or in any way become a threat to the public's health, safety, and general welfare.
- (b) All signs shall be securely fastened, anchored, and generally placed so as to withstand ordinary adverse weather conditions.
- (c) No sign shall use a light reflecting background, but may use light reflecting letters.
- (d) Any sign may be illuminated unless otherwise prohibited by Code section 20-4103(6). The lights of indirectly illuminated signs shall be shielded in such a manner so as to illuminate only the face of the sign.

**Sec. 20-4107. Sign maintenance.**

- (a) The owner of each sign shall be responsible for maintaining the area around the sign, including the cutting of weeds and grass, and the removal of all trash and litter from the sign locale.
- (b) In the event that one sign is placed over another sign, the original sign shall be adequately covered or removed so that the original sign is not visible.
- (c) All signs, supports, braces, poles, wires and the anchors thereof shall be kept in good repair. They shall be maintained in a clean and safe condition, free from deterioration, missing parts, and peeling paint. Any sign not in compliance with these standards shall be deemed a nuisance and shall be subject to removal by the sign owner or by the town through the Planning Director or their designee.

**Sec. 20-4107. Sign permit required.**

- (a) Unless otherwise authorized by this Chapter, all signs placed or erected within the town shall require a sign permit issued by the Planning Director or their designee. Failure to secure a permit, when required, shall constitute a violation of this article. A sign permit fee shall be charged for each sign placed or erected after the effective date of the ordinance from which this chapter derives. Fees shall be charged in accordance with the schedule of fees established by town council.
- (b) All signs erected or placed after the adoption of this article without prior sign permit approval shall immediately be removed upon inspection by the town if found not to be in compliance with the provisions of this article. If the sign is found to be in full compliance, an after-the-fact permit may be issued provided that all specified fees charged and collected.

**Sec. 20-4109. Obsolete or abandoned signs.**

- (a) Signs or parts of signs which advertise or pertain to a development, complex, business, product, service, commodity, or which pertain to a purpose which no longer exists or which has not been in use for 90-days or more shall be deemed to be an obsolete or abandoned sign. Signs which are associated with a seasonal business shall not be considered obsolete or abandoned provided there is clear intent to continue the business in an upcoming season.
- (b) Obsolete or abandoned signs are prohibited and shall be removed by the owner or agent of the owner within 30-days after the termination of the business or event so advertised.
- (c) If the owner or agent of an abandoned or obsolete sign fails to remove said sign within the time allowed, the town may seek removal of the sign by an order of abatement pursuant to G.S. § 160A-175.

**Sec. 20-4110. Violation of article.**

- (a) *Notice of violation.* The Planning Director or their designee shall have the authority to issue a notice of violation for all violations of this article. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the Planning Director or their designee, a copy of the notice of violation shall be delivered to the sign owner by hand delivery or by registered or certified mail. In all other cases, a copy of the notice of violation shall be posted on the sign. A copy of the notice of violation shall also be delivered by hand delivery or registered or certified mail to the owner of the property where the sign is located as shown on the Buncombe County tax records. In addition, service of a notice of violation hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure.
- (b) *Time to remedy violation.* Other than for temporary signs, all violations shall be remedied within 30-days after notice of the violation. The 30-day period shall commence upon the service of the notice of violation by any means set forth above.

- (c) *Extension of time for compliance.* The Planning Director or their designee shall have the authority to grant a single 30-day extension of time within which to remedy the violation. For violations of regulations for temporary signs, the Planning Director or their designee shall have the authority to issue a single 24-hour extension of time within which to remedy the violation. Either single extension of time may be issued based upon a written request for an extension of time which sets forth valid reasons for not complying within the original time period.
- (d) *Remedies for failure to comply.* Pursuant to G.S. § 160A-175, the Planning Director or their designee may choose from the remedies set forth below to enforce the requirements of this article when there is a failure to comply with the notice of violation. Those remedies are as follows:
- (1) In addition to or in lieu of the other remedies set forth in this section, the Planning Director or their designee may issue a citation and impose a civil penalty as provided in Sec.1-6 of the code of ordinances. In the case of a continuing violation, each 72-hour period during which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person(s) described in subsection (a) by the means set forth therein. In the event the offender does not pay the penalty within 30 days of service of the citation, the civil penalty shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14-4.
  - (2) In addition to or in lieu of the other remedies set forth in this section, the Planning Director or their designee shall have the authority to issue an order to remove for any sign not repaired or otherwise brought into compliance within the provisions of this chapter within the time required by the foregoing provisions. Orders to remove shall be issued to and served upon the person(s) described in subsection (a) by the means set forth therein. Any sign ordered to be removed shall be removed 30-days after the service of the order to remove at the expense of the offender. The order to remove shall describe with particularity the location of the sign to be removed and all of the reasons for issuance of the order to remove, including specific reference to the provisions of this article which have been violated.
  - (3) In addition to or in lieu of the other remedies set forth above, the town may use all of the remedies set forth in G.S. § 160A-175.
- (e) *Removal and recovery of expense.* In the event of the failure to comply with the requirements of an order to remove, the Planning Director or their designee may cause such sign to be removed. The sign owner and property owner shall be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in subsection (a) by the means set forth therein. If the cost of removal is not paid within 30-days thereafter, such costs shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14-4.

- (f) *Removal of dangerous signs.* Pursuant to G.S. § 160A-193, the town, through the Planning Director or their designee shall have the authority to summarily remove, abate or remedy a sign which is determined to be dangerous or prejudicial to the public health or safety. The expense of removal shall be paid by the sign owner, or if the sign owner cannot be determined, by the owner of the property, and if not paid, the expense shall be a lien upon the land or premises where the sign is located and shall be collected in the same manner as unpaid taxes.
- (g) *Stay upon appeal.* In the event of a timely appeal of a decision of the Planning Director or their designee to the board of adjustment, enforcement of all proceedings and the furtherance of the action appealed from shall be stayed, unless the Planning Director or their designee certifies to the board of adjustment that a stay would cause imminent peril to life or property.
- (h) In addition to the remedies set forth in this section, the Planning Director or their designee may remove any illegally posted temporary sign or sign which has been ordered to be removed. Any such removed sign will be retained for seven days, during which period the sign may be retrieved by the owner. After those seven days illegal signs removed by the town may be disposed of or destroyed.

**Sec. 20-4111. Fence wraps.**

Pursuant to G.S. 160D-908, fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation pertaining to signage until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the town may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this section or G.S. 160D-908 may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

**Sec. 20-4112. Outdoor advertising.**

The provisions of this Article establish standards and review criteria relating to the location, erection, maintenance, lighting, setbacks, and use of signs. This includes regulations pertaining to outdoor advertising (i.e. Billboards). The regulation and permitting of outdoor advertising is also subject to State requirements, including the State Outdoor Advertising Control Act, and Federal requirements. In cases where there is a conflict between Town regulations and State or Federal regulations, relating to the location, erection, maintenance, lighting, setbacks and use of outdoor advertising signage, the corresponding State or Federal law shall take precedent. In cases where there is no applicable State/Federal standard, then existing Town regulations shall be enforced.

Notwithstanding any of the foregoing, the mandatory provisions of G.S. 160D-912 shall apply.

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024  
**SUBJECT:** Code Amendments – Ch. 16 & 18 – Parks and Recreation  
**PRESENTER:** Town Attorney  
**ATTACHMENTS:** Proposed Ordinance

**DESCRIPTION/SUMMARY OF REQUEST:**

The Recreation Complex has been operating under temporary rules since its opening on 3 February 2024. Community Center Director Sarah Myers worked with a very active citizen group to establish some reasonable temporary rules for the courts. Now that several months of activity has been observed on the courts and in the Recreation Complex area, it is time for Town Council to formally adopt some rules and regulations for the Recreation Complex.

The proposed ordinance incorporates the existing temporary rules with some slight modifications to address issues that have arisen recently, and other standing rules within the Lake Louise Park. As proposed, the Town Manager is provided some authority to adopt some specific rules for the use of the sports courts such as specific hours of operation and whether play is first come, first serve. She is also given the latitude to temporarily close the courts for good reason.

Town Council is asked to also amend Code Sec. 16-1 to update the list of Town facilities in which firearms are prohibited and to include the Lake Louise Recreation Complex and Lake Louise Playground on that list as allowed by N.C. Gen. Stat. §14-415.23.

**TOWN COUNCIL ACTION REQUESTED:**

Should Town Council wish to proceed with these recommended amendments, the following motion could be used:

*I move that Town Council adopt the **ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTERS 16 & 18 CONCERNING PARKS AND RECREATION** as presented/as amended.*

**TOWN OF WEAVERVILLE  
ORDINANCE AMENDING TOWN CODE CHAPTERS 16 AND 18  
CONCERNING PARKS AND RECREATION**

**WHEREAS**, the Town of Weaverville now owns and maintains a Recreation Complex that is located at or near 60 Lakeshore Drive and which consists of sports courts and a family game area;

**WHEREAS**, Town Council wishes to formally establish some rules and regulations regarding the operation and use of the Recreation Complex, and add the Recreation Complex and the Lake Louise Playground to the list of Town facilities where firearms are prohibited;

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

1. Code Section 16-1 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

**Sec. 16-1. Firearm regulations.**

- (a) *Prohibition of firearms.* No person shall possess, use, or carry any firearm, whether open carried or concealed, on property or facilities posted by the town as described hereinafter, except as authorized hereinafter or by state law.

Facilities posted by the town are as follows:

Course View Storage Tank	Course View Drive
Dubose Hill Storage Tank	Old Home Road (end)
Hamburg Pump Station	Hamburg Drive
High Bluff Storage Tank	High Bluff Drive
Le Perrion Pump Station	Le Perrion Avenue
<del>Old Pool Building</del>	<del>46 Lakeshore Drive</del>
Ox Creek Storage Tank	Ox Creek Road
Rabbit Ridge Storage Tank	Flicker Trail
Tin Building	35 West Lakeshore Drive
Water Treatment Plant	Sams Road
Weaverville Fire Department	3 Monticello Road
Weaverville Public Works	15 Quarry Road
Weaverville Town Hall	30 South Main Street
Community Center at Dottie Sherrill Knoll	60 Lakeshore Drive
<u>Lake Louise Playground</u>	<u>122 Lakeshore Drive</u>
<u>Lake Louise Recreation Complex</u>	<u>60 Lakeshore Drive</u>

This may not be an inclusive list of facilities prohibiting concealed carry and the town may add facilities to this list as long as they meet the requirements of subsection (b).

- (b) *Posting of signs required.* The town manager is ordered to post appropriate signage at each building or portion of a building owned, leased as lessees, operated, occupied, managed, or



controlled by the town, as well as the appurtenant premises to such building and facilities, indicating that concealed handguns are prohibited in that building as well as the appurtenant premises. Concealed handguns are permitted in the parking areas of any town building or recreations facility provided they are secured in the trunk, glove box, or other enclosed compartment within a locked motor vehicle.

- (c) *Location of signs.* The signs described herein above shall be visibly posted on the exterior of each entrance by which the general public can access the building or appurtenant premises.

~~(d) *Recreational facilities identified.* The town does not operate any recreational facilities as defined by G.S. § 14-415.23.~~

2. The following language is added to Article I of Chapter 18 as new Code Section 18-6:

**Sec. 18-6. Disclaimer and Assumption of Risks**

Fitness activities, sports activities, walking or running on paved or unpaved trails, use of playground equipment, and other recreational activities (collectively “recreational activities”) all involve inherent risks. Participants assume all open and obvious risks associated with the recreational activities that they voluntarily engaged in, even if done in accordance with the rules and regulations adopted or authorized by this Chapter.

The Town shall in no way be liable for accidents, property damage, injuries, or deaths involving or resulting from any participation in a recreational activity.

All persons who engage in recreational activities on Town owned and maintained property do so at their own risk and peril and assume all liability resulting therefrom.

3. Article III of Chapter 18 entitled “Main Street Nature Park” is renumbered to Article IV.
4. The following language is added as a new Article III of Chapter 18 entitled “Lake Louise Recreation Complex”:

**ARTICLE III. LAKE LOUISE RECREATION COMPLEX**

**Sec. 18-38. General**

The Town of Weaverville owns and maintains a recreation complex at its Lake Louise Park consisting of sports courts, a family game area, and access to the Lake Louise walking trails, all of which are open for use by its citizens and visitors subject to adopted or established rules and regulations.

It is acknowledged that this Recreation Complex is located in and near residential neighborhoods and some rules are adopted to lessen the impact of the complex’s usage on neighbors. Users are also encouraged to refrain from conduct that disrupts the enjoyment of others in this area.

The Recreation Complex area may be under surveillance.

## **Sec. 18-39. Rules and Regulations**

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

- (1) No activities between sunset and sunrise. More specific hours of operation may be adopted and implemented by the town manager.
- (2) Children (under age 16) must be accompanied by an adult.
- (3) Non-marking shoes only on the courts (no cleats allowed)
- (4) No pets allowed in the recreation area unless actively using the trail system. All pets using the trail system must be leashed, with a maximum leash length of eight feet, and under the control of the pet owner at all times. Pet owners must clean up all pet waste and dispose of it in a waste receptacle provided for that purpose.
- (5) No smoking or smokeless tobacco products.
- (6) No possession and/or consumption of alcohol or illegal drugs.
- (7) No bicycles, skateboards, rollerblades, scooters, or other wheeled devices/vehicles on the courts or sidewalks, unless in use as allowed by the ADA (wheelchairs, etc.).
- (8) No bicycles on the walking trails.
- (9) No sidewalk chalk, chalk spray, or other markings allowed in this area.
- (10) No lights on the courts. No use of headlamps, car lights, etc.
- (11) No abuse of recreational equipment. No sitting on pickleball nets, no hanging from the basketball rim or net.
- (12) No climbing on the fences or gates. No removal of sound panels from fencing.
- (13) No glass containers are permitted within the fenced court areas.
- (14) No chairs on the courts.
- (15) No snow shovels are allowed to be used to clear courts. Brooms, squeegees, and leaf blowers are allowed to be used.
- (16) No amplified music or sound in this area.
- (17) No vending or solicitation.
- (18) No littering. Areas must be cleared of equipment, trash, and belongings after each use. Unattended items will be removed and discarded.
- (19) No unauthorized posting of signs.
- (20) No motorized vehicles on the grass, walking trails, sidewalks, or sports courts.
- (21) No feeding or harassing of wildlife, including wild or domestic water fowl.
- (22) No destruction or taking of trees, plants, shrubbery or wildlife.
- (23) No camping.

**Sec. 18-40. Authority of Town Manager.**

The town manager is authorized to adopt and enforce such additional rules and regulations regarding the use of the sports courts as she deems advisable, including but not limited to specific hours of operation and type of play allowed on the courts (open play, first come first serve, etc.).

The town manager is also authorized to temporarily close the Recreation Complex for good reason as long as appropriate signage is provided and/or courts are locked.

5. 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.
6. These amendments shall be effective immediately upon adoption and codified.

**ADOPTED THIS** the \_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
**PATRICK FITZSIMMONS**, Mayor

**ATTESTED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**TAMARA MERCER**, Town Clerk

\_\_\_\_\_  
**JENNIFER O. JACKSON**, Town Attorney

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** June 24, 2024

**SUBJECT:** Waterline Acceptance and Authorization for Staff Level Approval – 9 Pleasant Grove Road

**PRESENTER:** Public Works Director

**ATTACHMENTS:** Approved Easement Plat

**DESCRIPTION/SUMMARY OF REQUEST:**

Pleasant Grove of WNC, LLC, has completed the water infrastructure for the Pleasant Grove Townhomes project at 9 Pleasant Grove Road and the Town has been asked to accept the lines into the Town’s public water system. A water easement plat is attached showing the lines and the easement area.

The Public Works Director is requesting that Town Council accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Public Works Director, Town Manager and Town Attorney. The Public Works Director also urges Town Council to set a waterline repair guaranty at \$5,000.00 to cover any defects that might be discovered within three years of our acceptance. Upon approval the Town Attorney will be working with the owner to get the necessary easement documents in place.

**ACTION REQUESTED:**

Council action to (1) accept the waterline extension and related improvements into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney and Public Works Director, and (2) set the repair guaranty amount at \$5,000.00. The following is suggested as a motion:

*I move that we accept the waterline extension and related improvements for Pleasant Grove Townhomes into the Town’s water system subject to staff level approval by the Town Manager, Town Attorney and Public Works Director, and to set the repair guaranty amount at \$5,000.00.*



I, PHILIP B. WHITE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NORTH CAROLINA. I HAVE CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND THE RECORDS OF THE BUREAU OF RECORDS AND MAPS, AND I HAVE BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. I HAVE ALSO CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND THE RECORDS OF THE BUREAU OF RECORDS AND MAPS, AND I HAVE BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. I HAVE ALSO CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND THE RECORDS OF THE BUREAU OF RECORDS AND MAPS, AND I HAVE BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CLASS: **PRELIMINARY**. THIS SURVEY IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR RECORDATION OR CONVEYANCES.

**PRELIMINARY  
NOT FOR SALES,  
RECORDATION, OR  
CONVEYANCES**

PHILIP B. WHITE, PLS. LAND SURVEYOR  
LICENSE # L-4864

- Class of survey: A
- Horizontal Positional Accuracy: 0.01 meters
- Method of Survey: GPS
- Type of GPS field procedure: Static/RTK
- Date of GNSS survey: 8/22/2022
- Horizontal Datum: NAD 83 (2011) Epoch 2010.00
- Vertical Datum: NAVD 83 (2011) Epoch 2010.00
- Geoid model: Geoid18
- Published/Free-control use: CORS ARP, NCS, SV, BRIDGE
- Other U.S. Survey Feet: 0.98003329262609
- UNIT: U.S. Survey Feet

**NOTES**

- All areas calculated by coordinate computation method. The intersection and distribution of lines and curves are recorded and shown as they exist on the ground. The location of any monument or marker is shown as it exists on the ground. The location of any monument or marker is shown as it exists on the ground.
- The certification shown herein is not a certification of title.
- Adding property owner information taken from deeds and other records.
- Underground utilities shown are based upon plat markings and other records. Call 1-800-452-4544 before digging.
- U.S. Survey feet unless otherwise noted. To obtain grid coordinates from the subject property, please refer to the deed for the subject property.
- This survey is oriented to NC Grid North NAD 83 (2011) based on the datum used in the deed for the subject property.
- Horizontal and vertical elevations are NAVD 83 based upon the same datum as the deed for the subject property.
- Major Contour Interval: 5' Minor Contour Interval: 1'
- Adjacent to the subject property is the "REEMS CREEK" which is a public waterway. The location of the creek is shown as it exists on the ground.
- The location of the creek is shown as it exists on the ground.
- The location of the creek is shown as it exists on the ground.

**ZONING INFORMATION**

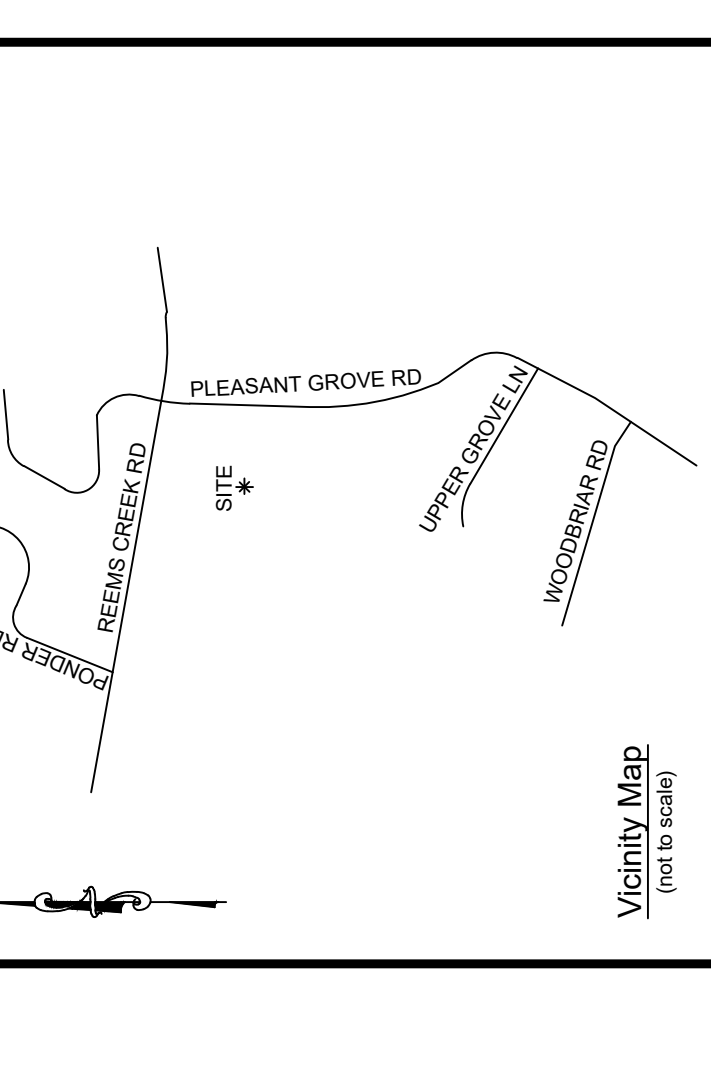
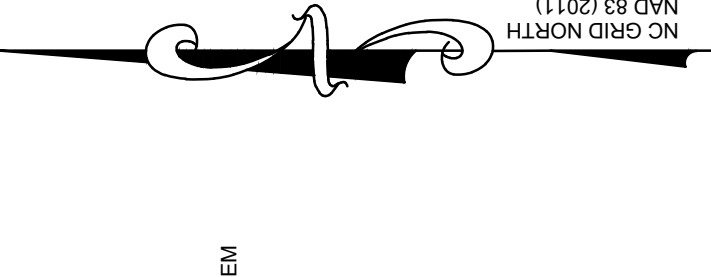
PROPERTY IS ZONED R3 (RESIDENTIAL) ACCORDING TO THE BUNCOMBE COUNTY ZONING ORDINANCES.

- SETBACKS WITH PUBLIC SEWER (SHOWN HEREON):
- REAR: 15'
- FRONT: 20'
- SIDE: 10'
- REAR: 20'

SEE THE BUNCOMBE COUNTY MUNICIPAL CODE OF ORDINANCES FOR OTHER ZONING RESTRICTIONS.

NOTE: NO STAKING REPORT WAS PROVIDED AND ALL ZONING REQUIREMENTS SHOULD BE VERIFIED WITH THE BUNCOMBE COUNTY PLANNING DEPARTMENT.

- ABBREVIATION LEGEND**
- CMP CORRUGATED METAL PIPE
  - DIP DUCTILE IRON PIPE
  - N: NORTHING
  - E: EASTING
  - GNSS GLOBAL NAVIGATION SATELLITE SYSTEM
  - INV: INVERT
  - AT: AT
  - STATE ROAD
  - EB: ELECTRICAL BOX
  - TSB: TRANSFORMER SERVICE BOX
  - AKA: ALSO KNOWN AS
  - EB: ELECTRICAL BOX
  - BB: BELOW GRADE
  - DTL: DEPTH
  - P.B.: PLAT BOOK
  - PG: PAGE
  - TDP: TRUNCATED DOIME PLATE
  - COMC: CONCRETE
  - RBC: REBAR WITH CAP FOUND

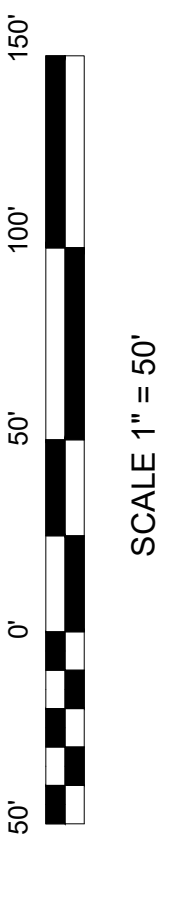


LINE	BEARING	DISTANCE
L1	N 87°26'13" W	13.28'
L2	S 85°20'59" W	33.86'
L3	S 05°20'59" W	10.97'
L4	N 84°39'01" W	10.97'
L5	N 05°20'59" E	33.86'
L6	N 84°39'01" W	40.38'
L7	N 84°39'01" W	33.86'
L8	N 84°39'01" W	33.86'
L9	N 05°20'59" E	33.86'
L10	N 84°39'01" W	62.34'
L11	S 05°20'59" W	33.86'
L12	N 84°39'01" W	10.97'
L13	N 84°39'01" W	10.97'
L14	N 84°39'01" W	40.38'
L15	S 05°20'59" W	33.86'
L16	N 84°39'01" W	10.94'
L17	N 05°20'59" E	33.86'
L18	N 84°39'01" W	10.97'
L19	S 05°20'59" W	34.01'
L20	N 84°39'01" W	11.00'
L21	N 05°20'59" E	34.01'
L22	N 84°39'01" W	40.56'
L23	N 84°39'01" W	10.96'
L24	N 84°39'01" W	10.96'
L25	N 05°24'16" E	145.85'
L26	N 84°35'34" E	145.85'
L27	S 05°24'16" W	60.22'
L28	S 84°35'34" E	17.15'
L29	S 05°24'16" W	17.15'
L30	N 84°35'34" E	17.29'
L31	S 05°24'16" W	40.86'
L32	S 84°35'34" E	13.40'
L33	S 05°24'16" W	10.86'
L34	S 05°24'16" W	10.86'
L35	S 05°24'16" W	38.46'
L36	N 84°40'12" W	41.38'
L37	N 05°19'48" E	20.00'
L38	S 84°40'12" E	21.41'
L39	S 05°24'16" W	17.29'
L40	N 84°35'34" E	17.29'
L41	N 05°24'16" E	10.77'
L42	S 84°35'34" E	17.28'
L43	N 05°24'16" E	40.31'
L44	N 05°24'16" E	11.05'
L45	N 05°24'16" E	17.15'
L46	N 05°24'16" E	60.25'
L47	N 05°24'16" E	12.81'
L48	N 84°32'34" W	12.81'
L49	N 45°27'02" W	9.29'
L50	N 07°44'27" E	4.10'
L51	N 52°44'27" E	14.20'
L52	S 82°15'33" E	4.10'
L53	S 77°15'33" E	6.84'
L54	S 77°15'33" E	100.57'
L55	S 84°23'34" E	100.57'
L56	S 84°35'30" E	94.80'
L57	S 84°35'30" E	10.00'
L58	N 04°00'51" E	19.89'
L59	S 84°35'30" E	19.89'
L60	S 84°35'30" E	15.34'
L61	S 84°35'30" E	15.34'
L62	N 05°20'59" E	10.03'
L63	N 05°20'59" E	19.89'
L64	S 84°34'03" E	19.89'
L65	S 84°34'03" E	15.97'
L66	S 87°26'13" E	12.86'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1800.00'	20.00'	20.00'	S 02°43'37" W
C2	1800.00'	164.21'	164.15'	S 05°41'32" W

Waterline Easement for the City of Asheville  
Across Property Owned by  
**Pleasant Grove of WNC, LLC**  
for  
**Pleasant Grove Townhomes**

Record Owner: Pleasant Grove of WNC, LLC  
Address: 9 Pleasant Grove Rd  
Plymouth, NC 27669  
Dead End Road  
Plat Book 22, Page 19  
Reems Creek Township, Buncombe County, N.C.  
Field Work Completed: 8-2-2022 / 2-29-2024  
Drawn By: P. White & D. Byrd  
JOB #22188  
Phillip B. White, PLS  
Ed Holmes & Associates Land Surveyors, PA  
200 Ridgely Court, Ste. 208 Asheville, NC 28806  
Company Licensure # C-2806  
828.225.6562



SCALE 1" = 50'

**SYMBOL LEGEND**

- MONUMENT FOUND
- CHISELED X FOUND
- UNMARKED POINT
- MONUMENT FOUND (AS DESCRIBED)
- CONCRETE RIGHT-OF-WAY ALIGNMENT FOUND
- MAGNETIC NAIL SET
- STORMWATER MANHOLE
- SANITARY SEWER CLEAN OUT
- TELEPHONE MANHOLE
- SIGN
- WATER METER
- FIRE HYDRANT
- WIRE PEDESTAL CONNECTION
- TELEPHONE PEDESTAL
- UTILITY POLE WITH GUY WIRE
- UTILITY POLE (SINGLE HEAD)
- UTILITY POLE (TRIPLE HEAD)
- UTILITY POLE (QUADRUPL HEAD)
- SPOT ELEVATION
- HANDICAP SIGN/BOLLARD
- ROLLBACK PARKING SPACE
- PAINTED TRAFFIC ARROWS
- MONITOR WELL
- AREA LIGHT

- LINE TYPE LEGEND**
- PROPERTY LINE (SURVEYED)
  - DEED / PLAT LINE (NOT SURVEYED)
  - UNDERGROUND WATER LINE
  - UNDERGROUND SANITARY SEWER LINE
  - OVERHEAD UTILITY LINE
  - UNDERGROUND UTILITY LINE
  - EDGE OF CONCRETE
  - CONCRETE CURB
  - ROAD RIGHT-OF-WAY LINE
  - FENCE (AS DESCRIBED)
  - BUILDING SETBACK LINE
  - UNDERGROUND ELECTRIC LINE
  - UNDERGROUND GAS LINE
  - GUARD RAIL
  - APPROXIMATE LIMITS OF REGULATORY FLOODWAY

REEMS CREEK  
S.R. 1003  
S.R. 2105  
PLEASANT GROVE ROAD  
ASPHALT PAVEMENT

REGULATORY FLOODWAY  
ELECTRIC FENCE  
WATER METER  
VALVE  
METER  
HYDRANT  
CONCRETE RIGHT-OF-WAY ALIGNMENT FOUND

REEMS CREEK WILDLIFE CLUB  
PIN 975245168  
SEE P. 107, PG. 34

REEMS CREEK WILDLIFE CLUB  
PIN 975245168  
SEE P. 107, PG. 34

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PIN 975245168  
SEE P. 107, PG. 34



Ed Holmes & Associates  
LAND SURVEYORS



**Town of Weaverville**  
**Town Council Agenda Item**

**Date of Meeting:** June 24, 2024

**Subject:** Public Works & Water Department Quarterly Report

**Presenter:** Dale Pennell, Public Works Director

**Attachments:** Quarterly Report (March 2024 – May 2024)

**Description:**

Attached please find the quarterly report from the Public Works Department including the Water Department.

**Action Requested:** None.



**TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET**

**MARCH 2024 - MAY 2024**

**WATER MAINTENANCE DIVISION:**

	Mar-24	Apr-24	May-24	3 month average
Water Leaks Repaired	2	4	0	2
New Water Taps	1	6	4	4
<b>Total Active Water Meters</b>	<b>3,260</b>	<b>3,257</b>	<b>3,281</b>	<b>3,266</b>
Water Quality Complaints	0	0	0	0
Meter Re-Read Service Calls	29	21	55	35
General Service Calls	72	69	97	79
Water Door Tags Delivered	44	44	27	38
Water Line Locate Utility Service Calls (811)	202	249	210	220
Reservoir-Pump Station Site Checks	14	21	18	18
Water Line Construction Inspections:				
	Greenwood Park (75%)	Greenwood Park (75%)	Greenwood Park (75%)	
	Chapel Crossing (90%)	Chapel Crossing (90%)	Chapel Crossing (95%)	
	9 Pleasant Grove (75%)	9 Pleasant Grove (85%)	9 Pleasant Grove (95%)	

**WATER PRODUCTION DIVISION:**

(Gallons per month)

1A. Raw water pumped from river to Water Treatment Plant

(daily average vs. 1.5 MGD plant capacity)

1B. Raw water used at the WTP

1C. Finished water Produced at WTP

2. Water Purchased from Mars Hill

**A1. TOTAL WATER PRODUCTION (1.C. + 2)**

3. Finish Water used at WTP

**A2. TOTAL WATER AVAILABLE FOR SALES**

**B. TOTAL METERED FOR BILLING**

C. Metered, Non-Metered & Non-Billed Use by Town

D. Total Accounted For Water (3 + B + C)

**E. TOTAL UNACCOUNTED (A1-D)**

**F. MONTHLY UNACCOUNTED WATER (E/A1x100)**

	Mar-24	Apr-24	May-24	3 month average
17,922,000	17,053,000	21,533,000	18,836,000	
40%	37%	48%	42%	
1,020,000	1,060,000	1,608,000	1,229,333	
16,902,000	15,993,000	19,925,000	17,606,667	
0	0	0	0	
16,902,000	15,993,000	19,925,000	17,606,667	
608,472	575,748	717,300	633,840	
16,293,528	15,417,252	19,207,700	16,972,827	
13,188,500	13,333,400	15,450,100	13,990,667	
1,564,000	500,000	1,900,000	1,321,333	
15,360,972	14,409,148	18,067,400	15,945,840	
1,541,028	1,583,852	1,857,600	1,660,827	
9.1%	9.9%	9.3%	9.4%	

**WATER CAPACITY VS PRODUCTION:**

(Gallons per day)

	Mar-24	Apr-24	May-24	3 month average
Water Plant Design Capacity	1,500,000	1,500,000	1,500,000	1,500,000
Average Daily Production	563,400	533,100	664,167	586,889
Total Water Production (A1 above) / 30 days in month	37.6%	35.5%	44.3%	39.1%
<b>AVERAGE USE RELATIVE TO DESIGN CAPACITY</b>				
Current Water Commitments for future development	719,074	719,074	650,474	696,207
<b>MONTHLY USAGE &amp; FUTURE USAGE VS 1,500,00 GPD</b>	85.5%	83.5%	87.6%	85.5%

**STREETS DIVISION:**

121

	Mar-24	Apr-24	May-24	3 month average
Street/Sidewalk/Drainage /Sign Repairs Completed	4	3	3	3
Roads paved	0	4	1	2

**GROUNDS MAINTENANCE DIVISION:**

	Apr-24	May-24	3 month average
Special Projects/Repairs Completed	4	3	3

**STORMWATER MANAGEMENT DIVISION:**

	Mar-24	Apr-24	May-24	3 month average
Storm drain pipes/structures cleaned or replaced	0	60	189	83
Miles of curbs and streets sweeping	25.7	29.3	48.75	35

**SANITATION DIVISION:**

	Mar-24	Apr-24	May-24	3 month average
Residential Collection Points	2261	2261	2261	2261
Monthly Residential Collections (4/month)	9044	9044	9044	9044
Business Pick Ups	80	80	80	80
Business Pick Ups (4/month)	320	320	320	320
Residential Set-Outs	109	110	110	110
Residential Set-Outs (4/month)	436	440	440	439
TOTAL points picked up per month	9800	9804	9804	9803
Total Tons to Landfill	113.14	118.08	130.15	120.46
Average Pounds Per Collection Point (per week)	23.1	24.1	26.6	24.6
Cubic Yards - Yard Debris	54	45	54	51.0
Cubic Yards - Brush Chipped	187	209	214.5	203.5
Cubic Yards - Leaf Collection	56	0	0	19

**MISC**

1. Maintenance at our 2 parks and the Recreation Complex continues on a daily basis, with a perceived increase in visitors this spring.
2. The FY 23-24 Paving Project has completed repaving 7 of 10 streets in the contract with the remaining 3 (Alabama Ave, Central Ave, and Central Extension) to be completed in July. Approximately 70 concrete drives and handicap ramps have been replaced in this project.
3. Our consultant's work is continuing on the Water Line Replacement Project, with plans for new water lines being submitted for permitting in July for the Stoney Knob and Boyds Chapel area.
4. Our consultant's work is continuing on the Water Treatment Plant Expansion Project, with plans for the new raw water emergency generator and replacement of the chlorine disinfection system currently under review for permitting. The plans for the WTP expansion and related emergency generator will be submitted during the summer.
5. Delivery of the new garbage truck delivery is expected in July.

