

## MINUTES

**Town of Weaverville  
State of North Carolina**

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

The Town Council for the Town of Weaverville held its regular meeting on July 22, 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, and Dee Lawrence. Attending via Zoom but absent from the vote: Peter McGuire

Staff members present: 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, Recreation Coordinator Sarah Myers, and Zoom Room Coordinator Lauren Ward. Attending via Zoom: Acting Town Manager Scottie Harris

**1. Call to Order** - *Mayor Fitzsimmons called the meeting to order at 6:00 p.m.*

### **2. Public Hearing – Maple Trace Subdivision – Annexation**

Mayor Fitzsimmons opened the Maple Trace Subdivision Annexation Public Hearing and reviewed the process and procedures.

Bo Platt expressed concern about comments made about Public Works Director Pennell. Mr. Platt said he was in favor of the addition of Maple Trace, but only under the Town's road standards for all communities.

Catherine Haynes stated she concurred with Mr. Platt.

Jeff McKenna cautioned not to accept Maple Trace with the current roadway conditions, as roads should meet the Town's standards. Mr. McKenna questioned the decision-making process of annexation case requests.

Andrew Nagle noted that some addresses with a Weaverville address may not be in the town limits. His address states Asheville but is within the town limits and he is a Weaverville taxpayer. He was neither opposed to nor in favor of annexation, but the annexation should exclude the Maple Trace roads as the town taxpayers should not be responsible for repairing their roads. He agreed with the Public Works Director's report.

Darla Letourneau was in favor of annexation of Maple Trace under a tiered approach to address the street repairs. She thinks the Town may need to reevaluate street standards.

Joe Wheeler said he was not against the annexation of Maple Trace, but they should fully comply with the Town's street standards and comply with the Public Works Director's request for the stormwater drainage system assessment. Mr. Wheeler also addressed the disparaging comments directed at Public Works staff.

Craig Wolfington agreed with the Public Work Director's assessment of the roadways as the applicant did not comply with the requirements to sample all the core drillings. He supports the annexation if the defective roads are not included. The HOA should pay for the stormwater drainage system assessment.

Linda Miller, a Maple Trace resident, said she was in favor of annexation and requested acceptance of the roads.

Micheal Schoener (who also submitted written comments) was in favor of the Maple Trace annexation and the Town taking in the subdivision's streets.

Attorney Jackson reviewed the written citizens' comments received and noted that they were provided to Town Council prior to the meeting:

Linda Miller a Maple Trace resident said she was in favor of annexation and requested acceptance of the roads.

Beth Marks in favor of Maple Trace annexation.

Karen Lasker in favor of Maple Trace annexation.

After all in attendance were given an opportunity to speak, Mayor Fitzsimmons closed the public hearing for Maple Trace subdivision annexation request.

### **3. Public Hearing – Maple Trace Subdivision – R-2 Zoning**

Mayor Fitzsimmons opened the Maple Trace Subdivision Zoning Public Hearing.

Andrew Nagle said he agreed with the R-2 zoning designation but wanted to state that Main Street is not a Weaverville town road. Main Street is maintained by NCDOT and paid for by the State.

After all in attendance were given an opportunity to speak, Mayor Fitzsimmons closed the Maple Trace Subdivision public hearing regarding zoning.

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

*Vice Mayor Chase moved to approve and adopt the agenda without adjustment. The motion was approved unanimously. 6-0.*

## **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**

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

- A. June 17, 2024, Town Council Special Called Meeting Minutes – *approved as presented*
- B. June 18, 2024, Town Council Workshop Meeting Minutes – *approved as presented*
- C. June 24, 2024, Town Council Regular Meeting Minutes – *approved with recommended revision*
- D. Monthly Tax Report, Refunds/Releases – *approved as presented*
- E. Budget Amendment – Police – *approved as presented*
- F. Budget Amendment – Rec Complex – *approved as presented*

## **7. Acting Town Manager's Report**

Acting Town Manager Harris reviewed project updates and events:

- Fourth of July Celebration Event
- Weaverville Business Association meetings
- Social District for Music on Main
- Business Owner meetings
- Eller Cove Watershed Trail System Update

## **8. General Public Comments**

Vicky Weiner, a resident on Elk Mountain Scenic Highway, was concerned with safety related to the Watershed Trails project in the Eller Cove Watershed. She cited concerns about vehicle speed with increased traffic and illegal parking.

Jeff Kniffen, the Maple Trace HOA president, stated he was in favor of the Maple Trace subdivision annexation.

Jill Raymond, a resident of Elk Mountain Scenic Highway close to the Weaverville Eller Cove Watershed, said she was concerned with the trails in the Watershed plan. Ms. Raymond is opposed to a bike park. She is concerned with conservation of the natural wildlife, sounds and lights, and safety impacts to her property.

Chuck Raymond, in response to the Eller Cove Watershed Trail Study, said he was concerned with safety, vehicle visibility and cyclist accidents on Elk Mountain Scenic Highway.

Emily Boyd lives adjacent to Eller Cove Watershed property said she is concerned with the proposed trail system and vehicle parking. She suggested relocation of the parking area due to safety, litter, noise, usage times and privacy. She questioned the monitoring of the property due to area isolation.

Darla Letourneau, a Weaverville resident, requested transparency regarding the Town Manager's employment agreement, public statements, and articles in the papers. Ms. Letourneau supports staff and good leadership.

Andrew Nagle discussed his working relationship with the Town Manager when he was a Town Council member. He noted the Town Manager should live in-town.

Lou Accornero made statements regarding properties he previously owned and possible lawsuits.

## **9. Discussion & Action Items**

### **A. Maple Trace Annexation and Related Matters**

Attorney Jackson stated there is a revised response from the Buncombe Council Board of Elections, wherein a correction was made to how annexations will be handled in the few months prior to the November general election. The Buncombe Council Board of Elections now states that there is not a blackout period for the upcoming year's National election concerning annexed properties.

In response to Council member Jackson's question regarding the streets, Public Works Director Pennell explained the repaving standards and process of repairing to Weaverville standards. He addressed the condition of Maple Trace roads. In ranking the majority of the Maple Trace roads, not including the entrance that needs to be repaired, Mr. Pennell estimated that the streets in Maple Trace at 80 to 90 ranking, with 100 being the ranking for a new street.

There was further discussion regarding: adding repairs and costs as conditions to annexation, the certificate of sufficiency of the petition by the Clerk's Office in October of 2023 and the recertification in May of 2024, the street testing of the core samples, and the lack of a stormwater drainage system assessment which is expected to be around \$9,000.00.

Public Works Director Pennell said the HOA had provided the Buncombe County documents for the storm water ponds when the subdivision was developed, which does not address the stormwater drainage system. The storm water ponds certificate does

not assess the piping and catch basins in the system under the roadways. There are four stormwater ponds. There is piping under the discharge and under the roads. Public Works is concerned with the condition of the drainage system, and this has not been assessed.

Mr. Will Buie, Design Engineer for the developer for Maple Trace, reviewed the stormwater management system regarding the ponds and collection systems, the catch basins, the heights and materials are stated in the certification, which was provided for the collection system. He reiterated and explained materials and procedures for the construction phases, which are approximately eight years old now. Mr. Buie said he would not speculate how many more years of lifetime remain for the drainage system infrastructure.

Council member Jackson said he was in favor of a motion to annex Maple Trace under the condition to repair first 1,200-feet of entry road with overview by the Town's Public Works Director. Vice Mayor Chase was in favor of annexation being conditioned upon completion of the stormwater drainage piping assessment. There was discussion regarding the testing, process of taking a preliminary vote, an annexation ordinance, an effective date of January 1, 2025, to allow departments to prepare to provide services to this subdivision.

Vice President of the Maple Trace HOA, David King said they were agreeable to a street repairs being done in the normal rotation based on road condition assessment, agreeable to pay the repair cost at \$134,000 for the 1,200-foot road entrance, and provide the money in escrow, and agreeable to pay the \$9,000.00 for the stormwater drainage system inspection, with the understanding that the assessments on the stormwater drainage would have to pass.

In response to Attorney Jackson's clarification that the HOA agrees to the road repair be completed to town standards such as milling and proof rolling and then new pavement for the 1,200-foot entrance. Mr. Buie said his engineering firm would oversee the contract, noting that it may possibly be next spring, and the funds in escrow if there is a resolution of intent to annex Maple Trace.

In response to Mayor Fitzsimmons' question, Council member Jackson said he would make a motion for annexation of Maple Trace under the condition a payment of \$134,000 be placed in escrow within a specific time period for the entrance to be repaved to town standards.

In response to Mayor Fitzsimmons' question regarding the paving costs, Mr. Pennell said the \$134,000 funding should be sufficient for the repairs and paving of the first section entrance into Maple Trace, and that we could work with the current paving contractor.

*Council member Jackson moved that the Town will annex Maple Trace Subdivision and accept its subdivision streets into the Town's public street system upon the following conditions: (1) the HOA must pay the Town \$134,000 which is to be applied to the Town's repair of approximately 1200' of Water Leaf Drive to bring it up to Town street standards; (2) once accepted the subdivision streets will be treated like all other Town streets for evaluation and street improvement purposes; (3) the HOA must undertake an assessment of the stormwater drainage system with the resulting video recording to be provided to Public Works for review and the results must either show no defects or identified defects must be repaired by the HOA. The motion was approved unanimously. 6-0.*

#### **B. MSD Update**

Doug Dearth provided the Metropolitan Sewerage District of Buncombe County report. He reviewed the fiscal year 2024-25 Budget at \$69.3 million, noting the operations and maintenance CIP improvement plan, personnel COLA increase for 2024-25.

Mr. Dearth explained the planned updates to the Weaverville pumping station costs and design. In response to Council member Cordell's question, Mr. Dearth reviewed the new pump station location and layout.

#### **C. Water Commitment – Northridge Farms – Request to Modify Condition**

Town Council approved the water commitment for the Northridge Farms Project conditioned on two connections to the Town's water system be provided: one at the end of Northridge Commons Parkway and one in Gill Branch Road near Monticello Road. The developer of the Northridge Farms Project has requested that the condition requiring the Gill Branch Road connection be eliminated. The Public Works Director, the Fire Chief, the Fire Marshal, and the developer have agreed to an acceptable alternative that would provide two parallel lines running down Northridge Commons Parkway. This alternate achieves the second source of water that the Public Works Director and Fire Department have deemed important for public safety within this dense residential development.

*Council member Lawrence moved to approve the modification to the Northridge Farms water commitment. The motion was approved unanimously. 6-0.*

#### **D. Lead Service Line Find and Replace Program**

Public Works Director Pennell reviewed the resolution to comply with the Environmental Protection Agency rules and regulations for the Town to undertake an inventory which includes detecting lead service line find and replace project. There is clear proof that lead lines cause cancer so the Town must provide an inventory of our system and address replacement. There are approximately 3,000 meters in town, and the Town

must identify the materials that were used on all of the service lines extending from each of those meters. Service lines that were constructed with lead must be replaced and there are grant funds available to assist with those projects. The grant application is due September 30, 2024. This resolution provides authority to apply for grant.

*Vice Mayor Chase moved to approve resolution concerning the lead service line find and replacement project in the town of Weaverville. The motion was approved unanimously. 6-0.*

#### **E. Annexation and Zoning – 9 Pleasant Grove Road**

Attorney Jackson provided the summary of the voluntary annexation and zoning request located at 9 Pleasant Grove Road. She explained that the applicant, Pleasant Grove of WNC LLC requested that action on the annexation be delayed and are now requesting that their annexation petition be amended to only include Tract 1 shown on the map. This is the area that the townhomes project is to be located and leaves some room on Tract 2 for some single family residential development. The proposed annexation ordinance includes an R-3 zoning designation. The public hearings were held on March 25<sup>th</sup> and the item is eligible for Town Council action.

In response to Vice Mayor Chase's question regarding the flood hazard zone area, Attorney Jackson stated that the area in question was graded and resulted in less area being in the floodplain.

In response to Mayor Fitzsimmons' inquiry regarding the R-3 zoning and vested rights, Attorney Jackson said the developer originally had vested rights from Buncombe County with the approval of a special use permit. The Planning Board reviewed the request and recommended R-3 zoning designation which supports the SUP from Buncombe County.

*Council member Cordell moved to approve and adopt Annexation #2024-2, the Ordinance Extending the Corporate Limits of the Town of Weaverville to the property located at 9 Pleasant Grove Road. The motion was approved unanimously. 6-0.*

#### **F. Quarterly Report – Planning**

Planning Director Eller reviewed the Planning Department quarterly report for April, May and June for the permits issued for residential, commercial, signs, and stormwater construction. The Board of Adjustment received a training session on variance standards and procedures.

#### **G. Quarterly Report – Finance**

Finance Director Dozier provided the final fiscal year 2023-2024 finance report. The financial statements are currently under audit. She highlighted the previous year's

comparison report for expenditures, Capitol Projects, Powell Bull funding, revenues and grants and this year's detail report. Interest rates yielded higher than expected rates for the resiliency project and are above budget.

**10. Adjournment**

There being no further business and without objection, Mayor Fitzsimmons adjourned the Town Council meeting at 8:00 p.m.

ATTEST:

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Tamara Mercer, Town Clerk