

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

TOWN COUNCIL AGENDA
Monday, September 23, 2024
Regular Meeting at 6:00 pm

Remote Viewing Option for General Public via YouTube channel
https://www.youtube.com/channel/UCkBK1dolGY_O6_vJiqimFUQ/videos
 (unless technical difficulties are experienced)

	<i>Pg #</i>	<i>Presenter</i>
1. Call to Order		Mayor Fitzsimmons
2. Approval/Adjustments to the Agenda		Mayor Fitzsimmons
3. Conflict of Interests Statement		Mayor Fitzsimmons
4. Employee Recognition		Interim Manager Harris
5. Consent Agenda		Interim Manager Harris
A. August 20, 2024, Town Council Regular Workshop Meeting Minutes	2	
B. August 26, 2024, Town Council Regular Meeting Minutes	6	
C. Monthly Tax Report, Refunds/Releases	11	
D. Budget Amendment – Water	17	
E. Resolution Establishing Fund Balance Policy	19	
F. Resolution Amending Town’s Personnel Policy	22	
G. Resolution Authorizing Acceptance of \$14.775 Million Direct Appropriations Grant from 2023 Appropriations Act	26	
H. Water Treatment Plant Expansion – Engineering Agreement Amendment ...	40	
I. Proclamation Supporting Red Ribbon Week	47	
6. Interim Town Manager’s Report	48	Interim Manager Harris
7. General Public Comments (see below for additional information)		Mayor Fitzsimmons
8. Discussion & Action Items		
A. Annexation Petition/Conditional District Request – 21 Parker Cove Road	51	Planning Director Eller
B. Eller Cove Watershed/Weaverville Watershed Trails Project	60	Interim Attorney Jackson
C. Stormwater Program – Update and Budget Amendment	63	Interim Attorney Jackson
D. Quarterly Report – Public Works and Water	67	Public Works Dir. Pennell
9. Closed Session		Mayor Fitzsimmons
NCGS § 143-318.11(a)(3) – To consult with an attorney employed or retained by the governing body in order to preserve the attorney-client privilege		
10. Discussion & Action Items (Continued)		
A. Job Posting/Hiring Process – Town Manager	77	Mayor Fitzsimmons and Vice Mayor Chase
11. Adjournment		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@weaverrillenc.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.

MINUTES

Town of Weaverville

Town Council Regular Workshop Meeting
Joint Meeting Planning Board
Tuesday, August 20, 2024

State of North Carolina

The Town Council for the Town of Weaverville held a joint meeting of the Town Council and Planning Board at its regularly scheduled workshop meeting on August 20, 2024, at 6:00 p.m. in the Community Room/Council Chambers at Town Hall, 30 South Main Street, Weaverville, N.C.

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

Planning Board members present: Chair Jane Kelley, Donna Mann Belt, Mark Endries, Michelle Rippon and alternate members Michael Sollazzo and Jonathan Brown.

Staff members present: Acting Town Manager Scottie Harris, Town Attorney Jennifer Jackson, Planning Director James Eller, and Town Clerk Tamara Mercer.

1. Call to Order Mayor Fitzsimmons

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

2. Growth Areas

Planning Director Eller noted that Town Council had reviewed and updated the Growth Areas Resolution several times since its original adoption in October of 2023. He also noted that at the Planning Board July meeting the members provided their concerns about increased growth and the Future Land Use Map. Planning Board Chair Kelley agreed and stated the Board thought the Town should steer development to slow down and added that the Planning Board had particular apprehension of multi-family developments in the Reems Creek valley as there are already 250 townhomes that are slated for development.

2a. Growth Area 3 – Ollie Weaver Road Area

The anticipated hospital locating on Ollie Weaver Road and US Highway 25/70 will drastically change the development that is likely to occur in Growth Area 3. The minimum lot size for R-1, R-2, R-3, and R-12 was noted by Mr. Eller. Another factor influencing the development that will occur in this Growth Area 3 is public sewer availability if the 75 Cole Road project happens.

The commercial corridor along with industrial use, hospital and ancillary medical uses on Ollie Weaver Road and along the I-26 corridor for Growth Area 4 were discussed.

There was consensus that this Growth Area 3 be considered as two areas: (1) a commercial area near the intersection of Monticello Road and along US Highway 25/70 with light commercial uses; and (2) a residential area that is more removed from this busy intersection and the development that will occur related to the new hospital.

2b. Growth Area 4 – I-26 Corridor

Mr. Eller discussed Growth Area 4 and noted that with the installation of sewer and water infrastructure at 75 Cole Road commercial development is likely to follow the residential project and is desirable. *There was general consensus by the Planning Board members and the Town Council members to revise Growth Area 4 to include townhomes and duplexes.* [This amendment was adopted by Town Council in May 2024].

2c. Growth Area 5 – Reems Creek Corridor

The following topics were addressed for Growth Area 5: density, single-family and restricting multi-family or limiting high-density housing, zoning, Comprehensive Land Use Plan (CLUP) consistency and R-1, R-2, R-3.

Planning Director Eller noted the zoning uses, R-3 includes multi-family development, but no industrial uses as well as the Buncombe County zoning in the area. Council member Cordell noted that the MPO wish list does not include widening the Reems Creek roadway for 10 years, and the NCDOT plans for the population that exists in Weaverville area now and Weaverville is the second smallest town in the area.

Further concerns addressed infrastructure, growth and the availability of Woodfin water in this area. *Staff was asked to determine if Woodfin Water District is a potential water provider in this area.* The permitting process for Buncombe County allowed for higher density projects, Mr. Eller noted that growth and permitting by the county will continue. Attorney Jackson said that the Town cannot use the Town's water system to deny water as the USDA loan requires that water be extending to any request if there is sufficient capacity. The bonds are secured by the system water revenues. There can be incentives to fast tracking minor subdivisions and major subdivisions. Attorney Jackson indicated that she was unaware of any complaints with regard to the time it takes to get through the permitting process in Weaverville. Mr. Eller agreed, and he provided the locations of the water wells in the Reems Creek Club region.

Mayor Fitzsimmons identified that the preference is to discourage unwanted growth and remove R-12 zoning from Growth Area 5. He was concerned that would be inconsistent with the Comprehensive Land Use Plan as we cannot deny affordable housing, but the developers build luxury apartments such as in Growth Area 3.

There was consensus to remove high density residential development from the desirable uses within Growth Area 5 and focus on single family residential developments and lower density projects in this area.

2d. Possible New Zoning Districts for Use in Growth Areas

Mayor Fitzsimmons expressed a disinterest in big-box stores as they reduce the opportunities for small businesses. *There was consensus to study and consider implementation of a new zoning district that focuses on light commercial (similar to C-1) and/or neighborhood commercial uses and apply it areas such as along US Highway 25/70.*

Future areas of mixed-use development, with commercial uses on street level with residential above, in the downtown area and in the Reems Creek corridor for drug store and grocery stores were discussed.

2e. Updating Growth Area Resolution/Future Land Use Map

The procedures for updating the CLUP and Future Land Use Plan were reviewed by Attorney Jackson as the resolution would first be presented to the Planning Board for review and recommendation and finally to the Town Council for public hearing and action.

Staff was directed to work on updating the Growth Area Resolution based on the consensus expressed in the meeting. It was noted by Mr. Endries that growth area expansion in the US Highway 25/70 corridor and an expansion of the Growth Area 5 along the Reems Creek Road Corridor could be captured on the Future Land Use Map. *There was consensus to look at the Future Land Use Map with regard to these areas.*

3. Minimum Parking and Loading Requirements

Planning Director Eller reviewed the parking space requirements and dimensions from Code Sec. 20-3501 concerning off-street parking. The trend across the area is to reduce or eliminate some requirements. Discussed was benchmark city research, public commercial parking hours, and transportation needs. *There was consensus to work towards reducing required off-street parking where it makes sense to do so.* The topic will go before the Planning Board for revisions.

4. Regulation of Short-term Rentals (STRs)

There was discussion regarding: restricting short-term rentals, whole-house rentals and homestays, existing STRs as nonconforming uses, existing and future STRs, new structures, Town of Woodfin, Buncombe County and regulations, HOA restrictions, complaints and compliance, enforcement and costs to budget enforcement, selective enforcement of complaint driven issues, software identification, and scheduling a joint meeting with Woodfin. *There was general consensus to delay the topic of short-term rentals until further information gathering.*

Town Council indicated a desire to set up a joint meeting with the Town of Woodfin governing body to discuss STRs and other items of mutual interest.

5. Comprehensive Land Use Plan (CLUP)

Director Eller reviewed the #1 goals and priorities accomplished on the CLUP list from last year. There was discussion regarding non-conforming lots, minimum lot sizes and Board of Adjustment variance cases, and further study of the downtown district to allow for greater density and infill projects. Mr. Eller explained that the administrative permitting process allows for a pre-existing non-conforming lot in R-1 downtown and has characteristic infill permitted by-right.

There was consensus to remove "Study & consider downtown residential district with smaller lot size/width" and add "Study and reduce parking requirements", but otherwise the priorities and goals were deemed reasonable.

With no further business for the Planning Board, Mayor Fitzsimmons requested the Planning Board Chair adjourn the Planning Board.

Without objection, Chair Kelley adjourned the Planning Board meeting at 7:35 p.m.

Mayor Fitzsimmons requested a Town Council motion to enter closed session.

3. Closed Session

At approximately 7:35 Vice Mayor Chase moved to enter Closed Session pursuant to (1) N.C.G.S. §143-318.11(a)3. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, (2) N.C.G.S. §143-318.11(a)5. To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract, and (3) N.C.G.S. §143-318.11(a)6. To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The motion carried unanimously. 7-0.

[Closed Session]

Mayor Fitzsimmons requested a motion and *Councilmember Jackson moved to exit closed session and reenter open session at approximately 8:46 p.m. The motion carried unanimously. 7-0.*

4. Adjournment

There being no further business and without objection, Mayor Fitzsimmons adjourned the workshop meeting at 8:48 p.m.

ATTEST:

Tamara Mercer

MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Tuesday, August 26, 2024**

The Town Council for the Town of Weaverville held its regular meeting on August 26, 2024, at 6:00 p.m. in the Community Room/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: Interim Town Manager Scottie Harris, Town Attorney Jennifer Jackson, Finance Director Tonya Dozier, Planning Director James Eller, Town Clerk Tamara Mercer, Police Chief Somer Oberlin, Public Works Director Dale Pennell, Water Plant Superintendent Randall Wilson, Recreation Coordinator Sarah Myers, and Zoom Room Coordinator Lauren Ward.

1. Call to Order Mayor Fitzsimmons

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

2. Approval/Adjustments to the Agenda

Vice Mayor Chase moved to approve and adopt the agenda as presented. The motion was approved unanimously. 7-0.

3. Conflict of Interests Statement

Mayor Fitzsimmons stated that it is the duty of the Mayor and every Town Councilmember to avoid both conflicts of interest and appearances of conflicts. No member had any known conflict of interest or appearance of conflict with respect to any matters on the agenda for tonight's Town Council meeting.

4. Consent Agenda

Attorney Jackson made a correction to a typo error on page 31, Board Appointments terms corrected. In response to Councilmember Cordell's question regarding the Road Closure Ordinance, Chief Oberlin reviewed the road closure routes.

Councilmember Cordell moved to approve and adopt the consent agenda items as corrected:

A. July 16, 2024, Town Council Workshop Meeting Minutes- approved as presented

B. July 22, 2024, Town Council Regular Meeting Minutes- approved as presented

C. FY23-24 Tax Settlement, Appointment, & Order of Collection for FY24-25- approved as presented

- D. Monthly Tax Report, Refunds/Releases- approved as presented*
 - E. Budget Amendment Transfer Recreation Complex - approved as presented*
 - F. Budget Amendment Reappropriations- approved as presented*
 - G. Board Appointments for ABC, Planning Board, Board of Adjustment approved with corrections*
 - H. Waterline Acceptance Chapel Crossing Subdivision- approved as presented*
 - I. Road Closure Ordinances- approved as presented*
 - J. Tailgate Market MOU Amendment and Renewal- approved as presented*
 - K. Title VI Civil Rights Policy Annual Report- approved as presented*
 - L. Ratification of Legal Services Agreement for Interim Town Attorney- approved as presented*
 - M. Street Paving Contract Change Order- approved as presented*
- The motion was approved unanimously. 7-0.*

5. Acting Town Manager’s Report

Acting Town Manager Harris reviewed the projects and update report noting that the Town received a lower-than-expected administrative fee on the 15-million-dollar grant from NC Legislature for the Water Treatment Plant Expansion Project.

- Water Treatment Plant improvements fees reduced from 3% to 1.5%
- Eller Cove Watershed Trail System grant September notice expected
- Maple Trace Annexation \$134,000 payment update
- Duke Energy Vegetation Clearing
- New Sanitation Truck and procedures and safety
- WCCHL to Weaverville Community Programing and Arts MOU, WCCHL MOU is terminated
- Weaverville Business Association (WBA) Salute to Summer August 24th, community connection program
- FY 2023-24 Financial Audit update
- Lake Louise additional overflow parking completed additional improvements are on-going
- 9/11 Remembrance scheduled at the Community Center at 8:30 am
- Reems Creek Valley Fire Dept Partnership
- HR Audit and outsourcing
- Labor Day Town Hall Offices Closed

6. General Public Comments

Ms. Mary Hilton spoke in favor of pickleball courts for the community and the benefits of the parks system for Weaverville.

Mr. Matthew Schwartz spoke in favor of pickleball courts and thanked Public Works for the work on the court completion.

Mr. Gary Weiner stated he was opposed to the Eller Cove Watershed Trail project.

Ms. Jill Raymond said she is donating 40-acres of land for the Eller Cove Watershed Trail project.

Ms. Emily Boyd stated she was opposed to the Eller Cove Watershed Trail project. She requested a 300-yard buffer from her property line.

Mr. Chuck Raymond stated he was opposed to the Eller Cove Watershed Trail project.

Ms. Inger Stallman Jorgenson supported the WCCHL programs and thanked the Town for continued support of the programs and scheduling. Ms. Stallman Jorgenson was in favor of the community pickleball courts.

Ms. Darla Letourneau stated she was in favor of the pickleball facilities and outdoor recreation opportunities, noting that the courts are in the same location as the swimming pool. Ms. Letourneau requested the Council address transparency of government.

Comments received on-line:

Mr. William Platt resident who lives across from the Outdoor Recreation and is opposed to the pickleball courts.

Mr. Anthony Motola a Buncombe County resident who objects to the Elk Mountain Scenic Highway (Eller Cove Watershed Trail System) project.

Ms. Janet Lindsley Elk Mountain Scenic Highway Buncombe County resident who opposes the Eller Cove Watershed Trails.

Mr. Jim Green Elk Mountain Scenic Highway resident who opposes the Eller Cove Watershed Trail System.

Ms. Margie Green of Elk Mountain Scenic Highway resident who opposes the Eller Cove Watershed Trail System.

All in attendance were given an opportunity to speak, no one else elected to address Council.

7. Discussion & Action Items

A. Capital Project Ordinances and Capital Reserve Funds Update

Finance Director Dozier reviewed the Town's capital project ordinances and capital reserve fund recommendations. The amended WTP Expansion and Water Improvement project, is recommended to reflect the adjusted engineer's current cost estimates. Ms. Dozier explained the capital reserve fund for the water expansions and transfer of funding, as well as the Community Center, Recreation Complex, Fire Reserve and General Fund added provisions. Staff requested direction on final steps for restroom and storage units at the outdoor recreation complex.

Public Works Director Pennel answered questions regarding the location and layout and costs for restrooms and the storage area.

Mayor Fitzsimmons directed staff to bring back ideas and cost estimates on the restrooms and shelter at the Rec Complex.

Council member Lawrence moved to adopt the Amended and Restated Capital Project Ordinances as presented, approve the attached budget amendment to make the recommended transfers, dissolve the capital reserve fund related to the water fund, and adopt the Amended and Restated Resolution to Establish a Capital Reserve Fund Related to Anticipated Future General Fund Expenditures for Capital Projects and Equipment. The motion was approved unanimously. 7-0.

B. Personnel Policy Amendment

Chief Harris explained proposed changes and recommendations to the Personnel Policy due to the competitive jobs market. The suggested language addresses Section 8. Employment of Relatives, under conditions of employment, as other communities embrace the hiring of relatives as a recruitment tool to increase recruitment of candidates while ensuring supervisory conflicts are avoided.

In response to Council member Cordell's question regarding the definition of immediate family member, Attorney Jackson read the definition of the personnel policy 'relative'.

Council member Jackson moved to adopt the Resolution Amending the Town's Personnel Policy Article VI. Section 8 as presented. The motion was approved unanimously. 7-0

C. Fire Department Quarterly Report

Chief Harris provided the Weaverville Fire Department report and reviewed the data, highlighting the public education and fire prevention programs.

Councilmember Wood recounted her own experience with a fire, noting that they participated in the home resident education program two weeks before they had a fire, in which the department teaches residents how to use a fire extinguisher.

D. Police Department Quarterly Report

Chief Oberlin provided the quarterly report for emergency services, accidents, funding, evidence procedures, and training and professional development including the houseless program and summer conferences attended by staff.

8. Closed Session

Mayor Fitzsimmons requested a motion to enter into Closed Session.

At approximately 7:12 pm Councilmember Lawrence made the motion to enter closed session under N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney employed or retained by the governing body in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. With a majority/unanimous vote of 7 to 0, Town Council entered into closed session.

[CLOSED SESSION]

At approximately 7:29 pm Councilmember Chase made the motion to exit closed session. In a unanimous vote of 7 to 0 the Mayor and Council exited closed session and re-entered open session.

Mayor Fitzsimmons moved that Town Council accept the Town Manager's voluntary resignation and appoint Fire Chief Scottie Harris as Interim Town Manager. Motion carried unanimously. 7-0.

9. Adjournment

There being no further business and without objection Mayor Fitzsimmons adjourned the meeting at 7:33 p.m.

ATTEST:

Tamara Mercer, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024
SUBJECT: Monthly Tax Report, Refunds/Releases
PRESENTER: Tax Collector
ATTACHMENTS: Monthly Tax Report Summary
TR-401G Net Collections Report for August 2024
RMV Refund/Release Report for August 2024

DESCRIPTION/SUMMARY OF REQUEST:

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

A summary of the monthly tax report is provided and shows that **5.57% of the Town's property taxes have been collected as of the end of August** (which is very typical at this time of year). This totals 236,614 out of the \$4,250,873 total tax levy (real property, personal property, and business personal property). At the end of August 2024 there was \$4,014,259 left to collect of the 2024 property taxes.

The Motor Vehicle Levy Releases/Refunds report for August is attached.

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

Aug 2024	Property Tax Levy Release/Refund	\$1.10
Aug 2024	Motor Vehicle Levy Release/Refund	\$185.98

COUNCIL ACTION REQUESTED:

The monthly report is provided for information only.

Town Council action to approval of the tax releases/refunds is requested. The following motion is suggested:

I move that Town Council approve the releases and refunds as requested.

**Town of Weaverville
MONTHLY TAX REPORT
FY 2024-2025**

**Tax Year 2024
Summary for YTD Aug 2024:**

Original Billed Amts	\$	4,247,686
Abs Adj (Adjustments by Assessor)		
Bill Releases	\$	(29)
Discovery Levy	\$	3,216
Additional Levy		
Net Levy	\$	4,250,873
Total Current Year Collections	\$	236,614
% Collected		5.57%
Total Left to be Collected:	\$	4,014,259
Prior Years Tax Paid	\$	2,019
Prior Years Interest Paid		166.53

Date run: 9/5/2024 3:34:39 PM

TR-401G Net Collections Report

NCPTS V4

Data as of: 9/4/2024 11:31:41 PM

Report Parameters:

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

Date Sent to Finance End: Max - August 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, STORMWATER, TAX, VEHICLE FEE, WE AVERVILLE TAX

Tax Year: 2015, 2014, 2013, 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004 Year For: 2024, 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

Fiscal Year Activity from July 1, 20XX to August 31, 2024													Activity from August 1, 2024 to August 31, 2024			
Tax Year	Orig. Billed Amt (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)	Net Levy (\$)	Amt Collect. (\$)	% Coll.	Unpaid Balance (\$)	% Uncoll.	Amt Collect. (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)			
		Assessor Refunds (\$)	Net Collections (\$)	Additional Levy (\$)	Collection Fee Amt (\$)						Assessor Refunds (\$)	Additional Levy (\$)				
2023	0.00	0.00	0.00	0.00	0.00	6,581.41		0.00		61.05	0.00	0.00	0.00			
2022	0.00	0.00	6,581.41	0.00	0.00	NA		NA		0.00	0.00	0.00	0.00			
2021	0.00	0.00	0.00	0.00	0.00	4,861.85		0.00		0.00	0.00	0.00	0.00			
2020	0.00	0.00	0.00	0.00	0.00	NA		NA		0.00	0.00	0.00	0.00			
2019	0.00	0.00	4,861.85	0.00	0.00	5,050.81		0.00		0.00	0.00	0.00	0.00			
2018	0.00	0.00	0.00	0.00	0.00	NA		NA		0.00	0.00	0.00	0.00			
2017	0.00	0.00	0.00	0.00	0.00	11,904.51		0.00		0.00	0.00	0.00	0.00			
2016	0.00	0.00	0.00	0.00	0.00	NA		NA		0.00	0.00	0.00	0.00			
2015	0.00	0.00	0.00	0.00	0.00	5,056.63		0.00		0.00	0.00	0.00	0.00			

2011	82.56	0.00	66,539.41	0.00	0.00	100 %	0 %	0.00	0.00	0.00	0.00
		0.00	0.00	82.56	82.56	82.56 %	0.00 %	0.00	0.00	0.00	0.00
		0.00	82.56	0.00	0.00	100 %	0 %	0.00	0.00	0.00	0.00
Sub.	19,643,935.06	17,244.50	3,362.08	54,367.86	19,685,506.80	15,663,864.55	4,021,642.25	204,835.13	0.00	0.00	0.00
		3,617.91	15,667,482.46	7,810.46	0.00	79.57 %	20.43 %				
TAX DISTRICT: WEAVERVILLE LEVY TYPE: WEAVERVILLE TAX											
2019	49,954.82	0.00	193.07	0.00	49,761.75	44,424.98	5,336.77	0.00	0.00	0.00	0.00
		0.00	44,424.98	0.00	0.00	89.28 %	10.72 %				
2018	1,576.57	0.00	3.29	0.00	1,573.28	914.17	659.11	0.00	0.00	0.00	0.00
		0.00	914.17	0.00	0.00	58.11 %	41.89 %				
2017	771.97	0.00	566.38	0.00	205.59	145.15	60.44	0.00	0.00	0.00	0.00
		0.00	145.15	0.00	0.00	70.60 %	29.40 %				
2016	217.62	0.00	2.56	0.00	215.06	168.06	47.00	0.00	0.00	0.00	0.00
		0.00	168.06	0.00	0.00	78.15 %	21.85 %				
2015	201.36	0.00	8.59	0.00	192.77	160.43	32.34	0.00	0.00	0.00	0.00
		0.00	160.43	0.00	0.00	83.22 %	16.78 %				
2014	2,126.15	0.00	6.29	0.00	2,119.86	72.85	2,047.01	0.00	0.00	0.00	0.00
		0.00	72.85	0.00	0.00	3.44 %	96.56 %				
2013	570.35	0.00	0.00	0.00	570.35	1.15	569.20	0.00	0.00	0.00	0.00
		0.00	1.15	0.00	0.00	0.20 %	99.80 %				
2012	752.46	0.00	111.58	0.00	640.88	204.72	436.16	0.00	0.00	0.00	0.00
		0.00	204.72	0.00	0.00	31.94 %	68.06 %				
Sub.	56,171.30	0.00	891.76	0.00	55,279.54	46,091.51	9,188.03	0.00	0.00	0.00	0.00
		0.00	46,091.51	0.00	0.00	83.38 %	16.62 %				
Total	19,716,680.31	17,849.47	4,256.86	64,561.87	19,767,258.48	15,769,743.48	4,033,302.20	205,023.79	1.10	0.00	0.00
		3,617.91	15,773,361.39	8,122.63	0.00	79.60 %	20.40 %				

Signature (Tax Collector) _____

District Refunds FY2024 July 2024 through June 2025

NCVTS Pending refund report Fiscal Year 2025

Aug-24		
Tax Jurisdiction	District Type	Net Change
BUN	COUNTY	(\$8,177.33)
CAS	CITY	(\$2,434.61)
CBF	CITY	(\$246.51)
CBM	CITY	(\$106.81)
CWV	CITY	(\$185.98)
CWO	CITY	(\$210.57)
FEB	FIRE	(\$22.90)
FEC	FIRE	(\$85.47)
FFA	FIRE	(\$86.60)
FFB	FIRE	(\$72.33)
FJU	FIRE	(\$76.30)
FLE	FIRE	(\$43.73)
FNB	FIRE	(\$81.55)
FRC	FIRE	(\$158.72)
FRE	FIRE	(\$5.19)
FRI	FIRE	(\$56.81)
FSK	FIRE	(\$103.91)
FSW	FIRE	(\$122.18)
FUH	FIRE	(\$106.01)
FWB	FIRE	(\$90.93)
FWO	FIRE	(\$60.41)
SAS	SPECIAL	(\$315.39)
Total		(\$12,850.24)

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: September 23, 2024
Subject: Budget Amendment – Water Maintenance
Presenter: Town Finance Director
Attachments: Budget Amendment Form

Description/Summary of Request:

One of the two water pumps serving the Ox Creek water reservoir has unexpectedly lost the flow rating needed to adequately fill the reservoir in a timely manner. Due to the size and age of the pump, unknown conditions of the castings, and lead time on parts, a new pump and motor has been recommended. This option will allow the old pump to be evaluated and repaired, if possible, then be available as a spare if needed. The total price of the new pump is **\$40,974.00** which includes the pump, motor, and installation.

The attached budget amendment is necessary so that the new pump can be purchased using Water Fund Balance.

Action Requested:

Town Manager recommends approval of the attached Budget Amendment.

Budget Amendment FY 2024-2025

Town of Weaverville

What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
030-700-713-50500	Water Maint - Capital Equipment	\$40,974.00

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>
030-004-310-09900	Appropriated Fund Bal (Water)	\$40,974.00

Justification: Please provide a brief justification for this budget amendment. *New replacement pump needed at Ox Creek due to loss of required flow rating.*

_____ Authorized by Finance Officer	_____ Date
_____ Authorized by Town Manager	_____ Date
_____ Authorized by Town Council (if applicable)	_____ Date

Budget Ordinance Section 12:

- 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: September 23, 2024
SUBJECT: Resolution Establishing a Fund Balance Policy
PRESENTER: Finance Director Dozier
ATTACHMENTS: Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

In 2002 Town Council established a 40% target balance for its General Fund and in January of this year informally established a 50% target balance for the Water Fund.

Both staff and the Town's auditor recommend that Town Council adopt a more comprehensive fund balance policy intended to: (1) establish a minimum target for the desired level of available fund balance for the General Fund and the Water Fund, (2) identify the approach to maintain these levels, and (3) provide guidelines for the use of fund balance.

A resolution for this purpose is attached for consideration.

COUNCIL ACTION REQUESTED:

Town Council adoption of the attached resolution.

**TOWN OF WEAVERVILLE
RESOLUTION ESTABLISHING A FUND BALANCE POLICY**

WHEREAS, maintaining appropriate levels of fund balance is a key element of ensuring the Town of Weaverville's overall financial health;

WHEREAS, in 2002 Town Council established target fund balances and now wishes to update and adopt a more comprehensive policy intended to: establish a minimum target for the desired level of available fund balance for the General Fund and the Water Fund, identify the approach to maintain these levels, and provide guidelines for the use of fund balance;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WEAVERVILLE, NORTH CAROLINA, ACTING THROUGH ITS COUNCIL MEMBERS, that the following is hereby adopted as the Town's **FUND BALANCE POLICY**:

I. Purpose & Objectives

Maintaining appropriate levels of fund balance is a key element of ensuring the Town of Weaverville's overall financial health. This policy is intended to establish a minimum target for the desired level of available fund balance, identify the approach to maintain these levels, and provide guidelines for the use of fund balance. An adequate fund balance level is necessary to support the following objectives:

- To ensure adequate cash flow to meet current and future obligations;
- To help insulate the Town of Weaverville from negative financial impacts resulting from unexpected revenue reductions;
- To help secure and maintain the highest credit and bond ratings; and
- To plan for contingencies and allow the Town of Weaverville to respond to unforeseen emergencies.

II. Fund Balance Levels

The Town of Weaverville shall maintain a minimum available fund balance of at least 20% of General Fund expenditures plus transfers out, with a target of 40%. The Town of Weaverville shall maintain a minimum unrestricted net position of at least 20% of Water Fund expenditures, with a target of 50%.

III. Use of Excess Fund Balance

Excess fund balance will be considered as a funding source for capital projects funded with pay-as-you-go capital appropriated in the annual budget process in each fund. Appropriations outside the annual budget ordinance will generally be limited to:

1. Prudent supplemental funding for existing capital projects that require additional financial resources before the next fiscal year in order to fund unanticipated costs.
2. Interim partial-year funding for new programs that are needed before the next fiscal year.

3. Expenditures to support or facilitate projects that generate new revenues or cost savings in excess of the investments within established time frames.

IV. Maintenance and Replenishment of Fund Balance

If at the fiscal year-end, the available fund balance in the general fund or the unrestricted net position in the water fund falls below the minimum level, the Finance Officer shall develop a plan to restore reserves to the minimum level and submit the plan to the governing board. To improve upon fund balance, the Town shall consider:

- Reevaluating revenue estimates and prioritizing higher tax rates and/or water rates;
- Exercising increased oversight of expenditures, including an evaluation of the preaudit and disbursement processes; and
- Adopting or increasing a contingency appropriation for the general fund.

ADOPTED this ____ day of September, 2024.

PATRICK FITZSIMMONS, Mayor

ATTEST:

TAMARA MERCER, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024
SUBJECT: Personnel Policy Amendments
PRESENTER: Interim Town Attorney
ATTACHMENTS: Proposed Personnel Policy Amendments
Proposed Resolution Amending Personnel Policy

DESCRIPTION/SUMMARY OF REQUEST:

The Mayor and Vice Mayor have requested a couple of amendments to the Town's Personnel Policy. The attached proposed amendments have been drafted by the Interim Town Attorney and reviewed by the Mayor and Vice Mayor and are proposed for adoption.

A resolution for this purpose is attached for consideration.

COUNCIL ACTION REQUESTED:

Town Council adoption of the attached Resolution Amending the Personnel Policy.

Proposed Personnel Policy Amendments

Article III. Records and Reports

Section 8. Handling of Public Records Requests

All public records requests should be directed to and handled by the Town Clerk in consultation with the Town Attorney. All responses shall be made in writing with the Mayor, Vice Mayor, Town Manager and Town Attorney copied on the response.

Article XV. Grievance Policy and Procedure and Adverse Employment Action Appeal Procedure

Section 2. Applicability

This policy applies to all regular full-time and regular part-time employees who have more than 6 months of service with the Town of Weaverville. Employees in the new hire probationary period, Department Heads, the Town Manager, and the Town Attorney are not covered under this policy and are not provided with the right to present a formal grievance under this policy. Except as provided in Section 11 (concerning no retaliation) and Section 12, grievances and/or adverse employment action appeals of Department Heads, the Town Manager and/or the Town Attorney are not subject to the provisions of this Article.

Section 11. No Retaliation

It is contrary to the values of the Town for anyone to retaliate against anyone who in good faith seeks to resolve a grievance. The Town prohibits any official or employee from taking action against another employee who in good faith files a grievance or adverse employment action appeal, and specifically prohibits retaliation against the employee, dismissal of the employee, threatening the employee in any way, or otherwise discriminating against the employee regarding his or her compensation or the terms, conditions or privileges of his or her employment. Protection from retaliation under this section is also extended to any employee that provides testimony or other evidence concerning the matter subject to the grievance or appeal.

An employee who retaliates against someone who has in good faith seeks a resolution of a grievance, either informally or formally, or who serves as a witness, is subject to disciplinary action up to and including dismissal.

Section 12. Grievances/Adverse Employment Action Appeals of Department Heads, Town Manager, Town Attorney

The Town Manager and Town Attorney serve at the pleasure of Town Council and are not entitled to any adverse employment action appeal.

Grievances and/or adverse employment action appeals of any Department Head and grievances of the Town Manager or Town Attorney should be submitted to whichever of the following individuals is not directly involved in the matter grieved in the following order of precedence: Town Attorney, Town Manager, Mayor, Town Clerk. Town Council shall be notified of any such grievance or appeal and shall direct the handling and investigation of the matter as it deems appropriate, with the understanding that N.C. Gen. Stat. 160A-168 is applicable as an employee privacy protection.

**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, 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 III of the **PERSONNEL POLICY** to add the following Section 8:

Article III – Records and Reports

Section 8. Handling of Public Records Requests

All public records requests should be directed to and handled by the Town Clerk in consultation with the Town Attorney. All responses shall be made in writing with the Mayor, Vice Mayor, Town Manager and Town Attorney copied on the response.

2. Town Council hereby amends Article XV of the **PERSONNEL POLICY** as follows, with added language shown as underlined and deleted language with strikethroughs:

**Article XV – Grievance Policy and Procedure and
Adverse Employment Action Appeal Procedure**

Section 2. Applicability

This policy applies to all regular full-time and regular part-time employees who have more than 6 months of service with the Town of Weaverville. Employees in the new hire probationary period, ~~Department Heads, the Town Manager, and the Town Attorney~~ are not covered under this policy and are not provided with the right to present a formal grievance under this policy. Except as provided in Section 11 (concerning no retaliation) and Section 12, grievances of Department Heads, the Town Manager and/or the Town Attorney are not subject to the provisions of this Article.

Section 11. No Retaliation

It is contrary to the values of the Town for anyone to retaliate against anyone who in good faith seeks to resolve a grievance. The Town prohibits any official or employee from taking action against another employee who in good faith files a grievance or adverse employment action appeal, and specifically prohibits retaliation against the employee, dismissal of the employee, threatening the employee in any way, or otherwise discriminating against the employee regarding his or her compensation or the terms, conditions or privileges of his or her employment. Protection from retaliation under this section is also extended to any employee that provides testimony or other evidence concerning the matter subject to the grievance or appeal.

An employee who retaliates against someone who has in good faith seeks a resolution of a grievance, either informally or formally, or who serves as a witness, is subject to disciplinary action up to and including dismissal.

Section 12. Grievances/Adverse Employment Action Appeals of Department Heads, Town Manager, Town Attorney

The Town Manager and Town Attorney serve at the pleasure of Town Council and are not entitled to any adverse employment action appeal.

Grievances and/or adverse employment action appeals of any Department Head and grievances of the Town Manager or Town Attorney should be submitted to whichever of the following individuals is not directly involved in the matter grieved in the following order of precedence: Town Attorney, Town Manager, Mayor, Town Clerk. Town Council shall be notified of any such grievance or appeal and shall direct the handling and investigation of the matter as it deems appropriate, with the understanding that N.C. Gen. Stat. 160A-168 is applicable as an employee privacy protection.

3. 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.
4. All amendments shall become effective upon adoption.

ADOPTED this ____ day of September, 2024.

PATRICK FITZSIMMONS, Mayor

ATTEST:

TAMARA MERCER, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024

SUBJECT: Resolution Authorizing Acceptance of \$14.775 Million Direct Appropriations Grant from 2023 Appropriations Act

PRESENTER: Interim Town Attorney

ATTACHMENTS: Revised Letter of Intent to Fund; Funding Offer Letter; Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

In 2023 the Town was awarded \$15 million for its Water Treatment Plant Improvements in a direct appropriations grant awarded by the NC Legislature. The attached revised Letter of Intent to Fund indicates that \$14.775 million is available for use by the Town on this project after administrative fees are deducted. Town Council needs to formally accept the terms of the grant award and authorize the Town Manager to sign perform the administrative tasks associated with the grant, including signing the acceptance of the grant award.

A resolution for this purpose is attached for consideration.

COUNCIL ACTION REQUESTED:

Town Council adoption of the attached resolution.

TOWN OF WEAVERVILLE
RESOLUTION AUTHORIZING ACCEPTANCE OF \$14.775 MILLION DIRECT
APPROPRIATIONS GRANT FROM 2023 APPROPRIATIONS ACT

WHEREAS, the Town of Weaverville has received a Direct Projects Grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water/wastewater infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$14,775,000 (\$15 million grant less administrative fees) to perform work detailed in the submitted application; and

WHEREAS, the Town of Weaverville intends to perform said project in accordance with the agreed scope of work;

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

That the Town of Weaverville does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of \$14,775,000;

That the Town of Weaverville does hereby give assurances to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to; and

That David Scott Harris, Town Manager of the Town of Weaverville, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

ADOPTED this 23rd day of September, 2024.

PATRICK FITZSIMMONS, Mayor

ATTEST:

TAMARA MERCER, Town Clerk

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
SHADI ESKAF
Director



NORTH CAROLINA
Environmental Quality

July 29, 2024

Selena D. Coffey, Town Manager
Town of Weaverville
PO Box 338
Weaverville, NC 28787

Subject: REVISED Letter of Intent to Fund
S.L. 2023-134 Appropriations Act Directed Project
Weaverville Water Treatment Plant Expansion
DWI Project No.: SRP-D-134-0082

Dear Ms. Coffey:

The Division of Water Infrastructure (Division) has received your *Request for Funding* for the aforementioned project for up to \$14,775,000 from the Drinking Water/Wastewater State Reserve as established in Session Law (S.L.) 2023-134 and amended in S.L. 2024-1 (hereinafter referred to simply as S.L. 2023-134). Projects funded from the State Reserve must meet applicable State laws and guidance for expenditure of these funds. The following table shows total S.L. 2023-134 appropriations for your local government excluding the Department’s administrative fee as amended in S.L. 2024-1, awarded projects and their funding amounts identified to date, and any remaining unobligated appropriations at the time of this letter.

S.L. 2023-134 Appropriations Act Approved Projects

S.L. 2023-134 Approved Projects for S.L. 2023-134 Section 12.2.(e) Line # 193 Appropriation		
Appropriated Funds Available for Projects (excluding administrative costs)		\$14,775,000
Project Name	Project Number	Maximum Funding Amount
Weaverville Water Treatment Plant Expansion	SRP-D-134-0082	\$14,775,000
Total Appropriations requested		\$14,775,000
Total Appropriations remaining		\$0



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

Selena D. Coffey, Town Manager
 Town of Weaverville
 July 29, 2024
 Page 2 of 3

The first milestone for this project is the submittal of a bid-and-design package by **April 1, 2025**. Please note that this intent to fund is contingent on meeting all the following milestones:

Milestone	Milestone Date*
Apply for all Necessary Permits**	ASAP
Bid-and-Design/Permit Package Submittal	April 1, 2025
Bid-and-Design Package Approval	August 1, 2025
Advertise Project, Receive Bids, Submit Bid Information, and Receive Authority to Award	December 1, 2025
Execute Construction Contract(s)	January 31, 2026

* Milestone dates only apply to the S.L. 2023-134 portion of funding.

**An engineering alternatives analysis (EAA) may be required on certain projects. See: <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/npdes-wastewater/permitting-process>

The Division will consider milestone timeline modification including extensions provided that appropriate justification for granting extension is provided.

Environmental Review Requirements

The State Environmental Policy Act exempts projects funded by the State Reserve (such as this project) from state-mandated environmental review. Federal requirements may still apply. [North Carolina General Statute (NC G.S.) 113A-12.(2).(h)]

Drought Bill Requirements

In accordance with NC G.S. 143-355.4, a project “for the purpose of extending waterlines or expanding water treatment capacity” must document numerous requirements during the review process. You can find additional information at the following link:

ncleg.net/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-355.4.html

Permitting

The NC Department of Environmental Quality (DEQ) is committed to providing efficient permit processing for your S.L. 2023-134 project(s). To better serve you, we would appreciate your assistance in telling us the type of DEQ permit(s) you will need and the timeframe of permit application(s) submittal. Please complete the online form at the following link:

<https://app.smartsheet.com/b/form/bb0d7d19b4024a548b8d1c97cdad0cd8>.

When applying for a permit(s), attach a copy of this letter to your permit application(s) and denote your DWI assigned project number on the permit application if asked. If you do not know the type of permit(s) your project may require, we offer a free permit assistance service to address any questions you may have about potential permitting requirements, pitfalls, fees, and timelines. If interested, please complete our online form at <https://deq.nc.gov/permits-rules/permit-assistance-and-guidance/permit-assistance-request-form>.

Selena D. Coffey, Town Manager
Town of Weaverville
July 29, 2024
Page 3 of 3

Disbursement of Funds:

These funds will be disbursed to the local government unit after relevant costs are incurred by the local government and invoices are submitted to the Division. Up to 15% of the funds available for the project may be disbursed after costs are incurred during the pre-construction stage to cover design and planning costs. The remainder will be disbursed as invoices for incurred pre-construction and construction costs are submitted by the local government during construction, which may be submitted prior to or after paying the contractors for the incurred costs. Only costs eligible under NC G.S. 159G may be covered by these funds. Projects must be administered in accordance with all applicable federal law and guidance, as well as North Carolina statutes.

Electronic Document Submittal:

Recipients should submit all project documents via the supporting documentation submittal form located at <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. The use of this form provides more seamless document tracking, processing, filing, accessibility, and security via our electronic document repository, Laserfiche. The link and a list of frequently asked questions can also be accessed from the Division’s I Have Funding page, <https://www.deq.nc.gov/about/divisions/water-infrastructure/i-have-funding>.

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding. If you have any questions concerning this matter or require general assistance, please contact the Division’s project manager assigned to your project: Michael Munsell either by telephone at 828.296.4654 or by e-mail at michael.munsell@deq.nc.gov.

Sincerely,

DocuSigned by:
Kavitha Ambikadevi
754F0455F457405...

Signed on
behalf of:

Shadi Eskaf, Director
Division of Water Infrastructure

- cc: Selena D. Coffey, Town Manager, Town of Weaverville (scoffey@weavervillenc.org)
- Dana Bolden, Withers Ravenel Engineering (dbolden@withersravenel.com)
- Dustin Rhodes, P.E. (DWI, via DocuSign)
- Michael Munsell, P.E. (DWI, via DocuSign)
- Mark Hubbard, P.E. (DWI, via DocuSign)
- Administrative Unit (DWI, via DocuSign)
- LF Project File (COM – LOIF)
- DWI Agreement ID: 2000075371

I) Eligibility

1. Regulatory Authority-CWSRF

- a) The types of projects that can be funded are loosely defined under Sections 212, 319 and 320 of the Clean Water Act. These can be described as publically owned wastewater treatment and transport systems and stormwater pollution treatment and control projects.

2. Construction - Items Not Eligible

- a) Project elements not related to the scope of the approved project.
- b) The SRF will pay to restore project related items such as road patching, sidewalks Fences, seeding, etc. Complete paving of streets unless warranted by disturbance of construction activities, even if required by NCDOT
- c) Note that items or rework that should be covered by bonds, insurance or liquidated damages will not be covered by the SRF funds.
- d) Any installation of service lines or service laterals outside the right-of-way.
- e) Operation and maintenance type work (e.g. sludge removal not necessary for construction of the project), or items such as spare parts.
- f) Extended warranties or maintenance contracts.
- g) Drinking water facilities are not eligible for CWSRF projects unless changes are necessary to complete the sewer project (e.g. moving a water line, providing potable water to wastewater facility).

3. Engineering and Technical Services - Eligibility Considerations

- a) Planning and Design Contracts
 - i. Must include task descriptions and these tasks must be associated with the project being built
- b) Construction Administration and Inspection
 - i) Task Description must be included and tasks must be associated with eligible construction work
 - ii) Typical tasks include but are not limited to: attending meetings, provide plan copies, review testing, review shop drawings, review payment applications, prepare change orders, coordinate with DWI, as-builts
 - iii) Price should be cost plus fixed fee or per diem with a ceiling. This fee schedule should be in the contract.
 - iv) Invoices must include hours, rate and task
 - v) Contract must be amended to pay beyond the ceiling. Must be accompanied by justification such as a corresponding change order.
- c) Other eligible engineering activities include bidding, O&M manuals, soils reports, hydro-geologic reports, TVing and cleaning of lines etc.

4. Other Eligibility Notes

- a) Legal - Legal fees for contract review and for advertisements etc.
- b) Real Property and easements associated with the approved project scope are eligible expenses. All cost items associated with acquiring the property may be paid for if properly documented.
- c) Preparation of permits required by Federal, or State regulations or procedures.
- d) Permits imposed by the applicant such as building permits are not eligible.

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

SHADI ESKAF
Director



NORTH CAROLINA
Environmental Quality

July 29, 2024

Selena D. Coffey, Town Manager
Town of Weaverville
PO Box 338
Weaverville, NC 28787

SUBJECT: Funding Offer
Project No. SRP-D-134-0082
Weaverville Water Treatment Plant Expansion

Dear Ms. Coffey:

The Town of Weaverville has been approved for funding assistance according to the subject funding offer. This offer is made subject to the Assurances and Conditions attached to this document.

Upon your acceptance, please submit the following items to the Division, via email at DEQ.DWI.FundingOffer@deq.nc.gov:

1. One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative for the project, along with the Conditions and Assurances. **Retain the other copy for your files.**
2. A resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached)
3. Federal Identification Number and Unique Entity ID Number of the Recipient (UEID required for federally funded projects)
4. Sales-Tax Certification (attached)

The Site Certification, a Capital Project Ordinance (or budget ordinance covering the project) are due before disbursements begin.

Disbursement requests are to be submitted via Laserfiche at the following link: <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. A reference copy of the Disbursement Request Form (also found on the DWI website) has been enclosed for your convenience.



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

On behalf of the Department of Environmental Quality, I am pleased to make this funding offer. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this offer package, please contact David Smith at david.smith@deq.nc.gov or (919) 707-3885.

Sincerely,

DocuSigned by:
Kavitha ambikadevi
754F0455F457405...
Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Signed on
behalf of:

Enclosures: Offer and Acceptance Document
Assurances & Conditions
Federal ID and UEID Number Request Memo
Resolution to Accept Funding Offer (suggested format)
Sales-Tax Certification Form
Disbursement Request Form
Guidance Document (North Carolina Wastewater Funding Programs Overview)
Site Certification
Capital Project Ordinance (Sample)

cc: Selena D. Coffey, Town Manager, Town of Weaverville
(scoffey@weaverville.org)
Dana Bolden, Withers Ravenel Engineering (dbolden@withersravenel.com)
Mark Hubbard (Via DocuSign)
David Smith (Via DocuSign)
DWI Administrative Unit (Via DocuSign)
Carrie Short (Via DocuSign)
Teresa Tripp (Via DocuSign)
DEQ.DWI.FundingOffer@deq.nc.gov
FILE: SRP-134 Project File (COM_LOX)
Agreement ID#: 2000075371



STANDARD CONDITIONS & ASSURANCES FOR STATE RESERVE PROJECTS

Project Applicant: Town of Weaverville

Project Number: SRP-D-134-0082

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.
2. The Applicant is responsible for paying for the costs ineligible for DWI funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. As of the acceptance of this Funding Award Offer, steps A-D in the SRP Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRP Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRP Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, disbursements, closeout and repayment.
5. The Applicant will provide and maintain adequate engineering supervision and inspection.
6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
7. All SRP funds must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
8. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.
9. The applicant acknowledges that any loan funds contained in this Funding Offer requires approval from the North Carolina Local Government Commission before they can be disbursed.

North Carolina Wastewater Funding Programs Overview

Division of Water Infrastructure Website: <https://www.deq.nc.gov/about/divisions/water-infrastructure>

A) Application Filing

1. Application deadlines are twice a year. The deadlines are typically March and September.
2. If SRF and State Reserve funding are both available, an applicant will simply apply for funding and DWI will slot successful applications into the funding program that best suits the situation (most grant or principal forgiveness, most total dollars etc.)
3. Letter of Intend to Fund (LOIF) letters are mailed after DWI evaluation and State Water Infrastructure Authority approval. Recipients of LOIF letters are placed on a schedule for completing the rest of the steps to start construction.
4. Consult the website for the current application forms.

B) Engineering Report Submission and Approval (See website for guidance and details)

1. From the Date of the LOIF, an Engineering Report (ER) must be submitted within **4 months**.
2. From the Date of the LOIF, the ER must be approved within **9 months**.
3. Consult the website for submittal checklists and instructions.

C) Application Approval by the Local Government Commission

1. For projects with a loan component, the Local Government Commission must approve the ability to take on the requested debt. This is done after the Engineering Report is approved. DWI staff will transmit the required information to the LGC on behalf of the project applicant. **Note that LGC 108A & 108C forms are now not requested by DWI until the ER is approved. The ER approval letter asks the applicant to obtain the forms from the website and return them to DWI. Please do this as soon as possible.**
2. Terms:
 - a) Projects with interest bearing loans will receive the lower of two interest rates. The two rates are the current rate when applications are due and the rate when the LGC approves the loan. The Loan Offer (discussed in D, below) will reflect the lower rate. The rates are ½ the 20-year municipal bond buyers index. Certain, qualifying applications receive 0% interest loans.
 - b) The LGC sets the loan term with a maximum term of 20 years. Applicants may want to contact the LGC earlier than this to ensure they are able to meet LGC approval requirements. Currently the LGC is not allowed to review applications for \$1,000,000 or more unless a letter to the Joint Legislative Committee on Local Government and the Fiscal Research Division has been provided.
 - c) Loan Offers can be written for as much as 110% of the LGC approved amount. The applicant must justify this, and request it in writing from the DWI.
 - d) In some rare cases a 30 year term may be available. Please consult DWI management to discuss if this is potentially available for your situation.

D) Loan Offer

1. After approval of the Engineering Report and debt capacity by the LGC (for loans), a formal Award Offer is prepared which includes the Award's details and applicable assurances and conditions.

- a) Two copies of the Award Offer are sent to recipients. Return the following to DWI:
- b) One signed copy (keep the other copy) of the Loan Offer.
- c) Resolution accepting the Award Offer.
- d) Federal ID and DUNS # form.
- e) Sales Tax Certification.
- f) A Fiscal Sustainability Plan (FSP) Certification for certain new SRF projects. This must be returned before a project's final reimbursement will be made.

2. In the event of bids that exceed the project budget, a loan increase for up to 10% can be authorized without additional approval of the LGC. Amounts above 10% require a modified application to be approved by the LGC.
3. Closing Fees are invoiced with the Authority to Award letter. (paragraph F below). The Award Offer contained an estimated closing fee but actual closing costs are based on the total costs after bids are received. Loan Fees are 2% and Grant Fees 1.5%.

E) Plans and Specifications Approval (see website for guidance and details)

1. Plans & Specifications must be submitted within **15 months** of the LOIF.
2. Plans and Specifications must be approved within **19 months** of the LOIF letter. This includes issuance of all permits.
3. The project's plans and specifications must be approved by the Division prior to advertising for bids. Changes by addendum must be submitted to the Division for approval. Changes by change order must also be submitted for approval.

F) Bidding and Issuance of Authority to Award (ATA) the Construction Contract

1. Issuance of the ATA letter must be within **23 months** of the LOIF letter. Awarding contracts before issuance of the ATA letter is at the risk of the owner.
2. The contracts may be advertised as soon as plans & specifications are approved and permits are issued. NC General Statutes require the project to be advertised for 7 days, however DWI prefers projects to be advertised for 30 days. For the initial advertisement period, three bids must be received in order for an award to be made. The Plans & Specifications approval letter has the Project Bid Information form attached. It, and the other information described in it, must be submitted to and approved by this office **before contracts can be awarded**. This information is:
 - a. Project Bid Information Form, signed by authorized representative
 - b. Bid tabulation, sealed by the consulting engineer
 - c. Proposals of the successful bidders
 - d. Tentative award resolution from loan recipient subject to DWI approval
 - e. Engineer's recommendation
 - f. Proof of Advertisement
 - g. American Iron and Steel Certification (SRF only)
 - h. MBE/WBE requirements. (Detailed guidance on the website).
3. In an environment where program funding is limited, costs not demonstrated to be needed by the applicant, will immediately be made available in future funding rounds (deobligated).

G) Construction Phase of Project

1. Inspections

- a) Site Inspections will be conducted for all funded projects. Coordinate the Preconstruction Conference with the Inspector assigned to project. The number of inspections performed will be determined based on the length of the project, type of project, amount of funding involved and other factors. Any duly authorized representative of the State will have access to the work site and the contractor will provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for the purpose of audit and examination, to any records pertinent to the funds.
- b) A primary duty of the administering State agency is to guard against fraud, waste and abuse of Federal funds. To ensure proper use of Federal funds, State personnel may review submittals, daily logs, testing reports, as-builts and other appropriate construction documentation to verify that project elements meet approved specifications. Generally, any changes to unit quantities or changes in specifications that result in substantial monetary savings for the owner, will need to be documented by change order.
- c) Conformance with SRF standard conditions is a primary program responsibility. These include Davis-Bacon and American Iron and Steel currently.
- d) Additionally, inspections may uncover unsafe construction practices and environmental compliance violations. While not necessarily in SRF staff jurisdiction, deficiencies may be referred to appropriate enforcement agencies. Expeditious and timely use of SRF funds is a program goal and avoidance of any delay in construction is a concern, particularly delays associated with public health or worker safety which are of concern in their own right.

2. Disbursements (\$\$\$)

a) First Reimbursement

- i) Approval of Construction Contracts must happen with **24 months** of the LOIF letter. The following items are required for approval:
 - o Contract must be fully executed
 - o Notice to Proceed must be executed by owner and contractor
 - o The project specifications must include 100% performance and payment bonds. Bonds must be dated on or after contract date
 - o Original power of attorney must be dated on or after bonds
 - o The contractor must provide current Insurance
 - o All documents must be bound with the specifications
 - o Davis-Bacon Documents must be present in the specifications
- ii) Capital Project Ordinance submitted as required by G.S. 159-13.2. Alternately a budget ordinance that clearly identifies the project being funded by the SRF can be submitted.
- iii) All items under Item D,1.
- iv) Site Certificate
- v) Engineering Contracts and Engineering Procurement Certification (2 items)
- vi) Closing Fee must have been received

- vii) For Loans, promissory note executed and returned to the Local Government Commission (this is requested from the LGC upon receipt of the executed construction contract and is for the amount noted in the ATA letter)

b) Disbursements - General Information

- i) Forms can be found online. A sample was included with the Loan Offer
- ii) Disbursement requests should be sent to Jackie Moore; 1633 Mail Service Center; Raleigh NC 27699-1633.
- iii) All items must be approved in advance before being reimbursed.
- iv) One copy of the following information is required for reimbursements:
 - o Reimbursement request form with original signature.
 - o Contractor monthly estimates
 - o Engineering invoices
 - o Invoices for any other approved costs
 - o Eligible land costs will be reimbursed when the land has either been acquired or is under condemnation. In both cases and a copy of an offer to purchase the land must be submitted with the appraisal.
- v) Indicate cumulative totals on the reimbursement form
- vi) Check the appropriate box regarding whether or not contractors have already been paid. Note, that if the DWI funds are needed to pay the contracts, the funds must be disbursed within 3 banking days of receipt.
- vii) As noted in the Award Offer Assurances, sales taxes will be deducted from disbursements if an applicant indicates they intend to seek reimbursement for them from the Department of Revenue. A certification form is provided on our website to indicate what the owner intends to do regarding sales tax.
- viii) Note that Davis-Bacon certified payrolls and materials invoices that support the contract summary invoice **do not** need to be submitted with reimbursement requests.

c) Project Closeout and Final Disbursement

- i) Funds are held at 95% until the final payment is authorized.
- ii) Required items for final payment include:
 - o The inspector must issue final inspection report signifying that project is complete and all concerns have been satisfied and all change orders must have been submitted and approved.
 - o Final invoices must show zero retainage.
 - o Submit to Pam Whitley:
 - ✓ Engineer's certifications.
 - ✓ Owner's Certification of Completion
 - ✓ Signed Closeout Checklist.
 - ✓ Fiscal Sustainability Plan (CWSRF Only).

H) REPAYMENT (Loans Only)

1. Repayments will be reflected in the final promissory note and will be for the actual funds borrowed.
2. Repayments by the recipient begin on the May 1st or the November 1st that is between 6 months and 12 months after original project completion in the notice to proceed.
3. The May 1st payment includes principal and interest and the November 1st payment is only interest.
4. **Interest begins to accrue from the date of completion on the Notice to Proceed.** For multi-prime contracts the General contract will be used to set this date.
5. Construction Manager at Risk and Design Build Contracts, should set a date of completion in that contract.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024

SUBJECT: Water Treatment Plant Expansion – Engineering Services Agreement Amendment

PRESENTER: Public Works Director Pennell

ATTACHMENTS: WithersRavenel Engineering Agreement – Amendment 1

DESCRIPTION/SUMMARY OF REQUEST:

The Public Works Director will be at tonight’s meeting to provide a brief update on the Water Treatment Plant Expansion project.

In January 2024, Town Council added a sludge dewatering and automation process to the plans for the Water Treatment Plant Expansion. WithersRavenel has been working on incorporating those elements into the final design of the project. This additional engineering work is \$62,700 and an amendment to the engineering agreement is needed (see attached Amendment 1).

COUNCIL ACTION REQUESTED:

Town Council action to approve Amendment 1 to the WithersRavenel Engineering Agreement.

This is **EXHIBIT K**, consisting of [2] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated [].

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Owner-Engineer Agreement: 5/15/2023

Owner: Town of Weaverville

Engineer: WithersRavenel

Project: Weaverville Water Treatment Plant Expansion

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

Additional Services to be performed by Engineer

Modifications of payment to Engineer

Description of Modifications:

As found in attachment A

Agreement Summary:

Original agreement amount:	\$ <u>930,800</u>
Net change for prior amendments:	\$ _____
This amendment amount:	\$ <u>\$62,700</u>
Adjusted Agreement amount:	\$ <u>\$993,500</u>

Change in time for services (days or date, as applicable): _____

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

Town of Weaverville

By: _____
Print
name: _____

Title: _____

Date Signed: _____

WithersRavenel

By: _____
Print
name: Ken Orié, PE

Title: Practice Area Lead, Utilities

Date Signed: 8/28/2024



WithersRavenel

Our People. Your Success.

August 28, 2024

Scottie Harris, Acting Town Manager & Fire Chief
PO Box 338 South Main Street
Weaverville, North Carolina 28787

**RE: Amendment Number 1 for Agreement for Professional Services
Weaverville 2023 WTP Expansion
Weaverville, North Carolina 28787
WR Project No. 23-0425**

Dear Mr. Harris:

WithersRavenel is pleased to provide this Amendment Number 1 for Professional Services to the Town of Weaverville for the Weaverville Water Treatment Plant (WTP) Expansion Project. During the design development of the Town's Lawrence T. Sprinkle, Jr. water treatment facility, it was determined and requested by the Town that additional sludge dewatering and handling automation would augment this expansion. This amendment is for the adjustment to the fee schedule to include these units into the original scope of the project.

If you have any questions or concerns about the Amendment, please do not hesitate to call me at the number listed below.

Sincerely

WithersRavenel

Lindsay Mize, PE

Director of Water/Wastewater Treatment, Utilities

lmize@withersravenel.com

Ph. 919.469.3340 | Direct: 919.535.5138

Attachment:

Amendment for Professional Services

Town of Weaverville WTP Expansion Project Proposal for Professional Services

A. Description of Amendment

The original Agreement (Executed 5/15/2023) included professional services necessary to facilitate expansion of the Town's Lawrence T. Sprinkle, Jr. water treatment facility's capacity to 3.0 MGD. During the design development, it was determined and requested by the Town that additional sludge handling automation would augment this expansion. This amendment is to adjust the fee schedule to include the design of a sludge drum thickener facility with sludge loading facilities included as agreed upon by the engineer and the Town. All other conditions and components of the original contract remain unchanged unless otherwise listed within this amendment document.

B. Scope of Services

The scope of work, detailed herein, is broken down into the following phases and tasks:

Phase 1: Study and Report Phase

No Amendment to Phase 1

Phase 2: Preliminary Design Phase

No Amendment to Phase 1

Phase 3: Final Design Phase

No Amendment to Phase 1 with the exception of adding additional sludge dewatering and handling facilities

Phase 4: Bidding or Negotiating Phase

No Amendment to Phase 1

Phase 5: Construction Phase

No Amendment to Phase 1

Phase 6: Post-Construction Phase

No Amendment to Phase 1

C. Additional Services

Services that are not included in Section B or are specifically excluded from this Proposal shall be considered Additional Services. WithersRavenel will furnish or obtain from other Subconsultants Additional Services if requested in writing by the Town and accepted by WithersRavenel. Additional Services shall be paid by the Town in accordance with the Fee & Expense Schedule.

- ▶ Surveying services beyond that needed for the WTP site
- ▶ Boundary Surveying, Property Plats, Easement Documents

- ▶ Permitting services beyond those previously listed
- ▶ NCDOT Permitting beyond those previously listed
- ▶ Phase II ESA services such as analytical testing, soil remediation plans, asbestos removal plans
- ▶ Construction Staking
- ▶ Construction Surveying
- ▶ Material Testing

D. Town Responsibilities

During the performance of the Engineer's services under this Agreement and its Amendments, the Owner will provide the services outlined in Original Agreement dated May 15, 2023, Between Owner and Engineer for Professional Services.

E. Compensation for Services

A. Lump Sum Fee

Consultant proposes to provide the Scope of Services previously outlined on a lump sum fee basis as described in the following table. Compensation shall not exceed the total estimated compensation amount unless approved in writing by Client.

Phase	Phase Name	Lump Sum Fee Budget	Amendment 1	Total
1	Study and Report	\$52,500	-	\$59,100
2	Preliminary Design Phase	\$37,500	-	\$37,500
3	Final Design Phase	\$267,000	\$62,700	\$323,100
4	Bidding and Negotiating	\$84,000	-	\$84,000
5	Construction Contract Administration	\$134,000	-	\$134,000
6	Post Construction	\$75,000	-	\$75,000
Total		\$650,000	\$62,700	\$712,700

Hourly Fee

Consultant proposes to provide the Scope of Services previously outlined on an hourly basis at the current rate with an estimated budget as described in the following table, plus expenses. Compensation shall not exceed the total estimated compensation amount unless approved in writing by Client.

Task Number	Task Name	Amendment 1	*Hourly Fee Budget
12	Construction Observation (20 hrs./week, 1,560 hours total)	-	\$280,800
Total			\$280,800

*This Task is presented as an hourly fee with a budget due to the uncertainty in estimating the hours required to complete the construction and may be utilized at the discretion of the Town.

C. Fee Summary

Fee Type	Original Fee/Budget	Amendment 1	Amended Fee/Budget
Lump Sum	\$650,000	\$62,700	\$712,700
Hourly Budget	\$280,800		\$280,800
Total	\$930,800		\$993,500

TOWN OF WEAVERVILLE, NORTH CAROLINA



– PROCLAMATION –

WHEREAS, alcohol and drug abuse affect individuals, families, and communities across the nation; and

WHEREAS, it is imperative that visible, unified efforts by community members be launched to prevent drug abuse; and

WHEREAS, Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

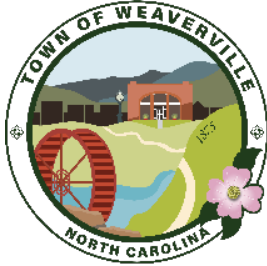
WHEREAS, Red Ribbon Week will be celebrated in communities across the nation on October 23-31; and

WHEREAS, businesses, government, law enforcement, media, health care providers, religious institutions, schools, and other community-based organizations will demonstrate their commitment to healthy, drug-free lifestyles by wearing red ribbons and participating in drug prevention activities;

NOW, THEREFORE, THAT I, PATRICK FITZSIMMONS, MAYOR OF THE TOWN OF WEAVERVILLE, do hereby proclaim October 23-31, as **RED RIBBON WEEK**, and encourage the citizens of the Town of Weaverville to participate in drug prevention education activities, not only during Red Ribbon Week, but also throughout the year, making a visible statement that we are strongly committed to a drug-free lifestyle.

THIS the 23rd day of September, 2024.

By 
Patrick Fitzsimmons, Mayor



INTERIM TOWN MANAGER'S REPORT *September 2024*

**Respectfully submitted,
Scottie Harris, Interim Town Manager**

Mayor/Council,

I'm excited to talk about the future this evening while giving you some project updates as we continue to track and plan for controlled growth.

Let's start with 2 "sustainability" projects

Solor Panel Project at the Fire Station

Duke approved the system size/design, Sugar Hollow applied for the permit with Buncombe County. That is the last step before installation. Currently our project is scheduled for the first week of November, however there is a chance it could be sooner.

EV Fast Charging system at the Police Department

We are now in talks with ADS-Tec, a company that uses a large battery bank to enhance existing charging infrastructure for fast charging. We expect to receive more information from them soon on this feasibility. These would be purchased as they don't offer a lease option. They do have a 5-year warranty on this equipment.

Civilian Crash Investigator Police Department

Chief Oberlin attended training regarding use of civilian crash investigators. She had several conversations with other agencies. Most agree that it has some benefit to larger agencies. She is prepared to share her research on this topic if you are interested.

Weaverville Business Association (WBA)

The WBA and Town staff continues to discuss collaborative partnerships in growing our efforts for economic growth.

WBA Staff is holding a meeting at the Community Center regarding Florida Avenue on Oct 3rd at 5:30 pm. Chief Oberlin will be on vacation, so Police Captain Burrell and I will be attending this meeting.

North Buncombe High School Homecoming Parade

The parade will occur on Friday September 27 and, as a result, Town Hall will close at 4pm that day.

HR Outsourcing Audit Update

An agreement has been signed with Adept HRM Solutions to perform an HR audit. This will consist of spending 1 to 1 ½ days on site along some remote review time and will include reviewing policies, procedures, employee onboarding, etc. A report containing recommendations will be generated and will be shared with Town Council once completed.

Community Center and Recreation Complex

At the September workshop session you heard from our Community Center Manager highlight some of the amazing opportunities offered to our citizens and how we are growing programs there.

We are in the process of getting an updated quote on the cost to add shelter, storage or restroom facility near the pickle ball court area.

Water Treatment Facility

The 2nd generator is expected within the week.

Public Works

Public education is underway with the new sanitation/garbage pickup changes that will need to occur to fully utilize the new garbage truck.

Leaf pickup will start on Monday October 14.



The new Knuckle boom truck has been ordered and is expected to be delivered at the end of October.

SkyRunner Wi-Fi Downtown Data Usage

I reached out to Skyrunner in an attempt to get some data that showed the usage. Unfortunately they were not able to provide a clear picture of how often the system was operational or the number of users.

Planning and Zoning Department

We are pleased to announce that the new Planner/Zoning Administrator position has been filled and the new employee will start Monday September 30.

Growth and Succession Planning

I have tasked the Leadership team to start working on their continuity books for succession planning. That consists of not only key vital information enabling someone to pick up tasks during a planned or unexpected absence of our key leadership team, it also allows for professional development of others being assigned tasks. Succession planning is a key component of growth and meeting service delivery demands.

In line with succession planning and growth, I have started meeting with department leadership looking at growth needs for capital and personnel as work is beginning for the budget process.

One change we have made in meeting service delivery demands at Town Hall is our lobby and front office window will no longer be closing during the lunch period. This took effect on September 9 and will allow for better availability and customer interaction in our community.

Transparency of Govt, New Website Portal Launch

The screenshot shows a web browser window displaying the Town of Weaverville's new transparency of government web portal. The browser's address bar shows the URL: <https://weavervillecommunity.highbond.com/Portal/>. The page features a large aerial photograph of the town with the text "Welcome to Town of Weaverville". Below the photo is a navigation menu with "HOME", "CALENDAR", "MEETINGS", and "SEARCH". The main content area includes a "SCHEDULE OF MEETINGS" section with a calendar for September 2024, a "CONNECT TO US" section with social media icons, and a "TODAY'S MEETINGS" section listing "Regular Council - Sep 17 2024". There is also an "UPCOMING MEETINGS" section listing "Regular Meeting - Sep 23 2024" and "Town Council Workshop - Oct 15 2024". The page is viewed in a browser window with the URL: <https://weavervillecommunity.highbond.com/Portal/MeetingInformation.aspx?Org=Cal&id=49>.

The Town of Weaverville's new transparency of government web portal. We will be launching our new platform to enable the public to access the meetings via the

community portal. We anticipate roll-out for October, while we are enabling the live stream of Council meetings to our YouTube channel in September, the full launch will be for the upcoming Town Council October meetings.

The meetings will be archived in the Calendar as the Agenda, Agenda Packet, Minutes and Video, with jump-to points enabled under the agenda topic links. This makes it easy and accessible to find your subject or topics and view the actual footage and video of the Town Council deliberations.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024

SUBJECT: Voluntary Annexation Petition/Conditional District Request – +/- 8.80 at 21 Parker Cove Road

PRESENTER: Planning Director Eller

ATTACHMENTS: Voluntary Annexation Petition, Conditional District Application, and Supporting Documentation, Property Tax Map Showing Property to be Annexed, Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

William B. Crawford, on behalf of the Blanche R. Robertson Trust and Estate, has signed a voluntary annexation petition seeking to have +/- 8.80 acres located at and near 21 Parker Cove Road annexed into the Town of Weaverville. The purpose of the annexation appears to be to obtain Town services, including water, to support a proposed development of a single-family subdivision with 45 residential units. A conditional district zoning request has been submitted along with the annexation petition for that proposed development.

Should Town Council wish to proceed with this annexation and conditional district the next step is to direct the Town Clerk to investigate the sufficiency of the annexation petition and to send the conditional district application to the Planning Board for review and recommendation.

A resolution for this purpose is attached for consideration.

COUNCIL ACTION REQUESTED:

Town Council discussion and direction and possible adoption of the attached resolution.

**RESOLUTION CONCERNING VOLUNTARY ANNEXATION PETITION
FOR +/- 8.80 ACRES AT 21 PARKER COVE ROAD
WEAVERVILLE ANNEXATION NO. 2024-4**

WHEREAS, a petition requesting annexation of that property located at 21 Parker Cove Road and bearing Buncombe County Parcel Identification Number 9752-44-2568 was received from William B. Crawford by the Town of Weaverville; and

WHEREAS, N.C. Gen. Stat. §§ 160A-31 and 160A-58.2 provide that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the annexation petition includes a request for conditional district zoning for the property to be annexed; and

WHEREAS, the Town Council of the Town of Weaverville deems it advisable to proceed in response to this request for annexation and initial zoning;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that:

1. With the assistance of the Town Attorney, the Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of her investigation; and
2. The Town Planner is directed to place the application for a conditional district on the next regular meeting of the Weaverville Planning Board's so that the Board can review the requested zoning for consistency with the Town's Comprehensive Land Use Plan and forward a recommendation to Town Council prior to or at a public hearing that may subsequently be held on this matter.

THIS the 23rd day of September, 2024.

PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

TAMARA MERCER, Town Clerk

PETITION FOR VOLUNTARY ANNEXATION PETITION/APPLICATION Town of Weaverville, North Carolina

Submittal Date: _____

Date Fee Paid: _____

Petition No: _____

**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.
4. The property and property owner information is as follows:

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference & Property PIN	Property Owner Signature
William B Crawford Executor		97524425600000 4673/1806	DocuSigned by: <i>William B. Crawford</i> 3BED151F31AE46F...
William B Crawford Trustee		97524425600000 4673/1806	DocuSigned by: <i>William B. Crawford</i> 3BED151F31AE46F...

5. Zoning vested rights are not claimed, have been established under G.S. §§ 160D-108 and/or 160D-108.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 8.80

Population in annexed area: _____

Proposed Zoning District: CD

Reason for annexation: Receive Town Services Other (please specify)

The applicant must also submit a zoning map amendment application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.

PETITION FOR VOLUNTARY ANNEXATION DATA SHEET

Town of Weaverville, North Carolina

Submittal Date: _____

Petition No. _____

Annexation Area Name: _____

Petitioner: Green Street Capital Partners LLC

Subject Area Acreage: 8.80

Current Land Use: Residential

Proposed Land Use or Development (describe): Residential

Residential (single family): Number of Units: 45 Anticipated build out in 2 years
Average Sales Price: \$ 300,000 /dwelling unit

Residential (multi-family): Number of Units: _____ Anticipated build out in _____ years
Owned: Average Sales Price: \$ _____ /building unit
Rental: Average Rental Amt: \$ _____, month

Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Commercial - Non-Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Other: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Development Scale: Max building height of 30 feet · max number of stories of 2

Infrastructure: Linear feet of publicly dedicated roadways proposed: 0 feet
Public water proposed (describe): City water

Other Public Services Requested (describe): City Sewer

Zoning Vested Rights Claimed (describe and attach documentation): N/A

DocuSigned by:
William B. Crawford
3BED151F31AE46F...
Signature of Owner(s)

PETITION FOR VOLUNTARY ANNEXATION CERTIFICATE OF AUTHORITY FOR LIMITED LIABILITY COMPANY Town of Weaverville, North Carolina

The undersigned, being (a/the) duly elected, qualified and active member / manager of Green Street Capital Partners LLC, a limited liability company organized and existing in the State of North Carolina (hereinafter "Company"), does hereby certify that:

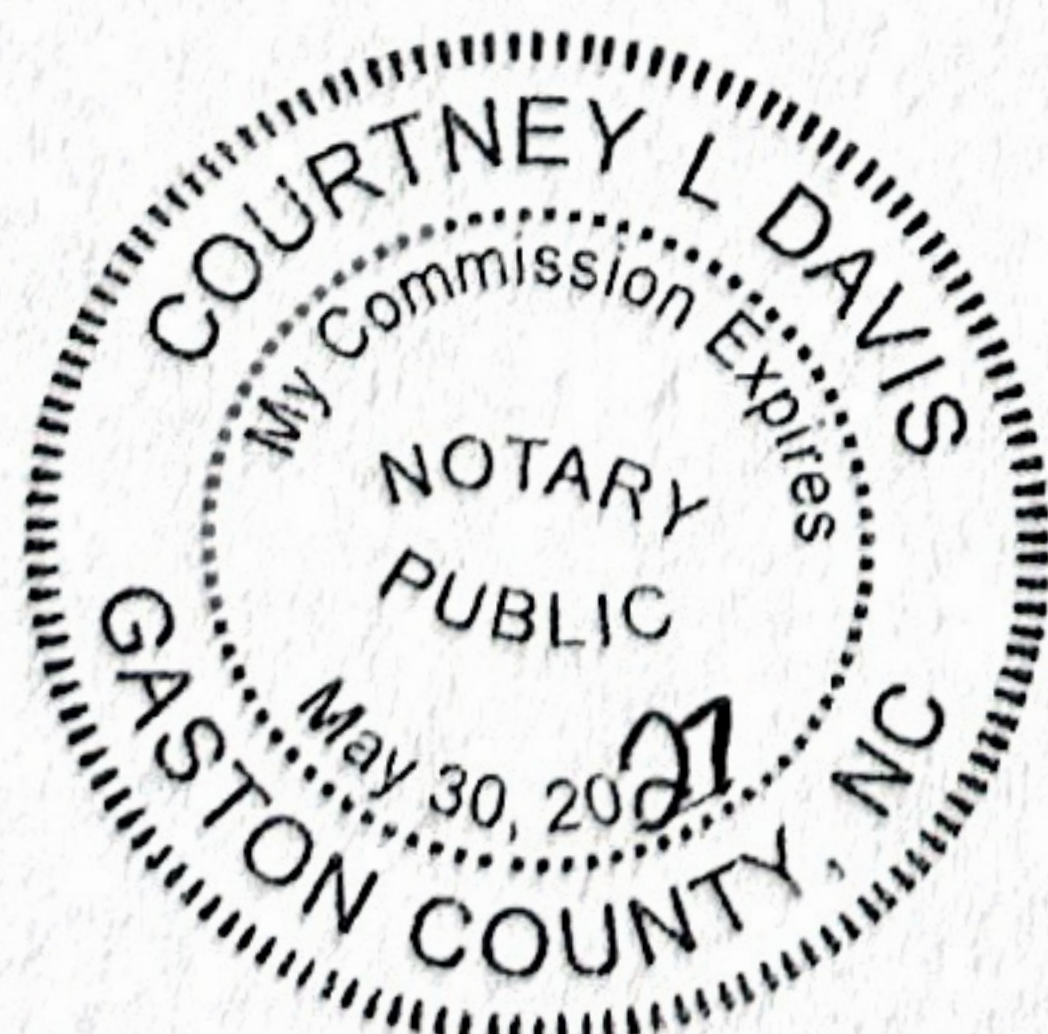
1. That the Company currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of the members and the manager of the Company have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Company to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	OFFICE HELD	SIGNATURE
<u>Kristin Pruitt</u>	<u>Manager/Member</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>

SIGNATURE: Kristin Pruitt
 PRINTED NAME: Kristin Pruitt
 DATE: 7/31/24

STATE OF NORTH CAROLINA
 COUNTY OF Gaston

I, Courtney L Davis, a Notary Public, certify that Kristin Pruitt personally came before me this day and acknowledged that he/she is the Manager of Green Street Capital Partners LLC a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing Certificate of Authority was signed by him/her on behalf of the Company. Witness my hand and seal this the 31 day of July, 2024



Courtney L Davis
 Notary Public

My Commission Expires: May 30, 2027

CONDITIONAL DISTRICT APPLICATION

Planning and Zoning Department
30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org
Application Fee Based Upon Size of Property



Conditional Districts address situations in which a particular use, properly planned, may be appropriate for a specific site but, the existing zoning district of the site has insufficient standards to mitigate the site-specific impact on the surrounding area. Uses which may be considered for a Conditional District shall be established on the Table of Uses found at Sec. 20-3205. Additional information related to Conditional Districts may be found at Sec. 20-3203.

At the discretion of the Town Council, it may be required of the property owner to guarantee performance or completion of conditions included in the Conditional Zoning Plan. Such guarantee may take the form of: (1) a surety performance bond made by a company licensed and authorized in North Carolina, (2) a bond of a developer with an assignment to the Town of a certificate of deposit, (3) a bond of developer secured by an official bank check drawn in favor of the Town and deposited with the Town Clerk, (4) cash or an irrevocable letter of credit, (5) a bank escrow account whereby the developer deposits cash, a note, or a bond with a federally insured financial institution into an account payable to the Town. The amount of the guarantee shall be determined by Town Council.

OWNER/APPLICANT NAME:

Green Street Capital Partners LLC

APPLICATION DATE:

7/11/24

BRIEFLY DESCRIBE THE PROJECT: Development of 45 detached single family subdivision

PHONE NUMBER:

704-936-6676

PROPERTY ADDRESS:

21 Parker Cove Rd Weaverville

PIN:

97524425600000

DEED BOOK/PAGE:

4673/1806

LOT AREA (acres): **8.80**

ZONING DISTRICT:

Kristin Pruitt

SIGNATURE OF APPLICANT

DATE

Application fees are due at the time of submittal. Withdrawal of an application after the public hearing has been advertised will result in the forfeiture of the application fee.

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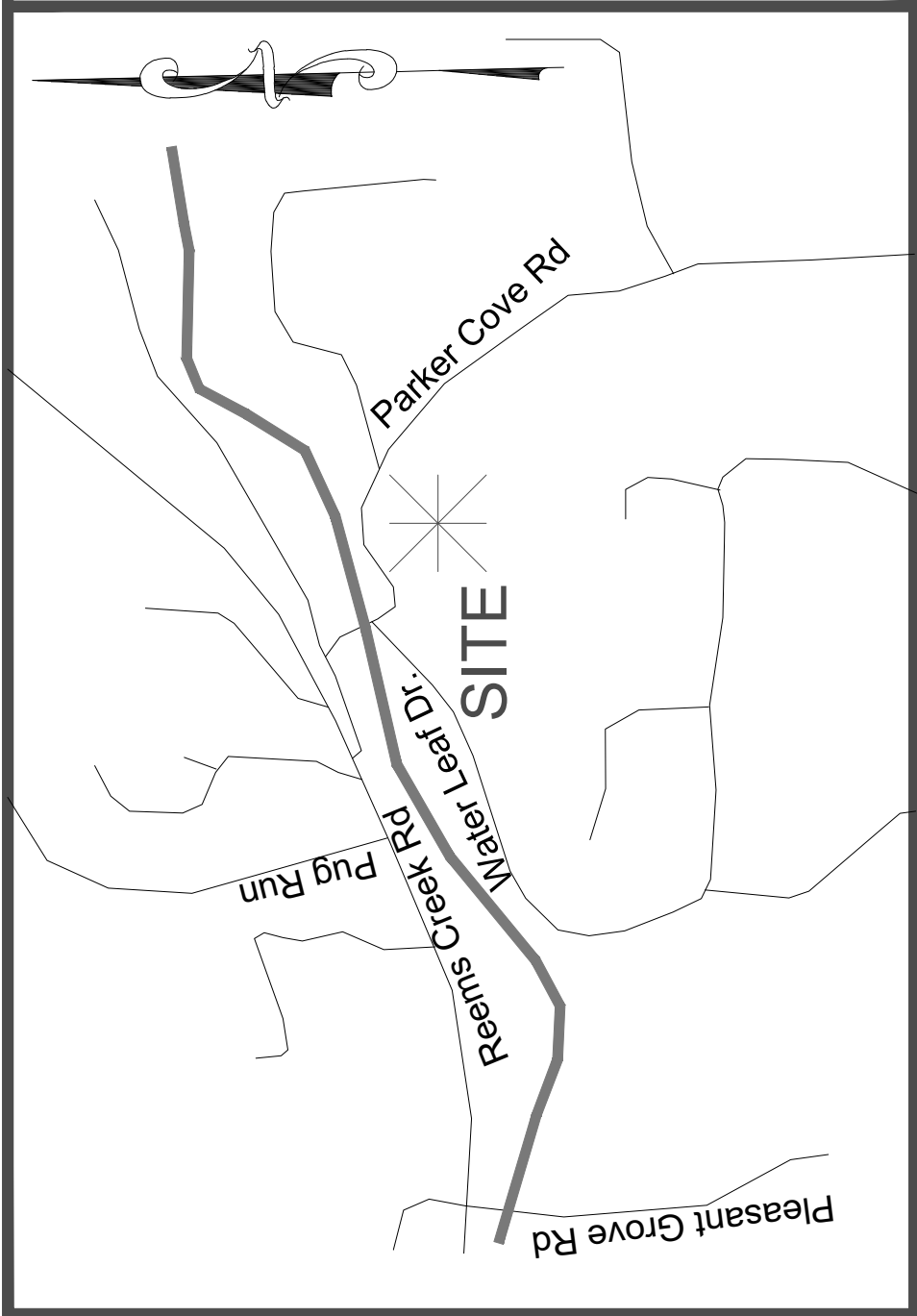


A petition for a Conditional District must include a site plan and supporting information that specifies the intended uses for property. A complete site plan shall be substantially compliant with the mapping standards found within Sec. 20-2504. Additional information may be requested by members of staff, the Planning Board or Town Council.

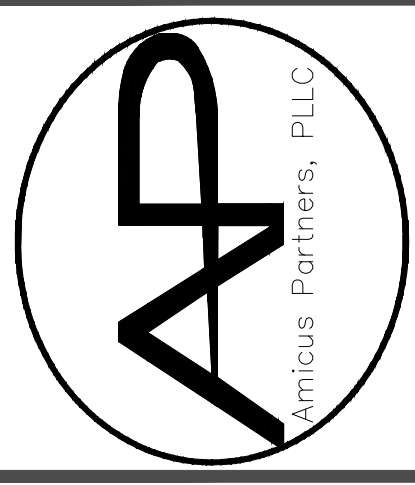
<input checked="" type="checkbox"/>	Title block containing:
<input checked="" type="checkbox"/>	Name of owner & applicant
<input checked="" type="checkbox"/>	Property address
<input checked="" type="checkbox"/>	Buncombe County PIN
<input checked="" type="checkbox"/>	Date or dates survey was conducted or plan prepared
<input checked="" type="checkbox"/>	Scale of the drawing in feet per inch
<input checked="" type="checkbox"/>	Deed book and page reference of the deed
<input checked="" type="checkbox"/>	Zoning designation of property
<input checked="" type="checkbox"/>	Sketch vicinity map depicting the relationship between the proposed subdivision and the surrounding area
<input checked="" type="checkbox"/>	North Arrow and orientation
<input checked="" type="checkbox"/>	Lot area in acres and square feet
<input checked="" type="checkbox"/>	Existing topography of the site and within 300 feet of the site boundary in five (5) foot contours
<input checked="" type="checkbox"/>	Delineation of areas within the floodplain.
<input checked="" type="checkbox"/>	Names of owners of adjoining properties, Buncombe County PIN, and zoning designation
<input checked="" type="checkbox"/>	Minimum building setback lines applicable to the lot, including drainage or utility easements
<input checked="" type="checkbox"/>	Proposed number and location of signs
<input checked="" type="checkbox"/>	Exact dimensions, location, height, and exterior features of proposed buildings and structures
N/A	Photographs of buildings on properties within 200 ft. of subject property
<input checked="" type="checkbox"/>	Utility easements
<input checked="" type="checkbox"/>	Existing and proposed sanitary sewer system layout and a letter of commitment
<input checked="" type="checkbox"/>	Existing and proposed water distribution system layout and a letter of commitment
N/A	Plans for individual water supply and sewerage/septic disposal system, if any
<input checked="" type="checkbox"/>	A statement as to whether or not natural gas, telephone, electric, and cable lines are to be installed, and whether they will be above or below ground
<input checked="" type="checkbox"/>	Exact dimension and location of all traffic, parking, and circulation plans showing the proposed location and arrangement of parking spaces.
<input checked="" type="checkbox"/>	Existing and proposed roads, driveways, ingress/egress, easements, and rights-of-way both private and public.
<input checked="" type="checkbox"/>	Existing and proposed encroachments into setbacks, rights-of-way, and/or easements, if any
N/A	Proposed phasing, if any, and expected completion date of the project.

Upon reviewing the application, site plan, and supporting documents, the Planning and Zoning Board will issue statement of reasonableness of the proposed Conditional District.

Before a public hearing may be held by the Town Council, the petitioner must file in the Office of the Town Clerk, a written report of at least one community meeting held by the petitioner. The report shall include a list of those persons and organization notified of the meeting detailing the method and date of contact' the date, time, and location of the meeting; a roster of persons in attendance, a summary of issues discussed, and a description of any changes to the petition as a result of the meeting. In the event the petitioner has not held at least one meeting, the petitioner shall file a report documenting efforts that were made and the reasons such a meeting was not held.



VICINITY MAP
N.T.S.



Amicus Partners, PLLC
Firm License # P-1191
2925 Sennard Drive
Suite 202
Matthews, NC 28105
Civil Site Design
Low Impact Development
Small-Scale Building Design
Telephone: 704.936.6676

Scales:

**PRELIMINARY
NOT FOR
CONSTRUCTION**

FOR:
THE SANCTUARY AT REEMS CREEK
TOWN OF WEAVERVILLE
BUCCOMBE COUNTY, NORTH CAROLINA
2925 SENNARD DRIVE, SUITE 202
MATTHEWS, NC 28105

Project Number: 17.24.001
Date: 08/29/2024
Drawn By: NRP
Checked By: NRP

Revisions:

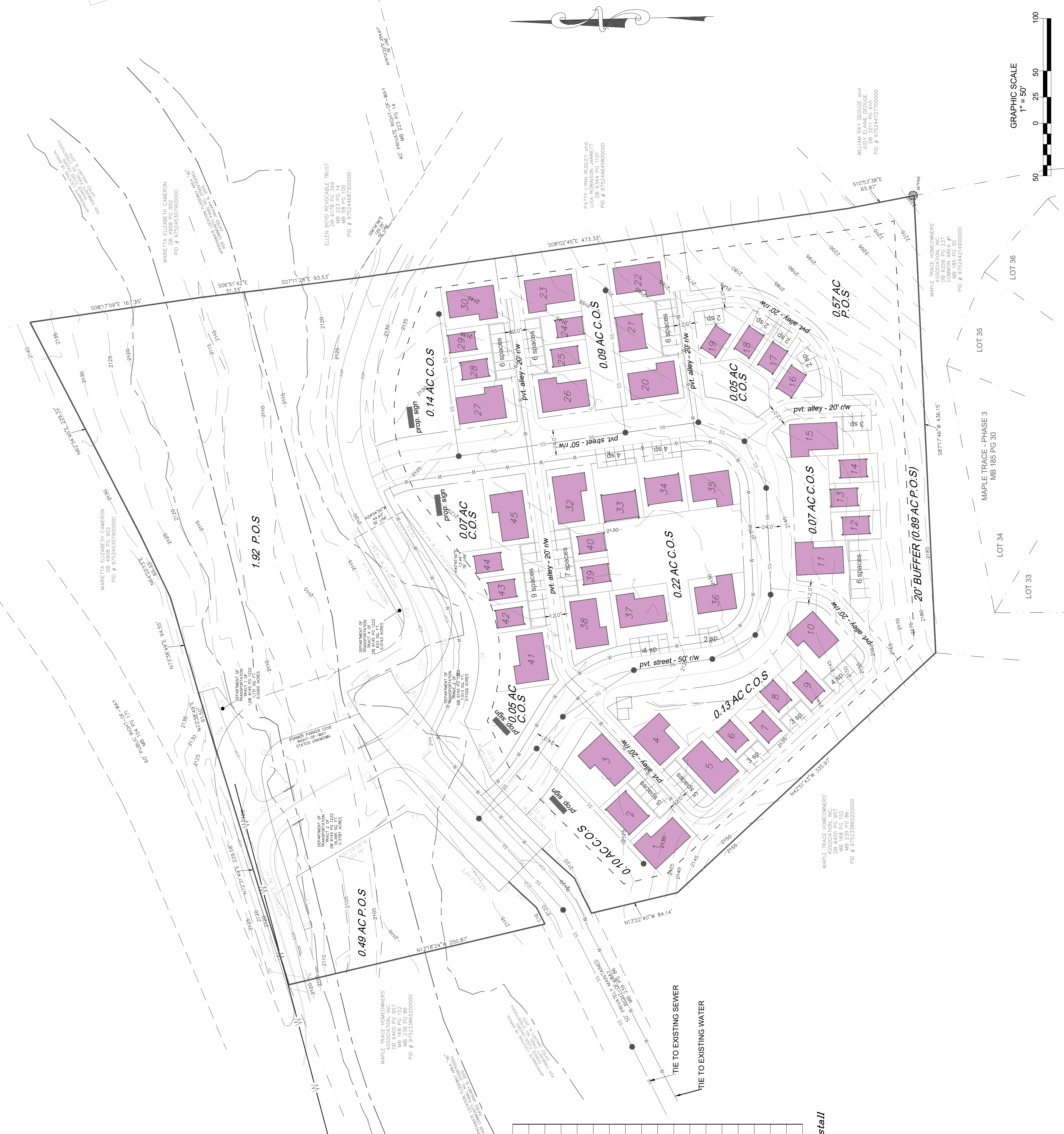
NO.	DATE	DESCRIPTION
08/29/24		ORIGINAL SUBMITTAL

Sheet Title:

Rezoning Plan

Sheet No:

RZ-1



REZONING PLAN DATA TABLE	
Site Address	21 Parker Cove Rd; Weaverville, NC 28787
Jurisdiction	Town of Weaverville
Parcel ID(s)	97524425600000
Deed Reference	DB 4673; Page 1806
Map Reference	MB 104; Page 171
Total Acreage	9.365-acres
Total Square Feet	408,908 sq. ft
Survey Prepared By:	Cloninger Bell Surveying and Mapping PLLC
Date Surveyed	08-15-2024
Principal Use(s)	Residential/Sustainable Development
Existing Zoning District	RI - Bucombe County
Proposed Zoning District	CD - Town of Weaverville
Common Open Space (C.O.S)	3.87 Acres
Tree Save/Passive Open Space (P.O.S)	0.92 Acres
Impervious Area	1.67 Acres (18% total site area)
Total Number of Units	45 Single Family Detached
Total Density	4.79 units/acre

*Natural Gas, telephone, electric, and cable lines are to be installed and shall be installed underground.

LEGEND:

- SUBJECT BOUNDARY
- EXISTING EOP
- COMMUNITY FLOODWAY
- EXISTING RIGHT-OF-WAY
- EXISTING TOPOGRAPHY
- PROPOSED SEWER
- PROPOSED WATER

BEFORE YOU DIG STOP. CALL THE NC ONE-CALL CENTER AT 811. IT'S THE LAW.

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**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024
SUBJECT: Eller Cove Watershed/Weaverville Watershed Trails Project
PRESENTER: Interim Town Attorney
ATTACHMENTS: Subcommittee Email dated 9/17/2024
Map Showing Area of Property Donation Offer

DESCRIPTION/SUMMARY OF REQUEST:

Buncombe County's Passive Recreation Lands/Open Space Bond Subcommittee made its decisions on September 17th about which projects to recommend for funding. The action that the Committee took did not recommend funding for the Town's Watershed Trails Project at this time. They expressed a willingness to reconsider that position if the Town undertakes, at Town expense, the following: "a design & engineering process, parking/access planning, vetting options, and community engagement."

These steps will require additional intensive staff resources and outside consultants that could cost upwards of \$50,000, which is not currently budgeted and would only give the Town a chance at a funding recommendation.

Staff does not recommend that further Town staff time or financial resources be dedicated to this project. Those resources could be used on projects that are more directly impactful to the Town and its residents. Therefore, staff's work on this project is at an end unless Town Council wishes to pursue these required actions or some other different approach to the ownership, maintenance, and improvement of this property. Town staff will also be considering options to better protect the property from the trespassing that is actively occurring on the property, including by some neighboring property owners.

Town staff, many Town residents, and various community organizations remain in support of this project, but there is a recognition that these trails would be available to the greater Buncombe County community and may be more suitable as a County project. One option is to work with Buncombe County on the donation of this property to the County so that Buncombe County could develop and manage this trails project.

The real property donation offer submitted to the Town recently by Elk Mountain Estates LLC is very generous and has the potential to enhance the design of the trails and parking area and provide a different access point. However, unless Town Council wishes to proceed with this Trails Project, staff does not recommend the acceptance of this real property donation as it would only add to the Town's property maintenance obligations and liabilities without any public benefit.

COUNCIL ACTION REQUESTED:

Town Council discussion and possible direction to staff.

Jennifer Jackson

From: Sarah Myers
Sent: Tuesday, September 17, 2024 4:57 PM
To: John Chase; markendries@hotmail.com; Scottie Harris; Jennifer Jackson; Patrick Fitzsimmons
Subject: Fw: Update on Passive Recreation Lands Funding

From: Rachael Sawyer <Rachael.Sawyer@buncombecounty.org>
Sent: Tuesday, September 17, 2024 4:35 PM
To: Sarah Myers <smyers@weavervillenc.org>
Cc: Angelyn Johnson <Angelyn.Johnson@buncombecounty.org>
Subject: RE: Update on Passive Recreation Lands Funding

Hello, I am contacting you with another update on Passive Recreation Lands Funding.

At today's meeting, your project, **Weaverville Watershed Trails and Wildlife Preserve** submitted by **Town of Weaverville** was not voted to be recommended for funding at this time.

The subcommittee is very supportive of the project and its potential to contribute to the County's open space goals. While they approve of the project on concept, they would like to see additional due diligence and will invite this project to be considered for a future award. Some of the specific due diligence mentioned by subcommittee members included including a design & engineering process, parking/access planning, vetting options, and community engagement. A review and approval process & timeline for the future funding is yet to be determined.

Buncombe County staff are offering to coordinate with the Town on the development of next steps, starting with a meeting between key personnel from both of our groups.

Please meet Angelyn Johnson, a Grant Manager for Strategic Partnerships. Angelyn and/or I will be back in touch with you regarding scheduling.

Sincerely,



Rachael Sawyer
She/Her
Buncombe County
Strategic Partnerships Director
[\(828\) 250-6536](tel:(828)250-6536) / [cell \(828\) 545-4243](tel:(828)545-4243)
200 College Street, Asheville, NC 28801
Respect. Integrity. Collaboration. Honesty. Equity.
[Facebook](#) • [X](#) • [Threads](#) • [Instagram](#) • [YouTube](#) • [LinkedIn](#)

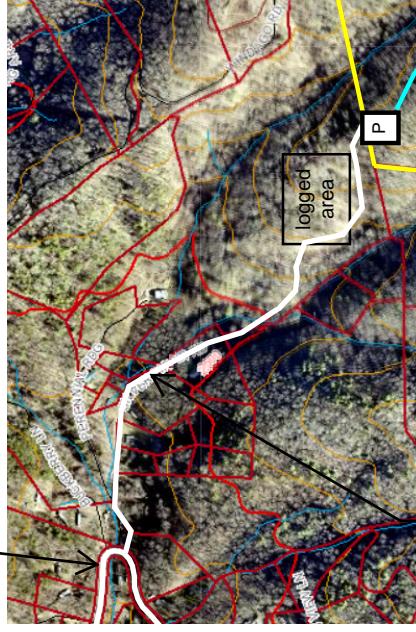
From: Rachael Sawyer
Sent: Tuesday, August 20, 2024 3:55 PM
To: Sarah Myers <smyers@weavervillenc.org>
Subject: Update on Passive Recreation Lands Funding

Weaverville Watershed Trails and Nature Preserve with access from Upper Herron Cove Road

Silver Fir Rd off of Upper Herron Cove Rd

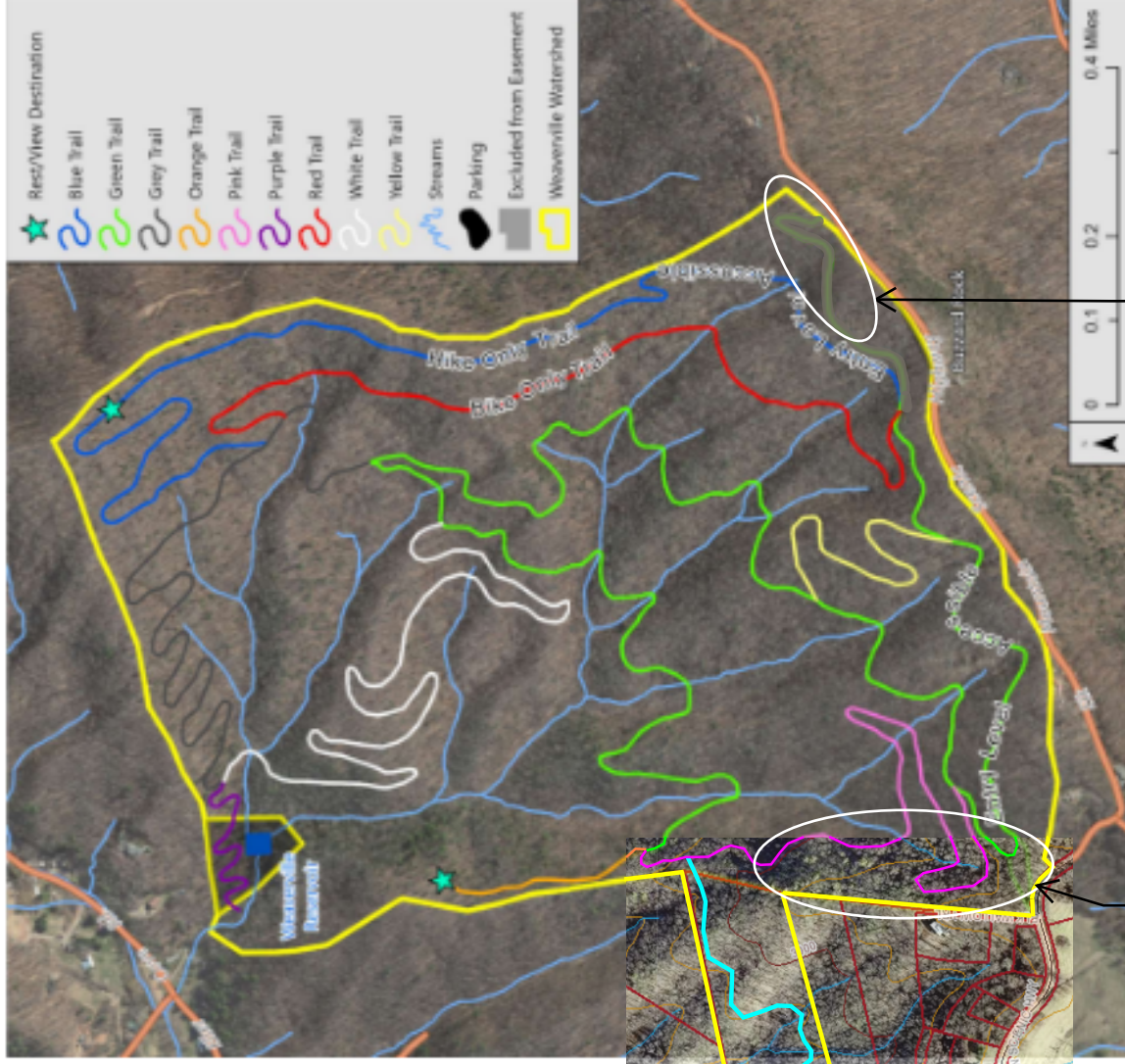


Upper Herron Cove Rd



Silver Fir Rd
(7 minutes
from Town
Hall instead of
19 minutes)

Plenty of space outside
of conservation
easement for parking,
and any maintenance
or restroom facilities
now or in the future.
Could purchase logged
area for parking, picnic
area and restrooms
since already cleared



rework this section to get
trail further from houses
on Elk Wallow Trail and
eliminate trail to road
connection at this
dangerous curve

Eliminate trail connection to Elk Mountain
Scenic Highway to prevent parking on EMHS-
eliminates all traffic safety, vandalism and
security issues on EMHS that are present with
current plan.

Trail on contours to connect to
existing watershed trail plan-
logging road may already exist
here. Very easy grade-
**elevation of proposed parking
area= elevation of trail
connection point**

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024
SUBJECT: Stormwater Program – Update and Budget Amendment
PRESENTER: Interim Town Attorney
ATTACHMENTS: Revised Land of Sky Agreement
Proposed Budget Amendment

DESCRIPTION/SUMMARY OF REQUEST:

Attorney Jackson will be at tonight’s meeting to provide a bit of an overview and update on the Town’s Stormwater Program.

It is recommended that the Town engage Land of Sky Regional Council for additional support of its Stormwater Program, including specifically the Post-Construction Site Runoff Component that involves the Buncombe County Stormwater Office.

A budget amendment in the amount of \$8,000 is needed for these additional services in this Fiscal Year.

COUNCIL ACTION REQUESTED:

Town Council action to approve the attached budget amendment.

Budget Amendment FY 2024-2025

Town of Weaverville

What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-470-473-19000	Stormwater Mgmt – Professional Svcs	\$8,000.00

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>
010-004-310-09900	Appropriated Fund Bal (General)	\$8,000.00

Justification: Please provide a brief justification for this budget amendment. *Additional fees owed under a modified services agreement with Land of Sky for additional Stormwater Management support services previously provided by Town Attorney.*

_____ Authorized by Finance Officer	_____ Date
_____ Authorized by Town Manager	_____ Date
_____ Authorized by Town Council (if applicable)	_____ Date

Budget Ordinance Section 12:

- 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.


Amendment - Interlocal Memorandum of Agreement

Type of Award: <input type="checkbox"/> Sub-Award <input checked="" type="checkbox"/> Purchase of Goods & Service	Contract No: <input type="checkbox"/> New <input checked="" type="checkbox"/> Modification
LOSRC	Community
Land of Sky Regional Council 339 New Leicester Hwy, Suite 140 Asheville, NC 28806	Town of Weaverville 30 S. Main Street PO Box 338 Weaverville, NC 28787
1. EIN: 561024369	Source of Funding: Prime Sponsor: Local funds Federal Aid Number: CFDA: Federal Provisions Applicable: <i>[if marked, Federal Funds clause is included in compliance with 2 CFR Part 200]</i>
2. UEI: HS8MVFRAYH57	
3. Proposal/Project Title: Regional Stormwater Services Program	
Congressional Districts: Awardee: NC 11 Awardee Performance Area: NC 11	4. Funding Information/Period of Performance:
	a. Amount Funded this Action: \$10,000
	b. Amount Cost Share: NA
	c. Total Funds: \$19,000 (current contract is \$3k x 3 years + \$10k additional services)
	d. Start Date: 7/1/2023
	e. End Date: 6/30/2026
<i>This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.</i>	
Signature: <u>Tonya Dozier</u> <small>Tonya Dozier (Aug 28, 2024 10:05 EDT)</small>	Date: 08/28/2024
Finance Officer: Tonya Dozier	

Community	Land of Sky Regional Council
Contact: Name: Dale Pennell Phone: 828-645-0606 Email: dale.pennell@weavervillenc.org	LOSRC Program Contact: Name: Mary Roderick Phone: 425-442-0385 Initial: CA Email: mary@landofsky.org

The undersigned hereby certifies further that:

- He or she is a duly authorized representative of the Entity named herein;
- He or she is authorized to make, and does hereby make, the foregoing certifications on behalf of the Entity; and
- He or she understands that any person who knowingly submits a false certification in response to the requirements of G.S. 143-59.1 and -59.2 shall be guilty of a Class I felony

<i>Town of Weaverville</i>	<i>Land of Sky Regional Council</i>
Signature:  <small>David Scott Harris / Aug 28, 2024 10:09 EDT</small>	Signature:  <small>Nathan Ramsey / Aug 27, 2024 18:59 EDT</small>
Name: Scott Harris Title: Interim Town Manager	Name: Nathan Ramsey Title: Executive Director
Date: <u>08/28/2024</u>	Date: <u>08/27/2024</u>

WORK PROGRAM / BUDGET AMENDMENT

The following work program and budget are presented as descriptive of the **additional work and dollar amounts** amending the agreement. The product(s) of the activities shall be:

1. **Post-construction runoff management program (\$6,000)** - determine Town's responsibilities for this MS4 permit requirement that are not being addressed by Buncombe County and develop a compliance strategy and implementation plan together with key staff, including drafting the necessary stormwater ordinance changes to enable enforcement.
2. **Stormwater Management Plan (SWMP) implementation and annual program evaluation (\$4,000)** – coordinate and track the implementation all activities for Permit Years 2 and 3, and assist with the annual program evaluation (i.e. self-assessment) that documents the fulfillment Year 2 and Year 3 permit requirements.

The following summarizes the funding breakdown by fiscal and permit year covered by the contract:
 FY24 Permit Year 1 = \$3000 for standard Regional Stormwater Services Program (work already completed and charged)
 FY25 Permit Year 2 = Total of \$11,000 (\$3,000 standard, \$6000 for post-construction component compliance, \$2,000 for year 2 general compliance)
 FY26 Permit Year 3 = Total of \$5,000 (\$3,000 standard, \$2,000 for year 3 general compliance)

Town of Weaverville
Town Council Agenda Item

Date of Meeting: September 23, 2024
Subject: Public Works & Water Department Quarterly Report
Presenter: Dale Pennell, Public Works Director
Attachments: Quarterly Report (June 2024 – August 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

JUNE 2024 - AUGUST 2024

WATER MAINTENANCE DIVISION:

	Jun-24	Jul-24	Aug-24	3 month average
Water Leaks Repaired	2	3	4	3
New Water Taps	2	5	3	3
Total Active Water Meters	3,288	3,291	3,293	3,291
Water Quality Complaints	0	0	0	0
Meter Re-Read Service Calls	46	101	87	78
General Service Calls	84	152	140	125
Water Door Tags Delivered	30	30	30	30
Water Line Locate Utility Service Calls (811)	170	201	193	188
Reservoir-Pump Station Site Checks	28	18	24	23

Greenwood Park
(75%)

WATER PRODUCTION DIVISION:

	Jun-24	Jul-24	Aug-24	3 month average
(Gallons per month)				
1A. Raw water pumped from river to Water Treatment Plant (daily average vs. 1.5 MGD plant capacity)	21,146,000	26,871,000	23,450,000	23,822,333
	47%	58%	52%	53%
1B. Raw water used at the WTP	1,958,000	1,828,000	920,000	1,568,667

1C. Finished water Produced at WTP	19,188,000	25,043,000	22,530,000	22,253,667
2. Water Purchased from Mars Hill	0	0	0	0
A1. TOTAL WATER PRODUCTION (1.C. + 2)	19,188,000	25,043,000	22,530,000	22,253,667
3. Finish Water used at WTP	690,768	901,548	811,080	801,132
A2. TOTAL WATER AVAILABLE FOR SALES	18,497,232	24,141,452	21,718,920	21,452,535
B. TOTAL METERED FOR BILLING	15,805,200	19,160,900	14,818,900	16,595,000
C. Metered, Non-Metered & Non-Billed Use by Town	900,000	2,500,000	4,800,000	2,733,333
D. Total Accounted For Water (3 + B + C)	17,395,968	22,562,448	20,429,980	20,129,465
E. TOTAL UNACCOUNTED (A1-D)	1,792,032	2,480,552	2,100,020	2,124,201
F. MONTHLY UNACCOUNTED WATER (E/A1x100)	9.3%	9.9%	9.3%	9.5%



WATER CAPACITY VS PRODUCTION:

(Gallons per day)

	Jun-24	Jul-24	Aug-24	3 month average
Water Plant Design Capacity	1,500,000	1,500,000	1,500,000	1,500,000
Average Daily Production	639,600	834,767	751,000	741,789
Total Water Production (A1 above) / 30 days in month	42.6%	55.7%	50.1%	49.5%
AVERAGE USE RELATIVE TO DESIGN CAPACITY				
Current Water Commitments for future development	650,474	629,274	629,274	636,341
MONTHLY USAGE & FUTURE USAGE VS 1,500,00 GPD	86.0%	97.6%	92.0%	91.9%

STREETS DIVISION:

Street/Sidewalk/Drainage /Sign Repairs Completed

	Jun-24	Jul-24	Aug-24	3 month average
	3	3	3	3

Roads paved

	0	0	3	1
--	---	---	---	---

GROUNDS MAINTENANCE DIVISION:

Special Projects/Repairs Completed

	Jun-24	Jul-24	Aug-24	3 month average
	2	3	2	2

STORMWATER MANAGEMENT DIVISION:

Storm drain pipes/structures cleaned or replaced

	Jun-24	Jul-24	Aug-24	3 month average
	89	173	98	120

Miles of curbs and streets sweeping

	0	12.5	81.3	31
--	---	------	------	----

70

SANITATION DIVISION:

Residential Collection Points

	Jun-24	Jul-24	Aug-24	3 month average
	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

	110	110	110	110
--	-----	-----	-----	-----

Residential Set-Outs (4/month)

	440	440	440	440
--	-----	-----	-----	-----

TOTAL points picked up per month

	9804	9804	9804	9804
--	------	------	------	------

Total Tons to Landfill	119.06	151.14	127.96	132.72
Average Pounds Per Collection Point (per week)	24.3	30.8	26.1	27.1
Cubic Yards - Yard Debris	40.5	59	63	54.0
Cubic Yards - Brush Chipped	192.5	209	308.0	236.5
Cubic Yards - Leaf Collection	0	0	0	0

MISC

1. Maintenance at our 2 parks and the Recreation Complex continues on a daily basis, with an observed increase in visitors this summer.
2. The FY 23-24 Paving Project is 99% complete, including repaving of 10 town streets.

Approximately 70 concrete drive entrances and handicap ramps have been replaced during 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 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 October. The 200Kw generator was received on 9/1/24; the 600Kw generator is due by 9/30/24.

5. After considerable evaluation, we have decided to proceed with the initial purchase of 88 cellular-read water meters and related programming to replace our existing radio-read meters at a cost of \$27,500. A water fund budget amendment and discussion of the meter replacement program is expected to be on Town Council's agenda for the October 28 meeting.

6. Our new side-loading garbage truck was delivered on 8/1/24 and is currently in use on all garbage routes. New rules for toters are being implemented as well as updated procedures for bulky items and yard debris (see attachments).

7. The new knuckleboom grapple truck has been ordered and it should arrive in October.

8. A summary of tree planting efforts by PW since January 2018 is attached, as presented on 9/4/24 to the Tree Board.

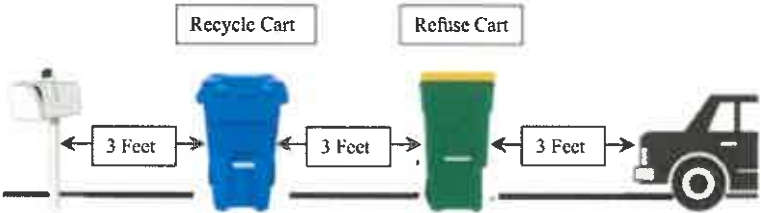


Town of Weaverville Public Works Department

NEW GARBAGE COLLECTION GUIDELINES

The Town of Weaverville is transitioning to an automated garbage truck for garbage collection. All residents are required to use a town garbage container. Residents must follow specific guidelines to ensure that their garbage is collected.

- **The handle of the toter must face the home or business.**
- No garbage or bags outside or on top of the toter will be collected.
- The toter lid **must close** completely, otherwise the bin will not be emptied.
- **Do not** lean anything against the toter or place anything on the lid as it cannot be lifted for dumping.
- All household garbage items must be bagged and placed curbside by 8:00am on your scheduled collection day.
- Additional toters can be purchased for \$55 each.
- If you have (2) or more toters, they must be placed **at least 3 feet apart and within 2 feet of the curb**. The toters must be at least **3' from poles, fire hydrants, parked vehicles or other obstacles**.



Proper placement of bins is required. Garbage cannot be collected if these requirements are not followed. If you have any questions or need additional information, please contact **Public Works at (828) 645-0606**

Town of Weaverville

New Yard Waste Collection Guidelines



The Public Works Department will begin using a grapple truck to pick up residential yard waste. Citizens who bag their waste must use biodegradable paper bags.

WHAT CAN BE PICKED UP:

- Shrubs, limbs and larger brush cut into 6 foot lengths and no greater than 10 inches in diameter
- Bags of yard waste in biodegradable paper bags

WHAT CAN NOT BE PICKED UP:

- Tree trunks, root balls, stumps, dirt, rocks, gravel
- Plastic bags

CALL PUBLIC WORKS AT (828) 645-0606
WITH ANY QUESTIONS

BIODEGRADABLE PAPER BAGS

Can be purchased online or at your local hardware store

HOW TO PREPARE YARD DEBRIS

Pile waste at the edge of your yard for the grapple truck to pick up. Do not mix with trash

WHAT NOT TO DO

Do not place yard waste or or near storm drains or other obstructions (hydrants, electrical boxes, low limbs, vehicles, etc.)



Town of Weaverville Public Works Department

THE PUBLIC WORKS SANITATION DEPARTMENT MAKES CLEAN UP EASY AND FREE WITH OUR BULKY ITEM COLLECTION PROGRAM!

Weaverville garbage customers can request curbside Bulky item pickup for their residence at no additional charge. This will take place on the second and fourth Friday in each month and must be scheduled ahead of time.

Bulky items include items that will not fit in your trash bin such as, furniture, mattresses, sinks, toilets, carpet (rolled), lawn mowers and appliances. We do not pick up sleeper sofas.



We do not accept electronics in the garbage or for bulky pickup. This includes: cell phones, computers, televisions, monitors, or laptops. Electronics can be taken to the Buncombe County Landfill and recycled free for residents. The landfill is located at 81 Panther Branch Road, Alexander, NC 28701.

Some important guidelines to follow for bulky item pickups:

- Call Public Works to schedule or it will not be picked up **(828) 645-0606**.
- Items will be collected on the second and fourth Friday of each month and must be placed at the curbside by 8:00am.
- Describe to Public Works exactly what items need to be collected so a work order can be completed and given to the correct department.

Schedule your FREE bulky items collection today by calling **(828) 645-0606**

**TOWN OF WEAVERVILLE
PUBLIC WORKS DEPARTMENT**

REPORT TO TREE BOARD

SEPTEMBER 4, 2024

For additional information, the following list summarizes the tree-planting efforts by the Public Works Department since my hiring as Public Works Director in November 2017:

Community Center

All landscaping around the building and grounds, including annuals, perennials, hawthorns, hollies, sugar maples, dogwoods and service berries.

Town Hall

Rhododendron, hostas, Azaleas, flox, Japanese maple

Memorials

Service berry in Nature Park

Japanese Maple at Community Center

Fire Department

New landscaping around entrance, maple, Japanese Maple

Public Works

Dogwood

Crepe Myrtle

Recreation Complex (Pickleball Court)

Arborvitae (20), Holly (20), Pink Dogwood

Arbor Day

- 2018 Pink Dogwood in Nature Park
- 2019 White Dogwood in Nature Park
- 2020 Red Maple in Nature Park (honoring Mayor Bett Stroud)
- 2021 American Holly at Town Hall
- 2022 Pink Dogwood at Lake Louise
- 2023 Red Plum at Community Center (honoring Mayor Al Root)
- 2024 White Oak at Town Hall tree circle (honoring Mayor Dottie Sherrill)

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 23, 2024
SUBJECT: Job Posting/Hiring Process – Town Manager
PRESENTER: Mayor Patrick Fitzsimmons & Vice Mayor John Chase
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

After consulting with its Town Attorney, it is expected that Town Council will discuss and make decisions on how to proceed in hiring a new town manager.