



Town Council Regular Meeting - Minutes

Monday, January 27, 2025 at 6:00 PM

Town Council Chambers, Town Hall, 30 S. Main St. Weaverville, N.C.

The Town Council held a regularly scheduled meeting on Monday, January 27, 2025 at 6:00 p.m. in the Town Council Chambers at Town Hall, 30 S. Main Street, Weaverville, N.C.

1. Call To Order

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

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

Staff members present: Town Attorney Michael Frue, Planning Director James Eller, Public Works Director Dale Pennell, Water Plant Superintendent Randall Wilson, Finance Director Tonya Dozier, Town Clerk Tamara Mercer, Planner Graham Crawford, Community Center Director Mike DeSerio, and A/V Coordinator Lauren Ward.

Absent: Interim Town Manager Scottie Harris

2. Approval/Adjustments to the Agenda

Mayor Fitzsimmons requested that agenda item 4. F. (4.6) concerning Planning Board appointments, be revised to remove the appointment to fill the vacate alternate seat, but all other appointments be made as recommended.

Motion to approve the agenda with the adjustment to item 4.F (4.6).

Moved by: Dee Lawrence

Aye Peter McGuire, Doug Jackson, Dee Lawrence, Patrick Fitzsimmons, John Chase, Catherine Cordell, and Michele Wood

Carried 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

Planning Director Eller reviewed the consent agenda.

Motion to approve the consent agenda as presented and with the aforementioned adjustment.

Moved by: Doug Jackson

Aye Peter McGuire, Doug Jackson, Dee Lawrence, Patrick Fitzsimmons, John Chase, Catherine Cordell, and Michele Wood

Carried unanimously. 7-0

- 4.1 Minutes of Town Council Workshop Dec. 10, 2024 – *approved as presented*
- 4.2 Minutes of Town Council Special Called Meeting Dec. 18, 2024 - *approved as presented*
- 4.3 Monthly Tax Report, Refunds/Releases - *approved as presented*
- 4.4 Conflicts of Interest Policy – *ratified as requested*
- 4.5 Budget Amendment - *approved as presented*
- 4.6 Board Appointments-Planning Board and Tree Board – *appointments approved with adjustments*
- 4.7 Cooperative Interlocal Agreement- Wayfinding Signs – *resolution adopted*
- 4.8 Comprehensive Land Use Plan Update – *resolution adopted*
- 4.9 Code Amendments- Chapter 2- Parking, Tree Preservation, Setbacks - *Public Hearing set for 2/24/2025 at 6pm*

5. Interim Town Manager's Report

Mayor Fitzsimmons reviewed the Interim Town Manager's Report and updates for the following:

- Fire Station Solor Panel Project completion
- Debris Removal status and on-going process
- Damage Assessment Update and FEMA inventory
- Private Property Debris Removal program with DebrisTech
- FEMA Disaster Recovery Center at Town Hall
- Departmental Communications and backup equipment
- Community Center Updates - new manager and assistant hired
- Weaverville Water Wheel repairs and update
- Maple Trace Subdivision Annexation update
- WBA to host St. Patrick's Day event downtown March 16th

6. Public Comment

Mary Hilton, a Weaverville resident, said she was in favor of the resolution permitting the Buncombe County non-discrimination ordinance to be applicable within the Town limits.

Jane Jaskevich, a non-resident, was opposed to the higher density develop at 21 Parker Cove in favor of single family for R-1 or R-2.

Moses Goldstein, a non-resident, was opposed to annexing 21 Parker Cove Road.

Anjelica Parker, a non-resident who resides adjacent to 21 Parker Cove Road, said she was opposed the development proposed for 21 Parker Cove Road.

Nancy Nelson, a non-resident, was opposed to the 21 Parker Cove Road development.

Barbara Kent, a Weaverville resident, discussed a tree problem on her private property.

Jeff McKenna, a Weaverville resident, addressed the Buncombe County non-discrimination ordinance. Mr. McKenna was concerned with investigating cases, fines, penalties and the mechanism and process of the town processing discrimination cases of businesses.

Erin McGredy, a Weaverville resident, said she was in favor of the resolution permitting the Buncombe County non-discrimination ordinance to be applicable within the Town limits.

Town Clerk Mercer noted that several online responses were received. She said that email comments stating they were in support of the resolution permitting the Buncombe County non-discrimination ordinance to be applicable within the Town limits as follows: Maggie Schroder, Robert Fong, Sue Vrooman, David Vrooman, Caroline Whatley, Darla LeTourneau, Nancy Waldrop, JoAnn Stanley, Inger Stallman Jorgensen, Lorraine Silverman, Sarah Gregory, Michelle Rippon, Judy Craggs, Mari Fox, Joan D'Entremont, and Mel Kelley. Jason Deal submitted an email that he was not in favor of the non-discrimination resolution nor in support of the Buncombe County ordinance. Other comments received included: Doug Murray was opposed to the density of the 21 Parker Cove Road proposed development; Beatriz Lothrop was in favor of the proposed AdventHealth hospital.

7. Discussion & Action Items

7.1 Annexation/Zoning- AdventHealth

Planning Director Eller reviewed the annexation request and conditional district zoning request. Mr. Eller noted that the voluntary annexation petition was submitted by AdventHealth Asheville, Inc., seeking to have two parcels located at or near Ollie Weaver Road and US Highway 25/70 totaling +/- 7.30 acres annexed into the Town of Weaverville. The purpose of this annexation is to bring the proposed AdventHealth project into the Town's municipal jurisdiction.

AdventHealth is also requesting conditional district zoning including the 7.30 acres to be annexed, to develop a hospital campus that includes a 67-bed hospital with a 26-bed hospital wing, emergency department, medical office buildings, and an out-patient surgical center.

Public hearings on the annexation and conditional district zoning were held on 21 January 2025, and the matter is eligible for Town Council's consideration pursuant to N.C. Gen. Stat. § 160A-31.

Motion to adopt and approve the annexation ordinance extending the corporate limits of the Town of Weaverville and the conditional district ordinance establishing CD-9 for AdventHealth as presented.

Moved by: Doug Jackson

Aye Peter McGuire, Doug Jackson, Dee Lawrence, Patrick Fitzsimmons, John Chase, Catherine Cordell, and Michele Wood

Carried unanimously. 7-0

7.2 Annexation/Zoning- 21 Parker Cove Road

Planning Director Eller reviewed the annexation request and conditional district zoning request for 21 Parker Cove Road. He said the voluntary annexation petition seeking to have approximately 9.385 acres annexed into the Town of Weaverville was for the purposes of obtaining Town services, including water, to support a 45-lot single family subdivision according to the original application. The petitioners are requesting conditional district zoning due to small lot sizes and reduced setbacks due to clustering of dwellings.

Public hearings on the proposed annexation and possible zoning, including the requested conditional district and traditional R-2 zoning, were held on 21st of January 2025, pursuant to N.C. Gen. Stat. § 160A-31.

Mr. Eller added that there were too many variables and options for the Town Attorney or staff to effectively develop draft ordinances for consideration at this meeting and Town Council direction would be appreciated.

Mr. Nicholas Parker applicant and manager at GreenStreet Land Development addressed the Board and said the request is still for a conditional district zoning, but he presented a revised site plan. The initial density for a 45-unit project was driven by sustainable and attainable price points. Due to the surrounding community opposition, the developer has reduced the number of units to 27 for a similar density to R-2. They are still proposing a clustered style but are planning to include detached garages. Mr. Parker said if they can cluster the units, they can provide a 100-foot undisturbed vegetative buffer to save trees and buffer to the south adjacent to Maple Trace properties. GreenStreet will build sustainable, zero energy units, the clustering project means less land disturbance, they reduced another 13.5% of impervious surface, but he added the plan is no longer attainable housing prices, so the prices will go up.

There was further discussion regarding the history of Maple Trace subdivision, R-2 zoning and density, conditional district zoning and density versus a special use permitting procedure, units per acre, minimum lot sizes, the 100-foot vegetative buffer, side setbacks, cluster development and styles, and code regulations.

Mr. Eller noted that Maple Trace subdivision setbacks are less than the Town's regulations, but the subdivision was built under Buncombe County's code of regulations.

Vice Mayor Chase requested that easements to allow for greenway construction along Reems Creek be included as a condition and Mr. Parker affirmed that they agree to include greenway easements. There was a general consensus that the developer met all the requests from the surrounding neighborhoods for a less dense project, more vegetative buffering, and the developer agrees to the greenway easement for the Town.

Mr. Eller and Town Attorney Frue agreed that with a reduction in intensity and density, the project does not need to go before the Planning Board and that an ordinance can now be drafted with these conditions. Mayor Fitzsimmons agreed there was general consensus to approve the request for annexation and conditional district zoning based upon the added conditions and contingent upon the future Reems Creek greenway language to be included in the ordinance.

Motion to approve the annexation and conditional district zoning for 21 Parker Cove Road incorporating the revised plan of 27 units with vegetative buffers as shown and

greenway easements, and direction that staff and Town Attorney are to provide the ordinance language at the next regular meeting for formal action by Town Council.

Moved by: Doug Jackson

Aye Peter McGuire, Doug Jackson, Dee Lawrence, Patrick Fitzsimmons, John Chase, Catherine Cordell, and Michele Wood

Carried unanimously. 7-0

After the vote, Mayor Fitzsimmons called a short recess to clear the chambers at 6:50 p.m. and the meeting resumed at 6:55 p.m.

7.3 **Non-Discrimination Ordinance**

Mayor Fitzsimmons introduced the item Buncombe County Ordinance Prohibiting Discrimination in Employment and Public Accommodations, a draft resolution permitting the Buncombe County Ordinance Prohibiting Discrimination in Employment and Public Accommodations to be Applicable Within Town Limits; and draft Interlocal Agreement Between Buncombe County and the Town of Weaverville.

Mayor Fitzsimmons reviewed the history in the State of North Carolina and said it is one of just five states that does not have a state public accommodation law. After a survey of North Carolina Public Accommodations Ordinances and a proposal for a Statewide Public Accommodations Law, N.C. L. Rev. 303 (2023), members of the community have expressed concerns that federal protections are inadequate and have urged local leaders to enact a ban on discrimination in employment and public accommodations. Mayor Fitzsimmons noted that the Town of Weaverville is a welcome and inclusive place. There was discussion regarding enforcement between the towns and the County to which the draft of the local agreement and enforcement mechanism was questioned. Attorney Frue said this is a Resolution permitting the County Ordinance to be applied within the Town.

There was discussion regarding law in North Carolina since the State does not have a non-discrimination policy. Attorney Frue explained that the research was conducted by Buncombe County. Further discussion regarding the Town's research and the Ordinance, holding a Public Hearing, the definition of the EO and investigations regarding discrimination allegations, assignments and mechanisms, internal and third-party processes, implementation timeframe, and Staff drafting the Town's policy to address the procedures, appeals and quasi-judicial decisions and civil enforcement, after which Mayor Fitzsimmons suggested Council pass the non-discrimination ordinance contingent on the final language to include the enforcement mechanism and brought before Council by May first.

Motion to approve the Resolution supporting the Buncombe County Ordinance Prohibiting Discrimination in Employment and Public Accommodations and that Staff draft language addressing further procedures and to be brought back to Town Council for final vote with the ordinance to include provisions on administration and enforcement mechanism, and with an effective date of May 1, 2025.

Moved by: Patrick Fitzsimmons

Aye Peter McGuire, Doug Jackson, Dee Lawrence, Patrick Fitzsimmons, John Chase, Catherine Cordell, and Michele Wood

Carried unanimously. 7-0

7.4 Hurricane Relief Donations from Weaverville, California

After deliberations there was a general consensus to use the monetary donations from Weaverville, California, to offset the cost of repair and maintenance of the Lake Louise playground equipment affected by the storm.

Ms. Dozier said the Finance Department will draft the budget amendment.

7.5 Human Resources Audit

Finance Director Dozier reviewed the highlights of the Human Resources Audit Report that was recently completed by ADEPT HRM Solutions. The executive summary was provided and includes a high-level overview of the audit's purpose, scope, and key findings.

There is a need for strategic HR planning to mitigate potential risks associated with resource constraints. In addition to addressing compliance, risk, and exposure, a critical responsibility of HR is to proactively consider contingency planning and succession planning to ensure organizational sustainability. This presents an opportunity for the Town of Weaverville to conduct a broader evaluation of departmental operations and allocate additional resources where needed.

ADEPT HRM recommended exploring options to centralize HR tasks, allocate additional resources, and prioritize the areas identified in the audit.

Limited staffing, time, and tools hinder the ability to focus on proactive HR initiatives, such as employee engagement, strategic planning, and risk management.

Many of the issues identified—such as outdated job descriptions, file management inconsistencies, and compliance gaps—can be attributed to a lack of centralized HR expertise and adequate resources. With more dedicated support, these challenges could be addressed more effectively.

7.6 Finance Department Quarterly Report

Finance Director Dozier provided her quarterly report, highlighting the revenues and expenditures, Recreation Complex Project, Water Treatment Plant Expansion Project, Water System Resiliency plan, as well as an update to Helene Disaster Response and recovery and funding projections.

7.7 Planning Department Quarterly Report

Planning Director Eller reviewed the end of calendar year report, and he highlighted trends in permitting from 2014 to current. Included were the Planning Board and Board of Adjustment activity. He noted a recent case before the BOA.

9. Closed Session

Attorney Frue requested that Town Council go into closed session as allowed by: 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; and 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.

Motion to enter into closed session citing N.C.G.S. §143-318.11(a)(3) and N.C.G.S. §143-318.11(a)(6) at 7:32 p.m.

Moved by: Dee Lawrence

Aye Peter McGuire, Doug Jackson, Dee Lawrence, Patrick Fitzsimmons, John Chase, Catherine Cordell, and Michele Wood

Carried unanimously. 7-0

[CLOSED SESSION]

Moved to exit closed session and to re-enter open session at 8:11 p.m.


Moved by: Catherine Cordell

Aye Peter McGuire, Doug Jackson, Dee Lawrence, Patrick Fitzsimmons, John Chase, Catherine Cordell, and Michele Wood

Carried unanimously. 7-0

10. Adjournment

There being no further business and without objection, Mayor Fitzsimmons adjourned the regular meeting at 8:13 p.m.



Tamara Mercer, Town Clerk



Patrick Fitzsimmons, Mayor