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(unless technical difficulties are experienced)

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1. Call to Order		Mayor Fitzsimmons
2. PUBLIC HEARING – Code Ch. 20 – Multifamily Residential Regulations	2	Mayor Fitzsimmons
3. Appointment of Town Manager		Mayor Fitzsimmons
4. Approval/Adjustments to the Agenda		Mayor Fitzsimmons
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9. Discussion & Action Items		
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B. FY2026 Preliminary Budget Conversations/ Input (cont’d from 3/18/25)	69	Manager Harris
C. Quarterly Report – Public Works and Water	70	PW Director Pennell
10. 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@weavervillenc.org at least 6 hours prior to the meeting, (3) by mailing your written comment (received not later than Monday’s mail delivery) to: Town of Weaverville, PO Box 338, Weaverville, NC, 28787, Attn: Public Comments. For more information please call (828)645-7116.

TOWN OF WEAVERVILLE

TOWN COUNCIL AGENDA ITEM

PUBLIC HEARING

Date of Meeting: Monday, March 24, 2025
Subject: Multifamily Residential Density – Min. Lot Area, Setbacks
Presenter: Planning Director
Attachments: Public Notice, Planning Board Recommendation, Staff Report

Description:

Staff has encountered a scenario where several of the goals of the comprehensive land use plan may be woven together to address the issue at hand. In short, we have a blind spot in our ordinances as it relates to the ownership of individual units, and the application of minimum lot area and setbacks within multifamily residential developments.

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for the determination on how to regulate condominiums (minimum lot area, setbacks within multifamily projects) which was given a number 1 priority, an ongoing review of zoning regulations which was given a number 2 priority, and the continued analysis of ways to provide standards regulations in order to reserve the use of conditional zoning which was given a number 3 priority.

Action Requested:

Town Council is asked to hold the requisite public hearing on this matter.

TOWN OF WEAVERVILLE NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given that the Weaverville Town Council will hold a public hearing during its regularly scheduled meeting on **Monday, March 24, 2025, beginning at 6:00 p.m.**, or as soon thereafter as Town Council can reach the matter, **on proposed amendments to Town Code Chapter 20 concerning regulations and procedures related to multifamily residential development.**

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

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

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

**RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING MULTIFAMILY RESIDENTIAL,
TABLE OF DIMENSIONAL REQUIREMENTS AND ADDITIONAL STANDARDS**

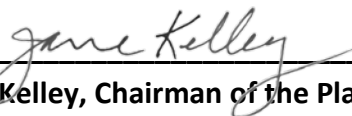


**Town of Weaverville
Planning Board**

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

On February 4, 2025, the Planning Board reviewed and, with a unanimous vote, recommend to Town Council the attached proposed text amendment which provides for a new footnote within the table of dimensional requirements and adds new additional standards for multifamily residential developments allowing an alteration from the minimum dimensional requirements for multifamily projects. This favorable recommendation is based on the findings as stated herein.

The Planning Board recently undertook a review of standards applicable to multifamily residential developments finding that such uses are treated differently by the land use regulations based upon the ownership of the property. The Planning Board has found that these proposed code amendments are consistent with the Town's comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments seek to treat identical uses commonly, not based upon the ownership of the property; currently conditional zoning would be required for all multifamily projects in which individual dwelling units are offered for sale rather than rent; and the CLUP calls for a determination on how to regulate condominiums (minimum lot area and setbacks within multifamily developments), an ongoing review of zoning regulations, and the continued analysis of ways to provide standard regulations in order to reserve the use of conditional zoning for unique proposals.



Jane Kelley, Chairman of the Planning Board
February 4, 2025

**RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING MULTIFAMILY RESIDENTIAL,
TABLE OF DIMENSIONAL REQUIREMENTS AND ADDITIONAL STANDARDS**

Sec. 20-3206. Table of dimensional requirements.

Zoning District	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO ¹¹
Minimum Lot Area (sq. Ft.)	10,000 ^{2,7}	7,500 ^{1,2,3,4,7,12}	5,445 ^{1,2,3,4,7,12}	7,500 ^{4,7,8,12}	0	0	0	5,445 ^{1,2,3,4,7}
Minimum Lot Width(ft.)	100	75 ¹²	75 ¹²	75 ¹²	0	50	0	75
Minimum Front Yard (ft.)	30	30 ¹²	30 ¹²	30 ¹²	0	0	0	30
Major Thoroughfare	30	30	30	30 ⁵	0	60	35 ⁵	30
Minor Thoroughfare	30	30	30	30 ⁵	0	25 ⁵	35 ⁵	30
With Parking in Front	-	-	-	-	-	60	-	-
Without Parking in Front	-	-	-	-	-	40	-	-
Minimum Side Yard (ft.) Abutting Residential District	10	10 ^{6,12}	10 ^{6,12}	10 ^{6,12}	0	30	40	10 ⁶
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40	10 ⁶
Minimum Rear Yard (ft.) Abutting Residential District	10	10 ^{6,12}	10 ^{6,12}	10 ^{6,12}	0	30	40	10 ⁶
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40	10 ⁶
Height Limit (ft.)	35	35	35	45 and no more than 3 stories	Note 10	75	75	18
Buffer if Abutting a Residential District (ft.)	0	0	0	20	Note 9	20	20	0

The following notes apply to the Table of Dimensional Requirements set out above:

See sections on dwelling setbacks (Code section 20-3208(h) and (i)), nonconforming lots (Code section 20-1602); and right-of-way (Code section 20-3208(b)).

Additional Notes corresponding to the table:

1. 10,000 square feet if no public sewerage is available.
2. 20,000 square feet if neither public water or sewerage is available.
3. 5,000 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 8 units per acre.
4. 10,000 additional square feet for each additional dwelling unit when public water and/or sewer is not available.
5. 40 feet if property directly across the right-of-way is zoned residential.
6. 15 feet for duplexes; 25 feet for all other multi-family dwelling units.
7. Additional square footage may be required by the authority having jurisdiction over private water and/or sewerage systems located on individual lots.
8. 3,280 additional square feet for each additional dwelling unit when public water and/or sewer is available, but in no event may density exceed 12 units per acre.

**RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING MULTIFAMILY RESIDENTIAL,
TABLE OF DIMENSIONAL REQUIREMENTS AND ADDITIONAL STANDARDS**

9. Where a lot in the C-1 district abuts a residential district, either directly or across a street (on the side of the C-1 lot), and any use is hereafter established on the C-1 lot by the construction of a new building thereon or by the enlargement of an existing building on the C-1 lot which enlargement exceeds by 25 percent the floor area of the existing building, such building and such lot shall be screened from the lot in the residential district by a vegetative screen on the side of the building or lot facing the residential lot shall require screening. Exceptions to this buffering requirement in C-1 are as follows:
- (a) These provisions shall not apply to any lot which is used for a use which would be permitted in the adjacent residentially zoned district.
 - (b) The vegetative screen required shall be omitted along the street where the C-1 lot fronts.
 - (c) The board of adjustment shall have the authority to alter or eliminate the required vegetative screen where the lot requiring the vegetative screen and the adjacent lot zoned residential are in single ownership or upon receipt of a notarized statement waiving or modifying the screening provisions of this section, between the owner of the lot requiring the vegetative screen and the owner of the adjacent lot zoned residential. Any such agreements shall be attached to the application for zoning permit and retained by the town.
10. In the C-1 district, every building or structure hereafter erected or structurally altered to exceed 35 feet in height, shall, above such 35-foot height, be set back from the front line of the property on which the building or structure is located on the ratio of one set back foot for each two-foot rise above such 35-foot height. In no case shall the height be greater than 57 feet (which would require a setback of 11 feet).

Where more than one-half of the street frontage in a particular street block is zoned residential and the remaining frontage on the same side of that street block is zoned C-1, the height regulations for the residential district shall apply to the lots zoned for commercial uses on that side of the street block.

11. The dimensional standards for the MHO district only apply to manufactured homes. To the extent that a dimensional requirement for a manufactured home in the MHO district is inconsistent with the corresponding dimensional requirement of the underlying use district, the more restrictive dimensional requirement shall apply to that manufacture home.
12. For multifamily residential projects as defined herein, the dimensional requirements for projects which are meant for the offer of individual dwelling units or lots for sale rather than rent, the additional standards described at Sec. 20-3324. Dwelling – Multifamily (d) shall apply.

Sec. 20-3324. Dwelling – Multifamily (more than 4 units/building).

- (a) Street lighting requirements made necessary by article VI of this part III are fully applicable to the use of Dwelling – Multifamily (more than four units/building) as defined in Code section 20-1202 except that such requirements are hereby modified to provide the following:
 - (1) All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - (2) Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - (3) The exterior lighting plan shall be subject to review and approval by the town’s zoning administrator prior to installation.
- (b) All containment devices for trash and recyclables (including but not limited to compactors, dumpsters, roll-out bins, and areas for storing cardboard) shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - (1) All containment areas shall be enclosed to contain windblown litter.

**RECOMMENDED AMENDMENTS TO CHAPTER 20
REGARDING MULTIFAMILY RESIDENTIAL,
TABLE OF DIMENSIONAL REQUIREMENTS AND ADDITIONAL STANDARDS**

- (2) Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - (3) Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall, or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - (4) Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.
 - (5) Enclosures shall contain gates to allow for access and security.
 - (6) Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - (7) Enclosures shall be landscaped in accordance with article IV of this part III.
- (c) Maximum number of units per building – No more than 24 units per building are permitted.

(d) For multifamily residential projects as defined herein, certain dimensional requirements found at Sec. 20-3206 Table of dimensional requirements, for projects which are meant for the offer of individual dwelling units or lots for sale rather than rent, the additional standards for dimensional requirements contained in this subparagraph are applicable.

- (1) Minimum lot area for each individual dwelling unit or lot may be reduced to 0 provided the overall _____ density of the project does not eclipse the density as allowed by the underlying zoning district in which the property is located and the aggregate acreage or square footage of the parent parcel and each parcel created.
- (2) Minimum lot width may be reduced to accommodate the project provided the overall density of the project does not eclipse the density as allowed by the underlying zoning district in which the property is located.
- (3) Front, side and rear yard setbacks for each individual dwelling unit or lot may be reduced to 0 provided the generally applicable setbacks required by the underlying zoning district are made applicable to the exterior property lines of the parent parcel.
- (4) Other dimensional requirements not specifically enumerated in this section, but generally applicable and found within Sec. 20-3206 Table of dimensional requirements, including but not limited to height and buffering shall remain in effect.

Town of Weaverville, North Carolina

Staff Report: Technical Change, Table of Dimensional Requirements

Prepared January, 2025

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

Comprehensive Land Use Plan Stated Goal and Background Information

Staff has encountered a scenario where several of the goals of the comprehensive land use plan may be woven together to address the issue at hand. In short, we have a blind spot in our ordinances as it relates to the ownership of individual units, and the application of minimum lot area and setbacks within multifamily residential developments.

- Excerpt from recent technical review committee report: *Because these lots are to be platted and sold, the subdivision of the property is required and the table of dimensional requirements for the R-3 district must be adhered to. Even if by accident, all other townhome projects have been for rent, meaning individual lots did not have to be created and a reset back to the original minimum lot area did not have to occur. The density in units per acre is met, but the minimum lot area and setbacks for each unit/property is not met. This being said, preliminary plans for a subdivision of this nature cannot be administratively approved by our Planning Board.*

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for the determination on how to regulate condominiums (minimum lot area, setbacks within multifamily projects) which was given a number 1 priority, an ongoing review of zoning regulations which was given a number 2 priority, and the continued analysis of ways to provide standards regulations in order to reserve the use of conditional zoning which was given a number 3 priority.

Additionally, legal compliance with statutory standards which prohibit the regulation of property ownership could be considered. Even if by accident, our land use regulations encourage single ownership of multifamily residential projects which produce individual dwelling units for rent rather than sale. Under current regulations, the same project which offers individual dwelling units for sale will experience additional approvals (subdivision regulations which cannot be administratively adhered to, therefore requiring conditional zoning) which would not be applicable to for rent projects. This appears to be an unintended violation of the case law which prohibits ownership from determining regulations or subjecting similar projects to substantially different approval processes based on ownership.

Subjecting similar projects, and in this case identical uses, to differing approvals based upon their ownership should be addressed and it has been the practice of staff to bring forth technical changes when such necessary revisions to the zoning ordinance should be considered.

Town of Weaverville, North Carolina
 Staff Report: Technical Change,
 Table of Dimensional Requirements

Prepared January, 2025

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

Approval Process for Similar Projects and Identical Uses – Illustrated



	Rented	Owned
Approval Process	Permitted with standards. Subdivision ordinance not applicable as the property does not need to be subdivided to create individual lots or units for sale. Administrative zoning approval at staff level based upon objective standards of the ordinance.	Conditional zoning required as the administrative minimum subdivision standards cannot be met. Then the property is subdivided based upon the site-specific development plan incorporated with the conditional district. Then administrative zoning approval at staff level based upon the standards of the conditional district ordinance and plan.





Town Council Regular Meeting - Minutes

Monday, February 24, 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, February 24, 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, Michele Wood, Peter McGuire, and Dee Lawrence. Council Member Cordell was absent.

Staff members present: Town Attorney Michael Frue, Interim Town Manager Scottie Harris, 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.

2. Public Hearing

Mayor Fitzsimmons opened the public hearing for proposed amendments to Town Code Chapter 20 concerning parking requirements, tree conservation, and setbacks.

No one in attendance offered any comment on the matter and no online submissions were made.

Mayor Fitzsimmons declared the public hearing closed without objection.

3. Approval/Adjustments to the Agenda

Mayor Fitzsimmons asked if anyone had any adjustments to the agenda. There being none the Mayor called for action to approve the agenda.

Motion to approve the agenda as presented

Moved by: John Chase

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

Carried unanimously. 6-0

4. 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.

5. Consent Agenda

Interim Town Manager Scottie Harris reviewed the consent agenda.

Motion to approve the consent agenda as presented, but with a correction to the minutes under item 4.4.

Moved by: Doug Jackson

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

Carried unanimously. 6-0

- 4.1 Minutes of Town Council Regular Meeting Dec. 16, 2024 – *approved as presented*
- 4.2 Minutes of Town Council Special Called Meeting Jan. 17, 2025 - *approved as presented*
- 4.3 Minutes of Town Council Regular Workshop Meeting Jan. 21, 2025 - *approved as presented*
- 4.4 Minutes of Town Council Regular Meeting Jan. 27, 2025 - *approved as amended to state that the NDO was adopted but enforcement mechanism is to be brought back*
- 4.5 Minutes of Town Council Special Called Meeting Jan. 28, 2025 - *approved as presented*
- 4.6 Minutes of Town Council Special Called Meeting Jan. 29, 2025 - *approved as presented*
- 4.7 Minutes of Town Council Special Called Meeting Jan. 30, 2025 - *approved as presented*
- 4.8 Minutes of Town Council Special Called Meeting Feb. 1, 2025 - *approved as presented*
- 4.9 Monthly Tax Report, Refunds/Releases - *approved as presented*
- 4.10 Budget Amendment - Public Works and Police - *approved as presented*
- 4.11 Response Letter to LGC – Water Asset Depreciation – *approved as requested*
- 4.12 Law Enforcement Mutual Assistance/Aid Agreements - *resolution adopted and agreements approved as presented*
- 4.12 Storm Debris Removal – Amendment #1 and #2 to SDR Agreement - *approved as presented*
- 4.13 Uniform Guidance Procurement Policy and Micro-Purchase Resolution – *approved and adopted as presented*
- 4.14 Code Amendments to Ch. 20 – MultiFamily – *public hearing set for 3/24/25 at 6 pm*
- 4.15 Proclamation Honoring Black History Month - *approved as presented*

6. Interim Town Manager's Report

Interim Town Manager Harris provided his report which included updates or information on the following:

- Arbor Day Celebration
- Federal Funding Request for Community Projects
- Citizens Academy
- Budget Calendar
- Dry Ridge Historical Museum Report
- MSD Weaverville Pump Station Update
- Parking Lot Paving
- FEMA Recovery Center and Private Property Debris Removal (PPDR)
- Water Wheel Update

7. Public Comment

Jeff McKenna, Town resident on Yost Street, addressed the non-discrimination ordinance considered at the February Council meeting, further concerns of his included: other municipalities that have adopted NDOs; responsibility and costs to small businesses; the Town's enforcement mechanisms and administrative costs; and coverage and liability for unexpected circumstances.

Judy Craggs, Chair of the Dry Ridge Historical Museum and Town resident, addressed the Town's 150th anniversary and noted future commemorative events are planned for the summer. She welcomes suggestions and funding. She added that Roberta Flack, who is related to the Flacks of Weaverville, passed away today.

Phil Barnett, Chair of the WEDAC and Town resident, indicated that a subcommittee has been working with Keith Davis, the owner of 115 Reems Creek Road (formerly Balcrank) on some potential new uses/tenants for the building including an artist consortium/enclave, Grail Moviehouse Theatre, and Dreams Center for a warehouse distribution center. Contamination evaluation of the property appears to only be a de minimus amount of contaminants and will likely lead to it being released from further environmental monitoring, stated Mr. Barnett.

7. Discussion & Action Items

7.1 **Town of Weaverville's 150 Year Anniversary**

Mayor Fitzsimmons read a proclamation for the Town's 150th anniversary of its original incorporation on March 16, 1875 and indicated that the Dry Ridge Historical Museum is already planning some events/activities to help Weaverville mark this milestone.

7.2 **WBA St. Patrick's Day Event – Road Closure and Social District Approvals**

The WBA has planned a St. Patrick's Day event to be held on Sunday, March 16, from 2 pm to 6 pm. To accommodate their planned activities they are requesting a road closure of a portion of Florida Avenue and a portion of Merchants Alley and a social district for this event.

Motion to adopt the Road Closure Ordinance and the Ordinance Creating an Event-Specific Social District for the WBA St. Patrick's Day Event to be held on March 16, 2025

Moved by: Dee Lawrence

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

Carried unanimously. 6-0

7.3 Fire Department Quarterly Report

Deputy Fire Chief Michael Hunter provided the Fire Department's quarterly report, highlighting the incident numbers, overlapping call volumes, and response times as a indicating the increasing demand on the Fire Department. Deputy Chief Hunter answered a question regarding quick response vehicles (like an SUV) and said that they are useful in certain situations but they do require personnel to drive them. 50% of their call volume is medical calls that could be handled with a quick response vehicle, but with limited staffing that would pull personnel off of the larger trucks rendering them unusable for a secondary call. WFD continues to work with the Reems Creek Valley Fire Department in looking for ways to provide emergency services in that area.

7.4 Police Department Quarterly Report

Police Chief Oberlin presented the Police Department's quarterly report. She noted that there is normally a decrease in activity around the holidays and when it is bitterly cold. She provided an update on the investigative findings of the District Attorney and the SBI concerning the officer involved shooting which cleared the officer and allowed him to return to duty. A mental health care professional has been embedded in the Department and has supported this officer and others. She shared that the Riley Howell award was recently presented to Derek Woodbury of Publix for his quick actions, bravery, and heroism that likely saved someone from bodily harm or death in the Publix parking lot. Lastly, she provided a brief update on a shooting death in the Walmart parking lot involving juveniles and used that example to highlight the resilience of WPD employees and her gratitude for the WFD and all of the many other agencies that provided assistance during the recent extraordinary circumstances.

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; N.C.G.S. §143-318.11(a)(5), to establish or 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 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), N.C.G.S. §143-318.11(a)(5), and N.C.G.S. §143-318.11(a)(6) at approximately 6:45 p.m.

Moved by: John Chase

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

Carried unanimously. 6-0

[CLOSED SESSION]

Moved to exit closed session and to re-enter open session at approximately 7:35 p.m.

Moved by: John Chase

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

Carried unanimously. 6-0

10. Adjournment

There being no further business and without objection, Mayor Fitzsimmons adjourned the regular meeting at 7:36 p.m.

Tamara Mercer, Town Clerk

Patrick Fitzsimmons, Mayor



Town Council Regular Meeting - Minutes

Monday, March 18, 2025 at 6:00 PM

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

The Town Council held a regularly scheduled workshop meeting on Tuesday, March 18, 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, Interim Town Manager Scottie Harris, 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, Assistant Town Manager Jennifer Jackson, and A/V Coordinator Lauren Ward.

2. Pre-Budget Overview

Interim Manager Harris provided an overview which included the following topics: (a) budget officer's statutory responsibilities; (b) current conditions and projections including aging building and increases in call service levels, examples of supply chain and equipment delays, entry level training/certification timing, current and projected housing and population numbers, current level of staffing and personnel growth by department, and organizational charts; (c) lasting impacts of Hurricane Helene; (d) concentration on sustainability and resiliency, and (e) review of requested capital projects, equipment, and personnel [see PowerPoint slides attached].

3. Pre-Budget Revenue Estimates, Tax Rate and Fund Balance Information

Finance Director Dozier provided preliminary information concerning: (a) revenue estimates for North Buncombe Fire District taxes, property taxes, sales tax, interest income, ABC profit distribution, Community Center private rentals, water rates and associated revenue, and water system development fees.; and (b) tax rate and fund balance information [see PowerPoint slides attached].

4. Town Council Conversation and Preliminary Input

Interim Manager Harris requested that Town Council have some general conversation on budget related matters and indicated that input to staff on the following items would be helpful in development a recommended budget:

- Service Delivery Expectations
- Use of Fund Balance

- Tax Rate Increase
- COLA/Merit Increase
- Staffing Presence in Reems Creek Area
- Pre-Ordering Fire Rescue Truck (Limited FY26 Budget Impact)
- Community Center – Private Rental Revenue
- Recreation Complex – Restrooms, Storage, Shelter Project
- Street Program / Sidewalk Program Funding
- Recycling – Bi-Weekly Pickup or Cost Increase
- Municipal Elections – Odd Year Elections/Early Voting and Cost
- Eller Cove Watershed Trails Project
- Town Council Wishes and Expectations

Town Council discussed/requested: requested information on the number of Town residents with long term issues related to Hurricane Helene; municipal elections and requested cost information if elections were switched to even years; Community Center programming and indicated that the facility was not built to be a primary revenue source, indicated a wiliness to increase fees and add fees for setup and tear down services, requested demographic data on private rentals; requested information on the number of residential dwelling units in the Reems Creek area; received information from Chief Oberlin on the use of their electric vehicles and charger needs; received information on recycling services and the possible switch to bi-weekly collection in order to keep customer costs down; and conversion to cellular read meters.

Town Council was encouraged to continue these preliminary budget conversations and input at their regular meeting on March 24, 2025.

5. Next Steps

Town Council was encouraged to reach out to the Interim Town Manager or Finance Director with questions concerning budget. The upcoming budget calendar was also reviewed:

- Interim Town Manager’s Presentation of Budget/Budget Message – Workshop #2, April 15 at 6 pm
- Budget Workshop #3 and Public Hearing on Budget, May 13 at 6 pm
- Budget Workshop #4, June 3 at 6 pm
- Budget Workshop #5 and Adoption, June 17 at 6 pm

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)(5), to establish or 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.

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)(5) at approximately 7:18 p.m.

Moved by: Catherine Cordell

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

Carried unanimously. 7-0

[CLOSED SESSION]

Moved to exit closed session and to re-enter open session at approximately 7:38 p.m.

Moved by: Patrick Fitzsimmons

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

Carried unanimously. 7-0

10. Adjournment

There being no further business and without objection, Mayor Fitzsimmons adjourned the regular meeting at 7:38 p.m.

Tamara Mercer, Town Clerk

Patrick Fitzsimmons, Mayor

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 24, 2025
SUBJECT: Monthly Tax Report
PRESENTER: Tax Collector
ATTACHMENTS: Monthly Tax Report Summary
TR-401G Net Collections Report for February 2025
RMV Refund/Release Report for February 2025

DESCRIPTION/SUMMARY OF REQUEST:

Buncombe County has provided the monthly net collections report with data through the end of February 2025 and a request for tax releases/refunds.

A summary of the monthly tax report is provided and shows that **98.35% of the Town's property taxes have been collected as of the end of February**. This totals \$4,230,735.32 out of the \$4,301,750.90 total tax levy (real property, personal property, and business personal property). At the end of February 2025 there was \$71,015.58 left to collect of the 2024 property taxes.

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

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

Feb 2025	Property Tax Levy Release/Refund	\$107.78
Feb 2025	Motor Vehicle Levy Release/Refund	\$16.20

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 Feb 2025:

Original Billed Amts	\$	4,297,291
Abs Adj (Adjustments by Assessor)	\$	(3,798)
Bill Releases	\$	(44)
Discovery Levy	\$	5,305
Additional Levy	\$	2,997
Net Levy	\$	4,301,751
Total Current Year Collections	\$	4,230,735
% Collected		98.35%
Total Left to be Collected:	\$	71,016
Prior Years Tax Paid	\$	2,300
Prior Years Interest Paid	\$	224

Report Parameters:

Date Sent to Finance Start: **Min - February 1, 2025** Date Sent to Finance End: **Max - February 28, 2025** 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, WEAVERVILLE TAX**
 Tax Year: **2016, 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 February 28, 2025												Activity from February 1, 2025 to February 28, 2025			
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 (\$)	Assessor Refunds (\$)	Disc. Levy (\$)	Additional Levy (\$)
TAX DISTRICT: WEAVERVILLE LEVY TYPE: Interest															
2024	0.00	0.00	0.00	0.00	0.00	2,246.79	0.00	0.00	0.00	1,030.25	0.00	0.00	0.00	0.00	0.00
2023	0.00	0.00	2,246.79	0.00	0.00	0.00	NA	0.00	NA	0.00	0.00	0.00	0.00	0.00	0.00
2022	0.00	0.00	0.00	0.00	0.00	6,582.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2021	0.00	0.00	0.00	0.00	0.00	4,908.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2020	0.00	0.00	0.00	0.00	0.00	5,059.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2019	0.00	0.00	0.00	0.00	0.00	11,905.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2018	0.00	0.00	0.00	0.00	0.00	5,056.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2017	0.00	0.00	0.00	0.00	0.00	316.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2016	0.00	0.00	0.00	0.00	0.00	39.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2015	0.00	0.00	0.00	0.00	0.00	64.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Fiscal Year Activity from July 1, 20XX to February 28, 2025

Activity from February 1, 2025 to February 28, 2025

Tax Year	Orig. Billed Amt (\$)	Abs. Adj (\$)	Bill Releases (\$)	Net Levy (\$)	Collection Fee Amt (\$)	Amt Collect. (\$)	% Coll.	% Uncoll.	Amt Collect. (\$)	Abs. Adj (\$)	Bill Releases (\$)	Disc. Levy (\$)
		Assessor Refunds (\$)	Net Collections (\$)	Additional Levys (\$)							Assessor Refunds (\$)	Additional Levys (\$)
2015	0.00	0.00	0.00	0.00	0.00	100.08		0.00	0.00	0.00	0.00	0.00
2014	0.00	0.00	100.08	0.00	0.00	47.72		NA	0.00	0.00	0.00	0.00
2013	0.00	0.00	47.72	0.00	0.00	1,020.36		NA	0.00	0.00	0.00	0.00
2012	0.00	0.00	1,020.36	0.00	0.00	730.74		NA	0.00	0.00	0.00	0.00
2011	0.00	0.00	730.74	0.00	0.00	12.59		NA	0.00	0.00	0.00	0.00
Sub.	0.00	0.00	12.59	0.00	0.00	38,090.81		NA	1,030.25	0.00	0.00	0.00
		0.00	38,090.81	0.00	0.00	NA		NA				0.00

TAX DISTRICT: WEAVERVILLE LEVY TYPE: LATE LIST PENALTY

2024	2,330.93	1.55	0.36	215.40	2,544.42	2,299.39	90.37 %	245.03	63.36	0.00	0.00	0.00
2023	9,154.90	55.47	0.36	36.73	9,216.15	9,169.10	99.49 %	47.05	0.00	0.00	0.00	0.00
2022	2,555.97	4.77	0.80	733.13	3,283.53	3,267.17	99.50 %	16.36	0.00	0.00	0.00	0.00
2021	1,320.31	65.20	0.54	3,159.35	4,413.92	4,392.09	99.51 %	21.83	0.00	0.00	0.00	0.00
2020	1,211.84	478.88	0.96	6,083.77	7,047.59	7,032.49	99.79 %	15.10	0.00	0.00	0.00	0.00
Sub.	16,573.95	605.87	3.02	10,228.38	26,505.61	26,160.24	98.70 %	345.37	63.36	0.00	0.00	0.00
		0.00	26,160.24	312.17	0.00	NA		1.30 %				0.00

TAX DISTRICT: WEAVERVILLE LEVY TYPE: TAX

2024	4,297,291.04	3,797.54	44.38	5,304.73	4,301,750.90	4,230,735.32	98.35 %	71,015.58	36,450.88	107.13	0.65	0.00
2023	4,196,765.41	437.67	4,231,172.99	2,997.05	0.00	4,202,523.89	99.96 %	1,805.02	0.00	0.00	0.00	0.00
2022	3,986,151.82	1,317.96	43.41	5,719.53	3,990,509.98	3,989,260.90	99.97 %	1,249.08	0.00	0.00	0.00	0.00
2021	3,717,652.88	6,296.91	36.26	14,153.16	3,728,407.71	3,725,387.29	99.92 %	3,020.42	0.00	0.00	0.00	0.00
2020	3,354,216.35	6,680.68	71.80	22,850.56	3,373,041.19	3,372,017.69	99.99 %	1,023.50	0.00	0.00	0.00	0.00

Fiscal Year Activity from July 1, 20XX to February 28, 2025

Activity from February 1, 2025 to February 28, 2025

Tax Year	Orig. Billed Amt (\$)	Abs. Adj (\$)	Assessor Refunds (\$)	Net Collections (\$)	Bill Releases (\$)	Disc. Levy (\$)	Additional Lev. (\$)	Collection Fee Amt (\$)	Net Levy (\$)	Amt Collect. (\$)	% Coll.	% Uncoll.	Amt Collect. (\$)	Abs. Adj (\$)	Bill Releases (\$)	Assessor Refunds (\$)	Additional Lev. (\$)	Disc. Levy (\$)
2013	73,342.49	0.00	2,156.28	3,374,173.97	1,623.13	2,726.76	0.00	71,719.36	71,719.36	71,719.36	99.97 %	0.03 %	0.00	0.00	0.00	0.00	0.00	0.00
2012	68,037.63	0.00	0.00	1,498.22	71,719.36	0.00	0.00	66,539.41	66,539.41	66,539.41	100 %	0 %	0.00	0.00	0.00	0.00	0.00	0.00
2011	82.56	0.00	0.00	0.00	82.56	0.00	0.00	82.56	82.56	82.56	100 %	0 %	0.00	0.00	0.00	0.00	0.00	0.00
Sub.	19,693,540.18	21,046.57	4,055.58	19,662,322.00	3,377.36	56,456.26	10,807.51	19,736,380.02	19,736,380.02	19,658,266.42	99.60 %	0.40 %	36,450.88	107.13	0.65	0.00	0.00	0.00
TAX DISTRICT: WEAVERVILLE LEVY TYPE: WEAVERVILLE TAX																		
2019	49,954.82	0.00	0.00	193.07	44,424.98	0.00	0.00	49,761.75	49,761.75	44,424.98	89.28 %	10.72 %	5,336.77	0.00	0.00	0.00	0.00	0.00
2018	1,576.57	0.00	0.00	3.29	44,424.98	0.00	0.00	1,573.28	1,573.28	1,573.28	914.17 %	659.11 %	0.00	0.00	0.00	0.00	0.00	0.00
2017	771.97	0.00	0.00	914.17	0.00	0.00	0.00	205.59	205.59	145.15	58.11 %	41.89 %	0.00	0.00	0.00	0.00	0.00	0.00
2016	217.62	0.00	0.00	566.38	0.00	0.00	0.00	0.00	0.00	70.60 %	29.40 %	60.44 %	0.00	0.00	0.00	0.00	0.00	0.00
2015	201.36	0.00	0.00	168.06	2.56	0.00	0.00	215.06	215.06	168.06	78.15 %	21.85 %	47.00	0.00	0.00	0.00	0.00	0.00
2014	2,126.15	0.00	0.00	160.43	6.29	0.00	0.00	192.77	192.77	160.43	83.22 %	16.78 %	32.34	0.00	0.00	0.00	0.00	0.00
2013	570.35	0.00	0.00	72.85	0.00	0.00	0.00	2,119.86	2,119.86	72.85	3.44 %	96.56 %	0.00	0.00	0.00	0.00	0.00	0.00
2012	316.30	0.00	0.00	111.58	1.15	0.00	0.00	570.35	570.35	1.15	0.20 %	99.80 %	0.00	0.00	0.00	0.00	0.00	0.00
Sub.	55,735.14	0.00	0.00	891.76	204.72	0.00	0.00	54,843.38	54,843.38	46,091.51	84.04 %	15.96 %	8,751.87	0.00	0.00	0.00	0.00	0.00
Total	19,765,849.27	21,652.44	4,055.58	19,772,664.56	4,272.14	66,684.64	11,119.68	19,817,729.01	19,817,729.01	19,768,608.98	99.56 %	0.44 %	37,544.49	107.13	0.65	0.00	0.00	0.00

Signature (Tax Collector) _____

**District Refunds FY2024
July 2024 through June 2025**

NCVTS Pending refund report Fiscal Year 2025

Feb-25			
Tax Jurisdiction		District Type	Net Change
BUN		COUNTY	(\$8,222.93)
CAS		CITY	(\$1,714.38)
CBM		CITY	(\$90.84)
CWV		CITY	(\$16.20)
CWO		CITY	(\$142.13)
FBA		FIRE	(\$136.10)
FEB		FIRE	(\$59.84)
FEC		FIRE	(\$131.21)
FFA		FIRE	(\$306.89)
FFB		FIRE	(\$2.87)
FJU		FIRE	(\$34.60)
FLE		FIRE	(\$57.92)
FNB		FIRE	(\$20.64)
FRC		FIRE	(\$32.99)
FRE		FIRE	(\$66.11)
FRI		FIRE	(\$11.86)
FSK		FIRE	(\$392.26)
FSW		FIRE	(\$56.25)
FWB		FIRE	(\$63.91)
FWO		FIRE	(\$45.60)
IAD		SPECIAL	(\$13.80)
SAS		SPECIAL	(\$186.76)
FAS		SPECIAL	(\$6.15)
Total			(\$11,812.24)

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 24, 2025
SUBJECT: Appointment of ADA Coordinator
PRESENTER: Manager Harris
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

On June 22, 2020, Town Council adopted an ADA Transition Plan in order to improve the Town's ADA accessibility over a five (5) year period, most of which has been accomplished. An ADA Coordinator must be identified in order to field any complaints or concerns that touch on the accessibility of any of the Town's facilities and Town Council appoints that position.

COUNCIL ACTION REQUESTED:

Manager Harris recommends that Jennifer Jackson be appointed to this position, a role that she has served in in past years.

I move that Jennifer Jackson be appointed as the Town's ADA Coordinator.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 24, 2025

SUBJECT: Interlocal Agreement with County on Hazard Mitigation Grant Program

PRESENTER: Manager Harris

ATTACHMENTS: Proposed Resolution and Interlocal Agreement

DESCRIPTION/SUMMARY OF REQUEST:

FEMA’s Hazard Mitigation Grant Program (“HMGP”) is available to communities that have experienced a federally recognized disaster, and provides funding to state, local, tribal, and territorial governments to develop hazard mitigation plans and rebuild in a way that reduces future losses arising from such events. North Carolina has adopted a “state centric” HMGP model whereby the North Carolina Department of Public Safety- Division of Emergency Management (“NCEM”) acts as an intermediary between the property-owners, FEMA and local governments; it is the preference of NCEM that the HMGP applications are organized by County; accordingly, municipalities and counties must work together with respect to the HMGP.

To facilitate a strong and sustainable recovery, Buncombe County, the City of Asheville, the Town of Black Mountain, the Town of Weaverville, and the Town of Woodfin desire to participate in the Hazard Mitigation Grant Program. An Interlocal Agreement between Buncombe County and these municipalities is proposed for this program.

Manager Harris recommends that this Interlocal Agreement be approved through the adoption of the attached resolution.

COUNCIL ACTION REQUESTED:

Town Council action to approve the attached Interlocal Agreement.

A suggested motion is:

I move that we adopt the proposed resolution as presented so that the Interlocal Agreement for the Hazard Mitigation Grant Program is approved and the Manager is authorized to execute the same.

TOWN OF WEAVERVILLE
RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH
BUNCOMBE COUNTY FOR THE HAZARD MITIGATION
GRANT PROGRAM

WHEREAS, the Federal Emergency Management Agency’s (“FEMA”) Hazard Mitigation Grant Program (“HMGP”), is available to communities that have experienced a federally recognized disaster, and provides funding to state, local, tribal, and territorial governments to develop hazard mitigation plans and rebuild in a way that reduces future losses arising from such events;

WHEREAS, the HMGP authorizes, in part, the acquisition of real property located in high flood risk areas that have experienced substantial flood damage by local governments which then remove structures and maintain, in perpetuity, the property as deed-restricted open space;

WHEREAS, to facilitate a strong and sustainable recovery, Buncombe County, the City of Asheville, the Town of Black Mountain, the Town of Weaverville, and the Town of Woodfin desire to participate in the Hazard Mitigation Grant Program;

WHEREAS, North Carolina has adopted a “state centric” HMGP model whereby the North Carolina Department of Public Safety- Division of Emergency Management (“NCEM”) acts as an intermediary between the property-owners, FEMA and local governments; it is the preference of NCEM that the HMGP applications are organized by County; accordingly, municipalities and counties must work together with respect to the HMGP;

WHEREAS, the Town of Weaverville and Buncombe County wishes to enter into an Interlocal Agreement concerning the HMGP;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council for the Town of Weaverville hereby approves and enters into the attached Interlocal Agreement and authorizes its Manager to execute the same.

ADOPTED this the 24th day of March, 2025.

PATRICK FITZSIMMONS, Mayor

TAMARA MERCER, Town Clerk

This Interlocal Agreement (“Agreement”) is entered into effective March ____, 2025, by and between the COUNTY OF BUNCOMBE, a body politic and corporate, organized and existing under the laws of the State of North Carolina (“County”) and the TOWN OF WEAVERVILLE (“Town”) a municipal corporation of the State of North Carolina.

WITNESSETH

WHEREAS, the Federal Emergency Management Agency’s (“FEMA”) Hazard Mitigation Grant Program (“HMGP”), available to communities that have experienced a federally recognized disaster, provides funding to state, local, tribal, and territorial governments to develop hazard mitigation plans and rebuild in a way that reduces future losses arising from such events;

WHEREAS, the HMGP authorizes, in part, the acquisition of real property located in high flood risk areas that have experienced substantial flood damage by local governments which then remove structures and maintain, in perpetuity, the property as deed-restricted open space;

WHEREAS, on September 27-28, 2024, Tropical Storm Helene, devastated portions of Buncombe County and the incorporated municipalities;

WHEREAS, on September 25, 2024, North Carolina Governor Roy Cooper issued Executive Order 315 declaring a statewide State of Emergency and on September 26, 2024, President Joseph R. Biden likewise approved a federal disaster declaration for Buncombe County;

WHEREAS, North Carolina has adopted a “state centric” HMGP model whereby the North Carolina Department of Public Safety- Division of Emergency Management (“NCEM”) acts as an intermediary between the property-owners, FEMA and local governments; it is the preference of NCEM that the HMGP applications are organized by County; accordingly, municipalities and counties must work together with respect to the HMGP;

WHEREAS, to facilitate a strong and sustainable recovery, Buncombe County, the City of Asheville, the Town of Black Mountain, the Town of Weaverville, and the Town of Woodfin desire to participate in the Hazard Mitigation Grant Program;

WHEREAS, to achieve orderly and equitable management of HMGP applicant properties, the Town desires that Buncombe County coordinate the HMGP acquisition process for real property owners located within the territorial jurisdiction of the Town;

WHEREAS, cities and counties are authorized to enter into joint undertakings as authorized by N.C. Gen. Stat. § 153A-445 and Ch. 160A, Art. 20, Part 1, Joint Exercise of Powers; and

WHEREAS, pursuant to Town Council Resolution adopted on March 24, 2025, and Buncombe County Commission Resolution No. _____, adopted on February 18, 2025, the Town and County agree to cooperate in the HMGP program as stated in this Agreement.

NOW THEREFORE, in consideration of the mutual promises made in this Interlocal Agreement and the mutual reliance placed by each party on the responsibilities of the other, and such other good and valuable consideration as the parties agree is sufficient, it is agreed as follows:

1. Purpose. The purpose of this Interlocal Agreement is to establish the terms and conditions under which the County will facilitate HMGP applications submitted by Town residents and approved by FEMA.
2. Term. This Agreement shall commence on February ____, 2025, and shall terminate on DATE, unless terminated sooner in accordance with the terms of this Agreement.
3. Responsibilities.
 - a. County.
 - i. Accept FEMA approved HMGP applications from NCEM for properties located within the territorial jurisdiction of the Town;
 - ii. Using objective criteria(Exhibit A), evaluate each FEMA-approved applicant property to determine if purchasing the property will fulfill the Town’s recovery and disaster loss-prevention goals; and
 - iii. Advise the Town of the County’s determination with respect to each applicant property.
 - b. Town.
 - i. Identify Town personnel to coordinate with County personnel concerning the subject matter of this Agreement;
 - ii. Cooperate with the County and provide information as required by the County to fulfill its responsibilities enumerated in Section 3(a), above;
 - iii. Notify the County with respect to its decision to acquire, or not acquire, each FEMA-approved applicant property;
 - iv. Comply with the requirements of Hazard Mitigation Grant Program, including, but not limited to 44 CFR Part 80 and more specifically, 44 CFR 80.5(c), 44 CFR Part 80 Subpart C, and 44 CFR Part 80 Subpart D;
 - v. Comply with all NCEM HMGP property acquisition and maintenance requirements.

4. Hold Harmless. To the extent permitted by North Carolina law, the Town agrees to hold harmless the County and its officers, agents, employees, and contractors against all liability, loss, and costs arising from actions, suits, claims, or demands attributable solely and exclusively to acts or omissions of Buncombe County or its contractors for any damages that result from the County's negligence in processing FEMA approved HMGP applications. The County is self-insured for tort claims. This notice of self-insurance does not waive any defense the County may raise to such a claim, including but not limited to governmental immunity.
5. Data Sharing. The parties processing data shall consider the applicability of all State, Federal and Programmatic regulations that govern the confidentiality and security of information created, accessed, transmitted, maintained or processed in any manner under the terms of this agreement. Information may be sourced as permitted from data provided by North Carolina Emergency Management and other resources. The Town shall agree to use appropriate administrative, physical, procedural, and technical safeguards, including encryption to protect data in transit and at rest and to protect the data from misuse and unauthorized access or disclosure, including, without limitation, (i) maintaining adequate physical controls and password protections for any server, system, or device on which the data may reside, and (ii) taking any other measures reasonably necessary to prevent any use or disclosure of the data other than as provided in conjunction with this Agreement. In the event of a breach or suspicion of a breach of shared data including the impermissible use or disclosure of any form of PII, the Town shall notify the County within 24 hours and take immediate action to mitigate the situation.
6. Amendments. This Agreement constitutes the entire agreement between the Parties. This Agreement may be amended, supplemented, or modified only by duly executed written instruments as an amendment to this Agreement.
7. Termination. Either party may terminate this Agreement for any reason, or for no reason, by giving the other party at least thirty (30) days written notice.
8. Governing Law. This Agreement is entered into in North Carolina and shall be construed under the statutes and laws of the State of North Carolina.
9. Dispute Resolution.
 - a. Mediation. Any claim, dispute, or other matter in question arising out of or related to this Agreement shall be subject to voluntary non-binding mediation as a condition precedent to the institution of legal or equitable proceedings by either party. If the parties are unable to agree upon a certified mediator to hear their dispute, the Buncombe County Resident Superior Court Judge shall name a mediator to hear the matter. The parties shall equally share the mediator's fee.

The mediation shall be held in Asheville at a location designated by the mediator selected to hear the matter.

b. Legal Proceedings. Claims, disputes and/or other matters in question between the parties that are not resolved by mediation shall be heard in the North Carolina General Courts of Justice in Asheville, Buncombe County, North Carolina, which said Court shall have jurisdiction to hear any dispute between the parties arising out of this agreement. The Parties hereby agree that this paragraph establishes exclusive and sole jurisdiction for any legal proceeding in Buncombe County, North Carolina.

10. Severability. Should any provision(s) contained in this Agreement be declared, by a court of competent jurisdiction, to be void, unenforceable, or illegal, such provision(s) shall be severable and the remaining provisions hereof shall remain in full force and effect.

11. Notices. In the event either Party desires or is required to provide any notice to the other Party, the Party desiring or required to provide such notice shall provide it in writing by email to the other Party at the following address:

Town:

County:

Town of Weaverville
ATTN Town Manager
PO Box 338
Weaverville, NC 28787
sharris@weavervillenc.org

{signatures on the following page}

IN WITNESS WHEREOF, the individuals signing this Agreement warrant that they have the authority and power to enter into this Agreement on behalf of the County and the Town, to grant the rights granted under this Agreement, and to undertake the obligations undertaken in this Agreement.

TOWN OF WEAVERVILLE

BUNCOMBE COUNTY

David Scott Harris, Interim Town Manager

Avril M. Pinder, County Manager

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 24, 2025
SUBJECT: French Broad River MPO Memorandum of Understanding
PRESENTER: Manager Harris and Councilmember Cordell
ATTACHMENTS: Proposed Resolution and
MPO Memorandum of Understanding

DESCRIPTION/SUMMARY OF REQUEST:

The French Broad River Metropolitan Planning Organization (MPO) includes Buncombe County, Haywood County, Henderson County, Madison County, and all of the municipal jurisdictions in those counties. Much of their work is centered around transportation planning. The Town of Weaverville and all other members have been asked to approve a Memorandum of Understanding that provides some structure to the continuing, cooperative, and comprehensive transportation planning in the MPO Planning Area.

Councilmember Cordell is the Town's representative on this MPO Board and has asked that this item be placed on this agenda for approval. Manager Harris recommends that the Town of Weaverville join all of the other MPO members in approving the Memorandum of Understanding.

COUNCIL ACTION REQUESTED:

Town Council action to approve the attached MPO Memorandum of Agreement. A suggested motion is:

I move that we adopt the proposed resolution as presented so that the French Broad River MPO Memorandum of Understanding is approved and the Mayor is authorized to execute the same.

TOWN OF WEAVERVILLE
RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
FOR THE FRENCH BROAD RIVER METROPOLITAN PLANNING
ORGANIZATION (MPO)

WHEREAS, the Town of Weaverville is a member of the French Broad River Metropolitan Planning Organization (MPO);

WHEREAS, the Town of Weaverville wishes to enter into a Memorandum of Understanding with all other MPO members for the cooperative, comprehensive, and continuing transportation planning within the MPO's planning area; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Council for the Town of Weaverville hereby approves and enters into the attached Memorandum of Understanding and authorizes the Mayor to execute the same.

ADOPTED this the 24th day of March, 2025.

PATRICK FITZSIMMONS, Mayor

TAMARA MERCER, Town Clerk

**MPO MEMORANDUM OF UNDERSTANDING
FOR
CONTINUING, COOPERATIVE AND COMPREHENSIVE TRANSPORTATION
PLANNING**

Between

THE CITY/TOWN/VILLAGE/COUNTY OF ASHEVILLE, BILTMORE FOREST, BLACK MOUNTAIN, BUNCOMBE, CANTON, CLYDE, FLAT ROCK, FLETCHER, HAYWOOD, HENDERSON, HENDERSONVILLE, LAUREL PARK, MADISON, MAGGIE VALLEY, MARS HILL, MILLS RIVER, MONTREAT, WAYNESVILLE, WEAVERVILLE, WOODFIN AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter collectively, "the parties"),
IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH;

THAT WHEREAS, the parties desire to enter into a Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning, regarding the French Broad River Metropolitan Planning Organization (MPO); and

WHEREAS, each MPO is required to develop a Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C., Section 134, and a Comprehensive Transportation Plan as per Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina, and any subsequent applicable amendments to these statutes and any implementing regulations; and

WHEREAS, these transportation plans, once adopted by the MPO and NCDOT, shall be the basis for future transportation improvements within the MPO.

NOW THEREFORE, the following Memorandum of Understanding is made:

Section 1: Establishment of the French Broad River Metropolitan Planning Organization (MPO)

It is hereby agreed that the parties, in cooperation with the UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuous planning process as related in the following paragraphs:

1. The area involved, the French Broad River Metropolitan Planning Area, will be the Asheville Urbanized Area as defined by the United States Department of Commerce, Bureau of the Census, including that area beyond the existing urbanized area boundary that is expected to become urban within a twenty year

planning period. This area is hereinafter referred to as the Metropolitan Planning Area (MPA).

2. The MPA will be periodically reassessed and revised in the light of new developments and basic data projections.
3. Transportation planning will be a continuing, comprehensive, and cooperative process and all planning discussions will be reflective of and responsive to the programs of the NCDOT, and to the comprehensive plans for growth and development of the City of Asheville, Town of Biltmore Forest, Town of Black Mountain, Buncombe County, Town of Canton, Town of Clyde, Village of Flat Rock, Town of Fletcher, Haywood County, Henderson County, City of Hendersonville, Henderson County, Town of Laurel Park, Madison County, Town of Maggie Valley, Town of Mars Hill, Town of Mills River, Town of Montreat, Town of Waynesville, Town of Weaverville, and Town of Woodfin.
4. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964, as amended.
5. Transportation policy decisions within the planning area are the responsibility of the MPO in cooperation with the Asheville City Council, Town of Biltmore Forest Board of Commissioners, Black Mountain Town Council, Buncombe County Board of Commissioners, Canton Board of Aldermen, Clyde Board of Aldermen, Village of Flat Rock Council, Fletcher Town Council, Haywood County Board of Commissioners, Henderson County Board of Commissioners, Hendersonville City Council, Laurel Park Town Council, Madison County Board of Commissioners, Maggie Valley Board of Aldermen, Mars Hill Town Council, Mills River Town Council, Montreat Board of Commissioners, Waynesville Town Council, Weaverville Town Council, Woodfin Town Council, and the NCDOT.
6. Transportation plans and programs and land use policies and programs, for the MPA, having regional impacts will be coordinated with MPOs and RPOs that share a boundary with the MPO, and other municipalities and counties in the region.

Section 2: Establishment of a Governing Board

A French Broad River Metropolitan Planning Organization Governing Board, hereinafter referred to as the Board, is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision making for the MPO. The Board

is the policy board of the MPO. By definition, in 23 U.S.C. §134(b)(2), the Board is the MPO.

1. The Board shall consist of representatives appointed by member Boards of Local Government and members of the North Carolina Board of Transportation (BOT). Each member Board of Local Government and the BOT may also, at its sole discretion, appoint an alternate member to serve in the member's absence. The Board representative and the alternate member appointed by Boards of Local Government must be an elected official of the appointing Board of Local Government.
2. Every voting Board member and alternate shall comply with the State Government Ethics Act as per Chapter 138A of the NC General Statutes and the Ethics provisions of Chapter 136-200.2 of the NC General Statutes.
3. The Board members shall have the responsibility for keeping their respective Boards of Local Government informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of the boards; and ensuring meaningful public participation in the transportation planning process.
4. The Board, in cooperation with NCDOT, will be responsible for carrying out the provisions of 23 U.S.C. 134 and NC General Statutes, Chapter 136, including, but not limited to:
 - a. Review and approval of the MPO Unified Planning Work Program, which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
 - b. Review and approval of changes to the Urbanized Area Boundary and the Metropolitan Planning Area Boundary;
 - c. Review and approval of the MPO's Transportation Improvement Program (TIP) for multi-modal capital and operating expenditures and to ensure coordination between local and State capital and operating improvement programs;
 - d. Endorsement, review and approval of changes to the MPO's adopted Metropolitan Transportation Plan and Comprehensive Transportation Plan. As required by the North Carolina General Statutes Section 136-66.2(d), revisions to the Comprehensive Transportation Plan must be adopted by both the MPO and the NCDOT;

- e. Review and approval of the Public Participation Plan to ensure the public is given ample opportunity to participate in the transportation planning process.
 - f. Development and approval of the Congestion Management Process, the regionally-accepted approach for identifying and implementing strategies to manage congestion that meet State and local needs.
 - g. Endorsement, review and approval of changes to the Federal-Aid Functional Classification System and the Asheville adjusted urbanized area;
 - h. Establishment of goals and objectives for the transportation planning process;
 - i. Provide local input to North Carolina’s transportation project prioritization process; and
 - j. Adoption of Bylaws for the purpose of establishing operating policies and procedures.
 - k. Any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents
5. Board Members will vote on matters pursuant to the authority granted by their respective governmental body.

When any project is on an Interstate route, a limited-access highway, or is on a designated Strategic Highway Corridor, any member of the Board may call for a weighted vote regarding project-specific decisions related to the MTIP. The weighted vote must take place at a duly advertised meeting of the Board in which a quorum is present. In a weighed vote, votes of Board members from “directly impacted” jurisdictions will be weighted according to the following table:

Governmental Body	Voting Status	Number of Votes (unweighted)	Weighted votes
Buncombe County	Yes	2	6
Haywood County	Yes	2	6
Henderson County	Yes	2	6
Madison County	Yes	1	3
City of Asheville	Yes	2	6
Town of Biltmore Forest	Yes	1	3
Town of Black Mountain	Yes	1	3

Town of Canton	Yes	1	3
Town of Clyde	Yes	1	3
Town of Flat Rock	Yes	1	3
Town of Fletcher	Yes	1	3
City of Hendersonville	Yes	1	3
Town of Laurel Park	Yes	1	3
Town of Maggie Valley	Yes	1	3
Town of Mars Hill	Yes	1	3
Town of Mills River	Yes	1	3
Town of Montreat	Yes	1	3
Town of Waynesville	Yes	1	3
Town of Weaverville	Yes	1	3
Town of Woodfin	Yes	1	3
NCDOT Board of Transportation (Representative for Division 13)	Yes	1	1
NCDOT Board of Transportation (Representative for Division 14)	Yes	1	1
Rural Transit Representative	Yes	1	1
Urban Transit Representative	Yes	1	1
Total number of voting members		28	76*

*Weighted votes are subject to the weighted vote provisions and unlikely to include weighted votes for all voting members.

“Directly Impacted” Defined. “Directly impacted” jurisdictions shall include Municipalities where any portion of the project is within the Municipality’s corporate limits or sphere of influence, and shall include Counties where any portion of the project is within the County’s unincorporated area and outside the sphere of influence of any municipality. Sphere of influence shall include extraterritorial jurisdiction, pending annexation areas, or areas covered by a Resolution of Intent to annex.

Veto Power

When any project is on a road that does not carry an Interstate route designation, is not located on a limited-access highway, or is not a designated Strategic Highway Corridor, any member of the Board shall be allowed to call for a veto vote to determine whether a selected project will be excluded from the TIP. In a veto vote, members from jurisdictions that are “directly impacted” by the project may vote to exclude a project from the TIP, provided that every

Board members from the “directly impacted” jurisdictions must be present, and must unanimously vote for the veto. The call for a veto vote can only take place at a duly advertised meeting of the Board in which a quorum is present.

Representatives from each of the following bodies will serve as non-voting members of the Board:

Organization	Voting Status
Federal Highway Administration (FHWA) North Carolina Div.	No
Federal Transit Administration (FTA)	No

Appointment of Transit Representative Positions

The Urban and Rural Transit Representative positions will be appointed for two-year terms.

Urban Transit Representatives will appointed for two-year terms by jurisdictions eligible to receive FTA 5307 funding in the MPO Planning Area. Jurisdictions will rotate appointment responsibilities every two years.

Rural Transit Representatives will appointed for two-year terms by jurisdictions eligible to receive FTA 5311 funding in the MPO Planning Area. Jurisdictions will rotate appointment responsibilities every two years.

6. On the basis of majority vote, the Board may appoint a member of the Committee to act as Chairperson with the responsibility for coordination of the Committee's activities. A staff member of the French Broad River Metropolitan Planning Organization will serve as Secretary to the Committee. A member of any local elected board may serve as an alternate to the designated Board member for each member. The MPO staff shall be notified of changes in Board members and Board alternate members each year and/or as changes are made. As established in its Bylaws, the Board may create subcommittees to assist it in carrying out its responsibilities. Board will meet with the necessary regularity to ensure adequate performance of duties as described herein.

Section 3: Establishment of a Technical Coordinating Committee

A Technical Coordinating Committee (TCC) shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local and State governmental agencies and the Board regarding any necessary actions relating to the continuing transportation planning process.

1. The TCC shall be responsible for development, review and recommendation for approval by the Board of the Unified Planning Work Program, Transportation Improvement Program, Metropolitan Planning Area Boundary, Metropolitan Transportation Plan, Comprehensive Transportation Plan, Public Participation Plan, and any other NCDOT, State, and/or Federal required plans and/or documentation, including amendments or modifications to these documents.
2. Membership of the TCC shall include technical representatives from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area. The TCC shall be comprised of the following members:

TCC Member Organization	Voting Status	No. of Votes
City of Asheville	Yes	1
Town of Biltmore Forest	Yes	1
Town of Black Mountain	Yes	1
Buncombe County	Yes	1
Town of Canton	Yes	1
Town of Clyde	Yes	1
Village of Flat Rock	Yes	1
Town of Fletcher	Yes	1
Haywood County	Yes	1
Henderson County	Yes	1
City of Hendersonville	Yes	1
Town of Laurel Park	Yes	1
Madison County	Yes	1
Town of Maggie Valley	Yes	1
Town of Mars Hill	Yes	1
Town of Mills River	Yes	1
Town of Montreat	Yes	1
Town of Waynesville	Yes	1
Town of Weaverville	Yes	1
Town of Woodfin	Yes	1
NCDOT Division 13	Yes	1
NCDOT Division 14	Yes	1
NCDOT Transportation Planning Division	Yes	1
City of Asheville Public Transit	Yes	1
Henderson County Public Transit	Yes	1
Buncombe County Public Transit	Yes	1
Haywood County Public Transit	Yes	1
Land of Sky Rural Planning Organization	Yes	1
Total number of voting members		28

Representatives from each of the following bodies will serve as non-voting members of the Technical Coordinating Committee:

Organization	Voting Status
Federal Highways Administration (FHWA)	No
Federal Transit Administration (FTA)	No
Land of Sky Regional Council (LOSRC)	No
Asheville Regional Airport	No
WNC Regional Air Quality Agency	No
NCDOT Regional Safety Engineer	No
NCDOT Freight Representative	No
NCDOT Rail Representative	No
NCDOT Integrated Mobility Division	No
Regional Housing Representative	No
Vulnerable Road Users Representative	No

Appointment of FHWA, FTA, LOSRC, Asheville Regional Airport, WNC Regional Air Quality Agency, and NCDOT positions will be made by those agencies. Appointment of the Regional Housing Representative and Vulnerable Road Users Representative will be at-large appointments, subject to approval by the TCC and Board.

3. The TCC shall meet when it is deemed appropriate and advisable, but will meet with the necessary regularity to ensure adequate performance of duties as described herein. On the basis of majority vote of its membership, the TCC may appoint a member of the Committee to act as Chairperson with the responsibility of coordination of the Committee’s activities. On the basis of majority vote of its membership, the TCC may also appoint a Vice-Chair to lead meetings in the absence of the Chair. Membership to the TCC may be altered on the basis of a majority vote of its membership, provided all agencies with Board membership are represented. TCC membership changes must be approved by the Board.

Section 4: MPO Meetings

The Board and TCC, as well as any established subcommittees, are responsible for carrying out the provisions of North Carolina General Statute Chapter 143, Article 33C regarding open meetings, and Chapter 132 regarding public records. In addition:

1. A quorum is required for transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise

transacting public business. A quorum consists of 51% of the active members of the Board or TCC, plus as many additional members as may be required to ensure that 51% of possible votes are present. Vacant seats will not count against the quorum.

2. Members or alternates should be identified by name on the meeting attendance log.
3. Per NCGS 143-318.13, regarding TCC and/or Board meetings that are held by use of conference telephone or other electronic means, the LPA shall provide a location and means whereby members of the public may listen to the meeting.
4. Electronic meetings and voting are allowed as long as proper public notice is given and meeting materials are available to the public upon request. Minutes of meetings at which remote participation occurs should reflect which members are physically present and which are not. They should also reflect when members are excused from voting or are excused to leave or rejoin the meeting, just as they would for members who are physically present.
5. Any member who does not attend two consecutive Board/TCC meetings will not be included as part of the membership needed to obtain a quorum after the second meeting. Membership, however, is immediately reinstated by the presence of the most recently appointed member (or his alternate) at any future meeting.

Section 5: Lead Planning Agency Responsibility

The Land of Sky Regional Council shall serve as the Lead Planning Agency and will provide the staff of the MPO, including a Secretary to the Board and the TCC. As such, Land of Sky Regional Council staff will maintain the official records of the MPO and all state and federal reporting and budgetary requirements in cooperation with the NCDOT staff. The Land of Sky Regional Council will further assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. Additionally, the Land of Sky Regional Council shall coordinate zoning and subdivision approvals within its jurisdiction in accordance with the adopted Comprehensive Transportation Plan.

The Land of Sky Regional Council will be responsible for initially expending locally derived funds and seeking reimbursement from NCDOT in accordance with the respective funding source.

The Land of Sky Regional Council will be responsible for the following functions:

1. Providing a secretary for the Board and the TCC
2. Arranging meetings and agenda
3. Maintaining minutes and records
4. Preparing a Prospectus and Unified Planning Work Program
5. Serving as custodian of all MPO plans and documents
6. Collecting from local governments minutes and resolutions that document transportation plan revisions, and submitting these for mutual adoption by the NCDOT
7. Monitoring the transportation planning process to ensure its execution is in accordance with the MPO goals and objectives
8. Performing other coordinating functions as assigned by the Board as needed
9. Lead responsibility for structuring public involvement in the transportation planning process
10. Preparation of the PL Expenditure Report and other grant/fund management.

The NCDOT will assist in the transportation planning process by providing planning assistance, data and inventories in accordance with the Unified Planning Work Program. The Transportation Planning Division will designate a French Broad River Metropolitan Planning Organization Coordinator to serve as Staff liaison and participant in the French Broad River Metropolitan Planning Organization planning process.

Section 6: Cost Sharing

Activities of the MPO, as set forth in the annually adopted Unified Planning Work Program, are funded with Federal Planning funds distributed through the North Carolina Department of Transportation. These funds require a twenty percent (20%) local match. Dues-paying local government members that are parties to the Memorandum of Understanding agree to fund the local match in an amount in direct proportion to their share of the total population contained in the approved Metropolitan Planning Area. Population figures for determination of local match contribution shall be determined based on the most recent Federal Decennial Census. This funding share shall be invoiced on a regular basis by the Land of Sky Regional Council, acting as Lead Planning Agency, and as recipient of the Federal Planning funds distributed by the North Carolina Department of Transportation. Annual local match funds are non-refundable.

Dues-Paying Members and Responsibilities

Dues-Paying Member	Jurisdictions Included in Population Calculations
City of Asheville	City of Asheville
Buncombe County	Unincorporated Buncombe County (within the MPO Planning Area, Town of Biltmore Forest, Town of Black Mountain, Town of Montreat, Town of Weaverville, Town of Woodfin
Haywood County	Unincorporated Haywood County within the MPO Planning Area, Town of Canton, Town of Clyde, Town of Maggie Valley
Henderson County	Unincorporated Henderson County within the MPO Planning Area, Village of Flat Rock, Town of Fletcher, Town of Laurel Park, Town of Mills River
City of Hendersonville	City of Hendersonville
Madison County	Unincorporated Madison County within the MPO Planning Area, Town of Mars Hill
Town of Waynesville	Town of Waynesville

Any member jurisdiction of the MPO may request planning funds for special studies with local match provided from a single jurisdiction. Those items will be highlighted in the Board-approved UPWP and not be calculated as part of regular MPO dues.

Section 7: Withdrawal from the French Broad River Metropolitan Planning Organization






Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 180 days written notice to the other parties prior to the date of termination.

Section 8:

In witness whereof, the parties of this Memorandum of Understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Asheville by its Mayor, The Town of Biltmore Forest by its Mayor, The Town of Black Mountain by its Mayor, the Town of Canton by its Mayor, the Town of Clyde by its Mayor, the Village of Flat Rock by its Mayor, the Town of Fletcher by its Mayor, the City of Hendersonville by its Mayor, the Town of Laurel Park by its Mayor, the Town of Maggie Valley by its Mayor, the Town of Mars Hill by its Mayor, the Town of Mills River by its Mayor, the Town of Montreat by its Mayor, the Town of Waynesville by its Mayor, the Town of Weaverville by its Mayor, the Town of Woodfin by its Mayor, Buncombe County by its Chairman of the Board of Commissioners, Haywood County by the Chairman of the Board of Commissioners, Henderson County by the Chairman of the Board of Commissioners, Madison County by the Chairman of the Board of Commissioners, and the North Carolina Department of Transportation by the Secretary of Transportation. This Memorandum of Understanding becomes effective as of the last day signed. The following pages comprise the signature pages from each party to this Memorandum.

APPENDIX A
MPO PLANNING AREA
ADOPTED (2023)

French Broad River MPO Planning Area

-  Primary Roads
-  Interstates
-  Municipal Boundary
-  Planning Boundary
-  County Boundary



a program of Landier, Siv
FRENCH BROAD RIVER
 METROPOLITAN PLANNING ORGANIZATION

Town of Weaverville
Town Council Agenda Item

Date of Meeting: Monday, March 24, 2025
Subject: Road Closure Ordinances: Music on Main & July 4 Celebration
Presenter: Scottie Harris, Town Manager
Attachments: Road Closure Ordinances

Description:

Attached please find the Ordinances for the road closures for Music on Main and the July 4th Celebration.

Council Action Requested:

The Town Manger recommends approval of the Ordinances.

Suggested Motion:

I move to approve the road ordinance for Music on Main and the July 4th Celebration.

Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE MUSIC ON MAIN EVENT SPONSORED BY THE WEAVERVILLE BUSINESS ASSOCIATION

WHEREAS, the Town Council of Weaverville has been approached by the Weaverville Business Association requesting to hold a Music on Main event on South Main Street, Weaverville; and

WHEREAS, the Town of Weaverville acknowledged and agreed to permit said event on the date and times specified below as a community and family-oriented event; and

WHEREAS, the Town Council of acknowledges that Weaverville acknowledges the Town departments require approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc. after the event; and

NOW THEREFORE BE IT ORDAINED by the Town Council of Weaverville, pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Music on Main, Sponsored by the Weaverville Business Association

Date: Saturday, June 14, 2025

Time: 11:00AM until 12:00AM

Road Closures:

- Road closure at intersection of Main Street and US-19-BR Merrimon Avenue
- Road closure at 30 South Main Street

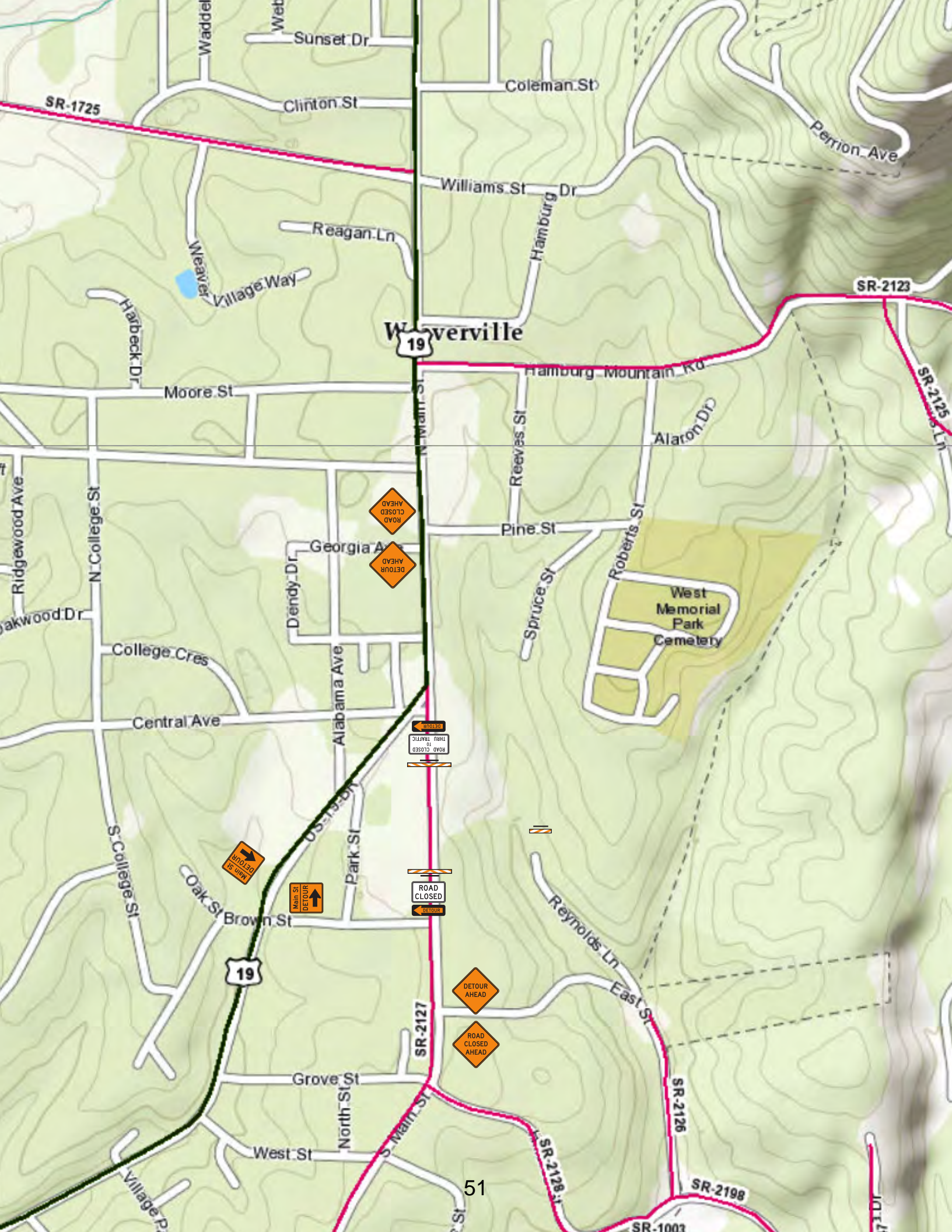
This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

Adopted this _____ day of _____, 2025

Patrick Fitzsimmons, Mayor

Attest:

James Eller, Town Clerk



Waverlyville

19

SR-2123

SR-2125

ROAD CLOSED AHEAD

DETOUR AHEAD

ROAD CLOSED

ROAD CLOSED

ROAD CLOSED AHEAD

DETOUR

DETOUR AHEAD

ROAD CLOSED AHEAD

SR-2127

SR-2126

SR-2198

SR-1003

51

Town of Weaverville

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE
Weaverville July 4th Celebration**

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of hosting a July 4th celebration, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges the July 4 downtown celebration will require approximately two (2) hours to install signage, and also will require approximately one (1.5) hours for removing signage, litter, etc.

WHEREAS, The Town Council of Weaverville recognizes that the detour route will be appropriately marked with signage and personnel at various locations to ensure the motoring public travels safely and without unnecessary delay.

NO THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Weaverville Downtown July 4th Celebration

Date: July 4, 2025

Time: 12:00pm until 11:30pm

Road Closure: The portion of Main Street between Church Street and Brown Street will be closed and all traffic safely detoured around this area.

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

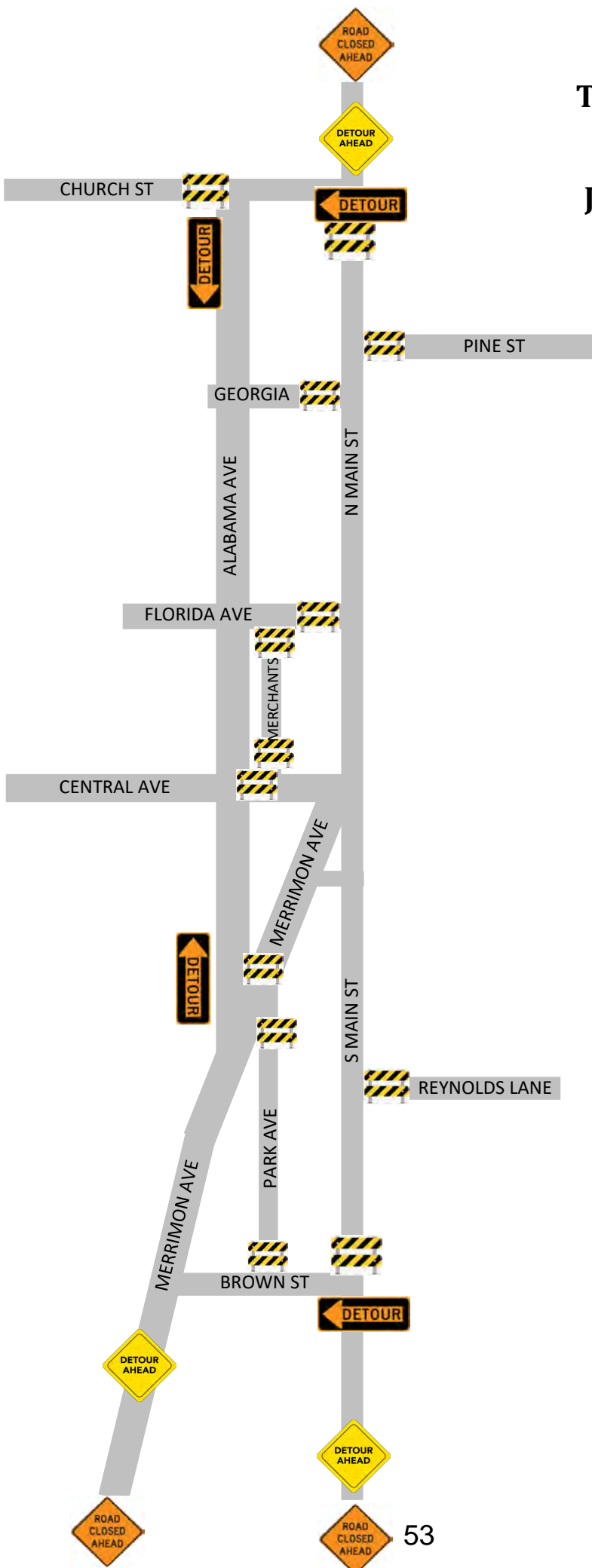
Adopted this 24th day of March, 2025

Patrick Fitzsimmons, Mayor

Attest:

James Eller, Town Clerk

**TOWN OF WEAVERVILLE
NORTH CAROLINA
JULY 4 ROAD CLOSURES**



Arbor Day Proclamation

Whereas, In 1872, the Nebraska Board of Agriculture set aside a special day for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our community increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Patrick Fitzsimmons, Mayor of the
Town of Weaverville do hereby proclaim,
April 10, 2025 as



Arbor Day

In the Town of Weaverville, North Carolina, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 24th day of March, 2025

Mayor *P. Fitzsimmons*



TOWN OF WEAVERVILLE EARTH DAY 2025 PROCLAMATION

WHEREAS, on April 22, 1970, millions of people took to the streets to protect the negative impacts of 150 years of industrial development and, since then, millions of people have celebrated Earth Day in order to increase awareness among people of the issues affecting the environment in which we live; and

WHEREAS, 2025 marks the 55th anniversary of Earth Day celebrations;

WHEREAS, this year's theme is "Our Power, Our Planet";

WHEREAS, this theme highlights the need for us to be better stewards of the planet by considering how our communities can contribute to a clean energy future;

WHEREAS, the Town of Weaverville wishes to join all of the other environmentally-minded jurisdictions around the world celebrating Earth Day;

NOW, THEREFORE, I, Patrick Fitzsimmons, Mayor of the Town of Weaverville, do hereby proclaim Tuesday, April 22, 2025, as Earth Day and, in support of clean energy and a healthier planet, encourage you to:

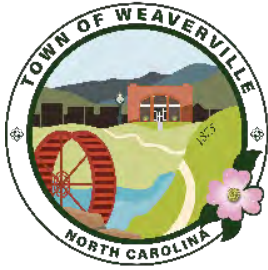
- Support renewable energy sources, such as solar, wind, and hydroelectric
- Consider renewable energy sources for your homes, businesses, and vehicles
- This Earth Day 2025, let us commit to harnessing renewable energy to build a healthy, sustainable, equitable and prosperous future for us all, let us commit to Renewable Energy Now.

THIS the 24th day of March, 2025.

PATRICK FITZSIMMONS, Mayor

ATTEST:

TAMARA MERCER, Town Clerk



MANAGER'S REPORT

March 2025

Mayor/Council,

USACE \$4 million grant

Staff has been working with representatives from the US Army Corp of Engineers (USACE) on the \$4 million that was recently awarded to the Town through Congressman Chuck Edwards' Office. These funds are not easily used on the Water Treatment Plant projects, but can be used on waterline replacements and extension projects, some of which have already been identified as high priority. USACE representatives will be scheduling an in-person meeting and site visits for April to begin discussing a scope of work. This matter will be on Town Council's agenda in the coming months.

Pickleball

With added hours of daylight due to the recent time change I received requests to extend the hours that the pickleball courts are open to 8 pm during March or from dawn to dusk. At the same time as those requests were coming to me, I was getting complaints and concerns from the neighborhood about play happening after 6 pm. To try to honor both sides of the issue I am leaving the hours as they were originally adopted. Staff will continue to evaluate this issue and any changes to the hours of operation will only be made after engaging all stakeholders. The current hours of operation are:

April through September – 8 am to 8 pm

October through March – 8 am to 6 pm

Fourth of July Celebration

The planning of this Town celebration is well underway with the fireworks contract in place and the band booked this week. The band "Breakfast for Dinner" will be providing the musical entertainment. You can check them out on their website:

<https://www.breakfastfordinnermusic.com/>

New Positions Filled

As allowed by Town Council's action at your February 24 meeting, I have hired Matty Oberlin as a full-time Facilities Maintenance Technician. Matty is working in each of the Town's buildings to handle or coordinate repair work and preventative maintenance and has already made progress in tackling several longstanding issues that no one has had time to handle. He is also working on syncing some of the routine maintenance for efficiency and cost-savings across all departments.

I have also hired Jennifer Jackson as a part-time Assistant Town Manager beginning March 1. She will be working 3 days a week with a focus on project management and some oversight of Public Works, Water, Planning, Community Center, Town Clerk, and

Facilities Maintenance Technician. She will also continue her work in assisting with the preparation of Town Council meeting agendas and will provide some staff attorney work in coordination with Town Attorneys Michael Frue and John Henning.

Both of these positions were posted and these individuals were hired after applications were submitted and reviewed and interviews conducted.

LDG Meribel Affordable Housing Project Groundbreaking

The Mayor and I attended the official groundbreaking for the Meribel affordable housing project that is under development at 171 Monticello Road. The result will be an affordable housing apartment complex offering 156 units for rent. They anticipate a 20-month construction project with completion expected in late 2026 or early 2027.

Reminder - Arbor Day Celebration

Just a reminder that the Town's Arbor Day event is scheduled for April 10th at 11:00 am in the stage area at the Main Street Nature Park.

FEMA Disaster Recovery Center and Private Property Debris Removal Intake

The following storm-related resources are still available at the Town Hall Community Room:

FEMA DRC [end date TBD]
Monday through Friday from 8am-6pm
Saturdays 9am-2pm

DebrisTech PPDR Intake [ends 3/31/25]
Mondays from 8am-5:30pm
Saturdays from 9am-2pm



**Respectfully submitted,
Scottie Harris, Manager**

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, March 24, 2025

Subject: Text Amendments: Parking Regulations, Tree Preservation, Setback Requirements for Certain Lots, Multifamily Residential

Presenter: Planning Director

Attachments: Proposed Ordinance Amendments

Description:

Parking Regulations:

The current goals of the Comprehensive Land Use Plan (CLUP) call for a review of the town's parking regulations. The goal of reviewing parking regulations was given a number 1 (highest) priority in the update of the goals and priorities for this coming year. Staff and the Planning Board have identified a number of enumerated uses where the town requires more parking than may be needed by a particular establishment, more parking than would be required in similar jurisdictions, and therefore creating unnecessary impervious surface.

Tree Preservation:

The current goals of the Comprehensive Land Use Plan (CLUP) call for an ongoing review of tree preservation regulations. The goal of reviewing zoning regulations was also given number 1 (highest) priority within the CLUP giving staff the direction to accomplish or address the stated goal within 12 months. During the Planning Board's deliberations on the topic, it was determined that an efficient way to address this goal would be to couple it with recently enacted conservation subdivision standards. As such, the proposed text amendment aims to lower the threshold for conservation subdivision standards from 25 lots to 10 lots.

Setback Requirements for Certain Lots:

Though rarely encountered, staff has experienced a scenario where the property lines for a certain lot extend into or across a roadway. Given current ordinance language and in this scenario, a structure is permitted to be constructed closer to the road than would otherwise be allowed. The Planning Board has reviewed and offer a recommendation on a text amendment which would address this issue.

Multifamily Residential:

The current goals of the Comprehensive Land Use Plan (CLUP), last updated in January 2025, call for the determination on how to regulate condominiums (minimum lot area, setbacks within multifamily projects) which was given a number 1 priority, an ongoing review of zoning regulations which was given a number 2 priority, and the continued analysis of ways to provide standards regulations in order to reserve the use of conditional zoning which was given a number 3 priority.

This proposed ordinance amendment seeks to create additional standards applicable to multifamily residential development to ensure that identical uses are treated in the same manner and not based on the ownership of the property. Slight wording modifications have been made by staff without changing the intent of the ordinance in the transition from the Planning Board to Town Council.

Action Requested:

With the requisite public hearing having been conducted, action is eligible on this item.

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE CHAPTER 20
CONCERNING PARKING REQUIREMENTS, CONSERVATION SUBDIVISIONS,
MEASUREMENT OF SETBACKS, AND MULTIFAMILY RESIDENTIAL**

WHEREAS, the Planning Board met 3 September 2024 and 7 January 2025 in order to review parking requirements and found that the proposed code amendment reducing the parking requirements for certain uses is consistent with the Town’s comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide for a reduction in the amount of impervious surface;

WHEREAS, the Planning Board met 3 September 2024 and 7 January 2025 in order to review ways to increase tree conservation and found that a proposed code amendment to require conservation subdivision regulations be applicable to subdivisions with 10 or more lots, instead of the current threshold of 25, is consistent with the Town’s comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments provide for more open space and preservation of existing conditions, including tree conservation;

WHEREAS, the Planning Board met on 7 January 2025 in order to consider regulations that clarify how setbacks are measured when property lines extend to or into a roadway and found that the proposed code amendments are consistent with the Town’s comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments clarify regulations;

WHEREAS, the Planning Board met on 4 February 2025 in order to consider amendments that clarify the regulation concerning multifamily residential development and found that the proposed code amendments are consistent with the Town’s comprehensive land use plan, reasonable, and in the best interest of the public in that such amendments clarify regulations and amend regulations to treat identical uses in the same manner and not based on the ownership of property;

WHEREAS, after proper notice the Town Council held a public hearing on 24 February 2025 on parking, conservation subdivisions, and measurement of setbacks, and a public hearing on 24 March 2025 on multifamily residential regulations, both in order to receive input from the public on these amendments;

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

1. The findings and recommendations of the Planning Board are hereby incorporated by reference and adopted by Town Council, including specifically a finding that the amendments approved herein are consistent with the Town’s adopted comprehensive land use plan and reasonable.

2. Concerning parking requirements, Code Section 20-3501 is hereby amended as follows with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-3501. Off-street parking.

- (a) Off-street automobile storage or parking space shall be provided on every lot on which any of the following uses are hereafter established. Each parking space shall have an all-weather surface with minimum dimensions of nine by 18 feet. The number of parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be provided with vehicular access to a street or alley.

Uses	Required Parking
Residential	
Dwelling - Single Family	Two spaces
Dwelling - Duplex	Two spaces for each dwelling unit
Dwelling - Multifamily (four or less units/building)	Two <u>1.5</u> spaces for each dwelling unit
Dwelling - Multifamily (more than four units/building)	Two <u>1.5</u> spaces for each dwelling unit
Dwelling - Secondary	One space
Family Care Home (6 or fewer residents)	Two spaces
Child Care Home (6 or fewer children)	-
Home Occupation	-
Manufactured Home	Two spaces
Manufactured Home Park	-
Recreational Vehicle	-
Recreational Vehicle Park, Campground	One space for each RV/camp site
Bed & Breakfast	One space for each bedroom
Hotel, Motel, Inn	One space for each room plus one space for each employee working on the shift of greatest employment
Office / Service	
Animal Services, Veterinary Clinic	One space for each 200 square feet of gross floor space
Automated Teller Machines	Two spaces
Automobile Services, Gas Station	One space for each 300 feet of gross floor space
Automobile Services, Repair	Five spaces for each service bay
Banks, Credit Unions, Financial Services	Five spaces for each employee
Child Care Center (more than 6 children)	One space for each room plus one space for each employee working on the shift of greatest employment
Community Service Organization	One space for each 200 square feet of gross floor space
Equipment Rental (Exterior Storage)	One space for each 300 feet of gross floor space
Equipment Rental (Interior Storage)	One space for each 300 feet of gross floor space
Funeral Home	One space for each four seats in the principal assembly room
Group Care Facility (more than 6 residents)	One space for each room plus one space for each employee working on the shift of greatest employment
Government Services	One space for each room plus one space for each employee working on the shift of greatest employment

Kennels	One space for each 200 square feet of gross floor space
Medical Services - Clinic, Urgent Care Center, Hospital	One space for each 200 square feet of gross floor space <u>2.5 per patient room</u>
Medical Services - Doctor Office	Five spaces for each office <u>2.5 per patient room</u>
Personal Services	One space for each 200 square feet of gross floor space
Post Office	One space for each 200 square feet of gross floor space
Professional Services	One space for each 200 square feet of gross floor space
Studio - Art, Dance Martial Arts, Music	One space for each 200 square feet of gross floor space
Retail / Restaurants	
Accessory Retail	One space for each 300 feet of gross floor space
Alcoholic Beverage Sales Store	One space for each 300 feet of gross floor space
Auto / Mechanical Parts Store	One space for each 300 feet of gross floor space
Bar / Tavern / Night Club	One space for each 300 feet of gross floor space
Drive-Thru Retail / Restaurant	One space for each 200 square feet of gross floor space
General Retail (Under 10,000 sq. ft.)	One space for each 300 <u>400</u> feet of gross floor space
General Retail (10,000 - 24,999 sq. ft.)	One space for each 300 <u>400</u> feet of gross floor space
General Retail (25,000 sq. ft. or more)	One space for each 300 <u>400</u> feet of gross floor space
Multi-tenant Development (Under 25,000 sq. ft.)	One space for each 300 <u>400</u> feet of gross floor space
Multi-tenant Development (25,000 sq. ft. or more)	One space for each 300 <u>400</u> feet of gross floor space for the entire facility
Pawn Shop	One space for each 300 feet of gross floor space
Restaurant	One space for each three seats plus one space for each employee working on the shift of greatest employment
Vehicle / Heavy Equipment Sales - Indoor	One space for each 300 feet of gross floor space
Vehicle / Heavy Equipment Sales - Outdoor	One space for each 300 feet of gross floor space
Entertainment / Recreation	
Amusements - Indoor	One space for each 200 square feet of gross floor space
Amusements - Outdoor	One space for each 200 square feet of gross floor space
Cultural or Community Facility	One space for each two hundred square feet within the principal assembly room
Recreation Facilities - Indoor	One space for each seven feet of seating capacity dedicated to patron use and one space for each employee working on the shift of greatest employment
Recreation Facilities - Outdoor	One space for each seven feet of seating capacity dedicated to patron use and one space for each employee working on the shift of greatest employment
Theater - Motion Picture	One space for each four seats in the principal assembly room
Manufacturing / Wholesale / Storage	
Manufacturing, Heavy	One space for each 200 square feet of gross floor space <u>One space for each 750 square feet of administrative space + one space for each 4,000 square feet of industrial space</u>
Manufacturing, Light	One space for each 200 square feet of gross floor space <u>One space for each 750 square feet of administrative space + one space for each 4,000 square feet of industrial space</u>
Manufacturing, Neighborhood	One space for each 200 square feet of gross floor space <u>One space for each 750 square feet of administrative space + one space for each 4,000 square feet of industrial space</u>

Metal Product Fabrication, Machine or Welding Shop, Auto Body Shop	One space for each 200 square feet of gross floor space
Mini-Warehouses	One space for each 300 square feet of gross floor space
Outdoor Storage Yard	One space for each 200 square feet of gross floor space
Warehousing and Distribution - Exterior Storage	One space for each 300 feet of gross floor space <u>One space for each 750 square feet of administrative space + one space for each 4,000 square feet of industrial space</u>
Warehousing and Distribution - Interior Storage	One space for each 300 feet of gross floor space <u>One space for each 750 square feet of administrative space + one space for each 4,000 square feet of industrial space</u>
Civic / Institutional	
Cemeteries	-
Public Safety Facilities	One space for each 200 square feet of gross floor space
Religious Institutions	One space for each four seats in the principal assembly room
Schools	Two spaces for each classroom and for each administrative office or one space for each four pupils for high schools or higher.
Utilities	
Wireless Telecommunication Facility - Stealth	-
Wireless Telecommunication Facility - Tower	-
Miscellaneous Uses	
Adult Establishment	One space for each 200 square feet of gross floor space
Agriculture - Commercial	One space for each 200 square feet of gross floor space
Agriculture - Neighborhood	-
Crematories	One space for each 200 square feet of gross floor space
Event Center	One space for each four seats in the principal assembly room
Gaming Terminals	-
Tattoo Parlors	One space for each 200 square feet of gross floor space
Mixed-Use Building or Structure	Match parking requirements with closest uses
Noxious Uses	One space for each 200 square feet of gross floor space
Temporary Uses	
Farmers Market	-
Mobile Food Vendor	-
Temporary Use	-

- (b) Extension of parking space into a residential district. Required parking space may not extend from a commercial district (C-1 and C-2) or from a conditional district that contains any commercial or office use into any residential use district.
- (c) Notwithstanding the foregoing, no additional off-street parking other than the parking currently available in the C-1 district shall be required except where the structures currently located on an existing lot of record containing more than 1,875 square feet are razed and the lot of record is put to a new use in which event the parking regulations of this section shall be fully applicable to said property.
- (d) Joint use of parking lots. The required parking space for any number of separate uses may be combined in one lot, but the required number of spaces assigned to one use may not be assigned to another for use during the same hours.

(e) Remote parking. For any use except residential, if the off-street parking spaces required by this division cannot be reasonably provided on the same lot on which the use is located, such spaces may be provided on any land within 800 feet walking distance of any entrance to such use, provided that the district use regulations for the district in which the remote parking spaces are located permit the use which the parking space serves.

(f) Parking spaces required by this regulation can include parking spaces that are equipped with electric vehicle charging stations and reserved for use by electric vehicles and parking spaces reserved for online order pick up.

3. Concerning conservation subdivisions, Code Section 20-2309 is amended with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-2309. Conservation subdivision standards.

The following additional standards shall apply to all subdivisions proposing ~~25~~ 10 lots or more:

(a) Open space shall:

- (1) Comprise a minimum of 25 percent of the project area. Floodplain areas are allowed to be calculated for both density and open space requirements.
- (2) Be composed of (in order of which lands should be designated as open space first): primary conservation area, secondary conservation area, and any remaining lands necessary.
- (3) Be designated so that a minimum of 50 percent of the proposed open space is contiguous and, where possible, adjoins open space or other protected areas (including protected forests or wildlife areas) outside the project area.
- (4) Be accessible by safe and convenient pedestrian access from all adjoining lots (except in the case of farmland or other resource areas vulnerable to trampling damage or human disturbance).
- (5) Be used as follows:
 - i. Conservation of natural resources, archaeological resources or historical resources;
 - ii. Agriculture, horticulture or silviculture, provided all applicable best management practices are used to minimize environmental impacts;
 - iii. Passive recreation
 - iv. Active recreation provided impervious surfaces are limited to a maximum of 12 percent of the total open space area;
 - v. Nonstructural stormwater management practices;
 - vi. Easements for drainage, access, and utility lines; and
 - vii. Water, septic and sewer systems.

(b) Open space ownership. The applicant must identify current and future owners of open space responsible for maintaining the area and/or facilities. The responsibility for maintaining the open space and its facilities shall be borne by the owner. If a homeowners' association is the owner:

- (1) Membership in the association shall be mandatory and automatic for all homeowners in the subdivision and their successors; and
- (2) The association shall have lien authority to ensure the collection of dues from all members.
- (c) Open space management. The applicant shall submit an open space management plan which includes:
 - (1) A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of open space and its facilities.
 - (2) Cost estimates for maintenance, operation and insurance needs for the open space.
 - (3) A means by which funds will be obtained for all management expenses.
 - (4) A provision allowing the subdivision administrator to approve plan change; and
 - (5) Criteria for plan enforcement.
- (d) Legal instrument for permanent protection. Open space shall be protected in perpetuity by a binding legal document recorded with the deed. The document shall be one of the following:
 - (1) Permanent conservation easement in favor of either:
 - (i) A land trust or similar conservation oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (ii) A governmental entity with an interest in pursuing goals consistent with the intentions of this section.
 - (2) Permanent restrictive covenant for conservation purposes.
 - (3) Equivalent legal tool providing permanent protection, subject to approval by the Town Attorney. The instrument shall include all restrictions contained in Section 20-2309 conservation subdivision standards and any further restrictions the applicant chooses to place on the use of the open space.
- (e) Open space density bonus. Base density is determined by the zoning district in which the subdivision is located. Conservation subdivisions proposing more than the minimum required open space may be eligible for increased densities. The following table outlines the criteria for density bonuses. Lands under conservation easement shall not be counted when determining density bonuses.

Open Space Density Bonuses:

Percent Open Space (%)	25-30	31-40	41-50	>50
Percent Housing Density Increases (%)	N/A	10	15	20

- (f) Structure Placement. Structures should be placed as closely to internal roads as permitted. Structures may be:
 - (1) Located in the side yard setback of other structures within the development required by the zoning district; and
 - (2) Placed as closely together as permitted by the North Carolina State Building Code.

4. Concerning the measurement of setbacks, Code Section 20-3208(c) is amended with the added language shown as underlined and deleted language, if any, is shown with strike-throughs:

Sec. 20-3208. Miscellaneous provisions.

- (c) *Setback calculations.* All setbacks shall be calculated from the property line. If the property line extends into a roadway, the setback shall be measured from the edge of the road or back of curb.

5. Concerning the regulation of multifamily residential development, Code Section 20-3206 is amended to add note #12 as noted and Code Section 20-3324 is amended to add subsection (d), with all added language shown as underlined and deleted language, if any, is shown with strike-throughs:

6. Sec. 20-3206. Table of dimensional requirements.

Zoning District	R-1	R-2	R-3	R-12	C-1	C-2	I-1	MHO ¹¹
Minimum Lot Area (sq. Ft.)	10,000 ^{2,7}	7,500 ^{1,2,3,4,7,12}	5,445 ^{1,2,3,4,7,12}	7,500 ^{4,7,8,12}	0	0	0	5,445 ^{1,2,3,4,7}
Minimum Lot Width(ft.)	100	75 ¹²	75 ¹²	75 ¹²	0	50	0	75
Minimum Front Yard (ft.)	30	30 ¹²	30 ¹²	30 ¹²	0	0	0	30
Major Thoroughfare	30	30	30	30 ⁵	0	60	35 ⁵	30
Minor Thoroughfare	30	30	30	30 ⁵	0	25 ⁵	35 ⁵	30
With Parking in Front	-	-	-	-	-	60	-	-
Without Parking in Front	-	-	-	-	-	40	-	-
Minimum Side Yard (ft.) Abutting Residential District	10	10 ^{6,12}	10 ^{6,12}	10 ^{6,12}	0	30	40	10 ⁶
Minimum Side Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40	10 ⁶
Minimum Rear Yard (ft.) Abutting Residential District	10	10 ^{6,12}	10 ^{6,12}	10 ^{6,12}	0	30	40	10 ⁶
Minimum Rear Yard (ft.) Abutting Commercial or Industrial District	10	10 ⁶	10 ⁶	10 ⁶	0	0	40	10 ⁶
Height Limit (ft.)	35	35	35	45 and no more than 3 stories	Note 10	75	75	18
Buffer if Abutting a Residential District (ft.)	0	0	0	20	Note 9	20	20	0

The following notes apply to the Table of Dimensional Requirements set out above:

See sections on dwelling setbacks (Code section 20-3208(h) and (i)), nonconforming lots (Code section 20-1602); and right-of-way (Code section 20-3208(b)).

Additional Notes corresponding to the table:

...

12. For “multifamily dwelling” or “dwelling, multifamily” projects which are designed to offer individual dwelling units or lots for sale rather than rent, the dimensional requirements shall be as set forth in subsection (d) of Code Sec. 20-3324.

Sec. 20-3324. Dwelling – Multifamily (more than 4 units/building).

- (a) Street lighting requirements made necessary by article VI of this part III are fully applicable to the use of Dwelling – Multifamily (more than four units/building) as defined in Code section 20-1202 except that such requirements are hereby modified to provide the following:
 - (1) All lighting on the property shall be mounted on posts no more than 16 feet tall.
 - (2) Blocking, shielding and aiming of all exterior lighting shall be used to minimize light trespass on to adjoining residential properties.
 - (3) The exterior lighting plan shall be subject to review and approval by the town’s zoning administrator prior to installation.
- (b) All containment devices for trash and recyclables (including but not limited to compactors, dumpsters, roll-out bins, and areas for storing cardboard) shall be placed in the side or rear yards only and located and designed so as not to be visible from the view of adjacent streets and properties. All containment areas shall meet the following standards:
 - (1) All containment areas shall be enclosed to contain windblown litter.
 - (2) Enclosures shall be at least as high as the highest point of the compactor or dumpster.
 - (3) Enclosures shall be made of materials that are opaque at the time of installation (such as a fence, wall, or mature opaque vegetation) and compatible with and/or similar to the design and materials of the principal building.
 - (4) Compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage, and conform to the Buncombe County Health Department regulations governing compactor pads. A concrete apron shall also extend from the pad for support and access.
 - (5) Enclosures shall contain gates to allow for access and security.
 - (6) Dumpsters and compactors shall be located within the side or rear yard behind buildings and away from sidewalks or pedestrian circulation. Such locations should be accessible to service vehicles.
 - (7) Enclosures shall be landscaped in accordance with article IV of this part III.
- (c) Maximum number of units per building – No more than 24 units per building are permitted.
- (d) For “multifamily dwelling” or “dwelling, multifamily” projects which (1) are designed to offer individual dwelling units or lots for sale rather than rent, and (2) are exempted from certain dimensional requirements pursuant to Note 12 of Code Sec. 20-3206, the additional standards contained in this subparagraph apply.

- (1) Minimum lot area for each individual dwelling unit or lot may be reduced to zero provided the overall density of the project does not eclipse the density as allowed by the underlying zoning district in which the property is located and the aggregate acreage or square footage of the parent parcel and each parcel created.
- (2) Minimum lot width may be reduced to accommodate the project provided the overall density of the project does not exceed the density as allowed by the underlying zoning district in which the property is located.
- (3) Front, side and rear yard setbacks for each individual dwelling unit or lot may be reduced to zero provided the generally applicable setbacks required by the underlying zoning district are made applicable to the exterior property lines of the parent/project parcel(s).
- (4) Other dimensional requirements not specifically enumerated in this section, but generally applicable and found within Sec. 20-3206 "Table of dimensional requirements", including but not limited to building height and vegetative buffers, shall remain in effect for the parent/project parcel(s) and the individual units or lots.

7. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.

8. These amendments shall be effective immediately upon adoption and codified.

ADOPTED THIS the ___ day of _____, 2025, by a vote of ___ in favor and ___ against.

PATRICK FITZSIMMONS, Mayor

ATTESTED BY:

TAMARA MERCER, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 24, 2025
SUBJECT: FY2026 Budget – Town Council Conversations and Preliminary Input
PRESENTER: Manager Harris
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

Tonight’s meeting provides an opportunity for Town Council to continue its preliminary budget conversations and provide some direction to staff.

The following are some of the topics where input to staff may be helpful in developing the budget recommendations:

- Priority Areas
- Service Delivery Expectations
- Use of Fund Balance
- Tax Rate Increase
- COLA/Merit Increase
- Staffing Presence in Reems Creek Area
- Pre-Ordering Fire Rescue Truck (Limited FY26 Budget Impact)
- Community Center – Private Rental Revenue
- Recreation Complex – Restrooms, Storage, Shelter Project
- Street Program / Sidewalk Program Funding
- Recycling – Bi-Weekly Pickup or Cost Increase
- Municipal Elections – Odd Year Elections/Early Voting and Cost
- Eller Cove Watershed Trails Project
- Town Council Wishes and Expectations

COUNCIL ACTION REQUESTED:

Town Council discussion and direction to staff

Town of Weaverville
Town Council Agenda Item

Date of Meeting: March 24, 2025
Subject: Public Works & Water Department Quarterly Report
Presenter: Dale Pennell, Public Works Director
Attachments: Quarterly Report (December 2024 – February 2025)
Description:

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

Action Requested: None.

TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET

DECEMBER 2024 - FEBRUARY 2025

WATER MAINTENANCE DIVISION:

	Dec-24	Jan-25	Feb-25	3 month average
Water Leaks Repaired	4	5	1	3
New Water Taps	3	20	1	8
Total Active Water Meters	3,281	3,274	3,276	3277
Water Quality Complaints	0	0	0	0
Meter Re-Read Service Calls	91	78	72	80
General Service Calls	144	148	124	139
Water Door Tags Delivered	76	38	38	51
Water Line Locate Utility Service Calls (811)	202	218	357	259
Reservoir-Pump Station Site Checks	21	28	25	25
Water Line Construction Inspections:	na	Encore 50%	Encore 50%	

WATER PRODUCTION DIVISION:

	Dec-24	Jan-25	Feb-25	3 month average
(Gallons per month)				
1A. Raw water pumped from river to Water Treatment Plant	17,385,000	18,814,000	16,690,000	17,629,667
(daily average vs. 1.5 MGD plant capacity)	39%	40%	37%	39%
1B. Raw water used at the WTP	1,376,000	1,549,000	1,459,000	1,461,333

1C. Finished water Produced at WTP	16,009,000	17,265,000	15,231,000	16,168,333
2. Water Purchased from Mars Hill	0	0	0	0
A1. TOTAL WATER PRODUCTION (1.C. + 2)	16,009,000	17,265,000	15,231,000	16,168,333
3. Finish Water used at WTP	576,324	621,540	548,316	582,060
A2. TOTAL WATER AVAILABLE FOR SALES	15,432,676	16,643,460	14,682,684	15,586,273
B. TOTAL METERED FOR BILLING	10,723,500	13,906,000	13,470,600	12,700,033
C. Metered, Non-Metered & Non-Billed Use by Town	2,500,000	1,013,300	23,600	1,178,967
D. Total Accounted For Water (3 + B + C)	13,799,824	15,540,840	14,042,516	14,461,060
E. TOTAL UNACCOUNTED (A1-D)	2,209,176	1,724,160	1,188,484	1,707,273
F. MONTHLY UNACCOUNTED WATER (E/A1x100)	13.8%	10.0%	7.8%	10.6%

WATER CAPACITY VS PRODUCTION:

(Gallons per day)

	Dec-24	Jan-25	Feb-25	3 month average
Water Plant Design Capacity	1,500,000	1,500,000	1,500,000	1,500,000
Average Daily Production	533,633	575,500	507,700	538,944
Total Water Production (A1 above) / 30 days in month	35.6%	38.4%	33.8%	35.9%
AVERAGE USE RELATIVE TO DESIGN CAPACITY				
Current Water Commitments for future development	629,274	707,574	707,574	681,474
MONTHLY USAGE & FUTURE USAGE VS 1,500,00 GPD	77.5%	85.5%	81.0%	81.4%

STREETS DIVISION:

	Dec-24	Jan-25	Feb-25	3 month average
Street/Sidewalk/Drainage /Sign Repairs Completed	6	6	7	6
Roads paved	0	0	0	0

GROUNDS MAINTENANCE DIVISION:

	Dec-24	Jan-25	Feb-25	3 month average
Special Projects/Repairs Completed	3	2	3	3

STORMWATER MANAGEMENT DIVISION:

	Dec-24	Jan-25	Feb-25	3 month average
Storm drain pipes/structures cleaned or replaced	0	0	0	0
Miles of curbs and streets sweeping	0	0	0	0

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SANITATION DIVISION:

	Dec-24	Jan-25	Feb-25	3 month average
Residential Collection Points	2261	2396	2265	2307
Monthly Residential Collections (4/month)	9044	9584	9060	9229
Business Pick Ups	80	80	80	80
Business Pick Ups (4/month)	320	320	320	320
Residential Set-Outs	111	109	110	110
Residential Set-Outs (4/month)	444	436	440	440
TOTAL points picked up per month	9808	10340	9820	9989

Total Tons to Landfill	135.97	115.62	98.51	116.70
Average Pounds Per Collection Point (per week)	27.7	22.4	20.1	23.4
Cubic Yards - Yard Debris	0	0	0	0.0
Cubic Yards - Veg. Debris collected	1224	756	684	888
Cubic Yards - Leaf Collection	658	560	0	406

MISC

1. Paving and striping of the new 20-space parking lot below our PW building is completed.
2. Paving of the parking lot behind town hall is completed; now waiting on striping of spaces and crosswalks.
3. Repairs of hurricane damage continues, including stairs in the Nature Park; silt removal, cleaning of large fountain, and demolition of water wheel in Lake Louise Park. Debris collection continues around town.
4. Bidding of spring street paving project and the 24-25 Water Line Project is anticipated in May.
5. Bidding of reliancy project (chlorine and generators) at the WTP will proceed soon, when decisions are made about which funds to use.

TOWN OF WEAVERVILLE - PUBLIC WORKS DEPARTMENT - WATER COMMITMENTS

Prepared by: Dale Pennell, Public Works Director

REVISED 03-18-2025

Water Line Status (commitment expiration date)	Project Name	Address	Description	Number of Units	Gallons per Connection (GPD)	Projected Demand per NCDEQ standards (GPD)	Estimated Demand at 100 GPD/apt and 100 GPD/home
1) Construction	Greenwood Park	Union Chapel Road	73 homes	73	400	29,200	7,300
2) Construction	16-18-20 Garrison	Garrison Branch Road	3 commercial buildings	1	14824	14,824	3,706
3) Pending (5/16/2025)	Monticello Family Apts (Meribel)	171 Monticello Road	7 buildings + clubhouse	156	108@300 +		
4) Construction	Encore at 480 Reems Creek	480 Reems Creek Road	139 townhouses + clubhouse	139	60@400	56,600	14,150
5) Permitting (01/09/2026)	Windsor Build	300 Hamburg Mtn Road	35 homes	35	400	55,600	13,900
6) Permitting (01/23/2025)	6 Pleasant Grove	6 Pleasant Grove Road	50 townhouses	50	400	14,000	3,500
7) Pending (01/09/2028)	Northridge Farms	Northridge Commons Parkway	568 homes, condos, apts	568	400	20,000	5,000
8) Pending (01/09/2026)	Cole Road Apartments	75 Cole Road	220 apartments	220	400	227,200	56,800
9) Pending (1/9/2028)	4 Doan Road Subdivision	4 Doan Road	10 homes	10	400	67,000	16,750
10) Pending (12/10/2025)	Advent Hospital	US 25/70 and Ollie Weaver Road	Hospital + 2 MOB + ASC	4	varies	4,000	1,000
11) Not Approved yet	Parker Cove Subdivision	21 Parker Cove Road	27 homes + detached garages	27	400	63,500	63,500
			Subtotal Current Projects			562,724	188,306
on-going	Existing meter sets w/o meters			149	250	37,250	9,313
on-going	Projected inside-town vacant land development per zoning (rev.8/27/2020)			246	400	98,400	24,600
on-going	Projected Outside-town-limit individual residential units			23	400	9,200	2,300
			12) Subtotal On-going Projections			144,850	36,213
			Total Outstanding Commitments			707,574	224,519
SUMMARY OF PROJECTED WATER DEMANDS (GPD)							
Average metered and unmetered town usage per day				Current usage and commitment	WTP Capacity and permitted withdrawal	Current % of WTP used or committed	Notes
Dec 2024 - Feb 2025	Average Unaccounted-for daily water	Outstanding Commitments (as of Feb 28, 2025)	Mars Hill agreement for emergency water (see note 3 below) (approved Nov. 15, 2022)	1,240,515	1,500,000	83.10%	see note 1 below
482,033	Dec 2024 - Feb 2025	707,574	0	763,461	1,500,000	50.90%	see note 2 below
482,033	56,909	224,519	0				
	56,909						
	79,869 last quarter	629,274 last quarter		1,353,486		95.45% last quarter	
644,533 last quarter	79,869 last quarter	629,274 last quarter					
Outstanding Wtr Commitments 03-18-2025							
	Note 1. Chart uses only Sep - Nov usage data and NCDEQ projected flow for future commitments.						
	Note 2. Chart uses only Sep - Nov usage data with estimated actual demand for future commitments.						
	Note 3. Projections do not include any future domestic flow to the Town of Mars Hill (estimated 200,000 GPD)						