

Minutes Town of Woodfin Board of Commissioners

Regular Meeting Tuesday, December 15, 2020

6:30 PM

Be it remembered: That the Board of Commissioners met in regular session on Tuesday, December 15, 2020, at the Town Hall Boardroom in Woodfin, North Carolina at 6:30 pm. The following business was conducted:

Mayor Jerry VeHaun, called the meeting to order at 6:30 p.m. with the following board members present:

Jackie Bryson

Jim Angel

Vice Mayor Giezentanner

Ronnie Lunsford

Donald Hensley

***Commissioner Honeycutt attended meeting by phone.**

The Invocation was led by Commissioner Bryson.

Approval of the Agenda –A motion to approve Agenda as presented was made by Commissioner Angel after Mayor switched Agenda item #6 with #4. Motion 2 was made by Commissioner Bryson. All in favor.

Approval of the Minutes –A motion to approve the minutes as presented was made by Commissioner Lunsford. Motion 2 was made by Commissioner Honeycutt. All in favor.

- Commissioner Lunsford made a motion to go to closed session. Motion 2 was made by Commissioner Bryson. All in favor. Begin/6:32pm End/6.53pm

- Board consulted with the attorney retained by the public body on three legal matters.

Begin/6:53pm End/7:01pm

Public Forum- Due to the COVID-19 pandemic and the limits of social distancing, no public attendance will be allowed. The Public is encouraged to participate in Town Meetings streamed live on Zoom. See individual calendar for listing details.

Public Comment- In an effort to better serve our citizens we are making available improved ways in which you may share your comments or concerns. West City View, Grey River Run and

residents of surrounding areas introduced themselves to the Board and spoke on Agenda item #4 regarding the appeal of a Planning & Zoning Board of Adjustment decision to deny a subdivision request at 33 West City View.

- **Kennedy Young**- 24 Stoney River Path
- **Kelly Cowan**-17 Grey River Run
- **Richard Green**- 91 Distant View, Asheville
- **Miles Alexander**
- **Scott Darby**- 6 Morning Fog Way

New Business: Begin/7:01pm End/8:38pm

Water Resources Development Grant

1. Resolution Requesting State Assistance for Water Resources Development Projects.

(Presenter: Linda Giltz)

Linda Giltz- Discussed with the Board an application for the Water Resources Development Grant.

- Good fit for Riverside Park expansion construction.
- Application due by the end of month (December).
- Worked with Equinox to complete application.
- Asking for \$200,000.00-maximum request.
- \$2 million is authorized for all grants given.
- Competitive project.
- Asking for approval from the Board to proceed with application.
- Approval of resolution and Conflict of Interest Policy are required for application.
- Town is responsible for securing rest of funding, overseeing project completion, and operate park when completed.
- **Vice Mayor Giezentanner**- When will Town receive funds?
- **Linda Giltz**- Decision made in April. Contract and is valid for two (2) years with a one (1) year extension if needed.

Motion 1 was made by Vice Mayor Giezentanner to approve resolution applying for the Water Resources Grant. Motion 2 was made by Commissioner Lunsford. All in favor.

2. Consideration of a Conflict-of- Interest policy. (Presenter: Linda Giltz)

Grant requires that Conflict-of- Interest policy be in place. Motion 1 to approve policy as presented was made by Vice Mayor Giezentanner. Motion 2 was made Commissioner Hensley. All in favor.

3. Approval to Proceed with DEQ Water Resources Development Grant Application.

(Presenter: Linda Giltz) Review included in Agenda item #1.

Motion was made by Commissioner Hensley to proceed with grant application.

Motion 2 was made by Commissioner Bryson. All in favor.

4. Appeal of Subdivision Decision- 33 West City View. (Presenter: Michael Saunders)

Mayor VeHaun read agenda item.

Michael Saunders (Planner) read staff report and described agenda item. Developer proposing 59 units in the R-7 zoning district which allows for this type of development.

Specific reasons for denial from the Planning and Zoning Board of Adjustment:

1. Access by fire protection vehicles, sanitation trucks, and school buses

Insufficient turning radius at intersection.

Insufficient turn around.

Developer has since altered plan in response to reasons for denial.

2. Safe ingress/egress to Riverside from West City View. 26 residences now. After completion of Subdivision 75 residences.

Road 20 ft. wide at intersection of West City View and Riverside Drive

Written comments were provided by the Planning and Zoning Board.

Mike Saunders – Introduced Engineer (Mike Anderson).

Attorney (Joe Ferikes)- Informed that all witnesses need to be sworn in.

Clerk (Jody Jones)-Swore in witnesses for the Developer.

Attorney for West City View LLC Property (David Mattney III)- Introduced Engineer and applicant for development, Mike Anderson.

Anderson- Introduced himself to the Board and answered their questions.

- All plans for this project meet the standards of the Town's ordinance.
- Made a few modifications to plan and resubmitted to the Town.

Mattney- Are you licensed and certified in North Carolina?

Anderson-Yes. North Carolina licensed Engineer.

Mattney- Who prepared plans?

Anderson- I prepared and reviewed ordinance.

Mattney- Does plan meet standards?

Anderson- Yes.

Mattney- How many units will be built?

Anderson- 59 units.

Mattney- How many units are allowed in ordinance?

Anderson- 144 units.

Mattney- How was location rezoned?

Anderson- From R-10 to R-7. Both zoning designations allow for same density. Could construct same number of units before zoning change.

Mayor- Any questions?

Vice Mayor Giezentanner- Mentioned comments from community and issues with the road. Have any changes been made?

Mattney- Asked if Vice Mayor could hold that question until Traffic Engineer gives report.

Giezentanner- Yes. What were other concerns from past meetings?

Anderson- Some discussion of the T-turnaround. Submitted plans to Fire Marshall and made changes suggested after review.

Mattney- Introduced Traffic Engineer (Mark Teague).

Mattney- Are you state certified?

Mark Teague- Yes.

Mattney- Asked what process was used to come to his conclusions.

Teague- Used Basic Impact Traffic Assessment analysis. Not a full traffic analysis. It is a higher level of review.

Mattney- Did you count cars?

Teague- Yes. Study done in November 2018. Used Trip Generation Manual to make their conclusions. During peak hours there were 35 vehicles egressing and 25 ingress. Level of service after buildout is service level B. Used Astow guidelines for site distance. Site distance is 250 ft. at the intersection, 360 ft. to the North, and 320 ft. to the South which meets requirements.

Mattney- Reiterated that this proposed development meets all guidelines outlined in the Town's Code of Ordinances.

Woodfin Volunteer Fire Department Chief (Jeff Angel)- Recently measured different widths on West City View road and found that at entrance, the width is 20ft., 16ft. at Rugby Way, and 12ft. at Morning Fog Way. No passing space for emergency vehicles. Discussed lack of water in an emergency.

Mattney- Was this an existing problem before subdivision proposal?

Angel- Yes.

Attorney (Joe Ferikes)- Are there any participants on Zoom.

Clerk (Jody Jones)- Swore in Kelly Cowan.

Kelly Cowan (17 Grey River Run)- Thanked Fire Department for assistance with measurements of road.

- **Pre-Construction-** Connector road from West City View does not meet minimum standards. Utility and emergency vehicles block narrow road. Requesting Board members to encourage developer to make upgrades.
- Under Buncombe counties slope analysis, the site comes in at 23.2%. Residents are encouraging the developer to perform their own slope analysis. If it is 25% or more, the Ordinance requires reduced density. Developer proposing 59 units. Under Ordinance the number of units will be reduced to 17. The result would be reduced traffic on Riverside Drive. Residents requesting Board of Commissioners require Developer to submit slope analysis.
- **Storm Water Impacts-** Two (2) streams on property could possibly have direct impact on Riverside's Wave park, residents of West City View, and Riverwalk neighborhood. Discussed recurring flooding at Riverside Park and questioned how will water run-off will be post construction. How will this affect parks?

- Southern stream that is leaving site is failing under current storm- water infrastructure. Asking the Board and Developer to coordinate with Buncombe County Stormwater prior to development to identify problems in the future.
- Asking Board of Commissioners to support responsible development in neighborhood.
- **Attorney (David Mattney III)**- Asked if she was aware that any development that is approved must be filed with Buncombe County and Woodfin, and all requirements must be met. Developer has no responsibility for, and is not allowed to fix, public roads.
- **Kelly Cowan**- Quoted Woodfin Volunteer Fire Department on what they reported on the width of certain parts of road. On Mountain Living Road width is 12 ft. The minimum requires 20 ft. Asking leaders to implement responsible design and hold developers responsible to meet these standards.
- **Mattney**- Asked if Cowan was aware that developer must meet certain criteria to build.
- **Cowan**- Her development was approved in 2007 and roads were substandard. Not aware of who approved her subdivision. Asking leaders to develop their own Town Ordinance, and that all developments meet standards.
- **Mattney**- Asked if Cowan had a chance to see revised plan.
- **Cowan**- Looked at revised plan and thanked Developer for changes made, but connector road to State road is substandard. Safety should be a priority.
- **Clerk (Jody Jones)**- Swore in Miles Alexander.
- **Miles Alexander**- Asks that the developer build to the standard. It is the Town's responsibility to make sure that this development interfaces with existing infrastructure of the Town.
- Type of traffic study was more of a projection than a more in-depth traffic analysis
- Compared West City View and Riverwalk due to similarities in developments concerning the width of road. The roads in Riverwalk are wide enough to support a community of this size. Asking Board to review property and ask that property fit with current infrastructure of the town. Discussed the difficulty when cars attempt to ingress and egress at the same time onto Riverside Drive.
- **Vice Mayor Giezentanner**- Offered staff assistance with any questions from the community.
- **Scott Darby (6 Morning Fog Way)**- Last traffic study was held in 2018. Feels that a more up-to-date study that reflects all upcoming development along the river. Difficult ingress/ egress. Measured width of road at 16ft. 8in. not 20ft. which is the standard. No way to pass larger vehicles.
- **Gordon Mayberry (141 Mayberry Drive)**- Property abuts with project.
- What is the nature of this project as it relates to the direction Woodfin is headed?
- Asked Developer what are the plans to preserve tree canopy. Mike Anderson (Developer) plans to save as many trees as possible.

There are two (2) ways to access City View Drive by way of Old Marshall Highway or Broadway off exit 23. Google takes travelers onto Jonestown Road. In his opinion Jonestown Road is already dangerous. Discussed larger trucks getting stuck on Jonestown and blind corner at bottom of Jonestown that turns onto Riverside. More consideration needs to be given regarding traffic study on City View, Jonestown, and other roads that intersect.

Clerk- Swears in Kennedy Young.

Kennedy Young (24 Stoney River Path)- Opposed to proposed 59- unit development located at 33 West City View. Infrastructure costs to develop on this property would be immense. Project needs to be bonded in case of an economic downturn.

David Mattney (Final Comment)

- Ordinance requires that project be bonded.
- Addressed concerns from residents - Storm water run-off, steep slopes, traffic, and condition of the roads. In the Ordinance these items need to be addressed for approval. Developer not allowed to work on roads outside of the property.
- Developer willing to put up \$30,000.00 to help with repair of roads.
- Meet all requirements and asking for approval.
- **Clerk (Jody Jones)-** Swears in Brian Burton.
- **Brian Burton (Stoney River Path)-** Lives in subdivision that adjoins property.
- Discussed traffic and road issues.
- Density three (3) times the number of homes in this area. Too many homes on such a small piece of land.
- No buffer between existing developments.
- Property values affected negatively.
- Water pressure is an issue.
- **Mattney-** Ordinance does not require Green Space but developer plans to include.

Commissioner Honeycutt made a motion to go back into closed session. Motion 2 was made by Commissioner Hensley. All in favor. 8:01pm

Back into open session. 8:13pm

- Motion was made to approve development located at 33 West City View by Commissioner Hensley. Motion 2 was made by Vice Mayor Giezentanner.

Eric Hardy-Subject to offerings.

Vote results were 5 to 1 with Commissioner Angel opposed.

5. Approval to Proceed with Byrne JAG Grant Application. (Presenter: Chief Dykes)

- Not a matching grant.

- There are limitations. Grant cannot be used on personnel.
- **Proposed use-** Replacing aging and obsolete mobile radios.
- Minimal impact to budget.
- Asking for approval to proceed with application.

Motion was made to proceed with Jag Grant application by Vice Mayor Giezentanner. Motion 2 was made by Commissioner Lunsford. All in favor.

6. FY2021 Budget Amendment. (Presenter: Eric Hardy)

Town Administrator (Eric Hardy) discussed with the Board what this budget amendment will accomplish:

- a. Bulk of budget amendment will go towards the staffing two (2) new Sergeant positions within the Police Department. At previous meeting, a contingency was established from previous budget amendment. Plans are to use a portion of contingency dollars on salaries, benefits, and costs associated with the addition of two (2) new Sergeants.
- b. Provide more professional services for the Planning and Zoning department than initially budgeted, to be offset by reduction of professional services budget in Administration department'

- Motion 1 was made to approve budget amendment by Commissioner Hensley. Motion 2 was made by Vice Mayor Giezentanner. All in favor.

7. Annexation Petition - PIN #9639-69-0839. (Presenter: Adrienne Isenhower)

At the previous Board of Commissioners meeting, the Board passed a resolution to investigate the sufficiency on an annexation petition on a 14- acre tract of land located in Richmond Hill and across the river from Silverline. Now presenting the Certificate of Sufficiency and asking the Board to call for a public hearing to vote on annexation at January meeting.

- Motion 1 to approve was made by Vice Mayor Giezentanner. Motion 2 was made by Commissioner Hensley. All in favor.

Mountain Village Zoning District

8. Mountain Village Text Amendment- Public Hearing (Presenter: Adrienne Isenhower)

- This public hearing was called for at last meeting for the text amendment to the Mountain Village zoning district.

Recommended changes:

- Amend allowable density from 17 units per acre to 8 units per acre.

- Change approval process for group development, cottage clusters, and mixed-use development for that district to be conditional use. Needs to be addressed in plan and have approval by the Planning and Zoning Board of Adjustment in a quasi-judicial hearing.
- Allows more discretion by the Board.
- Added performance guarantees.
- Added definitions to terms in district that were not previously defined.
- Part of process for approving the text amendment is for the Planning and Zoning Board of Adjustment to provide a "Consistency Statement" to show changes that are consistent with the Comprehensive Plan.

(4) areas of the Comprehensive Plan that are consistent with changes:

1. Recommended density of the Comprehensive Plan.
2. Future land use map recommendations of those densities or locations of those densities on land use map compared to parcels currently zoned Mountain Village and what that density is.
3. Incentives for infill development, which is the recommendation of the Comprehensive Plan.
4. Town wide objective for goals and benefits that is relevant to the amendment.
 - **Vice Mayor Giezentanner**- What is meant by 'future land use map'?
 - **Planning Director (Adrienne Isenhower)** The Comprehensive Plan identifies future land use that would be recommended for certain locations in town. Future land use map is a part of the Comprehensive Plan.

(4) Residential Districts:

1. High Density- 8 units per acre.
2. Medium Density-8 units per acre.
3. Low Density. 2 units and 1 unit per acre.
4. Mountain Village- 17 units per acre.
 - Density bonuses.
 - Performance guarantees.
 - Ensures future development is compatible with towns goals.
 - **Public Hearing on Text Amendment. Begin/8:34pm End/8:35**

No comments.

Motion 1 was made by Commissioner Angel to approve Mountain Village text amendment. All in favor.

9. Lifting Moratorium on Mountain Village Zoning District- Public Hearing. (Presenter: Adrienne Isenhower)

Motion 1 was made by Commissioner Lunsford to lift the moratorium on Mountain Village Zoning district. Motion 2 was made by Vice Mayor Giezentanner. All in favor.

Reports: Begin/8:40pm End/9:17pm

ABC Report:

No report sent from previous month.

Police (Chief Dykes):

- Investigator resigned. Begin hiring process. CID process panel will be set up for review which will be a three (3) part process. There will be one (1) internal applicant and four (4) external. Applicants will be subject to a written test, investigate exercise and a panel interview that will consist of supervisors from surrounding agencies.
- Discussed Booze It Lose It campaign for this year.
- Also spoke about the generous donations from the Reynolds Mountain community.

Public Works (Eric Hardy):

- Basement flooding will be corrected before end of year.
- Public Works Director (Johnny Brooks) checking around Town looking for missing or damaged signage. To distinguish between state and local signage for roads, Woodfin signage will be in blue, and DOT maintained roads are in Green.

Administration: Town Administrator (Eric Hardy)

- Reported the Town's monthly finances with the Board. List of expenditures were provided in Board packet. No major concerns to report from reviewing invoices for payment. In good condition on the expenditure side.
 - **Cash flow**- Starting to see property tax revenue come in. The amount of collected property taxes through November are not yet reflected in revenue reports. To date the Town has collected \$1.2 million of the \$3 million budgeted. Ahead of last year's collection percentage as a percent of the levy. Revenues collected have now exceeded expenditures for the fiscal year.
 - **Sales Tax**- Town is budgeted \$539,000 in sales tax revenue and has already collected \$437,000 in (4) months. The town has already received 80% of its budget for the fiscal year.
 - Thanked Chief Mike Dykes for his involvement with the installation of new video equipment in the Boardroom. The Town is participating in the "Cares Act" which will fund 100% of new equipment for public engagement meetings. Still need additional training to connect wirelessly. Cost of equipment is \$25,000-\$30,000.
 - **Commissioner Hensley**- Referred to earlier discussion in meeting and stated there should be about a \$700,000 surplus in sales tax budget.
 - **Eric Hardy**-Yes. Hope this is sustainable.
 - **Newsletter**- Discussed quarterly newsletter with the Board. Thanked Clint Parker, editor of the "Tribune Paper" for print job. Newsletter sent out in mail and posted on Town's website.
 - **Town Website**- Provided a proto-type to the Board on what the Town's new website will look like. Will have a different layout. Hope to have website running in the next couple of months.
 - **COVID-19**- County's Public Health Director provides updates to the Board of County Commissioners on a variety of topics related to COVID-19. Recently, a Vaccine Distribution Plan was sent to the Board of Commissioners.
- Greenway-Blueway: (Eric Hardy)** Discussed with the Board progress of Greenway- Blueway.
- Next month there will be a naming rights policy for the Board's consideration.
 - A subcommittee of the Riverlink Board of Directors is currently working on a naming rights policy for consideration by the Board of Commissioners at the January meeting.

- Bond sale closed. Town has received proceeds and reimbursed itself \$600,000 for purchase of Waste Pro site and will use another approximately \$2,000,000 for Silver-Line construction contract.
- Park Advisory Committee- Town obligated to form Park Advisory Committee, which will increase the chances of receiving (PARTF) Grant.

Silver-Line Park:

- Construction meetings will be held monthly and ongoing.
- After meeting with contractor and sub-contractor the project timeline is currently one (1) to two (2) months behind schedule due to adverse weather conditions and reengineering plans.
- Permit for riverbank restoration requires coffer dam solution. Contractor looking into estimated cost alternatives. Report sent from the Army Corp of Engineers, but no mention of this previously.

Vice Mayor Giezentanner- Need to request a copy from Army Corp of Engineers for the Town's records. Does Riverlink also give updates on timeline on construction?

Hardy- Riverlink does post updates on construction timeline.

Riverside Park Expansion:

- Request for qualifications for design work are out. Expecting submittals by end of this calendar year.
- Peyton O'Conner (Buncombe County Recreation Services) and Brian Messing (YMCA) will help review submittals. Administrator will bring back to the Board in January meeting a recommendation to proceed into contract negotiation with bidder receiving highest marks on the submittal. Once contract is awarded Town will move forward with design of Riverside Park Expansion and the Whitewater Wave.
- Grant application- \$200,000 grant from the Water Resources Department. Will be submitting application based on approval to move forward by the Board.

Greenways: (Eric Hardy)

- Engineer (HNTB) working with Buncombe County Recreation Services to modify the draft preliminary design contract between NCDOT and Buncombe County. Also working on revision of plan to include Beaverdam Creek as a part of French Broad River project package. NCDOT has agreed to recognize this as one (1) continuous Greenway system.
- **Vice Mayor Giezentanner-**Is Buncombe County still overseeing project?

Eric Hardy- Yes.

- Discussed with Riverlink possible funding for stream restoration for Beaverdam Creek.
- Not part of original project. Will serve as companion.
- Will make improvements to Beaverdam Creek during construction to Greenway.
- Riverlink will assist.
 - Riverlink will be releasing to the Town a check for approx., \$35,000 in January.
- Feasibility study successfully completed, as required by donor.
- Vice Mayor Giezentanner requested Linda Giltz update Board at future meeting on grants.

Commissioner Angel made a motion to move to a continuation of closed session. Motion 2 was made by Commissioner Bryson. All in favor.

Begin/9:20pm End/9:45pm

Closed Session: The Board will adjourn into closed session to discuss legal matters in compliance with NCGS § 143-318.11(a)(5) as well as personnel administrative matters.

- Board consulted with the attorney retained by the public body on legal matters.
- Board discussed performance of appointed employees.

Adjournment: 9:46pm