

The Town Council of the Town of Nashville held a Regular Meeting on Tuesday, September 1, 2020 at 7:00 PM in Town Council Chambers. Members Present: Mayor Brenda Brown, Mayor Pro Tem Kate Burns, Council Member Louise Hinton, Council Member Lynne Hobbs, and Council Member Larry Taylor. Absent: None. Staff Present: Randy Lansing – Town Manager, Lou Bunch – Human Resources Director and Interim Town Clerk, Sherry Moss – Planning and Development Director, Tina Price – Planner I/Code Enforcement Officer, Chris Joyner – Fire Chief, Anthony Puckett – Police Chief, Sam Sanchez – Finance Director, and Lee Brown – Public Works Director. Others Present: Mark Edwards, Town Attorney.

1. Mayor Brown called the meeting to order at 7:00 PM and welcomed those in attendance.
2. Mayor Brown led the Pledge of Allegiance.
3. Mayor Brown led the Prayer.
4. Mayor Brown called for the Approval of Minutes.
  - a. There being no corrections, Mayor Brown called for a motion to approve the July 28, 2020 Called Meeting Minutes. Council Member Hobbs made the motion, seconded by Council Member Hinton. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).
  - b. There being no corrections, Mayor Brown called for a motion to approve the August 4, 2020 Regular Meeting Minutes. Mayor Pro Tem Burns made the motion, seconded by Council Member Taylor. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).
5. There were no public comments.
6. Old Business
  - a. Mayor Brown called for the Presentation of the South Creek Stormwater Drainage Study and Report.

Mayor Brown gave a summary of the issue. Kevin Varnell of Stocks Engineering will be presenting the results, options, and recommendations of the South Creek Drainage Study, which includes Par Drive, Aubrei Court, Village Lane, Windy Oak Drive, Laurel Spring Drive, and South Creek Drive. Mayor Brown called on Mr. Varnell to give his presentation.

Kevin Varnell reminded the Council that at last month's meeting they discussed the current levels of service that they have on Par Drive, Laurel Spring Drive, and Windy Oak Drive, the proposal to lower Windy Oak Drive, and the effects of that remedy on the surrounding properties. He referred to the draft report and the different design alternatives:

- Alternative #1 would lower Windy Oak Drive around 2-feet and would include installing a trapezoidal channel to help drain both the upstream and downstream. He commented that they could not just lower the drive without providing some way for the water to get out downstream. The issue with this option is that while it would drastically improve Par Drive's performance and solve the drainage issue at 215 Windy Oak Drive, it would cause further problems with being able to get home and emergency services for those in the cul-de-sac and would also send more water down to Laurel Spring Drive. Council Member Taylor asked if lowering Windy Oak Drive would entail actually grading the street out, lowering it down, and then repaving it. Mr. Varnell replied that it would. He then added that right now Windy Oak Drive creates a dam with a 24-inch pipe underneath, so it backs water all the way through into the Par Drive subdivision; this solution would be lowering the dam, which just happens to be the road.
- Alternative #2 would still lower Windy Oak Drive, but the existing 24-inch pipe between Laurel Spring Drive and Windy Oak Drive will be removed and replaced with a 48-inch pipe.
- Alternative #3 would still lower Windy Oak Drive, but remove the existing 24-inch pipe and replace it with dual 24-inch pipes.

- Alternative #4 provides the best level of service, and would essentially give a 100-year storm event level of service at par Drive, Windy Oak Drive, and Laurel Spring Drive, however it would remove all of the existing pipe systems and would put in an open ditch. He stated that open ditches carry far more water than a closed pipe system can. He commented that from an engineering standpoint this would be the best solution. This would solve all of the problems that have been pointed out, however it does put an open ditch where there is a current closed pipe system. Council Member Hinton asked about the 48-inch pipes shown in the proposal. Mr. Varnell explained that right now there is one 24-inch pipe under Windy Oak Drive and that pipe only would be replaced with twin 48-inch pipes under just the road, then it would be open ditch on both sides of the road. He noted that if they put in an open ditch on both sides of the road but did not upgrade the pipe then they would still have the same issues.
- Alternative #5 is a closed pipe system for the entire stretch and would carry a 25-year level of service and a 100-year level of service for all homes. Mr. Varnell noted that this alternative would solve all of their issues, however it is the most expensive and would close in the entire system so it would essentially be all underground.

Mr. Varnell recommended Alternative #4 and stated that it is the best recommendation from an engineering standpoint. He recognized that the ultimate concern for this option for the adjacent homeowners would be the appearance and aesthetics of an open ditch system. He stated that if they had to choose an alternate, it would be Alternative #2. Alternative #2 would protect the homes for a 100-year storm event; the streets would meet a 25-year storm event with a maximum of 1.07-foot of water on the street during that event. The cost for this would be around \$380,000. Mr. Varnell noted that there were five alternates presented, ranging from low to high in cost, but there are multiple options in between where they could do the project in phases. Council Member Hinton questioned the cost estimates for Alternative #2 which was listed in the report as \$336,066. Mr. Varnell replied that the \$380,000 figure adds in the engineering survey; there is a construction cost and an engineering cost.

Mayor Pro Tem Burns asked Mr. Varnell to review Alternative #2. Mr. Varnell explained that coming from Par Drive they would replace the 24-inch pipe with a 48-inch pipe all the way through and put an open channel on top of that. He added that the open channel would be a swale on top of the ground and would not be an open ditch. This would be enough to convey some storm water before it gets into the adjacent lot. Windy Oak Drive would also be lowered by 2-feet and a trapezoidal swale would be placed on the downstream side of 215 Windy Oak Drive to Laurel Spring Drive. Laurel Spring Drive would remain as it is. Mayor Pro Tem Burns asked if the repaving of Windy Oak Drive would not create a problem because of the proper drainage. Mr. Varnell replied that in this option the level of service would be higher than in option #1.

Council Member Hobbs noted that there was a \$30,000 difference between Alternatives #2 and #4 and asked what the difference was in the actual construction between the two. Mr. Varnell explained that Alternative #2 keeps a closed pipe system with a swale on top. Alternative #4 is an open channel ditch, 5-feet deep with a flat bottom with sides. Currently the entire neighborhood is pipe, but an open channel can drain much more stormwater than a pipe. He commented that once they choose an option, they can finalize the numbers. Mayor Pro Tem Burns asked about the safety of an open channel. Mr. Varnell replied that any time you have an open ditch you will have some concern with the aesthetics, but from a safety standpoint we have open ditches throughout town and he is not aware of any major issues with it. He noted that an open ditch would have more of an issue than a closed pipe that is hidden under ground. Council Member Hinton commented that the report shows that we do not have any definitive information about underground utilities and so that is a concern. Mr. Varnell noted that there would be underground power, cable, and telephone, but right now the pipes would be under the road where they already are located; the issue may be in between the properties where the homeowner has something underground that we are not aware of.

Council Member Taylor asked how full the ditch would get if there was another rain incident like we had recently. Mr. Varnell replied that with the amount of drainage that they have going through there, in a 10-year storm event the ditch would be half full and in a 100-year storm event the ditch would be full. He noted that it all depends on how long the event lasts; a flash event will come up high and drop quickly, but in a longer rain event it could stay up longer. He commented that they do not see that ditch being full for a week, it would be more like 1-2 days before it goes down to normal. Mayor Brown thanked Mr. Varnell for the report.

Mr. Lansing commented that now they have the report, if they would like to get feedback from the homeowners he could arrange for a meeting with them where Mr. Varnell could present the information

and see what the reaction is. He stated that he likes the idea of an open ditch because that will give us the greatest relief from all future rain events, but it would significantly alter the neighborhood to install an open ditch when one was not there before. Council Member Taylor commented that he thinks it is a great idea to contact the residents before they move forward. He then asked Attorney Mark Edwards what kind of recourse we have for the builder because this is a lot of money. Mr. Edwards replied that the town would have to show that the builder violated some provision that they did not meet at the time. He added that if the Council wanted to discuss that with the attorney, then it would need to be in closed session.

- b. Mayor Brown called for Consideration of SU 2020-02: Request for a special use for property located off E. Old Spring Hope Road, Zoning District M-F (Multi-family Residential) for the purpose of establishing more than one multi-family building on a single lot. This parcel contains approximately 12.62 acres and is identified by Nash County Tax Parcel Number 381015532563.

This item was heard at a Joint Public Hearing of the Town Council and the Planning Board on Wednesday, August 26, 2020. The Planning Board voted 3-0 to recommend approval of SU 2020-02. Mayor Brown stated that the applicant is requesting a Special Use Permit to allow more than one duplex to be established on a 12.62 acre lot off E. Old Spring Hope Road. The Multifamily Residential zoning district allows multifamily (more than one building per lot) with a Special Use Permit. The sketch plan submitted shows eight duplexes (16-units), with future expansion of more units. The petitioned property is surrounded by a mixture of single family dwellings and duplexes, with mixed zoning classifications of MF (Multifamily), R-10 (Medium Family Residential), R6 (High Density Residential), and A-1 (Agricultural) Zoning Districts. With regard to the Future Land Use Map, the petitioned property is classified as medium residential growth. The surrounding areas are classified as high density, medium density, and agricultural growth. The proposed use would be in harmony with the residential character of the area. Upon voting on the Special Use Permit, the Town Council shall consider the following:

- a) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- b) The use meets all required conditions and specifications.
- c) The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- d) The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in the general conformity with the plan of development of the Town of Nashville.

Staff recommends that SU 2020-02 be approved. The Planning Board also recommends approval of SU 2020-02.

Mayor Brown called for a motion to approve the item. Council Member Hobbs made the motion to approve, seconded by Council Member Taylor. Mayor Brown called for discussion. Mayor Pro Tem Burns stated that there is a residential property to the east and two properties to the west and she would like to protect those properties' interests by putting up a buffer of either trees and/or fencing. She also requested that the lighting be pointed down to help with light pollution. Council Member Hobbs asked about the play area requirements in our regulations and asked if that was proposed in this sketch. Mayor Pro Tem Burns replied that it is there, but it is of such a design that she is not sure it would be a functional play area; it is about 12-feet wide and is a sliver of property that goes to a maximum of 22-feet wide and 100-feet long. Mayor Pro Tem Burns asked to ensure that the developer has some sort of plan that makes it a play area rather than just a designation of a play area that is a plot of grass. Mr. Lansing informed the Council that they could place conditions on the Special Use and that they could specify that playground equipment is actually placed in that area. Council Member Hobbs amended her motion to include that as a part of the Special Use Permit, seconded by Council Member Taylor. There being no further discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

- c. Mayor Brown called for Consideration of CP 2020-01: Request for a construction plat approval of a 41-lot major subdivision off Eastpointe Avenue, Zoning District R-4 (High Density Residential). This parcel contains approximately 25.63 acres and is identified by Nash County Tax Parcel Number 381006484519U.

Staff recommends approval of CP 2020-01. The Planning Board recommends approval of CP 2020-01 with TRC review.

Mayor Pro Tem Burns commented that Food Lion is directly north of this property, very close to the property line. She requested that fences and trees be planted lining the backs of the properties as a light and noise buffer and for security reasons to limit access to the backyards. She also requested that a grass buffer be placed on the sidewalks between the curb and the walkway for safety and aesthetics. The Council reached consensus to make that grass buffer be 2-feet wide. Council Member Taylor asked if they should require a play area as well. Mr. Lansing replied that our ordinance does not require it for this property, but in Phase 2 the Town could require that the developer give one of the lots to the Town to be developed as a playground. He reminded them that they are not considering Phase 2 at this time.

Mayor Brown called for a motion. Mayor Pro Tem Burns made a motion to approve the consideration with the specifications that they gave for fencing, buffers, and the sidewalk, seconded by Council Member Hinton. There being no further discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

- d. Mayor Brown called for Consideration of Resolution 2020-18: Resolution Awarding a Timber Purchase and Harvest Contract on 42- acres of Land Owned by the Town of Nashville.

Mayor Brown gave a summary of the issue. The Town of Nashville has received four competitive bids from pre-qualified logging companies for the purchase and harvest of timber on 42-acres of land owned by the Town of Nashville off of Industry Court. The bids are as follows: 1. Tidewater Land & Timber, LLC of Pantego, NC for \$40,950; 2. East Coast Timber, LLC of Williamston, NC for \$42,280; 3. Triangle East Timber Company of Mount Olive, NC for \$39,150; and 4. GatorWood, Incorporated of Wilson, NC for \$40,685. Mr. Lansing has recommended that the contract be awarded to the high bidder, East Carolina Timber, LLC of Williamston, NC for \$42,280.

Mayor Brown called on Chris Cobb to speak on this item. Mr. Cobb stated that they did receive four bids from four reputable companies. His suggestion is to go with the high bid; all of the companies do a good job, carry insurance, and have a chipper. He informed the Council that he has given a sample deed to Mr. Lansing to have the Town Attorney review. Council Member Hinton asked about logging out the environmental area around Stoney Creek and if that would be a concern removing the vegetation. Mr. Cobb replied that they will follow the North Carolina Forestry Service guidelines and their recommendation for the stream side management zone requiring that they stay 50-feet from the edge of the water. He stated that no equipment will be allowed in that zone; the zone will be flagged out and he will be ensuring that all recommendations are met. Council Member Taylor asked about the Timber Harvesting Specifications where it states that they have 24 months to complete the work. Mr. Cobb replied that generally these companies do not carry more than 6 months' worth of inventory; the 24 months gives them some kind of protection in the event of a severe weather year or a complete crash in the markets. He does not anticipate it taking 24 months to complete. Council Member Taylor asked about #4 which reads that there shall be no decking or loading in the open fields, and stated that he is not worried about the fields but he is worried about the pavement. Mr. Cobb replied that there will no loading in that area at all. The loader and trucks will have to be backed into the woods. Mr. Lansing asked Mr. Cobb to provide a timeline. Mr. Cobb replied that they have 30 days to close; once the timber deed is signed then they will bring a check in exchange for the deed. He pointed out that they do have a large crew, but that the area does tend to hold water. In the event that it is holding water, they will lay off for a few days to let the water drain. He informed the Council that it would probably take about two weeks for the operation. Council Member Hinton asked who would be monitoring it. Mr. Cobb replied that he would and that he would be at that property every day. Mayor Pro Tem Burns asked what the recourse would be if the company does not finish in time or does not comply with the terms. Mr. Cobb replied that the Town could probably sue for breach of contract, but that these companies all have very good reputations.

Council Member Taylor made a motion to extend the contract to that company (East Coast Timber, LLC), seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

The resolution was approved as follows: