

The Town Council of the Town of Nashville held a Called Meeting on Wednesday, September 18, 2019 at 5:30 PM in Town Council Chambers. Members Present: Mayor Donald B. Street, Mayor Pro Tem Charles Taylor, Council Member Larry Taylor, Council Member Kate Burns, and Council Member Louise Hinton. Absent: None. Staff Present: Randy Lansing–Town Manager, Lou Bunch –Town Clerk and Human Resource Director, and Tina Price–Planning Technician.

1. Mayor Street called the meeting to order at 5:30 pm and welcomed those in attendance.
2. Mayor Street called for the Item for Consideration.
 - a. Mayor Street called for “Resolution 2019-18: Resolution supporting the application of the Environmental Enhancement Grant Program for the Town of Nashville.”

Mayor Street stated that we have one item for consideration, which is Resolution 2019-18: Resolution supporting the application of the Environmental Enhancement Grant Program for the Town of Nashville. This is an opportunity for the Town to be awarded funds to be used towards environmental enhancement; however, everything has to be turned in by Tuesday, September 24, 2019. The Town has submitted a letter of interest to apply for a grant, for the Environmental Enhancement Program through the North Carolina Attorney General’s Office under the Smithfield Agreement. The letter of intent included a request for \$275,000 for wetland restoration and storm water remediation in Birchwood Section 7. Although the area is outside of the flood plain, the wetlands and flat topography cause the area to be prone to standing water and drainage issues. Town Council needs to pass a resolution in support for the application to move forward with a drainage project in that area. The grant money will include design and construction, and possible land acquisition. The total amount allowed for one project is \$500,000. The staff recommends approving the resolution.

Mayor Street stated that we have an issue in Birchwood; the land appears to be reverting back into swamp land. Mayor Street asked if the grant required any matching money. Mr. Lansing stated that it does not. Mr. Lansing explained that he and staff consulted with Stocks Engineering to determine the amount the Town should ask for. The figure includes an estimate for a drainage study, and for anticipated remediation actions. Mr. Lansing stated that this is a reimbursement grant; if awarded, we would have to expend the funds and then ask for reimbursement. Council Member L. Taylor asked if he understood it correctly, that the \$275,000 would be enough for the entire project; Mr. Lansing stated that it is what we are assuming at this point. Council Member Hinton stated that this is a big assumption. Mr. Lansing stated that they are basing the figures on our engineer’s knowledge of drainage, the cost to fix it, and mitigation action that can be done in that area, if we are awarded the funding.

Council Member L. Taylor stated that it sounds as if we are putting “the carriage before the horse” and are trying to catch up on the drainage where development has already occurred. Council Member Burns stated that we should see if the contractors and developers have an obligation to do some type of remediation, and if so we should reinforce that. She asked that if we apply for the grant and are awarded, and we learn that the contractors and developers are responsible for remediation efforts, could we then use the awarded funds in another wetland area. Mayor Street stated that he wasn’t sure that we could do that if we went outside the scope of the project.

Council Member L. Taylor asked if this resolution was just to submit the application; Mr. Lansing stated that was correct. Council Member Burns questioned that if by submitting the application, are we stating that we are taking responsibility for and have an obligation to clean the area up. Mr. Lansing stated that either way he believes the citizens would look to the Town to fix the problem. Council Member Burns stated that she agrees we should help when we can; she is concerned that in the future some sort of litigation could possibly come forward due to the passing of the resolution. Council Member Burns stated that she would like to add language to the resolution that we have no obligation to remediate this, that the Town will contact developers and ensure that they complete exactly what it is they set out to do, since it is not going to put a burden on the tax payers; the Council is in agreement to move forward with the application.

Council Member Hinton asked that if we do not get this grant then we are going to be “on the hook.” Mayor Street stated she is correct. Council Member Hinton stated that the responsibility should be on the developer and not the Town. Mr. Lansing stated he would like to proceed that way. Council Member Burns was in agreement with Council Member Hinton, that language should be included to state that the Town is

in no way obligated to handle remediation in the event the Town is not awarded the grant. Mayor Pro Tem C. Taylor stated this is an issue that stems from a deal that was presented a long time ago. When the original deal came forward, the Town tried to block the deal, and a law suit was brought forward. The suit went through NCDEQ and it was ruled that the Town could not block the developer. The developers dug a retention pond; but with the current conditions, he is not sure that the pond is serving its purpose. He stated that it is something that will have to be dealt with one way or another, even though the Town tried to stop it from the beginning.

Mayor Street stated that the probability that the Town will receive funding is very low. Council Member L. Taylor stated the condition exists before the developers go out and develop, and that the developers are not building in the blind; they know the condition exists. Council Member Hinton asked if we had any type of disclaimer. Mayor Street stated that we have other ongoing projects where the Town is fixing issues from the same group of developers. Mr. Lansing stated that the last permits that were issued were issued with knowledge that there are issues on site and to build at their own risk. Mr. Lansing was asked if that information was put in writing, but he was not sure; Council stated that it needs to be in writing. Mayor Street stated that he agreed with Council Member Burns about the language additions to act as a safe guard for the Town.

Mayor Street read the resolution aloud. Mayor Street called for a motion to approve Resolution 2019-18: Resolution supporting the application to the Environmental Enhancement Grant Program for the Town of Nashville. Mayor Pro Tem C. Taylor made the motion, seconded by Council Member Burns. There being no discussion, Mayor Street called for a vote. The motion was unanimously approved (4-0).

The Resolution was passed as follows:

RESOLUTION 2019-18

RESOLUTION SUPPORTING THE APPLICATION TO THE ENVIRONMENTAL ENHANCEMENT GRANT PROGRAM FOR THE TOWN OF NASHVILLE

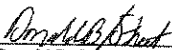
WHEREAS, the Nashville Town Council supports remediation to improve impaired waters and address problems of adverse water quality of the Tar-Pamlico Basin; and

WHEREAS, the Nashville Town Council would like assistance with wetland restoration and stormwater remediation through the Environmental Enhancement Grant Program; and

WHEREAS, the Town of Nashville is dedicated to wetland protection and stormwater best management practices;

NOW, THEREFORE BE IT RESOLVED that the Nashville Town Council hereby supports the application for wetland restoration and stormwater remediation to improve overall water quality of Sapony Creek which feeds into the impaired Tar River of the Tar-Pamlico Basin to the Environmental Enhancement Grant Program which is a reimbursement grant funded by the Smithfield Agreement.

Duly adopted by the Nashville Town Council on this 18th day of September, 2019.


Donald B. Street, Mayor

ATTEST:


Lou C. Bunch, Town Clerk



3. There being no further business, Mayor Street called for a motion to adjourn.

Council Member Burns made the motion to adjourn, seconded by Council Member Hinton. There being no discussion, Mayor Street called for a vote. The motion was unanimously approved (4-0).

Mayor Street declared the meeting adjourned at 5:49 pm.

Donald B. Street
Donald B. Street, Mayor

Attest:
Lou C. Bunch
Lou C. Bunch, Town Clerk

