

The Nashville Town Council held an Agenda Meeting on Wednesday, October 30, 2019 at 7:00 PM in Town Council Chambers. Members Present: Mayor Donald B. Street, Council Member Kate Burns, Council Member Louise Hinton, and Council Member Larry Taylor. Absent: Mayor Pro Tem Charles Taylor. Staff Present: Randy Lansing – Town Manager, Lou Bunch – Town Clerk and Human Resources Director, Anthony Puckett – Police Chief, Julie Spriggs – Planning and Development Director, Tina Price – Planning Technician, Sam Sanchez – Finance Director, Chris Joyner – Fire Chief, Scott Whitford – Battalion Chief, Alex Wester – Lieutenant, Ryan Landrum – Engineer, and Zack Tant – Firefighter.

1. Mayor Street called the meeting to order at 7:00 PM and welcomed those in attendance.
2. Mayor Street called for the Public Comments Period.

Jencie Meadows, 1104 Fairfield Road, Nashville, approached the podium. Ms. Meadows presented photographs to the Council Members of a property located in the Fairfield Subdivision. Mrs. Meadows read the following statement referencing the Town of Nashville's website under the Planning and Development Department's section: "Part of the mission statement is we do this by protecting property values. Under Zoning Administration it states 'Staff applies plans that increase property values.'" She asked the Council if these photos represent increasing and protecting property values. She stated that in the Fairfield subdivision, as well as in other parts of town, there are homeowners that do not maintain their property, therefore it depreciates that value of those that do. She noted that the house in the photographs is in the Fairfield subdivision and that the home is in dire need of repairs and the unkempt yard is depreciating property values. She commented that it is embarrassing to the homeowners around this property and it is disheartening to know that it is depreciating their property values. She added that this issue has been presented a few times over the years to the Planning Department but to no avail. According to Ms. Meadows, one former Planning Director had told them to get a petition signed with a certain number of signatures and that they would address the issue. A petition was completed, however nothing was done with the property. Another former Planning Director said that a letter had been sent to the homeowners. Ms. Meadows asked the Council if sending letters was the only way to address the issue, what did those letters state was requested of the homeowner, and if anyone followed up on the letters. Ms. Meadows stated that with nothing being done to the property, it continues to worsen. She stated that there must be something that can be done and asked the Mayor and Council Members how they would feel if they lived in the vicinity of this house or if they tried to sell their house and couldn't because of that. She requested that action to be taken other than sending letters. Mayor Street thanked Ms. Meadows for her comments.

Mayor Street acknowledged that this is not the first time that they have heard about this particular issue. He commented that many years ago the Town had the Health Department look into the debris in the backyard because of a rat issue. Some of the debris was moved at that time, but he commented that he did not think it got rid of everything that needed to be moved. He agreed that it is a real problem and asked Ms. Meadows to allow the Town to look at what can be done. Mayor Street noted that the real issue deals with whether or not it is considered substandard housing, which is determined by the County and not by the Town. He thanked her again for bringing this to their attention.

3. Mayor Street opened the Joint Public Hearing with the Planning Board to receive comments on OA 2019-02: Request to amend the Zoning Ordinance adding the creation of a Tree Board and the regulations following the Tree City USA guidelines.

Mayor Street stated that the Town has agreed to pursue the Tree City USA designation. A tree ordinance with specific requirements must be approved by the Council. The ordinance contains language that has been approved for use by Tree City USA and many other municipalities in the state. Some of the requirements of the ordinance were already enforced by the Town. In order to make the ordinance streamlined, those sections of the current ordinance have been struck through to be removed and the remainder follows the text where we have created an advisory board for Tree City as part of our Parks, Recreation and Cultural Resources Advisory Board and the other part involves the enforcement, which falls under the Land Use Regulations.

Mayor Street called three times for comments from the public regarding the item. Jencie Meadows asked what Tree City USA is. Mayor Street replied that it is a program designed to encourage the natural growth of the environment in communities. It protects trees, shrubberies, and requires the planting of trees in areas where there are no trees or preserving those that are already in place. He added that urban areas over time slowly become stripped of trees and this is a plan for a replanting process for those trees which are removed.

Mayor Street called for comments from the Council Members. Council Member Hinton asked if the board is an advisory board. Ms. Spriggs replied that it is. She then asked if there would be four or five

people selected for that board. Ms. Spriggs replied that the advisory board will be made up of the same members as the Parks, Recreation and Cultural Resources (PRCR) board. When they meet as the Tree Board, they will be meeting on Tree City projects. They will be approving projects that staff proposes for the Tree City USA. The Tree City board will have the same regulations and requirements as the PRCR board. It will be made up of the same members for the same terms, with no compensation received for serving. The meetings will be separate, but will have the same members. Council Member Hinton stated that she was just wondering if it might be good to have a separate Tree Board for people who are really interested in trees. Mayor Street agreed that two boards may be better so that one board is not advising the other board. Ms. Spriggs explained that the reason that the PRCR board was picked to be the same board as the Tree Board was because most of the tree projects will be in the parks area and will be enhancing Stoney Creek Environmental Park and parks around town. The PRCR board was chosen so that there would not be a conflict. Ms. Spriggs added that the Tree Board is only an advisory board since they do not do quasi-judicial processes. As the advisory board, they would bring any recommendations to the Town Council to approve. She emphasized that the Town Council would be the approving authority. She commented that she did not believe that there would be a conflict of interest between the two boards since they go hand-in-hand. She noted that the PRCR meetings are open to the public and encouraged participation and attendance at those meetings.

Mayor Street stated that the language in the text also speaks to streets, thoroughfares, and right-of-ways. Ms. Spriggs stated that those are areas the trees may be planted and it also includes site development reviews to ensure site plans have the street trees planted, which is handled at the staff level through the Technical Review Committee. She explained that some of the language is in the zoning code so that it can be enforced. Council Member L. Taylor asked if the Council will be able to review the plan before any enforcement action is taken. Ms. Spriggs replied that they will be able to review some of it, but not all. She explained that code violations are handled at staff level; however the Council will see most site plan reviews and they are involved in the process for plat reviews and final plats to make sure developments are done according to the ordinances for new developments.

Council Member L. Taylor then asked if there were any other municipalities in the area that are Tree City USA. Ms. Spriggs replied that they are all throughout Wake County and the surrounding region, including Zebulon, Wendell, Wake Forest, Raleigh, Fayetteville, and Wilson. She added that with being part of Tree City USA, you can do one project per year. The town would have to apply every year to be in the program, but the longer we are involved in the program, the more grant funding opportunities will be available. She added that being a Tree City USA is a very big deal and it ensures that we are protecting our green spaces and our air quality. Council Member Taylor asked about the annual application to the program. Ms. Spriggs replied that you have to show that the ordinance is still in effect, the Tree Board has met, and that the per capita requirements are met. Council Member L. Taylor asked if this turns out to be something that does not "fit" the Town of Nashville, could we leave the program. Ms. Spriggs replied yes. Mayor Street recommended that they consider having someone from DOT and the utility company to help determine where the trees would be. Ms. Spriggs stated that those agencies are included as part of the site plan review with the Technical Review Committee.

Council Member Hinton asked if the rules and regulations applied to private property beyond the right-of-way. Ms. Spriggs replied yes; if there is a dead or diseased tree on the property that needs to be removed for the public health and safety, especially if it is far enough onto the property line that the tree fall may still happen to be onto a public right-of-way, we do have the regulations where we can go in and say that the property owner needs to remove the dead or diseased tree. It also makes sure that the right-of-way is clear from an overhead standpoint. Council Member L. Taylor asked if it does not fall outside of the fall zone into the public right-of-way, would we still go onto private property. Ms. Spriggs stated that we do not go onto private property, but we would send a violation letter saying that out of tree health and safety the tree needs to be removed. Council Member Burns asked what would happen if the property owner did not remove the tree. Ms. Spriggs stated that we can hire an arborist and charge the fee to the property owner. Council Member Burns asked who makes the determination as to whether a tree is in such a state that affects the health and safety of the community. Ms. Spriggs replied that if we think there is such a tree, we could call the arborist and the Forestry Service in to make that determination.

Council Member Burns asked about the appeal process. Ms. Spriggs said that it would be handled as a code violation and handled by staff. Council Member Burns asked to change the language in the proposed ordinance from "ruling or order" to "notice of violation" to make it clear. Ms. Spriggs agreed. Council Member L. Taylor stated that he is not fully on board with Section 18-413 which addresses the private property issue. Council Member Burns asked about Section 18-416 which says "it shall be unlawful for any person to prevent, delay, or interfere with the city tree board or its agents in the planting, cultivating" and stated that her understanding is that the Tree Board is advisory and will not be physically doing anything. She asked if it should read "director or his/her designees." Ms. Spriggs stated that we can change that for clarity to be "town manager or planning director." She commented that with our current notices of

violation that we have had people come out and try to interfere with Public Works, which prevents us from mitigating anything, even in the right-of-way. She added that this helps us protect our staff. Council Member Burns stated that it could say "town employees" to make it clearer. She also asked to add where it says we have the right to do certain things that we do not have the obligation to do so. Ms. Spriggs agreed. Mayor Street asked if any trees would be grandfathered in. Ms. Spriggs stated that as far as tree health is concerned they would not be, but if there was an existing development that did not have shade trees or street trees, we would not make them go back and plant them.

There being no further comments, Mayor Street called for a motion to go out of Public Hearing. Council Member Hinton made the motion, seconded by Council Member L. Taylor. There being no discussion, Mayor Street called for a vote. The motion was unanimously approved (3-0).

4. Mayor Street called for Items for Consideration.

a. Mayor Street called for Consideration of Annexation Petition: AP #2019-02.

Mayor Street stated that there is a resolution authorizing the Clerk to test the legal sufficiency of a petition for annexation concerning a piece of property at 1807 First Street Extension. Mr. William Creech has requested voluntary annexation.

Mayor Street read Resolution 2019-24: Resolution directing the Clerk to investigate a petition received under NCGS §160A-31: AP #2019-02. Mayor Street called for a motion to approve the resolution. Council Member Hinton made the motion to approve the resolution, seconded by Council Member L. Taylor. There being no discussion, Mayor Street called for a vote. The motion was unanimously approved (3-0).

The resolution was approved as follows:

RESOLUTION 2019-24

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER NCGS §160A-31:
AP # 2019-02**

WHEREAS, petition AP#2019-02 requesting annexation of an area described in said petition was received on October 21, 2019 by the Nashville Town Council; and

WHEREAS, NCGS § 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Nashville deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Nashville that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

Adopted this 30th day of October, 2019.


Donald B. Street, Mayor

ATTEST:


Lou C. Bunch, Town Clerk



5. Mayor Street called for Council Comments.

Mayor Street called on Council Member L. Taylor for comments. Mr. Taylor had no comments.

Mayor Street called on Council Member Hinton for comments. Mrs. Hinton commented that she appreciated Ms. Meadows coming to speak tonight. She added that there a number of derelict properties all over town that need to be addressed and it takes citizens to come forward and shine the light on it.

Mayor Street called on Council Member Burns for comments. Mrs. Burns stated that she is very appreciative that Ms. Meadows came forward. She commented that she knows there is something that we can do to help those that are in need.

Mayor Street thanked everyone for coming. He then announced that we have a Closed Session for Economic Development coming up. Following the Closed Session, the Planning Board will meet.

6. Mayor Street called for a Closed Session pursuant to NCGS §143-318.11 (a) (4) Economic Development.

Council Member L. Taylor made a motion to go into Closed Session, seconded by Council Member Burns. There being no discussion, Mayor Street called for a vote. The motion was unanimously approved (3-0). The meeting moved into Closed Session at 7:28 PM. Members moved to private Council Chambers.

Members returned to open Council Chambers. Mayor Street called for a motion to come out of Closed Session. Council Member Hinton made the motion, seconded by Council Member L. Taylor. There being no discussion, Mayor Street called for a vote. The motion was unanimously approved (3-0). The meeting returned to Regular Session at 8:08 PM.

Mayor Street announced that during the Closed Session, the Council discussed an economic development issue concerning some business development which cannot be announced at this time.

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


Council Member L. Taylor made the motion, seconded by Council Member Burns. There being no discussion, Mayor Street called for a vote. The motion was unanimously approved (3-0).

Mayor Street declared the meeting adjourned at 8:09 PM.



Donald B. Street, Mayor

ATTEST:



Lou C. Bunch, Town Clerk

