

The Town Council of the Town of Nashville held an Agenda Meeting on Wednesday, July 1, 2020 at 7:00 PM in Town Council Chambers. Members Present: Mayor Brenda Brown, Mayor Pro Tem Kate Burns, Council Member Larry Taylor, Council Member Louise Hinton, and Council Member Lynne Hobbs. Absent: None. Staff Present: Randy Lansing–Town Manager, Tesa Silver –Town Clerk, Chris Joyner–Fire Chief, Anthony Puckett–Police Chief, Lee Brown –Public Works Director, Tikela Alston–Library Director and Tina Price–Planner I/Code Enforcement Officer. Others Present: Kevin Varnell-Chief Operations Officer, Stocks Engineering.

1. Mayor Brown called the meeting to order at 7:00 p.m.
2. Mayor Brown led the Pledge of Allegiance.
3. Mayor Brown led the Prayer.
4. Mayor Brown called for the Approval of Meeting Minutes.

a. May 12, 2020 –Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Taylor made the motion to approve the minutes as written, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

b. May 19, 2020 –Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Hobbs made the motion to approve the minutes as written, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

c. May 27, 2020 –Agenda Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Taylor made the motion to approve the minutes as written, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

d. June 2, 2020 –Regular Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Mayor Pro Tem Burns stated that on page twenty-two (22) that it needed to be added that she had asked how much money the County received for COVID-19 funding and Mr. Lansing stated that they received \$1,700,000. Mayor Brown asked if there were any additional corrections. There being none, Mayor Brown called for a motion to approve the minutes as corrected. Council Member Hinton made the motion to approve the minutes as written, seconded by Council Member Taylor. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

e. June 4, 2020 –Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Council Member Hobbs made the motion to approve the minutes as written, seconded by Mayor Pro Tem Burns. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

f. June 11, 2020 –Called Meeting Minutes

Mayor Brown called for a motion to approve the minutes as written or asked if there were any corrections. Mayor Pro Tem Burns stated that on page two (2) in the second paragraph she stated two

(2) large entities not municipalities. Mayor Brown asked if there were any additional corrections. There being none, Mayor Brown called for a motion to approve the minutes as corrected. Council Member Taylor made the motion to approve the minutes as written, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The minutes were unanimously approved (4-0).

5. Public Comments Period-There were no public comments.

6. Public Hearing

Mayor Brown called for a motion to go into public hearing. Council Member Hinton made the motion, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

- a. Request to Amend the Code of Ordinances of the Town of Nashville by creating a new article, article XI entitled "Backflow and Cross Connection Control" in Chapter 38 "Utilities"

Mayor Brown stated that in January Lee Brown and the Town Manager introduced a Backflow and Cross Connection Ordinance that will allow the Town to be compliant with the Federal Safe Drinking Water Act (PL 93-253) and the North Carolina State Administrative Code (ISA NCAC 18C) which require municipal water supplies to have active backflow and cross connection programs enacted via a backflow and cross connection ordinance to prevent public water supplies from becoming contaminated by plumbing, water vessels, and other sources of water that typical water users have. At that time Council wanted several changes to the proposed ordinance to make the ordinance easier to read and less onerous for the Town. Those changes have been made.

Adoption of this ordinance does not require a public hearing, but because the ordinance creates requirements for certain types of water users, a public hearing has been scheduled for July 1, 2020. Notice of the public hearing was published in the June 18<sup>th</sup> and June 25<sup>th</sup> edition of the *Nashville Graphic*. Adoption of this ordinance will occur at the July 7, 2020 Town Council meeting. The ordinance requires water users with other water sources, boilers, water vessels, and water equipment piped directly to the Town's water distribution system to install backflow prevention devices on their water service lines and in some cases have those devices tested yearly to make sure they work. The cost of the backflow devices and their testing is an expense of the water user. Many Nashville water users are already using backflow devices. Mayor Brown turned the meeting over to Mr. Brown.

Mr. Brown stated that he didn't have anything to add, that the summary did a good job of explaining what is trying to be accomplished; he explained that this ordinance is required by the state and briefly explained that this ensures that backflow devices will be placed where they need to be and that they are tested by someone who is certified. Mayor Brown stated that when she was reading through the ordinance that the ordinance stated that a certified backflow prevention assembly tester would be used. She asked if we have anyone certified that works for the Town. Mr. Brown stated that the Town has an ORC and that the Town will use the State's website to look up local certified testers (the site has testers listed by counties). He stated that a lot of plumbers have certified testers as a part of their staff. The department will be creating a database of people that we will be able to choose from.

Mayor Brown asked if we had an employee who knows how or will be able to supervise this process. Mr. Brown stated that the department will have someone who will be able to handle it. He stated that it will be a slow process, but it will be methodical and well thought out. Mayor Brown asked Council if they had any questions. Council Member Taylor asked how residents will know if they are in compliance with the ordinance. Mr. Brown stated that there will be an application process that residents will have to go through. His plan is to have the Town serve as a liaison between the citizens and the contractors performing the work. Plumbers who are completing the work will already be familiar with the process. Inspections will be conducted by the Town to determine locations where backflow connections are needed. The department will contact people as they proceed because this will be something fairly new for most people. Council Member Taylor asked how long a citizen would have to become compliant and Mr. Brown stated that it would be between six (6) to twelve (12) months.

Mayor Pro Tem Burns stated that the ordinance states that in the event of an emergency the Town can shut off water; she asked Mr. Brown if he thought this was for commercial users or if he thought there would be situations where it would also apply to residences. Mr. Brown stated that if it was a residential situation he would imagine that it would be on a secondary tap, not the primary source. He stated that it would most likely be on a sprinkler or irrigation system. Mayor Pro Tem Burns confirmed that the water for the entire house would not be shut off and Mr. Brown stated that was correct.

Council Member Hinton asked Mr. Brown if he had any major concerns about commercial entities or concerns about residences that have wells that are grandfathered in. Mr. Brown stated that residences that have wells for drinking water are not considered a part of the Town's system, so he does not have any concern about that as long as they are not connected to the Town system. Mayor Brown asked if there were any other questions from Council. Council Member Hobbs asked if notifications would be sent to the residents. Mr. Brown stated that there would be a lot of direct contact and direct mail. Once the Town begins using the new bill format he hopes to include information in it as well and eventually including a public works newsletter to send with each bill.

Mayor Brown asked if there were any additional comments from Council and there were none. There were no comments or questions from the public. Mayor Brown thanked Mr. Brown and stated Council would be voting on the ordinance at the next regular meeting. Mayor Brown called for a motion to come out of public hearing. 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).

#### 7. Old Business

- a. Special Public Comment Period & Consideration of Z2020-01 Request to Rezone Property at 0 Eastern Avenue from A-1 (agricultural) zoning district to O & I (office & institutional) zoning district. The parcel contains approximately 4.12 acres and is identified as Nash County Tax Parcel Number 381120910025.

Mayor Brown stated that the purpose of this special comment period was to hear from the public in regards to Z2020-01. Staff has not received any additional public comments. Town Council will consider the request to rezone property located at 0 Eastern Avenue from A-1 (agricultural) zoning district to O & I (office and institutional) zoning district. This parcel contains approximately 4.12 acres and is identified by Nash County Tax Parcel Number 381120910025. Mayor Brown asked Ms. Price if she has anything that she would like to add. Ms. Price stated that this item was tabled from a previous meeting, that no comments had been received, and that at this point the department is seeking a decision from Council.

Council Member Hinton asked if the Planning Board had met in regards to this rezoning application. Ms. Price stated that they had and they recommended approval. Mayor Brown confirmed that we had no comments and Ms. Price stated that was correct. Mayor Pro Tem Burns stated there was also a write up in the *Nashville Graphic*. Mayor Brown asked if there was a motion to approve the request. Mayor Pro Tem Burns stated that the Council needed to provide a consistency statement when they approve or deny a rezoning request. In looking at office and institutional there are 4.12 acres of land and in the comprehensive plan it is designated for future commercial use. According to the Town Code it is a small district that provides for a space for professional services for certain institutional functions and for medium or high density residential accommodations. This district is extremely versatile and compatible with both commercial and residential. It is a transition area that is typically used between commercial and residential.

This application has been recommended by the planning board as being consistent with our comprehensive plan and for future land use because of that transitional type of district. She stated that someone could make a motion to approve based on that information. Council Member Taylor made the motion to approve Z2020-01, seconded by Council Member Hinton. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

- b. Special Public Comment Period & Consideration of Z2020-02 Request to Rezone Property located at 0 S Eastpointe Avenue from B-1 (general business) zoning district to

R-4(residential) zoning district. This parcel contains approximately 9.36 acres and the parent parcel is identified as Nash County Tax Parcel 381006484519U.

Mayor Brown stated that the purpose of this special comment period is to hear from the public in regards to Z2020-02. Staff has not received any additional public comments. Town Council will consider the request to rezone property located at 0 Eastpointe Avenue from B-1 (business) zoning district to R-4 (residential) zoning district. This parcel contains approximately 9.36 acres and the parent parcel is identified by Nash County Tax Parcel Number 381006484519U. Mayor Brown asked if there was a motion to approve this request.

Mayor Pro Tem Burns stated that this is currently zoned business and is listed in the future land use map of the comprehensive plan as commercial. The area behind Food Lion and Wal-Mart is a commercial corridor. The proximal residential area in the area is low and medium density; R-4 is high density. The R-4 designation has the smallest sized setbacks. She stated that she has a problem with the density that would be introduced into this area. She stated that it may not have been interpreted this way in the past but the Town Code states that "it is primarily used or established to accommodate existing residential areas where lot sizes are too small to be appropriate for any other zoning district." This is not an existing residential area; it is a wide open commercial area where the zoning would keep it from being another lot size. She is having difficulty reconciling the R-4 request with our current comprehensive plan and our future use land map.

She stated that Council does not want to stifle any residential development, but she would prefer with the surrounding areas being low or medium density, to see something that is a better fit. Council Member Taylor asked if it was currently zoned as commercial. Mayor Pro Tem Burns stated that it is currently zoned B-1 and the future land use is commercial. She stated that Council needs to ensure that they are preserving enough space for commercial growth and what that commercial growth would look like. She stated that if Council wants to introduce residential into that area that's fine, but they also needed to establish what that residential area would look like. Council Member Taylor stated that based on the other residential areas that are around the area he doesn't anticipate any commercial development in that area.

Mayor Pro Tem Burns stated that if they look at the future land use map they will see that it is commercial; the commercial areas are pink on the map. She stated that the commercial area goes all the way to Oak Level and what they are considering is just south and east of Eastern. Mr. Lansing stated that a representative was present on behalf of the applicant who may be able to answer some of Council's questions. Mr. Lansing asked Mr. Varnell to come forward to speak with Council. Mr. Varnell introduced himself. Mr. Varnell stated that both Wal-Mart and the Food Lion shopping center are developed and the owner is looking at how the rest of the property can be developed. He stated that the future land use map does have the area earmarked as commercial however; the map needs to be fluid as development occurs and the market changes.

Mr. Varnell stated that they were looking for something that was a good transition for the area from commercial out to the Woodfield subdivision. As the transition is made, it would be difficult to go from a 10,000 square foot lot like those in Woodfield. They are trying to transition the area so that it will have smaller lots and as they expand and cross the railroad tracks they would blend to mirror what already exists in the area. The R-4 was chosen for the smaller setbacks; the setbacks allow for a much larger house to be put on the lot. Another reason the R-4 was selected was the cost of building roads; the cost is approximately \$600 to \$700 per foot and that cost begins to add up when there is a larger area to cover. In addition to that, for every street that they build the Town has to maintain the water, sewer, streets, and sidewalks in those areas. They are trying to accomplish several things, an affordable product for future residents of the Town and to try to keep the maintenance for the area and infrastructure to a minimum.

Mayor Pro Tem Burns asked if the R-6 designation would make much more difference. Mr. Varnell stated that it actually does. He stated that the cost to build and maintain an additional 20 feet would really begin to add up. He stated that it would make a difference if the lots were valued at \$50,000, but with lots valued at \$20,000 to \$25,000 they are barely able to make it work. The extra twenty (20) feet makes a big difference. Mayor Pro Tem Burns confirmed that for this phase they are looking for smaller

lots, but for the next phase the lots would be larger. Mr. Varnell stated that for now the first phase is on this side of the railroad track and that there may be a second phase on this side of the railroad track. The goal would be to make the transition as the development crossed the railroad track. He wouldn't confirm how the next phase would be zoned but stated the goal was to transition as the development crossed the railroad tracks.

Mayor Pro Tem Burns stated that she is concerned about the high density being within that area, an area that already is a dense commercial area. She stated that she could understand the reasoning behind the request and the want to transition. Mr. Varnell stated that ideally it would be commercial, but unfortunately they haven't been able to push commercial development back in the area. They are trying to determine what the next product type is. He stated that it could be apartments, duplexes or town homes; they wanted a single style family home and that is why they went with the highest density single family home. Council Member Taylor stated this is for residential housing on the north side of the railroad track; he is concerned that once this is completed that on the other side of the track they would try to place commercial there and it will break up the flow of housing. He doesn't want to see commercial come in on the south side of the track. Mr. Varnell stated that he agreed from a planning standpoint that if they go with residential they should stick to residential and not go back and forth between residential and commercial.

Mayor Pro Tem Burns asked if that would apply to the east side as well; she asked if they would be losing the entire commercial corridor by approving the request. Mr. Varnell stated to some degree yes; he stated that it could be used for some office use, but he felt heavy commercial development in that area was done. He stated that businesses do not want to go back that far; they are not wanting to come off of Eastern Avenue. Mayor Pro Tem Burns asked if that would remain the same with expanding the road and Mr. Varnell stated that they do still not want to move into that area. He stated that it doesn't mean it wouldn't or couldn't, but that is not the case now. Mayor Pro Tem Burns stated she was unsure where commercial growth would go. Council Member Taylor stated that commercial would most likely want to stay on the side that's facing the expansion. Council Member Taylor stated that this was his only concern and that the Town does need more residences.

Council Member Hinton asked what the square footage will be. Mr. Varnell stated that the product is 38x50; that will put each house around 1900 to 2000 square feet. Council Member Taylor asked if there would be 104 lots, and Mr. Varnell stated he believed that was correct, but they are currently only looking at forty (40). Mayor Brown asked if there were any additional questions. Council Member Hobbs stated that she as well had some concerns about the density and with the entire area along Oak Level Road becoming residential. She stated she understood what Mr. Varnell had explained, but it would be nice if they could get something to come that way that would be commercial. She asked if they start out a high density how easy would it be to transition into a lower density such that you are not impacting the homes that already exist in the Woodfield area. Mayor Pro Tem Burns stated that if Council moved forward with the application that something needed to be done about the language in the Code Book regarding the R-4 designation because we are clearly not following what the intent was. Mayor Brown asked if there were any additional questions for Mr. Varnell. There being none, she thanked Mr. Varnell.

Mayor Brown called for a motion to approve Z2020-02. Council Member Taylor made the motion, seconded by Council Member Hinton. There being no discussion Mayor Brown called for a vote. Council Member Taylor and Council Member Hinton voted for the application and Council Member Hobbs and Mayor Pro Tem Burns voted against the application. Council Member Taylor stated that he believes that once the residential area crosses the railroad track that it would need to remain residential and that any commercial that would be established would need to be on the north side of the track. Mayor Brown asked if we would have to change it back to commercial once we approved this and Council Member Taylor stated that they would not. Ms. Price stated that it is only rezoning the one parcel. Mayor Pro Tem Burns stated that it would change it on the map and Ms. Price confirmed that was correct. Mayor Brown confirmed that they were only considering one area and Ms. Price stated that was correct. Ms. Price stated that the Planning Board recommended approving the applicant's request. Mr. Lansing stated that with the new comprehensive plan and the new future land use map, that before phase two the Council will be able to designate what future commercial and residential growth will look like in those areas. The property owners are reserving area on Eastern Avenue for future commercial growth

while being realistic about what already exists. The area behind Wal-Mart has been open and available for twelve (12) years with no development or potential commercial development to go there. He stated that what Mr. Varnell is saying is that commercial is just not migrating into that area and that may change once the road expansion occurs. Mayor Pro Tem Burns asked if the R-6 designation would be a good designation into the Woodfield Subdivision and if Woodfield was zoned R-6. Ms. Price stated that Woodfield was designated R-10. Mayor Brown confirmed that they would only approve the one area and that the Planning Board recommended approval. Ms. Price stated that was correct and that any other rezoning would come before Council as well. Mayor Brown voted in favor the request. The motion was approved (3-2; Mayor Brown, Council Member Taylor and Council Member Hinton voted for and Mayor Pro Tem Burns and Council Member Hobbs voted against).

c. Consideration of the Adoption of the Town of Nashville Fire Station II Capital Project Ordinance.

Mayor Brown stated that on June 15, 2020 the Nash County Commissioners approved the Town of Nashville's request to increase the N S Gully Fire ad valorem tax rate to \$0.15 per \$100. Attached is the Fire Station II Capital Project Ordinance which dedicates increased tax revenue for the construction of a second fire station. Mayor Brown asked if there was any discussion in reference to the ordinance. Council Member Hobbs stated that in her experience once we receive solid figures for the construction of the project we would set up the project construction part of the budget. She understands that we need something now in regards to the purchase of the land, permitting and professional services, but she would like it noted in the minutes that at such time that we receive valid figures through a bidding process that the ordinance be amended. Mayor Brown asked if there were any additional comments.

Council Member Hinton stated that in August of 2019 when Mr. Lansing presented the information to Council the cost was going to be \$1,000,000 and anticipated to be 7,200 square feet; now the cost is \$1,400,000. She asked if we were held to the \$1,400,000 or \$1,000,000. Mr. Lansing stated that the ordinance sets the project at \$1,400,000. When the figures were first presented the Town was looking at receiving a gift of three (3) acres of land. That is not the case anymore and the Town will have to purchase land. Council Member Hinton stated that she understood, but \$100,000 is allotted for that. Mr. Lansing stated that before moving forward the Town will have to make a request for professional services and architects and they will provide cost estimates for the actual project. The numbers presented are the staff's best estimate. The initial estimates were based on research the Fire Chief completed and found surrounding stations had been built for. He explained that we will have legal, land acquisition, surveying, and architects; the Fire Chief had strictly looked at construction cost and none of the ancillaries that go along with that.

Council Member Taylor stated that initially we were looking at only needing two (2) acres of land, but after taking into consideration the radius that would be needed for the ladder truck to be able to turn we increased it to three (3) acres and Mr. Lansing stated that was correct. Mr. Lansing stated that doesn't mean we can't get a good deal on land and that Mayor Brown had a good plan for that. Council Member Hinton asked if the sketch they had was still accurate. Mr. Lansing stated that was the staff's idea of what we would like the firehouse to look like. The actual dimensions, size and layout will be determined by the architect. Council Member Hinton stated that we were at the \$1,400,000 and not the \$1,000,000 and Mr. Lansing stated that was correct. Council Member Hobbs asked if we thought the \$100,000 would cover the land purchase and the permitting. Mr. Lansing stated he did not know if it would cover the complete cost, but it would get the Town started. He stated it may cover the land purchase and the initial architect fees. Mayor Brown stated that the cost could really balloon, and Mr. Lansing stated that parts of it could, but he doesn't believe that the project will cost more than the \$1,400,000. They will not know until the Town hires an architect and they being working on designs.

Council Member Hinton stated that there are a whole lot of ifs. She asked what the \$0.03 translates into and Mr. Lansing stated it would generate approximately \$120,000 a year. Council Member Hobbs stated she doesn't mind moving forward with the project ordinance; she is unsure what the figure would be. She would be ok with leaving it at \$100,000 as long as when we receive an accurate cost that the ordinance is amended. Mr. Lansing stated that we could do that. Council Member Hobbs asked what amount he thought should be there and Mr. Lansing stated that \$100,000 was budgeted in the 2020-

2021 fiscal year budget. Council Member Hobbs stated that it would get us started and Mr. Lansing stated that was correct. Council Member Hobbs made the motion to approve the project ordinance at a rate of \$100,000 in order to continue to pursue the project, land purchase, architectural fees and permitting type fees, and then at such time that we have valid project cost we come back and amend the ordinance, seconded by Council Member Hinton. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). The ordinance was adopted as follows:

**Capital Project Ordinance (Fire Station II)**

BE IT Ordained by the Governing Board of the Town of Nashville, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statute of North Carolina, the following Capital Project Ordinance is hereby adopted:

Section 1: The project authorized is for the construction of a second fire station.

Section 2: The officers of the Town of Nashville are hereby directed to proceed with the Capital Project within the terms of the adopted resolutions and the budget combined herein.

Section 3: The following amounts are appropriated for the Project:

Project Construction:	\$1,300,000.00
Land Purchase, Permitting, and Professional Services:	\$100,000.00
Total	<u>\$1,400,000.00</u>

Section 4: The following revenues are anticipated to be available to complete this Project:

N S Gulley Fire Tax Revenue:	\$100,00.00
Installment Loan Proceeds:	\$1,300,000.00
Total	<u>\$1,400,000.00</u>

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records.

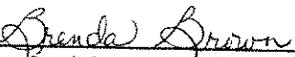
Section 6: Funds may be advanced from the General Fund as necessary for the purpose of making payments due.

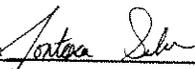
Section 7: The Finance Officer is directed to report, on a quarterly basis, the financial status of the Project.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board for the duration of the Project.

Section 9: Copies of this Capital Project Ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and to the Finance Director for direction in carrying out this Project.

Adopted this 1<sup>st</sup> day of July, 2020.

  
Brenda Brown, Mayor—Town of Nashville

ATTEST:   
Fonteca Silver—Town Clerk



**8. New Business**

- a. Discussion of the construction of an over the surface route for stormwater flow for flooding on Par Drive, Aubrei Court & Village Lane

Mayor Brown stated that this was in regards to the flooding that occurred recently in the area and asked Mr. Lansing if he would like to come forward to discuss this with Council. Mr. Lansing stated that Stoney Creek flooded about two (2) weeks ago and at that time we received about six (6) inches of rain in about eight (8) hours. This particular part of Town which includes Par Drive, Windy Oak Drive, Laurel Springs, Village Lane and Aubrei Court is relatively flat. The amount of water received was too much for stormwater for the infrastructure to handle. Mr. Lansing and Mr. Varnell of Stocks Engineering have gone out into the field and looked at the area since the flooding occurred. Prior to the meeting Mr. Lansing passed around photos of Don Kelly's house the next day, and he had eight (8) inches of water surrounding his home, in his home, and out to Windy Oak Drive.

Mr. Lansing and Mr. Varnell discovered that the twenty-four (24) inch pipe in the ground does not have an over-the-land route, so when the capacity is exceeded the water doesn't go anywhere; it backs up and flows through Mr. Kelly's property. Mr. Lansing suggested constructing a swell over the pipe; it would then have an over the land route to flow and would not have the amount of street flooding we experienced. He had hoped to have some bids from contractors to complete the project but has not received any as of yet. It appears to be a relatively inexpensive way to address the problem. Mr. Lansing stated that this would not cure the problem because the land is so flat and the Town can't build infrastructure large enough to carry that much water. Mr. Varnell located a study that was done in 2004 and the study showed extremely low elevation in the area; it is almost dead flat.

Mayor Brown stated that they are taxpaying citizens and that we need to take care of them. We do not need for this to happen to them again, she thinks that they need to move forward with it. Mr. Lansing stated that if they have additional questions Mr. Varnell can provide answers as well. Council Member Hinton asked if this had occurred before. Mr. Lansing was unsure that it happened to this extent and Mayor Pro Tem Burns stated that the homeowner stated if it had happened with Hurricane Matthew. Mr. Lansing stated that it was a lot of water, and Mayor Brown stated that it was and that if it was one of their homes they would want it fixed. Mayor Pro Tem Burns stated it was important especially with hurricane season upon us. Mayor Brown asked if it was related to the land that the Town was having trouble getting fixed. Mr. Lansing stated that since there is no over-the-land infrastructure it causes flooding in that area.

Council Member Taylor asked what proximity would the over lay drain be placed in relation to the existing drainage system. Mr. Lansing stated that they suggest a forty (40) foot drainage easement that could start on either side and be an equal twenty (20) feet. It would be very gradual and enough that when the pipe is full there would be somewhere for it to go. It would be a dry bottom at all other times, it would have grass that would be mowed and that could be played upon. Council Member Taylor asked if it would create erosion and Mr. Lansing stated that he did not think so; water would only flow through it once every three years when we get heavy rain. Council Member Taylor asked if we would have to place rock there and Mr. Lansing stated he did not believe so.

Mayor Pro Tem Burns stated that Mr. Lansing stated it will not cure the problem; she asked if it will clear it up enough for the home owner and the other home owners in the area. Mr. Lansing stated that he hopes so, but to really answer that question the Town will have to have a more detailed stormwater study. Mr. Varnell has prepared a cost estimate for doing that and if Council wishes they can discuss that with him; he stated that they did not have to make a decision tonight it will be on the next agenda for continued discussion. Mr. Varnell stated that he, Mr. Lansing and Mr. Brown did go out and survey the area and that some work had been done in that area in 2004 and that is why they had a few surveys of the area and what could be done. In 2004 they re-grated the ditch which is about at the bottom of this system and over fifteen (15) years' worth of time some sediment build up has occurred and shifted some things.

Mr. Varnell stated that his biggest concern is shifting the problem downstream. By fixing the problem upstream it will cause the water to flow faster downstream. He doesn't want to solve the problem for one homeowner and create a problem for another homeowner; then we begin to chase the issue downstream. They want to look at the area as a whole and spend the Town's money wisely in the right locations; we don't just want to fix spots that are hot spots right now. They would like to develop a comprehensive plan that encompasses the area from Par Drive all the way through the bottom of South

Creek. The drainage areas around this area drain fine with no problems. He is leery to complete this project and then a few years down the road it has caused a problem for an adjacent land owner. Council Member Taylor asked how many more construction sites there were in these areas. Mr. Varnell stated that he believed South Creek was completed but he wasn't sure about Par Drive. Mr. Lansing stated that there are none on Par Drive, but a few on Village Lane. Mr. Varnell stated that area is in the same drainage area. Council Member Taylor asked if a few was two or three or a half a dozen and Mr. Lansing stated a half a dozen.

Mayor Pro Tem Burns asked how long the study would take and Mr. Varnell stated once started it would be about four (4) weeks. Council Member Hinton confirmed that he would be doing a more comprehensive study. Mr. Varnell stated that it would not be so extensive that it would take a year to complete, but long enough to get enough good information to help determine how to best spend our money in the best way to try to solve these problems. It will help them fix the current problem without creating another problem. It will not be a one hundred page report, it will be a ten (10) to twenty (20) page report that will be a good summary of what is going on. Mayor Pro Tem Burns stated at the end of the day that this may still be the best option. He stated that they may have to lower the road in that scenario; they have to make sure that water keeps flowing and doesn't stop somewhere else.

The problem with drainage is that drainage systems are designed for a certain storm event, but they can't be designed for every type of event. Every type of drainage system will fail and all storms are different. The flood of 1999 caused flooding in different places in Nashville just because of the way the rain came. They try to pick a storm system to build upon; NCDOT states that they pick a storm based on every twenty-five (25) years. A lot of our in Town systems are based on ten (10) year systems and what we want is an emergency overflow. Everything does fail and it will fail at some point and hopefully when it does it has somewhere else to go other than someone's crawl space or house. Council Member Hinton asked Mr. Varnell if the six (6) to seven (7) inches of rainfall we received was highly unusual. She stated she had never seen anything like it other than a hurricane. Mr. Varnell stated that it was unusual, especially in June. He stated that we say a ten (10) year storm drain and we don't mean it will happen every ten (10) years; we mean there is a ten (10) percent chance that it will happen this year. If you get a lot of rain over a period of days compared to receiving the same amount of rain in a six (6) hour period it is going to affect how the storm drainage system works.

Going back to the flood of 1999, there wasn't a lot of localized flooding it was regional flooding. We started receiving water from the Tar River and Stoney Creek. What we saw with Matthew and this storm event was very localized flooding. We saw some flooding in the Tar River and Stoney Creek, but the cause in the flooding we saw in the adjacent areas here the regional rainfall that was backed up in the area. The event we just had almost got to the 1999 flood stage level. Mayor Pro Tem Burns recommended that we move forward with the study. Mr. Lansing asked Mr. Varnell if he had a cost for the study and Mr. Varnell stated it would be \$12,400. Mr. Lansing stated that the money would come from the funds allocated for stormwater projects and from the money in capital reserves for future stormwater projects. He stated it would also be the place where we would get the money for the over-the-land route. Mayor Pro Tem Burns asked if he had an approximate amount of what that might be and Mr. Lansing stated he did not. He stated that both roads would be cut down but it would be very gradual and that the surface would have to be put back.

Mayor Brown called for a motion to move forward with the study for \$12,400. 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). Council Member Hinton asked how much the stormwater fee brought in each year and Mr. Lansing stated that it brings in approximately \$143,000. Mayor Pro Tem Burns asked if we designate \$30,000 each year. Mr. Lansing stated it is what we designated, but more had been designated in the past. This year designated \$30,000 and we placed \$30,000 in contingency.

b. Resolution 2020-16: Resolution of the Town Council of the Town of Nashville Waiving Library Fines During the Library's COVID-19 Closure

Mayor Brown stated that per Governor Cooper's Executive Order #124, H.D. Cooley Library was closed to the Public from March 16, 2020 to June 8, 2020. As a result Library patrons were unable to return

books and other checked out materials to the Library and incurred late return fines per the Library's Late Return Policy. There is a request to waive library fines incurred during the library's COVID-19 closure. Mayor Brown read the resolution aloud. Mayor Brown called for a motion to approve Resolution 2020-16. Council Member Taylor made the motion, seconded by Mayor Pro Tem Burns. There being no discussion Mayor Brown called for a vote. The motion was unanimously approved (4-0). The resolution was adopted as follows:

Resolution 2020-16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NASHVILLE WAIVING LIBRARY FINES DURING THE LIBRARY'S COVID-19 CLOSURE

WHEREAS, Governor Cooper's Executive Order #124 closed Harold D. Cooley Library to the Public from March 15, 2020 to June 8, 2020 in response to the COVID-19 Pandemic; and

WHEREAS, Library patrons were unable to return books and other checked-out materials to the Library during this time; and

WHEREAS, per the Library's Late Return Policy, library patrons incurred late return fines during this period;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Nashville, North Carolina that late return fines incurred at Harold D. Cooley Library between March 16, 2020 to July 6, 2020 are hereby waived and expunged.

ADOPTED this the 1<sup>st</sup> day of July 2020 in Nashville, North Carolina.

  
Brenda Brown, Mayor

ATTEST:

  
Jontesca Silver, Town Clerk

(Seal)



9. Council Comments

Mayor Pro Tem Burns thanked the citizens who reached out in regards to the zoning issues. These are important issues and they need to hear from the citizens. She also thanked the citizens who reached out about the flooding in their homes; they will not know there is a problem unless they reach out to them.

Council Member Taylor stated that he wants the Council to remain safe as well as the citizens of Nashville.

Council Member Hinton thanked Chief Joyner and Chief Puckett for all the work that they did during the flooding. It was unprecedented. Chief Joyner asked if he could answer her question from earlier. Council allowed. Chief Joyner stated that they staked off the area to take measurements to send to the National Weather Service and the water was gaining nine and half inches every minute, not in height but in spread. Council Member Hinton stated that the flooding in the pictures looked worse than Matthew. Chief Joyner stated that they know when it touches the bridge they have approximately forty-five (45) minutes before it will be behind Hardees's. He stated that the water moved faster this time.

Council Member Hobbs asked if there would be any State or Federal Funding for this event; Chief Joyner stated that they had applied for funding and that Mr. Lansing could better explain that. Mr. Lansing stated that it is not likely that we will receive any type of disaster declaration. He is pursuing other potential funding for some home buyouts for Indian Trail. He stated that two homes in Indian Trail had

been bought in a buyout program the same day Hurricane Matthew hit. Mr. George Jeffries has been helping him with talking with the residents and a lot of the residents seem interested in a potential buyout program.

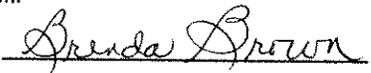
Council Member Hobbs stated that she believed all the businesses except Dos Hermanos had recovered. Chief Joyner stated that they reopened on Tuesday.

10. Mayor's Comments

Mayor Brown thanked all the departments for their diligence. She thanked the Council for working together. She thanked the citizens for calling in and letting them know about the problems they are having. If they don't know about these issues there is nothing that they can do about it. She is also thankful that the citizens reached out in regards to the rezoning.

11. Adjourn

There being no further business, Mayor Brown called for a motion to adjourn. Council Member Hobbs made the motion to adjourn, seconded by Council Member Hinton. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). Mayor Brown declared the meeting adjourned at 8:08 pm.



Brenda Brown, Mayor

Attest:

  
Lou Bunch, Interim Town Clerk

