

The Town Council of the Town of Nashville held a Called Meeting on Wednesday, September 16, 2020 at 6:00 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: Lou Bunch – Human Resources Director and Interim Town Clerk, Sherry Moss – Planning and Development Director, Tina Price – Planner I/Code Enforcement Officer, Anthony Puckett – Police Chief, and Kevin Taylor – Equipment Services Mechanic. Others Present: Mark Edwards, Town Attorney.

1. Mayor Brown called the meeting to order at 6:00 PM and welcomed those in attendance.
2. Mayor Brown led the Pledge of Allegiance.
3. Mayor Brown led the Prayer.
4. Called Meeting Items:
 - a. Mayor Brown called for the Consideration of Budget Amendment #6 for the emergency purchase of a backup garbage truck.

Mayor Brown gave a summary of the issue. Budget Amendment #6 reallocates funds for the purchase of a backup garbage truck. No fund balance appropriation is required. Council Member Hinton requested an explanation of the amendment. Mrs. Bunch explained that they had budgeted 3.25% for the interest rate for the purchase of the primary garbage truck, but the final rate ended up being only 1.67%; those financing terms were approved by the Council at the September 1, 2020 meeting. For the purchase of this backup garbage truck, we will be using the money that was already budgeted for interest and principal payments. The \$22,000 total from those line items will be added to the \$350,000 that had already been budgeted in the C.O. Vehicles line item. Council Member Hinton pointed out that the new primary truck also came in under budget at around \$311,000.

Council Member Taylor made a motion to approve the budget amendment, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0).

Budget Amendment #6 was approved as follows:

Account #	Account Description	Current Budget	Budget Amendment #		Amended Budget
			INCREASE	DECREASE	
Fund	10-General Fund				
Expenditures:					
10-580-7440	C.O. VEHICLES	\$ 350,000.00	\$ 22,000.00	\$ -	\$ 372,000.00
10-662-7200	VEHICLE LOAN PRINCIPAL	\$ 71,250.00	\$ -	\$ 14,000.00	\$ 57,250.00
10-662-7210	VEHICLE LOAN INTEREST	\$ 11,400.00	\$ -	\$ 8,000.00	\$ 3,400.00
				NET CHANGE IN EXPENDITURES	\$ -

EXPLANATION:
REALLOCATE FUND FOR THE PURCHASE OF A USED GARBAGE TRUCK

- b. Mayor Brown called for Discussion of residential development ideas for 608 Western Avenue.

Mayor Brown gave a summary of the issue. Michael Hurt is the property owner of 608 Western Avenue and has recently withdrawn his application to rezone this property from R-10 (Medium Density Residential) to MF (Multifamily Residential), and has also withdrawn his application for a special use permit to build multifamily apartment buildings. Mr. Hurt is proposing to discuss residential development ideas for the property. Mayor Brown called on Mrs. Moss to begin the discussion.

Mrs. Moss stated that this is a time for discussion and feedback. They would like to hear from the surrounding property owners what they would like to see and give Mr. Hurt and the Town an opportunity to see how we can work together to pursue the best development or land uses for the property. She explained that for any type of land use development or before anything can be occupied on any type of land, the request has to come before the Planning Staff first. In order for any type of approval, the request has to

meet the Town's Zoning Ordinance; the Zoning Ordinance is in place to protect the land. She explained that in our Zoning Ordinance in the permitted uses, within the R-10 Zoning District with the residential land uses, the residential dwellings that are one-family or single-family are allowed there as a "matter by right" which means they may be approved at staff level. Two-family and three-family dwellings, as well as condominiums or townhouses, can only be approved by a special use permit; these would have to go through the formal process in front of the Planning Board for a recommendation and in front of Town Council for final approval. She then turned the meeting over to Mr. Hurt.

Michael Hurt thanked the Council for having him there tonight and informed them that his office manager, Charlotte Brown, was there to take notes on the comments. He stated that they have withdrawn their applications based on the public comments and that he wants to get the public's thoughts, ideas, and concerns on how they can try to come together and do something that the community can get behind, and that will work for the Council, as well as for his company. He commented that in the future he will not propose a rezoning and a special use permit at the same time. He also informed that audience that he cannot promise that all the comments received tonight will be implemented, but that they will listen, make notes, and take some of the comments that are made and apply them to what they are trying to do. He commented that he hopes they can come to some kind of consensus and work together to maximize the potential of the property and make sure the surrounding property owners are satisfied with the end product. Mr. Hurt stated that he has deep roots in this community. His grandfather did a lot of development here; his own company, Danco, has also done a lot of development here. He stated that he wants to maintain that relationship. He commented that he welcomes anyone to come forth and give their ideas for what can be done with the property. He added that he has no intentions of selling the property; however, if they cannot come up with something then he will do what he has to do, but he would rather keep it and work something out.

Wendy Chapman, 610 Western Avenue, stated that the property is already zoned R-10 and asked Mr. Hurt why he would not move forward with single-family homes for that property. Mr. Hurt replied that Mike Stocks has reviewed the property, which is 9.4 acres, and the most that could be developed for that property because of the contour of the road would be 6 lots. He added that there are a lot of challenges for that property, including a large gully on the right side, and that it will be very costly to develop that area. There are also 100 and 500 year flood plains and a 50 foot setback on the backside of the property. He noted that those reduce the developable property down to roughly 3-4 acres. Mr. Hurt commented that the reason the property was on the market for so long was because it is not a desirable piece of land; when you take the purchase price of \$151,000 and subdivide it among 5 or 6 lots it is difficult to make a profit on it. He stated that his family started their development business in the multifamily/duplex community, and they have been very profitable with that and have been able to impact communities in a positive way. Mr. Hurt added that the first thing he looks at in a property is how he can maximize the potential for it and what the actual product will be worth in equity.

Craig Smith, 610 Western Avenue, asked Mr. Hurt how in depth did he get with the Town about what could be put on the land before he purchased it. Mr. Hurt replied that he met with Randy Lansing, Tina Price, Chief Joyner, Chief Puckett, and Susan Phelps. He commented that they are trying to do what they think will generate the tax revenue for the Town and he was under the impression that this project was not going to be that big of a deal; he thought people would get behind it and be excited about it. He stated that he had good intentions and thought the citizens and the Town would be behind it. Mr. Smith stated that he had recommended that Mr. Hurt have a conversation with the community to find out what they felt would be good and in harmony with the neighborhood; he pointed out that all of that happened after they found out what the project was. He stated that he thinks that R-10, as shown in the Comprehensive Plan, is the direction to go, and that it would be in Mr. Hurt's best interest to take his time to do this project the right way, with the citizens agreeing with what needed to be done; that way the Town and the Town Council would get behind him on any other future projects that may be coming about. He commented that he thinks a small housing development like the one that is across the street would be the way to go with this project. Mr. Smith added that we do not know what the new Comprehensive Plan will look like and it may be best to wait until that is completed before Mr. Hurt moves forward. He added that if a rezoning is done, it opens up a lot of opportunities that citizens may not know about. He thinks a Comprehensive Plan would make sense for the community. Mr. Smith also commented that runoff and drainage would be a real issue in making a determination as to what should go there. Mr. Smith also commented that the neighborhood does need to know what the process is for the rezoning and special use permits. He stated that when the rezoning hearing started (referring to the public hearing for Z 2020-03 on August 26, 2020), Town personnel was stopping the comments and said that they are only there to talk about the rezoning, not about the special use, but everyone in the community already knew what the proposed use was. He said that if the citizens do not have an opportunity to speak towards that knowing what the project is, you are completely taking them out of their voice because in a quasi-judicial hearing it has to be evidentiary. He asked when they would have the chance to speak if you want their input. He commented that it was like the citizens were

being completely taken out of that process and he does not think that is the goal of these particular hearings. He stated that he would think that the town would want to be much more transparent about what is going to take place and what you are actually looking to do; if the ordinances or the procedures do not fit that, then maybe the Town would like to look at making those changes.

Mrs. Moss informed everyone that anytime a rezoning is done, usually the rezoning is not just for that particular piece of property; but in this case it was geared towards a specific piece of property and a specific use instead of looking at all the land uses in the R-10 district. She stated that going forward any time that someone has a rezoning request the staff will educate citizens on all the permitted uses for that zoning district. Mr. Smith stated that from the Town Council's perspective, he thinks they would want to know that and make it transparent to the citizens as well so they would know what might be moving in the area. He suggested to Mr. Hurt that he thinks it would be best to get Planning, the Council, and the neighborhood completely involved so that whatever project he brings forward would be in his best interest and would meet the town's needs.

Brian Murphy, 521 Westwood Circle, stated that he is not in favor of a plan that does the same thing as originally proposed, even in phases. He would prefer that six or seven single family residences be built; he understands that may not be as profitable for Mr. Hurt, but that he can turn a profit on that. Mr. Murphy said that although it is not his preference, he would not mind seeing one or two apartment buildings with eight units each. He feels that would fit the surrounding area better than what was originally proposed.

James Harrell, 707 S. Bass Drive, commented that he wants to see the property remain R-10 with single family homes. He is against any duplexes, triplexes, or any multiple use units. Mr. Harrell stated that he is one of the property owners in his neighborhood that was stuck with duplexes as a neighbor; the Town annexed a property on his street and put multi-family in all around him. He commented that it is not a nice neighborhood because of the traffic issues and amount of people on the properties. Mr. Harrell feels that single family is the best use of the property.

Patrick Butler, 525 Westwood Circle, commented that Mr. Hurt has acquired the property and that he has a right to do with that property what he needs to do, but he feels strongly that whatever is done on that property needs to fit in with what the surrounding area looks like. He stated that he prefers single family and does not like high density, as that depreciates over time. He commented that you don't really see that depreciation with houses. Mr. Butler added that he understands with the way that property lays that not all of it can be developed, and that there are flooding issues around them. He is concerned about how they will manage the property because of the runoff issues. Mr. Butler thanked Mr. Hurt for being willing to talk to the group about the property. He commented that he would like to see something more in keeping with Nashville; Nashville is a special place, it has been for a long time, and he doesn't want to see it compromised.

Bill Clark, 524 Westwood Circle, commented that he retired here and he loves it here, but he is concerned about the water runoff from the proposed project; there are already water issues on his property. He stated that he does not want to have to move but he doesn't know what recourse he has; he has even considered building a retaining wall, but that is expensive. Mr. Clark stated that he just wants to have a safe place for his wife. He spoke to the original proposal with the three apartment buildings, which would have a 20-ft drop in the rear of the property. He stated that this will put even more water on his property. He commented that he feels sorry for Mr. Hurt because he knows he has a lot of money tied up in this project, but that he also has a lot of money tied up in his home. He hopes the best for him.

Susan Bell, 618 Western Avenue, stated that she would like to see single family homes built on the property. She asked Mr. Hurt what were the sizes of the 6 lots that he spoke of earlier. Mr. Hurt replied that he does not know; this was communicated to him by his commercial broker. Mrs. Bell asked Mr. Hurt how much of the acreage he was utilizing with the proposed apartment buildings. Mr. Hurt replied that the buildings themselves would be somewhere between 4 and 5 acres, but closer to 4. He noted that with the way it was laid out they would have to build a retaining wall running down the gully on the right side. The buildings would be on level pads, but the road would have been built on a retaining wall because of the drop off. He added that there is a 500 year flood plain in the back and he will not build anything in the floodplain, so that would have needed to be raised. Mrs. Bell asked Mr. Hurt if he would consider doing a custom build subdivision. Mr. Hurt replied that anything is possible; he is not against anything, but he has learned that if a community and the leadership in the community don't want something then there is no need to pursue it. He stated that there is a compromise to be made; in an ideal situation he would not want to put single-family homes there, but there may be an opportunity to put some at the road and do something different elsewhere. He commented that he has some ideas to help with the stormwater. Mr. Hurt asked Mrs. Bell if her preference was custom builds. She replied that it was and that in her profession she sees a

half acre lot go anywhere from \$250,000 to \$300,000; she has 15 new closings going on now that will close in the next 30-60 days between Franklinton and Rocky Mount.

Joey Rabil, 404 S. Alston Street, stated that this area is high density in traffic; it's a main thoroughfare between Nashville to Spring Hope. He asked Mr. Hurt if he could talk to DOT about the traffic that goes in and out. He also mentioned he has concerns about the flooding from heavy rains.

Charlotte Brown, 204 Village Lane, commented that the traffic on Western Avenue is probably nowhere like it is on 58. She mentioned that when she moved to Nashville she lived off of 58 and there was no school crossing at Nash Central Middle; her son had to cross that 45-mph street every day. She was able to get the State to put a crosswalk there for the school system. She commented that there are ways and things you can do to make it better. She told the neighbors that she knows they do not want multi-family, but invited them to go over to Hurt Court and talk to those that live there so they can see what a community those residents are. She noted that 90% of the residents are 55 and older; they love it because they were able to downsize and not have to worry about mowing grass, etc. Ms. Brown stated that these residents are a whole community that watch out for each other and help each other. She pointed out that when she moved to Nashville, she had to move to Oak Tree because that was all that was available at the time. She now pays \$1,000 a month for rent at her duplex currently; they are very nice homes and she pointed out that her duplex has six parking spaces. Ms. Brown stated that the duplexes are monitored and these communities mean something to the owners. As an employee of Danco Builders, she noted that with the amount of site work for that Western Avenue property, it would cost half a million dollars; although the existing homes are nice in that area, no one will want to build a \$300,000 home beside them because it will bring their value down. She also noted that the value of her duplex is \$270,000, which is valued higher than most homes. She stated that you can't block people from being able to maximize their property and that Mr. Hurt's corporation is his family; he is not someone that is going to come in and try to ruin their lives. Ms. Brown commented that they as Danco are not going to build something that will flood people's homes because that would destroy their name; they spend millions a year in trying to keep places from flooding. She asked the neighbors to think about if this was their piece of property and if they would take a loss to build six houses; they would have to sell six \$250,000-\$400,000 homes to come close to breaking even with grading, engineering, etc. She asked the audience to consider having duplexes built there and invited them to look at the duplexes over on Village and Hurt. They are built to blend in with the existing homes, not to stand out.

Susan Phelps, Nash County Economic Development, informed the audience that the NCDOT traffic count on Western Avenue is around 3,200 vehicles per day; Washington Street and 58 average 10,000-13,000 per day.

Council Member Hobbs asked Mrs. Moss to share the permitted special uses under R-10. Mrs. Moss shared the uses for R-10.

The following are permitted as a matter by right in the R-10 district:

- Accessory building, including but not limited to fallout shelters, garages, guest houses, tool sheds and swimming pools
- Automobile parking lots serving uses permitted in district in which lot is located
- Churches, synagogues, temples and other places of worship, rectories, and Sunday schools
- Dish antenna (or earth station)
- Dwellings, one-family detached
- Family care home
- Fences and walls
- Golf courses, except par-three or miniature courses
- Home occupations
- Manufactured home, class A
- Manufactured unit used as a temporary office
- Manufactured unit used as a classroom
- Public parks and recreational facilities
- Signs
- Temporary buildings incidental to a construction project

The following are allowed in the R-10 district with a special use permit:

- Apartment, accessory to a primary residence
- Athletic fields, recreational buildings, playgrounds, no commercial gain, no automobile or motorcycle racing

- Automobile parking lots, serving nonresidential uses in another district
- Boardinghouse, rooming house, and Bed and Breakfast
- Cemetery or mausoleum
- Clubs and lodges, private, non-profit
- Colleges, universities, including fraternity and sorority houses, dormitories, and incidental uses when on the same unit of property
- Community buildings, not for commercial gain
- Day care facility
- Dwellings, two-family
- Dwellings, three-family
- Dwellings, planned unit development (PUD)
- Dwellings, condominiums
- Dwellings, townhouses
- Hospital, sanatoria, homes for aged, and nursing homes
- Public buildings, libraries, museums, art galleries, fire stations, ambulance services and the like
- Public utilities, static transformer stations, transmission lines and towers and telephone exchanges, radio and television towers and transmitting or relay stations, not including service and storage yards
- Schools (academic); kindergarten, elementary, secondary, public or private
- Tourist homes

Charlotte Brown asked Mrs. Moss if tiny house communities were permitted. Mrs. Moss replied that those fall under single-family dwellings, however they are not allowed in town. Ms. Brown commented that Nash County says that they must be bigger than 120 square feet, and must have a kitchen and a bathroom.

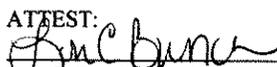
Mayor Pro Tem Burns asked Mr. Hurt to share some of his ideas on flood mitigation. Mr. Hurt stated that he was aware that there is property that floods in Nashville. He mentioned that the Town owns quite a bit of property around the base of Westwood Circle; one thing that could help would be a community runoff pond. He would like to utilize that property that is undevelopable to help contain the runoff from the entire community. He stated that by working with the Town and the engineers, they could potentially create a situation that could address the storm surge that is seen from time to time. Mr. Hurt mentioned that during Hurricane Floyd, Hampton Village of Nashville was the only apartment community that did not flood during that time. Since they had vacancies at that time they were able to help people in the community find housing. He mentioned that in the Town of Youngsville, the Town Manager is pushing to have a community storm pond put in place; they have an area laid out near where he is currently working on another six building, three-story apartment complex. Mr. Hurt stated that this is something that he has spoken with the Town Manager and his engineers about; he would like to try to help this community if he can. He commented that if they can work on this together it could be an opportunity to use that undesirable property where Stoney Creek is on his end and work with the Town to use the undevelopable property near Westwood. Susan Butler commented that she had provided some photographs to the Town Council of the area and she would not mind those being shared with Mr. Hurt.

Mr. Hurt stated that he has found the living conditions of the house on his property to be unacceptable. He asked those present if anyone would take exception to working with the Town to have the house burned as a fire exercise. After hearing their concerns, Mr. Hurt agreed not to burn the property.

Mayor Brown thanked Mr. Hurt and the citizens for coming out tonight.

5. There being no further business, Mayor Brown called for a motion to adjourn. Council Member Hinton made the motion to adjourn, seconded by Council Member Hobbs. There being no discussion, Mayor Brown called for a vote. The motion was unanimously approved (4-0). Mayor Brown declared the meeting adjourned at 7:09 PM.


 Brenda Brown, Mayor

ATTEST:

 Lou C. Bunch, Interim Town Clerk

