



NASHVILLE TOWN COUNCIL
REGULAR MEETING AGENDA
TUESDAY, APRIL 5, 2016
7:00 PM

NASHVILLE TOWN COUNCIL CHAMBERS

- I. Call to Order by Mayor Street - 7:00 PM
- II. Consideration of Minutes:
 - a. Tuesday, March 1, 2016 Regular Meeting Minutes
- III. Citizen Comments: No Requests
- IV. Items for Consideration:
 - a. Consideration of Eagle Scout Project at Glover Park by Jacob Wolfe
 - b. Consideration of Parks and Recreation Advisory Board Appointment
 - c. Consideration of Traffic-DOT Construction Agreement between the North Carolina Department of Transportation and the Town of Nashville
 - d. Consideration of Ordinance Amending the Text of the Town of Nashville Code of Ordinances, Chapter 36, Traffic and Vehicles, Article VII: Golf Carts
 - e. Consideration of Surplus Items to be sold on GovDeals
 - f. Consideration of FY 2015-2016 Budget Amendments
 - i. Fire
 - ii. Police
 - iii. Sidewalk Project - Alston/Washington
 - iv. Planning
 - v. Public Works
- V. Manager's Report
- VI. Council Comments
- VII. Closed Session
 - a. By the authority of the N.C. General Statute 143-318.11 (a) (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

- b. By the authority of the N.C. General Statute 143-318.11 (a) (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.
- c. By the authority of the N.C. General Statute 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

VIII. Adjourn



TOWN CLERK MEMO

To: Hank Raper, Town Manager

From: Lou Bunch, Town Clerk/HR Officer

Date: April 1, 2016

RE: Eagle Scout Project at Glover Park

Jacob Wolfe has contacted the Town about completing his Eagle Scout Project at Glover Park by installing bleachers on the soccer field. Jacob would like to present his plan to Town Council for consideration in our April meeting. Please add this consideration to the agenda for April 5, 2016. Thank you.



PARKS AND RECREATION MEMO

To: Hank Raper, Town Manager

From: Jim Glover, Parks and Recreation Director

Date: April 1, 2016

RE: Parks and Recreation Advisory Board Vacancy Appointment

Hank,

We are requesting that Brian White be added to the Nashville Parks and Recreation Department Advisory Board. Brian coaches Girls Softball and Football in our Program. He will be a great addition to our Board. Thank you for your consideration.



Memorandum

Date: March 8, 2016
To: Henry Raper, Town Manager
From: Brian D. Hassell, Planning & Development Director
Subject: NCDOT Lighting Contract

Please add the attached contract as an item for consideration at the April Regular Town Council Meeting. The contract is for the lighting project at the US 64 Bypass and Washington Street (NC 58) exit. The NCDOT is responsible for construction and maintenance of the lighting system. The town will pay the monthly utility bill.

Feel free to contact me anytime with any questions or comments.

NORTH CAROLINA
NASH COUNTY

TRAFFIC – DOT CONSTRUCTION AGREEMENT

DATE: 3/2/2016

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

WBS Elements: 44185.3.1

TOWN OF NASHVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the Town of Nashville, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the parties have agreed to make certain improvements within the Municipality under WBS Element 44185.3.1 in Nash County in accordance with the plans and specifications approved by the Department; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-66.3, Section 136-18 (24) and (27), Section 20-169, Section 160A-296 and Section 297, to participate in the planning and construction of the Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the Department and the Municipality have agreed that the jurisdictional limits of the Parties, as of the date of the awarding of the contract for the above-mentioned Project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE

1. The Project consists of the installation of roadway lighting at the interchange of US 64 Bypass and NC 58 (Washington Street) in Nashville.

PHASES OF THE WORK

2. The Department shall be responsible for phases of the project which include planning, design, right of way, construction and contract administration. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.
3. The Municipality without cost or liability whatsoever to the Department, shall relocate and adjust all municipally-owned utilities in conflict with the project. Said work shall be performed in a manner satisfactory to the Department prior to the Department beginning construction of the project. The Municipality shall make every effort to promptly relocate said utilities in order that the Department will not be delayed in the construction of the project.

MAINTENANCE

4. Upon completion of the project, the Department, at no expense to the Municipality, shall assume routine maintenance operations for the lighting system and release the Municipality from all liability. The Municipality shall be responsible for paying all utility lighting cost directly to the electrical service provider.

ADDITIONAL PROVISIONS

5. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.
6. It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency. By execution of this Agreement, the Municipality certifies, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a governmental department or agency.

7. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
8. All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.
9. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST: TOWN OF NASHVILLE
BY: _____ BY: _____
TITLE: _____ TITLE: _____
DATE: _____

Approved by _____ of the local governing body of the Town of Nashville
as attested to by the signature of Clerk of said governing body on _____ (Date)

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Federal Tax Identification Number

(SEAL)

Remittance Address:
Town of Nashville

DEPARTMENT OF TRANSPORTATION
BY: _____
(CHIEF ENGINEER)

DATE: _____

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: _____

**CERTIFICATION OF ELIGIBILITY
Under the Iran Divestment Act**

Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 *et seq.** requires that each contracting party, prior to contracting with the State certify on the date the Contract was entered into and today's date signed below; and the undersigned on behalf of the Contracting Party does hereby certify, to the following:

1. That the contracting party is not identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
2. That the contracting party shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
3. That the undersigned is authorized by the contracting party to make this Certification.

Contracting Party: _____

By: _____
Signature Date

Printed Name Title

The State Treasurer's Final Divestment List can be found on the State Treasurer's website at the address www.nctreasurer.com/iran and will be updated every 180 days. For questions about the Department of State Treasurer's Iran Divestment Policy, please contact Meryl Murtagh at Meryl.Murtagh@nctreasurer.com or (919) 814-3852.

*Note: Enacted by Session Law 2015-118 as G.S. 143C-55 *et seq.*, but has been renumbered for codification at the direction of the Revisor of Statutes.



Memorandum

Date: March 29, 2016
To: Henry Raper, Town Manager
From: Brian D. Hassell, Planning & Development Director *BH*
Subject: Golf Cart Ordinance

A local business owner has made a formal request for the town to research a golf cart ordinance. The proposed ordinance is attached for your review. The recommended fee for a golf cart permit is \$50.

Please add the golf cart ordinance as a item of consideration at the April Regular Meeting. Feel free to contact me with any questions or comments.

Town of Nashville
PO Box 987
Nashville, NC 27856

3-24-16

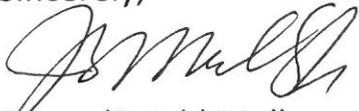
James (Butch) Mull
Church Street Grill
121 West Church St.
Nashville, NC 27856

Ref: Golf Car Permits

To Nashville Town Council,

I am a business owner in Nashville and often make deliveries around town, Court House, Sheriff's office, County Building and others. It would be nice to be able to make these on a golf car instead of a vehicle. I know other cities and towns allow this and have no problems. I think it a lot safer that walking along the side of the road or scooters being allowed to run the roads. For instance Emerald Isle allows golf cars on the streets in the city limits only on low traffic roads with only crossing the main roads. I think the cost of the permit is \$75.00 per year. I hope you will consider this as it will bring in extra money for the town and will help businesses expand their options and provide easier travel for personal use around our great town. Thank you for your time!

Sincerely,



James (Butch) Mull
Owner: Church Street Grill

Town of Nashville

DONALD B. STREET
MAYOR

HENRY E. RAPER
TOWN MANAGER



LOUISE W. HINTON
MICHAEL W. COLEMAN
CHARLES P. TAYLOR
LARRY D. TAYLOR

AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF NASHVILLE CODE OF ORDINANCES, CHAPTER 36, TRAFFIC AND VEHICLES

WHEREAS, the Town of Nashville has an adopted Municipal Code containing regulations pertaining to traffic and vehicles; and

WHEREAS, it is the desire of Town Council to continually update and revise the Town of Nashville Code of Ordinances in accordance with the needs of the citizens of the Town of Nashville; and

WHEREAS, the Town Council desires to establish rules and procedures regulating the use of golf carts within the Town of Nashville to promote the health, safety, and welfare of persons operating cart(s) within the Town of Nashville and to protect the safety of their passengers and other users of the roads.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Nashville that the Town of Nashville Code of Ordinances be amended by creating Article VII, Golf Carts.

By Adding:

Article VII: Golf Carts

36-199 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf Cart means a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 MPH. G.S. 20-4.01(12a).

Driver's License means a valid license issued to operate a motor vehicle issued by North Carolina or any other state.

Financial Responsibility means liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

Operator means only persons over 16 years of age and holding a valid driver's license may operate a golf cart on roads or streets.

Central Business District means the area of Town with a B-2 zoning classification and commonly referred to as downtown. The Official Zoning Map of the Town of Nashville shall be used to determine the exact location of the Central Business District.

36-200 Rules and Regulations

1. Golf carts shall only be operated on or alongside a public road or street within the Central Business District.
2. Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour.
3. Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of the golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.
4. Any person who operates a golf cart must be at least eighteen (18) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads and highways of North Carolina and then, only in accordance with such valid driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads. The operator must be the owner or gainfully employed with the respective business for which the golf cart is permitted.
5. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws.
6. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Nashville which governs the operation of motor vehicles.
7. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
8. Golf carts must park in designated spaces. All parking rules and limits apply. No parking on sidewalks is allowed.
9. Golf carts shall operate between sunrise and sunset only.
10. The Town may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart are involved in three or more traffic violations in one year. Said revocation and/or denial of a permit shall be effective for one year.

36-201 REGISTRATION, INSPECTION, AND FEE PRIOR TO USAGE

1. A completed golf cart registration application and associated fee shall be submitted to the Town of Nashville for approval. Before driving on public roads, the operator of a golf cart must have a valid issued registration.
2. All golf carts must be registered with the Department of Motor Vehicles and be deemed road worthy upon inspection.
3. All golf carts must be registered to a physical address in Nashville.
4. Each owner must have proof of ownership, and liability insurance, and a completed Waiver of Liability, releasing the Town of Nashville from liability that may arise as a result of operation of a golf cart inside the Town of Nashville. These documents must be in the golf cart at all times while in operation on public roads.
5. All golf carts must meet the requirements or minimum standards as set forth above in this Ordinance.
6. All golf operators must present a valid driver's license while operating a golf cart on a public road.
7. The golf cart registration shall be valid for no more than one year and must be present on a golf cart operated on a public road.

36-202 ENFORCEMENT

Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina General Statutes.

Adopted this 5th day of April 2016.

Donald B. Street, Mayor

ATTEST:

Lou C. Bunch, Town Clerk

SURPLUS ITEMS FOR GOVDEALS

TOWN HALL

- Ink Cartridges
 - * various brands (HP & Lexmark) Ink, Print & Toner cartridges
- Typewriter ribbon & correctable tapes
- 2 Way Radio Batteries (various brands)
- Data cartridges and data cleaning tapes
- Mobile phones (Verizon)
 - * 2 - Casio GSOOne Flip phones
 - *condition unknown
 - * 1 – Wall & car charger for Casio GSOOne Flip phone
 - * 1 – Body Glove Case (fits Casio GSOOne Flip phone)
 - * 2 – Apple iPhone 6 phones (64 GB)
 - *condition unknown
 - * 1 – Wall charger for iPhone 6
 - * 1 – Otterbox case with holster for iPhone 6
 - * 1 – Apple iPhone 4S
 - *condition unknown
 - * 1 – Otter base case for iPhone 4S

COOLEY LIBRARY

- Approximately 60 boxes of hardcover & softcover books; all genres

TOWN OF NASHVILLE FIRE DEPARTMENT

MEMORANDUM

Date: March 17, 2016
To: Linda Modlin, Finance Director
From: Randy L. Goodbrod, Fire Chief *RG*
Subject: Budget Transfer Request

I am requesting budget transfers from the "Salaries & Wages" account, to the specified line items below.

As a result of not hiring a firefighter to fill the new position until we received notification on the SAFER Grant, we have accrued a \$12,000.00 surplus in the salary line item. Due to shortages in some line items, I am requesting transfers from the "Salaries & Wages" account 10-530-0200, to the following accounts, in the amounts specified below.

10-530-0300 - Part Time Salaries \$5,000

*This account is over budget due to staff members using Family Medical Leave

10-530-1700 – Vehicle Maintenance \$3,000

*This account is over budget due to unanticipated repairs (ex. oil leak in Squad 14)

10-530-3300 – Supplies \$2,500

*This account is over budget due to having to replace our hose tester

10-530-5300 – Dues & Subscriptions \$700

*This account is over budget due to having to purchase an additional component for the new cloud based incident reporting software, in order to comply with HIPPA.

Let me know if you have any questions.

TO: Henry Raper, Town Manager
FROM: Linda Modlin, Finance Director
DATE: 3/18/2016
SUBJECT: Budget Amendment

Please consider the attached budget amendment for FY 2015-2016 for presentation to the Town Council

**TOWN OF NASHVILLE
 BUDGET AMENDMENT
 FISCAL YEAR 2015-2016**

Fund Department	General Fire					AMENDMENT # Date Approved	
Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget		
10-530-0200	SALARIES & WAGES	\$ 489,910.00	\$ -	\$ 11,200.00	\$	478,710.00	
10-530-0300	PART TIME SALARIES	\$ 42,000.00	\$ 5,000.00	\$ -	\$	47,000.00	
10-530-1700	VEHICLE MAINTENANCE & REPAIRS	\$ 18,700.00	\$ 3,000.00	\$ -	\$	21,700.00	
10-530-3300	SUPPLIES	\$ 39,042.00	\$ 2,500.00	\$ -	\$	41,542.00	
10-530-5300	DUES & SUBSCRIPTIONS	\$ 1,990.00	\$ 700.00	\$ -	\$	2,690.00	

To transfer funds within the department from one line item to another to cover anticipated expenditures for the remainder of the fiscal year.

TO: Henry Raper, Town Manager
FROM: Linda Modlin, Finance Director
DATE: 3/9/2016
SUBJECT: Budget Amendment

Please consider the attached budget amendments for FY 2015-2016 for presentation to the Town Council

**TOWN OF NASHVILLE
 BUDGET AMENDMENT
 FISCAL YEAR 2015-2016**

Fund Department	General Police			AMENDMENT # Date Approved	_____
Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget
10-510-4201	DRUG PREVENTION GRANT (EXP)	\$ 5,000.00	\$ -	\$ 1,000.00	\$ 4,000.00
10-386-0400	DRUG PREVENTION GRANT (REV)	\$ 5,000.00	\$ -	\$ 1,000.00	\$ 4,000.00
To adjust budget for funds not awarded					
10-383-0000	SALE OF SURPLUS PROPERTY	\$ 2,000.00	\$ 8,710.00		\$ 10,710.00
10-510-3300	DEPARTMENTAL SUPPLIES	\$ 18,400.00	\$ 8,710.00		\$ 27,110.00
To appropriate funds received from sale of surplus property (guns)					

TO: Henry Raper, Town Manager
FROM: Linda Modlin, Finance Director
DATE: 3/29/2016
SUBJECT: Budget Amendment

Please consider the attached budget amendment for the Sidewalk Project (Fund 73) for presentation to the Town Council

**TOWN OF NASHVILLE
 BUDGET AMENDMENT
 FISCAL YEAR 2015-2016**

Fund Department		73 - SIDEWALK PROJECT - ALSTON/WASHINGTON		AMENDMENT #		Date Approved	
Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget		
73-815-4500	DOT 75011 PROJECT CONSTRUCTION	\$ 298,570.56	\$ 20,000.00	\$ -	\$ 318,570.56		
73-350-0000	DOT 75011 CONTRIBUTION	\$ 127,700.00	\$ 20,000.00	\$ -	\$ 147,700.00		

To amend the project to include a section of sidewalk at the intersection of Cross Street and Alston Street. The DOT is contributing \$ 20,000 to cover the cost of this addition.

TO: Henry Raper, Town Manager
FROM: Linda Modlin, Finance Director
DATE: 3/14/2016
SUBJECT: Budget Amendment

Please consider the attached budget amendment for FY 2015-2016 for presentation to the Town Council

**TOWN OF NASHVILLE
 BUDGET AMENDMENT
 FISCAL YEAR 2015-2016**

Fund Department	General Planning			AMENDMENT # Date Approved	_____
Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget
10-490-4500	CONTRACTED SERVICES	\$ 4,521.00	\$ -	\$ 300.00	\$ 4,221.00
10-490-5300	DUES & SUBSCRIPTIONS	\$ 500.00	\$ -	\$ 260.00	\$ 240.00
10-490-1400	TRAVEL & EDUCATION	\$ 1,975.00	\$ 560.00	\$ -	\$ 2,535.00

To transfer funds within department .

TO: Henry Raper, Town Manager
FROM: Linda Modlin, Finance Director
DATE: 4/1/2016
SUBJECT: Budget Amendment

Please consider the attached budget amendment for FY 2015-2016 for presentation to the Town Council

**TOWN OF NASHVILLE
 BUDGET AMENDMENT
 FISCAL YEAR 2015-2016**

Fund Department	General Streets			AMENDMENT # Date Approved		
Account #	Account Description	Current Budget	INCREASE	DECREASE	Amended Budget	
10-399-0000	Appropriation from Fund Balance	\$ 101,656.00	\$ 79,975.00	\$ -	\$ 181,631.00	
10-560-7400	Capital Outlay - Equipment	\$ -	\$ 79,975.00	\$ -	\$ 79,975.00	

To appropriate funds from fund balance for the purchase of an Asphalt Recycler.
 The purchase was approved by Town Council on March 18, 2016