

The Parks, Recreation, and Cultural Resources Advisory Board for the Town of Nashville held an Advisory Board Meeting on Monday, August 12, 2019 at 6:30 pm in Town Council Chambers. Members Present: Chairman-Kirby Winstead, Vice Chair- Mary Richardson, George Jefferies, Lynn Hobbs, & Council Member Liaison Kate Burns. Staff Present: Marguerite Bishop-Parks, Recreation, & Cultural Resources Director, & Tesa Silver-Deputy Town Clerk & Personnel Technician.

1. Chairman Winstead called the meeting to order at 6:30 pm.

2. There were no public comments.

3. Approval of Minutes April 8, 2019 Meeting.

Chairman Winstead called for a motion to approve Regular Meeting Minutes for Monday, April 8, 2019. Mr. Jefferies made the motion to approve minutes for April 8, 2019, seconded by Ms. Richardson. Chairman Winstead called for a vote, the motion carried unanimously (4-0).

4. Town Update

Mrs. Bishop stated that since the last meeting, Mr. Lansing our new town manager started with us as well as our new police chief, Anthony Puckett. Mr. Lee Brown, our new public works director, will start on Tuesday, August 13, 2019.

5. Update on Ongoing Department Projects

Mrs. Bishop updated the board on several projects that have been occurring throughout the town. The department, after partnering with the planning department, has been awarded a \$8,000 grant for Stoney Creek Environmental Park for the removal of the invasive species at the park. She is continuing to work on additional sources for the upkeep and beautification of Stoney Creek Environmental Park. Since the board last met the bicycle rodeo was held, and it was a success; Mrs. Bishop plans to apply for the NCDOT grant again to host another rodeo.

Mrs. Bishop stated that both football and soccer will begin in September. She stated that the participation numbers for varsity are low; she believes there are 12 on the roster. The department is still accepting applications for varsity, but if they do not get enough participants, they will pull from the JV rosters to have enough players. Soccer registration ends on August 14, 2019 and a coaches meeting will take place on August 21, 2019. She stated karate is still going well; there are fifteen (15) beginners and six (6) advanced young adults enrolled. They are still in need of a space that they can better utilize; it is difficult to keep the schedule that they have on Thursdays, with the high demand for Council Chambers.

Mrs. Bishop stated that the next Creekside Music Series will take place on Saturday, September 21, 2019 at Stoney Creek Environmental Park. The series will feature Meredith Davis Johnson and Charlie; the event will begin at 5:00 p.m. She has contacted Lillie Mae's to come out as a food truck; Council Member Burns asked what type of food they served and Mrs. Bishop stated American. Mrs. Bishop stated that on Thursday, October 31, 2019 the department will host Fall Fest. The children will take the normal route for trick or treating then return to the library parking lot for a showing of Hocus Pocus. She is going to talk with Church Street Grill about partnering with them to provide food for the event.

Mrs. Bishop stated that S.T.E.A.M. camp is being held this week; today was the first day and things were going well so far. She stated that the department would continue tutoring this year for afterschool children and would continue to partner with Nashville Elementary on the school garden. She has ordered the water fountain to replace the broken one located near the restrooms, and once it comes in she will go ahead and have it installed. The vending machines have been successful and we will continue to use those.

#### 6. Funding Opportunities and Updates

Mrs. Bishop stated that she did apply for a grant with UNC Healthcare Systems to create an outdoor fitness court for the town, unfortunately we did not receive the grant; she is looking for additional sources for the outdoor fitness court; one source she is currently researching is the Carolina Panthers Hometown Huddle Grant. She is applying for the WRAL Azalea Garden Grant to try and receive 50 azaleas to plant throughout town; she has hopes to partner on this project with the public works department. Mrs. Bishop asked the board to keep her informed of any additional funding sources they may come across.

Mrs. Bishop has put in a purchase order to have the Leyland Cyprus tree at J.W. Glover Memorial Park removed. She also has plans in the works to add to Stoney Creek Environmental Park. The new slide for Stoney Creek Environmental Park should arrive this week. Based on the amount of money left in the department's budget she may be able to order a low zip line for the park as well. The playground for J.W. Glover Memorial Park has been ordered and should be in by August. Based on the input from the board, surveys the department has received, and the public comments she has moved some of the older equipment into other areas of the park including the spring riders and the T-frame swing. Mrs. Bishop stated that recycling bins for J.W. Glover Memorial Park have been ordered and she is working on an educational pamphlet to distribute to educate citizens on how to properly recycle.

#### 7. Parks, Recreation, and Cultural Resources Survey Update

Mrs. Bishop stated that we still do not have enough survey responses, we currently are at three hundred seventy-five (375) and we have to reach five hundred (500) to be considered a PARTF grant. She asked that if they had time to come out to the park during sporting events and help with getting people to complete them. Mrs. Burns suggested that if we do not have enough by Election Day then we should set up a tent and table outside of the poll location and try to get people to complete the survey then. Mrs. Bishop stated that she is looking for high school or college students in need of community service hours to help log in the paper surveys; that if they knew anyone in need of service hours to let her know because she could use the help.

#### 8. Tree City Process

Mrs. Bishop presented the board with two (2) ordinances that are required in the Tree City process; one ordinance is in Chapter 26 Parks and Recreation and it establishes the tree board, its' membership, terms, powers, and duties; the other ordinance is in Chapter 18 Land Use Regulations and it addresses code enforcement. The board took a few minutes to review and discuss the ordinances. The board addressed their concern with the verbiage used to establish what could and could not be done on private property, they also addressed concerns on how much authority the ordinance appeared to give

the Tree Board and if enforcement would be the Tree Board's responsibility or would it fall upon code enforcement. Mrs. Bishop stated she had questions in regards to the section on the arborist. She stated she would go back to Ms. Spriggs, Planning and Development Director, and have Ms. Spriggs give her some additional information on how and why the ordinances were created, and have her address all the concerns the board had with the two (2) ordinances. The ordinances as presented are shown below:

Chapter 26 - Parks and Recreation  
Article II. – Parks and Recreation Advisory Board

Sec. 26-44. – Establishment of Tree Board.

There is hereby established a Town Tree Board under the authority of the general statutes of the state.

Sec. 26-45 – Membership; appointment; terms.

(a) Membership on the Tree Board shall consist of the membership appointed to the Parks and Recreation Advisory Board.

(b) Members will serve the same term as that of the parks and recreation advisory board members.

Sec. 26-46. – Compensation.

Members of the Board shall serve without compensation.

Sec. 26-47. - Powers and duties.

(a) It shall be the responsibility of the Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive town tree plan.

(b) The Tree Board, when requested by the Town Council shall consider, investigate, make finding, report and recommend upon special matter or question coming within the scope of its work.

Sec. 26-48. - Organization; Meetings; Quorum; Voting.

The Tree Board shall have the same organization and requirements as that of the parks and recreation advisory board in regard to minutes, quorum and proceedings.

Chapter 18 – Land Use Regulations  
ARTICLE III. - SUBDIVISIONS

### DIVISION 3. - MINIMUM DESIGN STANDARDS

#### Sec. 18-404. - Required vegetation and protection.

- ~~(a) Trees along dedicated streets. Along both sides of all newly created streets that are constructed in accordance with the Town of Nashville Minimum Design Standards, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 30 feet of street frontage at least an average of one deciduous tree that shall obtain a minimum height of at least 50 feet and provide a canopy of at least 30 feet in diameter at maturity.~~
- ~~(b) Protection of large trees. (1) Every development shall retain all existing trees 12 inches in diameter or more unless the retention of such trees would unreasonably burden the development. (2) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree 12 inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within the drip line of any tree 12 inches in diameter (measured at a height of four and one-half feet above ground level) or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground. (3) If the retention or protection of trees 12 inches in diameter or more as provided in subsections (1) and (2) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer the planning director or his designee may reduce this requirement to a level that removes the unreasonable burden. (4) If space that would otherwise be devoted to parking cannot be so used because of these requirements and, as a result, the parking requirements cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of subsections up to a maximum of 15 percent of the required spaces.~~

Sec. 18-404. – Definitions.

Street trees are defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees are defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Sec. 18-405. – Tree Species to be Planted.

- (a) The Town Tree Board develops and maintains a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Efforts shall be made to ensure a sufficient diversity of tree species.
- (b) Lists of trees not suitable for planting will also be created by the Tree Board.
- (c) Along both sides of all newly created streets that are constructed in accordance with the Town of Nashville Minimum Design Standards, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and 50 feet from the centerline of the street, there is for every 30 feet of street frontage at least an average of one deciduous tree that shall obtain a minimum height of at least 50 feet and provide a canopy of at least 30 feet in diameter at maturity.

Sec. 18-406. Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in §18-405 of this ordinance, and no trees may be planted closer together than the following: small trees, 20 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect or the Planning Director.

Sec. 18-407. Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in §18-405 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Sec. 18-408. Distance from Street Corners and Fireplugs.

- (a) No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.
- (b) No street tree shall be planted within than ten feet of any fireplug; except in special plantings designed or approved by a landscape architect, or the Planning Director.

Sec. 18-409. Utilities.

No Street Trees other than those species listed as Small Trees in §18-405 may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Sec. 18-410 Public Tree Care.

- (a) The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) The Town may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.
- (c) This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with all town ordinances.

Sec. 18-411. Tree Topping.

- (a) It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property.
- (b) Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate.
- (c) Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted

from this ordinance at the determination of the Tree Board, Planning Director, or Public Works Director.

Sec. 18-412. Pruning; Corner Clearance.

- (a) Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet above the surface of the street or sidewalk.
- (b) The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.
- (c) The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.
- (d) Tree limbs that grow near high voltage electrical conductors shall be maintained clear of the conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and Town Tree Board prior to any trimming by the utility company.

Sec 18-413. Dead or Diseased Tree Removal on Private Property.

- (a) The town shall notify the Planning Director who may cause the removal of any dead or diseased trees on private property within the town, when the trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town.
- (b) Those actions are to be administrated as a nuisance violation or public nuisance. Removal shall be done by the owners at their own expense within 60 days after the date of service of notice.
- (c) In the event of failure of owners to comply with these provisions, the town shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice.

Sec. 18-414. Removal of Stumps.



All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Sec. 18-415. Protection of Trees.

- (a) Every development shall retain all existing trees 12 inches in diameter or more unless the retention of such trees would unreasonably burden the development.
- (b) No excavation or other subsurface disturbance may be undertaken within the drip line of any tree 12 inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within the drip line of any tree 12 inches in diameter (measured at a height of four and one-half feet above ground level) or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.
- (c) If the retention or protection of trees 12 inches in diameter or more as provided in subsections (1) and (2) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer the planning director or his designee may reduce this requirement to a level that removes the unreasonable burden.
- (d) If space that would otherwise be devoted to parking cannot be so used because of these requirements and, as a result, the parking requirements cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of subsections up to a maximum of 15 percent of the required spaces.

Sec. 18-416. Interference with Town Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

Sec. 18-417. Arborist License and Bond.

- (a) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the town without first applying for and procuring a license.
- (b) The license fee shall be adopted in the Town of Nashville Fee Schedule: provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or town employees doing the work in the pursuit of their public service endeavors.
- (c) Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$300,000 for bodily injury and \$100,000 property damage indemnifying the town or any person injured or damaged resulting from the pursuit of the endeavors as herein described.

Sec. 18-418. Review by Town Council.

- (a) The Town Council shall have the right to review the conduct, acts and decisions of the Town Tree Board.
- (b) Any person may appeal from any ruling or order of the Tree Board or Planning Director to the Board of Adjustments who shall hear the matter and make final decision.

Sec. 18-419. Penalty.

Any person violating any provision of this section shall be, upon conviction or a plea of guilty, subject to a fine as provided in the Town of Nashville code of ordinances for nuisance violations and or public nuisances as in accordance with § 1-12. - General penalty; citations; additional remedies.

## 9. Future Department Vision and Planning

Mrs. Bishop stated that she is ready to move forward with changes in the direction of the department; she will meet with Mr. Lansing to discuss the plan thoroughly and then bring her recommendation to the board for consideration. At this time she plans to reduce or eliminate the athletics that the town has, and change the type of programming and activities the department offers. She stated that she feels it is best to move forward and to stop competing with the county and surrounding municipalities and offer programs that are not offered by the county and surrounding municipalities. Based on her research she feels that if the department continues what it is currently doing that within 2 to 3 years the department will no longer be viable. She also stated that the department is currently limited in the programming it can offer due to the volume of athletics that are offered and limited staff. One thing she is going to suggest and try to procure during this process, is a space to lease, where she can accommodate a variety of programming to show the need for the town to purchase a space in the future. Mrs. Bishop plans to have a proposal for the board to vote on at their next meeting.

Mrs. Bishop informed the board of a joint event that the town will partner with the county to host on Veteran's Day weekend. The official name has not been decided at this time but it will be a post football season tournament held at J. W. Glover Memorial Park over Saturday and Sunday. Everyone has hopes that this will become an annual event. The town and county will split staffing needs for the event; concession will be handled by local law enforcement and they will retain those profits. The cost is \$200 per team with hopes that those fees will be covered by sponsors. The county is going to pay the \$3,000 cost for referees needed. The town and the county will split the profits from the admittance fee at the gate and the t-shirts that will be sold.

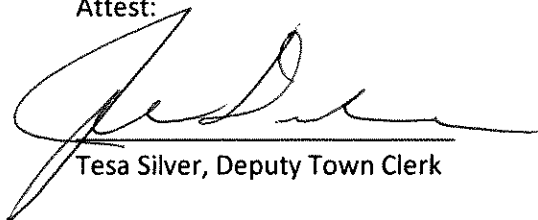
## 10. Meeting Updates

The next board meeting will take place on Monday, December 9, 2019 in Town Council Chambers at 6:30 p.m.


## 11. Adjournment

Chairman Winstead called for a motion to adjourn. Mr. Jefferies made the motion to adjourn, seconded by Ms. Hobbs. Chairman Winstead called for a vote, the motion carried unanimously (4-0). The meeting was adjourned at 7:50 pm.

Attest:



Tesa Silver, Deputy Town Clerk



Chairman

