

**Minutes  
Spruce Pine Town Council  
Monday, March 25, 2019**

A meeting of the Town Council was held on March 25, 2019. Present were Mayor Darla Harding and Council Members James Acuff, Rocky Buchanan, Larry McKinney and Jackie Rensink. Staff in attendance included Richard Canipe, Darlene Butler, Myria Hylemon, Courtney Beam, and Billy Summerlin. Others attended, including Bill Wygand, Claire Wygand, Julie Andress, Rebecca Davenport, Betsy Brannigan, Becky Brannigan, Renee Duncan, Jimmy Dellinger, Randy McClellan, Brenda McClellan, Billy Stafford, Robbie Ryerse, Brett Hoilman, Tracy Hoilman, Harold Turbyfill, Diane Turbyfill, Martha Willett, Kenneth Young, Kay Young, Brandy Miller, Matt Miller, Peter Franklin, Dale Hodge, Carmen Hughes, Jim Burleson and Lloyd Hise, Jr.

CALL TO ORDER

Mayor Darla Harding called the regular meeting to order at 5:30 PM. Rocky Buchanan gave the invocation. Larry McKinney led the Pledge of Allegiance.

APPROVAL OF AGENDA

James Acuff moved to approve the agenda as presented. Rocky Buchanan seconded the motion, which carried with all present in favor.

APPROVAL OF MINUTES

Jackie Rensink moved to approve the minutes of the regular meeting of March 11, 2019. James Acuff seconded the motion, which carried with all present in favor.

APPOINTMENTS - none

CONSENT AGENDA - none

ACTION AGENDA - none

Chief Summerlin introduced his new officers, Courtney Beam and Myria Hylemon.

TOWN MANAGER

- ✓ Town Manager Richard Canipe updated the Council on his meeting with the Williams YMCA representatives, discussing using the undeveloped property at Brad Ragan Park. He stated that the YMCA would be willing to put in the by-laws that the property would revert to the Town if it ceased to be used as a YMCA. None of the existing park would be affected.
- ✓ The bar screen project at the wastewater plant started today.
- ✓ The plans have been sent to the state for the Avery County Highway Sewer line project, which is in the design stage.
- ✓ He has no update on the demolition of the old Hampshire Building on 19E.
- ✓ Attorney Lloyd Hise advised that he needs guidance on the requested appearance ordinance. He feels that a special work session is needed, which will be scheduled at a later date.

MAYOR/COUNCIL REQUESTS / COMMENTS

- ✓ Mayor Harding reminded Council of the Budget Workshop scheduled for 5:30 PM on April 08 at the Town Hall.

PUBLIC HEARING

Mayor Harding opened a public hearing for the purpose of hearing public comment regarding a proposal to change the zoning on one parcel of property totaling 4.15 acres located off Overlook Drive. The property is currently zoned R-1 and the proposal is to change to R-2. The parcel number is 0890-19-51-0209. Town Clerk Darlene Butler explained the process of rezoning a property.

Peter Franklin, the realtor representing Millie Hudson who requested the rezoning, described the plans that a prospective buyer has for the property in question. He noted that he is a community stakeholder as well, and wants the best for the area. He stated that even if the property remains R-1, that up to 9 double-wide mobile homes could be placed there. He described the plans for multi-family homes of 1400 to 1500 square feet. They would rent for \$1000-\$1400 per month. The property could hold up to 24 units in multiple buildings. He displayed architectural plans developed by architect Armin Wessel. He

noted that the prospective buyer is a local developer, who is not interested in the Nelly's Field Apartments. Attorney Lloyd Hise noted that he feels that 20 units would be the maximum that the property could hold per the zoning ordinance.

Mayor Harding addressed the common concerns of adequate water and streets for increased population on Overlook Drive. Town Manager Richard Canipe advised that there is ample volume of water there, due to the presence of a 35,000 gallon tank. Water pressure in the area is an existing problem, due to properties being so close to the tank in distance and elevation. Most homes in the area need pumps, which would be the responsibility of the property owner. The water is adequate for fire protection.

Harold Turbyfill stated that water pressure is a problem already at his home. He had concerns that more apartments would worsen the problem.

Kay Young asked if the Town Sewer system would be adequate for increased use, as it has already backed up into her house. Richard Canipe noted that a controlled sewer pump station might be necessary. He also noted that Overlook Drive meets Powell Bill standards, being at least sixteen feet in width.

Ken Young noted that he has water, sewer, and traffic concerns regarding increased residents on Overlook.

Martha Willett stated that Overlook is a small community, that traffic will be a problem, and that she feels more apartments will ruin the flavor of the community.

Harold Turbyfill listed his concerns as traffic and low-income housing.

Carmen Hughes stated that she lives on Woodland Street, and that the area has grown to have too much traffic and trash. She worries about speeders, and is opposed to the rezone.

Rob Ryerse stated his concerns as the width and condition of the road. He noted that two vehicles cannot pass easily.

Brett Hoilman cited concerns about the road, traffic, and use of the street by walkers. He also noted concern that the plans as presented are tentative, and could change once the property is rezoned to R-2. He questioned whether there was room for more apartments in the areas already zoned R-2, and was told that the Silvers' property could accommodate 2-3 more units.

Dale Hodge cited traffic concerns.

Jimmy Dellinger listed concerns of no guarantee of plans, street problems, and sewer problems.

Randy McClellan noted that his adjoining property is already R-2, but that he will go with the majority.

Bill Wygand stated that if the property is rezoned, the zoning goes with the property, no matter who purchases it.

Billy Stafford stated his concerns with the street condition and speeding. He asked if the town would consider widening the street. Richard Canipe noted that the town has a 40-foot right-of-way on Overlook Drive.

Jim Burlson of 415 Overlook Drive, cited concerns about the street, getting a fire truck in, storm drains and curbing. He asked if the prospective buyer would go in with the town to improve these. Peter Franklin's opinion was that the developer would not, due to the small nature of the project.

Julie Andress noted that the existing apartments have deteriorated.

Rebecca Davenport stated that she lives on the gravel road, but that she also has concerns about increased traffic.

Becky Brannigan stated that she lives in the center of the straight way. She asked if there was another entry to the property. She complained that the ditches were never cleared. She stated that there was enough traffic already, and that she doesn't want riff-raff. She is opposed to HUD apartments.

Renee Duncan lives on Overlook Pt. She stated that their water pressure is crap. She wants no more people there. She stated that no one can afford \$1400/month, so HUD renters would be there. She stated that the road is bad, and there are too many ifs. Attorney Lloyd Hise noted that the Town cannot discriminate against poor people.

Brandy Miller stated that traffic is horrible and you can't pass another vehicle. She worries about the sinkhole on Overlook and water run off. She is opposed.

Matt Miller asked, what protective measures does the town have for residential communities? Other towns have storm water, buffers, sidewalks. Attorney Hise replied that the zoning ordinance dictates lot sizes and setback requirements. He said the Town has the ability to implement measures. Matt asked for a show of hands of those opposed. Attorney Hise noted that the decision to rezone was not subject to a popular vote.

Becky Brannigan complained that the entire neighborhood was not notified by mail. Mayor Harding advised that the regulations in the Zoning Ordinance were followed. Letters were sent to those property owners within 100 feet of the property subject to rezone. She noted that someone distributed a copy of the original letter to the remainder of the neighborhood, causing many to mistakenly believe that the town had mailed letters to them at the last minute.

Attorney Lloyd Hise, Jr. noted that the Town Council was required to make a decision regarding the zoning change, since the Planning and Zoning Board recommended the change.

Bill Wygand asked what the process was for the decision. Mayor Harding noted that after the public hearing is closed the Town Council will discuss the matter in open session. Jackie Rensink moved to close the public hearing. Larry McKinney seconded the motion.

#### COUNCIL DISCUSSION

In response to a question from Matt Miller, Richard Canipe advised that around \$92,000 in Powell Bill funding was received this year for street maintenance. The Town Council budgeted around \$100,000 for streets, with an additional \$50,000 for sidewalks. Funds are prioritized for the worst streets first.

Mayor Harding stated that she has concerns about the safety of Overlook Drive with increased traffic. She believes water volume is adequate, and that pressure problems are the owners' responsibilities.

Council Member Jackie Rensink noted that she lives in the neighborhood. She has dropped of the road to let vehicles pass, and has backed up for school buses. She has concerns about the deteriorating pump station and sinkhole. She cited concerns about water run off, increased noise pollution, lowering property values, and future use of R-2 zoned property.

Council Member James Acuff expressed reservations about the future use of the property if re-zoned. He noted that there is no guarantee that the proposed use would be the actual use. He shares the residents' legitimate concerns about the traffic burden on 16-foot streets and decreased water pressure.

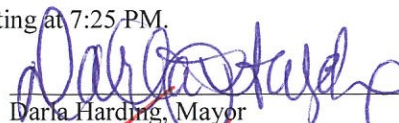
#### COUNCIL ACTION

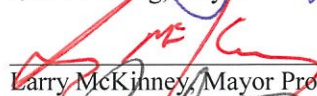
Based on their findings of increased traffic burden on 16-foot streets and increased use of water where pressure is an on-going problem, Rocky Buchanan moved NOT to rezone the Hudson parcel on Overlook Drive. James Acuff seconded the motion, which carried unanimously.

#### ADJOURNMENT

Jackie Rensink moved to adjourn the meeting at 7:25 PM.

  
Darlene Butler, Town Clerk

  
Darla Harding, Mayor

  
Larry McKinney, Mayor Pro Tem

  
Rocky Buchanan, Council Member

  
James Acuff, Council Member

  
Jackie Rensink, Council Member