

3705

**TOWN OF VASS
BOARD OF COMMISSIONERS
REGULAR MEETING
December 10, 2018**

The Regular Meeting was called to order by Mayor Callahan at 6:00 p.m. Commissioners in attendance were: Blackwell, Kosem, Mosley, Callahan, and Kellis. Kathy Liles was also present.

A. Approval of Agenda

Mayor Callahan asked for a motion to approve the agenda and consent agenda. Commissioner Kellis made a motion to approve. All were in favor.

B. Consent Agenda

Items approved by above motion were:

1. Minutes of November 19, 2018 Regular Board Meeting
2. Minutes of November 19, 2018 Closed Session
3. Budget Ordinance Amendment #11
4. Financial Report for November 2018

C. Police Report

Chief Blakeley reported the canine transport system sold to Foxfire Police Department for \$900.00 has been picked up and the funds received. Commissioner Callahan and Mayor Callahan asked for an update on the bank robbery and if there was any progress that could be talked about. Chief Blakeley stated he could not discuss the matter. Commissioner Kellis asked if the arrangement with First Bank was working out. Chief Blakeley said it was working.

D. Public Comments

None

Old Business:

- E.** Approval of financial transactions, purchase and contracts made between July 1, 2019 – September 10, 2018 (Agenda was corrected to reflect September 10, 2019). Motion to approve financial transaction was made by Commissioner Kosem. All were in favor.
- F.** Statement of Land Use Plan Consistency and Ordinance Regulating Beehives. Mabel Walden stated the planning board approved the ordinances at the December 3rd Planning Board meeting. This ordinance had been Previously adopted but never signed. Kris Kosem stated the beehive ordinance was drafted in accordance with the state regulations. The board reviewed and discussed the ordinance. Kathy Liles answered questions regarding section A (2a and 2b). Commissioner Callahan made a motion to approve. All were in favor.
- G.** Leigh Baggs Grant writing Proposal: Leigh Baggs was not present. Commissioner Kellis made a motion to table until January 14, 2019. All were in favor.

- H. Union Place Drainage: Estimate from Wayside Landscapes & Supply to clean drainage easement. This matter was continued from the November 19, 2018 meeting.

Commissioner Callahan stressed his concerns about drainage issues at Union Place and the problems he has seen at Camellia Crossing. He found a set of plans and spoke to the grading contractor that built Union Place. There is no curb and gutter because the development was designed to have side ditches. He said depending on where the yard drains, side ditches are not 100% necessary if you have a wedge curve; such as in Camellia Crossing. A development that has no curb and gutter or wedge curve needs to have side ditches. The water comes off the road, hits the ditch, goes to a culvert or catch basin of some sort, goes off the drainage easement or property line into the wetlands or drainage basin. The contractor said the ditches were in place when he completed the project and the water was draining down the sides of the street into the basin, down the drainage easement and out to the rip rap area where it is supposed to disburse. Google Maps shows a picture that will corroborate that the ditches were there. Commissioner Callahan said the map also shows a driveway pipe in the photo. There are no ditches there now. The pipe is gone and nothing to take the water to the end of the street. Someone did mass grading and messed up what was there.

Commissioner Kosem spoke about water running down the road after one of the driveways was installed. He feels the town should not have to pay to fix the bottom of the cul-de-sac. Commissioner Callahan said the contractor that built the development did so per the plans.

Resident, Michael Miller said on his side of Winder Way the ditches were there. When there were heavy rains, mud would rush down and fill up the ditches. At the end of the cul-de-sac the ditches would fill up, so the builder took them away. Kathy Liles said it sounds like the builder didn't want to maintain the ditches.

Commissioner Callahan said there are no ditches on one side of the street and minimal ditches on the other. Once the grading contractor completes his project according to plan, it is up to the building contractor to maintain until the homes are built and grass grows.

Commissioner Kosem asked Wes Caddell if he has responsibility until the all the lots are sold. Mr. Caddell said generally, they do. When this project was sold three years ago there were ditches. He said Bruce McFadden did the drainage. He did not plat a drainage easement and put a sediment trap at the end because water was not conveying to it. He watched it today and there was no conveyance of water in the whole subdivision. Wes Caddell his company can not be responsible for something occurring three years after the fact. He does not have anything outside of the right of way except for maybe a sediment trap outside of the 60' right of way.

Wes Caddell said Commissioner Callahan pointed out some of the problems the town has seen with Camellia Crossing. One lot slopes down to the house with no mechanism to take water from the house. He has no input on the lots. He can not mandate to a builder how to build their houses. He spoke about the process Whispering Pines follows for new subdivisions with regards to driveways and culverts. Because the Union Place builders started putting in culverts and abandoned the process the water is not running the way it was designed. To cut out the driveways, re-sod the yards and cut the ditch is a lot of work and expense. Wes said he has documentation that the ditches were abandoned.

Kathy Liles said when she and Mabel Walden were going through the file, there was not a set of drainage drawings other than the initial drawings. Wes said Matthew Callahan had a copy, which he handed to Mabel Walden.

The Board of Commissioners discussed Resolutions accepting Winder Way (October 17, 2016) and Bynum Court (June 8, 2015) into the Town of Vass Street System. Kathy said when the roads, easements and right of ways were accepted they became the towns responsibility. The board needs to find out if there is any recourse because someone else impacted the infrastructure accepted by the town; which might be a legal question. Based on the Google earth map it appears the ditches were there when the town accepted the roads. Commissioner Callahan said the homes that were built requires major excavation to get them level for the slab and it appears the builder did not take into consideration the other property and what they were altering. Commissioner Kellis said his understanding of the problem is that ditches in the right of way (area accepted by the town) were in place when accepted, they are no longer there, and the board needs clarity on who is responsible.

Wes Caddell asked Michael Miller which houses have issues on his road at this time. Michael replied the first three at the beginning of the cul-de-sac and his next-door neighbor has erosion in her whole backyard. Commissioner Kosem said there are problems on the other side of the street, Wes replied that is an elevation problem. Michael said he still has a ditch in his front yard and the builder filled it in and put sod over it. Mayor Callahan asked who filled the ditch in. Michael said it was done by the builder's landscaper, Wayside. Wes said a small section of ribbing in the pavement might be all that is needed. Michael said the first house on the left, his house and one more near him are the only ones with drainage pipes under their driveways. On the Bynum Court problem where the house sits too low, adding a tandem pipe or to continue the 24" pipe that is already there should help, however there seems to be more problems than the pipe that is currently there.

Kathy asked if there is water getting in the garages. Michael said only during heavy rains like during the hurricanes. He is not sure if they have other issues. Commissioner Callahan and Michael Miller discussed the retaining wall that had to be installed in the house next to him to help with drainage.

Even though he is not associated with the builders in Camellia Crossing, Wes Caddell said he would have a conversation with them about the Union Place problems. He suggests the town pay closer attention to how driveways are installed in the future. Kathy suggested requiring a driveway permit where the public works staff reviews for compliance.

Red Line engineering will come out to look at Union Place on December 11th. Mabel and Kathy left messages for McGill Associates and LKC.

Wes Caddell suggested the town get an estimate from Bruce McFadden fix Union Place.

Commissioner Blackwell made a motion to continue to January 14, 2019 for updates from engineers; Red Line Engineering and McGill Associates. All were in favor.

New Business:

- I. Tri South Builders: Wes Caddell from Tri South Builders asked for permission to move front setbacks in Camellia Crossing Phase II from 30' to 20'. They are having issues with the rear yards

on the cul-de-sacs. Wes is asking for this approval for all unbuilt lots for the remaining lots in Phase I and for Phases II and III.

Kathy said the project was done as a watershed cluster development because of the amount of open space. The board can revise without a public hearing.

Kathy advised to have the same setback on all houses located in the same row for cul-de-sac lots.

Commissioner Mosley asked if this change would affect the current homeowners. Wes Caddell said he did not see the smaller setback to be a problem.

Wes Caddell said there are approximately 13 lots left to be built in Phase I. Six to seven are cul-de-sac lots. Lots 28, 29 and 30 would remain 30' lots.

Kathy stated she would feel better with 25' instead of 20' as a safety mechanism. Kathy could not come up with the best way to legally change the lot sizes in Phase I. Wes said he would ask the builder to sign a supplemental document for the six or seven lots affected and see if he could get the plat redrawn.

Commissioner Callahan drew the map for Camellia Crossing and will probably draw the revised map, therefore he recused himself from the vote.

Commissioner Kosem said he would feel better with 30' foot setbacks. He would be okay with 25' in the cul-de-sacs. Wes said the standard lots can handle larger houses. Kris asked Kathy her opinion on 25' for all of Phase II. Kathy replied the change might be fine in a neighborhood as opposed to an existing street. If the town wants to see 25' on everything then the code would need to be changed. The board would need to decide if the 25' setback is something they would be comfortable and understand why they allowed the change.

Phase I Watershed Development: Motion to amend setbacks to 25' for remaining cul-de-sac lots. Motion made by Commissioner Kosem to approve. Commissioners Kellis, Blackwell and Mosley were in favor. Commissioner Callahan recused himself from voting.

Phase II Watershed Development: Motion to amend all setbacks to 25' throughout the phase for consistency. Motion made by Commissioner Mosley to approve. Commissioners Kellis, Blackwell and Kosem were in favor. Commissioner Callahan recused himself from voting.

- J. Set Public Hearing date for January 14, 2019 to hear rezoning request for Jonathan and Suzanne Via regarding 3546 US 1 Hwy. Mabel Walden and Commissioner Kosem summarized the Planning Board decision from their meeting held on December 1, 2018. The Planning Board requested additional information from the petitioners for January 7, 2019. Kathy Liles said the request will be for Conditional Zoning. Commissioner Kellis made a motion for public hearing to be held January 14, 2019 prior to the regularly scheduled board meeting at 6:00 p.m. All were in favor.

Discussion Topics:

- K. Mabel Walden gave an update on the Christmas Parade.

- L. Commissioner Blackwell reviewed Carolina Parks and Play Recreational Products proposal from Todd McDuffee. The design includes a handicap play area. A second meeting would need to be

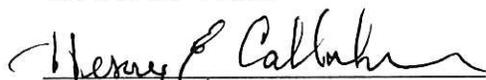
set up in order to get a more definitive idea of what the town is looking for. Mr. McDuffee can help with information needed for grant opportunities. Wes Caddell talked about payment in lieu for open space from future developers and/or payment towards the town park renovation. Commissioner Blackwell will continue his research.

- M.** Kathy Liles asked the board for permission to complete a bicycle helmet grant application through the NCDOT. The award is for 20-100 helmets. She asked the board if there was an interest and if they would like her to complete and submit the application. All were in favor.
- N.** Mayor Callahan asked for a motion to enter closed session at 7:37 p.m. Motion was made by Commissioner Callahan. All were in favor.

Adjournment

Mayor Callahan asked for a motion to adjourn. Commissioner Callahan made a motion to adjourn the meeting at 8:09 p.m. The motion carried unanimously.

TOWN OF VASS


Henry E. Callahan, Mayor

ATTEST: 
Mabel A. Walden, Town Clerk