

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: February 12, 2009

Time: 6:30 PM

Place: City Hall

Present: John Finch, Gary Manning, Jerry Garrett, John Coombs, Dan Bloodworth

Also Present: Jim Thomas, Joe Haynes, Claudia Davis, Tim Ellis, Julie High, Dawn Freeman, Tom Tucker, Jack Tompkins, Richard Pope, Phillip Gibson, Linda & Mike Moss, Susan Rotkiewicz, Maxine Rotkiewicz, Loretta Hix, Robert Currie, Dave Beaks, Earl & Helen Scott, Walter H. Slater, Susie Pemerton, Nan Lanius, Steve Lanius, Savannah Lanius, Beverly Hamilton, Tracey McCartney, Michael W. Kelly, Jeff Perry, Marc McAdams, Janice Meadows, Josh Barnes, Alan Beals, Jonathon Geer, Mr. & Mrs. John Goodwin, Frank Travis, Jeff & Renee Streberger, Bob & Jean Whittaker, Clinton Bridges, Andy Hunter, Brian Hayes, Judy & Don Pratt, John Owenby, Bill & Louise Hall, Ronnie & Judy Weaver, Mark Hackney, Jim Childress, Carl & Nancy Johnson, Chris & Kristi Sperlich, Ricky Davis, Dannie Funderburk, Linda Lassite, Candice Ralph, Carol Boyd, Jason Dickson, Wanda Legate, Stephen S. Brown, Don Hosea, Jeff Duncan, Jim Hysen, John Haas, and others.

The meeting was called to order by Mayor Finch. Commissioner Jerry Garrett offered prayer.

The City Recorder called the roll: Mayor Finch present, Vice Mayor Manning present, Commissioner Garrett present, Commissioner Coombs present, and Commissioner Bloodworth present.

Consider approval of the minutes of the January 22, 2009 regular commission meeting. A motion was made by Vice Mayor Manning to approve the minutes as submitted. The motion was seconded by Commissioner Coombs and passed unanimously 5-0.

Parks Director Tim Ellis reported that bids have been received for fireworks at the July 4th Celebration. A three year contract to purchase the fireworks would be \$10,000 per year. Without a commitment for three years, the cost is \$10,800. A motion was made by Commissioner Garrett to approve an expenditure of \$10,800 for the cost of fireworks this year. The motion was seconded by Vice Mayor Manning. Mayor Finch asked for and received unanimous consent to consider this non-agenda item. The motion was unanimously approved 5-0.

Parks Director Tim Ellis reported that the Parks and Recreation Department has received a mobile vacuum system known as a MadVac 61D Vacuum System, which is self contained on its own trailer, as a donation from Stringfellow, Inc. and valued at \$14,900.

Police Chief Richard Pope presented a Certificate of Commendation to seven year old Savannah Lanius for her gift of a body armor vest for K-9 Drug Enforcement Officer Mikey. Savannah raised over \$865 from her friends and family in lieu of receiving her own birthday gifts.

Bob Currie, Tennessee Department of Mental Health and Development Disabilities, presented information regarding concerns about a group home in Wynridge Subdivision. He stated that the City's zoning complies with federal and state law. He stated a group home is where two to eight people live together in a residence, who have economic reasons, special needs, age related issues,

or who have any number of other disabilities, along with a resident manager. Tracy McCartney, Attorney and Executive Director of the Fair Housing Council discussed the legal aspects of the Fair Housing Act and the protections it provides for anyone with a disability. She stated this Act overrides local zoning laws. Louetta Hix gave an account of her personal history and how the group home experience had saved her in the past and led to her becoming an educated and productive citizen.

Dave Baeks, President of the Homeowners Association for Ivy Hills, requested the speed limit of 30 mph be lowered to 20 mph in their subdivision. Mayor Finch referred this request to staff to take under consideration.

Jeff Duncan, 120 N. Wynridge, asked how people are screened to live in a group home, expressing his concern for the safety of children and residents in the area. Brian Hayes stated that the Principal and teachers at Madison Creek Elementary School should be made aware of the group home because children from the school use the common areas of the subdivision for a running program. Mayor Finch stated the City has no jurisdiction over the group home and asked Mr. Currie, Ms. McCartney and Ms. Hix to be excused with any citizens who were interested in speaking with these personnel to meet with them in the Police Department training room.

Mayor Finch congratulated the Goodlettsville Fire Department on their award from the Goodlettsville Chamber of Commerce for extraordinary service in the Eric Jackson incident, and to the Police Department CID Division for excellent case work. He also congratulated Commissioner Garrett for receiving the Roger Smith Service of Excellence Award from the Chamber.

Mayor Finch stated that Commissioner Coombs has sent a letter to Commissioner of Transportation, Gerald Nicely, and he has been doing some follow up with Nicely in an effort to get the State to install sound walls along the interstate.

Mayor Finch informed the Commission that he has written letters to legislators asking for their support of Goodlettsville's list of projects under the Federal Stimulus Bill and have received positive feedback from Bart Gordon, Mike McDonald, Lamar Alexander and Diane Black concerning his request.

Mayor Finch asked the Commissioners to study a draft he distributed of volunteer board members duties and requirements and to give City Manager Thomas their comments or suggested revisions.

Consider Resolution No. 09-388, a resolution of appointments to the Construction Board of Adjustments and Appeals. Mayor Finch recommended the appointment of Bill Engle, Bill Hoffman, and Joyce Washington, and the re-appointment of Wayne Mayo and Earl Simmons to the Construction Board of Adjustments and Appeals. He also recommended the appointment of William Carter to the Board of Zoning and Sign Appeals. A motion was made by Commissioner Coombs to approve Resolution No. 09-388. The motion was seconded by Commissioner Garrett and passed unanimously 5-0.

Consider Ordinance No. 09-723, an ordinance to amend the City's Municipal Code by rezoning approximately 100 acres in the Long Hollow Pike – Allen Road area identified as Map 143, Parcel

37 of the Sumner County Property Assessor's records as Medium Density Residential Planned Unit Development. City Manager Thomas stated that publication requirements have been met for a public hearing and second reading. Mayor Finch stated the developer has requested, prior to this meeting, that action on this ordinance be deferred until they can incorporate solutions to concerns of the neighboring residents as communicated in a meeting that they held with area residents and also from feedback received at this meeting during the public hearing. John Haas, Edge Planning Landscape Architecture and Graphic Design, the applicant representing Southerly Homes on this project, stated the developer sent out 120 invitations to attend a community meeting about this project and about twenty attended on February 2, 2009. They also met with several area residents individually. As a result of those meetings, they are prepared to make revisions to their plan to respond to the neighbors' concerns and that is why they have requested a deferral. The proposed plan for medium density will include 281 lots which is an increase of 118 lots from the original proposal. The current plan would increase the open space from one acre to twenty acres. Additional preservation of existing trees is included with a substantial green-space buffer and other major improvements. This request is in response to the market trends for walk-able neighborhoods with a mix of housing types. At the direction of the Commission at the first reading, they will incorporate the architectural controls by submitting documentation with the zoning plan. Those plans contain text, photos of architectural controls and a pattern book that will be part of this document to insure that these requirements stay with this rezoning, no matter who develops the project. He added that if the Commission defers this item, the developer will reimburse the City for the publication costs for another public hearing.

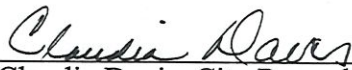
Mayor Finch declared the public hearing open. Speaking in opposition were Jeff Duncan, 120 N. Wynridge Way; John Goodwin, 110 Allen Road; Jim Childers, 127 Maple Ridge Lane N.; Louise Hall, 833 Long Hollow Pike; Ronda Lowe, 102 S. Wynridge Way; Dave Hoagie, 2020 Crencor Drive; Wanda Legate, 103 Wynridge Way; Alan Beals, 119 Maple Ridge Lane N.; Brad Wells, 1219 Willis Branch Road; Beverly Goodwin, 110 Allen Road; Bob Whitaker, 395 Allen Road; Jeff Streberger, Mansker Farms; Susie Pemberton, 1237 Willis Branch Road; and Judy Pratt, 1205 Willis Branch Road. Their reasons for opposing the rezoning were concerns about a reduction in their property value, traffic safety due to the width and condition of Allen Road, who will be responsible for damage to their property from storm-water runoff, diminished quality standard for the area, removing dense natural forest area, fear of damage to neighboring property trees due to damage to their roots, over-crowding at schools, and increased flooding. Brad Wells, 1219 Willis Branch Road, inquired about where the easements would go for the sewer lines. Jeff Stromatt, 1006 Madison Creek Road, stated he did not oppose this quality development and did not feel the lot sizes will diminish anyone's property values in the area. Mayor Finch declared the public hearing closed.

A motion was made by Commissioner Bloodworth to defer the second reading on Ordinance No. 09-723 indefinitely until the developer requests the second reading. The motion was seconded by Commissioner Coombs. City Manager Thomas noted that if the changes are significant to the original proposal, it may require going back to the Planning Board for their review. Commissioner Bloodworth requested that the Planning Board review the architectural documentation being added to the rezoning before being presented back to the Commission for second reading. Roll call: Mayor Finch No, Vice Mayor Manning No, Commissioner Garrett No, Commissioner Coombs Yes, Commissioner Bloodworth Yes. The motion to defer failed 3-2.

A motion was made by Commissioner Garrett to deny approval on second reading of Ordinance No. 09-723. The motion was seconded by Vice Mayor Manning. Commissioner Coombs noted that this developer has taken steps over and beyond all expectations and in his opinion to reject this request without allowing them the opportunity to present any further evidence of their intent and address the concerns and comments of the neighbors, would be missing an opportunity to see what this plan could eventually come out to be and may or may not be in the best interest of the City. Commissioner Bloodworth concurred with Coombs and noted the developer has made changes to meet the requests of this Board and the Planning Board and continues to be willing to make more changes and he feels it would be premature to cut them off at this point. Mayor Finch stated he attended the neighborhood meeting and along with what he's heard during the public hearing, feels there is a lot of misinformation out there. He stated his opinion is that fear of diminished property values is not a valid opinion. Mayor Finch added that during his time on the Planning Board and the Commission, this developer has gone much further to make his development palatable to this City and to his neighbors than any others who have come before him. He noted the storm water runoff by law must be contained on his property. Regarding the notices, this City sends out written notice to a minimum of 500' from a property being considered for rezoning, there is a sign on the property, a public hearing notice is published in the paper, the Planning Board meeting and Commission meeting agendas are published, and there is notification on the City's website. No one has tried to slip anything by anyone. Mayor Finch stated he cannot dismiss the rejection of the neighbors. City Attorney Haynes confirmed that a defeat to this request does not preclude the developer from bringing a request back to the Planning Board, particularly if there are changes to the plan. Mayor Finch stated with that information, he will vote to oppose approval. He encouraged the developer to meet as often and as long as necessary with the neighbors who oppose his position and satisfy their legitimate concerns. He encouraged the citizens that if this request is presented again and he hears the same invalid concerns, he will be in favor of the rezoning, if the developer satisfies all the issues that he does control and that he can improve. Roll call: Mayor Finch Yes, Vice Mayor Manning Yes, Commissioner Garrett Yes, Commissioner Coombs No, Commissioner Bloodworth No. Approval of Ordinance No. 09-723 was denied 3-2.

Consider Resolution No. 09-390, a resolution to approve Change Order No. 1 to a contract with General Constructors, Inc. for replacement of the Utley Drive Bridge superstructure. This change order raises the total cost of the project over the initial bid tabulation by \$4,617.09, which is still within the budget for this project. A motion was made by Commissioner Garrett to approve Resolution No. 09-390. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

The meeting was adjourned at 8:05 p.m.


 Claudia Davis, City Recorder


 John Finch, Mayor