

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: December 11, 2008

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, Richard Pope, Julie High, Dawn Freeman, Tom Tucker, Phillip Gibson, Larry DiOrio, Harry Bell, Mary Laine Scott, Johnny Long, Harry Yates, Rick Fussell, James Berry, Joseph Simon, Bill & Ellen Hitt, Tracey Bogle, Robert & Terina Nelson, Debra Head, Don Lucas, Rick Fussell, Denver Schimming, Sheila Holson, Tony Clouse, Sue McMahan, Dawn Blackwell, Ron & Jackie Parkinson, Michael Woods, Sandra & David Lewis, David & Emily Binkley, Larry E. Bess, Judy G. Sartain, Charlotte Shepard, Edgar Lowe, Bob Moon, Carol Solomon, John A. Ricks, Diane Ficke, and a host of youth ball teams, their coaches, friends and family members.

The meeting was called to order by Mayor Finch. Rev. Harry Yates offered prayer.

Parks Director Ellis recognized Jeff Cordell for receiving the Tennessee Recreation and Parks Association Four Star Individual Service Award for his support of the Parks Department.

Parks Director Ellis recognized David Luckey and presented him with the Tennessee Recreation and Parks Association Four Star Benefactor Award for his donation of 19.5 acres to the City.

Mayor Finch and Parks Director Ellis presented trophies to members of seven Goodlettsville youth sports league championship teams: United States Fast Pitch Association World Series Champions 10 and under, Tennessee State Soccer Association Division II State Champions U-12, Tennessee State Soccer Association Division II State Champions U-14, Dixie Youth Baseball "A" State Champions, "AA" State Champions, "AAA" State Champions, and the Major League State Champions.

John Robertson, President Dixie Youth Baseball, presented Mayor Finch with a photograph of eight teams representing the City of Goodlettsville who all participated in celebrating the 50th anniversary of Dixie Youth in Chattanooga. Mayor Finch presented the photograph to Parks Director Ellis to appropriately display.

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 November 13, 2008 regular commission meeting. A motion was made by Commissioner Garrett to approve the minutes as submitted. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

Debra Head, 404 Highland Heights Drive stated she was not opposed to the trash pickup fee; however she would have preferred that the charge be added to her property tax bill.

Don Lucas, 105 Echo Hills Boulevard questioned why he is being charged for trash pickup when police, fire and trash pickup is supposed to be provided from his property taxes. He also complained that he has to pay \$.42 more than anyone else for postage to pay his trash pickup fee. Commissioner Garrett urged citizens to be involved in the budget decisions and that he was sure no

Commissioner or City Manager had ever made the statement that the City's services are provided as a result of property taxes which account for 10% of the city's revenue. Mayor Finch stated the City was faced with a \$2,000,000 deficit due to a reduction in sales tax collections. The trash pickup fee was a result of prioritizing the city's services and the taxes and revenue available. Vice Mayor Manning suggested that Mr. Lucas pay his bill online to avoid the postage charge.

City Manager Thomas reminded everyone that the Christmas Parade will be December 13.

City Manager Thomas reported city offices will be closed December 24, 25 and 26. All police and fire services will continue uninterrupted. Trash collection normally picked up on Thursday, Christmas Day, will be picked up on Friday, December 26.

Finance Director High gave a financial report. Sales taxes are down 9.78% from the same time last year. If this percentage is annualized, it amounts to a \$170,000 deficit.

Commissioner Coombs inquired on the status of the litigation regarding hotel-motel tax for internet bookings. Commissioner Garrett stated the defendants have asked for a summary judgment and a hearing is imminent. City Attorney Haynes indicated this typically means the plaintiffs will lose.

Police Chief Pope reported that the Kentucky Conservation Officers Citizen Award has been presented to Officer Mike Dorris for his unsolicited assistance to a Kentucky officer to subdue a suspect in a struggle that broke out when the officer attempted to arrest the suspect.

Consider Ordinance No. 08-720, an ordinance to amend the Goodlettsville Zoning Ordinance Floodplain Districts. City Manager Thomas stated this ordinance allows the City to continue to participate in the FEMA National Flood Insurance Program by adopting FEMA's new rules. Mayor Finch declared the public hearing open. No one spoke for or against this ordinance. Mayor Finch declared the public hearing closed. A motion was made by Vice Mayor Manning to approve Ordinance No. 08-720 on second reading. The motion was seconded by Commissioner Garrett and passed unanimously 5-0.

Consider Ordinance No. 08-721, an ordinance to change the zoning of certain property in Goodlettsville, Tennessee to "Residential PUD", Ordinance No. 89-413 as amended, the official zoning map of the City of Goodlettsville, and Ordinance 06-674 as amended, the official zoning map of the City of Goodlettsville by amending the preliminary master plan for Dry Creek Farms, a mixed use planned unit development. City Manager Thomas reported the Planning Board has reviewed this request and recommends approval. Planning Director Gregory noted this proposal would recapture 40 non built apartment units proposed in Area B and 6 non built homes in Area D. These units would be incorporated into the total number of townhome units, originally proposed for 72 to 118. The total number of units in the development would remain exactly the same as the original preliminary master plan approved in 2002 and the density would remain exactly the same for the overall project as originally approved. Area D would be open space. Originally, this area was approved for homes on a very steep terrain. The revised plan provides for the steep area to be recontoured and stabilized and to be used as recaptured common space. Mayor Finch inquired if the open space would remain that way forever. Planning Director Gregory stated the Planning Board and Commission would have to approve any change in the use of the common area.

Commissioner Bloodworth inquired if there is any change in the ingress and egress. Planning Director Gregory stated that they are almost exactly the same. Commissioner Coombs inquired if the Homeowner's Association document has been prepared to show how the common area will be maintained, and provide a defined plan for improvements such as trails. Planning Director Gregory stated that document would more properly be presented for approval as part of the Final Master Plan. Rick Fussell, Ragan Smith Associates, stated that there are currently restrictive covenants for the overall PUD. It is the intent of the developer to have a Homeowner's Association dedicated for this portion of the development, which will have clear and defined guidelines and specific language as to how to maintain the area. Commissioner Coombs stated he would like such a document to be made a part of this preliminary master plan before any action is taken. Mayor Finch declared the public hearing open.

Rick Fussell, Ragan Smith Associates, stated the density remains the same as originally approved by the Commission. The revised preliminary master plan only moves the number of units around. The apartment units did not develop out as fully as the original plan. This plan is compact and sensitive to the surrounding adjoining properties and creates buffers with a quality development.

Denver Schimming, 943 Old Dickerson Pike, the closest residence to this development, stated this development is going to be an eyesore to his property. The speeding traffic will be worsened by the access road. He has blasting damage that has not been rectified. He stated he is absolutely and totally against this development. There is a cemetery on this property which he has maintained himself. The developer has carved as close as he can to this cemetery where Robert Cartwright and some of the Cunninghams are buried.

Tony Clouse, 134 Hills Hollow Road, stated that a proposal is not always what is actually done. He asked to not change the density and allow 46 more families. There is no traffic light proposed to improve the traffic safety.

Dawn Blackwell, 198 Dry Creek Road, stated she is opposed to this issue because of the traffic safety issues and all the homes built so close to the road. She added that there are lots of homes in the City for sale that no one is buying, so why should they build more?

Sue McMahan, 915 Old Dickerson Road, stated there is too much traffic and speeding and this development would only make it worse.

Judy Sartain, 200 Hasty Drive, reiterated what the others had said. She has lived there for 18 years and since this development started, there is constant noise and very dangerous traffic conditions.

David Lewis, 312 Highland Heights Drive, stated he fought this development six years ago and the City Planner at that time assured him that this is the very best plan they could hope for. It seems inappropriate to go back and change this for the worse. The traffic situation will deteriorate. He urged the Commission to execute leadership and say no to the developer. He noted that it was interesting to him that the developer finally installed screening along Old Dickerson Road, only when he had this proposal to present for approval.

Charlotte Sheppard, 198 Dry Creek Road, stated she is opposed to further development of this land.

She has structure damage to her home and no one returns her calls and she doesn't want any more blasting. She hopes that the road can be stopped which is going to be a very accident prone area.

Edgar Lowe, 802 Old Dickerson Pike, stated he agrees with what some of the others have said, but regarding the density, if they are going to make an area more crowded, he would like to know what type of units they are going to build and whether they are larger or smaller. It appears that the units are smaller and jammed closer together. He also questioned the quality of the building. He urged the Commission to look at what they are going to put build there and insure that it will look nice so that everyone can be proud of it.

Bob Moon, 936 Plantation Boulevard, Gallatin, owner of undeveloped property just to the north of this development, questioned that the density is not changing but the information that he had heard says there are more units. He is concerned that the density is not in keeping with the size of the Echo Hills lots and he is concerned about the effect it has on his property.

Carol Solomon, 352 Solitude Circle, stated that she is opposed to any change in the density.

Mike Woods, 1075 Old Dickerson Road, stated there are a lot of wildlife crossing that road. The blasting, traffic and road are a nightmare. The six estate lots would have been nice homes and to change that to 48 additional units would equal ninety plus more vehicles. He is strongly opposed to this change.

Ron Parkinson, 1277 Hitt Lane, stated he is not as concerned about the development of the area as much as the quality and whether this is a HUD project. Planning Director Rick Gregory stated that it is not a HUD project. Rick Fussell explained that the townhomes would be individually owned with individual mortgages which could be a HUD conventional mortgage. Mr. Parkinson stated he did not want this type of loans and urged this request be denied due to the quality of the homes.

Commissioner Coombs reiterated that the plan presented does not have satisfactory documentation to support some of the intentions that have been brought to the table. He made a motion to deny approval and defer this request back to the Planning Board. The motion was seconded by Commissioner Bloodworth. Commissioner Garrett stated he voted against this project six years ago due to concerns about the lot size and the quality of the homes that would be built there. If there were a motion to approve this request, he would have to vote no to be consistent with his vote six years ago. As a Cunningham descendent, he expressed his appreciation to Mr. Schimming for caring for the cemetery. Mayor Finch expressed that his concerns are for the quality of the development and about the guarantees that can be built in to assure that whatever is approved can be enforced and that the developers in fact build what they are approving. He likes the idea of the common area and does not have a problem with the compression of the lots with permanent green space. City Recorder Davis called the roll to vote on the motion to deny this request to approve Ordinance No. 08-721 on second reading: Mayor Finch aye, Vice Mayor Manning aye, Commissioner Garrett aye, Commissioner Coombs aye, and Commissioner Bloodworth aye. Ordinance No. 08-721 was not approved on second reading 5-0.

Consider Resolution No. 08-379, a resolution to enter into an agreement with Consolidated Technologies, Inc. (CTI) for consultation services related to the City's negotiations of a new

wastewater treatment contract with Metro Nashville. City Manager Thomas stated this agreement for consultancy would not exceed \$5,000. A motion was made by Commissioner Coombs to approve Resolution No. 08-379. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

Consider Resolution No. 08-380, a resolution to amend the City of Goodlettsville Personnel Policy concerning sick leave and sick leave pay. A motion was made by Vice Mayor Manning to approve Resolution No. 08-380. The motion was seconded by Commissioner Garrett and passed unanimously 5-0. Commissioner Garrett questioned if 12 and 24 hour shift employees would be charged sick leave at a ratio of 1:1, hour for hour. City Manager Thomas confirmed that that is correct.

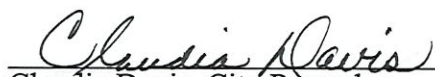
Consider request of Joseph Marks to amend the Goodlettsville Municipal Code Chapter 2, Section 11-201 which prohibits fortune telling in the City of Goodlettsville. City Manager Thomas recommended that this request be deferred since the applicant was not present. Vice Mayor Gary Manning made a motion to defer the request. The motion died for lack of a second. Commissioner Garrett made a motion to not amend the Municipal Code. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

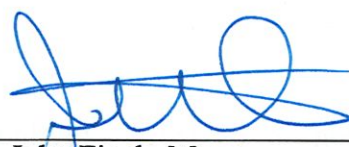
Consider Resolution No. 08-381, a resolution to award a contract to Camp Dresser & McKee, Inc. (CDM) for engineering design and construction related engineering services related to the construction of a wastewater equalization basin. City Engineer Jack Tompkins stated the construction of this facility will reduce the overflow of wastewater into Mansker Creek during heavy rainfall and will assist in complying with EPA and state requirements. Eight engineering firms were invited to submit proposals for the design of this flow equalization basin. Two proposals were received and after review of the proposals, he recommends CDM. This contract would be funded through the current budget out of the sewer fund. Commissioner Garrett made a motion to approve Resolution No. 08-381. The motion was seconded by Commissioner Coombs and passed unanimously 5-0.

Consider Resolution No. 08-382, a resolution to name land recently donated by David Luckey to the City as "North Creek Park". A motion was made by Commissioner Garrett to approve Resolution No. 08-382. The motion was seconded by Vice Mayor Manning and passed unanimously 5-0.

Consider Resolution No. 08-383, a resolution supporting the work of the Nashville Area Metropolitan Planning Organization's (MPO) to secure dedicated funding for transportation projects in the five-county MPO area. City Manager Thomas indicated this merely gives support for the efforts of the MPO and makes no commitment for any funding. A motion was made by Commissioner Garrett to approve Resolution No. 08-383. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

The meeting was adjourned at 8:20 p.m.


 Claudia Davis, City Recorder


 John Finch, Mayor