

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: November 10, 2005

Time: 6:30 PM

Place: City Hall

Present: Bobby Jones, Jerry Garrett, Gary Manning, Jeff Cordell, John Finch

Absent: None

Also Present: Jim Thomas, Joe Haynes, Claudia Davis, Julie High, Tim Ellis, Charlie Morrow, Sherry Morrow, Rick Gregory, Owen Sanders, Alan Banks, Susan Rotkiewicz, Maxine Rotkiewicz, Donnie Speakman, Carl Minchey, Mary Harper, Kathy Crestman, Phillip Gibson, Jim Daniels, Scott Trew, Russell Freeman, Jack Tompkins, Walter Williams

The meeting was called to order by Mayor Jones. Prayer was offered by Jerry Garrett.

A motion was made by Cordell to approve the minutes of the October 27, 2005 regular city commission meeting with corrections in the recorded vote counts. Manning questioned if the Mayor's votes should only be counted in the event of a tie. Haynes clarified that the Mayor is an elected official and that by state law his vote is counted on actions taken by the commission. The motion was seconded by Manning and passed unanimously 5-0.

Thomas reported that the revenue study that MTAS is conducting for the City is progressing. They have submitted an update of the 2000 revenue analysis. He has asked the consultant to add graphs and pictures and he plans to be able to furnish the revised analysis to the commission for their review before the next meeting. The MTAS consultant plans to attend the next commission meeting.

Thomas reported that at the last meeting the staff was instructed to develop a more extensive procedure to notify the public regarding meetings and public hearings relative to zoning and rezoning issues. Staff will present a recommendation to the commission at the next commission meeting for an improved plan to inform the public.

Thomas reported that Commissioner Finch requested that the staff check with the Tennessean regarding publication of the City's notices of meeting agendas and all other public notices. We have asked for a cost proposal from the Tennessean. It was researched earlier this year using the publication cost in 2004 with the Ledger, and the same notices printed in the Tennessean would have cost over \$27,000. Manning noted that as an advertiser himself, he knows that there are fewer than 35% of the Goodlettsville residents who subscribe to the Tennessean. If we print notices in the Tennessean, we would be missing more than we would be reaching. Mayor Jones added that the reason we have always published in the local paper has been the cost factor. Finch noted that we get good coverage in the Ledger that we would not get in the Tennessean. We need the Ledger to be our community paper and to prosper and to continue. He continues to get comments from citizens that they don't get the Ledger and they do not get the communication on the business of the City. His concern is not the Ledger or the Tennessean or \$27,000. His concern is how do we do the very best job possible at letting our citizens know what's going on in their government so that they have an opportunity to participate in the process. There may be other alternatives that can accomplish the same goal with a stronger effort and a way to disseminate notices of meetings. He does not feel we are doing enough to get the notices out. His request to the City Manager was to see what the Tennessean would cost. \$27,000 is a lot of money but when it comes to living up to the obligations to the citizens, he does not believe cost should be the primary driving factor. If we decide to print in the Tennessean, he feels we should print there in addition to the Ledger. He added that we should be going overboard to be sure that every citizen has a fair and reasonable opportunity to know the business of the city. Thomas stated that hopefully we should have a formal proposal from the Tennessean at the next meeting.

Thomas pointed out that the next regularly scheduled commission meeting is for Thanksgiving Day. The commission agreed that the meeting should be cancelled. Mayor Jones added that a special called meeting could be called if a time sensitive issue comes up.

Cordell welcomed Claudia Davis back to Goodlettsville. Claudia thanked everyone for their concerns for her during their vacation in Cancun during Hurricane Wilma.

Manning reported, on behalf of Public Works personnel, Goodlettsville Plaza no longer has a vacuum service cleaning their parking lot. He has observed our Public Works crews more than once a week picking up debris and

trying to keep Rivergate Parkway clean. If it continues to be a problem, their suggestion is to require the Plaza to put up a silt fence to cut down on the responsibility on the City to clean up after them.

Manning asked Jack Tompkins to study the feasibility of a street light at the northeast side of Madison Creek Road and Long Hollow Pike. It is very dark at that intersection and difficult to see to make the turn and there may be a safety issue as well..

Finch requested a meeting with the city attorney regarding the Mayor's votes. He recalled after being elected reading the ordinances and it referred to Roberts Rules of Order Newly Revised Version. His reading of that was that the Mayor did not vote except to break a tie. He noted his respect of the Mayor's vote but his comments are in the line of making sure that the Commission is following the correct procedures. He stated he has misunderstood or misread the instruction that the presiding officer only votes to break a tie, and he is still puzzled about the issue. For his own edification, he would like Haynes to meet with him and go over this issue. Haynes stated he bases his opinion on the statute and the fact that the Mayor is elected and then he is appointed Mayor by the Commission. No where in the state statute does it state that he doesn't have a vote. That would disenfranchise certain citizens when you take his vote out because he was elected just like everyone else. You do not let Roberts Rules of Order take preference over the state law. In it's wisdom, if the legislature wants to put a section in there that takes the Mayor out of voting, it would not count, but otherwise he believes that the Mayor votes. Finch asked Haynes if our ordinance is in conflict with the state statute where it states that we follow Roberts Rules of Order Newly Revised. Haynes stated that if it is in conflict, the state statute prevails. Haynes stated the ordinance may need to be changed if Roberts Rules of Order states that the Mayor votes only as a tie breaker. The legislature operates under Mason's. Finch suggested that our actions and our ordinances should be consistent and asked Haynes to look into that issue. Haynes stated he would recommend that the ordinance be changed. Finch asked Haynes to prepare a draft for a new ordinance to fix this situation.

Consider Ordinance No. 05-666, an ordinance to rezone property of Alan T. Banks, 511 Long Hollow Pike, Sumner County Tax Map 143J, Parcel 10 from Residential (R-25) to Restricted Office Planned Unit Development (ROPUD). The Mayor declared the public hearing open. Carl Minchey, representing his Mother who lives at 505 Long Hollow Pike, stated he is strongly opposed to this request for spot zoning. He stated it is not in the best interest of the families who live around this property. Jones stated the board has intentions to look at rezoning all the properties along Long Hollow Pike. James Speakman, 503 Long Hollow Pike, stated he is opposed also to this spot zoning. He stated that his parent's property had been zoned for office space for over sixteen years. There is a combined ownership of the five adjoining properties of 116 years ownership and he believes it is very unfair to allow someone who purchased ~~this property three months ago to come in and change the use in this residential area.~~ He feels all the properties are ~~destined for~~ commercial zoning and that if one owner has a different zoning, it would be detrimental to combining parcels for a large development. Finch asked Mr. Speakman if he would be opposed to zoning all the property along ~~Long Hollow Pike to commercial.~~ He replied that he would be in favor of commercial zoning. ~~Finch asked Mr.~~ Minchey the same question. Mr. Minchey replied that if both sides of Long Hollow Pike are rezoned, he would not be opposed to commercial zoning. Thomas reported that he was contacted by an adjoining property who asked him ~~to register their opinion.~~ Mrs. Margaret Johnson, 507 Long Hollow Pike which is next door to Mr. Banks' property, expressed to Thomas that she is opposed to the rezoning request. The Mayor declared the public hearing closed. A motion was made by Cordell to approve Ordinance No. 05-666 on second reading. The motion was seconded by Garrett. Finch displayed a colored map of this property displayed in yellow with all other properties around it colored in pink which are all residential. His objection is that this is spot zoning, which is wrong and we should not do it. He favors commercial zoning for all the property on both sides of Long Hollow Pike all the way to the top of the hill. He does not understand why one property owner should be given special consideration above every other property owner. The next item on the agenda is a moratorium. The Planning Board was unanimous for the moratorium, which is requested to give the staff the opportunity to conduct a study and make a recommendation for these properties. He does not understand this desire to rush to judgment and rush to spot zoning and to do for one citizen what we are not willing to do for all the other citizens in that area. That is patently unfair and unwise. He has heard many times that developers really do not enjoy coming to Goodlettsville because of the bureaucracy and difficulty to get something approved. The benefit of taking a long range view of this corridor is for us to be proactive with the community involved to determine what we envision that corridor to look like five or ten years down the road. That would be the best invitation we could give to new retail development and would cut a huge part of the red tape out. He stated he will vote against this spot zoning that sets a dangerous precedent and he encouraged his fellow commissioners to also oppose this ordinance. He added that he continues to be disappointed with the notice to area residents. A sign was

placed on this property only in the last couple of days. He is satisfied that there are some people effected by this who only became aware of this in the last few days and that is not fair. Manning stated he does not think it is fair to any owner on Long Hollow Pike for the commission to allow a zoning change then place a six month moratorium on the rest of the property owners. This zoning is spot zoning. Garrett stated that any zoning change that takes place after the Planning Board has an opportunity to study this corridor will be an upgrade over this request. Whether Mr. Banks chooses to sell his property at some later date is not going to be effected by whatever zoning is on it. He is going to be willing to sell his property or he is not. It would also be his judgment that all the property owners will desire to receive the same amount of money for their properties should all decide to sell. There is a strong possibility that the Planning Commission is going to come back with a suggestion for commercial zoning that would cover that whole corridor and at that point it would be a much broader zoning and would allow for much different type uses than this office zoning. Cordell stated this went in front of the Planning Board and he respects the work of those members and their decision. He questioned if the Planning Board voted unanimously in favor of this ordinance. Finch stated it was not unanimous. He did not vote for it and the minutes reflect that. The motion was approved 3-1-1 with Garrett, Cordell and Jones voting aye, Finch no, and Manning abstained.

Consider a recommendation of the Goodlettsville Planning Board that a moratorium be imposed on consideration of all zoning amendment change requests in the Long Hollow Pike Corridor for a period not to exceed six (6) months. Gregory reported the recommendation was unanimous by the Planning Board. A motion was made by Finch for approval of Resolution No. 05-299. The motion was seconded by Garrett and passed unanimously, 5-0.

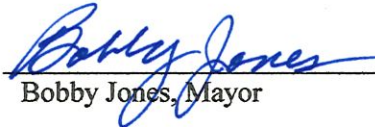
Jim Daniels thanked the Police Department for all their traffic assistance at Madison Creek Elementary School. Thomas returned the thanks to Jim for his help in putting a case together to appeal to TDOT for help from their resources.

Finch stated that he respects each commissioner's judgment and thanked them for the healthy discussion on the issues throughout this meeting.

A motion to adjourn was made by Garrett and seconded by Manning. The meeting was adjourned at 7:12 p.m.



Claudia Davis, City Recorder



Bobby Jones, Mayor