

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: December 23, 2004

Time: 8:00 am

Place: City Hall

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

Also Present: Joe Haynes, Jim Thomas, Claudia Davis, Jack Tompkins, Bennie Lane, Richard Pope, Tommy DeLoach, Brock Rust, Rusty Tinnin, Carl Willis, John Edmondson, Allen Rogers

The meeting was called to order by Mayor Jones. Prayer was offered by Jeff Cordell.

A motion was made by Cordell to approve the minutes of the December 9, 2004 regular commission meeting as submitted. The motion was seconded by Finch and passed 5-0.

Thomas reviewed the holiday schedule for city offices and noted that no essential city services will be interrupted.

Cordell requested that Thomas and Ellis discuss and make a recommendation to the Commission for some way to memorialize Megan McCrary at Moss-Wright Park. Megan, who was killed last week in an auto accident, played softball at Moss-Wright since she was six years old and went on to have a very successful high school softball career at Beech High.

Manning questioned the status of our Police Department and mutual aid with Metro. Pope stated that state law invalidates all municipal police mutual aid agreements. Pope stated if a Goodlettsville officer is within the corporate city limits and something happens just outside those limits, they cannot respond, unless it is an emergency and at the request of Metro. Because of the city's liability in those situations, they ask that Metro continue their officers en route and assume the call when they arrive. Thomas stated that the current practice was a mandate to Chief Hutcherson about 18 months ago due to Metro's position on the sales tax at the mall, and that mandate specifies responding to calls outside the city limits, not just outside the city limits at the mall. There have been situations where there is confusion and problems. He recommended that the practice be revisited and let Chief Hutcherson and him bring some information that documents the current practice as well as recommendations to improve the procedure. Manning noted that citizens do not understand that an officer cannot assist them at the mall. Finch agreed and added that citizens believe they are in Goodlettsville when they are at Rivergate. Jones noted that when the city's Police Department were taking all the calls, they were spending long hours downtown processing shoplifters and leaving our city unmanned. Finch noted that Chief Serpas is in his class at Leadership Nashville and has shared many highly complimentary remarks about Chief Hutcherson and our Police Department. He feels this would be a good time to consult with his department about this matter.

Garrett asked that a commendation be recorded in the personnel records of Julie High and Claudia Davis for finding the substantial sum of over \$200,000 in their audit of sales tax revenue.

Finch recommended that the Commission act as a body to give the City Manager the authority to take whatever steps to move forward with the issue of our Metro contract for sewer treatment, including but not limited to looking at possible sites for a treatment plant, hiring consultants and purchasing options on land. He made a motion to authorize the City Manager to take those actions within the current budget. The motion was seconded by Manning. Passed 5-0.

Consider Ordinance No. 04-652 on first reading, an ordinance to rezone 25.88 acres on Willis Branch Road, S. C. Tax Map 143, part of Parcel 51 from R-40 to Low Density Residential Planned Unit Development (LDRPUD). Thomas replied to an inquiry from Garrett regarding improvements to Willis Branch Road, that Ragan Smith has prepared a cost estimate for such improvements. Phase 1 is for work from Long Hollow Pike to the proposed entrance shown on the plan by Civil Site Design Group, dated 11/22/04, at an estimated cost of \$242,500. Phase 2 is from the above-mentioned entrance to approximately 200 feet south of Tara Lane at an estimated cost of \$227,500. These costs do not include relocation of any utilities or any improvements to the right of way at Long Hollow Pike. Finch stated, based on his experience, the amount to consider as a budget for this project would be \$650,000 to

\$750,000. Garrett stated he personally thinks it would be a mistake to allow this development without substantial road improvements on Willis Branch, particularly since one of the proposed projects will be for seniors. Finch supported Garrett's concerns and added that it is important going forward to look at the total impact of a development as it relates to all the infrastructure.

Rust stated he has developed several plans for this site. After input from the City and the neighbors of the property in question, he produced this as a doable plan from a development standpoint that also meets the neighbor's approval. He stated this plan would not support the cost of road improvements. He described the project and displayed photos of the type of structures proposed. Garrett expressed that he would like to have the lodge considered at the same time and not piece meal the projects because of the road issue. Rust indicated the property owners want to sell and does not anticipate they will want to extend his option. He noted that the project includes a \$400,000 sewer line connection that will benefit future development in the area and eventually eliminate the city's pumping station on Crencor Drive.

Rust indicated he presented a plan that included raising the road and rerouting a portion of it, with a park area along the creek. The plan included over two times the number of units than the currently proposed plan. The City was not receptive to that plan. Also, the neighbors preferred a lower density. He expressed his sincere desire to do the very best plan he could for the existing adjoining property owners.

Garrett stated the Commission should be fully aware that if they allow this development without upgrading Willis Branch Road and then the road floods, that citizens would demand that the City do something about it at the City's expense. Manning added that the Vineyards at Twelve Stones will add between 150 and 255 people. When you double and triple that number, he does not think the road can support an additional 400 to 500 residents in that area. Garrett expressed that he is excited about the lodge proposed and would like to see that project go forward, however he is gravely concerned about the road issue. Finch agreed with Garrett and Manning that he likes the plan and the senior facility is needed. However, he agrees that private development needs to support their infrastructure and that cost should not be at the taxpayer's expense.

Rust distributed a copy of the plan he referenced above with the greater density. Thomas noted that that plan was not presented to the Planning Board because there is no zoning classification for the density in that planned unit development. Rust stated there were over 80 units of townhouses with a 3.2 units per acre maximum density, fashioned after a medium density residential planned unit development classification that Gregory was considering.

Garrett made a motion to defer Ordinance No. 04-652. The motion was seconded by Manning. Finch agreed with the deferral based on the current proposal. He questioned if the Commission is in the position to share with Rust how they might receive some revised MDRPUD plan. Garrett expressed it would presumptuous to bypass the Planning Board with an answer today, however he agreed he would be receptive to be open minded. Finch indicated he would also be willing to consider another avenue. Cordell asked that the adjoining property owners be allowed to address the Commission.

Mr. Willis stated he has lived there for fifteen years and would prefer no changes. However, he likes the plan Rust has brought to the neighbors. He prefers the lesser density and the quality proposed in this plan over what another developer might be allowed to build. Garrett assured him that any zoning change would require the same type of quality development. He asked Willis if he would accept another plan that includes more units and improvements to Willis Branch. Willis stated he would not be in favor of changing the road to take part of his property but he would be willing to look at a different plan. He asked if the property is rezoned and the portion that is supposed to be for retirees is not developed, could another developer build apartments instead. Garrett assured him that the zoning ordinance would have to restrict the use to only senior citizens. There are constitutional issues and Haynes stated that is very difficult to deal with. Thomas added the estimated cost in the Ragan Smith letter includes raising the road one foot and does not involve relocating the road. Manning assured Willis that the Planning Board has learned over the years to be very stringent with developers and they

will look at the nature of the area so that any new development either matches or exceeds the existing properties.

Mr. Edmondson stated he is pretty happy with Rust's proposed plan and the buildings have been moved away from his property line. The Manor House residents could exit through Twelve Stones in the event the road floods. When improvements were made to Long Hollow Pike, a channel was added and the water doesn't get over Willis Branch now.

Cordell stated he likes the proposed plan and he doesn't like the other higher density plan. He suggested that the rezoning be passed on first reading to allow Rust to attempt to get his contract extended so that something can be resolved about the road improvements. Garrett withdrew the motion.

Rust stated the floodway encompasses part of the existing Willis Branch Road. You cannot raise the road without effecting the flood elevation. The solution is to re-route a portion of Willis Branch Road up to the Vineyards and then allow Willis Branch Road to remain in the floodway. Finch stated he is in favor to make this work. He is bothered by the piece meal and prefers to look at the entire plan that addresses widening the road and the feelings of the neighbors. Manning withdrew his second to Garrett's motion to defer.

Cordell made a motion to pass Ordinance No. 04-652 on first reading and asked Rust to go back and talk to the neighbors about the road. The motion died for lack of a second.

Manning made a motion to defer consideration of Ordinance No. 04-652 until the January 13, 2005 meeting. The motion was seconded by Finch. Passed 5-0.

Consider Resolution No. 04-282, a resolution to submit a request to the Sumner County Local Government Planning Advisory Board, granting planning jurisdiction within the Goodlettsville Urban Growth Boundary area which encompassed the area of Allen Road, Willis Branch Road and Long Hollow Pike to Ralph Hollow Road. Thomas explained that the Planning Board has the authority to approve planning to our corporate city limits. Requesting this authority, which is allowed by state law, would require that plans within our urban growth boundary area be reviewed by the City's Planning Board. The Planning Board would then make a recommendation to the County to approve or reject. The County would still maintain the authority of zoning property. Garrett inquired if this authority would change the requirements of the Planning Board membership. Thomas stated he would research his question. Finch stated any representation on the Planning Board from the urban growth area should be as an advisory position when a proposed plan involves their area. Manning noted that if a plan involves their area, they typically would show up anyway. Cordell made a motion to defer consideration of Resolution No. 04-282. The motion was seconded by Garrett. The motion passed 4-1 with Garrett, Cordell, Finch and Jones voting aye and Manning opposed.

Consider Resolution No. 04-283, a resolution to enter into a lease agreement with American Home Design for city property located at 880 Conference Drive. Thomas stated additional right of way resulted from the construction project on Conference Drive. This lease would allow American Home Design to use a portion of the excess right of way without relinquishing the City's ownership in the event it could be needed in the future. The lease agreement has been reviewed and revised by the City Attorney and the attorney for American Home Design. Finch noted that the lease agreement should include a liability clause to hold the City harmless and for American Home Design to provide liability insurance. A motion was made by Finch to defer approval, to allow the City Attorney to negotiate the liability issue in the agreement. Manning suggested the Commission give the City Manager and City Attorney the authority to accept this lease when the liability issue is addressed. Finch agreed to modify his motion and Cordell agreed to amend his second to the original motion. Finch made a motion to approve Resolution No. 04-283, subject to the approval of the City Attorney that the liability clause and insurance requirement are satisfied. The motion was seconded by Cordell. Passed 5-0. Allen Rogers, American Home Design, stated they have a \$1 Million liability policy and that he will have Don Bruce contact Jim Thomas to arrange the revisions to the lease agreement.

Finch stated he has received many complaints about the Ivy Hill development. After discussions with Thomas, Lane and Gregory about how we enforce what has been approved, he believes we do not have a definitive line of authority to do that. He recommended that we should reconsider what we require from developers with documentation and clarification about labeling and definitions. Thomas concurred with Finch that there is confusion about the responsibility of enforcement as it relates to the Planning Board, Codes Department and the Planning Department. A second component to this issue is design standards that we do not have in place. Development of design standards will stipulate specific requirements. He agreed to ask the Planning Board at their next meeting to begin the process to develop design standards. Finch asked Thomas to impose requirements administratively now, such as requiring pictures of all four sides of a building's façade. Lane stated there are design standards for Ivy Hill that was part of the approval, along with restrictive covenants and homeowner's by-laws. Thomas explained the design standards he is talking about are different than the standard building code or the covenants specific to one development. He is talking about design standards that the City would adopt as part of our zoning ordinance.

The meeting was adjourned at 9:50 p.m.



Claudia Davis, City Recorder



Bobby Jones, Mayor

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: January 13, 2005

Time: 6:30 PM

Place: City Hall

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

Also Present: Joe Haynes, Jim Thomas, Claudia Davis, Jack Tompkins, Tommy DeLoach, Phillip Gibson, Bennie Lane, Rick Gregory, Julie High, Susan Rotkiewicz, Maxine Rotkiewicz, Jane Birdwell, Terry Hutcherson, Harry Bell, Bubba Willis, Jason DeLoach, Bob Jenkins, Owen Sanders, Bobby Webb, Steve Parker, Bill Brasier, Tim Ellis

The meeting was called to order by Mayor Jones. Prayer was offered by Rev. Bobby Webb.

A motion was made by Manning to approve the minutes of the December 23, 2004 regular commission meeting as submitted. The motion was seconded by Garrett and passed 5-0.

Thomas stated city offices will be closed on Monday, January 17 to observe Martin Luther King, Jr. Day. No essential city services will be interrupted.

Thomas stated the next regular commission meeting is scheduled for January 27. That is the date for the annual Chamber of Commerce banquet. He recommended and the members agreed to schedule the January 27th commission meeting at 5:00 p.m.

Ellis reported he has prepared a draft ordinance to propose at the next meeting to address the recent request regarding strollers on the walking trails. He stated the new ordinance creates a new section to give park employees more authority to enforce park rules.

Ellis presented three options for a memorial at Moss-Wright in memory of Megan McCrary. Cordell recommended Thomas contact Megan's family so that they can be involved in the selection.

Hutcherson recommended the area of service coverage by the Police Department be return to the similar coverage area prior to the changes that were made two years ago. He has had preliminary discussions with Metro's North Precinct Captain and he is very committed to work with us. At the mall in 2004 there were a total of 241 arrests. 167 of those were made by Goodlettsville, recovering \$43,000 in