

**CITY OF SPRING HILL
BOARD OF MAYOR AND ALDERMEN
REGULAR MEETING MINUTES
MONDAY, JULY 18, 2016
7:00 P.M.**

Mayor Rick Graham called the meeting to order at 7:00 p.m.

Aldermen present: Chad Whittenburg, Matt Fitterer, Keith Hudson, Bruce Hull, Susan Zemek, Kayce Williams, Jonathan Duda and Amy Wurth. Also present: Victor Lay, City Administrator; Patrick Carter, City Attorney; Jim Smith Finance Director; April Goad, City Recorder.

The Pledge of Allegiance was led by Alderman Fitterer.

The Invocation was led by Alderman Hudson.

Approval of the Agenda: Motion to approve the agenda was made by Alderman Wurth; seconded by Alderman Williams.
Vote: Unanimous. 9/0

Concerned Citizens: None

Comments by the Mayor:

Recognition of Spring Hill High School Baseball Team, 2016 State Champions. Mayor and Aldermen congratulated the members of the 2016 Spring Hill High School Baseball Team and presented them with a Certificate of Appreciation.

CONSENT AGENDA

1. Board approval:
 - a. Financial Reports of May and June 2016
 - b. Public Hearing and Regular Meeting Minutes of June 20, 2016
 - c. Special Call Public Hearing and Meeting Minutes of June 6, 2016

2. Departmental Reports for June 2016:
 - a. Legislative Department (V. Lay) (none)
 - b. Fire Department (Hood)
 - c. Police Department (Brite)
 - d. Emergency Communications (B. Smith) (none)
 - e. Library (Bivins)
 - f. Building/Planning, Codes Enforcement (Brooks)
 - g. Utility Billing (Younger)
 - h. Parks & Rec (Fischer) (none)
 - i. Court Report (J. Mitchell/B. Morgan)
 - j. Public Works (Streets, Water Distribution, and Sewer Collection System and Storm Water/MS4) (Foster/Norman) (none)
 - k. Water Treatment (Giles)
 - l. Waste Water Treatment (Massey)
 - m. GIS/IT (Pewitt) (none)
 - n. Human Resources (Taylor) (none)
 - o. Safety Committee (M. Bryan) (none)

3. Committee/Commission Minutes to be accepted in monthly records:
 - a. Planning Commission minutes of June 13, 2016 (Sanders)
 - b. Board of Zoning Appeals minutes March 15, 2016 and May 17, 2016 (Sanders)
 - c. Historic Commission minutes of June 2, 2016 (Hull, Duda)

- d. Budget and Finance Advisory Committee minutes of April 4, 2016-June 6, 2016 (unavailable) (Whittenburg, Wurth, Hull)
 - e. EDC Minutes of June 17, 2016 (Hull, Schoenbrodt)
 - f. Parks and Recreation Committee minutes June 23, 2016 (Williams/Fischer)
 - g. Storm Water Advisory Committee (Polk/Zemek) (no meetings)
 - h. Library Board of Trustees Minutes, April-June 2016 (T. Jones) (unavailable)
 - i. Transportation Advisory Committee Minutes May 16, 2016 (approved) and June 20, 2016 (unapproved) (Fitterer, Whittenburg, Williams)
4. Consider Resolution 16-79, to approve Special Events Permit for the Spring Hill Country Ham Festival.
 5. Consider Resolution 16-82, to authorize a contract for municipal street sweeping services. Jeremy Polk, Stormwater Coordinator.
 6. Consider Resolution 16-86, to authorize acceptance of offer of Dedication of Road Rights-of-Way and Public Improvements shown on the existing plat for Wades Grove Section 3A. Victor Lay, City Administrator.
 7. Consider Resolution 16-87, to authorize acceptance of offer of Dedication of Road Rights-of-Way and Public Improvements shown on the existing plat for Wades Grove Section 3B. Victor Lay, City Administrator.
 8. Consider Resolution 16-88, to authorize acceptance of offer of Dedication of Road Rights-of-Way and Public Improvements shown on the existing plat for Wades Grove Section 4. Victor Lay, City Administrator.
 9. Consider Resolution 16-89, to authorize acceptance of offer of Dedication of Road Rights-of-Way and Public Improvements shown on the existing plat for Wades Grove Section 5A. Victor Lay, City Administrator.
 10. Consider Resolution 16-90, to authorize acceptance of offer of Dedication of Road Rights-of-Way and Public Improvements shown on the existing plat for Wades Grove Section 5B. Victor Lay, City Administrator.
 11. Consider Resolution 16-91, to authorize the sale of two surplus pickup trucks in the Public Works Department. Victor Lay, City Administrator.
 12. Consider Resolution 16-92, to authorize the purchase of a mini excavator for the Public Works Department. Victor Lay, City Administrator.
 13. Consider Resolution 16-93, to authorize funding to purchase Right-of-Way easement for US 31 Improvements. Victor Lay, City Administrator.
 14. Consider Resolution 16-94, to approve an Interlocal Agreement for Network Services between the City of Spring Hill and Columbia Power and Water Systems. Victor Lay, City Administrator.
 15. Consider First Reading of Ordinance 16-15, to adopt Electronic Citation Regulations and Fees. Don Brite, Chief of Police.
 16. Consider Resolution 16-500, to approve land acquisition purchase for Tracts of the Duplex Road Widening Project. Victor Lay, City Administrator

Alderman Wurth moved to approve the consent agenda. Motion seconded by Vice Mayor Hull.
 Motion approved: 9/0

PREVIOUS BUSINESS

Item #1 Consider First Reading of Ordinance 16-10, PUD 81-2015: Submitted by Huntly Gordon for property located at 3357 Denning Lane. This property is zoned AG (Ord. 09-24) and contains approximately 20 acres. The applicant requests rezoning approval of a Planned Unit Development to allow for 57 dwelling units. (*Considered by the Planning Commission on June 13, 2016*) Dara Sanders, Director of Planning
Motion to defer due to lack of recommendation by Planning Commission; Motion seconded by Alderman Wurth.

Roll call to defer First Reading of Ordinance 16-10, PUD 81-2015: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye. Motion carried 9/0.

Item #2 Consider First Reading of Ordinance 16-12, PUD 199-2016: Submitted by Littlejohn Engineering for property located on Beechcroft Road and Cleburne Road. The property is zoned AG, Agriculture, R-2, Medium Density and contains approximately 473.13 acres. The applicant requests a Master Development Plan for 961 single family residential lots and 232 multi-family units for The Villages at Harvest Point (*Recommended by the Planning Commission on July 11, 2016*) Dara Sanders, Director of Planning

Motion to approve by Alderman Williams; seconded by Alderman Wurth. Discussion: Alderman Duda pointed out that there is new information in staff notes and everyone should take time to read the new memo before second reading. Alderman Wurth stated that she will not be in support, she feels that other things need to be addressed first. Alderman Whittenburg stated that he can't support this although it is a great plan, but he doesn't feel that Beechcroft should end up like Duplex. Alderman Zemek also agreed that it's a beautiful plan but Beechcroft isn't ready. Alderman Duda stated that the state is working on improvements to Beechcroft. He feels, that with the improvements coming, it is time for this development. He also pointed out that the property owner donated the land for the Spring Hill Middle School in 2007.

Roll call to approve First Reading of Ordinance 16-12 PUD 199-2016: Chad Whittenburg, nay; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, nay; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, nay.
Motion carried 6/3.

Item #3 Consider Second and Final Reading of Ordinance 16-06, RZN 159-2016: Submitted by Huntly Gordon for property located at 5242 Main Street. The property is zoned B-2, Neighborhood Shopping District, and contains approximately 1.4 acres. The applicant requests rezoning the property from a B-2, Neighborhood Shopping District, to a B-4, Central Business District. (*Denial recommended by the Planning Commission on June 13, 2016*) Chad Whittenburg, Alderman

Motion to approve was made by Alderman Duda and seconded by Vice Mayor Hull.

Roll call to approve Second and Final Reading of Ordinance 16-06 RZN 159-2016: Chad Whittenburg, aye; Matt Fitterer, nay; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, nay.
Motion carried 7/2.

Item #4 Consider Second and Final Reading of Ordinance 16-13, to amend Ordinance 14-07 and the Spring Hill Municipal Code, Title 11, Chapter 4, Section 11-402, regarding offenses against the peace and quiet. Chad Whittenburg, Alderman

Motion to approve by Alderman Fitterer, seconded by Alderman Hudson. Discussion: Alderman Duda stated that he appreciates Alderman Whittenburg bringing this forward. He feels that the first part corrects a codification error. The second part he has an issue with because construction can continue for extended periods and on holidays. He moved to strike the second statement underlined. Motion seconded by Mayor Graham. Alderman

Wurth, Vice Mayor Hull and Alderman Whittenburg discussed this ordinance. Alderman Duda stated that he would support it if the section was re-written to include time limits.

Roll call to amend Second and Final Reading of Ordinance 16-13, to amend Ordinance 14-07: Chad Whittenburg, nay; Matt Fitterer, nay; Keith Hudson, aye; Bruce Hull, nay; Mayor, nay; Susan Zemek, nay; Kayce Williams, nay; Jonathan Duda, aye; Amy Wurth, nay.
Motion failed 2/7.

Roll call to approve Second and Final Reading of Ordinance 16-13, to amend Ordinance 14-07: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, nay; Amy Wurth, aye.
Motion carried 8/1.

NEW BUSINESS

Item #1 Consider Resolution 16-105, a request of an appeal of the Planning Commission's decision for NCP190-2016 requested by Shaw Enterprises, LLC for The Cove at Spring Hill subdivision. Dara Sanders, Director of Planning. Motion to approve by Alderman Fitterer, seconded by Alderman Wurth. Mr. Fitterer discussed an amendment to the resolution. Seconded by Vice Mayor Hull. Mr. Duda made a motion to change the caption. Alderman Duda discussed clarification. In June this item came before the board. Two issues had been brought before the Planning Commission in May: 1.) That we approve with the condition that there were two entrances and 2.) a walking trail bridge be built by the developer connecting it to Port Royal Park. As I recall, we did not discuss sidewalks in the June work session. In his experience subdivisions that only provide sidewalks on one side don't work out. The residents end up submitting sidewalk requests to the city and the city ends up paying for the construction of the sidewalks.

Roll call to amend Resolution 16-105, a request of an appeal of the Planning Commission's decision for NCP 190-2016. Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, nay; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 8/1.

Mr. Duda moved to amend condition #7 to read that sidewalks shall be constructed on both sides of local streets and collector streets. Seconded by Vice Mayor Hull.

Mr. Duda asked that the rules be suspended so that applicant can explain requests. Mr. Randall Shaw explained that it is a small development and they will have park space. They will be donating property to the city for expansion of the park. Vice Mayor Hull asked if the conditions of approval are passed and negotiations fail, wouldn't approval then be repealed. Alderman Williams asked about sidewalk discussions at Planning Commission. Alderman Whittenburg called for the orders of the day. Seconded by Alderman Wurth.

Alderman Duda stated that he would not support his own motion. He asked that he consider sidewalks on both sides of the street.

Roll call for second amendment to Resolution 16-105: Chad Whittenburg, nay; Matt Fitterer, nay; Keith Hudson, nay; Bruce Hull, nay; Mayor, nay; Susan Zemek, aye; Kayce Williams, nay; Jonathan Duda, nay; Amy Wurth, aye. Motion failed 2/7.

Roll call to approve Resolution 16-105 as amended: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, abstained; Mayor, aye; Susan Zemek, nay; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, nay. Motion carried 6/2/1, Vice Mayor Hull abstained by accident.

Item #2 Consider Resolution 16-80, to appoint two members to the Library Board of Trustees. Hulen Bivins, Library Director

Alderman Wurth moved to approve. Motion seconded by the Mayor. Mr. Fitterer nominated Charlie Schoenbrodt for the first line. Seconded by Alderman Williams. Mr. Fitterer nominated Blair Morgan for the second spot. Motion seconded by Alderman Wurth.
Motion approved 9/0.

Item #3 Consider Resolution 16-81, to appoint one member to the Parks and Recreation Committee. Kevin Fischer, Parks and Recreation Director
Motion to approve by Alderman Wurth, seconded by Alderman Williams. Alderman Williams nominated Clint McCain for term expiring 12-31-16. Seconded by Alderman Wurth. Mr. Duda nominated Hazel Nieves. Mr. Whittenburg moved to change resolution to reflect one appointment. Mr. Duda stated that she is talented serving on the Historic Commission. She is an excellent resource and is committed in participation.
Vote: McCain; Nieves; Nieves, McCain; Nieves, McCain; McCain, Nieves, Nieves.

Motion carried 9/0.

Item #4 Consider Resolution 16-83, to authorize the expenditure of funds for a Water and Sewer Capacity Study.
Victor Lay, City Administrator.

Motion to approve by Vice Mayor Hull; seconded by Alderman Wurth. Ms. Wurth explained it was funded in the budget and it is recommended by BFAC.

Roll call to approve Resolution 16-83: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #5 Consider First Reading of Ordinance 16-14, to adopt a privilege tax upon the occupancy in any hotel or motel or any place in which rooms, lodging or accommodations are furnished to transients for consideration. Victor Lay, City Administrator

Motion to approve by Alderman Williams; seconded by Alderman Fitterer. Mr. Fitterer discussed 2%, Mr. Carter stated that this is in the statute and it is recommended by MTAS. He stated that all cities have uniformly adopted this percentage.

Roll call to approve Resolution 16-14: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #6 Consider Resolution 16-84, to authorize the Mayor of Spring Hill, TN to enter into a Memo of Understanding agreement with the Spring Hill Little League. Patrick Carter, City Attorney.
Motion to approve by Vice Mayor Hull; seconded by Alderman Williams.
Alderman Fitterer asked them to keep in mind the two conditions. (Patrick sent the updated version on 7-7-16)
Alderman Duda and Alderman Wurth shared misgivings on this type of transaction. Alderman Williams discussed the city's protection that has been added to the Memorandum of Understanding. Alderman Wurth stated that it's not a smart idea to deed property to a non-profit. She also recommends getting the improvements completed at Evans Park. The funds have been budgeted but the work has not been done.

Mr. Duda requested information from the Spring Hill Little League regarding their financials, sub leases and demonstration that they can use and improve the property. He has not received the information and renews his request. He submits that the city finds funding to get the fields developed.
Mr. Carter discussed the terms of the MOU. Alderman Wurth stated that she is committed to funding baseball fields on any land the city currently owns she isn't supportive of deeding the land over.

Vice Mayor Hull stated that if they can't get funding, it will come back to the city. Mr. Duda stated that a lease agreement should be considered.

Roll call to approve Resolution 16-84: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, nay; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, nay; Amy Wurth, nay.
Motion carried 6/3.

Item #7 Consider Resolution 16-95, to authorize funding to purchase an easement for sewer line installation along Main Street crossing the property owned by the Eddice Burns Trust. Dan Allen, Infrastructure Director.
Motion to approve by Wurth; seconded by Vice Mayor Hull.

Roll call to approve Resolution 16-95: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, abstain; Amy Wurth, aye.
Motion carried 8/0/1.

Item #8 Consider Resolution 16-96, to authorize funding to purchase an easement for sewer line installation along Main Street crossing the property owned by Ms. Inez Harvey. Dan Allen, Infrastructure Director.
Motion to approve by Alderman Fitterer; seconded by Alderman Wurth.

Roll call to approve Resolution 16-96: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, abstain; Amy Wurth, aye.
Motion carried 8/0/1.

Item #9 Consider Resolution 16-97, to authorize the Mayor of Spring Hill, TN to sign and approve funding for acquisition of easements contract with the Tennessee Department of Transportation for Project No. 60LPLM-S2-021. Motion by Alderman Fitterer; seconded by Alderman Wurth. Ms. Wurth explained that TDOT will reimburse at a percentage.

Roll call to approve Resolution 16-97: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #10 Consider Resolution 16-98, to authorize the Mayor of Spring Hill, TN to sign and approve funding for acquisition of sewer easement contract with the Tennessee Department of Transportation for Project No. 60019-2207-94. Dan Allen, Infrastructure Director.
Motion to approve was made by Vice Mayor Hull and seconded by Alderman Fitterer.

Roll call to approve Resolution 16-98: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #11 Consider Resolution 16-99, to authorize the Mayor of Spring Hill, TN to sign and approve funding for acquisition of water easement contract with the Tennessee Department of Transportation for Project No. 60019-2207-94. Dan Allen, Infrastructure Director.
Motion by Alderman Fitterer. Seconded by Vice Mayor Hull.

Roll call to approve Resolution 16-99: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #12 Consider Resolution 16-100, to authorize the Mayor of Spring Hill, TN to sign and approve funding for utility (sewer) relocation contract with the Tennessee Department of Transportation for Project No. 60019-2207-94. Dan Allen, Infrastructure Director.
Motion by Vice Mayor Hull. Seconded by Alderman Fitterer.

Roll call to approve Resolution 16-100: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #13 Consider Resolution 16-101, to authorize the Mayor of Spring Hill, TN to sign and approve funding for utility (water) relocation contract with the Tennessee Department of Transportation for Project No. 60019-2207-94. Dan Allen, Infrastructure Director.

Motion by Alderman Fitterer. Seconded by Vice Mayor Hull.

Roll call to approve Resolution 16-101: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #14 Consider Resolution 16-102, to authorize the Mayor of Spring Hill, TN to sign and approve funding for utility relocation contract with the Tennessee Department of Transportation for Project No. 60LPLM-S2-021. Dan Allen, Infrastructure Director.

Motion by Alderman Fitterer. Seconded by Vice Mayor Hull.

Roll call to approve Resolution 16-102: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #15 Consider Resolution 16-103, to authorize the Mayor of Spring Hill, TN to sign and approve funding for acquisition of water easement contract with the Tennessee Department of Transportation for Project No. 60LPLM-S2-021. Victor Lay, City Administrator.

Motion by Alderman Fitterer. Seconded by Mayor Graham.

Roll call to approve Resolution 16-103: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #16 Consider Resolution 16-104, to authorize the Mayor of Spring Hill, TN to sign and approve funding for utility (water) relocation contract with the Tennessee Department of Transportation for Project No. 60LPLM-S2-021. Victor Lay, City Administrator.

Motion by Alderman Fitterer. Seconded by Vice Mayor Hull.

Roll call to approve Resolution 16-104: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

Item #17 Consider Resolution 16-78, to authorize condemnation of certain portions of Lot 112, Duplex Road, owned by Port Royal Place Property Associates, GP. (*Deferred by BOMA June 13, 2016*) Victor Lay, City Administrator
Motion to table by Alderman Wurth; motion seconded by Alderman Fitterer.

Roll call to table Resolution 16-78: Chad Whittenburg, aye; Matt Fitterer, aye; Keith Hudson, aye; Bruce Hull, aye; Mayor, aye; Susan Zemek, aye; Kayce Williams, aye; Jonathan Duda, aye; Amy Wurth, aye.
Motion carried 9/0.

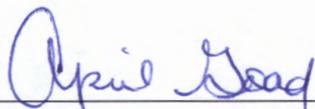
Concerned Citizens:

Jane Roland, Petty Lane, spoke against the development on Beechcroft Road citing safety issues.

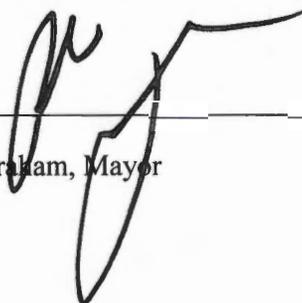
Waldo Creggor, Petty Lane also asked that the infrastructure go in first and Spring Hill should take responsibility for Clebourne Road.

Motion to adjourn was made by Vice Mayor Hull and seconded by Alderman Wurth.

Meeting adjourned at 9:18 p.m.



April Goad, City Recorder



Rick Graham, Mayor