

**TOWN OF PEGRAM
PLANNING COMMISSION MEETING
MINUTES**

**Monday, July 14, 2008
7:00 P.M. – Pegram City Hall**

Public Hearing: The Planning Commission of the Town of Pegram will hold a Public Hearing for consideration of the 2008-2028 Land Use Plan on July 14, 2008, 6:30 P.M. at Pegram City Hall.

Chairman Bill Herbert opened the Public Hearing at 6:30 P.M.

Present were Bill Herbert, Gene Hannah, and Rick Roark. Charles Morehead, Chip Chipoletti and Leigh Ann Richards arrived shortly thereafter. Melissa McWright was absent. Also present were City Recorder Judy Phillips, City Clerk Kathy King, County Planner Sharon Caton, State Planners Brian Collins and Pat Schipani.

Chairman Herbert opened the hearing saying the Land Use and Transportation is only a “plan”. Residential participation is essential to make it complete. Last month the Commission submitted the first draft of the plan to the Council for their review.

Chairman Herbert took the opportunity to introduce Brian Collins and Pat Schipani and thanked them and County Planner Sharon Caton for their hard work and guidance.

Again, Chairman Herbert stated this is not a “finished product” and the intent was to be a draft. He asked for the resident’s participation and comments and requested a name, address and daytime phone number to be included for any follow up. Chairman Herbert asked the audience to direct all comments to the content of the plan: to keep any criticisms in the positive and to keep comments to the point and to be direct.

Audrey Marshall questioned the meaning of “infill development” and referenced pages 39 and 51 covering cost to the developer. Mrs. Marshall asked who will determine if the funding of the strategic utilities by taxpayers will be required. She also asked why another CSX crossing should be pursued due to the cost of the City Attorney. Charles Morehead stated there have been no fees paid to the attorney because she’s not been involved in any of the meetings. Morehead had one meeting with representatives from the State Senate, House of Representatives, CSX and TDOT. Mrs. Marshall inquired about a possible project mentioned for Sam’s Creek and Highway 70 and where the funding would come from; the State should be funding the project and not Pegram. She inquired about the additional connector for Walkup Road. Chairman Herbert stated the Commission wanted this included so that if or when the property is developed the developer would incorporate a connector road in the development. When Mrs. Marshall inquired about the industrial area, Chairman Herbert said it was included not only within the city limits but in the growth plan as well. It is important that the City maintains input on industrial areas outside the city limits.

Carol Crook asked if there was an update on the crossing regarding the City's request. Charles Morehead gave an update on the last meeting held and stated the State is supposed to come back for another meeting. He stated the representative from CSX supports the crossing. He also stated that he has tried contacting James Fenton with the County but has not heard back from him. Mrs. Crook inquired about any possible commercial use on the south side of Highway 70. Chairman Herbert explained there is no way potential development is able to go in between the south side of Highway 70 and the railroad tracks because that is owned by CSX, but on the south side of the tracks west of the park lies property known as the Hannah property that could be developed "mixed use". He stated that Mrs. Crook's concern regarding the wording on page 32, second paragraph will be addressed. Regarding Mrs. Crook's inquiry on growth of the sewer and new development, Chairman Herbert replied that City Engineer Brad Bivens is doing a study on the feeder lines to see what capacity we now have in order for the City to know how to approach the new development.

Since there were no further comments from the attendees Chairman Herbert addressed comments in an email received from resident, Arthur Asbury on Scenic View Drive. Chairman Herbert read the second paragraph of Asbury's email stating, "disappointed that the Town of Pegram has had no copy available for review by citizens and wish to express my concerns regarding Town of Pegram's attitude when it comes to public input". Chairman Herbert stated that the facts are that a complete copy of the Land Use and Transportation plan has been available online for over a month. All citizens have been alerted to that fact with the public notice three weeks ago in the Advocate along with notice of this meeting. Chairman Herbert takes exception to these comments and would hope that people would check the validity of comments before making accusations.

Chairman Herbert stated Mr. Asbury's email referenced eight comments at the bottom of his email: 1) Asbury email, "There has been an inadequate effort made toward public input and examination." Chairman Herbert, "don't know what else the Commission or Town can do other than invite him and all citizens to a meeting just like this one. The time for public input is now." 2) Asbury email, "The material is now obsolete or inadequate in light of current MPO, County, State and Federal plans under study." Chairman Herbert "would like to recommend that Mr. Asbury re-examine pages 17-26 of plan and then Chapter 6, pages 63-65. That shows that information in this plan is adequate and not obsolete. It contains history, projections for the future through 2028." 3) Asbury email, "The Historical material is NOT factual." Chairman Herbert, "the historical data is intended to create general overview of local history. If any specific omissions or errors in dates, times or content I have no personal knowledge. To make a blanket statement discrediting the first three chapters is a little short-sighted." 4) Asbury email, "The 1980 Flood and 201 Plan studies need updating but have been thwarted by Officials in favor of inappropriate development and sub-standard street/transportation work." Chairman Herbert, "I believe Mr. Asbury knows we have had a completed FEMA update within last two years." 5) Asbury email, "An inter-modal transport study is underway and there are large concerns regarding the numerous grade crossings and other lack of concern for public safety along the main-line corridor." Chairman Herbert, "I would suggest that

Mr. Asbury go to Chapter 6, page 65 where that is specifically addressed with possible remedies.” 6) Asbury email, “Pegram has continued to expand a park along an industrial rail corridor without regard to crossing safety and hazards, including the absence of any noise, nor safety provisions while silencing the Baptist Church chimes in 2000, nor to adequate buffering in accordance with adopted codes.” Chairman Herbert, “a legal interpretation was requested and given with respect to buffers. It is difficult to address noise when a railroad goes through the middle of the City. I’m concerned with the generalities in number six.” 7) Asbury email, “Pegram Officials ignored Town plans for a “city center” and built a municipal building far from the center of business and transportation and over an old blue-line stream which drains Hickory Hollow but was ignored and the error compounded by Officials in allowing drain/retention areas to be filled without regard to storm-water studies and rational development. Such arbitrary decisions and disregard of adopted plans have resulted in more unnecessary litigation and public expense. Chairman Herbert, “if City Hall was built in the center of Town, the City would have displaced private enterprise. Also, I can find no verification for comments and no FEMA violation with respect to location of City Hall in the recent FEMA audit. I don’t believe comments regarding the blue line stream are accurate; has been looked at by the FEMA people and county planners.” 8) Asbury email, “No consideration has been given to implementing needed connectors or overpasses which the public safety and development requires but giving favor to “cheap” solutions for low-end developers which only compound “city” problems. Chairman Herbert “we have looked together (motioning rest of Commission members) at pages 66-70, with illustrations showing that Mr. Asbury’s number 8 has certainly been given plenty of attention. I take exception to comments without validity.”

Chairman Herbert asked if there were comments or questions from the Commission or the audience; there were none.

Chairman Herbert closed the Public Hearing for the Land Use and Transportation Plan and called for a 5 minute break at 7:20 P.M.

Order of Business

- 1) **Call to Order** by Chairman Herbert at 7:28 P.M.
- 2) **Roll Call** – Present were Bill Herbert, Gene Hannah, Rick Roark, Charles Morehead, Chip Chipoletti and Leigh Ann Richards. Melissa McWright was absent. Also present were City Recorder Judy Phillips, City Clerk Kathy King, and County Planner Sharon Caton.
- 3) **Minutes of the Previous Meeting:** Approval and/or Correction of the minutes of the May 12, 2008 meeting. – Gene Hannah moved to approve the May 12, 2008 minutes and to waive the reading; seconded by Leigh Ann Richards. Discussion: Gene Hannah asked that “Buma” in Section 4.6 be spelled correctly. All favored minutes with correction, motion carried.
- 4) **Reports from the officers and committee(s)**
 - 4.1 Gene Hannah explained to the Commission he had been approached by Rick Morrow, owner of the post office and whom also bought the Becker property on Highway 70 and the old house on that property as well. He

would like to build a grocery store in Pegram, but needs to acquire some property behind the Highway 70 property (Becker's). He feels he needs about 3 to 3 ½ acres. Chip Chipoletti asked if he has considered going on further down west. Gene Hannah asked if this would be something he, Mr. Morrow should consider approaching the Commission with. County Planner Caton stated she has talked with Mr. Morrow and has had some dialog of his concerns. The Commission left this topic for Gene Hannah to communicate to Mr. Morrow that he was welcome to approach the Commission with questions and if possible the Commission would like to see a concept plan.

5) Hearing of person(s) having business with Commission

5.1 No comments

6) NEW BUSINESS

6.1 Ordinance 2008-60 – An Ordinance of the Town of Pegram, Tn

Amending Title 13 of the Pegram Municipal Code. Chairman Herbert explained this is back on the agenda because the City Attorney has completed a draft to be reviewed and considered regarding property maintenance and dilapidated structures. Charles Morehead updated the Commission on his meeting with MTAS. He stated he was told, "If you go after one person's lot you have to go after every overgrown lot within the city limits. Chairman Herbert asked the Commission to review the draft for final discussion at their next meeting.

6.2 Zoning ordinance with respect to "permitted uses" in the commercial district. Chairman Herbert reviewed the discussion the Commission has had regarding the current wording in the Zoning Ordinance indicating that if a use is not specifically included "it is excluded". He has talked with Attorney Smith and she has addressed how the Planning Commission can do a rewrite so it will not infer the negative. Chairman Herbert suggested the Commission to review the memo dated 06/06/08 from Attorney Smith and consider making changes to the commercial section of the ordinance.

7) OLD BUSINESS

7.1 Resolution 2008-52 Land Use and Transportation Plan – Chairman Herbert stated that during the next three weeks if any of the residents had comments or questions to please forward to City Hall or the County Planner and they will be addressed at the next Commission meeting.

8) Adjournment – Charles Morehead moved to adjourn; seconded by Leigh Ann Richards.

Adjourned at 8:06 P.M.

Bill Herbert, III, Chairman

Judy Thurmond-Phillips, City Recorder

Date Approved: