

HARTSVILLE/TROUSDALE COUNTY METROPOLITAN GOVERNMENT

CODES AND ZONING COMMITTEE

Tommy Belcher

David Nollner

Lesley Overman

Lonnie Taylor

David Thomas

Sam Edwards, Building Official (NVM)

AGENDA

NOVEMBER 10, 2022 | 7:00PM | MAYOR'S OFFICE

1. Call Meeting to Order
2. Attendance
3. Elect Officers
 - A. Chair
 - B. Vice Chair
 - C. Secretary
4. Review Minutes from June 22, 2022
5. Discussion
 - A. Purpose
Works with Planning Commission to write legislation pertaining to codes and zoning. Assists in implementing proposed Codes revisions or updates.
 - B. Other
6. Public Comment
7. Adjourn

Hartsville/Trousdale Codes and Zoning Committee Regular Meeting

Meeting Minutes

June 22, 2022 - 6:00 P.M. – Trousdale County Courthouse – 2nd Floor Courtroom

Present: Landon Gulley, Beverly Atwood, Ken Buckmaster, Lesley Overman, Steve Whitaker, Dwight Jewell, Stephen Chambers and Sam Edwards.
All members are present.

Meeting Called to order:

Gulley – I would like to call this meeting to order if everyone could please take your seats. I do appreciate all for coming out to see how our county government works. Just want everyone to know that this is a called meeting of Codes and Zoning and the purpose of this meeting. This is to look at two ordinances one from the planning commission and one with some edits from Mr. Jewell. This is the purpose of this meeting to determine to give them a favorable recommendation. They will go to the full body and that is where action will be taken.

Approval of Minutes

Chairman Gulley asked for review of the August 23, 2021, minutes. Motion made by Whittaker and seconded by Atwood. All in favor. **MOTION CARRIED**

Election of Officers

Current officers are as follows:

Chair Landon Gulley
Vice Chair Coy Dickey
Secretary John Oliver

Motion made by Whitaker to keep Gulley as Chair and seconded by Overman.

Buckmaster requested for nominations to cease elect by acclamation to elect Gulley. All in favor.

MOTION CARRIED

Motion made by Jewell to elect Overman as Vice Chair and seconded by Atwood.

Buckmaster requested for nominations to cease elect by acclamation to elect Overman. All in favor.

MOTION CARRIED

Motion made by Overman to elect Atwood as Secretary and seconded by Jewell.

Buckmaster requested for nominations to cease elect by acclamation to elect Atwood. All in favor.

MOTION CARRIED

New Business

- A. Discussion on Ordinance #243-2022-13 (ordinance to amend the zoning ordinance of Trousdale County) for the land use controls of Hartsville/Trousdale County to include development standards for mining activities and related services.

Gulley – I would like for, this to be known publicly that I called every member of this committee to request that they diligently read and review this ordinance **#243-2022-13** in our packet that has been forwarded to us from the Planning Commission. We did not have any discussion over this but I did make that phone call so they are prepared for any discussion we may have.

Per our agenda we do have a place for public comment if any wish to speak. I appreciate all for coming out tonight as any public comments will be held at the end and I will allow everyone who signs in time to speak with time limits as there is another meeting scheduled after this one.

This ordinance will go to the full Commission that has been sent over as we can not making any changes to this. This was sent to us to review to see if we are in favor just a recommendation.

We also have another version of ordinance **#243-2022-13** from Commission Chair Jewell that he would like for us to review and would like to see what our recommendation is. Do we want to go through each version separately piece by piece or would you like to go through those together? Any recommendations

Mayor, how would you wish to see us proceed going through this ordinance?

Chambers – I do not have a preference, although I would like for us to respect the time as we have a called meeting with the Planning Commission at 7:00 pm for the Multi Mobile Access Grant.

Buckmaster – I have reviewed both in detail and would like to hear Mr. Jewell’s reasoning for his version.

Jewell – When this was first sent to me and I looked at it, I had a lot of questions about it. Therefore, I requested for this to be sent to the committee. After my research, I do not believe the Planning Commission nor Mr. Edwards has done anything wrong or inappropriate. I do believe we may have received some bad advice from GNRC possibly. I do not set on the Planning Commission but have set in on those meeting many times as part of the previous Building Inspector and before that. Several things that troubled me with that.

1. What is allowed in an A1 Zone is specific enumerated in the code. And the article at the end of that says things that are prohibited. We do have in Section 4.120 Developmental Standards for Mining Activities and Related Services; it does not specifically call out a zone – that is correct. If you go to our zoning districts and the purpose of the various zones and look at what is specified the purpose of the Agricultural- Forestry Zone it enumerates several permitted uses, many. At the end it states uses prohibited and says in the A1 – Agricultural Forestry District all uses except those uses or the accessory uses specifically permitted or permitted upon approval as a special exception by the board are strictly prohibited. My reading of that if it doesn’t say you can put it there than you can’t put it there. This jumped out at me immediately. Do I feel we need to strengthen our ordinances of what the developmental standards are – absolutely. Do we need to clarify even more absolutely?

If you look at the M-2 Classification in which is our Industrial Classification; Item #6. Item #6 Uses Permitted It reads Stone, Clay, and glass products manufacturing. My only question: How do you manufacture stone if it’s not a quarry or a crusher to something of that effect? It is my interpretation and the years I have dealt with this is that our zoning regulations do address this, maybe not to the extent that they need to, or they should. I believe that the proposal to allow this in an A-1 and a medium Industrial are as incompatible in two zones and there are ten of two zones that you can possibly have. Therefore, I attempted to take what had been sent over from planning and I believe it was offered by GNRC but not for sure. I went through it and what I have proposed or my version of it. Items that were changed are as follows: Leaving it out of A-1. Keeping it in M-2 zone as a special exception. Adding the definitions from there version of adding the word Quarry since that is the main thing we are having to deal with. Adding it to Section 5.046 M-2 Intermediate – Impact Industrial District adding Mining Activities to a Special Exception. In the 4.120 Developmental Standards for Mining Activities and Related Services I deleted A-1 and left it strictly M-2. On page 5 E. Separation of the separation mile distance I did not feel 1 mile was sufficient so increased it to 10 miles. We can certainly talk about that. On Page 6 Item 4. Setback left standards the same just removed A-1 Zoning District. Page 7 item K Performance Standards added the word have just a clerical oversight. Page 7 item P. Water collection and drainage added the word “in” an excavation and the last sentence. “Such fenced area shall have adequate signage provided as to danger of entry and maintained continuously while there is a danger presented upon entry.

This is really the only changes with removing A-1.

This is my purpose and reasoning. I feel if property meets requirements, and locations are good property owner can request for rezoning. This is in no way or effort to zone out a quarry. We have already zone out one in an A-1; I feel for M-2 it will strengthen the language. That is where I am at. I am not against a quarry in this county I think there are many advantages to have it. Feel we need to have more control over the developmental standards. This was my version, and I did send to everyone today I was awaiting to hear from the attorney to see if that was okay so that may have delayed you not receiving this until late. I hope this clarifies to everyone and this helps everyone to understand my reasoning for the changes, if not please let me know.

Gulley – I believe from Mr. Buckmaster’s nod that this does clarify it. I have question myself that I see the Planning Commission Chair here, Mr. Kerr can I ask you a question? As I’m looking at this I hear and see spot zoning; can you elaborate the definition of what spot zoning is?

Kerr – Spot zoning is typically means where you try to put something in a zone and nothing around it is compatible with that zone.

Gulley – Who makes the determination of the spot zoning?

Kerr – The planning commission, Sam Edwards and the representatives from GNRC would discuss that. After discussion we would then forward with a favorable, non-favorable or no recommendation at all on to the County Commission. They are the only ones who can rezone property.

Gulley – As we are doing here tonight. As listening to the Planning Commission, I heard the term spot zoning and stated that if it was more than 5 acres it was not spot zoning.

Kerr – That was the representative from GNRC, and it was her first night. When you have a county like our where it is typically A-1. If you have a development, come in 5 acres is pretty much a starting point, otherwise you would never get outside the city limits.

Gulley – Reasoning for that question is that Mr. Jewell’s version is striking A-1 out of this ordinance. I just wanting to let everyone know what the definitions of those spot zonings were. That would not be spot zoning in this circumstance. The Ordinance from Planning is set and will be forwarded to the full commission as Mr. Jewell’s can be edited at this time. It is just to see if we want to send it with favorable or non-favorable.

Whitaker – What is the expected yearly revenue to the county if the quarry comes in?

Gulley – That question does not pertain to what we have available here tonight. We are not here to discuss the quarry tonight; we are here to look at the two ordinances. I received mine about 3:30 this afternoon. Mr. Jewell was that sent to all committee members?

Jewell – Yes, all members, Mayor, County Attorney and Building Inspector. Can I speak regarding spot zoning? Anything we have jurisdiction over is 5 acres and under. Anything above that state law states dictates itself other than the zone itself.

Gulley – this is just to assist the planning commission on how they are to act and which direction they need to follow. We can not exclude a rocky quarry from all our ordinances. Although we are not here to discuss whether we want a rock quarry or not.

Buckmaster -I would like to recommend favorably Mr. Jewell’s version to the full commission which removes A-1 from all Mining and Quarry activities. I also feel we need to look over M-2 zoning rules quickly after we have reviewed those today.

Gulley – Just remember this will allow both ordinances to go to the full body.

Overman – Seconded this motion.

Edwards – I am not comfortable with voting on this due to receiving this so late in the afternoon as I will not be voting favorably. There are items that have been reviewed by GNRC and myself thoroughly. Planning Commission ordinance is required to go to the BZA for approval. This was looked at thoroughly with comparisons and legally.

Gulley – the only difference I see is the 1-mile separation from planning and the ten miles from Jewell’s.

Edwards – I’m fine with this amendment of the 10 miles. Although as our county how are we looking at that? By street, water or how the crow flies? Not much conversation on the distancing based on surrounding counties.

Gulley – I do not see any great description on separation as by 1 mile of road or 1 mile by how the crow flies.

Kerr – This committee needs to understand we wanted – planning commission to give the commission options. We just need clear and precise regulations that mee the law that we go by. Chairman said it best we have to get where we can manage it.

Jewell – 10 miles reasoning is because if you could go 1 mile you could have 6 quarry sites from 231 bridge and Hwy 25 at every mile marker. If it's 10 miles, they are not on top of each other.

Gulley – I know Mr. Edwards stated that we want to get these items done but sometimes the time we have it may not work as we would like. We need to review these and be careful that we take the time to see all pieces.

We do have motion and a second on the floor to favorably recommend sending Mr. Jewell's version on to the full commission.

Yes - Whitaker, Overman, Buckmaster, Jewell

No – Edwards, Gulley, Atwood

MOTION CARRIED

4- Yes, 3 - No

B. Other Business

NONE

C. Public Comments

Gulley – We do have the opportunity to allow anyone who would like to speak regarding this ordinance that you may do so. Please sign in so I may see how many we must see what our time limitations may be. Just remember we are not speaking toward option for against the quarry. You may say your opinion, but job tonight is about these ordinances. We do have 4 individuals that would like to speak, and I will put you on a 2-minute timer to speak what you wish.

Casey Kuhn – I am Dr. Casey Kuhn. The quarry has all experts with these initials in front of their names back of their names. I have those same initials. I'm against it and not getting paid to vote for it. In spirit of honesty and transparency like Mr. Edwards stated time to review. How about the neighbors who but up next to the property have not been able for time to review? My neighbors directly next door to me who their property is 60 ft. from the property line we have witnessed the drilling since October. No one told us what was going on. For 3 weeks there was a sign on 231 that said house Occupation Request. Why a week before the planning meeting there was tape placed over it that said Quarry Request? We are in the spirit of honesty and transparency right. That is all I got.

Michelle Wright – I applaud your efforts with comprehensive growth planning of what you are trying to do. One thing is I'm in the engineering business that we look at historical code ordinances to see what is implied. Sometimes the history will help with what to look for. When looking at the zoning the rational is to see if it is to better the community but to also look to see that it directly aligns with what the current zoning is for that area. My interpretation is M-2 is in align with that although A-1 is so separate that it marks it as not appropriate. Then you look back to history to what you have because this new ordinance is not going to affect the quarry. But going forward you need to look at comprehensive planning and understand what you want this community to look like. You need to look at the consulting organizations that will eliminate the spot zoning.

Joe Katchmark – If they do put this rock quarry in has anyone been out 231 south of 840 and looked at the road it is like a mud pit? Is there any safeguards put in place if they do put in this quarry?

Jennylynn Sprague – I am new to this community for 7 years. I live across the river on Beasley's Bend Road. I concern if this quarry comes in would be to natural wildlife. What the zoning would influence and sound. I know last year we had a neighbor that was blowing up Tannerite. It echoes all up and down the river. People on Facebook messaged me last year from the blowing this up.

Gulley – We appreciate you all for coming out to speak and seeing how County Government works.

Adjourn

Motion to adjourn by Overman and seconded by Buckmaster.

MOTION CARRIED