

PLANNING COMMISSION MEETING
November 24, 2009—9 AM

Present: Marshall Atchley, Acting Chairman; Jim Huffstickler; Phillip Miller; Dwayne Harris; Ronnie Harrill; Danny Wells; Mike Hager; Kim Warner, Secretary; Danny Searcy, County Planner; and Hicks Owens, Planning Director

Invocation-Ronnie Harrill

Approval of Minutes—Motion to approve October minutes by Mike Hager; seconded by Kim Warner; PC voted unanimously to approve.

Commission agrees to amend the agenda adding “The Vineyards” for New Business with a motion from Mike Hager; seconded by Jim Huffstickler. Don McEntire is surveyor requesting a new lot (#54) be created. Plat reflects ‘proposed’ transfer of property and Don was unable to confirm if the scheduled closing occurred this week. Not interested in granting a ‘final’ approval on property not in ownership by the requestor, this commission voted to table this plat, with the motion coming from Mike Hager ; seconded by Kim Warner and a unanimous vote by PC.

Old Business: Subdivision regulations—Planner provided copies of the current subdivision regs and *Land Use Plan* to be sure everyone has the most current info to study. Land use is required to be updated every 10 years, which comes due in the year 2011. The Planner suggests a review and initial update planning begin soon. He asks PC members to please review these documents and share thoughts regarding any suggested changes.

Queens Gap report—Keith Vinson not present to give report. Planner provided speaker phone and stated that Mr. Vinson offered to be phoned into the meeting to provide an update. Commission members first asked to hear a report of any information the Planning Dept staff had received. County Planner relayed information received from Vinson in recent phone calls. Initially, with this change of ownership, all correspondence was to be routed through Bill Lapsley, PE for the project; however, this has changed. Now we are asked to route all communication through the developer, Mr. Keith Vinson. In fact, Lapsley will not be providing reports or status updates, as Vinson suggests that there is no requirement for him to report after the signing of SB 831 which grants developers an extension of the original agreement through the next year. As for work on the site, the Planner reported steady progress had taken place on road construction until recent weeks with Vinson stating that he hopes to perform 2 to 3 more weeks of road construction before taking a couple of months off for the winter. In fact, Vinson advised that it is only the weather that caused them to stop in early November, due to the rain. Meanwhile, he hopes to accomplish some progress on the water system and casings for water under the

roadway. Regarding bonds, Queens Gap is researching an alternate guarantee in lieu of the current surety performance bonds with Lexon. Mr. Hager, recalling the conditions of extending the performance agreement approved earlier this year, wants to clarify what stipulations guide the extended bond. Planner replied that SB 831 trumped the recent draft agreement extension which was never executed with the passing of the bill. Obviously, the bonds must remain current for SB 831 to apply, and they are current according to verification from Lexon; Commission members, being reminded of the opportunity to phone Vinson into the meeting, comment that they are not pleased with the lack of communication. "this lack of progress reporting causes much concern," states Huffstickler, which prompted some discussion of potential notice that could be shared. This commission would like additional verification from the County Attorney of any potential action to take to better protect Rutherford County and keep the owners informed. Warner wonders what obligation there is to communicate to landowners in the development. Mike Hager suggests getting confirmation that SB 831 extends the original agreement with Devin McCarthy and how Keith Vinson taking ownership affects that extension. The Planner will obtain legal counsel and report back to this commission. He will also confirm what reporting was required in this extended original agreement. Kim Warner suggests drafting a letter of concern or action from County to prompt activity by developer. He also comments that Vinson may not be able to pave during winter, but why not continue working on roads, with Hager interjecting that erosion problems will occur if neglected during winter. Ultimately, it may not be a requirement, but is in best interest of property owners for county to receive progress reports regularly.

Kim Warner makes motion to adjourn; seconded by Mike Hager. All members in agreement.