



**Bedford County Board of Commissioners
Commissioner Board Meeting**

Date: **Tuesday, November 08, 2022**

Time: **7:00 PM**

Location: **Bedford County Historic Courthouse, 2nd Floor,
Community Room**

Minutes

PUBLIC NOTICE

The Bedford County Planning Commission

On September 27th, 2022, the Bedford County Regional Planning Commission recommended (9-YES Votes, 1-No Vote, 1-Abstain) the rezoning of approximately 114.93 +/- acres along Longview Road, Shelbyville, TN, from its existing A-1 (Agriculture-Forestry) zone-district, to R-1 PUD (Planning Unit Development), and more particularly identified as the entirety of Bedford County Tax Map 024, Parcel 016.01, said parcel being owned by Grablis Family Real Estate Partnership LP, 9941 Mona Road, Murfreesboro, TN 37129.

The public hearings will occur immediately before the Bedford County Commission meeting which will begin at 7:00 p.m. on November 8, 2022. The public hearing and commission meeting will be held in the old Courthouse, 1 Public Square, 2nd Floor Meeting Chamber., Shelbyville, Tennessee 37160.

Accommodations

Persons with a disability who wish to request accommodation to participate in the Public Meeting should notify Suzanne Alexander at least one (1) business days prior to the Meeting at (931) 684-7944 or email your request to Suzanne.Alexander@bedfordcountyttn.gov to discuss accommodations. Every reasonable effort will be made to meet your need.

The public hearing was opened and Chairman Chad Graham asked if anyone would like to speak for or against the proposed rezoning. Several area residents came forward in opposition of the PUD. Those speaking against it were Delores Chester, William Chapman, Stephanie Nash, Eddie Stacy, Stephanie Reford, Carl Brown, Norma Jean Blanton Miller, Kim Walker, and Matthew Owens. They expressed their concerns about flooding/runoff, traffic/safety, failing septic systems, high-density housing, cost of education, the loss of prime agricultural land, concerns about the financial health of the developer and the possibility that houses will not be completed, as well as the effect on future generations.

Travis Hargis said that his property is directly adjacent to the property in question, and that while the PUD offers more protection to him, he understands the position of his neighbors. He said we should respect someone's property and what they wish to do with it, but that you can't please everyone.

Randy Sexton and Gary Wisnewski, representatives of Landmark Homes, said that their desire is to build a Cadillac, but are being told they must build a Pinto. They are proposing 109 lots on 117 acres, stone and brick homes, upgrading water lines, a step sewer system approved by the State of Tennessee, 6 retention ponds, storm pipes, curbs and gutters to direct water, parks in the neighborhood, private streets and sidewalks which will be maintained by the HOA. If a traditional subdivision is built, maintenance of the roads will be the responsibility of the County. They said Landmark has closed more than 100 homes so far this year, averaging \$550,000 per home. They have been in business for 30 years and have never not finished a home. Anderson asked if they had plans to build a PUD on Coopertown Road and they said they do not.

Graham closed the public hearing.

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Call to Order: Chairman, Mayor Chad D. Graham
Prayer and Pledge of Allegiance: Prayer led by Taylor Dowell
Open Meeting: Chief Sheriff Deputy Nikia Elliott
Roll Call: County Clerk Donna Thomas

PRESENT

Bill Anderson	Mark Thomas
John Boutwell	Troy Thompson
Jason Boyette	Greg Vick
Janice Brothers	Linda Yockey
Anita Epperson	
Biff Farrar	
Drew Hooker	
Scott Johnson	
Eric Maddox	
Diane Neeley	
Sylvia Pinson	
Julie Sanders	
Tony Smith	
Adam Thomas	

Minutes Approval:

1. Approval of Commission Meeting Minutes from October 11, 2022 - *Placed on agenda without a recommendation by Rules & Legislative Committee.*

Motion made by Mark Thomas. Seconded by Yockey. Passed unanimously by voice vote.

Elections & Confirmations:

2. Elect Notaries for December 2022. *Placed on agenda by Rules & Legislative Committee.*

Motion made by Anderson. Seconded by Vick. Passed unanimously by voice vote.

BEDFORD COUNTY CLERK
DONNA THOMAS COUNTY CLERK
100 PUBLIC SQ STE 104
SHELBYVILLE TN 37160
Telephone 931-684-1921
Fax 931-685-9590

Notaries to be elected November 08, 2022

JOYCE ELIZABETH GAEFE	LORI H SCHULER
CHARLES A HICKS	JUDY D SMITH
DENA KAY LANDERS	RICHARD SMITH
SABRINA D MONROE	EMILY SMITH
MAYALANA PHILPOT	

Presentations:

3. Charles Curtiss, TCCA Executive Director - Presentation of Ralph Puckett Award.

Presentation postponed.

Resolutions: None.

Additional Items by Standing Committees:

Rules and Legislative Committee:

4. Planned Unit Development Rezoning – Landmark Homes of Tennessee, Map 024, Parcel 016.01, Longview Road, rezoning A-1 to R-1 PUD. - *Placed on agenda with an unfavorable recommendation by Rules & Legislative Committee. (Favorable recommendation from the Planning Commission).*

Motion to approve made by Vick. Seconded by Pinson.

Mark Thomas commented he was torn as far as how to vote. He acknowledged the concerns of the residents of the area. He said that when the Commission approved the Zoning/Codes book they set forth the rules governing what someone could or could not do with their land. The developer has met all of the criteria laid out in the zoning rules. He said there has been a frequent complaint that government is too involved in what property owners can do with their property, and yet this body is being asked to make a decision regarding what these people can do with their property.

Thomas said that houses are going to be built on this land regardless of tonight's decision. He asked if the PUD is not approved and houses are built on the property, would there be individual septic systems, or would it still be a step system? Randy Sexton of Landmark Homes was invited to respond. Mr. Sexton said that they hired a soil scientist to determine whether or not the property could be developed. The scientist said that according to the acreage of soils you could build up to 160 units. He said whether they go with the PUD or not, there will be a step system.

Yockey said she had attended every zoning meeting regarding the PUD. She said there have been many lies and misrepresentations to the people in the community. She said the PUDs have been on the books for 8 or 10 years. She said the \$11,000/student that had been mentioned tonight actually comes from the State and not property taxes. Someone had mentioned that farmers do not have representation on the Planning Commission, however the Commission is made up of a realtor, a couple of contractors, a couple of "normal" people, and the rest are farmers. As to the flooding concern, she said if there is a subdivision there will be more flooding than if there is a PUD. As to the traffic, she said Longview Rd is a collector road and will have a lot of traffic, but Coopertown Rd is not an arterial road or a collector road and will never have a large subdivision or a PUD built on it the way the document stands currently. She said that she will listen to the community although it pains her because she thinks they are making a mistake.

Epperson asked for clarification about whether the vote tonight is just to rezone to residential. Graham said the vote is to rezone to R-1 PUD status.

Farrar called for question. Because others wished to speak, Graham asked for a vote by show of hands on whether to allow further discussion. 10 hands were raised to continue discussion.

Boutwell addressed the concerns regarding cost of education for residents of a PUD. He said that about 18% of funding for schools comes from the county. He said that in 2020 the county

dt 12/13/22

spent about \$1488/student. On 110 houses the census bureau estimates 2.77 people per household, or 305 ^{people} students. About 18% of our population is in school so that would be 62 students. The cost to the county would be about \$92,000.

Neeley said that while the majority of the school funding comes from the State, the county is responsible for the school buildings. Boutwell said that the University of Tennessee has projected that in the next 18 years Bedford County's population will increase by about 10,000 (21%). That equates to an additional 1,992 students. At 750 students per school, that means in 18 years we will need 3 additional schools. He made the point that the impact of this PUD, whether built or not, will not change the fact that we will need more schools in the future.

Thompson apologized to the residents in attendance, saying the process has taken much too long to come to a vote and should be a speedier process in the future.

Vick called the question.

Motion to approve failed on roll call vote. 6 Ayes 12 Noes

Voting Yea: Boutwell, Johnson, Pinson, Sanders, Mark Thomas, Vick

Voting Nay: Anderson, Boyette, Brothers, Epperson, Farrar, Hooker, Maddox, Neeley, Smith, Adam Thomas, Thompson, Yockey

Law Enforcement Committee: None.

Courthouse and Property Committee:

- 5. Request by Judge Charles Rich to Name Judicial Commissioner's Office for Terry Stacey - Placed on agenda with a favorable recommendation by Courthouse & Property Committee.

Motion to approve made by Mark Thomas. Seconded by Epperson. Motion passed by unanimous voice vote.

Graham recognized the family of Terry Stacey who were in attendance.

Financial Management Committee:

- 6. Quarterly Financials

Motion to approve made by Brothers. Seconded by Sanders. Passed by unanimous voice vote.

A copy of the quarterly financials is on file in the Clerk's office.

- 7. Res. 23-14 TDOT Bridge Rehab – Old Hwy 64, Bridge over Stokes Branch, LM 0.11

Motion to approve made by Vick. Seconded by Mark Thomas. Passed unanimously by voice vote.

Federal Project Number :
State Project Number: 02455-0440-04,02455-3440-04,02455-2440-04,02455-1440-04

PROPOSAL

**OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE COUNTY OF BEDFORD, TENNESSEE:**

STATE OF TENNESSEE
BEDFORD COUNTY

November 8, 2022

BEDFORD COUNTY BOARD OF COMMISSIONERS

RESOLUTION

No. 23-14

Authorization for the Mayor of Bedford County to sign a
Proposal with Tennessee Department of Transportation

For Project No. #02455-0440-04, 02455-1440-04, 02455-3440-04

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project in the County of Bedford, Tennessee, hereinafter "COUNTY", designated as Federal Project No. , State Project No. 02455-0440-04,02455-3440-04,02455-2440-04,02455-1440-04 , that is described as "Old Hwy 64. Bridge over Stokes Branch, LM 0.11 (IA) Route: Old Hwy 64", provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, the parties agree as follows:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements. and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee, 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense.
2. The COUNTY will close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law.
3. The COUNTY will transfer or cause to be transferred to the DEPARTMENT, without cost to the DEPARTMENT, all land owned by the COUNTY or by any of its instrumentalities as

NOW, THEREFORE BE IT RESOLVED by the Legislative Body of Bedford County meeting in regular session this 8th day of November, 2022 that the Mayor be authorized to sign a Proposal with the Tennessee Department of Transportation for the road improvement project.

We, the undersigned Commission members, move for the adoption of the above Resolution.

Commissioner Greg Vick moved to adopt the resolution.

Commissioner Mark Thomas seconded the motion.

Votes in Favor 18 Votes Against 0

APPROVED:

ATTEST:

Mayor Chad D. Graham

Donna Thomas, County Clerk

Rev 04-17-2017

required for right-of-way or easement purposes, provided such land is being used or dedicated for road or other public way purposes.

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right-of-way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take any action necessary to require the removal or adjustment of any of the above-described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY.

5. The COUNTY will maintain any frontage road to be constructed as part of the project:

6. After the project is completed and open to traffic, the COUNTY will accept jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map.

7. The COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility

facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT.

8. No provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system.

9. It is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the COUNTY.

10. When traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right-of-way for the project, any building and/or structure improvements become in violation of a COUNTY setback line or building and/or structure requirement, including, but not limited to, on-premise signs, the COUNTY agrees to waive enforcement of the COUNTY setback line or building and/or structure requirement and take other proper governmental action as necessary to accomplish such waiver.

12. If, as a result of acquisition and use of right-of-way for the project, any real property retained by any property owner shall become in violation of a COUNTY zoning regulation or requirement, the COUNTY agrees to waive enforcement of the COUNTY zoning regulation or requirement and take other proper governmental action as necessary to accomplish such waiver.

13. The COUNTY will not authorize encroachments of any kind upon the right-of-way, nor will the COUNTY authorize use of the easements for the project in any manner which affects

the DEPARTMENT's use thereof.

14. The COUNTY will obtain the approval of the DEPARTMENT before authorizing parking on the right-of-way and easements for the project.

15. The COUNTY will not install or maintain any device for the purpose of regulating the movement of traffic on the roadway except as warranted and in conformity with the Manual on Uniform Traffic Control Devices.

16. If the project is classified as full access control (i.e. a project which has no intersecting streets at grade), then the DEPARTMENT will maintain the completed project. If the project is not classified as full access control, then the DEPARTMENT will maintain the pavement from curb to curb where curbs exist, or will maintain full width of the roadway where no curb exist. The COUNTY agrees to maintain all other parts of non-access control projects; provided, however, that any retaining walls, box culverts, or other like structures constructed as part of the project that supports the structural integrity or stability of the roadway surface shall be maintained by the DEPARTMENT.

17. If a sidewalk is constructed as a component of this project, the COUNTY shall be responsible for maintenance of the sidewalk and shall assume all liability for third-party claims for damages arising from its use of the sidewalk or premises beyond the DEPARTMENT'S maintenance responsibilities as set forth in section 16 of this proposal.

18. When said project is completed, the COUNTY thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation, or governmental agency, without first obtaining the approval of the DEPARTMENT.

19. The DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation for damage or civil actions of which the Attorney

General has received the notice and pleadings provided for herein; provided, however, that if the project is being constructed pursuant to a contract administered by the DEPARTMENT'S Local Programs Development Office, the terms of that contract shall control in the event of a conflict with this proposal.

20. The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

21. The acceptance of this proposal shall be evidenced by the passage of a resolution or by other proper governmental action, which shall incorporate this proposal verbatim or make reference thereto.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this the ____ day of _____, 20__.

THE COUNTY OF _____, TENNESSEE

BY: _____
MAYOR

DATE: _____

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
HOWARD H. ELEY
COMMISSIONER

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
JOHN REINBOLD
GENERAL COUNSEL

DATE: _____

8. Surplus Property - BOE

Motion to approve made by Brothers. Seconded by Pinson. Passed unanimously by voice vote.

A copy of the BoE surplus list is on file in the Clerk's office.

9. Surplus Property - Highway and Solid Waste

Motion to approve made by Anderson. Seconded by Sanders. Passed unanimously by voice vote.

Mark Clanton
Road Superintendent



P.O. Box 544 • Shelbyville, TN 37162
phone 931.684.4651 • fax 931.684.5783
email: highway@cafes.net

TO: Bedford County Commissioners
Courthouse & Property Committee Members
FROM: Bedford County Highway Department
DATE: October 6, 2022
SUBJECT: Scrap

HIGHWAY DEPT. SURPLUS LIST 10-2022

The Bedford County Highway Department hereby requests that the commission declare the following items as scrap so they can be discarded

- #4 Okidata microline 995 printer
- #5 Tower for HP BC10265
- #11-A Brown desk-wooden
- #11-B Brown desk-wooden
- #11-C Brown desk-wooden
- #18A Upright book case
- #37 LG Pentium Computer BC 10268 Keyboard & Sabrent Modem
- #41 Xerox Phaser 3320 Printer
- #49 Kodak XE Camera & Printer
- #50 Power tower 40X Max Colorado 5g6
- #53 Brown wooden computer stand
- #67 APC Backup CS 500 4B1608P16211

	asset #
2009 Ford F-150 pickup	143
1995 Ford-F700 Dump truck	110
1992 Ford F-700 Dump truck	97
2010 John Deer tractor	148
1990 Ford F-800 oil distributor	90
Rogers MFG - chip spreader tailgate	144
Rogers MFG chip spreader tailgate	129
1980 International 2275 road tractor	94
Rogers MFG chip spreader tailgate	130
Phelan WT25	186
C.H. Gosiger drill press	143

SOLID WASTE SURPLUS 10- 2022

Mark Clanton,
Road Superintendent

2011 Peterbilt 320 Garbage truck	214
52 green metal 6 yard frontload containers	

Announcements

- Wreaths Across America will be on the square November 10
- The Courthouse will be closed November 11 in observance of Veteran's Day.
- Veteran's parade November 12
- Christmas parade December 3
- Mark Thomas thanked Yockey and others from Farm Bureau for the donation of grain bin rescue equipment. He also thanked John Teague, Agricultural Extension Director, for organizing training for firefighters.

Adjourn

Meeting adjourned at 8:44 p.m.

Attestation

I certify that the minutes were completed on the 17th day of November, 2022 and delivered to the Bedford County Mayor's office.

Donna Thomas

Donna Thomas
Bedford County Clerk

I certify that I received these minutes on the 17 day of November, 2022.

Chad Graham

Chad Graham
Bedford County Mayor