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Mayor Becca Werner

Town of Coopertown
2525 Burgess Gower Road
Springfield, TN 37172

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Vice-Mayor Robert Dale
Anderson

September 26, 2022

Electronically Filed in TPUC Docket Room
on September 26, 2022 at 2:43 p.m.

Tennessee Public Utilities Commission
C/O Matthew Nicks
Tennessee Wastewater Systems, Inc
849 Aviation Parkway
Smyrna, Tennessee 37167

To Whom It May Concern:

This letter is being provided to you in response to your request that the Town of Coopertown confirms whether or not the drip fields located within the Derby Meadows subdivision were to be fenced and if we approve of such measure.

The Coopertown Planning Commission approved a fencing request from Derby Meadows during the September 23, 2021 planning meeting. During said meeting, both Matt Nicks from Adenus and Randy Harper, PE and Project Manager with GMC (who was presenting on behalf of Harvester LLC, the developer of Derby Meadows), presented the request to the commission.

You will find attached to this letter the minutes from the September 23, 2021 Coopertown Planning Commission (please review Section 8.1), as well as information from RAMM Flex Fencing that was provided to the Commission.

In addition to the type of fencing, the Developers representatives advised where the fencing would be located within the property and that, while the Developer would be responsible for installing the fence, Adenus will be responsible for ongoing maintenance of the fence.

Should you require further information, please do not hesitate to contact either myself or Vicky Bumgardner at 615-382-4470.

Thank you.

Becca J. Werner

Becca J. Werner, Mayor

cc: Vicky Bumgardner, Building Commissioner, Town of Coopertown



The Town of Coopertown
2525 Burgess Gower Rd.
Springfield, TN 37172
(615) 382-4470

**PLANNING COMMISSION
MEETING**
Thursday, September 23, 2021
6:00 P.M.

Meeting Minutes

Meeting held at Chapel Acres 2630 Woods Rd. Springfield, TN

I. Call to Order

The meeting was called to order by Chairman Shane Gordon at 6:00 p.m.

II. Pledge of Allegiance

III. Roll Call

Secretary Keiter called roll:

Members present:

Shane Gordon, Chairman
Matt Keiter, Secretary
Phil Klover
Brian Rettaliata
Becca Werner, Mayor

Members absent:

Kevin Davis, Alderman
Peggy Ruth, Vice Chairman

Also present:

Vicky Bumgardner, Building Commissioner
Bryan Collins, Planning Consultant
Mike Delvizio, Town Engineer
Marshall Albritton, Town's legal counsel

IV. Public Forum

No one signed up to speak. Chairman Gordon asked if anyone who had not signed in to speak would like to at this time. Hearing none Mayor Werner made a motion to close the public forum. Shane Gordon, Chairman, seconded the motion.

All in favor signified by saying 'Aye'.

V. Approve Meeting Minutes from August 16, 2021

Chairman Gordon asked for a motion to approve the minutes from August 16, 2021.

Chairman Gordon motioned to approve the minutes from August 16, 2021.
Phil Klover seconded the motion.

Hearing no further discussion, Secretary Keiter called roll:

Mayor Werner	YES
Matt Keiter	ABSTAIN, not present for that meeting
Brian Rettaliata	YES
Shane Gordon	YES
Phil Klover	YES

The motion passed with 4 Yes votes, 1 Abstention.

VI. Status of Letter(s) of Credit/Surety Instruments

There are no letters of surety in place at this time.

At this point in the meeting Mayor Werner made a motion to move New Business before Old Business. Phil Klover seconded the motion.

All in favor signified by saying 'Aye'.

VII. New Business

1. Billy M. Lee, Final Plat to subdivide 1.24 acres from parent tract at 3838 Windland Dr. Map 121, part of Parcel 008.00, currently zoned Rural Residential (RA)

Bryan Collins shared staff's comments. He stated the applicant requests to replat 1.24 acres leaving 17.04 acres with the parent tract. The RA zoning district permits a minimum lot size of 40,000 sq. feet and this plat exceeds that requirement. Bryan also shared that according to the Deeds office, the Lee parent parcel was previously divided to create two other lots of record out of the lot frontage acreage (one of the two was done by plat—Vivian Milam plat from '95—while the other was done by deed in January 2008). The applicant should be aware that this third division dwindles the street frontage although there is still available access to the remainder acreage. If in the future, new lots are created from the remaining acreage, street frontage and access, and the extension of utilities, may require installation of a new street.

Matt Keiter made a motion to approve the subdivide of 1.24 acres with the following conditions:

- All blanks on the application need to be filled in
- All required signatures need to be obtained.

Chairman Gordon seconded the motion.

Secretary Keiter called roll:

Shane Gordon	YES
Phil Klover	YES
Mayor Werner	YES
Matt Keiter	YES
Brian Rettaliata	YES

The motion passed unanimously.

2. The Grove Church Site Plan to add accessory structures for Trail Life Troops program at 2122 Tom Austin Hwy., Map 122, Parcel 133.00, zone Agricultural (A), containing 16.47 acres

Bryan Collins stated the applicant desires to add four (4) new accessory structures to be constructed and used for the Trail Life Troops program, Troop 431. The structures will be four corner posts, with a tarp style roof but have no sides. The Board of Zoning Appeals met prior to the PC meeting and approved the new Use. The principal use on this property is for a religious facility. The applicant should understand that another application will need to be submitted for review if any additional structures are planned for

the future as this would be an alteration of the original BZA approval. Staff has no issues with approving the site plan as presented.

Mayor Werner made a motion to approve the four accessory structures.
Chairman Gordon seconded the motion.

After hearing no further discussion Secretary Keiter called roll:

Phil Klober	YES
Matt Keiter	ABSTAINED because he is a neighbor and member of The Grove Church and assisted with application submittals.
Mayor Werner	YES
Shane Gordon	YES
Brian Rettaliata	YES

The motion passed with 4 Yes votes, 1 Abstention.

3. Review amendments to Subdivision Regulations Article II, Section 2-108.602, Article III, Sections 3-103.1, 3-103.301, 1-104.1 and Appendix A regarding Surety and Performance and Maintenance Agreement Resolution SR2021-018 and Public Hearing.

Mayor Werner made a motion to open the public hearing for Resolution SR2021-018.
Brian Rettaliata seconded the motion.

No one signed in to speak - no public comments provided.

Mayor Werner made a motion to close the public hearing for Resolution SR2021-018.
Chairman Gordon seconded the motion.

All in favor signified by saying "Aye".

Mayor Werner made a motion to approve Resolution SR2021-018.
Chairman Gordon seconded the motion.

Secretary Keiter called roll:

Matt Keiter	YES
Brian Rettaliata	YES
Shane Gordon	YES
Phil Klober	YES
Mayor Werner	YES

The motion passed unanimously.

VIII. Old Business

1. Harvester LLC, Derby Meadows Subdivision - Amendments to Preliminary Plat

Matt Keiter asked if a site plan had been submitted for the wastewater treatment plant area. Mike Delviziis stated the site plan will be submitted when a building permit is pulled. Mike Delviziis stated the approval comes through TDEC; they will need to sign off on the site plan before a building permit is issued by the Town. Matt stated he's fine with that but he'd like staff to double check that fence location.

Mayor Werner asked who will install the fence and who will maintain it? Matt Nicks, Project Manager with Adenus, stated the developer will install the fence and they will maintain the fence. Matt Nicks stated that in regard to the site plan, all the necessary items have been sent to TDEC for approval. Applicant submitted pictures of the proposed change in fencing. Randy Harper, PE and Project Manager with GMC, presented on behalf of Derby Meadows. He stated they would like to use Ramm Flex fencing. Planning Commission originally approved high tensile wire fencing with a top wood plank board; fencing adjacent or near residential lots was to be four board plank. This type of fencing is more durable, has the ability to flex if a tree falls on it and has a lifetime guarantee.

Mayor Werner asked Matt Nicks to speak to whether or not residents can fly a kite or walk on this property. Matt Nicks said there is no access allowed by vehicles or recreational use by residents inside the fence surrounding the WWTP. Mayor Werner said that in a meeting with Mike Shamsie he had said that this type of oxygenated system would be safe for human contact.

Mayor Werner made a motion to approve the revised fence materials.
Chairman Gordon seconded the motion.

Matt Keiter asked if all 8 staff comments (dated September 8, 2021) have been addressed regarding this preliminary plat. Mike Delviziis replied, "Yes".

Secretary Keiter called roll:

Phil Klover	YES	
Mayor Werner	YES	
Matt Keiter	NO	
Brian Rettaliata		YES
Shane Gordon	YES	

The motion passed with 4 Yes votes and 1 No vote.

2. Harvester LLC, Derby Meadows Subdivision - Phase 1A Plat

Brian Rettaliata asked at what point in the process are the HOA documents required? Mike Delviziis stated the HOA document must be recorded so that the book and page number can be added to the Final Plat before it's signed by the PC Secretary. Attorney Marshall Albritton stated he has received a draft copy.

Mayor Werner asked if the street lights will be in the ROW. Mike Delviziis confirmed. The developer will install, then will dedicate to the HOA for maintenance. Phil Klover asked what if the HOA doesn't maintain them? Marshall Albritton said the plat shows the lights; you're approving a plat and the HOA states they'll maintain them. So if they do not maintain it's an enforceable action against the HOA.

Matt Keiter referred members to Section 5-105.4 Final Open Space Ownership and Management Plan and 5-105.5 Final Homeowners' or Property Owners Association Documents (CAD) for requirements on this subject. Bill Seeley said they submitted a 65-page document which addresses these issues. Vicky Bumgardner asked Bill Seeley if the copy submitted is a final copy. Bill said it's basically done except final numbering. They indicated they will submit a final copy when final edits are made.

Matt Keiter motioned to approve the Phase 1A Plat with the following conditions:

- Community Association/HOA document is reviewed and approved by the Town's attorney to assure Subdivision Regulations 5-105.4 and 5-105.5 are verified
- All signatures and surveyor's stamp
- Surety is executed and provided to the Town prior to recording of Phase 1A plat

Secretary Keiter called roll:

Brian Rettaliata	YES
Shane Gordon	YES
Mayor Werner	YES
Phil Klobner	YES
Matt Keiter	YES

The motion passed unanimously.

3. **Harvester LLC, Derby Meadows Subdivision - Phase 1A Surety**

Mayor Werner asked what day the site visit was conducted. Mike Delviziis stated Mike Pafford is on the site every week. Mike Delviziis continued by explaining how to read the worksheet. The white section establishes the original surety. The green area is staff's opinion of percentage of those items that remain. The gray is based on the developers' opinion on what's done. Original Construction Cost is based on no work having been done. The PC needs to decide what the contingency amount. There is a conflict in the 2017 Subdivision Regulations. In the body it states you cannot reduce less than 50% but the in the performance agreement it states 25%. The Town's attorney and staff recommends using 25%.

Mayor Werner said before we discuss the percent of remaining we should agree on the original construction cost opinion.

Mayor Werner motioned to approve the **Original Construction Cost Opinion of \$3,233, 878** proposed by staff.

Brian Rettaliata seconded that motion and then stepped away to take a phone call.

Brian Rettaliata returned to the room and apologized to all that he had to go.

Marshall Albritton focused members on what they are about to vote on. You have a developer in the process of building a subdivision. As the Town, you are requiring the developer, pursuant to Coopertown Subdivision Regulations, put up a surety (in this case, a cash surety) in an amount that protects the town in the event he goes belly up and you'll have adequate funds to complete the development and public improvements. Staff has gone out and made an estimate to advise you. The developer may not agree with that estimate, original cost, percentage completed, etc. But it's you, the PC, who have the ultimate duty and responsibility and the ultimate call to make a determination as to what you think is necessary to protect the town so that these items are completed. So staff has prepared this document, based on opinions of Mike Pafford, Mike Delviziis and Vicky Bumgardner on what it will take. The developer has spoken up and it's not uncommon that a developer would disagree with that and want to say it should be lower and this is why. You can entertain what the developer says but I'm giving you a broad picture of what you have to do. Mayor Werner has motioned to at least start with adopting staff's calculation of the original construction costs. Those are not the developer's costs. They may have negotiated a really good deal and got it down cheaper so it's going to be less. But what staff is doing is saying if we have to complete the work what's it going to cost us? We don't have these contracts with people. We're going to have to go out and get bids and we're going to have to do these things. You start by adopting the original cost. Then you have to decide how much do we want to require the developer to put down. At least some of the work has been done, everybody agrees with that. There is a contingency being recommended by staff. You have a number but what if costs go up? What if you have problems? And there your Subdivision Regulations have a threshold that you cannot go below. You can ask the staff questions. You don't have to go through each of the numbers. You can listen to staff and adopt their opinion, or not adopt it based on some other information that you have or want to get at this hearing. You have a pending motion that has been seconded. You can vote on it. You can recognize somebody to speak. You don't have to recognize anybody to speak. You can go ahead and vote.

Matt Keiter asked Mike Delviziis how he got to his numbers including completion of the wastewater treatment plant. Mike stated the wastewater treatment plant (WWTP) came out of the workshop which

looked at all these quantities. The majority of the quantities were provided by the developer. The unit prices were also discussed at the workshop. The yellow highlights were things the Town provided the developer. PC wanted to add access road and WWTP. Recently Eric Carter provided a discrepancy on a concrete post curb. Wanted to add the WWTP based on the contract with Adenus and a call to another designer/operator of WWTPs like that.

Mike Delviziis addressed the Chairman saying the developer has requested we remove sidewalks from the spreadsheet. The current spreadsheet includes that cost. Mike said staff is not opposed to removing that line item. Staff could approve that item administratively.

Marshall Albritton suggested the motion is made. You're figuring out the cost opinion now. Go ahead and approve the cost opinion and then you can move on to what are we going to actually require the developer put down? The 2017 Subdivision Regulations apply to this, because that's when the Preliminary Plat was approved. The contingency in that set of Subdivision Regulations is higher than the current one. So you basically have a range. But now you need to look at staff's recommendations on cost opinion.

You have a motion (Mayor Werner) and a second (Brian Rettaliata). **Original Construction Cost amount: \$3,233,878.**

Secretary Keiter called roll:

Shane Gordon	YES
Mayor Werner	YES
Phil Klover	YES
Matt Keiter	YES

The motion passed with 4 Yes votes.

The members moved to discussion on the 20% Contingency Amount as shown on the spreadsheet. Mayor Werner stated the 2017 Subdivision Regulations allow for up to 50%.

Marshall Albritton stated you have two things that you're looking at: How much is remaining to be done? Then what is your contingency amount?

Phil Klover said during the workshop he was in favor of 20%. But some of the wild pricing is beginning to settle down. He said staff's suggestions be considered.

Mayor Werner said she typically sees 10 – 20%.

Mike Delviziis said you just need to protect the town.

Marshall Albritton stated there are not only costs of materials and supplies but also unforeseen events.

Mike Delviziis agreed. If we had set these numbers a year ago what would that look like today? There's no way I'd have predicted a year ago what pricing we have today. The 2020 regulations do allow for 20%. And, if issues are discovered, reductions or increases will be evaluated and may be made by the Planning Commission.

Mayor Werner motioned to adopt a **20% Contingency Amount.**

Matt Keiter seconded the motion.

Secretary Keiter called roll:

Shane Gordon	YES
Mayor Werner	YES
Phil Klover	YES
Matt Keiter	YES

The motion passed with 4 Yes votes.

Members moved to vote on the Original Surety Amount.

Matt Keiter motioned to use the amount of \$3,880,653.

Chairman Gordon seconded the motion.

Secretary Keiter called roll:

Shane Gordon	YES
Mayor Werner	YES
Phil Klover	YES
Matt Keiter	YES

The motion passed with 4 Yes votes.

Members moved to vote on a 25% minimum reduction by reviewing the green portion on the spreadsheet and set the final surety amount.

Mayor Werner asked if the developer is ready to request a reduction.

If the plat is approved tonight, if the PC deems its appropriate and grants a variance, they can approve the plat, you can record it and sell lots. But you cannot get a building permit until the plat is recorded. After some discussion, Larkin Ritter and Bill Seeley said they wish to defer until the October meeting. That will give them more time to complete items.

Bill Seeley requests a meeting with staff to discuss the numbers. Vicky Bumgardner will coordinate with Mr. Seeley and staff to set a date.

IX. Comments from Members

Mayor reminded everyone of the Town's 25th Anniversary celebration coming up on Saturday, September 25th at the Middle School parking lot.

X. Adjournment

Chairman Gordon asked for a motion to adjourn the meeting.

Mayor Werner made the motion to adjourn.

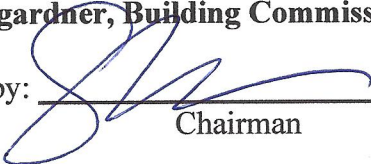
Chairman Gordon seconded the motion.

All in favor signified by saying, 'Aye'.

The meeting adjourned at 7:49 p.m.

Original notes generated by Vicky Bumgardner, Building Commissioner

These minutes are respectfully submitted by:


Chairman

10-18-21
Date





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525 Plus Flex Fence®

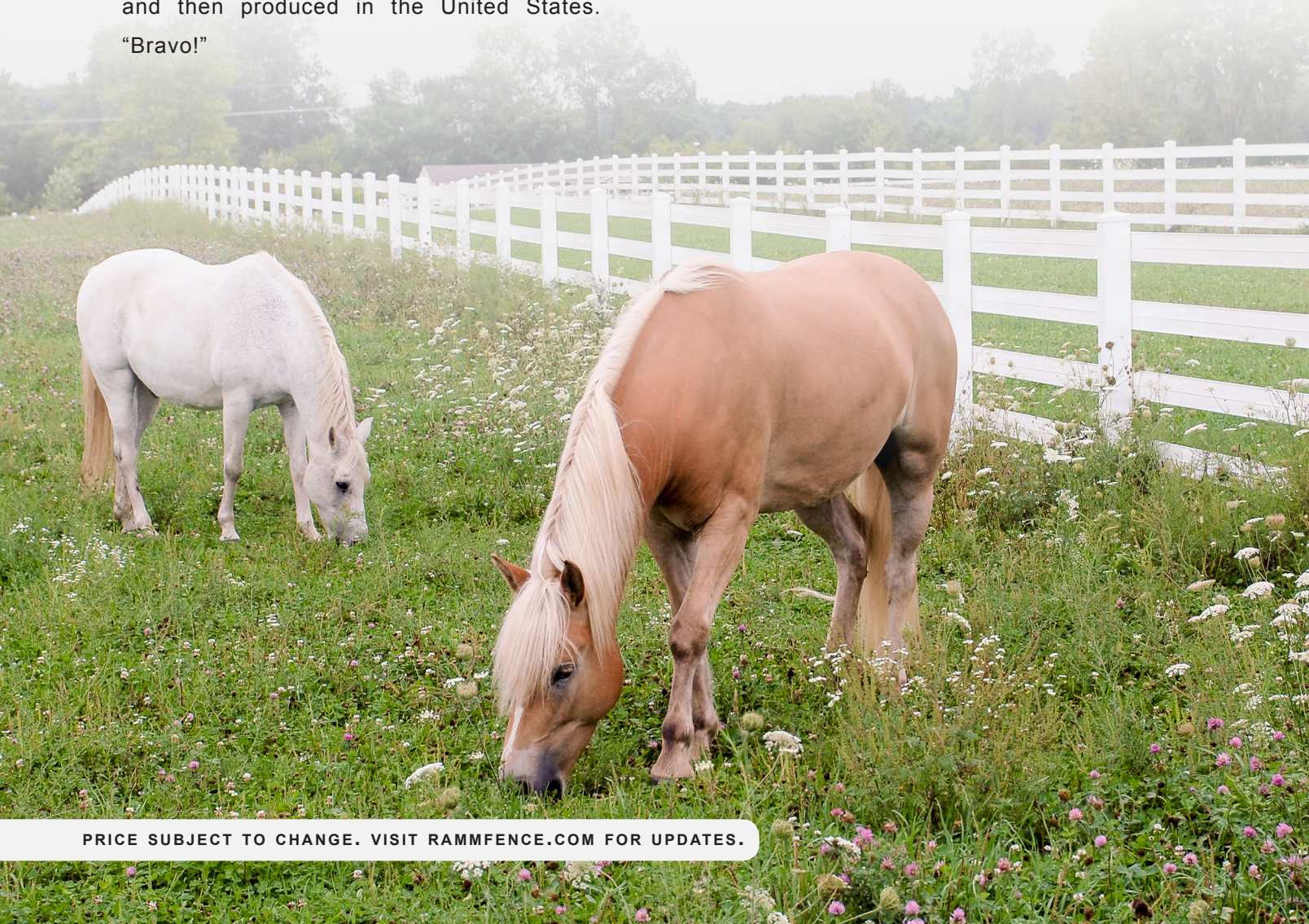


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- 4,200 lbs of break strength per rail
- Hot dip galvanized steel and powder coated brackets, used with ring shank nails for strength
- Flexes 6"-8" on impact leaving no stress marks
- Never paint this rail
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- 1 3½" ring shank nails
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- 5 Three 12.5-gauge pre-straightened galvanized high-tensile wires

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