

Special Called Meeting of the
Board of Mayor and Council
January 18, 2007

The Board of Mayor and Council met in a special called session on January 18, 2007 at 6:00 in the Municipal Building for the sole purpose of discussing/acting on temporary structures.

Present and presiding: Mayor Gary Norwood.

Council present: Tommy Nicholson, Dwayne Noe, Rick Johnson, Carol Macha, and Chris LaCrosse.

Council absent: Steve Allen.

Others present: Sharon Caton, Jennifer Noe, Matt Anderson, Darryl R. Carroll, Eddie Nichols, Faye McDonald, Michael Armstrong, Chris Cherry, Chuck Walker, Anita Justice, BJ Justice, Jason E. Cannon, Murry Hawkins, and Phyllis Schaeffer.

Mayor Norwood called the meeting to order at 6:04p.m.

Mayor Norwood stated the purpose of this meeting is to discuss and act on temporary structures in the city. He would like to break it into 3 sections: 1. What has Jason Cannon done 2. What action and documentation does the city have and 3. What action would city like to take on this?

Mr. Cannon approached and said he was open for questions. This structure is for drive through only and it is called a kiosk. Only employees will be allowed in the building. He has built the building to adhere to codes with Michael Armstrong and Murry Hawkins approval. The temporary structure has been built on skids. If the business can make it in 24 months he will do a permanent building to codes. He is real positive about it and thinks it will work.

Mayor asked Mr. Cannon if he went through the state. Mr. Cannon replied yes. Also, Mr. Cannon said he was very pleased with the administration in Ashland City. Mr. Cannon went on to say he has gone through TDOT to get access to the property, has gone through deeds, He had to have a septic tank and the land has perked. HE has city water on site and the electricity through CEMC and they went through the state to get the proper access. Ms. Macha asked about the traffic flow around the building. Mr. Cannon explained and also said there will be signage for direction. Hopefully next week the driveway will be marked.

The next step was what actions were taken and what documentation does the city have? Mr. Hawkins replied to the best of his knowledge he doesn't think anything has been done wrong and feels that this is an inquisition. He is sorry for any action taken but believes that nothing has been done wrong he does not have any interest in this property. Mr. Hawkins said Mr. Armstrong has no responsibility in it he will take full

responsibility. Mr. Hawkins said Mr. Cannon came in to have the property rezoned, that Mr. Cannon had purchased the property and wanted a temporary kiosk on his site to sell coffee. Mr. Hawkins looked on the GIS and thought this was TN Wildlife or Corp of Engineers, he took the application and Mr. Cannon left. This went to Planning Commission and then went to Council for 1st reading, public hearing and 2nd reading. It was not intended to be a secret. Mr. Cannon was told he couldn't put in water without sewer being there. He didn't think it would ever go. Mr. Hawkins never considered it a big deal.

Ms. Noe called him and in the ICC code the building official has the authority to approve temporary structures but only for 180 days. But can extend with good cause. The city has not issued anything. He did not know anything about it until Mr. Armstrong said the Council was upset. He was not notified of this meeting. The last thing he would do is damage his relationship with the Council or they city. If he has done something wrong he apologizes. Nothing has been signed by this city. He does have a permit.

Ms. Noe advised the city has adopted the ICC code but our code limits the temporary uses in section 4-14 it talks about Christmas tree sales our code has 5 uses and sets guidelines.

Mr. Johnson asked if it stated only those things. Ms. Noe replied it doesn't specifically say these are the only ones but where else would you list them.

Ms. Macha asked if one code was adopted later then the other one does one take precedence.

Ms. Noe replied it doesn't take preference it just goes further.

This issue is in front of us now and we need to address how we want to handle it.

Ms. Noe gave examples of temporary uses in the county.

Ms. Macha asked if a site plan was presented. The reply was it only went to planning and zoning for rezoning.

Mr. LaCrosse said everyone thought there would be a site plan. Then questions were being asked if it went back to planning.

Mr. Hawkins said they talked about the expense if a formal site plan was presented.

Mr. Cannon was asked about bathroom facilities. Mr. Cannon replied it actually does have a bathroom.

Mayor Norwood asked Mr. Armstrong if this wasn't a temporary structure is there anything that is not in compliance.

Ms. Noe replied that it meets all setback lines. Mr. Armstrong said he could not think of anything not in compliance.

Mayor asked if the code dictates what is considered the front and back. Mr. Armstrong replied that he went by the way 911 figures it and the way Wal-Mart was done. The process is 911 always goes to the front to give it an address.

Ms. Noe said he meets everything as far as zoning and landscaping.

Mayor asked how much property is there and Mr. Cannon replied it was .8666 acre.

Mayor asked about the signage. Mr. Cannon replied there will be a drive thru sign on the gable end by the door and a small sign 4' X 40" by the gutter line. He is staying within the guidelines.

Mr. Armstrong said it was in compliance.

Mayor asked the Council if they would like to take any action or corrective actions. Mr. LaCrosse said everyone was just surprised to see the building but Mike thought it was within his authority. With all that is going on the Council thought it would come before them and that planning would have known about it. Maybe we should say if it is allowed it should go through a site plan review.

Ms. Caton said there is something in place for reviewing site plans. And it does go through a review process. Mike is correct about the 911 addressing. She thinks the process is working well.

The structure will be anchored to the ground for stability. The ICC code takes precedence but local codes can strengthen it.

Ms. Macha asked Ms. Caton in other places you've been that have temporary structures are extensions to the 180 days done. Ms. Caton said at the end of the 180 days if there were complaints, accidents, etc. they could revoke the permit but by the end of a year they should know if they can make it.

Mr. LaCrosse said – so the site plan review would go through the planner's office but there are several cases where the site plan review would go to the planning commission. He thinks this has just been a communication problem.

Ms. Noe said we need to develop for future use. Hendersonville has something in place they do the 180 days they don't allow it in parking lots and the person must own the land. We have an ordinance that addresses 5 things if the Council wants to broaden that we need to address it. We need something for a legal standpoint as this will open a Pandora's Box for the future.

Mayor said this Council has taken a pretty strong stand on backing up our people on something that has been said or done. But he would like to have a meeting with Jason at 180 days so anything can be addressed that needs to be.

Ms. Macha said she would like something sooner than 180 days if there are complaints maybe 60 days. Mr. Armstrong said he would keep a record.

Mr. Johnson said but at least at 180 days to stay in compliance with our rules. We need something to be restrictive.

Ms. Macha said she doesn't think anything was done just need to communicate.

Ms. Noe thinks that site plan reviews should go before the planning commission so they know what is going on.

Ms. Noe and Ms. Caton will get together and get something drawn up on this.

Mr. Noe said maybe they can do the 1st review in 60 days and then maybe at each 180 days thereafter. He would like the Mayor as a representative to be with Mr. Armstrong at the 60 day review.

Ms. Caton said since it wasn't taken to the planning commission in the 1st place it can't be taken there now.

Mr. LaCrosse asked Jason if all goes well will you change the structure. Mr. Cannon replied the reason for the 2 years is that gives him a full 12 month cycle to see how the sales will do.

Ms. Caton said there should be stipulations to control the usage of the structure.

Mr. LaCrosse said the only negative thing he has heard is that this is opening the door down the road for other temporary businesses.

Mayor Norwood gave a recap on the meeting. Mr. Cannon is to tie down the building.

Ms. Noe advised the Council that she was served last week by Lamar Advertising.

A motion was made by LaCrosse, seconded by Johnson, to adjourn. Motion passed unanimously by voice vote. Meeting adjourned at 7:13 p.m.

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder