

MINUTES OF THE HIGHWAY COMMISSION MEETING

December 5, 2012

The Williamson County Highway Commission met on Wednesday, December 5, 2012 at 8:30 a.m. at the Williamson County Highway Department facility at 302 Beasley Drive in Franklin, TN. Commission members present: County Mayor and Highway Commission Chair Rogers Anderson; Commissioners Charlie Bennett, Wayne Davis, Stan Tyson and Dick Fowlkes.

Also present were: Eddie Hood, Highway Superintendent; Joe Horne, Community Development Director; Floyd Heflin and William Andrews, Engineering; Elaine Vasquez, Greg Boll, and Randy Hickman, Highway Department; Mike Matteson, Planning Director; Bobby Cook, County Attorney, Buerger, Moseley & Carson; Chad Collier and Randy Carroll, Collier Engineering; Kristi Ransom, County Attorney; Ansley Coode, Mallory Valley Utility District, Alton Hethcoat, Hethcoat & Davis, Inc.; and other interested individuals.

Chair Rogers Anderson called the meeting to order at approximately 8:30 a.m. and asked for approval of the minutes of the November 7, 2012 Highway Commission meeting. Commissioner Tyson moved to approve the minutes, seconded by Commissioner Bennett. The motion passed unanimously, 5-0.

Special Announcements: There were none.

Citizens Communication: There were none.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:

Resolution 1-13-1. RESOLUTION ACCEPTING ROADS IN DURHAM MANOR SUBDIVISION AS A PART OF THE COUNTY ROAD SYSTEM FOR MAINTENANCE BY THE COUNTY HIGHWAY DEPARTMENT LOCATED OFF HENPECK LANE. Commissioner Bennett moved to recommend approval, seconded by Commissioner Davis.

Mr. Andrews and Supt. Hood recommended approval of the resolution. The motion passed unanimously, 5-0.

Resolution 1-13-2. RESOLUTION AMENDING THE 2012-2013 HIGHWAY DEPARTMENT BUDGET AND APPROPRIATE UP TO \$264,380.84 FOR PAVING EXPENSES OF STATE AID ROADS. Commissioner Tyson moved to recommend approval, seconded by Commissioner Davis.

Supt. Hood stated that the Highway Department had paved Old Harding Road which is a state-aid road. This resolution will allow the reimbursement from the State of Tennessee to go back into the paving budget. The motion passed unanimously, 5-0.

Report for Acceptance of Orchard Street and Canal Street, Silverstream Subdivision, Section Eight, as a part of the Williamson County Road System. Commissioner Fowlkes moved for approval, seconded by Commissioner Tyson.

Mr. Andrews stated that this is the report brought to the Highway Commission prior to the resolution being brought next month and that he recommended approval. Supt. Hood stated that he recommended approval as well. The motion passed unanimously, 5-0.

Request by Ansley Coode, Mallory Valley Utility District, for approval to install a new 8" Ductile Iron Water Main within the road from Lynnwood Road west along North Berry's Chapel Road to approximately 1,560 feet west of Chapelwood (includes replacement of PVC water line in Glen Haven Lane). Commissioner Fowlkes moved for approval, seconded by Commissioner Tyson.

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Mr. Hethcoat referenced his report (Attachment A) and stated that the reason for this request was to obtain approval to replace the existing 6-inch PVC water line with new 8-inch DIP water line. This effort is an ongoing initiative of MVUD to eliminate all PVC water lines and because there has been a high failure rate in this area. Mr. Hethcoat stated that they have attempted to contact all of the residents affected by this water line work, but only received responses from about one half who stated that they did not want Mallory Valley to come onto their property. He stated that the current line is not straight and it would be better to have it replaced in a straight path. Also, he stated that they would keep one lane of roadway passable for school buses and emergency vehicles, but closed to through traffic. Ms. Coode stated that the area residents were also concerned about their driveways, trees, septic, etc. and it would be impossible to get permission from everyone. Mr. Hethcoat stated that they plan to resurface the entire road when the work is completed, not just the side that is dug up. He stated that it would take approximately 4 month time frame and they will submit a traffic plan if this request is approved. They will have to get approval from TDEC as well.

Commissioner Tyson asked about connecting the waterline to the houses. Mr. Hethcoat stated that they would not have to go onto private property with this plan as the meters are placed on the property lines. The right-of-way width varies from 40' to 60' on the map, he stated.

Supt. Hood stated that he met with Mr. Hethcoat and Ms. Coode at the site and was in agreement with their plan if the Highway Commission agrees.

Discussion was held on the condition of the current road, adequate backfill and the number of breaks over the years in the area, especially due to the current water pressure strength. The bonding requirements were also discussed with Mallory Valley stating that they will provide a 100% Payment and Performance bond. Discussion was also held about the possibility of condemnation to which Ms. Coode stated that condemnation is very time consuming.

Chair Anderson stated that he would support the request, but asked Mallory Valley to make a concentrated effort to educate the public with phone calls and notices regarding the project. Mr. Hethcoat stated that they generally hold a public hearing and post project progress on their website. The motion passed unanimously to approve the plan as submitted, 5-0.

Report Regarding Grove Park Addition, Section 1 Default and Tennessee Commerce Bank Failure. Mrs. Ransom gave a brief overview of the report (Attachment B) provided to the Highway Commission about Grove Park Addition, Section 1 stating that this section of the neighborhood contained 18 building lots and all but seven were completed. The potential homeowners want to build on the vacant lots, but cannot because this Section is in default, due to the failure of Tennessee Commerce Bank. The County received notice from the FDIC in April of this year that the developer's letter of credit had been disaffirmed. Due to this action, the Planning Commission declared that this section was in default on their road bond and subsequently no building permits have been allowed. The roads in this addition, Bosk Lane, Grove Park Drive and Trails End Drive, were to become county roads when the final paving was completed. The County submitted an appeal of the disaffirmed letter of credit, in the form of a Proof of Claim to the FDIC, and the County Mayor also contacted our federal legislators, about the Proof of Claim. Subsequently, the County has a Certificate and is not a depositor, the County will only receive funds after all other matters are settled by the FDIC and the FDIC costs and expenses are paid. Other avenues have been explored to obtain funds, but so far none of them have been fruitful. The property owners also have no other avenue for recourse. Mrs. Ransom reiterated that this is a highly unusual circumstance, as outlined in the report, and that the current system in place worked; however no one could anticipate a bank failure. She stated that she is recommending that the Highway Commission accept these roads in the present condition, which will come back in the form of a resolution with the proper report attached at the January 2013 Highway Commission meeting.

Mr. Andrews reported that the current condition of the roads is decent, with minor work needed to the binding, prior to the 1½ inch surface mix being added. Supt. Hood concurred with Mr. Andrews and stated that he was in agreement with the County taking over these roads. Mr. Andrews reiterated that after the resolution comes to the January Highway Commission, it will then go to the County Commission before going to the Planning Commission to allow building permits to be issued in this Grove Park Addition.

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Chair Anderson stated that while this is a deviation from the normal process, the homeowners are in limbo. He stated that he hopes that the legislators will address this issue in the future so that the local entity is not hurt when similar circumstances occur again. Further, he reiterated that the County did not do anything wrong and that the County will not make a practice of taking over incomplete roads in the future.

Commissioner Tyson asked whether acknowledgement of this report in this manner was a deviation from the current process to accept roads. Mr. Cook confirmed that it was a deviation from the process but the report that will be presented in the January meeting will satisfy the requirements contained in the process.

Discussion was held about these issues including the possibility of pursuing the State of Tennessee as Tennessee Commerce Bank was a state-chartered bank. Mr. Horne stated that the letters of credit in question were “irrevocable” and that this was the first time in his 21 years of experience that a bank failure impacted a letter of credit.

There were no objections from the Highway Commissioners to come back with a resolution in January accepting these roads under these circumstances.

Highway Bids. Mr. Boll presented the following bid (Attachment C):

Concrete Box Beams (Construction Products - \$15,614.70): Commissioner Tyson moved to accept low bid from Construction Products, seconded by Commissioner Bennett. Supt. Hood recommended approval. The motion passed unanimously, 5-0.

Highway Commission District Reports: There were no reports.

Highway Superintendent Report: Superintendent Hood acknowledged the November 2012 Activity Report and stated that the Highway Department will close on December 19th and reopen on January 2nd for the holiday break. He stated that they had over 3000 tons of salt ready should the winter weather require it.

Supt. Hood stated that in response to the request at the November Highway Commission for a 2-way stop at North Berry’s Chapel and Lynnwood Way, Mr. Collier had some information to present to the Commission in the form of a report.

Mr. Collier gave a brief overview of the traffic study (Attachment D) reporting that there were sight distance limitations, speed issues, high volume of vehicles and steep topography grades which warrant a stopping condition. He recommended a blinking “stop” sign, a blinking “stop sign ahead” sign, and a stop bar.

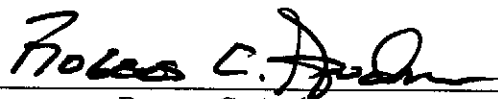
Commissioner Tyson moved to accept the report and Mr. Collier’s recommendations, seconded by Commissioner Davis. The motion passed unanimously, 5-0.

Highway Chairman Report: There was none.

Legal Issues: There were none.

The meeting adjourned at approximately 9:30 a.m.

/ce



Rogers C. Anderson
Chairman and County Mayor