

RESOLUTION 09-05

**A RESOLUTION TO REQUEST THE
GENERAL ASSEMBLY OF THE STATE OF TENNESSEE
AMEND THE PUBLIC NOTICE REQUIREMENT FOR AMENDMENTS
AND ADOPTION OF THE GENERAL PLAN FOR THE MUNICIPALITY**

WHEREAS, it is the desire of the Board of Mayor and Aldermen of the City of Spring Hill, the legislative body of the City of Spring Hill, through the Municipal Planning Commission of the City of Spring Hill, to practice and promote public participation in all aspects of municipal planning; and

WHEREAS, in performing its legislative duties, the City of Spring Hill Board of Mayor and Aldermen does regularly meet on the third (3rd) Monday of each month, resulting in twenty-eight (28) days transpiring between meetings eight (8) times out of the year and thirty-five (35) days transpiring between meetings four (4) times out of the year; and

WHEREAS, in performing its duties of municipal planning, the City of Spring Hill Municipal Planning Commission does regularly meet on the Second (2nd) Monday of each month, resulting in twenty-eight (28) days transpiring between meetings eight (8) times out of the year and thirty-five (35) days transpiring between meetings four (4) times out of the year; and

WHEREAS, the City of Spring Hill is a rapidly growing community having experienced exceptional growth within recent history; and

WHEREAS, this rapid growth experienced in the community presents many challenges to the Board of Mayor and Aldermen and the Municipal Planning Commission of the City of Spring Hill, specifically as it relates to proper municipal planning; and

WHEREAS, the Board of Mayor and Aldermen and the Municipal Planning Commission of the City of Spring Hill have adopted a general plan for the municipality, or parts of a general plan, that requires frequent review and amendment as necessary to take into consideration the exception growth recently and currently being experienced by the City of Spring Hill; and

WHEREAS, in 2008, the State of Tennessee did enact Public Chapter 1150, an act to amend Tennessee Code Annotated (“TCA”), Title 13, Chapter 3, relative to public planning; and

WHEREAS, as a result of Public Chapter 1150, TCA § 13-4-202(a) now states (*emphasis added*) “Prior to the adoption of the plan or any part or parts of the plan by the commission, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the meeting in which the adoption is to be first considered”; and

WHEREAS, as a result of Public Chapter 1150, TCA § 13-4-202(b)(2)(B)(iii) now states (*emphasis added*) “Prior to the adoption of the general plan or amendment of the general plan, a legislative body shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the legislative body's meeting in which the adoption or amendment is to be first considered”; and

WHEREAS, the City of Spring Hill has experienced what it believes to be unintended negative consequences to how it does perform its duties of municipal planning as a result of the provisions of TCA § 13-4-202(a) and TCA § 13-4-202(b)(2)(B)(iii), specifically as they pertain to the thirty (30) day public notice published in a newspaper of general circulation requirement; and

WHEREAS, the specific difficulties that the City of Spring Hill has experienced are that due to the schedule of the regular monthly meetings, should the Board of Mayor and Aldermen or the Municipal Planning Commission of the City of Spring Hill wish to consider an amendment to the adopted General Plan, or parts of the General Plan of the City of Spring Hill, there generally are not thirty (30) days that transpire between meetings to publish notification of consideration for an amendment; and

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill have determined that the practice of holding monthly meetings on specified weekdays of the month is not unique to the City of Spring Hill in the State of Tennessee; and

WHEREAS, a remedy for legislative bodies and Municipal Planning Commissions in the State of Tennessee that do practice monthly meetings on specified weekdays of the month can be accomplished by amending the thirty (30) day public notice newspaper requirements of TCA § 13-4-202(a) and TCA § 13-4-202(b)(2)(B)(iii) to a number of days that is no more then twenty-eight (28) days.

NOW, THEREFORE BE IT RESOLVED, by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, that it is requested of the General Assembly of the State of Tennessee that Tennessee Code Annotated 13-4-202(a) and 13-4-202(b)(2)(B)(iii) be amended as follows;

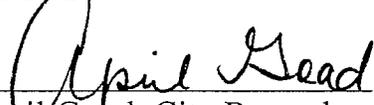
that the thirty (30) day public notice requirement published in a newspaper of general circulation be reduced to a number of days that is no more than twenty-eight (28) days.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of January, 2009.



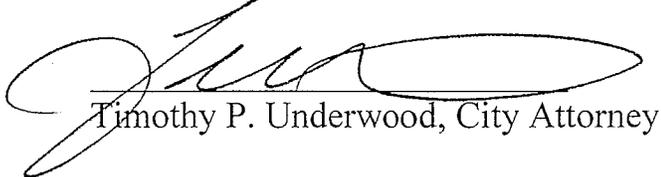
Danny M. Leverette, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood, City Attorney