

**Tennessee Health Services and Development Agency
Public Hearing
RHA/Trenton MR, Inc.
CN0810-086 and CN0810-087
Establishment of 4-bed ICF/MR Units
January 22, 2009**

AGENCY STAFF PRESENT

**Mark Farber, Assistant Executive Director
Jim Christoffersen, Deputy General Counsel
Melissa Bobbitt, Administrative Services Assistant III**

ATTENDEES PRESENT

For the Applicant

West, William, Esq. Baker, Donelson
Swatley, Terry

From the Community

Alfonso, Carolyn
Alfonso, Walter
Arnold, Chuck, Gibson County Sheriff
Bauer, Ronnie
Bearce, Dorothy
Crews, Dee
Eno, Loyd
Fisher, George, Jr., Alderperson
Halford, Curtis, State Representative
Holloway, Randy
Johnson, Robert, Alderperson
Karnes, Carolyn
King, Veneeta
King, Wayne

Community (Cont'd)

Landrum, Jimmy, Alderperson
Lovell, Brian A.
Lovell, Tammy
McEwen, Kay
Newman, Sandra
Nolan, Brandon
Nolan, Kim
Parham, Hillary Lawler
Reed, Nathan, Alderperson
Smelsey, Pat
Smelsey, Matt
Thompson, Walton "Sam", Mayor
Tyner, Charles
Tyner, Ginny
White, Dottie
White, Jim

CALL TO ORDER /ANNOUNCEMENTS

The meeting was called to order at 6:05 pm by Mark Farber, Assistant Executive Director, in the fellowship hall of First Baptist Church, 198 West College Street, Dyer, Tennessee.

Mr. Farber provided instructions for those speaking in support or opposition of the establishment for two (2), four (4) bed homes to house the relocation of a total of eight (8) ICF/MR beds from The Margie and Thomas Winfrey Center at 2055 Highway 45 Bypass, Trenton (Gibson County), TN 37382 (upon approval of CN0810-086, RHA/Trenton MR, Inc., Lots 6 & 7, Dyer Station Estates and CN0810-087, RHA/Trenton MR, Inc., Lots 9 & 10, Dyer Station Estates, Dyer (Gibson County), TN 38330).

Mr. Farber informed the audience that this was a fact-finding public hearing and both applications will be presented to the members for review at the February 25, 2009 Health Services and Development Agency Meeting in Nashville, TN.

Jim Christoffersen, Deputy General Counsel provided instructions for filing opposition with the Health Services and Development Agency, and for filing a petition for an appeal. Mr. Christoffersen stressed the law's technical requirements for appeal and offered to answer questions that evening and going forward.

APPLICANT'S PRESENTATION

William H. West, Esq., representing the applicant, addressed the staff and audience stating that the applicant would not present anything at this time but rest on the written presentations made to the Agency in the written Certificate of Need Application and would reserve further comments until the February HSDA Meeting. Mr. Terry Swatley was present on behalf of the project.

SPEAKERS FROM THE COMMUNITY (ALL EITHER OPPOSED THE APPLICATIONS, OR AT A MINIMUM, RAISED QUESTIONS ABOUT THE APPLICATIONS THAT INDICATED OPPOSITION)

MEMBERS OF THE COMMUNITY

Dorothy Bearce
Loyd Eno
Tammy Lovell

Kay McEwen
Sandra Newman
Ginny Tyner

Matt Smelsy
Dee Crews
Randy Holloway

Concerns expressed (passionately) by members of the community, particularly by those in the neighborhood of the proposed projects, can be summarized as follows:

- Significant impact upon small cul-de-sac, currently having only 10 homes, and neighboring subdivision
 - Increased traffic and disruption caused by projects' employees, guests, and medical professionals, and first responders such as ambulances, fire and police
 - Neighborhood's 14 children's safety and ability to freely roam small neighborhood
 - The neighborhood lots' deeds themselves limit development to single family construction
 - Diminished Property Values
 - Appraiser indicated to resident to reduce recent appraisal by upwards of \$25,000 if CON applications are approved
 - Community where many folks live on retirement and/or SSI, and most folks' net worth is heavily invested in their homes
 - Structures would become low income housing units if and when ICF/MR use ends
- Overrides Local Zoning (which can be done per specific state law for ICF/MR beds)
 - Zoning considered when developing neighborhood and investing in its homes
- The cul-de-sac is not close enough to anything else in the community to provide opportunities for "integration" into the community
- Lack of support facilities nearby, including health care
- The lots' suitability for ICF/MR homes was questioned
 - Platts are irregular and lots are not as large as plat shows
 - Drainage ditches and utility boxes are in the center of the proposed plots

- Drainage ditches being covered will cause flooding in the neighborhood
- The lots may not be suitable for residential structures at all
- The homes would be welcomed by the community if placed in a more reasonable location
- Disturbing incidents at The Winfrey Center raise safety concerns
- Concerns were expressed concerning who would be responsible for the ICF/MR patients behavior and for any damage caused to persons or property in the neighborhood
- Several questioned the efficacy of group homes in general [which type of placement is supported by state law and DMRS, and is mandated by the federal court settlement]

ELECTED OFFICIALS

Curtis Halford, State Representative, made the following comments:

- Questioned whether the property has been surveyed to see if the infrastructure will support the added sewage and water
- Stated the building inspector states that there are zoning concerns and zoning may have to be changed to support these facilities
- The neighborhood is zoned for single family and not multi-family buildings
- Raised set backs issues – the facilities cannot be set back far enough to support the structure of the buildings

Chuck Arnold, Elected Sheriff of Gibson County

- Citizens of this small neighborhood are not used to being exposed to crime
- Questioned the criteria for hiring of employees
- Expressed concerns about citizens economic situations and their safety
- Pleaded for mercy for the 10 families in the neighborhood who would bear the impact of these projects

Additional letters of opposition were submitted from:

Judy C. Baker, Alderperson
 Tammy Lovell
 Brandon and Kim Nolan
 Dorothy Bearce
 Kay McEwen

ADJOURNMENT

Mark Farber adjourned the Public Hearing at 7:00 p.m.

Mark Farber, Assistant Executive Director

MF/MAB