

Regular Meeting of the
Board of Mayor and Council
March 13, 2007

The Board of Mayor and Council met in regular session on March 13, 2007 at 7:07 p.m. in the Municipal Building.

Present and presiding: Mayor Gary Norwood.

Council present: Steve Allen, Rick Johnson, Carol Macha, and Chris LaCrosse.

Council absent: Tommy Nicholson and Dwayne Noe.

Others present: Zach McCarver, Yvonne Stinnett, Ernest Boyd, Denny Brooks, David Schlundt, Curtis Bennett, Bush Boyd, Lisa Cantrell, Mary Glasgow, Marc Coulon, C. J. Groulx, Greg Edrington, Michael Armstrong, Cory Gossett, Gossett Investments, Inc., Chris Cherry, Wade A. Reed, John Rankin, Chris Camp, Matt Anderson, Tom Salter, Glen N. Dodson, HFR, Eddie Nichols, W. R. Baker, Ray Crouch Jr., and Gary Binkley.

Mayor Norwood called the meeting to order and began the meeting with a public hearing on Ordinance # 330-tap fees-2nd reading. Mayor asked for anyone to approach the council. No one responded and Mayor Norwood closed the public hearing and continued with the regular meeting.

All those present for the public hearing were in attendance for the regular meeting.

A motion was made by Johnson, seconded by Macha to approve the February 2007 minutes. The motion passed unanimously by voice vote.

Public Forum:

Mayor asked if anyone would like to address the council. No one responded.

Attorney:

Ms. Noe stated she had nothing to discuss with the council that wasn't already on the agenda. She did request a few minutes with the council at the end of the meeting to discuss a matter that is attorney-client privileged.

Old Business:

Discussion on Ordinance #330-tap fees-2nd reading.

A motion was made by Macha, seconded by LaCrosse to approve ordinance #330 on second reading. Mayor asked if there was any discussion needed and no one responded. The motion passed with a roll call vote of: Macha-yes, LaCrosse-yes, Johnson-yes, Allen-yes, and Mayor-yes.

New Business:

R.A.C. update.

Mr. Camp presented an update stating he had presented a budget summary last week at workshop and was asked by Mr. LaCrosse for a budget breakdown. He advised the council of a pre bid meeting next week at 1:00 p.m. and would issue an addendum to any questions they may have. He then proceeded to go over figures: Phase I-\$985,000.00, Landscaping-\$30,000.00, Storm Sewer-\$60,000.00, and Contingency-\$30,000.00. Mr. Johnson said he has seen the bid and doesn't know if he is ready to spend more money on alternates. Mr. Camp said you put out alternate bids and if original bid comes in lower you could then add one of the alternates. He is not suggesting spending extra money. Mr. Camp said the alternate is in Phase II and money has been awarded and that is why he went beyond the base bid. Mr. LaCrosse stated he estimated 1.266 if just include \$560,000.00 - \$200,000.00 technically then you would have \$200,000.00 more to be used on Phase II. Mr. LaCrosse asked if the accounting could be kept separate for all phases for TDOT. Mr. Camp said you would have to have permission before you can move items in other phases to Phase I. Mr. LaCrosse asked if you run into a costly overrun can we delete items. Mr. Camp said yes you can because it was put in item by item so you can delete items, but he hopes it will come in under bid to have a contingency.

Mayor asked Ms. Noe to give the council some background on Ordinance #330-Redistricting the wards-1st reading. He asked her if Sandy Cherry with the election commission had asked that they look into redistricting the wards. Ms Noe said the wards at the last election for the city were: ward 1-693, ward 2-1002, and ward 3-586. According to Ms. Cherry's records ward 2 currently has more people living there than the other two. Ms. Noe stated there is a federal case she's looking at that shows you have to have the actual number of people living in a ward. She went on to say that with the addition of Braxton, Hidden Lakes and Leeland Station the figures would change quite a bit. Ms. Noe asked if this could be passed over and take another look because in two years this might have to be done again. She said you might want to wait-you don't want to get in a habit of doing this every two years. Ms. Noe said the council gets qualified by ward and are elected at large. The only way to disqualify is if you move outside the city limits and it would matter in the next election. She would like to look it over again and also at other Supreme Court rulings. Ms. Noe again asked to table this for two years. Mr. Johnson said he would like a committee to sit down and look at this and decide on changing wards. No action was taken on ordinance # 331.

Mr. Hawkins explained that Resolution 2007-03 and 2007-04 were sent to us by TML to have the council endorse. He sent them to Ms. Noe for review. Ms. Noe stated that it would take control from the city back to the state. A motion was made by LaCrosse, seconded by Macha to approve Resolution 2007-03-Competitive Cable and Video Services Act. The motion passed unanimously by voice vote.

A motion was made by Lacrosse, seconded by Macha to approve Resolution 2007-04-AT& T cable franchise negotiations. Resolution 2007-04 was not approved by roll call vote of: LaCrosse-no, Macha-no, Allen-no, Johnson-no, and Mayor-no.

A motion was made by Johnson, seconded by LaCrosse to approve Resolution 2007-05-School safety/sidewalk grant. The motion passed unanimously by voice vote.

Mr. Hawkins stated that TML Bond Pool was to formulate the close of our bond pool. We are now continuing with a grant from RUD. Mr. Cherry and Ms. Schaeffer designed a payment plan and that the figures are accurate as they were checked by Ms. Schaeffer, us and them. A motion was made by Johnson, seconded by LaCrosse to approve Resolution 2007-06-TML Bond fund. The motion passed unanimously by voice vote.

Mr. Camp spoke to council about RAC inspection and design. He said the cost is for 12 months of construction and design. The cost breaks down to \$35,000.00 for inspection and \$80,000.00 for design. The inspection is for daily visits and Lose & Associates will still have to approve monthly payouts. Mr. LaCrosse asked what the \$80,000.00 was based on. Mr. Camp said it was based on design for \$811,000.00. Mr. LaCrosse stated we need to go forward and if you do can you go through and start with TDOT approvals instead of waiting. Mr. LaCrosse said he would personally like to see a block done at a time and have it done properly. Mr. Camp said they have provided a high level of service so far and will continue to see that things are done professionally. He said it took over six months to get all paperwork done with TDOT and that you will have 1 to 1-1/2 years wait if we don't start now. The inspection has to start from day one. Mr. Camp said he was fine with how everyone wants it done. Mayor stated general bid opening will be on the 27th and Mr. Camp will come back next session with a recommendation. You would have at least approved a certain money amount and hopefully can get started by the end of April. Mr. Camp said he would hopefully have Phase I done by the Christmas parade. Mr. Johnson asked if there are any liability problems will the city suffer or will they be bonded. Ms. Noe stated they are under contract and can be cut off at anytime for lack of performance. Mr. Camp said the contract documents say you can terminate if not fulfilling the contract. Mr. LaCrosse stated letters should be sent to business owners letting them know when it will be started. Mr. Camp said letters will be sent to businesses to give notification but you will get calls from unhappy business owners. If the council should receive calls then they should call Lose & Associates and speak to him. He said their bid is strict and there will be access to all businesses during working hours. The contractor is to give 48 hours notice to work on Saturday or Sunday and will have to have prior approval. Mr. Camp said notification will be sent to business owner's if there will be any interruption of services. He, also, said if electrical or water service is interrupted they will try to do it at night. He wants to prepare the council even if it is minor they will get calls and they will field them and not leave council on their own. A motion was made by Johnson, seconded by LaCrosse to pay inspection fees on a monthly basis. The motion passed by roll call vote of: Johnson-yes, Lacrosse-yes, Macha-yes, Allen-yes, and Mayor-yes.

Mr. Cherry approached the council and stated he would like to put out paving to bid. The streets he is considering are for Duke St., Helen, Gloria Circle, Oak St. from HWY 49 to Sycamore, Thompson Rd., and the intersection of Tucker and Stratton. Mr. Cherry said there is \$180,000.00 in the budget to bid if it goes over will use in next year. A motion was made by Johnson, seconded by Macha to put to paving out to bid. Mayor asked on

Oak St. from HWY 49 to Bowker St. is there any room to widen this street. Mr. Cherry said he could rewrite the spec to widen that portion of Oak Street. Mayor said to put it in as an alternate bid. Mr. Johnson said depending on how wide you can get it he would like to see it striped and maybe a bike path on the side. It would be good to have a place to walk. The motion passed by roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, and Mayor-yes.

A motion was made by Macha, seconded by LaCrosse to pay W & O Construction pay request #16 in the amount of \$233,817.29. Mr. Cherry said page #14 of Public Works magazine has an article on the water treatment plant. The motion passed by roll call vote of: Macha-yes, Lacrosse-yes, Allen-yes, Johnson-yes, and Mayor-yes.

A motion was made by Macha, seconded by Johnson to pay Hart Freeland Roberts pay request in the amount of \$4,839.21. The motion passed by roll call vote of: Macha-yes, Johnson-yes, Allen-yes, Lacrosse-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Macha to pay Higher's and Koonce pay request in the amount of \$1,013.42 and \$1,000.00. The motion passed by roll call vote of: Johnson-yes, Macha-yes, Allen-yes, Lacrosse-yes, and Mayor-yes.

A motion was made by Johnson, seconded by LaCrosse to pay the bills. The motion passed by roll call vote of: Johnson-yes, LaCrosse-yes, Macha-yes, Allen-yes, and Mayor-yes.

The council took a short recess in the mayor's office to speak with Ms. Noe at 8:08 pm. They reconvened at 8:34 pm.

A motion was made by Macha, seconded by Johnson to adjourn. The motion passed unanimously by voice vote. The meeting adjourned at 8:35pm.

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder