

Regular Meeting of the  
Board of Mayor and Council  
May 8, 2007

The Board of Mayor and Council met in regular session on May 8, 2007 at 7:00 p.m. in the Municipal Building.

Present and presiding: Mayor Gary Norwood.

Council present: Steve Allen, Tommy Nicholson, Dwayne Noe, Rick Johnson, and Chris LaCrosse.

Council Absent: Carol Macha.

Others Present: Mary Glasgow, Marc Coulon, Eddie Nichols, Lisa R. Cantrell, Heather Lindeman, Frances Fambrough, John Rankin, Franklin Adcock, C. J. Groulx, Greg Edrington, Tony Young, Chris Camp, Curtis, Bennett, Derek Noe, Teresa Carter, Courtney Brown, Zack McCarver, S. Caton, Michael Armstrong, Anita Justice, Edward Bush Boyd, Jerry Hamlin, Glenn O. Biggs, David Schlundt, Penny Brooks, Wade A. Reed, Glen N. Dodson, Paul Gupton, John White, Matt Anderson, and R. C. Gossett-Gossett Investments Inc.

Mayor Norwood called the meeting to order and began with the Public Hearing on Ordinance #332 and #333. He asked if anyone would like to approach the Council regarding ordinance #332. Mr. David Schlundt of 1039 Riverview Lane came forward and presented the council with a handout concerning parcel 77.01. Mr. Schlundt stated he felt this property was not well suited for industrial use because it is near residential property. He stated that the property is below a hill and a number of properties are impacted as there is no visual screen and no barrier to stop noise. Mr. Schlundt said that zoning this property industrial would have an adverse effect on property values of Tall Tree Subdivision and he urged the Council to vote against this ordinance.

Jerry Hamlin approached the Council and said that he represented Mr. Adcock. Mr. Hamlin stated that as you know there is a lawsuit filed. He stated that Mr. Adcock had requested that the council defer action on his parcel at this meeting. Per Mr. Hamlin, Mr. Adcock has submitted drawings to you. He has, also, had a surveyor to survey the property to determine the proper use – parts may be okay for industrial and other parts as residential. Mr. Hamlin said that just because someone has filed a lawsuit doesn't mean they will be successful.

Penny Brooks approached the Council and said she was not referring to the Adcock property but to other parts. There is a large piece not in use next to the glass plant. Ms Brooks said the glass recycling plant is loud which has a high impact and that others are low impact. She said if they go to industrial it will allow other businesses with high impact in there. Ms. Brooks said she wished that there were other uses for that property.

There were no other comments on Ordinance #332 so Mayor Norwood asked if anyone would like to come before the Council on ordinance #333. Mr. Rankin approached and stated that he owns property at three of the properties zoned R-4 PUD. He said that Carol Macha had asked him didn't you want to get zoning on mixed use. Mr. Rankin said that he had property that he wanted rezoned from R-1 to R-4 but he had withdrawn this request at final reading in a previous meeting to get a mixed zoning for that property. He said he would like it to be R-4 mixed use PUD. Mr. Rankin said to answer Ms. Macha's question Yes-he did agree that is what he wanted for the 10 acres.

There were no other comments on Ordinance #333.

Mayor Norwood closed the public hearing at 7:14 pm and commenced with the Council meeting. All those present for the public hearing were in attendance for the regular meeting.

A motion was made by Noe, seconded by Nicholson to approve two sets of minutes 4-03-07 and 4-10-07 as typed. The motion passed unanimously by voice vote.

#### Public Forum:

Teresa Carter of Sycamore Place Apartments asked the council to help with her water bill. She stated that there are only two in the household-herself and her daughter. Ms. Carter said there is no way they are using this much water. She said the first time they had a water heater to leak and she paid that bill. Mr. Noe asked if there was an outside water hydrant. Ms. Carter answered no. Ms. Schaeffer provided the Council with a copy of the billing on this account. She told the Council that the meter was not running when it was turned off. Ms. Schaeffer said she had told Ms. Carter if there was no leak she would need to come to Council. Mayor asked that Ms. Carter's consumption history be pulled for review.

#### Attorney:

The council and Ms. Noe took a brief recess for an attorney/client privilege meeting. The meeting reconvened at 8:05pm.

A motion was made by Johnson, seconded by Allen to have Ms. Carter pay an average bill. The motion passed by roll call vote of: Johnson-yes, Allen-yes, Nicholson-yes, Noe-yes, LaCrosse-yes, and Mayor-yes.

#### Old Business:

Ordinance #332-Rezoning portion of Thompson Rd.

A motion was made by Johnson, seconded by LaCrosse to defer Ordinance #332 rezoning on Thompson Rd. on 2<sup>nd</sup> reading. The motion passed unanimously by voice vote.

Ordinance #333-Rezoning R-4 PUD.

A motion was made by Allen, seconded by LaCrosse to pass ordinance #333 on 2<sup>nd</sup> reading. The motion passed by roll call vote of: Allen-yes, LaCrosse-yes, Johnson-yes, Noe-abstain, Nicholson-yes, and Mayor-yes.

New Business:

R.A.C. update.

Mr. Camp informed the Council that there was a pre-bid meeting and that fifteen people were in attendance. He said that the contractors asked to extend the bid date as they are having trouble finding DBE's. The date was extended to next Tuesday. Mr. Camp said that CEMC came forth and couldn't tell us if 9 conduits would be sufficient for their lines and would we consider rerouting overhead as it is cheaper. Mr. Camp said he would like to propose the council appoint 1-2 members to meet with CEMC general manager and our state representative to convey to them that we are not looking for a detailed study just need to know how many conduits and stub outs are needed. Mr. Camp said he had talked with Charter and within an hour they gave an answer as to what they would need. He said that CEMC is saying they will need two men for five weeks to look at what they have in place. He said they are moving forward with the bid but this is an issue that we'll have to address. Mr. Camp said he needs the Council's direction on what to do. He said overhead is just not done anymore and he can not get a proper response from CEMC. Mr. Noe said he doesn't understand why they can't give an answer-why doesn't the engineer have an answer. Mr. LaCrosse asked if this was critical to Phase 1. Mr. Camp said in Phase 1 it might be worth the risk to put conduit in the two areas in question. Mayor asked Mr. Camp to call him tomorrow.

Ordinance #334-07/08 Budget

Chairman Johnson thanked all department heads, Phyllis and Murry for their hard work. He said Mr. Nicholson and Mr. LaCrosse were especially helpful. Chairman Johnson said we won't be raising taxes and he recommends the budget be passed. A motion was made by Johnson, seconded by Nicholson to approve Ordinance #334 on 1st reading. The motion passed by a roll call vote of: Johnson-yes, Nicholson-yes, Noe-yes, Allen-yes, LaCrosse-yes, and Mayor-yes.

Ms. Noe addressed the council in regard to Ordinance #335-Ethics. She said that in 2006 she received a code of Ethics to be passed and this is the one that TML had with some changes. Ms. Noe said there are two requirements-personal interests and disclosures. She stated that TML looked at new and old rules and incorporated them in their model. Ms. Noe explained that you have to make a disclosure of any personal interest during a meeting-you can make a statement of what your interest is but you don't necessarily have to abstain from the vote. She said if there is a conflict of interest under state law you must make a statement as such. Mr. Johnson wants it to state that you can't vote. Under acceptance of gratuities, TML doesn't allow any. Ms. Noe stated she has put a limit of \$50.00. The section that states an official or employee can't use a facility for personal use Ms. Noe said she has changed it to say they may use the facility for personal use with the permission of the Mayor. Ms. Noe said the Ethics Complaints section has the biggest change. State law says any complaint has to be investigated by an attorney. As she is the city attorney this would put her in an awkward position, she recommends

she be the coordinator and look at having three other attorneys hired on retainer on a yearly basis to investigate any of these complaints. Ms. Noe said maybe this attorney should be another city's attorney as they are more familiar with municipal laws. A motion was made by Johnson, seconded by Noe to adopt Ordinance #335 on 1<sup>st</sup> reading. Mr. Nicholson said there were some typographical errors that need to be corrected on page 3. The motion passed with a roll call vote of: Johnson-yes, Noe-yes, Allen-yes, LaCrosse-yes, Nicholson-yes, and Mayor-yes.

Mr. Cherry handed out a prioritized list of streets for paving to the Council. He stated he didn't find Fairview Circle as a priority this year and half of Helen Street would be paved from Duke to Main Street. Also, Mr. Cherry took out parks paving figures. A motion was made by Johnson, seconded by LaCrosse to award paving bids to low bidder, Gibbs Brothers. Mayor asked how does the Council want to address the 2 parks. The motion passed by a roll call vote of: Johnson-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Noe-yes, and Mayor-yes. Mayor asked again how does the Council want to address the parks and will the funds come out of the reserve account. A motion was made by LaCrosse, seconded by Johnson to pave the parking lot at John's Park. The motion passed by a roll call vote of: LaCrosse-yes, Johnson-yes, Noe-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

Mr. Young addressed the Council in regard to the Senior Center job descriptions. He stated that Ms. Macha has asked for changes and he has added them. A motion was made by Noe, seconded by LaCrosse to accept the job descriptions. The motion passed unanimously by voice vote.

A motion was made by Noe, seconded by LaCrosse to approve W & O Construction pay request #18 in the amount of \$44,915.05. The motion passed by a roll call vote of: Noe-yes, LaCrosse-yes, Johnson-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

A motion was made by Johnson, seconded by LaCrosse to approve Hart Freeland Roberts pay request – 1 invoice water plant in the amount of \$5,015.53. The motion passed by a roll call vote of: Johnson-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Noe-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Allen to pay Higher's & Koonce pay request in the amount of \$728.10. The motion passed by a roll call vote of: Johnson-yes, Allen-yes, Nicholson-yes, Noe-yes, LaCrosse-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Nicholson to approve Lose & Associates pay request in the amount of \$961.00. The motion passed by a roll call vote of: Johnson-yes, Nicholson-yes, Allen-yes, Noe-yes, LaCrosse-yes, and Mayor-yes.

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

Chief Coulon said he is receiving phone calls about the parking in front of the old Young's Auto Parts store. He stated there is nothing to enforce. This is on the state right of way. Mayor said we need to address parking – maybe put in meters and hire an additional officer to enforce. The Mayor said we could not solve this tonight but eventually this has to be addressed. Mayor asked Ms. Noe to check with other cities.

A motion was made by Johnson, seconded by LaCrosse to adjourn. The motion passed with 5-eyes and 1-nay from Mr. Noe. The meeting adjourned at 8:57 p.m.

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Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder