

Regular Meeting of the  
Board of Mayor and Council  
March 11, 2008

The Board of Mayor and Council met in regular session on March 11, 2008 at 7:00 p. m. in the Municipal Building.

Present and presiding: Mayor Gary Norwood.

Council present: Steve Allen, Tommy Nicholson, Jimmy Gill, Rick Johnson, Carol Macha, and Chris LaCrosse.

Other present: Anita Justice, Marc Coulon, Tony Young, Michael Armstrong, Danny Schaeffer, Chris Cherry, Chuck Walker, Chris Camp, Derek Batts, Leslie Batts, Todd Crockarell, Jared Head, Susan K. Wilson, Les Stewart, Zach McCarver, John Rankin, Jennifer Noe, Chris Hall, Myrla Sproat, Sharon Caton, Mary Glasgow and Phyllis Schaeffer.

Mayor called the meeting to order and began with a public hearing on Ordinance #339 - Zoning Ordinance Flood Damage. He asked if anyone would like to address the Council. Mr. Rankin asked if the ordinance was available to read. Mayor said certainly. No one else approached the Council and Mayor Norwood closed the public hearing at 7:04 p. m. 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 Nicholson, seconded by Macha to approve all 3 sets of minutes for February with noted changes. Motion passed unanimously by voice vote.

Public Forum:

Mayor said he was proud to have as a guest tonight Leslie Batts with Cheatham county Youth leadership Forum.

Mr. Camp said he met his daughter this afternoon at the tennis court and that the basketball courts were full, the soccer fields were full, and he appreciates all the Council has done.

Attorney:

Ms. Noe approached the Council and said she would like to follow up on the special called meeting on package liquor sales - 1<sup>st</sup> reading. She stated she has some forms to help Phyllis and her office, and that she has forms and procedures she could email to Council for them to review before the 2<sup>nd</sup> reading. Mayor said he believes if it's okay with the Council to go over them next month at the regular meeting. Ms. Noe said she would email them to everyone. Ms. Noe stated she needed a short meeting with Mayor and Council. Mayor agreed to have it at the end of the meeting.

Old Business:

A motion was made by Macha, seconded by LaCrosse to approve Ordinance #339 - Zoning Ordinance Flood Damage - 2<sup>nd</sup> reading. Mr. Johnson questioned if the ordinance had been to Planning and Zoning. Motion passed with a roll call vote of: Macha-yes, LaCrosse-yes, Johnson-yes, Gill-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

#### New Business:

Mr. Camp approached Council with a R.A.C. update. He handed out paper work to Council. Mr. Camp said progress downtown was good. He stated he had met with TDOT to confirm funding. The total project funds are \$1,772,458.17 of that amount grant funding is \$1,462,411.54 and the city's portion is \$310,046.63. Mr. Camp said the next form is a revised conduit cost summary. He stated that once under construction those two items were needed. They were a traffic pedestal and control box. Also, a third item is conduit. Mr. Camp said he recommends Council approve item one and the \$12,500.00 for the conduit for future traffic lights. He said that a business requested that the tile in the threshold of their business be left in place and it would take \$500.00 to do this. Mr. Camp stated that Mr. Cherry and Chief Walker requested to have one of the fire hydrants moved and \$42,720.00 would be needed to connect it to the water line. Mr. Camp said on the third page of the handout he had provided Council was his recommendation that Council be proactive and approve the reconnection of new water lines to each business adding 2 inch conduit(PVC line) as preventative maintenance. Mr. Camp went on to say that all these items figure well within the contingency. Mayor asked Mr. Camp if it is needed could a ten day extension be added to the contract. Mr. Camp said he doesn't think it will take over two weeks to do these changes. Mayor said the changes equal \$19,520.00. Mr. Gill asked how big the pedestal is. Mr. Camp replied 6 ft. long, 3 ft. wide with concrete brick veneer plus 3 ft. 6in. X 3 ft. long footing. Mr. Gill asked what about the tank removal. Mr. Camp said they were still working on that. He said they met with all utilities post bid and were finally given the information on how many conduits will be needed. Mr. Camp stated all changes would still give a credit of \$7,946.50. He said even adding the \$12,500.00 plus all changes there would still be a credit balance.

A motion was made by Johnson, seconded by Gill to prepare a change order in the amount of \$19,520.00 with a two weeks contract extension. Ms. Macha said the credit total should be \$20,446.50 giving a credit of \$5,946.50. Mr. Johnson asked about item number two. Mr. Camp said he was not recommending it at this time. He is still working to get this done. Mayor asked if Council had questions. Ms. Macha had a question on the project update. She asked what the \$20,000.00 was for Bellsouth. Mr. Camp replied they informed us they wouldn't replace conductors and this is the charge for new conductors-new cost. Mr. Camp said cable hasn't asked for anything and they will put the cable in. He said cable has been the easiest to work with. Mr. LaCrosse asked about the contract. Mayor stated the motion and second should be addressed first. Motion passed with roll call vote: Johnson-yes, Gill-yes, Nicholson-yes, Allen-yes, LaCrosse-yes, Macha-yes, and Mayor-yes.

Mr. LaCrosse stated that when we met in November the numbers were different from the updated contract for the city's portion it was \$162,000.00 and in the update it is \$174,389.25. Mr. LaCrosse asked was the roadscape added back in. Mr. Camp said the \$114,000.00 could be adjusted down from the \$174,389.25. It could be reduced \$12,125.00 which takes the contingency down to \$66,035.00. Mr. Camp said construction has been underway two months and we haven't touched the contingency. Mr. LaCrosse asked, Chris, how do you feel over all about the project. Mr. Camp said he is very pleased that they were back filling quickly and keeping the area clean. Mr.

Camp said there have been little things but they worked around everything with no additional cost. Mr. LaCrosse asked if the project is coming in at cost. Mr. Camp replied - yes.

Ms. Sproat thanked Mayor Norwood for being on the Chamber radio show last Friday. She said R.A.C. and the town were members of the Chamber and encouraged businesses if they aren't members to join. Ms. Sproat said their regular meeting is March 21<sup>st</sup> at 8:00 am at Pinnacle Bank in their meeting room. She said they were meeting to brainstorm a ribbon cutting to celebrate when Phase 1 is complete.

Chief Walker said Young Group LTD came in as the lowest bidder on the City Hall Roof bid and he recommended to Council to accept Young Group LTD and go with alternate 1, \$52,150.00 plus \$950.00. He said he was aware that Council had discussed requiring a performance bond for the roof. Chief Walker said they could require this or save the money. Chief Walker went on to say that Mr. Hubert deals with all of the roofers on a regular basis and they aren't going anywhere. He said as far as insulation, a problem would arise if building a new building but they don't have any codes requiring this on an existing roof. Mayor asked if there were any questions. Mr. LaCrosse asked to go over the base bid and what it covers. Chief Walker said in 1987 the building was constructed with a roof over Ms. Justice's office over to the fire hall and bay. He said it has never been replaced and that's what has been leaking the worst. Chief Walker said it was just the back portion of the front office and court room that has some ponding in it, but with rework and resealing by the air conditioning company it would help with this issue. Mr. Gill asked again about no insulation. Chief Walker said the insulation is light concrete-metal sheeting then concrete. Mr. Armstrong said not any building with a flat roof is insulated on new construction in town. Motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor-yes.

Mr. Young said he had received three mowing bids. He said the difference between the two lowest bids is \$81.31 per cut or \$1,620.00 for the season. Mr. Young said Les Stewart has worked with us 12 plus years. He said GM Professionals had the low bid and their application had good references. Mr. Young said everyone bidding qualified with Title VI and had insurance. Mayor asked who Mr. Young would recommend. Mr. Young said he is happy with Les but I'm, also, happy with low bid and he would recommend either. A motion was made by Nicholson, seconded by Macha to award the mowing bid to GM Professional. Mr. LaCrosse asked how long GM had been in business. A representative for GM answered ten years. Mr. Gill said he knew it was not the low bid but he had to put in a word for Les. Mayor said he is always for local people. Mr. Allen said he feels the same way. Motion failed with a roll call vote of; Nicholson-yes, Macha-yes, LaCrosse-yes, Johnson-no, Gill-no, Allen-no, and Mayor-no. That leaves the second highest bid. A motion was made by Gill, seconded by Johnson to award mowing bid to second highest bid, Les Stewart DBA LCJW. Motion passed with a roll call vote of: Gill-yes, Johnson-yes, Macha-no, LaCrosse-no, Allen-yes, Nicholson-no, and Mayor-yes. Les got the bid.

Mr. Camp spoke to Council regarding the selection of colors for sidewalks and trash receptacles for RAC. He said he had two samples poured one red brick and the other gray brick banded. Mr. Camp said that the samples were right outside and that Council could

look at them after the meeting. Mr. Camp said they could look at the colors and see if they want to tweak them. He said the colors needed to be contrasting and that they need a red pour that is an ADA requirement. He went on to say the reason for gray was to differentiate the cross walk and that the gray bands are because of the traffic. Mayor asked how many colors. Mr. Camp said you can get any color in earth tones or brick reds. Mayor asked about the selection of trash cans. Mr. Camp said he picked a black color for the trash receptacles which he feels will match the light poles. Mayor said he agrees.

Mr. Camp spoke to Council about the GEO-Science contract for RAC. He stated that you have to have a testing agent and this is a per test type contract with GEO-Science on call. Mr. Cherry stated they are a full service testing firm. After more discussion, Mr. Cherry was asked to highlight the prices that Council would be looking at. A motion was made by Johnson, seconded by Macha to approve GEO-Science contract. Motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Nicholson-yes, Gill-yes, Allen-yes, and Mayor-yes.

A motion was made by LaCrosse, seconded by Johnson to approve Ordinance #341-amendment to PWD Standard Spec and Infrastructure Book on 1<sup>st</sup> reading. Motion passed unanimously by voice vote.

Ms. Noe spoke to Council on the fireworks contract stating it is the same company they always used. Mr. Young stated the contract needs to be signed and sent back so they can get on schedule. Mayor asked how would the financing for the fireworks work without the tournament to pay for it or would they need to do without them. Mr. Young said the Parks Board recommends cutting by 50% or don't have them at all. Mayor asked for council's wishes. Mr. Rankin asked how about if Harpeth Shoals donates \$10,000.00 to sponsor the fireworks and he asked Council to defer a decision until next month. A motion was made by Johnson, seconded by Macha to defer to next meeting. Motion passed unanimously by voice vote.

Ms. Noe addressed Council saying Mr. Rankin had discussed giving a parcel of land to the City which will tie into existing parks. She stated two properties were deeded to the city previously. One parcel was donated in 1998 from Hickory Hills with a total of .969 acres. Ms. Noe said the By-pass project was a very long process and this quick claim deed covered plans we had. In 2003 a separate deed was done from Hickory Hills LLC signed by Mr. Rankin then TDOT took over the project and there was an acquisition of property for \$8700.00 for 2.7 acres and easements. The legal description was different. The one in 2003 uses the By-pass as a point of reference and the other uses businesses - example Ryder and other property located by Corp property. Ms. Noe stated Betty Gail's office, can't find the old description to calculate where these properties overlapped. Ms. Noe said we need to survey to find what has been used--that a survey is the only true way to find out what has been used. Mr. Rankin stated he is only requesting property not used by the By-pass to be redeeded back to him. Ms. Noe said realistically there are two deeds and you can't tell what has been used without a survey. Mayor said he would have no problem giving back the property if Mr. Rankin could pay for a survey. Mr. Rankin said no problem. Mr. Rankin stated he had deeded two pieces of property that share some of the

same property and that he would like the unused portion back. Mayor stated that Mr. Rankin had the property surveyed and asked him how much acreage. Mr. Rankin answered 3/10<sup>th</sup> - third of an acre. Mr. Rankin said all he was asking was for help to get the land back. He said the city doesn't own it that the state owns it, and what he wants is the Council saying the property was not needed. Mr. Rankin stated these are not demands and that he would like to give the park land regardless. Mr. Rankin said the state would have to declare it unused. Mr. Johnson asked if we're not using it and TDOT is not using the property what effect does this have on IMI and Ryder. Mr. Rankin said they are using my property. He said they had another driveway but told TDOT they couldn't use it to access the By-pass and they moved their access down on his property. Mr. Rankin said he has a contract with Dillon (Ryder) right now. Mr. Rankin said he would like to know the city will deed the property back to him if the state will deed it back to the city. Mr. Johnson asked if Mr. Rankin would give us park land for this property. A motion was made by Gill, seconded by Macha if the state gives Mr. Rankin's property back then we should return it to him. Motion passed with a roll call vote of: Gill-yes, Macha-yes, Nicholson-yes, Allen-yes, Johnson-yes, LaCrosse-yes, and Mayor-yes.

Mayor welcomed Ms. Caton to the meeting to speak with Council on Highway 49 widening. Ms. Caton said TDOT wanted to widen Highway 49 from the red light on Highway 12 to Interstate 24. She said the bid out price is \$158 million dollars and would be on TDOT's list for the next two years. After meeting with the transportation department, she was asked to meet with the mayors. Ms. Caton brought a set of maps and said she would like Council to explore their ideas for widening 49. She said she would like Council to consider the dog leg and consider TDOT's alternative to the dog leg. Ms. Caton, also, asked them to consider what you want from Highway 12 to the library and then from the library to the city limits on 49. Mayor asked Ms. Caton how much time they had on this. Ms. Caton responded 18 months. Mayor asked can we do this at workshop and get back to them in the next 4 months. Ms. Macha said she would like Planning and Zoning to be in on this, also. Ms. Caton said she would like to invite Mr. Elrod, engineer with TDOT, to workshop. Mr. Johnson thought if they take the Church of Christ parking lot then the members would have to cross a main highway to get into church. Mr. LaCrosse said he doesn't think the problem is with the dog leg but Highway 12 itself. Ms. Caton agreed to address this next month at workshop.

A motion was made by Johnson, seconded by Macha to approve Higher's & Koonce two pay request in the amounts of \$1,875.00 and \$616.00. Motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Gill-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Gill to approve Lafferty and Sons pay request #1 in the amount of \$46,304.59 and pay request #2 in the amount of \$114,735.12. Motion passed with a roll call vote of: Johnson-yes, Gill-yes, Nicholson-yes, Macha-yes, Allen-yes, LaCrosse-yes, and Mayor-yes.

A motion was made by Macha, seconded by Gill to approve Lose & Associates 2 pay request in the amounts of \$3,300.00 and \$49,904.66. Motion passed with a roll call vote

of: Macha-yes, Gill-yes, Allen-yes, Nicholson-yes, Johnson-yes, LaCrosse-yes, and Mayor-yes.

Mr. Cherry asked that Council approve W & O construction pay request # 25 contingent that W & O pay Automatic Electric and Attaboy Automation. He said we have retainage and that both of these companies have not been paid. A motion was made by Nicholson, seconded by LaCrosse to pay W & O pay request #25 in the amount of \$43,515.29 contingent to payment made by W & O to Automatic Electric and Attaboy Automation. Motion passed with a roll call vote of: Nicholson-yes, LaCrosse-yes, Macha-yes, Johnson-yes, Gill-yes, Allen-yes, and Mayor-yes.

Other:

Mayor advised Council that Scott Adcock had an infection in his blood stream and was sent to the hospital on Saturday night. Chief Coulon said that Scott is still in a coma and on a breathing machine. He asked for prayers for Scott.

Mayor said that Mr. Hawkins had colon cancer surgery and was doing well.

Mr. Binkley with the Chamber told Council that the Chamber's golf tournament is March 28<sup>th</sup>.

Mr. Johnson said he had received three complaints about parking in yards and yards being torn up. He said that neighbors are complaining and asked Mr. Armstrong if there was a code to enforce. Mr. Armstrong asked where and Mr. Johnson said up Stratton Blvd.

Mr. Cherry asked if paving could be put out to bid. A motion was made by Johnson, seconded by Macha to put paving out to bid. Motion passed unanimously by voice vote.

Mr. Gill moved Council to do a study to eliminate putting fluoride in the city water. Mayor asked for this to be put on the agenda for workshop.

Ms. Schaeffer asked for clarification on the position agreed upon at the special called meeting. She asked if it is an assistant to the Mayor or to Phyllis with help to the Mayor. Mr. LaCrosse said to wait to discuss the position.

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

At 9:02 p.m. the meeting broke for an attorney-client meeting. Council reconvened at 9:40 p.m.

A motion was made by Johnson, seconded by LaCrosse to adjourn. Motion passed unanimously by voice vote. Meeting adjourned at 9:41 p.m.

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Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder