

Regular Meeting of the  
Board of Mayor and Council  
May 13, 2008

The Board of Mayor and Council met in regular session on May 13, 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.

Others present; Chuck Walker, Marc Coulon, Anita Justice, Sharon Caton, Tony Young, Michael Armstrong, Paul Robert Gupton, Zach McCarver, Harry R. Carroll, Leslie Finley, Wade Reed, Tom Salter, Jennifer Noe, Gary Binkley, Mary Glasgow, and Phyllis Schaeffer.

A motion was made by Macha, seconded by Gill, to approve the April minutes showing Ms. Macha absent. Motion passed unanimously by voice vote.

Public Forum:

Tom Salter, 1075 Big Marrowbone Road, approached Council and said that he had been working with Youth Leadership Cheatham County and that they had a successful year. Mr. Salter stated they would be having a celebrity softball game at Cheatham County High School this weekend. They are asking for a donation of \$5.00 as admission. Mr. Salter said the purpose of this game is to raise funds to purchase care packages to send to our troops over seas. He went on to state the two largest sponsors are A. O. Smith and Doug's Auto Sales. Mr. Salter said the activities start at noon with the game at 1:00 p. m. and he asked that all who could support this cause attend the game.

Attorney:

Ms. Noe passed out a park agreement to Council. She stated that Mr. Rankin had mentioned donating a piece of property, it's really an island for lack of a better word, and that the property be used as a park. Ms. Noe stated she realized Council is just seeing this tonight, but would like them to review the agreement and get their thoughts and concerns. She again stated the property is somewhat of an island and would need something built to it for access. Ms. Noe said it was imperative to get their involvement as there are stipulations such as a provision that if the land is not used as a park in a certain time period it would revert back to Mr. Rankin. Ms. Noe said she noticed on the tax map that the property is currently owned by another individual and a transfer would need to take place. Ms. Macha asked if there was anything on the agreement that jumps out at them they should highlight it. Ms. Noe responded that a lot of the agreement is standard and that she had gone over it with Mayor Norwood. Ms. Noe said again Council should consider that if the property was not used as a park in 5 years it would revert back to the Braxton. She said in section #5 the Braxton had architectural control and anything over \$5000.00 must be approved by Braxton LLC. Mayor said with the lack of access he

would see keeping it as a natural habitat. He said they do not have any plans or know the cost to do anything. Ms. Noe said in #4 on page 2 regarding property access the donor would have a separate access back to the Braxton but it would not be opened to the public. Mr. Nicholson said correct me if I'm wrong but didn't Mr. Rankin state there would be no stipulations, but this is full of them. Mayor said Mr. Rankin had said no strings attached. Mayor said maybe Council would want to bring the agreement up at workshop and that would give them time to look it over. Ms. Noe stated there were 2 deeds conveyed to the City, one in 1998 and one in 2001 or 2002. The first when the City was doing the Bypass and the second when TDOT agreed to do the Bypass. She said Mr. Rankin requested the part not used by the Bypass be conveyed back to him, and that Mr. Rankin has had it surveyed and is now waiting for TDOT to reply. Ms. Macha asked if TDOT didn't have to convey the property back to City then the City would turn it over. Mayor referred to the 1<sup>st</sup> page section #2 the value of the donation says \$120,000.00 and what implications are there to the City if the land reverts back in 5 years. Ms. Noe said there is no liability to the City that it would be between the IRS and Mr. Rankin. Mr. LaCrosse asked if anything had been sprayed on the property to keep growth off. Ms. Finley, representing Mr. Rankin, said some fill had been added in there but nothing sprayed on it. She said Council was welcome to come by and she would be happy to schedule time for all to take a look at the property. Ms. Macha asked why all the stipulations. Ms. Finley responded that she didn't know.

New Business:

RAC update: none.

Ms. Macha asked if Mr. Baker's issues had been resolved. Mayor responded that according to Mr. Camp they had resolved the issues.

Mayor told Council that Resolution 2008-04-adjusted principal schedule is what we spoke about in workshop regarding one of the loans. Ms. Schaeffer went over the new payment schedule that had been prepared by Linda Mooningham. Mr. LaCrosse said all the changes requested at the last budget meeting are in this package. Mayor asked Council if they were comfortable enough with the resolution tonight to pass it. A motion was made by Johnson, seconded by LaCrosse to approve Resolution 2008-04-adjusted principal schedule. Mr. Johnson stated this is a way to balance the budget. Mr. LaCrosse responded the budget is in the red this year but will be in the black next year. Motion passed unanimously by voice vote.

Mayor asked if there were any questions for Ms. Caton before Council voted to appoint her as liaison for the RPO. Ms. Caton approached Council and said as liaison she would serve as technical advisor and she did not vote. She said the Mayor would have a vote or someone he appoints. Mayor asked Ms. Caton why was someone from EDC appointed. Ms. Caton answered that Mr. Fenton's appointment came before her office opened. She said she believed Mr. Hawkins was appointed for voting for Ashland City. After further explanation of the position by Ms. Caton, a motion was made by Macha, seconded by LaCrosse to appoint Sharon Caton as liaison for the RPO. Motion passed unanimously by voice vote. Mayor asked Ms. Caton how often the RPO met. She replied it had been monthly but the next meeting would be in July. Mr. LaCrosse asked her how many

counties were a part of the RPO. Ms. Caton replied eighteen with only one voting representative each.

A motion was made by LaCrosse, seconded by Macha to approve Ordinance #342 - amend Ord#303 - Commercial Overlay on 1<sup>st</sup> reading. Motion passed with a roll call vote of: LaCrosse-yes, Macha-yes, Johnson-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor-yes.

A motion was made by LaCrosse, seconded by Nicholson to approve Ordinance #343 - zoning change R-4 to C-1 Bradley property on 1<sup>st</sup> reading. Motion passed with a roll call vote of: LaCrosse-yes, Nicholson-yes, Gill-yes, Allen-yes, Macha-yes, Johnson-yes, and Mayor-yes.

A motion was made by Macha, seconded by LaCrosse to approve Ordinance #344 - amending zoning ord. section 3-120 adding section G on 1<sup>st</sup> reading. Motion passed with a roll call vote of: Macha-yes, LaCrosse-yes, Johnson-yes, Gill-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

A motion was made by LaCrosse, seconded by Johnson to approve Ordinance #345 - amending ord. #333 - MDR-PUD on 1<sup>st</sup> reading. Mr. LaCrosse said this ordinance was an adjustment to better balance rooftops in the City, residential to multi-family and to not become predominately apartments. Motion passed with a roll call vote of: LaCrosse-yes, Johnson-yes, Macha-yes, Allen-yes, Gill-yes, Nicholson-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Nicholson to approve Ordinance #346 - amending budget 06/07 accepting audit figures on 1<sup>st</sup> reading. Motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Allen-yes, Gill-yes, Macha-yes, LaCrosse-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Macha to adopt Ordinance #347 - Budget 08/09 on 1<sup>st</sup> reading. Mayor asked Mr. Johnson to speak on behalf of the budget committee since he is the Chairman of the committee. Mr. Johnson said he was proud of the budget committee's accomplishment and their struggles to balance the budget in a bad budget year and fund positions without raising taxes. He asked if there were any questions. Mr. Allen asked about the pound-animal control issue that was brought up by Mr. Crouch at workshop. Mr. Johnson said funding was left in place as we talked about. He said we are not excited about the work being done now, but down the road he hopes it will improve and we can get answers on doing a better job. Mayor said we can always pull the funding. Ms. Macha asked if our questions on the \$47,000.00 to the Senior Center were answered. Mayor said no, he hasn't gotten back with me. Motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Nicholson-yes, Allen-yes, Gill-yes, and Mayor-yes.

Mayor stated there were two paving bids submitted and that he recommended awarding the bid to Gibbs Brothers in the amount of \$156,780. A motion was made by Nicholson, seconded by Johnson to award paving to Gibbs Brothers. Motion passed with a roll call vote of: Nicholson-yes, Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Gill-yes, and Mayor-yes.

Mayor recommended to Council to approve Yearly Howell & Associates Audit Contract as it is late in the year. He stated Ms. Schaeffer had contacted other auditors and he asked her what she had found out. Ms. Schaeffer reported that she had called the three on the list that was provided to her. She said she spoke to Kraft CPA and they said their fee would be between \$15,000.00 and \$20,000.00 and that they stated they would not be the lowest bidder. That they were getting away from doing government audits. Ms. Schaeffer went on to say that she had left a message with KPMG, CPA and that her call had not been returned yet. The third auditor she spoke with was Mr. Poole out of Hendersonville and he said he had worked with Mr. Yearly at one time and had agreed to never take a client that was his therefore he declined. A motion was made by Macha, seconded by LaCrosse, to accept Yearly Howell & Associates contract. Motion passed with a roll call vote of: Macha-yes, LaCrosse-yes, Johnson-yes, Nicholson-yes, Gill-yes, Allen-yes, and Mayor-yes.

Mr. LaCrosse said we need to better define what he can do for us. Mayor said that we need to better utilize them this year and get an audit list from the state and have them give us advice on best practices.

Ms. Noe stated that she had reviewed the Memorandum of Understanding - 911 and that there had been a litigation regarding this tank. Chief Walker said that if we paint the tank then we get the generator. Mayor asked if the antennas had been removed. Chief Walker said they were leaving two there as backup and that Mr. Cherry had told them they could. Mayor said there is a new tower in Kingston Springs and if there are three towers up why do they need this one. Chief Walker said maybe they think of it as backup to a backup, Chief Walker said he didn't think this was necessary. Mayor said he would get with Mr. Cook with 911 and ask him to come to the workshop. He said leaving the antennas is defeating what we are trying to do. Mayor and Council deferred this to next month's workshop.

A motion was made by Nicholson, seconded by Macha to approve Higher's & Koonce pay requests in the amounts of \$701.00 and \$1,875.00 for payment. Motion passed with a roll call vote of: Nicholson-yes, Macha-yes, Allen-yes, Gill-yes, LaCrosse-yes, Johnson-yes, and Mayor-yes.

A motion was made by Macha, seconded by Johnson to approve Lafferty and Sons pay request #4 in the amount of \$168,404.70. Motion passed with a roll call vote of: Macha-yes, Johnson-yes, LaCrosse-yes, Nicholson-yes, Gill-yes, Allen-yes, and Mayor-yes.

A motion was made by Macha, seconded by Allen to approve Lose and Associates two pay requests in the amounts of \$3,300.00 and \$11,233.65. Motion passed with a roll call

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

Other:

Mayor reported to Council that fines and cost received by the Court Department for the month of April was \$48,617.96 and fiscal year to date \$333,773.27. Ms. Macha asked if an agreement had been reached with Judge Stinnett to hold court more often. Mayor responded, no, it is feasible to raise the Judge's salary to add 1 or 2 more court dates a month, but after speaking with Ms. Noe she advised the Charter clearly states you can't do that the only way to do this is amend the Charter. Ms. Noe said the Charter states the Judge's salary can not be raised during their term in office. She said she could look at amending the Charter, but she would have to speak with Representative Johnson and Senator Kurita for guidance as far as state statute is involved and it would have to be after the first of the year before that could be done. Mr. LaCrosse said there is more for the Judge to do and since his term is 8 years we need to try to figure something out.

Mr. Binkley advised Council that on 5-19-08 at 10:30 a. m. Trinity Marine is holding an open house and is inviting all elected officials. They would be having plant tours, lunch, and would launch a barge. Mr. Binkley asked that those able to attend RSVP to the Chamber. He said they would address their expansion plans. Mr. Allen asked if they had cleared all hurdles yet. Ms. Noe responded, no.

Mr. Allen said he had a question. He said that after the recent clean up, how are the people intent on keeping a junk yard made to clean up; can they not be fined? Mr. Armstrong asked if there was a specific place. Mr. Allen responded yes on Caldwell. Mr. Armstrong said he would go and check it out.

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

A motion was made by Johnson, seconded by Gill to adjourn. Motion passed unanimously by voice vote. Meeting adjourned at 8:03 p.m.

---

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder