

Regular Meeting of the
Board of Mayor and Council
April 14, 2009

The Board of Mayor and Council met in regular session on April 14, 2009 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: Thomas McCormick, Mary Glasgow, Paul R. Gupton, John Pechavar, Tony Young, April Long, Jeremy W. Long, Charlotte Henley, Dustin E. Dunn, Marc Coulon, William Frasch III, J. R. Matlock, Jeremy Ethridge, Anita Justice, Jennifer Noe, Kenny Ray, Michael Armstrong, Joseph L. Cantrell, Wade A. Reed, Zack McCarver, and Tim Adkins.

Mayor Norwood called the meeting to order and began with the Public Hearing on Ordinance's #354, 355, and 356. Mayor said that Ordinance #354 is up for second reading and asked if anyone would like to approach Council and voice their opinion. There were no comments on ordinance # 354. He then went on to ordinance # 355 and asked if anyone would like to approach Council with comments. There were no comments on ordinance #355. Mayor asked if anyone would like to comment on ordinance #356 and there were no comments on ordinance #356. Mayor closed the public hearing at 7:06 p.m. and commenced with the Council meeting. All present for the public hearing were in attendance for the regular meeting.

A motion was made by Nicholson, seconded by Johnson to approve March minutes with noted changes. The motion passed unanimously by voice vote.

Public Forum:

Ms. Charlotte Henley of 1353 Valley View Road approached Council on behalf of Wanda Cooke to ask for help with her water bill. She explained that there had been a leak and it was now repaired. Mayor told Council that the bill was \$853.81 which had been adjusted to \$475.59 by the ordinance we have in place. Ms. Macha asked what her usual bill was. Ms. Henley answered around \$91.77. A motion was made by Macha, seconded by Allen to adjust water billing to an average bill. The motion passed by a roll call vote of: Macha-yes, Allen-yes, Nicholson-yes, Gill-yes, LaCrosse-yes, Johnson-yes, and Mayor-yes. Ms. Henley thanked Council and again stated the leak was fixed.

Mr. John Pechavar of 1115 Allenwood Drive approached Council and said he had a leak in the service line to his house which has now been replaced by a plumber. Mayor said Mr. Pechavar's bill was \$3,445.13 with consumption of 5966 gallons. Mayor asked for a receipt showing the leak had been repaired. Mr. Pechavar provided Council with this receipt. Mr. Johnson asked him how much is your typical bill? Mr. Pechavar replied

around \$15.00. Mayor stated that Mr. Pechavar only had water no sewer. A motion was made by Johnson, seconded by Nicholson to adjust the bill by a six month average of a normal bill. The motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Allen-yes, Gill-yes, Macha-yes, LaCrosse-yes, and Mayor-yes. Mr. Pechavar thanked the Council.

Mayor said before we get to the reports we have a couple of awards for some officers in attendance. Mayor said the Tennessee Department of Safety's Daily Fatality and Safety Report showed a reduction in fatalities from 4-13-08 to 4-13-09. He said this was contributed to officers' doing their jobs. Mayor went on to say that the program was initiated by Chief Coulon as part of the Governor's Highway Safety Program for officers' who went above and beyond the call of duty. Chief Coulon said Deputy Ray did most of the work getting the program going. Mayor and Chief Coulon recognized Officer Jody Cantrell by awarding him a certificate for his work with Community Safety Programs such as child check point, child restraint, and bicycle safety. Mayor stated that Officer Cantrell did a lot of work with the schools. Officer Cantrell replied that he did and that he did child restraint safety at Walmart. Officer Jeremy Ethridge was awarded a certificate for his work with Impaired Driving detection and apprehension and a second one for Drug Enforcement awareness and apprehension, and a third certificate for his work with Traffic Safety Awareness. Mayor asked Officer Ethridge if it took special training to detect impaired drivers. Officer Ethridge said he had taken two 40 hour classes. Officer Jeremy Long was awarded a certificate for his work in Drug Enforcement awareness and apprehension, and a second one for Traffic Safety awareness. Officer Dustin Dunn was awarded a certificate for his work in Traffic Safety and Drug awareness. Mayor thanked all the officers for their work.

A motion was made by Macha, seconded by Johnson, to approve the March minutes. Motion passed unanimously by voice vote with one typographical error corrected.

Reports;

Mayor asked Ms. Noe if she had anything to report. Ms. Noe said nothing that isn't on the agenda.

Old Business:

A motion was made by Nicholson, seconded by LaCrosse to approve Ordinance #354-Amending Article V MDR-PUD establishing a Commercial overlay and rezoning on second reading. The motion passed with a roll call vote of: Nicholson-yes, LaCrosse-yes, Macha-yes, Johnson-yes, Gill-yes, Allen-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Macha to approve Ordinance #355-amend Section 18-107(1) on second reading. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor-yes.

A motion was made by LaCrosse, seconded by Macha to approve Ordinance #356-Amend Personnel Policy on second reading. The motion passed with a roll call vote of:

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

New Business:

RAC Update

Ms. Macha asked Mr. Young if he had talked to Lee about the benches. Mr. Young said he had and that Lee was supposed to get back with him. Mr. Johnson asked Mr. McCormick if he had talked with CEMC. Mr. McCormick said he has a meeting with them Thursday about the work. He said all three CEMC, Bellsouth, and Charter would have to be able to work together and at the same time. Mr. McCormick said that Josh Gill was to report a plan on how to do this. Mayor asked if anything had been resolved about the overtime. Mr. McCormick stated that overtime can't be projected and you can't predict it. Ms. Noe said she had talked to our State rep about this to see if he can help and give assistance in this matter. Mayor asked Mr. Young to email him and copy Council if he finds out where the benches are.

A motion was made by Johnson, seconded by Nicholson to approve Ordinance #357-Amend 08 budget-audit on 1st reading. The 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 Macha, seconded by Johnson to approve Resolution 2009-04-TML Contract. The motion passed unanimously by voice vote.

A motion was made by Johnson, seconded by Macha to approve Pyroshows Agreement. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor-yes.

Mayor informed Council that Ms. Sharon Caton is going to honor her original contract that they passed of \$500.00 a month with no charges for mileage or anything else. He said the contract is good to June.

Mr. Young told Council the Senior Center agreement with Margaret Holman had been redone without her social security number as they requested and he didn't change anything else. He said the contract was good from July 2008 to June. Ms. Noe stated it should be dated April 15, 2009 to June 30, 2009. Ms. Macha asked why we are requiring this contract now. Mr. Young said they didn't have a contract and GNRC said you have to have one and that grants from GNRC depend on having a contract. A motion was made by LaCrosse, seconded by Allen to approve the contract with Ms. Holman. The motion passed with a roll call vote of: LaCrosse-yes, Allen-yes, Nicholson-yes, Gill-yes, Johnson-yes, Macha-yes, and Mayor-yes.

Ms. Noe recommended to Council that the Senior Center-Andrea Steven's agreement is a contract with her only and that the work is not to be subcontracted out. Ms. Macha stated she would like that in the agreement. Ms. Noe said Ms. Stevens, also, has personal liability and she needs to have the amount in the contract and that she should provide

proof of her certification and insurance. Ms. Noe stated the date on the contract should be changed to April 15th. A motion was made by Johnson, seconded by Nicholson to approve Andrea Steven's contract. The motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Gill-yes, Allen-yes, Macha-yes, LaCrosse-yes, and Mayor-yes.

A motion was made by Gill, seconded by Allen to approve the request to bid out paving. Mr. Nicholson said we need to check on the Eisenhower situation. Ms. Noe said the initial plat was done under Hickory Hills LLC and according to the state it is no longer valid. She went on to say Hickory Hills LLC became Ashland Company and is a Tennessee general partnership and there are no records she can get on who makes up this partnership. Ms. Noe said the Ashland Company merged with Progress Capital as a Tennessee general partnership. She said there is no documentation on file with the register of deeds for 2121 Highway 12 S, also, the register of deeds has Progress Partners merged with Progress Capital LLC. Ms. Noe said it looks like the last conveyances were done to Regal Building. She said she could make a trip to the Secretary of State to do more in depth research. Mayor asked is it possible for us to pave it and put a lien on the lots not sold. Mr. Allen said the lots are sold. Ms. Noe said she will have to look to see if there are any lots not sold up there. Mr. Gill said Ms. Noe should talk with Teresa. Mr. LaCrosse asked if there are statutes on time limitations since this first started when it was under Hickory Hills LLC for them to pave the roads. He asked Ms. Noe since they have had such a change does the liability still exist in your legal opinion. Ms. Noe said she can't give a definitive yes or no. Mr. LaCrosse said since Mr. Rankin is under personal bankruptcy what is his legal liability? Ms. Noe said his bankruptcy is still pending and that there has been no discharge of the bankruptcy. Mr. Nicholson said his concern is Eisenhower and can we get a price on paving it. Mr. McCormick said the road is 20,000 square feet give or take and that would be about \$65,000.00. Ms. Noe said she would check into our options. Mr. LaCrosse said he agreed with Tommy and Jimmy that it's within the family one way or another. A motion was made by LaCrosse, seconded by Nicholson to put paving out for bid. The motion passed unanimously by voice vote.

A motion was made by Nicholson, seconded by LaCrosse to pay W & O pay request #26. Mr. Gill stated he felt they should hold back at least half of the funds until the air conditioning unit is taken care of. Mr. Allen asked if Rodney had gotten down there. Mr. McCormick said he can't get in touch with him. Ms. Noe said she felt Council should hold funds to ensure something gets done. A motion was made by Nicholson, seconded by LaCrosse to withdraw their previous motion. A motion was made by Johnson, seconded by Macha to defer W & O pay request #26. The motion passed unanimously by voice vote.

Other:

Mr. Johnson said he has had calls about patching Tucker Street and cleaning the ditch on Stratton.

A motion was made by Johnson, seconded by Macha to pay the bills. The 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 advised Council that the participation at the Senior Center is 60% county, 35% city, and 5% from outside the county.

A motion was made by Johnson, seconded by LaCrosse to adjourn. The motion passed unanimously by voice vote. The meeting adjourned at 7:56 p.m.

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder