

Regular Meeting of the
Board of Mayor and Council
June 9, 2009

The Board of Mayor and Council met in regular session on June 9, 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: Michael Armstrong, Thomas McCormick, Mary Glasgow, Linda Morgan, Curtis Bennett, Zach McCarver, Michael Adcock, Tina Reigle, Dan Reigle, Paul Gupton, Peggy York, David Bowker, Greg Edrington, Marc Coulon, Anita Justice, Chuck Walker, Tim Adkins, Jennifer Noe, and Tony Young.

Mayor Norwood called the meeting to order and he began with a Public Hearing on Ordinance #358. Mayor said Ordinance #358-09/10 budget is up for second reading and if anyone would like to approach Council with any concerns now is the time to do so. He went on to say that copies of the ordinance could be had if anyone wants one. No one approached Council and Mayor closed the public hearing at 7:04 p.m.

A motion was made by Nicholson, seconded by Johnson to approve the May 2009 minutes. Motion passed unanimously by voice vote.

Public Forum:

No one approached Council.

Reports:

Mayor asked Ms. Noe if she had anything to report. Ms. Noe replied nothing that is not on the agenda but she wanted to request an attorney client privileged meeting.

Old Business:

A motion was made by Johnson, seconded by LaCrosse to approve Ordinance #358-09/10 budget-2nd reading. The motion passed with a roll call vote of: Johnson-yes, LaCrosse-yes, Macha-yes, Gill-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

New Business:

RAC Update: No update.

Ms. Noe informed Council that notice had been sent to all property owners regarding Mr. Adcock's request on the 105 Helen Street alley property and several of them were there tonight. She provided Council with an old plat of the City which Ms. Noe said was done in the early 1900's and that the roads and lots are different from the original plat now. Ms. Noe said that Ms. Schaeffer's home is #2 on the plat and it faces Turner St. but her

driveway is in the back behind her property coming in off the Helen Street alley with a fence and tree line there. Ms. Noe said the Douglas' and Bowker's driveways are on the alley with part of the Bowker's end abandoned but it has not been abandoned. She went on to say that the driveway has been paved to the back of Phyllis' house. Ms. Noe said her concern on abandoning the alley is she does not want to leave Phyllis without access to her property. Ms. Macha asked if the Douglas's were talked to. Ms. Noe stated again that all property owners were notified by letter. Ms. Macha asked if the whole alley has to be abandoned. Ms. Noe said you do not have to abandon the whole thing. She voiced her concern that there may be an encroachment issue with Ms. Schaeffer's property but this can not be determined without a survey. She said you can't tell it is an alley it looks like their back yards and if Council decides to abandon or do anything it should be after Phyllis's property. After additional discussion by Council and the property owners regarding the original plat and Ms. Schaeffer's property, Mayor asked how Council would like to proceed. Mr. Gill said let him clean up the alley property behind his home. Mr. Adcock asked what can I do with it. Mr. LaCrosse said you can not build on it but you can mow and clean it up. He went on to say you would not have the full rights of a property owner to it. Mr. LaCrosse said they don't have a mechanism to abandon the alley now. Mr. Adcock said if Mr. Bowker and Ms. Schaeffer have a problem have them discuss it and have their property surveyed. Mr. Johnson asked can you abandon an alley, right away, or easement if one property owner doesn't want it. Ms. Noe said property owners can voice their concern but it's your decision. Ms. Macha said if we abandon the alley every property owner has to take the alley behind their property and maintain it. Mayor asked Council if they would like to table this decision and discuss it at workshop next month. A motion was made by Nicholson, seconded by Macha to table the alley property decision and discuss it next month. The motion passed unanimously by voice vote.

A motion was made by Macha, seconded by LaCrosse to approve Ordinance #359-Event Permits on 1st reading. The motion passed with a roll call vote of: Macha-yes, LaCrosse-yes, Johnson-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor-yes.

A motion was made by Macha, seconded by Nicholson to approve Ordinance #360-Amend Ordinance #179 on 1st reading. Mr. LaCrosse asked Chief Walker if he had looked at this. Chief Walker replied they can only meet with him on Tuesday or Friday. The motion passed with a roll call vote of: Macha-yes, Nicholson-yes, Gill-yes, Allen-yes, LaCrosse-yes, Johnson-yes, and Mayor-yes. Mayor told Mr. Armstrong in order for this to go forward make an appointment with the appeals board. Mr. Armstrong said he would set it up.

Next on the agenda was Paving-Fire Hall. Mayor informed Council that it had been approved last month.

Mr. McCormick told Council that the Gibbs Brothers bid was the only bid received on Paving-city streets. Mayor asked him how much did he have in his budget for paving the streets. Mr. McCormick answered \$188,000.00. A motion was made by Nicholson, seconded by Macha to award the bid to Gibbs Brothers to pave the streets indicated on

the bid but to have the invoice broken down in increments by street. The motion passed with a roll call vote of: Nicholson-yes, Macha-yes, Johnson-yes, LaCrosse-yes Allen-yes, Gill-yes, and Mayor-yes.

Mayor said to pass on the Stantec Agreement for right now.

A motion was made by LaCrosse, seconded by Nicholson to approve the latest Sharon Caton contract. Mr. LaCrosse asked Ms. Noe if she had looked over the contract. Ms. Noe replied she had looked it over and there were some noted changes such as an increase in charges outside services listed and charges for mileage. She said Exhibit A was for routine work but FEMA showed as non-routine in this contract and would be charged an hourly rate. Mr. LaCrosse said we need to develop a pass through system for non-routine items. Mayor said Mr. Armstrong is very familiar with this system and that all appointments she makes should go through Mr. Armstrong or Mr. Wilkinson. The motion passed with a roll call vote of: LaCrosse-yes, Nicholson-yes, Allen-yes, Gill-yes, Macha-yes, Johnson-yes, and Mayor-yes.

Mayor said the Red Cross Agreement had gone thru Mr. Young. Mr. Young said he had the Center ready for them to use for emergencies. Mayor said he didn't want them to come in and use it whenever they want. Ms. Noe said the agreement doesn't look like it is mandatory but it does have a provision for us to use it if we need to. Chief Walker said the County has that building listed in their disaster plan to use as a shelter. A motion was made by Macha, seconded by Allen to approve the Red Cross Agreement. Mr. Gill asked can they use it as they want to. Mayor said according to Jennifer they can not. Mr. Gill said then they would have to get permission to use the building. The motion passed with a roll call vote of: Macha-yes, Allen-yes, Noe-yes, Gill-yes, Johnson-yes, LaCrosse-yes, and Mayor-yes.

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

Mayor said on the Bull Run Project it was originally passed in 2003-2004. He said we had a meeting with the State and worked out the issues with TDOT and TDEC. Mayor said we are starting the paperwork again to show we are sincere in our plan to keep this recreation area open. A motion was made by Macha, seconded by LaCrosse to approve the Bull Run Project park plans. Motion passed unanimously by voice vote.

A motion was made by Macha, seconded by Johnson to approve CEMC invoice in the amount of \$1,281.58 for payment. The motion passed with a roll call vote of: Macha-yes, Johnson-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor-no.

A motion was made by Macha, seconded by Nicholson to approve Higher's & Koonce invoice in the amount of \$1,776.80 for payment. The motion passed with a roll call vote of: Macha-yes, Nicholson-yes, Allen-yes, Gill-yes, Johnson-yes, LaCrosse-yes, and Mayor-yes.

Mayor asked Mr. McCormick for an update on the air conditioning unit. Mr. McCormick said it is working good. Mr. Armstrong said he had checked the duct work and it looks good and that he had monitored the unit thru the weekend and the temperature is holding. He said the unit is cycling on and off like it is supposed to do. A motion was made by Johnson, seconded by Nicholson to approve W&O pay request #26 in the amount of \$20,000.00 for payment. The motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Gill-yes, Allen-yes, LaCrosse-yes, Macha-yes, and Mayor-yes.

A motion was made by LaCrosse, seconded by Johnson to approve for payment Lafferty & Sons pay request #12 totaling \$23,800.53. The motion passed with a roll call vote of: LaCrosse-yes, Johnson-yes, Macha-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor-yes.

Mayor recessed the meeting at 7:45 p.m. for an attorney/client privileged meeting. Mayor reconvened the meeting at 8:27 p.m.

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

A motion was made by Johnson, seconded by Macha to adjourn. The motion passed unanimously by voice vote. The meeting adjourned at 8:28 p.m.

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder