

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

The Board of Mayor and Council met in regular session on July 14, 2009 at 7:00 p.m. in the Municipal Building.

Present and Presiding: Mayor Gary Norwood.

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

Council absent: Jimmy Gill.

Others Present: Thomas McCormick, Steve Reigle, Dan Reigle, Chief Walker, Gary West UT-MTAS, Greg Edrington, Zach McCarver, Natalie McCarver, Michael Armstrong, Marc Coulon, Paul Gupton, Laverne T. Walker 2010 Census Partnership Specialist, Latorri Napper 2010 Census Partnership Asst. to Ms. Walker, Lisa Cantrell, Tim Adkins, and Anita Justice.

Mayor Norwood called the meeting to order and he began with a Public Hearing on Ordinance #359-Event Permits. He said ordinance #359 is up for 2<sup>nd</sup> reading and if anyone would like to approach Council now is the time. Mayor said if anyone would like a copy of the ordinance they can get one from the front office. No one approached Council. Mayor Norwood went on to Ordinance #360-Amend Ordinance #179 to add propane storage. He said it is up for second reading and if anyone would like to approach Council now is the time. Mayor Norwood closed the Public Hearing at 7:03 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 LaCrosse, seconded by Macha to approve the June 2009 minutes. The motion passed unanimously by voice vote.

Public Forum:

No one approached Council.

Reports:

Ms. Noe said she didn't have anything that wasn't on the agenda. She requested an attorney/client privileged meeting.

Old Business:

A motion was made by Johnson, seconded by Macha to approve Ordinance #359-Event Permits-2<sup>nd</sup> reading. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Allen to approve Ordinance #360-Amend Ordinance #179-2<sup>nd</sup> reading. The motion passed with a roll call vote of: Johnson-yes, Allen-yes, Nicholson-yes, Macha-yes, LaCrosse-yes, and Mayor-yes.

New Business:

Mayor Norwood asked Ms. Walker if she would mind letting Mr. West go first since he had another meeting to attend. Ms. Walker agreed. Mayor asked Chief Walker to introduce Mr. West. Chief Walker introduced Mr. Gary West to Council telling them Mr. West is with East Tennessee Fire Protection and that he is working with us and the Fire Committee. Mr. West told Council that he has been with MTAS for four years as a fire consultant and that he was the former fire chief for Gatlinburg. He said he had made two meetings of the Fire Committee and is facilitating that committee. Mr. West said this is a complicated problem and they are in the early stages of working on it. He said that he wasn't sure that Ashland City has time this budget year to let the process happen. Mr. West asked if anyone had questions. Mr. Johnson asked him what would you suggest we do. Mr. West responded the City's role is to take care of its citizens. He said he understood that in the past the City had also taken care of those outside the City, but now they are needing funding to help with those outside the City. Mr. West said he would recommend that the County provide you the opportunity for funding to supply those services or if they are not willing to do so then put the County on notice that services will be cut back or eliminated in the future. He said they should give the County a period of time to handle this but if it doesn't coincide with their budget they may not be able to do this until next year. Mr. West said the situation is complicated and fire protection for the whole county needs to be addressed. He said there is no easy solution. Mayor said the County has a contract in place to provide fire service. Mr. West stated they have an ordinance in place that requires the County Mayor and Attorney to negotiate this contract and it has not been done. Mayor said if it is not done what is our role and responsibility. Mr. West said out of good will you have provided great service in the past with quick response time allowing the citizens to have cheaper insurance. He again stated the City needs to send notice to the County to let them know we are going to do something and that their citizens need to be aware that their insurance may go up. He went on to say this increase in insurance may more than offset a fire tax or fees. Mr. West stated he is representing Ashland City. He said the County consultant has been working on this issue for four years, but they are not going to see a change immediately. Mr. West stated it may go for another year before the City could get anything if the County ordinance is followed, but that is not the end of it and what they get may not cover the full expenses.

Ms. Macha asked him to explain how the home owner's insurance will know about the change in fire protection. Mr. West said it could take about a year for them to find out and they would find out through newspapers or even from the home owners. Ms. Macha asked if it is our obligation to contact anyone about the change. Mr. West replied the County would report the change to the State Fire Marshall's office. After additional

discussion on the effect this will have on insurance for the citizens, Ms. Macha asked if we put them on notice what time frame do we have. Mr. West said by the end of November the Committee should have something to offer the County as a recommendation, but this would not be useful to the City if the County sets it's budget and doesn't set a fire tax. He said the Fire Committee will continue to work on this and if the City is willing to give them another year they might be there.

Ms. Macha asked if we have passed the contract with the County. Chief Walker stated we have never negotiated with the County on the contract. He said it was understood we would continue doing what we have been in our rural area. Mr. West stated there should be a contract even if it is for a zero dollar amount. Ms. Macha asked Ms. Noe if she had renewed the contract. Ms. Noe replied for mutual aid. Chief Walker said for a resolution passed five years ago. Ms. Macha asked Ms. Noe to get a copy of this and review it. Mr. West said you should have negotiated a contract, but that is not going to solve this problem. He said they need to make a decision. Mr. LaCrosse said either a fire tax or a negotiated amount to provide services is needed. Mr. West replied you have already asked for an amount and the County said they would not take it from their general fund. Mr. LaCrosse said he understood these same issues had been discussed in 2000. He said we started early this year with our request and they should understand that we have allocated our resources and that we can't continue to do as we are. Mr. LaCrosse said before services are changed the citizens need to understand what is coming. He asked how to get the word out in a quick efficient manner and then he asked can we put something out to the public. Mr. West said he felt the City should officially make notice to the County that services will be reduced or removed and in fairness to the people they should have plenty of notice. He said they are working with a tight time frame with the County's budget being worked on. Mr. West stated again that the Fire Committee needs to study this further and that they are trying to work it out for the whole county.

After additional discussion, Ms. Macha reiterated there is a time crunch. Mayor said one thing we need to establish is what service we are to be providing for the money we are getting. Mr. Allen stated we need to make a quick decision then put it in their hands and then they can notify the citizens. Mayor stated this will affect our friends and neighbors. Mr. Nicholson said give them a letter now saying we give them until November 1<sup>st</sup> or this will happen. He said we need to know right now what they are going to do. After more discussion, Chief Walker said we should give them until they pass their budget and if they have not decided by that time then we will cut our services at a given time. Mayor asked Council if they didn't object they could put the letter to the County on the end of the agenda. He then thanked Mr. West for his time. Mr. West said there is still a lot to look at. Ms. Macha asked him to email them the minutes from the Fire Committee meeting. Mr. West said he facilitated the last meeting and when he has the minutes ready he will send them to Chief Walker who can distribute them to Council.

Ms. LaVerne Walker told Council she is the 2010 Census Partnership Specialist which is a position set in place in the 2000 census. She said the position has her go out and give support to the community working with them to have everything in place by April 1, 2010 to count everyone once for the census. Ms. Walker said she is asking the Council to

tell us how best to approach their citizens. She said she wanted to thank Mayor Norwood, Lisa Phares, and James Fenton for their support with the 2010 census. Ms. Walker told Council there is a finite number of dollars to be distributed and how it is allotted depends on the number of citizens in the community. Ms. Walker stated they want the most accurate count they can get. She said a questionnaire will be sent out in March 2010 with ten questions and that it is short, safe and confidential. Ms. Walker said it is important that people understand the census is safe and the importance of an accurate count, and that they would like to set up an accurate count committee. She said she liked what our website says "it makes cents to do the census." Ms. Walker said she wants to continue working with Ashland City and to provide items to us to distribute to the community. Mayor said we are looking at banners to help get the word out. Ms. Walker thanked Council for allowing her to come and for their support to get the most accurate count we can. Mayor asked in the 2000 census what was the percentage of folks that participated and how do they know that percentage. Ms. Walker said there is a time line for getting a census started and a local update of addresses is done. She said they went out with hand held computers and GPS systems which helped establish a base line of addresses which was completed around May 30<sup>th</sup>. She said this information on addresses can be used to count who have and have not responded. Mayor asked what is the ratio for vacant addresses. Ms Walker said not for vacant, but they added new sub divisions and deleted other addresses. Ms. Walker again stated if a citizen gets the questionnaire, fills it out, and returns it no one will come out. She said if it is not sent back then they will put people on the ground to go out and count. Mayor asked if the questionnaire is not complete will it count. Ms. Walker said the citizen may get a call to complete the form. She stated again we need your help to get the truth out there so people will fill out the census. Mayor thanked Ms. Walker for coming out.

Mayor said we went over the RAC update at last Tuesday's meeting.

Mayor said, Jennifer how about the MCHRA contract for transportation. Ms. Noe said the contract had been discussed at last month's meeting and that Council had pretty much approved it then. She said the contract is fine for approval. A motion was made by LaCrosse, seconded by Macha to approve MCHRA contract-transportation. Mr. Johnson asked Ms. Noe if this was the contract that did not give us the ability to rescind. He said is this the contract that was open ended. Ms. Noe said she didn't think so. After more discussion, it was determined the Red Cross contract was the one that was open ended. The motion passed unanimously by voice vote.

Ms. Noe said the GNRC contract is fine too, but that she had a couple of questions for Tony on the grant money. She went on to say that this is one of the contracts that are not negotiable. Ms. Noe said she did not understand why we need professional malpractice liability insurance. She said they would find this on page 10 of the contract. Mayor asked who is over GNRC. Ms. Noe answered Sam Edwards. Mayor said the contract could be passed contingent upon Jennifer's questions being answered. Ms. Noe said there are specific provisions about HIPPA and she wants to make sure we can comply. She went on to say she wanted to be sure Tony and Cynthia understood about the services reimbursements. A motion was made by Macha, seconded by Johnson to approve GNRC

contract contingent on Ms. Noe's questions being answered. The motion passed unanimously by voice vote.

Mayor asked Mr. Armstrong to explain Ordinance #361 to Council. Mayor said right off hand he wasn't familiar with it. Mr. Allen stated this has to be the land in front of Bill's Catfish. Mr. LaCrosse stated he didn't remember it coming before the Planning Commission, but that he was absent at last month's meeting. Mr. Allen said he thought that property was already C-2. Mr. Armstrong said the property has C-2 and R-1 on it. Mr. LaCrosse said I do recall Jim Allen coming down to the Planning Commission meeting with Darren Holt. Mr. Armstrong said they did and that it took awhile to get the plat signed because there was a discrepancy on the plat which they got fixed. Mayor asked Mr. Armstrong to bring something to next months meeting to show exactly what we are changing before we do a second reading. A motion was made by LaCrosse, seconded by Nicholson to pass Ordinance #361-R-1/C-2 split zoning to C-2 zoning on 1<sup>st</sup> reading. Ms. Noe said she had a quick comment that this property had been part of the John Lindahl estate which had been sub-divided. She said she wanted to make sure that when they bought the property everything was in compliance. Mr. Armstrong said the plat had been fixed. The motion passed with a roll call vote of: LaCrosse-yes, Nicholson-yes, Macha-yes, Johnson-yes, Allen-yes, and Mayor-yes.

Mayor said next on the agenda is review weapons in the park resolution. Ms. Noe said Legislature passed a new public act on weapons in parks. She said she had provided Council with a report from MTAS, proposed resolution and a copy of the act. Mayor said we have copies. Ms. Noe said basically the law is that Tennessee Legislature authorized that concealed fire arms could be carried in parks either state, federal or city. She said if Council wants to opt out they must do so by September 1<sup>st</sup>. Ms. Noe said the resolutions she provided from MTAS are ones that could be used if you want to opt out. Ms. Noe told Council they passed a resolution in 2008 stating no weapons in City parks with the exception of long guns unloaded and properly cased at Riverbluff Park while in transit to the boat ramp only with the sole purpose of leaving the facility by boat during hunting season. Mr. LaCrosse said wasn't there another park that this was to cover. He said wasn't it on the walking trail. Mr. Johnson said at Eagle Pass. Ms. Noe told Council it is your decision to make to opt out, but action has to be taken by the September 1<sup>st</sup> date. After additional discussion, Mayor said he liked the resolution we have in place. Mr. Nicholson said we should keep it like we have it. Mayor said he thought it was good to update the date on the resolution to show action had taken place after the Legislature had passed theirs. Mayor asked to have the weapons in the park resolution put on next month's agenda.

Mayor asked Ms. Glasgow to go over the request to write off water accounts. Ms. Glasgow said we are asking to write off \$30,111.22 on closed water accounts that are 91 to greater than 120 days past due. Mr. LaCrosse said we wrote off \$70,000.00 last year and now we have \$30,000.00 more. Ms. Macha said the \$70,000.00 was a combined total for a couple of years. Ms. Glasgow explained the \$70,000.00 included some accounts written off prior to going with the collection agency. Ms. Glasgow was asked to check on a contract with the collection agency by Mr. LaCrosse. Mayor asked what

percentage of this had been collected. Mr. LaCrosse said he had requested a report of the total collected this last year. After discussing the report, it was determined that the collection agency had only collected 1% to 1 ½ %. Mayor said this is pretty poor. Mr. LaCrosse stated he had called Mr. Jaeckel with MTAS and that Mr. Jaeckel said we should be getting better collections than that. Mr. LaCrosse said he would check into this more with MTAS.

Mayor said on the fire tax letter he would have Ms. Noe draft the letter for us and the letter would state our services are going to be seriously depleted. He asked Chief Walker to address how this should be handled. Chief Walker said to give the County notice that services will be cut back and then decide what that will be. He said we should still do mutual aid on fires. After more discussion on the effect the cut back in services would have and the possible fire tax for the rural area, Mayor said he and Ms. Noe would work on a letter to the County. Ms. Noe said a motion was needed for the period to terminate services. She said a date was needed. Mr. Nicholson said, Mayor, my recommendation is the end of November. Mayor suggested December 1<sup>st</sup>. A motion was made by Macha, seconded by Nicholson to cut back on fire services starting December 1<sup>st</sup>. The motion passed unanimously by voice vote. Mr. Allen asked is this for all services. Mayor said at this point to be vague. Ms. Noe said this means not out as first responder and that December 1<sup>st</sup> services will be greatly reduced if this issue is not resolved. Mr. Johnson said the County is responsible for this action due to the County's lack of co-operation. Chief Walker said their resolution says they will provide fire protection and they are in violation of their resolution. Mr. LaCrosse said basically we will not be first out. Mayor responded possibly.

Chief Coulon said he had discussed with Ms. Noe an agreement between Ashland City Police and Leadsonline. He said it is a service tracking stolen property with pawn shops nationwide. Mayor asked if he had a copy of the agreement. Chief Coulon said not of the agreement but a copy of what it does. He stated the service is \$1,600.00 for a year. Ms. Macha asked Ms. Noe if the agreement was alright with her. Ms. Noe said it's alright with me. Mayor asked if pawn shops are required by law to provide the police with information on what they purchase. Chief Coulon said through this process he will automatically know that it will contact me right away. Mayor said then there is not a government data base. Chief Coulon said, no. Mr. LaCrosse said then if someone really values their property they will keep good records. Mayor asked how long are they required to keep material before they sell it. Chief Coulon said 30 days. A motion was made by Macha, seconded by LaCrosse to approve the agency agreement with Ashland City Police Department and Leadsonline. The motion passed unanimously by voice vote.

Mayor recessed the meeting at 8:40 p.m. for an attorney/client privileged meeting.  
Mayor reconvened the meeting at 9:37 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, LaCrosse-yes, Nicholson-yes, Allen-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 9: 40 p.m.

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Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder