

Regular Meeting of the
Board of Mayor and Council
October 13, 2009

The Board of Mayor and Council met in regular session on October 13, 2009 at 7:00 p.m. in the Municipal Building.

Present and Presiding: Mayor Norwood.

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

Council absent: Carol Macha.

Others Present: James Fenton, Zach McCarver, Michael Armstrong, Thomas McCormick, Mike Glasgow, Mary Glasgow, Marc Coulon, Mayor Bill Orange, Timothy Morgan, Derek Noe, Anita Justice, Donna Stock, Tim Adkins, Paul Gupton, Lawrence Perry, Jan Waltman, Kristi Buchanan, Robert Buchanan, J.L. Overstreet, Brittany Pierce and Phyllis Schaeffer.

Mayor Norwood called the meeting to order and started with a Public Hearing on Urban Growth. He asked if anyone would like to approach Council. Mr. Mike Glasgow, 277 Ed Harris Road, approached and said he had opposition to the proposed urban growth boundaries. Mr. Glasgow said they were capricious and arbitrary. He went on to say he is the owner of the property at 291 Frey Street which has the front 1000 feet off the roadway in the city limits leaving the balance of the property as steep hills and hollows. Mr. Glasgow said this growth would enhance commercial property. Mayor explained we are doing this to clean up properties that have half in the City and part in the County. Mr. Glasgow asked in that context does that preclude hunting on that property. Mr. LaCrosse said not so long as you have a TWRA hunt permit. Mr. Johnson said I don't believe you can prohibit hunting on property that is inside the City. Mr. Allen said all the property on the right after the Marrowbone Bridge there are a lot of hunters there if given permission. Mr. Glasgow said that handles his objections. Mr. LaCrosse said this request for urban growth is neither capricious nor arbitrary, and you need to be better informed before you make a comment. He asked Mr. Glasgow if he understood their logic and that there is no forced participation. Mr. Glasgow replied I stand corrected. Mayor closed the Public Hearing at 7:10 p.m.

A motion was made by Nicholson, seconded by LaCrosse to approve both sets of minutes. The motion passed unanimously by voice vote.

Public Forum:

Mayor asked Mayor Orange if he wanted to speak first. Mayor Orange said I understand what the City faces with fire protection, and I want to thank the Fire Department for a job well done. He went on to say I'm here with my hat in hand to ask Council for guidance. Mayor Orange said at the last Commission meeting I fully expected that the Ashland City

rural district fire tax would pass, but as you know it failed miserably. He went on to say as you know if Ashland City is not 1st responder in their rural area then who is. Mayor Orange said the other districts can get help, but there won't be any with this rural district and that mutual aid is not possible without a 1st responder. Mayor Orange stated again that he is here to ask for guidance. He said he plans to have something worked out by December 1st, but he has tried in the past and wasn't successful. Mayor Orange said he is not opposed to other avenues, but is opposed to giving an additional quarter million dollars to the Fire Fighters Association to get approximately \$70,000.00 that might raise Ashland City's portion to get what you are asking. Mayor Orange said this is not a practical means of achieving a goal and I do not support spending that money.

Mayor Orange asked Council to consider this, you have given us to December 1st to meet the \$101,000.00 needed to serve the Ashland City rural district which is five months into the year would you be willing to prorate the seven months for \$59,000.00-\$60,000.00 to get us to June? He said the circumstances are no different than Pegram and Kingston Springs a few years ago. Mayor Orange said I am here on the behalf of my constituents and I ask your consideration of this proposal. He said there are over 1900 parcels in this rural district and these citizens spend a great deal of their money here in the Ashland City limits. Mayor Orange said again I understand your request and hopefully it can be worked out in the next budget year. Mayor said I believe the request was for \$104,000.00. Chief Noe said the last request, after we took out utilities, was for \$101,000.00. Ms. Noe said the request was \$104,000.00 and we went back and recalculated it and it was \$101,000.00. Mayor said the issue of prorating is not on the table as far as he is concerned. He said the Commission has had plenty of time to address this. Mayor said a well laid out plan is desperately needed. He said 3500 citizens in the City pay County taxes and the only benefit I can think of that we get is the landfill. Mayor said we have had issues with the dog pound and Sheriff's department. Mayor said when we start talking about taxes it is upsetting. He said we pay for a sticker for roads and the City does not get anything-zero dollars. Mayor said we could debate this all day long, therefore, we can agree to disagree. He said as far as this Council goes the Fire Chief and his staff have been very informative to the Commission and they gave them ample time. Mayor said that is my piece.

Mr. Nicholson asked how can you tax the South end of the County and not the North end for the same service. Mayor Orange said because the fire tax was not requested until now. Mr. Nicholson said the County tried to resurrect it in the 11th hour and they have had plenty of time to address this issue. Mayor Orange said it was clouded by the rate request of the other departments. He said it was never a no vote until last Monday night. Mayor Orange went on to say the Budget Committee never voted no, they voted to take it to the County Commission. Mr. Nicholson said I appreciate your coming, but we can't ask the citizens of Ashland City to continue to pay taxes to pay for County services.

Mr. LaCrosse said I asked Chief three years ago to approach the County and there was no response. He said when we took it to them last year we were told we were too late and to come back this year. Mr. LaCrosse stated Ashland City has been gracious when we had surpluses and I don't know if that was wise. He said the City has built parks, and a

Senior Center which County citizens enjoy, and I feel we give back as well. Mr. LaCrosse said last budget and this year we will run a deficit which we will have to put on our roof tops and we can't in good conscious pass this on. He said we gave to the County as long as we could. Mr. LaCrosse continued by saying our citizens pay through their utility bills to develop the commercial properties not the County. He said are we going to our citizens and raise their taxes to subsidize the County-we just can't do it. Mr. LaCrosse said with the economy the way it is we will have to dip into our liquidity. He said do we want to continue the rural service isn't the question.

At this point, a discussion ensued on the County's \$250,000.00 donation to the Fire Fighters Association. Mayor Orange said the County gives it annually to be used for training. He said last year Ashland City got \$33,000.00 from the fund. Mr. Gill said maybe they aren't splitting it up right. Mayor asked what is the purpose of giving that money to the Fire Association. Mayor Orange said after the Rescue Squad went out of existence the money was given to the Fire Association and it's fair to say they have control over that money. He went on to say some fire departments exist today because of this such as Two Rivers and Henrietta. Mayor asked so, Kingston Springs and Pegram share this money? Mayor Orange answered they do. Mr. Gill said I am for collecting the money and then he asked if it would be monthly. Mayor Orange replied yes or it could be one lump sum. Mr. Johnson said the only problem with a pro-rate is that we've already spent money we are not collecting. Mayor Orange said you stand to loose the remainder as well. Mr. Johnson said anything we provide or the County provides are from taxes which we think are a necessary evil, but taxes are the cost of civilization. He went on to say you would think the Commission would realize that this is the cost to protect those people. Mr. Johnson continued by saying you would think they would think it's not a burden but a service they are providing the citizens.

Mr. Allen said it's all tough, and I think we will get something worked out.

Mayor Orange said it got polluted because of the other departments coming in late. He said that Henrietta says they can step up and so does Two Rivers, but there is nothing for this rural district. Mayor Orange stated that he may be damning himself, but I have not heard from a single citizen in the Ashland City rural district. He added he doesn't think they understand what is going to come down. Mayor Orange said he is not as concerned about homes burning as he is about the medical things. Mayor said a huge component of the agreement is the medical. He said Ashland City has fire fighters who can do both before EMS gets there.

Mayor Orange said I appreciate the time, but before I sit, Chris, I started by saying I appreciate what the City has done for the County. He said I do know what we have had from the City. Mayor Orange said I don't know what is going to happen. He said the County Commission is not too receptive. Mayor Norwood thanked him for coming.

Mayor asked if anyone else would like to approach Council. Mr. Jason Overstreet of 409 Eisenhower approached and said he loves Ashland City that it is a special town. Mr. Overstreet said he works at the state plant and he tries to work and spend locally. He said

maybe Council should consider grant writing to get money for community outreach. Mayor responded for every \$1.00 you receive it cost you \$2.25. Mr. Overstreet said my problem is a sewer situation. Mr. Overstreet said several work orders have been sent regarding this situation which is a possible environmental issue where raw sewage is seeping out. He said these are the step systems. Mr. Overstreet said a friend suggested he contact the State, but he felt that he owed the local government the respect to ask them to please look into it to be sure we don't have an environmental issue. Mayor asked are they over flowing? Mr. Overstreet and Mr. McCormick, both, replied, yes. Mr. McCormick said bellies are being caused in there and they are air locking. He said the guys who are on call for the weekend are called out at least one time during the weekend for this problem. Mayor stated these are stag systems and they should never have a problem. Mr. McCormick stated they will have to get someone to look into it. He said they would need to shut down a line and put a camera in it. Mr. McCormick said this needs to be fixed, and he thinks that something down the hill has got the line blocked up. Mr. Overstreet said this is starting to affect several houses. Mayor told Mr. Overstreet we will look into it.

Ms. Donna Stock told Council she came in last month and had requested help with a water leak which she had over two months. She said she was under the assumption that both month's bills would be fixed. Ms. Stock said the water department only adjusted one month. A motion was made by Johnson, seconded by LaCrosse to adjust Ms. Stock's bill to an average. The motion passed unanimously by voice vote.

Mayor said the Masonic Lodge had a large bill of \$192.50 for September. He said the average is \$39.00 without the leak. A motion was made by Johnson, seconded by Gill to adjust the bill to an average bill. The motion passed unanimously by voice vote.

Mayor said we have another request for an adjustment to a water bill. He said Mr. Jim Yates was out of town and came home to find his basement flooded. Mayor said Mr. Yates said the leak has been repaired. A motion was made by Gill, seconded by Johnson to adjust Mr. Yates' bill to a normal bill. The motion passed unanimously by voice vote.

Mayor said Mr. Timothy Morgan lives at 194 Arbor Loop and his 1st month's bill was \$87.77, but he was not sure he had a leak until he received his bill for \$280.30 this month. He said Mr. Morgan has had all the leaks repaired. A motion was made by Gill, seconded by Johnson to adjust his bill to a normal bill. Ms. Schaeffer said since these are the only two bills there is no way to figure a normal bill. Mr. LaCrosse said to set the bill at \$60.00. The motion passed unanimously by voice vote.

Mayor said okay let's hear from the folks from Forrest Court. Mr. Waltman said this is the third time we have talked with Council about this. He said it was stated that Forrest Court was never intended to be a city street, there is no turn around, and the street is in disrepair. He said on the 1st point that it was never intended to be a city street, since Mr. Jim Johnson built the street and he is dead so then we can't ask him and prove it as a fact that he intended for it to be a city street. Mr. Waltman said on the point where it was said that no one came to Council until it was in disrepair, well why ask for something to be

fixed that's not broke. Mr. Waltman said on Forrest Court having no turn around and not to City specs what about South Poole at 17 ft., Duke at 16 ft., and Fairground Road at 20 ft. which is used as a bi-pass between Highway 12 and Highway 49. Ms. Noe said we don't know what the developer's intent was, but we do have the plat and it is specific that it is an easement. She said all the deeds note it is an easement and that all legal documents refer to it as an easement. Ms. Noe said it was never established as a street, and per the 911 director and the property assessor Forrest Court was never a city street. She said even if we have done work on it that doesn't obligate us to call it a street. Ms. Noe said comparing it to Eisenhower is like comparing apples to oranges. She went on to say on the plats where they purchased the property it states easement. Ms. Noe said there is nothing from the Register of Deeds to show it as a street.

Mr. Gill said I personally think it wasn't intended to be a street. He said I don't think it should be a street, but with three families living there we should fix the pot holes. A motion was made by Gill to give them some relief with the pot holes. Mayor said cold mix will not work it is not deep enough so what would you do if not resurface. Ms Noe stated again none of the documents show anything, but they refer to it as an easement. She said 911 does not show it as a street either-they named it so they have some name to respond to. Mr. Allen said Mr. Guyton lives at the end of it and if he had a fire would we have to respond. Mayor answered, yes. Mr. Waltman asked why is it addressed Forrest Court? Ms Noe said, Mayor, 911 has to name it so they have somewhere to go.

Mr. Gill asked if the pot holes are filled up will it help? Mr. Waltman said it would help. A motion was made by Gill, seconded by Johnson to give them immediate relief by fixing the pot holes. Mr. Johnson said if we were to go up there and caused a problem we should make the easement accessible. Mr. Allen asked how would you do that? Mr. Nicholson asked is it just for the transition. Mayor answered, yes, just for the transition and in the spring we can do pavement for the apron. Mr. Perry said one thing about the City whenever I ask for help the City is right there to fix it. Ms. Noe asked is Mr. Gill's and Mr. Johnson's motion the same. A motion was made by Gill, seconded by Johnson to correct the transition from Maple Drive to Forrest Court. The motion passed unanimously by voice vote.

Mr. James Fenton approached Council and told them the County will be declared a recovery zone which makes us eligible for these bonds, facility and economic development bonds. He said if Council is interested in facility bonds he has much more information he can bring to them. Mayor asked what it can be used for. Mr. Fenton said land, building, equipment, and street scapes. He stated again if the whole County is declared a recovery zone that makes us eligible for these facility and economic development bonds. Mr. LaCrosse said so this is not a grant, but low interest bonds. Mr. Fenton said this is a low interest loan. Mr. LaCrosse asked what is the current interest rate. Mr. Fenton said 45% comes back to you and you are looking at 5%. He said this is not a municipal bond but a tax bond.

Mr. Fenton informed Council that on 10/20/09 Trinity will have about 150 employees staying with the plant and there is talk of more work coming on. Mr. LaCrosse asked is this in production. Mr. Fenton answered, yes.

Mr. Fenton told Council that the first LPN class starts on 10/30 and it is a full class.

Mr. Fenton continued by telling Council that over the next two weeks the energy grants are coming through, but he doesn't have a total yet for Cheatham County. He said as soon as the information comes in he will let them know.

Mr. Fenton said, finally, I would like to present your Three Star award and thank you for your participation in the leadership program, landscape improvements, farmers market, downtown improvement, and Summerfest. Mr. Fenton said I just wanted to thank you--- Congratulations. Mayor said thank you it is very nice.

Mayor said on the Downtown Beautification project, I have nothing else to report. He said we have a letter going out to CEMC.

A motion was made by LaCrosse, seconded by Gill to approve Ordinance #363-zoning amendment on 1st reading. The motion passed with a roll call vote of: LaCrosse-yes, Gill-yes, Nicholson-yes, Allen-yes, Johnson-yes, and Mayor-yes.

Mr. Young told Council he had given them a copy of the new Commercial Copy Services Agreement for the Senior Center today. He said he asked them why their price had doubled from last year. Mr. Young said they told him they didn't and sent him this new contract. He said they actually didn't go up on it and this one is actually better than last year's contract. A motion was made by Nicholson, seconded by Johnson to approve the Commercial Copy Services Agreement. The motion passed with a roll call vote of: Nicholson-yes, Johnson-yes, LaCrosse-yes, Allen-yes, Gill-yes, and Mayor-yes.

Mayor explained to Council that the Data Equipment Service Agreement is for the ID cards for employees to wear at all times. Ms. Schaeffer said this is a contract that needs to be signed. Mayor said the agreement is for the first two years at an annual rate of \$725.00 then it will be \$725.00 per year after that. A motion was made by Gill, seconded by LaCrosse to approve the Data Equipment Service agreement. The motion passed with a roll call vote of: Gill-yes, LaCrosse-yes, Johnson-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

Mayor said next on the agenda is to award the bid for the Fire Department uniforms. Chief Noe said this is for our turn out gear. Mr. LaCrosse asked is this a budgeted item? Chief Noe answered, yes. Mayor asked do you want to accept the one from G & C. Mr. Allen asked if the bids were for identical uniforms. Chief Noe said yes they are identical. A motion was made by Johnson, seconded by Nicholson to award the Fire Department uniform bid to G & C. The motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Allen-yes, Gill-yes, LaCrosse-yes, and Mayor-yes.

Mayor told Council that Phyllis and I along with James Smith have looked at the employee's health insurance and the Cigna plan #6 is the best policy for the employees. He said he wanted to bring it before Council so everyone would be aware of their decision. Ms. Schaeffer said this Cigna plan has a \$3,000.00 deductible for everyone. She said \$2,221.00 is the cost per month for the City which is \$17,768.00 for November to June and \$26,652.00 yearly. Ms. Schaeffer said they will let us renew in July. A motion was made by Nicholson, seconded by Allen to go to Cigna Insurance effective November 1st. The motion passed with a roll call vote of: Nicholson-yes, Allen-yes, Gill-yes, LaCrosse-yes, Johnson-yes, and Mayor-yes.

Mayor said he had a quote to take down the John Duke water tank on Sycamore in the amount of \$25,650.00. Mr. LaCrosse asked where are we on the apartments. Ms. Noe said she talked with the attorney for Vantage Pointe and they have a closing next week. Mr. Armstrong said he spoke with a new contractor yesterday out of Jacksonville, Florida and they have a closing date on the 20th or 21st. Mr. LaCrosse asked do we think we will get the tap fees pretty quick? He went on to ask are you comfortable with this figure for removing the tank. Mayor answered, yes. Mr. LaCrosse asked do we have to put this out to bid or do we have a step to take? Ms. Noe said this could fall under professional services and if it's on an emergency basis you don't have to bid. Mayor said if it's an emergency or specialty service you don't have to bid. A discussion ensued on the previous bids and if this quote is less. A motion was made by Gill, seconded by LaCrosse to have the water tank removed. Mr. Allen said if Jennifer doesn't feel we have to go to bid. Ms. Noe said this is a specialty area we are okay with no bid. The motion passed with a roll call vote of: Gill-yes, LaCrosse-yes, Johnson-yes, Allen-yes, Nicholson-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Gill to approve the Lose & Associate invoice in the amount of \$371.84 for payment. The motion passed with a roll call vote of: Johnson-yes, Gill-yes, Nicholson-no, Allen-yes, LaCrosse-no, and Mayor-yes.

Mayor recessed the meeting at 8:55 p.m. for an attorney/client privileged meeting. Mayor reconvened the meeting at 9:08 p.m.

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

A motion was made by Johnson, seconded by Gill to adjourn. The motion passed unanimously by voice vote. The meeting adjourned at 9:09 p.m.