

Regular Meeting of the  
Board of Mayor and Council  
May 12, 2009

The Board of Mayor and Council met in regular session on May 12, 2009 at 7:00p.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.

Other present: Zack McCarver, Michael Armstrong, Maureen Denney, Ray Denney, Sally Andrews, Chuck Walker, Thomas McCormick, Tim Allen, Michael Adcock, Wade A. Reed, Margaret Sherbert, Rob Sherbert, Marna Sherbert, Paul Gupton, Marc Coulon, Chris Camp, Tony Young, and Jennifer Noe.

Mayor Norwood called the meeting to order and began with the Public Hearing on Ordinance #357-2<sup>nd</sup> reading. Mayor stated ordinance #357 is to amend the 08 budget and said if anyone would like to approach Council regarding it now is the time. No one came forward and Mayor closed the public hearing at 7:05 p.m. He then thanked everyone for attending.

A motion was made by Nicholson, seconded by LaCrosse to approve the April minutes. The motion passed unanimously by voice vote.

Public Forum:

Mayor stated this week is National Police week and we need to remember all officers who have made the ultimate sacrifice. He said that two of our officers were Frank Jordan and Leroy Clarence Happel. Mayor said God Bless those individuals and their families and our own officers and their families.

Margaret Sherbert approached Council and said she was involved in baseball and her husband has been president of the organization for a few years now. She stated that in September of 2006 they formed the Friends of Johns Park in partnership with the baseball league. Ms. Sherbert said tonight she was there to give them the results of the Cheatham County Park and Rec. grant they had applied for and to report the improvements they had made to the park. She said the Dixie Youth and Friends of Johns Park had each applied for grants. She went on to say this year they had opened the 3<sup>rd</sup> field. Ms. Sherbert said each year our numbers have increased and we are approaching 150 resulting in a need for this field. She said the project's total cost was \$23,129.00 of which \$17,400.00 was covered with the grant and the rest came from baseball's own funds or donations. She said she thought Ashland City paid for a couple loads of dirt. She said as far as the Friends of Johns Park the total expenditure was \$30,500.88 with over \$19,000.00 going for the playground. She said we put up a new outfield fence, put in a drainage ditch in the outfield of the big field, and we have a bench on back order. Ms. Sherbert said Ashland City wrote checks for \$11,941.78 which is broken down as \$1,000.00 for labor to install the playground, \$1,400.00

for materials, \$8,200.00 for the playground, and \$1,100.00 for the fence. She said the matching grant was \$7,300.00. Ms. Sherbert said on the playground we spent \$15,000.00 and we spent ½ of that and when we get the check from the County grant in the amount \$5,970.00 Ashland City will get a check back in that amount from the Friends of Johns park. Mr. LaCrosse said thank you and he then asked Ms. Sherbert if she would put this information in some kind of format and distribute it to Council in their boxes. Mayor said on the small field did you say the 4-6 year olds are playing on it and was it the old T-Ball field. He went on to ask if the fence was replaced on that side. Ms. Sherbert said at the baseline and not the railroad portion. She went on to say that 3 portions of fence were replaced along the dugout and press box. Mayor asked Thomas to get a dozier in there to clean it up. He went on to say that the mosquitoes down there will take the kids away. Mr. Nicholson said it is too wet to get in there. Mr. McCormick said it is our plan to do this. Ms. Sherbert said they would like to see that lagoon covered up. Mayor said his thought was to clean out the brush and put in a V bottom ditch that won't retain water. Ms. Sherbert said something is needed with the mosquito issue and naughty activity at the railroad. Mayor said thank you Margaret.

#### Reports:

Mayor asked Ms. Noe if she had anything to report. Ms. Noe stated she had several things under attorney/client to go over at the end of the meeting.

#### Old Business:

A motion was made by Johnson, seconded by LaCrosse to approve Ordinance #357 amended 08 budget 2<sup>nd</sup> reading. The motion passed with a roll call vote of: Johnson-yes, LaCrosse-yes, Macha-yes, Allen-yes, Nicholson-yes, and Mayor-yes.

#### New Business:

##### RAC Update

Mr. Camp said he had some updated numbers for Council which is still a work in progress. He went on to say he hopes they are pleased with the project and that he had received a lot of good responses. Mr. Camp said what we lack is the alley in front of the Bethesda Center where there is a wooden pole and overhead line to be inactivated if we go forward with everything, a line on the NE corner of the courthouse to the pole on the opposite side of the street, and all wooden poles will come down with the lines going underground. He went on to say on Sycamore thru Shinbone alley a small area of concrete needs to be poured, and at Sycamore and Main there are 3 spots of sidewalk not poured because of poles. Mr. Camp went on to give information on the poles. He said for pole #1 between Danny Holder and Quick Cash they have proposed a new tall self-supporting pole and to take all lines down from Frey and Main except for the real high lines and that pole #1 is a tension pole. He said the Bethesda alley line will come down when you take out the overhead lines and there will be two poles on that side of the street and the old street light poles go away. Mr. Camp said if you install that pole the cost will be \$45,924.00 which is broken down as \$22,234.00 for the foundation and \$23,690.00 is CEMC cost. He said the CEMC cost is this high because they think they will hit rock at around 11 feet deep. Mr. Camp said the Mayor had asked them to get comparisons for this work. Mr. Camp gave the cost for pole #11 located at El Rey's as \$22,234.00 for the foundation and \$12,190.00 to rerun the line for a total of

\$34,424.00. He said this pole could be waited on. Mr. Camp stated this pole takes away three guy wires-one at Main and two at Cumberland. He then gave the cost for pole #13 at the corner of Sycamore next to the flooring store as \$22,234.00 for the foundation and \$12,650.00 for CEMC to rerun lines. He said this allows you to get the lines away from the buildings and that all cable and phone lines come off of those and go underground. He went on to say the biggest line across Main Street is the telephone line and there would be no overhead power lines from Cook's law office to Mulberry. Mr. Camp said the other cost is on the phone lines at \$38,049.00, but he doesn't have that broken out yet. Mr. Camp said the total cost for CEMC is \$48,530.00 with a total cost of \$66,000.00 for all foundation work which is a total cost of \$148,000.00. After more discussion, Mr. Camp said he would continue to work on these numbers and send an email to each Council member. Mr. Camp said if they did one pole either Sycamore or Danny Holders they would have about \$5,900.00 after Lafferty's figures. He said he doesn't recommend doing the pole at El Rey's right now. Ms. Macha said we already purchased that pole. Mr. Camp said he would look into returning it. After more discussion, Ms. Macha asked him to revise the numbers and email them to Council. Mr. Johnson asked if they could get an independent to core drill. Mr. Camp said we can explore our options. Ms. Macha asked why does CEMC have to do this work. Mr. Camp replied it's their lines. Ms. Macha said what about the foundation work. Mayor replied we are trying to sub this out. Mayor went on to say they didn't have anything in there for concrete break test so that means it might be more. Mr. Camp replied we can use the same company we had before. He went on to say they did the punch list on 12/2/09 and he would like to meet with Thomas on the trees and shrubbery as they have a one year warranty. Mr. Camp said the pansies will need to be replaced but that the trees look good and so do the other perennials. He asked if they had pressured washed using the hose connection. Mayor said, yes. Mr. Camp was thanked for his update.

A motion was made by LaCrosse, seconded by Nicholson to pass ordinance #358-09/10 budget -1<sup>st</sup> reading. Mayor asked Mr. Chairman if he would like to give an update. Chairman Johnson said he thinks right now the budget is status quo with last years with the exception being any step raises for personnel. He said they did cut back some on capital projects where we could and this is a budget without any tax increase. The motion passed with a roll call vote of: LaCrosse-yes, Nicholson-yes, Allen-yes, Macha-yes, Johnson-yes, and Mayor-yes.

Mayor started the discussion on paving Court Street by saying he was told today that the County's Budget Committee did approve to pay their \$15,000.00 to do the paving. He went on to say if we want to pay our half we will have to have a motion. A motion was made by Johnson, seconded by Macha to approve paving Court Street. Mayor asked if it was coming out of street aid. He then asked for any discussion from Council. Mr. Johnson asked if there was any problem with the concrete. Chief Walker said he didn't have his pricing yet and wasn't sure there was enough in Phyllis' maintenance budget to do it. Mayor said for him to come back to the budget committee when he gets his pricing and they will work it out. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, and Mayor-yes.

Chief Coulon recommended to Council that the speed limit on Frey Street be changed to 40 mph. Mayor introduced Mr. & Mrs. Denney and asked them to explain their feelings on this. Ms. Denney said they

live at Bell and 49. She asked Council to not increase the speed limit to 40 mph. She said it used to be a 45 mph speed limit and it is 35 now and they don't drive that now. She said they are flying through there with near misses at least three times a week. Ms. Denney said she felt the only way to get rid of accidents there is to put in a left hand turn on to Bell Street. Mayor said they would have to go to the state for a turn lane. Mr. Denney said his answer for the speeding is to put an officer on the corner at his house at Bell Street. He, also, wanted to complain about the boom boxes being played too loud. He asked if there was a state law –if you are 100 feet from the car and can hear it then it's too loud. Mr. Denney said he would appreciate all the help he could get. Mayor asked them what is your recommendation. Ms. Denney replied to keep the speed limit at 35 mph only because they break it anyway. After additional discussion, Mayor asked for a motion to approve changing the speed limit to 40 mph on Frey Street. A motion was made by Allen to move the speed limit to 40 mph from the city limits to Brookhollow on Frey Street, seconded by Nicholson. Ms. Macha said she would like to see it at 45 mph if we are going to change it. Mr. LaCrosse said he agreed and that he would like to see the speed limit changed to 45 mph going out of town on HWY 12, also. He went on to say whatever it is changed to the tolerance will be depending on circumstances. Chief Coulon said the tolerance will make a difference. Mr. Nicholson withdrew his 2<sup>nd</sup> and Mr. Allen then withdrew his motion. A motion was made by Macha, seconded by Nicholson to move the speed limit to 45 mph from the city limits to Brookhollow then go to 30 mph. The motion passed with a roll call vote of: Macha-yes, Nicholson-yes, Allen-yes, LaCrosse-yes, Johnson-yes, and Mayor-no. A motion was made by LaCrosse, seconded by Johnson to change the speed limit from 40mph to 45mph on HWY 12 South where the transition at the Bi-pass is 40 mph until it reaches the 55mph zone. The motion passed with a roll call vote of: LaCrosse-yes, Johnson-yes, Allen-yes, Macha-yes, Nicholson-yes, and Mayor-no.

Mayor said Michael Adcock has requested the City abandon the alley at his property at 105 Helen St. He asked Thomas did you get any information on that. Mr. McCormick replied there is no water line in that alley. Ms. Noe said if Council considers abandoning an alley they must give notice to the adjoining property owners. Mr. Adcock said he is just talking about the property behind his house. Mr. Johnson said there is a concern to legally abandon it and they need to notify the other property owners. He asked Ms. Noe what would happen if one person objected. Ms. Noe said she wasn't sure but would check into it. After more discussion, Mayor said they could consider giving Mr. Adcock permission to clean it up and not abandon the alley. Ms. Noe stated if he puts a fence ½ way into the alley it would need to be abandoned and notice would need to be given to the other property owners. Mayor asked about maintaining an easement. Ms. Noe said she could check on easements. Additional discussion took place on either abandoning the alley or then doing an easement. Mayor asked for a motion to have Jennifer check on making an easement and moving forward. A motion was made by LaCrosse, seconded by Macha. The motion passed unanimously by voice vote.

The next topic was the Five Points-Section 125 Premium Adoption Agreement. Ms. Schaeffer explained that this is the 125 plan and that James Smith had requested to take it back over. A brief discussion ensued on what this plan is and if the proposed pricing from Smith is a good price. Ms. Schaeffer said she thought \$295.00 for a year was good. She went on to say that Smith Benefits can do the same reporting and can keep up with it. Ms. Macha asked Jennifer if she had looked at the contract. Ms. Noe

said the contract looked fine. A motion was made by Johnson, seconded by Macha to approve the contract with Five Point. Ms. Noe said there is a provision for automatic renewal and a 50 day notice to cancel. Mr. Johnson withdrew his motion and Ms. Macha withdrew her second. A motion was made by Johnson, seconded by Macha to adopt this agreement after the automatic renewal provision is removed. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, and Mayor-yes.

A discussion ensued on the One source Admin-Agreement –Cobra/Hippa. Ms. Schaeffer informed Council that Smith Benefits said it is easier to work with One Source. Ms. Noe said changes need to be made to the contract and went over them with Council. After all changes were discussed, a motion was made by Johnson, seconded by Macha to approve One source Admin. Agreement-Cobra/Hippa. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, Nicholson-yes, Allen-yes, LaCrosse-yes, and Mayor-yes.

Mayor asked Thomas if he had an update on the unit at the water plant. Mr. McCormick said they have come out and started some duct work. A motion was made by Johnson, seconded by LaCrosse to defer W & O pay request #26. The motion passed unanimously by voice vote.

Mr. Camp informed Council that on his last two projects they came in way under budget and if they have any projects they are sitting on they might get better pricing now. He said the construction market is off 30%. Mayor said he appreciated the information.

A motion was made by Johnson, seconded by Macha to approve Lose & Associates pay request in the amount of \$543.29 for payment. 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 Macha, seconded by Nicholson to approve Highers and Koonce pay request in the amount of \$1,020.00 for payment. The motion passed with a roll call vote of: Macha-yes, Nicholson-yes, Allen-yes, LaCrosse-yes, Johnson-yes, and Mayor-yes.

Other:

The meeting adjourned at 8:35 p.m. for an attorney/client privileged meeting. The meeting was called back to order at 9:35 p.m.

A motion was made by Johnson, seconded by Nicholson to pay the monthly bills. The motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Allen-yes, LaCrosse-yes, Johnson-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 9:37 p.m.

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Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder