

Regular Meeting of the  
Board of Mayor and Council  
April 10, 2007

The Board of Mayor and Council met in regular session on April 10, 2007 at 7:00 p.m. in the Municipal Building.

Present and presiding: Mayor Gary Norwood.

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

Others present: Marc Coulon, Michael Armstrong, Lisa Cantrell, Chris ?, Curtis Bennett, Darryl R. Carroll, Glen N. Dodson, Mary Glasgow, Eddie Nichols, Zach McCarver, James Fenton, Paul Gupton, Anita Justice, Tony Young, Chris Cherry, Jennifer Noe, Leslie Finley, Vicki Cannon, Matt Anderson, Glenn O. Biggs, Zada L. Law, Penny Brooks, C. J. Groulx, Greg Edrington, Chris Camp, Murry Hawkins, and Phyllis Schaeffer.

A motion was made by LaCrosse, seconded by Macha to approve the March 2007 regular minutes. The motion passed unanimously by voice vote.

Public Forum:

James Fenton, Joint Economic Development Council, addressed the council to give “a thumbs up” and to thank the council for the banners. He, also, presented the council with the Three Star award for the city and stated the county had moved to level three this year.

Zada Law, 1039 Riverview Lane, addressed the council regarding the proposed rezoning of the lot below her property from R-1 to I-2. Ms. Law asked the council to please consider the effect of this rezoning on families that live above this lot in the Tall Tree sub-division. Many of the property owners looked at zoning maps before they purchased their homes and it was R-1. They believed that the zoning was correct. She stated they pay alot of property taxes and if the property was rezoned it would lower their property values. Ms. Law asked the council to consider the effect of this decision to rezone.

Attorney:

Ms. Noe stated she had nothing that was not on the agenda.

Old Business:

None

New Business:

R.A.C. update

Mr. Camp requested the council to officially reject the bid received on the renaissance project.

A motion was made by Johnson, seconded by Noe to reject the bid. The motion passed with a roll call vote of; Johnson-yes, Noe-yes, Nicholson-yes, Allen-yes, LaCrosse-yes, Macha-yes, and Mayor-yes.

A motion was made by Noe; seconded by Johnson to authorize Mr. Camp to proceed with new bid. The motion passed unanimously by voice vote.

Mr. Camp stated he tried to contact the group in Atlanta asking if the nine conduit is sufficient and he let them know that the city is not interested in paying for future growth. Mayor asked Mr. Camp about additional cost for the new bid. Mr. Camp stated only to advertise.

A motion was made by Johnson, seconded by Macha to pass Ordinance #332- Rezoning a portion of Thompson Rd on first reading. The motion passed by roll call vote of; Johnson-yes, Macha-yes, LaCrosse-yes, Allen-no, Nicholson-yes, Noe-yes, and Mayor-no.

Ms. Noe approached the council regarding the abandonment of alleys by the McMahan property. She stated the city wants to straighten the road by the large curve. Ms. Noe said that Ms. McMahan is willing to give a piece of her property to the city for \$2000.00 and the abandonment of the alleys one being Park St. and the other is not named. The council was in agreement that the landowners had to be notified. Mr. Biggs asked if it was the alley behind his property. Mr. Biggs thought it had a name. Ms. Noe said the plat doesn't show a name. The Mayor asked if alleys are abandoned is the property split down the middle to both landowners. Ms. Noe advised it goes to the prior owners and it is not our issue. She has not reached this but believes Ms. McMahan owns the bulk of it. There would have to be a title search. If Mr. Biggs wanted to check to see if he owns part of it he would have to have a title search and survey done. Mr. Johnson asked if Mr. Biggs had an objection. Mr. Biggs said he was here to find out what was going on. Mr. Johnson replied they were trying to straighten the road. Mr. Biggs said he understood that part but he did not think Ms. McMahan owned all of it. Mayor said she would have to have a survey done. Mayor said while fixing the curve they wanted to add the new water line to increase the water pressure while abandoning the alleys. It was discussed where the alleys began and ended.

A motion was made by Macha, seconded by Noe to approve the abandonment of the eastern end of Park St. and the alley that runs east of Valley View St. Ms. Noe said the document for 1917 said the Park St alley was 50 ft. wide and the unnamed alley 15 ft. wide. Motion passed with a roll call vote of: Macha-yes, Noe-yes, Nicholson-yes, Allen-yes, LaCrosse-abstain, Johnson-yes, and Mayor-yes.

Tony Young spoke to the council about the county parks grant. He wants to do a master plan. They have never heard of that before and he would have to submit two applications. If the one did not get approved they would have the other one to fall back on. Mr. Young asked the council to advise what should be considered in the other application. Mayor asked Mr. Young to get in touch with Larry Nash. Mr. Young advised he has to have the application turned in by the 30<sup>th</sup> of this month.

Ms. Noe wanted to point out a couple of things on the Pyro Shows contract as it looks a little different this year. Under section 1 weather conditions customer shall remit additional expenses not less than 10% and that would be \$10,000 this part shall be crossed out. Under permits and licenses any suit involving this contract shall be brought to Campbell County. This section will be crossed out. The last item was under mutual cancellation in events of “acts of God” or causes beyond control of Pyro Shows customer agrees to assume the risk of damages to the exhibits that are placed in position before the commencement of the show shall be crossed out. The date on the contract is for Friday and it should be Saturday the 16<sup>th</sup> of June. A motion was made by Noe, seconded by Nicholson to accept the contract with the noted changes. Mr. Allen asked about the cost of the show and said he was more comfortable with Harris overseeing it. Mr. Noe said he had spoken with Harris and thought that the two guys doing it would be the same this year. Harris was said he was confident they would do a good job. Motion passed with a roll call vote of: Noe-yes, Nicholson-yes, Allen-yes, Johnson-yes, Macha-yes, LaCrosse-yes, and Mayor-yes.

Mr. Young asked the council about the electronic doors at the Senior Center. The doors would be paid out of their money but the electric to be paid out the city budget. Mr. Young is to get a price on the electrical cost for the doors. Mr. Hawkins said he had a concern about the push bar on the doors and the Mayor said he thought they would have both. Chief Walker said they would operate normally using the push bars and if a person couldn't use the push bar they could use a button and the doors would open electronically.

Mr. Young spoke to the council regarding the Mid Cumberland Transportation agreement. He stated they want their money up front and would settle with the city monthly or quarterly. Mayor asked Mr. Young to try to get figures on how much this would cost and then take it back to the budget committee for review and recommendation to the council.

Ms. Noe and Mr. Young spoke to the council about the Silver Sneakers Contract. Mr. Young had previously told the council what his concerns were with the contract. Mayor stated he didn't like the contract last year and still thought it was not a good idea. The council had concerns and thought it was not a good idea.

Mr. Young addressed the council about the Senior Center job descriptions. He stated that one employee had been out for surgery and another one was going to be out for surgery. He needs to change the job descriptions to add nights and weekends. Ms. Macha had one question. She said the job description does not pay to have knowledge of computers shouldn't this be in there and what kind of reports do they have to do. Mr. Young stated that Cynthia usually does the reports and the other employees help to gather the information for these reports through out the month. Ms. Macha said you need to change the wording on the essential duties as it is now it is a little broad on this issue and to elaborate on computer skills.

Mr. Young reminded the council of the Walk on the Wildflower Side at the trail Saturday at 10:00 am.

A motion was made by Macha, seconded by Noe to approve Change Order #5-W&O Construction and to pay \$8090.28. Glen Dodson said they are doing well and everything should be done by the end of May. Mr. Cherry said they will tie in to the lagoons tomorrow. The motion passed by a roll call vote of: Macha-yes, Noe-yes, Johnson-yes, Allen-yes, LaCrosse-yes, Nicholson-yes, and Mayor-yes.

A motion was made by Noe, seconded by Macha to pay W & O Construction pay request # 17 in the amount of: \$32,024.43. The motion passed by a roll call vote of: Noe-yes, Macha-yes, LaCrosse-yes, Johnson-yes, Nicholson-yes, Allen-yes, and Mayor-yes.

A motion was made by Macha; seconded by LaCrosse to pay Hart Freeland Roberts pay requests - 2 invoices for the water plant in the amounts of \$4,985.71 and \$8,338.13. The motion passed by a roll call vote of: Macha-yes, LaCrosse-yes, Johnson-yes, Allen-yes, Nicholson-yes, Noe-yes, and Mayor-yes.

A motion was made by Johnson; seconded by LaCrosse to pay Higher's & Koonce pay requests - 2 invoices in the amounts of \$425.00 order control and \$741.60 Harpeth Shoals pass through. The motion passed by a roll call vote of: Johnson-yes, LaCrosse-yes, Macha-yes, Noe-yes, Nicholson-yes, Allen-yes, and Mayor-yes. Mr. Edrington said they are on target for a completion date of May 15<sup>th</sup>. Mr. Cherry said they are waiting on some piping.

A motion was made by Johnson; seconded by Macha to pay Lose & Associates invoice in the amount of \$8,282.09. The motion passed by a roll call vote of: Johnson-yes, Macha-yes, Noe-yes, Nicholson-yes, Allen-yes, LaCrosse-yes, and Mayor-yes.

The Mayor had three things he wanted to bring before the council. The first one was the pedestrian bridge connecting the tennis court to Johns Park. He said instead of going over it tonight he would defer it to the budget committee to recommend it to this body. Second they need to set a date for the 2<sup>nd</sup> reading on the R-4PUD. Ms. Noe said the date would need to be fifteen days from the date of the publication in the Times. After some discussion on the date it was decided for a Special Called Meeting for next Council Meeting of May 8<sup>th</sup>. The Mayor stated he received a call today from Regina Duffy asking for a proclamation for publicized activity for abused children. Mayor said he had a sample copy and a proclamation would need the council's approval. Mr. Young said this year they want to release 700 balloons on the 30<sup>th</sup>. A motion was made by Johnson, seconded by Macha to go forward to approve the proclamation. The motion passed unanimously by voice vote.

Ms. Noe said she had a copy of an agreement with the American Red Cross. It was presented as a mass care shelter agreement to use the Senior Center in case of an emergency. She asked the council to approve this agreement. A motion was made by Johnson, seconded by Noe to approve. The motion passed unanimously by voice vote.

Mr. Gupton informed the council that for the past several years the National day of prayer was observed with a prayer breakfast. He said it was being cancelled due to lack of participation this year. He said that the ministerial alliance would like a place for those who would like to meet to pray. Mr. Gupton suggested they use Riverbluff Park to stop by, pray and then leave. The National Day of Prayer is May 3<sup>rd</sup> and they would still meet at noon at the courthouse to observe this day.

Mr. Hawkins said that Mr. Gupton was sent down the hill tonight with a message for the Council. Ms. Gupton said when you go to Council to ask them to paint the old water tank or tear it down. She thinks it would look good with welcome to Ashland City painted on it.

Mr. Young said that Vickie Cannon, President of the Soccer Association was here tonight. He said he sent an email to the Council regarding Spanish soccer recommending that they not allow them to play on the soccer fields at Riverbluff Park. The Spanish soccer wants to pay \$150.00 a day to play on two fields and be on their own. They do not want to pay adult league fees. Mr. Young said he did not think this should be granted. Motion was made by Noe, seconded by LaCrosse not to let them play at Riverbluff Park unless they join a league. Mr. LaCrosse said Mr. Young had asked for an opinion and he then read his response stating the fields should be used by our own citizens. Mr. Johnson wanted to know what kind of liability does the city allow for the Spanish league to use our fields or are we assuming liability. Ms. Noe said we should have some kind of agreement as this does open up for liability without one. Mr. Johnson said they are still playing on our property and we should require them to have insurance. Mr. Camp said state law protects the city unless there is gross negligence. The motion passed unanimously by voice vote. Mayor asked Ms. Noe to look into this and present something at the next workshop.

A motion was made by Johnson, seconded by Macha to pay the bills. The council had a couple of questions that were answered to their satisfaction. The motion passed by roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Noe-yes, and Mayor-yes.

Before the council adjourned to meet with Ms. Noe, Mr. Allen asked if we could consider painting the water tank. Mr. Cherry said it would take \$58,000 to remove the paint; that was the last price he had been given. Mayor said it is lead-based paint and that is what is killing us on that tank. Ms. Macha said for Mr. Gupton to tell Ms. Gupton they are working on it.

The council and Ms. Noe adjourned to the mayor's office for a client/attorney privilege meeting.

The Council meeting reconvened at 9:07 pm.

A motion to adjourn was made by Johnson, seconded by Noe. The motion passed with 6 ayes and 1 nay from Mr. Noe. The meeting adjourned at 9:08pm.

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Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder