

Regular Meeting of the
Board of Mayor and Council
August 11, 2009

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

Present and Presiding: Mayor Norwood.

Council present: Jimmy Gill, Rick Johnson, Carol Macha, and Chris LaCrosse.

Council absent: Steve Allen and Tommy Nicholson.

Others present: Michael Armstrong, Zach McCarver-I-24 Exchange, Marc Coulon, Lee Davidson-Lose & Associates, Tony Young, Thomas McCormick, Paul R. Gupton, Jan L. Waltman, Joe Guyton, Lawrence Perry, Tim Adkins, Anita Justice, and Jennifer Noe.

Mayor called the meeting to order and stated we have a quorum. Mayor started with a Public Hearing on Ordinance #361-R-1/C-2 split zoning to C-2 zoning up for 2nd reading. Mayor asked if anyone would like to approach the Council. No one approached, therefore, Mayor closed the Public Hearing at 7:04 p.m. and commenced with the regular Council meeting. All present for the Public Hearing were in attendance for the regular meeting.

A motion was made by LaCrosse, seconded by Johnson, to approve the July 2009 minutes. The motion passed unanimously by voice vote.

Public Form:

Mr. Jan Waltman, 142 Forrest Court, approached the Council representing himself, Joe Guyton, and Lawrence Perry requesting the City paves their street. He provided Council with a written request that included their reasons why the street should be paved. Mr. Waltman said if the City could pave the Caldwell Estate streets they could pave Forrest Court. He went on to say that years back there was a street light on Forrest Court that flickered off and on. Mr. Waltman said they contacted CEMC to remove the light. He said CEMC told them they could not remove it because it was set up by the City. Mr. Waltman went on to give several other examples showing why they feel Forrest Court is a City street. He stated again that if the City could pave a Caldwell Estate street that was not a City street at that time then they have a right to the same service to have the City take over their street and pave it. Mayor asked Ms. Noe to check into this. He said he did know that when Mr. Jim Johnson built those houses initially it was a private drive. Mr. Waltman said that when he bought the house 20 years ago Mr. Johnson said it was a city street. He went on to say when he had his house refinanced the mortgage company required a letter stating the house was on a city street and Mr. Johnson wrote a letter

saying it was. Mayor said before it could have been considered a city street Jim would have had to pave it, bring it up to City standards, and maintain it for a year then the City would take it over. Mayor stated we will do our due diligence and see what we can come up with. Ms. Noe asked is the name of the street Forrest Court. Ms. Macha asked where was it located. Mayor said go down Forrest St. to Maple Drive and it is on the left hand side. Mayor asked if Jim had built all three houses. Mr. Waltman said he had built all three. Mr. Gill asked do you have City water and sewer. Mr. Waltman answered yes. Mr. Gill asked has the street ever been paved. Mayor said Jim had it chipped and sealed. Mr. Gill said he thought it should be paved. Mr. LaCrosse asked if these are the log houses. Mr. Waltman answered yes then he asked what is our next step. Mayor said to let us do some research and find out if it is a city street then bring it back to Council. Ms. Macha asked will we have to send it out for bid since we have just done our paving. Mayor replied he didn't know, that they might allow it to be added on. Mr. LaCrosse said what you are looking for is a remedy and assurance that something will be done. He went on to say that there are steps we can do and that Caldwell Estate was an exception. Mr. LaCrosse said normally a developer has the responsibility to finish a street and maintain it first. He said if we have an obligation and responsibility to pave it we certainly will, but we have to do our research. Again, Mr. Waltman asked what are our next steps. Mr. LaCrosse said to let our attorney do her research and bring it back to Council with a recommendation and we will go from there. He said we need to see what was in effect at the time. Mayor said you are at 142 Forrest Court and can we have your phone number. Mr. Waltman said his number is 792-4753. Ms. Noe asked for a copy of Mr. Waltman's hand out. Mayor told him either he or Ms. Noe would get in contact with him when they have an answer. Mayor thanked him for coming. He then asked Mr. Perry if he had anything he wanted to say. Mr. Perry said he wanted to reiterate that there is a big drop off and nothing but rock. He said it is a problem. Mayor said they would get in contact with them.

Reports:

Ms. Noe said she didn't have anything that wasn't on the agenda. Mayor said there will be a short attorney/client privileged meeting at the end of this meeting.

Old Business:

A motion was made by LaCrosse, seconded by Macha to approve Ordinance #361-R-1/C-2 split zoning to C-2 zoning-2nd reading. The motion passed with a roll call vote of: LaCrosse-yes, Macha-yes, Johnson-yes, Gill-yes, and Mayor-yes.

Mr. Davidson with Lose & Associates stated he was there to bring Council a copy of the numbers from CEMC for the pole removals with the downtown beautification project. He said no numbers had changed since they were last updated on 7-7-09. After a discussion on the location of the poles and what lines were attached to them, Mr. Davidson said these are the numbers we are getting to bring them down. He stated there will be a fee from Bellsouth but there will be no charge from the cable company for their lines. Mr. LaCrosse said it says these are estimates. Mr. Davidson said the paperwork said these costs could change. Ms. Macha said then these are not hard numbers. Mr. Davidson replied these are estimates. Mayor said he hates not to finish this project.

After more discussion, Mr. LaCrosse asked if we could get one that would read no more than and possibly less. Mr. Davidson said Mr. Camp has tried and they will not do that. Mayor said if Council didn't object he would refer this to the Budget Committee. There was no objection.

Mayor asked Ms. Noe to address the weapons in the park - Resolution 2009-05. Ms. Noe told Council that Legislature had passed an act that allows the use of hand guns in city parks. She said that if the City wanted to opt out they had until September 1, 2009. Ms. Noe stated they had previously passed a resolution that addressed guns in parks and the resolution they passed allowed long guns unloaded and properly cased to be carried across park land to hunting grounds. Ms. Noe said this new resolution is basically the same wording as the prior resolution but this one opts out of the State law. She said the new law deals with hand guns which she understands are different from long guns and she didn't know if in our resolution hand guns needed to be put in there for clarification. Ms. Noe stated that Mr. Nicholson had also requested to add another area along Eagle Pass. Mayor said to add Rail to Trails. He asked can this go as a resolution and not an ordinance. Ms. Noe replied yes. Mr. LaCrosse said in section 1 of the resolution it reads the use of hand guns shall only be allowed if the weapon is a long gun. He asked is this how we want to say it. After a discussion on this wording, Mayor said to change it to possession of firearms. Mr. Johnson said whether we opt out of this law or not the Tennessee Code annotated 39-17-1311 allows for a whole bunch of people who can carry. He then read this section listing all those permitted to carry. Mr. Johnson said we should just opt out. Ms. Noe said we would still have to do a posting and would need clarification on the posting. She said if we opt out of hand guns that would still allow long guns. After additional discussion, Mayor asked, how does Council want to proceed, we only have until September 1st to do something. Ms. Macha said this is it then. Mr. LaCrosse said if we do nothing we are already opted out. Ms. Noe said if we do nothing it will allow hand guns in the park. Mr. LaCrosse said don't we have an ordinance that covers that. Ms. Macha said if we do nothing hand guns will be allowed by state law. Mr. LaCrosse said then state law is over ours. Mr. Gill said he felt if a person has a legal right to possess and carry one then they should be allowed to do so. Ms. Noe said this law is not a blanket law to allow them to carry. Mayor said we have a resolution in front of us to prohibit hand guns that still allows long guns to be carried across park property for hunting purposes. Mayor asked can I get a motion. A motion was made by Johnson, seconded by Macha to adopt weapons in the park resolution 2009-05. Mayor asked is there any other discussion. Ms. Noe said just to clarify; the change was from hand guns to the possession of firearms. Mr. Gill said under this resolution anyone can carry a long gun across the park, but a person who went through the class for a permit to carry can't. Ms. Macha said out intent is to keep hand guns out of the park where kids are playing. After more discussion, Mayor called for a vote. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Gill-no, and Mayor-yes.

A motion was made by Macha, seconded by Johnson to approve Ordinance #362-Water/Sewer Rates. The motion passed with a roll call vote of: Macha-yes, Johnson-yes, Gill-yes, LaCrosse-yes, and Mayor-yes.

Ms. Noe went over the Department of the Army Contract-Bull Run Rec. Site with Council. A motion was made by Johnson, seconded by Macha to approve the Department of the Army Contract-Bull Run Rec. Site. The motion passed with a roll call vote of: Johnson-yes, Macha-yes, Gill-yes, LaCrosse-yes, and Mayor-yes.

Ms. Noe then went over the Sharon Caton Contract. She said she had not heard back from Ms. Caton on the changes made to the contract. Mr. Armstrong told Council Ms. Caton is on vacation. Mayor said the changes to Ms. Caton's contract had been made on Monday and that the contract could be passed contingent on her agreement to the changes that were made. A motion was made by LaCrosse, seconded by Gill to approve Sharon Caton's contract contingent on her agreement to the changes made. The motion passed with a roll call vote of: LaCrosse-yes, Gill-yes, Macha-yes, Johnson-yes, and Mayor-yes.

Next Ms. Noe addressed the Five Points contract with Council. She said the agreement is for 12 months with a 30 day notice for cancellation. Ms. Noe said the company will be handling any COBRA issues. Mr. LaCrosse asked what is your recommendation. Ms. Noe said she is okay with the contract. Mayor said they are taking care of COBRA and this company is cheaper and it is providing the same services as the other one. A motion was made by Macha, seconded by LaCrosse to approve the Five Points Contract. The motion passed with a roll call vote of: Macha-yes, LaCrosse-yes, Johnson-yes, Gill-yes, and Mayor-yes.

Mayor said next on the agenda is the write-off on water accounts. Mr. LaCrosse said he had called Mr. Jaeckel twice with no return call. Mayor asked if we write this off are we still allowed to go after it. He was told yes we can. Mayor said he thought Phyllis was checking on a contract with the company we are using now. Ms. Glasgow said there is a contract. Mr. LaCrosse said if we are not obligated to give them this batch of write offs then we could use it to entice a new business. He said maybe we could defer this for a month. Mayor asked Ms. Noe if she had a copy of the contract, if not then Ms. Mary could get it for her. A motion was made by LaCrosse, seconded by Johnson to defer the write-off of water accounts until next month. The motion passed unanimously by voice vote. Mayor asked Ms. Glasgow to get a copy of the contract to Jennifer for her to review.

A motion was made by Macha, seconded by Johnson to pay Lose & Associates invoice in the amount of \$546.96. The motion passed with a roll call vote of: Macha-yes, Johnson-yes, Gill-yes, LaCrosse-yes, and Mayor-yes.

Mayor recessed the meeting at 8:05 p.m. for an attorney/client privileged meeting. Mayor reconvened the meeting at 8:45 p.m.

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

A motion was made by Johnson, seconded by Macha to adjourn. Mr. Gill said Mayor, on the dispatch number 792-2098 that is to be answered 24 hours a day, at some point I

would like to make a motion to have it published in the phone book. He said he didn't think everyone was aware of it. Mr. LaCrosse said is it the number for emergency calls that are not 911. Mayor said that is a county office and he would bring it up to the Board.

The motion passed unanimously by voice vote. The meeting adjourned at 8:47 p.m.

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder