

2333Town of Ashland City
Board of Mayor and Council
Ashland City, Tennessee
March 12, 2013

The Board of Mayor and Council met in regular session on March 12, 2013 at 7:00 p.m. in the Municipal Building.

Present and presiding: Mayor Rick Johnson.

Council present: Vice-Mayor Steve Allen, Alwilda Binkley, Lisa Walker, Jimmy Gill, Roger Jackson, and Chris LaCrosse.

Others present: Billy Harris, Danny Morris, Jack ?, Charles Morris, Lisa Morris, Marc Coulon, Ken Millett, John Borum, Ricky Meadows, Sheriff John Holder, Wilda Holder, Debbie Meadows, Donita Brown, Robert Brown, Robert Bell, Dana Hatfield, Danalle Taylor, Leland Johnson, Michael Jackson, Cluade Jackson, Thomas Jackson, Jerry Moore, Kim Stringfield-Davis Gwen Angelino, Dwayne Noe, Eric Meadows, Dick Stewart, Don Beshears, Melissa Womack, Tony Young, Tim Adkins, Lisa Langley, Michael Armstrong, Donnie Kemp, Steve Powers, Gina Cox, Paul Gupton, Mary Glasgow and Phyllis Schaeffer.

Mayor Johnson called the meeting to order and declared there was a quorum. Mayor Johnson began with the public hearing on ordinance #400- budget amendment. After the Ordinance was read Mayor Johnson asked if there were any comments. There were no comments so Mayor Johnson closed the public hearing and commenced with the regular meeting.
All those present for the public hearing were in attendance for the meeting.

A motion was made by LaCrosse, seconded by Gill to approve both the regular minutes and the special called minutes from February. Motion passed unanimously by voice vote.

Public Forum: Mayor Johnson asked if there was anyone present that wanted to approach the Council.

Don Beshears came forward and said he was here on behalf of Ricky Meadows the gun shop is in proximity to his place and he is in favor of the gun shop. The building has been sitting vacant and he would like to see it being used. He is in support of having a safety course, learning how to shoot and selling. Guns are a big issue throughout our nation right now His wife taught gun safety in schools and he just wanted the Council to know he supports this business.

Gerald Moore came forward and said he was here on behalf of an elderly gentleman who had an abnormally high water bill. Mr. Moore went on to explain the house had been vacant and he oversees the property; it is his practice to go in and turn off all the commodes. A new renter moved in and only lived there 5 days before moving out as the house has been sold. This would be their final bill. He had the meter re-read and was informed that the meter had been read correctly. He has checked for leaks and there are not any, he has no idea what has caused this abnormally high bill. A motion was made Gill, seconded by Allen to adjust this bill to a minimum of \$18.94 Motion passed with a roll call vote of: Gill-yes, Allen-yes, Binkley-yes, Walker-yes, Jackson-yes, LaCrosse-yes, and Mayor-yes.

Donald Kemp approached requesting an adjustment on his water bill. Mr. Kemp said that when they read the meter they told him the meter was running. He had the leak fixed the same day. Mr. LaCrosse

asked if this leak was between the house in front and the barn. Mr. Kemp said yes. A motion was made by LaCrosse, seconded by Gill to adjust the bill to a 6 month average. Motion passed with a roll call vote of: LaCrosse-yes, Gill-yes, Jackson-yes, Walker-yes, Binkley-yes, Allen-yes, and Mayor-yes.

Lisa Langley came forward also requesting help with her water bill. Ms. Langley said she lives at 107 Fairview Circle. She had a December water bill that was about \$40 higher than normal, she thought it was due to Christmas when last months' bill came out it had check for leak on it. Ms. Langley said she had someone come out and they found the leak was in between her meter and house. She called a plumber and they have repaired the line. She would like to see if she can get her bill to an average and also she was advised that the new bill that will be coming out will also be high it was re-read and it will be over \$100 for a 2 week period. A motion was made by LaCrosse, seconded by Allen to adjust the bill to a 6 month average after the bill from the plumber has been brought to the front office. This will be an average for both months. Motion passed with a roll call vote of: LaCrosse-yes, Allen-yes, Binkley-yes, Walker-yes, Jackson-yes, Gill-yes, and Mayor-yes.

Lloyd Sharp and Samuel Hagler came forward and said they had just opened up a game room and they did not know they had to close by 11 p.m. he had been misinformed by the county. It will be very hard to close by 11 they will be having pool tournaments on Wednesday's and Friday and Saturdays they start at 7 p.m. depending on how many there are to play they won't be done by 11 especially on Friday and Saturday's. People like playing pool they don't sell beer or allow it to come in they are requesting the hours be changed.

Mayor asked Ms. Noe if this had to go to planning and zoning and then changed by the board. We could wait 3 months before enforcing this ordinance as it will take that long to get it changed. Mr. Hagler said if the Council wanted it closed on Sundays that would be ok; it would give him a day off. Mr. LaCrosse asked what kind of people came into the business. Mr. Hagler replied kids and some adults today there were kids in there with their grandmother. Mr. LaCrosse said he always hears kids need a place to go we can try it and give it a probationary period. Mr. LaCrosse asked Chief Coulon what he thought. Chief Coulon replied he will do whatever they decide. Mr. Hagler said they will not allow any drinking or anything else he understands that is probably why it had the 11 p.m. closing time. Mayor asked Ms. Noe how to handle this. Ms. Noe replied that the Council could make a motion to suspend the ordinance temporarily but they would have to do a new ordinance. This ordinance only deals with pool halls. A motion was made by LaCrosse seconded by Binkley to allow the game room to operate while they are changing the ordinance there will be a 6 month probation period starting after the 2nd reading on the ordinance; the current ordinance will be suspended for 2 months while making the changes.

Chief Coulon asked what hours they will be allowed to operate. Mr. Hagler said Nashville operates until 3 a.m. but we appreciate what you can give us. The people after 11 p.m. will be of age. 18 and under will be out. Mr. LaCrosse said he thought 3 a.m. was too late maybe 1 a.m. Mr. Jackson said he thought 1 a.m. would be okay. Mayor said they had not changed the ordinance yet; let's say 1 a.m. and see how that works out while we draft the new ordinance. Mr. Sharp said weekends are really when it is needed. Ms. Binkley asked if the school children were out by 10. Mr. Hagler said by 10:30 p.m. they already have a sign up. Mayor said generally I think it wouldn't open to the afternoon this is temporary open to 1 a.m. on Sunday from noon until 1 a.m. curfew for kids 10:30 p.m. Mayor said something else I caution you there aren't other business's open then there will be a lot of eyes on you I expect it to be orderly in and out of the building. It will be your responsibility. Mr. Hagler said yes he understood. Motion passed unanimously by voice vote.

Mayor Johnson said there were probably a lot of people here on Ordinance D. the indoor firing range and asked how many in the room were here in favor the majority of the room raised their hands he then

asked how many were against and no one raised their hands. We already heard from Mr. Beshears so unless there are any other questions or comments we'll go on with the agenda.

Attorney:

Jennifer said she didn't have anything at this time.

Mayor advised that Jennifer has tried contacting Rep. Littleton and since we would not be getting the Charter changes in this session we are not pushed for time he would like to defer the changes to the Charter.

Ms. Noe said she would like to say the Harpeth Marina will be in court again on the 26th to discuss selling again. Mr. LaCrosse asked what time. Ms. Noe replied 9 a.m. Mr. LaCrosse asked what Ms. Noe's take on it was; what about the current situation. Ms. Noe replied that would be up to Judge Birch she thinks he would preserve the owner's rights; something might happen we will see. The bank will also be giving a report. After a short discussion Mayor Johnson went on with old business.

Old Business:

Ordinance 400 – budget amendment for 2nd reading. A motion was made by LaCrosse, seconded by Walker to approve Ordinance #400 on 2nd reading. Motion passed with a roll call vote of: LaCrosse-yes, Walker-yes, Binkley-yes, Allen-yes, Jackson-yes, Gill-yes, and Mayor-yes.

Next is the Pyro Shows agreement. Ms. Noe advised that Tony talked with them today and voiced our concerns. They were amenable to using the same contract as last year. Ms. Noe said she would like to go through it with last years' agreement and after marking through the changes have it signed at that time. Mayor reminded everyone that the main concern was the weather clause they had added. A motion was made by Binkley, seconded by Allen to accept the agreement as amended by Ms. Noe. Motion passed with a roll call vote of: Binkley-yes, Allen-yes, Walker-yes, Gill-yes, Jackson-yes, LaCrosse-yes, and Mayor-yes.

The next item was Resolution 2013-02 – Child Advocacy. Ms. Stringfield-Davis came forward she introduced herself and said she was with the Child Advocacy that serves the 23rd Judicial District and that they had a local office here above Bethesda. They serve any child involved in sexual or physical abuse, domestic violence – anything that endangers a child. TCA 40-24-109 allows county and local courts to collect fees from persons that commit crimes that create victims. Their services are free that is why they need the funding. Some of their services are forensic interviews, mental health, counseling, they offer food and clothing. The forensic interviews can be admitted into court as evidence but this has to be done by the Advocacy so they have to be trained. The county has passed this about 2 ½ years ago. She is here to ask for help through the city court. It does not cost anything and the city would gain the \$3.00 for processing. Chief Coulon said he is in support of this as they use them all the time. A motion was made by LaCrosse, seconded by Walker to approve Resolution 2013-02. Motion passed with a roll call vote of: LaCrosse-yes, Walker-yes, Binkley-yes, Allen-yes, Jackson-yes, Gill-yes, and Mayor-yes. Mayor just wanted to say that Bob Wilson was also in favor of this. Ms. Stringfield –Davis said she would also like to say they were the best team than any other to work with from the DA to the officers.

Mayor said the next on the agenda was the Proclamation to honor Curtis Bennett. A motion was made by Gill, seconded by Allen, to approve the Proclamation. Motion passed unanimously by voice vote. Mayor said we lost a good man.

The next item was Ordinance #401 amending our Occupational & Health Program. Mr. Armstrong said the TN Dept. of Labor said that our plan had left a section out and we had to add it. A motion was made by Gill, seconded by Walker to adopt Ordinance #401 on 1ST reading. Motion passed unanimously by voice vote.

A motion was made by LaCrosse, seconded by Allen to approve Ordinance #402 – indoor firearm range on 1st reading. Mr. LaCrosse asked if there needed to be archery wording in the ordinance. Mr. Armstrong replied no. Motion passed unanimously by voice vote.

Mayor Johnson said the next item was Ordinance #403 - Budget Amendment and asked Melissa if she would explain.

Ms. Womack said that they had \$1,200 left from the Cd after doing the floor and painting. This money went into the general fund. They need to get some outside light fixtures replaced and would like this money added to her budget. A motion was made by Allen, seconded by Binkley to approve Ordinance #403 – budget amendment on 1st reading. Motion passed with a roll call vote of Allen-yes, Binkley-yes, Walker-yes, Gill-yes, Jackson-yes, LaCrosse-yes, and Mayor-yes.

Ms. Noe addressed the Blue Heron Contract advised that there are new developments with the Corp. Now they don't want him to use the banks at all. Ms. Noe sent everyone a revised contract today. In this contract she has added he has to use the dock, the time was reduced to 15 minutes as the dock is open to the public. Also, alcoholic beverages were not allowed in the park and further the Corp does not want any signage. Ms. Noe added a \$500 yearly fee as this was a figure she heard Council use but that could be changed. She is not sure if the Corp wants this at all now but we need to have one with him. Mayor said he saw where it stated we are not responsible for his equipment but he is responsible for ours. Ms. Noe said she thinks 15 minutes is adequate time to load and unload. Mr. Jackson asked when we will get the new dock. Chief Walker replied we are waiting on the contract from TWRA if we get the contract by the next meeting and go through the bidding process not before May. Mayor asked Steve if he had anything. Mr. Allen replied yes, his passengers are not always there on time will he have to go out and wait and come back in? Ms. Noe said she had 15 minutes that could be changed. Mr. Allen said his question was if he pulls away that doesn't re-start his 15 minutes. No, it wouldn't. Mr. Allen said he doesn't know about the usage of alcohol on the boat. Ms. Noe replied that if he was at the dock technically he is not on park property it is just not permitted in the park. Mr. Young said they treat alcohol like guns as long as you are only transferring it from one to the other they won't address it but you can't partake of it in the park. Mr. Gill told Ms. Noe she did an excellent job drawing up this contract. He is glad we are not leasing parkland. Mr. Jackson said 15 minutes was a long time when you are waiting to dock. Mr. Allen said he did not think the fee was adequate and asked what the fireworks fee was. Ms. Schaeffer replied \$1,000 Mr. Allen said we only charge them a fee they are not given parking or anything else and they pay sales tax. He thinks the fee should be \$1,000 or greater. Mr. LaCrosse said this was a nominal fee it is more based on tourism. After more discussion of the fee a motion was made by Gill, seconded by Binkley to accept the contract with the \$500 fee. Motion passed with a roll call vote of: Gill-yes, Binkley-yes, LaCrosse-yes, Jackson-yes, Walker-yes, Allen-no, and Mayor-yes.

Mayor said the Charter was tabled for now if there were no objections. There were none voiced.

Wastewater plant update. Mr. Harris said he had received the plans and 6 sets of blueprints at 6:00 p.m. this evening and he has not had time to look them over. If anyone wanted a set of blueprints to look at he could give them a set. A motion was made by Gill, seconded by Binkley to allow the job to be bid

after Billy looks over and everything we asked for is in the plans. Motion passed with a roll call vote of: Gill-yes, Binkley-yes, Walker-yes, Allen-yes, LaCrosse-yes, Jackson-yes, and Mayor-yes. Mayor said there would be a pre-bid meeting 1 week before the bid opening. Mr. LaCrosse asked if Council would be notified when the pre-bid meeting was as some might be interested in attending.

The next item is awarding the mowing bid. Mr. Young said the 2 lowest bids were Anderson Lawn & Landscaping and LCJW. Anderson's had no references and he had not found out anything. Mr. LaCrosse said they could favor local bids by 10%. Mr. Young said they also did not provide insurance information. A motion was made by LaCrosse, seconded by Gill to award the bid to LCJW. Motion passed with a roll call vote of: LaCrosse-yes, Gill-yes, Jackson-yes, Allen-yes, Binkley-yes, Walker-yes, and Mayor-yes.

Other business:

A motion was made by Gill, seconded by Binkley to pay the bills.

Mayor said before we address the bills Steve had something to add. Mr. Allen said the gate is locked going across Graham Road. They have been told about that before they are locking a city street. I don't feel they should be able to do that. Ms. Noe said back when we had the flood we had made an exception because there was an issue. Chief Walker said if they lock it now they have to put a Knox lock and or a siren opener so fire and police can gain entry. Chief Coulon said if they are having a problem with thieves he is not aware of it. After much discussion Mayor asked Chief Coulon to put it on the agenda to discuss.

Mayor Johnson said we had a motion and second to pay the bills were there any questions. Motion passed with a roll call vote of: Gill-yes, Binkley-yes, Allen-yes, Walker-yes, Jackson-yes, LaCrosse-yes, and Mayor-yes.

A motion was made by Gill, seconded by LaCrosse to adjourn. Motion passed unanimously by voice vote. The meeting adjourned at 8:24 p.m.

Rick Johnson, Mayor

Phyllis Schaeffer, City Recorder