

AGENDA SESSION
NOVEMBER 16, 2010
3:00 P.M.

Chairman Rico called the Agenda Session to order, with Councilmen Murphy, Benson, Gilbert, Scott, Berz and Ladd present. Councilmen McGary and Robinson joined the meeting later. City Attorney Phil Noblett and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Karen Rennich, Gary Hilbert, Dan Johnson, Jim Templeton, Dickie Hutsell, Mike Patrick, Chief Dodd, Chief Parker, Officer Blaine, Lee Norris, Steve Leach, Chief Haney, Daisy Madison, Robert Ledford, Chip O'Dell, Steven West, Alice Cannelli, John Bridgeman, Randy Ray, Richard Beeland, Brian Smart, Sharon Morris, Crystal Freiberg, Paul Page, Dennis Malone, Beverly Johnson, Ken Fritz, Danny Thornton, Bill Payne, and Doug Kelley.

Mr. Johnson proceeded to go over agenda items, noting that **Ordinance (a) Final Reading** had been discussed, as was **Ordinance (b)**. **Ordinances (c) through (e)** were zoning matters with substitutions needed for **Ordinances (c) and (d)**.

Ordinance (a) First Reading relative to alcoholic beverages was covered last week, with Attorney Noblett noting that we are using the same language as the State of Tennessee. Ms. Madison stated that this would be part of the Budget and Finance Committee meeting.

Resolution (a) authorizing a contract with Countess B. Jenkins was covered last week. **Resolution (b)** is a Parks and Recreation Agreement with "A Better Tomorrow". Councilwoman Scott asked who "A Better Tomorrow" was? Councilman Gilbert responded that it was Life Skills for kids. She wanted to know if this person was a teacher and if he had done this in other places and if it was just a program for After School. Councilwoman Berz asked about a rental fee. Mr. Johnson explained that there was no money fee. Councilman Benson indicated that he would like to see a curriculum—that there are all kinds of life skills. Councilwoman Scott stated that this was not exactly "no money"; that a \$7,500 rental fee will be waived, and we will provide personnel and utilities. Mr. Johnson responded "as we do with most programs".

Resolution © authorizes the appointment of Jason W. Chauncey and David A. Kowalski as special officers (unarmed) for the Neighborhood Services Division to do special duty as prescribed.

Resolution (d) is a Public Works' item. Mr. Leach stated that this was a follow-up to the Resolution of last week and provides basic services for engineering related on on-site construction; that it includes material testing with two different servers under the same contract.

Councilwoman Scott confirmed that this was in addition to the money approved last week. She had another question going back to the alcohol beverages and telephones; that when the telephone portion goes into effect, people will have four weeks to comply and a public notice will be added. She explained that some have beer licenses and no land lines, and they will be given the opportunity to be notified, and we will make sure there is adequate public notice.

Councilman Benson stated that he thought there were only 4-6 that did not have a land line, and Officer Collins will give them the word.

Attorney Noblett stated that we could change the effective date. Councilwoman Scott still wanted us to run a notice. Councilman Benson stated that he would hate to spend this money for just four people. Chief Dodd stated that he would check on this and take care of it. Attorney Noblett agreed that there should be some notification method.

Resolution (e) authorizes advertisement of a Public Hearing on November 30th regarding the deannexation of certain territory adjacent to O'Grady Drive and Scenic Waters Lane. **Resolution (f)** is also an advertisement for deannexation of properties on Elder Mountain.

AGENDA ITEMS FOR NOVEMBER 23, 2010

Ordinance First Reading (a) is a zoning matter. **Ordinance (b)** will be discussed in Public Works Committee next week. **Ordinance (c)** will be covered in the Budget and Finance Committee meeting. **Ordinance (d)** deannexes certain territory adjacent to O'Grady Drive and Scenic Waters Lane. **Ordinance (e)** deannexes certain properties on Elder Mountain.

Councilman Murphy noted that we would have to add the Tifton property to Ordinance (d). Councilwoman Robinson, who was not at the earlier meeting, asked if they would be given notice and was told that certified mail would go to them directly.

Ordinance (f) amends Ordinance 12300 to change the description so as to delete one parcel adjacent to Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle and Maywater Road within the Urban Growth Boundary. Attorney Noblett stated that only one parcel would be affected and deannexed. **Ordinance (g)** amends Ordinance 12301 to change the description so as to delete two parcels within the Urban Growth Boundary. Attorney Noblett noted that this involved only two plaintiffs, and they will file suit; that it makes sense to cut them out so that the rest can go into effect. Councilwoman Scott asked how Public Works, the Police Dept., and Fire Dept. that serve an area pick out one residence. She questioned who will we maintain and who will we not maintain. Attorney Noblett explained this being a flag lot and a simple area to pick out—had there been 5-10 properties, he stated that he would not have recommended this process; that they may decide later that they want to be in the City.

Councilwoman Berz confirmed that we would not serve them, with Councilman Benson stating that we would get the rest on services.

Resolution (a) authorizes us to file suit against Rainbro, Inc. for breach of contract, declaratory judgment, and injunctive relief relative to the Windstone Sewer System.

Councilwoman Scott stated that she would like to get some background on this. Adm. Leach explained that we had been in discussions with Mr. Hamill about the issue with odor in Hurricane Creek; that Mr. Hamill holds this as a private company, and we had a ten-year contract with him; however there are odor issues at our end of the bargain; that this contract is subject to renewal, but we feel like he has breached his responsibility, and this is the end; that we had given them a year to tackle the problem, and they had not been successful, and we would like to end this.

Councilman Benson added that we went out there, and they were pumping odor into the air and people in Hurricane Creek had an odor problem and were upset with him.

Mr. Leach stated that the WWTA was another issue in Windstone, itself; that it is a situation we can't resolve on our end.

Resolution (b) involves a street name change and will be discussed in Public Works committee.

Resolution © authorizes the City Finance Officer to execute a contract with Nationwide Recovery Service, Inc. for collection services for the City. Councilwoman Scott wanted to know if we had a collection agency before? Ms. Madison explained that we did—Alliance One—that their contract is up for renewal, and we got a lower bid.

Resolution (d) declares surplus the sale of 14 properties, including 3306 Montview for \$50,000. Councilwoman Berz wanted to know whose district this was in? Councilwoman Robinson asked if a sale was pending on 3306 Montview. Mr. Page responded in the affirmative, stating that this would be an increase in revenue for the City.

Mr. Johnson went over the three purchases for tonight—The first was for General Services and a blanket contract for cleaning supplies from American Paper and Twine in the amount of \$64,000. The second was for Public Works and a blanket contract from Crane Rental from Hertz Equipment in the amount of \$34,000.00. The last was for Human Services to rescind a contract for janitorial services and award a new contract to Commercial Building Services, Inc. in the amount of \$112,800 annually.

Councilwoman Scott asked if it were possible to add one more column to Purchases; that she would like to have last year's cost. Mr. Page stated that this is based on last year, which prompted her to ask if the cost never went up? Mr. Page responded that we know it will go up—that we are using an estimate, which is the case for all blanket contracts. She asked if the Council could have this information on non-blanket items, then? Mr. Page responded that they would not have this information to be exact; that blanket contracts were estimates. Councilwoman Scott asked how the Council would know if we are paying a lot more than last year? Mr. Page responded that the market is down; that if they tried to research this, it would be a lot of work for them. Councilwoman Scott questioned why the Council voted on purchases, then, anyway?

Councilman McGary asked why we were rescinding the contract for janitorial services? Mr. Page responded because of poor performance.

Councilman Murphy stated that last year's prices would not be all that illuminating anyway; that knowing the previous cost would be meaningless.

There were three appointments. The first was for the Board of Zoning Appeals and was Jim Wilson, representative for District 1. The second was for Carter Street Corporation and the re-appointment of Anne M. Wilkins. The last was for the Office of Multicultural Affairs Advisory Board and the re-appointment of Louise Patterson, a District 8 representative.

Councilwoman Ladd asked if we did not appoint Anne Wilkins to something a couple of weeks ago? Attorney Noblett stated that we could not appoint her at that time because she was not a resident of the City.

The meeting was adjourned at 3:35 p.m.