

The Lewisburg City Council met for their regularly scheduled monthly meeting on Tuesday, January 12, 2010, 6:00 p.m. at Lewisburg City Hall, 131 East Church Street, Lewisburg, Tennessee.

Those present and attending were: Mayor Barbara Woods, City Manager Eddie Fuller, City Treasurer/Recorder Connie W. Edde, City Attorney Bill Haywood, Councilmen Hershel Davis, Ronald B. McRady, Robin Minor, Quinn Brandon Stewart and Odie Whitehead, Jr.

Members Absent: None

Mayor Woods called the meeting to order.

The Invocation was given by Clay Derryberry and Terry Wallace led the Pledge of Allegiance.

Item 1. Announcements

Mayor Woods announced the following:

1. Mike Wiles has asked everyone to remember to take part in the Census 2010.
2. New restaurant opening on the bypass next Monday: "Mildred's"
3. Mayor Woods requested Item 5B be taken out of order.

5B. First Reading of Ordinance 10-02

Motion was made by Councilman Whitehead, seconded by Councilman Davis, to approve first reading of Ordinance 10-02, rezoning property known as 1111 and 1113 East Commerce Street from "C-4" and "R-3" to "C-2" (INTERMEDIATE BUSINESS). Dr. Trisha Grissom purchased the clinic known as Lewisburg Animal Hospital and has future plans for expansion/new structures, etc. The property is two districts and this will rezone the property properly. The Planning Commission has approved this request. Upon a roll call vote:

Councilman Davis - Aye

Councilman Stewart - Aye

Councilman McRady - Aye
Councilman Minor - Aye

Councilman Whitehead - Aye

Motion Passed: 5 - 0

4. The following employees were presented service awards:

<u>Airport:</u>	Clay Derryberry	25 years
<u>Administration:</u>	Wanda Adcock	25 years
<u>Police Dept:</u>	David Ray	35 years
	Billy Duckworth	30 years
	Jerry Broyles	25 years
	Danny Burk	15 years
	Dac Burrow	10 years
	Kevin Patin	10 years
<u>Police Dispatch:</u>	Glenn Liggett	35 years
<u>Fire Dept:</u>	Ricky Cook	15 years
	Bob Davis	10 years
	Hundley Ford	10 years
	Steve Anderson	10 years
	Marty Middleton	10 years
<u>Street/Sanitation:</u>	Willard E. Cates	10 years
	Billy Richards	5 years

Mayor Woods expressed her sincere appreciation to these employees for their service to the City.

Item 2. Approval of Minutes

Motion to approve the minutes of the regular meeting of December 8, 2009 was made by Councilman Davis, seconded by Councilman Minor. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

Item 3. Approval of the Bills / Financial Statement

Motion to approve the December 2009 bills and the November 2009 Financial Statement was made by Councilman Stewart and seconded by Councilman McRady. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

Item 4. Unfinished Business

4A) Discuss Shaun Grant

Councilman Stewart stated since Mr. Grant had come forward at the last meeting and wanted an answer she felt he should get an answer. She further stated it was her understanding that the Police Advisory Board and the Chief of Police had recommended to hire Mr. Grant however he has not been hired.

Councilman McRady asked the City Manager why he had not acted on it.

City Manager Eddie Fuller stated that he and Mr. Grant had a conversation after the last meeting and Mr. Grant was told that the City was taking applications for police officers and he was welcome to apply again.

Councilman Minor made a motion, seconded by Councilman Davis, to table the discussion. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Nay
Councilman Minor - Aye

Councilman Stewart - Nay
Councilman Whitehead - Aye

Motion Passed: 3 - 2

Item 5. New Business

5A) First Reading of Ordinance 10-01

Motion was made by Councilman Minor, seconded by Councilman Whitehead, to approve first reading of Ordinance 10-01, rezoning property known as 570 and 580 West Commerce from "I-1" to "C-2" (INTERMEDIATE BUSINESS). Vicki and Steve Cain purchased the property and are asking for rezoning which will allow more business type facilities. The Planning Commission has approved the request.

Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

5B) Taken Out of Order

5C) First Reading of Ordinance 10-03

Motion was made by Councilman Davis, seconded by Councilman Minor, to approve first reading of Ordinance 10-03 which amends Title 7, Chapter 2, Section 7-20 of the Municipal Code, by adopting the 2006 International Fire Code. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

5D) Resolution Appointing an Administrative Committee/Agent for Retirement Plan

Motion was made by Councilman Whitehead, seconded by Councilman Minor, to approve the City Manager and City Treasurer as the Administrative Committee/Agent for the City's retirement plan. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

5E) Discuss Future Solid Waste Disposal

City Manager Eddie Fuller stated Waste Management has not received their permit to expand at this time. The City needs to be prepared if they have to close the landfill. With Waste Management disposing of Chapel Hill and Cornersville's waste, and if the landfill shuts down, they also will have some issues. We have talked together as individuals as to what to do. The following are options to consider:

- a. Construct a transfer station, buy trucks and haul the waste to the nearest landfill with the best price.
- b. Buy property and put in our own landfill.
- c. See what the County Solid Waste Committee proposes.
- d. Seek bids for the pickup, hauling and disposal of the waste.

Councilman McRady stated he hoped the City, Chapel Hill and Cornersville would

support the County if they decide to build a transfer station, that way we would be supporting ourselves. With this being said, he stated he would like to see a meeting held between the County and City to see what could be done in a corporate level to keep cost down.

Councilman Minor stated with a transfer station being located at Brick Church, we could accept bids for refuse pickup. This would mean our garbage trucks and man power would only be used for recycling twice a week.

Mayor Woods stated recycling was a big answer, and the City should investigate multiple avenues concerning solid waste collection.

Councilman Stewart agreed the City needs to meet with the County but also felt that a meeting should be held with the Cities of Chapel Hill and Cornersville.

Motion was made by Councilman Stewart, seconded by Councilman McRady, to have the City Manager obtain bids for collection of residential solid waste. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

5F) Downtown Renovation Loan Considered

Motion was made by Councilman McRady, seconded by Councilman Stewart, to allow a renovation loan in the amount of \$20,000 (1% for five (5) years). Owners Don and Ron Stacey asked for the loan to allow improvements to a building that will open as a restaurant at 106 West Church Street. The loan could be used for the façade of the building, etc. This is upon recommendation of the Community Development Board. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

Item 6. Other Business

6A) Motion was made by Councilman Whitehead, seconded by Councilman Minor to abolish the Police Advisory Board.

Councilman Stewart stated this item was not on the agenda, and if the Council was going to vote on something that would affect the citizens of Lewisburg they needed to know it.

Councilman Whitehead called for appoint of order and asked that the motion be voted.

Councilman McRady made a motion to table.

Councilman Whitehead asked according to Roberts Rules of Order did this not have to be voted on.

Councilman Stewart asked the City Attorney for his opinion. Mr. Haywood stated that if the item was not on the agenda it could not be voted on. The item can be discussed, tabled to the next meeting, or have a special call meeting, but without notice to the people in the community, this does not give them an opportunity to voice their comments or suggestions, that's our charter. Being said, the first motion was not a valid motion, thus does not need to be tabled.

Mayor Woods then asked for further discussion of this issue.

No further discussion was held.

Item 7. Citizen Input

7A) Jerry Freeman addressed the Council with a concern that he had in writing, which he passed out to the Council. Also, Mr. Freeman stated he has asked for funding for his church and it was still in limbo.

Mayor Woods and City Treasurer Connie Edde stated the necessary forms for filing for the loan had been given to Mr. Freeman but he had not returned them to the City.

Mr. Freeman stated he had questions concerning UDAG money and would like to have a written report. City Treasurer Connie Edde explained what UDAG monies had been loaned, what restrictions were applied since it was UDAG monies, and once paid back how that money could be used.

City Manager Eddie Fuller added once the UDAG money has been used and paid back the money becomes "City" money without restrictions.

7B) Shaun Grant addressed the Council and stated he wished to respectfully withdraw his name from being put on the Agenda for discussion. He stated that he and City Manager Eddie Fuller had talked and he understood where the City is on this issue. He

thanked the citizens who have supported him.

There being no further business to come before the Council, the regular monthly meeting of the Mayor and Council for the City of Lewisburg adjourned at 6:40 p.m.

STATE OF TENNESSEE
COUNTY OF MARSHALL

CITY OF LEWISBURG
FEBRUARY 9, 2010

The Lewisburg City Council met for their regular scheduled monthly meeting on Tuesday, February 9, 2010, 6:00 p.m. at Lewisburg City Hall, 131 East Church Street, Lewisburg, Tennessee.

Those present and attending were: Mayor Barbara Woods, City Manager Eddie Fuller, City Treasurer/Recorder Connie W. Edde, City Attorney Bill Haywood, Councilmen Hershel Davis, Ronald B. McRady, Robin Minor, Quinn Brandon Stewart and Odie Whitehead, Jr.

Members Absent: None

Mayor Woods called the meeting to order.

The Invocation was given by Clay Derryberry and the Pledge of Allegiance was led by Terry Wallace.

Item 1. Announcements

The following announcements were made:

- Thank you to Greg Lowe for keeping everyone up to date through Marshall County Happenings.
- Remember to take part in the 2010 Census.
- Technology Fair to be held at the Marshall County High School on May 27th.
- A music event (String Fling) will be held on May 15th from 2:00 pm – 10:00 pm at Rock Creek Park.
- Meetings will begin Monday to start the plans for the upcoming Cruise-In on the square.

Item 2. Approval of Minutes

Motion to approve the minutes of the regular scheduled meeting of January 12 and the special call meeting of January 26 was made by Councilman Stewart and seconded by Councilman Davis.

Upon a roll call vote:

Councilman Davis – Aye
Councilman Minor – Aye
Councilman McRady – Aye

Councilman Stewart – Aye
Councilman Whitehead – Aye

Motion Passed: 5 – 0

Item 3. Approval of the Bills /Financial Statement

Motion to approve the January 2010 bills and the December 2009 financial statement was made by Councilman Whitehead and seconded by Councilman Minor. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

Item 4. Unfinished Business

4A) Second Reading of Ordinance 10-01

Motion was made by Councilman Minor, seconded by Councilman Whitehead, to approve second reading of Ordinance 10-01, rezoning property known as 570 and 580 West Church Street to "C-2" (INTERMEDIATE BUSINESS). The commercial district will allow the owners (Steve and Vicki Cain) to seek more business type facilities. There was a public hearing held before the meeting with no comments or opinions voiced. The Planning Commission has approved this request. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

4B) Second Reading of Ordinance 10-02

Motion was made by Councilman Whitehead, seconded by Councilman Davis, to approve second reading of Ordinance 10-02, rezoning property known as 1111 and 1113 East Commerce TO "C-2" (INTERMEDIATE BUSINESS). Dr. Trisha Grissom, owner, has future plans for expansion or new structures which will be of commercial nature. There was a public hearing held prior to the meeting with no comments or opinions. The Planning Commission has approved this request. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

4C) Second Reading of Ordinance 10-03

Motion was made by Councilman Stewart, seconded by Councilman Minor, to approve second reading of Ordinance 10-03, approving the 2006 International Fire Code. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

4D) Discuss Application for UDAG Loan

Discussion was held on the application from Jerry Freeman for request of UDAG funding on behalf of St. James P.B. Church, INC.

Councilman McRady stated he wanted to clarify the monies were City funds not UDAG funds; once these loans are paid back to the City they become City monies.

Mayor Woods stated she was present at the Industrial Board Meeting when the UDAG loan was requested, however, there has not been a recommendation presented from the Industrial Board for said loan.

Councilman McRady stated the application for a UDAG loan is for industry, however, the application is a request from a church. Councilman McRady stated he also had a concern of the separation of church and state.

Councilman McRady made a motion to disallow this action and not bring this item up again.

Councilman Stewart stated the only information she had on the loan request was the letter she had in her packet and this alone was not enough to make a decision. She also added she was not comfortable in saying that they cannot come back, but at the same time she was not able to approve it with what information she has.

Motion died for a lack of second.

City Manager Eddie Fuller questioned if the Industrial Board and/or Community Development Board recommended the loan would that satisfy Councilman Stewart.

Councilman Stewart stated she did not always agree with these Board's decisions, however a recommendation would carry some weight in her decision.

Councilman McRady stated he had a problem with the intent of these monies. The intent is for \$100,000 in low interest loans be split up into 5 (five) loans at \$20,000, 1% interest for 5 (five) years for façade/inside improvements of buildings around the square. The other monies are clearly set up for industries not churches.

Councilman Minor asked if the loan was made to the church what their collateral would be.

Councilman Whitehead said the City would not want to take over or sue a church or its members if the monies could not be repaid because the members of the church are directly responsible for payback of the loan. He felt the loan needed to be looked into in greater length, and the Council needed to be better advised concerning this loan request.

However, since a request was made by the applicant for the Council to take action on this loan issue tonight, Councilman Whitehead made a motion not to fund this loan request at this time due to substantiating collateral. Motion was seconded by Councilman McRady.

Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

Item 5. New Business

5A) First Reading of Ordinance 10-04

Motion was made by Councilman Stewart, seconded by Councilman McRady, to approve first reading of Ordinance 10-04, an ordinance amending the City's Charter. This amendment establishes a procedure that will allow the Council to approve the passage of all future ordinances by having only the caption of the ordinance read at all three (3) readings.

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

5B) Discuss Homeless Situation

Councilman Stewart stated she was asked to put this item on the agenda. She stated a lot of people do not realize this problem exists in the City. She stated Millie Miller, owner of Celebration Inn, often takes the burden to house these people so she would like for Ms. Miller to address this issue.

Ms. Miller stated she would like to make the Council aware that the homeless situation is rapidly developing in Lewisburg. Within the last year Ms. Miller stated she was seeing a much larger rate consisting of victims from evictions and domestic violence. She stated she is beginning to have a lot of calls and requests from people who have been advised to go and ask her for a place to stay thus becoming more than what she can handle.

She stated she wanted to make people aware of the situation because if you are not involved you would not know.

Kelly Gilbert, Haven of Hope, spoke concerning the domestic and sexual violence services available through their program for victims in Marshall County. Their services are also available to the homeless due to domestic violence.

Bobby Jean Rowland spoke to the Council concerning her homeless situation and how Haven of Hope has helped keep her and her 2 (two) children in Lewisburg, especially since her children attended school here. She requested the Council consider using vacant buildings to help house the homeless.

Councilman Stewart stated she felt this problem will grow, especially with the lack of jobs. She felt the Council needed to have a meeting with churches, utilities or anyone that is interested to address the issue and possibly develop a policy.

Councilman Minor asked whether they should include the County in on this meeting.

Mayor Woods suggested in having a meeting to discuss ideas and who will be needed to be involved.

A work session was set for Tuesday, February 16 at 4:30 pm, Lewisburg City Hall, to discuss this issue.

Mayor Woods requested Item 5G be taken out of order.

5G) Review Solid Waste Bids

City Manager Eddie Fuller stated bids had been taken for solid waste disposal as requested in last month's meeting should Cedar Ridge close. Bids were received and opened Friday, February 5th. BFI Waste Services were low bidders of \$11.75 per month, per household with a cart provided (Bid is good for 90 days). There will be a meeting

between the City Manager, Mayor Woods and County representatives to be sure everyone is on the same page as far as what needs to be done for the future of solid waste disposal.

Councilman McRady requested at some point a meeting between the City Council and County to be held to discuss this issue.

5C) Discuss Traffic Light at Heil/Franklin Avenue

Councilman McRady stated this issue has been requested to be looked into and brought back up for suggestions changes or not to make changes.

City Manager Eddie Fuller stated the motion to install a traffic control device was recommended by a traffic engineer and approved in October 2007. Since the installation of the device there have been no accidents.

Councilman Minor stated he had spoken with bus drivers and large rig drivers who had no complaints with this area. He reported his major concern at the time the light was installed was citizen safety, and it seemed to be working.

5D) Stormwater Update

City Manager Eddie Fuller brought the Council up to date on the City Stormwater's CAP (Corrective Action Plan) which was accepted in August 2009. Jim Patterson, St. John Engineering, and Kory Pleas, Stormwater Director, is working with the public on making them aware of stormwater regulations.

Mayor Woods explained she met with Jim Patterson, Environmental Manager with St. John Engineering, who stated that the City is meeting requirements and are within the time frame.

City Manager Fuller stated he felt the City's street department employees needed more training in knowing what to report to the stormwater department while on the job.

Councilman McRady stated documentation is of most importance and asked the City Manager to continue monitoring Stormwater. He also requested this issue be updated at the next regular meeting in March.

5E) Update on Lawsuit

City Attorney Bill Haywood brought the Council up to date on the Sandrell Heating lawsuit which pertains to the heating/cooling units for the indoor pool at the Recreation Center. He reported due to the statute of limitations, the suit was dropped.

5F) Discuss Bid for Lumber Removal

Terry Wallace, Economic Director, reported on the bid received for removal of lumber at the Lewisburg Business Park. He explained the bid had two (2) options: (1) Total bid for removal and ownership of the lumber: (2) Cut timber and bid per ton for pulpwood/cedar with logs being split 50/50 between bidder and the City. Only one (1) bid was received: \$18,000 for option #1 and \$5 a ton for chipwood/\$15 a ton for cedar on option 2.

Councilman McRady suggested having a professional logger take a look at the timber on the property and give an opinion of the worth. Councilman Stewart stated this would also give an idea of which option would be the best to take if the bid is accepted.

Motion was made by Councilman Stewart, seconded by Councilman McRady, to defer this item until the next regular monthly meeting. Upon a roll call vote:

Councilman Davis - Aye
Councilman McRady - Aye
Councilman Minor - Aye

Councilman Stewart - Aye
Councilman Whitehead - Aye

Motion Passed: 5 - 0

5G) Taken Out of Order

Item 6. Other Business

Councilman Stewart stated there was a certain Councilman that was going around town telling that she was living in Chapel Hill. She stated she wanted to dispel any rumors that she was not living in her ward.

Item 7. Citizen Input

None

There being no further business to come before the Council, the regular monthly meeting of the Mayor and Council for the City of Lewisburg adjourned at 7:20 p.m.