

STATE OF TENNESSEE
COUNTY OF MARSHALL

CITY OF LEWISBURG
NOVEMBER 10, 2009

The Lewisburg City Council met for their regularly scheduled monthly meeting on Tuesday, November 10, 2009, 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 Leland Carden and the audience led the Pledge of Allegiance.

Item 1. Announcements

Mayor Woods announced the following:

- 1) Congratulation was given to Councilman Quinn Brandon Stewart on her recent wedding.
- 2) Thank you was given to William "Bill" Holly for serving 10 years on the City's Planning and Zoning Commission. Chairman of the Commission, Jim Bingham, presented Mr. Holly a plaque in appreciation for his service.
- 3) A letter was read from representatives of Cook Memorial Garden thanking the City for improvements done at the cemetery.

Item 2. Approval of Minutes

Motion to approve the minutes of the public hearing and regular meeting of October 13, 2009 was made by Councilman Stewart, seconded by Councilman Whitehead. 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 October 2009 bills and the September 2009 Financial Statement was made by Councilman Davis 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) Final Reading of Ordinance 09-10

Motion was made by Councilman Stewart, seconded by Councilman McRady, to defer final reading of Ordinance 09-10. Jim Patterson, St. John Engineering, could not be present; therefore a Special Call Meeting is called to be held on November 19 at 3:30 pm for third and final reading of this ordinance.

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 09-11

Motion was made by Councilman Minor, seconded by Councilman Stewart, to approve second reading of Ordinance 09-11, amending the City's Beer Ordinance pertaining to citizen status. A Public Hearing was held prior to this meeting with no comments or opinions expressed. 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) Request to Abandon/Close Part of Stacking Lane on Tiger Blvd/Marcus Haislip Blvd

Item Withdrawn

5B) Accept Donation of Land South of VFW

Motion was made by Councilman Stewart, seconded by Councilman McRady, to accept property being donated by Ernest Henegar. The tract is located south of the VFW, fronting East Hill Street. 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) Councilman McRady addressed the issue of the Council not being identified as Councilman. He explained it was his belief the Council was out of compliance with State Law and the City's Charter (see attachment #1: Article III, Section 4) when it was announced at the June 10, 2008 meeting (see attachment #2: Announcements) that the Council would be known as Councilors.

Councilman McRady made the following statement:

"I am appalled (shocked or dismayed) that the Council allowed Bob Phillips, Mayor take away the title of Councilman which was entrusted to the Council by the electorate of the City of Lewisburg and which is guaranteed by the City Charter and the laws of the State of Tennessee. Currently, each of you Councilmen asked the electorate of your ward to elect you to the office of Councilman (Your request was honored). You were elected to the office of Councilman; you were confirmed to the office by the Election Commission and the State of Tennessee. Our official title is Councilman not Councilperson, Councilwoman, Councilor or any other title. What I am asking is two fold:

1. For this Council to get in compliance with the Lewisburg City Charter and the laws of the State of Tennessee.
2. From this meeting forward, any reference made to the body of the City Council it will consist of the Mayor and (5) Councilmen.

Motion was made by Councilman Stewart, seconded by Councilman Whitehead, for the Council to be addressed as Councilman. Upon a roll call vote:

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

Councilman Stewart - Aye
Councilman Whitehead – Aye

Motion Passed: 5 - 0

6B) Councilman Stewart stated she was fortunate to know Shawn Grant, and if she had been consulted, she would have supported hiring him as a police officer.

6C) Councilman Stewart reported Doug Alexander has claimed to be working more hours than he was working, getting more overtime. She stated there had been a meeting with other Councilmen that she was not involved in; the meeting was not advertised. She stated there was a need to stop doing things behind closed doors; that she wants everyone to know how she votes and does not want these meetings with a couple of Councilmen and Mr. Fuller to run City business.

6D) Councilman McRady stated he felt that City Hall needs to stay out of the Police Department and any other department; if they can't run the department we need the City Manager to look at it. Then if the City Manager can not manage, then we need to look at the City Manager.

6E) City Attorney Haywood stated he was concerned with the accusation with Mr. Alexander applying for monies not due him.

Councilman Stewart stated she would not make an accusation that she could not back up.

City Attorney Haywood said he would investigate this matter.

6F) Councilman McRady stated he felt we had a potential problem with nepotism, the hiring of relatives, from members of the City Council.

Item 7. Citizen Input

7A) R. L. Williams stated he was concerned with the use of his property taxes and questioned the status of the City's stormwater violation.

Mayor Woods stated the Correction Action Plan (CAP) has been approved and is now in action with a two (2) year time table to complete these actions.

City Attorney Haywood stated the City has offered to accept a \$9,000 fine for non-compliance of the Stormwater Department based upon our lack of documentation; however, he has not received an order from the State as of yet.

Mr. Williams asked if the Council has looked to see who is accountable for this violation.

Mayor Woods stated the State Board has concluded the violation was due from lack of documentation from 2003 until present concerning stormwater.

7B) Hundley Ford, representing the VFW, stated he felt the property being given to the City should be donated to the VFW honoring Veterans of Foreign War.

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 6:30 p.m.