

MINUTES

February 9, 2010

The Winchester City Council met in a regular session on Tuesday, February 9, 2010, beginning with a public hearing at 6:00 p.m. The purpose of the public hearing was Rezoning Ordinances #914 & #915 and Zoning Ordinance #916.

Present and participating were: Mayor Terry Harrell, presiding; Beth Rhoton, City Administrator; Judy Baker, Secretary; Greg O'Neal, City Attorney; various Department Heads and news media; and the following Council members:

Present: Councilman Glasner
Councilman Scharber
Councilman Spencer
Councilman Stewart
Councilman Womack

Absent: None

Mayor Harrell called the meeting to order with a prayer by Wayne Hart and the Pledge of Allegiance led by Councilman Spencer.

Under requests, addresses or presentations, Little League President Jimmy Davis updated the Council concerning the Little League Association, which started in 1958. Ages range from five to twelve years old and there are 240 children consisting of 23 teams that will be playing six nights a week this year. On behalf of the Board of Directors, Mr. Davis thanked the City for the use of the fields and complimented the Recreation Department employees for taking care of the fields and other things they do for the Little League.

Next, on the agenda was a presentation from Peter Tinsley, co-owner of Tinsley Asphalt, proposing that the City annex a parcel of property located in the Greenhaw community into the Winchester city limits with industrial zoning to allow for a rock quarry business. Many people were in the audience to express their opinions about the proposed annexation and business. Those attending this meeting concerned with the annexation proposal were asked to fill out a sign-in sheet with their name, address, phone number and to mark if they were for or against the annexation proposal. Mayor Harrell explained to the audience that if the Council has a desire to give this proposal further consideration and, if it proceeds on through into possible annexation, there will be three readings on the annexation with a public hearing on the third reading where the public will have an opportunity to speak for or against the annexation.

During his presentation, Mr. Tinsley spoke about the economic impact the proposed business could have on Winchester and Franklin County. He also stated that he hoped to produce aggregate and

become competitive for buying and to create jobs. Councilman Stewart had many questions for Mr. Tinsley concerning the proposed Plan of Services, which are attached, the effects on the quality of water, air, roads, land, homes, trees, blasting procedures and how this could affect the City's ISO fire rating, which could possibly cause an increase in homeowners insurance. Councilman Stewart also requested reports and studies from the different State agencies and permits that are involved with rock quarry businesses. Councilman Stewart then made a motion to vote on whether to continue this on and proceed with the annexation ordinance procession and seek legal council, and pursue the matter. This motion was seconded by Councilman Glasner and the motion passed with three ayes to two nays by the following roll call vote to move forward with the annexation by ordinance:

Ayes: Councilman Glasner
Councilman Scharber
Councilman Womack

Nays: Councilman Stewart
Councilman Spencer

After the roll call vote, the Mayor recognized Mike Rudder who spoke on behalf of the people who opposed the annexation of the proposed property and business. Among their many concerns were the legality of the city to make the annexation and the fundamental issue of financial gain over the health, safety and welfare of those who would be affected by the annexation. Mayor Harrell also recognized Mark Wert who asked what gives any of the Council the right to subvert due process and disenfranchise the citizens of that area, as he said that is effectively what you are doing. He further asked what legal, moral, or ethical authority gives the Council the right to operate with impunity and take action against people, positive or negative for that matter, where they do not have the right to vote. Councilman Stewart commented that, by going through the annexation process, it should be easier for the Council to get direct answers from State agencies, which will lead us in the right direction. Mayor Harrell stated that any decision the Council has ever made has been well thought out, reviewed and studied and he expects nothing less of this Council. He further expects that the Council will make sure that they understand all the ramifications before they make any final decisions. Mayor Harrell stated that copies of the MTAS study are available and thanked everyone who attended the meeting and closed the presentation section of the council meeting.

Under unfinished business, the reading of the minutes of the January 12, 2009 regular Council meeting was dispensed and approved on a motion by Councilman Glasner, seconded by Councilman Scharber, and all voted in favor of said motion.

Next, the Council approved the second reading of Ordinance #914, an ordinance amending Zoning Ord. #506 to rezone 91.41 acres of the Franklin County High School property located on Bypass Road from R-1, low-density residential district to C-4, multi-residential-commercial district. Motion for approval was made by Councilman Womack, seconded by Councilman Glasner, and the motion passed unanimously by the following roll call:

Ayes: Councilman Stewart
Councilman Glasner
Councilman Scharber
Councilman Spencer
Councilman Womack

Nays: None

Next, the Council approved the second reading of Ordinance #915, an ordinance amending Zoning Ord. #506, to rezone 2.53 acres of property on North Porter Street belonging to Ronnie Prince and Gerald Ewell, Jr. from R-2, medium density residential district to C-4, multi-residential-commercial district. Motion for approval was made by Councilman Glasner, seconded by Councilman Stewart, and the motion passed unanimously by the following roll call:

Ayes: Councilman Stewart
Councilman Glasner
Councilman Scharber
Councilman Spencer
Councilman Womack

Nays: None

Next, the Council approved the second reading of Ordinance #916, an ordinance amending Zoning Ord. #506, to establish a 90-day time limit for the satisfactory completion of approval for certain specified items when conditionally approved by the Planning Commission or the Board of Zoning Appeals. Motion for approval was made by Councilman Glasner, seconded by Councilman Womack, and the motion passed unanimously by the following roll call:

Ayes: Councilman Stewart
Councilman Glasner
Councilman Scharber
Councilman Spencer
Councilman Womack

Nays: None

In the first order of new business, the Council heard Resolution #810, a resolution for the City to apply for Recreational Trails Program funds, to develop a Tims Ford Blue Way, through the Tennessee Department of Environment and Conservation. Motion for approval was made by Councilman Stewart, seconded by Councilman Glasner, and the motion passed unanimously.

Next, City Administer Beth Rhoton requested a change be made to the Personnel Policy on page 15, Section O - Leave Without Pay, to

add the wording to the last sentence "and will not receive holiday pay." The last sentence of Section O will now read: "An employee will not accrue sick leave or annual leave, and will not receive holiday pay while on leave without pay." Motion for approval was made by Councilman Stewart, seconded by Councilman Womack, and the motion passed unanimously.

Next, Swimplex Director Bryan Dalton requested approval to make repairs to the slide in the outdoor pool playground at the Swimplex. Two bids were received from the original playground equipment installer, Aquatics Matter LLC, (a sub company of Perfect Setting Company) with one bid in the amount of \$11,350.00 to replace all fittings and post padding and bolts and a bid of \$10,364.00 that didn't include new post padding. Mr. Dalton recommended that the Council approve the bid that included the complete repair with all new fittings in the amount of \$11,350.00. Motion for approval was made by Councilman Glasner, seconded by Councilman Spencer, and the motion passed unanimously.

In the last order of business, Police Chief Dennis Young requested to surplus a 1998 red Dodge Durango, and used by City Hall, due to a blown engine. He also requested to surplus a 1998 Ford Explorer that was recently wrecked, and a 2001 blue Dodge Durango with mechanical problems. Motion for approval was made by Councilman Scharber, seconded by Councilman Womack, and the motion passed unanimously.

Under his communications, Mayor Harrell commented that the decision made tonight to go forward in looking into the proposed annexation request will be a challenge to get all the necessary information and that work sessions will be needed on this subject. He added that Mr. Rudder made a good comment in that we need to do diligence on this and do the right thing for all concerned. He further stated that we need to be ready for work sessions and start accumulating information.

Mayor Harrell mentioned that Winchester had our "Day On The Hill" in Nashville last Tuesday where we fed lunch to the Legislature. It was very successful and appreciated and time well spent for all of us and he thanked the employees, Council, and everyone who helped with the event.

Under council communications, reports and updates, Councilman Stewart is looking forward to meeting with State agencies to get definite answers and information concerning the annexation proposal. As we go forward, Councilman Stewart requested that everyone think about

the annexation as this is not in our city and not affecting very many of our city voters, and asked everyone to think what they would do if it was going to be in their back yard; Councilman Glasner stated that he was approached by Bill Cowan of the Downtown Group, asking if we would consider trading two lots where the impound lot is for the Ronnie Prince property next to Bates Foods for a farmers market and Mayor Harrell asked him to follow up with Mr. Cowan; Councilman Scharber questioned item #5 of the December 15, 2009 Airport minutes (concerning Christmas bonuses) and stated that he didn't approve. Councilman Scharber also stated that the Winchester Beer Board met on February 3rd and approved an on-premise beer permit for John T's BBQ, pending approval of final inspection; and Councilman Womack updated the Council on the recent Public Safety Committee meeting and continued to urge everyone to buy in Winchester to keep tax dollars in our community.

Under Department Head communications, Police Chief Young requested approval to make an emergency purchase of an SUV as two of his vehicles were no longer in service. He obtained a State contract bid from Ted Russell Ford on a 2010 Ford Explorer for \$22,636.00 and a bid from Russell Barnett for \$15,900.00 for a 2006 Ford Explorer with an additional \$500.00 for a warranty. Chief Young stated that the used vehicle was in excellent condition and recommended the purchase of the used vehicle, with the expense to be taken out of the Police Drug Fund. The Council approved the emergency purchase of the 2006 Ford Explorer and the warranty for a total purchase amount of \$16,400.00.

With no further business to be brought before the Council, the meeting adjourned on a motion by Councilman Scharber, seconded by Councilman Glasner, and all voted in favor of said motion.

City of Winchester's website is:

www.winchester-tn.com

and

International Dogwood Festival website is:

www.winchesterdogwoodfestival.com

Terry Harrell, Mayor
City of Winchester

Attest:

Beth Rhoton, City Administrator

Minutes taken by: Judy Baler

Date of Meeting: February 9, 2010