

MINUTES

MARCH 23, 2010

The Winchester City Council met in a special called session on Tuesday, March 23, 2010, beginning at 6:00 p.m. The purpose of the special called meeting was the proposed annexation of the Tinsley property located in the Greenhaw community that is being considered for a rock quarry.

Present and participating were: Mayor Terry Harrell, presiding; Beth Rhoton, City Administrator; Greg O'Neal, City Attorney; and the following Council members:

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

Absent: None

A quorum being present, Mayor Harrell called the meeting to order and the meeting proceeded with the transaction of business. The special called meeting form reads as follows:

NOTICE OF SPECIAL MEETING

To the Council Members of the City of Winchester, Tennessee,  
to-wit:

Glen Glasner  
William Scharber  
Bruce Spencer  
Cheyne Stewart  
William Womack

Notice is hereby given that a special called meeting of the City Council will be held at the hour of 6:00 p.m. on Tuesday, the 23<sup>rd</sup> day of March, 2010.

Judy Baker  
Secretary

CONSENT TO MEETING

We, the undersigned members of the City Council of Winchester, Tennessee, hereby accept service of the foregoing notice waiving any and all irregularities in such notice, and consent and agree that said Council shall meet at the time and place named therein for the purpose therein named:

Glen Glasner  
Councilman

Bruce Spencer  
Councilman

William Scharber  
Councilman

Cheyne Stewart  
Councilman

William Womack  
Councilman

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Mayor Harrell began the meeting by explaining that, during the

last few weeks, many people have talked about a change of meeting place to where we could accomodate everyone. This is where we meet and this is where we have our video and audio equipment set up to record the meetings.

Our meetings are important and, as controversial as this issue is, it's important that we have a good source of information if we ever have to go back and refer to it, which is why the meetings take place here at City Hall. Mayor Harrell apologized for any inconvenience and stated that a TV has been set up in the lobby area for those who did not get seats in the City Council room to watch the proceedings this time. Mayor Harrell stated that this is a controversial issue and asked everyone honor his request to let us conduct the meeting in a professional manner and respect the Council and also that the Council respect the audience and each other during the meeting.

Before starting the meeting Mayor Harrell stated that he has some notes he would like to refer to in reference to the Greenhaw property belonging to Mr. Tinsley. Mayor Harrell has respect for Mr. Tinsley's side as well as the side of the citizens of the Greenhaw community and respects their opinions. Over the past few weeks, we have been considering the possibility of this annexation and no decision to annex has been made one way or the other. It is important to know that anyone who comes to the City to request an annexation, understand that their request would be considered just as the Council has considered the request for the Tinsley property. Mayor Harrell stated that it was his job to try to provide an impartial atmosphere to allow fair consideration for both pros and cons on this topic or any other topic that we may have. Mayor Harrell said it had been his goal, along with the help of City Administrator Rhoton, to provide the Council with as many sources of information as possible, including legal opinions, to the Council in an effort to allow the Council to try to make an informed decision. Mayor Harrell asked the Council to vote their conscience and give consideration to all the public comments they've received and do what's best for Winchester and its citizens, and consider the impact their vote may have on the citizens of the Greenhaw Community. Up to this point, Mayor Harrell has reserved his opinion through this process, however, feels that the Council knows how he feels about this annexation request. From the very beginning when this issue first came to us as a topic, Mayor Harrell didn't feel then, and made the comment then, that this annexation was not in the best interest of the City of Winchester to be involved in and still stands by that opinion.

Having said all of the above, Mayor Harrell explained there is one item on the agenda tonight that is titled the Rock Quarry. In that item, there are two issues that could possibly be voted on. The first to vote if we proceed with this annexation, or if we do not proceed with this

annexation of the Tinsley property located in the Greenhaw community. If the Council decides to proceed with the annexation, a decision needs to be made on what option we use to get to and through that annexation process, whether by referendum or by an ordinance.

After Mayor Harrell's comments, Councilman Spencer made a motion that the Winchester City Council terminate all proceedings toward considering the proposal of annexation of the property located off Greenhaw Road, and his motion was seconded by Councilman Scharber. Mayor Harrell called for any discussion on this motion and, being none, asked for a roll call vote and Mayor Harrell announced the vote was one pass vote, two aye votes, and two nay votes. Mayor Harrell asked Councilman Stewart if his vote was to pass and Councilman Stewart read a statement (attached) that said, in part, City Attorney O'Neal advised that Councilman Stewart should not take part in any further voting on this issue as it was the attorney's opinion that Councilman Stewart has a conflict of interest. Councilman Stewart cited that he recused himself from voting on this issue in the best interest of himself and the City of Winchester. Mayor Harrell again stated that the motion to terminate all proceedings had one recusal vote, two aye votes, and two nay votes. As this vote resulted in a tie, Mayor Harrell stated that he had to break the tie and he voted to terminate the process. The voting ended in a result of one recusal, three ayes and two nays and the motion passed to terminate all proceedings concerning the annexation of the property in question. The roll call vote was as follows:

Recusal:	Councilman Stewart
Ayes:	Councilman Scharber Councilman Spencer Mayor Harrell
Nays:	Councilman Glasner Councilman Womack

Mayor Harrell thanked everyone for their attendance and, with no further business to be brought before the Council, the meeting adjourned on a motion by Councilman Stewart, seconded by Councilman Spencer and all voted in favor of said motion.

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Terry Harrell, Mayor  
City of Winchester

Attest:

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Beth J. Rhoton, City Administrator

Minutes taken by: Beth Rhoton

Date of Meeting: March 23, 2010

