

MINUTES

June 12, 2008

The Winchester City Council met in a regular session on Thursday, June 12, 2008 (rescheduled from Tuesday, July 10th), beginning with a public hearing at 6:00 p.m. The purpose of the public hearing was the following: Rezoning Ordinance #893, Floodplain Ordinance #894, and Sign Ordinance amendment #895.

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

Present: Councilman Glasner
Councilman Elliott
Councilman Scharber
Councilman Snead
Councilman Womack

Absent: Wayne Nuckolls, Recreation Director
Dennis Young, Police Chief

Mayor Harrell called the meeting to order with a prayer by Councilman Snead and the Pledge of Allegiance led by Councilman Glasner.

Mayor Harrell opened the public hearing for any comments on the following ordinances: Ordinance #893, rezoning the Baxter and Baxter property located on 41-A Bypass Road from R-1 to C-2; and Ordinance #894, to adopt floodplain regulations to establish eligibility to participate in the national flood insurance program. No one spoke for or against these two ordinances. Next on the public hearing was Ordinance #895, amending Zoning Ordinance #506 to modify standards for signs, billboards, and other advertising structures. Several people in the audience that spoke against this ordinance included: John Wimley, owner of Tennessee Car Care Center; Melanie Smith of C & D Furniture; JoAnn Davis; Sherry Dotson, owner of the Sonshine Shop; Cheyne Stewart; Kelly Linbergh, owner of Hero Gear; Randy Powers, owner of B & R Auto Repair; and Ted Langley, owner of a sign business, and who also presented a petition against the ordinance with signatures of people who were not in attendance. Those who spoke voiced their concerns and questions concerning the ordinance. The business owners stated they needed to keep their portable signs as this signage helped bring in customers and more business, and requested the Council not to pass this ordinance. The public hearing adjourned after everyone had spoken.

The regular Council meeting began immediately after the close of the public hearing.

Under requests, addresses or presentations, the Council approved a road block request on June 21st by Sylvia Hutson for the FCHS

Girls Soccer on a motion by Councilman Glasner, seconded by Councilman Scharber, and all voted in favor.

Next, the Council approved a road block request on June 14th by Sara Partin for the J & W Girls Youth Softball on a motion by Councilman Womack, seconded by Councilman Elliott, and all voted in favor.

Under unfinished business, the third and final reading of Ordinance #895 was discussed at length. Councilman Elliott informed everyone that there were national electrical codes (NEC) adopted for signs by the State of Tennessee for safety reasons. In discussing the NEC codes, Mr. Elliott said one thing that can't be used for signs is the orange electrical cords. He stated that the signs must pass an electrical inspection conducted and enforced by the State Electrical Inspector before the signs may be plugged back in. Councilman Glasner made a motion to approve the sign ordinance with the provision that prohibition of the flashing signs be removed so owners could keep their signs, if they are kept in good appearance and repair, and that meeting the NEC codes and electrical inspections for safety be added and made part of the ordinance. Councilman Scharber then seconded the motion, with more discussion taking place before taking the roll call vote on the motion. Councilman Snead recommended that Codes Inspector Pat Sanders schedule a couple of workshop meetings for business owners to attend to notify them of the information they would need to bring their signs in compliance with the NEC and with City codes. The business owners in the audience were polled, on a request by Councilman Scharber, to raise their hands if they were in agreement that this is a viable alternative to continue to let them have the signs but for them to be within the NEC codes, with the owners complying by raising their hands. Mr. Wimley then asked about taking the electricity out of the signs and stated that his sign hadn't worked in years. He stated he was not going to plug it up to work because he didn't need the portable sign to be lit at night as he has a sign up on a pole that lights up at night. Councilman Elliott asked if the owners would be willing to consider talking and coming to a meeting of the minds as to what you consider pretty and what the City of Winchester considers pretty. Mr. Wimley stated he agreed that there should be no holes in the signs, they should be kept painted a flat black, stand up straight, not be leaning over, or cracked or broke and that it's understandable that they should have a good appearance at all cost. Mr. Wimley doesn't want the signs taken away or for them to have to have electricity, he says the owners need to keep their signs. Mr. Wimley wanted to know if signs that do not have any electricity coming out of them now have to have electricity.

Councilman Elliott replied that the codes say that the equipment is designed for one thing and to give them time to look into this and that the issue right now is safety and appearance. To keep the flashing portable signs, the business owners will have to be in good workmanship and with signs kept painted and in good condition and repair; use the right electrical cords and conduits; signs would have to meet national electrical codes (NEC) and pass an electrical inspection by the State of Tennessee; as well as meeting all City codes. Mayor Harrell reminded the business owners that safety codes have been in place for years and that they were now going to have to adhere to codes. He hopes this is a viable option in order for business owners to continue to use their signs, but continue to use them in a safe and efficient manner in keeping them in good repair according to the NEC codes. Mr. Langley, who owns a portable sign company, asked if business owners could legally bring power from their building to the signs by running conduit on top of the ground, as long as it's fixed to the ground. Councilman Elliott stated NEC says conduit can be ran across the top of the ground as long as it's rigid and fixed in such a way that it won't destroy the conduit. Mr. Elliott further stated, according to NEC, there is a junior hard usage cord that would take the place of rigid, but other parts of the NEC also states you have to have an isolated circuit or a dedicated 110 power supply, also a manufactured ground fault receptacle has to be placed within 12 inches of the end of the cord. NEC will not allow a ground faulted piece of equipment be plugged into another ground fault because it won't work. Mr. Elliott stated that in order to plug the signs into electricity, passing a state electrical inspection is necessary. If power isn't being used, Mr. Langley wanted to know if the electrical code would be of concern. Councilman Elliott said that it did not concern the electrical code, but if you're using a piece of equipment that once was electrical, you want to keep it looking good. Mr. Wimley stated that owners with signs should be forced to keep their signs up, and that he keeps his signs up. Mayor Harrell said that it sounds like everyone is in agreement that we all want signs in front of the businesses to have a favorable appearance and to take the responsibility of keeping them well maintained. That's what he's hearing from everyone in the audience, and that is what the Council is asking to be done. He stated that if the signs are electrical, and the ordinance passes, they will have to comply with the NEC codes. Mayor Harrell said by doing so, this would permit the business owners to use their signs, but the expectation will be that you keep your signs in good repair going forward, and those that are not in good repair and compliance, will be getting a visit from our codes enforcement department. The whole idea

behind this ordinance is to keep Winchester a clean and safe place to live for all of us. Mayor Harrell further stated that if a sign happens to be out in the right-of-way, it will have to be pulled back out of the right-of-way so there won't be a safety issue. At the end of the discussion, the motion made by Councilman Glasner and seconded by Councilman Scharber was voted on and passed by the following roll call vote of four ayes and one nay cast by Councilman Snead:

Ayes: Councilman Elliott
Councilman Glasner
Councilman Scharber
Councilman Womack

Nays: Councilman Snead

Next, the reading of the minutes of the May 13, 2008, regular Council meeting was dispensed and approved on a motion by Councilman Scharber, seconded by Councilman Glasner, and all voted in favor of said motion.

Next, the reading of the minutes of the May 20, 2008, special called Council meeting was dispensed and approved with the correction of changing the month to read "May" in the third paragraph of page one on a motion by Councilman Glasner, seconded by Councilman Elliott, and all voted in favor of said motion.

Next, the Council approved the third and final reading of Ordinance #893, amending Zoning Ord. #506, to rezone the Baxter & Baxter property located on 41-A Bypass from R-1, low-density residential district to C-2, highway service district. Motion for approval was made by Councilman Scharber, seconded by Councilman Snead, and all voted in favor by the following roll call:

Ayes: Councilman Elliott
Councilman Glasner
Councilman Scharber
Councilman Snead
Councilman Womack

Nays: None

Next, the Council approved the third and final reading of Ordinance #894, amending Zoning Ord. #506, to adopt floodplain regulations to establish eligibility to participate in the national flood insurance program. Motion for approval was made by Councilman Scharber, seconded by Councilman Womack, and all voted in favor by the following roll call:

Ayes: Councilman Elliott
Councilman Glasner
Councilman Scharber
Councilman Snead
Councilman Womack

Nays: None

Next, Mayor Harrell recognized Coyle Clark, accountant with Clark and Knies Accountants, who reviewed and answered questions

concerning changes made between the first and the second draft of the budget documents.

The Council then approved the second draft reading of Ordinance #896, an ordinance amending Appropriations Ordinance #879 for the fiscal year ending June 30, 2008, with changes from draft proposal #1. Motion for approval was made by Councilman Snead, seconded by Councilman Womack, and all voted in favor by the following roll call vote:

Ayes: Councilman Elliott
Councilman Glasner
Councilman Scharber
Councilman Snead
Councilman Womack

Nays: None

Next, the Council approved the second draft reading of Ordinance #897, an ordinance making appropriations for the administration operation and maintenance and capital expenditures of each department, agency and fund of the City of Winchester for the fiscal year ending June 30, 2009, with the changes from draft proposal #1. In the five year schedule of estimated capital outlay ending June 30, 2013, City Administrator Rhoton explained that she had spoken to Neil Hanson with TDOT and the State would not accept the only bid that had been received for the Downtown Revitalization Project Phase I. The State is requiring the City to re-bid and allowing us to reduce the size of the first phase of this project to four sides of the square for now in order to receive lower bids for this project, which will make this project more financially manageable in one year. The City will still be allowed to complete work on the ends of the square at a later time. Mrs. Rhoton recommended leaving the numbers in the budget as shown. Motion to approve the second reading of Ordinance #897 was made by Councilman Snead, seconded by Councilman Scharber, and all voted in favor by the following roll call:

Ayes: Councilman Elliott
Councilman Glasner
Councilman Scharber
Councilman Snead
Councilman Womack

Nays: None

Next, the Council approved the second draft reading of Ordinance #898, an ordinance assessing and levying taxes within the corporate limits of the City for the fiscal year ending June 30, 2008, at a preliminary rate of seventy-nine cents (\$0.79) per one hundred dollars, with this rate subject to change. Motion for approval was made by Councilman Womack, seconded by Councilman Snead, and all voted in favor by the following roll call:

Ayes: Councilman Elliott

Councilman Glasner
Councilman Scharber
Councilman Snead
Councilman Womack

Nays: None

First under new business, the Council approved Resolution #797, a resolution authorizing an application to participate in the national flood insurance program on a motion by Councilman Scharber, seconded by Councilman Elliott, and all voted in favor of said motion.

Next, the Council approved the first reading of Ordinance #899, amending Zoning Ord. #506, to rezone the remainder of the Anderton farm property on Lynchburg Road belonging to Larry Phillips of Blue Sky Development from R-1, low-density residential district to R-3A, high-density residential alternative district. Motion for approval was made by Councilman Womack, seconded by Councilman Elliott, and all voted in favor by the following roll call:

Ayes: Councilman Elliott
Councilman Glasner
Councilman Scharber
Councilman Snead
Councilman Womack

Nays: None

Next, City Administrator Rhoton explained that Winchester Utilities were willing to install the water and sewer infrastructure at the Dry Creek Marina project in exchange for seventeen to twenty acres of property in the Crownover Industrial Park, with two fifty-foot easements to get to the property. This parcel of land is located behind the property now owned by Russell Mason Plastics Company. Mrs. Rhoton stated that Winchester Utilities is not allowed to donate or exchange services to do with TVA power, but the value of the work for the water and sewer infrastructure would cost the city more than we could normally get for selling property in the Crownover Industrial Park. Eric Bradford explained the ingress and egress and stated that Winchester Utilities will be able to consolidate all their water, power, and sewer crews at one location with this property, including vacating the water warehouse currently located on the City's lakefront property which is an eyesore to residents. Motion to approve exchanging the land for water and sewer infrastructure for the Dry Creek Marina project was made by Councilman Scharber, seconded by Councilman Snead, and all voted in favor of said motion.

In the last order of business, the Council approved the certificate of compliance for Linda Patton, owner of Tims Ford Package Store on a motion by Councilman Snead, seconded by Councilman Elliott, and all voted in favor.

Under his communications, Mayor Harrell informed everyone that Adventure Mountain Playground had received new playground equipment and new mulch and stated the City will continue with more improvements to the playground and thanked the departments that helped with this project. The Mayor officially welcomed Councilman Thomas "Sonny" Elliott to the City Council, and thanked Councilman Glasner and the Community Development committee for the hard work they put in to amend the sign ordinance.

Under Council, Departments, and committee reports, updates and other communications, Councilman Glasner also thanked Bruce Spencer and the Community Development Committee for their work with the Sign Ordinance and the other ordinances they are working on. Councilman Scharber complimented Steve Goodwin and the Public Works Department on the work they completed on Riva Lake Road off Bible Crossing Road. Councilman Snead voiced his concerns about the enforcement of the sign ordinance and he had hoped the ordinance would have more teeth to it, as far as fines, etc., but also thanked everyone who worked on the ordinance. Councilman Snead complimented everyone who helped with the Dogwood Golf Classic and stated that the proceeds from this and other city fund raisers help keep the International Dogwood Festival event free to the public. Councilman Womack stated the Public Safety Committee met and Mike Holmes spoke to the committee concerning public safety alert systems and Investigator Glassmeyer informed them that the Police Department is in need of a firing range. The committee recommended cost-saving ideas for fuel by placing police in zones instead of driving so much; removing stop signs on Sharp Springs Road; and changing traffic lights on flash in the evenings. Councilman Womack is to bring these issues before the Council at another council meeting.

With no further business to be brought before the Council, the meeting adjourned on a motion by Councilman Scharber, seconded by Councilman Snead 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 J. Rhoton, City Administrator

Minutes taken by: Judy Baker

Date of Meeting: June 12, 2008 (rescheduled from June 10th)