

MINUTES

April 11, 2006

The City Council of Winchester met in a regular session on Tuesday, April 11, 2006, at 7:00 p.m.

Present and participating were: Mayor Richard Stewart, presiding; Beth Rhoton, City Administrator; Judy Baker, Secretary; various Department Heads; and the following Council members:

Present: Councilman Franklin
Councilman Harrell
Councilman Snead
Councilman Womack

Absent: Councilman Scharber
City Attorney Greg O'Neal

Mayor Stewart called the meeting to order with a prayer by Terrell Farmer and the Pledge of Allegiance led by Councilman Harrell.

Under requests, addresses or presentations, the Council approved a request for a roadblock for "Team Express" to be held on June 9-10 on a motion by Councilman Womack, seconded by Councilman Harrell, and all voted in favor of said motion.

Next, the Council approved the request for a roadblock on April 22nd for the Franklin County Humane Society on a motion by Councilman Harrell, seconded by Councilman Snead, and all in favor.

Next, the Council approved the request for a roadblock on April 15th for the "No Fear" softball team on a motion by Councilman Franklin, seconded by Councilman Harrell, and all voted in favor.

First under unfinished business, the reading of the minutes of the March 14, 2006, council meeting was dispensed and approved as written on a motion by Councilman Harrell, seconded by Councilman Snead, and all voted in favor.

Next, City Administrator Rhoton reported on discussions and negotiations that had been ongoing with the adjacent property owners concerning Hundred Oaks Street but all parties could not come to an agreement. City Attorney O'Neal was not present due to being in Nashville for court. Mayor Stewart then recognized Attorney Clifton Miller, son of Vernon Miller, and Mr. P. K. Bramlett, representing the Kenneth Bramlett Foundation about the road in question. Deborah Rains and some members of the Franklin County Adult Activity Center Board were also present but did not speak. During a lengthy discussion, both gentlemen spoke for their interested parties in regards to whether the road in question was a private or city owned roadway. Attorney Miller spoke first and, during a portion of his conversation, told of a lawsuit filed by the Franklin County Adult Activity Center against the City in October 2002 in Chancery Court of Franklin County, requesting a declaratory judgment to declare the rights and obligation of Hundred

Oaks Drive and that Hundred Oaks Drive be declared a private road. The City filed an answer through its legal counsel in December 2002, noting that the road had never been formally dedicated but did admit in court pleadings that the City had maintained the road for many years. A negotiated settlement was reached between the parties with Attorney Miller reading the following court order: #1: Franklin County Adult Activity Center shall quit claim any interest which they may have in Hundred Oaks Drive, said road being subject in this lawsuit. #2: City of Winchester agrees to adopt Hundred Oaks Drive as a city road and maintain it as a city road and shall agree to improve the road to that standard required by city regulations. #3: City of Winchester, Vernon Miller, and Franklin County Adult Activity Center agree that the description for said quitclaim deed and the boundary for said road shall run from the property on the south side of the road which is the boundary line of the defendant Vernon Miller to the fence line on the north side of road which is the boundary line of P. K. Bramlett. #4: City of Winchester agrees that any expansion which is needed to bring the road to standard shall be done on the south side of the road which is the side of the road bordering the Vernon Miller property and no expansions shall occur on the north side of the road which is the side bordering P. K. Bramlett and Franklin County Adult Activity Center. If there are any expenses for expansions such as relocating fencing or tiles on the south side of the road being more particularly the property of Vernon Miller, the said expenses shall be paid by the City of Winchester. Attorney Miller further stated his court order was entered October 2, 2003 in the Chancery Court of Franklin County.

Mr. Bramlett spoke next and, during a portion of his talk, gave Mrs. Rhoton a letter he had written when he thought he was going to be tied up in court but was able to make it here in time. He requested the letter be attached to the minutes (see attachment). Mr. Bramlett made the following offer to the Council: allow the City and Mr. Miller to give up any interest that they got through that court settlement, in other words the City somehow got deeds, whether they are valid or not, from two people but just did not get a deed from him, and the City has now determined through Attorney O'Neal that it should have gotten one from him. Let the City deed any of that interest that it got, or void those prior deeds back to and in favor of the Franklin County Adult Activity Center and put everybody back to where they were. Let the Franklin County Adult Activity Center then build and maintain the road as it presently is, and to pave the road, but not to the expense of city or state standards. Mr. Bramlett stated this would give Mr. Miller a better road access to the backside of his property and he would continue

to have access to the back, Mr. Bramlett would continue to have access up and down the road and so would the Franklin County Adult Activity Center, and the City would agree that's where it stops. He further stated that the City would then have no liability whatsoever to build the road, maintain the road, or accept any liability if somebody were to get hurt on the road.

After more discussion, Mayor Stewart stated that, looking back into the minutes of the Planning Commission, the City is responsible to Mr. Miller for some type of road being there for his business and he outlined the following three options so this issue would not come before the Council again: #1: condemn the road and the City builds a road; #2: let the attorneys work together and decide what to do; #3: go to court and let the courts decide. Councilman Harrell made a motion to allow the attorneys to get together and decide what to do, with a second by Councilman Womack, and all voted in favor of said motion.

First under new business, Handley Templeton requested the City to abandon and quit claim an unopened road located on both sides of property owned by the Templeton's in Harvey Gardens (see attached). Councilman Harrell made a motion to approve the quit claim, subject to review of the Planning Commission, seconded by Councilman Snead, and all voted in favor of said motion.

Next, the Council approved Resolution #768, a resolution to adopt state mandated program policies and procedures to operate a HOME housing rehabilitation grant from the Tennessee Housing Department Agency. Motion for approval was made by Councilman Harrell, seconded by Councilman Womack, and all voted in favor.

Next, the Council approved the appointment of Davis Warren to the Economic Committee on a motion by Councilman Harrell, seconded by Councilman Snead, and all voted in favor of said motion.

Next, the Council approved the appointments of Dr. Alan Clark and Greg Roberson to the Communications and Technology Committee on a motion by Councilman Franklin, seconded by Councilman Snead, and all voted in favor of said motion.

Next, the Council approved the reappointment of Mark Gass to the Winchester Beer Board on a motion by Councilman Harrell, seconded by Councilman Snead, and all voted in favor of said motion.

In the last order of business, City Administrator Rhoton presented a request for roof improvements to the City Hall building with a proposed estimate of costs for such construction as prepared by Whitehead, Oakley, Dunlap & Bumpas, LLC. Brad Dilling, of Dempsey, Dilling & Associates, answered questions regarding this report and informed the

Council that the City could apply for a Tennessee Historical Commission Grant but the grant process would take several months. As the roofs are in such bad condition, Councilman Snead made a motion to go ahead and let bids for all the roof improvements needed, seconded by Councilman Womack, and all voted in favor of said motion.

Mayor Stewart recognized Bill Prince who spoke of his concerns about the proposed road improvements on Duncan Lane and its effect on his property. Mayor Stewart instructed City Administrator Rhoton to get with Mr. Prince to discuss this issue.

Mayor Stewart also recognized Terrell Farmer who suggested having someone look at the drip pans that could possibly be clogged or rusted, which could help attribute to roof leaks.

Under Mayoral communications, Mayor Stewart announced the 9th annual Tims Ford Lake Clean-Up Day, sponsored by the Tims Ford Council, was scheduled for May 20th 2006, beginning at 8 a.m. with door prizes.

Mayor Stewart complimented everyone who helped make the Dogwood Festival a success and was appreciative of everyone getting out of harms way within 12 minutes of being alerted of the incoming bad weather on Friday night. He thanked City Administrator Rhoton for opening up the Oldham Theater for shelter for people and for giving them popcorn, etc. Mayor Stewart then requested the City employees have Good Friday off as a thank you for their volunteer work.

Mayor Stewart requested an ordinance regarding pit bulls be put on the May agenda and also scheduled a work shop for going over the budget on Monday, April 24th at 3:30 p.m.

Under council, department heads and committee communications, updates and reports were given on the various committees, departments, and happenings in the City. Councilman Franklin thanked the Woodmen of the World organization for their donation to the EGTv to buy a camera, which was used at the Dogwood Festival. Councilman Harrell complimented the Historical Committee for their hard work on the Tour of Homes.

With no further business to be brought before the Council, the meeting adjourned on a motion by Councilman Scharber, seconded by Councilman Harrell, 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

Richard Stewart, Mayor
City of Winchester

Attest:

Beth J. Rhoton, City Administrator

Minutes taken by: Judy Baker

Date of Meeting: April 11, 2006