

MINUTES

November 13, 2012

The Winchester City Council met in a regular session on Tuesday, November 13, 2012, beginning at 6:00 p.m.

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

Present: Councilman Bell
Councilman Hart
Councilman Spencer
Councilman Stewart
Councilman Womack

Absent: None

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

First under unfinished business, the reading of the minutes of the October 9, 2012 regular Council meeting was dispensed and approved on a motion by Councilman Womack, seconded by Councilman Hart, and all voted in favor of said motion.

Next, Mayor Harrell stated that the Council has talked about options we may have in regards to the Dry Creek Marina project, and had asked City Attorney Gregory O'Neal to research our options on how to terminate the contract. Attorney O'Neal stated that the City signed a master lease and development agreement with Winchester Marina LLC to develop the Dry Creek Marina three and one-half years ago and the project hasn't been started yet. He said that the City has attempted many, many, communications to get some interaction going and determine where we are on this project and, to Mr. O'Neal's knowledge, the development group has not even submitted the initial 26A permit application to TVA. Mr. O'Neal said there is a specific provision in the lease that provides for arbitration if there is any conflict between the city and the development group. Attorney O'Neal said that the city's first step is to put the development company on formal notice to void the lease for non-performance and, thirty days after because they probably won't agree to it, file the matter with Chancery Court and the Chancellor will be charged with the responsibility of appointing an arbitrator to hear about the non-performance of the lease agreement. City Attorney O'Neal told the Council they need to direct him to initiate the process of declaring the lease void for non-performance. Councilman Stewart moved to direct Attorney O'Neal to initiate the process to void the lease with Winchester Marina LLC for non-performance, seconded by Councilman Hart, and all voted in favor of said

motion.

In the first order of new business, the Council approved the first reading of Ordinance #954, amending Zoning Ord. #506, to add convenience store with gasoline sales to the C-3, neighborhood service business district as a use permitted as a special exception. Motion for approval was made by Councilman Stewart and seconded by Councilman Bell.

Mayor Harrell asked for any discussion and Councilman Spencer made the comment concerning this ordinance that, according to the Planning and Zoning staff, they do not recommend this action and it is considered spot zoning. Councilman Spencer asked that his comment be made a matter of record. Councilman Hart, who serves on the Planning Commission, stated that he feels the same way as Councilman Spencer as the Planning Commission studied this and, as there is already a C-2 Zoning for that particular thing, he thinks that this ordinance contradicts what we already have. With no more discussion, Mayor Harrell called for a roll call vote and the motion passed by three ayes to two nays by the following roll call:

Ayes: Councilman Stewart
Councilman Bell
Councilman Womack

Nays: Councilman Hart
Councilman Spencer

Next, City Administrator Rhoton informed the Council that the only bid for the Wagner Creek bridge repairs on Old Decherd Road was submitted by Robertson-Vaughn Construction Company in the amount of \$33,869.50 for the total base bid and that the Council had budgeted this amount for the necessary bridge repairs. Robertson-Vaughn also submitted an additive alternate bid in the amount of \$17,726.00 for guard rails that Mrs. Rhoton stated was not necessary and was not budgeted. Motion to approve the base bid of \$33,869.50 was made by Councilman Stewart, seconded by Councilman Hart, and all voted in favor by the following roll call:

Ayes: Councilman Stewart
Councilman Bell
Councilman Hart
Councilman Spencer
Councilman Womack

Nays: None

Last under new business, City Administrator Rhoton requested the Council to approve a \$250.00 Christmas bonus, as budgeted, for full-time employees and for the permanent part-time city employees. Councilman Stewart made the motion to approve the Christmas bonuses, seconded by Councilman Womack, and the motion passed unanimously.

Under Mayoral communications, Mayor Harrell stated that a public hearing would be held at the December 11th City Council meeting

at 5:00 p.m. to allow residents of South Vine Street and the surrounding area, as well as all interested citizens, to express their input of the potential impact concerning the proposal presented to the Council to close a section of South Vine Street located between 1st and 2nd Avenues, SW. Copies of this notice, with the map showing the street and the proposal closure, will be available at City Hall. Surrounding property owners and residents will be notified, notices will be posted, and an advertisement of the public hearing will be placed in the newspaper.

Under City Administrator, Council and Departmental reports, communications, and updates: Councilman Hart complimented Winchester Utilities Manager Roger Caldwell on the job he and his staff did with explaining the different aspects of the water system to the young people in the Leadership program.

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

City of Winchester's website is:
www.winchester-tn.com
and the
International Dogwood Festival website is:
www.winchesterdogwoodfestival.com

Terry Harrell, Mayor
City of Winchester

Attest:

Beth Rhoton, City Administrator

Minutes taken & typed by: Judy Baker
Date of Meeting: November 13, 2012