

MINUTES

December 11, 2012

The Winchester City Council met in a regular session on Tuesday, December 11, 2012, beginning at 5:00 p.m. with a public hearing. The purpose of this public hearing was to gather input from residents and citizens regarding the impact of a proposal to close a section of South Vine Street.

Present and participating were: Mayor Terry Harrell, presiding; 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: Beth Rhoton, City Administrator (arrived late)

Mayor Harrell called the meeting to order with a prayer by Pastor Rick Roberts and the Pledge of Allegiance led by Paul McRae.

Mayor Harrell recognized and welcomed a young member of our audience, Paul McRae, who was attending the Council meeting with his parent to take notes and to learn about city government.

Mayor Harrell opened the public hearing for any comments from residents and citizens regarding a proposal presented to the Council that calls for the closure of a section of South Vine Street located between 1st and 2nd Avenues, SW. Those in the audience who spoke in favor of the closure included Clinton Swafford, representing the First Baptist Church. Roy Graham, of 212 5th Avenue, SW, stated he was there to support whatever the neighbors wanted the city to do. Those speaking and giving their reasons for being against the closure included Jim McRay, who owns property inside the city limits, and Wade Anderton of 201 South High Street. With no one else wishing to speak, Mayor Harrell thanked everyone who attended and for their input and comments. Mayor Harrell adjourned the public hearing at 6:22 p.m.

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

Under presentations and addresses, Cary Wofford, chairman of the Winchester Airport Authority Board, gave an update concerning the three phases of the Taxiway Extension project with Phase I having been completed this year. Phase II will consist of relocating the current access road to the airport and the associated utilities, while Phase III will consist of the earthwork and actual laying down of the taxiway to the south end of the airport. Projection for the completion of Phase II was \$771,643.00 making the local match of the 90/10 grant \$77,164.00 and

the airport requested this as part of our CIP this year from the City of Winchester, and were approved for that amount. The Department of Aeronautics at TDOT discovered that they had a small surplus of money and reduced all 90/10 projects to 95/5 for the remainder of fiscal year 2013. The estimated cost to complete the project was \$1,994,200.00, however, with a local match of only 5% required right now, the cost is only \$99,710.00. As the airport was originally approved for \$77,164.00 at the beginning of the fiscal year, our original intent was to come back to the City and ask for a budgetary amendment for the additional \$22,546.00. Due to more fuel sales than we'd originally anticipated (and budgeted for), it is now our intent to ask the Airport Authority at next week's meeting to fund the additional \$22,546.00 from our unintended revenues. We had originally intended on asking for approximately \$110,000.00 as part of our local match to start Phase III next year. As the Airport Board will no longer have to do that, it will free up quite a bit of money next year that they hope can be used elsewhere in the city. They also hope to reduce costs by bidding Phases II and III of the Taxiway Extension and the previously awarded Apron Expansion project, and award them to one contractor. Mayor Harrell complimented Carey Wofford, Zackary Colescott and all the Airport Board members for their hard work and all they do for the airport and for our community.

First under unfinished business, the reading of the minutes of the November 13, 2012 regular Council meeting was dispensed and approved on a motion by Councilman Hart, seconded by Councilman Bell, and all voted in favor of said motion.

Next on the agenda was the second 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 to approve the second reading was made by Councilman Stewart, seconded by Councilman Bell, and Mayor Harrell asked for any discussion before taking a roll call vote. During much discussion, Councilman Spencer reiterated some comments from previous council meeting regarding this subject which included that the Winchester Planning and Zoning Commission approved the Fraley's first request (Ord. #951) for the C-3 zoning, but denied their request to amend the C-3 by Ordinance #954 to allow for gasoline sales on that property. Councilman Spencer said approval of this amendment would add a lot of traffic in the neighborhood and, having received a signed petition from people opposing the amended zoning, he respectfully requested that the Board not approve Ordinance #954. Councilmen Spencer and Hart said they are both still opposed to this ordinance as they feel

that this action undermines the Winchester Planning Commission and, as the city has a C-2 zoning already in place which specifically addresses gasoline sales, that this would be considered spot zoning. Councilmen Stewart, Bell and Womack reiterated their comments and reasons for supporting this ordinance as they each did at previous council meetings.

Some of their reasons for being in favor of the C-3 amendment included the Fraley's having used the example of the Creekside Market, which sales gasoline, in a Planning Commission meeting, the difference of interpretation of the C-2 and the C-3 zoning descriptions, and interpreting if "gasoline" is considered a "commodity" or not, the possibility of setting the city up for lawsuits, and their feeling that the Fraley's were mislead to begin with on which type of zoning they should have been requested to be allowed to sell gasoline on that property. Mayor Harrell made the comments that Wal-Mart and other areas like that were already zoned commercial and the Fraley property that is being considered was not commercial property. He said that the definition we have now for C-2 specifies petroleum or gasoline sales and that the C-3 does not specifically mention gasoline sales. Mayor Harrell told Councilman Stewart that he was correct in that the C-3 does talk about commodities and, whether or not there was a misunderstanding, he doesn't know. Mayor Harrell explained that he and Councilmen Spencer and Hart dare on the Planning Commission and a lot of consideration and discussion was given to this matter with the Fraley's given full support by the Commission for the original C-3 zoning. He further state that, once it was realized that the Fraley's wanted gasoline sales, the zoning would require either a C-2, which would be considered spot zoning, or would need this special C-3 exception, which is when all this discussion came up. Mayor Harrell stated we have had comments from those who are against this happening and that the public will have an opportunity to speak for or against this ordinance at our next Council meeting. With no more discussion, Mayor Harrell called for a 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

In the first order of new business, Mayor Harrell read the following bids received for the Downtown Information Sign project which includes the installation of sixteen signs:

Lu, Inc. (Kingston Springs, TN)	\$52,639.33
Sain Const. Co. (Manchester, TN)	\$58,800.00
Curtis Construction (Winchester, TN)	\$75,680.00

Upon the recommendation of city engineers Dempsey, Dilling and

Associates, Councilman Spencer moved to approve the low bid of \$52,639.33 by Lu, Inc. This motion was seconded by Councilman Bell, and all voted in favor of said motion. The recommendation letter from the city engineer stated that, due to the occurrence of a small mathematical error, the amount of the correct bid is \$52,639.28, a difference of only five cents.

Last under new business, Finance Officer Martha Luttrell requested permission to enter into a copier lease and maintenance contract with Konica Minolta. She informed the Council that this is a state bid for a five year, fixed rate contract. Mrs. Luttrell explained that our current machines are 1995 year models and we would be leasing new machines for approximately \$367.28, which would be slightly less or equivalent in price as our current maintenance contract. The copiers we are currently using will be given to other departments within the city. Councilman Stewart moved for approval, seconded by Councilman Womack, and the motion passed unanimously.

Under Mayoral communications, Mayor Harrell thanked everyone involved with the city's "Santa Claus Is Coming To Town" event held this past Saturday. He also thanked those who volunteered to decorate the city's Christmas trees located around the square and thanked the Utility Company for putting up the Christmas lights for us each year. Mayor Harrell asked that we reflect on our blessings and think of others less fortunate and try to do something for those in need, and wished everyone a Merry Christmas and a happy new year. Mayor Harrell will schedule a work session for the Council to discuss the proposal to close a section of South Vine Street to be held before the next council meeting.

Under Council communications, each of the Councilmen wished everyone a Merry Christmas; Councilman Stewart hoped the city employees enjoy their Christmas bonus and spend the money at home; Councilman Bell complimented the beautifully decorated windows at the office of City Attorney Greg O'Neal; and Councilman Womack asked that we remember the military and to spend our tax dollars at home.

Attorney Clinton Swafford, representing the Baptist Church, asked if he could have an estimate for their engineers as to when the Council might reach a decision on the proposal to close a section of South Vine Street. Mayor Harrell informed him that a work session will be scheduled for the City Council to meet and discuss this issue before the January 11, 2013 Council meeting. Mayor Harrell also stated that a public hearing will be held at the January meeting for the 3rd and final reading of Ordinance #954, at the public will have an opportunity to speak for or against the ordinance at the meeting.

With no further business to be brought before the Council,

the meeting adjourned on a motion by Councilman Hart, seconded by Councilman Spencer, 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: December 11, 2012