

Regular Meeting of
Board of Mayor and Council
September 9, 2008

The Board of Mayor and Council of the Town of Ashland City met in regular session on September 9, 2008 at 7:00 p.m. in the Municipal Building.

Present and presiding: Mayor Gary Norwood.

Council members present: Steve Allen, Tommy Nicholson, Jimmy Gill, Rick Johnson, and Chris LaCrosse.

Council absent: Carol Macha.

Others present: Michael Armstrong, Lisa Phares, Thomas McCormick, Jennifer Noe, Myrla Sproat, Keith Auville, Greg White, Raymond Dotson, P. Gyster?, Wade Reed, Marc Coulon, Chuck Walker, Anita Justice, Zach McCarver, Tim Adkins, Tony Young, Gary Binkley, and Mary Glasgow.

Mayor called the meeting to order at 7:00 p.m.

A motion was made by Nicholson, seconded by LaCrosse to approve the August minutes as typed. Motion passed unanimously by voice vote.

Attorney:

Ms. Noe stated everything she needed to address with Council was on the agenda, but she did need five minutes at the end of the meeting for an attorney/client privileged meeting.

Old Business: None

New Business:

RAC: Ms. Sproat approached Council and said that October 18th had been set for the ribbon cutting ceremony. She stated Commissioner Nicely would not be able to be present. Ms. Sproat said a handout has been completed for the downtown businesses so they are aware of that day to promote their business. Ms. Sproat said the County Commission and County Mayor were invited to attend the ribbon cutting. She went on to say the 2009 T-21 grant deadline is November 23rd and Council may want to vote on pursuing another grant. Ms. Sproat stated Lose & Associates had done the application free of charge before but she didn't know if they intend to do so again. She said RAC can get letters of support of the project. Mayor asked Ms. Sproat if she knew where the County is pertaining to the T-21 grant. Ms. Sproat replied she had not heard anything about them receiving a grant. Mayor asked if she had heard anything about a decrease in funding for this because of the economy. Ms. Sproat said she was not aware of any Federal cutbacks.

Mayor said he had asked his administrative assistant, Lisa Phares, to attend tonight and give an update on the water tank contract. He then introduced her to Council. Ms. Phares said she was not having a lot of success in getting in contact with these people. She said in her last conversation with Chris LouAllen

he said he was not able to get the crane operator to come and look at the site. Ms. Phares said she would continue to call Mr. LouAllen until she can get a commitment on that.

A motion was made by LaCrosse, seconded by Nicholson to approve the Xerox contract with scanner. Motion passed with a roll call vote of: LaCrosse-yes, Nicholson-yes, Allen-yes, Gill-yes, Johnson-yes, and Mayor-yes.

Mr. McCormick reported to Council that Mr. Rankin asked for a meeting with Jennifer Noe regarding Eisenhower Drive. He stated that Mr. Rankin said he would write a letter requesting the City accept Eisenhower Drive and that he would complete the paving of Eisenhower Drive before the next Council meeting. Mr. Johnson asked about the aprons. Mr. McCormick stated he did not discuss that with Mr. Rankin only the completion of the paving. Mr. Nicholson asked if there was something in codes that specified how the roads should be done. Mr. Armstrong explained the specifications for subdivision roads. Mayor stated we need to look into it maybe find a spot and drill before accepting the street.

Keith Auville, Greg White, and Raymond Dotson from A. O. Smith approached Council to discuss the A. O. Smith request on waste water. Mr. Auville stated he is the department manager and that he was not sure what Council knew about their request. Mayor said the request had gone in front of the Budget Committee. Ms. Noe said she had a draft letter that Council had not voted on that she could hand out. Mayor said the letter gives their stand on the request of having a designated line. He stated A. O. Smith had requested to make billing on that line retroactive to July. Mayor informed Mr. Auville, Mr. White, and Mr. Dotson that the budget committee said billing was to start when the line is completed. Mr. Auville said that they now meter our discharge water that goes to the river and would like to ask that that piece of the bill be backed out and that they would rather not put a meter in that line as that would add extra cost to them. He went on to say his plant is competing with other plants all over the world and that he would rather not spend the extra money putting a meter in line. Mayor said to give them a little history from our side that in 2003 or 2004 Council met and made a decision to have rates based on usage and that the more water you used the cheaper it was and this decision only benefited A. O. Smith. This year a rate study was done by consultants from the University of Tennessee and we were told it was improper to charge this way and rates were increased because of this. Mayor went on to say with A. O. Smith not using the water they once were we'll be a couple of hundred thousand short and now we'll have lost revenue. He said the Budget Committee and Council understood A.O. Smith's position and were in agreement that this is the fair thing to do. Mayor went on to say he thinks a meter in line would be necessary because of I and I issues. Mr. Auville said it would cost him more and we'd get less money from A. O. Smith because of evaporation and loss in the fire protection system if he puts in a meter. Mr. Auville asked them to think about that and he recommends they do what he is suggesting. Mayor said to Council they think they are overpaying by \$100,000.00 a year and he's telling us we'll lose more if we don't do it the way he is suggesting. Mr. Gill asked the cost of the meter. Mr. Auville said it could easily be \$25,000.00. Mr. Johnson said he didn't know what the advantage was of going through the second meter. Mayor said the only two advantages he could think of are I and I infiltration from rain and or if they fired up the wells and we were getting water from the wells. Mr. LaCrosse asked do you plan to fire up the wells. Mr. Auville answered, no. He went on to say they would be happy for anyone to take a tour if it would make them more comfortable. Mr. LaCrosse asked what they estimate the

water treated to be. Mr. McCormick responded for July it was 3,200,000 a month at 5 days a week this would be 115,000 a day that they treat. Mr. LaCrosse asked what we sold them. Mr. McCormick said we sold 104,000 a day at seven days a week. Mayor said the city is only permitted to take domestic. Mr. Johnson commented that he thinks this is fair and that they shouldn't have to compete with China. Mr. Auville said that's right we shouldn't have to. Mayor said we are not taking this lightly and that is why A. O. Smith was given a courtesy call and that they appreciate them. Mayor said this is up for a vote by Council. Mr. Johnson asked if this is to amend the ordinance. Mayor answered we are not amending the ordinance. Ms. Noe said the letter refers to the ordinance and the ordinance states you may do it but it is not mandatory to have a dedicated line. She said it could be a requirement to put in a line and meter and that the Budget Committee had made that recommendation. Mayor asked Council to entertain a motion to pass the contract with revisions to eliminate the in line meter going to the plant. Mr. Gill asked do they pay for water coming in and want to pay for the sewer they use. Mr. LaCrosse asked can we get the manufacturing water numbers versus just kind of expecting what it will be to use as a rule of thumb and try this for a while to know what we are expecting. He suggested using this with the possibility of revisiting the need for a meter later. Mr. Auville said this is a good way to do it. Ms. Noe told Council you have the ordinance to show what the limitations are and if you want to change them the ordinance would have to be amended. Mayor said the ordinance spells out specifically what they have to do and one is a designated line to the plant. Ms. Noe said the ordinance specifically says industrial rates are based on the number of gallons of sewer versus the gallons of water and to install a dedicated line and the ordinance says a dedicated line and man hole for testing the sewer. A motion was made by Gill, seconded by Allen to accept A. O. Smith request without a meter effective next billing cycle. Mr. LaCrosse asked that this be revisited in six months in the Budget Committee. Mr. Auville said they have a dedicated line now and that they are just upgrading from ductile iron to PVC. A motion was made by Gill, seconded by Allen, to accept without a meter effective next billing cycle. Motion passed with a roll call vote of: Gill-yes, Allen-yes, Nicholson-yes, Johnson-yes, LaCrosse-yes, and Mayor-yes. Mr. Auville said they would like to invite Mr. McCormick back to the plant. Mayor requested Ms. Schaeffer put this issue on the Budget Committee's calendar for six months from now.

Mr. McCormick said he had met with Ms. Crenshaw and they had looked over all cost of chemicals. He said they used the top figure from last year and the bottom figure from this year and everything has gone up this year. Mr. McCormick said the problem is polymer. Mayor asked Mr. McCormick for his recommendation for which bids to accept. Mr. McCormick said he would like to put coagulant back out to bid-rebid the category for polymer. Mayor asked him what other bids he would recommend they accept. Mr. McCormick said to accept all low bids on all of them and rebid k-5 poly ortho phosphate. He clarified by saying to accept Brenntag Mid-South for categories 1, 2, 4, and 5 and DPC Enterprises for sodium hypochlorite and to rebid phosphate and polymer. A motion was made by Johnson, seconded by Lacrosse to accept low bids. Motion passed with a roll call vote of: Johnson-yes, LaCrosse-yes, Allen-yes, Nicholson-yes, Gill-yes, and Mayor –yes.

Mayor requested that Council consider paying the Land Use Committee members the monthly fee for their meeting the same as the Planning Commission. A motion was made by Johnson, seconded by

Nicholson to pay the Land Use Committee. Motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, LaCrosse-abstain, Allen-yes, Gill-yes, and Mayor-yes.

A motion was made by Johnson, seconded by Nicholson to accept the contract with Commercial Copy Services for the Senior Center. Mr. Young said he gave the contract to Ms. Noe to look at. He said it's the same company they have been using. Motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Nicholson-yes, Allen-yes, Gill-yes, LaCrosse-yes, and Mayor-yes.

Ms. Noe addressed Council regarding tree cutting at 109 Cumberland Street. She said this may be a little premature after her conversation with Chris Camp. Ms. Noe said she and Mr. McCormick have been working on this and may have something worked out. She said CEMC is rerunning lines and they are looking at running them through Shinbone Alley. She stated they first said they had easements but it turned out they didn't have the proper easements through there. Ms. Noe stated that CEMC only wants a tree cutting agreement through there from the property owners. She feels that Ms. Billie Jean and the heirs of the Nell Harris property will agree to sign on this if it is only an agreement to cut trees. It would be a 40 foot right of way at the Nell Harris property and 20 foot from Main Street. Mayor asked Ms. Noe are you saying all they need is a tree cutting agreement not an easement. He said the tree cutting agreement would only be with a couple of people. Ms. Noe said she had a conference call with Mr. Camp and her understanding was they only want a tree cutting agreement and not an easement. She said it was possible that this could hold up the whole RAC project.

A motion was made by Nicholson, seconded by LaCrosse, to approve both pay requests to Lose & Associates in the amounts of \$4,506.73 and \$3,300.00. Motion passed with a roll call vote of: Nicholson-yes, LaCrosse-yes, Johnson-yes, Gill-yes, Allen-yes, and Mayor-yes.

A motion was by Nicholson, seconded by Allen to defer Lafferty & Sons pay request # 8 in the amount of \$154,599.80. Motion passed unanimously by voice vote.

A motion was made by Allen, seconded by Nicholson to approve change order # 6 in the amount of \$7,031.30. Motion passed with a roll call vote of: Allen-yes, Nicholson-yes, Gill-yes, LaCrosse-yes, Johnson-yes, and Mayor-yes.

Mayor said there are still some issues with W&O and he recommended that Council defer payment request #26. A motion was made by Johnson, seconded by Nicholson to defer pay request #26. Motion passed unanimously by voice vote.

Mayor recessed the meeting for the attorney/client privileged meeting. The meeting reconvened at 8:18 p.m.

Mr. Binkley with the Chamber of Commerce approached Council to invite them to a ribbon cutting on 9-19th at 4:30 p.m. at Flagship Cleaners. He went on to say that on 10-2-08 at 1:00 p.m. the Chamber will be holding their golf tournament and the date has been set for the Ashland City Christmas parade on 12-14-08 at 2:00 p.m. Mr. Nicholson asked if they had entertained any thought of returning the parade to night. Mayor and Mr. Allen said they like the parade at night and so did Mr. Gill. Mr. Binkley said if it

was okay with Council he would go back to the Chamber and have them move the parade to night which would back up the date to Saturday, 12-13th at 6:00 p.m.

A motion was made by Johnson, seconded by Nicholson to pay the bills. Motion passed with a roll call vote of: Johnson-yes, Nicholson-yes, Allen-yes, Gill-yes, LaCrosse-yes, and Mayor-yes.

A motion was made by Johnson, seconded by LaCrosse to adjourn. Motion passed unanimously by voice vote. Meeting adjourned at 8:23 p.m.

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder