



TOWN OF ASHLAND CITY
Regularly Scheduled City Council Meeting
November 15, 2022 6:00 PM
Minutes

CALL TO ORDER

Mayor Smith called the meeting to order at 6:03 p.m.

ROLL CALL

PRESENT

Mayor JT Smith

Councilman Tim Adkins

Councilman Chris Kerrigan

Councilman Michael Smith

Councilman Kevin Thompson

Councilman Tony Young

ABSENT

Vice Mayor Gerald Greer

PLEDGE AND PRAYER

Councilman Adkins led the Pledge of Allegiance of the United States of America and the prayer.

APPROVAL OF AGENDA

A motion was made by Councilman Kerrigan, Seconded by Councilman Adkins, to approve the agenda with changes under other. All approved by voice vote.

APPROVAL OF MINUTES

1. October 11, 2022 Council Meeting Minutes

A motion was made by Councilman Kerrigan, Seconded by Councilman Thompson, to approve the October 11, 2022 Council Meeting Minutes. All approved by voice vote.

PUBLIC FORUM

John VanOstenbridge - Mr. VanOstenbridge stated that he moved here over a year ago and is concerned about the illegal rock quarry in a residential area. He stated that the dust from it settles in the neighborhood and inhaling it causes lung damage that there is no cure for. Mr. VanOstenbridge stated that it fits in the same category as asbestos. He stated that he would love to see the council stop this quarry.

Jane Crisp - Ms. Crisp stated that she has a friend that is a citizen of Ashland City that went to the city offices to request documents and was turned down and told she had to go through the City Attorney. She stated that public records are public records whether it is a lawsuit or not and no one should be turned down. Ms. Crisp asked how someone presents an informed discussion without having a complete record of what has occurred before.

Sherri Raymer - Ms. Raymer stated that she lives on Highway 12, and she just found out that the Planning and Future Growth committee was formed, and she never saw any application to apply for that. She asked where it was posted and said she saw who was voted in and there is a conflict of interest. Ms. Raymer stated that the ones voted in either own a business or sell real estate and to her that is a conflict of interest. She stated that they should reconsider. Ms. Raymer also stated that the noise on Highway 12 has gotten really bad and she cannot sit on her back porch and talk because of the trucks going down the highway. She stated that she can hear them in her living room and the noise is out of control and she wants them to do something about it.

Gail Watts - Ms. Watts stated that her first concern is the conflict of interest on the Planning and Future Growth committee. She stated that the purpose was to appoint someone from each ward that was neutral that would have a say that the people in that neighborhood would want but instead they appointed a real estate agent and someone else that is very involved in the City and always has been. Ms. Raymer stated that her second concern is the noise on highway 12. She stated that it is out of control, especially when Walker is blasting and hammering. Ms. Raymer stated that she got video of him again carry loads of rock across the street to the condos being built and he is supposed to be shut down. She asked when something is voted on in the zoning meetings and then it comes to the Council,

can they overturn it, or do they go along with how they voted. Ms. Raymer asked how all that worked out.

REPORTS

2. City Attorney
None.

UNFINISHED BUSINESS

3. Full Time Mayor Discussion
There was no discussion and no movement.
4. Noise Ordinance Discussion
Mr. Nicholson stated that they would like to defer this to the planning and future growth committee. A motion was made by Councilman Thompson, Seconded by Councilman Smith, to defer to the planning and future growth committee. All approved by voice vote.
5. Parking in Town Discussion
Councilman Kerrigan asked if anyone spoke with Mayor McCarver to see if the county would be willing to help the city and use their jail parking lot. Councilman Smith asked if it was a garage. Mayor Smith stated it was just a lot.
6. Resolution: Establishing a Memorial Dedications Policy
A motion was made by Councilman Kerrigan, Seconded by Councilman Smith, to approve the resolution. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.
7. Ordinance: General Sessions Term Date
Ms. Noe stated that this was for second and final reading. A motion was made by Councilman Thompson, Seconded by Councilman Kerrigan, to approve the ordinance. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young
8. Ordinance: Modify Title 7, Chapter 6 Fireworks
Ms. Noe stated that this has been deferred in the last two meetings and she has not made any changes because there has been a lot of discussion. She stated that the consensus has been that the Mayor and Fire Chief can prevent the use of fireworks in a drought. Ms. Noe stated that Title 11 in the code sets forth hours and it states that you can discharge fireworks June 20th through July 7th from 10:00 a.m. to 10:00 p.m. and December 10th through January 4th from 10:00 a.m. to 10:00 p.m. with the exception of January 1st in which you can discharge until 12:30 am. She stated that this is under Title 11 Municipal Offenses Chapter 4 Discharge of firearms and fireworks are not really firearms and this should be removed and be in Title 7. Ms. Noe stated it would be cleaner and easier to find. Councilman Kerrigan asked if we should include the times and instead of 10:00 p.m. end discharge at 12:30 a.m. Councilman Young asked if it stated where you could shoot. Ms. Noe stated that it does not. Councilman Adkins asked if the dates were June 20th through July 5th. Ms. Noe stated that they are, and this is for discharge not selling and that Title 11 is different and lists June 20th through July 7th. Councilman Kerrigan stated we should get rid of it in title 11 and change title 7 adding the times. Councilman Young stated that it should mention something about private property because there has been a problem with shooting in parks and the middle of the road. Ms. Noe stated it should not be allowed in the parks because it could cause expenses to the City, and it makes a mess so it could say no shooting on city properties and all discharging should be in compliance with Tennessee Code Annotated. Councilman Kerrigan stated to change the time to be 10:00 p.m. except on July 5th and January 1st until 12:30am. A motion was made by Councilman Kerrigan, Seconded by Councilman Thompson, to approve the ordinance with the stated changes. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

NEW BUSINESS

9. Ashland City Liquor and Wine Package Liquor Application
Ms. Noe stated that everything checked out and this is contingent on the sell going through to this individual. A motion was made by Councilman Smith, Seconded by Councilman Kerrigan, to approve the certificate. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.
10. Lease Office Space for Meetings

Ms. Noe stated that we do not have a lease. Councilman Adkins what the cost to remodel would be. Councilman Thompson asked if there was still time to vacate. Councilman Adkins asked what the other options would be. Councilman Smith stated that we need a permanent solution. Ms. Noe stated that the lease she was sent has the wrong square footage and states we cannot build out. Councilman Kerrigan asked what improvements would be needed and Councilman Adkins asked what office will move. Mayor Smith stated he would speak to Mr. Morrow. A motion was made by Councilman Smith, Seconded by Councilman Thompson, to defer to the December workshop meeting. Councilman Adkins stated they need an estimate of the cost. Councilman Kerrigan asked what this would cost taxpayers. Mayor Smith stated they needed a resolution. Councilman Adkins asked where the money would come from. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

11. Sign Ordinance Discussion

Mr. Nicholson stated that the problem is that the City is putting up flag banners and he would like to work with parks to come up with a different solution and not put up those banners. Councilman Kerrigan asked if we remove the exemption for the City. Mr. Nicholson stated they wouldn't, he would just work with parks for a different solution. Councilman Kerrigan asked about the banner's soccer uses the day of games. Mr. Nicholson stated that was used by a non-profit organization, so they are good. A motion was made by Councilman Thompson, Seconded by Councilman Kerrigan, to approve different banners for the parks. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

12. Lindy Murff Exercise Contract

Ms. Batts stated that #12 and #13 are both exercise contracts. A motion was made by Councilman Young, Seconded by Councilman Kerrigan, to approve the contracts. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

13. Barbara Batson Exercise Contract

Ms. Batts stated that #12 and #13 are both exercise contracts. A motion was made by Councilman Young, Seconded by Councilman Kerrigan, to approve the contracts. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

14. Independent Contractor Agreement

Ms. Bowman stated that this is a three (3) month contract per class. Ms. Noe stated that it is \$250.00 per class with a minimum of four (4) hours. Councilman Kerrigan asked if this was for three (3) months. Ms. Noe stated that the time would need to be voted on. Councilman Kerrigan asked if we have people in mind and if we do not get a response, then we just tell them they are doing it. Ms. Bowman stated that Court does not want someone that has another job on Thursday night, or looking for another job, she wants someone that can be there. Councilman Kerrigan stated that they need to tell someone they are doing it and to make it part of their job description. Chief Ray stated that he would continue to look. Councilman Kerrigan stated that it does not have to be an officer, it can be anyone. Ms. Bowman stated that we are trying to move towards the direction of online classes. Ms. Noe asked if they would want to it from November 15, 2022, until February 15, 2022. Councilman Thompson stated March 15, 2022, so that someone can get trained in that time. A motion was made by Councilman Young, Seconded by Councilman Kerrigan, to approve the contract with the stated terms. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young

15. Resolution: Updating the Purchasing Policy

A motion was made by Councilman Smith, Seconded by Councilman Kerrigan, to defer the resolution. All approved by voice vote.

16. Resolution: Violent Crime Funding

Chief Ray stated that this is a grant they are wanting to apply for to help fund cameras in the parks and active shooter kits. A motion was made by Councilman Kerrigan, Seconded by

Councilman Smith, to approve the resolution. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

SURPLUS PROPERTY NOMINATIONS

None.

EXPENDITURE REQUESTS

17. Upgraded Vehicle for Parks

Mr. Clark stated that they are asking for an F-150 instead of a Ranger. A motion was made by Councilman Smith, Seconded by Councilman Kerrigan, to approve the upgrade. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

OTHER

18. Resolution: COR for New Fire Hall

Ms. Bowman stated that this is the resolution that USDA sent for the extra money taken out for Fire Station 1 in the amount of \$1,225,000. A motion was made by Councilman Young, Seconded by Councilman Kerrigan, to approve the resolution. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

19. Planning and Future Growth By-Laws

Mr. Nicholson stated that Ms. Noe wrote up by-laws in conjunction with Mr. Rick for the Planning and Future Growth Committee. Ms. Noe stated that they are basic by-laws, she got some from the planner and some from the parks board. She stated that she made them fairly identical so that they would be somewhat on the same page. Ms. Noe stated that the main things she wanted to point out was it sets when meetings are, they will follow Roberts Rules, elect officers, etc. She stated she wanted to point out the compensation for the board because all the other boards are compensated. Ms. Noe stated that if we are having a meeting with the council and planning commission, then they will get compensated for being there. Ms. Bowman stated that this will be \$62.50 per person, and you are looking at an added expense of \$1000.00 per meeting. Ms. Noe asked if the parks board had regularly scheduled meetings. Councilman Smith stated they do. Ms. Noe stated she sees this as an as needed board. Mr. Nicholson stated that they would need to meet once a month for at least six (6) months and then after that maybe once every other month or once a quarter. A motion was made by Councilman Kerrigan, Seconded by Councilman Smith, to approve the by-laws with the changes. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

20. 510 Gloria Circle

Ms. Bowman stated that a few months ago we had a customer come before them because she was paying for sewer, was not attached to sewer, and the council decided to reimburse her. She stated that the landlord called her renter that has been there from May 2017 through December of 2019 and the renter is now asking for a reimbursement as well. Councilman Kerrigan stated that she was given a credit, not a reimbursement, and we cannot give a credit to someone not living there anymore. A motion was made by Councilman Kerrigan, Seconded by Councilman Young, to not reimburse the renter Veronica Williams. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

21. Emergency Purchase - Water

Mr. Biggers stated that at the industrial tank they have some holes in the top and they need to get it inspected. He stated the quote they received is in a contract form, so he needs to get it approved. A motion was made by Councilman Kerrigan, Seconded by Councilman Young, to approve the contract. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

22. Industrial Road Name

Mr. Biggers stated that the road they are building near Caymas must be named. He stated that the only name they have come up with is Water Tank Drive. Mr. Biggers stated that it cannot be named Industrial or anything like that. A motion was made by Councilman Kerrigan, Seconded by Councilman Young, to approve Water Tank Drive. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

23. Clean Harbor Agreement

Mr. Biggers stated that this is the chemical company that they use at the water plant and their quote is also in a contract form. Ms. Noe stated there is an indemnification clause, so it needs to be approved without that. A motion made by Councilman Kerrigan, Seconded by Councilman Smith, to approve the contract without the indemnification clause. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

24. Resolution: Authorizing Signatures

Ms. Bowman stated that the contract change makes it \$7,042,070.00. Councilman Thompson asked for an explanation. Chief Walker stated that the sidewalk and back entrance did not get bid out. He stated that the downspouts are being moved too and with those changes it is an additional \$205,000.00. Chief Walker stated that they have saved \$63,000 by making some changes already so that brings it down to \$142,000.00. Ms. Bowman stated that USDA will not allow a change order, they require a contract change. Chief Walker stated that our ordinance states sidewalks are required on Main Street. Ms. Bowman stated that we cannot wait and change this contract every month because it will take ten years to finish the firehall. She stated that the resolution goes hand in hand with this and it states that it will allow the mayor to sign any contract changes after Ms. Noe reads it if it does not exceed \$6,900,000.00. Ms. Bowman stated that we have already went over that and she asked if they wanted to up that limit so that the mayor could approve the contracts or if they wanted to see every one of them. Councilman Smith asked if they would just be upping it to the \$7,042,070.00. Ms. Bowman said yes, or they could go more if they wanted. Ms. Noe stated that the board approved the \$6,900,000.00 and you would need to approve the increase for the contract. She stated that the resolution would allow the mayor to sign off on the changes to the contract if it does not exceed the amount of \$7,042,070.00. Chief Walker stated that we should add a little more than that. A motion was made by Councilman Smith, Seconded by Councilman Thompson, to approve the resolution to allow the mayor to approve the contract changes as long as it does not exceed \$7,200,000.00. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young. Ms. Bowman stated that approved the resolution, but you need to approve the contract too. A motion was made by Councilman Thompson, Seconded by Councilman Smith, to approve the contract with the amount of \$7,042,070.00. Voting Yea: Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

ADJOURNMENT

A motion was made by Councilman Kerrigan, Seconded by Councilman Thompson, to adjourn the meeting. All approved by voice vote and the meeting adjourned at 7:14 p.m.

MAYOR JT SMITH

CITY RECORDER ALICIA MARTIN, CMFO