



TOWN OF ASHLAND CITY

Regularly Scheduled City Council Meeting

January 10, 2023 6:00 PM

Minutes

CALL TO ORDER

Mayor Smith called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT

Mayor JT Smith

Vice Mayor Gerald Greer

Councilman Tim Adkins

Councilman Chris Kerrigan

Councilman Michael Smith

Councilman Kevin Thompson

Councilman Tony Young

PLEDGE AND PRAYER

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

APPROVAL OF AGENDA

Mayor Smith added three agenda items under other: resolution for additional funding for firehall, Josh Wright contracts, and a resolution for election changes. A motion was made by Vice Mayor Greer, Seconded by Councilman Kerrigan, to approve the agenda with changes. All approved by voice vote.

APPROVAL OF MINUTES

1. December 13, 2022 Council Meeting Minutes

A motion was made by Councilman Kerrigan, Seconded by Vice Mayor Greer, to approve the December 13, 2022 council meeting minutes as written. All approved by voice vote.

PUBLIC FORUM

Gail Watts - Ms. Watts stated that she would like to address the letter that circulated in the community written by the City Attorney that was to Walker Trucking. She stated that the letter explains they are shutting them down due to not obeying the laws and quoted a statement from the letter guaranteeing them that the city council will rezone the parcel. Ms. Watts stated that she is guaranteeing something that has not even been voted on. She stated that if you check Twitter, you can find where Mr. Walker assaulted the Channel 4 camera man and see what type of person they are dealing with. Ms. Watts stated that they know this is in litigation and does not know how this can even come before the council to be voted on until the litigation is settled. She stated that she knows he is a big donor in Ashland City, but it does not give him the right to break the rules and cause pain and agony to the town citizens. Ms. Watts stated that TDOT has done their job and put a stop to this temporarily.

Yasmine Ali - Dr. Ali stated that she is a resident and property owner. She stated that it came to the neighborhood's attention before Christmas that a second stop work order had been issued by the City to the Walker quarry and it seems to have some teeth to it since they were able to spend their holiday season with great relief. Dr. Ali stated that they cannot imagine how nice it has been to hear oneself think again, have friends and family over, and to enjoy their property again without the constant deafening noise of rock crushing and jack hammering right next door. She stated that the air quality and her allergies have improved as well. Dr. Ali stated that it has really made a difference to their quality of life, and she thanked the council for that. She stated that it is important to remember that our laws are only as meaningful as our ability to enforce them so she hopes they will continue to enforce the stop work order and deny any future applications for rezoning of that property.

Ken Rawn - Mr. Rawn stated that he is a resident, property owner, and taxpayer. He stated that in the last few hours of this afternoon he did an online search for the application for the change of the zoning regulation and was unable to find it. Mr. Rawn stated that he went to the City office to get that application and was told that he would need to submit a record request which he has no problem doing but when he asked why the form was not online, he was told that it may contain personal information. He stated that he went home and looked at the application that the applicant would have filed and with

the Planning Commission and found that there is nothing on there in his judgement that would not have allowed that application to be available to the public online. Mr. Rawn asked the council to keep the zoning at R-1.

Sandra Braden - Ms. Braden stated that most of the council has heard her express these same thoughts many times and she has been a resident of the City for over 15 years. She stated that she thought she had found a location where she could spend her retirement in peace and quiet, but instead the environment has become toxic with noise air and water pollution, safety concerns, and general disruption of the lives of the residents. Ms. Braden stated the property that was and still is zoned residential was transformed into a business enterprise that involves unscheduled detonation of dynamite for excavation and mining of rock. She stated that in addition there are the daily constant disturbances caused by the rock smashing process, commercial truck traffic, and air and water quality effects. Ms. Braden stated that they know Mr. Walker does not care about these concerns but they do expect their city government to care and act on their behalf. She stated that now Mr. Walker is requesting that this property be rezoned industrial and asked what he is planning for this site. Ms. Braden asked who besides Mr. Walker is benefiting from this desecration of their homes, land, and rights. She stated that since the work has stopped in the last few weeks the peace and quiet has been overwhelming. Ms. Braden stated that the property next to hers that is for sale has had questions about the quarry and it will affect their home values.

Katie Biggs - Ms. Biggs stated that she is a resident and she spoke at the last meeting. She stated that she wanted to clarify what was said last time because a local newspaper reporter was here and quoted her in the article she wrote. Ms. Biggs stated that the article said she heard the daily blasts, and it was not what she said. She stated that she works from home all day and hears all the blasts. Ms. Biggs stated that she did not say the blasts are every day. She stated that she wanted to ask the City council to not allow this rezone.

Don Williams - Mr. Williams stated that his in laws live next door to the quarry and they asked him to speak on their behalf. He stated that he thinks it is appropriate on the judge's behalf that his request to them is to follow the law. Mr. Williams stated that when they are considering this request to amend the zoning ordinance, it is laid for them in section 7.090 the factors that they should consider. He stated that the first is whether it agrees with the general plan and it does not. Mr. Williams stated that it also asks that you determine whether there will be an adverse effect from this rezone and there has been from what has occurred for the last two years, but it is pretty safe to say that an industrial use within 100 feet of a residential home is probably going to lead to some adverse effects. He stated that the fourth one is that it has been determined that no one property owner, small group of property owners, will benefit materially from the change to the detriment of the general public. Mr. Williams stated that this pretty much says what has been going on. He stated that this is a complicated thing here and what we want to focus on is this zone change request. Mr. Williams stated that this should not be allowed, and he is asking them to follow the law.

Lynn Williams - Ms. Williams stated that she is the Stinnett's daughter and graduated from Cheatham County High School. She thanked the administration for enforcing the zoning regulations and for imposing a limited stop work order on the quarry operation because it has made a great difference on the quality of life of her parents. Ms. Williams stated that she is in opposition of any request for industrial use for a parcel that comes within 100 feet of her parents' house. She stated that she was on the metro council for eight years and has seen the outcome of an industrial rezoning take unintended uses and she wanted them to know what some of those uses were. Ms. Williams stated that there are 13 permitted uses and 12 uses allowed by special exception. She stated that some of those are warehousing, goods transports and storage uses, limited and intermediate manufacturing, group assembly uses, amphitheaters, and adult oriented business establishments.

Sherri Raymer - Ms. Raymer stated that she is here to ask that the council votes no to rezoning. She stated that the council is voted in by them and they want them to continue to represent the citizens and their interests. Ms. Raymer stated that she wants the council to consider everything they have brought to their attention and vote no.

Deborah Doyle - Ms. Doyle stated that she is here to oppose the Walker quarry and to complain about the lack of transparency in the City government. She stated that despite over two years of warning by TDOT about public safety issues regarding the steep, unpermitted driveway the quarry uses to go up and down, the City has temporarily given them a shutdown order although there was a dump truck right outside of the gate when she left this morning and when she came home the gate was open. Ms. Doyle

stated that one of the public safety issues is that when you come down highway 12 dump trucks are lining up on this inside left lane to come up this drive. She stated they are coming to a dead stop right there and when you are coming home from work at 50 to 55 MPH the left lane is blocked by three dump trucks trying to cross the south lane. Ms. Doyle stated that this is going to cause an accident and when the 40 condos open there are going to be 80 more cars up and down this road right here at this intersection. She stated it is already a public safety hazard and it is going to get worse.

David Schlundt - Mr. Schlundt stated that he wants to talk about Ashland City's failure to enforce its zoning. He stated that he knows they can do it because they make his neighbors mow their lawn and the City chopped my bushes up with a tractor which is really a violation. Mr. Schlundt stated that it is an epic failure that Ashland City failed to enforce its zoning and allowed this to happen. He stated that he has four explanations as to why it happened. Mr. Schlundt stated that the first is the City might be impotent and too afraid and timid to enforce their zoning. He stated the second is that the City government might be incompetent, and they may lack the skills, ability, and knowledge to run the government effectively. Mr. Schlundt stated that the third is that maybe the people on the City government are puppets and are being told what to do by others profiting from this quarry. He stated that the fourth is that some of them may be corrupt and in fact are benefiting directly from this. Mr. Schlundt stated that he asked himself who is in charge here and it is the Mayor. He asked the Mayor if he is corrupt, a puppet being manipulated, incompetent, or impotent.

Daryl Hooten - Mr. Hooten stated that his land borders the Walker property and he could have bought the land but did not because the codes guy came and told him that there would not be any blasting on the hill. He stated that he asked if could be blasted lower and they told him no. Mr. Hooten stated that he has a hill on his own property that he wanted to blast to put a garage on it and they told him he could not blast in a residential neighborhood. He stated he has been chipping at that hill for 19 years and finally got it down when the quarry comes in blasting a quarry over 50 feet deep. Mr. Hooten stated that we are either for the man or against the man. He stated that he has done everything he can to abide by Ashland City rules and regulations yet they give Walker the right to do whatever he wanted. Mr. Hooten stated that Mr. Walker wanted to cross his property and wouldn't give him the right-of-way to do it because he knew there was no other way to get over there. He stated that he is a business owner and has investment properties too and this is not right.

Jenny Jones - Ms. Jones stated that she is a resident and lives behind the quarry. She stated that she would like to speak against the rezoning of this site from residential to industrial and she would like to oppose the illegal rock quarry that has been allowed to operate in this residential zone for around two years. Ms. Jones stated that during the time the quarry has been up and running it has been absolutely miserable and impossible to enjoy their property. She stated that she has had respiratory problems and the noise is unbearable. Ms. Jones stated that since they have stopped the last few weeks it has been so peaceful, and her respiratory problems are improving. She stated that she has also noticed that the wildlife has returned to the area since they have stopped. Ms. Jones asked that the council please not rezone this.

Galen Green - Ms. Green stated that she dove into rezoning and started with zoning 101 on YouTube which our property purchasers could have started with and probably would have avoided all this. She stated that zoning laws are the key parts of how land and buildings are used in a community to ensure various property types can coexist. Ms. Green stated that we have two property types that are not coexisting. She stated that the zoning laws are used to achieve the desired layout for the council and the constituents and clearly your constituents are sending you a message that this is not what they want. Ms. Green stated that the council and the constituents should decide the zoning and not just the City. She stated that zoning regulations can be very strict, and the city has a lot of leeway here. Ms. Green stated that zoning is intended to keep industrial and residential properties separated. She stated that Ordinance #551 was voted by public hearing on December 08, 2020, where they adopted 2018 Industrial Zoning Code and the provisions of that say that "the provisions of the code shall apply to any use or parcel of land within a jurisdiction in fulfilling these purposes the ordinance is intended to benefit the public as a whole and not any specific person or classes of persons." Ms. Green stated that she thinks there is only one person benefiting from changing this to industrial and it is not their constituents.

REPORTS

2. City Attorney

At this time, Ms. Noe called for an Attorney-Client meeting and the meeting recessed at 6:27 p.m.

The meeting reconvened at 6:57 p.m.

UNFINISHED BUSINESS

3. Resolution: Updating the Purchasing Policy
Ms. Bowman asked for this item to be removed from the agenda. A motion was made by Vice Mayor Greer, Seconded by Councilman Young, to remove the agenda item. All approved by voice vote.
4. Ordinance: Modifying Title 11, Chapter 4, Section 11-404
Ms. Martin stated that this is for second reading to remove fireworks from Title 11 of the code and leave it in Title 7. A motion was made by Councilman Kerrigan, Seconded by Vice Mayor Greer, to approve the ordinance. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.
5. Ordinance: After Hour Water Disconnects
Ms. Bowman stated that this is for second reading to remove after hour rates for water reconnects. She stated this is to keep employees safe by not letting them go out after dark. A motion was made by Vice Mayor Greer, Seconded by Councilman Kerrigan, to approve the ordinance. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

NEW BUSINESS

6. Codes and IT Assistant
Mr. Nicholson stated that he spoke to the council about this last week to let them know this was an immediate need. He stated that they tried to be creative and assist two departments in need with this position and he sent out the numbers to the council that they requested. A motion was made by Councilman Smith, Seconded by Vice Mayor Greer, to approve the position. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Smith, Councilman Thompson, Councilman Young. Voting Nay: Councilman Adkins, Councilman Kerrigan.
7. Advertisements for Fire
Chief Noe stated that this is to advertisement for recruits and federal grant money will be used to cover the costs. A motion was made by Councilman Young, Seconded by Councilman Smith, to approve the agreements. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.
8. ESO Agreement
Chief Noe stated that this is an add on for their record management software that will allow them to track education events and they will receive credit through ISO for it. A motion was made by Councilman Thompson, Seconded by Councilman Kerrigan, to approve the agreement. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.
9. Defense Logistics Agency SPO
Chief Ray stated that this is an agreement to cooperate with the military. A motion was made by Councilman Kerrigan, Seconded by Councilman Adkins, to approve the agreement. All approved by voice vote.
10. Summerfest Fireworks Contract
Mr. Clark stated that this is an agreement for the Summerfest Fireworks. He stated that it is the same as last years. A motion was made by Councilman Smith, Seconded by Councilman Young, to approve the agreement. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.
11. Summerfest Carnival Contract
Mr. Clark stated that this is the agreement for the carnival company that does Summerfest. He stated that there is an agreement for one year or three years and he recommends going with the three year agreement to lock in our dates. A motion was made by Councilman Thompson, Seconded by Councilman Smith, to approve the three-year agreement. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.
12. Senior Center Dance Lease Agreement

Ms. Batts stated that this is a lease agreement for the dances. A motion was made by Councilman Thompson, Seconded by Councilman Kerrigan, to approve the lease. All approved by voice vote.

13. Agreement for Additional Tyler Card Readers

Ms. Bowman stated that this is for the additional card readers for Court to process their own payments. A motion was made by Vice Mayor Greer, Seconded by Councilman Kerrigan, to approve the agreement. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

14. CPIT Agreement

Ms. Noe stated that this is an agreement with the 23rd Judicial District to assist DCS with investigations of child abuse cases. She stated it is the same agreement we have been doing for years. A motion was made by Councilman Young, Seconded by Vice Mayor Greer, to approve the agreement. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

15. USDA Engagement Letter

Ms. Bowman stated that this is a letter needed for approval by USDA to receive the additional funding for the fire hall. Ms. Noe stated that this sets out their fee of \$10,000.00 for closing costs. A motion was made by Councilman Smith, Seconded by Councilman Young, to approve the engagement letter. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

16. Resolution: Amending Water and Sewer Rules and Regulations

Ms. Bowman stated that this is to bring the rules and regulations up to date with current practices. She stated that is updating the back of the water application. A motion was made by Vice Mayor Greer, Seconded by Councilman Young, to approve the resolution. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

17. Resolution: Protective Footwear

Ms. Black stated that this is to add the parks department to the protective footwear policy. A motion was made by Councilman Thompson, Seconded by Vice Mayor Greer, to approve the resolution. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

18. Resolution: Amending the IT Policy

Ms. Martin stated that the State of Tennessee banned TikTok on State issued devices and this is to ban the use of the app on city issued devices and all personal devices on the city network. A motion made by Vice Mayor Greer, Seconded by Councilman Young, to approve the resolution. All approved by voice vote.

19. Ordinance: Amend Title 2 Parks Advisory

Councilman Smith stated that this is to change the requirements of the secretary to allow a board member instead of a town employee. A motion was made by Councilman Kerrigan, Seconded by Councilman Young, to approve the 1st reading. All approved by voice vote.

EXPENDITURE REQUESTS

20. Award Bid: WWTP

Ms. Bowman stated that this is to award the bid to Reeves Young in the amount of \$30,745,000.00 contingent on the approval of the loan. Councilman Kerrigan asked if they made sure they have done everything they can to lower the costs because the bid laid out certain things like brand names for the wire used. Mr. Oakley stated that he spoke with them about ways to reduce the contract amount and he believes that they have worked in the best way possible. He stated that they looked at changing the coating system to save \$440,000.00 and they are looking at changing the pipe used without changing the ability to carry the water from the pump to the river. Councilman Kerrigan stated that this project has increased from \$17,000,000.00 to \$30,000,000.00 and it is going to raise the cost of water bills, so he wants to make sure they have looked at everything to save money. He stated it doesn't make sense to hope and pray we save costs instead of rebidding. Ms. Bowman stated that the price did not increase from \$17,000,000.00 to \$30,000,000.00 in a few months, this has been over a few

years because it was brought to the council years ago to get the plant built. Mr. Oakley stated that the two bids received were close enough to be competitive and he believes the low bid is worth accepting. A motion was made by Councilman Smith, Seconded by Vice Mayor Greer, to award the bid to Reeves Young in the amount of \$30,745,000.00 contingent upon approval of the loan. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Smith, Councilman Thompson, Councilman Young. Voting Nay: Councilman Kerrigan.

OTHER

21. Resolution: Additional Funding for Fire Hall

Ms. Bowman stated that this is to receive additional funding for the fire hall. A motion was made by Vice Mayor Greer, Seconded by Councilman Young, to approve the resolution. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

22. City Hall and Fire Hall Contracts for Josh Wright

Ms. Noe stated that these are the same contracts the council has already approved but the USDA is wanting to make some changes. She stated that she needs the council to approve the contracts with any changes made by the City Attorney and USDA. A motion was made by Councilman Kerrigan, Seconded by Vice Mayor Greer, to approve the agreements with any changes made by the City Attorney and the USDA. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

23. Resolution: Election Date and Term Extensions

Ms. Noe stated that this is to change the next to last whereas of the resolution to add "It is the intent of the City Council that there not be an election in December 2023 and that all terms of the council be extended as necessary to the next election date." She stated that if a board members term will be up in December it would extend that term until the election in August of 2024. A motion was made by Councilman Thompson, Seconded by Councilman Smith, to approve the resolution. Voting Yea: Mayor Smith, Vice Mayor Greer, Councilman Adkins, Councilman Kerrigan, Councilman Smith, Councilman Thompson, Councilman Young.

Councilman Kerrigan stated that this is regarding the Walker Trucking discussion, and he had to tread lightly. He stated that everyone has concerns and he wanted the people to know that they are aware, and they have concerns too. Councilman Kerrigan stated they are doing their job and he is shut down right now, but maybe that gives a little reassurance that they want to help. Councilman Thompson stated that the next Planning Commission meeting is February 6, 2023, at 5:30 p.m.

ADJOURNMENT

A motion was made by Councilman Thompson, Seconded by Councilman Smith, to adjourn the meeting. All approved by voice vote and the meeting adjourned at 7:27 p.m.

MAYOR JT SMITH

CITY RECORDER ALICIA MARTIN, CMFO