REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: January 27, 2011 Time: 6:30 PM Place: City Hall

Present: Gary Manning, John Coombs, John Finch, Dan Bloodworth, Jane Birdwell
Also Present: Joe Haynes, Jim Thomas, Tim Ellis, Julie High, Richard Pope, Tom Tucker, Claudia Davis, Amy Mitchell, Phillip Gibson, Jack Tompkins, Fred Lee, Harry Bell, Danny Okert, Mike and Linda Moss, Bobby Webb, Joyce Washington, Denver Schimming, Johnny Long, Ginny Jeffries, James Lyle, Greg Waite, David Smith, Chris Hammer, Jim and Joyce Scott, Tracy Primrose, Michael Perry, Zach Young, Thelma Hughes, Lena Doss, Darlene Farris

Mayor Manning called the meeting to order. Bobby Webb offered prayer. Mayor Manning led the chambers in the pledge of allegiance.

City Recorder Davis called the roll: Mayor Manning present, Vice Mayor Coombs present, Commissioner Finch present, Commissioner Bloodworth present, and Commissioner Birdwell present.

Consider approval of the minutes of the regular Commission meeting on January 13, 2011. A motion was made by Commissioner Bloodworth to approve the minutes as submitted. The motion was seconded by Vice Mayor Coombs and passed unanimously 5-0.

Denver Schimming, 943 Old Dickerson Pike, inquired if the City has a policy for anti-discrimination of sexual orientation and gender identity. Mayor Manning responded that this is part of the City Personnel Policy and the City is bound by the laws of the State of Tennessee.

City Manager Jim Thomas announced that Finance Director Julie High graduated today from the first graduating class of Municipal Finance Officers Certification after completion of an arduous two years of classes and studies.

Finance Director High gave a financial report through the month of December, 2010.

Commissioner Birdwell reported that she has had numerous requests by citizens for the Commission to consider having Commission seats to represent districts within the City. She added that citizens have indicated to her that they would like the Mayor to be by popular election rather than selected by the Board of Commissioners. She recommended a work session on these items to be held February 24, 2011. She also asked that a town hall meeting be help on February 15th at 6:30 p.m. and asked City Manager Thomas to facilitate that meeting.

Vice Mayor Coombs congratulated Finance Director High on her achievement and expressed his gratitude to her for all that she brings to her position with the City. He also commended the Public Works for their outstanding job during the recent snow events.

Consider Resolution No. 11-447, a resolution to seek support of the City's state legislative delegation to amend state law relative to the effect of failed popular referendum for retail package stores in the Sumner County part of the City. City Manager explained that if a referendum were held in the City under current state law, asking the question about retail package stores being allowed in the Sumner County part of Goodlettsville, and the referendum to allow them failed, the City's current tax revenue base would be negatively affected because the failed referendum would also render the existing retail package store businesses in the City illegal. This potential situation is identical to one that was faced a few years ago concerning liquor-by-the-drink in the Sumner County part of Goodlettsville, which was approved by popular referendum. Adoption of this resolution has no effect on the number of retail package stores in the City or whether there will or will not be a referendum to allow retail package stores in the Sumner County part of Goodlettsville. A motion was made by Commissioner Finch to approve Resolution No. 11-447. The motion was seconded by Vice Mayor Coombs and passed unanimously 5-0.

Consider amendments to an agreement for the design of a wastewater flow equalization tank between the City and Camp Dresser & McKee, Inc. City Engineer Tompkins described these amendments as $81,000 for a number of different changes to the design contract, including wording that reduces the amount of the increase in the contract by a percentage on future changes to the contract, and $47,020 for design of the wet well of the tank and additional engineering time due to the approval of the extension in time to the contractor, W. L. Hailey. Commissioner Finch discussed this amendment, noting that he has a very difficult time supporting these requests. A total of four change orders have been approved for this project for a total increase of $149,000. The first change order was requested early last year for $168,000. Commissioner Finch stated he was shocked and began looking into what would warrant that request. He stated that the design was handled by CDM who basically wrote the RFP for our staff to solicit engineering services. They were selected to design the project. CDM drafted the contract which is basically an open ended cost plus contract to a large degree. They told the City they were experts in these types of facilities, they had designed many of them before, and that they would protect the interests of the City. The original contract amount for CDM was $479,200. Construction had just started when they submitted a change order of about 35%. Being unhappy with that request, I determined that about half of the amount was additional inspection services but the scope of the project had not changed. They should have known when they submitted their proposal how much inspections would be required. It seemed to be intentional deception by CDM. The City took over a large part of the inspection services which reduced the scope of their change order by $50,000 to $60,000. Commissioner Finch challenged CDM at that time that what was really important was the total cost of the project and if they could work with the contractor to solve issues as they come up and minimize the contractor's change orders to zero, then he would support most of what was left on their request. There is language in paragraph one of Amendment 1 of this new change order today that reasonably addresses that, but he thinks the whole thing was not handled properly and CDM was the leader. He stated that there is a $205,000 contingency on the contract and if they exceeded half of that in change orders, they get none of the contingency. He asked City Engineer Tompkins if he agreed that the $149,000 change order exceeds the provisions of the contingency. City Engineer Tompkins responded that there is a sentence in the amendment that provides that if CDM had no control over the change, then consideration would be given. Another factor is that in the construction contract, there is an allowance of $250,000 for the wet well and the bypass pumping. They are hopeful that if that expense can be kept to a minimum, then it would result in a negative change order and they may be able to participate in the contingency. Commissioner Finch disagreed with that interpretation, noting that the $250,000 allowance is the taxpayer's money, not the contractor's or CDM's money. The effect of not spending that amount results in us spending $250,000 less. That is not good accounting and he cannot support this amendment. Also, he wants to finish the project so we know the final numbers. City Manager Thomas asked if he does not support both Amendments #1 and #3. Commissioner Finch stated he does not support Amendment #1. City Manager Thomas noted that Amendment #2 was for additional engineering and design services because the original design was based on an as built drawing and as the work was being done, the realization was made that the as built drawing was incorrect, and that amendment has been addressed. The draft of a resolution can be prepared based on the

Commission's concurrence of their support. Vice Mayor Coombs noted that he is confused and does not feel he can support the request either. Mayor Manning agreed that it is difficult to support. City Manager Thomas stated that the numbers will be resolved at the end of the contract. There have been positive and negative change orders. City Engineer Tompkins clarified that the contractor was awarded an additional 94 days and CDM will have their project management staff on the project for that additional time at a cost of $30,820. The wet well design modification cost is $16,200. These two items make up Amendment #3. Commissioner Finch stated he would be in agreement to the $16,200 for the wet well design and for 10 days caused by the flood as part of the 94 days time extension. He made a motion to approve the $16,200 for wet well design modification cost and 10/94 of the $30,820 request due to delays from the flood. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

Consider Resolution No. 11-448, a resolution to establish rules and fees for use of City facilities by travel sports teams. Parks Director Amy Mitchell reported there are many travel teams that have formed in the last few years and they have indicated a need for ball fields for practice and games. She has devised a fee structure to manage and maintain fields, utilizing Field 1 at Moss-Wright and the field at Peay Park. The use of these fields by the travel teams will not displace any historically routine Goodlettsville youth teams. All the teams that have inquired do have team members from Goodlettsville. The baseball travel team players are all over the age of 13. There has not been a determination made yet on concessions. This consideration to accommodate the travel teams has been discussed with all the youth league Presidents. A motion was made by Commissioner Coombs to approve Resolution No. 11-448. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

Consider Ordinance No. 11-752 on first reading, an ordinance to amend Ordinance No. 06-683 being an ordinance to set the qualifications, compensation and term of appointment of the city judge. City Manager Thomas stated over the last couple years there have been significant changes to the operation of the city court. An additional docket has been added and time dedicated to the function by the judge has increased from one full day to two full days per docket schedule. This resolution will raise the cap to $20,000 and should be a sufficient level so that appropriate future adjustments can be made without amending the cap each time. Commissioner Finch asked for the record who determines the compensation to the judge. City Manager Thomas responded that this resolution only sets the maximum compensation and the authority rests with the Commission to determine the judge's compensation. This resolution will not change the amount of pay to the judge. Commissioner Finch noted that even though the work load has increased about 25% with the same compensation since 2006, in all but two of those years, no employees have received any pay increase and three of those years the City Commission is working for free. He added that other employees' workload has increased during that time without a pay raise. Commissioner Birdwell inquired about how employees are paid who work additional hours. City Manager Thomas responded that salary employees receive no additional pay and hourly workers receive overtime pay. A motion was made by Commissioner Finch to approve Ordinance No. 11-752 on first reading. The motion was seconded by Commissioner Bloodworth. Commissioner Finch stated that he believes the judge deserves a pay increase. During that same period of time however, every other employee of the City has suffered. Many are doing more without additional compensation. It is important to consider market rates and he hopes there will be a proposal for a pay raise for the judge, but only when we can take care of all the employees. Commissioner Bloodworth concurred with Finch's comments. The motion passed unanimously 5-0.

Commissioner Finch stated that he feels we lack the expertise in house to properly manage a large capital project. He recommends that going forward, before the City hires an engineer or takes any action to pursue a major capital project, that the City should engage the services of an expert to represent the City's interest. This would supplement our existing staff with guidance we need for these type projects.

The meeting was adjourned at 7:40 p.m.

Claudia Davis
City Recorder

G Manning
Mayor

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: February 10, 2011 Time: 6:30 PM Place: City Hall

Present: Gary Manning, John Coombs, John Finch, Dan Bloodworth, Jane Birdwell
Also Present: Joe Haynes, Jim Thomas, Tim Ellis, Julie High, Richard Pope, Claudia Davis, Bill Brasier, Phillip Gibson, Jack Tompkins, Harry Bell, Danny Okert, Greg Waite, Darlene Farris, Ken Castleberry, John Ricks

Mayor Manning called the meeting to order. Ken Castleberry offered prayer. Mayor Manning led the chambers in the pledge of allegiance.

City Recorder Davis called the roll: Mayor Manning present, Vice Mayor Coombs present, Commissioner Finch present, Commissioner Bloodworth present, and Commissioner Birdwell present.

Consider approval of the minutes of the regular Commission meeting on January 27, 2011. A motion was made by Vice Mayor Coombs to approve the minutes as submitted. The motion was seconded by Commissioner Bloodworth and passed unanimously 5-0.

Darlene Farris, 206 Hollywood Street, asked the Commission to consider having citizen comments after the discussion on agenda items and before the vote is taken.

City Manager Jim Thomas reported on the recent analysis from ISO regarding the City's fire suppression capability. The survey was taken in July 2010. The last previous survey and analysis was in 1999 when the City received a split 5/9 ISO rating. He reported the new analysis gives the City a 6/9 ISO rating. He reviewed aspects of the analysis that reflected on the new rating and how the City can correct some the circumstances. There is an appeal process and staff is working diligently to submit an appeal to sustain the current 5/9 rating.

Commissioner Birdwell asked for suggestions and discussion ensued on how to structure the town hall meeting she has requested to be held on February 15th. She expressed that this will be a citizen meeting, not a Commission meeting. She requested that the Mayor preside over the guidelines of the meeting, the City Manager to facilitate the meeting, Department Heads to be prepared to give a 3-5 minute presentation, and the citizens be given the opportunity to ask questions and make comments and suggestions. No topics were identified as a point of discussion for an agenda.