REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: December 21, 2006 Time: 6:30 PM Place: City Hall
Present: Jerry Garrett, John Finch, Jeff Cordell, Gary Manning, John Coombs
Also Present: Joe Haynes, Jim Thomas, Claudia Davis, Rick Gregory, Tim Ellis, Julie High, Tommy DeLoach, Bennie Lane, Jack Tompkins, Richard Pope, Johnny Roberson, Ed Hendricks, Sissy Thomas, Bill Vecchione, Billy Butler, Johnny Long, Randy Williams, Bob Bell, Mr. Ballard, Jane Birdwell, Joyce Washington and others.

The meeting was called to order by Mayor Garrett. Prayer was offered by Rev. Neal Glass.

Consider approval of the minutes of the November 9, 2006 regular commission meeting and the November 16, 2006 special called commission meeting. A motion was made by Commissioner Cordell to approve the minutes as written. The motion was seconded by Commissioner Manning and passed unanimously 5-0.

City Manager Thomas reminded everyone that city offices will be closed on December 25th and 26th and January 1st in observance of the Christmas and New Year's holidays. All emergency services will be fully staffed and uninterrupted.

Mayor Garrett distributed four books from anniversary celebrations. In connection with the celebration of the City's fiftieth anniversary in 2008, he recommended that the history of the city government along with a brief history of the city prior to the incorporation be prepared. He has a focus group of Goodlettsville High School graduates who have agreed to serve, an individual has agreed to write the history, another individual has agreed to publish the work and David Wilson has agreed to chair the group. The commission all agreed with his recommendation. Commissioner Manning suggested there may be civic groups who would like to be involved in the distribution of the publication as a fundraiser.

Mayor Garrett complimented the Chamber of Commerce and all the city staff involved on the excellent job they did with the Christmas parade. Commissioner Cordell also commended all the employees and their teamwork in creating a perfect parade. He also congratulated City Manager Jim Thomas on the very well deserved award of Outstanding City Manager from the Sumner County Council of Governments. Commissioner Coombs thanked everyone involved in the Christmas parade which brought a lot of pride to the city and the staff did a wonderful job. He also congratulated City Manager Thomas for a wonderful tribute that is well deserved.

At the request of a citizen, Commissioner Manning asked Jack Tompkins to check on placing a "children at play" sign approximately 600 to 800 feet south of Long Hollow Pike on Two Mile Pike to slow down the traffic.

Commissioner Manning stated he is proud to be in a city where he can sit and say Merry Christmas to everyone. In our days of political correctness, there are larger groups that don't have that opportunity. He stated he is proud that the city has it displayed on the grounds and he wished everyone a Merry Christmas.

Mayor Garrett asked Deputy Chief Pope to have the officers on patrol to monitor BFI and Allied who are reportedly emptying the dumpsters at Dollar General and Fred's between 1:00 and 2:00 a.m., and if they are observed doing so, which is a violation to our ordinance, to write them a citation. Codes Director Bennie Lane stated he sent a letter to Dollar General after this occurred Monday morning. He has since spoken to the Manager who assured him they have taken care of the problem. Mayor Garrett asked that the police still monitor the situation.

Mayor Garrett asked if there were any citizen comments, and if so, to please contain their comments to a three minute maximum due to the length of the meeting. There were no citizen comments.

Consider Ordinance No. 06-688 on second reading, an ordinance to amend the Municipal Code regarding appointments to the Planning and Zoning Commission. City Manager Thomas reported that the Commission has expressed an interest in amending the ordinance that creates and describes how membership in the Planning Commission takes place. The objective was to clear up language whereby it would be possible for two members of the Board of Commissioners to serve as Commissioners on the Planning Board. A motion was made by Commissioner Coombs to approve Ordinance No. 06-688 on second reading. The motion was seconded by Commissioner Cordell and passed unanimously 5-0.

Consider Ordinance No. 06-689 on second reading, an ordinance to amend the Municipal Code regarding the order of business of Board of Commissioners meetings. City Manager Thomas stated this is in reaction in the Board's desire to change the order of business to hear from citizen's comments on agenda items that would follow. This ordinance amends the ordinance that established the order of business for meetings. In addition to rearranging the location of citizen's comments, the item name is changed from citizen's complaints. Because roll call by the recorder was in the original ordinance, he included that item so that the votes would be verbalized on the recorded tapes of the meetings. A motion was made by Vice Mayor Finch to approve Ordinance No. 06-689 on second reading. The motion was seconded by Commissioner Manning and passed unanimously 5-0.

Consider Resolution No. 06-324, a resolution to enter into an agreement with Robinson, Reagan & Young, PLLC for collection services of delinquent municipal fines and fees. City Manager Thomas reported one of the biggest problems that any municipality faces is effective collection of city court fines and fees. We have a certain amount of control over the collection of those fines. Some of that control is lost due to the state's involvement of rendering suspended license and the inability to effectively communicate between the state and the city. It is a complex process and it renders a situation whereby we have a fairly sizeable balance of uncollected fines and fees over a thirty year period. He feels the service of this firm would improve the effectiveness to collect these funds. This is the third firm interviewed and they by far better meet the needs of the city. The contract has been reviewed and approved by the City Attorney. Commissioner Manning stated the firm is more than competent, but he inquired if this should have been put out as an RFP since there are firms within our City that offer these services. City Manager Thomas stated he consulted with MTAS and determined this is considered a professional service and under state law and the City's own charter, the City is not required to provide specifications and publicly bid such services. They can be negotiated directly with the provider of that service. Vice Mayor Finch inquired if this would include collecting delinquent business tax. City Manager Thomas stated the funds discussed with the firm have been court fees and fines. The current collection process for business tax appears to be very effective, but this could be included in their services if needed. Delinquency collections are the primary service they provide for their clients. The discussion for the term of the agreement is for one year with one year annual renewals and a clause for terminating the agreement with notice from either the City or the provider. A motion was made by Commissioner Cordell to approve Resolution No. 06-324. The motion was seconded by Vice Mayor Finch. Vice Mayor Finch stated that he advocates that the City should go beyond the letter of the law. While he is very confident of this firm and they are a good selection, he encouraged that in the future, to do a formal RFP to be sure that all local and area people are informed, even though it is not required by law. Roll call votes were: Commissioner Cordell aye, Vice Mayor

Finch aye, Mayor Garrett aye, Commissioner Manning aye, and Commissioner Coombs aye. Resolution No. 06-324 passed unanimously 5-0.

Consider Resolution No. 06-325, a resolution to enter into an agreement with The Hannah Company to reconstruct the Public Works facilities damaged by the April 4, 2006 tornado. Commissioner Manning recommended that the prior approval of the Braun contract should first be rescinded. Discussion followed and Vice Mayor Finch read the minutes of the June 15, 2006 special called meeting. It was determined and agreed to by the City Attorney that the authorization previously approved should be rescinded. A motion was made by Vice Mayor Finch to rescind the approval of the contract with Braun. The motion was seconded by Commissioner Cordell. Commissioner Cordell, Vice Mayor Finch, Mayor Garrett and Commissioner Coombs voted aye and Commissioner Manning voted nay. The motion passed 4-1. A motion was made by Vice Mayor Finch to approve Resolution No. 06-325. The motion was seconded by Commissioner Cordell. City Manager Thomas clarified a point that for many erroneous reasons, we have been assuming that the proposal made by the construction company that the City hired to do emergency work on the office building at Public Works, according to a drawing and some basic specifications that were given to them, was a directive from our insurance carrier. That was not the case. The decision of who to hire was strictly the City's. He feels this has created confusion in the entire situation. He thanked representatives from Barge Waggoner Sumner and Cannon, and Randy Williams and Bob Bell from TML who were present to answer any questions. Commissioner Manning stated he did not think that Braun was working under the jurisdiction of the TML insurance carrier, but they were an approved contractor under TML and they offered this construction package to the City. He inquired if there had been further discussion with Hannah for exact costs for site prep which might be lower than what the adjuster had arbitrarily used from BWSC figures. Purchasing Director Tommy DeLoach stated they have met with James Riggen, the adjuster for TML. They gave him the breakdown of site work from Hannah, $120,000 for paving and $80,000 for earth work, which was significantly less than BWSC's figures. However, according to Riggen, the amount of insurance to be paid for the overall project will remain the same and their allowances will not be affected. Roll call votes were: Commissioner Cordell aye, Vice Mayor Finch aye, Mayor Garrett aye, Commissioner Manning aye, and Commissioner Coombs aye. Resolution No. 06-325 passed unanimously 5-0.

Consider Ordinance No. 06-691 on first reading, an ordinance to establish residency requirements and terms of appointment for appointees to City boards and commissions. City Manager Thomas reported the various terms of service on the different boards has been reviewed and a report of those findings was furnished to the members of the Commission. This ordinance will require to be appointed or reappointed you must be a resident of the City, you must have been a resident of the City for two continuous years prior to your appointment, if your residency status changed you may continue to serve the term of your appointment but would not be eligible to be reappointed, the term of service shall be four years, and the term of service when filling an unexpired term shall be for the unexpired portion of the term of the vacancy. A motion was made by Commissioner Manning to approve Ordinance No. 06-691 on first reading. The motion was seconded by Commissioner Coombs and passed unanimously 5-0.

Vice Mayor Finch tendered his resignation from the Planning and Zoning Board.

Consider appointments to the various boards of the City. Mayor Garrett recommended that Scott Trew be reappointed to the Planning Board. Margaret Wall's term expires on December 31, 2006, and she has moved outside the City. Mayor Garrett recommended that William P. Carter be appointed to fill that vacancy, and also that the vacancy created by Vice Mayor Finch's resignation be filled by Harold

Bubba Willis. Mayor Garrett recommended Commissioner Coombs to serve as the mayor's designee on the Planning Board. He further recommended that Glen Garrett be reappointed to the Board of Zoning Appeals & Sign Appeals, Jack Hunnicutt be reappointed to the Beer Board, Gary Manning and Johnny Childers be reappointed to the Goodlettsville Hearing Authority, and Jack Polk and Joe Birdwell be reappointed to the Construction Board of Adjustment & Appeals. A motion was made by Commissioner Cordell to approve these appointments as recommended by the Mayor. The motion was seconded by Vice Mayor Finch and passed unanimously 5-0. Mayor Garrett asked City Manager Thomas to write a letter to the citizens who have expressed an interest in serving on these boards.

Consider Resolution No. 06-327, a resolution to adopt certain special event policies, procedures and fees for the Parks and Recreation Department. Parks Director Ellis explained that the City has not had a formidable plan to address fees for special events and procedures. This recommendation will allow for a program called Partnership through Sponsorship whereby the City can partner with certain special events. The City will receive benefits through public relations and will also give the partner a 75% discount on fees for non-profit organizations within the corporate city limits. It also creates a commercial vendor event permit at $20 for three days. Civic groups that are non profit will be exempt from this permit. City Manager Thomas added that this policy assigns the responsibility of coordinating special events on any city property to the Parks & Recreation Director and further that he develops the policies and procedures to address those special situations. A motion was made by Commissioner Cordell to approve Resolution No. 06-327. The motion was seconded by Commissioner Manning and passed unanimously 5-0. Commissioner Manning acknowledged the exhaustive efforts that have gone into compiling this policy and thanked Tim and his staff. Commissioner Cordell also thanked him for an excellent job.

Consider Resolution No. 06-328, a resolution to enter into an agreement with Active Network, Inc. for software utilization. Parks Director Ellis stated one of the issues his department faces is adequate records for tracking accessibility and convenience for people to register for programs and facility reservations. This network hosts the software program which enables program registrations, facility reservations and league registrations. Citizens can use this program and register for activities and facilities from their homes. The recreation program offerings will increase about 320% in January. This software will allow the department better tracking and convenience to the citizens. Any major event would have to go through the special event application process. A motion was made by Vice Mayor Finch to approve Resolution No. 06-328. The motion was seconded by Commissioner Coombs. Vice Mayor Finch inquired to the City Attorney if the city would have sovereign immunity on the clause that states any arbitration would be held in San Diego and that the laws of California would prevail. City Attorney Haynes states that the clause was discussed and it is his opinion that probably they would be inflexible on the issue. He approved the contract with that observation. The motion passed unanimously 5-0.

Consider performing a real property appraisal of the City's Pleasant Green Park property. Mayor Garrett stated Pam Garrett, who was Chairperson of the Metro School Board, has recently approached some of the Commissioners individually about a possible land swap of the Pleasant Green property for the Goodlettsville Middle School property. The School Board wants to build a new middle school. They have looked at the pool property and they believe it would make a good site for a new school. They have received an appraisal of the school property at $2,100,000. He does not know if this Commission would have an interest in having further discussion on this issue, but to keep the discussion alive, he recommends that the City have the Pleasant Green Pool property appraised. Commissioner Cordell stated he wants it made clear that he does not mind having an appraisal, but he is not voting on a land swap. Commissioner Coombs also said he does not oppose having an appraisal, but he would have to have someone bring a very valid reason for such a swap. One of the things that concerns him is that this park serves the Davidson County portion of the city and that there are other sites the School Board could consider for a school Mayor Garrett stated the idea behind this is to possibly tear down the middle school and build a new civic center which would be a tremendous to Main Street and a driving force to have other developments on Main Street. Vice Mayor Finch added that there may be a potential for a new library included on the property. Commissioner Cordell made a motion to have an appraisal made on the City's Pleasant Green Park property. The motion was seconded by Vice Mayor Finch and passed unanimously 5-0.

Consider Resolution No. 06-329, a resolution supporting the City's cooperative participation with other municipal and private utilities to determine the feasibility of constructing a wastewater treatment facility for use by the cooperating utilities. City Manager Thomas stated there have been informal discussions with other nearby public and private utilities concerning the feasibility of us forming some kind of authority to get into the wastewater treatment business in reaction to the difficulties that all the parties' have faced in dealing with Metro. It is the collective feeling of the group to do a feasibility study to help determine if this should and can be done. This resolution states that we would cooperate with the other parties. This particular resolution does not address specific financial considerations. A resolution to follow will consider participating in the total amount of the proposal received to conduct feasibility and get us to the point of permit application which is about $137,000. City Engineer Tompkins added that this particular resolution provides that the parties will participate financially on an amount that's agreed to by all parties. Commissioner Manning inquired if the funding and engineering that have already been done can be used and applied to the City's contribution. City Engineer Tompkins noted that the City has expended funds. BWSC is using the information already determined and is expanding on that base. Mayor Garrett stated rather than looking for reimbursement from this group for what we have already funded, where we have been caring the burden alone in the past we will now be sharing the burden. City Manager Thomas agreed that we can't look back for compensation, but going forward we would be sharing the expenses rather than carrying that burden alone. Vice Mayor Finch inquired if this group changes the target sites. City Manager Thomas stated BWSC has shown the group the sites that have been considered. Mayor Garrett added that if this group comes together and this project becomes a reality, the plant would have to be much larger and the cost figures that we have looked at previously would no longer apply. The largest user would be the Hendersonville Utility District. There is one site that is adequate for this group and even more users. There has been no design work on an actual sewer plant. City Engineer Tompkins stated the sites that have been evaluated will be the same sites this group will continue to evaluate. Vice Mayor Finch noted the next item has specific items that should have already been done and paid for by the City, and inquired if there is any consideration being given for some credit for the value and usefulness of that information. City Engineer Tompkins replied that the information has been done for the City but not for the other entities. The work that has been done to date is being expanded for the whole group. Mayor Garrett acknowledged that the concept of a credit is correct, however, we will be paying 31% for work that will be done for some of the other participants, but in his mind, that is a small cost to pay if all the entities participate in paying for a joint venture to treat sewerage. It is a real advantage to our City to have them with us. A motion was made by Commissioner Manning to approve Resolution No. 06-329. The motion was seconded by Vice Mayor Finch and passed unanimously 5-0.

Consider Resolution No. 06-330, a resolution to enter into an agreement with Barge, Waggoner, Sumner and Cannon, Inc. for engineering services required to conduct a wastewater treatment plant feasibility study for the City and its cooperating municipal and private utilities. Commissioner Manning asked for clarification of approving this and then any of the other entities not likewise approving the agreement. Mayor Garrett clarified that if the resolution is not acceptable to all the parties, then the City is exactly where we are before the previous resolution was passed and we are operating on our own. Commissioner Manning made a motion to approve Resolution No. 06-330. The motion was seconded by Commissioner Cordell. Vice Mayor Finch stated there may be some personal conflict of interest because his company does business with this engineering firm. He agreed to abstain from voting on this resolution. Roll call votes were: Commissioner Cordell aye, Vice Mayor Finch abstained, Mayor Garrett aye, Commissioner Manning aye and Commissioner Coombs aye. Resolution No. 06-330 passed with 4 ayes and 1 abstention.

Consider Resolution No. 06-331, a resolution to enter into an agreement with the Tennessee Emergency Management Agency for provision of public assistance pursuant to Presidential Disaster Declaration No. FEMA-1634-DR-TN. City Manager Thomas reported this contract is for partial reimbursement from FEMA through the state for emergency response to the tornado in April. This covers expenses through June 30, 2006 in the amount of $326,451, which represents 87-1/2% of the total expenses to that date. We will continue to file claims for other expenses that are reimbursable. A motion was made by Vice Mayor Finch to approve Resolution No. 06-331. The motion was seconded by Commissioner Cordell. City Attorney Haynes noted the agreement has a place for the Finance Director to sign. He recommended that the Mayor should sign the contract and also on page 8 on the notice provision. Vice Mayor Finch modified his motion and Commissioner Cordell modified his second to be subject to these recommended changes. Resolution 06-631 passed unanimously 5-0.

Consider status of the regular scheduled December 28, 2006 meeting of the Board of Commissioners. After consideration that there is no pressing business for that meeting date, a motion was made by Commissioner Cordell to cancel the regular scheduled meeting on December 28, 2006. The motion was seconded by Commissioner Manning. The motion passed unanimously 5-0.

Mayor Garrett thanked the Commission for changing the December 14 meeting date to accommodate his schedule.

The meeting was adjourned at 7:35 p.m.

Claudia Davis

Claudia Davis, City Recorder

Jerry Garrett

Jerry Garrett, Mayor