

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

73

Date: March 23, 2006

Time: 6:30 PM

Place: City Hall

Present: Bobby Jones, Jerry Garrett, Jeff Cordell, Gary Manning, John Finch

Also Present: Jim Thomas, Joe Haynes, Claudia Davis, Julie High, Tim Ellis, Bennie Lane, Rick Gregory, Phillip Gibson, Jack Tompkins, Tommy DeLoach, Charlie Morrow, Phillip Uldrich, Terry Hutcherson, John and Grayson Cannon, Patricia and Bob Moore, Jane Birdwell, Maxine Rotkiewicz, Susan Rotkiewicz, Charlie Lowe, Jean and Dick Renfro, David and Vicki Wilson, Kenna Balch and Mark Knoblauch.

The meeting was called to order by Mayor Jones. Prayer was offered by Vice Mayor Jerry Garrett.

A motion was made by Commissioner Manning to approve minutes of the March 9, 2006 regular city commission meeting as written. The motion was seconded by Commissioner Cordell and passed unanimously 5-0.

Parks Director Tim Ellis introduced Patricia and Bob Moore and presented a plaque to them from the City in gratitude for their dedicated vision and donation to fully fund the construction of the new dog park, Fenway's Park at Moss-Wright.

City Manager Jim Thomas reported a draft bill has been proposed for an adequate facilities tax. However, he has received word from a legislative review entity that this bill will be contrary to existing state law which states that a municipality cannot impose any kind of tax on a privilege if the county in which that municipality is located is already imposing the tax on that privilege. City Attorney Joe Haynes added that we cannot proceed with a private act and he feels it is futile to proceed with the bill. Vice Mayor Garrett questioned if it would be possible to go to the legislature with an adequate facilities tax for Davidson County only, excluding Sumner County. City Attorney Haynes stated that would be possible but he questioned if that would be productive. Vice Mayor Garrett recommended that the Commission hold a public work session to look at this issue and the City's building fees. All Commissioners agreed and instructed City Manager Thomas to schedule that session.

Parks Director Ellis reported he just learned two days before that the church softball league is considering playing at other facilities in Metro because of the City's fees. He asked the Commission for some latitude to negotiate the fee schedule if needed to keep the leagues playing at Moss-Wright Park. Commissioner Cordell recommended that he do what he needs to do to keep the area churches playing in our parks. Ellis assured the Commission that he felt the differences were minimal and he will report back to the Commission if he in fact makes any concessions.

Commissioner Cordell stated Tommy Adams has asked that his father be recognized as a founder of the Goodlettsville baseball programs, perhaps with the World Series events. Vice Mayor Garrett suggested Cordell speak to John Wright about the history of the program.

Commissioner Finch stated he initiated discussion at a prior meeting regarding the city election. Mayor Jones and Commissioner Cordell were absent at that meeting and it was requested that the discussion be deferred until a meeting where all the Commissioners were present. He stated traditionally, the city elections have been a special date apart from any federal, state or county elections. He stated he has heard the issue that we have done it separately to preserve separate identity for the City. He stated he does not see the value of the election affecting the identity of the City. He does feel it affects the amount of voter turnout. He has talked to a number of his constituents. He recommended that a date be determined for the election and that that date be when a county or other election is held. After the discussion a few weeks ago, he conducted his own straw poll to get some citizen feedback. He prepared some survey cards to unofficially vote whether they wanted a special election or to hold the city election on the same date as the county or state election. He had thirty-six cards that were completed and signed and returned to him that

were unanimous in their selection of holding the city election with the county or state elections and zero who wanted a special election. Mayor Jones stated the Commission could discuss the matter but they could not vote without unanimous consent to vote on the issue. Vice Mayor Garrett asked City Manager Thomas what the requirements are from the election commission. City Manager Thomas stated the notice is affected by the qualifying time. Candidates for an election have to qualify for an election by Noon on the third Thursday of the third calendar month prior to the date of the election. Whenever the election date is set, you have to take into account that approximate ninety day qualifying time issue. Vice Mayor Garrett suggested that this matter be added to the work session and that the City Manager supply all the rules and requirements. Mayor Jones stated that would be agreeable with him. The City Manager added that the election has to be before or after 90 days from the original election date of August 19. Mayor Jones stated the article in the paper stated it costs between \$15,000 and \$20,000 which is incorrect. The cost of the election is \$7,775. He asked Commissioner Finch if he quoted the correct cost when they voted. Commissioner Finch stated he did and actually underestimated the cost at \$7,500. Commissioner Cordell stated he did not mind going ahead and voting on the issue. He felt it is pretty clear what the Commission needs to do. The date needs to be set as soon as possible. If the issue was solely cost, then he would favor moving the date to the general election date. However, he feels when his, Finch and Manning's seats are up it would be with the Presidential election with a huge turn out. Mayor Jones added that the ballots will be so large that the City's ballot will be at the end in a small block. The lines will be long and the senior citizens will not even get out of their cars to vote. Commissioner Manning stated a contradiction to that is that early voting will be available which the City cannot afford to have in a special election at \$25,000 according to Ray Barrett at the Election Commission. If you eliminate early voting, you significantly reduce the availability to senior citizens and college students and others who wish to avoid long lines. Vice Mayor Garrett noted that absentee ballots are available. Commissioner Manning agreed but noted that voters have to travel to downtown Nashville to get them. Commissioner Finch stated he feels the early voting is a very important feature. We tried it for the first time in the City and there was low voter participation because it wasn't widely known that it would be available. He agreed with Commissioner Cordell that they should set the date now. Mayor Jones stated that we advertise just like the law tells us to advertise. Commissioner Finch stated he differed in his opinion in that he thinks the City should go beyond the minimum requirements of the law. He feels we are doing a disservice to the citizens by not allowing early voting. City Manager Thomas clarified that the \$25,000 is what the Davidson County Election Coordinator told him that it cost for each early voting site for the sales tax referendum last year. Vice Mayor Garrett stated he would like the City Manager to find out how many availed themselves to early voting the last time it was available. Mayor Jones stated it was very few. City Manager Thomas stated everyone should understand that we have had one experience with early voting here in Goodlettsville which was on the sales tax referendum which was a historically low voter turnout across the board and it only affected the Davidson County side. Vice Mayor Garrett asked the City Manager to also see if Mr. Barrett could give him a factual determination of what he would charge the City for early voting. Commissioner Finch asked that this issue be placed on the agenda for the next Commission meeting.

Consider Ordinance No. 06-671 on second reading, an ordinance to amend Title 14, the official zoning map of the Goodlettsville Municipal Code Ordinance No. 89-413, as amended by changing the zoning classification of property known as 727 S. Dickerson Road, Davidson County Tax Map 25-12, Parcel 14, from Agricultural District (A) to R-25 Low Density Residential District (R-25). Planning Director Rick Gregory described the location of this 5.3 acres and stated the Planning Board recommends this rezoning. Mayor Jones declared the public hearing open. No one spoke for or against this ordinance. Mayor Jones declared the public hearing closed. A motion was made by Commissioner Cordell to approve Ordinance No. 06-671 on second reading. The motion was seconded by Commissioner Manning and passed unanimously 5-0.

Consider Ordinance No. 06-673 on second reading, an ordinance to set the standards of conduct for members of the Commission and boards and disclosure of interests concerning standards of ethical conduct

and behavior. City Attorney Joe Haynes recommended this ordinance be deferred for further review and revision. A motion was made by Vice Mayor Garrett to defer Ordinance No. 06-673. The motion was seconded by Commissioner Cordell and passed unanimously 5-0.

Consider Ordinance No. 06-674 on first reading, an ordinance to amend Ordinance No. 89-413 (as amended), the Zoning Ordinance of Goodlettsville, Tennessee, by changing, adding and deleting various provisions. Planning Director Gregory stated this ordinance is presented as a result of several meetings and lengthy discussions with lots of revisions and rewrites. He asked the Commission to allow him to possibly change the caption on the second reading from "an ordinance to amend" to "an ordinance to amend and replace". He will discuss this further with the City Attorney and determine all the implications before the second reading. A motion was made by Vice Mayor Garrett to approve Ordinance No. 06-674 on first reading. The motion was seconded by Commissioner Finch and passed unanimously 5-0.

City Engineer Jack Tompkins made a presentation concerning the sewer system development in the Willis Branch Road, Long Hollow Pike, and Allen Road areas.

Consider Ordinance No. 06-675 on first reading, an ordinance to annex certain property south of Allen Road and east of Long Hollow Pike into the City of Goodlettsville, Tennessee, Sumner County Tax Map 143, Parcel 37, containing approximately 100 acres as shown in the records of the Assessor of Property of Sumner County. Planning Director Gregory reviewed this item and stated it is presented to the Commission on the recommendation from the Planning Board. A motion was made by Commissioner Cordell to approve Ordinance No. 06-675 on first reading. The motion was seconded by Commissioner Manning. Vice Mayor Garrett stated that he voted against this issue at the Planning Board stage because he was not in favor of taking any additional land into the city limits until the outcome of the adequate facilities tax issue was determined. It is now apparent that the City cannot impose an adequate facilities tax so he will vote in favor of the annexation. Commissioner Manning suggested that hopefully they can get the fees set for permits, etc., so that when this comes up for second reading, those items will be finalized. Commissioner Finch expressed concern about taking in property that is going to increase the obligations of the City at a loss in the range of \$2,000 net loss per year per household which puts an additional unfair burden on the existing taxpayers. He stated he is pleased at the type of new residential development being brought into the City; however we are not doing a good job bringing in new retail development. He recommended that the Commission look very hard at a stronger fee schedule. The motion passed unanimously 5-0.

Consider Ordinance No. 06-676 on first reading, an ordinance to amend Title 14, the official zoning map, of the Goodlettsville Municipal Code Ordinance No. 89-413, as amended by zoning a certain area of land recently annexed into the City by Ordinance No. 06-675 to low density residential planned unit development (LDRPUD). Planning Director Rick Gregory stated this is the property just considered for annexation and also comes to the Commission at the recommendation of the Planning Board. A motion was made by Vice Mayor Garrett to approve Ordinance No. 06-676 on first reading. The motion was seconded by Commissioner Finch. The motion was approved unanimously 5-0.

Consider the request of the Purchasing Director for authorization to conduct a public auction to liquidate unusable equipment and vehicles and impounded items. Purchasing Director Tommy DeLoach stated it has been about two years since the City held an auction and we need to free up storage space. A motion was made by Commissioner Finch to authorize an auction. The motion was seconded by Vice Mayor Garrett and passed unanimously 5-0.

Consider expenditure from the capital projects account enabling placement of the City's radio communications antenna on a newly constructed Sumner County owned tower. Phillip Uldrich explained this new tower will give an additional elevation of 250 feet over the present tower being used on Connor

Drive. The transmissions on the 800 MHz system are sometimes poor in some parts of the City. The additional elevation should correct those situations. We will not be responsible for any lease negotiations. The leases will be handled by the County. The cost is \$22,000 to move the equipment and the Finance Director indicates there are funds in capital projects accounts throughout the departments that could be used for this project. City Manager Thomas indicated the County is using Homeland Security grant funds to construct a network of towers throughout the county to better improve their communications. They are offering space on these towers to municipalities, enabling the County and the municipalities to communicate better. Commissioner Finch inquired if we have any chances of getting any Homeland Security money. City Manager Thomas stated there may be a possibility. Mayor Jones asked that the staff check on that availability. A motion was made by Vice Mayor Garrett to approve this expenditure. The motion was seconded by Commissioner Cordell and passed unanimously 5-0.

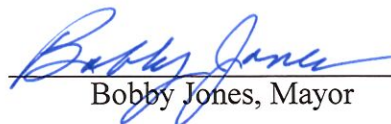
Kenna Balch, representing the American Cancer Society Relay for Life in Goodlettsville, thanked the City for their support in this endeavor. The relay will be at Moss-Wright Park again this year on May 19 and 20. She commended the dedicated excellent park employees. She asked that the Mayor issue a proclamation declaring the week leading up to this event as Relay for Life Week in Goodlettsville. She stated they would also like for him to give the opening remarks on May 19th. Last year this project raised \$50,000. This year's aggressive goal is for \$60,000, utilizing several innovative fundraisers. They want to "Paint Goodlettsville Purple" with a program to sell large purple bows for donations, to be displayed from May 1st to the event date. Their goal is to sell 5,000 purple bows.

John Cannon emphasized earlier comments from Commissioner Finch about the election issue, which Cannon felt was not fleshed out very well. He stated Commissioner Finch has thirty six of his survey cards indicating 100% in favor of joining the City election on a date that would save the City money. Because of his own letter to the editor, Cannon stated he has had quite a few responses, all 100% in favor of not having a special election and joining the City election with a general election to save the City money, allow early voting and to get a bigger turnout. He re-emphasized that the responses were 100% opposed to a special election. Cannon stated the only people he has heard who are opposed to combining the election are Mayor Jones, Vice Mayor Garrett and as of this date, Commissioner Cordell. He asked them all to consider that point when they have a workshop or vote on this issue, that they are elected to represent the citizens of this city and so far 100% of the citizens say to save us some money and hold the city election with a regular election date. Cannon stated the second point he would like to make is regarding the Commission's move to hold a workshop. He added that for years this Commission has had a reputation to hold a meeting before the meeting in which decisions are made. He challenged the Commissioners to be very transparent at the next Commission meeting to state fully on the record what their positions are on the election date and that there not be any back room goings on. Vice Mayor Garrett asked Cannon to attend their work session. Cannon stated if he would let him know when the session is to be held that he would be there. Mayor Jones stated it was posted and it was not secret. Vice Mayor Garrett stated it will be posted at City Hall. Mayor Jones informed Cannon that his letter was misleading in stating the cost for a city election is \$20,000, which is not true. Cannon replied that his source was the figure quoted in a prior Commission meeting as the cost and the Mayor was absent at that meeting. Mayor Jones instructed Cannon to come out to City Hall to check on the scheduled work session, stating that is where the notice will be posted. Commissioner Cordell stated he would like the study sessions be held in Massie Chambers with the microphones on and the session tape recorded.

Commissioner Cordell made a motion to adjourn. Mayor Jones declared the meeting adjourned at 7:45 p.m.



Claudia Davis, City Recorder



Bobby Jones, Mayor