REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: December 22, 2005 Time: 6:30 PM Place: City Hall
Present: Jerry Garrett, Gary Manning, Jeff Cordell, John Finch Absent: Bobby Jones
Also Present: Jim Thomas, Joe Haynes, Claudia Davis, Julie High, Tim Ellis, Rick Gregory, Bill Brasier, Bennie Lane, Rev. Harry Yates, John and Grayson Cannon, Richard Pope, Jan Lanius, Dean Birdwell, Steven Holland, Carl Minchey, 2005 Dixie Youth Baseball "AA" and Junior teams, coaches, parents and friends.

The meeting was called to order by Vice Mayor Garrett. Prayer was offered by Rev. Harry Yates.

A motion was made by Commissioner Cordell to approve the minutes of the December 8, 2005 regular city commission meeting as written. The motion was seconded by Commissioner Manning and passed unanimously 4-0. A motion was made by Commissioner Manning to approve the minutes of the December 12, 2005 special called city commission meeting as written. The motion was seconded by Commissioner Finch and passed unanimously 4-0.

Presentations were made by Vice Mayor Garrett and Parks Director Ellis to the 2005 Dixie Youth Baseball AA (7 & 8 year olds) State Champions and the 2005 Dixie Boys Baseball Junior (13 year olds) State Champions.

Regarding comments made between Commissioner Cordell and Commissioner Finch at the December 8th Commission meeting, Commissioner Finch asked to make some additional comments. Cordell had asked him some questions about his vote at the Planning Board meeting on the rezoning of Alan Banks property. Commissioner Finch stated he was confident that what he said was accurate, but he did go back and listen to the tapes and look at the emails Commissioner Cordell had referenced, and he also met with Vicky Ignatz, the Recording Secretary of the Planning Board, to make sure he wasn't missing anything. He stated that he stands by his answer to Commissioner Cordell and to the public that he did not vote for the rezoning of the Banks property and there is nothing in the record that indicates anything differently. There was one error in his statements at the December 8th meeting, and he asked to publicly acknowledge and apologize for that error. He had stated that he did not believe the Chairman called for any no votes and in fact the tapes show that he did call for a no vote. The tapes show there were many votes for approval, there were no votes against approval, and the Chairman did not call for any abstention nor did he voice an abstention. What he did was not vote at all. The email that Commissioner Cordell referenced that was eighteen days after the meeting did occur eighteen days after the meeting because that is when the Recording Secretary issued the draft minutes. Within thirty minutes after she sent the draft minutes out and he read them and noticed that she had recorded the votes as unanimous, Commission Finch replied to her and asked her to correct the record to reflect that he did not vote for it and therefore it was not unanimous. He indicated that Commissioner Cordell had perceived that he had changed his vote by virtue of that email. The email to Vicky states, "Vicky, please revise the minutes to reflect on Item 5, the Alan Banks rezoning matter, I abstained." Vicky replied, "Will do, I apologize for the error." Commissioner Finch responded to her, "No problem. I didn't say it out loud, I just didn't vote." He stated that is exactly what he had indicated in the two prior meetings. Commissioner Finch added that Commissioner Cordell has interpreted his failure to vote as if that was an affirmative vote or a unanimous vote by the board. His understanding of unanimous is that all are in favor of it and all indicate that. When he said it was not unanimous, it was in that context. He added that he asked Vicky if she thought he was changing his vote and she replied no, and indicated that it is not uncommon for her to look up in between taking notes at the Planning Board and see people not voting at all. Commissioner Finch remarked that his action in not voting was not out of the ordinary in Vicky's mind. In hindsight, he stated that he wished he had voted no, and that certainly would have eliminated the doubt that Commissioner Cordell has in his mind. He was and remains against that rezoning for the purposes previously outlined and he considers it spot zoning. He stated that he stands behind his statements that the vote was not unanimous and he did not vote for it. There is no record to the contrary in his statements with the exception of the incorrect statement that the Chairman did not ask for a no vote, and he again apologized for that error. He suggested that to prevent this in the future, for all important votes to be done by a roll call vote on the Planning Board. Vice Mayor Garrett inquired to the City Attorney whether you lose your vote if you do not vote. City Attorney Haynes indicated it could be interpreted that he abstained and did so silently. It is hard to abstain however when you do not properly notify the person who is recording the votes unless you tell that person that you have abstained at the time. To remain silent is not to vote at all. In effect he did lose his vote because he didn't vote. It's not a no vote because he didn't say no and he was given the opportunity to say no. Vice Mayor Garrett suggested for both the Planning Commission and the City Commission, that any agenda items not be changed in the interim, but only when a formal meeting takes place and a call is made to correct any additions or changes to the minutes. He again inquired to the City Manager to confirm that changing the minutes in the interim is not following proper procedure. City Attorney Haynes agreed that it should be spelled out so that the recording secretary can properly record the votes. To do so later is certainly a question mark.

Commissioner Cordell thanked City Manager Thomas for the excellent job he did on Saturday morning, December 17th, at the Megan McCrary Memorial dedication. He did an outstanding job in a very tough situation. Commissioner Garrett also commended Sissy Thomas and Lori Cordell for the excellent job they did chairing that project.

Vice Mayor Garrett asked City Manager Thomas to schedule a work session shortly after the first of the year to follow up on the presentation from MTAS about possible additional revenue sources. Some of those choices may require legislative action which makes the issues time sensitive. City Manager Thomas indicated he will poll the Commission next week for a possible date. Vice Mayor Garrett suggested a work session could be combined to also discuss the Metro sewer treatment contract.

Consider Resolution No. 05-301, a resolution to adopt a procedure of public notification of proposed municipal zoning ordinance amendment public hearings. City Manager Thomas indicated this is a housekeeping order of business based on the discussion at the December 8th meeting, confirming the suggestions and amendments agreed on at that meeting into resolution form. A motion was made to approve Resolution 05-301 by Commissioner Cordell. The motion was seconded by Commissioner Manning and passed unanimously 4-0.

Consider Ordinance No. 05-667 public hearing and second reading, an ordinance to rezone properties known as 110, 112, 116, 118, 120 and 122 East Cedar Street as shown on Davidson County Tax Map 26-1, Parcels 80, 81, 82, 83, 84 and 85, from R10 Medium Density Residential to Restricted Office Planned Unit Development (ROPUD). Vice Mayor Garrett declared the public hearing open. Carl Minchey, 608 Emily Drive, stated he owns property on Connell Street and received notification of the pubic hearing. He stated he very much appreciated being notified about the rezoning in his area. John Cannon, 118 Paige Park Lane, stated he understands that after it was discovered that there is a zoning overlay problem, that the existing structures on these properties cannot be utilized as office space under the zoning overlay, that this item should be deferred and presented back to the Planning Board to reconsider. Planning Director Rick Gregory stated the ROPUD zoning does not allow for the use of current structures to be used for commercial purposes. The intent of the owners in this request and also the Alan Banks property on Long Hollow Pike has been to use the existing structures. He apologized for this oversight and recommended the issue be reconsidered by the Planning Board to rezone the properties to OP, Office Professional zoning. Commissioner Manning inquired if Mr. Banks could be issued a temporary use and occupancy permit or would he not be able to use his property at this time. Gregory responded that at the time he would ask for a permit, he would certainly recommend that he be given some consideration. Commissioner Manning asked that someone on staff contact Mr. Banks to clarify, according to Codes Director Bennie Lane, that he should request a building permit and a use and occupancy permit and confirm his understanding that his property will have to go through the rezone process again. A motion was made by Commissioner Manning to refer this item back to the Planning Board. The motion was seconded by Commissioner Cordell. The motion passed unanimously 4-0.

Consider Ordinance No. 05-668, an ordinance to amend the Goodlettsville Municipal Building Code by replacing reference to codes of the Southern Building Code Congress International with similar and additional codes of the International Codes Council. Codes Director Bennie Lane reported the three major codes organizations combined to become the International Code Council as a single organization. We are operating under the 1997 Standard Building Code which does not meet current state requirements. A motion was made to approve Ordinance No. 05-668 on first reading by Commissioner Finch. The motion was seconded by Commissioner Cordell and passed unanimously 4-0.

Consider Ordinance No. 05-669, an ordinance to amend the City's FY2006 Budget to recognize receipt of a cash donation by the City to be used for the consideration of a dog part in Moss-Wright Park. City Manager Jim Thomas stated with the receipt of a donation from a citizen for the construction of a dog park in Moss-Wright Park and the concurrence of the Commission to accept that gift, this amendment is required to the budget ordinance to increase the contributions account by $7,500 and also the capital improvements account by $7,500. This action will allow the City to accept the gift, book it property and expend the proceeds for the construction of the park. A motion was made by Commissioner Manning to approve Ordinance No. 05-669 on first reading. The motion was seconded by Commissioner Finch and passed unanimously 4-0.

Consider Resolution No. 05-302, a resolution to amend the City personnel policy regarding retiree medical insurance benefits. City Manager Jim Thomas stated this amendment of the personnel policy reflects changes to that policy concerning current retirement medical insurance benefits for current retirees. Effective February 1st for current retirees of Medicare eligibility age, the City will cooperate with the retiree in payment of the premium for Blue Cross 65 supplemental Medicare coverage Plan I or J with the current prescription drug portion of that plan carved out. The retirees are then free to choose the newly created Medicare Part D as their prescription drug coverage. The last part of the amendment changes the schedule that reflects the number of years of service of retirees and what proportion of the annual premium that they would participate in paying with the City. That has changed to state that any employee retiring with twenty or more years of service, that the City will now pay 100% of their premium.

Commissioner Manning inquired if this is going to be for both retirees with more than 20 years service that are either eligible for the Medicare coverage or the current active employee coverage as well? Vice Mayor Garrett responded that with the current retirees with 20 or more years of service that are not Medicare eligible, their prescription drug benefit will remain with the group. Commissioner Manning replied we are amending it so that we do pay 100% of their premium. Vice Mayor Garrett stated that is not as he interpreted. He interpreted it to mean those people who are Medicare eligible who have had the prescription drug benefit carved out of Plan J. Commissioner Manning agreed that that is his understanding as well, however, reading the language in the Resolution does not agree.

Vice Mayor Garrett suggested that perhaps the Resolution should be amended before passing. Commissioner Cordell stated he understands the observation presented by Commissioner Manning. Vice Mayor stated the Chair will consider a motion to amend the Resolution to clarify the language that paying 100% of the medical premium is only for those people who are Medicare eligible. City Manager Thomas stated he interpreted the directive given by the Commission differently and worded the Resolution to include all retirees with twenty or more years of service that the City would pay 100% of the premium. Some of those retirees are Medicare eligible and some are not. Those that are not remain on the active employee group plan, and regrettably at the meeting held with the retirees on December 20th, that was what was indicated to the retirees. The wishes and the actions of this Board can certainly be retracted to those retirees. Commissioner Cordell confirmed to Vice Mayor Garrett that the commission did say twenty years. Vice Mayor Garrett stated that the whole time the issue was being discussed, in his mind he was only thinking of the people who were Medicare eligible. He inquired how many current retirees are not eligible for Medicare. City Manager Thomas responded with a guess that there are no more than five. In the next five years, there will be a significant number of employees who will be eligible to retire. Commissioner Manning apologized to City Manager Thomas and agreed with Commissioner Cordell that the commission members did say twenty years. But in his mind, he was thinking about retirees eligible for Medicare benefits with twenty years of service. That is two completely different things. He was under that assumption and City Manager Thomas took it literally as the Commission stated it. Commissioner Garrett added that he had the same impression. Commissioner Finch stated he had the same impression also but agreed the wording did not reflect his new understanding of what they are saying. City Manager Thomas stated he would furnish an accurate accounting of what this means monetarily. 63

Vice Mayor Garrett suggested that the Commission go ahead and consider this resolution but that it be put back on the agenda for the first meeting in January to consider what the ramifications would be for future retirees so that we have a chance to study the issue. Commissioner Finch clarified that if this resolution is passed as written, we are locking in the city paying 100% after twenty years of service. Commissioner Garrett observed that the Commission could make the determination that any future retirees will not be treated in this matter and that will not be inconsistent with what is going to happen in light of the fact that H, I and J will no longer be available after December 31, 2005 for Medicare benefits. We will have a two tier program for future retirees once they reach the age of 65 because we can no longer furnish them with H, I or J and our current retirees have either I or J. Commissioner Finch made a motion to amend Resolution No. 05-302 to have it applicable as drafted for all current retirees but for all future retirees provided they are Medicare eligible. After further discussion, Commissioner Finch withdrew his motion. Commissioner Finch made a motion to adopt Resolution No. 05-302 as drafted, given the fact that their intention clearly was not to create an unequal benefit where those not yet eligible for Medicare have a richer plan than those who are Medicare eligible, and then give the City Manager the opportunity to meet with those retirees effected and explain the Commission's error in the way this was presented and see what their reaction is and look at whether it creates a large inequity. The motion was seconded by Commissioner Manning and passed unanimously 4-0.

Vice Mayor Garrett declared the meeting adjourned at 7:35 p.m.

Claudia Davis	Jerry Garrett
Claudia Davis, City Recorder	Jerry Garrett, Vice Mayor

REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: January 12, 2006 Time: 6:30 PM Place: City Hall
Present: Bobby Jones, Jerry Garrett, Gary Manning, Jeff Cordell Absent: John Finch
Also Present: Jim Thomas, Russell Freeman, Claudia Davis, Julie High, Tim Ellis, Rick Gregory, Bennie Lane, Jack Tompkins, Terry Hutcherson, Johnny Roberson, Susan and Maxine Rotkiewicz, Steve Parker

The meeting was called to order by Mayor Jones. Prayer was offered by Jeff Cordell.

A motion was made by Commissioner Manning to approve the minutes of the December 22, 2005 regular city commission meeting as written. The motion was seconded by Commissioner Cordell and passed unanimously 4-0.

City Manager Thomas reminded everyone that the City's offices will be closed on Monday, January 16, in observance of Martin Luther King, Jr. Day.