

**MINUTES  
BOARD OF MAYOR AND ALDERMEN  
REGULAR MEETING  
NOVEMBER 18, 2008**

**Board present**

Mayor Billy Paul Carneal  
Alderman James Hubbard  
Alderman Ken Cherry  
Alderman Jerome Ellis  
Alderman Clay Sneed  
Alderman Bruce Head  
Alderman Willie Mason

**Staff present**

City Manager Paul John Nutting  
Asst. City Manager Regina Holt  
City Recorder Bobby C. Lehman  
City Clerk Connie W. Watson  
City Attorney James Balthrop

- 1.1 Mayor Billy Paul Carneal called to order the regular meeting of the Board of Mayor and Aldermen at 7:30 p.m. The meeting opened with the pledge of allegiance to the American flag.
- 1.2 A public hearing was held in regards to:
  1. Ordinance 08-28, an ordinance amending Ordinance 08-05 and Title 9 of the Springfield Municipal Codes entitled "Business, Peddlers, Solicitors, Etc." by amending Chapter 4 entitled "Taxicabs" by rescinding Section 9-416 entitled "Qualifications and Application for Driver's Permit" and Section 9-419 entitled "Fees" in their entirety and substituting new Sections 9-416 and 9-419.
  2. Ordinance 08- 30, an ordinance amending Chapter 6 of the City of Springfield Zoning Ordinance entitled "Commercial District Regulations" by rescinding Section 11-608 entitled "Supplementary District Regulations Applying to All Commercial Districts" in its entirety and substituting a new Section 11-608.
- 1.3 Alderman Hubbard moved for the approval of the minutes for the regular meeting of the Board of Mayor and Aldermen held on October 21, 21008. The motion was seconded and passed unanimously by voice vote.
- 2.1 Alderman Hubbard moved for the approval of Ordinance 08-25 on 3<sup>rd</sup> and final reading, an ordinance amending certain City of Springfield department budgets for Fiscal Year 2007-2008. The motion was seconded and passed by 7-0 roll call vote.

- 2.2 Alderman Mason moved for the approval of Ordinance 08-26 on 3<sup>rd</sup> and final reading, an ordinance adopting the property tax freeze for low income property owners age 65 and older as authorized by state law. The motion was seconded and passed by 7-0 roll call vote.
- 2.3 Alderman Hubbard moved for the approval of Ordinance 08-27 on 3<sup>rd</sup> and final reading, an ordinance amending Title 10 of the Springfield Municipal Code entitled “Animal Control” by rescinding Chapter 2 entitled “Dogs and Cats” in its entirety and substituting a new Chapter 2. The motion was seconded and passed by 7-0 roll call vote.
- 2.4 Alderman Ellis moved for the approval of Ordinance 08-28 on 2<sup>nd</sup> reading, an ordinance amending Ordinance 08-25 and Title 9 of the Springfield Municipal Code entitled “Business, Peddlers, Solicitors, Etc.” by amending Chapter 4 entitled “Taxicabs” by rescinding Section 9-416 entitled “Qualifications and Application for Driver’s Permit” and Section 9-419 entitled “Fees” in their entirety and substituting new Sections 9-416 and 9-419. The motion was seconded and passed by 7-0 roll call vote.
- 2.5 Alderman Cherry moved to amend Ordinance 08-29 on 2<sup>nd</sup> reading to reflect the revised wholesale fuel cost adjustment of \$1.329 by the Tennessee Valley Authority. The motion was seconded and passed by 7-0 roll call vote.
- Alderman Ellis moved for the approval of the amended Ordinance 08-29 on 2<sup>nd</sup> reading, an ordinance to adjust the retail electric rates of the Springfield Electric Department due to a wholesale fuel cost adjustment by the Tennessee Valley Authority. The motion was seconded and passed by 7-0 roll call vote.
- 2.6 Alderman Hubbard moved for the approval of Ordinance 08-30 on 2<sup>nd</sup> reading, an ordinance amending Chapter 6 of the City of Springfield Zoning Ordinance entitled “Commercial District Regulations” by rescinding Section 11-608 entitled “Supplementary District Regulations Applying to All Commercial Districts” in its entirety and substituting a new Section 11-608. The motion was seconded and passed by 7-0 roll call vote.
- 2.7 Alderman Hubbard moved for the approval of Ordinance 08-31 on 1<sup>st</sup> reading, an ordinance amending the schedule of fees and charges for play at The Legacy Golf Course by rescinding Ordinance 06-31 in its entirety and substituting a new schedule of fees. The motion was seconded and passed by 7-0 roll call vote.
- 2.8 Alderman Mason moved for the approval of Resolution 08-46, a resolution declaring property as surplus and authorizing the disposal of such property. The motion was seconded and passed by 7-0 roll call vote.

- 2.9 Alderman Mason moved for the approval Resolution 08-47. This resolution authorizes the City Attorney to collect an irrevocable letter of credit in the amount of \$100,300 for The Legacy Subdivision, Section 5A for owners, Tony Dorris Builders and Developers if the bonded improvements are not completed within 24 hours of the expiration date of January 13, 2009. The motion was seconded and passed by 7-0 roll call vote.
- 2.10 Alderman Hubbard moved to approve Resolution 08-48. This resolution authorizes the City Attorney to collect a performance bond in the amount of \$129,700 for Saddle Brooke Subdivision Phase I, Section 3 for owners Tony Dorris Builders and Developers, if the bonded improvements are not completed within 24 hours of the expiration date of December 17, 2008. The motion was seconded and passed by 7-0 roll call vote.
- 3.1 The City Manager briefed the Board on the status of the old service station property Draughon Bros., L.P. is offering to sell to the City. He stated that the City has no use for the property other than to widen the intersection at that location. He also expressed concern about possible soil contamination and any possible future liability the City may have if it acquires the property without having certification that the property is not contaminated.

Alderman Hubbard moved to purchase the property offered for sale by Draughon Bros., L.P. located on the corner of Batts Boulevard and 18<sup>th</sup> Avenue for the amount of \$9,400.00. The motion was seconded.

After discussion Alderman Hubbard moved to defer taking any action on the offer until more information was available on the possible contamination of the property. The motion was seconded and passed by 6-1 roll call vote. Ayes: Carneal, Hubbard, Sneed, Head, Ellis, Mason. Nays: Cherry.

- 3.2 The City Manager and the City Attorney briefed the Board on a proposed contract with AT&T for the relocation of telephone lines on South Main Street for the construction of new sidewalk extending from Central Avenue to 21<sup>st</sup> Avenue.

Alderman Mason moved to sign the contract with AT&T in the amount of \$170,000.00 and to seek reimbursement from them after the construction of the sidewalk is complete. The motion was seconded.

Alderman Ellis moved to amend the motion by adding the stipulation that the telephone poles are to be moved within 90 days after the execution of the contract or AT&T will pay a penalty of \$500.00 per day until they are moved. The motion was seconded and passed by 7-0 roll call vote.

Alderman Cherry moved to further amend the contract by adding a provision that the City will seek reimbursement from AT&T through the court for the money spent by the City in the relocation of the telephone poles. Alderman Mason seconded the motion. Alderman Mason withdrew his motion. Alderman Ellis seconded the motion and it passed by 4-3 roll call vote. Ayes: Head, Sneed, Cherry, Ellis. Nays: Carneal, Mason, Hubbard.

Action on the original motion as amended passed by 7-0 roll call vote.

- 3.3 Alderman Mason moved to give City employees an additional day off on Friday, December 26, 2008. The motion was seconded and passed by 7-0 roll call vote.
- 3.4 The City Attorney gave a report on the higher education facility agreement. No action was taken.
- 3.5 Alderman Hubbard moved for the approval of funding the construction phase of the new North Main Street bridge. The motion was seconded and passed by 7-0 roll call vote. The project will be funded with state reimbursement of \$84,075 from the Gorham-Page drainage grant project and project savings from the 2006 TML Bond Fund Loan in the amount of \$32,925.
- 3.6 Alderman Hubbard moved to approve the appointment and reappointment of members to the following boards:

<u>Ward</u>	<u>Member</u>	<u>Dates Expires</u>
<b><u>Construction Board of Adjustments and Appeals</u></b>		
2	W.R. Weaver	12-31-2010
4	Pam Swearingen	12-31-2010
At-Lg	Charles Cantrell, Jr. Electrical	12-31-2008
<b><u>Board of Zoning Appeals</u></b>		
5&6	Joe Nicholson	12-31-2012
<b><u>Housing Authority Board</u></b>		
	Robert Farmer	12-2013

- 4.0 Alderman Ellis moved for approval of consent items 4.1 and 4.2. The motion was seconded and passed by 7-0 roll call vote.
  - 4.1 Springfield Electric Department request to award the bid for one (1) 45 ft. aerial device mounted on an existing 2002 International 4300 truck (with trade-in of current device) to **Altec Industries, Inc.** The amount of the unit price is **\$58,792.00**, less the trade-in of the current device at the value of **\$3,000.00** brings the final total to **\$55,792.00**.

4.2 Springfield Electric Department request to award the bid for electric poles to **Carolina Pole** for total cost of **\$13,782.00.**

5.0 City Manager/Staff Report

The City Manager presented for Board review a proposal from the Springfield Gas Department to offer for sale gas appliances and installation through the department.

He presented to the Board copies of a proposed Peddlers ordinance that will be presented at the December Board meeting.

I-Care will have a formal dedication of John L. Patterson Street on November 29, 2008.

He reminded the Board of the annual Christmas parade which will be held on November 22, 2008.

He informed them that he has authorized the purchase of another vehicle on the same State contract previously approved by the Board due to the fact that a police vehicle has recently been totaled in an accident.

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**Billy Paul Carneal, Mayor**

Attest:

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**Bobby C. Lehman, City Recorder**