

**MINUTES  
BOARD OF MAYOR AND ALDERMEN  
REGULAR MEETING  
JANUARY 20, 2009**

**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 Clerk Connie W. Watson  
City Attorney James Balthrop

**Staff absent**

Bobby C. Lehman, City Recorder

- 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 Public Hearings:
  1. Ordinance 08-32, to amend Title 9 of the Springfield Municipal Code entitled "Business, Peddlers, Solicitors, Etc." by rescinding Chapter 2 entitled "Peddlers, Etc." in its entirety and substituting a new Chapter 2.
  2. Ordinance 08-33, rescinding in its entirety Ordinance 06-01 which authorized the conditional annexation of property of Tall Oak Development, LLC located on Highway 161 and Boyd Holland Road.
  3. Ordinance 08-34, to amend Chapter 8 of the Springfield Zoning Ordinance entitled "Supplementary District Regulations" by amending Section 11-801 entitled Regulations Applicable to All Districts" by rescinding Subsection O entitled "Regulations Permits" in its entirety and substituting a new Subsection O.
  4. Ordinance 08-35, to amend Chapter 6 of the City of Springfield Zoning Ordinance entitled "Commercial District Regulations" by amending Section 11-604 entitled "MRO, Multiple Residential and Office Districts" by amending Subsection A entitled "Principal Permitted Uses and Structures" by rescinding all of the activities listed under the heading of "Community Facility Activities" and substituting a new list of activities.
  5. Ordinance 08-36, to rezone the property located at 409 North Locust Street RS10, Residential to CC, Core Commercial for owner Mike Laborg.

- 1.3 Alderman Hubbard moved for the approval of the minutes from the regular meeting of the Board of Mayor and Aldermen on December 16, 2008. The motion was seconded and passed by voice call vote.

Alderman Head moved to amend the agenda by moving item 3.7, pertaining to the proposed agreement for the higher education building, to the beginning of the legislative portion of the agenda. The motion was seconded and passed by 7-0 roll call vote.

- 3.7 Alderman Hubbard moved for the approval of the proposed agreements for the higher education facility. The motion was seconded.

The City Manager recommended an amendment to Section 2 of the proposed Property Donation Agreement. He recommended that Section 2 be changed to read as follows: "The property being donated shall be that as generally proposed on the plat prepared by Steven E. Artz and Associates, dated 4/30/2007 including all easements for access and utilities. The City, with the consent of the Property Owner, may as part of the plat review and approval process, make reasonable changes with regard to the location of easements and routing of utilities in order to more cost effectively construct and maintain utilities to the site."

Alderman Ellis moved to approve the amendment presented by the City Manager. The motion was seconded and passed by 7-0 roll call vote.

Alderman Ellis moved to amend paragraph 9 of the proposed Property Donation Agreement by changing all of the wording after the first sentence to read as follows: "The City-County agree that within nine (9) months following the day of delivery of a deed, funding will have been secured for the anticipated costs of the project, an architect will have been employed for the project, a site plan will have been approved, and grading of the site for construction will have been completed. The City-County further agree that within eighteen (18) months following the date of delivery of the deed the building will be under roof. If the City-County fail to complete the items specified herein with regard to the project due to their action or failure to act within said time, excepting events not within the control of the City-County such as acts of God and insolvency of the general contractor, said property may revert to the Property Owner or the designee."

The motion was seconded and passed by 7-0 roll call vote.

Alderman Ellis moved to propose an amendment to Section 4 of the proposed Agreement for Higher Education in Robertson County, Tennessee by changing the fourth through the ninth sentences to read as follows: "This new organization will be governed by a board of directors composed of seven (7) members. The City Mayor will name two (2) board members, subject to Board of Aldermen ratification. The County Mayor will name two (2) board members, subject to County Commission ratification. Batson will name one (1) board member. The Robertson County Chamber of Commerce Executive Committee will name one (1) member. The Robertson County Industrial Board will have one (1) member."

The motion was seconded and passed by 7-0 roll call vote.

Alderman Ellis moved to amend the proposed Property Donation Agreement by amending Section 10 by deleting the word "Christian" in both the first and second sentences.

The motion was seconded and passed by 7-0 roll call vote.

Alderman Sneed moved to propose another amendment to the proposed Agreement for Higher Education in Robertson County, Tennessee by amending the tenth, eleventh, and twelfth sentences to read as follows: "These members will be appointed to staggered terms with the four (4) City-County members to serve an initial term of two (2) years, the other three (3) Board members to serve a term of three (3) years and with Board members elected thereafter every two (2) years. Said members will serve without compensation. By-laws and other organizational documents will be drafted when the entity is established and will be approved by the City and County governing bodies."

The motion was seconded.

Alderman Ellis moved to defer action until the regular meeting in February. The motion died for lack of second.

Alderman Sneed's motion was brought back to the table and passed by 6-1 roll call vote. Ayes: Cherry, Carneal, Sneed, Head, Ellis, Mason. Nays: Hubbard.

Alderman Sneed moved to propose another amendment to the agreement by requesting the word "forthwith" be omitted from the first sentence of Section 9 of the Property Donation Agreement. The motion was seconded and passed by 4-3 roll call vote. Ayes: Ellis, Sneed, Cherry, Carneal. Nays: Hubbard, Mason, Head.

Alderman Cherry moved to delete Section 3 of the Interlocal Agreement in its entirety. Section 3 reads as follows: “The parties acknowledge that the property lies within the City of Springfield and that certain infrastructure cost and improvements will be necessary and that some of those costs

may be absorbed by the City. The parties agree that the actual out-of-pocket costs of expense incurred by either the City or the County in this project may be counted toward their respective contribution amount set forth above.”

The motion was seconded and passed by 4-3 roll call vote. Ayes: Carneal, Sneed, Cherry, Ellis. Nays: Head, Mason, Hubbard.

Alderman Sneed moved to amend Section 4 of the Property Donation Agreement by changing the last phrase in the last sentence to read as follows: “the Board is not acknowledging or in agreement with the appraised value of \$830,000.00 for the donated property.”

Bill Goodman, attorney for Billy Batson, advised the Board that his client did not agree with the amendment proposed by Alderman Sneed.

The motion was seconded and failed by 2-5 roll call vote. Ayes: Cherry, Sneed. Nays: Hubbard, Carneal, Head, Ellis, Mason.

The motion to close debate and pass the proposed agreements for the higher education facility as amended was made by Alderman Hubbard and seconded by Alderman Mason. The original motion as amended, passed by 5-2 roll call vote. Ayes: Mason, Ellis, Carneal, Hubbard, Head. Nays: Sneed, Cherry.

- 2.1 Alderman Cherry moved for the approval of Ordinance 08-31 on 3<sup>rd</sup> and final 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 6-1 roll call vote. Ayes: Cherry, Carneal, Hubbard, Head, Ellis, Mason. Nays: Sneed.
- 2.2 Alderman Hubbard moved for the approval of Ordinance 08-32 on 2<sup>nd</sup> reading, an ordinance amending Title 9 of the Springfield Municipal Code entitled “Business, Peddlers, Solicitors, Etc.” by rescinding Chapter 2 entitled “Peddlers, Etc.” in its entirety and substituting a new Chapter 2. The motion was seconded and passed by 7-0 roll call vote.

The proposed ordinance establishes new permit regulations for peddlers, solicitors, and transient vendors. The ordinance authorizes the City Clerk to issue peddlers and solicitors permits and the Community Development Department to issue transient vendor permits. The ordinance also establishes new permit fees of \$25.00, limits permit terms to 14 days, requires a TBI criminal background check and a \$1,000,00 surety bond, restricts individual permits to one a year, and allows

specific waivers for Robertson County farmers selling produce grown on their own land.

- 2.3 Alderman Hubbard moved for the approval of Ordinance 08-33 on 2<sup>nd</sup> reading, an ordinance rescinding in its entirety Ordinance 06-01 which authorized the conditional annexation of property of Tall Oak Development, LLC located on Highway 161, containing approximately 113.10 acres, and a portion of the right-of-way of Highway 161 and approximately 842 linear feet of Boyd Holland Road. The motion was seconded and passed by 6-1 roll call vote. Ayes: Ellis, Hubbard, Sneed, Cherry, Carneal, Mason. Nays: Head.

- 2.4 Alderman Hubbard moved for the approval of Ordinance 08-34 on 2<sup>nd</sup> reading, an ordinance amending Chapter 8 of the Springfield Zoning Ordinance entitled "Supplementary District Regulations" by amending Section 11-801 entitled "Regulations Applicable To All Districts" by rescinding Subsection O entitled "Temporary Use Permits" in its entirety and substituting a new Subsection O. The motion was seconded.

The City Manager proposed an amendment to Exhibit A of Ordinance 08-34, by adding the following phrase at the end of both Subsections O (1) and O (2):  
... "but shall be required to obtain a permit at no cost from the Community Development Department within no less than five (5) working days prior to the event in order to accommodate any necessary inspections for code compliance."

Alderman Cherry moved to amend Exhibit A of Ordinance 08-34 to include the changes recommended by the City Manager. The motion was seconded and passed by 7-0 roll call vote.

The original motion for the approval of Ordinance 08-34 was brought back to the table and passed by 7-0 roll call vote.

- 2.5 Alderman Hubbard moved for the approval of Ordinance 08-35 on 2<sup>nd</sup> reading, an ordinance amending Chapter 6 of the City of Springfield Zoning Ordinance entitled "Commercial District Regulations" by amending Section 11-604 entitled "MRO, Multiple Residential and Office Districts" by amending Subsection A entitled "Principal Permitted Uses and Structures" by rescinding all of the activities listed under the heading of "Community Facility Activities" and substituting a new list of activities.

The motion was seconded and passed by 7-0 roll call vote.

The proposed ordinance authorizes the location of community colleges and universities within Multiple Residential and Office Districts if endorsed by the Board of Mayor and Aldermen.

- 2.6 Alderman Cherry moved for the approval of Ordinance 08-36 on 2<sup>nd</sup> reading, an ordinance rezoning the property located at 409 North Locust Street from RS10, Residential to CC, Core Commercial for owner Mike Laborg. The motion was seconded and passed by 7-0 roll call vote.
- 2.7 Alderman Hubbard moved for the approval of Resolution 09-01, a resolution authorizing the issuance, sale, and payment of interest-bearing capital outlay notes not to exceed \$98,000. The motion was seconded and passed by 7-0 roll call vote.

The note is to purchase pipe and materials for water line extensions.

- 2.8 Alderman Mason moved for the approval of Resolution 09-02, a resolution authorizing the issuance, sale, and payment of interest-bearing capital outlay notes not to exceed \$200,000. The motion was seconded and passed by 7-0 roll call vote.

The note is to fund the construction and furnishing of the new engineering building.

- 3.1 Alderman Hubbard moved to approve increasing the easement purchase price of two properties for the Highway 41 South sewer extension project as follows: 1. Ross and Donna Swann, property located at 3356 Highway 41S (Easement No. 17) an increase of \$1,600 for a final offer of \$8,100. 2. Ms. Annie B. Bedwell, property located at 5646 Stacey Springs Road (Easement No. 30 ) an increase of \$1,000 for a final offer of \$5,300. The motion was seconded and passed by 5-1-1 roll call vote. Ayes: Cherry, Head, Mason, Cherry, Hubbard. Nays: Sneed. Abstain: Ellis.
- 3.2 Alderman Hubbard moved to waive sewer connection fees for the property owned by Robertson County on Highway 41S. The motion was seconded and passed by 5-1-1 roll call vote. Ayes: Hubbard, Carneal, Sneed, Head, Mason. Nays: Cherry. Abstain: Ellis.
- 3.3 Alderman Hubbard moved to approve a request from the Joint Airport Board for a matching contribution of \$90,000 from the City, so they may submit an application for a federal grant in the amount of \$2,800,000.00 to fund the project to extend the airport runway 500 feet and overlay the existing runway and taxiway.

Alderman Cherry moved to defer from taking action until the Board has more information pertaining to the Joint Airport Board request. The motion was seconded and passed by 7-0 roll call vote.

3.4 Alderman Hubbard moved for the approval of a request submitted by Billy R. and Sarah E. Bibee to renew their taxi franchise. The motion was seconded and passed by 7-0 roll call vote.

3.5 Alderman Hubbard moved for the approval to amend Chapter 18 of the City of Springfield Personnel Policies and Procedures Manual entitled "General Policies and Procedures" by amending Section 9 entitled "Place of Residence."

The City Manager recommended that Chapter 18 be modified to allow department heads to reside in Robertson County or adjacent counties. He felt this would give the City the opportunity to attract more qualified job candidates. The current policy requires department heads to reside within Robertson County.

The motion was seconded and passed by 4-3 roll call vote. Ayes: Ellis, Hubbard, Carneal, Mason. Nays: Sneed, Cherry, Head.

3.6 Alderman Sneed moved to take action on strengthening the ethics policy. The motion was seconded and failed by 3-4 roll call vote. Ayes: Sneed, Cherry, Ellis. Nays: Carneal, Head, Mason, Hubbard.

3.8 Alderman Hubbard moved for the approval of a request from the Robertson County Industrial Development Board to amend the agreement with the City of Springfield pertaining to the funding of debt service on the bonds used to develop the North Industrial Park.

Alderman Ellis moved to defer from taking action on the request until the Board has more information or a representative from the Robertson County Industrial Development Board can be present for questions. The motion was seconded and passed by 7-0 roll call vote.

3.9 The agenda item to discuss and possibly take action on an offer by Draughon Brothers to sell the City property at 1801 Batts Boulevard was withdrawn at the request of the property owner.

4.0 Alderman Hubbard moved for the approval of consent items 4.1, 4.2, and 4.3. The motion was seconded and passed by 7-0 roll call vote.

4.1 Springfield Gas Department request to award the bid for the relocation of the gas main at North Main Bridge to Team Construction in the amount of \$28,925.00.

- 4.2 Springfield Water and Wastewater Department request to award the bid for chemicals for the water treatment plant to the following companies:
1. Brenntag Chemical Co.
  2. Univar USA, Inc.
  3. General Chemical Co.
  4. American Development Corp.
- 4.3 Springfield Electric Department request to award the bid to purchase fourteen (14) 45 ft. treated wood poles and eleven (11) 50 ft. treated wood poles to Carolina Pole Company in the amount of \$6,890.00.
- 5.0 City Manager/Staff Report
- 6.0 With no further business to discuss, the meeting was adjourned.

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**Billy Paul Carneal, Mayor**

**Attest:**

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**Jane Shugart Murphy**  
**City Recorder Pro Tempore**