

**MINUTES  
BOARD OF MAYOR AND ALDERMEN  
REGULAR MEETING  
JUNE 17, 2008**

**Board present**

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

**Staff present**

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

**Staff absent**

City Recorder Bobby C. Lehman

- 1.1 Mayor Billy Paul Carneal called to order the regular meeting of the Board of Mayor and Aldermen at 7:30 P.M.
- 1.2 Alderman Hubbard moved for the approval of the minutes of the regular meeting of the Board of Mayor and Aldermen held on June 17, 2008.
- 1.3 Mayor Carneal presented certificates to City employees who completed training for Level I of the MTAS Municipal Management Academy.
- 1.4 Six public hearings were held:
  1. The renaming of a portion of Richard Street to John L. Patterson Street.
  2. Ordinance 08-08, amending the Springfield Municipal Code by amending Title 7 entitled "Fire Protection and Fireworks" by adding a Chapter 6 entitled "Rapid Entry Key Lock Boxes."
  3. Ordinance 08-11, amending the Springfield Zoning Ordinance to add a new Section 11-809, Sidewalk Café Overlay Zone.
  4. Ordinance 08-13, amending Section 11-808 of the Springfield Zoning Ordinance to add a section on "Electronic Signs and Reader Boards."
  5. Ordinance 08-14, amending Chapter 6 of the Springfield Zoning Ordinance to add a new Section 11-806 entitled "Supplementary District Regulations applying to All Commercial Districts" which will add construction standards for businesses, and big box structures of 50,000 square feet or more.

6. Ordinance 08-15, adopting a budget and establishing a property tax rate of \$0.83 per \$100 of assessed value for Fiscal Year July 1, 2008 through June 30, 2009.

2.1 Alderman Hubbard moved for the approval of Ordinance 08-05 on 2<sup>nd</sup> reading, an ordinance amending Title 9 of the Springfield Municipal Code entitled "Business, Peddlers, Solicitors, Etc." by rescinding Chapter 4 entitled "Taxicabs" in its entirety and substituting a new Chapter 4 entitled "Taxicabs." The motion was seconded.

The City Manager introduced a series of amendments that were included in a new draft of Exhibit A. He recommended that the Board approve the amendments as included in the new Exhibit A as presented.

Alderman Ellis moved for the approval of the amended Exhibit A as presented. The motion was seconded and passed by 7-0 roll call vote.

Alderman Sneed moved to further amend Ordinance 08-05 by requiring that taxi drivers must be able to speak English fluently. The motion was seconded and passed by 6-1 roll call vote. Ayes: Hubbard, Sneed, Cherry, Carneal, Mason, Head. Nays: Ellis.

The original motion was brought back and passed by 7-0 roll call vote.

2.2 Alderman Mason moved for the approval of Ordinance 08-07 on 2<sup>nd</sup> reading, an ordinance amending the schedule of fees for City cemeteries.

Assistant City Manager Regina Holt, briefed the Board of decisions that were reached by the Cemetery Commission at their June 12 special-called meeting. The first action taken by the Commission was to leave the fees the same as they recommended in March of this year. They also agreed to change the funding structure of the Cemetery Trust Fund to accommodate the Board's request for additional revenue. Commission members approved adding 100% of the proceeds from lot sales and donations to the Cemetery Trust Fund; however, 100% of the proceeds from openings and closings should go into the General Fund to cover operating expenses at the cemeteries. Their third item of approval was to allow installment payments for openings and closings. Installment payments are already allowed for lot purchases.

Alderman Sneed moved to amend the ordinance by raising rates for Elmwood Cemetery lots to \$1,000 and Oddfellow Cemetery lots to \$500, openings and closings to \$850 Monday through Friday and \$1,000 on weekends and holidays. The motion died for lack of a second.

Alderman Cherry moved to defer from taking any action on Ordinance 08-07. The motion was seconded and passed by 7-0 roll call vote.

- 2.3 Alderman Hubbard moved for the approval of Ordinance 08-08 on 2<sup>nd</sup> reading, an ordinance amending the City of Springfield Municipal Code by amending Title 7 entitled “Fire Protection and Fireworks” by adding a Chapter 6 entitled “Rapid Entry Key Lock Boxes.” The motion was seconded.

Alderman Sneed moved to amend the ordinance by requiring new construction of 20,000 square feet or larger to install rapid entry key lock boxes. The motion failed for lack of second.

Alderman Cherry moved to amend the ordinance by requiring all businesses with fire alarms that call the Fire Department directly to have rapid key lock boxes regardless of the size of the building. The motion was seconded and failed by a vote of 2-4-1. Ayes: Hubbard, Cherry. Nays: Ellis, Carneal, Mason, Head. Abstain: Sneed.

The main motion was brought back to the table and passed by 7-0 roll call vote.

- 2.4 Alderman Hubbard moved for the approval of Ordinance 08-09 on 3<sup>rd</sup> and final reading, an ordinance adopting the International Fire Code, 2006 edition, as the Fire Prevention Code of the City of Springfield, Tennessee by amending Ordinance 06-36 and amending Title 7 of the Springfield Municipal Code entitled “Fire Prevention and Fireworks” by amending Chapter 2 entitled “Fire Code” by rescinding Section 07-201 entitled “Fire Codes Adopted” in its entirety and substituting a new Section 7-201. The motion was seconded and passed by 7-0 roll call vote.
- 2.5 Alderman Hubbard moved for the approval of Ordinance 08-10 on 3<sup>rd</sup> and final reading, an ordinance rezoning the property of Betty Jones Hewitt located at 3162 New Cut Road from A, Agriculture to R40, Residential. The motion was seconded and passed by 7-0 roll vote.
- 2.6 Alderman Ellis moved for the approval of Ordinance 08-11 on 3<sup>rd</sup> and final reading, an ordinance amending Chapter 8, “Supplementary District Regulations,” of the Springfield Zoning Ordinance to add a new Section 11-809 entitled, Sidewalk Café Overlay Zone. The motion was seconded and passed by 7-0 roll call vote.
- 2.7 Alderman Cherry moved for the approval of Ordinance 08-12 on 2<sup>nd</sup> reading, an ordinance establishing new schedule of rates and fees for services provided at The Center. The motion was seconded and passed by 7-0 roll call vote.
- 2.8 Alderman Sneed moved for the approval of Ordinance 08-13 on 2<sup>nd</sup> reading, an ordinance amending Chapter 8 of the City of Springfield Zoning Ordinance entitled “Supplementary District Regulations” by amending Section 11-808 entitled “Sign Regulations for Springfield and its Planning Region” by amending

Subsection L, entitled "Standards and Criteria" by amending Subsection L (8) entitled "Commercial and Industrial Districts" by adding a new Subsection L (8) (C) (4) entitled "Electronic Signs and Reader Boards." The motion was seconded.

Alderman Sneed moved to amend the ordinance by requiring the electronically controlled copy to remain static for a minimum of three (3) seconds before changing.. The motion was seconded and passed by 4-3 roll call vote. Ayes: Ellis, Sneed, Cherry, Head. Nays: Hubbard, Carneal, Mason.

The original motion was brought back to the table and failed by 2-5 roll call vote. Ayes: Head, Sneed. Nays: Carneal, Cherry, Mason, Hubbard, Ellis. .

- 2.9 Alderman Hubbard moved for the approval of Ordinance 08-14 on 2<sup>nd</sup> reading, an ordinance amending Chapter 8 of the City of Springfield Zoning Ordinance entitled "Supplementary District Regulations" by adding a new Section 11-608 entitled "Supplementary District Regulations Applying to All Commercial Districts." The motion was seconded and passed by 5-2 roll call vote. Ayes: Carneal, Head, Mason, Ellis, Hubbard. Nays: Sneed, Cherry.

- 2.10 The City Manager presented proposed amendments to the budget ordinance. The amendments included increasing General Fund revenues by \$29,500 and decreasing General Fund Expenditures by \$124,225. This will change the amount of General Fund reserves utilized to balance the budget to \$597,519. Gas Fund Operating revenues were increased by \$2,000,000 and Gas Fund Operating expenditures were increased by \$2,080,000. The new amount of Gas Fund Operating reserves used to balance the budget is \$123,842.

Alderman Hubbard moved to approve the proposed amendments to Ordinance 08-15 as presented by the City Manager. The motion was seconded and passed by 7-0 roll call vote.

Alderman Cherry stated that he would like to see an actuarial study done for further discussions pertaining to retiree insurance in the next budget year.

Alderman Cherry made a motion to delay the expenditure of funds for the construction of tennis courts until a method to collect fees from tennis players has been established. The motion failed for lack of a second.

Alderman Mason moved for the approval of Ordinance 08-15 on 2<sup>nd</sup> reading, an ordinance adopting a budget and establishing a property tax rate for fiscal year July 1, 2008 through June 30, 2009. The motion was seconded and passed by 7-0 roll call vote.

- 2.11 Alderman Hubbard moved for the approval of Ordinance 08-16 on 2<sup>nd</sup> reading, an ordinance amending the Conditions of Service Manual as it pertains to utility service fees and regulations. The motion was seconded and passed by 7-0 roll call vote.
- 2.12 Alderman Mason moved for the approval of Ordinance 08-17 on 2<sup>nd</sup> reading, an ordinance to adjust the retail electric rates of the Springfield Electric Department due to wholesale fuel cost adjustment by the Tennessee Valley Authority. The motion was seconded and passed by 7-0 roll call vote.
- 2.13 Alderman Hubbard moved for the approval of Ordinance 08-18 on 2<sup>nd</sup> reading, an ordinance rescinding Ordinance 05-09 and setting a new schedule of rates and charges for the Springfield Water System. The motion was seconded and passed by 7-0 roll call vote. This ordinance increases City water rates by 5% beginning July 1.
- 2.14 Alderman Cherry moved for the approval of Ordinance 08-19 on 2<sup>nd</sup> reading, an ordinance rescinding Ordinance 98-22 and setting a new schedule of rates and charges for the Springfield Sewer System. The motion was seconded and passed by 7-0 roll call vote. This ordinance increases City sewer rates by 3% beginning July 1.
- 2.15 Alderman Hubbard moved for the approval of Ordinance 08-20 on 1<sup>st</sup> reading, an ordinance amending Title 15 of the Springfield Municipal Code entitled “Motor Vehicles, Traffic and Parking” by amending Chapter 5 entitled “Parking” by adding a new Section 15-509 entitled “No Parking of the Tractor Trailer.” The motion was seconded and failed by 3-4 roll call vote. Ayes: Ellis, Carneal, Hubbard. Nays: Mason, Sneed, Head, Cherry.
- 2.16 Alderman Hubbard moved for the approval of Resolution 08-15, a resolution authorizing the issuance, sale, and payment of interest-bearing capital outlay notes not to exceed \$113,900.00. The motion was seconded and passed by 7-0 roll call vote. This five-year note is for professional services related to preparation of specifications for the cleanup and demolition of Bransford Community Center gym and the materials for the county water main extensions for Reeder School Road and Beards Chapel Road.
- 2.17 Alderman Hubbard moved for the approval of Resolution 08-16, a resolution authorizing the issuance, sale, and payment of interest-bearing capital outlay notes not to exceed \$200,000.00. This ten-year note is for the construction of the new engineering building on the Gas Department property. The motion was seconded and passed by 7-0 roll call vote.
- 2.18 Alderman Mason moved for the approval of Resolution 08-17, a resolution authorizing the City Attorney to collect on a Irrevocable Letter of Credit for Mooreland Estates, Section IX, in the amount of \$107,750.00 for developer Joe

Moore, unless the improvements are completed 24 hours prior to the expiration date of July 1, 2008. The motion was seconded and passed by 7-0 roll call vote.

- 2.19 Alderman Ellis moved for the approval of Resolution 08-18, a resolution authorizing the City Attorney to collect the Irrevocable Letter of Credit for Village Greens Subdivision, Phase I, in the amount of \$56,500.00 for developers Country Club Ventures, LLC unless the improvements are completed 24 hours prior to the expiration date of July 27, 2008. The motion was seconded and passed by 7-0 roll call vote.
- 2.20 Alderman Mason moved for the approval of Resolution 08-19, a resolution authorizing the City Attorney to collect the Irrevocable Letter of Credit for Evans Estates Subdivision in the amount of \$33,500.00 for developer Clay Sneed, unless the improvements are completed 24 hours prior to the expiration date of July 12, 2008. The motion was seconded and passed by 5-0-2 roll call vote. Ayes: Hubbard, Cherry, Carneal, Ellis, Mason. Nays: 0. Abstain: Sneed, Head.
- 2.21 Alderman Hubbard moved for the approval of Resolution 08-20, a resolution accepting an Irrevocable Letter of Credit #109 in the amount of \$20,000.00 for the grading plan, for lots 11-15 south of New Hope Lane for developer Craig Knowles, Rapid Restoration. The motion was seconded and passed by 7-0 roll call vote.
- 2.22 Alderman Mason moved for the approval of Resolution 08-21, a resolution authorizing the City Attorney to collect the performance bond for Legacy Subdivision, Phase 5A, in the amount of \$64,260.00 for developers, Tony Dorris Builders, LLC unless the improvements are completed 24 hours prior to the expiration date of July 13, 2008 or a replacement bond in the amount of \$100,300.00 is presented. The motion was seconded and passed by 7-0 roll call vote.
- 2.23 Alderman Mason moved for the approval of Resolution 08-22, a resolution authorizing the City Attorney to collect the performance bond for Timberlake Section 14, Phase 2, in the amount of \$112,980 for developer, Tony Dorris Builders, LLC unless the improvements are completed 24 hours prior to the expiration date of July 13, 2008 or a replacement bond in the amount of \$140,000.00 is presented. The motion was seconded and passed by 7-0 roll call vote.
- 2.24 Alderman Mason moved for the approval of Resolution 08-23, a resolution renaming a section of Richard Street to John L. Patterson Street. The motion was seconded and passed by 7-0 roll call vote. The section of Richard Street extending from Central Avenue to 21<sup>st</sup> Avenue will be renamed.

- 3.1 The City Manager briefed the Board on the City's policy on burn permits. No action was taken.
- 3.2 Alderman Mason moved to approve a request from the Robertson County Fair Association to hold their annual "opening of the fair" parade. The request is for August 25, 2008 from 5:00 P.M. to 6:30 P.M. The parade will assemble at the 10<sup>th</sup> Avenue parking lot. The parade route will be from 10<sup>th</sup> Avenue to Memorial and travel northbound toward the fair grounds. The motion was seconded and passed by 7-0 roll call vote.
- 3.3 The City Manager briefed the Board on the City's policy pertaining to the use of City vehicles by employees. No action was taken.
- 3.4 The City Manager updated the Board on findings related to the alleviation of drainage problems in Canterbury Estates Subdivision. No action was taken.
- 3.5 The City Manager presented bond attorney opinions and documentation relating to City obligations regarding The Legacy golf course. Alderman Hubbard moved to defer from taking action on selling the Legacy Golf Course through competitive sealed bidding or any other acceptable means. The motion was seconded and passed by 7-0 roll call vote.
- 3.6 Alderman Hubbard moved to reappoint Mr. Gary Dilliha as the City Judge and Ms. Charlotte Fleming as the Interim Judge. The motion was seconded and passed by 7-0 roll call vote.
- 3.7 Alderman Ellis moved to appoint members to the following boards and commissions:

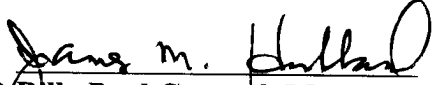
<u>Cemetery Commission</u>		
Leroy Ellis	Ward: 2	<u>Expires</u> 06-2010
Roger Carroll	Ward: 4	06-2010
 <u>Beer Board</u>		
Rosemary Yates	Ward: 1	06-2012
Joseph "Sonny" Long	Ward: 3	06-2012
Albert Dale	Ward: 5	06-2012
 <u>Historical Preservation Commission</u>		
Lisa Watts		06-2013
 <u>Planning Commission</u>		
James Bowens	Ward: 2	06-2011

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


- 3.8 After discussion, the Board agreed by consensus to move forward with the senior citizen tax freeze by preparing the required ordinance or resolution.
- 4.0 Alderman Ellis moved for the approval of items 1 and 2 of the consent agenda. The motion was seconded and passed by 7-0 roll call vote.
1. Electric Department request for approval to award the bid for pole-mount transformers.  
Recommend: Various suppliers and referenced in the bid summary
  2. Public Works Department request for approval to award the bid to purchase a 2009 International 7400 tandem axle dump truck with an extended warranty.  
Recommend: Cumberland International  
Amount: \$97,001.00
- 5.0 The Mayor reminded the Board of the special meeting that is to be held Thursday evening on June 26, 2008.

The City Manager informed the Board that the U.S. Department of Housing and Urban Development has approved the Springfield Housing Authority's request to demolish thirteen (13) buildings on Elmwood Drive. He also reminded everyone that possession and use of fireworks is prohibited in the city limits and the City will have its annual 4<sup>th</sup> of July Celebration beginning at 3 P.M. at Travis Price Park.

There being no further business to discuss, the meeting was adjourned.

  
for Billy Paul Carneal, Mayor

Attest:

  
Bobby C. Lehman, City Recorder