

Minutes  
Regular Meeting  
Bluff City Board of Mayor and Aldermen  
September 9, 2010  
7:00 P.M.

Motion to have Alderman Miller chair the meeting was made by Alderman Weaver. Second by Alderman Carrier. All in favor. Motion carried.

Alderman Miller called the meeting to order at 7:04 p.m.

Members present were Melvin Carrier, Robert Miller, Mark Weaver and Irene Wells.

Prayer was given by Alderman Miller, followed by the Pledge of Allegiance.

Alderman Miller stated that Mrs. Wells had stated earlier that she wanted more time to review those minutes as are listed. Mr. Miller asked if anyone minded postponing them until the next agenda for October. With no objections Alderman Miller made a motion to place them on October's agenda. Second by Alderman Weaver. All in favor. Motion carried.

Alderman Miller opened the floor for Citizen Comments – First Section.

Martin Papp stated I was here last month and my business pertains to the business at the corner of Webb Road and Hwy 11-E. Mr. Papp stated that it was currently Lyon Metal Roofing. Mr. Papp stated that about three months ago he contacted Mr. Peterson because there is a bunch of material back there. Mr. Papp stated he told me back three months ago that he was going to get an answer for me and his answer was that stuff was going to North Carolina and it would be gone in two weeks and this is three months later and I'm still waiting for an answer and I don't see why this should be complicated as an answer should be yes they are allowed to do that or no they are not allowed to do that and I'm still waiting for an answer and I'm going to be here every month until I get an answer. Mr. Papp stated I gave my phone number to people and I got two calls and both were we will look into it and let you know. Mr. Papp stated he wanted a direct answer. Mr. Papp stated from what he was told originally they are not allowed to do that. Mr. Papp stated it's a mess over there. Mr. Papp asked who was going to get back to him and give him a direct answer. Mr. Papp stated I did talk to you Mr. (Don) Weaver and I am still waiting for an answer. Mr. Papp asked what the status is of Mr. Peterson. Mr. Papp stated is he the zoning man. Alderwoman Wells stated yes sir. Mr. Papp stated I was told he was sick, is he still with us or what. City Manager Weaver stated yes he is, I talked to Mr. Peterson on that and he was supposed to get back with you. Mr. Weaver stated I don't know if they can have it in a B-3 or not he would be the man capable of giving you that answer. Mr. Papp asked if he was back up and running. Mr. Weaver stated yes but he was out of town today. Alderman Miller asked Mr. Weaver if he would confer with Mr. Peterson on what the results would be and get back with this gentleman by the end of next week. Mr.

Miller asked Mr. Papp if that would be acceptable. Mr. Papp stated yes sir all I want is an answer if they are allowed to do that or not. City Manager asked if Mr. Peterson did not tell him what they could or could not do in B-3 business district. Mr. Papp stated no, he did not, that's what I'm waiting for, an answer. Mr. Papp stated his neighbors don't like it but some people just don't want to step up and do the foot work but he was doing it. Mr. Weaver stated I've been down there and it looks horrible. Mr. Papp gave Mr. Weaver his phone number.

Richard Nichols resident of Bluff City stated what I am here about is they are trying to spot zone a lot between my house and the McCall's house to put in a paint and body shop. Mr. Nichols stated I have COPD and this thing is within 25 to 30 foot of my house and I don't breathe good anyway. Mr. Nichols stated that he had talked to the residents around him and there is two or three people there that have breathing problems and they don't want a paint and body shop there either. Mr. Nichols stated they want to rezone this property for business which is residential. Mr. Nichols stated I don't think it should be zoned for a paint and body shop.

Mitch McCall of 4955 Bluff City Highway, stated that he was requesting one lot to be rezoned to B-3. Mr. McCall stated we have lived at this address for thirteen years and we both lost our jobs and our garage has gone from a hobby to our only source of income. Mr. McCall stated to stay in business we have to adhere to the strict EPA's Clean Air Act which goes into effect on January 10, 2011. Mr. McCall presented a copy to the board. Mr. McCall stated this means I will have to add on to my garage and put in an enclosed paint booth with a filtration system with a minimum of 98% efficiency. Mr. McCall stated that he was going to go above that to a filter that has 99.84% efficiency. Mr. McCall stated with this filtration system he would be putting out less harmful emissions than some of the cars driving up and down the road in front of his house. Alderman Miller stated you don't currently have this right now is what you are saying. Mr. McCall stated I do not have the paint booth right now. Mr. Miller asked when he would have it up. Mr. McCall stated I have already been talking to Dixie Construction about building a building and as soon as I get the go ahead on the zoning, I have to be up and in compliance by January 10<sup>th</sup>. Mr. McCall stated I have already put a down payment on the booth so I already have the booth. Mr. Miller stated so it's just pending this, the construction of that booth. Mr. McCall said yes. Mr. Miller stated so that may alleviate some of your neighbors concerns. Mr. McCall stated that's what I'm hoping for. Mr. McCall stated I have talked to the neighbors and none of them seem to have a problem with it. Alderman Carrier stated you won't be painting every day would you. Mr. McCall stated we average four cars a week and the bulk of the business is used car lots. Mr. McCall stated that he was averaging out using approximately one and one half gallons of paint per month which is less paint than one all over paint job as it takes two gallons to do an all over paint job.

Mr. McCall stated that the rest of his business is buffing, polishing and waxing. Mr. Miller stated then prior to January 10<sup>th</sup> that booth would have to be up and running. Mr. McCall stated yes sir, if I don't have it up and running by January 10<sup>th</sup> I have to shut down until I do have it up and running. Alderman Carrier stated but you need the okay from us to get you going. Mr. McCall stated yes sir I am working on a deadline. Alderwoman Wells asked Mr. McCall will you still be painting cars prior to January. Mr. McCall stated yes, I did not realize the overspray was a problem with anyone. Mr. McCall stated I have purchased a HVLP gun which I have to do in order to comply with that too and it puts out 40% less overspray than a conventional gun so I have already tried to cut down on the overspray.

Jack Shepard of 5051 Bluff City Highway stated I live beside a paint and body shop; however I do not know this gentleman. Mr. Shepard stated I have lived in the Hillcrest community 98% of my life. Mr. Shepard stated Mr. Taylor whose shop is next door me. He and I have an agreement and he has been above and beyond 100% positive on everything he does. Mr. Shepard stated he will even check with me before he puts a night light up to see if it's going to bother me. Mr. Shepard stated he has a paint booth with an elaborate filtration system. Mr. Shepard stated I don't have COPD or breathing problems, but when the wind is blowing in the right direction or when I am mowing or something I can still get the lacquer or paint or thinner odor, I am not sure which it is. Mr. Shepard stated he has it vented at least twenty feet into the air above the gable of his business. Mr. Shepard stated it doesn't bother me at all to live beside him but he is very particular about the neighborhood and he does not want to offend anybody. Mr. Shepard stated my concern with this whole thing is how this came about. Mr. Shepard stated I know Richard Nichols I grew up with him, I know him to be a hard worker and honest person. Mr. Shepard stated he called me about the rezoning and I don't know how he found out about it, Mr. Shepard stated I'm not sure what the statute on rezoning is in the city but if I own a piece of property and for an extreme example, if Phil Carrier owned a piece of property next door to me and he wants to rezone it for business and rezone it for a slaughter house, I want to know about it, and I know that the law requires that the sign be posted in a place where it can be viewed by the public but signs can get moved and damaged. Mr. Shepard stated I would like for the board to consider a binding ordinance that before any action could be take on any rezoning, the adjoining property owners be notified by mail of when the zoning board meets.

Lon Gene Leonard stated isn't that whole corridor there a business area already on either side of this guy's property. Mr. Leonard stated you've got the barbershop and all of that and back this way you've got numerous businesses. Mr. Leonard stated I don't see what the big deal is if you've got business on both sides of him why would he be singled out not to have his business.

Ike Lowry of 911 Lona Lane stated that he wanted to update them on a board appointment on the 911 Board of Sullivan County representing Bluff City that will be open at the end of September. Mr. Lowry stated they are four year appointments, you all would make a recommendation to the County Mayor and the County Mayor will take that recommendation to the County Commission for approval and they either vote it up or vote it down, they don't make nominations from the floor or anything like that. Mr. Lowry stated then for the next four years that person would serve in that capacity. Mr. Lowry stated at the current time Terry Jones is holding that appointment. Mr. Lowry asked that they get that information back to him recommending someone to replace him or to reappoint him. Alderman Miller asked when he needed that by. Mr. Lowry stated that the County Commission meets the third Monday of this month so to keep it flowing good if you could get it back by then it would be great, but if you can't it will carry over. Mr. Miller stated we couldn't, we would have to decide it tonight and I did not have any idea about it. Mr. Lowry stated he would continue to serve until he was replaced or until he resigned. Mr. Lowry stated sometimes the misconception people have the four year term, that person serves that term out, even if it was a board member and their term on the board (BMA) expired or the went off the board (BMA) they would still have that position (on the 911 board) for the full four years that is on it. Mr. Lowry stated our Sheriff serves on the board, Jerry Fleenor the EMA Director and several others as it is a nine member board that represents as much as they can, all of Sullivan County. Alderman Carrier asked Mr. Lowry what all they had to do. Mr. Lowry stated you attend the board meeting and I present our operations to you and meet every other month and occasionally they will have a called meeting, but for the most part they meet six times a year. Mr. Lowry stated there were state meetings some where in the state once a year and most of the time three or four members go to that meeting just for updates on the state 911 regulations and how it works and there is a national conference that one or two of the members go to that. Alderman Carrier asked if Terry (Jones) was doing a good job. Mr. Lowry stated yes there was no problem there. Mr. Carrier stated we may just leave him on there. Mr. Lowry stated that's strictly up to you all. Mr. Carrier stated he might like that. Mr. Lowry stated we asked him if he was interested in continuing to serve and he said yes. Mr. Carrier stated well just keep him on there then. Mr. Lowry stated that's strictly up to whatever you all send back to me in a letter and I will take that to the County Mayor and he will present it to the Commission. Alderman Miller stated go ahead and put that on October's agenda for that appointment and interested parties to contact members of the board prior to that meeting.

Betty O'Dell of Carter Street addressed City Manager Don Weaver saying that she tried to call him yesterday but he was already gone and she has had some people talk to her and she had been looking at it, the railroad track. Mrs. O'Dell asked if he had been back up there since yesterday. City Manager Weaver stated today. Mrs. O'Dell stated good, it is in very bad shape. Mrs. O'Dell stated I came before and it was fixed, it was just a small space between the track and the road and it was fixed, but now it is almost all the way

across there. Mr. Weaver stated it is sinking in. Mrs. O'Dell stated that about six to eight busses go over that every day. Mrs. O'Dell stated I don't know what can be done but it has sunk in deep and it will probable go deeper. Mr. Weaver stated we can call the Railroad again, it's railroad property. Chief Nelson stated Norfolk and Southern has been aware of it and they said there is some kind of sink hole they are looking at and they are sending engineers up to look at it.

Bill Morrell, Chairman of the Planning and Zoning Board, stated that unfortunately at the last meeting when this rezoning request came up our representative from the board was tied up and unable to make it, so the reason he was there was to try to clarify some questions in peoples mind and to set them at ease as to how all this was conducted and what we went about before we came to a decision. Mr. Morrell stated I think everyone here deserves to know that, because this is not a light matter, by no means. Mr. Morrell stated basically the procedure that is done is there is a publication that goes out in the paper. Mr. Morrell stated that the other thing that takes place is that we put up a sign indicating that a rezoning is being considered so it is at the property area. Mr. Morrell stated that the procedure that we went through was one of a lot of questions and a lot of answers and it is a very important matter that we were looking at. Mr. Morrell stated one of the things that we were lucky enough to have was Mr. Alley who represents the State, in helping us make sure we stay in our Planning and Zoning guidelines and that we don't violate anything. Mr. Morrell stated that in this particular instance Mr. Alley assured us that since the area we were looking at was predominantly becoming a business area that we were not spot zoning as it was felt that maybe we had been. Mr. Morrell stated Mr. Alley went along with and put the stamp of approval on our rezoning. Mr. Morrell stated we studied maps and looked at pictures brought in by the folks showing us how businesses were on both sides. Mr. Morrell stated that when they got down to the nitty gritty of it, the primary reason that we felt that we were doing the right thing is the fact that there is now an EPA law that is enforced and it has to do with paint booths and the painting of cars. Mr. Morrell stated that they probably have seen some of the little automobile paint shops shut down and the reason is that they are not allowed to operate because they have to have the proper equipment before you can spray. Mr. Morrell stated you have to have that booth and anyone that doesn't have that booth is sticking their neck out for the Environmental Protection Agency. Mr. Morrell stated that was one of the things that was very important here and one of the things that Mr. McCall had already taken into account and put an option on a booth area that was made available to him. The numbers that you get from the people that are being permitted to spray are that do you have the 98% containment. Mr. Morrell stated the EPA is a stringent group that does not play around when it comes to health and they don't play around just to make people happy, they set it down and that is what you have to have to operate. Mr. Morrell stated the question came up as to how do we be sure that they adhere to this. Mr. Morrell stated one thing EPA would be there to assure that they do it, and we have at our disposal through our City Manager, a man who inspects signs and various other things that we can

have go up and look at this thing and see that it does have the permits and so forth. Mr. Morrell stated I'll read you something straight from the minutes. Mr. Morrell stated that they were talking about the fact that they had to have a filtration system that was going to be able to do the job. Mr. Morrell stated during that time we were discussing this back and forth with Mr. Nichols who was quite concerned and we were concerned that he was so concerned, so at the end of the meeting I personally asked Mr. Nichols, since this percentage of containment was made obvious and was brought to our attention how he felt about it, and he said he would go along with it. Mr. Morrell stated I do know that when you do say something and you think it over you wonder whether you've said the right thing or not but it is one of those things that I can feel a lot of concern for him being next door to it, but there is business after business after business up through there and we did not have any way of telling this man that he could not earn a living with what he had put in there to try to do and provide an income for his family within the Bluff City area. Mr. Morrell stated we thought we were doing the right thing and I still think we were doing the right thing and I hope that the folks here are able to see why we did what we did. Mr. Morrell stated it was all above board and we had an open meeting when Richard was there and anyone that wanted to come to that meeting, which was advertised, would have a say. Mr. Morrell stated I just want you to know that this has been going on and we conduct these meetings every time there is a need like this and we always have open meetings where anyone can come in and speak. Mr. Morrell stated we did vote as a board and all the members of the board, to approve this to go from an R-2 to a B-3.

Alderwoman Wells asked Mr. Morrell if B-3 includes junkyards also. Mr. Morrell stated light businesses; I do not have the zoning map in front of me so I don't know what that area you are referring to is far as junk yards are concerned. Mr. Morrell stated I know right down the road around the edge going out on 19-E there was a junkyard there, but truthfully he could not answer her question. Mr. Morrell stated of course we are not considering junkyards here we are considering a paint operation and in the paint operations he has seen they want to get the cars in and out as soon as possible, they don't want them taking up space. Mrs. Wells stated someone had just asked her that question, if B-3 included junkyards. Mr. Morrell asked if anyone else had any questions. Richard Nichols stated would anybody in here want a paint and body shop within twenty five foot of their house with COPD and there is four or five neighbors around there that didn't want it that's got breathing problems. Alderman Miller stated your question is fair but it is rhetorical and it leaves Mr. Morrell in a position where he can not answer it.

Sandy Harkleroad stated that as far as rezoning, we also put it on our website.

Alderman Miller stated I thought that the suggestion from Mr. Shepard to send out mailings to the adjacent properties is a great idea. Mr. Miller stated it's like one of those why aren't you already doing it things, and as soon as we have a lawyer we will have that ordinance drawn up and we will get that on the books.

Virginia Talbert of 314 Parks Worley Street stated I would like to thank Mr. (Don) Weaver for all the help he has given in getting the tennis courts fixed, they look beautiful, you've done a really nice job. City Manager Weaver stated thank you.

Mark Pierce asked if any work was being done on the Sign Ordinance. Mr. Pierce stated that we had a workshop and they were told that the current sign ordinance, some of it has been borrowed from Bristol and Johnson City. Mr. Pierce stated the suggestion was made that why don't we as a city, have a sign ordinance that makes sense for Bluff City and the businesses of Bluff City. Mr. Pierce stated I know that there was a lot of interest in this and a lot of the local business people located up and down the highway are very interested in trying to get something resolved to where everybody can be happy with what we have. Mr. Pierce stated my question is has there been any progress made in this area. Alderman Miller stated this is the first public meeting of the board since that workshop so there hasn't been any discussion amongst ourselves because of the sunshine law we are unable to discuss that, but I intended to bring it up tonight though. Mr. Pierce stated no one else was here to bring it up. Mr. Miller stated it's on my list.

Alderman Miller presented Ordinance 2010-010 –First Reading. Sandy Harkleroad read Ordinance 2010-010 an ordinance amending Ordinance 95-012 rezoning parcel 26.00 as shown on Sullivan County Tax Map 111H, Group A from R-2 to B-3. Alderman Weaver stated I realize there is a time line but if it does not cut him too much I would like to get this tabled and let me do a little research and knock on some doors. Mr. Miller stated there would have to be a second reading because it is a public ordinance, we would have to bear that in mind with regard to the time line and we would have to allow him proper construction. Mr. Miller stated I would ask, because I understand the concern about having the paint and body shop next to you, I get that. Alderman Weaver stated I have breathing problems so I'm a little closer with that, and I see his point also, so I would like to get some knowledge from doctors and other people before I say yes or no. Alderwoman Wells stated I would like that information also. Mr. Weaver stated I don't mind if we have to have a special called meeting to get a second reading, I'm good with that but I don't want to just turn somebody down and don't need to or vote somebody in that doesn't need to be in. Mr. Weaver stated I would like to feel that I am making the right decision. Mr. Miller asked Mr. McCall what the estimated construction time of the paint booth would be. Bob Brown with Dixie Construction stated probably about two weeks. Mr. McCall stated I would need another two weeks to get the booth in the building and wired up. Mr. Miller stated about a month total time, so we have a little time then. Mr. Weaver stated I appreciate that, that would help me feel like I did justice and did the right thing, because I don't know. Mr. Miller stated I agree with you and make your motion to table this ordinance until the next regular meeting in October. Richard Nichols asked if they could notify all the neighbors in that neighborhood about the meeting because they don't want this because there is a nurse and some other people there that has breathing problems. Mr. Miller stated because there is no system in place to

notify that way already so I can't agree that, yes we will allow you special notification of this because of what it is. Alderman Miller stated, like Mr. Weaver and Mrs. Wells said they want to get out and knock on doors, and I will do that as well. Mr. Nichols stated I will give you a list of the people there. Mr. Miller stated: submit to us the list and put together a petition for those against it. Alderman Weaver stated I want to go both ways I don't want to, I want to be fair. Mrs. McCall asked if she needed to go back again and speak with the people on the list she gave them. Mr. Weaver stated this is their signatures correct. Mrs. McCall stated that is their signatures. Mr. Weaver stated if they signed it it's pretty obvious that these people have no problem with that. Mrs. McCall stated we went around and explained the whole situation and gave them the same option to read the papers that we gave you. Mr. Miller stated the bottom line is that we are going to postpone this, get more information and come out and talk to you. Mr. Miller stated we are not going to take any action on this, this evening. Mr. Miller stated we are going to open the floor up for citizen comments again at (sentence interrupted) (Mr. Weaver stated second section of comments) the end of the meeting, so I don't want to get too carried away on it because we've basically already decided what our action is going to be tonight regarding it. With a motion on the floor by Alderman Miller to table the rezoning request, he called for a second. Alderwoman Wells seconded the motion. Bill Morrell asked if they were going to count this as the first reading. Alderman Miller stated no, the motion is to table until October. With a motion and a second on the floor the vote went as follows: Melvin Carrier – abstained. All others in favor. Motion carried.

Alderman Miller opened then floor for Aldermen Comments.

Alderman Carrier stated glad to see everybody out tonight.

Alderman Miller stated I appreciate everybody coming out tonight, it's a very big turnout and when it comes to these zoning matters and sign ordinances and things that are going to effect both sides of people we really like to stop and focus and get as indepthly involved as we possibly can. Mr. Miller stated it's not always an overnight decision, sometimes it's not as quick as we would like it but we want to make sure we make the right decision. Mr. Miller thanked everyone for coming. Richard Nichols asked when the next meeting on this would be. Mr. Miller stated the second Thursday of October.

Alderman Weaver stated I would like to thank everybody here it's a great turnout and I can't add anything to what Mr. Miller said, I feel the same way. Mr. Weaver stated I know a lot of people would have liked for me to have done it right now but I want to try to do the right thing. Mr. Weaver stated I will do research, one of my best friends is a painter so it is nothing towards anybody but I want to try to make the right decision, that's best for everybody.

Alderwoman Wells stated thank you for coming out.



Alderman Miller stated I brought an older version of the Agenda and there is discussion/action for the Sign Ordinance for 2000-004. Mr. Miller opened the floor for discussion/action on the Sign Ordinance. Mr. Miller stated we had a three hour workshop last Thursday and myself and Mrs. Wells attended. Mr. Miller stated the other members were unable to attend for personal reasons, so it was not an official workshop, but it was a very lengthy workshop where everybody who attended would agree that they had ample opportunity to voice their concerns to us. Mr. Miller stated I have heard those concerns and reviewed the Sign Ordinance and there is no way that I can do this without a City Attorney. Mr. Miller stated that ordinance is just too complicated for me to attempt to reword myself, I am not a lawyer, and that ordinance is expansive and I would need legal help before I am even able to approach it. Mr. Miller stated before we submit all those for discussion, I want to have a workshop on it and get more input. Mr. Miller stated we had a lot of ideas and they varied widely from let's have no ordinance and put stuff up where we want it, to the ordinance is not strict enough it needs to cover more. Mr. Miller stated we need to find some serious middle ground first. Mr. Miller stated there are things in that ordinance that needs to be changed especially in this economic climate. Mr. Miller stated that the first step is we need to find us a City Attorney to help us rewrite it. City Manager Weaver asked Mr. Miller what we do on the enforcement of it being as it is the law, do we have Gordon Peterson not to do anything. Mr. Miller stated our previous vote on the matter would still stand. Audience member asked and that vote was to do what. Mr. Miller stated to suspend the ordinance. Mark Pierce stated so the comments that were made in the workshop that tomorrow we would be pulling up signs (unclear) that was told to us. Mr. Miller stated can't comment, I am not in the executive branch of this government, my role is purely legislative. Mr. Pierce stated but it is suspended is what you are saying, so that means it is basically on hold until more research can be done. Mr. Miller stated Mr. Weaver would be Mr. Peterson's supervisor for all intensive purposes as he is the municipal head of government. Mr. Pierce stated clear answer on that is for the time being nothing is going to happen until more research and discovery is made on the ordinance itself. City Manager Weaver stated my understanding is it wouldn't be as far as what the ordinance would cover but I understand you have a state right of way and he can enforce it. Mr. Weaver stated that doesn't come under Bluff City's Sign Ordinance if it is on the state right of way. Mr. Miller stated let's make sure Mr. Peterson is doubly educated on what the State laws are regarding that. Mr. Miller stated that there were some accusations made during that workshop that there were some practices being made that were totally unprofessional to say the least, so let's make sure that he has a 100% working knowledge of what those state laws are regarding enforcing the state rules and regs in the state right of way. Alderman Weaver stated if it is a state thing then it's got to be enforced. City Manager Weaver stated I think he is certified with TDOT. Mr. Miller stated that doesn't mean that he doesn't make mistakes. Mr. Weaver stated that's true. Mr. Miller stated let's be doubly sure on that, there were things that were stated to me before and after that meeting that can not possibly be a state law. Mr. Weaver stated I don't know myself. Mr. Miller stated let's make sure that you follow up on that and make

sure that everything that is being enforced is following the letter of the law, that is what we are concerned with so we don't want to make it up as we go along.

Alderman Miller stated Mrs. Wells we skipped you there on comments didn't we. Alderwoman Wells stated no I don't think so. Mr. Miller stated my apologies then.

Audience member stated Mr. Peterson said in that meeting Thursday that he could not enforce the state laws but he could call the state and get us in trouble if we did not listen to him, he said that out of his mouth. Alderman Miller stated there were a lot of things said in that meeting none of which are official record. Audience member said his question is he did not have authority over the state right of way but he could call and press the issue. Mr. Miller stated nothing of which I can comment on.

Chief Nelson presented the Police Report for August 2010. (SEE ATTACHMENT 1) Mr. Nelson stated to let you know it was race week last month and it went very smooth this time and had no wrecks. Mr. Nelson stated he and three reserves will be going to the Volunteers in Police Program next week to see if they can come up with grant money to help the reserves with equipment and stuff like this. Mr. Nelson stated TML was holding a Police Pursuit Policy Training again and we will be involved in that on September 21<sup>st</sup>. Mr. Nelson stated three months ago they had updated and issued our policy and procedure manuals for the police department. Mr. Nelson stated that the last time it was updated was in 1987. Mr. Nelson stated the officers now know what is expected of them. Mr. Nelson stated presented a request to give the reserve police officers a turkey for Christmas. Mr. Nelson stated there were seven reserve officers and one chaplain. Alderwoman Wells made a motion to give them a turkey. Second by Alderman Weaver. All in favor. Motion carried. Chief Nelson stated I know the reserves will thank you and I thank you, and is there any questions. Mr. Nelson reported that we will have our first court session on the speed cameras on September 13<sup>th</sup>.

City Manager Weaver stated we had some citizens talking about the railroad trestle across from Pratt's, that has been straightened out. Mr. Weaver stated somebody had brought up how rough the bridge was coming onto and going off of it and TDOT reported that they have done all they can do with it. Mr. Weaver stated the tennis court has been completed all but a net we are going to buy for them, which is on order now.

Alderman Miller called for comments from County Commissioners. None present.

Alderman Miller opened the floor for Old Business. Mr. Miller stated Mr. (Don) Weaver has a bid for the salt truck that we talked about during the budget workshop meetings. City Manager Weaver presented a quote from Alexander Fleet Sales out of Maryville Tennessee. Mr. Weaver stated it is a state contract and we only have to produce one if it is a state. Mr. Weaver stated you have a list of selected options and standard equipment

and the invoice for that is about, including delivery right in front of this building, is forty six thousand seven hundred and one (\$46,701.00)dollars. City Manager Weaver stated under the state contract it would be thirty seven thousand four hundred and eighty (\$37,480.00) fully equipped. Alderman Miller stated installed and in front of the building. Mr. Weaver stated right. Mr. Weaver stated if the board sees fit to buy this and we need one bad, I will get the order in, in the morning and it will take six to eight weeks for delivery. Motion to accept the quote for the truck was made by Alderman Carrier. Second by Alderman Weaver. All in favor. Motion carried.

Alderman Miller introduced in old business that Alderman Carrier had concerns about a flatbed for the backhoe to preserve the tires. Mr. Carrier stated and the running gears. Mr. Miller stated that it came up in the budget workshop but he did not have a copy of it with him and asked if we had set aside any funds for it. City Manager Weaver stated five thousand (\$5,000.00) dollars. Alderwoman Wells asked what our foreman thinks about it and the City Manager. City Manager Weaver stated Mark is the supervisor and he doesn't recommend it as we do not have a truck that will pull it. Mr. Weaver stated he believed that the backhoe is around twenty thousand (20,000) pounds. Alderman Weaver stated that he spoke with him (Mark Walker) today and he said that he would rather that money be put on a tractor that they could use a tractor a ton more and said if we had another one we would not have to take one off of one and come back to the shop to get another one and that would save more time than that. Mr. Miller asked how much this truck could pull. City Manager Weaver stated an F250; I don't believe it would handle that. Mr. Miller stated twenty thousand pounds sounds like a lot for an F250. Mr. Weaver stated it will wear it out. Mr. Weaver stated it is a diesel so that will be a plus for it. Alderman Weaver stated if the manager thinks that the tractor will be, is that something that we should look at. Alderman Carrier stated you have to start somewhere and if a man can get a good piece of equipment like that at a reasonable price, you will never get another one that cheap and we would have it. City Manager Weaver stated the quote on that from Stan Lady was for a nine (9) ton trailer and the backhoe weighs ten (10) tons and if we don't have anything to pull it, I don't know whether we are just going to set it out there, that is four thousand (\$4,000.00) dollars wasted. Alderman Weaver stated put that on trying to get them a tractor if that is something they can use more and it saves time. Mr. Weaver stated let's say that float sits there 99% of the time and you've got a tractor that is going to be used a whole lot more, I think that we need to get them something they need the most that is the most efficient. Alderwoman Wells stated the foreman should know better than anyone. Alderman Miller stated to Alderman Carrier it is your proposal, what do you think. Mr. Carrier stated I hate to pass up a good deal, we can trade this truck and get a bigger one to pull it with and it would save the equipment. Mr. Miller stated if the trailer isn't rated to have something that heavy on it then we could not knowingly use it because if someone became injured we would certainly be liable for it. Mr. Miller stated we would have to look at a trailer that is rated for that much weight and

then we would have to see about buying a truck that will pull it and is that worth saving the tires on the backhoe. Alderman Carrier addressed Lon Gene Leonard in the audience and asked did you look at the trailer with me. Mr. Leonard stated yes it's rated for it. City Manager Weaver stated for ten ton. Mr. Leonard stated yes. Mr. Weaver stated I have his quote in there and it is rated for nine ton. Mr. Leonard stated I looked at the tag on the trailer and it says it is rated for twenty thousand pounds and it's got dual wheels and two axles and it would carry the backhoe fine. Alderman Miller stated let's get it clarified on what it can and can't carry. Alderwoman Wells stated but if the foreman is saying that he needs something else more that he needs that trailer then you know. Mr. Miller stated we could look into to getting a tractor too; let's not forget that we have nine hundred thousand (\$900,000.00) dollars in the bank. Mrs. Wells stated do we need to pull that much. Mr. Miller stated I think his logic was that the use of the trailer would (sentence interrupted) Mrs. Wells stated how much does the tires cost. Mr. Miller stated the tires for the backhoe are like a thousand dollars. Alderman Weaver stated seven hundred (700.00) dollars a piece and you've got two hundred and fifty (250.00) for fluid in each one. City Manager Weaver stated these two units we have had for six years and I've looked at the tires and the supervisor has too, and they are not worn. Alderman Weaver stated I'm fine with finding out, I don't want to shoot anybody down. Mr. Miller stated let's check it out and can we get a consensus for getting a bid on another tractor. Alderman Weaver stated it's better used, if we need a flatbed that's something we need to look at but let's look at something we need the most. Mr. Miller stated Mrs. Wells is correct in that we should trust the opinion of the city employee's who are using that equipment on a day to day basis, where we are not. Mr. Miller stated I'm okay looking at both of them. Alderman Weaver stated the City Manger needs to ask what size tractor they need and go from there. Mrs. Wells stated then you've got to have a truck to pull it. Mr. Miller stated let's get the bid on both those and clarify, bid out the tractor and the flatbed. Mr. Weaver stated make sure it complies with the weight that will be towed on it. City Manager Weaver asked new equipment. Alderman Weaver stated I would say used. Alderman Miller stated the flatbed would be fine to take bids on used equipment, but bids for a new tractor. Alderman Carrier stated that flatbed I was looking at is a used one and you can get it for four thousand and people say it's worth five thousand and five hundred, and we would be getting a bargain. Alderman Weaver stated we need to ask Mark and them how often it is going to be used and if it going to be used once a month to me that is a waste of money, but I'm not opposed to finding out. City Manager Weaver stated they say it's very seldom that they go of any distance such as Timberridge and very seldom to the water plant. Mr. Weaver stated I've asked them all the questions, but it is up to the board. Alderman Carrier made a motion to buy the flatbed. Alderman Miller stated with the amount, is that an amount that has to be bid out, I don't remember what the cut off is. City Manager Weaver stated anything over twenty five hundred (2,500.00) dollars I can't approve it would have to be bid. Mr. Miller asked Mr. Carrier if he wanted to change his motion to bid it out. Mr. Carrier state no, it's done bided as low as it will go. Mr. Miller stated we have to take an official bid, we can't just move to buy something from

somebody because it's going to look like we are showing favoritism to one party over another. Alderman Carrier stated when you get a bargain you had better grab it. Alderman Miller stated we've got to follow the rules on it and it's in the budget to find one now we just need to bid it out but given our price range we probably won't get very many returns on it. Mr. Carrier stated well we can try it. Sandy Harkleroad asked Alderman Carrier if he was rescinding his motion to purchase it and are you changing your motion. Alderman Carrier stated yes to bid it out. Alderman Miller stated I'll second that and is it okay if we include to bid out for a new tractor. Mr. Carrier stated yes. City Manager Weaver stated a new tractor is probably fifty thousand (50,000) dollars. Mr. Miller stated we will bid it out and see what we can get. Alderman Weaver stated I'm not opposed to that. Mr. Miller stated we thought the truck was going to be sixty thousand (60,000) dollars and look what kind of a deal we got there. City Manager Weaver stated you only have about thirteen thousand (13,000) left in that line item. Mr. Miller stated we can do a budget amendment down the road that is why we are just taking bids. Mrs. Harkleroad stated we have a motion and a second. Mr. Miller called for a vote. Vote went as follows. All in favor. Motion carried.

Alderman Miller called for more old business. Alderman Carrier stated about three or four weeks they finished a two inch water line on Timberridge and I make a motion to buy a two inch pump to push the water up to the eight houses. Alderman Weaver asked how much money are we looking at. Mr. Carrier stated whatever it takes. Alderman Miller stated how much money is a water pump, what do they run, I don't have any idea. City Manager Weaver stated nine thousand (9,000) Alderman Weaver stated we need to make sure they need it, and not nothing against Melvin. Mr. Weaver stated I'm sure they probably do but we need somebody (sentence ended) City Manager Weaver stated an engineer will have to do that. Alderman Weaver stated exactly, someone who knows. City Manager Weaver stated I don't know that the city buys the pump anyway. Alderman Wells stated that's my next question. City Manager Weaver stated I don't think they do. Mr. Carrier stated Judy said they did. Sandy Harkleroad stated we have a small pump out there now that we do maintain. City Manager Weaver stated so we buy the pump. Mrs. Harkleroad stated we do replace the pump, yes sir. Mrs. Wells stated why don't you check into the whole thing. Mr. Weaver stated we will get engineering to do it they will know what to do. Alderman Miller made a motion to do water pressure measurements to see if a pump is needed and let's go ahead and bid out for a pump. Alderman Weaver stated if needed. Mr. Miller stated yes and by October we will know if it is broken and if we need a pump. Second by Alderman Weaver. Alderman Wells stated be sure it is legal for us to do it. Alderman Miller stated yes be sure it is legal for us to do it but if we bought the last pump then chances it's our pump, we've got to replace it. Alderman Wells stated be sure it's legal for us to do it. City Manager Weaver asked should engineering be involved to tell us what we need. Mr. Miller stated absolutely. Mrs. Wells stated yes. With a motion and a second, vote was as follows. All in favor. Motion carried.

Alderman Miller called for New Business. There was none.

Alderman Miller opened the floor for Citizen Comments - Second Section.

Virginia Talbert stated being that the sign ordinance is suspended does that mean that I or anyone else can go out and place signs in the city limits wherever I want. Mrs. Talbert stated what kind of sign. I could put up any kind of sign. Alderman Miller stated it's a legal question so it is difficult for me to answer, but you wouldn't be able to violate someone else's private property rights. Mrs. Talbert stated my concern is that this could happen and if the signs go up and when there is an ordinance back in effect do the signs get to stay up. Alderman Weaver stated like grandfathered in. Mrs. Talbert stated yes. Mr. Miller stated that is also a legal question but I think that because we have not repealed the ordinance we have merely suspended it that the ordinance is still in effect just not being enforced. Mrs. Talbert stated I just wanted my concerns to be in the minutes. Mr. Miller stated that is a tricky legal question but that is my personal logical deduction. Mr. Weaver stated that is a good concern. Mr. Miller stated it's valid. Mrs. Talbert stated that's my concern.

David Smith asked Chief Nelson how many tickets did we give out extra for the race weekend. Chief Nelson stated are you talking about on the cameras. Mr. Smith stated yes. Chief Nelson stated I would be afraid to sit here and tell you, I know it was about six or seven hundred maybe more, I really couldn't give you a definite day. Mr. Smith stated he would like to thank the board for putting the cameras in. Mr. Smith stated I was against it at first but I've changed my mind because you are setting here buying stuff like crazy. Mr. Smith stated we only had twenty one thousand (21,000.00) dollars when we first started, I say go for it, spend everything we got.

With no other comments Alderman Miller adjourned the meeting at 8:25 p.m.

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Irene Wells, Alderwoman

Attest: This 9<sup>th</sup> Day of September, 2010

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Sandy Harkleroad, City Clerk