

MINUTES: CITY OF DECHERD BOARD OF MAYOR AND ALDERMEN
DECHERD, TENNESSEE
August 12, 2019

The City of Decherd Board of Mayor and Aldermen met in regular session, Monday August 12, 2019 at 7:00 P.M. in the City Hall Council Room.

MEMBERS PRESENT:

VICE MAYOR TAMMY HOLT
ALDERMAN PAM ARNOLD
ALDERMAN ROY PARTIN
ALDERMAN KARL SMITH
CITY ADMINISTRATOR REX CLARK

MEMBERS ABSENT: MAYOR ROBIN B. SMITH

OTHERS PRESENT: Chris Isbell, Al Tipps (WCDT), Ross Peterson, Gerald Ewell, Dottie Smith, Justin Stubblefield, Michelle Peterson, Michael Gillespie, Diane Hensley, Danita Slatten, Sue McGordon, Richard Gulley, Sandra Miller, Marcella Mc Bee, Roger Rose Jr., Dennis Doney, Jimmy Wayne Sanders, Susan Smith, Jimmy Highers, Amanda Latham, Christina Brown, Phillip Gilliam, Kristy Bennett, Danielle Speich

Vice Mayor Tammy Holt called the meeting to order with a prayer and the Pledge of Allegiance was recited.

The Minutes of the Regular Board Meeting of the Decherd Board of Mayor & Aldermen dated July 8, 2019 was reviewed. Motion made by Alderman Pam Arnold and Second by Alderman Roy Partin to approve Minutes as printed.

There was no Financial Report for the Month of June 2019

The Police, Fire, and Water Departments reports were reviewed for the month of June 2019.

Motion by Alderman Pam Arnold to accept Departmental Reports as presented and seconded by Alderman Roy Partin.

Motion Passed Unanimously 4 - 0

Third reading public hearing Ordinance # 419 an Ordinance TO ANNEX CERTAIN TERRITORY AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF DECHERD, FRANKLIN COUNTY, TENNESSEE AS PER WRITTEN REQUEST FROM THE OWNER (JAMES BAKER) OF THE PROPERTIES INVOLVED.

Public Hearing: 7:05 – 7:06

Marcella Mc Bee asked where property located.

Codes Official Dennis Doney answered property located on 41A across from Russell Barnett Ford.

Marcella Mc Bee ask if that was end of sewer line

Vice Mayor Tammy Holt stated was near end of growth plan.

No motion made.

Roll Call: Mayor Robin Smith _____
Vice Mayor Tammy Holt – Aye
Alderman Pam Arnold – Aye
Alderman Karl Smith – Aye
Alderman Roy Partin – Aye

Motion Passes Unanimously 4 – 0

Adopted Resolution # R2-19 A resolution to approve plan of services for area annexed by Ordinance # 419. The James Baker Property recommended by the Planning Commission.

Motion made by Alderman Pam Arnold to adopt R2-19 second by Alderman Roy Partin

Marcella Mc Bee ask what plans for the property.

Vice Mayor Tammy Holt stated she didn't know, they just asked to be taken in by city.

Vice Mayor Tammy Holt ask what are they zoned.

Codes Official Dennis Doney replied County zoning R2 and changed to city zoning R1.

Roll Call: Mayor Robin Smith _____
Vice Mayor Tammy Holt – Aye
Alderman Pam Arnold – Aye
Alderman Karl Smith – Aye
Alderman Roy Partin – Aye

Motion Passes Unanimously 4 – 0

Third reading public hearing Ordinance # 420 an ORDINANCE TO AMEND THE CITY OF DECHERD, TENNESSEE MUNICIPAL CODE SECTION 14-204(2), THE ZONING MAP OF THE CITY OF DECHERD, TENNESSEE TO SET THE ZONING FOR A PARCEL OF LAND THE PROPERTY TO BE ANNEXED INTO THE CITY OF DECHERD, TENNESSEE, HEREIN DESCRIBED FROM FRANKLIN COUNTY ZONING R-2 (GENERAL RESIDENTIAL) TO CITY OF DECHERD ZONING R-1 Low Density Residential District.

Public Hearing: 7:12-7:13

Marcella Mc Bee ask what about stuff in-between cannot spot annex.

Codes Officer Dennis Doney that all property around said property was zoned by Franklin County R2 so the City can zone it residential.

Marcella Mc Bee stated that City was not suppose to annex property not next to City limits.

Codes Officer Dennis Doney stated the property touches the city limits due to Hwy 41A being in the city limits of The City of Decherd.

Motion to pass Ordinance # 420 on third reading by Alderman Pam Arnold second by Alderman Roy Partin.

Roll Call: Mayor Robin Smith _____
Vice Mayor Tammy Holt – Aye
Alderman Pam Arnold – Aye
Alderman Karl Smith – Aye
Alderman Roy Partin – Aye

Motion Passes Unanimously 4 – 0

Alderman Pam Arnold withdrew motion to adopt Ordinance # 421 on second reading from July 8th Board of Mayor and Alderman meeting.

Alderman Pam Arnold requested Ordinance # 421 be reconsidered for Second reading. An ORDINANCE TO AMEND THE CITY OF DECHERD, TENNESSEE MUNICIPAL CODE SECTION 14-204(2), THE ZONING MAP OF THE CITY OF DECHERD, TENNESSEE TO CHANGE THE ZONING FOR TWO PARCELS OF LAND BELONGING TO ROGER ROSE IN THE CITY OF DECHERD, TENNESSEE, HEREIN DESCRIBED FROM R-1 (Single Family Residential District) and C-3 (Restrictive business/highway service district) to C-2 (Highway Service District).

Roll Call: Mayor Robin Smith _____
Vice Mayor Tammy Holt – Aye
Alderman Pam Arnold – Aye
Alderman Karl Smith – Aye
Alderman Roy Partin – Aye

Motion Passes Unanimously 4 – 0

Approved recommendation by the Decherd Planning Commission on August 5, 2019 by unanimous vote for approval of a property swap between The City of Decherd and Mr. Jeff Mason located at 104 Sunset Drive (see reference survey).

Vice Mayor Tammy Holt ask Codes Officer Dennis Doney to explain.

Codes Official Dennis Doney stated when the subdivision was developed into sections, it was designed by separate surveyors and the lines left the roadway with sharp points. One of the points being part of the driveway for the requestor. He is giving the City one section of his property and the City would be giving him part of his driveway which would make the right of way for the road at the curve be an equal 50' section for the roadway. He is willing to pay for all the costs including the survey, deeds and filing fees involved in the swap.

Roll Call: Mayor Robin Smith _____
Vice Mayor Tammy Holt – Aye
Alderman Pam Arnold – Aye
Alderman Karl Smith – Aye
Alderman Roy Partin – Aye

Motion Passes Unanimously 4 – 0

Vice Mayor Tammy Holt tabled the discussion of the renewal of Gerald Ewell as legal counsel to the next board meeting.

Vice Mayor Tammy Holt asked Attorney Gerald Ewell to explain to the board the concerns of eligibility of elected official receiving insurance through the City. Vice Mayor Tammy Holt ask Mr. Ewell to explain in laymen's terms the City trying to recoup in civil since premiums paid out.

Mr. Ewell stated that in Tennessee Code it specifies the Board has to approve eligibility of officials for insurance. The Board has to vote to make board eligible. Until the board does there is no statutory for authority to do it.

Second tier: You make yourself eligible you have to decide how much going to pay. Do you offer coverage same as full time employees.

Third tier: have to buy policy that will allow you to do it. Some policies only let you enroll full time employees on your policy. Ms. Allen stated City of Decherd policy allows you to add anyone to policy. In order to do that the Board has to vote to allow along with portion of cost. That wasn't done. Approximately \$26,000 to acquire insurance. Mr. Ewell filed claim with bonding company. He has not heard back from them. Talked to representative. Sent my letter to Alderman Roy Partin along with other info. Sent to MTAS my opinion. Hasn't called or emailed if going to cover or not. Ms. Allen going to archives and look up exact amount.

Mr. Ewell stated as far as getting it back if it doesn't work out, Mayor Robin Smith is in bankruptcy so we have to file claim in bankruptcy. If we file claim in bankruptcy, it would be discharged when he gets it discharged. If have to file adversary proceedings (lawsuit inside bankruptcy) have bankruptcy declared non dischargeable. If it is non dischargeable would not go through bankruptcy. Mayor Robin Smith would still owe. The City of Decherd would have to find another way to collect.

Vice Mayor Tammy Holt stated we would like to thank Mr. Roy Partin, Mr. Karl Smith. Thank you for a lifetime of service.

Vice Mayor Tammy Holt stated there being no additional business the meeting was adjourned 7:23 p.m. with Alderman Pam Arnold making motion to adjourn. Second by Alderman Roy Partin.

Vice Mayor Tammy Holt

Attest: _____
Rex Clark City Administrator