

**CITY COUNCIL MINUTES
MARCH 2, 2010**

The Harriman City council met in regular session March 2, 2010 at 7:00 p.m. in the City Municipal Complex. Vice-Mayor Chase Tedder was present and presiding. Vice-Mayor Tedder called meeting to order with the Pledge of Allegiance and a prayer by Fire Captain Preston Hamby. Roll call of Council was as follows:

PRESENT: Buddy Holley
Kenyon Mee
Ken Mynatt
J D Sampson
Chase Tedder
Lonnie Wright
ABSENT: Mayor Mason

Vice-Mayor Tedder asked for a motion to approve the minutes from February 9, 2010. Councilmember Mee made the motion and Councilmember Holley seconded. The motion passed with a unanimous Roll Call "Yes".

Vice-Mayor Tedder asked for a motion to pay the salaries. Councilmember Sampson made the motion and was seconded by Councilmember Mee. The motion passed with a unanimous Roll Call "Yes".

DELEGATIONS

Vice-Mayor Tedder asked the public if anyone would like to approach Council.

Chris Inman reported that he had been awarded a bid to do plumbing work at the Channel 15 building for the city. He had completed all of the rough-in work for the project. He stated Ron Cowan, the former project manager, had resigned before the job had been completed. Several weeks had went by and Mr. Inman had not been called back to finish the job. He was driving by the building and he saw some people in there working so he stopped to talk to someone. He met with Bob Tidwell and Mr. Tidwell had told him that they were not going to finish the bathroom project that Mr. Inman had started. Mr. Inman reported he knew that was not a correct statement, because the bathroom would have to be finished. Mr. Inman stated he left and waited a few weeks and went back and talked to Mr. Tidwell again. Mr. Tidwell told him that he would not be needed to finish the contract because they would finish the project themselves. Mr. Inman reminded Mr. Tidwell that he had a contract to do the project. Mr. Tidwell told Mr. Inman that he should have never been given the contract because the city was going to do the work all along. Mr. Inman asked why he was never given a call informing him of this decision. Mr. Inman reported that he had more than 60% of the job completed and he isn't worried about getting his money because he has been assured that he would be paid for the work he had completed. Mr. Inman stated he wasn't there about the money. He wanted to know if Mr. Tidwell had the authority to set aside a contract that had been approved by the Mayor's office or the Council. He reported that in the bid specifications it required to be a state license plumber. He had to pull all of the permits in his name for this job. He

wanted to know if the city took over a job would they have to go by the same rules as the license plumber. These are the question he would like answered tonight. Vice-Mayor Tedder stated the city would not be exempt from any rules. He stated he was in agreement the project should be finished by a license plumber. Mr. Inman stated his biggest problem was that he felt he was treated rudely and unfair by Mr. Tidwell. Vice-Mayor Tedder apologized for anything that might have been said or done to offend Mr. Inman. Councilmember Mynatt asked since the city took over the project, which would be ultimately responsible if the project didn't pass inspection. City Attorney Harold Balcom answered, the person who does the work is responsible. This means Mr. Inman will not be responsible for any work the city has done. Mr. Inman asked his first question again, does Mr. Tidwell have the authority to break a contract that had been approved by the Mayor's office. Vice-Mayor Tedder stated he didn't believe he had the authority to break any contracts. If Mr. Inman had a contract then he should have been able to finish the work in his opinion. Councilmember Mee asked if this was the contract that was set aside when Ron Cowan was appointed project manager. Mr. Inman stated his contract had been awarded when Mr. Cowan worked for the city. The problems started when Mr. Tidwell took over the project. Vice-Mayor Tedder stated he thinks part of the problem was the change of project managers. He agrees that Mr. Inman should have been able to finish the project. He believes Mr. Inman should be paid what he is due. Vice-Mayor Tedder apologized again to Mr. Inman for anything that might have offended him and assured him they were working hard to try and make sure it doesn't happen again.

Sarah McCoin reported she gave everyone a benefits summary package that her firm had put together for the employees. This package contains contact information for each broker and the insurance company, vacation schedule and the holiday schedule. She wanted the council to look at this and see if there were any changes or additions they felt needed to be done. Sarah reported that Angie and herself were going to meet with each department and distribute the package. We are also going to take questions and concerns the employees might have at this point. Sarah also reported her firm is also working on the intranet site for the employees so that they will be able to look at their benefits online. Sarah stated she wanted to update the council on the progress that has been made so far.

Rick wanted to know the status on the street lights on the four lane that the city started working on several years ago. He stated there was \$125,000 placed in the budget for this project. He reported that he was told by Mayor Mason that something had to go to Nashville a year ago. Vice-Mayor Tedder stated he wasn't sure. The last he heard this had to be sent to TDOT for a lighting plan approval. Mr. Tidwell stated he has the plan on his desk to be taken to Nashville for TDOT's approval. He reported the money is there, we just have to get the approval first.

OLD BUSINESS

Vice-Mayor Tedder asked Councilmember Wright if he had any old business. Councilmember Wright wanted to report one thing. He had read where the new theatre in Maryville has been opened up. He stated their project was much larger than ours but hopes our theatre project is just as successful.

Vice-Mayor Tedder asked Councilmember Mynatt if he had any old business. Councilmember Mynatt stated he did not have any at this time.

Vice-Mayor Tedder asked Councilmember Sampson if he had any old business. Councilmember Sampson reported that he had been told the horseshoe pits at the Riverfront Park had been removed by Mayor Mason and Councilmember Mynatt. He asked Councilmember Mynatt if that was true. Councilmember Mynatt confirmed it was true. Councilmember Sampson stated it had cost almost \$2,000 to put these in last year. Councilmember Sampson asked Councilmember Mynatt why they didn't discuss this with the council or the building and grounds committee before making the decision to remove the horseshoe pits. Councilmember Mynatt reported there was a safety situation where they were located. He could not recall who all he had discussed the situation with, but they were to be moved down to the next section. He is unaware why the horseshoe pits were removed and not moved to the next section. Councilmember Mynatt apologized to Councilmember Sampson for not discussing this situation with him and stated that we needed to move on with the meeting.

Vice-Mayor Tedder asked Councilmember Mee if he had any old business. Councilmember Mee stated he did not have any at this time.

Vice-Mayor Tedder asked Councilmember Holley if he had any old business. Councilmember Holley stated he did not have any at this time.

City Attorney Harold Balcom reported the City of Kingston has filled out the application for permission to appeal with the Tennessee Supreme Court in the annexation matter on February 25, 2010. Mr. Balcom has until March 12, 2010 to respond in reading their application. He stated the City of Kingston tried to make the argument sound better in the application but it is still the exact same argument. Once the Tennessee Supreme Court of Appeals reviews their application and reads our response, they will make the decision if they want to hear the appeal or not. If they do not, we should have an answer fairly quickly but if they do want to hear the appeal, they will have to argue this again in front of the Tennessee Supreme Court.

Harold stated he will have something for Cindy Simpson to print on the Pinnacle Point issue within the next couple of weeks.

Bob Tidwell reported they have submitted the application for the Housing Rehabilitation grant. Mr. Tidwell needs the council to designate an engineering firm to administer the grant in the initial stages. They sent out a request for proposals and they had two replies. One was Barge Wagner Sumner and Cannon and the other was Cannon and Cannon. Mr. Tidwell has looked at both proposals and both firms are qualified, but he doesn't want to make the decision because he knows both firms. Councilmember Wright asked who we normally used for this type of project. Mr. Tidwell stated we have used BWSC in the past. Vice-Mayor Tedder stated we had already chose BWSC at the previous council meeting.

AGENDA

Discuss and possibly appoint the Mayor's designee for the Planning Commission

Vice-Mayor Tedder reported the Mayor has requested to appoint Kenny Humphrey. He has come highly recommended to the Mayor and Vice-Mayor Tedder stated that he also highly recommends Mr. Humphrey. Mr. Humphrey has previous experience from the City of Oliver Springs Planning Commission. Vice-

Mayor Tedder asked for a motion to appoint Kenny Humphrey as the Mayor's designee. The motion was made by Councilmember Sampson and was seconded by Councilmember Holley. The motion passed with a unanimous roll call "Yes"

Discuss burn ordinance

Vice-Mayor Tedder reported that Maria Nelson gave everyone a copy of the City's Carter and the International Fire Code on burning. He stated several Councilmembers were approached by a citizen who has a fire pit in his back yard and would like to burn for recreational purposes. According to our City Charter it is illegal for him to do this. The citizen has requested the council look at changing this so he can enjoy a fire in his own back yard. After much discussion Harold Balcom stated since the city has adopted the International Fire Code it takes precedence over the City Code. Mr. Balcom suggested to create an ordinance stating who the fire code official would be and how these permits would be issued. Councilmember Wright asked if they could add this to the workshop agenda.

Discuss charter changes, Article III

This has been postponed and added to the workshop agenda.

Vice-Mayor asked for a motion to waive the agenda rule. Councilmember Mynatt made the motion and it was seconded by Councilmember Mee. The motion passed with a unanimous "Aye".

Vice-Mayor Tedder yielded the floor to Councilmember Holley. Councilmember Holley reported that back in December the council selected Mr. Albertson as the health insurance broker. It was discovered that the City of Harriman had to pay two premiums for the month of January. We had to pay the State premium and also the UHC premium. Mr. Albertson was made aware of the situation and he gave the City no solution to the problem and it cost the city approximately \$30,000 for the year. Councilmember Holley made a recommendation to change to another broker. Harold Balcom stated he had looked at the UHC contract and there is no problem with changing brokers. Councilmember Holley stated there would be no penalties and no change in premiums if we did change our broker. Vice-Mayor Tedder asked if there was anyway of recovering any of the premiums. Councilmember Holley stated we were still looking into our options. Mr. Balcom stated we would not be able to recover the money from UHC. The mistake was made by the broker and he is going to look at maybe recovering the money from the broker angle. Councilmember Holley made the recommendation to go with broker with the next lowest bid. Vice-Mayor Tedder asked if he could make this in the form of a motion. Councilmember Holley made a motion to terminate the current health insurance broker Albertson and appoint the next lowest bid which Angie Skidmore's interpretation was Sarah McCain with Strategic Employee Benefit Specialists. The motion was seconded by Councilmember Mynatt. Vice-Mayor Tedder stated that we were only changing brokers. We were not changing our plan everything would still be the same and the current contract would stay in place. Harold Balcom confirmed Vice-Mayor Tedders statement. Councilmember Mee stated judging by the benefits summary

Sarah's firm has put together, this is definitely a plus. The motion passed with a unanimous roll call "Yes".

There being no further business, motion was made by Councilmember Mynatt and was seconded by Councilmember Mee. Motion to adjourn was passed with a unanimous "Aye".

Chase Tedder/Vice-Mayor



Angela Skidmore/City Clerk