

**MINUTES OF THE REGULAR SESSION OF  
THE CITY COUNCIL OF THE TOWN OF EAGLEVILLE, TENNESSEE  
March 27, 2008 7:00 PM**

The Mayor and City Council members met in regular session in the Eagleville City Hall, City of Eagleville, Rutherford County, Tennessee, March 27, 2008, at 7:00 pm with Mayor Nolan S. Barham, Sr. presiding.

**COUNCIL MEMBERS PRESENT**

Mayor Nolan S. Barham, Sr.  
Councilman Harold Vincion  
Councilman Terry Zumbro

Vice-Mayor Ronnie Hill  
Councilman David Rigsby  
Councilman M.A. Smitty

**STAFF**

Colleen Adams, City Recorder  
Robbie Hammond, Fire Fighter

David Martin, Fire Chief

**GUESTS**

Jeanie McElhaney  
Phil Williams  
John Turner  
David Turner  
Don Hendrix  
Tom Sapelak  
Carolyn Sapelak  
Doyle Wood  
Russell E. Lockwood  
A.C. Mathisen  
Janice K. Morgan

Donna Jenson  
Debbie Ryan  
? Hazel  
Janice Zumbro  
Alan Ball  
Daniel Franks  
Sam Tune  
Bridgett Fitzgerald  
Ed Smotherman  
Davina Tompkins

**CALL TO ORDER** – Mayor Nolan S. Barham, Sr.

**ROLL CALL**

Roll was called by City Recorder, Colleen Adams. All Council-members were present.

**INVOCATION**

Led by Fire Chief David Martin

**PLEDGE OF ALLEGIANCE**

Led by Mayor Nolan S. Barham, Sr.

**MAYORS WELCOME**

Mayor Barham welcomed everyone in attendance to the meeting.

**ADOPTION OF AGENDA**

Mayor Barham asked for a motion to approve the agenda, Councilman M. A. Smitty motioned, and Councilman Harold Vincion seconded the motion. Councilman M.A. Smitty asked that a discussion of City surplus items be added to the agenda and Councilman Terry Zumbro seconded. A vote was taken by City Recorder, Colleen Adams, and the motion passed 5-0 as amended.

**CITIZEN INPUT**

Ms. Carolyn Sapelak spoke expressed concern over a trucking company that she read in the Eagleville Times is inquiring about land for sale on Cheatham Springs Road, and asks that it not be considered for environmental and noise issues.

Mr. Alan Ball expressed opposition to a trucking company locating on Cheatham Springs Road, and also asked that the proposed charter be amended to allow for residents that live in the voting precinct, but not in city limits, run for City Office.

Ms. Nell Lynch also expressed concern over a trucking company and the noise it would create since the land in question is near her church.

Mr. Daniel Franks questioned the safety of a trucking company locating on Cheatham Springs Road and asked if a more suitable location could be found.

Ms. Bridgett Fitzgerald expressed opposition to a trucking company. She also stated that she does not feel the City Charter should be changed until the investigation is over. She agrees it should be changed and updated but feels there is no reason to do it now.

Ms. Donna Jenson spoke and asked why the Charter change can't wait until after the next election, and the "big cloud" over the city is gone. She also expressed frustration that she feels her comments are not heard.

Mr. David Turner spoke and spoke of recent City activity of which he feels most are questionable. He also read a statement he said he received from ex-councilman Greg Buchanan saying it was written by Ms. Carolyn Barham.

Mr. Sam Tune told the Council-members he appreciated all they did and to act on their conscience when voting and asked that the proposed City Charter be delayed. He also stated he thinks that Eagleville business owners should be able to run for City Office.

Mr. David Turner spoke again and stated he does not feel this City Council should pass the proposed City Charter.

Mr. Phil Williams stated he does not feel the proposed City Charter should be passed because it will effect the next election and until "we get our house in order."

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Ms. Janice K. Morgan expressed concern with the City Council passing anything.

Ms. Donna Jenson spoke again and stated more time should be given before the proposed City Charter is passed and questioned Mayor Barham's residency.

Mayor Barham then asked if any Councilmember would like to address the citizens and their comments or questions.

**APPROVAL OF MINUTES**

The minutes for the February 21, 2008 City Council meeting was presented. A motion was made by Councilman M.A. Smitty and seconded by Councilman David Rigsby for approval. The motion passed unanimously after a vote by City Recorder Colleen Adams.

**OLD BUSINESS**

Vice-Mayor Ronnie Hill reported the Park Board met, and said it was suggested that a fee of \$25.00 be paid by anyone who wished to reserve the pavilion and asked if this was something the City Council needed to vote on. He also stated that due to the Grant period ending, they were planning on completing the walking trail and fund-raisers were needed to generate the \$25,000.00 to \$35,000.00 needed.

Mayor Barham stated the investigation was still ongoing.

**RESOLUTION 08-01**

Councilman M. A. Smitty questioned wording of the reading of the ordinances on page 11, section 2.09, line 12, and it was decided to correct it to read any ordinance will be voted on the 2<sup>nd</sup> reading, after a public hearing. Councilman M.A. Smitty also questioned page 9, Section 8, 5<sup>th</sup> line regarding the removal of officers; specifically the section on intoxication. After discussion the item was left as written. Councilman Harold Vincion stated he was confused by Don Darden's statement regarding residency and holding office. Attorney Adam Dodd explained that there is a state code, but the city code can be different since our Charter is a private act. Vice-Mayor Ronnie Hill questioned the clarity of who could vote on page 3. He also stated he had a lot of time talking to people who voiced their concerns over voting on the proposed City Charter. He said he felt definitely the Charter needed to be changed and agrees with the content, he feels the mistrust some people have of the Council seems to be the biggest block and has reservation passing it with all the resident concerns.

Councilman Harold Vincion stated he was bothered over the distrust some residents had shown to himself and other Council-members. While stating they may

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have made some mistakes, he also stated they have also worked hard for the City and are trying to do what is best.

Councilman M.A. Smitty spoke, and stated that while he values the opinion of the 9 people at the meeting out of the 500 residents and of at least 250 eligible voters who spoke and voiced their concerns; he did not feel it was enough to sway his feelings.

Fire Chief David Martin expressed concern over the not passing of the Charter, and the impact it would have on the Fire Department. He also stated he was frustrated by some citizen actions.

Councilman David Rigsby explained to the residents the proposed City Charter has been in process for almost 2 years, and have had lawyers to review it.

A motion was made by Councilman M.A. Smitty, and seconded by Councilman David Rigsby to approve Resolution 08-01 with the change to section 2.09, line 12, to read "...when adopted after a public hearing and..." A vote was taken by City Recorder Colleen Adams, and the resolution passed 5-0.

### **FINANCIAL STATEMENT**

Mayor Barham presented the January and February 2008 Financial Statement. Vice Mayor Ronnie Hill questioned the absence of the Street Aid reports, and after it was provided, Councilman M.A. Smitty made the motion for approval with Councilman Harold Vincion seconding. The motion passed unanimously after a vote by City Recorder Colleen Adams.

### **NEW BUSINESS**

Mayor Barham presented Resolution 08-02 For a Drug Free Workplace as required by GNRC and the Home Grant. A Motion was made by Vice-Mayor Ronnie Hill and was seconded by Councilman M.A. Smitty. The motion passed unanimously after a vote by City Recorder Colleen Adams.

Mayor Barham presented a document prepared by City Attorney Adam Dodd outlining a change to the procedure for citizen public record requests for the City Council to review. The change would allow for the records to be available for the resident to look through and research themselves with the City Recorder making copies as requested by the citizen, excluding confidential records such as personnel files that would require redaction. Councilman M.A. Smitty moved for Attorney Adam Dodd to write a proposal outlining these changes for future review for the Council. Councilman Harold Vincion seconded the motion and it was passed 5-0 after a vote was taken by City Recorder Colleen Adams.

Resident David Turner presented a letter explaining he purchased a Fire Truck and is offering to donate it to the Eagleville Volunteer Fire Department. Fire Chief David

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discovered due to the vehicle's condition and non-working pumps and brakes, the Fire Department would not be able to accept this donation. He also pointed out that the vehicle would lower the Fire Department's ISO rating. Chief Martin stated that he has been working with the State and County to get Grants to be used to purchase new equipment. Resident David Turner withdrew his offer and Councilman M.A. Smitty thanked him for the offer.

Councilman M.A. Smitty moved to deem as surplus and sell the old yellow Fire Truck by sealed bid, with the Bids to be received by City Hall no later than 4/23/08 at close of business and opened 4/24/08, with the vehicle going to the highest bidder and be removed within 10 days and all proceeds going to the Fire Department. The motion was seconded by Councilman Terry Zumbro and after a vote taken by City Recorder Colleen Adams it passed 5-0.

Councilman Harold Vincion stated the deed for a shed on Allisona Road is being researched. Since the building has no egress for the City to use, the current owner of the property would like to purchase the shed for \$1,500.00 with the money being given to the Fire Department. City Attorney Adam Dodd stated he would like to research the selling of the shed by resolution before the Council makes a decision.

### **POLICE REPORT**

Mayor Nolan Barham stated that former Police Chief Everett Stone has asked for his old Police Uniform. After a discussion by City Attorney Adam Dodd confirming the uniform is now considered surplus, it was decided the uniform can be given to Mr. Stone.

### **FIRE REPORT**

Fire Chief David Martin stated a Fire Fighter was injured the past Monday night, 3/24/08 during a fire. The Fire Fighter was taken to MTMC and was transferred to St. Thomas Hospital and is recovering. Chief Martin stated a donation of \$3,500.00 was received for DET Distributing as well as a Community Enhancement Grant of \$2,500.00 for equipment repair and replacement. Councilman M.A. Smitty suggested financial aid be given to the injured Fire Fighter. Chief Martin stated he has been in contact with the Workman's Comp Insurance and is making provisions to assist the Fire Fighter in the form of a Community Account. Resident David Turner stated the Fire Fighter was not happy with the medical care he has been receiving and Chief David Martin assured everyone he is seeing to it that the Fire Fighter is being well taken care of.

### **CLOSING**

Mayor Barham closed the meeting by stating the remarks read by resident David Turner regarding Carolyn Barham were inappropriate and that it was a response to an anonymous e-mail sent to his home. He also stated according to the law, the intent of residency is there and he has the intent to move back to his property since his house fire.

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Mayor Barham also stated a list of all the meetings was sent to the Daily News Journal and Eagleville Times and thanked all for attending. It was moved by Councilman Harold Vincion to adjourn, with Councilman David Rigsby seconding the motion. With unanimous vote the meeting ended at 7:45 pm.

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Mayor Nolan S. Barham, Sr.

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Colleen Adams, City Recorder

*Colleen Adams, City Recorder*  
*11/20/2010 9:26:27 PM*