

**MINUTES OF THE REGULAR SESSION OF
THE CITY COUNCIL OF THE TOWN OF EAGLEVILLE, TENNESSEE
September 25 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, September 25, 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

Absent: Councilman M.A. Smitty

STAFF

Colleen Adams, City Recorder

Fire Chief David Martin

GUESTS

Glenda Dyer
Alan Ball
Debbie Ryan
Donna Jenson
Bridget Fitzgerald
John Poole

Linda Vincion
John E. Turner
Bill Jarboe
Phil Williams
Wes Fitzgerald

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

ROLL CALL

Roll was called by City Recorder, Colleen Adams. All Council-members were present except Councilman M.A. Smitty.

INVOCATION

Fire Chief David Martin led the Invocation.

PLEDGE OF ALLEGIANCE

Led by Mr. Bill Jarboe.

MAYORS WELCOME

Mayor Barham welcomed everyone in attendance to the meeting.

SPECIAL PRESENTATION

Mayor Barham presented Mr. Bill Jarboe with a “2007/2008 Elementary Teacher of the Year” award. Mayor Barham stated the other 2 teachers who received awards were unable to attend tonight’s meeting. Mr. Jarboe thanked the Mayor and stated he enjoyed working with everyone the past 15 years.

ADOPTION OF AGENDA

Councilman Harold Vincion made a motion to adopt the agenda, with Councilman Terry Zumbro seconding. After a vote taken by City Recorder, Colleen Adams, the motion passed 4-0.

Asking for special privilege, Mayor Barham asked for City Attorney Adam Dodd and Mr. John Poole to discuss their reports before the meeting continued. Mr. Dodd stated that former City Recorder Michelle Bennett had been arraigned on several charges this past month, and that a discovery court date was set for October 10. He stated that the Council should have received a copy of the Investigative Audit, and would he would be happy to answer any questions the Council may have. Vice-Mayor Ronnie Hill stated he had discussed turning in the loss to the insurance company with the District Attorney handling the case, and was advised the City should file a claim with them and not with Ms. Bennett due to her current financial status. Mr. Dodd stated he had already discussed this with the Mayor and City Recorder.

Mr. John Pool stated he completed the 2007 Fiscal audit, and it did not contain any additional “surprises” than what the Sate audit findings were. He stated that the report would be useful in beginning the process for filing a claim on the City Bond for recovering any money. Vice-Mayor Ronnie asked about the Insurance Company filing a claim against Ms. Bennett for restitution. Mr. Dodd stated that if the City did recover funds from the Bond, than the Insurance company would have the option of getting restitution from Ms. Bennett, and the City could not. Councilman Harold Vincion asked Mr. Poole if the accounting firm Hall & Davidson did a good job, and Mr. Poole stated in his opinion, yes. Mr. Poole stated that in small offices this type, this is one of the risks they face. Mr. Poole also stated that Hall and Davidson did audits prior to his, and there did not appear to be wrong-doings until 2006. He stated that he and Hall & Davidson did begin questioning the former City Recorder when they found the items and did report it to the State, but the State Comptrollers office was not interested until the more recent Credit Card findings. He also stated that if Michelle had stayed, action would have been taken, and, the District Attorney became involved at TBI’s request.

Mayor Barham stated that when audits were completed in the past, the City had taken any action recommended by the auditors, and the current City Recorder had just

recently gone to a seminar, and asked her to speak. City Recorder, Colleen Adams, stated she did receive some good information and suggestions on how she and the City could protect themselves, and was looking forward to a work session to explain in detail.

CITIZEN INPUT

Donna Jenson asked if the discussion was explanation for everything, and that she and other residents had been in with concerns prior to the findings and asked why it was not addressed.

Bridgette Fitzgerald spoke, and asked is she could get an answer to Ms, Jenson's question.

Donna Jenson spoke again, and stated that Mr. Poole's statements that small offices take these risks, was not true and this thing does not always happen.

John Turner spoke, and stated as a small business owner he keeps up with all his bills and checkbooks, and that the Mayor or City should have looked at the checks received.

Phil Williams spoke, and stated that when former Councilman Greg Buchanan questioned payments several months ago no action was taken and he found it reprehensible and the sooner the Mayor resigned the better.

John Turner spoke again and asked who would be watching over the money.

APPROVAL OF MINUTES

Councilman Terry Zumbro made a motion to approve the minutes, and was seconded by Councilman David Rigsby. After a vote taken by City Recorder Colleen Adams, the motion passed 4-0.

FINANCIAL STATEMENT

City Recorder Colleen Adams stated to the Mayor and Council she had hand-written notes on their financial statements explaining some deposit errors made by the State in their THDA Direct Deposits and Fire Department, and that they had all been corrected. A motion was made by Councilman David Rigsby to approve the August financial report and was seconded by Councilman Terry Zumbro. After a vote taken by City Recorder, Colleen Adams, the motion passed 4-0.

PARK UPDATE

Vice-Mayor Ronnie Hill stated that the Walking Trail was done, and that he and others worked all day long sowing grass seed and that they ordered 2 Park benches. He also stated that the Fall Festival was coming up on October 11 and they had lots of things

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Planned, such as vendors, Bill Boner & his animals, inflatables and food, and, any money left over after it would go to the park fund. He also stated that the deadline for submitting the grant paper work was due next month and he would be getting with the City Recorder to get everything together.

OLD BUSINESS

Mayor Barham stated that a motion was in order for the City to recoup any money possible from the loss in regards to the investigation and asked City Attorney Adam Dodd if any there was anything else that would need to be done. Mr. Dodd stated he did not think so. A motion was made by Councilman Terry Zumbro to pursue the bond company for information the City needs to file for re-coupment and begin the process of recovering the money, and was seconded by Councilman Harold Vincion. The motion passed 4-0.

Mayor Barham stated a work session would be called to discuss the findings of the audits. Mr. Dodd stated that the City is not liable for the Credit Cards in question, and the cards were issued in Michelle Bennett's name and Social Security number, and suggested the City pull a credit report for their protection. He stated the City did not receive any bills due to the fact the addresses used were not City Hall or the City P.O. Box. A motion was made by Councilman Harold Vincion to pull a credit report, and seconded by Councilman David Rigsby. After a vote taken by City Recorder Colleen Adams, the motion passed 4-0.

NEW BUSINESS

Mayor Barham stated all Councilmen should have received a proposal for the disposal of surplus City property (Ordinance 08-04). Councilman David Rigsby made a motion to accept Ordinance 08-04 on 1st Reading, with Councilman Terry Zumbro seconding. After a vote taken by City Recorder Colleen Adams, the motion passed 4-0.

Councilman Harold Vincion stated that Ms. White who owns the property at 940 North Main Street has requested that the property be rezoned from R2 to C2 due to the difficulty she has had in trying to sell it as a recommendation from the Planning Commission. On First Reading, the motion passed 4-0.

Vice-Mayor Ronnie Hill opened the one bid received for the pumping of the septic tank at City Hall. The bid was from Jones Septic service for \$175.00 per pump. Councilman David Rigsby made a motion to accept the bid, with Councilman Terry Zumbro seconding. After a vote taken by City Recorder Colleen Adams, the motion passed 4-0.

FIRE REPORT

Fire Chief David Martin stated the department had a rough month with the burning of Eagleville Grocery. He stated is very proud of his department and all the

other departments that responded to the fire including districts from Blackman, Bedford County, Unionville, Rockvale and Chapel Hill. Chief Martin stated due to recent illegal burns reported, he would like to remind everyone that the only legal items that can be burned are God made materials. Mayor Barham stated the insurance has already settled for the Eagleville Grocery store, and cleanup would begin soon.

POLICE REPORT

Councilman Terry Zumbro stated he and Mayor Barham had met with a representative from Regions Bank to discuss a possible space they have to be used for a sub-station for the Sheriff's Department, and that Mayor Barham has submitted this to Sheriff Truman for consideration.

CLOSING

Mayor Barham stated the City of Eagleville has recently been awarded a "Three-Star Award" and was proud of this as it is a very special award not all cities receive. He reminded all of the Homecoming Parade in town tomorrow, and stated all candidates currently running for City Council would be receiving the information the current Council is receiving for all future meetings. A motion was made and the meeting adjourned at 8:09 pm.

Mayor Nolan S. Barham, Sr.

Colleen Adams, City Recorder