
INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM: ANDREW ELLARD
SUBJECT: ACTION RECOMMENDED UNTIL CAPACITY FEE IS ESTABLISHED
DATE: JANUARY 21, 2015

Mayor and City Council,

As we discussed during the January 20th Work Session, I recommend that until such time that the City can fully study and establish a capacity fee, that at the completion of this phase of the sewer project, no new customers be granted permission to connect – either inside or outside of the USDA project footprint.

For clarification, I would point out that certain properties may already have connected to the system or be in the process of connecting to the system that were not a part of the USDA project footprint – namely, Mr. Turner’s storage facility, WasteEquip, and the Rutherford County Co-Op. I would suggest allowing these to continue moving forward with connection without a capacity fee, but to effectively close the door to other properties until such time that a capacity fee is established.

In case it is helpful, below is draft language for a possible motion on the matter.

“Motion to Deny connection to the sewer system any properties or structures other than those being funded in part by the USDA-funded project, whether inside or outside of the original project footprint, with the exception of those properties known to the City of Eagleville to be connecting through their own private investment, until such time that the City Council establishes a capacity fee, and providing that until such time, special requests or development proposals may be brought to the City Manager for presentation to the Council as a special request. For the record, those known to be connecting through their own private investment are limited to 309 South Main, 395 South Main, and 1217 North Main, and their approval to connect without a capacity fee shall cease if not fully connected and operational before the completion of the USDA-funded project.”

This is merely draft language, open to discussion, but I believe that it covers all areas of potential question that may arise until we are able to firmly establish a capacity fee structure.

Respectfully,

Andrew Ellard

INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM: ANDREW ELLARD
SUBJECT: RE-ZONING ON HOLD – POTENTIAL ACTION
DATE: JANUARY 21, 2015

Mayor and City Council,

At the January 20, 2015 City Council Work Session, I was asked about the two re-zoning applications that the applicant requested to be removed from the agenda. As I mentioned, this is a circumstance that is not specifically addressed in any of our policies, procedures, or ordinances.

Presently, my plan of action is to require the applicant notify this office a minimum of 14-days in advance of the issue(s) being brought back to the City Council for consideration of a first reading. This would ensure adequate time to prepare documents for the Council Meeting.

However, a valid concern raised during the Work Session is the potential for changing circumstances that would require a full review of the application(s) as though they were new. Circumstances with the subject properties may not change, but details related to surrounding properties, ordinances, and infrastructure could change, hypothetically. At what point in time a full review should be required again is open for discussion.

If the council is inclined to take action so that these cases do not linger indefinitely, I would offer the following language as a starting point (with items in parentheses to be discussed and determined by the council).

“Motion to authorize the City Manager to notify the applicant for Re-zoning cases 2014-001 and 2014-002 that the applicant has (30) days from the date of notification to inform the City Manager in writing of intent to bring the re-zoning cases back before the City Council no later than its (March 26, 2015) regular meeting, and that failure to notify would be deemed a full withdrawal of the application(s).”

The above language is simply a draft, but includes several details that I believe would be necessary in making such a notification if that is the will of the council.

Respectfully,

Andrew Ellard

Resolution No. 2015-001

**A Resolution Authorizing the Request for Internal Borrowing Assistance
toward the Completion of the STEP Sewer System**

WHEREAS, the construction of a public sewer system is underway in the City of Eagleville; and

WHEREAS, the City of Eagleville has secured substantial funding for the project from the United States Department of Agriculture through a grant and loan package; and

WHEREAS, the City has recognized the likelihood of cost overruns in the development of the project; and

NOW THEREFORE BE IT RESOVED by the city council of the City of Eagleville, that the City Manager is authorized to seek funding alternatives to cover the project's cost overruns through the U.S. Department of Agriculture and other funding opportunities both internal and external to the City as may be available, and that this approval may take action as is administratively feasible to cancel existing insurance policies or bond coverages that are found to be unnecessary duplication of coverage, where doing so is in keeping with the legal opinion upon which this Resolution is based.

BE IT FURTHER RESOLVED that this approval additionally includes authority to request approval from the State of Tennessee to initiate an internal loan from the general Fund to the Sewer Fund in an amount determined reasonable to fund project cost overruns.

WHEREUPON, Mayor Brown declared the Resolution adopted, affixed his signature and the date thereto, and directed that the same be recorded.

Travis Brown, Mayor

Date: _____

Kathey Burleson, City Recorder

**Approved as to Form and Legality
this _____ day of January 2015**

Leon Sharber, City Attorney

Resolution No. 2015-002

A Resolution Supporting Wine and Alcoholic Beverage Sales

WHEREAS, owners of businesses currently holding license to serve beer in the City of Eagleville have expressed a desire to serve wine and other alcoholic beverages in order to complement their menus; and

WHEREAS, residents of the City have expressed a desire for the same, in support of restaurants in the City of Eagleville.

NOW THEREFORE BE IT RESOVED by the city council of the City of Eagleville, that the city council is in support of any effort by the Tennessee General Assembly to allow for the sale of wine and other alcoholic beverages on the premises of establishments in the city, which are approved, either currently or in the future, for the sale of beer on the premises.

WHEREUPON, Mayor Brown declared the Resolution adopted, affixed his signature and the date thereto, and directed that the same be recorded.

Travis Brown, Mayor

Date: _____

City Recorder

**Approved as to Form and Legality
this _____ day of January 2015**

Leon Sharber, City Attorney

INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM: ANDREW ELLARD
SUBJECT: SEWER PROJECT – CHANGE ORDER #2 FINAL FIGURE
DATE: JANUARY 21, 2015

Mayor and City Council,

During the January 20th Work Session, we discussed Change Order #2 on the Sewer Project and specifically attempted to identify the final cost associated with the Change Order. There was very clear agreement in the January 8, 2015 Special Called meeting to reduce Superintendent hours by 50% and to reduce the markup amount on the entire change order from 15% to 10%. On the morning of January 9th, the contractor and I recalculated the change order based on those changes and arrived at the following figures. Please accept this as part of the minutes for the January 23, 2015 council meeting.

Materials:	\$8,055
Labor:	\$51,496
T & E:	\$40,745
Other:	\$2,180
Total for Additional Time:	\$102,476
Six traffic rated tanks:	\$8,124
Grand Total of Change Order #2:	\$110,600

Respectfully,

Andrew Ellard