

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: September 4, 2008, Time 7:00 p.m.
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:00 p.m. Members present were Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Ken Thomas. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Don Swartz, and Recorder Cindy Lancaster. There were 41 citizens present.

Pastor Danny Garrett of Providence Baptist Fellowship led the Prayer and Pledge.

At 7:02 a public hearing opened on Resolution #08-09, a resolution to authorize and establish a tax assessment district for sewer improvements within the Town of Nolensville.

Mr. Donald Jenkins, 7639 Nolensville Road, read a letter to the Board. He stated that he owned property at 7283 Nolensville Road. He stated that he just received documentation on this project and in the resolution it states benefited properties. He stated that the Town will not allow anything to be built on his property and is requesting to be removed from this taxation. Mayor Lothers asked who he spoke to at the Town. Mr. Jenkins stated that he read the information on the web-site and had not spoken to Town Hall staff about anything specific. Mr. Jenkins said if he benefited from the sewer he did not have a problem with paying the tax. Alderman Alexander asked if the Town had denied him. He said that he had not been in to town hall to have anything approved, although reading the regulations it would not be allowed.

Mr. Keith McCord, 7263 Nolensville Road, property owner asked to have a portion of his property to be removed from the taxation due to that parcel not benefiting. He read a portion of the statute giving the governing body the authority to make the determination of the benefiting property. He told the Board that there were three reasons why he felt that a portion of his property did not benefit. 1. It is not within reasonable distance. 2. It would require creek crossing. 3. The property already has sewer on it. Mr. McCord stated that it has workable sewer. He had a map of parcel 59.01 that showed the sewer going through this property. He asked that this property be removed from the taxation. Alderman Curtsinger asked if this was Metro's sewer. Mr. McCord stated that he did not know. Mayor Lothers noted that a statute states that any improvement to a piece of property will affect what the property owners will be assessed in the future.

Alderman Curtsinger asked to be shown the northern boundary. Mayor Lothers stated that Exhibit A shows the boundaries. Alderman Dugger asked for the members that were in favor of this resolution to stand. There were numerous individuals that stood. He then asked for the ones that were opposed to stand. Mr. Jenkins stood noting that he was in favor of the sewer, but he had previously shared his concerns.

Mayor Lothers thanked everyone for their work on this project. She noted that when Mr. Jay Nelson met with Mike Morris with Metro Water and Sewer he had stated that the fee would be waived for the connection. She noted that she had asked for him to put this in writing and has made numerous calls to him. She noted that he has not returned her call. Alderman Alexander stated that to his knowledge no one has ever paid a connection fee, although when he went to put

this in writing there was a conflict in the code. Alderman Alexander stated that Mr. Morris stands by his word. Mayor Lothers noted that the tap fee is normally waived, but the basin and capacity fees may be the issue. She noted that she intended to move forward on this and have it on the agenda for October. Mayor Lothers stated that she wanted to have this fee information clarified prior to that meeting so that everyone would have the information before them. She then asked the Engineer of this project, Mr. Goff, to update the board. Mr. Goff stated that he had a preliminary design with him, but it was not final and still needs to be tweaked. Mr. Goff added that if anyone had any questions his number was on that map and they may contact him. Mayor Lothers asked him on the progress of the permitting. Mr. Goff stated that he had talked to Metro and they have sent it to the State Wildlife. It is before the Wildlife agency. Mayor Lothers stated that it was confirmed by consultants that the creek crossing is totally taken out of the tax assessment. She noted that if it was in the assessment it would have to go through the bid process. She noted that Exhibit E shows the Churches' contributions. These numbers have been pulled out of the assessment. She noted that these are donations from these entities. Mr. Goff said he will find out tomorrow if Mr. McCord's parcel, that was previously discussed, is under Metro Sewer.

Mr. Darrin Scheff, asked for clarification on the term for payment. Mayor Lothers stated that it is based on three years. Mr. Scheff ask that it be extended to five years.

The public hearing closed at 7:30 p.m.

Citizens Input:

Mrs. Lynda moses, Rocky Springs Road, noted that she appreciated what everyone had done on the sewer project and especially thanked the Mayor. She stated that without her work it could not have happened. She stated that a current merchant Mrs. Kay Williams Burns is the only original member. She noted that five generations of her family have been in the Nolensville community. Mrs. Moses stated that Mr. Jenkins family goes back six generations and all these people have knowledge that this Board needs. She stated that the residents need to come to more meetings to see what you affects them. She ask that before the Board makes a decision on the sign issue to notify the merchants for their input. Mrs. Moses stated that Reporter Charles Booth stated that people are divided up in age groups. She said that she did not like seeing that the "old-timers" do not want change. She stated that it is the old timers that have been the workers and the laborers and in 1996 worked hard for the Nolensville Incorporation. Mrs. Moses said that it was a way to control Nolensville's destiny, control services. She asked that everyone bury the words old timers and farmers. It is very hurtful.

Mr. Jay Nelson, Nolensville merchant thanked everyone noting that what started out as a little talk and has come this far. He stated that this Board is making it happen and thanked everyone.

Alderman Dugger stated that he had amendments for the regular meeting minutes of August 7, 2008. Alderman Dugger stated that he felt he had a couple of points that was important to get into the minutes. He stated that on page 6 in the second paragraph Bill Tisano said that, "one of the reasons he came to the conclusion that this was the correct place for Town Hall was on Saturday that he had to change his garbage pick up because he has 200 cars parked in the back of the building." There was discussion on this statement with the Mayor noting that the minutes could be deferred if the board wishes to listen to the tape. Alderman Alexander stated that he

had a disadvantage because he had not listened to the tape and would like to. Alderman Thomas stated that he wouldn't mind deferring the minutes. He stated that even if that is one of his reasons, it is going to be up to this board to determine if that's a place for Town Hall or not, not Bill Tisano. Alderman Thomas stated that for that alone he did not see where we would defer it. He added that he would be willing to do so just to hear the tape.

Alderman Dugger noted that on page 9 in the third paragraph he stated that during that discussion, "are we in that big of a hurry not to defer for one more meeting," and "what I don't understand is what's the rush to pass the resolution if we're not going to do anything for 30 days." He added that in the next paragraph Mr. Tisano said, he would be willing to wait 30 more days.

Alderman Dugger stated that not to change the minutes, but for clarification, on page 8 it states that when there was a Town Hall Committee the Mayor had stated that there was not a Land Use Policy Plan and there was one adopted. Mayor Lothers clarified that the workshop notes she provided on the Town Center indicated what was from the Comprehensive Plan draft and from the Land Use Policy Plan, but to her knowledge the Land Use Policy Plan had not been adopted yet when the Town Hall Committee had met. Mayor Lothers stated that Town Planner Henry Laird can review this.

Alderman Curtsinger made a motion to defer the minutes and review the recommended changes, Alderman Alexander seconded. This was unanimously approved.

Mayor Lothers made a motion to approve the treasurer's report for July, Alderman Dugger seconded the motion. The report was approved unanimously.

COMMITTEE REPORTS:

Chair Rick Owens reported for the Planning Commission.

- Zoning ordinance amendment for Appendix A in regards to sign regulations was approved
- Floodplain regulations were approved
- Monthly bond report was approved with some extensions granted

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Extrication class is ongoing
- CPR classes will begin in the near future
- Have lost six members, four were terminated, two resigned
- October is Fire Prevention Month

Mayor Lothers commended the Fire Chief and Chief Rigsby for their hard work on a brush fire at Silverstream Subdivision.

Town Engineer Don Swartz reported for the Engineering Department noting that his experience lies in the design aspect, although staff member Bennie McCoy who is an Inspector for the Town

has brought a wealth of knowledge into the road construction area. He commended Mr. McCoy and noted that the Town was fortunate to have him.

Mr. Swartz noted that the Safe Routes to School grant contract has been received from the State. He noted that the advertisement for the Environmental Engineering has been prepared and should be published by next month.

Mr. Swartz noted that Rocky Fork Road realignment is almost completed. He noted that Resolution #08-10 would be before the Board tonight to move forward on the eastern access to the park.

Police Chief Paul Rigsby reported for the Police Department.

- Written statistics were distributed to the Board
- Parking tickets have been written due to numerous complaints

Chief Rigsby advised the Board that Williamson County Officer Mr. Ricky Headley, Jr. took his own life. He was the Resource Officer at Sunset Middle School. A fund has been set up at First Tennessee Bank in honor of his daughter.

Mayor Lothers noted that Chief Rigsby had distributed a letter with information in regards to a long-term commitment for education. She noted that she wanted to bring this before the Board for their recommendation. Chief Rigsby noted that it is school that will be a ten-week commitment Monday through Friday with Thanksgiving off. He advised the Board that this school is very prestigious. Northwestern University conducts this educational training and is very extensive. He noted that the benefit would be that each attendee gets 21 college credits. Chief Rigsby stated that the tuition would be \$3,200 and the Tennessee Department of Safety is hosting this school. He told that Board that he realized the tuition was excessive and he would be willing to pay a portion. Chief Rigsby stated that he had applied today through the Chief's Association for a grant. This organization will notify the recipients sometime in September. He advised the Board that due to deadlines he had already applied and has been accepted. It was a selective process with only 20 positions available. Mayor Lothers stated that she brought this to the Board because it will effect the staffing in Nolensville and noted that it will be in Nashville and if he is needed he can be called in to Nolensville. Alderman Dugger stated that he felt it would be an asset to the Police Department and he has discussed several options with the Chief. Alderman Dugger noted that it was well within the Mayor's authority to approve this and noted that it would not relieve him of his duties in any way in Nolensville. Chief Rigsby stated that it would not affect the coverage within Nolensville. The town will still have 24-7 coverage.

Alderman Dugger said that he did not think the Town could afford all of the tuition, but could make a portion of it as a payroll deduction. Alderman Dugger stated that he would suggest the Town pay \$2,000 and the Chief pay \$1,200. Alderman Thomas stated that he thought it was a wonderful opportunity for the Chief and Department. He added that he understands \$3,200 is a lot out of the pocket and suggested that if the Town pays the entire amount could the Town ask for a two year commitment from the Chief and if he doesn't stay at Nolensville he will have to pay the Town back. Counsel Notestine said that was possible, although the Chief is considered an employee and not a contract employee. He is an "at will" employee. Counsel added that he did not see any problem with having this agreement. Counsel Notestine said that the Board can

put this in the minutes, with the Chiefs consent and it is made part of the record. Alderman Thomas stated that this was just an idea.

Mayor Lothers asked the Chief what the Departments training budget. Chief Rigsby stated it was \$2,500 and the post training requirements are January through December. He stated that the other Officers have completed their training for this year. Mayor Lothers clarified that currently there is roughly \$1,900. Alderman Dugger said that he did not particularly like contracts. Alderman Alexander said that he agreed. He said that if the Chief wants to leave and has an opportunity and can not, he would not be a very good employee. Alderman Curtsinger stated that the question comes up if this is offered to one employee and not another, this would not be fair. Alderman Curstinger noted that most companies will send you to school, but there is an agreement or contract. The agreement would be that we will send you to this school, but there will need to be a commitment on the employees' behalf. He stated that the next person that makes a request how could this Board deny them. Alderman Curtsinger stated that this is college credit. Mayor Lothers noted that Chief Rigsby is one of the most frugal Department Heads and tries to get free training whenever possible. She asked Counsel Notestine if this Board would be setting a precedent by allowing the Chief to attend this school. Counsel Notestine noted that this is something new for Nolensville and it is the Chief position, not an Officer. If the Board did this for an Officer it would have to be offered to them all.

Alderman Thomas stated that he felt the Board is saying that it supports employees in the education path. Alderman Curtsinger reminded the Board that one of the reasons the Town got in the \$10,000 situation was because it did not follow rules. Mayor Lothers noted that this type of intensiveness in training and it being local is a very important point. Alderman Dugger stated that he felt it should be reviewed on a case-by-case basis. He noted that it is part of the day-to-day decision of the Mayor and he supports this opportunity. Alderman Dugger made a motion for the Town to pay the full \$3,200 with \$2,000 being paid by Town and \$1,200 to be payroll deducted in 26 pay periods, Alderman Alexander seconded. Mayor Lothers clarified there was \$1,900 in the budget for education. Alderman Dugger asked if she would be changing that. Mayor Lothers stated that for budget purposes the Town could pay \$1,900 and the Chief pay \$1,300. Alderman Curtsinger inquired about staffing. He asked if an officer had to take someone to jail, who would fill that position. Chief Rigsby stated that is currently how it is at night and in the afternoon. Alderman Curtsinger stated that he felt it should be in writing that if he doesn't finish school he must refund the Town and he should commit to the Town for five years. Alderman Thomas noted that it is fairly standard that there is a level that must be achieved by the employee. Alderman Dugger noted that the Chief benefits with the 21 hours of college credit, the course itself is going to be a benefit the Town. Alderman Curtsinger stated only if he completes it successfully. Alderman Dugger withdrew his original motion, Alderman Alexander withdrew his second. Alderman Dugger made a motion that the Town pay \$3,200 for the class and the Chief will pay \$1,200 over 26 pay periods to the Town. If the Chief resigns, fails the course or fails to complete the Course the total \$3,200 will be paid by the Chief. Alderman Alexander seconded this motion and this was approved unanimously.

Alderman Thomas reported for the Town Events Committee noting that this group is planning the Veterans Day Parade. He advised the audience if anyone knew of a Veteran in the Town to please notify Town Hall. He stated that the "Dispatch" will have information on this event. If they were involved last year in the Parade, the Committee already has their name. Alderman Dugger noted that Chair Suzie Lindsey reported that there was a positive cash flow. Mayor

Lothers added that this Committee worked hard and their donations were very high and were planning to use some of those funds for the Veterans Day Celebration.

Mayor's Report:

a. Other

Mayor Lothers stated that she attended a Williamson County Economic Development meeting and thanked Alderman Alexander for serving in this capacity in the past.

Mayor Lothers addressed Festival Permits noting that this item was not on the agenda and she is bringing it before the Board strictly for their input. Mayor Lothers noted that currently there can only be four permits per year. She said that she was going to respect the history, but wanted to get input from the board in this area. Planner Laird noted he pulled some definitions out of the Zoning Ordinance for the Board to review. Mr. Laird went over these definitions. Mayor Lothers asked if the Festival permits were being applied for mostly in the Historic area. Engineer Swartz stated that it has been sometime since there had been an application made outside of the Historic area.

Alderman Dugger asked if the Mayor was asking for changes. She noted that the Town wants to be business friendly to support business in this area, but it is difficult for staff to interpret the ordinance. She said there are property owners who apply for permits and there are also tenants who want to apply.

Alderman Curtsinger noted that if the businesses are going to be permanent once the sewer becomes available the simplest thing to do is go to the BZA. He asked for Counsel Notestine's opinion. Counsel Notestine agreed noting that if the Board wishes to change this portion in the Zoning Ordinance it must go before the Planning Commission and then back to this Board. Alderman Dugger noted that if you continue to have the event it becomes a permanent festival. Alderman Curtsinger added that most of this is because the sewer is not provided at that location. Mayor Lothers asked for the fee amount to go before the BZA. Engineer Swartz noted it was \$50. Mayor Lothers asked for any other feedback. Alderman Curtsinger added that this Board should not do anything drastic until the sewer is installed.

Reading of resolution #08-10, a resolution to authorize improvements associated with the Rocky Fork Road realignment. Alderman Curtsinger stated that he objected to the question. He noted that with parliamentary law it stated that you can object to the question. Alderman Curtsinger noted that there needs to be a two-thirds majority before this may go forward. Counsel Notesine stated that he had not heard of that objection. He added that there is a motion to take from the table. Mayor Lothers said that there is an objection to consideration, but she did not see an objection to the question. Mayor Lothers passed a Roberts Rules of Order book to Alderman Curtsinger. Alderman Curtsinger read the parliamentary procedure that addressed objecting to consideration and reiterated that the board must have a two thirds vote to move forward. Counsel Notestine stated that there is a motion and it does not have to have a second. Mayor Lothers noted that for the Board members that wish to move forward on resolution #08-10 to raise their hands. Mayor Lothers, Aldermen Alexander, Dugger and Thomas raised their hands. Mayor Lothers went over the resolution and the process that the Town has taken to this point in regards to this piece of property. She noted the Town has met with the property owners and has gone before a Mediator. Mayor Lothers noted that it was her understanding that the concern of

the owner was being the width of the property. She noted she met with County Mayor Anderson and discussed exchanging current property owned by the Town with the County. The County would replace the property behind the home on Rocky Fork Road. Mr. Don Swartz showed the Board where the Town would take approximately 6,000 square feet in front for the road noting the county would exchange that with an equal portion of land behind the home. Counsel Notestine noted that he has spoken to the Franklin City Attorney and went through the process of property being condemned. He said that in most of the cases he has seen the court will allow the government to begin work and then it will be resolved in court. Alderman Dugger noted that this condemnation is a little different because the Town is offering the same amount of land in addition to monetary compensation. Counsel Notestine stated that is correct and their overall acreage would not be diminished at all. Alderman Alexander inquired to the reaction of the Jobe family with the land exchange. Mayor Lothers stated that they told her they could not all agree and then read a letter that she had sent to the property owners. Mayor Lothers noted that the Town wants to be as fair as possible to the property owner, in addition to the Town. If the Town does not proceed there will not be an eastern access into the park.

Alderman Thomas stated that staff had done a great job at putting together information for the Board to review and felt that at this point he felt the Town had done everything to be fair. He noted that there were two appraisals obtained in addition to mediation. Alderman Thomas noted that additionally equal land will be given for compensation. He noted that public safety is an issue and being at the Park on a weekly basis he sees the number of participants. Alderman Thomas stated that the Town has looked at about every option that is out there.

Mayor Lothers ask that the Board members to give their attention to the speaker and not have private conversations.

Alderman Alexander noted that he had met with Engineer Swartz and has not seen any better option. He added that he thought the Mayor had gone above and beyond and the offer was very fair. Alderman Alexander stated that as unfortunate as this is, he felt the Town must proceed. Alderman Dugger stated that this is a hard thing to do, but sometimes you have to do hard things. He asked if the property owners were aware that this was on the agenda tonight. Mayor Lothers said that she had the same concern with the wording on the agenda. She noted that they were advised by Mr. Swartz and the Mediator that the Town would go through this process. Mr. Swartz confirmed that he explained the process to the Jobes. He added that on the night the Mediator met with the Town, the Town had every intention to move forward. Alderman Dugger clarified that the mediator made it clear the Town could move in this direction. Mr. Swartz stated yes. Counsel Notestine noted that the Mediator did not give them exact dates, but said the Town would move forward. Alderman Dugger inquired to their response. Mr. Swartz stated that he did not recall any response other than they did not want to negotiate the sell of the land. Alderman Curtsinger stated that this was the first he had heard of condemnation. Mr. Swartz stated that he had no reason to believe it would go to condemnation. He noted that not until the Mediation did he know that it would take this turn. Alderman Curtsinger stated that he thought the Board should have been made aware of the Mediation. He noted that the letter says that this is the only option. Alderman Curtsinger stated that he recalled a meeting after the Charlie Holt hearing the Board held a meeting and a vote was taken. Mr. Swartz said that he recalled the Board voting on this option in March at a regular BOMA meeting. Alderman Curtsinger stated that in this letter it states this is the only option. Alderman Curtsinger added that the word

condemnation has not been used. He asked why didn't the Town go down the road and condemn someone else's property.

Mr. Swartz noted that it is a balance what is going to be safe and acceptable, and what is going to be financially feasible. He noted that this option was the least amount of property. The other property would take a much larger piece of land. He noted that the drawback to option one is that it does not allow full access into the park and therefore the Board voted on option two. Mr. Swartz stated that Alternate two was reviewed and approved by the Board that night in March and it gives the full effect at a more reasonable cost. Alderman Curtsinger asked what was the original design? Mr. Swartz showed the original design that was accepted by the Town. Alderman Curtsinger stated that the Town is changing its minds after the fact. He asked if the Town was going to do this again after another mistake is made. Mr. Swartz noted that this design has had flaws since the beginning and we are all aware of that. He added that the Town has dealt with five other property owners in regards to this road. He stated that he was not trying to negotiate property and that is not my role as an engineer. Alderman Curtsinger said that he did not think it was right to not have the family here to provide their input. He added that the Town may condemn his property.

Mayor Lothers stated that staff has worked very hard on this project and to act like the Town just came in and did this is not accurate. She noted that the Town must look at the public and private good. She added that she did not have the authority to do this and this was a Board decision. Alderman Alexander stated that he recalled that night the Board made the decision. He stated that he recalled this was voted on unanimously and the Board felt comfortable with that decision. Alderman Alexander stated that no one ever thought Park access would be this imperative and it would get to this point. Alderman Curtsinger stated that the Board voted unanimously assuming the Town could purchase the right of way and there was never a word about condemnation.

Alderman Dugger noted that currently the Board is at that point right now. He added that the asphalt plants will be closing soon. Alderman Dugger noted that he was not opposed to have the family here to be heard. He stated that this is a historic road and the Town has had a lot of bumps in the process. Alderman Alexander stated that he felt the family is aware that this is the next step. He added that if the family attended the meeting and are still reluctant, this Board would still have to make this decision. Alderman Curtsinger stated that this Board should have been allowed input. Alderman Dugger stated that not everyone can have input, that is the Mayor's role.

Mayor Lothers noted that there was no motion on the floor. Alderman Thomas stated that he felt there was adequate staff at Town Hall that has performed due diligence. He stated that a more than fair offer had been made to the family and they have been heard. Alderman Thomas stated that after mediation they accepted that and he is not sure if they came before this Board how anything would change. Alderman Thomas then made a motion to approve this resolution, Alderman Alexander seconded. Alderman Curtsinger stated that staff did not vote for him. Alderman Dugger stated that he certainly thought it was a part of the process and thinks the Mayor, Don and Bob have done everything possible. He added that he felt the offer was very fair and if the family was here they would not change their mind. Alderman Dugger stated that he thought the eastern access to the ballpark was needed for safety reasons and they are getting land swap, in addition to financial compensation. Mayor Lothers called for the vote with Mayor Lothers, Alderman Alexander, Dugger and Thomas for, Alderman Curtsinger against. Alderman

Curtsinger stated that he thought it was a very dangerous thing that the Town starts condemnation. Mayor Lothers stated that the Town was trying to be faithful and be fair.

Reading of resolution #08-11, a resolution to authorize the Mayor to negotiate a land transfer with Williamson County. Mayor Lothers noted that this resolution gives her the authorization to exchange property. Alderman Curtsinger clarified the portion of land that was being swapped. Mayor Lothers added that the Town's property is next to the County's soccer fields in the flood plain. Mr. Swartz added that the county property being swapped is contiguous with the Jobe property. Mayor Lothers made a motion to approve this resolution, Alderman Dugger seconded and this passed unanimously.

Second reading of Ordinance 08-08, an ordinance to amend Zoning Ordinance 04-09 pertaining to buffering and tree planting in Appendix B. Mayor Lothers commended Planner Henry Laird on this ordinance. Alderman Dugger made a motion to approve this on second reading, Alderman Alexander seconded and this passed unanimously.

First reading of ordinance #08-09, an ordinance to amend Zoning Ordinance #04-09, pertaining to sign regulations in Appendix A. Mayor Lothers made a motion to approve this ordinance, Alderman Alexander seconded. Mayor noted that this is first reading of this ordinance. She inquired that staff could notify business owners or the Chamber of Commerce prior to public hearing. Planner Henry Laird noted this ordinance was for signs in business windows. He stated that currently it can be quite confusing as to what can be allowed and what is prohibited and this ordinance is an attempt to simplify it. Mr. Laird stated that this will address special sales with no permit being required. He went over this extensively showing an example by a power point presentation. Alderman Dugger asked if an entire window could be covered with this ordinance. Mr. Laird stated that it could not. He added that currently Brentwood uses 10% and Franklin uses 20%. Alderman Dugger went over the dimensions of a window. Mr. Laird said this simplifies it and gives more flexibility. Mayor Lothers added that this is less bureaucracy and clarifies enforcement for staff. Mr. Laird noted that the Planning Commission and Design Review had looked at this ordinance and was in agreement with this amendment. The vote was taken and this passed unanimously.

First reading of Ordinance #08-10, an ordinance to amend Title 18, of the Municipal Code to add Chapter 3- Mayor Lothers noted that this was recommended by the Planning Commission and Consultant Mr. Tom Allen. It is creating a "stand-alone" ordinance. Planner Laird stated that it is making this a part of the Municipal Code, which allows appeals to go to the Appeals Board. He added that the other portion will go before the Planning Commission to delete this section within the Zoning Ordinance. Counsel Notestine noted that the driving force is the floodplain portion within the Zoning Ordinance. Currently any appeals must be heard by the Board of Zoning Appeals. Counsel Notestine stated that the town has a Storm Water Appeals Board that should hear these appeals. Mayor Lothers made a motion to approve this ordinance, Alderman Alexander seconded and this was passed unanimously.

Other:

Chief Rigsby distributed a picture of a street sweeper that belonged to the Public Works Department. He ask that approval be given so that this can be declared surplus. Chief Rigsby

said that the Town has had success on selling some of the items that were previously declared as surplus. The Board voted by acclamation to surplus this item and sell it to the highest bidder.

Alderman Dugger reminded the audience that this Saturday the Chamber was having their annual Broken Wheel Festival. He noted that breakfast would be served from 8 – 10, with the festival being from 9 -2.

The meeting adjourned at 9:34 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Beth Lothers
Mayor