

City of Bolivar
City Council Meeting
September 8, 2015

The Bolivar City Council met in regular session Tuesday, September 8, 2015 at the Bolivar Municipal Center with the following in attendance:

Present: Barrett Stevens, Mayor
 Tracy Byrum
 Quantissia Hamer
 Randy Hill
 Todd Lowe
 Larry McKinnie
 Willie McKinnie
 Julian McTizic
 Suzanne Rhea

Others Present: Shelia Dellinger, Steve Hornsby, Chief Pat Baker, Ginger Fish, Juanita Bowden, Walter Bowden, Jr., Johnny Vickers, Glenn Stewart, Jac Belet, Clifton Polk, Donell Polk

Mayor Stevens called the meeting to order and asked for all cell phones to please be turned off during the meeting. Mayor Stevens asked Councilman Willie McKinnie to open the meeting with prayer. This was followed by Mayor Stevens leading the group in the Pledge of Allegiance.

The Mayor then addressed the Council for approval of the minutes from the August 11th meeting. At this time Councilman McTizic stated he would like a correction added to these minutes.

Councilman McTizic made a motion to rescind Ord. 15-004. Councilman Larry McKinnie seconded the motion. Attorney Steve Hornsby presented the council with Section 2.10 of the City Charter which states; every motion, resolution and ordinance shall be in written form before being introduced. Attorney Hornsby informed the council that in order to rescind an Ordinance it must be done with another Ordinance; if the motion is passed it is null and void. After further discussion Councilman McTizic retracted his motion.

Councilman McTizic made a motion to add this correction to the minutes, seconded by Councilman Larry McKinnie. All voted "Aye".

Mayor Stevens asked Attorney Hornsby to clarify what makes up the Liquor Review Board. Attorney Hornsby stated it is not necessary to establish a Liquor Review Board. Mr. Hornsby stated a Beer Board was mandated by state law and the cities and towns have more authority in regulating beer than regulating liquor. Mr. Hornsby stated the council serves as the Liquor

Board and you do not have to adjourn and go into another meeting. All business such as a liquor store, number of permits etc., can be conducted under the regular council agenda. Mayor Stevens asked for a motion for to approve the Liquor Review Board minutes for August 11, 2015. Councilman Hill moved, seconded by Councilman McTizic to approve minutes as presented. All voted "Aye".

Mayor Stevens if there was any discussion or a motion to approve the Liquor Store Committee Meeting minutes. Councilman McTizic moved, seconded by Councilman Hill to approve minutes as presented. All voted "Aye".

Mayor's Report- Mayor Stevens

Mayor Stevens reported on Thursday, September 10th all council members are invited to attend the Hatchie River Park boat ride, tour and a Catfish lunch. Boat rides will begin at 11:30 and lunch will be served at 12:00 noon.

The 3rd annual Children's Parade will be Saturday, September 12th from 10:00 am -12:00 noon. The games and prizes will be across the street from the courthouse. The parade will begin at 10:00 am. Mayor Stevens encouraged all council members to attend and asked if they would contribute a roll of quarters to put in the saw dust pile for the children to find.

The Governor's Conference will be held October 13 -14 in Nashville. Anyone planning to attend needs to let Mrs. Dellinger know as soon as possible in order to make reservations and send in the registration.

Mayor Stevens stated he would like to change the October council meeting to October 20th at 5:30 p.m. since the Governor's Conference will be on the date of the regular scheduled council meeting. After some discussion, it was agreed to change the date from October 13, 2015 to October 20, 2015 at 5:30 p.m.

Standing Committee Reports:

Electric/Utilities- Councilman Lowe

BEA

- Helen Johnson was elected Chairman of the Bolivar Energy Authority
- BEA board approved a bad debt write off totaling \$70,000
- CRC was approved as the new answering service
- CSA was approved as the meter data management system

BUD

The Bolivar Utility Board met on September 2, 2015. The following items were discussed:

- Bids were received for the mini excavator for the Bolivar Gas Department. They were as follows:

Bobcat- Williams Equipment and Supply..... \$36,851.00

Liles Bros. and Son.....	\$38,500.00
Diamond Equip. Co.....	\$47,000.00
Contractor's Machinery, Inc.....	\$49,487.00

All bids were reviewed and it was determined Bobcat- Williams Equipment & Supply did not meet the specifications. Their machine was much smaller and would not do the work required to be done. The board agreed to take the 2nd lower bid that met the specifications from Liles Bros. and Son for \$1,649.00 difference. At this time Councilman Lowe made a motion to approve the bid from Liles Bros and Son in the amount of \$38,500. Councilman Hill seconded the motion. All voted "Aye".

- Bids were received for Odorant to be delivered and installed to the Bolivar gate stations. The following were received:

GPM Equipment Sales, Inc.700 gallons @ 26.50.....\$ 18,550.00

DM Services, LLC.....flat rate of \$29.00 per gallon

At this time Councilman Lowe make a motion to accept the low bid per gallon from GPM Equipment in the amount of \$18,550.00. Councilwoman Byrum seconded the motion. All voted "Aye".

- It was noted the sewer plant was not in compliance with the new state law on discharging phosphate. At the present time we are using alum to remove the phosphate which is causing alum sludge. The plant was not designed to handle this problem and we have contacted two companies to correct the problem which could cost up to \$100,000.
- Gas prices for the month will be .65 cents.

The first item of Old Business on the agenda is "An Ordinance to Amend the Current Water and Sewer Rates". I would like the opportunity to explain the Utility Board's decision at that time.

Fire/Police- Councilman Willie McKinnie

Fire:

- August 4-5, 2015, Chief Price and Assistant Chief Faulk attended the annual Local Emergency Planning Committee conference hosted by TEMA
- The required annual service checks have been completed on all department apparatuses
- August 15, 2015, the department participated in the Muscular Dystrophy Association's "Fill the Boot" drive
- There was a total of 30 fire calls for the month of August
- The department participated in 323 hours of training, completed 12 smoke alarm installations, conducted 26 courtesy inspections, and conducted 5 fire drills at the local schools.

Police:

- Calls for Service 942

- Citations 212
- Accidents 19
- Arrests 76

At this time Councilman McKinnie asked Chief Baker to come forward and explain to the full council the need of purchasing six (6) new vehicles.

Chief Baker presented each council member a packet of information on all police vehicles with their mileage. In the last year and a half the department spent \$70,000 for repairs in keeping these vehicles on the street. Chief explained over the last year, the police department has acquired well over \$1 million in equipment through the military's LESO program. Many of these items can be sold in the coming months. This money must be put back to the General Fund Police Department. All freight charges will be reimbursed first, and then the remaining amount will be used to buy cars, repairs to the police building, etc. It was explained there will be no cost to the City of Bolivar to purchase these vehicles. Chief Baker asked for approval from the council to purchase 2 new Chevy Tahoe's and 4 new Ford Explorers. The total costs for all 6 vehicles including blue lights, radios, transport cages, stripes – street ready- will not exceed \$210,000.

Mrs. Dellinger stated she had received bid proposals from each local bank and the lowest bid was from First South Bank for a Capital Outlay note with a 3 year payback at a rate of 2.25%. This note must be certified as Tax Free under the IRS Rules and Certified by Bond Council. After a brief discussion, Councilman Willie McKinnie made a motion to purchase the six vehicles. Councilman Lowe seconded the motion. All voted "Aye".

Councilman Larry McKinnie thanked Chief Baker for getting each council member a copy of the Bolivar Police Department Body- Worn Cameras Policy. He asked if the council was supposed to approve this policy because he thought the council approved the policy on Road Blocks. Chief Baker explained this was a department policy only and did not think it had to have council approval. Attorney Hornsby explained each department can make policies that pertain to their department which does not have to have council approval. It was explained this was a standard MTAS policy.

Parks and Recreation- Councilwoman Rhea

- Work continues at the Hatchie River Park in preparation for September 10th event
- Preparing for the Children's Patriotic Festival on Saturday
- The Recreation Department and the Middle School co-sponsored their home cross country run on Thursday at the City Park. It was a huge turnout with 10 schools participating.
- The Recreation Department top dressed Central High School's football field with sand on August 26
- Youth fall baseball, softball, and soccer will begin by the third week of September

Councilman Lowe thanked the city for the help the Recreation Department did for the Middle School on the cross run. He stated it was very successful.

Street/Sanitation- Councilman Hill

- The Street and Sanitation Departments have been helping in the clean-up at the Hatchie River park
- The Street's right of ways have been recently been bush hogged again
- Continuing with routine operations such as picking up brush, cleaning ditches where needed, and patching potholes
- October will be clean up month. Residents may put household items at the curb to be picked up. This DOES NOT include demolition materials, or objects/appliances that contain Freon.

Councilman Hill stated the City had advertised for 54" round reinforced concrete pipe and two headwalls to be replaced on Stevens Road. FEMA/TEMA is paying for part of this project. Two bids were received. They are as follows:

Hanson Pipe and Precast.....	2 – Precast Type D Headwalls.....	\$ 4,800.00
	136 ft. -54" round concrete pipe...	\$13,468.08
	TOTAL.....	\$18,268.08

Quality Concrete Products.....	17 pcs 8' 54" concrete pipe.....	\$14,552.00
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This company did not quote prices for headwalls

After a short discussion, Councilman Hill made a motion to accept the low bid from Hanson Pipe and Precast Co. if this includes delivery. Councilman Larry McKinnie seconded the motion. All voted "Aye".

Planning- Councilwoman Hamer

The Bolivar –Regional Planning Commission met in regular session on August 17, 2015. The following was discussed:

- The Planner this year is Mr. Shelton Merrell from Southwest Development District
- The Commission reviewed a resolution amendment for the county pertaining to Solar Farm Provisions. This was approved by the Planning Commission and referred back to the county for their zoning guidelines.

Library/Sr. Citizens- Councilman McTizic

Library:

- 46 visitors to the local Genealogy/History room
- Circulation for the month was 5,195
- Total of 2,772 computer users (including wi-fi)
- Regional eBook & Audiobook Download System program continues to increase. There were a total of 523 books downloaded by readers.
- Total money received in fines, fares, donations, copies and memorials was \$1,723.85

Sr. Citizens:

- Katie Dees from the County Extension Office presented a program on August 13th
- Singing/Lunch on August 14th (62 attended) Selmer Senior, Middleton Methodist Church Seniors, Bolivar Seniors with local guest. This was a great event!
- Took Seniors to Catfish Cabin August 21st
- Steve Wood presented his Mark Twain impersonation on August 27th

Historic Zoning Commission- Councilwoman Byrum

The Historic Zoning Commission met in regular session August 13th.

- Continued discussion was made on the various buildings downtown that are in need of maintenance
- Letters are scheduled to be sent to the property owners from the building inspector

Devco- Attorney Steve Hornsby

- Mr. Hornsby reported on the Hatchie River project. There are four commissioners from different agencies coming from out of town to have lunch and hear about what is going on with the Hatchie River project.
- The Farmers Market has been busy with several vendors on Tuesday's and Saturday's.

Compliance/Zoning- Councilman Larry McKinnie

Reports for the month of August, 2015 are as follows:

- Building Permits written (3)
- Building Consultations (12)
- Building Inspections (29)
- Gas Inspections (2)
- Sewer Inspections (2)
- Plumbing Inspections (16)
- Courtesy Notices Issued (30)
- Letters written (3)

Old Business:

- A. 1st Reading of Ordinance 15-005, "An Ordinance to Amend the Current Water and Sewer Rates"

Mayor Stevens asked Councilman Lowe to explain what the Bolivar Utility Board has recommended.

Councilman Lowe reported the Utility Board had looked at two options. One being a 21% increase the other being a 31% increase, for all users. After a lengthy study it was determined if the 21% increase (Option 1) was adopted it would be a short time before we would have to do this again. A 31% increase would basically take care of all our needs and give us a positive balance. This is still a little lower than what the State recommended, but will meet our needs. It was explained in Section 2 of Option 2, there will be a CPI-U automatic increase each year beginning July 1, 2016 as determined by the U.S. Department of Labor for the immediately prior December – December period. This will be approximately 2.5% - 3% increase. After a short discussion, Councilman

Lowé made a motion to accept Option 2, the 31% increase. Councilman Hill seconded the motion. All voted "Aye" except Councilman Larry McKinnie and Councilman McTizic who voted "No". Motion passed.

- B. 1st Reading of Ordinance 15-006, "An Ordinance to Amend Ordinance 15-004 Relative to Where Retail Establishments that Sell Alcoholic Beverages May Be Located"

Mayor Stevens explained there were two different ordinances to be reviewed. The first one only amends the present ordinance 15-005 by adding Title 8, Chapter 1, Section 8-111 subsection (c) which reads; **Any establishment which sells liquor pursuant to this chapter shall be located a minimum distance of five hundred (500) feet (as measured nearest point-to-point on each property line) from any church, school or related educational facility.**

The second ordinance amends the present ordinance relative to where retail establishments that sell alcoholic beverages may be located in the City of Bolivar by adding **Section 8-111. Where establishments may be located. It shall be unlawful for any person to operate or maintain any retail establishment for the sale, storage or distribution of alcoholic beverages in the city except at locations within the boundaries of the downtown economic development zone established pursuant to the Courthouse Revitalization Pilot Project Act of 2005 and in any neighborhood business district designated B-1 on the Zoning Map of the City of Bolivar.**

Also, amending the present ordinance by adding Title 8, Chapter 1, Section 8-111 subsection (c) which reads; Any establishment which sells liquor pursuant to this chapter shall be located a minimum distance of five hundred (500) feet (as measured nearest point-to-point on each property line) from any church, school or related educational facility.

At this time Attorney Hornsby explained the first ordinance is the one that was drafted by the committee that Mr. Hill and Mrs. Rhea chaired and was recommended by them to add the distance of 500 feet from any church, school or related educational facility.

Mr. Hornsby explained the second ordinance added the distant from churches, schools or related educational facility. This ordinance also added a new section to extend the location of where an establishment can be located. After much discussion concerning the location of where a liquor store can be located, Councilwoman Rhea made a motion to approve the ordinance that was written by the committee appointed by the Mayor that limits the liquor stores to the Devco zone and includes the distant requirements from the churches etc. Councilman McTizic asks if the first ordinance was passed could they go back and vote on the second one. Attorney Hornsby recommended to the council to vote on each amended ordinance separately. After additional discussion, Councilman Lowé seconded the motion. All voted "Aye" except Councilwoman Hamer and Councilman Larry McKinnie. Motion passed.

The second ordinance was asked for a motion. Councilman McTizic made a motion to approve the second ordinance that will amend the ordinance that was just passed. This ordinance will include the distance of the churches and take away the revelation on Devco. Attorney Hornsby explained it would not amend the ordinance, if this one passes it will add Section 1 which is where an establishment may be located which

opens up the zone. Councilman Larry McKinnie seconded the motion. Motion failed with Councilwoman Byrum, Councilman Hill, Councilman Lowe, Councilman Willie McKinnie, and Councilwoman Rhea voting "No". Councilwoman Hamer, Councilman McTizic and Councilman Larry McKinnie voted "Aye". This will be Ordinance 15-006.

C. Discussion and Review of Hatchie Spirits

Attorney Hornsby stated Mr. Garrett had requested and applied for a permit to open a liquor store at a location on Water Street. Last month the board did not act on this application due to Mr. Watkins, Compliance Officer, determined the building did not meet all the regulations. At the present time Mr. Garrett has hired a contractor to do the necessary work. Mr. Hornsby suggested the board to grant him conditional approval upon the work that had been completed according to Mr. Watkins specifications. Councilman Larry McKinnie made a motion to approve a Certificate of Compliance upon Mr. Watkins' approval that Mr. Garrett is in compliance. Councilman Lowe seconded the motion. All voted "Aye" except Councilwoman Rhea who "Abstained". Motion passed.

Councilman Hill asked the Clerk to please attach a copy of the Compliance Officer's report to each application in the future. Councilman Larry McKinnie gave each member a copy of the Ordinance which states this should be attached.

New Business

A. Resolution 15-009, "A Resolution on behalf of Charter Cable to Consent to Change of Control"

The purpose of this resolution is to identify and make known that Time Warner Cable has merged into a subsidiary of New Charter and will assume the name Charter Communication, Inc. This is just to confirm we will accept this new franchise after their consolidation. A motion was made by Councilwoman Byrum and seconded by Councilman Hill to approve Resolution 15-009. All voted "Aye". Motion passed.

B. Resolution 15-010, "A Resolution to Authorize the City to Participate in the Pool's "Driver Safety" Loss Control Matching Safety Grant Program"

This is a matching grant that the Bolivar Fire Department applies for every year and has been included in the current fiscal budget. With no other comment, a motion was made by Councilman Lowe and seconded by Councilman Hill to approve Resolution 15-010. All voted "Aye".

C. Approval to close Workers Compensation Checking Account

At the suggestion of our auditors, this current Workers Comp Checking account should be closed due to the fact it is not operated through our current software but separately. Over the

years, this account has accumulated to an amount close to \$200,000 and is comprised of monies from the Sanitation, Water/Sewer, Gas and General Funds. The auditors recommended that each fund should have their own Workers Comp. Checking Account. Therefore, a motion was made by Councilwoman Byrum and seconded by Councilman McTizic to close this Workers Comp Checking Account. All voted "Aye". (Councilman Larry McKinnie mentioned the validity of a workers comp injury. Attorney Hornsby stated the employee has to be on the job performing their duty and would not include any personal time)

D. Approval to open Workers Comp Checking Accounts for Gas, Water/Sewer, General Fund and Sanitation Depts.

With the closing of the Workers Comp account approved, a motion was made by Councilman Hill and seconded by Councilman Lowe to open WC accounts for each of the above mentioned departments. All voted "Aye".

E. Discussion of "An Ordinance to Amend the Bolivar Municipal Code by revising Section 1-103 to Change the Time of Day for Regular Meetings of the Council".

Mayor Stevens informed everyone this was open for discussion to possibly change the time of the council meetings if need be, to a time that is better suited for everyone. The meetings at the present time are at 5:30 PM, the second Tuesday of each month. Councilman Larry McKinnie has indicated in the past that he would like to see the council meetings changed back to 6:30 PM due to circumstances with out of town jobs, etc. He has asked Mr. Hornsby to prepare an ordinance to change this time. After a brief discussion, it was agreed to change the meetings back to 6:30 PM. Therefore a motion was made by Councilman Larry McKinnie and seconded by Councilman McTizic to amend Section 1-103 of the Municipal Code by changing the time of the regular public meetings to 6:30 PM. All voted "Aye".

F. Renewal Lease Agreement between First United Methodist Church and City of Bolivar
(This will be discussed at the next meeting)

G. Board Appointment – Michael Miller, Historic Zoning Commission

Mayor Stevens informed the council that Michael Miller's term was up on the Historic Zoning Commission and needed to be reappointed. Therefore, a motion was made by Councilwoman Byrum and seconded by Councilman Hill to reappoint Mr. Miller to the Historic Zoning Commission. All voted "Aye".

Mayor Stevens stated that no one had signed in for Community Development.

Before adjournment, Councilman McKinnie wanted to clarify that according to Mr. Ronnie Neill, the city did not need to have a "liquor board", that the mayor and council serve as such. Also, he wanted to make aware that according to the rules and regulations of the Beer Board, a Chairman may be nominated every year and the City Recorder shall serve as the Secretary. The

Chairman does not have to be a council member but could be anyone from the community who is nominated and voted upon.

With no other business on the agenda, a motion was made by Councilman Larry McKinnie and seconded by Councilwoman Byrum to adjourn. All voted "Aye".

Attest: Shelia Dellinger

Mayor Barrett Stevens