

REGULAR SESSION

September 23, 2014

The Board of Mayor and Aldermen of the City of McMinnville, Tennessee, met in regular session at its regular meeting place, City Hall, Tuesday, September 23, 2014, at approximately 7:00 p.m. Adequate public notice of the agenda was given by notices posted at City Hall, articles in the Southern Standard newspaper and news reports on the local radio stations. Present were: Mayor Jimmy Haley; Vice Mayor Ben Newman; Aldermen Rick Barnes, Jimmy Bonner, Mike Neal, Ken Smith and Billy Wood. Absent: None. Others present: Bill Brock, Acting City Administrator; Shirley Durham, City Recorder; Tim Pirtle, City Attorney and members of the news media and press.

The meeting was presided over by the Honorable Mayor Jimmy Haley, with Shirley Durham, City Recorder, recording the action taken at the meeting.

CONSIDERATION OF MINUTES

Mayor Haley stated that written copies of the minutes of the regular session of September 9, 2014 had been sent to each member of the Board of Mayor and Aldermen previously. He asked if any member of the Board wished to make any corrections, additions or modifications to the minutes.

Motion was made by Mr. Bonner to dispense with the reading of the minutes and approve as written. The motion was seconded by Mr. Newman and carried with all Board members voting Aye.

RECOGNITION OF VISITORS

Mayor Haley recognized Kim Luton with the Upper Cumberland Human Resources Agency who explained to the Board the various services and programs that UCHRA provides to the residents of Warren County and the City of McMinnville. She thanked the Board for their support.

Mayor Haley recognized Tim Hitchcock, 321 W. Laurel Avenue, Bishop of the Church of Jesus Christ of Latter Day Saints, who on behalf of their church of 300 to 400 people, stated they were very much opposed to an amendment to do away with the 300 feet restriction regarding the sale of beer or alcoholic beverages around churches.

Mayor Haley recognized Ben Bailey, 106 College Street, Minister Central Church of Christ, who on behalf of the church, encouraged the Board not to accept the amendment to do away with the 300 feet limit to churches.

Mayor Haley recognized Ken Smith, 854 Indian Mound Drive, an Elder at Central Church of Christ, who stated the Board was going to be discussing and possibly voting on defining what a church is. The defining of a church should not be left up to the city. Webster's defines church as a building or group of people meeting together to worship God in spirit and in truth.

Mr. Smith said to use a state interpretation of a tax-exempt status was the wrong thing to do. Probably 90% of churches do not try to get a 501(c)(3) exemption. A greater number of churches do not own the building they meet in, they lease or rent it. Therefore, they do not have a property tax exemption. It is not the right of government to decide whether or not a group of people who are worshipping God in their own way is a church or not. He urged them to use common sense.

Mayor Haley recognized Jeff Page, Pastor Locust Street Church of God, who stated it was wrong to remove the restrictions and his congregation of 150-200 strongly oppose this.

COMMUNICATIONS

Mayor Haley read the following letter which had been included in the Board's agenda packets:

----- **Refer to next page for letter** -----

Motion was made by Mr. Wood to approve a request from Katie Tucker, Community Director March of Dimes, to utilize a portion of the downtown area for their March for Babies event scheduled for Saturday, October 18, 2014. She requested use of the lot beside Paul Holder Realty, closure of South Court Square from 7:00 a.m. until 12:00 noon. Their walk between 10:00 – 10:30 a.m. encircles the Courthouse from Main Street and includes N. Spring Street, E. Morford Street and N. Chancery Street. The motion was seconded by Mr. Newman and carried with all Board members voting Aye.

Motion was made by Mr. Wood to approve a request from Generations/Gaither's Group to hold a Generations Fall 5K Glowfest as a fundraiser for their Service Recipients on November 1, 2014 beginning at 7:00 p.m. The motion was seconded by Mr. Bonner and carried with all Board members voting Aye.

Motion as made by Mr. Newman to approve a request from Main Street McMinnville for the use of the lot next to Paul Holder Realty, a stage, and closure of South Court Square beginning at 5:00 p.m. and ending at 9:00 p.m. for their movie night scheduled for October 31,

2014 from 6:00 p.m. to 8:00 p.m. The motion was seconded by Mr. Wood and carried with all Board members voting Aye.

PETITIONS

There were no petitions.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Under new business was an item to discuss and take action on the recommendation from the Beer Board. Recommendation to delete the church distance requirement for sale of beer from Ordinance No. 1403. Or in the alternative, define a church as “an entity which has been designated by the IRS as a 501(c)(3) church.”

Vice Mayor Newman stated the two things that came out of the Beer Board was to delete the word church from the ordinance and the second part was instead of the IRS 501(c)(3) church define both schools and churches as entities that are recognized by the State as tax exempt entities.

Motion was made by Mr. Barnes to amend Ordinance No. 1403 and the McMinnville Municipal Code Title 8, Chapter 2, Section 8-206 to remove the 300 feet restriction by deleting “No sale or distribution of beer shall be made at places within 300 feet of any school, public or private, kindergarten or churches.” The motion was seconded by Mr. Newman.

In discussion Mr. Neal questioned the authority of the Beer Board to make recommendations to the Board, but Mr. Barnes’s motion was not related to the Beer Board’s recommendation.

Mr. Neal questioned if adequate public notice had been given. City Attorney Tim Pirtle stated he felt based on the wording on the Board agenda adequate public notice had been given.

Upon call of the roll on Mr. Barnes’s motion to amend Ordinance No. 1403 and the McMinnville Municipal Code Title 8, Chapter 2, Beer Section 8-206 by deleting the words “No sale or distribution of beer shall be made at places within 300 feet of any school, public or private, kindergarten or churches.” Aldermen Barnes, Newman, Wood and Mayor Haley voted Aye. Voting Nay: Aldermen Bonner, Neal and Smith. Motion carried.

RESOLUTIONS

Action was deferred on Resolution No. 1934, a resolution to authorize the City of McMinnville, Tennessee, to enter into a contract with UniFirst to provide uniforms for City employees, as set out in the contract attached to this resolution as Exhibit “A” and incorporated

into this resolution by reference; to authorize the Mayor of the City of McMinnville, Tennessee to execute the contract on behalf of the City; and to set the time for the resolution to become effective in order for the Acting City Administrator and the representative from UniFirst to negotiate some revisions the City Attorney recommended.

ORDINANCES

Ordinance No. 1704, an ordinance of the City of McMinnville, Tennessee, to appropriate funds to certain nonprofit charitable organizations and certain nonprofit civic organizations to promote civic betterment, social improvements and the health and general welfare of the residents of the City of McMinnville and to promote the economic welfare of the City of McMinnville and its residents, for the fiscal year beginning July 1, 2014 and ending June 30, 2015 in the aggregate amount of \$228,931.00 and to provide the conditions under which the appropriations are made; and to express the time when the ordinance becomes effective was introduced for second and final reading.

Motion was made by Mr. Newman to pass Ordinance No. 1704 on second and final reading. The motion was seconded by Mr. Bonner and upon call of the roll Aldermen Barnes, Bonner, Neal, Newman, Smith and Mayor Haley voted Aye. Voting Nay: None. Mr. Wood abstained. Motion carried.

DEPARTMENTAL REPORTS

Fire Chief Kendall Mayfield showed the Board pink tee shirts members of the Fire Department will be wearing during the month of October in observance of Breast Cancer Awareness Month.

Scott McCord, Parks and Recreation Director, gave a report on some activities at the Civic Center. He stated the Trail of Treats would be held on October 30th, this year to avoid any conflict with other activities scheduled for October 31st.

Police Chief Bryan Denton reported the Police Department is assisting Putnam County law personnel with a Big Brothers program.

He said he wanted to assure everyone that they do not live in one of the most dangerous cities as recently reported by a security alarm company.

Acting City Administrator Bill Brock stated he had received a letter from Josh Baker resigning from full-time employment as the Supervisor of the Planning and Zoning Department effective October 3, 2014. A copy of the letter was included in the Board's agenda packet.

ANNOUNCEMENTS

Mayor Haley reminded everyone of some upcoming events. He also informed the Board that two new Civil War markers were installed today.

ADJOURNMENT

There being no further business the meeting adjourned.

City Recorder

Mayor