

## REGULAR SESSION

June 9, 2015

The Board of Mayor and Aldermen of the City of McMinnville, Tennessee, met in regular session at its regular meeting place, City Hall, Tuesday, June 9, 2015, 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 Jimmy Bonner, Everett Brock, Ryle Chastain, Steve Harvey and Mike Neal. 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 May 26, 2015 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. Chastain to dispense with the reading of the minutes and approve them as written. The motion was seconded by Mr. Newman and carried.

### RECOGNITION OF VISITORS

Mayor Haley recognized the following individuals who spoke against amending the McMinnville Municipal Code, Title 18, Chapter 2 Beer Section 8-206 by deleting “No sale or distribution of beer shall be at places within 300 feet of any school, public or private, kindergarten or churches.”: Tony Lawrence, 16 North Steeplechase Drive; Michael Stubblefield, 801 North Chancery Street; Kevin Key, 119 Carmene Court; Herbert Rowland, 1155 Shellsford Road; Mary Ann Bishop, 165 South Arrowhead Drive.

Mayor Haley recognized the following individuals who spoke in favor of amending the Municipal Code regarding deleting the 300 foot restriction: Vanessa Hillis, 38 Walling Hill; Todd Gregory, 316 Westwood Drive; Michael Galligan, 309 West Main Street; John Bratcher, 67 Ridgecrest Drive; Lee Cooper, Cooper Road, Rock Island, TN.

### COMMUNICATIONS

There were no communications addressed to the Board.

## PETITIONS

There were no petitions.

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

Motion was made by Mr. Newman to confirm Mayor Haley's appointment of Dr. Jeff McKinley to another four year term on the Board of Public Utilities. The motion was seconded by Mr. Chastain. The motion carried with Mr. Neal voting Nay.

## RESOLUTIONS

Resolution No. 1959, a resolution of the City of McMinnville, Tennessee, to authorize the continuance of expenditures of money for the necessary governmental functions until the budget for fiscal year 2015-2016 is prepared and a budget ordinance duly adopted, including money to pay City employees and to meet contractual obligations previously authorized; to authorize the Mayor and Recorder to execute such instruments as may be necessary for this purpose; to provide that the resolution shall remain in effect until a budget ordinance has been enacted; and to express the time when the resolution becomes effective was introduced for adoption.

Motion was made by Mr. Brock to adopt Resolution No. 1959. The motion was seconded by Mr. Chastain and upon call of the roll Aldermen Bonner, Brock, Chastain, Harvey, Neal, Newman and Mayor Haley voted Aye. Voting Nay: None. Motion carried.

Resolution No. 1960, a resolution to authorize the City of McMinnville to (a) sanction a special event called "Smokin' in McMinnville Barbeque Cook-off" and (b) to allow a qualified charitable or nonprofit organization to apply to the Alcoholic Beverage Board for a Special Event Beer Permit to sell beer within a designated area on the Civic Center Complex grounds during this event; and to set the effective date of this resolution was introduced for adoption.

Motion was made by Mr. Chastain to adopt Resolution No. 1960. The motion was seconded by Mr. Harvey and upon call of the roll Aldermen Brock, Chastain, Harvey, Newman and Mayor Haley voted Aye. Voting Nay: Aldermen Bonner and Neal. Motion carried.

## ORDINANCES

Ordinance No. 1715, an ordinance to amend Ordinance No. 1403 and the McMinnville Municipal Code Title 8, Chapter 2 Beer Section 8-206 by deleting "No sale or distribution of beer shall be at places within 300 feet of any school, public or private, kindergarten or churches";

and to express the time for the ordinance to become effective was introduced for second and final reading.

Motion was made by Mr. Chastain to pass Ordinance No. 1715 on second and final reading. The motion was seconded by Mr. Brock.

In discussion, Mr. Neal stated he contacted Melissa Ashburn, legal consultant from MTAS. He asked if the City has the right to remove the distance restriction from specific areas rather than the entire City. The Legal Department with the University of Tennessee Municipal Technical Advisory Service has rendered an opinion that municipalities are authorized to establish different zones for the application of exclusionary distances from churches and schools that are based on rational distinctions such as downtown central business districts. The Board of Mayor and Aldermen noted and discussed the fact that the "Central Commercial District (C 1)" of the City of McMinnville includes zero lot line properties which causes a disparate application of the exclusionary zone. Economic development of downtown would be enhanced with less restrictive burdens placed on those commercial properties.

Mr. Neal said he understood the City's intent seemed to focus on removing the distance restrictions for the properties on Main Street. As a compromise motion was made by Mr. Neal to amend Ordinance No. 1715 and apply it only to the downtown business district defined as Main Street, from the intersection of West Main Street with Morrison Street to the intersection of East Main with East Colville Street. The reason was because of zero lot lines in the Central Business District C-1 zoning. The motion was seconded by Mr. Bonner.

Mr. Chastain thanked Mr. Neal for bringing up an option for compromise. He stated he could support this if the entire C-1 District was included as a way to simplify and clarify the boundaries that would have the 300 foot distance restrictions removed.

City Attorney Tim Pirtle stated they would have to vote on the motion on the floor without changes because it received a second.

Upon call of the roll on Mr. Neal's motion Aldermen Bonner, Brock, Neal voted Aye. Voting Nay: Aldermen Chastain, Harvey, Newman and Mayor Haley. Motion failed.

Motion was made by Mr. Chastain to amend Ordinance No. 1715 to remove the 300 foot restrictions in the C-1 Commercial District as reflected in red on the map attached to this ordinance. The motion was seconded by Mr. Brock and upon call of the roll Aldermen Brock, Chastain, Harvey, Neal, Newman and Mayor Haley voted Aye. Voting Nay: Alderman Bonner. Motion carried.

On the motion to pass Ordinance No. 1715, as amended, on second and final reading Aldermen Brock, Chastain, Harvey, Neal, Newman and Mayor Haley voted Aye. Voting Nay: Alderman Bonner. Motion carried.

#### DEPARTMENTAL REPORTS

Parks and Recreation Director Scott McCord reported the pool scored 100 on the recent Health Department inspection.

He reported the “Little Mermaid” play held at the Park Theater this past weekend was a huge success. Every performance was sold out.

#### ANNOUNCEMENTS

Mayor Haley announced he received notification today the City of McMinnville’s Multimodal Access proposal was selected for funding in the amount of \$948,080.05. This is a TDOT grant. The project includes installation of sidewalks and a pedestrian crossing along Sparta Highway from where existing sidewalks currently end to River Park Hospital.

The City of McMinnville received the Governor and TDEC’s Energy and Renewable Resource Environmental Stewardship Award for our LED lighting. We are the only city in the TVA area that has gone totally LED reducing our energy consumption by almost one half.

The Chamber of Commerce will celebrate their 65<sup>th</sup> anniversary on June 25<sup>th</sup> with a reception at the Chamber starting at 6:00 p.m.

#### ADJOURNMENT

There being no further business the meeting adjourned.

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City Recorder

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Mayor