

BOARD OF MAYOR AND ALDERMEN

REGULAR MEETING

August 12, 2013

The Board of Mayor and Aldermen (BMA) met in regular session on Monday, August 12, 2013, at 7:00 p.m. at Town Hall, 123 Boone Street, Jonesborough, TN.

Mayor Wolfe called the meeting to order and led the group in an opening prayer. Tom Foster led the pledge to the Flag.

Upon call of the roll those present were: Mayor Kelly Wolfe, Alderman Terry Countermine, Alderman Adam Dickson, Alderman Homer G'Fellers and Alderman Chuck Vest. Also present were: Town Attorney Jim Wheeler, Town Recorder Abbey Miller, and Operations Manager Craig Ford.

The next item on the agenda was the Consent Agenda. Mayor Wolfe asked the Aldermen if there were any items they would like to have moved to the Regular Agenda for discussion. There were none. Motion was made by Alderman Vest, seconded by Alderman G'Fellers and duly passed to approve the following items on the consent agenda:

1. Approve the minutes of May 30, 2013 and June 10, 2013.
2. Approve the following bills:

<u>VENDOR</u>	<u>AMOUNT</u>
AFLAC	2417.78
Alex Mink	525.00
Amber Townsend	180.00
Aramark Uniform Service	230.40
Banc of America P&I	3073.83
Barnard Roofing	8347.00
Bill Beagen	19.62
Blackthorn Grille	200.00
Blue Cross-Blue Shield	71520.86
Bomba's Fresh Italian	282.00
Bright & Associates	4130.00
Business Information	1008.33
Celebrate	132.95
Central Child Support	750.70
CenturyLink	283.50
Church Brothers Co.	383.00
Cintas Corporation #202	78.53
Citizens Security	4246.43
Dale G. Scott	300.00
Daniel Boone Arboretum	500.00
David Hyde	75.64
Dearborn National	443.40
Employee Security	475.00
Enterprise Rental	144.90
Faith Mahoney	100.00
First Tennessee Bank	2713.70
First Tennessee Bank	7500.92
First Tennessee Bank	4793.77
First Tennessee Bank	3030.50
First Tennessee Bank Na	3908.30
Fleenor Security System	335.00

Gary Easley	25.00
<u>VENDOR</u>	<u>AMOUNT</u>
General Sessions Court	260.19
Herald & Tribune	25.00
Jeff Stratton	23.00
Jennifer Schmidt	2000.00
Jims Construction	1500.00
Jonesborough General	59.71
Jonesborough Postmaster	3000.00
Kris Carlson	25.00
Lefty Williams	600.00
Liberty National	991.56
Little Pete's Railroad	75.00
Lowe's	250.12
Melinda Copp	25.19
Michael Reno Harrell	700.00
Nationwide Retirement	1292.65
Northeast TN Tourism	250.00
Office Depot Credit Plan	375.48
Olde of the Chapter I	877.00
Olde Towne Dairy Bar	100.00
Olde Towne Hardware	7.56
Padraice N Burns	25.00
Pardue Photographics	20.00
Phil Fritts	171.00
Quality Trophy & Engraving	12.50
Reliance Standard (Vol)	344.63
Ricoh Productions Print	345.00
Ricoh USA, Inc.	1063.86
Sara Jane Schmeltzer	125.00
Saratoga Financial	4967.83
Sloan Hill	25.00
Stacia Brown	25.00
State of Tennessee	100.00
TML Risk Management Pool	48624.65
TN Fire Chiefs	100.00
TN Local Dev. Authority	3183.61
United Way	164.50
VIP Seen Inc.	250.00
Wal-Mart Store / GEMB	45.14
White's Auto Parts	6.79
WJHL-TV11	<u>2417.00</u>
TOTAL	\$195952.55

<u>VENDOR</u>	<u>GENERAL</u>	<u>WATER</u>	<u>SANITATION</u>
71914-71975 AP (June)	47,717.99		
71976-72018 AP (July)	18,482.50		
72019-72078 AP (July)	94,841.39		
72079-72135 AP (June)	104,763.35		
72136-72141 AP (July)	9,220.00		
72142-72149 AP (June)	1,349.62		
72150-72188 AP (July)	14,501.15		
72189-Diamond Ticket Syst.	322.40		
72190-Diamond Ticket Syst.	626.10		
72191-72210 AP (July)	72,023.05		
		\$363,877.55	
50112-50125 AP (June)		27,447.20	
50126-50131 AP (July)		1,687.39	
50132-50156 AP (July)		93,952.70	

50157-50176 AP (June)		90,732.87	
50177-50179 AP (July)		14,309.92	
<u>VENDOR</u>	<u>GENERAL</u>	<u>WATER</u>	<u>SANITATION</u>
50180-50182 AP (July)		308,873.11	
50183-50193 AP (July)		3,680.63	
50194-50201 AP (July)		25,840.38	

\$566,524.20

Sanitation

5770-5772 AP (June)		4,043.18
5773-5784 AP (July)		7,158.46
5785-5793 AP (June)		11,643.82
5794-Nationwide (July)		120.00
5795-5799 AP (July)		5,356.67

\$28,322.13

<u>VENDOR</u>	<u>AMOUNT</u>
A-Z Office Resources, Inc.	630.02
Abbey Miller	13.50
Adam Johnson	740.00
Advance Auto Parts	629.15
Aerzen USA Corporation	6751.66
Affiliated Computer	845.00
Aggregates USA, LLC	3443.41
Alicia Phelps	61.00
Allen Dearstone	14.40
AmericInn	69.00
Anderson Fire, LLC	271.73
Andy Oxy Company, Inc.	249.85
Appalachian Broadcasting	90.00
Appalachian Gypsum	120.00
APWA	184.00
Aramark Uniform Service	866.10
Archer Brothers Garage	130.00
Archer Electric Service	880.00
Arthritis Foundation	224.00
Aslan Productions Studio	75.00
Atmos Energy	70.00
Auto Zone #2087	152.01
Banc of America P&I	3073.83
Barbara L Bogart	144.00
Bay's Truck Salvage	80.00
Beyond Engagement	250.00
Blue-Cross Blue-Shield	73056.44
Boones Creek Outdoor	30.75
Brandon Greene	68.00
Branham Corporation	187.58
Brenntag Midsouth Inc.	1926.52
Brian Sharp	50.00
Buck P. Creacy	97.37
Candance Mellon	740.00
Carl Gregory	41.93
Carus Phosphates, Inc.	3374.07
Celebrate	508.24
Central Child Support	750.70
CenturyLink	4921.05
CenturyLink	283.50
Chappell's Pest Control	45.00

Cintas Corporation #202	459.25
Citizens Security	4526.13
Coca-Cola Enterprise, Inc.	4343.83
<u>VENDOR</u>	<u>AMOUNT</u>
Comptroller of Treasury	110.00
Cox Interior	2698.50
Crazy Tommy's	284.00
Crystal Dugger	45.00
Darrell W. Brinson	255.00
Data Driven	5407.00
David Crum	265.00
David K Wilets	900.00
DC Theatricks	7000.00
Dearborne National	455.40
Dept. of Commerce	35.00
Diane Thompson	68.80
Diverse Computing, Inc.	2120.00
Down To Earth	1898.05
Dry Clean City	230.00
Dustin Hinkle	25.00
East TN Rent-Alls	699.00
Employee Security	475.00
Equinox Environmental	1925.00
Erwin Utilities/Electric	53.85
Erwin Utilities/Water Test	180.00
ESC Lab Science	772.00
ETSU Foundation	240.00
ETSU/Cass	32.00
Evergreen	149.99
Ferguson Enterprises #5	4503.24
Fire Extinguisher Co.	138.85
First Tennessee Bank	4793.77
Fleenor Security System	75.00
Food City	1061.87
Foster Signs	342.00
Franklin Marriott	235.44
Fuelman	214.58
Gary Lykins	33.40
General Sessions Court	260.19
General Shale MSC 30523	14732.50
Grainger	57.55
Grand Rental Station	826.40
GRW Engineers, Inc.	10751.24
Guy Miller	740.00
Herald & Tribune	37.00
Herman Kenneth Story	1400.00
Hicks Welding	800.00
Ingles #4205	412.16
J.J. Jeffers	119.80
Jamie Amer	128.28
Jason Horne	143.13
Jean Rosenbaum	1480.00
Jefferson Slaes South	166.58
Jeffrey Allen Story	45.00
Jennifer Schmidt	2000.00
Jetter Depot	90.00
Jim Wagner	490.00
John Klein	72.00
John Morman	120.00
John Rambo	700.00

Johnson City Kubota	7.12
Johnson City Power Board	44589.79
Johnson City Press	75.00
Jonesborough Area Adult	354.24
<u>VENDOR</u>	<u>AMOUNT</u>
Jonesborough Art Supply	76.00
Jonesborough General	18.09
Jonesborough Postmaster	3000.00
Jonesborough Self Storage	650.00
Jonesborough Storyteller	80.50
Jonesborough Water Dept.	3909.90
Jonesborough/Washington	7614.35
Judy O'Hara	9.60
Kathy Storey	67.50
Ken Smith Auto Parts #4	99.81
Kimball Midwest	52.99
Liberty National	958.32
Login/IACP Net	500.00
Lowe's	5552.28
Lowe's Companies, Inc.	86303.66
Mackenzie Clark	80.00
Mail Works, Inc.	137.71
Make Welcome Ent.	650.00
Marks Self Storage	1740.00
Matt Hawkins	45.00
Matthew Ingle	165.00
McCollum Bottled Water	6.49
Medical Center Homecare	58.50
Melinda Copp	32.85
Microbac A/R	38.00
Mike Reid	8.75
Miles Media Group, LLLP	250.00
Nafeco, Inc.	138.92
Napa Auto Parts	455.13
Nationwide Retirement	1292.65
Northeast TN Tourism	2250.00
Northern Safety & Ind.	113.51
Office Depot Credit Plan	766.36
Office of the Chapter 1	877.00
Old Jbo Pancake House	88.00
Olde Towne Hardware	914.58
Olde Towne Small Engine	463.55
Osborne Electric Inc.	2037.63
Pardue Photographics	300.00
Paul Shelton	465.00
Pioneer Market Inc.	582.00
Poorboy Lawn Care	4180.00
PPG Architectural	423.46
Print Distribution Service	1842.18
Probuild East LLC	12577.08
Quality Trophy & Engraving	17.50
Qwik Pack & Ship	81.78
Rachel Conger	26.86
Ready Mix USA	1923.13
Reeves Alignment & Auto	100.90
Regions Bank	652.50
Reinhart Food Service, LLC	14315.63
Reliance Standard (Vol)	344.63
RGIS	200.00
Ricoh USA, Inc.	2167.48

Robin Goodman	55.80
ROCIC	300.00
Sam's Wholesale #8222	100.00
Saratoga	35.00
Sandra Kelley	20.00
<u>VENDOR</u>	<u>AMOUNT</u>
Schaeffer's Mfg. Co.	92.85
Scott Hardy	4445.84
Snapp's Lawncare	3715.00
SOR	50.00
Sprint	37.58
Stafford Custom Graphic	530.00
Stowers	105.65
Summers-Taylor Inc.	1231.23
Swana SC Palmetto Chapter	180.00
Swisher Hygiene	57.90
Tami Moore	28.00
Taylor Technologies	58.74
TBI-Fiscal Services	560.00
Tennessee One-Call	23.00
Tennessee Pizza Product	3304.60
Terminix Processing Center	3320.00
Terry Alexander	150.12
TN Association of	150.00
TN Dept. of Revenue	79.80
TN Dept. of Revenue	1134.84
TN Dept. of Safety	931.00
TN Local Dev Authority	3183.61
TN Municipal League	1412.00
TN Safety & Health Council	340.00
Transit-Mix Concrete	345.00
Treasurer, State of TN	14354.60
Tritech Software System	2015.85
United Parcel Service	276.51
United Way	164.50
USALCO, Inc.	10698.88
Utility Service Co., Inc.	5473.25
Valley Trailer Repair	270.00
Verizon Wireless	3120.92
Walmart Store/GEMB	1265.17
Walter Curtis Co., LLC	102.00
Washington County	609.75
Washington County Emergency	19024.25
Washington Farmers Co-op	602.36
Washington Farmers Co-op	30370.72
Waste Management	718.70
WBEJ	165.00
Weems Florist	65.00
West Hills Ford Tractor	7.47
Wheeler & Seeley	5737.00
Whetsell's Fabrication	40.00
White's Auto Parts	694.52
Williams Electric	1394.47
WJHL-TV 11	2417.00
Worldwide-Johnson City	185.65
ZFX, Inc.	<u>95.00</u>
TOTAL	\$521336.73

- Due to Mr. Browning's surgery the Town Administrator Report was not available for review.

4. Approve the following Operations Manager Report:

The end is near for the Booker T. Washington Project. Much of the walkway has been completed in the back of the building. The finishing touches are being completed to the inside of the facility. A little work is left in the final classroom. The inmates are completing the stucco around the base of the building and the fencing has been completed around the HVAC units.

The curbing on Boone Street from the Visitors Center to Sabine has been completed as a part of the Exxon project. This intersection has been squared up with Boone Street in order to require vehicles to slow down for the turn. The sidewalk extension has been prepped and is awaiting concrete.

A crosswalk has been painted across Sabine at this point. We will eventually install a granite/brick crosswalk, but we need to wait until we are ready to pave. If we install the permanent crosswalk now, it will cause water to pond as the drainage basin is on the lower side of the crosswalk.

Construction is moving along on the 11-E medians. The median west of Cherokee has been completed. The Street Department is about 60% complete with the median east of Cherokee. Once the new curbing is installed on this median, the concrete islands will also be poured on the north and south sides of Cherokee.

The Street Department currently has an opening. That department was behind on their right-of-way mowing. Paul Bailey, who retired last year, agreed to come in on a temporary basis to get the mowing caught up. The plan at this point is to utilize him for a minimum of 30 days and evaluate where we are at that time. Mr. Bailey did most of the mowing in the past and is familiar with the routes and equipment. This has worked very well and the improvement in the right-of-ways is very evident.

I have begun preliminary work on the new park site in The Meadows. The lot was overgrown and we have mowed this lot in order to begin the layout. Joe McCoy has set the property stakes and it is my intent to begin this project as soon as we pull out of Booker T. Washington and complete repairs to the Stage Road Park pavilion.

The roof at Stage Road Park pavilion is slowly collapsing. When the pavilion was built, there were no collar ties placed in the trusses. Prior to beginning The Meadows Park, I will have the inmates repair this roof. I am concerned that a heavy snow could collapse a portion of this roof.

5. Approve the following Committee reports: Historic Zoning Commission, Keep Jonesborough Beautiful, Visitor Center Committee, Traffic Advisory Committee, Jonesborough Repertory Theatre (JRT), and Jonesborough BZA and Planning Commission.
6. Approve the following Supervisor Reports: Director of Tourism & Marketing, Visitor Center Manager, Building Inspector, Water Distribution, Environmental Services, Police Division, Street Department, Water Park, Fleet Management, Solid Waste, Park and Recreation, Event Coordinator, Senior Center, Animal Control, JRT, Fire Division, Water Treatment and McKinney Center.
7. Approve the Senior Center Assistant Program Specialist increase in work hours from 20 hours to an average of 28 hours per week and approve \$5,000 of unappropriated General Fund dollars to cover the expense of the additional time.

The next item on the agenda was the approval of the Financial Report. Mayor Wolfe asked Ms. Miller if she had any comments about the finances. Ms. Miller said we are transitioning into the new year and preparing for the 2012-13 audit. Motion was made

by Alderman Countermine, seconded by Alderman Dickson and duly passed to approve the Financial Report as presented.

Mayor's Comments was the next item on the agenda. Mayor Wolfe read a thank you note from Craig Ford thanking the Town for the thoughts, prayers and flowers upon the death of his mother.

The Mayor said he had received a card from Mr. Tony Maden who said he was recently in a funeral procession and the Street Department employees working on Highway 11-E stopped their work and removed their hats until the procession had passed. Mr. Maden added that he was impressed by the respect shown by these employees.

Mayor Wolfe said the Courthouse Centennial Celebration this past weekend was a great event. He said on Saturday night John Rambo was sworn in as Chancellor, and the Mayor presented Judge Rambo with his robe and nameplate from Municipal Court. He asked that the Board accept the resignation of John Rambo as Municipal Judge. Motion was made by Alderman Vest, seconded by Alderman Countermine and duly passed to accept the resignation of John Rambo as Municipal Judge.

Mayor Wolfe said he spoke with Assistant District Attorney General Dennis Brooks and asked if he would be interested in the position of Municipal Judge. The Mayor said Mr. Brooks expressed interest in the position. Mayor Wolfe asked the Aldermen to add this item to the agenda. Motion was made by Alderman Countermine, seconded by Alderman Vest and duly passed to add the appointment of a new Municipal Judge to the agenda.

Mayor Wolfe then nominated Dennis Brooks to fill the position of Municipal Judge. Motion was made by Alderman G'Fellers, seconded by Alderman Countermine and duly passed to approve Dennis Brooks as the Municipal Judge for an eight year term.

Mayor Wolfe asked the Aldermen to add the re-appointment of the Assistant Municipal Judge to the agenda. Motion was made by Alderman Countermine and seconded by Alderman G'Fellers and duly passed to add the re-appointment of the Assistant Municipal Judge to the agenda.

Mayor Wolfe said that he would like to nominate Ron Jenkins to the position of Assistant Municipal Judge and added that Mr. Jenkins does a fantastic job. Motion was made by Alderman Vest, seconded by Alderman Countermine and duly passed to re-appoint Ron Jenkins to the position of Assistant Municipal Judge for an eight year term.

Mayor Wolfe said that Helen Conley has submitted a letter resigning from the Senior Citizen Advisory Board. Motion was made by Alderman G'Fellers, seconded by Alderman Dickson and duly passed to accept the resignation of Helen Conley from the Senior Center Advisory Board with regrets.

Mayor Wolfe said John Moore has been recommended to fill the vacant position on the Senior Center Advisory Board. Motion was made by Alderman Countermine, seconded by Alderman Vest and duly passed to appoint John Moore to fill the unexpired term of Helen Conley on the Jonesborough Senior Center Advisory Board.

Mayor Wolfe read the following letter from Robert and Milan Schmadeka:

TO: Matthew B. Hawkins, Chief of Police

RE: Sgt. Michael Reid

This letter is in regards to the actions of Sgt. Michael Reid after Milan Schmadeka was involved in a motor vehicle accident on Boones Creek Road on July 9th, 2013. After Milan and her passengers (mother and father) were taken to the hospital, Sgt. Reid arrived to conduct follow-up interviews with Milan and her parents. It was at this time that I also met Sgt. Reid. My wife and I were impressed by the concern and professionalism displayed by Sgt. Reid. This was especially evident by

his never wavering patience when interviewing Milan's father, a man whose command of the English language is limited, at best. While we are sure that an officer of his caliber is appreciated within the department, be advised that he is appreciated by members of the community as well.

Mayor Wolfe presented the following Proclamation from the State of Tennessee for Suicide Prevention Awareness Month:

The next item on the agenda was the Proclamation for United Way. Mayor Wolfe said the 2013 annual kickoff campaign is next week on August 22nd at Rotary Park. Mayor Wolfe then read the following proclamation:

Lester Lattney, Washington County United Way Director, thanked everyone for their help and explained some of what United Way does for our community. He thanked Abbey Miller and her group for helping with the campaign, and added that it's amazing how much can be accomplished with a good campaign leader in place. Mayor Wolfe said he is proud to say with the help of Abbey Miller that the Town has joined the United Way Hand Up Program which helps Jonesborough water customers who are in need. Mr. Lattney said Jonesborough got the program up and running very quickly and now the people of Jonesborough are contributing to a fund that will be used to help customers who cannot pay their water bills.

Mayor Wolfe said the presentation of the Employee of the Month was the next item on the agenda. Mayor Wolfe asked Hugh Thomason, Director of Environmental Services, and David Wright from the Wastewater Department to come forward. He read the following:

David Wright is our certified Wastewater Laboratory Technician. Part of David's job is to collect samples and measure certain parameters in order to comply with our state permit. These samples must be collected from certain locations at certain times during the day, every day, in order to run tests in the laboratory. We started construction on a new Wastewater Treatment Plant on May 7, 2012. Since that time, David has had to overcome numerous obstacles and challenges in order to comply with the state permit, regarding sample times and frequencies. As part of the construction process contractors have been digging, installing new equipment and retro-fitting existing equipment to connect old and new equipment to operate as one complete treatment plant. David has had to be very flexible with his schedule and planning in order to overcome the problems that have arisen, not to mention the occasions that presented physical challenges in obtaining samples. The contractors have moved and relocated signal lines causing loss of power for a few hours and blocked access to sample points during the times samples were needed to be taken. Despite all these issues and problems, David Wright has never complained and has never failed to complete his task as per our state permit requirements. I feel that his hard work and dedication makes him worthy of being Employee of the Month for the Town of Jonesborough. Submitted by: Hugh Thomason

Mayor Wolfe thanked Mr. Wright for his hard work and dedication to the Town.

Alderman comments was the next item on the agenda. Alderman Countermine read the following note from Helen Thatcher:

*I would like to convey my thanks for all concerned with the fireworks display July 6th. It was not without some concern that the evening of the event approached – we were certainly up close and personal this year! However, the organization was wonderful, roads closed off ahead of time; police and fire were in attendance. The beforehand planning is to be praised. Watching the fireworks, we were very much aware of the numbers of sparks falling into the trees, shrubs and on our roof. However, fire personnel were also in the garden, watching carefully and remained in attendance when all was finished, going around with flashlights checking the area for sparks. Thank you for your care and attention. You are very much appreciated.
Sincerely, Helen Thatcher.*

Attorney Comments was the next item on the agenda. Attorney Wheeler said with respect to the Farm to Table Dinner, he asked that the Board add to the agenda the approval of the Visitor Center as an alternate location for the dinner if necessary and also to adopt the alcohol policy of the McKinney Center for use at this event. Motion was made by Alderman Vest, seconded by Alderman Countermine to add to the agenda an alternate site for the Farm to Table Dinner and an addendum to the alcohol policy for the Visitor Center for this one event.

Attorney Wheeler provided the wording for the motion. Motion was made by Alderman Countermine and seconded by Alderman Dickson to approve establishing an alternate location in the event of inclement weather for the 2013 Farm to Table Dinner at the Visitor Center and to adopt the alcohol policy of the McKinney Center for this one event only. Those voting aye: Alderman Countermine, Alderman Dickson, and Alderman Vest. Alderman G'Fellers passed.

Citizen Comments was the next item on the agenda. Florence Weierbach, 812 Haws Drive, addressed the Board and invited everyone to the free Community Dinner at the Jonesborough Senior Center on Sunday, August 25, 2013, from 4:30 – 6:30.

Mayor Wolfe introduced Mitch Miller, Interim Director of Washington County Economic Development Council, and added that Mr. Miller was instrumental in obtaining approval and funding for Phase II of our Wastewater project. He said Mr. Miller helped save \$1 million on Phase II of our project based on the fact that the industrial park in Telford is served by the Jonesborough Wastewater Plant. Mr. Miller said he lives at 301 Patton Drive and that he appreciates all the support the Town gives the Council, and added that the Council is always available to help Jonesborough. Mr. Miller said he likes to recognize Jonesborough for all the progress it has made such as the upgrade of the Wastewater Treatment Plant, downtown streetscape, and utility improvements, all of which helps with economic development. Mr. Miller presented the following action plan for July, 2013 – June, 2014:

Mayor Wolfe said there is a greater focus and success in economic development since the Washington County Economic Development Council has existed. Mayor Wolfe added that he would like to see Mr. Miller come back without the "Interim" part of the title attached and wished him continued success in his economic development efforts.

Alderman Dickson asked if Dale Ford was part of the economic development team. Mayor Wolfe said Mr. Ford's main focus has been on special projects of the Town such as the Booker T. Washington School project; however, he and Mr. Ford have been on several economic development recruitment missions trying to recruit food establishments on the highway. He said the longer Mr. Ford is here, the more he will be involved with economic development because of all of his connections.

The next item on the agenda was the bids received for the wastewater outfall line project. Mayor Wolfe said Merkel Construction was the low bidder and came in a half million dollars lower than expected. He said the lower bid allowed the Town to add an effluent pump to the project to qualify for one million dollars in EDA grant funds. Alderman Vest said he appreciated the staff working hard to get so many quality bids. Operations Manager Ford said we will have to get approval to bid the effluent pump and will do that as soon as possible. Motion was made by Alderman Vest, seconded by Alderman Countermine and duly passed to approve Merkel Construction of Greeneville,

Tennessee, as the low bid contractor on the Phase II Wastewater Outfall Line Improvement Project for \$1,518,351, subject to all necessary approvals from funding agencies Economic Development Administration (EDA) and Rural Development, USDA, and authorize the Mayor and Town Attorney to sign all necessary documents to move the project forward.

The next item on the agenda was the bids received for the water pipe and related materials for the Hwy 11E - Zone 2 water line project. Mayor Wolfe said the bid was broken down by the lowest bidder on each item. Mayor Wolfe said Mr. McCracken said there were forty leaks in Zone 2 last month. Motion was made by Alderman Vest, seconded by Alderman Counterminne and duly passed to approve the bids as presented for the purchase of materials for the Hwy 11E-Zone 2 water line project. The award is as follows: \$176,972.87 to Ferguson Enterprises, \$27,166.67 to HD Supply, \$775.95 to Hayes Pipe, \$17,257.16 to Southern Pipe, and \$22,119.76 to G&C Supply for a total bid of \$244,292.41.

The next item on the agenda was the agreement with Norfolk Southern for gates for the railroad crossing at Second Avenue. The agreement was not received in time for this meeting. Motion was made by Alderman G'Fellers, seconded by Alderman Dickson and duly passed to authorize the Mayor to execute the agreement after the review and approval of the Town Attorney.

The next item on the agenda was the renovation work of iron fencing at the Old Jonesborough Cemetery. Mayor Wolfe said that he would like to thank Gordon Edwards for all his hard work at the Old Jonesborough Cemetery. The Mayor said Mr. Edwards has been working with staff to clean the cemetery and it looks very good. Motion was made by Alderman Counterminne, seconded by Alderman Vest and duly passed to approve the agreement with Jeff McCurry of Precision Iron Works to undertake specialized historic renovation work on the wrought iron fencing at the Old Jonesborough Cemetery for an amount not to exceed \$15,000, to be paid out of the Cemetery Fund.

The next item on the agenda was recommendations from the Traffic Advisory Committee. Mayor Wolfe said the Committee recommended changing the speed tables from two to one on Woodrow Avenue, undertaking drainage improvements at First Avenue and Woodrow Avenue, a “no parking to corner” zone on the northside of Main Street 25 feet to the east from the intersection with 2nd Avenue, and allowing temporary handicapped only parking spaces along Main Street near 2nd Avenue in front of the Methodist Church on Sundays from 8:00 a.m. to 1:00 p.m. and allowing the same temporary handicapped parking along Main Street in front of the Presbyterian Church from 8:00 a.m. – 1:00 p.m. Motion was made by Alderman G’Fellers, seconded by Alderman Counterline and duly passed to approve the following recommendations from the Traffic Advisory Committee:

1. Approve a modification to the traffic calming plan for Woodrow Avenue, changing the number of speed tables from two to one, with the one being located just west of the intersection of First Avenue and Woodrow Avenue;
2. Approve undertaking drainage improvements at First Avenue and Woodrow Avenue, and 2nd Avenue and Woodrow Avenue;
3. Approve a “no parking to corner” zone on the northside of Main Street, 25 feet to the east from the intersection with 2nd Avenue;
4. Approve temporary handicapped only parking spaces along Main Street near 2nd Avenue in front of the Methodist Church on Sundays from 8:00 a.m. until 1:00 p.m., with the signs and posts being provided by the Town, and installation and removal each Sunday morning being the responsibility of the church. In addition, approve the same temporary handicapped parking along Main Street in front of the Presbyterian Church from 8:00 a.m. to 1:00 p.m. on Sundays under the same conditions, just in case there is no clear record of the previous action by the BMA over 20 years ago.

The next item on the agenda was the approval of the Wellness Agreement with Mountain States Health Alliance. This agreement will include a 20% increase in cost. Mayor Wolfe said the Town has not received the agreement and asked for authorization for the Mayor to sign the agreement with Town Attorney approval. Motion was made by Alderman Counterline, seconded by Alderman Vest and duly passed to authorize the Mayor to sign the agreement with Mountain States Health Alliance upon Town Attorney approval of the agreement. Alderman Dickson asked if there was a need for additional hours from the nurse, and Ms. Miller said we have never had to pay for additional hours. Alderman G’Fellers said the 90% employee participation speaks for itself. Ms. Causey said it is actually a 96% participation this year. Alderman G’Fellers said there is no organization around that can compare to that.

The next item on the agenda was the approval of the Outdoor Use Permit for the Dining Room Restaurant. Motion was made by Alderman Countermine, seconded by Alderman Dickson and duly passed to approve the application by the Dining Room Restaurant for an Outdoor Use Permit for street furnishings (tables and chairs) and a portable A-frame sign as submitted, subject to the Town Attorney review and approval of the Hold Harmless Agreement and Proof of Insurance.

The next item on the agenda was the 2013 Concession Agreement with Persimmon Ridge Soccer Association. Ms. Miller asked that a clause be added that any sales tax due to the State be the obligation of the Soccer Association. Motion was made by Alderman G'Fellers, seconded by Alderman Vest and duly passed to approve the 2013 Concession Agreement with the Persimmon Ridge Soccer Association with the term being from August, 2013, through December, 2013, subject to a sales tax clause being added to the Agreement.

**TOWN OF JONESBOROUGH
DEPARTMENT OF PARKS AND RECREATION
2013 CONCESSION AGREEMENT**

This agreement is entered into by the Jonesborough Department of Parks and Recreation and the **Persimmon Ridge Soccer Association** herein called the "Concessionaire." In consideration of the Town of Jonesborough leasing the concession rights at the Persimmon Ridge Park Ballfields, it is agreed that:

SCOPE OF CONCESSION: This agreement shall grant the exclusive right and privilege to the Concessionaire to operate the concessions at the ballfield located at Persimmon Ridge Park in service to individuals or groups of individuals using the ballfields, playgrounds and park rental or picnic areas; however, such rights will not include determining who can and cannot use the ballfields, only the concession stand area; nor shall such rights of operation restrain or prevent such individuals or groups from engaging catering services for themselves or bringing their own food and drink to the ballfield area, as long as this food is not sold.

Concessionaire agrees to service and dispense concessions at such times the public needs refreshments and/or when the Director of Parks and Recreation Department directs and to provide in quantities adequate for the needs of the public. All sales and promotions will be operated efficiently in order to provide optimum revenue as well as service.

The introduction of additional privileges not contained and enumerated herein will be subject to the approval of the Recreation Director, and the Town officials.

BUILDING AND LOCATIONS. The Parks and Recreation Department will make available two concession areas, one in the concession/restroom building by the large ballfield, and the new concession area in the building by the most easterly field currently called the T-Ball field.

REPAIRS AND MAINTENANCE. The Parks and Recreation shall, at its cost and expense, make all ordinary and reasonable repairs required to preserve the buildings, occupied under this contract, except any damage done by the Concessionaire.

CONDITIONS AND SURRENDER OF PROPERTY. The buildings, which are the property of the Town of Jonesborough, shall remain the property of the Town of

Jonesborough and upon termination of the contract by lapse of time or otherwise, the Concessionaire shall surrender possession of all said premises and part in as good condition as said premises were when first occupied by the Concessionaire.

PLANS FOR ALTERATION. The Concessionaire shall make no alterations of or repairs to any building, reserved for its use, or erect any new structure or building on the grounds without official approval from the Parks and Recreation Department.

EQUIPMENT. The Concessionaire shall, at his own cost or expense, furnish and maintain in good usable condition, a sufficient amount of movable equipment, dispensers, hot dog cookers, table utensils, dishes, such other equipment as may be necessary to properly furnish the services here in provided for in a manner acceptable to the Director of Parks and Recreation.

The Town of Jonesborough will not accept any liability or be responsible, in whole or part, for any damage, which may be sustained by any materials and/or equipment on any location resulting from any cause whatsoever.

DISPOSAL OF GARBAGE AND REFUSE. The Concessionaire shall not allow garbage or other refuse to accumulate or to gather in or about any of the buildings or structures occupied by the Concessionaire except in suitable covered garbage receptacles. The Parks and Recreation Department will be responsible for the removal of rubbish, trash, and garbage provided that the Concessionaire accumulates such trash at given points and at given times under the direction of the Town.

Persimmon Ridge Soccer Association shall appoint personnel responsible for picking up trash and litter in and around the ballfields, creekway, and parking areas used by players and spectators every night the Concession Stand is in operation.

CLEANING PREMISES. The Concessionaire shall furnish all labor, services, materials, supplies, and equipment necessary to maintain, in a clean orderly and inviting condition satisfactory to the Director, all premises used and occupied by the Concessionaire in the operation of concessions, together with the areas immediately surrounding the concession stand that are affected by said operations including but not limited to the spectator/bleachers area, creekway, and parking lots.

UTILITIES. The Parks and Recreation Department will furnish light, power, and water in such locations where these utilities exist. All additional installations which require the use of these utilities shall be made and maintained at the expense of the Concessionaire and only after securing prior approval.

EMPLOYEES. The Concessionaire shall, at his/her own cost and expense, provide a sufficient number of employees to service the public promptly and efficiently and in a manner satisfactory to the Director. A minimum of one (1) adult is required *in each concession facility.*

The Concessionaire shall not permit any agent or employee to remain in or upon premise of Persimmon Ridge Park or in any of the buildings, structures or locations occupied by the Concessionaire for any period of time longer than is normally necessary to secure the premises and to perform minor clerical work after the close of business, provided, however, that if required for the protection of its property the Concessionaire may employ and permit watchmen to remain in said building, so occupied by it. *The Concessionaire shall provide the Recreation Director with the full name, social security number and date of birth for all concession workers.*

The Concessionaire shall employ only competent and satisfactory workmen and whenever the Director shall notify the Concessionaire in writing that any person employed on the premises in his/her opinion, is incompetent, disorderly, unsanitary, or otherwise unsatisfactory, such person's employment shall be reviewed thoroughly and appropriate action taken. *The Recreation Director shall have final authority if there is a difference of opinion on the appropriateness of a concessionaire worker.*

Concession stand personnel at the ballparks will be responsible for turning off the lights on the field, after the last game of the day securing the building, and policing the area to keep it sanitary.

HOURS OF OPERATION. The Concessionaire shall keep all concessions herein provided for the operation during all reasonable hours and at such other times as the public needs require or the Director shall direct. Ballfield concessions will be opened 30 minutes prior to the first game.

ORDINANCES, LAWS AND REGULATIONS. The Concessionaire shall not sell or permit to be sold, used or brought upon the premises of the Park intoxicating or alcoholic beverages, and shall not permit or suffer any gambling at any time upon said premises, and shall not permit improper or immoral conduct on the part of its officers or employees, and shall not permit hawking or any other noises or disturbance designed to attract attention or to solicit trade, and shall abide by the ordinances of the County of Washington, Town of Jonesborough, and the laws of the State of Tennessee, and of the United States, and the rules and regulations promulgated by the Parks and Recreation Department. There shall be no smoking in the concession stand and around the ballfield facilities

It shall be the obligation of the Concessionaire to apply for, pay for, and obtain all permits and licenses required by the various law enforcement agencies to operate the concessions, and to sell the approved merchandise.

ACCOUNTS, BOOKS AND RECORDS. The concessionaire shall keep books and records showing accurate and complete data on all receipts and disbursements in connection with the operation of all concessions. The Concessionaire shall provide monthly financial reports, which follow the Governmental Accounting Standards Board (GASB) guidelines to the Town Recorder and the Parks and Recreation Director. The Town Recorder has the right at all times to examine and audit all of said books and recorder and to reexamine and re-audit same.

PAYMENTS. The Concessionaire agrees to pay the Jonesborough Parks and Recreation Department a flat fee payment of \$1.00 as compensation for the lease. This payment shall be paid to the Board of Mayor and Aldermen on or before _____ of each season. *Concessionaire is responsible for collecting and remitting to the State of Tennessee Department of Revenue applicable sales tax on concession sales.*

CANCELLATION BY THE TOWN. This agreement shall be subject to cancellation by the Town of Jonesborough in the event of the happening of any one or more of the following contingencies:

- A. In the event the Concessionaire is adjudicated as bankrupt, or because of its financial condition is judged by the Town as being unable to continue successful operation.
- B. Failure of the Concessionaire to perform, keep, and observe any of the conditions of the contract.

RIGHT TO DECIDE QUESTIONS. The decisions of the Director of the Parks & Recreation Department relative to the proper performance of terms of the contract shall be subject to the final approval of the Jonesborough Parks and Recreation Advisory Board and the Board of Mayor and Aldermen.

ASSIGNMENTS AND SUB-CONTRACTS. This agreement or contract of any of the rights and privileges provided for herein shall not be transferred or assigned by the Concessionaire without first having obtained the consent of the Town to do so.

LIABILITY OF THE TOWN. The Town, to the extent permitted by State Law, will be saved and held harmless by the Concessionaire from damage of any kind, make and

description which may arise as a result of making this contract and the operation of the concessions by the Lessee. The Town shall not be liable for any damage to persons or properties in the space leased exclusively to the Concessionaire. The Concessionaire only is responsible for the equipment within the concession stand and that the Town shall not be liable for any damage thereto or loss or theft thereof.

RELATION TO TOWN. It is the intent that the Concessionaire shall be considered as an independent contractor and that neither he/she nor his/her employees shall under any circumstance be considered servants or agents of the Town, and that the Town shall at no time be legally responsible for any negligence on the part of said Concessionaire his/her servants or agents, resulting in either personal or property damage to any individual firm or corporation.

SIGNS. The Concessionaire, at all locations used for the purpose of providing the services specified shall erect suitable signs, approved by the Director of the Parks & Recreation Department, informing the public of the nature of the services provided at any such location.

INSPECTION. The Concessionaire shall allow the Director of Parks & Recreation, or such other persons as may be designated, access to the premises at all reasonable hours for the purpose of examining and inspecting said premises, or making necessary building repairs, or for any other purpose, not unduly affecting the operation of the Concessionaire's business.

NO SMOKING REQUIREMENT. Persimmon Ridge Park is a "Smoke Free" park and smoking is prohibited by the Town of Jonesborough. The Concessionaire agrees to inform all workers in the concession stand area and parents/children using the concession stand that smoking is prohibited.

TERM OF CONTRACT. Term of this lease is for the 2013 season and will run from August, 2013 through December, 2013.

This agreement may be renewed by the Jonesborough Parks and Recreation Advisory Board with the consent of the Town of Jonesborough.

Executed on this day of 12th day of August, 2013

LESSEE

LESSOR

CONCESSIONAIRE

KELLY WOLFE, MAYOR

Address: _____

Phone: _____

ABBAY MILLER, RECORDER

A P P R O V E D
FORM: _____

A S

T O

JAMES R. WHEELER, TOWN ATTORNEY

The next item on the agenda was the Resolution authorizing the Safety Partners Grant application. Motion was made by Alderman Vest, seconded by Alderman Countermine and duly passed to approve the Resolution authorizing the application for a Safety Partners Grant through the TML.

Motion was made to adjourn.

ABBHEY MILLER, RECORDER

KELLY WOLFE, MAYOR