

**Millersville Board of Commissioners
Minutes of Regular Meeting**

Tuesday, January 15, 2019 at 5:30 P.M.

The Millersville Board of Commissioners held their regular monthly meeting at City Hall on Tuesday, January 15, 2019 with the following board members present: Tim Lassiter, Mayor; Vice Mayor Keith Bell. Commissioners: Bonnie Coleman, David Gregory and Milton Dorris. Also present: Interim City Manager Holly Murphy; Amy Hutchison, Recorder Pro Tem and City Attorney Rob Wheeler.

1. Call to Order.

Mayor Lassiter called the meeting to order at 5:30 P.M.

2. Invocation and Pledge to the Flag.

Pastor Charles Anderson gave the invocation followed by the Pledge to the Flag of the United States led by Mayor Lassiter.

Vice Mayor Bell moved to amend the agenda to include discussion of Ridge Hill Road right-of-way and to be included in between Items number 4 and 5, seconded by Commissioner Gregroy. (Vote 5 yea – 0 nay.) Motion carried.

3. Approval of minutes from the December 18, 2018 Regular Commission Meeting.

Commissioner Coleman made a motion to approve the minutes from the December 18, 2018 Regular Commission Meeting, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried.

4. Approval of the December 2018 Financial Reports.

Commissioner Coleman made a motion to approve the December 2018 Financial Reports, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried.

5. Discussion of Ridge Hill Road Right-Of-Way

Vice Mayor Bell asked Mr. Michael Barr what precipitated the City's involvement in this issue. To which Mr. Barr explained that two current property owners, Mr. Chris Burke (1155 Ridge Hill Road) and Mr. Kevin Pennell (1138 Ridge Hill Road) came to the City in regards to a property between their two properties (1161 Ridge Hill Road – also referred to as Rittenberry property) and access to said property. Mr. Pennell asked if the City could do anything about people illegally accessing the landlocked property. Mr. Pennell provided the City with an abundance of information regarding the history of this road and the landlocked property in question. The Mayor suggested that the City identify where the City's right-of-way limits are. At that time, we contracted with OHM's surveying division to take a look at the previous documents on this issue including an early dedication from Sumner County Highway Department in the 1980's that conveyed Ridge Hill Road right-of-way. This was prior the City's annexation of this road. This paperwork's intent was to dedicate a private road to the County. The City annexed the road in the 1990's. The City has paved the road twice since annexation to which it was paved up to the driveway of Mr. Pennell's property. In 2013,

Mr. Pennell installed a gate further up the road from his driveway which in turn blocked access to the Rittenberry property. It has now come back to the forefront due to potential buyers of the Rittenberry property asking the City if they could help to determine right-of-way in order to access property.

OHM hit a roadblock with the previous documents in early December 2018. At that time, the City asked City Attorney, Rob Wheeler to look at the documents and give an opinion. Mr. Wheeler determined that there is at least 50 feet right-of-way from Tinnin Road to at least the shared corner of where the Burke, Rittenberry and Pennell properties meet. There is also an iron pin located in that position that is not in dispute by any of the parties. Once this was discovered, the City sent letters to Mr. Burke and Mr. Pennell asking them to remove their fences that were blocking access to the Rittenberry properties.

Discussion was then held on the history of this road dating back 30 years. Bob Pelosi, OHM representative, gave information from the findings of OHM's surveying division and expressed that the information that they discovered was from a surveying standpoint only and offered no legal reference.

Mayor Lassiter feels that as a governing body, the Board should be able to tell property owners where a City road ends and begins and the location of rights-of-way.

Commissioner Coleman strictly wants to find out where the road and right-of-way is and that is it. She is concerned about the tax dollars that have been spent on this issue.

With no further discussion, Mayor Lassiter called for a motion.

Vice Mayor Bell moved to authorize City Attorney Rob Wheeler to file a petition for a declaratory judgement to establish right-of-way, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried.

6. Resolution 19-R-02, a resolution to repeal and replace Resolution 17-R-04 and amend the fee schedule for Fire Inspections, Plans Review, and False Alarms.

Vice Mayor Bell moved to approve Resolution 19-R-02, a resolution to repeal and replace Resolution 17-R-04 and amend the fee schedule for Fire Inspections, Plans Review, and False Alarms, seconded by Commissioner Gregory.

Commissioner Coleman expressed concerns with the fees. She stated that other cities do not charge initial inspection fees and that the board is not happy with all of the inspections that the City is doing but yet the Board is also frustrated because not all Codes are being enforced which has also been expressed by the citizens as well. Ms. Murphy advised that the City does not charge initial inspection fees and that this only pertains to annual inspections. Mayor Lassiter stated that per his research, inspections are not mandatory. Chief Head stated that if on the original inspection everything passes but then the business ownership changes hands, the City will not necessarily know if the business is up to the Fire Code and if public safety is in jeopardy.

Mayor Lassiter does not have a problem with fees but he does not want to charge fees for the inspections. Commissioner Gregory asked what would the fees benefit. Chief Head advised that the fees would help pay for the software.

With no further discussion, Mayor Lassiter made a motion to amend the original motion to remove the three fees of \$30.00, \$60.00 and \$120.00 for annual inspections and the \$150.00 inspection fee will still apply if second re-inspection is failed/not brought into compliance, seconded by Vice Mayor Bell. (Vote 5 yea – 0 nay.) Motion carried.

Mayor Lassiter then called for a vote on the original motion. (Vote 5 yea – 0 nay.) Motion carried.

7. **First Reading of Ordinance 19-716**, an ordinance to rezone 7639 South Swift Road, identified as Robertson County Map 126, Parcel 059.00, from Residential R-4 to Residential R-5

Vice Mayor Bell moved to approve Ordinance 19-716 on first reading, seconded by Commissioner Coleman. (Vote 5 yea – 0 nay.) Motion carried. Ordinance 19-716 passed first reading.

8. **First Reading of Ordinance 19-717**, an ordinance to rezone 7625 Darby Road, identified as Sumner County Map 118, Parcel 004.00, from Residential R-2 to Residential R-3.

Vice Mayor Bell moved to approve Ordinance 19-717 on first reading, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried. Ordinance 19-717 passed first reading.

9. Citizen Comments.

Kevin Pennell, 1138 Ridge Hill Road, addressed the Commissioners regarding the issue on the landlocked piece of property and right of way located at 1161 Ridge Hill Road. He stated that this was discussed in court and an agreement was agreed upon many years by the property owners at that time. He advised that he has spent a large sum of money on this issue over the years and that the current problem of the landlocked property is being blamed on him. He also stated that he has never prevented anyone from accessing the landlocked property. He also doesn't feel that he should be required to remove fencing located in the questionable right of way. The Commission agreed that he can leave his fencing in place until a final determination of the right of way is issued. Mayor Lassiter advised that until the City gets a ruling from the court where the road and right of way is located, the City will not weigh in on a decision.

Jeff Kerr, 1262 A Louisville Highway – Dana's Café, expressed his concern about the Fire Inspection fees and wanted to know if the Fire Inspection list would be available to the public so that the business owners would be able to see exactly what they need in order to be in compliance to which Chief Head confirmed that the list would be available once it is complete.

Curtis Briggs, 1207 Louisville Highway – Briggs Wine & Spirits, stated that his business is in a strip mall where the businesses are connected. His question was that if one business fails inspection would all of the businesses in the strip fail. Chief Head answered that each business is inspected individually and that one business's inspection would not affect another.

Terry McClure, 1380 Louisville Highway – Goodlettsville Auto Salvage, stated that he does not agree with fire inspections for businesses especially since insurance requires an inspection. Chief Head advised that the insurance inspections are required for them to provide coverage and the City's fire inspections would be only for fire safety.

Jeff Munday, 1650 Highway 31W – Authentic Coffee Company, inquired if there would be a backup person for inspections that is also trained on the database of such inspections. Mayor Lassiter advised that the software will be the documentation to which Chief Head stated that the software is backed up and logged offsite and a backup inspector would be in place.

Beth Gentry, 1207 Louisville Highway – A & A Powder Coating, asked if a business is shut down because of a failed inspection and said Official is unable to come back in the required time frame, would the business remain closed until the Official was back to work or would there be a backup inspector. Chief Head explained that there would be backup for cases like this such as calling another city to perform the follow-up inspection. She also asked if it was the business owner's responsibility to inform the property owner of violations and that she would like a list of items to be inspected. Chief Head answered that it would be the business owner's responsibility

to inform the property owner of any violations and that business owners could reference the IFC for all list of items to be inspected for specific businesses.

Kari Lewis, 1174 Louisville Highway – Millersville Public Library, updated the City Commission on the past month's activities at the Library and the upcoming events. She thanked the City for helping the Library have a great 2018.

10. City Manager Comments.

Ms. Murphy mentioned that the Commission had received the BZA Member Training and asked if the Commissioners could state on record that they had formally received this training information to which they all confirmed. She informed the Commission that our newest officer, Blake Riley, graduated from the Police Academy and he will be working the midnight shift. She also let the Commission know that our Building Inspector, Andrew Pieri, will be changing his hours on Tuesday and Thursday to 11:30 a.m.-4:30 p.m. Finally, she stated that the Sumner County ECC Operations Committee will be meeting on Friday at 1:00 p.m. to possibly take action on the current situation at the ECC Center and that she will email the Commission when she learns of the outcome.

11. Commissioner Comments.

Commissioner Dorris stated that Wilson County had went to a county wide dispatch center just like Sumner County.

Commissioner Gregory stated that some cities wanted to opt out of the county wide dispatch to which Ms. Murphy advised that no one can afford to opt out at this point.

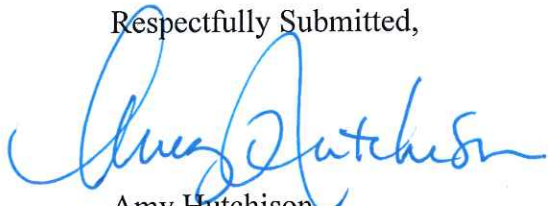
Mayor Lassiter stated that he had requested that Ms. Murphy put the software for fire inspections on this agenda because he thought there was need for more discussion but upon discussion, he feels that the software is needed for pre-planning. He asked if a budget amendment was needed. Ms. Murphy advised that a budget amendment was not needed and that the money is in the budget to purchase the equipment. Mayor Lassiter then advised to move ahead with purchasing the software.

12 Adjournment.

Vice Mayor Bell moved to adjourn, seconded by Commissioner Gregory.
(Vote 5 yea – 0 nay.) Motion carried.

Meeting adjourned at 7:38 P.M.

Respectfully Submitted,


Amy Hutchison
Recorder Pro Tem

