

**MINUTES OF THE MEETING OF  
CITY COUNCIL  
CITY OF ELIZABETHON, TENNESSEE  
REGULAR SESSION**

**MARCH 9, 2023**

The City Council of the City of Elizabethton met at City Hall, 136 S. Sycamore Street, Elizabethton, Tennessee on Thursday, March 9, 2023, at 6:00 PM in Regular Session.

THE FOLLOWING OFFICIALS WERE PRESENT: Curt Alexander, Mayor; William E. (Bill) Carter, Mayor Pro-Tem; Richard M. Barker, Kim Birchfield, Wesley D. (Wes) Frazier, Jeffrey C. Treadway, Michael G. (Mike) Simerly, Councilmen; Daniel Estes, City Manager; Roger Day, City Attorney; and Preston Cobb, Finance Director/City Clerk.

**1. CALL TO ORDER BY THE MAYOR**

**A. Invocation – William E. (Bill) Carter, Mayor Pro-Tem**

**Pledge Allegiance To The Flag**

**2. ROLL CALL BY THE CITY CLERK**

**3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

**A. Minutes of the last meeting - February 9, 2023**

MOTION BY Richard M. Barker; SECOND BY Wesley D. (Wes) Frazier  
THAT approves the minutes of the February 9, 2023 regular session meeting.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Wesley D. (Wes) Frazier, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander

NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 7 - 0

**4. PROCLAMATIONS/RECOGNITION OF CITIZENS BY THE MAYOR**

**5. COMMENTS FROM CITIZENS**

**A. If you wish to make a comment to the City Council, please approach the lectern and state your name and address. Please keep comments limited to 3 minutes.**

Angie Odom, 132 Piedmont Street, spoke regarding the need for ways to keep Tourism a priority in the city.

Landon Carrier, 137 Westside Drive, spoke regarding a prayer event he was planning to have at the Covered Bridge Park on April 1. He stated that other individuals, Matt & Penny Smith, with "No Matter What Street Ministry 2%", began taking on his event including soliciting donations. He asked that the individuals be denied permission to hold the event on that date.

Edwin Alexander, 705 West G Street, spoke to suggest that a referendum be held for residents of the city to vote on controversial topics.

## **6. COMMUNICATIONS FROM THE CITY MANAGER**

### **A. First Christian Church Easter Service**

MOTION BY Richard M. Barker; SECOND BY Michael G. (Mike) Simerly THAT approves the closure of Hattie Avenue from Armed Forces Drive to Sycamore Street from 8:00 am - 12:00 pm for safety of attendees and for handicapped parking for the Easter Sunday Service on Sunday, April 9, 2023.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Wesley D. (Wes) Frazier, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander

NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 7 - 0

### **B. Northeast Tennessee Composite Team Omnium Races**

MOTION BY Michael G. (Mike) Simerly; SECOND BY Wesley D. (Wes) Frazier THAT approves the request for the Fat Tire Criterium Bike Race on Sunday, June 4, 2023 from 8:00 am to 5:00 pm with designated road closures and the Roan Groan Bike Race on Saturday, June 3, 2023 starting at 9:00 am on Main Street with police assistance at designated intersections for traffic control.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Wesley D. (Wes) Frazier, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander

NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 7 - 0

**C. Carter County Car Club Cruise-In**

MOTION BY Michael G. (Mike) Simerly; SECOND BY Kim Birchfield THAT approves the request for the Carter County Car Club to host a weekly cruise-in from May 6, 2023 until October 28, 2023 every Saturday from 5 P.M. until 9 P.M., and an Annual Car Show on July 8, 2023 from 5 A.M. until 5 P.M., with road closures to be as requested and as conducted in previous years for this event.

Mayor Alexander stated that city council held a workshop at the end of last month to discuss the car show and possible changes to the event. He began the discussion showing the differences of utilizing East Elk Avenue and East "E" Street for the car show by pointing out differences in the lengths of the street on an aerial map of downtown.

The mayor and city council discussed suggestions and options for possible changes to the car show request including: the first block of downtown on East Elk Avenue be left open to better accommodate restaurants on the block and the option of the car show changing from East Elk Avenue to East "E" Street which would make easier access to the Covered Bridge Park area. Enforcement of the parking ordinance by the police department to ensure parking for business owners was also suggested.

There was support of the having the car show continue in downtown on East Elk Avenue so the canopies would offer shade. There was also support stated for downtown businesses and business owners who pay city taxes.

Tom Franklin, Carter County Car Club President, spoke briefly in disagreement with the option to close the first block of East Elk Avenue.

MOTION BY Richard M. Barker; SECOND BY Jeffrey C. Treadway THAT amends the motion to approve the event request by changing the weekly cruise-ins and the July 8 car show from the 400, 500 and 600 blocks of Elk Avenue to instead be one block north on East "E" Street.

ROLL CALL:

YAY: Richard M. Barker, Wesley D. (Wes) Frazier, Jeffrey C. Treadway,

NAY: Kim Birchfield, Michael G. (Mike) Simerly, William E. (Bill) Carter, Curt Alexander

ABSTAIN: None

THE MOTION FAILED BY A VOTE OF 3 - 4

MOTION BY Richard M. Barker; SECOND BY Jeffrey C. Treadway THAT amends the motion to approve the event request to allow the event on the first Saturday of the months of May through October, with authorization to postpone the car show to the second Saturday of the month if there is a rain-out on the first Saturday, limiting the car show to one Saturday each month.

ROLL CALL:

YAY: Richard M. Barker, Wesley D. (Wes) Frazier, Jeffrey C. Treadway,

NAY: Kim Birchfield, Michael G. (Mike) Simerly, William E. (Bill) Carter, Curt Alexander

ABSTAIN: None

THE MOTION FAILED BY A VOTE OF 3 - 4

MOTION BY William E. (Bill) Carter; SECOND BY Richard M. Barker THAT amends the motion to approve the event request to have the cruise-ins to alternate weekly between locations on East Elk Avenue and East "E" Street, with the first cruise-in on April 1 to be on East "E" Street and alternate streets each Saturday thereafter through the end of October.

ROLL CALL:

YAY: Richard M. Barker, Wesley D. (Wes) Frazier, William E. (Bill) Carter

NAY: Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, Curt Alexander

ABSTAIN: None

THE MOTION FAILED BY A VOTE OF 3 - 4

Mayor Alexander and councilmembers spoke briefly regarding their concerns about negative, derogatory comments, and personal attacks circulating on social media and thru emails.

During additional discussion, Councilman Barker brought up the question of whether the cruise-in should be held on the weekend of the Covered Bridge Days festival, and suggested that no cruise-in be held on Saturday, September 23, 2023, the weekend of Covered Bridge Days.

Councilman Simerly and Councilman Birchfield amended their motion and second to include the request by Councilman Barker:

MOTION BY Michael G. (Mike) Simerly; SECOND BY Kim Birchfield THAT approves the 2023 Carter County Car Club "Cruise-In" car show season request as amended by the car club, to hold the event each Saturday from 5:00 pm to 9:00 pm beginning the first Saturday in May, through the last Saturday in October, with designated street closures, (including the all-day car show event on Saturday, July 8th with designated street closures from 5:00 am to 5:00 pm), and as amended, that no car show be held on Saturday, September 23rd during Covered Bridge Days.

ROLL CALL:

YAY: Kim Birchfield, Michael G. (Mike) Simerly, William E. (Bill) Carter, Curt Alexander

NAY: Richard M. Barker, Wesley D. (Wes) Frazier, Jeffrey C. Treadway

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 4 - 3

- D. City Manager's Monthly Departmental Reports & Miscellaneous Reports.** City Manager Estes presented the following monthly reports for review: Building department - Code Enforcement; Building department; Electric department; Finance department; Fire department; Library department; Litigation Tax; Parks & Recreation department; Planning department; Police department; Purchasing department; Street department; Water Resources department - Construction; Water Resources department - Facilities; and the Watauga Regional Water Authority (WRRWA) report.

## **7. APPOINTMENT OF BOARDS, COMMISSIONS AND COMMITTEES**

### **A. Health & Ed Facilities Board, Housing Authority Board, Industrial Development Board, and Parks & Recreation Board**

MOTION BY Richard M. Barker; SECOND BY Michael G. (Mike) Simerly THAT approves the clarification of appointments to the two-year, four-year and six-year terms on the Health & Ed Facilities board which were appointed at last month's meeting; the appointment of Hazel Casey to fill the unexpired term of Bertha Davis on the Housing Authority board; reappointments to Industrial Development board of Joe Alexander and Sam LaPorte to two-year terms and Paul Bellamy, Andrew LaPorte and Carmella Price to six-year terms; and reappointment of Councilman Kim Birchfield to the Parks & Recreation board for a one-year council representative term.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Wesley D. (Wes) Frazier, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander  
NAY: None  
ABSTAIN: None  
THE MOTION PASSED BY A VOTE OF 7 - 0

**8. REPORTS FROM COMMITTEES, MEMBERS OF COUNCIL AND OTHER OFFICERS**

**9. OLD BUSINESS**

**A. Public Hearing and Ordinance to Consider on Second Reading to Rezone Property located within the City of Elizabethton's Corporate Limits (Carter County Tax Map 041B, Group E, Parcel 037.00) from Existing Zoning of M-1 (Low Impact Industrial) to R-2 (Medium Density Residential)**

A public hearing was held. There was no one present wishing to speak.

MOTION BY Kim Birchfield; SECOND BY Richard M. Barker THAT approves This Is An Ordinance To Rezone A Parcel Of Land, The Same Being The Property Of Ruth M. Lewis And Sonnie B. Mottern, In The Fifteenth (15th) Civil District Of Carter County, Tennessee, Within The Corporate Limits Of The City Of Elizabethton, Tennessee, From Designation M-1 (Low Impact) Industrial District To R-2 (Medium Density) Residential District By Amending The Zoning Ordinance Of The City Of Elizabethton, Tennessee, Dated July 8, 1971, As Adopted And Enacted By Ordinance No. 7-19, And Amending The Zoning Map Dated August, 1971, Attached And Made A Part Of Ordinance No. 7-19, Be Passed On Second Reading.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander  
NAY: None  
ABSTAIN: None  
THE MOTION PASSED BY A VOTE OF 6 - 0

**10. NEW BUSINESS**

**A. Resolution to Approve Task Order #6 Amendment #2 of the Professional Services Agreement with Mattern & Craig Engineering**

MOTION BY Michael G. (Mike) Simerly; SECOND BY Richard M. Barker THAT approves A Resolution Approving Amendment No. 2 To Task Order No. 6 With Mattern & Craig, Inc. Pursuant To The 2020 Agreement For Professional

Services To Provide Miscellaneous Hourly Engineering Services To The City Of Elizabethton Water Resources Department To Increase The Total Amount Of Task Order No. 6 By An Additional Thirty Thousand Dollars (\$30,000.00) To A Total Task Order No. 6 Amount Of Sixty Thousand Dollars (\$60,000.00), Be Passed.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 6 - 0

**B. Resolution to Approve Uniform Services Contract between the City of Elizabethton and Cintas Corporation.**

MOTION BY Richard M. Barker; SECOND BY Kim Birchfield THAT approves A Resolution Approving A Three (3) Year Facilities Solutions Agreement With Cintas Corporation To Provide Uniforms To Employees Of The City Of Elizabethton And The Elizabethton Electric Department, Which Agreement Shall Be For A Three (3) Year Period, Be Passed.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander

NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 6 - 0

**C. Resolution to Approve Blackburn, Childers & Steagall, PLC Fiscal Year 2023 Audit Services Contract**

MOTION BY Richard M. Barker; SECOND BY Michael G. (Mike) Simerly THAT approves

A Resolution Extending The Audit Contract With Blackburn, Childers

& Steagall, PLC, For Audit Services For The 2022/2023 Fiscal Year At A Total Contract Price Not To Exceed Seventy Four Thousand Five Hundred Dollars (\$74,500.00), Including An Additional Fee Of Fifteen Hundred Dollars (\$1,500.00) For The Additional Testing Of Census Data For The Pension Plan With TCRS, Be Passed.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 6 - 0

**D. Resolution to Approve Blackburn, Childers & Steagall, PLC Fiscal Year 2023 Audit Services Contact - Elizabethton Electric Department**

MOTION BY Michael G. (Mike) Simerly; SECOND BY Richard M. Barker THAT approves A Resolution Approving The Audit Contact With Blackburn, Childers & Steagall, PLC, For Audit Services To The City Of Elizabethton, Elizabethton Electric Department, For The 2022/2023 Fiscal Year At A Total Contract Price Of Thirty Six Thousand Eight Hundred And Fifty And 00/100 Dollars (\$36,850.00), And An Additional Fifteen Hundred Dollars (\$1,500.00) For The Additional Testing Of Census Data For The Pension Plans With Mass Mutual And TCRS, Be Passed.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander

NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 6 - 0

**E. Ordinance to amend Title 5 of the Municipal Code, to levy a Privilege Tax on Accommodations for Transients for the City of Elizabethton.**

MOTION BY Michael G. (Mike) Simerly; SECOND BY Jeffrey C. Treadway THAT approves

This Is An Ordinance To Amend Title 5 Of The Elizabethton Municipal Code, 2015, As Amended, By Revising The Title Of Chapter 2 From "Privilege Taxes" To "Privilege Taxes – Business Tax", To Amend Title 5, Chapter 3, In Its Entirety To Rename Chapter 3 "Privilege Taxes-Accommodations For Transients" And, Further, To Adopt A New Chapter 3, Sections 5-301 Through 5-312 And, Further, To Adopt A

New Chapter 4 Entitled "Wholesale Beer Tax" And Adopt A New Section 5-401 Thereto, Be Passed On First Reading.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 6 - 0

**F. Resolution to approve an Agreement for the disposal of wood chips and other debris with Slagle Construction**

MOTION BY Michael G. (Mike) Simerly; SECOND BY Kim Birchfield THAT approves A Resolution Approving A Three (3) Year Contract With Stephen And Hannah Slagle To Allow The City Of Elizabethton, Elizabethton Electric Department, And The Elizabethton Electric Department's Contractors Access To A Dumpsite Located At 161 Slate Knob Road In Watauga, Tennessee, For The Purpose Of Dumping Woodchips And Other Debris With The Cost For The First Year Of The Contract Being Five Hundred Dollars (\$500.00) Per Month And The Cost For Years 2 And 3 Of The Contract Being Six Hundred Dollars (\$600.00) Per Month, Be Passed.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander

NAY: None

ABSTAIN: None

THE MOTION PASSED BY A VOTE OF 6 - 0

**G. Resolution to Approve Hampton Watershed Bike and Hiking Trail, Doe River Gorge Revised Lease Agreement**

MOTION BY Kim Birchfield; SECOND BY William E. (Bill) Carter THAT approves A Resolution Approving A Lease Agreement With Doe River Gorge Ministries, Inc., To Lease Approximately 52.753 Acres, More Or Less, Owned By Doe River Gorge For Five (5) Years, At No Cost, To Expand The Hampton Watershed Bike And Hiking Trail, Be Passed.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C.

Treadway, William E. (Bill) Carter, Curt Alexander  
NAY: None  
ABSTAIN: None  
THE MOTION PASSED BY A VOTE OF 6 - 0

**H. Resolution to Apply for a Community Development Block Grant for the Franklin Pool.**

MOTION BY Kim Birchfield; SECOND BY Michael G. (Mike) Simerly THAT approves A Resolution Authorizing The City Of Elizabethton To Make An Application And Sign The Necessary Grant Documents To Make An Application For A Community Development Block Grant (CDBG) For Improvements To The Franklin Pool, Be Passed.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander  
NAY: None  
ABSTAIN: None  
THE MOTION PASSED BY A VOTE OF 6 - 0

**11. PURCHASES, EXPENSES AND BIDS**

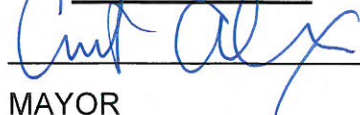
**A. Purchase of a Nord Gearbox for Kruger Oxidation Ditch Aeration.**

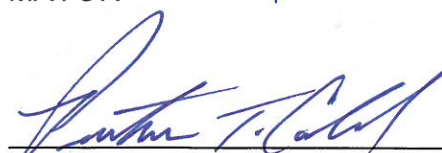
MOTION BY Michael G. (Mike) Simerly; SECOND BY William E. (Bill) Carter THAT approves the purchase of a Nord Gearbox for Kruger Oxidation Ditch Aeration from Kruger Inc. (Veolia Water Technologies) for the water resources department, in the amount of \$32,425.95.

ROLL CALL:

YAY: Richard M. Barker, Kim Birchfield, Michael G. (Mike) Simerly, Jeffrey C. Treadway, William E. (Bill) Carter, Curt Alexander  
NAY: None  
ABSTAIN: None  
THE MOTION PASSED BY A VOTE OF 6 - 0

**12. ADJOURNMENT**

  
MAYOR

  
CITY CLERK