

The Lewisburg City Council met for their regularly scheduled monthly meeting on Tuesday January 13<sup>th</sup>, 2026, at 6:00 p.m., at Lewisburg City Hall, 131 E. Church Street, Lewisburg Tennessee.

Those present and attending were Mayor Jim Bingham, Councilmen, Ronald Robinson, Shannon Crutcher, Vickie Michael, Tommy G. Burns, Linda Thomas, Interim City Manager Barbara Woods, City Recorder Georgina Jones, and City Attorney Thomas Hutto.

Mayor Bingham called the meeting to order, welcoming all in attendance.

The Invocation given by Pastor Luke Gurchiek from Westview Church of Christ and Captain Lonny Cook led the audience in the Pledge of Allegiance.

**Item 1. Announcements/Presentations:**

Mayor Bingham recognized Ed Nacchio as the oldest citizen in Lewisburg, TN. Mr. Nacchio will turn 106 years old on January 19<sup>th</sup>, 2026.

Service awards were given to the following employees:

5 Years: Michael Fernandez, Dustin Turner  
10 Years: Timothy Adams, Thomas Wynn, Ben Brandon, Drew Hawkins,  
Jason Woodward, Kent Stewmon, Patrick Taylor  
15 Years: Cody Street, Corey Cardin, Robert Edde  
20 Years: Phillip Blackwell  
30 Years: William Thomas

**Item 2. Citizen Input:**

- \*Debbie Siniard 204 Brynlee Ct., Lewisburg, TN 37091 complained about the condition of Brynlee Ct. and asked for the city to accept the road and repair the street.
- \*Adam Albrecht 210 Brynlee Ct. Lewisburg, TN 37091 complained about the condition of Brynlee Ct.
- \*David Perka 732 Bark Street Lewisburg, TN 37091 Nov. 2024 work session brought up a topic of torc liability about for unsafe and defected Streets. He referred to MTAS website about unsafe and defective streets, where the city can be subject to a lawsuit.
- \*Phillip Baxter 1301 Old Farmington Road Lewisburg, TN 37091 complained about the condition of Rock Crusher Road and ask the city to repair it.

**Item 3. Approval of Minutes:** for December 9<sup>th</sup>, 2025

Motion made by Councilman Thomas, seconded by Councilman Robinson to approve as the minutes for the Council Meeting December 9<sup>th</sup>, 2025.

Upon a roll call vote:  
Councilman Michael - Aye  
Councilman Burns- Aye  
Councilman Robinson - Aye  
Councilman Crutcher - Aye  
Councilman Thomas-Aye

**Motion passes 5-0**

#### **Item 4. Approval of November 2025, Bills and October 2025, Financial Statement:**

Motion made by Councilman Michael, seconded by Councilman Thomas to approve the December 2025, bills and the November 2025, financial statement.

Upon a roll call vote:

Councilman Michael – Aye

Councilman Burns– Aye

Councilman Robinson – Aye

Councilman Crutcher – Aye

Councilman Thomas-Aye

**Motion passes 5-0**

**Item 5. Old Business:** None

**Item 6. New Business:**

- a. Discussion and possible action to provide direction on road paving issue with Brynlee Court.**

Councilman Burns ask the mayor if he could speak and mayor agreed. Councilman Burns said this was brought to his attention about two weeks ago by the lady that stood up to speak. He stated that he was not aware of the bad situation of that road, because Southview goes all the way around it and has been paved. I think there has been some talk that it is a city street and it is not a city street; in my opinion, I think it is a city street and here is why. The plat of the subdivision is recorded in the Marshall County Court House. The former Council at the time September 11, 2018, they passed a resolution to put streetlights on the street, and I believe Public Works put signs on the street. To me, my opinion if we put streetlights on the street and have been paying the electric bills on the streetlights on the street all these years. Why are we paying electric bills on streets that are not the city? That is first of all, to the matter of checks, I would like to ask Mr. Poarch and Mr. Coble a little discussion if you would, one or the other you say, did y'all provide a check to the City of Lewisburg as a bond or deposit or whatever at the time about when? Mr. Coble responded, when we started the eight lots to go back in there, we had to provide the city a check. Councilman Burns asked Mr. Coble to your knowledge the city did not cash it? Mr. Coble responded, he had no knowledge they had not cashed the check. Councilman Burns asked again, you did provide one, which Mr. Coble responded yes. Councilman Burns ask Mr. Owens last week how far back he looked, and he said Mr. Owens look back to 2018 trying to reconcile to see if the check was there. Councilman Burns stated here is the problem I have, they started looking for checks. Barbara, you and Mr. Owens in the vault, correct?

Mr. Owens answered yes. And y'all didn't start looking for checks in the vault until Brynlee Ct. come up, is that correct. Mr. Owens responded yes sir that is correct. Councilman Burns said since that time instead of retaining those records, the records have been shredded, correct? Mr. Ownes stated that we found four items in the safe, two of which were one an old surity from 1999 and there is no identification of any project or anything. Also, I found a check from a Rockwood that indicated it was voided on the face of the check. We found a correspondence from the water department from 2007 I believe, a letter of credit regarding some project, again not sure what project it was but from 2007 that we assumed it was completed there has been no since I have been here in two years there has been no inquires or request of anything regarding any of these items. The check for Rockwood is indicated as void that was just in the vault. Recently, we have been undertaking to address a lot of the overcrowding of files and gone through the records and retention review per state statue and deposited of a lot of

records. These appear to have no value, their old stale and dated. There are two checks, one officiously as I said, had written void on the face of it and there is no information regarding other checks from 1999. So, I determined that these are well pass record retention requirements and accordingly they were deposited of.

Councilman Burns stated, it's kind of little iffy we had this conversation that we started on Brynlee Ct. and nobody can find that check, but we are destroying checks now. As of 2007, there are records of cost estimated for water department, for water and sewer extension with a letter of credit from the bank dated back to 2007. In 1999, a two thousand dollar check for an excavation company with no explanation, and I point out that Mr. Owens was not here at the time, and we appreciate him coming on board here with us. In 2022, a voided check from Rockwood for deposit attn: Greg Lowe, but this sale was completed and we have the money in the bank for that transaction. So, for the procedure right or wrong what happened or did not happen, I don't want to see the taxpayers here with the most and I don't have to tell you how bad the road is, but the city has got some responsibility here. We can't, people cannot be excepting checks and sticking in the vault, and we don't record them properly. I have talked to Mr. Owens, I kind of think there is a different policy going forward.

Mr. Owens stated the search that we undertook, try to locate either a check laying somewhere or if a check had been deposited as part of that search, we went back through the record of receipts in the general ledger of 2018 through 2023 to find out a record of that payment in question. We did find however, the payment of \$70,000.00 for 2021 year for paving of Morgan Meadows project. So subsequently to that, 2024 my first year here, there was a record of \$20,000 payment from Scott Dodson for road work and project of his. The \$70,000 under previous administration was deposited and booked to a restricted escrow account. When I was here, the \$20,000 was deposited and recorded as a restricted liability account. In the case of Mr. Dodson, he performed the required work, and the city accepted the roads. The city promptly refunded Mr. Dodson escrow money. In my observation, it appears that the city since 2021 has been handling receipt of escrow funds as generally accepted by account rules would require. That is the results of my investigation into the matter.

Councilman Burns stated, the \$70,000 that was logged in for Morgan Meadows and the developer does not finish that, the city has the money to finish the street, correct?

Mr. Owens stated, that \$70,000 is in the bank. I spoke with you and had conversation earlier today, this morning or yesterday. I did reach out to Branden and he went out and looked at the development this morning. Actually, that is a similar situation, it appears that the developer has not put the second coat on those roads either. That is something that we are aware of and following up on.

Councilman Burn stated, so I don't know, I'm just going to give everybody a chance to speak, but there is a balance in the capital note, we don't have to go back there is \$162,900 balance in road paving that you don't have to go back and ask the taxpayers for more money. It's there and all it would take is if Brynlee is actually the worse road in Lewisburg, according to Branden list which I don't think it is on there. You would just move it up to number 1 and number 1 would go to number 2. I think it is a city street and we might not have to accept it, but if y'all are in agreement that we need to bring it in. I am ready to make a motion that we bring it in pay it and fix it for the taxpayers, so kids are not falling and babies are not falling. The US Postal Service can deal; it looks like the majority of is torn up from our contractor with the garbage trucks and that is the only heavy thing going in there. That's all I got for right now, Mayor.

Mayor Bingham stated, first of all, the streetlights are not in the subdivision regulations at that time, that was strictly by tradition when they were finished, they found the property lines and came to ask us to pay for the streetlighting. Streetlights had nothing to do with the road structure itself. The fact is the final course was not placed. There is no denying that and notice of that happening. So, I do not think it is right for the taxpayers to pave for what private developers agreed to do when they sign that

subdivision plat. I think they have an obligation to it, if not even of moral obligation. So, further discussion.

Councilman Burns ask mayor, could you to repeat that what you said about the streetlights? Streetlights was not in the recorded plat, is that what you were saying?

Mayor Bingham stated, No, the placement of streetlights are not part of the subdivision regulations. The paving of the streets are and the streetlights have nothing to do with the structure of the road.

Councilman Burns stated, it might be in the planning regulations, and you may be very well correct. If Council at that time authorize the placement of it and the city is paying for the utilities bill of those lights all these years, then why have we been paying for the electric bill the streetlights, if it is not a city street?

Councilman Michael stated, well we are calling it a streetlight, but I rode out and the lights are actually in the yard, they are not in the street. When I read this resolution right here requesting the placement of the four LED streetlights, the Brynlee Drive is a location to put them just explaining where to put them and it doesn't say it is a city street. It does not imply it is a city street. The fact of the matter is, that developer did not put the second coat down that allowed the city to adopt it. It was never asked to be put in the adoption and it is not in the minutes anywhere.

Mayor Bingham stated, the bottom line is they did not comply with what they were supposed to do. The developers didn't and now to ask the other citizens of Lewisburg to pay for what they committed to do, is not right. I cannot explain that to my constituency. I am confident they have the financial assets to meet their obligation.

Councilman Burns stated, the electric poles should be in the easement of the street, but is it in the easement of the street?

Councilman Michael stated, I did not measure or I did not get out of the car and measure.

Councilman Burns stated, in the past that is probably right, but since the general manager that has been at the electric system now, they try to get an easement or underground utilities. They try to get an easement and not place it in the yard without an easement.

Councilman Michael stated, I was just making a point that this, just because we put these lights out there does not mean that the city adopted that street.

Councilman Thomas stated, they are on the pole. The lights are on the pole.

Councilman Michael stated, No, I know the that. They are not on the ground or laying in the road. I know they are on the pole.

Mayor Bingham stated, before there any easements, the electric department based on my observation over 40 years would find the front corner the property line is and place that pole behind where that iron pin was on the private property not in the street right-away. But again, the streetlights has nothing to do with the structure of paving. Absolutely nothing.

Councilman Burns stated, I agree it does not have anything to do with the roads tore up or not, but we are paying the utility bill on it. Why are we paying the utility bill on the streetlights?

Mayor Bingham stated, if I am following your train of thought, your saying cause of the placement of lights, that somehow justify them not meeting their obligation to put that final coat on.

Councilman Michael state, we are paying the electric bill because the city agreed to put lights out there. It had nothing to do with the street and the street is in terrible condition. I realize that but the city has not adopted that street for maintenance. It is the developer's responsibility to finish what he started, so it could be adopted. This resolution provides the city lights and we did that, then we pay the bill.

Councilman Burns stated, nobody here evidently mayor, all the checks nobody know if the check was in the vault, destroyed, shredded or what. They said they gave the city a check for deposit. If they did that, then the city should have that money to go pave the street because they put up a cash bond, according to these gentlemen.

Developer Jeff Poarch stated we did not write a check for deposit. We wrote a check to the City Manager Randall Dunn for twenty something thousand some odd dollars for the city to pave. It was never to put on list to pave. He made a deal, the city get a state contract for paving which is cheaper way to do it to save the contractors money. He made that deal and we wrote a check. The city did not do their obligation. They did not pave it. They called me four years later. If you would ask Branden and Branden was not privy to the exact conversation. Mr. Poarch asked Branden, Who told you to put the road signs up? Branden answered, Buck Beard. Mr. Poarch asked Branden, was that done or about the time the road was paved. Branden stated that it was done after the first coat of paving was done. Mr. Poarch stated that was the God's honest truth and had no reason to lie. Yes, we have the money to pave it but we are not going because it is not our obligation.

Councilman Michael stated to Mr. Poarch that the city never cashed the check, correct? Mr. Poarch said, honey I do not have a clue. Councilman Michael said, excuse me when you called me the other night to have this conversation, you told me they never cashed the check. You came right out and said that. Mr. Poarch said you can ask Cameron because he takes care of that, but what I understand they didn't cash the check. Mr. Poarch said it was left in the safe for three or four years. Councilman Michael said, there is no follow through after six months your wonder where that asphalt is? Mr. Poarch stated we went and put the asphalt on. Councilman Michael stated, no I am talking about the one you said the city. Mr. Poarch said we put the first coat on. Councilman Michael stated, I understand that sir. Mr. Poarch said the city manager at that time, was matching and if you put that one coat on Brynlee then and matches that one coat on Southview. Mr. Poarch said Southview had one coat on for about 12 or 14 years and second coat on Southview was put on by the city this year, not 14 or 15 years ago when the city should have done. Councilman Michael ask Mr. Poarch did you not have any or if I gave somebody a twenty plus thousand-dollar check, I would be following up, and it would not take four years to do it. You are the developer of that subdivision, and you should have spearheaded it and make sure you are correct. Mr. Poarch stated that the city should have cashed the check and did what it was supposed to do.

Mayor Bingham stated, Mr. Hutto (city attorney) you may need to help me with this. He referred to Mr. Dunn (former city manager) using I believe the cooperative agreement that we have with the Marshall County Highway Dept., where we can use their per ton price if the contractor is willing to do it. For the city to have done that and used it to pave that, it had to be a city street. It never was a city street and it would not have been legal for him to use that cooperative agreement for paving to do the street. Am I correct? Mr. Hutto answer, that is correct. Mr. Hutto stated that cities or any municipal county cannot use it's taxpayer funds to improve property that it does not own. Whether it's a street in this case or the city manager's house. You just cannot use it for private property and there is a process for accepting the street that ends with a resolution or ordinance saying the city is adding it to it's road list and is accepted it as a public street forms as built. What has happened in the past, it's very hard to say. Especially, someone who is not here. If I were a contractor, I would be hesitant to write any check to a city manager no matter who he was, rather than the city itself. Mr. Poarch stated that it was to the City of Lewisburg. Mr. Hutto said to Mr. Poarch you said it was two different and Mr. Poarch said he did not. Most of the Council panel

corrected Mr. Poarch in that he did state the check was written to Mr. Dunn (former City Manager).

Councilman Burns also stated to Mr. Poarch that is what you said. Councilman Burns state that Mr. Coble handle the checks and ask Mr. Coble who they did write the check to. Mr. Coble said they wrote it to the City of Lewisburg. Councilman Burns said thank you to Mr. Coble.

Mr. Hutto (city attorney) stated, until there is a record of the a check or some information that showed that someone talk to the Marshall County Highway Dept. on paving it or some indication that the city accepted it, which can't be found in the minutes of the resolutions, which is essentially the written history of the city. It is not a city road and unless the city would have to vote to accept it. The developers have either, the city could accept and do the work themselves, or the city could demand the developers bring it up to spec to subdivision regulations and then accept it.

Mayor Bingham stated, again to be legal, the council would have to accept the road as a public street and Mr. Dunn never brought to the Council it was a city street. It's still not a city street. Us paving it, I don't know if that is legal.

Councilman Robinson asked Mr. Poarch a couple of questions. You said you wrote a check for twenty thousand dollars? Mr. Poarch responded, twenty something, I don't remember exactly what. Councilman Robinson asked does anything show that check was cashed and Mr. Coble responded it was not cashed. Councilman Robinson said you were in agreement it was suppose to put a second coat on and second coat has not been put on. Mr. Poarch said the second coat has not been put on. Councilman Robinson asked, are you saying that you still don't have any obligation at all. Mr. Poarch responded, yes sir that is what I am saying. Councilman Robinson stated that you were supposed to put the second coat on and nobody paid for it. If the city had cashed the twenty thousand dollars then I would think they would be responsible and they took the deal that you gave them, but the check wasn't cashed so it goes back to you. You think you don't have any obligation at all? Mr. Poarch said here what happened. When we wrote the check for twenty something thousand dollars in 2018, Buck Beard got the bid from Lincoln paving or whoever the state contractor at that time was. Their bid to pave two coats on that subdivision was that twenty and that's how we come up with that figure twenty something thousand. Today, just say I am writing that check today on y'all's how y'all do it today, I would write that twenty something thousand-dollar check and I go out there and do my thing. Just say things don't work out for me and I go bankrupt; you got twenty something thousand dollars to pave that road. That is what that bid was for. You don't give it back to me. Mr. Hutto's philosophy that you can't take taxpayers money to pave a road that is not the city's. I'm a taxpayer and write you a twenty something thousand dollar check, how are you going to take that deposit or whatever call that I give you and you going pave the road that's not a city street is what y'all are saying. You can't have it both ways.

Mayor Bingham stated, we are saying you did not meet your obligation, and it is obvious that there is not a second coat on that street.

Councilman Robinson stated, if the deal went through, you would had been out twenty something thousand dollars, right. Mr. Poarch responded, yes. Councilman Robinson stated as of right now you haven't paid anything. Mr. Poarch responded, yes sir I paid twenty something thousand dollars for the first coat. Ask Branden, the first coat was put on by us. That's why we don't paved only one coat cause it actually doubled and Buck made the deal to say Jeff you bring Brynlee Ct. up to the same spec as Southview is and we will be good. He was suppose to come and there were three roads paved at the same time, Lexie Drive, Maelee Ann Ct, Brynlee Ct. Two coats were put on Maelee Ann, two coats was put on Lexie Drive, one coat was put on Brynlee and all was three was suppose to be brought up here to the City of Lewisburg to adopt the road. At that particular time, we didn't have to go and request for the roads to be done. That only happened within the last year and now we have to do that. Then I don't know who

done it, Street Dept. or don't know who and don't have a clue. It just happened. Councilman Robinson asked Mr. Poarch if it was twenty thousand dollars for the first coat or second coat? Mr. Poarch stated that it was in 2018, it was twenty something thousands for two coats. When it got paved in 2022, it was twenty something thousand dollars for one coat. See what I was saying, my obligation was meet with the City Manager Randall Dunn and the Public Works Director at that time Buck Beard. When I has the conversation with Branden, the Public Works guy today that come into at that time, he was not privy to mine and Buck's conversation so he can not get up there and swear that everything I am telling you is true. But you do not put up street signs and do not install streetlights unless it is a city road. Streetlights does not mean it is in the streets, in means it over here on the side shining on the street. Just for clarification you do not put streetlights in a street, you put them in the right-away. I am sorry if I'm upset but we got two obligations here and the city can do the right thing or you don't have to do the right thing and will go from there. To set up there and say a business man from 20 something years, I have never beaten nobody out of a nickel. I paid you several thousand dollars Mayor Bingham to do a lot of work on these things and I have never beat you out of a nickel, why am I going to beat the city.

Councilman Burns asked Mr. Poarch did Buck or anyone else every call you about a check or deposit? Mr. Poarch said he called me and said he could not find the check, and I said Buck you got the check. You need to found it and he did find it in safe downstairs that was never cashed. I know it was never cash or deposited because it was still in the safe 3, 4 or 5 years later. I have no clue. Councilman Burns stated nobody is here knows what happened to that check. Along with all these other checks were in there after 20 years. Mr. Poarch said after the check was 3 or 4 years old, he could not cash it away. A check is only good for 90 days, it could not be deposit but the check was there. Not only that, that happen several times all back in the Eddie Fuller days. I have wrote checks and brought to Eddie Fuller on drainage ditches and stuff like that. You would have to write a check and he would hold that check until the grass grows and vegetation gets on the ditches and all that. Once them ditches got grass on them and he was satisfied, he would give you the check back. He never cashed it or deposited it. It sat in the safe there.

Councilman Crutcher ask Mr. Poarch was the twenty thousand dollars for the topcoat, plus to finish the roads? Mr. Poarch responded, both coats. Councilman Crutcher stated for both coats, not for the coats that on there right now. Mr. Poarch responded, no sir. Councilman Crutcher asked so you not think you should at least be out of twenty thousand dollars since the check was not cash. Mr. Poarch stated, we are out of twenty something thousand dollars because we put the coat on. Councilman Crutcher said to Mr. Poarch, you lost me right there. Mr. Coble said we paid for the first coat, the twenty thousand dollars was held for the second coat. Councilman Crutcher said so the second coat has not been put on. So, if we were to move forward to try and get the road into sometime of obligation, then y'all do not think you should be out of that check at least. You supposed to had paid for it away. If we was to pick up the rest of the bill, would you be obligated to pay for the twenty-six thousand dollars. I think that is what you told me on the phone, about twenty-six thousand dollars. Mr. Poarch stated I don't remember but here is my obligation. In 2000 and listen here Vickie, pay attention to me. Councilman Vickie Michael responded the Mr. Poarch saying excuse me. Mr. Poarch stated he wanted us to be on the same page. Somebody that feels like they are not being paid attention to, I am wasting my time and will go an sit down. I am trying to tell you in 2018 we wrote a check to the City of Lewisburg twenty something thousand dollars. That was for two coats of paving the city was going to do. The city manager made a deal to us, that he would have it done. So, in 2021 Mr. Poarch said. Councilman Crutcher ask Mr. Poarch is this the coat is already on there. Mr. Poarch responded no sir, the coat that is already on there got put on in. Councilman Crutcher asks if the city had put the coat down that is already on there. Mr. Poarch ask Branden if he could explain it to them. Councilman Crutcher stated that I am trying to figure out what the twenty thousand dollars what it is for. If y'all got the check back for twenty-six thousand and that is what you told me on the phone, but twenty-six thousand that

check, I am trying to figure out how you did not have to pay for it. Then you want us to pay for it and that is what I am trying to figure out. That is where I am at with it.

Public Works Director Branden said, what Mr. Poarch is trying to say, is twenty-six or twenty-seven thousand was for both coats at that time. So, it cost them that amount to get the one coat down 4 years later. Mr. Poarch stated so we paved in 2018.

Mr. Adam Albrecht (resident of Brynlee Ct.) stated, let me get this right. Do y'all know where Southview is, right and you know where Brynlee is. I lived on Southview in 2012 and moved to Brynlee in 2014. They added on and paved again from Southview down and I waited on him to get the road done and then they did Brynlee. All the pavement was the same level, there was the same thickness on Southview, one thickness added onto the other. Y'all had excepted Southview as a road and paved the whole thing and the other road that comes out of Southview. What is the difference between Brynlee? If you say it's not a city street, then why are we been paying taxes on it the last 5 years?

Councilman Michael ask Mr. Albrecht, what other road off of Southview are you referring to? Mr. Albrecht responded Cooper. Councilman Michael stated Cooper has not been accepted or back part of Southview. He has never brought us the paperwork for that. Mr. Albrecht said it has all been paved. Councilman Michael stated that Cooper has not been paved by the city.

Councilman Burns ask Public Works Director Branden Davidson, on Southview from about the Dollar Store, the city recently paved all the way around that curve up to a point where it does not have streetlights. Branden stated we paving phase 1 of Southview, the backside Southview where you first turn on it and you make that curve on the backside. I believe it that first or second house on the right where we stopped at. From there back out is where the city owns now. That was done before back when the city build roads and helping developers and stuff like that. From there on, Cooper Jeff paved the first and second coat. So, we did not pave the back part at all.

Interim City Manager Barbara Woods asked, has Jeff has not filled out a form for Cooper for the city to accept yet? Branden responded no. City Manager Barbara Woods has done the paving but hasn't filled out the form yet. Branden responded no. City Manager Barbara Woods said there is a form to fill out for the city to accept that road. Branden responded, yes ma'am.

Councilman Michael stated, Cooper has been paved since May 2025 and almost a year and we still do not have that paperwork to adopt those or accept them. Branden responded, no ma'am.

Councilman Burns stated it probably still in the safe.

Mayor Bingham stated, again our city attorney has said that is not a city street and it is illegal for us to do that. Now let me go more in depth how that paving is involved. One of the things, the reason there is two courses is when you put down the base coat you're suppose to proof roll the existing dirt that is hauled in to be sure it is solid. Then you put on the crushed stone then that is to be to a certain standard. They call it a B coat which has larger aggregate which was place and what that was to do for these garbage trucks, cement trucks, lumbar trucks, and heavy duty trucks to go in there and if there is going to be any soft spots, there are going to be able to discover where they are. So, they can be repaired before we put the finished coat on. That is the whole purpose of that. So I submit to you that the base was not properly constructed or you would not has these failures, but that still is beside the point. Our city attorney said it not a city street and it is obligation of the developers to fix it and plus put that final coat on.

Interim City Manager Barbara woods stated she went out with Branden for a lesson in roads and it's got the gravel and dirt. The surface that is supposed to hold up trucks. I just picked a piece up and it looked like alligator scales out there. It's suppose to have another coat on top of it. If it had the other coat and the road was built right, it would

last for twenty-five years and not need repair. So, there is a failure under this coat apparently for it to break up so bad. It is my understanding the heavy trucks and building trucks going in and out to complete the subdivision, are supposed to use this without it breaking up. Then when you put the other coat on, then you got a twenty-five road nobody would have to touch. You have to admit, this certainly didn't hold up enough to hold up a road with a final coat on it. So, something is wrong with that layer in my whole opinion of roads.

Councilman Burns stated he never seen a road hold up for twenty-five years with truck traffic on it.

Interim City Manager Barbara Woods stated, that is what the statics say. Councilman Burns asked, where did you get your stats. Barbara Woods responded to about 42 you tube videos. Councilman Burns stated, I know the industrial park has not held up twenty-five years. Barbara Woods stated, if it is built right and a lot of times acceptance of roads there may have been flaws in the acceptance of them. I know people that driven according to see that every part was done right. We don't do that here in Lewisburg and maybe it is a possibly too. I am just presenting that a road built right and base was right, it should have held up better that this is holding up. This is the first layer that layer that Jeff and they put down.

Mayor Bingham stated, what my point was, what was underneath it was not properly constructed. Ms. Woods said that is what I am agreeing with you on. Councilman Burns said, y'all don't know that, your just expressing your private opinion. Mayor Bingham said of course and I have some expertise in that area. But again, we are down to the bottom line that City Attorney Mr. Hutto has said it is not a city street.

Councilman Burns stated to Mayor I would like to at the proper time to make a motion. Mayor Bingham stated, go ahead.

**Councilman Burns made a motion if this is not a city street due to the flaws I have seen in the check process, to use some of the funds in the capital outlay note to pave Brynlee Ct. and do the base and completely finish it as the taxpayers have requested. Councilman Thomas seconded the motion.**

Councilman Michael stated I'm a little worried about using that balance for the road paving. I am afraid in our capital budget that anything we have leftover would need to go to that 3<sup>rd</sup> Avenue drainage. That quote is at least a year and half old. Are we going to know that four hundred eighty-five thousand is going to be sufficient for that? So that any capital funds we have left over should be held for the 3<sup>rd</sup> Avenue drainage project. Councilman Thomas stated there was a hundred sixty-two thousand dollars' worth of paving specifically that had not gotten to. Mayor Bingham said but it has been designated. Councilman Thomas said it has been designated and there have been roads and there is a list. There would have to be something moved down the list to put Brynlee Ct. down there. Mayor Bingham said that would have to go back to the budget committee before it came back to the Council. Councilman Burns said he did not think so and why would it mayor? The capital outlay note is already approved. Mayor referred to City Attorney Hutto. Councilman Burns stated, the City Treasurer gave us a report balance of road paving one hundred sixty-two thousand nine hundred dollars. So, why would we have to go back anyway? Mayor Bingham said that has been allocated to other roads and Mr. Hutto help me on that.

City Attorney Mr. Hutto stated, there certainly needs to be some reallocation. The first thing there has to be a decision on whether or not to accept this as a city street as is and the subdivision regulations were last updated in 2015. The procedure to have the Council accept it was not in place when this happened. It simply did not happen. Councilman Thomas stated it sounded like it was a loosie gossie procedure at best. Mr. Hutto said we can't change what people were doing in the past, but they did have documents they should have been following. I am not going to advise the Council to go against what that document says now or go against state law and to take action to

spend taxpayer money on something that is not a public road yet. Mayor asked if there is a legal liability there if we was to do that. Mr. Hutto responded that other taxpayers could object to it and comptroller office could have an objection to spending taxpayer money on something that is not public property. When you do things outside the scope of City Council doesn't and outside the scope of Charter authority. It does not have the authority to spend money on things that are not public property. Council Burns stated that it will be public property if we pass the motion. Mr. Hutto stated, no it would be public property if you had a resolution to accept the street. You can't just have a motion to pave it without it being a public street. Councilman Burns said he will change his motion. Councilman Burns stated, Mr. Hutto why don't you tell us how we can do something, instead of how we always can't do something. Mr. Hutto responded, Sure. Councilman Burns stated, I told a attorney twenty years ago that, and it made a difference. Tell us how to make my motion and everybody can vote on it. Mayor ask Councilman Burns if he was withdrawing his motion. Councilman Michael stated, Mr. Poarch just told you what to do and you said ok I will.

**Councilman Burns withdrawal his motion and Councilman Thomas withdrawal her seconded motion.**

Councilman Burns stated, Mr. Hutto do you want to word the motion I trying to do? No, I will just make the motion myself.

**Councilman Burns made a motion to do a resolution and any other legal documents that it may take to take in Brynlee Ct. take in the street using the fund balance of the road paving of the capital note. Councilman Thomas seconded the motion.**

Councilman Thomas stated, I hate to knock anyone off list that was already on the list but Brynlee Ct. is such bad shape. I feel so bad for those people having to live on that street. I just don't know what else to do. If there is another solution, somebody please tell me. Councilman Crutcher stated, I wish we would come up with one, because I feel bad for them as well. I think that something needs to be done, but it also goes back to a lot of things. I am trying to figure out why last year y'all didn't want to spend a dime and all the sudden like you all want to throw off money in the pot with this deal knowing it is not our road. Councilman Burns stated, who is you all. Councilman Crutcher said, Ms. Linda and Mr. Burns. So, that is what I'm not understanding. I am totally not against them getting the road done, I'm really not. I think we need to come up with a solution and I am still not understanding where that twenty-six thousand went. I am still stuck on that. My thing of it is, I guess I need an explanation later but that is the part I don't understand. Councilman Thomas stated, I don't think the is an explanation, we have some unknowns that we don't know the answer to. Councilman Crutcher said, we should not take the fall for the unknowns, that is what I am saying. It's like you all want a part for making sure we pay for it and you all don't know no more than we do, because nobody was there.

Councilman Burns stated, that I want to raise revenue and cut budget where we can. Last year, I was not aware of this road and I drove by that main street all the time. I just failed to turn in there and look how bad the street is. It's one of the worse streets. It is about reprioritizing the city streets. Councilman Crutcher said, I think for the most part just to be fair, whatever the bill is they should be liable for some of it to. I don't think we should take the whole bill. That is something I would like to consider if anything, because I don't think we should front that whole bill.

Mayor Bingham said, before Mr. Baxter stated to us, we have a section there that is a city street but is not budgeted. That is not in that one hundred and sixty-nine thousand. That would probably eat that up, plus more. But again, everybody is sympathetic with the situation, but the City of Lewisburg did not cause that problem. What caused the problem was the developers did not for fill their contract or we would not be having this conversation. Mr. Cameron Coble stated, so you are saying if the check had been cashed, the city would have finished that road and this conversation would not be

happening. Is that what you are saying. Mayor Bingham responded, please don't put words in my mouth. What the plan was that you had described with Mr. Dunn, was not legal then. Mr. Coble stated, and Buck Beard if they would have cashed that check and the street would have been done and this conversation would not be going on. Is that right or wrong. Mayor Bingham said that is wrong because it was illegal. Mr. Coble stated, then they did something illegal. Mayor Bingham said, him agreeing to do that was not legal. Mr. Coble said we did not do anything illegal and we did what we were told. Mayor Bingham said, what Mr. Dunn done was improper. He did not have the power to do what he did and apparently came up with this scheme to use the continuing contract that we have with the Marshall County Highway Department to do the paving, but he did not have that authority and it didn't happen. Mayor ask is there further discussion.

Upon a roll call vote:

Councilman Michael - Nay

Councilman Burns- Aye

Councilman Robinson - Nay

Councilman Crutcher - Nay

Councilman Thomas-Aye

**Motion failed 3 Nays, 2 Ayes**

Councilman Cutcher is there something we can do, I just don't want to throw the situation away. They still need the road. Citizens spoke without addressing properly to the Mayor. Councilman Crutcher asked if Public Works Director Branden Davidson would come up and speak to see what could be done about the road. We are in a situation and what is logical or legal can be done. Branden said, What I can legal is what Mr. Hutto stated. I can not do anything if it does not belong to the city. If you guys vote and accept it as a public road, then I can go in there and fix it. Councilman Crutcher ask Branden is that the option you got. Branden responded, from me yes. I know it wasn't the solution you wanted to hear. Councilman Crutcher said I was hoping you gave us a little more. Mayor Bingham said the simple solution is the developers do their obligation. Branden said even though we go in there and fix the whole paving we are still spending tax money on private at that point. If I can go in there and dig it out, your still paying a city employee to go in there and do the work. There is no way physically I can do that without breaking the law. Does that make sense.

Mayor Bingham stated, you also got to consider what precedence that makes.

Citizen did not address the mayor properly.

#### **Item 7. Other Business:**

- a. **City Manager Report** - Interim Barbara Woods gave report on the follow:
  - \*A legal letter was written to the developers on Brynlee Ct. asking them to bring any supporting documents of proof where they met obligations/requirements so the city could accept the road.
  - \*Interim City Manager Barbara Woods relocated the "Welcome to Lewisburg" on Mooresville Hwy.
  - \* 146 Landlord Registration received and penalty move out to March 31<sup>st</sup>, 2026.
  - \* Main Street new downtown grants available
  - \* Two more interviews for Planning & Codes and Richard Finley retired from the Codes Department.
  - \* Building on the corner of square is deemed structurally sound by Tennessee Certified Building Inspector that the owner hired.

\* Interim City Manager complemented the City of Lewisburg Staff on what a great job they do.

b. **Director's report-** Chief Scott Braden, Director of Economic & Development, City Treasurer Allan Owens, and Parks & Rec Director Cary Whitesell

c. **Any other additional business or announcements:**

Developer Jeff Poarch said he spoke with Cameron that we are in agreement and Mr. Crutcher asked if there is anything we can do. If y'all don't take the road and it's got to go somewhere and to my understanding it will involve in a court system if we don't come up with agreement. Anticipating that, I have already spoke with my attorney and got my options. One the options is the fifteen thousand retainer fee. We are willing to donate that fifteen thousand retaining fee to help the city pave that road, but anything other than that is my only offer. Anything from that will have to go through an attorney. That's my offer.

Councilman Burns stated I did talk to Branden today and as far as the city crew coming in tearing up the road or putting gravel whether the city crew is there or another location it's going to be same cost. You may want to get Branden to give you an estimate of the gravel compaction and get the road right for paving and see what that is going to cost. See what paving is going to cost.

Councilman Michael asked Kent for an update on the Apron and Taxi Way.

There being no further business to come before the Council at the regular monthly meeting, a motion to adjourn made at 7:42 p.m. by Councilman Robinson and seconded by Councilman Thomas. Motion passes unanimously.

---

Jim Bingham, Mayor

---

Attest: Georgina L. Jones, City Recorder