

August 18, 2008

REGULAR CITY COUNCIL - MINUTES

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on August 18, 2008, at Clinton City Hall at 5:33 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, Councilman Jerry Shattuck, and Councilman Clay Wright were all present for the meeting.

Guest and Staff present:

Ronald Young	Steve Jones	Dale Isabell
Jennifer Jenks	Vickie Fagan	John Miller
Vickie Violette	John Floyd, Jr.	Joe Latellia
John Winters	Don Whitaker	Jim Booher
Johanne Jean-Jacques	Vaughn Becker	

Mayor Winfred Shoopman requested approval of the agenda with the discussion of the FY 2006-2007 audit from Mr. Jim Booher being moved up after the approval of the previous month's minutes. Councilman Scott Burton made a motion to approve the changed agenda and Councilman Clay Wright seconded the motion. The motion was moved to carry unanimously.

Councilman Larry Gann led the meeting in prayer.

Councilman Jerry Shattuck led the pledge of allegiance.

Councilman Larry Gann made a motion to approve the July 21, 2008 Regular City Council minutes as received, and Councilman Scott Burton seconded the motion. The motion was moved to carry unanimously.

Jim Booher, with Brown, Jake, and McDaniel, P.C. presented the FY 2006/2007 annual audit for the City of Clinton. The basic financial statements, which the State requires to be audited each year, were included in the audit report. These statements include all of the activities of the City.

Committee Reports

School Board Report –

Vickie Violette, Superintendent of Schools, reported that current enrollment is 878 compared to the 864 students enrolled at the end of last school year. The breakdown includes the following: Clinton Elementary School with 482 students; North Clinton with 144 students; and South Clinton with 252 students. Of the 878 total students, 670 students are City residents and 208 are transfer students from other areas. Ms. Violette thanked the City for providing the funds to get a sidewalk at Clinton Elementary School into ADA compliance which was about a \$20,000 project. Ms. Violette thanked CUB for providing two vehicles for the schools and noted that Mr. Jones was also instrumental in getting these vehicles. Mayor Winfred Shoopman asked how many students were at South Clinton last year. Ms. Violette didn't have the exact number, but believed there were about 50 students less this year and said it was because there wasn't bus service.

Dale Isabell, Chief Financial Officer of Schools, thanked City Council for the additional \$55,000.00 for maintenance of effort given to the Schools this year. Mr. Isabell requested Council's approval of budget amendment #1 for \$93,683.00 which consist of the following: \$45,548.00 was remaining from the energy money from FY 2008 that will be paid to Evans Contracting for the lights and energy work; \$35,363.00 of the fund balance will be used to pay for the North Clinton roof project; \$11,000.00 will be used for technology to hire contract services to provide additional support for teachers to get the computers ready for the fall; and a \$500.00 contribution is being used for staff development. Councilman Charles Lyons made a motion to approve the City School's budget amendment # 1, and Councilman Scott Burton seconded the motion. A roll call vote was requested with all present Council members voting yes. The motion was moved to carry unanimously.

Councilman Scott Burton asked Ms. Violette if she had received information on the grant for the technology funding. Ms. Violette stated the Schools did not get the federal grant and currently are trying to reappropriate technology money for the infrastructure. There are 104 sixth graders in Clinton City Schools with 73 of those being Clinton residents. City Manager Steve Jones stated that in the next month or two there would be more information to report on when the money will come through the Educational Foundation.

Clinton Regional Planning Commission Report –

Councilman Clay Wright reported the Board of Zoning and Appeals and Clinton Regional Planning Commission met on August 11, 2008. The Board denied a request from Adam McCreary for left side setback variance to 2 feet for a carport at Kentucky Avenue due to no representation present. Pat Hutcheson requested a front setback variance to 0 feet for a detached carport which was deferred until combined property is replatted. Approval was granted to Campbell's Pool & Spa for a side setback variance to 17 feet for a residential pool located at Lagoon Drive. Tom Tuck with TN Bank was approved for a rear setback

to 20 feet for a residential deck located at 119 Settlers Way. Approval was given to Robert and Susan Ward for a left side setback variance to 8 feet for a 2-story residential addition located at 707 Eagle Bend Road.

The Planning Commission approved a request by Anderson County Regional Planning Commission to review the revised zoning resolution in accordance with T.C.A. 13-7-102 and T.C.A. 13-7-105. The final plat approval was deferred for Carraher and Ward LLC for property located at Carden Road. Final plat approval was given to William "Bear" Stephenson for property located at Carroll Hollow Road. A road bond was set at \$58,960.80 for Tommy Hicks Construction for Frank Price Blvd. The final plat approval was granted for I-75 Group at Weaver Place Subdivision located on Charles Seivers Blvd. The Planning Commission recommended de-annexing a portion of property located at 613 Spring Street for Geoff Henderson. Site plan approval was given to Tommy Norman of Tommy's Motorsports for a B-4 zone area located at 2401 Andersonville Hwy.

Clinton Utilities Board Report –

Councilman Charles Lyons reported that Clinton Utilities Board met on August 14, 2008. The cash vouchers were approved for \$7,870,775 leaving a net income of \$167,913. Councilman Lyons noted that electric costs are skyrocketing. In October, TVA will increase the fuel-cost adjustment which could be as much as 30%. CUB will pass along the increases from TVA. Some of the reasons for these increases include the following: the coal prices have doubled since December of 2007; natural gas prices have gone up 65%; hydroelectric is 50% below normal because of the drought; and by the end of the 2008 financial year TVA expects to spend several hundred million dollars more than budgeted on fuel and purchased power which will be passed on to the customers.

Mayor Winfred Shoopman asked about discussions of the over-loaded sewer line located in the north-end of the county. Councilman Lyons said that CUB and ACUB have met to discuss this matter. CUB charges \$5.84 per 1,000 gallons to treat and transport the county's sewer from the east end of the city limits to the sewer plant. ACUB has objected to these charges because they believe they are too high. Councilman Lyons reported that ACUB has given the impression that they will negotiate a deal with CUB and continue to use this system. With the increasing development in that end of the county, the sewer lines are nearing capacity.

Mayor's Commission –

Councilman Jerry Shattuck deferred most of his report to the City Manager. It was reported the Town Springs Football Field Project nearing completion. Councilman Shattuck has asked the architect to look at Lakefront Park because of the need for additional playground equipment and a skateboard park.

Councilman Charles Lyons asked about the parking area at the stadium. Councilman Shattuck stated that the parking area is phase III of the project and currently work is being

completed on phase I, but the need for additional parking has been recognized. There have been discussions about relocating the convenience center. City Manager Steve Jones mentioned a recyclable curb-side pick-up program that the City is looking into, but there are still many questions that need to be answered before a decision is made.

CITY MANAGER'S REPORT

GENERAL INFORMATION

1. The Downtown Merchant's Association will have its next First Friday/Saturday event on Market Street on Friday, September 5, 2008.
2. The Governor's Conference for the Tennessee Department of Economic and Community Development is September 15 – 16, 2008.
3. The National League of Cities annual convention is November 11 – 15, 2008.
4. Clinton City Hall will be closed on Monday, September 1, 2008 for the Labor Day Holiday.

CURRENT PROJECTS AND ACTIVITIES

1. *CLINCH RIVER WALKING TRAIL – PHASE 1*
The City Recreation Department has purchased a high pressure steam washer to clean the walking trail every Friday morning.
2. *CLINTON STADIUM / TOWN SPRINGS RENOVATION PROJECT*
Construction on this project is 95% complete and continues to be on schedule and within budget. There will be an Open House coordinated with Clinton High School on August 22, 2008 at 6:00 p.m. at the new stadium. Season Tickets will be available for sale.
3. *LPRF GRANT*
The City has been successful in obtaining another LPRF grant for the Clinton Stadium/ Town Springs in the amount of \$200,000.00. This will pay for the remainder of the site improvements and the amphitheater. This is a 50/50 matching grant.
4. *CLINTON I-75 FIRE HALL*
After meeting with the USDA last week, it is obvious that there is going to be much more paperwork involved with this project than was first expected. Another 60 days of delays is expected as all the boxes are checked for this

federal agency. As soon as dates are available from the architects, Mr. Jones will pass the information along to City Council. This is a low interest loan with a small grant on top of it. Mr. Jones said the amount of the grant has been reduced and has asked department heads and architects to look at other alternatives if we chose not to meet all the criteria the USDA has set forth.

5. *CHANNEL 95 TIME ISSUE*

Next month, City staff and the new Channel 95 management will have a recommendation prepared for alternative dates for Council meetings so they can be viewed on the new Channel 95 in their entirety in the near future.

6. *GROWTH COORDINATING COMMITTEE*

City staff and County staff are currently laying out the schedule to reconvene the Anderson County Growth Committee. Once a schedule is in place, Mr. Jones will submit it to City Council.

7. *ROADSCAPES GRANT*

The daylily planting should begin sometime in the next month. Mr. Jones will inform City Council when this begins.

8. *"HONORING COURAGE" EVENT*

Senator Lamar Alexander and members of the Clement family will be in Clinton this Wednesday, August 20th for a special event recognizing Governor Frank Clement and his role during the Clinton Desegregation Crisis. The event is scheduled to begin in front of the statues at Green McAdoo Cultural Center at 2:00 p.m.

9. *GREEN MCADOO ADJOINING PROPERTY OPPORTUNITY*

The Hattie Newell Crozier Revocable Trust has notified us that the property adjoining the Green McAdoo Cultural Center and the Green McAdoo Gym has become available for sale. Mr. Jones attached property plats and correspondence in the monthly package. The City's Sales Tax projections have been as projected and the property is generating some rental income. Mr. Jones requested authorization to purchase the residence at 416 West Broad Street at the appraised price of \$50,000.00 using funds from the Undesignated Fund Balance. The attorney over this trust contacted the City attorney and notified him that this property was about to be put up for sale so and was made available to the City to join with the Green McAdoo property. Councilman Scott Burton asked what the long term plan was for this property. Mr. Jones said there is currently someone living there, and we could collect rent. However, if and when Green McAdoo becomes a national park, another idea may arise. Councilman Charles Lyons made a motion to accept the proposal to purchase the residence at 416 West Broad Street at the appraised price of \$50,000.00 using funds from the Undesignated Fund Balance, and Councilman Larry Gann seconded the motion. Councilman Jim McBride asked the balance of the undesignated fund balance. Mr. Jones said at fiscal year end it was

about \$100,000 and with the projections being met and exceeded for the current year the expected balance at the end of this fiscal year is \$650,000 - \$700,000. Councilman Burton doesn't believe the City should be in the rental business. Mr. Jones stated that the property is for sale now and may not be later. Councilman Jerry Shattuck stated that we needed to get control of this property now because this is part of the Green McAdoo site and if it were sold to someone else the City may not have this opportunity again. Mr. Jones explained he believes purchasing this property will help reinforce the City's commitment to seeing the property become a national historic site. Councilman Jim McBride described this as a want of the City not a need. Councilman Gann explained that he views this as an opportunity to finish the puzzle, and this opportunity may not come around again. Councilman Lyons also viewed this as an opportunity. Councilman Burton said there isn't a big demand in property in this particular area and believed this land would be available when and if the City ever needed it. The results of a roll call vote were as follows:

Councilman Scott Burton	No
Councilman Larry Gann	Yes
Councilman Jim McBride	No
Councilman Charles Lyons	Yes
Councilman Jerry Shattuck	Yes
Councilman Clay Wright	No
Mayor Winfred Shoopman	Yes

The motion passed with a 4 to 3 vote.

DEPARTMENTAL ACTIVITIES

ADMINISTRATION

Finance Report: Finance Director Vickie Fagan reported the following: total available funds are 19% which is largely inflated due to the tax anticipation note proceeds; total appropriations and expenditures are 9%. In Section II of the financial report, local taxes are \$100,000; license and permits are 19%; state funds are 0%; recreation charges are 5%; court revenues are 5%; and other revenues are \$1,300. In Section III, general government expenditures only consist of salaries, health and dental benefits, and general liability and errors and omissions insurance. Councilman Scott Burton asked Ms. Fagan if she would have year-end numbers by the next month's meeting. Ms. Fagan said she would.

Councilman Jerry Shattuck reported to Council that the total building/construction permits applied for this month was \$4.8 million.

CODES DEPARTMENT

Planning Commission met and discussed sign ordinance modifications and updates issues brought up by City Council; however, the Planning Commission has asked for a formal request by City Council to review the Sign Ordinances. Mr. Jones requested a Council vote asking Planning Commission “to review and make recommendations for changes to the ordinance governing signage within the municipal boundaries of Clinton.” Councilman Charles Lyons made a motion to vote asking the Planning Commission to review and make recommendations for changes to the ordinance governing signage within the municipal boundaries of Clinton, and Councilman Scott Burton seconded the motion. Councilman Jerry Shattuck suggested giving specific recommendations for changes mainly at the interstate because he felt that this is where most of the problems are coming up in terms of technology. Mr. Jones remarked that if the Planning Commission decided they didn’t like any of the recommendations that Council needed to be willing to accept that decision. Councilman Larry Gann stated that he believes the Planning Commission feels like Council is stepping on their toes. Councilman Clay Wright said the Planning Commission had passed the sign ordinance and asking them to change this is saying that Council doesn’t trust them to do their job. Councilman Jim McBride explained he wants them to review the ordinance since electronic signs weren’t around then. Councilman Shattuck would like for the Planning Commission to look at the interstate zone for on / off premises signage and Councilman McBride would like them to look at animation on the electronic signs. Mr. Jones offered to take a list of suggestions and concerns from Council to give to Curtis to go over with the State Planner. Councilman Wright reminded Council that this sign ordinance issue keeps coming up over and over again, and a few months ago the consensus of the Planning Commission was to leave it as is. Councilman Wright said he feels that this issue will keep coming back to the Planning Commission until Council gets the answer they want. Councilman Gann noted that in the ordinance it states that illumination of electronic message center signs shall be reduced by 30% of normal daytime operation, and this time frame will be addressed when the sign ordinance is gone over again. The results of a roll call vote were as follows:

Councilman Scott Burton	Yes
Councilman Larry Gann	No
Councilman Jim McBride	Yes
Councilman Charles Lyons	Yes
Councilman Jerry Shattuck	Yes
Councilman Clay Wright	No
Mayor Winfred Shoopman	Yes

The motion was move to carry with a 5 to 2 vote.

POLICE DEPARTMENT

1. The two new K-9's purchased last month are here and currently undergoing additional training and evaluation with their handlers.
2. The Clinton Police Department conducted a beer sting on July 31 and three of the City's 22 beer permit holders were cited for selling beer to minors. Their court date is scheduled for the first week of September in City Court; therefore, we anticipate a Beer Board meeting during the September Council meeting to rule on these violations. Councilman Larry Gann informed Council that he had the opportunity to ride along with the officers during this sting and was very impressed with their professionalism.

PUBLIC WORKS DEPARTMENT

1. Public Works Department, crews continue to perform seasonal mowing, trimming, and litter collection along our streets. Public Works has recently completed the third of four rounds of summer mosquito spraying.
2. City construction crews continue to work on street and sidewalk repairs.

RECREATION DEPARTMENT

As of last week, the recreation department reported 126 after-school enrollees. This number is expected to increase with the start of school this week.

ORDINANCES AND RESOLUTIONS

A. FIRST READING OF NEW ORDINANCE

Ordinance # 542 – An ordinance de-annexing a portion of parcel 1.00 Anderson County Tax Map 65P, Group B and thereby amending the zoning map of the City of Clinton, Tennessee by removing said territory from the zoning map Councilman Scott Burton made a motion to approve Ordinance # 542 on first reading and Councilman Charles Lyons seconded the motion. There were questions regarding the location of this parcel. Councilman Jerry Shattuck suggested talking to Curtis Perez in the meantime to get all the details. The motion was move to carry unanimously.

B. SECOND & FINAL READING

C. RESOLUTIONS

Resolution # 625 – Resolution of Members to authorized action to borrow \$300,000 through the United States Department of Agriculture Councilman Jerry Shattuck made a motion to approve Resolution # 625, and Councilman Clay Wright seconded the motion. Councilman Shattuck stated that this was nonbinding. The motion was moved to carry unanimously.

PROCLAMATIONS –

Councilman Jerry Shattuck read the Proclamation for Frank G. Clement declaring August 20, 2008 Frank G. Clement Day. An event will be held on Wednesday at Green McAdoo in his honor. Councilman Shattuck made a motion to accept the Proclamation for Frank G. Clement declaring August 20, 2008 Frank G. Clement Day, and Councilman Larry Gann seconded the motion. The motion carried unanimously.

VISITORS –

Don Whitaker, manager of People's Bank in Clinton, stated he is disappointed in Council not wanting to revisit the sign issue regarding animation. Mr. Whitaker relayed to Council that People's Bank had spent \$90,000 for a sign that they can't use. Mr. Whitaker said the sign is used more for community information than bank information. Councilman Larry Gann stated that the City has an appointed body that makes those decisions, and if Council starts dictating to that body, then there would be no need in having a planning commission. Councilman Gann said these are concerned citizens who have agreed to serve and make valid decisions. Councilman Clay Wright reported that most of the people who have these electronic signs know that there is a sign ordinance but have put them up without checking the ordinance. Councilman Gann said he is not opposed to animation but feels that the decision to allow animation should come from the Planning Commission not Council.

John Miller, 311 Leinart Street, asked how long does it take from an ordinance standpoint to clean up overgrown property and junk cars. Mr. Miller stated that it is hard to improve a property with overgrown lots and junk at neighbors' properties. Mr. Miller would like to improve codes enforcement. Councilman Jerry Shattuck noted that the complaints were on 306 and 307 Leinart Street. Councilman Scott Burton asked if we could beef up the resolutions and ordinances. City Manager Steve Jones stated that the City Judge can only fine \$50. Mr. Jones said the only thing that can be done is to summon these people to court, and the next step would be to take them to circuit court which is a lengthy and expensive process. Mr. Miller asked where eminent domain fell in this category. Mr. Jones said this could be done, but this is not very popular. Councilman Jim McBride asked what the next step would be to get these things taken care of. Mr. Jones said once a complaint is registered it is enforced city wide.

NEW BUSINESS –

Councilman Scott Burton requested a discussion about the hiring policy on next month's agenda.

COMMUNICATIONS FROM MAYOR –

Mayor Winfred Shoopman received a letter from Councilman Clay Wright resigning from the Planning Commission due to a change in employment. Mayor Shoopman requested appointing Councilman Charles Lyons to fill this position. Councilman Scott Burton made a motion to approve the acceptance of the resignation from Councilman Clay Wright and appointing Councilman Charles Lyons to the Planning Commission to fill out the remaining term. Councilman Jim McBride seconded the motion. Mayor Shoopman and Councilman Lyons thanked Councilman Wright for his hard work while on the Planning Commission. The motion was moved to carry unanimously.

Mayor Winfred Shoopman adjourned the Council meeting at 7:30 p.m.

Attest:

Mayor Winfred Shoopman

Vickie L. Fagan, City Recorder