

September 15, 2008

## PUBLIC HEARING

Mayor Winfred Shoopman opened the public hearing at Clinton City Hall at 5:31 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, and Councilman Jerry Shattuck were present for the meeting. Councilman Clay Wright was absent.

**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**

There was no comment from the public.

Mayor Winfred Shoopman closed the public hearing at 5:33 p.m.

## REGULAR CITY COUNCIL – MINUTES

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on September 15, 2008, at Clinton City Hall at 5:34 p.m.

Guest and Staff present:

Ronald Young  
Jennifer Jenks  
John Floyd, Jr.  
Jim Campbell  
Bob Simerly  
Carl Bailey  
Mark Alderson

Steve Jones  
Douglas Black  
Marilyn Murphy  
David Queener  
Jason Lawson  
Jason Stokes  
Johanne Jean-Jacques

Dale Isabell  
Pam Rainey  
Russell Barker  
Rick Scarbrough  
Greg McBroom  
Mark Alderson

Mayor Winfred Shoopman requested moving the following items up on the agenda after the public hearing: the Katherine Wear Murphy Proclamation; Commissioner Alderson's comments; and recognition of the Clinton Police Department. Councilman Scott Burton made a motion to approve the changed agenda and Councilman Jerry Shattuck seconded the motion. The motion was moved to carry unanimously.

Mayor Winfred Shoopman led the meeting in prayer.

Mayor Winfred Shoopman led the pledge of allegiance.

Mayor Shoopman presented the Proclamation for Katherine Wear Murphy declaring September 19, 2008 Katherine Wear Murphy Day to Marilyn Murphy, Katherine Wear Murphy's daughter. Councilman Jerry Shattuck made a motion to accept the Proclamation for Katherine Wear Murphy declaring September 19, 2008 Katherine Wear Murphy Day, and Councilman Scott Burton seconded the motion. The motion was moved to carry unanimously.

Commissioner Mark Alderson, 103 Westwood Drive, requested Council and Commission to consider working together to build 3 to 4 story parking garage in the downtown area. City Manager Steve Jones suggested looking at some other cities that have a parking garage to assess the feasibility. Mr. Jones asked if the County government is interested in undertaking this project with the City because the vast majority of the parking downtown is courthouse business. Commissioner Alderson said he would take this up with Commission and felt this would benefit the city and county. Mr. Jones asked the status of the justice center since if it is built in another part of the county a lot of the traffic will be taken from downtown. Commissioner Alderson believed the justice center would be discussed at the meeting tonight but did not feel that a new location would lessen traffic in downtown. Mr. Jones said the City recently received a grant for phase 2 of the Football Stadium/ Town Springs' area, and a good portion of the grant will be used to enhance the parking behind the community center by doubling the number of spaces, to approximately 100 additional spaces.

Mayor Shoopman recognized the Clinton Police Department for the award received from the Governor's Highway Safety Office for being # 1 in the State of Tennessee in small police departments. Mayor Shoopman thanked the police department for their hard work.

Councilman Larry Gann made a motion to approve the August 18, 2008 Regular City Council minutes as received, and Councilman Scott Burton seconded the motion. The motion was moved to carry unanimously.

## **Committee Reports**

### **School Board Report –**

Dale Isabell, Chief Financial Officer of Schools, requested approval of the resolution to participate in the Local Government Energy Efficiency Loan Program as recommended by the Clinton City School Board.

**Resolution # 626 – Resolution regarding participation in the Local Government Energy Efficiency Loan Program administered by the Tennessee Department of Economic and Community Development (ECD)** Mr. Isabell stated this resolution is to borrow an additional \$147,000 for North Clinton Elementary School for the roof and air conditioning and is interest-free over a 7 year period. Councilman Jerry Shattuck made a motion to approve

Resolution # 626, and Councilman Charles Lyons seconded the motion. Councilman Scott Burton asked if this loan amount would cover the total cost of the project. Mr. Isabell noted that approximately \$100,000 of the Schools' reserves and fund balances will also be used. City Manager Steve Jones reassured Council that Curtis Perez, the City's Building Official, has been participating in all of the meetings to be available to answer any technical questions that Council may have. The motion was moved to carry unanimously.

Mr. Isabell reported that current enrollment is 875 and with the Pre-K students the total is 902. Mr. Isabell reported last year the enrollment numbers was 858 and with Pre-K were 892.

### **Clinton Regional Planning Commission Report –**

Councilman Charles Lyons reported the Board of Zoning and Appeals and Clinton Regional Planning Commission met on September 8, 2008. The Board deferred a request from Pat Hutcheson for front setback variance to 0 feet for a carport at 504 Park Avenue. Jeffrey White was approved for a rear setback variance from 25 feet to 12 feet for a proposed structure located at 101 Ridgeview Lane. Eric Bundy was approved for a variance for a second driveway located at 521 Scenic Drive. The Board denied a request from Steve Lynch for a rear setback to 6 feet and right side setback variance to 5 feet for an accessory structure located at 503 Strother Place. The Board postponed a request from J.M. Turley for a variance for a second driveway at 336 Blockhouse Valley Road so that more opinions from the neighbors could be obtained. Approval was given to Rodney Martin for a front setback variance to 18 feet, right side setback to 8 feet, rear setback to 17 feet, lot size to 50 feet, and lot 12 size to 5,770 sq. ft. at 921 McAdoo Street.

The Clinton Regional Planning Commission denied R-1 zone use requested by Sam George for property located at 710 Eagle Bend Road. The proposed use was for a rentable facility for parties and weddings. The final plat approval was given to Rodney Martin for property located at 921 McAdoo Street. Final plat approval was given to Ron Meredith for River Vista Subdivision located at Harbor Drive with 23 lots. Approval was given to ETE Engineering, who represented Ron Meredith, for preliminary subdivision review and a road variance from 26 feet to 20 feet plus 2 foot shoulders each side, and a variance on the curb on Harbor Drive.

### **Clinton Utilities Board Report –**

Councilman Charles Lyons reported that Clinton Utilities Board met on September 11, 2008. The cash vouchers were approved for \$7,433,818 leaving a net income of \$261,023. TVA plans to raise rates 20% and it will be passed thru to the customer by CUB. The bill from TVA last month was \$4,816,429; the 20% increase would be \$963,285. Councilman Lyons explained the pass-thru on an average bill of \$107.13; the

bill will increase to \$124.08, a difference of \$16.95. This percentage increase is only 16% because CUB isn't making any money off this increase.

### **Mayor's Commission** –

Councilman Jerry Shattuck deferred most of his report to the City Manager. Councilman Shattuck reported that the City has been successful in receiving a state grant for phase II of the Football Field/ Town Springs Project. Councilman Shattuck informed Council that a meeting with the architect has been scheduled for next Wednesday to discuss improvements for Lakefront Park.

## **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, October 3, 2008.
2. The annual "Octoberfest" on Market Street in Clinton will be held on October 10<sup>th</sup> and 11<sup>th</sup>. Market Street will be closed for this event.

### **CURRENT PROJECTS AND ACTIVITIES**

1. *CLINTON STADIUM / TOWN SPRINGS RENOVATION PROJECT*  
Although the Clinton Middle School and local Optimist Club football teams have played in the new stadium, the Clinton High School football team will play and the Clinton High School Band will perform in the new stadium for the first time Friday, September 19, 2008.
2. *CLINTON I-75 FIRE HALL*  
The architects tell us that all paperwork is close to being completed.
3. *CHANNEL 95 TIME ISSUE*  
After discussing the timing issue with channel 95, Mr. Jones recommended keeping the current time due to conflicts with other committees and boards. Mr. Jones recommended the following: keeping the current time; show the meeting live until the County Commission Committee comes on; have the whole Council meeting video taped; on the third Thursday at 8:00 the meeting will be shown in its entirety; and the video tape will show a couple more times over the course of the month. Mr. Jones said he hopes Channel 95 will be

working by October. Councilman Scott Burton requested to have Channel 12 put a scroll on the bottom of the screen that the City Council meeting is now on Channel 95. Mr. Jones said he believes if this is available Channel 12 will do this, and he will make the request. Mayor Winfred Shoopman thanked Brad at Channel 12 for the time and work that he has provided for the City.

4. *GROWTH COORDINATING COMMITTEE*

Our second public hearing concerning the City's Growth Plan request will be held prior to the October Clinton City Council meeting.

5. *ROADSCAPES GRANT*

We anticipate starting the daylily planting sometime soon. Mr. Jones will let City Council know when this project is started.

6. *GROWTH COORDINATING COMMITTEE*

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

7. *PROJECT LIFESAVER REQUEST*

Approximately six years ago, the City approved a request for \$7,500.00 for Project Lifesaver, a program which provides tracking bracelets for "vulnerable" citizens such as those suffering from Alzheimer's. The original project was never implemented nor was the money spent because we were not in the position to administer the program to individual recipients. The United Way of Anderson County has now gotten involved and is asking the City to implement a pilot program for this program that they will administer. The initial \$4,200.00 they are requesting would pay for 10 bracelets in this test program. City staff has already participated in training related to this program. Mr. Jones requested approval to fund the Project Lifesaver Pilot Project for one year in the amount of \$4,200.00 with funds coming from the Undesignated Fund Balance. After this pilot project, city staff will analyze the benefits of this program and make a recommendation with next year's budget. Councilman Charles Lyons made a motion to fund the Project Lifesaver Pilot Project for one year in the amount of \$4,200.00 with funds coming from the Undesignated Fund Balance, and Councilman Larry Gann seconded the motion. Councilman Jerry Shattuck asked who would be administering the program. Mr. Jones said the United Way would administer the program. Councilman Scott Burton asked if this program is for Clinton City residents only. Mr. Jones stated that is was for Clinton City residents only. The motion carried unanimously.

8. *TRAFFIC SIGNAL ENHANCEMENTS I-75*

Due to traffic problems at various times of the day at the Highway 61 / I-75 interchange, Cannon & Cannon, Inc has recommended that we incorporate signal equipment that synchronizes the timing of all area traffic signals

throughout that corridor using wireless radio communications. This will include the new traffic signal currently under construction at the Frank Diggs Drive intersection. Mr. Jones has authorized these improvements through the City's Engineering Services line item approved in this year's budget. These improvements will improve the traffic flow of that fast growing part of the City.

## **DEPARTMENTAL ACTIVITIES**

### ADMINISTRATION

**Finance Report:** Clerk Jennifer Jenks reported the following: total available funds are 24%; total expenditures and appropriations are 22%. In Section II of the financial report, business taxes are 8%; licenses and permits are 24%; state funds are 15%; recreation charges are 10%; court revenues are 11%; and other revenues are 4%. In Section III, general government expenditures show 82% which is due to an error in reporting the regular salaries for City Hall buildings and grounds and this should be \$7,101 instead of \$710,085. Ms. Jenks stated the correct amount for general government expenditures is 20%, and a corrected monthly budget will be given to each council member. The following expenditures are also in Section III: public safety is 19%; public works is 16%; and recreation is 23%.

Councilman Scott Burton asked about the negotiated settlement of \$10,167. Mr. Jones stated this is the agreement that was made with Norris during the growth plan process when Norris settled the lawsuit against the City of Clinton. The City of Norris incurred some expenses that the City of Clinton agreed to help with which is about \$10,000 per year. Mr. Jones said that the City of Clinton has either 1 or 2 more years to pay. Councilman Jerry Shattuck noticed that the sales tax revenues haven't come in noting that most all of the tax anticipation note has been used. Mr. Jones stated the amount shown is only for one month and stated he discussed this matter with Finance Director Vickie Fagan last week and she felt like the sales tax numbers were coming in right on target. Councilman Burton noticed that the public safety and fire department have used most of the budgeted overtime and asked if these departments had been short on employees. Mr. Jones said there has been some positions open in the police department, but some of the overtime will be reimbursed through the Governor's Safety Program.

### CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

#### FIRE DEPARTMENT

There will be an Open House at Fire Station 1 from 10:00 a.m. – 2:00 p.m. Saturday, October 11, 2008. This annual event is part of the Fire Prevention Month of activities being held the month of October.

#### POLICE DEPARTMENT

1. The second annual Clinton Police Department Family Night will be Tuesday, September 23<sup>rd</sup> from 6:00 p.m. to 9:00 p.m. in the Downtown Park on Market and Commerce Street. The Parrott Brothers will provide musical entertainment; there will be games for the children and barbeque at this event which had a great turnout last year.
2. The Beer Board meeting for the beer permit violators will be held at the regular October City Council meeting.

#### PUBLIC WORKS DEPARTMENT

In the Public Works Department, crews continue to perform seasonal mowing, trimming, and litter collection along our streets. Public Works is getting ready to apply our final round of summer mosquito spraying.

#### RECREATION DEPARTMENT

### **ORDINANCES AND RESOLUTIONS**

#### A. FIRST READING OF NEW ORDINANCE

#### B. SECOND & FINAL READING

**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 Jerry Shattuck made a motion to approve Ordinance # 542 on second and final reading, and Councilman Charles Lyons seconded the motion. The motion was moved to carry unanimously.

#### C. RESOLUTIONS

**Resolution # 627 – Amending the City of Clinton’s general drug and alcohol abuse policy revised July 1, 1998 to include the Tennessee Housing**

**Development Agency's Drug Free Workplace Policy Statement** Councilman Charles Lyons made a motion to approve Resolution # 627, and Councilman Jim McBride seconded the motion. The motion was moved to carry unanimously.

### **VISITORS –**

John Floyd, Jr., 506 Westbury Drive, wanted to know how much longer he is going to have to wait to get the property on 503 Scenic cleaned up. City Manager Steve Jones commented that the City had mowed the property 3 times and said the homeowner had paid court costs and reimbursed the City for 2 of the charges for mowing. Mr. Floyd stated that only 2/3's of the lot can be mowed because it is so overgrown. Councilman Jerry Shattuck asked if the rest of the lot can be burned in the fall under proper supervision and control. Mr. Jones was unsure because he had never had that request. Mr. Floyd told Council the following: the judge gave the property owner two weeks from the time he came in for the subpoena to clean the property; the property owner had not done anything; another subpoena has been issued but as of Friday had not been served; and the property was mowed by the City yesterday.

### **NEW BUSINESS –**

Councilman Scott Burton explained that he is not looking to change the hiring policy noting that it is a strong policy overall but would like to add requirements. Councilman Burton would like for vacancies to be posted in the newspaper for 10 – 14 days, on the board at the library and city hall and possibly announced on the radio. Councilman Burton explained that his main purpose is that although the department heads are doing all the hiring he would like to insure that everyone in the City that is qualified can apply for open positions. Steve Jones responded that the department heads do not hire new employees but by charter only the City Manager can hire employees although he always follows their recommendations because they know what they're looking for, but feels that the charter gives him some discretion as far as hiring. Mr. Jones explained that since many positions are specialized such as police and fire, when there is an opening we are recruiting from individuals, many of which use our training facilities and are known to be very qualified. Mr. Jones noted that he would like the discretion to act upon recommendations to get the best qualified candidates. Steve Jones noted that he will follow the policy strictly if it is the consensus of the Council. Mr. Jones felt that it would cost additional money and time and risk the opportunity to get really talented employees. Councilman Scott Burton reiterated that he would like a position to be advertised 10 – 14 days to insure that everyone qualified in the City can apply for the position. Steve Jones noted that in the past when there weren't suitable candidates available that positions have been advertised. In the Police and Fire departments when someone leaves we have usually identified an individual for replacement resulting from training programs, etc. Steve Jones noted that he uses his best judgment when hiring. Councilman Scott Burton agreed that the departments are very strong and felt the question was whether every qualified candidate has gotten the opportunity to apply. Councilman Jerry Shattuck reiterated that the policy states that

vacancies should be published and the City Manager can still use his discretion to select the best applicant. Councilman Shattuck agreed that we have excellent employees; all agree that we have the utmost confidence in the department heads and the City Manager but the policy states that you shall publish vacancies. Steve Jones requested a consensus vote from Council if he is to strictly follow the policy as it currently deviates from the way he does business. Councilman Jerry Shattuck noted that he has discretion as to who is hired or fired but it is very clear that vacancies need to be published. Councilman Scott Burton reiterated that the only inconsistency in the process is the advertising of vacant positions. Mr. Jones noted that policies are subject to revision in the light of continuing experience and indicated that he would like to bring a revision to the Council for consideration. Councilman Shattuck indicated that it would be considered.

### **COMMUNICATIONS FROM MAYOR –**

Mayor Winfred Shoopman informed Council that next month he will proposed member for consideration for the Library Board. Whitney Clement resigned to spend more time with her family. Mayor Shoopman thanked Whitney Clement for her great job and representation of the City.

Mayor Winfred Shoopman adjourned the Council meeting at 6:38 p.m.

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Mayor Winfred Shoopman

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Vickie L. Fagan, City Recorder

Attest: