

**April 20, 2009**

## **PUBLIC HEARING**

Mayor Winfred Shoopman opened the public hearing at Clinton City Hall at 5:30 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, Councilman Jerry Shattuck, and Councilman Clay Wright were present for the meeting.

### **Taxicab Franchise- Anderson County Cab located at 123 Leinart Street from Christopher Griffin.**

Christopher Griffin, 108 Nevada Circle in Oak Ridge, requested to purchase two (2) metered parking spots located in front of his office and would in return pay the City the amount of revenue generated from the meter each year.

Mr. Jones stated he would discuss this once the meeting was convened.

Mayor Winfred Shoopman closed the public hearing at 5:32 p.m.

## **REGULAR CITY COUNCIL – MINUTES**

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on April 20, 2009, at Clinton City Hall at 5:32 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, Councilman Jerry Shattuck, and Councilman Clay Wright were present for the meeting.

### Guest and Staff present:

Jim Sanderson  
Ron Bridgeman  
Vaughn Becker  
Marilyn Buckner  
John Winters

Steve Jones  
Vickie Fagan  
Mark Dison  
Richard Buckner

Vickie Violette  
Dale Isabell  
Ron Young  
Christopher Griffin

Mayor Winfred Shoopman approved of the agenda as received.

Mayor Winfred Shoopman led the meeting in prayer.

Mayor Winfred Shoopman led the pledge of allegiance.

Councilman Jerry Shattuck recommended amending page 5 of the Regular Meeting minutes of March 16, 2009 from “mostly used by non-residents” to “also used by non-residents.” Councilman Shattuck made a motion to approve the amended March 16, 2009 Regular Meeting minutes and Councilman Scott Burton seconded the motion. The motion was moved to carry unanimously.

Councilman Larry Gann made a motion to approve the April 6, 2009 Special Called Meeting minutes as received and Councilman Jerry Shattuck seconded the motion. The motion was moved to carry unanimously.

## **Committee Reports**

### **School Board Report –**

Dr. Vickie Violette, Director of Schools, brought 3 items to Council. First, Dr. Violette explained how saddened everyone was after the death of teacher Lea Ousley. The students and staff would like to finish the nature trail in memory of Mr. Ousley. The second item of information was to inform Council that the Schools are receiving information about stimulus money from the American Recovery and Reinvestment Act. Approximately \$347,000 has been received in allotments for Title 1, Special Education, and Preschool. However, this money can only be used for each of the specific allotments. The Technology allotment has not been received. The third item was to explain to Council that the School’s budget is divided into the following three categories: Cafeteria, Federal Funds, and General Purpose. The General Purpose Fund was still not balanced, but the Schools should have a budget in May or June.

City Manager Steve Jones emphasized how stringent the reporting requirements are for the stimulus money, even more so than for grants.

Councilman Jerry Shattuck commented on an article in the Knoxville News-Sentinel dated April 14, 2009 quoting Director McIntire of Knox County using stimulus money to restore 34 of the 60 teaching positions that were originally planned to be cut. Councilman Shattuck said this suggests there is some flexibility in the stimulus money. Councilman Shattuck continued on with a quote from the same article, “Knox County is eligible for \$6.7 million in Special Education and officials had initially believed the money could not be used for anything but Special Education. The School System has since learned however that 50% of that money can be used for virtually anything but new school construction.” Doctor Violette announced they had been told they could take the allotment of Special Education money for this year, subtract it from the allotment from Special Education money for next year which includes that stimulus money, then take 50% of the difference to use for something outside of Special Education. Dr. Violette explained in two years that maintenance of effort would have to be made up. Mr. Jones

noted that a lot of the stimulus money was dictated through Congress to go to major metropolitan areas, and they have more flexibility with the money. Councilman Scott Burton asked where the \$347,000 from the stimulus package would be going. Dr. Violette said the old money they get will be supporting the programs and personnel that are already in place and the new money is supposed to support new and different programs. Dr. Violette continued that these expenses are more than one time expenses, and after 2 years the Schools will either have to be able to support the expenses with the normal money or let them go.

Dale Isabell reported that the local revenues for the financial report for June 30, 2009 will be short by \$35,000 but should be able to make up with lack of expenses. Mr. Isabell informed Council that the City Schools were the only school system in Anderson County with a growth in average daily attendance which will add some money at the end of the school year. All positions were held in next year's budget.

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

The Board of Zoning Appeals met on April 13, 2009. Approval was given to Jamie Fielden for a rear setback variance on 317 Lee Road. Ronald Weaver was approved for a rear setback variance from 25 feet to 10 feet on 923 McAdoo Street.

Councilman Charles Lyons reported that Clinton Regional Planning Commission met on April 13, 2009. The Commission discussed the City's request to rezone on Hill, Sunset, and Howard Street's and recommended leaving the zoning as R-1. Proposed zoning amendments to the zoning map and regulations were discussed and will continue during the May 11<sup>th</sup> meeting.

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

Councilman Charles Lyons reported that CUB met on April 9, 2009. Paid vouchers were approved at \$9,009,388 and after all bills were paid, there was a net income of \$377,144. Councilman Lyons reported a resolution was approved for unclaimed balances to the state which totals \$3,287.47.

### **Mayor's Commission –**

Councilman Jerry Shattuck reported that the Commission met March 25, 2009 with most Council members present. The proposed 57 acre donation from Joe Hollingsworth was discussed. The Commission voted to recommend to City Council that the 21<sup>st</sup> Century Master Plan be amended in order to accept the donation to the City by Joe Hollingsworth, Jr. of 57 acres in South Clinton between Clinch Avenue and the Clinch River for the development of a Sports/ Recreation/ Entertainment Complex to be substantially completed in 5 years and to develop the 17 acre Carden Farm track which had previously

been seen as this site and now as a Passive Park Facility. Councilman Shattuck informed that the estimated cost of this facility could range up to \$7 million. Councilman Shattuck made an amendment to change the 21<sup>st</sup> Century Master Plan as stated. Councilman Charles Lyons seconded the motion. Councilman Lyons said this is like a dream in the sky, and we may never be able to accomplish this. Councilman Jim McBride would like to have \$1 million in the undesignated fund before any City money is used. Councilman Shattuck explained that all this motion does is asking Council to amend the plan and doesn't ask Council to commit to any expenditure. City Manager Steve Jones suggested amending the motion to delay the vote until there is a formal agreement. Councilman Scott Burton recommended breaking this up by phases and noted there will be issues regarding the fly ash. Mr. Jones explained that TVA had supplied the City with a partial environmental review. Councilman Larry Gann said everyone is in favor of this plan but not sure how it will be funded. Councilman Shattuck mentioned that phases may not always fall in chronological order. Councilman McBride made an amendment to the motion to approve the concept only with the specific stipulations to be named later and Councilman Wright seconded the motion. The motion carried unanimously. The original motion as amended was approved unanimously.

Councilman Jerry Shattuck stated that Lynn Murphy and the Public Works Department did a fantastic job clearing the hillside west of Town Springs. This clearing has provided more level land almost doubling the parking for Clinton Middle School. Anderson County Board of Education has agreed to contribute rock to cover the clay and then pay for ½ of the cost of asphalt in one year.

## **CITY MANAGER'S REPORT**

### **GENERAL INFORMATION**

1. The First Lady of Tennessee, Andre Conte, will be in Clinton on April 30th. She will be walking from the Anderson County Courthouse to the Children's Advocacy Center. This will be one of a series of six walks across the State of Tennessee to raise awareness for child sexual abuse
2. The Clinch River Spring Antique Fair will be held May 1<sup>st</sup> and 2<sup>nd</sup> on Market Street in Historic Downtown Clinton.
3. There will be a meeting of the Clinton Beer Board on Monday, April 27, 2009 at 5:30 at Clinton City Hall.
4. The East Tennessee Band and Orchestra Association commissioned a prominent composer to write a piece of music based on the historical events of Clinton High School. On May 4, 2009 at 7:00 p.m. in the Oak Ridge High

School, the Clinton High School and Oak Ridge High School Bands will be performing this piece together.

## **CURRENT PROJECTS AND ACTIVITIES**

### **1. *CLINTON CONVENIENCE CENTER***

Last month city staff recommended closing the Clinton Convenience Center located behind the Clinton Community Center as a cost cutting measure for the upcoming fiscal year. The decision was delayed until more public input could be acquired. City staff has received no input to date. As Mr. Jones stated last month, there is a common misconception that the City of Clinton receives revenue from the recycled material left there. It does not. We estimate that the City can save roughly \$20,000.00 annually by closing the center. Furthermore, the City exceeds all solid waste requirements mandated by the Tennessee Department of Environment and Conservation by picking up brush and leaves and taking them to the City's "green" dumpsite. Mr. Jones requested authorization from City Council to close the Clinton Convenience Center on July 1, 2009 which would allow city staff to post signs at the center to make Clinton citizens aware that as County taxpayers they are authorized to take recyclables to Anderson County Convenience Centers located at Glen Alpine and East Wolf Valley Road. Councilman Charles Lyons made a motion to close the Clinton Convenience Center on July 1, 2009, and Councilman Larry Gann seconded the motion. The motion carried unanimously.

### **2. *CDBG GRANT UPDATE***

The East Tennessee Development District has indicated that the Byrd Street Rehabilitation Project is on track.

### **3. *AMERICAN RECOVERY AND REINVESTMENT ACT***

We continue to learn more about the American Recovery and Reinvestment Act and are currently drafting a couple of projects to submit in anticipation of possible funding. The Yarnell Road Bridge over Little Dismal Creek has been selected as a project and we are still waiting on the status of the Blockhouse Valley Road safety improvements project. Clinton City staff will continue to explore other possibilities as they arise and keep City Council informed of developments. Councilman Scott Burton asked if Mr. Jones knew when all the stimulus money would be released. Mr. Jones said a lot of the money is coming through the states in phases, and the stipulations are different in each pot of money.

### **4. *ANDERSON COUNTY CAB***

Anderson County Cab has requested 2 permanent parking spaces. Mr. Jones recommended against them selling 2 permanent parking spaces because it sets precedence on City parking around the Courthouse. This parking is for the public to come in and do city business. Councilman Scott Burton suggested

using spots on the side of the building for taxis and deliveries. Councilman Jerry Shattuck didn't agree with selling spaces, but since taxis are a public service for the citizens have them use the spots on the side of the municipal building. Mr. Jones suggested asking some of the business owners. Councilman Jim McBride requested the city manager to come back next month with more information.

5. *GREEN MCADOO UPDATE*

President Obama signed the Green McAdoo National History Study Act into law on March 30, 2009. This process is expected to take at least three years.

6. *CITY OF CLINTON PERSONNEL HANDBOOK UPDATE*

In January the Department of Labor released a Final Rule on Family & Medical Leave Act of 1993. The updated release is included in your packet. Mr. Jones requested approval to replace Section V of the City of Clinton Personnel Handbook with the up to date regulations of the Family & Medical Leave Act as required by the Department of Labor. Councilman Jim McBride made a motion to approve replacing Section V of the City of Clinton Personnel Handbook with the up to date regulations of the Family & Medical Leave Act as required by the Department of Labor, and Councilman Scott Burton seconded the motion. The motion carried unanimously.

## **DEPARTMENTAL ACTIVITIES**

### ADMINISTRATION

Mr. Jones plans to have a first draft of the budget for the May meeting, but he doesn't think State Legislature will be out of session until after Memorial Day. Mr. Jones suggested starting the Council meeting earlier in May in order to go through it prior to the meeting. Mayor Shoopman said that the May Council meeting will start at 5:00 p.m.

**Finance Report:** Finance Director Vickie Fagan reported Total Available Funds thru March at 74% and expenditures at 71%. Ms. Fagan reported in Section II of the detailed revenues that Property Taxes are 96%; most State Funds are 58% with State Excise Tax being 421% possibly from money due in prior years; Recreation Charges 60%; and Court revenues 50%. In Section III, the detailed expenditures for General Government are 77%, Public Safety 74%, Public Works 72% and Recreation 79%.

Councilman Jim McBride asked why McAdoo Cultural Organization had only paid approximately \$12,000 out of the \$70,000 budgeted. Mr. Jones said he received a notice that McAdoo Cultural Organization will have a Board meeting on April 23, 2009, and this is a topic of discussion.

Councilman Scott Burton asked Mr. Jones what the projected shortfall was year-to-date and asked if it would be safe to say between \$700,000 and \$800,000. Mr. Jones said this would be a conservative figure and expenses have been cut considerably, one way is by having 14 open positions that were funded in this year's budget that have not been filled and will not be filled for at least a year.

## CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

### FIRE DEPARTMENT

1. Funds through the ARRA will be available for various First Responder projects soon. Mr. Jones will let City Council know of our intentions as these opportunities arise.
2. We currently have four Clinton residents enrolled in Project Lifesaver.

### POLICE DEPARTMENT

1. We have applied for 100% funding for three years for four positions under the ARRA. After the three year period, the City would be required to maintain these four officers for one year.
2. The Citizen's Police Academy has 16 students.
3. On April 10, 2009, K-9 Rayzor passed away from gastric torsion. This leaves the Police Department with two K-9's.

### PUBLIC WORKS DEPARTMENT

1. Maintenance crews are busy with the start of the mowing season and are concentrating on improving the appearance of the I-75 business district. The only state route inside the city that receives mowing and trimming by TDOT is the divided portion of Highway 61 from the Clinch River to the city limit at I-75, and we recently learned that TDOT mowing contractors are hired to mow this route only four times in 2009. In order to keep the commercial area attractive and inviting to our guests, we will need to supplement TDOT's work with that of our own Public Works personnel, performing litter collection, mowing, and trimming. Also, Public Works has just completed the first cycle of mowing and trimming inside our three industrial parks.
2. Public Works has received several complaints from citizens regarding grass clippings being discharged and then left remaining on our city streets. This

creates problems with storm water drainage and is a violation of our litter ordinance. We will appreciate the cooperation of homeowners and private mowing contractors in cleaning up after lawn mowing and by directing mower discharges away from streets. Citizens with questions or complaints on this issue are urged to call Public Works at 865-457-6495.

3. We have recently completed the installation of street lighting along Buffalo Road and Hillvale Road. This has greatly enhanced the appearance and provided improved safety and security for businesses along these streets.
4. In order to cut expenditures in the current budget year, street resurfacing was halted and none is anticipated through the remainder of the calendar year; therefore, Public Works construction crews are identifying and prioritizing city streets needing asphalt patching, shoulder repair, and painted traffic markings. The extent of this project will depend upon the level of funding in the 2009-2010 fiscal year budget. Crews are also continuing with a long-term sidewalk repair project, identifying trip and fall hazards and improving our ADA accessibility.
5. Our annual Spring Clean-Up Day, held on April 6th, resulted in the collection of thirty-six thousand sixty (36,060) pounds of bulky items and rubbish from city households.

#### RECREATION DEPARTMENT

### ORDINANCES AND RESOLUTIONS

#### A. FIRST READING OF NEW ORDINANCE

**Ordinance # 547 – An ordinance amending the “Zoning ordinance of the City of Clinton, Tennessee” by rezoning an area from R-1 (Low Density Residential District) to R-2 (Medium Density Residential District)** Councilman Clay Wright made a motion to reject Ordinance #547 on first reading, and Councilman Scott Burton seconded the motion. Councilman Charles Lyons stated that there were 20 people at the meeting who wanted to keep this zoned R-1. The motion was rejected with Councilman Lyons abstaining.

**Ordinance # 548 – An Ordinance amending the “Zoning Ordinance of the City of Clinton, Tennessee: by rezoning an area from M-2 (Heavy Industrial District) to B-2 (General Business District)** Councilman Clay Wright made a motion to have Ordinance #548 go before Clinton Regional Planning Commission first, and Councilman Jim McBride seconded the motion. After a roll call

vote, the motion was moved to carry with Councilman Scott Burton, Councilman Larry Gann, and Councilman Jerry Shattuck voting no.

**Ordinance # 549 – An Ordinance Annexing parcel 108.00 and 131.01, Anderson County Tax Map 043, and incorporating the same within the corporate boundaries of the City of Clinton, Tennessee and thereby amending the zoning map of the City of Clinton, Tennessee by zoning newly annexed territory B-4 (Interstate Business District)** City Manager Steve Jones recommended Council approve the first reading on this ordinance before it goes in front of the Clinton Regional Planning Commission. This ordinance has been approved in the past on first reading and then rescinded because of engineering concerns. Councilman Jerry Shattuck made a motion to approve Ordinance #549 on first reading contingent on Clinton Regional Planning Commission approval, and Councilman Larry Gann seconded the motion. The motion was moved to carry unanimously.

#### B. SECOND & FINAL READING

#### C. RESOLUTIONS

**Resolution # 637 – A Resolution approving an Interlocal Agreement with Tennessee Municipal League** Councilman Jerry Shattuck made a motion to approve Resolution #637, and Councilman Charles Lyons seconded the motion. The motion was moved to carry unanimously.

**Resolution # 638 – A Resolution adopting a Plan of Services for the annexation of parcel 108.00 and 131.01, Anderson County Tax Map 043 into the corporate limits of the City of Clinton, Tennessee** Councilman Jerry Shattuck made a motion to approve Resolution #638, and Councilman Scott Burton seconded the motion. The motion was moved to carry unanimously.

#### VISITORS –

Mark Dison, Andersonville Fire Department, requested a variance for a boot drive at I-75 interchange. Since the City annexed the I-75 intersection and Shoney's area, Mr. Dison explained that the Volunteer Fire Department has been unable to have their boot drive which would typically raise between \$10,000 and \$15,000. The days desired for the boot drive are May 23<sup>rd</sup> and 25<sup>th</sup> then September 5<sup>th</sup> and 7<sup>th</sup>. Mr. Dison handed pamphlets to Council and informed them of many safety measures that have taken which include \$1 million liability coverage per incident. Mayor Shoopman explained that "safety" is the reason why this isn't allowed anymore. Mr. Dison told Council that they are asking for

the variance to be for Hillvale and Buffalo intersection. Councilman Jim McBride agreed only allowing public safety to do this would show the City being a good neighbor. Mr. Jones recommended asking MTAS for an opinion on amending the ordinance to allow only public safety organizations and exclude everybody else. Councilman Jerry Shattuck reminded that we need to find out if this can be done legally. Councilman Clay Wright asked if they could stand at a private business and collect money. Mr. Jones said this is done at Wal-mart all the time. Mr. Jones stated he would get MTAS's opinion and bring this back before Council on May 18, 2009.

**NEW BUSINESS –**

Councilman Clay Wright made a recommendation requesting the Clinton Regional Planning Commission to notify the affected property owners by sending out letters before sending a rezoning request to City Council, and Councilman Scott Burton seconded the motion. The motion carried unanimously.

Councilman Jim McBride announced that he wasn't at the special called meeting last month because he didn't know about it, and since the June meeting has been rescheduled from the 15<sup>th</sup> to the 22<sup>nd</sup> he will not be able to attend on the 22<sup>nd</sup>. Council agreed to change the June meeting to Monday, June 29, 2009 at 1:00 p.m.

Mayor Winfred Shoopman appointed Brian Ford to the Mayor's Commission. Mayor Shoopman advised Council to inform him at the next meeting if they knew of anyone who would like to serve on the Mayor's Commission.

Councilman Scott Burton made the motion to adjourn and was seconded by Councilman Jim McBride. The Council meeting adjourned at 7:37 p.m.

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Mayor Winfred Shoopman

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Vickie L. Fagan, City Recorder

Attest: