

**August 24, 2009**

## **PUBLIC HEARING**

Mayor Winfred Shoopman opened the public hearing at Clinton City Hall at 5:42 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, Councilman Jerry Shattuck, and Councilman Clay Wright were present.

### **Ordinance # 565 – An Ordinance of the City of Clinton, Tennessee amending the municipal offenses ordinance regulating the offenses against the peace and quiet**

#### **City of Clinton Personnel Policy**

There was no comment from the public.

Mayor Winfred Shoopman closed the public hearing at 5:43 p.m.

## **REGULAR CITY COUNCIL – MINUTES**

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on August 24, 2009, at Clinton City Hall at 5:43 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:

Ron Young  
Ron Bridgeman  
Johnny Freeman  
Julia Gateley  
Rodney Williams  
Alan Hemani  
Archie Brummitt  
Bill Clevenger  
Leon Jaquet

Steve Jones  
Vickie Fagan  
Timothy Powers  
Charles Young  
Betty Gray  
Shireen Hemani  
Linda Haskins  
Todd Branam  
Art Miller

Vickie Violette  
Teresa McCoy  
Vaughn Becker  
E. T. Stamey  
Donald Gray  
Linda Davis  
Darrell Thomas  
Larry Foster

Councilman Clay Wright made the motion to amend the agenda to have Art Miller and Leon Jaquet speak after approval of the minutes and before approval of Ordinance # 565 was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

Councilman Jim McBride led the meeting in prayer.

Councilman Clay Wright led the pledge of allegiance.

Councilman Jim McBride made the motion to approve the July 8, 2009 minutes as amended and was seconded by Councilman Charlie Lyons. The motion was moved to carry. The amendment was to replace the first paragraph in the Visitors section with “The Mayor gave each visitor that wanted to speak one chance to speak for 3 minutes. Approximately 15 to 20 people spoke.”

Councilman Larry Gann made the motion to approve the minutes of July 20, 2009 and July 27, 2009 as received and was seconded by Councilman Scott Burton. The motion was moved to carry.

Art Miller, Director of the Anderson County Health Department presented a Certificate of Appreciation to the City for fluoridation of their water since 1957. Mr. Miller noted that Tennessee is in the top 12 states in the nation for their percentage of water that is fluoridated which is 93.7% fluoridated across the state.

Leon Jaquet asked approval from Council for the 3<sup>rd</sup> Annual Veteran’s Day Parade. The parade will be November 7<sup>th</sup> at 1:00 pm and will use Market and Main Streets. Councilman Scott Burton made the motion to approve the request to have a Veteran’s Day Parade on November 7<sup>th</sup> at 1:00 pm and was seconded by Councilman Clay Wright. The motion was moved to carry.

**Ordinance # 565 – An Ordinance of the City of Clinton, Tennessee amending the municipal offenses ordinance regulating the offenses against the peace and quiet** – Councilman Clay Wright made the motion to approve Ordinance # 565 on second and final reading and was seconded by Councilman Scott Burton. The motion was moved to carry.

## **Committee Reports**

### **School Board Report –**

Dr. Vicki Violette, Director of Schools informed Council that Clinton City Schools are ranked in the top five districts in the state via the SCORE report and felt that it was a collaborative effort with the students, staff, school and the City. Ms Violette reported the

enrollment numbers for the new school year of 890 students 206 and of them are transfer students which is down 17 from last year and an increase of 22 city residents. Ms Violette informed Council that the 6<sup>th</sup> grade laptops should be acquired by early September. The school system also has their first reported case of H1N1 virus. Councilman Jerry Shattuck inquired regarding the enrollment for each of the schools. The enrollment for Clinton Elementary is 477, North Clinton 143 and South Clinton 229. Dr. Violette presented budget amendment # 2 for FY 2009-2010. Councilman Jerry Shattuck made the motion to approve Budget Amendment #2 for FY 2009-2010 and was seconded by Councilman Charlie Lyons. The motion was moved to carry with a unanimous roll call vote.

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

Councilman Charlie Lyons reported the Board of Zoning Appeals met on August 10, 2009. The Board approved a rear setback and front setback variance for Vestal Brummett for property located at Charles Seivers Blvd. David Devany was granted a waiver of rear setback requirements for a residential addition located at 101 Tradewind Street.

The Clinton Regional Planning Commission met on August 10, 2009 and deferred a request from Louie Ivey for a final site plan review for property located at 925 S. Charles Seivers Blvd. The Board approved a request for final plat approval from LKM Properties for property located at Charles Seivers Blvd subject to receiving a copy of the joint permanent easement and signatures on the plat. LKM Properties was also approved for a site plan subject to the details for the enclosed dumpster and estimates to set the bond. Anderson County Board of Education requested approval of general education use for The Patterson property.

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

Councilman Charlie Lyons reported that CUB meet on August 13, 2009. Vouchers in the amount of \$7,380,160 were approved with a net income of \$78,252. The Board reviewed the final report for the year ended June 30, 2009 with electricity budget being off less than \$21,000. Water and sewer were \$27,000 and \$46,000 respectively out of budget for the year.

### **Mayor's Commission –**

No report given.

# **CITY MANAGER'S REPORT**

## **GENERAL INFORMATION**

1. Clinton City Hall will be closed in observance of the Labor Day Holiday Monday, September 7, 2009.
2. The Governor's Conference for the Tennessee Department of Economic and Community Development is September 14-15, 2009.
3. The National League of Cities annual convention is November 10-14, 2009.

## **CURRENT PROJECTS AND ACTIVITIES**

1. *CDBG GRANT UPDATE* – According to the East Tennessee Development District work preparing five houses for rehab in this program should be starting right away with construction beginning after the state approves the inspection reports.
2. *RESOLUTION TO PROHIBIT HANDGUNS IN MUNICIPAL PARKS* – Recently the Tennessee General Assembly outlined new provisions in state law to allow municipalities to “opt out” of the new provisions allowing handguns to be carried into municipal parks, natural areas, historic parks, natural trails, campgrounds, forests greenways, waterways, and other similar places. A draft of a resolution was given to you last month for your review and is on the agenda as Resolution #651.
3. *UPDATE TO PERSONNEL POLICY* – Last month I included in your package a copy of a revised City of Clinton Personnel Policy for your review. I have incorporated the changes discussed by City Council last month as well as added language outlining an additional step in the disciplinary process for Department heads. I have had discussions with both the City Attorney and MTAS regarding this additional language and they are fine with the changes. Vickie L. Fagan has also updated the sections regarding HIPPA, FMLA and other federal guidelines. I recommend approval of the new City of Clinton Personnel Policy. There was some discussion regarding evaluations for the City Manager and employees. Steve Jones noted that he has not stressed evaluations due to the time factor involved. Councilman Clay Wright made the motion to approve the personnel policy of the City of Clinton and was seconded by Councilman Larry Gann. The motion was moved to carry with a unanimous roll call vote.
4. *OCCUPATIONAL DISABILTY – COMPREHENSIVE SAFETY PROGRAM* – For the past eight years we have contracted with Comprehensive Industrial Services for our comprehensive safety program. This program has been very successful in creating a safe work environment for our employees as well as reducing our overall

insurance costs. The cost of the program has not increased since its inception. This expenditure was included in the FY 2009/2010 Budget. I would recommend authorization to renew the contract with Comprehensive Industrial Services to provide our comprehensive safety program for the 2009/2010 fiscal year at a total of \$15,000. Councilman Larry Gann made the motion to approve the authorization to contract with CIS for the comprehensive safety program in the amount of \$15,000 for FY 2009/2010 and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

## **DEPARTMENTAL ACTIVITIES**

### ADMINISTRATION

**Finance Report:** Finance Director Vickie Fagan reported Total Available Funds thru July 31<sup>st</sup> are 20% and expenditures 7% of projections. Section II has local taxes at 1% and Recreation charges at 6% and Court revenues at 11%. In Section III, the detailed expenditures for General Government are 13%, Public Safety 11%, Public Works 10% and Recreation 12%. Ms Fagan noted that expenditures in the salary code were high due to three pay periods in the month.

### CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

#### FIRE DEPARTMENT

There will be a 9/11 Memorial Service at Fire Station 1 on September 11, 2009 at 11:00 am. This event will include a white dove release at 12:00 noon.

#### POLICE DEPARTMENT

1. On July 31, 2009 Clinton Police Department with assistance of the Recreation Department hosted the annual DARE Pool Party. Approximately 100 kids attended. Although the weather was uncooperative, kids received door prizes and a good time was had by all. Special recognition goes to our DARE officer, Detective Russell Barker. CPD would also like to thank Roger Houck and his staff for their cooperation.

2. Officer Mike Frogg has reported to the Tennessee Law Enforcement Training Academy and will complete the 10 week program in October. Mr. Frogg went through the testing process last spring. He accepted an offer to fill

the opening we had, however his start date was held till July 3, 2009 due to budget considerations.

### PUBLIC WORKS DEPARTMENT

Public Works maintenance crews are staying busy with mowing and trimming, with grass and weeds being uncommonly heavy for this late in the season. Our Public Works construction crews has spent the past month assisting the Parks and Recreation Department with improvements to drainage and parking near the football field in the Town Springs area behind the Clinton Community Center. Council members should find a report in your package that summarizes the project expenditures. As part of this project, additional street lighting has been installed, in hopes of improving safety and security for both Clinton Middle School parking and during events in the Clinton Town Springs area.

### RECREATION DEPARTMENT

Councilman Jim McBride expressed his concern about the audit being late and Council should consider spending \$4,000 to get it earlier. Councilman Jim McBride made the motion to appropriate an amount not to exceed \$4,000 for the preparation of the City's financial statements and was seconded by Councilman Larry Gann. The motion was move to carry.

## ORDINANCES AND RESOLUTIONS

### A. FIRST READING OF NEW ORDINANCE

**Ordinance # 566 – An Ordinance establishing the fees for application to the City of Clinton Regional Planning Commission** – Councilman Larry Gann made the motion to approve Ordinance # 566 on first reading and was seconded by Councilman Scott Burton. The motion was moved to carry.

**Ordinance # 567 – An Ordinance providing an Investment Management Policy for the City of Clinton** – Councilman Charlie Lyons made the motion to approve Ordinance # 567 on first reading and was seconded by Councilman Clay Wright. The motion was moved to carry.

### B. SECOND & FINAL READING

## C. RESOLUTIONS

**Resolution # 651 – A Resolution to prohibit handguns in public municipal parks, natural areas, historic parks, nature trails, campgrounds, forest, greenways, waterways, or other similar public places.** Councilman Jerry Shattuck made the motion to approve Resolution # 651 and was seconded by Councilman Charlie Lyons. The motion was moved to carry with Councilman Jim McBride, Councilman Clay Wright and Mayor Winfred Shoopman voting no.

**Resolution # 652 – Resolution supporting the initiative for the Veteran government bond, stamp and coin program** – Councilman Jerry Shattuck made the motion to approve Resolution # 652 and was seconded by Councilman Clay Wright. The motion was moved to carry unanimously.

## PROCLAMATIONS –

## OLD BUSINESS

Darrell Thomas, Linda Haskins, Bill Clevenger and Todd Brown of Northfolk Southern reported to Council that they met on August 11, 2009 with Rick Scarbrough, Robert Simerly, property owner Robert Parker and Darrell Thomas. The property owner was very cooperative and discussed many options. Rick Scarbrough requested a letter from the railroad requesting that the police arrest anyone on the tracks in that area. The letter was delivered on the 17<sup>th</sup>. On August 14, 2009 there was another incident involving two persons of which one was apprehended. Mr. Thomas requested help from Council in obtaining a copy of the deed and survey. The property was purchased five years ago and the current property owner did not have a deed or survey. The deed and survey is needed to properly evaluate the situation. Fencing is one option being considered and Northfolk Southern has obtained about 100 feet. The railroad can provide fencing and maybe installation, but they can not maintain the fence. The railroad will draw up a document but will need something from the property owner agreeing to maintain the fence. Councilman Jerry Shattuck relayed that the deed and survey is available as matter of public record from the Registrar of Deeds office. Mr. Thomas noted that even though the property owner is being cooperative it does not appear that the residents are being cooperative. Mr. Thomas indicated that if nothing works they may need to come back to Council because of the safety issues.

## VISITORS –

Ron Young 416 Highland Drive complained about the alarm system going off at the Food City. Mayor Winfred Shoopman asked Mr. Young if he had made a formal complaint with

the Police Department. Mr. Young noted that he had twice in May. Councilman Clay Wright noted that he had made verbal complaints. He played an audio tape of the alarm going off at 6:05 am. Councilman Clay Wright told Mr. Young that he needs to make a formal complaint to go before the judge if he wants resolution even though the police department has tried to solve the problem.

Ron Young also inquired where the crash truck has been. Steve Jones noted that the truck has a lot of miles on it and needs repairs.

Rodney Williams 206 Wealden Road inquired whether the opinion regarding whether a building permit is part of the zoning power. Steve Jones thought that Curtis Perez had taken care of the opinion. Councilman Jerry Shattuck noted that they are separate issues because the zoning powers are outlined in Title 14 and fees are another part of the code. Steve Jones assured Mr. Williams that he would get his answer.

Teresa McCoy from Lake City had a request to have a tent revival on the week of September 21, 2009 and had presented the request to Roger Houck. Council inquired if the Church would consider using the McRea Building. Mrs. McCoy informed Council that the Reverend would not comprise by using the McRea Building. Steve Jones noted that in the past it has been policy not to use public properties for religious purposes. Steve Jones asked Ms. McCoy to call in a week.

Betty Gray of Westwood questioned why the City has not been spraying for mosquitoes and was told it was due to budget constraints. Mrs. Gray asked Council to consider spraying this year.

### **NEW BUSINESS –**

Mayor Winfred Shoopman presented a letter written to the County Commission regarding Sinking Springs Road Trash Convenience Center for approval by council. Councilman Clay Wright made the motion to approve the authorization of the letter to County Commission and was seconded by Councilman Scott Burton. The motion was moved to carry.

Councilman Jim McBride noted that there is no evaluation process in place and offered samples from MTAS. Councilman Jim McBride asked Council to consider adopting an evaluation process at the next meeting.

### **MAYORS COMMUNICATIONS –**

Councilman Clay Wright made the motion to adjourn and was seconded by Councilman Scott Burton. The motion was moved to carry.

Mayor Winfred Shoopman adjourned the meeting at 7:50 pm.

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Mayor Winfred Shoopman

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Vickie L. Fagan, City Recorder