

**February 16, 2009**

**REGULAR CITY COUNCIL – MINUTES**

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on February 16, 2009, 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.

Guest and Staff present:

Ronald Young  
Ron Bridgeman  
Vaughn Becker

Steve Jones  
Vickie Fagan

Vickie Violette  
Dale Isabell

Councilman Jerry Shattuck made a motion to move the Proclamations up on the agenda after the school reports, and Councilman Scott Burton seconded the motion. The motion was carried unanimously.

Mayor Winfred Shoopman led the meeting in prayer.

Councilman Clay Wright led the pledge of allegiance.

Councilman Jerry Shattuck made a motion to approve the January 26, 2009 Beer Board minutes as received, and Councilman Charles Lyons seconded the motion. The motion was moved to carry unanimously.

Councilman Jerry Shattuck stated that the minutes for January 26, 2009 in the school board report regarding the number of students that have access to the laptops is misleading. Councilman Shattuck noted that 48 students qualify for the use of the program but not the distribution portion of the program. Councilman Shattuck made a motion to approve the January 26, 2009 Regular City Council minutes as corrected, and Councilman Larry Gann seconded the motion. The motion was moved to carry unanimously.

**Committee Reports**

**School Board Report –**

Dr. Vickie Violette, Director of Schools, brought 2 items to Council. The first item was a letter detailing the number of Smart Boards in the school system as requested by Council.

There are a total of 28 Smart Boards in the three schools with 13 at Clinton Elementary, 5 at North Clinton, and 10 at South Clinton. Dr. Violette informed that 23 additional boards would be needed for a Smart Board to be in each classroom at the three schools, and the cost to install a board per classroom is approximately \$2,500.

The second item Dr. Violette brought before Council was to request City Council to support the School's debt service in the upcoming year. Dr. Violette presented Council a schedule of the FY 2009/2010 debt service for the Schools for a total of \$344,217. Councilman Jerry Shattuck stated that Dr. Violette's presentation estimated an interest rate of 5% and asked Ms. Fagan what the interest rate on the two bonds would be. Finance Director Vickie Fagan stated 3 ½% interest was used by the city in their budget, but the average rate would not be that high for the year. Ms. Fagan noted that the City is invoiced monthly with an interest rate for that month. Councilman Shattuck asked if Ms. Fagan could give Council the current interest rate. Ms. Fagan said she would.

Councilman Scott Burton asked Dr. Violette if she had checked on available education money from President Obama's Stimulus Package. Dr. Violette informed that the Stimulus offers Title 1 and Special Ed money for two years and possibly money for construction.

Dale Isabell requested approval of budget amendment #7 which included a transfer of \$10,000 left over from the North Clinton roof project contingency to cover the maintenance and repair costs for equipment and a \$1,000 transfer requested by the State to Title 2A funds. Councilman Jerry Shattuck made a motion to approve Clinton City Schools' budget amendment #7, and Councilman Scott Burton seconded the motion. Councilman Clay Wright asked if the roof project was done. Dr. Violette stated the project would be finished this week after a walk-thru. Mr. Isabell said the \$26,000 contingency funds were to cover any unknown expenses that come up once the roof replacement began. Councilman Wright asked if the Schools expected to have money left over. Mr. Isabell said yes, and last month Council approved a transfer of \$15,000 from the contingency funds. The motion was moved to carry unanimously.

Mr. Isabell said he would get copies of the financial report to Council. Mr. Isabell reported that the Schools' part of sales tax collections in December were down by 2.3% from last year. With an estimated 10% increase, Mr. Isabell noted this one month they were off \$2,600.

Mayor Winfred Shoopman asked if the stimulus package would work for the roof project. Mr. Isabell said there is capital money there, but they are unsure how it will flow down. Mr. Isabell advised Council that Dr. Violette has worked very hard on being ready for any stimulus money that will be available. Mayor Shoopman asked if the Lyons Project was ready to go as well. Dr. Violette explained that the excess lottery money in the State of Tennessee is \$100,000, and she has already applied for \$90,000 to complete that project. Dr. Violette mentioned that the latest email she received regarding the Stimulus construction money stated the money could not be used for projects that are under way. Mayor Shoopman also asked if the Smart Boards would fall under the Stimulus Package.

Dr. Violette responded by saying if it is available they will certainly use the money for the boards.

### **Proclamations –**

Councilman Clay Wright read the “Read across America” proclamation to promote student reading. Councilman Wright made a motion to approve the “Read across America” proclamation, and Councilman Scott Burton seconded the motion. The motion was moved to carry unanimously.

Mayor Winfred Shoopman presented Councilman Charles Lyons with a proclamation to honor his commitment to CBI basketball program for the past 30 years.

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

Councilman Charles Lyons reported the Board of Zoning Appeals met on February 9, 2009. Barbara Bullock withdrew a request for an administrative review for property located at 714 Eagle Bend. Carter @ Clinton LLC located at Tanner Place was given approval to mirror the allowed front signage in lieu of ground signage. The Board approved a variance request by Jeff Nichols, Neon Service, for the Holiday Inn Express sign at 111 Hillvale Road. Tracy Braden withdrew her request to replace an existing non-conforming single-wide mobile home on the property located at 315 Rose Street.

Councilman Lyons reported the Clinton Regional Planning Commission met on February 9, 2009. The Planning Commission approved recommendation to City Council to rezone along the east side of N. Charles Seivers Blvd (beginning at 449 and ending at 915). Approval was given to Louie Ivey for a preliminary planned unit development for property located at 925 S. Charles Seivers Blvd. Anderson County Schools was approved for a B-2 site plan for parking lot expansion for the Anderson County Head Start located at 101 N. Main Street. B & B Properties was approved for a residential planned unit development located at Mariner Point Drive. The election of officers and a discussion of fees will be reviewed at the March 9, 2009 meeting.

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

Councilman Charles Lyons reported that CUB met on February 12, 2009. Paid vouchers were approved at \$8,844,679 which included the highest bill ever from TVA, \$6,043,428. After all bills were paid, there was a net income of \$446,935. Councilman Lyons explained the increase in the net income was due to Comcast paying over \$200,000 for leased poles. Councilman Lyons informed that the Water Treatment Plant Improvement is on budget and 95% complete, and this should be completed on March 9, 2009.

## **Mayor's Commission –**

Councilman Jerry Shattuck reported that the Public Works Department has cleared the hillside next to the football field and asked for suggestions on uses for this hillside. Councilman Shattuck reminded Council that a performance pavilion is planned for the front of the parking area and hopefully construction will be able to start this year using in-house services.

## **CITY MANAGER'S REPORT**

### **GENERAL INFORMATION**

The Green McAdoo Cultural Center is hosting a special exhibit entitled “*Free at Last: Emancipation and Reconstruction in Tennessee*” during the month of February in conjunction with Black History Month. This exhibit is on loan to the City from the Tennessee Civil War National Heritage Area. Admission to this special exhibit and the Green McAdoo Cultural Center is free of charge.

### **CURRENT PROJECTS AND ACTIVITIES**

#### **1. *GROWTH COORDINATING COMMITTEE***

Discussions regarding the final consideration of the amended Anderson County Growth Plan are ongoing among the various legislative bodies in Anderson County. The legislative bodies have an additional 90 days to make their decisions. As of today, Norris, Oliver Springs, Clinton, and Oak Ridge have approved the Growth Plan. Lake City will be looking at it Thursday evening, and Mayor Wilson didn't anticipate any problems. After Thursday night, Anderson County will be the only one left to approve the amended growth plan.

#### **2. *AUTHORIZATION TO PURSUE GRANT FUNDING***

In accordance with previously approved practices of the Clinton City Council, Mr. Jones requested authorization to file for various grant funds through the state and federal Government as the City becomes aware of available funding. This would include, but not be limited to, funds for building renovations, water and sewer rehabilitation and improvements, drainage improvements, infrastructure improvements and funding for additional employees and equipment. Councilman Charles Lyons made a motion to authorize Mr. Jones to file for various grant funds through the state and federal Government as the City becomes aware of available funding, and Councilman Larry Gann seconded the motion. The motion was moved to carry unanimously.

3. *HOME GRANT/CDBG GRANT UPDATE*

The City is set to execute the CDBG Housing grant obtained a couple of years ago and hope to begin construction in June 2009. An application is being put together for the next round of Tennessee HOME grant awards. Those award announcements are generally made in the summer. For this purpose, Mr. Jones requested that tonight's Council meeting be recessed for a special called meeting next Monday night to give the City an opportunity to get the RFP's in by the latter part of this week and make a recommendation to Council for approval so it can be submitted as part of the grant package before the deadline. Councilman Clay Wright made a motion that tonight's Council meeting be recessed for a special called meeting next Monday night at 5:30, and Councilman Charles Lyons seconded the motion. The motion was moved to carry unanimously.

4. *SMOKY MOUNTAIN LEFT TURN MARATHON*

Just a reminder that the City of Clinton and the City of Oak Ridge is hosting the inaugural Smoky Mountain Left Turn Marathon put on by the Roadkill Running Club. An estimated 150 runners will participate in this marathon that starts in Oak Ridge and winds through Clinton on the way back to Oak Ridge on March 15. Anyone interested in running in this marathon or being a volunteer to support this event can contact the Roadkill Running Club at: [Beverly@roadkillrunningclub.com](mailto:Beverly@roadkillrunningclub.com).

5. *TDOT PROPERTY AT LAKEFRONT*

Last month Mr. Jones informed City Council of the dialogue between the Tennessee Department of Transportation (TDOT) and the City of Clinton regarding a sliver of property across from Lakefront Park. The City has three options. It can do one of the following:

- A) Draft a letter to TDOT ceding its rights to the property;
- B) Purchase the property at a fair market value determined by three official appraisals; or
- C) Enter into an agreement for a public use easement with TDOT at no cost to the City.

Based on details in Clinton's 21<sup>st</sup> Century Master Plan for Riverfront Development approved by Clinton City Council, that parcel of property is designated for future parking for Lakefront Park. Mr. Jones recommended inviting the adjoining property owner that is interested in purchasing the tract, to the next City Council meeting to discuss his plans prior to making a decision on the City's intent for this property. Mayor Winfred Shoopman suggested the city manager meet with the adjoining property owner. Mr. Jones stated that any of Council is welcome to go with him.

6. *LAMAR ADVERTISING REQUEST*

The City has received a request from Lamar Advertising to decrease their rent on the City's billboards citing the country's current economic crisis. Lamar Advertising is requesting that we decrease their annual rent from

\$4,000.00/annually to \$2,000.00/annually. If City Council chooses to comply with their request, the monthly payment would go from \$333.33/monthly to \$167.67/month starting March 1<sup>st</sup>, 2009 and extend through September 30<sup>th</sup>, 2011. Based on Lamar Advertising's past commitments to the City, including their donation of billboards for the Green McAdoo Cultural Center and their discounted rates for the City's Downtown Historic District billboards on Interstate 75, Mr. Jones recommended approval of Lamar's request to decrease their rental payment described in the lease between the City of Clinton and Lamar Advertising approved by City Council on July 20<sup>th</sup>, 2006 from \$4,000.00/annually to \$2,000.00/annually. Councilman Jim McBride and Councilman Clay Wright inquired if the cost of advertising is going to decrease on the billboards. Mr. Jones stated the billboards donated for the Green McAdoo Museum are worth about \$60,000 a year. Councilman Wright noted that the Green McAdoo billboards are past the exit on the interstate and in Knoxville in a part of the interstate that nobody is using right now. Councilman Burton declared there are good people that do a lot for the City but that doesn't mean the City can reduce taxes for them. Councilman Wright made a motion to deny Lamar's request to decrease their rental payment described in the lease between the City of Clinton and Lamar Advertising approved by City Council on July 20<sup>th</sup>, 2006 from \$4,000.00/annually to \$2,000.00/annually. Councilman Scott Burton seconded the motion to deny the request. Councilman Jerry Shattuck suggested the city manager discuss this further with Lamar. All of Council expressed their appreciation for what Lamar has done for the City. The motion to deny Lamar's request passed with a roll call vote with Councilman Shattuck passing.

7. *AMERICAN RECOVERY AND REINVESTMENT ACT*

After extensive examination of the American Recovery and Reinvestment Act, the City has determined and discovered that we "could" get some of those funds directed for infrastructure enhancements. First of all, the Yarnell Road Bridge project has been submitted as a potential stimulus project by the State of Tennessee. This project is scheduled for a May "letting" through TDOT. If this is approved for stimulus funds, then it is possible the City could be reimbursed some of the matching requirements we have already submitted. Secondly, the Blockhouse Valley Road Safety Enhancement project, which has been held up for the past couple of years due to lack of funds and high material costs, could potentially be a stimulus project using a combination of STP funds and stimulus money. Under this scenario, 100% of the funding for this project could be secured saving the City almost \$250,000.00 over the next 2-3 years. In order to have this project "shovel ready" in the mandated timeframe, the City must authorize Cannon and Cannon, Inc to proceed with an environmental review and right-of-way study. Cannon and Cannon, Inc. have already been specified per federal guidelines to execute this work. The environmental review and right of way study will cost in excess of \$100,000.00; however, since the plan has already been authorized, the City will only be responsible for 20% of these costs. Therefore, Mr. Jones requested authorization to hire

Cannon and Cannon, Inc to start the environmental review and right of way study for the Blockhouse Valley Road Safety Enhancement project at a cost not to exceed \$22,000.00. Councilman Jim McBride was against this due to the financial situation. Mr. Jones explained that this is a state access road which makes it eligible for STP funds; these are funds derived from gasoline taxes and can be utilized to pay for 80% of this particular project. Mayor Winfred Shoopman stressed that this was a project Council needed to approve due to safety concerns. Mr. Jones informed Council that this project would be broken down into 3 phases, and the main focus would be on phase 2 which goes from the bridge/ culvert to the intersection at David Road because this is the most treacherous portion of the road. Councilman Scott Burton was against this project and believed it should a priority for next year's budget. Councilman Clay Wright asked if this could be bid out. Mr. Jones explained that all the engineering firms in Knoxville were invited, and Cannon and Cannon was chosen based on the competitiveness of the fees. Mr. Jones said he would include in the contract the following statement "if the City finds out that the project is not going to qualify for the stimulus package that the City has the ability to cease." Councilman Jerry Shattuck made a motion to hire Cannon and Cannon, Inc to start the environmental review and right of way study for the Blockhouse Valley Road Safety Enhancement project at a cost not to exceed \$22,000.00 with the option to terminate their services at such time as it becomes apparent that this project will not qualify under the stimulus package, and Councilman Charles Lyons seconded the motion. After a roll call vote, the motion passed with Councilman Burton and Councilman McBride voting no.

The City continues to explore other potential projects with private developers, the school system, and other local governments. Mr. Jones will keep City Council informed of any other potential projects.

## **DEPARTMENTAL ACTIVITIES**

### ADMINISTRATION

**Finance Report:** Finance Director Vickie Fagan reported Total Available Funds thru January at 56% and expenditures at 57%. Ms. Fagan reported in Section II of the detailed revenues that Property Taxes are 42%; Local Taxes are 43%, Permits and Fees 39%, State Funds 52%, Recreation Charges 52%, and Court revenues 36%. In Section III, in the detailed expenditures the Salaries are showing about 3% over due to an extra payday in January, and the departments is where they need to be for this time of year.

Councilman Jim McBride asked about overtime in the police department. Mr. Jones explained that a lot of the overtime is drug enforcement which the drug fund reimburses.

## CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

### FIRE DEPARTMENT

Mr. Jones discussed the grant resolution for Safer money which is money to hire new firemen. This is a 5 year grant and will start out paying 90% and will decrease over the life of the grant. The numbers of runs to the interstate aren't what we anticipated; however, the number of runs overall went up substantially last year. The highest number of runs has been around City Hall. There have been discussions that if we are successful in obtaining this grant we may put 3 firemen at City Hall for EMS calls.

**Resolution # 635 – A Resolution to authorize the submission of a grant proposal requesting funding assistance for additional First Responder personnel through the 2009 SAFER Grant for the City of Clinton.** Councilman Scott Burton made a motion to approve Resolution # 635, and Councilman Jim McBride seconded the motion. The motion was moved to carry unanimously.

### POLICE DEPARTMENT

Mr. Jones noted there is also money in the stimulus package for additional police officers, and this is being looked into. Further information will be provided to Council as it becomes available.

### PUBLIC WORKS DEPARTMENT

1. The Public Works Department has submitted a report, found in your package, outlining the 2008 intake of glass, newspaper, mixed paper, cardboard, plastics, and cans at our recycling drop-off center. 375,865 pounds of materials were collected. The report also reveals that 13,654 cubic yards of brush and leaves were collected in 2008, and were diverted from the sanitary landfill and placed in our green wastes decomposition landfill. (13,654 cubic yards is the equivalent of approximately 2,000 single-axle dump truck loads of brush and leaves that were loaded and hauled away by Public Works personnel).

2. Last month Mr. Jones reported on the used motor oil fueled heater being utilized at our Public Works facility. Additionally, the City has recently installed programmable thermostats which will greatly reduce energy consumption during nights and weekends. Five programmable thermostats were installed (using Public Works personnel) for less than \$300. This new energy efficient equipment should save as much as \$2,000 annually in natural gas costs.



Public Works crews are continuing their litter collection campaign and drainage way cleaning program.

Councilman Charles Lyons asked if the public could take used motor oil here. Mr. Jones said they can dump used motor oil in a holding facility at the Public Works location. Councilman Larry Gann asked if oil filters could be dropped off here. Mr. Jones said he would be able to tell Council more about this next month.

#### RECREATION DEPARTMENT

Mr. Jones mentioned that Council is usually voting on a contract for fireworks at this time of year. Although the fireworks are budgeted for the year, they may have to be taken out of the budget.

Councilman Jim McBride asked Mr. Jones if there had been a meeting with railroad personnel. Mr. Jones reported they met last Friday and discussed extending Carden Farm Road to Yarnell Road and possibly closing some of the railroad crossings. A proposal will be put together for Council. Councilman Clay Wright asked if lights were going to be put up at Broad Street. Mr. Jones informed that the railroad surveyors were up there about two weeks ago, and this will be funded through a safety program through TDOT which can be a timely process. Councilman Charles Lyons mentioned that Market Street had been done. Mr. Jones noted what a fantastic job was done with this railroad crossing.

### ORDINANCES AND RESOLUTIONS

#### A. FIRST READING OF NEW ORDINANCE

**Ordinance # 545 – An ordinance amending the “Zoning ordinance of the City of Clinton, Tennessee” by rezoning an area from R-2 (Medium Density Residential District” to B-2 (General Business District)** Councilman Charles Lyons made a motion to approve Ordinance # 545 on first reading, and Councilman Clay Wright seconded the motion. Councilman Shattuck said he was surprised there hasn’t been more public input on this. The motion was moved to carry unanimously.

**Ordinance # 546 – An Ordinance adopting a new Municipal Floodplain Zoning Ordinance, replacing Section 14-315 of the Clinton Zoning Code** Mr. Jones informed that this updates the flood zone that was mandated by the feds a few years ago. Mr. Jones reminded that 4 – 5 years ago a new flood zone was figured for Mariner’s Point and portions of Riverbend, and we ended up in Washington to present our case because bad data had been used. Mr. Jones stated this had been

corrected and the ordinance and updated maps need to be adopted. Councilman Charles Lyons made the motion to approve Ordinance #546 on first reading, and Councilman Jim McBride seconded the motion. The motion carried unanimously.

B. SECOND & FINAL READING

C. RESOLUTIONS

**Resolution # 634 – Authorizing the application of the 2009 federally funded HOME Grant in the amount of \$500,000 for Housing Rehabilitation of low income households.** Councilman Clay Wright made a motion to approve Resolution # 634, and Councilman Jim McBride seconded the motion. The motion was carried unanimously.

**OLD BUSINESS –**

Mayor Winfred Shoopman gave Councilman Larry Gann resumes that were requested for the Environmental Committee.

**VISITORS –**

Councilman Jim McBride made a motion to recess the Council meeting until Monday, February 23 at 5:30 p.m., and Councilman Scott Burton seconded the motion. The Council meeting recessed at 7:11 p.m.

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Mayor Winfred Shoopman

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Vickie L. Fagan, City Recorder

Attest: