

July 20, 2009

PUBLIC HEARING

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

Ordinance # 564 – An Ordinance amending the “Zoning Ordinance of the City of Clinton, Tennessee” by rezoning Parcel 35.00, Group E, Anderson County Tax Map 074F from R-1 (Low Density Residential District) to B-2 (General Business District)

There was no comment from the public.

Mayor Winfred Shoopman closed the public hearing at 5:31 p.m.

REGULAR CITY COUNCIL – MINUTES

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on July 20, 2009, at Clinton City Hall at 5:35 p.m. Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, and Councilman Jerry Shattuck and were present for the meeting. Councilman Scott Burton and Councilman Clay Wright were absent.

Guest and Staff present:

Ron Young	Steve Jones	Vickie Violette
Ron Bridgeman	Vickie Fagan	Dale Isabell
Betty Sellers	Kenneth McMullen	Vaughn Becker
Ron Bridgeman	Tim Bible	Donald Gray
Rodney Williams	Ralph Scott	Gayle Scott
Bill Hodgers	Debbie Long	Rebecca Williams

Councilman Jerry Shattuck made the motion to approve the agenda as received and was seconded by Councilman Jim McBride. The motion was moved to carry.

Councilman Larry Gann led the meeting in prayer.

Councilman Jerry Shattuck led the pledge of allegiance.

Councilman Charlie Lyons made the motion to approve the June 29, 2009 minutes as received and was seconded by Councilman Jim McBride. The motion was moved to carry.

Committee Reports

School Board Report –

Vicki Violette thanked Council on behalf of the School Board for the opportunity to have input on the selection of the new Board member. The School Board met on July 14, 2009 and unanimously recommended Betty Sellers to City Council to fill the vacated seat from Steve Clapp. Councilman Charlie Lyons made the motion to accept the recommendation from the School Board to appoint Betty Sellers to the School Board until the election in December and was seconded by Councilman Jerry Shattuck. The motion was move to carry unanimously.

Dale Isabell requested Council approval for Budget Amendment # 10 for the FY 2008/2009 year noting that it was recommended by the auditors to report commodity expenses a non cash transaction. Councilman Jerry Shattuck made the motion to approve Budget Amendment #10 for FY 2008/2009 and was seconded by Councilman Larry Gann. The motion was move to carry unanimously by roll call vote.

Mr. Isabell also presented Budget Amendment #1 for FY 2009/2010 to move \$50,000 from reserve for the purchase of vehicles and carpeting at North Clinton School. Councilman Jim McBride made the motion to approve Budget Amendment #1 for FY 2009/2010 and was seconded by Councilman Jerry Shattuck. The motion was moved to carry unanimously with a roll call vote.

Mr. Isabell reported to Council that as of June the School System is in very good financial position and estimates a Fund Balance of approximately \$450,000 at June 30th.

Clinton Regional Planning Commission Report –

Councilman Charlie Lyons reported that the Board of Zoning Appeals met on July 13, 2009. Scott Miller was approved a variance for side yard setback requirements at 522 Riverside Drive contingent on approval by City Council of an amendment to the zoning regulations. A request from Vestal Brummett for a variance was deferred until August at the applicant's request. Colon McCarty requested a variance for rear setback requirements at 605 Riverbend Road for a detached accessory structure. The board granted his request.

The Board approved a request from William Bass for a second driveway at 103 Redwood Road. A variance for minimum lot size and side setback requirements was approved for Lackey & Associates Inc. for property located at 511 Beets Street. Rodney Williams requested an administrative review for interpretation of agricultural exception under zoning for residential detached accessory structure located at 206 Wealden Road as it pertains to permit fees. The current fee schedule does not have a provision for an unenclosed structure and staff has been requested to draft an amendment to the fee schedule for unenclosed structures. Curtis Perez added that Mr. Williams had applied for a permit and the associated fees are \$284. Mr. Perez noted that he would have a draft amendment at the next Council meeting. The fees would be similar to fees for prefab homes based on the bill of sale rather than a square footage rate.

Councilman Charlie Lyons reported that the Clinton Regional Planning Commission met on July 13, 2009. Jerry Lane was approved for a final plat for property located at Carden Farm Drive subject to signatures being obtained. Lackey & Associates were approved for a final site plan for property located at 511 Beets Avenue. Appalachia Design Services, Inc. was approved for a final plat for property located at 507 S. Charles Seivers Blvd. subject to obtaining required signatures. Appalachia Design Services, Inc. received site plan approval. The plans are for a fuel center at Food City. Louie Ivey had requested a final site plan approval but consideration was deferred until August at his request.

Clinton Utilities Board Report –

Councilman Charlie Lyons reported that CUB meet on July 13, 2009. Vouchers in the amount of \$7,855,056 were approved with a net loss of \$218,325 due to three pay periods in the month. The water filter #4 is completed at a cost of \$263,498 and \$7,962 under budget. Councilman Lyons reported that for the 7th year the Arbor Day Foundation has awarded CUB for their tree trimming. CUB spends over \$100,000 per month for tree trimming and keeping trees out of power lines. This minimizes downtime during storms.

Mayor's Commission –

Councilman Jerry Shattuck invited everyone to look at the extra parking lot done by Public Works Department in the Town Springs area. Councilman Shattuck noted that Public Works have taken on a tremendous task with the drainage system at the Town Springs and has saved the City approximately \$100,000. Steve Jones noted that some of the expense is covered under the recreation grant.

CITY MANAGER'S REPORT

GENERAL INFORMATION

1. The Downtown Merchant's Association will have its next First Friday event on Market Street on Friday, August 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* – The East Tennessee Development District has changed the personnel responsible for the project and has indicated that it could be mid-August before the Byrd Street Rehabilitation Project can get started. To date they have not given us an updated calendar.
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. There is a draft of a resolution in your package for review prior to the August City Council Meeting when it will be placed on the agenda.
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. As outlined in the previous Personnel Policy, revisions to this policy cannot become effective until after a public hearing and approval by City Council by resolution, therefore, I would recommend delay of any action until we have properly advertised for a public hearing at the August City Council meeting. Councilman Jerry Shattuck noted some housekeeping on page 6 to change to suspension with or without pay and on page 59 there should be four steps for discipline c. with pay and d. without pay.

DEPARTMENTAL ACTIVITIES

ADMINISTRATION

Finance Report: Finance Director Vickie Fagan reported Total Available Funds thru June 30th are 91% and expenditures at 95%. Section II has local taxes at 83%, State funds at 81%, and Recreation charges at 81% and Court revenues at 75%. In Section III, the detailed expenditures for General Government are 94%, Public Safety 96%, Public Works 89% and Recreation 101%. Ms Fagan reiterated that not all revenues or expenditures for the year are yet available.

CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

FIRE DEPARTMENT

Included in your package is a one page summary of statistics for the first half of 2009 for your review.

POLICE DEPARTMENT

Included in your package is a one page summary of statistics for the first half of 2009 for your review.

Steve Jones received a memo and invoice from Chief Scarbrough to purchase a new drug dog. Detective Bob Suarez has recommended the purchase from Metro Dade Canine Services. The cost of the dog is \$12,500 with monies coming from the Drug Fund. Councilman Jim McBride made the motion to approve the purchase of a new canine from Metro Dade in the amount of \$12,500 and was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

PUBLIC WORKS DEPARTMENT

Public Works crews have been working on a large drainage project in the Town Springs area. This drainage area drains a large section of the north end of town and was almost completely stopped up by silt and debris. In addition to this project, Public Work crews have been busy with their normal schedules of street maintenance and mowing.

RECREATION DEPARTMENT

The contract for transportation to the Clinton Community Center for the City's after school program is up for renewal. Parker Transport, Inc. has offered to extend last year's contract for another year at last year's price. Mr. Jones requested authorization to extend the South Clinton Elementary after school program bus service at a total cost of \$13,172.00 (paid monthly) with Parker Transport, Inc. Mr. Jones explained that this was included in the budget, and the expense was incorporated in the fees that will be charged for the after school program. Councilman Charlie Lyons made a motion to approve the extension of the South Clinton Elementary bus services for the after school program at a total cost of \$13,172.00 (paid monthly) with Parker Transport, Inc. Councilman Larry Gann seconded the motion. The motion was moved to carry unanimously.

ORDINANCES AND RESOLUTIONS

A. FIRST READING OF NEW ORDINANCE

B. SECOND & FINAL READING

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 Jerry Shattuck made the motion to approve Ordinance # 548 on second and final reading and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

Ordinance #551 – An Ordinance amending the zoning ordinance for site plan review period – Councilman Jim McBride made the motion to approve Ordinance # 551 on second and final reading and was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

Ordinance #552 - An Ordinance amending the zoning ordinance for to include a site plan checklist – Councilman Charlie Lyons made the motion to approve Ordinance # 552 on second and final reading and was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

Ordinance #553 - An Ordinance amending the zoning ordinance to update the permitted use schedule – Councilman Larry Gann made the motion to approve Ordinance # 553 on second and final reading and was seconded by Councilman Jim McBride. Councilman Jerry Shattuck made the motion to amend the ordinance as the reference tables attempt to set forth every imagined use and suggested that in the case of conflicts the ordinance rules. Councilman Charlie Lyons seconded the amendment. The motion was moved to carry.

Ordinance #554 - An Ordinance amending the zoning ordinance for front yard setback definition – Councilman Charlie Lyons made the motion to approve Ordinance # 554 on second and final reading and was seconded by Councilman Larry Gann. The motion was moved to carry.

Ordinance #555 - An Ordinance amending the zoning ordinance for day care standards – Councilman Jerry Shattuck made the motion to approve Ordinance # 555 on second and final reading and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

Ordinance #556 - An Ordinance amending the zoning ordinance for General Farm Use – Councilman Jerry Shattuck made the motion to approve Ordinance # 556 on second and final reading and was seconded by Councilman Larry Gann. The motion was moved to carry.

Ordinance #557 - An Ordinance amending the zoning ordinance to allow discretionary decisions by the Board of Zoning Appeals – Councilman Charlie Lyons made the motion to approve Ordinance # 552 on second and final reading and was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

Ordinance #558 - An Ordinance amending the zoning ordinance for the authority of the Board of Zoning Appeals – Councilman Jerry Shattuck made the motion to approve Ordinance # 558 on second and final reading and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

Ordinance #559 - An Ordinance amending the zoning ordinance for accessory structures in side yards – Councilman Charlie Lyons made the motion to approve Ordinance # 559 on second and final reading and was seconded by Councilman Jim McBride. The motion was moved to carry.

Ordinance #560 - An Ordinance amending the zoning ordinance to add general provisions for commercial truck stops – Councilman Jerry Shattuck made the motion to approve Ordinance # 560 on second and final reading and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

Ordinance # 564 – An Ordinance amending the “Zoning Ordinance of the City of Clinton, Tennessee” by rezoning Parcel 35.00, Group E, Anderson County Tax Map 074F from R-1 (Low Density Residential District) to B-2 (General Business District) – Councilman Clay Wright made the motion to approve Ordinance #564 on first reading and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

C. RESOLUTIONS

PROCLAMATIONS –

VISITORS –

Rodney Williams of 206 Wealdon Road related to Council that the City Attorney had incorrectly informed the Board of Zoning Appeals that Curtis Perez and the building codes and getting a permit was not part of the zoning ordinance. Mr. Williams referred to Chapter 9 saying that he is part of the zoning ordinance. Steve Jones noted that he would get an opinion from MTAS.

OLD BUSINESS

Councilman Jim McBride inquired of Council regarding moving the meeting date for the August meeting because Councilman Burton would be out of town on the 17th. Steve Jones noted that the agreement specially states the 17th. Steve Jones recommended meeting on the regular date and if Council wishes they can recess the meeting. Councilman Jerry Shattuck made the motion to move the meeting from the 17th to the 24th provided that we can get approval from both parties (attorneys) regarding the personnel policy otherwise it will remain on the 17th and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

NEW BUSINESS –

MAYORS COMMUNICATIONS –

Mayor Winfred Shoopman adjourned the meeting at 6:45 pm.

Mayor Winfred Shoopman

Vickie L. Fagan, City Recorder