

June 29, 2009

PUBLIC HEARING

Mayor Winfred Shoopman opened the public hearing at Clinton City Hall at 1:00 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, and Councilman Jerry Shattuck and Councilman Clay Wright were present.

Ordinance # 548 – An ordinance amending the “Zoning Ordinance of the City of Clinton, Tennessee” by rezoning an area M-2 (Heavy Industrial District) to B-2 (General Business District)

Ordinance # 550 – An ordinance amending Title 8 Section 2 regulating the sale of beer

Ordinance # 551 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee for site plan review period

Ordinance # 552 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee to include a site plan checklist

Ordinance # 553 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee to update the permitted use schedule

Ordinance # 554 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee for front yard setback definition

Ordinance # 555 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee for day care standards

Ordinance # 556 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee for General Farm Use

Ordinance # 557 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee to allow discretionary decisions by the Board of Zoning Appeals

Ordinance # 558 – An Ordinance amending the zoning ordinance for the authority of the Board of Zoning Appeals

Ordinance # 559 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee for accessory structures in side yards

Ordinance # 560 – An Ordinance amending the zoning ordinance of the City of Clinton, Tennessee to add general provisions for commercial truck stops

Ordinance # 562 – FY 2009 / 2010 Budget and Appropriations

Ordinance # 563 – 2009 Property Tax Rate

There was no comment from the public.

Mayor Winfred Shoopman closed the public hearing at 1:03 p.m.

REGULAR CITY COUNCIL – MINUTES

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on June 29, 2009, at Clinton City Hall at 1:03 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:

John Miller
Ron Bridgeman
Russell Barker
Steven Queener
Jason Stokes
Michael Jones
Randy Chisum
Jason Lawson
Daniel Adams

Steve Jones
Vickie Fagan
Bruce Morgan
Carl Bailey
James May
Tyler Gilliam
Joshua Bray
Greg McBroom
John Fife

Vickie Violette
Dale Isabell
Ron Young
Bradley Allen
Anthony Braden
Douglas Black
Curtis Patterson
Tyler Mayes

Mayor Winfred Shoopman led the meeting in prayer.

Mayor Winfred Shoopman led the pledge of allegiance.

The agenda was approved as presented.

Councilman Scott Burton made the motion to approve the Regular Meeting minutes of May 18, 2009 as received and was seconded by Councilman Charlie Lyons. Councilman Jerry Shattuck made the motion to amend the approval subject to changes and was seconded by Councilman Larry Gann. The changes included inserting “regarding his donation of land in South Clinton for a park complex, the improvements for which would cost an estimated \$ 7 million” in the first sentence of the Mayor’s Commission report and

in the fourth sentence “subject to a right of reversion unless”, and “estimated \$7 million”, and also the next sentence to include “ Council approval”. The motion was moved to carry. Councilman Jerry Shattuck made the motion to amend the motion to approve the May 26, 2009 Special Called Meeting minutes as amended and was seconded by Councilman Scott Burton. The amendments include page 2 ¶ 2 replace “operating revenues” with “local tax revenues” and page 3 ¶ 1 change \$188,542” to “\$1,886,542” The minutes were approved as amended.

Committee Reports

School Board Report –

Vicki Violette reported that Board member Steve Clapp has resigned from the Board. Betty Sellers was recommended to replace Mr. Clapp. Dr. Violette reported that enrollment is approximately the same as this year. The first day of school will be August 7, 2009. Councilman Scott Burton questioned Dr. Violette as to the process for bringing a recommendation, and whether it was advertised. Dr. Violette noted that it was not. Mayor Winfred Shoopman noted that the local legislative body appoints the vacancy but would welcome a recommendation from the school board. Councilman Clay Wright felt that there wasn't any time restriction and should just wait for the election. Mayor Shoopman noted that resumes should be submitted to the School Board and applications should be turned in by July 13, 2009 and Council will make a decision on the July 20, 2009 Council Meeting..

Dale Isabell presented Council with Budget Amendment #9 for FY 2008/2009. The budget amendment in the General Purpose Fund includes a transfer in the amount of \$11,264 for accrued wages and there is also a transfer of \$700 in the Federal Projects for staff development. He is projecting that revenues such as property taxes will be under budget by \$30,000. The Fund Balance will be less than last year. Councilman Jim McBride made the motion to approve Budget Amendment #9 and was seconded by Councilman Scott Burton. The motion was moved unanimously by a roll call vote. Mr. Isabell noted that the FY 2009/2010 Budget is \$125,000 less than last year due to capital projects. The budget will maintain all employees.

Clinton Regional Planning Commission Report –

The Board of Zoning Appeals met on June 8, 2009 and approved a variance for front and rear setbacks for property located at 814 Rogers Street. Vestal Brummitt requested a variance for a front and rear setback for property located off Charles Seivers Blvd. The Board requested a site plan before a variance can be approved.

The Clinton Regional Planning Commission met on June 8, 2009. The Board approved a final plat for Steve Pemberton for property located on Rose Street contingent on proper signatures. The I-75 Industrial Group LLC was granted final plat approval after all corrections were made and that all signatures were obtained. Thomas Hicks Construction requested a site plan review for property located at Frank Diggs Drive. The Board approved the request. Dana Powers at 438 Eagle Bend Road requested rezoning from R-1 to B-2. The Board approved a recommendation to Council to rezone the property. The Board also approved a request for site plan review for property located at Charles Seivers Blvd from William Paredes. Joe Barrett the State Planner provided the Board with an annual report for review.

Clinton Utilities Board Report –

Councilman Charlie Lyons reported that CUB meet on June 11, 2009. Vouchers in the amount of \$6,300,015 were approved with a net income of \$15,696. The water treatment plant approval for filters is pending. The Property Casualty Insurance was down \$3,450 from the year before. The fuel adjustment beginning July 1 was reduced by 3.25%. The budget for FY 2009/2010 does not include any cost of living raises for the employees and no increases in rates for electric, water or sewer.

Mayor's Commission –

Mayor's Commission invited Council to look at the work done by Public Works above the Town Springs to increase parking for the football field.

CITY MANAGER'S REPORT

GENERAL INFORMATION

1. Clinton City Hall and City offices will be closed Friday, July 3rd in observance of the Independence Day (July 4th) holiday.

CURRENT PROJECTS AND ACTIVITIES

1. *CDBG GRANT UPDATE* – The East Tennessee Development District has indicated that the Byrd Street Rehabilitation Project may not start until July. To date they have not given us an updated calendar.

2. *TENNESSEE HOUSING DEVELOPMENT AGENCY* – We have been notified by the Tennessee Housing Agency that our grant request for the 2009 Home Program has been approved in the amount of \$218,296.00. This program will mirror the HOME program implemented two years ago and benefit low income owner occupied housing. City staff is currently attending mandatory workshops associated with this program and I will inform City Council and our citizens of the details as we receive them. There are no matching requirements associated with this grant program.
3. *QUIT CLAIM DEED APPROVAL* – When the new Highway 61 was completed, it left old portions of right-of-way to the local government. Included in your package is a series of surveys which show some of this right-of-way which is needed to complete a tract of property for commercial development. The tracts of property, that border Highway 61, are .068 acres and .023 acres and another that is .042 acres are identified in the survey plats. I highly recommend that City Council authorize the Mayor to execute a quit claim deed in favor of the adjacent property owner so that this property can be properly developed, adding additional commerce to that growing part of the City. Councilman Clay Wright made the motion to authorize the Mayor to execute the quit claim deed with the 3 sites included and was seconded by Councilman Charlie Lyons. The motion was moved to carry.
4. *CLARIFICATION ON CAB COMPANIES* – As directed, I asked MTAS for clarification on cab companies compared to other businesses and an opinion on public parking as related to this inquiry. MTAS legal consultants have rendered a six page opinion on it and I have a copy for your review if you want it; however, the one sentence summary is that the City can offer cab companies parking privileges since the City of Clinton’s Charter allows the “express authority to regulate streets.” Councilman Jerry Shattuck made the motion to authorize the City Manager to coordinate a space for public transportation and was seconded by Councilman Scott Burton. The motion was moved to carry with Councilman Clay Wright voting no.
5. *UPDATE TO PERSONNEL POLICY* – I have included a copy of a revised City of Clinton Personnel Policy for your review. Most of the changes are reflective of changes in Federal law and additions approved over the last few years. Every employee receives a copy of this policy and signs a form signifying receipt of this policy when they are hired. I will seek City Council approval for this revised policy at the regular July City Council meeting.
6. *YARNELL ROAD BRIDGE* – Construction on the Yarnell Road Bridge replacement project begins today (June 29 2009) and is expected to be completed within 6 months; however, the contractor has a year to complete the project per Tennessee Department of Transportation contract.

DEPARTMENTAL ACTIVITIES

ADMINISTRATION

Finance Report: Finance Director Vickie Fagan reported Total Available Funds thru May are 85% and expenditures at 87%. Section II has local taxes at 79%, State funds at 76%, and Recreation charges at 71% and Court revenues at 63. In Section III, the detailed expenditures for General Government are 89%, Public Safety 88%, Public Works 83% and Recreation 94%.

CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

FIRE DEPARTMENT

We again had two mutual aid requests during the month of June. They were related to structure fires and were issued from the Marlow Volunteer Fire Department and the Andersonville Volunteer Fire Department.

POLICE DEPARTMENT

During the recent Regional USPCA Trials held in Loudon County two weeks ago, K9 Officer Steve Queener placed 2nd out of 20 participants and Detective Bob Suarez placed 4th. The Loudon County Sheriff's Department took 1st, 3rd and 5th place. Since the Loudon County K9's train with the Clinton Police Department, we take some pride in their performance as well.

PUBLIC WORKS DEPARTMENT

1. In the Public Works Department, crews are on their regular schedule of flood control and drainage issues, street cleanup and brush removal. The severe storm of June 16th created a lot of additional work with downed trees and limbs in the Westwood Estates and North Clinton area. Crews did have to work some overtime to clear the area of debris.
2. Annual Materials Contracts Renewal: In accordance with Article V, Section 8 of the City of Clinton Charter, I request authorization to renew the annual contracts for materials and services for the period July 1, 2009 through June 30, 2010 with the following companies:
 - a. Rogers Group, Inc.
 - b. Duracap Asphalt, Inc.

c. APAC Tennessee / Harrison Division

d. Superior Drainage Products, Inc.

Councilman Larry Gann made the motion to authorize renewal of the annual contracts for materials and services for the period July 1, 2009 through June 30, 2010 and was seconded by Councilman Clay Wright. The motion was moved to carry unanimously.

RECREATION DEPARTMENT

1. The Clinton Municipal Pool at Jaycee Park is now open for the summer. Pool hours are noon to 5:30 Monday thru Saturday and from 1:00 pm to 5:30 pm on Sunday. The pool is available for private rental Monday thru Saturday from 7:00 pm to 9:00 pm. anyone interested in renting the pool for a private event should contact the Clinton Recreational Department.
2. The City of Clinton Fourth of July fireworks show will start at 10:00 pm on July 4, 2009. The fireworks will be discharged from their traditional location across from Lakefront Park. The Clinton Optimist Club will be partnering with Clinton Parks and Recreation to provide activities, games and concessions at Lakefront Park beginning at 6:00 pm.

ORDINANCES AND RESOLUTIONS

A. FIRST READING OF NEW ORDINANCE

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.

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 # 550 – An Ordinance Amending Title 8 Section 2 regulating the sale of beer - Councilman Scott Burton made the motion to approve Ordinance # 550 on second and final reading and was seconded by Councilman Clay Wright. The motion was moved to carry.

Ordinance #551 – An Ordinance amending the zoning ordinance for site plan review period –

Ordinance #552 - An Ordinance amending the zoning ordinance for to include a site plan checklist –

Ordinance #553 - An Ordinance amending the zoning ordinance to update the permitted use schedule –

Ordinance #554 - An Ordinance amending the zoning ordinance for front yard setback definition –

Ordinance #555 - An Ordinance amending the zoning ordinance for day care standards –

Ordinance #556 - An Ordinance amending the zoning ordinance for General Farm Use –

Ordinance #557 - An Ordinance amending the zoning ordinance to allow discretionary decisions by the Board of Zoning Appeals –

Ordinance #558 - An Ordinance amending the zoning ordinance for the authority of the Board of Zoning Appeals –

Ordinance #559 - An Ordinance amending the zoning ordinance for accessory structures in side yards –

Ordinance #560 - An Ordinance amending the zoning ordinance to add general provisions for commercial truck stops –

Steve Jones recommended deferring approval of Ordinances # 551 through #560 until the July meeting so that Curtis Perez could be present. Councilman Clay Wright made the motion to table approval of Ordinances # 551 through #560 until July when Curtis Perez can be present to answer questions and was seconded by Councilman Scott Burton. The motion was moved to carry.

Ordinance # 562 – FY 2009 / 2010 Budget & Appropriations – Councilman Charlie Lyons made the motion to approve Ordinance #562 on second and final

reading and was seconded by Councilman Scott Burton. Steve Jones noted that the budget has been updated especially the property taxes more than was anticipated. Vickie L. Fagan explained the new expenditure for the GASB 45 compliance for the year noting that a liability is calculated for the benefits offered to retirees. Ms. Fagan noted the importance of having a fund balance for this case in particular. Mr. Jones directed Council to the Fund Balance of \$42,143 noting that it is not enough and recommended at least a 10¢ property tax increase to build up our fund balance for the year. Mr. Jones related to Council that he has been inundated with calls regarding the recycle center and inquired if Council would consider rescinding their recommendation to close the center. Councilman Jerry Shattuck responded that he hated to see taxpayers pay for something twice.

John Miller of 311 Leinart Street asked Council to reconsider closing the center as there are many elderly that use the center and felt that the City should be proactive for the environment.

Steve Jones noted that the proposed tax increase would be used exclusively for fund balance.

Councilman Jerry Shattuck pointed out that if Mr. Jones is unsuccessful in refinancing the debt then the excess funds of \$42,143 would be woefully insufficient for a fund balance.

Councilman Jerry Shattuck remarked that he felt that 10¢ increase in property taxes was too high especially commercial and industrial taxpayers but that a 5¢ increase would be okay.

Councilman Jim McBride inquired of Council of their feeling for the retirement program for public safety employees. Councilman McBride felt that Council should look at it seriously. Mayor Winfred Shoopman felt that it was okay but would like to have Mr. Jones to get more information. Mayor didn't feel that it would impact anyone this year and should take some time to look at it closely. Councilman McBride noted that we are rewarding loyalty with the program. Councilman Jerry Shattuck agreed with the Mayor regarding having more information before making a decision and has some comparisons with area employers. Steve Jones informed Council that in the past he has supplied Council with salaries and a MTAS salary survey and the City of Clinton has always been very competitive. Mr. Jones noted that he was blind sided with the effort of the Police and Fire Departments and there's a process to follow for requesting additional benefits. Mr. Jones assured Council that he would look into it and gather facts and analysis and have a recommendation for Council at the second reading of next years budget. It was also noted that he had spoke with TCRS and the program had no expiration. Councilman McBride did not want to wait a year. Councilman Jim McBride said that he could go along with a tax increase if it were for employees or schools but not for overspending in the past. Councilman Jerry Shattuck expressed that Council needs to be financially responsible. Councilman Jim McBride questioned if it was something that could be looked at mid year. Mr. Jones noted that

property taxes cannot be raise mid year. Councilman Scott Burton said that we do need a plan but maybe not necessarily this plan. Councilman Scott Burton also felt that there is not enough time when you get a phone 10 days before the meeting. Mayor Winfred Shoopman reiterated that age 55 is mandatory whether you're ready to retire or not. Mr. Jones relayed to Council that we have recently received a letter from TCRS warning of larger than normal rate increases. Mr. Jones had also spoken with some cities that are considering opting out of TCRS. Councilman Charlie Lyons related that CUB had the same problem with linemen and looked into a new retirement plan for all the employees. Councilman Scott Burton suggested that a committee be put together with two representatives from the Fire and Police Department. Steve Jones related that he did not like committees and current staff is capable of assembling the information for new benefits.

Mayor Winfred Shoopman asked how much fund balance is needed to be insured to refinance our debt to satisfy the comptroller. Mr. Jones made a recommendation at the last meeting of at least \$250,000 and currently there is only \$42,143 in fund balance in this budget.

Councilman Scott Burton noted that we didn't get in this situation in one year and to try to make up the deficit in one year would be a great feat and we should look at rebuilding the fund balance next year. Councilman Jerry Shattuck said that it is crucial to refinance the debt and a greater fund balance is necessary. Vickie L. Fagan noted that we couldn't re-amortize this year due to the deficit. Councilman Clay Wright noted that there's only two ways to fix the problem and it's to raise taxes or send employees home and over estimating sales taxes are just creating a problem for next year. Councilman Jim McBride would agree to a 4¢ to 5¢ increase in taxes if it was used for a retirement plan for public safety.

Councilman Jerry Shattuck made the motion to approve Ordinance # 562 as amended on second and final reading and was seconded by Councilman Larry Gann. The motion was moved to carry with Councilman Scott Burton, Councilman Jim McBride and Councilman Clay Wright voting no.

Ordinance # 563 – 2009 Property Tax Rate - Councilman Jerry Shattuck made the motion to raise property tax rates by 5¢ and was seconded by Councilman Larry Gann. Councilman Larry Gann felt that we were cutting things way to thin. The motion was moved to carry with Councilman Scott Burton and Councilman Jim McBride voting no.

C. RESOLUTIONS

Resolution # 641 – A Resolution appropriating \$60,000 to Anderson County Education Foundation – Councilman Larry Gann made the motion to approve Resolution # 641 and was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

Resolution # 642 – A Resolution appropriating \$10,000 to Anderson County School Department Office of Technology – Councilman Jerry Shattuck made the motion to approve Resolution # 642 and was seconded by Councilman Larry Gann. The motion was moved to carry.

Resolution # 643 – A Resolution appropriating \$10,000 to Junior Achievement – Councilman Larry Gann made the motion to approve Resolution # 643 and was seconded by Councilman Scott Burton. The motion was moved to carry.

Resolution # 644 – A Resolution appropriating \$2,000 to Anderson County Office of Aging – Councilman Jim McBride made the motion to approve Resolution # 644 and was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

Resolution # 645 – A Resolution appropriating \$2,000 to Aid to Distressed Families of Appalachian Counties – Councilman Jerry Shattuck made the motion to approve Resolution # 645 and was seconded by Councilman Scott Burton. The motion was moved to carry.

Resolution # 646 – A Resolution appropriating \$80,400 to the Anderson County Library Board – Councilman Jerry Shattuck made the motion to approve Resolution # 646 and was seconded by Councilman Scott Burton. The motion was moved to carry with Councilman Clay Wright voting no.

Resolution # 647 – A Resolution appropriating \$17,500 to the Anderson County Economic Development Association – Councilman Scott Burton made the motion to approve Resolution # 647 and was seconded by Councilman Clay Wright. The motion was moved to carry.

Resolution # 648 – A Resolution appropriating \$1,050 to the Anderson County Chamber of Commerce – Councilman Scott Burton made the motion to approve Resolution # 648 and was seconded by Councilman Larry Gann. The motion was moved to carry.

Resolution # 649 – A Resolution to allow the City Recorder to round property taxes, penalties and interest – Councilman Scott Burton made the motion to approve Resolution # 649 and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

Resolution #650 – A Resolution authorizing the issuance of 2009 Tax Anticipation Notes – Councilman Scott Burton made the motion to approve

Resolution # 650 and was seconded by Councilman Clay Wright. The motion was moved to carry.

PROCLAMATIONS –

VISITORS –

OLD BUSINESS

Councilman Scott Burton made the motion to keep the recycling center open at a cost of approximately \$20,000 coming from the Undesignated Fund Balance and was seconded by Councilman Jim McBride. The motion failed to carry with Councilman Scott Burton and Councilman Jim McBride voting yes and Councilman Larry Gann, Councilman Charlie Lyons, Councilman Jerry Shattuck, Councilman Clay Wright and Mayor Winfred Shoopman voting no.

NEW BUSINESS –

Steve Jones presented the Clinton E-911 FY 2009/2010 Budget noting that the E-911 has approved a contribution to the City of \$260,000 to cover the salary and benefits for dispatchers. Councilman Larry Gann made the motion to approve the Clinton E-911 FY 2009/2010 Budget and was seconded by Councilman Clay Wright. The motion was moved to carry.

MAYORS COMMUNICATIONS –

Mayor Winfred Shoopman informed Council that Joe Rainey of the Clinton Regional Planning Commission has resigned after 40 plus years of service to the City. Mayor Shoopman recommended Garry Whitley to replace Mr. Rainey. Councilman Clay Wright made the motion to confirm the appointment of Garry Whitley to the Clinton Regional Planning Commission and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

Councilman Scott Burton made the motion to adjourn and was seconded by Councilman Clay Wright. The Council meeting adjourned at 3:24 a.m.

Mayor Winfred Shoopman

Vickie L. Fagan, City Recorder