

March 16, 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 Jerry Shattuck and Councilman Clay Wright were present for the meeting. Councilman Jim McBride was absent

Ordinance # 545 – An ordinance amending the “Zoning ordinance of the City of Clinton, Tennessee: by re-zoning an area from R-2 (Medium Density Residential District) to B-2 (General Business District)

Ordinance #546 – An ordinance adopting a new Municipal Floodplain Zoning Ordinance, replacing Section 14-315 of the Clinton Zoning Code

There was no comment from the public.

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 March 16, 2009, at Clinton City Hall at 5:32 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jerry Shattuck, and Councilman Clay Wright were present for the meeting. Councilman Jim McBride was absent.

Guest and Staff present:

Ronald Young
Ron Bridgeman
Vaughn Becker
Eulene Miller
Chris Griffin

Steve Jones
Vickie Fagan
Sally Pistello
Jack Shelton
Vestal Brummett

Vickie Violette
Dale Isabell
Lavada Robbins
James Shelton

Councilman Clay Wright requested that Ordinance # 547 be moved up in the agenda. Councilman Jerry Shattuck made a motion to move Ordinance # 547 up on the agenda

after the approval of the minutes and Councilman Clay Wright seconded the motion. The motion was carried unanimously.

Councilman Jerry Shattuck noted that there were visitors present in regards to “item 3” of the City Manager’s Report and requested that it be moved up in the agenda after Ordinance #547. Councilman Clay Wright made the motion to move “item 3” of the City Manager’s report after Ordinance #547 and was seconded by Councilman Charles Lyons. The motion was moved to carry.

Councilman Larry Gann led the meeting in prayer.

Councilman Clay Wright led the pledge of allegiance.

Councilman Larry Gann made a motion to approve the February 16, 2009 Regular Meeting minutes and February 23 Recessed Meeting as received and Councilman Charles Lyons seconded the motion. The motion was moved to carry unanimously.

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 the motion for Ordinance #547 to be tabled until the next month. Mayor Shoopman noted that if the motion passed there would be no discussion. Councilman Wright withdrew his motion. Councilman Wright noted that he owned property in the affected area and only received a letter regarding the change on Friday and did not have enough information or facts regarding the rezoning. Councilman Wright felt that it needed to go back to the Planning Commission for a public hearing for the property owners involved. Councilman Charles Lyons informed Council that Kim Mowery is purchasing a lot on Sunset and wanted the change in zoning to build condos and it was recommended to Council because Ms. Mowery did not want to wait another 30 days.

Councilman Clay Wright made the motion to move the recognition of visitors up and was seconded by Councilman Charles Lyons. The motion was moved to carry. Mayor Shoopman invited any visitors in the audience with comments concerning Ordinance #547 to come forward. There were no comments. Councilman Clay Wright made the motion to table Ordinance #547 until the April meeting and was seconded by Councilman Scott Burton. The motion was moved to carry.

City Manager's Report:

3. *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.

After reviewing an updated copy of the property in question which I have included in your package and discussions on the potential use of the property with the adjoining property owner, it was recommended that the City of Clinton enter into an agreement with TDOT to utilize the property as a public easement.

Councilman Jerry Shattuck noted that the landowner has moved ahead with plans; on Friday the City Manager found that the previous map was incorrect and that a larger piece of property is involved. The private landowner has negotiated selling the property to the newly formed Anderson County Water Authority. The landowner has presented plans that were limited without the purchase of the additional property. Councilman Shattuck questioned whether the property should be sold to private landowner or utilizes the property as public use primarily for public parking. Mayor Shoopman noted that there are plans in the Master Plan regarding this piece of property. Steve Jones recommended that the City enter into an interlocal agreement with TDOT then execute another agreement with the water authority which would provide for the development and maintenance of the property. Mayor Shoopman expressed that the Mayor's Commission should review the plans and makes a recommendation for the use of the property as it pertains to the Master Plan.

Jack Shelton, Chairman of the Anderson County Water Authority indicated that there are several options available. Mr. Shelton addressed the potential traffic problems noting that it would not be that significant and would only be during office hours. There are very few customers that come to the office to pay bills. The Water Authority is currently operating two offices and the proposed office would save money by eliminating an office. The proposed site is in the middle of the customer base. Mr. Shelton noted that Council has received plans for the building and would like to be able to resolve all issues with TDOT and the City. Councilman Jerry Shattuck announced that the Mayor's Commission is scheduled to meet a week from Wednesday and it would be appropriate to present the situation to the Commission if Mr. Shelton could wait until the next meeting. Councilman Shattuck invited Mr. Shelton to the Mayor's Commission meeting. Councilman Charles Lyons inquired whether any plans had been presented to Curtis Perez. Mr. Shelton replied that they have not because they do not own the property as yet.

Committee Reports

School Board Report –

Dr. Vickie Violette, Director of Schools, brought 4 items to Council. The first item was an update on the progress of the budget and noted there still wasn't any definite information regarding the stimulus money of how much and what it will be spent on. The second item of information was to inform Council that the State is looking at the excess lottery money for the energy efficiency program. Dr. Violette reiterated her previous request for help with debt service in the FY 2009/2010 budget. Dr. Violette also reported that Clinton City Schools has 100% of "highly qualified" teachers and now "highly qualified" teaching assistants.

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.

Clinton Regional Planning Commission Report –

The Board of Zoning Appeals met on March 9, 2009 and elected officers for the year.

Councilman Charles Lyons reported that Clinton Regional Planning Commission met on March 9, 2009. The Board approved the same officers as was elected during the Board of Zoning Appeals meeting. A request from Kim Mowery to rezone property from R-1 to R-2 was approved for recommendation to City Council. The request from Gail Perian for final plat approval for property located at 160 Harbour Drive was approved. The Board also reviewed proposed zoning changes and had an hour long training session.

Clinton Utilities Board Report –

Councilman Charles Lyons reported that CUB met on February 12, 2009. Paid vouchers were approved at \$9,723,873 and after all bills were paid, there was a net income of \$320,582. Councilman Lyons reported that the water treatment plant filtration #4 is complete and on line. The final cost of the project was \$236,552 and \$35,808 under budget. The fuel adjustment from TVA beginning April 1, 2009 will be 5.62% less, saving the average customer approximately \$6.63 per month.

Mayor's Commission –

Councilman Jerry Shattuck reported that the Commission will meet March 25, 2009 at 7:00 pm and will be considering amendments to the Master Plan which will be presented to Council for approval. The Commission will also discuss the options regarding the site at Lakefront Park as discussed earlier.

CITY MANAGER'S REPORT

GENERAL INFORMATION

1. Clinton City Hall and City offices will be closed Friday, April 10, 2009 in observance of the Good Friday / Easter Holiday.
2. The Tennessee Municipal League Legislative Conference will be March 23 – 24, 2009.

CURRENT PROJECTS AND ACTIVITIES

1. *CLINTON CONVENIENCE CENTER -*

One of the recommendations from city staff to save expenses for the upcoming fiscal year is to close the Clinton Convenience Center located behind the Clinton Community Center. 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 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. Steve Jones requested authorization from Council to close the Clinton Convenience Center on July 1, 2009 which would allow 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 Clay Wright made the motion to close the Clinton Convenience Center as recommended by the City Manager and was seconded by Councilman Jerry Shattuck. Councilman Shattuck found it very disappointing that the center is not heavily used and also used by non residents of the City. Councilman Scott Burton questioned whether the contract ended on June 30th. Steve Jones noted that there is some flexibility in the contract and it can be cancelled when needed. Councilman Burton suggested holding off a month and publishing a public notice so that any citizens can express their concerns. Mayor pointed out that's why staff will place the notices at the convenience center. Councilman Shattuck noted that staff has recommended the termination on non essential expenses and with the

budgetary concerns should be approved. Councilman Scott Burton made the motion to amend the previous motion to defer any decision until the next month and was seconded by Councilman Clay Wright. The amended motion was approved unanimously. The main motion was approved as amended unanimously.

2. *HOME GRANT/CDBG GRANT UPDATE*

A mandatory public hearing for recipients of the CDBG Housing grant was held last week. One of the requirements is that City Council approves a set of policies and procedures. Mr. Jones recommended approval of the attached “Rehabilitation Program Policies for the City of Clinton” for Clinton’s 2009 CDBG Housing Program. Councilman Jerry Shattuck made the motion to adopt the Rehabilitation Program Policies as attached and recommended by the City Manager and was seconded by Councilman Larry Gann. The motion was moved to carry.

3. *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:

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

After reviewing an updated copy of the property in question which I have included in your package and discussions on the potential use of the property with the adjoining property owner, it was recommended that the City of Clinton enter into an agreement with TDOT to utilize the property as a public easement.

4. *AMERICAN RECOVERY AND REINVESTMENT ACT*

There is still very little clarification on how the funds derived from American Recovery and Reinvestment Act are to be distributed. I have followed up on all potential projects discussed at the last City Council meeting and made the appropriate requests. Clinton City staff will continue to explore other possibilities as they arise and keep City Council informed of developments.

DEPARTMENTAL ACTIVITIES

ADMINISTRATION

Finance Report: Finance Director Vickie Fagan reported Total Available Funds thru February at 65% and expenditures at 64%. Ms. Fagan reported in Section II of the detailed revenues that Property Taxes are 86%; State Funds 58%, Recreation Charges 56%, and Court revenues 42%. In Section III, in the detailed expenditures for General Government is 72%, Public Safety 66%, Public Works 66% and Recreation 71%.

CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

FIRE DEPARTMENT

POLICE DEPARTMENT

Steve Jones presented the Clinton Police Department Annual Activity Report noting the excellent clearance rate of the department.

The Clinton Police Department will be hosting its fourth Citizen's Police Academy starting March 24, 2009. Classes will be held on Tuesday evenings from 6:30 – 9:00 pm and taught by Clinton Police officers. Please contact Clinton Police Chief Rick Scarbrough if you are interested in attending at 457-3112.

Police Chief Rick Scarbrough requested approval for a taxicab franchise for Anderson County Cab from Christopher Griffin. Chief Scarbrough noted that all requirements had been met and the franchise should be approved subject to the completion of a background check and meeting insurance requirements. Councilman Jerry Shattuck made the motion to approve a taxicab franchise for Anderson County Cab to Christopher Griffin contingent on the completion of the background check and insurance requirements and was seconded by Councilman Scott Burton. The motion was moved to carry.

PUBLIC WORKS DEPARTMENT

1. The Public Works Department crews are continuing with a city-wide litter collection campaign and a drainage clearing project. Also, tractor, mowers, and trimmers are being serviced and prepared for the upcoming mowing season.
2. Our annual Spring Clean-Up Day, held on the first Monday in April each year, is scheduled for April 6th. Public works crews will haul old furniture, appliance,

and debris to the Chestnut Ridge Landfill, free of charge. For details, please see the link on the opening page of our web site, or call Public Works at 457-6495

RECREATION DEPARTMENT

1. Mowing Contract. Steve Jones reported that their current contractor for mowing had notified the City that there are relinquishing their contract immediately. The bids for a contractor have been received with M&M Lawn Care being the lowest bidder at \$15,500 for the remainder of the calendar year. It was Mr. Jones recommendation to award the bid to M&M Lawn Care. Councilman Scott Burton made the motion to award the mowing contract to M&M Lawn Care in the amount of \$15,500 and was seconded by Councilman Charles Lyons. The motion was moved to carry unanimously.

2. City staff has made the recommendation to cancel the annual Clinton Fireworks show on July 4th this year to reduce expenditures. There has been some interest by some local leaders to raise the money for this show. We must inform Pyro Shows of our intentions by April 1, 2009. Mr. Jones requested authorization to execute a contract with Pyro Show of Lafollette, Tennessee for the July 4, 2009 Fireworks Show if there is a successful attempt to raise the appropriate funds locally. Councilman Scott Burton made the motion to continue the fireworks at a cost of \$8,000 and was seconded by Councilman Clay Wright. Councilman Jerry Shattuck made the motion to amend the previous motion to limit the cost to \$6,000 for fireworks and was seconded by Councilman Charles Lyons. The motion to amend was approved 4-2 with Councilman Scott Burton and Mayor Winfred Shoopman voting no. The original motion as amended was approved with a vote of 4-2 with Councilman Scott Burton and Mayor Winfred Shoopman voting no.

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)”

B. SECOND & FINAL READING

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 second and final

reading, and Councilman Scott Burton seconded the motion. 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

Councilman Scott Burton made the motion to approve Ordinance #546 on second and final reading, and Councilman Clay Wright seconded the motion. The motion carried unanimously.

C. RESOLUTIONS

PROCLAMATIONS –

Child Abuse Prevention Month – Councilman Clay Wright approved the Child Abuse Prevention Month Proclamation and was seconded by Councilman Scott Burton. The motion was moved to carry unanimously.

OLD BUSINESS –

Councilman Clay Wright question Steve Jones if there was going to be any discussion regarding the issues as reported in the newspaper about the Glen Alpine Convenience Center. Steve Jones noted that he had prepared a memo for Council addressing comments in the newspaper regarding allegations of flooding at the Convenience Center. Councilman Clay Wright made the motion for the City Manager to forward to all Anderson County Commissioners the memo and was seconded by Councilman Charles Lyons. The motion was moved to carry.

VISITORS –

Councilman Clay Wright made the motion to adjourn and was seconded by Councilman Scott Burton. The Council meeting adjourned at 7:26 p.m.

Mayor Winfred Shoopman

Vickie L. Fagan, City Recorder

Attest: