

May 18, 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 Jim McBride, and Councilman Jerry Shattuck were present. Councilman Clay Wright was absent for the public hearing.

Ordinance # 549 - An Ordinance annexing parcel 108.00 and 131.01, Anderson County Tax Map 043, and incorporating the same within the corporate boundaries of the City of Clinton, Tennessee and thereby amending the zoning map of the City of Clinton, Tennessee by zoning newly annexed territory B-4 (Interstate Business District)

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 May 18, 2009, at Clinton City Hall at 5:32 p.m. Councilman Scott Burton, Councilman Larry Gann, Councilman Charles Lyons, Councilman Jim McBride, and Councilman Jerry Shattuck were present for the meeting. Councilman Clay Wright was absent for the meeting.

Guest and Staff present:

John Keith
Ron Bridgeman
Vaughn Becker
R.C. Hutchins
Kim Wright
Russell Barker

Steve Jones
Vickie Fagan
Kim Whaley
Jody Wright
Lauren Wright

Vickie Violette
Dale Isabell
Ron Young
Christopher Griffin
Mollie Wright

Councilman Jerry Shattuck made the motion to move Resolution #639 to the top of the agenda and was seconded by Councilman Larry Gann. The motion was moved to carry.

Mayor Winfred Shoopman led the meeting in prayer.

Councilman Scott Burton led the pledge of allegiance.

Councilman Jerry Shattuck presented a Proclamation to Jody Wright to honor his accomplishments as a basketball coach. Councilman Jerry Shattuck made the motion to adopt Resolution # 639 and was seconded by Councilman Larry Gann. The motion was moved to carry.

Councilman Scott Burton made the motion to approve the Regular Meeting minutes of April 20, 2009 as received and Councilman Charles Lyons seconded the motion. The motion was moved to carry unanimously.

Committee Reports

School Board Report –

Dr. Vickie Violette, Director of Schools, reported that the school year is ending and an increase in enrollment is anticipated for next year. Dr. Violette explained that the Fund Balance for the school system is under \$300,000 and can not support capital projects and building maintenance. Dr. Violette again requested help from Council with debt requirements as they have 2 bond issues and 2 energy efficiency loans.

Dale Isabell requested approval for budget amendment #8 that would reclassify appropriations in the Federal Projects Fund for \$3,500; increase appropriations in the General Purpose Fund by \$22,848 and decrease revenues by \$ 26,836 and increase revenues in the Cafeteria Fund by \$1,581. Councilman Scott Burton made the motion to approve budget amendment #8 and was seconded by Councilman Jim McBride. The motion was moved to carry unanimously with a roll call vote. Mr. Isabell presented Council with a draft copy of the FY 2009/2010 School budget. The General Purpose Fund is \$6,794,210, Federal Projects \$890,000 and Cafeteria Fund is \$402,000 for a total budget of 8,086,941.

Clinton Regional Planning Commission Report –

The Board of Zoning Appeals met on May 11, 2009. The Board deferred a variance for Scott Miller for a side yard setback located at 522 Riverside Drive for 60 days. Bibleway Baptist Church was approved a variance for property located at 511 Clinch Avenue. Kenneth Bass requested a variance for front setback for property located at 404 Forrest Avenues. The request was approved.

Councilman Charles Lyons reported that Clinton Regional Planning Commission met on May 11, 2009. The Commission approved a recommendation to Council for a rezoning from M-2 to B-2 for the South Clinton Park at 104 Carden Road from Joe Hollingsworth.

The Board approved to recommend to Council annexation of property from Summit Properties on Buffalo Road. The road plan was approved with a bond of \$505,162.80 for the Buffalo Road property. Emma Seymour of 339 Ridgeview Drive requested final plat approval and was granted the approval. Steve Pemberton requested final plat approval at Rose Street the request was deferred until June 8th. The Board made several recommendations for zoning changes to City Council.

Clinton Utilities Board Report –

Councilman Charles Lyons reported that CUB met on May 14, 2009. Paid vouchers were approved at \$7,789,414 for a net income of \$83,526. The Board approved the FY 2009 / 2010 Budget. The Budget includes \$76,207,000 revenue for the electric department, \$1,941,000 revenue for the water department and \$2,106,000 revenue for the sewer department for total revenues of \$80,264,000. The projected net income for the year is \$1,442,000 which is 2% of total revenues.

Mayor's Commission –

Councilman Jerry Shattuck discussed the proposal regarding his donation of land in South Clinton for a park complex, the improvements for which would cost an estimated \$7 million, from Joe Hollingsworth noting the Mayor's Commission approved the concept. Council had questions regarding the time constraints and substantial completion within the time constraints. The proposal addresses the issue of time and substantial completion. Councilman Shattuck met with Joe Hollingsworth and the proposal will allow the property to be conveyed subject to a right of reversion unless \$4 million of the estimated \$7 million is committed by September 2014 and the remaining \$3 million is committed by September 2016. The proposal is not in written form as yet because it would require Council approval and attorney fees. The approval of the donation does not commit money at this time but approves the change in the Master Plan. Councilman Jim McBride noted that we really need assurance today from some entity that the fly ash is safe. Councilman Shattuck commented that Phase I environmental study had been done, and the Phase II will need to be done at the City's expense. Councilman Jerry Shattuck made the motion to amend the Mayor's Commission Master Plan and accept the donation of 57 acres from Joe Hollingsworth for the development of a sports and recreation complex with \$4 million funding being committed by 2014 and the remaining \$3 million being committed by September 2016 and the 17 acres on Carden Farm Road that was previously planned for development would be re-designated as a passive park. The motion was seconded by Councilman Larry Gann. Councilman Jim McBride questioned if the \$7 million cost includes inflation and whether the City would have any liability. Councilman Shattuck commented that the City would be responsible and the \$7 million was estimated by the architects. Councilman Jerry Shattuck estimated that the Phase II environmental study would cost approximately \$100,000. As to the question of liability, Councilman Shattuck informed Council that there has to be negligence for there to be any liability. The motion was moved to carry with Councilman Jim McBride voting no.

CITY MANAGER'S REPORT

GENERAL INFORMATION

1. Clinton City Hall and City offices will be closed Monday, May 25, 2009 in observance of the Memorial Day holiday.
2. The Tennessee Municipal League's Annual Convention is in Chattanooga on June 15th and 16th. City Council members are invited to attend.
3. Last month City Council voted to move the regular June Clinton City Council meeting to Monday, June 29, 2009 at 1:00 pm. The final reading of the City's budget for Fiscal Year 2009-2010 is scheduled for that meeting.

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. They are preparing a new project calendar as we speak and should be available next week.

We have been notified that the 2006 HOME grant project has been closed out by the Tennessee Housing Development Agency. The City of Clinton was commended for successful completion of the project and a copy of the certificate is attached to the Council packages.

2. *AMERICAN RECOVERY AND REINVESTMENT ACT* – We have submitted and lobbied for several different proposals that would benefit the City of Clinton including monies for paving, walking trails, and new employees in addition to the Yarnell Road bridge project that has been approved and the Blockhouse Valley Road project that we have yet to receive word on. We have not had any response to these other requests to date. City staff will continue to explore other possibilities as they arise and keep City Council informed of developments.
3. *SURPLUS EQUIPMENT* – The City has accumulated numerous computer and phone equipment that is either inoperable or outdated. In your package is a list of surplus equipment. It is my recommendation that all included equipment is surplus, and the equipment is offered for sale to the public and that which doesn't sale be donated or disposed of properly. All revenues received from the sale will be directed to the Undesignated Fund.

DEPARTMENTAL ACTIVITIES

ADMINISTRATION

Finance Report: Finance Director Vickie Fagan reported Total Available Funds thru March at 77% and expenditures at 78%. In Section III, the detailed expenditures for General Government are 83%, Public Safety 81%, Public Works 77% and Recreation 87%.

CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

FIRE DEPARTMENT

There is a memorandum outlining the details of a mutual aid request the Clinton Fire Department responded to on April 28, 2009 in Sevier County included in package.

POLICE DEPARTMENT

The Clinton Police Department's Citizen's Police Academy graduation will be held on Tuesday, May 26, 2009.

PUBLIC WORKS DEPARTMENT

The Public Works Department, crews have been busy catching up on their mowing and trimming schedule after the heavy spring rains we have been experiencing. Over the last few weeks, thunderstorms with high winds blew down trees blocking City streets on four separate occasions, requiring responses outside the normal duty hours of Public Works crews. In one week we had over four inches of rain which required extra attention to flood control efforts including cleaning City drainage ways of sticks, leaves, grass clippings, litter, etc.

RECREATION DEPARTMENT

1. The Clinton Municipal Pool at Jaycee Park will open Monday, June 1, 2009 for the summer. Pool hours are noon to 5:30 Monday thru Saturday and from 1:00 pm to 5:30 pm 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 Recreation 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 # 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 Scott Burton made the motion to approve Ordinance #548 on first 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 Jerry Shattuck made the motion to approve Ordinance # 550 on first reading and was seconded by Councilman Scott Burton. The motion was moved to carry.

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

Ordinance #552 - An Ordinance amending the zoning ordinance for to include a site plan checklist – Councilman Scott Burton made the motion to approve Ordinance #552 on first reading and was seconded by Councilman Larry Gann. The motion was moved to carry.

Ordinance #553 - An Ordinance amending the zoning ordinance to update the permitted use schedule – Councilman Scott Burton made the motion to approve Ordinance #553 on first reading amended so that any perceived discrepancies between the tables and the ordinance that the ordinance would supersede the tables. The motion was seconded by Councilman Larry Gann. The motion was moved to carry.

Ordinance #554 - An Ordinance amending the zoning ordinance for front yard setback definition – Councilman Charles Lyons made the motion to approve Ordinance #554 on first reading and was seconded by Councilman Scott Burton. The motion was moved to carry.

Ordinance #555 - An Ordinance amending the zoning ordinance for day care standards – Councilman Scott Burton made the motion to approve Ordinance #555 on first 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 Scott Burton made the motion to approve Ordinance #556 on first reading and was seconded by Councilman Charles Lyons. 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 Scott Burton made the motion to approve Ordinance #557 on first 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 first reading and was seconded by Councilman Scott Burton. The motion was moved to carry.

Ordinance #559 - An Ordinance amending the zoning ordinance for accessory structures in side yards – Councilman Charles Lyons made the motion to approve Ordinance #559 on first 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 Larry Gann made the motion to approve Ordinance #560 on first reading and was seconded by Councilman Jim McBride. The motion was moved to carry.

B. SECOND & FINAL READING

Ordinance # 549 – An Ordinance Annexing parcel 108.00 and 131.01, Anderson County Tax Map 043, and incorporating the same within the corporate boundaries of the City of Clinton, Tennessee and thereby amending the zoning map of the City of Clinton, Tennessee by zoning newly annexed territory B-4 (Interstate Business District) Councilman Scott Burton made the motion to approve Ordinance # 549 on second and final

reading and was seconded by Councilman Larry Gann. The motion was moved to carry.

C. RESOLUTIONS

Resolution # 640 – A Resolution adopting a Plan of Services for the annexation of parcel 108.00 and 131.01, Anderson County Tax Map 043 into the corporate limits of the City of Clinton, Tennessee Councilman Jerry Shattuck made a motion to approve Resolution #640, and Councilman Scott Burton seconded the motion. The motion was moved to carry unanimously.

PROCLAMATIONS –

Lea Ousley – Councilman Jerry Shattuck made the motion to ratify the Proclamation for Lea Ousley and was seconded by Councilman Larry Gann. The motion was moved to carry.

VISITORS –

John Keith of 621 Riverbend Road requested Council's consideration regarding some concerns for the Hollingsworth property that is being donated to the City. Mr. Keith noted that he is all for a recreation facility and that he does not have any affiliation with Hollingsworth Companies. Fly ash is all about the environmental controversy. In 2006 EPA investigated 86 companies as to human health from fossil fuel ash. The EPA ruled that fossil fuel combustion waste has been exempted from federal hazardous waste but later ruled that surface compounded be regulated. The public has been subjected to continuing conflicting reports regarding the health impact to the residents. Mr. Keith urged Council to evaluate and revert back to Mr. Hollingsworth to protect the citizens from future problems regarding fly ash.

Ron Young of 416 Highland Drive related problems with Food City and has complained to the Police Department twice. The PA system was broadcasting at night but was corrected the next day. Councilman Scott Burton asked Mr. Young what he would like for council to do. Mr. Young wants the speaker removed. Steve Jones noted that the City could only enforce city ordinances otherwise it would be a civil matter.

OLD BUSINESS

Art Miller and Ronnie Irwin were nominated for the Mayor's Commission. Councilman Larry Gann made the motion to approve the nomination of Art Miller and Ronnie Irwin and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

NEW BUSINESS –

Councilman Jerry Shattuck reported that Clinton High School Science Club won the State Championship.

MAYORS COMMUNICATIONS –

Mayor Winfred Shoopman reappointed Dr. Pryse to the Clinton Utilities Board. Councilman Charlie Lyons made the motion to approve the reappointment and was seconded by Councilman Scott Burton. The motion was moved to carry.

Councilman Scott Burton made the motion to adjourn and was seconded by Councilman Jim McBride. The Council meeting adjourned at 7:50.m.

Mayor Winfred Shoopman

Vickie L. Fagan, City Recorder

Attest: