

November 16, 2009

REGULAR CITY COUNCIL – MINUTES

Mayor Winfred Shoopman called the regular Clinton City Council meeting to order on November 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:

Ron Young
Ed Butcher
Ron Shrader
Vickie L. Fagan
Donald Gray

Ed Marcum
Roger Miller
Weldon Dillow
Steve Jones
Phil Harber

Samuel Dean
John Keith
Dale Isabell
Barry Hutchins
Jack Jones

Councilman Clay Wright made the motion to move part 4 of the City Manager's report and Resolution # 658 prior to the Committee reports and was seconded by Councilman Charlie Lyons. The motion was moved to carry.

Mayor Winfred Shoopman opened the meeting with a prayer.

The Boy Scout Troop 131 led the pledge of allegiance.

Councilman Scott Burton made the motion to approve the October 19, 2009 regular minutes as received and was seconded by Councilman Jerry Shattuck. The motion was moved to carry.

CITY MANAGER'S REPORT

4. We have had a lot of interest from regional banks to underwrite the second half of the lease purchase agreement that I informed City Council about last month. Of the two offers we've received to date, one is exceptional. BB&T has offered to underwrite the amount that is now debited against the fund balance at an interest rate of 3.75% for ten years. This offer is better than the original offer from Bank of America two years ago (same terms at 4.4%). ***Because this issue needs to be resolved, and this offer will potentially save the taxpayers thousands of dollars, I recommend that City Council approve this offer and authorize Mayor Shoopman to execute the appropriate documentation with BB&T for a capital outlay note in the amount of \$785,770.41.*** Mr.

Jones reported that he had expected to receive some other offers to date but had not received them.

RESOLUTION 658 – AUTHORIZING THE ISSUANCE SALE AND PAYMENT OF CAPITAL OUTLAY NOTES NOT TO EXCEED \$800,000 –

Councilman Clay Wright made the motion to approve Resolution # 658 and was seconded by Councilman Jerry Shattuck. The motion was moved to carry with a unanimous roll call vote.

Mayor Shoopman asked Council to look at the next item in the City Manager’s report. Councilman Clay Wright made the motion to move item 5 of the report up in the agenda and was seconded by Councilman Scott Burton. The motion was moved to carry.

5. INDUSTRIAL PROPERTY TRANSACTION

We have been working with an Industrial Prospect, dubbed “Project Diana” by the State of Tennessee for most of the year, competing with over 85 sites throughout the country. A site in I-75 Industrial Park is among the three top sites and is the now the only site being considered within the State of Tennessee. We have come to the point where we must now package the details into an RFP (Request for Proposals) for the company. This package is being handled by the State of Tennessee. Confidentiality is always an issue when working with Industrial Prospects therefore I am limited in the information I can divulge; however, City Council must take action on the property transaction in order to satisfy the land provision of the RFP. I can tell you that this company will be manufacturing its product(s) using high-tech, state of the art techniques and will provide its employees with a much higher than average wage. The investment will be \$400 million done in two phases over the next four years and they will employ 500 people. ***I would recommend approval of the offer to “Project Diana” to transfer industrial property in the I-75 Industrial Park at the price of \$15,000.00 an acre for 25-40 acres, with approximately half of the final request being in the form of an option for Phase II.*** I would also like to add that the handling of the prospect has been well executed by all parties involved and would like to personally thank Tim Thompson for his leadership in obtaining, for our small city, this once in a lifetime opportunity. Councilman Clay Wright made the motion to approve the offer to “Project Diana” to transfer industrial property in the I-75 Industrial Park at the price of \$15,000 an acre for 25 – 40 acres, with approximately half of the final request being in the form of an option for Phase II and was seconded by Councilman Larry Gann. The motion was approved with a unanimous roll call vote.

Committee Reports

School Board Report –

Dale Isabell presented the financial report to Council for the month of October. Mr. Isabell presented Budget Amendment #5 explaining that ARRA funds have to be accounted for separately. Councilman Scott Burton made the motion to approve Budget Amendment #5 and was seconded by Councilman Larry Gann. The motion was moved to carry with a unanimous roll call vote.

Dr. Bill Hodgers presented the Director's report in the absence of Vicki Violette. Dr. Hodgers noted the SCORE report and the 4 strategies which are a part of the schools long term strategic plan. Dr. Hodgers reported that attendance is back to normal and the laptop program is progressing nicely.

Clinton Regional Planning Commission Report –

Councilman Charlie Lyons reported that Board of Zoning Appeals met November 9, 2009. The Board approved a request for a variance from Lowell J. Hutcheson for the right side setback for a residential carport located at 125 Westwood Drive. A request from Thomas Tupper for an exception to allow a garage apartment at 503 Hillcrest Street was approved. Weston Homes Inc. requested a waiver of front setback requirements for a residential addition for property located at 213 Nave Street. The Board approved the request. The Board also approved the request from Stephen Ramsey for a variance of left side setback requirements for a detached accessory structure located at 406 Cedar Circle.

The Clinton Regional Planning Commission met on November 9, 2009 and approved a site plan modification for property located at E. Centre Stage for Bob Gilliam. Michael Brady Inc. requested a final site plan approval for a commercial addition for SL America located at 312 Frank L. Diggs Drive. The request was approved. LKM Properties submitted revised site plans for property located at Charles Seivers Blvd. The changes were made to meet TDOT requirements.

Clinton Utilities Board Report –

Councilman Charlie Lyons reported that CUB met on November 12, 2009 and approved vouchers of \$6,718,815 for a net income of \$144,800. Councilman Lyons reported that all digital meters have been installed and the savings thus far is at the break even point in regards to the cost. The Board approved the FY 2010 In Lieu of taxes.

Mayor's Commission –

CITY MANAGER'S REPORT

GENERAL INFORMATION

1. Clinton City Hall will be closed Thursday, November 26 and Friday, November 27, 2009 in observance of the Thanksgiving holiday.
2. The annual City Christmas Tree Lighting Ceremony will be held Saturday, December 5, 2009 at 5:00 pm at the gazebo on Market Street. This event is once again sponsored by the Timely Topics Club.
3. The City of Clinton's Christmas Parade is scheduled for Saturday, December 5, 2009 at 6:00 pm (right after the Christmas Tree Lighting Ceremony). It will follow the traditional parade route starting on Market Street, proceeding down Main Street, and ending on North Hicks Street.
4. It has become a tradition to hold the regular December City Council meeting after the City's Christmas luncheon; therefore I would recommend changing the date and time of the regular December Clinton City Council Meeting to Friday, December 11, 2009 beginning at 1:30 pm. City staff is planning a reception for extended City board members and committee participants after the City Council meeting at 2:30 pm. Councilman Charlie Lyons made the motion to change the meeting time to December 11, 2009 at 1:30 pm and was seconded by Councilman Scott Burton. The motion was moved to carry.
5. The TML District Meeting will be on December 2, 2009 in Gatlinburg.

II. CURRENT PROJECTS AND ACTIVITIES

1. CDBG GRANT UPDATE
The assessments of the individual homes have been completed and construction/rehabilitation is scheduled to start on the first six houses next month.
2. 2009 HOME GRANT
Public meetings for information for prospective homeowners will begin the first of next year; however, applications for contractors interested in pre-qualifying to bid on this project are available now at Clinton City Hall.

3. QUIT CLAIM DEED REQUEST

We have received a request by Mr. J. Philip Harber for a quit claim deed to property outlined in last month's Council package. After researching MTAS opinions, I feel that ultimately City Council has the authority to quit claim this particular party and would ***recommend that you quit claim this easement with 50% going to Mr. Harber and the balance being assigned to the appropriate adjoining landowner.*** Councilman Scott Burton made the motion to approve the quit claim and was seconded by Councilman Jerry Shattuck. The motion was withdrawn by Councilman Burton and Councilman Shattuck. Councilman Jerry Shattuck made the motion to approve the quit claim deed request with 50% going to each adjoining property owner and was seconded by Councilman Scott Burton. The motion was moved to carry.

4. CITY OF CLINTON LEASE PURCHASE

We have had a lot of interest from regional banks to underwrite the second half of the lease purchase agreement that I informed City Council about last month. Of the two offers we've received to date, one is exceptional. BB&T has offered to underwrite the amount that is now debited against the fund balance at an interest rate of 3.75% for ten years. This offer is better than the original offer from Bank of America two years ago (same terms at 4.4%). ***Because this issue needs to be resolved, and this offer will potentially save the taxpayers thousands of dollars, I recommend that City Council approve this offer and authorize Mayor Shoopman to execute the appropriate documentation with BB&T for a capital outlay note in the amount of \$785,770.41.*** (IF WE RECEIVE A BETTER OFFER BETWEEN NOW AND MONDAY, THIS RECOMMENDATION COULD CHANGE)

5. INDUSTRIAL PROPERTY TRANSACTION

We have been working with an Industrial Prospect, dubbed "Project Diana" by the State of Tennessee for most of the year, competing with over 85 sites throughout the country. A site in I-75 Industrial Park is among the three top sites and is the now the only site being considered within the State of Tennessee. We have come to the point where we must now package the details into an RFP (Request for Proposals) for the company. This package is being handled by the State of Tennessee. Confidentiality is always an issue when working with Industrial Prospects therefore I am limited in the information I can divulge; however, City Council must take action on the property transaction in order to satisfy the land provision of the RFP. I can tell you that this company will be manufacturing its product(s) using high-tech, state of the art techniques and will provide its employees with a much higher than average wage. The investment will be \$400 million done in two phases over the next four years and they will employ 500 people. ***I would recommend approval of the offer to "Project Diana" to transfer industrial property in the I-75 Industrial Park at the price of \$15,000.00 an acre for 25-40 acres, with approximately half of the final request being in the form of an option for Phase II.*** I would also like to add that the handling of the prospect has been well executed by all parties involved and would like to personally thank Tim

Thompson for his leadership in obtaining, for our small city, this once in a lifetime opportunity. Councilman Clay Wright made the motion to approve the offer “Project Diana: to transfer industrial property in the I-75 Industrial Park at the price of \$15,000 an acre for 25 – 40 acres with approximately half of the final request being in the form of an option for Phase II and was seconded by Councilman Larry Gann. The motion was moved to carry.

6. GREEN MCADOO UPDATES

I have been provided with a “red line” copy of the original federal legislation initiating the U.S. Department of the Interior to study the Green McAdoo historical site for inclusion into the National Park System, passed by the U.S. Congress and signed into law by President Obama. This is the original and official document that is actually signed by the President and legislative leaders. I hope to have it on display at the Green McAdoo Cultural Center sometime within the month.

There are other exciting activities associated with the Green McAdoo Cultural Center that I will pass along to City Council as the details develop over the next month or two.

III. DEPARTMENTAL ACTIVITIES

ADMINISTRATION

Finance Report: Finance Director Vickie Fagan – Ms Fagan reported for the month of October noting that Revenue and Available Funds to date at 37% and Appropriations and Expenditures to date at 35%.

CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

FIRE DEPARTMENT

The Clinton Fire Department conducted Public Fire Education during Fire Education Week from October 20th-28th. The theme this year was “Prevent Home Fires” and that message was taught at all three City elementary schools in addition to local pre-schools and daycare facilities. An estimated 1,500 children were taught during this worthwhile effort.

POLICE DEPARTMENT

PUBLIC WORKS DEPARTMENT

1. In the Public Works Department, crews are finishing up the first round of leaf pickup. There will be two more rounds of leaf pickup before the end of the season. Anyone with questions regarding leaf collections should call the Public Works Department at 457-6495.

2. The Public Works Department recently completed a drainage project at the Highway 61 / Longmire Road intersection in front of the Clinton Post Office continuing their efforts to control localized flooding in the City.

RECREATION DEPARTMENT

ORDINANCES AND RESOLUTIONS

A. FIRST READING OF NEW ORDINANCE

B. SECOND & FINAL READING

C. RESOLUTIONS

RESOLUTION #656 – FY 2008 / 2009 BUDGET AMENDMENTS –
Councilman Jerry Shattuck made the motion to approve Resolution # 656 and was seconded by Councilman Scott Burton. The motion was moved to carry.

Resolution # 657 – FY 2009/2010 In Lieu of Taxes Clinton Utilities Board –
Councilman Charlie Lyons made the motion to approve Resolution # 657 and was seconded by Councilman Scott Burton. The motion was moved to carry.

PROCLAMATIONS –

Mayor Winfred Shoopman informed Council that a committee had been formed to look into the needs of the 278th as they prepare to deploy to Iraq. The City of Clinton, Anderson County, City of Oak Ridge, Anderson County Chamber, Oak Ridge Chamber, Wackenhut and Y-12 have been requested to donate funds so that members of the 278th can return home for Christmas before their deployment to Iraq after Christmas. Councilman Clay Wright made the motion to appropriate \$1,000 to cover travel costs of the 278th and was seconded by Councilman Jerry Shattuck. The motion was moved to carry unanimously.

OLD BUSINESS –

Ron Young of 416 Highland reiterated his complaint against Food City noting that the alarm problem has been corrected. Councilman Clay Wright questioned Mr. Young if he had filed a complaint. Mr. Young replied that he had not been offered to file a complaint. Councilman Scott Burton offered to speak with the Manager at Food City to resolve the noise issues.

VISITORS-

NEW BUSINESS –

MAYORS COMMUNICATIONS –

Mayor Winfred Shoopman adjourned the meeting at 7:11 pm.

Mayor Winfred Shoopman

Vickie L. Fagan, City Recorder