

August 16, 2010

REGULAR CITY COUNCIL – MINUTES

Mayor Scott Burton called the regular Clinton City Council meeting to order on August 16, 2010, at Clinton City Hall at 5:30 p.m. Councilman Larry Gann, Councilman Robert Herrell, Councilman Charles Lyons, Councilman Jim McBride, Councilman Jerry Shattuck and Councilman E.T. Stamey were present for the meeting.

Guest and Staff present:

Ron Young
Ken Lienart
Mike Farley
David Queener
Phil Harber

Vickie L. Fagan
Donald Gray
Dale Isabel
Eric Paquette
Rick Scarbrough

Steve Jones
John Miller
Vicki Violette
Curtis Akers
K.K. Webster

Councilman Larry Gann made a motion to approve the agenda as received, and Councilman E. T. Stamey seconded the motion. The motion was moved to carry.

Curtis Akers of the Church of God opened the meeting with prayer.

Councilman E.T. Stamey led the pledge of allegiance.

Councilman Jim McBride made a motion to approve the July 19, 2010 regular minutes as received, and Councilman Larry Gann seconded the motion. Councilman Jerry Shattuck amended the motion to delete “less the audited amounts” on page 1 and was seconded by Councilman Charlie Lyons. The amended motion was moved to carry.

Committee Reports

School Board Report –

Board of Zoning Appeals

Councilman Larry Gann reported that the Board of Zoning Appeals met on August 9, 2010. The Board approved a request for a variance for a side setback and street frontage for property located at 407 Douglas Lane from Tony Garner.

Clinton Regional Planning Commission Report –

Councilman Larry Gann reported that the Clinton Regional Planning Commission met on August 9, 2010. The Board approved a request from Tony Garner for a final plat approval for property located at 407 Douglas Lane. A request from John Gamble for final site plan approval was approved subject to review by staff. The Board discussed the review of the sign ordinance and requested that it be placed on the agenda next month.

Clinton Utilities Board Report –

Councilman Charlie Lyons reported that the CUB met on August 12, 2010 and approved vouchers of \$8,313,617 for a net income of \$11,020. The Hicks Circle Sewer project was completed \$10,000 under budget. The wastewater improvements on N. Main, Baxter and Hillcrest will be done in house and save the utility money. TVA rates will increase again with the fuel charge adjustment increasing 1.14%; this will be the 7th increase since last December.

Mayor's Commission – Councilman Jerry Shattuck informed Council that the Commission may meet before the next meeting.

CITY MANAGER'S REPORT

GENERAL INFORMATION

1. Clinton City Hall will be closed September 6, 2010 in observance of the Labor Day Holiday.
2. The Anderson County Chamber will have it August Board of Directors meeting at Clinton City Hall on Thursday, August 26, 2010 at 8:00 am. All council members are invited to attend.

CURRENT PROJECTS AND ACTIVITIES

1. 2009 CDBG GRANT

Six houses have been completed under the CDGB Housing Rehabilitation program, one house is close to completion and two others are being started.

Under the Home Grant Housing Rehabilitation program, one house is almost complete, and two are under construction. I'll continue to keep City Council informed of the scheduling and completions associated with this program as I get updates.

2. NEW INDUSTRY STATUS REPORT

The SL Tennessee project is close to completion.

Confluence Solar, Inc has indicated that they would like to break ground on their project by November of this year. They are also on schedule to submit RFP's (Request for Proposals) for design and engineering by the end of this month. I have "fine-tuned" the Sales Agreement and Option Agreement for the land transactions I the I-75 Industrial Park property per their specifications and should have those in place very soon.

3. MEMORANDUM REGARDING DRAINAGE WORK ON PRIVATE PROPERTY WITHIN THE CITY OF CLINTON

I have attached information supplied by the Municipal Technical Advisory Service (MTAS) regarding recent inquires concerning storm water run off on private property for your review.

4. STATE OF TENNESSEE COMPTROLLER REQUEST

Because of recent budget constraint and an effort by the Tennessee State Comptroller, Justin Wilson, to promote transparency by local governments regarding government finances, we are required to read the letter attached to your

package into the City Record (Minutes).



STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY
OFFICE OF STATE AND LOCAL FINANCE
SUITE 1600 JAMES K. POLK STATE OFFICE BUILDING
505 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-1402
PHONE (615) 461-7872
FAX (615) 741-5986

July 20, 2010

Honorable Scott Burton
Mayor of the City of Clinton
100 Bowling Street
Clinton, TN 37716

Dear Mayor Burton:

We are in receipt of the City's budget submission received via email on July 15, 2010. Included in the submitted documents was a tax and revenue anticipation note ("TRANs") resolution for \$3,000,000 for the General Fund. Steve Jones, City Manager, asked that these TRANs be approved.

Budget Review

The City's budget is in the process of official budget approval review. This letter does not address whether or not the City's budget meets the requirements for approval.

Chart 1
General Fund Tax and Revenue Anticipation Note Request Analysis

Fund	Beg. Fund Balance	Revenues	Transfers-In	Available Funds	Expenditures	Transfers-Out	Appropriations	End. Fund Balance
General	\$ 133,862.00	\$ 9,982,131.00	\$ 184,806.00	\$ 10,300,799.00	\$ 9,458,098.00	\$ 605,000.00	\$ 10,063,098.00	\$ 237,701.00

Tax and Revenue Anticipation Note

This letter also acknowledges receipt of the request for approval to issue TRANs in the amount of \$3,000,000 for General Fund expenditures. Municipalities in Tennessee are authorized to issue TRANs pursuant to *Tennessee Code Annotated* Title 9, Chapter 21 to provide monies for operating expenses until sufficient revenues are received. The amount of TRANs which may be issued must not exceed 60% of the annual appropriation for the fund involved, and sufficient future revenues must be anticipated allowing payment of the TRANs by the end of the fiscal year of issuance; in this case, June 30, 2011. Issuing these TRANs reduces the amount that the City may borrow later in the fiscal year. We have found this request meets the statutory requirements.

Chart 2
City of Clinton Tax and Revenue Anticipation Note Request

Fund	Anticipated Revenues	Appropriations	Revenue Less Appropriations	60% Appropriations	TRAN Request July 15, 2010
General	\$ 9,982,131.00	\$ 10,063,098.00	\$ (80,967.00)	\$ 6,037,858.80	\$ 3,000,000.00

This letter constitutes approval by this Office for the issuance of an amount not-to-exceed \$3,000,000 General Fund TRAns.

Approval of the TRAns is conditioned upon agreement with the following terms by the City of Clinton City Council:

- A copy of this letter shall be provided to all the members of the City Council, be presented at the next meeting of the Board after receipt, and be spread across the face of the minutes of the meeting.
- The City shall comply with all the requirements of *Tennessee Code Annotated Title 9, Chapter 21* and shall provide this Office verifiable documentation of compliance for fiscal year 2011.
- The City shall report the execution of the TRAns and the amount to this Office within 45 days of issuance.
- The City shall correct any problems identified in its budget.
- The City shall maintain a balanced budget with no cash deficits and sufficient to pay operating and debt service costs during fiscal year 2011.
- The City shall repay the TRAns no later than June 30, 2011 and provide documentation to evidence such payment within 15 days of, but not later than June 30, 2011. The City shall report non-issuance of the TRAns to this Office not later than June 30, 2011.

Public Debt Entity Report

Enclosed is a form CT-0253 - Report on Debt Obligation. Please complete this form and return it to this Office within 45 days of the date of issuance of the TRAns. *Tennessee Code Annotated* § 9-21-151 requires the reporting of certain information to the Director of the Office of State and Local Finance within 45 days of issuance of debt obligations (including bonds, notes, debentures, and lease purchase agreements without regard to whether interest thereon is excludable from federal income tax). No public entity may enter into additional debt if it has failed to file the Report on Debt Obligation.

If you have any questions please call me at (615) 747-5370.

Sincerely,


Mary-Margaret Collier
Director of State & Local Finance

Cc: Dennis Dycus, Director of Municipal Audit, COT

Enclosure (1)

5. APACHE LANE ISSUE

At last month's Council meeting a citizen complaint regarding a property maintenance violation on S. Apache Lane was brought to City Council. This issue has been addressed by the Codes Enforcement Officer, Curtis Perez and referred to Clinton City Court on three separate occasions. Judge Farley found the defendant guilty on the last court date (August 10, 2010) and recommended that any further

action regarding this issue be referred to a higher court. The next step is to file a lawsuit against the property owner for violation of our property maintenance codes in Anderson County Chancery Court. Phil Crye, the City Attorney, has informed us that he will not be able to represent the City in this case due to a conflict of interest; therefore, Clinton City Council will have to authorize me to hire outside counsel should City Council want to proceed with this lawsuit. Councilman Jerry Shattuck made the motion to authorize the City Manager to retain an attorney and begin the process of filing suit against the property owner and was seconded by Councilman Jim McBride. The motion was moved to carry unanimously.

6. ORDINANCE CHANGE ON COUNCIL MEETING TIMES – Memorandum included in package. Councilman Jerry Shattuck made the motion to approve the ordinance to change the meeting date to the fourth Monday of the month on first reading and was seconded by Councilman Robert Herrell. The motion was moved to carry unanimously.
7. GREEN MCADOO NATIONAL HISTORIC SITE STUDY
The National Park Service will begin their study for the Green McAdoo/Clinton Desegregation Crisis National Historic Site with a site visit to Clinton on August 31, 2010.

DEPARTMENTAL ACTIVITIES

ADMINISTRATION

- 1) Finance Report- Vickie L. Fagan, Finance Director noted the report is through July 31, 2010. The Total Available Funds at approximately 15% and Expenditures and Appropriations are 9%. In Section II the revenues are somewhat sparse due to the lag in receipts.
- 2) Fund Balance Policy- Vickie L. Fagan presented Council with a proposed Fund Balance policy as required by GASB No. 54.

CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

FIRE DEPARTMENT

1. The Clinton Fire Department has undergone an audit of the Department's 40-hour in-service training program for the 2009 calendar year by the Tennessee Commission on Firefighting Personnel Standards and Education. The CFD records were found to be correct and in order.

2. I would request and recommend that the following City owned police vehicle be surplused and sold at the Police auction coming up in September: 1996 Ford Crown Victoria Police Cruiser (2FALP71W0TX194139). Councilman Charlie Lyons made the motion to surplus the 1996 Ford Crown Victoria and was seconded by Councilman Larry Gann. The motion was moved to carry unanimously.

POLICE DEPARTMENT

1. Approximately 150 children attended the Clinton Police Department's DARE pool party at Jaycee. Barry Phillips, owner of Phillips Siding, Mike Bower of Tennessee Farm Bureau, Brad Lenderman of Sunny Marine, and Frank Yelecinch of Tennessee Insurance were sponsors.
2. The Clinton Police Department will be holding an auction for vehicles seized during drug investigations on September 4, 2010 at 10:00 am with vehicle inspection starting at 9:00 am. The auction will be held in the Underwood-McRae Building at Jaycee. In addition, I would request that the following City owned police vehicles be surplused and sold at this auction: 1998 Ford Crown Victoria Police Cruiser (2FAFP71W9XX1495). Councilman E. T. Stamey made the motion to surplus the 1998 Ford Crown Victoria and was seconded by Councilman Jim McBride. The motion was moved to carry unanimously.

Council discussed the classification level of the Police Chief. Rick Scarbrough informed Council that the Chief's position was a XIII and sometime in the past had been changed. Councilman Jim McBride made the motion to move the Police Chief position to a XIII pay grade and was seconded by Councilman E. T. Stamey. Councilman Jerry Shattuck made an amendment to the motion to move all department heads to a XIII and was seconded by Councilman Robert Herrell. The motion was moved to carry. The original motion was moved to carry unanimously.

PUBLIC WORKS DEPARTMENT

1. In the Public Works Department, crews continue their summer season of mowing, litter collection and right-of-way maintenance. Construction crew members are busy with pothole repairs and brush collections.
2. Public Works continues to manage the SL America project at the I-75 Industrial Park. We are within days of completing the project, after having several rain delays. I will have a complete report on the project, including finances, at the September meeting.
3. The Energy Efficiency Conservation Block grant has been signed by Mayor Burton and forwarded to the State of Tennessee for final

approval. As described in past meetings this is a grant to replace the City of Clinton's traffic signal lighting to more energy efficient LED lighting.

4. I would recommend that the following vehicle be surplus in the upcoming Police auction: 1986 GMC Pick up Truck (1GTEC24N5GF712378). Councilman Larry Gann made the motion to surplus the 1986 GMC pick up and was seconded by Councilman Jim McBride. The motion was moved to carry unanimously.

RECREATION DEPARTMENT

1. We have several complaints from citizens regarding the quality of work from our current mowing contractor. Roger Houck, Parks and Recreation Director has inspected and monitored their work. Per the contract, he has put them on 30 day notice. To date, City staff has determined that their work continues to be unsatisfactory. If after the 30 day notice it is determined that we need to terminate the contract, I request authorization from Clinton City Council to award the remainder of the contract to the 2nd lowest bidder, Jay's Lawn Care, from Clinton at a total increase of the Contract Mowing line item (44400-270) of \$275.00. Councilman Jerry Shattuck made the motion to authorized termination of the contract with current contractor and award the contract for the remainder of the year to Jay's Lawn Care at an additional cost of \$275.00 and was seconded by Councilman E. T. Stamey. The motion was moved to carry unanimously.
2. The bus contract for transporting the students at South Clinton Elementary School to the City of Clinton's after school program is up for renewal. Parker Bus Line has agreed to provide their service to the City of Clinton for another year with no increase from last year. I would recommend that the City of Clinton renew the contract with Parker Bus Line for \$13,720.00. This expense is covered in the 2010/2011 budget. Councilman Jim McBride made the motion to approve the renewal of the Parker Bus Line contract at a price of \$13,720.00 and was seconded by Councilman Charlie Lyons. The motion was moved to carry unanimously.
3. I would recommend that the following vehicles be surplus in the upcoming Police auction: 1996 Chevrolet Sonoma Maintenance truck (GTCT14X0T852824), 1969 Chevrolet dump truck (CE639P839891), 1967 Ford back hoe Model 545, 17 light fixtures (Old Market Street Lights). Councilman Charlie Lyons made the motion to surplus the previous vehicles and equipment and was seconded by Councilman E. T. Stamey. The motion was moved to carry unanimously.

ORDINANCES AND RESOLUTIONS

A. FIRST READING OF NEW ORDINANCE

B. SECOND & FINAL READING

C. RESOLUTIONS

NEW BUSINESS –

Councilman Jim McBride questioned the two promotions made in the Police Department and whether they were promoted by the Chief or the City Manager. Steve Jones replied that the City Charter dictates that the City Manager does the hiring and firing. Mr. Jones noted that he had given the employees in questions an opportunity to go through the grievance process. Mr. Jones explained that in most cases the Chief and City Manager agree but in this case they did not. Steve Jones met with all employees with longevity because of the morale issues brought up in June. Mr. Jones noted that he had received two grievances and preferred not to discuss it in public to allow them to proceed with the grievance process. Councilman Jim McBride felt that the grievance should be heard by an unbiased judge.

Councilman E. T. Stamey noted that he had been involved with the morale issue and was very bothered by it. Councilman E. T. Stamey made the motion to terminate the contract with Steve Jones and was seconded by Councilman Charlie Lyons. Councilman Charlie Lyons had spoke with twenty people and that morale is terrible especially in the Police Department. Mayor Scott Burton questioned Councilman Stamey if he had other reasons beside morale and lack of confidence. Councilman Jerry Shattuck found this to be unbelievable. In regards to the issues about the promotions, we have a City Manager form of government that provides that relationships with employees and Council should be through the City Manager. Councilman Shattuck has been contacted by officers that are very happy with the action taken by Steve Jones, and that the morale is better than ever due to the promotions that Mr. Jones made. Councilman Shattuck pointed out that Council is about to undue a decision made less than two months ago without notice to the public or consideration of public input for a issue that is within the purview of the City Manager.

Mayor Scott Burton commented that he is tired of this and that he doesn't dislike Steve or Vickie but rather that it is time to move on. The City has already lost a good policeman and will lose more. Mayor Burton commented Mr. Jones on his economic development efforts but he didn't have confidence with his people management. Steve Jones made on thing clear that if Council is basing their decision on the promotion issue, that not one Council member had spoke with him about the issue. Councilman Jim McBride

commented that at the June meeting Steve Jones had commented that he would have to work harder for the three members that voted against him. Councilman McBride noted that in the 2 ½ years that he has been on Council that Mr. Jones has not been to his office once. Councilman Charlie Lyons commented that he is worried about the police department and would probably recommend that Rick Scarbrough be replaced but the Police Department is so entrenched with the Chief that it would be easier to replace the City Manager than the Police Chief. Councilman Lyons also noted that Rick Scarbrough and Steve Jones are never going to be able to work together. Councilman Jerry Shattuck took issue with Councilman Lyons that the Steve Jones will be easy to replace, in fact it will be difficult and the mistake is compounded by the fact that Council took a position less than two months ago after a public meeting. Council is going back on their word to the public and to Mr. Jones and it's just a lack of honor and he did not want to be a part of it. Councilman Larry Gann commented that Council has made decisions and we should honor them and Council should not be micromanaging. The motion was moved to carry with Councilman Larry Gann and Councilman Jerry Shattuck voting no.

Steve Jones requested Council that he is allowed to make one last recommendation and that was to appoint Roger Houck interim City Manager. Councilman Jim McBride made the motion to appoint Roger Houck interim City Manager and was seconded by Councilman E. T. Stamey. The motion was moved to carry unanimously.

VISITORS –

NEW BUSINESS –


MAYORS COMMUNICATIONS –

Mayor Scott Burton called for adjournment of the meeting.

Councilman Jim McBride made a motion to adjourn the meeting, and Councilman Charlie Lyons seconded the motion. The meeting adjourned at 7:19 pm.



Mayor Scott Burton



Vickie L. Fagan, City Recorder