

**April 29, 2010**

**PUBLIC HEARING**

Mayor Scott Burton opened the public hearing at Clinton City Hall at 5:32 p.m.

**Ordinance # 570 – An Ordinance of the City of Clinton, Tennessee amending the ordinance regulating the sale of beer**

There was no comment from the public.

Mayor Scott Burton closed the public hearing at 5:33 p.m.

**REGULAR CITY COUNCIL – MINUTES**

Mayor Scott Burton called the regular Clinton City Council meeting to order on April 29, 2010, at Clinton City Hall at 5:33 p.m. Councilman Larry Gann, Councilman Rob Herrell, Councilman Charles Lyons, Councilman Jim McBride, and Councilman E.T. Stamey were present for the meeting. Councilman Jerry Shattuck arrived late due to another board meeting.

Guest and Staff present:

Ron Young  
Ron Bridgeman  
Stephen Flick

Michael Funderlic  
Alan Seivers

Jennifer Jenks  
James Steadman

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

Dr. Stephen Flick, pastor of Clinton First Wesleyan Church, opened the meeting with prayer.

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

Councilman Rob Herrell made a motion to approve the March 29, 2010 regular minutes as received, and Councilman Jim McBride seconded the motion. The motion was moved to carry.

## **Committee Reports**

### **School Board Report – None Given**

### **Board of Zoning Appeals**

Councilman Larry Gann reported the Board of Zoning Appeals met on April 12, 2010. Anderson County Government requested a variance for the expansion of a convenience center located at Highway 61. The Board treated the request as an administrative review and denied the request based upon the non-conforming use statute. Linda Helmick was granted a variance for an accessory structure to be partially placed in the front setback located at 339 Unaka Street. The board approved a front setback variance for Louie Ivey for property located at 925 S. Charles Seivers Blvd. Evelyn Burdon requested a residential accessory structure in the front yard setback at 716 Byrd Street, the board concurred. The City of Clinton was allowed a second dwelling for property located at 822 Rogers Street, until the completion of a new dwelling.

### **Clinton Regional Planning Commission Report –**

The Clinton Regional Planning Commission met on April 12, 2010 and approved a request from Boundary Consultants for a final plat for property located at 340 Unaka Street subject to corrections being submitted. The Board approved a site plan modification from Techmer PM for property located at 1 Quality Circle. Chris Rutledge's request for final site plan review was granted for property located at 312 Frank Diggs Drive for SL America.

### **Clinton Utilities Board Report –**

Councilman Charlie Lyons reported that the Board met on April 8, 2010 and approved vouchers for the month of \$7,760,241 with a net income of \$328,875. Councilman Lyons reported the upgrade on the wastewater main in downtown Clinton on Hicks Circle was 95% complete. The TVA electric bill has increased again which will increase the average bill by \$4.58. Councilman Lyons mentioned this was the third month in a row with an increase, and it will probably continue to increase as gas prices rise. Councilman Lyons reported the board approved the purchase of capital outlay equipment in the following amounts: electric department totaling \$4,227,000; water department totaling \$420,000; and sewer department totaling \$650,000.

## **Mayor's Commission –**

City Manager Steve Jones noted there had been a meeting on April 21, 2010 with several representatives from different groups within the city and a contingency of city leaders from the City of Jellico to discuss the secrets to master planning.

## **CITY MANAGER'S REPORT**

### **GENERAL INFORMATION**

1. The Clinch River Spring Antique Fair will be Friday, April 30<sup>th</sup> and Saturday, May 1<sup>st</sup> in Historic Downtown Clinton.
2. The Green McAdoo Cultural Center will be hosting one of three public forums held across the State of Tennessee by the Tennessee Human Rights Commission on Thursday, May 6, 2010 starting at 5:00 pm.

### **CURRENT PROJECTS AND ACTIVITIES**

#### **1. 2009 CDBG GRANT**

Construction on the Byrd Street project will begin in May. The contracts have been signed and all the appropriate steps have been taken. Mr. Jones will notify Council when this project begins.

CDBG guidelines require the following statement to be entered into the record:

*“The City of Clinton is committed to abiding by all federal and state fair housing laws. The Fair Housing Act that was passed in 1968 prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status and disability in the sale or rental of housing. The Department of Housing and Urban Development is the federal agency with primary responsibility for enforcing the Fair Housing Act.”*

*“The City of Clinton will assist individuals who feel that they have a fair housing complaint. The City of Clinton will make available a Housing Discrimination Complaint Form to any individual that requests the form. The completed form may be sent to the Knoxville HUD office or the HDU office where the alleged act of discrimination occurred. Citizens may also directly report a violation to the HUD office at 1-800-440-8091.”*

The Home Grant is underway and on schedule. City Council will be informed of the scheduling associated with this program as updates develop.

2. NEW INDUSTRY STATUS REPORT

The SL Tennessee project is a couple of weeks ahead of schedule. While moving the dirt, the contractor dressed up a City owned parcel at no charge.

There should be updates from Confluence in a couple of weeks.

3. YARNELL ROAD BRIDGE

Official notification by the State of Tennessee was received today for the completion of the Yarnell Road Bridge.

4. QUIT CLAIM DEED REQUEST

In your package Mr. Jones included a request by Chris Irwin for Council's consideration. Mr. Irwin has requested that an unimproved 10 foot alley way outlined in the attached plat be quit claimed to him and adjoining property owners. Mr. Jones recommended approval of this request. Councilman Larry Gann made a motion to approve the quit claim deed, and Councilman Rob Herrell seconded the motion. The motion was moved to carry.

5. SL TENNESSEE REQUEST FOR GRANT ANTICIPATION NOTE

SL Tennessee has requested that the City of Clinton consider a Grant Anticipation Note to cover expenses on the expansion until reimbursement is received from the State. All associated fees and interest will be reimbursed to the City by SL Tennessee in accordance with our signed agreement. In order to move forward on this request, City Council must approve Resolution # 664. Mr. Jones reminded Council that this is the bridge loan that he discussed at the last meeting. Councilman Jim McBride inquired why Samlip would want the City to cash flow the project. Mr. Jones explained that local governments can borrow money at a tax exempt rate which results in lower interest rates. Councilman Rob Herrell asked if this outstanding loan would affect us negatively. Mr. Jones said there is a possibility this could happen; however, since talking to some lenders, they believe it would not affect us negatively since this it is backed by a grant with an approved contract. Councilman McBride asked if there was any chance that we could get stuck with any of it. Mr. Jones informed that we could not since there is a signed agreement from SL Tennessee. Councilman Charles Lyons made a motion to approve resolution # 664 contingent on approval of the FDIP grant from the State of Tennessee; Councilman Larry Gann seconded the motion. The motion carried after a unanimous roll call vote.

## **DEPARTMENTAL ACTIVITIES**

### ADMINISTRATION

#### Finance Report:

Councilman Jim McBride asked if the City has got the money from BB&T yet. Mr. Jones said Mayor Burton signed the final paperwork when he came in today.

Councilman Rob Herrell asked what fund balance would be at end of fiscal year. Mr. Jones explained that if a couple of property transfers go through the fund balance will still be in the negative at the end of the fiscal year.

### CODES ENFORCEMENT / BUILDING INSPECTIONS DEPARTMENT

### FIRE DEPARTMENT

### POLICE DEPARTMENT

In the upcoming fiscal year, we will be rotating four of our patrol cars out of the City's lease purchase program and two additional vehicles that were purchased the same year. It will be necessary to replace them. The Police Chief has informed the City Manager that this is the last year that Ford Crown Victoria Police edition, a mainstay of police departments everywhere, will be produced; therefore there is a high demand for them. In order to get them before they are gone, we must go ahead and order them. Mr. Jones recommended that City Council approve the purchase of six Ford Crown Victoria Police Cars from Alexander Ford Murfreesboro, TN, a total cost of \$147,000.00 (\$24,500.00/each) which is the State of Tennessee's State Wide Contract price, with proceeds coming from a lease purchase agreement that will be included in the 2010/11 fiscal year budget. There will be additional equipment costs associated with these vehicles and we will ask for an additional appropriation from the lease purchase package for this equipment when the vehicles arrive. Councilman Rob Herrell asked about the fleet of police vehicles and what happened to the retired cars. Mr. Jones offered a report on the police vehicles and explained that older vehicles are surplus and sold at auction. The older vehicles surplus have maintenance issues or high mileage. Councilman Herrell asked what the interest rate would be with a lease purchase. Councilman Jerry Shattuck mentioned that it was less than 4%. Councilman Jim

McBride stated that he didn't want to secure more debt with our financial position and requested waiting until fall or winter. Mr. Jones suggested getting a service history report on the fleet from the mechanic since the next council meeting is only a couple of weeks away. Councilman Jerry Shattuck pointed out that he feels confident if the Chief says he needs the vehicles then we should not jeopardize losing the Crown Victoria vehicles by waiting. Mayor Burton asked if Drug Funds could be used for these. Mr. Jones noted that it is recurring expenditure and would not be eligible for the use of the Drug Fund monies. Councilman McBride asked if one of these six vehicles is for a k-9 vehicle. Mr. Jones said he would be glad to ask to chief.

### PUBLIC WORKS DEPARTMENT

1. In the Public Works Department, crews are busy with the beginning of the mowing season. We have been picking up litter ahead of the mowing and trimming and this routine will continue throughout the summer and early fall seasons. We have been notified by TDOT that due to budget constraints, they have reduced the number of contract mowing cycles along their state highways and interstates. Inside our city, the only mowing performed by TDOT contractors is the portion of Highway 61 from the Clinch River Bridge to I-75, including the median and shoulders. This year, TDOT will pay for only three (3) mowings for the entire season. Our Public Works Department concentrates first on mowing city streets and our three industrial parks, and sometimes supplements the mowing along state highways, as their schedule permits. This year the Public Works Department is short four (4) employees due to our hiring freeze and budget cuts, so our mowing cycle may also need to be adjusted with longer periods between mowings.
2. Our Spring Clean-Up Day held on April 5<sup>th</sup> produced fifteen (15) dump truck loads of debris being hauled to the landfill, for a total of 31,680 pounds of materials. This compares to last year's amount of 36,060 pounds.
3. The Public Works Department is providing inspection and administrative support for the SL America project that is currently underway. For ninety days Public Works will oversee the construction and will coordinate efforts between the parties involved to see that we create the proper records to ensure our reimbursement from the Tennessee ECD. Records and photographs will be maintained in preparation of a final audit for the project.

Councilman Larry Gann asked how many mowings TDOT was providing prior to this mowing season. Mr. Jones answered by saying TDOT was paying for 4 mowings and now only 3.

Councilman Rob Herrell asked if there was a budget cut in the public works department last year. Mr. Jones explained that two years ago when revenue was anticipated to be much higher before the crash in September of 2008, three positions were going to be added to the public works department, and the positions were not filled because the economic downturn. Therefore, only one position has been left open to save money this year.

## RECREATION DEPARTMENT

### ORDINANCES AND RESOLUTIONS

#### A. FIRST READING OF NEW ORDINANCE

#### B. SECOND & FINAL READING

**Ordinance # 570 – An Ordinance of the City of Clinton, Tennessee amending the ordinance regulating the sale of beer**– Councilman Larry Gann made the motion to approve Ordinance # 570 on second and final reading and was seconded by Councilman Jerry Shattuck. Councilman Shattuck identified section 8-222 deals with a civil penalty for a responsible vendor of \$1,000 and \$2,500 for those who are not a responsible vendor. Councilman Shattuck went on to explain that a responsible vendor has gone through the State’s training program. City Manager Steve Jones added that a company can also have a training program that is approved by the state. Mayor Scott Burton and Councilman Jim McBride asked if we as a City could make it mandatory to go through this training program. Councilman Shattuck and Mr. Jones said no, but we could let them know that it was in their best interest to do this. Mayor Burton asked if everyone who has a license would get a letter regarding this change. Mr. Jones stated every permit holder would receive a letter. The motion was moved to carry.

#### C. RESOLUTIONS

**Resolution # 662- A Resolution to request codification of the City of Clinton Municipal Code of MTAS- This** motion was tabled.

## **VISITORS –**

Ron Young, 416 Highland Drive, thanked Council for the changes in the noise ordinance and said after several weeks have noticed improvement.

## **NEW BUSINESS –**

Councilman Jerry Shattuck noted that the amount for building permits has increased due to new construction.

## **MAYORS COMMUNICATIONS –**

Mayor Scott Burton requested scheduling two dates for budget workshops. Council scheduled the first for Wednesday, May 5, 2010 and the second for Wednesday, May 19, 2010, both at 5:30 p.m.

Councilman E.T. Stamey identified an employee whose wife has been denied surgery by Humana and wondered if the contract could be interrupted. Mr. Jones advised under HIPPA laws he cannot discuss employees health issues. Mr. Jones did say that he was approached by an employee who told him that he felt there were contract violations between the provider and the person receiving the benefits. Mr. Jones asked the employee for a specific detail/ details where the contract is being violated so he could take it to the city attorney and see if we could get out of our health insurance contract. Mr. Jones stated he has not received this information to this date.

Councilman Jerry Shattuck stressed the importance of meeting on the third Monday of the month.

Councilman E.T. Stamey asked if the information delivered to council prior to the meeting could be put on the website. City Manager Steve Jones said the agenda can be put on the website.

City Manager Steve Jones informed Council he has a draft of the budget along with a memorandum.

Councilman Jim McBride made a motion to adjourn the meeting, and Councilman E.T. Stamey seconded the motion. The meeting adjourned at 6:36 pm.

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Mayor Scott Burton

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Vickie L. Fagan, City Recorder