

**September 20, 2010**

**PUBLIC HEARING**

ORDINANCE #575 - An ordinance to change Clinton City Council Meeting dates.

Mayor Burton opened the public hearing on Ordinance # 575 to change the Council meeting dates to the last Monday of the month and asked for comments from the public.

Monnie Champion spoke encouraging the council to pass Ordinance #575 so the public can view the meetings in its entirety.

Motion made by Councilman McBride to change regular City Council Meeting dates and seconded by Councilman Shattuck. Motion moved to carry.

**REGULAR CITY COUNCIL - MINUTES**

Mayor Scott Burton called the regular Clinton Council meeting to order on September, 20, 2010, at Clinton City Hall at 5:30 pm. Councilman Larry Gann, Councilman Robert Herrell, Councilman Charles Lyons, Vice-Mayor Jim McBride, Councilman Jerry Shattuck and Councilman E.T. Stamey were present for the meeting.

**Guest and Staff present:**

Monnie Champion  
Eddie Khavani  
Ronald Young  
Effie Day

Councilman Jim McBride made a motion to approve the agenda as received, and Councilman Lyons seconded the motion. Councilman Shattuck had a couple of questions regarding the City Managers report under the Fire Department report in the surplused vehicle paragraph. The word “police” vehicle needs to be changed to “fire” and the matter of City Manager needs to be designated under “new business.” Motion to amend was made by Councilman Shattuck, seconded by Councilman Gann. Motion moved to carry.

**Committee Reports**

**School Board Report –**

1. Dr. Vicki Violette reported that enrollment was up. The City Schools now have 975 students enrolled and increase of 29 more than in August 2009.

2. Dr. Violette thanked Mayor Burton for donating his Mayor salary to the City Schools.
3. Money for lap top program is a success. Computers were ordered and distributed to the 67 students who qualified.
4. According to the School Reports, Dr. Violette commented that at the end of the fiscal year there is always a carryover of funds due to the schools and the City is a little behind what they owe. Balance due is \$660,000 money received in July goes towards that debt service and in August until it is finally caught up. Discussion followed on the current 1/12 payments which the schools are paid. Councilman Jerry Shattuck stated cash flow situation is complicated and Mr. Isabel can probably answer those questions. He added that an audit year reconciliation has been agreed upon and we have had no audit findings. Dale Isabel stated that BEP funds are based on attendance and is not adjusted until March. A financial report he made for the Auditors are in your council packets.

Motion was made by Councilman Lyons to approve budget amendment #1 and second by Vice-Mayor McBride. Motion carried by roll call vote.

Motion was made by Councilman Lyons to approve budget amendment #2 and second by Vice-Mayor McBride. Roll call vote was made and motion carried.

Vice Mayor McBride made motion to approve budget amendment #3 and second by Councilman Herrell. Motion carried by roll call vote.

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

Councilman Larry Gann reported that there were no BZA applicant requests. Regional Planning commission received request from ACWA requesting annexation of property located at 1611 N. Charles Seviars Boulevard and was approved. The property was zoned C1 and was recommended that it be zoned B2 which was also approved. In other business, discussion was made regarding the sign ordinance and was suggested the board review it once again. Mr. Whitaker, of Peoples Bank, suggested that a work shop would be a good. The Board requested that the staff draft an ordinance and allow the Board to review it during a work shop. The first work shop will probably be in November.

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

Councilman Charlie Lyons reported that CUB met on September 9, 2010 and approved paid vouchers of \$8,274,988 with a net income of \$245,609. Wastewater collection improvements have been started on North Main Street at a budgeted cost of \$115,500 and should be completed by end of December. There was a rate increase for fuel adjustments to 1.64%; an average residential cost \$1.93 per household.

CUB received a letter from Comptroller's Office regarding Negative Net Assets. If CUB reports negative after 2 years in a row the state will investigate and set rates for water and sewer. CUB currently has the lowest rates in the area and will have to look at rate changes, but maintain they will still be lower than our surrounding areas.

CUB is also looking into a wellness program for its employees. They have received information from UT and will be pursuing other vendors. This will be looked at in-house and should have minor costs.

### **Mayor's 21<sup>st</sup> Century Commission**

1. Councilman Shattuck reported the Commission met on September 8<sup>th</sup> and had 28 members present there has been little activity since the City is low on funds. A grant was applied for last year for the walking trails project from Riverside to Charles Seivers and was denied because the amount was too high. It was reapplied for and awarded with a 20% match from the City with "in kind" services from the Public Works Department. The committee felt the walking trails project needed to be re-examined which will be performed by Mr. Paynter, our contractor and the Public Works Director. We have until 2012 to initiate. The committee will meet again with a report and updated estimates to have a better idea on how to proceed.
2. In addition, the National Park Service was asked to study the Green McAdoo Cultural Center and visited the center in September with the Councilman Shattuck, Mayor Burton, Roger Houck, Steve Jones, Marilyn Hayden and James Cain present. The National Park representatives were enthusiastic and very impressed with the Center. GMCC has a good chance to qualify being listed on the National Park Service Registry.
3. The Master Plan in 2005 has 2 major park complexes which include playgrounds, water features and a skate board park. Since 2008 we have not been able to secure funds through grants. The need for these parks have heightened. One member of the Mayors Commission, along with other young mothers/friends have asked that if they could raise money publicly with private donations. The commission recommends that the approach be taken and a committee formed. The commission asked the endorsement of this fund raising effort be approved by the city council. Councilman Shattuck made the motion and seconded by Councilman Gann. Motion carried.

## **CITY MANAGERS REPORT**

### **General Information**

Mayor and City Council will sponsor an employee appreciation lunch on Friday October 8<sup>th</sup> at 11:30.

## **Current Project and Activities**

Public Works completed its role in managing the Samlip project in the I-75 Industrial Park and a financial report is in the council packets. They will now prepare for the required audit of the project management.

Confluence Solar is reviewing the property agreement and is preparing for ground breaking in the first quarter of 2011.

The City has filed the Complaint for Injunctive Relief and Money Damages in Chancery Court against Mary Gilkey and John Hughes.

## **Departmental Activities**

### ADMINISTRATION

Due to the absence of Vickie Fagan there was no financial report.

### FIRE DEPARTMENT

The Fire Department applied for the 2010 Safer Grant which will pay for seven fireman over a period of four years at 100%.

### POLICE DEPARTMENT

Anderson County District Attorney David Clark has requested that the Clinton Police Department participate in a county wide Forensic Task Force. Chief Scarbrough asks that our department make an initial contribution to the 7<sup>th</sup> Judicial Anti-Crime Task Force in the amount of \$5,000. This will allow us the use of a Mobile Forensic Lab. We currently employ two Nationally Certified Forensic Specialist, who serve with other certified investigators to assist other agencies in major crime scenes. Motion to approve one time expenditure was made by Councilman Shattuck and second by Councilman Herrell. Motion carried.

The Police Department recently conducted a drug seizure and surplus auction. A total of \$33,600 was raised; \$26,125 was from drug seized vehicles.

The date of the Clinton Police Department's Family Night Out was changed to October 28<sup>th</sup> and invited to the council to come.

Chief Scarbrough stated the department has had two positions open for the last 2 months and an additional three positions were eliminated from the budget two years ago. He is currently researching and preparing a proposal to help in controlling costs related to public safety. Also the department was awarded second place in the Governors Safety Program.

## PUBLIC WORKS

Public Works department are continuing their summer mowing, trimming and litter collection duties. Construction crews have been busy with pothole and asphalt repairs along with improvements to sidewalks and handicap ramps on Main Street and Leinart Street.

Leaf collection will begin the last week of October and continue through mid January 2011.

## RECREATION DEPARTMENT

The Antique Fall Festival sponsored by Anderson County Chamber will be held October 9<sup>th</sup> on Market Street.

Leon asked that Market Street be closed for The Veterans Day Service Parade which is scheduled to be on November 11<sup>th</sup> at 6pm. Motion to approve made by Councilman Stamey and second by Vice Mayor McBride. Motion carried.

## ORDINANCES AND RESOLUTIONS

First Reading Ordinance #573

Councilman Shattuck asked about the annexation of this property, shouldn't we annex it before we approve the zoning? Motion to adopt Ordinance #573 was made by Councilman Lyons and second by Vice Mayor McBride. Motion carried.

Mayor Burton request that Ordinance #574 be tabled due to the absence of Ms. Fagan.

Ordinance #575 to change council meeting dates to the last Monday of the Month. Motion made by Vice Mayor McBride and second by Councilman Shattuck. Motion carried.

Resolution #675 for ACWA plan of services. Motion to adopt made by Councilman Shattuck and second by Councilman Lyons. Motion carried.

Resolution #676 to outsource Property Tax Relief to Anderson County Trustee. Motion to adopt was made by Vice Mayor McBride and second by Councilman Gann. Motion carried.

Resolution #677 H & H Body Shop – Motion made to adopt Resolution #677 by Councilman Gann and second by Councilman Stamey. Motion carried.

Resolution #678 WYSH Radio – Motion made to adopt Resolution #678 by Councilman Lyons and second by Councilman Gann. Motion carried.

Vice Mayor McBride read the Constitution Week Proclamation. Motion to approve was made by Councilman Shattuck and second by Councilman Herrell. Motion carried.

Councilman Gann read the Suicide Prevention Awareness Month Proclamation. Motion to approve was made by Councilman Stamey and second by Councilman Lyons. Motion carried.

### **OLD BUSINESS** –

Mayor Burton discussed City Manager evaluation form and expressed that this is an evolving document leaving room for changes as we move forward. Councilman Shattuck stated that this was his least favorite and would like to see the repetitive questions deleted. In regards to the three items under Finance of the City, bond rating, fund balance and % of city debt Councilman Shattuck didn't feel this was the responsibility of the City Manger since he operates from a budget approved by City Council. After some discussion, changes will be made to current evaluation and brought back at next council meeting for approval.

Councilman Shattuck also asked about a Proposed Fund Balance Policy brought before Council a couple of months ago. He understood this was something the council had to adopt and asked if there was a need to discuss. After brief discussion, it was decided that they should take action the first quarter of next year.

### **RECOGNITION OF VISITORS**

Monnie Champion complimented Councilman Gann and Councilman Shattuck for their courage to uphold their decision made in June regarding the City Manager's contract position and conveyed her disappointment to the rest of the council for changing their decisions and going back on their word. She continued with her disappointment because their decision to terminate the City Manager was done after the public viewing of the council meeting by Comcast went off the air and was not an item on the agenda. She further suggests that the minutes as soon as they are approved by council be posted on the City's website as well as the agenda on Wednesday before the council meeting. Another suggestion was to post the agenda on channel 95. She feels these suggestions would provide transparency and rebuild confidence in our council.

David Queener applauded the five councilman for having the courage to terminate the City Manager. He also stated that under the current financial situation the City is under that the council abolish the Recreation Advisory Committee and the Mayor's 21<sup>st</sup> Century Commission.

### **COMMUNICATION FROM THE MAYOR**

The City Attorney recommends that the Interim City Manager work under Contract which a copy is in the council packets for review. The contract is a 6 month contract and

can be extended if needed. The yearly salary is \$85,000 and Mr. Houck's compensation will go back to August 16<sup>th</sup> date. If a new City Manager is hired Mr. Houck will go back to his previous position and salary. Motion made to approve contract made by Councilman Lyons and second by Councilman Shattuck. Motion carried.

### **New Board Appointments:**

Mayor Burton appointed Roger Houck to the Anderson County Economic and Development Board to replace previous City Manager.

Gary Cooper to the Clinton Utilities Board, appointment to last until July 2014

E-911 Board, Mark Alderson and Randy Page to continue serving until July 2014 and Jim Sanderson to finish Gary Cooper's position until July 2011.

Motion to approve appointments made by Councilman Stamey and second by Vice Mayor McBride. Motion carried.

### **OTHER BUSINESS**

Mayor Burton suggests an Insurance Committee to be established to review the City's current benefits. The committee members are Vice Chair Jim McBride, Vickie Fagan, Councilman Herrell and Jerry Riley, Human Resource Manager for Southern Tube. Motion to approve made by Councilman Stamey and second by Councilman Lyons. Motion carried.

Interlocal Agreement E-911 in the council packets states that E-911 and the City are two separate entities which benefit the E-911 office. Motion made to approve agreement made by Vice Mayor McBride and second by Councilman Stamey. Motion carried.

### **NEW BUSINESS**

Jane Holt with Allee Antiques request a loading zone be designated at 301 Market Street. She states there is no back door access from her store for vendors/customers to load and unload. After long discussion motion was made to establish a designated loading zone in the first two spaces on the right with a sign posted to allow 20 minute parking from 10am to 5pm by Vice Mayor McBride and second by Councilman Herrell. Motion carried.

Motion made to adjourn made by Vice Mayor McBride and second by Councilman Stamey. Meeting adjourned at 7:22pm