

**January 31, 2011**

**REGULAR CITY COUNCIL – MINUTES**

Mayor Burton called the regular City Council Meeting to order on January 31, 2011 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.

Guest and Staff present:

Ron Young	Ron Langley	Archie Brummitt
Ken Leinart	Craig & Tami Clark	Curtis Perez
Vickie Violette	Essy Day	Lynn Murphy
Tim Bible	Don Gray	Gina Ridenour
Deane Kay	Betty Gray	Rick Scarbrough
Sutton Kay	Ron Schrader	
Charles E. Smith		

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

Councilman Jim McBride opened the meeting with prayer and led the pledge of allegiance.

Councilman Charlie Lyons made the motion to approve the December 17, 2010 regular meeting minutes and Councilman Jerry Shattuck seconded the motion. Motion carried.

**RECOGNITION OF VISITORS AND CITIZENS**

Mayor Burton recognized the visitors and citizens and opened the floor for any comments. Mr. Sutton Kay at 901 Eagle Bend Road voiced his concern regarding the high volume of tractor trailer activity on Eagle Bend Road and asked the council for help in keeping that type traffic off Eagle Bend. He discussed the extensive damages to residential property and city property caused by these trucks and commented that they are missing the turn on to J. D. Yarnell Road. Mr. Kay said he had spoke to “Garmin” to try and correct the situation but rendered unsuccessful. He suggests making Nave Street and Christian Drive one way streets. He also commented that he would landscape with placing large boulders, etc if that would deter them and welcome the city’s help. Mr. Kay states that it looks like the only thing they will understand is some type of physical deterrent. Councilman Jerry Shattuck asked Chief Scarbrough about contacting “Garmin”. Chief Scarbrough explained that he would speak with Tim Thompson, Anderson County Industrial Development about contacting the Plant Managers and make them aware of the situation. Chief Scarbrough could place an officer on Eagle Bend Industrial Park to monitor drivers and maybe hand out flyers to the security guard to get the information out to the truck drivers and dispatchers. Councilman McBride had discussions with Mr. Lynn Murphy

about contacting TDOT in regards to placing directional signs with “Attention Truck Drivers” at the interstate and Eagle Bend Industrial Park locations. After a long discussion, Mayor Burton stated that he would follow up with these responses and meet with City Manager Houck for best solution.

Don Whitaker of Peoples Bank had questions regarding the “dynamic sign” ordinance. Mayor Burton explained that that was on the City Council agenda and would be open for discussion later and would he mind getting his answers then and if he had additional comments he would be able to voice them then.

### **MAYOR’S COMMUNICATION**

Mayor Burton commented that he was a little bit behind on Board Appointments and would like to take this time to announce them. Clinton Regional Planning Commission, to extend the terms of Garry Whitley and Johnafred Thomas to December 31, 2015. Councilman Charlie Lyons made motion to approve and Councilman Rob Herrell seconded. Motion carried.

Clinton Port Authority, Mayor Burton would like to appoint Barry Hutchins and Scott Vowell, term ending the first Thursday of February 2021 and appoint Jeff Kidwell until first Thursday of February 2020. Motion made by Councilman Larry Gann and second by Councilman Rob Herrell. Motion carried.

Clinton Housing Authority, to extend JoAnn Shuford’s appointment to December 31, 2015. Motion made by Councilman Jim McBride and second by Councilman E.T. Stamey. Motion carried.

Anderson County Solid Waste Planning Region Board of Directors appoints Bill Riggs for a two year term ending October 18, 2011. Motion made by Councilman Charlie Lyons and second by Councilman Larry Gann. Motion carried.

Community Action Commission, appoint Lori Hutchins for a one year term ending December 31, 2011. Motion made by Councilman E.T. Stamey and second by Councilman Jerry Shattuck. Motion carried.

Clinton Recreation Advisory Board, appoint Ed Rosenbaum, Gary Terry and Councilman E.T. Stamey for a term ending December 31, 2012. Roger Byrd and Jennifer Fletcher with terms ending December 31, 2011. Motion made by Councilman Jim McBride and second by Councilman Rob Herrell. Motion carried.

Clinton Citizens Advisory Committee, appoint Jeff Kidwell, term ending December 31, 2011 and Barry Hutchins and Marilyn Hayden, terms ending December 31, 2012. Councilman E.T. Stamey made motion and was seconded by Councilman Larry Gann. Motion carried.

Community Relations Committee, appoint Hayden Evans, Steve Combs, Jack Rains, Roger Fletcher, Albert Turner and Joe Roberts for a two year term ending December 31, 2012. Motion

was made by Councilman E.T. Stamey and a second by Councilman Larry Gann. Motion carried.

Elder Citizens Advisory Board, appoint Lee Cate, AARP, Bill Williams, AARP, Jean Pearson, Retired Teachers, Kandi Alderson, and Cora Spisak, Council on Aging for a four year term ending December 31, 2013. Motion made by Councilman Jim McBride and second by Councilman E.T. Stamey. Motion carried.

Clinton Board of Housing Appeals and Fair Housing, appoint Randy Page, Lori Hutchins, Laura Roberts, Cindy Gilliam, and Ted Davis to a three year term ending December 31, 2012. Motion was made by Councilman Charlie Lyons and second by Councilman E.T. Stamey. Motion carried.

Historic Zoning Commission, appoint Art Miller, Robert Manning and Missy Snead to a five year term ending December 31, 2015. Motion made by Councilman Charlie Lyons and second by Councilman Larry Gann. Motion carried.

Mayor Burton stated that the “Interim City Manager” position was approaching the 6 months timeframe and commented on what a fantastic job Roger Houck had done as City Manager. Mayor Burton acknowledged that this was the consensus of everyone and that is why he was taking the initiative and necessary steps to talk to Mr. Houck about filling the position full time. Mayor Burton just wanted to inform the council that the 6 months will end in February and would be talking to Mr. Houck about his decision and that he could go back to his previous position as the Recreation Director if he so chose. Councilman Jerry Shattuck brought up the fact that his contract is on month to month basis and could continue filling both positions if that were his decision. Councilman Charlie Lyons asked about the Recreation Director position and how long before they would fill that position and Mayor Burton explained that would be up to the City Manager. Further discussion was made regarding the Finance Director position which the application deadline was January 31<sup>st</sup>. The City Manager would be processing them and setting up interviews.

### **Committee Reports**

#### **School Board Report -**

No report. Budget Amendments that were placed in the Council Packets will be discussed at next months meeting.

#### **Board of Zoning Appeals**

Councilman Larry Gann reported the Board of Zoning Appeals approved request for Pamela S. Tokes at 107 Clearview, for a right side building setback variance from 10 FT to 5 FT for residential addition. Staff noted that the setback to 5 ft. is for an attached carport and an additional front setback of 8 ft. was also needed.

Applicant Scott Vowell request to allow an accessory structure on a vacant lot located at Lot 5 Settlers Drive (Map 89, Parcel 186.00) property zoned R-1. Councilman Larry Gann reported

that the Board understood the request to place an accessory structure on a vacant lot adjacent to his residence. The vacant lot is owned by the applicant who plans to subdivide and combine the vacant lot to the lot of his primary dwelling. Technically this item would be considered a “Special Exception” instead of a variance. Mr. Gann made the motion to approve the request with the stipulation if subdivided, the lot with the accessory structure be joined to the lot with the primary structure.

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

Councilman Larry Gann reported the Regional Planning Commission met on January 20, 2011. Applicant Rick Borrow, AT& T requested a site plan review to place yard cabinet located in front of 501 Melton Hill Drive, property zoned R-1 and also one located in front of 500 Greenwood Drive and that property is zoned R-1. Staff stated that these request are for Planning Commission review only, which no action is required by the Commission, just acknowledgement the items were reviewed.

Clinton Land Partners request for a site plan review located at Frank Diggs Drive, property zoned B-2. Commission stated that the site plan meets all requirements and approved the request.

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

Councilman Charlie Lyons reported that CUB met on January 13, 2011 to approve pay vouchers of \$7,406,196.00 and after all bills are paid had a net of \$165,052.00. Discussed TVA bill and how power rates are constantly changing. Present rate is \$9.27 per kilowatt hour Also commented on how well the 2011 Wellness Program was doing.

### **Other Board and Committee Reports –**

Councilman Jim McBride reported from the Insurance Committee and discussed the Pharmacy Plan Change which went back to the “Tradition Plan” from the “Advantage Plan” effective February 1<sup>st</sup>. This will cost the city approximately \$4,500 annually.

## **CITY MANAGER’S REPORT**

### **GENERAL INFORMATION**

In the absence of City Manager Roger Houck, Mayor Burton read the City Managers report.

#### **Authorization To Pursue Grant Funding**

In accordance with previously approved practices of the Council, I respectfully *request authorization to file for various grant funds through the State and Federal Government, as we become aware of available funding*. This would include, but not be limited to, funds for building renovations, water and sewer improvements and rehabilitation, drainage improvements, infrastructure improvements and funding for additional employees and equipment. Motion was made by Councilman Jim McBride

and second by Councilman Rob Herrell. Motion carried. Councilman Jerry Shattuck asked Recreation be added to the motion. Councilman Jim McBride approved.

Codes Enforcement – Property Maintenance Ordinance Revisions

The Codes Enforcement staff has prepared an Ordinance to revise Title 13, Section 13-104 of the Municipal Code, which will give us more enforcement authority in the cleanup of both vacant and owner-occupied properties. The City Attorney has reviewed the proposed change, and MTAS has reviewed the draft ensure proper codification in the Municipal Code.

3. Residential Trash Collection during Inclement Weather

We have recently received several calls and questions regarding residential trash collection during inclement weather, particularly during the recent snow and ice events. Our contractor, Waste Connections, Inc. (WCI) makes every effort possible to collect residential trash on the normal collection schedule. However, during severe weather such as the recent snow and ice events we have experienced, there may be days when it is not possible for the truck and personnel to safely operate due to road conditions. When this happens, WCI personnel contact the Public Works Department, and Public Works then advises city hall staff, department heads, and local media of the service disruption. Residents should continue to place their trash at the street for collection on the scheduled day. WCI will then (based on current conditions) either collect the trash the next day, or possibly the next week. Residents living in areas with steep hills and significantly shaded streets will most likely experience unavoidable service delays during these times. Any questions regarding this issue can be directed to the Waste Connections, Inc. office in Oak Ridge at 482-3656. Mayor Burton request this number and information be put on our website.

A. ADMINISTRATION

1. Finance:

a. Current Finance Report – Finance Director James Cotton.

b. FY 2009 / 2010 Audit

The Draft Audit Report for the Fiscal Year Ending June 30, 2010 has been completed, and we are currently reviewing the report prior to completion. The Final Report should be completed and available within the next 2 – 3 weeks.

B. CODES ENFORCEMENT

1. The Codes Enforcement Department’s monthly activity summary for December 2010 is included in your council package for review.

C. FIRE DEPARTMENT

1. The Fire Department's monthly activity summary for December 2010 is included in your council package for review.

D. POLICE DEPARTMENT

1. The Police Department's monthly activity summary for December 2010 is included in your council package for review.

E. PUBLIC WORKS DEPARTMENT

1. Public Works Department crews have been busy over the past few weeks with snow removal, and then performing the associated repairs and maintenance to snow removal trucks, tire chains, plows, and spreaders.
2. When not involved with snow removal, Public Works crews have started their annual flood control maintenance, where employees walk and inspect each storm water drainage way inside the city and clear them of limbs, leaves, and debris. This project will take about two months to complete.
3. Between now and the beginning of mowing season, Public Works will be performing a city-wide litter collection campaign where each city street, and not just the main routes, are cleared of litter.
4. In your council packages you will find a written summary from Public Works Director Murphy regarding our request for a legal opinion concerning the use of city resources to perform storm water drainage work on private property.

F. RECREATION DEPARTMENT

**CURRENT PROJECTS AND ACTIVITIES**

**ORDINANCES AND RESOLUTIONS -**

Discussion on Ordinance #577 Political Signs, regarding the sixteen square feet. Motion was made to approve Ordinance #577 Councilman Jim McBride and second by Councilman E.T. Stamey. Councilman Shattuck requests the City Code office to verify the ordinance, section and sub sections and to make the "verbiage" more specific to clarify how many sign(s) per parcel.

Motion made by Councilman Larry Gann to accept Ordinance # 578 Dynamic/Electronic signs on first reading and second by Councilman Charlie Lyons. Motion carried. Councilman Jim McBride stated he felt the 25 square feet was too small and what the purpose of the signs and the city needs the sales tax revenue. Also, the maximum 12 inch letter height is too small and questions the need of maximum. He continued discussion on "holiday" displays on the signs and would like to see that stay in the ordinance to include supporting our local schools by displaying sporting events. He added that we want to promote retail business. Councilman Gann explained that it was the intent of the planning commission members to eliminate the "gray areas" and

make the codes enforcement job a little easier and as far as “holiday” display, thought that was too broad an area to cover by this ordinance and deliberately left it out.

Councilman Shattuck questioned the zones in which the dynamic signs would be located specifically M1 and M2. He asked if the Industrial zones would want/need dynamic signs because some are so close to residential communities. Curtis Perez explained that this ordinance is just a first reading and can be amended if necessary. Mayor Burton requests the changes that Council would like to see made as follows; special provision for animation, size of font, should there be a maximum and the 25 sq. ft. size of sign to be changed to 50 sq. ft.

Ron Meredith, Clinton citizen, discussed retail at the interstate and the new businesses don’t want to hear what they can do before they get started. They need to be encouraged to bring their business to the City. Mayor Burton asked that a provision be in there on a case by case basis. Curtis Perez responded that a provision is currently in place. Also stated that the Planning Commission is currently discussing exception to animation.

Further discussion was made on the 10 second transition time for clarification and safety issues. Mayor Burton asked for Planning Commission to check into what the standards were on transition time. Also Councilman E.T. Stamey asks they check on the lighting/brightness of the signs. Motion carried.

Motion made by Councilman Jerry Shattuck to approve Resolution 680 and second by Charlie Lyons. Craig Clark of 727 Sharp Street asked the Council why just one side of the street was addressed. He has tried to apply for the Rehab grants. Curtis Perez explained that it was determined by the state and some grants are site specific and others are designated to be City wide and but are different grants that are awarded to the City. Motion carried.

**OLD BUSINESS –**

**NEW BUSINESS –**

Councilman Jim McBride made the motion for meeting to adjourn and second by Councilman Rob Herrell. Motion carried. The meeting adjourned at 6:50 pm.

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Mayor Scott Burton

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Regina Ridenour, City Recorder