

February 25, 2013

REGULAR CITY COUNCIL – MINUTES

Mayor Scott Burton called the regular City Council Meeting to order on February 25, 2013 at Clinton City Hall at 5:30 pm. Councilman Larry Gann, Councilman Robert Herrell, Councilman Charlie Lyons, Councilman Jerry Shattuck, Councilman E.T. Stamey were present and Councilman Jim McBride was absent.

Guest and Staff present:

Vicki Violette	Gail Cook	Archie Brummitt	Rick Scarbrough	Ron Taylor
Dale Isabell	Roger Houck	Bill Riggs	Kelly Hall	Ron Langley
Curtis Isabell	Lynn Murphy	Gina Ridenour	Ron Young	Timothy Hall

Councilman Jerry Shattuck made a motion to move the Clinton School Board Appointment item under “New Business” to “Communications from the Mayor” of the agenda, seconded by Councilman Larry Gann. Motion carried.

Prayer was led by Rev. Curtis Akers, Clinton Church of God, followed by the Pledge of Allegiance.

Councilman E.T. Stamey made a motion to approve the January 28, 2013 minutes, seconded by Councilman Jerry Shattuck. Motion carried.

RECOGNITION OF VISITORS AND CITIZENS

Mayor Burton asked for any comments/concerns from the citizens.

District Attorney General Dave Clark presented Lt. Vaughn Becker with a Special Recognition Award. To clarify how rare this award is given, he stated that in the past 6 years, had recognized one other officer out of 330 certified officers in the Anderson County jurisdiction with this award. He complimented him on his outstanding leadership abilities and dedication to service.

Mr. Ronald Taylor of 335 Ridgeview Drive addressed the Council and City Manager Houck regarding complaints made regarding City staff/Police department. He would like explanations regarding “harassment” from City staff. Mayor Burton explained that it was his understanding that Mr. Taylor had filed charges with the FBI and could not respond to his comments at this time.

Patricia Yateman, who preferred not giving her address, stated that she concurred with comments/complaints made by Mr. Taylor.

COMMUNICATIONS FROM THE MAYOR

R.C. Hutchins commented to the City Council that he highly recommends Curtis Isabell for Clinton School Board. Mayor Burton read a card from Mr. Hutchins thanking the Council for the nice reception.

Mayor Burton suggested that due to conflicts with the next scheduled council meeting, changing the meeting from March 25 to March 18, 2013. Councilman Rob Herrell made motion to change meeting to March 18 and seconded by Councilman Jerry Shattuck. Motion carried.

NEW BUSINESS

Mayor Burton stated that he received 3 resumes interested in the Clinton Board of Education appointment, Curtis Isabell, Roger Miller and Randy Page. Mr. Page withdrew his resume. Mayor Burton asked Mr. Isabell if he would like to address the Council. Roger Miller wasn't present.

Mr. Curtis Isabell presented his concerns/interest in the position and stated that he would appreciate the Council's consideration.

Councilman Larry Gann commented on his concern about the situation in regards to Curtis Isabell's appointment being a possible conflict due to Dale Isabell's position with the City School System. Councilman Rob Herrell made the motion to appoint Curtis Isabell to Clinton Board of Education and second by Councilman Charlie Lyons. After more deliberation, Councilman Lyons withdrew his second. Councilman Charlie Lyons made the motion to request the legal opinion of the City Attorney. Councilman Jerry Shattuck seconded the motion. Motion carried

COMMITTEE REPORTS

School Board Report

Dr. Vicki Violette commented on the SRO program and how well received it has been by the students and staff. Also stated that it was a wonderful program and she appreciated the Council for their contribution. Dr. Violette stated that the loan (\$650,000) came thru and the City has reimbursed the money already spent from the items on that loan. The schools had an option to send invoices to the City for payment, which is what they are currently doing versus the schools paying them and sending copies to the City for reimbursement. She stated that so far the books match and the paid invoices/reimbursements come to a total of about \$30,000 leaving a balance of \$614,000. Dr. Violette said that Stacy Cox has started the bid process and will be ready to go once school is out.

Dale Isabell presented the School Finance Report. He requested Council's approval of Budget Amendment VI. Councilman Jerry Shattuck made a motion to approve Budget Amendment VI, seconded by Councilman E.T. Stamey. Motion carried unanimously by roll call vote.

Board of Zoning Appeals

Councilman Larry Gann reported the Board met on February 11, 2013. The request waiver for vegetative buffer located at 284 Hiway Drive was withdrawn by applicant Duan Brewer.

Applicant Harold Whited request for waiver of rear setback from 25 ft. to 15 ft. and front setback from 30 ft. to 25 ft. located at 500 Baxter Ave. was approved.

A request for front setback variance along Blockhouse Valley Rd to 20 ft. for property located at 284 Hiway Dr. by applicant Duan Brewer was approved.

Clinton Regional Planning Commission Report

Councilman Larry Gann reported the Board met on February 11, 2013. Applicant Duan Brewer request for a site plan review located at 284 Hiway Drive was approved.

Clinton Utilities Board Report

Councilman Charlie Lyons reported that the board met February 14, 2013 and referred to hand out for revenues and expenses.

CITY MANAGER'S REPORT

City Manager Roger Houck reported that UT-MTAS legal staff has not yet completed their review of our Beer Ordinance in regards to the request from Allies for Substance Abuse Prevention (ASAP) of Anderson County to include amendments for mandatory training for sales clerks. Staff will provide the Council with the MTAS recommendations or any Ordinance amendment when it is available.

City Manager Roger Houck 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. Councilman Jerry Shattuck made a motion to give the authorization to City Staff to seek grant funding and seconded by Councilman Rob Herrell. Motion carried.

City Manager Houck referred to Public Works Director Lynn Murphy for the status of improvements to Blockhouse Valley road. The City has been in the "planning and preliminary engineering phases" of a potential project to widen and improve Blockhouse Valley Road from Hiway Drive to the city limits, for several years. It was discovered early in the preliminary engineering process that the existing Federal Funds allocated to the City would not be sufficient to complete the project and due to some recent discoveries, we have been advised that our allocation and current balance of Federal (Surface Transportation Program) Funds must be expended by September 2013 or we will lose the funding. Mr. Murphy stated that the total Blockhouse Valley Road project is currently cost prohibitive and has proposed a reduction of the scope of the project and an allocation of the balance of available funds toward resurfacing other "STP fund eligible" city streets. A detailed brief of the project status was provided to Council along with Mr. Murphy's recommendation. Based on the current status of the project and available funding, he requested authorization to reduce the scope of the Blockhouse Valley Road project and apply the balance of available STP funds toward resurfacing eligible streets. Councilman Jerry Shattuck made the motion to accept the recommendation, in accordance with the Public Works Director's memorandum dated February 12, 2013 and second by Councilman Rob Herrell. Motion carried.

City Manager Houck stated that the City has received bids for the mowing of Parks and Recreational facilities for the 2013 & 2014 calendar years. Based on a review of the bids received he recommended accepting the bid from Garden Valley Lawn Care for an annual amount of \$22,000.00 for the 2013 & 2014 calendar years. Motion was made by Councilman Charlie Lyons and second by Councilman Rob Herrell. Motion carried.


City Manager Houck referred to Finance Director Gail Cook for finance report.

City Manager Houck asked Chief Rick Scarbrough to give report regarding Police Department. Chief Scarbrough discussed changes to the Wrecker Policy which was provided to Council in their packets. One of the changes was to appoint a wrecker coordinator which he appointed Carl Bailey. He request approval of changes to the policy. Councilman Larry Gann made the motion to approve changes to the City Wrecker Policy and second made by Councilman Charlie Lyons. Motion carried.

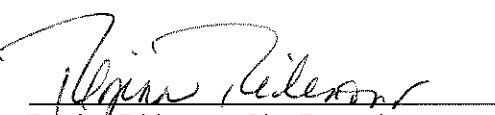
Resolutions

Resolution 709 - Resolution approving T.O.S.H.A. Program Update. Councilman Charlie Lyons made a motion to approve, seconded by Councilman E.T. Stamey. Motion carried.

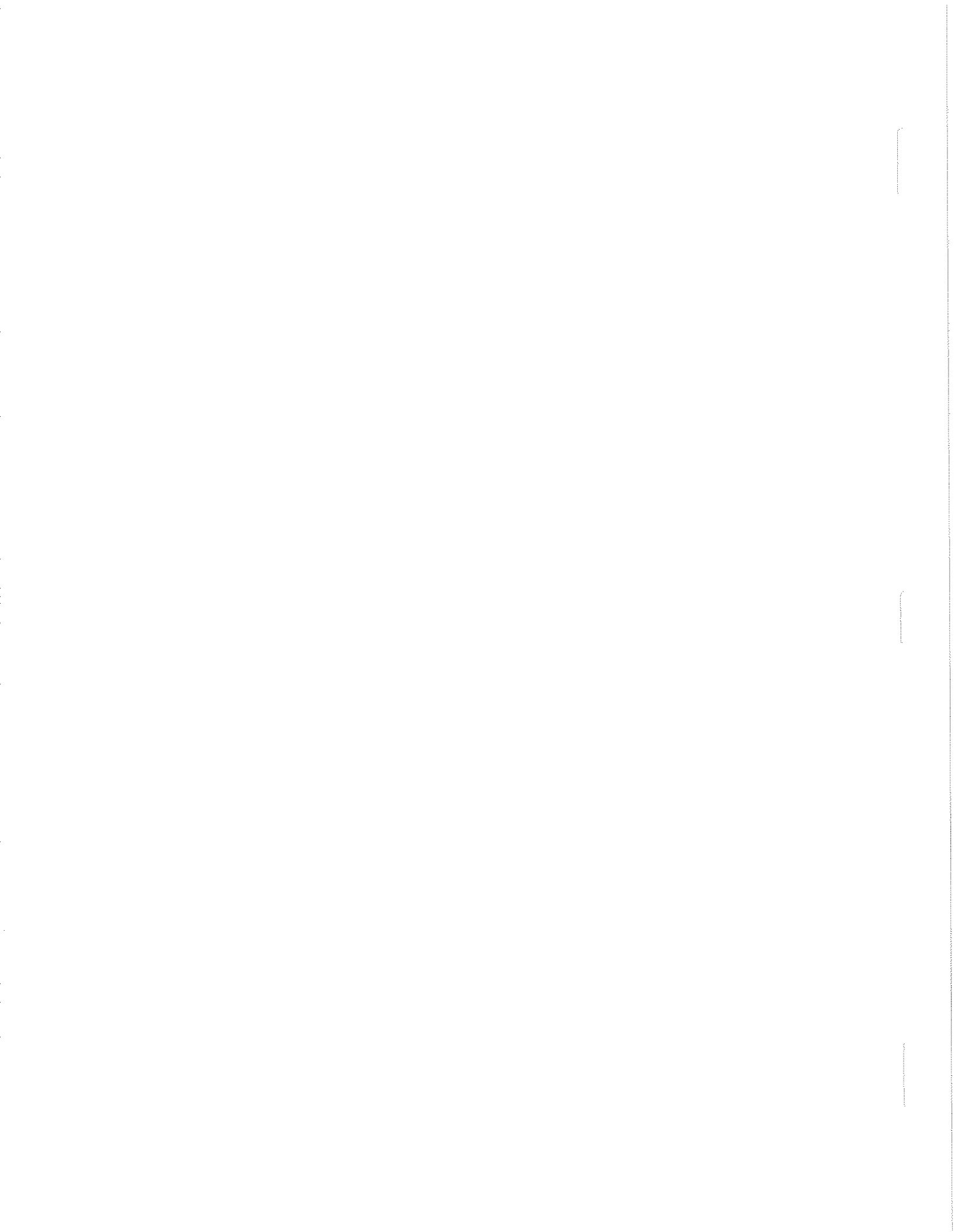
Mayor Burton adjourned the meeting at 7:02 pm.



Mayor Scott Burton



Regina Ridenour, City Recorder



RESOLUTION NUMBER 709

RESOLUTION TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Clinton, Tennessee hereby updates the Occupational Safety and Health Program Plan for our employees.

WHEREAS, due to various changes in subsequent years, it has become necessary to amend the program plan to comply with more recent state requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clinton, Tennessee, that there be and is hereby amended as follows:

SECTION 1.

TITLE: This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of the City of Clinton, Tennessee.

PURPOSE:

The City of Clinton, in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- 1) Provide a safe and healthful place and condition of employment that includes:
 - a) Top management commitment and employee involvement;
 - b) Continual analysis of the worksite to identify all hazards and potential hazards;
 - c) Developing and maintaining methods for prevention or control of existing or potential hazards; and
 - d) Training managers, supervisors, and employees to understand and deal with worksite hazards.
- 2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- 4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- 5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.
- 6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- 7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan.

COVERAGE:

The provisions of the Occupational Safety and Health Program Plan for the employees of the City of Clinton, Tennessee shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED:

The Occupational Safety and Health standards adopted by the City of Clinton, Tennessee are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

VARIANCES FROM STANDARDS AUTHORIZED:

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

ADMINISTRATION:

For the purposes of this resolution, the Codes Enforcement Officer is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

FUNDING THE PROGRAM PLAN:

Sufficient funds for administering and staffing the Program Plan pursuant to this resolution shall be made available as authorized by the City of Clinton, Tennessee.

SECTION 2.

SEVERABILITY:

BE IT FURTHER RESOLVED that if any section, sub-section, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3.

AMENDMENTS, ETC:

BE IT FURTHER RESOLVED that this resolution shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the City of Clinton, Tennessee requiring it.

Adopted this 25th day of February, 2013

BY:



Scott Burton, Mayor

Date

ATTEST:

Regina Ridenour, City Recorder

Date