

**CITY OF ETOWAH, TENNESSEE  
COMMISSION MEETING**

Record of Minutes of Regular Meeting Date October 26, 2015 Sheet No. 1 of 6

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A regular meeting of the Etowah City Commission was held on Monday, October 26, 2015 at 6:30 p.m. in the Council Chambers of City Hall, 723 Ohio Avenue, Etowah, Tennessee. Members present were; Mayor Burke Garwood, Vice-Mayor David James, Commissioner Jim Bull, Commissioner Jason Cardin, and Commissioner Jim Swayne. Also present were City Manager Matthew Gravley, Recording Secretary Eva Valentine, and Finance Director Rebecca Penney.

Mayor Burke Garwood called the meeting to order followed by Commissioner Jim Swayne leading the prayer, and the Pledge of Allegiance to the American flag.

**APPROVAL OF THE MINUTES**

*A motion was made by Commissioner Jason Cardin and seconded by Commissioner Jim Bull to approve the previous minutes of the Regular Commission Meeting held on Monday, September 28, 2015.*

*Commissioner Jim Swayne had a correction to the Agenda in Section 9A to note that Hillborn Distillery was on the agenda with North Etowah Baptist Church addressing the Commission. Commissioner Swayne also stated it should also have read Rev. Mark Wade at North Etowah Baptist Church to address the distillery, since that was the way it was presented to the Commission. He also asked that Matthew receive a copy of it and to pass along to the media as desired. Vice-Mayor David James presented a correction to page 7 and should have stated he asked Pastor Wade if he had provided Commissioner Bull with the motion and he answered in the affirmative. Motion carried unanimously with the changes as noted.*

*A motion was made by Commissioner Jim Swayne and seconded by Mayor Burke Garwood to approve the previous minutes of the Special Called Commission Meeting held on Monday, October 19, 2015. Motion carried with a unanimous Commission vote.*

**NEW BUSINESS**

(a.) Appointments to Etowah Historical Commission

*Mayor Garwood nominated Ann Boyd and Dean Tullock to the Etowah Historical Commission. Commissioner Jim Swayne made a motion to accept both candidates and Commissioner Jason Cardin seconded the motion and motion carried with a unanimous Commission vote.*

(b.) Consideration of Resolution 1148

**RESOLUTION NO: 1148**

**THE CITY OF ETOWAH, TENNESSEE HERBY REQUESTS ASSISTANCE FROM THE TENNESSEE  
DEPARTMENT OF TRANSPORTATION'S  
FY 2016 TRANSPORTATION ALTERNATIVES GRANT PROGRAM**

Mayor Garwood read and presented an overview of Resolution 1148.

*A motion was made by Vice-Mayor David James and seconded by Commissioner Jim Swayne to approve Resolution 1148. Motion carried with a unanimous Commission vote.*

## **OLD BUSINESS**

- (a.) Consideration of Quote for Gravitt Roofing to Repair/Replace Etowah Carnegie Library Roof - \$19,330.00

*A motion was made by Vice-Mayor David James and seconded by Commissioner Jim Swayne to approve the bid presented by Gravitt Roofing to repair/replace the Etowah Carnegie Library roof for \$19,330.00. Motion carried with a unanimous Commission vote*

- (b.) Consideration of Bid by Alternative Construction and Energy to Restore All Windows in the Etowah Carnegie Library Building- \$47,500.00 - Historic Preservation Grant with City Match

*A motion was made by Commissioner Jim Swayne and seconded by Commissioner Jason Cardin to approve the bid presented by Alternative Construction and Energy to Restore All Windows in the Etowah Carnegie Library Building- \$47,500.00. Motion carried with a unanimous Commission vote.*

- (c.) Section of Lawrence Street to Become One Way Street

The Commission approved by acclamation to change Lawrence Street to a one-way street.

- (d.) Options for Repairing or Demolishing the Old Public Works Barn

City Manager Gravley stated the City had obtained three bids but two had withdrawn and the one remaining is for \$34,570.00. He had also received information on insuring the structure and requested guidance from the Commission if they are to restore it to a usable level and eligible to be reinsured. Fire Chief Moore spoke before the Commission expressing his concern on the funds necessary to renovate this building with all the other projects going on in the city including the issues he has in the fire hall. Detective Jim Shaw also voiced his concerns for the condition of the fire hall and the turnover rate of the Police Department was very concerning and Etowah being used as a training ground for new officers.

*A motion was made by Commissioner Jason Cardin and seconded by Vice-Mayor David James to table the decision regarding the Old Public Works Barn since there had not been any money budgeted for this. Motion carried with a unanimous Commission vote.*

(e.) Consideration of Resolution 1149

**RESOLUTION NO. 1149**

**A RESOLUTION OF THE CITY COMMISSION  
OF THE CITY OF ETOWAH, TENNESSEE, TO REMOVE THE APPLICATION OF T.C.A. § 57-2-103 AND  
T.C.A. § 57-3-202, AS AMENDED, TO THE CITY OF ETOWAH,  
TO PROHIBIT THE MANUFACTURE OF ALCOHOL WITHIN THE CITY LIMITS**

Mayor Burke Garwood read Resolution 1149 in its' entirety and opened the floor for a motion.

*Commissioner Jim Bull made a motion to approve Resolution 1149 and Commissioner Jim Swayne seconded the motion and Mayor Garwood opened the floor for discussion.*

Commissioner Jim Swayne commented there was not only the five sitting commissioners who took an oath to uphold the City of Etowah ordinances but also included the manager. He referenced five different ordinances that refer to "packaged liquor sales". He also stated the City can only have two liquor retail stores and according to Etowah Code 1-15-104 all applications must come before the City of Etowah Commission for approval. He stated that had not been done.

Mayor Garwood stated he could not disagree with what Commissioner Swayne had said in reference to liquor stores, but this is a distillery.

Commissioner Swayne continued to reflect on the last meeting and how some of the comments reflected ill-will, and had bashed the churches, but wanted to remind everyone of the events the churches do for the community free-of-charge. He referenced the church sponsored fall festivals and the "Fun Run" the First Baptist Church does every year. He also referred to the time in 1972 when the churches opened their doors when the Junior High School burned down. He also stated he was not going to skirt around any issues and that he had been a member of North Etowah Baptist Church for fifty-three years.

Vice-Mayor David James stated he was a member of First Baptist Church of Etowah and pointed out that when the tornado came through Etowah, his church offered shelter and relief just as North Etowah had.

Commissioner Swayne said he agreed with the Vice-Mayor but felt the Churches had taken quite a hit since the last meeting.

Mayor Garwood stated if there was any litigation cost resulting from this issue, the City of Etowah will hold North Etowah Baptist Church responsible. He felt the Church had stepped over into the government realm.

*Mayor Garwood called for a roll call vote and the results are as follows:*

*Commissioner Jim Bull—Aye*

*Commissioner Jason Cardin—Aye*

*Mayor Burke Garwood—Nay*

*Vice-Mayor David James—Nay*

*Commissioner Jim Swayne--Aye*

*Motion carried with a three to two vote in favor of Resolution 1149.*

#### CITY MANAGER'S REPORT

City Manager Matthew Gravley reported to the Commission he attended the TCMA conference and had made a presentation on Etowah's Housing Initiatives and was well-received by the conference attendees. He also informed the Commission that Etowah did not receive the CDBG \$100,000.00 facade grant but the City will reapply for it. He also announced the Leaf Pick-Up Schedule is Monday through Friday from October 12 through March and will be posted in the local paper, Facebook, and the City Website.

He announced the First Annual Homecoming Parade is scheduled for Tuesday, October 27<sup>th</sup> and if rained out, it will be on Thursday, October 29<sup>th</sup>. He notified the Commission the City is now receiving "Business Friendly Signs", applications, which are part of the RBEG, for the Kiosks located on Hwy 30 and Hwy 411. We have currently received eight applications and the cost will be \$100.00 per year per sign.

Mr. Gravley referenced as being one of his annual goals set by the Commission, was to report the estimated cost of a part-time Codes Enforcement Officer for the remainder of the fiscal year, and that estimate was included in their packets.

*Mayor Burke Garwood made a motion to table this issue until a later date, and Commissioner Jason Cardin seconded the motion and motion carried with a unanimous Commission vote.*

City Manager Gravley reported the splash pad bid tab has been approved by RES and should be ready for the signature page by the end of the week.

#### PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Stephanie Bucy, residing at 1114 Washington Avenue, Etowah, TN came before the Commission to voice her concern regarding the Etowah Commission meeting held on Monday, September 28, 2015 related to the

Hillborn Distillery currently under construction in Etowah. She presented her statement in writing to Eva Valentine, Recording Secretary. Ms. Bucy stated she was addressing the Commission, the Christians, and the Churches and noted that Commissioner Swayne had stated the Church had taken a punch since the last meeting, but she felt, "the Church and Mark Wade had dished out a huge punch to a business owner in this neighborhood", who, in her opinion, had gone through the necessary legal channels to establish his business and had local support in the hopes of improving the growth and revenue of Etowah. He was made to appear as though he had done something wrong. She also stated she believed it was not appropriate for the Church to address the Commission and could have jeopardized their tax exempt status.

She also stated "The Church should be "Fishers of Men" and not to run businesses out of town and I have been in church all my life and that is not the place of the church". She noted the constituents had voted for "liquor by the drink" and package stores, and could see no harm in the establishment of this business.

Ms. Bucy referenced the City of Etowah minutes from 2012 and stated she had read all the dialogue from those minutes and found that Commissioner Bull did not want a limit to the number of liquor stores to be allowed within the city and there was no concern about how many feet would be allowed from a church. She stated these minutes are available on line.

She then stated in regard to Hillborn Distillery, "These individuals have purchased the property and have begun to restore the building with the necessary fire suppression system." Adding, she said, distilleries are governed under very strict guidelines and will bring revenue and traffic to this area. There are other businesses showing interest in our city and are checking on properties in this town. "They know the traffic generated by this business will bring deeper pockets with more discretionary income to our area to provide revenue which can help us pay our police officers more and help us to have better trained officers and better protection". She then stated, "If the child eats the apple at the apple orchard and chokes on the apple, we should not shut down the apple orchard." "You cannot do business that way."

Ms. Bucy then stated that City Attorney Russ Blair came to the podium in the last meeting and explained the Commission should bear in mind this issue will require special counsel, or huge attorney fees for the city to pay that Mr. Blair stated was out of his pay grade or category and that he recommended the Attorney General be consulted for an opinion. She also stated she was "interested in the regeneration of this city, and these buildings not falling down, and increasing job opportunity."

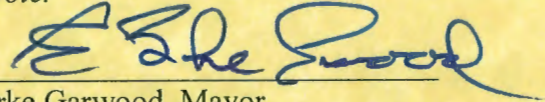
Ms Bucy stated her opinion that if any church wanted to come in and tell the city what to do, then they should pay the bills. She then elaborated this was not the case, that the voters and the tax payers were responsible for making the decisions and the Commission should support how their constituents vote.

She then addressed Commissioner Bull stating she did not care about the "Sunshine Law" but she did care about integrity and felt the Commission had made a "knee jerk" reaction in response to this issue. She expressed concerns related to the continuation of necessary insurance coverage for the City and stated she felt we (Etowah), had become "like Niota". She then directed a question directly to Commissioner Jim Bull and Commissioner Jim Swayne, which due to the fact both were members and held leadership roles within North Etowah Baptist Church, "Why did you not recuse yourselves from this vote?"

#### UNSCHEDULED ITEMS

None

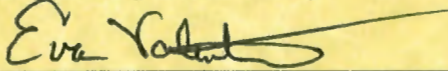
*A motion was made by Vice-Mayor David James to adjourn the meeting and Commissioner Jim Swayne seconded the motion. The motion passed unanimously by a commission vote.*



Burke Garwood, Mayor

Rebecca Penney  
Rebecca Penney, City Recorder

Respectfully submitted by:



Eva Valentine, Recording Secretary