

**CITY OF ETOWAH, TENNESSEE
COMMISSION MEETING**

Record of Minutes of Regular **Meeting Date** October 22, 2012 **Sheet No.** _____

A regular meeting of the Etowah City Commission was held on Monday, October 22, 2012 at 6:30 p.m. in the Council Chambers of City Hall, 723 Ohio Avenue, Etowah, Tennessee. Members present were Mayor Jim Bull, Vice Mayor Matt Goodin, Commissioner Burke Garwood, Commissioner Dennis Morgan, and Commissioner Jim Swayne. Also present were City Manager Matthew Gravley, Recording Secretary Jamie Davis, and Finance Director April Preston.

Mayor Jim Bull called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance and Prayer by Mark Wade.

APPROVAL OF THE MINUTES

A motion was made by Commissioner Jim Swayne and seconded by Vice Mayor Matt Goodin to approve the minutes for September 27, 2012. The motion passed unanimously by a commission vote.

NEW BUSINESS

- a. Two persons speaking against Ordinance No. 732.

Mayor Jim Bull said that you must be a citizen of Etowah to speak with a 3 minute time limit each and he ask that we all respect the person speaking. Then he explained we will read the Ordinance and vote after both sides have spoken. There will be no need for showing of emotions or outbursts.

Alex Benson, 206 5th Street, I am opposed to this ordinance because of socialization. The ordinance being considered would deprive dogs of necessary socialization with people and other dogs. It is the owner's responsibility to socialize and train these dogs to produce good canine citizens. Pit Bull is not a breed but a generic term that includes several breeds of dogs. There are at least 25 breeds of dogs that look like pit bulls and the city will be charged with identifying these breeds. What qualifications does that person have? What happens when they misidentify a dog? The city could be subject to legal action. No animal welfare organization supports breed specific laws including ABMA, HSUS, and the National Animal Control Association. These are people that deal with dangerous dogs every day. Most importantly breed specific laws fail because they do not address irresponsible dog owners. Simply removing the dog from the community allows the cycle to continue because irresponsible dog owners have not been punished.

Sherri Cooper, 1016 8th Street, thanked the Commission for hearing their side of the story. She said they are not opposed to any type of ordinance to enforce stricter dog laws. We understand we need something for vicious dogs but not breed specific. There are several organizations out there that do not support breed specific legislation including the Humane Society of the United States, CDC, ASPCA, and several others. The CDC does not support it because one problem with it is correctly identifying the breed. They all say that breed does not predict the bite and many other factors come into play such as heredity, sex, reproductive status, socialization, and training. Some

of the problems with BSL are the costs. You will need more animal control officers, more dogs needing shelter and that's going to put a strain on the city's resources. You also have criminals and bad owners that decide if they cannot have a pit bull, they will just move on to another breed. This ordinance will punish good owners and punish the good dogs. A lot of them have been socialized, been trained correctly, and do not act aggressive towards people. The ban also imparts a false sense of security and we all feel safe in streets. When the fact is little grandma's Chihuahua could bite you too. We promote a breed neutral ordinance that focuses on targeting vicious dogs no matter what the breed. What we also need is enforcement of current laws, we need to hold the owners responsible no matter what, need stiffer penalties for breaking these laws, and we need a system to identify and track the vicious dogs in the community. We also need spayed and neutered laws to control the population. I have a copy of a breed neutral ordinance written by my friend Jody and it has been implemented into several communities. Vice Mayor Matt Goodin stated that her speaking time was up.

b. Two persons speaking for Ordinance No. 732.

Laura Bohannon, 509 14th Street, presented pictures of a pit attack to the Commission. I would like to begin with some facts about the inherently dangerous breed. A seven year study was done from 2005-2011 regarding fatal dog attacks showed 213 lives were lost due to dog attacks. Sixty percent of them were pit bull attacks, 128 were pit attacks which was more than any all other breeds combined. In 2011 pit bulls made up less than 5% of the dog population and they accounted for 71% of human deaths. The aftermath of a pit bull attack is often catastrophic because of the inherently dangerous genetics that this dog possesses. Enormous jaw strength, hold and shake bite style, indiscriminate attack patterns, and a tendency not to stop the attack once it's engaged. It often takes firearm invention to make the dog let go. Texas Medicine Volume 84 is quoted as saying "Pit Bulls inflict more serious wounds than other breeds. They tend to attack the deep muscles, to hold on, to shake and cause ripping of tissue. Pit Bulls are compared to shark attacks." Breed specific legislation does work. Miami-Dade County has had a successful pit bull ban for 23 years. Pit bulls also threaten mid-sized and rural communities as well. Located the heart land Council Bluff, IA has approximately 60,000 citizens, after a series of devastating attacks they joined over 500 cities nationwide to enact a pit bull ban. The results of the ban that went into effect January 1, 2005 demonstrate the positive effects such legislation on public safety in just a few years time. In 2004 they saw 29 pit bull attacks, 2005 they saw 12 attacks, 2006 there were 6, 2007 there were 2, and none in 2008 forward. Sparta, Tennessee has the enacted the same MTAS ban for 6 years; it has been excellent for their city. The ban was passed due to pit bull problems that city residents were having, since the ban there has been no more problems regarding pit bulls. The pentagon has banned them from many military bases, certain airlines will not transport these animals, they have already been banned in over 500 U.S. cities, and they are banned and regulated in many countries including England the Staffordshire Terrier's birth place. This is not unprecedented! Also let us not forget what happened here in 2010, Mattie Daughtery lost her life to her own pit bull. It had been raised from a puppy and never shown aggression before; it mauled her to death. Vice Mayor Matt Goodin stated that her time was up.

Mayor Jim Bull ask Police Chief Eric Armstrong to come forward to address some of the situations the police department has had in Etowah. He said we have constantly been getting calls and about 90% of them are pit related and Officer Paul Redrup can attest to more of that. Officer Paul Redrup came forward explaining he had responded to several calls in the city about 90% being pit bull related. Last year he responded to a call at 8th Street regarding a pit bull that residents in that area had trouble with the dog running at large and being aggressive. Once arrived

on scene the dog was aggressive towards the officer but luckily no force was used and his display of action was enough to scare the dog off. We have several breeds of dogs in the city but most them are pit bulls type dogs. It's becoming more and more of a problem for the safety of our officers and the safety of our community.

Mayor Jim Bull ask if there were any other individuals that want to speak for the ban. No one responded.

Mayor Jim Bull moved down the agenda to Old Business, Item b. for the full reading of Ordinance No. 732.

The Second Reading of Ordinance No. 732 was complete by Mayor Jim Bull.

ORDINANCE NO. 732

AN ORDINANCE TO ADD CHAPTER 2 TO TITLE 10 OF THE ETOWAH MUNICIPAL CODE TO PROHIBIT, SUBJECT TO CERTAIN EXCEPTIONS, THE OWNERSHIP, HARBORING, OR POSSESSING OF PIT BULLS WITHIN THE CITY OF ETOWAH, TENNESSEE.

WHEREAS, the breeds of dogs known as "pit bulls" include any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog which has the appearance and characteristics of being predominantly of any one or more of the above breeds; and

WHEREAS, the characteristics selectively bred into or otherwise commonly found in those dogs include:

- 1) A strong fighting instinct, together with a low level of fighting inhibitions which make pit bulls a hazard to humans as well as other animals;
- 2) A strong chase instinct which, experts believe, causes pit bulls to be a danger around running children;
- 3) A tendency to attack even those who exhibit no provocative behavior;
- 4) A diminished tendency to bark, growl, or otherwise warn their prey of an intent to attack;
- 5) A tendency to fight to the death and never quit a fight once engaged, which results in more severe injuries than those inflicted by other breeds;
- 6) The ability to withstand great pain, which makes it difficult for a person or animal to fight off a pit bull attack;
- 7) Powerful jaws capable of hanging on to victims even while the animal withstands infliction of injury or pain;
- 8) A tendency to tear flesh, which has resulted in grotesque injuries to human victims; and
- 9) A combination of agility, stamina, and strength, together with a genetic predisposition to aggressiveness, that makes pit bulls uniquely dangerous, even to their owners, among all breeds of dogs, especially where improperly raised or trained; and

WHEREAS, other cities have found that pit bulls are so dangerous to humans and other animals that special legislation restricting or prohibiting their ownership has been enacted; and

WHEREAS, the mere possession of pit bulls poses a significant threat to the health, welfare and safety of Etowah citizens; and

WHEREAS, current methods of control by pit bull owners in the city have proved to be insufficient in protecting the public; and

WHEREAS, the Board of Commissioners believes it is necessary to prohibit pit bulls, subject to certain exceptions, within the city in order to protect the health, welfare and safety of citizens of the City of Etowah;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ETOWAH AS FOLLOWS:

SECTION 1. Chapter 2, "Pit Bulls," is added to title 10 of the Etowah Municipal Code to read as follows:

CHAPTER 2

PIT BULLS

SECTION

- 10-201. Definitions.
- 10-202. Restrictions.
- 10-203. Standards and requirements.
- 10-204. Sale or transfer of ownership prohibited.
- 10-205. Animals born of registered dogs.
- 10-206. Rebuttable presumptions.
- 10-207. Failure to comply.
- 10-208. Violations and penalties.

10-201. Definitions. The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

1. "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.
2. "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.
3. "Pit bull" means and includes any of the following dogs:
 - a. The bull terrier breed of dog;
 - b. The Staffordshire bull terrier breed of dog;
 - c. The American pit bull terrier breed of dog;
 - d. The American Staffordshire terrier breed of dog; and
- e. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs or pit bull terriers; and
- f. Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.
4. "Owner" means any person, partnership, corporation or other legal entity owning, harboring or possessing any pit bull, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. A pit bull shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.
5. "Predominantly" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harborer that the dog is more than fifty percent pit bull. Predominantly also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.
6. "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.
7. "Under restraint" means that the dog is secured by a leash, led under the control of a person physically capable of restraining the dog and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

10-202. Restrictions. It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of Etowah. Provided, however, that persons owning such dogs at the time this chapter is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this chapter, including § 10-203, within thirty (30) days of the effective date of this chapter.

10-203. Standards and requirements. The following standards and requirements apply to pit bull dogs located within the corporate limits.

a) **Registration.** Each owner, keeper, harborer, or possessor of a pit bull dog shall register such dog with the city recorder.

b) **Leash.** No person having charge, custody, control, or possession of a pit bull shall permit the dog to go outside its kennel, pen, or other proper enclosure unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or structures.

3. **Muzzle.** It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen, or other proper enclosure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent such dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

4. **Confinement.** Except when leashed and muzzled as provided in this section, all pit bull dogs shall be securely confined indoors or confined in a locked pen, kennel, or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the City of Etowah. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, be adequately lighted and ventilated and kept in a clean and sanitary condition.

5. **Confinement indoors.** No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

6. **Signs.** All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign must be posted on the kennel or pen of such animal.

7. **Insurance.** All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the city recorder of public liability insurance in a single incident amount of one hundred thousand dollars \$100,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the city recorder.

8. **Identification photographs.** All owners, keepers, possessors, or harborers of pit bull dogs must provide to the city recorder two color photographs of the dog clearly showing the color and approximate size of the animal.

9. **Reporting requirements.** All owners, keepers, possessors, or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the city recorder as required hereinafter:

- a. The removal from the city or death of a pit bull dog;
- b. The birth of offspring of a pit bull dog;
- c. The new address of a pit bull dog owner should the owner move within the corporate limits

of the city.

10-204. Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the City of Etowah unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Etowah.

10-205. Animals born of registered dogs. All offspring born of pit bull dogs within the City of Etowah must be removed from the City of Etowah within six (6) weeks of the birth of such animal.

A motion was made by Commissioner Jim Swayne and seconded by Vice Mayor Matt Goodin to approve. The motion passed with a 3-2 commission vote with Commissioner Burke Garwood and Commissioner Dennis Morgan voting against it.

The meeting returned to regularly scheduled business items.

c. Appointment of Diane Harrill to the Planning Commission to assume Jimmie Lewis's position until 03-14-2014.

A motion was made by Mayor Jim Bull and seconded by Commissioner Dennis Morgan to approve. The motion passed unanimously by a commission vote.

d. Reappointment of Marilyn Joiner to the Library Board for a 3 year term beginning on 12-01-2012 and ending on 12-01-2015.

A motion was made by Mayor Jim Bull and seconded by Commissioner Jim Swayne to approve. The motion passed unanimously by a commission vote.

e. Report of expenditure to the hydraulic pump for the bush hog ended up costing \$1900 and we only received approval for \$1671 on August 27th meeting.

A motion was made by Commissioner Burke Garwood and seconded by Commissioner Dennis Morgan to approve. The motion passed unanimously by a commission vote.

Commissioner Burke Garwood said going forward when we give prices on something we need to say either no more than a certain amount or not to exceed a certain amount in order to give a little leeway.

f. Discussion of putting together of a Charter Committee for Charter and Code Review in conjunction with MTAS codification.

Mayor Jim Bull said we have MTAS working on the code book. City Manager Matthew Gravley said we are in the waiting stages and it should take about 1 year to complete. Mayor Jim Bull said the charter is way out of date and we have 2 different ways to do this and one is approve charter changes and put on 2014 ballot. Or have a committee of Dave Mason, Burke Garwood, Matthew Gravley, Jim Bull, Jamie Davis, and Russ Blair. Commissioner Burke Garwood said the charter is a different thing and MTAS needs to come down and guide us through it. City Manager Matthew Gravley said the codes will be brought up to legal code and be in line with TCA rules for 2012-2013.

A motion was made by Vice Mayor Matt Goodin and seconded by Commissioner Jim Swayne to approve the Committee. The motion passed unanimously by a commission vote.

g. Approval to purchase a Gravel Packer for \$2150 from A Rentals in Athens. This money would come from the Rural Development loan/grant for the Public Works Department.

City Manager Matthew Gravley said we have about \$3500 left from the loan/grant and since we are doing the road cuts we need to make sure it's packed correctly. It's better for Public Works to do and to have control of the whole process instead of doing half the job then waiting on someone else to do the other half of the job. Commissioner Dennis Morgan ask if this was a new machine and Billy Ingram said yes but it's the only quote we have received. Commissioner Burke Garwood said we need to get other quotes and get them on paper. Commissioner Dennis Morgan suggested he bring those to the next meeting.

A motion was made by Commissioner Dennis Morgan and seconded by Commissioner Burke Garwood to table until the next meeting. The motion passed unanimously by a commission vote.

h. Discussion and approval for asphaltting for the bad part of Thacker Lane with 2" of binder and 1 1/2" asphalt topping for \$15,850. Another \$3000-\$5000 would probably be needed for patching and stabilizing the road before having it paved.

City Manager Matthew Gravley said this is an asphalt project that needs to be done and we need to do it right. We have money in the state street aid fund and we know other areas need it bad too. But this has no asphalt on it and we don't want the bridge to wash away. It's about 300 feet of asphaltting and we could do it right and move on. Commissioner Jim Swayne ask if this road currently stands in City guidelines as fast as width or is there further construction to be done? City Manager Matthew Gravley doubt widening will be done by us, both sides are privately owned. It's just a narrow two lane road with a sharp shoulder. Commissioner Burke Garwood suggested we do about \$3000-\$5000 and make it work. And get the asphalt the first part of next year.

A motion was made by Commissioner Burke Garwood and seconded by Commissioner Dennis Morgan to proceed with the project. The motion passed unanimously by a commission vote.

OLD BUSINESS

a. Second Reading of Ordinance No. 731 by Mayor Jim Bull.

ORDINANCE NO. 731

AN ORDINANCE TO ABANDON AN UNNAMED AND UNOPENED RIGHT-OF-WAY ALONG NORTH IOWA AVENUE AND BORDERING ON MCMINN COUNTY TAX MAP 107J, GROUP D, PARCELS 2.00, 3.00, 4.00, AND 5.00 WITHIN THE CORPORATE LIMITS OF THE CITY OF ETOWAH, TENNESSEE.

WHEREAS, the City of Etowah has agreed to abandon an unnamed and unopened right-of-way; and

WHEREAS, the Etowah Board of Mayor and Commissioners wish to formalize this agreement in writing; and

WHEREAS, the Etowah Municipal-Regional Planning Commission has reviewed this request and recommends the abandonment of the unnamed and unopened right-of-way as specified herein;

NOW, THEREFORE, BE IT ORDAINED BY THE Mayor and Board of Commissioners of the City of Etowah, Tennessee that the City is instructed and authorized to abandon the unnamed and unopened right-of-way along North Iowa Avenue and bordering on **MCMINN COUNTY TAX MAP 107J, GROUP D, PARCELS 2.00, 3.00, 4.00, AND 5.00,** which is described more accurately within the body of this ordinance:

Section 1: The right-of-way to be abandoned is described as the approximately thirty (30) foot wide by two-hundred (200) foot long section of land lying between parcel 3.00 and the grouping of parcels 2.00, 4.00, and 5.00. The right-of-way to be abandoned is more accurately described as follows and is depicted on the attached map:

Beginning at a point being the southeastern corner of McMinn County Tax Map 107J, Group D, Parcel 3.00, then traveling in a northern direction along the eastern boundary of parcel 3.00 for approximately two-hundred (200) feet to a point being the northernmost corner of parcel 3.00, then traveling in an eastern direction at a ninety (90) degree angle to the eastern boundary line of parcel 3.00 for approximately thirty (30) feet to a point along the western boundary of McMinn County Tax Map 107J, Group D, Parcel 2.00, then traveling in a southern direction along the western boundary of parcel 2.00 for approximately fifty-four (54) feet to a point being the northwestern corner of McMinn County Tax Map 107J, Group D, Parcel 4.00, then continuing in a southern direction along the western boundary of parcel 4.00 for approximately seventy-five (75) feet to a point being the northwestern corner of McMinn County Tax Map 107J, Group D, Parcel 5.00, then traveling in a southern direction along the western boundary of parcel 5.00 for approximately seventy-two (72) feet to a point being the southwestern corner of parcel 5.00, then traveling in a western direction at a ninety (90) degree angle to the western boundary line of parcel 5.00 for approximately thirty (30) feet to the point of beginning.

Section 2: As agreed to by the adjoining property owners, the owners of McMinn County Tax Map 107J, Group D, Parcels 2.00, 4.00, and 5.00 shall be entitled to claim property from their western boundary to the eastern boundary of Parcel 3.00 to the extent upon which their property borders the abandoned right-of-way. The owner of parcel 3.00, which is a non-buildable lot has agreed to relinquish rights to this property so that the owners of Parcels 2.00, 4.00, and 5.00 can further the extension of their western boundary to border the eastern right-of-way of North Iowa Avenue and Lawrence Street; though this ordinance only pertains to the thirty (30) foot wide by two-hundred (200) foot long right-of-way being

abandoned. It shall be the responsibility of the adjoining property owners to amend their deeds and/or plats to claim their portion of the abandoned right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners that the City Manager of Etowah is authorized and instructed to execute the abandonment on behalf of the City.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect following final reading and passage, the public welfare requiring it.

First Reading: September 27, 2012

Second Reading: October 22, 2012

Jim Bull, Mayor

Attest: _____
April Preston, City Recorder

Approved as to Form: _____
Russ Blair, City Attorney

A motion was made by Commissioner Burke Garwood and seconded by Commissioner Jim Swayne to approve. The motion passed unanimously by a commission vote.

b. Second Reading of Ordinance No. 732 (Discussed at an earlier point in the meeting.)

ORDINANCE NO. 732

AN ORDINANCE TO ADD CHAPTER 2 TO TITLE 10 OF THE ETOWAH MUNICIPAL CODE TO PROHIBIT, SUBJECT TO CERTAIN EXCEPTIONS, THE OWNERSHIP, HARBORING, OR POSSESSING OF PIT BULLS WITHIN THE CITY OF ETOWAH, TENNESSEE.

c. Second Reading of Ordinance No. 733 by Mayor Jim Bull.

ORDINANCE NO. 733

AN ORDINANCE AMENDING ORDINANCE NO. 717, THE CAPTION OF WHICH IS "AN ORDINANCE MAKING AND FIXING THE ANNUAL APPROPRIATIONS FOR THE SEVERAL DEPARTMENTS OF THE CITY OF ETOWAH FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012", BY ADJUSTING REVENUES AND EXPENDITURES IN THE VARIOUS FUNDS TO ASSURE EACH FUND REFLECTS SUFFICIENT MONIES TO CONCLUDE THE FISCAL YEAR ENDING JUNE 30, 2012.

WHEREAS, the 2011-2012 fiscal year revenues and appropriations for the use of the various departments, offices and boards of the City of Etowah have changed from the original projections as adopted in June 2011; and

WHEREAS, it is the intentions of the City to transfer appropriations in accordance with expenditures in order to conclude FY 2011-2012 with sufficient monies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ETOWAH:

SECTION I

There are General Fund Revenues that need to be adjusted as follows: 31111 – Current Year Property Taxes – increase \$5,301.00; 31211 – Prior year Property Taxes – increase - \$1,850.00; 31219 – Delinquent Property Taxes – decrease - \$1,600.00; 31300 - Penalty & Interest on Taxes – increase - \$2,050.00; 31511 – EUB – Electric In-Lieu of Tax – increase - \$14,110.00; 31514 – EUB – Natural Gas In-Lieu – increase - \$3,480.00; 31610 – Local Sales Tax – increase - \$36,300.00; 31710 – Wholesale Beer Tax – increase - \$6,400.00; 31800 – Business Tax – increase - \$21,150.00; 31830 – Interest – Business Tax – decrease - \$50.00; 31840 – Penalty – Business Tax – decrease - \$100.00; 31912- Cable TV Franchise Tax – increase - \$800.00; 31920 – Room Occupancy Tax – increase - \$10,000.00; 32410 – Animal Registration – decrease - \$50.00; 32610 – Building Permits – increase - \$1,700.00; 32630 – Plumbing Permits – decrease - \$500.00; 33111 – Community Development Grant – increase - \$14,600.00; 33420 – State Law Enforcement Grant (GHSO)- increase – \$8,712.00; 33510 – State Sales Tax – decrease - \$3,000.00; 33530 – State Beer Tax – decrease - \$300.00; 33551 – State Shared Gas Tax – decrease - \$9500.00; 33553 – State Shared on Petroleum Products – decrease - \$660.00; 33591 – TVA Gross Receipts Tax – decrease - \$1,045.00; 33593 – Corporate Excise Tax – decrease - \$3,355.00; 34121 – Recording Fees – Business Tax – increase - \$2,700.00; 34290 – Other Public Safety Charges – increase - \$300.00; 34741 – Admissions – decrease - \$3,600.00; 34742 – Adult Recreational Program – increase - \$4,300.00; 34745 – Recreation Concessions – decrease - \$3,800.00; 34752- Auditorium Charges - Gate – decrease - \$2,500.00; 34759 – Auditorium Charges – decrease - \$500.00; 34760 – Library Charges – decrease - \$500.00; 34761 – Library – Fines – increase - \$1,500.00; 34762 – Library Donations – increase - \$2,444.00; 34793 – Community Center Fees – decrease - \$650.00; 34910 – Police Salary Supplement – decrease - \$2,400.00; 35110 – Fines and Forfeitures – increase - \$15,000.00; 35300 – Local Litigation Tax – decrease - \$7,100.00; 36100 – Interest on Investments – decrease - \$1,800.00; 36113 – Interest Earnings – Post Office – decrease - \$135.00; 36200 – Rentals– increase - \$2,150.00; 36330 – Sale of Surplus Property - decrease - \$900.00; 36523 – Sale of Surplus DUI Vehicles – increase - \$1,040.00; 37194 – Sales of Materials – increase - \$7,400.00; 37499 – Miscellaneous – increase - \$6,650.00; 37826 – Transfer in from Utilities – increase - \$12,300.00; 37950 – Contributions – decrease - \$200.00; 37990 – Other Non-Operating Revenues – decrease - \$1,500.00. This \$136,492.00 increase in Revenues adjusts the total General Fund Revenues to \$3,223,786.00.

SECTION II

There are also General Fund Expenditures in the following departments that need to be adjusted: 41000 – General Government – decrease - \$123.00; 41320 – City Administration – decrease - \$3,288.00; 41500 – Finance – decrease - \$2,522.00; 41520 – City Attorney – decrease - \$3,346.00; 41900 – Non-Departmental – increase - \$5,007.00; 41923 – Post Office – increase - \$221.00; 42100 – Police – decrease - \$12,466.00; 42200 – Fire – decrease - \$52,352.00; 42420 – Building Inspection – decrease - \$9,470.00; 43000 – Public Works – decrease - \$46,285.00; 43110 – Highway & Streets – increase -

\$1,422.00; 44400 - Recreation Department – decrease - \$28,014.50; 44500 – Gem Theater – decrease - \$6,465.00; 44520 – Depot – decrease - \$710.00; 44800 – Library – decrease - \$2,474.00. This \$160,865.50 net decrease in expenditures adjusts the Total General Fund Expenditures to \$3,117,990.00.

SECTION III

There are adjustments to make to the following Funds:

Etowah Gem Theater Restoration Fund:

Revenue: 36100 – Interest – decrease - \$9.00; 37950 – Contributions – decrease - \$5,965.00. This \$5,974.00 decrease in Revenues adjusts the total Gem Theater Fund Revenues to \$26.00

Expenditures: 44500 – Gem Theater Fund – decrease - \$31.00. This \$31.00 decrease in expenditures adjusts the Total Gem Theater Fund Expenditures to \$5,969.00.

Drug Fund:

Revenue: 35140 – Drug Related Fines – increase - \$450.00; 36100 – Interest – increase - \$3.00. This \$453.00 increase in Revenues adjusts the total Drug Fund Revenue to \$15,453.00.

Expenditures: 42129 – Drug Fund – decrease - \$13,662.00. This \$13,662.00 decrease in expenditures adjusts the Total Drug Fund Expenditures to \$34,838.00.

Sanitation Fund:

Revenue: 36111 – Interest – decrease - \$4.00; 37710 –Refuse Collections – decrease - \$7,657.00. This \$7,661.00 decrease in Revenues adjusts the total Sanitation Fund Revenue to \$302,979.00.

Expenditures: 43200 – Sanitation Fund – decrease - \$40,292.00. This \$40,292.00 decrease in expenditures adjusts the Total Sanitation Fund Expenditures to \$270,348.00.

Economic Development Fund:

Revenue: 36100 – Interest – decrease - \$46.00; This \$46.00 decrease in Revenues adjusts the total Economic Development Fund Revenue to \$15,054.00.

Expenditures: 47200 – Economic Development Fund – decrease - \$100.00. This \$100.00 decrease in expenditures adjusts the Total Economic Development Fund Expenditures to \$15,000.00.

BE IT FURTHER ORDAINED that this ordinance shall take effect ten (10) days from and after its passage, the public welfare requiring it.

Passed first reading: 09/27/2012

Passed second and final reading: 10/22/2012

Jim Bull, Mayor

April Preston, City Recorder

Approved as to form:

Russell Blair, City Attorney

A motion was made by Commissioner Burke Garwood and seconded by Vice Mayor Matt Goodin to approve. The motion passed unanimously by a commission vote.

CITY MANAGER'S REPORT

City Manager Matthew Gravley said Brian Silber is going to update us on the Silver Sneakers program. We have 15 new members this month and there are 600 enrolled in the program within a 5 mile radius of the Community Center. Brian Silber also updated the Commission on an application we have submitted to become a "Playful City USA". This would show the importance of play and shows the community provides the opportunity. We have the new Community Center, the L&N Depot, and The Gem Theatre which all enable citizens to play and us be eligible for grants in 2013 if accepted.

City Manager Matthew Gravley informed the commission that Eastman Construction had come out to the Community Center and fixed the leaks per the 5 year contract we have with them. He said that is a step in the right direction.

The next commission meeting is to be on November 26th, the Monday after Thanksgiving, do we want to keep it at the same time he ask the commission, they said yes.

City Manager Matthew Gravley informed the Commission that James Crenshaw from the Sanitation Department is in the hospital and will be for several weeks or even months. We need to get help on replacement of workload. It will be out of the budget because it is unexpected and there's no way we would have known. We do have general fund money to cover it. We could use the position as seasonal for a CDL driver for \$10/hr and Commissioner Dennis Morgan ask if we could use a staffing agency for this. Billy Ingram said right now we are covering it but with leaf season it is going to hurt us but we could probably work it if we had to just not sure. Commissioner Dennis Morgan suggested we get a CDL driver if possible.

A motion was made by Commissioner Dennis Morgan and seconded by Vice Mayor Matt Goodin to approve hiring a seasonal worker. The motion passed unanimously by a commission vote.

UNSCHEDULED ITEMS

Commissioner Burke Garwood said he had already talked with John Fogerty and we need to call him regarding paving of Hwy 30 to 10th Street.

Commissioner Dennis Morgan suggested we switch the agenda to have 8) Unscheduled Items come after 9) Petitions and Communications from the Public.

A motion was made by Vice Mayor Matt Goodin and seconded by Commissioner Burke Garwood to approve. The motion passed unanimously by a commission vote.

Mayor Jim Bull nominated Tony Smith to the Planning Commission.

A motion was made by Mayor Jim Bull and seconded by Commissioner Burke Garwood to approve. The motion passed unanimously by a commission vote.

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

None

ADJOURNMENT

A motion was made by Commissioner Burke Garwood seconded by Vice Mayor Matt Goodin to adjourn the meeting. The motion passed unanimously by a commission vote.

Jim Bull, Mayor

April Preston, City Recorder

Respectfully submitted by:

Jamie L. Davis, Recording Secretary