

**CITY OF ETOWAH, TENNESSEE  
COMMISSION MEETING**

**Record of Minutes of** Regular **Meeting Date** November 26, 2012 **Sheet No.** \_\_\_\_\_

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A regular meeting of the Etowah City Commission was held on Monday, November 26, 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 Burke Garwood and seconded by Vice Mayor Matt Goodin to approve the minutes for October 22, 2012. The motion passed unanimously by a commission vote.*

*A motion was made by Commissioner Dennis Morgan and seconded by Commissioner Jim Swayne to approve the minutes for the Special Called Meeting on November 2, 2012. The motion passed unanimously by a commission vote.*

**NEW BUSINESS**

- a. Reading of Resolution No. 1066 by Mayor Jim Bull.

**RESOLUTION NO. 1066**

**A RESOLUTION AUTHORIZING THE DISTRIBUTION  
OF THE ETOWAH UTILITY BOARD'S ELECTRIC IN  
LIEU OF TAX PAYMENTS**

WHEREAS, the Legislature for the State of Tennessee enacted Public Chapter No. 84 during its 1987 session which Act provided for a uniform formula to pay tax equivalents on electrical systems to the respective cities and counties served by the Etowah Utilities Board in accordance with the respective property tax rates set by said governing bodies; and,

WHEREAS, in Section 5(d) of said Act, the legislative body of the municipality and/or governing agency agrees that the electric system subject to said Act, is to pass a resolution outlining the amount to be paid to each respective jurisdiction served by the utilities using the current tax rate by the respective governing body.

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

SECTION I

That the Etowah Utilities Board is hereby authorized, directed and empowered to distribute its electrical in lieu of tax payments (tax equivalent) to the City of Etowah, Tennessee for the City of Etowah, McMinn, Monroe and Polk counties the sum of \$300,037.23 in accordance with the following schedule for the fiscal year 2012-2013 as follows:

McMinn	-	\$ 63,550.08
Monroe	-	537.33
Polk	-	3,420.97
Etowah	-	<u>232,528.85</u>

or a total amount of **\$300,037.23**.

The City of Etowah will make distribution to McMinn, Monroe and Polk counties as required by law.

SECTION II

That the Etowah Utilities Board will pay the sum to the City of Etowah in monthly installments beginning the 1st day of July, 2012, and the same day of each month thereafter for this fiscal year.

BE IT FURTHER RESOLVED that this resolution takes effect immediately from and after its passage, the welfare to the City requiring it.

Passed first and final reading: November 26, 2012

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Jim Bull, Mayor

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April Preston, City Recorder

*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.*

b. Reading of Resolution No. 1067 by Mayor Jim Bull.

**RESOLUTION NO. 1067**

**A RESOLUTION AUTHORIZING THE DISTRIBUTION  
OF THE ETOWAH UTILITY BOARD'S NATURAL GAS  
IN LIEU OF TAX PAYMENTS**

WHEREAS, the Legislature for the State of Tennessee enacted Public Chapter No. 39 effective July 1, 1988 which Act provided for a uniform formula to pay the total tax equivalents on natural gas systems for the respective cities and counties served by the Etowah Utilities Board in accordance with and subject to any terms, conditions, contracts or agreements now in effect between such taxing jurisdictions; and

WHEREAS, in Section 7-39-404(4) of said Act, the legislative body of the municipality and/or governing agency agrees that such legislative body is to pass a resolution outlining the total amount to be paid for the respective jurisdictions served by the natural gas system.

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

SECTION I

That the Etowah Utility Board is hereby authorized, directed and empowered to distribute its total FY July 1, 2012 to June 30, 2013 natural gas system in lieu of tax payments (tax equivalent) to the City of Etowah, Tennessee for the City of Etowah, McMinn and Polk Counties in the sum of \$107,384.63. The City of Etowah will make distribution to McMinn and Polk Counties as follows:

Etowah	\$83,223.09
McMinn	\$23,368.87
Polk	<u>\$ 792.67</u>

or a total of **\$107,384.63.**

BE IT FURTHER RESOLVED that this resolution takes effect immediately from and after its passage, the welfare of the City requiring it.

Passed first and final reading: November 26, 2012

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Jim Bull, Mayor

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April Preston, City Recorder

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

c. Reading of Resolution No. 1068 read by Mayor Jim Bull.

**RESOLUTION NO. 1068**

A RESOLUTION ADOPTING AN AMENDMENT TO THE STANDARD OPERATING PROCEDURES (SOP'S) MANUAL SETTING FORTH POLICES, RULES AND REGULATIONS CONCERNING THE CITY OF ETOWAH POLICE DEPARTMENT

**WHEREAS**, policies, rules, and regulations in regard to personnel management and operation procedures concerning the City of Etowah Police Department personnel have previously been adopted, and

**WHEREAS**, it has been deemed necessary to update these policies, rules and regulations,

**NOW, Therefore:**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ETOWAH, As Follows:**

**SECTION I:** That the amendment to the policies, rules and regulations for City of Etowah Police Department, attached hereto as Exhibit A, be adopted by the City of Etowah effective December 01, 2012.

**PASSED AND APPROVED November 26, 2012**

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Jim Bull, Mayor

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April Preston, City Recorder

Chief Eric Armstrong said it was regarding social media and it was a new chapter added to their Standard Operation Procedures.

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

d. Approval to purchase 4 Viewu PVR-LE1 cameras for the Police Department from Kustom Signals for \$3,844.00. \$3,600.00 of this amount would be reimbursable through the GHSO Grant. Other quotes were received from Viewu for \$4,079.00 and CMP Distributors for \$4,159.80.

Commissioner Dennis Morgan ask what cars these cameras were going in. Chief Eric Armstrong explained that they were personal video recorders they wear on their uniforms. We only have 4 cameras now and the shift supervisors us them.

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

e. Approval to offer the Etowah Utility Board \$1500.00 per vehicle for 4 vehicles totaling \$6000.00. This would come from the capital projects and equipment fund.

City Manager Matthew Gravley stated that this deal was not going to work out because Etowah Utilities are going to put them on Gov Deals and they will go to the highest bidder. He said we would need closer to \$10,000 to probably touch the bids. They are putting them on the market place for a more favorable return. Commissioner Burke Garwood said EUB is obligated to get the best price they can for them. We could put in a bid of up to \$1500 on each if we wanted to and see what happens. City Manager Matthew Gravley said he's asking for spending authority not approved for specific vehicles. Mayor Jim Bull suggested we give him a limit of up to \$2000 per vehicle. Commissioner Dennis Morgan suggested we give Matthew Gravley authority to spend up to \$2000 for 4 different vehicles totaling \$8000.00. Commissioner Jim Swayne ask how these vehicles would be used and City Manager Matthew Gravley stated for a little bit of everything from going to jobs, hauling equipment, hauling trailers, transporting animals, etc. Mayor Jim Bull ask if all the truck were the same size and Utility Manager Brian Solsbee said no. Commission Burke Garwood suggested we leave open until something is found.

*A motion was made by Commissioner Dennis Morgan to give spending authority of up to \$2000 each for 4 vehicles. The motion died for lack of a second.*

f. Discussion and approval of Christmas Bonuses totaling \$7038.44. This would be a net of \$150 for full time employees and \$50 net for part time employees.

City Manager Matthew Gravley said this would be a good thing for the employees, they all deserve it. Commissioner Burke Garwood ask how many employees we had and Finance Director April Preston said 35 full time and 25 part time for a total of 60 employees.

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

g. Discussion and approval of health insurance renewal with BlueCross BlueShield of TN.

City Manager Matthew Gravley stated that we have looked at several options and that our renewal rate with BCBS was only 2.88%. We have not used a lot of our HRA money that was budgeted so far this year, only about \$4500 as of right now and we budgeted \$15,000. The main thing we need to decide is if we want to take on more risk as a city and lower our employees' deductibles. As of today we have spent \$4070 of the \$15,000 we budgeted for. If we lower the deductible to \$500 for employees the city would take on a \$4500 deductible risk. If we stay on the same track as we have the last two years that would be about \$12,724.00 worth of risk. If we make the deductibles \$1000, the risk would be about \$8042.00. If we make the deductibles \$1500, the risk would be about \$4975.00. Of course we would have a greater risk if more surgeries or more expensive testing is required for our employees. So our question is can we come down on our deductible, if so how much? Vice Mayor Matt Goodin ask if there was a roll over for the money we budgeted and do not spend? City Manager Matthew Gravley said the money would be reallocated to the general fund budget. Jason McConkey from Athens Insurance said we have had a good year and hoping we can continue to push forward.

*A motion was made by Vice Mayor Matt Goodin and seconded by Mayor Jim Bull to approve the \$500 deductible for the employees. The motion passed unanimously by a commission vote.*

h. Discussion and approval of Dental/Vision/Life/AD&D insurance renewals with Guardian.

City Manager Matthew Gravley said this plan is exactly the same and there were no changes in the price.

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

i. Approval to spend \$2250 for LiDAR Acquisition and Development of 2 Foot Contour Maps for the North Etowah Industrial Park to be paid for through the Etowah Economic Development Fund.

Mayor Jim Bull said this was a deal worked out through the McMinn County Economic Development and East TN Economic Development so that together it would cost considerably less.

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

j. Approval to spend \$5000 to fill various potholes throughout town. This money would come from the State Street Aid Fund.

City Manager Matthew Gravley explained that most of the potholes in town could be repaired or replaced if we can get it before they quit making asphalt.

*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.*

### **OLD BUSINESS**

Reading of Resolution No. 1069 by Mayor Jim Bull.

#### **AUTHORIZING RESOLUTION 1069**

RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.

WHEREAS, the City of Etowah is a public and governmental body in Etowah, Tennessee (the "Local Government"); and

WHEREAS, the Local Government has determined that it is necessary and desirable to undertake certain activities or tasks in connection with a wastewater facilities project, Department of Environment and Conservation Number **CWO 2012-296** (the "Project"), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 et. seq., provide for the lending of moneys in the wastewater facilities Revolving Loan Fund to Local Governments for the purpose of providing funds for Project Loans; and

WHEREAS, the local Government has determined that it is necessary and advisable to borrow funds for the Project pursuant to these sections.

NOW, THEREFORE be it resolved as follows:

**Section 1.** Local Government hereby approves the creation of indebtedness on behalf of the Local Government in the principal amount of ONE MILLION DOLLARS (\$1 ,000,000) by the obtaining of a Project Loan.

**Section 2.** The execution and delivery of the Application for a Project Loan in the principal amount of ONE MILLION DOLLARS (\$1 ,000,000) for the purpose of funding all or a portion of the total estimated cost of the Project ONE MILLION DOLLARS (\$1 ,000,000), by Brian P. Solsbee, the General Manager of the Local Government, is hereby ratified and approved in all respects.

**Section 3.** The form, terms, and provisions of the agreement for the Project Loan among the Local Government, the Tennessee Department of Environment and Conservation and the Tennessee Local Development Authority (the "Loan Agreement"), as presented at this meeting, are hereby approved.

**Section 4.** The Local Government hereby agrees to honor and accept the method of financing as may be determined by the Authority pursuant to the Loan Agreement.

**Section 5.** The Local Government hereby agrees to make the monthly payments on the Project Loan in accordance with the Payment Schedule to be attached to the Loan Agreement

**Section 6.** The Local Government hereby agrees to levy fees, rates or charges for services provided by the Project and/or to levy ad valorem taxes sufficient to pay the interest on and principal of the Project Loan in accordance with the Loan Agreement. The Local Government also agrees to levy fees, rates, or charges and/or ad valorem taxes sufficient to pay the cost of operation and maintenance of the wastewater system of which the Project is a part, which cost shall include depreciation and all other debt service expense of the system.

**Section 7.** The Local Government assigns and pledges its State-Shared Taxes to the State and consents to the withholding and application of State-Shared Taxes in the event of failure by the Local Government to remit monthly payments in accordance with the terms of the Loan Agreement, as the Loan Agreement may be supplemented or amended from time to time.

**Section 8.** The Local Government hereby agrees that there are no local pledges of State-Shared Taxes other than those disclosed.

**Section 9.** The Local Government hereby agrees to obtain alternative methods of financing for all costs necessary for the completion of the Project which are in excess of the combined financing provided by any agency of the United States Government and by the Tennessee Local Development Authority.

**Section 10.** The General Manager of the Local Government is authorized and directed to execute the Loan Agreement, and any amendments or supplements to the Loan Agreement, in the name and behalf of the Local Government; to deliver such documents to the other parties to such documents, such execution and delivery to be conclusive proof of the approval of the Local Government of such documents; and to take such further action and to execute and deliver such further instruments or documents as such officer may consider necessary or advisable in connection with the Loan Agreement. Provided, however, this resolution shall not be deemed to grant authority to the named officer to approve any increase in the amount of the Project Loan.

**Section 11.** All orders, resolutions, or ordinances in conflict with this resolution be and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this 26th day of November, 2012.

\_\_\_\_\_  
Jimmy W. Bull, Mayor

WITNESS:

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(Affix Seal As Appropriate)

\_\_\_\_\_  
(Name and Title)

Commissioner Burke Garwood explained this is at a rate of about 1.42% for \$1 Million over the next 20 years.

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

### **CITY MANAGER'S REPORT**

City Manager Matthew Gravley read a letter from Bob Watts to the Commission regarding Brian Silber's dedication and hard work for the Central Knights football program during their playoff games.

He also recognized Jim Shaw and the Police and Fire Departments for putting together and delivering more than 300 fruit baskets to the elderly in town. People were very appreciative.

The house at 1142 Athens Pike has been demolished and will be the site of the first Habitat for Humanity house.

The work at the Depot and the Gem Theatre has officially been completed.

The Safe Routes to School contract negotiations have begun and hopefully construction will begin in about 2 or 3 months.

City Manager Matthew Gravley reported an expense of \$1,978 for repairs to the grapple truck from Gordon Peeler. Commissioner Dennis Morgan ask if a certain amount had been approved previously. City Manager Matthew Gravley said we expected it to be under \$1000 but it wasn't. Also the hydraulic leak will be fixed next week free of charge.

He had Billy Ingram explained the work being done at 15<sup>th</sup> Street. He said a 6" gas line was lying underneath the tile that we replaced. A 36" drain tile was directly on top of it. We took the tile out and replaced with two 24" tiles and filled in with sand. We are putting back together but the tile was still in good shape just not safe.

The Fire Department has received 2 grants recently. One is from FM Global for \$1500.00 and one from Fire Fighters Support Fund for \$3700.00. Both are 100% grants with no match required. Chief Mike Moore explained we would receive the \$1500.00 check on Wednesday and they were coming to do a press release along with it. They will be purchasing a laptop and some station software with the FM Global grant. The Fire Fighters Support Fund grant for \$3700.00 will be used to purchase brush fire fighting equipment. We are still in the running for a lot of the big grants, the longer we are in the running the better our chances are going to be. Also Mr. Wolfe our fire advisor from MTAS said that our ISO rating was under control.

City Manager Matthew Gravley stated that we needed to buy street name signs totaling about \$4000.00. This money would come from the State Street Aid Fund.

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

## **UNSCHEDULED ITEMS**

Commissioner Dennis Morgan wanted to know how much money we had received for the houses that have been torn down. City Manager Matthew Gravley stated that we now have QuickBooks, which is being used as a billing software. The first 2 were paid and the one on North Georgia has paid. We have a lean on 3 or 4 houses and the motel we torn down. It's our only legal avenue to collect money. Dennis Morgan also ask if the light fixtures at the Gem Theatre were complete and Brian Silber said yes. Dennis Morgan also said we need to get the town cleaned up and there have been leaves in front of his house for over a month. I don't know what we are going to have to do but we need to get it cleaned up. City Manager Matthew Gravley said it will take about 3 months to get all the leaves up in town and we are going as fast as we can. The only way to get them faster is to hire another crew. Commissioner Burke Garwood said basically we have 4 people to do the work in this town because of all the other special projects going on. He's right unless you want to supplement a crew; we are doing as good as we can.

Commissioner Burke Garwood said we need to have a Special Called Meeting regarding the Liquor Referendum and decisions that need to be made. The Commission agreed to meet on December 3<sup>rd</sup> at 5:00 p.m. He also said we need to have a workshop on the pool and/or splash pad and what's going to be done at the old grammar school. A time and date was not scheduled.

## **PETITIONS AND COMMUNICATIONS FROM THE PUBLIC**

Brianna David, 1413 Ohio Ave, thanked the Commission for letting her speak. She realizes that the Ordinance for the Pit Bull ban has already been voted on. However, you also have the ability to repeal the ordinance. She would like to work with the Commissioner to see if some understanding could be worked on. She feels like a leash law would be efficient if it was enforced. Most people can't afford to get a \$100,000 liability insurance. This is a hardship being passed onto the residents. The CDC says when a specific breed is selected for stringent control it raises 2 constitutional questions. They have been argued as unconstitutional vague and therefore violate due process. In the interview with WATE New Channel 6 Ms. Bohannon was quoted by saying "you don't know what a strange dog will do around kids", which I completely agree with. But no official report was made and only verbal complaints to family and friends led to this ban. The dog in question has now been removed. I believe that all dogs should be registered, on leashes, etc. However, I don't feel this particular ordinance is the fix. I am also questioning the rumor of kennels being built and is this money coming from taxpayer's money?

Candy Williams, 923 Brentwood Drive, expressed her concern over a dangerous situation in her neighborhood and to propose a safe resolution and ask for speed bumps in the neighborhood. Cars, buses, delivery trucks all speed thru the neighborhood with no thought to safety of children or pets. Last week there was an altercation between a neighbor and a speeding vehicle resulting in an officer having to called out. This neighbor has foster children so he was very concerned. The other morning I had to jump to the curb due to a speeding school bus. I stopped the school bus and warned him of speeding. I have also recently stopped the UPS driver and informed them it was 15 mph and most are residents and we would appreciate the consideration. It's just a matter of time and it will not be an animal that gets hit but an adult or a child. I appreciate your consideration. Mayor Jim Bull suggested she get with the City Manager, the Police Chief and discuss. City Manager Matthew Gravley said MTAS recommends not putting in speed bumps on any city streets. Candy Williams said there is one at the Senior Center and one on Circle Drive. City Manager Matthew Gravley said that there is a crosswalk at the Senior Center that is why there's one there and the one at Circle Drive is federally funded. City Manager Matthew Gravley said he's not opposed to it; it's just a lot of liability. Mayor Jim Bull said for Chief Eric Armstrong to research state laws and get with her on this situation. City Manager Matthew Gravley said anything we

do must be universal and we would be putting them up all over town. Candy Williams ask if residents could chip in and put them on the street themselves. Commissioner Burke Garwood said that would be impeding on city streets and could result in a fine. Mike Cheek stated that a lot of their streets are narrow and do not have sidewalks. City Manager Matthew Gravley said there are a lot of narrow streets in town and a lot without sidewalks. He said you all could form your own P.O.A. and he said yes we will give the city streets to you. More enforcement is the only answer and we will do more of that. Commissioner Burke Garwood said more enforcement is needed and the officers need to get off of Tennessee Ave.

David James, 610 Bryant Street, said he was here when the riser was put up and it was put up for 2 reasons. One reason was for taping and the other was so that the commissioners could be heard. These are directional microphones and they have to be talked into, this would help a lot of people.

### **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.*

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Jim Bull, Mayor

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April Preston, City Recorder

Respectfully submitted by:

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Jamie L. Davis, Recording Secretary