

**CITY OF ETOWAH, TENNESSEE
COMMISSION MEETING**

Record of Minutes of Regular **Meeting Date** December 17, 2012 **Sheet No.** _____

A regular meeting of the Etowah City Commission was held on Monday, December 17, 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 Scott Cardin.

APPROVAL OF THE MINUTES

A motion was made by Commissioner Burke Garwood and seconded by Commissioner Jim Swayne to approve the minutes for November 26, 2012. The motion passed unanimously by a commission vote.

A motion was made by Commissioner Jim Swayne and seconded by Commissioner Burke Garwood to approve the minutes for the Special Called Meeting on December 3, 2012. The motion passed unanimously by a commission vote.

A motion was made by Commissioner Dennis Morgan and seconded by Vice Mayor Matt Goodin to approve the minutes for the Special Called Meeting on December 10, 2012. The motion passed unanimously by a commission vote.

NEW BUSINESS

- a. Reading of Ordinance No. 737

ORDINANCE NO. 737

AN ORDINANCE AMENDING ORDINANCE NO. 729, THE CAPTION OF WHICH IS “ AN ORDINANCE MAKING AND FIXING THE ANNUAL APPROPRIATIONS FOR THE ETOWAH CITY SCHOOL FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013”, BY ADJUSTING REVENUES AND EXPENDITURES IN THE VARIOUS FUNDS TO ASSURE EACH FUND REFLECTS SUFFICIENT MONIES TO CONCLUDE THE FISCAL YEAR ENDING JUNE 30, 2013.

WHEREAS, the City of Etowah adopted the Etowah City School Budget for fiscal year 2012-2013 by passage of Ordinance Number 729 on June 25, 2012; and

WHEREAS, pursuant to the Tennessee state constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, the Etowah City School Board has submitted the following amendments to the 2012-2013 annual appropriations; and

WHEREAS, the Board of Commissioners has determined that the amount hereinafter set forth are appropriate and proper;

NOW THEREFORE BE ORDAINED BY THE CITY COMMISSION OF THE CITY OF ETOWAH, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2012-2013 BUDGET AS FOLLOWS:

SECTION 1. Ordinance Number 729 is hereby amended by the following:

Increasing the General Purpose Fund: 141 by the following

Revenues \$3,880

Expenditures \$3,880

Increasing the Federal Projects Funds: 142 by the following

Revenues \$95,737

Expenditures \$95,737

Increasing the Cafeteria Fund: 143 by the following

Revenues \$9,886

Expenditures \$9,886

SECTION 2. This ordinance shall take effect ten (10) days from and after its passage, the public welfare requiring it.

PASSED ON 1st READING: December 17, 2012

PASSED ON 2nd READING: _____

SIGNED: MAYOR _____

ATTEST: CITY RECORDER _____

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

b. Approval to purchase 10 Fire Department radios for a total of \$1996.70 from Amerizon Wireless. Other quotes were received from Metro Communications and McCarter Communications.

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.

Commissioner Jim Swayne ask what they were going to do with the old radios. City Manager Matthew Gravley and Fire Captain Adam Hafley both agreed they were beyond repair. They started with 8 radios and are down to 1 that works properly. Fire Captain Adam Hafley said the National Fire Protection Agency says radios are required to enter a fire. Currently we have 8 part-time employees who do not have radios and one full time employee without a radio.

c. Reading of Ordinance No. 734, revote is required.

ORDINANCE NO. 734

**AN ORDINANCE TO AMEND TITLE 8 OF THE
ETOWAH MUNICIPAL CODE
BY AMENDING THE HOURS OF SALE FOR BEER**

Vice Mayor Matt Goodin verified that the starting time is at 6:00 a.m. currently. Commissioner Burke Garwood said this has been in place for a long time and maybe before 1995. We just messed up when we started the discussions and my argument is to keep it at 6:00 a.m. Commissioner Jim Swayne said since our reading on December 3rd we had the understanding of it being at 8:00 a.m., he thinks we should keep it that way.

A motion was made by Commissioner Burke Garwood and seconded by Mayor Jim Bull to leave the sale of beer hours starting at 6:00 am Monday through Saturday and starting at noon on Sundays. The motion failed by a 2 to 3 vote with Commissioner Jim Swayne, Commissioner Dennis Morgan, and Vice Mayor Matt Goodin voting nay.

d. Reappointment of Jim Abbott to the Planning Commission for a 3 year term.

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

e. Appointment of Ruby Richardson for a 1 year term and Catheron Pate for a 2 year term to the 4th of July Committee.

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

f. Discussion of debt by Scott Gibson from Cumberland Securities.

Scott Gibson explained that the majority of the information was discussed in the Etowah Utilities meeting but he discussed the highlights that were related to the City's debt. Commissioner Dennis Morgan ask how long he had been with Cumberland Securities and Scott said 18 years. Previously the account was handled by Joe Ayers but I will be handling it from now on. He gave

us a copy of the Financial Advisory Agreement and City Manager Matthew Gravley has it. The fees are outlined in the agreement are on page 7 and the grand total is \$23,000. City Manager Matthew Gravley ask if they went over the 3 options in the Utility meeting and he said yes they did. Commissioner Burke Garwood said I appreciate your efforts. City Manager Matthew Gravley ask if their company was doing financial advisory services only and he said yes but if you need bond issuance they will bid it out for us.

OLD BUSINESS

None

CITY MANAGER'S REPORT

City Manager Matthew Gravley recognized the Police and Fire Departments for volunteering at the Farm House to raise money for Christmas food and gifts for 10 families in the areas.

Also City Manager Matthew Gravley mentioned that there would be a special called meeting on December 27th at 5:30 for the second reading of the package store ordinance.

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Haroldean Thompson, 1031 Ohio Ave., said everybody should be careful for what you wish for because my job was outsourced after 10 years of employment. Be thankful for your job. She ask the commission if you must be a resident of Etowah to vote in the elections and they said yes. Back in 2010 the Commission voted to get started on changing the charter where business owners could vote, was that ever done? Mayor Jim Bull said that was not what was proposed, the Commission voted to renew the charter with a committee. What that will include we don't know yet. Commissioner Burke Garwood said a committee was appointed and I am the chairman, we will be getting started sometime after the first of the year. Haroldean Thompson ask if you know of any legal way that someone outside the city limits and can vote? The Commission stated no. Haroldean Thompson said some have listed their business address as their residential address for city elections. Mayor Jim Bull said that is between them and the election commission and then they verify with the city. City Manager Matthew Gravley said if the owner of store had a residence in the store they would qualify. Haroldean Thompson ask if there was any statue followed when appointing to the different committees and if guidelines were always followed? Mayor Jim Bull said there were different qualifications for different committees and some will be the Mayor's option and some voted on. Commissioner Burke Garwood said we are doing everything by the TCA Code.

Haroldean Thompson also ask about the package store ordinance and if the primary owner (51%) had to be a resident for 2 years before applying and the Commission stated yes. And then she said the other owner(s) (49%) could be anyone and the Commission stated yes.

Nancy Waldrop, 923 Benson Drive, said the dog catcher gave her neighbor permission to catch and kill her animals. He is trapping raccoons and watching them die. He has killed 4 of my cats and places fresh meat out to trap them. The dog catcher won't return calls. The gofer rats got in my house and ate my nicest dress. Dale Rogers is my neighbor and I feel like his actions need to stop. Vice Mayor Matt Goodin ask how many cats do you have? She said she had 10 but now only has 4 or 5 but all have been spayed and neutered. Commissioner Dennis Morgan ask if these were city cages? Public Works Director Billy Ingram said no, all of our traps are accounted for. We have attempted to call her back but her cell

phone didn't have enough space for a message. Nancy Waldrop said I'm a taxpayer not him and it needs to stop. Mayor Jim Bull said this is a civil issue and you need to get proof of it and take him to court. Billy Ingram said this was an issue for the Police Department or Dave Mason because no traps have been given out by us and she is not wanting us to trap something. I told her to touch base with Police Department. Billy Ingram said Dave Mason had talked with the owner but their animals were not running at large. Commissioner Dennis Morgan said this is a civil case. Mayor Jim Bull said I am sorry we can't give you a better answer. I'm sorry we can't help you anymore.

UNSCHEDULED ITEMS

Commissioner Jim Swayne said he thinks we need to reconsider the Ordinance that only allows the City Manager to spend up to \$1000.00 without prior approval. He thinks this is too low. We trust him to manage the budget properly. Mayor Jim Bull said that was a charter change. City Manager Matthew Gravley said once this committee updates the charter it will bring it up to the state minimum of \$2500.00.

Commissioner Dennis Morgan said we need to still look at the cell phone policy because of officers being on the phone. Chief Eric Armstrong said a lot of communication is done with dispatch and some of it does not need to be over the radios. Commissioner Dennis Morgan said we need the same policy as the utilities for Bluetooths. Eric Armstrong said we have been trained to drive with phones and radios. City Manager Matthew Gravley said we have tried to comply but if you want us to change policies, do you want to make a motion on that or just asking us to do better? Commissioner Dennis Morgan ask if they could all have Bluetooth and Chief Eric Armstrong said if the city provides it.

ADJOURNMENT

A motion was made by Mayor Jim Bull seconded by Commissioner Dennis Morgan 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