

**CITY OF ETOWAH, TENNESSEE
COMMISSION MEETING**

Record of Minutes of Regular **Meeting Date** April 28, 2014 **Sheet No. 1 of 6**

A regular meeting of the Etowah City Commission was held on Monday, April 28, 2014 at 6:30 p.m. in the Council Chambers of City Hall, 723 Ohio Avenue, Etowah, Tennessee. All members of the commission were present. Also present were City Manager Matthew Gravley, Recording Secretary Eva Valentine, and Finance Director Rebecca Penney.

Mayor Jim Bull called the meeting to order at 6:30 p.m. followed with the Prayer by Reverend Mark Wade from North Etowah Baptist Church and Pledge of Allegiance was led by Vice-Mayor Charles Slack.

APPROVAL OF THE MINUTES

A motion was made by Vice-Mayor Charles Slack and seconded by Commissioner Jim Swayne to approve the previous minutes of the regular commission meeting held on Monday, March 24th, 2014. The motion passed unanimously by a commission vote.

A motion was made by Commissioner Jim Swayne and seconded Vice-Mayor Charles Slack to approve the previous minutes of the Special Called Meeting held on Monday, April 14th, 2014. Commissioner Dennis Morgan voiced his disapproval of the way meeting was called and the city paying \$550.00 for Bill Landry to read the proposed Revised City Charter at that meeting. Commissioner Burke Garwood stated he would pay the \$550.00 from his personal funds and presented a check to the finance director that night. The motion passed by a 4 to 5 commission vote, Commissioner Morgan voting nay. Motion carried.

NEW BUSINESS

(a.) City Manager Matthew Gravley opened the discussion in regard to the proposed purchase of a Rear Load Garbage truck and stated the bids were out and the expected cost will be from \$130,000.00 up to \$150,000.00. The City of Athens and Niota have been helping with the use of their truck. The city currently has \$40,000.00 to \$45,000.00 on hand for purchase with the \$100,000.00 remaining debt to be spread over seven (7) years.

Commissioner Burke Garwood made a motion to approve purchase and Commissioner Jim Swayne seconded the motion and motion carried with a unanimous vote.

(b.) Marilyn Joiner, with Friends of the Etowah Library, addressed the commission with a reported amount of \$15,340.00 having been donated to the library in the past three years. She also addressed the need for an elevator for the library would not see us into the future. The Friends have also set up a savings account for the library and it has grown to \$6,000.00 and stated this was a beginning and that all donations were welcome. She also informed the commission of a Gala Fund Raiser scheduled for September. Commissioner Burke Garwood stated the commission knew the library needed better access and more space but the need for prioritizing sometimes prevented the progress we all would like to see. He noted the issues with the fire department as an example. Mayor Bull complimented the excellent job the library staff was doing and is constantly under consideration as to how to make the situation better budget wise and Commissioner Swayne was also very supportive.

(c.) City Manager Matthew Gravley presented two bids to the commission for the 2014-2015 mowing season with the request for clarification on the "proof of insurance" clause in the bid package. It was discussed at length between the commissioners and Mr. Gravley. Mr. Gravley made a recommendation to the commission to award the bid to Justin Morgan, and no motion was made.

Commissioner Burke Garwood made a motion to rebid the contract and Vice-Mayor Charles Slack seconded the motion and motion carried.

(d.) No action will be taken on Resolution 1108 until after a Public Hearing.

(e.) *Commissioner Dennis Morgan made a motion to award the contract for the City Audit to Brown, Jake, and McDaniel. Vice-Mayor Charles Slack seconded the motion and motion carried.*

(f.) Mayor Jim Bull read Resolution 1105 in its entirety.

RESOLUTION NO. 1105

A RESOLUTION AUTHORIZING THE CITY OF ETOWAH TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE TENNESSEE DOWNTOWNS PROGRAM, A DOWNTOWN REVITALIZATION EDUCATION AND GRANT PROGRAM OFFERED BY THE TENNESSEE MAIN STREET PROGRAM AND THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT.

Commissioner Jim Swayne made a motion to accept Resolution 1105 as read and Mayor Jim Bull seconded the motion and motion carried with Dennis Morgan abstaining from the vote.

(g.) Mayor Jim Bull read Resolution 1106 in its entirety.

RESOLUTION NO. 1106

A RESOLUTION ESTABLISHING A POLICY OF TRAINING FOR THE CITY OF ETOWAH'S BOARD OF COMMISSIONERS

Vice-Mayor Charles Slack made a motion to accept Resolution 1106 and Commissioner Jim Swayne seconded the motion and motion carried with Dennis Morgan abstaining from the vote.

(h.) Mayor Jim Bull read Resolution 1107 in its entirety.

RESOLUTION NO. 1107

RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ETOWAH, TENNESSEE, AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF THREE YEAR CAPITAL OUTLAY NOTES NOT TO EXCEED \$35,000 PURSUANT TO THE INFORMAL BID PROCESS

Vice-Mayor Charles Slack made a motion to accept Resolution 1107 and Commissioner Jim Swayne seconded the motion and motion carried with Dennis Morgan abstaining from the vote.

(i.) First Reading of Ordinance No. 758

Mayor Jim Bull conducted the first reading of Ordinance 758.

ORDINANCE NO. 758

**AN ORDINANCE TO AMEND TITLE 1
OF THE ETOWAH MUNICIPAL CODE
RELATIVE TO AN ANNUAL EVALUATION
OF THE CITY MANAGER**

Commissioner Jim Swayne made a motion to accept Resolution 1107 and Vice-Mayor Charles Slack seconded the motion and motion carried with Dennis Morgan abstaining from the vote.

A Special-Called meeting was scheduled for the second reading of Ordinance 758 on Tuesday, May 6th at 3:45 P.M. at the Utilities Building in Etowah.

OLD BUSINESS

(a.) Adoption and Second Reading of Ordinance No. 757

Mayor Jim Bull conducted the second reading of Ordinance 757.

ORDINANCE NO. 757

**AN ORDINANCE TO AMEND AND REVISE THE CHARTER OF THE CITY OF ETOWAH,
TENNESSEE, AND PROVIDE FOR THE SUBMISSION OF THAT AMENDMENT IN
REFERENDUM TO THE CITIZENS OF ETOWAH, TENNESSEE**

Commissioner Burke Garwood made a motion to accept Ordinance no. 757 with revisions to include the following typographical errors in the attached charter:

- a. Page 16, Article XI; change from “shall has” to “shall have”.
- b. Page 24, Article XVI, Section 7, first paragraph, first sentence, remove the second “as”.
- c. Page 27, Article XVII, Section 8, first paragraph, first sentence, remove “of the city”.
- d. Page 31, Article XVIII, Section 9, sub-section 3, second paragraph, change “time if” to “time of”.
- e. Page 32, Article XVIII, Section 10, sub-section 4, change “payments of lieu” to “payments in lieu”.
- f. Page 34, Article XIX, Section 2, Remove last paragraph.

Restore Article 18, Section 9, subsection 2, regarding fixing rates to the original recommendation from the charter review committee.

To add a gender neutrality clause to the attached charter, Article XX as Section 3 that will read as follows: Gender Neutrality. Whenever, in this charter, "man, men, him, his, he," or their related pronouns may

appear either as words or as parts of words, they have been used for literary purposes and are meant in their generic sense "i.e., to include all human kind, both female and male sexes."

Vice-Mayor Charles Slack seconded the motion and motion carried with Commissioner Dennis Morgan abstaining from the vote.

(b.) Consideration and Approval of Building Plans for Muddy Waters liquor store

Commissioner Dennis Morgan made a motion to approve the building plans for the Muddy Waters Liquor Store and Commissioner Burke Garwood seconded the motion and motion carried with Commissioner Jim Swayne abstaining from the vote.

City Manager Matthew Gravley reported the Ladder Truck was in need of repair and recertification for a total cost of \$5,879.97.

Commissioner Burke Garwood made a motion to approve the expenditure and Commissioner Jim Swayne seconded the motion and motion carried by a unanimous commission vote.

Mr. Gravley informed the commission the street cuts had been quoted at \$10,500.00 which had been budgeted for with a \$1,000.00 pass through.

Commissioner Burke Garwood made a motion to approve the expense and Mayor Jim Bull seconded the motion and motion carried.

Mr. Gravley reported to the Commission he had just returned from the City Manager's Association meeting where there was information on "Recruiting Retail". He also stated MTAS will provide an intern for the city this summer.

The City Manager mentioned the Annual Budget was being submitted to them tonight and they should receive more detail by Wednesday with the Budget Work Shop scheduled for Monday, May 5th.

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Kenny Perry of Etowah came before the commission to ask why the police were not allowed to carry rifles and shotguns as backup. Chief Armstrong stated that officers are scheduled to be qualified to carry rifles.

Mayor Jim Bull presented an updated list of the Etowah Arts Commission:

Cindy Studdard, Jim Caldwell, JoAnn Parker, Jim Alsip, Ann Abbott, Chanel Groomes, Max Ortiz, Candace Carver, Nina Alsip, and Amanda Morgan, director.

Vice-Mayor Charles Slack made a motion to approve the board and Commissioner Jim Swayne seconded the motion and motion carried.

Mayor Jim Bull presented a letter from Dr. Mike Frazier informing the Commission of the resignation of Aaron Pierce from the Etowah City School Board effective May 31, 2014. It was decided to place an ad to fill the vacancy.

UNSCHEDULED ITEMS

Commissioner Jim Swayne suggested considering combining the Utilities and the City employees for health insurance. Commissioner Burke explained the Utilities are self-insured and the City is not.

Commissioner Dennis Morgan questioned City Manager Gravley concerning issues with the police department and the chief of police that he had discussed with him the prior week. His inquiry was directed to the purchase of a bullet proof vest for a police officer and the four officers that had left for other employment in the last year. City Manager Gravley explained these were personnel matters and were being handled and the officer was being fitted for a vest the next day.

Another issue Commissioner Morgan presented was an authoritative figure referring to a subordinate with a derogatory name. Again, Mr. Gravley explained these were all personnel issues and were being handled by himself and the Human Resource Director.

Commissioner Morgan also complained the Chief would not respond to calls when he was off-duty on the weekend unless it was a homicide and he asked why he had a take home car. Mr. Gravley explained there was a chain of command for specific types of crimes the department follows.

Commissioner Morgan also insisted that nothing was being done and only one officer was being allowed to drive the new Charger. He also alleged Chief of Police had threatened one of the other commissioners. Mr. Gravley stated he could not act on hear say to such charges.

Mr. Gravley again stated all the issues are being handled as personnel issues and appropriate action will be taken as needed.

Commissioner Dennis Morgan made a motion to place City Manager, Mathew Gravley on probation for the next thirty day period, during which time he will be expected to take care of the police department matters/complaints. Vice-Mayor Charles Slack seconded the motion. Motion failed with Commissioner Charles Slack and Commissioner Dennis Morgan voting in favor of the motion and Mayor Jim Bull and Commissioner Jim Swayne voting against the motion and Commissioner Burke Garwood abstaining.

Commissioner Burke Garwood suggested that Ordinances 754, 755, and 756 be correlated with the new state guidelines. He also stated the old city pool be pumped to avoid accidents and mosquito infestation.

Commissioner Garwood voiced concerns and disappointment over the previous DOT visit concerning the unresolved issue of the curbs and sidewalks being the responsibility of the state and not the city. He also mentioned the Tennessee Enhancement Grant that Jasper had received was one he had hoped Etowah would also receive.

ADJOURNMENT

Commissioner Burke Garwood made a motion to adjourn and Commissioner Dennis Morgan seconded the motion and motion carried.

Jim Bull, Mayor

Rebecca Penney, City Recorder

Respectfully submitted by:

Eva Valentine, Recording Secretary