

MINUTES FOR CITY COMMISSION - ETOWAH, TENNESSEE

REGULAR MEETING

MONDAY, October 28, 2019

6:30 P.M.

1) CALL TO ORDER

Mayor Garwood called the meeting to order.

2) ROLL CALL

All Commissioners were present as well as City Manager Tuggle, Eva Valentine, and Finance Director Bull.

3) PRAYER— *Led by Commissioner Miller*

4) PLEDGE OF ALLEGIANCE—

5) APPROVAL OF THE MINUTES—

Vice-Mayor Swayne made a motion to approve the September 23, 2019 Regular minutes and Commissioner Miller seconded the motion and motion carried with a unanimous vote.

Commissioner Keller made a motion to approve the September 23, 2019 Public Hearing minutes and Commissioner Miller seconded the motion and motion carried with a unanimous vote.

Commissioner Keller made a motion to approve the October 16, 2019 Special Called minutes and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

Mayor Garwood made a motion to approve the amended minutes for the April 22, 2019 concerning the school mulch which now includes the City's payment portion, Regular meeting minutes and Commissioner Keller seconded the motion and motion carried with a unanimous vote.

Mayor Garwood announced he would suspend the regular meeting to assemble the board into an Executive Session to discuss the guidelines and policies related to the Gem Theatre.

Upon the return of the board to the Commission Chambers, Mayor Garwood announced the meeting back in session.

NEW BUSINESS:

a.) Approval of New City Hall Sign

Vice-Mayor Swayne made a motion to approve the bid from Hacker Sign for \$5000.00 with a stipulation of obtaining a written warranty and Commissioner Keller seconded the motion and motion carried with a four to one vote with Commissioner Casteel voting no. Commissioner Casteel questioned the change from the sign being close to ground to now being elevated.

b.) Approval of Purchase of Flooring for Arts Commission Bldg.

Mayor Garwood made a motion to approve the bid from Miller's Wholesale Carpet for the Arts Commission Building in the amount of \$4,950.00 and Commissioner Miller seconded the motion and motion carried with a unanimous vote.

c.) Asphalt Patching

Commissioner Keller made a motion to approve the bid from Boswell Paving in the amount of \$13,852.00 as they were the only bid received and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

d.) Approval for up to \$7,000.00 to Replace the Impala Totaled in Accident (Codes Dept)-
Received check from State Farm Ins. In the amount of \$5,331.50

Commissioner Keller made a motion to approve the purchase of a used vehicle to replace the Impala and Commissioner Miller seconded the motion and motion carried with four votes in favor and one nay vote from Vice-Mayor Swayne.

e.) Approval of 2020 Employee Health Insurance Benefit Package

Vice-Mayor Swayne made a motion to approve the Blue Cross Blue Shield Platinum 21 plan for the 2020 Employee Health plan and Commissioner Keller seconded the motion and motion carried with a unanimous vote

f.) Repair of Culvert at 1304 Washington Avenue

After some discussion there was a consensus to postpone and revisit in three months.

g.) Consideration of Resolution 1233

RESOLUTION NO. 1233

**A RESOLUTION OF
THE CITY COMMISSION OF THE CITY OF ETOWAH, TENNESSEE,
AUTHORIZING THE CITY OF ETOWAH TO PARTICIPATE IN THE POOL'S
2019-2020 PROPERTY CONSERVATION MATCHING GRANT PROGRAM**

Commissioner Keller made a motion to approve Resolution 1233 and Commissioner Miller seconded the motion and motion carried with a unanimous vote.

h.) Consideration of Resolution 1233

RESOLUTION NO. 1236

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

Vice-Mayor Swayne made a motion to approve Resolution 1236 and Commissioner Keller seconded the motion and motion carried with a unanimous vote.

i.) Consideration of Resolution 1234

RESOLUTION NO. 1234

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

Commissioner Keller made a motion to approve Resolution 1234 and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

j.) Consideration of Resolution 1235

RESOLUTION 1235

**A RESOLUTION OF THE CITY OF ETOWAH ADOPTING
A RECORDS RETENTION POLICY**

Mayor Garwood made a motion to approve Resolution 1235 and Commissioner Keller seconded the motion and motion carried with a unanimous vote.

OLD BUSINESS:

a.) Presentation of CT-0253 for the \$1,000,000 loan (Doesn't need to be voted on, just recognized)

The Commission recognized the \$1,000,000.00 loan.

CITY MANAGER REPORT:

City Manager Monthly Report
September 23, 2019 – October 25th, 2019

1. UPDATE: The work on 6th Street is now complete. The Barricades will remain up until the concrete dries completely. The men did an amazing job and completed this entire project in 3 days. Hats off to them for all of their hard work and dedication.
2. The week of October 21st through 25th the Public Works Department will be working on the 6th St. area to re-enforce the roadway. We have to work on this now before the weather turns cold. It will take all of that week to complete. We have sent notices to DPA, Morning Fax and WLAR. Ms. Tuggle reported the cost for this project had increased by \$4,084.00 due to the increase in the depth from 10" to 15" and an additional 2.5 feet extension to the area.
Vice-Mayor Swayne made a motion to approve the additional cost for the street repair on 6th Street and Commissioner Keller seconded the motion and motion carried with a unanimous vote.
3. I have spoken with Premier Trucking and have been advised that our sales man is no longer with the company and that our new grapple truck will not be to us until the first of the year. We have asked them to see if a rush can be put on this.
4. The leaf machine has been made ready for leaf season. As soon as we see an increase in piles they will be out to collect.
5. UPDATED: The Work is complete and is back on the road.
The back hoe radiator must be replaced. We have ordered one and it should be in today. We hope to have it up and running early next week.
6. UPDATE: We have scheduled for the Veteran's Day Flags to be installed the end of October/1st of November. We continue to work to make the plans with the Veteran's Parade group to ensure that all will be going as needed.
Jim Shaw, Gary Hicks, Frank Kurlleman and I have all met with the Veterans Planning commission for this year's veteran's parade. It is schedule for November 9th. I will send final details and parade route as we get closer to the event.
7. UPDATE: We will be ordering more cones and barricades or additional safety equipment through the approved TML (Entity Partners Grant) that was approved last month. We have ordered 40 and received the 36" cones and 20 - 10 ft. barricade poles as we have a very low supply of such items to assist us with the 3 parades we have per year.
8. Unfortunately, I have had to cancel the planned event in October for Train Day. As it appears the organization that was scheduled to assist us this year has closed the business due to legal issues. We have not put out any money towards the event nor have we had any vendors pay for spaces. I plan to have the event next fall with the help of Parks and Rec, etc.
9. UPDATE: The Fence for the Football Field and the Dog Park have been installed. They were delayed by about 4 weeks so we are a bit behind schedule for the opening of the dog park. I will advise as I determine when the work will continue.
10. The Utilities has run the water lines for the dog park. The help with this was of great assistance and great savings to the City.
11. UPDATE: The property at 809 Illinois was demolished and the liens for costs have been placed on the tax records.
12. UPDATE: The murder trial will be set for December as we have learned, many of our officers will need to attend the hearing as they have been called as witnesses.
13. I have been advised that the wall construction will begin within the next week or so depending on weather. The trusses should be on site within the next week.
14. UPDATE: Within your packet you will find the renderings for the pool building and sight. There are a few changes that Jon and I will be suggesting to all for the final drawings are completed.

15. I have spoken with several Financial Directors with local municipalities that have swimming pools to get details as to hours of operations, party rates, pool membership rates, daily rates, etc. As next year will be our first year of pool operations, we will be setting up a new function for pool operation costs so to better track.

16. UPDATER: I have received the approval from the State of Tennessee for the Brownfield agreement. I have met with SM & E that completed the phase I and II on the SIP land and they are working up the cost now for the cleanup plan. I should have that by Monday afternoon. I will advise

I have submitted the required documentation to the Nashville TDEC office so that we can obtain approval to use the South Industrial Park for future residential lots. With this being done, SM & E can now begin working on the required Environmental Clean Up plan. Once that is in hand, I can schedule meetings with TDOT, the County Mayor, Utilities and MCEDA to discuss the cost share on this project. I will advise as soon as this meeting can be scheduled.

Ms. Tuggle informed the Commission of the additional cost for the cleanup to be \$3,700.00.

Vice-Mayor Swayne made a motion to approve the cleanup cost for the South Industrial Park and Commissioner Keller seconded the motion and motion carried with a unanimous vote.

17. UPDATER: We have received both of the new pickup trucks.

18. Believe it or not we are beginning to make plans for the employee Christmas party. Light up Etowah Christmas light contest and the Etowah tree lighting and Santa event. If you all have any ideas that you would like to see implemented please let me know.

19. UPDATER: The pool table did sell for 1,000, however, the party has not picked it up and therefore will be sent for destruction. The large cabinet at the ECC will be done at the same time.

20. We have filled our reserve Police Officer positions as this will help greatly for the upcoming holiday parades.

21. UPDATER: The details for this matter is included within this week's packet. Please note that I will need a vote on this matter as how the Commission wishes for us to proceed. Attached to this email you will find documents and photos of 2 properties that are located on Georgia Ave, that have drainage issues due to what appears to be a collapsed tile that runs from the back side of the Miller property across the property line that separates the Miller and the Gamble Property under the middle of the Gamble driveway into the front yard and across George Ave, to an additional catch basin.

I have been told that Mr. Ingram had made promises to fix this matter on several occasions. However, I have discussed this matter with Russ due to the fact that we do not have documented evidence that this tile/catch basin system is in fact under the ownership of the property within any city searchable documents.

Russ has given his opinion on this matter and I have his email within the attachment. I am sure you will have questions as to this matter for me, so please feel free to contact me should you wish to discuss this matter further.

Mr. Hicks, Public Works has estimated that the repair will cost between 10,000.00 to 12,000.00 plus labor.

Again, due to the fact that this is a very large job effecting 2 properties and a main road, I ask the commission to review the email from Attorney Russ Blair and advise myself and Mr. Hicks how we are to proceed with this issue.

22. UPDATER: As provided with you packet you will see that we have received payment for the Impala. We will ask for a vote from the City Commission to approve a purchase of a new Codes vehicle for the assistant at a max of \$7,000.00 the City has the funds to cover the difference from the insurance funds and that cost. We will do all we can to stay well under that amount.

As advised last week the Chevy Impala was hit and damaged by a local citizen. Their insurance company has come back to use and advised that the damage to value ratio is high and therefore they have deemed the Impala as TOTALED. They have offered the City a payout of \$5,331.50 as the frame is damaged.

23. As you may have seen the Animal Control Truck looks a bit different. As the "Dog Box" we had was not the correct unit that was needed for Animal Control we were lucky to find an Animal Control Box valued at appx 8,000.00 for 450.00 we did have to send Animal Control to pick it up, but the cost was under 1200.00. picture attached

UPDATE: We will hold onto the Dog box for a bit as we believe that we can put it to use.

24. We have received info from Food City that they will soon be submitted plans to the City of Etowah as to the new Food City that they plan to build. If plans are approved, they should start demo and construction in the coming months.

25. UPDATE: The Residential truck was taken to Chatanooga for repairs for under 2,000.00. However, the older Commercial truck is now down and we have borrowed the truck from Englewood once again.

26. We have completed the yearly maintenance on all HVAC systems in city structures.

27. We have planned for brush pick up to be done for the city the week of November 4 – 8th and leaf pick up the week of November 11th – 15th.

28. UPDATE: I am working on the options that we have at this time for the parking lot at city hall. We have had a few items come up with dirt that is considered contaminated. However, SM & E will be here Monday to test. If we see that the dirt is not considered contaminated by the TDEC standards we will be able to save a great deal of money and just move the dirt to the SIP area, as the contractor can use when the start at the SIP.

IF the dirt is contaminated but does not extend the limits that are at the SIP, we will be able to more it there and cover for use in the roadways when it is developed.

I will not have this info until mid-next week. I will advise.

29. You will be presented with quotes for the New City Hall sign at Monday night's meeting. We will need to have a vote to select so that it can be ordered and ready for install when needed by the contractor.

30. UPDATE: Here is a current listing of projects that I am working on for Etowah

- a. City Hall
 - i. Sign quotes for City Hall
 - ii. Moving quotes for City Hall
 - iii. Local Gov quote to relocated computers at move
- b. LPRF Pool Grant – Renderings have been submitted for your review in this packet.
- c. Dog Park – Hope to complete in November
- d. Depot Historical Grant (Windows) – Will not receive contract until November.
- e. South Industrial Park – working with SM & E
- f. Sidewalk Connectivity Grant – waiting bids
- g. Art's Commission Building (flooring, lighting, awning, etc.) Awaiting EOC Commission approval and DRC approval.
- h. Depot Restroom Restoration Interior (Winter of 2019/2020) – working on bid specs at this time.

31. As I told a few of you the surgery for my knee was to be November 1. That has once again changed I will advise as soon as I know more.

32. UPDATE: The quotes for the new employee health insurance will be within this packet. We will need a vote to proceed. At this time our signups are set for early November as the change will take effect January 1, 2020.

33. The Police Department has sold 2 vehicles on Govdeals that they were awarded by the courts. One was a 2006 Honda Civic sold for 1950.00 and a 2012 Mini Countryman Cooper sold for \$4,300.00. All funds are being deposited in the Drug Fund.

34. The Sidewalk Connectivity Grant will be bidding out within the next week or so. This will be adding sidewalks on 8th and Louisiana. This grant was approved a little over a year ago. I will make all attempts to ensure that this and the LPRF Pool Grant work do not interfere with one another.

35. Thank you to Ruth for arranging for 2 techs to be at tonight's event at the GEM. I will have Jennifer from the ECC there as House Manager.

36. **UPDATE:** We have spoken with the out of state owner of the 202 1st Street property and they have already agreed to work with the City to get this matter corrected. Until the property is clean and further inspections can be made, we will not know if the house is repairable. We will advise.

On Tuesday of this week, the Etowah PD was called to 202 1st Street to assist with the Department of Children Services serving and order to inspect. The Codes Department had already been working on violations at this property. Once access was gained, we quickly learned that there was a life safety/health safety issue as to the condition of the interior of the home. Animal Control, Public Works, Craig with Codes, myself and 2 officers from the Police Department viewed the interior of the property and confiscated appx 20 domestic and non-domestic. The tenants of the property were arrested and the ownership of the animals was turned over to the City of Etowah. We have released the animals to the appropriate centers that can care for the specific animals. (Iguana, Boa Constrictor, rabbits, lizards, crabs, turtles, sugar gliders, 3 dogs, 2 chinchillas, and a few other animals). This arrest lead to multiple charges of aggravated animal neglect and other charges as well.

2 of the dogs proved to be aggressive as one killed a neighborhood cat while in the presence of the Animal Control Officer and the Police Officers, and the other was very aggressive to humans. Both of the aggressive dogs will be euthanized immediately.

The 3rd dog has been placed for adoption with a local animal shelter.

As the house was determined to be unfit for human occupancy, we have condemned the home and scheduled a hearing with the parties that are purchasing the home from a REO company in Texas and with the legal owners of the Texas Company. The tenants will not be allowed to reside in these locations until further notice from the City if that even occurs. The plan at this time is to have property reviewed for the Condemnation standards and obtain and order of demolition at the expense of the legal property owner.

I also had the Fire Chief come and inspect the property as we had access and he too has provided information that will be useful in the condemnation matters.

As you can imagine, the animals all resided within the house and there had not been any form of cleaning to that property in some period of time. The child that resides at the home will not be returning to that setting.

36 The Library will be waving 1,000 of fines up to 5,000 max for all food donation brought to the Carnegie Library. This is an excellent way for the Etowah to give back to our community.

Thank you all very much for your attention to the above matters.

Respectfully,

Tina M. Tuggle
City Manager

9) PETITIONS AND COMMUNICATIONS FROM THE PUBLIC -None

10) UNSCHEDULED ITEMS

Mayor Garwood addressed the Executive Session which was held at the beginning of the meeting and stated this finding was an addendum to last month's meeting. The Gem Theatre keys would be issued to Lamone Rose and Pat Armstrong as long as guidelines are met and adhered to.

There was consensus to schedule a Special Called meeting on Wednesday, November 6th at 5:30 pm to discuss and approve design of the pool and the entry to the splash pad.

ADJOURNMENT

Mayor Garwood made a motion to adjourn and Vice-Mayor Swayne seconded the motion and motion carried.

Alison Bull

Burke Garwood, Mayor

Alison Bull

Alison Bull, Finance Director