

**CITY OF ETOWAH, TENNESSEE
COMMISSION MEETING**

Record of Minutes of Regular Meeting Date **May 21, 2018 Sheet No. 1 of 7**

A regular meeting of the Etowah City Commission was held on Monday, May 21, 2018 at 6:30 p.m. in the Meeting Room of the Etowah Community Center located at 155 Robinson Street, Etowah, Tennessee. Members present were; Commissioner Burke Garwood, Commissioner Robbie Helm, Mayor Gene Keller, and Vice-Mayor Jim Swayne. Also present were Finance Director Alison Bull Recording Secretary, Eva Valentine and City Manager Tina Tuggle.

Mayor Gene Keller called the meeting to order followed by Mr. Billy Ingram leading the prayer, and the Pledge of Allegiance to the American flag.

APPROVAL OF THE MINUTES

A motion was made by Commissioner Garwood to approve Regular Minutes from April 23, 2018 meeting and Commissioner Helms seconded the motion and motion carried with a unanimous vote.

NEW BUSINESS

NEW BUSINESS

- a.) Lights at Depot

A motion was made by Commissioner Garwood to give City Manager Tuggle authority to accept bids under \$8,401.20 for the lighting at the Depot and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

- b.) Consideration and Passage of Resolution 1199

RESOLUTION 1199

**A RESOLUTION TO SET CITY FACILITY FEES BY THE CITY OF ETOWAH
TENNESSEE**

A motion was made by Vice-Mayor Swayne to approve Resolution 1199 and Commissioner Holmes seconded the motion and motion carried with a unanimous vote.

- c.) Etowah Arts Commission Nominees for Board of Directors: Kay Galloway, Monica Brown, and Bob Lambert

A motion was made by Commissioner Garwood to approve Kay Galloway, Monica Brown, and Bob Lambert to the Etowah Arts Commission and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

d) Fitness Equipment Quote

A motion was made by Vice-Mayor Swayne to approve Resolution 1199 and Commissioner Holmes seconded the motion and motion carried with a unanimous vote.

A motion was made by Commissioner Garwood to approve the purchase of fitness equipment from "Arsenal Strength" in the amount of \$14,022.12 and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

e) Consideration and Approval of Resolution 1200

RESOLUTION NO. 1200

A RESOLUTION PURSUANT TO AUTHORITY GRANTED BY SECTION 6-54-111 OF THE TENNESSEE CODE ANNOTATED AND IN ACCORDANCE WITH SECTION 0380-3-7-02 OF THE OFFICIAL COMPILATION RULES AND REGULATIONS OF THE STATE OF TENNESSEE AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID OF THE ETOWAH AREA SENIOR CITIZENS, A NONPROFIT ORGANIZATION WHOSE SERVICES BENEFIT THE GENERAL WELFARE OF THE RESIDENTS OF THIS MUNICIPALITY.

A motion was made by Commissioner Garwood to approve Resolution 1200 and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

f.) Consideration and Approval of Resolution 1201

RESOLUTION NO. 1201

A RESOLUTION PURSUANT TO AUTHORITY GRANTED BY SECTION 6-54-111 OF THE TENNESSEE CODE ANNOTATED AND IN ACCORDANCE WITH SECTION 0380-3-7-02 OF THE OFFICIAL COMPILATION RULES AND REGULATIONS OF THE STATE OF TENNESSEE AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID OF THE ETOWAH RESCUE SQUAD, A NONPROFIT ORGANIZATION WHOSE SERVICES BENEFIT THE GENERAL WELFARE OF THE RESIDENTS OF THIS MUNICIPALITY

A motion was made by Commissioner Garwood to approve Resolution 1201 and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

g.) Consideration and Approval of Resolution 1202

RESOLUTION NO. 1202

A RESOLUTION PURSUANT TO AUTHORITY GRANTED BY SECTION 6-54-111 OF THE TENNESSEE CODE ANNOTATED AND IN ACCORDANCE WITH SECTION 0380-3-7-02 OF THE OFFICIAL COMPILATION RULES AND REGULATIONS OF THE STATE OF TENNESSEE AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID OF THE ETOWAH CHAMBER OF COMMERCE, A NONPROFIT ORGANIZATION WHOSE SERVICES BENEFIT THE GENERAL WELFARE OF THE RESIDENTS OF THIS MUNICIPALITY.

A motion was made by Commissioner Garwood to approve Resolution 1202 and Vice-Mayor Swayne seconded the motion and motion carried with a three to one vote with Commissioner Helm voting no.

h.) Consideration and Approval of Resolution 1203

RESOLUTION NO.1203

A RESOLUTION PURSUANT TO AUTHORITY GRANTED BY SECTION 6-54-111 OF THE TENNESSEE CODE ANNOTATED AND IN ACCORDANCE WITH SECTION 0380-3-7-02 OF THE OFFICIAL COMPILATION RULES AND REGULATIONS OF THE STATE OF TENNESSEE AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID OF THE TRI-COUNTY CENTER, A NONPROFIT ORGANIZATION WHOSE SERVICES BENEFIT THE GENERAL WELFARE OF THE RESIDENTS OF THIS MUNICIPALITY.

A motion was made by Mayor Keller to approve Resolution 1203 and Commissioner Garwood seconded the motion and motion carried with a unanimous vote.

i.) Consideration and Approval of Resolution 1204

RESOLUTION NO.1204

A RESOLUTION PURSUANT TO AUTHORITY GRANTED BY SECTION 6-54-111 OF THE TENNESSEE CODE ANNOTATED AND IN ACCORDANCE WITH SECTION 0380-3-7-02 OF THE OFFICIAL COMPILATION RULES AND REGULATIONS OF THE STATE OF TENNESSEE AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID OF THE MCMINN ECONOMIC DEVELOPMENT AUTHORITY, A

**NONPROFIT ORGANIZATION WHOSE SERVICES BENEFIT THE
GENERAL WELFARE OF THE RESIDENTS OF THIS MUNICIPALITY.**

A motion was made by Commissioner Garwood to approve Resolution 1204 and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

j.) Consideration and Approval of Resolution 1205

RESOLUTION NO.1205

**A RESOLUTION PURSUANT TO AUTHORITY GRANTED BY SECTION
6-54-111 OF THE TENNESSEE CODE ANNOTATED AND IN
ACCORDANCE WITH SECTION 0380-3-7-02 OF THE OFFICIAL
COMPILATION RULES AND REGULATIONS OF THE STATE OF
TENNESSEE AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID
OF THE ETOWAH 4TH OF JULY, A NONPROFIT ORGANIZATION
WHOSE SERVICES BENEFIT THE GENERAL WELFARE OF THE
RESIDENTS OF THIS MUNICIPALITY.**

A motion was made by Commissioner Helms to approve Resolution 1205 and Commissioner Garwood seconded the motion and motion carried with a unanimous vote.

k.) Consideration and Approval of Resolution 1206

RESOLUTION NO.1206

**A RESOLUTION PURSUANT TO AUTHORITY GRANTED BY SECTION
6-54-111 OF THE TENNESSEE CODE ANNOTATED AND IN
ACCORDANCE WITH SECTION 0380-3-7-02 OF THE OFFICIAL
COMPILATION RULES AND REGULATIONS OF THE STATE OF
TENNESSEE AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID
OF THE ETOWAH CHRISTMAS PROJECT , A NONPROFIT
ORGANIZATION WHOSE SERVICES BENEFIT THE GENERAL
WELFARE OF THE RESIDENTS OF THIS MUNICIPALITY.**

A motion was made by Vice-Mayor Swayne to approve Resolution 1206 and Commissioner Helms seconded the motion and motion carried with a unanimous vote.

l.) Mayor Keller announced the Public Hearing for Monday, June 18, 2018, 5:00 pm at Community Center for Ordinance 818.

m.) Consideration and First Reading of Ordinance 817

ORDINANCE NO. 817

**AN ORDINANCE MAKING AND FIXING THE ANNUAL APPROPRIATIONS
FOR THE ETOWAH CITY SCHOOL FOR THE FISCAL YEAR BEGINNING
JULY 1, 2018 AND ENDING JUNE 30, 2019**

A motion was made by Commissioner Garwood to approve Ordinance 817 and Commissioner Helms seconded the motion and motion carried with a unanimous vote.

n.) Consideration and First Reading of Ordinance 818

ORDINANCE NO. 818

**AN ORDINANCE OF THE CITY OF ETOWAH, TENNESSEE
ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR
THE FISCAL YEAR BEGINNING JULY 1, 2018
AND ENDING JUNE 30, 2019**

A motion was made by Commissioner Garwood to approve Ordinance 818 and Commissioner Helms seconded the motion and motion carried with a unanimous vote.

OLD BUSINESS

a.) Second Reading and Passage of Ordinance 816

A motion was made by Commissioner Garwood to approve Ordinance 816 and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote

b.) Consideration and First Reading of Ordinance 814

A motion was made by Commissioner Garwood to accept the appointees as indicated and Vice-Mayor Swayne seconded the motion and motion carried with a unanimous vote.

c.) Consideration and First Reading of Ordinance 815

A motion was made by Vice-Mayor Swayne to table this ordinance until more language could be added to cover quarantine of animals until DNA testing can be completed and expulsion once the breed of pit bull has been established and Commissioner Helms seconded the motion and motion carried with a unanimous vote

9) CITY MANAGER'S REPORT

**City Manager Report
April 26, 2018 to May 18, 2018**

1. As advised in the past weekly report we did have another Pit Bull bite issues within the City in the area of 10th and Louisiana. The victim was a 42 year old male that required stitches. The owners of the animals have received 8 citations as to this matter and will appear in court June 19th. The 2 animals have been seized and quarantined at the vet for a period of 10 days. They will not be released to the owners and no one from the City of Etowah will be allowed to take ownership of the animals.

In addition to the above info. When the owner of the 2 canines was contacted to deliver notification of a vicious animal the Etowah PD did locate at 3rd Pit Bull that they had returned to the City of Etowah. That animal was then seized and taken to the McMinn County Animal Shelter. The Shelter has been advised that the animal is not to be released to anyone within the City of Etowah and also requested that the animal not be released to anyone in Athens either as persons named in the tickets were from Athens.

The owner contacted me and requested a hearing as to the animals. It was scheduled for May 14th, 2018 at 8:00 a.m. The owners of the animals did not show. The dogs were deemed vicious and the matter was turned over to the DA's office for an Order of Destruction to be obtained from the McMinn County Courts; therefore; the quarantine on the 2 canines was extended and will not be released or destroyed until the Court has taken action.

2. The concrete at the fire hall park has been poured and is set to be stained as soon as the weather has a few clear days. The pavilion will be delivered on Tuesday of next week and install of the pavilion should begin on the following weekend.

Also, please note that I have heard several persons tell me that Mr. Tulluck has advised them of the fact that I am installing this park against our Flood Zoning as well as Federal Flood Zoning. That is not correct. This matter was addressed early on when this demo was initially discussed. Please see the quote from the City of Etowah Zoning Codes shown below:

Municipal Code

14-405. Provisions for flood hazard reduction. (1) General standards.

In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

As you all are aware this pavilion is anchored on a concrete slab and the park benches and signs are to be anchored as well.

Flood Zone Code:

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

- 1. Accessory structures shall only be used for parking of vehicles and storage.***
- 2. Accessory structures shall be designed to have low flood damage potential.***
- 3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.***
- 4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.***
- 5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.***

The electrical will for the Wi-Fi will be connected to the Carnegie Library Building, the structure is a pavilion with no solid sides, the placement of the pavilion allows for ample water flow around the structure and the grade of the property flows to local drainage tiles.

3. The demolition on the Old City Barn will begin within the next few days depending on weather.
4. All required documentation has been submitted to the Finance Company for the purchase of the new ladder truck for the fire department. The closing of the finance transaction should be scheduled soon. The City's first payment after the initial down payment will be in May of 2019.

I have not been advised as to the closing date of this as of yet. I will advise as to when it is set.

5. We will begin the process for condemnation of 3 properties and
 - a. 513 Athens Pike
 - B. 809 Illinois Ave
 - C. 111 Iowa Ave.
6. The new City website will go live on May 31st at 3:45 p.m.
7. Details for the Etowah Incubator are still in the works and details should be released to the public soon for space availability and associated costs.
8. Jon will be take his exams in the month of June for his Commercial Codes Inspector certificate and shortly thereafter for Residential.
9. I have spoken to all officers as to them being more vigilant when they see any animals (Dogs) no matter the size when seen running at large. They are to contact Public work to secure the animal.
10. Please note that I will be taking vacation the week of June 4th. I will continue to check in with the City Hall offices and department Heads during this time.
11. I have asked Brian to begin working on scheduling exercise classes such as a Zumba class for children over the summer of evenings to grow our child fitness programs at the Community Center. The Classes are now scheduled for the Kid's Zumba and we are also trying to add a few more
12. As requested I have placed a Bid Request for the lighting at the Depot. I would like to ask that due to the time of year and nearing the end of the fiscal budget that if bids are received lower than the current bid of 8401.20 that I be approved to proceed with the order so that we can meet our fiscal year deadlines.
13. The construction for the Depot Stage is underway and going well. Footers are being poured today (5/18/2018)
14. As mentioned in past reports I had ordered a tier for the sirens. It has been installed and the limit is set to 10 minutes. This should still provide ample warning to our citizens.
15. The budget Prep is complete and you will receive a copy of the ordinance within this packet.
16. We have completed inspection of all city building to determine any OSAH or safety concerns so that we can begin internal repairs and corrections.

17. TML will be making a facilities inspection by the end of the month to advise us if they see any safety concerns and or issues that need corrected.

Thank you for your time and attention to these matters.

Respectfully,

Tina M. Tuggle

10) PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Ms. Haroldean Thompson came before the board to inquire as to how we were communicating the “Dog Situation to potential and new residents. Ms. Tuggle stated all this information is on the City of Etowah Website and people can always contact City Hall with their questions.

11) UNSCHEDULED ITEMS

Vice-Mayor Swayne suggested we either sell or mow the properties located at 917 Washington Avenue and the lot across from 1530 Washington. Ms. Tuggle stated that she had already contacted the mowing contractor to get an updated schedule for all the mowing sites to better manage the problem areas.

Vice-Mayor Swayne also inquired as to the annexation of the newly purchased property located in the North Industrial Park. Ms. Tuggle stated that Ms. Kathy Price had contacted her to say the county did not want us to annex until the property had been purchased to avoid our code enforcement building permits. Mayor Keller stated we could just waive the City of Etowah building permits but that we should annex before a purchase is made to protect the investment made by the city. Vice-Mayor Swayne asked that annexation be on the June agenda.

Vice-Mayor Swayne asked we re-visit the Etowah Stream maintenance of sediment and debris with the section of the canal located at the Karate studio. Public Works director Ingram stated he would have more information at the June meeting. Commissioner Helms inquired about cleaning the canals but Mr. Ingram explained TDEC will not allow us to put any equipment into the canals. Mr. Swayne suggesting using the Etowah Utilities drone to fly over from CSX to Cane Creek and determine how it empties into the Conasauga to either prove or disprove whether there was any back up. If there is, then we can contact the county for help.

Codes Enforcement Officer Jon Troutt, submitted a request by the CAE, Community Action of Englewood to obtain permission to place 2 signs, one at Hwy 30 and the other at Mecca Pike for their Saginaw Festival. There was a consensus by the Commission to approve.

ADJOURNMENT

A motion was made by Commissioner Garwood to adjourn and Vice-Mayor Swayne seconded the motion and motion carried.

Gene Keller

Gene Keller, Mayor

Eva Valente

Eva Valentine, Recording Secretary