

AGENDA

CITY COMMISSION - ETOWAH, TENNESSEE

REGULAR MEETING

MONDAY, OCTOBER 22, 2018

6:30 P.M.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PRAYER—
- 4) PLEDGE OF ALLEGIANCE—
- 5) APPROVAL OF THE MINUTES—Regular/Special Call ---09/24/2018
- 6) **NEW BUSINESS:**

- a.) First Reading and Consideration of Ordinance 828

**ORDINANCE NO. 828**  
**AN ORDINANCE AMENDING OF TITLE IX, CHAPTER 90,**  
**SUBSECTION 91.07 OVERGROWN AND DIRTY LOTS WITH THE ADDITION OF D (3)**

- b.) Discussion and or appointment to the Etowah Planning Commission
- c.) Approval to open new restricted fund bank account for LPRF Pool Grant Operations
- d.) Discussion and or appointment to the Design Review Commission

- 7) **OLD BUSINESS:**

- a.) Second Reading and Passage of Ordinance 826

**ORDINANCE NO. 826**  
**AN ORDINANCE TO AMEND THE ETOWAH MUNICIPAL CODE**  
**CHAPTER 50: REFUSE AND TRASH, Sections 50.01 and the additional of Section 50.14.**

- b.) Second Reading and Passage of Ordinance 827

**ORDINANCE NO. 827**  
**AN ORDINANCE TO AMEND ORDINANCE 400 CREATION OF**  
**THE ETOWAH RECREATIONAL BOARD**

- c.) Acknowledgement of the Debt Obligation for the Dump Truck
- d.) Discussion and Approval of Bid for repair work at GEM THEATER

**8) CITY MANAGER'S REPORT**

**9) PETITIONS AND COMMUNICATIONS FROM THE PUBLIC**

**10) UNSCHEDULED ITEMS**

**11) ADJOURNMENT**

**ORDINANCE NO. 828**  
**AN ORDINANCE AMENDING OF TITLE IX, CHAPTER 90,**  
**SUBSECTION 91.07 OVERGROWN AND DIRTY LOTS WITH THE**  
**ADDITION OF D (3)**

WHEREAS, The City of Etowah Municipal Code, Title IX, Chapter 90 sets for the Regulations for Overgrown and Dirty Lots;

WHEREAS, The City of Etowah Municipal Code, Title IX, and Chapter 90 will require from time to time, updates as to the rules and regulations;

WHEREAS, The following change are in the best interest of the City of Etowah;

NOW THEREFORE BE IT ORDAINED by the City Commission of the City of Etowah, Tennessee:

Section 1. Section 91.07 of the Etowah Municipal Code – Overgrown and Dirty Lots be amended by the addition of paragraph (3), all other verbiage of this subsection shall remain the same.

§ 91.07 OVERGROWN AND DIRTY LOTS.

**(3) The first written Notice to Property owner shall serve as a continuing notice as to the Violation(s) for each calendar year.**

**Said notice shall advise property owner/resident of the current violation(s) and the set time frame as to when the violation(s) must be rectified. If initial violations are not rectified within the time frame set forth within the written notice the City of Etowah Codes Enforcement Officer shall cause the violations to be corrected and any and all fees associated with shall be applied as a lien to said property.**

**If violation continues the property shall be automatically placed on a bi-weekly lot maintenance schedule and each bi-weekly cost will be also applied as a lien to said property until owner and or legal representative for property owner contacts Code Enforcement to correct all violation on a permanent basis.**

(E) Appeal. The owner of record who is aggrieved by the determination and order of the public officer may appeal the determination and order to the City Commission. The appeal shall be filed with the city within ten days following the receipt of the notice issued pursuant to division (D) above. The failure to appeal within this time shall, without exception, constitute a waiver of the right to a hearing.

(F) Judicial review. Any person aggrieved by an order or act of the City Commission under division (D) above may seek judicial review of the order or act. The time period established in division (C) above shall be stayed during the pendency of judicial review.

(G) Supplemental nature of this section. The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush and/or the accumulation of the debris, trash, litter

or garbage or any combination of the preceding elements, under its charter, any other provisions of this municipal code of ordinances or any other applicable law.(1994 Code, § 13-108) (Ord. 569, passed 10-26-1998; Ord. 686, passed 8-25-2008; Ord. 749, passed 12-16-2013; Ord. passed - -)

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MAYOR

ATTEST:

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Alison Bull, City Recorder

APPROVED AS TO FORM:

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Russell J. Blair, City Attorney

**ORDINANCE NO. 826**

AN ORDINANCE TO AMEND THE ETOWAH MUNICIPAL CODE  
CHAPTER 50: REFUSE AND TRASH, Sections 50.01 and the additional of Section 50.14

WHEREAS, it has been found necessary by the City Commission to update the Etowah Municipal Code that involves the health and sanitation of the City.

WHEREAS, Chapter 50; Sections 50.01 is hereby amended and 50.14 MUNICIPAL CLEAN UP SERVICES is added so to preserve the beauty and health of the City of Etowah.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Etowah that Chapter 50 REFUSE and TRASH is hereby amended and revised by adding the following new language:

Chapter 50 REFUSE AND TRASH; Section 50.01 DEFINITIONS is hereby amended to add the follows:

**MUNICIPAL CLEAN UP: The City of Etowah will provide a Municipal Clean up service referred to as "Spring and Fall Clean UP" for NO CHARGE once per every Spring Season and once per every Fall Season. (See 50.14)**

**SECTION 50.14 MUNICIPAL CLEAN UP**

This Municipal Clean up service shall be scheduled in advance no less than 14 days by means of publication in a paper of local circulation and placed on the City of Etowah's website.

Pick up dates will be scheduled by a designated date range and route schedule.

Items that are not placed curbside during the designated clean up schedule at City Hall and will be picked up for a fee of no less than \$10.00 per trip; with charges increasing based on load size and discarded items. In some cases property owner, contractor or tenant will be required to rent Pride car for disposal of items.

Items **that will be accepted**: Household furnishings, mattresses, small household times, etc...

Items that **will NOT be accepted** are as follows: Chemicals, paint, refrigerators, air conditioners, clothing, household waste/garbage or tires. Mattresses with bed bugs will not be collected.

**This Ordinance shall take effect January 1, 2019**, provided that it is read two (2) days in open session before its adoption, and not less than one week between first and second reading, the welfare of the City of Etowah requiring it.

Passed on 1<sup>st</sup> reading: \_\_\_\_\_, 2018

Passed on 2<sup>nd</sup> reading: \_\_\_\_\_, 2018

This the \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Burke Garwood, Mayor

ATTEST:

\_\_\_\_\_  
Allison Bull, City Recorder

APPROVED as to FORM:

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Russel J. Blair, City Attorney

ORDINANCE NO. 827

**AN ORDINANCE TO AMEND ORDINANCE 400 CREATION OF  
THE ETOWAH RECREATIONAL BOARD**

WHEREAS, the City of Etowah has operated and maintained a multifaceted recreational program on designated public properties for decades;

WHEREAS, the Etowah Recreational program is available to the public at large without race, creed, sex, sexual orientation, age or residence discrimination;

WHEREAS, the City of Etowah has recognized the responsibility to the area for sustained recreation programs and is committed to expanding capacity to the governing bodies of this municipality;

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Etowah:

SECTION 1: The Etowah Recreation Board will from this time forward be known as "The Etowah Recreation Advisory Board"

**SECTION 2: Appointment to Etowah Recreation Advisory Board**

Appointments to the Etowah Recreation Advisory Board will be made by nominations from Citizens, Staff and City Commission. However, the following will apply: (1) shall be the Etowah Recreation Manager, (1) shall be appointed from the membership of the Etowah Senior Citizen Center, the remaining 5 should have experience in youth sports, adult sports and or recreational activities.

**SECTION 3: Terms of the newly formed Etowah Recreation Advisory Board are as follows**

The Etowah Recreation Advisory Board shall consist of 7 members. Each member will serve a staggered 4 year term. Beginning with the reappointment of the current (2018) Board Members will start with a 3 year term and any and all new or replacement members appointed shall serve a 4 year term.

**SECTION 4: Duties and Responsibilities of the Etowah Advisory Board**

The members of the Etowah Recreational Advisory Board shall serve in an advisory capacity only to the City of Etowah on matters relating to recreation including Capital Improvements, youth and adult sporting events and programming, concerns as to maintenance and repairs, future planning and development, Parks and Recreation 10 year plan/goals. All matters and or reports shall be presented to the Recreation Manager and or the City Manager for presentation to the City Commission.

Members of the Etowah Recreation are NOT authorized to take any action on the City's behalf unless directly requested by the City Manager and or City Commission.

**SECTION 5: MEETINGS**

The Etowah Recreational Advisory Board shall meet no less than every 3 months. Meetings will be held at the Etowah Community Center. The time of said meetings will vary as to member's needs. A chairman, Vice-chairman and secretary shall be appointed at the first meeting after each reappointment. Minutes shall be taken at every meeting by the Secretary and submitted to the Advisory

Board for approval at each and every following meeting. A copy of approved minutes will be stored at City Hall by the City Recorder.

**SECTION 6: EFFECTIVE DATE**

This ordinance shall take effect (10) days after its second and final reading by the City Commission of the City of Etowah, the public welfare requiring it.

Passed on 1<sup>st</sup> reading: \_\_\_\_\_, 2018

Passed on second reading: \_\_\_\_\_, 2018

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Burke Garwood, Mayor

ATTEST:

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City Recorder