

Minutes
Regular Meeting
Bluff City Board of Mayor & Aldermen
December 11, 2008

CALL TO ORDER:

Mayor Malone called the meeting to order at 7:00 p.m.

ROLL CALL:

Members present: Todd Malone, Melvin Carrier, J.C. Gentry, Don Weaver, Mark Weaver and Irene Wells.

Others present: Chief of Police David Nelson, Sullivan County Commissioner, Dwight King, Sullivan County Commissioner John Mckamey and City Recorder Judy Dulaney.

PRAYER AND PLEDGE OF ALLEGIANCE:

Mayor Malone had prayer and held the Pledge of Allegiance.

DISCUSSION/APPROVAL OF MINUTES:

Alderman Don Weaver made a motion to approve the minutes of the regular meeting of the BMA on November 13, 2008 as written. Second by Vice-Mayor Gentry.

Roll Call Vote:	Alderman Carrier	yes
	Vice-Mayor Gentry	yes
	Alderman Don Weaver	yes
	Alderman Mark Weaver	yes
	Alderwoman Wells	yes

CITIZEN COMMENTS – FIRST SECTION: There were none.

ORDINANCES:

1. Mayor Malone presented Ordinance No. 2008-015 to the BMA for consideration on first reading. City Attorney Frye read Ordinance No. 2008-015, an ordinance amending Ordinance No. 2008-005, dealing with providing for the maintenance, preservation and protection of public records, and establishing procedures for accessing and coping public records. Alderman Don Weaver made a motion to approve Ordinance No. 2008-015 on first reading. Second by Vice-Mayor Gentry.

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Roll Call Vote:	Alderman Carrier	yes
	Vice-Mayor Gentry	yes
	Alderman Don Weaver	yes
	Alderman Mark Weaver	yes
	Alderman Wells	yes

2. Mayor Malone presented Ordinance No. 2008-016 to the BMA for consideration on first reading. City Attorney Frye read Ordinance No. 2008-016, an ordinance to amend Section 17-111(3) of the Bluff City Municipal Code regarding garbage fees whereas there are many areas in Bluff City where citizens do not receive town water service but receives the town weekly garbage service and the problem exists with the collection of delinquent bills in this area therefore the following language shall be added in the first sentence of the Bluff City Municipal Code Section 17-111 (3), if a delinquency in the monthly garbage collection fee exists in excess of (2) two month, garbage collection service shall be terminated to said household. Vice-Mayor Gentry made a motion to approve Ordinance No. 2008-016 on first reading. Second by Alderman Don Weaver.

Roll Call Vote:	Alderman Carrier	yes
	Vice-Mayor Gentry	yes
	Alderman Don Weaver	yes
	Alderman Mark Weaver	yes
	Alderwoman Wells	yes

3. Mayor Malone presented Ordinance No. 2008-017 to the BMA for consideration on first reading. City Attorney Frye read Ordinance No. 2008-017, an ordinance of the Town of Bluff City establishing a driver education course and providing for its operation to provide the City Judge with additional options when judicating traffic law violations whereas Tennessee Code Annotated 55-10-301 enables the town to adopt by reference of provisions of 55-10-301 which allows court to require a person violating certain traffic laws to attend a drivers education course approved by the Tennessee Department of Safety. The police department under the supervision of the City Judge is hereby authorized and directed to operate and conduct a driver education or improvement course and a reasonable fee of \$150.00 shall be assessed for the driver education course for each person who attends, however no one shall be refused admittance for inability to pay and that all ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance shall hereby repeal to the extent of such inconsistency. Alderman Don Weaver said that \$150.00 was too high compared with other cities.

Alderman Don Weaver said that they should be in the \$100.00 range or nobody would attend their school and this needed to be amended. Recorder Dulaney asked who would determine who had the inability to pay. City Attorney Frye said that the Judge would make that determination. Alderman Don Weaver said that the City Judge could not say they have to attend this school as they can go anywhere they want to. City Attorney Frye said that was correct. Alderman Don Weaver made a motion to approve Ordinance No. 2008-017 with an amendment to change the fee to \$100.00. Second by Vice-Mayor Gentry.

Roll Call Vote:	Alderman Carrier	yes
	Vice-Mayor Gentry	yes
	Alderman Don Weaver	yes
	Alderman Mark Weaver	yes
	Alderwoman Wells	yes

4. Mayor Malone presented Ordinance No. 2008-018 to the BMA for consideration on first reading. City Attorney Frye read Ordinance No. 2008-018, an ordinance amending the Bluff City Municipal Code 3-201 dealing with fines and court costs, whereas the BMA deem it necessary to adjust certain municipal court fines, court costs and litigation tax, now be it therefore ordained by the BMA that 3-201 of the Bluff City Municipal Code shall be deleted in it's entirety and the new section 3-201 shall replace it. Alderwoman Wells said that where you have registration law violation is that vehicle registration. Attorney Frye said yes. Alderwoman Wells said that also down where it says violations of the Municipal Dog Ordinance, could he explain what that includes. Attorney Frye stated that this was just restating that you can't let dogs run at large. Alderwoman Wells asked what is violation 11-705. Attorney Frye said that he did not have his code book with him to look that up. Alderwoman Wells said that where it says loading and unloading students and/or passengers on Maple Street in front of Bluff City Elementary School it says there is a \$50.00 fine, should they not specify what time this involved and is it just during school hours Attorney Frye said that this is just a list of fines as there are ordinances that go with each one of these and these are just a list of fines that are being amended. Alderwoman Wells stated that she would still like to know about that if possible if that is spelled out somewhere or if it is just during just regular school hours because when they have PTA Meeting from what she was told. Attorney Frye looked at 11-705 and said that it was diving, fishing on bridges and trestles are prohibited. Attorney Frye stated that he couldn't find the code section with regard to the school buses but he would get it for Alderwoman Wells. Alderwoman Wells said that miscellaneous offenses are

not specified but wide open. Attorney Frye stated that this is a catch all, if it is something that is not specified or something that slips through the cracks that the judge has the latitude to do this for things that we don't have a particular ordinance for. Alderman Don Weaver made a motion to approve Ordinance No. 2008-018 on first reading. Second by Vice-Mayor Gentry.

Roll Call Vote:	Alderman Carrier	yes
	Vice-Mayor Gentry	yes
	Alderman Don Weaver	yes
	Alderman Mark Weaver	yes
	Alderwoman Wells's	yes she guessed

Mayor Malone said yes you guess and Alderwoman Wells said yes she guessed but she would like to have known the answer to her question first. Attorney Frye continued to look in the code book but could not find it. Recorder Dulaney stated that the hours are on the sign at the school and also states that there would be a \$50.00 fine for this violation. Mayor Malone asked Chief Nelson if he remembered the hours on the sign. Chief Nelson said that it was during school hours, and Chief Nelson stated that under the ordinance he believed that it says anytime that school is in session to and from and anytime there is anybody unloading children at the school. Alderwoman Wells asked if this would include the PTA Meetings. Chief Nelson said that if there is a school bus up there no matter when it is if that school bus comes up and it puts the stop sign out you still have to yield to that and stop for it. Alderwoman Wells said it said about unloading children you can't unload them, she knows school buses can, be she is talking about the parents because when they have PTA Meetings the parents come up there and you know they unload and they walk across the street so they wouldn't give them a ticket. Chief Nelson stated that he believed that Ms. Odell has dealt with that before. Betty Odell stated that the sign was put there for parents that would come up between the school buses while they were unloading the buses and she has worked outside with the buses for several years and they have had several parents that would let the kids out in the street and almost get hit and so that it is only for the hours that the buses are unloading so that would be from 8:10 a.m to about 8:30 a.m. but it did not apply at night but mostly for when they were unloading kids in the morning. Attorney Frye stated that they would get Alderwoman Wells a copy of the ordinance. Alderwoman Wells said that was ok she was wanting to make sure that the parents would not be ticketed when they stop to unload the children when they were having PTA Meetings.

REPORT FROM MAYOR MALONE:

1. Apologized to citizens and to the workers of the city as it has been a very stressful week for him and he has not a very large amount of time to do anything at the city and what little bit he has done has been on the phone or going and visiting people.
2. Reported that the seal was put in the pump and they did charge us labor and if he remembered correctly it was around \$650.00. Recorder Dulaney said it was \$550.00. They did get the pump running and they have had a few alarm calls on it but hopefully it is running well right now.
3. Reminded everyone of the Christmas Parade this Saturday. 4:00 p.m. is the line up.
4. When the temporary, Ms. Hensley, was here we had brought up about her pay and she has billed MTAS and they paid her salary while she worked here so it did not cost the city anything.
5. Wished everybody a Merry Christmas.
6. Thanked the citizens for their support as he knows it has been rough for the past month or so and it has been a little rocky for him but he really appreciated their support.

REPORT FROM CITY ATTORNEY:

1. Reported that the 2006 tax suits have been filed and the second letters have went out for the 2007 delinquents taxes.
2. Said that he had been asked about the gate on the road leading to the water plant and he thinks they would be better served to discuss this in a workshop where they can be down there and look at a map and go through all the ins and outs.
3. Said that MTAS has reviewed our Charter and he spoke with them today and they said that the things that the BMA are wanting to add and change and in the housekeeping measures and they did not see anything that they needed to change in the Charter so he will be getting them ready as soon as he can and he would let the BMA know. Alderman Don Weaver asked when that would be. Mr. Frye stated that he would let them know as he might be able to do it next week. Alderman Don Weaver asked Mayor Malone if they planned having that in Nashville in January or late December or what. Mayor Malone stated that he would like to have it in the first session if they can and is this going to be possible to do or is it going to take longer. Attorney Frye stated that there is only one session as they go down there to organize and then they go back to start work. Attorney Frye stated that they go down to organize on January 13th. Mayor Malone asked if they would need it there by then. Attorney Frye said that

it did not absolutely need to be there by then as they just pass a resolution and the Mayor signs it and they send it directly to Nashville and it should be there within a couple of days. Alderwoman Wells asked if he didn't think they needed to have it there as soon as they can instead of waiting until the last minutes. Mayor Malone told Attorney Frye to get it prepared and let him know and they will try to move it forward as quick as possible.

4. Wished everybody a Merry Christmas.

COMMENTS FROM THE ALDERMEN:

1. Alderman Carrier said he was glad to see everybody out tonight and hoped they come back and hope they have a big Christmas and a Happy New Year.
2. Alderman Mark Weaver wished everybody a Merry Christmas and thanked them for coming and hoped everybody has good New Year.
3. Alderman Don Weaver said it was good to see everyone and Merry Christmas and Happy New Year.
4. Alderwoman Wells wished everyone a Merry Christmas and Happy New Year.
5. Vice-Mayor Gentry wished everyone a Merry Christmas and thanked everyone from the bottom of his heart that supported them in the election.

REPORTS FROM CITY OFFICIALS AND COUNTY COMMISSIONERS:

1. Recorder Dulaney stated that she had put a Bluff City homeownership document in the BMA's packet which is a list of citizens in town that the Home Consortium was able to help. Recorder Dulaney stated that she had enough money to do a couple of rehabs and if anybody knew of anybody to have them contact her.
2. Recorder Dulaney requested that the record reflects that she gave the BMA a Financial Report for the month of November. Alderman Don Weaver asked how it was decided on how much money and where does it go and who makes the final decision. Mayor Malone asked with regard to what. Alderman Don Weaver said with the Homeownership. Recorder Dulaney stated that it went through the First Tennessee Development District and they make the decision. Alderman Don Weaver asked how much money the city was allotted this year. Recorder Dulaney said \$50,000.00 and some of the money is homeownership and some of the money is for rehab. Recorder Dulaney stated that if any body sells the house while we have a lien on it the money has to be paid back and will be returned to use for other rehab. Recorder Dulaney explained that the

city is not an entitlement city therefore if they did not belong to the consortium they would not get any funds for this work and the consortium gives the city \$50,000.00 instead of basing it on population whereas the city would only get about \$8,000.00. Alderwoman Wells asked if it would be really hard to have line items on the financial report. Recorder Dulaney said that she would get that for them.

3. Chief Nelson gave the police report for November.(See Attached)
4. Chief Nelson stated that they had a DUI Checkpoint on November 28th and it was a great success.
5. Chief Nelson said that they were going to schedule a check point sometime in March.
6. Chief Nelson stated that he had a meeting with the Governor's Highway Safety and he has brought this up before and they need to consider going paperless on their reports as Kingsport has already started and the Tennessee Highway Patrol is starting and this is something they need to look at it later on. Chief Nelson stated that there are going to be things out here that is going to be free to the city and state to do this but he would be talking to the BMA later on about this.
7. Chief Nelson stated that on behalf of him and his department they want to wish everyone a Merry Christmas and thanked them for what they have done for them this year.
8. Sullivan County Commissioner John McKamey stated that he would yield to Mr. King as there was only one more resolution after he gave his last report and he is on the budget committee so he can tell the BMA about that.
9. Sullivan County Commissioner Dwight King wished everyone a Merry Christmas and a Happy New Year and hopefully things will improve in Bluff City, the county, the state and the nation. Mr. King stated that he had been to a lot of budget meetings and he thinks everybody in the same shape and it is tuff times. Mr. King stated that the resolution that Mr. Mckamey was talking about is that the budget committee unanimously passed a motion for a resolution to give all county employees a \$500.00 Christmas Bonus for full time employees and \$250.00 or a \$100.00 for part-time and some seasonal workers because they have had some tax increases as they are coming in better than what they had and they thought beings that they had a little extra money that this would be good for the moral of the employees because they did not give any raises last year. Mr. King stated that they still have a freeze on all spending as far as any capital outlays or hiring new people and they are going to look at that after the first of the year and also to see what their fuel consumption is. Mr. King stated that they are looking at gallons of gas used instead of money and

encouraging all the departments to cut their consumption of gallons. Mr. King said that he is still willing to work on getting a sewer line along Highway 11E and when Mayor Anderson was here they had one workshop and Donnie was there and he thought they had some positive talk and he would like to get that rolling again and he would like for Bluff City to move on with that and see if they could get that going. Mr. King stated if they needed another workshop he would be more than glad to set that up and get the guys from Sullivan County to come. Mr. King said if they had anything else that the county could help with just let him or Mr. McKamey know and they would try to help them anyway they can.

OLD BUSINESS:

1. Alderman Don Weaver stated that they probably read about a business owner complaining about signs all over Highway 11E and he had brought this up before. Alderman Don Weaver asked who the individual was that writes letters to them and takes care of it. Recorder Dulaney said it was Gary Wilkinson. Alderman Don Weaver stated that he thought that he had sent letters to some of the business owners out there and he thought it probably made it worse and he had read the ordinance on that and they don't have any teeth in it. Alderman Don Weaver stated that he believed that Johnson City probably sends letters out or don't even send letters if there is an ordinance they take the signs up and that is about the only way we are going to be able to handle it as he has had businesses and citizens talking about it and this has been brought up a couple of time and this looks shabby. Alderman Don Weaver stated that we have an ordinance and they are just not adhering to it. Mayor Malone stated that he would get with Gary Wilkinson and see where we stand there. Alderman Don Weaver asked if they need to put some teeth in that and should they try to do that tonight or wait until he talks to him. Alderman Don Weaver stated that the suggestion might be if they don't take them up we just send public works or the police department out there to pick them up and take them to the garage and notify them that we have them if they want them if not we trash them. Attorney Frye stated that he would look at the ordinance.
2. Alderwoman Wells asked if all the repairs been done on the new city hall. Mayor Malone stated that there are still a few things that need to be done and the list is on his desk. Mayor Malone stated that they have come out and worked on a few things but there are still things that have not been completed. Alderwoman Wells asked if they have a time frame as to how long we can make them take care of these things. Mayor Malone stated that they have contacted them several time and

- they keep saying they are coming back. Recorder Dulaney stated that as the complete the repairs they are supposed to give the list to the architect and she has spoken to the architect and told him that when the contractor had done they repairs to contact her and she would set up a meeting with the building committee to review that, but she has not heard from them.
3. Vice-Mayor Gentry asked about the booster pump. Mayor Malone stated that he thinks they have all the pipe in that they need and they are going to have to set a pole and get the electrical to it. Mayor Malone stated that he had two quotes, one for underground electrical and one for overhead electrical. Mayor Malone said they would have to hire an electrician to wire it up. Alderwoman Wells stated that she had mentioned it to Mr. Browder at the NETWORKS meeting and he said that if there is a big difference they usually let the city go with the least expensive or they work out something.

NEW BUSINESS:

1. Alderman Don Weaver stated that he has had citizens and businesses call on Highway 11E complaining about no enforcement from the officers like they used to see. Alderman Don Weaver stated that the business people that own it or run it are saying that they would like for their customers to return and not be in accidents. Alderman Don Weaver stated that they had a brochure or a book sent out by American Traffic Solution (Automated Speed Control System Enforcement) and he thinks that it would be a good idea to get a consensus to put this out for bid because this is very competitive as he is sure it would save some lives and not only that it is a crime deterrent too. Attorney Frye stated that they would have to get a request for proposal drafted up and then bid. Mayor Malone asked if they needed to vote tonight to put it out for bid. Attorney Frye stated that they would have to get the request for proposal first. Alderwoman Wells asked if they had any idea about the money and does the city have the funds to do this at this time. Mayor Malone stated that most of the companies that do this type of work come out and install this equipment and it is theirs, but the city would have the option to purchase it but then we would have the expense to come along with it. Mayor Malone stated that if this equipment is sitting along side the road and gets run over this company would come out and replace it. They have the interest in the equipment and we have the interest in providing safety for our citizens. Alderwoman Wells said that the city would not have any expense then. Mayor Malone said no. Alderwoman Wells said that she was for that. Alderman Don Weaver asked if they have the data on Highway 11E. Mayor Malone stated that the last report showed 36,000 cars daily. Mayor Malone stated that 58% of the

- traffic was above the speed limit and 50% was well over the speed limit. Alderman Don Weaver stated that he thinks because we are two officers short and down to an eight man force we don't have a man down there like we did. Alderman Don Weaver stated that 24/7 they had a person down there and 24/7 had one up here and that is the reason people are complaining. Alderman Don Weaver stated that we owe it to the business owners and owe it to the citizens of this town and the people driving through here and he thinks we need to move on that as soon as we can. Recorder Dulaney asked if the tickets would be processed through city hall. Mayor Malone said no that the company reviews every ticket and they send it by e-mail to us and we review it and if it is an emergency vehicle then that can be rejected by our officers here. Recorder Dulaney said so the police department will review all tickets. Mayor Malone said yes the police department will determine if it is a good call or not and once that has taken place then the money will go into a lock box for the city. Recorder Dulaney asked if the judge would have to sign off on the tickets. Chief Nelson stated that they are considered a non moving violation not a moving violation because they go by your tag not your driver's license. Chief Nelson stated that the citation is mailed to them and then they send them the money and they do everything. Alderman Don Weaver stated that they do everything at no cost to the city according to what he has read. Mayor Malone stated that there is going to have to be publications done prior to enforcing this to let people know they are there. Alderman Mark Weaver asked who sets how much you are going to give as far as how many miles over. Mayor Malone stated that they would determine that. Attorney Frye stated that they did not need to discuss this in this forum. Attorney Frye stated that the procedure would be that they would get a request for proposal drafted up, put it out on bid and when we get those back in look at those contracts and when the bid is awarded on the contract then they would draft an ordinance to do with regard to installation, training and warnings. Attorney Frye stated that every citation issued must be reviewed by an officer because the company cannot make that determination. Alderman Don Weaver stated that they won't allow a whole lot of rejections because their defeating their purpose as they have got a lot invested. Attorney Frye stated that he would get MTAS to work on the RFP.
2. Mayor Malone stated that there are records in the old city hall and they are going to have to move the records out of the old city hall and they have to have somewhere to put those in a secure area where just any employee can't get to them. Mayor Malone stated that he needs suggestions from the BMA. Alderman Don Weaver asked why they are moving them from the old city hall. Mayor Malone stated that they are in an area where multiple people have keys. Alderman Don Weaver asked if they can designate on room where they don't have any leaks

- and lock it where they can't get in. Mayor Malone asked the recorder if she remembered what the recommendation was. Recorder Dulaney stated that no employee or anybody should be allowed to go into the old city hall because of the mold in the building and the records are deteriorating from TOSHA and TML. Mayor Malone stated that there is some room overhead in the new city hall and asked if it was okay with BMA to get the engineer to take a look at it to see what it would take to open it up. Mayor Malone stated that he had a letter that they had to be moved. Mayor Malone asked Judy to call in the morning. Alderwoman Wells asked if they got the records out maybe they could look at someone going in and cleaning it up. Recorder Dulaney stated that the city could not afford to have the building cleaned up. Vice-Mayor Gentry stated that you are talking about major money to clean it up. Alderwoman Wells stated that they had black mold down in that building on the highway and now they have kids in it. Alderman Don Weaver asked if they should think about selling it as there is an individual in town that had mentioned to him that he was interested in buying it, but of course it was have to be up for bid, but he sees no use for the city having it if it is just going to sit there and if they can't afford to fix it, and they are paying insurance on it, he says they are spinning their wheels not moving.
3. Alderwoman Wells stated that the school had asked her to bring up and see if the city men could possibly clean the brush patch up across from the side of the school and she thought it was on Parks Worley and the reason being is that a child could get in there and they might not know the child was there because it is so grown up. Alderman Don Weaver asked if it was where the playground was. Alderwoman Wells said yes. Mayor Malone asked if this was city property. Alderman Carrier said that it was county property. Sullivan County Commissioner Dwight King said that he would ask the county to clean it up. Mayor Malone said that he would go out and look at it tomorrow or Saturday. Betty Odell stated that there was a sink hole back there at the end of the bank Ms. Odell said that they said there was a cave down underneath and the county has filled it up and then before long it is sunk in again. Alderwoman Wells stated that she was asked by the school office to bring it up at the meeting.
 4. Recorder Dulaney stated that the city received the first installment on the park fund from Sullivan County in the amount of \$5,000.00 and the city will get another \$5,000.00 in the spring.
 5. Alderwoman Wells stated that she knows that the men don't have a lot of time because they are real busy but it would be wonderful if we could start cleaning down where they are making the walking trail if they have any spare time and that way when Mr. McKamey and the county gets us some more money that will already be looking pretty good and they would be ready to put the sidewalks in

- and make it really nice and maybe put some picnic tables there so we would be proud on that end of town when the people come in from that end of town.
6. Alderwoman Wells stated that she had a call from Wallace Jarrett about the water out there at the water plant about the water being off. Alderwoman Wells said that the young lady's name is Julie Winager that lives in the two story house down from the water plant from the spring and they were wondering if anything can be done as the water goes off quite often. Mayor Malone stated that is where they are getting the alarms from and they are trying to work that out right now.

CITIZEN COMMENTS – SECOND SECTION:

There were none.

ADJOURNMENT:

Mayor Malone adjourned the meeting at 8:10 p.m.

Todd Malone, Mayor

ATTEST:

This 11th Day of December, 2008

Judy A. Dulaney, City Recorder