

Minutes
Regular Meeting
Bluff City Board of Mayor and Aldermen
May 12, 2011

Vice-Mayor Gentry called the meeting to order at 7:00 p.m.

Members present: Melvin Carrier, J C Gentry, Robert Miller, Mark Weaver, and Irene Wells.

Also Present: City Attorney Keith Bowers, City Manager Don Weaver, Police Chief David Nelson and Sullivan County Commissioner Dwight King.

Prayer was given by Vice-Mayor Gentry, followed by the Pledge of Allegiance.

Vice-Mayor Gentry opened the floor for the Minutes for the December 14, 2011 Special Called Meeting. Minutes were approved with a motion by Robert Miller. Second by Melvin Carrier. Irene Wells stated that on page 6 at the top of page City Manager Weaver reported that the city is out of salt but he said that the city is almost out of salt, and that is a correction on those. Robert Miller stated I accept the corrections. Mark Weaver seconded. All in favor. Minutes were approved with correction.

Vice Mayor Gentry opened the floor for the Minutes for the January 13, 2011 meeting. Robert Miller stated, if I could interrupt there is a new Agenda sitting on the desk that is different from the one that was delivered to me. Mr. Gentry stated that the only change on it was Amber Torbet. Mr. Gentry called for a motion to approve the January 13, 2011 minutes. Irene Wells stated that's the one we just finished. Melvin Carrier made a motion to accept. Mrs. Wells stated that is the one we just finished. Mark Weaver stated that December 14th was the one. Mrs. Wells stated I gave you the correction for January 13th. Robert Miller stated note the change in the minutes. The above mentioned correction in reference to almost being out of salt was to be on the January 13, 2011 minutes instead of the December 14, 2011 minutes. Mrs. Wells stated on December 14, 2010 minutes at the bottom of the page who seconded the motion on the last Resolution. Upon reviewing the tape in reference to Resolution 2010-008 of the meeting it reflects a second by Irene Wells. Mr. Gentry called for a motion. Motion to approve the minutes for January 13, 2011 was made by Mark Weaver. Second by Robert Miller. All in favor.

Vice-Mayor Gentry opened the floor for the Minutes for the February 10, 2011 meeting. Motion to approve was made by Mark Weaver. Second by Robert Miller. All in favor. Motion carried.

Vice-Mayor Gentry opened the floor for Citizen comment- first section. Lon Gene Leonard, 508 Cedar St. stated he was disappointed in the Board as they shut down a man's business depriving him of the ability to afford food for his family. Mr. Leonard stated that they had four people from Hillcrest at that meeting that made comments about that paint shop and you turned that guy down illegally. Mr. Leonard stated that they had presented them a petition with three hundred signatures of registered voters on it and they would not accept it but they would let four people control the board.

David Smith, 200 Highland Circle thanked Mr. Miller and Mr. Carrier for their vote on the train roof that Dixie Construction put on. Mr. Smith stated that a lot of citizens are happy about it.

Irene Wells stated she wanted the people there to know that she voted for it also.

Lillian Cutten, Union Park Subdivision stated that the last meeting they had Mr. Carrier and Mr. Miller were the only ones here. Mrs. Cutten stated that she thinks that they should get out and ask for votes so

they will have people that are willing to work for the city. Mrs. Cutten stated we have no one now because of all the bickering and all the meetings are being held out of this City Hall. Mrs. Cutten stated they should return every dime that has been given to them as a salary because they haven't done anything but run this city down. Mrs. Cutten stated you all not showing up for the meeting was a disgrace and it showed what you really are, you don't care for the people of Bluff City you just want to make a name for yourself.

Amber Torbett, Sullivan County Planner was present to discuss the Over Mountain Victory Trail. Mrs. Torbett stated that the main discussion is the Trailhead improvements. Mrs. Torbett stated that the sidewalk is complete and it now connects from the trailhead to the Senior Citizens Center and the first grant made the improvements by the Middle School. Mrs. Torbett stated that we now have a full one mile trail in the city. Mrs. Torbett stated that the trailhead improvements included asphalt paving; new gravel for the path, new signage and the railroad ties is the new landscaping form. Mrs. Torbett stated that there are some local people to help with the planting. Mrs. Torbett presented a local artist's rendering of the trail head and what they hope the final product will be when everyone chips in and helps plant. Mrs. Torbett stated that the National Parks Service commissioned the architect, who is also an artist, to do that for us so that did not come out of our grant funds. Mrs. Torbett stated that she would like to have our support for a City County Clean Up Day. Mrs. Torbett stated that the first Saturday of June is a National Trails Day and what that means is that most communities that have trails in their cities or counties they have a trail cleanup and planting day. Mrs. Torbett stated that the county will provide trash bags and the parks service will offer free t-shirts and all they need is free labor. Robert Miller made a motion to thank Mrs. Torbett for all her hard work, and to accept the artwork and display it prominently in City Hall and make a promise on the City's part that we will solicit our citizens to help out for cleanup day. Second by Irene Wells. All in favor. Motion carried.

Vice-Mayor Gentry opened the floor for discussion/ action on the Bluff City Volunteer Fire Department request for funding for a new service truck. Larry Folkner, Chief of the Fire Department was present to request money for a new pickup truck to haul extra hose and equipment as they are currently using their member's trucks to transport. Mr. Folkner stated they were asking for forty two thousand dollars to buy a four door three quarter ton pickup truck. Mr. Folkner stated that they had a fire in Piney Flats and on the way some of their hose rolled off the truck and he wanted to thank a couple of the police officers as they came by and rolled it up and brought it to them while they went on to the fire scene. Motion to approve the allocation of funds to the BCVFD was made by Melvin Carrier. Second by Robert Miller. All in favor. Motion carried.

Vice-Mayor Gentry opened the floor for discussion of Ordinance 2011-013, Organizational Chart Ordinance. Robert Miller made a motion to table this ordinance until the next meeting because it wasn't delivered until he arrived tonight and he has not had adequate time to review it. Second by Mark Weaver. All in favor. Motion carried. Ordinance tabled.

Vice-Mayor Gentry opened the floor for discussion of Resolution 2011-001, which is TDEC Acceptance of Proposal to construct project designated as Federal Project No. STP-NHE-34 (66) AND State Project No. 82003-2267-14, S.R. 34 (US- 11-E) Interchange at S.R. 37 (US 19-E) in Sullivan County. City Attorney Keith Bowers read Ordinance 2011-001. Motion to approve was made by Robert Miller. Second by Mark Weaver. All in favor. Motion carried

Vice-Mayor Gentry opened the floor for discussion of Ordinance 2011-012, which is a Continuing Budget Ordinance. Attorney Keith Bowers read Ordinance 2011-012. Motion to approve made by Irene Wells. Second by Robert Miller. All in favor. Motion carried.

Vice-Mayor Gentry opened the floor for discussion on the Northeast Tennessee / Virginia Home Consortium Joint Agreement for Home Investment Partnership Act & Home Investment in Affordable Housing. City Attorney Keith Bowers read the agreement. Motion to approve made by Robert Miller. Second by Mark Weaver. All in favor. Motion carried. Irene Wells asked if there was some way to get the information out to more people about these funds as a lot of people don't know about it. Mrs. Wells asked if it could be put on the water bills. Mrs. Wells asked if she was the only one that is concerned. Mark Weaver stated if we could get a sign put up we can put it on the sign too. Robert Miller suggested that we could display some information in the office.

City Attorney Keith Bowers reported that we had a couple of bankruptcies come in to the city, one being on a traffic ticket on the speed camera. Mr. Bowers stated that he filed a proof of claim in the Bankruptcy Court to protect the City's interest. Mr. Bowers stated that the second and more significant one was on an individual who filed bankruptcy on several years of city taxes and also tap fees. Mr. Bowers stated that he filed two proofs of claim in Federal Court one under the priority act which gives us priority as a municipality, and the second on the tap fees. Mr. Bowers stated it was a little more work but better protection to cover us as a city. Mr. Bowers stated that he was requested to notify Amber Torbett, Planning Director with Sullivan County, concerning Bakersfield Subdivision on the issuance of additional taps per lot. Mr. Bowers stated that we requested that the county not approve any additional subdivision of lots due to the Board's decision that at the time of approval of the subdivision that we had sufficient water pressure for the number of lots approved but not to approve additional subdivision of lots without coming before this board prior to putting the homeowner in that situation. Mr. Bowers reported that the music license agreement with ASCAP has been fully executed and he has received a fully executed copy of it to file with the city. Mr. Bowers stated that two Zoning meetings prior we had the issue of cargo units we brought up as far as the potential drafting an ordinance, but he is going to get with Mr. Peterson, (City Building Inspector) as far as gathering more information. Mr. Bowers stated that they will have a proposal for this board, after it clears through Planning, that emulates the Sullivan County policy. Mr. Bowers reported that initial contact has been made with Norfolk and Southern Railways in so far as a lease agreement between the city and some of their property and that he and Judy Dulaney must meet with them and go a little farther with it.

Irene Wells asked City Attorney Bowers if he wanted to make a comment on what Mr. Leonard stated on that business. Mr. Bowers stated that in 1997 there was an ordinance passed that rezoned a portion of real estate in Bluff City from R-2 to B-3 and later there was a request made and passed by the Planning Commission and later brought to this board which was denied to rezone a certain portion of this property from R-2 to B-3. Mr. Bowers stated it appears that you have a problem in your planning and zoning in so far as nothing should be presented to this board for rezoning that was already zoned a certain way, that's why we have a Planning and Zoning Board, is to review these things. Mr. Bowers stated he spoke with the Chairman and he is meeting with the technical assistance with the state to get our new maps updated. Mr. Bowers stated that it appears that this was brought before this board at the August meeting at a time when you did not have representation and got some bad information from your zoning and planning. Mrs. Wells stated thank you. Robert Miller stated to Mr. Bowers, it does appear to you for the time being that the properties in question are already zoned B-3. Mr. Bowers stated from the initial ordinance I got it appears that way, but at the meeting the Planning Commission guaranteed us that they will get to the

bottom of this before the next Planning and Zoning meeting, and also move the Planning and Zoning meeting to be prior to the next meeting of this board so that answers will be there so it does not drag out on and on.

Comments from Aldermen:

Melvin Carrier stated that he was glad to see all you folks out tonight.

Robert Miller stated thanks everyone for coming out and remember Tuesday is election day so come out and vote and tell all your friends and neighbors to come out and pick your civic leaders, as your participation is paramount in that, and we appreciate your involvement.

Mark Weaver stated thank you everyone for coming out and come out and vote.

Irene Wells stated yes please come out and vote and thank you for coming and invite your neighbors and friends and everybody else to come out so they can hear what is going on in these meetings.

City Manager Don Weaver reported that the population of Bluff City was increasing. Mr. Weaver stated that it had increased 11.2 % from 1559 to 1773. Mr. Weaver stated that this increase would increase the State Shared Taxes and also the TVA gross receipts which is a considerable amount of money. Mr. Weaver reported that Sarah Ketron the city's Storm Water Coordinator resigned effective May 5th. Mr. Weaver stated that we have to have one so we need to get on the ball with that. Mr. Weaver reported that the crew had found 8 leaks, 4 big leaks, and as of today they have fixed all 8 leaks. Mr. Weaver stated that they have done water taps, sewer taps, and three meter sets. Mr. Weaver stated that all mowing equipment and trucks, we do all the service on them unless it is major. Mr. Weaver stated we have done some sidewalk repair, and some asphaltting in potholes and cuts we have made to run water lines. Robert Miller stated he had a question for him. Mr. Miller asked if, regarding the letter from Bakers Subdivision about fire hydrants, were you able to ascertain any information about that. Mr. Weaver stated that he had the attorney write Amber Torbett a letter on it that there would be no more splits unless it comes before this board. Mr. Miller stated that his question is what happened to the fire hydrants. Mr. Miller asked if he had responded to Mr. Baker. Mr. Weaver stated that he had not, he had not heard anything from Chad. Mr. Weaver stated that he claims that Bluff City got them and we had a man there that saw them (Bakers Men) take it out. Mr. Weaver stated if we need fire hydrants we buy them. Mr. Weaver asked if he needed approval to advertise for a Storm Water Coordinator, as we are going to have to advertise and we may possibly be able to work with another municipality and be able to handle this small town or maybe the County, those are the three options. Mr. Miller stated if I recall Mrs. Ketron's hours weren't too invasive, I would imagine that one of the larger municipalities may be able to do that job part time for us. Mr. Miller stated he had no problem with that. Robert Miller made a motion to advertise to hire a Storm Water Coordinator under the current pay and salary conditions. Second by Melvin Carrier. City Manager Weaver stated we don't list the salary do we. Mr. Miller stated, no I wouldn't list the salary but I would use it as a guideline. Mr. Weaver stated she was working 16 hours a month, 4 hours a week at \$35.00 an hour. Mr. Weaver stated that it was coming that she would have had to do a lot more time than that because we have development going on and we have a permit that is pretty well due to the State of Tennessee. Mr. Miller stated that budget talks are coming up so they could up the cap on that salary if need be, if you think that's where it's headed. Mr. Miller stated we have to have one, we can't go without a Storm Water Coordinator. Mr. Weaver stated we would never use any more than part time would we.

Mr. Miller stated that he felt that it is very unlikely that we would have a full time Coordinator. Mr. Weaver stated, advertise it for part time. Mr. Miller stated that would be my suggestion. Mark Weaver asked if it is something that we need to check into to see if our rate is comparable. Mr. Miller stated he did not know if our rate is competitive but it is more than fair especially for a part time position. City Manager Weaver stated I think it is above. Robert Miller made a motion to advertise that job and they could consider cap increasing the funds for the position during budget talks. Second by Irene Wells. All in favor. Motion carried.

Chief David Nelson presented the monthly Police Report for April 2011. (SEE ATTACHMENT I) Chief Nelson stated that a meth lab had been taken down in the city limits and two just outside the city limits. Mr. Nelson stated that there is a problem with who is going to come up with the money to clean them up. Mr. Nelson stated it just so happened that when it came up with Bluff City, Wayne Anderson was gracious and helped out on that.

Chief Nelson stated that with Board approval he was going to meet with the Director of 911 Ike Lowry, Bluff City Fire Chief, Bluff City Rescue Squad and the Interim EMA Director Steve Perry to look at what we can do here to set an emergency plan because when a disaster happens they had no idea where they could send anyone. Mr. Nelson stated that the Fire Department had their sirens blowing like they were supposed to. Mr. Nelson stated that years ago the churches would ring their bells and the churches would open up. Motion to approve meeting was made by Mark Weaver. Second by Robert Miller. All in favor.

Chief Nelson reported that the Department of Criminal Justice had opened the Cops Rehiring Grant, and asked for permission to put in for the grant submittal application. Motion to approve the request was made by Robert Miller. Second by Mark Weaver. Irene Wells stated this will pay the salary totally. Chief Nelson stated that he had to submit for the application and then it would give him the breakdown of how the salary goes. Mr. Nelson stated that last year it was 100% but he does not know what it will be this year. Mr. Nelson stated he would come back to them with the submittal. All in favor. Motion carried.

Robert Miller asked Chief Nelson if he knew what department in the county that the Meth Lab cleanup funds came from. Chief Nelson stated that it used to be that the Federal Government used to help us, but now they came out of the Meth Task Force in Harriman Tennessee, so they are picking this up with other donations from other organizations in the state. Mr. Nelson stated that this is still going to be an oncoming issue. City Attorney Keith Bowers reported that all federal dollars are gone in that program and it is something when you do your budget you need to consider. Mr. Bowers stated that the Chief has statutory requirements that he has to satisfy. Chief Nelson stated that after speaking to other Chiefs in the area something that they may look at is on citations they could put back a dollar, two dollars from every citation to go to a special fund to take care of that. Attorney Bowers stated that there was a request going to Nashville to clarify whether Drug Fund monies can be diverted for cleanup. Mr. Miller stated we need to see if we need to create a line item in the budget for that and start pushing money into it.

Sullivan County Commissioner Dwight King reported that they are currently working on the budget. Mr. King stated that sales taxes are up a little but expenses are up as well. Mr. King stated that fuel and insurance is eating all increases up. Mr. King stated that they hope that they can stay where they were last year but he knows that all the employees are looking for a raise as they have not had one in the last six years and they need to look at that. Mr. King stated that they are also looking at how to handle the meth situation and they were looking at maybe putting a lean on their property but then you get into rental

property. Mr. King stated that he sees that Bluff City's sales tax goes down each month. Mr. King stated that in that situation the only two options is to raise taxes or cut services and most people don't want an increase in taxes. Commissioner King stated that all the assets for the Animal Shelter is going into a non-profit organization and Bluff City is a part of it. Mr. King reported that they will continue to look into grants for trails which has helped Bluff City with sidewalks. Robert Miller stated that he appreciated all the help from Sullivan County and looks forward to future partnerships.

Commissioner King reported that in reference to the interchange, they got a contract from the State and that is pretty much a go. Mr. King stated that it explained what they expected from them and what they could expect from the state. Robert Miller asked if he knew the length of time for the project. Mr. King stated that they were saying an estimated 18 months.

In old business City Manager Weaver stated that, in reference to the interchange, they met with four engineers from TDOT out a Nashville and three out of Knoxville in April. Mr. Weaver stated that on the plans, the part that goes down by John Deere, they were going to do a cul-de-sac. Mr. Weaver stated that he felt that we have a good chance of that not being a cul-de-sac or closed that it will be able to enter and exit to 11-E. Mr. Weaver stated that it was not for sure but they talked like they could do it.

Irene Wells asked if they knew when they were going to fix the street light down at the trailhead. City Manager Weaver stated that it had been discussed with Guy Hardin (BTES), but he does not know a date on it.

In new business, Irene Wells stated that she had a couple of people from Union Park Subdivision ask that they reconsider the speed bumps as they are tearing up their cars and they did not feel that it was slowing the traffic down. Mrs. Wells asked if they wanted to do a consensus to see how many people wanted them to be removed and how many people didn't want them removed. City Manager Weaver stated that we did one before on going in with it before we put them down. Vice-Mayor Gentry asked if there was a motion to do another one to see how many people had changed their mind. Robert Miller stated that this was before his time but he understood that there was a petition from those people stating that they wanted them there and if a couple of people want them gone he would leave it to those citizens wanting them gone to collect a petition as he would not want to spend city money just a couple of years later because now they have changed their mind. Mrs. Wells stated that they said that there was more than two that wanted them gone and she told them that she would bring it up so whatever. Mr. Miller stated that if they generate enough interest in the community he would have no objection to go door to door. Mr. Miller stated that he did not want to take them down and then a few years latter have them say to put them back. Mark Weaver stated that if they slow down it won't hurt their vehicles.

Vice-Mayor Gentry opened the floor for Citizen Comment- Second Section. Richard Nichols of 4767 Bluff City Highway stated he did not understand what they were talking about on that rezoning next to him. Mr. Nichols asked if they were trying to say that it was already rezoned. City Attorney Keith Bowers stated that the Planning Commission is studying that this month and should be back before the next meeting. Mr. Nichols stated that he had lived there almost fifty four years and that lot had always been residential as his was. Mr. Nichols stated that if that had been rezoned would he not have been notified. Mr. Bowers stated that this is what the Planning Commission was looking into and the ordinance they found was from 1997. Robert Miller stated as far as he knows the city does not notify citizens at their doorstep that there has been a rezoning there is a public notice of it. Mr. Nichols asked what about the vote they had on it should it not precede that since there has never been business there. Mr. Miller stated

that the vote they had was to reject an ordinance proposal and it turns out that the case may be that that area is already zoned B-3 which is the request for us to undertake. Mr. Miller stated that it should not have made it to us (BMA). Mr. Nichols stated it should have never come out of Planning and Zoning if it was already rezoned. Mr. Miller stated that is what the Planning Commission is checking now.

Lon Gene Leonard stated that he informed them the night Mr. Nichols and them made their speech. Mr. Leonard stated that he informed them that he was on the board when this was passed and it was definitely zoned B-3 and it fell on deaf ears as usual. City Manager Weaver stated that it should have never come before this board if it is a B-3. City Attorney Keith Bowers stated that this board was not represented by an attorney at the time this action came up. Mr. Bowers stated that the Planning Commission has a duty to give proper information to the BMA as they act upon the information provided by the Planning and Zoning.

Lillian Cutten stated that he was fussing about that business and he ran a business out there making little out houses ever since she had lived here and asked if he paid tax on those three little out houses or just on his home. Mrs. Cutten stated he has done business up there and she has seen him haul those out houses out. Mrs. Cutten asked why he could have those out houses on one lot and he's fussing about the man next door running a business. Clean up your own doorstep before you start barking on somebody else's. Mrs. Cutten stated that she lives on Duty Drive and they need the speed bumps. Mrs. Cutten stated that traffic goes fast through there. Mrs. Cutten stated that on Vickers Road, which she knows is in the county, there is a boy that comes through like it is a race track and somebody is going to get killed pulling out from Duty Drive. Mrs. Cutten asked for help with the situation. City Manager Weaver told Mrs. Cutten that Mr. King is a Sullivan County Commissioner and he could handle it for her. Mrs. Cutten stated that we need some way of letting people know that the city has a leash law. Mrs. Cutten stated that one man was raking up the dog mess and burning it. Mr. Weaver informed Mrs. Cutten that when she saw them out the Police Department would handle it. Mrs. Cutten stated that they should be notified and they need to be sent a notice with their water bill that they cannot have a dog running loose.

Jody Phillips of Jonesboro Drive stated that his property is outside the city limits but he has Bluff City water. Mr. Phillips stated that at 418 Jonesboro Drive there had been a water leak for over a year and had not been touched and he wanted to know why. City Manager Weaver stated that they had tried to use a leak detector on it and they were just going to have to dig it up. Mr. Phillips asked why we can't use speed camera ticket revenue to correct the water system. City Manager Weaver stated that we can't use money from that account as it is a proprietary, private fund. Mr. Phillips asked why the camera money did not reflect in the budget. Robert Miller stated that the revenue is an expectation and the budget is prepared before the revenues are received. Mr. Miller stated that you don't want to over budget how much money you are going to receive from those. Mr. Phillips stated that in reference to the paint and body shop, if that house was zoned and you shut him down he can sue the city. City Manager Weaver stated that we would take care of the Jonesboro Road leak. Member of the audience asked for City Attorney Bowers to address that legal action out there if the city is liable for that. Mr. Bowers stated that he thought it was premature to comment until the completion of the review of the Planning Commission, but there is always a potential liability of anything that the city might do that violates ordinances.

Eddie Talbert stated that when Highland Subdivision was put in there was no ordinance on subdivisions and the reason they don't have water pressure is because it probably only has a one half inch water pipe and you can't furnish water to that many houses on a half inch water pipe.

Richard Nichols, of 4967 Bluff City Highway, stated he would like to answer a few of this lady's questions. Mr. Nichols stated yes I run a business there and I have a license but I was there before the city came in. From the audience the statement was made "That doesn't matter". Mr. Nichols stated he paid his taxes and he quit his business and cleaned it up four or five years ago. Mr. Nichols stated that there is no taxes on portable buildings in most cities. Mr. Nichols stated that everybody has a portable building. From the audience "No everybody don't". From the audience "I think his place looks a lot neater than yours". Mr. Nichols stated you better take a good look around there, and if you would go down there and look lady you would not talk to me like that.

With no other business Vice-Mayor Gentry adjourned the meeting at approximately 8:40 p.m.

Irene Wells, Mayor

ATTEST

This 12th day of May, 2011

Sandy Harkleroad, City Clerk