

Minutes
Regular Meeting
Bluff City Board of Mayor and Aldermen
August 8, 2013

Recording equipment was not working during the following.

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

Members present were Melvin Carrier, Bryan Mullins, Ray Harrington, Lon Gene Leonard and Richard Bowling.

Prayer was given by Deacon Fred Lowry, followed by the Pledge of Allegiance.

Mayor Wells introduced the following for consideration:

Minutes for the June 13, 2013 Regular Meeting were approved with a motion by Alderman Mullins. Second by Vice Mayor Harrington. All in favor. Motion carried.

Minutes for the Special Called Meeting of June 25, 2013 were approved with a motion by Alderman Mullins. Second by Vice Mayor Harrington. All in favor. Motion Carried.

Mayor Wells stated that she vetoed these minutes because the BMA had the Special Called Meeting and the only thing that was supposed to be discussed was what was on the agenda. Mayor Wells stated that if the Board wanted to override the veto they could. City Manager Dulaney asked if it is the June 25th minutes. Mayor Wells stated yes. Alderman Bowling asked for a copy of the agenda for that night and asked what was discussed that was not on the agenda. City Attorney Paul Frye asked what the board discussed that was not on the agenda. Mayor Wells stated several things. Mrs. Wells stated "me mainly". Mr. Frye asked for her to please state what was discussed by the board. Mrs. Wells stated that we had comments from the City Recorder, Connie Leonard, and Sandy Harkleroad and none of this was on the agenda. Ms. Dulaney stated that there were other comments from David Smith, Sammy Grubb, Betty O'Dell (sentence interrupted) Ms. Wells stated that what happened was not supposed to happen in a Special Called Meeting. City Attorney Paul Frye stated that maybe he could clear this up and he said that the board can't discuss anything (sentence interrupted) Mrs. Wells stated that state law says that the only thing that can be discussed is what is on the agenda. Mr. Frye stated by the board. Mrs. Wells stated that it doesn't say by the board and it is also in Roberts Rule of Order. Alderman Bowling stated that those things weren't discussed by the board they just listened. Mrs. Wells stated that is not what is said in the state law and if they want to override it that is their privilege. Ms. Dulaney asked if the board wanted a copy of the ordinance approved in 2011. Mrs. Wells read the following: the only things that can be discussed in a Special Called Meeting is what's on the agenda. Alderman Bowling stated "the citizens can't make these comments in a Special Called Meeting." Mrs. Wells read the following: The call or notice shall specify the objects and purpose for which such special meeting is called and no other business but that embraced in such call shall be transacted during such special session. Mr. Frye stated "that applies to the board". Mrs. Wells stated it don't say board. Mrs. Wells stated that it states it in our charter also. Mrs. Wells asked again if they wanted to override the veto. Mrs. Wells read the following from the charter: Special Meetings shall be preceded by at least 12 hours written notice of meeting given to Aldermen and served personally upon them or left at their place of residence. Each call for special meeting shall be set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. City Attorney Paul Frye state that only applied to the board with regard to transacting business, not citizen comments are they are just citizen comments and there is an ordinance that deals with that.

City Manager Dulaney stated that the ordinance that the Board approved on June 25, 2013 was the Continuing Budget Ordinance and it has already been sent to the comptroller and approved. City Attorney Paul Frye asked "and signed by the Mayor". Ms. Dulaney stated yes. Mayor Wells stated that there was nothing wrong with the ordinance. Mrs. Wells stated if the Board wanted to override her veto they could make a motion to override it and take a vote. Mr. Frye stated that the veto can be overridden by simple majority. Alderman Bowling asked the mayor if she is saying that the citizens can't make any other comment except what is on the agenda. Mayor Wells stated that is the way she took it and other people have told her the same. Mayor Wells stated they have to do what they think is right and if they want to override it the Board had that choice. Vice Mayor Harrington asked if the Mayor's veto voided the minutes would this not void the ordinance. Ms. Dulaney stated yes. No action was taken/

Minutes for the July 11, 2013 Regular Meeting were approved with a motion by Alderman Mullins. Second by Alderman Carrier. All in favor. Motion carried.

Minutes for the July 29, 2013 Special Called Meeting were approved with motion by Vice Mayor Harrington. Second by Alderman Mullins. All in favor. Motion carried.

Mayor Wells opened the floor for citizen comments – first section.

1. Carol Keith of 305 Lakeview Circle stated that she has been living Bluff City for 20 some years and she has an escrow account that paid her property taxes and they paid every year. Mrs. Keith stated that this year she got a delinquent tax notice in the mail and on July 5th and she came to city hall on the 8th and asked if she needed to pay it. Mrs. Keith stated that she was told that everything would be okay sometimes things get mixed up. Mrs. Keith stated that she called on the 9th and the 11th and was told not to worry about it and came to city hall on the 12th and the 15th it still was not paid. Mrs. Keith stated that she had been in contact with the company and they told her that the taxes had been paid and they were trying to locate the check. Mrs. Keith stated that she then received a letter from City Attorney Paul Frye's office in reference to her delinquent taxes. Mrs. Keith stated that she tried to pay the taxes. Mrs. Keith stated that she wanted to talk to the Mayor but she was not at city hall. Mrs. Keith stated that she went to Alderman Bowling's house and talked to him about it. Mrs. Keith stated that she had also talked to Alderman Mullin. Mrs. Keith stated that the Mayor apologized. Mrs. Keith stated that she then went and purchased a money order and paid the tax.
2. Josh Coon of 396 Jonesboro Road stated that he was not racist he did not care what color people are they could be pink or green for all he cares. Mr. Coon stated that in 2006 he lived in Bristol

and the same situation happened to him. Mr. Coon stated that his escrow paid only the one for the city and not the county. Mr. Coon stated that he called the county and they told him that they had not been paid and told him to call the bank and straighten out the problem because if he had an escrow account it is the banks responsibility to pay the taxes. Mr. Coon stated that he went back and forth between the bank and the county several times. The bank paid the tax and the late fees. Mr. Coon stated that he did not feel this was racist as this sort of thing happens every day in every town.

3. Mrs. Harkleroad showed Mrs. Keith a conformation of a successful fax sent to City Attorney Paul Frye's office showing the tax paid.
4. Connie Leonard of 314 Main Street requested that this board have a planning session and put this town back on track instead of the kangaroo courts that they have every meeting. Ms. Leonard stated that some of the stuff that has gone on tonight has nothing to do with city business. Ms. Leonard stated that it is something that should have been handled in a professional manner in the office and not talked about in a city meeting.
5. Julie Venable Carty of 209 Smith Street Extension asked who called the TV station and asked them to be here.
6. Kent Keith of 305 Lakeview Circle stated that maybe this thing about the bank is not racism but he knows that if someone goes to where they have church, and his wife is the pastor, and someone writes on the wall what they write you can't say that it is not racism. Mr. Keith stated no but the truth will come to the light and they may hide it from us but not the good Lord. Mr. Keith stated that he loves everybody black white it doesn't matter.
7. Kathy Layne of 257 Carter Street stated that when she comes up here everybody has been good to her as her husband has been sick and they have worked with her on her bill. Mrs. Layne stated we are a little town that needs things and we should work together and do it right. Mrs. Layne suggested that we take some money and make a pool and a place for the kids. Mrs. Layne stated that everybody has to try to get along
8. Ms. Leonard stated that all this stuff needs to stop and as he had asked Mayor Wells earlier why do you all not have a planning session to go on with business of this town and make us something as we are a laughing stock. Ms. Leonard stated that no matter where she goes from Nashville to Richmond, people ask where she is from and she says Bluff City and they laugh, because of meetings like this and what goes in the newspaper and the press. Ms. Leonard stated you guys need to set down and have a planning session and stop the bickering and try to figure out what is going to move Bluff City forward.
9. Carol Keith stated that she agreed with some of this and she heard we are at a standstill but we are going backwards.

Mayor Wells opened the floor for discussion on delinquent taxes.

Mayor Wells stated that she took it upon herself to go to Kingsport, Sullivan County and Bristol and was letting them know what she found out about delinquent taxes and how each city handles them. Mrs. Wells stated that in Kingsport the person responsible for sending out delinquent notices sends them out every quarter and the attorney's first letter does not go out until 14 months after the taxes are due then 10 days after that the second and final letter goes out before sending information to the newspaper. Kingsport allows citizens to make partial payments on taxes the payments go to penalty and interest and then base. They also allow pre-payment on taxes.

Sullivan County sends out delinquent tax notices several times after the due date. The county said state law requires 18 months before turning over to court.

Bristol sends tax notices for 2012 in October and the deadline is January 2013, for taxes to be paid in full without penalty and the office sends out delinquent notices every 2 months. They send the 2012 delinquent taxes to chancery court in March of 2014. Mayor Wells asked if we could look at giving people some more time on the 2012 taxes and look at how some of the other cities do.

Mayor Wells reported the following:

She attended the following meetings to represent the city:

Bristol Metropolitan Planning Organization, Networks Bylaws Committee, Preconstruction Meeting with TDOT, Rural Planning Organization Executive Board.

City Attorney Paul Frye reported the following:

Bristol and Kingsport have a total ban on shooting fireworks. Sullivan County allows the shooting of fireworks between 2 p.m. and 10 p.m. and they can't be shot within 100 feet of an occupied dwelling. On the day and eves of the following: Memorial Day, July 4th, Veterans Day, and New Year's Day the 10 pm time is extended to midnight.

Comments for Aldermen:

Alderman Carrier stated that he was glad everyone was out.

Alderman Mullins had no comment.

Vice-Mayor Harrington stated that he was glad to see everyone here but wished it was under other circumstances. Mr. Harrington stated he would see what they could do but he does not think there is any racism here but it is all under consideration.

Alderman Bowling stated he was glad to see everyone there tonight. Mr. Bowling stated that he agreed that just the board members needed to have a meeting and try to get things worked out so they could have a business meeting instead of a knock down drag out.

City Manager Judy Dulaney reported the following:

1. Copy of Financial Reports for July
2. Working on the budget but it is not complete.
3. List of Cash Balances are as follows: General Fund operating account- \$321, 730.57, General Fund Savings-\$145,525.14, Sanitation Fund- \$7,987.00, Special Drug Fund-\$3,175.41, Sinking Fund- \$3,195.07, Debt Service-\$198, 910.12, Water/Sewer Operating Fund- \$311,975.38.
4. Drainage System problems that she and the Public Works Director are working on and one in particular is on Lakeview Drive near Sherry Carrier's house. The ditch is clear on one side and completely stopped up on the other side. The city doesn't have the equipment to do this and she wants to have the board allow her to get the engineers to look at this and submit costs. Ron Miller stated it was where drainage comes out of River Bluff. Ms. Dulaney had some photos and Mr. Lewis of 192 Lakeview Drive stated that those were photos he had taken. Motion to have engineers look into and prepare a report on the flooding on Lakeview Drive was made by Vice Mayor Harrington. Second by Alderman Bowling. All in favor.
5. City Manager Dulaney made the following mitigation statement: I have submitted the financial reports for all funds and cash balances to the BMA on Tuesday prior to the meeting for their review. All of the bank statements, reconciliations, deposits, invoices and journal entries are reviewed by the Board's designee, Alderman Leonard who also has cosigned all checks with the city manager for the month of July. Motion to approve was made by Alderman Carrier. Second by Alderman Mullins. All in favor. Motion carried.

Public Works Director Ron Miller reported the following:

1. Bathrooms at the park are progressing. Everything has been purchased for them.
2. Repaired some potholes.

SEE ATTACHED REPORT

Police Chief Greg Depew reported the following:

SEE ATTACHED MONTHLY REPORT

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1. K-9 program is really headed in the right direction and vehicle is being prepared.
2. Moving forward with training
3. Chief Depew stated that there is not one officer here that would not lay his life down for anyone here and he stands before God and this board and vow that the day he can't he will quit.
4. Mayor Wells asked Chief if he got a quote on the car. Chief stated he had informed Carl Gregory that we did not want them working on another car but he did get a 3 year /300,000 mile warranty on the new engine but he could get it.
5. Alderman Bowling stated that Chief Depew showed him how he keeps records at the police department and how they operate and it is great and he does a good job.

No Sullivan County Commissioners present.

Mayor Wells opened the floor for Old Business:

1. City Manager Dulaney stated that the board had asked her to check on the old city hall building and she spoke to Mr. Brown and he said he was not interested in it. Ms. Dulaney stated that she had contacted the firm that could do an asbestos inspection and the cost would be \$750 and once that is done they will submit a report telling them what the law requires. Motion to approve \$750 for the inspection was made by Alderman Bowling. Second by Alderman Mullins. All in favor. Motion carried.
2. Alderman Carrier stated that some citizens wanted the side of the road cleaned off about 100 feet up Egypt Road and Silver Grove Road so people could see the park. Mayor Wells stated that she had talked to Mayor Godsey and at first he said he could get it taken care of soon but in seeing him later he said he did not know when they could due to the drainage problems. Alderman Carrier made a motion for the city to clear the weeds. Mayor Wells asked City Attorney Paul Frye if the city could do it and he said it was outside the city limits.

New Business:

1. Alderman Carrier stated that the city needed to see about getting the tennis courts cleaned up and repainted. Motion to clean it up was made by Alderman Carrier. Second by Alderman Mullins. All in favor. Motion carried. City Manager Dulaney asked what they want to do. Alderman Carrier stated clean it or pressure wash it and paint new lines if needed.


Mayor Wells opened the floor for Citizen Comments-Second Section.

1. Kathy Layne stated that the police department is very good here. Mrs. Layne stated that they are good to her and she feels like they are a friend and she never worries if she has to call them.

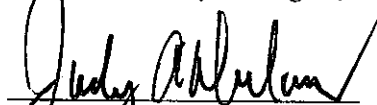
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2. Connie Leonard asked the board about the old city hall building and stated that at one time when they were working on decorations there were actually copper heads seen in it. Ms. Leonard stated that she feels it should be taken down as it is a danger, and turn it into a memorial park for Bluff City with a stage for an amphitheater.
3. Becky Buchanan of 750 Drybranch Rd asked how far can the city police officers go outside the city limits. Chief Depew stated that certain situations call for different things like if an officer sees a violation that occurs inside his jurisdiction he can go out of his jurisdiction following the car. Mr. Depew stated that with the mutual aid agreement with the county if they ask for our assistance then we are covered, but we have to be requested by dispatch. Mrs, Buchanan stated that she lives exactly 1 mile from the red light and they have teenagers that prowl around the beauty shop across from her and she called 911 and never got a Sullivan County officer and one of them threw a rock through her window. Mr. Depew stated that if they are busy and need our help and they dispatch us, we can respond. Thanked the board for allowing the port a john to be put at the park. Mrs. Buchanan asked if the old brick from the city hall building could be used to build barbeque pits at the park and that would help keep some history in Bluff City.

Motion to adjourn was made by Alderman Bowling. Second by Vice- Mayor Harrington. All in favor.
Meeting adjourned at 9:30 p.m.


Irene Wells, Mayor

Attest this 8th day of August, 2013


Judy Dulaney, City Manager