

**CITY OF ETOWAH, TENNESSEE
COMMISSION MEETING**

Record of Minutes of Regular **Meeting Date** May 23, 2011 **Sheet No.** _____

A regular meeting of the Etowah City Commission was held on Monday, May 23, 2011 at 6:30 p.m. in the Council Chambers of City Hall, 723 Ohio Avenue, Etowah, Tennessee. Members present were Mayor Burke Garwood, Vice Mayor Charles Slack, Commissioner Ann Abbott, Commissioner Matt Goodin, and Commissioner Dennis Morgan. Also present were City Manager Matthew Gravley, Finance Director Melissa Henderson and Recording Secretary Jamie Davis.

Mayor Garwood called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance and Prayer.

APPROVAL OF THE MINUTES

Commissioner Dennis Morgan made a request that on the minutes the Recorder use full names of anyone that was represented in the minutes. The change has been made in the original document.

A motion was made by Commissioner Slack and seconded by Commissioner Abbott to approve the minutes. The motion passed unanimously by a commission vote.

PETITIONS AND COMMUNICATIONS FROM THE PUBLIC

Haroldean Thompson of 1031 Ohio Avenue, ask if the vote had been cast to amend the charter to allow business owners to vote even if they are not a resident of the City of Etowah. This would have probably have been done during primary elections. Mayor Garwood stated that this had not been forgotten about and they were working on it and that a Charter Revision Committee would have to be appointed. Haroldean Thompson asked if the Charter Revision Committee to change had been elected. Mayor Garwood stated that it had not but he thought that 10 would run and 5 would be elected. The last time a committee was appointed they only passed 1 or 2 items out of 7 and the business owners voting was not one of them. Haroldean Thompson also ask the commission "Are you satisfied as a last resort for the city?" referring to the tax rate increase. The response was yes. Mayor Garwood stated that the operations side had been cut to the bone on the budget. Cut backs had been made on the Administration side, with a net of 7 less people than last July and they eliminated a department. Mayor Garwood stated that in 1992 there was a \$0.07 increase and it had been 20 years since a tax increase. Haroldean Thompson asked if this tax increase would cover all the city would need in the next budget year. And Mayor Garwood indicated that yes it would.

Larry Schiller, Merchants and Friends of Etowah, stated that the GEM Theatre had been stripped down and he is pleading for volunteers from each department in the city to help restore the theatre. City Manager Gravley stated that the Camp Living Stones volunteers would be helping with the GEM Theatre also.

NEW BUSINESS

a. Discussion of running garbage trucks only on Avenues, with limited Streets being serviced. Mayor Garwood suggested that Commissioner Morgan and City Manager Gravley have a discussion and this item was not for the board to discuss. Commissioner Morgan stated that services were not being cut

they were just asking citizens that lived on Avenues to set garbage out in front of their house instead of on the side so that fewer stops would have to be made.

b. Recommendation for purchasing that paint and primer for the interior of the New Community Center which is to cover 24,265 sq ft. Primer is \$1,453.47 and paint \$2,180.21, totaling \$3,633.68. Mayor Garwood asked from here on out the “New Community Center” be referred to it as “The Wellness Center”. Commissioner Abbott asked if there would evidentially be an actual name for the center and discussions were made on how to come up with a name, such as contests, highest donations, etc. Commissioner Morgan ask if we had the money to move forward with this and City Manager Gravley stated that we have grant money set aside already.

A motion was made by Commissioner Goodin and seconded by Commissioner Abbott to approve. The motion passed unanimously by a commission vote.

c. Recommendation to use Interior by Design for design and materials (\$12,644.29) and East Tennessee Construction for labor (\$31,975.00) of the flooring at the Wellness Center. Total being \$44,619.29. Commissioner Goodin ask what kind of flooring was being used and City Manager Gravley stated it was VCT tile and an epoxy finish in the restrooms and that we went with the lowest bid.

A motion was made by Commissioner Abbott and seconded by Mayor Garwood to approve. The motion passed unanimously by a commission vote.

d. Recommendation to use Newman’s Services for exterior painting for the Wellness Center. Would include labor for pressure wash of exterior of structure, rehang rear gutter, 1 coat of primer, and 1 coat of satin finish paint for \$5,300.00. Mayor Garwood ask if Newman’s had appropriate business license, insurance and bonded and where they were located. City Manager Gravley stated that he would follow up and make sure they were licensed, bonded and insured and they were from Georgetown, Tn.

A motion was made by Mayor Garwood and seconded by Commissioner Slack to approve. The motion passed unanimously by a commission vote.

e. Planning Commission Reappointment of Jim Alsip by Mayor Garwood. Mayor Garwood stated that with 21 years of experience he should make a good asset to the Commission.

A motion was made by Commissioner Slack and seconded by Commissioner Morgan to approve. The motion passed unanimously by a commission vote.

f. **ORDINANCE NO. 714**

AN ORDINANCE TO ESTABLISH THE TAX RATE AND PENALTY FOR REAL AND PERSONAL PROPERTY IN AND FOR THE CITY OF ETOWAH, TENNESSEE FOR THE 2011 CALENDAR YEAR.

WHEREAS, the City of Etowah is required by Charter to establish the property tax levy necessary to meet the expenses of the City for the next applicable fiscal year; and

WHEREAS, Article XI Section 3 of the City Charter provides that the City will collect taxes by ordinance and that same ordinance shall set the penalty and interest; and

WHEREAS, the operational expenses for Fiscal Year 2011-2012 for the City of Etowah have been projected in accordance with anticipated property tax revenues to be established; and

WHEREAS, Tennessee Code Annotated 6-22-112 has provisions for levying penalties and interest upon any taxpayer for late payment of taxes; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ETOWAH, TENNESSEE:

Section I.

That the property tax rate for the City of Etowah for municipal purposes is hereby fixed at One Dollar and 27/100 (\$1.27) on each One Hundred Dollars (\$100.00) assessed value of property.

Section II.

That pursuant to Tennessee Code Annotated 6-22-112 a penalty of two percent (2%) shall be added to each unpaid tax bill after October 31st and an additional penalty of two percent (2%) shall be added to each unpaid bill every month thereafter.

Section III.

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances in conflict with the provisions hereof be, and the same are hereby repealed, and this ordinance shall take effect and be in force ten (10) days from and after its final passage, the public welfare requiring it.

This ordinance was read by Mayor Garwood and he stated that we are looking to mirror the payments of the County with the same due date of February 28th. Tax payers can make a payment at any time from October thru February. Finance Director Melissa Henderson stated that the City is doing this in order to help with giving more time for the budget. Commissioner Abbott ask if we would accept partial payment and Finance Director Henderson stated that she had spoke with a couple of other cities that had done partial payments and it was an administrative nightmare. Mayor Garwood stated that we need to continue to have ideas on how to handle things differently but keep in mind we have to think about the administration behind them. We could end up losing money in the long run if it adds an administrative burden.

Kenny Perry asked the commission if the county taxes go up do the city taxes go up also. Mayor Garwood stated that the county and the city were separate entities. Mayor Garwood also stated that an assessment was done every 5 years for both county and city. When the state reassesses the property the tax rate goes down if the assessment value goes up. Jimmy Bull asked if two 6 month payments instead of once a year payment would be an option. Mayor Garwood said that we would try to get thru the first step and then we would work from there on the payments strategies.

A motion was made by Commissioner Abbott seconded by Vice Mayor Slack to approve the Ordinance. The motion passed unanimously by a commission vote.

OLD BUSINESS

Ordinance No. 713 was read for the second time by Mayor Garwood.

Ordinance No. 713 – An Ordinance to Amend Title 12, Section 501 (Housing Code) of the Etowah Municipal Code as Amended Previously by Ordinance No. 662 (Dated April 23, 2007)

WHEREAS, T.C.A. §68-120-101 mandates the adoption of building and related codes no older than seven (7) years and authorizes the adoption of specific codes by the city; and

WHEREAS, the City of Etowah adopted the **International Property Maintenance Code (2006 Edition)** as its Housing Code by Ordinance No. 662 (Dated April 23, 2007) amending **Section 12-501** of the **Etowah Municipal Code**; and

WHEREAS, the Etowah Building Inspector (Codes Enforcement Officer) and Etowah City Attorney have recommended the Amendment of said codes to avoid conflicting appeals provisions within the **Etowah Municipal Code**;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ETOWAH, TENNESSEE, AS FOLLOWS:

Section 1. Section **12-501** of the **Etowah Municipal Code** is revised in its entirety to read as follows:

Section 12-501. Housing Code Adopted. Pursuant to authority granted by T.C.A. §6-54-501 through §6-

54-506, and for the purpose of securing the public safety, health, and general welfare through structural strength, stability, sanitation, adequate light, HVAC, and ventilation in residential dwellings, apartment houses, rooming houses, and buildings, structures, or premises used as such; and for regulating and governing the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as provided herein and in **Title 13** of the **Etowah Municipal Code**, *et seq.*, the International Property Maintenance Code (2006 Edition), except for Sections 111.1 through 111.8 (Means of Appeal) as prepared by the International Codes Council, is hereby adopted and adopted by reference as a part of the Etowah Municipal Code and is hereinafter referred to as the Housing Code.

Section 2. This ordinance shall take effect no sooner than ten (10) days after first passage thereof, provided that it is read two (2) different days in open session before its adoption, and not less than one week elapses between first and second readings, the welfare of the City of Etowah requiring it.

A motion was made by Mayor Garwood seconded by Commissioner Abbott to approve the Ordinance. The motion passed unanimously by a commission vote.

CITY MANAGER'S REPORT

City Manager Matthew Gravley reported that we had been given a quote by Central Heat and Air for the spring maintenance. The compressor at the depot is out and there are 5 units that have smoke sensors out and those are required by insurance. \$2,771.63 is needed to replace the compressor, smoke sensors, and for the spring maintenance. Dennis Morgan asks if replacing the units would be cheaper or if we could do

a swap out on the units. City Manager Gravley stated that they had checked into it but would reevaluate to compare the costs.

City Manager Gravley stated the United Way had granted \$2,300.00 for the Wellness Center to be used for childhood wellness.

Doug Tullock has offered to buy 2 Kevlar vests for the Police Department and City Manager Gravley estimates they are about \$800 each.

Camp Living Stones will provide the city 47 volunteers to begin work all over the city. They will be cleaning up and helping restore areas such as canals, yards, GEM Theatre, Wellness Center, ball fields, crosswalks at the schools, etc. City Manager Gravley stated that they will be working on Wednesday's throughout the summer.

City Manager Gravley reminded everyone that the garbage schedule will be shifted one day because of the Memorial Day holiday on Monday, May 30th.

UNSCHEDULED ITEMS

Brian Solsbee, Utilities Manager, stated that the interim financing is set to mature thru Rural Development and the paperwork is not yet ready. This extension is for the matching funds for the current projects thru the EDA grant for sewer lines and the sewer pump station. Originally the note expired June 1, 2011 and this resolution would extend it for one year and give Rural Development enough time to complete the paperwork.

Resolution No. 1024

A RESOLUTION AUTHORIZING THE EXTENSION AND/OR AMENDMENT AND RESTATEMENT OF CAPITAL OUTLAY NOTE, SERIES 2009 OF THE CITY OF ETOWAH, TENNESSEE.

WHEREAS, the City of Etowah, Tennessee (the "Municipality") has previously issued its Capital Outlay Note, Series 2009 dated June 1, 2009 (the "Note"); and

WHEREAS, pursuant to the approval of the Director of Local Finance of the State of Tennessee, the Municipality was authorized to issue the Note with a maturity not later than May 6, 2020, and the Note was issued with a maturity of only June 1, 2011; and

WHEREAS, the Municipality anticipates refinancing the Note with the proceeds of a bond issued to the Rural Development Administration of the United States Department of Agriculture ("RDA"), but RDA is not yet prepared to close the purchase of such bond; and

WHEREAS, in order to provide additional time to close the sale of the bond to RDA, the Municipality desires to authorize an extension of the maturity of the Note and/or to amend and restate the Note so that the Note has a maturity consistent with the maturity initially approved by the Director of Local Finance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Etowah, Tennessee, that the Mayor and all other officers of the City are authorized to take such action as they deem necessary or appropriate to cause the extension of the Note for a period of not to exceed one year from its present maturity and/or to cause the amendment and restatement of the Note so that the maturity of the Note is consistent with the maximum maturity authorized in the resolution authorizing the Note as approved by the Director of Local Finance with a mandatory redemption not later than one year from its present maturity;

AND BE IT FURTHER RESOLVED, that the Mayor and any other officer of the Municipality are authorized to request such approvals and consents as the Director of Local Finance deems necessary or advisable to undertake the foregoing.

Adopted and approved this 23rd day of May, 2011.

Commissioner Abbott made a motion draft an ordinance to legalize beer sales on Sunday. It is not new revenue; it is revenue that's going to surrounding cities. She spoke with Tarver Distributing in Charleston, TN and they estimated approximately \$22,521.00 worth of taxes were being given away each year due to no beer sales on Sunday.

A motion was made by Commissioner Abbott to draft an ordinance to sell beer on Sunday and seconded by Mayor Garwood. The motion was voted down by Commissioner Morgan, Vice Mayor Slack, and Commissioner Goodin. The motion did not pass.

Vice Mayor Slack just wanted to let the Public Works Department they are doing a great job and he appreciates all their efforts. He has heard a lot of good comments lately about the department.

Commissioner Goodin commented on the property tax increase and the cutbacks that have been made and he feels like all avenues have been exhausted as far as budgetary items.

Mayor Garwood stated that the budget increases were what we needed but not a penny more than we need.

Commissioner Morgan addressed the concerns about the change in garbage routes. He stated that anyone with avenue addresses on a corner need to put their garbage in front of their homes instead of on the side street. This will save the garbage trucks from double tracking on streets and avenues and free up the employees to do other things.

ADJOURNMENT

A motion was made by Mayor Garwood seconded by Commissioner Slack to adjourn the meeting. The motion passed unanimously by a commission vote.

E. Burke Garwood III, Mayor

Melissa Henderson, City Recorder

Respectfully submitted by:

Jamie L. Davis, Recording Secretary