



City of Etowah

City Commission Meeting Minutes

October 5, 2020

1) Call to Order:

Mayor Burke Garwood called the meeting via remote access and broadcast via Facebook Live in accordance with Governor Lee's Executive Order #61 as stated below.

This Order shall remain in effect until 11:59 p.m., Central Daylight Time, on August 29, 2020, at which time the suspension of any state laws and rules and my authorization pursuant to Tennessee Code Annotated, Section 58-2-118, shall cease and be of no further force or effect.

The meeting was broadcast via Facebook and Teleconference as advertised.

2) Roll Call

Each commissioner announced themselves as they joined the meeting remotely. Recognition of each was verified by Mayor Garwood. Also present were City Manager, Tina Tuggle and City Recorder Alison Bull and Eva Valentine.

Prayer and Pledge of Allegiance--By-Passed

PRIORITY CONSIDERATION:

Appointment of Commissioner to Fill Vacant Seat Left Open Due to Resignation of Mike Casteel

Candidates: Misty Webb and Gene Keller

*Commissioner Miller nominated Misty Webb as the candidate for the open Commission Seat vacated by the resignation of Mike Casteel and Vice-Mayor Swayne nominated Gene Keller for the seat as well. Mayor Garwood asked for a vote for Misty Webb and*

received 2 votes, Commissioner Miller and Commissioner James. Mayor Garwood asked for a vote for Gene Keller and also received 2 votes, Mayor Garwood and Vice-Mayor Swayne. The vote ended in a tie and no decision was made. This will be considered once more on the October Agenda.

3) APPROVAL OF THE MINUTES—

REGULAR-----08/24/2020

Vice-Mayor Swayne made a motion to approve the regular meeting minutes from 08/24/2020. Commissioner Miller seconded motion and motion carried with all ayes as each commissioner identified himself to voice his vote.

a. Consideration and Passage of Resolution 1254

**RESOLUTION NO. 1254**

**A RESOLUTION AUTHORIZING THE CITY OF ETOWAH  
TO PARTICIPATE IN  
The Pool's James L. Richardson "Driver Safety" Grant Program**

Vice-Mayor Swayne made a motion to approve Resolution 1254 and Mayor Garwood seconded motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.

b. Presentation of Fire Recovery-- Fire Chief Adam Hafley presented an overview of the plan and Commissioner Miller stated he could highly recommend this agreement based on his experience in the insurance business.

Commissioner Miller made a motion to approve the "Fire Recovery" agreement and Mayor Garwood seconded the motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.

c. Consideration and Passage of Resolution 1255

**RESOLUTION NO: 1255**

**A RESOLUTION ESTABLISHING AND IMPLEMENTING A PROGRAM TO  
CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY  
AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR  
SERVICES PROVIDED/RENDERED FOR THE ETOWAH MUNICIPAL FIRE  
DEPARTMENT.**

Commissioner Miller made a motion to approve Resolution No. 1255 as it relates to the previous item, "Fire Recovery" agreement and Mayor Garwood seconded the motion and

*motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

d. Discussion of Non-Insured Ballfield Fencing

*Commissioner Miller made a motion to approve the repairs for the both fencing and bleacher projects located at the 6<sup>th</sup> and 7<sup>th</sup> Street ballfields for a total cost of \$5,300.00. Mayor Garwood seconded motion and motion carried with all ayes as each commissioner identified himself to voice his "aye" vote.*

e. Discussion of Change from Fuelman to Wex for Fuel Transactions

*Vice-Mayor Swayne made a motion to approve change from Fuelman to Wex to handle fuel charges for the city vehicles and Commissioner James seconded motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

f. Sixth Street Ballfield Roof Repair--\$3,925.00

*Vice-Mayor Swayne made a motion to approve change from Fuelman to Wex to handle fuel charges for the city vehicles and Commissioner James seconded motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

g. Discussion of Local Business Owner/Citizen Request for City to Make Repairs to Parking Lot Due to Sanitation Trucks

Public Works Director, Gary Hicks reviewed the information submitted regarding the request by the owner of the local carwash to ask the City to repair his parking lots.

*Mayor Garwood made a motion to refuse the request and Vice-Mayor Swayne seconded motion and motion carried with 3 ayes and 1 no as each commissioner identified himself remotely to voice his vote. The motion carried with a three to one vote. The votes were: Mayor Garwood- Aye, Vice-Mayor Garwood-Aye, Commissioner Miller-Aye and Commissioner James-No.*

h. Appointment to Etowah Industrial Development Board-Harold Masengil

*Mayor Garwood made a motion to appoint Harold Masengil to the Etowah Industrial Board and Vice-Mayor Swayne seconded the motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

**OLD BUSINESS:**

- a. First Reading of Revised Ordinance 860

**Ordinance No 860**

**AN ORDINANCE TO AMEND ETOWAH CODE OF ORDINANCES, TITLE IX,  
CHAPTER 90 TO PERMIT UP TO BACKYARD CHICKENS PER  
RESIDENTIAL LOT**

*Mayor Garwood made a motion to approve Ordinance 860 as written and Commissioner Miller seconded the motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

- b.) Discussion and Determination on Process for Demo of Building Owned by RUCO, Co-Owners are Russ Blair and Cody Goodin, located at 630 TN Avenue.

Building Inspector, Jon Troutt reviewed the situation with the pending condemnation of the RUCO building located at 630 TN Avenue and presented the proposition RUCO suggesting the City purchase the building from them for \$32,000.00 to create more parking for Etowah. Mayor Garwood, Vice-Mayor Swayne, and Commissioner Miller came to a consensus to reject that idea with Commissioner James suggesting they might need to extend the time for RUCO to comply. This idea was rejected due to the already extensive amount of time RUCO had been given and was brought to a vote which was unanimous.

*Mayor Garwood made a motion to go forward with the condemnation of the property located at 630 TN Avenue and Vice-Mayor Swayne seconded the motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

- c.) Discussion of Updated Pool Design and Budget Numbers (Tentative)

*Vice-Mayor Swayne made a motion to begin construction (dig a hole) for the City Pool and total costs are not to exceed \$1.3 million dollars and Mayor Garwood seconded motion and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

**8) CITY MANAGER'S REPORT**

City Manager's

Monthly Update  
August 24, 2020 to September 25<sup>th</sup>, 2020

1. I will place on the agenda for a final decision to the matter as to the property owned by Ru-Co and their offer to sell the property "as is" to the City of Etowah \$32,000.00.

As I have advised the Commission and the Commission is fully aware of the fact that we have for years attempted to work with Ru-Co to make repairs to the facility prior to reaching this stage. At the present time the City of Etowah is proceeding with the condemnation process, in which the appraisal has already been completed and a copy of the same will be provided to you upon it is receipt.

Please allow me to remind you that the rough estimate costs to demo the building could range upward of 65,000.00 to clear and fill.

This matter will be listed under old business.

2. I have spoken with Lamon Rose as to their Fall/Winter/Spring events at the GEM. She is to be working on a schedule for booking and then, the Merchants and the Art's Commission will be able to book their events as well.

Normally the City works with the Gem Players to host Christmas Movies at the Gem during December and our Christmas tree lighting celebrations. I hope that this can continue this year. However, it will depend greatly on covid-19, you all will be advised as we learn more.

3. As I am sure you all are aware Gov. Bill Lee Updated the Executive Order 59 with Executive Order 60 and 61. I have included copied herein four your reference. That majority of the Order allows for Municipal meetings to remain the same as they have since March with the same 48-hour requirement to have posted either video or sound.

This has been our practice from day one. However, we have had a bit of issues with sound at times. Our meeting and the EUB meeting will be help on Facebook again in September and arrangements have been made for much better picture and sound quality.

4. The BCBST Healthy Places application has been submitted.

5. I wanted to extend my thanks to EUB for repairing the light fixture that directly faces the rear side of the City Hall. It makes a wonderful difference early in the morning.
6. After speaking with Farah Reynolds (Repaving) again last week, they have asked that we plan for the main work of this project in early spring so not to interfere with their very heavy schedule at this time. I have advised that we will be more than happy to work with this schedule. However, we will need to continue to make the repairs to the 7<sup>th</sup> Street Catch basins that will cause a rerouting of their equipment for a week or so. They are more than willing to work with us and we will be meeting in the next few days to determine the needs and set a schedule to do so.
7. The Public work crews have been working to catch up on some over growth areas located at 9<sup>th</sup> between Tennessee and Ohio. This will be ongoing efforts in many areas.
8. I have spent several hours speaking with the low bidder from Cookeville and the Engineer as to the LPRF Pool grant and project. We are working daily to simplify some options without giving up the integrity of the Pool that the Commission has set forth. I should have numbers and new designs to present to you all in the next week or so. I am still working to obtain final numbers due to the needed changes I will present this to the Commission if I have by Monday evening.
9. I have visited the Depot again to verify the status of the restoration for the window grant that is underway. They are on schedule and feel that there should be no issue to be completed by the end of September.
10. UP DATE: Please note that we have been advised by the insurance carrier that this fencing and bleachers were not covered for such damage. Eva, and I are working on this to verify that all assets of the City of Etowah are insured for the correct amount to protect them.

#### 11. Latest Projects for Public works

- a. Tree trimming
- b. Replacement of worn signs
- c. Install of Special need signs
- d. Weeding canals
- e. Bush hogging, at Scott Ave Apartments
- f. Grapple truck
- g. Fixed drain tile on 5<sup>th</sup> and Louisiana Ave.
- h. Replaced belly broom on sweeper

- i. Cleaned catch basins Replaced signs that had been vandalized, repainted areas where vandals' have marked with profanity.
- j. 7<sup>th</sup> street catch basin. Issues with sewer has slowed things down a bit but should be back on track.

12. We have received another lien payment for 821 5<sup>th</sup> Street in the amount of \$304.00 for code violations. A week or so back we received \$2,004.00 for a Bledsoe property.

13. The Entity Partner's has opened another round of Driver Safety Grants where we will be applying to driver safety kits for all municipal vehicle's, such a vest, road flares, jumper cables, etc.

14. I have been requested to have another site tour for the South Ind Park the 30<sup>th</sup> of this month. Jon Troutt and I will do this for 2 more groups of contractors to ensure that we can get all the bids we can for this project. Bids are still due October 16<sup>th</sup>, 2020

15. I have meet with a Mr. David Shpigler of the Shpigler Group that is working with the E911 Center to determine the new rates they will be asking for with their next budget.

As I advised Mr. Shpigler that the rates that they plan to present will also need to be presented to the City of Etowah along with all budget documentation and details as to how their budget was developed. As you may recall a few years back I was asked by Joel Riley to review the E911 budget and found several issues that showed areas of over budget within that group, we were then presented a 3% increase to fees instead of the 15.91+ increase that they initially asked for, just for Etowah along. I will advise as we further into this discussion.

Etowah Municipal Court will return to session after a small break due to Covid 19 in August and will be held 3 weeks per month until cases are caught up. All Social distancing processes shall remain in place as per the Supreme Court System deemed in April.

16. At the community center for the citizens of Etowah and McMinn County in light of the attack last week, we are looking at providing defense classes. Captain Danial Hampton is also helping me look to see if there is anything from the State that might be of assistance for such training.

17. In past meetings we have discussed the alleyways within the City. However, we have never came to a final resolve as to will the City the maintenance on these or will we abandon.

18. As I have spoken with Farah Reynolds of the Trucking Company off of 7th, they are working with us today and for the next few days to allow for the catch basin on 7th to be repaired. They have also asked that the main area of work be scheduled for early spring when it fits their schedule much better.

19. Also, as a few months back the Commission approved some reworking of tiles and culverts on Georgia to assist with drainage. Gary, was contacted by one of the property owners with a question as to a possible change to this layout. Gary is working on this matter and we should have this finalized and scheduled within the next few weeks. Again, any work done by the city shall be done on city right away.

20. At this time we are awaiting the newest update from Gov. Bill Lee as to the Covid-19 issues. When that update is released, I hope that we will be able to determine if the City will be able to host its annual Christmas at the Depot. The current Executive Order extends through October 28, 2020.

21. The property at 415 Alabama has been scheduled for demo and a new construction will be in its place within the coming months.

22. Building permits have been obtained by the new Fact Pace medical facility planned for Etowah.

23. As you may recall, I supplied you all with details as to 2 locations (carwashes) that feel the city should make repairs to their drives. I have once again copied these details within this email for your review as it will be a matter of discussion on the September Agenda. I will ask for the directive of the Commission on how they wish to address this issue.

24. As we had slowed down a bit on Codes enforcement due to Covid-19 as citizens had enough on their plates at that time, we feel that we will now return to enforcement of code violations, allowing ample time for corrections to be made prior to sending anyone to municipal court.

25. Mention was made to me yesterday as to the cemetery just inside the city limits. The City has never been the caretakers of this property and we have always had a great deal of issues getting in touch with anyone as to the cemetery. However, I have requested Public Works to ensure that we do

clean up the right of way and ditch line with the side arm. We will continue to look and see if we can locate a company or person responsible for the maintenance of this property.

26. Parks and Rec has begun the repairs to the steps at the community center with the epoxy filler. This is a several step process. Once completed we will repaint the landing with the nonskid paint to match.

27. Again, I wish to thank the Commission for their understanding for my time away this week, as my husband had to have reconstructive surgery to his right hand and I needed to be with him during that time.

28. I have arranged for a 4-yard dumpster to be placed at the recycling center as to the continued request of several citizens. It should be installed this next week. This dumpster will only be picked up once a week.



29. The reviewed Laying hen Ordinance shall be presented to you again for Monday night.

Respectfully,

Tina M. Tuggle

City Manager

#### **9) CITIZENS COMMENTS**

Building Inspector, Troutt proceeded to read the comments from our Facebook page. Some were in favor of Misty Webb for the vacant Commissioner seat. Ms. Tuggle advised the vote would continue until the tie is broken as there is no remedy other than for the Commission to come to a decision per the City Charter.

Many comments expressed the desire for the meetings to return to open meetings.

#### **10) UNSCHEDULED ITEMS**

Vice-Mayor Swayne addressed the 14-page petition received from Ms. Shannon Patterson with 265 names listed thereon, which was received to reflect the community's support of Ms. Misty Webb. The Vice-Mayor expressed his concern based on the fact the actual number of possible Etowah citizens could be reduced to a maximum of 32. The number of names from outside the City of Etowah, including those who were outside the county, state, and the United States were a total of 129.

He also stated he had contacted the Election Commission and that reduced even more when he learned the difference between the 265 and the 108 were not registered. 175 registered voters voted for Mr. Keller. His point was that 32 votes for Ms. Webb vs 175 votes for Mr. Keller is what he based his decision on.

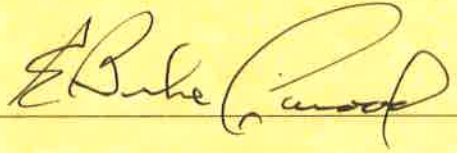
Commissioner Miller expressed his desire to return to open meetings and recognized the confusion between MTAS and Governor Lee's executive orders. He noted that Athens has not had any virtual meetings.

Commissioner James expressed confusion on not going back to live meetings and both Mayor Garwood and Vice-Mayor Swayne agreed to go back to live meetings as well.

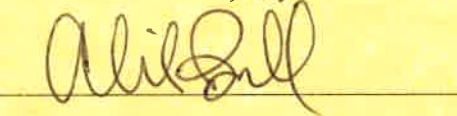
Mr. Swayne also inquired as to the progress of the Gem Players, and the Arts Commission, and the Merchants planning events. Ms. Tuggle reported they had been in touch and will advise. He also mentioned the donations and volunteer work related to the fire and police departments that has been offered and feels we should graciously accept. Commissioner Swayne also suggested there be Harassment training provided for all Commissioners to participate, as well as the other modules being offered to maintain our status in receiving federal and state grant funding.

**11) ADJOURNMENT**

*Mayor Garwood made a motion to adjourn and Vice-Mayor Swayne seconded the motion, and motion carried with all ayes as each commissioner identified himself remotely to voice his "aye" vote.*

A handwritten signature in cursive script, appearing to read "Burke Garwood", written over a horizontal line.

Burke Garwood, Mayor

A handwritten signature in cursive script, appearing to read "Alison Bull", written over a horizontal line.

Alison Bull, City Recorder