

## **MINUTES**

### **CITY COUNCIL MEETING**

**September 30, 2008**

**PRESENT:**        **Dean Lay**  
                      **Bud Knott**  
                      **Marilyn Nixon**  
                      **Lex Orr**

**The regular monthly meeting of the Monteagle City Council was called to order at 6:00 PM by Vice-Mayor Dean Lay.**

**Following the prayer and pledge of allegiance the Minutes of the meetings of July 29, July 31 (July 29 reconvened), August 7, August 26, September 8, September 15, and September 22, 2008 were approved with a correction of item 10 in the Minutes of August 7<sup>th</sup> to include the word “all” in the motion about employee raises. The city recorder noted that the Personnel Policy only permits raises to employees who have at least one full year of employment on July 1<sup>st</sup>. Ald. Knott made a motion to include the word “all” in the motion and Ald. Orr seconded the motion which passed 4/0. With this change the Minutes were approved on a motion by Ald. Orr which was seconded by Ald. Knott and carried 4/0. Ald. Orr also discussed item 8 in the Minutes of the August 7<sup>th</sup> meeting. He stated that the city has an easement from the owner of the property where the Sonic was built and is doing work there. He wondered what this was about. Ald. Lay said he understood that the city was getting an easement to do work on the road, but as far as he knew the city was not doing \$83,000.00 worth of work as had previously been reported.**

#### **OLD BUSINESS**

**The usual order of business was changed to allow the two ordinances concerning the sale of the gas system to be done first.**

- 1. ORDINANCE 08-22 - Third reading – This ordinance approves the sale of the natural gas system to Middle Tennessee Natural Gas. Ald. Orr made a motion to approve this ordinance on third reading. Ald. Knott seconded the motion and it passed 4/0 on roll call vote.**

**MINUTES  
CITY COUNCIL MEETING  
September 30, 2008  
Page Two**

- 2. ORDINANCE 08-23 – Third reading – This ordinance grants a franchise to sell gas within the Town of Monteagle to Middle Tennessee Natural Gas. Ald. Knott made a motion to approve this ordinance on third reading. Ald. Nixon seconded the motion which passed 4/0 on roll call vote.**

**At this time, 6:21 pm, the meeting was recessed in order to sign the closing documents for the sale of the natural gas system. Mike Corley announced that Middle Tennessee Natural Gas will be having a customer appreciation lunch in the pavilion behind city hall on October 24<sup>th</sup> and invited all the gas customers to take part.**

**The meeting reconvened at 6:40 pm, at which time Dean Lay gave a brief history of the natural gas system and the reasons for selling the system to Middle Tennessee. It was explained that the \$680,000.00 received from the sale of the system and the approximately \$400 to \$500,000 in funds that are on hand in the gas accounts will be used to help with the costs of the sewer project.**

**REPORTS OF COMMITTEES AND MEMBERS**

- 1. POLICE DEPARTMENT – Copy attached**

**Chief McNeece also reported that two dispatchers are on sick leave. Ald. Lay asked the chief about the hip-hop concert that was held recently at The Stage. He said he had received numerous complaints about it. Chief McNeece said they had made 12 arrests at the concert and one female was transported to the hospital. He also noted that those who were arrested were not from this area. Ald. Lay asked the chief to submit a plan of action for any events like this one that may occur in the future. Ald. Knott reported that the police department needs new walkies.**

- 2. FIRE DEPARTMENT – Copy attached**

**Chief Layne reported that the fire department had used 500 gallons of water this month. He also reported that they need several new pagers. The pagers**

**MINUTES  
CITY COUNCIL MEETING  
September 30, 2008  
Page Three**

**will cost about \$299.00 each. The chief wanted to know if the council would approve blowing the fire siren for all fires until they have pagers for everyone and the council asked him to work this out with the police chief. Ald. Lay raised a question about calls on the interstate and outside the city limits. Grundy County has agreed to pay for all calls made in that county outside the city limits. Ald. Lay asked if they had been billed. Chief Layne said they had not determined which calls they were yet. The council discussed the area in which we should answer fire calls and said they will work with a map to draw out the area where we will answer fire calls. Michelle Russell said she has attended the fire academy and would like to join the fire department as a volunteer. She asked if anyone would have a problem with that. The council said that they did not have a problem with her volunteering as long as she worked this out with the fire department.**

**3. PLANNING COMMISSION – Copy attached**

**It was also reported that the Planning Commission is looking at landscape ordinances.**

**4. MAYOR – None**

**5. ALDERMEN – Ald. Nixon reported that Sam Saidd from SETTD will be here on October 7<sup>th</sup> at 10:00 to meet with the city about applying for another grant. She also stated that the council needs to pass an ordinance to approve the position of city administrator. The city attorney has drawn up the ordinance. It will require three readings since the salary will affect the budget. Ald. Lay read proposed Ordinance No. 08-24. Ald. Nixon made a motion to approve this ordinance on first reading. Ald. Knott seconded the motion which passed on roll call 4/0. Ald. Lay said we would need to do a job description and set a salary before hiring anyone for this position. Second reading of this ordinance will be at the meeting on the 13<sup>th</sup>. The position of city administrator was discussed and it was agreed to talk to MTAS about this position to help us with a job description. Ald. Lay reminded the council that there were no funds in**

**MINUTES  
CITY COUNCIL MEETING  
September 30, 2008  
Page Four**

**the new budget for this position. The council will need to deal with that before anyone is hired. Ald. Lay said the report from Todd Moore has been received and the council can deal with that at the next meeting. Copies of the report will be made available at city hall. The public can read the report at city hall, or, if anyone wants a copy, it will be available at \$0.25 per page. Ald. Nixon made a motion to deal with the report from Todd Moore at the meeting on October 13<sup>th</sup>. Ald. Knott seconded the motion which passed 4/0 on roll call.**

**CITY RECORDER – The city recorder reported that the council must pass a “Red Flag” program by November 1<sup>st</sup>. She will have something for them to look at on October 13<sup>th</sup>.**

**At this point in the meeting, the council resumed OLD BUSINESS:**

- 3. 2008-09 BUDGET – Third Reading – Ald. Orr made a motion to approve the 2008-09 budget on third and final reading. Ald. Knott seconded the motion and it passed 4/0 on roll call.**
- 4. HOLIDAY CALENDAR 2008-09 – Vice Mayor Lay read the proposed calendar for the city holidays for 2008-09. The calendar provides that employees may take vacation leave for the unpaid holidays if they have any accrued, if not, they can take sick leave. Ald. Nixon made a motion to approve the calendar as shown in the attachment to these Minutes without the provision that employees can take sick leave for the unpaid holidays. There was no second to the motion. Ald. Orr made a motion to approve the calendar with the provision that employees be permitted to take sick leave for the unpaid holidays if they have no vacation leave accrued. Ald. Knott seconded the motion and it passed 3/1 on roll call with Ald. Nixon voting no.**
- 5. DONATIONS – There were three requests for donations from the city: a) Leadership Grundy – Ald. Knott made a motion to donate \$100.00 to Leadership Grundy. Ald. Orr seconded the motion and it passed 4/0 on roll**

**MINUTES  
CITY COUNCIL MEETING  
September 30, 2008  
Page Five**

**call. b) Grundy County Quarterback and c) City of Whitwell for a veterans' memorial. No action was taken on the last two requests.**

- 6. FINANCIAL OFFICER – The state requires all cities to appoint a chief financial officer. This person is required to complete 80 hours of training in the next few years. Ald. Orr made a motion to designate the city recorder as the chief financial officer. Ald. Nixon seconded the motion and it passed 4/0 on roll call.**
- 7. FIRE DEPARTMENT – The fire department is in need of several new pagers. Ald. Orr made a motion to purchase six new pagers at a cost not to exceed \$300.00 plus shipping for each one and to charge the expense to 42200-940. Ald. Knott seconded the motion and it carried 4/0 on roll call. At this time Ald. Orr made a motion to raise the fire chief's pay by \$50.00 per month retroactive to July 1<sup>st</sup>. Ald. Knott seconded the motion which passed unanimously on roll call.**
- 8. ALD. NIXON – asked about the following items: a) Police Department – Ald. Nixon asked about vests for the police department. The chief will get some prices and have them for the next meeting. b) Landscaping – Ald. Nixon requested the council to consider \$5000.00 for landscaping at the 134 exit of I-24. The council agreed this was a good project and Ald. Nixon made a motion to approve \$5000.00 for Gary's Nursery to be charged to 41000-950. Ald. Knott seconded the motion which carried 4/0 on roll call. c) Outdoor advertising – Ald. Nixon had some artwork for the council to look at for a sign on I-24. The vinyl for the billboard and the rental would be about \$5000.00 for one year. We have a grant from the state that will reimburse us for \$1000.00 which could be spent for a vinyl for the billboard at the convenience center. Ald. Orr made a motion to amend account 41000-237 from \$3000.00 to \$8000.00 and increase 31920-004 (Occupancy Tax revenues) by \$5000.00 and to approve the expenditure of up to \$5000.00 for outdoor advertising. Ald. Nixon seconded the motion which carried 4/0 on roll call.**

**MINUTES**  
**CITY COUNCIL MEETING**  
**September 30, 2008**  
**Page Six**

**NEW BUSINESS**

- 1. BUSINESS LICENSES – There were three applications for business licenses:**
  - a) Scott Bennett for a bakery in his home. Ald. Orr noted that the Planning Commission had granted approval on review for a home business for Mr. Bennett. Ald. Orr made a motion to approve this business license. Ald. Knott seconded the motion which passed 4/0.**
  - b) Shirley Tate for a real estate license for Partin House on College Street. Ald. Orr made a motion to approve the application. Ald. Nixon seconded the motion which carried 4/0.**
  - c) Johnny Young for a Sonic Drive In on Main Street. Ald. Orr made a motion to approve the application. Ald. Knott seconded the motion. The motion passed unanimously.**
  
- 2. MOUNTAIN GOAT TRAIL – Clayton Rogers gave a status report on the progress of this project. He said they are working on getting easements and fund raising right now. They have been approved for 5013C status (tax exempt) which should help with their fund raising. He asked about Title Six compliance and was told by the city recorder that she has attended classes, but we are not in compliance yet. We will, however, be in compliance before it is time to make draws on the funds.**
  
- 3. OCCUPANCY TAX – The city recorder reported that we have received reports on the two Occupancy Tax audits that have been completed. The council asked our city attorney how to proceed to collect the money owed from these two audits. He will notify them in writing giving them a specific amount of time to pay the back taxes. Ald. Lay asked what the procedure would be if the findings are disputed. Mr. Killian said they must pay the tax and then file a protest with the courts. He stated that filing a protest does not relieve the business of paying the back taxes. Ald. Orr made a motion to authorize Bill Killian to notify the two businesses that they owe back taxes based on the audits and give them thirty days to pay the amount due, and within that thirty days they can contact the city to discuss a payment plan if they cannot pay the balance all at one time. Ald. Knott seconded the motion and it passed 4/0. Ald. Nixon discussed approv-**

**MINUTES  
CITY COUNCIL MEETING  
September 30, 2008  
Page Seven**

**ing an audit of all businesses that pay Occupancy Tax. Ald. Orr made a motion to approve the proposal from Allen and McGee to do two additional audits at this time. Ald. Knott seconded the motion which passed 3/1 on roll call with Ald. Nixon voting no.**

**PUBLIC UTILITY BOARD MEETING**

- 1. JIM BOYNTON – Vice-Mayor Lay reported that the contract with Mr. Boynton was terminated by the mayor on September 15<sup>th</sup>. The city attorney said the board has three options. They can vote to support the action, overturn the action, or take no action at all, in which case the termination would stand. The board took no action.**
- 2. RATE SHEET – This sheet is the same as the rate sheet passed in August except it provides an outside residential sewer rate as well as an inside one. Ald. Orr made a motion to approve the rate sheet with this addition. Ald. Knott seconded the motion and it passed 4/0 on roll call.**
- 3. PROPERTY CATEGORIES – The city recorder gave out a worksheet for the council to review and discuss at the next meeting.**
- 4. DECLARATION OF A WATER EMERGENCY – Mr. Killian told the council that under TCA 6-56-304 the board can declare an emergency and shortcut some of the bidding processes. This action has been recommended by TDEC and Dr. Urban. Vice-Mayor Lay read the resolution declaring an emergency. Ald. Orr made a motion to approve the resolution. Ald. Knott seconded the motion and it passed unanimously. Mr. Lay also read a Request for Proposal which was sent to G & C Supply and Walter A. Wood. Ald. Orr made a motion to approve the Request for Proposal. Ald. Knott seconded the motion which passed 4/0. Ald. Orr asked that the two lists that were faxed to G & C and Walter A. Wood be made a part of these Minutes.**
- 5. REMOTE READERS – This was tabled until another meeting**

**MINUTES  
CITY COUNCIL MEETING  
September 30, 2008  
Page Eight**

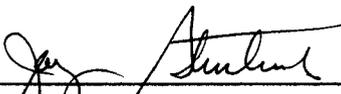
- 6. HAILEY ENGINEERING – Anthony Pelham informed the council that the pumping system at Lake Louisa is installed and awaiting final approval from SVEC. Ald. Orr read a letter from Rick Hogshead about our SRF loan and asked if Anthony could help with making sure we are getting everything done that we need in order to get our loan approved. He and Ald. Orr will get together tomorrow to go over the loan requirements. Ron Buffington from the Monteagle Assembly suggested the city might want to ask Professor Ed Thaxton to help with the sewer matters. Bill Johnson from Arcadis reported that TDEC is allowing the city to do a test program to see if an activated sludge system will work. He thinks this is the proper way to go, but it might take about four months to complete the test. He said it would take another four weeks to have the state review the data and give approval. John Condra was asked to be the contact person for TDEC on this and give them the information they will need to review this test. Anthony Pelham discussed the pump at STP No. 1. He told the council that it is inadequate to pump sewage to STP No. 2.**
- 7. REPLY FROM TDEC – A copy of the letter from TDEC about impoundments on the plateau is attached as a part of these Minutes**

**CITIZENS HEARING**

**Ron Buffington asked if we had completed the sheet for the utility department setting out fees to be charged. He was told that this has not been done yet.**

**It was agreed to recess this meeting until October 6<sup>th</sup> at 5:00 PM rather than adjourning. The meeting recessed at 10:20 PM.**

**Respectfully submitted,**

  
\_\_\_\_\_  
**Joy Sturtevant, City Recorder**