

**MINUTES**  
**MONTEAGLE CITY COUNCIL**  
**MEETING**

**December 18, 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 November 18, 2008, meeting were approved as presented on a motion by Ald. Orr which was seconded by Ald. Knott and passed 4/0.

The first order of business was a review of the Todd Moore report on the audit done by the State Comptroller's office. Dean Lay noted that the cost of the work done by Mr. Moore was \$4470.10. Ald. Lay asked for comments from the council.

Ald. Nixon stated that Mr. Moore indicated that the city would be "throwing good money after bad" in pursuing reimbursement for some of the items. Ald. Knott said that he felt, if we get our policies and procedures in place, this would take care of any problems in the future. Ald. Orr noted that we previously went over all items in the state's audit and most of those items have been addressed in the personnel policy. Ald. Lay said that the council agreed that they would support the findings of Mr. Moore's report covering the state's audit which covered the period of time from July 2005 through October 2006. He said the council will deal with the items separately, starting with item two.

**Item Two: Apparently conflicting provision in vacation leave policy. Ald. Orr made a motion to let the record show that this item has been appropriately addressed in the new personnel policy. Ald. Knott seconded the motion and it passed 4/0.**

**Item Three: Apparently unclear provisions in sick leave policy. Ald. Orr made a motion to let the record show that this item has been appropriately addressed in the new personnel policy. Ald. Knott seconded the motion and it passed 4/0.**

**Item Four: Failure to document necessity and approval of vacation accrual in excess of amount allowed by town policy: Ald. Orr made a motion that Item Four be put to rest as it has been addressed in the new personnel policy. Motion was seconded by Ald. Knott and passed 4/0.**

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**Item Five: Inadequate leave records. Ald. Orr made a motion that Item Five be put to rest as it has been addressed in the new personnel policy. Motion was seconded by Ald. Knott and passed 4/0.**

**Item Seven: No enforced town-wide policy for over-plan cell phone charges. Ald. Orr made a motion to let the record show that this issue has been addressed by the adoption of a Cell Phone Policy. Ald. Knott seconded the motion and it passed 4/0.**

**Item Eight: Inadequate control over fixed assets and other property. Ald. Orr made a motion to let the record show that this issue has been addressed through the new inventory program. Ald. Knott seconded the motion which passed 4/0.**

**Items One: Town officials failed to recover inappropriate reimbursement of court costs and restitution paid to town employee. Ald. Nixon noted that this item goes back eleven years to 1997. She noted that Mr. Moore's report stated that he feels the town would be "throwing good money after bad" to pursue collection of these funds because the city's costs would be high and could not be recovered. Ald. Orr made a motion that, while the expenditure may not have been valid, it is not in the best interest of the town to attempt to recover these funds and, further, that the city should make the comptroller's office aware of their decision. Ald. Knott seconded the motion and it passed 3/1 with Ald. Lay voting no.**

**Item Six: Failure to retain adequate supporting documentation. This item involves reimbursements for mileage and for meal purchases that were paid without adequate supporting documentation. Ald. Orr said he believes this had been addressed by the new voucher forms that are required for reimbursement of these expenses. Ald. Knott made a motion to approve the forms that we are now using for reimbursement to employees and elected officials for their travel expenses on behalf of the city. Ald. Orr seconded the motion and it passed 3/1 with Ald. Lay voting no.**

**Ald. Orr made a motion that the city recorder notify the Comptroller's office of how the city has dealt with these eight findings with copies to the others mentioned in the report. Ald. Knott seconded the motion and it passed 4/0.**

**In further discussion of the inventory, Ald. Nixon made a motion that the council get a report by the end of January and thereafter that they receive a quarterly inventory report. Ald. Orr seconded the motion and it passed unanimously. The city recorder said the utility inventory might hold this up temporarily.**

**REPORTS OF COMMITTEES AND MEMBERS**

**1. POLICE DEPARTMENT – Copy attached**

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**Chief McNeece submitted a report on proposed codes enforcement. Ald. Lay read a job description for a codes enforcement officer. There was a discussion on educating the public and making them aware of our codes. It was also discussed that officers have talked to people about enforcing our codes and what needs to be done is to cite them into city court for violations and let the judge deal with it.**

**There was a discussion on 911 dispatching. Ald. Lay noted that Chief McNeece has stated previously that he spends about 50% of his time on 911. He said that he feels this isn't appropriate, that the police chief should spend his time in police work for the Town of Monteagle. Chief McNeece said he thinks he has resolved this situation by appointing Wanda McDaniels as the supervisor of the 911 Center. She will be compensated for her additional duties by the E-911 Board.**

**Chief McNeece said he had found a good used 2004 Crown Vic that he would like the city to consider purchasing for \$7000. Ald. Orr asked the chief to get some prices on a new car first. He also said he would like to have a GPS system in each vehicle. The cost is about \$1500.00 for the software plus \$50.00 a year for each vehicle. He will get some quotes in writing for the January meeting.**

**2. FIRE DEPARTMENT – Copy attached**

**Chief Layne noted that the lights in the fire hall have not been fixed yet. Ald. Knott made a motion that the fire chief be authorized to contact other people to repair the lights since the first contractor has not responded. Ald. Orr seconded the motion and it passed 4/0.**

**Chief Layne presented three checks - \$1000.00 from Mrs. Frank Barton, \$100.00 from Mr. & Mrs. Ruffner Murray, and \$296.75 from Fred's - which he would like to use toward a new rescue van. Michael Gautier gave the council a sheet showing the proposed costs for a new van. Ald. Orr made a motion to put these funds into an account and earmark them for a rescue van. Ald. Knott seconded the motion which passed 4/0.**

**3. PLANNING COMMISSION – It was announced that Dean Lay was not going to accept reappointment to the Planning Commission and that Mary Jane Flowers has been appointed to fill his spot beginning January 1.**

**4. MAYOR – None**

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- 5. ALDERMEN – Ald. Nixon reported that the city has received donations so far of \$825.00 to move the old Monteagle Motel sign. The cost of moving the sign was \$1000.00. She made a motion that any donations in excess of \$1000.00 toward this project should be used to restore the sign. Ald. Orr seconded the motion and it passed 4/0.**
- 6. CITY RECORDER – The city recorder reported that she had a request for a donation to the Sewanee Community Chest. She stated that we donated \$100.00 to this last year. Ald. Knott made a motion to donate \$100.00 to the Sewanee Community Chest. Ald. Orr seconded the motion and it passed 4/0.**

**OLD BUSINESS**

- 1. OCCUPANCY TAX REPORTS – Two more audits have been completed and copies of those audits were presented to the council. Ald. Nixon made a motion that once we have determined what the amount of money due the city is we should have the city attorney proceed with collecting the money due to the Town of Monteagle. Ald. Knott seconded the motion which passed 3/1 with Ald. Orr voting no.**

**NEW BUSINESS**

- 1. ELECTED OFFICIALS ACADEMY – Ald. Nixon said that MTAS is holding an Elected Officials Academy next month. The cost of enrollment is \$150.00 per person. She made a motion that the city approve the registration fee of \$150.00 and the state allowed reimbursement for meals and travel for anyone who would like to attend. Ald. Knott seconded the motion and it was approved 4/0.**
- 2. LAWSON PROPERTY RIGHT-OF-WAY – Ald. Lay explained that Mr. Lawson needs access to his property on the north end of Laurel Lake. He would like the city to grant him an easement to get to his property. Ald. Orr asked that Mr. Lawson present his request in writing at a meeting.**
- 3. ORDINANCE 08-24 – PERSONNEL POLICY – Ald. Nixon made a motion to approve Ordinance 08-24 on first reading. Ald. Orr seconded the motion and it passed 4/0.**
- 4. MAY JUSTUS LIBRARY – The library needs \$5500.00 to match a grant for additional computers. They have \$1000.00 that could be used for this. The council tabled this until the January meeting.**

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- 5. CITY WEB SITE – There was a discussion on a web site for the city. Some people were under the impression that we currently have one. The city recorder explained that there is a web site under the name of Monteagle, but it does not belong to the city. It is privately operated. The council feels that the city should have a web site of its own. Ald. Nixon will look into the costs of creating a web site and report back to the council.**

### **PUBLIC UTILITY BOARD MEETING**

- 1. VACANCY AT THE WATER PLANT – It was reported that Ken Hall was no longer working for the city and Utility Manager Kevin Gilliam said he has put Richard Griswold at the plant temporarily.**
- 2. SEWER PROJECT – There was a meeting with TDEC at the city hall on this date and Neal Westerman of Hailey Engineering reported that they will be sending plans for the new sewer plant to TDEC next week. It was agreed that the plans would be at TDEC no later than December 23<sup>rd</sup>. We were told at this meeting that no sewer connections would be allowed until such time as we have made some progress in complying with the Agreed Order. It was also agreed at this meeting that two TDEC staff members will review the tapes of the sewer system with staff from the city and decide whether the receptor line can be replaced or if we should proceed with the low pressure system. Ald. Orr made a motion to approve the plans for the new sewer plant to be submitted to TDEC by Hailey, subject to signatures by the Mayor and Kevin Gilliam. Ald. Lay asked if Hailey was now the city's sole engineer for the sewer system and Neal Westerman replied yes. Ald. Lay asked if the city was in complete compliance with the Agreed Order and Mr. Westerman said no. Ald. Lay asked Mr. Westerman to submit a report to the council on what has been done and what needs to be done. Mr. Westerman said he would do this. Kevin Gilliam discussed the South Side Lift Station and Sewer Treatment Plant Number One. He said that the lift station is not bypassing but the sewer plant is. Ald. Lay suggested that the council go back to meeting on the second Monday morning of each month again as there are so many issues to discuss. Ald. Nixon made a motion that the city have a Public Utility Board meeting on the second Monday of each month at 9:00 AM until we no longer need these meetings. Ald. Orr seconded the motion and it passed 4/0. Ald. Nixon asked if Arcadis was not in breach of their contract and Ald. Lay said they would need to meet with the city attorney to discuss this. There was a discussion on CVS's new building as it seems that TDEC is not going to let them connect to the sewer. Ald. Lay said we need to notify the building inspector that we can't issue a building permit and the city**

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recorder noted that the permit had been issued after TDEC agreed that they could connect because they would consider the old location a trade off for the new one. Ald. Nixon made a motion to suspend issuing any building permits that require sewer and refer the CVS building permit to the city attorney. Ald. Orr seconded the motion and it passed 4/0.

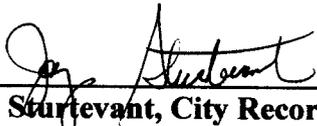
3. **EDDIE CAMPBELL** – Mr. Campbell was present to discuss his water bills for the Hickory Creek development. He objects to being billed a minimum bill for each unit in his development. He is currently paying four minimum bills and does not use 8000 gallons of water per month. He asked the city to change the way we bill him. Ald. Nixon said that the city is being required by the state to make improvements to our sewer system and the rates we have set up are necessary to pay for the costs of those improvements. Ald. Orr said it has been difficult to figure out a base rate that will cover our debt service on the improvements we are required to make. Ald. Lay stated that, as a customer, Mr. Campbell is entitled to be treated fairly. We are billing all customers with multiple connects a minimum bill for those connections. If there are legal issues with that then this would have to be taken up in court. Kevin Gilliam was asked to review our rate structure and give the council his views. Ald. Lay asked if the council wished to take any action on Mr. Campbell's request to change the method for billing him. No action was taken.

**CITIZENS HEARING**

Ty Burnett asked if the city had received any word on impoundments from the state and was told that we have not received anything.

The meeting adjourned at 8:11 pm.

Respectfully submitted,

  
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Joy Sturtevant, City Recorder