

MINUTES
MONTEAGLE CITY COUNCIL
MEETING

December 29, 2009

PRESENT: Charles Rollins
Dean Lay
Bud Knott
Marilyn Nixon

The regular monthly meeting of the Monteagle City Council was called to order at 6:00 pm by Mayor Charles Rollins.

Following the prayer and pledge of allegiance, which was led by Ty Klekotta, the Minutes of the regular meeting and the Beer Board meeting of November 24, 2009, and the December 8, 2009, Public Utility Board meeting were approved as presented on a motion by Ald. Lay which was seconded by Ald. Nixon and passed 4/0.

REPORTS OF COMMITTEES AND MEMBERS

1. POLICE DEPARTMENT – Copy attached

Chief McNeece reported that GPS units have been installed on the five patrol cars. The mayor noted that one had also been installed on the meter reader's truck. The council will get a written report in January .

2. E-911 CENTER – Copy attached

3. FIRE DEPARTMENT – Copy attached

Chief Layne reported that he still had water leaking from the attic into the outlet for the heater. The mayor said he would have McBee electric look at it. There was a discussion on the condition of this building. The mayor said we had Hailey Engineering look at it previously. He said he would talk to them about it again.

4. PLANNING COMMISSION – Copy attached

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- 5. MAYOR – The mayor reported that the generator for the Police Department is not working – he had Sowder Electric look at it and they have ordered parts for it.**
- 6. ALDERMEN – Ald. Nixon talked about the compactor at the Convenience Center. There was a discussion on trying to get a compactor for cardboard. Ald. Lay asked the city recorder to call both counties and ask if there is any thing they can do to help us with disposal of cardboard.**
- 7. CITY RECORDER – None**

OLD BUSINESS

- 1. MOUNTAIN GOAT TRAIL AGREEMENT – The city attorney was present at this meeting and it was reported to him that there were a couple of minor errors in the Agreement. The President of the MGTA was listed as President of the Town. Also, the street name was incorrect. He will correct these items and get the Agreement back to us.**
- 2. FRANCES FULTS PROPERTY – Mr. Killian has drafted a proposed ad for taking bids for the sale of the house. However, it may need some adjustment. Ald. Lay made a motion to authorize the mayor to advertise for bids on the Fults property. Ald. Knott seconded the motion which passed 4/0.**

NEW BUSINESS

- 1. NATIONAL GUARD ARMORY – Ald. Knott said he has been hearing rumors that the Armory is closing the building here in Monteagle and moving our unit to Dunlap. The council asked Mr. Killian to check on this.**
- 2. 2012 ELECTION – There was a discussion on changing our city election to either the May county primary or the November general election and establishing four-year staggered terms. Ald. Lay requested that the city hold a public hearing before taking any action on this so that the residents would have an opportunity to voice their opinion. The city can make this change by adopting an ordinance. There was a discussion on whether to do this for the 2010 or 2012 elections. Ald. Lay made a motion to authorize the city attorney to prepare an ordinance that would change the terms of office for the city council to four-year**

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staggered terms with the mayor and the top two vote-getters being elected in 2012 to four-year terms and the two lower vote-getters being elected to two-year terms. Ald. Knott seconded the motion and it carried 4/0. It was noted that the city would still have an election every two years. The mayor and two aldermen would be elected at one election and the other two aldermen would be elected at the next one.

- 3. P A SYSTEM – Ald. Knott has a quote from KK in Manchester for \$3715.00. Ald. Lay noted that this is something we would have to take bids on. Ald. Knott made a motion to advertise for bids on this equipment. Ald. Nixon seconded the motion which passed 4/0. The council will put together specs for the ad and get that to the city recorder to place the ad.**
- 4. PARKS & RECREATION – Ald. Lay stated that we asked the Parks & Recreation Board to present some ideas for recreation before the ball teams make a request for funding. Ald. Lay made a motion to ask the Parks & Recreation Committee to have a report for the January 19th workshop and to have this on the Agenda for the meeting on January 26th. Ald. Nixon seconded the motion which passed unanimously.**
- 5. CITY ATTORNEY BILL KILLIAN – Mr. Killian asked the council for direction on three items. a) Gary Mayes – Mr. Killian said he needs a copy of our insurance policy. b) Occupancy Tax – Mr. Killian needs to know how to respond to Bob Peters’ letter regarding the Smokehouse’s occupancy tax and also what we want to do about Monteagle Inn’s taxes. He said we have several options including padlocking the businesses. Ald. Lay made a motion not to padlock any business for delinquent occupancy taxes and that the city attorney be authorized to pursue the legal collection of hotel/motel taxes that we believe to be due as of this date and to have the attorney give notice of such action to any and all parties that owe the Town of Moneagle delinquent occupancy taxes. Ald. Knott seconded the motion and it passed 4/0 on roll call vote. c) Grundy Housing Authority – Ald. Lay made a motion to authorize the city attorney to take the same steps in collecting the water charges for bypassing the meter at Grundy Housing as he takes with collection of the occupancy taxes and that we not shut off the water at Grundy Housing due to this delinquency. Ald. Nixon seconded the motion. On roll call the motion passed 4/0.**

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PUBLIC UTILITY BOARD MEETING

Utility director Kevin Gilliam reported that he has had no response yet from TDEC about our request for an extension on the December 31, 2009, deadline for completion of our projects. He also reported that he has contacted a couple of places about the disposition of our surplus water meters. He will report back when he has more information. He said he talked to Angela Young about testing for Mr. Mayes' spring to see if the DNA is animal or human. He has talked to some people in Miami, but has not received any information yet. We have not heard from SRF about approval of our contracts yet either. Ald. Lay asked Bill Killian if there is anything we need to do since we did not meet our deadline. Mr. Killian said we have written TDEC asking for an extension and that is all we can do at this point.

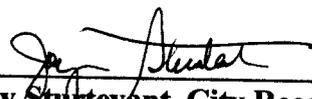
CITIZENS HEARING

There were no citizens who wished to be heard.

The mayor read the meeting and workshop dates for the month of January.

There being no other business the meeting adjourned at 7:37 pm.

Respectfully submitted,



Joy Sturtevant, City Recorder



Monteagle Police Department

P. O. BOX 127

Monteagle, Tennessee 37356

Phone: 931-924-2077 Fax: 931-924-2076

11-24-09 through 12-29-09

ARRESTS _____ 9 with 1 felony and 8 misdemeanor charges- 1 Public intox 1 Domestic 0 Theft under \$500,
0 Carrying a weapon; 2 Driving on Rev/Sus 0 Resisting arrest
0 D.U.I.'S. 0 Underage cons. 0 Implied Consent 0 Theft Over \$ 5,000.00
0 Disorderly Conduct 1 warrant 1 Reckless Driving 0 Vandalism
0 Driving without Licens 0 Burglary 2 Drug Related 0 Indecent Exp

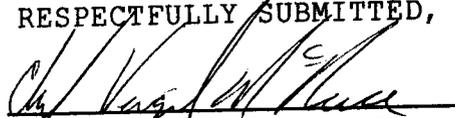
COMPLAINTS/INVESTIGATIONS _____ 86
VEHICLE/LICENSE CHECKS _____ 283
ACCIDENTS _____ 4
ESCORTS _____ 29
CITATIONS _____ 113
MILES PATROLLED _____ 7,082
GASOLINE CONSUMPTION _____ 762

CITY COURT REPORT _____ City Fines Received
General Sessions Court

\$ 5,699.⁰⁰
442.60

Total 6,141.60

RESPECTFULLY SUBMITTED,


CHIEF VIRGIL MCNEECE

Mountain Central E911 Center
P O. Box 127
171 College Street
Monteagle, Tn 37356
931/924/2078

November 24th 2009 through December 29, 2009

I am pleased to say that there is not anything to report from the 911 center every thing is going good and there have been no changes.

Director

Wanda McDaniel

MONTEAGLE FIRE DEPARTMENT
REPORT

From 11/24/09 to 12/29/09

NUMBER OF FIRE CALLS	<u>5</u>
BUSINESS FIRES	<u>0</u>
HOUSE FIRES	<u>2</u>
AUTO FIRES	<u>0</u>
EXTRICATION CALLS	<u>1</u>
MUTUAL AID CALLS	<u>2</u>
OTHER CALLS (Such as trees down)	<u>0</u>
GALLONS OF GASOLINE USED	<u>0</u>
GALLONS OF WATER USED	<u>1,000</u>
DIESEL USED	<u>29.6</u>
EQUIPMENT LOSS OR MALFUNCTION	<u>0</u>

COMMENTS AND SPECIAL REQUESTS: We still have water
coming in our Hall #1 from the attic when it rains
it runs down the Power lal for the Heater and over
to where the tank is.

01-19-10 10:00 AM

Town of Monteagle

From: "William N. Wilson" <jessandnatew@blomand.net>
To: <monteagle@blomand.net>; <lexorrIV@gmail.com>; <editor@thecumberlandview.com>
Sent: Monday, December 28, 2009 8:42 AM
Subject: MGTA

Hello Joyce,
I just wanted to provide an update to city council since I will not be able to attend the meeting tomorrow.
As you know we have had several responses to the RFQ. I have met with Farmer and Associates, HFR design, and Kimly Horn. All three companies have toured the prospective route. MGTA and City Council should set a time to review the Qualifications and create a short list of companies that we would like to make proposals. We will then review proposals and select our engineer.
I have recieved a draft easement from Saint Andrew's attorney. With the council's permission I would like to forward that document to Mr. Killian for review. Once the document is approved for use by Mr. Killian and City Council I can begin presenting it to other landowners along the route.
We need to square up on advertising costs. If you can get me the receipts I will see that a check is sent out to the City for the remainder of the advertising costs. We also need to make sure we have the affidavits for the advertising. I would like to go ahead and make copies of them and forward them along to TDOT for their records.
Per our conversation last week, I assume that the council is prepared to act on the contract we have been working on for the past several months. If this is not the case please let me know.
Thanks for your help. Have a happy new year.
Nate Wilson
MGTA

WILLIAM C. (BILL) KILLIAN
ATTORNEY AT LAW, P.C.

Number One Oak Avenue
Jasper, Tennessee 37347

CERTIFIED CIVIL AND CRIMINAL TRIAL SPECIALIST*
SUPREME COURT RULE 31 GENERAL/CIVIL APPROVED MEDIATOR

Phone: (423) 942-5801
E-mail: bill@wcklaw.net

Fax: (423) 942-5816
Website: www.wcklaw.net

December 16, 2009

Mayor Charles Rollins
311 North Bluff Circle
Monteagle, TN 37356

Edward L. Knott
2102 Madison Avenue
Monteagle, TN 37356

Dean Lay
P. O. Box 247
Monteagle, TN 37356

Marilyn C. Nixon
P. O. Box 679
Monteagle, TN 37356

Alexander Orr
P. O. Box 695
Monteagle, TN 37356

Dear Mayor & Board:

I was asked to research the possibility of the Council altering the present terms of office of the Board of Mayor and Aldermen. I have enclosed a copy of TCA §6-3-102 for your benefit. Subsection (b)(2) and (b)(6) apply to the Town of Monteagle. These sections also point out these procedures to be followed. You could consider this matter at your December 29th meeting.

If you have further questions, please contact me. Otherwise, thank you for the continued opportunity to serve you.

Very sincerely yours,



WILLIAM C. (BILL) KILLIAN

WCK:tsg

Enclosures

Cc: Town of Monteagle (Via Facsimile: 931-924-2264 & E-mail)

*CERTIFIED BY THE NATIONAL BOARD OF TRIAL ADVOCACY AND
THE TENNESSEE COMMISSION ON CONTINUING LEGAL EDUCATION AND SPECIALIZATION

6-3-102 Election of board by municipalities incorporated under chapters 1 and 2 of this title, on or prior to June 30, 1991 [Amendment Contingent on Municipality Approval See the Compiler's Notes]

- (a) (1) A municipality incorporated under chapters 1 and 2 of this title, on or before June 30, 1991, may, by ordinance, establish wards, increase or decrease the number of wards, increase or decrease the number of aldermen to no fewer than two (2) and no more than eight (8) in accordance with § 6-3-101.
- (2) Any municipality that has only one (1) ward may provide by ordinance for numerical designations for aldermanic positions. After numerical positions have been designated, candidates for alderman shall qualify by indicating on the qualifying petition the position the candidate is seeking. Ballots shall indicate the position to be filled by the selection of candidates listed under "Alderman, position 1," "Alderman, position 2," and so on. Any qualified person residing in the municipality may seek an open aldermanic position, but may qualify in any election for only one (1) position.
- (b) (1) A municipality whose board has staggered two-year terms may by ordinance change to staggered four-year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board of mayor and aldermen, shall provide for the transitional election of some members of the board for three-year terms. After this initial election, all members of the board shall be elected for four-year terms.
- (2) A municipality whose board has nonstaggered two-year terms may by ordinance change to staggered four-year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board, shall provide for the transitional election of some members of the board for two-year terms. After this initial election, all members of the board shall be elected for four-year terms.
- (3) A municipality whose board has nonstaggered four-year terms may by ordinance change to staggered four-year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board, shall provide for the transitional election of some members of the board for either two-year or six-year terms. After this initial election, all members of the board shall be elected for four-year terms.
- (4) A municipality whose board has staggered two-year terms may, by ordinance, change to nonstaggered two-year terms. The ordinance, which shall take effect for the next municipal election and shall not affect the present terms of members of the board of mayor and aldermen, shall provide that the members elected at the next election will serve transitional terms of three (3) years. After such election, all members of the board shall be elected to serve two-year terms.
- (5) A municipality whose board has non-staggered or staggered four-year terms may, by ordinance, change to two-year non-staggered or staggered terms. The ordinance shall not affect the present terms of members of the board serving four-year terms, and shall take effect for the next appropriate municipal election following the adoption of the ordinance. After such election, all members of the board shall be elected to serve two-year terms.
- (6) A municipality whose board has nonstaggered two-year terms may by ordinance change to nonstaggered four-year terms. The ordinance shall take effect for the next municipal election and shall not affect the present terms of members of the board.
- (c) (1) Notwithstanding any provision of this chapter to the contrary, any municipality incorporated under this charter that is located within two (2) counties and has a population of not less than one thousand four hundred fifty (1,450) nor more than one thousand four hundred seventy-five (1,475) according to the

last

1990 federal census or any subsequent federal census may by ordinance provide for the election of its mayor to a four-year term and the election of its aldermen to staggered four-year terms beginning with municipal elections that are conducted after January 1, 2001.

(2) Nothing in subdivision (c)(1) shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

[Acts 1991, ch. 154, § 1; 1992, ch. 612, §§ 5-7; 1994, ch. 574, §§ 1, 2; 1998, ch. 691, § 1; 1998, ch. 954, §§ 1, 2; 2000, ch. 613, § 1; 2003, ch. 261, § 2; 2007, ch. 90, § 1.]

fast

SICK LEAVE AND
VACATION HOURS

MONTH: NOV

2009

	ANNIV. DATE	S/L BEG	S/L EARNED	S/L TAKEN	S/L BAL	VAC BEG	VAC EARNED	VAC TAKEN	VAC BAL	S/L BANK
DYKES, DeWAYNE	12/31/01	165	8	0	173	62.5	0	0	62.5	16
LADD, CHRIS	10/02/06	118	6	14	110	80	0	0	80	
MALHOIT, BRIAN	02/19/07	132	6	16	122	44	0	0	44	
McNEECE, VIRGIL	06/08/94	240	0	0	240	148	0	0	148	16
WOMACK, DENNIS	11/23/05	47	6	0	53	40	40	0	80	
CYR, BETTY	11/01/99	65	8	31	42	56	80	0	136	
HEATHER FULTS	08/01/07	50	4	0	54	40	0	8	32	
KRAMARZ, G A	08/13/07	8.5	4	0	12.5	0	0	0	0	
LANKFORD, J	12/17/07	8	4	0	12	24	0	0	24	
MEEKS, RUSSELL	01/22/05	52.5	6	16	42.5	23.5	0		23.5	
MYERS, CRYSTAL	12/16/07	14.5	4	0	18.5	2	0	0	2	
McDANIEL, W	11/08/98	115.5	8	0	123.5	40	80	0	120	
TAYLOR, DEBBIE	04/22/85	236.5	8	8	236.5	105.5	0	8	97	16
TITTLE, KAREN	07/01/04	84.25	8	34	58.25	54	0	8	46	
SARGENT, JO ANN	12/01/03	46.75	8	3	51.75	56	0	16	40	
STURTEVANT, JOY	05/21/79	232	8	0	240	224	0	16	208	16
PACKARD, BEN	09/18/07	64	4	5	63	40	0	0	40	
BLALOCK, J	10/05/05	58	6	3	61	95		0	95	
CONDRA, JOHN	06/06/83	240	8	8	240	142	0	32	110	16
BUTNER, KEITH	06/04/01	112	8	4	116	16	0	8	8	16
CANTRELL, CARL	04/23/84	200	8	0	208	144	0	32	112	16
GILLIAM, KEVIN	10/20/08	20	4	0	24	32	0	0	32	
GRISWOLD, R	06/27/05	124.75	6	130.75	0	72	0	0	72	
SMITH, DARRELL	05/21/08	54	4	0	58	32	0		32	
ROSE, BRIAN	06/15/09	4	4	0	8	0	0		0	

NOTICE

THE SCHEDULE OF MEETINGS FOR THE TOWN OF MONTEAGLE FOR THE MONTH OF JANUARY IS:

WORKSHOP -- TUESDAY, JAN. 5, 2010, 10:00 AM
PUBLIC UTILITY BOARD --TUESDAY, JAN. 12, 2010, 10:00 AM
WORKSHOP - TUESDAY, JAN. 19, 2010, 10:00 AM
PLANNING COMMISSION - JAN. 19, 2010, 6:00 PM
CITY COUNCIL - TUESDAY, JAN. 26, 2010, 6:00 PM

ALL MEETINGS ARE HELD IN THE CONFERENCE ROOM AT CITY HALL. (The public is invited to attend workshops, however, no audience participation is permitted.)

AGENDA
MONTEAGLE CITY COUNCIL MEETING
December 29, 2009

- 1. Call to Order**
- 2. Prayer**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
- 5. Reports of Committees and Members**
 - a. Police Department**
 - b. Fire Department**
 - c. Planning Commission**
 - d. Building Inspector**
 - e. Mayor**
 - f. Aldermen**
 - g. Recorder**

- 6. Old Business**
 - a. Mountain Goat Trail**
 - b. Frances Fults Property**
 - c.**
 - d.**

- 7. New business**
 - a. National Guard Armory**
 - b. 2012 Election**
 - c. Growth Boundary (Grundy County)**
 - d. P A SYSTEM**
 - e.**
 - f.**
 - g.**

- 8. Public Utility Board Meeting**
 - a.**
 - b.**
 - c.**
 - d.**

- 9. Citizens Hearing**

- 10. Adjournment**