

Minutes  
Regular Meeting  
Bluff City Board of Mayor & Aldermen  
January 13, 2011

Vice-Mayor Gentry called the meeting to order at 7:00 p.m.

Members present were J. C. Gentry, Robert Miller, Mark Weaver and Irene Wells. Melvin Carrier was absent.

Vice-Mayor Gentry had prayer followed by the Pledge of Allegiance.

Vice-Mayor Gentry presented the minutes to the BMA for consideration. Alderwoman Wells made a motion to approve the minutes from April 8, 2010, June 10, 2010, June 28, 2010, July 12, 2010, August 12, 2010, September 9, 2010, October 28, 2010 and November 12, 2010. Alderman Weaver made a second.

Roll Call Vote:	Vice-Mayor Gentry	yes
	Alderman Miller	yes
	Alderman Weaver	yes
	Alderwoman Wells	yes

Vice-Mayor Gentry presented the minutes from October 14, 2010 to the BMA for consideration. Alderman Weaver made a motion to approve the minutes. Second by Alderman Miller. Vice-Mayor Gentry opened the floor for discussion. Alderwoman Wells stated that she had some corrections. Alderwoman Wells asked if it was possible to just state what the correction were and then give a copy to the city recorder so that she will know where the correction go. Attorney Bowers said yes but they would have to have a motion to amend. Alderman Weaver made a motion to accept the condition that Alderwoman Wells gives the city recorder the corrections. City Attorney Bowers told Alderwoman Wells if she had an amendment she could just offer it as an amendment and move to amend the underlying motion then it can be accepted as friendly and they can move on. Alderwoman Wells made a motion to approve the minutes and to amend the underlying minutes. Alderman Weaver seconded.

Roll Call Vote:	Vice-Mayor Gentry	yes
	Alderman Miller	yes
	Alderman Weaver	yes
	Alderwoman Wells	yes

Vice-Mayor Gentry opened the floor for the first section of citizen comments.

1. Penny Rutherford requested the BMA to reconsider allowing her to purchase (2) two water taps for lot 1 in Bakersfield Subdivision. Ms. Rutherford stated that the lot had been subdivided. Mrs. Rutherford said that she and her daughter are prepared to build (2) two houses. Ms. Rutherford asked the BMA to consider approving a water tap which would be connected on Labrador Way and another water tap which would be connected on Dry Branch Road. Mrs. Rutherford said that Steve Cross with the Sullivan County Planning Board said that Sullivan County had never been notified that there was a limited amount of water taps in Bakersfield Subdivision. City Manager Weaver said that the plat was signed by Mayor Thomas

in 2000 to only allow (18) eighteen water taps in Bakersfield Subdivision and he felt like this would set a precedence but it is up to the board but Bluff City could not install (36) thirty six taps if more lots were subdivided. Mrs. Rutherford said that her address through 911 is 1120 Dry Branch Road. Recorder Dulaney said that the board should request the engineer to perform pressure checks and prepare a water study in that area. Alderman Miller said that it would be premature for the board to jump to any conclusion without a pressure area. Vice-Mayor Gentry said that they would get the engineer to do pressure checks.

2. Richard Rowe handed out copies of a water bill and requested that the city attorney read the 3<sup>rd</sup> paragraph which stated that if the bill remained unpaid (10) ten days after the gross amount due date service would discontinue without further notice and an applicable reconnection fee must be paid before service is restored and any service that is turned off for nonpayment will not be turned on except during 8:00 a.m. through 3:00 p.m. Monday thru Friday. Mr. Rowe asked the board what they thought that meant. Alderman Miller said that if you don't pay your bill your water will be turned off. Mr. Rowe complained about the wording on the water bills with regard to turning service off for non-payment. Recorder Dulaney said that there was an ordinance outlining the process of disconnecting service. The board instructed the city attorney to look into this.
3. Sherry Rowe commented that you can't get your service on after 3:00 p.m. however it was not turned off until after 3:00 p.m. so you have no opportunity until the next day to have the service turned back on and second most other utilities do say past due amount due immediately or past due amount subject to turn off without further notice. Ms. Rowe said that if they are going to turn water off they need to do it first thing of the day so when people come home they can get it turned on. Mrs. Rowe said that the issue is the time of day that the water is turned off.
4. David Smith requested the board to consider appropriating \$600.00 for the reserve police officers for the Chief to take them out to eat. Mr. Smith inquired as to if the board has checked on putting the roof on the caboose. Mr. Smith asked if they had found out anything about the bid for the rocks on the waterway. City Manager Weaver said that an individual is doing the measurements on the shoreline, but weather wise they have not been able to do it but he said that they were supposed to start on it Monday. Mr. Smith said he felt that the city is over extending themselves and he hoped that the board would look at this before they grant the two water taps in Bakersfield Subdivision. City Manager Weaver said that the city had

received three (3) bids and Bob Brown was the lowest bid and there was no action taken by the board.

Mike Eddy CPA presented a draft copy of the Annual Audit as of June 30, 2010 to the board. Mr. Eddy stated that the city received an Unqualified Opinion which is the best opinion you can get. Mr. Eddy reviewed the audits and findings with the board. (Audit is on file at city hall for anyone to review) Alderman Miller asked if there was a way that the board could set aside money to pay off the new city hall. Mr. Eddy told Alderman Miller no that it was a bond but the board can put funds in a board designated reserve account, which could only be for debt. Mr. Eddy advised the board that they needed to modify their investment policy. City Manager Weaver asked if it was best to write off the water bill delinquent debt at the end of the year. Mr. Eddy suggested to write off the delinquent water debt once a year or the board could come up with a policy that anything after a certain time past due annually the staff could go ahead and write it off and that it had been several years since anything had been written off as it was at the discretion of the board.

Vice-Mayor Gentry presented Resolution No. 2011-001 to the board for consideration. City Attorney Bowers read Resolution No. 2001-001, a resolution authorizing an application be submitted for a Community Development Block Grant in the amount of \$435,471.40 in grants funds and a match of \$43,068.60 for a total of \$478,540.00. Alderman Miller made a motion to approve Resolution No. 2011-001. Second by Alderman Weaver.

Roll Call Vote:	Vice-Mayor Gentry	yes
	Alderman Miller	yes
	Alderman Weaver	yes
	Alderwoman Wells	yes

Aaron Gillespie with the Piney Flats Volunteer Fire Department requested the board to consider appropriating \$11,000.00 for expenses incurred by the fire department and presented the board with a list of projected cost for the fire department outside of normal operating expenditures. Alderman Miller made a motion to appropriate \$11,000.00 for a one time appropriation in additional funding for the Piney Flats Volunteer Fire Department. Alderwoman Wells said that it was not that she did not want to give them money but the streets are in bad shape and there are still a lot of things to do around the city that this money could be used for also and it is not that she did not want to give them any money but they had been giving them money all along and this was different than what they did with the Rescue Squad. David Smith and Terry Jones asked the board to consider giving the money to the Fire

Department. Vice-Mayor Gentry said the city had been giving them \$5,000.00 a year all along. Second by Alderwoman Wells.

Roll Call Vote:	Vice-Mayor Gentry	yes
	Alderman Miller	yes
	Alderman Weaver	yes
	Alderwoman Wells	yes

The BMA wanted the discussion/action on the bids for the tractor and flatbed on the next agenda since this was Alderman Carrier's issue and he was not at the meeting.

No Report from Vice-Mayor Gentry.

City Attorney Bowers reported that in order to suspend an ordinance it must be suspended by the same action and the board would have approve another ordinance to either void or suspend the sign ordinance.

City Attorney Bowers reported that he found nothing in the MTAS Website, no AG opinions nor case law that would not allow the city to appropriate funds for the Police Reserve Officers and it would be at the pleasure of the board.

City Attorney Bowers stated that he called neighboring cities with regard to the ASCAP music licensing fees and they are kind of using the ostrich approach by putting their head in the sand and not returning calls to the licensing fee company. Attorney Bowers stated that they might use a small city like Bluff City as an example. Attorney Bowers said he would report to the BMA at the next meeting. Attorney Bowers said that the city might be the only one to pay the fee but his recommendation will most likely be to obtain a license for around \$350.00. Attorney Bowers said that if the city turns a profit to that festival then the city has to be licensed. Recorder Dulaney stated that the city did not make a profit. Attorney Bowers said then that would be something the board would have to decide.

City Attorney Bowers said that with regard to the short comings of the city's private act to address what happens when an alderman does not want to step up to the position of mayor he spoke to LT. Governor Ron Ramsey and he put him in contact with his staff attorneys and they are in the process of drafting an AG request and get the language correct and when he gets that back that should give the city an answer.

City Attorney Bowers presented the BMA with placards regarding the Roberts Rules of Oder to assist in keeping the meetings organized.

Alderman Miller thanked everyone for coming out.

Alderman Weaver thanked everyone for coming and thanked the fire department.

Alderwoman Wells thanked the fire department and thought that they did a good job and did not want them to take it the wrong way about what she said about the funds as she is trying to represent the city.

Vice-Mayor Gentry thanked everyone for coming and stated that the city has problems on everything coming and going and there are little things that can be corrected but they need to tweet little things and he appreciated the efforts and patience of trying to get some of the stuff worked out.

City Manager Weaver said that as far as the bids on the lake bank and boardwalk he had an outfit that if weather permitting will look at the footage Monday and assist with some guidelines in order to bid the project and this has been the hesitation on it.

City Manager Weaver presented a list of the confiscated vehicles and stated that the paperwork has not been received and Chief Nelson is going to check with Nashville.

Alderman Miller asked if policy is in place for the waterline on the swinging bridge to ensure that it will not freeze again. City Manager Weaver said yes. City Manager Weaver said that he was not going to point fingers toward the employees because he really did not think it was their fault as they drained the line before Thanksgiving but he contacted engineering and he would get an answer on how it happened.

City Recorder Dulaney stated that for the record she submitted the financial reports and cash balances were given to the BMA in their packets.

Chief of Police Nelson presented the report on the police department for the month of December. Chief Nelson said that they have already done the DUI Check Points so they had met the guidelines for the Governor's Highway Safety Grant. Alderwoman Wells asked what area did the 12 accidents occur. Chief Nelson said Highway 19E, Highway 11E and some in parking lots. Chief Nelson said that the city started the speed cameras in January and ended in December and they were averaging 13 to 14 wrecks a month in that area and after the cameras were installed they had less than twenty (20) accidents for the whole year and they have not had a traffic fatality there so the cameras are working. City Manager Weaver said that they had thirty-two (32) accidents in 2009 and they have had nine (9) accidents in 2010.

Alderman Miller asked Chief Nelson how much money he wanted for the reserve officers. Chief Nelson said he would like to come back to the next BMA meeting and let the board know how much money he would need after he had an opportunity to sit down and look at it because he did not deal with the reserve officers that Officer McClintock takes care of the reserve officers for him.

City Manager Weaver reported that the city is out of salt and they have used almost 50 ton and the city is on a waiting list for salt at this time. Recorder Dulaney stated that the city was under contract with North American Salt and the city had received their allotment but she had contacted the salt yard in Knoxville to see if another company will sell to the city. Alderman Weaver said he knew someone in Ohio that had salt. City Manager Weaver said that if the city contracted for more than 50 ton of salt they would not have anywhere to store it as the salt bin will only hold 50 ton. Recorder Dulaney said that she thought that Sullivan County was buying table salt mixed with something in Sevierville to put on the roads.

No reports from county commissioners.

Vice-Mayor Gentry opened the floor for old business:

Alderman Miller made a motion to authorize bids for the roof on the train caboose. Second by Alderman Weaver.

Roll Call Vote:	Alderman Miller	yes
	Alderman Weaver	yes
	Vice-Mayor Gentry	yes
	Alderwoman Wells	yes

Vice-Mayor Gentry opened the floor for new business:

The BMA wanted the recommendation from Mike Eddy CPA with regard to updating the investment policy to be put on next month's agenda.

Alderman Miller asked if the city could go ahead and start auctioning the confiscated vehicles. Recorder Dulaney said no as they are confiscated vehicles by the police department and as these cases go to court and disposed of then Nashville is supposed to send the Chief a release as to whether it is given to the City of Bluff City or the individual but Chief Nelson informed me that they had not sent him any paperwork on these vehicles. Vice-Mayor Gentry told Chief Nelson to prepare a list of the vehicles that the city can auction off and a list that he had not received the paperwork for. Chief Nelson reported that he had contacted Nashville and faxed the paperwork to them. Chief Nelson said that the only vehicles they can auction at this time are the old police cruisers and a motorcycle.

Alderwoman Wells asked if it was too early to start looking at the sidewalks that need to have work done on them and some of the streets that need repaving or other problems with the pavement and then also do they know anything about the signs. Recorder Dulaney said that it would not do any good right now as they don't know how much more bad weather there will be and they needed to look at this when the bad weather is over.

Alderwoman Wells said that they talked about sidewalks last year and still haven't got anything done and she did not want to wait until the last minute before they give away all of the money that the city has. Recorder Dulaney said that the city needed to prepare a list of streets and sidewalks.

Alderwoman Wells said that she did not understand about the signs because she had noticed that some signs have been changed in Johnson City and also in Bristol. Recorder Dulaney said that this would have to be included in next year's budget. City Manager Weaver said that the city had until January 22, 2012 to inventory the street and state signs and replaced by 2014.

Vice-Mayor Gentry hoped the floor for the second section of citizen comments.

1. Richard Rowe said that the city had a sign ordinance and asked when the city was going to start enforcing it. City Manager Weaver said tomorrow he would notify the building inspector. City Attorney said that by law the sign ordinance had never been suspended. Alderman Miller said that it was up to the press to let the folks know that things like this happen. City Attorney Bowers asked Mr. Rowe to please put it in his newspaper that the sign ordinance is still law. Richard Rowe asked if the tickets that were written before had to be paid. Alderman Miller asked what practices the city had in place to review the sign citations that are issued. City Manager Weaver said that a copy comes to the office. Alderman Miller asked if the citizens paid those funds directly to the city and not the inspector. Recorder Dulaney said that they can pay the inspector or pay city hall. Alderman Miller said that if it is appropriate for the inspector to collect funds on site then they need to make sure that he is issuing receipts for those as he knows that it is not occurring. Alderman Miller said he would like to see that policy changed as he did not think it was appropriate for the inspector to issue a citation and collect the money as all collection measures should come through the city offices. City Attorney Bowers said that he would review the ordinance and if the language is not there he can prepare an ordinance. Richard Rowe asked again if the citations will be collected. Richard Rowe said that some people have paid the citation and some have not and some want a hearing on it. City Attorney Bowers said that after he reviews the ordinance he will report back to the board. Alderman Miller said that if there is not a method to challenge the citation then the city needs one.

Vice-Mayor Gentry adjourned the meeting at 9:15 p.m.

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J. C. Gentry, Vice-Mayor

ATTEST:  
This 13<sup>th</sup> Day of January, 2011

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Judy Dulaney, City Recorder

