

Minutes
Regular Meeting
Bluff City Board of Mayor & Aldermen
December 9, 2010

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

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

Prayer was by Vice-Mayor Gentry followed by the Pledge of Allegiance.

Vice-Mayor Gentry stated that there was no quorum for the March 11, 2010 regular meeting.

Vice-Mayor Gentry presented the minutes from the Regular Meeting of April 8, 2010.

Alderwoman Wells had corrections as follows:

- Page 2, line 5 – After Carrier said that the city had a charter that they went by add Alderman Carrier stated that Alderwoman Wells did not even understand English and said that she wasn't even here.
- Page 2, line 11 – After the statement that a member of the board talked hateful to one of the board members or anyone else add Melvin Carrier stated "Learn something then".
- Page 8, line 6 – After the statement that Attorney's salary is paid by the citizens add I answered your question Mr. McDaniel stated.
- Page 9, line 1 – After the statement that Sid Hemsley was a senior legal consultant with MTAS add with over 30 years of experience.

Alderman Miller stated that given the city attorney's advice to the board about the record keeping of the minutes, and he understands that there may be some very specific corrections that Alderwoman Wells wants to make but would some of this not be considered frivolous at this point. Alderwoman Wells said no she did not think so as this is one of the minutes that was presented to the court that had not been approved so she thought it was necessary. Alderwoman Wells said that she assumed that would be from this point on.

- Page 11 – After Attorney McDaniel stated that the motion failed. Alderman Miller said no that the vote failed. Add Alderman Miller stated that we will be at a stalemate for a long time.
- Page 12 , line 14 – After the statement that Todd Malone resigned add Alderman Miller stated that Mr. Gentry was no more a member of this board than anyone else and should take his seat.
- Page 12, line 20 – After the statement that Attorney McDaniel said that it has been the law in the State of Tennessee for close to 100 years add in the Tennessee Supreme Court.
- Page 12 – After the statement that other board members that do not feel that way add Alderman Miller stated that he resigned and needed to be a big boy and leave.
- Page 13, line 11 – After the statement that the second try he quit and not only quit but he got up and walked away add Alderman Miller stated that J.C. was never elected and he should have thought out his facts and he left this town in a serious jam.

- Page 13 - In the City Attorney's opinion as well he is not a voting member of this member and needed to be changed to this board and Alderman Carrier says that he is in limbo and called Alderwoman Wells a stupid idiot.

Alderman Miller asked Alderwoman Wells if she had changes to the other minutes. Alderwoman Wells said not everyone but there were others. Alderman Miller said that in the quest expedience would she mind to just submit those changes to Ms. Dulaney and they can consider those at the next meeting with the changes already in place.

Alderman Miller made a motion to table April 8, 2011 minutes until the request for changes has been submitted. Second by Alderman Weaver.

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

Vice-Mayor Gentry stated that there was no quorum for the regular meeting on May 13, 2010.

Vice-Mayor Gentry presented the minutes for the regular meeting on June 10, 2010. Alderwoman Wells said that she had some changes on June 10th. Alderman Miller made a motion to table June 10, 2010 meeting. Second by Alderman Weaver.

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

Vice-Mayor Gentry presented the minutes for the Special Called Meeting on June 28, 2010. Alderwoman Wells made a motion to approve the minutes. Second by Alderman Miller.

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

Vice-Mayor Gentry stated that there was no quorum for the regular meeting on July 8, 2010.

Vice-Mayor Gentry presented the minutes from the Special Called Meeting on July 12, 2010. Alderwoman Wells said that the vote was not in the 3rd paragraph where the motion was made for

Alderman Miller to chair the meeting. Alderwoman Wells made a motion to approve the minutes with that addition. Second by Alderman Miller.

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

Vice-Mayor Gentry presented the minutes from the Regular Meeting on August 12, 2010. Alderwoman Wells said that she had some minor changes.

Alderwoman Wells changes to the August 12, 2010 minutes as listed:

1. Page 2, 2nd paragraph last line should read committed to this project.
2. Page 6, 8th line down should say representing the city, that.
3. Page 7, 1st paragraph 2nd sentence from the bottom it should read Mr. Malone stated he.
4. Page 15, 9th line down should read Mrs. Wells.
5. Page 21, last paragraph 10th line down should read Alderman Miller stated this is.
6. Page 23, 4th line from bottom should read Mrs. Wells.
7. Page 24, 1st paragraph last line should read Mrs. Wells.
8. Page 27, 8th line from bottom should read Mr. Rowe stated that.
9. Page 37, 3rd paragraph, 11th line down should read property and practices law in Bluff City city limits.

Alderwoman Wells made a motion to approve the Minutes from August 12, 2010 with the corrections. Alderman Miller made a second.

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

Vice-Mayor Gentry presented the minutes from the Special Called Meeting on August 19, 2010. Alderwoman Wells made a motion to approve August 19, 2010 minutes. Second by Alderman Miller.

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

Vice-Mayor Gentry presented the minutes from the Special Called Meeting on August 26, 2010. Alderwoman Wells made a motion to approve August 26, 2010 minutes. Second by Alderman Miller.

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

Vice-Mayor Gentry presented the minutes from the Regular Meeting on September 9, 2010. Alderwoman Wells said that she did not have time to read the minutes from September 9, 2010. Alderman Miller made a motion to table the minutes until Alderwoman Wells could read them and asked Alderwoman Wells to submit those changes ahead of time. Second by Alderman Weaver.

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

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

1. James Hodge, 121 Gibson Road, Johnson City, Tn. presented the BMA with pictures of the living conditions in some of the trailers in Lakeview Trailer Park and asked the BMA to look into the situation. Mr. Hodge stated that he had also spoke with the city building inspector and city manager about this situation.
2. Martin Papp, 416 Dogwood Trail, Piney Flats, TN. complained about the property on the corner of 11E and Webb Road, which is the Lyon Roofing Company. Mr. Papp stated that he had talked to Mr. Weaver two months ago and he told him that a letter was going to be sent to this company and that they were violation of the zoning ordinance and gave them thirty days to comply. Mr. Papp requested copies of this letter. Attorney Bowers stated that typically zoning regulations and even litter law ordinances for a city or a county are enforced through the Planning/Zoning Committee not through the Board of Aldermen. Attorney Bowers suggested that Mr. Papp come to the Planning Commission next Tuesday at 7:00 p.m.
3. David Smith, 200 Highland Circle, Bluff City, Tn. asked the Board if there had been any process of getting bids or getting any bonds on replacing the waterline going across the bridge since the city did not get the grant and it has been a year since the temporary waterline was put on the swinging bridge. Mr. Smith said the city was supposed to get bids for the roof on the caboose three or four months ago. Alderman Weaver said that the board had reviewed the bids and everyone at that time decided that it was a little bit more than what they wanted to do. Mr. Smith asked Vice-Mayor Gentry if he or the city was going to pay for his attorney Mr. Rambo.

Vice-Mayor Gentry said that he believed that it was in the paperwork for the board to consider tonight. Mr. Smith said he would like to get a copy of that.

Vice-Mayor Gentry closed the regular meeting at 7:55 and opened the Public Hearing for Ordinance No. 2010-011 at 7:56 p.m. No Public Comments. Vice-Mayor Gentry closed the Public Hearing at 7:57 p.m. and reopened the regular meeting.

Vice-Mayor Gentry presented Ordinance No. 2010-011 to the BMA for consideration on second reading. City Attorney, Keith Bowers read Ordinance No. 2010-011, an ordinance to amend Title 15, Chapter 8, Section 15-801 known as the "Traffic Camera Control Photographic Systems" of the Bluff City Municipal Code which would delete the Forty dollar (\$40.00) administrative fee from the citations and the fine would be Fifty dollars (\$50.00) and court costs of forty dollars (\$40.00) would only be assessed if the violator requests a hearing. Alderwoman Wells made a motion to approve Ordinance No. 2010-011 on second reading. Second by Alderman Weaver.

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

Vice-Mayor Gentry presented Resolution No. 2010-011 to the BMA for consideration. City Attorney, Keith Bowers read Resolution No. 2010-011, a budget resolution to approve inter-fund transfer to the General Fund in the amount of \$45,000.00 from unappropriated funds. Alderwoman Wells made a motion to approve Resolution No. 2010-011. Second by Alderman Miller.

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

Vice-Mayor Gentry presented Resolution No. 2010-012 to the BMA for consideration. City Attorney, Keith Bowers read Resolution No. 2010-011, a resolution appropriating funds in the amount of \$45,000.00 to the Bluff City Rescue Squad for a new vehicle in the amount of \$35,000.00 and \$10,000.00

for operating expenses. Alderman Miller made a motion to approve Resolution No. 2010-012. Second by Alderwoman Wells.

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

Vice-Mayor Gentry had no report.

City Attorney Keith Bowers reported that with regard to the ASCAP, which is an agency that is requiring the city to provide funds for music licensing which would include music at functions. Mr. Bowers said that he had started inquiring into a few other cities as to what they do. Mr. Bowers stated that music licensing even if used inadvertently can become a very serious and liable activity but he is trying to determine if the city uses any music in the city which would put the city under this licensing requirement. Mr. Bowers said that the cost would be \$300.00 per year.

City Attorney Bowers said that the 2007 property tax suit is pending and he has prepared an order substituting counsel and Attorney Bowers has provided permission and this is on the way to Chancellor Moody. Attorney Bowers stated that the recorder had given him the delinquent taxes for 2008/2009 on his first request. Attorney McDaniel stated that the city has a few different provisions in the charter for tax collection that is outside the general law. Attorney Bowers said that he would do some collection letters prior to moving forward to a tax sale.

City Attorney Bowers said that he retrieved the files from Shawn McDaniel's office yesterday.

City Attorney Bowers said that they had a meeting with TMLA which provides coverage for the police department with regard to a potential claim, but he did not see any liability on the city.

City Attorney Bowers said that he had talked to the recorder about updating the code book.

City Attorney Bowers said that he spoke with Sid Hemsley and with the Elections Coordinator, Jason Booher with regard to the vacant Mayor's position. Attorney Bowers said that from what they could see the charter was drafted with the intention that if a mayor stepped down or resigned that either the vice-mayor would step up or a member of the board would step up and take that position and the charter doesn't have any guidance as to what to do if none of the Board of Aldermen want to move up to the position of Mayor but the charter does give the vice-mayor authority to act in the mayors capacity.

Attorney Bowers said that the general code which has some specific provisions in so far as if the mayor's position is open or a Board of Alderman's position is open and cannot be filled you go to the next election. Attorney Bowers said that the mayor's position is open until 2013. Attorney Bowers said that Bluff City had two options in his opinion as they can do a written request to the election coordinator of Sullivan County to place the mayor's position on the ballot for 2011 to fill the unexpired term only or Bluff City may have to take the action of filing a declaratory judgment action before Chancellor Moody and letting him rule on whether the general law rules moves the city forward to an election or if the city stays without a mayor until 2013. Attorney Bowers said that the city could also contact the state representatives and ask for an attorney general opinion. Attorney Bowers said that he would rather have an attorney general opinion. Attorney Bowers said that he is getting a written opinion from Sid Hemsley on this matter. Alderman Miller asked this could be amended by ordinance. Attorney Bowers said no not the charter and can only be amended by private act which would be the ultimate long term fix but there is not time right now. Attorney Bower said that he would like the opportunity to get the MTAS opinion back and contact Jason Booher and talk with him and his attorney and see if they are all on the same page and if not he would like permission from the board to at least ask for an attorney general opinion. Alderman Miller made a motion for Attorney Bower to seek counsel from the attorney general after he has obtained the information. Second by Alderman Weaver.

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

Alderman Miller asked since the deadline to put anything on the general election is in February would Mr. Booher approve an extension. Attorney Bowers said that may not be Mr. Booher's decision and he might not be able to. Attorney Bowers said that the city may get an attorney general opinion faster if Lt. Governor Ramsey asks for it.

Chief of Police David Nelson presented the November report for the police department. (See Attached).

City Recorder Dulaney stated that for the record she had presented the BMA with the financial statements and cash account balances in their packets. Recorder Dulaney announced that there would be a public hearing at 10:00 a.m. on December 14, 2010 at city hall with regard to the Community Development Block Grant with regard to the water rehabilitation. Recorder Dulaney said that the City Manager said that he would contact TVA to see if the city needed a permit to install the gabien baskets around the shoreline. Recorder Dulaney stated that Vice-Mayor Gentry had asked her about his retroactive pay back to March. Recorder Dulaney said that the city attorney said that the board could do

that but there would have to be a board vote because the order did not say that the city had to pay the vice-mayor any retroactive pay which would be \$10.00 per month. Alderwoman Wells made a motion to pay Vice-Mayor Gentry pay back to March. Second by Alderman Weaver.

Roll Call Vote:

Alderman Miller	abstained
Vice-Mayor Gentry	yes
Alderman Weaver	yes
Alderwoman Wells	yes

Vice-Mayor Gentry opened the floor for new business:

1. Alderwoman Wells made a motion to authorize the disposal of confiscated vehicles for scrap. Alderman Miller asked for further clarification as to what is being sent for scrap and why the pieces could not be auctioned off. Alderwoman Wells withdrew her motion. Alderman Weaver made a motion to have the city manager give them a list of what he wants to scrap. Second by Alderman Miller.

Roll Call Vote

Alderman Miller	yes
Vice-Mayor Gentry	yes
Alderman Weaver	yes
Alderwoman Wells	yes

Alderwoman Wells asked if there were other thing such as computers that could be auctioned off. Recorder said that the last time that she and Mr. Weaver looked at the stuff there was not very much. Alderman Miller asked the board if they would consider having Sullivan County School's tech support personnel and zero the hard drives out and donate the computers to the local schools. The board said that they were fine with that.

2. Alderman Weaver made a motion to pay J.C. Gentry's attorney fees to John Rambo in the amount of \$9,076.75 and Judy Dulaney's attorney fees to Bruce Shines in the amount of \$3,250.00. Second by Alderman Miller.

Roll Call Vote:

Alderman Miller	yes
Vice-Mayor Gentry	yes
Alderman Weaver	yes
Alderwoman Wells	yes

3. Alderwoman Wells said that the board received a request from the Piney Flats Volunteer Fire Department asking that their funding be increased from \$5,000.00 last year to \$6,000.00 and an additional one time request of \$10,000.00. Alderwoman Wells asked if the funds were going to be paid before the end of December. Recorder Dulaney said that it was dispensed according to if cash flow allows but there is not a cash flow problem at this time. Recorder Dulaney said that if the board wants her to go ahead and send the funds she will. Recorder Dulaney said that she would prepare the resolutions and have them on a Special Called Meeting on December 14, 2010 at 6:30 p.m. Board asked to have Travis Justice with the Piney Flats Volunteer Fire Department to be at January meeting to discuss their request.

Vice-Mayor Gentry opened the floor for old business:

1. Alderman Weaver made a motion to table discussion/action on putting the city hall sign out on bid and discussing the bids on tractor and flat bed and put them on the January meeting when the city manager is at the meeting. Second by Alderman Miller. The board wanted more information with regard to these items. Attorney Bowers said that he would review the sign ordinance and report back to the board.

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

2. The City Recorder stated that the comptroller requires that the city do off sight backups. Recorder Dulaney presented a quote from Local Government Data Processing for off sight backup for \$195.00 for the first year and \$120.00 per year after that. Alderman Weaver made a motion to approve the off sight backup. Second by Alderwoman Wells.

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

Alderwoman Wells asked if the pump for the water had been taken care of. Recorder Dulaney said that the pump had been taken care of at Timber Ridge.

Vice-Mayor Gentry opened the floor for the second section of citizen comments:

1. Lon Gene Leonard of 508 Cedar Street commented that it was a shame that the citizens of Bluff City had to bear the cost of some frivolous lawsuit for some person to have their way like a bunch of children.
2. Betty Odell of Carter Street commented that she thought the \$10,000.00 difference from what the Bluff City Rescue Squad had originally requested is due to the delay from when they first asked for the money and the cost went up. Ms. Odell asked if there was any way that they could get more money for what they needed. Alderman Weaver said that the difference was in the type of truck that the squad wanted. Ms. Odell asked if something could be done about the hole at the railroad track on Carter Street. The Board asked City Attorney Bower to contact the railroad and see what could be done.
3. David Smith commented that something should be done for the reserve police officers and that the city could give the Chief \$600.00 to take them out to eat or something. Chief Nelson said that the reserves are a lot of help. City Attorney Bowers said that he would look into if it was legal.
4. J.T. Stevens with the Bluff City Rescue Squad present a Plaque of Appreciation for the citizen's support to the city.

Vice-Mayor Gentry adjourned the meeting at 9:06 p.m.

J.C. Gentry, Vice-Mayor

ATTEST:
This 9th Day of December, 2010

Judy Dulaney, City Recorder

