

Minutes  
Regular Meeting  
Bluff City Board of Mayor & Aldermen  
February 10, 2011

Meeting was called to order at 7:00 p.m. by Vice-Mayor Gentry.

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

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

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

1. Tim Rutherford addressed the board with regard to his request for two water taps in Bakersfield which one would connect on Dry Branch Road and the other would connect in the subdivision and he had not been able to get even one yet and he has paid for them. City Manager Weaver said that he could get one. Mr. Rutherford said that the city told Chad Baker that he would have to install the water tap and Chad said that his step sister owned that side and she sold it off and he wasn't doing it. City Manager Weaver asked the board what they would do if you make thirty-six taps in the subdivision and you can't furnish the water and the city only signed off on eighteen water taps for the subdivision. Alderman Miller said hence the water study. City Engineer Mark Hill said that a pressure test was done in the general area and the residual pressure was right at 40 psi which is more than enough pressure as 20 psi is required by the state. Mr. Hill said the original plat was approved and studied for 18 taps and he did not know exactly what size the line was that supported those 18 but if it is a large enough line then you could probably install 36 taps but if it was a smaller line by the time you got to the end of the line the pressure would drop out so much that you would not have any significant pressure. Mr. Hill said that he had not had time to do the modeling on the computer yet as they just completed the field test today. Mr. Hill said that once he models the information on the computer he can tell the board exactly what the pressure will be at the end of the line and he could get that to the board next week. City Manager Weaver asked Mr. Hill if he figured what it was going to be like in Bluff City if 36 water taps were to be allowed in Bakersfield. City Manager Weaver asked how much the water plant could stand after the 25 taps on Graybeal Road, 40 water taps for the condos at River Bluff Landing and 25 additional taps for Jarrell's are installed. Mr. Hill said that they did a water system capacity and analysis and the way they looked at it was from a source standpoint and the water system is operating at 72.2% of the capacity based upon what the water plant is rated and can only go up to 80% which is the permitted capacity, but at 80% TDEC regulations say that is it as you either have to increase the capacity of the water plant or reduce your usage. Mr. Hill stated that with the existing connections which is 1,032, the 18 planned for Bakersfield Subdivision, the 25 planned for Graybeal Subdivision and the 40 planned for River Bluff Subdivision it will leave 25 water connections as far as the source goes that could actually hook on assuming that all of those actually built out the way they were planned. Mr. Hill said that these figures are based on an average water use but if you get a heavy water user it will lower the numbers. City Manager Weaver asked Mr. Hill if these numbers included Jarrell's development. Mr. Hill said that Jarrell's development was not approved yet only proposed and was not included in these figures. Alderman Miller said

that he kept hearing that the city's aging water infrastructure is what really needed to be changed not just that they need to consider limiting the amount of taps. Recorder Dulaney stated that it had been talked about in the past about getting the engineer to do a study and submit it to TDEC to allow the city to increase the amount of water that they can produce at the water plant or the city will have to purchase water to provide to the customers. Recorder Dulaney said that this should really be one of the first things that needed to be done. Mr. Hill stated that the water plant was rated at 324,000 gallons per day at a given loading rate on the filter. Mr. Hill stated that the loading rate could be increased with the current filters. Mr. Hill said that he thought that the water plant could be increased to at least 400,000 gallons of water per day. Mr. Hill said that the water loss is around 32% to 33%. Recorder Dulaney stated that the limit with the state on water loss is 35%. Alderman Miller asked if city hall had any plans on reducing water loss. City Manager Weaver said that they do leak detection and when they find the leak they fix it and he did not know of any other way to do. Vice-Mayor Gentry said that you could only detect so much with what you got. City Manager Weaver said that they were lacking on a leak detector. Alderman Miller asked the city manager if he required more equipment to take care of that. City Manager Weaver said that they could use it. Alderman Miller said that was what the board was here for to support that so if he needed better equipment tell them about it and get it approved as this has never been brought up. Alderman Miller said that they could not continue to ignore this problem. Alderwoman Wells asked if it was possible to use some outside help. City Manager Weaver said yes he was sure he could find some outside help and he could contact Harold Glover with Blountville Utility to see if he could come in and help with the leak detection. Alderwoman Wells made a motion to direct city resources to locate and report back to the board prior to the next meeting about outside assistance with leak detection. Alderman Miller seconded the motion.

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

Alderman Miller made a motion to make a request to TDEC to increase the capacity at the water plant. Second by Alderwoman Wells.

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

Mark Hill stated that the static pressure on Dry Branch Road was in the 60 psi ballpark and the residual was around 40 psi and this was adequate. Alderman Miller asked what the city needed to do to pursue the problem on the road in Bakersfield with regard to the mapping being wrong.

Recorder Dulaney stated that Milton Boyd told her and City Manager Weaver that the laterals have not been laid under the road and the tap stumps have not been installed. Recorder Dulaney stated that Tysinger & Hampton were the engineers at that time but the city is responsible for the inspection. Recorder Dulaney stated that at one time the city had to make Mr. Baker uncover the lines because they had not put the metal wire in for leak detection. Alderman Miller said that after this is investigated by the water department to put it on the next agenda so that the board can revisit it either to be told that it has been resolved or what steps the board need to take to resolve it. City Manager Weaver said that Mr. Rutherford could have the one tap. Alderman Miller said that he wanted to make sure that the previous contractor has laid the appropriate amount of piping that was called for in the plans. Recorder Dulaney stated that the fire hydrants were removed from Bakersfield for some reason but she was not aware of that until the past couple of weeks but she did not know the reason because the mapping shows fire hydrants.

2. David Smith of 200 Highland Circle commented that they need to put the brakes on the water system and quit adding on taps because he could not see how the system was going to handle it. Mr. Smith said that they need to put the men at Underwood and start walking not riding the water lines to find the leaks as they pay them to do it. Mr. Smith said that there was raw sewage running out on the ground in Lakeview Trailer Park and the trailers are in very bad condition and suggested that the city not allow a trailer older than five years to be moved in as the old ones are moved out. Mr. Smith asked the board to go and look at these trailers and he thought that they needed to get the city attorney and city manager and the board to work together and make some new rules for the trailer parks. Alderman Miller asked City Attorney Bowers what action the city could take with regard to the sewage running out. City Attorney Bowers said that the city should put these people on notice and through planning see if the board wants to take further steps. City Manager Weaver said that the building inspector has condemned quite a few of them and they fix whatever will make code. City Attorney Bowers said that he would look at the city ordinances and report back to the BMA at the next meeting.
3. Mr. Rutherford requested the board to consider allowing him to install a tap on dry Branch Road from the Bakersfield Subdivision. Alderman Miller made a motion to authorize a tap for Mr. Rutherford on Dry Branch Road. Second by Alderman Carrier.

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

4. Lon Gene Leonard commented that the main problem with finding leaks is that the city has no one that knows how to operate the leak detection equipment as anybody that had been trained had been fired, run off or laid off and he suggested that some training would be needed.

Vice-Mayor Gentry presented the minutes from the Special Called Meeting on December 2, 2010 to the board for consideration. Alderwoman Wells stated that she thought that there would only be one traffic court date and the second court day would be on the regular traffic court date. Recorder Dulaney said that the resolution stated that there would be two traffic camera court dates if needed only. Alderwoman Wells said that at the previous meeting Weaver had clarified everything and that it meant one day for the traffic camera court and one regular court date. Recorder Dulaney stated that at this time they are having to use the two traffic court dates, but told the board whatever they wanted to do but the approved resolution said two camera traffic court dates. City Manager Weaver said that he thought it would slack off on the court dates after the \$50.00 fines goes into effect. Alderman Miller made a motion to approve the minutes for the Special Called Meeting on December 2, 2010. Second by Alderman Carrier.

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

Vice-Mayor Gentry opened the floor for discussion/action with regard to the tractor bids. Recorder Dulaney stated that the bid for the tractor and also the flatbed were only good for thirty (30) days and if the board was still interested they would have to rebid both items. City Manager Weaver said they did not have anywhere to store this equipment and he did not think that the city needed another tractor. No Action was taken.

Vice-Mayor Gentry opened the floor for discussion/action in the bid for the shoreline repairs. Recorder Dulaney said that the city received two bids and one of these bids was submitted by the city's building inspector. City Attorney Bowers asked if the building inspector was an employee of the city. Recorder Dulaney said that he received a 1099 at the end of the year. Attorney Bowers said that if the building inspector was an employee of the city he could not profit from the city. Alderman Miller said that it boiled down to what the opinion of the City Attorney was. Attorney Bowers said that he would be glad to do some research and see if there is any AG opinions on building inspectors and their definitions. Alderwoman Wells suggested that the board have a work session and look at the worst areas of the shoreline and could perhaps bid it in sections. Alderman Miller stated that he recalled a meeting with TVA. Recorder Dulaney said that yes she had met with TVA. Alderman Miller asked who was available to educate them. Recorder Dulaney suggested Konnie Lewis with TVA and perhaps she would come and discuss this issue with the board. Alderman Miller made a motion to table the bids for the shoreline repairs until the board can hold a workshop. Alderman Carrier made a second. Alderman Miller asked

how long the bids were good for. Recorder Dulaney said they were good for thirty days. Alderwoman Wells suggested that the next time they place the bid to increase the size of the advertisement. Recorder Dulaney said she always placed the standard size for the advertisement due to the cost but if the board wanted a larger ad she would do that.

Roll Call	Alderman Carrier	yes
	Vice-Mayor Gentry	yes
	Alderman Miller	yes
	Alderwoman Wells	yes

Vice-Mayor Gentry opened the floor for discussion/action on the bid for the roof on the caboose. Vice-Mayor Gentry said they only received one bid for the roof on the caboose from Dixie Construction Company. Recorder Dulaney said that the bid was for \$14,200.00. Alderwoman Wells made a motion to accept the bid for \$14,200.00 from Dixie Construction. Second by Alderman Miller.

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

Vice-Mayor Gentry opened the floor for discussion/action with regard to the agreement between the City of Bluff City and Shooter's Edge. Chief Nelson said that this was a post certified shooting range. Chief Nelson said that they had used Johnson City's firing range but it had become difficult to use their range. Chief Nelson stated that state law required the officers to do three kinds of qualifications. Chief Nelson said that the cost to use Shooter's Edge Firing Range would be \$600.00 per year. Alderwoman Wells made a motion to approve the agreement with Shooter's Edge for \$600.00 per year. Second by Alderman Miller.

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

Vice-Mayor Gentry presented the city's investment policy to the board for consideration. City Recorder Dulaney stated that this policy is required by the state. Alderwoman Wells made a motion to adopt the investment policy. Second by Alderman Carrier.

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

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Vice-Mayor Gentry opened the floor for discussion on the request for funds from the Bluff City Volunteer Fire Department. Steve Skaggs stated that the fire department is asking for \$2,000.00 above the annual funding that they receive from the city in addition to a one time request for \$40,000.00 to help purchase a service vehicle for the department. Alderwoman Wells asked if the fire department could furnish them with some bids for the vehicle they wanted and maybe the board could hold a workshop to discuss the request. Mr. Skaggs said that they had not started the bid process because they did not have the funding yet. Alderwoman Wells said that she would like to wait until the next budget to discuss the request for an additional \$2,000.00. Alderman Miller made a motion to table the request until the next board meeting so the fire department could get the information about the vehicle to the board. Second by Alderman Carrier.

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

Vice-Mayor Gentry presented Ordinance No. 2011-001 to the BMA for consideration on first reading. City Attorney Bowers informed the BMA of the changes in Ordinance No. 2011-001, an ordinance to amend Title 18, Chapter 1, Section 18-106 known as "Water and Sewer; Connection Charges." Alderwoman Wells made a motion to approve Ordinance No 2011-001 on first reading. Second by Alderman Carrier.

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

No report from Mayor.

City Attorney Bowers said that he spoke to City Manager Weaver and he said that the violations for the sign ordinance is not being collected and looking at the ordinance it would be a bad idea to have the person who is writing the violations to do the collections and City Manager Weaver said that this was not happening.

City Attorney Bowers said that the city is not actually cutting off water after ten days but are actually giving an additional month for grace. Attorney Bowers said that he contacted about ten local utility districts and everybody does it different. City Attorney Bowers said that his recommendation is that the city don't have unwritten grace periods and stick strictly to the policy. Alderman Miller asked if our current practice is a violation of any perceived contract on the water bill. City Attorney Bowers said that

it was certainly an argument that could be made either way. Recorder Dulaney said that the city had an ordinance that sets the guidelines. City Attorney Bowers said that they needed to follow it. Recorder Dulaney said that they did follow it. Attorney Bowers said that the water bill needed to reflect the policy.

City Attorney Bowers said that he felt if the city was going to have any kind of event that calls for a ticket to admit and music is played the city needed to have a license agreement in place and the cost of this is minimal compared to the potential liability. Attorney Bowers recommended that the BMA pay the approximately \$305.00 from ASCAP for the licensing agreement. City Manager Weaver asked if the city would still need the agreement if there was no profit involved. Attorney Bowers said that if the city is charging an admittance fee they would have a problem. City Manager Weaver said that the city did not charge an admittance fee. Recorder Dulaney said the city charged a booth/vendor fee.

City Attorney Bowers said that he had spoken with Lt. Governor Ramsey's office about requesting the Attorney General's Opinion as to the position of Mayor and the filling of that position by fact that no member of the board wants to take the position. Attorney Bowers said that Lt. Governor Ramsey had agreed to carry it as an AG request concerning the filling of an unexpired term as to if they fall back under General Law because the city's individual charter does not speak as to what to do if a member of the board wants the position. Attorney Bowers stated that after speaking with Lt. Governor Ramsey's attorneys, they came back with one idea that may be a resolution even better than the Attorney General's request. Attorney Bowers said that the board would probably want a workshop to talk about it. Attorney Bowers said that the board could draft an amendment to the private act amending the charter to have the language so if a member of the board refuses to take the vacant position then the board could take the applications from any resident in Bluff City and potentially fill the position that way. Alderman Miller asked if this was by appointment or election. Attorney Bowers said it would be by appointment to fill the vacant term only. Attorney Bowers said that the state attorney said that the city should potentially provide the city charter with language that would never let this happen again.

City Attorney Bowers said that he had already prepared an order with Chancellor Moody executing himself as the attorney for the city on the 2007 delinquent taxes. Attorney Bowers said that 2008 and 2009 are still outstanding. Attorney Bowers said that he had a proposed complaint on the delinquent taxes and he would get that to the recorder to get it sent out before the next meeting.

Vice-Mayor Gentry opened the floor for comments from the Aldermen:

1. Alderman Carrier commented that he was glad to see everyone come out tonight and hope they come again and ask more questions.
2. Alderman Miller said that he hated that the boy scouts left before the board had a chance to thank them for coming. Alderman Miller said that he appreciated the fire department and all they do and appreciated all the citizens coming out.

3. Alderwoman Wells said that she wanted to thank everyone for coming and thanked the fire department for the fine job that they do and to let them know that it is not that she is against what they proposed but she thought it was a good idea for the board to get additional information and as Judy said it was information that they had to have anyway.
4. Vice-Mayor Gentry thanked everyone for coming and appreciated the fine job that the fire department does and thanked them for their dedication.

No Report from the City Manger

City Recorder Dulaney said to let the minutes reflect that she had given the board the financial statements and cash balances in their packets.

City Recorder Dulaney stated that there was a mandate for all finance officers for every city in the State of Tennessee to be certified. Recorder Dulaney said that the Certified Municipal Finance Officer Program (CMFO) will be over a period of two years. Recorder Dulaney stated that each finance officer would have to pass eleven tests over a period of two years and the tests will be given every two months. Recorder Dulaney said that the first test was Tuesday and informed the board that she passed the exam with a 96. Recorder Dulaney said that the mandate was that each city had two years to get their finance officer certified or they would fine the city \$50.00 per day until they get a certified finance officer.

Chief Nelson presented the police report for the month of January to the board. Chief Nelson said that he had attended the 911 meeting and they just went over the budget and got him familiar with what was going on. Chief Nelson informed the board that all of the police officers had completed the training for the tasers. Chief Nelson said that Officer McClintock was on a call and could not be there to do his presentation on the police reserve but he would like to have it put on next month's agenda. Recorder Dulaney informed the board that Chief Nelson paid for the tasers out of the special drug fund.

Vice-Mayor Gentry opened the floor for old business:

1. City Manager Weaver said that the city hall needed a sign and they probably needed a workshop to discuss what kind of sign they wanted. Alderman Miller asked if they could make it part of the TVA workshop.
2. City Manager Weaver said that they needed a bullet proof glass installed where the girls take the money as they have no protection and they have had some irate people on them. Alderman Miller asked if they had been threatened with guns. City Manager Weaver said no they had not been threatened with guns but how do you know when one won't pop up. Alderman Miller asked if it was common place for other municipalities to have bullet proof glass and if so why it was not considered in the original construction of the building. Alderman Miller said that his concern was that Tuesday night was a surprise for him when he was there for Planning/Zone and he got scanned to come into a public meeting and the same thing happen tonight.



Alderman Miller said that he knew that there had been some recent events that may justify that, however, being a small community and having no less than two armed officers in the room at all times, there is already an immediate deterrent to that threat so his concern is that they were going a little overboard on screening people entering into a public building for a public meeting. Alderman Miller said that if the Judge wants it done the room becomes his court room and it is his prerogative as to what occurs. Alderman Miller said that he saw it as unnecessary. City Manager Weaver said so in Alderman Miller's opinion he did not think it would ever happen in this little town. Alderman Miller said that it is not will it ever happen and if it does the metal detector is not going to stop it. Alderman Miller said that all that City Manager Weaver had done was create an illusion of security. Alderwoman Wells asked if they could check into what some of the other areas do before they do this. City Manager Weaver said that he thought it was their responsibility to protect the people in there. Alderman Miller said that Chief Nelson and City Attorney Bowers would be able to remind him that there was a Supreme Court ruling that the police in this room have no legal requirement to protect us as individuals. There was discussion about whether anyone with a gun permit could carry a gun in public buildings.

Vice-Mayor Gentry opened the floor for new business:

1. Alderman Carrier made a motion to install a street light between 313 and 315 Lakeview Circle. Second by Alderwoman Wells.

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

2. Alderwoman Wells asked the board for a consensus to have the city attorney to check into obtaining a lease on TVA property where the trailhead is.
3. Alderman Carrier said that a few citizens had asked him about what happened to Mark Walker. City Manager Weaver said that he was dismissed. Alderman Carrier asked what the reason was. City Manager Weaver said that he was not allowed to say. City Attorney Bowers said that if the board wants to know but City Manager Weaver would certainly open himself up. Vice-Mayor Gentry said if they discuss it they would be opening up the board and the town for a lawsuit. Alderman Miller said that if it cannot be discussed in public then they would prefer it be delivered to the board members in private. City Attorney Bowers said that would be appropriate.

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

1. Chase Carrier at 351 Railroad Street said that he wanted to advise the board that at Lakeview Trailer Park Lot 6 there were six hearing impaired personnel living in the trailer. Mr. Carrier stated that they had made a request to the fire department to have smoke detectors installed in their residence. Mr. Carrier said that they had placed a call to the State Fire Marshall and they had a grant for smoke detectors and they are sending the fire department four hearing impaired smoke detectors. Mr. Carrier said that until these leak detectors arrive and are installed they have no way of being notified in the event that there is smoke in their home so he was requesting that the Police Chief make additional patrols through there during the day and night looking for any type of problems at that residence.
2. Gordon Peterson asked what the consensus was with regard to if Peterson Construction could do that bid job for the city. Mr. Peterson said that it was a corporation and his name is not on any of it. City Attorney Bowers said that the ordinance said direct or indirect. Gordon Peterson said that he was a subcontractor for the city not an employee and he could not afford to lose any work for \$800.00 a quarter or whatever it may be. City Attorney Bowers said that he would do an MTAS request and get a second opinion.
3. Richard Rowe of 119 Hillcrest stated that he owned the local newspaper and there was an ordinance on the books that the city was supposed to use him and he wasn't being used by the city for bids.
4. Jim Cross said that when he came to the meetings he did not want to come in fear but wants to come and see what is going on with our local government. Mr. Cross said it was like being accused of a crime before you have committed one and to search him down when he had not done anything. Mr. Cross said that city hall belonged to the people. City Attorney Bowers said that he did not have any problem debating the issue as he thought it was a good idea for security for everybody there and he believed the police department would do a good job. Alderwoman Wells said that she was for it. Mr. Cross said that this was harassment of the American people. Alderman Carrier stated that the board should vote on it.

5. Betty Odell said that the citizens should have been told that they would be scanned. Ms. Odell asked the board if they had voted on it. Alderman Miller said that it was never addressed to the board. Ms. Odell asked how he could do something like that without a board vote.
6. Lillian Cutten said that she did not know how the lawyer can have an input on what they do as he is just there to give advice to the board not to tell us what we need and what we don't need. City Manager Weaver said that he did he asked the attorney for legal advice. Attorney Bowers told Ms. Cutten that she was saying some things that were funny and making comedy about being scared but that was not what he was asked he was asked a for a legal opinion as to whether the city manager could have a security check point and he told him he could.
7. Lon Gene Leonard stated that it seemed like the Board is right back where they have been for the last two year or so as they still have double standards.

Vice-Mayor Gentry adjourned the meeting at 9:16 p.m.

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J. C. Gentry, Vice-Mayor

ATTEST:

This 10<sup>th</sup> day of February, 2011

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Judy A. Dulaney, City Recorder