

# Mayor & Board of Aldermen – Regular Meeting

## Meeting Minutes

July 20, 2023

Present: Mayor H. Michael Brown  
Vice Mayor Adrian Wiggins  
Aldermen Frank Cates, Debbie Hummel, Jeff Fisher & Alderman Sutton

### **Prayer and Pledge of Allegiance to the American Flag**

1. **Call to order by Mayor Brown**
2. **Prayer & Pledge of Allegiance to the American Flag**
3. **Establish Quorum**

All were present

#### **4. Approval of Agenda**

Town Manager Ellis requested Resolution 23-85 to be removed from the agenda.

Vice Mayor Wiggins made a motion to approve the agenda as amended. Alderman Sutton seconded the motion. All were in favor, none opposed.

#### **5. Reading and correction/Approval of Minutes of Regular Board**

##### **(A) May 22, 2023 Special Call Meeting**

Alderman Cates made a motion to approve the May 22, 2023 Special Call Minutes. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

##### **(B) May 23, 2023 Special Call Meeting**

Alderman Cates made a motion to approve the May 23, 2023 Special Call Minutes. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

##### **(C) May 30, 2023 Special Call Meeting**

Vice Mayor Wiggins made a motion to approve the May 30, 2023 Special Call Minutes. Alderman Fisher seconded the motion. All in favor, none opposed. The motion passed.

##### **(D) June 8, 2023 Special Call Meeting**

Alderman Fisher made a motion to approve the June 8, 2023 Special Call Minutes. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

**(E) June 15, 2023 Regular Board Meeting**

Vice Mayor Wiggins made a motion to approve June 15, 2023 Special Call Minutes. Alderman Sutton seconded the motion. All in favor, none opposed.

Vice Mayor Wiggins inquired if the Board could reconsider the approval of June 15, 2023 Regular Board Meeting Minutes. Alderman Sutton made a motion to reconsider the June 15, 2023 Regular Meeting Minutes. Alderman Hummel seconded the motion. All in favor, none opposed. The motion passed.

Vice Mayor Wiggins requested the detail related to property tax increase be removed from June 15, 2023 minutes as presented. Vice Mayor Wiggins made a motion to amend the June 15, 2023 Minutes removing the detail (numbers) related to property tax. Alderman Sutton seconded the motion. All in favor, none opposed. The motion passed.

**(F) June 22, 2023 Special Call Meeting**

Alderman Cates made a motion to approve the June 22, 2023 Special Call Minutes. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

**(G) June 29, 2023 Special Call Meeting**

Vice Mayor Wiggins made a motion to approve the June 29, 2023 Special Call Minutes. Alderman Fisher seconded the motion. All in favor, none opposed. The motion passed.

**(H) July 6, 2023 Special Call Meeting**

Vice Mayor Wiggins made a motion to approve the July 6, 2023 Special Call Minutes. Alderman Sutton seconded the motion. All in favor, none opposed. The motion passed.

**6. Citizen's Comments**

Earl Albright- Cross Creek Subdivision – Asked the Board to consider updating the equipment and chairs at the Activity Center. Also, consider having an instructor for senior exercise class.

John Finn – 100 Acadia Dr. – Inquired of methods in limiting the number of rental homes within town limits.

**7. Communications from the Mayor**

Congratulated Alderman Wiggins on the marriage of his daughter, Allison.

Natural Gas Utility– Consideration in scheduling meeting with Somerville Mayor, Ronnie Neil for further discussion in Oakland establishing a Natural Gas Utility. Suggested by Board to schedule at 6pm, (an hour prior) to the August 10, 2023 Work Session.

**8. Communication from the Aldermen**

Alderman Cates inquired of response in turning over the collections of delinquent Water and Sewer bills to Franklin Collection Agency, requesting a report to be submitted to the Board.

Vice Mayor Wiggins returned thanks to the Mayor and Board for the acknowledgment of his daughter's recent marriage.

Alderman Sutton recognized the hard work done by the Public Works, Water and Waste-water Departments.

#### Department Head Reports

Alderman Hummel, referring to the Building Codes report submitted to the Board, asked Director Wallace to clarify the date on as June 2023 and not November 2022.

Alderman Hummel, referring to the Fire Department report submitted to the Board, requested Chief Walls describe calls "(61) Dispatched and cancelled en route" and "(70) False alarm and false call, other". Chief Walls explained "(61) Dispatched and cancelled en route" could be an instance of a medical emergency and it was decided to take the injured by car for medical treatment causing the call to be disregarded/cancelled. As for "(70) False alarm and false call, other" would be for instance someone at the hotel pulling the alarm, the fire department would respond to the call finding it to be a false alarm. Note that "False Alarms" can be generated by a power surge which generates a call and usually is cancelled before the fire department leaves the station. Chief Walls stated as a deterrent in eliminating the number of false calls, a previous Board passed a resolution that allowed false alarms to be billed, however, there was no billing platform in place. Chief Walls suggested the possibility of collections to be turned over to the agency that is being used by the Water Department. Alderman Hummel asked Mayor Brown what steps are necessary to implement the process. Mayor Brown asked that a resolution be prepared and presented to the Board for consideration.

Town Recorder, Yvonne Bullard reported that the town's new Information Technology company was on-site for the first time, testing hardware, connections and repaired the non-working phone equipment(s) at the fire station.

Vice Mayor Wiggins recognized Finance Director Laura Hodges and staff for the report submitted to the Board.

#### 9. Town Manager Report

Mr. Harvey Ellis, serving as Interim Town Manager, thanked the staff for the support and assistance during the transition.

#### 10. Consent Agenda

None

#### 11. Old Business:

##### Hiring of Town Manager – Accepting the Contract of Harvey Ellis

Vice Mayor Wiggins stated contract Item 4 should be \$108,000 (one hundred eight thousand dollars).

Alderman Hummel stated contract item 11 should be changed to "any travel, conferences or training deemed necessary must receive Board approval."

Alderman Sutton made a motion that, "...reasonable and customary expenses of Ellis for any conference or training deemed necessary by the Board." Alderman Hummel seconded the motion. All in favor, none opposed. The motion passed.

A motion was made by Vice Mayor Wiggins to change the salary from \$112,000. to \$108,000. as the Board had previously determined. Alderman Fisher seconded the motion. All in favor, none opposed. The motion passed.

Alderman Fisher inquired if the salaries of the Mayor and Board, Town Manager and Attorney's be expensed throughout each department. Mayor Brown asked the issue to be presented at a work session.

Vice Mayor Wiggins made a motion to approve the Letter of Agreement, as amended, naming Harvey Ellis as Town Administrator. Alderman Cates seconded the motion. All in favor, none opposed. The motion passed.

## **12. Old Business: Ordinances Second and Final Reading**

### **(A) Consideration of Ordinance 23-13 Amending Court Cost Fines, Penalties and Costs**

A public hearing was declared open. With no one wishing to speak, the public hearing was closed.

Vice Mayor Wiggins made a motion the hear Ordinance 23-13.

Alderman Cates made a motion to approve the 2<sup>nd</sup> Reading of Ordinance 23-13. Alderman Fisher seconded the motion. All in favor, none opposed. Ordinance 23-13 passed.

## **13. New Business: Ordinances First Reading**

### **(A) Ordinance 23-14 Amending the Fiscal Year 23 Annual Budget to reflect year-end adjustments**

Vice Mayor Wiggins made a motion the hear the 1<sup>st</sup> Reading of Ordinance 23-14.

Alderman Sutton made a motion to approve the 1<sup>st</sup> Reading of Ordinance 23-14. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

### **(B) Ordinance 23-15 Amending the Fiscal Year 23 Annual Budget to reflect Contributed Capital**

A motion to hear the 1<sup>st</sup> Reading of Ordinance 23-15 was made by Alderman Sutton.

Alderman Sutton made a motion to approve the 1<sup>st</sup> Reading of Ordinance 23-14. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

### **(C) Ordinance 23-16 Adopting the 2023 Major Thoroughfare Plan**

A public hearing was declared open. With no one wishing to speak, the public hearing was closed.

A motion was made by Alderman Fisher to hear the 1st Reading of Ordinance 23-16.

Alderman Sutton made a motion to approve 1<sup>st</sup> Reading Ordinance 23-16. Alderman Cates seconded the motion. All in favor, none opposed. The motion passed.

**14. Old Business: Resolutions**

**(A) Resolution 23-64 Adopting the 2023 Urban Growth Boundary Map as Amended**

Alderman Cates made a motion to hear Resolution 23-64.

A public hearing was declared open. With no one wishing to speak, the public hearing was closed.

Alderman Sutton made a motion to approve Resolution 23-64 as recommended. Alderman Hummel seconded the motion. All in favor, none opposed. Resolution 23-64 passed.

**15. New Business: Consideration of Ordinances on First Reading**

None

**16. Consideration of Resolutions**

**(A) Resolution 23-80 Authorizing Issuance Bonds for the Wastewater Treatment Plant Rehabilitation and Expansion; Authorizing Mayor and Town Recorder to Execute Closing Documents**

Vice Mayor Wiggins made a motion to hear Resolution 23-80.

Vice Mayor Wiggins made a motion to approve Resolution 23-80. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-80 passed.

**(B) Resolution 23-81 Awarding the Fiscal Year 2023 Annual Audit Agreement**

Vice Mayor Wiggins made a motion to hear Resolution 23-81.

A motion was made by Vice Mayor Wiggins to approve Resolution 23-81. Alderman Fisher seconded the motion. All in favor, none opposed. Resolution 23-81 passed.

**(C) Resolution 23-82 Authorizing Transfer of Surplus Police Vehicle to Galloway Police Department**

Alderman Hummel made a motion to hear Resolution 23-82.

Alderman Hummel made a motion to approve Resolution 23-82 contingent of Galloway paying the Town of Oakland \$1,000 (one thousand dollars) for the vehicle. Alderman Fisher seconded the motion. A roll call vote was requested. Alderman Sutton = No, Cates = No, Hummel = Yes, Fisher = Yes and Wiggins = Yes. Three (3) voted in favor of and Two (2) opposed. Resolution 23-82 passed.

**(D) Resolution 23-83 Authorizing Execution of Agreement with Locality Media, INC – Fire Department**

Vice Mayor Wiggins made a motion to hear Resolution 23-83.

Vice Mayor Wiggins made a motion to approve Resolution 23-83. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-83 passed

**(E) Resolution 23-84 Authorization to Establish a Clearing Account for Town of Oakland**

Vice Mayor Wiggins made a motion to hear Resolution 23-84.

Vice Mayor Wiggins made a motion to approve Resolution 23-84. Alderman Fisher seconded the motion. All in favor, none opposed. Resolution 23-84 passed

**(F) Resolution 23-85 Hwy 64 West Water Line -Cost Share with Renaissance Development, LLC**

\*\*\*This item was removed from the Agenda.

**17. Consideration of Business Items**

None

**18. Other Items of Business**

None

**19. Credit Applications**

None.

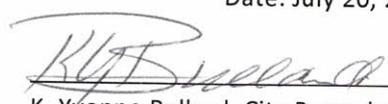
**20. Approval of Invoices**

Board was presented with 1 invoice.

Alderman Fisher made a motion to approve. The motion was seconded by Vice Mayor Wiggins. All in favor, none opposed. The motion passed.

**21. Meeting Adjourned** – A motion was made by Alderman Cates to adjourn the meeting.

  
H. Michael Brown, Mayor

Date: July 20, 2023  
  
K. Yvonne Bullard, City Recorder

**PAGE  
INTENTIONALLY  
BLANK**

# Mayor & Board of Aldermen – Regular Meeting

## Meeting Minutes

August 17, 2023

Present: Mayor H. Michael Brown  
Vice Mayor Adrian Wiggins  
Aldermen Frank Cates, Debbie Hummel, Jeff Fisher & Alderman Sutton

### **Prayer and Pledge of Allegiance to the American Flag**

1. **Call to order by Mayor Brown**
2. **Prayer & Pledge of Allegiance to the American Flag**
3. **Establish Quorum**

All were present

#### **4. Approval of Agenda**

Mayor Brown requested to add under “Consideration of Business Items” Ford Fly-In.

Alderman Cates made a motion to approve the agenda as amended. Vice Mayor Wiggins seconded the motion. All were in favor, none opposed.

#### **5. Reading and correction/Approval of Minutes of Regular Board**

None presented for approval.

#### **6. Citizen’s Comments**

Earl Albright- Cross Creek Subdivision – Commended the Parks & Rec Director in his response (to citizens comment) last month. Mr. Albright inquired about the status of the new park. Mayor Brown stated that dirt-work has been done and some asphalt laid. It continues to be a work in progress.

John Finn – 100 Acadia Dr. – Asked the Board what can be done related to the investment of education for Oakland’s children. Mayor Brown explained the school system is under authority of the County. He added, there is a provision in Oakland’s Charter allowing the establishment of a school system, however the cost is approximately \$65 million dollars prohibiting any consideration at this time.

#### **7. Communications from the Mayor**

Mayor Brown urged everyone not to drive on the fresh paving, which is barricaded off.

Mayor Brown tasked Harvey Ellis and Attorney Minor to review the franchise agreement with Somerville Gas and provide an update asap.

#### **8. Communication from the Aldermen**

Alderman Cates inquired of Director Weston, why the fishing rodeo was not scheduled and status of sports programs. The Director stated that TWRA had not responded to his calls related to stocking the pond. He reported signups for both soccer and flag football are taking place now, approximately 60 players have signed on.

Alderman Cates asked Director Wallace about the drainage issue next to Ace Hardware, stating he had addressed this issue with him and Mr. Johnson last year. Alderman Cates asked Harvey to follow up.

Alderman Hummel asked Fire Chief Walls why a resolution related to the collections of False Fire Alarm fees wasn't presented to the Board as discussed in last meeting. Chief Walls stated he was waiting for information from the state related to other fees that will fall under the resolution.

Alderman Hummel inquired of the calculation errors in the Building Code monthly report. Alderman Hummel requested a corrected report. Mayor Brown tasked Director Wallace to provide a corrected report to the Board.

Alderman Hummel conveyed she had requested information by email from Director Wallace on the family who resides on Mebane Road (2 storage units since December 2021), and the response was "working on it". Ms. Hummel asked Harvey Ellis to explain what's being done regarding the issue. Mr. Ellis described his conversation with the homeowner who was elderly and with health issues, as a burst water pipe in the ceiling had caused damage to the home, resulting in the removal of furniture into storage units. The homeowner is having problems with their insurance company. Mr. Ellis offered that he and Rex will work on the issue tomorrow. Ms. Hummel asked Rex if compliance procedures were being followed (60 Day Notice to remove the containers)? Director Wallace stated the homeowners are being given 60 days from yesterday (Aug. 16, 2023) to have them removed. Director Wallace said he was exercising caution in this, due to the elderly couple's health, indicating that he would reach out for assistance in the matter. Alderman Hummel suggested contacting a Veteran Agency. Alderman Hummel expressed the importance of consistency in enforcing the code.

Alderman Sutton asked Chief Walls how many people are signed up on the TEXTMYGOV system. Chief stated there were approximately 600. He offered the opinion that the system is not practical for the town. Mayor Brown tasked Chief Walls to explore other options.

Alderman Fisher stated employees are requesting paint and new carpet for offices located in Town Hall (170 Doss Circle), since the new city-hall will not be ready to occupy for a few years.

Vice Mayor Wiggins thanked the Fayette County Public Works in their quick response to an issue that affected Oakland residents.

#### **Department Head Reports**

Alderman Fisher addressed Finance Director Hodges if the process of separating the Water and Sewer Funds underway. She replied, due to audit(s), she has not yet separated them.

Alderman Fisher addressed Dennis Mullins of Storm Drain repair. Dennis reported 950 lbs. of foam in the last couple of days, which will be in next month's report. This month there have been 4 repairs.

Alderman Fisher thanked Public Works for cleaning up and cutting the Park, which was immaculate.

Alderman Fisher inquired of Director Armstrong the time frame of billing, last notice then cut-off. Director Armstrong explained the bills are sent out the 1st of month, late notices are issued the 15<sup>th</sup> and cut-off normally done on the 25<sup>th</sup> of each month, unless it's a Friday or holiday. Alderman Fisher asked what fees were related to late notices and if there was a cutoff fee. Director Armstrong stated a small penalty is charged for payment received late (after 15<sup>th</sup> – 24<sup>th</sup>), and an additional \$30 fee is added on the 25<sup>th</sup> for all unpaid bills.

Alderman Fisher referring to Code's monthly report asked Director Wallace to explain Firework Permits. Director Wallace explained not all firework permits are submitted to the town and paid at the same time. In this instance there were two vendors and five tents; 3 permits were paid in May and 2 permits paid in June.

Vice Mayor Wiggins recognized the Oakland Police Department for their great job in insuring Oakland as one of the safest communities to raise a family in the entire country. Police Chief Earl said Oakland employs good officers, they are visible in the community and traffic stops have a large impact in the reduction of crime in the community.

#### **9. Town Manager Report**

Town Manager Ellis reported to the Board the electric service for subdivision entrance lights have been taken out of the Town's name as directed. However, the service meter at Northwoods connects both the entrance lights and the lake fountain. Pricing to separate the services are being researched.

#### **10. Consent Agenda**

None

#### **11. Old Business: Ordinances Second and Final Reading**

##### **Ordinance 23-16 Adopting the 2023 Major Thoroughfare Plan**

A motion was made by Vice Mayor Wiggins to hear the 2nd Reading of Ordinance 23-16.

Alderman Sutton made a motion to approve 2<sup>nd</sup> Reading Ordinance 23-16. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

#### **12. New Business: Ordinances First Reading**

##### **(A) Consideration of Ordinance 23-17 Amending the Zoning Ordinance of the Town of Oakland Regarding Mini-Warehouse Land Use in the B-2 Highway Oriented Business District**

A public hearing was declared open:

1. John Finn – 100 Acadia – Ask if this was a storage facility where RV's can be stored?

*Alderman Fisher answered no, mini-storage units.*

2. Judy Miller – 150 Country Wood LN. – Will a turning lane be put in?

*Alderman Sutton answered there will be a lot of infrastructure changes to accommodate the increased traffic.*

The public hearing was declared closed.

Vice Mayor Wiggins made a motion to hear the 1<sup>st</sup> Reading Ordinance 23-17.

Brenda Basar a representative of Solomito Land Planning was in attendance on behalf of the property owner and developer Michael Hall. She briefed the Board on site specifics. She described the property as deep and narrow limiting its use. The proposed use of this property is a “package deal”, a Chick-Fila on the front and mini-storage at the back. She stated there will be traffic studies, talk to engineers and state.

Vice Mayor Wiggins asked Ms. --- if the “package deal” was a definite decision, which she emphatically stated was a “package deal” which is riding on this entitlement.

Alderman Fisher asked if the ditch would present an issue. Ms. Basar stated they are required to stay 60 feet from the center line of the stream and all the site plans will accommodate that.

Alderman Hummel reiterated that should the rezoning not be approved, that would mean there would be no Chick-fila. Ms. Basar stated that was correct.

Vice Mayor Wiggins made a motion to approve the 1<sup>st</sup> Reading of Ordinance 23-17. Alderman Sutton seconded the motion. All in favor, none opposed. Ordinance 23-17 passed.

### **13. Consideration of Resolutions**

#### **(A) Resolution 23-86 Authorize Bidding for Fiscal Year 2023 Storm Drain Repair**

Vice Mayor Wiggins made a motion to hear Resolution 23-86.

It was established the funding would be from the Public Works Budget.

Alderman Fisher made a motion to approve Resolution 23-86. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-86 passed.

#### **(B) Resolution 23-87 Approving Assignment from King Engineering to A2H**

Vice Mayor Wiggins made a motion to hear Resolution 23-87.

Alderman Fisher inquired if the contracts could be transferred to another engineering firm, should the Board choose? Attorney Minor stated that would be a right of the Board.

Alderman Sutton expressed concern of the rates that will be charged for the remainder of the contract. Attorney Minor pointed out Item #2 under “Assignment”, which he interprets that A2H is accepting the contracts as written. Attorney Minor suggested that he and Mr. Ellis contact A2H to talk about the concerns expressed and to determine the status of each contract. Mr. Ellis recommended to the Board to table Resolution 23-87.

A motion was made by Alderman Fisher to table for Resolution 23-87. Alderman Cates seconded the motion. All in favor, none opposed. Resolution 23-87 was tabled.

**(C) Resolution 23-88 Authorize Bid Award for Residential Solid Waste Collection Services**

Vice Mayor Wiggins made a motion to hear Resolution 23-88.

Steven Litton was present representing Team-Waste.

Lori Joyner was present representing Waste-Pro.

Alderman Sutton questioned if the quotes received met the bid specs.

Alderman Sutton made a motion to take a 5-minute recess for Attorney Minor to review the bid-specs. The motion was seconded by Vice Wiggins. All in favor, none opposed.

The Board reconvened.

Attorney Minor ruled the Waste-Pro bid proposal was incomplete.

Alderman Hummel made a motion to approve Resolution 23-88 awarding the contract to Team-Waste. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-88 passed.

**(D) Resolution 23-89 Authorize Bidding for Fiscal Year 2023 Lift Station Telemetry Upgrades**

Alderman Sutton made a motion to hear Resolution 23-89.

Alderman Sutton made a motion to approve Resolution 23-89. Alderman Cates seconded the motion. All in favor, none opposed. Resolution 23-89 passed

**(E) Resolution 23-90 Authorize Purchase of three Flock Cameras for Police Department**

Alderman Fisher made a motion to hear Resolution 23-90.

Alderman Fisher made a motion to approve Resolution 23-90. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-90 passed

**(F) Resolution 23-91 Authorizing New Purchase Contract with Thomson Reuters for Clear Investigation Software**

Vice Mayor Wiggins made a motion to hear Resolution 23-91.

Alderman Fisher made a motion to approve Resolution 23-91. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-91 passed

**(G) Resolution 23-92 Approving Change Order Number One to the Project Entitled Roadway Improvements, 2023, Phase Two**

Vice Mayor Wiggins made a motion to hear Resolution 23-92.

Vice Mayor Wiggins made a motion to approve Resolution 23-92 contingent of Mr. Ellis and Attorney Minor contacting Browning Construction. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-92 passed

**14. Consideration of Business Items**

Mr. Ellis requested a work session on September 7, 2023 at 6pm.

Mayor Brown requested the Board's wishes of his attending the Ford meeting in Dearborn MI.

Alderman Sutton made a motion granting the Mayor to attend with the town paying \$1,100 (eleven hundred dollar) registration fee. Alderman Fisher seconded the motion. All in favor, none opposed. The motion passed.

**15. Other Items of Business**

Mr. Ellis made a recommendation to promote Dennis Mullins as the Public Works Director.

Alderman Sutton made a motion to appoint Dennis Mullins as Public Works Director. Alderman Hummel seconded the motion. All in favor, none opposed. The motion passed.

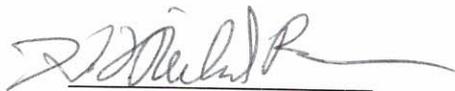
**16. Credit Applications**

None.

**17. Approval of Invoices**

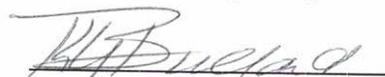
None

**18. Meeting Adjourned** – A motion was made by Alderman Cates to adjourn the meeting.



H. Michael Brown, Mayor

Date: August 17, 2023



K. Yvonne Bullard, City Recorder

**PAGE  
INTENTIONALLY  
BLANK**

# Mayor & Board of Aldermen

## Special Call Meeting 6:00pm

### Meeting Minutes

September 7, 2023

Present: Mayor H. Michael Brown  
Vice-Mayor Adrian Wiggins  
Aldermen Frank Cates, Debbie Hummel, Jeff Fisher and Ken Sutton

#### **Prayer and Pledge of Allegiance to the American Flag**

1. **Call to order by Mayor Brown**
2. **Establish Quorum** – All present
3. **Approval of Agenda**

Vice Mayor Wiggins made a motion to approve the agenda as presented. Alderman Hummel seconded the motion. All in favor, none opposed.

4. **Business Items:**

#### **Resolution 23-87 – A RESOLUTION OF THE TOWN OF OAKLAND, TENNESSEE APPROVING THE ASSIGNMENT FROM KING ENGINEERING CONSULTANTS, INC. TO A2H, INC. OF ALL AGREEMENTS BETWEEN THE TOWN AND KING ENGINEERING CONSULTANTS, INC. FOR PROFESSIONAL SERVICES**

A motion was made by Vice Mayor Wiggins to hear Resolution 23-87.

Town Manager Ellis stated this item was tabled during the last board meeting and is of urgent matter due to pending work and payments involving this matter. The resolution is being proposed to transfer the current King Engineering contracts to A2H Inc. In the previous meeting Attorney Minor was asked by the Board to review the contracts, he reported his findings as; the agreement states A2H is obligated to honor the contract presented “in full force and effect and not otherwise modified”. The fee schedule set by King Engineering must be honored.

Alderman Sutton pointed out that King Engineering has already provided services and worked on certain jobs. He inquired, will A2H assume the responsibility should a problem occur with any of those jobs performed? Attorney Minor read a portion of the contract aloud; “in assuming the contract, including all prior, current and future projects”.

Pat Hardcort, CEO of A2H addressed the Board’s concerns, there would be “no change in the contracts at all within the statute of limitations”. Attorney Minor explained there is a 1-year, 3-year and 6-year statute.

Alderman Sutton expressed concern in where and how the history and knowledge of the town held by King Engineering will be kept and stored. Mr. Hardcort stated the information will be digitized over a period of time and

with a copy supplied to the town. Mr. Sutton asked if there was written agreement to that effect, which was answered no. Mayor Brown stated the verbale agreement is now in the minutes.

Alderman Hummel made a motion to approve Resolution 23-87. Alderman Sutton seconded the motion. All in favor, none opposed. Resolution 23-87 passed.

## 5. Other Business Items:

### A) Consideration of Change Order #5 in the amount of \$17,208.79 Wagner Construction- Oakland Sports Park PH 1

Town Manager Ellis reiterated to the Board that Oakland was issued a TDEC Notice of Violation for erosion control issues, stating he had spoken with the engineer and contractor, who submitted the change order that will address the violation issues. Mr. Ellis referring to Line 4, use \$20k "Credit for Survey Allowance" and take the addition \$17,208.79 from the current Parks and Recreation Budget Fy2024 line 942 "General Purpose Machinery Equipment".

Board discussion determined, if this request is passed, this matter should be taken up with the engineer that was paid to do a job, insuring against such violation, then pursue in recouping the town's funds related to Wagner Change Order #5.

Vice Mayor Wiggins made a motion to approve Wagner Change Order #5. Alderman Sutton seconded the motion. Four votes in favor, one opposed. The opposing vote was cast by Alderman Fisher. Wagner Change Order #5 passed.

Mayor Brown tasked Attorney Minor with drafting a letter to the engineer.

### B) Review of Letter from TN Comptrollers Office regarding the FY24 Budget

Town Manager Ellis referred to a "Conditional FY24 Budget Approval" letter from the TN Comptroller's Office dated August 22, 2023, asking the Board to focus on the three deficiencies addressed in the letter. He stated the Town is given "90 days" from the date of the letter to respond.

Mr. Ellis spoke:

#1 – Planned Spending Exceeds Revenue and Total Available Cash – Solid Waste Fund by \$99,081. He recommended amending the Solid Waste Budget, removing the Street-sweeper (\$225,000) allocated as an FY24 capital expense.

#2 – Planned Spending Exceeds Total Available Funds – Future Fire Fund- Cash Fund by \$193,819 and Fund Balance by \$70,507. Recommendation to transfer \$200k from General Fund to Future Fire Fund.

#3 - Planned Spending Exceeds Total Available Funds – Park Special Fund- Cash Fund by \$1,462,670 and Fund Balance by \$1,413,797. Recommendation of \$709,505 from General Fund Assigned Balance and \$1,054,000 from Local Grant Loan Program, reporting the loan funding was not correctly applied on the budget.

Mr. Ellis stated the Comptroller agreed with the recommendations presented to the Board, stating he will forward the letter to the Board Members.

Alderman Sutton asked if the money can be loaned to the Future Fire Fund anticipating it to be paid back to the General Fund. Mr. Ellis referred the question to the town auditor, Mitzi Wickberg, who stated if you're loaning it to a fund, it is required to be paid back; and the State will issue a repayment plan. The loan would then be considered a

debt and would have to be approved as such by the State. However, if the money is being transferred, repayment is not required.

Mr. Ellis explained the \$18M loan was contingent upon the TN Comptroller's approval of the FY24 Budget with a deadline date of August 31, 2023. Without the approval, the loan would not have been attainable.

Vice Mayor Wiggins asked how it is possible the budget was off by so much in each of the funds? Finance Director Hodges stated budget numbers presented to the Board were miscalculated. Town Recorder Bullard agrees that tabulation issues, transposed numbers, as well as missing numbers all played a part. Recorder Bullard suggested that future budgets are reviewed in their entirety throughout the budget period, as opposed to 1 time in the initial presentation.

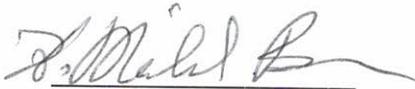
I, Yvonne Bullard Town Recorder, wish to include in the minutes, for the record; beginning fund balances and cash balances were missing or misstated, causing ending balances to be incorrect. The previous fiscal year(s) budget lines had incorrect or missing amounts, the excel spreadsheet was not properly utilized, everything was manually keyed and not brought over from FY23 Budget or FY23 budget amendments, there were no formulas setup, allowing for calculation errors.

Vice Mayor Wiggins made a motion to approve the Town Managers recommendations. Alderman Sutton seconded the motion. All in favor, none opposed. The motion passed.

## 6. Adjournment

A motion was made by Vice Mayor Wiggins to adjourn the meeting.

Date: September 7, 2023



H. Michael Brown, Mayor



K. Yvonne Bullard, City Recorder