

Mayor & Board of Aldermen – Regular Meeting

Meeting Minutes

June 15, 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 Johnson referred to Consent Agenda, Item "E" Resolution 23-63 be placed on the regular agenda and Item 15a, in addition requested Resolution 23-65 to be withdrawn from the presented agenda. Alderman Sutton asked that Resolution 23-65 remain on the agenda and be reserved for an opinion from Attorney Minor's.

Vice Mayor Wiggins made a motion to approve the agenda placing Consent Item "E" Resolution 23-63 on regular agenda and leaving Resolution 23-65 on the agenda as presented. Alderman Fisher seconded the motion. All were in favor, none opposed.

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

(A) May 11, 2023 Special Call Meeting (5:15pm)

Alderman Cates made a motion to approve the May 11, 2023 Special Call Minutes (5:15). Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion passed.

(B) May 11, 2023 Special Call Meeting (5:30pm)

Vice Mayor Wiggins made a motion to approve the May 11, 2023 Special Call Minutes (5:30). Alderman Hummel seconded the motion. All approved, none opposed. The motion passed.

(C) May 18, 2023 Regular Board Meeting Minutes

Vice Mayor Wiggins requested a correction on page 4 related to Resolution 23-41. The 4-hour Rental for Resident should be \$70. (seventy dollars). Mayor Wiggins made a motion to approve the minutes as amended. Alderman Sutton seconded the motion. All in favor, none opposed.

6. Citizen's Comments

Lyn Palmer- 95 Black Hill Dr. – Electricity at Subdivision Entrance - Requested additional time by the town before terminating the service to determine how Northwood Estates residents will address the payments to Chickasaw going forward.

Lee Thomas – 75 Evening Shade Cv. - Electricity at Subdivision Entrance -Requested additional time before terminating the service to establish means of receiving the bill and residents paying the bill.

Dale Jennings – 30 Cameron Dr - Electricity at Subdivision Entrance – Expressed a standard has been set by the town and should continue.

7. Communications from the Mayor

None

8. Communication from the Aldermen

Vice Mayor Wiggins – Announced a national statistic, that as of the last few days the numbers of Police Officers killed in the line of duty has reached 100. While Oakland is next door to one of the most dangerous cities in America, Oakland is identified as the 3rd safest city in TN. The Chief of Police and his department were recognized for putting their lives in danger to ensure the town's safety. The Board and citizens were asked to consider all that is at stake, as discussion of budget funding is taking place.

9. Department Head Reports

Alderman Sutton inquired of Director Wallace of Code Enforcement, if there was an ordinance in place indicating the number of days that firework tents are allowed to be erected in advance of and how many days it can remain up after the holidays. Director Wallace stated there was nothing in the Municipal Code regarding either. Alderman Sutton asked if the permit indicates how long its valid, which Director Wallace stated permits for July 4th are valid June 20th – July 9th and permits for New Years are valid Dec 21st -Jan 5th. As for the ordinance, it states all paperwork must be submitted to the Codes Office one week before sales; at this point there were 3 permits that missed the deadline by 1 day. Alderman Cates and Sutton asked, if the permit is not valid before, example, June 20 how is it possible to have tents up in early June? Mayor Brown agreed this was a valid issue to be taken up. Alderman Sutton went further in asking, are the valid permitted dates established as dates to sell fireworks or it is designating the dates which they have permission to have tents up? It was deemed by this Mayor and Board of Alderman to work on amending the ordinance.

Alderman Fisher asked Attorney Tom Minor if he could give the Board an update on what took place at the Fayette County School Board Meeting, that he attended this evening, specifically the use of

school facilities for Town of Oakland sponsored events. Attorney Minor spoke on the agreement being broad and inclusive enough to allow for the events.

10. Town Manager Report

Mr. Johnson announced the Annual 4th of July Celebration will kick off at West Jr. High School, 4:30pm Friday, June 30th with the fireworks display at 9pm. There will be food trucks and children's activities.

Mr. Johnson stated there are two (2) Special Meetings scheduled: June 22 and June 29, both at 7pm.

11. Consent Agenda

Alderman Fisher requested the removal of Item "B" – Insurance Coverage for Military Helicopter Display

- A. Resolution 23-60: Contract Renewal with Aquatic Control Inc. for 3-year term in amount of \$11,040**
- B. Item moved to regular agenda: Acknowledge Town Attorney Report on Insurance Coverage for Static Display of a Military Helicopter**
- C. Resolution 23-61: Establishing Petty Cash Policy**
- D. Resolution 23-62: Authorizing Sole-Source Purchase of Smith & Loveless Variable Drive Pump from Van Brocklin & Associates for Waste-Water Treatment Plant**
- E. Item moved to regular agenda: Resolution 23-63: Authorizing Sole-Source Purchase of Outdoor Storm Warning /Tornado Siren from ComServ**

Alderman Hummel made a motion to approve the Consent Agenda as amended. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The amended Consent Agenda was approved.

Alderman Sutton made a motion that "Consideration of Business Items" to be heard next, changing the order of the agenda. Vice Mayor Wiggins seconded the motion. All in favor, none opposed.

12. Consideration of Business Items: Subdivision Entrance Lighting -Terminating Electric Service

The Town of Oakland has been receiving and paying the electric bill for subdivision entrances for many years. Mr. Johnson explained that public funds are being used to pay for services that are private property. In a previous meeting it was decided by the Board to notify the HOA or someone living in the subdivision that the town would be contacting Chickasaw Electric to terminate the service. To clarify any misconception, the notification was not sent to an individual home expecting them to pay the bill, it was asked of the recipient to make the necessary arrangements in having the service changed over before the services are terminated.

It was the decision of the Board to act on the request of those who commented during "Citizens Comments", in extending the termination date from July 1, 2023.

Alderman Sutton made a motion to extend the termination to one billing cycle beyond the current one. Alderman Cates seconded the motion. Four (4) in favor, one (1) opposed. Vice Mayor Wiggins cast the opposing vote. The motion passed.

13. Old Business: Ordinances Second and Final Reading

(A) Ordinance 23-10 Amending Ordinance 16-02 Water Rate Calculations

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

Vice Mayor Wiggins made a motion to approve the 2nd Reading of Ordinance 23-10. Alderman Sutton seconded the motion. All in favor, none opposed. The motion passed.

(B) Ordinance 23-11 Adopting the FY 2024 Annual Budget and Consideration of Motion to Amend to reflect changes from Budget Review Work Sessions

A motion to hear the 2nd Reading of Ordinance 23-11 was made by Alderman Cates.

Alderman Cates and Fisher requested that Mr. Johnson summarize the contents of this ordinance for the benefit of citizens that may wish to speak when the public hearing is opened.

Mr. Johnson explained the public hearing is on the proposed FY24 Annual Budget which begins on July 1st ending June 30, 2024. The budget notice was published in the Fayette Falcon and the town's website. There will be a series of budget amendments based on budget meetings. As "presented" there are no property tax increase included in the budget and no fee increases involved.

Mayor Brown declared the public hearing open. With no one approaching the podium, the public hearing was closed.

Alderman Cates made a motion to approve the 2nd Reading of Ordinance 23-11 (per Mayor Brown). Alderman Fisher seconded the motion.

Alderman Sutton requested discussion. Mr. Johnson asked the Board to consider amending the motion on the floor. The first motion to amend would be the sheet/summary provided to the Board, which reflects the changes from your budget work sessions, where each budget line item was reviewed, and revisions were made. The summary is information from the work session items and nothing more. The changes were not dependent on a property tax increase.

***NOTE** It was stated by Alderman Sutton, that Alderman Cates' earlier motion was to hear.* Mayor Brown asked for a motion to amend, to incorporate funds from property tax increase both revenue and expenses. Vice Mayor Wiggins made the motion (as stated by Mayor Brown); Mr. Johnson interjected "Budget Work Sessions". The motion was seconded by Alderman Sutton. All in favor, none opposed.

Mr. Johnson introduced the second motion to amend would allocate the funds from the proposed property tax increase (as discussed a in work session), this would reflect those monies. If there is a desire to change that, this is the time to do it. A document was prepared and presented indicating the various increase amounts as requested by the Board. Mr. Johnson advised the Board, due to substantive changes to the budget in the passage of the first amendment, a second reading will be required. It will be set for June 29, 2023.

Vice Mayor Wiggins made a motion to approve the 2nd Reading of Ordinance 23-11, reiterating budget as amended (Town Hall/Police Building Project, Police Officer, Fire fighters, Paving and Employees

Increase). Alderman Cates seconded the motion. All in favor, none opposed. Ordinance 23-11 passed.

(C) Ordinance 23-12 Establishing the Municipal Property Tax Levy for FY24

A motion was made by Alderman Cates to hear the 2nd Reading of Ordinance 23-12.

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

Alderman Hummel made a motion to approve 2nd Reading Ordinance 23-12 reflecting the property tax rate .6342 and scheduling (an additional) 2nd Reading for June 29, 2023. Alderman Cates seconded the motion. Four (4) in favor, one (1) opposed. Vice Mayor Wiggins cast the opposing vote. Ordinance 23-12 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 23-65 Awarding a Bid for the FY23 Street Paving Project; Bid Package #2

Alderman Sutton made a motion to approve Resolution 23-65, amending the date accordingly (from 5/22/23 to 6/15/23). Alderman Cates seconded the motion. All in favor, none opposed. Resolution 23-65 passed.

Mr. Johnson reiterated the motion to award Fowler Paving, the lowest bidder.

(B) Resolution 23-66 Designate Official Depository for Town of Oakland Funds

Alderman Cates made a motion to hear Resolution 23-66.

A motion was made by Alderman Sutton to approve Resolution 23-66. Alderman Cates seconded the motion. All in favor, none opposed. Resolution 23-66 passed.

(C) Resolution 23-67 Approving Private Charter NO. 30 of the 113th General Assembly of the State of Tennessee Amending Town of Oakland Charter

A motion was made by Vice Mayor Wiggins to hear Resolution 23-67.

Alderman Fisher why the Town Manager title was not changed to Town Administrator as discussed by the Board. Attorney Minor explained changing the authority of the hiring and firing of department heads from the Town Manager to the Board converts the role of Town Manager to the roll of Town Administrator, per MTAS. The attorney further stated whether it's that important to the use of the word is not certain, because it is often used interchangeably by others serving in both capacities. The real concern is the authority that is granted to that CEO under the charter; and under the new charter, the hiring and firing of department heads is transferred to the Board.

Mr. Johnson addressed Alderman Fisher, stating that he was correct in that the Board discussed the matter. However, that was not the wording in what was submitted to the State (which was reviewed and approved by the Board prior to being sent).

Alderman Hummel spoke in opposition of the hiring and firing being removed from the Town Manager position. She expressed her opinion that in doing so, will only politicize the jobs of the department heads.

Vice Mayor Wiggins, respectfully disagreed with Alderman Hummel, stating the Board had unanimously voted to make the change, as required by the state, knowingly it would be passed by this Board when it came back. He stated his position is taking precautions to protect the valuable department heads employed by the Town of Oakland.

Alderman Cates stated his concern has always been the Board should be allowed to review all applicants before a hiring decision was made.

Alderman Sutton expressed no disrespect to Alderman Hummel's opinion, explaining why, this became an issue; the Town Manager would receive the applicant information on potential employees, and make the decision on who he wanted to hire. Then bring the selected individual's name before the Board for approval. It was the Board's opinion, if they were to approve the persons hiring, they should be provided with the applicant information on the individual of his choice, as well as, the applications/resumes of all who applied for the position so that the Board to substantiate the most qualified was considered.

Alderman Fisher made a motion to approve Resolution 23-67. Vice Mayor Wiggins seconded the motion. A roll call vote was taken resulting as follows: Alderman Cates – YES, Alderman Hummel = NO, Alderman Fisher = YES, Alderman Sutton = YES and Vice Mayor Wiggins = YES. Four (4) in favor, one (1) opposed. Resolution 23-67 passed.

(D) Resolution 23-68 Authorizing RFP for Solid Waste Collection Services

A motion was made by Vice Mayor Wiggins to hear Resolution 23-68.

Vice Mayor Wiggins made a motion to approve Resolution 23-68. Alderman Cate seconded the motion. All in favor, none opposed. Resolution 23-68 passed.

(E) Acknowledge Town Attorney Report on Insurance Coverage for Static Display of a Military Helicopter

***This item was moved from the Consent Agenda.

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

(F) Resolution 23-63: Authorizing Sole-Source Purchase of Outdoor Storm Warning /Tornado Siren from ComServ

***This item was moved from the Consent Agenda.

Vice Mayor Wiggins made a motion to approve Resolution 23-63. Alderman Cate seconded the motion. All in favor, none opposed. Resolution 23-63 passed.

17. Consideration of Business Items

(A). Termination of Electrical Services to Subdivision Entrance Lighting that are Billed to Town

***This item was moved to beginning of agenda.

18. Other Items of Business

None

19. Credit Applications

None.

20. Approval of Invoices

Board was presented with 5 invoices.

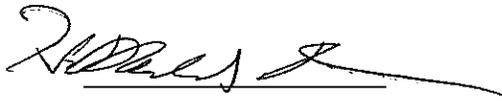
Vice Mayor Wiggins referring to the First Horizon Credit Card Statement (Department Head CC) as to why there were numerous Parks & Recreation charges on the Finance Departments credit card. It was pointed out by Alderman Sutton that the Finance Director was temporarily appointed over that department (until April 10th) when Parks Director Weston came on board.

Finance Director Hodges stated when Director Weston was present his card, the card limit was not enough to cover providing lunch for the Senior Mother's Day Event, so she gave to him, her card to use. She stated the limit has since been increased and it will not happen again.

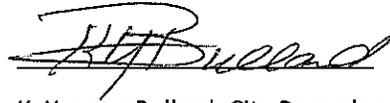
Alderman Cates made a motion to approve. The motion was seconded by Vice Mayor Wiggins. All in favor, none opposed. The motion passed.

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

Date: June 15, 2023



H. Michael Brown, Mayor



K. Yvonne Bullard, City Recorder