

Mayor & Board of Aldermen – Regular Meeting

Meeting Minutes

September 19, 2024

Present: Vice Mayor Adrain Wiggins
Aldermen Cates, Fisher and Hummel

Prayer and Pledge of Allegiance to the American Flag

1. Establish Quorum

Absent from meeting was Mayor Michael Brown and Alderman Sutton.

2. Call to order by Vice Mayor Wiggins

3. Prayer & Pledge of Allegiance to the American Flag

4. Approval of Agenda

Town Manager Ellis requested that Resolution 24-10 *Food Truck* and Resolution 24-11 *Travel Policy* be removed from the agenda until further notice. Mr. Ellis noted that Resolution 24-12 *Codes Refundable Deposit* should be removed from the agenda and disregarded, as it was discovered the item was corrected in the last update of the Subdivision Regulations.

Mr. Ellis asked that an “Executive Session” is called prior to “Consideration of Other Business”.

Alderman Hummel made a motion to approve the agenda as amended. Alderman Fisher seconded the motion. All in favor, none opposed. The motion passed.

5. Reading and Correction/Approval of Minutes of Regular Board

August 15, 2024 – Regular Board Meeting Minutes

Alderman Cates made a motion to approve the August 15, 2024 Regular Board Meeting Minutes. Alderman Hummel seconded the motion. All in favor, none opposed. The motion passed.

August 26, 2024 – Special Call Meeting Minutes

Alderman Cates made a motion to approve the August 26, 2024 Special Call Meeting Minutes. Alderman Fisher seconded the motion. All in favor, none opposed. The motion passed.

September 3, 2024 – Special Call Meeting Minutes

Alderman Cates made a motion to approve the September 3, 2024 Special Call Meeting Minutes. Alderman Fisher seconded the motion. All in favor, none opposed. The motion passed.

6. Special Guest:

Bessie Orsby – a new resident to the town and a cancer survivor. As a cancer survivor she pledged to help others in their journey and began a support group, which she did, in Clarksdale Mississippi where she moved from 2 months ago. Her wish is to setup a local support group here, with the Town of Oakland's support, by allowing a cancer walk September 28th, that would include tee-shirt sales. She requested the town's assistance with tables, ice and coolers due to the short time involved.

7. Citizen's Comments

Bob Eason – 65 Pine Ridge Lane – suggested the town to stop borrowing money for the park at this point and use the towns current funds to put in walking trails, a venue for family activities, weddings, etc. He recommended another referendum for voters, because of the town's growth, stating there are a lot of newcomers, that have no idea of the new park.

Vice Mayor Wiggins stated he was not familiar with the legalities of a second referendum, that would have to go before the attorney or the election committee. Understanding of Mr. Eason's concern in borrowing money, Vice Mayor Wiggins explained, in government that everything has its own bucket, and the Town of Oakland to-date, has all but spent the sales tax money that was voted on, by the referendum, to fund the park. He further stated no other sales tax money: no property tax, has gone to the park. If the town quits building the park, you will not see any savings; and, if we keep building the park you will have no increase in your taxes. This applies to everyone who lives here in Oakland.

David Badil- 3340 Hwy 64 – Looking to open a Mediterranean Food Truck in the parking lot, requesting the regulations.

Town Manager Ellis asked for his email information to send him a copy of the ordinance once it has been amended.

Roy Neuhauser – 290 Countryside Drive – Referring to the park, he stated he had heard there were several businesses standing by to build a building or provide bleachers in return for business advertisement. He suggested the planning of the park to be shelved until details of such donations are verified, as an effort to reduce the cost to the town.

8. Communications from the Mayor

On behalf of Mayor Brown who is absent, Vice Mayor Wiggins recognized Fire Chief Walls for his 10-years of service and presented him with a plaque.

Vice Mayor Wiggins took the opportunity to extend his gratitude to all Oakland Employees, asking the directors to tell their employees they are valued and appreciated.

9. Communication from the Aldermen

Alderman Cates – Acknowledged the great job of everyone involved with repairing, the water main break near McDonald's.

Alderman Hummel – recognized Finance Director Lorie Rice for the finance report submitted to the alderman stating the new format is easy to follow and understand.

10. Department Head Reports

Alderman Hummel asked Fire Chief Walls to explain to the citizens' concerns of lithium batteries and the Oakland Fire Departments plan to deal with the issue(s).

Chief Walls pointed out that fires related to lithium batteries cannot be extinguished in the same manner as other fires. And cautioned everyone, lithium batteries are used in vehicles, tools & computers. Once the battery pack gets to a runaway mode, they can self-ignite. Having researched methods of other Fire Departments around the US, nothing has been devised that handles this type of fire. However, in Europe there is a special blanket that will deprive the fire of oxygen, if used in conjunction with a handling device that sprays the battery while covered, will provide some relief in such instances. It will not put the fire out but will assist in containing it. Oakland Fire Department has ordered the special blanket. Another preventive the town is looking to put in place, is to require heat detectors in garages.

11. Town Manager Report

Town Manager Ellis updated the Board, stating the Employee Health Care increased 1% and reminded the board, the increase was budgeted for 7%.

Mr. Ellis advised the Board there was a section of property scheduled to be auctioned off for back taxes, describing it as a large open common space at the Chickasaw Ridge Subdivision. He stated the town has a pumping station (in an easement) on this property. He asked the opinion of the board, if purchasing it might be an advantage for the town.

Alderman Fisher made a motion allowing Harvey Ellis and Attorney Minor to attend the sale on behalf of the Town and place a bid of \$674.39. Vice Mayor Wiggins seconded the motion. Three (3) voted in favor, one (1) opposed. Those in favor were Alderman Fisher, Alderman Cates and Vice Mayor Wiggins. The opposing vote was Alderman Hummel.

Town Manager Ellis presented each member with a report of Board Travel Expenses, as requested. Alderman Cates expressed his feeling that attending classes or conferences that are not mandatory, as a waste of the taxpayers' dollars. Vice Mayor Wiggins stated he found the networking aspect and information gathering at conferences beneficial.

12. Old Business: Ordinances Second and Final Reading

A. Ordinance 24-09 Amending the Text of the Municipal Zoning Ordinance of the Town of Oakland to Amend ARTICLE III, SECTION 3.20

Alderman Fisher made a motion to hear Ordinance 24-09. Alderman Hummel seconded the motion to hear.

Town Manager Ellis requested the last sentence to include “property lines”, placing it after parklands or greenbelt areas.

Alderman Fisher made a motion to approve the 2nd & Final Reading of Ordinance 24-09 as amended. Alderman Cates seconded the motion. All in favor, none opposed. Ordinance 24-09 passed.

13. New Business: Ordinances First Reading/ Public Hearing

A. A. Ordinance 24- 10 – Amending Municipal Code Title 9, Business, Peddlers, Solicitors, ETC., Creation of Section 5 Titled “Mobile Food Preparation Vehicles”

This item was removed from the agenda; and to be brought back to the Board at the next meeting.

B. Ordinance 24-11 – Amending Municipal Code Title 4, Chapter 4 – Travel Reimbursement Regulations

This item was removed from the agenda; to be brought back to the Board at the next meeting.

C. Ordinance 24-12 Amending Municipal Zoning Ordinance 07-04-04, Pertaining to Building Permits and Certificates of Occupancy – Remove “Monetary Deposit Required”

This item was removed from the agenda. This issue was previously resolved.

D. Call for Executive Session

A motion was made by Alderman Cates to enter an Executive Session. The motion was seconded by Vice Mayor Wiggins. Three (3) were in favor; Alderman Fisher recused himself from the Executive Session.

The Regular Board Meeting was reconvened with Vice Mayor Wiggins calling for order.

Alderman Cates made a motion to accept Town Counsels advise. Vice Mayor Wiggins seconded the motion. A rollcall vote resulted as Alderman Cates and Vice Mayor Wiggins voting YES. Alderman Hummel voting NO. The motion passed.

Alderman Fisher stated the vote did not pass, due to lack of a quorum.

Alderman Hummel challenged the decision.

Attorney Minor opined majority of 3; a 2 to 1 vote passes.

14. Consideration of Resolutions: Old Business

None

15. Consideration of Resolutions: New Business

None

16. Other Items of Business

A. Discussion - Update on Oakland Sports Complex

Town Manager Ellis presented an outline of Phase 1-B. He stated this phase will cover 4 soccer fields 2 will be lit, a parking lot with lighting, a concession stand with a pavilion and restrooms. Moving forward, it is expected to complete the plans on September 27th, advertise for bids on October 1st, open bids October 22nd and at the following regular meeting award the contract.

He asked the Board to share their preference in signage, there were four presented to the board to choose from. The board asked that cost be made available before deciding.

B. Establish Work-Session -Monday, October 3, 2024 @ 6pm

The time and date presented to the Board was approved. Items for consideration include Travel Reimbursement and Employee Handbook.

15. Approval of Invoices

None

16. Meeting Adjourned

Alderman Fisher made a motion to adjourn the meeting.

Date: September 19, 2024

H. Michael Brown, Mayor

K. Yvonne Bullard, City Recorder

ADDENDUM: Please reference Attorney Tom Minor’s email sent to the Mayor and Board of Aldermen sent on Friday, September 20, 2024, at 2:53p.m. Excerpt below:

Dear Board Members: I can now confirm that the Board’s vote last night to waive service of process on behalf of The Town was void due to the lack of a quorum. Because the Board established a quorum last night with the attendance of 4 Alderman (Cates, Fisher, Hummel and Wiggins) and because Alderman Fisher abstained for cause, the effect of TCA §6-54-107(c)(2) was to treat Alderman Fisher as “not present”, thereby reducing the number of Aldermen present for consideration of and vote on the Motion from 4 to 3. This lack of a quorum, (the Board consists of 6 members- 5 Aldermen and 1 Mayor) rendered the vote void. Please let me know if you have questions or wish to discuss. I am available most of this afternoon. Thomas M. Minor