

Regular Meeting of the
Board of Mayor and Council
City of McKenzie
McKenzie, TN 38201
August 13, 2020

- A. Call to Order — Mayor Holland
- B. Prayer — Vice Mayor Townes
- C. Pledge of Allegiance — Vice Mayor Townes
- D. Roll Call
 - Mayor Holland - Present
 - Councilperson Martin - Present
 - Councilperson Pruneau – Present
 - Councilperson Riley - Present
 - Vice Mayor Townes – Present
 - Councilperson Winston - Present
 - Councilperson Young - Present
- E. Mayor's Welcome:

Mayor Holland called the meeting to order at 6:00 p.m. Mayor Holland extended a warm welcome to all.
- F. Approval of Minutes

Motion made by Councilperson Young, seconded by Councilperson Riley, to approve the minutes dated July 9, 2020. Motion carries
- G. Financial Matters
 - Parks & Recreation: Custom Recreation - playground installation \$ 31,924.00
 - Police: \$ 1,071,00 to Fatal Vision
 - Police: \$ 526.83 to Haltz Gloves

Councilperson Pruneau asked if this would be the total amount charged for this installation from Custom Recreation and if this was the only bid received. Mayor Holland confirmed the amount & that was the only bid. She stated there was a stipulation that whoever installed the equipment had to have had prior experience in playground installation, which Custom Recreation had installed 5 playgrounds prior and they had to be certified as well.

Motion made by Councilperson Pruneau, 2nd by Councilperson Young

Motion passes.
- H. Old Business:

None

I. New Business:

1. Discuss/Approve Ordinance 532 to establish court cost.

Discussion:

Mayor Holland stated that everyone had a copy of the proposed amendment. Councilperson Young asked if the maximum amount we could charge now was \$ 50.00. Mayor Holland responded that \$ 50.00 was the max amount for fines in city court, but the judge doesn't have to change \$ 50.00, but cannot exceed \$ 50.00 Mayor Holland informed the council she had spent a lot of time this week with John Escue from MTask and he had gone through a lot of things in the court reform report that happened a few years and he was the one who actually had sent the template for this with how it should actually be done. Our attorney Laura Keeton made a few changes to it, but the mayor stated she felt very comfortable with what had been presented. She asked if there any further questions. There were none, so roll call vote was cast.

Action Taken: Motion made by Councilperson Young, 2nd by Councilperson Winston to accept the new court cost.

Roll Call Vote:

Councilperson Martin	<u>Y</u>	Vice Mayor Townes	<u>Y</u>
Councilperson Pruneau	<u>Y</u>	Councilperson Winston	<u>Y</u>
Councilperson Riley	<u>Y</u>	Councilperson Young	<u>Y</u>

Vote recorded as: 6 Ayes, 0 Nays, 0 Absent. Motion passes.

2. Discussion/Approval for Ordinance 533 to amend Title 16-107, 108 & 109, and Title 17-101 to include grass, brush, etc.

Mayor Holland explained that we felt we were probably covered in the municipal code, but decided because grass was not actually named, it could raise questions in the future We have received lots of phone calls concerning vehicles sliding on the grass, another section of the ordinance is you can't put anything in the street that stops up the storm drains. We felt if we amended by putting the word grass in there, it would take care grass, brush, twigs and other things that people put on the sidewalks, streets or in the storm drains. This is not new; it actually has been around since 1995. Councilperson Young asked the question if the sidewalk belongs to the city. Mayor Holland responded that if there is a sidewalk in front of your house, per our municipal code, the property owner should take care of it. She stated that some citizens had even replaced the section of sidewalk in front of their house at their own expense and that is what you are suppose to do; however that is expensive, so if the city gets a grants or if we can we will try to do that. But the person whose property is in front of that sidewalk should care for it. Councilperson Pruneau stated his only objection was the section that talked about the removal of snow and ice on the sidewalk and he knew that would not be something that he could do. Mayor Holland responded that she could not think of anybody that had ever been

ticketed or fined for not being able to get the snow and ice off their sidewalk. She agreed it would be a hardship for most people to remove snow and ice and most would not be out walking anyway. She stated that section was left over from year and years ago. Mayor Holland asked the Attorney Keeton her feeling. Ms. Keeton responded the ground under the sidewalk belongs to the home owner, who should not be blocking the sidewalks with anything. She felt the sidewalk itself belonged to the city. The removal of snow and ice would pertain more to those in a business district where people are going in and out of stores. But even with that common sense prevails. Mayor Holland stated that we had complaints concerning when residents had cleaned their yards and piled it all on the sidewalk preventing use of the walk as intended, but reiterated that the only thing changing is just the word grass being added. A roll call vote was called.

Action Taken: Motion was made by Councilperson Riley, second by Councilperson Martin to approve Ordinance 533 to amend Title 16-107, 108 & 109, and Title 17-101 to include grass, brush, etc.

Roll Call Vote:

Councilperson Martin	<u>Y</u>	Vice Mayor Townes	<u>Y</u>
Councilperson Pruneau	<u>Y</u>	Councilperson Winston	<u>Y</u>
Councilperson Riley	<u>Y</u>	Councilperson Young	<u>Y</u>

Vote recorded as: 6 Ayes, 0 Nays, 0 Absent. Motion passes.

3. Discussion/Approval of Resolution 20-002 to authorize City Election for November 3 2020 for Wards I, IV, and VI.

Mayor Holland stated this resolution was something that must be done every election year. There was no further discussion.

Action Taken: Motion was made by Councilperson Riley, second by Vice Mayor Townes to approve the resolution.

Vote recorded as: 6 Ayes, 0 Nays, 0 Absent. Motion passes.

4. Discussion/Approval Police Department “grooming standards board”.

Mayor Holland explained the Police Department would have a grooming standards board, she then asked if there was any discussion. Councilperson Pruneau asked if the standards would be presented to the council for approval. Mayor Holland asked if there was anyone from the Police Department could answer that question. No one responded at that time. Mayor Holland said that we could certainly request that they present to the council. Councilperson Pruneau said at the workshop it was left in limbo about the policy. Mayor Holland then asked if someone would like to amend the original motion that the grooming standards will be included and presented to the council. Councilperson Winston if we are approving tonight or waiting for the to submit. Mayor Holland said let’s go back to square one and make a motion to rescind the previous motion and table this until we receive the grooming standards. Attorney Keeton

said she thought we were just approving the grooming standards board, then approve the standards separately. Councilperson Winston asked if we were authorizing the board to approve the standards or is it coming back to the council. Attorney Keeton said we needed to decide if we were giving the board the authority. Attorney Keeton stated that we could approve a grooming standards board, but the standards would not go into effect until the council approves them.

Action Taken: Motion was made by Councilperson Pruneau, second by Councilperson Martin to rescind the first motion.

Vote recorded as: 6 Ayes, 0 Nays, 0 Absent.

Action Taken: Motion was made by Councilperson Riley, second by Councilperson Young to approve the grooming standards board, but with the recommendation that the grooming standards themselves would not go into effect until they have met with council approval.

Mayor Holland stated if the board changed anything, they would have to come back in front of the council.

Roll Call Vote:

Councilperson Martin	<u>Y</u>	Vice Mayor Townes	<u>Y</u>
Councilperson Pruneau	<u>Y</u>	Councilperson Winston	<u>Y</u>
Councilperson Riley	<u>Y</u>	Councilperson Young	<u>Y</u>

5. Discuss/Approval of closing Kencindot Street.

Mayor Holland stated we talked about this in the work shop, but due to the expense of fixing that road, it was decided we needed council approval in order to close the road.

Discussion: Councilperson Young said he understood the \$ 433,000.00 was more than we could handle at this time, but he would like to leave the situation open to something rather than closing the street permanently. He said he felt that street should not be closed permanently and would like to be able to come up with another plan in the future. Mayor Holland said there was someone else who called her, but they seem to be at a loss. She stated that she could like to see the road be re-opened at some point, but the cost right now was jus phenomenal. For the time being, we close it, something we will continue to look at ways to get it fixed at some point. Councilperson Pruneau said that the fire department and EMS said there was still quick access to the homes on that street. He stated we needed better barriers put up. Mayor Holland responded by saying that Public Works had contacted Thompson & Thompson for concrete barriers. Our insurance partner PEP has been contacted as well to advise us on how to proceed. Mayor Holland asked Public Works Director to respond about if barriers had been set up on both sides of the opening and was assured they were in place.

Action Taken: Motion was made by Councilperson Pruneau, second by Councilperson Riley to close Kencindot for safety reasons that were discussed.

Vote recorded as: 6 Ayes, 0 Nays, 0 Absent. Motion passes.

6. Approval of hiring Charles Trotter as the City Judge

Mayor Holland stated our city judge is currently running for office and is also the mayor of a nearby city. According to the Code of Ethics, he had to resign as our city judge. She would like to ask the council to approve Charles Trotter as the new city judge.

Discussion: None

Action Taken: Motion made by Councilperson Martin, second by Vice Mayor Townes to approve Charles Trotter as the judge for the City of McKenzie.

Vote recorded as: 6 Ayes, 0 Nays, 0 Absent. Motion passes.

7. Open bids for running water lines to 25755 Hwy. 22

Mayor Holland stated this was a project the council approved several months ago, so it we have now received the bids.

1. Barsto Construction: \$ 31,125.00
2. K.T. Construction: 28,885.00
3. Revell Construction: 71,300.00

Discussion: Councilperson Pruneau asked if there was any difference in the pipe and amount of fire hydrants. Mayor Holland responded they looked the same. She asked if Billy Wood was present. Billy stated that the 71,300.00 probably meant he did not want to do it. He said that he felt we should accept the low bid. Billy stated the city had worked with all three of these companies. Mayor Holland then asked the council to place a motion to accept K.T. Constructions bid.

Action Taken: Motion made by Councilperson Winston, second by Councilperson Pruneau

Roll Call Vote:

Councilperson Martin	<u>Y</u>	Vice Mayor Townes	<u>Y</u>
Councilperson Pruneau	<u>Y</u>	Councilperson Winston	<u>Y</u>
Councilperson Riley	<u>Y</u>	Councilperson Young	<u>Y</u>

Motion carries:

Mayor Holland stated that K.T. Construction was local, and we are glad of that.

K. Any Other Business: None

L. Citizens Input: None

M. Department Head Reports:

Police Chief Craig Moates sent the report for the month of July stating there had been a total of 1946. 1085 for security check-home, business & parks, 358 vehicle stops, 186 investigations 10-43, 21 for both citizens assist and assist other agencies, and various additional calls.

Fire Chief Tucker reported that in the month of July had been relatively calm. They were down quite a bit. They had responded to 23 incidents. During the month they had attended one structure fire along with 5 motor vehicle accidents, 5 EMS Assist, 3 were commercial alarms, the remainder were various other incidents.

Public Works Director Johnny Mercer stated that our brush truck operator Johnny Harris had retired, so he and Marvin would be running the truck until someone is hired. They had been busy cleaning out some drainage issues in town. The street sweeper is back in operation, so we will be running it quite a bit, and will continue to service equipment.

Parks & Recreation Director Mike Beasley reported that all city league ball had been finished with no issues. We held one 5-8 yr. old boys coach pitch tournament with 5 area teams joining in and again with no issues. Girls middle school softball started August 10 and will continue for probably the next two months. He spoke with the school today and even though school is on-line for students., sports is continuing at this time. We have received the new playground in. Mowing & weed eating is still an everyday job due all the rain showers almost daily.

Codes Enforcer Morrisett stated the city had been divided into sections and we had started working with section 1 to get cars moved and grass taken care of. Several people have been taken to court and the new judge is enforcing the codes.

Water Superintendent Wood stated his department was doing their usual, fixing leaks, unstopping sewers and trying to stay cool.

- N. Council Reports: There were no council reports, but Attorney Keeton spoke about the two police officers who did not fulfill their contractual obligations. When they signed on, they signed that they would work for the City of McKenzie for three (3) years if sent to be certified. Both these officers were sent to post certification law enforcement academy. Letters have been sent and at this time we have heard from only one of them. Attorney Keeton needs to know how the council wants to proceed. There is legal authority to be able to go after them for that; it is somewhat gray as to recovering all their salary and benefits, but it is clear contractually to obligate them to repay their training expenses, etc. She needs the council to let her know if she should explore settlement options at this time. Or where the council wants them to go with that. Both were certified and left for more lucrative jobs after working for the city a majority of their time. One of the officers has hired an attorney. The other matter deals with Profile Metals. The State brought to our attention that they believed Profile was in the city. We were under the impression they were not in the city limits; this has resulted in an issue with taxes. Profile insist they are not in the city. We are siding with

the State that they are in the city at this point and time they are in the city and owe taxes. This has created a conundrum which can result in a very expensive litigation if carried out to its conclusion. Attorney Keeton needs direction from the council because at this point, we are on the cusp of heading into expensive discovery. She stated that thus far there had just been preliminary discussion back and forth. There is the possibility that we can go forth with a compromise that would leave both the city and Profile coming out unscathed. She stated that she would need the council's permission to proceed.

Mayor Holland said at this point, we would need to ask for a non-agenda item.

Motion made by Councilperson Winston, second by Councilperson Young to suspend the rules and ask for a non-agenda item.

Vote recorded as: 6 Ayes, 0 Nays, 0 Absent.

Mayor Holland said at this time since we are addressing a non-agenda item, we would now need a motion for our attorney to explore settlement options for both these cases.

Motion was made by Councilperson Pruneau, second by Councilperson Young for Attorney Keeton to explore both options dealing with the two police officers who did not fulfill their contracts and with Profile to see if we could settle so as to not go to court and battle it out.

Discussion: None

Roll Call Vote:

Councilperson Martin Y
Councilperson Pruneau Y
Councilperson Riley Y

Vice Mayor Townes Y
Councilperson Winston Y
Councilperson Young Y

O. With no further business, a motion was made by Councilperson Young seconded by Councilperson Pruneau to adjourn at 6:51 p.m. Motion carried.

APPROVED: _____
Jill Holland, Mayor

ATTEST: _____
Jennifer Waldrup, City Recorder-City Clerk