



TOWN OF ASHLAND CITY
Regularly Scheduled City Council Meeting
April 12, 2022 6:00 PM
Minutes

CALL TO ORDER

Mayor Allen called the meeting to order at 6:01 p.m.

ROLL CALL

PRESENT

Mayor Steve Allen

Vice Mayor JT Smith

Councilman Tim Adkins

Councilman Chris Kerrigan

Councilman Kevin Thompson

Councilman Tony Young

ABSENT

Councilman Gerald Greer

PLEDGE AND PRAYER

Councilman Adkins led the pledge and prayer.

At this time, a motion was made by Councilman Adkins, seconded by Councilman Thompson, to call for a recess until 6:30 p.m. All approved by voice vote.

Let the record show that Councilman Chris Kerrigan arrived at this time, 6:21 p.m.

Mayor Allen called the meeting back to order at 6:24 p.m.

APPROVAL OF AGENDA

A motion was made by Councilman Kerrigan, seconded by Councilman Thompson, to approve the agenda with any additions and changes. All approved by voice vote.

APPROVAL OF MINUTES

1. March 08, 2022 Council Meeting Minutes

A motion was made by Vice Mayor Smith, seconded by Councilman Kerrigan, to approve the March 8, 2022 Council Meeting Minutes. All approved by voice vote.

PUBLIC FORUM

None.

REPORTS

2. City Attorney
None.

OLD BUSINESS

3. Court Discussion

Ms. Noe stated that Gary Jaeckel and John Eskew attended last week's meeting and addressed the council's questions. She stated that this is something that has come up several times and the Council needs to decide how they would like to move forward. Ms. Noe stated that if we decide to keep general sessions jurisdiction, we need to decide whether to elect or appoint the court clerk. She stated if we decide to do away with general sessions, then we can appoint our court clerk and there is no residency requirement. Councilman Adkins asked when we would receive the report from MTAS on the numbers. Ms. Bowman stated that we have given them all

of the reports requested but was not sure when the audit report would be ready. Councilman Adkins stated that he would like it in writing before he made a decision. Councilman Thompson asked if this had been discussed with the County. Ms. Noe stated not officially. A motion was made by Councilman Adkins, seconded by Councilman Thompson, to defer the court discussion to the next meeting. All approved by voice vote.

4. Ordinance: Temporary Use Permit
AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ASHLAND CITY, TENNESSEE BY AMENDING ARTICLE III., SECTION 4.030(F) TEMPORARY USE REGULATIONS Mr. Nicholson stated that this was for a 2nd and final reading. He stated that this is to allow the sale of agricultural products including produce, plants, food, and horticulture within the city limits. Councilman Adkins asked if this could be advertised on our website. Ms. Noe stated it could. A motion was made by Councilman Kerrigan, seconded by Councilman Adkins, to approve the Temporary Use Permit. Voting Yea: Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Young. Voting Nay: Mayor Allen. Voting Abstaining: Councilman Thompson.
5. Ordinance: Amend Residence Requirements
AN ORDINANCE AMENDING THE TOWN OF ASHLAND CITY MUNICIPAL CODE DELETING TITLE 8 SECTION 8-104(2) RESIDENCE REQUIREMENTS IN ITS ENTIRETY Ms. Noe stated that this is for a 2nd and final reading. She stated that this is to remove the residency requirements for package liquor stores. Councilman Kerrigan stated that this needs to be challenged before we change our position on it. No motion was made and the motion fails.
6. Ordinance: Amend Parking Spaces
AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ASHLAND CITY, TENNESSEE ARTICLE IV., SECTION 4.010.1.C(1)(k) NUMBER OF PARKING SPACES REQUIRED FOR COMMERCIAL ACTIVITIES REGARDING FINANCIAL AND REAL ESTATE SERVICES Mr. Nicholson stated that this was to reduce the number of parking spaces required for Financial and Real Estate Services. He stated that this was for a 2nd and final reading. A motion was made by Councilman Kerrigan, seconded by Councilman Thompson, to approve the Ordinance. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.
7. Ordinance: Budget Amendment #7 (Flood Relief Funds)
AN ORDINANCE BY THE MAYOR AND CITY COUNCIL TO ACCEPT A BUDGET AMENDMENT FOR THE 21/22 FISCAL YEAR Ms. Bowman stated that this was an amendment to move the remaining flood funds to the water and sewer account to purchase meters. A motion was made by Councilman Kerrigan, seconded by Councilman Adkins, to approve the budget amendment. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

NEW BUSINESS

8. Ethics Complaint
Ms. Noe stated that she has received two (2) ethics complaints and she had provided a copy of those complaints to the Council at last week's meeting. She stated that as the City Attorney, she is the designated ethics officer. Ms. Noe stated that normally if she receives an ethics complaint from an employee complaining about another employee she does an investigation and reports back to the board. She stated that if the complaint is on an elected official, she reports to the board first and they give her direction on how to proceed. Ms. Noe stated that under State law the Council has a couple of options. She stated that they can ask her to do an investigation, they could hire an outside counsel, or the Council can take what they have and make a ruling on it tonight. She stated that if they do that under the Code of Ethics and determine that there is a violation, then the person is subject to censure by this body which means letting the elected official know you do not approve of their conduct. Ms. Noe stated that this allows them to do any other punishment applicable under any other TCA code which has been added to the agenda tonight. She stated that the other option is that we do not move forward with it at all and do

nothing. Councilman Kerrigan asked how quickly we could move forward with this investigation and if they could give a time limit. She stated that they could give her a time limit. Councilman Kerrigan asked if she could report back in two (2) weeks. Ms. Noe stated that she could. Councilman Adkins asked if we could hold a Special Called Council Meeting with one of the budget meetings in the next two (2) weeks. Ms. Noe stated that we could. Councilman Adkins stated that we owe it to our employees to investigate. A motion was made by Councilman Kerrigan, seconded by Councilman Adkins to do an investigation and hold a Special Called Council Meeting on Tuesday, April 26, 2022, at 5:30 p.m. prior to the budget meeting. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

9. Department Head Meeting Discussion

Mr. Sampson asked the council if it was their intent for the meetings to resume as of this Tuesday after last week's discussion. Councilman Adkins stated yes. A motion was made by Councilman Kerrigan, seconded by Vice Mayor Smith, to reinstate the meetings on Tuesday mornings at 8:30 a.m. from here forward. Voting Yea: Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young. Voting Nay: Mayor Allen.

10. Civics Bee Donation

Ms. Bowman stated that this is a donation to the school system and it will award the winners of the competition. She stated that the competition will be held on May 10, 2022. A motion was made by Councilman Kerrigan, seconded by Councilman Thompson, to approve the donation. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

11. Fire Hall Contract

Ms. Noe stated that the bid was awarded to the Parent Company and this is the contract and other documents that are part of the loan. She stated that they are asking that provision 8.7 of the contract be deleted in its entirety. Ms. Noe stated that the Parent Company is in agreement and they will start in two (2) weeks. A motion was made by Councilman Kerrigan, seconded by Vice Mayor Smith, to approve the agreement with the stated changes. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

12. Fire Hall Loan

Ms. Bowman stated that USDA is asking what the Council would like to do about the difference between the loan amount and the bid amount. She stated that the Council can choose to pay it out of cash on hand or choose to get another loan. Ms. Bowman stated that the amount needed is \$1,090,000.00. Councilman Kerrigan asked if we could pay half and get a loan for the other. Councilman Thompson stated he would rather do that. Ms. Bowman stated we could. A motion was made by Councilman Kerrigan, seconded by Vice Mayor Smith, to pay \$750,000.00 out of pocket and get a loan for the remainder. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

13. Freshworks IT Ticketing

Ms. Martin stated that this is an agreement for an IT ticketing system that would allow employees to submit a support ticket to receive technical support. A motion was made by Councilman Thompson, seconded by Councilman Kerrigan, to approve the agreement. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

14. Servline Renewal

Ms. Bowman stated that this is an annual agreement to continue services for leak protection for water customers and there are no changes. A motion was made by Councilman Kerrigan, seconded by Councilman Thompson, to approve the agreement. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

15. TCRS Contribution for FY22/23

Ms. Bowman stated that this is the employer's contribution amount for retirement. She stated that we have approved 6.5% for several years and is asking for the amount to stay the same at 6.5%. A motion was made by Councilman Adkins, seconded by Councilman Kerrigan, to approve the contribution amount. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

16. Resolution: Dissolve Regional Planning

A RESOLUTION OF THE TOWN OF ASHLAND CITY, TENNESSEE TO DISSOLVE THE ASHLAND CITY MUNICIPAL REGIONAL PLANNING COMMISSION Ms. Noe stated that there are two (2) types of planning commissions, regional and municipal. She stated that the difference is that regional allows us to act outside of city limits. Ms. Noe stated that we have been back and forth on if we have it or don't and recently found out that we do. She stated that the Planning Commission is recommending dissolving the regional planning commission and the County is wanting the same. A motion was made by Councilman Thompson, seconded by Councilman Kerrigan, to dissolve the regional planning commission. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

17. Resolution: CDBG Grant Participation

A RESOLUTION OF THE TOWN OF ASHLAND CITY, TENNESSEE TO PARTICIPATE IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM Mr. Biggers stated that this is required for us to apply for the grant. He stated if we get it, it will be used to replace three (3) pump stations. A motion was made by Councilman Thompson, seconded by Councilman Kerrigan, to approve the Resolution. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

18. Resolution: TDEC ARP Grant

A RESOLUTION OF THE TOWN OF ASHLAND CITY, TENNESSEE TO PARTICIPATE IN THE TDEC ARP NON-COMPETITIVE GRANT PROGRAM Mr. Biggers stated that this is required to apply for the grant. He stated that the grant would be used on infrastructure. A motion was made by Councilman Thompson, seconded by Councilman Kerrigan, to approve the Resolution. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

19. Resolution: TIPS Cooperative Purchasing

A RESOLUTION TO AUTHORIZE COOPERATIVE PURCHASING AGREEMENTS FOR THE USE AND BENEFIT OF ALL TOWN DEPARTMENTS Chief Walker stated that this would allow us to purchase items at the State contract level which cuts down on the price, and time bidding out the item. A motion was made by Councilman Young, seconded by Vice Mayor Smith, to approve the Resolution. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

20. Resolution: Authorization to Apply for a Senior Center Grant

A RESOLUTION OF THE TOWN OF ASHLAND CITY, TENNESSEE AUTHORIZING THE MAYOR TO APPLY FOR A SENIOR CENTER GRANT Ms. Batts stated that this has to be done every five (5) years and if selected, it would provide funding for programs at the center. A motion was made by Councilman Thompson, seconded by Councilman Young, to approve the Resolution. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

21. Resolution: Amend IT Policy

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ASHLAND CITY AMENDING THE IT POLICY Ms. Martin stated that this is to amend the current IT policy and would add the language on IT ticketing requirements. She stated employees would be required to submit a ticket to receive technical support. A motion was made by Councilman Thompson, seconded by Councilman Adkins, to amend the policy. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

22. Ordinance: Amending Hotel/Motel Tax

AN ORDINANCE BY THE TOWN OF ASHLAND CITY, TENNESSEE AMENDING ORDINANCE #529 HOTEL-MOTEL TAX Ms. Noe stated that this is to change our current tax

rate from two and one half (2.5)% to four (4)% per TCA. A motion was made by Councilman Young, seconded by Councilman Kerrigan, to approve the amendment. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

23. Ordinance: Budget Amendment #8 (ADA Improvements)

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL TO ACCEPT A BUDGET AMENDMENT FOR THE 21/22 FISCAL YEAR

Ms. Bowman asked to move this item to other after the bids are discussed since this would only be needed if the bid is awarded. A motion was made by Councilman Thompson, seconded by Councilman Adkins, to move this agenda item. All approved by voice vote.

24. Ordinance: Rezone Request 064-011.01

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF ASHLAND CITY, TENNESSEE, BY REZONING PARCEL 011.01 OF CHEATHAM COUNTY TAX MAP 064, LOCATED ON HIGHWAY 12 SOUTH

Mr. Nicholson stated that this is the first reading and it is to rezone tract 2 to R1 from R4 PUD and to leave tract 1 the same. He stated that it has been recommended by the Planning Commission and the City Planner. Councilman Kerrigan asked if they were voting to split the property. Mr. Nicholson stated they were. Councilman Thompson stated that this zoning would only allow for one (1) single-family home. A motion was made by Councilman Thompson, seconded by Councilman Kerrigan, to approve the rezone request. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

SURPLUS PROPERTY NOMINATIONS

25. Surplus Toro Mower

Mr. Sampson stated that he would like to surplus this mower on govdeals.com since they have already replaced it with a new one. A motion was made by Councilman Kerrigan, seconded by Councilman Young, to approve the nomination. All approved by voice vote.

EXPENDITURE REQUESTS

26. New Radios for PD

Chief Ray stated that this was for new hand radios and it was in the budget. A motion was made by Councilman Thompson, seconded by Councilman Kerrigan, to approve the request. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

27. Award Bid: Road Paving

Mr. Biggers stated that he recommends going with the low bidder, Tennessee Valley Paving. Councilman Adkins asked if we had worked with them in the past. Mr. Biggers stated we have. A motion was made by Councilman Kerrigan, seconded by Councilman Young, to award the bid to Tennessee Valley Paving. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

28. Award Bid: ADA Improvements for Johns Park

Mr. Stinson stated that this was to award the bid for ADA improvements at Johns Park. He stated we only had one bidder which was higher than expected and we could rebid if they would like, but it would have to be done sooner or later. A motion was made by Councilman Thompson, seconded by Councilman Adkins, to award the bid to MarCor. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

29. Award Bid: Sewer System Rehabilitation

Mr. Biggers stated that this was to award the bid for the sewer system rehabilitation and he recommends the lowest bidder, Bobby Luttrell & Sons. A motion was made by Councilman Young, Seconded by Vice Mayor Smith, to award the bid to Bobby Luttrell & Sons. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman

Thompson, Councilman Young.

OTHER

30. Tornado Sirens

Chief Walker stated that Councilman Thompson asked about tornado sirens in the city and this has been a discussion over the last ten (10) years and something needs to happen. He stated that weather patterns are changing and they are needed. Chief Walker stated that he called a company that gave him a rough estimate of what is needed and they recommended four (4) sirens total; one downtown, one near Tractor Supply, one near Walmart, and one near the industrial park. He stated that it would cost around \$146,793.00. Chief Walker stated that he spoke to Smithville because they are a town close to ours with the same system and they are happy with their system. Councilman Adkins asked how soon they could be installed. Chief Walker stated that he was not really sure and would like to see if some of the bigger industries in town would like to consider going in and purchasing sirens with us. Ms. Bowman stated she would need a decision to know if it needs to be budgeted in the next budget or if a budget amendment would be required this year. Councilman Kerrigan stated that he would like it done as soon as possible. A motion was made by Councilman Thompson, seconded by Councilman Kerrigan, to purchase tornado sirens this budget year. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

31. Agenda Item #23

Ms. Bowman stated that this is to add \$77,000.00 to the budget for ADA improvements to Johns Park. A motion was made by Councilman Kerrigan, seconded by Vice Mayor Smith, to approve the budget amendment. Voting Yea: Mayor Allen, Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young.

32. Ouster Procedure

Ms. Noe stated that this was talked about at the Workshop Meeting and the ouster proceeding is how you remove officers in elected positions. She stated it is typically done by City Attorney, County Attorney, or District Attorney's office. Ms. Noe stated that Mr. Ray Crouch has spoken to this board previously about an ouster proceeding and it is a civil proceeding that would be filed with the Chancery Court here in Cheatham County. She stated that it is supposed to be fast-tracked on the docket and can be done in conjunction with criminal charges. Ms. Noe stated that there is a provision in that statute that allows you to ask for immediate removal of that officer and that has to be approved and signed off on by the Judge. She stated that if the City is successful then the person removed from office is subject to the costs of litigation, if unsuccessful then the City is responsible for the costs. Ms. Noe read the statute to the Council at this time. She stated that there are criminal charges pending and this is a civil type action so it is separate. Councilman Kerrigan stated that he would like to start the ouster proceeding. He stated that he would like to give the Mayor the opportunity to resign. Councilman Kerrigan stated that there are criminal charges pending and now ethics complaints. He stated that our workers seem to be walking on eggshells and they are getting complaints. Councilman Kerrigan stated that the employees do a great job and deserve better. Mayor Allen stated that he wished the employees would come and talk to him. Vice Mayor Smith stated that the employees could not do that because they were scared. Mayor Allen stated that he has never written anyone up or fired anyone. Councilman Kerrigan stated that there were threats made. He stated that this is not personal. Mayor Allen stated that he would appreciate an investigation. A motion was made by Councilman Kerrigan, Seconded by Vice Mayor Smith, to begin ouster proceedings. Voting Yea: Vice Mayor Smith, Councilman Adkins, Councilman Kerrigan, Councilman Thompson, Councilman Young. Voting Nay: Mayor Allen.

ADJOURNMENT

A motion was made by Councilman Kerrigan, seconded by Councilman Adkins, to adjourn the meeting. All approved by voice vote and the meeting adjourned at 7:25 p.m.