

City of Townsend
Commission Meeting Minutes

For

February 18, 2014

Attendance: Attending the meeting was Mayor Michael Talley, Vice Mayor Becky Headrick, Commissioner Jackie Suttles, Commissioner Ron Palewski, Recorder Shelia Moss, Anne Delyea, Mr. & Mrs. Doug Ridley, Ernie & Judy Lancaster, Don & Sandy Headrick, Marsha Jaranowski, Pat Jenkins as well as other members of the community.

Called Beer Board: Chairwoman Headrick opened the Beer Board meeting at 7:03pm. She explained that Mrs. Anne Delyea had submitted an On Premise Beer Permit application for the Back Porch Seafood Restaurant located at 7018 E. Lamar Alexander Parkway. Chairwoman Headrick reported that Chief Suttles performed the background check and found an issue with Mrs. Delyea's driver license. Mrs. Delyea explained that she had forgotten to pay a citation that she had received in another State. Court Clerk Moss confirmed the process for failure to satisfy a citation is to submit the failure to satisfy notice to the State to have the offender's license suspended. Commissioner Palewski confirmed that the restaurant had at least forty seats. A motion to approve and On Premise Beer Permit to Mrs. Anne Delyea for Backporch Seafood Restaurant was made by Mayor Talley. A second was made by Commissioner Palewski. The motion failed with 2 yea votes and 2 nay votes. Vice Mayor Headrick and Commissioner Suttles voted nay. Mrs. Delyea stated that she planned to open on February 28, 2014 and that she would re-apply for a beer permit once she cleared up the situation with the citation. Chairwoman Headrick closed the beer board meeting at 7:10pm.

Regular City Commission

Pledge: Mayor Talley opened the meeting with the Pledge of Allegiance at 7:01 pm.

Minutes: A motion to approve the January 2014 minutes pending grammar error corrections was made by Vice Mayor Headrick. Commissioner Suttles seconded and the motion passed with 4 yea votes.

Finance Report: Recorder Moss asked the Commission about applying for an Ace Hardware account and who should be listed as authorized users. Mayor Talley made a motion to approve applying for an account with the local Ace Hardware and to list police and maintenance employee's as authorized users. Commissioner Palewski seconded and the motion passed with 4 yea votes.

Recorder Moss then presented the Ingram, Overholt, and Bean annual audit contract for the current fiscal year. Vice Mayor Headrick made a motion to approve the \$3,850 Ingram, Overholt, and Bean annual audit contract for fiscal year 2014. Commissioner Suttles seconded and the motion passed with 4 yea votes.

Recorder Moss gave the finance reports for the month of January 2014. Recorder Moss explained that she has not had time to go back and review the issue with the Tennessee Consolidated Retirement System (TCRS) payment which caused the excel spread sheet budget to be out of balance. She reminded the Commission that the Quickbooks report is accurate as it calculates on a day to day basis whereas the Excel spreadsheet is built at the end of the month based on information from Quickbooks. Vice Mayor Headrick made a motion to approve the January 2014 finance reports. Commissioner Palewski seconded and the motion passed with 4 yea votes.

Police Report: Mayor Talley reported that the Chief Ron Suttles was not able to make it to the City Commission meeting.

Maintenance: Mayor Talley reported that there were some problems with the dump truck, He also mentioned that he had met with Paul Antczak about the skunk issue under the building. He reported that Mr. Antczak set traps and that he had already captured two skunks. Mayor Talley reported that cost to remove and relocate the skunks was \$250. Mayor Talley also mentioned that Mr. Antczack was willing to remove and relocate the squirrels from the attic for an additional \$250. Mayor Talley reported that each bill also included

sealing off the holes in the foundation and attic to prevent other animals from entering. There was some discussion about these issues. Mayor Talley made a motion to request Mr. Paul Antczac remove and relocate the squirrels for and additional \$250. Commissioner Palewski seconded and the motion passed with 4 yea votes.

Fire: No Report

Recreation: No Report

Old Business

City Commission Vacancy: Mayor Talley explained that there was a vacancy on the City Commission due to former Commissioner Wietlisbach relocating to Seymour. He mentioned that Recorder Moss had compiled a list of nominee's that were willing to serve. Mayor Talley then nominated Mr. Kenny Myers to fill the vacancy. Vice Mayor Headrick nominated Mr. Doug Ridley. Mayor Talley then made a motion to vote on the two nominees named. Commissioner Palewski seconded. Voting to appoint Kenny Myers was Mayor Talley, Commissioner Suttles, and Commissioner Palewski. Voting to appoint Doug Ridley was Vice Mayor Headrick. With 3 yea votes, Mr. Kenny Myers was appointed to the City Commission until the next election scheduled for August 2014.

Non Resident Property Owner Voting: Mayor Talley explained that there were citizens who came to the January City Commission to request that non-resident property owner voting rights being added to the revised Charter before sending it to the State for approval. He mentioned that he had questions pertaining to how the Election office would verify eligibility to vote in the City Elections and what restrictions and language should be used. Commissioner Palewski mentioned that most city charters that he has researched that have non-resident property owner voting rights also have a property tax. Mr. Don Headrick asked if property tax would be a criteria. Commissioner Palewski responded by saying no that he was just relaying what he learned from his research. Mr. Doug Ridley asked how many votes would be allowed per parcel. Mayor Talley and Commissioner Palewski both responded by saying two votes per parcel is what most of the researched regulations allowed. Mr. Pat Jenkins asked how big a parcel would need to be in order to qualify to vote. Mayor Talley read several examples from other jurisdictions of qualifying parcel dimensions. Mayor Talley then opened the floor for comments. Mr. Pat Jenkins asked what the motivation was to add non-resident property owner voting rights. Mrs. Sandy Headrick stated that Townsend was a gateway community and spoke about tourism and businesses. She also mentioned that the City was funded by sales tax. Mr. Ernie Lancaster stated that he disagrees with non-resident property owner voting because he does not want to see his vote discounted.

Resolution 250-14-1C, Charter Revision: After the non-resident property owner voting right discussion was over Mayor Talley made a motion to approve Resolution 250-14-1C. Commissioner Palewski seconded and the motion. Resolution 250-14-1C failed as Commissioner Suttles abstained, Vice Mayor Headrick voted nay, and Mayor Talley and Commissioner Palewski voted yea. Resolution 250-14-1C required a three fourths voted of the seated members to pass and be sent to the State of Tennessee.

Resolution 252-14-1C, Citizen Complaint Procedure: There was some discussion about the current citizen complaint process and how the City tracks and logs complaints. Vice Mayor Headrick made a motion to pass Resolution 252-14-1C. Mayor Talley seconded and the motion passed with 4 yea votes.

Resolution 251-14-1C, Election Call: Mayor Talley made a motion to approve Resolution 251-14-1C. Commissioner Palewski seconded and the motion passed with 4 yea votes.

Ordinance 272-14-1C, Personnel Policy: There was some discussion about the new final draft personnel policy. Vice Mayor Headrick made a motion to approve Ordinance 272-14-1C. Commissioner Suttles seconded and the motion passed with 4 yea votes. Recorder Moss asked Mayor Talley if he would like her to request every City employee to be in attendance at the public hearing scheduled for the next City Commission meeting which will be March 18, 2014. Mayor Talley said that he did not want to make City Commission meeting attendance mandatory but would like Recorder Moss to invite them to attend or send any comments or concerns to him either by phone, email, or in person.

Ordinance 273-14-1C, Regulations for Impound and Sale Proceed Disbursement: There was some Discussion about the sale of automobiles seized by the Police Department and the proper disposition of the

proceeds from those sales. Commissioner Palewski mentioned that he could not find Tennessee Code 39-17-428. Mayor Talley postponed this agenda item until the March 18, 2014 meeting. Mayor Talley asked Recorder Moss to verify the language and Tennessee Code Sections referenced in the ordinance before the March 18, 2014 meeting.

New Business

Request for Donation, Shannon Skidmore: Mr. Skidmore presented a letter of request for a \$1,000 donation and a copy of the upcoming budget for the baseball team to the City Commission. He reported that there are thirty children participating and the entry fee for each is \$95. There was some discussion about the ball team and proper procedure for a municipality to give a donation. Mayor Talley asked Mr. Skidmore how soon he needed this donation if it was approved. Mr. Skidmore replied by saying soon. Mayor Talley made a motion to approve the request for a \$1,000 donation for the baseball team. Commissioner Palewski seconded. The motion failed with 1 yea vote from Commissioner Palewski and three nay votes from Mayor Talley, Vice Mayor Headrick, and Commissioner Suttles. Mayor Talley explained that the City has to follow the law and that the Commission is researching donation procedures. Mr. Skidmore stated that he thinks "it's pathetic that the City is not doing this regardless of what trouble you're going to get in. We can easily go out and get the money. The money is not the issue. It's always been the City of Townsend wants to look good, have these ball teams up there, it's a thousand bucks." Mayor Talley then mentioned the state requirements for a municipality to give a donation and that knowingly breaking state law is not good for the City of Townsend. Mr. Skidmore then stated "I would say there have been so many laws broken that you couldn't even keep up with them. There is no way you could possibly follow the laws for the City, I mean with the state."

Discussion, Right of Way Public Parking: Vice Mayor Headrick reported that she had a meeting with TDOT (Tennessee Department of Transportation) and it was her understanding that if there is existing parking on the TDOT right of way then TDOT will lease that parking to the City and the City will be permitted to sublet the parking to adjacent businesses. She mentioned that if a business did sublet the parking, they would be responsible for maintenance and upkeep. Mr. Jenkins stated that when he was Mayor the Commissioner of TDOT told him that it was public parking. Vice Mayor Headrick mentioned that she asked about street lights and was told that they must be breakaway and that there were grants available.

There was some discussion about the beer permit application form and beer permit application process. Mayor Talley mentioned that he is going to work with the Police Chief on the current application form and process and bring it back to the Commission for approval.

There was some discussion about an agreement between the County and the City from the nineties for little league ball fields behind the elementary school and fencing around the Mr. Don Headrick mentioned that he remembered that Todd Napier was supposed to follow up on this agreement. Commissioner Suttles agreed to ask Mr. Napier about this agreement.

The Commission scheduled a called meeting for Tuesday, March 11, 2014 at 6:30pm to begin working on the fiscal year 2015 budget.

There being no further business, Mayor Talley made a motion to adjourn at 9:42 pm. Commissioner Suttles seconded and the motion passed with 4 yea votes.

Shelia Moss

Approved: _____ date _____
Title: _____