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REGULAR MEETING
GOODLETTSVILLE CITY COMMISSION

Date: December 12, 2019

Time: 6:30

Place: City Hall

Present: Jimmy D. Anderson, Harry Bell, Jeff Duncan, Rusty Tinnin, and Zach Young.

Absent: None.

Also Present: Russell Freeman, Tim Ellis, Gary Goodwin, Jeff McCormick, Allison Baker, Julie High, Greg Edrington, Addam McCormick, Amy Mitchell, Mary Laine Hucks, Jan Lanius, Marilee Tice and others.

Mayor Duncan called the meeting to order. Mr. Bob Lord offered prayer. Mayor Duncan led the chambers in the pledge of allegiance.

City Recorder Allison Baker called the roll: Mayor Duncan present, Vice Mayor Tinnin present, Commissioner Anderson present, Commissioner Bell present, and Commissioner Young present.

Consider minutes of the November 14, 2019 regular meeting of the Board of Commissioners. Vice Mayor Tinnin made a motion to approve the minutes as written. Commissioner Young seconded the motion and motion passed 5-0.

City Manager Tim Ellis thanked the departments for the great job over the weekend with the Christmas events. The Parks Department and the Tourism Department did a good job putting all of the events together. The Police Department did a phenomenal job with their event planning and the Fire Department was involved with that as well. Public Works and the Customer Service Center also answered several calls with that.

He also wanted to let the public know that City offices will be closed on December 24th and 25th and January 2nd due to the holidays. Sanitation will not be picked up on Christmas Day and New Year's Day. It will be picked up on Christmas Eve. If your trash is to be picked up on Wednesday, it will be picked up on Thursday. If your recycling is to be picked up that week, it will be on Saturday for those two weeks.

City Manager Ellis congratulated Jeff McCormick for being appointed by the governor to the Underground Storage Tank and Solid Waste Disposal Board for the State. He also met with TDEC Deputy Commissioner Greg Young and talked about air quality and emissions testing. City Manager Ellis has asked if a city can opt out of emissions testing and it may be a decision this Board may have to consider after some research.

Commissioner Young stated as a City we have staff that put up decorations before Thanksgiving and wanted to recognize Brian Shores for his hard work decorating for the season. He said he also liked Candy Cane Village, the new addition this year. He said he liked it and wanted to thank those involved.

Mayor Duncan stated the Sumner County School Board lost one of its members, Mr. Jim Hawkins. He was in District 6 and he has done a lot for Sumner County and asked everyone to keep his family in their thoughts and prayers.

Consider old business.

Consider Ordinance 19-959, an ordinance to close two (2) sections of non-improved ten (10') feet alleyway right-of-ways per the W.B. Myers Home Place Subdivision Plat and designate the right-of-way area to the adjacent property owners, second reading. Commissioner Bell made a motion to defer Ordinance 19-959 for one meeting. Vice Mayor Tinnin seconded the motion. Vote was then taken which resulted in a 5-0 vote to defer Ordinance 19-959 for one meeting.

Consider Ordinance 19-960, an ordinance amending the City of Goodlettsville, Tennessee Municipal Code Title 16 by creating a new Section 115 entitled Sidewalk Payments of Fee in Lieu of Construction, second reading and public hearing. City Manager Ellis recommended an amendment under Section 2, a new subsection f which reads, "When it is determined that an inadequate amount of Right-of-way exists for sidewalk construction on the subject property, the City Manager or his designee may require dedication of Right-of-way for future sidewalk construction." Commissioner Bell questioned if we amend the ordinance if we could still have a public hearing. City Attorney Russell Freeman said it would determine on how much the amendment deviated from the caption. City Manager Ellis said we could pass this without the amendment and then come back and put the amendment on there later since we have a project in the City with a timeline. Mayor Duncan asked for a motion to consider the document that was approved on first reading. Commissioner Young made a motion to consider Ordinance 19-960. Vice Mayor Tinnin seconded the motion. Commissioner Young moved to amend it with item f as presented by the City Manager. Mayor Duncan stated it was his understanding that we would need to give proper notice before considering that particular amendment. Commissioner Young disagreed. City Attorney Freeman stated it does not create a substantial issue to add this amendment but the notice as to what we are passing has changed. He said we can pass it with the amendment but if we want to be sure then we can have a public hearing as is and pass it as it was written on first reading and then come back to amend it at another time. There was additional discussion. Commissioner Young renewed his original motion. There was no second. The public hearing was declared open. With no one speaking in favor or against the proposed ordinance, the public hearing was declared closed. Vote was then taken which resulted in a 5-0 vote to approve Ordinance 19-960.

Consider new business.

Consider Ordinance 19-961, an ordinance of the City of Goodlettsville, Tennessee amending the fiscal year 2019-2020 budget, passed by Ordinance 19-938, first reading. Commissioner Young made a motion to consider Ordinance 19-961. Commissioner Anderson seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Ordinance 19-961.

Consider Ordinance 19-962, an ordinance amending the City of Goodlettsville Municipal Code Title 14, Chapter 2, Section 208 by creating a new Subsection (5)(f) entitled Tree Bank, first reading. Commissioner Young made a motion to consider Ordinance 19-962. Vice Mayor Tinnin seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Ordinance 19-

962.

Consider Ordinance 19-963, an ordinance amending the City of Goodlettsville Municipal Code Title 14, Chapter 1, Section 101 by deleting it in its entirety and replacing it with a new Section 101 entitled Creation and Membership, first reading. City Attorney Russell Freeman proposed an amendment to read, "The other ten (10) shall be appointed by the mayor, only one of whom may be a member of the Board of Commissioners." He stated we are under the Regional Planning statute and it does allow both the mayor and/or a mayoral designee on the Planning Commission. Commissioner Anderson made a motion to consider Ordinance 19-963 as amended. Commissioner Bell seconded the motion. Vote was then taken which resulted in a 4-1 vote to approve Ordinance 19-963 with Commissioner Young voting against the proposed ordinance.

Consider Resolution 19-889, a resolution authorizing the execution of a governmental lease-purchase agreement number 001-0778803-300, with TCF National Bank dated as of December 12, 2019. Commissioner Young made a motion to consider Resolution 19-889. Commissioner Anderson seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-889.

Consider Resolution 19-890, a resolution to adopt the City of Goodlettsville's Legislative Agenda for the second session of the 111th General Assembly of the State of Tennessee. City Manager Ellis would like to strike the two words 'All increases' from the third bullet point. Commissioner Young made a motion to consider Resolution 19-890. Vice Mayor Tinnin seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-890.

Consider Resolution 19-891, a resolution ratifying membership and appointments to the Goodlettsville Planning and Zoning Board, Board of Zoning and Sign Appeals, Beer Board, Industrial Development Board, Parks and Recreation Advisory Board, and Historic Preservation Commission. Mayor Duncan made a motion to consider Resolution 19-891. Vice Mayor Tinnin seconded the motion. Commissioner Young made a motion to amend Mr. Curcio's name to be spelled correctly. Mayor Duncan amended his motion to include that. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-891 as amended.

Consider Resolution 19-892, a resolution declaring certain property surplus to the needs of the City of Goodlettsville and calling for its disposal by online auction or any other reasonable manner. Vice Mayor Tinnin made a motion to consider Resolution 19-892. Commissioner Anderson seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-892.

Consider Resolution 19-893, a resolution to rescind Resolution 90-108 and terminate participation in the State of Tennessee supplemental medical insurance coverage as permitted by TCA 8-27-7. This is to change the effective date of the rescension. Commissioner Anderson made a motion to consider Resolution 19-893. Commissioner Young seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-893.

Consider Resolution 19-894, a resolution designating all funds generated from payment in lieu of construction of sidewalks to be committed solely for the purpose of sidewalk construction within

the City of Goodlettsville. Commissioner Bell made a motion to consider Resolution 19-894. Vice Mayor Tinnin seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-894.

Consider Resolution 19-895, a resolution authorizing the continued sanitation service at homes located at 412, 413, 415, 417 and 410 Isaac Drive which are in whole or in part not in the corporate limits of the City of Goodlettsville. Commissioner Young made a motion to consider Resolution 19-895. Vice Mayor Tinnin seconded the motion. Mayor Duncan pointed out that these properties will be paying the stand-alone sanitation fee for this service. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-895.

Consider Resolution 19-896, a resolution acknowledging a grant application with the Carmax Foundation for the purpose of additional playground equipment at Pleasant Green Park. Commissioner Anderson made a motion to consider Resolution 19-896. Vice Mayor Tinnin seconded the motion. Vote was then taken which resulted in a 5-0 vote to approve Resolution 19-896.

Consider and possibly take action as it relates to the position of City Judge. Mayor Duncan stated we have had this conversation in numerous Study Sessions. He said the Board also received an email from the current Judge and didn't see any responses. He said we have had some concerns with representation with Madison Suburban Utility District as it relates to our Main Street Project and his representation of that utility.

Commissioner Young said it has become obvious to him that Judge Wheeler's interests are at conflict when it comes to his legal position with Madison Suburban and while concurrently serving as an employee of the City of Goodlettsville. He stated the degrading and threatening tone in his correspondence with the City as counsel for Madison Suburban caused to question his interest and to whom he is serving best. These are communications we have seen over the last year or so that have been shared with them. It is his opinion that Judge Wheeler has crossed the line repeatedly when it comes to representation and those communications. He has not recused himself from those dealings. He said it has also come to his attention in the last several years, that conduct in court has been less than advantageous for our City employees. He thinks that there have been several instances over the years that our police officers have felt that the Judge has not been impartial as he is instructed to be as a judge. He said there have been situations that our officers were caused to feel as they were to be embarrassed by the judge. He understands the judge's duty is to enforce our charter and our city codes impartially whether that be in favor of the city or a traffic court defendant. However, he has not yet met an officer in Goodlettsville that did not feel there was some impartiality appearing in court. The duty to enforce the charter and the city code is not always done so in a way that does not denigrate our officers in this city and in order to eliminate the unabated conflict with Madison Suburban and the conduct as judge, Commissioner Young made a motion terminate the employment of Judge Robert Wheeler.

Mayor Duncan stated if this moves forward, we will need an interim judge and a permanent position, all of which can be done tonight if the board desires.

Commissioner Anderson stated he is with Commissioner Young on the Madison Suburban deal

and that Judge Wheeler did not have our best interest in hand with that and Commissioner Anderson seconded the motion to terminate Judge Wheeler's employment.

Mayor Duncan clarified with City Attorney Russell Freeman that this position is an at will position and is at the pleasure of the board and we are within our rights to move forward. City Attorney Freeman confirmed. There was additional discussion.

Mayor Duncan stated if this passes and we are without a City Judge, we will have to appoint a new judge and/or get a temporary judge. Mayor Duncan asked City Attorney Freeman about the requirements for the temporary position and it has to be an actual judge not just a licensed attorney. It would have to be a general sessions judge or a circuit court judge. City Manager Ellis stated the Mayor appoints an interim until a permanent one can be appointed. City Manager Ellis asked if it could be a retired judge. City Attorney Freeman said he thought a retired judge would be able to serve in this capacity. There was additional discussion.

Vote was then taken which resulted in a 5-0 vote to terminate the employment of Judge Robert Wheeler.

Mayor Duncan asked if anyone would like to put forth a nomination. There was additional discussion. City Manager Ellis stated there would need to be unanimous consent since it was not on the agenda. Mayor Duncan stated he thought they would be able to continue under the "take action on City Judge" verbiage. City Attorney Freeman said that the point is well taken to have consent to add this item to the agenda. Commissioner Young made a motion to consider a nomination for City Judge. City Attorney Freeman asked about the procedure for receiving nominees and Commissioner Young said that discussion would be had as part of this motion. Mayor Duncan seconded the motion. Vote was then taken which resulted in a 4-1 vote to add this item to the agenda with Commissioner Bell voting against it.

Mayor Duncan stated since we did not have unanimous consent, we would have to add this item to the agenda of our next meeting. Commissioner Young jumped in to say he didn't think we were done with this item. Commissioner Young wanted to make sure he understood the point that the power is vested with the Mayor to appoint the interim until a permanent position is filled. City Attorney Freeman and City Manager Ellis confirmed the interim appointment could be made by the mayor. There was additional discussion.

Commissioner Bell asked how it worked if the judge ever missed. City Manager Ellis stated all substitutions are secured by the judge. He said some cities around middle Tennessee are also appointing the alternate judge and some have attached a term to the judgeship like it was an elected position. There was additional discussion. City Manager Ellis stated the appointment needed to happen quickly since court is scheduled for next Tuesday.

City Attorney Freeman said if it is a consensual interim appointment it will not need to come back before the Board. There was additional discussion. Commissioner Bell asked what our obligations are in regards to advertising for the permanent position. City Attorney Freeman stated it would be up to this board to see how to seek resumes and look at their credentials. Commissioner Young said that this was exactly what he wanted to add to the agenda. Commissioner Bell said we could

revisit it if we needed to. There was additional discussion. City Manager Ellis said there is a state statute that regulates the residency of an applicant that they must be a resident of the city or within the county that the city lies. There was additional discussion.

Commissioner Bell said he must have misunderstood what Commissioner Young was wanting to present and he said if we can do another vote to see if we can add it to the agenda, Commissioner Bell is for us moving forward. Mayor Duncan made a motion to add to the agenda a discussion of how we would like to proceed forward. Commissioner Bell seconded the motion. Vote was then taken which resulted in a 5-0 vote to add a discussion of how the board will move forward as it considers the position of the City Judge to the agenda.

Mayor Duncan asked the board how they wanted to do this. Commissioner Anderson asked that if we already have one that is interested, do we need to go through the interim. Mayor Duncan said to make everything clear, concise and smooth, we ought to go through an interim. Commissioner Young said we should post on the city's website and post in the paper that the Commission is accepting resumes and a cover letter from anyone interested in the position. Just like a job posting, have it posted and state what the pay is. He asked if it was about \$22,000.00 and City Manager Ellis confirmed that that was correct to the best of his knowledge. There was additional discussion. Commissioner Young said he would prefer if the new judge was from the City and said surely there would be someone that is interested if there is a posting in The Ledger or on the city's website. He said if we don't feel that anyone is good then at that point send it to the Bar Association. Commissioner Young suggested that those interested would submit to the City Recorder to distribute to the Board. He said he is open if anyone else wants to jump in. Mayor Duncan also liked the recommendation to stay local first and we should know within 30 days if we have decent candidates. City Attorney Freeman stated he didn't think we could confine it to our City limits and that we have to accept applications outside of our City limits. Commissioner Young said to accept all of them but he thinks we would prefer someone in the city. He said similar to the hiring of department heads that it is preferred that they live here or move here. Commissioner Young said to set a deadline and he knows The Ledger doesn't publish the last few weeks of the year. City Manager Ellis said we would have to do a general ad tomorrow to get it in The Ledger before the first week of January. City Manager Ellis said you would probably want to define your selection process and that needs to be ironed out as well. Commissioner Young said it may get ironed out based on the number of submissions. He said if there are 40 people applying for it, we may think about a more involved process, but if there only 5-10 folks applying he feels confident we could have a special called study session to discuss the applicants and see if we can come to an agreement to narrow it down. Commissioner Bell asked if had to be a public meeting since this is a personnel matter. City Manager Ellis confirmed it does have to be an open meeting. There was additional discussion.

Commissioner Young said if we advertise now, we would have a general idea of how many people have applied by the first two meetings in January to see if there does need to be a more formal matrix of scoring. He said he does not want to go through a process of creating a burdensome situation if we only get 3 people to apply. Commissioner Bell stated he didn't want to get into a situation where anybody could come back and say we discriminated against anyone through this process. Commissioner Young said that that was the beauty of this Board's to employ and serving at the pleasure. City Manager Ellis said the only limitation we have tonight it the timing of

advertising in The Ledger and is the piece we need to figure out tonight.

Commissioner Young suggested we advertise for the deadline to submit is January 31st and there will be two meetings between then and the Recorder can let us know how many applicants there have been and at that time we can work on a more formal, involved process. Mayor Duncan said it sounds reasonable and that we need to make sure we have an interim that can serve for 60 days. City Manager Ellis stated he needed the flexibility to compensate the interim judge.

Commissioner Young made a motion to have staff post the position and advertise it in The Ledger and on the city's website and that the deadline listed is Friday, January 31st. All interested folks should submit a resume and cover letter to the City Recorder. City Manager Ellis asked that the resumes be submitted to our Human Resources Director and Commissioner Young amended his motion to have them submitted to the Human Resources Director. The Commission decided not to post to the Bar Associations just yet. Commissioner Bell seconded the motion. Vote was then taken which resulted in a 5-0 vote to post the position for City Judge and advertise in The Ledger and on the city's website with all resumes with a cover letter to be turned in to the Human Resources Director by Friday, January 31st. There was additional discussion

Consider and possibly take action as it relates to the December 26, 2019 Board of Commissioners regularly scheduled meeting. Commissioner Bell asked City Manager Ellis about the benefit package the City Judge had and wanted to make sure he didn't lose his insurance immediately due to having a bad night. City Manager Ellis said he would have to do some checking on it. There was additional discussion. Commissioner Young said he wanted to mention he does appreciate the service of Mr. Wheeler because he knows he loves the city but it is just a mismatch and wanted to thank him for his willingness to serve.

Consider and possibly take action as it relates to the December 26, 2019 Board of Commissioners regularly scheduled meeting. There was discussion. Mayor Duncan made a motion to cancel the December 26, 2019 Board of Commissioners meeting. Commissioner Young seconded the motion. Vote was then taken which resulted in a 5-0 vote to cancel the December 26, 2019 Board of Commissioners meeting.

With no further business, Vice Mayor Tinnin made a motion to adjourn. Commissioner Anderson seconded the motion. The meeting was adjourned at approximately 7:40 p.m. with a 5-0 vote.

City Recorder

Mayor