

Minutes

Board of Mayor and Aldermen

City of Portland, Tennessee

March 7, 2022

1. **Call to Order** - Mayor Callis called the meeting to order at 5:05 P.M.
2. **Prayer/Pledge** – Bro. Roger Putnam offered the Invocation and the Pledge of Allegiance.
3. **Roll Call** - The Portland Board of Mayor and Aldermen met on March 7, 2022, with the following members in attendance: Alderwoman Penny Barnes, Alderman Thomas Dillard, Alderman Mike Hall, Alderman Jody McDowell, and Alderman Brian Woodall. Vice Mayor Drew Jennings and Alderwoman Megann Thompson were absent. City Attorney John R. Bradley and City Recorder Patricia Keen were present.
4. **Approval of Minutes from February 7, 2022, Council Meeting**
A motion was made by Alderman Woodall seconded by Alderman McDowell to approve the minutes as presented. A unanimous voice vote indicated approval.
The minutes were approved.
5. **Approval of Agenda** A motion was made by Alderman Dillard, seconded by Alderwoman Barnes to approve the agenda. A unanimous voice vote indicated approval of the agenda.
The agenda was approved.
6. **Presentation of Recognitions**
Dixie Youth 5/6, 7/8 and 9/10 All Star Baseball teams from 2021 season.

Rob and Ginger Leasmann, coaching team of the Ladies Volleyball at Portland High School, recently retired with a very impressive Championship record.

7. **Discussion of issues relating to recent media reports**
Alderman Dillard spoke first on this issue that is with he and his neighbor and has been on going for about five years that ended up on the local new station. First, he would like to apologize to the community to the disgrace some may have heard. Also, he would like to apologize to those that may have been offended by the words that I use. This is an appending case with his neighbor but anybody that would like to reach out to him on this matter or any other matter that comes before this council may do so. I will let you know just exactly what's going on. I will still work with the city in the best of my ability that I can and thanks for the support.

Alderman McDowell said he appreciate Thomas apologizing. All starts with forgiveness and he has spoken to a lot out in the community and they are going to have to forgive you and the council as well. Forgiveness needs to start at home with you and your neighbor and make things right with them. Try to be that person and make the difference with them.

Alderman Hall stated we are in a position that we do not judge people and hope things go in a positive direction and get things work out. Pray that it will be.

Alderwoman Barnes said she would like to ditto what the formers Alderman said and appreciate Thomas's apology to the council and those you offended. We as leaders of this community need to put the best foot forward. Will keep you in my payers as we move forward and beyond this.

Alderman Woodall said that he is deeply offended for the gentleman and ladies he works with and his family, employees and citizens. However, he appreciates you coming out and apologizing. This is a huge step and a great step forward and appreciate that.

Mayor Callis stated he appreciated the apology and knows a lot are glad to hear it. We all have mistakes but thank you for apologizing for it publicly.

8. Communications from Mayor/Aldermen

Alderman Hall said if you have been watching the news lately regarding Russia and Ukraine, heaven help those people over there. They are just like us, freedom loving people minding their own business. Then along comes communism with Russia and goes in killing women, children and men for no reason. He continued by saying generations of children have not been taught the right way and wrong way about freedom of this country, free county and how we got here. This is a cold war going on now and hope everyone could learn from what they are seeing regarding this war. Those people are standing up the way the United States has in the past. The see no evil, hear no evil and speak no evil lets evil do what it wants to do. People have to be vocal and stand up.

9. Public Recognition

Jim Fowler, 206 Old Westmoreland Road – Mr. Fowler spoke saying he did not approve the rezoning on Ordinance No. 22-03. He was concerned with the traffic and speeding. Hopes the council takes another look at the area.

Marilyn Utley, 121 Hood Trail – Mrs. Utley spoke regarding Ordinance No. 22-03 and possibly 45 homes on the rezone of R-10. If the adjoining street to the park is built it will be a lot of cars. There is difficulty turning off South Russell Street now with all the traffic. She spoke of flooding onto their houses on Hood Trail and sink holes in the area. Mrs. Utley reported the developer lives in the county and doesn't think he would want it in his back yard. She added she would appreciation the councils help.

Albert Dittes, 123 Hood Trail – Mr. Dittes said his property backs the property to be rezone on Ordinance No. 22-03. He said he move to this location liking the fields and rural life but changing now. He is concerned with the water run off plan and the two retention ponds and would request an engineer looking at the project.

John McCloud, 195 Oakhill Drive – Mr. McCloud talked about the food trucks. He reported food truck are wherever they want to be but see people liking a food truck court. Stated he had called the Planning Department with no answer and that's why he is here. He would like to put a food truck court on 907 North Broadway but was told it needed to be paved and stormwater issues. There is a food truck on Hwy 52 on a gravel lot (lot next to Blooming Deals) and he wonders why he can be on gravel.

Curtis Grove, 104 Arthur Court – Mr. Grove spoke regarding fees on Ordinance No. 22-13. He was concerned with sewer fees and the City passing for Mitchellville getting sewer taps. He was wondering how the city fees are compared to other cities.

10. Public Hearing

- A. Ordinance No. 22-03 - First Reading** – An ordinance to amend the City of Portland, TN zoning map by rezoning unaddressed Old Westmoreland Road (Map 033, Parcels 026.00, 0038.00) from RR-County (Rural Residential) and R-15 (Residential) to R-10 (Residential w/Residential PUD overlay).

Neal Hall – concerned with the rezoning to R-10, feels R-15 would be better. Think of the traffic count for the area. Zone to R-15 would be much better suited for the property.

11. Human Resources – Penny Barnes

- A. Ordinance No. 22-19 – First Reading** – An ordinance authorizing adoption of a job description for the position of a Golf Course Manager under the supervision of the Parks Director for the City of Portland.

Motion was made by Alderwoman Barnes, seconded by Alderman Dillard to approve Ordinance No. 22-19 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-19 Approved on First Reading

12. Planning & Codes – Megann Thompson

- A. Ordinance No. 22-03 - Second Reading** – An ordinance to amend the City of Portland, TN zoning map by rezoning unaddressed Old Westmoreland Road (Map 033, Parcels 026.00, 0038.00) from RR-County (Rural Residential) and R-15 (Residential) to R-10 (Residential w/Residential PUD overlay).

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Ordinance No. 22-08 on first reading. After a lengthy discussion regarding the size of lots and house, motion was made by Alderman Woodall, second by Alderwoman Barnes approve Mr. Wilkinson's the alternate plans of 1400 sq ft houses. Motion passes for the alternate plan. A roll call vote indicated approval by 4 aye and 1 nay.

Ordinance No. 22-03 Approved on Second Reading

- B. Resolution No. 22-08** - A resolution annexing property at unaddressed Old Westmoreland Road, also identified as Tax Map 033, Parcel 038.00 containing 14.00+/- acres upon written consent of the owner.

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Resolution No. 22-08. A unanimous voice vote indicated approval.

Resolution No. 22-08 Approved

- C. Resolution No. 22-09** - A resolution adopting a plan of services for the annexation at unaddressed Old Westmoreland Road, Tax Map 033, Parcel 038.00.

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Resolution No. 22-09. A unanimous voice vote indicated approval.

Resolution No. 22-09 Approved

- D. Ordinance No. 22-12 - First Reading** – An ordinance accepting existing infrastructure improvements and future maintenance for Shoals Way, formerly known as Distribution Parkway (3152 LLC Property).

Motion was made by Alderman McDowell, seconded by Alderman Woodall to approve Ordinance No. 22-12 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-12 Approved on First Reading

13. Parks & Recreation – Thomas Dillard - No items

14. Public Works & Utilities – Brian Woodall

- A. Ordinance No. 22-04 - Second Reading** – An ordinance for the City of Portland to enter an agreement Orchard, Hiltz & McCliment, Inc. OHM, to provide General Engineering Services for Technical & Professional Services for various projects.

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Ordinance No. 22-04 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-04 Approved on Second Reading

- B. Ordinance No. 22-05 - Second Reading** – An ordinance rescinding and replacing Ordinance No. 19-75 modifying Title 18 and Title 19 of the City of Portland Municipal Code to establish an independent policy for reinstating services and fees for Gas, Water and Sewer.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Ordinance No. 22-05 on second reading. Motion was made by Alderman McDowell, second by Alderman Dillard to amend the ordinance by adding “Non-Payment” fees. A unanimous voice vote indicated approval as amended.

Ordinance No. 22-05 Approved on Second Reading as Amended

- C. Ordinance No. 22-06 - Second Reading** – An ordinance authorizing an agreement between the City of Portland and Hussey Gay Bell to provide professional engineering services for the relocation of approximately 2,500 feet of 12-inch steel gas main along TGT Road and various lengths of polyethylene gas mains within the Wellington Place development located on TGT Road.

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Ordinance No. 22-06 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-06 Approved on Second Reading

- D. Ordinance No. 22-07 - Second Reading** – An ordinance to authorize the mayor to enter into a developer’s agreement with Wellington Place for the development of Wellington Place Subdivision.

Motion was made by Alderman Woodall, seconded by Alderman McDowell to approve Ordinance No. 22-07 on second reading. Motion was made by Alderman Woodall, second by Alderwoman Barnes to amend the ordinance with changes to amounts within the developer’s agreement. A unanimous voice vote indicated approval as amended.

Ordinance No. 22-07 Approved on Second Reading as Amended

- E. Ordinance No. 22-08 – Second Reading** – An ordinance to enter into an agreement with Jarrett Paving, LLC to provide road sealing materials and services to the City of Portland contracts A, C, and D.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Ordinance No. 22-08 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-08 Approved on Second Reading

- F. Ordinance No. 22-11- Second Reading** – An ordinance to enter into an agreement with Holbrook Asphalt Co. to provide road sealing materials and services to the City of Portland contract B.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Ordinance No. 22-11 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-11 Approved on Second Reading

- G. Ordinance No. 22-13 - First Reading** - An ordinance to rescind in its entirety Resolution No. 3588, 4483, 4996 and 5228 and Ordinance No. 19-38 and any other Resolutions or Ordinances pertaining to Water, Sewer, and Natural Gas fee structure and replace with this Ordinance for Water, Sewer and Natural Gas fee structure.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Ordinance No. 22-13 on first reading. Motion was made by Alderman Woodall, seconded by Alderman McDowell to add to rescind Resolution No. 14-83 as well. A unanimous voice vote indicated approval as amended.

Ordinance No. 22-13 Approved on First Reading as Amended

- H. Ordinance No. 22-14 - First Reading** – An ordinance to repeal and replace the existing Sewer Use Ordinance and to replace with an updated Sewer Use Ordinance and Sewer Enforcement Response plan for Portland, TN.

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Ordinance No. 22-14 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-14 Approved on First Reading

- I. Ordinance No. 22-15 - First Reading** – An ordinance to enter into an agreement with Pipe Check for video sewer pipe inspections for Zone 5A (Drakewood and Airport Road pump station basin area).

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Ordinance No. 22-15 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-15 Approved on First Reading

- J. Resolution No. 22-23** - A resolution to approve change order #1 in the amount of \$91,832.16 for the agreement between the City of Portland and TJ Construction for the Gas Improvements for Hwy 259, West Market Street rehabilitation and Rogers Group replacement.

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Resolution No. 22-23. A unanimous voice vote indicated approval.

Resolution No. 22-23 Approved

- K. Ordinance No. 22-16 – First Reading** - An ordinance to authorize the Mayor to enter into a Developer's Agreement with Robert Robinson for upsizing the existing water main along Red River School Road and Highland Road for the 22 lot development, located at 6004 Red River School Road in Portland, TN.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Ordinance No. 22-16 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-16 Approved on First Reading

15. Police Department – Drew Jennings – No items

16. Fire Department – Jody McDowell

- A. Resolution No. 22-24** - A resolution approving the best bid for a firework show for the Strawberry Festival.

Motion was made by Alderman McDowell, seconded by Alderman Dillard to approve Resolution No. 22-24. Motion was made by Alderman Woodall, second by Alderwoman Barnes to amend the resolution by increasing the amount to not exceed \$21,000. A unanimous voice vote indicated approval as amended.

Resolution No. 22-24 Approved as Amended

17. Finance – Penny Barnes

- A. Resolution No. 22-17** - A resolution of the City of Portland, TN authorizing the issuance of interest-bearing Police Department Capital Outlay Notes, Series 2022, in an amount not to exceed \$276,000, and providing for the payment of said notes.

Motion was made by Alderwoman Barnes, seconded by Alderman McDowell to approve Resolution No. 22-17. A unanimous voice vote indicated approval.

Resolution No. 22-17 Approved

- B. Resolution No. 22-25** - A resolution of the City of Portland, TN authorizing the issuance of interest-bearing General Obligation Capital Outlay Refunding Notes, Series 2022, in an amount not to exceed \$226,250, and providing for the payment of said notes.

Motion was made by Alderwoman Barnes, seconded by Alderman Woodall to approve Resolution No. 22-25. A unanimous voice vote indicated approval.

Resolution No. 22-25 Approved

- C. Ordinance No. 22-17 - First Reading** – An ordinance of the City of Portland, TN amending budget Ordinance No. 21-20 for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Motion was made by Alderwoman Barnes, seconded by Alderman Dillard to approve Ordinance No. 22-17 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-18 Approved on First Reading

18. Legislative – Mayor Mike Callis

- A. Ordinance No. 22-18 - First Reading** – An ordinance granting to grantee, the non-exclusive right to erect, maintain and operate in, under, over, along, across the streets, lanes, avenues, sidewalks, alleys, bridges, highways, and easements dedicated for compatible uses and other public places in the City of Portland, Tennessee and the subsequent additions thereto, towers, fibers, cables and ancillary facilities for the purpose of constructing, operating, maintaining and repairing a cable system, as defined herein, for a period of five (5) years, regulating the same and providing compensation to the town.

Motion was made by Alderman Woodall, seconded by Alderman Dillard to approve Ordinance No. 22-18 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-18 Approved on First Reading

- B. Resolution No. 22-26** - A resolution authorizing the Mayor to sign a proposal from the State of Tennessee Department of Transportation designated as Federal Project No. NH-109(41), State Project No. 83012-2212-14 described as “Portland Bypass, from SR-52 West of Portland to existing SR-109 North of Portland (IA) Route: SR-109 Prop”.

Motion was made by Alderman Dillard, seconded by Alderman Woodall to defer Resolution No. 22-26 until further information is retrieved. A unanimous voice vote indicated to defer.

Resolution No. 22-26 Deferred

- C. Resolution No. 22-27** – A resolution in support of a seasonal produce stand in Portland.

Motion was made by Alderman McDowell, seconded by Alderman Woodall to approve Resolution No. 22-27. A unanimous voice vote indicated approval.

Resolution No. 22-27 Approved

- D. Resolution No. 22-28** – A resolution to re-appoint two members to the City of Portland Construction Board/Property Maintenance Appeals Board.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Resolution No. 22-28. A unanimous voice vote indicated approval.

Resolution No. 22-28 Approved

- E. Discussion** – Food Trucks – Alderman Dillard

Alderman Dillard questioned if any changes have been made to food trucks and Mayor replied the ordinance that was approved allows for no more than three on lot. The Mayor questioned the food truck parked on Hwy 52 in a gravel parking lot when ordinance reads “dustless property”. Motion was made by Alderman Dillard, second by Alderman Hall to allow John McCloud to speak. Motion carries. Mr. McCloud questioned why on dustless areas. He would like to create a parking lot for food trucks but would like to see if it would work before paving. Rodney Joyner, Planning Director quoted regulations from the zoning ordinance and stated they are enforced. If he wants to appeal, he could present his case to the BZA. Alderman Woodall said in listening to Mr. McCloud asking for better communications, the city could set up a committee to look over this.

19. Airport – Mike Hall

- A. Ordinance No. 22-09 - Second Reading** – An ordinance approving a contract between the Portland Airport Authority and Cleary Construction for the construction of the Runway Rehabilitation Project at the Portland Municipal Airport.

Motion was made by Alderman Hall, seconded by Alderman Woodall to defer Ordinance No. 22-09 on second reading. A unanimous voice vote indicated to defer.

Ordinance No. 22-09 Deferred

- B. Ordinance No. 22-10 - Second Reading** – An ordinance approving a contract between the Portland Airport Authority and the State of Tennessee Department of Transportation Aeronautics Division for American Rescue Plan ACT (ARPA Funding) TAD Project #83-555-0126-22; Contract #AERO-22-302-00; Federal Grant #3-47-SBGP-67

Motion was made by Alderman Hall, seconded by Alderman Dillard to approve Ordinance No. 22-10 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-10 Approved on Second Reading

Adjournment

Motion was made to adjourn the meeting at 8:00 PM.

Mike Callis, Mayor

Patricia Keen, City Recorder