

Minutes

Board of Mayor and Aldermen

City of Portland, Tennessee

September 12, 2022

1. **Call to Order** - Mayor Callis called the meeting to order at 5:08 P.M.
2. **Prayer/Pledge** – Portland High School Leadership was present with President Michael Carter offered the Invocation and the Pledge of Allegiance.
3. **Roll Call** - The Portland Board of Mayor and Aldermen met on September 12, 2022, with the following members in attendance: Alderwoman Penny Barnes, Alderman Thomas Dillard, Alderman Mike Hall, Vice Mayor Drew Jennings, Alderwoman Megann Thompson, Alderman Brian Woodall, and Alderman Jody McDowell. City Attorney John R. Bradley and City Recorder Patricia Keen was present.
4. **Approval of Minutes from August 22, 2022, Council Meeting**
A motion was made by Alderman McDowell seconded by Alderman Dillard 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 Alderwoman Thompson, seconded by Alderman Dillard to approve the agenda. Mayor Callis added to the end to the meeting a discussion on Article 3 of the City Charter. A unanimous voice vote indicated approval of the agenda as amended.
The agenda was approved amended.
6. **Presentation** – Proclamation was presented to the “Holiday Festival” in Sumner County.
7. **Communications from Mayor/Aldermen - None**
8. **Public Recognition**
 - Zach Wilkinson, 1065 Rapids Road – informed the council he was here to answer any questions regarding rezone at 823 South Broadway.
9. **Public Hearing**
 - A. **Ordinance No. 22-53** – An ordinance to amend the City of Portland, TN zoning map by rezoning 823 South Broadway, Tax Map 039B, Group A, Parcel 12.02 from RR (Rural Residential) to OPS (Office Professional Services).

No one spoke.

B. Resolution No. 22-101 - A resolution annexing property at 823 South Broadway, also identified as Tax Map 039B, Group A, Parcel 12.02 containing 0.46 +/- acres upon written consent of the owner and to adopt a plan of services.

No one spoke.

C. Ordinance No. 22-55 – An ordinance to amend the City of Portland, TN zoning map by rezoning 780 and 782 College Street, Tax Map 034, Parcels 72.07 and 72.09 from RS-40 (Residential) to R-15 (Residential).

No one spoke.

D. Ordinance No. 22-64 – An ordinance to amend the City of Portland, Tennessee zoning map by rezoning North Harris Lane, Tax Map 019, Parcels 050.04, 083.00, 084.00, 085.00, 086.00 from RR (Rural Residential) to R-10 (Low Density Residential).

No one spoke.

E. Resolution No. 22-102 - A resolution annexing property at unaddressed North Harris Lane, also identified as Tax Map 019, Parcels 050.04, 083.00, 084.00, 085.00, 086.00 containing 5.19 +/- acres upon written consent of the owner and to adopt a plan of services.

No one spoke.

10. Departmental Reports - Motion was made by Alderwoman Thompson, seconded by Alderman Woodall to approve the reports. A unanimous voice vote indicated approval of the monthly reports as presented. Reports accepted as presented.

11. Mayor's Report - None

12. Community Development – Alderwoman Megann Thompson - None

13. Finance – Alderwoman Penny Barnes

A. Ordinance No. 22-65 - First Reading – An ordinance of the City of Portland, TN amending budget Ordinance No. 22-40 for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

Motion was made by Alderwoman Barnes, seconded by Alderman Woodall to approve Ordinance No. 22-65 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-65 Approved on First Reading

14. Fire Department – Alderman Jody McDowell – No items

15. Human Resources – Alderwoman Penny Barnes – No items

16. Legislative – Mayor Mike Callis

A. Resolution No. 22-103 - A resolution to re-appoint one existing member, Ann Blackburn to the Portland Municipal Planning Commission.

Motion was made by Alderman McDowell, seconded by Alderwoman Thompson to approve Resolution No. 22-103. A unanimous voice vote indicated approval.

Resolution No. 22-103 Approved

- B. Resolution No. 22-104** - A resolution to re-appoint one existing member, Gail Gentry to the Portland Municipal Planning Commission.

Motion was made by Alderman Hall, seconded by Alderwoman Thompson to approve Resolution No. 22-104. A unanimous voice vote indicated approval.

Resolution No. 22-104 Approved

17. Municipal Airport – Alderman Mike Hall

- A. Ordinance No. 22-62 - Second Reading** – An ordinance approving a contract between the Portland Airport Authority and Aero 1200 for the monitor and measure of general aviation assets.

Motion was made by Alderman Hall, seconded by Alderwoman Thompson to approve Ordinance No. 22-62 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-62 Approved on Second Reading

- B. Ordinance No. 22-63 - Second Reading** – An ordinance approving a contract between the Portland Airport Authority and the State of Tennessee Department of Transportation Aeronautics Division for maintenance costs for the Fiscal Year 7-1-2022 through 6-30-2023.

Motion was made by Alderman Hall, seconded by Alderman Woodall to approve Ordinance No. 22-63 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-63 Approved on Second Reading

- C. Resolution No. 22-105** - A resolution in support of a grant application to the Tennessee Department of Transportation Aeronautics Division for Bipartisan Infrastructure Law Grant Funds.

Motion was made by Alderman Hall, seconded by Alderwoman Barnes to approve Resolution No. 22-105. A unanimous voice vote indicated approval.

Resolution No. 22-105 Approved

18. Parks & Recreation – Alderman Megann Thompson

- A. Resolution No. 22-106** - A resolution to explore best alternatives and locations for a splash pad to be located at Richland Park.

Motion was made by Alderwoman Thompson, seconded by Vice Mayor Jennings to approve Resolution No. 22-106. A unanimous voice vote indicated approval.

Resolution No. 22-106 Approved

- B. Resolution No. 22-107** - A resolution to enter an agreement with Brown and Son Company to provide materials and labor to the City of Portland Richland Gym for the installation of natural gas HVAC system.

Motion was made by Alderwoman Thompson, seconded by Alderman Woodall to approve Resolution No. 22-107. A unanimous voice vote indicated approval.

Resolution No. 22-107 Approved

19. Police Department – Vice Mayor Drew Jennings – No items

19. Planning & Codes – Alderwoman Megann Thompson

- A. Ordinance No. 22-53 – Second Reading** - An ordinance to amend the City of Portland, TN zoning map by rezoning 823 South Broadway, Tax Map 039B, Group A, Parcel 12.02 from RR (Rural Residential) to OPS (Office Professional Services).

Motion was made by Alderwoman Thompson, seconded by Alderman Woodall to approve Ordinance No. 22-53 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-53 Approved on Second Reading

- B. Resolution No. 22-101** - A resolution annexing property at 823 South Broadway, also identified as Tax Map 039B, Group A, Parcel 12.02 containing 0.46 +/- acres upon written consent of the owner and to adopt a plan of services

Motion was made by Alderwoman Thompson, seconded by Alderwoman Barnes to approve Resolution No. 22-101. A unanimous voice vote indicated approval.

Resolution No. 22-101 Approved

- C. Ordinance No. 22-55 – Second Reading** - An ordinance to amend the City of Portland, TN zoning map by rezoning 780 and 782 College Street, Tax Map 034, Parcels 72.07 and 72.09 from RS-40 (Residential) to R-15 (Residential).

Motion was made by Alderwoman Thompson, seconded by Vice Mayor Jennings to approve Ordinance No. 22-55 on second reading. A unanimous voice vote indicated approval.

Ordinance No. 22-55 Approved on Second Reading

- D. Ordinance No. 22-64 – Second Reading** - An ordinance to amend the City of Portland, Tennessee zoning map by rezoning North Harris Lane, Tax Map 019, Parcels 050.04, 083.00, 084.00, 085.00, 086.00 from RR (Rural Residential) to R-10 (Low Density Residential).

Motion was made by Alderwoman Thompson, seconded by Alderman McDowell to approve Ordinance No. 22-64 on second reading. A voice vote indicated approval with Alderman Dillard voting nay.

Ordinance No. 22-64 Approved on Second Reading

- E. Resolution No. 22-102** - A resolution annexing property at unaddressed North Harris Lane, also identified as Tax Map 019, Parcels 050.04, 083.00, 084.00, 085.00, 086.00 containing 5.19 +/- acres upon written consent of the owner and to adopt a plan of services.

Motion was made by Alderwoman Thompson, seconded by Alderwoman Barnes to approve Resolution No. 22-102. A voice vote indicated approval with Alderman Dillard voting nay.

Resolution No. 22-102 Approved

20. Public Works Department – Alderman Brian Woodall

- A. Resolution No. 22-111** – A resolution to adopt the paving and sealing priorities for the 2022 Fall and 2023 Spring season with funds that were allocated in the 2022-2023 Fiscal Budget.

Motion was made by Alderman Woodall, seconded by Alderwoman Thompson to approve Resolution No. 22-111. A unanimous voice vote indicated approval.

Resolution No. 22-111 Approved

22. Department of Utilities – Alderman Brian Woodall

- A. Resolution No. 22-108** - A resolution to authorize a survey of city owned property originally purchased for the West Fork Drakes Creek Dam and Reservoir Project.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Resolution No. 22-108. A unanimous voice vote indicated approval.

Resolution No. 22-108 Approved

- B. Resolution No. 22-109** - A resolution authorizing a final adjusting change order #1 in an increased amount of \$7,300 for the agreement with Bratton and Associates for professional appraisal services for the 2020 Sewer Interceptor Project.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Resolution No. 22-109. A unanimous voice vote indicated approval.

Resolution No. 22-109 Approved

- C. Resolution No. 22-110** - A resolution to approve the installation of a two-inch gas extension for Claude Hardin Road approximately 1,300 feet.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Resolution No. 22-110. A unanimous voice vote indicated approval.

Resolution No. 22-110 Approved

- D. Ordinance No. 22-66 - First Reading** – An ordinance to authorize the mayor to enter into a developer's agreement with Nelson Rayburn for the extension of 6" water line, along Bill

Anderson Road in Robertson County, for the Nelson Rayburn Development, located at 5711 Bill Anderson Road, Tax Map 025, Parcel 049.03 in Portland, TN.

Motion was made by Alderman Woodall, seconded by Alderwoman Barnes to approve Ordinance No. 22-66 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-66 Approved on First Reading

- E. Ordinance No. 22-67 - First Reading** – An ordinance to authorize the mayor to enter into a development agreement with Stateline Commerce Center, LLC for the water and sewer system improvements, including the installation of a new 8” and 12” waterline along Eubanks Road in Robertson County and improvement fees, for the industrial development, Stateline Commerce Center, located off Vaughn Parkway and Eubanks Road, Tax Map 012, Parcels 020.00 and 038.00 in Portland, TN.

Motion was made by Alderman Woodall, seconded by Alderman Hall to approve Ordinance No. 22-67 on first reading. A unanimous voice vote indicated approval.

Ordinance No. 22-67 Approved on First Reading

- F. Ordinance No. 22-68 – First Reading** – An ordinance to rescind in its entirety Ordinance No. 22-13 and replace with this ordinance for water, sewer and natural gas fee structure.

Motion was made by Alderman Woodall, seconded by Alderwoman Thompson to approve Ordinance No. 22-68 on first reading. Bryan Price Utilities Director explained changes needing to be made in this Ordinance and his recommendation are to change the monthly water meter bill to \$3.00. Motion was made by Alderman Dillard, second by Alderman Hall to amend the ordinance and change the monthly water meter bill to \$3.00. A unanimous voice vote indicated approval with the amendment.

Ordinance No. 22-68 Approved on First Reading as amended

Add-on Discuss Article 3 of the City Charter

Mayor Callis asked the City Attorney Bradley to discuss the issue. Attorney Bradley read from the city charter Article 3, Section 18. Furthermore, he stated the State Legislators say you have to file paperwork to be a “write-in” candidate 50 days prior to the elections declaring your candidacy. A “Certificate of Write in Candidacy” was filed by a member of the city council on September 9, 2022 with the Sumner County Election Commission. He added the charter should apply to this and they (being the member that filed the papers) should resign from the city council. Mr. Bradley felt the enforcement of this would be by a court. This charter change was done in 2020. Mr. Bradley’s opinion is this paper that was filed makes it certified your votes will count. He added he had contacted MTAS and they agreed with his opinion. Alderman Dillard stated he is certified but not a qualified candidate. There was discussion between Mayor Callis and Alderman Dillard as to when and who brought this charter change up at a council meeting. Alderman Dillard stated he is not resigning and consider this as a loophole. Mr. Bradley explained how to ask a judge for *action for a declaratory judgement* and present the judge with the *certificate of candidacy* and the city charter and ask if this announces candidates. He doesn’t see this being something this board can do. Alderman Dillard once again stated he is not resigning and doesn’t want to talk about it. Mr. Bradley reported what can be done is to authorize taxpayers’ money to bring a lawsuit to determine the answer to this question. Alderman Hall feels by getting a judge opinion is the fair way. Mr. Bradley stated he would ask Alderman Dillard to sign a release of wavier and would find an attorney to represent and bring this on behalf of the city because it would be a conflict of interest to

present the board regarding this issue. (Alderman Dillard left the meeting @ 6:36) Motion was made by Alderwoman Barnes, second by Alderwoman Thompson to seek judicial ruling whether or not the charter provision prohibits a City Alderman running for Mayor to resign his seat by qualifying as a write-in candidate. A voice vote indicated approval.

Adjournment

Motion was made to adjourn the meeting at 6:39 pm.

Mike Callis, Mayor

Patricia Keen, City Recorder