

Regular Meeting of the  
Board of Mayor and Council  
City of McKenzie  
McKenzie, TN 38201  
October 12, 2023

A. Call to Order – Mayor Griffin

B. Prayer – Councilperson Young

C. Pledge of Allegiance – Councilperson Young

D. Roll Call

Mayor Griffin -	Present
Vice Mayor Townes -	Present
Councilperson Alexander -	Present
Councilperson Batton -	Present
Councilperson Pruneau -	Present
Councilperson Young -	Present

E. Mayor’s Welcome:

Mayor Griffin called the meeting to order at 6:00 p.m. Mayor Griffin extended a warm welcome to all.

F. Approval of Minutes:

Motion made by Councilperson Armpriest, seconded by Vice Mayor Townes to approve the September 14, 2023 minutes.

Motion carries.

G. Financial Matters:

Steve’s Custom Carts, \$ 8,995.00 for First Responder to use at school/community events.

H. Old Business:

- a. Discussion/Approval to approve on 2<sup>nd</sup> reading of Ordinance 554-B to amend the official zoning map to rezone tax parcels 008.00, 009.00 and 009.01, Group D, Map 011 located on Forrest Ave. from R4 to R3 owned by Clarence Billingsley (008.00) and Parkwood Enterprises LLC (009.00 & 009.01)

Motion to discuss made by Councilperson Pruneau, 2<sup>nd</sup> by Councilperson Batton. No discussion. Roll Call vote made for approval on 2<sup>nd</sup> reading Ordinance 554-B the amendment of the official zoning map.

Roll Call Vote:

Councilperson Alexander	<u>Y</u>	Councilperson Pruneau	<u>Y</u>
Councilperson Armpriest	<u>Y</u>	Vice-Mayor Townes	<u>Y</u>
Councilperson Batton	<u>Y</u>	Councilperson Young	<u>Y</u>

- b. Discussion/approval to approve on 2<sup>nd</sup> reading the amended Ordinance 553-B to amend the fiscal year 2023-2024 budget.

Motion to discuss made by Councilperson Alexander, 2<sup>nd</sup> by Vice-Mayor Townes.

No discussion.

Motion to approve the amended Ordinance 553-B for fiscal year 2023-2024 made by Councilperson Alexander, second by Vice-Mayor Townes.

Roll Call Vote:

Councilperson Alexander	<u>Y</u>	Councilperson Pruneau	<u>Y</u>
Councilperson Armpriest	<u>Y</u>	Vice-Mayor Townes	<u>Y</u>
Councilperson Batton	<u>Y</u>	Councilperson Young	<u>Y</u>

Motion passes

I New Business:

- a. Bid opening for Fire Department turn out gear.

Fire Chief Tucker explained the bids were for five (5) units. This is a replacement program started about seven years ago. The older units have a shelf life of about ten years. These units will replace the oldest.

Turnout gear bids opened by Mayor Griffin:

MES: Municipal Emergency Services – Charlotte, NC	15,363.70
NAFECO: Decatur, AL 35602-2928	16,037.85
Safe Industries: Easley, SC	18,399.75

Motion to approve the bid from MES made by Vice-Mayor Townes, second by Councilperson Armpriest.

Roll Call Vote:

Councilperson Alexander	<u>Y</u>	Councilperson Pruneau	<u>Y</u>
Councilperson Armpriest	<u>Y</u>	Vice-Mayor Townes	<u>Y</u>
Councilperson Batton	<u>Y</u>	Councilperson Young	<u>Y</u>

Motion passes

- b. Bid opening for Fire Department Self-Contained Breathing Apparatus

SCBA bids opened by Mayor Griffin:

MES: Municipal Emergency Services – Charlotte, NC	No Bid
NAFECO: Decatur, AL 35602-2928	No Bid

Safe Industries: Easley, SC

109,200.00

Chief Tucker took this time to explain that the reason two of the vendors did not submit a bid was that you cannot mix and mingle the air packs. We have to specify what we have. He took this time to remind the council that these were a part of the Federal AFG grant for \$ 109,052.00 of which we will owe 5%. We have approximately \$ 8500.00 left to cover our 5%, which is around \$ 5400.00.

Motion to approve the bid from Safe Industries made by Councilperson Armpriest, second by Vice-Mayor Townes.

Roll Call Vote:

Councilperson Alexander	<u>Y</u>	Councilperson Pruneau	<u>Y</u>
Councilperson Armpriest	<u>Y</u>	Vice-Mayor Townes	<u>Y</u>
Councilperson Batton	<u>Y</u>	Councilperson Young	<u>Y</u>

Motion passes

- c. Discussion/approval of the Petition to de-annex properties 433, 487 & 586 Carroll St. (Holland Farms)

Motion to De-Annex Holland Farms (for purposes of discussion) made by Councilperson Young, 2<sup>nd</sup> by Vice-Mayor Townes.

Mayor Griffin announced there would be twenty minutes allowed for the attorneys to speak and then for the council to ask questions.

Attorney Logan spoke saying this land concerned agriculture and nothing else, and further went on to state that this land was under a conservation easement that says the land can never be anything but agriculture. He says he felt that the annexation was originally done by a previous administration to just square up the City of McKenzie. He said the Hollands had not received the full benefit of the original, proposed plan of services, like sewer, street lights, or paving. Attorney Logan stated that the city would only be losing \$2300.00 per year, which was a drop in the bucket if the city had to go through a lawsuit. He said if we looked to the east, there was a field road where equipment when in. Mr. Logan stated there were only three outcomes: Deny, Approve, or Do Nothing. Mr. Logan says if denied, any annexation since 1972 would be null and void.

Councilperson Batton asked if she could ask Ms. Jill Holland why nothing was done in the twelve years during her term.

Ms. Holland said that it would have been terrible if money had been used to give the farm services. She would have had to raise taxes. She stated that she met with TACIR and they stated farm should never have been annexed. A discussion was then had regarding the placement of fire hydrants for residences inside the city limits, as applied to the

Holland property. Ms. Holland then stated it would be a win-win situation to get rid of them.

After discussion by Attorney Logan and Ms. Holland, City Attorney Pemberton stated that in his legal opinion, the Hollands had not met the two-part standard to stay within the law of Tennessee Code Annotated Section 6-51-201. He did not recommend just doing nothing as the annexation would be automatically approved if the board took no action on the request to deannex. He stated that the Holland Farm is registered as an LLC. The Holland's themselves are considered more like a board that oversee the LLC as member owners, but it appears that the LLC owned the property based on the last deed of record. The LLC separates people from personal services vs business services. Mr. Pemberton referred to question from Councilperson Pruneau on "What do we lose as a city?" We don't gain or lose either way in terms of money or tangible benefits was the response from Pemberton. The only other way to de-annex the Holland Farm would be a referendum under state law to de-annex.

Conversation concerning if services from the city had been met was answered by Mayor Griffin and Fire Chief Tucker. The Hollands do receive city water, there are sewer lines surrounding the property, we have no authority to put street lights on a county road, as this private drive has never been dedicated to the city. Chief Tucker said the closest corner of Smith and Carroll did have hydrants. Their property in case of fire would be treated like we do any property with private drives. A truck is set up as a relay. This is not the only property in the city limits treated like this. We obey the International Fire Code- hydrants are within 1,000 feet of a residence on a public right of way- not on personal property. They are not required on a private drive.

Mr. Pemberton stated we would be setting a very dangerous precedence by not following the Tennessee Code Annotated Section 6-51-201. Both parts of the two-part test have to be met. The language of the statute is clear, and the Holland Petition should fail based on the information presented to the Board and the current state of ownership of the land and the land surrounding the Holland Farm continuing to be inside the McKenzie City Limits.

Mayor Griffin then asked for the roll call vote:

Roll Call Vote:

Councilperson Alexander	<u>N</u>	Councilperson Pruneau	<u>Y</u>
Councilperson Armpriest	<u>N</u>	Vice-Mayor Townes	<u>Y</u>
Councilperson Batton	<u>Y</u>	Councilperson Young	<u>N</u>
Tie vote made by Mayor Griffin.	<u>N</u>		

Motion to de-annex the Holland Farms fails on a 4-3 vote, with the Mayor breaking a tie vote of the council. The Petition is denied by the City of McKenzie.

K. Citizens Input:  
None

L. Department Head Reports:

Fire Chief Tucker they had a very successful rate with the new EMS program. He stated he wanted to give his people credit for stepping up. They had had 12 commercial alarms, 7 aircraft standbys, 30 medical calls, 2-MVA-no injuries, 2 good intent, 2 hazardous conditions, and several others for a total of 63 calls.

Water Superintendent Billy Wood said his department was working on sewer issues.

Police Chief White stated that his department had answered 1,462 calls for the month of September. 772 of these were security checks for homes/business/parks, 188 vehicle stops, 95 citizen assist, 76 medical, 61 10-43 investigations, and 270 various assists. He added that he wanted to thank the council for allowing him to purchase the approved vehicles. The cars were at Henderson at the car lot, and the truck would be coming in at Murfreesboro.

Superintendent Johnny Mercer with Public Works said they were still in the process of trimming trees that are over hanging the streets. Cleaning ditches and getting the leaf truck ready, and the servicing of equipment is on-going.

Parks Director Billy Hollowell stated grass cutting was beginning to slow down. Soccer was beginning to wrap up. Would be getting ready to help with set up of Boo Bash and the Christmas festivities. He said he wanted to take time to recognize his crew while he had been out due to surgery. They had really had his back, taking care of everything while he has been off.

Jim Seaton reported he had been busy writing violations and he had six houses on the condemnation list.

#### L. Council Reports:

Councilperson Pruneau said he would like to compliment the board it was a very tough decision. It is hard when making personal decisions.

Councilperson Batton said she had heard good things about Billy Hollowell's leadership.

Vice Mayor Townes stated he would like to commend the departments heads on a great job taking care of the city.

Councilperson Alexander said he wanted to confirm what Vice Mayor Townes has said about the great job the department heads were doing.

Councilperson Arm Priest said she would like to second what Councilperson Pruneau had said. she was sure we had all voted our conscience.

Councilperson Young said he agreed with what Councilperson Pruneau and Arm Priest had said it had been hard, and said that respected everyone for their decision.

#### M. With no further business, a motion was made by Councilperson Young, 2<sup>nd</sup> by Vice-Mayor Townes to adjourn at 7:01 P.M.

Motion carried.

**APPROVED:** \_\_\_\_\_  
Ryan Griffin, Mayor

**ATTEST:** \_\_\_\_\_  
Jennifer Waldrup, City Recorder-City Clerk