

City Meeting
Of
August 20, 2019

Mayor Reasoner called the meeting of the Mayor and Board of Aldermen to order at 7:01 p.m., Tuesday, August 20, 2019. The meeting was held at City Hall.

Invocation

Mayor Reasoner offered invocation. Alderman Rider led the pledge of allegiance.

Roll Call

Present: Mayor Reasoner, Vice Mayor Johnson, Alderman Rider, Alderman Johnson, Kelly Rider, City Recorder, Attorney Russell Freeman

Absent: Alderman Deweese

Approval of Minutes

The minutes of July 16, 2019 were presented for approval or corrections.

Motion made by: Alderman Johnson

Second: Alderman Rider

Voting Aye: All

Voting No: None

Motion Carried.

Commissioners & Department Reports

Utilities:

Mayor Reasoner gave the utility report.

Finance:

Vice Mayor Johnson reported we are in our first month of the new budget year and everything is okay.

Park:

Alderman Johnson reported the park board would be working with the Tour Des Trees cycling event on September 16, 2019. They will be providing drinks and snacks as they spot at Ridgetop Station Park to enjoy the arboretum. They will provide the city with 3 children's books, one to donate to each local school and one for the city.

Alderman Johnson reported Smoke on the Ridge Festival will be at Ridgetop Station Park on October 5, 2019.

LESO:

No report.

Streets:

No Report.

Fire:

Dan Seeback gave the fire report.

Dan Seeback reported two firefighters completed Advanced Swiftwater Certification with Robertson County Emergency Management Agency and four firefighters will be attending confined space training with Robertson County Emergency Management Agency.

Police:

No Report.

Planning and Zoning:

No Report.

Business Reports:

City Recorder

No report.

Attorney

Attorney Freeman spoke about the contingencies in the purchase agreement so as to protect the city in the event it needed terminate the agreement after the study was completed for the drip system on the Huffine Property at 7205 Greer Road.

Attorney Freeman reported the city entered into an agreed order for preliminary injunction, which was the Shawn Taylor, Bryan Morris, Don Azbill case in Robertson County Chancery Court. The agreed order provides under the open meetings act, the content notice with regard to the police department did not adequately fit the action that was taken and tonight we will be reading this into the minutes. The ramification of this was the action with regard to the police department not the entire meeting on June 10, 2019 relating to the police department was null and void. The Agreed Order is attached to and incorporated in the minutes.

Attorney Freeman reported the auditor requested a report of existing litigation as of June 30, 2019. Attorney Freeman reported existing litigation involving Shawn Taylor, Bryan Morris and Retired Officer Don Azbill, case number 19CV2263 dated June 14, 2019 wherein, they assert claims under Tennessee Open Records Meeting and Tennessee Public Protection Act.

Attorney Freeman reported a hearing took place and Chancellor McMillan determined there was not a violation of the open meetings act and the budget readings and notification were all done in compliance with all laws and therefore, after an evidentiary hearing, the temporary injunction which eliminated positions by virtue of the budget being passed and denied the plaintiffs request for any other injunctive relief.

Attorney Freeman reported another lawsuit was filed by Bryan Morris, Tillman Bratton, Shawn Taylor, Retired Officer Don Azbill and Alex Shotomide and names the City of Ridgetop and Mayor Reasoner, Vice Mayor Johnson, Mark Johnson, Sam Rider and Kelly Rider, City Recorder in the US District Court Middle District. The complaint was filed on July 22, 2019 claiming their positions were eliminated for exercising free speech for which the board retaliated. At this point no action has been taken and no determination as the outcome of that litigation has been made.

Attorney Freeman stated he is not aware of any other claim that has been asserted or notification in writing against the city.

Mayor Comments:

No Report

Old Business:

No Old Business

New Business:

Park Board Appointments

Alderman Johnson made the motion to appoint Jennifer Crain and Sue Collins to the park board. Mayor Reasoner seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Alderman Johnson stated Stan and Liz Coleman made a generous donation to Friends of the Park and he would like to thank them. The park board let them know they would find a good project their donation.

Sewer Air Release Valve Bid Award

Mayor Reasoner made the motion to accept the bid from Bobby Luttrell for \$ 29,500 for the sewer air release valve at Hwy 41 and Watauga School. Vice Mayor Johnson seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Tour des Trees cycling event

Alderman Johnson stated he would like the board to give final approval for the tour to stop in Ridgetop at the park. We will need to provide refreshments, restrooms and a place to park for those traveling with them. They do not come in one group; they are spread out. They will be providing three books, one for each school and one for the city to put in the museum or wherever the city would like.

Alderman Johnson made the motion to allow tour des trees to stop in Ridgetop, Tennessee on September 16, 2019 at approximately 9 to 11 a.m.

Alderman Rider seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Wilson House Bid Advertisement

Alderman Johnson made the motion to put bids out for advertisement for the Wilson house.

Mayor seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Agreed Order for Preliminary Injunction signed June 28, 2019

Alderman Johnson made the motion pursuant to T.C.A. Code 8-44-106 these written findings of fact and conclusions of law and final judgment shall be recorded in the minutes of Board and Mayor Alderman related to an agreed order for preliminary injunction in Robertson County Court, signed by Judge McMillan on June 28, 2019. Mayor Reasoner seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Order Denying Temporary Injunction signed August 12, 2019

Alderman Johnson made the motion to add to the minutes for permanent record the order denying temporary injunction and to make part of our permanent minutes for today meeting, signed August 12, 2019 in Robertson County Court, by Judge McMillan. Mayor Reasoner seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Resolution 19-03, Job Descriptions

Alderman Johnson made the motion to accept Resolution 19-03, A Resolution amending job description for all current positions with the City of Ridgetop. Vice Mayor Johnson seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Mayor Reasoner asked that Resolution 19-04 be stricken from the record. Attorney Freeman stated Resolution 19-02 had to do with execution and complete the negotiations and related to Resolution 19-02 and we did not need another resolution at this point in time.

Sewer Utility Manager

Alderman Johnson made the motion to appoint Matt Dill as sewer utility manager for the City of Ridgetop, Ridgetop Sewer System. Mayor Reasoner seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Repair of 2016 Wrecked Dodge Charger Police Sedan

Alderman Johnson made the motion to surplus the 2016 wrecked dodge charger police sedan and put on govdeals with minimum of \$5,000 and if it doesn't bring \$5,000, we bring it back from surplus and repair the car. Mayor Reasoner seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Paving Bid

Vice Mayor Johnson made the motion to accept Session paving in the amount of \$346,000 and contact them to start repair with the following changes: remove all culvert replacements, remove Red Oak Ct and Yount Street from the roadway surfacing

Alderman Rider seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Surplus Vehicles

Vice Mayor Johnson made the motion to surplus and put on govdeals the following with the last 4 VIN: Red Dodge #6631, Grey Crown Victoria #4445, White Crown Victoria #2429.

Alderman Johnson seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Highland Ave City Property fill dirt

Vice Mayor Johnson stated he thought it was time to close the property off to any more fill dirt dumping on Highland Ave and fence it off to protect the property. Mayor Reasoner stated he would take care of this.

Ordinance 2019-105, Design Review Standard

Mayor Reasoner made the motion to adopt the design and review standard. Alderman Johnson seconded.

Alderman Johnson...yes

Mayor Reasoner...yes

Alderman Rider...no

Vice Mayor Johnson...yes

Motion Carried.

Alderman Johnson would like to dedicate this book to Donnie Miller since it has the sign in the book and he would like to add his birth/death dates to the front page.

Future operational assistance Ridgetop Natural Gas

Vice Mayor Johnson would like to find a company or contractor, so we have some redundancy when Keith is out on vacation and such to cover and help with issues. They must have an operator's license and be Operator Qualified with our system.

Vice Mayor Johnson made the motion for Mayor Reasoner to speak with Tennessee Energy and Mid-South to get a list of contractors to talk to for further assistance. Alderman Rider seconded.

Voting Aye: All

Voting No: None

Motion Carried.

Workshop

Council scheduled a workshop for September 16, 2019 at 6:00 p.m.

Citizens Comments:

Neal Hancock
Lynn Miller
Tammy Koonce
Brent Martin
Dennis Wade
David Wiley
Clay Bollinger

There being no further business to come before the board, Alderman Johnson moved for adjournment. Mayor Reasoner seconded.

Mayor Reasoner

Kelly Rider, City Recorder

received
6-27-19

IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE

SHAWN TAYLOR, BRIAN MORRIS,)
and DON AZBILL,)
)
Plaintiffs,)
)
v.)
)
CITY OF RIDGETOP, TENNESSEE,)
)
Defendant.)

Case No. CH19-CV-273

Jury Demand

FILED
CLERK & MASTER ROBERTSON CO. TN

JUN 28 2019
AT 3:10 O'CLOCK
ROSEMARY T. SPRAGUE

BY

[Signature]

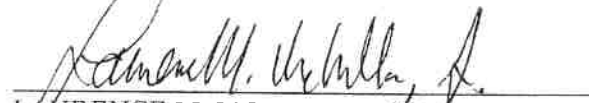
AGREED ORDER FOR PRELIMINARY INJUNCTION

It appears to the Court from the signatures of counsel for Plaintiffs and counsel for Defendant that the parties have resolved all matters set to be heard on July 1, 2019, as alleged in Plaintiffs' Motion for Temporary Restraining Order, as follows:

1. The parties agree that the notice provided for the June 10, 2019, meeting of the City of Ridgetop's Board of Mayor and Aldermen was inadequate to the extent that it did not indicate that the meeting would discuss the future operations of the police department;
2. As such, the parties agree that Defendant was not in compliance with Tennessee Code Annotated section 8-44-103 with respect to the notice provided for the June 10, 2019 meeting;
3. The action of the Board of Mayor and Aldermen on June 10, 2019, relating to the funding of the Police Department is, thus, null and void;
4. Pursuant to Tennessee Code Annotated section 8-44-106, these written findings of fact and conclusions of law and final judgments shall be recorded in the minutes of the Board of Mayor and Aldermen;

5. Defendant is permanently enjoined from further violation of Tennessee Code Annotated section 8-44-101, et seq.;
6. This Court retains jurisdiction over the parties and this subject matter for a period of one (1) year from date of entry of this Order, and this Court orders Defendants to report in writing semiannually to this Court of their compliance with Tennessee Code Annotated section 8-44-101, et seq.;
7. The surety bond posted in conjunction with the granting of the restraining order is dissolved;
8. Court costs associated with this preliminary injunction shall be taxed to Defendant; and
9. No attorneys' fees pertaining to this preliminary injunction shall be awarded.

Entered this 28 day of June, 2019.


LAURENCE M. MCMILLAN, JR.
~~Judge~~ *Chancellor*

APPROVED FOR ENTRY:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 25th day of June, 2019, a true and correct copy of the foregoing has been forwarded via U. S. Mail, first class postage prepaid, to:

W. Gary Blackburn
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Russell Freeman
Freeman & Bracey, PLC
885 Conference Drive, Suite 500
P. O. Box 527
Goodlettsville, Tennessee 37070


William C. Mazzota

RECEIVED
8-12-19

IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE

SILAWN TAYLOR, BRIAN MORRIS,)
and DON AZBILL,)
)
Plaintiffs,)
)
v.)
)
CITY OF RIDGETOP, TENNESSEE,)
)
Defendant.)

FILED
CLERK OF ROBERTSON COUNTY, TENNESSEE

AUG 12 2019

1:24 P.M.

Case No. CH19-CV-273 CP

Jury Demand

ORDER DENYING TEMPORARY INJUNCTION

This matter came before the Court for a hearing on August 5, 2019, on Plaintiffs' Second Motion for Temporary Restraining Order, and it appearing from the evidence in the record and arguments of counsel that Plaintiffs are not entitled to the issuance of a temporary injunction under Rule 65.04 of the Tennessee Rules of Civil Procedure.

FINDINGS OF FACT

1. On May 2, 2019 and July 2, 2019, the City of Ridgetop's Board of Mayor and Alderman held special called meetings wherein they read City Ordinance No. 2019-104 (the "Budget Ordinance").

2. On July 25, 2019, this Court entered a temporary restraining order based upon Plaintiffs' allegations in their Second Motion for Temporary Restraining Order that the City failed to provide notice for meetings of the City's Board of Mayor and Alderman to pass the Budget Ordinance either by: (1) failing to post a notice for the May 2, 2019, special called meeting for the first reading of the Budget Ordinance; or (2) making material and substantial changes to the subject matter that was within the notice for the July 2, 2019, special called meeting for the second reading of the Budget Ordinance.

3. Chief of Police Brian Morris testified that: he was keenly aware of notices of Board of Mayor and Alderman meetings; he looked for notices of meetings; and he did not see postings for the May 2, 2019, special called meeting or workshop.

4. However, City Recorder Kelly Rider – who is responsible for preparing and posting notices of Board of Mayor and Alderman meetings – provided credible testimony that she posted notices for the May 2, 2019, special called meeting and workshop.

5. The Court, therefore, finds that City Recorder Rider prepared and posted notices for the Board of Mayor and Alderman's May 2, 2019, special called meeting and workshop.

6. The City's budget was discussed at several workshops and special called meetings, including at least one public comment section in which citizens made comments for approximately two and a half hours and were allowed to ask alderman questions.

7. Chief of Police Morris testified that he was present at each of these workshops and special called meetings.

8. The Court finds that there was sufficient notice of the July 2, 2019, special called meeting wherein the City discussed and performed a second reading of its budget.

CONCLUSION OF LAW

9. In accordance with the Tennessee Open Meetings Act, Tenn. Code Ann. § 8-44-103, the City provided sufficient public notice of meetings of the Board of Mayor and Alderman for the May 2, 2019, special called meeting and workshop and the July 2, 2019, special called meeting.

10. The City complied with the provisions of its City Charter by conducting two readings of the Budget Ordinance on May 2, 2019 and July 2, 2019, prior to passing the

Budget Ordinance. The City's changes to the Budget Ordinance between its first reading on May 2, 2019, and the second reading on July 2, 2019, were germane to the title and fell within the scope of the original subject of the ordinance as expressed in its title. *See Metro Gov't of Nashville and Davidson Co. v. Mitchell*, 539 S.W.2d 20 (Tenn. 1976).

11. The Plaintiffs have failed to carry their burden of proof to show lack of notice and there was no proof that there were private meetings in violation of the Tennessee Open Meetings Act.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, THAT:

1. The Temporary Restraining Order entered by this Court on June 14, 2019, is dissolved; and
2. Plaintiffs' request for a Temporary Injunction is denied under Tenn. R. Civil. P. 65.04.

ENTERED this 12 day of August, 2019.



Honorable Laurence M. McMillan, Jr.

Approved for Entry:



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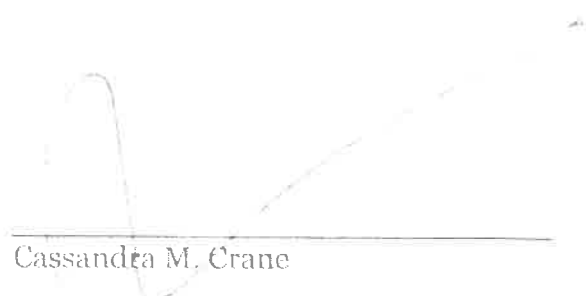
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 1st day of August 2019, a true and correct copy of the foregoing has been forwarded via electronic and hand delivery to:

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