

City of Bolivar Council Meeting  
Tuesday, September 9, 2014  
5:30 pm

The Bolivar City Council met in regular session on the above date with the following in attendance:

Present: Mayor Barrett Stevens  
Tracy Byrum  
James Futrell  
Todd Lowe  
Julian McTizic  
Willie McKinnie  
Larry McKinnie

Others Present: Shelia Dellinger, Steve Hornsby, Don Cherry, Ronnie Neill, Danny Cheshier, Shelton Merrell, Amelia Carlson, Frankie Futrell, Tracy McKinnie

Mayor Stevens called the meeting to order and welcomed everyone present. He then asked Councilman Willie McKinnie to open the meeting with prayer. After prayer, Mayor Stevens led the group in the Pledge of Allegiance.

Mayor Stevens asked was there a motion to approve the minutes of the August 12, 2014 meeting. A motion was made by Councilman Futrell and seconded by Councilman Hill to approve the minutes as written. All voted "Aye".

**New Business:**

**A. Discussion of Selling Tax Sale Property**

Mayor Stevens informed the council the City of Bolivar has two pieces of property that we bought from the county at an April 2014 tax sale. This property was turned over to Chancery Court for 2010 delinquent taxes by the City of Bolivar. The property was advertised to be sold at auction in April 2014. At this time no one bid on these two pieces of property so the City of Bolivar was contacted by the Chancery Court Clerk that we need to write a check to her in the amount of \$1906.36 in order to acquire this property. The property owner, George and Maggie McKinnie, are both deceased and the heirs of the family were not financially able to pay the taxes to procure the property at this time. Mrs. Tracy McKinnie, daughter of Mr. and Mrs. George McKinnie, contacted the City and asked if she could purchase the property back from the city. At this time, Attorney Steve Hornsby stated he had researched the legal process of this procedure and reported as follows:

There is no set procedure for sale of real property, however acquired by a city. You may sell to the interested parties, list it with a real estate agent or auction

the property. The only statutory limit is if an employee or official wants to purchase the property, it must be sold through open auction. The courts have recognized cities as having plenary powers in this regard, and only require there be no arbitrary and capricious decisions when selling property. Property can even be sold below market value if there is a public benefit from the sale. This transaction mentioned, sale to a family member of the former owner, is certainly legal, as long as it is approved in an open meeting by the council.

After much discussion, Councilman Rhea made a motion to allow Mrs. Tracy McKinnie to purchase the two parcels discussed, from the City of Bolivar in the amount of what the city paid to Chancery Court for the delinquent taxes, all the current taxes and 10% per annum for interest, penalty and fees from the time the city acquired it. Councilman Larry McKinnie seconded the motion. All voted "Aye", except Councilwoman Byrum who "Passed". Motion carried. At this time Councilman Futrell made a motion to give Mrs. Tracy McKinnie six months, which will be March 9, 2015, to pay the City of Bolivar for these parcels. Councilman Rhea seconded the motion. All voted "Aye", except Councilwoman Byrum who "Passed". Motion carried.

#### **B. Discussion of Revision of the Personnel Policy**

Mrs. Dellinger, City Administrator, explained the City of Bolivar was implementing an annual job evaluation on each employee on the anniversary date of their employment. We are revising the city's personnel policy in **Section II, E. Employee Development and Training, #3 on page 4-5**, which reads as follows:

#### **E. Employee Development and Training**

- 1. To establish training standards and requirements for all positions.**
- 2. To motivate and stimulate employees to achieve their highest potential usefulness.**
- 3. Effective September 1, 2014, the City of Bolivar will begin the process of evaluating each employee on the anniversary date of their employment. The objective of the performance evaluation is to provide all regular full time employees and their supervisors an opportunity to:**
  - Discuss the employee's job performance
  - Set goals for professional development
  - Establish objectives for contributing to the department's mission.

The supervisor will give their employee a self-evaluation form that will be completed by the employee and the supervisor will also complete the same evaluation form on each employee.

On the employee's anniversary date, the supervisor will meet with the employee to discuss the performance evaluation. At this time, the employee and supervisor will sign

the performance evaluation conducted by the supervisor and the signed form will be placed in the employee's permanent personnel file. After each evaluation has been completed, the supervisor will give a copy to the Mayor and City Administrator for review.

If the employee refuses to sign the evaluation, the supervisor shall make a notation that employee refused to sign and that the evaluation has been reviewed and discussed with the employee. The employee's refusal to sign does not in any way affect the substance or content of the evaluation.

**Annual performance evaluations are important in providing dialogue about expectations and accomplishments. When salary increases are considered and funded, the evaluations will be used in merit and eligibility determinations.**

Councilman McTizic asked Mayor Stevens if there could be some influence with the Personnel Board to review these evaluations other than the Department Head or Ms. Shelia. He felt like if the department head did not get along with one of their employees they would not receive a good evaluation and it could make a bad work environment for the employee. Mayor Stevens explained the City of Bolivar has a policy that any employee can request a hearing with the personnel board if they go through the proper procedures.

Mayor Stevens applauded Councilman McTizic for initiating the question concerning the personnel policy issues. Mayor Stevens stated what the city is doing under the employee development training is encouraging every employee to communicate with their boss and establish goals for each employee.

Councilman Larry McKinnie stated he did not agree with the last sentence in the paragraph of Section E, page 5, which reads: **When salary increases are considered and funded, the evaluations will be used in merit and eligibility determinations.**

He stated the word merit should be removed. He did not believe merit raises should be given because it was not fair to all employees. He stated employees should be recognized when they did a good job and present them with a certificate of some sort. After much discussion Councilman Larry McKinnie made a motion to approve the revision of the personnel policy with deleting the following sentence: When salary increases are considered and funded, the evaluations will be used in merit and eligibility determinations. Councilman Futrell seconded the motion. All voted "Aye".

Old Business:

**A. 2<sup>nd</sup> Reading/Public Hearing of Ordinance 14-005, "An Ordinance to Amend Water and Sewer Tap Fees"**

Mayor Stevens asked for a motion to adjourn from executive session to a public hearing. Councilman Futrell moved, seconded by Councilman Hill to adjourn to a public hearing. All voted "Aye".

There being no comments from the public. Mayor Stevens asked for a motion to reconvene to executive session. Councilman Futrell moved, seconded by Councilman McTizic to reconvene to executive session. All voted "Aye".

Councilman Futrell made a motion to approve Ordinance 14-005 on second reading. Councilman Hill seconded the motion. All voted "Aye".

**B. 2<sup>nd</sup> Reading/Public Hearing of Ordinance 14-006, "An Ordinance to Amend Ordinance 12-405 regarding Gas Inspections"**

At this time Mayor Stevens asked for a motion to adjourn from executive session to public hearing. Councilman McTizic moved, seconded by Councilman Futrell to adjourn to public hearing. All voted "Aye".

There being no comments from the public, Councilman Futrell moved, seconded by Councilman Lowe to reconvene to executive session. All voted "Aye".

Councilman McTizic commented he did not believe this ordinance was fair. He did not think we should charge the customers outside the city limits the same fee that we were charging customers inside the city. The 1<sup>st</sup> Reading stated there would be a \$25.00 fee for all gas inspections. There was much discussion on what to charge for out of town gas inspections. Attorney Hornsby stated this rate should be set by the Utility Board and brought back to the Council. Councilman McTizic made a motion to table Ordinance 14-006. Councilwoman Byrum seconded the motion. All voted "Aye".

**C. 2<sup>nd</sup> Reading/Public Hearing of Ordinance 14-007, "An Ordinance to Establish a Sewer Inspection Fee"**

Councilwoman Byrum made a motion, seconded by Councilman Hill to adjourn from executive session to public hearing. All voted "Aye".

There being no comments from the public, Councilman Rhea made a motion, seconded by Councilman Futrell to reconvene to executive session. All voted "Aye".

There being no questions or discussion on the ordinance, Councilman Rhea moved, seconded by Councilman Lowe to approve Ordinance 14-007 on final reading. All voted "Aye".

**D. 2<sup>nd</sup> Reading/Public Hearing of Ordinance 14-008, "An Ordinance to Amend the Budget"**

Councilman Lowe moved, seconded by Councilman Futrell to adjourn from executive session to public hearing. All voted "Aye".

There being no comments from the public, Councilman Rhea moved, seconded by Councilman Futrell to reconvene to executive session. All voted "Aye".

Councilman Rhea moved, seconded by Councilman Futrell to approve Ordinance 14-008. All voted "Aye".

### **Standing Committee Reports**

#### **Electric – Councilman Todd Lowe**

- Right-a-way bid was awarded for an aerial right-a-way cutter in the amount of \$195,450.00
- The BEA board meeting has been moved to Tuesday, September 30<sup>th</sup> at 5:00

#### **Fire and Police – Councilman James Futrell**

##### **Fire:**

- The department conducted and introduction to Fire & Emergency Services course for local fire departments from August 4-7, 2014.
- Annual cylinder hydrostatic testing and SCBA face piece fit testing has been completed for 2014
- Fire reports for August were as follows:
  - 4 – Structure fires
  - 5 – Brush fires
  - 1 – Vehicle fire
  - 5 – False alarms
  - 6 – Motor vehicle accidents
  - 3 – Other
  - Total: 24
- During the month of August, the fire department participated in the Children's Festival, the Fill the Boot Muscular Dystrophy Drive, the NAACP Back to School Event and the Bolivar Housing Authority's Fire and Safety Program.
- The firemen completed 227 hours of training, performed 16 courtesy inspections, and monitored 8 fire drills at the public schools.

##### **Police:**

- For the month of August the Bolivar Police Dept. answered 956 calls, issued 219 citations, responded to 24 accidents, and arrested 3 juveniles
- and 42 adults.

#### **Utility Board – Councilwoman Tracy Byrum**

At the September 2<sup>nd</sup> Utility Board meeting, the following was discussed:

- The board agreed to have Robert Stigall advertise for seven new gas main extensions. Bids will be opened at the October meeting.

- Gas meters within the corporate limits of Middleton have been disconnected effective 9/1/2014.
- Gas prices for the month of September will be .74 cents
- October's meeting will be the 8<sup>th</sup> instead of the 1<sup>st</sup>.
- Chairman Wilhite and the board recommended that Larry Crawford be reappointed to the Utility Board since his term has expired. Councilwoman Byrum made a motion to appoint Mr. Crawford to the Utility Board for another term, Councilman McTizic seconded the motion. All voted "Aye".

Councilwoman Byrum stated she did not feel like she could represent the Utility Board because she is working in Jackson and cannot attend the noon meetings. She stated she was not representing the Utility Board properly on these ordinances because she was not at the meeting.

#### **Parks and Recreation – Councilman Randy Hill**

- The department hosted a men's softball tournament comprising of 8 teams
- Youth soccer has had its draft
- Fall baseball and softball will begin this month
- Clearing trees and brush continues at Pleasant Creek Park
- Daily activities and maintenance have been routine

#### **Street & Sanitation – Councilman David Rhea**

- The street department has been working on trails at Pleasant Creek Park.
- Continuing with brush pick up and mowing grass.
- Sanitation is routine.

#### **Planning Commission – Councilman Julian McTizic**

- The Planning Commission did not meet for the month of August
- The vacancy of Regional Planning member Lajuana Hamer was filled by Mr. Larry Shrader through appointment by the Mayor and Council.

Councilman McTizic made a motion to appoint Mr. Shrader to the Planning Commission, Councilman Rhea seconded the motion. All voted "Aye".

#### **Library/Senior Citizens – Councilman Willie McKinnie**

##### **Library:**

During the month of August the library sponsored 14 programs which were attended by 126 individuals. These programs included Children's Story Time, Teen Time with games, Adult games, Brown-Bag Book Group and Senior Center programs.

Visitors were reported this month from Ohio, Texas, Mississippi and Florida. They visited the Genealogy Room, the Royal Commemorative collection and obtained information from the local History Room.

#### **Senior Citizens:**

For the month of August, the events included the following:

- On the 5<sup>th</sup>, Tim Simpson with WREG-TV visited the center
- Adrian Cross from Walgreens Pharmacy in Jackson gave Flu/Pneumonia vaccines on the 11<sup>th</sup>
- On the 15<sup>th</sup>, a Health Fair was held with 11 organizations participating
- On the 28<sup>th</sup>, Joyce Byers gave an art demonstration

#### **Historic Zoning Commission – Councilman Larry McKinnie**

During the August meeting, an application for certificate of appropriateness was reviewed for signage for the Verizon Wireless store at 105 N. Main St.

The United Sons and Daughters Charity Lodge was mentioned with discussion consisting of the important significance this fraternal organization has in Bolivar's African American history as well as its listing on the National Register of Historic Places.

#### **Mayor's Report – Mayor Barrett Stevens**

The Mayor brought several important events to the public's attention. On September 11<sup>th</sup>, the Fire Department will host a ceremony to honor the fallen heroes and victims of the 9/11 attack. This will begin at the time the first tower of the World Trade Center was struck.

Friday, Sept. 19<sup>th</sup> from 4:00 to 5:30 PM a Retirement Reception will be held at the Criminal Justice Complex in honor of Judge Charles "Chip" Cary.

Saturday, Sept. 13<sup>th</sup>, the Imagination Library Whistle Stop Tour will stop by in Bolivar at 1:00 PM at the Hardeman County Courthouse Amphitheatre. This tour is celebrating the 10 year anniversary of the Governor's Books from Birth Foundation and Dolly Parton's Imagination Library.

September 23<sup>rd</sup> is Community Awareness Day. This meeting will be held at 6:30 PM at the Truth and Life Church. It will give the community an opportunity to meet and greet City Officials and Emergency Personnel.

There being no further business, Councilman Larry McKinnie moved, seconded by Councilman Futrell to adjourn the meeting. All voted "Aye".

Attest:

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Clerk

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Mayor