

November 7, 2016
5:00 p.m.
Public Meeting
Ripley City Courtroom

- To discuss the W.G.L. Rice Trust, comprised of the Rice Park and Cleveland Street Park properties. At said meeting, the board will receive any trust or real estate documents available from the public, discuss intended action, and receive any information available about potential persons or entities to serve as trustees for the said trust.

Mayor Pavletic presiding

Aldermen present: Alston, Beard, Chipman, Davis, Hankins and Treadway

Aldermen absent: None

Also present: Donna Buckner, Attorney Jackson, Chief Worlds, Chief Baltimore, and Randy Danley

Visitors: Thomas Bester, Lawrence Andrews, James Wright, Sammie Manns, G.C. Blackman, Linda E. Love, Tommy R. Sanders, Debora Tyus, Eva Drain, Kaye Jordan, Tom Sanders, Lillie M. Sanders, Donna Sanders, Paula L. Boger, Melanie Myles, Jeanetta Bates, Garie Andrews, Amanda Adkerson, D. Burton, Betty Burton, Bernitta and Montel Ellis, Diane Beard, Charles Joplin, Connell Smith, Angela Flowers, Avery Flowers, George Dixon, Susan Worlds, Dorisha Wright, and Chris Taylor

Mayor Pavletic opened the meeting by stating that Michael Norfolk had contacted him expressing an interest in serving as trustee.

Alderman Davis stated that Richard Griffin contacted him expressing his desire for ownership to be determined and the issue resolved.

Alderman Beard stated two (2) individuals that work at the park contacted him and he encouraged them to come to this meeting.

Alderwoman Alston stated coming to this meeting was her recommendation also.

Alderwoman Treadway stated she had spoken with several people in the neighborhood, as well as, Johnny Nelson who has expressed interest in serving as trustee.

Alderman Hankins stated he has only spoken with only one person but basically the sense is to get issue resolved.

Alderman Chipman stated he was contacted by one person. Alderman Chipman feels issue needs to be resolved and that he agrees with Mr. Lee.

Attorney Jackson clarified that persons interested in serving should be made aware that the trust includes Rice Park and Cleveland Street Park and that county residents are equally encouraged to get involved.

Attorney Jackson stated that she was contacted by three (3) individuals. The first two contacted her to tell her she was wrong in her information regarding Rice Park. She asked them to bring any and all information regarding this issue to her for review. She has received nothing. The third communication involved a concern that was essentially a cover-up by the city; that documents have gone missing. This issue (the trust) is not and has never been a city matter. Documentation regarding the Rice trust is not a matter that was ever administered by the city. The documents were never lodged with the city. The only information she had several years ago (when she served as city attorney) and now is the information from the old probate court records and the real estate records which are recorded at the Courthouse.

Attorney Jackson was contacted by Ms. Debora Tyus stating she was going to meet with County Mayor Gaines. Attorney Jackson provided (in written form) the information she shared at the last meeting to Ms. Tyus to share with Mayor Gaines.

Ms. Tyus, representing Rice Park Improvement Committee, stated she would like the issue to be resolved.

Dorisha Wright asked if the city is going to be willing to partner with new trustees and allow equipment to be installed by licensed individuals which is Parks & Recreation Department.

Alderman Chipman stated not until the staff of the Parks & Recreation department is licensed to do so. Equipment that is purchased and installed at the park is installed by licensed companies contracted by the vendors.

Attorney Jackson stated that Ms. Tyus had asked if this could be absorbed into the Parks & Recreation Department. Her response was that this is private property and the will that established the trust itself made it clear that it can't be sold or it reverts back to the trust heirs.

Attorney Jackson stated as a general rule a municipality can't expend municipal or government assets on private property.

Dorisha Wright asked what does Rice Park and Cleveland Park being private mean to the residents.

Attorney Jackson stated the parks are held by the trustees for the use and benefit of the public. As long as nothing unlawful is being done or anything that excludes others then the community residents would be lawful in using the parks. The trustees will have the authority to say who can reserve and/or use the "club" house. These will be management issues and the trustees would seek their own legal advice when issues arise.

Mayor Gaines stated the original application for the Reduce Obesity in the Community grant came through the county. A panel of city and county residents was put up throughout Lauderdale County and a vote was taken on where they would like to see some of the funds spent and Rice Park was one of the areas. The county has partnered with the Rice Park community to provide financial assistance for the park. Doesn't see that subsidizing. County wants to continue to participate as long as there is a legal entity to participate with. Just having a trust set up does not make you eligible for grant dollars. Grant funding will require 501C3. These trustees are going to have to be willing to do a lot of work and spend a lot of time on the parks.

Garie Andrews thanked the board and Attorney Jackson for all the work they've done. He offered a formal correction in that Cleveland Park cannot be a private park because there is a sign located at the park that states "City of Ripley City Park – no vehicles". So according to the signs the park is owned and operated by Ripley. He stated the Rice Park board has asked Debora to table this issue because we don't believe this amount of time is sufficient in addressing what is needed. Some of Autumn Hills property has been sold was Rice Park property. Property of Keeley and Delphine is Rice Park property.

Attorney Jackson stated that in order to get those issues resolved there has to be trustees acting on behalf of the park to petition to correct that. The city, as a beneficiary of the trust, is asking the court to appoint trustees to act exactly as the trustator intended. The trustees can then pursue and get those issues rectified.

Attorney Jackson stated that a street sign does not convey title to property.

Garie Andrews stated that it was made clear by Mayor Pavletic in a prior meeting that the park is public property. With it being a public park these issues being addressed can't be properly addressed unless we have a lawyer. Constantly addressing issue that take time. 45-50 years in the making. Can't resolve in two meetings. Need a lawyer to represent Rice Park, the land and what Rice Park needs.

Linda Love asked 1) that since the will states property cannot be sold does Cleveland Street still have 30 acres and Rice Park still have 50 acres; 2) is the \$75,000 to City of Ripley for local

parks & recreation fund grant going to be used for Rice Park and Cleveland Street Park or just City of Ripley Park?

Attorney Jackson stated 1) the point is not to establish what the boundaries are now or the city even trying to play a role in what those boundaries are or are not. It's trying to put people in place who can advocate for Rice Park and Cleveland Street Park. Right now there is no legal entity in place to do those things; 2) as a general rule governmental entities cannot expend public funds on private property.

Lawrence Andrews stated people in the trustee positions need to be people that are passionate, that want to see unity and that want to move forward for the city and county. How will these trustees be elected? Needs to be a diverse group of people that are hungry, passionate, understand money and are willing to work in the community. Need to move forward. What are the qualifications? Recommendations are good but we are where we are today because of recommendations.

Attorney Jackson stated that Mr. Rice was a white man. In 1949 when he died and his will was read he had appointed three (3) white men to serve as trustees to oversee that Rice Park and Cleveland Street Park were constructed. They were all business men. They didn't do it alone. They enlisted community support to make it happen. Not only do you need people who have that fire and who are invested but that have skills of knowing about real estate and business. It's tricky. It's difficult to find someone who has a personal interest in the park, willing to be hands-on, with the fire to make things happen and have the skill set to make sure things move forward. That's the point of the meeting tonight. The city wants to pursue who those people might be and putting them in place.

Thomas Bester stated 1) Mr. Rice's original intent was separate but equal. How is anything that happens in this present day going to affect his original intent? If his intent was to keep the colored children over here and the white children over there is there a possibility for someone to say we are going against his original intent; 2) is there any way to rid us of the trustee possibility by way of reverting the property back to the Rice estate and then negotiate with them that maybe the city and/or county could buy the parks thereby placing them under governmental rules and make all this mute.

Attorney Jackson stated good point on what the original intent was. The times and the law has changed. Integration has happened and gotten rid of segregation. Doesn't think there would be room for someone to come in and say later that the original intent wasn't being met. Doesn't know who the remaining heirs are. The city can't take on a city park and exclude the county as additional beneficiary in its current form. If the new trustees determine the parks aren't manageable or profitable then they search out the heirs to determine the options of selling.

Alderman Hankins stated finding rightful heirs to the trust at this point they could decide to not sell to anyone.

Attorney Jackson stated there would be negotiations with the heirs to accomplish the same thing.

Alderman Hankins stated that we are asking the court to appoint the trustees.

Attorney Jackson stated the court would appoint the trustees from a pool of proposed individuals based upon their interested and willingness to serve and their qualifications. Once the pool is determined and without any opposition the court could rule within 30 days.

Eva Drain asked once the trustees are in place who would be financially responsible?

Attorney Jackson stated it would be run like a business. Generate funds through renting the property, hold fundraisers, events, grants, etc. The trustees are going to be responsible for all monies just like a business.

Dorisha Wright asked how this would affect the city and county funding.

Attorney Jackson stated the money that is currently being given is not being given to Rice Park. It is being given to a non-profit corporation. The issue would be whether the trustees endorsed that corporation.

Gwen Blackman asked if the trustees had filed paperwork annually with the court how does that effect the terms of the trust?

Attorney Jackson stated they could have been replaced.

Gwen Blackman asked what the legal ramifications would have been for not reporting annually.

Attorney Jackson stated they could/would have been replaced which is what we're asking to have done now.

Mayor Gaines asked if you don't act and get these trustees in place could the Rice heirs go back and claim that property.

Attorney Jackson stated they haven't in all these years but it is a possibility.

Kay Jordan asked when the new trustees are put into place and approve the W.G.L. Corporation will the trustees dictate how the city and county funds be used by the trust.

Attorney Jackson stated the trustees will determine how much of a hand they want to play in the management of the parks.

Alderman Beard asked how we elect trustees.

Attorney Jackson stated the court will appoint the trustees.

Gwen Blackman asked where will the funding come from for the maintenance and development of Rice Park and Cleveland Street Park.

Attorney Jackson stated that thus far the only cost to the city for Cleveland Street Park has been mowing. The city has mowed Cleveland Street Park just as it has Rice Park.

Paula Boger asked if the trustees were limited to three (3).

Attorney Jackson stated the court will determine.

Eva Drain asked if the trustee positions are unpaid.

Attorney Jackson stated they are unpaid but the court could order payment for the trustee under certain conditions and reporting requirements.

Mayor Pavletic stated Rice Park committee will need to provide names.

Attorney Jackson stated the county will also be able to consider the persons as a joint petitioner or be made a defendant and appoint names.

Mayor Gaines stated he feels confident the county would present as joint petitioner.

Gary Andrews solicited to be considered as one of the three (3) trustees.

Debora Tyus stated she would sign those up that are interested in the trustee's position after the meeting.

Attorney Jackson previously stated that a person that holds a given position could be a trustee such as the "chair".

Gary Andrews asked if the issue would be best served by advertising in the newspaper for thirty (30) days.

Attorney Jackson stated the city board and county commission would need to make that decision.

Attorney Jackson stated the city's effort here is getting trustees into place as quickly as possible so that the trustees can begin to act on pending issues such as the playground equipment, the use of the Rice Park grounds, security issues and event planning.

Randy Danley stated that the largest issue day-in and day-out is keeping the grounds mowed which will require some heavy equipment.

Meeting closed 6:15 p.m.

Donna Buckner, Recorder

Jon Pavletic, Mayor

November 7, 2016

6:20 p.m.

Regular Monthly Meeting

Ripley City Courtroom

Mayor Pavletic presiding

Aldermen present: Alston, Beard, Chipman, Davis, Hankins and Treadway

Aldermen absent: None

Also present: Donna Buckner, Attorney Jackson, Chief Worlds, Chief Baltimore, and Randy Danley

Visitors: Thomas Bester, Lawrence Andrews, James Wright, Sammie Manns, G.C. Blackman, Linda E. Love, Tommy R. Sanders, Debora Tyus, Eva Drain, Kaye Jordan, Tom Sanders, Lillie M. Sanders, Donna Sanders, Paula L. Boger, Melanie Myles, Jeanetta Bates, Garie Andrews, Amanda Adkerson, D. Burton, Betty Burton, Bernitta and Montel Ellis, Diane Beard, Charles Joplin, Connell Smith, Angela Flowers, Avery Flowers, George Dixon, Susan Worlds, Dorisha Wright, and Chris Taylor

Chief Baltimore opened the meeting with prayer.

Mayor Pavletic acknowledged and thanked the Veteran's in attendance.

Mayor Pavletic led Pledge of Allegiance.

1. Motion by Alderman Hankins and second by Alderman Beard to approve October 3, 2016 minutes as printed and delivered in agenda package. All aye
2. Motion by Alderwoman Alston and second by Alderman Beard to approve October 2016 financial statement as printed and delivered in agenda package. All aye

3. Motion by Alderman Beard and second by Alderman Chipman to approve agreement between Community Development Partners, LLC and City of Ripley to provide technical and professional services in connection with Community Development Block Grant Program related to fire protection. All aye
4. Motion by Alderman Chipman and second by Alderman Hankins to approve advertisement of cropland for rent bid 5 years. All aye
5. Motion by Alderman Beard and second by Alderwoman Alston to approve 1st reading proposed ordinance to amend section VIII of the City of Ripley's plan of operation for the Occupational Safety and Health Program relating to recordkeeping and reporting of workplace accidents. All aye

Attorney Jackson tabled proposed personnel policy changes.

6. Motion by Alderman Chipman and second by Alderman Davis to accept deed of dedication for Jenny Cove Street from Norman P. and Lisa C. Hendren. All aye

Department Reports:

Ripley Parks & Recreation: Alderman Chipman gave monthly report.

Ripley Public Works & Codes Departments: Alderwoman Treadway gave monthly report.

Ripley Police Department: Alderman Hankins gave monthly report.

Ripley Fire Department: Alderwoman Alston gave monthly report.

Ripley Housing Authority: Alderwoman Alston gave monthly report.

Ripley Gas, Water & Wastewater Department: Alderman Davis gave monthly report.

Ripley Power & Light Department: Alderman Beard gave monthly report.

Susan Worlds gave update on upcoming events for downtown.

Meeting adjourned at 7:20 p.m.

Donna Buckner, Recorder

Jon Pavletic, Mayor