

November 4, 2024  
5:50 p.m.  
Ripley Power Board Meeting  
Ripley City Courtroom

Mayor Fitzhugh called the meeting to order and requested Recorder Buckner to issue roll call.

Board members present: Fitzhugh, Alston, Chipman, Frazier, Keeley and Long

Board members absent: Thompson

Also present: Donna Buckner, Attorney Rachel Jackson, Chief Tracey Worlds, Superintendent Johnie Ford, Sergeant Herbert Gwynn, Superintendent Scott Nelson and Superintendent Mike Allmand

Visitors: Cassandra Stephenson (TN Lookout), Ron Goforth, Linda Love, Mike Hutcherson, Dorothy Bond, Tonia Beard, Dorisha Wright, Kaye Jordan, Zina B. Stockery, James C. Bonds, Angie Allmand, Kenny Parham, Eunice Jenkins, Marcus Keeley, Joyce Cotton and Debby Jenkins

1. Motion by Alderman Chipman and second by Alderman Frazier to approve September 26, 2024 Ripley Power Board meeting minutes as printed and delivered in agenda package.  
All aye.

Public Comments: none

Necessary action items and documents requested of Superintendent Mike Allmand by Mayor Fitzhugh via email date October 30, 2024.

Mayor Fitzhugh stated some items had been received after notice of meeting had been released.

Mr. Allmand stated he had just received notice of meeting at 10:41 a.m. and he doesn't think it was properly noticed to be legal.

Mayor Fitzhugh stated it was a proper notice and he thinks we may as well wait and get the show completely done right.

Mr. Allmand asked to let him finish what he was saying.

Mayor Fitzhugh stated Mr. Allmand was not recognized.

Alderman Alston recognized Mr. Allmand.

Mr. Allmand stated she (Alston) recognized him.

Attorney Jackson stated Alderman Alston is not the chair.

Mr. Allmand asked Attorney Jackson why she was talking.

Attorney Jackson stated you (Fitzhugh) copied her on the email to Mr. Allmand asking for action items well in advance of any agenda being prepared in this matter and there was no response until today after the time.

Mr. Allmand stated she (Jackson) is saying that but you (Fitzhugh) copied Donna but you did not send it to him and Donna did not send it to him.

Attorney Jackson stated the email was directed to him (Allmand).

Mr. Allmand stated it was directed to him through her (Buckner and Jackson) but you (Fitzhugh) didn't send it. Nor did Donna or Rachel.

Mayor Fitzhugh asked if he received it.

Mr. Allmand stated he did not receive it and they have checked everything they have. We never got the email.

Attorney Jackson stated in response to the same items that had been requested relative to the document, she had sent 4 prior requests to Mr. Allmand's direct email address, his company email address at Ripley Power & Light and not only were the documents not provided there was absolutely no response made to her as the representative of the city.

Mr. Allmand stated yes, she did send him email after email. He stated he does not work for her. He worked for ya'll. This board.

Mayor Fitzhugh interrupted Mr. Allmand and stated that's part of the problem. We don't have what was requested.

Mr. Allmand stated right.

Mayor Fitzhugh stated we don't have that so we will get it at the next meeting. Attorney Jackson was just explaining what the situation was and he would have said the same thing.

Mr. Allmand stated that without \$200 per hour Donna could have sent him the message and he could have gotten whatever was needed.

Attorney Jackson stated he (Allmand) had promised those items prior in open meetings. On the open record he had promised to provide those documents, they never came. She is the city's legal representative. There was no justification for his not responding.

Mayor Fitzhugh stated the answer is that you (Allmand) don't have those tonight.

Mr. Allmand stated no.

Mayor Fitzhugh stated no problem we will get them next time. We have waited this long. We will get them at the next meeting. But if he (Allmand) didn't get his email, we have a communication problem that we need to work out.

2. Motion by Alderman Chipman and second by Alderman Frazier to adjourn meeting. All aye

Meeting adjourned 5:58 p.m.

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Donna Buckner, Recorder

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Craig Fitzhugh, Mayor

November 4, 2024

6:00 p.m.

Ripley Board of Mayor and Aldermen

Ripley City Courtroom

Mayor Fitzhugh called the meeting to order and requested Recorder Buckner to issue roll call.

Board members present: Fitzhugh, Alston, Chipman, Fraizer, Keeley, Long and Thompson arrived at 6:15 p.m.

Board members absent: none

Also present: Donna Buckner, Attorney Rachel Jackson, Chief Tracey Worlds, Superintendent Johnie Ford, Sergeant Herbert Gwynn, Superintendent Scott Nelson and Superintendent Mike Allmand

Visitors: Cassandra Stephenson (TN Lookout), Ron Goforth, Linda Love, Mike Hutcherson, Dorothy Bond, Tonia Beard, Dorisha Wright, Kaye Jordan, Zina B. Stockery, James C. Bonds, Angie Allmand, Kenny Parham, Eunice Jenkins, Marcus Keeley, Joyce Cotton and

Debby Jenkins

Invocation: Mike Hutcherson

Pledge of Allegiance

1. Motion by Alderman Alston and second by Alderman Keeley to approve October 7, 2024 Board of Mayor and Aldermen meeting minutes as printed and delivered in agenda package. All aye
2. Motion by Alderman Chipman and second by Alderman Long to approve October 2024 financial statement as printed and delivered in agenda package. All aye

Correspondence: NAACP letter regarding power board member applications

Alderman Thompson arrived.

Public comments: none

Mayor Fitzhugh announced the Veteran's Parade is scheduled for Friday, November 8, 2024 at 10:30 with a program and lunch to follow. New mural on the wall at the Veteran's Park.

Department reports:

Superintendent Mike Allmand stated he agreed with the NAACP letter and that this board passed a resolution some years back indicating the way we would take board applications which would be through the power company. We have not at all ignored that. As you know, we have just put the independent board back at the last meeting. We are scheduling a power board meeting on the 14<sup>th</sup>. At that time, we will be taking applications. We always put application requests in the paper. We want to make sure everybody has an opportunity so we always put it in the paper to ensure that's exactly what happens. That's the way it says. Gas & Water does the same thing. Same resolution. Tries to be very fair in that.

Chief Mitchell Turner stated Halloween went well. We've had a recent murder. We are working diligently on it. We have two or three persons of interest. Everything is progressing and thinks we will have a good outcome.

Alderman Long stated that one of the items on the fire department report mentions an ISO audit. Hats off to Chief Worlds and the fire department for being recertified.

Alderman Thompson stated that he was told by one of the neighbors that was at the location of the shooting and they were happy that the police department responded so fast. We are thankful for our police department.

Mayor Fitzhugh stated we have a great department. It's the first department to receive accreditation in the history of the city. These senseless things happen and we just have to do the

best we can with them. All departments are cognizant of the safety of the citizens but especially commends what Alderman Thompson stated.

Alderman Alston stated Public Works is doing a great job especially down in Parkview. Fixing holes and gullies and she appreciates it.

Alderman Keeley thanked Public Works for the work they are doing in Rice Park.

Alderman Chipman stated most of his staff at the park are at the convention in Murfreesboro.

Mayor Fitzhugh stated the football field, even this late in the season, looks wonderful. Our Greenteam takes care of the baseball field, the football field and all the other fields with a good cooperation of the county.

3. Motion by Alderman Chipman and second by Alderman Thompson to approve department reports as printed and delivered in agenda package. All aye
4. Motion by Alderman Alston and second by Alderman Chipman to approve memorial resolution in memory of Rozelle Criner, Sr. All aye
5. Motion by Alderman Thompson and second by Alderman Long to approve memorial resolution in memory of George Hallock. All aye
6. Motion by Alderman Chipman and second by Alderman Long to approve 1<sup>st</sup> reading ordinance of the City of Ripley, Tennessee amending Title II, Chapter 1, Alcohol. All aye
7. Motion by Alderman Alston and second by Alderman Keeley to approve resolution for American Rescue Plan Act (ARPA) Allocation.

Recorder Buckner stated we've used a lot of the money; hazard pay/benefits for employees, purchased cameras for around the square and other areas of the city, \$100,000 to Exchange Club for purchase of their building. This resolution will allow us to close out by-way of government requirements.

Mayor Fitzhugh stated every appropriation that's left out of the balance will have to be approved by the board by roll call vote.

Roll call. All aye

Mayor Fitzhugh stated the city has been awarded the TN Department of Economic and Community Development's American Rescue Plan (ARPA) Connected Community Facilities Grant in the amount of \$1,864,493.93 for childcare facility to be located in the unused portion of the UT Martin-Ripley Center.

Recorder Buckner stated this will also provide some broadband services and UT Martin will be able to provide additional education, workforce training and healthcare.

Mayor Fitzhugh recognized Attorney Jackson to discuss structure of power board.

Attorney Jackson stated as a procedural matter, she distributed and read letter to the board.

Attorney Jackson stated she agreed with everything that was in Mr. Allmand's professional parliamentary report except that he left out the most important provision which is "actions that cannot be rescinded or amended" and that does include that when something has been done as a result of the vote on the main motion, it is impossible to undo. Accordingly, the motion to rescind was not valid and that action was void. When the item was on the board's last agenda, placed there by Mr. Long for general consideration of Ripley Power & Light issues, she went back and reviewed the minutes and it was not until then that he announced it as a motion to rescind. Accordingly, she had not had an opportunity to review Robert's Rules of Order relative to the issue. She has now and she immediately advised City Hall there should not be an advertisement on this issue. She apologized for the issue it brought up with the NAACP considerations that they couldn't find the advertisement but she didn't have the opportunity to announce this and advise the board formerly until tonight. She's glad it happened that way because it allowed her to distinguish this from Mr. Allmand's professionals' consideration of the rules because, again, whether it was intentional or negligently he omitted the fact that a motion to rescind does not apply in this circumstance. Accordingly, the Board of Mayor and Aldermen will continue to act as the Power Board at present.

Mayor Fitzhugh pointed out that when this was initially done it was the purpose of the city board not to take over the power board on a permanent basis.

Attorney Jackson stated she went back and reviewed minutes from the original meeting and there was discussion at that time that this board did not intend for it to be permanent. This board intended it for a period of time that was necessary in order to acquire the documents that it had requested over a two-year period that as of this day still haven't been provided, as well as, to be able to get a clear understanding of what was going on at Ripley Power & Light and to be able to understand and address some of the issues that come before the power board on a regular basis. Frankly, it shouldn't matter to the superintendent who the power board is. The action items can be addressed by this board acting as the Board of Mayor and Alderman just like they can be acted upon by his board and properly addressed. At this juncture, as a procedural matter, this board continues as the power board. No questions, no comments.

Mr. Allmand asked if he could comment.

Mayor Fitzhugh stated no, not at this time.

Mr. Allmand stated he figured that.

Mayor Fitzhugh asked Mr. Allmand what he said.

Mr. Allmand stated he figured that would be the case because she is incorrect and she knows she's incorrect.

Mayor Fitzhugh stated we are not going to get into that argument. That's what we have a lawyer for, to make that determination.

Attorney Jackson stated that she reviewed very carefully the professionals' opinion but he does everything but consider the exceptions to the rule, and again the exception to the rule clearly provides that a motion to rescind does not apply in this circumstance. That makes that prior action void regardless. She reviewed the rule in its entirety.

8. Motion by Alderman Chipman and second by Alderman Frazier to adjourn. All aye

Meeting adjourned 6:54 p.m.