

August 3, 2020
6:00 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, Superintendent Johnie Ford, Chief Tracey Worlds and Superintendent Scott Nelson

Visitors: Ron Goforth, Linda Love, Amanda Adkinson, Jenny Nunn, Evonne Maness, Larry Braden, Michelle Harvey, Garie V. Andrews and Mary Ann Jarrett

Mary Ann Jarrett, former mayor of Henning, TN, opened meeting with prayer.

Mayor Pavletic led in the Pledge of Allegiance.

1. Motion by Alderman Chipman and second by Alderman Hankins to approve July 6, 2020 minutes as printed and delivered in agenda package. All aye
2. Motion by Alderman Alston and second by Alderman Treadway to approve July 2020 financial statement as printed and delivered in agenda package. All aye

Correspondence: none

Jackie Lemons request to address the board regarding Foxberry Subdivision un-kept grass and condition of street at the entrance of subdivision.

Ms. Lemons stated her property value is down because of the over-grown grass in the rights-of-way and the caved in streets. She compared her subdivision to Willow Creek subdivision.

Superintendent Ford stated the property owners maintain the rights-of-way in Willow Creek.

Attorney Jackson stated Tennessee Right to Farm Act allows and protects farming in subdivisions. The areas that are left un-kept after the cutting of the hay, such as rights-of-way and curb areas is a restrictive covenant. Restrictive covenants of a subdivision state what is allowed and what is required by all property owners. Restrictive covenants of subdivision are enforceable by the property owners in the subdivision not by the city.

Ms. Lemons asked about the city ordinance regarding grass height (10").

Attorney Jackson stated the issue here is not grass but hay. At the end of harvest season, the city code enforcement could contact property owner but if the property owner decides to not cut for hay we are right back to the farm product issue. State law prevents any city from enforcing against a property owner who indicates a farming operation in any form that produces a farm product.

Superintendent Nelson to smoke the lines to determine if there are any leaks in the lines. If there are leaks, Ripley Gas & Water will fix it.

Superintendent Ford stated once the problem is fixed the streets will be paved.

Mr. Larry Braden and Ms. Lucille Braden request to address the board regarding Foxberry Subdivision drainage issues.

Superintendent Ford stated the city doesn't have an easement on to the property where the drainage issue is.

Attorney Jackson stated the sinkhole issue on the property is from the drainage that exist on the private property. That is being effected by what has happened on an adjunct piece of property. Again, this is an issue of surface waters that can be enforced between property owners without regard to a restrictive covenant. The sinkholes are not the result, based on Mr. Ford's study of the area, from anything related to the city's roadway or easement. Accordingly, the city can't go on private property to fix it. The city can't accept an easement from Mr. Braden for the purposes of fixing it because anytime a property owner had an issue they would offer the city an easement. A property owner has a responsibility to enforce their rights against adjunct property owners when damage has been suffered.

Mayor Pavletic stated that Superintendents Nelson and Ford will go look and take the issues from there.

3. Motion by Alderman Chipman and second by Alderman Hankins to approve purchase of 2021 International HV607 SBA side loader garbage truck \$213,432.12 – state contract budgeted item. All aye
4. Motion by Alderman Beard and second by Alderman Alston to approve report on Debt Obligation for General Public Works Projects Capital Outlay Note, Series 2020 in the amount of \$1,277,000. All aye
5. Motion by Alderman Chipman and second by Alderman Alston to approve Ripley Parks and Recreation Department Non-tournament/Tournament Field Rental/Fee Schedule with revision to include Lauderdale County residents. All aye
6. Motion by Alderman Hankins and second by Alderman Davis to appoint committee to review and study mobile food vending businesses within the City of Ripley, Tennessee. Committee members Treadway and Davis to meet with city attorney and report back to board. All aye

Ripley Gas, Water & Wastewater Superintendent Scott Nelson presented new well proposal at the Ripley Fire Department property.

Chief Worlds reported negative comments regarding proposal of new well proposed at the Ripley Fire Department property.

Superintendent Nelson presented alternate site plan at city parking lot located at Randolph and Franklin Streets.

7. Motion by Alderman Alston and second by Alderman Hankins to approve parking lot location as presented on the alternate site proposal for new well construction and approve utility easement for same. All aye

Alderman Hankins gave Funeral Leave committee report.

Alderman Hankins discussed hazardous pay for essential workers due to Coronavirus.

Department reports as printed and delivered in agenda package.

8. Motion by Alderman Hankins and second by Alderman Chipman to re-schedule September meeting to September 8, 2020 due to Labor Day holiday. All aye

Meeting adjourned at 7:45 p.m.