

May 1, 2023
6:00 p.m.
Regular Monthly Meeting
Ripley City Courtroom

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

Board members present: Alston, Chipman, Davis, Hankins, Thompson and Treadway

Board members absent: none

Also present: Donna Buckner, Attorney Rachel Jackson, Chief Worlds, Chief Turner, Superintendent Scott Nelson, Superintendent Johnie Ford and Superintendent Mike Allmand

Visitors: Erin Smith, Jonathan Kissell, Gina Choat, Stacy Nolen, Erin Conrad, Jessica Lee, Chris Conrad, Jerry Cunningham, Kami Wright, Toni Gay, Jenny Skinner, Tracy Etheridge, Doris Montgomery, Vanessa J. Williams, Ron Goforth, Shawn Lillie, Matthew Bell, Phillip Jackson, Ronnie Hunter, Debby Jenkins, Eunice Jenkins, Angie Allmand, Linda E. Love, Minnie Stowe, Jay Heath, Mickey Hamlin, Dean Barlow, Scott Ozment, Bill Newman, Chris Mooney, David Deloach, Ty Buckner, Caleb Wright, Tyus Wright, Joey Beavers and Chris Sanders

Invocation: Lee Johnston

Pledge of Allegiance

1. Motion by Alderman Hankins and second by Alderman Chipman to approve April 3, 2023 meeting minutes as printed and delivered in agenda package. All aye
2. Motion by Alderman Treadway and second by Alderman Thompson to approve April 20, 2023 meeting minutes as printed and delivered in agenda package. All aye
3. Motion by Alderman Hankins and second by Alderman Alston to approve April 27, 2023 meeting minutes as printed and delivered in agenda package. All aye
4. Motion by Alderman Hankins and second by Alderman Treadway to approve April 2023 financial statement as printed and delivered in agenda package. All aye

Correspondence: none

Mayor's comments:

- Recognized Ron Goforth for 30 years of service.

Department Reports

5. Motion by Alderman Hankins and second by Alderman Treadway to approve department reports as printed and delivered in agenda package. All aye

Lee Johnston announced National Day of Prayer Thursday, May 4, 2023 at 11:00 a.m.

6. Motion by Alderman Chipman and second by Alderman Thompson to approve off-premises beer permit application of Ripley, Inc., d.b.a. Little General, 238 S. Washington Street, Ripley, TN 38063. All aye
7. Motion by Alderman Chipman and second by Alderman Davis to approve 1st reading ordinance to amend the official zoning map of Ripley, Tennessee by rezoning property located at 346 S. Jefferson Street (Ethel Jones property) from R-2 (High Density Single Family Residential) District to M-2 (Heavy Industrial) District as recommended by Ripley Planning Commission. All aye
8. Motion by Alderman Hankins and second by Alderman Davis to approve bids submitted by Mid-South Suppliers, Inc. for rock and gravel for FY 2023-2024. Roll call. All aye

9. Motion by Alderman Alston and second by Alderman Hankins to approve bids submitted by SDT Contractors, Inc. for hourly equipment and sand for FY 2023-2024. Roll call. All aye
10. Motion by Alderman Hankins and second by Alderman Treadway to approve deed to replace an original deed executed on or about June 16, 2014 in favor of Lauderdale County, Grantee authorized by Board of Mayor and Aldermen on May 7, 2012. All aye
11. Motion by Alderman Chipman and second by Alderman Davis to approve grant contract between the State of Tennessee Department of Environment and Conservation and the City of Ripley for 2020 Local Parks and Recreation Fund (LPRF) grant for the City of Ripley Park improvements. Grant amount \$625,000. Roll call. All aye
12. Motion by Alderman Alston and second by Alderman Thompson to approve TCRS Employer Contribution Rate of 6.19% from July 1, 2023 through June 30, 2024. Roll call. All aye
13. Motion by Alderman Hankins and second by Alderman Davis to approve bids submitted by Ford Construction Company for re-surfacing with blacktop for FY 2023-2024. Roll call. All aye
14. Motion by Alderman Hankins and second by Alderman Treadway to approve City of Ripley audit for fiscal year ended June 30, 2022. All aye
15. Motion by Alderman Alston and second by Alderman Davis to approve 1st reading ordinance FY 2023-2024 budget and tax rate \$2.50 (no change). All aye
16. Ripley Gas, Water & Wastewater 2023-2024 budget presented as approved by Ripley Gas, Water & Wastewater board.

Alderman Alston issued statement regarding potential conflict of interest with Ripley Power and Light based on her husband's part-time employment. She stated her argument and her vote answer only to her conscience and her obligations to the citizens this body represents. She asked before any vote takes place; we need to know the whole picture. As the liaison to Ripley Power and Light, she asked Alderman Thompson his thoughts.

Alderman Thompson stated both sides need to explain what all is involved.

17. Motion by Alderman Chipman and second by Alderman Treadway to deny Ripley Power and Light board's request that a vote be taken to remove Ripley Power and Light from Section 6 of the City of Ripley Charter.

Discussion:

Alderman Hankins asked based on the motion does that mean the issue can't be brought up again.

Mayor Fitzhugh stated it does not mean it can't be brought up again. The situation is such that we have made a request because of some indications we saw in the audit and some lack of information coming from Ripley Power and Light. On more than one occasion, he as mayor, has asked for additional information and received some of that, as well, as some employment records that wasn't asked for nor did we want. There are still other things that have not been disclosed to us that we have come to believe and want the ability to have the facts before we say exactly what it is. In addition, because of this the audit was delayed initially because of the Ripley Power and Light audit. This prevented the city from finishing our audit. We asked the comptroller, who is all powerful in these things, concerning the establishment of a supplemental executive retirement plan for the sole benefit of the Ripley Power and Light Board's president and CEO. The comptroller indicated they are not the appropriate entity to determine whether that was within the scope of the authority of the Ripley and Light Board. The comptroller stated "we additionally recommend that Ripley seek a legal remedy regarding whether the supplemental retirement account is law". That is what we have done by asking in the next motion to authorize our city attorney to ask Chancery Court to seek Ripley Power and Light to provide these particular

records. He truly hopes that everything is fine but we have to have these records to make a decision and a determination. That is the reason the best thing to do at this point in time is to deny Ripley Power and Light's request at this stage. He made a pledge that we will get this information and it will be totally open to the public whatever it is.

Alderman Hankins stated that it's a shame it's gotten to this no matter what side you on. He stated he's not on a side, he's still walking along the middle. He could not, in good conscience, vote to deny or approve this request. Doesn't like the next motion either. It's a stalemate and it shouldn't be.

Alderman Thompson asked if someone from Ripley Power and Light Board be allowed to speak.

Mayor Fitzhugh recognized Phillip Jackson.

Mr. Jackson stated he had addressed the Board before regarding this issue. He and Kevin Connell were appointed to the Ripley Power and Light Board about ten (10) years ago. It was time when the Ripley Power and Light Board, the city board and the city itself were in a tremendous amount of controversy which caused a lot of problems for the city and the power board. There was lack of trust. Kevin Connell and himself made a commitment to do everything they could to try to resolve any issues between the two entities. For the last ten (10) years that has been his objective. Until recently we have been successful. The boards have been congenial and have done a lot of good work. Ripley Power and Light Company is one of the best in the valley. It's recognized all over for the accomplishments it's made because of our president and employees. We have the best employees you could possibly find anywhere. We are progressive. We have been on the edge of every new thing that has come along because of Mike's vision. He negotiated almost twelve million dollars worth of assets through TVA and Tennessee Electroplating. We have benefited from that and been able to expand our services to our customers without any increase in rate payer's fees. We have expanded our drive thru. We have put in all the most up to date things you could possibly do for a power and light company. We have asked you two (2) times last year in February for us to get together to discuss the issue of the 1958 law, which we have been operating until since it's been in operation, and this Section 6 of the Charter that was changed somehow and nobody seems to know how.

Mayor Fitzhugh stated we know exactly how. We've looked through the way the change was handled. The change was handled completely appropriately.

Mr. Jackson stated we asked you again in March of this year for our board and your board to meet so that we could present the issues that are confronting us if we stay with the 1958 law versus if we stick to the change that was made. We've only asked for you to meet with us and hear what we have to say. For some reason or the other, there are some amongst us that do not want you to hear what we have to say. Thus, we have come to this point. All we are asking is to be heard and then you can make a vote. We've asked our attorney (Shawn Lillie who is here tonight), because there have been so many others issues raised that is completely outside the perimeter than what we have asked you about. Mr. Lillie can answer questions he (Jackson) cannot. You can ask him any questions you want about contracts or anything else and let's just get that off the table because that's just a smoke screen. He asked if the board would allow Mr. Lillie to speak.

Mayor Fitzhugh stated that he could not let Mr. Jackson say that this is just a smoke screen. This Board has looked long and hard and has come up with some situations we cannot explain. We have, on more than one occasion, respectfully requested records from a department that is owned by the City of Ripley. We have come with obstructions to that. We didn't seek the advice of the comptroller but they gave it to us and said the city needs to take legal remedies to get these records. The legal remedy is to make a legal request of the Chancery Court. He (Fitzhugh) doesn't want to do this. He had hoped and we had given you, even until today, the opportunity to provide these records. Last week, as a result of a letter that we sent some time ago requesting the records, signed by him (Fitzhugh) and the city attorney, there came back an answer (letter) signed by you (Jackson) stating that your lawyer could not be there. This is after the fact that some time in March, when you, your board and superintendent were there, you had your opportunity to explain. That was when we couldn't understand the reasoning behind it when you or someone on your board and your superintendent said "it doesn't do anything, it just clears things up". We could not determine what it cleared up. After that request, we got a copy, which

is the first copy that we have seen, of a settlement agreement with the superintendent that included a non-disclosure clause in a public document. We do not have the minutes of that meeting where that was discussed, how it was discussed or whether was discussed with your lawyer only. That was one of the things we wanted to know. You gave that to us about three (3) weeks later. Today, some of the aldermen received packets that had a contract of employment for the superintendent. The law states that the superintendent is at-will employee and it's the City of Ripley's responsibility to hire, terminate or change whatever with him. We find out that he has apparently (not sure about this) we think he has retired some years ago and is working under what may be the second five (5) year contract under a contract employee. Understand that you've changed some regulations in the pension that allow him to receive a supplemental pension, but the fact of the matter is, it appears it may not have been the authority of the board to do those things. That is reason we have asked for this and we got it today. If that's all there is, we still have need for the other documents.

Mr. Lillie asked to continue.

Mayor Fitzhugh stated, no sir, here we are half way or more through our meeting.

Mr. Jackson requested to be allowed to finish his comments.

Mayor Fitzhugh stated he would like answers to his questions. He doesn't like this at all. This is public money. He agrees your department does a wonderful job. There is no question about it. He has praised them and everybody in this room knows that. This is not a private company. This is taxpayer money that we are dealing with and we have to know in situations like this. You have the ability to run the thing just as Mr. Allmand or any superintendent does, but what about someone who is not a superintendent as hired by City of Ripley, the owner of the utility. We want it to be clear and we are not now. Answer that for me (Fitzhugh).

Mr. Jackson stated he would answer it by letting him (Mr. Lillie) address all the questions that you have just raised. You all have met and heard what the attorney's version of this is and it is not the true version of it.

Mayor Fitzhugh asked Mr. Jackson to tell him where it is false.

Mr. Jackson stated that's exactly what they were going to do.

Mayor Fitzhugh stated you have all the time you need.

Mr. Lillie stated it seems there are lot of tension here. He's hoping to tone it down so that we can get along and work through this. He appreciated Alderman Hankins' thought of how he's not in the position to make a decision one way or the other. The main point we would like this Board to understand is that we would like a full opportunity (and this may not be the meeting for the full opportunity) for Ripley Power and Light to present all of the information to you and then you can make whatever decisions you need to make.

Mayor Fitzhugh stated we have made that request.

Mr. Lillie stated in regard to the open records request he wanted the Board to know they have produced 2,000 pages which represents all the documents. If that is insufficient, he has invited the city attorney by letter, to let him know what specific things she thinks are deficit that we need to provide and we will work that out. There's no need for a lawsuit. We are agreeable and he is standing before you to tell you and to tell the city attorney that we are agreeable to work that out. We don't have to have a lawsuit.

Mayor Fitzhugh asked what is the problem with providing the records to the owner of the company. We have no qualms with the employer retirement account or individual accounts even though they have been redacted.

Mr. Lillie stated TCA 10-7-504 says what a municipal employer can and cannot provide with regard to municipal employees. A municipal employer cannot provide about their employee's social security numbers, addresses, cell phone numbers, personal home or residents, etc. Ripley

Power is the employer. They are the entity. You established a board. Tennessee Municipal Electric Plant Act supervisors and controls Ripley Power.
Mayor Fitzhugh stated except for the superintendent.

Mr. Lillie stated TCA 10-7-504 says specifically we cannot provide bank account, individual health saving account, retirement and pension account information.

Mayor Fitzhugh stated you're a good lawyer, sir but you're not answering the question.

Alderman Hankins stated you're going around it. That's what he's trying to tell you. His mind is not made up and he's only one (1) of six (6) votes up here. We need the information. He doesn't care about social security numbers, what employees make or what Mr. Allmand makes. He just wants to know what's there to hide in those things. You're saying those things can't be told, but we own the thing.

Mr. Lillie stated you are correct but the statute goes not to say Ripley Power can provide its financial records as to contributions made to pension plans. We can't take any of these employees' data and distribute it. However, we can take Ripley Power's financial records and give it to you guys and that's what we have done in these records. Again, if there are any deficiencies, we are perfectly willing to work with the city attorney to provide those records.

Mayor Fitzhugh stated he apologized he called Mr. Jackson a smoke screen but maybe that should have been directed someplace else. The point here has nothing to do with the employees and employees retirement account. It concerns the supplemental account. It concerns the employment contract and it concerns the board whether they had the authority to do that. Under Section 6 of the Charter, the City of Ripley Board of Mayor and Aldermen has that. Can you address that?

Mr. Lillie asked does the Ripley Power Board have the authority to make the decisions concerning the employees of Ripley Power in regard to their benefits. The answer is absolutely yes.

Mayor Fitzhugh asked does the City of Ripley have the authority to fire or hire an at-will employee under Section 6 of the Charter of Ripley, Tennessee.

Mr. Lillie stated he was not a Charter expert and could not answer that.

Mayor Fitzhugh asked if he is an expert on the other that you've answered to the affirmative. He stated he's tired of arguing and doesn't want to argue.

Mr. Lillie stated just so you know the background, Mrs. Buckner has hired him for the City of Ripley. He's worked for Ripley Gas. He's worked for Ripley Power and Light. He's worked for almost all of the municipal electric systems across West Tennessee. He does know what he knows and he's trying to answer the question honestly when he does not know the answer.

Mayor Fitzhugh asked Mr. Lillie if he has looked into the question.

Mr. Lillie stated he has not.

Mayor Fitzhugh stated then you have missed his point.

Mr. Lillie stated he missed his (Fitzhugh) point but here's what we're asking for: an entire hearing so that you get all the information. We would like Mr. Mark Smith available to you to answer questions about the Charter.

Mayor Fitzhugh stated we have already gone through that, sir. We already had that discussion. Lawyer Smith was here and went through the discussion.

Mr. Lillie stated he would like to address the question if it's lawful for a person to begin drawing retirement benefits and continue working. The answer is absolutely it's lawful depending on the plan. It's lawful under Ripley Power plan. It's lawful under private retirement plans. The IRS has made that very clear. Under Social Security Administration a person can reach their full

retirement age and continue working and draw their benefits. There's nothing unlawful about that whatsoever.

Mayor Fitzhugh asked is it unlawful if the ability to hire that person is through the City Charter vested in the City of Ripley and not the Ripley Power Board.

Mr. Lillie stated that all he knows is the Ripley Power Board has always hired the superintendent. So, if the power board has the authority to hire the superintendent, and I believe they do, then it's perfectly lawful.

Mayor Fitzhugh asked does the Ripley Power Board override the City Charter.

Mr. Lillie stated the charter will basically govern. However, this Board has delegated its authority to supervise and control Ripley Power to the Power Board. You are owner of Ripley Power but you have delegated that authority. It's his understanding that Ripley Power Board has offered that if you want to dissolve the Power Board and take it over, you are perfectly within your rights to do that. He would question the wisdom of that but nonetheless, you're perfectly capable to do that. But as long as you have authorized by resolution and empowered them to supervise and control Ripley Power, they are in control of Ripley Power. That's the Tennessee Municipal Electric Plant Act. It's very clear under state law. MTAS has said this very clearly. The establishment of a utility board is permitted under Tennessee law but it is not mandatory. If a board is not established, the system must be run by the municipal governing body. The only control the mayor has over the Power Board is the appointment of members with the consent of the governing body under Tennessee law. Tennessee Code Section 752-114 states "all powers to run the systems are in the hands of Board and if there is no Board then in the governing body of municipality". It's an either/or proposition.

Mayor Fitzhugh asked if that provision override Section 6 of the Charter which gives the City of Ripley Board of Mayor and Aldermen the ability to change the status of an employee (the superintendent).

Mr. Lillie stated he didn't think so but may be wrong.

Mayor Fitzhugh stated that's where we have a rub.

Mr. Lillie stated he sincerely believes this city board has delegated in the resolution that was passed in 1958 and it's been confirmed by Tennessee Supreme Court.

Mayor Fitzhugh asked what about in 1996 when the Charter was changed. We have to talk about the Charter. Municipalities are chartered governments. They are given the authority, through the state, to have certain ways that they handle their Charter and the state has to acquiesce. We have to send every one of our private acts to the state to be voted on to become a private act.

Mr. Lillie stated it's not his intention to be in an argument. His intention is to see if there is a way that we can provide all the information to this Board so you can make a decision. Your decision may be not to agree with the Charter amendment or decide to dissolve the Power Board all together.

Mayor Fitzhugh stated we just want the records. He asked the city attorney when the first request was made.

Attorney Jackson stated February.

Mr. Lillie stated we have provided 2,000 pages of documents but will happy to provide more if a supplement response is needed.

Attorney Jackson stated that in correspondence with Mr. Lillie this morning, she thinks he's confusing the issue of a private public records request that she made as a citizen of the state of Tennessee with the City's records request. They have not delivered any records to her. They delivered some boxes to the mayor's office for a private request from her. She told Mr. Lillie this morning in correspondence that she thinks he is confusing the issue of the private records request that she made and the issue of whether the City itself is entitled to its own records. The utility department is owed by the city. It doesn't matter that the utility board has the authority

over the operations under the resolution in the 1950's. However, the records and the utility itself is still property and an asset of this city and you are entitled to your records.

Attorney Jackson asked for latitude from the mayor in order to dispel a couple items. Of which, she had already discussed with the Board previously. Some of the controversy, in which she finds ironic, is that Mr. Jackson brings up an issue of there being smoke and mirrors here when the smoke and mirrors is intended here to divert from what the city has requested of the utility board to what he alleges that she may have done or statements she may have made to you. What she wants you to be aware is that this controversy over the two (2) issues that have been brought to the city's attention is a supplemental retirement account deposit for Mr. Allmand and a contract in favor of Mr. Allmand. Both of which, appear to the motivations for this Charter amendment. Both operate solely in favor of and to the benefit to Mr. Allmand. But when this controversy started, and Mr. Jackson stated since he got on the Ripley Power Board he has strived not to have any controversy, but he is well aware because he was serving on the utility board in 2012 when, not she as city attorney and not you all as board members but a different panel of board members and a different city attorney (Steve Crain) went to the Ripley Power Board and made demands that the board address and rescind an action that it took. The board rescinded that action and couple months after they did that, they received the letter from the comptroller saying that action was unlawful. What she wants the public to hear is that two (2) years later that deposit to his retirement account went back by virtue of a settlement agreement or a release agreement that was signed and has been sealed from this Board and the public at all times since 2014. Again, not when she was serving as city attorney. But they actively concealed this. We made a records request in February to explain what was going on. They have had every opportunity to provide you all it's records of what it did and to be candid and expose to this board and the comptroller what it did. We didn't get this until roughly a week ago. Things are just being rolled out as the utility see fit. They came out with this release agreement that contains a confidentially clause for which there is no authority under the law. It's her opinion they do not have the authority to even enter in to a settlement of claims. But if they do, they have to do it legitimately. She presented the minutes of the utility board meeting which contains no discussion of a deliberation of threatened legal issues or a settlement agreement or a confidentially clause. They concealed it even in the minutes of the board meeting. They have concealed the execution of contract with Mr. Allmand. You all didn't receive that in your packets. When you all (Board) got those packets today, there was not one for the mayor or the city attorney. You all (Board) received a copy of a contract that didn't know previously existed. Again, they are rolling out these documents as they wish. When they say we are refusing to work together, all we did was request records. If there is something out there for us to find out, something that reveals the motive for what was done or just some legal basis for it, just give us the records. If the records support what they did, just give us the records. The records belong to the city and they simply haven't done that. She has consulted, no less than, four (4) other attorneys who practice in the area utility boards and municipal law to address whether there is any legal basis for any of what has just been described. They all say no. When Mr. Jackson makes this allegation, which is totally baseless that somehow the Charter amendment got changed in some way, Mrs. Buckner was not even the city recorder at that time. Mr. Mueller was. If you have the common sense to look at the Charter amendment, Mr. Mueller was the city recorder at that time. Nothing was changed. The city minutes accurately reflect what this Board did which was to address at-will provisions for department heads. It's plain as day in there. What the Board deliberated and what the Board did. This mayor knows it because he just happened to be the legislative representative who sponsored the bill and got it through the General Assembly. He discussed with her (Jackson) as the city attorney at that time and other Board members. There are items relative to MTAS and their opinions on this. MTAS clearly qualifies that opinion by saying "except where it is otherwise restricted by the Charter". So do numerous opinions of the Appellate Court say "except where it is expressly limited by the authority granted by the Charter". This issue is do you grant a request to modify the Charter when you know that the utility board is not revealing it's records. Frankly, Mr. Hankins when you say you can't vote one way or the other, you would be able to vote tonight if the utility board would have just turned over it's records and let this Board fully investigate what happened. If it hasn't done that, how do you do that when you don't have the information you need. Mr. Lillie says they've extended a request to meet, no, that is not at all what happened. The mayor and she (Jackson) extended that opportunity to the utility board to meet. What we intended to go over and discuss with them was the production of those records or the failure to do that. They denied us the ability to meet with us on the days that we were available. They followed up with dates that they wanted to meet and they wanted action on this item. The point is here you can't take action on the item when you don't have the information available to you to take that action. The

reason you don't have are the utility board members and the superintendent sitting behind you and not by any action of this Board, this city attorney and this city recorder. It is the people sitting behind you. She stated she has serious concerns about the criminal implications that are involved in the settlement agreement. She stated she reported this to comptroller and it will be investigated also. State law requires that of her. When someone acts as if reporting something to the comptroller which is apparently unlawful, they've been told is unlawful and they are still referring back to this Ellison Ward-Pete Wilkins report that resulted in the figure they deposited to Mr. Allmand's retirement account. This report came out in April 2012. It is what they acted on in giving him the \$400,000+ retirement deposit. The comptroller's report came out three (3) months later saying its unlawful. It doesn't matter that someone made the recommendation. It clearly says "if a third party had initiated and consummated this transaction, a third party would have required compensation". This is not a third party. This is a city employee who was acting under an employment agreement with the city. We keep getting this information rolled out and doled out to us in small portions. How they want it. It's time for you all to say we don't have the information necessary to take this action. They can come back at anytime they want to produce that information. She stated she has told the Board this before but to reiterate, there are going to be legal actions that are going to be required by what has already been revealed without regard to this Charter amendment. There are legal actions that are going to be required to address some of these actions. You all know that and there is no avoiding it. There's not legality to it. Again, some have criminal implications and she thinks investigations will follow. Tonight, the only reason you can't act in favor of or to take something determinative relative to the Charter amendment is because of their refusal to you of the records.

Mayor Fitzhugh called for a vote on the motion. Roll call: Alderman Alston-no, Alderman Chipman-yes, Alderman Davis-yes, Alderman Hankins-no, Alderman Thompson-no, Alderman Treadway-yes and Mayor Fitzhugh-yes. Motion carried.

Mayor Fitzhugh stated just consider the other superintendents or other department heads what are they thinking now. What about our chiefs, our Gas & Water superintendent and Public Works Director. It is the responsibility of the city and our Board to be fair. We will get the information and we will be fair.

18. Motion by Alderman Chipman and second by Alderman Treadway to authorize the city attorney to file suit in Chancery Court to compel production of Ripley Power and Light records.

Alderman Hankins asked if we do this and the power board decides to provide the information before this happens would that be okay.

Attorney Jackson answered that the request at this time would be to compel them to produce records. To be clear, the issue of granting or denying the Charter amendment request has been resolved by a motion tonight. These records are to further address the city's concerns about the unlawfulness of the actions that have been revealed as part of the investigation into what records we do have. We have tried to obtain additional records. Again, this has nothing to do with employer retirement plan. It's going nowhere. It's not about a financial impact on it. This has nothing to do with the existence of the utility board. The utility board still exists to oversee the operations of utility. It just does not have, as a matter of our Charter, the authority to hire, fire or discipline the department head nor to address his compensation. Because of that, we have determined that they have taken some actions that exceed their authority. They have some actions that have far-reaching implications. The city has a duty to the public to look into what has happened here and we will not have that full picture until they give us the records that again belong to the city.

Mayor Fitzhugh stated that we are talking about taxpayer money from, if nothing else, lawyer fees from the city and the Ripley Power and Light Board. If we are convinced that the records have been delivered, that answers the question and there would be no need for litigation.

Mr. Lillie stated that you have our representation that they will work with the city attorney and if she can let him know specifically what she thinks is deficient we will work to get those records to her.

Mayor Fitzhugh thanked Mr. Lillie and stated the city attorney will do her best to do that and we hope to get this resolved now that the issue is before us in the open.

Alderman Hankins stated he just wants what's best for the citizens of Ripley. That's all his job is to do. There's part of him that feels we don't have all of the information at this point. He doesn't care about anyone's personal information. What matters to him are the contracts, are they valid or not valid. He received the packet and read every single word a couple of times and there is a very nice employment contract in there for Mr. Allmand and he (Hankins) doesn't necessarily feel someone needs to be paid a commission because they made the company this much or that much. All those things considered he feels we need the information.

Mayor Fitzhugh stated that if we get the necessary information with filing suit in Chancery Court there won't be a reason to move forward.

Alderman Hankins stated that's what he needed to hear because he despises this whole deal. It's not the way it's supposed to be. We are right back where we were when he came on to this Board which was April 2012 and that would have been a great opportunity to slide something by his nose because he didn't know what was going on. But that opportunity is not as available now. He stated he feels like we need to know. The citizens of Ripley need to know. He hopes it doesn't come down to actually filing a suit.

Mayor Fitzhugh called for a vote on the motion. Roll call: Alderman Alston-no, Alderman Chipman-yes, Alderman Davis-yes, Alderman Hankins-yes, Alderman Thompson-yes, Alderman Treadway-yes and Mayor Fitzhugh-yes. Motion carried.

Mayor Fitzhugh thanked everyone for their consideration tonight and hopefully we have started something we can take care of properly and get back to regular city business and move this town forward.

Meeting adjourned at 7:15 p.m.

Donna Buckner, Recorder

Craig Fitzhugh, Mayor