

**Millersville Board of Commissioners
Minutes of Regular Meeting**

Tuesday, March 20, 2018 at 5:30 P.M.

The Millersville Board of Commissioners held their regular monthly meeting at City Hall on Tuesday, March 20, 2018 with the following board members present: Tim Lassiter, Mayor; Keith Bell, Vice Mayor. Commissioners: Bonnie Coleman, David Gregory and Milton Dorris. Also present: City Manager, Caryn Miller; City Recorder, Holly Murphy; City Attorney, Rob Wheeler; and Amy Hutchison, Recorder Pro Tem.

1. Call to Order.

Mayor Lassiter called the meeting to order at 5:30 P.M.

2. Invocation and Pledge to the Flag.

Pastor Charles Anderson gave the invocation followed by the Pledge to the Flag of the United States led by Mayor Lassiter.

Vice Mayor Bell moved to amend tonight's agenda of the Millersville City Commission to include as item Number Three on the Regular Meeting Section of the agenda the following: Discussion of the City Manager's unauthorized access to the City of Millersville Incode Utility Account Module and the unauthorized changes made by the City Manager to her personal account contained within said Module and to determine the actions (if any) to be taken by the Millersville City Commission regarding this breach by the City Manager, seconded by Commissioner Coleman. (Vote 4 yea – 1 nay, with Commissioner Gregory voting no.) Motion carried.

PUBLIC HEARING

- a.) **Public Hearing on Ordinance 18-689**, to amend the Millersville Code of Ordinances, Chapter 18 Buildings and Building Regulations and Chapter 34 Fire Prevention and Protection to update the City's Building codes.

1. Open Public Hearing.

Mayor Lassiter opened the Public Hearing on Ordinance 18-689. There were no comments.

2. Close Public Hearing.

Mayor Lassiter closed the Public Hearing on Ordinance 18-689.

- b.) **Public Hearing on Ordinance 18-691**, to rezone 7673, 7677, 7679, and 7683 South Swift Road, Robertson County Map 126, Parcel 055.00 from Residential R-3 to R-5.

1. Open Public Hearing.

Mayor Lassiter opened the Public Hearing on Ordinance 18-691. There were no comments.

2. Close Public Hearing.

Mayor Lassiter closed the Public Hearing on Ordinance 18-691.

REGULAR MEETING

3. Discussion of the City Manager's unauthorized access to the City of Millersville Incode Utility Account Module and the unauthorized changes made by the City Manager to her personal account contained within said Module and to determine the actions (if any) to be taken by the Millersville City Commission regarding this breach by the City Manager.

Mayor Lassiter asked if this was a discussion or if it called for a vote. Rob Wheeler advised that

since the agenda was amended to include the discussion and it is calling for a vote, therefore somebody would have to move and second to open the discussion.

Vice Mayor Bell moved to discuss the issue as cited by the City Mayor, seconded by Commissioner Coleman. (Vote 4 yea – 1 nay, with Commissioner Gregory voting no.) Motion carried.

Vice Mayor opened the discussion by asking if the information that he had received about the City Manager had actually made changed to her personal account to include her daughter on the said account. Ms. Miller stated that she has complete access to the billing accounts and she has made changes to other account holders as well as her own. She admitted to asking Tess how to change the name on the account to include her daughters name on the account for proof of residency. Tess showed her how to do it. The next day Amy approached her and advised her that she could not make changes on her own account, to which she stated that she did not know that. She stated that other cities that she has worked for she was allowed to make those kind of changes.

Commissioner Coleman asked what is the proper procedure for changing a name on an account to which Utility Billing Clerk, Amy Hutchison advised that in order to change a name on account, an individual would need to fill out a New Customer Agreement Form and pay the necessary sign up fees to begin service. She stated that the only way a name could be changed on an account without fees, is in the case of a divorce or death and divorce papers or death notices would be required for confirmation and a New Customer Agreement form would also be filled out to make the change official. Mayor Lassiter touched on the internal controls and separation of duties that the auditors stress the importance of on each year's audit.

Vice Mayor Bell stated that there is a statute (T.C.A. Code 39-16-504) regarding the destruction of/and tampering with governmental records which is a Class A misdemeanor. Rob Wheeler gave some insight to T.C.A. Code 39-16-504 in reference to what is considered false information and people trying to avoid a bill by falsely putting someone else's name on it. Vice Mayor Bell gave an example of a court case prosecuted in Sumner County Court where names were removed from account and was successfully prosecuted.

With no further discussion, Vice Mayor Bell moved to present this to the D.A.'s office of Sumner County for further investigation or resolution, seconded by Commissioner Coleman. (Vote 4 yea – 1 nay, with Commissioner Gregory voting no.) Motion carried.

4. Approval of the February 2018 Financial Reports.

Commissioner Coleman made a motion to approve the February 2018 Financial Reports, seconded by Vice Mayor Bell. (Vote 5 yea – 0 nay.) Motion carried.

5. Discussion and approval of contract with OHM for the Surveying and ROW identification for the Multi-Modal Project Phase I.

Vice Mayor Bell moved to approve the contract with OHM for the Surveying and ROW identification for the Multi-Modal Project Phase I, seconded by Commissioner Gregory.

Commissioner Gregory asked how far along the City is in this process. Bob Pelosi of OHM advised that the preparation of environmental documents are being completed and anticipates submitting them by the end of April as stated in the original contract. He advised of the shortened time frame of this project, moving it up from July 2020 to June 30, 2019 and he is working with the City Manager to acquire grant funds from the MPO to fund the remaining expenses that aren't covered with the TDOT grant.

Mayor Lassiter expressed concern regarding the City being out a large sum of money for the preliminaries and possibly not being awarded the grant. Mr. Pelosi assured Mayor Lassiter that the City still has enough funds available from the TDOT grant to complete a project if we are not awarded the MPO grant.

With no further discussion, Mayor Lassiter called for a vote. (Vote 5 yea – 0 nay.) Motion carried.

6. Second Reading of Ordinance 18-689, Amending the Millersville Code of Ordinances, Chapter 18 Buildings and Building Regulations and Chapter 34 Fire Prevention and Protection to update the City's Building Codes

Commissioner Coleman made a motion to approve Ordinance 18-689 on second reading, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried. Ordinance 18-689 passed second and final reading.

7. Second Reading of Ordinance 18-691, to rezone 7673, 7677, 7679, and 7683 South Swift Road (a single parcel), Robertson County Map 126, Parcel 055.00 from Residential R-3 to R-5.

Commissioner Coleman made a motion to approve Ordinance 18-691 on second reading, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried. Ordinance 18-691 passed second and final reading.

8. First Reading of Ordinance 18-692, to amend Chapter 90 of the Code pertaining to Article I Sec.

90-7 Definitions, Sec. 90-18 Accessory use regulations, and Article III Division 2 Residential Districts

Sec. 90-152 through 157 and Sec. 90-174 and adding Sec. 90-175.

Commissioner Coleman made a motion to approve Ordinance 18-692 on first reading, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried. Ordinance 18-692 passed first reading.

9. Approval of Resolution 18-R-02, repealing and replacing Resolution 15-R-04 Take Home Vehicle Policy.

After a brief discussion, Commissioner Coleman made a motion to table Resolution 18-R-02 and take it back to a Work Session, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried.

10. Direction to Staff related to new Judge.

Holly Murphy advised the Commission of the TCA Code requirements for hiring a City Judge. Discussion was had regarding residency requirements. Rob Wheeler advised that

residency restrictions were not required. He also advised that the City could hire an attorney for the City Judge position but a substitute judge must be a sitting judge.

With no further discussion, Commissioner Coleman made a motion that we do not have residency restrictions, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried.

11. Citizen Comments.

There were no Citizen Comments.

12. City Attorney Comments.

There were no City Attorney comments.

13. City Manager Comments.

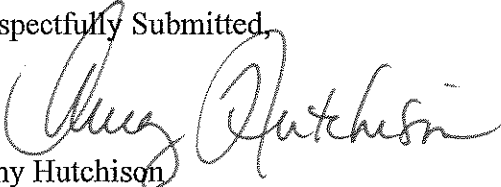
There were no City Manager comments.

14. Adjournment.

Vice Mayor Bell moved to adjourn, seconded by Commissioner Gregory. (Vote 5 yea – 0 nay.) Motion carried.

Meeting adjourned at 6:34 P.M.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Amy Hutchison".

Amy Hutchison
Recorder Pro Tem