

Graysville Board of Mayor and Commissioners
Graysville Municipal Building
October 8, 2009 6:00 p.m.

Call to order by the Mayor

Roll Call

Mayor Ted Doss	Present
Vice Mayor Jimmy Massengill	Absent
Commissioner Andy Beene	Present
Commissioner Robbie Davenport	Present
Commissioner Charles Kaylor	Present
Commissioner Thomas Levi	Present
Commissioner Dennis Miller	Present

Approval of prior minutes-September 10, 2009

Commissioner Kaylor made a motion to approve the minutes; 2nd by Commissioner Levi. Motion carried 6-0.

Communications from Mayor and Commissioners

Commissioner Levi dropped off an outline for each Commissioner regarding the GAP portfolio last month. GAP standing for Graysville Available Property, looking at economic growth and to the future it's important to have a portfolio when approaching businesses. The portfolio would list properties available including the owner, square footage, leasing information and the benefits of coming to Graysville. Commissioner Levi is willing to head this project and would like it completed within 6 months. He feels it should be a joint venture with the planning commission the more people involved with this project the better.

Commissioner Kaylor thanked Commissioner Miller for the time he put in at the park painting. He recognized the police department for the arrest made during the past month; 10 being drug and alcohol arrest as well as a few thefts solved.

Commissioner Davenport thanked Chief Mahoney and the officers for doing a phenomenal job for the Town.

Mayor Doss feels there are two ways of doing things movement or growth we can move at a slow pace or we can grow. During the past 10 months the board, the city and other boards are trying to move forward and grow and he appreciates it.

Commissioner Beene recommends everyone go to court, he went Tuesday. He was not able to see all officers testify however, the ones he did see did a great job; Mr. Redden is one he was able to see and is glad he is a Graysville Police Officer.

Consent Agenda

Commissioner Kaylor made a motion to approve the consent agenda as presented; 2nd by Commissioner Davenport.

Discussion

Commissioner Kaylor commented on the water loss being down, he has seen the water department out repairing leaks this month; they are doing a good job.

Mayor Doss questioned not having an animal control report; Chief Mahoney informed the board we are in the middle of a transition and he will have the report for September in next month's packets.

Motion carried 6-0.

Old Business

Property on Highway 27/Hichman Lane

Ms. Barron has submitted a trial brief to Judge Fritts answering the questions asked during court, is the property in the city limits of Graysville; it is by annexation and ruled by a court of appeals. And what is the definition of junk yard? Our city ordinance is similar to the state law on junk yards, which Ms. Barron went into great detail in the trail brief. We are hoping for a favorable ruling.

Easement at Seventh Day Adventist Church

The development district has contacted several surveying company's regarding the fair market value of the easement. We are waiting on their response.

Meter Issue at Keylon's Market

Richardson Leak Detection Company completed the leak inspection at Keylon's Market and found no leak at the service line or in the area of the service line; he stated it was surface runoff. Commissioner Kaylor made a motion to repair the area of the parking lot surrounding the meter box and install the heavy duty meter box which was made for this project; 2nd by Commissioner Miller.

Discussion

Commissioner Kaylor suggested when ordering the concrete to repair the parking area surrounding the meter box, if a minimum of three yards is required to do something with the gravel employee parking area that we continue to have problems with.

Motion carried 6 - 0.

Properly presented old business

Commissioner Beene has received a few calls on a mobile home being set up and is not aware of a building permit being issued and dumping in a flood zone.

Town Recorder Michelle Horton submitted information to the State regarding dumping in a flood zone and they did come out and look at the property. Commissioner Beene is concerned; people continue to dump material on the property. Town Recorder Horton will contact Jim with the State again and make sure he is monitoring the property.

The owner of the mobile home had a flood elevation certificate and meets all current requirements. Building Inspector Chris Garnand has been to the property several times making sure they follow the new guide lines.

New Business

Amend Ordinance 2009-7 tax rate

Commissioner Kaylor made a motion to approve Ordinance 2009-07; 2nd by Commissioner Levi. Motion carried 6 – 0.

Process of hiring / terminating employees

Commissioner Kaylor knows the information on employees being hired / terminated is in the packets and no employees have been permanently hired / terminated without the boards' approval but feels the board can be more informed when a change is made. He would like to know as soon as possible when a hire / termination take place. He personally doesn't want to sit on the board and have hours of interviewing to do.

Commissioner Beene had a problem with hearing the information on the street or reading it in the paper before he was informed. As elected officials the board needs to know before anyone else is given the information. He feels two heads are always better than one.

Commissioner Kaylor suggests leaving it the way it is and if the board does not get the information in a timely manner to revisit the issue and make changes. Mayor Doss asked if the suggestion is for both full time and part time employees. Commissioner Kaylor said yes the board should be made aware of any hires / terminations for both part time and full time employees.

Commissioner Levi has spoken with Police Chief Thomas Mahoney, Public Works Director Gary Doss and Town Recorder Horton and heard what they are saying about the board only seeing one side of an individual in regards to hiring and terminations. The department heads need to take the board on as a partner, we all need to be involved in the process not to micro manage a department but as a support structure; maybe not in the hiring process but in the termination process generally where our problems occur. His recommendation for the process is for the department heads to retain the right for suspension and any terminations, with recommendations from department heads to come before the board. With the elected / appointed officials making the decision and not the department heads.

The board is in the public eye taking the heat for the decisions made, this way the board will hear from the department heads and the party who is on suspension and be able to render a decision based upon the information. We are not taking authority away from the department heads just want them to take us as a partner and communicate with us, keeping us informed of problems they are having and making sure we have the documentation and avoid any problems.

Commissioner Miller feels it will take pressure off the department heads if the decision was left to the board.

Commissioner Levi was presented the situation of someone being placed on suspension the department would be short on manpower and have to wait until the next board meeting to replace someone. Like all businesses if someone is placed on suspension you have the authority to hire temporary employees to fill the position until the board can make a final decision with the position being temporary.

Mayor Doss asked if this wasn't the same process we currently have. Commissioner Levi agreed with the only difference being taking the final termination to the board and with the proper documentation there shouldn't be an issue with terminating the employee.

Mayor Doss asked if there was a need for a motion since we are currently doing this process.

Commissioner Kaylor said there was no need for a motion since we currently do this process. He reminded the department heads the board needs to be notified ASAP when a hire / termination takes place. Mayor Doss said the process is subject to change any month. Recorder Horton asked if text message was okay on important issues since it was hard to get in touch with all board members and some don't have email. The board agreed text is okay.

Properly presented new business

Fire Chief Miles has several repairs needed on Engines I and II the amount needed exceeds the \$1,000 limit. Chief Miles has gotten estimates on the repairs from Mr. Brain Strange. He is a certificated Tech and does the repairs to the City of Dayton Fire Department trucks. Engine I needs the main pump replaced, brakes, hoses and the air brakes serviced for an estimated total of \$885, Engine II needs #3 discharge valve kits and the pump repacked for an estimated total of \$2730. The total estimated cost is \$3585. Commissioner Beene made a motion to have the work performed and checks issued to cover the cost; 2nd by Commissioner Kaylor.

Mayor Doss asked Chief Miles if his budget would carry the cost of these repairs, Chief Miles said it would. Motion carried 6 – 0.

Mayor Doss recommends not allowing tires during the Fall Clean Up, and in the future if we do tires have a dumpster for them to be placed in. There was a lot of confusion with the tires this last time. Commissioner Kaylor would like to exempt tires from the clean up, even if there was a dumpster to put the tires in we would have needed several to hold all the tires that was dumped. Commissioner Beene doesn't think all the tires came from Graysville. Mayor Doss would like to look at that; we don't get charged for the tires but he does agree it is a problem with people bringing tires into the city.

Citizen Input

Mr. Tommy Swafford - A week prior to last month's meeting he came to city hall and spoke with Chief Mahoney. Mr. Swafford informed the board the Chief became hostile with him once he told him he should be out patrolling the streets, telling Mr. Swafford to leave stating this was his house.

Mr. Swafford stated this was his house he pays taxes and Chief Mahoney does not pay taxes in this county. Mr. Swafford's complaint is 2nd and 3rd shift officers not patrolling the streets at night. He comes in late and stays up during the night and does not see the officers patrolling by his house, he feels they may be scared of the dark or sitting at the county line or in Dayton. He does not see the night shift patrolling only the day shift officers. He feels Chief Mahoney has the board manipulated sitting in his office not doing anything, drawing his paycheck, driving a city vehicle back and forth which the city furnaces the gas for; he doesn't want his tax money used like that. He feels all city vehicles should stay here where they belong. Mayor Doss said we have always allowed the Chief to drive a vehicle home as far back as Bobby Gothard. Mr. Swafford said when Walt Kaylor was the Chief he got out patrolled and took care of his business and the night shift patrolled, Chief Mahoney doesn't get out of his office he would rather be in Soddy Daisy or in Dayton eating. Mr. Swafford said he would rather this be turned over to the county if this is how it was going to be ran.

Commissioner Miller asked Chief Mahoney if he had a problem patrolling some. Chief Mahoney said he did get out from time to time but has a lot to do in the office. Commissioner Miller thought his Secretary handled that. Chief Mahoney stated he does not have a Secretary. Commissioner Miller asked what Ms. Michele Yearwoods' title was, Chief Mahoney stated court clerk. Commissioner Miller asked if she helped out in the police department. Chief Mahoney said she did help out from time to time but very little stating he does all the paperwork.

Commissioner Kaylor said he is out all hours of the night and sees the officers out on the streets and knows someone is doing their job by the stack of arrest reports he has. Mr. Swafford came in to speak with the Chief because someone was trying to steal gas from him, not even a week ago someone stole a lawn mower from the house which was busted for meth. Commissioner Kaylor said if a meth bust was made the officers must be patrolling in the area. Commissioner Davenport said the department has 21 arrest resorts for 1 month.

Commissioner Kaylor asked Mr. Swafford if he was watching 24 hours a day to see if the officers were in the area, they are out patrolling, when he is watching they may be on a call or busy but they are out patrolling the city. Mr. Swafford said he does not sleep at night and does not see the officers patrolling his area the officers would rather be at the county line, in Dayton or on the highway they do not patrol the city of Graysville period, 2nd or 3rd shift.

Commissioner Miller suggested Chief Mahoney make a few surprise visits at night.

Mrs. Dee Binkley

Mrs. Binkley agreed stating Chief Mahoney has the wool over their eyes. She wants to discuss the animal control officer; she feels the city has finally got a good animal control officer and wants to know why he is only part time.

Mrs. Binkley began by asking questions:

Why was his protection taken from him? This same council refused to take Mr. Kenny Riley's protection from him in May because he was animal control; stating Mayor Doss stopped her on the street and explained why it was so important for an animal control officer to have protected. Mayor Doss corrected Mrs. Binkley stating he did not stop her but they had spoken about it.

Mrs. Binkley continued stating the animal control officer was moved from the police department asking what happened during the May 30 meeting when Mr. Riley was hired as the full time animal control officer? Commissioner Miller asked when this happened he didn't know anything about it, Mrs. Binkley stated half the board was not there but she was.

Mrs. Binkley stated On May 14 her name was slammed being accused of bringing in a dead animal, she submitted 3 requests to have it changed and it took 4 months before the correction was made. She has been followed trying to get a petition signed upon entering the building during the last meeting she was told she was nothing but trouble by officers. On August 27 a police officer was sent to her house and ask to talk to the women who brought the dead animal to the meeting and accused her of smearing poop on her water meter, it

would not have been so bad but it wasn't her water meter. A week later she calls and asks for a copy of the report and she can't get one even though she has a complaint number, she was told there was no report.

The board promised 90 days from the time a full time animal control officer was hired to go door to door, she was there the day Mr. Kenny Riley was hired full time. She has made 4 911 calls this week along, her dog was attacked yesterday. The animal control officer has helped her 5 times in the last 2 weeks, he is out patrolling the streets and seems to be where he needs to be. He is out risking his life and has not protection at all; we have a viscous dog problem what is wrong with the situation?

Mayor Doss responded there are 7 people sitting on the board and it takes a majority to change things. Mrs. Binkley asked if it was voted on to remove the animal control officer from the police department? Mayor Doss said it was not the boards call, Mrs. Binkley stated it was the boards call on May 14 when it was decided on Mr. Kenny Riley. Mayor Doss stated the issue was on the agenda for the board to address.

Commissioner Kaylor called Rule of Order – 3 minutes Roberts Rule of Order

Mrs. Dee Binkley continued stating not only was she slammed on the May 14 minutes but during the May 30 meeting she brought in 65 pictures to show stray dogs running at large, a petition, accused the board of not following the state laws and still do not go by the rabies law. How can the animal control officer enforce the new ordinance with 3 hours a day? Mayor Doss stated it takes the majority to get anything done. The board worked on the budget and tried to get more hours it was not feasible this year. Mrs. Binkley asked why was it promised on May 30 to have a full time officer was it because a little girl was bitten? She said the city is moving slow in this area. She walks her dogs twice a day an hour each time 365 days a year and she deserves to be safe. She feels we have a good animal control officer; he is not backing up the cops he is out patrolling the streets.

Mr. Robert Pilkington

Mr. Pilkington does not understand why Mr. Kenny Riley received support in keeping animal control under the police department and able to keep his protection. He has been here for 1 month and moved from the police department, he has a book full of ordinances to enforce, but if the animal is not in the middle of the road he can not get it, if he goes on someone's' property he is trespassing. Mr. Pilkington wants the same support Mr. Kenny Riley received. If the topic was placed before the board last time he wants the same, he has lived in Graysville for 14 years, served on the fire department since

turning 18 and when the animal control position opened he took it. He does as much as he can for the city.

Mr. Pilkington stated he does not back up officers, he does what he was hired for, the kennel stays full. He understands the complaints that come in but does not see it being a reason to move him from the police department. He asked if the police officers would be moved from the police department if they received complaints. He was moved from the police department without any notice. He has kept it professional, he has not been out of line but he does not like it. He asked if he goes to get a dog and it is vicious, does he jump back in the truck and get complaints because he is not doing his job? He feels like he could do more when in the police department than what he can do now. Now when he responds to a call he needs an officer there with him, he can not write citations, has no legal authority to enforce the new ordinance that was passed all he can do now is get the dog since he is not an officer. Mayor Doss asked attorney Carol Barron what the animal control officer could legally do. Mrs. Barron said he was charged with the responsibility of enforcing city ordinances regarding animal control he has the authority to enforce all rules/regulations outlined in the ordinance. Mr. Pilkington continued people in Graysville love their dogs more than people and now he is expected to walk on their property like an average Joe, it puts him at more risk. Not that having the gun made him feel big and bad but it let people know he had some authority. When he walks onto someone's property now in his uniform people are not going to care what he has to say. He wants the same fairness that was given to Kenny Riley.

Mrs. Barron asked if he has spray to protect himself, she doesn't feel he needs a gun but does need something to protect himself like a postman may carry. If he has the spray what would be the risk? Commissioner Miller expressed concern about vicious dogs. Mr. Pilkington said he was not complaining about city hall he just wants things back like they were and given the same opportunity. Kenny Riley had, and have the board vote on it. He feels this was pulled out from under him while he was doing his job.

Commissioner Miller asked for the change to be explained.

Town Recorder Horton explained the change was made due to the continued complaints, complaints he drives past dogs on the street and feeling this will help with feed back to the citizens, currently if a complaint is made the animal control officer may go to the location make a report but we have no follow up in place. The new system will allow a better follow up system. It is similar to the process we use for the water department.

Commissioner Miller asked why Mr. Pilkington was moved from the police department. Town Recorder Horton said it was from the issue

of backing up officers and him thinking he was a patrolman and not animal control. Commissioner Miller knew this was addressed with Kenny Riley but it was passed for him to keep his gun. He does not understand what the difference is. Ms. Horton stated the move is to smooth out the process, Kenny Riley was the first officer to work under the police umbrella and it seemed the process was smoother when it was under the Public Works. In hopes of the process running more smoothly animal control now reports directly to Ms. Horton.

Mayor Doss feels animal control officers should have more hours, he wants them certificated as an animal control officer not a police officer. Surrounding areas who employ a full time animal control officer have certificated officers who can euthanize, they have been trained on paperwork, how to testify in court. Graysville only needs level II certification. When he worked as animal control officer, when we worked on the budget and still today he feels the position should have more hours however the board looked at it and as a whole decided not to pull funds / short other departments to make it happen this year. It is being looked at for the next fiscal year.

Mr. Pilkington said he is not asking for more money or more hours, he is upset with the job shift. He feels people fought for Kenny to stay under the police department but has not fought for him. He has not acted like a police officer and understands it was not a police officer position.

Mayor Doss asked if anyone in authority ever told him about the complaints. Mr. Pilkington said he was not told about any complaints with the way he was doing it, he knew citizens would call in and complain but all he can do is patrol the area more, it's not the hours or the money, he likes the job it's the job shift. He doesn't understand why it was put before the board for Kenny but not for him. Commissioner Miller asked if he wanted this put before the board. Mr. Pilkington said he wants a fair shot if it's going to be changed he wants it voted on and if it is changed he's okay with that.

Commissioner Miller asked if Kenny had any training to carry a gun. Chief Mahoney said he had an 80 hours basic training course.

Commissioner Kaylor asked Chief Mahoney if there was a problem with Mr. Pilkington working for him. Chief Mahoney explained the biggest issue is the public having an issue with the animal control truck with police and lights on it regardless if Robert helps assist an officer or not, the public is not accepting it, it has nothing to do with Robert this has been the issue for months.

Commissioner Miller asked if we received similar complaints when Kenny Riley was the animal control officer. Ms. Horton stated we did, the only change is who he reports to, the lights and police will not be

on the truck and he will not carry a weapon but he still has the same authority as he did when he was in the police department. Currently it is followed more closely. There is a log to show when the shelter is cleaned, when dogs come in, when they are put down. And he does not have access to the police department. His in box has been moved to the front office.

Mrs. Dee Binkley

Maze does not work on dogs she tried it yesterday and when she called 911 there was not a police officer here he was in Dayton putting someone in jail. Mayor Doss explained the county also has officers they can send, if the Graysville Officer is busy on a call. Thursday and Friday night she needed help and the police officers wouldn't take her complaint. She brought a dog in here, and it got a get out of free jail card because he belongs to a pastor, what are we doing?

Commissioner Beene agrees with Mayor Doss we need a full time animal control officer if we can work out the financing. The animal control officer does need training to ensure they follow proper procedure. Mayor Doss has met with Ms. Horton and Chief Mahoney on ideals that will help us in the future to help with the revenue. He feels it's a win/win for everyone in Graysville, the new ordinance has been passed, it takes steps. He hates the wheels of government turn so slow; when you sit on the board it can be discouraging due to revenue issue. We have 600,000 to run the city and it's hard.

Commissioner Beene made a motion to look for revenue for a full time animal control officer; 2nd by Mayor Doss. We have to go by what MTAS suggest and what the state says. Commissioner Beene feels they should go to training.

Discussion:

Commissioner Miller asked if Mr. Pilkington was willing to go thru the training. Mr. Pilkington is willing.

Ms. Horton reminded the board how hard and long the budget process was this year and is worried we will have to cut other departments due to the limitations this year. The ideas she has discussed with Mayor Doss is to get revenue to employ a full time animal control officer next year. Mayor Doss said the motion was to look at it, it may take some time and we have to work toward our goals.

Commissioner Beene does not see the animal control getting better he gets more calls on this issue than any other.

Commissioner Miller questions why Mr. Pilkington was not able to carry a gun when Kenny Riley was allowed. Mayor Doss said he needed to complete the proper training.

Public Works Director Gary Doss said when his department was responsible for animal control they did not use a gun. These guys want to be police officers, he has seen the truck where it did not need to be, he has seen the animal control truck drive by dogs and has told the animal control officer there goes you one, and he drives past it. Until you get a person who wants to do the job there's no point in having a full time animal control officer. And for the lady who keeps talking; she needs to keep her dog out of my yard, and its crap out of my yard.

Motion carried 6 – 0.

Mr. Todd Bartlett

Mayor Doss asked Mr. Bartlett if he had an attorney, Mr. Bartlett stated he did have one but he was not here. Mrs. Barron asked Mr. Bartlett if his attorney Mr. Lopper wanted him speaking out in public without him present; Mr. Bartlett stated Mr. Lopper did not have a problem with it and he would be representing himself.

On August 27 at approx 7:30 am he was outside Graysville PD, a car pulled up he ask Chief Mahoney who it was. Chief Mahoney replied Officer Spandau. He went to the school zone and was called through the radio to report to the PD by Spandau who starting yelling at him telling him to stay out of his business. Officer Pilkington was there, Mr. Bartlett turned away and Mr. Spandau screamed you better watch your back. He would never treat an officer this way or put anything in writing he could not swear to. He felt threatened, sick, and alarmed and was worried if he complained he would be fired. He did notify Ms. Horton he wanted to speak with her and Chief Mahoney together; however before he was able to speak with them about the threat, he was sent to give a warning citation to the lady who brought the dead animal to court. As a veteran he feels like a minority, Chief Mahoney has made fun of his military style and city employees have said he did this in front of citizens. Over the months the harassment got worse and he lost sleep. He feels they were trying to find something wrong with his job performance. Mr. Bartlett wrote a beautiful letter recommending Mr. Spandau for a job, thought he had his back but later found he had been making jokes about him.

Mr. Bartlett referred to the letter Chief Mahoney wrote to the commissioners, stating this has taken a large toll on his family as well as Officer Greg Higgins family. He has been told by a commissioner sitting on the board he and Officer Higgins were the best two officers Graysville had. But if you have to lie to suspend an officer what is that? Mr. Bartlett referred back to the letter Chief Mahoney wrote to the commissioners, asking what all in the letter was a lie. He said all he and Officer Higgins wanted was to come back to work. Mr. Bartlett has filed a report with the Rhea County Sheriffs Department, he is

asking for fair treatment and ask the board to vote for him and Officer Higgins to come back to work. He thanked the board for their time.

Mayor Doss made a motion to adjourn; 2nd by Commissioner Kaylor.
Motion carried 6 – 0.

Mayor Ted Doss

Town Recorder Michelle Horton

Date