



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
MARCH 23, 2021**

MINUTES

CALL TO ORDER

A special session of the Clarksville City Council was called to order by Mayor Joe Pitts on Tuesday, March 23, 2021, at 6:07 p.m. in City Council Chambers, 106 Public Square, Clarksville, Tennessee.

A prayer was offered by Councilperson Wallace Redd; the Pledge of Allegiance was led by Councilperson Travis Holleman.

This meeting was conducted in person, via Google Meets, and live streamed on cityofclarksville.com.

ATTENDANCE

IN PERSON: Richard Garrett (Ward 1), Wallace Redd (Ward 4), Jason Knight (Ward 5), Travis Holleman (Ward 7), Wanda Allen (Ward 8), Stacey Streetman (Ward 10), Ashlee Evans (Ward 11), Trisha Butler (Ward 12)

VIA GOOGLE MEETS: Vondell Richmond (Ward 2), DaJuan Little (Ward 3), Wanda Smith (Ward 6), Karen Reynolds (Ward 9)

5) APPROVAL OF ELECTRONIC MEETING

"In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak."

Councilperson Evans made a motion to approve the electronic meeting. The motion was seconded by Councilperson Garrett. The following vote was recorded:

AYE: Allen, Butler, Evans, Garrett, Holleman, Knight, Little, Pitts, Redd, Reynolds, Richmond, Smith, Streetman

The motion to approve the electronic meeting unanimously passed.

ROBINSON V. CITY MEDIATION

With regard to the March 17, 2021 mediation relative to the Robinson, et al, v. City cases, and in response to Councilperson Allen's question, Mayor Pitts said a settlement would be presented to the City Council to dismiss all lawsuits. He said the City Code allows for approval of lawsuits with regard to certain thresholds. He noted the Judge had requested the Mediator meet with the City Attorney, Gas & Water Department General Manager, and the Mayor. Mayor Pitts said he invited members of the City Council to be present at the mediation although there was no credible settlement offer to present for consideration.

In response to Councilperson Garrett's question, Mayor Pitts said the Open Meetings Law requires that items to be voted on must be prepared in writing and noted there was no written item presented. Councilperson Garrett suggested an open discussion between the City Council and the Plaintiff. Mayor Pitts said any verbal agreement must be compiled into a written document so that all parties are aware of the terms of the agreement. He said an open discussion with the Plaintiff would not be fruitful.

Responding to Councilperson Garrett's question, City Attorney Lance Baker said seven members of the City Council may call a special session and noted the agenda must include all items to be discussed and/or voted on. He said any settlement agreement to be considered must be in writing and published. Councilperson Garrett suggested a special session to discuss terms of an agreement to be voted on in a subsequent meeting.

Councilperson Smith recommended settling all three Robinson lawsuits for \$275,000.

At Councilperson Allen's request, Gas-Water-Sewer General Manager Mark Riggins summarized the engineering project with regard to the site plan, existing sewer line, catch basin, retaining walls, and stormwater right-of-way. He said a determination must be made as to who is responsible for all portions of the finished project.

In response to Councilperson Allen's question, Mr. Baker said he did not recommend settling the third lawsuit before settling the first two. Councilperson Allen said both parties should work together to accomplish the needs of both sides.

In response to Councilperson Smith, Mr. Baker said the Plaintiff was previously awarded a judgement of \$8,300 plus \$30,000 attorney and paralegal fees, less discretionary costs.

Councilperson Redd felt it was unwise for thirteen elected officials to participate in the settlement negotiation process and said any member would have the right to amend a proposed settlement. Councilperson Redd asked if a member of the City Council who used the Plaintiff's attorney for their personal affairs should abstain from voting on a Robinson settlement agreement; Mr. Baker said the member should determine for themselves whether to abstain. Councilperson Redd asked if a member not living in their ward should be allowed to vote on any lawsuit; Mr. Baker said if a member is in violation of the law and voted on any legislation, they could be subject to a lawsuit if it was determined that the member was ineligible to vote.

Councilperson Redd left the meeting at 6:57 p.m.

Councilperson Butler said Robert's Rules of Order should be used to ensure proper flow of a meeting, but the rules should not be utilized to halt legitimate discussion. Mr. Baker said the City Council must follow Robert's Rules of Order, even in a discussion-only meeting. Councilperson Butler was concerned that new members recently elected had not been afforded parliamentary training or insight on any pending lawsuits.

Mr. Baker responded to Councilperson Butler stating the engineering project mentioned earlier was separate from the three lawsuits. Councilperson Butler recommended waiting until the State case was settled before addressing the Federal lawsuit. She suggested settling for \$250,000 in engineering fees plus \$275,000 as recommended by a previous speaker, for a total of \$525,000 to settle all three lawsuits. Councilperson Evans supported this recommendation.

Councilperson Reynolds was concerned about the lack of knowledge new members have about the lawsuits. She recommended settling for \$250,000 for the engineering project plus \$150,000 to \$200,000 to settle all three lawsuits. Mr. Baker noted the Plaintiff had been given a previous offer of \$650,000 for the first State Court action only and it was rejected. Councilperson Reynolds felt the City should retain control of the alley.

Councilperson Allen challenged the rule that members could speak only twice during discussion. She said according to Robert's Rules of Order, discussion opportunities are not limited. Mayor Pitts said he would continue allowing two speaking opportunities per member.

Councilperson Garrett said an open discussion with the Plaintiff would be more productive as opposed to presenting a settlement which may be rejected. He said the State cases should go to Court and recommended settling the Federal case first.

Councilperson Reynolds recommended approaching the Plaintiff with an "all or nothing" offer and wait for a response. Mayor Pitts said any offer should be in writing and presented during a future voting session.

In response to Councilperson Butler's question, Mr. Baker said some provisions of previous offers should be removed and presented to the City Council for a vote.

ADJOURNMENT

The meeting was adjourned at 7:29 p.m.

ADOPTED: May 6, 2021