

May 10, 2016

Mayor Jane W. Dawkins	P
Commissioner Paul Don King	P
Commissioner Ronnie Lancaster	P
Commissioner Jeff Powers	P
Commissioner Jimmy Wigfall	P

The Board of Mayor and City Commissioners met in a Regular City Meeting on Tuesday, May 10, 2016.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Powers, to approve the minutes of the April 12, 2016 meeting. All in favor.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner King, to reappoint Bobbie Allison and appoint Linette Everett to a two year term to the Parks Board of South Pittsburg. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

Mayor Dawkins appointed Jane Pellam to the Housing Authority Board of South Pittsburg. She is replacing Dirk Chapman. She also reappointed Billy Lawrence to the Board. He replaced Bob Sherrill.

A **Motion** was made by Commissioner Wigfall, seconded by Commissioner Powers to ratify the Kimball Park Agreement which states that Kimball will maintain the ball fields. Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, no; Mayor Dawkins, yes. Four voted aye.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, to give City Administrator, Sammy Burrows, the authority to proceed with the hiring of lifeguards for the City Pool this summer. Roll call vote: Commissioner

Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, no; Mayor Dawkins, yes. Four voted aye.

A **Motion** was made by Commissioner Lancaster, seconded by Commissioner Wigfall, to approve **Settlement of the Lawsuit filed by Paul West against the City of South Pittsburg** (Any monies necessary to settle the lawsuit filed by Paul West shall be paid by the City's insurer. The City authorizes counsel for the City in the lawsuit filed by Paul West to prepare all necessary settlement documents and to obtain from the City's insurer any monies required to settle this lawsuit. The Mayor shall sign all settlement documents on behalf of the City. Under no circumstances shall the City of South Pittsburg make a financial contribution to settle the lawsuit filed by Paul West, except to the extent there is an applicable deductible in its policy of insurance. The City maintains it has no liability to Mr. West but believes the City's insurer has the right under its insurance policy with the City to settle the lawsuit filed by Mr. West against the City of South Pittsburg, if no City funds are contributed to settlement of the lawsuit). Roll call vote: Commissioner Lancaster, yes; Commissioner Wigfall, yes; Commissioner Powers, yes; Commissioner King, yes; Mayor Dawkins, yes. Five voted aye.

A **Motion** to adjourn the meeting was made by Commissioner Wigfall, seconded by Commissioner Lancaster. All in favor.

Respectfully submitted,

Mayor Jane W. Dawkins

Diane Beavers, City Recorder

AMENDMENT TO 2016 PARK AGREEMENT

This Amendment to 2016 Park Agreement is hereby made by and between **THE TOWN OF KIMBALL, TENNESSEE** ("Kimball") and **THE CITY OF SOUTH PITTSBURG, TENNESSEE** ("South Pittsburg"), to modify, amend, and supplement that Agreement made by and between said parties on March 8, 2016, for the use of the Kimball baseball and softball fields complex. Said Agreement is hereby amended to delete the existing Section 6 of same in its entirety and to substitute the following Section 6 in lieu thereof:

6. Kimball shall maintain the infields of all four (4) fields in the complex, and it shall also be responsible for marking or lining the fields as necessary.

All other terms, conditions, and provisions of said Agreement shall remain in full force and effect.

This Amendment shall take effect immediately upon signature by the Mayors of both municipalities, the public welfare requiring it.

THE TOWN OF KIMBALL, TENNESSEE

By: *Rex Pesnell*
Rex Pesnell, Mayor

Date: April 13, 2016

THE CITY OF SOUTH PITTSBURG, TENNESSEE

By: *Jane W. Dawkins*
Jane W. Dawkins, Mayor

Date: April 10, 2016

may

CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION

DRAFT MOTION TO APPROVE SETTLEMENT

I move that the City of South Pittsburg approve settlement of the lawsuit filed by Paul West against the City of South Pittsburg. Any monies necessary to settle the lawsuit filed by Paul West shall be paid by the City's insurer. The City authorizes counsel for the City in the lawsuit filed by Paul West to prepare all necessary settlement documents and to obtain from the City's insurer any monies required to settle this lawsuit. The Mayor shall sign all settlement documents on behalf of the City. Under no circumstances shall the City of South Pittsburg make a financial contribution to settle the lawsuit filed by Paul West, except to the extent there is an applicable deductible in its policy of insurance. The City maintains it has no liability to Mr. West but believes the City's insurer has the right under its insurance policy with the City to settle the lawsuit filed by Mr. West against the City of South Pittsburg, if no City funds are contributed to settlement of the lawsuit.