

The Mayor and Board of Aldermen met in regular session November 13, 2007  
Present were: Mayor David Robinson; Board of Aldermen, Maurice Hamm, Paul Simpson, John Smith, and Harry Smith. John Finlayson was absent due to the death of his grandmother.

Rev. Gregg Worthey of First Christian Church opened with prayer.

The Pledge of Allegiance to the United States Flag was lead by Hunter Foote of the 5<sup>th</sup> grade in Selmer Middle School.

There were no additions or deletions to the minutes.

Motion by Maurice Hamm and seconded by Harry Smith to accept the financial statement. All four present voted yes. Motion carried.

Motion by Paul Simpson to approve the recommendation of Richard Ashe to hire Brian Knight and Richard Kiser on a full time basis with Selmer Utilities Department. Motion seconded by Harry Smith. All four present voted yes. Motion carried.

Motion by Paul Simpson to pass on second reading an ordinance amending the text of the Selmer Municipal Zoning Ordinance, Chapter XII Provisions for Flood Hazard Districts correcting cross references. Motion seconded by John Smith. All four voted yes. Motion carried. Ordinance No. 568 passed.

Motion by Paul Simpson to award a \$1,000 grant to McNairy County Board of Education's, "One to One Program". Motion seconded by John Smith. All four voted yes. Motion carried.

Terry Burns elated with the value perceived with the McNairy County's "One to One Program" gave a quick review.

Motion by Harry Smith to adopt a resolution approving the expansion of a water treatment plant on Purdy Rd for water filtration. Motion seconded by Maurice Hamm. All four voted yes. Motion carried.

Motion by Harry Smith to declare certain Town of Selmer owned equipment as surplus, (3) patrol cars, and (3) Sanitation Department Cushman vehicles pending their replacement, advertise, and call for an auction sale hopefully to be December 8<sup>th</sup>, 2007. Motion seconded by John Smith. All four voted yes. Motion carried.

Motion by Paul Simpson and seconded by Harry Smith to place on 1<sup>st</sup> reading an Ordinance for amending the Official Zoning Map of certain properties presently occupied with commercial storage buildings located on Front Street and Warren Ave. intersection from the present B-2 (Central Business) to B-1 (General Business). All four voted yes. Motion carried. (Map and Parcel numbers as updated April 2006 McNairy Co Tax Map are detailed in ordinance). All four voted yes. Motion carried.

Motion by Maurice Hamm to grant Mayor Robinson permission to sign an agreement with McNairy County and UT Martin and our Center increasing the Center's rental rates from \$24,000 to \$86,000 per year with graduated future increases plus a \$500,000 payment to be divided equally between Selmer and McNairy County for expanding the class rooms at the UT Center. Motion seconded by Paul Simpson. All four voted yes. Motion carried.

The meeting room chairs were filled and Josh Gilbert asked to address the Board. He introduced himself and handed out documents to the Mayor and Board. Josh stated that he had been a full time Fire Engineer with the Selmer Fire Department until November 9<sup>th</sup>, 2007. He stated that on Thursday November 8<sup>th</sup> he was handed a resignation letter by Fire Chief David Dillingham to sign. Mr. Gilbert stated that on November 8<sup>th</sup>, 2007 Fire Chief Dillingham told him that he was, "going home today". Josh Gilbert gave a brief summary of his back ground with the Fire Department which included achieving the 2004 Fire Fighter of The Year award. Mr. Gilbert stated that prior to this he had told Chief Dillingham that he wished to join the Marine Corp Reserves and that Chief Dillingham told him that it would be best for him to resign due to his absence putting the department in a bind. Mr. Gilbert stated that immediately his hours were changed and other difference began to arise. Mr. Gilbert alleged that he signed the letter because he

was given the choice of being fired or resigning. He also alluded to a misleading discussion over payment of accumulated hours. He further stated that he almost immediately asked to withdraw his resignation to no avail to further include writing a letter of resignation withdrawal to Chief Dillingham and placing it under the Fire Chief's office door. He came to City Hall and asked to be scheduled for a hearing before the Board to plead his right to continue employment, later being told that this was not allowed. Mr. Gilbert stated that he returned for work at the Fire Station at his work time on November 9<sup>th</sup>, 2007 and was told to leave or police would be called. He stated that he also asked for termination letter.

Josh Gilbert stated that his purpose in addressing the Board was that he was only asking for his job back and to be able to serve his country in the Marine Reserves. Alderman Paul Simpson asked Mayor Robinson where the code stated, no hearing. Mayor Robinson stated that the policy changed with a Charter change in July 2006 and had copies of the adopting minutes in hand, and that they, the board, had adopted it. Alderman John Smith told Mayor Robinson that he questioned what he and the Board was told when this very Charter Change came up in July 2006 and further disputed the details as stated by Mayor Robinson. John Smith stated that he voted against it for this reason, and felt any employee would want to have a right to a hearing if fired. Fire Chief Dillingham stated that he had discussed with Mr. Gilbert that he would be possibly deployed more time than was planned. He then presented records sighting several disciplinary actions and numerous reprimands and fire code violations in truck maintenance check points which he had placed in Mr. Gilbert's record prior to November 8<sup>th</sup>, 2007. Paul Simpson questioned Chief Dillingham, if he knew when that he decided to fire Josh. Alderman Simpson asked if he remembered if it was before Josh told him that he was going to the Marine Reserves or after. Chief Dillingham said no, he did not. Alderman John Smith sited several reasons that Josh should not be terminated which also included that Josh did not want to loose his job, his achievements, and that the city doesn't need anymore bad publicity or law suits. John Smith further explained that the issue wasn't with just one person, that the entire Gilbert family was involved, that his daddy is a top experienced fireman with the town, his brother is employed in the police department, and that the incidence affects a whole family. Alderman Simpson explained the likely hood of loosing a law suit since there appeared to be no documentation to fire him prior to Mr. Gilbert stating that he wanted to go to the Marine Reserves, and that the Town did not need to spend more money on law suites.

Alderman Maurice Hamm did not agree and stated that what Chief Dillingham's records related to him was that Josh Gilbert was leaving everyone in harms way by not doing his job repeatedly from 04 to 07. Mr. Hamm further stated that it was intolerable for firemen or police.

Attorney Abernathy's opinion was asked and he offered to do comprehensive research and report back quickly.

Motion by Paul Simpson to reinstate Josh Gilbert in his position with the Fire Department until a legal opinion is obtained from City Attorney Terry Abernathy and a formal hearing is held with Mr. Gilbert before the Board. Motion seconded by John Smith. Mayor David Robinson warned, "Understand, you're violating City Code"! Roll Call on the above stated motion: John Finlayson----Absent, Maurice Hamm—NO, Paul Simpson---Yes, Harry Smith----Passed, John Smith----Yes. Motion carried.

Meeting Adjourned.