



Board of Mayor and Aldermen
Meeting Notice

Town Hall
334 Atoka-Munford Avenue
Tuesday, September 27, 2022
6:30 p.m.

The Board of Mayor and Aldermen of the Town of Atoka, Tennessee will hold a special called meeting on Tuesday, September 27, 2022 at 6:30 p.m.

The meeting will be held at Town Hall - 334 Atoka-Munford Avenue.

The public is encouraged to attend.

Meeting Agenda

- I. Call to Order & Roll Call**
- II. Old Business - None**
- III. New Business –**
 - a. Ordinance – Amending the FY23 Budget Exhibit A
 - b. Ordinance – Amending a Business License Privilege Tax Exhibit B
- IV. Adjourn**



Office of the Town Administrator

MEMORANDUM

To: Honorable Mayor Daryl Walker & Board of Aldermen
From: Marc Woerner, Town Administrator
Re: Agenda items for September 27, 2022

1. **Exhibit A - Ordinance to Amend the FY2023 Town Budget** – This will be the first consideration of an ordinance to amend the Town budget for fiscal year 2023, running from July 1, 2022, to June 30, 2023. To comply with State law, the Town must amend its budget if expenditures for a department or fund exceed the figures in the adopted Town budget. The amended budget authorizes total General Fund expenditures of \$9,057,081. They are \$2,035,603 in Fire, \$2,694,108 in Highways and Streets, \$1,288,110 in Parks, \$442,575 in Planning and Inspection, and \$2,596,685 in Police.
 - a. The fire amendment is to purchase a brush truck, a utility brush vehicle w/trailer (Kubota) w/tools and spine attachment, and paint and color code hydrants
 - b. Highways and Streets is for road construction, paving projects, roundabout at the 3-Way and sidewalk extension at Walker Pkwy East to Atoka Elementary
 - c. Parks and Recreation is related to Pioneer Park discharge pipe lining, resurfacing Nancy Lane playground, paving Nancy Lane parking lot and Walker Park gravel lots, fencing all four fields at Nancy Lane and soccer field lighting at Walker Park.
 - d. Planning and Inspections is for a new vehicle purchase
 - e. Police is to purchase mobile data terminals for all patrol vehicles, message board and three flock cameras.
2. **Exhibit B – Ordinance – Amending a Business License Privilege Tax** – The Board of Mayor and Aldermen approved to amend Title Five Chapter 4 of the Atoka Municipal Code related to Privilege Tax. The amended section 5-405 grandfathering existing businesses has conflicting language regarding the license fee and privilege tax. The ordinance was submitted to the Tennessee Department of Revenue for approval and was rejected. Their legal department took a look at the previous ordinance and had concerns about the validity of the ordinance due to the “waiver” language, since a local government cannot selectively exempt certain businesses and tax others that are similarly situated. Section 5-405 has been removed and is presented for Board approval.

If you have questions on any of these items prior to the Board meeting, please do not hesitate to call me.

September 27, 2022

Exhibit A

ORDINANCE NUMBER _____

AN ORDINANCE OF THE TOWN OF ATOKA, TENNESSEE AMENDING SECTION 3 OF ORDINANCE NUMBER 22-06-02 RELATED TO APPROVED EXPENDITURES FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023

WHEREAS, Tennessee Code Annotated Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

WHEREAS, on June 14, 2022, the Board of Mayor and Aldermen adopted a budget for the fiscal year 2023 and, through the course of the year, amendments to the budget have become necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA, TENNESSEE as follows:

SECTION 1. Section 3 of Ordinance Number 22-06-02, passed by the Board of Mayor and Aldermen on June 014, 2022 is hereby amended to appropriate funds for the General Fund as follows:

General Fund	FY23 Adopted Budget	FY23 Amended Budget
Fire	\$1,904,603	\$2,035,603
Highways and Streets	\$884,108	\$2,694,108
Parks	\$788,110	\$1,288,110
Planning and Inspection	\$407,575	\$442,575
Police	\$2,452,685	\$2,596,685
Total Expenditures	\$6,437,081	\$9,057,081

SECTION 2. All other sections of Ordinance Number 22-06-02 shall remain as passed by the Board of Mayor and Aldermen.

SECTION 3. This ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED on the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 13th day of September 2022.

PASSED on the Final Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 27th day of September 2022.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND TITLE FIVE CHAPTER 4 OF THE ATOKA MUNICIPAL CODE RELATIVE TO PRIVILEGE TAX

WHEREAS, Tennessee Code Annotated § 67-4-701, et seq., known as “Business Tax Act” authorizes municipalities to enact privilege taxes, and

WHEREAS, Tennessee Code Annotated 67-4-723 authorizes municipalities to issue business licenses to taxpayers, and

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF ATOKA THAT TITLE FIVE CHAPTER FOUR BE AMENDED AS FOLLOWS.

- 5-401 Tax Levied
- 5-402 Licensed Required
- 5-403 Minimal Activity License
- 5-404 Transient Vendors

5-401. Tax Levied Except as otherwise specifically provided in this code, there is hereby levied on all vocations, occupations, and businesses declared by the general laws of the state to be privileges taxable by municipalities, an annual privilege tax in the minimum amount allowed by state laws. The taxes provided for in the state’s “Business Tax Act” (Tennessee Code Annotated, § 67-4-701, et seq.) are hereby expressly enacted, ordained, and levied on the businesses, business activities, vocations, and occupations carried on within the town at the rates and in the manner prescribed by the said act. The recorder is hereby authorized to levy a collection fee as set by Tennessee Code Annotated upon each enumerated business which is subject to the business tax for said year. The collection fee is to be paid at time of payment of the tax levied herein. Fees collected under this section shall be paid into and become part of the general fund.

5-402 Licensed Required No person shall exercise any such privilege within the town without a currently effective privilege license, which shall be issued by the recorder to each applicant upon receipt of the prescribed application and payment of the appropriate privilege tax. The License shall be renewed yearly. Tennessee Code Annotated 67-4-723

5-403 Minimal Activity License Notwithstanding any provision to the contrary, any incorporated municipality that imposes the tax authorized by 67-4-705 shall issue a minimal activity license to any person that is exempt from taxation and licensing pursuant to 67-4-712 provided that such person has sales of more than three thousand dollars (\$3,000) but less than ten thousand dollars (\$10,000) per year within the jurisdiction, which shall be issued by the recorder to each applicant upon receipt of the prescribed application and payment of the appropriate privilege tax. Tennessee Code Annotated 67-4-723

5-404 Transient Vendors Transient vendors shall pay a fee of fifty dollars (\$50.00) for each fourteen-day period in the municipality in which such vendors sell or offer to sell merchandise or which they are issued a license. Notwithstanding any law to the contrary, the fee shall be paid prior to the first day of engaging in business. Tennessee Code Annotated 67-4-709 and 67-4-710

SECTION 2. This Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

PASSED on the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 13th day of September 2022.

PASSED on the Final Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the 27th day of September 2022.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder