

ATHENS CITY COUNCIL
MINUTES OF MEETING
May 18, 2021

The Athens City Council met in regular session on Tuesday, May 18, 2021, at 6:00 p.m. with Mayor Perkinson presiding. The invocation was given by Council Member Curtis; and upon roll call, the following members were present:

Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson

The following decisions were made and ordered made a part of the records of the Athens City Council.

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APPROVAL OF MINUTES

The Minutes of the April 20, 2021 regularly scheduled meeting were submitted and approved by unanimous consent.

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COMMUNICATIONS AND SPECIAL PRESENTATIONS

INGLESIDE ELEMENTARY SCHOOL PRESENTATION

Jill Swafford, Principal at Ingleside Elementary School, presented the Athens City Council and City Manager with thank you cards from the students for the Council's contributions to the construction of the new schools.

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MISCELLANEOUS CORRESPONDENCE

Mayor Perkinson acknowledged receipt of a letter from Dr. Melanie Miller congratulating the City on the groundbreaking ceremony for the Athens City Schools new school building and thanking everyone for including her in the ceremony and providing her with a personalized shovel. A thank you card was received from the staff at the E-911 Center for the gift basket the City gave them for Telecommunicators Week.

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CONSENT AGENDA

Mayor Perkinson advised that the following items were discussed during the recent study session and are presented as a part of the Consent Agenda. The recording clerk read the following items into the record:

- a.) Reappoint Charles Clark to Board of Adjustments & Appeals, term expires June 3, 2025.
- b.) Appoint James Packett and David Passmore to fill Alternate vacancies on the Board of Adjustment and Appeals, terms expire April 21, 2025.
- c.) Appoint Cynthia McCowan to fill vacancy on Council Advisory Committee (Council Member Witt-McMahan's representative), term expires March 21, 2024.
- d.) Appoint Cynthia McCowan to fill vacancy on Health & Educational Facilities Board, term expires September 21, 2022.
- e.) Reappoint Moises Contreras and Ron Starr to Recreation Advisory Board, terms expire on June 30, 2025.
- f.) Approve Resolution No. 2021-13 to extend contract with TDOT for maintenance of state rights-of-way within the City limits.
- g.) Approve STBG Contract Amendment and Updated Contract Balances.
- h.) Approve Health Insurance Renewal as submitted by Blue Cross Blue Shield for year beginning July 1, 2021.

Mayor Perkinson asked for a motion. **Council Member Pelley moved, Council Member Witt-McMahan seconded, that the Consent Agenda as stated above be approved.** Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson
NAYS: None

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ORDINANCES

ORDINANCE NO. 1100 – SECOND READING/PUBLIC HEARING

AN ORDINANCE TO AMEND 'THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,' SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE THE PROPERTY LOCATED AT 104/106 BENTON ROAD FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO M-1 (MEDICAL DISTRICT) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Perkinson opened the public hearing. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. Mayor Perkinson asked for a motion. **Council Member Pelley moved, Council Member Curtis seconded, to approve Ordinance No. 1100 on Second and Final Reading.** Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson
NAYS: None

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OLD BUSINESS

SPECIAL EVENT ORGANIZER BEER PERMIT

ORDINANCE NO. 1101 – FIRST READING

AN ORDINANCE TO AMEND THE ATHENS MUNICIPAL CODE FORMER CHAPTER 2 NOW CHAPTER 3 OF TITLE 8 TO ADD A NEW CLASSIFICATION ELIGIBLE FOR A BEER PERMIT AND ADDRESS REGULATIONS NOT APPLICABLE TO THE NEW CLASSIFICATION.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Perkinson asked for a motion. **Council Member Curtis moved, Council Member Witt-McMahan seconded, to approve Ordinance No. 1101 on First Reading.** Council Member Curtis noted the current ordinance has been on the books for a few years and has not yet been utilized. The current ordinance opens with saying that there will be no limitations on the number of permits issued to special event organizers. Further down in the body of the ordinance it has a limitation. He felt that there was some discord in the current ordinance and brought forth this proposed ordinance. While this has not been an issue as no applications have been filed, he felt it was important to have this methodology on the books in case a non-profit has an interest in utilizing this process and brings forth an application. The proposed legislation would keep the cap of six special events per calendar year for an applying organization, but it would allow an organization to roll those six events under one permit. The way the current ordinance reads, you must submit an application and pay a fee for each event. Non-profit organizations are in the business of fundraising to sustain their operations so he felt they should be mindful of their costs. Council Member Pelley stated he was opposed to the ordinance as he did not feel the City needed beer downtown at these events. The motion was approved by the following roll call vote:

AYES: Curtis, Witt-McMahan, Lockmiller, Perkinson
NAYS: Pelley

NEW BUSINESS

ORDINANCE TO CORRECT PATIO HOME AND TOWNHOUSE DENSITY AND PATIO HOME SETBACKS

ORDINANCE NO. 1102 – FIRST READING

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14, CHAPTER 2, SECTION 4.20 RESIDENTIAL TOWNHOUSE AND PATIO HOME (RT-PH) REGULATIONS BE AMENDED; TO CORRECT PATIO HOME AND TOWNHOME DENSITY AND TO CHANGE PATIO HOME SETBACKS THAT CONFLICT WITH SUBDIVISION EASEMENT REQUIREMENTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The caption of the above-described Ordinance was read by the recording clerk. **Council Member Pelley moved, Vice Mayor Lockmiller seconded, to approve Ordinance No. 1102 on first reading.** Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson
NAYS: None

NEGOTIATION FOR PURCHASE OF PROPERTY FOR STORMWATER PROJECTS

RESOLUTION NO. 2021-14

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO NEGOTIATE FOR THE PURCHASE OF PROPERTY WITHIN THE CITY OF ATHENS, TENNESSEE FOR STORMWATER PROJECTS AND TO AUTHORIZE FUNDS TO SERVE AS EARNEST MONEY FOR SAID PURCHASE.

The caption of Resolution No. 2021-14 was read by the recording clerk. **Council Member Curtis moved, Vice Mayor Lockmiller seconded, to approve Resolution No. 2021-14.** Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson
NAYS: None

MEMORANDUM OF UNDERSTANDING FOR CONTINUING EDUCATION OPPORTUNITIES

RESOLUTION NO. 2021-15

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH TENNESSEE WESLEYAN UNIVERSITY FOR CONTINUING EDUCATION OPPORTUNITIES.

The caption of Resolution No. 2021-15 was read by the recording clerk. **Council Member Pelley moved, Council Member Witt-McMahan seconded, to approve Resolution No. 2021-15.** Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson
NAYS: None

PROPOSED BUDGET ORDINANCE FOR FISCAL YEAR 2021-2022

ORDINANCE NO. 1103 – FIRST READING

AN ORDINANCE TO ADOPT A BUDGET AND SET THE TAX RATE ON TAXABLE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022.

The caption of Ordinance No. 1103 was read by the recording clerk. **Council Member Witt-McMahan moved, Council Member Curtis seconded, to approve Ordinance No. 1103 on first**

reading. Council Member Pelley moved in opposition to the proposed ordinance. He did not feel they needed to hire a Project Manager. They need firefighters and police officers. City Hall does not need to be renovated as long as there is a need for a fire hall and more room for the police department. Council Member Witt-McMahan questioned Council Member Pelley's comments as he had an opportunity to bring up those issues at Study Session. While she was in agreement with Council Member Pelley about the need for more firefighters and police, she felt this could have been discussed then and inquired as to whether something had happened between the two meetings to change his mind about the budget. She did not feel he was against the budget at Study Session. Council Member Pelley chose not to respond. Council Member Witt-McMahan stated she wished Council Member Pelley would tell the Council what his wish was so when they vote on the budget again it will have 100% support of the Council. She felt that they all agreed with the things Council Member Pelley mentioned and asked Council Member Pelley if he had a solution. Council Member Pelley stated they could support the police and fire. Council Member Witt-McMahan felt that could have been discussed at Study Session, Council Member Pelley disagreed. Vice Mayor Lockmiller stated when he ran for office the school building project had not yet been decided. He was 100% in favor of the project. At that time, the assumption was they were going to have to raise the sales tax rate and increase property taxes by about \$.20. The citizens voted on and approved the sales tax increase. The City is now looking at an increase of only \$.08 for the school building project and five other projects. Even if the City had gone with a \$.20 increase, it would still have one of the lowest property tax rates in the state for a municipality with a school system. Mayor Perkinson concluded the discussion by saying that the five other capital projects cannot be done at one time, and they are in the plans to be done over a span of time. While he believed the entire Council was interested in adding staff appropriately, they are out of room in the Municipal Building and utilizing closet space for employees. They want to have the space to handle the additional people they need, which will have to be done over a period of time. Roll call vote:

AYES: Curtis, Witt-McMahan, Lockmiller, Perkinson
NAYS: Pelley

Mayor Perkinson disclosed for the record that his wife serves on the McMinn County Library Board and this budget includes an increase in funding to that Board.

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REPORTS

COMMUNITY DEVELOPMENT QUARTERLY REPORT

Mr. Anthony Casteel, Community Development Director, presented the Building Permit Quarterly Report for the City of Athens. The report was accepted as presented.

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FINANCE DEPARTMENT REPORT

Mr. Mike Keith, Finance Director, presented the Finance Department Report for the month of April 2021. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Brandon Ainsworth presented the Fire Department Report for the month of April 2021. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Police Chief Cliff Couch presented the Police Department Report for the month of April 2021. The report was accepted as presented.

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REQUESTS FROM CITIZENS

Larry Eaton, 279 Sweetfield Valley Road, presented the City Council with handouts regarding two missing nest cameras in the Police Department. He requested the City Council investigate and have open hearings on that issue as well as on the City Manager's actions last year in response to the Governor's Executive Order requiring restaurants not to be open to persons, except only to offer drive-through, pickup, carry-out or delivery service. Mr. Eaton claimed the City Manager began watermarking only his public records requests because the City Manager was trying to set him up as a harassing individual of the public records request process and felt watermarking needed to be stopped. Glenn Whiting, 237 County Road 655, requested the City Manager be investigated for the issues Mr. Eaton had already addressed and to look at City's Charter and address the abuse and corruption that was going on.

Council Member Pelley stated he wanted the City Manager to be treated in the same manner the Council treated him when investigating complaints about him. He distributed to the City Council a handout outlining issues he felt the Council needed to address in an open hearing. Council Member Witt-McMahan stated she has been sitting on the City Council since November and some of the same issues continually come up. She did not feel it was fair to the City Council, City Manager, Glenn Whiting, Larry Eaton, and definitely not to the people who live in the city that statements were being made without someone being allowed to respond. In her opinion, they are going to have to figure out a way to end this conflict and move forward with the business of Athens. Mayor Perkinson stated, with the consensus of the Council, that this item would be placed on the June Study Session agenda.

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REPORT FROM THE CITY MANAGER

City Manager Sumner reviewed his monthly report including the various Parks and Recreation and Public Works projects and activities going on throughout the city.

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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:22 p.m.



C. SETH SUMNER, City Manager



WILLIAM BO PERKINSON, Mayor