

ATHENS CITY COUNCIL MINUTES OF MEETING

August 10, 2021

The Athens City Council met in called session on August 10, 2021, at 5:30 p.m. with Mayor Perkinson presiding. The invocation was given by Mayor Perkinson; and upon roll call, the following members were present:

Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson

The Council observed a moment of silence in memory of Frank Horning, a retired police officer who passed away earlier in the day.

The following decisions were made and ordered made a part of the records of the Athens City Council. A video recording of the entire proceeding is maintained in the permanent records for the City, and is incorporated herein as a part of these Minutes.

The purpose of the meeting, as issued in the "Notice of Called Meeting" dated August 5, 2021, was read and made a part of these minutes:

NOTICE OF SPECIAL CALLED MEETING

There will be a special called meeting of the Athens City Council on Tuesday, August 10, 2021, beginning at 5:30 p.m. in the Burkett Witt Council Chambers at City Hall. This meeting of the Athens City Council is limited to the business to be discussed as follows:

- 1) For the City Council to receive and hear from City Employees any information concerning Nest cameras purchased for the Athens Police Department, which for a period of time could not be located;
- 2) For the City Council to receive and hear from City Employees any information concerning a claim by the Chief of Police of retaliation toward him;
- 3) For the City Council to discuss with the City Manager an appropriate demeanor with Staff and others when conflicts arise;
- 4) For the City Council to receive and hear information from the City Manager concerning his possession of a gun on airport property;
- 5) For the City Council to receive and hear information as to whether the Mayor and/or City Manager may have said that a citizen threatened the life of the City Manager, and with respect to these matters, take action, if warranted.

William Bo Perkinson, Mayor

Mark Lockmiller, Vice Mayor

Jordan Curtis, Council Member

Dick Pelley, Council Member

Frances Witt-McMahan, Council Member

Mayor Perkinson stated that City Attorney Chris Trew would serve as the moderator.

Attorney Trew reviewed with Council the purpose of the meeting as described in the "Notice of Called Meeting" and proceeded to the first item listed in the call. Item number VI on the agenda for the meeting was read into the record.

Receive and hear from City Employees any information concerning Nest cameras purchased for the Athens Police Department, which for a period of time could not be located, as requested by two (2) Council members as follows:

“Openly discuss the issues with the missing cameras. Ask the City Manager to explain his involvement with the cameras. Have others who were involved the opportunity to speak. Speaking to each person involved separately does not fully bring the closure that is needed to move forward. If the Council determines that the City Manager did something that requires discipline or corrective action, we will do so. If not, we will make a statement to the community on the City Manager’s behalf.”

City Manager Sumner was administered an oath by which he affirmed he would present truthful information to the Council. He then explained his knowledge of and involvement with the Nest cameras. During his testimony, he supplied various documents. Exhibit number 1 was a copy of his calendar with a note to get the Nest camera from the police department on December 10, 2018. Exhibit 2 was an email sent to his wife on December 12, 2018 with the web address for the Arlo camera that he stated they purchased as their Christmas present that year. Exhibit 3 contains several emails to show that the Nest cameras were in the possession of the police department in June/July 2019. Exhibit 4 is a page from information sent to the District Attorney’s office that shows a picture of the closet located near the Sergeant’s desk where one of the cameras in question was located. Exhibit 5 is a copy of the memo sent to the Director of Finance concerning the two Nest cameras. Exhibit 6 contains copies of memos from Fred Schultz and Blake Witt regarding the two Nest cameras. After completing his testimony, City Manager Sumner then answered questions from each of the council members. The entire testimony of City Manager Sumner is contained in the referenced video recording.

Police Chief Cliff Couch was administered an oath by which he affirmed to testify truthfully. Chief Couch was asked to explain his role involving the cameras and to provide information he felt was pertinent to this discussion. After providing information to the Council, he answered questions from the council members. The entire testimony of Chief Couch is contained in the referenced video recording.

Detective Blake Witt was administered and took an oath to testify truthfully. He provided information concerning his involvement with the cameras. He answered questions from the council members and the City Attorney. He confirmed that he did not search the police storage closet for the missing cameras. His entire testimony is contained in the referenced video recording.

Sergeant Casey Patterson was administered and took an oath to testify truthfully. He answered questions from the council members and the City Attorney regarding the cameras, the police storage closet and various matters within the police department. He denied placing one of the cameras in the police storage closet after it was reported that they were missing. His entire testimony is contained in the referenced video recording.

City Attorney Trew stated that item number VII was the next matter to be discussed and read the following into the record.

Receive and hear from City Employees any information concerning a claim by the Chief of Police of retaliation toward him, as requested by two (2) Council members as follows:

“Discuss in detail the issue of retaliation to Chief Couch regarding his statement about the cameras. The Council agreed in February 2021 that we would not allow the Chief to be treated unfairly due to his report about the cameras. Cliff has reported to me and many people in the community of problems that he has faced from the City Manager and feels that he is being retaliated against. I have discussed this with the City Manager, but feel it is important to bring this to an open meeting to give each individual an opportunity to discuss the alleged retaliation. If these accusations are true, it will be necessary to determine discipline or corrective action.”

Chief Couch, still under oath, addressed the Council as to the ways he believed he was being retaliated against by the City Manager and answered questions from the council members. His entire testimony is contained in the referenced video recording.

Jason Garren, Deputy Chief of the Police Department was administered and took an oath to testify truthfully. Deputy Chief Garren stated that on the advice of his attorney, he would only answer direct questions of a fact-finding nature. He then answered questions from the council members. His entire testimony is contained in the referenced video recording.

Lieutenant Steven Thomas was administered and took an oath to testify truthfully. Lieutenant Thomas answered questions from the council members. His entire testimony is contained in the referenced video recording.

Steven Croft, Technology Manager for the City, was administered and took an oath to testify truthfully. He answered questions from the council members. His entire testimony is contained in the referenced video recording.

City Manager Sumner, still under oath, addressed the Council concerning the testimony of Chief Couch about retaliation. He supplied various documents to support his testimony. Exhibit 8 contains emails addressing Chief Couch's claims of retaliation and the Municipal Technical Advisory Service (MTAS) performing a review of the police department. Exhibit 9 contains emails regarding performance evaluations and information from HR Director Nina Edmonds about the evaluation process. City Manager Sumner also answered questions from the council members. His entire testimony is contained in the referenced video recording.

The council members discussed the next steps due to the length of the meeting. Council Member Witt-McMahan stated that she wanted to hear further from Chief Couch on this item. City Attorney Trew stated that he felt that further discussion on this matter would last approximately two hours. He stated that he would poll the Council on the following day in order to determine a time and date for the Council to resume the meeting.

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 11:25 p.m.



C. SETH SUMNER, City Manager



WILLIAM BO PERKINSON, Mayor