

# ATHENS CITY COUNCIL MINUTES OF MEETING

October 18, 2021

The Athens City Council met in an adjourned meeting on October 18, 2021, at 5:30 p.m. with Mayor Perkinson presiding. This was a continuation of the August 10, 2021 called meeting and was held at the Southeast Tennessee Trade & Conference Center inside Athens Regional Park. Following the pledge of allegiance 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. 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.

Mayor Perkinson stated that City Attorney Chris Trew would again serve as the moderator. Attorney Trew advised reminded the Council that the August 10, 2021 meeting ended with the testimony of City Manager Sumner addressing item number VII on the agenda for the August 10 Called Meeting. Council Member Pelley requested that the Council continue the meeting with further discussion regarding item number VII pertaining to the claim of retaliation made by Chief Couch. Council Member Witt-McMahan and Vice Mayor Lockmiller requested that Chief Couch be given time to speak to rebut any of the testimony made during the August 10, 2021 meeting. City Attorney Trew advised the Council that after the August 10, 2021 meeting the City of Athens had received a letter from Mr. Couch's attorney representing Chief Couch stating that he intends to file a lawsuit against the City. City Attorney Trew advised the members of Council that they should be mindful of a threat of litigation from Chief Couch when asking questions or making comments during this meeting.

Chief Couch was administered and took an oath to testify truthfully. Chief Couch read a prepared statement summarizing his concerns with Athens City government and City Manager Sumner. After reading his prepared statement, Chief Couch further stated he would not answer any questions and immediately left the meeting.

Council Member Pelley requested that he be allowed to ask questions of City Manager Sumner concerning the claim of Chief Couch that City Manager Sumner had engaged in retaliation toward him. City Manager Sumner was administered and took an oath to testify truthfully. Council Member Pelley read from a prepared statement and thereafter questioned City Manager Sumner about various issues. Council Member Witt-McMahan and Vice Mayor Lockmiller questioned City Manager Sumner about various issues. City Manager Sumner responded to questions asked by Council Member Pelley, Council Member Witt-McMahan and Vice Mayor Lockmiller.

The testimony of Chief Couch and City Manager Sumner are each contained in the referenced video recording.

Item number VIII was the next matter to be considered, and City Attorney Trew read the following into the record:

Discuss with the City Manager an appropriate demeanor with Staff and others when conflicts arise, as requested by two (2) Council members as follows:

"Complaints about how the City Manager treats staff and others when disagreements occur. Our City Manager should always maintain self-control and respect even in the most uncomfortable situations."

Council Member Witt-McMahan and Vice Mayor Lockmiller began the discussion on this item stating that they were in favor of discontinuing the practice of watermarking documents obtained through open records requests. Mayor Perkinson stated he agreed with their comments. City Manager Sumner stated that the City would cease the practice of watermarking public records requests.

Upon further discussion regarding this topic, Council Member Witt-McMahan and Vice Mayor Lockmiller agreed that Larry Eaton should be allowed to speak to the Council. City Attorney Trew administered the oath to Mr. Eaton and after his presentation, there was no further discussion on this item.

Item number IX was the next matter to be discussed, and City Attorney Trew read the following into the record.

Receive and hear information from the City Manager concerning his possession of a gun on airport property, as requested by two (2) Council members as follows:

"It is important to have an explanation about the gun at the airport in Maryville. I spoke with the City Manager and feel confident that this was an oversight. The community needs the opportunity to hear his side of this issue."

City Manager Sumner, still under oath, explained to Council members what had occurred at the airport in Maryville describing the incident as a circumstance where he had failed to recall that he had a gun stored in one of his bags. He answered questions from each of the Council members. The entire testimony of City Manager Sumner is contained in the referenced video recording.

Item number X was the next item to be discussed, and City Attorney Trew read the following into the record.

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, as requested by two (2) Council members as follows:

"A Citizen is saying that Bo & Seth said that said Citizen threatened Seth's life. We need to set this to rest, also."

City Attorney Trew advised the Council that the City of Athens had received notification that Glenn Whiting had filed a lawsuit against Mayor Perkinson, the Mayor's wife, and City Manager Sumner regarding this issue. He advised that no further discussion should take place on this matter due to the pending litigation, and the Council proceeded to the next item on the agenda, without discussion.

Item number XI, the next item on the agenda, was a discussion of agenda items VI through X with the Council to determine whether any corrective suggestions to or discipline of the City Manager is warranted and take action, if necessary.

Prior to any motion by a Council member for corrective suggestions to or discipline of the City Manager, Council members discussed various matters. Council Member Pelley read from a prepared statement. With respect to the testimony of City Manager Sumner, Council Member Pelley expressed his belief that City Manager was not truthful. Council Member Pelley also alluded to matters not discussed by any of the witnesses who testified on August 10 or at this October 18, 2021 meeting, including, but not limited to issues concerning Council Member Pelley himself and deposition testimony from pending litigation. The discussion and statements of Council Member Pelley are contained in the referenced video recording. Council Member Pelley asked for a vote to terminate the employment of City Manager Sumner. There was not a second to his request for a vote.

Council Member Witt-McMahan stated in general her agreement with some of Council Member Pelley's comments but expressed she disagreed with some of his comments as well. Council Member Witt-McMahan expressed that she believes City Manager should have informed the City Council of the incident with the gun. She expressed that in weighing the assets and liabilities of City Manager Sumner that his assets and contributions outweighed his liabilities. Council Member Witt-McMahan expressed that she would be in favor of some time off for the City Manager for not informing the City Council of the incident with the gun.

Vice Mayor Lockmiller stated he too believes the City Manager has made some positive contributions to the City of Athens. He expressed that the City Manager should have informed the City Council of the gun incident. He expressed his opinion that even if there were good reasons to terminate the employment of Chief Couch, the timing was poor. He expressed he did not find there was a reason at present to terminate the employment of City Manager Sumner, and he favored giving him a couple of weeks off.

Council Member Curtis expressed his opinion that there was no basis to terminate the employment of the City Manager, but to start the healing process, he would favor some time off for the City Manager.

Vice Mayor Lockmiller, concerned that the members of the public attending the meeting did not hear his comments, repeated his comments and mentioned the possible two-week suspension.

Council Member Witt-McMahan expressed she too would favor a two-week suspension without pay.

Mayor Perkinson addressed the camera issue, stating the testimony indicated that the cameras were not stolen. He expressed his opinion the City Manager should have informed the City Council about the gun

incident. Mayor Perkinson expressed his disagreement with some of the comments made by Council Member Pelley. Mayor Perkinson expressed his belief that the City Council should perform another evaluation of City Manager Sumner as soon as possible.

Council Member Pelley expressed his disappointment with the comments of the other members of the City Council.

Council Member Witt-McMahan expressed her opinion that the termination of Chief Couch was not a basis or reason to terminate the employment of City Manager Sumner.

Council Member Pelley made a motion to adjourn the meeting. He received no second to this motion.

Council Member Witt-McMahan made a motion to suspend the employment of City Manager Sumner for two weeks without pay effective immediately. This motion was seconded by Vice Mayor Lockmiller.

The motion of Council Member Witt-McMahan was amended to add that the City Council would perform as soon as possible an employment evaluation of the City Manager. The amendment of the motion was seconded by Vice Mayor Lockmiller.

There was no discussion of the motion or the amendment to it, other than Council Member Pelley expressing his opinion that a two-week suspension was not a sufficient punishment.

Upon a roll call vote, Council Member Witt-McMahan, Vice Mayor Lockmiller, Council Member Curtis, and Mayor Perkinson voted "Yes" in favor of the two-week suspension without pay effective immediately, with the Council to perform an employment evaluation of the City Manager as soon as possible. Council Member Pelley voted "No."

Council Member Curtis made a motion to appoint Mike Keith as Interim City Manager during the two-week suspension. The motion did not receive a second.

Council Member Pelley made a motion to appoint James Gallup as Interim City Manager. The motion was seconded by Vice Mayor Lockmiller. There was no discussion. Upon a roll call vote, all Council members voted "Yes."

The meeting was adjourned by the Mayor at 9:46 p.m.



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C. SETH SUMNER, City Manager



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WILLIAM BO PERKINSON, Mayor