

# ATHENS CITY COUNCIL MINUTES OF MEETING September 17, 2024

The Athens City Council met in regular session on Tuesday, September 17, 2024, at 6:00 p.m. in the Athens City Hall Council Chambers with Mayor Sherlin presiding. Councilmember Curtis led the invocation. Vice Mayor Eaton led the Pledge of Allegiance.

**Upon roll call, the following members were present:**

**Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

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

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### APPROVAL OF MINUTES

**Councilmember Curtis moved to approve the minutes as presented:** (August 19, 2024 – called meeting; August 20, 2024 – regular meeting; and August 30, 2024 – called meeting); **Councilmember Pelley seconded. Minutes approved.**

**Roll call vote:**

**AYES: Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: None**

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### COMMUNICATIONS AND SPECIAL PRESENTATIONS

Councilmember Curtis presented a proclamation to Keith Memorial United Methodist Church for its 200<sup>th</sup> anniversary.

Councilmember Curtis presented a proclamation to Carmine Gallo for his actions and assistance during a wreck on Interstate 71 on July 11, 2024.

Councilmember Witt-McMahan presented a proclamation to Paige Manney for her outstanding track and field career at Tennessee Wesleyan University.

Councilmember Witt-McMahan presented six (6) individuals with the Very Important Volunteer Individuals (VIVID) award for the month of August 2024. On the evening of August 15th Bradi Sewell, Brent Hamby, Erica Peden, Jedi Bishop, Matt Roberts & Ray Johnson went above and beyond to assist all who were involved in the fire at St Marks AME Zion Church.

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### CITIZEN'S COMMENTS

Two (2) citizens addressed the Chair: Glenn Whiting and Dick Pelley

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### CONSENT AGENDA

The following items were read into the record by the recording clerk:

- a.) Approve: RESOLUTION 2024-3 OF THE GOVERNING BODY OF ATHENS CITY BOARD OF EDUCATION  
Authorizing the transfer of \$200,000.00 from the General-Purpose School Fund to the School Federal Projects Fund
- b.) Approve: longevity pay policy
- c.) Approve: 2024 police vehicle purchase using state bid pricing
- d.) Reappoint John Proffitt to Athens Regional Planning Commission
- e.) Reappoint Shawn McKeegan to Historic Preservation Commission
- f.) Approve: Resolution 2024-20  
A RESOLUTION CONCERNING ALL STREETS LOCATED IN SKY RIDGE ESTATES SUBDIVISION BUILT TO CITY STANDARDS INCLUDING EXTENSIONS OF VALLEY DRIVE AND HOUSLEY DRIVE AND NAME TWO NEW STREETS 'SKYRIDGE DRIVE AND RIDGE ESTATES DRIVE' AND ACCEPTING SAID STREETS INTO THE STREET SYSTEM OF THE CITY OF ATHENS, TENNESSEE.
- g.) Approve: Resolution 2024-21  
A RESOLUTION AUTHORIZING THE CITY OF ATHENS, TENNESSEE, TO APPLY FOR NORFOLK SOUTHERN'S SAFETY FIRST GRANT FOR THE 2024 PROGRAM YEAR

**Councilmember Pelley moved to approve all consent agenda items as read; Councilmember Curtis seconded. No discussion. Motion approved.**

**Roll call vote:**

**AYES: Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: None**

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#### **ORDINANCES**

**Second reading of: ORDINANCE NO. 1132**

AN ORDINANCE TO UPDATE THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS, AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN FOR THE EMPLOYEES OF THE CITY OF ATHENS, TENNESSEE

The caption of the above-described Ordinance was read by the recording clerk. Mayor Sherlin opened the public hearing. There being no one present wishing to discuss the Ordinance, the public hearing was closed.

**Councilmember Curtis moved to approve Ordinance No. 1132; Councilmember Pelley seconded. No discussion. Motion approved.**

**Roll call vote:**

**AYES: Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: None**

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The Prohibited Camping Ordinance was moved from OLD BUSINESS to ORDINANCES. The recording clerk read the following caption into the record:

**First reading of: ORDINANCE NO. 1133**

AN ORDINANCE TO REGULATE CAMPING WITHIN THE CITY LIMITS OF THE CITY OF ATHENS IN ORDER TO PROVIDE FOR THE CONTINUED SAFETY, HEALTH AND WELFARE OF THE CITIZENS OF THE CITY OF ATHENS, TENNESSEE

**Councilmember Curtis moved to approve Ordinance No. 1133; Vice Mayor Eaton seconded.**  
No discussion. **Motion approved.**

**Roll call vote:**

**AYES: Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: None**

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**OLD BUSINESS**

Legal opinion - donation from the City of Athens to St Mark AME Zion Church.

City Attorney, Chris Caldwell, stated that Tenn. Code Ann. § 6-54-111 provides guidance on the appropriation of funds for nonprofit organizations. He stated that his opinion agrees with the legal opinion received from the Municipal Technical Advisory Service. The council was advised that a program would need to be initiated to allow applications to be submitted by any nonprofit organization. The process for application needs to be clearly defined and outlined.

Mayor Sherlin asked to add this item to the next city council study session all council members were in agreeance.

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Bailment agreement – North City School Bell

**Vice Mayor Eaton moved to approve the Bailment Agreement between the City of Athens (Bailor) and the McMinn County Living Heritage Museum (Bailee); Councilmember Curtis seconded.** No discussion. **Motion approved.**

**Roll call vote:**

**AYES: Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: None**

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Lease Agreement – Tennessee Wesleyan University

City Attorney, Chris Caldwell, mentioned he would submit a slight revision to the contract, but had no issues with the lease.

**Councilmember Curtis moved to approve the Lease Agreement between City of Athens and Tennessee Wesleyan University; Vice Mayor Eaton seconded.** No discussion. **Motion approved.**

**Roll call vote:**

**AYES: Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: None**

**NEW BUSINESS**

Historic Preservation Commission

Mayor Sherlin appoints Justin White to fill the expired term of William Houston. **Vice Mayor Eaton moved to confirm the appointment of Justin White; Councilmember Pelley seconded.** Councilmember Curtis shared his disappointment that William Houston was not reappointed. Councilmember Witt-McMahan agreed. Mayor Sherlin spoke in favor of Justin White because of his construction background. **Motion approved.**

**Roll call vote:**

**AYES: Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: Curtis**

FY 24/25 Tourism Funds Request Applications

1. Athens Area Council for the Arts
  - Arts Education and Visual Arts Programming – requested \$10,000
  - House Blend Concert Series – requested \$10,000
  - Black Box Concert Series – requested \$10,000
  - Athens Community Theatre productions – requested \$10,000

**Councilmember Witt-McMahan moved to approve the Athens Area Council \$10,000 request for each application; Councilmember Pelley seconded.**

Vice Mayor Eaton spoke against the \$10,000 each application. He would be in favor of splitting the \$10,000 between the four (4) applications from the one entity. Mayor Sherlin asked for City Attorney Chris Caldwell's opinion on the matter. The attorney stated that the letter that was mailed out to applicants read as if one entity could make multiple applications for an amount between \$500 and \$10,000. Mayor Sherlin agreed but noted that the wording of the letter was in error.

**Mayor Sherlin moved to amend the previous motion to approve the request from the Athens Arts Council at \$2,500 each application; Vice Mayor Eaton seconded.**

Councilmember Witt-McMahan would like to move forward with the current amount requested for each application that qualifies. Vice Mayor Eaton disagrees reiterating that he would like to stay under \$10,000 per entity. Councilmember Curtis is in favor of approving the applications as submitted stating "we have plenty of money in this fund".

**Councilmember Pelley moved to postpone the discussion for the FY 24/25 Tourism Funds Request Applications until the next work session (October 7, 2024); Vice Mayor Eaton seconded.**

All council members agree to withdraw the original motion and amendment.

**Mayor Sherlin moved to call the question; Councilmember Witt-McMahan seconded.**

Discussion ended. **Motion approved.**

**Roll call vote:**

**AYES: Curtis, Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: None**

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**Vice Mayor Eaton moved to use \$80,000 of the Hotel/ Motel Tax to purchase Christmas lights for the Athens Regional Park; Mayor Sherlin seconded.**

Vice Mayor Eaton shared his opinion on the positive impact this would have on tourism for the city, with potential to grow over time. Councilmember Pelley opposed it, stating he would like to see lights / decoration in every park rather than just one. Councilmember Curtis questioned if the staff could pull this project off. Interim City Manager, Anthony Casteel pointed out that a bid would be required.

**Councilmember Pelley moved to postpone the motion to approve the purchase of Christmas lights for Athens Regional Park. No Second. Motion dies.**

**Vice Mayor Eaton and Mayor Sherlin withdrew motion to purchase Christmas lights.**

The Council requested that the City Manager and City Attorney research the proper procedure for making this purchase.

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**Councilmember Pelley moved to investigate the allegation that Public Entity Partners are representing individual(s) that are not former nor current employees of the City of Athens; Councilmember Witt-McMahan seconded.** Discussion ensued. Councilmember Witt-McMahan would also like to know if the allegation is true. Mayor Sherlin asked the city attorney to look into this allegation.

Vice Mayor Eaton shared his confidence in Public Entity Partners. Simultaneously, Councilmember Pelley continues to share his belief that it is a fact that Public Entity Partners are representing individuals not affiliated with the City of Athens. Mayor Sherlin called order to the meeting.

**Vice Mayor Eaton called to question; Councilmember Witt-McMahan seconded.** Discussion ended.

**Roll call vote:**

**AYES: Witt-McMahan, Pelley, Eaton, Sherlin**

**NAYS: Curtis**

Upon roll call, **Motion Failed**

**Roll call vote:**

**AYES: Pelley**

**NAYS: Curtis, Witt-McMahan, Eaton, Sherlin**

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**REPORTS**

FINANCE DEPARTMENT REPORT

Finance director, Mike Keith, was absent. Finance Report for August 2024 was included in the council's packet.

FIRE DEPARTMENT REPORT

Fire Chief, Brandon Ainsworth, presented the Fire Department Report for August 2024.

POLICE DEPARTMENT REPORT

Police Chief, Fred Schultz, presented the Police Department Report for July and August 2024.

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**REPORT FROM THE CITY MANAGER**

Interim City Manager, Anthony Casteel, included the monthly report in the council's packet.

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**ADJOURNMENT**

Councilmember Pelley moved to adjourn; Vice Mayor Eaton seconded. The meeting adjourned at 7:44 p.m.

**Roll call vote:**

**AYES:** Curtis, Witt-McMahan, Pelley, Eaton, Sherlin

**NAYS:**

  
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RANDALL DOWLING, City Manager

  
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STEVEN S. SHERLIN, Mayor