

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 16, 2016

The Athens City Council met in regular session on Tuesday, February 16, 2016, at 6:00 p.m. with Mayor Davis presiding. The invocation was given by Mayor Davis; and upon roll call, the following members were present:

Burris, Pelley, Raper, Perkinson, Davis

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

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MINUTES

The Minutes of the regularly scheduled meeting of January 19, 2016 was submitted and approved by unanimous consent.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Davis opened the meeting for petitions and requests from the audience. Larry Eaton, 279 Sweetfield Valley Road, distributed packets to each council member containing copies of: opinions from the Office of the Attorney General with regard to use of county funds to support referendum to increase local option sales tax and use of public funds to promote adoption of charter county form of government; public records request from Mr. Eaton, his driver license; the June 16, 2015 City Council minutes – page 6 of 8; the Athens City Schools/City of Athens Funding Agreement; Sales Tax and Property Tax Information Sheet; emails regarding quota for officers; and letter from Chris Trew, City Attorney, to City Manager Moore regarding City Council Personal Code of Professionalism. Mr. Eaton stated there were several issues he felt the City Council needed to address. One of the issues was regarding quotas for police officers. According to information he was provided, police officers are required to make two traffic stops per shift. In his opinion this was a quota. Mr. Eaton stated he also had serious concerns about the letter sent out to the citizens of Athens and emailed his concerns to the Comptroller. The Comptroller also had serious issues with the letter. John Coker, 3042 Hawthorne Street, asked if the City Manager was appointed by the City Council and if the Police Chief was appointed by the City Council or was hired by the City Manager. Mayor Davis stated the City Council appoints the City Manager and the City Manager hires the Police Chief. Stephen Dick, 610 Greenwood Drive, thanked the City Council for not doing what he had asked, which was passing a resolution in support of the Governor's Insure Tennessee Program. He said the coverage on the issue by the news and the entire City Council's decision to discuss this topic in a public forum had done more to bring attention to this program than their passing a resolution would have done. Mark Brown, 107 New Englewood Road, is a small business owner in Athens and spoke about building positive growth for the City while raising the tax revenue needed.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of January 2016. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of January 2016. The report was accepted as presented.

Council Member Burris stated he wanted to see some kind of incentive program started for not only police officers but for all employees. Mayor Davis stated this was a good item for discussion at the upcoming Council Planning Session.

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FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of January 2016. The report was accepted as presented.

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CONSENT AGENDA

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

- a.) Approve Resolution No. 2016-04 to officially adopt an amended and restated Money Purchase Plan and Trust;
- b.) Approve extension of contract with BSN Sports (Bid No. 1612 dated January 30, 2015) for baseball uniforms;
- c.) Approve extension of contract with Southern Athletic Supply (Bid No. 1612 dated January 30, 2015) for softball uniforms;
- d.) Approve staff's recommendation to declare assorted items as surplus property and authorize sale as detailed in memorandum from Matthew Marshall, Director of Purchasing dated February 3, 2016;
- e.) Reappoint Carl Williams to Athens Housing Authority, term expires March 6, 2021;
- f.) Reappoint Stuart Sullins to Keep McMinn Beautiful, term expires March 3, 2019.

On motion by Council Member Pelley, seconded by Vice Mayor Perkinson, the Consent Agenda as stated above was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

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NEW BUSINESS

CONSIDERATION OF PROPOSED ORDINANCE REZONING PARCELS LOCATED ON DENSO DRIVE FROM I-2 (HEAVY INDUSTRIAL) TO B-3 (INTENSIVE BUSINESS DISTRICT)

ORDINANCE NO. 1047 – FIRST READING

AN ORDINANCE TO AMEND 'THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,' SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE PROPERTY LOCATED ON DENSO DRIVE FROM I-2 (HEAVY INDUSTRIAL DISTRICT) TO B-3 (INTENSIVE BUSINESS 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. A **motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to approve**

Ordinance No. 1047 on First Reading. The motion was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

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MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of February/March. The report was accepted as presented.

Council Member Raper announced she had received word that Mayor Davis had been selected as the Tennessee Woman of Distinction and would be presented with the award at a luncheon on April 26, 2016. Mayor Davis stated she was humbled and honored to have been chosen but this would not have been possible without a great group of people to work with and citizens that give of their time to make this a better city.

Council Member Pelley stated he raised a question at work session related to a letter the City Manager mailed out. He started an inquiry with the Comptroller's office in Nashville and handed the Council copies of correspondence he received from Greg Cothron, Assistant General Counsel in the Comptroller's office. State law states that you may not spend public funds to sway an election either way. Mr. Cothron suggested the city council review the letter, along with the city attorney, to determine whether each item in the letter was factual (and accurate) in nature. Council Member Pelley stated he had met with the City Attorney who did not feel there was anything wrong with the letter. Dr. Pelley disagreed with the City Attorney because he felt the letter was not accurate and was not factual. He wanted the City Council to have a called meeting to have them look at the letter and decide whether it had all factual information. If it did, fine it was a moot point. If in review it is determined that it does not contain factual information, he recommended they contact the Comptroller's Fraud, Waste and Abuse portal for public officials. **A motion was made by Council Member Pelley, seconded by Council Member Burris, to have a called meeting as soon as the City Manager could arrange it to review the letter.** Mayor Davis stated she felt it was an information letter and asked City Manager Moore if he wanted to make any comments. Mr. Moore stated that as he had stated at work session, this was a fact sheet that was intentionally not favoring one side or the other. He knows there are differing opinions but when they have the called meeting the City Attorney should be present because he is the one who reviewed the document. Upon roll call, the motion was approved by the following vote:


AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

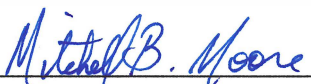
Mayor Davis stated she would contact City Attorney Trew and set a date for the called meeting.

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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 6:55 p.m.


ANN S. DAVIS, Mayor


MITCHELL B. MOORE, City Manager