

MINUTES OF MEETING, ATHENS CITY COUNCIL, MARCH 21, 2017

The Athens City Council met in regular session on Tuesday, March 21, 2017, at 6:00 p.m. with Mayor Burris presiding. The invocation was given by Council Member Coker; and upon roll call, the following members were present:

Coker, Perkinson, Raper, Pelley, Burris

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

- 1 -

MINUTES

The Minutes of the Called Meeting of January 4, 2017; Called Meeting of January 16, 2017; Regular Meeting of January 17, 2017; and Regular Meeting of February 21, 2017 were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS

PRESENTATION OF VIVID AWARD – JASON ROBERTSON

Vice Mayor Pelley presented the Very Important Volunteer Individual Award for March 2017 to Jason Robertson for his outstanding community service. Mr. Robertson, owner of Erosion Solutions, volunteered his team's time, equipment and resources to assist after the November 30, 2016 tornado. Mr. Robertson stated that he had been blessed which was why he was able to help others. He felt Mayor Burris and Council Member Coker were as deserving of the recognition as he was because they were there the entire time helping others.

- 3 -

RECOGNITION OF PATROL OFFICER HAROLD THOMPSON

Acting Police Chief Davis recognized a member of his team, Patrol Officer Harold Thompson. Officer Thompson recently celebrated his 10th anniversary with the Athens Police Department. He serves as the Athens Housing Authority Officer; team member to the alcohol saturation program conducted every weekend; and works with his hands to construct porches, decks and out buildings. Officer Thompson is also an artist. One of his creations was a handmade, folk art, blue line police flag made from very old rough timber. As a token of his love and respect for his police family, Officer Thompson donated this flag for display in the Athens Police Department. Chief Davis thanked Officer Thompson for his gift and remarked that this spirit of dedication and thoughtfulness is what makes the City of Athens great.

- 4 -

PRESENTATION OF PROCLAMATION – MATTHEW MARSHALL

Mayor Burris acknowledged the recent resignation of the Matthew Marshall, Director of Purchasing and Risk Manager, effective March 31, 2017. A proclamation was presented to Mr. Marshall for his years of service to the City of Athens. Mr. Marshall stated he had accepted a position as City Manager for the City of Norris, Tennessee beginning April 3, 2017. Quoting William Butler Yeats, "Think where man's glory most begins and ends, and say my glory was I had such friends." Mr. Marshall thanked everyone for being his friend.

- 5 -

MISCELLANEOUS CORRESPONDENCE

Mayor Burris acknowledged receipt of a certificate from the Tennessee Highway Patrol recognizing Athens Police Department for their unwavering support of traffic safety in the

Chattanooga District and for helping THP District Two lead the State in reducing traffic fatalities for the year 2016.

- 6 -

PETITIONS AND REQUESTS

AUDIENCE

Mayor Burris opened the meeting for petitions and requests from the audience. There were none presented at this time.

- 7 -

REPORTS

ATHENS CITY SCHOOLS QUARTERLY REPORT

Dr. Melanie Miller, Superintendent of Athens City Schools, presented the City Council with her quarterly update. Dr. Miller announced that Joyce Snyder, a second grade teacher at Ingleside School, had been selected as Southeast Regional PK-4 Teacher of the Year and would be going forward to compete with teachers from the other regions. Topics on Enrollment and Attendance; Facility Planning; Activities; Special Recognitions/Activities; Family/Community Connection; and Let's Read 20 were covered. Athens City Schools adopted "Rachel's Challenge". Sandy Starr and Mr. Simmons from Athens City Middle School have coordinated a Day of Caring on April 4th where over 480 students on that day will be out in the community working. They have partnered with agencies, businesses, and homeowners to give something back to the community. The Tennessee House of Representatives will recognize the students of Athens City Middle School for their historical marker project on the floor of the House on April 13th. The joint school board/city council work session will be held on April 24th at 5:30 p.m.

- 8 -

MCMINN COUNTY ECONOMIC DEVELOPMENT AUTHORITY UPDATE

Ms. Kathy Price, Executive Director of McMinn County Economic Development Authority, presented the City Council with her quarterly update. She noted that the EDA had responded to thirty Requests for Information from industrial prospects since the start of its fiscal year last July. They had been unable to respond to fourteen Requests for Information because of a lack of inventory in buildings. The only existing buildings that have received interest locally are American Bedding on Dennis Street, Metro Transport Group on Highway 11, and Athens Stove Works on Hicks Street. Ms. Price stated they were losing prospects because of the lack of available buildings but noted that some have come back for a second look. The Mt. Verd Interchange Industrial Park on Highway 305 near Interstate 75 had been submitted 11 times to potential industries – the most of any site. The North Etowah Industrial Park had been submitted six times. The City of Athens-owned Redfern Site, located east of Congress Parkway along Redfern Drive, was only submitted to one potential industry since it is the only industrial property in McMinn County with direct access to the Norfolk Southern rail line. Ms. Price emphasized the need for prepared sites, improved housing and transportation, and skilled laborers. She stated that improved signage was needed at the industrial parks and had contacted Hacker Signs to design concept signs for each site. Ms. Price will be contacting the city and county officials in the near future to discuss cost and feasibility.

- 9 -

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of February 2017. The report was accepted as presented.

- 10 -

POLICE DEPARTMENT REPORT

Acting Chief Rob Davis presented the Police Department Report for the month of February 2017 and the 2016 Annual Report. The reports were accepted as presented.

- 11 -

FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of February 2017. The report was accepted as presented.

- 12 -

CONSENT AGENDA

The recording clerk read the following Consent Agenda items into the record:

- a.) Approve City of Athens Budget Amendment No. 3 for Fiscal Year 2016-2017.
- b.) Approve Resolution No. 2017-06 designating Fair Housing Month in the City of Athens.
- c.) Approve Resolution No. 2017-07 to authorize extension of a contract with Huggins Lawn Care for maintenance of designated city cemeteries through March 31, 2018.
- d.) Approve Resolution No. 2017-08 to authorize extension of a contract with Huggins Lawn Care for park maintenance/mowing of city-owned properties through March 31, 2018.
- e.) Approve Resolution No. 2017-09 to authorize submission of grant application through the Governor's Highway Safety Program.
- f.) Approve staff's recommendation to declare assorted items as surplus property and authorize the sale on GovDeals or removed as scrap, if unusable, as detailed in memorandum from Matthew Marshall, Director of Purchasing, dated March 10, 2017.

City Manager Sumner emphasized in item a.) the clarification with regard to pension funds. It was previously recommended that between \$645,000 and \$650,000 be moved to the defined benefit pension plan. With the market valuation at an all-time high right now, they did not think it would be the wisest move. The City was holding the money back until the next time the market takes a dip at which time they can get a lower price and more for the dollar. **On motion by Council Member Raper, seconded by Council Member Coker, the Consent Agenda as stated above was approved by the following roll call vote:**

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

- 13 -

ORDINANCES

ORDINANCE NO. 1059 – SECOND/FINAL 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 TWO UNADDRESSED PARCELS LOCATED IN THE 1000 BLOCK OF WEST MADISON AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL 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 Burris opened the public hearing. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. **A motion was made by Vice Mayor Pelley, seconded by Council Member Coker, to approve Ordinance No. 1059 on Second and Final Reading.** Ordinance No. 1059 was approved by the following roll call vote:

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

- 14 -

ORDINANCE NO. 1060 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE TO AMEND TITLE 9, CHAPTER 2, PEDDLERS, SOLICITORS, ETC., TO INCLUDE PANHANDLING.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Burris opened the public hearing. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. **A motion was made by Vice Mayor Pelley, seconded by Council Member Coker, to approve Ordinance No. 1060 on Second and Final Reading.** Ordinance No. 1060 was approved by the following roll call vote:

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

- 15 -

OLD BUSINESS

RECOMMENDATION FOR PARTICIPATION IN THE COALITION FOR BETTER SCHOOLS

City Manager Sumner stated the Memorandum of Understanding (MOU) allows the City to join the newly formed Coalition for Better Schools. This is a coalition that is developed between cities and schools across the state of Tennessee to help pursue some relief from TCA Public Chapter 305 that was passed in 2013. There was language added to the end of that legislation that was well-intentioned but is damaging. As Dr. Miller put it to him in an earlier conversation, it was taxation without representation. It is causing us harm for the funding mechanism for our city schools. City property taxpayers are currently paying county property taxes but the city schools are not getting their proper apportionment of these funds for capital projects. The Coalition is seeking a way to relieve that problem. It is a simple fix by the Legislature to remove that language or to revert back to the previous Chapter 305 before the 2013 adoption. While he was in Nashville attending the 2017 TML Legislative Conference, City Manager Sumner met with legislators to help draft a one page document to clarify and offer a remedy for this problem. There is a cost associated with membership in the Coalition. The cost is \$2,000 annually, and Dr. Miller wishes to split the cost with the City, lowering the cost to the City to \$1,000. The membership fees will be used to help fund this movement. Vice Mayor Pelley stated he had several questions, not with the concept, but with the agreement. It seemed to him to be open-handed and he did not see any meetings, direction, etc. He hoped that any coalition would involve classroom teachers. On the executive board, he would like to see 1, 2 or 3 classroom teachers. They have some wonderful administrators but he knows classroom teachers would also like to be involved. Vice Mayor Pelley stated that as he read through the agreement he was excited but also dismayed as it needed additional items in it. Council Member Perkinson stated that it was his understanding that this item was going to come as a calendar item before the Legislature in the next few weeks. The City was getting on board now so they could be a part of that presentation or a part of the group that would make the presentation to the Legislature. City Manager Sumner noted that he had been part of the draft process for this agreement (MOU), and only received the final version the prior Thursday. The Coalition is moving quickly so that this issue can be addressed and corrected during this current legislative session. **A motion was made by Council Member Perkinson, seconded by Council Member Raper, to join the Coalition for Better Schools; adopt the Memorandum of Understanding; and split the \$2,000 cost of membership with Athens City Schools.** Vice Mayor Pelley reiterated that he was not comfortable voting in favor of adoption as it exists. He wanted to take the MOU and add to it. **A motion was made by Vice Mayor Pelley to table this item.** The

motion failed for lack of a second. Upon conclusion of the discussion, the motion was approved by the following roll call vote:

AYES: Coker, Perkinson, Raper, Burris
NAYS: Pelley

- 16 -

NEW BUSINESS

CONSIDERATION OF PROPOSED RESOLUTION APPROVING AN AGREEMENT FOR SUPERMARKET BUILDING

RESOLUTION NO. 2017-10

A RESOLUTION TO APPROVE MEMORANDUM BETWEEN THE CITY OF ATHENS, TENNESSEE AND MADISON PARK PROPERTIES, A TENNESSEE GENERAL PARTNERSHIP; MARATHON REALTY CORP., A VIRGINIA CORPORATION; K-VA-T FOOD STORES, INC., A VIRGINIA CORPORATION; AND ATHENS UTILITIES BOARD

City Attorney Trew explained the Memorandum was necessitated by the fact that there is a public easement located beneath the northeast corner where the Food City building is going to be erected. In the easement there is an underground stormwater box culvert as well as some old sewer lines dating back to the 60's. The stormwater culvert handles drainage from the West Madison Avenue area of town and flows down to the Food City property and then empties out into the Eastanallee Creek. This is an important part of the stormwater system. There is an existing building over part of the culvert. The concrete culvert came up for discussion when the representatives approached the City for TIF funding. The City Council, staff members and County officials all thought the stormwater culvert under that building was going to be rerouted so that another building would not be erected on it. If the culvert collapses then the City would have to fix it because it is a part of the stormwater system. It was felt that the developer, as part of the project, would redirect the culvert so that if there was damage to the culvert it would be easier to repair and there would be less likelihood of damage to the building. The City and County learned approximately six to eight weeks ago that the developer had decided not to relocate the culvert and sewer line. Since then the developer has decided to reroute the portion of the sewer line that would run underneath the new building but decided to leave the culvert in place. The Memorandum between the City of Athens, Athens Utilities Board, Madison Park Properties, Marathon Realty Corporation, and K-VA-T Food Stores, Inc. would absolve the City of Athens and/or Athens Utilities Board from any liability if the culvert collapses under part of the Food City building. Food City would also be fully responsible for damage to their building or any loss of income if a collapse were to occur. City Attorney Trew noted that Food City was taking precautions to prevent any potential damage to the culvert. They have engineered that part of the building where it is not going to be placing any weight on top of the culvert. The caption of Resolution No. 2017-10 was read by the recording clerk. **Motion was made by Vice Mayor Pelley, seconded by Council Member Perkinson, to approve Resolution No. 2017-10.** After brief discussion, the resolution was approved by the following roll call vote:

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

- 17 -

MANAGER'S REPORT

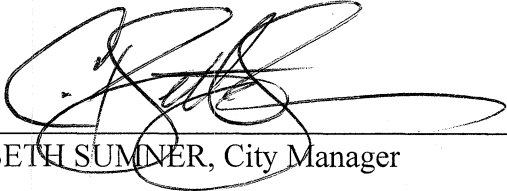
City Manager Sumner presented the Manager's Report. He is continuing to tour the community, city departments, businesses, neighborhoods and industries. City Manager Sumner thanked representatives from the Daily Post-Athenian and Ms. Kathy Price for including him and getting him to the table with a lot of the business owners and industries. He looked forward to continuing to eventually visiting all of them. City Manager Sumner reviewed the various projects currently going on throughout the city. He thanked Comcast for providing the Wi-Fi for council meetings. It had been installed and was now live for the meeting. It is an open network so anyone can feel free to use it when attending the meetings. Budget planning for the upcoming

fiscal year was underway. He was working on the redesign of the City logo and looking at going back to the handshaking which speaks more to the character and spirit of the Friendly City.

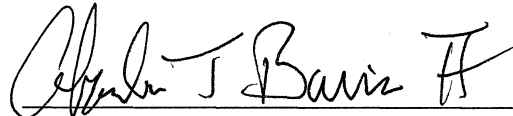
- 18 -

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:59 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor