

ATHENS CITY COUNCIL MINUTES OF MEETING

November 20, 2018

The Athens City Council met in regular session on Tuesday, November 20, 2018, at 6:00 p.m. with Mayor Burris presiding. The invocation was given by Council Member Perkinson; and upon roll call, the following members were present:

Pelley, Perkinson, Raper, Coker, Burris

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 special called meetings of April 3, 2018 and April 16, 2018 were submitted for approval. **A motion was made by Council Member Raper, seconded by Council Member Perkinson, to approve the minutes of the special called meetings of April 3, 2018 and April 16, 2018 as submitted.** Upon roll call, the minutes were approved by the following roll call vote:

AYES: Perkinson, Raper, Coker, Burris

NAYS: Pelley

Mayor Burris read the following statement. "After admitting to using sexually inappropriate language in the workplace environment and being found in violation of City policies and Code of Professionalism by his peers at a meeting of this Council on April 16, 2018, Council Member Pelley violated and was prescribed recourse for his actions. Further, his behavior in several incidents over the past several months has caused distress to this community, this governing body, and has interfered with the operation of our city government and does not reflect what is expected of a council member, as a trustee of the citizens. We are to be model citizens and reflect the best of Athens. Council Member Pelley has not fulfilled his obligations to the people or to this Council. On April 16th, he volunteered and was prescribed letters of apology to both Dr. Miller and Ms. Edmonds. Ms. Edmonds was only delivered an email last week over six months after it was required. He stated under oath these would be delivered but they were not. On April 16th, he violated and was prescribed a particular MTAS Sexual Harassment course and had opportunities to take the online course to which he did not comply. On April 16th, he was removed from all boards and committees due to his inappropriate conduct and still appeared in a closed meeting of the Juvenile Services Committee where he also illegally made a motion and voted on business. The Committee had to meet a second time to legally transact their business without Council Member Pelley's presence, causing undue harm to the Committee and its business. Further, on multiple occasions Council Member Pelley has made public statements which can only be interpreted to mean that he was unwilling to work with our City Manager. He has stated 'I do not trust our City Manager. I do not have any confidence in him.' That was on October 16, 2018. 'I will not go to his office.' That was on October 16, 2018. 'I'm not going to go to him for any type of assistance'. That was on May 7, 2018. The City Manager is the only employee any Council Member may legally work through on behalf of the citizens. For these reasons as Mayor of the City of Athens I ask fellow Council Members for a motion for a vote of no confidence in Council Member Pelley." **A motion of no confidence was made by Council Member Raper, seconded by Council Member Perkinson.** Council Member Pelley responded that the Mayor had alluded to issues that had no validity and were bogus. He stated that he has always had the best interest of the citizens of Athens, not City government, but the citizens. All of the charges brought are bogus with the exception of the Juvenile Services Committee. Council Member Pelley stated he thought it was an open meeting but did not remember voting. He felt this was a witch hunt. He will work with the City Manager. He commented that he thought the City Manager was trainable and he would work with him and help him. In response to the charge regarding the letters, he wrote the letters on April 3rd and delivered it last month. He did not send one to Dr. Miller because he did not think that she wanted one. He stated he had completed the training and sent the City Manager a copy of the certification. The people that know him and God knows that the

charges are bogus. The motion passed by the following roll call vote:

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

The Minutes of the regularly scheduled meeting of October 16, 2018 were submitted for approval. **A motion was made by Council Member Perkinson, seconded by Vice Mayor Coker, to approve the minutes of the regularly scheduled meeting of October 16, 2018.** Upon roll call, the minutes were approved by the following roll call vote:

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

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CERTIFICATION OF ELECTION

The following official tabulation of the Athens City Election was presented by City Attorney Trew and is entered herein as a part of these Minutes:

“We, the undersigned members of the McMinn County Election Commission, do hereby certify that we held a Municipal Election for the City of Athens on Tuesday, November 6, 2018, in all of the voting precincts in this city, according to law, for the purpose of electing the offices of City Commissioner and City School Board, and that we have canvassed the returns of said election as required by law, and we do hereby certify that the following three (3) pages of tabulation are true, correct, and complete accounting of the results by precinct and county of said election as established by the canvassing of the returns, this 19th day of November, 2018.”

McMinn County Commissioners of Election
/s/ Amber M. Robinson, Chairman
/s/ Bobby Goodman, Secretary
/s/ Jordan Curtis, Member
/s/ Todd Watson, Member
/s/Brenda Ratledge, Member

ATHENS CITY COUNCIL – (4 YEAR TERM) VOTE FOR THREE (3)

Bo Perkinson	1,597
Mark Douglas Lockmiller	1,592
Adolphus “Dick” Pelley	1,469
Frances Witt-McMahan	1,361
Jason Pickel	1,355
Yvonne Raper	1,100
Tracy Carter	832
Joseph (Tom) Holmes	<u>541</u>
 Total Votes Cast	 9,847

ATHENS CITY SCHOOL BOARD – VOTE FOR THREE (3)

Amy Sullins	3,068
Johnny Coffman	3,045
Abby Burke Carroll	<u>2,903</u>
 Total Votes Cast	 9,016

A motion was made by Council Member Pelley, seconded by Vice Mayor Coker, to accept the Certification of Election results as presented. The motion passed by the following roll call vote:

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

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SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

The swearing in of the newly-elected council members (Lockmiller, Pelley, Perkinson) was conducted by City Attorney Chris Trew. Upon seating of the new council, followed by roll call, the following members were in attendance:

Burris, Coker, Lockmiller, Pelley, Perkinson

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REORGANIZATION OF COUNCIL

The method of selecting the mayor is determined by the Charter of the City of Athens (Article V; Sections 1 & 11), whereby the councilmen at the first regular meeting after each biennial election shall elect from one of their number a mayor and vice mayor to serve for a term of two years.

ELECTION OF MAYOR

To begin the reorganization of the Council, City Attorney Trew announced he would accept nominations for the election of mayor.

Council Member Perkinson moved to nominate Council Member Burris to serve another two-year term as Mayor, seconded by Council Member Coker. There were no other nominations. Upon roll call, the motion passed by the following vote:

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

ELECTION OF VICE MAYOR

Mayor Burris announced he would accept nominations for the office of Vice Mayor.

Council Member Coker moved to nominate Council Member Perkinson to serve a two-year term as Vice Mayor, seconded by Mayor Burris. There were no other nominations. Upon roll call, the motion passed by the following vote:

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

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COMMUNICATIONS

PRESENTATION OF PROCLAMATION – RALPH FENTON

Vice Mayor Perkinson presented a proclamation congratulating and commending Ralph Fenton for his distinguished service as both a member of the Athens Municipal-Regional Planning Commission and to the community. Mr. Fenton recently ended his 12-year tenure on the board due to term limits.

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PRESENTATION OF PROCLAMATION – YVONNE RAPER

City Manager Sumner presented a proclamation to Council Member Raper for her tenure on the City Council and her distinguished service as both a member of the Athens City Council and the community. Council Member Raper commented that it has been an interesting journey. During her tenure, Food City had come to Athens, Thomas & Betts and Denso had increased in size, the Police Chief, Human Resource Director, and City Manager retired, the Public Works Director resigned and the City faced a devastating fire downtown. Throughout it all, they hung together. She closed by saying it had been a pleasure to serve the citizens of Athens.

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PRESENTATION OF VIVID AWARD

Public Works Director Ben Burchfield presented the Very Important Volunteer Individuals (VIVID) Award for the month of November 2018 to Sandy Moore. Ms. Moore has served as Executive Director for Keep McMinn Beautiful since 2014. She stated it was an honor to be recognized and she was very grateful for the award, but she could not have done it all by herself. For the past four years, she has worked with some phenomenal volunteers who sometimes don't get the recognition they deserve.

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EMPLOYEE OF THE QUARTER

C. Seth Sumner, City Manager, presented the "Employee of the Quarter" award for the fourth quarter to Directed Patrol Officer Jackie Holmes.

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MISCELLANEOUS CORRESPONDENCE

Mayor Burris acknowledged receipt of thank you notes to City Manager Sumner from Athens City Middle School 8th Grade Enrichment class and Mrs. Curtis' kindergarten class at Ingleside School for visiting their classes to meet the students.

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PETITIONS AND REQUESTS

REQUESTS FROM CITIZENS

Walter Fitzpatrick, 412 South White Street, asked to present documents to the City Council regarding the actions against Council Member Pelley. Mayor Burris stated that the Council had already acted on this issue and those documents should be presented either to Council Member Pelley's attorney or to City Attorney Trew. Glenn Whiting, 237 County Road 655, expressed his opinions on the charges against Council Member Pelley and his thoughts on the way the Police Department personnel handle victims of crimes. Mike Simmons, 535 Brewer Street, Principal at Athens City Middle, thanked the City Council for supporting Athens City Schools. He expressed his appreciation for the Athens Police Department and their involvement with the schools. It is approaching a year since Officer Hunter Cardin was named Student Resource Officer. He is doing a great job and growing in that position. Mr. Simmons appreciates how Officer Cardin is working with the students and taking the time to get to know them. He also commended the Athens Fire Department.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of October 2018. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Police Captain Rob Davis presented the Police Department Report for the month of October 2018. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Brandon Ainsworth presented the Fire Department Report for the month of October 2018. The report was accepted as presented.

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CONSENT AGENDA

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

- a.) Approve appointment of Dr. Harley Knowles and Mike Ingram to the Health & Education Facilities Board, terms expire September 21, 2024.
- b.) Approve appointment of Jona McKeehan Garrett to Historic Preservation Commission to serve as the ARPC representative, term expires October 1, 2022.
- c.) Accept bid as submitted by Thomason & Associates to develop design guidelines for the Historic Residential District and a portion of Downtown.
- d.) Approve Resolution No. 2018-35 to authorize commitment of additional funds to complete Tellico/Railroad Avenue Project with Department of Transportation (TDOT).

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

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

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NEW BUSINESS

ACCEPTANCE OF A 10.29-ACRE TRACT OFF GEORGE R. PRICE BOULEVARD FROM MCMINN COUNTY ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. 2018-36

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY CONSISTING OF APPROXIMATELY 10.29 ACRES LOCATED EAST OF GEORGE R. PRICE BOULEVARD AND WEST OF INTERSTATE 75 FROM THE MCMINN COUNTY ECONOMIC DEVELOPMENT AUTHORITY TO THE CITY OF ATHENS, TENNESSEE

The caption of Resolution No. 2018-36 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Coker, to approve Resolution No. 2018-36.**

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

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SMALL CELL SUPPORT STRUCTURES

ORDINANCE NO. 1071 – FIRST READING

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14, CHAPTER 2, SECTION 4.16 TELECOMMUNICATION STRUCTURES, BE AMENDED TO ADD LANGUAGE THAT ADDRESSES SMALL CELL SUPPORT STRUCTURES; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

The caption of Ordinance No. 1071 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 1071 on first reading.** Upon roll call, the motion was approved by the following vote:

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

Council Member Pelley left the room at 7:22 p.m. and returned at 7:25 p.m.

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MANAGER'S REPORT

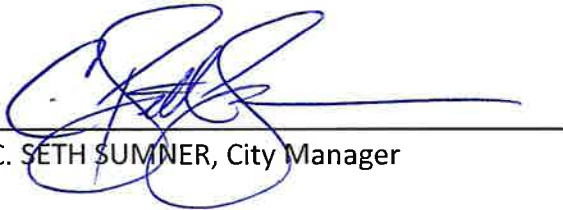
City Manager Sumner reviewed his monthly report including the various Parks and Recreation and Public Works projects and activities going on throughout the city including the Volunteer Service in Our Parks, Halloween Costume Contest and Boo & View, and Veterans Brick Ceremony. He announced Main Street Athens had been awarded a \$6,000 grant from the Y-12 Community Investment Fund to develop a historic walking tour in our downtown. They received a \$20,000 grant from the Lyndhurst Foundation to develop a pocket park on Jackson Street and received a \$1,300 grant from the State Arts Commission to develop a downtown Friendly City mural adjacent to that pocket park. City Manager Sumner reported he had signed seven façade grant award letters to businesses in the downtown area. An offer has been made and accepted for the City's first Technology Manager and will be welcoming that person through a press conference around December 10th. The City is beginning to engage with an architectural and engineering firm to look at some of the issues at City Hall. This is a beautiful, well-constructed building from 1973 but there are a lot of design issues that need to be addressed, safety issues that need to be mitigated, and aesthetic issues. The City Council did place funds in this year's budget for this purpose. The architect will be working with the City to determine what those upgrades need to be and how best to go about those design issues. They will also be working with the City on issues at Public Works. City Manager Sumner announced that he was in early talks with Oak Ridge National Laboratories. They have some unique tools and analytical products they are wanting to test. We are looking to engage in local education, higher education and community service in finding new analytical tools in which to make better decisions. City Manager Sumner stated he was working to get Athens involved as a rural hub in proximity to the National Lab as part of their pilot program. City Manager Sumner then read the following statement to Council Member Pelley. "At some point the chance of a friendship and the possibility for a positive working relationship was lost. Now I understand that we don't have to be friends, but we do have to work together although I do hope that a friendship is still possible. A council member and city manager are required to have a working relationship and that is the essence of our progressive and innovative local government structure. I wish I could point to the one thing and know that at some point I offended you so that I could sincerely apologize and begin the process of rebuilding. I have tried to find what that thing was that seemingly occurred within my third month as city manager but without you speaking with me or communicating with me in any manner, I have not been able to find it. I am at a loss for the hard feelings that exist between us, but they have a negative effect on this community and that is quite unfortunate. The late Lewis

B. Smedes, a noted professor of psychology, wrote "It takes one person to forgive, it takes two people to be reunited. Forgiving does not erase the bitter past. A healed memory is not a deleted memory. Instead, forgiving what we cannot forget creates a new way to remember. We can change the memory of our past into a hope for our future". It is in hope for the future that I offer in the spirit of reconciliation and in the best interest of moving the City forward to make myself available, if you wish, for an informal mediation between us by a mutual friend. Please take the Thanksgiving holiday, sleep on it, pray on it if you will, and when you are ready I will be too." Council Member Pelley responded the City Manager had done a wonderful job presenting his side but there are two sides to every story. He stated he was willing to sit down with the City Manager anytime, anywhere, and spend some time talking, relating, reflecting but felt the City Manager was well aware of what it was that offended him when the Manager did the mishandling of the accusations from Ms. Nina Edmonds. Council Member Pelley stated he can work with the City Manager and will meet with the City Manager at any time, any day, anywhere.

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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 7:44 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor