

ATHENS CITY COUNCIL
MINUTES OF MEETING
May 21, 2019

The Athens City Council met in regular session on Tuesday, May 21, 2019, at 6:00 p.m. with Mayor Burris presiding. The invocation was given by Vice Mayor Perkinson; and upon roll call, the following members were present:

Coker, Lockmiller, Pelley, Perkinson, Burris

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

- 1 -

APPROVAL OF MINUTES

The Minutes of the regularly scheduled meeting of April 16, 2019 were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS AND SPECIAL PRESENTATIONS

PLANS FOR THE MCMINN HIGHER EDUCATION CENTER

Stewart Smith, President of the Tennessee College of Applied Technology – Athens, and Bill Seymour, President of Cleveland State Community College, provided an update on the McMinn Higher Education Center. Currently the project is in the design and programming phase. They are anticipating construction will begin around September 2019 with an anticipated completion date around the end of 2020.

- 3 -

WESTSIDE SCHOOL UPDATES

Mayor Burris acknowledged receipt of an information packet from Westside School, detailing various activities in which the students and faculty are involved.

- 4 -

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 Resolution No. 2019-14 to extend contract with TDOT for maintenance of state rights-of-way within the City limits. **BEN BURCHFIELD**
- b.) Approve bid as submitted by Rogers Group, Inc. for Bid #1694 – Asphalt Services. **JAMES GALLUP**
- c.) Approve rebidding Bid #1695 – Ecological Permeable Pavers. **JAMES GALLUP**
- d.) Reject bid as submitted by AJAX Industrial Cleaning for Bid #1696 – Janitorial Cleaning Services and approve rebidding of project. **JAMES GALLUP**
- e.) Reject bid as submitted by East Tennessee Construction for Bid #1697 – DENSO Eco Park Paver Setting and approve rebidding of project. **JAMES GALLUP**
- f.) Approve Medical Insurance Renewal as submitted by Blue Cross Blue Shield for year beginning July 1, 2019. **NINA EDMONDS**
- g.) Approve City Manager’s request to apply for the ICMA Regional Vice President position for 2020-2023. **C. SETH SUMNER**

A motion was made by Vice Mayor Perkinson, seconded by Council Member Coker, to approve the Consent Agenda in its entirety. Council Member Pelley moved to amend the motion to consider item g.) separately. The amendment to the motion died for lack of a second. The motion was approved by the following roll call vote:

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

- 5 -

ORDINANCES

ORDINANCE NO. 1075 – 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 THE PROPERTY LOCATED AT 810 WEST MADISON AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-1 (LOCAL 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. 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 Council Member Coker, seconded by Vice Mayor Perkinson, to approve Ordinance No. 1075 on Second and Final Reading. The motion to approve Ordinance No. 1075 was approved by the following roll call vote:

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

- 6 -

OLD BUSINESS

NONE

- 7 -

NEW BUSINESS

ORDINANCE TO REZONE PROPERTY LOCATED AT 509, 511, AND 515 CONGRESS PARKWAY - REQUEST BY HECTOR JARAMILLO

ORDINANCE NO. 1076 – 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 THE PROPERTY LOCATED AT 509, 511 AND 515 CONGRESS PARKWAY FROM B-3 (INTENSIVE BUSINESS DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.

The caption of Ordinance No. 1076 was read by the recording clerk. A motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 1076 on First Reading. Council Member Coker expressed his opposition to the proposed ordinance. When Congress Parkway was initially zoned a B-3 district for business, the homes on the bypass were grandfathered in. According to information he had received, if homes were destroyed by 51% or more of their fair market value, then the homes could not be rebuilt. These three houses slipped through the cracks and were rebuilt. Council Member Coker stated his concern was this is a business district with grandfathered homes in it. If they approve the rezoning of these properties, then the Council is setting a precedence up and down the business corridor to be rezoned as housing. Council Member Pelley disagreed with Council Member Coker’s interpretation. He stated the Planning Commission had voted 4-1 in support of this ordinance. He did not feel Council Member Coker’s argument had any validity. The motion to approve Ordinance No. 1076 was approved by the following roll call vote:

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

RATIFY PRIVATE CHAPTER NO. 7, HOUSE OF REPRESENTATIVES BILL NO. 1513

City Manager Sumner stated the proposed resolution ratifies Private Chapter No. 7, House of Representatives Bill No. 1513, enacted by the 111th General Assembly of the State of Tennessee on April 30, 2019. The following changes were noted:

- (1) Section 2, subsection (i), of Article IX, entitled City Manager is amended by deleting the subsection and substituting instead:

Maximum expenditures by City Manager: The City Council shall prescribe by ordinance the maximum expenditure which the City Manager may make without specific authorization of the council, and shall prescribe rules for competitive bidding, but no purchase shall be made at any one time in an amount which in the aggregate will exceed the state-adopted maximum as provided in Tennessee Code Annotated, Title 6, Chapter 56, Part 3, unless bids shall have been requested through public advertisement and award made on bids most advantageous to the city. Any exceptions to competitive bidding established by state law shall apply to purchases by the city, including, but not limited to, those exceptions set forth in Tennessee Code Annotated, Section 6-56-304. When any contract is not awarded to the lowest bidder, the reason for such action shall be given in writing to the City Council.

- (2) Section 7 of Article XX entitled Department of Education is amended by deleting the section and substituting instead the following:

Be it further enacted, That said Board of Education shall, at its first meeting after the official certification of each general city election elect from its number for a one-year term, a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer. Upon the expiration of these one-year terms, the Board of Education shall elect from its number a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer to serve for a one-year term or until the official certification of a General City Election at which time these offices shall be elected again for a one-year term; provided, however, that the board in its discretion, may combine the latter two (2) officers and may appoint the Superintendent of Schools as its Secretary or Treasurer, either or both. Said Board of Education shall keep minutes of all its proceedings in a well bound book, signed by the Chairperson and attested by the Secretary--said book to constitute a permanent and public record. The Treasurer shall receive and hold all school money for the City of Athens, from whatever source (until disbursed on checks signed by himself and countersigned by the Chairperson); provided, that the Treasurer of said board shall, before entering upon the duties of his office, file a bond with the head of the Department of Finance of the City of Athens, in the minimum sum of five thousand dollars (\$5,000.00), or such other and additional amount as the board may require, endorsed by a responsible indemnity corporation, costs for which shall be paid by check issued by said board conditioned upon the faithful discharge of his duties, which bond shall be approved by the Board of Education.

Checks shall be issued only when adequate funds are available for the purpose and where the particular expenditure is authorized by the school budget hereinafter referred to. (Said Treasurer shall submit a periodic financial statement to the City Council.)

- (3) Section 13 of Article XX entitled Department of Education is amended by deleting the language "five thousand dollars (\$5,000)" wherever it appears and substituting instead "the state-adopted maximum as provided in Tennessee Code Annotated, Title 6, Chapter 56, Part 3".

- (4) Section 1 of Article XXIII entitled Advertisement of Public Works is amended by deleting the language after the language "Be it further enacted," and substituting instead the following:

That any public work or improvement, costing more than the amount authorized by Article IX, Section 2, subsection (i) entitled "Maximum expenditures by City Manager," shall be executed by contract, except when specific work or improvements are authorized by the City Council and approved by the City Manager, to be done by the city's own departments.

But the City Manager shall have the power to reject all bids and to perform the work with the city's departments subject to the approval of the City Council and all advertisement shall contain a reservation of this right.

It was noted that the following resolution must be approved by a two-thirds vote of the governing body and forwarded to the Secretary of State for official ratification:

RESOLUTION NO. 2019-15

A RESOLUTION APPROVING PRIVATE CHAPTER NO. 7, HOUSE OF REPRESENTATIVES BILL NO. 1513, PASSED BY THE 111TH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

The caption of Resolution No. 2019-15 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Resolution No. 2019-15.** Upon roll call, the resolution was approved by the following vote:

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

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CLASSIFICATION AND COMPENSATION PLAN UPDATES

Motion was made by Council Member Coker, seconded by Council Member Pelley, to approve changes to the Classification and Compensation Plan as follows: title changes of Police Captain to Deputy Chief, Patrol Officer to Executive Officer, and IT Director to Technology Manager; and transition the Public Management Fellow to Assistant to the City Manager, as detailed in memorandum from Nina Edmonds, Human Resource Director, dated May 7, 2019. Upon roll call, the motion was approved by the following vote:

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

- 10 -

RESOLUTION TO REVISE EMPLOYEE HANDBOOK

RESOLUTION NO. 2019-16

A RESOLUTION TO AMEND THE CITY OF ATHENS EMPLOYEE HANDBOOK TO ADD THREE (3) HOLIDAYS AND TO MODIFY THE METHOD OF ACCRUING VACATION TIME.

The caption of Resolution No. 2019-16 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Resolution No. 2019-16.** Upon roll call, the resolution was approved by the following vote:

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

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RESOLUTION TO REVISE THE VESTING PERIOD FOR THE MONEY PURCHASE RETIREMENT ACCOUNT

RESOLUTION NO. 2019-17

A RESOLUTION TO REVISE THE VESTING PERIOD FOR THE MONEY PURCHASE RETIREMENT ACCOUNT FOR EMPLOYEES OF THE CITY.

The caption of Resolution No. 2019-17 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Pelley, to approve Resolution No. 2019-17.** Upon roll call, the resolution was approved by the following vote:

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

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PROPOSED BUDGET ORDINANCE FOR FISCAL YEAR 2019-2020

ORDINANCE NO. 1077 - FIRST READING

AN ORDINANCE TO ADOPT A BUDGET AND SET THE TAX RATE ON TAXABLE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020.

The caption of Ordinance No. 1077 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Coker, to approve Ordinance No. 1077 on first reading.** Upon roll call, the motion was approved by the following vote:

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

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PROPOSED ORDINANCE TO ADOPT STATE MAXIMUM FOR PURCHASES

ORDINANCE NO. 1078 – FIRST READING

AN ORDINANCE TO AMEND TITLE 1, CHAPTER 2, OF THE ATHENS MUNICIPAL CODE DATED 1995, ENTITLED "CITY MANAGER" BY INCREASING THE CITY OF ATHENS MAXIMUM PURCHASE AMOUNT TO STATE MAXIMUM.

The caption of Ordinance No. 1078 was read by the recording clerk. **A motion was made by Council Member Pelley, seconded by Council Member Lockmiller, to approve Ordinance No. 1078 on First Reading.** The motion to approve Ordinance No. 1078 was approved by the following roll call vote:

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

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of April 2019. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Police Chief Cliff Couch presented the Police Department Report for the month of April 2019. The report was accepted as presented.

- 16 -

FIRE DEPARTMENT REPORT

Fire Chief Brandon Ainsworth presented the Fire Department Report for the month of April 2019. The report was accepted as presented.

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REQUESTS FROM CITIZENS

Glen Whiting, 237 County Road 655, stated he had several issues regarding his awning downtown, parking, and the police, but made no request of the City.

- 18 -

REPORT FROM THE CITY MANAGER

City Manager Sumner reviewed his monthly report including the various Parks and Recreation and Public Works projects and activities going on throughout the city.

- 19 -

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:22 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor