

ATHENS CITY COUNCIL MINUTES OF MEETING

May 19, 2020

The Athens City Council met in regular session on Tuesday, May 19, 2020, at 6:00 p.m. with Mayor Burris presiding. This meeting was held pursuant to Governor Bill Lee's Executive Order # 16, allowing the virtual attendance of council members, and CDC/White House guidelines limiting the number of the group present. The City of Athens upholds its citizens right to witness their legislative body in action and provided this meeting by livestream and the ability to physically attend. The invocation was given by Austin Fesmire, Director of Parks and Recreation; 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.

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APPROVAL OF MINUTES

The Minutes of the regularly scheduled meeting of April 21, 2020 were submitted and approved by unanimous consent.

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COMMUNICATIONS AND SPECIAL PRESENTATIONS

MISCELLANEOUS CORRESPONDENCE

Mayor Burris acknowledged receipt of a thank you card from Ann Davis expressing her appreciation for the City's support during the Living Heritage Museum's annual Trash and Treasure sale. Ms. Davis also expressed her appreciation to the City Manager and Public Works for their quick response when a huge tree fell across Gettys Lane and into her yard. According to Ms. Davis, everything was beautifully cleaned up in less than three hours.

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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.) Appoint John Proffitt to fill vacancy on Board of Zoning Appeals, term expires June 30, 2022.
- b.) Appoint Frank Snyder to fill vacancy on Athens Utilities Board due to term limit, term expires June 30, 2024.
- c.) Reappoint Robert Miller and Mary Scudder to Recreation Advisory Board, terms expire June 30, 2024.
- d.) Approve Resolution No. 2020-21 approving change of trustee for the investments of the City of Athens, Tennessee Pension Plan.
- e.) Approve Health Insurance Renewal as submitted by Blue Cross Blue Shield for year beginning July 1, 2020.

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

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

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ORDINANCES

ORDINANCE NO. 1086 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO AMEND TITLE 9 OF THE ATHENS MUNICIPAL CODE ENTITLED "BUSINESS, PEDDLERS, SOLICITORS, ETC." BY ADDING A CHAPTER 11 REGARDING MOBILE FOOD VENDING.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Burris opened the public hearing. Mark Plaster, owner of 2 Dudes BBQ, stated his concern with the proposed ordinance

mainly had to do with the setting of time limits on how long they can be set up at a particular location. He felt that if they were at a location that paid well, they should not be restricted on how long they stayed. Mr. Plaster recommended they revisit the ordinance and include vendors and food truck operators in the conversation. He did not have any issues with the safety part of the ordinance and the proposed fee was not a problem. Mandie Morris, owner of Ono Grindz, presented the City Council with her statement regarding the proposed ordinance. Ms. Morris asked the City Council to refrain from adopting the ordinance at this time. While she was supportive of a permit process and safety items, it was her recommendation that the Council meet with existing owners to work through the ordinance to change some of the language so that it was beneficial for both the City and the businesses. Renee Tallent, owner of Midlife Frys, requested the Council allow the food vendors an opportunity to have input on the proposed ordinance before the Council considers adopting it. John Elliott, owner of The Wizard of Dogz, stated he felt there were a lot of questions that needed to be answered before the ordinance was approved. Mr. Elliott stated he does kettle corn. Based on his understanding of the ordinance, it appears he could not make kettle corn because it is a machine that is not inside a trailer and has an open flame. He also cooks tamales over an open flame. He agreed with the comments made earlier by other food vendors but felt the City needed to have someone sit down with the food vendors and talk with them before considering this ordinance. There being no others present wishing to discuss the Ordinance, Public Hearing was closed. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Coker, to approve Ordinance No. 1086 on Second and Final Reading** for discussion purposes. Vice Mayor Perkinson stated he felt a step had been missed in this process. He did not feel the ordinance was significantly wrong but there were a few things that needed to be tweaked. In his opinion, they should vote the ordinance down and go back to the drawing board and include the food vendors in the process. Ordinance No. 1086 failed by the following roll call vote:

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

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OLD BUSINESS

None

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NEW BUSINESS

INITIAL RESOLUTION AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS

RESOLUTION NO. 2020-22

INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED THIRTY-FIVE MILLION DOLLARS (\$35,000,000) OF GENERAL OBLIGATION BONDS OF THE CITY OF ATHENS, TENNESSEE.

The caption of Resolution No. 2020-22 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Pelley, to approve Resolution No. 2020-22.** Upon roll call, the resolution was approved by the following vote:

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

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PROPOSED RESOLUTION AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND AUTHORIZING LEVY OF TAXES

RESOLUTION NO. 2020-23

A RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND PAYMENT OF \$35,000,000 OF BONDS BY THE CITY OF ATHENS, TENNESSEE; AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES PRIOR TO THE ISSUANCE OF THE BONDS; AND AUTHORIZING THE LEVY OF TAXES TO PAY THE BONDS AND NOTES.

The caption of Resolution No. 2020-23 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Coker, to approve Resolution No. 2020-23.** 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 2020-2021

ORDINANCE NO. 1087 - 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, 2020 THROUGH JUNE 30, 2021.

The caption of Ordinance No. 1087 was read by the recording clerk. **Motion was made by Council Member Coker, seconded by Vice Mayor Perkinson, to approve Ordinance No. 1087 on first reading** for discussion purposes. Council Member Coker stated he had no problem with the budget except for raising property taxes on the citizens at this time. He felt the City had money in savings and set aside for the school building project that could fund the site preparation costs. A property tax increase was not necessary in order to pass the 2020-2021 budget. Council Member Coker asked the Council to wait until March or April when a general contractor would be in place, they would have a signed set of blueprints, and a better idea of the cost of this project. He understood they are going to have to raise property taxes a minimum of \$.08 but he was trying to give the citizens some tax relief. Vice Mayor Perkinson stated he felt that it was the right thing to do to have a property tax increase at this time. Council Member Lockmiller stated that the citizens have known about the proposed property tax for some time. He did not want to have a double-digit property tax but felt now was the time to raise property taxes. Council Member Pelley also felt a property tax increase was in order at this time. The City Council debated the merits of including a property tax in the 2020-2021 budget. **Council Member Pelley moved to call the question.** Upon roll call vote, the motion passed by the following vote:

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

Upon roll call, the motion to approve Ordinance No. 1087 on first reading failed by the following vote:

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

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith, Finance Director, presented the Finance Department Report for the month of April 2020. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Ainsworth presented the Fire Department Report for the month of April 2020. 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 2020. The report was accepted as presented.

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REQUESTS FROM CITIZENS

NONE

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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.

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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 7:38 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor