

# ATHENS CITY COUNCIL MINUTES OF MEETING

June 21, 2022

The Athens City Council met in regular session on Tuesday, June 21, 2022, at 6:00 p.m. with Mayor Perkinson presiding. The invocation was given by Council Member Witt-McMahan; and upon roll call, the following members were present:

Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson

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

Council Member Curtis moved, Vice Mayor Lockmiller seconded, to approve the Minutes of the August 10, 2021 Called Meeting. Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson  
**NAYS:** None

Vice Mayor Lockmiller moved, Council Member Curtis seconded, to approve the Minutes of the October 18, 2021 Called Meeting. Roll call vote:

**AYES:** Curtis, Witt-McMahan, Lockmiller, Perkinson  
**NAYS:** Pelley

Council Member Witt-McMahan moved, Vice Mayor Lockmiller seconded, to approve the Minutes of May 17, 2022 regularly scheduled meeting. Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson  
**NAYS:** None

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### COMMUNICATIONS AND SPECIAL PRESENTATIONS

#### EMPLOYEE OF THE QUARTER

City Manager Sumner presented the "Employee of the Quarter" award for the third quarter of 2022 to Angela Leitzel, Administrative Assistant in Parks and Recreation.

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#### MISCELLANEOUS CORRESPONDENCE

Mayor Perkinson acknowledged receipt of a card from retiree Mel Barker thanking the City Council for its recent decision to increase retiree benefits. Mr. Barker was referring to the Retirement Committee's recommendation for a one-time increase in monthly benefits for retirees effective July 1, 2022, which was approved by the City Council on April 19, 2022.

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### CONSENT AGENDA

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

- a.) Reappoint Robert Sevigny to the Athens Utilities Board, term expires June 30, 2026.
- b.) Approve bid as submitted by Wilson Construction for construction and installation of the Public Safety Training Facility's prefabricated fire training tower with foundation.
- c.) Approve bid as submitted by Tim's Fencing, Inc. for the purchase and installation of ornamental fencing for downtown Athens.

- d.) Approve the proposed Athens Utilities Board budget for the Fiscal Year 2022-2023.
- e.) Approve Athens Board of Education Appropriation Resolution regarding fund balance amounts at year-end that will be committed or assigned for specific purposes.
- f.) Approve Athens Board of Education Appropriation Resolution stating the Athens City Schools Federal Projects Fund shall be the budget approved for the separate projects within the fund.
- g.) Approve City of Athens Budget Amendment for Fiscal Year 2021-2022.
- h.) Approve Change Order # 11 and request additional funding for the Athens Public Works Renovations and Addition project.
- i.) Approve Change Order # 1 with Stantec for design services related to the Public Safety Training Facility.
- j.) Approve Resolution No. 2022-13 authorizing the City Manager to apply for a 2022-23 PEP "Safety Partners" Matching Grant Program (50/50 match).
- k.) Approve Resolution 2022-14 authorizing the City Manager to apply for a 2022-23 PEP James L. Richardson "Driver Safety" Match Grant Program (50/50 match).
- l.) Approve request to declare SCBA Bottles and Packs as surplus and sold on GovDeals.

Mayor Perkinson asked for a motion. **Council Member Pelley moved, Council Member Witt-McMahan seconded, that the Consent Agenda as stated above be approved.** Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson  
**NAYS:** None

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ORDINANCES

CITY OF ATHENS BUDGET FOR THE FISCAL YEAR 2022-2023

PRESENTATION OF BUDGET

City Manager Sumner shared his priority-driven budgeting philosophy and an overview of capital items and changes in the 2022-2023 budget. He reviewed the items last year for accountability.

ORDINANCE NO. 1109 – SECOND READING/PUBLIC HEARING

**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, 2022 THROUGH JUNE 30, 2023.**

The recording clerk read the caption of the above-described Ordinance. Mayor Perkinson opened the public hearing. Glenn Whiting felt it was offensive to give a five percent cost of living raise to department heads and the city manager instead of giving more money to the workers. Steve Sherlin asked the Council to reconsider spending \$375,000 for pickleball and urged them to use that money for sidewalks, streets, an overhead walkway at TWU, a large Olympic-size pool or community pool, or an amphitheater at Market Park to name just a few things. He also felt a flat amount versus a percentage would be a fairer way of handling the COLA. There being no one else wishing to speak, the public hearing was closed. **Council Member Curtis moved, Council Member Witt-McMahan seconded, to approve Ordinance No. 1109 on Second and Final Reading. Council Member Curtis moved, Council Member Witt-McMahan seconded, to amend the budget to increase the budget allocation for E. G. Fisher Public Library by \$4,600.** Council Member Curtis stated that they were already making an investment in the Library's bricks-and-mortar capital but given all the services they provide, inflation, and to make sure they can hire competitively, he felt they should add those dollars back into the budget that were taken out last month. Council Member Witt-McMahan spoke in support of the amendment. She felt the work that the Library employees do is vital to children in the community. If the Library should come under the umbrella of the City, it would be less effort to catch those employees up to where the City employees are at that time and less hardship on those City dollars. Vice Mayor Lockmiller commented that Library employees are not employees of the City and until our employees' salaries are up to par with other departments of their equal, he cannot support this increase. This increase would go on the Maintenance of Effort (MOE) and once the MOE is increased, the City's contribution will never go down by State law. The amendment passed by the following roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Perkinson  
**NAYS:** Lockmiller

**Vice Mayor Lockmiller moved, Council Member Pelley seconded, to remove the Communications Coordinator position from the budget.** Vice Mayor Lockmiller stated he did not feel now was the right time to be paying that extra salary and he did not feel it was a major need at this time. Council Member Witt-McMahan felt that based on tonight’s discussion she agreed that they could wait on funding this position. Council Member Curtis stated that the majority of the funding for this position is coming from people traveling through our community, staying at our hotels, and leaving a few dollars behind. This is the most prudent use of funds that we know are going to be recurring and that are designated for a specific purpose, the people. Funding a person through the use of lodging tax revenue to promote our City and grow our brand was a valuable investment. Council Member Witt-McMahan did not realize that these funds could not be used to provide more support for the current employees. If those funds could not be used to support current employees, then she would consider supporting the Communications Coordinator position but would like to discuss other uses of the lodging tax funds. Upon conclusion of the discussion, the amendment failed by the following roll call vote:

**AYES: Pelley, Lockmiller**  
**NAYS: Curtis, Witt-McMahan, Perkinson**

**Council Member Pelley moved to table the second reading of the budget.** City Manager Sumner advised that a motion to table was not appropriate as the discussion must be picked up later in that meeting and could not be used if you were tabling the motion for another meeting. **Council Member Pelley moved to lay on the table the second reading of the budget ordinance.** The motion died for lack of a second. **Council Member Witt-McMahan moved, Council Member Pelley seconded, to remove the \$375,000 funding for pickleball courts from the capital budget.** Council Member Witt-McMahan stated she was not against pickleball but felt there were better uses of the money at this time. Mayor Perkinson noted the Recreation Advisory Committee recommended approval of the pickleball courts as part of the City’s recreation program. Roll call vote:

**AYES: Pelley, Witt-McMahan**  
**NAYS: Curtis, Lockmiller, Perkinson**

After the discussion, the motion to approve Ordinance No. 1109 as amended was approved by the following roll call vote:

**AYES: Curtis, Witt-McMahan, Lockmiller Perkinson**  
**NAYS: Pelley**

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OLD BUSINESS

None

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NEW BUSINESS

ADOPTION OF MCMINN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

RESOLUTION NO. 2022-15

A RESOLUTION TO ADOPT THE MCMINN COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.

The recording clerk read the caption of Resolution No. 2022-15. **Council Member Pelley moved, Council Member Witt-McMahan seconded, to approve Resolution No. 2022-15.** Roll call vote:

**AYES: Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson**  
**NAYS: None**

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ADOPTION OF STRATEGIC PLAN

**Council Member Curtis moved, Council Member Witt-McMahan seconded, to adopt the Strategic Plan as submitted.** City Manager Sumner commented that the City has engaged with over 500 citizens, staff, and committee members across our community over the past year to help build this document and to help give us guardrails for the future, where our priorities need to be. It sets the path for the next 20

years and formalizes our strategic planning that is done every year. This is a living document and will be reviewed and updated annually at the Strategic Summit. Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson  
**NAYS:** None

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ORDINANCE TO REZONE PARCEL LOCATED ON KNOXVILLE AVENUE AND SHERWOOD AVENUE – REQUEST BY DAVID STEPHENSON

ORDINANCE NO. 1110 – 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 ON KNOXVILLE AVENUE AND SHERWOOD AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO I-1 (LIGHT INDUSTRIAL DISTRICT) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.

The recording clerk read the caption of the above-described Ordinance. **Council Member Witt-McMahan moved, Vice Mayor Lockmiller seconded, to approve Ordinance No. 1110 on first reading.** Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson  
**NAYS:** None

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ICMA VETERANS LOCAL GOVERNMENT MANAGEMENT FELLOWSHIP PROGRAM

**Council Member Witt-McMahan moved, Vice Mayor Lockmiller seconded, to approve the request to become a host organization for the ICMA Veterans Local Government Management Fellowship Program.** Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Lockmiller, Perkinson  
**NAYS:** None

Council Member Pelley asked for a point of order. He read a statement addressing statements made by the City Manager in his transcript. In his opinion, the City Manager lied during a federal trial. Council Member Pelley requested a Called Meeting to deal with the many issues that will prove that the City Manager lied under oath. The request for a Called Meeting did not receive the support of a second council member. Mayor Perkinson noted that Council Member Pelley had been advised on multiple occasions to take these issues to the City Attorney and, in the future, he will probably not give him a point of order on this issue again.

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REPORTS

ATHENS CITY SCHOOLS QUARTERLY REPORT

Mr. Robert Greene, Superintendent of the Athens City Schools, presented his quarterly update on their current projects and activities.

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FINANCE DEPARTMENT REPORT

Finance Director Mr. Mike Keith presented the Finance Department Report for May 2022. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Brandon Ainsworth presented the Fire Department Report for May 2022. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Chief Fred Schultz presented the Police Department Report for May 2022. The report was accepted as presented.

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REQUESTS FROM CITIZENS

Steve Sherlin, Crestway Drive, asked to have his name removed from the list. Michael Coffey, President of PFLAG Athens, urged the City Council to adopt a proclamation proclaiming June 2022 as Pride Month in Athens. Ford Ector, 840 County Road 750, requested the Regional Park be reopened to the public for the July 4<sup>th</sup> celebration. Dick Pelley, 155 Morning Pointe Lane, requested a Called Meeting to clarify why the City Manager was disciplined and to have a Called Meeting to deal with City Manager Sumner committing perjury under oath in his deposition at a Called Meeting and in Federal court. Glenn Whiting, 247 County Road 655, made several comments but made no request of the City.

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REPORT FROM THE CITY MANAGER

City Manager Sumner responded to the continued attacks against him and other people by a council member and others. He reviewed current projects and upcoming events.

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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 8:38 p.m.



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C. SETH SUMNER, City Manager



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WILLIAM BO PERKINSON, Mayor