

# ATHENS CITY COUNCIL

## MINUTES OF MEETING

December 20, 2022

The Athens City Council met in regular session on Tuesday, December 20, 2022, at 6:00 p.m. with Mayor Sherlin presiding. The invocation was given by Council Member Pelley; and upon roll call, the following members were present:

Curtis, Pelley, Witt-McMahan, Sherlin

Vice Mayor Eaton was absent.

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 November 14, 2022 called meeting, November 15, 2022 regularly scheduled meeting, and December 6, 2022 called meeting were submitted and approved. **Council Member Pelley moved, Council Member Curtis seconded.** Roll call vote:

<b>AYES:</b>	<b>Curtis, Pelley, Witt-McMahan, Sherlin</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Eaton</b>

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### COMMUNICATIONS AND SPECIAL PRESENTATIONS

#### NORTH CITY SCHOOL UPDATE

Angel Hardaway, the principal of North City Elementary School, expressed appreciation for the Fire Department and Parks Department for the students' movie day and for the Council in all they do for the school.

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#### PRESENTATION OF PROCLAMATION - MARK LOCKMILLER

Council Member Witt-McMahan presented a proclamation to Vice Mayor Lockmiller for his tenure on the City Council.

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#### PRESENTATION OF PROCLAMATION – WILLIAM BO PERKINSON

Council Member Curtis presented a proclamation to Mayor Perkinson for his tenure on the City Council.

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### CONSENT AGENDA

Mayor Sherlin advised the recording clerk to read the following items into the record:

- a.) Appoint Perry McCowan (Witt-McMahan), term expires March 21, 2024 and Lisa Bloss-Johnson (Eaton), term expires March 21, 2025 to the Council Advisory Committee.
- b.) Approve City of Athens Debt Management Policy, annual review by the Athens City Council.
- c.) Approve Resolution No. 2022-34 authorizing the distribution of Athens Utilities Board's electrical in lieu of tax payments for fiscal year 2022/2023.
- d.) Approve Resolution No. 2020-35 authorizing the distribution of Athens Utilities Board's gas in lieu of tax payments for fiscal year 2022/2023.
- e.) Approve Resolution No. 2022-36 authorizing the application to the Appalachian Regional Commission for funding Mt. Verd Industrial Park site improvements.
- f.) Approve Resolution No. 2022-37 authorizing the submission of a Violent Crime Intervention Fund grant in the amount of \$188,579.

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Interim City Attorney Buckley noted that item d.) on the Consent Agenda had a typographical error. The Resolution should be 2022-35, not 2020-35. He also noted that the TCA code referenced in Resolution No. 2022-35 was incorrect. The correct TCA code is 7-39-401 et. seq. **Council Member Pelley moved, Council Member Curtis seconded, that the Consent Agenda as read and amended be approved.** Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Sherlin  
 NAYS: None  
 ABSENT: Eaton

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OLD BUSINESS

**CONSIDERATION OF RENEWING CONTRACTUAL AGREEMENT WITH RETAIL STRATEGIES, LLC FOR PROFESSIONAL RETAIL DEVELOPMENT CONSULTANT SERVICES.**

Council Member Curtis moved, Council Member Witt-McMahan seconded, to move the discussion regarding the contract with Retail Strategies, LLC to the January 9, 2023 study session. Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Sherlin  
 ABSENT: None

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NEW BUSINESS

**MOTIONS TO APPROVE APPOINTING 2 ALTERNATES TO THE CITY MANAGER SEARCH COMMITTEE**

Council Member Witt-McMahan nominated Robert Long and Council Member Pelley nominated Shane Sewell and Moises Contreras to serve as alternates to the City Manager Search Committee. There were no further nominations.

Council Member Witt-McMahan moved, Council Member Curtis seconded, to appoint Robert Long as an alternate to City Manager Search Committee. Roll call vote:

AYES: Curtis, Witt-McMahan, Sherlin  
 NAYS: Pelley  
 ABSENT: Eaton

Council Member Pelley moved, Council Member Curtis seconded, to appoint Shane Sewell as an alternate to City Manager Search Committee. Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Sherlin  
 NAYS: None  
 ABSENT: Eaton

Council Member Pelley moved, Council Member Curtis seconded, to appoint Moises Contreras as an alternate to City Manager Search Committee. Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Sherlin  
 NAYS: None  
 ABSENT: Eaton

Council Member Witt-McMahan moved, Council Member Curtis seconded, to add an additional alternate to the City Manager Search Committee for a total of three (3) alternates. Roll call vote:

AYES: Curtis, Pelley, Witt-McMahan, Sherlin  
 NAYS: None  
 ABSENT: Eaton

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**APPROVE BASE BID IN THE AMOUNT OF \$2,106,003 AND ALTERNATE 1 IN THE AMOUNT OF \$154,716 (ALTERNATE 1 TO BE FUNDED BY MCMINN REGIONAL HUMANE SOCIETY) AS SUBMITTED BY ROBERT ROBERTS, LLC FOR THE LARRY DEAN WALLACE, SR. ANIMAL SHELTER AND ADOPTION CENTER BUILDING.**

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**Council Member Pelley moved, Council Member Witt-McMahan seconded, to approve the Base Bid and Alternate 1 for the Larry Dean Wallace, Sr. Animal Shelter and Adoption Center building. Roll call vote:**

**AYES:** Curtis, Pelley, Witt-McMahan, Sherlin  
**NAYS:** None  
**ABSENT:** Eaton

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**PROPOSED ORDINANCE TO RESCIND AND REPLACE ORDER OF BUSINESS OF REGULAR CITY COUNCIL MEETING AGENDA**

**ORDINANCE NO. 1115 – FIRST READING**

**ORDINANCE TO AMEND THE ATHENS MUNICIPAL CODE TO ALTER THE ORDER OF BUSINESS OF REGULAR CITY COUNCIL MEETINGS.**

**Council Member Pelley moved, Council Member Witt-McMahan seconded, to approve Ordinance No. 1115 on first reading.** Interim City Manager Keith clarified that this ordinance changes the order of business to have the Requests from Citizens moved from Item XII to Item VII and will follow Communications and Special Presentations on the agenda. Roll call vote:

**AYES:** Curtis, Pelley, Sherlin  
**NAYS:** None  
**ABSTAIN:** Witt-McMahan  
**ABSENT:** Eaton

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**APPROVE NEW DESIGN FOR CITY SEAL**

**Council Member Pelley moved, Council Member Witt-McMahan seconded, to approve the new design for the City Seal (the middle one on the bottom of page 54 in the agenda packet that contains the date, the name of the city, Friendly City, and the name of the state.)** Council Member Curtis stated his opinion for not supporting the new design. Council Member Witt-McMahan stated her opinion in favor of using the new design as the City Seal and using the current logo as a logo. **Mayor Sherlin moved, Council Member Pelley seconded, to postpone the discussion to January 9, 2023 study session.** Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Sherlin  
**NAYS:** None  
**ABSENT:** Eaton

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**APPROVE RESOLUTION NO. 2022-38 TO RESCIND THE CODE OF PROFESSIONALISM FOR THE ATHENS CITY COUNCIL.**

**RESOLUTION NO. 2022-38**

**A RESOLUTION TO RESCIND THE CODE OF PROFESSIONALISM FOR THE ATHENS CITY COUNCIL.**

The caption of Resolution No. 2022-38 was read by the recording clerk. **Council Member Pelley moved, Mayor Sherlin seconded, to approve Resolution No. 2022-38 to rescind the Code of Professionalism for the Athens City Council.** Mayor Sherlin stated the Council is under the State of Tennessee Ethics Code, the Code of Ethics in the Athens Municipal Code, and the Code of Professionalism, that is three (3) ethics codes for Council to follow. Interim City Attorney Buckley stated there was no need for three codes and that the State code would prevail regardless. Roll call vote:

**AYES:** Curtis, Pelley, Witt-McMahan, Sherlin  
**NAYS:** None  
**ABSENT:** Eaton

**Council Member Pelley moved, Mayor Sherlin seconded, to have the Interim City Attorney look at all the City's lawsuits and see which ones the City can resolve.** Interim City Attorney Buckley stated that in his professional opinion, they should not be discussing pending litigation in a public forum. He was not going to involve himself in this public forum with matters of litigation that have not been to court yet. Interim City Attorney Buckley advised the Council not to discuss this issue, that they deny Council Member Pelley's motion, and they discuss pending litigation at the proper place and time. Council Member Pelley stated he was not asking the Council to discuss these cases, he was asking the Council to ask him to look at the cases and advise the Council on which ones could be settled before they go to court. Interim City

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Attorney Buckley stated those conversations are already taking place. **Council Member Pelley withdrew his motion.**

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REPORTS

FINANCE DEPARTMENT REPORT

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

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FIRE DEPARTMENT REPORT

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

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POLICE DEPARTMENT REPORT

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

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REQUESTS FROM CITIZENS

Glenn Whiting, 237 County Road 655, addressed concerns regarding his lawsuits and depositions and that he will be proceeding with further lawsuits.

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REPORT FROM THE CITY MANAGER


Interim City Manager Keith presented an update with events, sales tax, employee retirements, and appreciation for the City being selected as the Grand Marshal for the Jimmy Liner Memorial Christmas Parade.

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ADJOURNMENT

There being no further business to come before the meeting, the meeting adjourned at 7:34 p.m.

  
MICHAEL L. KEITH, Interim City Manager

  
STEVEN S. SHERLIN, Mayor