

ATHENS CITY COUNCIL
MINUTES OF MEETING
June 20, 2023

The Athens City Council met in regular session on Tuesday, June 20, 2023, at 6:00 p.m. with Mayor Sherlin presiding. The invocation was given by Mayor Sherlin; and upon roll call, the following members were present:

Curtis, Pelley, Witt-McMahan, Eaton, Sherlin

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 May 16, 2023 regularly scheduled meeting and the May 24, 2023 called meeting were submitted and approved. **Council Member Curtis moved, Council Member Pelley seconded.** Roll call vote:

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

- 2 -

COMMUNICATIONS AND SPECIAL PRESENTATIONS

Victoria White provided an update on her recent visit to Sister City Isahaya, Japan and presented a proclamation from Isahaya which was read by Council Member Pelley.

- 3 -

Nina Edmonds, Human Resources Director, presented Savana Smith with the Employee of the Quarter award for the second quarter of 2023.

- 4 -

REQUESTS FROM CITIZENS

Approximately 25 individuals addressed the Council in regards to the recent display at the E. G. Fisher Public Library concerning Pride month. Some individuals spoke against the display, while others spoke in favor of the display.

CONSENT AGENDA

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

- a.) Approve proposed Athens Utilities Board budget for Fiscal Year 2023-2024.
- b.) Approve budget amendment #3 for Athens City Schools.
- c.) Approve Athens board of Education Appropriation Resolution regarding fund balance amounts at year-end that will be committed or assigned for specific purposes.
- d.) 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.
- e.) Approve Resolution No 2023-14 to apply for Bullet Proof Vest Grant.
- f.) Approve Resolution No. 2023-15 to provide funding for Table Graces Food Pantry and McMinn County Senior Citizens Center.
- g.) Approve Paving list.
- h.) Approve Resolution No. 2023-16 concerning TDOT right-of-way maintenance contract for a period of two years.
- i.) Approve Resolution No. 2023-17 adopting bicycle/pedestrian plan.
- j.) Approve Resolution No. 2023-18 to accept Exit 49 Signalization from TDOT.
- k.) Approve use of pole jointly with AUB for Elizabeth Street and White Street signalization as a part of the new school construction.
- l.) Reappoint Becky Simpson and Victoria White to the Sister Cities Committee, terms expire on July 17, 2026.
- m.) Reappoint Kenny Charles to the Board of Zoning Appeals, term expires on June 30, 2028.
- n.) Appoint Tyler Boyd to the Athens Historic Preservation Commission, to fill the unexpired term of Richard Newman, term expires on March 6, 2025.
- o.) Approve Certified Tax Rate of \$1.0078 as provided from the State of Tennessee.

Council Member Pelley moved, Council Member Curtis seconded, that the Consent Agenda as stated above be approved. Roll call vote:

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

ORDINANCES

ORDINANCE TO REZONE PROPERTY LOCATED ON SHORT STREET

ORDINANCE NO. 1118 – SECOND 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 ON SHORT STREET FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL) 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 Sherlin opened the public hearing. There being no one wishing to speak, the public hearing was closed.

Council Member Curtis moved, Council Member Witt-McMahan seconded, to approve Ordinance No. 1118 on Second Reading. Roll call vote:

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

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ORDINANCE TO REZONE PROPERTY ON DECATUR PIKE TO R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

ORDINANCE NO. 1119 – SECOND 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 ON DECATUR PIKE FROM B-3 (INTENSIVE BUSINESS DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL) 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 Sherlin opened the public hearing. There being no one wishing to speak, the public hearing was closed.

Council Member Curtis moved, Council Member Witt-McMahan seconded, to approve Ordinance No. 1119 on Second Reading. Roll call vote:

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

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PROPOSED BUDGET ORDINANCE FOR FISCAL YEAR 2023-2024

ORDINANCE NO. 1120 – 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, 2023 THROUGH JUNE 30, 2024.

The caption of the above-described ordinance was read by the recording clerk. Mayor Sherlin opened the public hearing. Glenn Whiting spoke against giving funds to the Arts Council and Lisa Blos-Johnson asked for clarification concerning the funds that were set aside for pickleball courts.

Council Member Pelley moved, Vice Mayor Eaton seconded, to approve Ordinance No. 1120 on second reading. Vice Mayor Eaton moved, Council Member Pelley seconded, the following amendment. For Mainstreet and the Arts Council to obtain the funds from the hotel/motel tax, they will need to give a written statement of the total of funds needed, what they are going to be used for and also when needed. Once these are given, the council will place the item on the agenda for the upcoming City Council meeting and vote either to give the funds or

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keep for future use. Both groups must give the fund request in a timely manner and if it is an emergency, the council can have a called meeting to vote on the funds needed. Roll call vote:

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

Mayor Sherlin moved, Vice Mayor Eaton seconded, to amend the budget to include the purchase of two additional patrol vehicles for the police department and the funds will come from the capital fund. Roll call vote:

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

Mayor Sherlin moved, Council Member Pelley seconded, to amend the budget to provide that the \$1,500 raise included in the budget be for all full-time employees who begin working prior to July 4, 2023. Roll call vote:

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

There being no further discussion regarding the budget, the budget ordinance, as amended, was approved based on the following roll call vote:

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

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OLD BUSINESS

None

- 10 -

NEW BUSINESS

PROPOSED ORDINANCE UPDATING THE INTERNATIONAL ENERGY CONSERVATION CODE

ORDINANCE NO. 1121 – FIRST READING

AN ORDINANCE TO AMEND THE ATHENS MUNICIPAL CODE, TITLE 12 ENTITLED “BUILDING, UTILITY, ETC. CODE: TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

The caption of the above-described ordinance was read by the recording clerk. **Council Member Pelley moved, Vice Mayor Eaton seconded, to approve Ordinance No. 1121. Roll call vote:**

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

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MOTION CONCERNING BIDS FOR PICKLEBALL COURTS AT INGLESIDE

Vice Mayor Eaton moved, Council Member Curtis seconded, to move discussions regarding pickleball courts at Ingleside to the July Study Session. Roll call vote:

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

- 12 -

MOTION TO APPROVE WILLAM A. BUCKLEY, JR AS INTERIM CITY ATTORNEY

Council Member Curtis moved, Vice Mayor Eaton seconded, to appoint William A. Buckley, Jr. as interim City Attorney. Roll call vote:

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

- 13 -

MOTION TO ACCEPT RESIGNATION OF CITY ATTORNEY STEPHEN HATCHETT

Council Member Pelley moved, Vice Mayor Eaton seconded, to accept the resignation of City Attorney Stephen Hatchett effective June 30. Roll call vote:

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

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MOTION CONCERNING LEAKED INFORMATION FROM AN EXECUTIVE SESSION FOR THE PROPOSED LAWSUIT SETTLEMENT ITEM ON THE MAY 16 COUNCIL MEETING

Council Member Pelley moved, Vice Mayor Eaton seconded, that the City Council, along with the City Attorney, conduct an investigation into who leaked information from an Executive Session of the Council to Chris Trew regarding the proposed lawsuit settlement on the May 16 Council agenda. Roll call vote:

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

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MOTION TO RECONSIDER A PREVIOUS MOTION REGARDING SETTLEMENT OF GLENN WHITING'S LAWSUITS AGAINST THE CITY OF ATHENS

Council Member Pelley moved, Vice Mayor Eaton seconded, that the City Council reconsider a previous motion. The motion stated that the City Council authorizes the incoming City Manager and City Attorney to negotiate with Glenn Whiting in an attempt to settle his lawsuits against the City. Any settlement requires approval of the City Council. Roll call vote:

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

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MOTION REGARDING INVESTIGATION INTO ATHENS POLICE DEPARTMENT AND THE HUMAN RESOURCES DEPARTMENT

Vice Mayor Eaton moved, Council Member Pelley seconded, a motion to look into the morale and other issues in the police department and launch an investigation into issues involving the police department and human resources department about concerns regarding off duty pay for the canine officers and the actions or inactions of the HR department regarding issues that have been brought up in exit interviews and statements by former officers. The investigators will have access to all information and all parties are kept safe from retribution and harassment and protection under Whistleblower laws. A full report and recommendations will be provided to the Council and City Manager. The Rogers Group will be the law firm to do the work at a price of \$250 per hour, not to exceed \$15,000 and the investigation will begin on July 3. Mayor Sherlin moved, Council Member Pelley seconded, a substitute motion to look at the problems in the police department, investigate the human resources department as to how the issues have been handled and allow the new City Manager and City Attorney to do the investigation with no outside entity involved. Roll call vote on the substitute motion:

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

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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 June 2023. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Brandon Ainsworth presented the Fire Department Report for June 2023. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Police Chief Fred Schultz presented the Police Department Report for June 2023. The report was accepted as presented.

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REPORT FROM THE CITY MANAGER

Interim City Manager Keith presented an update on various projects and programs taking place in June and July. The report was accepted as presented.

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ADJOURNMENT

There being no further business to come before the meeting, the meeting adjourned at 10:00 p.m.

STEVEN S. SHERLIN, Mayor

Michael L. Keith, Interim City Manager