

MINUTES OF MEETING, ATHENS CITY COUNCIL, SEPTEMBER 12, 2016

The Athens City Council met in called session on September 12, 2016, at 5:45 p.m. with Mayor Davis presiding. The invocation was given by Council Member Burris; and upon roll call, the following members were present:

Burris, Pelley, Raper, Perkinson, Davis

The following decision was made and ordered made a part of the records of the Athens City Council.

The purpose of the meeting, issued in the "Notice of Called Meeting" dated September 6, 2016, was read and made a part of these minutes:

NOTICE OF CALLED MEETING

There will be a called meeting of the Athens City Council on Monday, September 12, 2016, at 5:30 p.m. immediately following the Executive Session in the Athens Municipal Building Conference Room located at 815 North Jackson Street for the purpose of discussing pending litigation and action, if necessary.

/s/

Ann S. Davis, Mayor

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NEW BUSINESS

City Attorney Trew stated he had met with the City Council in closed session to review all pending litigation with the City of Athens. He felt there were two (2) lawsuits which were at the stage where the City could settle them. The first lawsuit was with Southern Athletic Fields, Inc. The City had contracted with Southern Athletic Fields for renovations of the soccer and softball fields at Athens Regional Park. The cost for sand and refurbishing was approximately \$36,000. After the work was done, it was deemed unsatisfactory so the City did not pay. The plaintiff was originally requesting \$36,000 to settle the case. City Attorney Trew stated he could settle the case with a payment of \$12,500, which was less than the cost of the sand put on the field and labor. The plaintiff wanted \$14,000 but was willing to accept \$12,500. The appropriate release would be required to be signed prior to receipt of payment. **A motion was made by Council Member Burris, seconded by Council Member Raper, to authorize the City Attorney to settle the claim with Southern Athletic Fields, Inc. in the amount of \$12,500.** Motion was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis

NAYS: None

City Attorney Trew stated the next lawsuit he would like to recommend the City settle was Chris Hafley vs. the City of Athens. This lawsuit was involving members of the Athens Fire Department. He noted he was not directly involved in this litigation as it was being handled by the Tennessee Municipal League Risk Management Pool. The lawsuit was filed in 2004 regarding a hostile work environment. There was court ordered mitigation and the case against the City could be settled for \$16,000. The Tennessee Municipal League would pay half and the City will pay the other half. The City will be required to reimburse the Tennessee Municipal League a \$1,000 deductible on the insurance policy. Again, the appropriate release would be required prior to payment. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Burris, to authorize the claim with Chris Hafley be settled for \$16,000.** Motion was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis

NAYS: None

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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 5:54 p.m.



ANN S. DAVIS, Mayor



MITCHELL B. MOORE, City Manager