

MINUTES OF MEETING, ATHENS CITY COUNCIL, NOVEMBER 17, 2015

The Athens City Council met in regular session on Tuesday, November 17, 2015, at 6:00 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 decisions were made and ordered made a part of the records of the Athens City Council.

- 1 -
MINUTES

The Minutes of the regularly scheduled meeting of October 20, 2015 was submitted and approved by unanimous consent.

- 2 -
COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Council Member Raper presented the Very Important Volunteer Individual Award for November 2015 to Isaac Fesmire for volunteering to assist with the running of the local Soap Box Derby race. Isaac thanked everyone for the award and stated it was a pleasure to work with everyone at the City of Athens.

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MISCELLANEOUS CORRESPONDENCE

Mayor Davis acknowledged receipt of a letter of appreciation from Patti Greek, Chairman of the Council Advisory Committee, thanking Fire Chief Jim Dyer for his presentation at the Committee's October quarterly meeting.

- 4 -
PETITIONS AND REQUESTS

AUDIENCE

Mayor Davis opened the meeting for petitions and requests from the audience. Mr. Stephen Dick, 610 Greenwood Drive, Apt. 25, thanked the City Council for giving him the opportunity to speak at their Council Meeting and Work Session on Insure Tennessee. He commented it was awkward for him to ask the City Council to adopt a resolution supporting Governor Haslam's Insure Tennessee plan since this was not something under their jurisdiction. He remarked that the Council had been very gracious to him. He asked them, when considering this item at their next work session, to remember that 280,000 people in Tennessee are without insurance and 3,500 of those people live in McMinn County and have no access to affordable health care.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of October 2015. The report was accepted as presented.

- 6 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of October 2015. The report was accepted as presented.

- 7 -

FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of October 2015. The report was accepted as presented.

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CONSENT AGENDA

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

- a.) Approve staff's recommendation to declare assorted items as surplus property and authorize trade in as detailed in memorandum from Matthew Marshall, Director of Purchasing, dated November 5, 2015;
- b.) Accept quote from Stowers Caterpillar to replace the following heavy equipment: 1 Case 60XT, 1 Case 40XT and 1 Komatsu Loader as detailed in memorandum from Matthew Marshall, Director of Purchasing, dated October 14, 2015.

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

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

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ORDINANCES

ORDINANCE NO. 1043 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO RAISE THE SALES AND USE TAX IN THE CITY OF ATHENS, TENNESSEE, FROM 2% TO 2.75% AND TO REQUEST A REFERENDUM OF THE PEOPLE TO APPROVE THE ORDINANCE.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Davis opened the public hearing. Paul McMillan, 206 Cawana Street, asked the Council if the sales tax referendum fails would they do away with the property tax rate increase. Mayor Davis stated the outcome of the sales tax referendum would dictate whether or not the property tax rate was reduced. Mr. McMillan retorted that whether or not they approved a sales tax increase the people were still going to pay higher taxes. The majority of citizens he had spoken to did not want a tax increase. Mr. McMillan felt the referendum was a great mistake. Hal Buttram, 208 Circle Drive, strongly disagreed with Mr. McMillan's statement that the majority of people do not want a tax increase. He felt most people in this city want to see Athens continue to progress. In order for the city and the school system to do that, they have to have some form of tax. The property tax can be levied by the Council's vote only. As an option, this Council has promised to rescind that property tax rate increase if the sales tax referendum passes. Mr. Buttram stated he wholeheartedly supports the Council sending the sales tax increase to the voters. If they vote no to the sales tax increase then the property tax that is in place will have to be used to fund the city. The citizens have the option of voting for a sales tax that will include the surrounding communities and other counties when they come to shop in Athens. It only makes sense that they allow them to share in the costs to maintain the city as they use our facilities here such as the Regional Park and rails-to-trails. Chief Ziegler just reported that 30% of the arrests they make are people from outside the city limits. Let the people come into the city and share those expenses. Mr. McMillan stated he understood what Mr. Buttram was saying but people do not understand why so many grants are out there. There are so many things that need to be done in the city. Roads need to be fixed and the police department is losing people because they are not paid well enough yet the City wants to raise taxes not to do those things but to increase spending on those grants. 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 Raper, to approve Ordinance No. 1043 on Second and Final Reading.** Vice Mayor Perkinson stated this issue had been discussed for three or four years. It was his belief that

coming out of a recession was not the time to have a tax increase and he felt the City Council also felt that way. Athens has one of the lowest local sales tax rates in the state and certainly one of the lowest sales tax rates for a city with a local school system. The school system cannot raise taxes. They receive a little more than half of the City's local sales tax income to operate the school system. Vice Mayor Perkinson stated he was elected to see the city go forward and to progress and that was by being careful with money. He felt that he was careful with the city's money and part of that was going out for grants to fund those things that they needed to do in the city to continue to progress. He felt the sales tax referendum was the right choice and was consistent with what was said back in June that the Council wanted to give people a choice of going another direction. If the local sales tax reference as proposed is approved then they would roll back the property tax increase. Council Member Burris stated he agreed with Vice Mayor Perkinson. He would rather have a sales tax increase than a property tax increase. Citing a recent online poll by the Daily Post-Athenian, the question was asked "Are you confident members of the Athens City Council will keep the promise to roll back the recent property tax increase if voters approve a .75% sales tax increase?" The people that believed the Council would roll back taxes was 14.3%. People that believed the Council would not roll back taxes was 85.7%. He felt they needed a tax increase but felt the voters should decide whether they wanted to increase sales tax or property taxes. If the voters did not want to do either then the hard decision would have to be made by the City Council on what services to the citizens would have to be cut such as fire service, police and public works. Council Member Pelley stated that he too believed in progress. Back in May he made a proposal that said they would not have to raise sales tax or property tax. He felt that proposal was solid and could be managed. Where the majority of the Council felt this was a need, he felt it was a want. At the conclusion of the discussion, Ordinance No. 1043 was approved by the following roll call vote:

AYES: Raper, Perkinson, Davis
NAYS: Burris, Pelley
ABSENT: None

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NEW BUSINESS

CONSIDERATION OF PROPOSED ORDINANCE TO AMEND THE OFFICIAL ZONING MAP TO ADD OMITTED PARCELS BACK TO THE MAP

ORDINANCE NO. 1044 – FIRST READING

AN ORDINANCE TO AMEND 'THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,' SO AS TO AMEND THE OFFICIAL ZONING MAP TO ADD PARCELS TAX MAP 057N GROUP A PARCELS 026.00 AND 027.00 AS M-1 MEDICAL DISTRICT, SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.

The caption of the above-described Ordinance was read by the recording clerk. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Pelley, to approve Ordinance No. 1044 on First Reading.** The motion was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

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CONSIDERATION OF PROPOSED RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FOR A GRANT FROM CLEAN TENNESSEE ENERGY GRANT PROGRAM

RESOLUTION NO. 2015-24

A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FOR A GRANT FROM THE CLEAN TENNESSEE ENERGY GRANT PROGRAM THROUGH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR BUILDING SOLAR AND WIND POWER GENERATORS IN DENSO ECO PARK FOR THE USE IN THE PARK AND TO SELL TO TVA.

The caption of Resolution No. 2015-24 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to approve**

Resolution No. 2015-24. Council Member Burriss asked Shawn Lindsey, Public Works Director, how much the grant was the City would be applying for and how much was the match for this grant. Mr. Lindsey explained they were applying for an \$80,000 grant. This was a 50/50 grant and the \$80,000 match would be paid for with money from Denso. He stated that Denso had pledged \$80,000 for the next three years and a portion of that money would be used for this grant. The property where the park will be located is currently owned by the McMinn County Economic Development Authority. This will be a public park. Funds earned by selling power generated by the solar and wind power back to the TVA would be used toward maintenance of this park. Council Member Pelley asked why the Economic Development Authority did not apply for this grant. Mr. Lindsey stated he believed the EDA could not have applied for this grant as the City will be managing the project. **A motion was made by Council Member Burriss, seconded by Council Member Pelley, to table this item and take it back to the next work session and take a look at the maintenance issue.** After a brief discussion, the motion to table failed by the following roll call vote:

AYES: Burriss, Pelley
NAYS: Raper, Perkinson, Davis

The motion to approve Resolution No. 2015-24 was approved by the following roll call vote:

AYES: Raper, Perkinson, Davis
NAYS: Burriss, Pelley

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CONSIDERATION OF PROPOSED RESOLUTION AUTHORIZING EXECUTION OF CONTRACT WITH TENNESSEE DEPARTMENT OF AGRICULTURE FOR GRANT FUNDS FOR DENSO ECO PARK STREAM AND WETLAND RESTORATION

RESOLUTION NO. 2015-25

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ATHENS, TENNESSEE AND THE TENNESSEE DEPARTMENT OF AGRICULTURE FOR GRANT FUNDS UP TO \$200,000 FOR DENSO ECO PARK STREAM AND WETLAND RESTORATION.

The caption of Resolution No. 2015-25 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to approve Resolution No. 2015-25.** Mr. Lindsey explained this was a 319 grant through the Department of Agriculture. The funds would be used to restore the wetlands and stream at the Denso Eco Park. After brief discussion, the motion was approved by the following roll call vote:

AYES: Raper, Perkinson, Davis
NAYS: Burriss, Pelley

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CONSIDERATION OF PROPOSED RESOLUTION PROPOSING TO LOWER THE PROPERTY TAX RATE SHOULD VOTERS APPROVE A SALES TAX INCREASE

RESOLUTION NO. 2015-26

A RESOLUTION PROPOSING IF THE VOTERS IN ATHENS, TENNESSEE APPROVE A SALES TAX INCREASE THE ATHENS CITY COUNCIL WILL LOWER THE PROPERTY TAX RATE IN THE 2016-2017 PROPOSED ANNUAL BUDGET.

The caption of Resolution No. 2015-26 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to approve Resolution No. 2015-26.** After a brief discussion, the motion was approved by the following roll call vote:

AYES: Burriss, Raper, Perkinson, Davis
NAYS: Pelley

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PROPERTY TAX PLEDGE

Mayor Davis read the Property Tax Pledge in its entirety. She stated she was not asking the City Council to vote on the pledge. This was a personal commitment to the citizens of Athens stating that she will vote to roll back property taxes should the sales tax increase be approved by the voters. A copy of the Property Tax Pledge was given to each of the Council members if they wanted to make a personal pledge. Council Members Burris and Pelley stated they would not be signing the pledge as their constituents know they will vote to roll back the property tax rate.

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ATHENS CITY SCHOOLS PROPOSED BUDGET AMENDMENTS – FY 2015 - 2016

A motion was made by Council Member Pelley, seconded by Council Member Burris, to approve Athens City Schools Budget Amendment #1 (Federal Programs Fund) and Budget Amendment #2 (General Purpose Fund) for fiscal year 2015/2016. The motion was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

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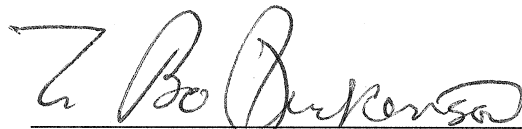
MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of November/December. The report was accepted as presented.


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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.



WILLIAM BO PERKINSON, Vice Mayor



MITCHELL B. MOORE, City Manager