

ATHENS CITY COUNCIL MINUTES OF MEETING

November 17, 2020

The Athens City Council met in regular session on Tuesday, November 17, 2020, at 6:00 p.m. with Mayor Burris presiding. The invocation was given by Mayor Burris; and upon roll call, the following members were present:

Dotson, Lockmiller, Pelley, Perkinson, Burris

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 October 20, 2020 regularly scheduled meeting were submitted and approved by unanimous consent.

Mayor Burris stated this would be his last meeting as Mayor of the City of Athens. Due to his father's failing health, he decided not to run for re-election and will be devoting his time to taking care of him. He thanked the City Council, City Manager, and staff for their support and commented that he had truly enjoyed serving on the City Council for the past eight years.

- 2 -

CERTIFICATION OF ELECTION

The following official tabulation of the Athens City Election was presented by City Attorney Trew and is entered herein as a part of these Minutes:

*"We, the undersigned members of the McMinn County Election Commission, do hereby certify that we held a **Municipal Election** for the **City of Athens** on **Tuesday, November 3, 2020**, in the voting precincts in this city, according to law, for the purpose of electing the offices of **Athens City Council & School Board**, and that we have canvassed the returns of said election as required by law, and we do hereby certify that the following 3 pages of tabulation are a true, correct, and complete accounting of the results by precinct of said election as established by the canvassing of the returns, this **16th day of November, 2020.**"*

McMinn County Commissioners of Election
/s/ Matthew Todd Watson, Chairman
/s/ Bobby Goodman, Secretary
/s/ Stephen Miller, Member
/s/ Amber Robinson, Member
/s/ Brenda Ratledge, Member

ATHENS CITY COUNCIL - (4 YEAR TERM) VOTE FOR TWO (2)

Jordan Curtis	2960
Frances Witt-McMahan	2866
Eric Morrow	2085

Total Votes Cast 7911

ATHENS CITY SCHOOL BOARD - VOTE FOR THREE (3)

Chris Adams	3656
Michael Bevins	3492
Beth Jackson	3437

Total Votes Cast 10,585

- 3 -

SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

The swearing in of the newly elected council members (Curtis and Witt-McMahan) was conducted by City Attorney Trew. Upon the seating of the new council, followed by roll call, the following members were in attendance:

Curtis, Lockmiller, Pelley, Perkinson, Witt-McMahan

- 4 -

REORGANIZATION OF COUNCIL

The method of selecting the mayor is determined by the Charter of the City of Athens (Article V; Sections 1 & 11), whereby the council member at the first regular meeting after each biennial election shall elect from one of their number a mayor and vice mayor to serve for a term of two years.

City Attorney Trew asked City Manager Sumner to review the procedure that would be followed. City Manager Sumner stated that, in accordance with Robert's Rules of Order, when nominations are opened that means that the floor is open for nominations. Nominations can then be made and do not have to be seconded, but they can be seconded to show support. All nominations are valid and once nominations are closed that means there will be no more nominations coming forward. A vote on the first nomination will then be taken. If the motion passes, then that carries. If the motion fails, you move to the next nomination and so on and so forth until the nomination passes. A single council member cannot make multiple nominations for the position.

ELECTION OF MAYOR

To begin the reorganization of the Council, City Attorney Trew announced that he would accept nominations for the election of mayor. **Council Member Curtis moved to nominate Council Member Perkinson to serve as Mayor.** There were no other nominations. Council Member Witt-McMahan stated for the record that it was her feeling that the rule for divisiveness is caused by the way they select the mayor. She stated she was going to support the nomination but she also wanted the process to be more transparent, to do things that our citizens can be proud of, and to work together on behalf of the City and not be so divided. There was no discussion about how they wanted to proceed and felt it was embarrassing to continue to do this. She did not want to hear that this is how it has always been done; it is time to change the way they do things to make people feel comfortable with them. City Attorney Trew responded stating that he had discussed this issue with Council Member Witt-McMahan previously and understood her concerns. The Charter of the City of Athens is what this Council is bound by. At present, the way it reads is after an election when the Council is first seated the first order of business is to elect a mayor. This needs to be done in a public meeting. City Attorney Trew believed Council Member Witt-McMahan desired to have this discussed in a study session. If that was what she desired, he suggested she ask to have that put on the study session agenda for the next election. It would take a Charter change but that was something that could be discussed. The nomination to elect Council Member Perkinson as Mayor was approved by the following roll call vote:

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

ELECTION OF VICE MAYOR

Mayor Perkinson requested nominations for the office of Vice Mayor. **Council Member Witt-McMahan moved to nominate Council Member Lockmiller to serve as Vice Mayor, seconded by Council Member Curtis.** There were no other nominations. Council Member Witt-McMahan stated she was very proud to serve with Council Member Lockmiller. He has shown fairness in everything he has done. She has watched him over the last few years and felt he has shown great leadership. She was happy to nominate him publicly. Council Member Curtis stated that Council Member Lockmiller was a person of extremely high character and he will serve honorably as Vice Mayor for the City of Athens. The nomination was approved by the following roll call vote:

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

- 5 -

COMMUNICATIONS AND SPECIAL PRESENTATIONS

ATHENS NORTH CITY SCHOOL UPDATES

Angel Hardaway, Principal at Athens North City School, was present. Her update on the various activities in which the students and faculty are involved was included in the agenda packet.

- 6 -

PRESENTATION - CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mayor Perkinson announced that the City had received the Government Finance Officers Association "Certificate of Achievement for Excellence in Financial Reporting" for fiscal year ended June 30, 2019. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. This marked the 28th consecutive year the City has received this award.

- 7 -

PRESENTATION OF PROCLAMATIONS TO MAYOR BURRIS AND COUNCIL MEMBER DOTSON

City Manager Sumner stated that they could not have been prouder for Council Member Dotson to step up and serve the community the last few months as a council person. It was on August 18, 2020, which was the date of the ratification of the 19th amendment that gave the women the right to vote. It was that same date 100 years later that we returned a woman to the City Council and the first ever black woman to sit on this Council. He then presented Council Member Dotson with a proclamation for her tenure on the City Council. Council Member Dotson thanked the City Council for the opportunity to serve and stated she will continue to serve this community.

City Manager Sumner presented Mayor Burris with a proclamation for his tenure on the City Council and went on to recognize him for the things that had been accomplished in his two terms as City Council Member and two terms as Mayor of the City of Athens. Mayor Burris commented that he appreciated the kind words, but he could not have done it without the City Council. While they may not always agree, they always tried to do what was best for the citizens of Athens. He commended the City Council, City Manager, City Attorney, and staff for a great job. Those things could not have been accomplished during his tenure without Team Athens.

- 8 -

CONSENT AGENDA

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

- a.) Approve purchase of a replacement generator for AFD Station 2.
- b.) Athens City Schools Budget Amendment No. 2 (General Purpose) for Fiscal Year 2020-2021.
- c.) Athens City Schools Budget Amendment No. 1 (Cafeteria/Food Service) for Fiscal Year 2020-2021.
- d.) Approve Resolution No. 2020-43 authorizing application to Tennessee Department of Agriculture Nonpoint Source Program to help remediate alteration to local streambanks due to MS4 discharge and de-siltation activities at Athens Regional Park.
- e.) Approve recommendation to purchase a replacement utility truck for the street construction division and to declare F-350 Utility Truck (Asset 3774) as surplus property and sold upon receipt of new vehicle.

On motion by Council Member Pelley, seconded by Council Member Witt-McMahan, the Consent Agenda as stated above was approved by the following roll call vote:

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

- 9 -

ORDINANCES

None

- 10 -

OLD BUSINESS

None

- 11 -

NEW BUSINESS

ORDINANCE TO REZONE PROPERTY LOCATED AT 14 CARTER ROAD – REQUEST BY OVERCOMING FAITH CHRISTIAN CENTER

ORDINANCE NO. 1097 – 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 AT 14 CARTER ROAD FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-3 (INTENSIVE BUSINESS 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 Council Member Pelley, seconded by Council Member Curtis, to approve Ordinance No. 1097 on First Reading.** The motion was approved by the following roll call vote:

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

- 12 -

INTERLOCAL AGREEMENT FOR EMERGENCY RESPONSE ON EUREKA TRAIL

RESOLUTION NO. 2020-44

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT WITH MCMINN COUNTY AND THE TOWN OF ENGLEWOOD FOR MUTUAL AID SERVICE WITHIN THE EUREKA TRAIL OUTSIDE THE CITY'S CORPORATE LIMITS.

The caption of Resolution No. 2020-44 was read by the recording clerk. **Motion was made by Council Member Curtis, seconded by Council Member Witt-McMahan, to approve Resolution No. 2020-44.** Upon roll call, the resolution was approved by the following vote:

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

- 13 -

ORDINANCE REGULATING THE IMPOUNDMENT OF ANIMALS KNOWN OR SUSPECTED TO HAVE BITTEN A PERSON

ORDINANCE NO. 1098 – FIRST READING

AN ORDINANCE TO AMEND TITLE 10, CHAPTER 2, SECTION 10-202, REGULATING THE IMPOUNDMENT OF ANIMALS KNOWN OR SUSPECTED TO HAVE BITTEN A PERSON.

The caption of the above-described Ordinance was read by the recording clerk. **A motion was made by Council Member Pelley, seconded by Council Member Curtis, to approve Ordinance No. 1098 on First Reading.** The motion was approved by the following roll call vote:

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

- 14 -

CORRECTION OF SURVEYOR'S DESCRIPTION FOR THE HARRISON RIDGE SUBDIVISION ANNEXATION

RESOLUTION NO. 2020-45

A RESOLUTION TO AMEND RESOLUTION 2020-38 TO CORRECT THE DESCRIPTION OF THE REAL PROPERTY ANNEXED INTO THE BOUNDARIES OF THE CITY OF ATHENS, TENNESSEE.

The caption of Resolution No. 2020-45 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Curtis, to approve Resolution No. 2020-45.** Upon roll call, the resolution was approved by the following vote:

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

Council Member Pelley made a motion that the City Council encourage the citizens of Athens to wear their face masks when out in public, seconded by Council Member Witt-McMahan. He commented that while they can't mandate the wearing of masks, he wants to get the word out to every citizen to encourage them to wear a mask or some type of face covering when out in public. Mayor Perkinson stated that this was not an item on the agenda. Council Member Pelley stated he did not feel it needed to be on the agenda. City Manager Sumner stated that this did not require a motion and was something the City could do on its own without any formal action. Council Member Pelley stated that a motion would give it that much more authority and it was appropriate to do. Council Member Curtis stated he did not feel comfortable voting on an item that was not properly placed on the agenda so the citizens were not aware that they would be voting on this issue. While he agreed with Council Member Pelley on the wearing of face masks, he felt it should be placed on the December Study Session agenda. A discussion followed on the proper procedure for handling an item not placed on the agenda. City Manager Sumner challenged that the motion was out of order and uncalled for. He stated that based on the Council's discussion, he was hearing most members say that they wanted to move it to the next Study Session, so they had an opportunity to deliberate about it. Upon roll call, the resolution was approved by the following vote:

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

- 15 -
REPORTS

COMMUNITY DEVELOPMENT QUARTERLY BUILDING REPORT

Mr. Anthony Casteel, Community Development Director, presented the Quarterly Building Report for the City of Athens. The report was accepted as presented.

- 16 -

FINANCE DEPARTMENT REPORT

Mr. Mike Keith, Finance Director, presented the Finance Department Report for the month of October 2020. The report was accepted as presented.

- 17 -

FIRE DEPARTMENT REPORT

Fire Chief Ainsworth presented the Fire Department Report for the month of October 2020. The report was accepted as presented.

- 18 -

POLICE DEPARTMENT REPORT

Police Chief Cliff Couch presented the Police Department Report for the month of October 2020. The report was accepted as presented.

- 19 -

REQUESTS FROM CITIZENS

None

- 20 -

REPORT FROM THE CITY MANAGER

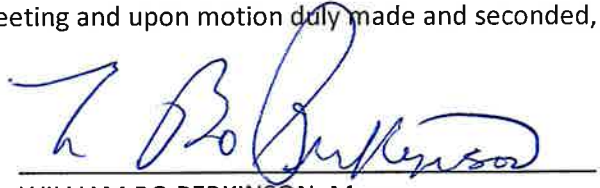
City Manager Sumner reviewed his monthly report including the various Parks and Recreation and Public Works projects and activities going on throughout the city.

- 21 -
ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:35 p.m.



C. SETH SUMNER, City Manager



WILLIAM BO PERKINSON, Mayor