THE CITY COMMISSION
CITY OF PARIS, TENNESSEE
February 6, 2014
REGULAR MEETING

The Board of Commissioners of the City of Paris, Tennessee met in regular session Thursday, February 6, 2014 at 6:00 p.m. in the City Hall Courtroom of the City of Paris, Tennessee for the purpose of conducting the following and any other business:

OLD BUSINESS:

1. Rezoning Request for Property Located at 401 East Wood Street (Second Reading)

NEW BUSINESS:

1. Financial Update
2. Appointments to Boards
3. Request for Retroactive Approval of RDA Loan Borrowing
4. Beaver Management Agreement on Bailey Fork
5. Administrative Hearing Board for MS-4 Violations
6. FY 2014 Budget Amendment Number 1
7. Request to Sell Surplus Property
8. Signalization Concerns
9. Former Catholic / Lutheran Church Renovation

Present: Mayor Sam Tharpe
Vice Mayor Gayle Griffith
Commissioner Pete Lackey
Commissioner Carlton Gerrell
Commissioner Terry Fuller

Also Present: Carl Holder, City Manager
Fred McLean, City Attorney
Kim Foster, Finance Director
Willette Ray, Administrative Assistant to the City Manager
Jennifer Morris, Community Development Director
Terry Wimberley, Board of Public Utilities

Media: Bill McCutcheon, The Paris Post-Intelligencer
Tim Alsobrooks, WMUF
Shannon McFarlin, WTPR

Mayor Tharpe called the meeting to order. The Pledge of Allegiance was led by Mr. Conner Samuels and a Moment of Silence was observed.

APPROVAL OF MINUTES

The minutes of the previous meeting held Thursday, January 2, 2014 were approved with a correction following a motion by Commissioner Gerrell and seconded by Commissioner Fuller. The motion carried unanimously.

COMMENTS FROM CITIZENS & PUBLIC

No Comments

COMMENTS FROM THE COMMISSION

No Comments.

OLD BUSINESS

REZONING REQUEST FOR PROPERTY LOCATED AT 401 EAST WOOD STREET (SECOND READING)

Gary Wayne and Emily Wilson have requested the rezoning of the rear of their property from B-3 (General Commercial) to R-2-M (Medium Density Residential). This property is the rear portion of their property at 401 East Wood Street.

After a brief discussion, Vice Mayor Griffith made a motion to approve the rezoning request on First Reading and refer this to the Planning Commission. The motion was seconded by Commissioner Fuller and was approved unanimously.

At the Planning Commission meeting held Thursday, January 9th, Mr. Griffith made a motion which was seconded by Ms. Terrell to refer this to the City Commission for a Public Hearing and a Second Reading at the next meeting scheduled for Thursday, February 6, 2014. The motion carried unanimously.

ORDINANCE NO. 1167

AN ORDINANCE to Amend Title 11, Chapter 104
of the Paris Municipal Code

SECTION 1. BE IT ORDAINED by the Board of Commissioners of the City of Paris, Tennessee, that the Paris Municipal Code be amended as follows:

Title 11, Chapter 104, Section B, identifying, "The Official Zoning Map of Paris, Tennessee," as adopted, is amended as follows:

That the following described property be zoned R-2-M same being currently zoned B-3:

This property is located in the First Civil District of Henry County, Tennessee, and now known as Map 106A, Group D, Parcel 1.0. It is situated on the north margin of Blythe Street. The property is more particularly described as follows:

BEGINNING at a ½-inch rebar with cap number 1791 found at the southeast corner of which this tract is a part, and being the southwest corner of McKenzie Banking Company, Record Book 247, Page 299, and being in the north margin of Blythe Street, 11 feet from the center; runs thence with the north margin of Blythe Street North 87 degrees 14 minutes 03 seconds West, 119.90 feet to the east right-of-way of Blakemore Street; thence with the right-of-way North 02 degrees 53 minutes 15 seconds East, 117.57 feet to a ½-inch rebar found; thence with a severance line as follows: South 77 degrees 41 minutes 14 seconds East, 43.58 feet to a ½-inch rebar with cap set; South 38 degrees 01 minutes 44 seconds East, 42.24 feet to a ½-inch rebar with cap set; South 85 degrees 53 minutes 28 seconds East, 49.27 feet to a ½-inch rebar with cap set in the west line of McKenzie Banking Company, Record Book 247, Page 299; thence with McKenzie Banking Company South 02 degrees 53 minutes 50 seconds West, 77.21 feet to the Point of Beginning, and containing 0.26 acres, more or less, as surveyed by James M. McCrory, Tennessee Registered Land Surveyor Number 2760, of L. I. Smith & Associates, 302 North Caldwell Street, Paris, TN 38242, on January 23, 2014. Record bearings are based upon Plat Cabinet F, Slide 15.

SECTION 2. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect on and after passage of final adoption.

Passed and adopted January 2, 2014.

Passed and adopted February 6, 2014.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

NEW BUSINESS

FINANCIAL UPDATE

Finance Director Kim Foster presented the Financial Update. She stated that November's Retail Sales fell below last year's level, but were not as significantly below the previous year as sales were at the first of the calendar year. Sales in November were $310,251 below sales in November 2012, representing a 1.23% reduction. At the first of this year we were seeing sales fall anywhere from 4 1/2% to 6% below the previous years levels. Year-to-date we are 2.37% behind last year with just one more month to be reported.

Revenues, after being adjusted for extraordinary items, are at 47.48% of budget in the General Fund and are at 48.57% of budget in the Solid Waste Fund. Expenditures, after adjustments, are at 49.01% of budget in the General Fund being ahead of budget is associated with our transfer station and our contract with Freedom Waste. The tonnage going through our transfer station is up 5.66% year-to-date over last year-to-date. We have also recognized a sight price increase per ton. Additionally, we have realized that we under budgeted for this line item this year. We will resolve the last issue with a budget amendment.

APPOINTMENTS TO BOARDS

There were no new appointments to be considered in the month of February.

REQUEST FOR RETROACTIVE APPROVAL OF RDA LOAN BORROWING

In May of 2011 as we were creating the financial structure for the Bethel – HCMC Project we were informed by RDA that they would look favorably upon a request for an RDA Rural Economic Development Loan / Grant. At that time we (County Mayor Brent Greer, Mr. Larry Crawford and Holder) called personnel in the Office of the State and Local Financing inquiring as to whether prior approval of debt to RDA was required. We were informed that it was not and we proceeded accordingly. We did get prior approval for the TML loan of $6.5m.

Currently our auditors issued a finding based on current Comptroller's Office Policy which requires prior approval of borrowings from RDA. We considered protesting the finding, but after consultation with the City Attorney it was decided that the best course was to offer an explanation of why we did not comply, no ill intent, and offer to comply after the fact while giving assurances we will comply in the future.

After a brief discussion, Mr. Gerrell made a motion which was seconded by Mr. Lackey to approve the submittal of the post-borrowing CT-0253 Report of Debt Obligation. The motion carried unanimously.

BEAVER MANAGEMENT AGREEMENT ON BAILEY FORK

The West Tennessee Riverbasin Authority preformed a major re-channelization on Bailey Fork Tribe II a couple of years ago. The area most impacted was Lankford Road area up and down stream.

A major issue with the previous channel loss was beaver activity.

The Basin Authority offers a management program with a cost of $2,000 for the stream, local share $500. Holder suggested this as a cost effective method to minimize upstream issues of flooding and future loss of channelization.

No formal action is necessary but informal consensus concurrence.

After a brief discussion, Commissioner Lackey made a motion which was seconded by Commissioner Gerrell to make an informal consensus on the topic. The motion carried unanimously.

ADMINISTRATIVE HEARING BOARD FOR MS-4 VIOLATIONS

State regulations have been clarified by State EPA to require that an Administrative Board be available to hear from any enforcement action the City administration takes against MS-4 violators. They must be trained to hear such appeals. It does not have to be a new Board but may be an existing Board. The current ordinance bestows sufficient authority to designate such a Board.

Possibilities are the Planning Commission, Board of Adjustments and Appeals, or the Board of Zoning Appeals.

Staff recommends the Housing Board of Adjustments and Appeals as the closest fit and the Commission agreed.

FY 2014 BUDGET AMENDMENT NUMBER 1

As we have previously informed you the Office of State and Local Finance strongly encourage the use of the budget amendment process to keep pace with modifications in our budget plan.

The following Ordinance is presented for First Reading.

After a brief discussion, Commissioner Fuller made a motion to approve the Amendment on First Reading. Commissioner Lackey seconded the motion which carried unanimously.

This will be presented at next month's meeting scheduled for Thursday, March 6, 2014 for a Public Hearing and a Second Reading.

REQUEST TO SELL SURPLUS PROPERTY

Our Code outlines a specific process for the declaring and sale of surplus real property.

The BPU requests that the Commission declare one acre located on Mockingbird Lane surplus. This is a wooded lot surrounded by woods, and bounding Mockingbird.

The property description was included in the agenda.

Terry Wimberley, of the Board of Public Utilities, was present to answer any questions.

After a brief discussion, Commissioner Lackey made a motion which was seconded by Commissioner Gerrell to approve the request to sell the surplus property. The motion carried unanimously.

SIGNALIZATION CONCERNS

FYI – we are reviewing data from two (2) intersections, both involving a state route. The results for SR 76 on US 79 and Chickasaw / Fairground Roads are as follows:

5 Year Data			
Accidents	Injuries	Fatalities	Property Damage
17	18	0	2

Superficial analyses of the accidents reveal:

Causes	
6	Rear end – Lack of attention
	2 of 6 in transition area
6	Ran red signal
2	Claim of black out
1	Improper attempt to enter road
2	Difficult turn execution

The majority of the accidents bear no relation to intersection design. The balance might could be impacted by changes in posting (warning) or changes in turn movements. Speed did not appear to be a factor in any of the accidents. However, Holder stated that he would defer to the TDOT experts.

FORMER CATHOLIC / LUTHERAN CHURCH RENOVATION

We plan to secure the former Catholic / Lutheran Church building for storage via safety related renovations.

There is personal property in the building. We will dispose of by the appropriate methods.

STATUS OF VARIOUS PROJECTS AND DEPARTMENTAL SUMMARIES

ONGOING PROJECTS (as of 01-31-14)

	Item	Primary Staff	Target Completion Date(s)	Notes
1	Back Alley Paris Proposal	Holder / Morris	N/A	Major grant applications submitted; in depth planning process underway.
2	Collinwood Drainage	Public Works	Weather dependent	Completed Phase I; Starting Phase II; Weather permitting; Engineering complete.
3	Hazelwood	Holder		Holder and Greer creating Plan B for development of Youth Camp
4	Annexation Projects	Holder / Morris	Finished original scope	Amending for pressure issues on 79 South; Also on Peppers Drive
5	Employee Handbook	Holder / Foster / Ray	Indefinite	Reflect personnel rules
6	MTAS Benchmarking	Holder		Draft results received for review January 24th
7	218 Bypass	Morris / Holder / Greer	January 22nd for all purchases to be completed	Missed January 22nd deadline for purchases due to railroad issues; Morris actively working with railroad, TDOT, and Greer to resolve.
8	Valleywood Drainage Project	Holder / Jessie	Ongoing Process	ARAP Permit denied; Reapplying; Have General Permit with 100' of man-made structures.
9	MS-4 Permit	Holder / Morris / Jessie / Brown	Deadline for NOI Application December 31, 2013	Currently working on NOI submission.

There being no further business the meeting was duly adjourned at 6:45 p.m.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director