THE CITY COMMISSION
CITY OF PARIS, TENNESSEE
MAY 2, 2013
REGULAR MEETING

The Board of Commissioners of the City of Paris, Tennessee met in regular session Thursday, April 4, 2013 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 812 East Wood Street (Second Reading)
2. Rezoning Request for Property on Mineral Wells Avenue (Second Reading)
3. Resolution Regarding Charges for Cost of Compliance with the Open Records Statute

NEW BUSINESS:

1. Financial Update
2. Appointments to Boards
3. Joint Resolution between the City and the County to Encourage Joint City / County Participation and Purchasing Practices
4. Presentation of Report on Debt Obligation on the BPU CON Issuance of $920,000
5. TDOT Purchase of City Property
6. Rezoning Request for Property at 103 and 105 McClain Road
7. Certificate of Compliance – Retail Package Store – Theodore Kenworthy – West Wood Wines and Liquors

STATUS OF VARIOUS PROJECTS AND DEPARTMENTAL SUMMARIES

1. Project Update Sheet

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

Also Present: Carl Holder, City Manager
Fred McLean, City Attorney
Kim Foster, Finance Director
Jennifer Morris, Community Development Director
John Etheridge, Board of Public Utilities

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

Mayor Tharpe called the meeting to order. The Pledge of Allegiance and a Moment of Silence were observed.

APPROVAL OF MINUTES

The minutes of the previous meeting held Thursday, May 2, 2013 were approved as presented following a motion by Commissioner Fuller and seconded by Commissioner Fuller. The motion carried unanimously.

COMMENTS FROM CITIZENS

Ray Hooper, 223 Avalon Drive, stated that he was worried about trees falling near his property. He thanked the Commission for considering the problem. The issue is that development over the years has caused more runoff and hence more soil erosion in the area. City Manager Carl Holder said it is undermining the root system of the trees along the creek and causing them to fall in addition to causing flooding concerns during heavy rain events.

Holder presented a plan to the commission and audience about what recommendations he feels will be coming from the engineer who is studying the project. The plan includes cutting most of the current trees down, which are mostly large oaks, and having the bank area laid back and filled with sod grass, which will be able to absorb and hold more water during heavy rains. Holder said they will then add younger trees with deeper root systems in hopes to stabilize the bank and help stop the erosion. He also advised that a drainage easement will be requested from property owners in the area.

The timetable for completion is undetermined. The engineer has had some family emergencies, and a very wet spring has pushed things back. Plans are to at least get numbers in the new budget which starts July first and proceed as quickly as they can on the issue.

COMMENTS FROM COMMISSION

The Mayor said that everything possible will be done to correct the problems on Valleywood. He asked that the citizens please give the City the opportunity to fix it. Hopefully, the time frame will be two to three months.

OLD BUSINESS

REZONING REQUEST FOR PROPERTY LOCATED AT 812 EAST WOOD STREET (SECOND READING)

Ms. Debra Lemonds had requested a rezoning of property located at 812 East Wood Street. She has an option to purchase this property. Currently the zoning is B-1 Highway Commercial. Following discussion with City Staff, Ms. Lemonds has requested the City to consider the T.R.B. (Transitional Residential Business) Zone.

The City Commission referred this to the Planning Commission for a recommendation.

At the Planning Commission Meeting held Thursday, March 14th, Terry Wimberley made a motion which was seconded Gayle Griffith to rezone the three (3) properties from B-1 to TRB. The properties to be rezoned are 812, 814, and 816 East Wood Street. The motion carried unanimously.

A Public Hearing was held before the Regular Meeting and this is up for Second Reading. After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Gerrell to approve the rezoning request. The motion carried unanimously.

ORDINANCE NO. 1153

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 TRB, same being currently zoned B1:

This property is located in the First Civil District of Henry County, Tennessee. The property is more particularly described as follows:

BEGINNING at a point on the north margin of East Wood Street, being the southwest corner Map 106B, Group C, Parcel 29.0, and the southeast corner of Map 106B, Group C, Parcel 30.0; thence North 160 feet to a point in the northwest corner of this tract (Parcel 29.0) and the south boundary of an alley; thence East 166.5 feet with the north boundary of Parcels 29.0, 28.0 & 27.0 to a point in the northeast corner of this tract and the northwest corner of Map 106B, Group C, Parcel 26.0; thence with the west boundary line of Parcel 26.0, South 160 feet to a point in the north margin of East Wood Street, being the southeast corner of this tract (Parcel 27.0); thence with the north margin of East Wood Street, West 166.5 feet to the point of beginning.

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 April 4, 2013.

Passed and adopted May 2, 2013.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

REZONING REQUEST FOR PROPERTY ON MINERAL WELLS AVENUE (SECOND READING)

Staff requested that the Board of Commissioners consider rezoning property located on Mineral Wells Avenue, more specifically Map No. 106J, Group B, Parcel 10.01. This parcel fronts on Mineral Wells Avenue and is adjacent to a parcel owned by the same person.

On the map the front portion of the property is zoned B-1 General Business. The property widens approximately 300 ft. into the parcel. The back portion of the same property is zoned M-2 (Heavy Industrial). Also, the rear portion of the property is not desirable for development due to the topography.

Mineral Wells is the City's highest traffic count and the most desirable area of the City for retail development. By having an industrial zoning designation on a portion of this property it will make it difficult for any retailer to develop this property. Staff recognizes this basically as a "housekeeping" measure to eliminate any barriers for developing this property.

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

At the Planning Commission meeting held Thursday, April 11th, Mr. Griffith made a motion which was seconded by Mr. Gerrell to approve the rezoning request. The motion carried unanimously.

This rezoning request is presented for Second Reading and a Public Hearing was held prior to the Meeting.

After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Gerrell to approve the rezoning request. The motion carried unanimously.

ORDINANCE NO. 1154

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 B-1, same being currently zoned M-2:

This property is located in the First Civil District of Henry County, Tennessee. Since part of the property is already zoned M-2, the property is described in its entirety for the purpose of making sure the entire tract is rezoned. The property is more particularly described as follows:
Shown on Tax Map 106-J, Group B, Parcel 10.01, in the Register's Office of Henry County, Tennessee. Said property is more particularly described as follows:

Beginning at a pin in the south margin of Memorial Drive (formerly known as Mineral Wells Avenue) and in the Northeast corner of this tract and the Northwest corner of the First United Pentecostal Church property thence with the West margin of the First United Pentecostal Church property, South 39 degrees 48 minutes West, 365.5 feet to a pipe in the Southwest corner of the First United Pentecostal Church property, thence with the South margin of the First United Pentecostal Church property, South 39 degrees 9 minutes East, 120 feet to a stone; thence still with the South margin of the First United Pentecostal Church property, South 46 degrees 10 minutes East, 50.6 feet to a tree in the Southeast margin of the First United Pentecostal Church property and the Southwest margin of the First Assembly Church of God property, thence with the South margin of the First Assembly Church of God property, South 60 degrees 39 minutes East, 93 feet to a pipe in the Southeast corner of the First Assembly Church of God property and the Southwest corner of the Balch and Reynolds, Inc. property; thence with the South margin of the Balch and Reynolds, Inc. property, South 55 degrees 22 minutes East, 93.9 feet to a pipe in the Southeast comer of the Balch and Reynolds, Inc. property; thence South 74 degrees 28 minutes East, 62 feet to a pipe in the center of a branch at the Southwest corner of the Ray Smith property; thence South 18 degrees 10 minutes West, 328 feet to a pin in the L&N Railroad Company right of way line; thence with the said L&N Railroad Company right of way line, North 42 degrees 13 minutes West 690.4 feet to a pipe in the L&N Railroad Company right of way line and the corner of the Robert Pflueger property; thence with Robert Pflueger East line and a fence North 11 degrees 20 minutes East, 236.5 feet to a pipe in Richard Shofner's South line; thence with the South boundary line of Shofner, South 73 degrees 7 minutes 47 seconds East, 134.3 feet to a point being Shofner's Southeast corner; thence with the Southwest boundary line of a 1.1 acre tract South 73 degrees 7 minutes 47 seconds East, 18.0 feet to an iron pin; thence continuing with the South boundary line of a 1.1 acre tract South 49 degrees 13 minutes East, 75.5 feet to a point; thence North 39 degrees 48 minutes East, 291.3 feet to a point in the South boundary of Memorial Drive (formerly Mineral Wells Avenue); thence with the South right of way of Memorial Drive (formerly Mineral Wells Avenue) South 42 degrees 34 minutes East, 50 feet to the point of beginning, containing 4.2 acres, more or less, according to the survey of May 8, 1981, by J.W. (Joe) Ridgeway, Tennessee Registered Land Surveyor, No. __ .

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 April 4, 2013.

Passed and adopted May 2, 2013.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

RESOLUTION REGARDING CHARGES FOR COST OF COMPLIANCE WITH THE OPEN RECORDS STATUTE

As discussed at last month's Commission meeting, State statute requires that in order to charge for copies of documents produced to meet the open records aspect of the Sunshine Law, a municipality must have a written policy. The primary aspect addressed by statute is the charge per page. Our policy adopts the state's published rate, but allows for now charge for incidental or minimal requests.

The current rate is 15¢ per black and white copy and 50¢ per color copy.

After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Lackey to approve the resolution. The motion carried unanimously.

RESOLUTION NO. 1516

RESOLUTION ESTABLISHING THE POLICY OF THE CITY OF PARIS REGARDING CHARGES FOR COST OF COMPLIANCE WITH THE OPEN RECORDS STATUTES

WHEREAS, it is the desire of the City of Paris City Commission to fully comply with the Open Records Statue of the State of Tennessee; and

WHEREAS, the Tennessee Public Records Act (Tennessee Code Annotated Section 10-7-50 et. seq.) requires that the Office of Open Records Counsel as established by Tennessee Code Annotated Section 8-4-601 et. seq., promulgate guidelines for compliance with said statues; and

NOW THEREFORE, be it ordered by the City of Paris City Commission that the City of Paris adopts these Guidelines to assure compliance, provided however that the Guidelines shall not be construed so as to prohibit limited courtesy copies to individuals or non-profit organizations or other governmental organizations, etc. Such exceptions or minimal practices however, shall be fair and consistent.

This Resolution shall become part of and be spread upon the minutes of this meeting of the City Commission.

Unanimously adopted this 2nd day of May 2013.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

NEW BUSINESS

FINANCIAL UPDATE

City Finance Director Kim Foster reported that retail sales in February, though improved from January, were still 4.71 percent lower than the same month of 2012. She reported the city's monthly operating statement for March showed both revenues and expenditures on track for the year.

The software installation is moving forward and support has been good from the company.

APPOINTMENTS TO BOARDS

After a brief discussion, Commissioner Lackey made a motion which was seconded by Commissioner Gerrell to approve the appointment of George Bass to the Parks and Recreation Board for a five year term. The motion carried unanimously.

JOINT RESOLUTION BETWEEN THE CITY AND THE COUNTY TO ENCOUARAGE JOINT CITY / COUNTY PARTICIPATION AND PURCHASING PRACTICES

The Comptroller's Office has recommended that local government entities who regularly joint purchase or who utilize purchasing contracts of other units have a joint resolution authorizing such actions. TML Risk Pool has requested that we adopt a formalized agreement.

After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Fuller to approve the joint resolution. The motion carried unanimously.

RESOLUTION NO.1519

A JOINT RESOLUTION OF THE CITY OF PARIS AND COUNTY OF HENRY TO ENCOURAGE JOINT CITY / COUNTY PARTICIPATION AND PURCHASING PRACTICES

WHEREAS, the City of Paris and the County of Henry often cooperate on projects frequently resulting in joint ownership of various equipment and / or properties; and

WHEREAS, it is desirable that such agreement be appropriately documented and that any jointly owned equipment or property be operated, utilized, insured and/or maintained in the most efficient manner; and

WHEREAS, prevailing State Statues allow for local government entities to cooperatively act including purchasing from any lawfully established contract of the other entity or allows one entity to purchase on behalf of the other entity;

NOW, THEREFORE be it resolved, that the City of Paris and the County of Henry by mutual adoption of this Resolution do concur that it shall be the practice of the City and the County to utilize such cooperative, lawful practices as may result in savings to one or both entities; and

NOW, THEREFORE, be it further resolved, that such agreement, when appropriate should be formalized by a brief memorandum of agreement by the administrative offices of the City and the County, or by formal agreement between the City and County Legislative bodies; and,

This Resolution shall become part of and be spread upon the minutes of this meeting of the City Commission and shall be forwarded to the County of Henry and unanimously adopted this 2nd day of May 2013.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

Memorandum of Understanding between City of Paris and Henry County
Regarding the Insuring of Jointly Owned Buildings

This Memorandum is intended to formalize a long time practice of the City and County, wherein one of the parties insures jointly owned property on behalf of both, and is reimbursed by the other party as may be agreed.

The City of Paris in the past had insured the jointly owned property at 1120 Tyson Avenue, otherwise known as the State of Tennessee Rehabilitation Center (leased to the State of Tennessee). The City desires to insure the property through the TML Risk Pool at a savings on premium to the City of Paris and the County of Henry.

This is an administrative action within the purview of the City Manager and County Mayor who are the signatories.

/s/Carl Holder
City Manager

May 2, 2013
Date

/s/Brent Greer
County Mayor

May 2, 2013
Date

PRESENTATION OF REPORT ON DEBT OBLIGATION ON THE BPU CON ISSUANCE OF $920,000

We are required to formally acknowledge the Report of Debt Obligation and record it in the minutes.

Staff requests a motion as follows, "I move we accept the following Report of Debt Obligation, General Obligation Capital Outlay Notes, Series 2013 and to be spread upon the minutes as required by TCA 9-21-151. It was sold at 2.49% and is now in repayment mode.

After a brief discussion, Vice Mayor Griffith made a motion which stated that the Commission accepts the Report of Debt Obligation, General Obligation Capital Outlay Notes, Series 2013 and to be spread upon the minutes of the City Commission Meeting held on Thursday, May 2, 2012. The motion was seconded by Commissioner Gerrell and was carried unanimously.

TDOT PURCHASE OF CITY PROPERTY

The Department of Transportation (TDOT) will purchase a portion of the triangular property we own between Highway 641 and North Poplar Street and Guthrie Road.

City property can be sold by ordinance only. Unless you have other instructions, we will negotiate the sale with the State's representatives, including any considerations other than price, and present it to you for your consideration.

REZONING REQUEST FOR PROPERTY AT 103 AND 105 McCLAIN ROAD

Jimmy Dale Freeland submitted an application for rezoning at 103 and 105 McClain Road. This property actually fronts on McClain Road and only a point of the property actually touches Highway 79. The property is currently zoned B-1. It is adjacent to property zoned B-1 that fronts on Highway 79. On the east side of the property it is adjacent to property zoned R-2.

This is a 37.40 tract. The structure that fronts on McClain Road is in need of demolition. Mr. Freeland does not currently live in the structure but has plans to replace it. However, he is unable to do so due to the fact that it is zoned B-1.

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

CERTIFICATE OF COMPLIANCE – RETAIL PACKAGE STORE – THEODORE KENWORTHY – 1220 WEST WOOD STREET – WEST WOOD WINES AND LIQUORS

Mr. Kenworthy applied for a Certificate of Compliance for his retail package store West Woods Wines and Liquors located at 1220 West Wood Street. A Retail Liquor License Notice is to run in the Paris Post Intelligencer (PI) for three consecutive days. Those days for publication are Thursday, May 2, 2013, Friday, May 3, 2013, and Monday, May 6, 2013.

After a brief discussion, Commissioner Lackey made a motion which was seconded by Vice Mayor Griffith to authorize the Mayor to sign the application and submit to the applicant after the Public Notice has run for the required three (3) consecutive days.

STATUS OF VARIOUS PROJECTS AND DEPARTMNTAL SUMMARIES

ONGOING PROJECTS (as of 4/23/13)

	Item	Primary Staff	Target Completion Date(s)	Notes
1	Bethel / HCMC	Holder		Bethel considering three options for resolving financial issues. Bethel has issues with Venture. Settle up soon.
2	Joy Street	Holder /	07-31-13	April 15 start; bad soil condition on area

		Morris	Soiled issues solved.	nearest HCMC. Do not know extent yet.
3	New Software	Foster /Staff	Early	Conversion completed.
4	Collinwood Drainage	Public Works	Weather dependent	Phase I will be work on row and easements; J. Morris is in process of obtaining easements
5	Hazelwood	Holder	Made top three list. Will meet June 27th with Committee for presentation.	Received short list notice; formed marketing committee as directed
6	Annexation Projects	Holder / Morris	08-30-13	Successful bidder Marbury of Denmark, TN under contract; Within budget; BPU to inspect
7	Employee Handbook	Holder / Foster / Ray	Indefinite	Reflect personnel rules; no progress
8	MTAS Benchmarking	Holder		Approved in January; will begin process in August
9	Consideration of Insurance Coverages	Holder / Foster	02-28-13	SRM to undertake under contract
10	218 Bypass	Morris, Holder, Greer	Undetermined	Chatham of McKenzie will do first appraisal; Flowers review appraisal Oct 1 deadline for purchases
11	Valleywood Drainage Project	Holder / Jessie	Undetermined	Engage Neel - Schaffer to conduct engineering study of drainage stream and make recommendations

There being no further business the meeting was duly adjourned at 6:50 p.m.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director