THE CITY COMMISSION
CITY OF PARIS, TENNESSEE
JUNE 10, 2014
REGULAR MEETING

The Board of Commissioners of the City of Paris, Tennessee met in a rescheduled session Tuesday, June 10, 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. Ordinance to Amend 11-201 of the Paris Municipal Code to Change the Number of Planning Commission Members (Second Reading)
2. Rezoning Request for Property Located on Volunteer Drive (Second Reading)

NEW BUSINESS:

1. Financial Update
2. Appointments to Boards
3. ARAP Permit
4. Mixed Drink Tax
5. Annexation Project Final Phase
6. Motion to Receive and File FY 15 Proposed Budget
7. FY 15 Budget Ordinance (First Reading)
8. Tax Rate Ordinance (First Reading)
9. City Hall Renovation

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
Willette Ray, Administrative Assistant to the City Manager
Jennifer Morris, Community Development Director
Michael Williams, Fire Chief

Media: Melanie Howard, The Paris Post-Intelligencer
Tim Alsobrooks, WMUF
Shannon McFarlin, WTPR

Mayor Tharpe called the meeting to order. The Pledge of Allegiance and a Moment of Silence was presented by Commissioner Lackey.

APPROVAL OF MINUTES

The minutes of the meeting held Tuesday, June 10 2014 were approved as presented following a motion by Vice Mayor Griffith and seconded by Commissioner Gerrell. The motion carried unanimously.

COMMENTS FROM CITIZENS & PUBLIC

Ms. Kathy Ray, President of the Downtown Paris Association, informed the Commission about Downtown Paris Week which is being observed June 8th through June 14th. Ray thanked the City of Paris and the Commission for being supportive of DPA.

Ms. Martha Sanders, Secretary of the W.G. Rhea Library Board, gave detailed information on what the library has done for the community with free entertainment, education, and services provided by the library. She also said in the last few years, the Library has raised $168K on their own to pay for upgrades such as a roof, computer lab, tile, and upgrades of the HVAC system which will be installed next week.

The library requested some additional funds from the city and county. The extra funds are wanted for employee raises, which they didn't get last year, and one and a half positions for a technology supervisor.

COMMENTS FROM THE COMMISSION

Mayor Tharpe commented on the curfew ordinance. It states "It shall be unlawful for any person under the age of eighteen (18) years to be or remain upon any street, alley, or public place in the city after 11:00 p.m., Sunday through Thursday and on Friday after 12:30 a.m. Saturday morning and on Saturday after 12:30 a.m. Sunday morning, unless such person is accompanied by parent or guardian, or other person having custody of such minor, or unless in the performance of a duty, legitimate errand or other act directed by such parent or guardian or the person having custody of said minor, or unless said minor is in lawful employment making it necessary to be upon any street, alley or public place after 11:00 p.m., Sunday through Thursday and on Friday after 12:30 a.m. Saturday morning and on Saturday after 12:30 a.m. Sunday morning. It shall be unlawful for anyone having the legal care and custody of any minor described above, to allow or permit such person to go or be upon any public street, alley or other public places in the city in the nighttime as restricted in this section."

With school being out for the summer, Tharpe shared the ordinance as a reminder.

OLD BUSINESS

ORDINANCE TO AMEND 11-201 OF THE PARIS MUNICIPAL CODE TO CHANGE THE NUMBER OF PLANNING COMMISSION MEMBERS (SECOND READING)

An Ordinance to amend 11-201 of the Paris Municipal Code to change the number of Planning Commission members from eight (8) to seven (7) was discussed at last month's City Commission meeting and referred to the Planning Commission.

At the April 10th Planning Commission meeting, Ms. Rachel Terrell made a motion which was seconded by Mr. Randy Scholes to approve the recommendation of the Planning Commission being a seven (7) member board. The motion carried unanimously. This was presented for First Reading at last month's Commission meeting.

After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Fuller to approve the Ordinance on First Reading. The motion carried unanimously.

This was presented for a Public Hearing and Second Reading.

Commissioner Fuller made a motion which was seconded by Commissioner Lackey to approve the Ordinance. The motion carried unanimously.

Ordinance No. 1170

AN ORDINANCE
to Amend 11-201 of the Paris Municipal Code

SECTION 1. Be it ordained by the Board of Commissioners of the City of Paris, Tennessee that 11-201 of the Paris Municipal Code be deleted in its entirety and the following substituted therefore:

> 11-201. Creation and Membership. Pursuant to the provisions of T.C.A. 13-4-101 and 13-3-102 there is hereby created a Municipal Regional Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission shall consist of seven (7) members. One member shall be the Mayor of the City of Paris or a City Commissioner designated by the Mayor and one (1) of the members shall be a member of the City Commission selected by the Board of Commissioners. The other five (5) members shall be appointed by the Mayor. All members of the Planning Commission shall serve as such without compensation. Except for the initial appointments, the terms of the five (5) appointed members of the Planning Commission shall be for three (3) years each. The terms of the Mayor, or the Mayor's designee, and the member selected from the Board of Commissioners shall be concurrent with their terms of office on the Board of Commissioners. One (1) member of the Planning Commission shall reside within the regional area outside of the Municipal boundaries known as the Planning Region that is served by the Planning Commission as a Regional Planning Commission. Any vacancy in an appointed membership shall be filled for the unexpired term by the Mayor who shall also have authority to remove any appointed member at the Mayor's pleasure. (Ord. 1170, 06/10/14)

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 final passage and adoption.

Passed and adopted May 1, 2014.

Passed and adopted June 10, 2014.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

REZONING REQUEST FOR PROPERTY LOCATED ON VOLUNTEER DRIVE (SECOND READING)

Wyatt Owens requested a rezoning of his property located at Volunteer Drive and Jim Adams Drive from R-3 to B-1. Owens proposed to develop approximately 32 acres. He requested a rezoning of the front portion of the property.

At last month's City Commission meeting, Vice Mayor Griffith made a motion which was seconded by Commissioner Fuller to approve the rezoning request on First Reading and refer it to the Planning Commission. The motion carried unanimously.

At the Planning Commission meeting held Thursday, May 8th, Mr. Gerrell made a motion which was seconded by Mr. Griffith to approve the rezoning request and refer back to the City Commission for a Public Hearing and Second Reading. The motion carried unanimously.

This Ordinance was presented for a Public Hearing and Second Reading.

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

ORDINANCE NO. 1171

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 R-3:

Being a portion of Tax Map 106, Parcel 32.01 on the Tax Assessor's Office of Henry County, Tennessee, and being more particularly described as follows:

BEGINNING at a point in the southwest corner of Parcel 32.01, and being the eastern margin of Volunteer Drive; thence with the eastern margin of Volunteer Drive, North 04 deg. 18 min. 25 sec. East 643.1826 feet to a point in south margin of a proposed future road; thence with the southern margin of the proposed road South 85 deg. 38 min 34 sec. East 44.9260 feet to a point; thence following the proposed road with a curve to the right, having an arc length of 75.5502 feet. a radius of 75.0000 feet, bearings of South 56 deg. 47 min. 05 sec. East 72.3962 feet to a point; thence continuing with the proposed road, South 27 deg. 55 min. 36 sec. East 88.7191 feet to a point; thence following the proposed road with a curve to the right having an arc length of 114.6544, radius of 125.00, bearings of South 54 deg. 12 min. 13 sec. East 110.6772 feet to a point in the northeast corner of this tract; thence leaving the proposed road and severing the lands of Owens, South 04 deg. 18 min. 25 sec. West 465.8356 feet to a point in the southeast corner of this described tract; thence North 87 deg. 51 min. 31 sec. West 250.1787 feet to the point of beginning, containing 3.25 acres, more or less.

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 May 1, 2014.

Passed and adopted June 10, 2014.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

NEW BUSINESS

FINANCIAL UPDATE

Finance Director Kim Foster presented the financial report to the Board. Retail Sales fell back to a more expected level at 1.44% ahead of the same time last year. In the first three months of the 2014 calendar year, we are 3.43% ahead of last year-to-date.

We are still running ahead of budget in both Revenues and Expenditures, and as expected our Expenditures are back to running ahead of our Revenues. We will get a pretty big boost to our Revenues in May when we get our business tax collections from the State. Since the State has restricted the tax return schedule for businesses statewide, most businesses will now send in their returns in the month of April and we will receive our share in May.

Also, we are still waiting to receive our last payment from the State on the Joy Street Project and I am hoping that will come in any day.

APPOINTMENTS TO BOARDS

The following appointment was considered:

Parks and Recreation Board – 5 Year Term – Mayoral Appointment
Debbie Elliott – Term Expired May 1, 2014

Mayor Tharpe appointed Ms. Diane McCord to serve a five-year term on the Parks and Recreation Board. Her term will expire May 1, 2019.

City Manager Holder informed the board that Ms. Norma Gerrell was fulfilling an unexpired term on the Regional Library Board. This appointment is a mayoral appointment with Commission approval.

After a brief discussion, Commissioner Lackey made a motion which was seconded by Vice Mayor Griffith to approve the mayoral reappointment of Norma Gerrell to the Regional Library Board for a three year term. The motion carried unanimously. Ms. Gerrell's term will expire July 1, 2017.

ARAP PERMIT

Attached was a memo sent to the Mayor and the Board of Commissions on Tuesday, May 20th pertaining to the ARAP Permit. Also included was a letter that was received from the State Department of Environment and Conservation about the City's amended ARAP Permit.

MEMO

TO: Mayor Tharpe and the Board of Commissioners

FROM: Carl Holder, City Manager

DATE: Tuesday, May 20, 2014

RE: ARAP Permit

The gist of the attached letter is that TDEC still will not issue an ARAP Permit. Hopefully, involving the West Tennessee River Basin Authority will carry weight with TDEC and expedite the newly required step of a stream mitigation plan. I will begin working on a Plan with WTRBA.

STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES
William R. Snodgrass – Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, TN 37243-1102

May 13, 2014

Mr. Carl Holder – City Manager
City of Paris
100 North Caldwell Street
Paris, TN 38242

Subject: CITY OF PARIS - NRS13.156
HENRY COUNTY, TENNESSEE

Dear Mr. Holder:

Thank you for your recent amended Aquatic Resource Alteration Permit (ARAP) application for the proposed stabilization of approximately 7,500 linear feet of stream bank of two unnamed tributaries to Bailey Fork Creek in the City of Paris, Henry County TN.

As stated in the September 13, 2013 correspondence from the Division, the main unnamed tributary to Bailey Fork Creek is currently listed as fully supportive of its designated uses as is Bailey Fork Creek itself. Therefore, the division has no indication that a water quality problem exists in the main unnamed tributary or in Bailey Creek that would be improved by the reshaping and placement of riprap on the banks of the streams. In fact, fully armoring such a long reach of stream channel has a significant potential to result in degradation of the aquatic resource, if not a loss of its designated uses. The smaller unnamed tributary to Bailey Fork Creek has not been assessed for use support classification but the same concern regarding supposed water quality improvement would apply to it as well. Your amended application has reduced the proposed length of bank stabilization from approximately 7,500 Lf to approximately 1,650 LF limited to locations of critical bank failure and imminent property loss. This change in scope will greatly reduce the overall impact to the two unnamed tributaries.

However, given that the impacted water bodies are listed as fully supportive of their designated uses, the proposed installation of rip-rap from top of bank to toe of slope along this 1,650 linear feet would most likely require mitigation to offset the lost resource value. In order to complete the review of this project, a mitigation proposal will be required. I am enclosing a copy of *Stream Mitigation Guidelines for the State of Tennessee* for your use. These guidelines can also be obtained from the Division's website at http://www.tn.gov/environment/water/docs/wpc/stream-mitigation-guidelines.pdf

If you have additional comments or questions, please contact me at your earliest convenience at (615) 532-0675 or by email at mark.a.jordan@tn.gov.

Sincerely,

Mark A. Jordan
Environmental Specialist
Natural Resources Unit
Water Quality Branch

cc: JRS:MAJ
JEFO-DWR
Tom Allen, Neel-Schaffer, Inc., tom.allen@neel-schaffer.com

MIXED DRINK TAX

A Memo was sent to the Commission on Wednesday, May 21st about the past payment of the mixed drink taxes to the School Systems.

MEMO

TO: Mayor Tharpe and Board of Commissioners

FROM: Carl Holder, City Manager

DATE: Wednesday, May 21, 2014

RE: Past Payment of Mixed Drink Taxes to School System

As you will recall the Comptroller discovered that most Cities have not been distributing the Mixed Drink Tax as required by law. Accordingly at the last minute of the last Session the General Assembly produced a bill outlining various procedures under which Cities must pay school systems for this oversight. The law requires us to negotiate an agreement with the school systems before September 1st or essentially face the probability of paying one-half of the collections for the last 15 years which is about $157,000.

In preliminary discussions with the school systems there was an informal agreement that we would each recommend ten (10) years of past payments or $115,000 spread out over five (5) years. This appears reasonably equitable in that they are giving up about $42,000 and agreeing to spread payments over five (5) years.

Considering that failure to negotiate an agreement can result in the entire amount being extracted from our state shared taxes; we are somewhat limited in our options.

I will proceed with writing the letter if I hear no objections.

After a brief discussion, Commissioner Fuller made a motion which was seconded by Vice Mayor Griffith to approve City Manager Holder to set up a formalized agreement prepared by City Attorney McLean to recommend the payment terms of ten (10) years of past payments or $115,000 spread out over five (5) years. The motion carried unanimously.

ANNEXATION PROJECT FINAL PHASE

The bid has been let on the last piece of sewer line on Peppers Drive and Highway 77 for wastewater improvements. The lowest bid according to Michael McClure, of Jacobs Engineering Group, was $68,000. The Project is set to start on Tuesday, July 1st.

MOTION TO RECEIVE AND FILE FY 15 PROPOSED BUDGET

The Mayor should seek a motion "to receive and file the Proposed FY 15 Budget subject to amendments as directed by the Commission".

After a brief discussion, Commissioner Fuller made a motion which was seconded by Commissioner Lackey to receive and file the Proposed FY 15 Budget subject to amendments as directed by the Commission. The motion carried unanimously.

FY 15 BUDGET ORDINANCE (FIRST READING)

The FY 15 Budget is proposed for First Reading. After First Reading, the budget must be published at least ten (10) days prior to the Final Reading.

After a brief discussion, Commissioner Fuller made a motion which was seconded by Vice Mayor to approve the Ordinance on First Reading. The motion carried unanimously.

This will be presented for a Public Hearing and Seconded Reading at the next meeting of the Commission.

TAX RATE ORDINANCE (FIRST READING)

A change to the current tax rate of $.7171 per $100 of assessed value is proposed. This Ordinance was presented for First Reading.

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

This will be presented for a Public Hearing and Seconded Reading at the next meeting of the Commission.

CITY HALL RENOVATION

Staff met with Cary Henson, of Henson Construction, to consider the 5 Levels of City Hall renovation. General consensus is that a minimal level or Option I is a necessity.

- Option I - Resolve all HVAC distribution issues
- Update aesthetics, ADA bathrooms, other necessary repairs and minimum modifications and stain exterior
- Elements of Option II – nicer finishes, improved front, additional furnishes may be considered as option
- Option III – appears the best option at $2.9 m since it creates additional space since it potentially lengthens the functionality of the building. The question here is affordability.

While a new building was considered, it was dismissed as too costly for the added benefit, especially when considering the present structure is functional and structurally viable if appropriately renovated.

The next step is sizing a potential bond issue with other related bond funded projects.

STATUS OF VARIOUS PROJECTS AND DEPARTMENTAL SUMMARIES

The Ongoing Project Update Sheet, as June 5, 2014 was presented for review.

ONGOING PROJECTS (as of 06-05-14)

	Item	Primary Staff	Target Completion Date(s)	Notes
1	218 Bypass	Holder / Morris / Greer	?	Major issue with moving utilities based on revised plans; trying to find less costly solutions; State taking over condemnation of rail road
2	Bailey Fork I Drainage	Public Works	Weather and funding dependent	TDEC now requiring Mitigation Plan
3	Back Alley Paris	Holder / Morris	5 Year Implementation	Major grant applications submitted; denied ArtPlace America Grant; awaiting NEA funding
4	Annexation Projects	Holder / Morris	Finished original scope	Peppers Drive and 77 South underway
5	MS-4 Permit	Holder / Morris / Jessie / Brown	5 Year implementation	Received permit; now must implement
6	MTAS Benchmarking	Holder		Will issue Commission a Report soon
7	Collinwood Drainage Project	Holder / Jessie	Ongoing	Completed Phase I; Starting Phase II weather permitting; Engineering complete

There being no further business the meeting was duly adjourned at 7:00 p.m.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director