THE CITY COMMISSION
CITY OF PARIS, TENNESSEE
SEPTEMBER 5, 2013
REGULAR MEETING

The Board of Commissioners of the City of Paris, Tennessee met in regular session Thursday, September 5, 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. Proposed Sign Ordinance to Amend the SC-1 (Shopping Center) Regulations of the Zoning Ordinance (Second Reading)

NEW BUSINESS

1. Financial Update
2. Appointments to Boards
3. Ordinance to Amend Employee Safety Plan (First Reading)
4. Presentation of Report on Debt Obligation on the BPU Bond Issue of $8,010,000
5. MS-4 Permit and Proposed Stormwater Ordinance
6. Motion to Authorize Mayor to Sign Proposed Drainage Easement
7. Resolution Authorizing the Mayor to Document Items Related to Gift of Property, Subdivision of Same, and Purchase of Adjacent Property
8. Resolution Authorizing the City of Paris to Participate in the TML Risk Management Pool "Safety Partners" Loss Control Matching Grant Program
9. Multi-Year Projects / Impact on Year-End Financials
10. ISO Rating
11. Parking Agreement

STATUS OF VARIOUS PROJECTS AND DEPARTMENTAL SUMMARIES

1. Project Update Sheet

Present: Mayor Sam Tharpe
Vice Mayor Gayle Griffith
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
Mike Brown, Building Inspector
Jennifer Morris, Community Development Director
John Etheridge, Board of Public Utilities

Media: Ken Walker, The Paris Post-Intelligencer
Tim Alsobrooks, WMUF

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

APPROVAL OF MINUTES

The minutes of the previous meetings held September 5, 2013 were approved as presented following a motion by Commissioner Lackey and seconded by Vice Mayor Griffith. The motion carried unanimously.

COMMENTS FROM CITIZENS

Comments from Citizens involved a Petition regarding proposed group housing on Aden Street. Marc Wiggins, a resident of Aden Street, stated that he and members of this area, objected to a halfway house being located in their neighborhood which is zoned R-1.

The City Attorney is researching to see if we are in violation of the Fair Housing Act.

After a brief discussion, Commissioner Gerrell made a motion which was seconded by Commissioner Lackey to receive the petition that was submitted. The motion carried unanimously.

There were some citizens present to see how the Wilson Street easement project was progressing. City Manager Holder informed them that the City is waiting on the ARAP permit which has to have State approval.

Next week, Staff will be going door-to-door to the property owners in that area for to talk to those individuals that have not replied to the letters that were sent out.

COMMENTS FROM COMMISSION

Mayor Tharpe thanked City Manager Carl Holder for his efforts on the 4-H Project as well as the Committees involved, the Commission, and County Mayor Brent Greer.

OLD BUSINESS

PROPOSED SIGN ORDINANCE TO AMEND THE SC-1 (SHOPPING CENTER) REGULATIONS OF THE ZONING ORDINANCE (SECOND READING)

At last month's Commission meeting, Commissioner Fuller made a motion which was seconded by Commissioner Lackey to approve the proposed sign ordinance on First Reading. The motion carried unanimously.

A Public Hearing and a Second Reading was held earlier on this agenda item.

After a brief discussion, Commissioner Lackey made a motion which was Commissioner Gerrell made a motion which was seconded Commissioner Gerrell to approve the Ordinance. The motion carried unanimously.

Ordinance No. 1160

AN ORDINANCE
to Amend 11-1306 C 2 of the Paris Municipal Code

SECTION 1. Be it ordained by the Board of Commissioners of the City of Paris, Tennessee that 11-1306 C 2 of the Paris Municipal Code be deleted in its entirety and the following substituted therefore:

2. In the SC-1 District on premises signs not attached to the face of the building shall have an allowable area one (1) square foot for each foot of road frontage not to exceed one hundred (100) square feet. In the case of shopping centers, malls, or groupings of business and/or offices, where the property for parking and/or road frontage is under common or shared ownership, the shopping center, mall, or grouping of businesses and/or offices may erect one (1) permanent sign per street frontage containing the development name and the businesses therein. The size of such sign shall be one (1) square foot for each foot of road frontage. The permitted area of signage will be divided in proportion to the square footage of floor space and outdoor sales area occupied by occupant of the development.

   Provided, however, any business existing as an out parcel located in the parking lot of any such shopping center, mall, or grouping of businesses and/or offices may have a separate on premises sign not attached to the face of its building not to exceed one (1) square foot for each foot of building width or one hundred (100) square feet, whichever is less. Any such on premises sign not attached to the face of the building shall be located on the premises leased/owned by said business.

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 August 1, 2013.

Passed and adopted September 5, 2013.

/s/Samuel D. Tharpe
Mayor

/s/Kim Foster
Finance Director

FINANCIAL UPDATE

Finance Director Kim Foster presented a Financial Update. She stated that Retail Sales for June were disappointing, but overall Revenues were up slightly. Expenses looked high for the beginning of the year, and the month of July represented catch-up purchases.

ESN 122 renewal letters were sent out Thursday, August 29th and money was received starting Friday, August 30th. In four (4) days, approximately $33,000 was received.

APPOINTMENTS TO BOARDS

After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Gerrell to approve the reappointment of Norma Steele to the Historic Zoning Board for another five-year term. Her term will expire September 3, 2018. The motion carried unanimously.

Vice Mayor Griffith made a motion which was seconded by Commissioner Lackey to appoint Jamison Townsend for a three-year term to the Housing Board of Adjustments and Appeals. His term will expire September 4, 2016. The motion carried unanimously.

After a brief discussion, Commissioner Lackey made a motion which was seconded by Vice Mayor Griffith to reappoint George Todd, Ed Martin, Norma Steele, and Jack Spencer to the Americans with Disabilities Advisory Board for another three-year term. The motion carried unanimously. Their terms will expire September 2, 2016.

William Owen Tharpe was announced by the Mayor as a mayoral appointment to the Housing Authority Board. After a brief discussion, Commissioner Lackey made a motion which was seconded by Vice Mayor Griffith to approve the appointment. The motion carried unanimously. His term will expire July 7, 2018.

ORDINANCE TO AMEND EMPLOYEE SAFETY PLAN (FIRST READING)

Federal law requires that we amend by Ordinance our Occupational Safety and Health Plan Program for employees every five (5) years.

Our Ordinance establishing the Plan fully conforms to all legal requirements and the Plan needs updating for signatures, employee numbers, and one reference to pertinent CFRs.

It is based on the 2013 MTAS Model Plan.

Staff requested that the Commission approve the Ordinance and authorize the Mayor to sign the amended Plan document.

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

This will be presented at the next Commission meeting, Thursday, October 3rd for a Public Hearing and Second Reading.

PRESENTATION OF REPORT ON DEBT OBLIGATION ON THE BPU BOND ISSUE OF $8,010,000

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

After a brief discussion, Commissioner Lackey made a motion which was seconded by Commissioner Gerrell to accept the Report on Debt Obligation, Electric System Revenue Improvement Bonds, Series 2013 and to spread upon the minutes as required by TCA 9-21-151. The motion carried unanimously.

MS-4 PERMIT AND PROPOSED STORMWATER ORDINANCE

The City received official notification that we must obtain a MS-4 Permit relating to stormwater system identification and monitoring. The first step is to complete an 18-page Notice of Intent (NOI) to apply for the permit.

Staff, working with MTAS personnel, has determined that we can complete the first step without hiring an engineering firm. The deadline is Sunday, December 29, 2013.

Staff emailed a copy of a proposed stormwater ordinance which the City will be required to adopt as a part of the permitting process. It is the most recent revision of the MTAS Model Ordinance.

Staff will not request adoption until later in the year.

MOTION TO AUTHORIZE MAYOR TO SIGN PROPOSED DRAINAGE EASEMENT

The City owns a small piece of property fee simple on Avalon Drive. For consistencies sake, we need to obtain a Construction and Permanent Drainage Easement on each property on the Valleywood Project. Staff requested that the Commission authorize the Mayor to sign the easement by motion.

After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Gerrell to authorize the Mayor to sign the drainage easement documents. The motion carried unanimously.

RESOLUTION AUTHORIZING THE MAYOR TO DOCUMENT ITEMS RELATED TO GIFT OF PROPERTY, SUBDIVISION OF SAME, AND PURCHASE OF ADJACENT PROPERTY

We recently discovered that a portion of the City Cemetery is shown as being located on Map 95P Group E Parcel 13 owned by the County. We needed to subdivide the portion of the property which is cemetery off the main tract and attach it to the cemetery tract.

There is an aging derelict structure on the adjacent parcel. It can be purchased for $3,000, the structure removed and the enlarged area used for material storage for Public Works.

Staff recommended we purchase the property, clean up both parcels, fence the area with an opaque fence and maintain it in a reasonable condition.

After a brief discussion, Commissioner Lackey made a motion to authorize the Mayor to sign all documents related to this transaction. The motion was seconded by Commissioner Gerrell and motion carried unanimously.

RESOLUTION NO. 1525

BE IT KNOWN THAT, the County of Henry has formally offered to deed a tract of land identified on the Henry County Assessment Roll as Map 95P Group E Parcel 13 to the City of Paris with the understanding the City will pay the cost of transfer; and

WHEREAS, a portion of the City Cemetery is located on the tract; and

WHEREAS, the owner of the adjacent tract identified as Map 95P Group E Parcel 13.01 desires to sell that tract to the City of Paris.

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized to execute any and all documents necessary to: (1) accept the gift of the tract of property identified as Map 95P Group E Parcel 13 from Henry County, (2) subdivide the portion of that tract, currently used as a portion of the Cemetery, and combine it with the larger Cemetery tract, and (3) purchase the tract identified as Map 95B Group E Parcel 13.01 and combine it with the balance of Tract No. 13.

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 5th day September, 2013.

/s/Samuel D. Tharpe
Mayor

/s/Kim Foster
Finance Director

RESOLUTION AUTHORIZING THE CITY OF PARIS TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL "SAFETY PARTNERS" LOSS CONTROL MATCHING GRANT PROGRAM

Each year the City applies for the Loss Control Matching Grant. Either the Police Department or Fire Department identifies eligible items which the Department is in real of, and we attempt to obtain 50% funding.

The limit is $2,000. Staff requested that the Commission authorize the Mayor or City Manager to sign the application.

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

RESOLUTION NO. 1526

A RESOLUTION AUTHORIZING THE CITY OF PARIS,
TENNESSEE TO PARTICIPATE IN THE TML
RISK MANAGEMENT POOL "SAFETY PARTNERS"
LOSS CONTROL MATCHING GRANT PROGRAM

WHEREAS, the safety and well-being of the employees of the City of Paris is of the greatest importance; and

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Paris employees; and

WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a "Safety Partners" Loss Control Matching Grant Program; and

WHEREAS, the City of Paris now seeks to participate in this important program.

NOW, THEREFORE, BE IS RESOLVED by the Board of Commissioners of the City of Paris, Tennessee the following:

SECTION 1. That the City of Paris is hereby authorized to submit application for a "Safety Partners" Loss Control Matching Grant through the TML Risk Management Pool.

SECTION 2. That the City of Paris is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

Resolved this 5th day of September in the year of 2013.

/s/Samuel D. Tharpe
Mayor

/s/Kim Foster
Finance Director

MULTI-YEAR PROJECTS / IMPACT ON YEAR-END FINANCIALS

A Memo from City Manager Holder was sent to the Mayor and the Commissioners on Friday, August 16th about multi-year projects and their impact on year-end financials. Attached was an illustration of multi-year revenues and expenditures of the Bethel / HCMC Project.

ISO RATING

We have been notified by the Insurance Service Organization that we will be under review in the foreseeable future. However, we need to be aware that the ISO rating is not nearly as significant as it has been in the past due to changes in the insurance companies use to establish their premium bases.

PARKING LOT AGREEMENT

For a number of years the former owner of Take Me Back Café was unhappy about the use of the parking lot directly in front of City Hall, which he owned. He fenced off the north end and asked us to stop the use of the lot by persons conducting business at City Hall.

The new owner does not share the same sentiment and is willing to enter into an agreement whereby he has a dedicated number of spaces and the balance can be used for City Hall business or meeting parking.

We would agree to maintain the lot, mow the grass, pick up the limbs, and patch any potholes in exchange for designating for City Hall Business use.

Staff requests that we be allowed to negotiate an agreement along these lines to be placed in final form by the City Attorney and signed by the Mayor.

After a brief discussion, Commissioner Lackey made a motion which was seconded by Vice Mayor Griffith to allow Staff to negotiate a Lease Agreement and to be signed by Mayor Tharpe. The motion carried unanimously.

LEASE AGREEMENT

Whereas, Steven Scott, "Scott" is the owner of a parking lot identified as Map 106A, Group A, Parcel 12.01, located on Caldwell Street directly across from the front of the Paris City Hall; and,

Whereas, the City of Paris, "City" desires to lease said property from Scott for City Hall business use.

WITNESSETH

In consideration of the rental below specified, and the covenants hereinafter stipulated, Scott agrees to lease to the City the parking lot more particularly described as Map 106A, Group A, Parcel 12.01 under the following terms and conditions:

1. **LEASE TERM**: The term of this Lease shall be for one (1) year commencing on September 1, 2013 and ending on August 31, 2014. The Lease shall automatically renew on an annual basis unless Scott or the City shall notify the other, in writing, not less than sixty (60) days prior to the expiration of the term of that parties desire to terminate the Lease.
2. **RENT**: The Rent shall be $100.00 *per annum* payable without demand or Notice on the 1st day of September 2013, and the 1st day of any renewal thereafter.
3. **USE OF PREMISES**: The City shall use the parking lot as parking for citizens conducting business or attending meetings at Paris City Hall and for no other purpose except with written consent of Scott.

4. **MAINTENANCE**: The City shall be responsible for the care, maintenance, and upkeep of the leased premises. The City shall keep the premises free of debris, shall mow the grass, patch or pave any such portions as necessary to maintain the parking lot, stripe off parking spaces, and take all other such necessary actions, for care, maintenance, and upkeep of the demised premises.
5. **PARKING SPACES RESERVED**: Scott shall retain for use by the adjacent property, previously known as Take Me Back Café, one (1) handicap and four (4) parking spaces that will be designated for Take Me Back Café patrons. Provided, however, that the City shall still be responsible for the care, maintenance, and upkeep of said reserved parking spaces in the same manner as provided in Paragraph 4 above.
6. **TERMINATION**: The City agrees to quit and deliver up said premises at the end of the said Term or any renewals in as good a condition as the property is now, ordinary wear and tear excepted.

In witness whereof, Smith and the City have executed this Lease Agreement on this the 5th day of September, 2013.

/s/Steven D. Scott
Steven D. Scott, Leasor

/s/Samuel D. Tharpe
Samuel D. Tharpe, Mayor
on Behalf of the City of Paris, Leasee

ATTEST:

/s/Kim Foster
Kim Foster, Finance Director

STATUS OF VARIOUS PROJECTS AND DEPARTMENTAL SUMMARIES

PROJECT UPDATE SHEET

The Ongoing Project Update Sheet, as of August 26, 2013, is presented for your review.

ONGOING PROJECTS (as of 08-26-13)

	Item	Primary Staff	Target Completion Date(s)	Notes
1	Bethel / HCMC	Holder		Bethel now owner; All accounts settled.
2	Joy Street	Holder / Morris	7-31-13	Paving finished August 24th; Almost complete.
3	Collinwood Drainage	Public Works	Weather dependent	Completed Phase I; Starting Phase II.
4	Hazelwood	Holder		Holder and Greer to meet with decision makers on August 28th.
5	Annexation Projects	Holder / Morris	08-30-13	Near completion; Clean up.
6	Employee Handbook	Holder / Foster / Ray	Indefinite	Reflect personnel rules; No progress.
7	641 North	Holder / Morris	Oct	Negotiating w/ TDOT on City owned property on 641 and coordinating negotiations with ICI on property in name of PIDB.
8	MTAS Benchmarking	Holder		New standards to Department Heads.

9	218 Bypass	Morris / Holder / Greer	October 1st	October 1st deadline for purchases; Jennifer Morris actively working.
10	Valleywood Drainage Project	Holder / Jessie / Brown	Undetermined	ARAP permit applied for on July 22nd; Brown / Jessie obtaining easements.
11	MS-4 Permit	Holder / Morris / Jessie	Deadline for Notice of Intent (NOI) application – December 31, 2013	Currently working on NOI.

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

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director