
**CITY OF PARIS, TENNESSEE
BOARD OF COMMISSIONERS**

**May 2, 2013
6:00 P.M.**

PUBLIC HEARING

1. **Rezoning Request for Property Located at 812 East Wood Street (Second Reading)**
2. **Rezoning Request for Property Located on Mineral Wells Avenue (Second Reading)**

REGULAR HEARING

- I. **Call to Order**
 - II. **Roll Call – Finance Director**
 - III. **Pledge of Allegiance and Moment of Silence**
 - IV. **Approval of the Minutes of Previous Meeting – April 4, 2013**
 - V. **The Board Will Hear Comments from the Citizens**
 - VI. **The Board Will Hear Comments from the Commission**
 - VII. **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
 - VIII. **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 Issue 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 – 1220 West Wood Street
 - IX. **Status of Various Projects and Departmental Summaries**
 - X. **Adjournment**
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05-02-13



May 6 - May 10



05-12-13

MAY 18th



**Memorial Day
May 27, 2013**

THE CITY COMMISSION
CITY OF PARIS, TENNESSEE
APRIL 4, 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. FY 2013 Budget Amendment Number 1 (Second Reading)

NEW BUSINESS:

1. Financial Update
2. Appointments to Boards
3. Resolution Establishing the Policy of the City of Paris Regarding Charges for Cost of Compliance with the Open Records Statute
4. Resolution to Establish a Policy Regarding Electronic Meetings
5. Approval of Temporary Landfill Superintendent Trainee Position
6. 457K Plan Change
7. Rezoning Request for Property Located at 812 East Wood Street (First Reading)
8. Amendment to the Personnel Rules and Regulations Appendix B Regarding the Position of Landfill Superintendent
9. Rezoning Request for Property Located on Mineral Wells Avenue (First Reading)

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: Fred McLean, City Attorney
Kim Foster, Finance Director
Willette Ray, Administrative Assistant to the City Manager
Jennifer Morris, Community Development Director
Lana White, Account Clerk
Johnny Berry, Landfill Superintendent
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, April 4, 2013 were approved as presented following a motion by Vice Mayor Griffith and seconded by Commissioner Fuller. The motion carried unanimously.

COMMENTS FROM CITIZENS

Ms. Cathy Herrera, 327 Walnut Street, the Regional Director of the Henry County Carl Perkins Center for Prevention of Child Abuse, thanked the Commission and the City of Paris for the support that they had showed the organization. She presented a plaque to the Commission.

COMMENTS FROM COMMISSION

Vice Mayor Griffith asked that we pray for good weather during Fish Fry week. Mayor Tharpe wanted the City to encourage people to come to Paris and spend money here.

OLD BUSINESS

FY 2013 BUDGET AMENDMENT NUMBER 1 (SECOND READING)

The FY 2013 Budget Amendment Number 1 was presented at last month’s meeting by Finance Director Kim Foster. After a brief discussion, Vice Mayor Griffith made a motion which was seconded by Commissioner Gerrell to approve the budget amendment on First Reading. The motion carried unanimously.

A Public Hearing was conducted prior to this meeting, and this is presented for Second Reading.

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

ORDINANCE NO. 1152

**AN ORDINANCE TO AMEND THE CITY OF PARIS FISCAL YEAR
2012– 2013 BUDGET**

WHEREAS, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality amend the annual budget ordinance to insure compliance with the relating lawful expenditures,

NOW THEREFORE BE IT ORDAINED BY THE CITY OF PARIS, TENNESSEE AS FOLLOWS:

Section 1. The FY 2012 – 2013 Budget Ordinance, Section 2 shall be amended by deleting Section 2 in its entirety:

Fund	General			Solid Waste		
	FY 2011 Audited	FY 2012 Budget	FY 2013 Proposed	FY 2011 Audited	FY 2012 Budget	FY 2013 Proposed
Revenues						
Local Taxes	\$5,697,504	\$5,803,600	\$6,601,000			
State of TN	1,391,997	1,595,200	1,756,500			
Federal Government	554,132	792,000	178,000			
Other Sources	2,970,278	9,848,101	7,341,490	1,558,270	1,566,500	1,593,375
Total Revenues	\$10,613,911	\$18,038,901	\$15,876,990	\$1,558,270	\$1,566,500	\$1,593,375

Expenditures						
Salaries	\$4,116,523	\$4,027,686	\$4,223,041	\$351,399	\$331,587	\$364,462
Other	6,211,895	13,884,510	11,725,136	748,406	1,144,813	1,015,058
Total Expenditures	\$10,328,418	\$17,912,196	\$15,948,177	\$1,099,805	\$1,476,400	\$1,379,520
Beginning Fund Balance	\$1,719,240	\$2,004,733	\$2,131,438	\$1,368,699	\$1,827,164	\$1,917,264
Ending Fund Balance	2,004,733	2,131,438	2,060,251	1,827,164	1,917,264	2,131,119
No. of FTE Employees	107	107	108	11	11	11

Fund	Drug			Cemetery		
	FY 2011 Audited	FY 2012 Budget	FY 2013 Proposed	FY 2011 Audited	FY 2012 Budget	FY 2013 Proposed
Revenues						
Local Taxes						
State of TN						
Federal Government						
Other Sources	\$60,981	\$60,000	\$52,075	\$1,069	\$2,000	\$600
Total Revenues	\$60,981	\$60,000	\$52,075	\$1,069	\$2,000	\$600
Expenditures						
Salaries						
Other	\$58,582	\$83,500	\$89,250	\$0	\$0	\$0
Total Expenditures	\$58,582	\$83,500	\$89,250	\$0	\$0	\$0
Beginning Fund Balance	\$149,254	\$151,653	\$128,153	\$179,841	\$180,910	\$182,910
Ending Fund Balance	\$151,653	\$128,153	\$90,978	\$180,910	\$182,910	\$183,510
No. of FTE Employees	0	0	0	0	0	0

Section 2. The City of Paris City Commission does hereby amend the following estimate of revenues, estimated unencumbered fund balances, and expenditures as follows:

General Fund Intergovernmental Revenues shall be amended as follows:

- State Income Tax shall increase by \$10,000
- TVA Lighting Rebate shall increase by \$9,300

General Fund Other Revenues shall all be amended as follows:

- E911 Office Rental shall increase by \$5,000
- Verizon Building Rental shall decrease by \$9,600
- HC Share-Addition to THP Station increase to \$25,000
- P-HC Industrial Committee Reimbursement to increase to \$30,000

General Fund Expenditures are amended as follows:

- General Administration Liability Insurance will increase by \$4,000
 - Economic Development Salaries will increase to \$30,000
 - General Elections Per Diem will increase by \$605
 - City Hall Liability Insurance will increase by \$5,500
 - Police Department Vehicle Insurance will increase by \$3,500
 - Fire Department Vehicle Insurance will increase by \$3,600
 - City Garage Building Insurance will increase by \$2,500
 - Parks & Recreation Liability Insurance will increase by \$7,000
- In the area of Community Development, the following amendments will be made:
- City Hall Energy Efficient Lighting will increase to \$27,500

Addition to THP Station will increase to \$50,000
 Ag Svc / THP Station Miscellaneous will increase to \$5,000
 Bethel / HCMC Project will decrease by \$1,100,000
 Bethel / HCMC Building –RDA Portion will increase by \$1,100,000
 Debt Service Interest on Bonded Debt will decrease by \$200,000
 Debt Service Principal on Bond Debt-Fire Truck / Annex will increase by \$67,000

Solid Waste Fund Expenses are amended as follows:

Refuse Workers Compensation will increase by \$5,600
 Refuse Interest on Capital Leases will increase by \$5,000
 Landfill General Purpose Equipment will decrease by \$12,000

So that Section 2 shall read as follows:

Fund	General			Solid Waste		
	FY 2010 Audited	FY 2011 Estimated	FY 2012 Proposed	FY 2010 Audited	FY 2011 Estimated	FY 2012 Proposed
Revenues						
Local Taxes	\$5,697,504	\$5,803,600	\$6,601,000			
State of TN	1,391,997	1,595,200	1,766,500			
Federal Government	554,132	792,000	187,300			
Other Sources	2,970,278	9,848,101	7,391,890	1,558,270	1,566,500	1,593,375
Total Revenues	\$10,613,911	\$18,038,901	\$15,946,690	\$1,558,270	\$1,566,500	\$1,593,375
Expenditures						
Salaries	\$4,116,523	\$4,027,686	\$4,253,041	\$351,399	\$331,587	\$364,462
Other	6,211,895	13,884,510	11,648,369	748,406	1,144,813	1,013,658
Total Expenditures	\$10,328,418	\$17,912,196	\$15,901,410	\$1,099,805	\$1,476,400	\$1,378,120
Beginning Fund Balance	\$1,719,240	\$2,004,733	\$2,131,438	\$1,368,699	\$1,827,164	\$1,917,264
Ending Fund Balance	2,004,733	2,131,438	2,176,718	1,827,164	1,917,264	2,132,519
No. of FTE Employees	107	107	108	11	11	11

Fund	Drug			Cemetery		
	FY 2011 Audited	FY 2012 Budget	FY 2013 Proposed	FY 2011 Audited	FY 2012 Budget	FY 2013 Proposed
Revenues						
Local Taxes						
State of TN						
Federal Government						
Other Sources	\$60,981	\$60,000	\$52,075	\$1,069	\$2,000	\$600
Total Revenues	\$60,981	\$60,000	\$52,075	\$1,069	\$2,000	\$600
Expenditures						
Salaries						
Other	\$58,582	\$83,500	\$89,250	\$0	\$0	\$0
Total Expenditures	\$58,582	\$83,500	\$89,250	\$0	\$0	\$0
Beginning Fund Balance	\$149,254	\$151,653	\$128,153	\$179,841	\$180,910	\$182,910
Ending Fund Balance	\$151,653	\$128,153	\$90,978	\$180,910	\$182,910	\$183,510

No. of FTE Employees	0	0	0	0	0	0
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Section 3. The current Section 3 shall be deleted in its entirety:

General Fund	\$ 18,008,428
Solid Waste Fund	3,510,639
Drug Fund	180,228
Cemetery Fund	<u>183,510</u>
Total All Funds	\$ 21,882,805

Section 3 is amended as follows:

General Fund	\$ 18,078,128
Solid Waste Fund	3,510,639
Drug Fund	180,228
Cemetery Fund	<u>183,510</u>
Total All Funds	\$ 21,952,505

SECTION 4. All encumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

SECTION 5. This ordinance shall take effect April 4, 2013 the public welfare requiring it.

Passed and adopted March 7, 2013.

Passed and adopted April 4, 2013.

/s/ Samuel Tharpe
Mayor

/s/ Kim Foster
Finance Director

FINANCIAL UPDATE

The Financial Update was presented by Finance Director Kim Foster. She stated that Revenues were slightly less than 60 percent of budget for February with Expenditures just more than 64 percent. Foster pointed out that several significant amounts of revenue were still pending such as the 218 Bypass Project, the Joy Street Intersection, and the bond issue for the annexation. Retail sales in January were 5.52 percent less than January 2012.

APPOINTMENTS TO BOARDS

After a brief discussion, Commissioner Lackey made a motion which was seconded by Vice Mayor Griffith to appoint Ms. Sabra Fuller to replace Ms. Dorothy Clark on the County Board of Equalization Committee. This is a two year term with City Commission appointment. The motion carried unanimously.

APPOINTMENT OF DELINQUENT TAX ATTORNEY

A letter was submitted from Ms. Beth Farmer Belew that she was appointed as the delinquent tax attorney for Henry County. She asked to be appointed this position for the City.

After a brief discussion, Commissioner Fuller made a motion which was seconded by Vice Mayor Griffith to appoint Ms. Beth Belew as the Delinquent Tax Attorney for the City of Paris. The motion carried unanimously.

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

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 would adopt the State's published rate, but allow for now charge for incidental or minimal requests.

After a lengthy discussion, this Resolution was deferred until next month's meeting on Thursday, May 2, 2013. The Commission wanted to review the State statue charges for copies.

RESOLUTION NO. 1516

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

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 the 4th day of April 2013.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

RESOLUTION TO ESTABLISH A POLICY REGARDING ELECTRONIC MEETINGS

The meeting portion of the Sunshine Laws allows for electronic meetings if held in accord with the statute. However, one requirement is that you have a written policy.

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

RESOLUTION NO. 1517

RESOLUTION TO ESTABLISH A POLICY REGARDING ELECTRONIC MEETINGS

WHEREAS, the Tennessee Code annotated 8-44-108 allows for the utilization of electronic meetings under such terms and conditions as are set forth in said statute; and

WHEREAS, in order to conduct electronic meetings, the City of Paris is required to adopt a policy regarding the use of electronic meetings, and

WHEREAS, the City of Paris wishes to adopt and appropriate policy meeting the requirements of the Statute; and

NOW THEREFORE, be it ordained that the City of Paris does adopt the provisions of the Statute as policy and instructs the City Manager to develop a set of guidelines for implementation to be approved by Counsel. Said guidelines shall be widely distributed to all Departments and Boards of the City and it shall be the responsibility of the Office of the City Manager to insure compliance.

Unanimously adopted, this the 4th day of April 2013.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

APPROVAL OF TEMPORARY LANDFILL SUPERINTENDENT TRAINEE POSITION

City Manager Holder had sent out an email seeking Commission approval to establish a Landfill Superintendent Trainee position due to its unique nature. This will allow an individual to receive the necessary training over an extended period of time. Holder recommended not making the position a part of our Personnel Rules and Regulations since it is anticipated as temporary and the individual will be covered by our Rules under the current position.

After a lengthy discussion, Commissioner Fuller made a motion which was seconded by Commissioner Gerrell to approve the temporary Landfill Superintendent Trainee position. The motion carried unanimously.

LANDFILL SUPERINTENDENT TRAINEE

Due to the nature of this position, it is necessary to begin the process of training a replacement for the current Landfill Superintendent well in advance of his retirement date. This position is established with the understanding that the individual selected will continue to hold their regular position, but will work with the current Superintendent at such times as he indicates it is a training opportunity.

Such times shall include but are not limited to:

1. Meetings with State Officials;
2. Meetings with the City's design engineers or survey crews;
3. Attending training sponsored by the State or MTAS;
4. Critical junctions of the new plan development; and

5. Any other duties the Superintendent or City Manager believes will help prepare the individual to assume the position.

The person selected will be compensated from the Solid Waste Fund for time spent on the Landfill at a rate set by the City Manager. The individual's performance will be reviewed every six (6) months to determine progress.

The individual shall meet all the current criteria for the position, or demonstrate an aptitude for the development of those skills, except for that knowledge or ability they are expected to acquire in the process.

This position shall initially be posted to City of Paris and Henry County employees only.

Nature of Work

This is responsible work concerning the operation of refuse disposal activities.

Work includes assignment, training, and scheduling of the refuse disposal crews to insure prompt and efficient service.

Duties entail filling in for Equipment Operator II or Equipment Operator I when necessary. The work also involves extensive public contact, often under trying circumstances that require considerable tact and diplomacy. All work is performed under the general direction of the City Manager, and is reviewed through inspection, and by evaluating reactions and comments of the public.

Illustrative Examples of Work

Organizes, trains, schedules, assigns, and reviews the work of a group or crew of workers engaged in refuse disposal activities.

Responsible for the gate at the landfill and the personnel attending the gate.

Receives, investigates, and disposes of complaints.

Assists in scheduling of trucks, equipment, supervising the landfill and the gate.

Operates equipment at his/her own discretion.

Desirable Knowledges, Abilities and Skills

Ability to fill the qualifications of Equipment Operator I and Equipment Operator II.

Considerable knowledge of modern methods and techniques of refuse disposal.

Ability to establish and maintain effective working relationships with subordinates, other departments, and the public.

Ability to plan, lay out, coordinate, schedule, and effectively supervise the work of a number of workers engaged in refuse disposal. Ability to conduct effective public relations, ability to work close with the Public Works Director.

Considerable knowledge of the operating characteristics and servicing of equipment used in the landfill operations.

Considerable knowledge of the work hazards and applicable safety precautions associated with equipment and operations.

Considerable knowledge of all landfill regulations.

Desirable Training and Experience

Education sufficient to develop basic reading, writing, and mathematical skills. Ability to obtain a valid Tennessee Driver's License and cell or landline telephone are required.

Considerable experience in operating landfill equipment, with experience in municipal refuse disposal.

A Commercial Driver's License (CDL) is required for this position. Upon employment with the City, the probationer must obtain a CDL. If the probationer does not obtain a CDL in the normal probation period of six (6) months, the probationary period may be extended up to an additional six (6) months by the City Manager, but no further extension shall be made.

(Res. # 1495, 12/01/11)

457K PLAN CHANGE

Years ago the City Commission approved a 457K Plan for employees, which is optional. The City's only role is to deduct the selected amount and forward to the Plan administrator.

The US Conference of Mayors is the sponsoring agency. Recently they became dissatisfied with the provider, Nationwide, and issued an RFP for a provider. Great-West Financial was selected as the new provider. However, each city (or group) has the options of staying with Nationwide or transferring to the new provider.

While the City of Paris has the actual fiduciary responsibility for the decision, I believe it was appropriate to solicit the opinions of our current enrollees and have met with them in small groups to discuss the options. They were unanimously in favor of inviting the new US Conference of Mayors endorsed provider to make a presentation to the group. If an overwhelming majority prefers to switch, we will bring you the appropriate resolution for your consideration.

This was presented for informational purposes only.

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

At March's Commission meeting, 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 motion carried unanimously.

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

This rezoning request will be presented at the May 2, 2013 City Commission meeting for a Public Hearing and Second Reading.

AMENDMENT TO THE PERSONNEL RULES AND REGULATIONS APPENDIX B REGARDING THE POSITION OF LANDFILL SUPERINTENDENT

When preparing the job description for the Temporary Landfill Superintendent, Holder recognized that the current job depiction did not reflect the current position accurately. The job description was amended to reflect the current duties.

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

RESOLUTION NO.1518

WHEREAS, the City of Paris, Tennessee, has adopted Personnel Rules and Regulations effective April 6, 1994; and

WHEREAS, Paris Municipal Code 1-503 specifies that amendments to said Personnel Rules and Regulations shall be adopted by the City Commission by Resolution before they shall have force and effect; and

WHEREAS, it is desirable to delete the position of Landfill Superintendent in its entirety; and

WHEREAS, it is desirable to replace the deleted Landfill Superintendent description with the following job Landfill Superintendent job description in Appendix B.

Landfill Superintendent

Nature of Work

This is responsible work concerning refuse disposal activities.

Work includes scheduling of the refuse disposal to insure prompt and efficient service.

Duties entail filling in for Equipment Operator II or Equipment Operator I when necessary. The work also involves extensive public contact, often under trying circumstances that require considerable tact and diplomacy. All work is performed under the general direction of the City Manager, is reviewed through inspection, and by evaluating reactions and comments of the public.

Works extensively with State EPA officials, design engineers and survey crews to insure proper development and maintenance of the Landfill.

Illustrative Examples of Work

Organizes, schedules, assigns, and reviews the work of the Landfill Clerk or others engaged in refuse disposal activities.

Responsible for the gate at the landfill and the personnel attending the gate.

Receives, investigates, and disposes of complaints.

Assists in scheduling of trucks, equipment, supervising the landfill and the gate.

Operates equipment at his/her own discretion.

Desirable Knowledges, Abilities and Skills

Ability to fill the qualifications of Equipment Operator I and Equipment Operator II.

Considerable knowledge of modern methods and techniques of refuse disposal.

Ability to establish and maintain effective working relationships with subordinates, other departments, and the public.

Ability to plan, lay out, coordinate, schedule, and effectively supervise the work of a number of workers engaged in refuse disposal. Ability to conduct effective public relations, ability to work close with the Public Works Director.

Considerable knowledge of the operating characteristics and servicing of equipment used in the landfill operations.

Considerable knowledge of the work hazards and applicable safety precautions associated with equipment and operations.

Considerable knowledge of all landfill regulations.

Desirable Training and Experience

Education sufficient to develop basic reading, writing, and mathematical skills. Ability to obtain a valid Tennessee Driver's License and home telephone are required.

Considerable experience in operating landfill equipment, with experience in municipal refuse disposal.

A Commercial Driver's License (CDL) is required for this position. Upon employment with the City, the probationer must obtain a CDL. If the probationer does not obtain a CDL in the normal probation period of six (6) months, the probationary period may be extended up to an additional six (6) months by the City Manager, but no further extension shall be made. (Res. # 1495, 12/01/11)

Unanimously adopted, this the 4th day of April 2013.

/s/Samuel Tharpe
Mayor

/s/Kim Foster
Finance Director

REZONING REQUEST FOR PROPERTY LOCATED ON MINERAL WELLS AVENUE

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.

STATUS OF VARIOUS PROJECTS AND DEPARTMENTAL SUMMARIES

ONGOING PROJECTS (as of 04-01-13)

	<u>Item</u>	<u>Primary Staff</u>	<u>Target Completion Date(s)</u>	<u>Notes</u>
1	Bethel / HCMC	Holder		Bethel considering three options for resolving financial issues. Bethel has issues with Venture Construction which they will share with us on 03-27-13.
2	Joy Street	Holder / Morris	07-31-13	April 15 th start.
3	New Finance, Codes, & Public Works Software	Foster / Pillow / Holder / Jessie / Brown	04-30-13	Bulk of work completed; Individual training next stage.
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	Announcement hopefully by the end of April	Proposal submitted; awaiting short list notice; have prepared presentation in anticipation.
6	Annexation Projects	Holder / Morris	06-30-13	Successful bidder was Marbury of Denmark, TN; under contract; Within budget; BPU to inspect.
7	Employee Handbook	Holder / Foster / Ray	Indefinite	Reflect personnel rules; No progress.
8	SRO	Holder/Elizondo	07-01-13	Resolved
9	MTAS Benchmarking	Holder		Approved in January; Will begin process in August.

10	Consideration of Insurance Coverages	Holder / Foster	Undetermined	SRM to undertake under contract.
11	218 Bypass	Morris / Holder / Greer	Undetermined	James Chatham of McKenzie will do first appraisal; Flowers review appraisal; October 1 st deadline for purchases.
12	Valleywood Drainage Project	Holder / Jessie	Undetermined	Engage Neel-Schaffer to conduct an engineering study of drainage stream and make recommendations

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

/s/Samuel Tharpe

 Mayor

/s/Kim Foster

 Finance Director

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**OLD BUSINESS
Agenda Item No. 1
Rezoning Property Located at 812 East Wood Street**

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 motion carried unanimously.

A Public Hearing was held before the Regular Meeting and this is up for Second Reading.

ORDINANCE NO. _____

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 _____.

Passed and adopted _____.

Mayor

Finance Director

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**OLD BUSINESS
Agenda Item No. 2**

Rezoning Request for Property Located on Mineral Wells Avenue

At last month's meeting, 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.

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 corner 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 _____.

Passed and adopted _____.

Mayor

Finance Director

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**OLD BUSINESS
Agenda Item No. 3**

**Resolution Establishing the Policy of the City of Paris 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.

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 the 2nd day of May 2013.

Mayor

Finance Director

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**NEW BUSINESS
Agenda Item No. 1
Financial Update**

The Finance Director will provide a financial update.

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**NEW BUSINESS
Agenda Item No. 2
Appointments to Boards**

The following appointment is to be considered for the month of May:

Parks and Recreational Commission – 5 Year Term – Mayor Appointment
George Bass – Term Expires May 1, 2013

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**NEW BUSINESS
Agenda Item No. 3**

**Joint Resolution between the City and the County to Encourage 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.

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.

Mayor

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.

City Manager

Date

County Mayor

Date

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**NEW BUSINESS
Agenda Item No. 4**

Presentation of Report on Debt Obligation on the BPU CON Issue of \$920,000

We are required to formally acknowledge the attached 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."

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**NEW BUSINESS
Agenda Item No. 5
TDOT Purchase of 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. (See the following)

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.

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**NEW BUSINESS
Agenda Item No. 6
Rezoning Request for Property at 103 and 105 McClain Road**

Jimmy Dale Freeland has 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 Hwy 79. On the east side of the property it is adjacent to property zoned R-2.

This is a 37.40 acre 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.

The Commission may choose to adopt this on first reading and refer this request to the Planning Commission for recommendation.

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**NEW BUSINESS
Agenda Item No. 7**

**Certificate of Compliance – Retail Package Store
Theodore Kenworthy – 1220 West Wood Street – West Wood Wines and Liquor**

Mr. Kenworthy has applied for a Certificate of Compliance for his retail package store, West Wood Wines and Liquors, located at 1220 West Wood Street. The application and a copy of the publication that is to run for three (3) consecutive days in the Paris Post Intelligence are attached.

The Commission is asked 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.

Attached is the Certificate of Compliance and the Notice for the PI.

**Honorable Mayor and Board of Commissioners
City of Paris, Tennessee
Regular Meeting
May 2, 2013**

**STATUS OF VARIOUS PROJECTS AND DEPARTMENTAL SUMMARIES
Project Update Sheet**

The Ongoing Project Update Sheet, as of April 23, 2013, is presented for your review.

ONGOING PROJECTS (as of 4/23/13)

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