

MINUTES OF MEETING, ATHENS CITY COUNCIL, NOVEMBER 28, 2006

The Athens City Council met in called session on November 28, 2006, at 5:30 P.M. with Mayor Proffitt presiding. After the pledge, the invocation was given by Mayor Proffitt. Upon roll call, the following members were present:

Alvey, Buttram, Pelley, Perkinson, Proffitt

The following decisions were made and ordered made a part of the records of the Athens City Council.

The purpose of the meeting, as issued in the "Notice of Called Meeting" dated November 22, 2006, was read and made a part of these minutes:

NOTICE OF CALLED MEETING

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There will be a called meeting of the Athens City Council on Tuesday, November 28, 2006, beginning at 5:30 p.m. in the Athens Municipal Building Training Room located at 815 North Jackson Street. The purpose of the called meeting is to consider an independent investigation into the reasons for the lack of public notification as it relates to the ISO reclassification of the City of Athens.

/s/
John M. Proffitt, Mayor

City Attorney Chris Trew advised council members that according to parliamentary procedures their business during this called meeting was limited to the purpose as stated in the Notice of Called meeting and if a committee was wanted, the council should decide who they wanted, the scope of the investigation, and the guidelines and parameters under which the committee will work.

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SELECTION OF MEETING CHAIR

At this time, Council Member Pelley requested for Vice-Mayor Perkinson to assume the chair for the remainder of the meeting since Mayor Proffitt was involved in the failure to disclose incident. In response, City Attorney Trew advised that all five council members had equal say to the items of discussion and who led the meeting was not important. After other comments, it was the decision of the Council for City Attorney Trew to chair the meeting.

STRUCTURE OF COMMITTEE

In consideration of the structure of the committee, Council Member Buttram, Vice-Mayor Perkinson, and Mayor Proffitt favored a three-member committee while Council Members Alvey and Pelley expressed a desire to appoint a larger committee consisting of four to five members.

After discussion, motion was made by Vice-Mayor Perkinson, seconded by Council Member Buttram, to appoint a three-member committee to conduct the investigation. After discussion and upon roll call, the following vote was recorded:

AYES: Buttram, Perkinson, Proffitt
NAYS: Alvey, Pelley

COMMITTEE NOMINATIONS

City Attorney Chris Trew asked for nominations for committee members. Motion was made by Council Member Buttram, seconded by Mayor Proffitt, to nominate **City Attorney Chris Trew**. After discussion and upon roll call, the following vote was recorded:

AYES: Alvey, Buttram, Pelley, Perkinson, Proffitt
NAYS: None

Motion was made by Council Member Pelley, seconded by Council Member Buttram, to nominate **Richard Newman**. After discussion and upon roll call, the following vote was recorded:

AYES: Alvey, Buttram, Pelley, Perkinson, Proffitt
NAYS: None

Motion was made by Vice-Mayor Perkinson, seconded by Mayor Proffitt, to nominate Mike Tallent with MTAS. During discussion, Council Member Buttram stated he was at a disadvantage because he had not had the opportunity to work with Mr. Tallent. He stated that he agreed with Council Member Pelley to keep the committee members local. He stated that perhaps Mr. Tallent could serve in an ex-officio capacity as a resource to the committee. Council Member Alvey agreed. After further discussion, Vice-Mayor Perkinson withdrew his motion, and there was no vote taken.

Motion was made by Mayor Proffitt, seconded by Council Member Pelley, to nominate **Randy Ayers**. There being no discussion, the following roll call vote was recorded:

AYES: Alvey, Buttram, Pelley, Perkinson, Proffitt
NAYS: None

Council members agreed to nominate alternate committee members in the event that one of the three committee members could not serve. Council Member Pelley nominated Larry Wallace as an alternate committee member. The motion was seconded by Council Member Alvey. After discussion and upon roll call, the following vote was recorded:

AYES: Alvey, Buttram, Pelley, Perkinson, Proffitt
NAYS: None

Council Member Buttram nominated Connie Allen as an alternate committee member. The motion was seconded by Mayor Proffitt. After discussion and upon roll call, the following vote was recorded:

AYES: Buttram, Perkinson, Proffitt
NAYS: Alvey, Pelley

Vice-Mayor Perkinson nominated Jerry Estes as an alternate committee member. The motion was seconded by Mayor Proffitt. There was no discussion and the following roll call vote was recorded:

AYES: Alvey, Buttram, Pelley, Perkinson, Proffitt
NAYS: None

SCOPE OF INVESTIGATION DISCUSSED

City Attorney Chris Trew led the discussion concerning the scope of the investigation. All council members agreed the investigation should cover the time period from the beginning of any ISO efforts and inspections through the current date of November 28, 2006. Council members further agreed the investigation should cover all conversations, communications (verbal and written), documentation (original or copied), e-mail, and any minutes or notes taken during any meetings. Further, council agreed that interviews should be conducted with the city manager and department heads. City Attorney Trew advised council of possible privacy issues regarding some documentation from ISO. He stated that he would advise council if any information was requested but was not attainable. City Attorney Trew further advised council members that he would send them a draft of the scope and parameter of the investigation and would modify it until each member of the Council was satisfied.

SUBMISSION OF FINAL REPORT

City Attorney Trew stated he would stress to the other committee members that this issue should be resolved expeditiously. Council members requested this committee provide an update to them at the first work session in December, with their final report to be presented at their first meeting in January. City Attorney Chris Trew advised council members he would contact Mr. Newman and Mr. Ayres after the meeting was adjourned.

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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 6:23 P.M.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager