



**COPY**

IN THE CHANCERY COURT FOR MCMINN COUNTY, TENNESSEE  
AT ATHENS

LARRY EATON, )  
*Plaintiff,* )

Vs. )

CITY OF ATHENS, TENNESSEE, )  
C. SETH SUMNER, )  
*Defendant.* )

Docket No. 2022-CV-71

**FILED**

MAR 26 2022  
AT 3:48 P.M.  
PATTY S. GAINES  
CLERK & MASTER  
BY \_\_\_\_\_

**COMPLAINT**

COMES NOW, LARRY EATON (“Eaton”), by and through undersigned counsel, and hereby files his Complaint for damages and equitable relief under Tennessee law. In support whereof, Plaintiff would show as follows:

**PARTIES**

1. Plaintiff, LARRY EATON, is an individual, citizen of the State of Tennessee, and citizen of the municipality of Athens, Tennessee. He can be noticed for purposes of this action through his attorneys of record at ROGERS SAUCEMAN, PLLC, P.O. Box 507, Athens, Tennessee 37371-0507.
2. Defendant, CITY OF ATHENS, TENNESSEE (the “City”), is a municipality located within McMinn County, Tennessee. The City is run by a city manager and city council (the “City Council”).
3. Defendant C. SETH SUMNER (“Sumner”), personally, and in his capacity as the manager of the City, is an individual, citizen of the State of Tennessee.

## COUNT I

### VIOLATION OF TENN. CODE ANN. §8-44-101, et. seq.

4. On August 10, 2021 and October 18, 2021 (respectively “the August 10<sup>th</sup> Meeting” and “the October 18<sup>th</sup> Meeting”) the City Council held special called meetings to address certain charges levied against Sumner.
5. On December 6, 2021 Eaton filed a Public Records Request Form requesting the minutes of the August 10<sup>th</sup> Meeting and the October 18<sup>th</sup> Meeting, This request is attached hereto as Exhibit Number 1.
6. Tenn. Code Ann. §8-44-104(a) requires, in part, that “The minutes of a meeting of any such governmental body shall be *promptly* and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of a roll call.”
7. Numerous Athens City Council meetings took place subsequent to the August 10, 2021 Meeting, and October 18<sup>th</sup> Meeting. Minutes were prepared for the subsequent meetings, and then approved. See attached Exhibit Number 2.
8. On December 14<sup>th</sup>, 2021, eight (8) days after the submission of the records request, Leslie McKee (“McKee”), records custodian for the City, informed Eaton that no minutes had been prepared for the relevant meetings, and thus, Eaton’s request must be denied. See email attached as Exhibit Number 3.
9. Upon information and belief, the City has prepared and approved minutes of subsequent meetings but failed to prepare and approve minutes of the two meetings in question, as the meetings in question were embarrassing and problematic for the City and/or Sumner.

10. The failure to promptly promulgate and approve minutes of the called meetings in question is a violation of Tenn. Code Ann. §8-44-101, *et. seq.*
11. Tenn. Code Ann. §8-44-106 provides that, upon finding a violation of this part, the Court shall “. . .permanently enjoin any person adjudged by it in violation of this part from further violation. . .” and the Court shall “. . .retain jurisdiction over the parties and subject matter for a period of one (1) year from date of entry, and the court shall order the defendants to report in writing semiannually to the court of their compliance with this part.”

## COUNT II

### VIOLATION(S) OF TENN. CODE ANN. §10-7-501, et. seq.

12. Tenn. Code Ann. §10-7-503(a)(2) provides that:

“(A) All state, county, and municipal records shall, at all times during business hours. . . be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.”
13. The statute goes on to provide a framework by which a records custodian may respond to a records request. The custodian may, within seven (7) days, (1) Make the information available to the requestor; (2) Deny the request in writing or by completing a records request response form developed by the office of open records counsel; or (3) furnish the requester . . .the time reasonably necessary to produce the record or information.
14. Per Tenn. Code Ann. §10-7-503(a)(3), a “[f]ailure to respond to the request as described in subdivision (a)(2) shall constitute a denial, and the person making the request shall have the right to bring an action as provided in Tenn. Code Ann. §10-7-505.”
15. Regarding redaction, Tenn. Code Ann. §10-7-503(a)(5) “Information made confidential by state law shall be redacted whenever possible, and the redacted record shall be made available

for inspection and copying. . . Costs associated with redacting records, including the cost of copies and staff time to provide redacted copies, shall be borne as provided by law.”

16. The Tennessee Comptroller of the Treasury publishes a “Schedule of Reasonable Charges” regarding charges for open records requests. This document provides, in pertinent part, that “A records custodian shall utilize the most cost-efficient method of producing requested records. Accordingly, a records custodian should strive to utilize current employees at the lowest practicable hourly wage to fulfill public records requests for copies.” See attached Exhibit Number 4.
17. In December of 2020, Eaton requested certain credit card statements from cards assigned to Sumner. See attached Exhibit Number 5.
18. These statements, once received, were heavily redacted. Along with the records, Eaton was presented with a bill for \$741.20 representing costs for redaction. See attached Exhibit Number 6.
19. In May of 2021, Eaton requested Sumner’s emails regarding City policies regarding Covid-19 policies.
20. These emails, once received, were heavily redacted. Along with the records, Eaton was presented with a bill for \$209.69, representing specific times in which Sumner was specifically working on redacting the requested records. See attached Exhibit Number 7.
21. It is unreasonable, and a violation of the promulgated “schedule of reasonable charges” for Sumner, the highest paid City employee, to be the one personally completing the redaction of these records.
22. These actions constitute a violation of T.C.A. §10-7-501, *et seq.*, and caused damages to Eaton in an amount to be shown at a trial on this cause.

23. By refusing to allow other staff members to complete this redaction, Sumner intentionally acted to artificially increase the cost to Eaton of obtaining these records.
24. Further, the billing statement provided by the City indicates that Sumner worked on Eaton's request at specific times. See attached Exhibit Number 8.
25. Exhibit Number 8 indicates that Sumner was working on Eaton's request on May 13, 2021 from 11:05 am until 12:26 pm, from 1:34 pm until 4:22 pm and additionally on May 19, 2021 from 11:22 am until 12:56 pm.
26. However, public records later obtained by Eaton indicate that during the above times Sumner was actually using the telephone, sending and receiving text messages, wandering city hall, speaking with other City employees, and participating in unrelated Zoom meetings, the proof of which will be shown in the trial of this Cause. All of these actions are completely unrelated to completing work on Eaton's records request.
27. The actions of both Sumner and the City constitute a violation of Tenn. Code Ann. §10-7-501, *et. seq.*, and resulted in damages to Eaton, the taxpayers of the City, and likewise constitute fraud and/or official misconduct by Sumner.
28. The actions of Sumner and the City constitute an impermissible fee to gain access to public records and have caused damages to Eaton.
29. Moreover, during 2020, the City begin to add a watermark across any records requests made by Eaton and a limited number of other individuals, clearly indicating who requested the document, the proof of which will be shown at the trial of this Cause.
30. This watermarking is not standard practice or policy for records requests with the city.
31. The watermarking is not included in Resolution 2017-11, a City resolution adopting a written public records policy. See attached Exhibit Number 9.

32. On August 18, 2020 and November 9, 2020 Eaton filed records requests for any written policies regarding watermarking within the City.
33. McKee replied that "As I responded to your public records request of August 18, 2020 regarding the watermarks on public records requests, there were no documents related to the watermarks in August 2020 and there are still no documents pertaining to your request of November 9, 2020.
34. On March 16, 2021 Eaton submitted a public records request for all documents that had been watermarked without his consent. See attached Exhibit Number 10.
35. Eaton was subsequently informed by McKee who indicated, in an email to Dr. Dick Pelley, a City Councilman, that "There is no written policy on watermarking so one could not be provided to Mr. Eaton. This policy was verbally transmitted to me." See attached Exhibit Number 11.
36. Given that the City had never used watermarking of public records requests in the past, it is inconceivable that no written policy and/or communication exists regarding watermarking of Eaton's records request(s).
37. Upon information and belief, Sumner directed McKee and/or other City employees to place a watermark on records requested by Eaton as a form of harassment and intimidation, and for Sumner's personal gain, and the gain of the City.
38. Additionally, remarks made within communications from Sumner reveal a general disdain towards Eaton and his records requests. See email(s) from Sumner attached as Exhibit Number 12.
39. The City continuously requires Eaton to file public records request(s) to gain access to any information connected or related to the City. This is a policy that is not uniform, as numerous

other citizens are able to acquire and access City records and documents without filing a records request, the proof of which will be shown at a trial on this Cause.

40. The need to file a records request to gain access to City information or documents is determined solely by Sumner. City Council member Dick Pelley, someone whom Sumner frequently clashes with, is required to file a records request to obtain items such as minutes and agendas for City Council meetings. See attached Exhibit Number 13.
41. Further, when Eaton files a records request, it is routed, through Sumner, for the resulting documents to be watermarked. This process is not followed for requests by other citizens and is a violation of T.C.A. §10-7-501, *et seq.*
42. Eaton filed an additional records request on February 21, 2022, requesting documents related to an incident with Athens Police Officer Zac Hawkins. McKee responded, delaying a response until March 25, 2022, with no reason given, which is a violation of T.C.A. §10-7-501, *et seq.* See attached Exhibit Number 14.
43. The City's actions above are improper pursuant to Tennessee law as (1) City has failed to make timely response, (2) ignored requests, (3) denied these requests on frivolous grounds, or (4) denying requests for false reasons, and (5) altering/manufacturing fees.
44. In the alternative, should no written policy and/or communication truly exist regarding watermarking, the City's policy of watermarking and treating requests from Eaton differently than requests from others is a violation of Tenn. Code Ann. §10-7-501, *et seq.*

### COUNT III

#### FRAUD/INTENTIONAL MISREPRESENTATION

#### Defendant Sumner

45. Defendant Sumner's actions in charging Eaton for work that Sumner alleges he performed on Eaton's behalf constitutes fraud, intentional misrepresentation, and/or negligent misrepresentation.
46. By indicating that he worked on Eaton's requests for a specific period of time at specific intervals, Sumner intentionally misrepresented a material fact.
47. Sumner made these representations with full knowledge of the falsity of the representations. Sumner knew, or should have known, that when he was sending text messages, talking on the phone, or wandering City Hall, that he should not be billing Eaton for that time.
48. Eaton suffered unnecessary financial harm due to this misrepresentation, as this misrepresentation cost Eaton additional funds he was required to pay for access to City documents.

THEREFORE, premises considered, Plaintiff hereby prays:

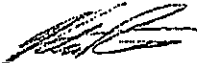
1. That pursuant to Tennessee law, this Court permanently enjoin the violation of the Open Meetings Act; and
2. This Court retain jurisdiction over the Parties and subject matter for a period of one (1) year, ordering the Defendants to report in writing semiannually to the Court regarding their compliance with the Open Meetings Act; and
3. That this Court Order the Defendants access to the requested records; and
4. That this Court enjoin the Defendants to: (1) adopt policies for citizen inspection and copying of City records consistent with Tenn. Code Ann. § 10-7-501, *et. seq.*; (2) establishing and maintaining the required administrative, physical, or technological infrastructure necessary to facilitate record inspection, and; (3) cease violating Eaton's rights through frivolous denials, delays, harassment, and targeting; and



5. That Plaintiff be awarded a judgment for damages in an amount to be determined in a trial on this matter and pursuant to Tennessee law; and
6. That Plaintiff be awarded all reasonable costs incurred in the prosecution of this matter, including attorney's fees pursuant to Tennessee law; and
7. General relief.

Respectfully submitted, this the 24<sup>th</sup> day of March, 2022

By:  
ROGERS SAUCEMAN, PLLC

  
\_\_\_\_\_  
MATTHEW C. ROGERS, BPR#027500  
~~LEAH B. SAUCEMAN, BPR#032351~~  
ANDREW E. BATEMAN, BPR#034138  
AUSTIN B. HAYES, BPR#  
P.O. Box 507  
Athens, TN 37371-0507  
(423) 745-5674 phone  
(423) 745-5679 fax

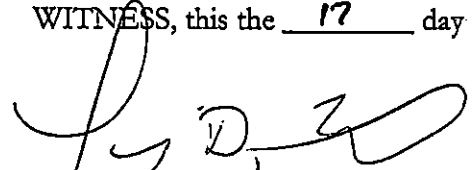
\_\_\_\_\_  
/s/LARRY EATON  
By Attorney

VERIFICATION


STATE OF TENNESSEE  
COUNTY OF MCMINN

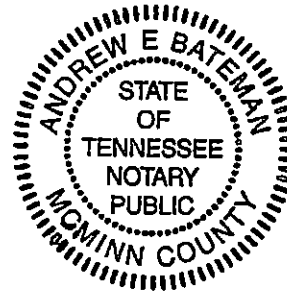
LARRY EATON, after being duly sworn according to law, makes oath that he/she has read the foregoing Complaint, and the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief.

WITNESS, this the 17 day of March, 2021.

  
\_\_\_\_\_  
LARRY EATON

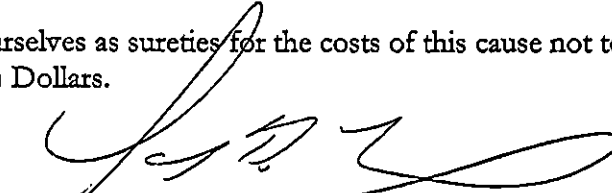
Sworn to and subscribed before me:

  
\_\_\_\_\_  
NOTARY PUBLIC STATE OF TENNESSEE  
My commission expires: 10/27/24



COST BOND

We, the undersigned, acknowledge ourselves as sureties for the costs of this cause not to exceed the sum of One Thousand (\$1,000.00) Dollars.

  
\_\_\_\_\_  
LARRY EATON, Principal

  
\_\_\_\_\_  
ROGERS SAUCEMAN, PLLC, Surety



COPY



EXHIBIT 1

FILED

PUBLIC RECORDS REQUEST FORM A

MAR 24 2022  
AT 3:48 P.M.  
PATTY S. GAINES  
CLERK & MASTER

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Administrative Assistant to the City Manager, Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303

From: Larry D. Eaton 279 Sweet P. Rd Vally Rd Athens TN 37303  
[Insert Requestor's Name and Contact Information (include an address for any TPRA required written response)]

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only.<sup>1</sup>)

Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ \_\_\_\_\_? If so, initial here: \_\_\_\_\_.

Delivery preference:  On-Site Pick-Up  USPS First-Class Mail  
 Electronic  Other:

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

See Additional Page

[Signature] 12/6/21  
Signature of Requestor & Date      Submitted Signature of Public Records Request Coordinator & Date Received

<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

**Requester:**

Larry Eaton

279 Sweefield Valley Road

Athens, Tn 37303

**12/6/2021**

Request document(s): on the second session of the special called meeting of Athens city council on the city manager the below is requested

- The minutes of the special called meeting on the issues of Seth Sumner
- The specific charges that were warranted for the two-week suspension of C. Seth Sumner that the city council voted on in the 2<sup>nd</sup> part of the special called meeting

# ATHENS CITY COUNCIL

## STUDY SESSION AGENDA

Monday, November 8, 2021, 5:45 PM

**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
CLERK & MASTER  
BY \_\_\_\_\_

1. **INVOCATION**
2. **MINUTES:**
  - (1-4) a. To Be Approved:
    - i. October 19, 2021 – City Council Regular Meeting
3. **COMMUNICATIONS AND SPECIAL PRESENTATIONS:**

Attached

  - (5) a. Review 2020-2021 Juvenile Services Annual Report. **MELISSA HUGHES/DUSTIN PRICHARD**
  - b. Athens City Middle School Update. **MIKE SIMMONS**
  - c. Presentation of VIVID Award – Meredith Willson. **COUNCIL MEMBER WITT-MCMAHAN/  
COUNCIL MEMBER CURTIS**
  - d. Presentation of Proclamation – Neyland Pickel. **COUNCIL MEMBER CURTIS**
  - e. Miscellaneous Correspondence
    - i. None
4. **CONSENT AGENDA:**
  - (6-7) a. Committee Appointments:
    - i. None
  - b. Purchases:
    - i. None
  - c. Other Items:
    - i. Engineering Services for Athens City Schools Campus and Downtown Traffic Enhancements. **KEVIN HELMS/BEN BURCHFIELD**
5. **ORDINANCES:**
  - a. None
6. **OLD BUSINESS:**
  - (8-12) a. Animal Shelter Interlocal Agreement Update. **C. SETH SUMNER**
7. **NEW BUSINESS:**
  - (13-15) a. Proposed ordinance updating various building and fire codes. **GENE MCCONKEY/BRANDON  
AINSWORTH**
  - b. Discussion on process to review City Charter. **C. SETH SUMNER**
  - c. City Manager’s Evaluation. **MAYOR PERKINSON**
  - (16) d. Beer Board Materials/Review. **C. SETH SUMNER**
8. **REPORTS:**
  - (17-29) a. Athens City Schools Building Project Update – Robert Greene (written report)
  - b. Athens Parks Foundation – Pelley (None)
  - (30) c. Athens Regional Planning Commission – Lockmiller/Witt-McMahan (written report)
  - (31-32) d. Athens Utilities Board – Perkinson (written report)

- (33) e. Board of Zoning Appeals – Pelley (written report)
- (34-40) f. Council Advisory Committee – Patti Greek (written report)
- g. E.G. Fisher Public Library – Peyton Eastman (None)
- h. Friendly City Sister Cities – Perkinson (None)
- (41) i. Historic Preservation Commission – Curtis (written report)
- (42-43) j. McMinn County Juvenile Services – Dustin Prichard (written report)
- (44-45) k. McMinn County Senior Citizens – Tina South/Yvonne Raper (None)
- (46) l. Grants Schedule (written report)

**9. REQUESTS FROM CITIZENS**

- a. None

**10. REPORT FROM THE CITY MANAGER**

**11. ANNOUNCEMENTS:**

- a. ARPA Update (Hold) – Funds likely deposited next week.
- b. Facilities Update: Animal Shelter Design
- c. Strategic Planning Update: Input Collection – September 16th – October 28<sup>th</sup>: Extended 2 weeks
- d. 200th Anniversary Planning: Poster completed
- e. Police Staffing and CMR Study: Chief is reviewing with Command Staff for recommendations to the City Manager
- f. Public Strategies Firm: Media, tell our story, Brand
- g. 1v1 with Council Members
- (47) h. Pending Items
- (48) i. Upcoming Events/Meetings



COPY



## CITY COUNCIL

### AGENDA

Tuesday, November 16, 2021, 6:00 P.M.

- I. CALL TO ORDER
- II. INVOCATION. COUNCIL MEMBER PELLEY
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. APPROVAL OF MINUTES
  - (1-4) a.) October 19, 2021 – City Council Regular Meeting
- VI. COMMUNICATIONS AND SPECIAL PRESENTATIONS
  - (5) a.) Athens Middle School Update – Mike Simmons, Principal
  - (6) b.) Presentation of VIVID Award – Meredith Willson. **COUNCIL MEMBER WITT-MCMAHAN/COUNCIL MEMBER CURTIS**
  - (7) c.) Presentation of Proclamation – Neyland Pickel. **COUNCIL MEMBER CURTIS**
  - (8) d.) Tennessee Wesleyan University Resolution of Appreciation.
  - e.) Miscellaneous Correspondence
    - i. None
- VII. CONSENT AGENDA
  - (9-10) a.) Approve Resolution No. 2021-38 authorizing entry into contracts for engineering services for Athens City Schools (ACS) Campus and Downtown Traffic Enhancements. **KEVIN HELMS/BEN BURCHFIELD**
  - (11) b.) Approve Resolution No. 2021-39 authorizing the City Manager and Mayor to negotiate an agreement for the sale of city-owned land located at 2115 Redfern Drive. **CITY MANAGER SUMNER**
  - (12) c.) Approve recommendation to provide bonuses to employees. **C. SETH SUMNER**
- VIII. ORDINANCES
  - a.) None
- IX. OLD BUSINESS
  - (13-17) a.) Animal Shelter Interlocal Agreement Update. **C. SETH SUMNER**

- (18-20)      **X.    NEW BUSINESS**  
              a.    Proposed ordinance updating various building and fire codes. **GENE MCCONKEY/BRANDON AINSWORTH**

- (21-30)      **XI.    REPORTS**  
(31-47)      a.)    Finance Department Report. **MIKE KEITH**  
(48-51)      b.)    Fire Department Report. **BRANDON AINSWORTH**  
                  c.)    Police Department Report. **FRED SCHULTZ**

**XII.    REQUESTS FROM CITIZENS**

**XIII.    REPORT FROM THE CITY MANAGER**

**XIV.    ADJOURNMENT**





# ATHENS CITY COUNCIL

## STUDY SESSION AGENDA

Monday, December 13, 2021, 5:45 PM

1. **INVOCATION**
2. **MINUTES:**
  - (1-5) a. To Be Approved:
    - i. November 16, 2021 – City Council Regular Meeting
3. **COMMUNICATIONS AND SPECIAL PRESENTATIONS:**
  - (6-7) a. Strategic Plan Presentation. **DAVID BARTH AND C. SETH SUMNER**
  - (8) b. Presentation on production of new fire trucks. **BRANDON AINSWORTH**
  - c. E-Citation System Demonstration. **FRED SCHULTZ**
  - d. North City Elementary School Update. **ANGEL HARDAWAY**
  - e. Presentation of Proclamation – Neyland Pickel. **COUNCIL MEMBER CURTIS**
  - f. Miscellaneous Correspondence
    - i. None
4. **CONSENT AGENDA:**
  - (9-26) a. Committee Appointments:
    - i. None
  - (27) b. Purchases:
    - i. None
  - (28-29) c. Other Items:
    - (30) i. Annual Review of Debt Management Policy. **MIKE KEITH**
    - ii. Resolution to authorize submission of an application to the Department of Homeland Security for Fiscal Year 2021 Assistance to Firefighters Grant. **BRANDON AINSWORTH**
    - iii. In lieu of tax payments. **MIKE KEITH**
      - (31-32) 1. Resolution authorizing distribution of AUB’s electrical in lieu of tax payments for fiscal year 2021/2022
      2. Resolution authorizing distribution of AUB’s natural gas in lieu of tax payments for fiscal year 2021/2022
    - iv. Approve purchase of 2021 International HV607 4x2 Chassis to replace existing Knuckleboom truck (Asset #3077) as part of TDEC VW Medium & Large Truck Grant and to declare existing vehicle as surplus, to be destroyed per grant requirement upon receipt of new City vehicle, subject to TDEC approval. **BEN BURCHFIELD/MIKE KEITH**
5. **ORDINANCES:**
  - (33-35) a. Ordinance No. 1105 – Second Reading - An Ordinance to amend the Athens Municipal Code, Title 7 Entitled “Fire Protection and Fireworks” and Title 12 entitled “Building, Utility, Etc. Code” To adopt the 2018 edition of the International Residential, Building, Plumbing, Mechanical, Fuel Gas, Fire, And Energy Conservation Codes; and the 2017 edition of the National Electrical Code.
6. **OLD BUSINESS:**
  - (36-42) a. Animal Shelter Renovation Concept and MRHS MOU. **BEN BURCHFIELD**

**7. NEW BUSINESS:**

- (43-47) a. Recommendations from Planning Commission
  - i. Approve rezoning request by George Hester to change two parcels located on Ingleside Avenue from B-1 (Local Business District) to R-2 (Medium Density Residential District). **ANTHONY CASTEEL**
- (48-51) ii. Approve rezoning request by Buddie Beavers to change a parcel located on East Avenue from I-2 (Heavy Industrial District) to B-3 (Intensive Business District). **ANTHONY CASTEEL**
- (52) b. Council Appointment to McMinn County Senior Citizens Board
- (53-54) c. One-time bonus for non-permanent employees. **COUNCIL MEMBER WITT-MCMAHAN**

**8. REPORTS:**

- (55-67) a. Athens City Schools Building Project Update – Robert Greene (written report)
- b. Athens Parks Foundation – Pelley (None)
- (68) c. Athens Regional Planning Commission – Lockmiller/Witt-McMahan (written report)
- (69-70) d. Athens Utilities Board – Perkinson (written report)
- (71) e. Board of Zoning Appeals – Pelley (written report)
- (72) f. E.G. Fisher Public Library – Peyton Eastman (written report)
- g. Friendly City Sister Cities – Perkinson (None)
- (73) h. Historic Preservation Commission – Curtis (written report)
- (74-75) i. McMinn County Economic Development Authority – Lindsey Ferguson (written report)
- (76) j. McMinn County Juvenile Services – Dustin Prichard (written report)
- (77-79) k. McMinn County Senior Citizens – Tina South (written report)
- (80) l. Grants Schedule (written report)

**9. REQUESTS FROM CITIZENS**

- a. None (Mayor's Report)

**10. REPORT FROM THE CITY MANAGER**

**11. ANNOUNCEMENTS:**

- (81-93) a. Athens Four-Year Certified Local Government (CLG) Review
- (94-97) b. Audit – Citizen Request of State Comptroller's Office: \$3,595
- c. Public Works Structure and Capacity Study by MTAS
- d. Report on Debt Obligation
  - (98-100) i. General Obligation Bonds, Series 2021. **MIKE KEITH**
  - (101-103) ii. AUB State Revolving Fund – Sewer Improvements. **MIKE KEITH**
- e. Street Paving Completed
- f. Agreement with Drug Task Force
- g. ARPA Update – Awaiting final rule
- (104-105) h. City Manager's Objectives Update
- (106-109) i. Citizen Survey (Polco)
- (110-117) j. Elected Officials 360 Evaluation
- k. Facilities Update
- l. Public Strategies Firm: ZenCity; others
- (118) m. Pending Items
- (119) n. Upcoming Events/Meetings



COPY



## CITY COUNCIL

### AGENDA

Tuesday, December 21, 2021, 6:00 P.M.

- I. **CALL TO ORDER**
- II. **INVOCATION. VICE MAYOR LOCKMILLER**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **ROLL CALL**
- V. **APPROVAL OF MINUTES**
  - (1-5) a.) November 16, 2021 – City Council Regular Meeting
- VI. **COMMUNICATIONS AND SPECIAL PRESENTATIONS**
  - (6) a.) Presentation of Proclamation – Neyland Pickel. **COUNCIL MEMBER CURTIS**
  - (7-8) b.) North City Elementary School Update. **ANGEL HARDAWAY**
  - c.) Miscellaneous Correspondence
    - i. None
- VII. **CONSENT AGENDA**
  - (9-26) a.) Approve City of Athens Debt Management Policy, annual review by the Athens City Council. **MIKE KEITH**
  - (27) b.) Approve Resolution 2021-41 to authorize submission of an application to the Department of Homeland Security for Fiscal Year 2021 Assistance to Firefighters Grant. **BRANDON AINSWORTH**
  - (28-29) c.) Approve Resolution No. 2021-42 authorizing the distribution of Athens Utilities Board's electrical in lieu of tax payments for fiscal year 2021/2022. **MIKE KEITH**
  - (30) d.) Approve Resolution No. 2021-43 authorizing the distribution of Athens Utilities Board's gas in lieu of tax payments for fiscal year 2021/2022. **MIKE KEITH**
  - (31-33) e.) Approve purchase of 2021 International HV607 4x2 Chassis to replace existing Knuckleboom truck (Asset #3077) as part of TDEC VW Medium & Large Truck Grant and to declare existing vehicle as surplus, to be destroyed per grant requirement upon receipt of new City vehicle, subject to TDEC approval. **BEN BURCHFIELD/MIKE KEITH**

**VIII. ORDINANCES**

- (34-36) a.) Ordinance No. 1105 – Second Reading - An Ordinance to amend the Athens Municipal Code, Title 7 Entitled “Fire Protection and Fireworks” and Title 12 entitled “Building, Utility, Etc. Code’ To adopt the 2018 edition of the International Residential, Building, Plumbing, Mechanical, Fuel Gas, Fire, And Energy Conservation Codes; and the 2017 edition of the National Electrical Code.

**IX. OLD BUSINESS**

- (37-43) a.) Animal Shelter Renovation Concept and MRHS MOU. **BEN BURCHFIELD**

**X. NEW BUSINESS**

- (44-48) a. Recommendations from Planning Commission  
i. Approve rezoning request by George Hester to change two parcels located on Ingleside Avenue from B-1 (Local Business District) to R-2 (Medium Density Residential District). **ANTHONY CASTEEL**
- (49-52) ii. Approve rezoning request by Buddie Beavers to change a parcel located on East Avenue from I-2 (Heavy Industrial District) to B-3 (Intensive Business District).  
**ANTHONY CASTEEL**
- (53) b.) One-time bonus for non-permanent employees. **COUNCIL MEMBER WITT-MCMAHAN**
- (54-56) c.) Approve a one-year subscription with Polco for a Citizen Feedback Survey. **CITY MANAGER SUMNER**
- (57-58) d.) Approve surplus of two police cars and authorize donating them to the City of Dresden, TN as a result of them losing four police cars during the recent tornadoes. **MIKE KEITH/C. SETH SUMNER**

**XI. REPORTS**

- (59-68) a.) Athens City Schools Quarterly Report. **ROBERT GREENE**
- (69-81) b.) Finance Department Report. **MIKE KEITH**
- (82-85) c.) Fire Department Report. **BRANDON AINSWORTH**
- d.) Police Department Report. **FRED SCHULTZ**

**XII. REQUESTS FROM CITIZENS**

**XIII. REPORT FROM THE CITY MANAGER**

**XIV. ADJOURNMENT**



**COPY**



## CITY COUNCIL

### AGENDA

Tuesday, January 18, 2022, 6:00 P.M.

- I. CALL TO ORDER
- II. INVOCATION. COUNCIL MEMBER WITT-MCMAHAN
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. APPROVAL OF MINUTES
  - (1-6) a.) December 21, 2021 – City Council Regular Meeting
- VI. COMMUNICATIONS AND SPECIAL PRESENTATIONS
  - (7) a.) Employee of the Quarter
  - b.) City Park Elementary School Update. **KRISTEN WALDEN**
  - c.) Presentation of Proclamation – Recognize the week of January 23-29, 2022 as “School Board Appreciation Week”
  - d.) Miscellaneous Correspondence
    - i. None
- VII. CONSENT AGENDA
  - (8) a.) Reappoint Joe Allen to the Athens Housing Authority, term expires March 6, 2027.
  - (9-20) b.) Approve recommendation to award bid for Public Works Building Renovation Project to Integrated Properties, LLC. **BEN BURCHFIELD**
  - (21-51) c.) Approve draft proposal by Stantec to provide professional services for identified transportation projects and resume continuation of design services. **BEN BURCHFIELD**
  - (52) d.) Approve recommendation to proceed with the consultant selection process, as outlined by TDOT Local Program guidelines, for engineering services for STBG Project. **BEN BURCHFIELD**
  - (53) e.) Approve Resolution No. 2022-01 declaring week of January 23-29, 2022 as Flood Awareness Week. **ANTHONY CASTEEL**
  - (54) f.) Approve recommendation to declare surplus three (3) vehicles (Assets # 3694, 3278, 4020) and a slope mower with attachments (Asset # 4047). **MIKE KEITH**

**VIII. ORDINANCES**

- (55-59) a.) Ordinance No. 1106 – Second Reading/Public Hearing - Ordinance amending Zoning Ordinance to rezone the properties located on Ingleside Avenue from B-1 (Local Business District) to R-2 (Medium Density Residential District) – Request of George Hester. **ANTHONY CASTEEL**
- (60-63) b.) Ordinance No. 1107 – Second Reading/Public Hearing - Ordinance amending Zoning Ordinance to rezone the property located on East Avenue from I-2 (Heavy Industrial District) to B-3 (Intensive Business District) – Request of Buddie Beavers. **ANTHONY CASTEEL**

**IX. OLD BUSINESS**

- (64) a.) Resolution to approve negotiation and purchase of property for a right-of-way connection to Jamison Road. **MAYOR PERKINSON/MIKE KEITH**

**X. NEW BUSINESS**

- (65-69) a.) Recommendations from Planning Commission
- i. Approve rezoning request by Andreas D Montgomery on behalf of Johnathon and Eliza Mirabile to change parcel located on West Madison Avenue from R-3 (High Density Residential) to I-1 (Light Industrial District). **ANTHONY CASTEEL**
- (70-75) ii. Accept Dupitt Circle into the City of Athens Street System. **ANTHONY CASTEEL**

**XI. REPORTS**

- (76-84) a.) Community Development Quarterly/Annual Reports. **ANTHONY CASTEEL**
- b.) Finance Department Report. **MIKE KEITH**
- (85-98) c.) Fire Department Report. **BRANDON AINSWORTH**
- (99-102) d.) Police Department Report. **FRED SCHULTZ**

**XII. REQUESTS FROM CITIZENS**

**XIII. REPORT FROM THE CITY MANAGER**

**XIV. ADJOURNMENT**



**larryeaton@emecinc.com**

---

**From:** Larry Eaton <larryeaton@emecinc.com>  
**Sent:** Tuesday, December 14, 2021 1:54 PM  
**To:** Leslie McKee  
**Cc:** Larry Eaton  
**Subject:** Re: two week suspension of city manager details asked on 10-22-21(PRR requested 12-6-21)

**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
CLERK & MASTER  
BY \_\_\_\_\_

MRS. McKee,  
Thank you for your email response. I appreciate you greatly.  
Larry Eaton  
larryeaton@emecinc.com  
423-506-1991

On Dec 14, 2021, at 12:47 PM, Leslie McKee <admin@athenstn.gov> wrote:

Mr. Eaton,

I am responsible for preparing the minutes for the Called Meetings of August 10, October 18, and November 24, 2021 in addition to the regular Council meetings and Beer Board minutes. These minutes of the Called Meetings have not been prepared by me for Council approval. Once a draft has been prepared, the minutes will be posted on the City's website. At this time, your Public Records Request of December 6, 2021 must be denied as there are no minutes available. There are no documents responsive to the second item of your request at this time.



**Leslie McKee**  
Executive Assistant/City Clerk  
Office: 423/744-2702  
Fax: 423/744-8866  
<http://www.athenstn.gov>



**From:** larryeaton@emecinc.com <larryeaton@emecinc.com>  
**Sent:** Sunday, December 5, 2021 5:58 PM  
**To:** Leslie McKee <admin@athenstn.gov>  
**Cc:** larryeaton@emecinc.com; Bo Perkinson <Bperkinson@athenstn.gov>; Jordan Curtis

**[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)**

---

**From:** larryeaton@emecinc.com  
**Sent:** Tuesday, January 18, 2022 7:49 PM  
**To:** larryeaton@emecinc.com  
**Subject:** FW: two week suspension of city manager details asked on 10-22-21(PRR requested 12-6-21)  
**Attachments:** DL for Larry.jpg; 12-6-21 request.pdf; 12-6-21 minutes of special called meeting and suspension statement.docx  
**Importance:** High

**From:** larryeaton@emecinc.com <larryeaton@emecinc.com>  
**Sent:** Sunday, December 5, 2021 5:58 PM  
**To:** 'Leslie McKee' <admin@athenstn.gov>  
**Cc:** 'larryeaton@emecinc.com' <larryeaton@emecinc.com>; 'Bo Perkinson' <Bperkinson@athenstn.gov>; 'Jordan Curtis' <jcurtis@athenstn.gov>; 'Dick Pelley' <dpelley@cityofathenstn.com>; 'Frances Witt-McMahan' <fwitt-mcmahan@athenstn.gov>; 'Mark Lockmiller' <mlockmiller@cityofathenstn.com>; 'Chris Trew' <Chris@hbctlo.com>; 'Ben Benton' <bbenton@timesfreepress.com>; 'achambliss@timesfreepress.com' <achambliss@timesfreepress.com>; 'eprice@sbgvtv.com' <eprice@sbgvtv.com>; 'news@wjsqqlar.com' <news@wjsqqlar.com>; 'news@wbtv.com' <news@wbtv.com>; 'producers@newschannel9.com' <producers@newschannel9.com>; 'bblansit@timesfreepress.com' <bblansit@timesfreepress.com>  
**Subject:** FW: two week suspension of city manager details asked on 10-22-21(PRR requested 12-6-21)  
**Importance:** High

Mrs. McKee,

Sorry to do this to you but I have been asking for the minutes for some time of the special called meeting and the suspension details. Please accept this request please for that special called 2<sup>nd</sup> part meeting where the suspension was given please. thank you for your time. The emails below are the ones I had been asking for the city council but to this date I have not been given so I wanted to ensure I keep all these together. Thank you and GOD Bless.

Larry Eaton  
423-506-1991

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>  
**Sent:** Friday, November 26, 2021 10:14 PM  
**To:** 'Chris Trew' <[Chris@hbctlo.com](mailto:Chris@hbctlo.com)>; 'Bo Perkinson' <[Bperkinson@athenstn.gov](mailto:Bperkinson@athenstn.gov)>



Cc: 'Frances Witt-McMahan' <[fwitt-mcmahan@athenstn.gov](mailto:fwitt-mcmahan@athenstn.gov)>; 'Jordan Curtis' <[jcurtis@athenstn.gov](mailto:jcurtis@athenstn.gov)>; 'Dick Pelley' <[dpelley@cityofathenstn.com](mailto:dpelley@cityofathenstn.com)>; 'Mark Lockmiller' <[mlockmiller@cityofathenstn.com](mailto:mlockmiller@cityofathenstn.com)>; 'Teresa Rhodes' <[Teresa@hbctlo.com](mailto:Teresa@hbctlo.com)>; 'Leslie McKee' <[admin@athenstn.gov](mailto:admin@athenstn.gov)>; [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
Subject: RE: two week suspension details asked on 10-22-21  
Importance: High

Mr. Trew/Mayor,

I have still not seen nor heard of the suspension details as of date and these have not been discussed in any meeting of the city council either. If I have to I can file a public request but seems to be there should be no need since in the below emails it should be in the minutes of the meeting and should've been generated and approved, which is has not as of date. Please give me the proper documents please on this since this should be public information please. this should've already had been handled but has not of as of date either with him even going to city hall having private meeting with the acting city manager at the time he was suspended also but seems just an overlook?!?!?!

Larry Eaton  
423-506-1991

#### CONFIDENTIALITY AND LEGAL NOTICE

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

---

From: Chris Trew <[Chris@hbctlo.com](mailto:Chris@hbctlo.com)>  
Sent: Friday, October 22, 2021 10:33 AM  
To: [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com); 'Bo Perkinson' <[Bperkinson@athenstn.gov](mailto:Bperkinson@athenstn.gov)>  
Cc: 'Frances Witt-McMahan' <[fwitt-mcmahan@athenstn.gov](mailto:fwitt-mcmahan@athenstn.gov)>; 'Jordan Curtis' <[jcurtis@athenstn.gov](mailto:jcurtis@athenstn.gov)>; 'Dick Pelley' <[dpelley@cityofathenstn.com](mailto:dpelley@cityofathenstn.com)>; 'Mark Lockmiller' <[mlockmiller@cityofathenstn.com](mailto:mlockmiller@cityofathenstn.com)>; Teresa Rhodes <[Teresa@hbctlo.com](mailto:Teresa@hbctlo.com)>; Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>  
Subject: RE: two week suspension details asked on 10-22-21

Larry

You were at the meeting. The meeting was live-streamed to the public. The reasons were stated by the Council members in the form of a Motion, a second, the discussions, and a vote. Minutes of the meeting will eventually be generated and approved. hct

---

From: [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) [<mailto:larryeaton@emecinc.com>]  
Sent: Friday, October 22, 2021 6:46 AM  
To: Chris Trew <[Chris@hbctlo.com](mailto:Chris@hbctlo.com)>; 'Bo Perkinson' <[Bperkinson@athenstn.gov](mailto:Bperkinson@athenstn.gov)>  
Cc: 'Frances Witt-McMahan' <[fwitt-mcmahan@athenstn.gov](mailto:fwitt-mcmahan@athenstn.gov)>; 'Jordan Curtis' <[jcurtis@athenstn.gov](mailto:jcurtis@athenstn.gov)>; 'Dick Pelley' <[dpelley@cityofathenstn.com](mailto:dpelley@cityofathenstn.com)>; [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com); 'Mark Lockmiller' <[mlockmiller@cityofathenstn.com](mailto:mlockmiller@cityofathenstn.com)>; Teresa Rhodes <[Teresa@hbctlo.com](mailto:Teresa@hbctlo.com)>  
Subject: two week suspension details asked on 10-22-21  
Importance: High

Mr. Trew/Mr. Mayor,

The city manager, C. Seth Sumner, was given two weeks off but there is not official word on the charges that warranted the two week suspension. Can you please let the citizens of Athens, TN know the charges please? we need to ensure we are always open and transparent for all of us please. this should've already been stated but no official word has come out from the city and as a taxpayer and citizen of Athens, tn I and the citizens would like to know please. I don't mind filing a public request but shouldn't have to since it was done this Monday it should've been stated but I haven't seen it, thank you for your time

Larry Eaton  
423-506-1991

#### **CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

**CONFIDENTIALITY NOTICE:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and delete it completely from your computer system. Biddle & Trew, LLP - P.O. Box 10 Athens, TN 37371-0010 (PH: 423-745-3573) (Fax: 423-745-9044)



**COPY**



**EXHIBIT 4**

**FILED**

MAR 24 2022

AT  
**PATTY S. GAINES**  
CLERK & MASTER  
BY

**STATE OF TENNESSEE  
COMPTROLLER OF THE TREASURY  
OFFICE OF OPEN RECORDS COUNSEL**

**SCHEDULE OF REASONABLE CHARGES**

**PURPOSE:**

Pursuant to Tenn. Code Ann. § 8-4-604(a)(1), the Office of Open Records Counsel ("OORC") is required to establish a schedule of reasonable charges a records custodian may use as a guideline to charge citizens requesting copies of public records. Additionally, Tenn. Code Ann. § 10-7-503(g) requires each governmental entity subject to the Tennessee Public Records Act ("TPRA") to establish a written public records policy that includes a statement of any fees charged for copies of public records and the procedures for billing and payment. Accordingly, the following policy sets forth general guidelines for records custodians when assessing reasonable charges associated with record requests under the TPRA.

**POLICY:**

**I. General Considerations**

- A. Records custodians may not charge for inspection of public records except as provided by law.
- B. The following schedule of reasonable charges should not be interpreted as requiring records custodians to impose charges for copies of public records. Charges for copies of public records must be pursuant to a public records policy properly adopted by the governing authority of a governmental entity. See Tenn. Code Ann. § 10-7-503(g) and § 10-7-506(a).
- C. Application of an adopted schedule of charges shall not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to public records.
- D. A records custodian may reduce or waive charges, in whole or in part, in accordance with the governmental entity's public records policy.
- E. A records custodian may require payment for copies before producing copies of the records.
- F. The TPRA does not distinguish requests for inspection of records based on intended use, be it for research, personal, or commercial purposes. Likewise, this Schedule of Reasonable Charges does not make a distinction in the charges assessed based on the purpose of a record request. However, other statutory provisions, such as Tenn. Code Ann. § 10-7-506(c), enumerate fees that may be assessed when specific documents are requested for a specific use. Any distinctions made, or waiver of charges permitted, based upon the type of records requested should be expressly set forth and permitted in the adopted public records policy.

- G. Records custodians shall provide a requestor an estimate of reasonable costs to provide copies of requested records.

## **II. Per Page Copying Charges**

- A. For each standard 8½" x 11" or 8½" x 14" copy produced, a records custodian may assess a per page charge of up to 15 cents (\$0.15) for black and white copies and up to 50 cents (\$0.50) for color copies. If producing duplex (front and back) copies, a charge for two separate pages may be imposed for each single duplex copy.
- B. If the charge for color copies is higher than for black and white copies, and a public record is maintained in color but can be produced in black and white, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy.
- C. If a governmental entity's actual costs are higher than those reflected above, or if the requested records are produced on a medium other than 8½" x 11" or 8½" x 14" paper, the governmental entity may develop its own charges. The governmental entity must establish a schedule of charges documenting "actual cost" and state the calculation and reasoning for its charges in a properly adopted policy. A governmental entity may charge less than those charges reflected above. Charges greater than 15 cents (\$0.15) for black and white copies and 50 cents (\$0.50) for color copies can be assessed or collected only when there is documented analysis of the fact that the higher charges represent the governmental entity's actual cost of producing such material, unless there exists another basis in law for such charges.

## **III. Additional Charges**

- A. When assessing a fee for items covered under this section, records custodians shall utilize the most economical and efficient method of producing the requested records.
- B. A records custodian may charge its actual out-of-pocket costs for flash drives or similar storage devices on which electronic copies are provided. When providing electronic records, a records custodian may charge per-page costs only when paper copies that did not already exist are required to be produced in responding to the request, such as when a record must be printed to be redacted.
- C. It is presumed copies of requested records will be provided in person to a requestor when the requestor returns to the records custodian's office to retrieve the records.
- D. If a requestor chooses not to personally retrieve records and the actual cost of delivering the copies, in addition to any other permitted charges, have been paid by the requestor or otherwise waived pursuant to the public records policy, then a records custodian is obligated to deliver the copies via USPS First-Class Mail. It is within the discretion of a records custodian to agree to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- E. If it is not practicable or feasible for the records custodian to produce copies internally, the records custodian may use an outside vendor and charge the costs to the requester.

- F. If a records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may recover from the requestor the costs assessed for retrieval.

#### IV. Labor Charges

- A. A records custodian shall utilize the most cost efficient method of producing requested records. Accordingly, a records custodian should strive to utilize current employees at the lowest practicable hourly wage to fulfill public records requests for copies.
- B. "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
- C. "Labor threshold" is the first (1<sup>st</sup>) hour of labor reasonably necessary to produce requested material(s). A governmental entity may adopt a higher labor threshold than one (1) hour. A records custodian is only permitted to charge for labor exceeding the labor threshold established by the governmental entity.
- D. "Hourly wage of an employee" is based upon the base salary of the employee and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour workweek and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour.
- E. In calculating labor charges, a records custodian should determine the total amount of labor for each employee and subtract the labor threshold from the labor of the highest paid employee(s). The records custodian should then multiply the amount of labor for each employee by each employee's hourly wage to calculate the total amount of labor charges associated with the request.

#### Example:

The hourly wage of Employee A is \$15.00. The hourly wage of Employee B is \$20.00. Employee A spends two (2) hours on a request. Employee B spends two (2) hours on the same request. The labor threshold is established at one (1) hour. Since Employee B is the highest paid employee, the labor threshold will be applied to the time Employee B spent producing the request. For this request, \$50.00 could be charged for labor. This is calculated by taking the number of hours each employee spent producing the request, subtracting the threshold amount, multiplying that number by the employee's hourly wage, and then adding the amounts together (i.e. Employee A (2 x \$15.00) + Employee B (1 x \$20.00) = \$50.00).

*Submitted to ACOG: November 8, 2016.  
Effective: January 20, 2017*





COPY



FILED

MAR 24 2022

AT \_\_\_\_\_ M.  
PATTY S. GAINES  
CLERK & MASTER  
BY \_\_\_\_\_

**PUBLIC RECORDS REQUEST FORM A**

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: **Administrative Assistant to the City Manager, Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303**

From: Larry D. Eaton 279 Sweet Ridge Valley Rd Athens TN 37303  
[Insert Requestor's Name and Contact Information (include an address for any TPRA required written response)]

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only.<sup>1</sup>)

Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ \_\_\_\_\_ ? If so, initial here: \_\_\_\_\_.

Delivery preference:  On-Site Pick-Up  USPS First-Class Mail  
 Electronic  Other:

**Records Requested:**

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

See Additional PAGE

[Signature] 3/15/21  
Signature of Requestor & Date Submitted Signature of Public Records Request Coordinator & Date Received

<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

Requestor: Larry Eaton  
279 Sweetfield Valley Road  
Athens, TN 37303  
423-506-1991

Documents request: all public request other than larry Eaton from January 2019 to the end December 2019 that has been watermarked as Larry Eaton's Request is and not any of Larry Eaton's request. All the documents and the request form including the name of the person requesting.



**COPY**

*FOIA request*

EXHIBIT 6

CITY OF ATHENS  
815 N Jackson St  
Athens, TN 37303

DATE : 1/20/2021 1:59 PM  
OPER : 3  
TKBY : Darlene Morgan  
TERM : 3  
REC# : R00015569

**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
CLERK & MASTER  
BY \_\_\_\_\_

4999 MISC INC 4999 741.20  
MISCELLANEOUS INCOME  
LARRY EATON 741.20

9999 OpenEdge Retail Service Fee 22.24  
Service Fee 22.24

Paid By: LARRY EATON  
4-Credit Card 763.44

APPLIED 763.44  
TENDERED 763.44

CHANGE 0.00

**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
CLERK & MASTER  
BY \_\_\_\_\_

Cardmember acknowledges receipt of goods and/or services in the amount of the total shown hereon and agrees to perform the obligations set forth by the cardmember's agreement with the user.





**COPY**

City manager C. Seth Sumner

Charging city manager rate at \$54.09

\$112,000 per year salary

253 minutes with first 60 minutes free= 193 minutes @ \$54-09/hr

238 pages @ .15/page = \$35.70

5/13/21 11:05 pm thru 12:26 pm

5/13/21 1:34 pm thru 4:22 pm

5/19/21 11:22 am thru 12:56 pm

Total amount charged \$209.69

\$35.70 pages + \$173.99 labor = \$209.69

**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
PATTY S. GAINES  
CLERK & MASTER  
BY \_\_\_\_\_

From: Leslie McKee [admin@athenstn.gov](mailto:admin@athenstn.gov)  
Subject: RE: 5-10-21 request on emails from state to seth on covid  
Date: May 19, 2021 at 4:14:30 PM  
To: Larry Eaton [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)

Sorry. The documents you were requesting were for emails from and to the City Manager. The hourly rate is the base hourly rate for the City Manager. Does that clarify the expenses?

Leslie

**From:** Larry Eaton <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>  
**Sent:** Wednesday, May 19, 2021 4:05 PM  
**To:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>  
**Cc:** Bo Perkinson <[Bperkinson@athenstn.gov](mailto:Bperkinson@athenstn.gov)>; Frances Witt-McMahan <[fwitt-mcmahan@athenstn.gov](mailto:fwitt-mcmahan@athenstn.gov)>; Mark Lockmiller <[mlockmiller@athenstn.gov](mailto:mlockmiller@athenstn.gov)>; Dick Pelley <[dpelley@athenstn.gov](mailto:dpelley@athenstn.gov)>; Larry Eaton <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>; Chris Trew <[chris@hbctlo.com](mailto:chris@hbctlo.com)>; Cliff Couch <[ccouch@athenstn.gov](mailto:ccouch@athenstn.gov)>; Ben Burchfield <[bburchfield@athenstn.gov](mailto:bburchfield@athenstn.gov)>; Austin Fesmire <[afesmire@athenstn.gov](mailto:afesmire@athenstn.gov)>; Amy Arnwine <[poice@athenstn.gov](mailto:poice@athenstn.gov)>; Mike Keith <[mkeith@athenstn.gov](mailto:mkeith@athenstn.gov)>; Anthony Casteel <[acasteel@athenstn.gov](mailto:acasteel@athenstn.gov)>; Mary Scudder <[comdev@athenstn.gov](mailto:comdev@athenstn.gov)>  
**Subject:** Re: 5-10-21 request on emails from state to seth on covid

\*\*\* EXTERNAL \*\*\*

Thank you I will be there in am to pick up. But also for the \$54.09 per hour who was charging that much? Mike Keith was \$46 per hour. Please advise on that please on Manhour and the personal name for the cost please. Might need hourly rate also due to the \$54.09 per hour rate. Thank you

Larry Eaton  
[Larryeaton@emecinc.com](mailto:Larryeaton@emecinc.com)  
423-506-1991

On May 19, 2021, at 3:47 PM, Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)> wrote:

Mr. Eaton,

This Public Records Request has been completed. The following is the cost of this request:

238 pages @ \$.15/page = \$ 35.70

Labor

05/13/21 11:05 am – 12:26 pm  
1:34 pm – 4:22 pm  
05/19/21 11:22 am – 12:56 pm

Total of 253 minutes – first 60 minutes = 193 minutes @ \$54.09/hr.  
(base pay) = \$173.99

Total amount due \$209.69 (\$35.70 + \$173.99)

Kind regards,

**Leslie McKee**

Executive Assistant/City Clerk

Office: 423/744-2702

Fax: 423/744-8866

<http://www.athenstn.gov>

<image001.png>

<image002.png>

<image003.png>

<image004.png>

<image005.jpg>

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>

**Sent:** Monday, May 10, 2021 3:07 PM

**To:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>

**Cc:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com); Bo Perkinson

<[Bperkinson@athenstn.gov](mailto:Bperkinson@athenstn.gov)>; Frances Witt-McMahan <[fwitt-mcmahan@athenstn.gov](mailto:fwitt-mcmahan@athenstn.gov)>; Jordan Curtis <[jcurtis@athenstn.gov](mailto:jcurtis@athenstn.gov)>;

Mark Lockmiller <[mlockmiller@athenstn.gov](mailto:mlockmiller@athenstn.gov)>; Dick Pelley <[dpelley@athenstn.gov](mailto:dpelley@athenstn.gov)>; 'Chris Trew' <[Chris@hbctlo.com](mailto:Chris@hbctlo.com)>; Cliff

Couch <[ccouch@athenstn.gov](mailto:ccouch@athenstn.gov)>; Ben Burchfield

<[bburchfield@athenstn.gov](mailto:bburchfield@athenstn.gov)>; Nina Edmonds

<[nedmonds@athenstn.gov](mailto:nedmonds@athenstn.gov)>; Amy Amwine <[police@athenstn.gov](mailto:police@athenstn.gov)>;

Austin Fesmire <[afesmire@athenstn.gov](mailto:afesmire@athenstn.gov)>; Anthony Casteel

<[acasteel@athenstn.gov](mailto:acasteel@athenstn.gov)>; Brandon Ainsworth  
<[bainsworth@athenstn.gov](mailto:bainsworth@athenstn.gov)>; Mike Keith <[mkeith@athenstn.gov](mailto:mkeith@athenstn.gov)>;  
Gene McConkey <[gmccconkey@athenstn.gov](mailto:gmccconkey@athenstn.gov)>; Anthony Casteel  
<[acasteel@athenstn.gov](mailto:acasteel@athenstn.gov)>  
**Subject:** 5-10-21 request on emails from state to seth on covid  
**Importance:** High

\*\*\* EXTERNAL \*\*\*

Mrs. Leslie,  
Please accept this request and if any issues or questions please let me know. Thank you and have a great week.

**“Job 28:11 He bindeth the floods from overflowing; and the thing that is hid bringeth he forth to light.”**

Larry Eaton  
423-506-1991  
[larryeaton@emecine.com](mailto:larryeaton@emecine.com)  
EMECine.com

#### **CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity.

**Paula Henderson**

**From:** larryeaton@emecinc.com  
**Sent:** Monday, August 09, 2021 3:29 PM  
**To:** Paula Henderson  
**Cc:** larryeaton@emecinc.com  
**Subject:** FW: 5-10-21 request on emails from state to seth on covid

**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
CLERK & MASTER  
BY \_\_\_\_\_

Mrs. Henderson,  
Below is the emails that you are needing from the breakdown of the city manger's cost.

**From:** Larry Eaton <larryeaton@emecinc.com>  
**Sent:** Wednesday, May 19, 2021 4:22 PM  
**To:** Leslie McKee <admin@athenstn.gov>  
**Cc:** Chris Trew <chris@hbctlo.com>; Bo Perkinson <bperkinson@athenstn.gov>; Frances Witt-McMahan <fwitt-mcmahan@athenstn.gov>; Mark Lockmiller <mlockmiller@athenstn.gov>; Jordan Curtis <jcurtis@athenstn.gov>; Dick Pelley <dpelley@cityofathenstn.com>; Larry Eaton <larryeaton@emecinc.com>  
**Subject:** Fwd: 5-10-21 request on emails from state to seth on covid

Thank you but I know there is no way he could have done that much due to me being and ICT tech it doesn't take that long to do that much work. With the timeframes he has presented he didn't work on my request all those periods of time. I am not blaming you but for him to elevate cost by getting emails is wrong. I will look into this more deeply with the timeframes thst where given. Thank you for your time and I am truly grateful for all you do.

Larry Eaton  
[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
423-506-1991

Begin forwarded message:

**From:** Leslie McKee <admin@athenstn.gov>  
**Date:** May 19, 2021 at 4:14:30 PM EDT  
**To:** Larry Eaton <larryeaton@emecinc.com>  
**Subject:** RE: 5-10-21 request on emails from state to seth on covid

Sorry. The documents you were requesting were for emails from and to the City Manager. The hourly rate is the base hourly rate for the City Manager. Does that clarify the expenses?

Leslie

**From:** Larry Eaton <larryeaton@emecinc.com>  
**Sent:** Wednesday, May 19, 2021 4:05 PM  
**To:** Leslie McKee <admin@athenstn.gov>  
**Cc:** Bo Perkinson <bperkinson@athenstn.gov>; Frances Witt-McMahan <fwitt-mcmahan@athenstn.gov>; Mark Lockmiller <mlockmiller@athenstn.gov>; Dick Pelley <dpelley@athenstn.gov>; Larry Eaton <larryeaton@emecinc.com>; Chris Trew <chris@hbctlo.com>; Cliff Couch <ccouch@athenstn.gov>; Ben Burchfield <bburchfield@athenstn.gov>; Austin Fesmire <afesmire@athenstn.gov>; Amy Arnwine <police@athenstn.gov>; Mike Keith <mkeith@athenstn.gov>;

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>  
**Sent:** Monday, May 10, 2021 3:07 PM  
**To:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>  
**Cc:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com); Bo Perkinson <[Bperkinson@athenstn.gov](mailto:Bperkinson@athenstn.gov)>; Frances Witt-McMahan <[fwitt-mcmahan@athenstn.gov](mailto:fwitt-mcmahan@athenstn.gov)>; Jordan Curtis <[jcurtis@athenstn.gov](mailto:jcurtis@athenstn.gov)>; Mark Lockmiller <[mlockmiller@athenstn.gov](mailto:mlockmiller@athenstn.gov)>; Dick Pelley <[dpelley@athenstn.gov](mailto:dpelley@athenstn.gov)>; 'Chris Trew' <[Chris@hbctlo.com](mailto:Chris@hbctlo.com)>; Cliff Couch <[ccouch@athenstn.gov](mailto:ccouch@athenstn.gov)>; Ben Burchfield <[bburchfield@athenstn.gov](mailto:bburchfield@athenstn.gov)>; Nina Edmonds <[nedmonds@athenstn.gov](mailto:nedmonds@athenstn.gov)>; Amy Arnwine <[police@athenstn.gov](mailto:police@athenstn.gov)>; Austin Fesmire <[afesmire@athenstn.gov](mailto:afesmire@athenstn.gov)>; Anthony Casteel <[acasteel@athenstn.gov](mailto:acasteel@athenstn.gov)>; Brandon Ainsworth <[bainsworth@athenstn.gov](mailto:bainsworth@athenstn.gov)>; Mike Keith <[mkeith@athenstn.gov](mailto:mkeith@athenstn.gov)>; Gene McConkey <[gmconkey@athenstn.gov](mailto:gmconkey@athenstn.gov)>; Anthony Casteel <[acasteel@athenstn.gov](mailto:acasteel@athenstn.gov)>  
**Subject:** 5-10-21 request on emails from state to seth on covid  
**Importance:** High

\*\*\* EXTERNAL \*\*\*

Mrs. Leslie,  
Please accept this request and if any issues or questions please let me know. Thank you and have a great week.

**"Job 28:11 He bindeth the floods from overflowing; and the thing that is hid bringeth he forth to light."**

Larry Eaton  
423-506-1991  
[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
[EMECinc.com](http://EMECinc.com)

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity



COPY

FILED

RESOLUTION NO. 2017-11

## A RESOLUTION ADOPTING A PUBLIC RECORDS POLICY

MAR 24 2022

WHEREAS, pursuant to Tenn. Code Ann. § 10-7-503(g), every governmental entity subject to the Tennessee Public Records Act ("TPRA") (Tenn. Code Ann. § 10-7-501 et seq.), must establish a written public records policy properly adopted by the appropriate governing authority by July 1, 2017; and

AT  
PATTY S. GAINES  
CLERK & MASTER  
BY

WHEREAS, the policy adopted shall not impose requirements on those requesting records that are more burdensome than state law; and

WHEREAS, the governing body of the City of Athens, Tennessee desires to comply with the recent change in state law as it pertains to records management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, as follows:

That the recitals above are true and accurate and form a part of this Resolution; and

That meeting in regular session this 18th day of April, 2017, that the following Public Records Policy for the City of Athens, Tennessee is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

SECTION 1. The following policy is hereby adopted as the Public Records Policy for the City of Athens:

**PUBLIC RECORDS POLICY FOR  
CITY OF ATHENS**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the City of Athens is hereby adopted by the City Council to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. *See* Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the City of Athens are presumed to be open for inspection unless otherwise provided by law.

Personnel of the City of Athens shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City of Athens, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the City of Athens or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the City Manager. Additionally, this Policy is posted online at [www.cityofathensstn.com](http://www.cityofathensstn.com). This Policy shall be reviewed periodically as needed.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of the *City of Athens*.

I. Definitions:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. *See* Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.



- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. *See* Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. *See* Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

## II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee or via online submission in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing on Form A at Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303, by phone at (423) 744-2702, [admin@cityofathenstn.com](mailto:admin@cityofathenstn.com).
- D. Requests for copies, or requests for inspection and copies, shall be made in writing on Form A in person or by mail at Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303 or by email to [admin@cityofathenstn.com](mailto:admin@cityofathenstn.com).
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID is required as a condition to inspect or receive copies of public records.

## III. Responding to Public Records Requests

### A. Public Record Request Coordinator

- 1. The PRRC shall review public record requests and make an initial determination of the following:
  - a. If the requestor provided evidence of Tennessee citizenship;
  - b. If the records requested are described with sufficient specificity to identify them; and
  - c. If the city is the custodian of the records.
- 2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
  - a. Advise the requestor of this Policy and the elections made regarding:
    - i. Proof of Tennessee citizenship;
    - ii. Form(s) required for copies;



- iii. Fees (and labor threshold and waivers, if applicable); and
  - iv. Aggregation of multiple or frequent requests.
  - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
    - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen;
    - ii. The request lacks specificity;
    - iii. An exemption makes the record not subject to disclosure under the TPRA;
    - iv. The city is not the custodian of the requested records; or
    - v. The records do not exist.
  - c. If appropriate, contact the requestor to see if the request can be narrowed.
  - d. Forward the records request to the appropriate records custodian in the City of Athens.
3. The designated PRRC(s) is(are):
- a. Name or title: Administrative Assistant to the City Manager
  - b. Contact information: Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303 or by phone at (423) 744-2702, or by email to [admin@cityofathensn.com](mailto:admin@cityofathensn.com).

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as Form B, based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b and may use the Public Records Request Response Form B.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form B to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

- A. There shall be no charge for inspection of public records.
- B. The location for inspection of records within the offices of the City of Athens shall be determined by either the PRRC or the records custodian.
- C. When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection.

V. Copies of Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at Athens City Hall.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the city upon which the records will be downloaded.

VI. Fees and Charges and Procedures for Billing and Payment

Fees and charges for copies of public records should not be used to hinder access to public records.

- A. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- B. Fees and charges for copies are as follows:
  1. \$0.15 per page for letter- and legal-size black and white copies.
  2. \$0.50 per page for letter- and legal-size color copies.
  3. The actual cost of any other medium upon which a record/information is being produced.

4. Labor when time exceeds a minimum of one hour.
  5. If an outside vendor is used, the actual costs assessed by the vendor.
- C. Payment is to be made in cash or by personal check payable to the City of Athens and presented to the records custodian.
- D. Payment in advance will be required when costs are estimated to exceed \$5.00.
- E. Aggregation of Frequent and Multiple Requests
1. The City of Athens will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
  2. If more than four (4) requests are received within a calendar month:
    - a. Records requests will be aggregated at the City Manager's level.
    - b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
    - c. Agendas and approved minutes are exempt from this policy.

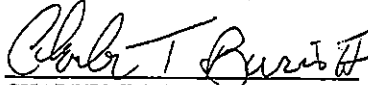
**SECTION 2. Repealer.** Any resolutions, policies, or parts thereof in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict only as pertaining to the subject matter of this resolution.

**SECTION 3. Severability.** If a part of this resolution is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this resolution is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

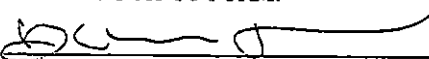
**SECTION 4. Effective Date.** This resolution shall become effective upon passage, the public welfare requiring it.

ON MOTION BY Council Member Perkinson, SECONDED BY Council Member Coker, said Resolution was approved by roll call vote.

  
\_\_\_\_\_  
C. SETH SUMNER, City Manager

  
\_\_\_\_\_  
CHARLES T. BURRIS, II, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
H. CHRIS TREW, City Attorney

**PUBLIC RECORDS REQUEST FORM A**

*The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.*

**To: Administrative Assistant to the City Manager, Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303**

**From: [Insert Requestor's Name and Contact Information (include an address for any TPRA required written response)]**

Is the requestor a Tennessee citizen?  Yes  No

- Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only.<sup>1</sup>)
- Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ \_\_\_\_\_? If so, initial here: \_\_\_\_\_.

**Delivery preference:**  On-Site Pick-Up  USPS First-Class Mail  
 Electronic  Other:

**Records Requested:**

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

---

---

---

---

---

---

---

\_\_\_\_\_  
Signature of Requestor & Date

\_\_\_\_\_  
Submitted Signature of Public Records Request Coordinator & Date Received

<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

**PUBLIC RECORD REQUEST RESPONSE FORM B**  
City of Athens  
815 North Jackson Street, Athens, Tennessee 37303

\_\_\_\_\_ Date  
\_\_\_\_\_  
Requestor's Name and Contact Information :

In response to your records request received on \_\_\_\_\_, our office is taking  
the action(s)<sup>1</sup> indicated below: Date Request Received

The public record(s) responsive to your request will be made available for inspection:

Location: \_\_\_\_\_  
Date & Time: \_\_\_\_\_

Copies of public record(s) responsive to your request are:

- Attached
- Available for pickup at the following location: \_\_\_\_\_; or
- Being delivered via:
- USPS First-Class Mail       Electronically       Other: \_\_\_\_\_

Your request is denied on the following grounds:

- Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).
- No such record(s) exists or this office does not maintain record(s) responsive to your request.
- No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
- You are not a Tennessee citizen.
- You have not paid the estimated copying/production fees.
- The following state, federal, or other applicable law prohibits disclosure of the requested records:  
\_\_\_\_\_

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

- It has not yet been determined that records responsive to your request exist; or
- The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: \_\_\_\_\_.

If you have any additional questions regarding your record request, please contact [Records Custodian or Public Records Request Coordinator].

Sincerely,

Public Record Request Coordinator's name  
Administrative Assistant to the City Manager, 815 North Jackson Street, Athens, Tennessee  
37303 and [admin@cityofathensstn.com](mailto:admin@cityofathensstn.com)

<sup>1</sup> If all requested records do not have the same response, so indicate.



**COPY**

**EXHIBIT 10**

# PUBLIC RECORD REQUEST RESPONSE FORM

City of Athens

815 North Jackson Street, Athens, Tennessee 37303

**FILED**

Date: November 9, 2020

MAR 24 2022

Requestor's Name and Contact Information: Larry Eaton, 279 Sweetfield Valley Road, Athens, TN 37303

AT M.  
**PATTY S. GAINES**  
CLERK & MASTER  
BY \_\_\_\_\_

In response to your records request received on November 9, 2020, our office is taking the action(s)<sup>1</sup> indicated below: (Date Request Received)

The public record(s) responsive to your request will be made available for inspection:

Location: \_\_\_\_\_  
Date & Time: \_\_\_\_\_

Copies of public record(s) responsive to your request are:

- Attached;
- Available for pickup at the following location: \_\_\_\_\_; or
- Being delivered via:  USPS First-Class Mail  Electronically  Other: \_\_\_\_\_

Your request is denied on the following grounds:

- Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).
- No such record(s) exists or this office does not maintain record(s) responsive to your request.
- No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
- You are not a Tennessee citizen.
- You have not paid the estimated copying/production fees.
- The following state, federal, or other applicable law prohibits disclosure of the requested records: \_\_\_\_\_

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

- It has not yet been determined that records responsive to your request exist; or
- The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: \_\_\_\_\_.

If you have any additional questions regarding your record request, I can be reached at (423) 744-2702 or by email at [admin@cityofathensn.com](mailto:admin@cityofathensn.com).

Sincerely,

Leslie McKee  
Executive Assistant  
815 North Jackson Street  
Athens, Tennessee 37303

<sup>1</sup> If all requested records do not have the same response, so indicate.

**larryeaton@emecinc.com**

---

**From:** larryeaton@emecinc.com  
**Sent:** Thursday, March 18, 2021 10:49 PM  
**To:** 'Bo Perkinson'; 'Frances Witt-McMahan'; 'Jordan Curtis'; 'Dick Pelley'; 'Mark Lockmiller'  
**Cc:** larryeaton@emecinc.com; 'Chris Trew'; wyxi@bellsouth.net; producers@newschannel9.com; 'C. Seth Sumner'; andy.brusseau@dailypostathenian.com; 'Brandon Ainsworth'; 'Ben Burchfield'; 'Nina Edmonds'; 'Cliff Couch'; 'Amy Arnwine'; 'Austin Fesmire'; 'Mary Scudder'; mkeith@athenstn.gov  
**Subject:** FW: public records request 11/2/2020  
**Attachments:** Public Records Request Response Form.pdf  
**Importance:** High

To Council:

I do keep records of all my request and here is one I filed with the returned from the city of Athens, TN. There has to had been changes in the policy and procedures because all my request are watermarked but not anyone else has had theirs watermarked including one that has a federal lawsuit "glen Whiting". I except everything I brought up to be looked at and there should be some serious issues for intimidation tactics the city is doing against me for asking questions of my Local government. "NO CITIZEN SHOULD EVER BE PLACED IN AN ISSUE AS SUCH BECAUSE THE CITY MANAGER IS UPSET THAT EXPENSES THE PUBLIC KNOWS OF NOW DUE TO PUBLIC REQUEST FILED. I have all the documents I have filed and since I started requesting expense records of the city manager, the city started watermarking my documents. You will also noticed all of you where CC on this email and you are always CC on all my emails. No excuse for any one of the council not asking questions until i addressed the council 3/16/21. This should've been taken care of once it started but again, i waited to see if you would react and nothing as of date. Some of you on the council where upset with me asking about the integrity of the council. Now you see why I am asking just that. IF the City manager will do this to one individual asking questions of his local government, what is he doing to others behind closed doors? I guess quotes from President Roosevelt will help all of us understand?

**"NEARLY ALL MEN CAN STAND ADVERSITY BUT IF YOU WANT TOO TEST A MAN'S CHARACTER, GIVE HIM POWER"!! ABRAHAM LINCOLN**

Larry Eaton  
423-506-1991  
[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
EMECinc.com

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

---

**From:** Leslie McKee <admin@athenstn.gov>  
**Sent:** Monday, November 9, 2020 4:51 PM  
**To:** larryeaton@emecinc.com  
**Cc:** 'Mike Bell' <sen.mike.bell@capitol.tn.gov>; producers@newschannel9.com; wyxi@bellsouth.net; chris@hbctlo.com;

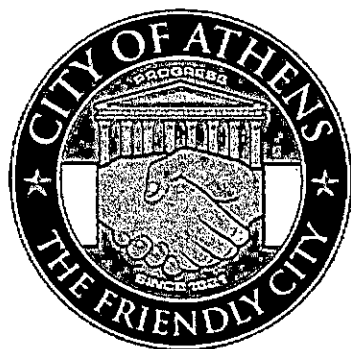
Lisa Dotson <ldotson@athenstn.gov>; Bo Perkinson <bperkinson@athenstn.gov>; Dick Pelley <dpelley@athenstn.gov>; Mark Lockmiller <mlockmiller@athenstn.gov>; James Gallup <jgallup@athenstn.gov>; C. Seth Sumner <citymanager@athenstn.gov>; Andy Brusseau <andy.brusseau@dailypostathenian.com>; Chuck Burris <cburris@athenstn.gov>

**Subject:** RE: public records request 11/2/2020

Mr. Eaton,

As I responded to your public records request of August 18, 2020 regarding the watermarks on public records requests, there were **no documents** related to the watermarks in August 2020 and there are **still no documents** pertaining to your request of November 9, 2020.

Kind regards,



**Leslie McKee**

Executive Assistant/City Clerk

Office: 423/744-2702

Fax: 423/744-8866

<http://www.cityofathenstn.com>



---

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>

**Sent:** Sunday, November 8, 2020 9:33 PM

**To:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>; Chuck Burris <[cburris@athenstn.gov](mailto:cburris@athenstn.gov)>

**Cc:** 'Mike Bell' <[sen.mike.bell@capitol.tn.gov](mailto:sen.mike.bell@capitol.tn.gov)>; [producers@newschannel9.com](mailto:producers@newschannel9.com); [wysi@bellsouth.net](mailto:wysi@bellsouth.net); [chris@hbctlo.com](mailto:chris@hbctlo.com);

Lisa Dotson <[ldotson@athenstn.gov](mailto:ldotson@athenstn.gov)>; Bo Perkinson <[bperkinson@athenstn.gov](mailto:bperkinson@athenstn.gov)>; Dick Pelley <[dpelley@athenstn.gov](mailto:dpelley@athenstn.gov)>;

Mark Lockmiller <[mlockmiller@athenstn.gov](mailto:mlockmiller@athenstn.gov)>; James Gallup <[jgallup@athenstn.gov](mailto:jgallup@athenstn.gov)>; C. Seth Sumner

<[citymanager@athenstn.gov](mailto:citymanager@athenstn.gov)>

**Subject:** FW: public records request 11/2/2020

**Importance:** High

\*\*\* EXTERNAL \*\*\*

Mrs. McKee/Mayor Burris,

I have been asking for this for few months now and still cant get the City of Athens, to give me the documents that I have requested. If there is a change there is a path the city has to do and change methods. Above is another request form I am filing with the response from the one I asked while back. Please let me know if you have any questions on this and I want to know if the policy was changed from the city council, or the city adm.? Either or, there should be a paper trail on these and the public has the right to know and have the forms that is requested. Let me know if you have any



questions on this but seems pretty clear what I am asking for.. Please also, if you do not mind, can you send me her city email and Jordan Curtis also? Hope you have a great week and I will wait on your response.

Larry Eaton  
423-506-1991  
[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
EMECinc.com

#### CONFIDENTIALITY AND LEGAL NOTICE

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

---

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>  
**Sent:** Sunday, November 1, 2020 9:51 PM  
**To:** 'Leslie McKee' <[admin@athenstn.gov](mailto:admin@athenstn.gov)>; [cburris@cityofathenstn.com](mailto:cburris@cityofathenstn.com)  
**Cc:** 'C. Seth Sumner' <[citymanager@athenstn.gov](mailto:citymanager@athenstn.gov)>; [chris@hbtcto.com](mailto:chris@hbtcto.com); [mlockmiller@cityofathenstn.com](mailto:mlockmiller@cityofathenstn.com); [dpelley@cityofathenstn.com](mailto:dpelley@cityofathenstn.com); [bperkinson@cityofathenstn.com](mailto:bperkinson@cityofathenstn.com); [ldotson@athenstn.gov](mailto:ldotson@athenstn.gov); [ccouch@athenstn.gov](mailto:ccouch@athenstn.gov); 'James Gallup' <[jgallup@athenstn.gov](mailto:jgallup@athenstn.gov)>; [producers@newschannel9.com](mailto:producers@newschannel9.com); [wvxi@bellsouth.net](mailto:wvxi@bellsouth.net); [rsliger@bellsouth.net](mailto:rsliger@bellsouth.net); [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
**Subject:** FW: public records request 11/2/2020  
**Importance:** High

Mrs. McKee/Mr. Chuck Burris,

As both of you can see, I have requested information on why the policy and procedures changed for public request with the requested documents being requested is altered by having an individual's names across the documents that is requested? The attached public records request form is in the attachment that was given to me after I filed for the policy and procedure changes the city has implemented this year? I have former public request forms that I have the documents from that are not altered in the manner as they are this year, which means there was a policy and/or procedure changes the city has implemented. If this is true then the city has violated the Public request forms and procedures.. there has to be something change and the form I submitted should've covered the forms that changed. I am again asking for the public request to be given on the policy and procedure changes that has the city altering the public records that are requested by individuals... please advise on this due to the many emails I have sent to the city asking for this. I have went through proper channels on this and below are the emails that I have sent and replies and some I have "NO REPLIES" which makes me want to look more into this. The dates of each email is below but each one has been CC on the emails and you can look and see the emails are the same as you had once you where CC on.

I have contracted the Comptroller of the State of TN records division and no changes are there so it has to be coming from our local government. The Comptroller's office has a call with me this week on this. Please advise what I requested in the request I have filed with the city "few months ago" please. I had the same thing happen when I filed one for the city police dept this time also. Do I need to file one with the city police also to see if they have the policy changes the city has implemented? Please advise on this also.

Mayor Burris, if policy and procedures have changed, I want to know why this was not given to me when I requested from the public records form? The City Council are the ones to change any procedures such as this and I want to ensure I receive what I ask for through the public records request I filed few months ago. Thank you for your time and I do hope you and the city will give me what I asked for. Hope you have a great week and GOD bless all.

**TOTAL TRANSPRANCY IS THE MUST OF ALL GOVERNMENT AGENCIES!! ONCE THE GOVERNMENT STOPS TRUSTING THE CITIZENS, IT IS AT THAT POINT AND TIME THE CITIZENS CAN NO LONGER TRUST THE GOVERNMENT!!!**

Larry Eaton  
423-506-1991

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

---

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)>  
**Sent:** Friday, September 18, 2020 1:45 PM  
**To:** 'Leslie McKee' <[admin@athenstn.gov](mailto:admin@athenstn.gov)>  
**Cc:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com); 'C. Seth Sumner' <[citymanager@athenstn.gov](mailto:citymanager@athenstn.gov)>; [cburris@cityofathenstn.com](mailto:cburris@cityofathenstn.com); [bperkinson@cityofathenstn.com](mailto:bperkinson@cityofathenstn.com); [mlockmiller@cityofathenstn.com](mailto:mlockmiller@cityofathenstn.com); [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
**Subject:** FW: public records request  
**Importance:** High

Mrs., McKee,

I sent an email that is attached below, I was wondering why there is not documents when it is evident that some policies has changed due to the nature of the public records that come back to me now. how and when did the polices change to place the person's name across the public records request with the date requested? Is this a state mandated change or just city of Athens? Something has to had changed for the records that are received now to be altered differently now then in the past. Please advise on this please.. sorry for any issues but this puzzles me and I want to ensure that all the public records are done correctly and that the changes are known, who changed them and why. Thank you for your time and I do hope you have a great weekend and GOD bless you and your family.

Larry Eaton  
423-506-1991  
[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
EMECinc.com

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

On Tue, Aug 25, 2020, 1:32 PM Larry Eaton <[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)> wrote:

Mrs. McKee,

I am kind of confused on there is. It records from the request I sent. How did the policy change and have a name never across the top and not the date of request and also the name of requestor is placed across the request. There had to be some type of policy change for this to occur. Please advise on this please? A city or municipalities doesn't change a way of doing something unless there is a policy change. Thank you for your time and I hope you have a great week. God bless

Larry Eaton

[Larryeaton@emecinc.com](mailto:Larryeaton@emecinc.com)

423-506-1991

Begin forwarded message:

**From:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>  
**Date:** August 25, 2020 at 1:17:51 PM EDT  
**To:** "Larryeaton@emecinc.com" <[Larryeaton@emecinc.com](mailto:Larryeaton@emecinc.com)>  
**Subject:** RE: public records request

Mr. Eaton,

Please see the attached Public Records Request Response Form in response to your Public Records Request dated August 18, 2020.

**Leslie McKee**

Executive Assistant/City Clerk

Office: 423/744-2702

Fax: 423/744-8866

<http://www.cityofathenstn.com>

---

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) <larryeaton@emecinc.com>

**Sent:** Sunday, August 16, 2020 12:19 AM

**To:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>

**Cc:** C. Seth Sumner <[citymanager@athenstn.gov](mailto:citymanager@athenstn.gov)>; Dick Pelley <[dpelley@athenstn.gov](mailto:dpelley@athenstn.gov)>; Bo Perkinson <[Bperkinson@athenstn.gov](mailto:Bperkinson@athenstn.gov)>; Mark Lockmiller <[mlockmiller@athenstn.gov](mailto:mlockmiller@athenstn.gov)>; Chuck Burris <[cburris@athenstn.gov](mailto:cburris@athenstn.gov)>; [chris@hbctlo.com](mailto:chris@hbctlo.com)

**Subject:** public records request

\*\*\* EXTERNAL \*\*\*

Mrs. McKee,

I just went ahead and filing an FOIA on the email I sent you before this one. That way it can be resolved.. If you need anything farther from me, please do not hesitate to call me. I did read the policy for records from the city of Athens, tn page and didn't see anything that stated the city does place the name across the page that was requested. When requesting a page, it is a copy of the page with no other markings of anything other than a copy stamp or something as such. Thank you for your time and have a great week and I hope you are blessed this week.

Larry Eaton

423-506-1991

[larrveaton@emecinc.com](mailto:larrveaton@emecinc.com)

EMECinc.com

**CONFIDENTIALITY AND LEGAL NOTICE**

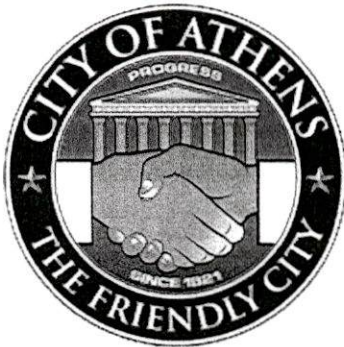
This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity



**larryeaton@emecinc.com**

**From:** Leslie McKee <admin@athenstn.gov>  
**Sent:** Monday, March 29, 2021 11:16 AM  
**To:** larryeaton@emecinc.com; Bo Perkinson; Frances Witt-McMahan; Jordan Curtis; Mark Lockmiller; Dick Pelley  
**Cc:** C. Seth Sumner; 'Chris Trew'  
**Subject:** RE: question on former request sent 3/25/21 for questions

There is no written policy on watermarking so one could not be provided to Mr. Eaton. This policy was verbally transmitted to me.



**Leslie McKee**

Executive Assistant/City Clerk  
 Office: 423/744-2702  
 Fax: 423/744-8866  
<http://www.cityofathenstn.com>



**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
 CLERK & MASTER  
 BY \_\_\_\_\_

**From:** larryeaton@emecinc.com <larryeaton@emecinc.com>  
**Sent:** Thursday, March 25, 2021 9:10 PM  
**To:** Bo Perkinson <Bperkinson@athenstn.gov>; Frances Witt-McMahan <fwitt-mcmahan@athenstn.gov>; Jordan Curtis <jcurtis@athenstn.gov>; Mark Lockmiller <mlockmiller@athenstn.gov>; Dick Pelley <dpelley@athenstn.gov>  
**Cc:** Leslie McKee <admin@athenstn.gov>; larryeaton@emecinc.com; C. Seth Sumner <citymanager@athenstn.gov>; 'Chris Trew' <Chris@hbctlo.com>  
**Subject:** question on former request sent 3/25/21 for questions  
**Importance:** High

\*\*\* EXTERNAL \*\*\*

Mr. Mayor and council,

I am confused on the public request I was given back in Nov. 2020 on policy and procedures for watermarking. I have enclosed the reply from the city of Athens on it. I just received the two Response and it clearly states policy on watermarking so can you help me to understand why there isn't any policy and procedures on watermarking but on the two request for 2020 and 2021 which states: I can only assume the responses were watermarked in compliance with our POLICY but have nothing to support that assumption. If there is a policy on watermarking then the public request I filed in Nov.9, 2020, I should've received it and not the response I did which is attached also: No such Record(s) exist or this office does not maintain record(s) responsive to your request.

I have enclosed the two I just received with the one that I received Nov. 9, 2020. Please advise if there was a mistake on this please since the request was for policy and procedures on watermarking. Thank you for your time and have a wonderful weekend. Please let me know what the findings are please.

Larry Eaton  
423-506-1991  
[larrveaton@emecinc.com](mailto:larrveaton@emecinc.com)  
EMECinc.com

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity



**COPY**

**EXHIBIT 12**

**From:** C. Seth Sumner  
**To:** Carrier, Angie  
**Cc:** Chris Trew; Leslie McKee  
**Subject:** FW: filed 2-2-21 request of inspection for the below attachment  
**Date:** Tuesday, February 2, 2021 11:22:11 AM  
**Attachments:** image006.png  
image007.png  
image008.png  
image009.png  
2-2-21 request for inspection on disciplinary actions taken by city.pdf  
**Importance:** High

**FILED**

MAR 24 2022

AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
 CLERK & MASTER  
 BY \_\_\_\_\_

Angie:

I was approached by one of my employees this morning in regard to the attached public records request. All of the items mentioned are closed and many of the items do not exist at City Hall, if they do even exist as a record. The citizen making the request is in coordination with one of the council members (involved in some of the issues requested), and has been collaborating with a complainant who is actively engaged in a lawsuit against the City, in which these issues do not pertain to, yet have been discussed in depositions. The employee believes this request is meant to be intimidation and harassment (the requestor has openly stated that they only file these requests to harass officials), and will likely lead to inciting people (ignorantly) to anger or action – I have attached screenshots from when this was an active issue in April 2018 as evidence of this behavior. The requestor takes records requests and posts/distributes them on social media that he controls and other platforms. You may be able to find further evidence of this behavior with social media searches. This citizen has sent approximately 150 emails to me in the past year.

All of that to add that these requests have wasted an inordinate amount of staff time and precious taxpayer dollars and are prohibiting my staff from being able to accomplish their assigned and necessary tasks. This is disrupting the work of the City of Athens.

I want our citizens to be able to inspect and access public records for their knowledge and to hold our organization accountable, but by no means should it be a way for citizens to inhibit the work of the municipality or harass/intimidate public servants.

Thank you for your review and input.

Genuinely,



**C. SETH SUMNER**

City Manager

Office: (423) 744-2702

<http://www.cityofathensga.com>





**From:** [Carrier, Angie](#)  
**To:** [C. Seth Sumner](#)  
**Cc:** [Chris Trew](#); [Leslie McKee](#)  
**Subject:** RE: filed 2-2-21 request of inspection for the below attachment  
**Date:** Thursday, February 4, 2021 4:11:00 PM  
**Attachments:** [image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image016.png](#)  
[image017.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)

---

Seth,





I have consulted with legal consultant Stephanie O'Hara and the city's public records must be produced if they exist and if the city has access to those records even offsite, and the records must be provided for inspection. If the city needs longer than 7 business days to produce the records, the city should respond with [this form](#) from the OORC stating when the records will be available for inspection.

While legislation has been previously proposed for those deemed by the legislature as abusers of the public records access, no legislation has been adopted. As of this time, no current recourse exists for frequent requesters of inspection. However, the city can include language about aggregating requests for copies in its Public Records Policy. See page 7 of the [MTAS Model Public Records Policy](#) for this language.

Please let me know if you have any additional questions.

Warm Regards,

**Angie Carrier**  
Municipal Management & Finance  
Program Manager  
UT Municipal Technical Advisory Service

 (O) Office 865-974-9063  
 [angie.carrier@tennessee.edu](mailto:angie.carrier@tennessee.edu)  
 [www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)  
 1610 University Avenue / Knoxville, TN 37921



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE



---

From: C. Seth Sumner <citymanager@athenstn.gov>

**Sent:** Tuesday, February 2, 2021 11:22 AM  
**To:** Carrier, Angie <angie.carrier@tennessee.edu>  
**Cc:** Chris Trew [REDACTED] Leslie McKee <admin@athenstn.gov>  
**Subject:** FW: filed 2-2-21 request of inspection for the below attachment  
**Importance:** High

Angie:

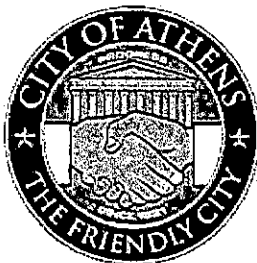
I was approached by one of my employees this morning in regard to the attached public records request. All of the items mentioned are closed and many of the items do not exist at City Hall, if they do even exist as a record. The citizen making the request is in coordination with one of the council members (involved in some of the issues requested), and has been collaborating with a complainant who is actively engaged in a lawsuit against the City, in which these issues do not pertain to, yet have been discussed in depositions. The employee believes this request is meant to be intimidation and harassment (the requestor has openly stated that they only file these requests to harass officials), and will likely lead to inciting people (ignorantly) to anger or action – I have attached screenshots from when this was an active issue in April 2018 as evidence of this behavior. The requestor takes records requests and posts/distributes them on social media that he controls and other platforms. You may be able to find further evidence of this behavior with social media searches. This citizen has sent approximately 150 emails to me in the past year.

All of that to add that these requests have wasted an inordinate amount of staff time and precious taxpayer dollars and are prohibiting my staff from being able to accomplish their assigned and necessary tasks. This is disrupting the work of the City of Athens.

I want our citizens to be able to inspect and access public records for their knowledge and to hold our organization accountable, but by no means should it be a way for citizens to inhibit the work of the municipality or harass/intimidate public servants.

Thank you for your review and input.

Genuinely,



**C. SETH SUMNER**

City Manager

Office: (423) 744-2702

<http://www.cityofathenstn.com>



----- Original message -----

----- Original message -----

From: Chris Trew [REDACTED]  
Date: 2/2/21 10:19 (GMT-05:00)  
To: Leslie McKee <admin@athenstn.gov>  
Cc: "C. Seth Sumner" <citymanager@athenstn.gov>  
Subject: FW: filed 2-2-21 request of inspection for the below attachment

\*\*\* EXTERNAL \*\*\*

Hold on to this one for now . I am going to call the State Attorney general's office to talk to the attorneys who handle open records request. hct

---

**From:** larryeaton@emecinc.com [mailto:larryeaton@emecinc.com]  
**Sent:** Monday, February 01, 2021 9:48 PM  
**To:** 'Leslie McKee' <admin@athenstn.gov>  
**Cc:** 'C. Seth Sumner' <citymanager@athenstn.gov>; 'Frances Witt-McMahan' <fwitt-mcmahan@athenstn.gov>; 'Mark Lockmiller' <mlockmiller@cityofathenstn.com>; 'Jordan Curtis' <jcurtis@athenstn.gov>; 'Bo Perkinson' <Bperkinson@athenstn.gov>; 'Dick Pelley' <dpelley@cityofathenstn.com>; larryeaton@emecinc.com; mkeith@athenstn.gov; comdev@athenstn.gov; nedmonds@athenstn.gov; Chris Trew [REDACTED] 'Cliff Couch' <ccouch@athenstn.gov>; [REDACTED] 'Ben Burchfield' <bburchfield@athenstn.gov>; recreation@athenstn.gov; producers@newschannel9.com; 'Brandon Ainsworth' <bainsworth@athenstn.gov>; 'Amy Arnwine' <police@cityofathenstn.com>  
**Subject:** filed 2-2-21 request of inspection for the below attachment  
**Importance:** High

Mrs. McKee,

Please accept this inspection form please. I want to ensure I am open and transparent in all that I request. Thank you for your time in everything you do and if any questions please do not hesitate to give me an email.

"NEARLY ALL MEN CAN STAND ADVERSITY BUT IF YOU WANT TOO TEST A MAN'S CHARACTER, GIVE HIM POWER"!! ABRAHAM LINCOLN

Larry Eaton  
423-506-1991  
[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
EMECinc.com

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for

viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity

**CONFIDENTIALITY NOTICE:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and delete it completely from your computer system. Biddle & Trew, LLP - P.O. Box 10 Athens, TN 37371-0010 (PH: 423-745-3573) (Fax: 423-745-9044)

From: Chris Trew [REDACTED]  
Date: 2/2/21 10:19 (GMT-05:00)  
To: Leslie McKee <admin@athenstn.gov>  
Cc: "C. Seth Sumner" <citymanager@athenstn.gov>  
Subject: FW: filed 2-2-21 request of inspection for the below attachment

\*\*\* EXTERNAL \*\*\*

Hold on to this one for now . I am going to call the State Attorney general's office to talk to the attorneys who handle open records request. hct

---

**From:** [larryeaton@emecinc.com](mailto:larryeaton@emecinc.com) [<mailto:larryeaton@emecinc.com>]  
**Sent:** Monday, February 01, 2021 9:48 PM  
**To:** 'Leslie McKee' <admin@athenstn.gov>  
**Cc:** 'C. Seth Sumner' <citymanager@athenstn.gov>; 'Frances Witt-McMahan' <fwitt-mcmahan@athenstn.gov>; 'Mark Lockmiller' <mlockmiller@cityofathenstn.com>; 'Jordan Curtis' <jcurtis@athenstn.gov>; 'Bo Perkinson' <Bperkinson@athenstn.gov>; 'Dick Pelley' <dpelley@cityofathenstn.com>; larryeaton@emecinc.com; mkeith@athenstn.gov; comdev@athenstn.gov; nedmonds@athenstn.gov; Chris Trew [REDACTED] 'Cliff Couch' <ccouch@athenstn.gov>; [REDACTED] 'Ben Burchfield' <bburchfield@athenstn.gov>; recreation@athenstn.gov; producers@newschannel9.com; 'Brandon Ainsworth' <bainsworth@athenstn.gov>; 'Amy Arnwine' <police@cityofathenstn.com>  
**Subject:** filed 2-2-21 request of inspection for the below attachment  
**Importance:** High

Mrs. McKee,

Please accept this inspection form please. I want to ensure I am open and transparent in all that I request. Thank you for your time in everything you do and if any questions please do not hesitate to give me an email.

"NEARLY ALL MEN CAN STAND ADVERSITY BUT IF YOU WANT TOO TEST A MAN'S CHARACTER, GIVE HIM POWER"!! ABRAHAM LINCOLN

Larry Eaton  
423-506-1991  
[larryeaton@emecinc.com](mailto:larryeaton@emecinc.com)  
EMECinc.com

**CONFIDENTIALITY AND LEGAL NOTICE**

This electronic mail transmission is confidential, may be privileged and should be read or retained only by the intended recipient. If the reader of this transmission is not the intended recipient, you are hereby notified that any distribution or copying hereof is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and remove it from your system. E-mail is not necessarily a secure communication method, therefore the sender shall not be responsible for any changes that occur during its transfer. All e-mails are scanned for viruses, however, files attached to this e-mail may contain viruses that could harm the systems of the recipient. Any opinions expressed in this email must be confirmed in writing and signed by the sender to have legal validity



### PUBLIC RECORDS REQUEST FORM A

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Administrative Assistant to the City Manager, Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303

From: Larry D. Eaton 279 Sweet P. Rd Athens TN 37303  
[Insert Requestor's Name and Contact Information (include an address for any TPRA required written response)]

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only.)

Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ \_\_\_\_\_ ? If so, initial here: \_\_\_\_\_.

Delivery preference: On-Site Pick-Up  USPS First-Class Mail   
Electronic  Other:

#### Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

See Addition al page

[Signature]  
Signature of Requestor & Date

2/2/21  
Submitted Signature of Public Records Request Coordinator & Date Received

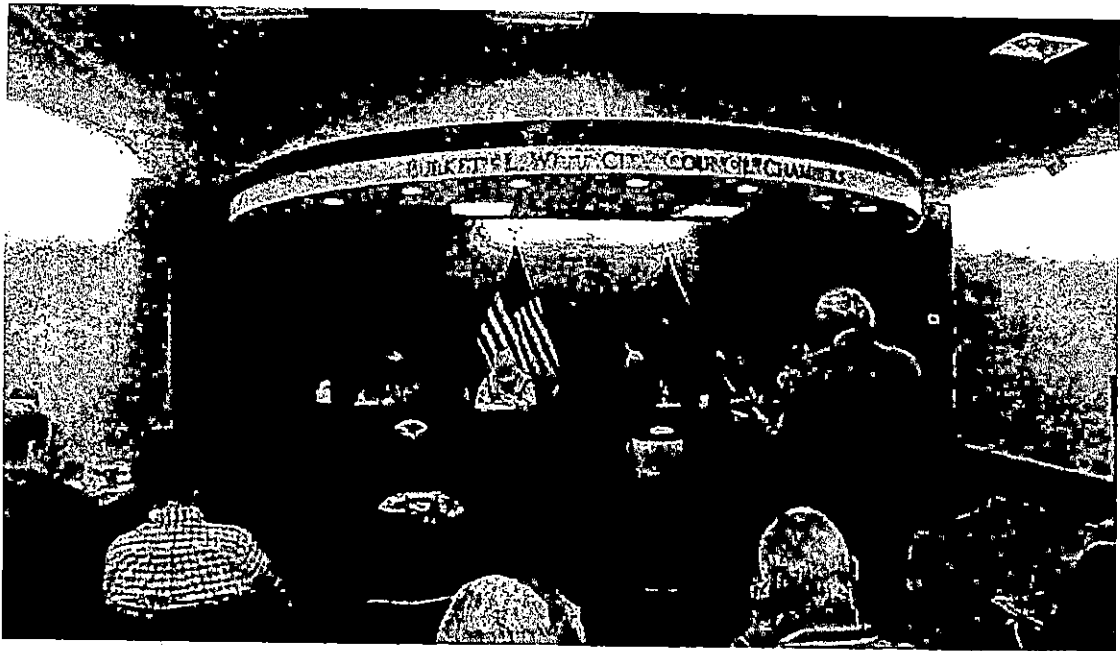
<sup>1</sup> Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

Requestor: Larry Eaton  
279 Sweetfield Valley Road  
Athens, TN 37303

Filed 2-2-2021

Documents requested to review:

- All documents on the disciplinary action(s) taken against director of Park and Recreation Department Austin Fesmire in the last 6 months.
- Any and all disciplinary actions taken on any of the city Department directors in the last 3 years other than Mr. Fesmire also.
- The full statement from Human Resources Director Nina Edmonds on the issues that was filed against council Member Dick Pelley.
- The full statement from School board Director Mrs. Miller on the issues that was filed against council Member Dick Pelley.



anyone.



**Sam Tindle**

He should have opportunity to rebuttal. Explain answers



**Randy Powers**

We should take a lunch mob and go after the drama queen prude...



**Randy Powers**

Lynch mob sorry



**Devorah Rose**

Word around town is that this is a "witch hunt " cause Dick sticks up for the little guy. What's going on in Athens



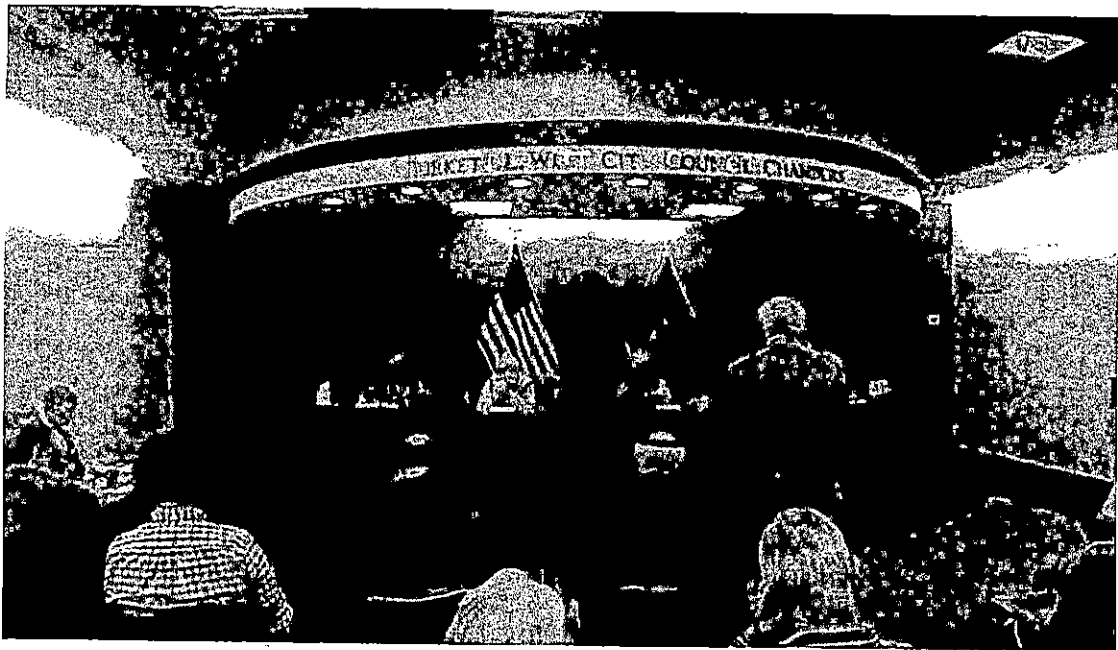
"What about that..."



Write a comment...







**Eric Barnes**

Dr. Pellet you have my respect  
regardless of the lynch mob you  
sit amongst



**Ricky Starr Barker**

Yep and we will vote for Dr. Pelley  
again.



**Malissa Hatter**

What language was bad? Please



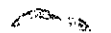
**Keela Emily**

Well it is.



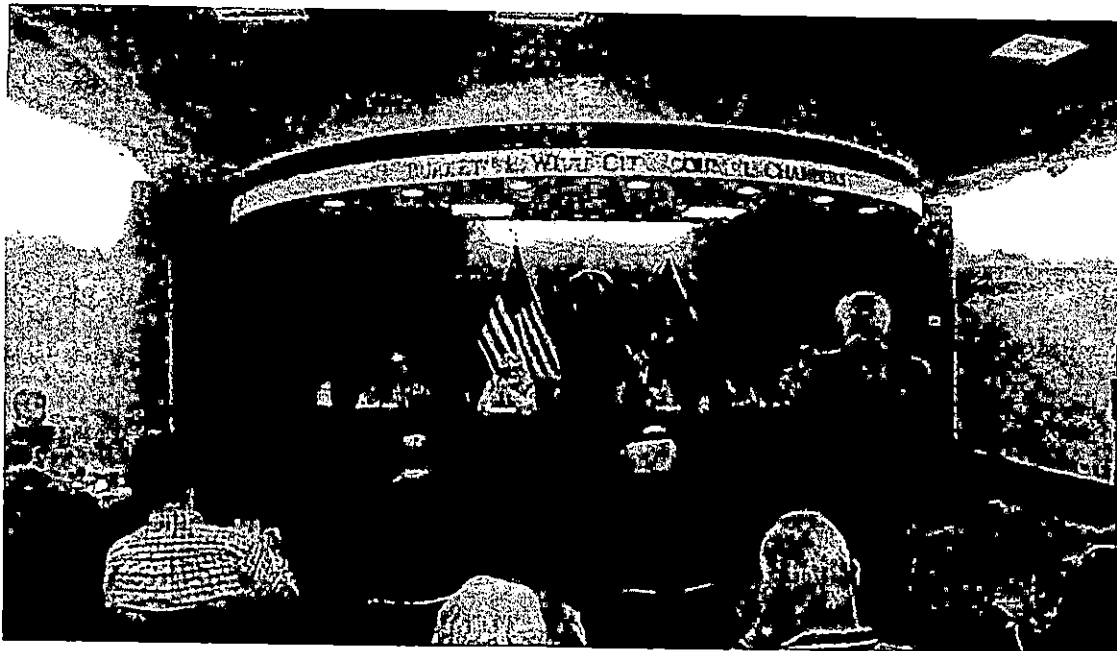
**Randy Powers**

Lynch mob to get the prude who  
filed the claim BTW



Write a comment...





**Malissa Hatter**  
She IS NOT a woman. Regardless  
of her age.



**Nomon Kennedy**  
\$\$\$\$\$



**Ricky Starr Barker**  
Choose wisely Council Members  
those who vote against Dr. Pelley  
may never see a seat again. Us  
younger folks are of voting age  
and we like zipper jokes a lot.



**Randy Powers**  
Lynch mob Lynch mob Lynch mob!



**Eric Barnes**

 "A lot of ignorance."



Write a comment...



**Leslie McKee**

---

**From:** Leslie McKee  
**Sent:** Wednesday, September 1, 2021 12:55 PM  
**To:** Dick LAST\_NAME  
**Cc:** Bo Perkinson; JordanCkurtis@cityofathenstn.com; Frances Witt-McMahan; MarkLockmiller@cityofathenstn.com; Chris Trew (Chris@hbctlo.com); G. Seth Sumner  
**Subject:** Public Records Request for camera footage

**FILED**

MAR 24 2022

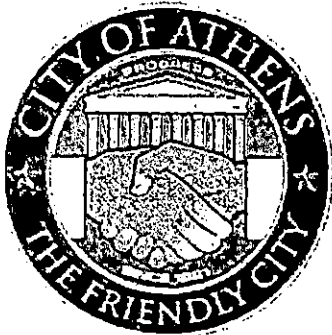
AT \_\_\_\_\_ M.  
**PATTY S. GAINES**  
CLERK & MASTER

Dick,

Please complete a public records request for the security camera footage. We need to know the starting and ending times for the footage on August 10, 2021. There are no security cameras on the exterior of the building. We have already received two public records requests for camera footage on August 10, 2021 and will provide it to you as soon as it is available.

Here is the link to the Public Records Request form: [www.athenstn.gov/publicrecords](http://www.athenstn.gov/publicrecords)

Kind regards,



**Leslie McKee**  
Executive Assistant/City Clerk  
Office: 423/744-2702  
Fax: 423/744-8866  
<http://www.athenstn.gov>



**From:** Dick LAST\_NAME <pelpsych@comcast.net>  
**Sent:** Wednesday, September 1, 2021 9:25 AM  
**To:** Leslie McKee <admin@athenstn.gov>  
**Cc:** Bo Perkinson <bperkinson@athenstn.gov>; JordanCkurtis@cityofathenstn.com; Frances Witt-McMahan <fwittmcmahan823@gmail.com>; MarkLockmiller@cityofathenstn.com; Chris Trew (Chris@hbctlo.com) <Chris@hbctlo.com>  
**Subject:** cameras

\*\*\* EXTERNAL \*\*\*

Leslie, please get me copies of all cameras inside and out of the cameras around city hall on the evening of our last called meeting. Thank you.  
'tis nothing good or bad but thinking makes it so%22%0D%0AWilliam Shakespeare



**Leslie McKee**

---

**From:** Andrew Kimball <akimball@athensk8.net>  
**Sent:** Tuesday, April 20, 2021 9:48 AM  
**To:** Leslie McKee  
**Cc:** Missy Boyd  
**Subject:** video of last night

\*\*\* EXTERNAL \*\*\*

Hey, Leslie!

Can you help me get a recording of the event last night? We would like to save it for our archives. Thank you!

Andrew Kimball, Ed.S.  
Supervisor of Federal and Specialized Programs  
Athens City Schools  
943 Crestway Drive  
Athens, TN 37303 - 4130  
Phone: (423) 745-4095  
Fax: (423) 745-9041  
Email: [akimball@athensk8.net](mailto:akimball@athensk8.net)

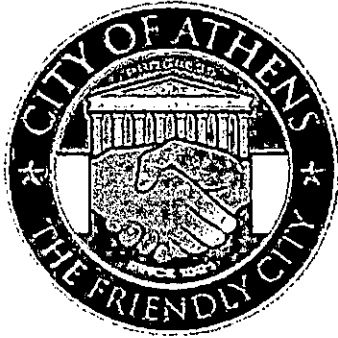


**Leslie McKee**

---

**From:** Leslie McKee  
**Sent:** Tuesday, April 20, 2021 2:35 PM  
**To:** James Gallup  
**Subject:** FW: video of last night

Please see email below from Andrew.



**Leslie McKee**  
Executive Assistant/City Clerk  
Office: 423/744-2702  
Fax: 423/744-8866  
<http://www.cityofathensstn.com>



**From:** Andrew Kimball <[akimball@athensk8.net](mailto:akimball@athensk8.net)>  
**Sent:** Tuesday, April 20, 2021 9:48 AM  
**To:** Leslie McKee <[admin@athensstn.gov](mailto:admin@athensstn.gov)>  
**Cc:** Missy Boyd <[mboyd@athensk8.net](mailto:mboyd@athensk8.net)>  
**Subject:** video of last night

\*\*\* EXTERNAL \*\*\*

Hey, Leslie!

Can you help me get a recording of the event last night? We would like to save it for our archives. Thank you!

Andrew Kimball, Ed.S.  
Supervisor of Federal and Specialized Programs  
Athens City Schools  
943 Crestway Drive  
Athens, TN 37303 - 4130  
Phone: (423) 745-4095  
Fax: (423) 745-9041  
Email: [akimball@athensk8.net](mailto:akimball@athensk8.net)



**Leslie McKee**

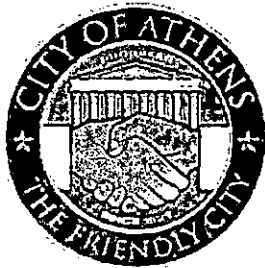
---

**From:** James Gallup  
**Sent:** Tuesday, April 20, 2021 2:41 PM  
**To:** akimball@athensk8.net  
**Subject:** Re: video of last night

Hey Andrew,

Leslie forwarded your message to me. Is it the recording of the groundbreaking ceremony you're looking for?

Very respectfully,



**JAMES A. GALLUP, MPPA**  
Assistant to the City Manager  
Office: (423) 744-2780 | Cell: (423) 462-1036  
815 N. Jackson St. | Athens, Tennessee 37303  
<http://www.cityofathenstn.com>  
[Social media icons: Facebook, Instagram, Twitter, YouTube]

**From:** Andrew Kimball <[akimball@athensk8.net](mailto:akimball@athensk8.net)>  
**Sent:** Tuesday, April 20, 2021 9:48 AM  
**To:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>  
**Cc:** Missy Boyd <[mboyd@athensk8.net](mailto:mboyd@athensk8.net)>  
**Subject:** video of last night

\*\*\* EXTERNAL \*\*\*

Hey, Leslie!

Can you help me get a recording of the event last night? We would like to save it for our archives. Thank you!

Andrew Kimball, Ed.S.  
Supervisor of Federal and Specialized Programs  
Athens City Schools  
943 Crestway Drive  
Athens, TN 37303 - 4130  
Phone: (423) 745-4095  
Fax: (423) 745-9041  
Email: [akimball@athensk8.net](mailto:akimball@athensk8.net)

## Leslie McKee

---

**From:** Andrew Kimball <akimball@athensk8.net>  
**Sent:** Tuesday, April 20, 2021 2:56 PM  
**To:** James Gallup  
**Cc:** Missy Boyd  
**Subject:** RE: video of last night

\*\*\* EXTERNAL \*\*\*

Yes! If possible. I'd like to put it on a flashdrive

Thanks!  
Andrew Kimball, Ed.S.  
Supervisor of Federal and Specialized Programs  
Athens City Schools  
943 Crestway Drive  
Athens, TN 37303 - 4130  
Phone: (423) 745-4095  
Fax: (423) 745-9041  
Email: [akimball@athensk8.net](mailto:akimball@athensk8.net)



**From:** James Gallup <jgallup@athenstn.gov>  
**Sent:** Tuesday, April 20, 2021 2:41 PM  
**To:** Andrew Kimball <akimball@athensk8.net>  
**Subject:** Re: video of last night

**CAUTION:** This email originated from outside Athens City Schools. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Andrew,

Leslie forwarded your message to me. Is it the recording of the groundbreaking ceremony you're looking for?

Very respectfully,





**JAMES A. GALLUP, MPPA**

Assistant to the City Manager

Office: (423) 744-2780 | Cell: (423) 462-1036

815 N. Jackson St. | Athens, Tennessee 37303

<http://www.cityofathenstn.com>



**From:** Andrew Kimball <[akimball@athensk8.net](mailto:akimball@athensk8.net)>

**Sent:** Tuesday, April 20, 2021 9:48 AM

**To:** Leslie McKee <[admin@athenstn.gov](mailto:admin@athenstn.gov)>

**Cc:** Missy Boyd <[mboyd@athensk8.net](mailto:mboyd@athensk8.net)>

**Subject:** video of last night

\*\*\* EXTERNAL \*\*\*

Hey, Leslie!

Can you help me get a recording of the event last night? We would like to save it for our archives. Thank you!

Andrew Kimball, Ed.S.

Supervisor of Federal and Specialized Programs

Athens City Schools

943 Crestway Drive

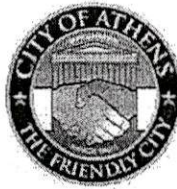
Athens, TN 37303 - 4130

Phone: (423) 745-4095

Fax: (423) 745-9041

Email: [akimball@athensk8.net](mailto:akimball@athensk8.net)





MAR 24 2022

AT \_\_\_\_\_ M.  
PATTY S. GAINES  
CLERK & MASTER  
BY \_\_\_\_\_

PUBLIC RECORDS REQUEST FORM A

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Administrative Assistant to the City Manager, Athens City Hall, 815 North Jackson Street, Athens, Tennessee 37303

From: Larry D. Eaton 279 Sweetfield Valley Rd Athens TN 37303  
[Insert Requestor's Name and Contact Information (include an address for any TPRA required written response)]

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only.<sup>1</sup>)

Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ \_\_\_\_\_ ? If so, initial here: \_\_\_\_\_.

Delivery preference:  On-Site Pick-Up  USPS First-Class Mail  
 Electronic  Other:

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

\_\_\_\_\_  
See Additional Page  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature] 2/18/22  
Signature of Requestor & Date Submitted Signature of Public Records Request Coordinator & Date Received

<sup>1</sup>Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

**Requester:**

Larry Eaton

279 Sweefield Valley Road

Athens, Tn 37303

**2/18/22**

Request: request all internal affairs from the total time Zach Hawkins was employed for Athens Police department with the below also.

- All supporting documentation of any and all Internal Affairs that was done with the above in the investigation(s)
- All emails about any and all Internal Affairs investigation(s) that has to do with the above named officer(s) with all emails with all attachments that may also had been sent even internal department also.
- All video, camera, pictures and any and all statements and conclusions of the Internal Affairs Investigation(s)
- Documents with all names of all officer(s) and city employees on any and all Internal Affairs investigation(s) on above named officer(s) and statements from each one.

# PUBLIC RECORD REQUEST RESPONSE FORM

## City of Athens

815 North Jackson Street, Athens, Tennessee 37303

Date: March 2, 2022

Requestor's Name and Contact Information: Larry Eaton, 279 Sweetfield Valley Road, Athens, TN 37303

In response to your records request received on February 18, 2022, our office is taking the action(s)<sup>1</sup> indicated below: (Date Request Received)

The public record(s) responsive to your request will be made available for inspection:

Location: \_\_\_\_\_

Date & Time: \_\_\_\_\_

Copies of public record(s) responsive to your request are:

Attached;

Available for pickup at the following location:

\_\_\_\_\_, or

Being delivered via:  USPS First-Class Mail  Electronically  Other: \_\_\_\_\_

Your request is denied on the following grounds:

Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

No such record(s) exists or this office does not maintain record(s) responsive to your request.

No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

You are not a Tennessee citizen.

You have not paid the estimated copying/production fees.

The following state, federal, or other applicable law prohibits disclosure of the requested records:  
\_\_\_\_\_

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

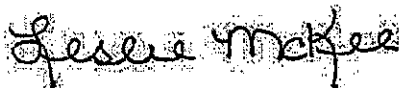
It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: March 25, 2022.

If you have any additional questions regarding your record request, I can be reached at (423) 744-2702 or by email at [admin@athenstn.gov](mailto:admin@athenstn.gov).

Sincerely,



Leslie McKee, Executive Assistant  
815 North Jackson Street  
Athens, Tennessee 37303

<sup>1</sup> If all requested records do not have the same response, so indicate.