

MINUTES OF MEETING, ATHENS CITY COUNCIL, OCTOBER 17, 2006

The Athens City Council met in regular session on Tuesday, October 17, 2006, at 6:00 P.M. with Mayor Proffitt presiding. The invocation was given by Mayor Proffitt; and upon roll call, the following members were present:

Alvey, Myers, Pelley, Perkinson, Proffitt

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

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MINUTES

The Minutes of the regularly scheduled meeting held on September 19 and the called meeting on October 9, 2006, were submitted. In consideration of the September 19 meeting, Council Member Pelley requested the Minutes be revised to reflect his comments upon the conclusion of the roll call vote for the First Reading of revised Ordinance No. 944 (Mt. Verd annexation). After brief comments, the Minutes were approved by unanimous consent.

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COMMUNICATIONS FROM THE MAYOR

DESIGN GUIDELINES PRESENTATION BY DBA

Mayor Proffitt welcomed Mr. Rick Lay, representing the Athens Downtown Partnership Committee. Mr. Lay presented a proposal for Downtown Design Guidelines dated July 25, 2006, as follows:

Unify/improve the overall downtown image – 1.) Buildings should keep or regain as much of their original architectural features and details as possible; 2.) Materials, texture and color should be compatible with other buildings in the area; 3.) Buildings should include/maintain alcoves or special treatments at entrances; 4.) Storefront type windows should be maintained adjacent to sidewalks; 5.) Natural appearing or restoration type materials should be used on all exteriors; 6.) Signage should be appropriate to the building style and size and be completed in a tasteful manner; 7.) Fabric awnings are encouraged.

Details for new construction – 8.) Buildings should be no more than two stories high at property line; 9.) Buildings should be built/maintained at property line (in front); 10.) The design of new buildings should be compatible with the character of their surroundings.

Best Practices – 11.) Best practices concerning window and street front cleaning and maintenance should be addressed; 12.) Live seasonal plantings are encouraged to enhance building fronts; 13.) Exterior lighting should be muted and after hours interior lighting should be “homelike.”

Mr. Lay stressed these are *voluntary* guidelines for downtown buildings to follow and further advised that the Downtown Partnership Committee shall be available to assist property owners in their efforts to comply. Council Member Pelley commended the Committee on its efforts and agreed with all guidelines except No. 8. Noting current zoning regulations allow for three-story buildings, he saw nothing wrong with having three stories in the downtown area. After other comments, motion was made by Council Member Myers, seconded by Council Member Alvey, to accept the recommendations of the Downtown Partnership Committee as submitted. Upon roll call, the following vote was recorded:

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

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PRESENTATION OF VIVID AWARD

Council Member Myers presented the *Very Important Volunteer Individual Award* for the month of October 2006 to Rev. Vant Hardaway. Rev. Hardaway was recognized for his outstanding service to the community and specifically for his 15 years of service as a member of the Athens Regional Planning Commission.

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RECOGNIZE ANN DAVIS' RETIREMENT AS EXECUTIVE DIRECTOR OF THE LIVING HERITAGE MUSEUM

Mayor Proffitt advised that the presentation of a proclamation of commendation to Ann Davis is being postponed due to her husband's current health problems. This presentation acknowledging her recent retirement and her many years of service to the McMinn County Living Heritage Museum will be made at a later date. Mayor Proffitt encouraged those in attendance to keep Ann and her husband in their thoughts and prayers.

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RESOLUTION OF COMMENDATION – COUNCIL MEMBER ALVEY

Council Member Pelley presented a resolution recognizing Council Member Alvey for her recent selection as one of nine outstanding women leaders across the state of Tennessee to receive the "E" Award for 2006. The *Economic Excellence and Equity Awards* recognize individuals who have distinguished themselves in a specific field or life commitment that has contributed to improving the lives of girls and women. This award will be presented to Council Member Alvey by First Lady Andrea Conte during the 3rd Annual Economic Summit for Women on October 23, 2006, in Nashville. The following resolution was presented:

RESOLUTION NO. 2006-40

“A RESOLUTION RECOGNIZING COUNCIL MEMBER SHANNON ALVEY AS AN ECONOMIC EXCELLENCE AND EQUITY AWARD RECIPIENT FOR 2006.”

Upon the reading of the resolution, motion was made by Council Member Pelley, seconded by Council Member Myers, to approve Resolution No. 2006-40. After discussion, the resolution was unanimously approved by voice vote.

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RECOGNITION OF COUNCIL MEMBER MYERS

In recognition of Council Member Myers and his decision not to seek re-election for another four year term on the Athens City Council, Vice Mayor Perkinson read a congratulatory letter from Congressman John Duncan, Jr. In the letter, Congressman Duncan acknowledged Council Member Myers' distinguished years of service on the Athens City Council (from his appointment in February 1999 through his present term expiring in November 2006). Additionally, Mayor Proffitt presented the following resolution commending Council Member Myers' tremendous leadership and contributions to the progress of this community:

RESOLUTION NO. 2006-41

“A RESOLUTION RECOGNIZING AND COMMENDING COUNCIL MEMBER CHARLIE MYERS FOR HIS DEDICATION AND CONTRIBUTION TO THE CITY OF ATHENS AND THE SURROUNDING COMMUNITY.”

Upon the reading of the resolution, motion was made by Vice Mayor Perkinson, seconded by Council Member Alvey, to approve Resolution No. 2006-41. After discussion, the resolution was unanimously approved by voice vote.

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COUNCIL MEMBER MYERS' STATEMENT OF APPRECIATION

Council Member Myers addressed the Council, City Manager and staff members, and audience as follows: “It has been an honor to have been allowed by the citizens of Athens to serve as a member of City Council these past almost eight years. I want to personally thank the City Manager and department heads for the good work they have done in holding down expenses, and I also want to thank all city employees for providing great service to our taxpayers. All this good work has allowed us to have a balanced budget without increasing the tax rate. We have, in my opinion, a great city and my wish is that in the next twenty years, of all the items that have passed, that my *Aye* votes prove in time that I was right and that my *Nay* votes prove in time that I was wrong. Thanks to all of you and may God continue to bless our city, its leaders, and citizens.”

EMPLOYEE OF THE QUARTER

Ms. Rita Brown, Human Resources Director, presented the “Employee of the Quarter” award for the period ending September 30, 2006. Mrs. Brandy Maddox, Telecommunicator in the Communications Department, was recognized for her outstanding service to the City of Athens. As in the past, the recipient of this award receives a \$50 savings bond and becomes eligible for the “Employee of the Year” award, which is given annually to recognize significant service to the City of Athens.

MISCELLANEOUS CORRESPONDENCE

Mayor Proffitt acknowledged receipt of correspondence expressing appreciation for services provided by the City of Athens.

PETITIONS AND REQUESTS

AUDIENCE

Mayor Proffitt opened the meeting for petitions and requests from the audience. Ms. Sheree Hutson of 812 Oakland Drive acknowledged a recent newspaper article about the possible change in the City of Athens’ ISO rating as it relates to the Athens Fire Department. She questioned when and why the rating had dropped from a Class 3 to a Class 4 and how that rating might be further affected by the annexation of Mt. Verd. Mayor Proffitt asked Fire Chief Bob Miller to address this inquiry during his upcoming report to council. Other petitioners included Mr. Mark Preskitt, a resident of 104 County Road 588, and Mr. Jonathan Womack of 1411 Ridgeway. Both petitioners spoke in support of the construction of a BMX track in the Athens area. As discussed in recent work session, Mr. Preskitt advised there are several adequate spots in Athens to construct the tract but felt the landfill site did not have sufficient parking. It was his feeling the Regional Park (behind red brick house) would be favorable but concurred it was probably out of the question due to the number of activities being held there. He further suggested the combination of a skateboard and BMX track at the Fisher Field site and urged Council to proceed with its decision as time is running out to prepare for next year’s event. Continued discussion was deferred to the November 13 work session with Council Member Pelley urging city staff and Mr. Preskitt to develop a plan for consideration at that time.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of September 2006. After brief discussion and comments, the report was accepted as presented.

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POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of September 2006. After brief discussion and comments, the report was accepted as presented.

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FIRE DEPARTMENT REPORT

Chief Bob Miller presented the Fire Department Report for the month of September 2006. In response to Ms. Hutson's earlier comments, Chief Miller reported on the fire ISO classification change from three to four which was recently reported by the local news media. He advised that over 20 years ago, an ISO inspection was made; and as a result of their findings, the City Fire Department was classified as Category three. However, upon re-inspection about two years ago and based on the new ISO guidelines, the Athens Fire Department was reclassified to a Category four. Chief Miller noted this change was due primarily to not having a ladder company as well as not having adequate manpower for the ladder company. Regarding the annexation of the Mt. Verd area, he advised any change of this type may affect future ISO ratings within a community. After other comments, the report was accepted as presented.

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COMMUNITY DEVELOPMENT QUARTERLY REPORT

Mr. Harold Hunter, Community Development Director, presented the Building Permit Quarterly Report for the City of Athens. For the period ending September 30, 2006, he reported the issuance of 125 permits, with valuation costs estimated at \$3,258,883. After brief comments, the report was accepted as presented.

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MAYOR PROFFITT REPORT – VOTING PATTERNS SINCE LAST ELECTION

Mayor Proffitt presented a report relative to voting patterns since the 2004 election. He advised this report consists of voting patterns as it relates to purchasing, budgeting, and the

passage of ordinances over the past two years. He advised that out of 109 votes included in this survey, 89% were either unanimous or approved by one dissenting vote. Eleven percent of those votes were reflected in a 3-2 decision, with variations of members resulting in the split vote. It was Mayor Proffitt's contention this Council has been portrayed as divided through the media and through pre-election coverage; however, as reflected in this report, the Council during the past two years has consistently worked together in meeting the needs of this community.

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CONSENT AGENDA

Mayor Proffitt advised that the following items were discussed during the recent work session and are presented as a part of the Consent Agenda:

- 1.) Authorize City of Athens to assist in renovation of the pistol range at the Chilhowee Rod & Gun Club pursuant to a partnership agreement between the Athens Police Department & the Rod & Gun Club;
- 2.) Approve *Resolution No. 2006-42* authorizing the distribution of Athens Utilities Board's electrical in lieu of tax payments for fiscal year 2006/07;
- 3.) Approve *Resolution No. 2006-43* authorizing the distribution of Athens Utilities Board's gas in lieu of tax payments for fiscal year 2006/07;
- 4.) Accept resignations from *Dave Burris* (Council Member Myer's representative) from the Council Advisory Committee (moved out of the city) and from *Dale Prescott* from the Health & Education Facilities Board (moved out of the city);
- 5.) Appoint *James Dodson* to serve unexpired term (3/21/2009) of Dave Burris on Council Advisory Committee;
- 6.) Appoint *Stewart Smith* and *Joshua McKee* to fill vacancies on the Health & Education Facilities Board, terms expire September 21, 2009.

On motion by Council Member Pelley, seconded by Council Member Alvey, the Consent Agenda as stated above was unanimously approved by the following roll call vote:

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

ORDINANCE NO. 944 – SECOND READING – PUBLIC HEARING

“AN ORDINANCE TO ANNEX PROPERTY KNOWN AS THE MOUNT VERD AREA, AND DESCRIBED IN THE BODY OF THIS ORDINANCE, AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ATHENS, TENNESSEE.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 944. Mr. John Davidson (110 CR 243) and Mr. William Ratledge (127 CR 243) spoke in opposition to the proposed annexation. Mr. Davidson requested the annexation be delayed pending further study to determine the effect of new ISO rates to property owners and the costs associated with the extension of sewer service to the annexed area. There being no others in the audience wishing to comment, the Public Hearing was closed. After brief comments by council members, motion was made by Council Member Myers, seconded by Council Member Alvey, to approve Ordinance No. 944 on Second and Final Reading, and upon roll call, Ordinance No. 944 was approved by the following vote:

AYES: Alvey, Myers, Perkinson, Proffitt
NAYS: Pelley
ABSENT: None

As provided in Ordinance No. 944, this annexation shall take effect thirty days after passage, as required by TCA §6-51-102.

ORDINANCE NO. 947 – SECOND READING – PUBLIC HEARING

“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE PROPERTY ALONG STERLING ROAD FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 947. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 947 on Second and Final Reading, and upon roll call, Ordinance No. 947 was approved by the following vote:

AYES: Alvey, Myers, Pelley, Perkinson, Proffitt
NAYS: None
ABSENT: None

NEW BUSINESS

RECOMMENDATION FROM ARPC – ANNEX EDA INDUSTRIAL PROPERTY

Mayor Proffitt presented Minutes of the Planning Commission, meeting in regular session on October 2, 2006, unanimously recommending the annexation of 24.5 acres (formerly Stiles property) located behind Denso on George R. Price Blvd. This property is currently owned by the Economic Development Authority, and the proposed use of this property is for industrial use and expansion. The following ordinance was presented for consideration:

ORDINANCE NO. 948 – FIRST READING

“AN ORDINANCE TO ANNEX PROPERTY ADJACENT TO THE I-75 INDUSTRIAL PARK, AND DESCRIBED IN THE BODY OF THIS ORDINANCE, AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ATHENS, TENNESSEE.”

The caption of the above-described Ordinance was read by the recording clerk. Motion was made by Vice Mayor Perkinson, seconded by Council Member Myers, to approve Ordinance No. 948 on First Reading, and upon roll call, Ordinance No. 948 was approved by the following vote:

AYES: Alvey, Myers, Pelley, Perkinson, Proffitt
NAYS: None
ABSENT: None

COMMITTEE VACANCY – BOARD OF ZONING APPEALS

Mayor Proffitt acknowledged a vacancy on the Board of Zoning Appeals. It was noted that this vacancy reflects the unexpired term (June 30, 2009) of Ralph Fenton who recently resigned to accept an appointment on the Athens Regional Planning Commission. Two committee applicants were presented for consideration: Lewis Talmadge, a resident of 1714 View Street; and Dr. Dale Kennedy, a resident of 508 Hillandale Drive. After acknowledging the qualifications of both applicants, motion was made by Council Member Pelley, seconded by Council Member Alvey, to appoint Dr. Dale Kennedy to fill the unexpired term on the Board of Zoning Appeals. Upon roll call, the appointment was approved by the following vote:

AYES: Alvey, Myers, Pelley, Perkinson, Proffitt
NAYS: None
ABSENT: None

MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of October and November. A tentative date for a special work session to meet with UT students to discuss the Athens Supply property was scheduled for October 24, 2006, beginning at 6:30 or 7:00 p.m. (Note: Upon notification of the UT students, this meeting was postponed until November 3rd at 3:00 p.m. to allow students additional time to complete their presentations.) After additional discussion, the report was accepted as presented.

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:40 p.m.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager