

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

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

Myers, Pelley, Perkinson, Proffitt

Council Member Alvey was absent due to a scheduling conflict within her family.

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

- 1 -

MINUTES

The Minutes of the regularly scheduled meeting held on December 20, 2005, were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Council Member Myers presented the *Very Important Volunteer Individual Award* for January 2006 to Ms. Donna Cagle for her outstanding service to members of the 278th Armored Cavalry Regiment and their families before, during, and after the troops' deployment to Iraq in 2004 and their recent return in 2005.

- 3 -

PRESENTATION OF PROCLAMATION – GEORGE R. PRICE

Mayor Proffitt advised that Mr. Price was unable to attend the meeting due to medical reasons and postponed the presentation until a later meeting. This proclamation recognizes his 40+ years of faithful service on the Athens Regional Planning Commission.

- 4 -

PETITIONS AND REQUESTS

AUDIENCE

Mayor Proffitt opened the meeting for petitions and requests from the audience. Mr. Bill Bennett, who owns property on Washington Avenue, addressed Council regarding vehicles frequently traveling in the wrong direction on one-way streets in the downtown area. He requested consideration of additional signage calling attention to the one-way traffic flow. Also, Mr. Lindsay Hathcock, Jr., a resident of the Bradley County area, publicly introduced himself and acknowledged his candidacy for the District 9 State Senate Office, representing Bradley, McMinn, Meigs, and Polk counties.

- 5 -
REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of December 2005. After brief discussion and comments, the report was accepted as presented.

- 6 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month and calendar year ending December 2005. After brief discussion and comments, the report was accepted as presented.

- 7 -

FIRE DEPARTMENT REPORT

Chief Bob Miller presented the Fire Department Report for the month and calendar year ending December 2005. After brief discussion and comments, the report was accepted as presented.

- 8 -

COMMUNITY DEVELOPMENT ANNUAL REPORT

Mr. Harold Hunter, Community Development Director, presented the Annual Building Permit Report for 2005. He reported the issuance of 585 permits in the amount of \$22,319,193 for the calendar year. After discussion, the report was accepted as presented.

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EMPLOYEE RECOGNITION FOR CONTINUOUS YEARS OF SERVICE

Mayor Proffitt honored Community Development Director Harold Hunter and Fire Marshal Jim Benton for their continuous years of service with the City of Athens. Mr. Hunter received a service pin in recognition of 40 years and Mr. Benton in recognition of 35 years.

NEW BUSINESS

ATHENS CITY SCHOOLS – BUDGET AMENDMENT NO. 1 – FY 2005/06

Mayor Proffitt welcomed representatives of the Athens City School System, Dr. Craig Rigell and Diane Frank. Dr. Rigell presented Budget Amendment No. 1, as approved by the Board of Education during its regular meeting on January 9, 2006. He stated the purpose of the proposed amendment is to record carry-over items from the previous year's budget. Noting amendments are typically done later in the budget year, Dr. Rigell acknowledged a federal audit is being conducted next month, necessitating such action. After brief comments and upon motion by Council Member Pelley, seconded by Council Member Myers, Budget Amendment No. 1 for the Athens City Schools was approved by the following roll call vote:

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

ARPC RECOMMENDATION – REZONING REQUEST

Community Development Director Harold Hunter presented Minutes of the Athens Regional Planning Commission, meeting in regular session on January 3, 2006, unanimously recommending that the existing B-3 (Central Business District) zone located on the south side of West Madison Avenue at Woodman Street be extended in a westerly direction to Fairview Avenue, where a B-4 zone presently exists. The recommendation further stipulates that the Keith Mansion property located at 110 Keith Lane (currently zoned R-2) be included in the extension of the B-3 zone. After brief comments, the following ordinance was presented for consideration:

ORDINANCE NO. 933 – FIRST READING

“AN ORDINANCE TO AMEND ORDINANCE NO. 914 ENTITLED ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE PROPERTY ALONG WEST MADISON AVENUE FROM WOODMAN STREET IN A WESTERLY DIRECTION TO FAIRVIEW AVENUE FROM B-4 (HIGHWAY & MAJOR ARTERIAL SERVING BUSINESS DISTRICT) AND R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-3 (CENTRAL BUSINESS DISTRICT), SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.”

The caption of the above-described Ordinance was read by the recording clerk. Motion was made by Council Member Pelley, seconded by Council Member Myers, to approve Ordinance No. 933 on First Reading, and upon roll call, Ordinance No. 933 was approved by the following vote:

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

ARPC RECOMMENDATION – ACCEPT STREETS (DAVIS PLACE SUBDIVISION)

Community Development Director Harold Hunter presented Minutes of the Athens Regional Planning Commission, meeting in regular session on January 3, 2006, unanimously recommending the acceptance of Davis Place Drive and Shadows Lawn Drive into the City of Athens street system. As noted in the Minutes, this recommendation is subject to the receipt of an 18-month maintenance bond and a 36-month bond to assure the road crown is sufficient for drainage purposes. Mr. Hunter confirmed receipt of the bond requirements as noted above. After brief discussion, the following resolution was presented for consideration:

RESOLUTION NO. 2006-01

“A RESOLUTION ACCEPTING SHADOWS LAWN DRIVE AND DAVIS PLACE DRIVE INTO THE STREET SYSTEM OF THE CITY OF ATHENS, TENNESSEE.”

The caption of Resolution No. 2006-01 was read by the recording clerk. Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Resolution No. 2006-01. After discussion, the Resolution was approved by the following roll call vote:

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

FLOOD AWARENESS WEEK DESIGNATED

Mayor Proffitt presented the following resolution designating the week of January 23-27, 2006, as “Flood Awareness Week” in Athens:

RESOLUTION NO. 2006-02

“A RESOLUTION TO DECLARE THE WEEK OF JANUARY 23-27, 2006, ATHENS FLOOD AWARENESS WEEK.”

The caption of Resolution No. 2006-02 was read by the recording clerk. Motion was made by Council Member Myers, seconded by Vice Mayor Perkinson, to approve Resolution No. 2006-02. After discussion, the Resolution was approved by the following roll call vote:

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

COMMITTEE APPOINTMENTS

Mayor Proffitt acknowledged the appointments of William (Bill) Brakebill, Ann Davis, and Robert Tennyson to the International Relations Committee will expire on January 20, 2006. As discussed during recent work session, each is eligible and has confirmed a desire to serve another three-year term. Upon motion by Council Member Pelley, seconded by Council Member Myers, the reappointments were unanimously approved by the following roll call vote:

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

**6:40 P.M.....The Athens City Council recessed and reconvened as
the Athens Beer Board**

BEER BOARD

RELINQUISHMENT OF PERMIT – GABRIEL’S REAL ITALIAN

Mayor Proffitt presented a letter dated December 16, 2005, from Mr. Allen Eisenmenger, owner of Gabriel’s Real Italian PIE located at 890 Dupit Street, relinquishing the beer permit at this location. Upon consideration, motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to accept the relinquishment as submitted. The motion was approved by the following roll call vote:

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

RELINQUISHMENT OF PERMIT – EL CASTILLO & TONY’S RESTAURANT

Mayor Proffitt presented a letter of relinquishment dated January 6, 2006, from Mr. Julio Resendiz, current holder of a beer permit at El Castillo & Tony’s Restaurant located at 710 South White Street. In the letter, Mr. Resendiz states a change of ownership has occurred at this location. Upon consideration, motion was made by Vice Mayor Perkinson, seconded by Council Member Myers, to accept the relinquishment as submitted. The motion was approved by the following roll call vote:

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

BEER PERMIT APPLICATION – LAHACIENDA II

City Manager Moore presented an application for a restaurant beer permit at the *LaHacienda II* restaurant located at 710 South White Street. Mr. Moore stated the application is properly completed and executed, the investigation by the Chief of Police and the Inspection of the facility by the Building Inspector reveal that all requirements for the issuance of a permit have been met, and the \$250 application fee has been collected. Ms. Jennifer Dunnagan, the new owner/manager, acknowledged she is familiar with all beer laws in the City, particularly those prohibiting the sale of beer to individuals less than 21 years of age. After further comments, motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve the beer application as submitted. Upon roll call, the motion was unanimously approved by the following vote.

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

**6:45 P.M.The Athens Beer Board adjourned and reconvened as
the Athens City Council**

MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of January and February. 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 6:55 p.m.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager