

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 21, 2006

The Athens City Council met in regular session on Tuesday, February 21, 2006, at 6:00 P.M. with Mayor Proffitt presiding. The invocation was given by Council Member Alvey; 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.

- 1 -

MINUTES

The Minutes of the regularly scheduled meeting held on January 17, 2006, 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 February 2006 to Ms. Bobbie Slayton for her efforts in preservation of life. The nomination states that while driving along Green Street on December 13, 2005, Ms. Slayton witnessed a man who became ill and collapsed on the sidewalk. She immediately pulled off the road in an effort to render assistance to the unknown victim. Upon finding no pulse, she began CPR and continued this lifesaving effort until the ambulance and paramedics arrived on the scene to transport the victim to local medical facilities.

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PRESENTATION OF PROCLAMATION – GEORGE PRICE

Vice Mayor Perkinson presented a proclamation commending George Price for his faithful service as a member of the Athens Municipal Regional Planning Commission in excess of 40 years (from January 10, 1966 through present). Mr. Price was further commended for his continuous leadership role as Chairman of this commission since 1968.

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PRESENTATION OF PROCLAMATION – VICE MAYOR PERKINSON

Mayor Proffitt presented a proclamation to Vice Mayor Perkinson recognizing his recent selection as recipient of the *J. Neal Ensminger Man of the Year Award* for 2005. This recognition is sponsored annually by The Daily-Post Athenian in honor of outstanding service and leadership within the community.

- 5 -

MISCELLANEOUS CORRESPONDENCE

Mayor Proffitt acknowledged receipt of correspondence expressing appreciation for services performed by city staff members.

- 6 -

PETITIONS AND REQUESTS

AUDIENCE

Mayor Proffitt opened the meeting for petitions and requests from the audience. There were none presented at this time.

- 7 -

REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of January 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 January 2006. During recent work session, Chief Ziegler reported numerous incidents of violence and/or misconduct at two local restaurants (Las Margaritas and Applebees), both having valid licenses to sell beer and liquor by the drink. In reference to that discussion, Council Member Pelley acknowledged Chief Ziegler's proactive approach in working with both restaurants during the past few months to resolve these issues and promote safety for the citizens of Athens. After other 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 January 2006. After brief discussion and comments, the report was accepted as presented.

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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.) Approve **Resolution No. 2006-03** to adopt the Fourth Amendment to the City of Athens Pension Plan to require completion of at least five years of continuous service in addition to attainment of age 65;
- 2.) Approve **Resolution No. 2006-04** authorizing the submission of a grant application in the amount of \$500,000 to the Tennessee Housing Development Agency's Home Program for the Athens Housing Preservation Program;
- 3.) Approve **Resolution No. 2006-05** authorizing the City of Athens to make a joint grant application (\$500,000) with the City of Etowah to the Tennessee Department of Environment and Conservation to implement the Community Center Development Phase of the McMinn County Recreation Plan;
- 4.) Approve **Resolution No. 2006-06** authorizing the submission of an Edward Byrne Memorial Justice Assistance Grant (JAG) through the U.S. Department of Justice in the amount of \$13,542 for Fiscal Year 2006;
- 5.) Accept **Comprehensive Consolidated Financial Audit** (City of Athens, City Schools, AUB) as prepared by Neal, Scouten & McConnell for period ending June 30, 2005;
- 6.) Reappoint **Amy Sewell** and **Shawn Lindsey** to fill another three-year term on **Keep McMinn Beautiful** (new terms expire March 5, 2009);
- 7.) Reappoint **Steve Heath** to fill another five-year term on **Athens Housing Authority** (new term expires March 6, 2011);
- 8.) Reappoint **Shane Sewell, Patti Greek, Hal Buttram, Bryan Jackson, Randy Burger, Frances Graves, and Dave Burris** to **Council Advisory Committee** (new terms expire March 21, 2009);
- 9.) Appoint **Burkett Witt** (Council Member Alvey's representative replacing Pamela Bragg) and **Richard Newman** (Council Member Myer's representative replacing John Ramage) to **Council Advisory Committee** (new terms expire March 21, 2009);
- 10.) Official authorization to allow YMCA to use City Park pool during summer months 2006.

On motion by Council Member Myers, seconded by Vice Mayor Perkinson, the Consent Agenda as stated above was approved by the following roll call vote.

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

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ORDINANCES

ORDINANCE NO. 933 – SECOND/FINAL READING – PUBLIC HEARING

“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.”

Upon reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 933. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. Motion was made by Council Member Pelley, seconded by Council Member Myers, to approve Ordinance No. 933 on Second and Final Reading, and upon roll call, Ordinance No. 933 was approved by the following vote:

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

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NEW BUSINESS

RECOMMENDATION FROM ARPC – REZONE MADISON PARK CENTER

Mayor Proffitt presented Minutes of the Athens Regional Planning Commission, meeting in regular session on February 6, 2006, unanimously recommending that City Council rezone Madison Park Center located at 3 Hill Street from B-2 (Shopping Center District) to B-3 (Central Business District). After brief comments by Community Development Director Harold Hunter, the following ordinance was presented for consideration:

ORDINANCE NO. 934 – 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 MADISON AVENUE BETWEEN HILL STREET AND CHURCH STREET FROM B-2 (SHOPPING CENTER 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 Alvey, to approve Ordinance No. 934 on First Reading, and upon roll call, Ordinance No. 934 was approved by the following vote:

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

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RECOMMENDATION FROM ARPC – REZONE WEST MADISON PARCELS

Mayor Proffitt presented Minutes of the Athens Regional Planning Commission, meeting in regular session on February 6, 2006, unanimously recommending that City Council rezone parcel numbers 11 (I.D. #065 011.00), 12 (I.D. #065 012.00), and 19 (I.D. #065 019.00) on West Madison Avenue (across from the Pikwatina Subdivision) from I-1 and R-E to R-3. After brief comments by Community Development Director Harold Hunter, the following ordinance was presented for consideration:

ORDINANCE NO. 935 – 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 DENNIS STREET AND WEST MADISON AVENUE BETWEEN WEST MADISON AVENUE AND THE RAILROAD RIGHT OF WAY FROM I-1 (LIGHT INDUSTRIAL DISTRICT) AND R-E (RESIDENTIAL ESTATE DISTRICT) TO R-3 (HIGH DENSITY RESIDENTIAL 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 Myers, seconded by Vice Mayor Perkinson, to approve Ordinance No. 935 on First Reading, and upon roll call, Ordinance No. 935 was approved by the following vote:

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

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RECOMMENDATION FROM ARPC – REZONE HUGHES STREET PARCELS

Mayor Proffitt presented Minutes of the Athens Regional Planning Commission, meeting in regular session on February 6, 2006, unanimously recommending that City Council rezone residential dwellings parallel to Hughes Street from I-1 to R-2. These properties are shown on the McMinn County Tax Map 56J as parcels 26.00, 27.00, 28.00, 29.00, 30.00, 31.00, 32.00, and 33.00. After brief comments by Community Development Director Harold Hunter, the following ordinance was presented for consideration:

ORDINANCE NO. 936 – 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 HUGHES STREET FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL 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. 936 on First Reading, and upon roll call, Ordinance No. 936 was approved by the following vote:

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

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RECOMMENDATION FROM ARPC – REZONE ROCKY MT. ROAD PARCEL

Mayor Proffitt presented Minutes of the Athens Regional Planning Commission, meeting in regular session on February 6, 2006, unanimously recommending that City Council rezone property along Rocky Mount Road (Parcel No. 158.00 as shown on McMinn County Tax Map 56) from I-1 to B-4. After brief comments by Community Development Director Harold Hunter, the following ordinance was presented for consideration:

ORDINANCE NO. 937 – 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 ROCKY MOUNT ROAD FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO B-4 (HIGHWAY & MAJOR ARTERIAL SERVING 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 Vice Mayor Perkinson, seconded by Council Member Myers, to approve Ordinance No. 937 on First Reading, and upon roll call, Ordinance No. 937 was approved by the following vote:

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

RECOMMENDATION FROM ARPC – ZONING ORDINANCE REVISIONS

Mayor Proffitt presented Minutes of the Athens Regional Planning Commission, meeting in regular session on February 6, 2006, unanimously recommending that City Council amend the City of Athens Zoning Ordinance by revising Section 4.03.08 (Remote Parking Space) and Section 4.07 (General Lot Restrictions). After brief comments by Community Development Director Harold Hunter, the following ordinances were presented for consideration:

ORDINANCE NO. 938 – FIRST READING

“AN ORDINANCE TO AMEND ORDINANCE NO. 914 ENTITLED THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, SO AS TO AMEND CHAPTER 4, SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS, MORE SPECIFICALLY SECTION 4.03.08 REMOTE PARKING SPACE.”

The caption of the above-described Ordinance was read by the recording clerk. Motion was made by Vice Mayor Perkinson, seconded by Council Member Alvey, to approve Ordinance No. 938 on First Reading, and upon roll call, Ordinance No. 938 was approved by the following vote:

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

ORDINANCE NO. 939 – FIRST READING

“AN ORDINANCE TO AMEND ORDINANCE NO. 914 ENTITLED THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, SO AS TO AMEND CHAPTER 4, SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS, MORE SPECIFICALLY SECTION 4.07 GENERAL LOT RESTRICTIONS.”

The caption of the above-described Ordinance was read by the recording clerk. Motion was made by Council Member Myers, seconded by Council Member Alvey, to approve Ordinance No. 939 on First Reading, and upon roll call, Ordinance No. 939 was approved by the following vote:

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

COMMITTEE APPOINTMENT – KEEP MCMINN BEAUTIFUL

As discussed during recent work session, Mayor Proffitt acknowledged a vacancy on the Keep McMinn Beautiful Board of Directors, based on Stan McKee’s desire to decline reappointment for another three-year term. For consideration by the Council, city staff presented

two applications, which were on file in the City Manager's office: Amy Goodin of 1407 Ridgeway Circle (dated November 23, 2004) and Randolph Ayres of 205 West Washington Avenue (dated January 10, 2005). It was noted that both have confirmed their willingness to serve. Based on the earliest date of submission, motion was made by Council Member Pelley, seconded by Council Member Alvey, to appoint Amy Goodin, a resident of 1407 Ridgeway Circle, to serve a three-year term on the Keep McMinn Beautiful Board of Directors, expiring March 5, 2009. The motion was approved by the following roll call vote:

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

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COMMITTEE APPOINTMENTS – COUNCIL ADVISORY COMMITTEE

Council Member Pelley presented the name of Frances Witt McMahan of 209 Echo Circle to fill the slot of Israel Lezama, whose appointment as Council Member Pelley's representative to the Council Advisory Committee will expire on March 21, 2006. Upon motion by Council Member Pelley, seconded by Vice Mayor Perkinson, the appointment of Frances McMahan was unanimously approved by the following roll call vote:

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

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PROPOSED INTERLOCAL AGREEMENT – MANAGEMENT INTERN

City Manager Moore presented a proposed Interlocal Agreement to participate in a Management Intern Program sponsored in conjunction with the Municipal Technical Advisory Service (MTAS). Through this agreement, the participating cities of Athens, Cleveland, East Ridge, and Red Bank shall pay the intern's salary and fringe benefits as outlined in the agreement. The term of the agreement shall be for a period of two years, with options to terminate or to extend upon mutual consent of all parties. The following resolution was presented for consideration:

RESOLUTION NO. 2006-07

“A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF CLEVELAND, ATHENS, EAST RIDGE, RED BANK, AND THE UNIVERSITY OF TENNESSEE MUNICIPAL TECHNICAL ADVISORY SERVICE FOR EMPLOYMENT OF MANAGEMENT INTERN.”

The caption of Resolution No. 2006-07 was read by the recording clerk. As discussion ensued, Council Member Pelley felt since documentation was not available during the recent work session, action should be deferred pending further review during the March work session. City Manager Moore apologized that he was unable to present the documentation during the work session on February 13 due to personal illness. He further advised that this tri-party agreement becomes effective as of March 1, 2006; therefore, action is requested at this time. The

schedule, as prepared by the Municipal Technical Advisory Service, provides that the City of Athens shall be the recipient of the intern's services during the months of October, November, December (2006). As noted by City Manager Moore, the Athens Utilities Board, in conjunction with the City of Athens, will host the intern in January and February (2007), with AUB being responsible for costs outlined in the agreement during those two months. During the second twelve-month period, the City of Athens is projected to host the intern during the months of August, September and October 2007. The salary and fringe benefits package during the first twelve months has been calculated to be \$33,605.51 annually or \$2,800.46 per month, with the second twelve-month period calculated as \$35,285.78 or \$2,940.48 per month. These benefits will be funded by the participating cities as outlined in the agreement. Council Member Pelley expressed support of intern programs; however, he questioned the value of this short-term program as it relates to the City of Athens. After further comments, motion was made by Council Member Myers, seconded by Vice Mayor Perkinson, to approve Resolution No. 2006-07. Upon roll call, the motion was approved by the following vote:

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

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MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of February and March. After additional discussion, the report was accepted as presented.

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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:15 p.m.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager