

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

The Athens City Council met in regular session on Tuesday, March 21, 2006, at 6:00 P.M. with Mayor Proffitt presiding. The invocation was given by Vice Mayor Perkinson; and upon roll call, the following members were present:

Alvey, Myers, Perkinson, Proffitt

Council Member Pelley arrived at 6:05 p.m.

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 February 21, 2006, were submitted and approved by unanimous consent.

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COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Council Member Alvey presented the *Very Important Volunteer Individual Award* for March 2006 to Lynn McConkey, a resident of 1402 Crestway Circle. Mr. McConkey was recognized for custom designing and professionally mounting a radio case on a new fire engine at no charge to the City of Athens. His expertise resulted in a savings of several hundred dollars to the City of Athens.

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MISCELLANEOUS CORRESPONDENCE

Mayor Proffitt acknowledged receipt of correspondence from Scout Troop 614 expressing appreciation for a recent tour of the Athens Police Department.

- 4 -

PETITIONS AND REQUESTS

REMARKS BY J. DAVID DAVIS

Mr. J. David Davis had previously requested to be placed on the agenda to address the Council regarding *selective enforcement of City Codes*. Mayor Proffitt acknowledged that he had spoken with Mr. Davis prior to the meeting, and Mr. Davis indicated he would not be able to attend the meeting due to a scheduling conflict.

AUDIENCE

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

(Council Member Pelley arrived during the presentation of “Petitions & Requests” by Mayor Proffitt.)

REPORTS

FINANCE DEPARTMENT REPORT

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

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of February 2006. Chief Ziegler briefed the Council regarding Operation Line of Sight, a new program designed to eliminate sight distance problems throughout the city. After brief discussion and comments, the report was accepted as presented.

FIRE DEPARTMENT REPORT

Chief Bob Miller presented the Fire Department Report for the month of February 2006. After brief discussion and comments, the report was accepted as presented.

**6:22 P.M.....The Athens City Council recessed and reconvened
as the Athens Beer Board**

BEER BOARD

RELINQUISHMENT – RACEWAY @ 2505 DECATUR PIKE – NAVIN PATEL

In a letter dated March 14, 2006, Mr. Navin Patel announced an impending ownership change at the Raceway #898 located at 2505 Decatur Pike and expressed his desire to relinquish the current Grocery (Food Stores) permit contingent upon acceptance of the new owner’s application. Upon consideration, motion was made by Council Member Pelley, seconded by Council Member Myers, to approve the relinquishment as submitted by Mr. Patel. Upon roll call, the motion was approved by the following vote:

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

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GROCERY BEER PERMIT – RACEWAY @ 2505 DECATUR PIKE – SANJAY SONANI

City Manager Moore presented an application for a Grocery (Food Stores) beer permit at the Raceway located at 2505 Decatur Pike. Mr. Moore stated that 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. Upon questioning the applicant, Mr. Sanjay Sonani acknowledged he is familiar with all beer laws in the City, particularly those prohibiting the sale of beer to individuals under the age of 21. After further discussion, motion was made by Council Member Myers, seconded by Council Member Pelley, to approve the beer application as submitted. Upon roll call, the motion was approved by the following vote:

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

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RELINQUISHMENT – SPARKLE ONE STOP @ 304 S. WHITE – JAMES COLLINS, JR.

In a letter dated February 23, 2006, Mr. James H. Collins announced an impending ownership change at Sparkle One Stop Automotive located at 304 South White Street and expressed his desire to relinquish the current Package Beer Stores permit contingent upon acceptance of the new owner's application. Upon consideration, motion was made by Vice Mayor Perkinson, seconded by Council Member Myers, to approve the relinquishment as submitted by Mr. Collins. Upon roll call, the motion was approved by the following vote:

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

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GROCERY BEER PERMIT – SPARKLE ONE STOP @ 304 S. WHITE – TERESA CARTER

City Manager Moore presented an application for a Package Beer Stores permit at Sparkle One Stop located at 304 South White Street. Mr. Moore stated that 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. Upon questioning the applicant, Teresa Ann Carter acknowledged she is familiar with all beer laws in the City, particularly those prohibiting the sale of beer to individuals under the age of 21. After further comments, motion was made by Council Member Pelley, seconded by Council Member Myers, to approve the beer application as submitted. Upon roll call, the motion was approved by the following vote:

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

**6:27 P.M. The Athens Beer Board adjourned and reconvened
as the Athens City Council**

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CONSENT AGENDA

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

- 1.) Approve **Resolution No. 2006-08** recognizing April as the “Fair Housing Month” in the City of Athens;
- 2.) Approve low bid (\$31,882) as submitted by **R. Conrad Reese Sales & Service** of Knoxville for purchase of mobile column lift;
- 3.) Approve low bid (\$43,897) as submitted by **Southeastern, Inc.** of Knoxville for installation of decorative steel fence system and gates on Green Street;
- 4.) Approve **Resolution No. 2006-09** to execute contract with Southeastern Inc for installation of fence on Green Street;
- 5.) Approve Audit Proposal submitted to the City of Athens for fiscal years 2006, 2007, and 2008 as submitted by **Neal, Scouten & McConnell** of Chattanooga;
- 6.) Defer action for **six months** on ARPC’s recommendation to declare Jackson Street property, which is located adjacent to Veterans Park, as surplus, subject to any and all utility easements.

On motion by Council Member Pelley, 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. 934 – 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 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.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 934. 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. 934 on Second and Final 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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ORDINANCE NO. 935 – 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 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.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 935. 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. 935 on Second and Final 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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ORDINANCE NO. 936 – 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 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.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 936. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. Motion was made by Council Member Myers, seconded by Council Member Pelley, to approve Ordinance No. 936 on Second and Final 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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ORDINANCE NO. 937 – 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 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.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 937. 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 Alvey, to approve Ordinance No. 937 on Second and Final Reading, and upon roll call, Ordinance No. 937 was approved by the following vote:

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

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ORDINANCE NO. 938 – 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 CHAPTER 4, SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS, MORE SPECIFICALLY SECTION 4.03.08 REMOTE PARKING SPACE.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 938. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. Motion was made by Vice Mayor Perkinson, seconded by Council Member Myers, to approve Ordinance No. 938 on Second and Final Reading, and upon roll call, Ordinance No. 938 was approved by the following vote:

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

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ORDINANCE NO. 939 – 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 CHAPTER 4, SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS, MORE SPECIFICALLY SECTION 4.07 GENERAL LOT RESTRICTIONS.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 939. 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. 939 on Second and Final Reading, and upon roll call, Ordinance No. 939 was approved by the following vote:

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

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NEW BUSINESS

RECOMMENDATION FROM THE ARPC – REZONE LIONS CLUB PARK

Community Development Director Harold Hunter presented Minutes of the Planning Commission, meeting in regular session on March 6, 2006, unanimously recommending the rezoning of a portion of the Lions Club Park located on West Madison Avenue at County Road 134 from AG (Agricultural District) to I-1 (Light Industrial District). As reflected in the ARPC Minutes, this property is expected to be sold for possible construction of a warehouse. After brief comments, the following ordinance was presented for consideration:

ORDINANCE NO. 940 – 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 LIONS PARK ROAD (AKA STERLING ROAD) FROM AG (AGRICULTURAL DISTRICT) TO I-1 (LIGHT INDUSTRIAL 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 Pelley, to approve Ordinance No. 940 on First Reading, and upon roll call, Ordinance No. 940 was approved by the following vote:

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

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MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects. In discussing the schedule of meetings for April, he announced the following joint meetings: City School Board – April 13, 6:00 p.m. (City Hall Training Room); Utilities Board – Thursday, April 27, 5:00 p.m. tour of treatment plant (Alford Street), with meeting to follow at the Regional Park Conference Center. 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