

A G E N D A

ATHENS CITY COUNCIL

TUESDAY, FEBRUARY 17, 2004, 6:00 P.M.

- I. CALL TO ORDER** – Mayor William Bo Perkinson

- II. PLEDGE OF ALLEGIANCE**

- III. INVOCATION** – Council Member Myers

- IV. ROLL CALL**

- V. MINUTES** – January 20, 2004

- VI. COMMUNICATIONS FROM THE MAYOR**
 - a.) Presentation of VIVID Award – Thomas Biddle
 - b.) Presentation of Certificate of Achievement plaque to Director of Finance
 - c.) Miscellaneous Correspondence

- VII. PETITIONS AND REQUESTS**
 - a.) Requests from Audience

- VIII. REPORTS**
 - a.) Review Athens City School Audit for FY 2003 – Dr. Craig Rigell
 - b.) Finance Department Report
 - * c.) Police Department Report
 - * d.) Fire Department Report

IX. CONSENT AGENDA

- a.) *Extend bid prices* as well as other bid-related specifications (Bid No. 1281) as submitted by Industrial Rubber & Safety Products for repair/maintenance of Scott Self-Contained Breathing Apparatus through June 30, 2005;
- * b.) Adopt *Resolution No. 2004-04* to extend contract with Elrod Landscaping & Lawn Care for park maintenance/mowing of city-owned properties (Section II of Bid No. 1334) for period April 1, 2004 through October 13, 2004;
- * c.) Approve *Resolution No. 2004-05* to accept the dedication and transfer of certain real property to the City of Athens, Tennessee, to relocate Dennis Street on the East side of Congress Parkway and to extend Dennis Street West of Congress Parkway to Layman Road.
- d.) Approve *letter of agreement* dated February 3, 2004 from St. Mary Church relative to Dennis Street extension/re-alignment project;
- * e.) Approve *Resolution No. 2004-06* to enter into an agreement with Plantation Pipe Line Company for purpose of relocating certain underground facilities in conjunction with Dennis Street extension/re-alignment project;
- * f.) Approve *Resolution No. 2004-07* to amend contract with Morgan Contracting Incorporated in conjunction with White Street Stormwater Project (Change Order No. 2 increases total contractual obligation by \$358,798 – from \$1,148,547 to \$1,507,345);
- * g.) Approve *Resolution No. 2004-08* to amend contract with Gresham Smith & Partners in conjunction with White Street Stormwater Project, thereby increasing contractual agreement to reflect total project costs of \$163,500;
- * h.) Approve *Resolution No. 2004-09* to accept a permanent stormwater easement for purpose of improving an existing detention area on Tennessee Wesleyan College property;
- i.) Reappoint James McCue to serve another five-year term on Athens Housing Authority, term expires March 6, 2009;
- j.) Accept *Consolidated Financial Audit* (City of Athens, City Schools, AUB) as prepared by Neal, Scouten & McConnell for period ending June 30, 2003.

X. ORDINANCES

- * a.) **ORDINANCE NO. 915 – SECOND READING – PUBLIC HEARING**
AN ORDINANCE AMENDING ORDINANCE NO. 853 ENTITLED, "THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, DATED 1999", SO AS TO REZONE THAT AREA LOCATED ON PARK STREET, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM B-2, SHOPPING CENTER DISTRICT, TO B-3, CENTRAL BUSINESS DISTRICT, AND TO CHANGE THE ZONING MAP OF THE CITY OF ATHENS DATED MARCH 16, 1999, TO REFLECT AND SHOW SAID CHANGE IN ZONING MADE BY THIS ORDINANCE.

XI. OLD BUSINESS

- a.) Committee Appointments - Council Advisory Committee, terms expire March 21, 2004

XII. NEW BUSINESS

- * a.) Recommendation from Planning Commission – rezoning request from I1 to B-4, 2110 South Congress Parkway (Safety Optical Building) – John Ray McKeehan
- * b.) Resolution in support of funding Phase Two – Southeast Tennessee Trade & Conference Center
- * c.) Proposed submission of TDOT grant application – intersection improvements at State Route 2 (US 11/Congress Parkway) and Velma Road
- * d.) Proposed renewal of property agreement w/McMinn County Rescue Squad
- e.) Manager’s Report

XIII. BEER BOARD

- a.) Restaurant Beer Permit – Las Margaritas Restaurant & Grill VII, 206 Decatur Pike, Mr. Abdon Vazquez

**Police Department Report to City Manager
Offense Statistics**

Classification of Offenses

Offenses Reported

Part I - Crimes Against Persons	This Month	This Year	Last Year to Date
1. Homicide	0	0	0
2. Sex Offense	1	1	1
3. Robbery	3	3	1
4. Assault	36	36	18
Part II - Crime Against Property			
5. Burglary	19	19	18
6. Theft	50	50	61
7. Motor Vehicle Theft	0	0	5
Moving Violations	225	225	311
Drugs	12	12	12
Arrests	58	58	56

Traffic Accident Statistics

Accidents

Injuries

	This Month	This Year	Last Year to Date		This Month	This Year	Last Year to Date	
Vehicle	67	67	75		24	24	18	
Pedestrian	1	1	1		1	1	0	
Other	6	6	12		1	1	2	
Total	74	74	88		26	26	20	

Fatality

This Month	0
This Year	0

Prepared:
Amy B. Arnwine
City Clerk/Records
Clerk

Submitted:
Charles T. Ziegler
Chief of Police

ATHENS FIRE DEPARTMENT INCIDENT SUMMARY TO CITY MANAGER

MONTH OF JANUARY 2004
OF

TYPE OF CALL	THIS MONTH	LAST YEAR	TYTD	LYTD
RESIDENTIAL		4	0	4
COMMERCIAL		0	0	0
INDUSTRIAL		0	0	0
GRASS		1	0	1
VEH FIRES		0	0	0
TRASH FIRES		0	0	0
VEH ACC		3	0	3
AUTO ALARMS		5	0	5
FALSE ALARMS		0	0	0
OTHERS		4	0	4
MUTUAL AID		0	0	0
TOTAL CALLS	0	17	0	17

LOSSES

RESIDENTIAL		\$5,500	\$0	\$5,500
COMMERCIAL		\$0	\$0	\$0
INDUSTRIAL		\$0	\$0	\$0
VEHICLE		\$600	\$0	\$600
MISC		\$0	\$0	\$0
TOTALS	\$0	\$6,100	\$0	\$6,100

FIRE PREVENTION INSPECTIONS

COMMERCIAL		16	0	16
INDUSTRIAL		8	0	8
RESIDENTIAL		16	0	16
TOTALS	0	40	0	40
VIOLATIONS		11	0	11
CORRECTED		7	0	7

FIREFIGHTER TRAINING

FULL TIME ACADEMIC		263	0	263
FULL TIME PRACTICAL		64	0	64
VOLUNTEER ACADEMIC		5	0	5
VOLUNTEER PRACTICAL		8	0	8

PERSONNEL	ALLOWANCE	EMPLOYED
FULL TIME	20	20
VOLUNTEERS	25	20

RESOLUTION NO. 2004-04

“A RESOLUTION AUTHORIZING THE EXTENSION OF CONTRACT BETWEEN THE CITY OF ATHENS, TENNESSEE, AND ELROD LANDSCAPING AND LAWN CARE OF ETOWAH, TNNESSEE, FOR PARK MAINTENANCE/MOWING OF CITY-OWNED PROPERTIES BEING DESIGNATED IN BID SPECIFICATIONS AS SECTION II.”

WHEREAS, the City of Athens, Tennessee, by Resolution No. 2002-15 entered into a contract with Elrod Landscaping and Lawn Care, thereby furnishing labor, materials, supplies, tools, and equipment necessary to perform all work and services required for mowing and trimming designated city-owned properties; and

WHEREAS, the contract terms, which were extended through April 1, 2004, provide for automatic renewal upon consent by both parties; and

WHEREAS, it is the desire of the City of Athens and Elrod Landscaping and Lawn Care to extend the bid prices and other provisions/specifications of the bid for an additional year, with the mowing season to begin on or about April 1, 2004 and to conclude on or about October 31, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, that the above referenced contract is hereby extended through the 2004 mowing season as provided in the attached correspondence agreed upon and executed by both parties.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the public welfare requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. 2004-05

“A RESOLUTION TO ACCEPT THE DEDICATION AND TRANSFER OF CERTAIN REAL PROPERTY TO THE CITY OF ATHENS, TENNESSEE TO RELOCATE DENNIS STREET ON THE EAST SIDE OF CONGRESS PARKWAY AND TO EXTEND DENNIS STREET WEST OF CONGRESS PARKWAY TO LAYMAN ROAD.”

WHEREAS, the City of Athens, Tennessee, desires to relocate Dennis Street, east of Congress Parkway, as Dennis Street approaches Congress Parkway; and

WHEREAS, the City of Athens, Tennessee, desires to extend Dennis Street west of Congress Parkway to Layman Road; and

WHEREAS, to accomplish the above improvements, the City of Athens has requested a dedication and transfer of certain real property from the owners of the real property affected by these proposed improvements; and

WHEREAS, the owners of real property affected by this project, in recognition of the community need for improving the intersection and extending Dennis Street to Layman Road, and for other considerations, have offered to dedicate and transfer real property necessary to accomplish the improvements to and extension of Dennis Street; and

WHEREAS, the City of Athens, Tennessee, accepts the dedication and transfer of certain real property for the purpose of relocating Dennis Street and extending it to Layman Road.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, as follows:

1. The Mayor and City Manager be and hereby are authorized to accept the dedication and transfer by Quitclaim Deed from The Most Reverend Joseph Kurtz, Bishop of the Roman Catholic Diocese of Knoxville, Tennessee, the real property described as follows:

LYING AND BEING SITUATED in the First Civil District of McMinn County, Tennessee, in the City of Athens, Tennessee, off of Congress Parkway (U.S. Bypass 11) and more particularly described as follows:

BEGINNING at a point at the west edge of Dennis Street where it corners with Votek Drive; thence in a counter clockwise arc measuring 187.27 feet with a radius of 752.38 feet with a chord of North 14 degrees 28 minutes 10 seconds West 186.79 feet to a point; thence north 18 degrees 09 minutes 09 seconds West 255.21 feet to a point; thence in a counter clockwise arc 38.15 feet with a radius of 5466.96 feet and chord of north 17 degrees 57 minutes 10 seconds west 38.15 feet to a point in the line with property presently owned by Dale Kennedy, soon to be transferred to Grantee; thence with the line of Dale Kennedy south 51 degrees 33 minutes 31 seconds east 90.57 feet to a new corner with Dale Kennedy; thence south 18 degrees 09 minutes 09 seconds East 216.26 feet to a point; thence in a clockwise arc measuring 203.76 feet with a radius of 802.38 feet and a chord south 14 degrees 12 minutes 57 seconds east 203.22 feet to the east edge of Dennis street; thence south 89 degrees 01 minute 29 seconds west 50.29 feet to the BEGINNING point, all as shown on a copy of the survey attached hereto.

BEING a part of the same property conveyed to The most Reverend Anthony J. O'Connell, Bishop of the Roman Catholic Diocese, Knoxville, Tennessee, by The most Reverend James D. Niedergeses, Bishop of the Roman Catholic Diocese of Nashville, Tennessee, by Warranty Deed dated March 3, 1989, of record in Deed Book 11-D, Pages 267-268, Register's Office, McMinn County, Tennessee to which reference is heremade. The most Reverend Joseph Kurtz is a successor of The most Reverend Anthony J. O'Connell as Bishop of the Roman Catholic Diocese of Knoxville, Tennessee, and he is presently the Bishop of the Roman Catholic Diocese of Knoxville, Tennessee.

SUBJECT to any existing easements and rights-of-way, visible or not.

This real property is to be used by the City of Athens, Tennessee, to relocate Dennis Street such that Dennis Street approaches Congress Parkway in an approximate straight line from Votech Drive.

2. The Mayor and City Manager be and hereby are authorized, upon relocation of Dennis Street, to transfer by Quitclaim Deed to The Most Reverend Joseph Kurtz, Bishop of the Roman Catholic Diocese of Knoxville, Tennessee, any real property south of and adjacent to the newly aligned Dennis Street, upon which the old roadbed existed.

3. During the construction of the newly aligned Dennis Street, the Mayor and City Manager be and hereby are authorized to and shall cause a curb cut on Dennis Street, provide road base and pave a new entrance to the existing parking lot upon the Catholic Church property, with the curb cut and new entrance at a location mutually agreeable to the Catholic Church and the Mayor and City Manager, acting for the City of Athens.

4. The Mayor and City Manager are authorized to pay to the Bishop of the Roman Catholic Diocese of Knoxville, Tennessee, or his designee, the sum of Two Thousand Eight Hundred Fifty-Five Dollars and 00/100 (\$2,855.00) for loss of the line of trees affected by the relocation of Dennis Street, said sum due at the commencement of relocation of Dennis Street.

5. In the event the relocation of Dennis Street east of Congress Parkway has not commenced during the calendar year 2004 or the relocation is not substantially complete on or before July 1, 2005, the Mayor and City Manager are authorized to and shall convey back to the Bishop of the Roman Catholic Diocese of Knoxville, Tennessee, the real property transferred to the City for this project, upon demand of the Bishop.

6. The Mayor and City Manager be and hereby are authorized to accept the dedication and transfer by Quitclaim Deed from J. Dale Kennedy and wife, Rebecca E. Kennedy, the real property described as follows:

LYING AND BEING SITUATED in the First Civil District of McMinn County, Tennessee, in the City of Athens, Tennessee, off of Congress Parkway (U.S. Bypass 11) and more particularly described as follows:

BEGINNING in the southeast corner of the property of Grantor which lies East of Dennis Street; thence South 89 degrees 01 minute 29 seconds west 5.70 feet to a point at the east edge of Dennis Street; thence in a counter clockwise arc measuring 203.76 feet with a radius of 802.38 feet and a chord of North 14 degrees 12 minutes 57 seconds West 203.22 feet to a point; thence north 18 degrees 09 minutes 09 seconds West 216.26 feet to a point in the line of Dale Kennedy; thence with the line of Dale Kennedy south 51 degrees 33 minutes 31

seconds east 150.30 feet to an iron pipe found in a common corner with Dale Kennedy; thence south 00 degrees 58 minutes 31 seconds East 309.00 feet to the point of BEGINNING, all as shown on a copy of the survey attached hereto.

BEING a part of the same property conveyed to The most Reverend Anthony J. O'Connell, Bishop of the Roman Catholic Diocese, Knoxville, Tennessee, by The most Reverend James D. Niedergeses, Bishop of the Roman Catholic Diocese of Nashville, Tennessee, by Warranty Deed dated March 3, 1989, of record in Deed Book 11-D, Pages 267-268, Register's Office, McMinn County, Tennessee to which reference is heremade. The most Reverend Joseph Kurtz is a successor of The most Reverend Anthony J. O'Connell as Bishop of the Roman Catholic Diocese of Knoxville, Tennessee, and he is presently the Bishop of the Roman Catholic Diocese of Knoxville, Tennessee.

SUBJECT to any existing easements and rights-of-way, visible or not.

7. During the construction of the newly aligned Dennis Street, the Mayor and City Manager be and hereby are authorized to cause a curb cut on Dennis Street, provide road base and pave a new entrance to the existing parking lot upon the Kennedy property, with the curb cut and new entrance at a location mutually agreeable to Kennedy and the Mayor and City Manager, acting for the City of Athens.

8. In the event the relocation of Dennis Street east of Congress Parkway has not commenced during the calendar year 2004 or the relocation is not substantially complete on or before July 1, 2005, the Mayor and City Manager are authorized to and shall convey back to J. Dale Kennedy and wife, Rebecca E. Kennedy, the real property transferred to the City for this project, upon demand of Kennedy.

9. The Mayor and City Manager be and hereby are authorized to accept the dedication and transfer by Deed from Southeast Bank & Trust the real property described as follows:

LYING AND BEING SITUATED in the First Civil District of McMinn County, Tennessee, in the City of Athens, Tennessee, off of Congress Parkway (U.S. By-Pass 11) and being more specifically described as follows:

BEGINNING at a concrete right of way marker on the north side of Congress Parkway at a common corner with Robert F. Elder; thence north 20 degrees 23 minutes west 456.3 feet to an iron pin found; thence north 02 degrees 51 minutes east 244.5 feet to an iron pin found; thence north 13 degrees 34 minutes east 308.7 feet to an iron pin found at the south edge of Layman Road; thence with the south edge of Layman Road south 89 degrees 58 minutes east 82.56 feet to a point; thence south 13 degrees 34 minutes west 321.76 feet to a point; thence south 02 degrees 51 minutes west 220.53 feet to a point; thence south 20 degrees 23 minutes east 408.20 feet to a point on the north side of Congress Parkway (U.S. By-Pass 11); thence with the north side of Congress Parkway, south 48 degrees 10 minutes west 85.98 feet to the point of BEGINNING.

BEING a portion of the same property conveyed to Grantor by Southeast Acquisitions Company by Deed dated the 25th day of April, 2002 of record in Deed Book 16-A, Page 493, in the Register of Deed's office for McMinn County, Tennessee to which reference is here made.

SUBJECT to any existing easements and rights-of-way, visible or not.

10. During the construction of the extension of Dennis Street, the Mayor and City Manager be and hereby are authorized to cause a curb cut on the extension of Dennis Street into the real property of the Bank with the curb cut at a location mutually agreeable to the Bank and the Mayor and City Manager, acting for the City of Athens.

11. In the event the extension of Dennis Street to Layman Road has not commenced during the calendar year 2004 or the extension is not substantially complete on or before July 1, 2005, the Mayor and City Manager are authorized to and shall convey back to Southeast Bank & Trust the real property transferred to the City for this project, upon demand of the Bank.

BE IT FURTHER RESOLVED that the Council of the City of Athens, on behalf of the City of Athens, Tennessee, hereby expresses appreciation and gratitude to the Bishop of the Roman Catholic Diocese of Knoxville, Tennessee, and St. Mary Church, Athens, Tennessee, J. Dale Kennedy, and Rebecca E. Kennedy, and Southeast Bank & Trust for the dedication and transfer of the real property referenced herein to allow the public improvements to Dennis Street.

BE IT FURTHER RESOLVED by the Council of the City of Athens that this Resolution shall take effect immediately from and after its passage, the public welfare requiring it.

ON MOTION BY _____ **SECONDED BY**
_____, said Resolution was unanimously approved
this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. 2004-06

“A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PLANTATION PIPE LINE COMPANY FOR THE PURPOSE OF RELOCATING CERTAIN UNDERGROUND FACILITIES IN CONJUNCTION WITH THE DENNIS STREET EXTENSION/RE-ALIGNMENT PROJECT.”

WHEREAS, in conjunction with the proposed extension/re-alignment of Dennis Street, it has become necessary to make certain adjustments to the existing underground facilities owned and operated by Plantation Pipe Line Company; and

WHEREAS, the cost of certain adjustments by Plantation Pipe Line Company has been estimated to be \$103,159, with the City of Athens paying 100% of the costs; and

WHEREAS, for that purpose, the City of Athens wishes to enter into a Reimbursement Agreement with Plantation Pipe Line Company to identify and outline other obligations and requirements by both parties in conjunction with this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, that the Mayor and City Manager are hereby authorized, empowered, and directed to execute said agreement on behalf of the City of Athens.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. 2004-07

"A RESOLUTION TO AMEND THE CONTRACT BY AND BETWEEN THE CITY OF ATHENS AND MORGAN CONTRACTING INCORPORATED BY APPROVING CHANGE ORDER NO. 2 IN CONJUNCTION WITH WHITE STREET STORMWATER PROJECT."

WHEREAS, pursuant to Resolution No. 2003-43 dated June 17, 2003, the City of Athens entered into a contract with Morgan Contracting Incorporated to complete the White Street Stormwater Project with a total bid of \$1,137,617; and

WHEREAS, as work has progressed, certain contractual adjustments have been recommended in order to properly construct the project to best meet the overall needs; and

WHEREAS, pursuant to that action, Resolution No. 2003-63 was adopted approving Change Order No. 1 dated December 3, 2003, thereby increasing the contract in the amount of \$10,930 or \$1,148,547; and

WHEREAS, during the completion of this project, additional sidewalk as well as concrete work and miscellaneous pipe/structures were required, increasing the contractual price in the amount of \$358,798; and

WHEREAS, this Change Order increasing the total contractual amount to \$1,507,345 is necessary to adjust the contract to reflect the actual quantities required to complete the project.

WHEREAS, the additional concrete work and inclement weather have made it necessary to increase the length of the project by thirty days; and

WHEREAS, the above stated amendments have been incorporated into Change Order No. 2 dated January 22, 2004.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, that Change Order No. 2 be approved as submitted by Morgan Contracting Inc.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the public welfare requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. 2004-08

“A RESOLUTION TO AMEND THE CONTRACT WITH GRESHAM SMITH & PARTNERS IN CONJUNCTION WITH THE WHITE STREET STORMWATER PROJECT.”

WHEREAS, the City of Athens, Tennessee, through its Resolution No. 2003-02, entered into a contractual agreement (GS&P Project No. 22182.00 dated December 31, 2002) to perform final engineering, design, bidding, construction administration, and related services with Gresham Smith & Partners at a total cost of \$133,500 (Project Design & Bidding @ \$49,500; Construction Administration @ \$84,000); and

WHEREAS, due to the necessity (lack of qualified bidders) to rebid the White Street Stormwater Project, Resolution No. 2003-41, adopted by City Council on June 17, 2003, increased the total contract price by \$5,000; and

WHEREAS, as stated in the original contractual obligation, the construction administration budget is subject to change should engineer be required on site full-time or if construction period is extended; and

WHEREAS, due to additional work consisting mainly of utility relocations/adjustments necessary to complete the project, it has become necessary to increase the construction administration budget in the amount of \$25,000; and

WHEREAS, this proposed increase shall compensate Gresham Smith & Partners for additional work performed, including several evenings and weekends, in an effort to ensure proper inspection and construction administration of said project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, does hereby approve and authorize payment of the additional costs as incurred by Gresham Smith & Partners, thereby increasing the contractual agreement to reflect total costs of \$163,500.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. 2004-09

“A RESOLUTION TO MAKE IMPROVEMENTS TO A STORM WATER DETENTION AREA BETWEEN HOUSTON STREET AND ATLANTIC STREET.”

WHEREAS, the City of Athens, Tennessee, desires to make improvements to a storm water detention area near the campus of Tennessee Wesleyan College between Atlantic Street and Houston Street to improve flood control in the Atlantic Street and Lynn Avenue areas; and

WHEREAS, the City of Athens, Tennessee has received a “Detention Study” from Arcadis Engineers which provides measures to improve flood control in this area; and

WHEREAS, the City of Athens, Tennessee desires to obtain a permanent storm water easement from the owner of real property with an existing detention pond; and

WHEREAS, the City of Athens, Tennessee, upon receiving a permanent storm water easement desires to make improvements to the existing storm water dam and detention pond; and

WHEREAS, Tennessee Wesleyan College has agreed to provide a permanent storm water easement to the City of Athens, Tennessee, to accomplish the above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, as follows:

1. The Mayor and City Manager be and hereby are authorized to obtain from Tennessee Wesleyan College a permanent storm water easement upon real property owned by the college between Houston Street and Atlantic Street in the area of an existing detention pond and storm water dam, all as shown and discussed in the Arcadis Detention Study of November, 2003 with the consideration therefor being the expected improvements to flood control in and around the Tennessee Wesleyan College campus.
2. The Mayor and City Manager be and hereby are authorized to procure any and all necessary drawings and scope of work specifications to improve the detention pond, storm water dam and drainage area associated with the pond and dam to implement the recommendations in the Arcadis Detention Study, and thereafter solicit bids for the work.

BE IT FURTHER RESOLVED by the Council of the City of Athens that this Resolution shall take effect immediately from and after its passage, the public welfare requiring it.

ON MOTION BY _____, **SECONDED BY** _____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

ORDINANCE NO. 915

AN ORDINANCE AMENDING ORDINANCE NO. 853 ENTITLED, "THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, DATED 1999", SO AS TO REZONE THAT AREA LOCATED ON PARK STREET, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM B-2, SHOPPING CENTER DISTRICT, TO B-3, CENTRAL BUSINESS DISTRICT, AND TO CHANGE THE ZONING MAP OF THE CITY OF ATHENS DATED MARCH 16, 1999, TO REFLECT AND SHOW SAID CHANGE IN ZONING MADE BY THIS ORDINANCE.

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE AS FOLLOWS:

SECTION 1. That Ordinance No. 853 and the Zoning Map of Athens dated March 16, 1999, identified and referred to in Section 3-020 of said Zoning Ordinance to be changed to show that the following described property be rezoned and changed from B-2 to B-3:

Beginning at a point, said point being the northwestern corner of parcel 8, Group "D" of McMinn County Tax Map Number 63-B, dated 2/97, said point further described as being the intersection of the eastern right-of-way of Hill Street and the southern right-of-way of Park Street; thence proceeding in a northeasterly direction following along the northern property line of said parcel 8, and parcel 9, Group "D": of McMinn County Tax map Number 63-B, dated 2/97 for a distance of 130.5' to a point, said point described as being the northeastern corner of said parcel 9; thence, projecting a straight line in a northeasterly direction across an unnamed alley for a distance of 15' to a point, said point described as being the northwestern corner of parcel 10, Group "D" of McMinn County Tax Map Number 63-B, dated 2/97; thence, proceeding in a northeasterly direction following along the northern property line of said parcel 10, and parcels 11 and 4.0, Group "D" of McMinn County Tax Map Number 63-B, dated 2/97 for a distance of 201' to a point, said point described as being the northeastern corner of said parcel 4.0, said point further described as being the intersection of the southern right-of-way of said Park Street and the western right-of-way of Glendale Avenue; thence, proceeding in a meandering southeasterly and southwesterly direction following along the eastern property line of said parcel 4.0 and parcel 5, Group "D" of McMinn County Tax Map Number 63-B, dated 2/97 and following along the western right-of-way of said Glendale Avenue for a distance of 387' to a point, said point described as being the southwestern corner of said parcel 5; thence, projecting a straight line in a southwesterly direction across said unnamed alley for a distance of 15' to a point, said point described as being the southeastern corner of parcel 6, Group "D" of McMinn County Tax Map Number 63-B, dated 2/97; thence, proceeding in a southwesterly direction following along the southern property line of said parcel 6 and parcel 7, Group "D" of McMinn County Tax Map Number 63-B, dated 2/97 for a distance of 140' to a point, said point described as being the southwestern corner of said parcel 7, said point further described as being the intersection of the eastern right-of-way of said Hill Street and the northern right-of-way of said Glendale Avenue; thence, proceeding in a northerly direction following along the western property line of said parcels 7 and 8 and following along the eastern right-of-way of said Hill Street for a distance of 329' to a point, said point being the point of beginning.

SECTION 2. Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect as provided by law. As required by TENNESSEE CODE ANNOTATED, Section 13-7-203, Public Hearing on fifteen day's notice and the requirements of TENNESSEE CODE ANNOTATED, Section 13-7-201 through 13-7-210 have all been complied with, including the approval of all necessary agencies.

PASSED ON FIRST READING: January 20, 2004

PASSED ON SECOND READING: _____

WILLIAM BO PERKINSON, MAYOR

MITCHELL B. MOORE, CITY MANAGER

APPROVED AS TO FORM:

CHRIS TREW, CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 853 ENTITLED, "THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, DATED 1999", SO AS TO REZONE THAT AREA LOCATED ON CONGRESS PARKWAY, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO B-4, HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT, AND TO OFFICIALLY CHANGE THE ZONING MAP OF THE CITY OF ATHENS DATED MARCH 16, 1999, TO REFLECT AND SHOW SAID CHANGE IN ZONING MADE BY THIS ORDINANCE.

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE AS FOLLOWS:

SECTION 1. That Ordinance No. 853 and the Zoning Map of Athens dated March 16, 1999, identified and referred to in Section 3-020 of said Zoning Ordinance to be changed to show that the following described property be rezoned and changed from I-1 to B-4:

Beginning at a point, said point being the northeastern corner of parcel 1, Group "E" of McMinn County Tax Map Number 53-N, dated 2/97, said point further described as being the northeastern corner of proposed lot 24 as shown on Meadowbrook Subdivision (P.B 2, Pg. 95); thence, proceeding in a westerly direction following along the northern property line of said parcel 1, and along the northern property line of said proposed lot 24, and proposed lots 23, and 22 as shown on Meadowbrook Subdivision (P.B 2, Pg. 95) for a distance of approximately 425' to a point, said point described as being the northwestern corner of said proposed lot 22, said point further described as being the northeastern corner of proposed lot 21 as shown on Meadowbrook Subdivision (P.B 2, Pg. 95); thence, projecting a straight line in a southerly direction across said lot 1, and following along the proposed western property line of said proposed lot 22 and along the proposed eastern property line of said proposed lot 21 for a distance of approximately 145' to a point, said point described as being the southwestern corner of said proposed lot 22, said point further described as being the southeastern corner of said proposed lot 21; thence, proceeding in an easterly direction following along the southern property line of said parcel 1, and following along the southern property line of said proposed lots 22, 23, and 24, and following along the northern right-of-way line of Lark street for a distance of approximately 270' to a point, said point described as being the southeaster corner of said parcel 1, said point described further a being the southeastern corner of said proposed lot 24, said point further described as being the intersection of the northern right-of-way of said Lark Street and the western right-of-way of U.S. Highway 11/Congress Parkway; thence, proceeding in a northeasterly direction following along the western right of said U.S. Highway 11/Congress Parkway and following along the eastern property line of said parcel 1 for a distance of approximately 220' to a point, said point being the point of beginning.

SECTION 2. Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect as provided by law. As required by TENNESSEE CODE ANNOTATED, Section 13-7-203, Public Hearing on fifteen day's notice and the requirements of TENNESSEE CODE ANNOTATED, Section 13-7-201 through 13-7-210 have all been complied with, including the approval of all necessary agencies.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

WILLIAM BO PERKINSON, MAYOR

MITCHELL B. MOORE, CITY MANAGER

APPROVED AS TO FORM:

CHRIS TREW, CITY ATTORNEY

RESOLUTION NO. _____

“A RESOLUTION TO SUPPORT THE EFFORTS OF CONGRESSMAN DUNCAN TO SECURE A FUNDING PACKAGE FOR PHASE TWO OF THE SOUTHEAST TENNESSEE TRADE AND CONFERENCE CENTER.”

WHEREAS, the City of Athens, Tennessee, has completed Phase One of the Southeast Tennessee Trade and Conference Center; and

WHEREAS, local business and industries have indicated a need to have a facility adequate in size to host training and functions for their employees; and

WHEREAS, the completion of the Center will provide an economic stimulus to a multi-county area as a support facility for current and future local, business, and industrial activities; and

WHEREAS, the State of Tennessee, along with the City of Athens, Wal-Mart, and McMinn County, has pledged or spent funds exceeding \$1.5 million on the Center.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, on behalf of the citizens of Athens and the business and industrial communities, hereby supports and encourages the efforts of Congressman John J. Duncan, Jr. and the entire United States Congress in their efforts to secure funding for the Southeast Tennessee Trade and Conference Center Phase Two.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

CHRIS TREW, City Attorney

RESOLUTION NO. _____

“A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO FUND INTERSECTION IMPROVEMENTS AT STATE ROUTE 2 (US 11/CONGRESS PARKWAY) AND VELMA ROAD THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION OPTIONAL SAFETY GRANT PROGRAM.”

WHEREAS, the City of Athens, Tennessee, desires to improve one of its major intersections located at State Route 2 (US11/Congress Parkway) and Velma Road; and

WHEREAS, this intersection has recorded a total of 22 crashes in the last three years, resulting in six injuries; and

WHEREAS, TDOT and Athens city staff estimate project construction costs to be approximately One Hundred Thousand Dollars (\$100,000); and

WHEREAS, funding may be available through the Tennessee Department of Transportation Optional Safety Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, that the Mayor and City Manager are hereby authorized, empowered, and directed to submit a grant application to fund improvements to include traffic signalization at the SR2/Velma Road intersection as provided above.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. _____

“A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO RENEW A PROPERTY AGREEMENT BETWEEN THE CITY OF ATHENS AND THE MCMINN COUNTY RESCUE SQUAD, INC. FOR AN ADDITIONAL PERIOD OF TEN YEARS.”

WHEREAS, the City of Athens, Tennessee, entered into a ten (10) year agreement on February 8, 1974, with the McMinn County Rescue Squad to allow the Squad to construct a facility on certain property owned by the City near the intersection of Congress Parkway and Velma Road; and

WHEREAS, such Agreement has been renewed in 1984 and 1994 for additional ten year terms; and

WHEREAS, the Squad, being comprised of a group of dedicated volunteers striving to serve their fellowman, has a long and distinguished record of service to this community; and

WHEREAS, it is the desire of the Squad to use the property for an extended ten (10) year period; and

WHEREAS, the City of Athens desires to continue to aid and to encourage the Squad in its work; and

WHEREAS, the agreement will benefit the City of Athens and the McMinn County Rescue Squad, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 17th day of February 2004, that the Mayor and City Manager are hereby authorized, empowered, and directed to enter into a property agreement with the McMinn County Rescue Squad, Inc., a copy of which is attached, on behalf of the City of Athens, Tennessee.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 17th day of February 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney