

MINUTES OF MEETING, ATHENS CITY COUNCIL, JANUARY 20, 2004

The Athens City Council met in regular session on Tuesday, January 20, 2004, at 6:00 P.M. with Vice Mayor Proffitt presiding. The invocation was given by Council Member Witt; and upon roll call, the following members were present:

Myers, Pelley, Proffitt, Witt

Mayor Perkinson was out-of-town and did not attend the meeting.

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 December 16, 2003, were submitted. Upon motion by Council Member Witt, seconded by Council Member Myers, said Minutes were unanimously approved.

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COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Council Member Myers presented the *Very Important Volunteer Individual Award* for January 2004 to William P. "Bill" Biddle. Mr. Biddle was recognized for his outstanding service as a member of the City of Athens Health & Educational Facilities Board, the E. G. Fisher Library Advisory Board, and the Campaign Committee for the Athens Area Council For the Arts.

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MISCELLANEOUS CORRESPONDENCE

Vice Mayor Proffitt acknowledged receipt of numerous letters and notes of appreciation for services performed by city staff members.

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PETITIONS AND REQUESTS

AUDIENCE

Vice Mayor Proffitt opened the meeting for petitions and requests from the audience. Mr. Mike Black, owner of Black's Florist, spoke against the passage of a rezoning ordinance to be considered on first reading later in the meeting. Mr. Black advised that he is opposed to the

rezoning of his property located at 103 Park Street from B-2 (Shopping Center District) to B-3 (Central Business District). It was noted that this action was requested by Mr. Carl Lay, who owns the other properties to be rezoned by this ordinance. Mr. Black expressed his concern in that this rezoning would permit the construction of a building along the property line to the rear of his business, as proposed by Mr. Lay. It was Mr. Black's contention that this construction would limit his accessibility to the back side of his property. Mr. Black also questioned the City relative to the cost of additional drainage as it relates to this proposed construction. He stated that excessive water run-off has been an existing problem for many years, and the construction of a building could result in additional flooding to his property.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of December 2003. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

In the absence of Chief Ziegler, Captain Rob Davis presented the Police Department Report for the month of December 2003. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

In the absence of Chief Miller, Fire Marshal Jim Benton presented the Fire Department Report for the month of December 2003. The report was accepted as presented.

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COMMUNITY DEVELOPMENT REPORTS

Mr. Harold Hunter, Community Development Director, presented the quarterly/annual Building Permit Report for the City of Athens. For the quarter ending December 31, he reported 145 permits being issued, with valuation fees estimated at \$5,040,813. Presentation of the annual report reflected the issuance of 561 permits (45 residential), with annual valuation fees estimated at \$14,656,325. He stated that during the past 30 to 45 days, developers have shown a renewed interest in our community, and he anticipates 2004 to be a prosperous year in Athens. After further comments, the report was accepted as presented.

CONSENT AGENDA

Vice 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.) Adopt **Resolution No. 2004-01** to declare the week of January 26-30, 2004, Athens Flood Awareness Week;
- 2.) Adopt **Resolution No. 2004-02** to authorize the submission of a CDBG grant in the amount of \$500,000 for extension of water service to unserved areas within McMinn County;
- 3.) Adopt **Resolution No. 2004-03** to extend contracts with Total Lawn Care for park maintenance/mowing of city-owned properties designated in bid specifications as Sections I and III;
- 4.) Approve revised structure of **International Relations Committee** to increase number of members from nine to ten and to designate council representative as ex-officio board member.

On motion by Council Member Pelley, seconded by Council Member Witt, the Consent Agenda as stated above was unanimously approved by voice vote.

NEW BUSINESS

REVIEW BIDS – PURCHASE STREET SWEEPER

As discussed during recent work session, Mr. Calvin Clifton, Director of Public Works, presented a memorandum recommending the purchase of the Elgin Whirlwind street sweeper mounted on a Sterling 8000 chassis as submitted by Sansom Equipment Company. It was noted that the amount of the purchase is quoted at \$137,914 less \$20,000 trade-in or a net price of \$117,914. Mr. Clifton advised that Sansom Equipment is the only vendor to meet bid specifications in conjunction with Bid Tabulation No. 1378 dated January 6, 2004. In review of other bids submitted by H. H. Hooper Machinery Company, Mr. Clifton reported several exceptions to specifications, with these exceptions being publicly noted and filed in accordance with other bid documentation. After brief comments, motion was made by Council Member Pelley, seconded by Council Member Witt, to approve the purchase of the Elgin Whirlwind sweeper as recommended by city staff. Upon voice vote, the motion was unanimously approved.

RECOMMENDATIONS FROM ARPC - REZONING REQUEST BY CARL LAY

Mr. Harold Hunter, Community Development Director, presented Minutes of the Planning Commission, meeting in regular session on January 5, 2004. These Minutes reflect a recommendation to Council to rezone certain properties belonging to Mr. Carl Lay and Mr. Mike Black located along Park Street from B-2 (Shopping Center District) to B-3 (Central Business District), as petitioned by Mr. Lay. In response to Mr. Black's comments made earlier in opposition to this rezoning, Mr. Hunter advised that the properties in question are not large enough for the B-2 zone, which requires a minimum of five acres, and further noted that the property lines qualify for a B-3 zone instead of its current B-2 zone. Mr. Hunter explained that a B-2 zone requires a property line setback of 50 feet, while a B-3 zone has zero setbacks on the front and sides and requires 20 feet on the backside of the property. It was Mr. Hunter's feeling that the present zoning appears to be a mistake in that the B-2 zone at the Madison Park Shopping Center overlapped across Park Street and onto the properties owned by Mr. Lay and Mr. Black. After additional comments and questions, the following ordinance was presented for consideration:

ORDINANCE NO. 915 – FIRST READING

“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.”

The caption of the above-described Ordinance was read by Municipal Clerk Kaye Burton. Upon consideration, motion was made by Council Member Myers, seconded by Council Member Witt, to approve Ordinance No. 915 on First Reading. Upon roll call, Ordinance No. 915 was approved by the following vote:

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

Vice Mayor Proffitt announced the Public Hearing on Ordinance No. 915 will be held during the regular meeting on Tuesday, February 17. Additionally, Mr. Black was invited to attend the February 9th work session to further discuss this proposed rezoning.

RECOMMENDATION FROM ARPC – PROPOSED LAND USE PLAN

Upon careful review and study, the Planning Commission, meeting in regular session on January 5, 2004, unanimously recommended that City Council adopt and implement the Land Use Plan 2004-2014. Mr. Bryan Shults of the State Planning Office has worked very closely with the Planning Commission in this effort and was present to answer any questions by the Council. Mr. Shults stated that the proposed ten-year plan (2004-2014) should be considered a policy (not an ordinance) to guide the future growth and development of the City of Athens and its identified growth area/planning region. He further stated this plan will replace an existing one, which was adopted in 1972. Upon discussion, Council Member Pelley suggested consideration of the following language amendments: Chapter 6, No. 9 under *Major Assumptions* (Page 59) – delete the words “south of the corporate limits” and reference “bypass” instead; No. 5 under *Residential* (Page 66) – delete the words “where adequate parking can be provided;” No. 6 under *Commercial* (Page 69) – add the words “and the Downtown Business Association;” No. 1 under *Policies* (Page 71) – insert after shall “, if a viable research study supports completion.” In discussion of downtown parking, Mr. Bill Bennett, a downtown business owner/merchant, expressed concern in that on-street parking in front of his business is being occupied by residents of the downtown apartment buildings. It was his contention that in order to have a successful downtown business district, the customer has to be able to access the businesses. After other comments by council members and Mr. Shults, the proposed Land Use Plan 2004-2014 was referred back to the Planning Commission for review and consideration of the above-stated amendments.

INTERNATIONAL RELATIONS COMMITTEE APPOINTMENTS

As discussed in recent work session, the following committee appointments were presented for consideration: representative of **City Council** (Ex-officio member) – Council Member Charlie Myers, *term expires upon re-organization of Council*; representative of **Tennessee Wesleyan College** – Heather Gordon, *term expires January 20, 2005*; representative of **Athens City School System** – Becky Simpson, *term expires January 20, 2005*; representative of **McMinn County School System** – Melody Armstrong, *term expires January 20, 2007*; representative of local **industry** – Robert Tennyson, *term expires January 20, 2006*; representative of local **business** – Jim Greek, *term expires January 20, 2007*; representative of local **cultural/arts** – Ann Davis, *term expires January 20, 2006*; representative **at-large (county resident)** – William R. Brakebill, *term expires January 20, 2006*; representatives **at-large (city residents)** – Beth Jackson (*term expires January 20, 2007*) and Allan Gentry (*term expires January 20, 2005*). City Manager Moore advised that the term expirations were randomly chosen by a Human Resources staff member as follows: first three names drawn to serve one-year terms, the next three drawn to serve two-year terms, and the last three drawn to serve three-year terms. Upon motion by Council Member Pelley, seconded by Council Member Myers, the

above-described committee appointments and term expirations were unanimously approved by voice vote.

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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 January and February. 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 7:10 p.m.

JOHN N. PROFFITT, JR., Vice Mayor

MITCHELL B. MOORE, City Manager