

MINUTES OF MEETING, ATHENS CITY COUNCIL, DECEMBER 19, 2006

The Athens City Council met in regular session on Tuesday, December 19, 2006, at 6:00 P.M. with Mayor Proffitt presiding. The invocation was given by Council Member Buttram; and upon roll call, the following members were present:

Buttram, Pelley, Perkinson, Proffitt

Council Member Alvey was unable to attend due to medical reasons.

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 both the regularly scheduled meeting of November 21, 2006, and the called meeting of November 28 were submitted and approved by unanimous consent.

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COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF PROCLAMATION – ADOPT-A-SCHOOL 20TH ANNIVERSARY

Vice Mayor Perkinson presented a proclamation acknowledging the twentieth anniversary of the Adopt-A-School partnership between the City of Athens and North City School. The principal, Debbie Harrison, accepted the proclamation on behalf of the students and faculty at North City School.

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PRESENTATION OF CERTIFICATE OF ACHIEVEMENT PLAQUE

Mayor Proffitt acknowledged correspondence along with a press release from the Government Finance Officers Association announcing the City's receipt of the "Certificate of Achievement for Excellence in Financial Reporting" for fiscal year ended June 30, 2005. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. Mayor Proffitt presented a plaque to Finance Director Mike Keith in recognition of outstanding financial reporting for the City of Athens.

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RESOLUTION OF COMMENDATION – AUSTIN FESMIRE

Mayor Proffitt presented a resolution recognizing City of Athens Parks & Recreation Director Austin Fesmire for his recent selection as the 2006 Fellow Award recipient. This award, being the highest honor presented by the Tennessee Recreation & Parks Association, recognizes professional members of TRPA who have made significant contributions to the recreation field. The following resolution was presented:

RESOLUTION NO. 2006-47

“A RESOLUTION OF COMMENDATION TO AUSTIN FESMIRE, PARKS & RECREATION DIRECTOR, FOR THE CITY OF ATHENS.”

Upon the reading of Resolution No. 2006-47, motion was made by Council Member Buttram, seconded by Vice Mayor Perkinson, to approve Resolution No. 2006-47. After discussion, the resolution was unanimously approved by voice vote.

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RESOLUTION OF COMMENDATION – SHAWN LINDSEY

Council Member Pelley presented a resolution recognizing City of Athens Public Works Director Shawn Lindsey for his recent selection as the 2006 recipient of the “Edward C. Archer Young Member Award.” This award recognizes young members of the APWA who have made significant contributions toward the advancement of public works and acknowledges leadership and commitment through the Tennessee Chapter. The following resolution was presented:

RESOLUTION NO. 2006-48

“A RESOLUTION OF COMMENDATION TO SHAWN LINDSEY, PUBLIC WORKS DIRECTOR, FOR THE CITY OF ATHENS.”

Upon the reading of Resolution No. 2006-48, motion was made by Council Member Pelley, seconded by Council Member Buttram, to approve Resolution No. 2006-48. After discussion, the resolution was unanimously approved by voice vote.

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ENERGY SAVINGS PRESENTATION – ATHENS CITY SCHOOLS

Dr. Craig Rigell, along with other representatives of the Athens City Board of Education, presented a 2004/05 Energy Savings Report in conjunction with the recent renovation of city schools. In compliance with an agreement between the City and the School Board, he presented a check in the amount of \$15,055 to be applied toward payment of the loan to the Tennessee Municipal Bond Fund.

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ACKNOWLEDGE/APPROVE AMENDED “ORDER OF BUSINESS” FOR THIS MEETING

Mayor Proffitt recommended Council’s approval of a change in the “Order of Business” for this meeting only. This change will allow “Old Business,” which includes the Public Hearing and proposed adoption of the Plan of Services in conjunction with the I-75 industrial annexation, to be considered prior to the second and final reading of the annexation ordinance (No. 948). As declared by the *Athens Municipal Code* Section 1-102, any proposed change in the regular order of business shall be approved by a majority vote of the council members present. After brief comments, motion was made by Vice Mayor Perkinson, seconded by Council Member Buttram,

to approve the revised "Order of Business" for the current meeting. Upon roll call, the motion was unanimously approved by voice vote.

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MISCELLANEOUS CORRESPONDENCE

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

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Proffitt opened the meeting for petitions and requests from the audience. Mr. David Hutson advised he had been appointed by the Recreation Advisory Board to address the City Council in an effort to clarify a previous recommendation of November 30 regarding placement of the BMX track in the Athens Regional Park. The recommendation, as clarified by the Recreation Advisory Board during its regular meeting on December 19, suggested that the BMX track be located on the current fair motor cross site at the Athens Regional Park or not in the park at all. During its meeting, the Recreation Advisory Board concluded the location of the BMX track in any site other than the current Fair Motor Cross site would not be suitable for the planned future development of the park. It was also discussed that the fair used the motor cross site for only three days during the fair and that BMX had told the Board that they would in essence replace those three days with a three day BMX event. In response, Council Member Pelley questioned if members of the BMX organization were invited to the board meeting and emphasized Council's desire for representatives of BMX to be involved in these meetings. Council Member Pelley further stated that he would like to address this issue further during the presentation of Old Business.

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REPORTS

FINANCE DEPARTMENT REPORT

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

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 2007 Monthly Cruise-in Schedule for the Athens Travelers Car Club dated November 10, 2006;
- 2.) Adopt Resolution No. 2006-49 requesting that State Legislators introduce an Act to amend the Charter of the City of Athens;
- 3.) Declare APD-recovered bicycles as surplus and authorize distribution to local youth programs in conjunction with holiday season;
- 4.) Approve Street Pavement and Rejuvenation Lists for FY 2006/07;
- 5.) Approve Resolution No. 2006-50 to extend contract with Cook's Pest Control for pest control services, expires January 31, 2008;
- 6.) Approve Resolution No. 2006-51 to extend contract with Comprehensive Compliance for drug/alcohol testing, expires December 31, 2007;
- 7.) Appoint Randy Heafner to fill vacancy (H. Buttram's) on Board of Adjustments & Appeals, term expires June 3, 2008.

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: Buttram, Pelley, Perkinson, Proffitt
NAYS: None
ABSENT: Alvey

OLD BUSINESS

COUNCIL ADVISORY COMMITTEE APPOINTMENT

Council Member Buttram, prior to his election to the City Council, served as Vice Mayor Perkinson's representative to the Council Advisory Committee. Upon consideration, Vice Mayor Perkinson requested this appointment be placed on the January work session.

PUBLIC HEARING - PLAN OF SERVICES (ORD #948 – I-75 ANNEXATION)

Mayor Proffitt presented a copy of the Public Hearing Notice which was published in a local newspaper on December 1, 2006. Upon brief comments, Mayor Proffitt opened the public hearing to receive input relative to the Plan of Services proposed in conjunction with the I-75 Industrial Park annexation (Ordinance No. 948). There being no one present wishing to discuss the proposed Plan of Services, the Public Hearing was closed.

PROPOSED PLAN OF SERVICES – I-75 INDUSTRIAL PARK ANNEXATION

Mayor Proffitt presented a proposed resolution officially adopting the Plan of Services in conjunction with the I-75 Industrial Park Annexation Ordinance No. 948. The following resolution was presented for consideration:

RESOLUTION NO. 2006-52

“A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY ADJACENT TO THE I-75 INDUSTRIAL PARK, BY THE CITY OF ATHENS, TENNESSEE.”

The caption of Resolution No. 2006-52 was read by the recording clerk. Motion was made by Vice Mayor Perkinson, seconded by Council Member Buttram, to approve Resolution No. 2006-52. After brief discussion, the resolution was approved by the following roll call vote:

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

RECOMMENDATION FROM ARPC – OFFICIAL ZONING OF I-75 PROPERTY

Mayor Proffitt presented Minutes of the Planning Commission, meeting in regular session on November 6, 2006, unanimously recommending that Council zone the newly annexed EDA (I-75) property to I-2 (Heavy Industrial). After brief comments, the following ordinance was presented for consideration:

ORDINANCE NO. 950 – FIRST READING

“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO ZONE PROPERTY ADJACENT TO THE I-75 INDUSTRIAL PARK TO I-2 (HEAVY 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 Council Member Buttram, seconded by Council Member Pelley, to approve Ordinance No. 950 on First Reading, and upon roll call, Ordinance No. 950 was approved by the following vote:

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

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BMX TRACK PROPOSAL

As discussed in recent work session, Council Member Pelley requested consideration of a motion to allow the BMX track to be placed anywhere in the Regional Park except the Fair site. The motion died for lack of a second. As noted in conjunction with the City Manager's Report, city staff will present a list of proposed sites for discussion during the January work session.

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ORDINANCES

ORDINANCE NO. 948 – SECOND READING

“AN ORDINANCE TO ANNEX PROPERTY ADJACENT TO THE I-75 INDUSTRIAL PARK, AND DESCRIBED IN THE BODY OF THIS ORDINANCE, AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ATHENS, TENNESSEE.”

The caption of the above-described Ordinance was read by the recording clerk. It was noted that the Public Hearing was held during the regular meeting on November 21, 2006. After brief comments, motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 948 on Second and Final Reading, and upon roll call, Ordinance No. 948 was approved by the following vote:

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

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ORDINANCE NO. 949 – SECOND READING – PUBLIC HEARING

“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO ZONE PROPERTY ANNEXED ALONG MT VERD ROAD TO R-1 (LOW DENSITY RESIDENTIAL) 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. 949. 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 Buttram, to approve Ordinance No. 949 on Second and Final Reading, and upon roll call, Ordinance No. 949 was approved by the following vote:

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

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NEW BUSINESS

REQUEST TO RESCIND ORDINANCE NO. 944 (MT. VERD ANNEXATION)

During last month's meeting, Council Member Pelley announced his intention to make a motion to rescind Mt. Verd Annexation Ordinance 944, which was adopted on October 17, 2006. Upon consideration, Council Member Pelley moved the ordinance be tabled until a full council can be present. The motion died for lack of a second. Mayor Proffitt called for the consideration of an ordinance to rescind Ordinance No. 944. There being no action taken on this ordinance, the meeting continued.

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RECOMMENDATION FROM ARPC – EASTANALLEE REZONING

Mayor Proffitt presented Minutes of the Planning Commission, meeting in regular session on December 4, 2006, unanimously recommending that City Council rezone properties along the south side of Eastanallee Avenue (from Houston Street to the Mayfield property line) from I-1 to R-3. The following ordinance was presented for consideration:

ORDINANCE NO. 951 – FIRST READING

“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO ZONE PROPERTY ALONG EASTANALLEE AVENUE FROM I-1 (LIGHT INDUSTRIAL 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 Pelley, seconded by Council Member Buttram, to approve Ordinance No. 951 on First Reading, and upon roll call, Ordinance No. 951 was approved by the following vote:

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

REDUCTION OF SPEED LIMIT ON US11/SR2 AT MCMINN COUNTY HIGH SCHOOL

As discussed during recent work session, the City Council reviewed correspondence along with a resolution from the McMinn County Board of Education requesting the reduction of the school zone speed limit on US11/SR2 at the McMinn County High School. Upon being contacted by the City of Athens, Mr. Alan Wolfe of the Tennessee Department of Transportation expressed willingness to work with the City to lower the posted speed limit at the McMinn County High School to 30 mph. It was TDOT's position that anything lower than 30 mph would not be appropriate at this location. After brief comments, motion was made by Council Member Pelley, seconded by Council Member Buttram, to authorize submission of a letter to TDOT requesting a reduced speed limit as requested by the McMinn County Board of Education from 45 mph to 30 mph. After discussion, the motion was approved by the following roll call vote:

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

MANAGER'S REPORT

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

6:20 P.M. The Athens City Council recessed and reconvened as the Athens Beer Board

BEER BOARD

RELINQUISHMENT OF PERMIT – LAHACIENDA MEXICAN RESTAURANT

Mayor Proffitt acknowledged receipt of a letter of relinquishment from Ms. Jennifer Dunnagan, beer permit holder at the LaHacienda Mexican Restaurant located at 710 South White Street. In the letter, Ms. Dunnagan advised the restaurant is no longer in business and requested the beer permit at this location be discontinued. After brief comments, motion was made by Council Member Buttram, seconded by Council Member Pelley, to accept the letter of relinquishment as submitted by Ms. Dunnagan. Upon roll call, the motion was approved by the following vote:

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

6:21 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council

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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 6:22 p.m.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager