

MINUTES OF MEETING, ATHENS CITY COUNCIL, NOVEMBER 16, 2004

The Athens City Council met in regular session on Tuesday, November 16, 2004, at 6:00 P.M. with Mayor Perkinson presiding. The invocation was given by the Mayor, and the swearing in of the newly-elected council members (Alvey and Proffitt) was conducted by City Attorney Chris Trew. Upon the seating of the new council, followed by roll call, the following members were in attendance:

Alvey, Myers, Pelley, Perkinson, Proffitt

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 October 19, 2004, were submitted. Upon motion by Council Member Pelley, seconded by Council Member Myers, said Minutes were unanimously approved.

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SCOUT TROOP RECOGNIZED

Mayor Perkinson acknowledged the attendance of Boy Scout Troop 361 along with Leader Jody Boggess and other troop affiliates. The scouts were present to meet the citizenship and community badge requirements.

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CERTIFICATION OF ELECTION

The following official tabulation of the Athens City Election was presented by Mayor Perkinson and is entered herein as a part of these Minutes:

“We, the undersigned members of the McMinn County Election Commission, do hereby certify that we held an Athens City Election on Tuesday, November 2, 2004, in all of the voting precincts within the City of Athens, according to law, for the purpose of electing the offices shown hereinafter, and that we have canvassed the returns of said election as required by law, and we do hereby certify that the following tabulation is a true, correct, and complete accounting of the results of said election as established by the canvassing of the returns, this 11th day of November 2004.”

McMinn County Commissioners of Election

/s/ Fred H. Frazier, Chairperson

/s/ Cecilia Jack, Secretary

/s/ TeAnna McKinney, Member

/s/ Ray Simmons, Member

/s/ Paul F. Mullin, Member

ATHENS CITY COUNCIL – VOTE FOR TWO (2)

Shannon Alvey	2,019
Alvin Arnwine	689
Hal Buttram	1,719
Ken Grubb	1,391
John Proffitt	1,785
Wayne M. Williams	678

ATHENS CITY SCHOOL BOARD – VOTE FOR THREE (3)

Mike Bevins	2,837
Sandra B. Boyd	3,001
Bob M. Mahoney	2,277
Stan McKee	2,779

Upon motion by Council Member Myers, seconded by Council Member Alvey, the Official Tabulation and Certification of the election was unanimously adopted as submitted and approved by the McMinn County Commissioners of Election.

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REORGANIZATION OF COUNCIL

The method of selecting the mayor is determined by the Charter of the City of Athens (Article V; Sections 1 & 11), whereby the councilmen at the first regular meeting after each biennial election shall elect from one of their number a mayor and vice mayor to serve for a term of two years. To begin the reorganization of the Council, Mayor Perkinson announced that the meeting is open for the election of mayor and vice mayor as well as the appointment of city council representatives to various other boards and committees.

ELECTION OF MAYOR

Mayor Perkinson expressed appreciation and enjoyment for his tenure as Mayor and acknowledged the council's support and cooperation during the past two years. During his remarks, he requested that his name not be considered for the office of Mayor during the upcoming term. At this time, the floor was opened for nominations for Mayor. After expressing appreciation to Mayor Perkinson for his past leadership, Council Member Myers nominated John Proffitt to serve a two-year term as Mayor. There being no other nominations and upon voice vote, the nomination of Mr. Proffitt was approved as follows: Ayes – Myers, Proffitt, Perkinson; Nays – Alvey, Pelley. After other expressions of appreciation to former Mayor Perkinson, the chair was relinquished to newly-elected Mayor Proffitt to preside during the remainder of the meeting.

ELECTION OF VICE MAYOR

Upon request for nominations for the office of Vice Mayor, Council Member Myers placed into nomination the name of Bo Perkinson to serve a two-year term. After opening the meeting for other nominations, Council Member Alvey placed into nomination the name of Dick Pelley. The following voice vote was taken, with Perkinson receiving three votes (Myers, Perkinson, Proffitt) and Pelley receiving two votes (Alvey, Pelley). Mayor Proffitt acknowledged the selection of Bo Perkinson as Vice Mayor for a two year term.

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APPOINTMENTS

ATHENS REGIONAL PLANNING COMMISSION/ BOARD OF ZONING APPEALS

Upon request for nominations to appoint a Council representative to serve on the Athens Regional Planning Commission and the Board of Zoning Appeals, Vice Mayor Perkinson placed into nomination the name of Dick Pelley to serve a two-year term. There being no other nominations and upon voice vote, the appointment of Council Member Pelley was unanimously approved.

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ATHENS UTILITIES BOARD

As stated by the City of Athens Charter (Article XXI/Section 4), the Mayor is given the authority to appoint one member of the City Council to serve a two-year term on the Athens Utilities Board. (The other four members are to be appointed by the City Council.) Upon the Council's desire to yield this appointment in compliance with the Charter, Mayor Proffitt appointed Vice Mayor Perkinson to serve on the Athens Utilities Board for a two year term.

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OTHER COUNCIL APPOINTMENTS

Mayor Proffitt inquired of the City Manager concerning other council-related appointments to be made at this time. City Manager Moore advised that all other appointments relative to the re-organization of Council could be considered during the work session on December 13, 2004. Based on this information, the City Council agreed to defer other appointments to the next work session.

COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Mayor Proffitt advised that Mr. John Coker is the recipient of the *Very Important Volunteer Individual Award* for November 2004. It was further noted that Mr. Coker had phoned today in route to Athens from an out-of-town trip and had indicated the possibility of either being late or not being able to attend the meeting this evening. Therefore, this presentation was postponed pending Mr. Coker's late arrival or the deferral of the presentation until next month.

MISCELLANEOUS CORRESPONDENCE

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

EMPLOYEE RECOGNITION

Vice Mayor Perkinson acknowledged a letter and 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, 2003. The letter states, "The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting." The Council congratulated Finance Director Mike Keith for his outstanding service and acknowledged this to be the 12th consecutive award presented to the City of Athens. A formal presentation will be made to Finance Director Keith upon receipt of the plaque.

EMPLOYEE OF THE QUARTER

Ms. Rita Brown, Human Resources Director, presented the "Employee of the Quarter" award for the period ending September 30, 2004. Athens Police Sergeant James 'Cubby' Dennis was recognized for his years of service to the City of Athens. As in the past, the recipient of this award receives a \$50 savings bond and becomes eligible for the "Employee of the Year" award, which is given annually to recognize significant service to the City of Athens.

PETITIONS AND REQUESTS

AUDIENCE

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

REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of October 2004. The report was accepted as presented.

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of October 2004. The report was accepted as presented.

FIRE DEPARTMENT REPORT

Chief Bob Miller presented the Fire Department Report for the month of October 2004. 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 **Resolution No. 2004-60** to authorize the Mayor and City Manager to renew a contract with Comprehensive Compliance (LLC) to administer a drug and alcohol testing program for the City of Athens to expire December 31, 2005;
- 2.) Approve **Resolution No. 2004-61** to officially abandon a portion of Baxter Street located between Hornsby Street and Washington Avenue within the Central Business District, said street shall be further described within the body of this resolution;
- 3.) Approve **Resolution No. 2004-62** to authorize funding for the purpose of acquiring additional property at Cedar Grove Cemetery;

- 4.) Declare confiscated bicycles surplus for donation to youth programs during the upcoming holiday season.

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

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ORDINANCES

ORDINANCE NO. 923 – 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 3, ZONING DISTRICTS, MORE SPECIFICALLY THE PROFESSIONAL DISTRICT (P-1) AND CHAPTER 4, SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS, MORE SPECIFICALLY SECTION 4.12 SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 923. Mr. Randy Ayres, local attorney and citizen of Athens, addressed the Council in opposition to Ordinance No. 923 by stating that the decision to reduce distance requirements from 3,500 to 2,000 LF is monumental. It was his contention that once the change is made and the damage is done, it cannot be corrected as new structures become protected by “grandfather” laws. Mr. Ayres continued to stress beautification within the community and urged the Council to reduce (or eliminate) billboards instead of allowing the construction of additional ones. Others speaking for/against Ordinance No. 923 were: Elaine Newman, local resident and business owner, reminded Council that the 2003 HyattPalma Study emphasized the presence of too many signs throughout the community. Ms. Newman expressed her astonishment of the Council’s consideration of an ordinance which would increase the number of billboards and urged that the present restrictions be retained. Another resident of Hawthorne Street, Ralph Fenton expressed support of the ordinance stating that billboards are useful informational tools within the community and do not detract from its beauty. There being no other residents wishing to express comments, the Public Hearing was closed. Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 923 on Second and Final Reading. Upon discussion, Council Member Myers stated opposition in that the ordinance does not take into account future traffic patterns as the city grows and expands. Council Member Alvey expressed support of the ordinance seeing this type of advertisement as a necessity, not a blight, within the community. Council Member Pelley reiterated his support of Ordinance No. 923 and expressed appreciation to Mr. Ayres for his passion and for his willingness to express himself relative to this issue. Vice Mayor Perkinson spoke in favor of the ordinance noting that 2,000 LF is a balance between business friendly and reasonable restrictions. It was also his contention that 2,000 is the billboard footage requirement on scenic highways in Tennessee. Mayor Proffitt spoke in opposition to the ordinance stating that the Planning Commission did not recommend a reduction of the billboard distance requirements. He further noted that this ordinance is based on one person’s need and reported current billboard activity on Decatur Pike and Congress Parkway as follows: 33 local business ads; 17 out-of-town business ads; 22 public service ads; and 21 blank faces. Based on these findings, Mayor Proffitt felt there is an adequate supply of billboards in Athens and expressed concern by reminding Council that this ordinance applies to every street in Athens, not only to

Decatur Pike and Congress Parkway. It was his contention that as traffic patterns increase, the Council has no way of knowing where these billboards will go. After other comments, Ordinance No. 923 was approved on Second/Final Reading by the following roll call vote:

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

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NEW BUSINESS

RECOMMENDATION FROM ARPC – REZONING REQUEST

Mayor Proffitt presented Minutes of the Athens Regional Planning Commission, meeting in regular session on November 1, 2004, unanimously recommending the rezoning of property located at 947 Rocky Mount Road (Arnett Estate) from B-4 (Highway and Major Arterial Serving District) to R-3 (High Density Residential District). After brief comments, the following ordinance was presented for consideration:

ORDINANCE NO. 924 – FIRST READING

“AN ORDINANCE AMENDING ORDINANCE NO. 914 ENTITLED, ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO REZONE PARCEL 112 OF MCMINN COUNTY TAX MAP NUMBER 55, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM B-4, HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT, TO R-3, HIGH DENSITY RESIDENTIAL DISTRICT, SAID PARCEL BEING MORE ACCURATELY DESCRIBED AS BEING 947 ROCKY MOUNT ROAD WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE AND TO OFFICIALLY CHANGE THE ZONING MAP OF THE CITY OF ATHENS, TO REFLECT AND SHOW SAID CHANGE IN ZONING MADE BY THIS ORDINANCE.”

Upon the reading of the caption by the recording clerk, motion was made by Council Member Pelley, seconded by Council Member Myers, to approve Ordinance No. 924 on First Reading. After brief discussion, Ordinance No. 924 was approved by the following roll call 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/meetings scheduled during the months of November and December. After additional discussion, the report was accepted as presented.

7:22 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board

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BEER BOARD

REQUEST TO RELINQUISH BEER DISTRIBUTOR'S PERMIT

Mayor Proffitt acknowledged receipt of a letter relinquishing the beer distributor's permit at the H. T. Hackney Company located at 27 East Avenue. The letter states that distribution of beer was discontinued at this location earlier this year as overseen by the Tennessee Department of Revenue; however, notification of this action failed to reach the City of Athens. After other comments, motion was made by Vice Mayor Perkinson, seconded by Council Member Alvey, to accept the relinquishment as presented. Upon voice vote, the motion was unanimously approved.

7:23 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council

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MAYOR'S CLOSING COMMENTS

As a part of his closing remarks, Mayor Proffitt presented the following objectives/expectations as it relates to him personally and to this Council: 1.) come to Council meetings informed about the agenda items and be prepared to discuss them; 2.) share support information concerning agenda items with City Manager so that he can distribute to the entire Council; and 3.) remember you are elected as non-partisan members and you represent the entire City of Athens. Mayor Proffitt asked that each council member write down two or three objectives as it relates to his/her desire for this Council and forward these to the City Manager's office or to the Mayor within ten days. He noted that these objectives will be compiled for discussion during a future work session.

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ADJOURNMENT

Council Member Pelley recognized the new DPA reporter, Ryan Harris, and acknowledged the attendance of former council member Burkett Witt who was sitting in the audience after serving for 33 years as a member of the Athens City Council. There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:35 p.m.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager