

MINUTES OF MEETING, ATHENS CITY COUNCIL, SEPTEMBER 21, 2004

The Athens City Council met in regular session on Tuesday, September 21, 2004, at 6:00 P.M. with Mayor Perkinson presiding. The invocation was given by Council Member Witt; and upon roll call, the following members were present:

Myers, Pelley, Perkinson, Witt

Vice Mayor Proffitt 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 August 17, 2004, were submitted. Upon motion by Council Member Pelley, 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 September 2004 to Comcast Cable Communications Inc. for their substantial donation in support of the annual July 4<sup>th</sup> fireworks display in Athens. Mr. Geoff Shook, General Manager of Comcast, was present to accept the award.

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MISCELLANEOUS CORRESPONDENCE

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

**6:07 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board**

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BEER BOARD

BEER APPLICATION – VALLEY MART #17

City Manager Moore presented an application for a Grocery (Food Stores) beer permit at the Valley Mart #17 located at 2619 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 that the \$250 application fee has been collected. The new owner, Scott Shankle, acknowledged that he is familiar with all beer laws in the City, particularly those prohibiting the sale of beer to individuals less than 21 years of age. After further discussion, motion was made by Council Member Witt, seconded by Council Member Pelley, to accept the beer application as submitted. Upon voice vote, the motion was unanimously approved.

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RELINQUISHMENT OF PERMIT – COPY CORP.

City Manager Moore presented a request to relinquish the beer permit in the name of Copy Corporation (dba Raceway) located at 405 South White Street. The letter announces a change of ownership at this location contingent upon the approval of a permit to the new owner. After brief comments, motion was made by Council Member Pelley, seconded by Council Member Myers, to accept the relinquishment as submitted. Upon voice vote, the motion was unanimously approved.

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BEER APPLICATION – CITGO MART

City Manager Moore presented an application for a Grocery (Food Stores) beer permit at the Citgo Mart (formerly Copy Corporation) located at 405 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 that the \$250 application fee has been collected. The new owner/manager, Mr. Prakash Patel, acknowledged that he is familiar with all beer laws in the City, particularly those prohibiting the sale of beer to individuals less than 21 years of age. After further discussion, motion was made by Council Member Myers, seconded by Council Member Pelley, to accept the beer application as submitted. Upon voice vote, the motion was unanimously approved.

**6:10 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council**

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Perkinson opened the meeting for petitions and requests from the audience. Several speakers were present to speak for or against an upcoming agenda item requesting a reduction of local distance requirements relative to billboards. **Mr. Jeff Eastman**, a resident of Scott Street, urged Council to retain current distance standards for billboards and signs. It was his contention that “supply has exceeded demand,” noting there are currently 18 empty billboards in Athens. **Mr. Randy Ayres**, a local attorney/resident of Athens, implored the City Council to vote “no” to any more billboards. Other concerns expressed by Mr. Ayres included safety issues, property values, and above all, beautification. He further advised that Johnson City, Germantown, and Farragut have more restrictive sign ordinances in that no billboards are permitted; nevertheless, all three cities continue to be very beautiful and very progressive communities. **Mr. Ralph Fenton**, a resident of 3050 Hawthorne, was supportive of

billboards indicating thousands of tourists visit the Mayfield Visitor's Center each day, and many of those visitors would not have known about the Center without billboards. **Dr. Dale Kennedy**, owner of a local billboard company and resident, indicated his support for sign restrictions, however, he felt the current distance restriction of 3,500 lineal feet is too extreme. He encouraged the City Council to compromise by reducing the distance requirements as it relates to billboards. **Mr. Mack Inman**, a former resident (prior to 1955) and old acquaintance of Council Member Witt, remarked that Athens is the friendliest city that he has ever visited. He added, "You don't have to put up a sign that says *I'm a great city*. Don't forget your people that live in Athens; that's how you sell your city!" **Mr. Bobby Mizer**, owner of a local billboard company and resident, acknowledged that he is here to ask the City not to be the most restrictive city in the State of Tennessee, thereby reducing the distance restriction for billboards from 3,500 lineal feet to 1,500.

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### REPORTS

#### FINANCE DEPARTMENT REPORT

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

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#### FIRE DEPARTMENT REPORT

Chief Bob Miller presented the Fire Department Report for the month of August 2004. Council Member Pelley commended the Athens Fire Department on their performance in extinguishing and cleaning up after the electrical fire at City Park School on September 20. After other comments, the report was accepted as presented.

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#### SPECIAL PRESENTATION – FINANCE DEPARTMENT

Finance Director Mike Keith advised that the focus of the Finance Department is to meet the needs of the City of Athens through good financial management and complying with current purchasing standards. He stated that the department's first goal is to maximize the amount of revenue that is brought in. "I want the citizens of Athens to know that we are being good stewards of their money," Mr. Keith stated. This department consists of five full-time employees, whose primary responsibility is to oversee all financial matters, including collection of taxes, issuance of business licenses, refuse billing, budgeting, purchasing, inventory control, computer hardware/software management, municipal building/grounds maintenance, and risk management. According to Mr. Keith, the Finance Department seeks to get every dollar that should be collected. Each year, the staff members review the Situs reports

from the state to determine that City businesses and individuals are properly coded for the City. As a result of this undertaking, the City of Athens has collected approximately \$78,000 in Hall Income tax since 1991 and approximately \$92,000 in local sales tax since 1997. Corrections in 1997 for sales tax alone amounted to \$26,000. If these corrections had not been made, Mr. Keith stated that the City of Athens would have lost revenues totaling almost \$200,000 since 1997. Other revenues processed through the Finance Department include property tax, business tax, refuse and building permit collections. Purchasing is a division of the department and is staffed by two full-time employees under the supervision of the Finance Director. These staff members strive to obtain the best possible price efficiently and effectively for the benefit of the City of Athens. The use of credit cards for online purchases and monthly purchase orders has enhanced the process by simplifying/reducing paperwork by city employees, while at the same time allowing for prompt delivery. In reviewing the 2004/05 budget as it relates to purchasing, Mr. Keith stated that the General Fund less fixed costs is projected to fund the day-to-day purchases for the City of Athens. Those remaining funds are estimated at \$1,620,900. "When you think about the amount of money remaining being used for utilities, gasoline, day to day police and fire supplies, repairs and maintenance to the equipment and buildings, office supplies, other contracts and all of the other supplies needed, it is easy to see that our employees do a lot with a small percentage (14.5 %) of our budget."

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CONSENT AGENDA

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

- 1.) Approve City of Athens Budget Amendment No. 1 dated September 13, 2004 as prepared and submitted by city staff;
- 2.) Approve Resolution No. 2004-50 authorizing the distribution of Athens Utilities Board's electrical in lieu of tax payments for Fiscal Year 2004/05;
- 3.) Approve Resolution No. 2004-51 authorizing the distribution of Athens Utilities Board's natural gas in lieu of tax payments for Fiscal Year 2004/05;
- 4.) Approve Resolution No. 2004-52 to approve funding for the purpose of acquiring additional industrial property;
- 5.) Appoint Dr. Floyd Falany, TWC President, to fill unexpired term of Dr. Tom Armstrong on the Health & Education Facilities Board, term expires 9/21/2006;
- 6.) Appoint Ms. Jackie Newman, Director of Student Activities for TWC, to fill unexpired term of Heather Gordon, former TWC employee, on International Relations Committee, term expires 1/20/2005.

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

REQUEST TO AMEND SIGN ORDINANCE

Mayor Perkinson acknowledged a request to amend the Athens Zoning Ordinance as it relates to distance restrictions for billboards. It was noted that the Athens Regional Planning Commission increased the distance spacing requirements between billboard signs to 3,500 lineal feet. He further advised that Dr. Dale Kennedy, owner of a local billboard company and resident of Athens, recently asked Council to reconsider that action due to the ordinance being overly restrictive when compared to other Tennessee cities. Mayor Perkinson explained that the Planning Commission considered Dr. Kennedy's request during its September 7 meeting, however, no consensus could be reached and no recommendation would be forthcoming from that meeting. Therefore, upon discussion during recent work session, the Council requested this item be placed on its regular agenda for September. He noted the following three options were discussed during work session: decreasing distance requirements to 2,500 lineal feet could roughly add five billboards within the city; 2,000 LF could add an additional eight billboards; 1,500 LF (with a 500 foot radius) could add an additional 28 or 29 billboards. After additional comments, Council Member Pelley made the following motion: amend Section 4.12 (Article B:10) of the Athens Zoning Ordinance entitled "Signs, Billboards, and Other Advertising Structures" by deleting the words and numbers "three thousand five hundred (3,500)" and inserting in lieu thereof the words and numbers "one thousand five hundred (1,500)" and further amend Article C of that section by including the "B-3" district. It was noted that the inclusion of the B-3 district will prohibit billboards in the downtown business district. The motion died for lack of a second. After further consideration, a motion was made by Council Member Pelley, seconded by Council Member Witt, to retain the above motion but remove the words and numbers "one thousand five hundred (1,500)" and insert the words and numbers "two thousand (2,000)." After additional comments, the following vote was taken:

AYES: Pelley, Witt, Perkinson  
NAYS: Myers  
ABSENT: Proffitt

**The City of Athens Charter (Article VI; Section 2) requires that an ordinance be amended by a new ordinance. Therefore, the passage of this amendment becomes Ordinance No. 921, with the second reading/public hearing being held during the regular meeting on October 19, 2004.**

RECOMMENDATION FROM ARPC – COACH DWAIN FARMER DRIVE

As discussed during recent work session, the Athens Regional Planning Commission, meeting in regular session on September 7, 2004, unanimously recommended "that the intersection of Coach Dwain Farmer Drive at Green Street be closed as a through street and a cul-de-sac, be installed in the area of the entrance of the parking lot based on design criteria and subdivision regulations." The ARPC Minutes reflect that TWC requested this closing due to safety concerns for its students. After brief discussion, motion was made by Council Member Pelley, seconded by Council Member Myers, to table this request for discussion during the October work session. Upon voice vote, the motion was unanimously approved.

PROPOSED STORMWATER ORDINANCE

As discussed in recent work session, City Manager Moore presented a proposed stormwater ordinance for approval on first reading. Mr. Moore advised the purpose of this ordinance is to protect, maintain, and enhance the environment of our city and will implement minimal federal and state requirements as a Phase II city. The following ordinance was presented for consideration:

**ORDINANCE NO. 922 – FIRST READING**

**“AN ORDINANCE AMENDING TITLE 14 ENTITLED ‘ZONING AND LAND USE CONTROL’ BY AMENDING CHAPTER 5 TO INCLUDE A STORMWATER MANAGEMENT ORDINANCE FOR THE CITY OF ATHENS.”**

Mayor Perkinson read the caption of the above-described Ordinance. Motion was made by Council Member Witt, seconded by Council Member Pelley, to approve Ordinance No. 922 on First Reading, and upon roll call, Ordinance No. 922 was approved by the following vote:

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

MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of September and October. Mr. Moore advised that the Downtown Partnership Committee, in conjunction with the Downtown Study conducted in 2003, has made plans to present its annual report during a public meeting to be held on October 21 at Tennessee Wesleyan College. The meeting will begin at 7:00 p.m., and council members were encouraged to attend. After additional comments, 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 7:45 p.m.

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WILLIAM BO PERKINSON, Mayor

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MITCHELL B. MOORE, City Manager