

MINUTES OF MEETING, ATHENS CITY COUNCIL, NOVEMBER 18, 2014

The Athens City Council met in regular session on Tuesday, November 18, 2014, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Council Member Perkinson; and upon roll call, the following members were present:

Burris, Pelley, Perkinson, Davis, Buttram

The following decisions were made and ordered made a part of the records of the Athens City Council.

- 1 -
MINUTES

The Minutes of the regularly scheduled meeting of October 21, 2014 was submitted and approved by unanimous consent.

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BEER BOARD

6:04 P.M..... The Athens City Council recessed and reconvened as the Athens Beer Board

Upon roll call, the following members were present:

Burris, Pelley, Perkinson, Davis, Buttram

MINUTES

The Minutes of the Special Meeting of October 20, 2014 were submitted for approval. **A motion was made by Board Member Perkinson, seconded by Board Member Burris, to approve the minutes as submitted.** Upon a roll call vote, the motion was approved by the following vote:

AYES: Burris, Pelley, Perkinson, Davis, Buttram
NAYS: None

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

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Mayor Buttram stated this would be his last meeting as Mayor of the City of Athens and he wanted to express what a pleasure it had been for him to serve the City as a councilman and Mayor. He stated it was an extreme pleasure to work with City Manager Moore, his staff and all the employees. Mayor Buttram commented that they are a very professional group of people and you could find no better. He thanked them for their support of the Council and also thanked the Council for working together to move the City forward. Athens is a great city and it is on its way to becoming an exceptional city. There are so many great things going on in this community. He encouraged people that are not currently members of a committee to go to the City's web site and make application for a City committee that they might like to serve on. Once they join a committee and get involved they will have a better understanding of the day to day operations of the City. Council Member Perkinson expressed his appreciation to Mayor Buttram for his years of service through some difficult economic times and for the leadership he provided to the Council and to the City. He stated Mayor Buttram always thanked everyone for their service but he did a lot to set the pace and the direction for the City. Mayor Buttram commented it was a team effort and he thanked everyone.

CERTIFICATION OF ELECTION

The following official tabulation of the Athens City Election was presented by City Attorney Trew 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 a Municipal Election on Tuesday, November 4, 2014, in all of the voting precincts in the City of Athens, according to law, for the purpose of electing the offices of City Council and

City School Board shown hereinafter, and that we have canvassed the returns of said election as required by law, and we do hereby certify that the following three (3) pages of tabulation are a true, correct, and complete accounting of the results by precinct in said election as established by the canvassing of the returns, this 18th day of November, 2014."

McMinn County Commissioners of Election
/s/ Amber Robinson, Chairman
/s/ Bobby Goodman, Secretary
/s/ Becky Riley, Member
/s/ Todd Watson, Member
/s/ Brenda Ratledge, Member

ATHENS CITY COUNCIL – (4 YEAR TERM) VOTE FOR THREE (3)

Dick Pelley	1,623
Bo Perkinson	1,232
Yvonne Raper	1,124
Paul McMillian	1,108
Timothy M. Hughes	1,026
Connie Fain-Woodcock	762
Carolyn Crawford	<u>546</u>

Total Votes Cast 7,421

ATHENS CITY SCHOOL BOARD – VOTE FOR THREE (3)

Amy Sullins	2,180
Preston Brown	2,118
Chris Liner	<u>2,117</u>

Total Votes Cast 6,415

A motion was made by Council Member Burris, seconded by Council Member Pelley, to accept the Certification of Election results as presented. Upon roll call, the motion was approved by the following vote:

AYES: Burris, Pelley, Perkinson, Davis, Buttram
NAYS: None

CITY REFERENDUMS – ATHENS CITY ELECTION

1. For legal sale of wine at retail food stores in the City of Athens
Yes – 2,012 ; No – 837
2. To permit retail package stores to sell alcoholic beverages in the City of Athens
Yes – 1,830 ; No – 1,020

A motion was made by Council Member Pelley, seconded by Council Member Perkinson, to accept the results of the City Referendums with regard to wine sales and retail package stores as presented. Upon roll call, the motion was approved by the following vote:

AYES: Burris, Pelley, Perkinson, Davis, Buttram
NAYS: None

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SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

The swearing in of the newly-elected council members (Pelley, Perkinson and Raper) was conducted by City Attorney Chris Trew. Upon seating of the new council, followed by roll call, the following members were in attendance:

Burris, Davis, Pelley, Perkinson, Raper

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.

ELECTION OF MAYOR

To begin the reorganization of the Council, City Attorney Trew announced he would accept nominations for the election of mayor.

Council Member Perkinson moved to nominate Vice Mayor Davis to serve a two-year term as Mayor, seconded by Council Member Raper.

Council Member Burris moved to nominate Council Member Pelley to serve a two-year term as Mayor, seconded by Council Member Pelley.

Council Member Perkinson stated he considered his nomination very seriously over the last few weeks since the election. He stated Vice Mayor Davis has done a very good job of balancing the team approach to the City as well as sharing her independent thoughts about any matter that comes before the City and felt she had a very professional approach. He had watched her in other leadership positions and felt she had shown many attributes of leadership and working with others. Most notably he thought Vice Mayor Davis lead the Council and City in the interaction of government, education and industry towards accomplishing the goal of workforce development to meet the demands of a growing economy. Council Member Burris stated he felt Vice Mayor had done a wonderful job and echoed Council Member Perkinson's comments. He nominated Council Member Pelley because he has served the community for twelve years and in two elections he had lead the race in majority votes. **The motion to elect Ann Davis as Mayor passed by the following roll call vote:**

AYES: Davis, Perkinson, Raper
NAYS: Burris, Pelley

City Attorney Trew stated that with Ms. Davis receiving a majority vote for the position of Mayor she was elected as the next mayor for the City of Athens. Mayor Davis thanked everyone for the vote of confidence.

ELECTION OF VICE MAYOR

Upon request for nominations for the office of Vice Mayor, **a motion was made by Council Member Raper, seconded by Council Member Perkinson, to elect Council Member Perkinson as Vice Mayor.** The motion passed by the following roll call vote:

AYES: Perkinson, Raper, Davis
NAYS: Burris, Pelley

Vice Mayor Perkinson thanked the Council. He commented that he felt they had a great Council and great city. The future was bright for the City. Education, government and industry were working together in so many ways. Our City needs to grow and he thought the City had set the stage for that and he looked forward to seeing that growth over the next few years.

APPOINTMENT OF COUNCIL REPRESENTATIVES

Mayor Davis stated that at the last work session she had asked to table these discussions until the next work session when they would have more time to look over the different committees, give Council Member Raper an opportunity to visit with individuals on these committees and decide where she would like to go. Mayor Davis stated she would like to discuss these appointments with the Council and see where they would like to serve. Several of the committees were the Mayor's appointees and she would like to get a feel from other Council members on where they would like to be placed. **A motion was made by Mayor Davis, seconded by Council Member Burris, to table the appointment of Council representatives until the December Work Session.** Council Member Pelley offered an amendment to the motion to see the appointments made at the Council meeting to the give the public an opportunity to see what is going on rather than at a work session. City Attorney Trew interjected that he believed the

Council was aware that they could not take any action at a work session and he assumed the motion was just to discuss the appointments to the different committees. Mayor Davis stated that was her intention when she made the motion. Upon roll call, the motion to table the discussion on the appointment of Council representatives until the December Work Session was approved by the following vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

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COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Vice Mayor Perkinson stated they were privileged to honor Mimi Jones as the Very Important Volunteer Individual for the month of November. Mimi had called Vice Mayor Perkinson and advised him that because of the very cold weather and her medical condition she felt it was better not to go out to attend the meeting. Ms. Jones asked her caretaker, Brenda Clanton, to attend the meeting and accept the award on her behalf. Ms. Clanton thanked the Council. She stated Ms. Jones wished she could have been present to personally accept the award.

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MISCELLANEOUS CORRESPONDENCE

Mayor Davis acknowledged receipt of letter of appreciation from Westside School to the Athens Fire Department thanking them for coming to the school and teaching the students about fire safety.

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PETITIONS AND REQUESTS

AUDIENCE

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

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of October 2014. 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 October 2014. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of October 2014. The report was accepted as presented.

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COMMUNITY DEVELOPMENT QUARTERLY REPORT

Mr. Anthony Casteel, Community Development Director, presented the Building Permit Quarterly Report for the City of Athens. The report was accepted as presented.

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CONSENT AGENDA

Mayor Davis advised that the following item was discussed during the recent work session and is presented as a part of the Consent Agenda. The recording clerk read the item into the record:

- a.) Approve appointment of Timothy Hughes to Council Advisory Committee to fill vacancy, term expires March 21, 2016.

On motion by Council Member Pelley, seconded by Council Member Burris, the Consent Agenda as stated above was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None

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ORDINANCES

ORDINANCE NO. 1033 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14, CHAPTER 2, SECTION 4.17.07 BE AMENDED TO ADD LANGUAGE CONCERNING VESTED DEVELOPMENT RIGHTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Davis opened the public hearing. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. **A motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 1033 on Second and Final Reading.** Ordinance No. 1033 was approved by the following roll call vote:

AYES: Burris, Pelley, Raper, Perkinson, Davis
NAYS: None
ABSENT: None

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NEW BUSINESS

PROPOSED STORMWATER MAINTENANCE ORDINANCE AND BUFFER POLICY

ORDINANCE NO. 1034 – FIRST READING

AN ORDINANCE AMENDING TITLE 14 ENTITLED ‘ZONING AND LAND USE CONTROL’ BY AMENDING CHAPTER 5 OF THE ATHENS MUNICIPAL CODE TO INCLUDE A STORMWATER MANAGEMENT ORDINANCE.

The caption of the above-described Ordinance was read by the recording clerk. City Manager Moore requested Shawn Lindsey, Public Works Director, give an update on the key changes in the proposed ordinance as it relates to stormwater. Mr. Moore stated this was a state mandated ordinance not an ordinance initiated by the City. Mr. Lindsey stated the City of Athens is a Phase II city and has a municipal stormwater permit. The City has been required to become a Phase II city since 2003 and is in the second phase of the Phase II permit. The City is required to change its ordinance to meet the new requirements. This ordinance represents the minimum requirements. One of the new requirements is that when you develop in Athens you are required to capture the first inch of rainfall in any storm event. Engineers will be looking for ways to keep that first inch on site. Before detention was required you could release the first inch. You will now be required to keep the first inch. If you can't keep the first inch, you have to treat it. This means there will be more permanent stormwater best management practices installed to keep the first inch. The third option is for offsite mitigation at 1.5 times the amount that would have been treated onsite. The second major change is the buffer policy. New projects are required to have a 60' buffer from all creeks, streams and wetlands in Athens if it is over one square mile of drainage area. If it is less than one square mile then a 30' buffer would suffice. The third major change is appeal process. The Appeal Board will no longer be the City Council. The Board of Zoning Appeals will now handle the appeals process. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Burris, to approve Ordinance No. 1034 on First Reading.** Upon roll call, the first reading of Ordinance No. 1034 was approved by the following vote:

AYES: **Burris, Pelley, Raper, Perkinson, Davis**
NAYS: **None**
ABSENT: **None**

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MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of November and December. The report was accepted as presented.


Mayor Davis recognized Bo and Lynn Perkinson. They recently received a State Advocacy Award for their work with Multiple Sclerosis.

Council Member Pelley stated that approximately 21 years ago he had moved to Athens to teach at Tennessee Wesleyan College. Sixteen years ago he sought a seat on the City Council but lost that election. Two years later he again sought a seat on the Council and lost that election. Approximately two weeks ago he was reelected by a substantial majority. In the past week he had been approached by literally dozens of people stating they understood he would be mayor now. Council Member Pelley stated that initially he understood that was the process but it depended on what the Council did. He stated he told them that he would either be slighted or recognized for what the people of Athens have done. He was humbled to receive such a plurality. Four years ago he did the same thing. He thought and many people in the community thought that would be an inducement to be Mayor. Council Member Pelley serves on the Youth, Education and Families Committee for the National League of Cities and is quite active with that organization. He thanked the citizens for supporting his votes on the City Council. Additionally, he stated he would support Mayor Davis and all the council members.

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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 7:15 p.m.



MITCHELL B. MOORE, City Manager



ANN S. DAVIS, Mayor