

MINUTES OF MEETING, ATHENS CITY COUNCIL, DECEMBER 16, 2014

The Athens City Council met in regular session on Tuesday, December 16, 2014, at 6:00 p.m. with Mayor Davis presiding. The invocation was given by Mayor Davis; and upon roll call, the following members were present:

Burris, Pelley, Raper, Perkinson, Davis

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 of November 18, 2014 was submitted and approved by unanimous consent.

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COMMUNICATIONS

Mayor Davis recognized Matthew Marshall, Athens Director of Purchasing and Risk Manager, on being named by the Tennessee Public Risk Management Association (TNPRIMA) as the Public Risk Manager of the Year.

Kathy Price, McMinn County Economic Development Authority's Executive Director, presented the City Council and City Manager with copies of the Authority's Financial Statements for the period ending June 30, 2014. Ms. Price stated an electronic copy of this report was available. An electronic copy was also available on the Tennessee Comptroller of the Treasury Office website.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Davis opened the meeting for petitions and requests from the audience. Betty Keirn, 1206 Miami Street, urged the City Council to continue work on the Rails to Trails project. Ms. Keirn stressed the importance of these trails to the community as they provide citizens with an opportunity to walk, run or bicycle and enjoy the outdoors.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of November 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 November 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 November 2014. He announced that all firefighters in the Athens Fire Department were now Firefighter Level 2 for the first time in the City's history. The report was accepted as presented.

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CONSENT AGENDA

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

- a.) Approve City of Athens Debt Management Policy, annual review by the Athens City Council;
- b.) Approve Resolution No. 2014-22 authorizing the distribution of Athens Utilities Board's electrical in lieu of tax payments for fiscal year 2014/15;
- c.) Approve Resolution No. 2014-23 authorizing the distribution of Athens Utilities Board's gas in lieu of tax payments for fiscal year 2014/15;
- d.) Approve Resolution No. 2014-24 authorizing the renewal of property lease agreement with McMinn County Rescue Squad;
- e.) Approve staff's recommendation to declare assorted items as surplus property and authorize donation to Keep McMinn Beautiful as detailed in memorandum from Matthew Marshall, Director of Purchasing dated December 3, 2014.

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

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ORDINANCES

ORDINANCE NO. 1034 – SECOND/FINAL READING – PUBLIC HEARING

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. 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 Council Member Raper, to approve Ordinance No. 1034 on Second and Final Reading.** Vice Mayor Perkinson stated this ordinance contains important and significant State imposed changes to the Zoning and Land Use Control Code. These changes will be implemented over a very short period of time and are something the City does not have control over because it was State imposed. Ordinance No. 1034 was approved by the following roll call vote:

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

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OLD BUSINESS

APPOINTMENT OF COUNCIL REPRESENTATIVES

Mayor Davis reminded members of the Council that a copy of the Code of Professionalism was in their packets at Work Session the previous week. She encouraged everyone, if they had not done so already, to consider signing it and submitting it in to Leslie McKee in the City Manager's office. Mayor Davis explained that this was simply a Code of Conduct for the City Council on how they should behave in City Council meetings and outside in the public as well. Every election the Council signs and reaffirms their commitment to abide by those rules of proper conduct.

Mayor Davis presented a list of committees that required council-represented appointments. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to approve the list of committees as presented.** Council Member Pelley stated he opposed the Economic Development Authority appointment. He did not hear any definitive reason why he was being taken off this Board. Council Member Pelley saw his removal as being arbitrary and capricious. He felt this way because he was not given a solid good reason why he was taken off the Economic Development Authority. He stated he had served the board honorably, his attendance was not perfect but he attended approximately 90% of the meetings. There were times that he may have missed one or two meetings a year. **A motion was made by Board Member Pelley, seconded by Council Member Burris, to amend the motion to retain Council Member Pelley on the Economic Development Authority.** Council Member Burris stated he understood Council Member Pelley was upset for being taken off the committee. He questioned if there was a reason why Council Member Pelley was being taken off the board. As far as he was aware, there were never any comments or charges leveled against Council Member Pelley in the six years in which he served. Mayor Davis stated that there were five Council member appointments to four major committees which are responsible for decisions directly pertaining to the governance of the city: the Athens Regional Planning Commission, Athens Utilities Board, the Board of Zoning Appeals and the McMinn County Economic Development Authority. She felt that each Council member needed to have an appointment on one of those boards. If one person was appointed to two major committees that would automatically eliminate one of the rest of the Council members from serving on a major committee. Upon roll call, the motion to amend the motion failed by the following vote:

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

The appointments listed below were approved by the following roll call vote:

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

| <u>Name of Committee</u>                               | <u>Council Representative</u> |
|--|-------------------------------|
| Athens Parks Foundation (Mayor's designee)             | Yvonne Raper                  |
| Athens Regional Planning Commission (Mayor's designee) | Yvonne Raper                  |
| Athens Regional Planning Commission                    | Dick Pelley                   |
| Athens Utilities Board                                 | Bo Perkinson                  |
| Board of Zoning Appeals (Mayor's designee)             | Chuck Burris                  |
| Historic Preservation Commission                       | Bo Perkinson                  |
| McMinn County Department of Juvenile Services          | Chuck Burris                  |
| McMinn County Economic Development Authority           | Ann Davis                     |
| McMinn County Senior Citizens                          | Yvonne Raper                  |

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NEW BUSINESS

CONSIDERATION OF REQUEST TO ALLOW DIGITAL BILLBOARDS

Mayor Davis stated this item was discussed extensively at their Work Session. **A motion was made by Council Member Burris, seconded by Council Member Pelley, to direct the City Attorney Trew and City Manager Moore to research and bring to them a proposal to allow digital billboards.** Vice Mayor Perkinson disclosed that he serves from a business standpoint with the company that had brought this discussion to the Council at their Work Session. Council Member Burris stated he was impressed with the company that came before them at Work Session and hoped the City Manager and City Attorney would take into consideration that type of the structure and technology. Upon roll call, the motion was approved by the following vote:

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

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CITY OF ATHENS BEER VIOLATION PENALTY POLICY

This item was discussed at Work Session and the Council had asked the City Manager and City Attorney to draft a proposed penalty policy. **A motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve the City of Athens Beer Violation Penalty Policy as submitted by City Manager Moore and City Attorney Trew.** Vice Mayor Perkinson stated this policy would provide consistency when dealing with Beer Code violations. He applauded the City Manager and City Attorney for bringing this policy to the City Council. Mayor Davis stated this policy would be given to every beer permit holder. Upon roll call, the motion was approved by the following vote:

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

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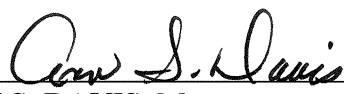
MANAGER'S REPORT


City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of December and January. 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 7:00 p.m.

  
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ANN S. DAVIS, Mayor

  
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MITCHELL B. MOORE, City Manager