

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 17, 2015

The Athens City Council met in regular session on Tuesday, February 17, 2015, at 6:00 p.m. with Mayor Davis presiding. The invocation was given by Council Member Burris; 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.

- 1 -

MINUTES

The Minutes of the regularly scheduled meeting of January 20, 2015 was submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS

MISCELLANEOUS CORRESPONDENCE

Mayor Davis acknowledged receipt of a letter of appreciation from Julia Reedy, Executive Director of McMinn County Education Foundation, to Firefighter Colby Kizer of the Athens Fire Department, for his participation in the Eighth Grade Career Day. Mayor Davis noted that several others from the City had received similar letters for their participation in Career Day.

- 3 -

PETITIONS AND REQUESTS

AUDIENCE

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

- 4 -

REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of January 2015. The report was accepted as presented.

- 5 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of January 2015. The report was accepted as presented.

- 6 -

FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of January 2015. The report was accepted as presented.

- 7 -

COMMUNITY DEVELOPMENT QUARTERLY/ANNUAL REPORT

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

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 Resolution No. 2015-05 requesting the State of Tennessee 109th General Assembly support annexation of properties for industrial use;
- b.) Approve Resolution No. 2015-06 authorizing extension of contractual agreement with Alpha Omega Lawn and Landscaping for Park Maintenance/Mowing of city-owned properties designated as Sections I, II and III;
- c.) Approve Audit Proposal dated January 8, 2015 for 2015, 2016, and 2017 as submitted by Neal, Scouten & McConnell of Chattanooga for the City of Athens;
- d.) Accept proposal from Gresham, Smith and Partners (RFQ No. 1610) for professional services related to Multimodal project;
- e.) Accept low bids (Bid No. 1612 dated January 30, 2015) as submitted by BSN Athletic for baseball uniforms and by Southern Athletic Supply for softball uniforms;
- f.) Approve staff's recommendation to declare assorted items as surplus property and authorize public sale or disposal thereof as detailed in memorandum from Matthew Marshall, Director of Purchasing dated February 4, 2015;
- g.) Appoint Everett Gillespie to Athens Housing Authority, term expires March 6, 2020;
- h.) Appoint Paul McMillan to Council Advisory Committee, term expires March 21, 2018;
- i.) Reappoint Trey Winder to Keep McMinn Beautiful, term expires March 5, 2018;
- j.) Reappoint John Boyd, Carolyn Crawford, James Dodson, Patti Greek, John Proffitt, Mary Scudder, Burkett Witt and Frances McMahan to Council Advisory Committee, terms expire March 21, 2018;
- k.) Reappoint Kenneth Grubb to Tax Equalization Board, term expires April 1, 2017.

On motion by Vice Mayor Perkinson, 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

ORDINANCES

ORDINANCE NO. 1035 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO AMEND TITLE 8 OF THE ATHENS MUNICIPAL CODE, ENTITLED 'ALCOHOLIC BEVERAGES', BY RENUMBERING THE EXISTING CHAPTER 2, ENTITLED 'BEER', AS CHAPTER 3 AND ADDING A NEW CHAPTER 2, ENTITLED 'LIQUOR STORES'.

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. Mayor Davis recognized City Attorney Trew who reminded the City Council that at their last work session the proposed ordinance had been discussed. He advised them at that time that upon reflection and further study he thought it would be better to change a

part of the proposed ordinance and move away from the lottery and the first come first serve method. It was his recommendation that the City Council review the applications that came in and, if they had limited the number of liquor stores, select those applicants most qualified and most suitable for operating a liquor store in Athens. Two revised ordinances were presented to the Council: one ordinance limited the number of liquor stores to three and the other did not limit the number of stores allowed. City Attorney Trew stated they would have to go back to first reading as a result of the revisions to ordinance. Referencing his email dated February 13, 2015, Mr. Trew briefly explained each of the changes recommended in that email as listed below.

8-201 (j)

8-203

8-204

8-207 (c) – *In the new Section, I added language which requires a purchaser to produce a valid ID and requires the Seller to request the production of a valid ID before a sale can take place.*

8-208 (b)

8-208 (c)

8-211 – *I increased the civil penalty to \$500 and referred to it as a penalty assessed by City Council rather than through City Court where there is a limit on the amount of the fine.*

8-213 (4) – *I changed the language to allow someone who is eligible to vote in the Athens City elections to qualify as an applicant. I used the language from the City Charter.*

8-213 (e) – *I changed this Section, because the investigation fee is related to the application for a certificate of compliance only – the license fee for the local liquor store privilege license is addressed elsewhere.*

8-215

8-216 – *There is a new 8-216 which addresses the considerations of City Council when issuing the certificates of compliance. By adding a new 8-216, the Section numbers differ hereafter from the original Ordinance.*

8-218 (a) – *This paragraph addresses the number of local liquor store privilege licenses.*

8-218 (e) – *This paragraph addresses the local license fee.*

8-220 – *This paragraph addresses penalties, suspension, or revocation.*

A motion was made by Vice Mayor Perkinson, seconded by Council Member Burris, to amend Ordinance No. 1035 on First Reading with the changes to Section 8-216 and 8-218 (a) with an unlimited number of liquor licenses to be issued by the City of Athens. Vice Mayor Perkinson asked if the proposed \$500 penalty was the maximum penalty allowed. Mr. Trew responded it was and advised the Council that they needed to keep in mind that cities do not issue the actual liquor license they only issue the privilege to operate a liquor store within their jurisdiction. The main penalty to be handed out if there was a violation would be by the Tennessee Alcoholic Beverage Commission. He felt the \$500 penalty was reasonable and in line with other municipalities. Some cities used the \$50 fine tying it to the maximum allowable in City Court. City Attorney Trew did not feel they were tied to the \$50 limit as it was not an action being taken by City Court but was being taken by the City Council. The greater punishment to be handed down, if they decided to do it, in addition to the civil penalty would be to the issuance of a temporary suspension or revocation of the liquor store license. At that point, they would notify TABC and let them handle the liquor license violation. Vice Mayor Perkinson stated the reason he selected an unlimited number of liquor licenses instead of limiting the number to three or going to a lottery was because he felt the market will dictate the number of liquor stores to be built in Athens. Council Member Pelley rose in opposition to an unlimited number of stores and was in support of three licenses. Council Member Burris stated he was in support of an unlimited number of liquor licenses and agreed with Vice Mayor Perkinson that the market would dictate the number of liquor stores. City Attorney Trew clarified the motion to state changes to Section 8-216 would read “In issuing certificates of compliance to enable the licensing of liquor stores in the City of Athens as presently permitted by this chapter, the City Council will consider all applications filed before a closing date to be fixed by City Council and select from such applications the applicants deemed by City Council in its sole discretion to have the qualifications required by law and this chapter” with the rest of the section remaining as presented and Section 8-218(a) would read “There shall be no limit on the number of local liquor store privilege licenses issued within the City of Athens, Tennessee”. The motion was approved by the following roll call vote:

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

A motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to approve the changes to 8-201(j), 8-203, 8-204, 8-207(c), 8-208(b), 8-208(c), 8-211, 8-213(4), 8-213(e), 8-215, 8-218(e) and 8-220 as presented in proposed ordinance including the revisions made in the previous motion. Upon roll call, the motion was approved by the following roll call vote:

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

- 10 -

NEW BUSINESS

APPOINTMENT TO COUNCIL ADVISORY COMMITTEE

A motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to appoint Linda Morrow to the Council Advisory Committee, term expires March 21, 2018. The motion was approved by the following roll call vote:

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

- 11 -

PROPOSED ORDINANCE ON DIGITAL BILLBOARDS

ORDINANCE NO. 1036 – FIRST READING

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE SO AS TO AMEND TITLE 14, CHAPTER 2, SECTION 4.12.B. WHICH PROHIBITS DIGITAL AND/OR ELECTRONIC BILLBOARDS TO ALLOW DIGITAL AND/OR ELECTRONIC BILLBOARDS.

The caption of the above-described Ordinance was read by the recording clerk. A motion was made by Council Member Pelley, seconded by Council Member Burris, to approve Ordinance No. 1036 on First Reading. City Attorney Trew stated after reviewing the proposed ordinance and talking to Anthony Casteel, Community Development Director, it was his recommendation that paragraph 18 item (f) regarding the distance requirements be changed to be consistent with the measurement requirement found in the Athens Beer Code. The proposed revisions would be as follows:

(f) Digital Billboards must be located at least 300 feet from any residentially zoned property residence within a residential zone measured ~~from~~ in a straight line between the ~~closed point of~~ nearest corner of the residence and any structural element of the billboard ~~to the residential property line~~.

Council Member Pelley amended his motion and Council Member Burris seconded. Upon roll call, the First Reading of Ordinance No. 1036 was approved as amended by the following vote:

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

- 12 -

ATHENS CITY SCHOOLS PROPOSED BUDGET AMENDMENT # 2 – FY 2014/2015

A motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Athens City Schools Budget Amendment #2 for fiscal year 2014/2015. The motion was approved by the following roll call vote:

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

- 13 -


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 February and March. The report was accepted as presented.

- 14 -

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 6:55 p.m.



ANN S. DAVIS, Mayor



MITCHELL B. MOORE, City Manager