

MINUTES OF MEETING, ATHENS CITY COUNCIL, MARCH 15, 2016

The Athens City Council met in regular session on Tuesday, March 15, 2016, 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, Davis

Vice Mayor Perkinson 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.

- 1 -

MINUTES

The Minutes of the regularly scheduled meeting of February 16, 2016 and the Called Meeting of February 29, 2016 were submitted and approved by unanimous consent.

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COMMUNICATIONS

MISCELLANEOUS CORRESPONDENCE

Mayor Davis recognized the Athens Fire Department for their collaboration with Heil Trailer International to redesign their emergency planning process. Personnel from Heil's facilities throughout the United States were in attendance.

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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 February 2016. 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 February 2016. The report was accepted as presented.

Council Member Burris expressed his concern regarding the turnover in the Police Department. He checked and their pay was comparable to other cities of similar size. Council Member Burris asked what the problem was and why they could not keep good police officers. Mayor Davis stated the Council had talked about this issue at their planning session and they did not come up with a solution. She asked Council Member Burris to come back to the Council at their April work session with a list of what he felt they needed to do to address the problem as he had more contact with the police officers than any of the other Council members. If they could get very concise bullet points, she felt that would help all of them. Mayor Davis suggested Council Member Burris give a copy of his list to City Manager Moore prior to the meeting so he would have time to review it. Council Member Burris responded that he would like to see employees go to City Manager Moore if there is a problem but would be happy to come back to them with a list. City Manager Moore stated Council Member Burris was correct, this is a personnel issue. Employees needed to come to him. It has always been his philosophy to meet

with any employee at any time. He remarked that staff was working on this issue but he could not discuss it in public at this time and it would be discussed at their budget meeting. Council Member Pelley stated he was concerned because it was taking so long to fill the vacancies in the Police Department. Chief Ziegler provided the City Council and City Manager with a handout explaining the Athens Police Department application process from receipt of application to having a functional officer on the road.

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FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of February 2016. The report was accepted as presented.

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QUARTERLY REPORT BY SUPERINTENDENT OF SCHOOLS

Dr. Melanie Miller, Superintendent of Athens City Schools, presented the City Council with her first Athens City Schools Quarterly Report Update and gave each of them a bullet point sheet. She covered topics such as Enrollment, Facility Assessment, Special Recognitions/Activities, Family/Community Connection, Governor's BEP Infusion and TNReady and Online Testing.

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ORDINANCES

ORDINANCE NO. 1047 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO AMEND 'THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,' SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE PROPERTY LOCATED ON DENSO DRIVE FROM I-2 (HEAVY INDUSTRIAL DISTRICT) TO B-3 (INTENSIVE BUSINESS DISTRICT) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.

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. **Motion was made by Council Member Pelley, seconded by Council Member Burris, to approve Ordinance No. 1047 on Second and Final Reading.** Ordinance No. 1047 was approved by the following roll call vote:

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

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NEW BUSINESS

FAIR HOUSING MONTH

RESOLUTION NO. 2016-05

A RESOLUTION DESIGNATING FAIR HOUSING MONTH IN THE CITY OF ATHENS.

The caption of Resolution No. 2016-05 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Burris, to approve Resolution No. 2016-05.** Upon roll call, the resolution was approved by the following vote:

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

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MAINTENANCE CONTRACT EXTENSION – CHILHOWEE GREENHOUSE

RESOLUTION NO. 2016-06

A RESOLUTION AUTHORIZING EXTENSION OF A CONTRACTUAL AGREEMENT BETWEEN THE CITY OF ATHENS, TENNESSEE, AND CHILHOWEE GREENHOUSE FOR MAINTENANCE OF FLOWER BEDS DOWNTOWN AND AT THE ATHENS MUNICIPAL BUILDING.

The caption of Resolution No. 2016-06 was read by the recording clerk. **Motion was made by Council Member Raper, seconded by Council Member Pelley, to approve Resolution No. 2016-06.** Upon roll call, the resolution was approved by the following vote:

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

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PARK MAINTENANCE/MOWING CONTRACT – OCOEE SERVICES

RESOLUTION NO. 2016-07

A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS BETWEEN THE CITY OF ATHENS, TENNESSEE, AND OCOEE SERVICES FOR PARK MAINTENANCE/MOWING OF CITY-OWNED PROPERTIES DESIGNATED IN BID SPECIFICATIONS.

The caption of Resolution No. 2016-07 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Raper, to approve Resolution No. 2016-07.** Upon roll call, the resolution was approved by the following vote:

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

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CEMETERY MAINTENANCE CONTRACT – HUGGINS LAWN CARE

RESOLUTION NO. 2016-08

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ATHENS, TENNESSEE, AND HUGGINS LAWN CARE FOR CEMETERY MAINTENANCE OF DESIGNATED CITY CEMETERIES.

The caption of Resolution No. 2016-08 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Burris, to approve Resolution No. 2016-08.** Upon roll call, the resolution was approved by the following vote:

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

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SOLID WASTE DISPOSAL SERVICES AGREEMENT – ENVIRONMENTAL TRUST COMPANY

RESOLUTION NO. 2016-09

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT WITH ENVIRONMENTAL TRUST COMPANY FOR SOLID WASTE DISPOSAL SERVICES AT THE MEADOW BRANCH LANDFILL.

The caption of Resolution No. 2016-09 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Raper, to approve Resolution No. 2016-09.** Upon roll call, the resolution was approved by the following vote:

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

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PROPOSED ORDINANCE FOR SALE OF WINE IN FOOD STORES

ORDINANCE NO. 1048 – FIRST READING

AN ORDINANCE AMENDING TITLE 8 OF THE ATHENS MUNICIPAL CODE BY ADDING CHAPTER 4, SALE OF WINE IN RETAIL FOOD STORES.

The caption of the above-described Ordinance was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Burris, to approve Ordinance No. 1048 as revised on First Reading.** City Attorney Trew noted that in the City Council's agenda packet they received a copy of the proposed ordinance which was under review. He suggested a few changes that were not substantive. The changes were to Sections 8-406, 8-407 and 8-409. Copies of the revised ordinance and memorandum outlining the changes were provided to the City Council. City Attorney Trew advised that unlike their ability to control beer and liquor, they did not have that with wine in food stores. The Legislature had chosen to vest most of that responsibility with the Alcoholic Beverage Commission. The City Council was only required to issue a Certificate of Compliance. The Certificate was limited to two areas: a background check to make sure applicant did not have a felony record and that the proposed location did not violate any of the City's zoning laws. The City Council was not vested with the same responsibilities as they were with the liquor stores. The license is only through the Alcoholic Beverage Commission. Mayor Davis asked if this law also pertained to convenience stores. City Attorney Trew responded that he had discussed that issue with City Manager Moore. The Alcoholic Beverage Commission would determine what qualifies as a grocery store. The principle requirement in the law was that they would have to have 1,200 square feet of floor space which was not very large. There may be some convenience stores in the City that can apply for a Certificate and then it would be up to the Alcoholic Beverage Commission to decide whether to issue a license or not. Upon conclusion, the motion was approved by the following roll call vote:

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

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PROPOSED DOWNTOWN TAX INCREMENT FINANCING (TIF) REVITALIZATION ZONE MAP

Motion was made by Council Member Pelley, seconded by Council Member Raper, to approve the proposed Downtown Tax Increment Financing (TIF) Revitalization Zone Map. The motion was approved by the following roll call vote:

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

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PROPOSED ORDINANCE TO AMEND ZONING CODE TO CLARIFY IN-FILL STRUCTURES-SETBACK REQUIREMENTS AND EXCEPTIONS TO HEIGHT LIMITATIONS

ORDINANCE NO. 1049 – FIRST READING

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14, CHAPTER 2, SECTION 4.07.E. IN-FILL-

DEVELOPMENT SETBACK REQUIREMENTS BE AMENDED TO ADD LANGUAGE THAT CLARIFIES THE PROCESS TO ESTABLISH SETBACKS ON IN-FILL LOTS AND SECTION 5.03 EXCEPTIONS TO HEIGHT LIMITATIONS BE AMENDED TO ADD LANGUAGE THAT ALLOWS GREATER HEIGHT STANDARDS IN CERTAIN ZONING DISTRICTS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The caption of the above-described Ordinance was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Burris, to approve Ordinance No. 1049 on First Reading.** The motion was approved by the following roll call vote:

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

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REAPPOINTMENTS TO COUNCIL ADVISORY COMMITTEE

A motion was made by Council Member Burris, seconded by Council Member Pelley, to reappoint William Wilson, Jo Lundy, Timothy Hughes, Matt Dannel and Whitney Coe to the Council Advisory Committee, terms expire March 21, 2019. The motion was approved by the following roll call vote:

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

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ACCEPTANCE OF CERTIFICATION OF SALES TAX REFERENDUM

A motion was made by Council Member Pelley, seconded by Council Member Burris, to accept Certification of Sales Tax Referendum dated March 1, 2016, noting the failure to increase the local sales tax from 2% to 2.75% by the following vote: For – 1,168; Against – 1,263. Upon roll call, the motion was approved by the following vote:

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

A motion was made by Council Member Pelley to roll back the property tax increase that was implemented on July 1, 2015 and conduct a sales tax referendum in November to increase the sales tax. The motion died for lack of a second. Council Member Burris asked that this item be placed on the April Work Session agenda when the entire council would be present to discuss.

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MANAGER'S REPORT

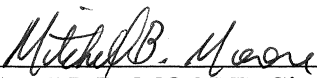
City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of March/April. The report was accepted as presented.

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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 6:55 p.m.



ANN S. DAVIS, Mayor



MITCHELL B. MOORE, City Manager