

ATHENS CITY COUNCIL MINUTES OF MEETING

October 15, 2019

The Athens City Council met in regular session on Tuesday, October 15, 2019, at 6:00 p.m. with Mayor Burris presiding. The invocation was given by Pastor Steven Croft; and upon roll call, the following members were present:

Coker, Lockmiller, Pelley, Perkinson, Burris

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

- 1 -

APPROVAL OF MINUTES

The Minutes of the regularly scheduled meeting of September 17, 2019 were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS AND SPECIAL PRESENTATIONS

ATHENS CITY MIDDLE SCHOOL UPDATES

Mike Simmons, Principal at Athens City Middle School, provided an update on the various activities in which the students and faculty are involved.

- 3 -

EMPLOYEE OF THE QUARTER PRESENTATION

C. Seth Sumner, City Manager, presented the "Employee of the Quarter" award for the fourth quarter of 2019 to Hunter Cardin, Patrol Officer and the city's Student Resource Officer.

- 4 -

MISCELLANEOUS CORRESPONDENCE

Mayor Burris acknowledged receipt of an email from Trish Dukes sent to Athens Fire Chief Brandon Ainsworth sharing with him the first time her twin four-year-old daughters saw their first female firefighter, Heather Grueber, responding to a call.

- 5 -

CONSENT AGENDA

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

- a.) Accept proposal from Talley Construction to replace and relocate storm drainage at Park Street and Church Street as part of the TDOT CNR078 project.
- b.) Approve Resolution No. 2019-25 authorizing submission of application for a 2019-20 PEP Property Conservation Matching Grant Program (50/50 match).

A motion was made by Council Member Pelley, seconded by Council Member Lockmiller, to approve the Consent Agenda in its entirety. The motion was approved by the following roll call vote:

AYES: Coker, Lockmiller, Pelley, Perkinson, Burris
NAYS: None

ORDINANCES

ORDINANCE NO. 1083 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO AMEND THE ATHENS MUNICIPAL CODE, TITLE 9, CHAPTER 5, REGARDING WRECKER AND TOWING SERVICE REGULATIONS.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Burris opened the public hearing. Robert Millsaps, Friendly City Service Station, spoke in support of the city adopting state regulations regarding wrecker and towing service regulations. The state has a mechanism to enforce it, to advise, and to administer it. The only issue Mr. Millsaps had was regarding the rates the operators could charge. He felt that if the city was going to adopt the state regulations, then it should also adopt the state’s policy on rates. This would allow the operators to use their own rates, which are approved by the state. There being no one else present wishing to discuss the Ordinance, the Public Hearing was closed. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Pelley, to approve Ordinance No. 1083 on Second and Final Reading.** In response to Mr. Millsaps concerns regarding the rates, Council Member Coker stated that he had already spoken to City Manager Sumner and that issue would be placed on the November agenda. Ordinance No. 1083 was approved by the following roll call vote:

AYES: Coker, Lockmiller, Pelley, Perkinson, Burris
NAYS: None

ORDINANCE NO. 1084 – 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 THE PROPERTY LOCATED ON CEDAR SPRINGS ROAD FROM R-1 (LOW DENSITY RESIDENTIAL) TO B-1 (LOCAL 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 Burris 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 Coker, to approve Ordinance No. 1084 on Second and Final Reading.** Vice Mayor Perkinson stated this had been a very difficult issue for him. The owner had made significant improvements to the property. He is very much pro-business and pro-growth, so he has empathy for the property owners. However, after reviewing many court cases, he feels this is illegal spot zoning. Council Member Pelley disagreed with Vice Mayor Perkinson. In his interpretation of the law, this was not a case of spot zoning. Council Member Lockmiller stated that if this had been a request to change the zoning on any other property in that neighborhood, he would have voted against it. To his knowledge, no one has ever lived on the property. In his opinion, this was good for the community and was a good landmark. Ordinance No. 1084 was approved by the following roll call vote:

AYES: Coker, Lockmiller, Pelley, Burris
NAYS: None
ABSTAIN: Perkinson

OLD BUSINESS

NONE

- 9 -

NEW BUSINESS

MEMORANDUM OF UNDERSTANDING WITH THE HOMEOWNERS ASSOCIATION OF THE HIGHLANDS

RESOLUTION NO. 2019-26

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE HOMEOWNERS ASSOCIATION OF THE HIGHLANDS TO ALLOW INSTALLATION OF ORNAMENTAL SIGN POSTS.

The caption of Resolution No. 2019-26 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Resolution No. 2019-26.** Upon roll call, the resolution was approved by the following vote:

AYES: Coker, Lockmiller, Pelley, Perkinson, Burris
NAYS: None

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REPORTS

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.

- 11 -

FINANCE DEPARTMENT REPORT

Mr. Mike Keith, Finance Director, presented the Finance Department Report for the month of September 2019. The report was accepted as presented.

- 12 -

FIRE DEPARTMENT REPORT

Fire Chief Brandon Ainsworth presented the Fire Department Report for the month of September 2019. The report was accepted as presented.

- 13 -

POLICE DEPARTMENT REPORT

Police Chief Cliff Couch presented the Police Department Report for the month of September 2019. The report was accepted as presented.

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REQUESTS FROM CITIZENS

Linda Long, 302 Kilgore Street, thanked the City Council, City Manager, and staff for the good things going on in her community, specifically at Cook Park, and on Howard Street, Hammerhill Road, and Cook Drive. Ms. Long made no request.

- 15 -

REPORT FROM THE CITY MANAGER

City Manager Sumner reviewed his monthly report including the various Parks and Recreation and Public Works projects and activities going on throughout the city.

- 16 -

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.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor