

ATHENS CITY COUNCIL MINUTES OF MEETING

October 20, 2020

The Athens City Council met in regular session on Tuesday, October 20, 2020, at 6:00 p.m. with Mayor Burris presiding. The invocation was given by Vice Mayor Perkinson; and upon roll call, the following members were present:

Dotson, Lockmiller, Pelley, Perkinson, Burris

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

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APPROVAL OF MINUTES

The Minutes of the September 15, 2020 regularly scheduled meeting were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS AND SPECIAL PRESENTATIONS

EMPLOYEE OF THE QUARTER PRESENTATION

C. Seth Sumner, City Manager, presented the "Employee of the Quarter" award for the fourth quarter of 2020 to Blake Travis, Park Maintenance Foreman.

- 3 -

ATHENS CITY PARK SCHOOL UPDATES

Kristine Walden, Principal at Athens City Park School, provided an update on the various activities in which the students and faculty are involved.

- 4 -

MISCELLANEOUS CORRESPONDENCE

Mayor Burris acknowledged a letter from Mike Tamkin to the Fire Department after he visited their department. He thanked them for their courtesy, compassion, and kindness. The firefighters were not only willing to go out of their way to discuss their department but showed pride while doing so. The Friends of the Library sent a thank you note to the City for allowing the Library to use a tent for their Pop-Up Book Sale. Christine Harper wrote a letter to City Manager Sumner with a hearty thank you for extending Eureka Trail and words of encouragement to continue the great work.

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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.) Approve purchase of vehicle for Deputy Fire Chief.
- b.) Approve purchase of replacement backhoe for Street Construction division.
- c.) Approve purchase of replacement vibratory asphalt compactor for the Street Maintenance division.
- d.) Approve Resolution No. 2020-40 authorizing renewal of contract with Retail Strategies, LLC for professional consulting services.
- e.) Approve Resolution No. 2020-41 authorizing contract with Allen & Hoshall for preliminary architectural and engineering design services for Athens City Hall, Public Works, and Animal Shelter buildings.
- f.) Approve recommendation to declare 2000 F-550 Rescue Truck (Asset 3081) as surplus property and placed on GovDeals for sale.

- g.) Approve recommendation to declare assorted items as surplus property and sold, disposed of, or recycled.
- h.) Approve Resolution No. 2020-42 authorizing application to Tennessee Department of Environment & Conservation (TDEC) for the VW Diesel Settlement Grant funding.
- i.) Approve recommendation to provide bonuses in lieu of employees receiving a salary adjustment for Fiscal Year 2020-2021.

A motion was made by Council Member Pelley, seconded by Council Member Lockmiller, to remove Item d.) from the Consent Agenda and have it voted on separately. The motion was approved by the following roll call vote:

AYES: Dotson, Lockmiller, Pelley
NAYS: Perkinson, Burris

A motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve the Consent Agenda as stated above except for Item d.). The motion was approved by the following roll call vote:

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

A motion was made by Vice Mayor Perkinson, seconded by Council Member Dotson, to approve Item d.) from the Consent Agenda. Council Member Pelley stated that he did not feel that in the past three years Retail Strategies, LLC has earned their money. He felt that spending \$35,000 a year on their services was a waste of taxpayers' dollars. Vice Mayor Perkinson said that Retail Strategies is well-known in its field, but he would like to see more information from them in the coming year. They provide the City with information, research, data collection, and networking with retailers across the country and regionally. He would like to see a quarterly report on what Retail Strategies is providing the City and the progress they are making on adding to our retail base. Council Member Dotson agreed with Vice Mayor Perkinson and felt that trying this for another year would be beneficial. It would cost between \$5,000 and \$10,000 to purchase the software so it would be an expense to the City if we tried to market analysis. Council Member Lockmiller felt Retail Strategies connections were vital. Mayor Burris was in agreement to keep Retail Strategies for another year. City Manager Sumner noted that Retail Strategies does not directly bring businesses to the City, they connect the dots with the property owners and franchisees, and do the market research. Currently they are working with the City on housing data on helping our local developers with housing concepts. The data they have at their disposal are modules that cost \$50,000/year plus. There is not free data out there. They have relationships with retailers across the United States to market the city of Athens. The City cannot afford to have a team in the City of Athens and the County does not have a retail team. If we had to pay for those resources would cost the City hundreds of thousands of dollars a year. This is a great value and Retail Strategies has proven its benefit. They have brought more business to the City of Athens than we have spent on them in the last three years. Vice Mayor Perkinson called the question. The motion was approved by the following roll call vote:

AYES: Dotson, Lockmiller, Perkinson, Burris
NAYS: Pelley

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ORDINANCES

ORDINANCE NO. 1094 – 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 AT 202 OAK STREET FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL 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 Lockmiller, to approve Ordinance No. 1094 on Second and Final Reading.** Ordinance No. 1094 was approved by the following roll call vote:

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

ORDINANCE NO. 1095 – 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 VIEW STREET FROM R-E (RESIDENTIAL ESTATE DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL 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. He brought to the Council's attention a letter from Joe and Devori Kimbro registering their concerns with the proposed ordinance. A copy of which was included in their agenda packet and made an official part of these minutes.

October 5, 2020

Athens City Council
c/o Anthony Casteel
815 N. Jackson Street
Athens, TN 37303

Joe and Devori Kimbro
110 Hillandale Drive
Athens, TN 37303

To whom it may concern:

We are writing to you to address concerns we have about a proposed zoning change for View St/Hillandale Drive, currently listed as Ordinance No. 1095 proposed by Josh Thurman. We will be at the hearing on 10/20, but we also wanted to register our concerns in writing to give adequate time to their consideration.

We own the property immediately south (Tax Map 065B Group A Parcel 018.00) of Mr. Thurman's property. Mr. Thurman has purchased the two lots (Tax Map 065B Group A Parcels 016.00 and 017.00) that are between our home and our neighbor to the north. Our understanding is that Mr. Thurman wishes to rezone said parcels from Residential – E to Medium-Density Housing. We have two primary concerns with this proposal: increased traffic on a small, cramped road and privacy.

Our understanding is that Mr. Thurman has the intention to likely develop the property to include multiple duplexes, since that is implied in his desire for Medium-Density rather than Low-Density housing. At present, the only entrance and egress for the property is on a blind curve (see picture below) that becomes essentially a one-lane road. We have lived at this location for four years. Almost any time that you leave our home headed north and encounter traffic coming the other way, 1) it is almost too late to stop by the time the other vehicle is seen, and 2) one vehicle must stop to allow the other vehicle to pass since the curve is objectively too narrow for two vehicles to pass at once. The same is true of streets like Avalon, which would become one of the only accesses to the neighborhood for any additional housing. There are many times at the intersection of Avalon and View that there isn't enough room for two vehicles at one time, and we often have difficulties passing through the streets even with our current occupancy, depending on the time of day. Our concern is, depending on how many residences Mr. Thurman intends to add to his lots, we are looking at the addition to anywhere from four to eight more vehicles needing to access a very small, narrow stretch of road on a blind curve. Without consideration to the widening of the road or additional landscaping changes to make the view more accessible for all cross-traffic or vehicles entering or exiting from Mr. Thurman's proposed development, we can see that the additional traffic would likely increase the chance of getting in an accident in this area.

Our second concern is privacy. Since many homes in the area are built with walk-out basements or lower stories, our home sits very high over the property from its back. We bought our home in large part for the excellent view from the deck that also affords a lot of privacy for ourselves and our guests. When our home was originally built in 1992, the owner situated it on the lot so that it doesn't sit flush with the property line, but rather with the front of the lot. This means that Mr. Thurman's property (Parcel 016.00 specifically) cuts diagonally relative to our home. If we could be assured that adequate tree line would be left to ensure not only our privacy but the privacy of those living in the proposed development, we would be less concerned. As you can see from the photographs attached, however, from the north end of the deck the property line cuts dramatically across our line-of-sight meaning that if 1) proper variance isn't considered, or 2) many trees are removed, neither party will have any reasonable expectation of privacy since we would be situated well above any privacy fencing that residents might want, and anyone below

would have full view of our deck. As of the writing of this letter, we have contacted Mr. Thurman to discuss purchasing additional square footage from him to help ameliorate this concern, but he has not gotten back to us.

While we respect Mr. Thurman’s right and ability to develop land he has bought and paid for however he would like, we are also asking the city council to take the needs and desires of existing homeowners into account with the zoning change proposal. The stress on the current road as well as the privacy issues may make the best option to limit how much Mr. Thurman may develop the lot to perhaps, at most, low-density to make sure that the lot sizes stay ample enough that all residents can have reasonable access to privacy when in their own homes/yards, as well as not putting too much strain on existing traffic patterns given the narrow width of the street and the blind corner on which the entrance/egress would need to be situated.

We thank you in advance for considering our concerns, and please feel free to reach out to us if you have any questions. We are available by phone at 208-757-9875 and by e-mail at devorikimbrow@utc.edu.

Sincerely,
Joe and Devori Kimbro

The Kimbro’s were not able to attend the meeting. Josh Thurman stated that he, along with his partner and his father wanted to build quality developments for rentals in the city. They completed a development on Tellico Avenue and want to do the same on View Street. Currently there are townhouses and apartments around the proposed development. They plan to build two small duplexes. Council Member Pelley asked if Mr. Thurman had spoken with the Kimbros. Mr. Thurman stated they had spoken to them regarding their concerns that had nothing to do with the traffic. He told them that after the zoning they could talk more about their concerns. There being no else 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. 1095 on Second and Final Reading.** Ordinance No. 1095 was approved by the following roll call vote:

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

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ORDINANCE NO. 1096 – 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 AT 2580 INGLESIDE AVENUE 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 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 Lockmiller, to approve Ordinance No. 1096 on Second and Final Reading.** Ordinance No. 1096 was approved by the following roll call vote:

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

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OLD BUSINESS

None

- 10 -

NEW BUSINESS

None

- 11 -
REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith, Finance Director, presented the Finance Department Report for the month of September 2020. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Ainsworth presented the Fire Department Report for the month of September 2020. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Police Chief Cliff Couch presented the Police Department Report for the month of September 2020. The report was accepted as presented.

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REQUESTS FROM CITIZENS

Ray Priest, 2423 Colonial Drive, said he has a small used car business that was recently broken into twice and two cars were stolen from the lot. He spoke to Chief Couch about the situation and wanted to thank Chief Couch and his department for checking on his small used car business. Mr. Priest then stated he wanted an answer to his question from last month's Council meeting. No one had gotten back to him with an answer. He wanted to know how the City of Athens can be paying for an attorney for C. Seth Sumner and Chris Trew, as individuals not as City Manager and City Attorney, in a pending lawsuit. City Manager Sumner stated he contacted the attorney handling the case.

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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.

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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 6:56 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor