

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 21, 2017

The Athens City Council met in regular session on Tuesday, February 21, 2017, at 6:00 p.m. with Mayor Burris presiding. The invocation was given by Vice Mayor Pelley; and upon roll call, the following members were present:

Coker, Perkinson, Raper, Pelley, Burris

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

- 1 -

MINUTES

The Minutes of the called meeting of December 30, 2016 were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS

COMMENDATION TO ATHENS POLICE EMPLOYEES

Athens Interim Police Chief Rob Davis recognized a group of Athens Police Department employees for an act of kindness they performed. He began by relaying a story that happened just before Christmas when the Police Department located some items that had been stolen in a burglary, one of which was a laptop computer. The computer had been given to a nine-year old boy as a Christmas present. Officer Randy Queen, a detective at the time, had gone to the home where the stolen items were located and explained to the boy's grandmother what had happened and collected the stolen property. Officer Queen expressed his regret for having to take the child's Christmas present when he returned to the station. The story circulated around the department and Lt. Jason Garren, Det. Gary Miller, Sgt. Steven Thomas, patrol officers Randy Hamilton, Eric Sauber and Randy Queen, Court Clerk Amy Arnwine and Records Clerk Amber Cross joined together to pool their funds to purchase a laptop computer for a child. The computer was given to the grandmother to give to the boy. Chief Davis commented that he believed this kind of service to the citizens of Athens exemplifies the kind of character the employees have to the citizens of the city as well as their fellow employees. Mayor Burris addressed the officers and gave each one of them a small key to the city as a token of the city's appreciation.

- 3 -

PRESENTATION OF PROCLAMATION – PILOT CLUB OF ATHENS, INC.

Council Member Coker presented a proclamation to members of the Pilot Club of Athens, Inc. in celebration of their 75 years of service to the community.

- 4 -

MISCELLANEOUS CORRESPONDENCE

Mayor Burris acknowledged receipt of letters of appreciation from Faye Forgety, thanking Larry Denton and Austin Fesmire for finding and returning her phone book.

- 5 -

PETITIONS AND REQUESTS

AUDIENCE

Mayor Burris opened the meeting for petitions and requests from the audience. Stephen Dick, 610 Greenwood Drive, expressed concern that there was little, if any, representation of citizens whose income is at or near the federal poverty level on the Council Advisory Committee. Council Member Raper advised the audience that the City accepts applications from residents interested in serving on a committee. The applications are available in the City

Manager's office and also on the City's web site. The City Council appoints individuals from the applications on file. She encouraged anyone interested in serving to complete an application. Laura Sullivan, 19 Shawnee Trail, stated as a realtor was very concerned about the property values in the City. Ms. Sullivan recently had an appointment to list a home that the homeowners had spent a lot of time improving. The City had sent the homeowners two letters telling them that they needed to remove the metal carport in front of their house otherwise they would be charged. The homeowners came to City Hall to meet with a City official and the Codes Enforcement Officer. She was told that there were subdivision restrictions on carports. Ms. Sullivan stated that down the street from this homeowner were several trashy houses and nothing was being done to correct those problems. She asked the City Council to discuss this issue at an upcoming work session. Holly Owens, Principal of North City School, along with nearly half of her faculty, presented a thank you card from the faculty and students at North City School to the employees of the City of Athens for the valentines and treats. North City School and the City of Athens have been Adopt-A-School partners for 30 years. Ms. Owens stated that relationship is one of the most valued aspects the students of North City School enjoy. The mindset of service is modeled for them regularly by all of the departments of the City of Athens. Those departments are heroes to the students and teachers of North City School. Patti Greek, Chairman of the Council Advisory Committee, provided a recap of their recent meeting. Mayor Burris had given her an email from County Mayor John Gentry asking the City to consider making changes to the downtown parking policies to include either extending the two hour limit or abolishing the time limit altogether in anticipation of the annex relocation. Mayor Burris wanted the Committee to discuss the issue and make a recommendation to the City Council. The Committee was asked to separate the parking into two entities, general parking and veterans parking. Mayor Gentry had asked for four to six spaces for veterans parking. Interim Police Chief Rob Davis was also in attendance at the meeting. He explained to them that an individual with a handicapped placard could park anywhere at any time. The Committee felt four designated spaces for the handicapped were sufficient. There are three hot spots downtown: North Jackson Street with the SETHRA buses, bakery, dentist office and The Gallery; Washington Avenue with CVS, retail, and law offices; and in front of S and S, The Beanery and the annex. The Committee voted 20 to 1 to keep the two-hour parking limit in the downtown district and recommended the topic be revisited in six months. Missy Ford, 609 Nocatula Place, a partner in Prissy Closet, stated she was in favor of keeping the two-hour parking limit in place. She felt that if they removed the limit, business store owners and employees would park on the street and make parking difficult for customers and individuals visiting the annex. It was Ms. Ford's belief that if the parking limit was lifted, people currently parking at CVS and in off-street parking areas would park on the street. Bill Bennett, 211 East Washington Avenue, expressed concern with regard to the Athens City Schools Board of Education decisions regarding the schools. He felt a moratorium was needed with regard to downtown residences. It was his belief that no one knows how many people are living in the downtown area. Mr. Bennett has an antique store downtown and felt he has a parking problem in front of his store. He supported the two-hour parking limit. Lisa Mayfield stated she was in support of the two-hour parking limit.

- 6 -

REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of January 2017. The report was accepted as presented.

- 7 -

POLICE DEPARTMENT REPORT

Acting Chief Rob Davis presented the Police Department Report for the month of January 2017. The report was accepted as presented.

- 8 -

FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of January 2017. The report was accepted as presented.

- 9 -

CONSENT AGENDA

Mayor Burris 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. 2017-05 authorizing submission of a CDBG grant application to the Tennessee Department of Economic and Community Development to rehabilitate existing sewer lines;
- b.) Approve early payoff of debt and remaining balance in Debt Service Fund;
- c.) Accept bids as submitted by BSN Athletic and Southern Athletic Supply for baseball and softball uniforms as detailed in memorandum from Matthew Marshall dated January 13, 2017 (Bid No. 1645 dated January 4, 2017);
- d.) Approve staff's recommendation to declare assorted items as surplus property and authorize the sale as scrap as detailed in memorandum from Matthew Marshall, Director of Purchasing, dated February 1, 2017;
- e.) Appoint Barry Toomey to fill vacancy on the Council Advisory Committee, term expires March 21, 2018;
- f.) Appoint Joe Allen to the Athens Housing Authority Board of Directors, term expires March 6, 2022.

On motion by Council Member Perkinson, seconded by Council Member Coker, the Consent Agenda as stated above was approved by the following roll call vote:

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

- 10 -

NEW BUSINESS

CONSIDERATION OF APPOINTMENT TO BOARD OF ADJUSTMENTS AND APPEALS

City Manager Sumner stated that Mr. Kai Jatoi had submitted an application to volunteer to serve on a committee but not this committee. There are certain qualifications required for an individual appointed to the Board of Adjustments and Appeals that he had wanted to go over with Mr. Jatoi. Mr. Jatoi was invited to the meeting to see if he would be interested in serving on this Board and if he met the qualifications. Since Mr. Jatoi was not present at the meeting, this item was deferred to the March Study Session.

- 11 -

CONSIDERATION OF PROPOSED ORDINANCE TO REZONE TWO ADJACENT PARCELS LOCATED AT 10 FAIRVIEW AVENUE

ORDINANCE NO. 1059 – FIRST READING

AN ORDINANCE TO AMEND 'THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,' SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE TWO UNADDRESSED PARCELS LOCATED IN THE 1000 BLOCK OF WEST MADISON AVENUE FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO M-1 (MEDICAL

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. **A motion was made by Vice Mayor Pelley, seconded by Council Member Coker, to approve Ordinance No. 1059 on First Reading.** The motion was approved by the following roll call vote:

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

- 12 -

CONSIDERATION OF PROPOSED ORDINANCE AMENDING TITLE 9, CHAPTER 2 ENTITLED "PEDDLERS, SOLICITORS, ETC." TO INCLUDE PANHANDLING

ORDINANCE NO. 1060 – FIRST READING

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE TO AMEND TITLE 9, CHAPTER 2, PEDDLERS, SOLICITORS, ETC., TO INCLUDE PANHANDLING.

The caption of the above-described Ordinance was read by the recording clerk. **A motion was made by Council Member Coker, seconded by Vice Mayor Pelley, to approve Ordinance No. 1060 on First Reading.** Council Member Perkinson asked for clarification on this issue. City Manager Sumner stated there had been discussion going back to 2008 addressing panhandling in the community. He had researched the current Athens Municipal Code and noted the City had very similar language to what was being proposed but did not entirely meet their needs. This was mostly because of how it was originally worded in the Municipal Code where it specifically identified and defined certain acts. Since the City had limited itself in that way, he thought they would go into the current Code and dovetail what had been requested and what had withstood the 6th Circuit Court of Appeals as a panhandling ordinance for communities in the State of Tennessee. The panhandling language and definition as well as two paragraphs that met the spirit of what had been requested were included in the proposed ordinance. City Manager Sumner stated this was a public safety issue to keep the people off the medians and rights-of way so they did not have accidents. The motion was approved by the following roll call vote:

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

- 13 -

CONSIDERATION OF PROPOSED MORATORIUM ON PARKING ENFORCEMENT IN THE DOWNTOWN BUSINESS DISTRICT

RESOLUTION NO. 2017-06

A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM ON THE ENFORCEMENT OF THE TWO (2) HOUR PARKING LIMIT IN THE DOWNTOWN BUSINESS DISTRICT.

The caption of Resolution No. 2017-06 was read by the recording clerk. **A motion was made by Vice Mayor Pelley to approve Resolution No. 2017-06.** The motion died for lack of a second. Council Member Coker commented that parking downtown had been an issue over the years. He felt there was a lot of good discussion at the Council Advisory Committee meeting on this issue and did not believe there was a parking problem. He felt they had an issue with downtown living and there were several issues that had to be balanced in order to come up with a solution. The City was currently paying an officer approximately \$52,000/year to police the employees and shop owners that were not parking in their own parking spaces. Over the past four years, \$41,000 in revenue from tickets had been collected citywide. Looking at those numbers, they were \$168,000 in the hole to police the parking downtown. **A motion was made by Council Member Coker, seconded by Mayor Burris, to allow the City Manager six months to take a look at the problem downtown and come back to them with a proposal of what needs to be done to resolve the issue.** Vice Mayor Pelley stated he had been asking for a moratorium for the past four years. He felt they did not have a parking issue, they have a convenience issue. If they had a one year moratorium, they would have six months before and

six months after the annex moves downtown to perform a scientific study which is what the City needed. Mayor Burris stated he had asked the Council Advisory Committee to study this issue, talk to people around town, and get ideas. The Committee did that and they voted 20 to 1 to leave the parking as is in the downtown area. At the conclusion of the discussion and upon roll call, the resolution was approved by the following vote:

AYES: Coker, Perkinson, Raper, Burris
NAYS: Pelley

- 14 -

DISCUSSION ON U.S. BIKE ROUTE 21

City Manager Sumner stated they had received a letter from Bike Walk Tennessee asking for support of a community bike route. After staff had reviewed the route through the city, a letter of support for the designation of proposed U.S. Bicycle Route 21 had been prepared. There was no fiscal impact to the City but hopefully as bicyclists use the bike route it will have a positive impact on the city.

- 15 -

ATHENS CITY SCHOOLS PROPOSED BUDGET AMENDMENT – FY 2016 - 2017

A motion was made by Vice Mayor Pelley, seconded by Council Member Coker, to approve Athens City Schools Budget Amendment #1 (General Purpose Fund) for fiscal year 2016/2017. The motion was approved by the following roll call vote:

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

- 16 -

MANAGER'S REPORT

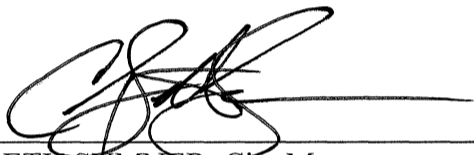
City Manager Sumner stated he had been in office for fourteen working days and had spent that time touring the departments, meeting with the employees of the City of Athens, touring the community, and meeting with citizens and stakeholders. During that same time, the exterior of City Hall has been cleaned. He wanted to send a very clear message to the community and staff as to what he was going to expect with regard to property maintenance. City Manager Sumner noted that he had looked at and continues to look at the City's properties and felt they needed to do a better job at maintaining them. Employees of the City as well as citizens of the city should to be models for our community and set the example. It was his belief that if our house was not in order, if we did not keep our property in order, how could we expect to enforce the codes and zoning laws. He promised to make sure the City was doing everything it could to set an example for the community and challenged all of the employees at the City of Athens to live by example in their daily lives both inside and outside their offices and workspaces. City Manager Sumner had placed a hold on filling the vacant Police Chief and Public Works Director positions. He will move forward at a future date with those searches. On behalf of the Parks and Recreation Department, he announced that the Lyndhurst Foundation had donated \$50,000 towards the Eureka Trail. The environmental phase on the splash pads project had been completed. It will probably be another six weeks before they receive the grant contract and are able to take the next step in the process. Nothing gets the community and visitors excited like the splash pads do. This was a wonderful grant funded project with money coming from the Athens Parks Foundation and a little money coming from the City. He commended the Public Works department employees for doing a wonderful job cleaning up, picking up and patching potholes. There are a lot of potholes around the City and they need to be mindful of whether they are a city street or a state route. The City will call TDOT for the state routes. There is a lot of maintenance to do around this beautiful city so he wanted to thank our Public Works Department for being diligent in maintaining our properties. There was also a question about providing Wi-Fi during Council meetings. City Manager Sumner stated he was happy to announce that Wi-Fi access will be available for the next council meeting. Staff has been working with Comcast to come up with a solution that should have no financial impact to the

City. We received notification that Comcast was planning to offer gigabit internet service this year in Athens for both residential and business customers. The City Council was reminded of their upcoming Strategic Vision Summit scheduled for Friday and Saturday, February 24 and 25. City Manager Sumner looked forward to meeting with them and helping them to determine what their vision was going to be for moving forward for the next several years to set them on the proper path for the city of Athens. Also during the past fourteen days, he has been trying to understand our traditions and their usefulness. He has been evaluating the City's processes to become even more efficient and responsive to citizens. It has been wonderful to be out in the community on the ground meeting citizens face-to-face to understand what their issues were and what their praises were. The only way to get the best sense of what the people need is by being with them. There are a lot of challenges before us and a lot of big hard things that they are going to have to deal with. In closing, City Manager Sumner stated that we are all playing for the same team and want what is best for the city of Athens today and for the generations to come. The only way they are going to get there is by understanding each other and working together.

- 17 -

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:55 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor