

REGULAR SESSION

NOVEMBER 24, 2014

The City Council of the City of Athens met in Regular Session on Monday, November 24, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor
Monte Montgomery, Mayor Pro-Tem
Charles Elliott
Joe Whatley
Tres Winn

Pam Burton, City Administrator
Bonnie Hambrick, City Secretary
Conor Bateman, City Attorney

others present: David Hopkins, Buddy Hill, Glen Herriage, Gary Crecelius, John McQueary, Sherri Skeeters, Haven Cox, Steve Grant, Rich Flowers, Tyler Hendrickson, Gina Hunter, Terri Hill, Shirley Rogers, Michael Hadnot, Betty Barker, Steve Grant, Michael Hannigan, Glenda Hadnot, Phyllis Cook, Father Pancras, Stan Love and other interested citizens;

constituting a quorum at which time the following proceedings were enacted, to-wit:

The invocation was given by Father Pancras.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

PUBLIC HEARING REZONING LOT 11, BLOCK 113 ATHENS ORIGINAL TOWN FROM SINGLE-FAMILY RESIDENTIAL-5 TO OFFICE-SPECIFIC USE PROVISION, OWNED BY JEFFERY & WEADER ENOCH (726 UNDERWOOD)

Mr. Crecelius, explained that the owner was before the Zoning Commission requesting that this property be rezoned to Office Specific Use Provision to allow him to move two (2) buildings onto the property to be used as offices for the NAACP and Henderson County Black Rodeo Association. He stated that fifteen (15) surrounding property owners were notified and no written responses were received, with the Zoning Commission approving the rezone on 11/18/14, with stipulations that the property owner remove the basketball court and maintain the landscaping and lighting on the property.

Michael Hadnot, expressed opposition of the Zoning Commission's approval.

Terri Hill, expressed her opposition of the rezoning. She stated that she has lived in this area for 30 years and it has been zoned residential and she would like for it to remain a residential area.

Mr. Williams, a visitor to the area, expressed that change is uncomfortable. He stated he liked the specific use provision of the zoning.

The public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE REZONING LOT 11, BLOCK 113 ATHENS ORIGINAL TOWN FROM SINGLE-FAMILY RESIDENTIAL-5 TO OFFICE-SPECIFIC USE PROVISION, OWNED BY JEFFERY & WEADER ENOCH (726 UNDERWOOD)

City Secretary, Bonnie Hambrick read the Ordinance aloud. After discussion a motion was made by Councilmember Montgomery to deny the first reading of an Ordinance rezoning Lot 11, Block 113 Athens Original Town, seconded by Councilmember Whatley. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOT 1-A, BLOCK 120 ATHENS ORIGINAL TOWN AND LOTS 1, 2, AND PART OF 3, CRESTWAY ADDITION, OWNED BY ST. EDWARDS CATHOLIC CHURCH, REVEREND JOSEPH STRICKLAND (904 E. TYLER)

Gary Crecelius, Director of Planning & Development, explained that this is a reconfiguration of four (4) lots into one (1) lot, with the Zoning Commission approving the item on November 18, 2014.

A motion was made by Councilmember Whatley, seconded by Councilmember Winn to approve the replat of Lot 1-A, Block 120 Athens Original Town and Lots 1, 2, and Part of 3, Crestway Addition. The motion carried unanimously.

PUBLIC HEARING CONCERNING CREATING SITE PLAN FOR ST. EDWARDS CATHOLIC CHURCH LOT 1, OWNED BY REVEREND JOSEPH STRICKLAND (904 E. TYLER)

Gary Crecelius Director of Planning & Development, explained that the property is currently zoned Planned Development 1-Retail. This is creating a site plan of the facility. He stated that fourteen (14) surrounding property owners were notified and no written responses were received, with the Zoning Commission approving the site plan on 11/18/14

Father Pancras explained the church has grown to over 800 families.

Architect, Stan Love explained that he is excited about the project.

The public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE CREATING SITE PLAN FOR ST. EDWARDS CATHOLIC CHURCH LOT 1, OWNED BY, ST. EDWARD CATHOLIC CHURCH, REVEREND JOSEPH STRICKLAND (904 E. TYLER)

City Secretary, Bonnie Hambrick read the Ordinance aloud. A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery to approve first reading of an ordinance creating the site plan for St. Edwards Catholic Church Lot 1. The motion carried unanimously.

DISCUSS/CONSIDER REPLAT OF LOT 2F, BLOCK 123, ATHENS, ORIGINAL TOWN, OWNED BY DANNY W. TIDMORE AND JUDY D. TIDMORE TRUSTEE OF THE D.W. AND J.D. TIDMORE LIVING TRUST, 811 E. COLLEGE

Gary Crecelius, Director of Planning & Development, explained that the property is located East of Wofford and West of McDonald, replatting one (1) lot into two (2) lots, with the Zoning Commission approving the item on November 18, 2014.

A motion was made by Councilmember Winn, seconded by Councilmember Elliot to approve the replat of Lot 2F, Block 123, Athens, Original Town. The motion carried unanimously.

PUBLIC HEARING AMENDING TEXT OF ZONING ORDINANCE #O-12-01

Gary Crecelius, Director of Planning & Development, explained the current Zoning Ordinance Text is being amended which prohibits Commercial Fertilizer Storage or Manufacturing Facilities used to produce, transfer, store or offer for sale Bulk Ammonium Nitrate, Bulk Ammonium Nitrate Material and/or Anhydrous Ammonia in any Zoning District in the City, with the Zoning Commission approving the item on November 18, 2014.

The public hearing was closed.

CONSIDER FIRST READING OF AN ORDINANCE AMENDING TEXT OF
ZONING ORDINANCE #O-12-01

City Secretary, Bonnie Hambrick read the Ordinance aloud. A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery to approve first reading of an Ordinance amending the text of current Zoning Ordinance #O-12-01 prohibiting Commercial Fertilizer Storage or Manufacturing Facilities used to produce, transfer, store or offer for sale Bulk Ammonium Nitrate, Bulk Ammonium Nitrate Material and/or Anhydrous Ammonia in any Zoning District in the City. The motion passed unanimously.

DISCUSS/CONSIDER A RESOLUTION SUPPORTING MUNICIPAL
SETTING DESIGNATION, AS REQUESTED BY PRENGLER IRON AND
METAL, INC

Ms. Burton explained Pregler Iron and Metal is requesting support of a Municipal Setting Designation (MSD) for their property located at 1000 Hwy 175. She explained that the MSD will require the City's support by passage of a Resolution.

A motion was made by Councilmember Montgomery, seconded by Councilmember Elliot to approve a Resolution supporting Municipal Setting Designation as requested by Pregler Iron and Metal. The motion passed unanimously.

CONSIDER FIRST READING OF AN ORDINANCE PROHIBITING THE USE
OF AND CONTACT WITH DESIGNATED GROUNDWATER FROM
BENEATH CERTAIN PROPERTY LOCATED AT AND AROUND 1000 HWY
175 WEST

City Secretary, Bonnie Hambrick read the Ordinance aloud. A motion was made Councilmember Whatley, seconded by Councilmember Winn to approve first reading of an Ordinance prohibiting the use of and contact with designated groundwater from beneath certain property located at and around 1000 Hwy 175 West. The motion carried unanimously.

CONSIDER FIRST READING OF AN ORDINANCE PROHIBITING THE USE
OF AND CONTACT WITH DESIGNATED GROUNDWATER FROM
BENEATH CERTAIN PROPERTY LOCATED AT AND AROUND 518
PROGRESS WAY

City Secretary, Bonnie Hambrick read the Ordinance aloud. A motion was made Councilmember Whatley, seconded by Councilmember Montgomery to approve first reading of an Ordinance prohibiting the use of and contact with designated groundwater from beneath certain property located at and around 518 Progress Way. The motion carried unanimously.

DISCUSS/CONSIDER FIRST READING OF AN ORDINANCE
REGULATING CLOTHING COLLECTION BINS IN THE CITY

Ms. Burton explained that City Attorney, Conor Bateman has drafted an Ordinance regulating clothing collection bins in the City.

Gary Creelius explained that two (2) of the existing collection bins are under the 102 cubic feet, and one (1) is over the 102 cubic feet.

City Attorney Bateman explained the requirements of the Ordinance.

After discussion, City Secretary, Bonnie Hambrick read the Ordinance aloud. A motion was made by Councilmember Montgomery, seconded by Councilmember Elliott to approve the first reading of an Ordinance regulating clothing collection bins in the City. The motion carried unanimously.

DISCUSS/CONSIDER AWARDING BID FOR ONE (1) NEW NON-TITLED
FULL SIZE SUV FOR USE IN THE FIRE DEPARTMENT

Fire Chief, John McQueary informed the Council three (3) bids for one (1) new non-titled full size SUV. Tyler Ford, and Grapevine Chrysler Jeep did not meet the minimum specifications. Gunn Chevrolet did meet the minimum specifications, however the price was higher than state bid list. Mr. McQueary, recommended rejecting all three (3) bids.

Motion was made by Councilmember Elliott, seconded by Councilmember Winn to reject all three (3) bids received for one (1) new non-titled full size SUV for use in the Fire Department. The motion carried unanimously.

DISCUSS/CONSIDER AWARDING BIDS FOR TWO (2) NEW NON-TITLED
MODEL ½ TON PICKUPS FOR USE IN THE LINE MAINTENANCE AND
PUBLIC HEALTH AND SAFETY DEPARTMENTS

Glen Herriage, Director of Public Works explained that five (5) bids were received for two (2) New Non-Titled Model ½ Ton pick-ups for use in the Line Maintenance and Public Health and Safety Departments recommending the bid be awarded to the low bidder, Caldwell Country Ford at \$38,880.

A motion was made by Councilmember Winn, seconded by Councilmember Whatley to award bids for two (2) new non-titled model ½ ton pickups for use in the Line Maintenance and Public Health and Safety Departments to Caldwell Country Ford in the amount of \$38,880. The motion was carried unanimously.

DISCUSS/CONSIDER PROPOSALS FROM QUALIFIED ENGINEERING
FIRMS TO DESIGN WATER LINE IMPROVEMENTS ON S. PRAIRIEVILLE
ST, PARK ST., AND E. CLINTON

Ms. Burton explained that six (6) proposals were received from qualified engineering firms to design water line improvements on S. Prairieville St, Park St. and E. Clinton. Ms. Burton stated that the Council should rank the six (6) qualified engineering firms.

Ms. Burton explained with large projects the practice has been to obtain request for proposals. She further explained the Engineering firms are selected according to the qualifications and then the cost is negotiated. If the cost is not agreed upon Council will move to the engineering firm with the next highest ranking.

Councilmember Winn, explained the purpose of obtaining proposals is to give the Citizens the best value for their dollar.

Councilmember Elliott expressed his concern that Councilmembers in the past 30 years have made it a point to do business out of town every time they can and he is in favor of doing business with the people that pay taxes in our City if at all possible.

After discussion, it was the consensus of the Council to establish a committee comprised of Councilmember Whatley, Councilmember Montgomery, and Glen Herriage, Director of Utilities to interview the highest two (2) ranked qualified engineering firms. A motion was made by Councilmember Winn, seconded by Councilmember Whatley to table the item depending on the outcome of interviews for proposals from qualified Engineering Firms to design water line improvements on S. Prairieville St, Park St., and E. Clinton. The motion to table this item passed unanimously.

DISCUSS/CONSIDER AUTHORIZING CONTRACTS FOR MEDICAL AND DENTAL INSURANCE FOR THE CITY EMPLOYEES

Ms. Burton explained Haven Cox has been working with the City's Insurance of Agent to obtain the best contract for medical and dental insurance for the City employees. Ms. Burton recommended going with United Health Care Option 3. A motion was made Councilmember Whatley, seconded by Councilmember Winn to accept contract with United HealthCare for medical and dental insurance for the City employees. The motion carried unanimously.

CONSENT AGENDA;

- A) CONSIDER APPROVING MINUTES OF THE NOVEMBER 5, 2014 SPECIAL SESSION, AND NOVEMBER 10, 2014 REGULAR SESSION
- B) CONSIDER AUTHORIZING MAYOR TO EXECUTE 2014 FEDERAL EQUITABLE SHARING AGREEMENT CERTIFICATION
- C) CONSIDER CONDUCTING AND APPROVING CHAPTER 59 ASSET FORFEITURE AUDIT FOR POLICE DEPARTMENT FOR FISCAL YEAR 2013-2014
- D) CONSIDER AUTHORIZING TASK ORDER WITH VELVIN & WEEKS CONSULTING ENGINEERS TO REVIEW PLANS FOR ATHENS INDEPENDENT SCHOOL DISTRICT; IMPROVEMENTS TO THE INTERMEDIATE AND HIGH SCHOOL CAMPUSES
- E) CONSIDER AUTHORIZING TASK ORDER WITH VELVIN & WEEKS CONSULTING ENGINEERS FOR PAINTING OF CLEARWELLS AT THE SURFACE WATER TREATMENT PLANT

A motion was made by Councilmember Whatley, seconded by Councilmember Montgomery to approve the Consent Agenda. The motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO EXPRESS ITEMS OF CONCERN RELATING TO THE CITY OF ATHENS

There was no discussion.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 12TH DAY OF JANUARY 2015.

Jerry D. Vaught, Mayor

ATTEST:

Bonnie Hambrick, City Secretary