

MINUTES OF THE MEETING

ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION December 2, 2024

12:00 P.M.

CONFERENCE ROOM

ROLL CALL

MEMBERS PRESENT

Sam Stephens
Chairperson Jona Garrett
John Proffitt
Jordan Curtis
Eric Newberry
Steve Sherlin

MEMBERS ABSENT

Janice Hardaway

OTHERS ATTENDING

Anthony Casteel
Brandon Ainsworth
Tim Schultz
Gene McConkey
Nora Cardin

(Several others attended the meeting please see below for full list)

There was a motion made by Eric Newberry and seconded by multiple members to move the meeting over to council chambers due to the number of people who showed up for the meeting.

APPROVAL OF MINUTES

1. Approval of the November 25, 2024 work session minutes

The minutes of the November 25, 2024, work session were approved on motion by Sam Stephens; made the motion to approve with the name correction to the October 28, work session minutes; seconded by John Proffitt; vote – unanimous.

2. Approval of the November 4, 2024 regular minutes

The minutes of the November 4, 2024, work session were approved on motion by Sam Stephens; seconded by John Proffitt; vote – unanimous.

Mr. Newberry said there was a correction that needed to be made to the minutes. He was shown as absent, but second two motions.

Mr. Newberry was present at the November 4, 2024, Planning Comissions Meeting. The corrections will be made.

The motions passed contingent to the corrections being made to the meeting minutes.

OLD BUSINESS

NEW BUSINESS

- 1. Public Comments and Patio Home Preliminary Plat approval for Hector Jaramillo on property shown as part of Tax Map 065 Parcels 094.00 on the Tennessee Real Estate Property Assessment Data Website. The property is located on Cedar Springs Road and Keith Lane and contains 22.56 acres and a possible 93 lots. The property is zoned R-2 Medium Density Residential.**

Names of those who showed up for the public comments. Please see below:

Chuck Burris, Roy Baker, Barry Toomey, Joel Riley, Craig Riley, Ann Riley Jennings, Becky Simpson, Frankie Pierce, Patricia Messinger, Beth Coker, John H. Coker, Mike Womack, Don Clark, Jennifer Johnson, Ted Heater, Judith Miller, Vicki Kittler, Lacy Farrell, David Passmore, Cynthia Mishtal, Joseph Mishtal, Margaret Huber, Shelley Griffith, David A. Smith, Diara Risbon, Pamela Clark, Jill Crisp, Jessica Farr, Stephen Farr, Hector Jaramillo, Vickie Thomas, Ray Thomas, Rick Kesler, Alex Seidov, Christine Corum, Shelli Runyan, Sam Runyan, Justin Morgan, Mary Maupin, Cameron Lacey, Aaron Heist, Christian Medders

There were three others, but their names were not legible. (The original list will be included in the minutes packet.) There was a letter left by Ariel Hansen stating her opposition to building new homes on Cedar Springs.

Donald Clark, 914 Cedar Springs Road – He said he would like to thank the Board for given the property owners and the City of Athens residents for them to chance to voice their concerns. He read his concerns. Does Athens want to continue to be a haven for single family traditional homes raising a family, or cave to overdevelopment of the ever-present mass urban sprawl of neighborhood America. Their concerns regarding the proposed development of 93 homes on 0.1 acre lots of 22 acres will lead to several disadvantages.

- 1) Overcrowding, Lack of privacy, smaller lot size, homes built closer together can contribute to overcrowding which can lead to significant reduction in the privacy of homeowners. With 0.1 acre lots can result in limited outdoor space.
- 2) The impact of the quality of life. Limited space for outdoor activities. The development of this size will put a strain on local infrastructure, schools, roads, utilities, public services (no fire station)
- 3) Environmental concerns
- 4) Smaller lots lead to less storm water management

There has been no communication to the residents on Cedar Springs Road and Keith Lane. The influx of poorly produced homes can create a higher crime rate. Please consider the drawbacks.

Roy Baker – Southern Parkway which is off Keith Lane. He said he did not know if anyone had been up that way, but it is barely big enough two cars. The ingress and egress on that part of the street, there is going to be an accident. With the setbacks listed on each side, if someone puts up a fence, there is not going to be enough room for anybody, and it is going to look like the houses by the Bowling Alley, and Dolly Parton's Coat of Many Colors. It will detract from the property value of houses around there. He has been there for 35 years.

Christine Corum - She said she does not live there, but she can speak to what she has seen. She has built 4 or 5 nice duplexes, so she knows about buildings. They built two houses, and the houses she has been in to help with their pets, she has noticed the houses are slacked up. The molding on the ground shows space where the tile is. There are no lights in the closets. It is very cheaply built.

Craig Riley asked when the property in question became and R-2.

Mr. Casteel said it was annexed in 2020.

Mr. Riley asked if the Board had the scope to decide or determine today and what criteria they have to come to that conclusion.

Mr. Newberry said they are a lay board. Mr. Casteel is the Planner. Basically, they are tasked to approve or disapprove of a plat based on the subdivision regulations, whether they like it or not, know the person or not. They are limited in their scope.

Mr. Riley said as long as the plat meets the criteria, that is all they have to go on. If it meets the criteria, what happens beyond this point.

Mr. Casteel said they can take this concept and they can do their engineering based on this concept. Once engineering is approved for this concept, they can build the infrastructure and once it gets built or bonded, they can go to final plat at that point. Once they have the final plat recorded, they can sell lots at that point.

Mr. Riley said he heard somebody say once that if you argue a point you can't win, you know it is a fool's error. He talked about the purpose of the planning commission. There have been multiple iterations of what is going to be done with this property once it begins. He said the concern is the density and quality of what is going to be built. He talked about what the houses are going to look like in ten years. There may not be a way fix this today, but he encourages the commission in the future to come up with a way to decide what comes up from ground on this property. This needs to be corrected so it doesn't happen again.

Ann Riley Jennings – the property owner met with her parents on many occasions and told them this subdivision was going to be like Caden's Cove in Cleveland TN. Her parents were so concerned about this that they drove to Cleveland and had her drive there too.

Her mother went to several of her neighbors who are here today and explained to them that they met with the property owner and thought it was going to be a good thing to everyone and they need to support it. What was presented, was completely and totally different than Caden's Cove. They did not show up in 2021 because of what she seen in Caden's Cove. They misrepresented what they turned in to the planning commission. Her parents and neighbors did not deserve that.

Chuck Burris – 1209 S Matlock. He was on the council from 2012 to 2020, and thing he wants to say now, some time in 2018, John Coker was on there too; they were shown a rendering of this property. It is not what is shown here today.

Mr. Casteel said he saw different renderings of this property before. Christian Medders had designed some. The original homes were townhomes with patio homes in the back. There was another presented a couple years later with 70-patio homes. This is the third one issued with a new developer with 89 lots. The property under the R-2 has a density of 112 lots.

Mr. Burris stated that thing they need to look at: 1) Tax revenue – There will not be enough taxes come off that to sustain fire and police service. He said the original that came in and was talked about a few years ago is nothing like it is now. If a fire starts in one of those homes, it will be like a tinder box. He would be in another meeting even if it wasn't in his neighborhood.

Cynthia Mishtal – 1001 Valley Drive – where her precious young man over there built 54 or 56 DR Horton houses are junk. They put a slab and studs up in one day. Come over to house and sit and watch 54 times two or three cars drive back and forth every hour, including the man that drives at 2 AM, that makes sure they know it. Mailboxes have been knocked down, the houses are being resold, the plumbing is bad, closets are falling in. There is one way in and one way out of these developments. She has friends that live up and down in other cities that are refusing to let them come into their neighborhoods, why can't they do that. They are building these next to beautiful homes. There have been accidents; they go right through the stop signs. The folks on Valley and Housley did not come to the previous meetings because they did not think this was going to affect them. They do not need another DR Horton subdivision in that neighborhood. She did not see a fire truck there until that neighborhood was built.

John Coker – Does not currently live inside the city but does own property inside the city. What Chuck said was correct. He knew what was planned and what was told to the Riley family. This is a breach of contract and loyalty. When this property was sold, his understanding was it would be lotted out and developed into nice homes and big lots. Is it not worth the paper it was written on. This does not stop right here. The whole room of people is going to suffer what the Commission is going to approve can be built. The infrastructure alone will not handle it. The schools are already overcrowded. There is at least one child in every home built. Are they planning on putting more children in a school that is already overcrowded. You have a road that runs down Cedar Springs, that is the same thing on 307, you can't have two cars or two trucks pass, there is not enough

room. How is going to pay for that new road, new fire department that is going to be built where the old City Park swimming pool. Who's going to pay for that, the people in the room because that subdivision is not going to generate enough tax for the amount you are trying to tack into one spot that you are trying to feed the infrastructure you will need to approve this development. The breach of contract when this property was sold and now it has been wiped off the deed. If you want to build in the city, build it up, don't turn it into a slum. They need industry here if they want to generate income, do industry. In ten years', time the homes will be destroyed.

Chairperson Garrett stopped meeting to let the plat be presented.

Mr. Casteel explained to those in attendance that they are not there to argue and please let the people present the plat.

Alex Seidov with HBG Companies – His boss is acquiring this property. He took some notes that were presented before. He said he does not know what happened previously, so he does not know what was said or not said. He has before presented the plat they came in and talked with Athens Utility Board and took note of everyone's comments. They want to provide a subdivision that will provide value to the town. The subdivision allows 112 homes, but they only want to build 89. He went to the comments so they would know he is listening. Overcrowding, utility and fire, was concerned by Donald Clark, for the overcrowding, they are meeting the R-2 regulations. Once they build the subdivision, this will become a public road, once presented and accepted, the concerns were how the infrastructure would be paid and the price of the lots. If they put 30 houses on the property, the average attainable house will be peaking 300s to 400s. If they make the infrastructure and the frontage bigger, it will make it less. The intent is to provide attainable homes that folks can afford, without having a future burden. Because there are conservation easements, they can be used. One of the concerns was emergency and fire services. One of the things they did in the beginning was to have the fire services look over this before even presenting it to get their notes. One of the comments was storm water. According to state regulations, they cannot increase the runoff prior to it being developed. The state makes sure they have the proper water runoff facilities. They will not be able to put a shovel in the ground until they meet or exceed the state requirements.

Mr. Burchfield said what Mr. Seidov is trying to say is when they submit the engineering plan, there are two critical pieces that go along with that, the geotechnical report at the site which tells what is going on undergrown and a stormwater hydraulics report. It has to be submitted. They have to design a post development runoff up through the 100-year design scheme. That means the storm water controls on site, both permanent and temporary. Permanent stormwater control measures must attenuate that stormwater runoff through the 100-year storm. It has to be done by a licensed civil engineer, they will review it, it will be inspected throughout construction, they will verify it post construction. If it does not meet standards, they will have to make it right.

Mr. Newberry said hydraulics and civil engineering is a very cut formula.

Mr. Seidov went through the comments he wrote down that were being brought up such as property taxes, and property revenue. There will be 89 homes built there, therefore, there will be more people here to support local businesses living in these homes. Traffic and safety are important. They will do environmental studies. Keith Lane will be widened. He talked about the 50-foot right of way. He talked about a construction entrance. He discussed the one-way in and one-way out of the subdivision.

Mr. Sherlin asked about the deed restrictions and what happened to the restrictions that were missing. He asked if they knew how it was removed.

Mr. Jaramillo said the deed was not restricted. He discussed a lawsuit by the Riley family.

Mr. Sherlin asked for the deed be looked into.

There was some discussion about the deed restrictions.

Chairperson Garrett had to call the meeting back to order.

Mr. Sherlin asked why the deed restriction was not transferred.

Mr. Sherlin asked Mr. Seidov if he was building the properties.

Chairperson Garrett asked Mr. Seidov if he was the builder or the developer.

Mr. Seidov said no, he is the developer.

Mr. Sherlin asked about the 50-foot right of way along Keith Lane. He said some of those houses are pretty close to the road. He asked about cutting the road up to people's front porch.

Mr. Seidov said they were looking at widening the road but does not believe it needs to go up that far.

Mr. Sherlin asked if they were going to widen that road enough for the fire trucks to get through there and to handle traffic which is going to take people's property.

Mr. Seidov said it is in line with subdivision regulations, planning... They are doing exactly what the city is asking them. He talked about what right of ways were used for.

Mr. Sherlin said his concern is with that many homes there that close together, if one goes up, they all go up in the row because they are row houses. He asked Chief Ainsworth how he felt about it.

Chief Ainsworth said he would not answer that question. It is not his to develop. There was discussion about the closeness.

Mr. McConkey said on the building code side of it, even though the houses are close together, they have to meet all the fire requirements and building codes. They have addressed this in other locations they have to meet fire separation that way it will not jump from house to house if there was fire.

Mr. Sherlin said he does not think this development is conducive to the area. That is something they have to look at it as a planning commission to develop. A rule.

Mr. Seidov said they went through the staff comments and have met or exceeded all Staff comments.

Dr. Griffith said he is the only person that is the closest to this. They own the home next door to this plat. He mentioned that he talked to Hector, a former developer, and Chris Trew about this development. He said he has never disapproved of this development. He discussed ways they could improve Athens. It really was not the worst that the homes were on that size lots. He talked about how many town homes were proposed when the land was first purchased and when it was cleared off.

Mr. Seidov said he understands there is a history. He wants them to look over his shoulder and if they are concerned, he wants them to ask him about it. He welcomes people looking over his shoulder. This development exceeds subdivision regulations. If a house is a half million-dollar home, it will yield \$100,000.00 in a finished lot. They have already decreased the number of homes the R-2 requires maximum from 112 to 89. They will work with the Staff to make sure all concerns are met. He talked about not bringing Section-8 or low standard housing but nice homes.

Mr. Coker said he speaks for everybody in this room that they do not want that. He apologized to Mr. Jaramillo and told him he needs to find another buyer because they do not want this.

Mrs. Reid asked who owns the property.

Chairperson Garrett said Mr. Jaramillo.

Mrs. Reid said if he bought it, who are they to dictate what he puts on it. It's land. Who are they to dictate what someone does with their property.

There were a few other comments, but they were just speaking out without announcing themselves.

Mike Womack said he lives in Cumberland Hills. He asked if it is appropriate to ask the developer what percentage his developments are built on almost exclusively by D.R. Horton.

Mr. Seidov said that is an appropriate question he could not answer. He said he is not D.R. Horton; he is interested in buying this property and he intends for it to yield what it can yield.

Mr. Womack asked if there was a legal authority to table this and let someone outside look at this.

Chairperson Garrett deferred the question to Mr. Casteel.

Mr. Casteel said the Commission has the right to table it.

Mr. Womack asked if it was possible during the time of tabling if the City of Athens to promote this land if Mr. Jaramillo is intent on selling it to different developers. Everyone of whom will have the same regulations the gentleman has bragged about. They could bring other concept plans and the City could look over them and choose.

Chairperson Garret said no.

MOTION: To table this until legal opinion from the city attorney can be made on the deed and what happened to it.

MADE: Steve Sherlin

SECOND: John Proffitt

VOTE: Unanimous

MOTION PASSED

Mr. Newberry said he has been doing this for 24 years. He said Mr. Casteel is the professional. They are lay board. He asked Mr. Casteel what the repercussions of this. Their scope is limited. He asked what would happen if they tabled it. There are some conditions where the state can come in and approve it regardless.

Mr. Casteel said he is not an attorney, and he cannot give them legal advice. He talked about the minimum subdivision regulations. If they meet the minimum regulations, then it is his place to recommend approval. The City of Athens does not have design guidelines. To delay it since they meet the regulations, then you are putting off the inevitable. Looking at it further will not stop their duty to approve or disapprove this plat.

Mr. Newberry said they are overriding the mission content of the regulations. You can't say you can't approve of this because someone does not like it. You cannot deny a person's property rights if they meet guidelines and regulations.

Mr. Coker said it was approved in the R-2 when he sat on the board, and it was not this.

Mr. Curtis said they are still in discussion about the motion to postpone. He does feel like it's in everyone's best interest for them to receive an independent opinion by the city attorney. He rises in support of postponing until they receive an opinion.

CONTINUED MINUTES OF THE MEETING FROM DEC. 2, 2024

**ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION
SPECIAL CALLED MEETING**

December 13, 2024

12:00 P.M.

CONFERENCE ROOM

ROLL CALL

MEMBERS PRESENT

Janice Hardaway
Chairperson Jona Garrett
John Proffitt
Jordan Curtis
Eric Newberry

MEMBERS ABSENT

Sam Stephens
Steve Sherlin

OTHERS ATTENDING

Anthony Casteel
Brandon Ainsworth
Gene McConkey
Nora Cardin
Chris Caldwell

(Several others attended the meeting please see below for full list)

Names of those who showed up for the public comments. Please see below:

Donald Clark, Mary, Duggan, Chris Disch, Crais Riley, Joel Riley, Ivey Watson, Mike Womack, Donna Cagle, Pamela Clark, Aaron Heist, Shelli Runyan, Sam Runyan, Shelley Griffith, Frankie Pierce, Hector Jaramillo, Alex Seidov, John Coker, Chuck Burris, William A. Buckley, Jr., Jacob Burnette, Ray & Vickie Thomas, Karen Axley, Dan Axley, Roy Baker, Jason Wright, James R Fries, Jennifer Johnson, Ted Heater, Michael Leonesio, John Duggan

Chairperson Garrett handed the meeting over to the city attorney Chris Caldwell to share his findings.

Attorney Caldwell addressed the planning commission and the citizens of Athens. He said the question posed to him was, "On what basis may the City of Athens Planning Commission decline to approve a subdivision proposal that meets the standards prescribed under law. He said he knows there has been a lot of comment on this for several years now as the case goes back to 2020-2021, went to trial on summary judgment in July of 2022. That was a case where the Riley's and various other parties related to them, brought suit against Mr. Jaramillo in order to enjoin or prevent the construction or the subdivision of the property based upon what would be a negative reciprocal easement situation and a master plan for that property. The neighbors who purchased the land under loosely associative 1 ½ acre subdivision which was a restricted

covenant placed on a deed or few deeds, sought to impose those restricted covenants. In July of 2022, the court ruled on the issues of summary judgement, granting that judgement to Mr. Jaramillo and his counsel. It was then appealed to the Eastern District Tennessee Court of Appeals, and that was affirmed on all issues on May 3, 2023. He reviewed the appellate record and the trial court record, including the summary judgement motion. He read the analysis. (Please see the accompanying attachment).

Chairperson Garrett opened the floor up for public comments that only pertain to what Mr. Caldwell just said. She said Mrs. Clark did not get to continue what she was saying at the last meeting and would let her go ahead and speak, but Mrs. Clark declined.

Mr. Burris – 1209 S Matlock Avenue, Athens, TN. He asked Mr. Caldwell what plat was approved by the judge in appellate court, that one, or Mr. Jaramillo 2020 version.

Mr. Caldwell said that was not the issue. The court does not have afore any plat per se. That was not the issue, the question was should the negative reciprocal easement as implied be subjected against the property owned by Mr. Jaramillo. It was not about the approval of a plat, that is up to this governing board. That was never brought before the trial court that was conducted in Hamilton County nor appellate court when they took it upon appeal in Knoxville. The issue was can you apply that restrictive covenant to these various other properties, and the answer was no. It was overwhelmingly no, because the Walthals never promulgated a master plan. It was not harmonious. It was not continuous, and he is said to say, that was haphazard. Whether it was their fault, could have been the drafter's fault, could have been left off the deeds, but there were multiple deeds passed out over the years from those 174 acres. Some were restricted, some were not. Like he mentioned, the Sharp's was not, and they developed a subdivision to his knowledge, and they were less than 1 ½ acre tracts. Though, precedence holds, there is nothing to restrict less than 1 ½ acres today.

Mr. Burris said so basically the court just rendered the decision to just yes or no whether they could build a subdivision there under the pretense they follow city code.

Mr. Caldwell said the question was not whether they could build a subdivision, it was whether they were subject to the restrictive covenants.

Mr. Burris said they could have gone in without question and if they brought something in there with 200 homes it would not have mattered.

Mr. Caldwell said not to his knowledge.

Donald Clark, 914 Cedar Springs Road, Athens, TN. He thanked those who showed up. He said the town and the council are in violation of their own by-laws. He had copies of the by-laws. He read Article IV, Section 1, - the nomination of officers shall be made from the floor, and officers shall be elected at the annual organization meeting which shall be held on the first Monday of each year. The said organizational meeting shall be presided over by Staff or person acting as chairman pro temp. They were at that meeting

and did not hear anything about the re-election of officers. He said he did not think it is even in the minutes. He asked when that meeting was. He said the same by-laws were revised in 2011. Article IX, Section 2, says notice of such hearing shall be published in the newspaper for general circulation within the City of Athens, and the county of McMinn for at least seven days prior to the public meeting. He said it hit Facebook on the Athens City Hall two days ago and he just heard about the meeting on Monday and today is Friday. There is a violation. He went back to the election of officers in Section 1, it says officers shall be elected at the annual organization meeting, not in the future, not behind, shall be. It is right there in black and white. So, what he is proposing at this meeting December 2, meeting is all null and void and they have to start it all over again. He suggests they table everything said today and investigate it, re-elect the officers, and start again at first of the year.

Chairperson Garrett said she will turn it over to Mr. Caldwell, the city attorney.

Mr. Caldwell said to his recollection, the City Council moved that meeting to continue the appointments they had in place. It would be a temporary appointment which he believes they completed without him having the minutes in front of him, the temporary appointments would then be reviewed or taken out then at a later date to his recollection.

Chairperson Garrett agreed.

Mr. Clark asked if the City Council has precedent over the Planning Commission.

Mr. Caldwell said if their appointments to the Planning Commission are still in effect, then there won't be any argument.

Mr. Clark said so Section 1 of Article IV does not mean anything.

Mr. Coker said no. The Council is in violation as well.

Someone said they need to investigate this before something happens.

Mr. Caldwell said he can read the plain language. Whether they are in violation, that will require little more due diligence. That was not the question posed to him to research over these past ten days. He came to review the restricted covenant asset, not whether this Commission or City Council is in violation. This is brand new. He said it is a strike tactic, a particular plan of ambush, and he does not particularly care for that, but as a citizen, they have that right. He would like to take the time to look to see if there are any violations.

Mr. Clark said thank you, that is all they are asking.

Mr. Caldwell said he understands the business of the city needs to carry on, but he was appointed to this position to serve the citizens and the Council in all aspects of the city.

So, if they are asking him to take time and see what transpired at the last city council meeting is in violation, he would say that is fair.

Someone said, "and the notice."

Mr. Clark asked if he could address the notice and how quickly it was.

Mr. Caldwell said he does not deal with that, he will let Mr. Casteel address that since he is the one who publishes it.

Mr. Casteel said the section he is inquiring about is the section about public hearings. This is not public hearing it is a continuation of a called meeting. The city council and the city can call a meeting within three days.

Mr. Coker said no.

Mr. Riley said if there are findings are that because of perhaps some technicality or discrepancy there's a question about the validity of the meeting of December 2, if that is their finding, then will they have to opportunity to the chairperson's point make comments pertaining to this action beyond just what they addressed today.

Mr. Caldwell said he would say that if this meeting is adjourned and another public meeting is held, he is not certain that that public meeting would be open for discussion. That discussion, to his knowledge, has already occurred. Chairperson Garrett has opened up for a few questions, but this is not the same if they are asking him about his memorandum opinion and his review of the appellate record and the trial court record, now they are delving into something completely different.

Mr. Coker said yes sir.

Mr. Caldwell said that was not the purpose of this meeting, nor was this meeting supposed to be public comment as to discourses to the plat or any other business of the Commission.

Mr. Coker asked if would be based on the By-Laws, etc., if the chairperson chose to allow her public comment at the next gathering to discuss this? Does she have the leeway to do that if she so chooses?

Mr. Caldwell said he believes that she does, but that is her discission as it stands right now.

Jacob Burnette said he lives at 620 Forrest Avenue. He is not really wanting to stop Hector from building, because they need housing, but his question is around zoning. He talked about the school. He said his kid can only go to the playground twice a week because it is already at full capacity immediately after it was built. He asked if there was a way to do something with the zoning to make it an R-1, instead of R-2. Just shrink in

down a little bit so they don't get an influx where their schools can't handle it because they are already there, and they are already making plans for the other schools. He asked, next year do we build another school, what is the plan, because it does not seem like they have one.

Chairperson Garrett said she could not speak to that.

Mr. Casteel said only the current landowner can request a rezoning.

John Coker said he is not currently a resident of Athens City limits, but he does own property here. He said Article IV, Section 2, under hearings, not public meetings, where they are setting days.

Mr. Caldwell asked if there were any other questions from the public as to questions about his opinion. He said he knows it seems like splitting hairs, but when there is a publicly call hearing with comment available and discussion of the public, it is different definition or type of meeting than the type called today. He said he understands if they are going to the seven days, but a cursory look at this, he is not sure if this meeting for a specific purpose will fall to that seven-day requirement. A traditional hearing for the Planning Commission as scheduled regularly and announced regularly would have to meet that seven-day minimum plus, which he believes it typically does.

Mr. Coker said you can't have it both ways, it is either a public meeting or a hearing. A hearing requires seven days. He said, "you said this was a hearing and they were going to hear from the attorney. So, the hearing is shut down because you didn't give seven-day notice. If it is a public meeting they are going to go back and do the guidelines like they do in City Council on special called public meetings, then you have three days. He asked which is it.

Mr. Caldwell said it was to his understanding a "special called meeting", which required three days.

Someone spoke up and said it was put on online two days ago.

Mr. Caldwell said the two-days probably fit because of the Daily Post Athenian's restricted schedule.

Someone said that is not their problem.

Mr. Caldwell said no, but there was a public notice placed outside of City Hall and on social media, obviously, quite a few people have turned out. The argument would be that everyone in the City of Athens and here today, got proper notice.

Mr. Coker asked if it was a hearing or a public meeting.

Mr. Caldwell said it is a "Special Called Meeting".

Mr. Proffitt asked if the question that brought up today about the election of officers, allows them to move forward or does he (Caldwell) need to look into that.

Mr. Caldwell said he needs to look into that because they do not have a another council meeting until that coming week. If they City Council is going to take it up at that meeting to abide by, because of timing, because they are not going to do necessarily it at the study session, but they would do it at the regular called meeting on Tuesday evening and based upon that and the Articles, he thinks that is where those offices need to be confirmed or newly appointed. In the best interest of fairness and abiding then maybe the option that this special called meeting adjourns, they let the Council have their meeting on Tuesday evening and if there is an additional hearing to approve any plats including Mr. Jaramillo's, then that will be scheduled according to Articles.

MOTION: Based on recommendations from counsel, to adjourn the meeting until they have an opinion from the counsel to as to the validity of the election of officers or if further action is needed to elect officers.

MADE: John Proffitt

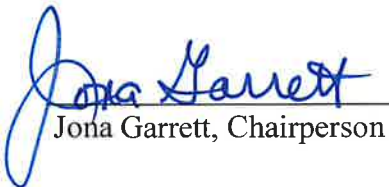
SECOND: Janice Hardaway

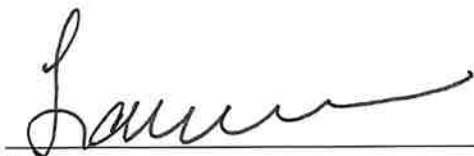
Mr. Newberry asked if he could repeat the motion.

Mr. Proffitt repeated the motion.

MOTION: Based on recommendations from counsel, to adjourn the meeting until they have an opinion from the counsel to as to the validity of the election of officers or if further action is needed to elect officers.

PASSED
MEETING ADJOURNED


Jona Garrett, Chairperson


Janice Hardaway, Secretary
Signing on behalf of
Janice Hardaway Fwmc
9/22/25