

MINUTES OF MEETING, ATHENS CITY COUNCIL, JUNE 15, 2010

The Athens City Council met in regular session on Tuesday, June 15, 2010, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Mayor Buttram; and upon roll call, the following members were present:

Davis, Jackson, Pelley, Perkinson, Buttram

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

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MINUTES

The Minutes of the regularly scheduled meeting on May 18, 2010 were submitted and approved by unanimous consent.

Council Member Pelley requested a point of personal privilege and read the following statement into the record:

Fellow council members, members of the audience, department heads and television audience. Last Monday night in our work session, I was accused of violating the Athens City Charter and the Code of Ethics for elected officials.

I unequivocally deny any wrongdoing with regard to the Charter or the Code of Ethics. If any council member or citizen of Athens has any evidence that indicates otherwise, please step forward and take the necessary steps as delineated in the documents alluded to.

For the past eight years, I have ridden with the police officers, garbage collectors, and visited with the Public Works Department as well as the fire department. On several occasions I have visited with Parks and Recreation. These employees who are citizens of Athens do not abrogate their rights as a citizen when they come to work for the city. In a recent discussion regarding our budget, I alluded to conversations with some officers wherein they indicated a quota system being inferred. These conversations with those officers (most are retired or resigned) were not a problem. These officers were sharing their personal and professional opinion. They have a right to do that with council members and others. To assume that the city code and ethics code overrides the constitution of the United States is ludicrous.

To the council person who made the allegations at the recent work session, I will expect a public written apology or appropriate charges.

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COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Council Member Davis presented the *Very Important Volunteer Individual Award* for June 2010 to Stuart Mason for his outstanding support of this community. Mr. Mason was present to accept the award.

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PROCLAMATION – AMATEUR RADIO WEEK

Mayor Buttram read a proclamation declaring the week of June 21-27, 2010 as Amateur Radio Week. Carl Sturgill, President of the McMinn County Amateur Radio Club, and Bob Miller, club member, were present to accept the proclamation. Mr. Miller invited everyone to attend the Amateur Radio Field Day exercises June 26-27, 2010 at the Athens Regional Park lake pavilion.

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MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters of appreciation for services performed by city staff. Shawn Lindsey, Director of Public Works, and the employees of the Athens Public Works Department were congratulated for receiving the 2010 TML Excellence in Public Works Award for proactive and progressive action in areas such as stream restoration and the YMCA green parking lot. Lynn Perkinson, wife of Vice Mayor Perkinson, was congratulated for receiving the Tennessee Municipal League's "Stand by your Spouse" Award at TML's 71<sup>st</sup> annual conference in Gatlinburg. This award is given each year to the spouse of an elected official in recognition of the many sacrifices they have given in the name of public service.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. There were none presented at this time.

**6:20 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board**

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BEER BOARD

BEER APPLICATION – GAJANAND, LLC – 2811 DECATUR PIKE – NILESH MISTRY

An application for a Hotel Beer Permit at Gajanand, LLC, 2811 Decatur Pike, was presented for consideration. The applicant, Nilesh Mistry, was in attendance.

**A motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve the beer application from Gajanand, LLC as submitted.** Upon roll call, the motion was approved by the following vote:

AYES: Davis, Jackson, Pelley, Perkinson, Buttram  
NAYS: None

**6:23 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council**

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REPORTS

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of May 2010. After brief comments, the report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of May 2010. After brief comments, the report was accepted as presented.

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CONSENT AGENDA

Mayor Buttram 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 Athens City Board of Education Budget Amendment No. 2 for Fiscal Year 2009/2010;
- b.) Approve City of Athens Budget Amendment No. 2 for Fiscal Year 2009/2010;

- c.) Approve Medical Insurance Proposal as submitted by Blue Cross Blue Shield of Tennessee for year beginning July 1, 2010;
- d.) Accept bid (Bid No. 1520 dated May 18, 2010) as submitted by Valley Farmers Co-Op for tire servicing and repairs;
- e.) Accept low bid (Bid No. 1521 dated May 28, 2010) as submitted by Heritage Fire Equipment for firefighting turnout gear;
- f.) Approve extension of contractual agreements with Rogers Group, Inc. and Talley Construction Co., Inc. d/b/a Southern Materials for asphalt materials (picked up) for one year expiring June 30, 2011;
- g.) Approve Resolution No. 2010-15 to establish a Money Purchase Retirement Plan;
- h.) Approve Resolution No. 2010-16 to donate six thousand two hundred seventy eight dollars and forty cents (\$6,278.40) to the United Way of McMinn and Meigs counties from the proceeds of the Scrap Metal Drive and sale of surplus refuse containers;
- i.) Approve staff's recommendation to declare assets, as detailed in memorandum from Brad Harris, Finance Director, dated June 3, 2010, as surplus property and authorize public sale or disposal;
- j.) Reappoint Linda Morrow to the Athens Utilities Board, term expires June 30, 2014;
- k.) Reappoint Naomi Clarke to the Recreation Advisory Committee, term expires June 30, 2014;
- l.) Reappoint E. Ray Luck to the Recreation Advisory Committee, term expires June 30, 2014.

Mayor Buttram stated that item "f.)" of the Consent Agenda should be amended to add APAC-Atlantic, Inc. to list of contractual agreements to be extended for asphalt materials. **On motion by Vice Mayor Perkinson, seconded by Council Member Davis, the Consent Agenda as amended was approved by the following roll call vote:**

**AYES: Davis, Jackson, Pelley, Perkinson, Buttram**  
**NAYS: None**

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ORDINANCES

**ORDINANCE NO. 988 – SECOND/FINAL READING – PUBLIC HEARING**

**AN ORDINANCE TO ADOPT A BUDGET AND SET THE TAX RATE IN THE AMOUNT OF \$1.1147 ON EACH ONE HUNDRED DOLLARS ASSESSED VALUE OF TAXABLE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011.**

The caption of the above-described Ordinance was read by the recording clerk. Mayor Buttram opened the public hearing. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve Ordinance No. 988 as amended on Second and Final Reading.** After brief comments, Ordinance No. 988 was approved by the following roll call vote:

AYES: Davis, Jackson, Perkinson, Buttram  
NAYS: Pelley  
ABSENT: None

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NEW BUSINESS

**SCHOOL DISSOLUTION FROM CITY OF ATHENS OSHA PLAN**

**ORDINANCE NO. 989 – FIRST READING**

**AN ORDINANCE TO AMEND TITLE 4, CHAPTER 3 FOR THE PURPOSE OF UPDATING THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM ESTABLISHED IN 1973 IN ORDER TO MAINTAIN AN EFFECTIVE PROGRAM FOR THE EMPLOYEES OF THE CITY OF ATHENS, TENNESSEE.**

The caption of the above-described Ordinance was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Jackson, to approve Ordinance No. 989 as presented on first reading.** Upon roll call, the ordinance was approved by the following vote:

AYES: Davis, Jackson, Pelley, Perkinson, Buttram  
NAYS: None  
ABSENT: None

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MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of June and July. After brief comments, the report was accepted as presented.

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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 6:54 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager