

MINUTES OF MEETING, ATHENS CITY COUNCIL, JULY 20, 2010

The Athens City Council met in regular session on Tuesday, July 20, 2010, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Vice Mayor Perkinson; and upon roll call, the following members were present:

Davis, Jackson, Perkinson, Buttram

*Council Member Pelley did not attend the meeting.*

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 June 15, 2010 and the called meeting on June 29, 2010 were submitted and approved by unanimous consent.

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COMMUNICATIONS

REPORT ON NATIONAL LEAGUE OF CITIES SMALL CITIES COUNCIL SUMMER MEETING

Vice Mayor Perkinson, Vice Chair of the National League of Cities Small Cities Council Steering Committee, gave a report on the Summer Meeting that was held in Athens from July 14 – 17, 2010. The National League of Cities along with the City of Athens hosted the event and attendees came from all over the United States. Presentations were made by: Cynthia Stewart from International Council of Shopping Centers on retail business stabilization and growth; Doyle Hyett and Dolores Palma from HyettPalma on the America Downtown; Lansden Hill from Pyro Shows, Inc. on pyrotechnics; and City of Athens staff on grant writing. Individuals attending the summer meeting left Athens with a very good impression of the city. Vice Mayor Perkinson shared several comments he had received from individuals regarding their trip. He thanked the citizens of Athens for making the visitors feel welcome and thanked city staff for all their work.

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PRESENTATION OF VIVID AWARD

Council Member Davis presented the *Very Important Volunteer Individual Award* for July 2010 to Jim Cucciarre for his outstanding support of this community. Mr. Cucciarre was joined at the podium by his wife, Robin. He commented that he and his wife had moved to Athens approximately twenty-two years ago. They fell in love with the City and stated that it was not hard to do things when you fall in love with the people. He thanked everyone for the award.

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#### DISTINGUISHED SERVICE AWARD

Members of the Athens City Council presented the Distinguished Service Award in conjunction with a life threatening incident involving a citizen and a member of the Athens Police Department on July 1, 2010. Patrol Officer Lee Reagan was recognized for his efforts in preserving the life of a fellow citizen by administrating cardiopulmonary resuscitation (CPR) while awaiting the arrival of an ambulance.

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#### EMPLOYEE OF THE QUARTER

Ms. Rita Brown, Director of Human Resources, presented the "Employee of the Quarter" award for the period ending June 30, 2010. April Johnston, Public Works, was recognized for her outstanding service to the City of Athens. As in the past, the recipient of this award receives a \$50 savings bond and becomes eligible for the "Employee of the Year" award, which is given annually to recognize significant service to the City of Athens.

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#### MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters of appreciation for services performed by city staff.

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#### NATIONAL MOOFEST REPORT

Richard and Elaine Newman reported on the National MooFest event that was held on June 5 and 6, 2010. Mr. Newman commented that they had received positive comments about the festival especially regarding the Sunday activities. He thanked all of the volunteers, city and county employees, and carnival people for their work. The D-Day ceremony on Sunday afternoon was outstanding. Mrs. Newman also thanked everyone and noted that last year they had 500 volunteers and this year they only had 428. The volunteers worked a total of 2,300 hours compared to 1,500 hours last year. There were 45 organizations that helped this year; last year there were 47. Last year they donated \$12,319 to volunteer organizations and this year they will be able to donate approximately \$24,000. Their share of the carnival profits amounted to \$6,848 up from the \$4,108 collected last year. It was estimated that 10,000 people attended this year's event compared to the 12,000 estimate for last year's event.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Scott Whited, 1408 Housley Drive, stated that he was the senior patrol leader for Boy Scouts Troop 617 and was addressing the City Council on behalf of his troop. His troop had spent the morning caving and the afternoon with Athens City and AUB employees. These employees instructed the troop on fingerprinting, fire safety, water and sewer conservation, and environmental science. Mr. Whited commented that this instruction would help the scouts to fulfill many of their merit badge requirements. He remarked that the employees were very patient with the scouts and taught them many skills and to be good citizens in the community. Their presence at the meeting also satisfied one of the requirements for earning their citizenship merit badge. He thanked the City Council and citizens of the community for supporting his troop.

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REPORTS

FINANCE DEPARTMENT REPORT

Mayor Buttram announced that he had received a letter notifying him that the Certificate of Achievement for Excellence in Financial Reporting had been awarded to the City of Athens by the Government Finance Officers Association for the comprehensive annual financial report for the fiscal year ending June 30, 2009. This is the 18<sup>th</sup> year in a row that the City had received this award. He congratulated Mr. Harris and his staff for a job well done.

Mr. Brad Harris, Finance Director, presented the Finance Department Report for the month of June 2010. After brief discussion and comments, the report was accepted as presented.

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POLICE DEPARTMENT REPORT

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

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COMMUNITY DEVELOPMENT QUARTERLY REPORT

Anthony Casteel, Community Development Director, presented the Quarterly Building Report for the period ending June 30, 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 Resolution No. 2010-18 to authorize submission of application for a Loss Control Matching Grant through the TML Risk Management Pool;
- b.) Accept low bid (Bid No. 1519 dated June 24, 2010) as submitted by Wilson Construction of Niota, Tennessee for demolition and site clearing of eight (8) condemned properties;
- c.) Approve Resolution No. 2010-19 to authorize extension of a contract with the Tennessee Department of Transportation (TDOT) for maintenance of state rights-of-way within the City of Athens for the period of time beginning July 1, 2010 and ending June 30, 2011;
- d.) Approve staff's recommendation to declare assets, as detailed in memorandum from Brad Harris, Finance Director, dated July 7, 2010, as surplus property and authorize public sale or disposal;
- e.) Appoint James (Jim) O'Bringer to the Council Advisory Committee, term expires March 21, 2013;
- f.) Reappoint S. Thomas Hamilton to the Athens Regional Planning Commission, term expires August 18, 2013;
- g.) Reappoint John Ray McKeehan to the Athens Regional Planning Commission, term expires August 18, 2013.

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

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

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ORDINANCES

**ORDINANCE NO. 989 – SECOND/FINAL READING – PUBLIC HEARING**

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. 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 Council Member Davis, seconded by Vice Mayor Perkinson, to approve Ordinance No. 989 on Second and Final Reading.** After brief comments, Ordinance No. 989 was approved by the following roll call vote:

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

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NEW BUSINESS

**RECOMMENDATION FROM PLANNING COMMISSION – REZONING REQUEST**

Mayor Buttram presented Minutes of the Planning Commission, meeting in regular session on July 6, 2010, unanimously recommending rezoning all B2 properties and all split zoned B2 properties in the city, as depicted on the map attached to the proposed ordinance, to B4. After brief comments, the following ordinance was presented for consideration:

**ORDINANCE NO. 990 – 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 PROPERTY CITYWIDE AS DEPICTED ON THE ATTACHED MAP FROM B-2 (SHOPPING CENTER DISTRICT), R-1 (LOW DENSITY RESIDENTIAL DISTRICT), R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT), R-3 (HIGH DENSITY RESIDENTIAL DISTRICT), AND I-1 (LIGHT INDUSTRIAL DISTRICT) TO B-4 (HIGHWAY & MAJOR ARTERIAL SERVING 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. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Jackson, to approve Ordinance No. 990 as presented on first reading.** Council Member Davis commented that this amendment would make Athens much more business friendly. Community Development Director Anthony Casteel stated that the proposed ordinance would do away with the B2 district

which was very restrictive for businesses. Upon roll call, the ordinance was approved by the following vote:

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

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PROPOSED REVISIONS TO THE FIRE CODE

Mayor Buttram presented a proposed ordinance to amend Title 7 of the *Athens Municipal Code* entitled “Fire Protection and Fireworks”, Chapter 2 “Fire Code.

**ORDINANCE NO. 991 – FIRST READING**

AN ORDINANCE TO AMEND TITLE 7 OF THE *ATHENS MUNICIPAL CODE* ENTITLED “FIRE PROTECTION AND FIREWORKS”, CHAPTER 2 “FIRE CODE” TO ADOPT THE *INTERNATIONAL BUILDING CODE AND INTERNATIONAL FIRE CODE*.

The caption of the above-described Ordinance was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve Ordinance No. 991 as presented on first reading.** Chief Jim Dyer stated that this ordinance would bring the City of Athens into compliance with the State. The City is considered an exempt city which allows us to do our own inspections and plans review and avoid having to send plans to Nashville for review which can take weeks. This helps with community development. In order to maintain our exempt status, we must have a code that is less than seven years old. We had adopted the Southern Building Code, 2000 edition. The Southern Building Code has now merged with all the other codes into what is called the “I Code”. The proposed ordinance will adopt the *International Fire Code*, 2009 Edition, and exempt out of the residential sprinkler part of the code just like the State of Tennessee had done. Upon roll call, the ordinance was approved by the following vote:

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

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LOCAL PARKS AND RECREATION FUND (LPRF) GRANT APPLICATION FOR CONTINUED PHASED DEVELOPMENT OF MARKET PARK AND KNIGHT PARK

Mayor Buttram presented a proposed resolution authorizing submission of a Local Parks and Recreation Fund (LPRF) grant application for continued phased development of Market Park and Knight Park and authorizing the Mayor and City Manager to enter into an agreement for acceptance of the grant.

RESOLUTION NO. 2010-20

A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FOR A GRANT FROM THE LOCAL PARKS AND RECREATION FUND (LPRF) BEING ADMINSTRATED THROUGH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR PARK DEVELOPMENT.

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to approve Resolution No. 2010-20 as presented.** Vice Mayor Perkinson noted that the application was for improvements at both Market Park and Knight Park. Council Member Jackson commented about using approximately \$200,000 of the grant funds on a restroom facility. He felt that instead of spending money on restrooms they should be spending money on something that will bring people to Market Park. He suggested either a stage, sidewalks, or something to beautify the area that would bring people in to the area. Once you bring people into the area then you would create a need for the restrooms. A discussion followed regarding the use of the grant funds. Council Member Jackson stated he did not want to make an amendment to the motion but, if they were not under a tight timeframe, he wanted to move the discussion back to work session. City Manager Moore stated that he believed the grant application was due around the first of August. Mr. Jackson responded that if they didn't have the time to go back to work session then they should go ahead and submit the grant application as is. Upon roll call, the resolution was approved by the following vote:

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

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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 July and August. 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 7:34 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager