

MINUTES OF MEETING, ATHENS CITY COUNCIL, AUGUST 17, 2010

The Athens City Council met in regular session on Tuesday, August 17, 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.

- 1 -

MINUTES

The Minutes of the regularly scheduled meeting on July 20, 2010 were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS

PRESENTATION OF SOAP BOX DERBY PROCLAMATIONS

Mayor Buttram presented proclamations honoring Autumn Vincent (Local Stock Division Champion), Cass Turner (Local Super Stock Division Champion), and Hamilton Hacker (Super Kids Representative) for their participation in the 2010 All-American World Championship Soap Box Derby in Akron, Ohio. Michael William Lee (Super Kids Champion), who was unable to attend the event in Ohio, was honored for winning the 2010 Athens, Tennessee Super Kids Soap Box Derby race. He was not present to accept his proclamation. Austin Fesmire, Director of Parks and Recreation, was commended for his involvement with the Soap Box Derby for the past sixteen (16) years.

- 3 -

PRESENTATION OF VIVID AWARD

Council Member Davis presented the *Very Important Volunteer Individual Award* for August 2010 to Yvonne Raper for her outstanding support of this community. Ms. Raper thanked the Council and commented that it was a privilege to live in a community that she loves and to do things for a community she loves but she could not do it without the support of a lot of people.

- 4 -

MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letter of appreciation from Ann and Ralph Fenton for services performed by Aaron Sewell.

- 5 -

PETITIONS AND REQUESTS

AUDIENCE

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

- 6 -

REPORTS

FINANCE DEPARTMENT REPORT

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

- 7 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of July 2010. The report was accepted as presented.

- 8 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of July 2010. He noted that during the past weekend the Fire Department had raised \$2,400 for the local MDA. After brief discussion and comments, the report was accepted as presented.

- 9 -

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. 2010-21 to authorize Mayor and City Manager to enter into a contract with Metro Janitorial Services for cleaning services of the Athens Municipal Building and the Public Works Center;
- b.) Accept low bid (Bid No. 1522 dated July 23, 2010) meeting specifications as submitted by Municipal Emergency Services (MES) for fire hose and adaptors;
- c.) Reappoint William Biddle to the Health & Education Facilities Board, term expires September 7, 2016;

- d.) Reappoint R. Carter Runyan to the Health & Education Facilities Board, term expires September 21, 2016.

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

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

- 10 -

ORDINANCES

ORDINANCE NO. 990 – SECOND/FINAL READING – PUBLIC HEARING

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. 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. 990 on Second and Final Reading.** Ordinance No. 990 was approved by the following roll call vote:

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

- 11 -

ORDINANCE NO. 991 – SECOND/FINAL READING – PUBLIC HEARING

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. Mayor Buttram opened the public hearing. Fire Chief Dyer addressed several questions from the audience concerning the impact of this ordinance on existing businesses in the City. He stated that the Fire Department is currently enforcing the 2000 Southern Building Code which no longer exists. When a new code is adopted it is primarily for new construction. There is also a Life Safety Code. Everyone has to come up to the Life Safety Code which deals with things like emergency exits and emergency lights. The Fire Department is enforcing the Life Safety Code. Council Member Jackson asked Chief Dyer to address the new fire code and explain what in the new code makes it so arduous to comply with. Chief Dyer explained that the new code is very heavy into sprinkler systems and requires that all new one and two family dwellings have

- 11 -

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

- 12 -

NEW BUSINESS

PROPOSED PURCHASE OF VACANT INDUSTRIAL LAND

Mayor Buttram presented a proposed resolution authorizing the Mayor and City Manager to acquire land off Redfern Drive in Athens, Tennessee for industrial development purposes.

RESOLUTION NO. 2010-22

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ACQUIRE A TRACT OF LAND CONTAINING 86 ACRES MORE OR LESS LOCATED OFF REDFERN DRIVE, ATHENS, TENNESSEE.

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve Resolution No. 2010-22 as presented.** Vice Mayor Perkinson stated that this was a great opportunity for the city of Athens to fill in a gap that exists in the industrial area sites that the city has through the Economic Development Authority. Industries are looking for properties with a railroad spur. Council Member Pelley stated that to purchase 86 acres for \$418,000 with the services already available on the property is an excellent buy, no one denies that. The only reasons he heard for the city getting into the additional land business was that it was a good buy, it was needed for the railroad, and the city needs to control the property. The question that had been raised by businessmen, manufacturers, and people that he had spoken with was does the city need to be in the land business. He stated that this was a capitalist society and the city did not need to be in the land business. Council Member Pelley rose in opposition to this resolution and stated that if he could be assured that purchasing the property would bring jobs to the area then he would be in support of the resolution. A discussion followed on the need for the City of Athens to purchase of the property. Resolution No. 2010-22 was approved by the following roll call vote:

AYES: Davis, Jackson, Perkinson, Buttram
NAYS: Pelley

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

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AYES: Davis, Jackson, Perkinson, Buttram
NAYS: Pelley

- 13 -

PROPOSED VETERANS PARADE

Mayor Buttram stated that a request had been received from the veterans asking for the streets to be closed the weekend before Veterans Day for their parade. Council Member Pelley disclosed that he was a member of the Planning Committee as Commander of the American Legion but that did not preclude him from making the motion. **Motion was made by Council Member Pelley, seconded by Council Member Jackson, to approve request to close the streets for a Veterans Parade.** Upon roll call, the motion was approved by the following vote:

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

- 14 -

OFF THE COURT SPORTS CLUB

Mayor Buttram recognized Mr. Paul Gaffney from Off the Court, Inc. in the audience and stated that the Council had an opportunity to hear Mr. Gaffney's proposal at work session and that it was on the agenda for consideration. Vice Mayor Perkinson stated that he felt that this was a great opportunity and something to explore but it was not going to happen overnight. He felt that they needed to explore this thoroughly with Mr. Gaffney and city staff and would like to pursue the proposal. City Manager Moore stated that it was staff's recommendation that Mr. Gaffney submit a draft of the proposed lease and allow staff to contact TDEC and USDA Rural Development to make sure there were no objections. A discussion followed with council in support of pursuing this opportunity.

- 15 -

REVIEW TELECOMMUNICATIONS SYSTEMS BIDS

Mayor Buttram presented Bid Tabulation No. 1524, dated August 10, 2010, for telecommunications systems for City Hall and Public Works. In a memo dated August 11, 2010, Finance Director Brad Harris recommended the acceptance of the lowest bid proposal by IDeACOM Technologies, Inc. in the amount of \$50,344.

RESOLUTION NO. 2010-23

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH IDEACOM TECHNOLOGIES, INC. FOR A TELECOMMUNICATIONS SYSTEM FOR THE CITY OF ATHENS.

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. 2010-23 as presented.** Upon roll call, the resolution was approved by the following vote:

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

- 16 -

REVIEW REQUEST FOR QUALIFICATIONS – PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR MARKET PARK

Mayor Buttram presented Bid Tabulation No. 1525, dated August 4, 2010 for professional architectural and engineering services for Market Park. In a memo dated August 12, 2010, Parks and Recreation Director Austin Fesmire recommended Johnson Architecture, Inc. for this project.

RESOLUTION NO. 2010-24

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH JOHNSON ARCHITECTURE, INC. OF KNOXVILLE, TENNESSEE FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR PREPARATION OF CONSTRUCTION DOCUMENTS FOR THE CITY OF ATHENS, TENNESSEE MARKET PARK PROJECT.

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Jackson, to approve Resolution No. 2010-24 as presented.** Upon roll call, the resolution was approved by the following vote:

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

Council Member Pelley requested a point of personal privilege to be excused from the meeting which was granted. He left the meeting at 7:30 p.m. to attend a funeral.

- 17 -

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 August and September. After brief comments, the report was accepted as presented.

- 18 -

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:42 p.m.

R. HAL BUTTRAM, Mayor

MITCHELL B. MOORE, City Manager