

MINUTES OF MEETING, ATHENS CITY COUNCIL, MAY 17, 2011

The Athens City Council met in regular session on Tuesday, May 17, 2011, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Council Member Davis; 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 of April 19, 2011 were submitted and approved by unanimous consent.

- 2 -  
COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Vice Mayor Perkinson presented the *Very Important Volunteer Individual Award* for the month of May 2011 to Harold N. 'Prof' Powers for his outstanding support of this community. Mr. Powers with his wife, Ozelle, at his side accepted the award.

- 3 -

MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of a letter of appreciation from Charles Pope, Jr., The Pope Law Offices, for services performed by the Police Department.

- 4 -  
PETITIONS AND REQUESTS

AUDIENCE

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

- 5 -  
REPORTS

FINANCE DEPARTMENT REPORT

Mr. Brad Harris, Finance Director, presented the Finance Department Report for the month of April 2011. The report was accepted as presented.

- 6 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of April 2011. The report was accepted as presented.

- 7 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of April 2011. 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.) Accept low bid (Bid No. 1536 dated April 18, 2011) from Rogers Group for Asphalt Material Delivered and Put Down as well as Asphalt Milling; and accept bids jointly from Rogers Group and APAC for Asphalt Material Picked up by City;
- b.) Approve staff's recommendation to declare the following as surplus property and authorize public sale or disposal thereof: one (1) 1979 GMC Van, one (1) 1996 Jeep Cherokee, one (1) 2000 Dodge Durango, two (2) 2006 Ford Crown Victoria, and one (1) 2007 Ford Crown Victoria as detailed in memorandum from Brad Harris, Finance Director dated May 3, 2011;
- c.) Approve Resolution No. 2011-15 to authorize a one-year extension of the lease agreement with Angela Seaton McLaughlin for Recycling Center property located on Rocky Mount Road;
- d.) Reappoint Randy Berger to serve a four-year term on the Board of Adjustments & Appeals, term expires June 3, 2015;
- e.) Appoint Lois Benton to serve a three-year term on Keep McMinn Beautiful Committee, term expires March 6, 2014.

**On motion by Council Member Pelley, seconded by Vice Mayor Perkinson, the Consent Agenda as stated above was approved by the following roll call vote:**

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

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ORDINANCES

**ORDINANCE NO. 993 – 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 ON NEW ENGLEWOOD ROAD FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-4 (HIGHWAY AND 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. Mr. Mark Jackson, who owns property on Delay Street, presented to Council a copy of a map of the area to be rezoned, pictures of homes across the street and of property requesting the rezoning change. Mr. Jackson expressed his concerns regarding the proposed change and stated he was totally opposed to the ordinance. He also commented that he was afraid this change would degrade his property values. There being no one else present wishing to discuss the Ordinance, Public Hearing was closed. **A motion was made by Council Member Jackson, seconded by Vice Mayor Perkinson, to approve Ordinance No. 993 on Second and Final Reading.** Ordinance No. 993 was approved by the following roll call vote:

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

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**ORDINANCE NO. 994 – SECOND/FINAL READING – PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14, CHAPTER 2, SECTIONS 2.02, 3.04.04, 3.04.06, 3.04.09, 3.04.12 AND 3.04.13 BE AMENDED; TO ADD PERSONAL STORAGE UNITS AND MINI WAREHOUSES AS PERMITTED USES AND USES PERMITTED ON REVIEW IN CERTAIN DISTRICTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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 Pelley, seconded by Council Member Davis, to approve Ordinance No. 994 on Second and Final Reading.** Ordinance No. 994 was approved by the following roll call vote:

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

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NEW BUSINESS

RECOMMENDATION FROM PLANNING COMMISSION

**ORDINANCE NO. 995**

“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE PROPERTY ON DECATUR PIKE FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-4 (HIGHWAY AND 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 Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 995 on First Reading.** Upon roll call, the first reading of Ordinance No. 995 was approved by the following vote:

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

Due to a possible conflict of interest, Council Member Jackson abstained from voting on Ordinance No. 995.

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**ORDINANCE NO. 996**

AN ORDINANCE TO AMEND TITLE 16 OF THE ATHENS MUNICIPAL CODE BY ADDING CHAPTER 6 ENTITLED ‘CLOSURE AND ABANDONMENT OF STREETS OR RIGHT-OF-WAYS’.

The caption of the above-described Ordinance was read by the recording clerk. **Motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to approve Ordinance No. 996 on First Reading.** Upon roll call, the first reading of Ordinance No. 996 was approved by the following vote:

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

PROPOSED BUDGET FOR FY 2011/12

A proposed ordinance was presented to adopt the City’s budget for fiscal year July 1, 2011 through June 30, 2012, as follows:

Fund	Projected Opening Balance	Revenues	Expenditures
General	\$7,500,000	\$12,190,200	\$12,455,800
Debt Service	\$3,000,000	\$ 800,000	\$ 770,000
Sanitation	\$ 150,000	\$ 803,500	\$ 800,100
Drug	\$ 120,000	\$ 22,000	\$ 22,000

It was noted that the proposed ordinance maintains the current property tax rate of \$1.1147 on each one hundred dollars of assessed value. The Public Hearing on the Budget Ordinance will be held during the regular meeting on June 21, 2011. The following ordinance was presented for consideration:

**ORDINANCE NO. 997 – FIRST READING**

**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, 2011 THROUGH JUNE 30, 2012.**

The caption of the above-described Ordinance was read by the recording clerk. City Manager Moore stated that budgets were never easy and this budget was no exception. He noted that the 2007-2008 budget showed \$13,560,950 in budgeted revenue compared to \$12,190,200 in the proposed budget for 2011-2012. It was also noted that the city had two Maintenance of Effort as required by State law – one with E.G. Fisher Library and the other with Athens City Schools. The 2011-2012 budget included an additional \$265,600 for the school system that was taken out of fund balance for one year only as fund balance should not be used for recurring costs. The budget also includes a two percent market adjustment for all full time employees, which is the first market adjustment since 2008. There are no layoffs or loss of city services. This is a maintenance budget with projected revenues only \$17,000 above the current fiscal year. **Motion was made by Council Member Jackson, seconded by Council Member Davis, to approve Ordinance No. 997 as presented on First Reading.** Upon roll call, the first reading of Ordinance No. 996 was approved by the following vote:

AYES: Davis, Jackson, Perkinson, Buttram  
 NAYS: Pelley  
 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 May and June. 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 7:23 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager