

MINUTES OF MEETING, ATHENS CITY COUNCIL, JUNE 21, 2011

The Athens City Council met in regular session on Tuesday, June 21, 2011, 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 of May 17, 2011 were submitted and approved by unanimous consent.

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COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Council Member Davis presented the *Very Important Volunteer Individual Award* for the month of June 2011 to Bobbye Billings for her outstanding support of this community. Ms. Billings was present to accept the award.

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PRESENTATION OF CHANCELLOR'S AWARD FOR EXCELLENCE IN PHILANTHROPY

Stewart Smith, Tennessee Technology Center at Athens, presented the Chancellor's Award for Excellence in Philanthropy to the City Council. Mr. Smith stated that each year the Chancellor of the Tennessee Board of Regents recognizes an individual or entity for support to an individual or institution within the Board of Regents for the Chancellor's Award for Philanthropy. In the fall of last year, he submitted the Athens community for its ongoing support of their scholarship program as the lion's share of the donations came from the Athens community. The Community of Athens was selected to receive this prestigious award and Mayor Buttram accepted the award on behalf of the citizens of Athens.

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PROCLAMATION – AMATEUR RADIO WEEK

Mayor Buttram read a proclamation declaring the week of June 20-26, 2011 as Amateur Radio Week. Several members of the McMinn County Amateur Radio Club were present to accept the proclamation and everyone was invited to attend the Amateur Radio Field Day exercises June 25-26, 2011 at the Athens Regional Park lake pavilion.

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### PROCLAMATION – SMALL CITIES WEEK

Vice Mayor Perkinson read a proclamation declaring the week of June 19-25, 2011 as Small Cities Week. He remarked that communities with a population of 50,000 or less were defined as small cities. Of the approximately 20,000 municipal governments throughout the country, 94% of them have a population of less than 25,000 and 87% have a population of less than 10,000. Often these small cities do not receive the same national recognition as their larger counterparts but they are frequent sites of innovative solutions and advancements.

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### MISCELLANEOUS CORRESPONDENCE

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

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### PETITIONS AND REQUESTS

#### AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Mr. Mark Jackson, who owns property on New Englewood Road, commented that at the last Council meeting he voiced objections and concerns about the property on the corner of Perry Street and New Englewood Road and provided photos on the condition of the property. Mr. Jackson stated that since that meeting he had written a formal complaint to Mr. Moore and Mr. Casteel and quoted specific ordinances as they applied to the property. He expressed his frustration with the situation as he had worked on this problem since 2010 with no results. From his conversations and understanding, he felt that there seems to be an attitude that that the city could not do anything about situation. Mr. Jackson gave Council Members handouts of the F.A.Q. page from the City's website regarding the question "What kind of building permits does the City of Athens require and why?" and provided copies of Sections 12-105, 13-501, 13-502 and 13-503 from the Athens Municipal Code. He urged the City Council to take the time to research what he had provided to them. Anna McPhail stated that her mother, Katie Harris, had recently been placed in a nursing home and she was in the process of trying to sell or rent her mother's home at 200 New Englewood Road. Ms. McPhail remarked that the property across the street had become an eyesore and in its current state she believed it would hinder any opportunities that she or any surrounding neighbors may have in the future to sell or rent their properties. She asked that the property be reviewed for clean up and if there was not an ordinance pertaining to this matter then she believed there should be one. Mayor Buttram asked that this item be placed on the July Work Session agenda and also asked that the Planning Commission review the information that had been provided to the Council at their next meeting. There were no other petitions or requests presented at this time.

BEER BOARD

**6:30 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board**

Chairman Buttram recognized City Attorney Trew. Mr. Trew advised the Board that a notice was sent out to Athens Gurukrupa, Inc. advising them of the public hearing. He reminded the Athens Beer Board that a hearing was held on March 22, 2011 and Athens Gurukrupa, Inc. dba Stop N Go #2 was found in violation of Title 8, Chapter 2, Section 213 (13) of the Code of the City of Athens. The Board elected to offer a civil penalty of \$500 as an alternative to revocation and cautioned Mr. Satish Patel to reopen the business immediately. Stop N Go #2 paid the penalty but had not been opened the business since the March 2011 hearing and had actually been closed since January 2011. He stated that the Code was very clear with regard to the requirement that a permit holder's failure or refusal to carry on business in excess of 60 days the permit shall be revoked and it was the recommendation of the Police Department that is charged with administering these ordinances that the beer permit be revoked. City Attorney Trew explained to Mr. Satish Patel that if his permit was revoked he could not apply for a new permit for one (1) year and a beer permit application by new owner could not be considered for ninety (90) days.

ACTION OF BEER BOARD

After discussion concluded, **a motion was made by Board Member Pelley, seconded by Board Member Perkinson, to find Athens Gurukrupa, Inc. dba Stop N Go #2 in violation of Title 8, Chapter 2, Section 213(13) of the Code of the City of Athens and to revoke the beer license.** Upon roll call, the motion was approved by the following vote:

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

RELINQUISHMENT OF BEER PERMITS

Chairman Buttram acknowledged receipt of letters of relinquishment due to a change in ownership from: Mr. Jollyben Patel, Southeast Investments Holdings, Inc., relinquishing the Package Beer Stores (Off Premises) Beer Permit at Value Mart #3 located at 1405 Decatur Pike; Mr. Karim Boghani, Karsham, L.L.C., relinquishing the Grocery (Food Stores) Beer Permit at Ian's Market #18 located at 2432 Congress Parkway South; and Mr. Akbar Farishta, S and A Jubilee, Inc., relinquishing the Package Beer Stores (Off Premises) Beer Permits at B. P. One Mart located at 1124 West Madison Avenue and B. P. Two Mart located at 1300 Railroad Avenue.

BEER APPLICATIONS

Applications for Package Beer Stores (Off Premises) Beer Permit at Ian's Market #22, 1405 Decatur Pike; Sunrise Market #14, 1300 Railroad Avenue; Sunrise Market #15, 1124 West Madison Avenue; and Grocery (Food Stores) Beer Permit at Sunrise Market #13, 2432 Congress Parkway South were presented for consideration. After brief discussion and comments, **motion was made by Board**

**Member Pelley, seconded by Board Member Davis, to approve the beer relinquishments and applications as submitted.** Upon roll call, the motion was approved by the following vote:

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

**6:43 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council**

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Brad Harris, Finance Director, presented the Finance Department Report for the month of May 2011. After brief 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 May 2011. 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 2011. 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. 2011-16 to adopt the fourth amendment to the City of Athens, Tennessee Pension Plan;
- b.) Approve Medical Insurance Renewal as submitted by Blue Cross Blue Shield of Tennessee for year beginning July 1, 2011;
- c.) Approve Life, AD&D, and Long Term Disability (LTD) Insurance Proposal as submitted by USABLE for year beginning July 1, 2011;

- d.) Approve Athens City Board of Education Budget Amendment No. 2 for Fiscal Year 2010/2011;
- e.) Approve City of Athens Budget Amendment No. 2 for Fiscal Year 2010/2011;
- f.) Approve Resolution No. 2011-17 authorizing the Mayor and City Manager to enter into a contract with Progression Electric, LLC for traffic signal maintenance;
- g.) Approve Resolution No. 2011-18 to authorize the extension of contract with Metro Janitorial Services, Inc. for cleaning services of the Athens Municipal Building and the Public Works Service Center;
- h.) Reappoint Lou Pascarella to serve a four-year term on the Athens Utilities Board, term expires June 30, 2015;
- i.) Reappoint Tom Hamilton to serve a five-year term on the Board of Zoning Appeals, term expires June 30, 2016;
- j.) Reappoint Shelley Griffith to serve a three-year term on the Library Committee, term expires June 30, 2014;
- k.) Reappoint Chad Goodin to serve a four-year term on the Recreation Advisory Board, term expires June 30, 2015;
- l.) Reappoint Doug Harrod to serve a four-year term on the Hiwassee Utilities Commission, term expires July 17, 2015.

**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**

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ORDINANCES

**ORDINANCE NO. 995 – 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 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. 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. 995 on Second and Final Reading.** Ordinance No. 995 was approved by the following roll call 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 – SECOND/FINAL READING – PUBLIC HEARING**

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. 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 Council Member Jackson, to approve Ordinance No. 996 on Second and Final Reading.** Ordinance No. 996 was approved by the following roll call vote:

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

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**ORDINANCE NO. 997 – 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, 2011 THROUGH JUNE 30, 2012.

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 Jackson, seconded by Vice Mayor Perkinson, to approve Ordinance No. 997 on Second and Final Reading.** Ordinance No. 997 was approved by the following roll call vote:

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

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NEW BUSINESS

RECOMMENDATION FROM PLANNING COMMISSION

**ORDINANCE NO. 998**

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 ELIZABETH STREET, LONG MILL ROAD AND WHITE STREET; FROM R-1 (LOW DENSITY RESIDENTIAL DISTRICT) TO R-3 (HIGH DENSITY RESIDENTIAL), FROM B-4 (HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT) TO R-3 (HIGH DENSITY RESIDENTIAL), FROM R-1 (LOW DENSITY RESIDENTIAL DISTRICT) TO B-4 (HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT) AND FROM R-3 (HIGH DENSITY RESIDENTIAL) 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. **A motion was made by Council Member Pelley, seconded by Council Member Davis, to approve Ordinance No. 998 on First Reading.** Upon roll call, the first reading of Ordinance No. 998 was approved by the following vote:

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

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**RESOLUTION NO. 2011-19**

**A RESOLUTION TO OFFICIALLY CLOSE AND ABANDON AN UNNAMED, UNOPENED RIGHT-OF-WAY LOCATED BETWEEN PARCELS SITUATED NORTH OF INGLESIDE AVENUE AND DESCRIBED MORE ACCURATELY WITHIN THE BODY OF THIS RESOLUTION AND SHOWN ON THE ATTACHED ILLUSTRATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE.**

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Davis, seconded by Council Member Jackson, to approve Resolution No. 2011-19 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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**RESOLUTION NO. 2011-20**

**A RESOLUTION ACCEPTING A PORTION OF ROADWAY BUILT TO CITY STANDARDS NAMED 'PRIVATE BRAND WAY' LOCATED OFF GEORGE PRICE BOULEVARD AND**

**INTO THE STREET SYSTEM OF THE CITY OF ATHENS, TENNESSEE.**

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Resolution No. 2011-20 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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**RESOLUTION NO. 2011-21**

**A RESOLUTION TO COMPLY WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT 54 CONCERNING FUND BALANCES BEING COMMITTED FOR THE PURPOSES OF THE FUND.**

Mayor Buttram presented two resolutions (Resolution Nos. 2011-21 and 2011-22) to the City Council. Finance Director Harris explained that the Governmental Accounting Standards Board (GASB) issues new standards and GASB Statement 54 redefines how fund balances will be reported from this point forward. He stated that Resolution No. 2011-21 is to state that the Capital Fund and the Drug Fund will be committed for their intended purposes. Resolution No. 2011-22 provides the definition of GASB Statement 54 and states that the City of Athens will comply with the statement. The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Jackson, seconded by Vice Mayor Perkinson, to approve Resolution No. 2011-21 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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**RESOLUTION NO. 2011-22**

**A RESOLUTION ADOPTING A POLICY FOR REPORTING FUND BALANCES IN GOVERNMENTAL FUNDS AS REQUIRED BY GOVERNMENTAL ACCOUNTING STANDARDS BOARD (“GASB”) STATEMENT 54 EFFECTIVE FOR THE FISCAL YEAR ENDING JUNE 30, 2011.**

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Davis, to approve Resolution No. 2011-22 as presented.** Upon roll call, the resolution 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 7:34 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager