

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 21, 2012

The Athens City Council met in regular session on Tuesday, February 21, 2012, 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:

Jackson, Pelley, Perkinson, Buttram

Council Member Davis was ill and did not attend the meeting.

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 January 17, 2012 was submitted and approved by unanimous consent.

- 2 -
COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Council Member Jackson presented the *Very Important Volunteer Individual Award* for February 2012 to Melonie Carideo for her outstanding support of this community. Ms. Carideo thanked the City Council and commented there are a lot of opportunities out there and she hoped everyone would think of their day and about the time they spend on the computer or social media and take 30 minutes or an hour of their time to give back to the community.

- 3 -

MISCELLANEOUS CORRESPONDENCE

They did not have any miscellaneous correspondence this month.

- 4 -
PETITIONS AND REQUESTS

AUDIENCE

Mr. Frank Pates, 1406 Dossett Street, suggested the Council consider conducting some type of forum or debate on a regular basis for the community to discuss issues currently affecting them. There were no other petitions or requests presented.

- 5 -
BEER BOARD

6:12 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board

BEER APPLICATION – KAT-A-RU CATERING AND BAKING, 1209 SOUTH MATLOCK AVENUE

An application for a Caterers Beer Permit at Kat-a-Ru Catering and Baking, 1209 South Matlock Avenue, was presented for consideration. After brief comments, **motion was made by Board Member Pelley, seconded by Board Member Perkinson, to approve the beer application as submitted.** Upon roll call, the motion was approved by the following vote:

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

RELINQUISHMENT OF BEER PERMIT – FOOD LION, LLC

Mayor Buttram acknowledged receipt of the beer permit from Food Lion relinquishing its Grocery (Food Stores) Beer Permit at 1312 Decatur Pike, as the business had closed. **A motion was made by Board Member Perkinson, seconded by Board Member Jackson, to accept the relinquishment of the Grocery (Food Stores) Beer Permit by Food Lion, LLC.** Upon roll call, the motion was approved by the following vote:

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

RELINQUISHMENT OF BEER PERMIT – ATHENS TOBACCO AND BEER (2618 DECATUR PIKE) AND SUPER MART (2505 DECATUR PIKE)

Mayor Buttram acknowledged receipt of a letter from Daxesh Patel relinquishing the Grocery (Food Stores) Beer Permits at Athens Tobacco and Beer located at 2618 Decatur Pike and at Super Mart located at 2505 Decatur Pike due to a change in ownership. **A motion was made by Board Member Jackson, seconded by Board Member Pelley, to accept the relinquishment of the Grocery (Food Stores) Beer Permits by Athens Tobacco and Beer and Super Mart as submitted.** Upon roll call, the motion was approved by the following vote:

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

BEER APPLICATION – ATHENS TOBACCO AND BEER, 2618 DECATUR PIKE

An application for a Grocery (Food Stores) Beer Permit at Athens Tobacco and Beer, 2618 Decatur Pike, was presented for consideration. After brief comments, **motion was made by Board Member Pelley, seconded by Board Member Perkinson, to approve the beer application as submitted.** Upon roll call, the motion was approved by the following vote:

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

BEER APPLICATION – RACEWAY 898, 2505 DECATUR PIKE

An application for a Grocery (Food Stores) Beer Permit at Raceway 898, 2505 Decatur Pike, was presented for consideration. After brief comments, **motion was made by Board Member Perkinson, seconded by Board Member Pelley, to approve the beer application as submitted.** Upon roll call, the motion was approved by the following vote:

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

RELINQUISHMENT OF BEER PERMIT – LAS MARGARITAS VII, 206 DECATUR PIKE

Mayor Buttram acknowledged receipt of a letter from Abdon Vazquez relinquishing the Restaurant Beer Permit at Las Margaritas VII located at 206 Decatur Pike upon approval of beer permit for Mexico City Gourmet. No action was taken on this item.

BEER APPLICATION – MEXICO CITY GOURMET, 206 DECATUR PIKE

An application for a Restaurant Beer Permit at Las Margaritas VII, 206 Decatur Pike, was presented for consideration. Mayor Buttram stated that the Chief of Police did not recommend approval of this application as Mr. Rodriguez had been convicted of an unlawful “sale of beer” violation that excluded him from being involved or working in the business requesting the beer permit. The Building Inspector did not recommend approval of this application as the premises did not meet the minimum building requirements as provided by law. After brief discussion and comments, **motion was made by Board Member Pelley, seconded by Board Member**

Jackson, to deny the beer application. Upon roll call, the motion was approved by the following vote:

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

6:22 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 January 2012. 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 January 2012. After brief comments and questions, the report was accepted as presented.

- 8 -

FIRE DEPARTMENT REPORT

Fire Captain Tim Schultz presented the Fire Department Report for the month of January 2012. 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. 2012-02 to establish an Athens Community Gardens Program and Board;
- b.) Approve Resolution No. 2012-03 to apply for and accept funding for a grant from the Clean Tennessee Energy Grant Program for construction of solar mills and other energy savings initiatives;
- c.) Approve Resolution No. 2012-04 to authorize the submission and participation in the Safe Route to Schools Grant program administered by the Tennessee Department of Transportation;
- d.) Approve Audit Proposal dated February 7, 2012 for 2012, 2013, and 2014 as submitted by Neal, Scouten & McConnell of Chattanooga for the City of Athens;
- e.) Approve Resolution No. 2012-05 to extend contractual agreement with Johnston's Lawn Care and Landscaping for maintenance of flower beds downtown and at the Athens Municipal Building for one year expiring April 30, 2013;
- f.) Approve Resolution No. 2012-06 to extend contractual agreement with Johnston's Lawn Care and Landscaping for maintenance of city-owned properties designated (Section III) for one year expiring April 30, 2013;
- g.) Approve Resolution No. 2012-07 to extend contractual agreement with Total Lawn Care for cemetery maintenance for one year expiring March 31, 2013;

- h.) Reappoint Charles Myers to the Keep McMinn Beautiful, term expires March 5, 2015;
- i.) Reappoint Trey Winder to the Keep McMinn Beautiful, term expires March 5, 2015;
- j.) Reappoint Mike Dannel to the Athens Housing Authority, term expires March 6, 2017;
- k.) Reappoint James Dodson to the Council Advisory Committee, term expires March 21, 2015;
- l.) Reappoint Patti Greek to the Council Advisory Committee, term expires March 21, 2015;
- m.) Reappoint E. Ray Luck to the Council Advisory Committee, term expires March 21, 2015;
- n.) Reappoint Pat Mahery to the Council Advisory Committee, term expires March 21, 2015;
- o.) Reappoint Frances McMahan to the Council Advisory Committee, term expires March 21, 2015;
- p.) Reappoint Burkett Witt to the Council Advisory Committee, term expires March 21, 2015;
- q.) Appoint Mary Scudder to the Council Advisory Committee, term expires March 21, 2015.

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

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

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NEW BUSINESS

CONSIDERATION OF PROPOSAL TO PURCHASE EQUIPMENT TO AUTOMATE THE VIDEO SHOWINGS ON CHANNEL 95

Mayor Buttram stated the need to automate the video showings on Channel 95 was a result of the City's joining with McMinn County 911 and losing its Communications employees. Those employees handled the manual showings of the Council meetings. **On motion by Council Member Pelley, seconded by Council Member Jackson, the proposal to purchase equipment to automate the video showings on Channel 95 was approved by the following roll call vote:**

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

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CONSIDERATION OF PROPOSED TIF POLICY

RESOLUTION NO. 2012-08

"A RESOLUTION ADOPTING TAX INCREMENT FINANCING (TIF) POLICIES AND GUIDELINES FOR THE CITY OF ATHENS, TENNESSEE."

The caption of the above-described Resolution was read by the recording clerk. Mayor Buttram stated he had questions and comments regarding the proposed policy. Referring to page 58, item G) of the agenda packet, Mayor Buttram stated he felt that the Council needed more flexibility and suggested that instead of a required 5% administrative fee there should be a range of 1% to 5%. In addition, the \$100,000 should be changed to \$500,000 since that was the minimum TIF that would be considered. He felt that there may be other examples in the policy and recommended to the Council not take any action on this policy until they had an opportunity to review it at their upcoming retreat. Council Member Pelley stated that he differed with Mayor Buttram and felt that they should move ahead with the resolution as presented. **Motion was made by Council Member Pelley, seconded by Council Member Jackson, to approve Resolution No. 2012-08 as presented. A motion was made by Mayor Buttram, seconded by Vice Mayor Perkinson, to amend the motion to change the 5% administrative fee in the proposed policy to a 1% to 5% administrative fee leaving it up to the City Council's discretion to cover the processing costs and to change the example from \$100,000 to \$500,000.** Upon conclusion of the discussion on the amendment and upon a roll call vote, the amendment failed by the following vote:

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

After brief discussion and comments, the original motion to approve Resolution No. 2012-08 as submitted failed by the following roll call vote:

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

Motion failed due to lack of a majority vote. **Council Member Jackson made a motion, seconded by Vice Mayor Perkinson, to postpone discussion on the TIF policy until the upcoming Council Planning Retreat.** The motion was approved by the following roll call vote:

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

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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 February and March. After brief comments, the report was accepted.

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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 7:10 p.m.



MITCHELL B. MOORE, City Manager



R. HAL BUTTRAM, Mayor