

MINUTES OF MEETING, ATHENS CITY COUNCIL, MARCH 20, 2012

The Athens City Council met in regular session on Tuesday, March 20, 2012, 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.

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MINUTES

The Minutes of the regularly scheduled meeting of February 21, 2012 was submitted and approved by unanimous consent.

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COMMUNICATIONS

ARBOR DAY CELEBRATION AND 31ST ANNUAL TREE CITY USA RE-CERTIFICATION

Mayor Buttram recognized Austin Fesmire, Parks & Recreation Director, for the purpose of an Arbor Day celebration. Mayor Buttram read an Arbor Day proclamation followed by remarks by Urban Forester Tom Simpson and presentation. Anika Rose Scruggs and Lydia Davis read their winning essays. Meredith Willson from Citizens National Bank presented savings bonds to each student and Mayor Buttram presented each student with a Shoney's of Athens gift certificate for a complementary dinner to be given to their teacher. Kaya Hancock and Jacob Rodgers displayed their winning coloring contest submissions and were presented with savings bonds and Shoney's of Athens gift certificates for their teachers.

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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

Travis Henry, attorney from Cleveland representing Don Ledford, spoke on his client's request to abandon Piper Road. He stated that Piper Road was located entirely on Don Ledford's property based on a title search. Mr. Ledford was requesting the abandonment of Piper Road for two reasons. The first reason was because of safety concerns. The second reason was because General Motors had requested that the dealership expand its service bays. Mr. Ledford agreed to provide a ten foot easement for pedestrian traffic when the road was closed.

Richard Layman, adjoining property owner on southern side of Piper Road, stated that according to a survey done about 20 years ago he had a 20' right-of-way on Piper Road. Mr. Layman felt that he would be severely damaged if the closure of Piper Road was approved and requested that this request be sent back to the Planning Commission so he could voice his objections.

Robert Miller, 206 Woodman Street, stated he was a member of the McMinn County Amateur Radio Club and wanted to remind the citizens that the radio operators were there when needed. Mr. Miller noted that there were approximately 154 licensed operators in McMinn County to assist in providing weather information and road conditions during storms. He urged everyone to get a weather radio and prepare a personal survival kit for each member of their family in the event a storm hits the area. For additional information, he urged everyone to visit

their website www.mcminnarc.com. There were no other petitions or requests presented at this time.

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BEER BOARD

6:34 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board

RELINQUISHMENT OF BEER PERMIT – LA CHIQUITA MEXICAN RESTAURANT

Chairman Buttram acknowledged receipt of the beer permit from La Chiquita Mexican Restaurant relinquishing its Restaurants Beer Permit at 211 East Madison Avenue, as the business had closed. **A motion was made by Board Member Perkinson, seconded by Board Member Jackson, to accept the relinquishment of the Restaurants Beer Permit by La Chiquita Mexican Restaurant.** Upon roll call, the motion was approved by the following vote:

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

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

Chairman 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. It was noted that Las Margaritas VII had closed its doors on March 1, 2012 and asked to have their relinquishment approved without conditions. **A motion was made by Board Member Pelley, seconded by Board Member Perkinson, to accept the relinquishment of the Restaurants Beer Permit by Las Margaritas VII.** Upon roll call, the motion was approved by the following vote:

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

BEER APPLICATION – MEXICO CITY GOURMET, 206 DECATUR PIKE

An application for a Restaurant Beer Permit from Aurora Rodriguez Vasquez, owner of Mexico City Gourmet, 206 Decatur Pike, was presented for consideration. After brief comments, **motion was made by Board Member Pelley, seconded by Board Member Davis, to approve the beer application as submitted.** Upon roll call, the motion was approved by the following vote:

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

6:40 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 February 2012. 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 February 2012. After brief comments and questions, the report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Dyer presented the Fire Department Report for the month of February 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 Athens City Board of Education Budget Amendment No. 2 for Fiscal Year 2011/2012;
- b.) Approve City of Athens Budget Amendment No. 2 for Fiscal Year 2011/2012;
- c.) Approve Resolution No. 2012-09 designating Fair Housing Month in the City of Athens;
- d.) Approve Resolution No. 2012-10 to execute contract with Johnston's Lawn Care for park maintenance/mowing – Section I (Cook Park, Knight Park, Veterans Park, and Market Park);
- e.) Approve Resolution No. 2012-11 to execute contract with Wilson Construction Group, LLC for Athens Market Park – Phase II;
- f.) Accept bid (Bid No. 1558 dated February 21, 2012) as submitted by String Fellow, Inc. for a Front Loader;
- g.) Approve recommended Payment in Lieu of Taxes (PILOT) Program;
- h.) Appoint John Boyd to the Council Advisory Commission Board, term expires March 21, 2015.

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

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

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PROPOSED RESOLUTION TO EXECUTE CONTRACT WITH WILSON CONSTRUCTION GROUP, LLC FOR ATHENS MARKET PARK – PHASE II

RESOLUTION NO. 2012-11

“A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ATHENS, TENNESSEE, AND WILSON CONSTRUCTION GROUP, LLC FOR PHASE TWO OF ATHENS MARKET PARK CONSISTING OF A NEW RESTROOM FACILITY.”

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 item e.) as proposed in the Consent Agenda.** Vice Mayor Perkinson stated funds had been set aside for years from cost savings and placed in a capital improvement fund for projects like the expansion of Market Park. He was in favor of using capital improvement funds to maximize the use of grant money to develop Market Park. Council Member Pelley rose in opposition to vote. This would be a nice addition to the park but they needed to wait. He commented he would like

to put this project on hold for a year or two and preserve the money. Austin Fesmire, Parks and Recreation Director, stated at a meeting the state advised them that they would no longer fund restrooms from the fund unless they were less than 50% of the total project. Mr. Fesmire explained the process that must be followed before the City could go out to bid on this project. He noted grant funds are from property tax transfers. Council Member Davis stated she felt it was her duty to bring back as much as money as she could to McMinn County. If the City did not take this money it will go back to some other city. Council Member Pelley commented grant funds do not cover ongoing maintenance costs and the Parks staff cannot keep up with the maintenance on these new projects. After discussion concluded and upon roll call, the resolution was approved by the following vote:

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

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NEW BUSINESS

RECOMMENDATION FROM PLANNING COMMISSION

RESOLUTION NO. 2012-12

“A RESOLUTION TO OFFICIALLY CLOSE AND ABANDON THE ENTIRE SECTION OF PIPER ROAD FROM LAYMAN ROAD TO CONGRESS PARKWAY, AND DESCRIBED WITHIN THE BODY OF THIS RESOLUTION AND SHOWN ON THE ATTACHED SURVEY WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE.”

Council Member Davis disclosed that she was related to Richard Layman through her deceased husband. 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. 2012-12 as presented. A motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to amend the motion to close Piper Road to the position of Piper Road closest to the point nearest Layman boundary as indicated by the circle on the map provided and leave the road open from that point on to Layman Road with the 10' access easement toward Layman Road remaining open.** A discussion followed on the proposed amendment. **A motion was made by Council Member Pelley, seconded by Council Member Jackson, to table the amendment and send this request back to the Planning Commission.** Council Member Pelley stated he wanted to give Mr. Ledford and Mr. Layman an opportunity to get together with City staff to discuss this closure. Council Member Jackson stated that he agreed with Council Member Pelley and he still had questions on this project. Upon roll call, the motion to table the amendment was approved by the following vote:

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

Council Member Jackson rescinded his original motion, and Council Member Davis rescinded her second. City Manager Moore was directed to take the proposal back to the Planning Commission at their next work session. The City Council could then have a called meeting to consider approval of the request. Council Member Jackson requested City Attorney Chris Trew be asked to attend a Called Meeting of the City Council.

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ORDINANCE NO. 1002

“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 SOUTH JACKSON STREET AND CANAL STREET FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO R-4 (MOBILE HOME RESIDENTIAL 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. 1002 on First Reading.** Upon roll call, the first reading of Ordinance No. 1002 was approved by the following vote:

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

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PROPOSED RESOLUTION TO SUPPORT E. G. FISHER PUBLIC LIBRARY'S GRANT APPLICATION

RESOLUTION NO. 2012-13

"A RESOLUTION TO SUPPORT THE E. G. FISHER PUBLIC LIBRARY'S APPLICATION FOR A GRANT FROM THE CLEAN TENNESSEE ENERGY GRANT PROGRAM THROUGH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR CONSTRUCTION OF SOLAR MILLS."

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. 2012-13 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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Motion was made by Council Member Pelley, seconded by Council Member Jackson, to direct the City Manager to schedule a Called Meeting to approve or disapprove the TIF within one week. Council Member Pelley stated he was appalled that the TIF was not on the agenda. He felt the Council had dragged their feet for over a year and it was time for them to act on this item. City Manager Moore commented he had spoken to County Mayor John Gentry and was advised the County's TIF policy must go before the Industrial Development Board before it goes before the County Commission. Mayor Buttram stated Mr. Womac had been advised the initial process would not be changed and he could go ahead and start the application process. Vice Mayor Perkinson stated just to clarify that it was said early on that neither Mr. Womac nor anyone that knew about the TIF wanted to move forward unless both the City and County approved the TIF policy. At conclusion of discussion and upon roll call, the motion to hold a Called Meeting on the TIF failed by the following roll call vote:

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

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

Council Member Pelley left the meeting at 7:40 p.m.

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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 7:50 p.m.



MITCHELL B. MOORE, City Manager



R. HAL BUTTRAM, Mayor