

MINUTES OF MEETING, ATHENS CITY COUNCIL, JULY 17, 2012

The Athens City Council met in regular session on Tuesday, July 17, 2012, 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 June 19, 2012 was submitted and approved by unanimous consent.

Council Member Jackson raised a point of order. He informed the City Council and residents of the City of Athens that he had recently received a new job and had an opportunity to move his career to Knoxville, Tennessee. As of last week, he had moved his permanent residence to Knoxville. He thanked his fellow council members and citizens of Athens for his last four years on the Council and apologized for not fulfilling his full term on the City Council. Council Member Jackson stated that by City Charter he was required to step down from his position and his position would be left vacant. Mayor Buttram and members of the City Council expressed their thanks to Council Member Jackson for his years of service and expressed their best wishes for his future. Mayor Buttram stated that according to the City Charter, when any vacancy in the council occurs, the vacancy shall be filled by appointment of the council members. He announced that the City Council will be taking applications from anyone in the city that would like to fill the vacancy of Council Member Jackson. The nominations will be received in the City Manager's office by August 10, 2012 at 4:00 p.m. which would give the City Council time to review the applications prior to the August 13, 2012 City Council Work Session.

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COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Vice Mayor Perkinson presented the *Very Important Volunteer Individual Award* for July 2012 to members of the McMinn County Living Heritage Museum Guild for their outstanding support of this community.

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PRESENTATION OF TENNESSEE ASSOCIATION OF CHIEFS OF POLICE (TACP) LEADERSHIP CERTIFICATION TO CHIEF CHUCK ZIEGLER

Chief David Rausch, Knoxville Chief of Police, stated he was a representative of the Tennessee Association of Chiefs of Police (TACP) on which he serves as District 2 board member. Chief Rausch explained that the TACP has been focusing on professionalizing police departments in Tennessee. The Tennessee Law Enforcement Accreditation Program was created under the direction and authority of TACP as one way of achieving that goal. To date, approximately 20 cities have received their accreditation. The Leadership Certification Program was established as a way of recognizing chief administrators and senior staff individually to show they have shown a commitment to law enforcement and they are a step above in professionalism. Chief Rausch explained the process an individual must go through in order to be considered for certification and the four levels of certification. Chief Chuck Ziegler was recognized by the Tennessee Association of Chiefs of Police (TACP) for Excellence in Leadership and was awarded a Level 4 Leadership Certification which is the highest level of achievement.

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MISCELLANEOUS CORRESPONDENCE

There was no miscellaneous correspondence this month.

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PETITIONS AND REQUESTS

REQUESTS FROM AUDIENCE

Mr. Harold "Prof" Powers, 319 Lafayette Street, announced that he had been directing the City's "Learn to Swim" program for the past 54 years and each year he gives a report on the program. This year there were approximately 250 children participating in the program and over 50 beginner cards were given out. There were no other petitions or requests presented at this time.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of June 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 June 2012. 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 June 2012. The report was accepted as presented.

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COMMUNITY DEVELOPMENT QUARTERLY REPORT

Mr. Anthony Casteel, Community Development Director, presented the Building Permit Quarterly Report for the City of Athens. 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. 2012-23 to authorize submission of application for a Loss Control Matching Grant through the TML Risk Management Pool;
- b.) Approve Resolution No. 2012-24 to authorize extension of a contract with the Tennessee Department of Transportation (TDOT) for maintenance of state rights-of-way within the City of Athens for the period of time beginning July 1, 2012 and ending June 30, 2013;
- c.) Approve Resolution No. 2012-25 to authorize extension of a contract with Progression Electric, LLC for traffic signal maintenance through June 30, 2013;

- d.) Approve Resolution No. 2012-26 to authorize extension of a contract with Valley Farmers Co-op for tire servicing and repair through June 30, 2013;
- e.) Approve Resolution No. 2012-27 to enter into a contractual agreement with Littlejohn Engineering for engineering and environmental work related to the acquisition of the CSX corridor for the Rails to Trails project;
- f.) Approve staff's recommendation to purchase asphalt recycler machine on State Contract.

Motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to approve the Consent Agenda as stated above. Council Member Pelley moved to amend the motion to separate item e.) from the Consent Agenda, seconded by Vice Mayor Perkinson. Upon roll call, the motion to amend was approved by the following vote:

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

Upon roll call, the motion to approve the Consent Agenda as amended was approved by the following vote:

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

Motion was made by Council Member Pelley not to approve Resolution No. 2012-27 to enter into a contractual agreement with Littlejohn Engineering. Motion died for lack of a second.

Motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve Resolution No. 2012-27 as submitted. Upon roll call, the resolution was approved by the following vote:

AYES: Davis, Perkinson, Buttram
NAYS: Pelley

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ORDINANCES

ORDINANCE NO. 1005 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO ANNEX PROPERTY ALONG STATE ROUTE HIGHWAY 305 AS SHOWN ON THE ATTACHED MAP, AND DESCRIBED IN THE BODY OF THIS ORDINANCE, AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ATHENS, TENNESSEE.

Mayor Buttram announced that the second/final reading and public hearing on Ordinance No. 1005 had been postponed until the August 21, 2012 City Council meeting.

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NEW BUSINESS

RECOMMENDATION FROM PLANNING COMMISSION

RESOLUTION NO. 2012-28

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.

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. 2012-28 as presented. Motion was made by Council Member Pelley,**

seconded by Vice Mayor Perkinson for purposes of discussion, to amend the motion to remove from the last sentence in paragraph 4 “and a five (5) foot ADA compliant sidewalk constructed by Mr. Ledford in the access easement and dedicated to the city as provided below.” Upon roll call, the amendment failed by the following vote:

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

City Attorney Chris Trew stated that the paved surface on Piper Road was the only thing they were abandoning and the City was still reserving the utility easements. He recommended that paragraph 3 be deleted in its entirety as the abandoned property will pass to the legal owner of the property by operation of law.

Upon completion of discussion on construction of the sidewalk, a motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to amend the motion to remove paragraph 3 in its entirety from Resolution No. 2012-28. Upon roll call, the motion to amend was approved by the following vote:

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

Upon roll call, the motion to approve Resolution No. 2012-28 as amended was approved by the following vote:

AYES: Davis, Perkinson, Buttram
NAYS: Pelley

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CONSIDERATION OF PROPOSED ORDINANCE TO ZONE PROPERTY ALONG STATE ROUTE HIGHWAY 305, EXIT 52

ORDINANCE NO. 1006

AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO INCLUDE AND ZONE PROPERTY ALONG THE HIGHWAY 305, EXIT 52 AREA TO R-1 (LOW DENSITY RESIDENTIAL DISTRICT), B-4 (HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT), AND I-2 (HEAVY INDUSTRIAL 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 Vice Mayor Perkinson, to approve Ordinance No. 1006 on First Reading. Upon roll call, Ordinance No. 1006 was approved on first reading by the following vote:

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

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CONSIDERATION OF PROPOSED AMENDMENTS TO THE FLOODPLAIN ZONING ORDINANCE

ORDINANCE NO. 1007

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO MAINTAIN ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE CITY 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. 1007 on First Reading. Upon roll call, Ordinance No. 1007 was approved on first reading by the following vote:

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

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ORDINANCE NO. 1008

AN ORDINANCE TO AMEND TITLE 12 OF THE ATHENS MUNICIPAL CODE ENTITLED 'BUILDING, UTILITY, ETC. CODES' TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL RESIDENTIAL BUILDING CODE AND TO REFLECT CURRENT POLICIES AND PROCEDURES.

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. 1008 on First Reading. Upon roll call, Ordinance No. 1008 was approved on first reading by the following vote:

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

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

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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 July and August. 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 7:51 p.m.



MITCHELL B. MOORE, City Manager



R. HAL BUTTRAM, Mayor