

MINUTES OF MEETING, ATHENS CITY COUNCIL, SEPTEMBER 18, 2012

The Athens City Council met in regular session on Tuesday, September 18, 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, 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 August 21, 2012 was submitted and approved by unanimous consent.

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SWEARING IN OF NEWLY-APPOINTED COUNCIL MEMBER

The swearing in of the newly-appointed Council Member Jamison Sliger was conducted by City Attorney Chris Trew. Upon the seating of the new council, the following members were in attendance:

Davis, Sliger, Pelley, Perkinson, Buttram

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COMMUNICATIONS

MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letter from the City of Niota in appreciation for the City providing the Athens' Pride Truck to Niota when their truck broke down. He also acknowledged receipt of an award from the Tennessee Department of Environment and Conservation for the 2010 Governor's Environmental Stewardship Awards for Excellence in Aquatic Resource Preservation presented to the City of Athens and the Athens-McMinn Family YMCA for the "Green" Parking Lot. The City had also been presented with the 2012 Governor's Environmental Stewardship Award from the Tennessee Department of Environment and Conservation for Athens Community Initiatives to Restore and Protect Our Natural Heritage.

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PETITIONS AND REQUESTS

REQUESTS FROM AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Connie Woodcock, 936 Boaz Street, stated that she was suspending her campaign for Athens City Council as she had recently enrolled at the University of Tennessee and classes are being held on Tuesday nights. Annette Burger, 2130 Breckenridge Street, distributed copies of a petition signed by citizens of Athens opposing the Rails to Trails project to members of the City Council. Ms. Burger spoke on various issues of concern such as the condition of the city parks and wetlands which she felt were poorly maintained. She felt the City should not be applying for grants when there were many other needs in the community. 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 August 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 August 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 August 2012. 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 request to replace AS400 and select an IBM business partner;
- b.) Accept bid (Bid No. 1577 dated September 4, 2012) as submitted by MCS for repair of dumpsters;
- c.) Appoint Troy Huff to serve on the Board of Adjustments & Appeals, term expires June 3, 2015;
- d.) Appoint Troy Huff to serve on the Board of Zoning Appeals, term expires June 30, 2018;
- e.) Reappoint Ralph Fenton to serve another five-year term on the Historic Preservation Commission, term expires October 1, 2017;
- f.) Reappoint Randy Heafner to serve another five-year term on the Historic Preservation Commission, term expires October 1, 2017.

Motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve the Consent Agenda as stated above. Upon roll call, the motion to approve the Consent Agenda was approved by the following vote:

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

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ORDINANCES

ORDINANCE NO. 1009 – SECOND/FINAL READING – PUBLIC HEARING
AN ORDINANCE TO AMEND TITLE 14 OF THE ATHENS MUNICIPAL CODE, ENTITLED ‘ZONING AND LAND USE CONTROL’, MORE SPECIFICALLY CHAPTER 2, SECTION 3.04.09.C TO ADD REGULATIONS ADDRESSING REBUILDING SINGLE FAMILY HOMES IN ANNEXED AREAS INITIALLY ZONED B-4 HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT AS USES PERMITTED ON REVIEW.

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 Vice Mayor Perkinson, to approve Ordinance No. 1009 on Second and Final Reading.** Ordinance No. 1009 was approved by the following roll call vote:

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

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NEW BUSINESS

ORDINANCE NO. 1010

AN ORDINANCE TO AMEND ORDINANCE NO. 914 ENTITLED THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, SO AS TO AMEND CHAPTER 3, ZONING DISTRICTS, MORE SPECIFICALLY SECTION 3.04.04, R-3 HIGH DENSITY RESIDENTIAL DISTRICT, TO ADD ASSISTED LIVING FACILITIES, NURSING HOMES AND THE LIKE AS USES PERMITTED UNDER SUBSECTION 3.04.04(B).

The caption of the above-described Ordinance was read by the recording clerk. **A motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to approve Ordinance No. 1010 on First Reading.** Upon roll call, the first reading of Ordinance No. 1010 was approved by the following vote:

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

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RESOLUTION NO. 2012-31

A RESOLUTION ACCEPTING THE HIGHWAY 305 ANNEXATION AREA STREETS INTO THE STREET SYSTEM OF THE CITY OF ATHENS, TENNESSEE.

The caption of Resolution No. 2012-31 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Sliger, to approve Resolution No. 2012-31.** Vice Mayor Perkinson moved to amend his motion to add the middle initial "J." to John Duncan Parkway to recognize both United States Congressman John J. Duncan and his father for their years of service to the community. Upon roll call, the resolution was approved as amended by the following vote:

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

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CONSIDERATION OF PROPOSED ORDINANCE AMENDING THE ALCOHOLIC BEVERAGES CODE

ORDINANCE NO. 1011

AN ORDINANCE TO AMEND TITLE 8 OF THE ATHENS MUNICIPAL CODE, ENTITLED 'ALCOHOLIC BEVERAGES', MORE SPECIFICALLY CHAPTER 1, SECTION 8-101 'PROHIBITED GENERALLY' AND CHAPTER 2, SECTION 8-211 'INTERFERENCE WITH PUBLIC HEALTH, SAFETY AND MORALS PROHIBITED'.

The caption of the above-described Ordinance was read by the recording clerk. **A motion was made by Council Member Davis, seconded by Council Member Sliger, to approve Ordinance No. 1011 on First Reading.** City Attorney Trew explained that the term "minor" in other areas of the Municipal Code means any person who has not attained eighteen (18) years of age. However, under Title 8 of the Code entitled Alcoholic Beverages, a "minor" means any person who has not attained twenty-one (21) years of age. The proposed amendment

will add this distinction to the Alcoholic Beverages Code. Upon roll call, Ordinance No. 1011 was approved on first reading by the following vote:

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

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CONSIDERATION OF GRANT APPLICATION FOR SPRAY/SQUEEGEE MACHINE TO APPLY REJUVENATORS, SLURRY SEALS, AND LIQUID ROAD TO CITY STREETS

RESOLUTION NO. 2012-32

A RESOLUTION TO APPLY FOR AND ACCEPT FUNDING FOR A GRANT FROM THE GREEN DEVELOPMENT PROJECT THROUGH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR A SPRAY/SQUEEGEE MACHINE.

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. 2012-32 as presented.** Mayor Buttram stated that this request came from the Public Works Department and will result in saving the City dollars over a period of time. Public Works Director Lindsey explained how a spray/squeegee machine works and reviewed the cost of contracting out the service compared to purchasing the equipment. After brief discussion and upon roll call, the resolution was approved by the following vote:

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

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CONSIDERATION OF GRANT APPLICATION FOR DUMPSTERS, RECYCLE CONTAINERS, GRAPPLE BUCKET AND RECYCLE BINS

RESOLUTION NO. 2012-33

A RESOLUTION TO APPLY TO THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR FUNDING THROUGH THE DIVISION OF SOLID WASTE MANAGEMENT FOR RECYCLING DUMPSTERS, RECYCLE CONTAINERS, GRAPPLE BUCKET AND RECYCLE BINS.

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. 2012-33 as presented.** Public Works Director Lindsey stated this grant would allow the City to purchase recycling dumpsters, containers, bins and a grapple bucket for the skid steer to improve the overall recycle efforts. The City could apply for funds up to \$25,000 with a local match of up to \$10,000. Upon roll call, the resolution was approved by the following vote:

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

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POLICE SHOOT HOUSE – BID NO. 1575

As discussed during recent work session, Mayor Buttram presented for Council's consideration Bid Tabulation No. 1575, dated September 4, 2012, for a Police Shoot House. City staff recommended the bid be awarded to MSK Construction. Upon consideration, **motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to accept staff's recommendation as provided above.** The motion was approved by the following roll call vote:

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

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SOLAR PANELS – BID NO. 1576

As discussed during recent work session, Mayor Buttram presented for Council's consideration Bid Tabulation No. 1576, dated September 4, 2012, for Solar Panels. City staff recommended the bid be awarded to Mills Electric Service, as the low bidder meeting bid specifications. Upon consideration, **motion was made by Vice Mayor Perkinson, seconded by Mayor Buttram, to accept staff's recommendation as provided above. Council Member Pelley moved to table this item.** The motion failed by the following roll call vote:

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

Vice Mayor Perkinson commented on the payback analysis presented in the report from the Public Works Director. He felt that based on the report, this request seems to be a reasonable request. Council Member Pelley stated that he was for solar panels but expressed concern over the price difference between each of the bidders on the bid tabulation sheet. He felt that there was something they were missing and asked for one more month to look at the bids. Dr. Pelley also expressed concern that several vendors had chosen not to submit bids for this project. Purchasing Director Marshall stated that he had spoken to several vendors and was told that they make their money on labor. Since the City was going to install the panels, the profit on this project would be nominal. Mr. Lindsey stated that once the bid was awarded they had six months to finish the project. His staff has the time to do so now; however, if they have to wait another month, their work schedule may not permit them to finish the project in the required time frame. After a brief discussion, the motion was approved by the following roll call vote:

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

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EARTH SHELTERED BUILDING – BID NO. 1578

As discussed during recent work session, Mayor Buttram presented for Council's consideration Bid Tabulation No. 1578, dated September 4, 2012, for an earth sheltered building. City staff recommended the bid be awarded to Colfibrex. Upon consideration, **motion was made by Council Member Davis, seconded by Council Member Sliger, to accept staff's recommendation as provided above.** Public Works Director Lindsey stated the earth sheltered building will be approximately 900 square feet and will be located at the Athens Regional Park. There have been talks about merging Keep McMinn Beautiful with the Tourism Director position and creating one position. This building would serve as a Visitors Center as well as provide an office for the Tourism Director. Council Member Pelley commended Mr. Lindsey for his creativity and thinking outside the box but felt this was going to be just another building that needed to be maintained. After a brief discussion on the merits of this project, the motion was approved by the following roll call vote:

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

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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 September and October. After brief comments, the report was accepted.


Mayor Buttram was presented with his family genealogy dating back to 1605 in Ireland by Ruth Cole and the Bishop R. L. Pitcher of The Church of Jesus-Christ of Latter-Day Saints.

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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 7:35 p.m.



R. HAL BUTTRAM, Mayor



MITCHELL B. MOORE, City Manager