

MINUTES OF MEETING, ATHENS CITY COUNCIL, OCTOBER 16, 2012

The Athens City Council met in regular session on Tuesday, October 16, 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, Pelley, Perkinson, Buttram

*Council Member Sliger was working and unable to 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 September 18, 2012 was submitted and approved by unanimous consent.

- 2 -  
COMMUNICATIONS

PRESENTATION OF 2012 WORKFORCE DEVELOPMENT "PROJECT OF THE YEAR" AWARD

Council Member Davis presented Mayor Buttram and the City of Athens with the 2012 Workforce Development "Project of the Year" award from the SETDD Workforce Development and Education Forum.

- 3 -

MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letter of appreciation from Eugene Misa for services performed by City staff.

- 4 -  
PETITIONS AND REQUESTS

REQUESTS FROM AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. H.R. Anderson, 2220 Hammerhill Road, stated he had submitted a letter to the City Manager in March 2012 and had not received a response. A copy of the letter regarding Jonathan Matthew Shredding Business emitting excessive toxic noise to the Anderson property was given to the City Council and City Manager. Mary Wyatt, 301 Park Street, extended an invitation to the City Council and community to attend a Rails-To-Trails Initiative on October 25, 2012 at 6:30 p.m. at the Knox Park Pavilion. There were no other petitions or requests presented at this time.

- 5 -  
BEER BOARD

**6:14 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board**

RELINQUISHMENT OF BEER PERMIT – DJ'S COUNTRY MARKET & DELI, 1122 CONGRESS PARKWAY

Chairman Buttram acknowledged receipt of the beer permit from DJ's Country Market & Deli relinquishing its Package Store Beer Permit at 1122 Congress Parkway as the business had closed. **A motion was made by Board Member Perkinson, seconded by Board Member**

**Davis, to accept the relinquishment of the Package Store Beer Permit by DJ's Country Market & Deli.** Upon roll call, the motion was approved by the following vote:

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

RELINQUISHMENT OF BEER PERMIT – MEXICO CITY GOURMET, 206 DECATUR PIKE

Chairman Buttram acknowledged receipt of the beer permit from Mexico City Gourmet relinquishing its Restaurant Beer Permit at 206 Decatur Pike as the business had closed. **A motion was made by Board Member Pelley, seconded by Board Member Perkinson, to accept the relinquishment of the Restaurant Beer Permit by Mexico City Gourmet.** Upon roll call, the motion was approved by the following vote:

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

REVOCAION OF RESTAURANT BEER PERMIT – ISLAND CUISINE, 1012 EAST MADISON AVENUE

Chairman Buttram stated that Island Cuisine restaurant closed on August 3, 2012 and had not returned their permit within fifteen (15) days of termination. Since the restaurant had not been in business for sixty (60) days, the Code states that the Beer Board shall revoke their beer permit. **A motion was made by Board Member Pelley, seconded by Board Member Davis, to revoke the Restaurant Beer Permit of Island Cuisine.** Upon roll call, the motion was approved by the following vote:

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

RELINQUISHMENT OF BEER PERMIT – IAN'S MARKET #10, 5 CONGRESS PARKWAY

Mayor Buttram acknowledged receipt of a letter from Karim Boghani relinquishing the Grocery (Food Stores) Beer Permit at Ian's Market #10 located at 5 Congress Parkway due to a change in ownership. **A motion was made by Board Member Pelley, seconded by Board Member Davis, to accept the relinquishment of Ian's Market #10 beer permit as submitted.** Upon roll call, the motion was approved by the following vote:

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

BEER APPLICATION – PARKWAY FOOD MART, 5 CONGRESS PARKWAY

An application for a Grocery (Food Stores) Beer Permit from Harrison Shukarddin, owner of Parkway Food Mart, 5 Congress Parkway, was presented for consideration. **A motion was made by Board Member Davis, seconded by Board Member Pelley, to approve the beer application as submitted.** Upon roll call, the motion was approved by the following vote:

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

BEER APPLICATION – GORDO’S (WINGS & THINGS) SPORTS PUB, 107 NEW ENGLEWOOD ROAD

An application for a Restaurant Beer Permit from Gordon James McGlynn, owner of Gordo’s (Wings & Things) Sports Pub, 107 New Englewood Road, was presented for consideration. **A motion was made by Board Member Perkinson, 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, Pelley, Perkinson, Buttram**  
**NAYS: None**  
**ABSENT: Sliger**

**6:20 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council**

- 6 -  
REPORTS

FINANCE DEPARTMENT REPORT

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

- 7 -

POLICE DEPARTMENT REPORT

Captain Rob Davis presented the Police Department Report for the month of September 2012. The report was accepted as presented.

- 8 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of September 2012. The report was accepted as presented.

- 9 -

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.

- 10 -

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 extension of contractual agreement with Pavement Technology for asphalt rejuvenation for one year expiring November 30, 2013;
- b.) Approve extension of contractual agreement with C. E. Mashburn for equipment rental for one year expiring September 30, 2013;
- c.) Approve extension of contractual agreement with Old Castle Adams for permeable pavers for one year expiring December 30, 2013;

- d.) Approve Resolution No. 2012-34 authorizing extension of contractual agreement with East Tennessee Construction Services for sidewalk restoration for one year expiring October 30, 2013.

**Motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, 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, Pelley, Perkinson, Buttram**  
**NAYS: None**  
**ABSENT: Sliger**

- 11 -  
ORDINANCES

**ORDINANCE NO. 1010 – SECOND/FINAL READING – PUBLIC HEARING**

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. 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 Vice Mayor Perkinson, seconded by Council Member Davis, to approve Ordinance No. 1010 on Second and Final Reading.** Ordinance No. 1010 was approved by the following roll call vote:

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

- 12 -

**ORDINANCE NO. 1011 – SECOND/FINAL READING – PUBLIC HEARING**

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. 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 Vice Mayor Perkinson, to approve Ordinance No. 1011 on Second and Final Reading.** Ordinance No. 1011 was approved by the following roll call vote:

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

- 13 -  
NEW BUSINESS

**TAX INCREMENT FINANCING (TIF) POLICIES AND GUIDELINES MODIFICATION REQUEST**

Mayor Buttram asked Finance Director Mike Keith to briefly explain the modification request from David Siklosi, Counsel for the Industrial Development, dated October 1, 2012. Mr. Keith explained that the Industrial Development Board has neither a staff nor the expertise to hold, account for and disburse TIF allocations as detailed in the City of Athens and McMinn County Tax Increment Financing policies. The Board was requesting that the policies be

modified to state that the funds for the City would be handled by the City Finance Director and the calculation of the TIF would be handled by the Property Assessor and the City Finance Director. Funds for the County would be handled by the County Trustee. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve the Tax Increment Financing (TIF) Policies and Guidelines modification request from the Industrial Development Board of the County of McMinn as detailed in letter from David Siklosi, Counsel for the Industrial Development Board, dated October 1, 2012.** Upon roll call, the motion to approve the modification request was approved by the following vote:

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

- 14 -

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

- 15 -

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.

  
\_\_\_\_\_  
R. HAL BUTTRAM, Mayor

  
\_\_\_\_\_  
MITCHELL B. MOORE, City Manager