

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

The Athens City Council met in regular session on Tuesday, November 20, 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:

Davis, Sliger, 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 on October 16, 2012 and the special meeting of the Beer Board on November 8, 2012 were submitted and approved by unanimous consent.

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CERTIFICATION OF ELECTION

The following official tabulation of the Athens City Election was presented by City Attorney Trew and is entered herein as a part of these Minutes:

*“We, the undersigned members of the McMinn County Election Commission, do hereby certify that we held a Municipal Election on Tuesday, November 6, 2012, in all of the voting precincts in the City of Athens, according to law, for the purpose of electing the two (2) offices shown hereinafter, and that we have canvassed the returns of said election as required by law, and we do hereby certify that the following three (3) pages of tabulation are a true, correct, and complete accounting of the results by precinct in said election as established by the canvassing of the returns, this 19th day of November, 2012.”*

McMinn County Commissioners of Election  
/s/ Wylie Richardson, Chairman  
/s/ Bobby Goodman, Secretary  
/s/ Becky Riley, Member  
/s/ Amber Robinson, Member  
/s/ Brenda Ratledge, Member

**ATHENS CITY COUNCIL – (4 YEAR TERM) VOTE FOR TWO (2)**

<b>Chuck Burris</b>	<b>2285</b>
<b>Ann Scott Davis</b>	<b>1845</b>
Steven S. Sherlin	1681
Yvonne Raper	1324
Connie Fain-Woodcock	427
C. David Derrick	<u>413</u>

Total Votes Cast 7975

**ATHENS CITY SCHOOL BOARD – VOTE FOR THREE (3)**

<b>Chris Adams</b>	<b>3439</b>
<b>Michael Bevins</b>	<b>2929</b>
<b>Alf Hacker</b>	<b>2465</b>
Charlie Senn	<u>2143</u>

Total Votes Cast 10,976

Council Member Sliger was presented his name plate by Mayor Buttram as a memento of his term of office as member of the Athens City Council. Council Member Sliger thanked everyone for the opportunity to serve and left the meeting.

**A motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to accept the Certification of Election results as presented. Upon roll call, the motion was approved by the following vote:**

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

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SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

The swearing in of the newly-elected council members (Burris and Davis) was conducted by City Attorney Chris Trew. Upon the seating of the new council, followed by roll call, the following members were in attendance:

Burris, Buttram, Davis, Pelley, Perkinson

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REORGANIZATION OF COUNCIL

The method of selecting the mayor is determined by the Charter of the City of Athens (Article V; Sections 1 & 11), whereby the councilmen at the first regular meeting after each biennial election shall elect from one of their number a mayor and vice mayor to serve for a term of two years.

ELECTION OF MAYOR

To begin the reorganization of the Council, City Attorney Trew announced that he would accept nominations for the election of mayor. Council Member Davis nominated Council Member Buttram to serve a two-year term as Mayor. **A motion was made by Council Member Davis, seconded by Council Member Perkinson, to elect Council Member Buttram as Mayor.** The motion passed by the following roll call vote:

**AYES: Burris, Buttram, Davis, Perkinson**  
**NAYS: Pelley**

ELECTION OF VICE MAYOR

Upon request for nominations for the office of Vice Mayor, Council Member Perkinson nominated Council Member Davis to serve a two-year term. **A motion was made by Council Member Perkinson, seconded by Mayor Buttram, to elect Council Member Davis as Vice Mayor.** The motion passed by the following roll call vote:

**AYES: Davis, Perkinson, Buttram**  
**NAYS: Burris, Pelley**

Council Member Perkinson requested a discussion of the City Council seating arrangements be added to the December Work Session agenda.

APPOINTMENT OF COUNCIL REPRESENTATIVES

Mayor Buttram presented a list of committees that required council-represented appointments. **A motion was made by Mayor Buttram, seconded by Council Member Perkinson, to approve the list of committees as presented.** Council Member Burris stated that he would like to have Council Member Pelley continue to serve on the Athens Regional Planning Commission for the last two years of his term. Mr. Burris stated he preferred to attend the meetings as an observer and not a voting member for the next two years. Mayor Buttram amended his motion to leave Council Member Dick Pelley on the Athens Regional Planning Commission, approved by Council Member Perkinson. The appointments listed below were unanimously approved by the following roll call vote:

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

<u>Name of Committee</u>	<u>Council Representative</u>
Athens Parks Foundation	Hal Buttram
Athens Regional Planning Commission (Mayor's designee)	Ann Davis
Athens Regional Planning Commission	Dick Pelley
Athens Utilities Board	William Bo Perkinson
Board of Zoning Appeals	Hal Buttram
Historic Preservation Commission	Ann Davis
McMinn County Department of Juvenile Services	Chuck Burris
McMinn County Economic Development Authority	Dick Pelley
McMinn County Senior Citizens	Ann Davis

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COMMUNICATIONS

PRESENTATION – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mayor Buttram announced that the City had received the Government Finance Officers Association "Certificate of Achievement for Excellence in Financial Reporting" for fiscal year ended June 30, 2011. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. This marked the 20th consecutive year the City has received this award.

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MISCELLANEOUS CORRESPONDENCE

There was no miscellaneous correspondence this month.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Ms. Elizabeth Luttrell, 607 Shoemaker Street, presented the City Council with pictures of her property and stated that she was informed by the Public Works Director that there was nothing the city could do to help alleviate her drainage problem and asked the City Council for help. Mayor Buttram asked that this item be placed on the December Work Session agenda for further discussion. There were no other petitions and requests presented at this time.

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BEER BOARD

**6:30 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board**

BEER APPLICATION – THE SPOT, 206 DECATUR PIKE

An application for a Restaurant Beer Permit from Eva Jean Bryan, owner of The Spot, 206 Decatur Pike, was presented for consideration. **A 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: Burris, Davis, Pelley, Perkinson, Buttram**  
**NAYS: None**  
**ABSENT: None**

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

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REPORTS

FINANCE DEPARTMENT REPORT

Mayor Buttram presented the Government Finance Officers Association "Certificate of Achievement for Excellence in Financial Reporting" to Finance Director Mike Keith in recognition of outstanding financial reporting for the City of Athens. Mr. Keith stated that this achievement was possible because of the high standards established by the City Council and demanded every day by the City Manager of the Finance Department. He commented that the Finance Department would not exist without the four ladies in that department. Mr. Keith presented the Finance Department Report for the month of October 2012. After brief comments, 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 October 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 October 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 presented as a part of the Consent Agenda. He stated that item d.) of the Consent Agenda regarding the demolition and site clearing of four (4) condemned structures had been withdrawn. The recording clerk read the items into the record:

- a.) Approve Resolution No. 2012-35 authorizing the distribution of Athens Utilities Board's electrical in lieu of tax payments for fiscal year 2012/13;
- b.) Approve Resolution No. 2012-36 authorizing the distribution of Athens Utilities Board's gas in lieu of tax payments for fiscal year 2012/13;
- c.) Accept low bid (Bid No. 1579 dated November 1, 2012) as submitted by Leisure Lines for a sun shade structure at Athens Regional Park;
- e.) Approve recommendation to declare the AS400 (Asset #3453) and software upgrade on old system (Asset #3791) as surplus property and authorize public sale or disposal as detailed in memorandum from Mike Keith, Finance Director dated November 5, 2012.

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

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

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NEW BUSINESS

PROPOSED ORDINANCE TO UPDATE THE ATHENS MUNICIPAL CODE TO REFLECT  
CURRENT CITY OF ATHENS PUBLIC WORKS POLICIES AND PROCEDURES

ORDINANCE NO. 1012

**“AN ORDINANCE TO UPDATE THE ATHENS MUNICIPAL CODE TO REFLECT  
CURRENT CITY OF ATHENS POLICIES AND PROCEDURES.”**

The caption of the above-described Ordinance was read by the recording clerk. A motion was made by Council Member Perkinson, seconded by Vice Mayor Davis, to approve Ordinance No. 1012 on First Reading. Upon roll call, the first reading of Ordinance No. 1012 was approved by the following vote:

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

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ORDINANCE NO. 1013

**“AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF  
ATHENS, TENNESSEE, SO AS TO AMEND TITLE 14, CHAPTER 2, SECTION 3.04.08,  
CENTRAL BUSINESS DISTRICT, TO ADD REGULATIONS THAT ADDRESS  
PERSONAL STORAGE UNITS IN THE B-3 CENTRAL BUSINESS DISTRICT AS USES  
PERMITTED ON REVIEW; AND PROVIDING FOR CONFLICTS, SEVERABILITY  
AND AN EFFECTIVE DATE.”**

The caption of the above-described Ordinance was read by the recording clerk. A motion was made by Council Member Perkinson, seconded by Vice Mayor Davis, to approve Ordinance No. 1013 on First Reading. Upon roll call, the first reading of Ordinance No. 1013 was approved by the following vote:

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

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ORDINANCE NO. 1014

**“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 ROCKY MOUNT ROAD FROM I-1 (LIGHT INDUSTRIAL  
DISTRICT) TO R-2 (MEDIUM DENSITY 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 Vice Mayor Davis, seconded by Council Member Burris, to approve Ordinance No. 1014 on First Reading. Upon roll call, the first reading of Ordinance No. 1014 was approved by the following vote:

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

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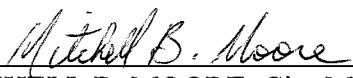
MANAGER’S REPORT

City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of November and December. After brief comments, the report was accepted as presented.

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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 7:17 p.m.

  
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R. HAL BUTTRAM, Mayor

  
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MITCHELL B. MOORE, City Manager