

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 19, 2013

The Athens City Council met in regular session on Tuesday, February 19, 2013, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Council Member Pelley; and upon roll call, the following members were present:

Burris, Pelley, Perkinson, Davis, Buttram

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 January 15, 2013 was submitted and approved by unanimous consent.

- 2 -
COMMUNICATIONS

MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters of appreciation for services performed by City staff.

- 3 -
BEER BOARD

6:06 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board

RELINQUISHMENT OF BEER PERMIT – MEXICAN CUISINE RESTAURANT, 1012 EAST MADISON AVENUE

Marco Cifuentes, owner of Mexican Cuisine Restaurant, 1012 East Madison Avenue, closed the restaurant on February 6, 2013 and returned his beer permit on that date. **A motion was made by Board Member Pelley, seconded by Board Member Perkinson, to accept the relinquishment of Mexican Cuisine Restaurant’s beer permit.** Upon roll call, the motion was approved by the following vote:

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

6:07 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Nathan Hamby, 144 County Road 87, stated he attended the last council meeting because he went to court for a ticket he received for a loud muffler. The charges were dropped but he still had to pay court costs. Mr. Hamby felt that the Council may have misunderstood what he was trying to say at the last meeting. Mayor Buttram asked City Manager Moore to place the discussion of court costs on the next work session agenda. Wesley Wilhoit, 170 County Road 655, stated that he received a ticket for illegal tinting on a vehicle that did not belong to him. He was also pulled over for an expired tag on a vehicle that was not his and he will have to go to court and probably pay court costs for those violations. Emily Whiting, 247 County Road 655, P.O. Box 66, stated that she was the owner of the car that Mr. Wilhoit was driving when he was stopped. She was upset about the tinting because she bought it at Wal-Mart and assumed it was legal. She felt Mr. Wilhoit should have received a warning to correct the problem and not a ticket. Ms. Whiting

commented that the judge does not charge everyone court costs. Glen Whiting, 237 County Road 655, read an apology letter to the Council regarding comments he had made at the last City Council meeting. He stated that he still felt that court costs should not be charged if you are found not guilty. Gene Whiting, 170 County Road 655, stated charging court costs when the case was dismissed was both immoral and theft.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of January 2013. The report was accepted as presented.

- 6 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of January 2013. The report was accepted as presented.

- 7 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of January 2013. 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. 2013-03 to close and abandon the entire section of Piper Road from Layman Road to Congress Parkway;
- b.) Approve City of Athens Budget Amendment No. 2 for Fiscal Year 2012/2013;
- c.) Approve Resolution No. 2013-04 to authorize the inclusion of franchise fees in the definition of gross revenue for calculating the franchise fee payment from providers;
- d.) Approve Resolution No. 2013-05 to authorize submission of a grant application to the Tennessee Department of Economic and Community Development through the Community Development Block Grant Program;
- e.) Approve Resolution No. 2013-06 to apply for and accept funding for a grant from the Clean Tennessee Energy Grant Program for replacing street lights and to purchase a fuel efficient automated litter unit;
- f.) Approve Resolution No. 2013-07 to extend the terms of the agreement with the McMinn Regional Humane Society regarding the Volunteer Program;
- g.) Approve Resolution No. 2013-08 to execute a revised lease agreement with Angela Seaton McLaughlin for Recycling Center property located on Rocky Mount Road;
- h.) Approve staff's recommendation to declare assorted office equipment, chairs and computers as surplus property and authorize public sale or disposal thereof as detailed in memorandum from Matthew Marshall, Director of Purchasing dated January 28, 2013;

- i.) Accept low bid (Bid No. 1582 dated January 25, 2013) as submitted by American Sealcoat for Spray Squeegee Machine;
- j.) Accept low bid (Bid No. 1583 dated January 25, 2013) as submitted by Progression Electric for Traffic Signal Equipment;
- k.) Approve purchase of a replacement tractor and mower on state contract with CMI Equipment.

A motion was made by Council Member Pelley, seconded by Council Member Burris, to approve items b.) through k.) of the Consent Agenda as stated above and approved by the following roll call vote:

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

A motion was made by Council Member Perkinson, seconded by Vice Mayor Davis, to approve item a.) as submitted. Council Member Perkinson stated this resolution would allow the property owner to move forward with the planned renovations. A motion was made by Council Member Pelley, seconded by Council Member Burris, to amend the motion to delete any reference to the sidewalk being constructed by Mr. Ledford from Resolution No. 2013-03. Council Member Pelley stated that Mr. Ledford wanted to rescind his offer to construct a sidewalk even though he had not officially requested it. Dr. Pelley stated that he felt to be business friendly the City should pay for the sidewalk and take that expense off the shoulders of the business. Upon completion of the discussion on the sidewalk, the amendment failed by the following roll call vote:

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

The motion to approve item a.) as submitted was approved by the following roll call vote:

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

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ORDINANCES

ORDINANCE NO. 1015 – SECOND/FINAL READING – PUBLIC HEARING
AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF ATHENS, TENNESSEE TO ESTABLISH REASONABLE COURT COSTS.

The caption of the above-described Ordinance was read by the recording clerk. Mayor Buttram opened the public hearing. Glen Whiting, 237 County Road 655, asked whether the proposed ordinance included anything stating that court costs should not be charged if you were found innocent. David Derrick, 12 Nash Drive, stated he felt if your charges were dismissed then it was not fair to charge court costs and the City of Athens should absorb those costs. There being no one else present wishing to discuss the Ordinance, Public Hearing was closed. **A motion was made by Council Member Perkinson, seconded by Vice Mayor Davis, to approve Ordinance No. 1015 on Second and Final Reading.** Ordinance No. 1015 was approved by the following roll call vote:

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

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ORDINANCE NO. 1016 – SECOND/FINAL READING – PUBLIC HEARING
AN ORDINANCE TO AMEND TITLE 8 OF THE ATHENS MUNICIPAL CODE, ENTITLED ‘ALCOHOLIC BEVERAGES’, MORE SPECIFICALLY CHAPTER 2, SECTION 8-213 (17) TO CLARIFY PROVISIONS REGARDING DANCING.

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 Davis, seconded by Council Member Perkinson, to approve Ordinance No. 1016 on Second and Final Reading.** Ordinance No. 1016 was approved by the following roll call vote:

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

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NEW BUSINESS

COMMITTEE APPOINTMENTS/REAPPOINTMENTS

Mayor Buttram asked the recording clerk to read Items 1 – 7 under Committee Appointments/Reappointments into the record:

1. Reappointment of Dr. Charles Bivens to the Athens Housing Authority, term expires March 6, 2018
2. Reappointment of Ruth Malone to the Council Advisory Committee (Council Member Burris’ appointment), term expires March 21, 2016
3. Reappointment of Joseph Noble to the Council Advisory Committee (Mayor Buttram’s appointment), term expires March 21, 2016
4. Appointment of Alex Mora to the Council Advisory Committee (Council Member Pelley’s appointment), term expires March 21, 2016
5. Appointment of Yvonne Raper to the Council Advisory Committee (Council Member Perkinson’s appointment), term expires March 21, 2016
6. Appointment of Mary Wyatt to the Council Advisory Committee (Vice Mayor Davis’ appointment), term expires March 21, 2016
7. Appointment of Stuart Sullins to Keep McMinn Beautiful, term expires March 3, 2016

A motion was made by Vice Mayor Davis, seconded by Council Member Burris, to approve Items 1 through 7 as stated above and approved by the following roll call vote:

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

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MANAGER’S REPORT

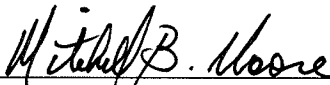
City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of February and March. It was noted that the March Work Session would be held on Thursday, March 7, 2013 at 5:00 p.m. due to a scheduling conflict. The report was 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 7:10 p.m.



R. HAL BUTTRAM, Mayor



MITCHELL B. MOORE, City Manager