

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

The Athens City Council met in regular session on Tuesday, March 19, 2013, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Council Member Perkinson; 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 February 19, 2013 and the Called Meeting of March 7, 2013 were submitted and approved by unanimous consent.

- 2 -
COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Vice Mayor Davis presented the *Very Important Volunteer Individual Award* for March 2013 to Betty Gentry for her outstanding support of this community. Ms. Gentry thanked the Council for honoring her with the award.

- 3 -

MISCELLANEOUS CORRESPONDENCE

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

- 4 -
PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Jerry Riggs, Jerry's Garage & Wrecker Service, and Robert Millsaps, Friendly City Service Station, spoke in opposition to the uniform billing schedule for wrecker and towing operators that was going into effect April 1, 2013. Mr. Riggs felt the fees were too low and suggested the Council hold off implementing the fee schedule until they had a chance to meet with the local wrecker operators. Mr. Millsaps stated that a flat fee does not take into consideration the work involved and the approach the City was taking was not reasonable. Council Member Pelley asked that this item be placed on the April Work Session and he asked the wrecker operators to attend. Nathan Hamby, 144 County Road 87, stated he had attended the last two Council meetings and still did not have an answer as to why he was charged court costs. He stated he had letters from two mechanics stating that his muffler was legal and presented copies of those letters. Mr. Hamby stated if you were guilty you should have to pay court costs but no one had contacted him as to why he had to pay court costs. He also felt the law needed to be changed. Dan Anderson, 2307 County Road 700, asked about the individual that is not deemed guilty and if they still had to pay court costs. Glen Whiting, 237 County Road 655, asked the Council if they asked the Mayor to apologize for comments he had made in the newspaper regarding his entourage. Wesley Wilhoit, 170 County Road 655, stated that he had reported his car stolen and Officer Jamie Carmack was assigned the call. Officer Carmack kept in constant contact with Mr. Wilhoit and let him know everything that was being done to recover his vehicle. Mr. Wilhoit wanted to publicly commend Officer Carmack for his professionalism. Norma Whiting, 170 County Road 655, stated she wanted to applaud Council Member Pelley because he speaks his mind. She remarked that she was Glen Whiting's mother and part of his entourage. She was proud of his son taking a stand on behalf of others and stated the court cost issue was not whether it was legal or not but whether it was right or wrong. Gene Whiting, 170 County Road 655, stated he felt the Council was passing the buck and they should attack the judge for finding people guilty.

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of February 2013. Mr. Keith remarked that at the December 2012 City Council meeting he talked about the prior years' and current year property taxes and the impact changes to the DENSO property taxes would have on the budget. He noted that DENSO did pay the correct amount in February. As a result of the changes, Mr. Keith pointed out that the City would be under budget on the current and prior year property taxes by at least \$50,000 for each of those line items for a total of \$100,000. He stated he wanted the Council to be aware of it and know that they were taking the changes into consideration when they were preparing the budget for next year. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Captain Rob Davis presented the Police Department Report for the month of February 2013. The report was accepted as presented.

- 7 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of February 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 Athens City Board of Education Budget Amendment No. 1 for Fiscal Year 2012/2013;
- b.) Approve Resolution No. 2013-10 designating Fair Housing Month in the City of Athens;
- c.) Approve Resolution No. 2013-11 to apply for and accept funding for a grant from the Tennessee Department of Transportation for assistance in construction and completion of a proposed industrial access highway for project entitled "Operation Stopwatch";
- d.) Approve Resolution No. 2013-12 to dedicate a portion of land in the Mount Verd Interchange Industrial Park for a State Industrial Access Road for public use;
- e.) Approve Resolution No. 2013-13 to execute contract with Huggins Lawn Care for cemetery maintenance;
- f.) Approve Resolution No. 2013-14 to execute contract with Alpha Omega Lawn and Landscaping for park maintenance/mowing – Section I (Cook Park, Knight Park, Veterans Park, and Market Park) and Section III (Athens Municipal Building, Fire Station II, Ingleside Recreation Complex, North City Pool, 7 Welcome Signs and Decatur Pike Median/Island);
- g.) Approve Resolution No. 2013-15 to execute contract with Total Lawn Care for maintenance of flower beds downtown and at the Athens Municipal Building;
- h.) Accept resignation of Connie Murphy on Keep McMinn Beautiful, term expires March 6, 2014;

- i.) Reappoint L. Michael Ingram to serve another term as an Alternate on the Board of Adjustments and Appeals, term expires April 21, 2017;
- j.) Reappoint James O'Bringer to serve another term on the Council Advisory Committee, term expires March 21, 2016;
- k.) Reappoint Kenneth Grubb to serve another term on the Tax Equalization Board, term expires April 1, 2015;
- l.) Appoint Richard Porter Clark to Council Advisory Committee, term expires March 21, 2016;
- m.) Appoint Matt Dannel to Council Advisory Committee, term expires March 21, 2016;
- n.) Appoint Scott Mashburn to Keep McMinn Beautiful to fill unexpired term, term expires March 6, 2014.

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

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

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NEW BUSINESS

REZONING REQUEST

ORDINANCE NO. 1017

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 THE CORNER OF MAPLE STREET AND ELLIOTT STREET FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-1 (LOCAL BUSINESS 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 Council Member Burris, to approve Ordinance No. 1017 on First Reading.** Upon roll call, the first reading of Ordinance No. 1017 was approved by the following vote:

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

- 10 -

DISCUSSION ON COURT COSTS

There was no discussion on this agenda item.

- 11 -

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 March and April. The report was accepted as presented.

- 12 -

CITY COUNCIL PERSONAL CODE OF PROFESSIONALISM

Mayor Buttram stated this item would be postponed until the April 16, 2013 regular City Council meeting.

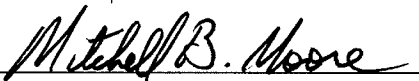
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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:06 p.m.



R. HAL BUTTRAM, Mayor



MITCHELL B. MOORE, City Manager