

MINUTES OF MEETING, ATHENS CITY COUNCIL, MAY 21, 2013

The Athens City Council met in regular session on Tuesday, May 21, 2013, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Council Member Burris; 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 April 16, 2013 was submitted and approved by unanimous consent.

- 2 -  
COMMUNICATIONS

DISTINGUISHED SERVICE AWARD

Members of the Athens City Council presented Athens Patrol Officer Don Nation with the Distinguished Service Award for his outstanding performance during a medical emergency incident which occurred on April 25, 2013.

- 3 -

MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters of appreciation for services performed.

- 4 -  
PETITIONS AND REQUESTS

AUDIENCE

Yvonne Raper, 1223 Miami Street, representing the American Cancer Society, thanked everyone who assisted with the Relay for Life event held this year at Market Park. Ms. Raper remarked that Market Park was a fantastic place to have the Relay and recommended others consider this venue for their events. The Relay for Life raised \$109,000. Mayor Buttram stated the effort Ms. Raper put into this event was monumental and she was owed a debt of gratitude for bringing this event together.

- 5 -  
REPORTS

FINANCE DEPARTMENT REPORT

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

- 6 -

POLICE DEPARTMENT REPORT

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

- 7 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of April 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.) Accept bid (Bid No. 1587 dated April 18, 2013) as submitted by Sealmaster for Bituminous Surface Treatment;
- b.) Approve staff's recommendation to declare assorted office equipment, computers, fire accessories, vehicles, garage equipment and other miscellaneous items as surplus property and authorize public sale or disposal thereof as detailed in memorandum from Matthew Marshall, Director of Purchasing dated May 1, 2013;
- c.) Approve Resolution No. 2013-18 to authorize extension of a contract with the Tennessee Department of Transportation (TDOT) for maintenance of state rights-of-way within the City of Athens for the period of time beginning July 1, 2013 and ending June 30, 2014;
- d.) Approve Resolution No. 2013-19 in support of participation in the TVA Economic Development Valley Sustainable Communities Program;
- e.) Approve Resolution No. 2013-20 authorizing the submission of grant applications through the Governor's Highway Safety Program;
- f.) Approve City of Athens Budget Amendment No. 3 for Fiscal Year 2012-2013;
- g.) Reappoint Charles Clark to serve another term on the Board of Adjustments and Appeals, term expires June 3, 2017;
- h.) Reappoint Tom Hughes, III to serve another term on the Athens Utilities Board, term expires June 30, 2017;
- i.) Reappoint James Dodson to serve another term on the Recreation Advisory Board, term expires June 30, 2017.

**A motion was made by Council Member Perkinson, seconded by Vice Mayor Davis, to approve the Consent Agenda as stated above. Council Member Pelley moved to amend the motion to exclude item i.), seconded by Council Member Burris. Council Member Pelley stated that James Dodson was term limited and wanted to address his reappointment at the June Work Session as there were several individuals interested in serving on this committee. The amendment was approved by the following roll call vote:**

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

**The motion as amended was approved by the following roll call vote:**

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

- 9 -  
ORDINANCES

ORDINANCE NO. 1018 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE PROPERTY LOCATED AT 602 OLD RICEVILLE ROAD 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. 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 Council Member Burris, to approve Ordinance No. 1018 on Second and Final Reading.** Ordinance No. 1018 was approved by the following roll call vote:

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

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NEW BUSINESS

RESOLUTION TO ACCEPT EASEMENT FROM MCMINN COUNTY ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. 2013-21

A RESOLUTION TO ACCEPT FROM THE MCMINN COUNTY ECONOMIC DEVELOPMENT AUTHORITY AN EASEMENT WITHIN THE MOUNT VERD INDUSTRIAL PARK FOR AN INDUSTRIAL HIGHWAY.

The caption of Resolution No. 2013-21 was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Davis, to approve Resolution No. 2013-21.** Upon roll call, the resolution was approved by the following vote:

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

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CONSIDERATION OF FUNDING FOR AMERICAN LEGION POST #68

Council Member Pelley requested consideration of funding for American Legion Post #68 be covered after discussion on the proposed budget for FY2013/14.

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PROPOSED BUDGET FOR FY 2013/14

A proposed ordinance was presented to adopt the City’s budget for fiscal year July 1, 2013 through June 30, 2014, as follows:

Fund	Projected Opening Balance	Revenues	Expenditures
General	\$6,600,000	\$12,603,000	\$12,956,000
Debt Service	\$3,500,000	\$ 795,000	\$ 795,000
Sanitation	\$1,500,000	\$ 885,000	\$ 885,000
Drug	\$ 225,000	\$ 22,000	\$ 22,000

ORDINANCE NO. 1019 – FIRST READING

AN ORDINANCE TO ADOPT A BUDGET AND SET THE TAX RATE ON TAXABLE PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS, TENNESSEE, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014.

**Motion was made by Council Member Perkinson, seconded by Vice Mayor Davis, to approve Ordinance No. 1019 as presented on First Reading.** Council Member Perkinson stated this was a very tight budget without significant changes to last year's budget. The City has held the line and Mr. Moore and Mr. Keith had prepared a very good budget. Mr. Perkinson stated that there was an item that he is continuing to look at but did not want to recommend any changes at this time. **Motion was made by Council Member Pelley, seconded by Council Member Burris, to amend the motion to increase the General Fund expenditures \$147,000.** Council Member Pelley stated this increase would allow the City to put \$105,900 back into the Athens City Schools budget, provide a 1% across the board increase for the City employees, provide \$4,950 to the Chamber of Commerce and provide \$5,000 to the American Legion. Dr. Pelley stated that he hated to go into the reserves but was not willing to increase property taxes this year. He felt that the City could go into the reserves for another year to fund this increase. Dr. Pelley stated that City employees had not had a raise in several years and it was time they did something for them. A merit increase of 2% was already in the budget. Council Member Pelley disclosed that he was a member of the American Legion. He commented that no one liked to go into fund balance but he was only asking for an additional \$147,000 and did not feel that it would hurt. Council Member Pelley stated that the City may have to come back to the citizens next year for an increase in property taxes or sales tax. Council Member Burris stated that he agreed with Council Member Pelley on some of the points. He remarked that the City could not continue funding the budget from reserves but felt that if the City did not fund the school system then they had failed in their duties. Council Member Perkinson stated that he had reviewed the budget and in 2011 the City employees received a 2% increase and last year they receive a 2.5% merit increase. He questioned Council Member Pelley on the \$5,000 allocation to the American Legion and stated that he was not ready to add another agency to the list of Special Appropriations as a recurring annual expense. Council Member Pelley stated that the appropriation to the American Legion was a one-time expense for this year. He would like to have it as a part of the annual requests but that was for another day. Council Member Perkinson stated \$105,000 was removed from the budget for Athens City Schools because the enrollment has increased at the city schools and based on a complex calculation McMinn County would be funding the \$105,000 which would make this revenue neutral for Athens City Schools. Council Member Pelley stated if \$105,000 is cut back from City's contribution, it will result in a \$150,000 loss to the schools. Mayor Buttram asked that in the future when there is an amendment to the budget it would only be proper to share the amendment when it is all encompassing with all of the Council members so that they have time to review it. He stated that the reserves are there to protect and safeguard the citizens and community. In case of an emergency, the reserves would be used to help the community rebuild. Mayor Buttram stated that the citizens needed to know that in 2009 the City had 123 personnel and today there are 109 personnel. We have been stretching the staff and have been very innovative in lessening our budget through efficiencies. Council Member Perkinson stated the amendment was confusing because it combined budget items with non-budget items like funds for the American Legion. He felt funding for the American Legion should be removed from the amendment and be considered separately. **Council Member Pelley as maker of the amendment and Council Member Burris as the seconder agreed to remove the American Legion \$5,000 funding request from the original amendment.** Vice Mayor Davis stated that she had a problem dealing with the amendment especially when they have not had an opportunity to review and talk to staff. Mayor Buttram reminded the Council that they would have another work session and also a final vote on the budget so opportunities for discussion can continue as they saw areas that needed to be discussed. Upon roll call, the motion to amend the motion was approved by the following vote:

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

Council Member Perkinson stated for purpose of clarification that with the vote of the Council they were incorporating a 1% across the board increase in addition to the 2% merit increase for City employees, reinstating the full amount to the Athens Chamber of Commerce, and reinstating

the \$105,000 to the schools. Mayor Buttram stated that was correct. Council Member Perkinson stated he was against the proposed increases. Upon roll call, the first reading of Ordinance No. 1019 as amended was approved by the following vote:

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

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CONSIDERATION OF FUNDING FOR AMERICAN LEGION POST #68

Motion was made by Council Member Pelley, seconded by Council Member Burris, to approve a one-time donation of \$5,000 for the American Legion Post #68. Council Member Pelley stated in 2005 the American Legion Post #68 began fundraising and erected a memorial. The cable broke and the flag has not been flying for the past six months. It costs approximately \$12,000 a year to maintain the memorial and the American Legion does take donations. Council Member Perkinson asked if the funds would come from the City's contingency funds in the current year. Finance Director Mike Keith stated that there was approximately \$8,000 remaining in contingency. Upon roll call, the motion was approved by the following 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 May and June. The report was accepted as presented.

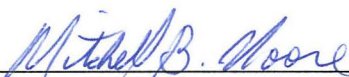
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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:34 p.m.



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R. HAL BUTTRAM, Mayor



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MITCHELL B. MOORE, City Manager