

MINUTES OF MEETING, ATHENS CITY COUNCIL, JULY 16, 2013

The Athens City Council met in regular session on Tuesday, July 16, 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 June 18, 2013 was submitted and approved by unanimous consent.

- 2 -
COMMUNICATIONS

EMPLOYEE OF THE QUARTER

Ms. Rita Brown, Human Resources Director, presented the "Employee of the Quarter" award for the period ending March 31, 2013. Craig Hicks, Fire Engineer in the Fire Department, was recognized for his outstanding service to the City of Athens. As in the past, the recipient of this award receives a \$50 savings bond and becomes eligible for the "Employee of the Year" award, which is given annually to recognize significant service to the City of Athens. Mr. Hicks thanked everyone for the award.

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PRESENTATION OF PROCLAMATION - "CALLING ALL MEN" DAY

Mayor Buttram read a proclamation declaring August 3, 2013 as "Calling All Men" Day. Mr. Don Henry along with Reverend Wayne Williams and several other individuals including Mayor Burkett Witt were in attendance to accept the proclamation.

- 4 -
PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. There were none presented at this time.

- 5 -
REPORTS

FINANCE DEPARTMENT REPORT

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

- 6 -

POLICE DEPARTMENT REPORT

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

- 7 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of June 2013. The report was accepted as presented.

- 8 -

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.

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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. 2013-24 to authorize extension of a contract with Progression Electric, LLC for traffic signal maintenance through June 30, 2014;
- b.) Approve Resolution No. 2013-25 to authorize Mayor and City Manager to enter into a contract with Valley Farmer's Co-Op for tire servicing and repair through July 16, 2014;
- c.) Approve Resolution No. 2013-26 to authorize Mayor and City Manager to enter into a contract with Metro Janitorial Services for cleaning services of the Athens Municipal Building and the Public Works Center through August 31, 2014;
- d.) Approve Resolution No. 2013-27 in support of the Marketplace Fairness Act;
- e.) Approve Resolution No. 2013-28 in support of the preservation of Tax-Exempt Financing;
- f.) Approve Resolution No. 2013-29 to authorize extension of contract with MCS for mobile container services through June 30, 2014;
- g.) Approve City of Athens Certified Tax Rate for 2013;
- h.) Appoint Janice Hardaway to serve on the Athens Regional Planning Commission, term expires August 18, 2016.

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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OLD BUSINESS

PIPER ROAD

A motion was made by Council Member Burris, seconded by Council Member Pelley, to amend the agreement (Resolution No. 2013-09) to remove the provision requiring Mr. Ledford to construct a sidewalk. Council Member Burris stated he was not on the City Council when most of the action regarding the closure of Piper Road took place. He had gone over the minutes and agreed with Mr. Hamilton who did not like the situation the City had put a

business owner in. The agreement with Mr. Ledford was that the City would close the road if Mr. Ledford built the sidewalk. Council Member Burriss remarked that it was staff's recommendation to close the road with the addition of a ten foot sidewalk. He did not feel the City was being business friendly imposing something like this on a business owner. Mr. Ledford may not have handled the situation properly but he had already invested hundreds of thousands of dollars and if the City did not close the road he would lose that money. Mr. Burriss said Mr. Ledford felt he had no other choice but to go along with the recommendation. Council Member Burriss stated that he did not feel it was right for the Council to impose the sidewalk requirement on Mr. Ledford. He stated that Mr. Ledford had done unbelievable service for the City with donations and cars for the Little League. Four to five years ago the City looked at closing Piper Road and, although it did not go through, there was no discussion about building a sidewalk at that time. Council Member Perkinson stated that he appreciated Don Ledford Chevrolet and its contributions to the City. His business and other businesses throughout the City had helped make Athens what it is today. The closure of Piper Road and the sidewalk was a recommendation of the Athens Regional Planning Commission over a year ago. Multiple times Mr. Ledford had stated that he was willing to build a sidewalk. The City Attorney had also spoken to Mr. Ledford approximately two months ago and he reiterated that he was willing to build the sidewalk. Council Member Pelley spoke in favor of the motion. He stated that Council Member Perkinson alluded to the fact that Mr. Ledford said he would build the sidewalk but he left out the second part "if that is what it takes." This is an opportunity for the Council to undo something that they did several months ago. In order for Mr. Ledford to make the changes that GM wants him to make, Mr. Ledford needed to have Piper Road closed. Mr. Ledford and GM are going to spend in excess of \$1.2 million for improvements to his property. The point is that it was not right to impose on a good corporate citizen a condition to build a sidewalk in order to close a road. Council Member Pelley stated it wasn't right at the time and it isn't right at this time and the biggest piece of puzzle is the "if" we put upon Mr. Ledford. Council Member Pelley urged the Council to rescind that portion of the resolution dealing with the sidewalk. Vice Mayor Davis stated that she has been reminded by the taxpayers several times that this is their road. They paid for the repairs on this road and many of them did not want the road closed period. Ms. Davis stated she felt the City needed the sidewalk not because of the agreement but because safety is a huge issue. The City does not have money in its budget to pay for the sidewalk. She felt the City would be doing the taxpayers a disservice by closing the road and not asking Mr. Ledford to construct a sidewalk. Mayor Buttram stated that he was also opposed to the motion. The property belongs to the public and while he appreciated Mr. Ledford's situation, he bought his property without Piper Road. Now the City is giving him Piper Road without Mr. Ledford having to pay for it. The City wants to encourage Mr. Ledford with his development and wish him much success. Mayor Buttram stated that Piper Road belongs to the taxpayers and they should be remunerated for that. If Mr. Ledford does not want to build the sidewalk then let him pay full market value for Piper Road. He commented they were given the public trust of handling public property and he did not feel the Council was acting in a responsible way giving the property away without some type of remuneration. Council Member Pelley stated he would be in support of asking Mr. Ledford to pay fair market value and did not feel Mr. Ledford would be opposed to that request. As discussion continued, Council Member Perkinson called the question. Upon roll call, the motion failed by the following roll call vote:

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

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NEW BUSINESS

REVISED COMPREHENSIVE ZONING REGULATIONS

ORDINANCE NO. 1021 – FIRST READING

AN ORDINANCE AND MAP ESTABLISHING REVISED COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ATHENS, TENNESSEE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF TENNESSEE CODE ANNOTATED SECTION 13-7-201 ET SEQ., AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

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. 1021 on First Reading. Upon roll call, the first reading of Ordinance No. 1021 was approved by the following vote:

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

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MCMINN COUNTY EMERGENCY COMMUNICATIONS DISTRICT CONTRACT

RESOLUTION NO. 2013-30

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT WITH MCMINN COUNTY EMERGENCY COMMUNICATIONS DISTRICT TO CONTINUE AS A USER OF THEIR EMERGENCY COMMUNICATIONS NETWORK.

The caption of Resolution No. 2013-30 was read by the recording clerk. Motion was made by Vice Mayor Davis, seconded by Council Member Burris, to approve Resolution No. 2013-30. Upon roll call, the resolution 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 July and August. The report was accepted as presented.

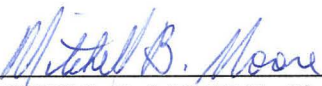
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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:14 p.m.



R. HAL BUTTRAM, Mayor



MITCHELL B. MOORE, City Manager