

MINUTES OF MEETING, ATHENS CITY COUNCIL, MAY 20, 2014

The Athens City Council met in regular session on Tuesday, May 20, 2014, at 6:00 p.m. with Mayor Buttram presiding. Vice Mayor Davis requested a moment of silence to remember Scott Crisp, a longtime supporter of Pumpkintown and an educator of school children in the heritage of the Cherokee Indians in the area. Mr. Crisp passed away on May 19th following an accidental electrocution. The invocation was given by Mayor Buttram; 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 15, 2014 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 -

PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Kim Riddle, 110 Shadows Lawn Drive, a board member on the McMinn County Regional Humane Society, announced the Humane Society was in the running for the ASPCA Rachael Ray \$100K Challenge. The Challenge is a national competition to inspire animal shelters—and those who support them—to go above and beyond to increase pet adoption, reunite lost pets with their families and save more animals' lives. There were thousands of applicants and McMinn County Regional Humane Society was one of fifty shelters selected to compete. Ms. Riddle asked everyone to show their support of the Humane Society by attending their community events and like their Facebook page. The Society will be holding events every weekend from June 1st through the end of August. Mary Wyatt, 301 Park Street, stated the YMCA and Living Well had received a \$30,000 trailhead development grant for diabetes and obesity education. The National YMCA had come to Athens to film "The Making of a Trail" documenting the trailhead development. Ms. Wyatt also spoke about the Moral Monday Protest and encouraged everyone to contact the governor and legislature about the lack of Medicare expansion in Tennessee. Ms. Wyatt urged the Council to ask Austin Fesmire, Parks and Recreation Director, for an update on the Rails to Trails project. Mr. Fesmire stated they were videotaping the trail in Athens and the downtown area as part of the YMCA USA project which will bring national attention to the city. As far as the grant was concerned, they have a health triangle and are working with Milli Tallent, diabetes educator at the hospital. They will be putting up 20 signs around the health triangle which is a half mile walking trail. This will be an interactive trail with informational signs to read as you walk. Yvonne Raper, 1223 Miami Street, stated the Relay for Life was held on May 17th and they had a fantastic event. She wanted to thank Austin Fesmire on behalf of herself and the committee for everything he and his staff did to help the Relay get started and for serving as their MC for the day. She also thanked Council Member Pelley for arranging for the Color Guard to participate in the event and doing the Pledge of Allegiance. As of May 17th, the event had raised \$92,089. Ms. Raper stated she had received a lot of compliments from people that came from out of town to attend the event about Market Park and felt it was a good venue for similar events. Mayor Buttram thanked Ms. Raper for all her fundraising efforts.

- 4 -
REPORTS

FINANCE DEPARTMENT REPORT

Mr. Michael Keith, Finance Director, presented the Finance Department Report for the month of April 2014. The report was accepted as presented.

- 5 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of April 2014. The report was accepted as presented. Mayor Buttram asked Chief Ziegler to explain the secured lock up for items that were confiscated. This was discussed at work session in reference to the missing guns but he was a confused about the multiple places items were kept. Chief Ziegler stated Lieutenant Jason Garren was present and could explain the process to them. Lt. Garren distributed a drawing of the layout of the property/evidence room. He explained that when an officer brings evidence in from the street it is stored in temporary storage which is basically like a 12" x 12" school locker. Once the officer places the items in the locker and locks it he no longer has access to that locker. Lt. Garren controls the keys to the lockers and he removes the items from the locker, logs in the items, receipts the items to the officer, and 90% of the time the property is stored in the property room. Council Member Burriss stated that no one on the City Council was pointing fingers at the Police Department about the missing guns. His problem with the missing guns issue was that it took 43 days before City Manager Moore was notified. Council Member Burriss felt that Lt. Garren and Captain Davis had done an exceptional job with the internal investigation. Mayor Buttram commented that the drawing Lt. Garren distributed cleared up a lot of his confusion regarding the storage of property/evidence. Vice Mayor Davis asked Lt. Garren when the bar coding system would be implemented. He responded he was contacting several companies for quotes and it would be a little longer before they had a system in place. Council Member Pelley stated that he agreed with Council Member Burriss' points. This was the second time there was something missing in the property room and he had too many people in the community questioning how the guns showed up so quickly once the other agencies had been notified and where were the guns before they had been found. They need a transparent government and the citizens of Athens have a right to know what is going on in City Hall period.

Council Member Burriss stated he had a question concerning moving violations. He asked Chief Ziegler if the City had a quota. Chief Ziegler responded that they did not have a quota. Council Member Burriss then read from a report titled "Athens Police Department Work Performance Standards Sgt. Byers Shift":

1. Shift Traffic Median:

The shift standard will be a minimum of three traffic stops per work period, evenly made through the week maintaining at least one citation issued for every stop. Warning citations will be no more than 50% of the total citations issued. The citations will be completed correctly with court dates assigned complying with the department's guidelines presented to the shift supervisor by the end of the officer's tour of duty. A racial profiling form will be completed with every vehicle stop.

Council Member Burriss stated this was a quota and put undue stress on police officers. Council Member Pelley stated he believed the Chief was correct with regard to State law and quotas. However, there is an old saying that if it walks like a duck and quacks like a duck then it is a duck. He said he had said the same thing for the past several years that when you put a line item in the budget that you will raise a certain number of dollars for fines, etc. that was a quota. The City puts pressure on its officers when it budgets this way. Mayor Buttram asked Chief Ziegler to bring to the June Work Session the State law with regard to quotas. Vice Mayor Davis requested Chief Ziegler also explain the racial profiling form at that meeting.

- 6 -

FIRE DEPARTMENT REPORT

Chief Dyer presented the Fire Department Report for the month of April 2014. The report was accepted as presented.

- 7 -

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.

- 8 -

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 low bid (Bid No. 1602 dated March 24, 2014) as submitted by East Tennessee Construction Services for Mouse Creek Trail;
- b.) Accept low bid (Bid No. 1603 dated March 24, 2014) as submitted by East Tennessee Construction Services for Sidewalk Construction;
- c.) Approve City of Athens Budget Amendment No. 2 for Fiscal Year 2013-2014;
- d.) Approve Resolution No. 2014-10 to authorize acceptance of funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through the U.S. Department of Justice for fiscal year 2014;
- e.) Approve Resolution No. 2014-11 to repeal Resolution No. 2010-14 establishing a Retail and Tourism Committee;
- f.) Approve proposal to co-sponsor the 2014 Career Academy in the amount of \$200;
- g.) Reappoint Naomi Clarke to serve another term on the Recreation Advisory Board, term expires June 30, 2018;
- h.) Reappoint Randy Heafner to serve another term on the Board of Zoning Appeals, term expires June 30, 2019;
- i.) Reappoint Robert Sevigny to serve another term on the Athens Utilities Board, term expires June 30, 2018;
- j.) Appoint Matthew Cox to the Council Advisory Committee, term expires March 21, 2017.

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

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

- 9 -
NEW BUSINESS

PROPOSED AMENDMENT TO THE ZONING CODE TO ADD REGULATIONS THAT ADDRESS MUSEUMS WITH OR WITHOUT TOURS IN BUSINESS DISTRICTS

ORDINANCE NO. 1025 – FIRST READING

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, SO AS TO AMEND TITLE 14, CHAPTER 2, SECTIONS 3.04.06.B., 3.04.07.B. AND 3.04.08.B. TO ADD REGULATIONS THAT ADDRESS MUSEUMS WITH OR WITHOUT TOURS IN THE B-1 LOCAL BUSINESS DISTRICT, B-2 CENTRAL BUSINESS DISTRICT AND B-3 INTENSIVE BUSINESS DISTRICT AS PERMITTED USES; 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 Pelley, seconded by Vice Mayor Davis, to approve Ordinance No. 1025 on First Reading.** Upon roll call, the first reading of Ordinance No. 1025 was approved by the following vote:

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

- 10 -

PROPOSED AMENDMENT TO THE ZONING CODE TO ADD REGULATIONS THAT ADDRESS FENCE SETBACKS IN ALL ZONING DISTRICTS

ORDINANCE NO. 1026 – FIRST READING

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, SO AS TO AMEND TITLE 14, CHAPTER 2, SECTION 4.22 FENCES, WALLS AND HEDGES TO ADD REGULATIONS THAT ADDRESS FENCE SETBACKS IN ALL ZONING DISTRICTS; 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 Pelley, seconded by Council Member Burris, to approve Ordinance No. 1026 on First Reading.** Upon roll call, the first reading of Ordinance No. 1026 was approved by the following vote:

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

- 11 -

PROPOSED AMENDMENT TO THE ZONING CODE TO ADD REGULATIONS THAT ADDRESS VETERINARY CLINICS WITHOUT OUTDOOR RUNS

ORDINANCE NO. 1027 – FIRST READING

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, SO AS TO AMEND TITLE 14, CHAPTER 2, SECTIONS 3.04.06.C. AND 3.04.08.C. TO ADD REGULATIONS THAT ADDRESS VETERINARY CLINICS AND OUTDOOR RUNS IN THE B-1 LOCAL BUSINESS DISTRICT AND B-3 INTENSIVE 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 Pelley, seconded by Council Member Burris, to approve Ordinance No. 1027 on First Reading.** Upon roll call, the first reading of Ordinance No. 1027 was approved by the following vote:

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

- 12 -

PROPOSED ORDINANCE TO ESTABLISH REASONABLE COURT COSTS

ORDINANCE NO. 1028 – FIRST READING

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. A motion was made by Vice Mayor Davis, seconded by Council Member Perkinson, to approve Ordinance No. 1028 on First Reading. Upon roll call, the first reading of Ordinance No. 1028 was approved by the following vote:

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

- 13 -

PROPOSED BUDGET ORDINANCE FOR FISCAL YEAR 2014-15

ORDINANCE NO. 1029 – 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, 2014 THROUGH JUNE 30, 2015.

The caption of the above-described Ordinance was read by the recording clerk. A motion was made by Council Member Perkinson, seconded by Council Member Burris, to approve Ordinance No. 1029 on First Reading. Mayor Buttram stated the proposed budget for Fiscal Year 2014-2015 did not include a property tax increase. Council Member Perkinson asked City Manager Moore to make a few comments on the budget. City Manager Moore stated they may have to amend the budget as they had just received notification that McMinn County may increase its tipping fees by \$3 a ton. The County lost a major customer and as a result may have to increase fees. The tipping fees at the present time are \$20.25 per ton. The City should have the information available before the June Work Session. Mr. Moore stated that this was not a growth budget but is a maintenance budget. The budget has been cut by \$184,200. The City will have to go into its fund reserves for \$606,000 to fully fund the Athens City Schools request. There is no increase in property taxes. The property tax rate would have to increase \$.16 if fund reserves were not used. There was \$600,000 budgeted for paving using Capital Improvement Project funds which would leave about \$700,000 in the fund. Examples of previous uses were for industrial land purchases, land preparation and projects such as the Athens Utilities Board sewer line expansion. The last time Council approved a property tax increase was in 1996. The last time there was a sales tax increase was in 1978. Unless the City gets a new revenue source and continues to fund the City Schools at the current Maintenance of Effort level, they are going to need to raise taxes or cut services. They can also choose to do nothing. If there is nothing done, next year they would need to take \$700,000 to \$800,000 from fund reserves to fund the budget. There is only \$6,000,000 left in fund reserves. City Manager Moore stated they were able to fund the outside agencies at the same level as the current fiscal year which amounts to approximately \$300,000. Vice Mayor Davis stated it was important to maintain the level of support to the outside agencies because they provide an important service to the community. Mayor Buttram stated the possibility of the County increasing tipping fees shows how important the Recycling Center is to the community in keeping materials out of the landfill. At the conclusion of the discussion, the first reading of Ordinance No. 1029 was approved by the following roll call vote:

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

- 14 -

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.

- 15 -

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:24 p.m.



R. HAL BUTTRAM, Mayor



MITCHELL B. MOORE, City Manager