

MINUTES OF MEETING, ATHENS CITY COUNCIL, AUGUST 19, 2014

The Athens City Council met in regular session on Tuesday, August 19, 2014, 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 July 15, 2014 were submitted and approved by unanimous consent.

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COMMUNICATIONS

Vice Mayor Davis called for a point of personal privilege to recognize State Representative John Forgety. Representative Forgety stated that anytime we can recognize and honor those individuals that have given of their time and talents to serve others was a blessing. Representative Forgety then read in its entirety a joint proclamation from Senator Mike Bell and himself to Mayor Buttram. At the conclusion of the reading, Representative Forgety presented Mayor Buttram with the proclamation and City Manager Moore, on behalf of the City of Athens, with a United States flag that had flown over the capitol on behalf of Mayor Buttram. Mayor Buttram stated there were a lot of nice things said in the proclamation and when he received the Mayor of the Year award from the Tennessee Municipal League. He commented that he was not due all the accolades. The staff of the City of Athens, the City Manager, and the Council deserve them. Together as a team they were able to accomplish those projects to benefit the citizens of Athens. Mayor Buttram thanked Representative Forgety and his wife, Susan, for all they have done for the community.

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PRESENTATION OF VIVID AWARD

Council Member Pelley presented the Very Important Volunteer Individual Award for August 2014 to Gary Womac for his outstanding support of this community. Mr. Womac stated he was honored to receive the award and thanked the City Council for the recognition.

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PRESENTATION OF SOAP BOX DERBY PROCLAMATIONS

Mayor Buttram announced it was exactly 80 years ago to the day that the very first All-American Soap Box Derby was held in Dayton, Ohio. Council Member Perkinson presented a proclamation honoring Ashleigh Turner (Local Stock Car Champion), Vice Mayor Davis presented a proclamation honoring Hannah Evans (Local Super Stock Car Champion), and Council Member Burris presented a proclamation honoring Robert Dennis (Super Kids Champion) for their participation in the 2014 All-American World Championship Soap Box Derby in Akron, Ohio. Austin Fesmire, Director of Parks and Recreation, his staff, and the sponsors were commended for their involvement with the Soap Box Derby for the past twenty (20) years.

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PRESENTATION – CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mayor Buttram announced that the City had received the Government Finance Officers Association "Certificate of Achievement for Excellence in Financial Reporting" for fiscal year ended June 30, 2013. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by government and its management. This marked the 22nd consecutive year the City has received this award.

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MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters of appreciation from Julie Forkner, Library Director, and Brianna Hanson, Children's Librarian, at E. G. Fisher Public Library to Fire Chief Jim Dyer and Parks & Recreation Director Austin Fesmire for being part of their 2014 Summer Reading Program.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Mr. Bill Bennett, 209 East Washington Avenue, stated his conversations with City staff over the past week have been disappointing and he would address them at a later date. He requested public hearings or meetings, whichever they prefer, be held regarding the actions and inactions of the Athens Police Department. As he was making the request, he asked to approve the moderator. He stated the moderator should not be anyone in the room, no former mayors or council members, no one with ties to council or staff and this person must be impartial.

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REPORTS

FINANCE DEPARTMENT REPORT

In recognition of the Certificate of Achievement for Excellence in Financial Reporting for fiscal year ending June 30, 2013, Finance Director Michael Keith recognized the City Council and City Manager for giving the Finance Department the opportunity to do their job. He commented that the City would not be what it is today without the women who do the work. They give the same courteous service to every citizen and they do a tremendous job. Mr. Keith then presented the Finance Department Report for the month of July 2014. The report was accepted as presented.

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POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of July 2014. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

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

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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 Athens Utilities Board Debt Obligation;
- b.) Accept low bid (Bid No. 1607 dated July 17, 2014) as submitted by Cherokee Construction for police renovations;
- c.) Approve staff's recommendation to declare assorted vehicles and computers as surplus property and authorize public sale or disposal thereof as detailed in memorandum from Matthew Marshall, Director of Purchasing dated July 22, 2014;

- d.) Approve Resolution No. 2014-17 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, 2014 and ending June 30, 2015;
- e.) Approve Change Order No. 1 to amend contract with Wilson Construction Group, LLC in conjunction with Overlook Road Construction Project (Change Order No. 1 increases total contractual obligation by \$12,951.45 – from \$199,155.39 to \$212,106.84).

**A motion was made by Council Member Pelley, seconded by Council Member Burris, to approve items a through d of the Consent Agenda as stated above. The motion was 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 e of the Consent Agenda as stated above.** Council Member Pelley rose in opposition to the motion stating they did not receive any details on why they were changing the contract. He commented that he has been opposed to this road since the beginning. Council Member Burris stated the original contract was \$199,155 and the change order was for \$12,951 and asked if it was a common occurrence to have change orders on this type of project. Austin Fesmire, Parks and Recreation Director, responded that the bids were based on a unit price for an estimated amount of asphalt. It is hard to be 100% accurate on the quantity because you don't know what is going to happen when you begin construction. You could encounter problems with rock or bad dirt that you would have no way of knowing about until you actually began the work. At the conclusion of the discussion, the roll was called and the motion was approved by the following vote:

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

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ORDINANCES

ORDINANCE NO. 1030 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO AMEND “THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,” SO AS TO AMEND TITLE 14, CHAPTER 2, SECTIONS 4.03.02 AND 4.03.06 TO ADD REGULATIONS THAT ADDRESS PARKING REGULATIONS FOR COLLEGES AND UNIVERSITIES; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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. 1030 on Second and Final Reading.** Ordinance No. 1030 was approved by the following roll call vote:

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

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ORDINANCE NO. 1031 – 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 AT 600 WEST MADISON AVENUE 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 Perkinson, to approve Ordinance No. 1031 on Second and Final Reading.** Ordinance No. 1031 was approved by the following roll call vote:

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

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ORDINANCE NO. 1032 – SECOND/FINAL READING – PUBLIC HEARING

AN ORDINANCE TO AMEND “THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,” SO AS TO AMEND TITLE 14, CHAPTER 2 TO ADD VARIOUS AMENDMENTS THAT WILL DELETE IRRELEVANT ITEMS, CORRECT TYPOS, AND MAKE ADDITIONAL CORRECTIONS TO SECTIONS THROUGHOUT THE CODE; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

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 Perkinson, seconded by Council Member Burris, to approve Ordinance No. 1032 on Second and Final Reading.** Ordinance No. 1032 was approved by the following roll call vote:

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

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NEW BUSINESS

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 August and September. 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 7:24 p.m.



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R. HAL BUTTRAM, Mayor



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MITCHELL B. MOORE, City Manager