

MINUTES OF MEETING, ATHENS CITY COUNCIL, AUGUST 16, 2016

The Athens City Council met in regular session on Tuesday, August 16, 2016, at 6:00 p.m. with Mayor Davis presiding. The invocation was given by Vice Mayor Perkinson; and upon roll call, the following members were present:

Burris, Pelley, Raper, Perkinson, Davis

The following decisions were made and ordered made a part of the records of the Athens City Council.

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MINUTES

The Minutes of the regularly scheduled meeting of July 19, 2016 were submitted and approved by unanimous consent.

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COMMUNICATIONS

PRESENTATION OF PROCLAMATION

Council Member Raper read a proclamation declaring the month of September 2016 as “Senior Center Month”. Tina South, Executive Director of the McMinn County Senior Citizens, Inc., was present to accept the proclamation on behalf of the McMinn Senior Activity Center.

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PRESENTATION OF SOAP BOX DERBY PROCLAMATIONS

Council Member Burris presented a proclamation honoring Jaxon Long (Local Stock Car Champion), Vice Mayor Perkinson presented a proclamation honoring Ashleigh Turner (Local Super Stock Car Champion), and Council Member Pelley presented a proclamation honoring Haylee Rodgers (Super Kids Champion) for their participation in the 2016 All American World Championship Soap Box Derby in Akron, Ohio.

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MISCELLANEOUS CORRESPONDENCE

Mayor Davis acknowledged receipt of a note from Gary Millsaps commending Officer Chris Adams on his professionalism during a recent traffic stop. While Mr. Millsaps did receive a ticket, he felt Officer Adams did a “fine job”.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Davis opened the meeting for petitions and requests from the audience. Mary Brown, 1919 Whitaker Road, stated the Athens Lions Club was spearheading efforts to bring Remote Area Medical (RAM) to McMinn County to provide medical, dental and vision services to area residents in need. They were expecting between 1,500 and 2,000 people to attend the two-day event. The Athens Lions Club will be notified in approximately two to three weeks of the exact dates for this clinic. The event is anticipated for some time in late July or early August of 2017. Ms. Brown stated they were looking for help and support from the community. The Athens Lions Club needed to raise funds for supplies and housing for medical providers coming from out-of-town. Volunteers will also be needed. Donations can be sent to the Athens Lions Club, P.O. Box 13, Athens, TN 37371-0013. Ms. Brown asked that a note designating the donation as being for the “Athens TN Clinic” be included. Paul Morrill, 106 Peach Street, stated he disagreed with the Fire Chief with regard to a recent fire on the property where he lives.

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REPORTS

FINANCE DEPARTMENT REPORT

City Manager Moore presented the Finance Department Report for the month of July 2016 as Finance Director Michael Keith was unable to attend the meeting. 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 2016. 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 2016. The report was accepted as presented.

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CONSENT AGENDA

Mayor Davis 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. 2016-18 to amend contract with Huggins Lawn Care to include mowing of the Eureka Trail parking area;
- b.) Approve Resolution No. 2016-19 to apply to the Tennessee Department of Environment and Conservation for funding through the Division of Solid Waste Management for used oil storage container and oil absorbent materials;
- c.) Accept bids (Bid No. 1635 dated July 19, 2016) as submitted by Vulcan Materials and H & H Rock for stone and rock;
- d.) Accept bids (Bid No. 1637 dated July 19, 2016) as submitted by C & D Tire as the primary vendor and AG Central Co-Op as a secondary vendor for tire servicing;
- e.) Approve Athens Board of Education Appropriation Resolution regarding fund balance amounts at year end that will be committed or assigned for specific purposes;
- f.) Approve Athens Board of Education Appropriation Resolution stating the Athens City Schools Federal Projects Fund shall be the budget approved for the separate projects within the fund.

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

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

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NEW BUSINESS

CONSIDERATION OF PROPOSED ORDINANCE TO ADDRESS UNSIGHTLY VEHICLES
PARKED OR STORED ON PRIVATE PROPERTY ZONED RESIDENTIAL

ORDINANCE NO. 1056 – FIRST READING

AN ORDINANCE TO ADD A CHAPTER 7 TO TITLE 13 OF THE ATHENS MUNICIPAL CODE RELATING TO THE PARKING OR STORING OF AN UNSIGHTLY VEHICLE ON CERTAIN PRIVATE PROPERTY.

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 Perkinson, to approve Ordinance No. 1056 on First Reading.** Council Member Burris noted he was unable to attend the August work session where this item had been discussed. He asked if the proposed ordinance would take care of the problem. City Manager Moore responded that he believed this ordinance would address some existing issues. Vice Mayor Perkinson noted the number of days in Section 13-704 (b) with regard to the duration any vehicle may be temporarily parked, stored, or kept had been changed from ten days to thirty days. **A motion was made by Council Member Pelley, seconded by Council Member Burris, to amend the proposed ordinance to include “Should the code division or police department not determine an infraction of the ordinance, the person or persons making the complaint may still file a complaint and have the issue resolved in City Court” as number 3 under 13-702 Definitions.** Council Member Pelley stated this issue had been discussed at their recent work session and he was under the impression it was going to be included in the ordinance. He felt if a citizen files a complaint but the department does not see a problem, the citizen should still have the right to file a complaint and let the judge determine. He stated the City Attorney said several times that an ordinance is usually adjudicated and determined for its effectiveness by the judge. Vice Mayor Perkinson stated that it was his understanding that a citizen had the right to file a complaint at any time on any Code violation. As a matter of fact, they encourage it because the police are not always available to observe a violation. The citizens have a right to file a complaint and sign an affidavit. In his judgment this right was assumed. Council Member Pelley responded that it should not be assumed and should be included in the ordinance so citizens know it is their right and do not have to assume anything. Police Chief Ziegler stated anytime they have this type of situation where there is a disagreement, the department advises the individual that he can sign a citation as the affiant and they will take it to court and present it to the judge. The problem they have is individuals do not want to come to court to present their evidence and want the Police Department to do so for them. Chief Ziegler did not have any objection to placing the proposed language in the ordinance. Vice Mayor Perkinson expressed his concern with regard to the wording. He felt the City Attorney should review the proposed amendment before it was incorporated in the ordinance. Council Member Pelley disagreed. He felt the amendment was well written and well stated and did not need any legalese. Vice Mayor Perkinson responded the City Council does not write the law, they make suggestions on what they want included in the law and the City Attorney then drafts the legislation. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to table this item until the September 12, 2016 City Council Work Session.** The motion was approved by the following roll call vote:

AYES: Burris, Raper, Perkinson, Davis
NAYS: Pelley

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CONSIDERATION OF PROPOSED RESOLUTION TO AUTHORIZE EXECUTION OF A
CONTRACT WITH TDOT FOR RESURFACING OF VARIOUS ROADS

RESOLUTION NO. 2016-20

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF VARIOUS ROADS WITHIN ATHENS, TENNESSEE.

The caption of Resolution No. 2016-20 was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Raper, to approve Resolution No. 2016-20.** Shawn Lindsey, Public Works Director, stated there were two types of funding the

City receives from federal appropriations for paving or doing work on streets. The old terminology was Surface Transportation Program (STP) funds. There was a certain amount of money allocated each year. The rules for utilizing these funds have changed quite a bit over the past several years. Under the old rules, the City could accumulate funds over a period of several years. When that rule changed under the STP, the City tried to expend all the funds it had accumulated. Now, according to the new rules, allocations must be expended in twelve months although it takes approximately eighteen months to get a project off the ground. A new transportation act was enacted this year that converts the Surface Transportation Program into the Surface Transportation Block Grant program. Athens has been allocated \$1,095,400 in grant funds between 2015 and 2020. Mr. Lindsey stated the City did not have to wait five years to accumulate the total amount and could start expending those funds now. He clarified that when he says "now" he means in two to three years. Mr. Lindsey explained that he tried to come up with roads that fit within the budget. His objective was not to leave any money on the table but did provide a cushion in the numbers because he had heard a rumor that asphalt prices could go up 25% next year. City Manager Moore noted the streets in general are connecting streets between state routes. The roads must be classified in order for the City to spend any money on them. The Council Member Pelley asked Mr. Lindsey if he would give the Council a written summation of what he had just explained to them. After brief discussion, the resolution was approved by the following roll call vote:

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

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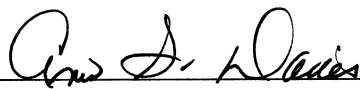
MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed the progress of current city projects/meetings scheduled during the months of August/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 7:21 p.m.



ANN S. DAVIS, Mayor



MITCHELL B. MOORE, City Manager