

MINUTES OF MEETING, ATHENS CITY COUNCIL, MARCH 18, 2010

The Athens City Council met in regular session on Thursday, March 18, 2010, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Vice Mayor Perkinson; and upon roll call, the following members were present:

Davis, Jackson, Perkinson, Buttram (Council Member Jackson left the meeting at 6:30 p.m. – see page 3)

*Council Member Pelley did not attend the meeting.*

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 on February 16, 2010 were submitted and approved by unanimous consent.

- 2 -  
COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Mayor Buttram presented the *Very Important Volunteer Individual Award* for March 2010 to Guy Baker for his outstanding community service. Mr. Baker was present to accept the award and said that it had been a pleasure to work in this community. He commented that his family in Georgia had asked that he join them there and the timing was right to move so sadly he must say good-bye to this area.

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MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters of appreciation for services performed by city staff.

- 4 -  
PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. Mr. Darrell McCormick, 701 High Street, asked the council not to pass the ordinance on grass. He

stated that the fee was too much to pay for many senior citizens that cannot get out outside to mow their lawns. No other requests were presented at this time.

**6:15 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board**

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BEER BOARD

RELINQUISHMENT OF BEER PERMIT – TN MOUNTAIN MARKET #4

Mayor Buttram acknowledged receipt of a letter from Lan Rapien relinquishing the Grocery (Food Stores) Beer Permit at TN Mountain Market #4 located at 102 Old Riceville Road due to a change in ownership. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to accept the relinquishment of the Grocery (Food Stores) Beer Permit by TN Mountain Market #4 as submitted.** Upon roll call, the motion was approved by the following vote:

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

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BEER APPLICATION – STOP N GO #2, 102 OLD RICEVILLE ROAD

An application for a Grocery (Food Stores) Beer Permit at Stop N Go #2, 102 Old Riceville Road, was presented for consideration.

After brief discussion and comments, **motion was made by Council Member Davis, seconded by Council Member Jackson, to approve the beer application from Stop N Go #2 as submitted.** Upon roll call, the motion was approved by the following vote:

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

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RELINQUISHMENT OF BEER PERMIT – TN MOUNTAIN MARKET #5

Mayor Buttram acknowledged receipt of a letter from Lan Rapien relinquishing the Grocery (Food Stores) Beer Permit at TN Mountain Market #5 located at 1122 S. Congress Parkway due to a change in ownership. **A motion was made by Vice Mayor Perkinson, seconded by Council Member Jackson, to accept the relinquishment of the Grocery (Food**

**Stores) Beer Permit by TN Mountain Market #5 as submitted.** Upon roll call, the motion was approved by the following vote:

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

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BEER APPLICATION – STOP N GO #1, 1122 S. CONGRESS PARKWAY

An application for a Grocery (Food Stores) Beer Permit at Stop N Go #1, 1122 S. Congress Parkway, was presented for consideration.

After brief discussion and comments, **motion was made by Council Member Davis, seconded by Council Member Jackson, to approve the beer application from Stop N Go #1 as submitted.** Upon roll call, the motion was approved by the following vote:

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

**6:20 P.M.....The Athens Beer Board adjourned and reconvened as the Athens City Council**

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REPORTS

FINANCE DEPARTMENT REPORT

Mr. Brad Harris, Finance Director, presented the Finance Department Report for the month of February 2010. After brief comments, the report was accepted as presented.

Council Member Jackson excused himself from the meeting at 6:30 p.m. as his daughter was receiving an award from the PTA tonight.

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POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of February 2010. After brief comments, the report was accepted as presented.

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FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of February 2010. After brief comments, 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. 2010-05** designating Fair Housing Month in the City of Athens;
- b.) Accept low bid (Bid No. 1513 dated February 16, 2010) as submitted by Dooley Tractor Company for *50 PTO Tractor for Public Works*;
- c.) Accept low bid (Bid No. 1514 dated March 8, 2010) as submitted by Allied Civil Contractors of Chattanooga, Tennessee for *Frye Street Railroad Crossing Approach Improvements*;
- d.) Approve staff's recommendation to declare assets, as detailed in memorandum from Brad Harris, Finance Director, dated March 3, 2010, as *surplus property* and authorize public sale or disposal.

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

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

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ORDINANCES

**ORDINANCE NO. 983 – 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 ON DUPITT STREET FROM B-2 (SHOPPING CENTER DISTRICT) TO R-3 (MULTI-FAMILY RESIDENTIAL) 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 Vice Mayor Perkinson, seconded by Council Member Davis, to approve Ordinance No. 983 on Second and Final Reading.** Upon roll call, Ordinance No. 983 was approved by the following vote:

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

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**ORDINANCE NO. 984 – SECOND/FINAL READING – PUBLIC HEARING**

**AN ORDINANCE TO AMEND TITLE 12 OF THE ATHENS MUNICIPAL CODE, ENTITLED “BUILDING, UTILITY, ETC. CODES”, MORE SPECIFICALLY CHAPTER 1, SECTION 12-104 “BUILDINGS MUST FRONT ON ‘EXISTING’ STREETS” AND TITLE 13 OF THE ATHENS MUNICIPAL CODE, ENTITLED “PROPERTY MAINTENANCE REGULATIONS”, MORE SPECIFICALLY CHAPTER 2, “WEEDS, DEAD TREES, AND RUBBISH, ETC.”**

The caption of the above-described Ordinance was read by the recording clerk. Mayor Buttram opened the public hearing and asked that the record reflect that this was the item that Mr. McCormick spoke in opposition to under Petitions and Requests. Mr. Guy Baker commented that the height of the grass in the median along Congress Parkway at times has been much higher than 12”. He felt that whoever was responsible for that area needed to step up the mowing along that median because it looks bad for the city and businesses in the area. There being no one else present wishing to discuss the Ordinance, Public Hearing was closed. Vice Mayor Perkinson asked City Manager Moore to explain the city’s process for dealing with mowing issues to Mr. McCormick. **A motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to approve Ordinance No. 984 on Second and Final Reading.** Upon roll call, Ordinance No. 984 was approved by the following vote:

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

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**ORDINANCE NO. 985 – SECOND/FINAL READING – PUBLIC HEARING**

**AN ORDINANCE TO AMEND ORDINANCE NO. 972 TITLED “WASTEWATER REGULATIONS” SO AS TO AMEND CHAPTER 2, SECTION 206 “DISCHARGE REGULATIONS” AND CHAPTER 3, SECTION 303 “INDUSTRIAL USER ADDITIONAL REQUIREMENTS” AND SECTION 304 “REPORTING REQUIREMENTS.”**

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 Vice Mayor Perkinson, seconded by Council Member Davis, to approve Ordinance No. 985 on Second and Final Reading.** Upon roll call, Ordinance No. 985 was approved by the following vote:

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

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NEW BUSINESS

REVIEW BIDS – CEMETERY MAINTENANCE

**RESOLUTION NO. 2010-06**

**“A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF ATHENS, TENNESSEE, AND TOTAL LAWN CARE FOR CEMETERY MAINTENANCE OF DESIGNATED CITY CEMETERIES.”**

The caption of Resolution No. 2010-06 was read by the recording clerk. Anthony Casteel, Community Development Director, stated that nine bids had been received. He noted that cemetery maintenance does not include grave openings which are now being handled by the funeral homes. **Motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to approve Resolution No. 2010-06.** After brief discussion and comments, the Resolution was approved by the following roll call vote:

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

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PROPOSED RESOLUTION AUTHORIZING GRANT APPLICATION FOR A FARMERS MARKET IN DOWNTOWN ATHENS

**RESOLUTION NO. 2010-07**

**“A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION THROUGH THE STATE OF TENNESSEE DEPARTMENT OF AGRICULTURE TAEP FARMERS MARKET CAPITAL DEVELOPMENT GRANT PROGRAM”**

The caption of Resolution No. 2010-07 was read by the recording clerk. **Motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to approve**

**Resolution No. 2010-07.** After brief comments, the Resolution was approved by the following roll call vote:

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

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PROPOSED MUNICIPAL CODE CHANGES – AMENDMENTS TO ANIMAL CONTROL

**ORDINANCE NO. 986 – FIRST READING**

**“AN ORDINANCE TO AMEND TITLE 10 OF THE ATHENS MUNICIPAL CODE, ENTITLED ‘ANIMAL CONTROL’, MORE SPECIFICALLY CHAPTER 1, SECTION 10-106 ‘CRUEL TREATMENT PROHIBITED’ AND BY ADDING CHAPTER 3 ENTITLED ‘SEIZURE AND IMPOUNDMENT OF ANIMALS’.”**

The caption of the above-described Ordinance was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve Ordinance No. 986 on First Reading.** Upon roll call, the first reading of Ordinance No. 986 was approved by the following vote:

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

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COMMITTEE APPOINTMENTS – COUNCIL ADVISORY COMMITTEE

**A motion was made by Council Member Davis, seconded by Vice Mayor Perkinson, to reappoint Chris Liner, Joseph Noble, Shelley Griffith, J. Dale Kennedy, W.P. Chesnutt, Charles Clark, Randy Ayres and Ruth Malone to the Council Advisory Committee for a three-year term, terms expire March 21, 2013.** Upon roll call, the motion was approved by the following vote:

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

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REFERENDUM FOR ELECTING A MAYOR – REQUEST OF COUNCIL MEMBER PELLEY

Mayor Buttram stated that Council Member Pelley was unable to attend the council meeting and asked that this item be placed on the April work session agenda. He commented that this item had been talked about at the retreat but he would like to discuss further at work session. The request to move to the April work session was unanimously approved.

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REFERENDUM FOR DISTRICTING OF THE CITY – REQUEST OF COUNCIL MEMBER PELLEY

Mayor Buttram stated that Council Member Pelley was unable to attend the council meeting and asked that this item be placed on the April work session agenda. He commented that this item had been talked about at the retreat but he would like to discuss further at work session. The request to move to the April work session was unanimously approved.

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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 March and April. After brief comments, 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 7:07 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager