

MINUTES OF MEETING, ATHENS CITY COUNCIL, MARCH 22, 2011

The Athens City Council met in regular session on Tuesday, March 22, 2011, at 6:00 p.m. with Mayor Buttram presiding. The invocation was given by Mayor Buttram; and upon roll call, the following members were present:

Davis, Jackson, Pelley, Perkinson, Buttram

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

- 1 -

MINUTES

The Minutes of both the regularly scheduled meeting of February 15, 2011 and the Called Meeting of February 25, 2011 were 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. Mr. Michael Standridge, 515 Williams Street, addressed the Council regarding a drainage issue around his house and in his neighborhood. He stated that he had complained to Public Works a number of times and they came out and installed a detention base. He had also met with Shawn Lindsey, Public Works Director, concerning the problem. Mr. Standridge said that he had lived in his home for approximately five years and has been dealing with flooding in his basement since he moved in. He commented that his neighbors had told him that flooding was not a problem until work was done on Bryson Street. Mr. Lindsey stated that the water is coming through the basement and that Mr. Standridge needed to seal his basement. He did not feel that the groundwater was causing his problem. A discussion followed regarding the detention pond Public Works installed in the area. Mayor Buttram asked that this item be placed on the April Work Session agenda for further discussion.

BEER BOARD

**6:10 P.M.....The Athens City Council recessed and reconvened as the Athens Beer Board**

BEER APPLICATION – ANGELA’S DELI, 509-B WEST MADISON AVENUE

An application for a Restaurant Beer Permit at Angela’s Deli, 509-B West Madison Avenue, was presented for consideration. After brief discussion and comments, **motion was made by Council Member Pelley, seconded by Council Member Davis, to approve the beer application as submitted.** Upon roll call, the motion was approved by the following vote:

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

ATHENS GURUKRUPA, INC. DBA STOP N GO #2

Mr. William Biddle was present on behalf of City Attorney Trew who was unable to attend the hearing. Mr. Biddle read Title 8, Chapter 2, Section 213 of the Code of the City of Athens. He stated that the Code was very clear with regard to the requirement that a permit holder’s failure or refusal to carry on business in excess of 60 days the permit shall be revoked. He explained to Mr. Satish Patel that if his permit was revoked he could not apply for a new permit for ninety (90) days. He advised the Board that they could offer as an alternative to a revocation, a civil penalty not exceed one thousand dollars (\$1,000).

ACTION OF BEER BOARD

Board Member Pelley stated that he was in favor of imposing a civil penalty as an alternative to revocation. After discussion concluded, **a motion was made by Board Member Pelley, seconded by Board Member Perkinson, to find Athens Gurukrupa, Inc. dba Stop N Go #2 in violation of Title 8, Chapter 2, Section 213 of the Code of the City of Athens and to revoke the beer license, with the alternative of paying a civil penalty in the amount of \$500 within seven (7) days and reopening the business within thirty (30) days.** Upon roll call, the motion was approved by the following vote:

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

**6:26 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 2011. After brief comments, the report was accepted as presented.

- 6 -

POLICE DEPARTMENT REPORT

Captain Rob Davis presented the Police Department Report for the month of February 2011. After brief comments, the report was accepted as presented.

- 7 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of February 2011. After brief comments, the report was accepted as presented.

- 8 -

CONSENT AGENDA

Mayor Buttram advised that there were no items to be considered under the Consent Agenda.

- 9 -

ORDINANCES

**ORDINANCE NO. 992 – 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 PROPERTIES IN AN AREA GENERALLY BOUND BY DECATUR PIKE, CONGRESS PARKWAY, MADISON AVENUE AND OLD RICEVILLE ROAD AND REFERENCED AS “AREA ‘A’”, IN ORDER TO ELIMINATE SPLIT ZONED PARCELS, TO CORRECT CERTAIN GRANDFATHERED USES, AS WELL AS PLACE PROPERTY IN MORE APPROPRIATE ZONES FOR DEVELOPMENT; SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE AND SHOWN ON THE ATTACHED MAPS.”

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 Jackson, to approve Ordinance No. 992 on Second and Final Reading.** Ordinance No. 992 was approved by the following roll call vote:

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

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OLD BUSINESS

COMMITTEE APPOINTMENT – ATHENS UTILITIES BOARD

Mayor Buttram called for nominations to fill the vacancy on the Athens Utilities Board. Council Member Pelley nominated Frances Witt-McMahan and Council Member Davis nominated Robert Sevigny. There were no further nominations presented. After discussion concluded, Mayor Buttram called for a vote on the nomination of Frances Witt-McMahan to fill the vacancy on the Athens Utilities Board. Upon roll call, the nomination failed by the following vote:

AYES: Jackson, Pelley  
NAYS: Davis, Perkinson, Buttram

Mayor Buttram then called for a vote on the nomination of Robert Sevigny to fill the vacancy on the Athens Utilities Board. Upon roll call, the nomination passed by the following vote:

AYES: Davis, Jackson, Perkinson, Buttram  
NAYS: Pelley

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NEW BUSINESS

FAIR HOUSING MONTH

Mayor Buttram presented a proposed resolution designating the month of April as Fair Housing Month.

**RESOLUTION NO. 2011-03**

**A RESOLUTION DESIGNATING FAIR HOUSING MONTH IN THE CITY OF ATHENS.**

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Davis, to approve Resolution No. 2011-03 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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GOVERNOR'S HIGHWAY SAFETY PROGRAM

Mayor Buttram presented a proposed resolution authorizing submission of grant applications through the Governor's Highway Safety Program for overtime, supplies, training, and the equipment necessary to deal with the City's DUI and impaired driving program.

**RESOLUTION NO. 2011-04**

"A RESOLUTION AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS THROUGH THE GOVERNOR'S HIGHWAY SAFETY PROGRAM."

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Resolution No. 2011-04 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

Mayor Buttram presented a proposed resolution authorizing acceptance of a Byrne Justice Assistance Grant (JAG) Program grant in the amount of \$31,780 for a variety of activities from increasing equipment resources for law enforcement to developing and supporting programs to enhance effective criminal justice processes. This grant requires no match.

**RESOLUTION NO. 2011-05**

"A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM THROUGH THE U.S. DEPARTMENT OF JUSTICE FOR FISCAL YEAR 2011."

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Council Member Davis, to approve Resolution No. 2011-05 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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CEMETERY MAINTENANCE CONTRACT EXTENSION

Mayor Buttram presented a proposed resolution authorizing a one year extension of the Total Lawn Care contractual agreement for maintenance of designated city cemeteries through March 31, 2012.

**RESOLUTION NO. 2011-06**

“A RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACTUAL AGREEMENT BETWEEN THE CITY OF ATHENS, TENNESSEE, AND TOTAL LAWN CARE FOR CEMETERY MAINTENANCE OF DESIGNATED CITY CEMETERIES.”

The caption of the above-described Resolution was read by the recording clerk. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve Resolution No. 2011-06 as presented.** Upon roll call, the resolution was approved by the following vote:

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

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AWARD OF BID - DUMPSTERS

Mayor Buttram presented Bid Tabulation No. 1533, dated February 21, 2011, for four (4) and eight (8) cubic yard refuse containers. In a memo dated March 2, 2011, Finance Director Brad Harris concurred with the Public Works Director’s recommendation of February 28, 2011 to split the bid and award the bid for the four cubic yard containers to Wastequip Manufacturing Co. and award the eight cubic yard containers to Bakers Waste Equipment, Inc.

**A motion was made by Council Member Pelley to approve staff’s recommendation to split the bid and award the bid to Wastequip Manufacturing, Co. and Bakers Waste Equipment, Inc., seconded by Council Member Jackson and approved by the following roll call vote:**

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

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AWARD OF BID – SIGNAL TIMING

Mayor Buttram presented staff’s recommendation to award the signal timing contract to Cannon & Cannon, Inc. for twelve traffic signals on Congress Parkway, Decatur Pike, and Green Street.

**A motion was made by Council Member Pelley to approve staff's recommendation to award the signal timing contract to Cannon & Cannon, Inc. contingent on State approval, seconded by Council Member Jackson and approved by the following roll call vote:**

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

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**AWARD OF BID – SOLAR-POWERED MESSAGE BOARD**

Mayor Buttram presented Bid Tabulation No. 1529, dated January 28, 2011, for a mini solar-powered message board. In a memo dated March 11, 2011, Finance Director Brad Harris concurred with the Public Works Director's recommendation of March 1, 2011 to award the bid to American Signal Company, the lowest bidder.

**A motion was made by Council Member Pelley to approve staff's recommendation to award the purchase of a mini solar-powered message board to American Signal Company, seconded by Vice Mayor Perkinson and approved by the following roll call vote:**

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

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**AWARD OF BID – TRAFFIC SIGNAL EQUIPMENT**

Mayor Buttram presented Bid Tabulation No. 1530, dated March 11, 2011, for traffic signal equipment. In a memo dated March 11, 2011, Finance Director Brad Harris concurred with the Public Works Director's recommendation of February 28, 2011 to award the purchase of traffic signal equipment to two bidders, Progression Electric and Temple, Inc.

**A motion was made by Council Member Jackson to approve staff's recommendation to split the bid and award the purchase of traffic signal equipment, as detailed in the Public Works Director's memorandum dated February 28, 2011, to both Progression Electric and Temple, Inc. contingent on State approval, seconded by Council Member Davis and approved by the following roll call vote:**

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

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**AWARD OF CONTRACT – ARCHITECTURAL & ENGINEERING – PHASE II – MARKET PARK**

Mayor Buttram presented a recommendation from Austin Fesmire, Director of Parks & Recreation, dated March 15, 2011, to contract with Johnson Architecture for design, construction

documents, bidding & negotiation and construction administration for Phase II of the Market Park project which includes the restroom and concrete flatwork.

**A motion was made by Council Member Davis to approve staff's recommendation to contract with Johnson Architecture for the architectural and engineering services for Phase II of the Market Park project, seconded by Vice Mayor Perkinson and approved by the following roll call vote:**

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

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COUNCIL ADVISORY COMMITTEE REAPPOINTMENTS

**A motion was made by Mayor Buttram to reappoint Amy Arnwine, Rob Cruz, Linda Garza, and Laura LeNoir to the Council Advisory Committee, terms expire March 21, 2014, seconded by Vice Mayor Perkinson and approved by the following roll call vote:**

**AYES: Davis, Jackson, Pelley, Perkinson, Buttram**  
**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 April and May. 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 7:13 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager