

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 16, 2010

The Athens City Council met in regular session on Tuesday, February 16, 2010, 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 the regularly scheduled meeting on January 19, 2010 and the called meeting on January 27, 2010 were submitted and approved by unanimous consent.

- 2 -

COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Council Member Davis presented the *Very Important Volunteer Individual Award* for February 2010 to the Nocatula Civitan Club for their outstanding community service. Members of the Nocatula Civitan Club including Club President Brad Harris, Becky Reyes, Ellen Ricks, Betty Haralson, and Sheila Idol were present to accept the award. Mr. Harris thanked the Council on behalf of the Nocatula Civitan Club and stated that he was very proud of his organization and the work they were doing in the community.

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MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters of appreciation for services performed by city staff. Council Member Pelley was recognized for his reappointment to the National League of Cities Council on Youth, Education, and Families Council.

- 4 -

PETITIONS AND REQUESTS

AUDIENCE

Mayor Buttram opened the meeting for petitions and requests from the audience. There were none presented at this time.

- 5 -

REPORTS

FINANCE DEPARTMENT REPORT

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

- 6 -

POLICE DEPARTMENT REPORT

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

- 7 -

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of January 2010. After brief discussion and 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. 2010-03 amending McMinn County Growth Plan, now entitled "Amended Growth Plan, McMinn County, Tennessee, February 2, 2010";
- b.) Approve Resolution No. 2010-04 authorizing and providing for the incurrence of indebtedness for the purpose of providing a State Route 30 Water System Improvements Facility;
- c.) Approve expenditure from Contingency of up to \$625 for refurbishment of Christmas lights;
- d.) Accept proposal from Lose & Associates for design, engineering, and construction management on the Exit 49 Roadscapes Project;

- e.) Accept proposal from Third Rock Consultants for design and engineering work on the North Mouse Creek Restoration Project, not to exceed \$100,400, and the Library Wetlands Restoration Project, not to exceed \$35,200;
- f.) Appoint Libby Johnson to fill vacancy on International Relations Committee, term expires January 20, 2013;
- g.) Reappoint Linda Hutchings to Keep McMinn Beautiful, term expires March 3, 2013;
- h.) Reappoint Frances Williams to the Athens Housing Authority, term expires March 6, 2015.

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

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

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ORDINANCES

**ORDINANCE NO. 982 – SECOND/FINAL READING – PUBLIC HEARING**

**“AN ORDINANCE TO AMEND TITLE 17, CHAPTER 1 OF THE ATHENS MUNICIPAL CODE ENTITLED ‘REFUSE AND TRASH DISPOSAL’ BY REVISING SECTIONS 17-104 AND 17-113.”**

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 Jackson, seconded by Council Member Pelley, to approve Ordinance No. 982 on Second and Final Reading.** Upon roll call, Ordinance No. 982 was approved by the following vote:

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

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NEW BUSINESS

**RECOMMENDATION FROM ARPC – REZONE PROPERTY ALONG DUPIT STREET**

Mayor Buttram presented Minutes of the Athens Regional Planning Commission, meeting in regular session on February 1, 2010, unanimously recommending that City Council rezone property along the left side of Dupit Street starting at the southern property line of

Eisenmenger property all the way to Tellico Avenue from B-2 to R-3. The following ordinance was presented for consideration:

**ORDINANCE NO. 983 – FIRST READING**

**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 DUPIT 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. **Motion was made by Council Member Pelley, seconded by Council Member Davis, to approve Ordinance No. 983 on First Reading.** Upon roll call, Ordinance No. 983 was approved by the following vote:

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

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**PROPOSED MUNICIPAL CODE CHANGES – AMENDMENTS TO BUILDING, UTILITY, ETC. CODES AND PROPERTY MAINTENANCE REGULATIONS**

Mayor Buttram presented a proposed ordinance to amend Title 12, Chapter 1 of the *Athens Municipal Code*, entitled “Building, Utility, Etc. Codes” and Title 13, Chapter 2 of the *Athens Municipal Code*, entitled “Weeds, Dead Trees, and Rubbish, Etc.”

**ORDINANCE NO. 984 – FIRST READING**

**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. **Motion was made by Council Member Davis, seconded by Vice Mayor Perkinson to approve Ordinance No. 984 on First Reading.** Upon roll call, the first reading of Ordinance No. 984 was approved by the following vote:

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

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PROPOSED MUNICIPAL CODE CHANGES – AMENDMENTS TO WASTEWATER REGULATIONS

Mayor Buttram presented a proposed ordinance to amend Ordinance No. 972 titled “Wastewater Regulations”.

**ORDINANCE NO. 985 – FIRST READING**

**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. **Motion was made by Vice Mayor Perkinson, seconded by Council Member Jackson to approve Ordinance No. 985 on First Reading.** Upon roll call, the first reading of Ordinance No. 985 was approved by the following vote:

**AYES: Davis, Jackson, Pelley, Perkinson, Buttram**  
**NAYS: None**  
**ABSENT: 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 February and March. 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 6:50 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager