

MINUTES OF MEETING, ATHENS CITY COUNCIL, APRIL 20, 2010

The Athens City Council met in regular session on Tuesday, April 20, 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.

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MINUTES

The Minutes of the regularly scheduled meeting on March 18, 2010 were submitted and approved by unanimous consent.

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COMMUNICATIONS

PRESENTATION OF VIVID AWARD

Council Member Pelley presented the *Very Important Volunteer Individual Award* for April 2010 to Bill Stewart for his outstanding community service. Mr. Stewart was present to accept the award and thanked the City Council for the award and the presentation. He stated that he was proud of the service he had given to the country and the city.

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EMPLOYEE OF THE QUARTER

Ms. Rita Brown, Director of Human Resources, presented the "Employee of the Quarter" award for the period ending March 31, 2010. Brad Emery, Public Works, was recognized for his outstanding service to the City of Athens. As in the past, the recipient of this award receives a \$50 savings bond and becomes eligible for the "Employee of the Year" award, which is given annually to recognize significant service to the City of Athens.

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MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letter from Wal-Mart presenting the City of Athens Fire Department with a check for \$1,000 to purchase smoke and carbon detectors for the community.

PETITIONS AND REQUESTS

AUDIENCE

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

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

BEER BOARD

BEER APPLICATION – ATHENS TOBACCO & BEER, 2618 DECATUR PIKE

An application for a Grocery (Food Stores) Beer Permit at Athens Tobacco & Beer, 2618 Decatur Pike, was presented for consideration.

After brief discussion and comments, **motion was made by Council Member Pelley, seconded by Council Member Jackson, to approve the beer application from Athens Tobacco & Beer as submitted.** Upon roll call, the motion was approved by the following vote:

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

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

REPORTS

FINANCE DEPARTMENT REPORT

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

POLICE DEPARTMENT REPORT

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

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COMMUNITY DEVELOPMENT QUARTERLY REPORT

Anthony Casteel, Community Development Director, presented the Quarterly Building Report for the City of Athens for the quarter ending March 31, 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 Animal Control Housing Agreement between City of Athens and Town of Signal Mountain;
- b.) Approve **Resolution No. 2010-08** to authorize submission of grant applications through the Governor's Highway Safety Program to pay for overtime, supplies, training, and the equipment necessary to deal with the City's DUI and impaired driving program;
- c.) Accept bid (Bid No. 1516 dated April 6, 2010) as submitted by Sansom Equipment for *Street Sweeper*;
- d.) Accept low bid (Bid No. 1517 dated April 7, 2010) as submitted by Bakers Waste Equipment, Inc. for *Refuse Containers*;
- e.) Approve **Resolution No. 2010-09** to extend contractual agreement with Progression Electric, LLC for *Traffic Signal Maintenance* for one year expiring June 30, 2011;
- f.) Appoint *Holly Barton* to fill vacancy on Keep McMinn Beautiful, term expires March 3, 2013.

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, Jackson, Pelley, Perkinson, Buttram
NAYS: None

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ORDINANCES

ORDINANCE NO. 986 – SECOND/FINAL READING – PUBLIC HEARING

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. 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. 986 on Second and Final Reading.** Upon roll call, Ordinance No. 986 was approved by the following vote:

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

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OLD BUSINESS

REFERENDUM FOR ELECTING A MAYOR – REQUEST OF COUNCIL MEMBER PELLEY

A motion was made by Council Member Pelley to have a referendum on the November 2010 ballot wherein the citizens of Athens will determine if they would like to have an elected Mayor. The motion died for lack of a second.

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

A motion was made by Council Member Pelley to have a referendum on the November 2010 ballot wherein the citizens of Athens will determine if they have electoral districts in the city of Athens. The motion died for lack of a second.

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REFERENDUM FOR SIX (6) ELECTED COUNCIL MEMBERS

A motion was made by Council Member Pelley to have a referendum on the November 2010 ballot wherein the citizens of Athens will determine if they will have six (6) elected council members. The motion died for lack of a second.

Mayor Buttram commented that these items had been thoroughly discussed by the Council at the April Work Session. Anyone that was interested in hearing the work session discussion could get a copy of the meeting on CD from the City Manager's Office. Council Member Pelley requested a point of personal privilege. Mayor Buttram stated that he was not going to recognize Council Member Pelley's point of personal privilege. The reason he made his comment was because they had discussed those items thoroughly at work session and anyone could get a copy of that work session and listen to the discussion. Council Member Pelley stated that he would like to challenge the decision of the chair and that it was a non-debatable motion. Mayor Buttram asked Council Member Pelley to state the nature of his challenge. Mr. Pelley stated that he was challenging the Mayor's decision not allow him to have a point of personal privilege. Mayor Buttram stated that they were going to vote on whether or not Council Member Pelley can take time at the council meeting for his personal privilege. He stated that the point he was trying to make was that they could bring this item up at another work session if they wanted to discuss it further. They had discussed this at their retreat and again at their work session. He instructed the council that if they were in favor of granting Council Member Pelley his point of personal privilege then they should vote aye, if they wanted to move on they should vote nay. Upon roll call vote, the motion failed by the following vote:

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

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NEW BUSINESS

REQUEST TO CHANGE ATHENS BEER CODE

ORDINANCE NO. 987 – FIRST READING

AN ORDINANCE TO AMEND CHAPTER 2 OF TITLE 8 OF THE ATHENS MUNICIPAL CODE RELATING TO ALCOHOLIC BEVERAGES TO ADD HOTELS AS PERMISSIBLE BEER PERMIT HOLDERS.

The caption of the above-described Ordinance was read by the recording clerk. **Motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to approve Ordinance No. 987 on First Reading.** Upon discussion, Council Member Jackson expressed a desire to amend the motion to add the words "*interior corridor*" after "*sixty (60) or more*" in paragraph 1 of Section 1. The sentence would then read "*A hotel for the purpose of holding a*

beer permit is defined as a hotel located within a radius of one (1) mile from the intersection of Highway 30 and the entrance ramp to the northbound lanes of Interstate 75 which has available for occupancy sixty (60) or more interior corridor rooms for paid lodging by guests on a short-term basis, not to exceed seven (7) consecutive days by a guest.” Council Member Pelley and Vice Mayor Perkinson accepted the amendment to the original motion. Upon roll call, the first reading of Ordinance No. 987 as amended 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 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.

R. HAL BUTTRAM, Mayor

MITCHELL B. MOORE, City Manager