MINUTES OF MEETING, ATHENS CITY COUNCIL, NOVEMBER 17, 2009

The Athens City Council met in regular session on Tuesday, November 17, 2009, 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 October 20, 2009 were submitted and approved by unanimous consent.

- 2 -
COMMUNICATIONS

ANNOUNCEMENTS

Mayor Buttram congratulated Council Member Jackson and his wife, Amy, on the birth of their son, Carson, who was born on October 13, 2009. Mayor Buttram also announced that Vice Mayor Perkinson had been named Co-Chair of the National League of Cities (NLC) Small Cities Council. He noted that Vice Mayor Perkinson has been a member of this committee for several years. Vice Mayor Perkinson thanked Mayor Buttram and stated that this was the largest committee representing small cities throughout the country and he looked forward to being in the leadership position in the coming year.

- 3 -
PROCLAMATION – NATIONAL HOME CARE MONTH

Vice Mayor Perkinson read a proclamation recognizing the month of November 2009 as National Home Care Month. Shelia Woods, Senior Account Executive, Patricia Hutsell, Director of Operations, and Sandra Wright, Clinical Manager, from Amedisys Home Health Care were in attendance to accept the proclamation.

- 4 -
PROCLAMATION – NATIONAL HOSPICE MONTH

Council Member Davis read a proclamation recognizing the month of November 2009 as National Hospice Month. Shelia Woods, Senior Account Executive, Patricia Hutsell, Director of Operations, and Sandra Wright, Clinical Manager, from Amedisys Home Health Care were in attendance to accept the proclamation.

- 5 -
SPECIAL EMPLOYEE RECOGNITION

Mayor Buttram acknowledged full-time employee of the City of Athens Fire Department, Paul Andrew Ford, as a member of the National Guard 278th Armored Cavalry Regiment. It was noted that this employee had received orders for deployment to the Middle East and is expected to leave Athens with the 278th Armored Calvary Regiment in December. The following resolution was read in full by Mayor Buttram and presented to Andrew Ford acknowledging and supporting this employee in his mission and praying for his prompt and safe return to the City of Athens:
RESOLUTION NO. 2009-55
“A RESOLUTION OF SUPPORT AND COMMENDATION FOR CITY EMPLOYEE PAUL ANDREW FORD DURING ACTIVE MILITARY DUTY WITH THE 278TH ARMORED CALVARY REGIMENT.”

MISCELLANEOUS CORRESPONDENCE

Mayor Buttram acknowledged receipt of letters/notes of appreciation for services performed by city staff members in the Fire Department.

PETITIONS AND REQUESTS

AUDIENCE

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

REPORTS

FINANCE DEPARTMENT REPORT

Mr. Brad Harris, Finance Director, presented the Finance Department Report for the month of October 2009. After brief discussion and comments, the report was accepted as presented.

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of October 2009. The report was accepted as presented.

FIRE DEPARTMENT REPORT

Fire Chief Jim Dyer presented the Fire Department Report for the month of October 2009. After brief discussion and comments, the report was accepted as presented.

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. 2009-49 to extend the terms of the agreement with the McMinn Regional Humane Society, Inc. for the Volunteer Program through November 30, 2012;

b.) Approve Resolution No. 2009-50 authorizing the distribution of Athens Utilities Board’s gas in lieu of tax payments for fiscal year 2009/10;

c.) Approve Resolution No. 2009-51 authorizing the distribution of Athens Utilities Board’s electrical in lieu of tax payments for fiscal year 2009/10;
d.) Approve Resolution No. 2009-52 to extend contract with the Potting Shed, LLC for downtown flower bed maintenance (Bid No. 1463/Specifications 22-15) through January 31, 2011;

e.) Approve Resolution No. 2009-53 authorizing the execution of a contract with Mayse Construction of Chattanooga, Tennessee for the Athens Streetscape Phase 2 project;

f.) Approve Resolution No. 2009-54 to enter into an agreement for use of Market Park, Knight Park, and for use of city streets and rights of way by the Downtown Business Association for Old Fashioned Downtown Christmas;

g.) Appoint R. Carter Runyan to fill vacancy on the Health and Educational Facilities Board, term expiring September 21, 2010;

h.) Appoint Jennifer Hardison to fill vacancy on the Health and Educational Facilities Board, term expiring September 21, 2015.

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

- 12 -

NEW BUSINESS

RECOMMENDATION FROM ARPC – ESTABLISH A HISTORIC DISTRICT BOUNDARY

ORDINANCE NO. 981 – FIRST READING

“AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14, CHAPTER 2 OF THE ZONING ORDINANCE, BE AMENDED BY REVISING SECTION 3.04.16 SO AS TO ADD SUBSECTION “O” THAT ESTABLISHES THE H-1 HISTORIC OVERLAY DISTRICT LIMITS AS ROUGHLY BOUNDED BY THE PROPERTIES ON EAST MADISON AVENUE, INGLESIDE AVENUE, GUILLE STREET, AND ATLANTIC STREET; AND PROVIDING THAT THE OFFICIAL ZONING MAP IS AMENDED SO AS TO ATTACH THE H-1 HISTORIC OVERLAY DISTRICT AS DESCRIBED HEREIN AND ON THE ATTACHED MAP; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.”

The caption of the above-described Ordinance was read by the recording clerk. After brief discussion and comments, motion was made by Vice Mayor Perkinson, seconded by Council Member Davis, to approve Ordinance No. 981 on First Reading. Vice Mayor Perkinson stated that the Athens Regional Planning Commission unanimously approved the recommendation to establish a historic district boundary. According to Ordinance No. 973, 70% of the property owners within the boundary needed to approve the historic overlay. The petition was approved by 75% of the property owners. Vice Mayor Perkinson commented that it was his understanding that a couple of parking lots were at issue. Anthony Casteel, Community Development Director responded that the Historic Preservation Commission passed this on October 6, 2009. In the meeting, members of the First Baptist Church were present and asked to have their three parking lots excluded. A motion to exclude these parking lots died for lack of a second. A subsequent motion was made to include the parking lots as submitted and it passed 2 to 1 with one member abstaining because he lived in the district. The recommendation was forwarded to the Athens Regional Planning Commission. They unanimously approved the recommendation of the Historic Preservation Commission. A motion was made by Council Member Pelley, seconded by Council Member Jackson, to amend the motion to exclude all properties belonging to First Baptist Church as of November 17, 2009. A discussion followed regarding whether or not to include the parking lots in the historic district boundary. Council Member Jackson asked City Attorney Trew what would happen if someone chooses not to abide by regulations in this historical area. City Attorney Trew responded that the entity that
would have to enforce the ordinance would be the City itself. Council Member Jackson commented that the citizens of Athens would have to incur the costs for the enforcement of this small area. City Attorney Trew stated that if the church properties were excluded from the historic district and these properties later sold the new property owners would be able to do what they wanted with the property as long as it was in compliance with existing zoning regulations. They would not be subject to the regulations of the historic district. After further discussion and upon roll call, the motion to amend the ordinance to exclude the First Baptist Church parking lots failed by the following vote:

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<th>AYES</th>
<th>Jackson, Pelley</th>
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<tr>
<td>NAYS</td>
<td>Davis, Perkinson, Buttram</td>
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<tr>
<td>ABSENT</td>
<td>None</td>
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In the interest of public disclosure, Council Member Pelley announced that he owned property within the historic overlay area. Upon roll call, the motion to approve Ordinance No. 981 on first reading was approved by the following vote:

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<th>AYES</th>
<th>Davis, Jackson, Pelley, Perkinson, Buttram</th>
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<td>NAYS</td>
<td>None</td>
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<tr>
<td>ABSENT</td>
<td>None</td>
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CITY JUDGE VACANCY

Mayor Buttram commented that nine outstanding legal professionals had expressed an interest in the City Judge position. Four individuals withdrew their names for various reasons. The five applicants to be considered were: William Buckley, Jr., Charles C. Guinn, Jr., R. Wylie Richardson, David Siklosi, Donald Trey Winder, III. Council Member Pelley nominated Charles C. Guinn for the City Judge position and Council Member Davis nominated Trey Winder. Council Member Pelley stated that the City was very fortunate to have the number of qualified applications applying for this position. He felt that both Trey Winder and Charles Guinn were qualified and his nomination was for Charles Guinn not against Trey Winder. Council Member Davis stated that she nominated Trey Winder because of his experience. He had been filling in for the City Judge for the past three years and serving continually since the passing of Judge Don Reid. Council Member Jackson commented that both candidates were excellent and that you could not vote incorrectly selecting either one of them. Vice Mayor Perkinson stated that he was very impressed with each of the candidates and this was a very important position for the City of Athens. A brief discussion followed on the merits of each nomination. Council Member Pelley made a motion to appoint Charles Guinn as City Judge, seconded by Council Member Jackson. Upon roll call, the motion failed by the following vote:

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<tr>
<th>AYES</th>
<th>Pelley, Buttram</th>
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<tr>
<td>NAYS</td>
<td>Davis, Jackson, Perkinson</td>
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Council Member Davis made a motion to appoint Trey Winder as City Judge, seconded by Vice Mayor Perkinson. Upon roll call, the motion was approved by the following vote:

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<thead>
<tr>
<th>AYES</th>
<th>Davis, Jackson, Perkinson, Buttram</th>
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<tr>
<td>NAYS</td>
<td>Pelley</td>
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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 November and December. Vice Mayor Perkinson asked Mr. Moore to share with the audience and Council the process of getting the light at Cook and Madison. Mr. Moore stated that the City had made several requests to Tennessee Department of Transportation for a light at that intersection. The City was finally approved for the light based on the most recent warrants (reasons) and traffic accident
information. The State put the contract out to bid. It is a grant to the City of Athens. Once construction is complete, there is one year of maintenance that if anything goes wrong with the construction or materials, the contractor and/or Tennessee Department of Transportation will be responsible for repairing it. After that one year time, it becomes the property of the City of Athens forever more. When a new traffic signal is needed at that particular intersection, it will be the City’s responsibility as both a safety manner and to pay for it. For a point of information, Mr. Moore advised the Council that if they approached a traffic signal and saw anything that seemed out of the ordinary for a traffic activated signal, they should contact the Public Works Department. Most, not all, of the signals in Athens are traffic activated. After additional comments, the report was accepted as presented.

ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 7:40 p.m.

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R. HAL BUTTRAM, Mayor

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MITCHELL B. MOORE, City Manager