

A G E N D A

ATHENS CITY COUNCIL

TUESDAY, MARCH 16, 2004, 6:00 P.M.

- I. CALL TO ORDER** – Mayor William Bo Perkinson

- II. PLEDGE OF ALLEGIANCE**

- III. INVOCATION** – Mayor Perkinson

- IV. ROLL CALL**

- V. * MINUTES** – February 17, 2004

- VI. COMMUNICATIONS FROM THE MAYOR**
 - * a.) Presentation of VIVID Award – Ms. Ellen Richey
 - b.) Presentation of proclamation – TWC Lady Bulldogs Basketball Team
 - * c.) Adopt resolution in support of Keep McMinn Beautiful's 15th Anniversary Celebration on April 6, 2004
 - * d.) Miscellaneous Correspondence

- VII. PETITIONS AND REQUESTS**
 - a.) Requests from Audience

- VIII. REPORTS**
 - a.) Clean Up Week Update – Representatives of Keep McMinn Beautiful
 - * b.) Finance Department Report
 - * c.) Police Department Report
 - * d.) Fire Department Report
 - e.) Human Resources Department Report

IX. CONSENT AGENDA

- a.) Approve STARS (Students Taking Academics Serious) program for current school year;
- * b.) Adopt **Resolution No. 2004-14** to approve ARPC's recommendation to accept extension of Tellico Avenue, Dupitt Street, and Plaza Drive into city street system;
- * c.) Adopt **Resolution No. 2004-15** designating Fair Housing Month in the City of Athens;
- d.) Approve purchase of 2000 Dodge Durango from L & M Motors at cost of \$11,500 from Drug Fund for replacement of an APD 1996 Jeep Cherokee;
- * e.) Adopt **Resolution No. 2004-16** encouraging the 103rd general assembly to protect jobs in Tennessee by supporting Workers' Compensation reform;
- * f.) Approve **Resolution No. 2004-17** to adopt Education and Government (EG) Channel 95 Policies and Procedures;
- * g.) Approve **Resolution No. 2004-18** requesting support of the passage of HB 1472 (Briley) as it relates to TCA §13-7-208;
- h.) Approve appointment of **Natosha Ledford** to fill vacancy on **Keep McMinn Beautiful**, expires March 3, 2007;
- i.) Approve reappointments of **Harold Prof Powers** and **Gary Womac** to **Keep McMinn Beautiful**, expires March 3, 2007;

X. ORDINANCES

- * a.) **ORDINANCE NO. 916 – SECOND READING – PUBLIC HEARING**
“AN ORDINANCE AMENDING ORDINANCE NO. 853 ENTITLED, "THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, DATED 1999", SO AS TO REZONE THAT AREA LOCATED ON CONGRESS PARKWAY, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO B-4, HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT, AND TO OFFICIALLY CHANGE THE ZONING MAP OF THE CITY OF ATHENS DATED MARCH 16, 1999, TO REFLECT AND SHOW SAID CHANGE IN ZONING MADE BY THIS ORDINANCE.”

XI. OLD BUSINESS

XII. NEW BUSINESS

- * a.) Proposed purchase of refuse collection truck – Cherokee Truck Equipment
- * b.) Amend Athens Municipal Code to reflect current City of Athens policies and procedures
- * c.) Proposal to purchase 911 Remote PSAP for Athens Communications Center
- d.) Proposed joint agreement – McMinn County and City of Athens
- e.) Manager's Report

RESOLUTION NO. 2004-13

“A RESOLUTION TO COMMEND AND CONGRATULATE KEEP MCMINN BEAUTIFUL ON THE CELEBRATION OF ITS 15TH ANNIVERSARY.”

WHEREAS, in December 1988, the Athens City Council joined with the McMinn County Commission and other local municipalities for the purpose of establishing the McMinn Clean Community Commission; and

WHEREAS, the purpose of this commission was to promote public interest in the general improvement of the environment and to plan and coordinate programs relative to the prevention of litter within McMinn County; and

WHEREAS, in accordance with Keep America Beautiful, the Commission obtained its certification on April 6, 1989, and was renamed “Keep McMinn Beautiful” in February 1999; and

WHEREAS, Keep McMinn Beautiful has become recognized as one of the finest Keep America Beautiful affiliate programs at both the state and national levels; and

WHEREAS, under the capable leadership of its current Executive Director, Ms. Connie Allen, our local Keep McMinn Beautiful program has received numerous national awards, including the Most Innovative Program award, and has been recognized as the top award winner during the state awards banquet in Nashville; and

WHEREAS, most recently, Keep McMinn Beautiful was honored as the recipient of the 2003 President’s Circle Recognition Award during the 50th National Conference in Washington, D.C. on December 3, 2003; and

WHEREAS, in celebration of its 15th anniversary, a reception, being planned and hosted by the Keep McMinn Beautiful Board of Directors, will be held on Tuesday, April 6, 2004, at 5:00 p.m. in the Blue Room of the McMinn County Courthouse.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Athens, Tennessee, meeting in regular session this 16th day of March 2004, does hereby publicly congratulate and commend Executive Director Connie Allen and members of the Keep McMinn Beautiful Board of Directors on the celebration of its 15th anniversary and does further encourage the citizens of Athens to join with the City Council in acknowledging their many years of dedicated service to this community.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 16th day of March 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

**Police Department Report to City Manager
Offense Statistics**

Classification of Offenses

Offenses Reported

Part I - Crimes Against Persons	This Month	This Year	Last Year to Date
1. Homicide	0	0	0
2. Sex Offense	1	2	2
3. Robbery	0	3	1
4. Assault	20	56	41
Part II - Crime Against Property			
5. Burglary	13	32	39
6. Theft	37	87	124
7. Motor Vehicle Theft	7	7	8
Moving Violations	426	651	568
Drugs	16	28	26
Arrests	59	117	142

Traffic Accident Statistics

Accidents

Injuries

	This Month	This Year	Last Year to Date		This Month	This Year	Last Year to Date	
Vehicle	67	134	135		19	43	45	
Pedestrian	0	1	2		0	1	0	
Other	8	14	26		3	4	7	
Priv. Prop.	24	24	N/A		0	0	N/A	
Total	99	173	163		22	48	52	

Fatality

This Month	0
This Year	0
Last Year	0

Prepared:
Amy B. Arnwine
City Clerk/Records
Clerk

Submitted:
Charles T. Ziegler

Chief of Police

**CITY OF ATHENS FIRE DEPARTMENT REPORT
FEBRUARY, 2004**

TYPE OF CALL	THIS MONTH	LAST YEAR	TYTD	LYTD
RESIDENTIAL	3	3	6	7
COMMERCIAL	0	1	0	1
INDUSTRIAL	1	0	1	0
GRASS	4	0	5	1
VEH FIRES	5	4	10	4
TRASH FIRES	2	1	3	1
VEH ACC	3	2	8	5
AUTO ALARMS	3	3	13	8
FALSE ALARMS	0	3	1	3
OTHERS	10	6	18	10
MUTUAL AID	0	0	0	0
TOTAL CALLS	31	23	65	40

LOSSES

RESIDENTIAL	34000	\$90,000	\$63,000	\$95,500
COMMERCIAL	0	\$400	\$0	\$400
INDUSTRIAL	0	\$0	\$0	\$0
VEHICLE	6500	\$3,000	\$8,800	\$3,600
MISC	0	\$0	\$0	\$0
TOTALS	\$40,500	\$93,400	\$71,800	\$99,500

FIRE PREVENTION INSPECTIONS

COMMERCIAL	8	11	21	27
INDUSTRIAL	11	9	25	17
RESIDENTIAL	14	18	33	34
TOTALS	33	38	79	78

VIOLATIONS	8	14	17	25
CORRECTED	5	9	12	16

FIREFIGHTER TRAINING

FULL TIME ACADEMIC	251	123	572	386
FULL TIME PRACTICAL	130	112	275	176

VOLUNTEER ACADEMIC	3	14	14	19
VOLUNTEER PRACTICAL	4	9	18	17

PERSONNEL

	ALLOWANCE	EMPLOYED
FULL TIME	20	19
VOLUNTEERS	25	20

**PREPARED BY:
FIREFIGHTER II, JERRY L. TATE**

**SUBMITTED
BY:
FIRE CHIEF, ROBERT G. MILLER**

RESOLUTION NO. 2004-14

A RESOLUTION ACCEPTING THE EXTENSION OF TELLICO AVENUE, DUPITT STREET, AND PLAZA DRIVE INTO THE STREET SYSTEM OF THE CITY OF ATHENS, TENNESSEE.

WHEREAS, the Athens Municipal-Regional Planning Commission has requested that the City of Athens accept the above stated streets as a part of the City street system; and

WHEREAS, all necessary agencies have approved the above stated streets and recommend their acceptance;

NOW, THEREFORE, BE IT RESOLVED by the City of Athens that the following described streets be accepted as a part of the street system of the City of Athens, to wit:

Tellico Avenue extension from Railroad Avenue to Congress Parkway consisting of 4,579 feet in length, 22 feet in average pavement width, and 50 feet in right-of-way width.

Dupitt Street between Tellico Avenue and Decatur Pike consisting of 1,957 feet in length, 25 feet in average pavement width, and 50 feet in right-of-way width.

Plaza Drive bounded by Dupitt Street and Plaza Shopping Center consisting of 300 feet, 22 feet in average pavement width, and 50 feet in right-of-way width.

ON MOTION OF _____, SECONDED
BY _____ said Resolution was UNANIMOUSLY adopted on
this the 16th day of March, 2004.

WILLIAM BO PERKINSON, MAYOR

MITCHELL B. MOORE, CITY MANAGER

APPROVED AS TO FORM:

H. CHRIS TREW, CITY ATTORNEY

RESOLUTION NO. 2004-15

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

WHEREAS, the strength of our nation, and all of its cities and states, flows from the promise of individual equality and freedom of choice; and

WHEREAS, the Thirty-Sixth anniversary of the enactment of Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, during the Month of April, is an occasion for Americans -- individual and collectively -- to rededicate themselves to the principal of freedom of choice and to participate in efforts to eliminate vestiges of housing discrimination wherever they exist. This law guarantees for each citizen that critical, personal element of freedom of choice and the selection of the home; and

WHEREAS, the City of Athens passed Ordinance No. 577 on June 5, 1979, adopting the Fair Housing Law into its Municipal Code; and

WHEREAS, the City of Athens fully endorses the concept behind the Fair Housing Law and pledges to enforce the provisions of its Municipal Code dealing with the implementation of fair housing laws.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session duly assembled this 16th day of March, 2004, that the month of April be designated FAIR HOUSING MONTH and that the citizens of this community are hereby encouraged to obey and support fair housing laws.

ON MOTION BY _____, SECONDED BY _____, said Resolution was unanimously approved this 16th day of MARCH, 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. 2004-16

“A RESOLUTION ENCOURAGING THE 103RD GENERAL ASSEMBLY TO PROTECT JOBS IN TENNESSEE BY SUPPORTING WORKERS’ COMPENSATION REFORM.”

WHEREAS, Tennessee’s towns and cities serve a vital role as economic engines for the state; and

WHEREAS, recruiting new industries has become extremely competitive; and

WHEREAS, changes are needed in Tennessee’s mandated workers’ compensation law in order to keep present employers and attract new employers to Tennessee; and

WHEREAS, the condition of the state’s workers compensation system impacts Tennessee’s towns and cities twice as hard by having to pay increased workers’ compensation premiums and by losing tax revenues when jobs are lost and plants close down; and

WHEREAS, raising property taxes to make up for lost tax revenues only makes Tennessee even less attractive to industry; and

WHEREAS, the City of Athens, Tennessee, encourages and supports Governor Phil Bredesen’s administration in its efforts to keep existing jobs in Tennessee and to bring new jobs.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Athens, Tennessee, meeting in regular session this 16th day of March 2004, does hereby encourage the 103rd Tennessee General Assembly to support legislation that makes important changes in Tennessee’s workers’ compensation laws that would protect Tennessee workers and at the same time encourage existing jobs to stay in Tennessee and attract new industry to Tennessee.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 16th day of March 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. 2004-17

“A RESOLUTION TO ADOPT EDUCATION AND GOVERNMENT (EG) CHANNEL 95 POLICIES AND PROCEDURES.”

WHEREAS, the City of Athens has executed a franchise agreement with Comcast Cable Communications, Inc. to provide cable service to the citizens of Athens; and

WHEREAS, Comcast provides an education and government (EG) channel, which serves as the community focal point for encouraging and facilitating television/programming access by and solely for the governing bodies and educators being served by this franchise; and

WHEREAS, it is the desire of the City of Athens to enter into an agreement with participating municipalities and the McMinn County Government for the purpose of adopting and implementing “Policies and Procedures” dated January 9, 2004, as it relates to the establishment of EG Channel 95.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Athens, Tennessee, meeting in regular session this 16th day of March 2004, that the Mayor and City Manager are hereby authorized, empowered, and directed to execute an agreement as provided above.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 16th day of March 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. 2004-18

“A RESOLUTION REQUESTING SUPPORT OF THE PASSAGE OF HB 1472 (BRILEY) AS IT RELATES TO TCA §13-7-208.”

WHEREAS, sign companies have used TCA §13-7-208 as a means of suing cities to change small signs into billboards otherwise illegal in the City; and

WHEREAS, billboards should be a matter of local regulation and not subject to the lobbies of the large sign companies; and

WHEREAS, in the case of Outdoor West of Tennessee, Inc. (Lamar Advertising of Tri-Cities), v. City of Johnson City No. E1999-00412-COA-R3-CV, June 26, 2000 and other cases have interpreted TCA §13-7-208 as an authorization to increase small signs into billboards or to add faces or enlarge billboards; and

WHEREAS, billboard advertising companies have misused the statute and converted it from its intended purpose; and

WHEREAS, for several years, local governments across the State of Tennessee have supported a change in the law to exclude signs from the protection of TCA §13-7-208; and

WHEREAS, the Senate has passed its version of the bill (SB 348), and HB 1472 is expected to be up for consideration in the House of Representatives in the very near future.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Athens, Tennessee, meeting in regular session this 16th day of March 2004, does hereby urge its State Representative, The Honorable Bob McKee, to support passage of HB 1472 (Briley) in its current form.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to Representative Bob McKee upon adoption by the Athens City Council.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 16th day of March 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

ORDINANCE NO. 916

“AN ORDINANCE AMENDING ORDINANCE NO. 853 ENTITLED, "THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, DATED 1999", SO AS TO REZONE THAT AREA LOCATED ON CONGRESS PARKWAY, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO B-4, HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT, AND TO OFFICIALLY CHANGE THE ZONING MAP OF THE CITY OF ATHENS DATED MARCH 16, 1999, TO REFLECT AND SHOW SAID CHANGE IN ZONING MADE BY THIS ORDINANCE.”

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE AS FOLLOWS:

SECTION 1. That Ordinance No. 853 and the Zoning Map of Athens dated March 16, 1999, identified and referred to in Section 3-020 of said Zoning Ordinance to be changed to show that the following described property be rezoned and changed from I-1 to B-4:

Beginning at a point, said point being the northeastern corner of parcel 1, Group "E" of McMinn County Tax Map Number 53-N, dated 2/97, said point further described as being the northeastern corner of proposed lot 24 as shown on Meadowbrook Subdivision (P.B 2, Pg. 95); thence, proceeding in a westerly direction following along the northern property line of said parcel 1, and along the northern property line of said proposed lot 24, and proposed lots 23, and 22 as shown on Meadowbrook Subdivision (P.B 2, Pg. 95) for a distance of approximately 425' to a point, said point described as being the northwestern corner of said proposed lot 22, said point further described as being the northeastern corner of proposed lot 21 as shown on Meadowbrook Subdivision (P.B 2, Pg. 95); thence, projecting a straight line in a southerly direction across said lot 1, and following along the proposed western property line of said proposed lot 22 and along the proposed eastern property line of said proposed lot 21 for a distance of approximately 145' to a point, said point described as being the southwestern corner of said proposed lot 22, said point further described as being the southeastern corner of said proposed lot 21; thence, proceeding in an easterly direction following along the southern property line of said parcel 1, and following along the southern property line of said proposed lots 22, 23, and 24, and following along the northern right-of-way line of Lark street for a distance of approximately 270' to a point, said point described as being the southeaster corner of said parcel 1, said point described further a being the southeastern corner of said proposed lot 24, said point further described as being the intersection of the northern right-of-way of said Lark Street and the western right-of-way of U.S. Highway 11/Congress Parkway; thence, proceeding in a northeasterly direction following along the western right of said U.S. Highway 11/Congress Parkway and following along the eastern property line of said parcel 1 for a distance of approximately 220' to a point, said point being the point of beginning.

SECTION 2. Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect as provided by law. As required by TENNESSEE CODE ANNOTATED, Section 13-7-203, Public Hearing on fifteen day's notice and the requirements of TENNESSEE CODE ANNOTATED, Section 13-7-201 through 13-7-210 have all been complied with, including the approval of all necessary agencies.

PASSED ON FIRST READING: February 17, 2004

PASSED ON SECOND READING: _____

WILLIAM BO PERKINSON, MAYOR

MITCHELL B. MOORE, CITY MANAGER

APPROVED AS TO FORM:

H. CHRIS TREW, CITY ATTORNEY

ORDINANCE NO. _____

“AN ORDINANCE TO UPDATE THE ATHENS MUNICIPAL CODE TO REFLECT CURRENT CITY OF ATHENS POLICIES AND PROCEDURES.”

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

SECTION 1. That Title 1, Chapter 3, **Section 1-301** (To be bonded) be amended by deleting the words *and city clerk* and further amend **Section 1-301** by removing the words *their offices* and inserting in lieu thereof the words *said office*.

SECTION 2. That Title 1, Chapter 3, **Section 1-302** (To keep minutes, etc.) and **Section 1-303** (To perform general clerical duties, etc.) be amended by adding the following language after city clerk: *or designee of the city manager*.

SECTION 3. That Title 5, Chapter 1, **Section 5-101** (Official depositories for city funds) be amended by deleting the wording in its entirety and substituting in lieu thereof: *Depositories for city funds include the Local Government Investment Pool administered by the State of Tennessee and any financial institution meeting the guidelines as set forth by the State of Tennessee.*

SECTION 4. That Title 7, Chapter 3, **Section 7-310** (Acceptance of buildings, etc. to be burned . . .) be amended by deleting this section in its entirety.

SECTION 5. That Title 8, Chapter 2, **Section 8-215** (Revocation of beer permits) be amended by deleting subsection (1) in its entirety and substituting new wording as follows: *(1) The beer board shall have the power to suspend or revoke any beer permit issued under the provisions of this chapter when the license or permit holder or any agent, servant or employee of the permittee or licensee is guilty of violating (a) any of the provisions of this chapter; (b) any of the Municipal Codes of the City of Athens addressing the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage; or (c) any state law regarding the sale, manufacture, storage or distribution of beer, wine, liquor or any other alcoholic beverage. The beer board, in its discretion, may revoke any beer permit issued for due cause not specified herein. However, no beer permit shall be suspended or revoked until a public hearing is held by the board after at least ten (10) days notice to all the parties in interest. Suspension or revocation proceedings may be initiated by the city manager or by any reputable resident upon the filing of an application with the beer board requesting such action.*

SECTION 6. That Title 9, Chapter 1, **Section 9-104** (Persons exhibiting samples in motel rooms, etc., and . . .) be amended by deleting the words “first obtain a permit from the city manager” and substitute in lieu thereof: *meet the requirements as outlined in Title 9, Chapter 2 of this Code.* Further amend **Section 9-104** by deleting subsections (2), (3), (4), and (5) in their entirety.

SECTION 7. That Title 9, Chapter 3, **Section 9-302** (Prerequisites for a permit) be amended by removing the word “recorder” and substitute the words *Office of Finance*.

SECTION 8. That Title 10, Chapter 1, **Section 10-107** (Seizure and disposition of animals running at large) be amended by deleting the words in this section and substituting as follows: *Any animal or fowl found running at large in violation of this chapter may be seized by the animal control officer or by any police officer and confined in an animal shelter provided or designated by the city manager. If the owner is known, that individual shall be given notice in person, by telephone, or by mail. If the owner is not known, the animal shall be confined in the shelter for a period not less than three (3) working days to allow an owner to reclaim that animal. In order to reclaim his animal, the owner must pay an impoundment fee plus a boarding fee which is to be established by the city council. Any animal not reclaimed by its owner within three (3) working days after the date of seizure shall become the property of local government authority and shall be placed for adoption in a suitable home subject to shelter adoption procedure. The unclaimed animal may be disposed of after an additional five (5) working days by veterinarian supervised euthanatization. Disposal of*

an animal does not relieve the owner of liability for violations, nor shall the City of Athens, or any of its agents or employees, be in any way responsible for any animal disposed of as hereinstated. The City of Athens, Tennessee, and its officials shall not be responsible for any illness, disease, or death occurring to any animal confined in the city's animal shelter, as stipulated in the City of Athens Standard Operating Procedures.

SECTION 9. That Title 13, Chapter 1, **Sections 13-101** (Board of health) and **13-102** (Health officer) be deleted, with the remaining sections to be renumbered as appropriate.

SECTION 10. That Title 15, Chapter 6, Section 15-601 (Parking) be amended by deleting paragraph two and inserting a new paragraph two as follows: *No person shall park or leave a vehicle, motorized or non-motorized, or any trailer parked on any other public street for more than twenty-four (24) hours without prior approval of the chief of police. Upon written request, the chief of police, or his/her designee, will investigate the proposed parking to ensure that the parked vehicle or trailer does not pose a traffic hazard and, upon determining that no hazard exists, may grant approval for the vehicle or trailer to be parked on the public street. In no case will permission be granted for more than seven (7) days.*

SECTION 11. That Title 17, Chapter 1, **Section 17-113**, subsection (1) be amended by removing the words "supervisor of the city's sanitation department" and inserting in lieu thereof the words *department of sanitation*.

SECTION 12. That Title 17, Chapter 1, **Section 17-114**, subsection (3) be amended by removing the word "finances" and inserting in lieu thereof the word *finance*.

SECTION 13. That Title 17, Chapter 1, **Section 17-116**, be amended by deleting the current language in paragraph two and substituting in lieu thereof: *Quantities of tree limbs and debris, etc., equivalent to a full trailer load (20 cu. yd.) or more shall be deposited for collection only after approval and direction of the city manager or his designee. For this extra disposal service, the applicant shall pay Thirty Dollars (\$30.00) per trailer load or fraction thereof.*

SECTION 14. That Title 20, Chapter 1 (City Cemeteries), be amended by correcting the listing of sections as follows:

20-112 Administration and management.

20-113 Irrevocable trust agreement authorized.

SECTION 15. That Title 20, Chapter 1, **Section 20-113** (Irrevocable trust agreement authorized) be amended by deleting the language "the First National Bank of McMinn County, Athens, Tennessee," and inserting in lieu thereof the language *any trustee qualified to act as fiduciary in the State of Tennessee, as approved by city council.*

SECTION 16. That Title 20, Chapter 2, including **title** and **sections 20-201** (Creation of department), **20-202** (Head of department), and **20-203** (Duties of head of department) be amended by deleting the words "Department of Recreation and Parks Development" and substituting in lieu thereof the words *Department of Parks and Recreation*.

SECTION 17: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

SECTION 18: BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and as provided by law.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

RESOLUTION NO. _____

“A RESOLUTION AUTHORIZING PURCHASE OF A 911 REMOTE PSAP (ONE-BUTTON TRANSFER EQUIPMENT) FOR THE PURPOSE OF PROVIDING EMERGENCY DISPATCHING SERVICES FOR THE CITIZENS OF ATHENS.”

WHEREAS, in the early 1990’s, the City of Athens and McMinn County formed a Consolidated Emergency Communications and Enhanced 911 telephone system; and

WHEREAS, the City of Athens agreed to furnish communications and staff to operate this system from the Athens Municipal Building located at 815 North Jackson Street; and

WHEREAS, effective August 2003, McMinn County began dispatching county emergency services from its Enhanced 911 Building located on Congress Parkway in Athens; and

WHEREAS, in the best interest of the City of Athens and its citizens, it is the recommendation of staff that the City of Athens continue to dispatch all emergency services from its Athens Communications Center located at 815 North Jackson Street.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Athens, Tennessee, meeting in regular session this 16th day of March 2004, does hereby accept staff’s recommendation and in so doing, does further authorize the purchase of a 911 Remote PSAP, with initial costs of this equipment being paid through grant and drug funds.

BE IT FURTHER RESOLVED by the Athens City Council that this resolution shall take effect immediately from and after its passage, the welfare of the Municipality requiring it.

ON MOTION BY _____, SECONDED BY _____
_____, said Resolution was unanimously approved this 16th day of March 2004.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney