

MINUTES OF MEETING, ATHENS CITY COUNCIL, FEBRUARY 15, 2005

The Athens City Council met in regular session on Tuesday, February 15, 2005, at 6:00 P.M. with Mayor Proffitt presiding. The invocation was given by Council Member Myers; and upon roll call, the following members were present:

Alvey, Myers, Pelley, Perkinson, Proffitt

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 held on January 18, 2005, were submitted. Upon motion by Council Member Myers, seconded by Vice Mayor Perkinson, said Minutes were unanimously approved.

- 2 -

COMMUNICATIONS FROM THE MAYOR

RECOGNIZE SCOUT TROOP

Mayor Proffitt welcomed Mr. Joe Busch and members of Boy Scout Troop 315 of Mars Hill Presbyterian Church. These scouts were recognized for their efforts to fulfill requirements of a *Citizenship in the Community* merit badge.

- 3 -

PRESENTATION OF VIVID AWARD

Council Member Myers presented the *Very Important Volunteer Individual Award* for February 2005 to Jo Ann Love. Ms. Love was recognized for her volunteer work with the McMinn County Living Heritage Museum as well as the Family and Community Education Club of McMinn County.

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MAYOR ANNOUNCES DESIGNEE TO PLANNING COMMISSION

Mayor Proffitt noted that the Council recently amended the Athens Municipal Code to allow the mayor to designate a representative to serve in his/her place on the Athens Regional Planning Commission. As a result of that action, Mayor Proffitt announced the appointment of Council Member Myers to serve as the Mayor's designee for a two-year term to expire in November 2006.

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MISCELLANEOUS CORRESPONDENCE

Mayor Proffitt acknowledged receipt of letters/notes of appreciation for services performed by city staff members.

- 6 -

PETITIONS AND REQUESTS

AUDIENCE

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

- 7 -

REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of January 2005. After brief discussion and comments, the report was accepted as presented.

- 8 -

POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of January 2005. After brief discussion and comments, the report was accepted as presented.

- 9 -

FIRE DEPARTMENT REPORT

Due to a death in Chief Miller's immediate family, Mayor Proffitt suggested council members review the January report, as submitted, and refer any questions to the City Manager. There being no questions, the report was accepted as presented.

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CONSENT AGENDA

Mayor Proffitt advised that the following items were discussed during the recent work session and are presented as a part of the Consent Agenda:

- 1.) Approve *Athens Travelers' Downtown Cruise-In* Schedule for 2005 (3rd Saturday on March through October from 3:00 to 10:00 p.m.) and approve a car show in downtown Athens on April 9, 2005 (from 7:00 a.m. until 5:00 p.m.);

- 2.) Approve purchase of *six pride car trailers (\$29,770) from Dandy Dump, Inc.* pursuant to bid specification 1394 dated January 28, 2005;
- 3.) Approve *Resolution No. 2005-04* to contract with *Sharp's Mowing* of Niota for park maintenance on city-owned properties (Section I @ \$6,820; Section II @ \$11,550);
- 4.) Approve *Resolution No. 2005-05* to contract with *Total Lawn Care* for park maintenance of city-owned properties (Section III @ \$9,130);
- 5.) Reappoint *Frances Williams* to *Athens Housing Authority* for five year term to expire March 6, 2010;
- 6.) Reappoint *Vickie Proffitt* to *Keep McMinn Beautiful* for three year term to expire March 6, 2008;
- 7.) Reappoint *Jennifer Hardison* to *Keep McMinn Beautiful* for three year term to expire March 6, 2008;
- 8.) Reappoint *James Thompson* to *Keep McMinn Beautiful* for three year term to expire March 6, 2008;
- 9.) Appoint new *Public Works Director Shawn Lindsey* to fill unexpired term (Calvin Clifton) on *Keep McMinn Beautiful*, term expires March 5, 2006.

Upon discussion, Mayor Proffitt acknowledged the Consent Agenda includes the reappointment of a family member (his spouse Vickie Proffitt) and recused himself from the vote. On motion by Vice Mayor Perkinson, seconded by Council Member Pelley, the Consent Agenda as stated above was approved by a vote of four ayes, with Mayor Proffitt abstaining.

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ORDINANCES

ORDINANCE NO. 928 – SECOND/FINAL READING – PUBLIC HEARING

“AN ORDINANCE AMENDING ORDINANCE NO. 914 ENTITLED, ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO REZONE APPROXIMATELY 121 ACRES LOCATED AT THE INTERSECTION OF CONGRESS PARKWAY AND NEW MT. VERD ROAD (STATE RT. 305), DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO B-4, HIGHWAY AND MAJOR ARTERIAL SERVING BUSINESS DISTRICT, SAID PARCEL BEING MORE ACCURATELY DESCRIBED AS BEING 900 N. CONGRESS PARKWAY WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE AND TO OFFICIALLY CHANGE THE ZONING MAP OF THE CITY OF ATHENS, TO REFLECT AND SHOW SAID CHANGE IN ZONING MADE BY THIS ORDINANCE.”

Upon the reading of the caption by the recording clerk, Mayor Proffitt opened the Public Hearing on Ordinance No. 928. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. Motion was made by Council Member Myers, seconded by Council Member Alvey, to approve Ordinance No. 928 on Second and Final Reading, and upon roll call, Ordinance No. 928 was approved by the following vote:

AYES: Alvey, Myers, Pelley, Perkinson, Proffitt
NAYS: None
ABSENT: None

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OLD BUSINESS

RECOMMENDATION FROM RAB – CLOSE TWO CITY POOLS

It was noted that the Recreation Advisory Board has recommended the closing of two city pools (North City and City Park) on a permanent basis, effective immediately. Mr. Austin Fesmire, Recreation Director, advised this recommendation is due to continued loss of revenues at both pools. Based on his conversation with Harold 'Prof' Powers regarding the continued effectiveness of the Learn to Swim Program as it relates to one pool, Mr. Fesmire advised that the proposal, as discussed at work session, has been altered as follows: "Our proposal is to still recommend two pools, North City and City Park, be closed to the public. Ingleside will be used as the public pool. North City will be opened to serve only as a Learn to Swim Center for a two-week period. Swimming lessons would be held at Ingleside and North City until 11:30 a.m. or noon, depending upon the registration. All afternoon lessons will be shifted to North City, and Ingleside will open for public swim and party rentals." Mr. Fesmire noted expenditures at North City will be limited due to the absence of lifeguards, concession workers, and the fact that the pool will only operate for two weeks. After brief comments, the following motion by Council Member Myers, seconded by Vice Mayor Perkinson, was made: *close City Park Pool permanently and use Ingleside exclusively for public swimming; open North City Pool as a learn to swim center and at the annual conclusion of the Learn to Swim Program, North City Pool to be closed and "mothballed" or winterized and kept in such a condition that it may be used if necessitated by a change of circumstance involving the city pools.* Upon discussion, Council Member Pelley moved the motion be amended to close only one pool (City Park) and leave North City Pool open for public use. There being no second, the amendment was lost. After further discussion, Vice Mayor Perkinson questioned Mr. Fesmire about the possibility of opening Ingleside Pool one or two evenings per week in order to extend public swimming hours. Mr. Fesmire advised that city staff is planning social events at Ingleside Pool every other week and will consider the possibility of evening swim time. Council Member Pelley voiced his opposition to this motion, stating that the pools offer a valuable service to this community. He expressed his desire to enhance the pools, noting that cities provide services not necessarily considering the bottom-line. In response, Council Member Alvey stated that the city should provide services to its citizens, noting further that the voice (referring to elected officials) is to be mindful of the cost of such services. After further comments, Mayor Proffitt questioned the timetable relative to the City Park pool property. Mr. Fesmire noted that recommendations will be brought for Council's consideration at a later date. After further discussion and upon voice vote, the motion was approved with four (4) ayes (Alvey, Myers, Perkinson, Proffitt) and one (1) nay (Pelley) being recorded.

NEW BUSINESS

PROPOSAL FOR CITY ATTORNEY OR DESIGNEE TO ATTEND COUNCIL MEETINGS

As discussed in recent work session and upon the request of Council Member Pelley, a proposal was presented whereby the city attorney or his designee would attend regular council meetings. This would include extra compensation to the city attorney in the amount of \$200 per meeting. With this proposal on the table, Council Member Pelley moved that the City Attorney or his designee be at all Council Meetings beginning March 2005. There being no second, Mayor Proffitt declared the motion lost.

LONGEVITY PAY FOR 2004

As discussed during recent work session and upon the request of Council Member Pelley, a proposal to address longevity pay for the current fiscal year was presented. In a memorandum dated February 1, 2005, City Manager Moore gave a brief history of longevity pay dating back to 1985. The memo states that the current budget froze longevity benefits at the 2003/04 level. With the proposal on the table, Council Member Pelley moved that a letter be sent to all persons receiving longevity pay indicating the following: an apology for freezing the longevity at 2003 rate; an assurance that they will receive longevity pay in the future with relevant raises as they have in the past; payment of funds that were not awarded those employees in 2004 will be included with their 2005 longevity pay. There being no second, Mayor Proffitt declared the motion lost.

CONSIDER PROPOSAL FOR DESIGN PHASE OF AMPHITHEATER

As discussed in recent work session, the Mid East Tennessee Regional Fair has requested use of property in the Regional Park that has been designated in the Master Plan as the site for a future amphitheater. City Manager Moore advised this proposal, which would include the design phase of the amphitheater, would render information as to where the facility would need to be placed and in the meantime, if the property would work as a possible site for the Fair's Midway and motor sports events. Mr. Moore advised that the cost of the study is \$13,000, noting that the City's portion of that amount would be \$6,500 to develop a footprint for the amphitheater. It was further advised that the Mid East Tennessee Fair would be responsible for the remainder of the cost. (According to representatives of the Fair, McMinn County has agreed to do the grading work; however, the County cannot provide this service without appropriate engineering documents, which would be available through this study.) It was noted that the City has no intention of developing this property (through federal and state grants) within the next ten years or until the Foundation secures adequate funding from an individual or entity. Mr. Moore stated, "If we ever have an amphitheater, this (study) has to be done. However, this study in no way commits us to do something for the fair." During continued discussion, Vice Mayor Perkinson advised that he serves on the Fair's Executive Committee and due to that conflict of interest, recused himself from the vote. After further clarification, motion was made by Council Member

Myers, seconded by Mayor Proffitt, to appropriate funds in the amount of \$6,500 to implement this study. Upon discussion, Council Member Pelley opposed spending taxpayers' dollars on an amphitheater that is not needed. He further stated, "If the Foundation raised the money for the footprint, I could support it." It was further his contention that the use of the property by the Fair does not preclude the amphitheater, and he favored allowing the use of the property, as requested. Council Member Alvey expressed concern in funding this study, noting that the City of Athens does not have an interested party or funding for the construction of the amphitheater at this time. "If and when that person or entity is found, we would be able to go forward at that point." Council Member Myers emphasized support of the Regional Fair, acknowledging it to be an asset to this community. However, it was his contention that this study must be done if the Fair is to be able to use the requested site this year. He further stated, "Letting the Fair use the property (without the study) could destroy its use as an amphitheater in the future." It was noted if the study is not funded at this time the Fair would use designated sections of the park as it has in the past. After further discussion and without a majority vote, the motion failed, with two (2) ayes (Myers and Proffitt) and two (2) nays (Alvey and Pelley) being recorded. As stated previously, Vice Mayor Perkinson did not vote.

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MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of February and March. After additional discussion, 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 7:00 p.m.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager