

MINUTES OF MEETING, ATHENS CITY COUNCIL, APRIL 19, 2005

The Athens City Council met in regular session on Tuesday, April 19, 2005, at 6:00 P.M. with Mayor Proffitt presiding. The invocation was given by Mayor Proffitt; 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.

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MINUTES

The Minutes of last month's meeting held on March 21, 2005, including an adjourned meeting on March 29 were submitted. Upon motion by Vice Mayor Perkinson, seconded by Council Member Myers, said Minutes were unanimously approved.

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COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Council Member Myers presented the *Very Important Volunteer Individual Award* for April 2005 to Mr. Marc Adams for his significant community service. Mr. Adams was recognized for his support of the local Junior Achievement Program, the Tri-County Center, Good Faith Clinic, and United Way.

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MISCELLANEOUS CORRESPONDENCE

Mayor Proffitt acknowledged receipt of correspondence expressing appreciation for services performed by city staff members.

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EMPLOYEE OF THE QUARTER

Ms. Rita Brown, Human Resources Director, presented the "Employee of the Quarter" award for the period ending March 31, 2005. Park Assistant Lynn Wade of the Parks and Recreation Department was recognized for her years of 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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PETITIONS AND REQUESTS

AUDIENCE

Mayor Proffitt opened the meeting for petitions and requests from the audience. Ms. Elaine Newman of 202 East Madison Avenue addressed the Council relative to downtown parking issues. Mrs. Newman stated on-street parking should be for customers and clients, and business owners should provide off-street parking for employees and downtown residents. It was her desire to see consequences enforced for not following the rules for downtown living.

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REPORTS

FINANCE DEPARTMENT REPORT

In the absence of Mr. Mike Keith, the Finance Department Report for the month of March 2005 was presented by City Manager Moore. After brief discussion and comments, the report was accepted as presented.

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POLICE DEPARTMENT REPORT

Chief Chuck Ziegler presented the Police Department Report for the month of March 2005. Based on discussion during recent work session, Chief Ziegler advised that written recommendations addressing downtown parking issues will be presented for Council's review during the May 9 work session. After further comments, the report was accepted as presented.

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FIRE DEPARTMENT REPORT

In the absence of Chief Miller, Fire Marshal Benton presented the Fire Department Report for the month of March 2005. After brief discussion and comments, the report was accepted as presented.

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COMMUNITY DEVELOPMENT QUARTERLY REPORT

Mr. Harold Hunter, Community Development Director, presented the Building Permit Quarterly Report for the City of Athens. For the quarter ending March 31, he reported 167 permits issued, with valuation fees estimated at \$6,272,221. After further comments, 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 ***Bid No. 1401*** dated April 1, 2005, as submitted by low bidder ***Samson Industrial of Chattanooga*** for routine repairs/function testing of self contained breathing apparatus;
- 2.) Approve ***Bid No. 1396*** dated March 23, 2005, as submitted by low bidder ***CMI Equipment Sales, Inc. of Nashville*** for the purchase of two self contained leaf vacuums, with one leaf vacuum being purchased from this year's budget and one from 2005/06;
- 3.) Approve ***Bid No. 1399*** dated March 25, 2005, as submitted by low bidder ***McNelly-Whaley Motor Company of Sevierville*** for one extended cab pickup truck in the Animal Control Division (\$12,301 less \$310 for removal/retainage of standard bed by dealership);
- 4.) Approve ***Bid No. 1400*** dated March 29, 2005, as submitted by low bidder ***Renfro Construction Company of Knoxville*** for asphalt paving and materials;
- 5.) Approve ***Resolution No. 2005-11*** authorizing the extension of an agreement with the ***McMinn Loudon Farmers Co-op*** for service calls, flat repair, mounting/balancing tires to expire June 30, 2006.

On motion by Council Member Pelley, seconded by Council Member Myers, the Consent Agenda was approved by the following roll call vote:

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

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OLD BUSINESS

RATIFY PRIVATE CHAPTER NO. 23/HB 2370

City Manager Moore presented a certified copy of Private Chapter No. 23, House Bill 2370, enacted by the General Assembly of the State of Tennessee on March 23, 2005. These Charter changes incorporate amendments as it relates to purchasing procedures by the City of Athens and the Utilities Board. As required by law, the following resolution must be approved by a two-thirds vote of the governing body and forwarded to the Secretary of State for official ratification:

RESOLUTION NO. 2005-12

“A RESOLUTION APPROVING PRIVATE CHAPTER NO. 23, HOUSE OF REPRESENTATIVES BILL NO. 2370, PASSED BY THE 104TH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.”

The caption of Resolution No. 2005-12 was read by the recording clerk. Motion was made by Council Member Myers, seconded by Vice Mayor Perkinson, to approve Resolution No. 2005-12, and upon roll call, the Resolution was approved by the following vote:

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

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BURKETT WITT RECOGNITION

Vice Mayor Perkinson stated that toward the end of 2004, he initiated a council action to recognize former council member/mayor Burkett Witt's 33 years of consecutive service on the Athens City Council. Noting that Council has experienced some difficulty deciding on the naming of a street in Mr. Witt's honor, he felt it was the Council's responsibility to honor Mr. Witt's contributions by naming something for him in the City. After other comments, motion was made by Vice Mayor Perkinson, seconded by Council Member Myers, to rename the Council Chambers to the "Burkett L. Witt Athens City Council Chamber." Upon discussion, Council Member Pelley expressed his desire for the Council to honor Burkett Witt in a way that would be more visible to the public. It was his desire to amend the motion by including the renaming of Green Street from Depot Hill to White Street to "Burkett L. Witt Street." The motion to amend was seconded by Council Member Alvey. During discussion, it was noted that the Tennessee Department of Transportation has confirmed the official name of Highway 30 from Decatur to Etowah to be the "David Lillard Memorial Highway." After continued discussion and upon roll call, the amendment was defeated by the following vote: Ayes – Alvey and Pelley; Nays – Myers, Perkinson, and Proffitt. Council Member Pelley moved to amend the main motion to include the naming the road around the new super Wal-Mart in Mr. Witt's honor. The motion to amend was seconded by Council Member Alvey. After other comments and upon roll call, the amendment was defeated by the following vote: Ayes – Alvey and Pelley; Nays – Myers, Perkinson, and Proffitt. Council Member Pelley moved to amend the main motion to include the renaming the downtown square as "Burkett L. Witt Town Square." The motion to amend was seconded by Council Member Alvey. After brief discussion and upon roll call, the amendment was defeated by the following vote: Ayes – Alvey and Pelley; Nays – Myers, Perkinson, and Proffitt. As discussion continued, Council Member Pelley expressed opposition in that the renaming of the Council Chambers is not statement enough for Mr. Witt's honorable service to this community. After comments by other council members and upon roll call, the main motion was approved by the following vote: Ayes – Myers, Perkinson, Proffitt; Nays – Alvey and Pelley.

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NEW BUSINESS

PROPOSED AGREEMENT FOR USE OF REGIONAL PARK BY FAIR

During the recent work session, City Manager Moore distributed a draft agreement between the City of Athens and the Mid-East Tennessee Regional Fair. The proposed agreement outlines terms and conditions for use of the Regional Park by the Fair. The following resolution was presented for consideration:

RESOLUTION NO. 2005-13

“A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE MID-EAST TENNESSEE REGIONAL FAIR FOR USE OF THE CITY OF ATHENS REGIONAL PARK.”

The caption of Resolution No. 2005-13 was read by the recording clerk. Motion was made by Vice Mayor Perkinson, seconded by Council Member Myers, to approve Resolution No. 2005-13. Upon discussion, Recreation Director Austin Fesmire advised that this agreement was originated at the recommendation of the TML Insurance Pool for liability purposes. It was noted that this agreement does not satisfy the requirements for the submission of a drainage study by the Mid-East Tennessee Regional Fair, as discussed in last month’s meeting. City Manager Moore stated that study has not been received by the City of Athens, only a copy of an engineering proposal dated April 18, 2005. After additional discussion, motion was made by Council Member Pelley, seconded by Council Member Alvey, to table Resolution No. 2005-13 until the Mayor/City Manager can sit down with the Fair Chairman and bring back any comments/suggestions for the May Work Session. Upon roll call, the motion to table was denied by the following vote: Ayes – Alvey and Pelley; Nays – Myers, Perkinson, and Proffitt. After continued discussion, Mayor Proffitt offered an amendment to the agreement in that Sections 9 and 10 shall be revised by removing the verbiage that refers to “an audited financial statement” and substituting verbiage as it relates to a “financial report.” Upon roll call, the amendment was approved by the following vote: Ayes – Alvey, Myers, Perkinson, Proffitt; Nay – Pelley. After other brief comments and upon roll call, Resolution No. 2005-13, as amended, was approved by the following vote: Ayes – Alvey, Myers, Perkinson, Proffitt; Nay – Pelley.

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MCMINN COUNTY THREE STAR PROGRAM

As discussed during recent work session, City Manager Moore presented the following resolution in support of McMinn County’s Three Star Program:

RESOLUTION NO. 2005-14

“A RESOLUTION TO ADOPT THE STRATEGIC ECONOMIC DEVELOPMENT PLAN.”

The caption of Resolution No. 2005-14 was read by the recording clerk. Motion was made by Council Member Pelley, seconded by Council Member Myers, to approve Resolution No. 2005-14, and upon roll call, the Resolution was approved by the following vote:

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

MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of April and May. Council scheduled a special budget review work session for Monday, May 2, at 5:00 p.m., with an alternate date of Friday, May 6, at 5:00 p.m. Also, due to a conflict with the upcoming TML Convention to be held in Gatlinburg, Council rescheduled its June work session from June 13 to June 6. After additional discussion, 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.

JOHN M. PROFFITT, Mayor

MITCHELL B. MOORE, City Manager