

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

The Athens City Council met in regular session on Tuesday, July 19, 2005, at 6:00 P.M. with Mayor Proffitt presiding. The invocation was given by Vice Mayor Perkinson; 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 the regularly scheduled meeting held on June 21, 2005, were submitted and approved by unanimous consent.

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COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Council Member Myers presented the *Very Important Volunteer Individual Award* for July 2005 to Mrs. Verdine Thompson. Ms. Thompson was recognized for her volunteer support and commitment to local agencies including Contact, senior citizens, mental health agencies, and Trinity United Methodist Church.

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PRESENTATION OF PROCLAMATION – THOMAS & BETTS

Mayor Proffitt presented a proclamation commending and congratulating the Thomas & Betts Athens Plant for their efforts in bringing national recognition to this community by being named one of the top twenty-five best manufacturing plants in North America for not *one* but *two* consecutive years. Representing Thomas & Betts, Mr. Herb Bradshaw, Plant Manager, was present to accept the proclamation on behalf of the management, staff, and employees.

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MISCELLANEOUS CORRESPONDENCE

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

### EMPLOYEE OF THE QUARTER

Ms. Rita Brown, Human Resources Director, presented the "Employee of the Quarter" award for the period ending June 30, 2005. Mr. Ray Draper of the Public Works Department was recognized for his 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.

### PETITIONS AND REQUESTS

#### AUDIENCE

Mayor Proffitt opened the meeting for petitions and requests from the audience. Former mayor **Harold "Prof" Powers** of 319 Lafayette Street gave a brief summary of the 2005 Learn To Swim Program. He reported a total of 200 participants in the beginning class, with over 80 participants in the improvement class. Acknowledging himself to be a senior citizen on a fixed income, Mr. Powers expressed appreciation to the City Manager and department heads for their day-to-day work in making Athens a good city in which to live. In response to recent newspaper articles which have reported discussions by council members relative to the city manager's salary, Mr. Powers stated, "I don't think you overpay him." Representing the Libertarian Party of McMinn County, **Mr. David Hutson**, a resident of 812 Oakland Drive, distributed a resolution *urging the U.S. Congress and the State Legislature to pass legislation that protects the private property of its citizens from unjust takings under the provisions of the Fifth Amendment of the U.S. Constitution*. This request results from a recent Supreme Court ruling relative to the powers of eminent domain by government. Mr. Hutson stated that Eminent Domain is where the government has the right to acquire private property for public use with just compensation. With the presentation of this nonbinding resolution, Mr. Hutson supports the passage of state and federal legislation which limits the powers of eminent domain laws. He noted that the McMinn County Commission unanimously adopted this resolution last evening and urged the Council to do the same during this meeting. Noting that the State Legislature does not convene until January, Mayor Proffitt explained that it is the policy of City Council to refer matters to work session for discussion prior to an official vote. Council members Pelley, Myers, and Perkinson each expressed desire to discuss the resolution during the August work session. Council Member Alvey advised she would be out of state during the next work session; however, addressing Mr. Hutson's request, she stated, "If we were voting tonight, I would have no problem voting in favor of this resolution." After other brief comments and upon mutual consent, the resolution was referred to the August 8<sup>th</sup> work session for discussion.

### REPORTS

#### FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month and year ending June 30, 2005. Additionally, Mr. Keith reviewed the school renovation debt schedule for the 2004 Tennessee Municipal Bond Fund. He reported that the Athens City Schools have paid

interest of approximately \$100,000 since the inception of this debt, leaving approximately \$1,200,000 to be repaid by the city school system. Relative to capital projects for the City of Athens, Mr. Keith reviewed expenditures as it relates to the White Street and Virginia Avenue drainage projects. He reported combined expenditures of \$2,158,818, with \$967,900 being funded through an Environmental Protection Agency grant and the remaining amount by the City of Athens. Relative to the year-end financial report, Council Member Myers expressed appreciation to the Manager and department heads in that no city department exceeded its budget or got close to exceeding its budget. He continued by stating, "That is a very good statement for a governmental organization to return money in every department." After other brief comments, the report was accepted as presented.

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#### POLICE DEPARTMENT REPORT

In the absence of Chief Ziegler, Captain Rob Davis presented the Police Department Report for the month of June 2005. He also gave a report on City Court proceedings for the month of June. After brief discussion and comments, the report was accepted as presented.

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#### FIRE DEPARTMENT REPORT

In the absence of Chief Miller, Fire Marshal Jim Benton presented the Fire Department Report for the month of June 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 June 30, he reported 153 permits issued, with valuation fees estimated at \$3,586,461. After further comments, the report was accepted as presented.

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#### CONSENT AGENDA

Mayor Proffitt advised the following item was discussed during the recent work session and is presented as a part of the Consent Agenda:

- 1.) Approve **Resolution No. 2005-26** authorizing the City of Athens, Tennessee to participate in the TML Risk Management Pool Loss Control Matching Grants Program.

On motion by Council Member Myers, seconded by Vice Mayor Perkinson, 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

CONSIDER REIMBURSEMENT OF CITY'S  
EXPENSE TO MOVE TRAFFIC CONTROL BOX

As discussed in recent work session, Dr. Dale Kennedy, owner of Dogwood Dental Care located at 1911 South Congress Parkway, requested the removal of a signal box (in conjunction with the signalization of the newly realigned Dennis Street extension) which was recently placed in the state right-of-way (US11) that fronts his business. During last month's regular meeting, Dr. Kennedy verbally agreed to pay the costs (estimated at \$5,100) of moving the box, if the City requires it. Mayor Proffitt advised that Dr. Kennedy had a conflict this evening and was unable to attend the meeting. **After brief comments, motion was made by Council Member Pelley, seconded by Council Member Alvey, to defer action until the next meeting (August 16, 2005) so that Dr. Kennedy can be in attendance to provide input.** During discussion, Vice Mayor Perkinson disclosed his kindred ship with Dr. Kennedy and in consulting with the City Attorney, advised there would be no conflict of interest concerning his privilege to vote on this issue. Upon roll call, the motion to defer was approved by the following vote:

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

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NEW BUSINESS

PROPOSED JOINT RESOLUTION WITH MCMINN COUNTY – BY-PASS LOOP

As discussed during recent work session, Mayor Proffitt stated the McMinn County Commission has already passed this joint resolution acknowledging that McMinn County and the City of Athens support both a State Route 30 (southern) and a State Route 305 (northern) connector route. The proposed resolution further suggests that TDOT, utilizing its considerable engineering and design expertise and the state's new Rural Transportation Planning Organization structure, determine which route is believed to be in the public's best interest. After brief comments, the following resolution was presented for consideration:

**RESOLUTION NO. 2005-27**

**“A JOINT RESOLUTION OF MCMINN COUNTY AND THE CITY OF ATHENS, TENNESSEE TO REQUEST THE CONSTRUCTION OF A CONNECTOR/BY-PASS LOOP AROUND ATHENS.”**

The caption of Resolution No. 2005-27 was read by the recording clerk. Motion was made by Council Member Pelley, seconded by Council Member Myers, to approve Resolution No. 2005-27. After brief discussion and upon roll call, the Resolution was approved by the following vote:

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

CITY MANAGER MERIT INCREASE

Mayor Proffitt opened the meeting for discussion relative to Council's desire to approve a merit increase for the City Manager for fiscal year 2005/06. **Motion was made by Council Member Myers, seconded by Vice Mayor Perkinson, to approve a three percent salary increase for City Manager Mitchell Moore.** In reference to the presentation of a *fine* financial report for fiscal year 2004/05, Council Member Myers acknowledged a job well done by the Manager. He stated this percentage is based on the average merit increase budgeted for city employees in the current fiscal year. Vice Mayor Perkinson noted the City Manager's evaluation and projected merit pay raise processed through MTAS revealed a recommendation of a 2-3/4% increase based on three council members (Proffitt, Perkinson, Myers) completing an evaluation as well as a percentage increase form and one council member (Alvey) completing only a percentage increase form. (Council Member Pelley did not complete the evaluation or the percentage increase form.) Vice Mayor Perkinson expressed his pleasure with a 2-3/4% or 3% merit increase for the City Manager. He noted the three percent is a little less than the average increase of 3.2% or 3.3% for city employees in the current budget. In expressing his opposition to the 3% raise, Council Member Pelley recommended a zero percent increase stating, "With his total package, another raise is not in order at this time." Council Member Alvey urged the Council to consider the compensation package as a whole, not just base salary. She reviewed a list of employment benefits, which included an annual 13.5% contribution of the City Manager's base salary into a retirement fund. She noted that an increase in base salary will also increase the retirement fund contribution. After other comments, it was Council Member Alvey's recommendation for a zero percent increase in the City Manager's base salary, stating to continue giving raises would be a disservice to the citizenry. Vice Mayor Perkinson reported the most recent ICMA study reflects the City Manager's base salary to be in line with other cities having populations of 25,000 or less. In response, Council Member Pelley indicated his desire to see statistics that reflect median salaries for managers of cities with populations of 15,000 or below. In referring to the employment contract of Mitchell Moore as being a binding document that can only be modified through termination, Council Member Pelley stressed that it was not his desire to fire the City Manager. He added, "Mitch does a good job, but I have a problem with continuing to give raises." In response to earlier comments about comparing the City Manager's salary to other leaders within the community, Mayor Proffitt stated that different jobs have different job requirements, thus making this comparison unfavorable. It was his contention that the City Manager's salary should not be based on the local job market but should be comparable with those having the same job requirements, such as was illustrated by the ICMA study. Mayor Proffitt acknowledged the City of Athens gives salary increases based on merit, and those merit increases are based on job performance. After discussion ended, the motion was approved by the following roll call vote:

**AYES:** Myers, Perkinson, Proffitt  
**NAYS:** Alvey, Pelley

MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of July and August. In conclusion, he expressed appreciation to Council for a *great* year and acknowledged staff's outstanding efforts and continued dedication in support of the City of Athens. 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.

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JOHN M. PROFFITT, Mayor

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MITCHELL B. MOORE, City Manager