

MINUTES OF MEETING, ATHENS CITY COUNCIL, AUGUST 17, 2004

The Athens City Council met in regular session on Tuesday, August 17, 2004, at 6:00 P.M. with Mayor Perkinson presiding. The invocation was given by Mayor Perkinson; and upon roll call, the following members were present:

Myers, Pelley, Perkinson, Proffitt, Witt

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 July 20, 2004, were submitted. Upon motion by Council Member Myers, seconded by Council Member Witt, said Minutes were unanimously approved.

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COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Vice Mayor Proffitt presented the *Very Important Volunteer Individual Award* for 2004 to Mr. Robert (Bob) Lee in recognition of his commitment and support of the McMinn County Senior Citizens. Mr. Lee serves on the Board of Directors and as Treasurer for the organization. Additionally, he assists senior citizens in their preparation of annual tax returns.

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PRESENTATION OF SOAP BOX DERBY PROCLAMATIONS

Mayor Perkinson and Council Member Myers presented proclamations honoring Katy Tilley (Rally Super Stock Champion), Chapin Walker (Local Stock Division Champion), and Andrew Farris (Local Super Stock Division Champion) for their participation in the 2004 All-American World Championship Soap Box Derby in Akron, Ohio, on July 31, 2004. Additionally, it was noted that Andrew, driving a car named "The Iceman," was recognized by Soap Box Derby officials with the presentation of the "Originality in Decoration" award and finished the competition as one of the top 18 cars in the world.

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PRESENTATION TO COUNCIL FROM SISTER CITY

During a recent trip to Japan, Council Member Pelley visited our Sister City (Isahaya, Nagasaki) and presented to Mayor Yoshitsugu and the City of Isahaya a miniature quilt on behalf of the City of Athens. This quilt featured the Tennessee Iris and was designed and created by the Athens Quilt Guild to represent friendship between the two cities. As a result of that meeting and on behalf of Mayor Yoshitsugu and the City of Isahaya, Council Member Pelley presented a

special gift (woodart carving) to Mayor Perkinson and members of the Athens City Council in honor of the continued Sister City relationship shared by the two cities.

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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 June 30, 2004. Ms. Janet Sherman of the Finance Department was recognized for her outstanding 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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#### DISTINGUISHED SERVICE AWARD

Mayor Perkinson acknowledged the recent resignation of Public Works Director Calvin Clifton, effective September 10, 2004. In honor of his years of service (since April 5, 1999), the City Council recognized his tremendous contributions to this community through the presentation of a *Distinguished Service Award*.

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#### MISCELLANEOUS CORRESPONDENCE

Mayor Perkinson presented miscellaneous correspondence acknowledging services provided by city staff.

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#### PETITIONS AND REQUESTS

#### AUDIENCE

Mayor Perkinson opened the meeting for petitions and requests from the audience. Dr. Craig Rigell, Superintendent of the Athens City Schools, reported on the progress of renovations at the five city schools. He stated that all renovations are on schedule for the reopening of schools on August 30, and costs, thus far, have been slightly under budget. He advised that the restroom metal partitions are not expected to be installed by the opening of schools due to a metal shortage. Therefore, it was noted that curtains will serve as dividers until the restrooms can be completed. Dr. Rigell advised that the Board of Education is planning to host an open house upon completion of the renovations.

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REPORTS

FINANCE DEPARTMENT REPORT

In the absence of Mr. Keith, City Manager Moore presented the Finance Department Report for the month of July 2004. 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 July 2004. The report was accepted as presented.

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FIRE DEPARTMENT REPORT

Chief Bob Miller presented the Fire Department Report for the month of July 2004. The report was accepted as presented.

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SPECIAL PRESENTATION – RECREATION DEPARTMENT

Director Austin Fesmire gave a special report on efficiency and cost containment in his department. It was noted that the function of the City of Athens Parks and Recreation Department is to manage parks and grounds and to provide recreational programming throughout the community. This department is made up of eight full-time staff members (two administration employees, two programming employees, and four fulltime maintenance employees), with a budget of \$849,400 and revenue receipts of \$147,784 during the previous fiscal year. (It was further noted that during peak periods, this department's full-time/part-time payroll can total up to 70 employees.) Unlike other departments whose services are committed to city residents, he stated that Recreation staff members plan and coordinate activities to bring people into the borders of Athens for the purpose of promoting tourism and stimulating the local economy, both directly and indirectly. Relative to parks and maintenance, he reported the Recreation Department is responsible for over 215 acres as well as additional grounds maintenance at City Hall, Fire Station No. 2, and downtown beautification. It was noted that this maintenance is provided through a combination of private contractors and city staff, resulting in both cost savings to the City of Athens Fleet Fund and allowing staff members to perform other services within the department. Relative to recreation, the following totals were provided for the period January 2003 to August 2004: 57 classes, with attendance of 437; 27 special events, with attendance of 18,968; 19 sports programs, with attendance of 424; and 118 sports teams, with 1,770 participants. Director Fesmire stated that Parks and Recreation is grant driven and since 1990, has secured grants/donations in the amount of \$1,967,542. He also acknowledged the establishment of the Athens Parks Foundation and its efforts to secure funding for the local park system, including the July 4<sup>th</sup> fireworks display, a maintenance endowment for Veterans Park,

and playground equipment at the Regional Park. Other cost saving methods/operations were discussed as follows: review efficiency/operation at city pools; evaluate fees/charges within the department; implement internet registration program through the City of Athens website; install/replace mechanical (computerized) light controllers at the Regional Park; implement inventory system for concession supplies; and activate Channel 95 programming for the use of local government/education within the county. Mr. Fesmire further acknowledged that providing recreational facilities/programming at a high level is beneficial when enticing industries to our community. He concluded his report by stating, "Providing a place where you can go take off your shoes, walk through the park grass and remove yourself from the pressures of life is priceless."

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CONSENT AGENDA

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

- 1.) Renew medical benefits package as submitted by BlueCross BlueShield, reflecting a 2.19% monthly rate increase for period September 1, 2004 through August 31, 2005;
- 2.) Authorize purchase of 2001 Ford truck for street maintenance from Dwaine Taylor Chevrolet of Murray, Kentucky at \$14,500;
- 3.) Approve Resolution No. 2004-43 to abandon unopened right-of-way on Guille Street (between 824 Woodward Avenue and 1108 Guille Street) as recommended by the Planning Commission on August 2, 2004;
- 4.) Approve Resolution No. 2004-44 to accept a Local Law Enforcement Block Grants (LLEBG) award through the U.S. Department of Justice for FY 2004;
- 5.) Approve Surplus Property List dated August 9, 2004 and authorize disposal by public auction;
- 6.) Reappoint Thomas Hamilton to Athens Regional Planning Commission for three-year term, expiring August 14, 2007;
- 7.) Reappoint George Price to Athens Regional Planning Commission for three-year term, expiring August 18, 2007;
- 8.) Reappoint Dale Prescott to Health & Education Facilities Board for three-year term, expiring September 7, 2007;
- 9.) Reappoint Richard Sharpe to Health & Education Facilities Board for three-year term, expiring September 7, 2007;
- 10.) Approve Resolution No. 2004-45 to authorize submission of grant proposal on behalf of the Downtown Business Association (DBA);

- 11.) Approve FY 2004/05 budgets (including Power, Wastewater, Gas, Water divisions) as submitted by the Athens Utilities Board.

Motion was made by Vice Mayor Proffitt, seconded by Council Member Myers, to approve the Consent Agenda as stated above. Upon discussion, Council Member Pelley asked consideration of a Friendly Amendment to remove Item No. 7 (reappointment of George Price to the ARPC) from the Consent Agenda and to vote on that reappointment separately. After further comments and upon consent by council members, Mayor Perkinson called for the vote to reappoint George Price for another three-year term on the Athens Regional Planning Commission to expire August 18, 2007. Upon voice vote, the reappointment was approved, with the following vote being recorded: Ayes - Myers, Proffitt, and Perkinson; Nays – Pelley and Witt. Mayor Perkinson then called for the vote to approve the Consent Agenda, as revised. Upon voice vote, the revised Consent Agenda was unanimously approved.

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NEW BUSINESS

**ORDINANCE NO. 920 – SECOND/FINAL READING – PUBLIC HEARING**

**“AN ORDINANCE TO AMEND TITLE 14 OF THE *ATHENS MUNICIPAL CODE* ENTITLED ‘ZONING AND LAND USE CONTROL,’ AND MORE PARTICULARLY DESCRIBED AS SECTIONS 14-603 (APPLICABILITY) AND 14-615 (UTILITY EASEMENT POLICY) OF THE LANDSCAPE ORDINANCE OF THE CITY OF ATHENS.”**

Mayor Perkinson read the caption of Ordinance No. 920 to amend the Landscape Ordinance, specifically Sections 14-603 and 14-615, and opened the Public Hearing for audience input. 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 Witt, to approve Ordinance No. 920 on Second and Final Reading, and upon roll call, Ordinance No. 920 was approved by the following vote:

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

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**CORRECTED BUDGET – ATHENS CITY SCHOOLS**

As discussed during recent work session, City Manager Moore advised that the Division of Local Finance for the State of Tennessee has rejected the fiscal year 2004/05 budget as submitted and approved by the Athens City Board of Education on June 14, 2004. It was determined that the amount shown for fund balance was incorrectly stated at \$250,000; therefore, a corrected budget reflecting a fund balance of \$3,100,000 was approved by the School Board on August 9, 2004. As required by the Local Finance Division, the following resolution to adopt the Athens City Schools’ corrected budget was presented for consideration:

**RESOLUTION NO. 2004-46**

**“A RESOLUTION TO APPROVE THE CORRECTED ATHENS CITY BOARD OF EDUCATION BUDGET FOR FY 2004/05.”**

Mayor Perkinson read the caption of Resolution No. 2004-46. Motion was made by Council Member Pelley, seconded by Council Member Myers, to approve Resolution No. 2004-46, and upon voice vote, the Resolution was unanimously approved.

**(At 7:18 p.m., Vice Mayor Proffitt left the meeting room to take a phone call and did not participate in the following votes.)**

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**ISSUANCE OF CAPITAL OUTLAY NOTES – ATHENS UTILITIES BOARD**

Also, in response to the State of Tennessee Local Finance Division’s review of city budgets for fiscal year 2004/05, the issuance of the following capital outlay notes by the Athens Utilities Board must be approved by the local governing body: Series 1996, not to exceed \$47,875.20; Series 1999-1, not to exceed \$20,995.60; and Series 1999-2, not to exceed \$43,993.20. To correct these budget deficiencies, the following resolutions were presented for consideration:

**RESOLUTION NO. 2004-47**

**“A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF CAPITAL OUTLAY NOTES NOT TO EXCEED \$47,875.20 PURSUANT TO THE INFORMAL BID PROCESS.”**

Mayor Perkinson read the caption of Resolution No. 2004-47. Motion was made by Council Member Pelley, seconded by Council Member Witt, to approve Resolution No. 2004-47, and upon voice vote, the Resolution was unanimously approved.

**RESOLUTION NO. 2004-48**

**“A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF CAPITAL OUTLAY NOTES NOT TO EXCEED \$20,995.60 PURSUANT TO THE INFORMAL BID PROCESS.”**

Mayor Perkinson read the caption of Resolution No. 2004-48. Motion was made by Council Member Myers, seconded by Council Member Witt, to approve Resolution No. 2004-48, and upon voice vote, the Resolution was unanimously approved.

**(At 7:20 p.m., Vice Mayor Proffitt returned to the meeting room and resumed his voting privilege.)**

**RESOLUTION NO. 2004-49**

**“A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND PAYMENT OF CAPITAL OUTLAY NOTES NOT TO EXCEED \$43,993.20 PURSUANT TO THE INFORMAL BID PROCESS.”**

Mayor Perkinson read the caption of Resolution No. 2004-49. Motion was made by Council Member Witt, seconded by Council Member Pelley, to approve Resolution No. 2004-49, and upon voice vote, the Resolution was unanimously approved.

**(At 7:22 p.m., Council Member Pelley left the meeting room and returned to the meeting at 7:25 p.m. during the presentation of the City Manager’s Report.)**

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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 August and September. In updating the Council on the formation of the Housing Task Force, City Manager Moore reported that department heads are currently evaluating the City’s existing housing codes, with a follow-up report expected to be presented during Council’s September 13<sup>th</sup> work session. After additional discussion, the report was accepted as presented.

7:30 P.M. ....The Athens City Council recessed and reconvened as the Athens Beer Board

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BEER BOARD

RELINQUISHMENT GROCERY BEER PERMIT – GOURMET CORNER

Mayor Perkinson presented a letter of relinquishment for a Grocery Store beer permit at The Gourmet Corner, previously located at 511 West Madison Avenue. Mr. Robert Cruz advised the business had been terminated, effective June 25, 2004. Upon brief discussion, motion was made by Council Member Pelley, seconded by Council Member Myers, to accept the relinquishment as submitted. Upon voice vote, the motion was unanimously approved.

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DISCUSS TAVERN BEER PERMIT CLASSIFICATION

City Manager Moore advised that the City of Athens currently allows issuance of four tavern beer permits (1 permit per 3,000 population). Those tavern permits are currently held by two private clubs (VFW and Elks), Classic Lanes, and Jackson Street Restaurant. As discussed during recent work session, City Manager Moore recommended that the Beer Board place a moratorium on the issuance of new tavern permits. It was noted that the four permits currently on file shall not be affected by this moratorium; however, should there be a relinquishment from one of the four permit holders, the moratorium would prevent the issuance of a tavern permit at a new location or to a new business. It was further recommended that this moratorium shall become effective immediately and shall remain in effect until such time as the Beer Board can determine if there is a continued need for the Tavern Classification within the City of Athens Beer Code. After additional comments, motion was made by Council Member Pelley, seconded

by Council Member Myers, to approve the City Manager's recommendation as provided above. Upon voice vote, the motion was unanimously approved.

7:35 P.M. ....The Athens Beer Board adjourned and reconvened as the Athens City Council

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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 7:35 p.m.

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WILLIAM BO PERKINSON, Mayor

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MITCHELL B. MOORE, City Manager