

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

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

Myers, Pelley, Perkinson, Proffitt

Council Member Witt was absent during the meeting. (Council Member Pelley left the meeting early (6:56 p.m.) to attend another community event.)

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

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COMMUNICATIONS FROM THE MAYOR

SCOUT TROOP #315 RECOGNIZED

Mayor Perkinson acknowledged and welcomed three scout members from Mars Hill Presbyterian Church Troop 315. The scouts were in attendance to satisfy requirements for a citizenship badge.

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PRESENTATION OF VIVID AWARD

Vice Mayor Proffitt presented the *Very Important Volunteer Individual Award* for February 2004 to Mr. Thomas Biddle. Mr. Biddle was recognized for his outstanding volunteer service in support of the McMinn County Living Heritage Museum. It was noted that Mr. Biddle has served as volunteer accountant for the Museum since 1984, saving the Museum thousands of dollars in expense and professional fees.

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EXCELLENCE IN FINANCIAL REPORTING

Mayor Perkinson presented a news release dated August 11, 2003, from the Government Finance Officers Association announcing that the City of Athens has been awarded the

“Certificate of Achievement For Excellence in Financial Reporting” for fiscal year ending June 30, 2002. On behalf of the Council, Mayor Perkinson expressed appreciation to Finance Director Mike Keith and staff members for their efforts in achieving this award for the eleventh consecutive year and presented a plaque in honor of this outstanding achievement.

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MISCELLANEOUS CORRESPONDENCE

Mayor Perkinson acknowledged receipt of numerous letters and notes of appreciation for services performed by city staff members.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Perkinson opened the meeting for petitions and requests from the audience. Mr. Bill Bennett, a downtown business owner, expressed appreciation for open parking spaces and less trash to pick up in front of his business as a result of parking tickets being issued last week. He further expressed concern about speeding in the downtown area and encouraged enforcement of the speed laws.

**6:20 P.M.....The Athens City Council recessed and reconvened as
the Athens Beer Board**

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BEER BOARD

RESTAURANT BEER PERMIT – LAS MARGARITAS RESTAURANT & GRILL VII

City Manager Moore presented an application for a restaurant beer permit at the Las Margaritas Restaurant & Grill VII located at 206 Decatur Pike. Mr. Moore stated that the application is properly completed and executed, the investigation by the Chief of Police and the Inspection of the facility by the Building Inspector reveal that all requirements for the issuance of a permit have been met and that the \$250 application fee has been collected. Upon questioning, the new manager, Ms. Elizabeth Villasana acknowledged that she is familiar with all beer laws in the City, particularly those prohibiting the sale of beer to individuals less than 21 years of age. After further discussion, motion was made by Council Member Pelley, seconded by Vice Mayor Proffitt, to approve the beer application as submitted. Upon voice vote, the motion was unanimously approved.

**6:23 P.M.....The Athens Beer Board adjourned and reconvened as
the Athens City Council**

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REPORTS

ATHENS CITY SCHOOL AUDIT

Dr. Craig Rigell, Superintendent of Athens City Schools, reviewed the financial audit for period ending June 30, 2003 as prepared by Neal, Scouten & McConnell. Dr. Rigell reported no findings in the audit report and advised that GASB 34 was implemented for the school system. In comparing the 2003 data with the 2002 data, it was noted that the two years are consistent with each other when prepared on the same basis of accounting.

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FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of January 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 January 2004. In response to Mr. Bennett's statement regarding speeding in the downtown area, Chief Ziegler advised that the policy of the Athens Police Department has been to avoid the perception of the City being a speed trap; however, he indicated that the traffic in the downtown area will be monitored to insure compliance with local speed laws. After additional comments, 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 January 2004. The report was accepted as presented.

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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.) ***Extend bid prices*** as well as other bid-related specifications (Bid No. 1281) as submitted by Industrial Rubber & Safety Products for repair/maintenance of Scott Self-Contained Breathing Apparatus through June 30, 2005;

- 2.) Adopt **Resolution No. 2004-04** to extend contract with Elrod Landscaping & Lawn Care for park maintenance/mowing of city-owned properties (Section II of Bid No. 1334) for period April 1, 2004 through October 13, 2004;
- 3.) Approve **Resolution No. 2004-05** to accept the dedication and transfer of certain real property to the City of Athens, Tennessee, to relocate Dennis Street on the East side of Congress Parkway and to extend Dennis Street West of Congress Parkway to Layman Road.
- 4.) Approve **letter of agreement** dated February 3, 2004 from St. Mary Church relative to Dennis Street extension/re-alignment project;
- 5.) Approve **Resolution No. 2004-06** to enter into an agreement with Plantation Pipe Line Company for purpose of relocating certain underground facilities in conjunction with Dennis Street extension/re-alignment project;
- 6.) Approve **Resolution No. 2004-07** to amend contract with Morgan Contracting Incorporated in conjunction with White Street Stormwater Project (Change Order No. 2 increases total contractual obligation by \$358,798 – from \$1,148,547 to \$1,507,345);
- 7.) Approve **Resolution No. 2004-08** to amend contract with Gresham Smith & Partners in conjunction with White Street Stormwater Project, thereby increasing contractual agreement to reflect total project costs of \$163,500;
- 8.) Approve **Resolution No. 2004-09** to accept a permanent stormwater easement for purpose of improving an existing detention area on Tennessee Wesleyan College property;
- 9.) Reappoint James McCue to serve another five-year term on Athens Housing Authority, term expires March 6, 2009;
- 10.) Accept **Consolidated Financial Audit** (City of Athens, City Schools, AUB) as prepared by Neal, Scouten & McConnell for period ending June 30, 2003.

On motion by Vice Mayor Proffitt, seconded by Council Member Myers, the Consent Agenda as stated above was unanimously approved by voice vote.

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ORDINANCES

ORDINANCE NO. 915 – 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 PARK STREET, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM B-2, SHOPPING CENTER DISTRICT, TO B-3,

CENTRAL BUSINESS DISTRICT, AND TO 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.”

After reading the caption of the above-described Ordinance, Mayor Perkinson opened the Public Hearing on Ordinance No. 915. There being no one present wishing to discuss the Ordinance, Public Hearing was closed. After further comments, motion was made by Council Member Myers, seconded by Vice Mayor Proffitt, to approve Ordinance No. 915 on Second and Final Reading, and upon roll call, Ordinance No. 915 was approved by the following vote:

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

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OLD BUSINESS

COMMITTEE APPOINTMENTS – COUNCIL ADVISORY COMMITTEE

As noted in a memorandum dated February 10, 2004, the following committee appointments to the Council Advisory Committee will expire on March 21, 2004: Jack Allen and Charles Clark (Vice Mayor Proffitt’s appointments); Ruth Atkins and Lou Pascarella (Mayor Perkinson’s appointments); Tangela Arnwine and Ester McCowan (Council Member Witt’s appointments); Pat Adams and Harold Powers (former Mayor Mahery’s appointments); Jean Wilson and Stan McKee (Council Member Myers’ appointments). It was noted that all of the above individuals except Jack Allen, Tangela Arnwine (moved out-of-state), and Jean Wilson have expressed an interest in being reappointed for another three-year term. After brief comments, the following appointments were announced: Council Member Witt - **reappoint Ester McCowan** and **appoint Ruth Malone** (618 McEl Street) to fill Tangela Arnwine vacancy; Vice Mayor Proffitt – **reappoint Charles Clark** and **appoint Jenny Slaughter** (2241 Breckenridge Street) to fill Jack Allen vacancy; Mayor Perkinson – **reappoint Ruth Atkins** and **Lou Pascarella**; Council Member Myers – **reappoint Stan McKee** and **appoint Robert Tennyson** (1502 Crestway Drive) to fill Jean Wilson vacancy; Council Member Pelley – **reappoint Pat Adams** and **appoint Chris Bindrim** (118 North Jackson Street) upon expiration of Power’s term. Upon motion by Council Member Myers, seconded by Vice Mayor Proffitt, the above stated committee appointments were unanimously approved by voice vote. These appointments will expire March 21, 2007.

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NEW BUSINESS

RESOLUTION OF SUPPORT - FUNDING CONFERENCE CENTER PHASE TWO

Since Council Member Pelley had plans to leave the meeting early to attend another community function, he requested that an item (Resolution in support of funding Phase Two –

Southeast Tennessee Trade & Conference Center) be moved up on the agenda for consideration at this time. There being no objection, Mayor Perkinson presented the following resolution:

RESOLUTION NO. 2004-10

“A RESOLUTION TO SUPPORT THE EFFORTS OF CONGRESSMAN DUNCAN TO SECURE A FUNDING PACKAGE FOR PHASE TWO OF THE SOUTHEAST TENNESSEE TRADE AND CONFERENCE CENTER.”

Mayor Perkinson read the caption of Resolution No. 2004-10. Motion was made by Council Member Myers, seconded by Vice Mayor Proffitt, to approve Resolution No. 2004-10. Upon discussion, Council Member Pelley voiced opposition to this resolution being on the agenda, stating that it was not discussed during the previous work session. Instead, it was his contention that this would be discussed during the special work session on March 1. Vice Mayor Proffitt and Council Member Myers continued to voice their support for the passage of the resolution. After further comments and discussion by council members, the Resolution was approved by a three to one voice vote as follows: Ayes – Myers, Proffitt, Perkinson; Nay – Pelley; Absent – Council Member Witt.

(Council Member Pelley left the meeting at 6:56 p.m. to attend another community function.)

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RECOMMENDATION FROM ARPC – REZONING REQUEST

As discussed during recent work session, Mr. Harold Hunter, Community Development Director, presented Minutes of the Planning Commission, dated February 2, 2004. As noted by Mr. Hunter, the Minutes reflect an unanimous recommendation for Council to rezone certain property located at 2110 South Congress Parkway (Safety Optical Building) from I1 (Light Industrial District) to B-4 (Highway and Major Arterial Serving Business District) as petitioned by Mr. John Ray McKeenan. After brief comments, the following ordinance was presented for consideration:

ORDINANCE NO. 916 – FIRST READING

“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 I1, 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.”

Mayor Perkinson read the caption of the above-described Ordinance. Motion was made by Vice Mayor Proffitt, seconded by Council Member Myers, to approve Ordinance No. 916 on First Reading, and upon roll call, Ordinance No. 916 was approved by the following vote:

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

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PROPOSED SUBMISSION OF TDOT GRANT APPLICATION

In a memorandum dated February 13, 2004, Mr. Calvin Clifton, Public Works Director, acknowledged possible funding for signalization of the Congress Parkway (SR2) and Velma Road intersection. It was noted that funding for construction costs (estimated at \$100,000) may be available through the Tennessee Department of Transportation Optional Safety Grant Program. The following resolution was presented for consideration:

RESOLUTION NO. 2004-11

“A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO FUND INTERSECTION IMPROVEMENTS AT STATE ROUTE 2 (US 11/CONGRESS PARKWAY) AND VELMA ROAD THROUGH THE TENNESSEE DEPARTMENT OF TRANSPORTATION OPTIONAL SAFETY GRANT PROGRAM.”

Mayor Perkinson read the caption of Resolution No. 2004-11. Motion was made by Council Member Myers, seconded by Vice Mayor Proffitt, to approve Resolution No. 2004-11, and upon voice vote, the Resolution was unanimously approved by vote of 3-0.

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PROPOSAL TO RENEW PROPERTY AGREEMENT WITH RESCUE SQUAD

As discussed in recent work session, the property agreement between the City of Athens and the McMinn County Rescue Squad expired on January 18, 2004. It was noted that the initial agreement, which was approved in 1974, allowed the Rescue Squad to construct a facility on property belonging to the City of Athens and located near the intersection of Congress Parkway and Velma Road. This agreement was renewed in 1984 and again in 1994 for ten year increments. The City of Athens and the McMinn County Rescue Squad are proposing to extend the agreement for an additional ten year period to expire January 18, 2014. This proposed extension will permit the Rescue Squad to continue to use said property, rent free, in accordance with the restrictive covenants contained in the deed conveying said property to the City of Athens. The following resolution was presented for consideration:

RESOLUTION NO. 2004-12

“A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO RENEW A PROPERTY AGREEMENT BETWEEN THE CITY OF ATHENS AND THE MCMINN COUNTY RESCUE SQUAD, INC. FOR AN ADDITIONAL PERIOD OF TEN YEARS.”

Mayor Perkinson read the caption of Resolution No. 2004-12. Motion was made by Council Member Myers, seconded by Vice Mayor Proffitt, to approve Resolution No. 2004-12, and upon voice vote, the Resolution was unanimously approved by vote of 3-0.

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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 7:08 p.m.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager