

MINUTES OF MEETING, ATHENS CITY COUNCIL, JULY 20, 2004

The Athens City Council met in regular session on Tuesday, July 20, 2004, at 6:00 P.M. with Mayor Bo Perkinson presiding. The invocation was given by Council Member Myers; and upon roll call, the following members were present:

Myers, Perkinson, Proffitt, Witt

Council Member Pelley was out-of-town and did not attend the meeting.

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 15, 2004, were submitted. Upon motion by Vice Mayor Proffitt, 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 July 2004 to Dr. Clyde Martin for his efforts in emergency planning as it relates to Weapons of Mass Destruction (WMD). Through this endeavor, he has been involved in all levels of Homeland Security (local, state, and national) and has been responsible for training emergency personnel to better respond to and protect our citizens.

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PRESENTATION TO COUNCIL – LEARN-TO-SWIM'S 45<sup>TH</sup> ANNIVERSARY

Former Mayor Harold 'Prof' Powers, Mr. Ben Wilson, and Mr. Larry Lane acknowledged the 45<sup>th</sup> anniversary of the local Learn-to-Swim program by presenting tee shirts to each council member in honor of this special occasion. Mr. Powers and Mr. Wilson, founders of the local program, summarized the accomplishments of the program as follows: 10,000 Learn-to-Swim students (over 5,000 have received beginner cards); 8,000 swimming improvement students; and 2,500 volunteer workers. It was noted that this program is held annually for two weeks at no charge to the participants. Mr. Lane expressed appreciation for the City's partnership in this endeavor, and specifically acknowledged the support and cooperation of the Athens Parks and Recreation Department. The Council, of which some acknowledged participation in the days of their youth, expressed appreciation to Mr. Powers, Mr. Wilson, and Mr. Lane for this outstanding service to the community.

MISCELLANEOUS CORRESPONDENCE

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

PETITIONS AND REQUESTS

FUNDING REQUEST – ATHENS ARTS COUNCIL

As discussed in recent work sessions, Mayor Perkinson acknowledged the Arts Council's request for additional funding to assist in the purchase and renovation of the new Arts Center located on North White Street (former Harrod building). It was noted that the proposed project is estimated to cost \$700,000; and of that amount, the Arts Council has received cash donations and pledges in excess of \$500,000. After additional comments, the following motion was made by Council Member Myers: *"I move that we take the sum of \$10,000 from our 2004-05 Contingency Fund and donate it to the Athens Area Council for the Arts current capitol building fund. I further move that we encourage city councils for the next four years to build a like amount into their budgeting process, with the understanding that this annual appropriation shall cease if the current capitol building fund of \$700,000 is attained prior to the five-year period."* The motion was seconded by Vice Mayor Proffitt and upon brief discussion, was unanimously approved by voice vote.

AUDIENCE

Mayor Perkinson opened the meeting for petitions and requests from the audience. Mr. Ralph Fenton, a resident of 3050 Hawthorne, requested an update relative to recommendations contained in the Downtown Study completed by HyattPalma in 2003. City Manager Moore stated that the Downtown Partnership Committee has been meeting faithfully during the past ten months and will be compiling an annual report to be distributed in September 2004.

REPORTS

FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the year ending June 30, 2004. The report reflects cash balances and investments totaling \$9,038,000. After additional comments and discussion, 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 June 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 June 2004. 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 143 permits issued, with valuation fees estimated at \$2,960,294. After further comments, the report was accepted as presented.

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#### SPECIAL PRESENTATION – POLICE DEPARTMENT

Police Chief Chuck Ziegler gave a special report on efficiency and cost containment in his department. He reported that the Athens Police Department is made up of 41 full-time employees as follows: three administrative staff members (Chief of Police, Secretary, and Records Clerk); 27 patrol officers (Patrol Captain, Administrative Captain, four sergeants, and 21 officers); three detectives (Detective Captain and two detectives); and eight dispatchers. Chief Ziegler advised that the department has worked diligently to secure grant funds in an effort to better serve the citizens of Athens. He presented a summary of state, federal, and local grant funds received by the Athens Police Department during the past eight to ten years as follows: state grants (received/pending) totaling \$155,000; federal grants totaling \$380,000; and local drug fund revenues totaling \$150,000. It was noted that these grants have funded three officers, vehicles, computer systems (hardware and software), radio systems (replacement and repair), drug buys, training, E911 PSAP, and other equipment/supplies including surveillance, camera systems (in car video), weapons, radar, etc. Chief Ziegler concluded his report by stating, "I believe that I can be proud of the job the officers of the Athens Police Department have done in obtaining outside revenue and grant sources to support our mission to *serve and protect*."

CONSENT AGENDA

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

- 1.) Approve **Resolution No. 2004-37** to authorize submission of grant application in amount of \$10,000 through the Governor's Highway Safety Program;
- 2.) Approve **Resolution No. 2004-38** to adjust contractual obligation as necessary to close-out and finalize contract with Morgan Contracting Incorporated for construction of White Street Stormwater Project;
- 3.) Approve **Resolution No. 2004-39** to execute contractual proposal by Tennessee Department of Transportation for construction of four-lane project on SR30 (from Athens to Etowah);
- 4.) Approve **Resolution No. 2004-40** to execute amended Interlocal Agreement with City of Cleveland, TN by increasing fees (\$325 per hour/\$108.50 mobilization costs) for disposal of yard wastes;
- 5.) Approve **Resolution No. 2004-41** to approve funding to acquire additional industrial properties;
- 6.) Appoint **Evelyn Armstrong** to fill Cynthia Ferguson vacancy on **Recreation Advisory Board**, term expires June 30, 2008.

Relative to Item No. 5, Mayor Perkinson and other council members expressed support of the commitment by the City and County to appropriate funds for the purchase of additional industrial property (140 acres) at a cost of \$455,000 each. After other comments and upon motion being made by Council Member Myers, seconded by Vice Mayor Proffitt, the Consent Agenda as stated above was unanimously approved by voice vote.

NEW BUSINESS

RECOMMENDATION FROM ARPC – AMEND LANDSCAPING ORDINANCE

As discussed in recent work session, Community Development Director Harold Hunter presented Minutes of the Planning Commission, meeting in regular session on June 7, 2004, unanimously recommending that City Council adopt proposed amendments to the Landscape Ordinance, specifically Sections 14-603 and 14-615, subject to the removal of Section C of 14-603 entitled *Applicability – Building Expansion*. The following ordinance was presented for consideration on first reading:

**ORDINANCE NO. 920 – FIRST READING**

**“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 the above-described Ordinance. Motion was made by Vice Mayor Proffitt, seconded by Council Member Witt, to approve Ordinance No. 920 on First Reading, and upon roll call, Ordinance No. 920 was approved by the following vote:

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

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RECOMMENDATION FROM ARPC – ABANDON ALLEYWAY

As presented during City Council Work Session, Community Development Director Harold Hunter presented Minutes of the Planning Commission, meeting in regular session on June 7, 2004, unanimously recommending *the abandonment of an 18' x 175' unopened right-of-way located at 306 Woodward Avenue @ Royal Street, subject to the City of Athens maintaining a utility easement on the property.* The ARPC Minutes reflect that Mr. Ronnie Jack submitted a petition containing signatures of adjacent property owners stating approval of this action. After brief comments, the following resolution was presented for consideration:

**RESOLUTION NO. 2004-42**

**“A RESOLUTION TO OFFICIALLY CLOSE AND ABANDON AN APPROXIMATELY 175 FT. LONG AND 18 FT. WIDE UNOPENED AND UNNAMED ALLEYWAY AT ROYAL STREET BETWEEN WOODWARD AVENUE AND TENNESSEE AVENUE IN ATHENS, TENNESSEE, AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS RESOLUTION.”**

Mayor Perkinson read the caption of Resolution No. 2004-42. Motion was made by Council Member Witt, seconded by Council Member Myers, to approve Resolution No. 2004-42, and upon voice vote, the Resolution was unanimously approved.

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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 July and August. 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 7:40 p.m.

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WILLIAM BO PERKINSON, Mayor

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MITCHELL B. MOORE, City Manager