

MINUTES OF MEETING, ATHENS CITY COUNCIL, MARCH 16, 2004

The Athens City Council met in regular session on Tuesday, March 16, 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 (Note: Vice Mayor Proffitt left the meeting as noted in the body of the Minutes at 6:50 p.m. and returned at 7:35 p.m.)

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 February 17, 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 March 2004 to Ms. Ellen Richey. Ms. Richey was recognized for her volunteer efforts in teaching free computer workshops to local residents. In three graduating classes, it was noted that 30 Certificates of Completion have been issued, with many of these students either continuing their education at other learning institutions or using their newly-acquired skills on the job.

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RESOLUTION RECOGNIZING KEEP MCMINN BEAUTIFUL'S 15TH ANNIVERSARY

Council Member Myers presented a resolution acknowledging the 15th anniversary of Keep McMinn Beautiful on April 6, 2004. It was noted that the KMB Board of Directors will host a special celebration of this event at the McMinn County Courthouse Blueroom on April 6 at 4:30 p.m. In support of their outstanding service to this community, the following resolution was presented to Executive Director Connie Allen, Board Chair Kim Kincaid, and Board Member 'Prof Powers:

RESOLUTION NO. 2004-13

“A RESOLUTION TO COMMEND AND CONGRATULATE KEEP MCMINN BEAUTIFUL ON THE CELEBRATION OF ITS 15TH ANNIVERSARY.”

Upon reading the resolution, motion was made by Council Member Myers, seconded by Vice Mayor Proffitt, to approve Resolution No. 2004-13. Upon voice vote, the Resolution was unanimously approved. In accepting this award, Board Member Powers acknowledged the efforts of the late Clarence Streetman who was instrumental in the formation and certification of this organization.

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MISCELLANEOUS CORRESPONDENCE

Mayor Perkinson presented numerous letters and notes of appreciation for services performed by city staff members. Additionally, he acknowledged a letter from the Tennessee Housing Development Agency relative to the close out of the 2000 HOUSE Program. Mayor Perkinson congratulated city staff, noting no audit violations were reported.

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PETITIONS AND REQUESTS

AUDIENCE

Mayor Perkinson opened the meeting for petitions and requests from the audience. The following individuals addressed the Council relative to desires/concerns: Mr. **James Williams**, residing at 2112 Hammerhill Road, acknowledged that the City had recently completed the installation of rumble strips, raised pavement markings, and delineator posts on Hammerhill Road at Tellico Avenue. Mr. Williams explained that he attempted to contact the Public Works Road Superintendent to express concern about excessive speed in front of his residence; however, he noted that the conversation with city staff, prior to reaching the superintendent, ended abruptly and without resolution. Mayor Perkinson expressed appreciation to Mr. Williams and invited him to attend the April 12 Work Session, at which time city staff will present a report relative to his concerns. Ms. **Sheree Hutson** of 812 Oakland Drive expressed concern that this Council has made it an issue not to listen to citizens prior to a vote. She requested that Council change its policy and allow citizen input during work session. She also complained about the format of the regular council meetings and expressed concern that she would not be able to respond to a presentation being made later in the meeting relative to a proposed tax abatement program for the City of Athens. She encouraged the Council to allow input for each issue at the time it is relevant. Mayor Perkinson advised Ms. Hutson that the Council is considering a change in format for the work sessions by setting aside a designated amount of time to allow citizen input. He also stated that the Council has plans to conduct listening tours throughout the community in an effort to receive feedback from citizens. Mr. **Ralph Fenton**, a resident of 3050 Hawthorne Street, responded to Ms. Hutson's complaint by stating that he has attended several work sessions recently and has had no problem raising issues with members of the City Council. Mr. **Bill Bennett**, a downtown property owner, reiterated Ms. Hutson's comments regarding citizen input during recent work sessions. He encouraged Council to take time to listen to the citizens. Relative to a proposed tax abatement program for the City of Athens, he expressed concern that the program does not address improvement for McMinn County citizens. Mr. **Clay Chastain** of 311 Pope Avenue presented a petition soliciting support for Mr. Chastain's \$1.75 million revitalization plan for downtown Athens. The petition further encourages the Athens City Council to seek a \$1.5 million federal grant to implement Mr. Chastain's plan. It was noted

that the petition contains signatures from 70 downtown merchants/business people and property owners, with the remaining signatures (approximately 180) being solicited from Wal-mart customers. It was his suggestion that the City secure federal funds in the amount of \$3 million, with funding being appropriated to both the downtown project and the Regional Park Conference Center. He encouraged Council to take action by submitting the funding request to Washington this week in an effort to implement his downtown revitalization plan. In response to Mr. Chastain's comment that federal funding has not been utilized in the downtown area, Mayor Perkinson stated that the City of Athens recently received federal funding in the amount of \$1 million for infrastructure improvements on White Street and on Virginia Avenue. Mr. **David Hutson**, a resident of 812 Oakland Drive, expressed opposition to the proposed tax abatement incentive package to be presented later in the meeting. He stated that a tax incentive abatement program can be a "two-way sword," citing instances where major industrial growth has placed significant burdens on school systems, which resulted in higher taxes. After additional comments, Council Member Pelley expressed appreciation to each of the citizens who came forward to express their views on city matters and encouraged continued citizen involvement in local government.

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REPORTS

CLEAN UP WEEK UPDATE

Ms. Kim Kincaid, Chairperson for Keep McMinn Beautiful, reported on the upcoming Clean Up Week scheduled for April 19-24, 2004. She advised that special pick up events have been scheduled on Tuesday, April 20, at 1:30 p.m. and on Thursday, April 22, at 8:30 a.m. Additionally, she invited the Council and city staff members to attend the celebration of KMB's 15th anniversary to be held on April 6 at 4:30 p.m. in the Blueroom of the McMinn County Courthouse.

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FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of February 2004. In discussing local sales tax collections, Mr. Keith projected a 3.5% growth this year (assuming the amounts received in April, May, and June 2004 equal last year's collections) or an increase in sales tax revenue of approximately \$110,000. The report was accepted as presented.

At 6:50 p.m., Vice Mayor Proffitt advised that his daughter is performing this evening in her last band concert of the year and asked to be excused for a short period of time. He indicated he would return to the meeting as soon as the concert was over.

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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 February 2004. In response to last month's discussion about speeding in the downtown area, Captain Davis gave the following traffic report for the period March 10-12:

Madison at Long Street (3,087 cars counted) - average speed of 33 MPH, with six cars being categorized for “excessive speed”; White Street at Washington (8,358 cars) – average speed of 21 MPH, with one car categorized as “excessive”; White Street at Hornsby (8,809 cars) – average speed of 29 MPH, with five cars categorized as “excessive.” After further 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 February 2004. The report was accepted as presented.

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HUMAN RESOURCES DEPARTMENT REPORT

As requested by the Mayor and other council members, City Manager Moore advised that the City of Athens department heads will be making a presentation each month to City Council regarding the department’s efforts to save money. He stated that the Department of Human Resources will be making a presentation this evening. Ms. Rita Brown, Director of the department, presented an overview of the cost savings as follows: medical insurance – changing providers last year resulted in an estimated annual savings to the City of Athens of \$145,320; life insurance – rejecting the 2003 increase from 24 cents to 32 cents (as proposed by the provider) resulted in an estimated annual savings of \$3,128; health fair – 64 employees participated, with an estimated savings of \$31,422 to the City and \$1,080 to the employees; safety grants have secured funds in the amount of \$8,300; a request for quote resulted in a 50% reduction in worker’s comp/liability fees or a savings to the City of \$3,050; personnel – decrease in personnel over past three years (\$466,465) versus three new positions (increase in salary of \$26,000) has resulted in an estimated savings of \$440,465. Other reported savings included training (\$6,020); free payroll system (valued at \$13,000) with purchase of Human Resource System; annual cost savings for defense of unemployment claims (\$5,500); and participation in HR Consortium (\$1,000). Other savings included costs associated with printing and duplicating numerous forms, which are completed in-house. It was further noted that the City of Athens does not fund the Adopt-A-School Program with North City School; instead city employees have raised funds in the amount of \$6,250 to support the program. After other comments, the Council expressed appreciation for an outstanding report and acknowledged staff’s tremendous efforts to reduce costs and to improve services to the citizens of Athens.

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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.) Approve STARS (Students Taking Academics Serious) program for current school year in conjunction with Athens City Schools;
- 2.) Adopt **Resolution No. 2004-14** to approve ARPC’s recommendation to accept extension of Tellico Avenue, Dupitt Street, and Plaza Drive into city street system;

- 3.) Adopt **Resolution No. 2004-15** designating Fair Housing Month in the City of Athens;
- 4.) Approve purchase of 2000 Dodge Durango from L & M Motors at cost of \$11,500 from Drug Fund for replacement of an APD 1996 Jeep Cherokee;
- 5.) Adopt **Resolution No. 2004-16** encouraging the 103rd general assembly to protect jobs in Tennessee by supporting Workers' Compensation reform;
- 6.) Approve **Resolution No. 2004-17** to adopt Education and Government (EG) Channel 95 Policies and Procedures;
- 7.) Approve **Resolution No. 2004-18** requesting support of the passage of HB 1472 (Briley) as it relates to TCA §13-7-208;
- 8.) Approve appointment of **Natosha Ledford** to fill vacancy on **Keep McMinn Beautiful**, term expires March 3, 2007;
- 9.) Approve reappointments of **Harold 'Prof' Powers** and **Gary Womac** to **Keep McMinn Beautiful**, term expires March 3, 2007;

On motion by Council Member Witt, seconded by Council Member Pelley, the Consent Agenda as stated above was unanimously approved by voice vote.

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ORDINANCES

ORDINANCE NO. 916 – 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 CONGRESS PARKWAY, DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM I-1, 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.”

After reading the caption of the above-described Ordinance, Mayor Perkinson opened the Public Hearing on Ordinance No. 916. 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. 916 on Second and Final Reading, and upon roll call, Ordinance No. 916 was approved by the following vote:

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

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NEW BUSINESS

PURPOSED PURCHASE OF REFUSE COLLECTION TRUCK

As discussed in recent work session, Public Works Director Calvin Clifton presented a memorandum dated March 8, 2004, recommending the purchase of a refuse collection truck from Cherokee Truck Equipment at a net price of \$140,802.03. (This price includes a trade-in allowance of \$12,500 for the existing truck. However, during work session, another option was

discussed in that McMinn County has expressed an interest in purchasing the existing truck at the same rate of the trade-in allowance; in which case, the City would pay the full price of \$153,302.03.) Of the three bids received, Mr. Clifton stated that two bids from D&W Environmental were lower, however, neither met bid specifications dated February 18, 2004. These exceptions have been documented by city staff and are filed in conjunction with Bid No. 1379. It was noted that \$160,000 was budgeted in the current Fleet Management Fund for this replacement vehicle. After brief discussion, motion was made by Council Member Witt, seconded by Council Member Pelley, to approve staff's recommendation as provided above. Upon voice vote, the motion was unanimously approved.

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AMEND MUNICIPAL CODE TO REFLECT CURRENT POLICIES/PROCEDURES

As reviewed in recent work session, city staff members submitted proposed amendments to the *Athens Municipal Code* to reflect current policies and procedures of the City of Athens. City Manager Moore called Council's attention to Section 10, which updates the language relative to on street parking. He advised that MTAS recommended an amendment to Section 15-601 (Parking) as follows: *No person shall park or leave a vehicle, motorized or non-motorized, or any trailer parked on any other public street for more than twenty-four (24) hours without prior approval of the chief of police. Upon written request, the chief of police, or his/her designee, will investigate the proposed parking to ensure that the parked vehicle or trailer does not pose a traffic hazard and, upon determining that no hazard exists, may grant approval for the vehicle or trailer to be parked on the public street. In no case will permission be granted for more than seven (7) days.* The following ordinance was presented for consideration:

ORDINANCE NO. 917 – FIRST READING

“AN ORDINANCE TO UPDATE THE ATHENS MUNICIPAL CODE TO REFLECT CURRENT CITY OF ATHENS POLICIES AND PROCEDURES.”

Mayor Perkinson read the caption of the above-described Ordinance. Motion was made by Council Member Myers, seconded by Council Member Witt, to approve Ordinance No. 917 on First Reading. Upon discussion, Council Member Pelley indicated that the minimum hours discussed during the work session was forty-eight (48) hours instead of twenty-four (24) and expressed his desire to introduce a friendly amendment in that regard. City Manager Moore reiterated that the above language was recommended by MTAS, in response to Council's direction during work session. After further comments by other council members, motion was made by Council Member Pelley, seconded by Council Member Witt, to amend Ordinance No. 917 by substituting the words and numbers forty-eight (48) hours as provided above. **At this time (7:35 p.m.), Vice Mayor Proffitt returned to the meeting and was updated regarding the amendment on the table.** After clarification by Vice Mayor Proffitt, the motion to amend Ordinance No. 917 failed by the following voice vote: Ayes – Pelley and Witt; Nays – Myers, Proffitt, and Perkinson. At this time, Mayor Perkinson called for the roll call vote on Ordinance No. 917 on first reading:

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

PROPOSAL TO PURCHASE 911 REMOTE PSAP FOR COMMUNICATIONS CENTER

During recent work session, City Manager Moore recommended that the City purchase a 911 remote PSAP (one-button transfer equipment) in order to continue dispatching emergency services from the City of Athens Communications Center located at 815 North Jackson Street. This action will allow the City of Athens more time to consider an option to merge with the McMinn County 911 Communications Center located on Congress Parkway. During the next six months, city staff will continue to monitor the County Communication Center followed by an official report to City Council. The following resolution was presented for consideration:

RESOLUTION NO. 2004-19

“A RESOLUTION AUTHORIZING PURCHASE OF A 911 REMOTE PSAP (ONE-BUTTON TRANSFER EQUIPMENT) FOR THE PURPOSE OF PROVIDING EMERGENCY DISPATCHING SERVICES FOR THE CITIZENS OF ATHENS.”

Mayor Perkinson read the caption of Resolution No. 2004-19. Motion was made by Vice Mayor Proffitt, seconded by Council Member Myers, to approve Resolution No. 2004-19, and upon voice vote, the Resolution was unanimously approved.

PROPOSED PAYMENT IN LIEU OF TAX PROGRAM

Mr. Jack Hammontree, Executive Vice President of the McMinn County Economic Development Authority, was present to review a proposed tax incentive program, which was approved by the McMinn County Commission during their regular meeting on March 15. Mr. Hammontree stated that competition for new industries is keen. He also reported that this community has lost approximately 2,400 jobs in the past 3-1/2 years. Of that amount, he stated that only about one-half of those jobs have been replaced. He added that these are permanent job loses and stressed the importance of recruiting new industries and working with existing industries to encourage expansion of their operations in Athens and McMinn County. He noted that the proposed “Payment In Lieu of Taxes Program” will provide an incentive plan to entice expansion by existing industries as well as new industrial growth and will give the City of Athens a level playing field in terms of competing with other communities. After additional questions and comments, the following resolution was presented for consideration:

RESOLUTION NO. 2004-20

“A RESOLUTION TO APPROVE A PAYMENT IN LIEU OF TAX PROGRAM (PILOT) FOR THE CITY OF ATHENS, TENNESSEE.”

Mayor Perkinson read the caption of Resolution No. 2004-20. Motion was made by Council Member Witt, seconded by Council Member Pelley, to approve Resolution No. 2004-20. Upon discussion, council members expressed remorse that it has become necessary to adopt a tax abatement program, however, was thankful for the cooperative effort between the City of Athens and McMinn County in recruiting quality jobs for our citizenry. After additional comments, the Resolution was unanimously approved by voice vote.

PROPOSED MID-EAST TENNESSEE REGIONAL FAIR AGREEMENT

City Manager Moore presented a proposed agreement between the City of Athens and the Mid-East Tennessee Regional Fair relative to the Fair's proposed use of the Athens Regional Park during the current year. This agreement outlines the extent of cooperation that can be expected from the City of Athens prior to and during the 2004 event. Based on previous discussion during work session regarding the joint use of the trail route, Council Member Pelley suggested that the City continue to evaluate the possibility of combining the Fair's trail plans with that of the City of Athens. Based on Council's desires, City Manager Moore stated that the agreement would be amended to reflect the City's intention to continue to explore joint use of the trail. Mr. Moore reminded Council that this trail must comply with the Americans With Disabilities Act (ADA), stating that ADA compliance is likely to slow completion of the project and to add considerable cost as well. It was noted that city staff would bring back a recommendation to the Council if there is a possibility of accomplishing this task in a timely manner. After other comments, motion was made by Council Member Pelley, seconded by Vice Mayor Proffitt, to approve the agreement as recommended by city staff. Upon voice vote, the motion was unanimously approved.

MANAGER'S REPORT

City Manager Moore presented the Manager's Report. He reviewed progress of current city projects/meetings scheduled during the months of March and April. 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 8:35 p.m.

WILLIAM BO PERKINSON, Mayor

MITCHELL B. MOORE, City Manager