

MINUTES OF MEETING, ATHENS CITY COUNCIL, MARCH 21, 2005

The Athens City Council met in rescheduled session on Monday, March 21, 2005, at 6:00 P.M. with Mayor Proffitt presiding. (The regular meeting to be held on March 15 was rescheduled due to a conflict with the NLC Congressional City Convention in Washington.) 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 February 15, 2005, were submitted. Upon motion by Council Member Myers, seconded by Council Member Alvey, said Minutes were unanimously approved.

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COMMUNICATIONS FROM THE MAYOR

PRESENTATION OF VIVID AWARD

Council Member Pelley presented the *Very Important Volunteer Individual Award* for March 2005 to Richard and Elaine Newman for their continued commitment to downtown revitalization.

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MISCELLANEOUS CORRESPONDENCE

Mayor Proffitt 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 Proffitt opened the meeting for petitions and requests from the audience. Representing the Downtown Business Association, Ms. Elaine Newman presented final payment in the amount of \$1,250 to complete the electrical installation for the Knight Park lighting project. (The initial payment totaled \$2,665.) Ms. Newman noted that it is the desire of the Downtown Business Association to make Knight Park a Winter Wonderland and urged Council to include funds for this project during its upcoming budget process. Additionally, Pam (Carver) Wilson of Pam's Pizazz requested assistance in extending the downtown lighting project to merchants beyond the downtown square, i.e. continue up Jackson to College Street, etc. Mr.

Moore explained that the downtown lighting project is being funded through a Rural Development grant program. Of the \$50,000 initially requested, Mr. Moore indicated the City expects to receive \$25,000 to fund the downtown lighting project. He further advised the project will be extended, as requested, upon approval of additional grant funds.

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### REPORTS

#### FINANCE DEPARTMENT REPORT

Mr. Mike Keith presented the Finance Department Report for the month of February 2005. After brief discussion and 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 February 2005. After brief discussion and 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 2005. After brief discussion and comments, the report was accepted as presented.

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### CONSENT AGENDA

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

- 1.) Approve Resolution No. 2005-06 to authorize the City of Athens to purchase liability insurance coverage for the McMinn Regional Humane Society for a period of one year, effective upon the approval of this resolution;
- 2.) Approve Resolution No. 2005-07 authorizing the acceptance of a Byrne Justice Assistance Grant (JAG) program through the U. S. Department of Justice for Fiscal Year 2005;
- 3.) Approve Resolution No. 2005-08 authorizing the submission of a grant application through the Governor's Highway Safety Program;
- 4.) Reappoint Laura LeNoir (Perkinson), William Prigmore (Alvey), Debbie Harrison (Proffitt), Ann Dodson (Pelley), and Peggy Arterburn (Myers) to serve another three-year term on the Council Advisory Committee;

5.) Reappoint Kenneth Grubb to serve another two-year term on the Tax Equalization Board.

On motion by Vice Mayor Perkinson, seconded by Council Member Myers, the Consent Agenda as stated above was approved by voice vote. Due to a family member's reappointment, Mayor Proffitt recused himself from the vote.

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#### OLD BUSINESS

#### MID-EAST TENNESSEE REGIONAL FAIR

Council Member Alvey addressed an issue that was before Council last month relative to the use of specific areas of the Regional Park by the Mid-East Tennessee Regional Fair. Noting the receipt of additional information since that meeting, motion was made by Council Member Alvey, seconded by Council Member Pelley, to allow the Mid-East Tennessee Regional Fair to utilize two sites of the Regional Park with the understanding that the Fair agrees to hire an engineering firm to conduct a drainage study at no cost to the City of Athens. Council Member Alvey explained that the areas to be utilized would not disturb the proposed amphitheater site. After additional comments, Mayor Proffitt relinquished the chair to Vice Mayor Perkinson and offered an amendment to the motion to allow the use of property beginning from the road at the electrical transformer (across from the lower entrance to the soccer field) and extending a maximum distance of 120 feet (off the edge of the road). Council Member Myers requested a more definitive description of the property such as a map or drawing, while questioning, "How do we know where the (amphitheater) footprint is?" Mr. Jim Pitt, Chairman of the Regional Fair Board, advised that the Fair has agreed to hire a consulting engineering firm to draft a drainage proposal (as it relates to the proposed amphitheater site) for Council's review and final approval. After further comments, Council Member Pelley called for the question; and by majority vote (three ayes; one nay), debate was closed. Vice Mayor Perkinson called for the vote, and the amendment was approved with three ayes (Alvey, Pelley, Proffitt) and one nay (Myers). (Vice Mayor Perkinson did not vote.) In accordance with Mr. Pitt's earlier comments, Mayor Proffitt moved the passage of a second amendment in that final approval shall be contingent upon the submission and acceptance of the drainage proposal as prepared by a qualified engineering firm. The amendment was seconded by Council Member Myers and upon vote, was approved with four ayes being voiced. (Vice Mayor Perkinson did not vote.) Upon relinquishing the Chair to Mayor Proffitt, Vice Mayor Perkinson acknowledged the Fair Board's recent action making him an exofficio member, thereby eliminating possible conflict of interest as it relates to future Fair projects. However, in light of this motion being a continuation of last month's, it was his desire to recuse himself once again from the final vote. After further comments and upon voice vote, the main motion was approved with three assenting votes. It was noted that Mayor Proffitt and Vice Mayor Perkinson did not vote.

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#### NEW BUSINESS

#### BURKETT WITT RECOGNITION

A motion was made by Vice Mayor Perkinson to rename Long Street from College Street through Madison Avenue to "Burkett L. Witt Way" in celebration and in honor of Burkett Witt who served the City of Athens for 33 consecutive years as an elected member of the Athens City

Council and further to continue pursuit of the design and location of a marker jointly with Tennessee Wesleyan College and the City of Athens. It was noted that the content and appearance of the marker will be presented for Council's approval at a later date. The motion was seconded by Council Member Myers. Upon discussion, Vice Mayor Perkinson acknowledged Burkett Witt's 33 years of consecutive service to the citizens of Athens. Relating to the appropriateness of renaming this particular street, Vice Mayor Perkinson further acknowledged the symbolism of connecting TWC to the location of Burkett's BBQ at 117 East Madison Avenue, where Burkett and his wife Mildred worked and served the citizens of Athens for many years. Council Member Pelley rose in opposition to this motion, stating that Mr. Witt deserves more than the renaming of an alley in his honor. It was his contention that TWC should honor Burkett Witt for his years of service to the college, and the City of Athens should honor him in a way befitting his 33 years of consecutive service as a member of the City Council. For that reason, Council Member Pelley offered an amendment to include the naming of the street in front of the new Super Walmart to "Burkett L. Witt Road." The motion to amend was seconded by Council Member Alvey. After considerable discussion, the amendment failed with dissenting votes by Council Member Myers, Vice Mayor Perkinson, and Mayor Proffitt. After additional comments of opposition to the main motion by council members Pelley and Alvey, Vice Mayor Perkinson expressed his desire to withdraw the motion in an effort for unanimity within the Council on such an important issue. Noting this issue has been discussed for four months, Council Member Myers expressed his support of the original motion and stated his desire to see this issue resolved. By majority vote of three ayes (Alvey, Pelley, Perkinson) and two nays (Myers, Proffitt), the motion was withdrawn.

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#### FAIR HOUSING MONTH

In accordance with the provisions of the Fair Housing Law adopted by the City of Athens in 1979, the following resolution endorses the concept behind the Fair Housing Law and pledges to enforce the provisions of its Municipal Code dealing with the implementation of such laws:

#### **RESOLUTION NO. 2005-09**

**"A RESOLUTION DESIGNATING THE MONTH OF APRIL AS FAIR HOUSING MONTH IN THE CITY OF ATHENS."**

Upon the reading of the caption by Mayor Proffitt, motion was made by Council Member Myers, seconded by Council Member Alvey, to approve Resolution No. 2005-09. Upon voice vote, the Resolution was unanimously approved.

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#### PROPOSED SIGNALIZATION AGREEMENT – VELMA ROAD/U.S.11

City Manager Moore presented a proposal submitted by the Tennessee Department of Transportation for the signalization and improvements at the intersection of Velma Road and US11 (Congress Parkway). The following resolution was presented for consideration:

**RESOLUTION NO. 2005-10**

**“A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION FOR SIGNALIZATION AT INTERSECTION SR-2/US-11 (CONGRESS PARKWAY) AT VELMA ROAD.”**

Motion was made by Council Member Myers, seconded by Council Member Pelley, to approve Resolution No. 2005-10, 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 March and April. After additional discussion, the report was accepted as presented.

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**RECESS**

There being no further business to come before the meeting at 7:40 p.m., Mayor Proffitt declared the meeting recessed until *Tuesday, March 29, 2005*, at 7:30 a.m. It was noted that Council will reconvene on this date to review bids and possibly execute a contract for Conference Center Phase II expansion.

**MINUTES OF RECESSED MEETING, ATHENS CITY COUNCIL, MARCH 29, 2005**

The Athens City Council met in reconvened session on Tuesday, March 29, 2005, at 7:30 a.m., with Mayor Proffitt presiding. Upon roll call, the following members were present:

Myers, Pelley, Perkinson, Proffitt

Council Member Alvey was absent during the meeting.

The following decisions were made and ordered made a part of the records of the Athens City Council:

- 1 -

**REVIEW BIDS – CONFERENCE CENTER PHASE II EXPANSION**

City Manager Moore distributed copies of a letter from Kristin Lee Coughlin of Johnson Architecture along with a bid tabulation and other information relevant to the proposed expansion (Phase II) of the Southeast Tennessee Trade and Conference Center. The letter identifies Hickory Construction Company, Inc. of Alcoa, Tennessee, as the apparent low bidder

with a base bid of \$675,000 (calculated to be approximately \$75 per square foot). It was noted that four bids were received, with one bid being disqualified due to a discrepancy on the bid envelope. The three responsive base bid prices ranged from \$675,000 to \$764,000. In her letter, Ms. Coughlin states, "Due to the high per square foot cost for this construction type, we recommend that none of these bids be accepted at this time." After further comments, motion was made by Council Member Pelley, seconded by Vice Mayor Perkinson, to reject all bids as submitted in accordance with Bid No. 1398 dated March 28, 2005. Upon voice vote, the motion was unanimously approved.

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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 a.m.

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JOHN M. PROFFITT, Mayor

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MITCHELL B. MOORE, City Manager