

## REGULAR MEETING

### LOUDON CITY COUNCIL

March 16, 2009

The regular meeting of the Loudon City Council was held on March 16, 2009 in the Council Meeting Room. The meeting was called to order at 7:30 P.M. Those present were Mayor Bernie R. Swiney, Councilmen Mike Cartwright, Lewis Garner, Eugene Lambert and Lynn Millsaps. Also present were City Manager Lynn Mills, City Attorney Edwin Arnold and City Recorder Stephanie Putkonen. Vicky Newman of the *News Herald* represented the press. Chris Smallen videotaped the meeting for TV3. Twenty to thirty visitors were present.

Councilman Garner held the invocation. Councilman Cartwright led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Swiney asked if council members had a chance to review the minutes of the regular meeting held on February 17, 2009. **A motion was made by Councilman Lambert, seconded by Councilman Garner and unanimously passed to approve as written the minutes of the regular meeting held on February 17, 2009.**

Council considered the administrative approval of the purchase of gasoline and diesel fuel from the low bidder, Rogers Petroleum Company (\$1.399 per gallon for unleaded plus gasoline and \$1.243 per gallon for diesel fuel). **A motion was made by Councilman Garner, seconded by Councilman Lambert and unanimously passed to administratively approve the purchase of gasoline and diesel fuel from Rogers Petroleum Company (\$1.399 per gallon for unleaded plus gasoline and \$1.243 per gallon for diesel fuel).**

City Manager Mills said the bids received on Friday afternoon pertaining to Loudon Municipal Park were still under review and not ready to be considered by council.

Two bids were received to provide mowing services for the parks. The low bidder was the current contractor, Brewster's Turf & Tree Management LLC. Their bid for a two year contract was \$12,843 per month and the other bid was \$19,761.67 per month. **A motion was made by Councilman Lambert, seconded by Councilman Cartwright and unanimously approved to award the mowing contract for the parks for two years to the low bidder, Brewster's Turf & Tree Management LLC for \$12,843 per month.**

Mayor Swiney recognized the visitors and asked if anyone had anything to bring before council that did not appear on the agenda. There was no response.

Mayor Swiney presented an ordinance amending the municipal code pertaining to pool rooms. A motion was made by Councilman Garner, seconded by Councilman Millsaps that the following ordinance be passed on second and final reading:

#### ORDINANCE NO. 2009-03

**AMENDING TITLE 9, CHAPTER 5, SECTION 502 AND DELETING SECTION 9-503 OF THE CITY OF LOUDON MUNICIPAL CODE PERTAINING TO POOL ROOMS**

Upon a vote the AYES were Garner, Millsaps, Cartwright, Lambert and Swiney. There were no NAY votes. Mayor Swiney declared the ordinance passed on second and final reading.

Mayor Swiney stated that the next item on the agenda was the awarding of two certificates of compliance for liquor stores to be located in the City of Loudon. He said city council had individually reviewed and evaluated each of the applications. He announced that the first place applicant was Loudon Wine & Spirits LLC, Ed Bell and John Tuck. The second place applicant was 72 Wine & Spirits LLC, Johnny James.

Councilman Cartwright pointed out that they had both applied for the same location in Centre Seventy-five Business Park.

After some discussion about issuing the two certificates for the same location, a motion was made by Councilman Garner to issue the certificates of compliance in the order ranked (Loudon Wine & Spirits LLC and 72 Wine & Spirits LLC).

Mr. Greg Harrison, attorney for one of the other applicants, stated that only one certificate per location would be accepted by the Tennessee Alcoholic Beverage Commission (ABC).

Attorney Loren Plemmons, representing Johnny James, stated that the recipient of the certificate of compliance had to be a legal entity. She added that as of 4:00 P.M. that day Mr. Bell and Mr. Tuck who applied under the name of Loudon Wine & Spirits LLC had only reserved the name and had never followed up to become the legal entity that applied for the certificate of compliance.

City Attorney Arnold agreed that a certificate has to be issued by the state in order for an LLC to be a legal entity.

A member of the audience asked which applicant came in third place.

Mayor Swiney responded that James Purdy for Grove Wine & Spirits to be located at 403 Grove Street was the third place applicant.

Attorney Plemmons stated that her client, Johnny James, had filed his charter with the Secretary of State of Tennessee, and was the legal entity of 72 Wine & Spirits LLC.

Councilman Cartwright asked Mr. Bell and Mr. Tuck if they had filed their application with the Secretary of State.

Mr. Tuck said they had reserved the LLC.

Councilman Cartwright asked Attorney Arnold if that was sufficient.

Attorney Arnold responded that in his opinion their LLC was not a legal entity. It was not legally organized under the name assumed.

Councilman Millsaps asked if they could issue the certificate of compliance to a reserved LLC.

Attorney Arnold responded that he did not think so.

After some discussion Councilman Garner withdrew his motion.

Mr. Bhavin Bhalodia said that he took issue with the publication dates for Mr. Purdy's application. Only one ad was actually published at the time the application was turned in.

Manager Mills said he had spoken to Agent Hill with the ABC, and he said they look at the advertising having been completed prior to the issuance of the certificate of compliance.

Mr. Bhalodia said the affidavits of publication were required as part of the application process.

After more discussion, **a motion was made by Councilman Millsaps, seconded by Councilman Lambert to award a certificate of compliance to 72 Wine & Spirits LLC (Johnny James) to be located in Centre Seventy-five Business Park and James Purdy (Grove Wine & Spirits) to be located at 403 Grove Street. Upon a vote the AYES were Millsaps, Lambert and Cartwright; and voting NAY were Garner and Swiney.**

Mayor Swiney called for a recess at 8:50 P.M.

Mayor Swiney reconvened the meeting at 9:04 P.M.

Mayor Swiney presented a resolution authorizing an application for the Safe Routes to School grant. A motion was made by Councilman Cartwright, seconded by Councilman Millsaps that the following resolution be passed:

**RESOLUTION NO. 2009-02**

**AUTHORIZING THE SUBMITTAL OF A SAFE ROUTES TO SCHOOL GRANT APPLICATION FOR THE CONSTRUCTION OF SIDEWALKS AND CROSS-WALKS TO CONNECT THE HABITAT FOR HUMANITY HOPE HAVEN SUBDIVISION TO FORT LOUDOUN MIDDLE SCHOOL AND LOUDON ELEMENTARY SCHOOL LOCATED ON ROBERTS ROAD**

Upon a vote, the resolution was unanimously approved.

Council considered a resolution authorizing the purchase of a truck for the public works department from Jacky Jones Ford Lincoln Mercury for the state bid price of \$25,635. A motion was made by Councilman Lambert, seconded by Councilman Garner that the following resolution be passed:

**RESOLUTION NO. 2009-03**

**AUTHORIZING THE PURCHASE OF A 2009 FORD F-350 FOR STATE BID PRICE**

Upon a vote, the resolution was unanimously approved.

Council considered approving the trade in of a 1984 Chevrolet K5 Blazer 4x4 military package vehicle (\$1,000) for the purchase of a 1999 Chevrolet Suburban 2500 4x4 (\$4,500) from Smoky Mountain Motors with the amount of \$3,500 to be paid from the Drug Fund. A motion was made by Councilman Garner, seconded by Councilman Cartwright that the following resolution be passed:

**RESOLUTION NO. 2009-04**

**APPROVING THE REPLACEMENT OF THE OFF ROAD  
VEHICLE FOR THE POLICE DEPARTMENT USE**

Upon a vote, the resolution was unanimously approved.

Council considered allowing the Recreation Department to accept online payments through PayPal. A motion was made by Councilman Lambert, seconded by Councilman Cartwright that the following resolution be passed:

**RESOLUTION NO. 2009-05**

**AUTHORIZING THE RECREATION DEPARTMENT TO  
ACCEPT ONLINE PAYMENTS THROUGH PAYPAL**

Upon a vote, the resolution was unanimously approved.

Council considered authorizing the award of a service weapon to Ray Gore, a retired police officer. A motion was made by Councilman Lambert, seconded by Councilman Millsaps that the following resolution be passed:

**RESOLUTION NO. 2009-06**

**AUTHORIZING THE AWARD OF A SERVICE  
WEAPON TO RETIRED POLICE OFFICER**

Upon a vote, the resolution was unanimously approved.

Mayor Swiney presented a request for a street light to be installed at the corner of Ingram and Waller Streets. **A motion was made by Councilman Lambert, seconded by Councilman Cartwright and unanimously passed to install a street light at the corner of Ingram and Waller Streets.**

Attorney Arnold reported that a lawsuit had been refiled by Mr. Stone.

City Manager Mills reported that the state legislature had extended the Courthouse Square Revitalization Program until 2023.

There being no further business, Mayor Swiney adjourned the meeting at 9:20 P.M.

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Recorder

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Mayor