

REGULAR MEETING

LOUDON CITY COUNCIL September 20, 2010

The regular meeting of the Loudon City Council was held on September 20, 2010 in the Council Meeting Room. The meeting was called to order at 7:30 P.M. Those present were: Mayor Bernie R. Swiney, Councilmen Lewis Garner, Eugene Lambert and Lynn Millsaps. Councilman Mike Cartwright was absent. Also present were City Attorney Edwin Arnold, City Manager Lynn Mills and City Recorder Stephanie Putkonen. The press was represented by Vicky Newman of the *News Herald*. Stephanie Smallen videotaped the meeting for LCTV3. There were five citizens present.

Councilman Garner held the invocation. Councilman Lambert 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 August 16, 2010. **A motion was made by Councilman Garner, seconded by Councilman Millsaps and unanimously passed to approve as written the minutes of the regular meeting held on August 16, 2010.**

Council considered the administrative approval of the purchase of gasoline and diesel fuel (\$2.154 per gallon for unleaded plus gasoline and \$2.219 per gallon for diesel fuel) on September 13, 2010 from the low bidder Rogers Petroleum. **A motion was made by Councilman Millsaps, seconded by Councilman Lambert and unanimously passed to administratively approve the purchase of gasoline and diesel fuel (\$2.154 per gallon for unleaded plus gasoline and \$2.219 per gallon for diesel fuel) on September 13, 2010 from Rogers Petroleum.**

Manager Mills reported that the representatives from Cannon & Cannon, who requested to be on the agenda to make a report regarding the Queener Road project, had requested to be on the workshop agenda instead. He added that the same was true for Loudon County Economic Development Director Pat Phillips.

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

Mayor Swiney presented an ordinance to rezone properties on Steekee Street to P-1, Professional/Civic District. A motion was made by Councilman Lambert, seconded by Councilman Millsaps that the following ordinance be passed on final reading:

ORDINANCE NO. 2010-09

**AMENDING THE ZONING MAP OF THE CITY OF LOUDON, TENNESSEE,
PURSUANT TO §13-7-203 AND §13-7-204 OF THE TENNESSEE CODE ANNOTATED
TO REZONE PROPERTY LOCATED ON STEEKEE STREET, REFERENCED:
TAX MAP 41H, GROUP J, PARCEL(S) 8.00, 9.00, 10.00, 11.00, 12.00 AND TAX MAP 41B,
GROUP F, PARCEL(S) 8.00, 11.00, 12.00, 13.00, 14.00 FROM R-1 LOW DENSITY
RESIDENTIAL TO P-1 PROFESSIONAL/CIVIC DISTRICT**

Upon a vote the AYES were: Lambert, Millsaps, Garner and Swiney. Mayor Swiney declared the ordinance passed on second and final reading.

Mayor Swiney presented an ordinance to amend the 2009-2010 Budget. A motion was made by Councilman Millsaps, seconded by Councilman Garner that the following ordinance be passed on first reading:

AMENDING THE 2009-2010 FISCAL YEAR BUDGET

Upon a vote the AYES were: Millsaps, Garner, Lambert and Swiney. There were no NAY votes.

Mayor Swiney presented an ordinance to allow for partial payments of real property taxes to be accepted until the tax becomes delinquent. A motion was made by Councilman Lambert, seconded by Councilman Garner that the following ordinance be passed:

AN ORDINANCE TO ALLOW FOR THE PARTIAL PAYMENT OF REAL PROPERTY TAXES

Upon a vote the AYES were: Lambert, Garner, Millsaps and Swiney. There were no NAY votes.

Mayor Swiney presented an ordinance to amend the municipal code by establishing procedures for the sale of a liquor store business. After significant discussion Attorney Arnold recommended the addition of: their successors, heirs or assigns after the words *or other legal entity*, as well as to change the word *purchaser* to successor. A motion was made by Councilman Millsaps, seconded by Councilman Lambert that the following ordinance be passed on first reading incorporating the changes recommended by Attorney Arnold:

AMENDING ORDINANCE NO. 2009-02 TO ADD SUBSECTION (6) TO TITLE 8, CHAPTER 3, SECTION 317 OF THE CITY OF LOUDON MUNICIPAL CODE

Upon a vote the AYES were: Millsaps, Lambert, Garner and Swiney. There were no NAY votes.

Mayor Swiney presented an ordinance to de-annex property located on Notch-in-Hill Road and annexed by Ordinance No. 2006-12. A motion was made by Councilman Lambert, seconded by Councilman Garner that the following ordinance be passed on first reading:

PROVIDING FOR THE DE-ANNEXATION OF CERTAIN PROPERTIES ANNEXED INTO THE CITY OF LOUDON, TENNESSEE BY ORDINANCE NO. 2006-12, CONTAINING APPROXIMATELY 808 ACRES AND REFERENCED ON TAX MAP 33, PARCEL 80.00, TAX MAP 41, PARCELS 34.00, 34.01 AND 36.00 PURSUANT TO TENNESSEE CODE ANNOTATED §6-51-201(b)(2)

Upon a vote the AYES were: Lambert, Garner, Millsaps and Swiney. There were no NAY votes.

Attorney Arnold recommended another change to the previously approved ordinance pertaining to liquor stores. He recommended rescinding the ordinance and then reconsidering it. **A motion was made by Councilman Millsaps, seconded by Councilman Garner to rescind the first reading of the following ordinance:**

AMENDING ORDINANCE NO. 2009-02 TO ADD SUBSECTION (6) TO TITLE 8, CHAPTER 3, SECTION 317 OF THE CITY OF LOUDON MUNICIPAL CODE

Upon a vote the AYES were Millsaps, Garner, Lambert and Swiney. There were no NAY votes.

In addition to the previously recommended changes to the ordinance, Attorney Arnold recommended adding: or continue operation of after the words *to purchase*. A motion was made by Councilman Millsaps, seconded by Councilman Lambert to pass the following ordinance on first reading with the changes (the addition of their successors, heirs or assigns after the words *or other legal entity*; change the word *purchaser* to successor; and add or continue operation of after the words *to purchase*):

**AMENDING ORDINANCE NO. 2009-02 TO ADD SUBSECTION (6) TO
TITLE 8, CHAPTER 3, SECTION 317 OF THE CITY OF LOUDON
MUNICIPAL CODE**

Upon a vote the AYES were: Millsaps, Lambert, Garner and Swiney. There were no NAY votes. Mayor Swiney scheduled public hearings to be held on Monday October 18th as follows:

- 7:00 P.M. Amending the 2009-10 Budget
- 7:05 P.M. Allowing partial payments of real property tax
- 7:10 P.M. Amending the municipal code pertaining to liquor stores
- 7:25 P.M. De-annexation of approximately 800 acres annexed by Ordinance No. 2006-12

Mayor Swiney presented a resolution adopting the policies and procedures for the 2010 HOME grant. A motion was made by Councilman Lambert, seconded by Councilman Garner that the following resolution be passed:

RESOLUTION NO. 2010-34

**ADOPTING THE PROGRAM POLICIES AND PROCEDURES FOR THE
CITY OF LOUDON'S 2010 HOME REHABILITATION PROGRAM**

Upon a vote, the resolution was unanimously approved.

Council considered a resolution authorizing a contract with Resolution, Incorporated to provide the lead based paint inspections for the HOME grant. A motion was made by Councilman Millsaps, seconded by Councilman Lambert that the following resolution be passed:

RESOLUTION NO. 2010-35

**APPROVING THE CONTRACT WITH RESOLUTION INCORPORATED
FOR LEAD-BASED PAINT INSPECTIONS**

Upon a vote, the resolution was unanimously approved.

Council considered a resolution authorizing a contract with Bremen Energy Auditors, LLC to provide energy efficiency inspections for the HOME grant. A motion was made by Councilman Garner, seconded by Councilman Millsaps that the following resolution be passed:

RESOLUTION NO. 2010-36

**APPROVING THE CONTRACT WITH BREMEN ENERGY AUDITORS, LLC
FOR ENERGY EFFICIENCY INSPECTION**

Upon a vote, the resolution was unanimously approved.

Council considered a resolution authorizing a contract with Barge, Cauthren & Associates, Inc. to provide construction inspections for the HOME grant. A motion was made by Councilman Garner, seconded by Councilman Lambert that the following resolution be passed:

RESOLUTION NO. 2010-37

**APPROVING THE CONTRACT WITH BARGE, CAUTHREN &
ASSOCIATES, INC. FOR HOME CONSTRUCTION INSPECTION**

Upon a vote, the resolution was unanimously approved.

Council considered the approval of an agreement with National Service Associates, Inc. to design a branding and marketing strategy for the City of Loudon. A motion was made by Councilman Lambert, seconded by Councilman Garner that the following resolution be passed:

RESOLUTION NO. 2010-38

AUTHORIZING AGREEMENT FOR BRANDING AND MARKETING STRATEGY FOR THE CITY OF LOUDON DOWNTOWN COURTHOUSE SQUARE REVITALIZATION PROGRAM

Upon a vote, the resolution was unanimously approved.

Council considered the construction of restroom facilities at the dog park. The estimated cost was \$16,643. A motion was made by Councilman Millsaps, seconded by Councilman Lambert that the following resolution be passed:

RESOLUTION NO. 2010-39

APPROVING THE CONSTRUCTION OF RESTROOM FACILITIES

Upon a vote, the resolution was unanimously approved.

Council considered the approval of repairs to the fire department's ladder truck. The repairs in the amount of \$28,151.11 were performed by Heritage Fire Equipment, Inc. A motion was made by Councilman Lambert, seconded by Councilman Garner that the following resolution be passed:

RESOLUTION NO. 2010-40

APPROVING THE REPAIRS OF THE 1980 E-ONE LADDER TRUCK

Upon a vote, the resolution was unanimously approved.

Mayor Swiney announced that he was not seeking re-election in the November election.

Mayor Swiney announced that Polly Harris had resigned from the Loudon Utility Board effective October 1, 2010. He recommended Don P. Campbell to fill the seat that will expire June 30, 2011. **A motion was made by Councilman Millsaps, seconded by Councilman Lambert and unanimously passed to appoint Don P. Campbell to fill the seat of Polly Harris on the Loudon Utility Board with the term expiring June 30, 2011.**

There being no further business, Mayor Swiney adjourned the meeting at 8:38 P.M.

Recorder

Mayor