

## REGULAR MEETING

### LOUDON CITY COUNCIL

May 19, 2014

The regular meeting of the Loudon City Council was held on May 19, 2014 in the Council Meeting Room. Those present were: Mayor Judy Keller, Council Members Mike Cartwright, Judy Jones, Jimmy Parks and Lynn Millsaps. Also present were City Manager Lynn Mills, City Attorney Joe Ford and City Recorder Stephanie Putkonen. Stephanie Smallen video recorded the meeting for LCTV3. The press was represented by Katherine Fernandez with the *Loudon County News Herald*. There were approximately fifty people present.

City Attorney Ford held the invocation. Councilmember Jones led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Keller asked if council members had a chance to review the minutes of the regular meeting held on April 21, 2014. **A motion was made by Councilmember Millsaps, seconded by Councilmember Cartwright and unanimously passed to approve as written, the minutes of the regular meeting held on April 21, 2014.**

Council considered the administrative approval of the purchase of gasoline (\$3.28 per gallon) and diesel fuel (\$2.99 per gallon) on May 14, 2014 from Coffman Oil Company. **A motion was made by Councilmember Cartwright, seconded by Councilmember Jones and unanimously passed to administratively approve the purchase of gasoline (\$3.28 per gallon) and diesel fuel (\$2.99 per gallon) on May 14, 2014 from Coffman Oil Company.**

Mayor Keller recognized the visitors and asked if anyone had anything to bring before council that did not appear on the agenda. She recognized Mr. James Stranett who spoke as the representative of the union employees of Loudon Utilities and the IBEW 760.

Mr. Stranett asked, on behalf of the employees, that council at a later date consider a resolution enabling a city board or agency to enter into a Memorandum of Understanding (MOU); and that it is not illegal in this city. He said he felt the attorney from the Comptroller's office who sent the letter misunderstood. He said strikes are prohibited; but contracts between employees and the city are non-binding and therefore, not illegal.

Mr. Stranett said there is a court case that the Chancellor would rule on soon. He said the key of this ruling is that it should help to clarify the way government deals with employees, and the policies will be better understood.

Manager Mills responded that the city council and utility board have to rely on the legal advice they receive. Their counsel's opinion, based on the letter from the comptroller's office, is that the negotiations would be a violation of state law and the city charter. He said the utility board plans to provide the same level of benefits and salaries, and the board is intent to comply with the comptroller of the State of Tennessee.

Mr. Stranett said there was no case in the State of Tennessee that says a MOU is illegal. He asked that the agreement be continued.

Councilmember Parks asked why this had become an issue after 38 years. Manager Mills responded that they had never been officially notified until now.

City Attorney Ford said that according to Attorney Ward Phillips, who has represented the utility board in its previous labor negotiations, the city has not been granted the authority to enter into labor contracts by statute or charter. He said Mr. Phillips was not present to further explain.

Mr. Stranett said he was not asking for any action tonight, but for the city council to consider passing a resolution in the future to allow a MOU.

Mayor Keller thanked Mr. Stranett and said they would take it into consideration.

Mayor Keller presented an ordinance for third reading to set the school speed zone on Mulberry Street at 20 M.P.H. A motion was made by Councilmember Cartwright, seconded by Councilmember Jones that the following ordinance be passed on final reading:

**ORDINANCE NO. 2014-03**

**ESTABLISHING A SCHOOL SPEED ZONE ON MULBERRY STREET**

Upon a vote, the AYES were: Cartwright, Jones, Millsaps, Parks and Keller. Mayor Keller declared the ordinance passed on third and final reading.

Mayor Keller presented an ordinance on first reading to amend the 2013-2014 budget. A motion was made by Councilmember Millsaps, seconded by Councilmember Parks that the following ordinance be passed:

**AMENDING 2013-2014 FISCAL YEAR BUDGET**

Upon a vote, the AYES were Millsaps, Parks, Cartwright, Jones and Keller. Mayor Keller declared the ordinance passed on first reading. A public hearing was scheduled to be held on June 16, 2014 at 7:10 P.M.

Mayor Keller presented an ordinance on first reading to approve the 2014-2015 budget. Manager Mills explained that the budget is based on the same tax rate as last year and includes a 2% salary and wage increase for full time employees. He added that since the workshop, a \$1.4 million capital outlay note was added to the revenue and \$1.3 million was added for the swimming pool rehabilitation. A motion was made by Councilmember Millsaps, seconded by Councilmember Jones that the following ordinance be passed on first reading:

**AN ORDINANCE OF THE CITY OF LOUDON, TENNESSEE  
ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR  
BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015**

Upon a vote, the AYES were Millsaps, Jones, Cartwright, Parks and Keller. Mayor Keller declared the ordinance passed on first reading. A public hearing was scheduled to be held on June 16, 2014 at 7:15 P.M.

Mayor Keller presented an ordinance for first reading to set the tax rate for the 2014 tax year at \$1.1767 per \$100 of assessed value. A motion was made by Councilmember Parks, seconded by Councilmember Cartwright that the following ordinance be passed:

**SETTING THE TAX RATE FOR TAX YEAR 2014**

Upon a vote, the AYES were Parks, Cartwright, Jones, Millsaps and Keller. Mayor Keller declared the ordinance passed on first reading. A public hearing was scheduled to be held on June 16, 2014 at 7:20 P.M.

Mayor Keller presented an ordinance for first reading to amend the City of Loudon Municipal Code Title 8, Chapter 4, Section 415(1) and Section 417(6). Manager Mills explained that the change in Section 415(1) was upon the recommendation of the Tennessee Alcoholic Beverage Commission, and the changes in Section 417(6) are the referenced section numbers. A motion was made by Councilmember Jones, seconded by Councilmember Cartwright that the following ordinance be passed:

**AMENDING ORDINANCE NO. 2009-02 TO AMEND TITLE 8,  
CHAPTER 4, SECTION 415(1), AND SECTION 417(6) OF THE  
CITY OF LOUDON MUNICIPAL CODE**

Upon a vote, the AYES were Jones, Cartwright, Millsaps, Parks and Keller. Mayor Keller declared the ordinance passed on first reading. A public hearing was scheduled to be held on June 16, 2014 at 7:25 P.M.

Mayor Keller presented a resolution authorizing an agreement with Priority Ambulance to provide emergency and non-emergency ambulance services for the City of Loudon. Manager Mills explained that the ambulance service was currently being provided by Rural-Metro under the agreement with Loudon County. If council chose to stay with Rural-Metro, no action would be needed.

Councilmember Millsaps asked about the Rural-Metro ambulance he had seen at the Police and Fire Building. Mr. Jerry Harnish, representing Rural-Metro, responded that an ambulance was being located there from 8:00 A.M until 6:00 P.M. currently, but they could station one 24 hours a day.

Councilmember Millsaps stated that he did not see the city was gaining anything from Priority because Rural-Metro has three ambulances near the justice center and if the one ambulance Priority locates in the City of Loudon is busy, they have to send an ambulance from Lenoir City. He said he thought there was more availability and the ambulances were closer with Rural-Metro.

Councilmember Cartwright said that Priority's one ambulance would be dedicated to the City of Loudon and would not be dispatched to calls outside the city limits.

Councilmember Parks said they had recently denied the use of city property for use as a business. He said this is a business use, too.

Manager Mills explained that this use of city property would be to provide better service to the citizens.

Dennis Rowe, representing Priority Ambulance, explained that one ambulance would be dedicated to the City of Loudon; two ambulances would be dedicated to Lenoir City with a third as a standby vehicle and staffed during the day until 6:00 P.M. The third ambulance would then be an on-call vehicle. He said if the ambulance in Loudon was on a call, one from Lenoir City would come to Loudon. As to the stationing of an ambulance at the police and fire building, he said they would be willing to pay fair market rent or could possibly get a separate building.

A motion was made by Councilmember Cartwright, seconded by Councilmember Jones that the following resolution be passed:

#### **RESOLUTION NO. 2014-18**

##### **AUTHORIZING AGREEMENT WITH PRIORITY AMBULANCE**

Upon a vote, the AYES were: Cartwright, Jones and Keller; the NAYS were: Millsaps and Parks. Mayor Keller declared the resolution passed.

Mayor Keller presented a resolution accepting the bid from Merit Construction in the amount of \$1,290,844 for the pool rehabilitation. A motion was made by Councilmember Jones, seconded by Councilmember Millsaps that the following resolution be passed:

#### **RESOLUTION NO. 2014-19**

##### **ACCEPTING THE BID FOR THE LOUDON MUNICIPAL POOL CONSTRUCTION**

Upon a vote, the resolution unanimously passed.

Dr. Bud Guider thanked city council on behalf of the Recreation Advisory Committee for proceeding with the swimming pool improvements.

Mayor Keller presented a resolution authorizing the purchase and installation of a LED message center to be located downtown on the corner of Poplar Street and Mulberry Street. The low bidder for the sign was Flynn Sign Company, Inc. (\$17,312.00). A motion was made by Councilmember Millsaps, seconded by Councilmember Parks that the following resolution be passed:

**RESOLUTION NO. 2014-20**

**AUTHORIZING THE PURCHASE AND INSTALLATION OF  
SIGNAGE IN THE DOWNTOWN COURTHOUSE SQUARE AREA**

Upon a vote, the resolution unanimously passed.

Mayor Keller presented a resolution establishing pay for Dixie Youth certified umpires at \$30 per game. A motion was made by Councilmember Parks, seconded by Councilmember Jones that the following resolution be passed:

**RESOLUTION NO. 2014-21**

**ESTABLISHING A RATE OF PAY FOR DIXIE YOUTH CERTIFIED  
UMPIRES FOR DIXIE YOUTH BASEBALL GAMES**

Upon a vote, the resolution unanimously passed.

Manager Mills reported that former councilmember, Lewis Garner, questioned the policy restricting his use of the Lions Club Pavilion to hold auctions.

Attorney Ford advised that without a policy in place, there is no basis to deny the use.

Recreation Director Harrell explained that Mr. Garner had asked for the fee to be waived until after the auction. He said their policy had always been that the pavilion was not reserved until the fee was received. This request to not pay the fee up front is what created the issue.

Mayor Keller asked that the Recreation Advisory Committee work on formal policies for use of the facilities.

It was the concurrence of city council that the current policy of the Lions Club Pavilion not being reserved until the fee is received be continued without exception.

There being no further business, Mayor Keller adjourned the meeting at 8:50 P.M.

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Recorder

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Mayor