

REGULAR MEETING
LOUDON CITY COUNCIL
August 16, 2010

The regular meeting of the Loudon City Council was held on August 16, 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 Mike Cartwright, Lewis Garner, and Lynn Millsaps. Councilman Eugene Lambert 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 twelve citizens 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 July 19, 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 July 19, 2010.**

Council considered the administrative approval of the purchase of gasoline and diesel fuel (\$2.1124 per gallon for unleaded plus gasoline and \$2.1319 per gallon for diesel fuel) on July 19, 2010 from the low bidder Pilot Travel Centers LLC and on August 10, 2010 from the low bidder Rogers Petroleum (\$2.177 per gallon for unleaded plus gasoline and \$2.2615 for diesel fuel). **A motion was made by Councilman Cartwright, seconded by Councilman Garner to administratively approve the purchase of gasoline and diesel fuel (\$2.1124 per gallon for unleaded plus gasoline and \$2.1319 per gallon for diesel fuel) on July 19, 2010 from Pilot Travel Centers LLC. Upon a vote all voted AYE except Councilman Millsaps who voted NAY.** He stated that he objected to purchasing from Pilot due to the lack of reimbursement of legal fees (per verbal agreement) incurred by the city when Pilot sued the city and ultimately dropped the suit.

After some discussion, **a motion was made by Councilman Cartwright, seconded by Councilman Millsaps and unanimously approved to no longer accept bids from Pilot Travel Centers LLC.**

A motion was made by Councilman Millsaps, seconded by Councilman Garner and unanimously passed to administratively approve the purchase of gasoline and diesel fuel (\$2.177 per gallon for unleaded plus gasoline and \$2.2615 per gallon for diesel fuel) from Rogers Petroleum on August 10, 2010.

Manager Mills stated that at the workshop meeting council had indicated its desire to name facilities in Loudon Municipal Park recognizing people who have been instrumental in the construction of infrastructure in the park. He recommended the playground at the new Lions Club Pavilion be named in honor of Mr. John Gentry who was in charge of its construction, but passed away before it was completed. **A motion was made by Councilman Millsaps, seconded by Councilman Cartwright and unanimously passed to name the playground at the Lions Club Pavilion in honor of Mr. John Gentry.**

Manager Mills stated that Curtis Excavating had donated the hauling of 2800 truckloads of dirt to fill in the lower area of the park to build a soccer field. He said the Recreation Advisory Committee had recommended naming the future football field at Loudon Municipal Park the Ralph "Butch" Curtis field in recognition of his donated manpower and equipment which was used as an in-kind service match for a recreation grant. **A motion was made by Councilman Garner, seconded by Councilman Cartwright and unanimously passed to name the future football field at Loudon Municipal Park the Ralph "Butch" Curtis field.**

Mayor Swiney thanked the Curtis family and employees as well as the Gentry family for their support in making these facilities in Loudon Municipal Park possible.

Manager Mills reported that the Recreation Advisory Committee had also recommended that a plaque be placed at the dog park in recognition of Mr. Gene Gammons' donation of \$10,000 to build restrooms at the dog park. **A motion was made by Councilman Cartwright, seconded by Councilman Millsaps and unanimously passed to recognize Mr. Gene Gammons with a plaque to be installed at or near the dog park in Loudon Municipal Park.**

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

**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, 014.00 FROM R-1 LOW DENSITY
RESIDENTIAL TO P-1 PROFESSIONAL/CIVIC DISTRICT**

Upon a vote the AYES were: Garner, Millsaps, Cartwright and Swiney. Mayor Swiney declared the ordinance passed on first reading. He called for a public hearing to be held at 7:15 P.M. on September 20, 2010.

Mayor Swiney presented a resolution accepting a \$300,000 HOME grant. A motion was made by Councilman Millsaps, seconded by Councilman Cartwright that the following resolution be passed:

RESOLUTION NO. 2010-27

**ACCEPTING A \$300,000 HOME GRANT FROM THE TENNESSEE
HOUSING DEVELOPMENT AGENCY**

Upon a vote, the resolution was unanimously approved.

Mayor Swiney presented a resolution authorizing a contract with Brown Pearman Russell LLC to administer the HOME grant. A motion was made by Councilman Garner, seconded by Councilman Cartwright that the following resolution be passed:

RESOLUTION NO. 2010-28

**AUTHORIZING CONTRACT WITH BROWN PEARMAN RUSSELL, LLC
FOR HOUSING REHABILITATION RELATED SERVICES**

Upon a vote, the resolution was unanimously approved.

Mayor Swiney presented a resolution to approve Superior Pavement Marking, Inc. to paint approximately thirty (30) linear miles of streets. A motion was made by Councilman Millsaps, seconded by Councilman Garner that the following resolution be passed:

RESOLUTION NO. 2010-29

ACCEPTING A PROPOSAL FOR STREET PAINTING

Upon a vote, the resolution was unanimously approved.

Council considered the donation of a 1997 Ford Crown Victoria to the Loudon County Fire Rescue. A motion was made by Councilman Cartwright, seconded by Councilman Garner that the following resolution be passed:

RESOLUTION NO. 2010-30

**APPROVING THE DONATION OF 1997 FORD CROWN
VICTORIA TO THE LOUDON COUNTY FIRE RESCUE**

Upon a vote, the resolution was unanimously approved.

Council considered extending the deadline to October 15, 2010 for the third round of grant applications for the Courthouse Square Revitalization Act Commercial Building Rehabilitation Program. A motion was made by Councilman Millsaps, seconded by Councilman Cartwright that the following resolution be passed:

RESOLUTION NO. 2010-31

**EXTENDING THE DEADLINE FOR THE THIRD ROUND OF GRANT
APPLICATIONS FOR THE CITY OF LOUDON'S COURTHOUSE SQUARE
REVITALIZATION COMMERCIAL BUILDING REHABILITATION PROGRAM**

Upon a vote, the resolution was unanimously approved.

Council considered the approval of the purchase of equipment for the fire department. A motion was made by Councilman Millsaps, seconded by Councilman Cartwright that the following resolution be passed:

RESOLUTION NO. 2010-32

**APPROVING EXPENDITURES OF A GRANT FROM THE DEPARTMENT
OF HOMELAND SECURITY AND THE FEDERAL EMERGENCY MANAGEMENT
AGENCY TO PURCHASE EQUIPMENT FOR THE FIRE DEPARTMENT**

Upon a vote, the resolution was unanimously approved.

Manager Mills explained that a representative of Purdy Brothers Trucking Company and Loudon County Trucking Company had requested the waiver of penalty and interest on their 2009 property taxes. They had appealed to the state in February regarding the appraisals of the businesses. There was confusion regarding payment. **A motion was made by Councilman Garner, seconded by Councilman Millsaps and unanimously passed to waive the penalty and interest on the 2009 property taxes for Purdy Brothers Trucking Company and Loudon County Trucking Company.**

Manager Mills reported that after the review of several requests for proposals, the Courthouse Square Revitalization Committee had recommended that Tommy Stokes be retained to create a city wide branding and marketing program. **A motion was made by Councilman Garner, seconded by Councilman Cartwright and unanimously passed to hire Tommy Stokes to develop a branding and marketing program for the City of Loudon.**

Council considered the sale of property in Highlands Business Park to Tennessee Packaging, a Division of Buckeye Corrugated, Inc. Attorney Arnold reported that the attorneys for Buckeye Corrugated had requested title insurance. He recommended against providing it because the purchaser usually pays for title insurance. A motion was made by Councilman Cartwright, seconded by Councilman Millsaps that the following resolution be passed:

RESOLUTION NO. 2010-33

**APPROVING THE SALE OF CERTAIN REAL PROPERTY IN HIGHLANDS
BUSINESS PARK TO TENNESSEE PACKAGING CO., A DIVISION OF
BUCKEYE CORRUGATED, INC., AN OHIO CORPORATION**

Upon a vote, the resolution was unanimously approved.

Manager Mills reported that the fire chief was requesting to make application for three positions to be funded with funds from a 2010 SAFER grant. The chief told him that the deadline to apply had been moved up, therefore, authorization to apply would be needed from council at this meeting. After considerable discussion, **a motion was made by Councilman Cartwright, seconded by Councilman Garner authorizing the application for a SAFER grant to fund one full time and one job shared firefighter position with final approval contingent on the evaluation of cost. Upon a vote, Cartwright and Garner voted AYE, Millsaps voted NAY, Swiney ABSTAINED.** Mayor Swiney declared the motion passed.

Mayor Swiney called for an executive session. A motion was made by Councilman Garner, seconded by Councilman Cartwright and unanimously passed to recess to an executive session at 8:43 P.M.

EXECUTIVE SESSION

Mayor Swiney called the executive session to order at 8:44 P.M. Those present were Councilmen Cartwright, Garner and Millsaps; Mayor Swiney; City Manager Mills; City Recorder Putkonen and City Attorney Arnold.

The purpose of the executive session was to discuss potential litigation regarding letters of credit and a bond for Hampton Place and Queener Road.

Mayor Swiney adjourned the executive session at 9:24 P.M.

Mayor Swiney reconvened the regular meeting at 9:29 P.M. He asked if there was any action to consider.

A motion was made by Councilman Garner, seconded by Councilman Cartwright and unanimously passed to direct the city manager to make demand on United Community Bank on two letters of credit concerning Hampton Place and also to make demand on bond of the Cincinnati Insurance Company concerning the same project and authorize the city attorney to initiate legal action to collect the same.

There being no further business, Mayor Swiney adjourned the meeting at 9:31 P.M.

Recorder

Mayor