

March 9, 2015

The City Council met in a Public Hearing at 6:50 P.M. The Public Hearing was in regards to an Ordinance to regulate vicious or potentially dangerous animals within the City of Lenoir City, Tennessee. Ms. Leslie Caldwell spoke regarding this Ordinance and distributed photographs of dogs. She stated that if an animal is deemed vicious, the owner of the animal should be penalized for the actions of their animal. Ms. Caldwell asked that the word "chain" be removed from the Ordinance. Ms. Caldwell also pointed out that if a dog lives outside, they should be brought inside during extreme weather conditions. Ms. Carla Welch spoke regarding this Ordinance expressing her concern about keeping the Ordinance non-breed specific (which it is), and also that the City needs to target the irresponsible owners. She also agreed with Ms. Caldwell with regard to treatment of animals during extreme weather conditions. Mr. Jim Scott (Attorney) pointed out that the Ordinance does not only address dogs, but instead it addresses all animals. The City Council met in another Public Hearing at 6:55 P.M. The Public Hearing was in regards to an Ordinance to designate a handicapped parking space in front of the residence located at 410 West 5th Avenue in Lenoir City, Tennessee. Following the Public Hearings, City Council met in its regularly scheduled meeting at 7:00 P.M. Mayor Aikens and the following Councilmen were present: Henline, Hines, Johnson, Shields, and Simpson. Wampler ABSENT. James W. Wilburn, III., James K. Scott, and Amber Scott were also present.

A motion was made by Henline and seconded by Hines to approve the minutes of the February 9, 2015 City Council meeting. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

Mayor Aikens asked for comments from citizens regarding an item/items on the agenda. The City Council heard from Carla Welch (expressed that Ordinance should remain non-breed specific), Becki

Hopson (concerned about training officers), Chuck Gibson (concerned about education of those with authority to enforce the Ordinance and wording of the Ordinance), and Connie Sledzinski (in favor of Ordinance) regarding Item Number One of the agenda. The City Council heard from Sherry Carter on Item Number Three (asking City Council not to overturn the Board of Zoning Appeals' [BZA] decision regarding denial of variance/building permit; Vanessa Johnson on Item Number Three (asking City Council to uphold the BZA ruling – Ms. Johnson is the adjoining property owner to the property in question); Kenneth Wilkerson (resident of Hamilton Subdivision asking City Council to uphold BZA ruling; April Lester (owner of property in question – she was told it was a lot of record and could have a building permit as long as property met the set-back requirements); and Andrea Carter (resides next to the property in question – says Lester was advised incorrectly). The City Council heard from Chuck Fisher of Furrow Actions regarding sale of property owned by Lenoir City Company.

A motion was made by Henline and seconded by Johnson to adopt Ordinance to regulate vicious or potentially dangerous animals within the City of Lenoir City, Tennessee. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

Second and Final Reading. Ordinance 2015-03-09-2082A.

A motion was made by Hines and seconded by Johnson to adopt Ordinance to designate a handicapped parking space in front of the residence located at 410 West 5th Avenue in Lenoir City, Tennessee. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

Second and Final Reading. Ordinance 2015-03-09-2082B.

A motion was made by Henline and seconded by Shields to seek written opinion from MTAS (Municipal Technical Advisory Service) on whether or not the issue would have needed to come before the BZA if the lot of record met the required set-backs. The following vote was recorded:

Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

No vote was made on the First Reading of an Ordinance to vacate identified Right-of-Ways for portions of: Cherry Street and F Street and Third, Fourth, Fifth, Eighth, and Ninth Avenues, and their associated Alley-Ways and return the underlying property to the adjoining property owners currently identified as Lenoir City Company.

A motion was made by Johnson and seconded by Shields to adopt a Resolution authorizing and providing for the financing of the construction of a Wastewater Facilities Project, including authorizing the execution of applications, contractual agreements, and other necessary documents, and making certain representations, certifications, and pledges of certain revenue in connection with such financing. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

Resolution 2015-03-09-2083A.

A motion was made by Johnson and seconded by Henline to adopt Resolution regarding First Amendment to the Retirement Income Plan for Employees of the City of Lenoir City. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

Resolution 2015-03-09-2083B.

A motion was made by Johnson and seconded by Simpson to approve Purchasing Committee's recommendation regarding award of contract to Richardson Roofing for \$12,950.00 for roof replacement at War Memorial Building. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

A motion was made by Johnson and seconded by Shields to approve Purchasing Committee's recommendation regarding selection of contractor regarding replacement of garage doors at Fire Station Two. The selected contractor is WM. S. Trimble for replacement of four (4)

garage doors and four (4) garage door openers at a cost of \$12,389.00. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

A motion was made by Simpson and seconded by Shields to approve Purchasing Committee's recommendation regarding granting permission to go to bid for 2014-2015 Paving Contract. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

A motion was made by Johnson and seconded by Shields to approve Purchasing Committee's recommendation regarding adoption of the TDOT prescribed Consultant Selection Policy for projects funded by FHWA (Federal Highway Administration) or TDOT Funds. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

A motion was made by Henline and seconded by Johnson to adopt Resolution authorizing the Mayor to submit an application to THDA (Tennessee Housing Development Agency) for the 2013-2014 H.O.M.E. Program. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

Resolution 2015-03-09-2084.

A motion was made by Simpson and seconded by Henline to approve a Memorandum of Understanding for the "Agreement for Automatic Aid Assistance" between the City of Lenoir City and the City of Loudon Fire Departments. This agreement would be in place for structure fires only. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

A motion was made by Simpson and seconded by Henline to approve road closure at Town Creek Parkway for the First Annual Angie Selvidge Memorial 5K Race. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

A motion was made by Henline and seconded by Simpson to approve permanent full-time employment for Nicholas Halsey, six (6) months probationary period satisfactorily completed. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

Mr. Wilburn reported that there are no findings on the audit report, and the City has over \$3 million in reserves. He expressed thanks to the City employees for their work.

Mayor Aikens asked for comments from citizens regarding an item/items not on the agenda.

A motion was made by Simpson and seconded by Henline to approve all bills and accounts to be paid when properly approved and funds available. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

A motion was made by Henline and seconded by Johnson to adjourn the March 9, 2015 meeting. The following vote was recorded: Henline, Hines, Johnson, Shields, and Simpson voting **AYE**. Wampler **ABSENT**.

James W. Wilburn, III., Recorder

Tony R. Aikens, Mayor