

August 13, 2018

The City Council of Lenoir City met in a Public Hearing at 5:55 P.M. The purpose of the Public Hearing was to adopt an Ordinance amending Title 11 of Lenoir City Municipal Code, more commonly known as Lenoir City Zoning Ordinance, amending Chapter 4, Zoning Districts, to amend Section 11-410, M-2 Heavy Industrial District. Mayor Aikens and the following Council members were present: Henline, Hines, Johnson, Shields, Simpson, and Wampler. Amber Scott-Kelso, Gregory Harrison, and James W. Wilburn, III. were also present.

Mayor Aikens asked for comments from citizen regarding an item/items on the agenda.

A motion was made by Simpson and seconded by Wampler to approve the minutes of the July 23, 2018 meeting. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

A motion was made by Shields and seconded by Simpson to adopt an Ordinance to amend Title 11 of the Lenoir City Municipal Code, more commonly known as the Lenoir City Zoning Ordinance, amending Chapter 4, "Zoning Districts," to amend Section 11-410, M-2 Heavy Industrial District. (Junk Yards and/or Salvage Yards). The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

**Second and Final Reading. Ordinance-2018-8-13-2201.**

A motion was made by Hines and seconded by Wampler to adopt an Ordinance to rezone property located at 1015 East 1<sup>st</sup> Avenue from R-2 Medium Density Residential District to C-3 Highway Commercial District. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

**First Reading.**

A motion was made by Simpson and seconded by Shields regarding an Ordinance to amend off-street parking regulations within residential districts. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

**First Reading.**

A motion was made by Shields and seconded by Henline to approve the contract between the City of Lenoir City and Tennessee Department of Transportation for a Diesel replacement grant. \$403,200.00 Federal and the City \$100,800.00 total Grant Contract Amount \$504,000.00. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

A motion was made by Henline and seconded by Johnson to authorize Steve Harrelson, Park and Recreation Director, to go out to bid for two Parks and Recreation vehicles (fleet program). The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

A motion was made by Henline and seconded by Johnson to approve a license agreement with the Tennessee Department of Transportation for permission to construct the Downtown Streetscapes Phase 2 Project along Broadway/US Highway 11 in Lenoir City. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

A motion was made by Johnson and seconded by Hines to approve the Mayoral appointment renewal of Group B for a six (6) year term: Van Simmons and Glen Hill to the Lenoir City Industrial Development Board. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

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

A motion was made by Wampler 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, Simpson and Wampler voting **AYE**.

**Executive Session Held – after being called by City Attorney, Gregory Harrison.**

Mayor Aikens called meeting back to order after Executive Session concluded.

A motion was made by Shields and seconded by Wampler to recess the meeting until Thursday, August 16, 2018 at 10:30 A.M. to be held in the Lenoir City Council Room. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson and Wampler voting **AYE**.

**August 16, 2018 at 10:30 A.M. – Lenoir City Council Room.**

Mayor Aikens called the previously recessed meeting back to order.

Roll Call: Henline- present, Hines- present, Johnson- present, Shields- present, Simpson- present, and Wampler-present. Also present were Amber Scott-Kelso, Gregory Harrison, and James W. Wilburn, III.

Resumption of August 13, 2018 meeting regarding unfinished business.

A motion was made by Simpson and seconded by Henline to add item #9 to the meeting agenda for the recessed session of City Council's regular meeting on Monday, August 13, 2018. The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson, and Wampler voting **AYE**.

Mayor Aikens asked for comments from citizens regarding an item/items on the agenda.

Ms. Pat Hunter – Loudon County, TN – concerning members of City Council being employed by Lenoir City Utilities Board at the time of selection, as well as compensation and insurance provided to City Council.

Mr. Van Shaver – Loudon County, TN – concerning Ms. Earlena Maples being informed or invited to the meeting.

Mayor Aikens called for a 15-minute recess at 10:40 A.M.

Mayor Aikens called the meeting back to order at 10:55 A.M.

City Attorney, Gregory Harrison, states that the four (4) Councilpersons who are on the November ballot need to consider whether to vote or not vote on agenda item #9 – City Attorney opines that the four (4) Councilpersons have an indirect conflict; however, after reading a conflict statement (as provided by law), they would be able to vote on said item #9, if they elect to do so.

A motion was made by Shields, and he read the following statement (as provided by law): "Because I am an employee of City of Lenoir City, I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents", and then seconded by Simpson to authorize the Lenoir City Attorney to take all reasonable and appropriate action required or necessary to timely contest the qualification of Earlena Maples to run as a candidate for elected office to the Lenoir City Council per the requirements of TCA §7-51-1501, and the Lenoir City Charter in the City's upcoming municipal election currently underway and which concludes on November 6, 2018, including without limitation the filling of a petition and any other documents or pleadings required or necessary with the Loudon County Election Commission, and if required to preserve any appeal rights of Lenoir City in such matter before City Council can be convened to consider and authorize the same, also with the Chancery Court of Loudon County or other appropriate court, and to take such further actions as may be required or which he deems necessary to defend and protect the integrity of said municipal election in accordance with the requirements of state law and the Lenoir City Charter, including specifically incurring on behalf of Lenoir City any necessary court filing fees and costs of litigation (court reporting fees, required cost bonds, etc.) to properly prosecute and defend such matter. The following vote was recorded: Councilman Henline voted **AYE**, and he read the following statement (as provided by law): "Because I am an employee of City of Lenoir City, I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents." Councilman Hines voted **AYE**, and he read the following statement (as provided by law): "Because I am an employee of City of Lenoir City, I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents." Councilman Johnson **PASSED**. Councilman Shields voted **AYE**; Councilman Simpson voted **AYE**, Councilwoman Wampler voted **AYE**, and she read the following statement (as provided by law): "Because I am an employee of City of Lenoir City, I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to

my obligation to my constituents and the citizens this body represents.” 5 AYES, 1 PASS. **Motion Carried.**

A motion was made by Henline and seconded by Wampler to adjourn the August 16, 2018 meeting (from the recessed August 13, 2018 meeting). The following vote was recorded: Henline, Hines, Johnson, Shields, Simpson, and Wampler voting **AYE**.

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James W. Wilburn, III., City Recorder-Treasurer

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Tony Aikens, Mayor