

March 10, 2025

The Lenoir City Council met in a Public Hearing on Monday, March 10, 2025 at 5:50 P.M. The purpose of the Public Hearing was for Ordinance to amend/adopt Sections Title 12, Building, Utility, etc. Code, Chapter 4 Title 16, Streets and Sidewalks, etc., Chapters 2 and 3 Title 18, Water and Sewers, Chapters 1 2, 3, 4, and 5 Title 19, Electricity and Gas, Chapter 2 of the Ordinances of the City of Lenoir City. Following the Public Hearing, the City Council met in its regularly scheduled City Council Meeting. Mayor Tony Aikens and the following Council Members were present: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson. Amber Scott Kelso, Maggie Hunt, Shawn Bunch, Jim Wilburn, LaVonne Barbour, and Walter Johnson were also present.

A motion was made by Brandon and seconded by Shields to approve the minutes of the February 24, 2025 meeting. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

Mayor Aikens requested to add Agenda Item # 7 for discussion and/or appointment of Judge considering the recent Tennessee Supreme Court ruling. A motion was made by Wampler and seconded by Kennedy to add the item to the agenda. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

Councilwoman McNabb announced that the committee for the warming center held their first meeting.

A motion was made by Simpson and seconded by Wampler to accept the agenda as written, with the addition of adding item #7.

Mayor Aikens asked for comments from citizens regarding an item/items on the Agenda. Mr. Wayne Collins addressed the Mayor and City Council concerning the judge's position (sheet attached to minutes).

A motion was made by Simpson and seconded by Brandon to adopt Ordinance to amend/adopt Sections, Title 12, Building, Utility, Etc. Code, Chapter 4 Title 16, Streets and Sidewalks, etc., Chapter 2 and 3 Title 18, Water and Sewers, Chapters 1,2,3,4,and 5 Title 19, Electricity and Gas, Chapter 2 of the Ordinances of the City of Lenoir City, Tennessee. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

Second and Final Reading. Ordinance. 2025-03-10-2426-O.

A motion was made by Brandon and seconded by Shields to approve street closures for certain Downtown Merchants Association Events. The following events are included: Saturday, April 12, 2025 from 1:00 P.M. – 7:00 P.M. for Spring Fling Event with Street Closure of Broadway from Kingston Street to C Street and Depot Street from Nelson Street to Roane State parking lot entrance; Friday, May 16, 2025 from 4:00 P.M. – 9:00 P.M. for Nights on Broadway with Street Closure of Broadway from Kingston Street to C Street and Depot Street from Nelson Street to Roane State parking lot entrance; and Friday, June 20, 2025 from 4:00 P.M. to 9:00 P.M. for Nights on Broadway Event with Street Closure of Broadway to Kingston Street to C Street and Depot Street from Nelson Street to Roane State parking lot entrance. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

A motion was made by Simpson and seconded by Brandon to approve the Planning Commission's recommendation to adopt Ordinance to amend the Zoning Map of the City of Lenoir City, Tennessee pursuant to §13-7-204 of the Tennessee Code Annotated, to rezone properties located at Kirk Avenue and Old Highway 95 from C-3 Highway Commercial District to R-2 Medium Density Residential District. The following vote was recorded: Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**. McNabb voting **NO**. **First Reading.**

A motion was made by Kennedy and seconded by Simpson to adopt Resolution amending Part 6: Time-Off Benefits and Leaves of Absence, Section 6.1: Sick Leave of the Employment Policies and Procedures. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**. **Resolution. 2025-03-10-2426-R.**

A motion was made by Shields and seconded by Kennedy to approve going to bid for removal and installation of new engine for fire apparatus for 2010 pumper truck. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

A motion was made by Brandon and seconded by Shields to approve Ms. Mandie Cox for permanent full-time employment at The Venue, six (6) months probationary period satisfactorily completed. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

Mayor Aikens read a statement concerning the Tennessee Supreme Court Ruling on the position of City Judge, and the vacated position of City Judge was offered to Ms. Robin McNabb. Ms. McNabb asked for time to consider the position.

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

A motion was made by Simpson and seconded by Brandon to recess the meeting until Wednesday, March 12, 2025 at 6:00 P.M. to be held in the Lenoir City Council Room. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

Wednesday, March 12, 2025 at 6:00 P.M. – Lenoir City Council Room.

Mayor Aikens called the previous meeting back to order.

Roll Call: McNabb-present, Wampler- present, Kennedy- present, Shields-present, Brandon-present, Simpson-present. Also present were Amber Scott Kelso, Walter Johnson, Jim Wilburn, Maggie Hunt, and LaVonne Barbour.

Mayor Aikens reviewed an email from Ms. McNabb concerning her decision for the position of Judge (attached to minutes).

City Attorney Walter Johnson gave his opinion on the email received from Ms. McNabb.


Ms. Robin McNabb stated that in order for her to accept the position of City Judge, she demands back pay in the amount of \$197,346.26; to have the term run until August 2030 (removing the requirement for her to run for the office in August 2026), thus allowing her to finish the full eight year term from August 2022 to August 2026; and have City Council adopt an Ordinance pronouncing her the winner of the August 2022 election for City Judge. Mayor Aikens explained that the Mayor and City Council do not have the authority to pay back pay or not require her to run for the office in August 2026. This would need to be done by obtaining a court order, and/or a letter from the Comptroller. Ms. Robin McNabb declined to accept the position of City Judge.

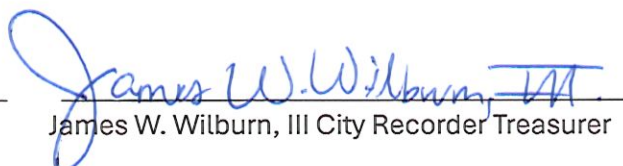
Mayor Aikens requested consideration of Mr. Walter Johnson to fill the role of City Judge until the next election in August 2026, or before, contingent upon court ruling.

A motion was made by Brandon and seconded by Simpson to allow Mayor Aikens to appoint Mr. Walter Johnson to the role of City Judge until it is placed on the ballot in August 2026, or before, contingent upon court ruling.

A motion was made by Wampler and seconded by Simpson to approve all bills to be paid when properly approved and funds are available. Ms. McNabb did question/mention a letter that she had in her possession regarding an invoice from Loudon County 911 that states the City owes them funds. Mayor Aikens explained that a few years ago the City agreed to give Loudon County 911 a one-time contribution, and the City never promised to keep giving the contribution. The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.

A motion was made by Kennedy and seconded by Shields to adjourn the March 12, 2025 meeting (from recessed March 10, 2025 meeting). The following vote was recorded: McNabb, Wampler, Kennedy, Shields, Brandon, and Simpson voting **AYE**.


Tony R. Aikens, Mayor


James W. Wilburn, III City Recorder Treasurer

LENOIR CITY COUNCIL MEETING

MEETING CITY OF LENOIR CITY
TIME 6:00 P.M.
LOCATION CITY HALL - 530 HWY 321 N, LENOIR CTY, TN 37771

NO	NAME	PHONE	EMAIL	HOME ADDRESS	I WANT TO SPEAK ON:
1	Wayne	Collin	61654291058	171 Doyle St	
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Walter Johnson, Esq.
City of Lenoir City
521 Hwy. 321 N
Lenoir City, TN 37771
(via e-mail)

March 12, 2025

Mr. Johnson,

Thank you for taking the time to talk with me yesterday afternoon. I have attached some cases about the winning election contestant being entitled to collect back pay from the governing entity, per the Mayor's request Monday night. As I mentioned on the phone, the back pay issue (if I have to pursue it in court) would be a separate lawsuit against the City, not against Mr. Harrison. And of course, it could not have been timely until the Supreme Court issued its ruling. I hope you agree that additional litigation siphons away taxpayer money that could be better spent on services directly benefiting our residents.

I sent you the fax-filed Motion to Amend in the election contest for your information. If Chancellor McFarland grants my motion to amend and Amanda Smith is joined in the lawsuit, the Chancellor would then have all of the necessary parties before him to determine that I am the winner of the election by virtue of being the only qualified candidate. This would preclude the need for another judicial election in August of 2026. Ms. Smith is aware of the need for her to be added as a defendant, and she has graciously consented.

I plan to ask Chancellor McFarland for an award of discretionary costs, in addition to the typical court costs. Court costs were taxed to Mr. Harrison, so I expect that the City will end up paying those. (The discretionary costs requested would be the court reporter per diem and the cost of the transcript.) The total should be less than \$2,000.

I am willing to waive my request for any compensation for my time/legal fees if we can resolve the back pay and other issues.

I requested salary information from Ms. Hunt recently for several City employees, including Mr. Harrison. A spreadsheet of Mr. Harrison's judicial wages is attached. I added the expected paycheck for March 17; that amount may need to be adjusted. But as it stands, the total paid to Mr. Harrison during his judicial tenure with a full 03/17 paycheck is \$197,346.26.

The Mayor and City Council chose to advocate, campaign for, raise money for, and even change the City's ordinances in support of Mr. Harrison, the City of Lenoir City's city attorney and the Mayor's personal attorney. Our City's elected officials deliberately

Walter Johnson, Esq.
City of Lenoir City
March 12, 2025
Page 2 of 3

interfered with what should have been an independent, neutral election by reducing the judge's salary 90% on the last day of the qualifying deadline, allegedly due to my poor performance as a judge (even though such concerns were never raised with me directly). Lies were spread about me, and I was forced to defend vague and baseless allegations from multiple sources. To put the nail in the coffin, the Mayor appointed my then-neighbor, who hates me, as a member of the committee that voted to increase the judge's salary back to its previous level AFTER Mr. Harrison was elected. I looked up the statute dealing with election interference – it accurately describes the conduct of City Council and the Mayor during the 2022 election cycle.

The Mayor and some members of City Council plotted aggressively to install their favorite, Mr. Harrison, into the judge's seat. They were initially successful, but lost in the end. Before City Council held the second vote to change in the judge residency ordinance in 2021, I warned them in a public meeting that what they were doing violated the state Constitution. They proceeded anyway.

The City has paid Mr. Harrison roughly \$197,000 in wages since the election. I feel confident that if I continue with the election contest lawsuit, followed by a lawsuit against the City for back pay, I will prevail. So that will be another \$197,000 out of the City's coffers to the person who should have been elected in August 2022, but for the interference of the Mayor and City Council.

City Council has already paid \$45,700 in legal fees for Mr. Harrison's defense in the election contest. If additional litigation is necessary to reach the result that should have happened in 2022, I am willing to do that. The City will continue to rack up legal fees, presumably. I would prefer to avoid such a waste of money for both sides, but that decision is out of my hands.

Despite the kind words in Monday night's meeting, I am aware that the judge offer is rooted in the belief that I will be less disruptive as City Judge than in my current role as Councilwoman. Perhaps I should be flattered.

However, I will not agree to return to the judgeship unless I am restored to the rights and benefits that I would have had if I had been permitted to serve as municipal judge for the entirety of the current judicial term. I will not agree to a situation that would require me to run for election again next year in order to keep the judge's seat.

Please let the Mayor and City Council know that I will agree to be reinstated as City Judge as the rightful winner of the 2022 election (note: not appointed as City Judge for a year and a half) to serve until the expiration of the current judicial term in August of 2030 under certain conditions:

Walter Johnson, Esq.
City of Lenoir City
March 12, 2025
Page 3 of 3

- (1) City Council will pay my court costs (which would technically be taxed to Greg Harrison) and back pay (appx. \$199,500).
- (2) City Council and the Mayor will also adopt an ordinance confirming that I am the rightful winner of the election in light of the March 7 Supreme Court ruling, and that the City will not request that the judgeship be placed on the August 2026 ballot. This is also subject to working out the legalities of the election contest in such a manner that I am declared the election winner in that lawsuit by final order. A copy of this ordinance and the election contest order will be transmitted to the Election Commission as well.

I completely understand if this is more than City Council and the Mayor are willing to agree to. I plan to recuse myself from any vote in the matter for obvious reasons. Of course, I may be awarded part or all of this relief through continued litigation, in which case the City will end up paying double salaries and additional legal fees in the interim).

If my proposal is unacceptable, I will happily continue to serve on City Council and find ways to help our community in that role.

Best wishes,

Robin M. McNabb

cc: Amber Kelso, City Administrator (via e-mail)