

ORDINANCE NO. 16-432

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TITLE 1, CHAPTER 1: BOARD OF MAYOR AND ALDERMEN AND TITLE 4, CHAPTER 2, RELATING TO PERSONNEL POLICIES AND PROCEDURES

WHEREAS, the Tennessee Code Annotated § 6-3-106(b) authorizes the Board of Mayor and Aldermen to designate who shall administer the business of the Town of Mount Carmel, Tennessee; and

WHEREAS, at the December 29, 2015 special meeting of the Board of Mayor and Aldermen Ordinance No. 16-700 was approved on first reading, delegating duties over employees to department heads, and duties over department heads to the Board of Mayor and Aldermen; this Ordinance No. 16-432 which if approved as a second reading will be signed into law, serves to amend and clarify portions of Ordinance No. 16-700:

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Alderman of the Town of Mount Carmel, Tennessee, that:

Section 1. The Code of Ordinances shall be and is hereby amended by adding a new Section, Section 1-106, which shall read as follows:

Pursuant to Tennessee Code Annotated § 6-3-106(b), the Board of Mayor and Aldermen is hereby designated to perform all of those duties set forth in Tennessee Code Annotated § 6-3-106(b)(2), which duties consist of employing, promoting, disciplining, suspending, and discharging all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the board.

Section 2. The Code of Ordinances shall be and hereby is amended by amending Section 4-201, by designating the existing language as subsection (a) and adding a new subsection (b) which shall read as follows:

- (b) The head of each department of the Town of Mount Carmel shall employ, promote, discipline, suspend and discharge all employees within their respective departments in accordance with the personnel policies and procedures adopted by the Board of Mayor and Aldermen.

MOTION: Alderman Chris Jones			
SECOND: Alderman Margaret Christian			
FIRST READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN MARGARET CHRISTIAN	X		
ALDERMAN WANDA DAVIDSON	X		
ALDERMAN CHRIS JONES	X		
ALDERMAN CARL WOLFE		X	
VICE-MAYOR PAUL HALE		X	
MAYOR LARRY FROST		X	
TOTALS	4	3	0

PASSED FIRST READING: December 29, 2015

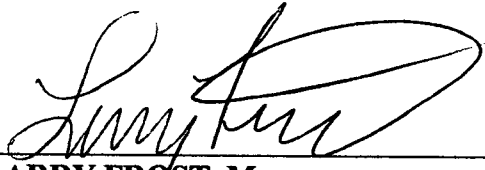
MOTION: Alderman Chris Jones			
SECOND: Alderman Margaret Christian			
SECOND READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN MARGARET CHRISTIAN	X		
ALDERMAN WANDA DAVIDSON	X		
ALDERMAN CHRIS JONES	X		
ALDERMAN CARL WOLFE			Absent
VICE-MAYOR PAUL HALE		X	
MAYOR LARRY FROST		X	
TOTALS	4	2	1

PASSED FIRST READING: January 26, 2016

PUBLICATION AFTER PASSAGE:

DATE: January 28, 2016

NEWSPAPER: *Kingsport Times-News*



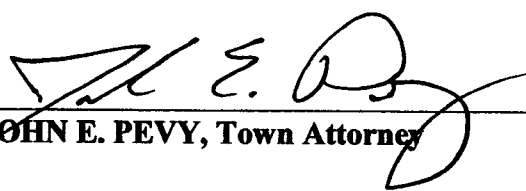
LARRY FROST, Mayor

ATTEST:

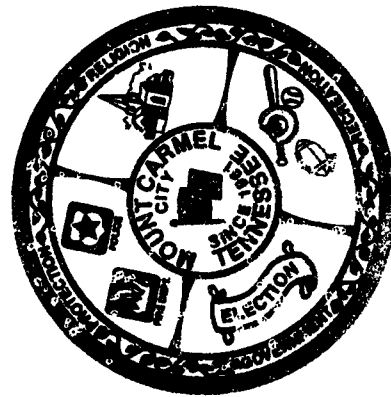


MARIAN SANDIDGE, Recorder

APPROVED AS TO FORM:



JOHN E. PEVY, Town Attorney



15-432

ORDINANCE Number ~~16-700~~

An Ordinance Authorizing an Amendment to the City Charter of the

Town Of Mount Carmel Tennessee

Code Annotated 6-1-101 et seq. The Mayor Duties (6-3-106)- (A)- Employ,

Promote, discipline, suspend and discharge all employees

And department heads. This Ordinance will amend the

Duties of the Mayor and place these duties to the Department Heads,

With an approval of the Board of Mayor and Alderman, the Department Heads

Will employ, Promote, discipline, suspend and discharge all employees.

The Board of Mayor and Alderman will employ, discipline, suspend and discharge

All department heads.

The Board of Mayor and Alderman will hold all Department Heads,

Accountable for the operations of their department. This Ordinance will

Take effect upon its passage as the law requires.

December ~~22~~, 2015

The Town Of Mount Carmel Tennessee

APPROVED AS TO FORM:

FIRST READING	AYES	NAYS	OTHER
Alderman Eugene Christian	✓		
Alderman Margaret Christian	✓		
Alderman Wanda Davidson	✓		
Alderman Chris Jones	✓		
Alderman Carl Wolfe		✓	
Vice-Mayor Paul Hale		✓	
Mayor Larry Frost		✓	
TOTALS	4	3	

Passed: DECEMBER ~~22~~, 2015

DEC 23, 2015 AT 7:49 PM

jbo@timesnews.net

MOUNT CARMEL — After three years in office filled with controversy (and some would say questionable decision making), Mount Carmel Mayor Larry Frost appears to have lost his majority on the Board of Mayor and Aldermen.

He might also lose his power to manage the city's day-to-day operations if this new majority has its way. Two ordinances proposed by Frost's main rival on the BMA, Alderman Chris Jones, were approved 4-3 on the first of two required readings Tuesday. The first ordinance amends the town charter, stripping the mayor of his power to hire, fire, or discipline town employees.

The change would place the department heads back in control of the day-to-day operation of the town. Those department heads would then be required to file reports and be answerable to the full BMA at its monthly meetings.

The second ordinance dissolves Mount Carmel's municipal Senior Center and reinstates the original independent, nonprofit Senior Center to the second floor of City Hall.

Whether those two ordinances will stand up legally is uncertain.

City Attorney John Pevy, who was appointed by Mayor Frost this past October, had no answers for the board.

Pevy recommended delaying the vote on both motions until he has time to conduct some research and consult a legal advisor with M-TAS (The University of Tennessee's Municipal Technical Advisory Service).

Pevy's main concern with the first ordinance was the fact that the BMA voted 5-2 to suspend its rules to consider an ordinance that wasn't on the agenda.

Pevy's main concern with the second ordinance is the lack of an audit on file at City Hall for the independent senior center. He said an audit is required for the city to contribute funds to a nonprofit organization.

But the new BMA majority wasn't in the mood to wait for Pevy's research.

It was in the mood to vote.

"I have thought seriously about this," Jones said. "I feel as if this Board of Mayor and Aldermen has lost control of this town. I feel as if there's personal things taking place where the direction of this town doesn't meet the needs of the citizens."

Jones added, "I feel these changes (in the proposed ordinance) are necessary in order to give this board more control over what's taking place in this town and give this board more power to make this town operate more efficiently."

The first ordinance was approved 4-3 with Jones, Wanda Davidson, Eugene Christian and Margaret Christian voting in favor and Frost, Paul Hale and Carl Wolfe opposed.

Following the first vote, Mayor Frost asked, "Who's going to answer the questions when somebody calls?"

Jones replied: "I don't put it on my time card, but I get calls every day."

Frost: "You're not an employee of this city. That was taken care of a long time ago when you messed up. That was taken up a long time ago when you were fired from this city."

Jones: "I'm here representing the people."

The second vote pertaining to the senior center was also 4-3 and divided along the same lines as the previous vote.

Wolfe suggested that the members of the independent senior center should simply merge with the municipal senior center.

"Those people said they were ousted," Mayor Frost said. "No one was ousted from this senior citizens (center). They were all welcome to come in here and be part of this senior citizens center, but they chose to go out and be independent."

Pevy said he likely wouldn't be able to research questions related to both ordinances until January because MTAS is closed for the rest of the year.

Instead of waiting for Pevy's research, however, the board voted 5-2 to schedule a special called meeting for Dec. 29 to consider the second and final reading of both ordinances.

Mayor Frost and Hale voted against the special called meeting.

The two board members who swung the majority on the BMA against Mayor Frost are married aldermen Eugene and Margaret Christian.

The Christians had loyalty supported Mayor Frost since his election three years ago up to this point. They were also adamantly in favor of ousting the previous senior center last February to create a new municipal senior center.

Multiple sources within Mount Carmel city government told the Times-News that the Christians had hoped to have more control over the day-to-day operations of the new senior center when it opened in July.

According to those sources, Mayor Frost lost the support of the couple when he sided with the municipal senior center's new director in opposition to the Christians' wishes.