

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE

COUNTY OF LOUDON

August 8, 2011

6:00 PM

PUBLIC HEARING

(1) Loudon County Planning and Codes Director – Russ Newman

**Public
Hearing**

1. A Resolution to Amend the Loudon County Zoning Resolution Section 5.043, Suburban Residential District, Subsection C. Uses Permitted by Special Exceptions of the Loudon County Zoning Resolution to include Agricultural Uses, Pursuant to Tennessee Code Annotated, Section 13-7-105.
2. A Resolution Amending the Zoning Map of Loudon County, Tennessee, Pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone 7.44 Acres from R-1 (Suburban Residential District) to A-1 (Agriculture-Forestry District), Referenced by: Tax Map 10, Parcel 104.00, Located at 5783 Highway 70 West, 5th Legislative District.
3. A Resolution Amending the Zoning Map of Loudon County, Tennessee, Pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone 1 Acre of Property Located at 7300 Highway 411 South, Greenback, Referenced by: Tax Map 84, Parcel 50.05 From C-1 Rural Center District To C-2 General Commercial District, 3rd Legislative District.
4. A Resolution of the Loudon County Commission Accepting Dixie Meadows Drive Located off Harrison Lane into the Public Roadway System, Said Road Located in the 5th Legislative District of Loudon County, Tennessee.
5. A Resolution of the Loudon County Commission Accepting Mountain Drive B From Essex Drive to the Entrance into the Traditions of Avalon, Essex Drive, and Timberline Circle Within Avalon Subdivision Located Off Oak Chase Boulevard into the Public Roadway System, Said Road Located in the 5th Legislative District of Loudon County, Tennessee.

REGULAR MEETING

**(2)
Opening
of Meeting**

BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 8th day of August, 2011.

The **Honorable Roy Bledsoe** called the meeting to order.

Commissioner Maples opened the County Commission Meeting, led the Pledge of Allegiance to the Flag of the United States of America and gave the invocation.

(3)
Roll Call

Present were the following Commissioners: **Jenkins, Meers, Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Miller: (10)**
The following Commissioners were **Absent: (0)**
Thereupon **Chairman Bledsoe** announced the presence of a quorum.
Present was the **Honorable Mayor Estelle Herron**.

(4)
Agenda
Adopted
As Amended

Chairman Bledsoe requested that the August 8, 2011 Agenda be adopted.
Mayor Herron requested the addition to the Agenda of a presentation to the Commission by County Attorney Bob Bowman regarding a law suit from 1992 and a briefing on procedures for replacing the Loudon County Property Assessor, Chuck Jenkins, who passed away on July 31, 2011 while in office. She also requested to add an Item under the Budget Director's presentation on Retiree's Health Insurance Benefits.
A **motion** was made by **Commissioner Miller** with a second by **Commissioner Meers** to adopt the Agenda as amended.
Upon voice vote the motion **Passed** unanimously.

(5)
Minutes for
June 6, 2011 &
June 30, 2011
Approved

Chairman Bledsoe requested that the June 6, 2011 County Commission Meeting Minutes and the June 30, 2011 Special Called Meeting Minutes be approved and accepted.
A **motion** was made by **Commissioner Meers** with a second by **Commissioner Franke** to approve both sets of Minutes.
Upon voice vote the motion **Passed** unanimously.

(6)
Comments:
Agenda Items

Chairman Bledsoe asked that any visitor wishing to address the Commission regarding items on the planned Agenda come forward.
Sessions Court and Circuit Court Clerk's Representatives made presentations to the Commission in support of the Additional Funding for Salary Equalization agenda item. **Stephanie Holt, Amanda Smith, Lisa Bridges, Tonya Milsaps, Penny Glasgow, and Lisa Niles** spoke. They compared their salary scale with other Offices in the County Government for similar duties and service time which showed their salaries were considerably lower. They also spoke of the case load that they're responsible for handling daily and of threats to their lives and the lives of their family members from people who have received an unfavorable court verdict. They also cited the amount of County revenue that is generated by their offices. **Penny Glasgow** noted the number of comp time hours their office has due to their responsibilities for being available beyond normal duty hours to serve the Courts, many times very late at night, but they're still expected to be in the Office the next morning. **Lisa Niles** summed up the presentation with an expression of appreciation to the Commission for their consideration and asked them to support this request for additional funding to fix the problem.
Richard Truitt spoke on the Item on Tuition for Out-of-County Students voicing his opinion that students whose parents don't pay property taxes in the County shouldn't be able to send their children to County schools free. He also supports the Mayor's attempt to have County employees pay "their fair share" of their health benefits. He was dismayed to learn that there are no job descriptions for County employees and stated that "County employees go on the Good-Ole-Boy Network".
Penny Glasgow spoke for **Purchasing Director Leo Bradshaw**, who was unable to attend this meeting, regarding circulation for signatures of a petition on employee's health insurance options. She urged the Commission to support the items on the petition.

Commissioner Meers spoke to County employees describing how the County budget system works. The Commission authorizes funds for employee's salaries and benefits but the Department Heads decide how those funds are spent and they can spend them anyway they want to. He stressed that there's little that the Commission can do to control the inequities in salaries.

Commissioner Maples strongly supported his comments stating that she doesn't see how the Commission can do anything to help the employees under these circumstances and she stressed that this is not the County tax payers' responsibility to keep giving money to the Department Heads to do whatever they want with the money the Commission provides! She doesn't see any way that the Commission can ever equalize salaries and she doesn't believe that "years of service" have ever been considered in salary increases but that it depends on who the Department Head likes or who's a relative!

Lisa Niles spoke to assure the Commission that her office is not one of those that abuse the system and she described the process her office uses for salary increase decisions. She stated that the County would incur more Attorney fees in a lawsuit than was being requested tonight to help fix the problem.

Commissioner Maples responded that she had heard the threat of suing the Commission and the County Government and she thinks it's unfair for employees to take tax payers money and then do this!

Commissioner Miller spoke in agreement with **Commissioner Maples** that there are large inconsistencies in the salaries and that the County Commission didn't create this. He said that he's been a Commissioner for many years, along with several other Commissioners, and almost every year he's served the Commission has authorized pay raises for the employees. He stated that the only way to fix this problem is for the various Department Heads to work together to make the pay scale fair across the board - establish an overall standard salary system. He stated that he's very hopeful that the new Salary and Benefits Committee will work together to commit to getting this done - this is an opportunity!

Chairman Bledsoe said that he had spoken to the Monroe County Court Clerk and they have done this and it seems to be working well and he recommended that Loudon County check with them on their process and how they accomplished it.

Estelle Herron, Loudon County Mayor, requested consideration and possible action on the following items:

(7)

**County
Remain in
Class-Action
Lawsuit
Approved**

1. County Attorney Bob Bowman Presentation on a Lawsuit from 1992 and a Briefing on Replacing the Loudon County Property Assessor.

Loudon County Attorney Bowman presented background on a Class-Action Lawsuit regarding Municipal Securities and Bonds with Morgan Stanley. Cumberland Securities has no record of Loudon County being involved. He recommended that the County remain a part of the class-action suit.

Commissioner Shaver made a **motion** with a second by **Commissioner Duff** that Loudon County remain a part of this Class-Action Lawsuit.

Upon voice vote the motion **Passed** unanimously.

**(8)
Procedures
For Filling
County Property
Assessor's
Vacancy
Discussed**

Attorney Bowman described the legal process required for filling the vacant County Property Assessor's position created by the recent passing of Chuck Jenkins. Per Article 5-5-111 of the TCA, the County Clerk must send notice to the Commission of the need to fill the position followed by Public Notice seven days prior to a Commission Meeting to choose a new Assessor. The Commission must have a procedure in place for how they would resolve the issue of a single candidate not receiving a majority vote. The position must be filled within 120 days of receiving the notice of the vacancy. All registered voters are eligible to apply - through the Commission - and the nominees must address the Commission. If the Commission conducts these interviews in groups of 2 or more, Public Notice must be given of the meeting.

Discussion included a question from **Commissioner Duff** regarding a Deputy Property Assessor already in position and why they wouldn't be automatically sworn in to complete the office term. **Attorney Bowman** responded that the vacancy must be filled, as described above, by a majority vote of the Commission. A County Commissioner would have to resign as Commissioner in order to fill this position. **Commissioner Miller** suggested that the Public Notice ask applicants to submit applications to the Commission. **Attorney Bowman** said that this could be done but would not preclude a Commissioner from putting additional applicants forward who hadn't submitted an application. **Commissioner Duff** asked that in light of upcoming elections next year – September 2012 – to elect a new Property Assessor, does the Commission have the option of not filling this position until then. **Attorney Bowman** responded "no" the Commission has 120 days following the vacancy to fill it.

This will be further discussed at the August 22, 2011 Commission Workshop Meeting.

**(9)
Board
Appointments
Approved**

2. Consideration of Resolutions Approving Appointments to the Following Boards/Committees:

- a. Adult Oriented Business Board
- b. Airport Authority
- c. Audit Committee
- d. Beer Board
- e. Blair Bend Industrial Committee
- f. Budget Committee
- g. Capital Projects Committee
- h. E-911 Board
- i. Economic Development Agency Board of Directors
- j. Financial Advisory Committee
- k. Governmental Affairs Committee
- l. Jail Study Committee Ad-Hoc
- m. Litter Control Committee
- n. Maintenance Committee
- o. Purchasing Committee
- p. Regional Planning Commission
- q. Safety Committee
- r. Salary and Benefits Committee Ad-Hoc
- s. Senior Citizen's Executive Committee
- t. Sheriff's Merit Services Board
- u. Solid Waste Disposal Commission

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to approve all of the above Board/Committee Appointments.

Upon voice vote the motion **Passed** unanimously.

Resolutions 080811- A-U

Loudon County Commissioner, Don Miller, requested consideration and possible action on the following items:

- (10)**
Air Quality Task Force Letter to Kimberly-Clark Approved
1. Request Consideration of Approving Sending Letters from the Air Quality Task Force to the Mayors of Loudon, Lenoir City, and Loudon County Requesting their Concurrence in Sending a Letter to Kimberly Clark Regarding Complaints about Ash Particles.

Commissioner Miller explained that Kimberly-Clark has a problem with white ash particles raining down like snow and they have been diligently attempting to get it solved. They inherited this problem when they took over the facility. Kimberly-Clark Corporate Headquarters has been delaying local attempts to correct this. The Air Quality Task Force believes this letter will help local management in their dealings with Corporate Headquarters.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Meers** to approve sending this letter from the Air Quality Task Force to Kimberly-Clark.

Upon voice vote the motion **Passed** unanimously.

Exhibit 080811 - V

- (11)**
Letter to School Board Regarding Reconsideration of Tuition for Out-of-County Students Approved
2. Request Consideration of Approving Sending a Letter to the Loudon County School Board Requesting their Reconsideration of Charging Tuition for Out-of-County Students (Excluding Children of Teachers).

Commissioner Miller would like the Commission to request that the School Board take another look at the possibility of charging out-of-county students (other than children of County teachers) tuition for attending classes in the County given the Commission's recent action of having to raise property taxes to support the School Building Program and the overall decline in the County's General Fund balance. He would ask the School Board to look at all the issues including whether or not this is financially advantageous. If not financially advantageous, it should not be further considered. To support his proposal **Commissioner Miller** had provided a document containing information he had gotten from the State Department of Education Website on how much each County spends per student differentiating between State, Federal, and Local contributions. These were for Commission discussion information and not intended to be included as part of the letter going to the School Board.

Commissioner Yarbrough objected to these State numbers being used because they were not local School Board numbers. **Commissioner Shaver** pointed out that these numbers were not part of the letter to the School Board. **Commissioner Meers** supported this position.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Meers** to approve sending this letter to the School Board.

Upon voice vote the motion **Passed**.

Exhibit 080811 - W

Loudon County Planning and Codes Director, Russ Newman, requested consideration and possible action on the following item:

- (12)**
Uses By
Special
Exceptions
For Agricultural
Use
Failed
1. A Resolution to Amend the Loudon County Zoning Resolution Section 5.043, R-1 Suburban Residential District, Subsection C. Uses Permitted by Special Exceptions of the Loudon County Zoning Resolution to include Agricultural Uses, Pursuant to Tennessee Code Annotated, Section 13-7-105.
- No motion** was made to approve this Resolution.
Resolution 080811 - X
- (13)**
Rezone
7.44 Acres
Approved
2. A Resolution Amending the Zoning Map of Loudon County, Tennessee, Pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone 7.44 Acres from R-1 (Suburban Residential District) to A-1 (Agriculture-Forestry District), Referenced by: Tax Map 10, Parcel 104.00, Located at 5783 Highway 70 West, 5th Legislative District.
- A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Duff** to approve this Resolution.
Upon voice vote the motion **Passed** unanimously.
Resolution 080811 - Y
- (14)**
Rezone
1 Acre
Approved
3. A Resolution Amending the Zoning Map of Loudon County, Tennessee, Pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone 1 Acre of Property Located at 7300 Highway 411 South, Greenback, Referenced by: Tax Map 84, Parcel 50.05 From C-1 Rural Center District To C-2 General Commercial District, 3rd Legislative District.
- A **motion** was made by **Commissioner Franke** with a second by **Commissioner Harrelson** to approve this Resolution.
Upon voice vote the motion **Passed** unanimously.
Resolution 080811 - Z
- (15)**
Dixie Meadows
Drive
Accepted
As Public
Road
Approved
4. A Resolution of the Loudon County Commission Accepting Dixie Meadows Drive Located off Harrison Lane into the Public Roadway System, Said Road Located in the 5th Legislative District of Loudon County, Tennessee.
- A **motion** was made by **Commissioner Duff** with a second by **Commissioner Yarbrough** to approve this Resolution.
Upon voice vote the motion **Passed** unanimously.
Resolution 080811 - AA
- (16)**
Mountain
Drive B
Accepted
As Public
Road
Approved
5. A Resolution of the Loudon County Commission Accepting Mountain Drive B From Essex Drive to the Entrance into the Traditions of Avalon, Essex Drive, and Timberline Circle Within Avalon Subdivision Located Off Oak Chase Boulevard into the Public Roadway System, Said Road Located in the 5th Legislative District of Loudon County, Tennessee.
- A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Duff** to approve this Resolution.
Upon voice vote the motion **Passed** unanimously.
Resolution 080811 - BB

Loudon County Budget Director, Tracy Blair, requested consideration and possible action on the following items:

(17)
County
Employees
Pay 15%
Of Health
Insurance
Premium
Failed

1. Consideration of a Recommendation Regarding Employee Contributions to Health Insurance for FY2011-2012

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Miller** to accept the Budget Committee's Recommendation for employees to pay 15% of their Health Insurance premiums to include all insurance – Health, Dental, Vision and Life – and for the effective date to be September 1, 2011.

Upon roll call vote the following Commissioners voted **Aye: Shaver, Franke, Yarbrough, and Miller: (4)**

The following Commissioners voted **Nay: Meers, Maples, Bledsoe, Duff, Harrelson, and Jenkins: (6)**

The following Commissioners were **Absent: (0)**

Thereupon the Chairman declared the motion **Failed: (4, 6, 0)**

(18)
County
Employees
Pay 12%
Of Health
Insurance
Premium
Approved

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Jenkins** to propose acceptance of employees paying 12% of their Health Insurance premiums to include all insurance – Health, Dental, Vision and Life – and for the effective date to be September 1, 2011.

Upon roll call vote the following Commissioners voted **Aye: Maples, Shaver, Franke, Bledsoe, Yarbrough, Miller, Jenkins, and Meers: (8)**

The following Commissioners voted **Nay: Duff, and Harrelson: (2)**

The following Commissioners were **Absent: (0)**

Thereupon the Chairman declared the motion **Passed: (8, 2, 0)**

(19)
County
To Pay
Pay 50%
Of Regular
Health
Insurance
Premium
For Retirees
Approved

2. Consideration of a Recommendation Regarding Retiree Contributions to Health Insurance for FY2011-2012

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Yarbrough** to support the Budget Committee's recommendation for a 50/50% County/Retiree split on their Regular Insurance premium cost - not to include Dental - and, if the retiree chose the Plus Plan, they would be responsible for the increased premium as well as any increased premiums in Life Insurance.

Upon roll call vote the following Commissioners voted **Aye: Shaver, Franke, Bledsoe, Yarbrough, Miller, Jenkins, Meers, and Maples: (10)**

The following Commissioners voted **Nay: (0)**

The following Commissioners were **Absent: (0)**

Thereupon the Chairman declared the motion **Passed: (10, 0, 0)**

(20)
1.6%
Salary
Increase
For Most
County
Employees
Approved

3. Consideration of FY2011-2012 Employee Wage Increases

A **motion** was made by **Commissioner Maples** with a second by **Commissioner Yarbrough** to accept the Budget Committee's recommendation for a 1.6% salary increase for all employees – full-time and part-time (not temporary) – less Elected Officials and Sheriff's Department employees who are eligible for the Improved Benefit Package.

Upon roll call vote the following Commissioners voted **Aye: Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, and Maples: (9)**

The following Commissioners voted **Nay: Shaver: (1)**

The following Commissioners were **Absent: (0)**

Thereupon the Chairman declared the motion **Passed: (9, 1, 0)**

(21)
Additional
Funding For
Salary
Equalization
in Circuit
& Sessions
Court
Failed

4. Consideration of a Request for an Additional \$17,000. for Salary Equalization in Circuit and Sessions Court

This proposal was not recommended by the Budget Committee and **No motion** was made to consider this proposal.

Discussions included **Commissioner Franke** stating that this situation of salary inequities needed to be fixed and questioned whether or not additional funding could be found in the budget to do that. **Commissioner Yarbrough** asked what the new Salaries and Benefits Committee was established for if it wasn't to try to do that. **Mayor Herron** asked **Commissioner Franke** if he was asking **Lisa Niles** to find money in her budget to do this and he responded that this option is always available to her. **Commissioner Yarbrough** responded that the new Committee was formed to keep those things from happening and that it was up to this Committee to fix these problems. **Commissioner Duff** asked if this Committee could make its' actions retroactive and the consensus response was "yes". **Mayor Herron** said that she was moving immediately to get this Committee started working and their first meeting would be soon and would be to elect officers. She has collected data from 5 other Counties and has a plan involving each County Department Head working with their counterpart in these 5 Counties. A survey of questions has been sent to these Counties asking them to answer questions regarding how they handle these issues. These surveys are due back to her by March 2012. Each Loudon County Department Head will also do job descriptions and personnel evaluations for each of their employees and come to the Commission Workshop Meeting every 3 months to provide a presentation on what their employees are doing daily. **Commissioner Duff** pointed out that lack of County Department Heads willingness to participate has been a problem in the past and **Commissioner Miller** said that this is the County's last chance to get this worked out and that March 2012 wasn't a long time to accomplish everything that needs to be done. **Commissioner Shaver** concluded the discussion by saying that past surveys of this type were done by the private sector whose solutions involved recommending lay-offs, etc. and were, therefore, unacceptable. He stated that in the County's history, there has never been County Employee lay-offs in hard times and he commended past Commissions for this record.

(22)
Multi-Year
Contract
With
Waste
Services
Of TN
Approved

5. Consideration of a Recommendation to Approve a Multi-Year Contract with Waste Services of Tennessee

A **motion** was made by **Commissioner Franke** with a second b **Commissioner Maples** to approve this recommendation.

Upon roll call vote the following Commissioners voted **Aye: Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Shaver, Franke, and Bledsoe: (10)**

The following Commissioners voted **Nay: (0)**

The following Commissioners were **Absent: (0)**

Thereupon the Chairman declared the motion **Passed: (10, 0, 0)**

(23)
Summary
Financial
Statements
Delayed

Budget Director, Tracy Blair, reported that no Summary Financial Statements for the month of June 2011 were available at this time due to a computer problem that was in the process of being corrected and that these would be provided as soon as they were available.

(24)
Request for
Traffic
Study
Hwy 11 &
Sugar Limb
Approved

Loudon County Commissioner, David Meers, requested consideration and approval of the following item:

1. Consideration of Approving a Request to Send a Letter to Representative Matlock Concerning a Traffic Study and Placement of a Red Light at Highway 11 and Sugar Limb Road.

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Jenkins** to approve this request.

Upon voice vote the motion **Passed** unanimously.

Mayor Herron added that last week she had an opportunity to talk to TDOT and they have agreed to do this traffic study. This Commission letter will be used to back-up that verbal request.

Exhibit 080811-CC

(25)
Notaries
Approved

Loudon County Commissioner, David Meers, made a **motion** with a second by **Commissioner Maples** to approve the following **Notaries**: *Gary L. Fox; Paul Howard Rogers; Geni Stohler; Christina Leigh Akins; Patricia F. Wells; JoAnne S. Kerr; Linda Proffitt; Julie A. Harvey; Tina Howard-Kelley; Anita J. Stallings; and Stephen Grayling Littleton.*

Upon voice vote the motion **Passed** unanimously.

Exhibit 080811-DD

(26)
Comments:
Non-Agenda
Items

Chairman Bledsoe asked that any visitor wishing to address the Commission regarding items not on the Agenda come forward.

Commissioner Meers asked **Mayor Herron** to work to get a Representative of the Landfill Operation to come to a Commission Workshop to discuss the current problems there and she agreed.

Mayor Herron announced a Special Called Meeting immediately following the next Commission Workshop Meeting on August 22, 2011. This meeting will consider a request from Pat Phillips of the EDA for consideration of a proposal for a new business operation to locate in Loudon County to include purchasing around 100 acres of land and possible employment for 400 employees and possibly up to 1200 employees. This project is called "Operation Tango" and the Company is hoping to begin developing on October 1, 2011.

Chairman Bledsoe requested that **Mayor Herron** send out information on the details being proposed prior to the Workshop Meeting so that Commissioners would have time to study them in advance of the discussions and she agreed.

Commissioner Duff asked the **Mayor** what these people would want from the County and the general response was possible tax incentives or write-offs.

Commissioner Miller stated that there should be guidelines from Pat Phillips on when to provide incentives to businesses and when not to and requested that **Mayor Herron** provide these to the Commissioners prior to the Workshop Meeting also.

Mayor Herron informed the Commission that a meeting that had been previously scheduled with Gary Hayes from CTAS on Bond Issues and had to be cancelled has been rescheduled to be part of the Budget Committee Workshop Meeting on August 22, 2011 at 4 p.m. in the County Office Building prior to the Regular Commission Workshop Meeting at 6 p.m.

Commissioner Harrelson requested that the Commissioners be reminded of these meetings as the date grows closer and the Clerk agreed to do that.

Chairman Bledsoe asked if there were any further comments and, upon receiving none, he asked for a motion to adjourn.

(27)
Adjournment

There being no further business, a **motion** being duly made and seconded, the August 8, 2011 County Commission Meeting stood adjourned at 8:00 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR