

## LOUDON COUNTY COMMISSION

STATE OF TENNESSEE

COUNTY OF LOUDON

August 5, 2013

6:00 PM

### REGULAR MEETING

- (1) **Opening of Meeting** **BE IT REMEMBERED** that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 5th day of August, 2013. The **Honorable Roy Bledsoe** called the meeting to order.
- Commissioner Harrelson** opened the County Commission Meeting, led the Pledge of Allegiance to the Flag of the United States of America and gave the invocation.
- (2) **Roll Call** Present were the following Commissioners: **Jenkins, Meers, Maples, Quillen, 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**.
- (3) **Agenda Adopted As Amended** **Chairman Bledsoe** requested that the August 5, 2013 Agenda be adopted. **Mayor Herron** requested the addition of an item for consideration of a resolution concerning texting while driving and **Commissioner Meers** requested the deletion of his item from the agenda to allow more time for research. **Commissioner Franke** said that he had some questions regarding this item and asked if he could pose them. **Chairman Bledsoe** responded that he could ask his questions in the deleted item's position on the Agenda. A **motion** was made by **Commissioner Duff** with a second by **Commissioner Franke** to adopt the Agenda as amended. Upon voice vote the motion **Passed** unanimously.
- (4) **Minutes for June 24, 2013 Comm Mtg & July 15, 2013 Spec Called Mtg Approved** **Chairman Bledsoe** requested that the June 24, 2013 County Commission Meeting Minutes and the July 15, 2013 Special Called Meeting Minutes be approved and accepted. A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Harrelson** to approve these minutes. Upon voice vote the motion **Passed** unanimously.
- (5) **Comments: Agenda Items** **Chairman Bledsoe** asked that any visitor wishing to address the Commission regarding items on the planned Agenda come forward. **No One** came forward.

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

**(6)**  
**Support for**  
**National Efforts**  
**Against Texting**  
**While Driving**  
**Approved**

1. Request Consideration of a Resolution to Affirm and Support “It Can Wait National Day of Action” and the “National No Texting While Driving Movement”.

A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Maples** to approve this Resolution.

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

**Resolution 080513-A**

**(7)**  
**Boards/**  
**Committees**  
**Appointments**  
**Approved**

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

- a. Adult Oriented Business Board
- b. Airport Authority
- c. Beer Board
- d. Blair Bend Industrial Committee
- e. Budget Committee
- f. Capital Projects Committee
- g. County Corrections Partnership Committee
- h. Economic Development Agency Board of Directors
- i. Financial Advisory Committee
- j. Governmental Affairs Committee
- k. Library Board
- l. Litter Control Committee
- m. Maintenance Committee
- n. Purchasing Committee
- o. Regional Library Board
- p. Safety Committee
- q. Salary and Benefit Committee – Ad-Hoc
- r. Senior Citizen’s Executive Committee
- s. Sheriff’s Merit Services Board

A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Miller** to approve all the Resolutions as requested.

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

**Resolution 080513-B-T**

**Commissioner Yarbrough** asked **Mayor Herron** about the status of the project to produce a manual on the Boards and Committees appointments to help County Officials and new Commissioners familiarize themselves with the process. **Mayor Herron** responded that this was a very tedious and time consuming task and that it was being aggressively pursued.

**Commissioner Franke** asked some questions about the 20 or so dead cows on the Hughes farm that Mr. Hughes claims died because of contaminated water coming from the adjacent landfill. This was discussed at the July 22nd Workshop Meeting. He asked whether the Sheriff's Office counted the number of cows that died when they went out to investigate. **Steve Field** of the Loudon County Solid Waste Commission was in the audience and responded that he didn't know the answer to that because he wasn't there and suggested asking **Gordon Harless** or the Sheriff's Department who investigated the event. When **Mr. Harless** received the call to respond to the incident he was with **Captain Whitehead**, who is the TN Agricultural Crimes Investigator for the Department of Agriculture, and **John Goddard** who is the UT Agricultural Extension Services Representative. All three went to investigate. Coincidentally, the TDEC Representative from the Knoxville Field Office just happened to be at the Landfill doing a routine monthly inspection on that day but did not go to the farm.

**Commissioner Franke** commented that he found it hard to believe that so many cows would die in such a short period of time.

**Commissioner Quillen** asked if Santek was cleared of any responsibility for this incident and **Mr. Field** responded that none of these inspectors saw anything out of the ordinary. **Commissioner Yarbrough** asked how long it should take for a necropsy exam report and **Mr. Field** responded that it should take about a week and that he would have liked to see the necropsy report contain results from examination of the cow's livers but this wasn't requested nor done.

**Loudon County Budget Director, Tracy Blair**, requested consideration of Approval of the following items:

**(8)**  
**LSTA Library**  
**Grant Application**  
**Approved**

1. Consideration of a Recommendation to Approve a Grant Application for Loudon, Tellico Village, Greenback, and Philadelphia Libraries for the 2014 LSTA Technology Grant; 50% matching funds provided from Public Library Fund 115 and Loudon County Library Board.

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Miller** to approve this request.

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

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

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

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

**(9)**  
**Byrne/JAG**  
**Law Enforcement**  
**Equipment**  
**Grant**  
**Application**  
**Approved**

2. Consideration of Approval of an Application to the Office of Criminal Justice Programs for the Byrne/JAG Law Enforcement Equipment Grant in the amount of \$15,000; 25% matching funds provided from County Drug Fund 122.

A **motion** was made by **Commissioner Quillen** with a second by **Commissioner Jenkins** to approve this recommendation from the Sheriff's Department.

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

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

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

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

**(10)**  
**Notaries/Bond**  
**Approved**

**Loudon County Commissioner, David Meers**, made a **motion** with a second by **Commissioner Maples** to approve the following Notaries:  
*Tony R. Aikens; B. Kay Arp; Lavonne Myers Barbour; Lonnita H. Biggs; M. Hope Brown; Taylor E. Dowd; Nickie A. Dunker; Delonte J. Gray; Dennis Greenawald; James Harvey Hawkins II; Debra H. Hines; Lisa A. Johnson; Lee Ann Marie; Rebecca D. McBride; M. A. Nassar; Marlene P. Conner; Wilma Raby; Adam W. Reynolds; Amber Kay Scott; Sonjia L. Wallace; and Terri Watson.*

And the following Bond: *Lonnita H. Biggs.*

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

**Exhibit 080513-U**

**(11)**  
**Comments:**  
**Non-Agenda**  
**Items**

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

**Richard Anklin** spoke about what he said were serious problems at the Fort Loudoun Middle School which opened for classes this week. He cited a number of problem areas at the School and provided a list of 99 hazardous conditions that currently exist with students and teachers occupying the building. He stated that there was no reason to have people in this building when the old building still exists. He also spoke about marks on the new black top being laid every time a car drove on it and noted that the school buses would be much heavier and much worse. He said that he has sent a letter about this situation to all our Loudon County Legislative Representatives and the Governor before coming here to the County Commission. He requested the Commission's support in going to the School Board to express their concerns about these conditions. He said that there was no School Board Meeting scheduled before additional school openings and that he was very concerned about the safety of the teachers and students. He closed by noting that a teacher he spoke to at the school knew nothing about the problems he had surfaced. **Pat Hunter** also spoke about the schools saying that there were serious deficiencies at the new school and that they were too serious for students and teachers to be occupying the building. She feels that the School Board has dropped the ball on monitoring the construction and said that she had contacted the Fire Marshall's Office to see if the School was safe to occupy and learned that the School has not been issued an occupancy certificate. She has written a letter to the Governor about this issue. She also noted that there was no completion date included in the contracts for these projects to use as leverage against the contractors and that the Greenback School doesn't have a completion date cited in its contracts either.

She also asked about tests on the water that was collected on the Hughes Farm where the cows were found dead and says she hasn't been able to find any testing results for this water and she asked what the results were. In her investigation she learned that Commissioner Sitzler had information on possible run-off water contamination from the Landfill in March 2012. He had concerns about this issue and this needs to be investigated to see if there is water run-off and what can be done about it. She plans to make a records request to Steve Field of the Solid Waste Commission requesting this information. She stated that Mr. Hughes came to the Commission to get answers and he and the community all deserve a response. She also expressed concern about the expansion of the landfill into the other 40 acres and what type of reviews this might trigger including the Jackson Law.

**Richard Truitt** said that he had about 160 head of cattle for over 40 years and that he took care of them because this was money to him as it is to every cattle owner. He also spoke on the Solid Waste issue saying that it looks like a train wreck with a private company in a long-term contract and tax payers left holding the bag. He said that talk of negotiations seem to him like going with your hat in your hand and questions why a Commission would do this. He feels there needs to be more oversight. He said that it looks to him like the cows are already out of the barn on this.

**Aileen Longmire** commented on the Santek issue and whether or not it's in compliance. She said that she had talked to the TDEC inspector and learned that they do not check the entire 151 acres of landfill – only the working area. The inspector said that they like to inspect the entire area twice a year, in the Spring and in the Fall, but this isn't always done. The inspector also said that they do not inspect the log books of the landfill.

**Mike Campbell, County Assessor of Property**, reported that the Tate Lyle/ Kimberly Clark issue is scheduled for Court proceedings on Monday, August 12<sup>th</sup> and a Hearing on Tuesday, August 13<sup>th</sup>. The Judge will meet next week and it should take about 30-45 days to get a response.

**Clayton Pangle, County Visitor's Board Director**, reported on the results of the recent fishing tournament held here. The tournament cost the County \$5,000. and the return was \$7,000. in hotel/motel tax alone - not including all other types of revenue. This was a First Class Tournament with 75 boats, 150 fishermen, plus sports staff. Another fishing tournament is being scheduled for September 2014 that will be even larger with 144 boats, 288 fishermen, plus sports staff and this tournament won't cost as much as this year's. He commented that every fishing tournament held here has brought in more money than it cost to both the County and to Lenoir City.

**Commissioner Meers** asked **Mayor Herron** if she would invite **Director of Schools, Jason Vance**, the Assistant Director, and the Chairman of the School Board and other appropriate participants to meet with the Commission to discuss the effect of the loss of revenue so that they are aware of what the Commission is facing in the coming fiscal year. **Mayor Herron** agreed to make the invitations.

**Commissioner Miller** commented on **Mr. Anklin's** school report saying that the most important thing to everyone is the safety of the children and that the School Board knows that they cannot occupy the new school buildings without a temporary certificate of occupancy from the City of Loudon and the Fire Marshall. He commented that if they do occupy the buildings without these he doesn't know what the Commission could do since this is ultimately the School Board's decision. He said that as of this morning they did not have these documents and he hopes that they would not occupy the buildings without them. He was unsure whether the status had changed later in the day and **Mayor Herron** commented that **Director Vance** was still in his office when she left their building to attend this meeting and she didn't know the status either.

**Commissioner Yarbrough** asked **Commissioner Meers** if, during his investigation of the Landfill water issue, he was going to include the Sheriff's Department testing of the well water and **Commissioner Meers** responded that he would be looking at everything related to this issue including talking to the Sheriff's Department and looking into well water testing and all other investigations that were done.

**Commissioner Yarbrough** asked him if he knew anything about previous well water testing, whether or not this was done, and what the results were.

**Commissioner Meers** responded that this information was not provided to him and he didn't know the answers. **Commissioner Yarbrough** asked if there was any way the Commission could get this information and noted that any testing done now would not necessarily reflect the conditions at the time of the incident and could be totally different. She said that the Commission needs to be investigating this because this could lead to the County having some responsibility on this issue.

**Commissioner Quillen** commented that she would like to see the well water tested now, even though she recognizes that conditions would be different, because she would like to see this issue put to rest to clear the County of any responsibility.

**Commissioner Meers** responded that there was no guarantee as to what the Commission and/or County can do.

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

**(12)**  
**Adjournment**

There being no further business, a **motion** being duly made and seconded, the August 5, 2013 County Commission Meeting stood adjourned at 7:00 p.m.

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**CHAIRMAN**

**ATTEST:**

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**COUNTY CLERK**

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**COUNTY MAYOR**