

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE

COUNTY OF LOUDON

December 6, 2010

6:00 PM

PUBLIC HEARING

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

**Public
Hearing**

A Resolution Amending the Zoning Map of Loudon County, Tennessee, pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone Approximately 29.5 Acres from R-1 (Suburban Residential) to R-1 (Suburban Residential) with a PUD Overlay (Planned Unit Development) for 2.6 Units/Acre. Referenced by: Tax Map 10, Parcel 253.00 Located on Town Creek Road East.

Bill Farnham, the applicant, spoke indicating that he had received opposition from property owners in this neighborhood and requested that the Commission delay consideration of this rezoning for 60 days so that he could try to work out the problems.

Rick Powers, adjacent property owner, spoke against the rezoning request and introduced a large group of other residents who stood in opposition also.

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 6th day of December, 2010.

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

Commissioner Shaver 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 December 6, 2010 Agenda be adopted. **Mayor Herron** requested the addition of an item under the Budget Director's presentation for a Diabetes Stimulus Program Grant for the schools.

Commissioner Miller requested that the Rezoning Resolution be removed from the Agenda in light of the public reaction at the Hearing and the request for delay.

Commissioner Shaver requested that this item remain on the Agenda to allow a vote. **Commissioner Maples** agreed with **Commissioner Shaver**. It was agreed to leave the item on the Agenda.

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Shaver** to adopt the Agenda as amended.

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

(5)
Minutes for
November 1, 2010
Approved

Chairman Bledsoe requested that the November 1, 2010 County Commission Meeting Minutes be approved and accepted.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Jenkins** to approve and accept the 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.

Richard Truitt came forward to speak against the request from the Sheriff's Department for \$250,000. to purchase new vehicles. He noted that the Sheriff had said that there would be no new money requested for his department this year and this is the second time he has requested funds.

Pat Hunter came forward to speak against the Sheriff's Department request as well. She pointed out that the budget already includes the purchase of 10 new vehicles and this request would increase that number to 20. She questioned whether or not this was really the cost saving move that's being used to justify the request.

Rick Powers spoke again regarding the rezoning request, having the residents of the Town Creek Road area affected stand and introduce themselves and he read a list of additional residents who opposed the rezoning but were unable to attend this meeting. One resident said that he did not have enough information to make a decision at this time.

Bill Farnham spoke again saying that he did not come to this meeting prepared to fully discuss the merits of this rezoning since he was proposing a 60 day postponement of the vote to give him time to meet with the residents and work out the problems and again requested a postponement of the decision on the rezoning request.

(7)
Airport
Authority
Requirement
Discussed

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

1. Discussion of the Requirement for an Airport Authority

Mayor Herron invited **Ron Hammontree, Director, TRDA** to speak. **Commissioner Miller** requested to speak first and provided background on the issue, Mr. Hammontree's involvement, and a history of the Airport Authority and its expansive powers without Commission approval. The only thing they can't do is levy taxes. He concluded that, although this is the case, he did not feel that the Commission should do anything that would negatively impact on the Christensen Yacht Building Project. The Commission does have the power to dismiss Board members if their actions are deemed inappropriate. **Mr. Hammontree** spoke about the Project stating that it would bring the corporate headquarters of a major yacht building industry to Loudon County, bringing skilled, quality jobs to the area and significantly increasing the County's tax base. He stated that the Project is being done with private sector funds and, therefore, would not involve the Airport Authority soliciting funds or conducting activities to obtain land since the land for this Project is already available.

Responding to a question from **Commissioner Meers**, he stated that the Air Park – which would be adjacent to the Christensen Yacht Building Facility – would encompass 1200 acres. Appointing an Airport Authority at this time would allow the Authority to be prepared and to participate in the development phase of the Project. **Commissioner Franke** said that the air traffic pattern would have minimum impact on local communities and he feels that the Airport Authority could be helpful in interacting with local communities that might have concerns about the project’s impact by holding local meetings to discuss, share information, and answer questions. **Mr. Hammontree** shared information regarding the first yacht to be built at the facility saying that it was very luxurious and would be quite impressive coming down the river. Yachts built here will be in the \$20 to \$40 million and up to \$60 million price range. The adjacent Air Park will allow yacht owners to fly in on their private jets to access their yachts. **Commissioner Miller** asked if the private funding group would run the airport. **Mr. Hammontree** responded “yes” to which **Commissioner Miller** responded that they would need to interact with the Airport Authority. **Commissioner Yarbrough** asked if the County would have any involvement in on-going maintenance of the facility and **Mr. Hammontree** responded that they would not have any responsibility. **Chairman Bledsoe** clarified again that this project will not require any more land and won’t be confiscating land from County residents and **Mr. Hammontree** agreed with the statement. **Commissioner Yarbrough** asked if the Airport Authority’s capability to issue bonds would have any effect on the County and **Commissioner Miller** responded that it would not.

(8)
Airport
Authority
Appointments
Approved

Chairman Bledsoe requested a motion on a Resolution Approving Appointments to the Airport Authority.
A **motion** was made by **Commissioner Franke** with a second by **Commissioner Meers** to approve this resolution.
Upon roll call vote the following Commissioners voted **Aye: Meers, Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, and Jenkins: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 120610-A

(9)
Visitor’s
Bureau
Appointments
Approved

2. Consideration of Approving Resolutions for Appointments to the Following Boards/Committees:
a. Visitor’s Bureau
A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Miller** to approve this resolution.
Upon voice vote the motion **Passed** unanimously.
Exhibit 120610-B

(10)
Chamber of
Commerce
Board of
Directors
Approved

b. Chamber of Commerce Board of Directors
A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Maples** to approve this resolution.
Upon voice vote the motion **Passed** unanimously.
Exhibit 120610-C

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

(11)
Rezoning
Request
Denied

1. A Resolution Amending the Zoning Map of Loudon County, Tennessee, pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone Approximately 29.5 Acres from R-1 (Suburban Residential) to R-1 (Suburban Residential) with a PUD Overlay (Planned Unit Development) for 2.6 Units/Acre. Referenced by: Tax Map 10, Parcel 253.00 Located on Town Creek Road East.

Commissioner Shaver spoke in opposition to approval of this request due mostly to the availability of supporting facilities for such occupation density and he made a **motion** with a second by **Commissioner Maples** to deny approving this rezoning resolution.

Upon voice vote the motion to **deny** approval **Passed** unanimously.

Resolution 120610-D

(12)
Water
Quality
Buffer
Resolution
Failed

2. Request Consideration of Approval of the Loudon County Water Quality Buffer Resolution.

Plans and Codes Director Newman explained that Section 7 had been modified to add the Density Credit benefit for property owners affected and stated that the requirements in this Resolution meet the State minimums. He also stated that these requirements affect only the urbanized areas of Loudon County and this is based on population densities. Lengthy discussion ensued with several Commissioners voicing objection to the State's authority to compel them to take action on something they're not in agreement with or face serious fines for the County.

Commissioner Miller agreed with the sentiment but stated that most all the Commission authority comes from the State Legislature. **Mr. Newman** stated that this was a federally mandated requirement not state mandated. **Commissioner Miller** reluctantly made a **motion** with a second by **Commissioner Franke** to accept this Resolution. **Commissioner Shaver** said he was against approving and would be voting "no". **Commissioner Miller** requested a roll call vote.

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

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

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

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

Resolution 120610-E

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

(13)
Byrne/JAG
Grant
Approved

1. Consideration of a Recommendation to Approve Acceptance of a \$13,000. Byrne/JAG Grant for video arraignment equipment; no matching funds.

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

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

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

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

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

(14)
Fund 131
Approved

7. Consideration of a Recommendation to Approve Amendments in the Following Funds:

a. Highway Department Fund 131

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Meers** to accept this recommendation.

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

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

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

Therefore the Chairman announced the motion **Passed: (10, 0, 0)**

Exhibit 120610-F

(15)
Fund 171
Approved

b. General Capital Projects Fund 171

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

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

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

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

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

Exhibit 120610-G

(16)
Fund 141
Approved

c. General Purpose School Fund 141 for a \$250,000. Stimulus Diabetes Grant from the Tennessee Department of Health.

Commissioner Shaver said that he had consistently voted against accepting any stimulus funds and therefore would be voting “no” for that reason.

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Jenkins** to approve the recommendation of the Budget Committee.

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

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

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

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

Exhibit 120610-H

(17)
Sheriff's
Department
Vehicles
Purchase
Approved

3. Consideration of a Recommendation to Approve Increasing the Sheriff's Department Vehicle Budget by \$250,000.

The recommendation of the Purchasing Committee is to approve a \$250,000. increase to County General Fund 101 for the purpose of purchasing 10 new vehicles for the Sheriff's Department instead of the Lease/Purchase agreement that was previously being considered. The Purchasing Committee recommended approval with some restrictions: that Loudon County not enter into a Lease/Purchase Agreement with Ford Motor Credit; to increase this year's budget by \$250,000. but the Sheriff's Department would decrease their budget next year by \$28,000 (vehicle maintenance funds); and that next year's budget would not contain any requests for the purchase of new vehicles. The Budget Committee supports this request with these additional recommendations: that the vehicles with the highest mileage be returned to the Purchasing Department as surplus; and that the new vehicles go to the Road's Deputies as an increased safety measure for their protection.

Lengthy discussion included an explanation of how the “buy” option, vs the lease/purchase option, would save money in the long-run and whether or not the Commission has the authority to levy restrictions on the Sheriff’s Department for the use of the funds they allocate to them.

Commissioner Miller stated that he does not believe that the recommendations noted above tell the Sheriff’s Department “what kind of vehicles to buy”.

Budget Director Blair said that **Mayor Herron** had raised this question following the committee deliberations and as a result she had initiated correspondence with the CTAS Representative on this question. Their response was that the County Commission cannot tell the Sheriff’s Department what vehicles to buy or when to surplus vehicles. **Commissioner Yarbrough** stated that the Budget Committee made “recommendations” to the Sheriff’s Department – did not intend to levy a requirement - and that the preceding discussions of purchasing Crown Victorias were based on the Sheriff’s Department requesting Crown Victorias.

Purchasing Director, Leo Bradshaw, stated that the Crown Victorias were mentioned as the vehicle to purchase because they will not be available after next year’s model and that purchasing these would insure compatibility between the existing vehicles and the new ones to allow transferring of “police” equipment when necessary. Sheriff’s Department representatives stated that the \$250,000. purchase price for the 10 vehicles included complete outfitting and there would be no additional cost to “outfit” them. **Commissioner Shaver** stated that he has made a commitment to vote against funding requests made outside the regular budget cycle and, for that reason, he will be voting against this request. **Commissioner Yarbrough** stated that the Budget Committee had considered the Commission commitment not to approve funds outside the normal cycle but, after deliberation, had concluded that the overall cost savings involved with this proposal took priority over that commitment.

Commissioner Harrelson stated that he would like to see this approved and made a **motion** to approve this recommendation. **Commissioner Duff** requested clarification of the motion.

A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Miller** to approve a recommendation to purchase 10 additional vehicles for \$250,000. with the understanding that no requirements for new vehicles will be in next year’s budget cycle (2011/12).

Commissioner Yarbrough stated that she would still like to recommend to the Sheriff’s Department that they turn over the old vehicles to the purchasing department as surplus and that they give the new vehicles to the Roads Deputies. Upon roll call vote the following Commissioners voted **Aye: Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Franke, Bledsoe, and Duff: (9)**

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

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

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

Exhibit 120610-I

(18)
Summary
Financial
Statements
Distributed

Budget Director Blair requested that records reflect that the Summary Financial Statements for the month of November 2010 have been distributed.

Exhibit 120610-J

- (19)**
Notaries
Approved
- Loudon County Commissioner, David Meers**, requested consideration and possible action on the following **Notaries**:
A **motion** was made by **Commissioner Meers** with a second by **Commissioner Maples** to approve the following **Notaries**: *Donna M. Leydorf; Sheri P. Kelly; Leigh Ann Bright; F. C. Hahn; and Glenda Steigerwald.*
Upon voice vote the motion **Passed** unanimously.
Exhibit 120610-K
- (20)**
Comments:
Non-Agenda
Items
- Chairman Bledsoe** asked that any visitor wishing to address the Commission regarding items not on the Agenda come forward.
Richard Truitt spoke on the discussion at last month's Commission Meeting regarding the morale of county employees saying that he had researched the definition of "morale" and would be speaking at next month's meeting on county employee's morale.
- (21)**
Commission
Workshop
Meeting
Cancelled
- Chairman Bledsoe** asked the Commissioners if there were any items pending for the December 20th Workshop meeting that couldn't be postponed until January's meetings suggesting that cancelling the Workshop might be a consideration.
Commissioner Meers stated that he would like the Commission to consider a letter to State requesting that the Director of Schools be elected by the general public. The Commission has previously approved and forwarded such a letter. He plans to bring this to the January Workshop meeting. **Commissioner Miller** asked **School Board Member Van Shaver**, in the audience, if he thought the school board planned to have anything that needed action before January and **Mr. Shaver** said nothing that he would vote on and he doesn't know of anything.
A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Franke** to cancel the December 20, 2010 Commission Workshop Meeting with the understanding that if anything urgent should arise, a special called meeting would be announced.
Upon voice vote the motion **Passed** unanimously.
- Commissioner Harrelson** asked what action from the State the Commission should expect on the failure of the Water Quality Buffer Resolution to pass.
Planning/Codes Director Newman responded that he wasn't sure of the timeline but he would expect that **Mayor Herron** would be receiving notification of their intention in the near future.
- Commissioner Duff** announced that he had distributed the County Officials E-News Bulletin for the Commissioners information.
- Chairman Bledsoe** asked if there were any further comments and, upon receiving none, he asked for a motion to adjourn.

(22)
Adjournment

There being no further business, a **motion** being duly made and seconded, the December 6, 2010 County Commission Meeting stood adjourned at 8:00 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR