

LOUDON COUNTY COMMISSION

April 2, 2012

6:00 pm

Courthouse Annex

Presentation: Certificate of Special Recognition to the Loudon County High School Lady Redskins Basketball Team for Outstanding Athletic Achievement

REGULAR MEETING

- 1. Opening of Meeting, Pledge of Allegiance, Invocation**
- 2. Roll Call**
- 3. Adoption of the Agenda - April 2, 2012**
- 4. Reading and Acceptance of March 5, 2012 Commission Meeting Minutes.**
- 5. This is the time for any visitor or delegation to come forward and state the business for which he/she may wish to address concerning any item of interest on the planned agenda.**
- 6. Reports of County Officials, Departments and Committees:**
 - A. Loudon County Mayor - Estelle Herron**
 1. Request Consideration and Approval of the following Board/Committee Appointments:
 - a. Loudon County Surplus Property Committee (New)
 - b. Loudon County Library Board
 - c. Loudon County Solid Waste Disposal Commission
 - B. Loudon County Roads Commissioner - Eddie Simpson**
 1. Request Consideration and Approval of a Request for Funding to Replace the Simpson Road Bridge. The State will not fund its share for the Project if the County does not replace the entire Bridge.

C. Loudon County Budget Director - Tracy Blair

1. Consideration of a Recommendation to Accept the New TCRS Employer Contribution Rate of 9.72% for General Employees; 13.22% for Public Safety Officers; Effective July 1, 2012 through June 30, 2014.
2. Consideration of a Recommendation to Approve Amendments in the Following Funds:
 - a. County General Fund 101
 - b. Highway Department Fund 131

D. Loudon County Commissioner - David Meers

1. Election of Bonds and Notaries

7. **This is the time for any visitor or delegation to come forward and state the business for which he/she may wish to address concerning any items not on the planned agenda.**
8. **Adjournment**

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE

COUNTY OF LOUDON

March 5, 2012

6:00 PM

DRAFT

NOT APPROVED

- (1) **Presentation** **Miss Hannah Koeshall**, Eastern Region Public Speaker Winner, presented her address on the benefits of the 4H Program and encouraging young people to join.

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 5th day of March, 2012. The **Honorable Vice- Chair Earlena Maples** called the meeting to order. She invited **Commissioner Yarbrough** to speak, as requested. **Commissioner Yarbrough** expressed, **on behalf of the Loudon County Commission**, sincere condolences to **Richard Truitt** on the recent sudden loss of his wife. **Commissioner Jenkins** opened the County Commission Meeting, asking **Miss Koeshall** to lead the Pledge of Allegiance to the Flag of the United States of America following which he gave the invocation.
- (3) **Roll Call** Present were the following Commissioners: **Jenkins, Meers, Maples, Shaver, Franke, Duff, Yarbrough, Harrelson, and Miller: (9)** The following Commissioner was **Absent: Bledsoe: (1)** Thereupon **Vice Chairwoman Maples** announced the presence of a quorum. Present was the **Honorable Mayor Estelle Herron**.
- (4) **Agenda Adopted As Amended** **Chairwoman Maples** requested that the March 5, 2012 Agenda be adopted. **Mayor Herron** requested adding to the Agenda Consideration of a Resolution to the Tennessee State Legislature Objecting to Unfunded Mandates. A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to adopt the Agenda as amended. Upon voice vote the motion **Passed** unanimously.
- (5) **Minutes for February 6, 2012 Approved** **Chairwoman Maples** requested that the February 6, 2012 County Commission Meeting Minutes be approved and accepted. A **motion** was made by **Commissioner Meers** with a second by **Commissioner Jenkins** to approve these minutes. Upon voice vote the motion **Passed** unanimously.
- (6) **Comments: Agenda Items** **Chairwoman Maples** asked that any visitor wishing to address the Commission regarding items on the planned Agenda come forward. **Rick Terry, Chairman, Loudon County Visitor's Bureau**, came forward to speak in favor of the proposal to help fund a feasibility study for an Agricultural Center in Loudon County and urged the Commission to approve the Resolution.

Pat Hunter also spoke about the proposed Agricultural Center expressing concerns regarding the cost to build such a facility and the County's fiscal situation with the School Building Program underway. She also expressed concern that the County still has a depressed economy and urged the Commission to look at funding issues carefully and try to refrain from incurring additional budget commitments.

Richard Truitt also spoke about the Agricultural Center cautioning that he does not believe that this will "pay for itself" and that it has the potential to be a "money pit" in the future.

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

(7)
Urge TN
Legislature
Against
Unfunded
Mandates
Approved

1. A Resolution asking the Tennessee General Assembly to Carefully Investigate and Reject Any Legislation Which Places New Financial Obligations on County Governments or Transfers Obligation from the State to Local Governments and Asking All Counties to Join in Passing This Resolution and Forwarding it to Their State Delegations.

Commissioner Miller clarified a sentence in the Resolution that does not apply to Loudon County and the Mayor agreed. He explained the Budget Committee's feelings on this issue stating that this type of action at the County level has to be used judiciously being careful not to overuse it with the State Legislature.

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

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

Resolution 030512-A

(8)
Board
Appointments
Approved

2. Consideration of a Resolution Approving Appointments to the Following Board/Committee:
 - a. Loudon County Board of Zoning Appeals
 - b. Loudon County Regional Planning Commission

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Harrelson** to approve these appointments.

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

Resolutions 030512-B&C

(9)
Decline to
Join Proposed
TN Oversight
Agreement Re
Oakridge
Reservation
Approved

3. Request Consideration of Approving a Resolution of the Loudon County Commission Declining to Join the Proposed Tennessee Oversight Interlocal Agreement for Implementing the Tennessee Oversight Agreement on Issues Related to the U.S. Department of Energy's Environmental Management Program and Emergency Management Activities at the Oak Ridge Reservation.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Miller** to approve this Resolution.

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

Resolution 030512-D

(10)
AG Center
Feasibility
Study
Approved

4. Request Consideration of Approving a Resolution to Authorize the Submission of a USDA Rural Development Agency Rural Business Enterprise Grant to Fund a Market Feasibility and Economic Impact Study of a Multi-Use Agricultural Facility.

Mayor Herron presented the resolution adding that the City of Loudon had already approved their contribution to this feasibility study.

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

Commissioner Meers asked how such a facility would fit into the “light industry” concept of the Centre 75 possible site location and also expressed concern about the money still owed on Centre 75. **Donna Eason-Pile** responded that they would also be looking at the Hwy 72 Corridor and would consider other suggested locations. They would be looking at a “regional” concept for the site locations. This is a good approach because both Blount and Knox Counties do not have the land necessary to build such a facility but are very interested in the potential of such a venture. Regarding the Centre 75 sight, she stated that the fact that this location is available is the only thing they know at this time. She said that the model of the facility looks very much like the front of a department store and would fit into the Centre 75 concept. Creating this facility would result in the need for more hotel/motel facilities and bring additional customers to all the stores and businesses in the area. She stated that there are many companies that do feasibility studies and they’re looking for a totally independent company with experience in the AG Center area. **Commissioner Jenkins** asked about the concept for the day-to-day operations of the facility. She responded that other such facilities are owned by the Counties or Cities but are run by a local community group that would answer to the County or City for direction and management. Such a facility would require an experienced Manager. **Commissioner Shaver** asked why the County is involved at all. She responded that Montgomery County is doing this using the mechanism to build and then gifting the facility to the County. That’s one way to do it. Another way would be to go to USDA for a loan and you can also look for private funds to help finance the venture. **Commissioner Miller** stated that he’s very concerned about the many other financial constraints currently on the County and stated that they really need to prioritize the Countys’ spending. He stated that he wants to be clear that just because he votes in favor of a feasibility study it does not mean that he would vote in favor of actually building the facility – he would need more information from the feasibility study to make such a decision. **Ms. Eason-Pile’s** response was that they have not received any negative comments on this project and that this is a bit worrisome therefore she feels that the feasibility study is very important to help understand the options and consequences. They’re also looking at other similar facilities everywhere to see how they have done and learn from their experiences. She stated that the study should point out both the positive and negative sides of the venture. She added that the feasibility study cannot be done without the support of the City and County – and therefore, they would not be able to ask for the Grant.

Commissioner Yarbrough stated that she is also concerned about the sustainability of such a facility and wants to be assured that a vote on this proposal is a vote in favor of the feasibility study only and not the project. **Ms. Eason-Pile’s** response was that they clearly understood this and that no decisions would be made until the feasibility study was completed. She went on to describe all the support they have received for the project. **Commissioner Meers** requested that once the study is completed the Commission meet with the City of Loudon group to discuss the project and there was general agreement. **Commissioner Franke** requested that the study look at areas other than the 75 Corridor as well for the location of a facility.

Commissioner Miller asked if adjoining counties would be willing to help with the funding for the feasibility study. **Clayton Pangle, Director of the Loudon County Visitor's Board**, responded that he does not believe that others would be willing to contribute funding to this project until it could be proven. **Ms. Eason-Piles** also noted that Knox County already considers Loudon County part of "Greater Metro Knoxville" for attracting tourism and business opportunities. **Mr. Pangle** spoke about several upcoming events that Knoxville is currently working with the County on that will be using Loudon County facilities so there is already cooperation in this area. He also suggested that this facility could be used for outdoor sporting events that the County could get taxes from the funding.

Chairwoman Maples asked for a vote on the motion.

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

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

The following Commissioner was **Absent: Bledsoe: (1)**

Thereupon the Chairman declared the motion **Passed: (8, 1, 1)**

Resolution 030512-E

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

(11)
Application
For Pettway
Grant
Approved

1. Consideration of a recommendation to approve an Application for a \$2,000.00 Pettway Grant for Lenoir City Library; no matching funds.

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

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

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

The following Commissioner was **Absent: Bledsoe: (1)**

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

(12)
Accept
Technology
Grant
Approved

2. Consideration of a Recommendation to Accept a \$1,500.00 Technology Grant for Loudon Library; \$1,500.00 required match.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Yarbrough** to approve this recommendation.

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

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

The following Commissioner was **Absent: Bledsoe: (1)**

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

(13)
Fund 101
Approved

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

a. County General Fund 101

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

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

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

The following Commissioner was **Absent: Bledsoe: (1)**

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

Exhibit 030512-F

- (14)
Fund 122
Approved
- b. County Drug Fund 122
- A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Jenkins** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Shaver, and Franke: (9)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioner was **Absent: Bledsoe: (1)**
- Thereupon the Chairman declared the motion **Passed: (9, 0, 1)**
- Exhibit 030512-G**
- (15)
Fund 131
Approved
- c. Highway Department Fund 131
- A **motion** was made by **Commissioner Miller** with a second by **Commissioner Franke** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Shaver, and Franke: (9)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioner was **Absent: Bledsoe: (1)**
- Thereupon the Chairman declared the motion **Passed: (9, 0, 1)**
- Exhibit 030512-H**
- (16)
Fund 141
Approved
- d. General Purpose School Fund 141
- A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Duff** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Shaver, Franke, and Duff: (9)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioner was **Absent: Bledsoe: (1)**
- Thereupon the Chairman declared the motion **Passed: (9, 0, 1)**
- Exhibit 030512-I**
- (17)
Fund 142
Approved
- e. School Federal Projects Fund 142
- A **motion** was made by **Commissioner Franke** with a second by **Commissioner Yarbrough** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Harrelson, Miller, Jenkins, Meers, Maples, Shaver, Franke, Duff, and Yarbrough: (9)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioner was **Absent: Bledsoe: (1)**
- Thereupon the Chairman declared the motion **Passed: (9, 0, 1)**
- Exhibit 030512-J**
- (18)
Fund 151
Approved
- f. General Debt Services Fund 151
- A **motion** was made by **Commissioner Shaver** with a second by **Commissioner OMiller** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Miller, Jenkins, Meers, Maples, Shaver, Franke, Duff, Yarbrough, and Harrelson: (9)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioner was **Absent: Bledsoe: (1)**
- Thereupon the Chairman declared the motion **Passed: (9, 0, 1)**
- Exhibit 030512-K**

(19)
Fund 176
Approved

g. Highway Capital Projects Fund 176

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

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

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

The following Commissioner was **Absent: Bledsoe: (1)**

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

Exhibit 030512-L

(20)
Summary
Financial
Statements
Distributed

Budget Director, Tracy Blair, requested that records reflect that the Summary Financial Statements for the month of February 2012 have been distributed.

Exhibit 030512-M

(21)
Notaries
Approved

Loudon County Commissioner, David Meers, made a **motion** with a second by **Commissioner Harrelson** to approve the following Notaries: ***Starlet Rene Summitt; Whitney Edwards; Diane Link; Jacqueline E. Trice; Timmy L. Tallent; Hannah Dewsen; Brittany R. Monger; Yurisan Cornejo; Deborah R. Baker; Kimberly L.Gage; G. Keith Alley; and Lisa P. Packett.***

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

Exhibit 030512-N

(22)
Legislative
Reviews
Distributed

Commissioner Duff distributed Legislative Documents as follows: Legislative Update for March 2, 2012 and Capitol TCSA Update. He noted that the Commissioners receive these updates individually and asked whether or not they wanted him to continue to bring these to the Commission Meeting and **Commissioner Shaver** responded that he saw no reason to discuss these at the meetings.

(23)
Comments:
Non-Agenda
Items

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

Commissioner Meers made a request to **Mayor Herron** that the Commission approve and present a Resolution to the Lady's Basketball Team at the next Commission Meeting to honor and support them for their fine record this year. She responded that they had a great season and we're waiting for the final games.

Chairwoman Maples asked if there were any further comments and, upon receiving none, she asked for a **motion** to adjourn.

(24)
Adjournment

There being no further business, a **motion** being duly made and seconded, the March 5, 2012 County Commission Meeting stood adjourned at 7:15 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR

INTERLOCAL AGREEMENT

This Agreement, made and entered into this the ____ day of _____, 2012, by and between the County of Loudon (County), a political subdivision of the State of Tennessee, and the City of Lenoir City (City), a municipal corporation under the laws of the State of Tennessee.

Whereas, a 1990 Bridge Grant Contract to replace a bridge over Town Creek located on Simpson Road in Lenoir City, Tennessee (the "1990 Bridge Grant Contract") was entered into between the State of Tennessee, Department of Transportation and Loudon County in accordance with the "1990 Bridge Grant Program" referenced in Tenn. Code Ann. § 54-4-501, *et seq.* (A copy of the 1990 Bridge Grant Contract has been attached as Exhibit A to this Agreement); and

Whereas, the 1990 Bridge Grant Contract requires that the local government pay a minimum of twenty percent (20%) of the actual costs for the construction and consultant fees for the replacement bridge on Simpson Road (the "Simpson Road Bridge"); and

Whereas, the Simpson Road Bridge benefits both the City and County by improving the infrastructure for their respective citizens by providing a quality and safe bridge for transportation purposes; and

Whereas, the City, as referenced in an August 11, 2011 letter from the City Administrator of Lenoir City, W. Dale Hurst (a copy of the letter is attached as Exhibit B to this Agreement), has committed to partner with the County and fund one-half of the local government share for the 1990 Bridge Grant Contract; and

Whereas, the legislative bodies of the County and City desire by appropriate official action to enter into this Interlocal Agreement to share equally the required local costs resulting from the 1990 Bridge Grant Contract and the replacing and construction of the Simpson Road Bridge;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND AGREEMENTS HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:

WITNESSETH

1. Equal Share of Local Costs: The City and County agree to pay, in equal shares, the local costs associated with the replacement and construction of the Simpson Road Bridge. The combined responsibility for the local governmental costs, as referenced in the 1990 Bridge Grant Contract, equates to a total of Forty Thousand and Five Hundred and Seventy-Four and 24/100 Dollars (\$40,574.24). The City agrees to pay for 50% of these actual local governmental costs which equates to Twenty Thousand and Two Hundred and Eighty-Seven and 12/100 Dollars (\$20,287.12). The County agrees to pay for 50% of these actual local governmental costs which equates to Twenty Thousand and Two Hundred and Eighty-Seven and 12/100 Dollars (\$20,287.12). Each entity shall assume responsibility for financing its proportional share of the costs involved.

2. Grant Fund Allocated to the Project: Any State and/or Federal funds or grants received in connection with the replacement and construction of the Simpson Road Bridge shall be appropriately applied to the costs of the project consistent with general grant funding procedures.
3. Fiscal Agent: The County shall serve as the fiscal agent of the project to replace and construct the Simpson Road Bridge and to ensure that all local governmental costs associated with the 1990 Bridge Grant Contract are paid for.
4. Maintenance of Infrastructure Improvements. All local governmental maintenance costs and expenses associated with the Simpson Road Bridge shall be split equally among the City and County after the replacement and construction of the Simpson Road Bridge has been completed.
5. Amendments and Termination of Agreement. This Agreement may be amended at any time upon approval by both parties. All provisions of this Agreement, except Section 4, shall expire when all of the local governmental costs associated with the 1990 Bridge Grant Contract have been paid in full, as agreed to by the parties in this Agreement, in connection with the Simpson Road Bridge. Section 4 of this Agreement shall survive and be in effect until such time that both parties agree to discontinue the joint maintenance of the Simpson Road Bridge.
6. Adoption. This Agreement shall take effect upon adoption by the legislative branches of both parties and execution by the appropriate executives of each party.

IN WITNESS WHEREOF, the parties herein have executed this Agreement, after approval of their respective legislative branches, in duplicate on the day and date first above written.

ATTEST:

COUNTY OF LOUDON

COUNTY CLERK

COUNTY MAYOR

ATTEST:

CITY OF LENOIR CITY

CITY RECORDER

MAYOR

STATE OF TENNESSEE)
)
COUNTY OF LOUDON)

BEFORE ME, THE UNDERSIGNED AUTHORITY, A Notary Public in and for the State and County aforesaid personally appeared Estelle Herron, who I am personally acquainted, and who, upon oath, acknowledged herself to be the County Mayor of the County of Loudon, the within named County, a political subdivision of the State of Tennessee, and that she as such County Mayor being so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the political subdivision by herself as County Mayor.

WITNESS my hand and seal, at office in Loudon County, Tennessee, this ____ day of _____, 2012.

Notary Public

My commission expires: _____

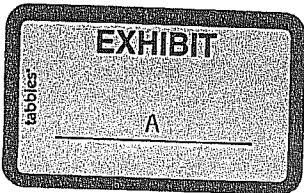
STATE OF TENNESSEE)
)
COUNTY OF LOUDON)

BEFORE ME, THE UNDERSIGNED AUTHORITY, A Notary Public in and for the State and County aforesaid personally appeared Tony R. Aikens, who I am personally acquainted, and who, upon oath, acknowledged himself to be the Mayor of the City of Lenoir City, the within named City, a political subdivision of the State of Tennessee, and that he as such Mayor being so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the political subdivision by himself as Mayor.

WITNESS my hand and seal, at office in Loudon County, Tennessee, this ____ day of _____, 2012.

Notary Public

My commission expires: _____



1990 BRIDGE GRANT CONTRACT

THIS AGREEMENT is entered into between the State of Tennessee, Department of Transportation, hereinafter referred to as the "Department" and Loudon County hereinafter referred to as the "Local Government" for the purpose of providing for the construction of a bridge in accordance with the "1990 Bridge Grant Program" (T.C.A., Section 54-4-501 et seq.)

WITNESSETH:

WHEREAS, the Local Government has prepared plans and specifications by an engineer registered in Tennessee for the replacement of the herein described bridge (hereafter "project") in accordance with the AASHTO Standard Specifications for Highway Bridges, 15th Edition, 1992, with Addenda, and the parties want to enter into agreement to provide for the construction of the project.

NOW, THEREFORE, in consideration of the premises, the parties agree as follows:

1. PROJECT DESCRIPTION

Project No.: 53455-3412-04 Bridge No.: 530A1500001

Bridge Location No.: 53-4354-0.05

Road Name: Simpson Road

Registered Engineer: Cannon & Cannon, Inc.

Contractor's Name: McKinnon Construction Co.

Description of Project:

Construction of a 2 @ 10' x 6' x 36'0" concrete slab-type bridge on an 85 degree left skew on Simpson Road over Town Creek. Includes removal of structure, building new structure, erosion control methods, traffic control, build and pave approaches and all other items on contract. The County has contracted the whole project.

Construction Schedule: Work to begin as soon as possible after the execution of this Contract and to be completed on or before November 1, 2012.

2. FUNDING

The parties understand that funding for the project will be shared between them whereby the Department will pay a maximum of eighty (80%) per cent of the actual cost and the Local Government will pay a minimum of twenty (20%) per cent of the actual cost and that the Local Government's share of the Bridge Grant Program Funds may be provided by its' funds and in-kind project work approved by the commissioner, or either of them, wholly or partly. Provided if the actual cost of the project exceeds the estimated cost, the difference between the estimated cost and the actual cost shall first be payable from any unexpended balance of the current fiscal year program funds allocated to the Local Government and the Local Government's required pro rata contribution, and then, to the extent necessary, be paid from Local Government funds or from appropriately matched State-aid funds in accordance with Tennessee Code Annotated, Section 54-4-404.

The parties agree that the estimated cost of the project and the division of that cost will be as follows:

Department share:	\$	<u>162,296.96</u>	
Local Gov't share:			
Cash/In-Kind:	\$	<u>40,574.24</u>	(Includes \$21,736.20 for Consultant Engineer's Fee)
Total:	\$	<u>40,574.24</u>	
Overall total:	\$	<u>202,871.20</u>	

The Department has encumbered its share of the project cost which will be available for payment to the extent required to the Local Agency upon satisfactory completion of said project. In the event the work under the contract is not completed in the current fiscal year, the encumbered funds will be carried over to the next fiscal year.

3. 1990 BRIDGE GRANT PROGRAM GUIDELINES

The Local Government will adhere to the 1990 Bridge Grant Program Guidelines and its own adopted rules and regulations, and hereby certifies that these guidelines, rules and regulations will be carried out.

Project No. 53455-3412-04

4. CONTROL AND SUPERVISION

The project will be constructed in accordance with the Department's Standard Specifications For Road and Bridge Construction, 2006, the approved plans and special provisions, and the Manual On Uniform Traffic Control Devices, under the sole direction of the Local Government, through an engineer who has been registered pursuant to Tennessee law, acting as an independent contractor, it being understood that the Department shall not be liable for any act or omission of the County during the progress of the work. The Local Government shall be solely responsible for the maintenance of the project.

The final determination of actual costs allowable under the terms of this Contract shall be based upon a final review and approval by the Department of quantities and agreed unit prices, certified to by the registered engineer. The Local Government shall permit, and shall require its contractor to permit the Department to inspect all work, materials, payrolls, and other data and records with regard to the project and to audit the books, records and accounts of the Local Government and its contractor with regard to the project. Such records shall be retained for this purpose for a period of not less than three years following completion of the project.

5. DEBARRED CONTRACTORS

The Local Government certifies that the contractor has not been debarred from performing the project under Federal or Tennessee law.

6. NATIONAL BRIDGE INSPECTION STANDARDS

The Local Government certifies that no bridge under its jurisdiction is being used contrary to requirements of the National Bridge Inspection Standards.

7. FEDERAL AND STATE LAWS

The local government agrees to comply with all applicable federal and state laws, rules and regulations in the performance of its duties under this agreement. The parties hereby agree that failure of the Local Government to comply with this provision shall constitute a material breach of the agreement and subject the Local Government to the repayment of all damages suffered by the State and/or the Tennessee Department of Transportation as a result of said breach.

Project No. 53455-3412-04

8. APPROPRIATIONS OF FUNDS

SUBJECT TO FUNDS AVAILABILITY: The Grant is subject to the appropriation and availability of State and/or Federal funds. In the event that the funds are not appropriated or/are otherwise unavailable, the State reserves the right to terminate the Grant upon written notice to the Grantee. Said termination shall not be deemed a breach of Contract by the State. Upon receipt of the written notice, the Grantee shall cease all work associated with the Grant. Should such an event occur, the Grantee shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Grantee shall have no right to recover from the State any actual, general, special, incidental, consequential or any other damages whatsoever of any description or amount.

9. RECORDS AND AUDIT

RECORDS: The Grantee shall maintain documentation for all charges against the State under this Grant. The books, records, and documents of the Grantee, insofar as they relate to the work performed or money received under this Grant, shall be maintained for a period of three (3) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the State, the Comptroller of the Treasury, or their duly appointed representatives. The financial statements shall be prepared in accordance with generally accepted accounting principles.

County: Loudon Project No. 53455-3412-04 Bridge Loc. No. 53-4354-0.05

10. ESTIMATED QUANTITIES OF WORK AND AGREED UNIT PRICES

ITEM NO.	DESCRIPTION	PAY ITEMS			
		QUANTITY	UNIT	UNIT PRICE	AMOUNT
105-01	Construction Stakes, Lines & Grades	1	L.S.	6,000.00	6,000.00
201-01	Clearing & Grubbing	1	L.S.	6,500.00	6,500.00
202-01.50	Removal or Modification of Structures	1	L.S.	16,000.00	16,000.00
203-01	Road & Drainage Excavation (Unclass.)	400	C.Y.	13.50	5,400.00
203-03	Borrow Excavation	300	C.Y.	14.00	4,200.00
203-07	Furnishing & Spreading Topsoil	40	C.Y.	16.00	640.00
209-01.10	Erosion & Sediment Control	1	L.S.	7,500.00	7,500.00
303-01	Mineral Aggregate Base, Type A, Grading D	90	Ton	50.00	4,500.00
303-01.01	Granular Backfill (Roadway)	250	Ton	35.00	8,750.00
303-10.03	Mineral Aggregate (Size 68)	25	Ton	35.00	875.00
307-01.08	Asphalt Concrete Mix (PG64-22) Gr. B-M2	26	Ton	175.00	4,550.00
411-01.10	ACS Mix (PG64-22) Gr. D	17	Ton	230.00	3,910.00
604-01.01	Class A Concrete (Roadway)	66	C.Y.	925.00	61,050.00
604-01.02	Steel Bar Reinforcement (Roadway)	13,800	Lb.	1.25	17,250.00
705-02.02	Single Guardrail (Type 2)	90	L.F.	23.00	2,070.00
705-02.04	Guardrail Terminal (Type 21)	4	Each	2,000.00	8,000.00
709-05.06	Machined Rip-Rap Class A-1	40	Ton	38.00	1,520.00

712-01	Traffic Control	1	L.S.	6,000.00	6,000.00
716-05.22	Painted Pavement Marking (4" Line)	540	L.F.	3.00	1,620.00
717-01	Mobilization	1	L.S.	10,000.00	10,000.00
771-18.01	4" Hot Tap Valve	1	Each	2,500.00	2,500.00
771-18.02	Gas Line Abandonment And Removal	1	L.S.	1,500.00	1,500.00
801-01	Seeding (with Mulch)	2	Unit	400.00	800.00

TOTAL PAY ITEMS: \$181,135.00

NON-PAY ITEMS

Consultant Engineer's Fee	1	L.S.	12%	21,736.20
TOTAL NON-PAY ITEMS				\$ 21,736.20
TOTAL PAY ITEMS				\$181,135.00
TOTAL CONTRACT AMOUNT				\$202,871.20

The undersigned County Road Superintendent verifies that he/she is the duly authorized chief administrative officer of the Loudon County Highway Department.

LOUDON COUNTY

BY:

Eddie Simpson
Eddie Simpson
County Road Superintendent

Date:

1/26/12

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

FEB 13 2012

BY:

John C. Schroer
John C. Schroer
Commissioner

APPROVED AS TO FORM AND LEGALITY

BY:

John Reinhold
John Reinhold
General Counsel

SIMPSON RD OVER FOUNTAIN CREEK
Br. Loc. No. 53-4354-205

Form A
REVISED 3-29-94

1990 Bridge Grant Program
Computations for County Match requirements

- (1) Total Contract Amount (pay and non-pay items) of 202,871.20
(a)
times 20% equals minimum match requirement of 40,574.24
(b)
- (2) Required match 40,574.24 less actual match (non-pay items not
(b)
including engineering fee) of 0 less engineering fee
(c)
of 21,736.20 equals *18,838.04 to be deducted from pay
(d) (e)
item total. (* If less than zero then use zero)
- (3) Pay item total of 151,135.00 minus deficient match of
18,838.04 equals State share of 162,233.96. (If less than
(e) (f)
zero then use zero)
- (4) County share of 0 plus 21,736.20 plus 18,838.04
(c) in kind (d) cash match (e) cash match
equals 40,574.24
(g)
- (5) State share of 162,233.96 plus county share of 40,574.24 equals
(f) (g)
202,871.20
(a)

LOCATION MAP

LOUDON COUNTY

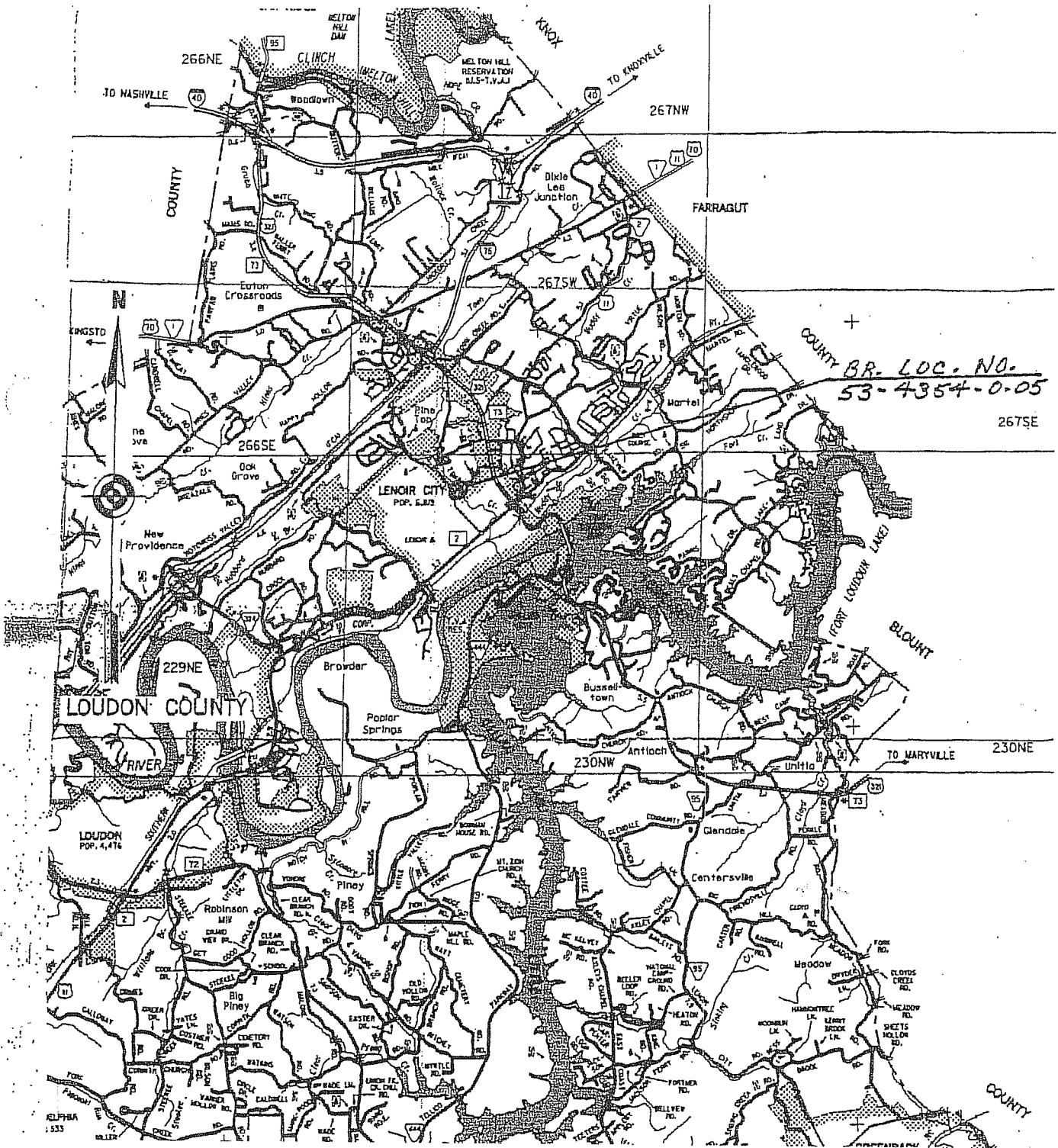
PROJECT NO. 53455-3413-04

BRIDGE LOCATION NO. 53455-3412-04

SIMPSON ROAD

OVER

TOWN CREEK



BRIDGE REPLACEMENT
RIGHT-OF-WAY AGREEMENT

COUNTY: Loudon
BRIDGE NO. 530A1500001
BRIDGE LOCATION NO. 53-4354-0.05
S.A. ROUTE NO. (IF APPLICABLE) N/A
LOCAL ROAD NAME: Simpson Road
DATE:

TO: MR. WAYNE R. LOCKETT
REGIONAL STATE-AID OFFICE
TENNESSEE DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAYS
POST OFFICE BOX 58
KNOXVILLE, TENNESSEE 37901

You are hereby advised that the **Loudon County** (Local Governmental Agency) has secured or has instituted condemnation proceedings to secure a necessary Right-of-Way and all necessary easements for the construction of the above captioned bridge replacement project using the guidelines set forth in the local governmental acquisition process, explaining their rights to receive just compensation for right-of-way, and has entered into agreement with the public and private utilities owning facilities necessary to be relocated. It is also agreed that **Loudon County** (Local Governmental Agency) will assume the responsibility for the removal of all fences and other obstructions within the Right-of-Way limits.

LOUDON COUNTY
LOCAL GOVERNMENTAL AGENCY

BY: Eddie Simpson
NAME

Road Superintendent
TITLE

DATE: 1/26/12



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
State-Aid Roads
P.O. Box 58
Knoxville, Tennessee 37901

February 17, 2012

Mr. Eddie Simpson
County Road Superintendent
Loudon County Highway Department
292 Blair Bend Road
Loudon, Tennessee 37774

RE: Bridge Loc. No. 53-4354-0.05
Bridge No. 530A150.0001
Project No. 53455-3412-04
Local Name: Simpson Road
Local agency: Loudon County

Dear Mr. Simpson,

Please find attached an approved state-aid bridge replacement program contract
On the referenced project. This letter is notification that you may contact your consultant
To determine when work may begin on the above referenced project.

Yours truly,

Wayne R. Lockett

Wayne R. Lockett
Operations Specialist 3
Regional State-Aid Office

WRL/cc
Attachment
C:cannon & cannon, Inc

TDOT Standard Contract Summary Form

Originating Office Maintenance Division - Charles King

Return signed contract to Charles King - State Aid Office 741-2028

Original Contract Amendment

F&A Signature Authorization Grant

Contractor: Loudon County ✓ Edison Vendor #: 2707

Amount: \$202,871.20 ✓ per yr/Term/Life of Project
Federal
✓ 80% State \$162,296.96
✓ 20% Local \$40,574.24

Term: On or Before November 1, 2012 / Ext. _____

Project Name and Number BG-53-4354-0.05 Proj. No. 53455-3412-04 ✓

Edison Speed Code # _____ Edison Account Code #: 4121020000

Description of Work or Purpose of Contract/Amendment: Construction of
a 2 @ 10' x 6' x 36' 0" concrete slab-type bridge on an 85 degree left skew on
Simpson Road over Town Creek in Loudon County. ✓

Method of Procurement:

*2/8
2012*

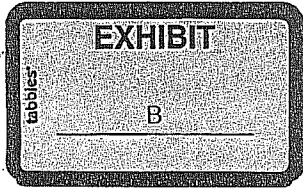
- Low Bid
- F&A Service RFP
- Negotiated pursuant to F&A regs
- Brooks Act
- UT Contract Authority
- Other Bridge Grant Program

If amendment, date and value of original contract: _____ \$ _____

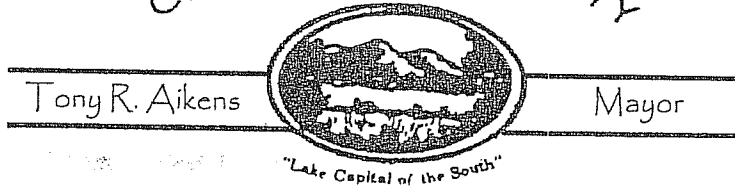
Recommended for Commissioner's Signature: [Signature]

Bureau Recommends for Commissioner's Signature: [Signature] 2/10/12

Certified as to Availability of Funds: Neal Ham
Director of Finance



CITY OF LENOIR CITY



CITY COUNCIL

Mike Henline
Douglas "Buddy" Hines
Bobby Johnson, Sr.
Jim Shields
Eddie Simpson
Harry Wampler

RECORDER PRO-TEMPORE
Jim Wilburn

CITY JUDGE
Terry Vann

CITY ATTORNEY
James K. Scott

CITY ADMINISTRATOR
W. Dale Hurst

11 August 2011

Ms. Tracy Blair, Director
Budget and Accounts
100 River Road
Loudon, TN 37774

Dear Tracy:

Please let this letter serve as the City's financial commitment to partner with the Loudon County Road Superintendent in funding the local share for the Simpson Road Bridge Project.

Thank you,


W. Dale Hurst
City Administrator

Cc: Mr. Eddie Simpson
Road Superintendent

City Hall • 600 East Broadway • P.O. Box 445 • Lenoir City, Tennessee 37771
Main 865-986-2715 • Treasury 865-986-2227 • Fax 865-988-5143
www.lenoircitygov.com

Loudon County Highway Department

DATE: February 17, 2011

TO: Loudon County

This is an inner local agreement between Loudon County Highway and the Lenoir City Street Department. For as from time to time it is beneficial for these two departments to share equipment for the betterment of our community, any materials used must be paid directly by each department.

X



J.J. COX
LENOIR CITY STREET DEPARTMENT SUPERVIS...

X



EDDIE SIMPSON
LOUDON COUNTY ROAD SUPERINTENDENT