

LOUDON COUNTY COMMISSION
STATE OF TENNESSEE
COUNTY OF LOUDON
August 6, 2012
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 3.37 Acres from R-1(Suburban-Residential) to C-1 (Rural Center District). Referenced by: Tax Map 16, Parcel 214.03, Located on Beals Chapel Road at the Northwest Intersection of Martel Road.

REGULAR MEETING

(2) BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 6th day of August, 2012.
**Opening
of Meeting** The **Honorable Roy Bledsoe** called the meeting to order.

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

(3) Present were the following Commissioners: **Meers, Maples, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Miller: (8)**
Roll Call

The following Commissioner was **Absent: Jenkins: (1)**
The Commission currently has a **Vacant Seat: (1)**
Thereupon **Chairman Bledsoe** announced the presence of a quorum.
Present was the **Honorable Mayor Estelle Herron**.

(4) Chairman Bledsoe requested that the August 6, 2012 Agenda be adopted.
**Agenda
Adopted
As Amended** **Mayor Herron** requested adding to the Agenda Consideration of a J.P. Morgan Class-Action Lawsuit.
A **motion** was made by **Commissioner Franke** with a second by **Commissioner Maples** to adopt the Agenda as amended.
Upon voice vote the motion **Passed** unanimously.

(5) Chairman Bledsoe requested that the June 4, 2012 and June 28, 2012 County Commission Meeting Minutes be approved and accepted.
**Minutes for
June 4, 2012 &
June 28, 2012
Approved** A **motion** was made by **Commissioner Miller** with a second by **Commissioner Maples** to approve these 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.

Wayne Schnell spoke about the recent discussion of Commissioner's salaries and vote to discuss further saying that he wants to see that further discussion to hear where everyone stands and he wants to see a vote on the issue.

Commissioner Franke responded by reading the Minutes entry on the previous discussion that indicated the discussions would be held at a future Workshop Meeting.

Pat Hunter spoke about the E911 Emergency Communications District request for increases in funding questioning the procedures leading up to this being placed on the Agenda for a vote and described the regulations requiring public hearings and documents presentations that were not done in this case. She also questioned how this District's funding is divided among Lenoir City, Loudon City, and Loudon County. She suggested that Loudon County is already paying more than the other entities and that the financing should be more balanced with the other two contributors paying a larger amount. She also spoke about the recent Commission Meeting discussion of Commissioner's salaries and said that the Minutes entry on the item is incorrect in saying that the Commissioners agreed to discuss this issue at a future Workshop Meeting. She stated that some of the Commissioners mentioned discussing this at the next Workshop Meeting.

Richard Truitt also spoke about the E911 request for increases saying that this represented a 100% increase and questioning the necessity of such a large amount.

Commissioner Meers asked **Jennifer Estes, E911 Director**, if it was possible to hold a public hearing on this by October to enable them to meet the timeframe in which they need a vote from the Commission. She responded that there was a public hearing scheduled for August 21st. **Commissioner Meers** requested that the Commission delay a vote on this issue until after the public hearing and then schedule it for the September Commission Meeting. **Commissioner Yarbrough** seconded the request. **Commissioner Franke** said that this request to delay a vote on this issue should be brought up when this item came up for a vote during the Commission Meeting and **Commissioner Miller** agreed saying that on point-of-order that was the appropriate time to make the request. **Chairman Bledsoe** reminded everyone that this was the public hearing portion of this meeting and that the chair would recognize this request when it is made at the appropriate time when this item comes to the floor for a vote.

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

(7)
Remain in
J.P. Morgan
Lawsuit

1. Request Consideration of a J.P. Morgan Class-Action Lawsuit.

County Attorney Bob Bowman explained what the lawsuit was about and advised that the County **not opt-out** but **remain in** the settlement.

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Harrelson** that Loudon County not opt out of the J.P. Morgan Class-Action Lawsuit. Upon voice vote the following Commissioners voted **Aye: Meers, Maples, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Miller: (8)**

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

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

The Commission currently has a **Vacant Seat**.

Thereupon the Chairman declared the motion **Passed: (8,0,1)**

- (8) Status of Covenant Health Lawsuit** **Attorney Bowman** also provided feedback to the Commission regarding the Covenant Health Lawsuit that concerned health care for a County Jail prisoner. He said that Covenant had filed its lawsuit against the County in Knox County and that he had petitioned the Court to dismiss the case because of procedural matters and this will be considered by the Court soon. He feels that this will be dismissed in Knox County but cautioned that this may not be the end of the matter because Covenant could come back and re-file the lawsuit in Loudon County. He'll keep the Commission apprised.
- (9) Intersection Improvements At Sugarlimb & E. Lee Hwy** 2. Request Consideration and Approval of a Resolution to Accept the Proposal of the Tennessee Department of Transportation to Construct a Project Designated as Federal Project NO. NHTSA-HE-2(216), State Project NO. 97053-2221-04, Involving the S.R. 2 (E. Lee Highway) Intersection With S.R. 324 (Sugarlimb Road) Signalization and Intersection Improvements.
- A **motion** was made by **Commissioner Meers** with a second by **Commissioner Maples** to approve this Resolution.
- Upon voice vote the motion **Passed** unanimously.
- Resolution 080612-A**
- (10) Support For Completion Of Corridor K Construction** 3. Request Consideration and Approval of a Resolution to Request that the Tennessee Department of Transportation Completes Corridor K.
- A **motion** was made by **Commissioner Maples** with a second by **Commissioner Franke** to approve this Resolution.
- Upon voice vote the motion **Passed** with **8 Aye and 1 Nay vote**.
- Resolution 080612-B**
- (11) Remove Tellico Village Lots From Upcoming Tax Sale** 4. Request Consideration and Approval of Removal of Tellico Village Lots from the Upcoming Tax Sale.
- Mayor Herron** explained that there was a possibility that the County could be required by law to take ownership of a sizeable number of properties in Tellico Village that are delinquent in their taxes and in their monthly assessments to the Tellico Village Property Owner's Association (TVPOA). These properties are currently on the delinquent properties taxes listing for the October Tax Sale. If they do not sell the County will be forced to accept ownership and assume responsibility for the assessment fees owed to the TVPOA in addition to the property taxes delinquency. Approving this Request will allow the County to petition the Court to remove these properties from the upcoming Tax Sale and provide the County five years to get legislation passed through the State. Property owners will legally have one year to pay the back taxes and reclaim ownership of the properties.
- Discussion included **Commissioner Yarbrough** clarifying with **Mayor Herron** this action was only a request to the Judge and there was no certainty of the outcome. If the Court doesn't approve, the County would have to auction these properties off at another upcoming tax sale. **Commissioner Duff** asked **Attorney Bowman** if this was his recommendation for the Commission and **Mr. Bowman's** response was that he saw no other options and that he concurred in this action.
- A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Franke** to approve requesting removal of these properties from the upcoming tax sale. **Commissioner Miller** stated that he was a member and former officer of the Tellico Village Property Owner's Association and had allegiance to the organization in addition to being a Loudon County Commissioner and owing allegiance to County residents. Therefore, he had a conflict of interest and would be abstaining from the voting on this item.

Upon roll call vote the following Commissioners voted **Aye: Maples, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Meers: (7)**

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

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

The following Commissioner **Abstained: Miller: (1)**

The Commission currently has a **Vacant Seat.**

Thereupon the Chairman declared the motion **Passed: (7,0,1,1)**

5. Consideration of a Resolution Approving Appointments to the Following Boards/Committees:

(12)

Board

Appointments

Approved

- 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. Economic Development Agency Board of Directors
- i. Financial Advisory Committee
- j. Governmental Affairs Committee
- k. Jail Study Committee – Ad-Hoc
- l. Library Board
- m. Litter Control Committee
- n. Maintenance Committee
- o. Purchasing Committee
- p. Regional Library Board
- q. Safety Committee
- r. Salary and Benefit Committee – Ad-Hoc
- s. Senior Citizen’s Executive Committee
- t. Sheriff’s Merit Services Board
- u. TRDA Board of Directors (Loudon County)

Chairman Bledsoe asked if the Commission wished to vote on these individually or as a group and consensus was as a group.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Franke** to approve all of the above appointments.

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

Resolutions 080612-C-W

Loudon County Planning and Codes Director – Russ Newman

(13)

Rezoning At

Intersection

Of Beals Chapel

& Martel Roads

1. Request Consideration of Approving 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 3.37 Acres from R-1 (Suburban-Residential) to C-1 (Rural Center District). Referenced by: Tax Map 16, Parcel 214.03, Located on Beals Chapel Road at the Northwest Intersection of Martel Road.

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 080612-X

Loudon County Roads Commissioner – Eddie Simpson

(14)
Amberly
Meadows
Roads Accepted
Into County
Roadway
System

1. A Resolution of the Loudon County Commission Accepting Amberly Court, Porter Lane, and McKaymie Lane, Located off Harrison Lane, into the Public Roadway System, Said Roads 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 080612-Y

Loudon County Purchasing Director – Leo Bradshaw

(15)
Three-Year
Contract
For Highway
Department
Uniform
Services

1. Request Consideration of Approving a Multi-Year Contract for Highway Department Uniform Services.

Director Bradshaw explained that this would be a three-year contract.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Harrelson** to approve this request.

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

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

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

The Commission currently has a **Vacant Seat**.

Thereupon the Chairman declared the motion **Passed: (8,0,1)**

Loudon County Budget Director – Tracy Blair

(16)
Acceptance of
DOE Grant

1. Consideration of a Recommendation to Approve Acceptance of a \$16,000. DOE Grant; 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: Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, Meers, and Maples: (8)**

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

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

The Commission currently has a **Vacant Seat**.

Thereupon the Chairman declared the motion **Passed: (8,0,1)**

(17)
Pettway Grant
Accepted

2. Consideration of a Recommendation to Approve Acceptance of a \$1,000. Pettway Grant for Lenoir City Library; no matching funds.

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

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

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

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

The Commission currently has a **Vacant Seat**.

Thereupon the Chairman declared the motion **Passed: (8,0,1)**

- (18)**
Land Lines
Rate Increase
For E-911
Tabled
3. Consideration of a Recommendation to Approve a Resolution Regarding a Rate Increase on Land Lines for Loudon County Emergency Communications District.
- A **motion** was made by **Commissioner Meers** with a second by **Commissioner Yarbrough** to **table** this recommendation for discussion at the next Commission Workshop and then to reconsider at the September Commission Meeting. Upon voice vote the motion **Passed** unanimously.
- Resolution 080612-Z**
- (19)**
Summary
Financial
Statements
Delayed
- Budget Director, Tracy Blair**, requested that records reflect that the Summary Financial Statements for the month of June 2012 will be delayed.
- (20)**
Notaries
Approved
- Loudon County Commissioner, David Meers**, made a **motion** with a second by **Commissioner Maples** to approve the following Notaries: *William David Grose; Rebekah M. Vaughan; Shari Lynn Hitson; Ashley K. Russell; Samuel A. Stephens; Tamara S. Reynolds; Autumn Carter; Emily G. Phillips; Lisa M. Smith; Brenda J. Kocsis-Peterson; Rebecca Wilson; Margaret Jeannette Minix; Kristi D. Guider; Donald N. Marinos; Meghan Louise Hull; Jenni John; Barbara S. Crane; and Jane Raines.*
- Upon voice vote the motion **Passed** unanimously.
- Exhibit 080612-AA**
- (21)**
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** talked about the Commissioner’s salaries issue saying that he wants to see an honest discussion of the subject and citing that one Commissioner has said that they tried to get this on the last workshop agenda. He compared other county commission’s salaries to Loudon County and agreed with **Commissioner Miller’s** analysis that Loudon County is definitely “out of line”. He compared other board’s salaries also and Loudon County was higher. He cited their income by line item and concluded that the total was \$126,517.
- Purchasing Director, Leo Bradshaw**, reported that he had conducted a property auction and received a bid for one piece of property but it was very low. He has put this property back into the paper for further bidding to try to get a better return.
- Commissioner Franke** responded to discussions and comments regarding Commissioner’s salaries. He said that he has done some research and that Tennessee is number 41 out of 50 states in the U.S. for property tax rates. He cited some of the accomplishments of this Commission just since he’s been a member and concluded that he feels that this Commission has done a pretty good job of managing the County’s \$60M budget. He defied anyone to find a state that’s lower taxed and he stated that he was proud of what this Commission has done!
- Commissioner Yarbrough** responded that she believes that the issue is not about what the Commission has done but about not bringing this issue to the table for public discussion.

Pat Hunter requested the Commission to ask the Planning Commission to look at the Bonds vs Letters of Credit issue so that tax payers and home owners wouldn't be left with the burden of paying off developers when they go bankrupt in the future. She also requested that when the E-911 Public Hearing takes place later this month that it be held in a facility with microphones and adequate capabilities with "friendly" public access for entrance and not the current E-911 building.

Commissioner Miller asked **Plans and Zoning Director, Russ Newman** a question about the Bonds vs Letter of Credit item and, receiving clarification that the financing Bank is supposed to assume the debt if the developer goes bankrupt, he stated that he believes that the Letter of Credit does the job of protecting the County citing that the problem in this current instance is that the Letter of Credit was allowed to expire and this should not happen.

Wayne Schnell commented on **Commissioner Franke's** remarks saying that it was true that he moved here because of the low tax rates but that there were currently people in the County that were struggling to pay for the property tax increase the Commission approved last year and that it was the Commission's job to keep the tax rates low. He suggested using other types of taxes when additional revenue is needed - and not by increasing property taxes. There was unanimous response from the Commission citing previous attempts to pass "other" taxes in the past and the public totally rejected all of them.

Commissioner Maples addressed **Mayor Herron** about the Bonds vs Line of Credit issue asking if she had not mentioned researching this and providing clarification.

Mayor Herron responded that she had looked into it and that there wasn't much difference between the two. **Commissioner Maples** said that she thought the **Mayor** was going to appoint some kind of Commission to oversee this to insure that the County doesn't get stuck with liability in the future. **Mayor Herron** explained the process of using both options and concluded that the process is correct - in this case the problem was in the execution by not preventing the Line of Credit from expiring.

Commissioner Maples then asked **Russ Newman** if the Planning Commission was doing anything to fix this and he responded that they were looking at these letters of credit to insure that in the future they won't be allowed to expire.

Commissioner Maples responded that therefore this shouldn't happen again and **Russ Newman** confirmed her comment.

Commissioner Duff asked if there were other situations similar to Amberly Meadows still out there to "come back on us" and **Russ Newman** responded that there are none that he knows of.

Commissioner Meers asked **Mayor Herron** about the September 7th mandate to respond to the Jail Study Report and she responded that there was a meeting on the issue scheduled for Noon on Friday at the Justice Department.

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 August 6, 2012 County Commission Meeting stood adjourned at 7:30 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR