

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE

COUNTY OF LOUDON

January 7, 2013

6:00 PM

PUBLIC HEARING

Loudon County Planning and Codes Director – Russ Newman

- (1)
Public
Hearing
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 2.71 Acres from A-2 (Rural-Residential) to C-1 (Rural Center District), Referenced by: Tax Map 56, Parcel 9.00 Located at 10395 West Lee Highway, 1st Legislative District.

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 7th day of January 2013. The **Honorable Roy Bledsoe** called the meeting to order.

Richard Truitt opened the County Commission Meeting and led the Pledge of Allegiance to the Flag of the United States of America. **Reverend David Bell of Greenback First Presbyterian Church** delivered the invocation.

- (3)
Roll Call
- Present were the following Commissioners: **Jenkins, Meers, Maples, Quillen, Franke, Bledsoe, Duff, Yarbrough, and Harrelson: (9)**

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

Thereupon **Chairman Bledsoe** announced the presence of a quorum.

Present was the **Honorable Mayor Estelle Herron**.

Chairman Bledsoe recognized that we had a new Commissioner from the 2nd District with us tonight - **Rosemary Quillen**. **Commissioner Quillen** thanked the voters of her district for her appointment. She said that she was honored to be part of the Commission and thanked everyone for their welcome.

- (4)
Declaration
Presented To
Commissioner
Franke
- Chairman Bledsoe** walked to the floor in front of the podium and asked **Commissioner Franke** to join him there. He asked **Mayor Herron** to come forward. **Mayor Herron** said that it was the greatest honor she ever hoped to have in her life to be able to recognize the accomplishments of **Colonel Franke** and she was so proud to call him her friend! She read the framed Declaration describing **Col. Franke's** military career and **declaring January 7, 2013 Robert D. Franke Day in Loudon County** and then presented it to **Commissioner Franke**. **Chairman Bledsoe** thanked **Commissioner Franke** on behalf of a grateful County for his 37 ½ years of service and presented him with a framed article from his hometown newspaper describing in detail his military service and accomplishments. He also presented him with a desk framed picture of **Colonel Franke** standing in front of a restored F-84F Fighter Jet that was recently rededicated in his name and stands in a community park near his Indiana hometown. **Chairman Bledsoe** acknowledged and thanked Deputy Clerk, Phyllis Youngblood for her contribution in preparing the presentation items.
- Exhibit 010713-A**

Commissioner Franke responded that he was very appreciative of the recognition and said that he couldn't have done it without the support and help of his family and friends, and a lot of people, but especially his wife, Carolyn - noting that they had just celebrated their 50th wedding anniversary this year. He introduced her from the audience as well as his daughter, **Julia Bohn**, who was also present.

(5)
Agenda
Adopted
As Amended

Chairman Bledsoe requested that the January 7, 2013 Agenda be adopted. **Mayor Herron** requested adding to the Agenda Consideration of Approval of Amendments to County General Fund 101 under the Budget Director's presentation. **Commissioner Harrelson** asked whether the folks who wanted to be nominated for the Interim Trustee position should speak at the Public Comments opportunity or wait until this item comes forward on the agenda. **Chairman Bledsoe** responded that this would be done when the item comes up on the agenda. **Commissioner Yarbrough** asked if the Commission would also address procedures for the selection at that time. **Chairman Bledsoe** said they would and that the Mayor had asked **County Attorney, Bob Bowman** to participate in this meeting to provide guidance on proper procedures. A **motion** was made by **Commissioner Meers** with a second by **Commissioner Harrelson** to adopt the Agenda as amended. Upon voice vote the motion **Passed** unanimously.

(6)
Minutes for
Dec 3, 2012
Comm Mtg
Approved

Chairman Bledsoe requested that the December 3, 2012 County Commission Meeting Minutes be approved and accepted. A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Jenkins** to approve these minutes. Upon voice vote the motion **Passed** unanimously.

(7)
Comments:
Agenda Items

Chairman Bledsoe asked that any visitor wishing to address the Commission regarding items on the planned Agenda come forward. **Tom Harvey** came forward to ask **Chip Miller**, one of the candidates for the Interim Trustee position, a question about taking a tax deduction on his home office. There was objection from the audience and from the Commission. **Chairman Bledsoe** told him that this was out of order and attempted to stop him for proceeding. **Chip Miller** responded that he believed that people in real estate were not being billed for this but he would be glad to go back and look at his returns. **Mr. Harvey** asked if he has to pay this then why doesn't **Mr. Miller**? **Richard Truitt** spoke on Item B. regarding tax breaks for Industries to encourage new industries to the area. He asked why not offer such breaks to property owners to encourage building homes on their property to increase tax revenues. **George Miller, Current County Trustee**, encouraged the Commission to select an interim replacement for his position at tonight's meeting to provide overlap with retiring Deputy Trustee, Ms. Malone during the busy tax season and thus get the maximum in-house training before she retires. **Ron Jordan**, on staff of the First Baptist Church of Lenoir City, spoke in favor of the Trustee position being filled tonight. He spoke in favor of Chip Miller, giving him his highest recommendation. He said that he had worked with him in the County and that he was dedicated and had high integrity and honesty. **Ted Wampler, Jr.** spoke for Chip Miller saying that he was the treasurer for Chip's campaign and that he had always met his payroll and was very successful in his business.

Pat Hunter encouraged the Commission to establish a legitimate vetting process to fill vacancies. She said the Commission needs a forum to interview candidates and to take the time to select the most qualified candidate. She said that everyone gets shortchanged in a fast vote – the public, the candidates, and the Commission.

Lanita Drinnen withdrew her name from consideration for the Interim Trustee position saying that she believes the 2nd highest score in the last election of the Trustee should complete the term.

Steve Burrell said that he agrees with **Pat Hunter** that the Commission needs a vetting process.

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

(8)
Board
Appointments
Approved

1. Request Consideration and Approval of Appointment Resolutions for the Following Boards/Committees:

- a. Construction Board of Adjustments and Appeals
- b. E-911 Board

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

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

Resolutions 010713-B & C

(9)
Settlement
Of Covenant
Lawsuit
Approved

2. Request Consideration of Approval of Settlement of the Covenant Lawsuit for the sum of \$50,000.

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

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

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

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

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

(10)
Trustee
Resignation
Accepted -
Seat Declared
Vacant

3. Request Consideration of Accepting the Resignation of the Loudon County Trustee, George Miller, and Declaring the Seat Vacant.

Mayor Herron read the item for Commission consideration.

A **motion** was made by **Commissioner Quillen** with a second by **Commissioner Jenkins** to accept the resignation and declare the seat vacant.

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

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

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

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

Exhibit 010713-D

**(11)
Interim
Loudon
County
Trustee
Appointed**

4. Request Consideration of the Appointment of an Interim County Trustee.
County Commission has 120 Days to Select an Interim Trustee.

The **Mayor** read the item for Commission consideration.

Commissioner Franke made a **motion** to delay consideration of filling the Interim Trustee position to allow more time to talk to the candidates one-on-one and to provide a complete vetting opportunity to decide who was the most qualified. He requested postponing these discussions until the next Workshop Meeting later in January and voting at the next Commission Meeting in early February. He said that Ms. Malone was very competent and that she would be on the job through the tax season so there was no rush to make an appointment tonight.

Commissioner Meers agreed with **Commissioner Franke** and **seconded the motion to delay consideration.**

Commissioner Harrelson said that the Commission was required by law to fill a vacant position and that he thinks the tax season requires the Commission to place someone in the position to learn the process during this overlap with the current Deputy Trustee before she retires. He asked the attorney if the Commission has fulfilled all the requirements to allow a vote tonight and **Attorney Bowman** responded that the Commission and the Chair had complied with all the laws.

Commissioner Yarbrough said that she would like to add a comment that she agrees that the Commission needs to elect an Interim Trustee tonight. She said that she has been in contact with each of the applicants and feels that she can make a qualified selection tonight.

Commissioner Meers thanked each of the applicants for participating in the process. **Chairman Bledsoe** asked for a vote on the motion to delay consideration of filling the position.

Upon roll call vote the following Commissioners voted **Aye: Franke, Bledsoe, and Meers: (3)**

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

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

Thereupon the Chairman declared the motion **Failed: (3,6,1)**

Mayor Herron asked **Attorney Bowman** to go over the proper procedures for proceeding. He provided information from the State of TN Office of Attorney General regarding County Commission Meetings as well as from the Loudon County Policy and Procedures Manual.

- Nominees can be taken from the floor as well as the existing applicants but they must be nominated or supported by a Commissioner to be eligible.
- Commission must decide how to eliminate tie votes.
- Commission has to decide how they want to proceed.

Commissioner Yarbrough had a suggestion for a procedure for eliminating tie votes which she distributed to the Commissioners. There was initial confusion and uncertainty and **Attorney Bowman** asked **Commissioner Yarbrough** for further explanation. There was general discussion among the Commissioners and **Attorney Bowman** and a decision to go forward with this procedure was reached.

The procedure required taking roll call votes on the eligible candidates and if there were ties, a runoff vote to eliminate one or more of the tied candidates and allow the winner to remain in the competition. Roll call voting on remaining candidates and elimination would continue until a majority vote made the final determination on one candidate.

Commissioner Yarbrough made a **motion** to adopt this procedure for the selection of the Interim Trustee.

Commissioner Harrelson asked for clarification on the process and, following that, he **seconded the motion**.

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

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

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

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

Chairman Bledsoe asked for Nominations for consideration for the Interim Trustee Position from the Commissioners:

- **Commissioner Jenkins** nominated **Mike Cartwright** noting that he had received the most votes after George Miller in the last election.

- **Commissioner Meers** nominated **Leo Bradshaw** noting that he was willing to fill out the Interim term but would not be running for the position in the next general election which would allow County voters to select the next Trustee.

- **Commissioner Harrelson** nominated **Chip Miller**.

Chairman Bledsoe asked **Vice Chairwoman Maples** to assume the chair so that he could make a nomination.

- **Commissioner Bledsoe** nominated **Sherri Colvard**.

Chairwoman Maples called for nominations from the floor.

Julia Hurley nominated herself. No Commissioner came forward to support the nomination, therefore, **Attorney Bowman** announced that she would not be considered.

Commissioner Bledsoe made a **motion** that nominations cease and that the Commission continue with the selection process. The **motion was seconded by Commissioner Quillen**.

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

Chairwoman Maples called for the eligible candidates to come forward to speak to the Commission.

Mike Cartwright, Leo Bradshaw, Sherri Colvard, and Chip Miller each came forward in turn and presented their qualifications and credentials to the Commission and asked for their support.

Commissioner Franke reiterated that he felt it was important to let the County voters choose the next Trustee by general election and therefore he was supporting keeping someone already in County government to fill out the current term who would not be running for the position at the next election.

Commissioners agreed on a Roll Call vote as the process to select a candidate.

First Roll Call Vote

Upon roll call vote Commissioners voted as follows: **Bledsoe - Colvard; Duff - Miller; Yarbrough - Miller; Harrelson - Miller; Jenkins - Cartwright; Meers - Bradshaw; Maples - Miller; Quillen - Miller; and Franke - Bradshaw.**

This vote resulted in an elimination vote between **Cartwright and Colvard**.

Second Roll Call Vote

Upon roll call vote Commissioners voted as follows: **Duff – Cartwright; Yarbrough – Colvard; Harrelson – Colvard; Jenkins – Cartwright; Meers – Cartwright; Maples – Colvard; Quillen- Colvard; Franke – Colvard; and Bledsoe – Colvard.** This vote resulted in an elimination vote between **Colvard, Bradshaw, and Miller.**

Third Roll Call Vote

Upon roll call vote Commissioners voted as follows: **Yarbrough – Miller; Harrelson – Miller; Jenkins – Miller; Meers – Bradshaw; Maples – Miller; Quillen – Miller; Franke – Bradshaw; Bledsoe – Colvard; and Duff – Miller.** This vote resulted in **Chip Miller** receiving the majority of 6 votes and being declared the winner.

Chairwoman Maples turned the meeting back over to **Chairman Bledsoe.** **Chairman Bledsoe** declared **Chip Miller** the newly appointed **Loudon County Interim Trustee** and congratulated him. **Mr. Miller** thanked the Commission.

Exhibits 010713-E-I

Commissioner Meers requested a ten minute recess and **Chairman Bledsoe** declared a recess with resumption of the meeting at 7:20.

Attorney Bowman left the meeting.

Upon resumption of the meeting **Chairman Bledsoe** introduced **Squire Ted Wampler** from the audience who spoke about his years in County Government and thanked the Commission for its work.

(12)
Payments
In Lieu of
Ad Valorem
Tax for a Certain
Project in L. C.
for Dupont Tate
& Lyle
Approved

Economic Development Agency Director – Pat Phillips

1. Request Consideration of a Resolution Amending Delegation to the Industrial Development Board of the City of Loudon, Tennessee to Negotiate and Accept Payments in Lieu of Ad Valorem Tax with Respect to a Certain Project in Loudon County, Tennessee, for Dupont Tate & Lyle Bio Products Company, LLC and Finding That Such Payments are Deemed to be in Furtherance of the Public Purposes of the Board as Defined in Tennessee Code Annotated Section 7-53-305.

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

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

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

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

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

Resolution 010713-J

Loudon County Planning and Codes Director – Russ Newman

**(13)
Rezoning
on West Lee Hwy
Approved**

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 2.71 Acres from A-2 (Rural-Residential) to C-1 (Rural Center District). Referenced by: Tax Map 56, Parcel 9.00 Located at 10395 West Lee Highway, 1st Legislative District.

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

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

Resolution 010713-K

Loudon County Budget Director – Tracy Blair

**(14)
Issuance of
Interest Bearing
Water & Sewer
Revenue and
Tax Capital Outlay
Notes Approved**

1. Consideration of Approval of a Resolution of Loudon County, Tennessee, Authorizing the Issuance of Interest Bearing Water and Sewer Revenue and Tax Capital Outlay Notes, Series 2013, in an Amount Not to Exceed \$400,000. and Providing for the Payment of Said Notes.

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

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

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

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

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

Resolution 010713-L

**(15)
Fund 171
Approved**

2. Consideration of Approval of Amendments in the Following Funds:
 - a. General Capital Projects Fund 171

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

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

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

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

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

Exhibit 010713-M

- (16)
Fund 101
Approved
- b. County General Fund 101
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: Meers, Maples, Quillen, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Jenkins: (9)**
The following Commissioners voted **Nay: (0)**
The following Commissioner was **Absent: Miller: (1)**
Thereupon the Chairman declared the motion **Passed: (9,0,1)**
Exhibit 010713-N
- (17)
Fund 141
Approved
- c. General Purpose School Fund 141
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Quillen** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Jenkins, Meers, Maples, Quillen, Franke, Bledsoe, Duff, Yarbrough, and Harrelson: (9)**
The following Commissioners voted **Nay: (0)**
The following Commissioner was **Absent: Miller: (1)**
Thereupon the Chairman declared the motion **Passed: (9,0,1)**
Exhibit 010713-O
- (18)
Fund 142
Approved
- d. School Federal Projects Fund 142
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Yarbrough** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Meers, Maples, Quillen, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Jenkins: (9)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: Miller: (1)**
Thereupon the Chairman declared the motion **Passed: (9,0,1)**
Exhibit 010713-P
- (19)
Summary
Financial
Statements
Distributed
- Budget Director, Tracy Blair**, requested that records reflect that the Summary Financial Statements for December 2012 have been distributed.
Exhibit 010713-Q
- (20)
Notaries
Approved
- A **motion** was made by **Commissioner Meers** with a second by **Commissioner Maples** to approve the following Notaries: ***Grazyna Gammons***; and ***Susan K. Goodwin***.
Upon voice vote the motion **Passed** unanimously.
Exhibit 010713-R

(21)
Comments:
Non-Agenda
Items

Chairman Bledsoe asked that any visitor wishing to address the Commission regarding items not on the Agenda come forward.
Pat Hunter came forward and distributed an Attorney General opinion on County Commission Meetings which addressed large public meetings with regard to appropriate accommodations and adequate audio equipment so that the public can hear the proceedings. She noted that the School Board Meetings and the Solid Waste Commission Meetings often do not always address these appropriately. She also noted that the Commission does better at providing appropriate accommodations and audio for the public.
Exhibit 010713-S

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 January 7, 2013 County Commission Meeting stood adjourned at 8:00 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR