

QUARTERLY COURT MINUTES

BE IT REMEMBERED that the Quarterly Court of Loudon County met on March 6th, 1972, at 9:00 A. M. with the Honorable Harvey L. Sproul, County Judge of said county presiding, and with Mrs. Addie Ruth Clarke, present representing the County Court Clerk. Whereupon Sheriff Russell led the Pledge of Allegiance and opened Court.

Squires present were:

J. J. Blair	James M. Hartsook
Roy Bledsoe	Curtis Williams
I. D. Conner	Jack Lefler
Henry Foster	J. G. Hudson

Squire R. P. Hamilton was absent at beginning of meeting but came in later as indicated hereinbelow.

Minutes
Approved

The Chair declared a quorum present, and the minutes of the February 7, 1972, regular meeting of the Quarterly Court were read, and upon motion by Squire Blair, seconded by Squire Williams, were unanimously approved as read.

Open
Discussion

Hotel-
Motel Tax

During the "open discussion" session of the meeting, a delegation of citizens were present representing the hotel-motel owner's and operators of the County, with the expressed intentions being to oppose the institution of a 5% occupancy tax on travelers, which action has been requested by the Quarterly Court to be approved by the State Legislature, and with the proceeds of this tax, when approved by the Legislature and approved by a two-thirds majority of the Quarterly Court, to be used toward payment of the county's share of the construction cost of the two connecting roads for the two new interchanges at Sugarlimb and Philadelphia, the agreement with the State of Tennessee Highway Department being that the interchanges would not be installed on Interstate 75 unless the County built the connecting roads. Spokesmen for the hotel-motel owners were Norman Lawhorn, Will A. Hildreth, and others, who basically felt that such an extra tax on one industry

only would be discrimination against that industry, would tend to ruin that industry in Loudon County inasmuch as travelers would go on to another county rather than pay the 5% extra tax. the discussion from the Quarterly Court was to the effect that it had not heard any significant objection to this type of tax until the last two weeks, with many of the motel owners having been in favor of the completion of the connecting roads and the gaining of two additional interchanges on Interstate 75, this action having been taken by the Quarterly Court in August, that they did not feel that the 5% tax would be a deterrent to travelers stopping in Loudon County, that the commitment to pay for the connecting roads had already been made, and further that several of the Justices had indicated that they would do everything they could to keep the cost of the connecting roads off the property tax, and that the motel-hotel occupancy tax commitment had already been made in this direction.

As a part of his report, the County Judge reported that the law suit, Anderson County versus State Board of Equalization, et al, which Loudon County's position, along with Monroe anderson Co. and Roane Counties, has been that the settlement formula is not versus adequate, and that the County Judge Joe Magill is not entitled StateEqual. to a fee for his actions in bringing a law suit, is still pending in the Chancery Court in Davidson County, awaiting negotiations to see whether or not an agreement can be made as to additional money to the counties, with the basic position being that the present formula as negotiated by Judge Magill does not provide for an increase in property valuation from the time the property was purchased by TVA, which in some cases has been more than 30 years.

It was moved by Squire Conner, seconded by Squire Hartsook, that the County Judge and the County Attorney continue to negotiate to get the best settlement possible, and that they be authorized to make or commit the Quarterly Court to the best settlement that they could get using their own judgment, which motion passed unanimously with all Squires present voting aye on a roll-call vote.

Greenway
Versus
Loudon Co

Concerning the suit of Joe Greenway versus Loudon County, the suit in which the Third District Highway Commissioner had objected to a redistribution of local gas tax funds, the defendants have now filed a cross-complaint asking for a declaratory judgment declaring that the Loudon County Highway Commission is malapportioned, and asking that this be corrected. It is expected that a plan providing for three County Highway Districts of approximately equal population would soon be filed with the Chancery Court by the County's attorney.

Invest-
ment
of
Idle
Funds

Judge Sproul explained that the County auditors had continued to report that the County should take definite steps for a planned program of investment of idle funds, and that in personal conversation with him, the auditors had explained that the County was carrying a rather large monthly cash balance in checking accounts which should be invested for the benefit of the taxpayers. Judge explained to the Quarterly Court that he had requested assistance from the State Comptrollers office to advise as to how this could be done and that Mr. Larry Bailey, Regional Director for the State Comptroller's office was going to meet with the County Judge, the Director of Accounts and the Trustee in the near future. It was then moved by Squire Foster, seconded by Squire Hartsook, and unanimously approved on a roll-call vote by all Squires present, that the County Judge, the Trustee, and the Director of Accounts be authorized to invest idle county funds using their discretion and judgment as to the amount of funds, and appropriate time intervals, for which funds could be invested so as to receive the maximum benefit for the County taxpayers, without jeopardizing the payment of current bills by the County.

Judge Sproul explained that the bonding company had made an offer of settlement concerning the parts of the contract for the renovation of the Courtroom which were not completed, but that he personally felt that offer was made was not as satisfactory to the County as it should be, and that with some assistance from

Courtroom
Renovation
Settlement

the Purchasing Agent and the County Maintenance engineer, that a counter-proposal should be given by the County. It was moved by Squire Blair, seconded by Squire Hartsook, that the County Judge work with the Purchasing Agent and the Maintenance Engineer and come up with a counter proposal which would be presented to the Bonding Company, with any final settlement proposal to be brought back to the Quarterly Court for approval, which motion passed unanimously with all Squires present voting aye.

Vets
Bonus

Judge Sproul explained that he had received a copy of a resolution from the Campbell County Quarterly Court, requesting that all other Tennessee Quarterly Courts consider adopting such resolution. It was then moved by Squire Conner, seconded by Squire Williams, and unanimously approved by all Squires present, that the following resolution, Resolution No. 572, which is attached to these minutes as EXHIBIT. A, be adopted:

HUD
Public
Facilities
Loan

Judge Sproul asked Dennie Martin to explain the possibilities of a public facilities loan through the Housing and Urban Development which could be used to help lower the cost of current proposed projects the County was facing. Mr. Martin explained that such a loan was probably available to Loudon County, and that it could be probably used for two projects which the County was presently considering, one being the Local Detention Facility, with a communications and records room and other uses, to be jointly used by Loudon, Lenoir City, and Loudon County; and also for the County Central Landfill and the County collection system. He stated, however, that an application would have to be made immediately and at least by April 1st in order to obligate the funds, and that there were certain preliminary matters that had to be taken care of in the event of an application for building loan funds including front elevation, floor plan, and a rough estimated cost for such a building. This local center would ultimately fit into the total regional picture.

Judge Sproul explained that Charles Lee, regional representative for the Tennessee Law Enforcement Planning Agency, had indicated that the Loudon County area was still being considered for the next phase of the Regional Jail Program and that 50% grant funds might be available for a Local Detention Center.

It was then moved by Squire Blair, seconded by Squire Hamilton, that the County Judge be authorized to make a preliminary application for a public facilities loan fund to cover the entire cost of a Local Detention Center, and the cost of the Sanitary Landfill and Collection System, with the proper allocations to be made between the two, and with the County Jail Committee (Local Detention Center) as previously appointed, including the County Judge, Sheriff Freeman Russell, Dennie Martin, and Squires Blair and Bledsoe, to continue to work immediately toward plans for a detention facility which would fit into the ultimate plan for a regional detention facility which probably would be located in this area. The motion passed unanimously with all Squires present voting aye.

It was moved by Squire Hartsook, seconded by Squire Conner, that State Representative Benny Stafford, and State Senator Houston Goddard be requested to have a Private Act passed in the Legislature reorganizing the Loudon County Highway Commission in accordance with the Private Act which had been proposed by previous Quarterly Court committees, with the amendments that had been made since, revised copies of which had been supplied previously to members of the Quarterly Court, with an additional change however, that the required local approval of the Private Act come back for a public referendum, rather than coming to the Quarterly Court for two-thirds approval, and with the referendum to be held on the date of the Tennessee Presidential Primary Election if possible, and if not possible, then the first regular election occurring thereafter. The vote on the motion was as follows: Voting Aye: Conner, Foster, Hartsook, Williams, Hamilton. Voting No: Blair, Bledsoe, Lefler, Hudson.

The Chair declared the motion passed.

Postpone
Effective
Date

It was then moved by Foster, seconded by Hamilton, that this proposed Private Act to be presented to the Legislature be further amended by providing that the new highway commissioners to be elected under the Private Act would not take office until September 1, 1974, which motion passed unanimously with all Squires voting aye.

Co. Ag.
Committee

It was moved by Squire Hamilton, seconded by Squire Williams, that the following persons be appointed to the County Agricultural Committee for a term of two years, which motion passed unanimously with all Squires voting aye: Roy Bledsoe, R. P. Hamilton, Curtis Williams, Mrs. Claude Smith,

st. New
ounty
oting
istricts

The next question on the agenda involved the adoption of a reapportionment resolution by the Quarterly Court designating county voting districts in accordance with Tennessee Statutory Law, based on the census figures for 1970. Squire Foster explained that he had studied the matter in some detail, and that when the Quarterly Court was last reapportioned in Federal Court, that there had been an effort to keep from moving people from their usual voting districts and precincts if possible, and to maintain the civil district lines as closely as possible, but that since that time there had been some slight shift in population throwing the Second Civil District out of line insofar as holding four squires (on an average basis of 2,696 people per squire), and that the Fifth Civil District now was a little heavy in population (approximately 800 population), which was not nearly enough to meet the requirement for one additional squire; and that the apparent easiest solution to the problem, so as to affect as few people in the entire county as possible, was to make the Second Voting-District line go all the way to the Tennessee River near Loudon, and to change the line slightly between the Second and

Fifth Districts. It was then moved by Squire Foster, seconded by Squire Hamilton, that Resolution No. 6-72, ^(Exhibit B) concerning establishing new County Voting Districts, be approved, said resolution being incorporated herein by reference. After considerable discussion, in which the question was asked as to why it was felt necessary to bring the line down to the Tennessee River, and to which Squire Foster explained that the Second Civil District line, in the not too distant past had been at the Tennessee River, and that moving the line was necessary so that the proposed plan would meet the requirements of the "one-man-one vote" rule equalizing the population. He said he felt it was better to keep the river as the dividing line, rather than, as an example, crossing the Tennessee River at Lenoir City and picking up population in the Fort Loudoun Estates-Glendale area. Upon roll call, the vote was as follows: Voting aye: Conner, Foster, Hartsook, Williams, Hamilton. Voting No: Blair, Bledsoe, Lefler, Hudson.

The Chair declared the resolution adopted.

county
quarry
lease

Squire Blair explained that a considerable amount of the land in and around the old quarry just across the river bridge was not being kept up, that it was being used as a dumping ground for beer cans and other trash, and that the adjacent land owner, Julian Ogden, was willing to keep the land cleared and would fence it in and maintain the land for the purpose of clearing up the mess and to also possibly use it as a grazing field, on the basis of \$1.00 a year lease, with him to be responsible for any damages, and with it being understood that a thirty day notice by either party would terminate the lease agreement. It was accordingly moved by Squire Blair, seconded by Squire Hamilton that the County Judge be authorized to enter into a lease agreement with Mr. Ogden on the general terms and conditions as presented, and under the general terms of other similar type leases to which the County has entered on previous occasions, the motion passing unanimously with all Squires voting aye, it being specifically understood that the part of the quarry land being used by the County highway department would not be included in the lease.

County
Hospital
Report

Squire Conner reported that the new Loudon County Memorial Hospital continued to do well, that the "stroke" re-habilitation program details were almost all worked out;^{and} that J. K. Moore, Administrator of the Regional Medicare Office had inspected the hospital and had given a very good report concerning the Loudon County Hospital operation. He further reported that a meeting had been arranged with a representative of the National Health Service for the purpose of seeing whether or not Loudon County qualified for an intern-doctor program.

Deputies
\$100 Extra
Pay

Sheriff Russell explained that he had been able to keep on a regular basis an average of only approximately four deputies during this year, that some salary money had accumulated in his salary account, that the four men he presently had were working twelve to sixteen hours per day, and that the net salary in this regard would be somewhere around \$1.30 and \$1.60 per hour and that this was not really fair to them. He felt that if the Court would approve it that a fair thing for the deputies, and a nice gesture to them for all the extra work they have been doing, would be to appropriate the budget money to the present deputies; it being understood that this would only be a temporary matter and would not extend past June 30, 1972, the end of the fisical year. It was then moved by Squire Blair, seconded by Squire Hudson, that the Sheriff be authorized to pay his deputies an additional \$100 per month on a temporary basis not to extend past June 30, 1972, and subject to the opinion of the Sheriff that the officers involved are performing the work required to merit the temporary increase, it being understood the deputies who have resigned between February 1, and the meeting of Court would not be included, but with the pay increase to be retroactive to February 1, 1972, otherwise. The motion passed on a roll call vote with all Squires voting aye.

It was moved by Squire Conner, seconded by Squire Williams, that the budget transfers and appropriations shown on

Budget
Amendments

attached Exhibit C, be authorized and adopted by the
Quarterly Court, which motion passed unanimously on a roll call
vote with all Squires voting aye.

Investigate
Hosp. Ins.
& Retire.
for County
Employees


Squire Blair brought up for discussion the
question of the possibility of obtaining health, hospitalization,
and retirement benefits and insurance for all county employees
not presently covered. After discussion, it was agreed to ask
the Purchasing Agent to work with local insurance agents insofar
as health and hospitalization insurance was concerned, to come
up with proposals and the cost thereof, and for the Director of
Accounts and the County Judge to take the necessary steps to
request a survey by the State of Tennessee Division of Retirement
to determine what the cost would be for Loudon County to
go into this. The motion so to do was made by Squire Blair,
seconded by Squire Conner, and unanimously approved.

Elect
Notary
Publics

It was moved by Squire Lefler, seconded by
Squire Foster, that the following persons be elected as Notary
Publics: Robert Caldwell, Billy H. Thompson, W. C. Baskette,
Imogene Beaty, John C. Messamore, Herbert O. Jones and Rebecca
H. Evans. The motion passed unanimously with all Squires voting
aye.

It was moved by Squire Blair, seconded by
Squire Bledsoe, and unanimously approved that the meeting be
adjourned at 3:00 P. M.

MINUTES APPROVED


County Judge

RESOLUTION NO. 5-72

EXHIBIT A

Whereas, the great State of Tennessee has over 300,00 veterans, and

Whereas, the State of Tennessee has had more volunteers in the Armed Services than any other State in the United States, and

Whereas, the State of Tennessee has never paid a veterans bonus.

NOW, THEREFORE BE IT RESOLVED, that the Loudon County Quarterly Court meeting in Regular Monthly Session March 6, 1972, at the Courthouse in Loudon, Tennessee, respectfully request the Governor and the General Assembly at their next meeting to make funds available to pay all veterans a fair and reasonable state "bonus", and that copies of said resolution be transmitted by the Clerk of the Court to the Honorable Winfield Dunn, Governor; and to the Honorable John Wilder, Lt. Governor; the Honorable James McKinney, Speaker of the House of Representatives; Honorable Houston Goddard, State Senator; and to Honorable Benny Stafford, State Representative.

This the 6TH day of March 1972.

Harvey L Spruell
County Judge

Attest:

Edward DeFoe
County Court Clerk

Exhibit A

March 6, 1972

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WHEREAS, the County Quarterly Court, pursuant to law, is required to reapportion itself at periodic intervals and redistrict the county, if necessary, so as to provide for substantially the same number of persons per Justice of the Peace in each of the districts;

WHEREAS, based upon the results of the 1970 Census it appears that with the present number of Justices of the Peace, each Justice should represent 2696 people;

WHEREAS, upon consideration it has been determined that it is advisable to retain the present number of Justices of the Peace, and;

WHEREAS, in order to do so, it is necessary to adjust some district boundary lines;

WHEREAS, it appears that the district boundary lines can be adjusted to follow natural boundaries and comply with the standards of present law for apportionment;

NOW, THEREFORE, BE IT RESOLVED by the County Quarterly Court of Loudon County, that from and after the effective date hereof, the County be and hereby is redistricted for purposes of elections as follows:

1. DISTRICT NUMBER 1 - 4.

District Number 1 - 4 shall be all that area of Loudon County lying and being South of the center of Tennessee River and West of center of the Little Tennessee River and shall be entitled to elect three (3) Justices of the Peace.

2. DISTRICT NUMBER 2.

District Number 2 shall be all that area of Loudon County bounded and described as follows:

Beginning at a point in the center of the Tennessee River at its intersection with the center of the Interstate 75 right of way; thence

Exhibit B

along the center of said right of way in a Northeasterly direction to its intersection of the center of the right of way of new State Highway 95; thence along the center of State Highway 95 in a Southeasterly direction to its intersection with the center of the right of way of Town Creek Road; thence along the center of the right of way of Town Creek Road in an Easterly direction to the center of the right of way of Shaw Ferry Road; thence along the center of Shaw Ferry Road and its meanders in a general Southeasterly direction to its intersection with U. S. Highway 11; thence along the center of U. S. Highway 11 in a northeasterly direction to the Knox County line; thence along the Knox County line in a Southeasterly direction to a point in the center of the main channel of the Tennessee River; thence along the center of the Tennessee River (main channel) and its meanders in a Southwesterly direction to the point of beginning. District No. 2 shall be entitled to elect four (4) Justices of the Peace.

3. DISTRICT NUMBER 3.

District Number 3 shall be all that area of Loudon County lying and being South of the main channel of the Tennessee River and East of the Little Tennessee River and shall be entitled to elect one (1) Justice of the Peace.

5. DISTRICT NUMBER 5.

District Number 5 shall be all that area of Loudon County bounded and described as follows:

Beginning at a point in the center of the Tennessee River at its intersection with the center of the Interstate 75 right of way; thence along the center of said right of way in a Northeasterly direction to its intersection of the center of the right of way of new State Highway 95; thence along the center of State Highway 95 in a Southeasterly direction to its intersection with the center of the right of way of Town Creek Road; thence along the center of the right of way of Town Creek Road in an Easterly direction to the center of the right of way of Shaw Ferry Road; thence along the center of Shaw Ferry Road and its meanders in a general South-easterly direction to its intersection with U. S. Highway 11; thence along the center of U. S. Highway 11 in a Northeasterly direction to the Knox County line; thence along the Knox County line in a Northwesterly direction to a point in the center (main channel) of Clinch River; thence along the center of the River (main channel) and its meanders in a westerly direction to the Roane County line; thence along the Roane County line and its meanders in a Southerly direction to a point in the center of the Tennessee River (main channel); thence along the center of the River in a Southeasterly direction to the point of beginning. District No. 5 shall be entitled to elect one (1) Justice of the Peace.

BE IT FURTHER RESOLVED that the districts herein defined shall be for the election purposes only and that for all other purposes district boundaries shall not be affected.

Wiley L. Sprad

Motion by Foster
2nd by Hamilton -

Budget Amendments for Agenda

3/6/72

GENERAL FUND

Transfer \$250.00 from Acct. 501-02 (Salaries of Deputies) to Acct. 501-09 (Sheriff's Office Supplies).

Transfer \$56.00 from Acct. 501-02 (Salaries of Deputies) to Acct. 501-13 (Premiums on Surety Bonds for Deputies).

Transfer \$200.00 from Acct. 301-19 (Other Contractual Services) to Acct. 301-09 (Central Accounting Office Supplies).

Transfer \$150.00 from Acct. 403-19 (C. & M. other contractual services) to Acct. 403-09 (C. & M. Office Supplies). Also transfer \$115.39 from Acct. 403-46 (C. & M. Equipment) to Acct. 403-09 (C. & M. Office Supplies).

GENERAL PURPOSE SCHOOL FUND

Transfer \$470.84 from Acct. 2242.2 (Newspapers & Periodicals) to Acct. 2230.1 (Teaching Supplies).

Approve Title -I- 71-41 Budget.

Approve Amendment No. 2 of Title -I- 72/01 Project.

Approve Title -II- Budget 72-01 in the amount of \$5,494.12.

HIGHWAY FUND

Transfer \$3,000.00 from Acct. 1243.3 (Road Machinery) to Acct. 1219.3 Rock (Third District)

Exhibit C