

Public Hearing was held on November 26, 1985 at 7:00 P.M., County Commission Chairman, J. J. Blair Presiding, where he opened Public Hearing on Glendale Water District. After no response he declared the Meeting closed.

Be it remembered that the Loudon County Legislative Body met in a Call Session on Tuesday, November 26, 1985, at 7:10 P.M. with the Chairman, J.J. Blair, presiding and Riley D. Wampler, County Clerk, was present, whereupon, Voyd Carruth Opened Court, led the Pledge of Allegiance to the Flag and presented Jerry Massingo, who gave the Invocation.

The following commissioners were present:

J.J. Blair	Jim Price
Roy Bledose	Bart Eldridge
Bill Webb	Glenn Luttrell
Jerry Masingo	Avery Petty
Al Bryant, Jr.	

It was moved by Commissioner Price and seconded by Commissioner Petty that the minutes be approved as presented. The vote was unanimous.

MINUTES FOR
OCTOBER
APPROVED

NEW NATIONAL
GUARD ARMORY
DISCUSSION AND
COMMITTEE
APPOINTED

County Executive, Ross Wilkerson spoke to the Commission concerning a new National Guard Armory for Loudon County. He ask that a committee of three from the County along with a committee of three from Lenoir City and Loudon meet to consider this matter. Chairman Blair appointed Commissioner Petty, Bledsoe and Price to serve on the Committee from the County. Councilman Tim Denton, Gene Hamby, and I.D. Conner were appointed from Lenoir City. They will meet with Loudon December 1st. County Executive, Ross Wilkerson also presented Sgt. Ray Hill, who spoke to the commission concerning a new National Guard Armory for Loudon County.

TELLICO
VILLAGE TO GET
DEED

County Executive Ross Wilkerson reported to the Commission that Tellico Villiage would probably get a deed from TVA by the middle of December (13th).

BOB CUSICK
ELECTED TO
HOSPITAL
BOARD

It was moved by Commissioner Petty and seconded by Commissioner Eldridge that Bob Cusick be appointed to the hospital board, taking the place of David Reed, who moved out of town. The vote was unanimous.

APPOINTMENT OF
MEMBERS ON
PLANNING
COMMISSION

County Executive Ross Wilkerson appointed the following memebbers on the Loudon County Regional Planning Commission. The vote was 8 to 1 in favor with Commissioner Eldridge voting nay. They are:

Glenn Luttrell	Charles Harrison
Jmaes Wiggins	J.E. Greenway
Jack Denton	

COUNTY
EXECUTIVES
VETO OF SALE
OF EATON
SCHOOL
OVER RIDDEN

It was moved by Commissioner Petty and seconded by Commissioner Bledsoe that they over ride the County Executive, Ross Wilkerson's veto of the sale of Old Eaton School. The vote was unanimous. It was then moved by Commissioner Petty and seconded by Commissioner Bryant that the sale of this property to Jim Hamilton for \$135,000 is Contengent to the Rescue Squad property not be included, if so there will be no sale. The vote was unanimous.

GLENDALÉ WATER
RESOLUTION
GRANT
APPROVED

It was moved by Commissioner Webb and seconded by Commissioner Masingo that the Resolution for Application to the Tennessee Community Development Block Program for fiscal year 1986 (Glendale Water) be approved. The vote was unanimous and it is attached hereto as Resolution No 38-85 Exhibit

A.

LAW SUITS
AGAINST
LOUDON
COUNTY

County Attorney, Harvey Sproul, spoke to the Commission concerning Law-Suits or claims pending or threatened against Loudon County. They are attached hereto as Exhibit B.

BUILDING
INSPECTOR'S
REPORT

Building Inspector, Doug Lawrence, presented his November report with:

No. Permits:	17	Property Value:	\$ 398,000.00
Fees:	\$ 874.00	Taxes:	\$ 2,836.00

Action on Request of Refunding School Bonds and 1.6 Million Bond Sale for the Highway Department was presented by Mr. Tommy Joe Ayers.

AWARDING
BOND OF
SCHOOL &
ROADS TO 1st
AMERICAN
BANK
APPROVED

It was moved by Commissioner Bledsoe and seconded by Commissioner Petty that the Resolution Awarding the School-Road Bonds to First American Bank be approved. On Roll Call, the vote was unanimous and it is attached hereto as Resolution No. 39-85 Exhibit C.

SCHOOL BONDS
REFUND
APPROVED

It was moved by Commissioner Price and seconded by Commissioner Eldridge that a Resolution authorizing the Issuance of School Refunding Bonds, series 1985, in the Aggregate Principal amount of seven million, four hundred, twenty-five thousand (\$7,425,000) of Loudon County Tennessee; making provision for the issuance. Sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the Levy of Tax for the payment of principal of premium, if any, and interest on the bonds be approved. On roll call, the vote was unanimous and it is attached hereto as Resolution No. 40-85 Exhibit D.

ROAD BONDS
APPROVED

It was moved by Commissioner Luttrell and seconded by Commissioner Masingo that the Resolution authorizing the Issuance of one million, five hundred, fifty thousand dollars (1,550,000) in aggregate principal amount of General Obligation Road Bonds, series 1985 of Loudon County, Tennessee; making provisions for the issuance, sale and payment of said bonds be approved. On roll call, the vote was unanimous and it is attached hereto as Resolution No. 41-85 Exhibit E.

NOTARY PUBLICS

It was moved by Commissioner Eldridge and seconded by Commissioner Price that the following Notary Publics be approved: The vote was unanimous.

Harold Steil

Margie Davidson

There being no further business, Court adjourned at 8:35 P.M.

County Executive

County Court Clerk

COUNTY COMMISSION OF LOUDON COUNTY

RESOLUTION NO. 38-85

RESOLUTION FOR APPLICATION TO THE
TENNESSEE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FOR FISCAL YEAR 1986 (GLENDALE WATER)

WHEREAS, assistance may be available through the Tennessee Community Development Block Grant Program; and

WHEREAS, the availability of a public water supply has become a significant problem in the Glendale community in the Third Civil District of Loudon County, Tennessee; and

WHEREAS, the County of Loudon wishes to make application not to exceed \$500,000.00, to provide water to the Glendale community, as an extension from the present Tellico Area Services System existing lines;

NOW, THEREFORE, BE IT RESOLVED, that H. Ross Wilkerson, County Executive of Loudon County, is authorized to make and sign said application for CDBG funds and to enter into any and all necessary agreements and assurances to consummate the application; and

BE IT FURTHER RESOLVED, that the County Commission is in support of the application and authorizes the entering into an agreement with the Glendale Utility District or other applicable public agencies, which will provide the necessary matching funds or remaining share required under the CDBG regulations.

Read, adopted and approved in open, regular session the 26 day of Nov, 1985.

Aye 9 Nay 0


H. Ross Wilkerson
County Executive

ATTEST:

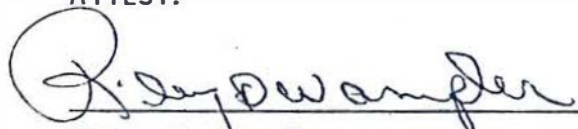

Riley D. Wampler
County Clerk

Exhibit A

LAW OFFICES
HARVEY L. SPROUL
205 E. BROADWAY
P. O. BOX 444
LENOIR, CITY, TENNESSEE 37771

AREA CODE 615 986-9064
November 26, 1985

Comptroller of the Treasury
Attention: Larry Bailey
Division of County Audit
607 State Office Building
Knoxville, TN 37902

RE: Response to Auditor's Request--Pending Litigation

Gentlemen:

Responding to the request of representatives of your office, I submit the following as to lawsuits or claims pending or threatened against Loudon County, including the Department of Education, the Highway Department, the General Fund, and the Trustee, existing on June 30, 1985, and including the period from that date to the date of this response.

First, it should be understood that my comments are only in reference to those items that are of a substantive nature which have been specifically referred to me by Loudon County, or upon which I have given significant advice or assistance. I am not, therefore, undertaking to comment on any other suits or contingencies, other than to refer to such items of which I am aware for your information if they should come to my mind.

A. Nancy Jenkins vs. Loudon County--This is a suit by a plaintiff for a judgment in excess of \$20,000.00, upon the basis that the Chief Deputy Sheriff of Loudon County had judgment rendered against him in the amount of \$10,000.00 by jury verdict in the United States District Court on September 17, 1982 (which verdict was appealed by the deputy, but sustained by the U.S. Court of Appeals). The basis of the suit is that Loudon County is liable to pay the judgment, although there was no judgment rendered against the County itself, because of certain Tennessee Statutes which allegedly require payment by the County (TCA 8-8-302). I do not believe that the second statute is a relative ground for holding the County liable, but there are some problems with the first statute. However, I filed a Motion for Summary Judgment in the Circuit Court, which motion was sustained. Since that time, the original plaintiff has appealed the decision of the judge to the Court of Appeals, but briefs have not been filed as yet. Even though my Motion for Summary Judgment was sustained at the Circuit Court level, I still feel that there is only a 50-50 chance of the County losing this case, and, if so, the total would range between \$20,000.00 and \$30,000.00.

Exhibit B

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B. Park West Hospital vs. Loudon County--The hospital rendered emergency services to an indigent prisoner who was incarcerated in the Loudon County Jail, incurring an expense of \$16,399.95. It is generally presumed that a County is responsible for all necessary medical care to prisoners in its custody, but the County's position is the County Sheriff is only to provide "attendance" to prisoners as to medical needs, and is not liable, absent a contract, for emergency medical services rendered by a hospital to an indigent prisoner. A hospital by law is supposed to render service to an indigent person under emergency conditions. The County is only liable for medical expenses rendered in the jail, or for which it contracts. A Motion to Dismiss has been filed by the County, and will be argued on December 17, 1985, immediately following which will be the trial in the event my motion is not sustained. It now is my opinion that the County has approximately a 30% chance of winning this suit.

C. Pat Martin et al vs. Loudon County Quarterly Court and Frank Powers, Jr. et al This suit is against a developer, and includes the County Commission of Loudon County as one of the defendants, alleging that the rezoning of the property for development was illegal. There are no monetary damages requested against the County, and the main liability involved will be the attorney fees and legal expense of defending the case. It is my opinion that the three primary legal issues raised against the defendants are not legally valid, and that possibly the case can be dismissed upon Motion for Summary Judgment.

D. Claim of Concrete Pumping Service, Inc.--This company filed a Notice of Claim effective October 16, 1985, referring to equipment and operators used in the pumping of concrete in and around the Loudon County Courthouse area as a part of a project this summer, for which the said company has not been paid for services rendered. The claim is in the amount of \$878.28. The contractor who was supposed to pay the bill is Oscar Rohr and Sons. I feel that the claim hopefully will be handled by the said contractor without loss by the County.

E. I believe that there are two or three suits against the County, or some of its agencies, being handled by Attorney Norman Jackson, 8868 Kingston Pike, Knoxville, Tennessee 37919. Also, there is another suit which I believe still is pending, filed against the Trustees of the County Government Employee Benefit Plan, but my understanding is that the County is not actually liable under the facts alleged in this circumstance. This suit is being handled for the Trustees of the Loudon County

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Government. Employee Benefit Plan by Bland Winfrey, Arnold, Winfrey, Simpson and Harris, Highway 321-95, Bank of Loudon County Building, Lenoir City, Tennessee, 37771. Suits against the hospital are not included in this response.

F. There are a few matters involving the County Hospital, but these have been reported upon in my pending litigation letter submitted as a part of the hospital audit. I feel that any present suit or claim against the hospital would not result in any judgment which would have to be paid from the general county fund.

This is an account of the asserted and unasserted claims, assessments and suits of which I am aware at the present time.

Further this is to verify that I am familiar with Statement of Financial Accounting Standards No. 5, published by the American Bar Association, and that whenever I perform legal services for the County relative to unasserted possible claims or assessments that may call for a financial statement disclosure, and wherein in my opinion would require that the County disclose or consider disclosure relative to such possible claims or assessments, that I have and will advise the County of that fact and will consult with the County concerning the further applicable requirements of the Statement.

Again, it is to be noted that I have made no independent general review of the County's transactions or contractual arrangements for the purposes of this response, but have only reviewed my own files, records and notes covering the period indicated in the first paragraph of this letter. Also, it should be understood that this letter is solely for your information in connection with your audit of the financial condition of the County and is not to be quoted in whole or in part or otherwise referred to in any financial statements of the County or related documents.

Very truly yours,


Harvey L. Sprout

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cc: H. Ross Wilkerson
J. J. Blair
Edward Headlee
Don Palmer
Loudon County Commission