

PUBLIC HEARING - COUNTY COMMISSON MEETING

JUNE 7, 1995

PUBLIC HEARING

Rezone property at 1177 Wade Road--no one wished to speak.

COUNTY COMMISSION MEETING

CALL TO ORDER (Call to order, Roll Call, Invocation)

1. Reading and acceptance of minutes: April 3, 1995, May 1, 1995.
2. Citizens speak on Agenda issue:
Overlay Issue (6th district)
3. Mr. Hank McGhee--Loudon County Schools
4. Resolution--Overlook In Lieu of Tax agreement W/City of Lenoir City.
5. Discussion Old National Guard Armory.
6. Litter Control Committee Report
7. Approval of Litter Control Grant Application.
8. Approval of Drop-box, Salvation Army, Justice Center
9. Motion tabled -person wishing to search Courthouse lawn with metal detector.
10. Report on expenditure-E-911 Monies
11. Approval of allocation of funds to finish Courthouse Annex basement.
12. Approval of Resolution--Approval to re-develop Bacon Bld.
13. Report on Constable Committee
14. County Attorney asked to investigate "County's New Authority as Approved By The Attorney General."
15. Request to check on "Ice Tea" Grant Funds.
16. Motion approved to overturn action of BZA on permit granted to CSM Development and Matlock Bend Development, Inc.
17. Committee appointed to study vault situation at Courthouse Annex.
18. Resolution to borrow up to \$2,000,000. for certain projects approved.
19. Attorney Sproul reports on 6th district Overlay Lawsuit.
20. Closing of connection of Old Sugar Limb Road and Highway 11, Resolution approval.
21. Amendment approved to rezoning property at 1177 Wade Rd.

22. Item removed from agenda (consideration of granting easement on right-of-way, Map 11, Parcel 15.1.
23. Resolution approved of dedicated right-of-way--ADESA Blvd.
24. Doug Lawrence, Bld. Commissioner's report.
25. Request approved to close end of Riverview Rd. at Davis Property.
26. Approval to allow County asphalt paving company to pave section of Corinth Church's parking lot (at Church's Exp.)
27. H. Luttrell, no report.
28. Bonds approved
29. Notaries approved
30. Adjournment

PUBLIC HEARING--COUNTY COMMISSION MEETING

JUNE 5, 1995

A PUBLIC HEARING was held at the Loudon County Courthouse on June 5, 1995, at 7:00 P.M., for the purpose of:

Amendment to the Zoning Map of Loudon County, Tennessee, to rezone property at 1177 Wade Road, Tax Map 73, Parcel 16.0 (Portion of) from A-1, Agriculture Forestry, to R-1, Suburban Residential, 4th District.

No one wished to speak on this proposed amendment.

COUNTY COMMISSION MEETING

Be it remembered that the Loudon County Legislative body met in regular session on June 5, 1995, with the Chairman Pro Tempore Earlena Maples presiding, County Court Clerk, Riley D. Wampler, and County Executive George Miller were present whereupon deputy Sonny Roysdon, opened court, Riley Wampler, led the Pledge of Allegiance, and Deputy Roysdon gave the Invocation.

On Roll Call the following Commissioners were present:

Bivens	Ledbetter	Twiggs
Randolph	Masingo	Duff
Maples	Twiggs	

Chairman Bledsoe was absent, and Chairman Pro Tempore Earlena Maples assumed his duties.

(1) Reading & accept. of Min. April 3 1995- May 1, 1995
Commissioner Park made the motion that the Minutes of April 3, 1995 and May 1, 1995, be approved, with Commissioner Twiggs seconding the motion. Voice vote indicated all voted in favor. The Chairman announced the motion carried.

(2) Visitors inv. to speak
Chairman Maples asked if any visitor wished to speak on any item on the agenda and this person spoke:

Overlay Issue Addressed
Overlay Issue:
Mr. Larry Hawk, resident from North Forty Estates, addressed the Commission with his continuing concerns over the Overlay issue, and urged that the Commission take no action at the meeting tonight.

No one else to speak
No one else wished to speak on any other issue on the agenda. No one wished to speak on any subject not on the Agenda.

(3) Hank McGhee-School Dept.
Mr. Hank McGhee, Loudon School Chairman, had no report, but told the Commission that he would like to address certain issues at the next County Commission Meeting.

(4) Resolution-Overlook Sr. Citizen Hou. agree w/L.C. and Loudon Co. In Lieu of Taxes
Mr. George Miller, Loudon County Executive, addressed the Commission on the In Lieu of Tax Payment Agreement w/City of Lenoir City, Loudon County, and Overlook Senior Citizens Housing. He reported the agreement had been executed, as authorized at last County Commission Meeting. The terms of the agreement allowed for the distribution of taxes (pro ratio) the County receiving 65% and the City of Lenoir City receiving 35%. The executed Resolution is hereby entered as # 65-1995-A.

(5) Old Armory update
Mr. Miller reported that the efforts to resolve the problem on the Old National Guard Armory have not resulted in any new developments.

- (6) Suggestion-Litter Control Committee-Mem. Mr. Miller requests that other Commissioners make suggestions for someone to serve as a representative from the 2nd and 5th district, on the Litter Control Committee.
- (7) Litter Grant Application 1995-96 approved. Commissioner Park made the motion to approve the Litter Control Grant Application. This would largely fund the Keep America Beautiful Campaign for the fiscal year 1995-96. The motion was seconded by Commissioner Ledbetter. The results of a roll call vote:
- | | | | | | |
|-----------|--------|----------|-----|--------|-----|
| Bivens | yes | Maples | yes | Duff | yes |
| Ledbetter | yes | Masingo | yes | Park | yes |
| Bledsoe | absent | Randolph | yes | Twiggs | yes |
- Chairman Maples announced the motion to be unanimously approved. Hereby included as Resolution # 6-5-1995 Exhibit 6-5-1995-B.
- (8) Salvation Army drop box app.-Justice Center Commissioner Twiggs made the motion that a drop-box for the Salvation Army be approved to be located at Justice Center, (with the Law Enforcement Board to decide location.) Commissioner Randolph seconded the motion. Voice vote indicated motion carried.
- (9) Req./Citizen search Courth. lawn-tabled Commissioner Twiggs suggested that the question of a person who wished to search the Courthouse lawn with a metal detector be tabled until a later date.
- (10) L. Horian-rep E-911 money Mr. Larry Horian gave a report on the monies that the E-911 Board have spent on the new system.
- (11) Approval of allocation of funds to complete Court-house Annex basement. Commissioner Duff, Chairman of the Capital Projects Committee reported concerning the completion of the Courthouse Annex Basement, as a public meeting room. Their recommendation was that the Commission approve the project to be completed by Crossley Construction Company at the cost of \$134,454.00. Commissioner Duff made the motion that this be approved, with Commissioner Twiggs seconding the motion. After much discussion the results of a roll call vote:
- | | | | | | |
|----------|--------|-----------|-----|--------|-----|
| Bivens | no | Ledbetter | yes | Twiggs | yes |
| Randolph | yes | Masingo | yes | Duff | yes |
| Bledsoe | absent | Maples | no | Park | no |
- The results, as announced by Chairman Maples, 5--yes, 3--no, motion carried.
- (12) Resolution approved to re-develop Bacon Bld. Commissioner Duff also presented the proposal and motion concerning the Bacon Building. The recommendation of the Capital Projects Committee was included in a Resolution which: "Authorized the Capital Projects Committee and County Executive To Enter Into An Agreement and Option With Richard E. Dover d/b/a Family Pride Corporation, To Redevelop The Bacon Hospital Building." The motion was seconded by Commissioner Ledbetter. Voice vote indicated that all voted in favor. The Chairman announced the motion passed. Hereby included as Resolution # 6-5-1995, Exhibit C.
- (13) Report Constable Com. Commissioner Park's reported on the Constable's Committee: the Committee was still awaiting a ruling from the State Attorney General.
- (14) Atty. Sproul to report on Co. New Auth. Commissioner Randolph asked that the County Attorney investigate the "County's new Authority as Approved by the Attorney General", at the upcoming conference of TCSEA, to be held in Gatlinburg June 6th and 7th, and bring a report back to Commission.
- (15) "Ice Tea" Grant money inquiry Requested. Commissioner Twiggs asked that the Budget Committee and the Planning Commission check into ways that the "Ice Tea" Grant Monies could be used to improve certain roads in Loudon County.
- (16) Approval to Commissioner Bivens made the motion that County Commission overturn the action taken by the Board of Zoning Appeals (BZA)

(16-Cont.)
Overturn
action of
BZA permit
CMS
Corporation

of Loudon County on April 13, 1995. She stated that a permit was granted to CSM Corporation in Matlock Bend Industrial Park as requested by Mr. Bart Iddins (for CSM and Matlock Bend Development, Inc.), and her reasons for making the motion that action be taken were:

1. "Misinformation was given on several important points by Mr. Iddins, and is well-documented."
2. The parcel number listed on the application is different than the one which is recorded and has been approved in the minutes of the BZA.
3. Actual acreage involved is larger than that which is listed.
4. The Fly-Ash is not coming from TVA as the BZA was told that it would be.
5. The application listed the land as not being close to the river, and Commissioner Bivens stated that she and certain others had visited the site. It was near the river, as well as located across from a populated area.
6. The BZA was told that it was not waste that this particular company was generating, however Comm. Bivens stated they have applied for a permit from the Solid Waste Commission, and the waste was not generated in Loudon County.

Commissioner Twiggs seconded the motion. County Attorney Sproul, when asked his opinion, stated that any action taken by the County Commission to overturn this permit, (already granted by the BZA) would not be legally correct because County Commission has no authority over the BZA. He further stated that the statute says that any question of a decision of the BZA should be the result of an appeal to Chancery Court.

A roll call vote was taken on Commissioner Bivens motion to overturn the action taken by the BZA on April 13, 1995:

Bivens	yes	Ledbetter	yes	Twiggs	yes
Randolph	yes	Masingo	no	Park	no
Bledsoe	Absent	Maples	yes	Duff	yes

The results being: 6 yes, 2 no, and 1 absent, Chairman Maples announced the motion passed.

(17)
Committee
appointed to
study vault
situation at
Courthouse
Annex

Commissioner Bivens asked that Ralph Wear, Register of Deeds, present a report to the Commission on the problem of the lack of proper vault storage in his office. It is to be located in the Courthouse Annex, presently under construction. The County Executive appointed a committee of the following to meet with the architects and discuss the problem: The members of the Capital Projects Committee, Ralph Wear, Harvey Sproul, George Miller, Howard Luttrell, and other interested County Commission members, and that a public notice appear in the newspaper as to time and location of meeting.

(18)
Resolution
approved to
borrow up to
\$2,000,000.
for certain
projects

Nancy Richesin, Director of Budget and Accts. presented a Resolution for approval to borrow funds for the: Highway Department, Schools, and other projects, not to exceed \$2,000,000. The motion that this Resolution be approved was made by Commissioner Randolph, and seconded by Commissioner Duff. The results of a roll call vote:

Randolph	yes	Maples	no	Twiggs	yes
Bivens	no	Ledbetter	yes	Park	no
Bledsoe	absent	Masingo	yes	Duff	yes

Vote results: 5--yes 3--no 1 absent--Chairman Maples announced the motion carried. Included as Res. # 6-5-1995 Exh. D

(19)
Atty. Sproul-
Rep. Overlay
lawsuit.

Harvey Sproul, Co. Attorney, reported on the lawsuit on the 6th District Overlay issue.

(20)
Resolution app.

Pat Phillips, Office of Planning and Community Development, presented a Resolution concerning the closing of connection of Old Sugar Limb Road to Highway 11. Commissioner Duff Made

To close connection of Old Sugar Limb Rd. & Hwy. 11 of Old Sugar Limb Road to Highway 11. Commissioner Duff Made the motion to approve this Resolution. This was seconded by Commissioner Park. Voice vote indicated all voted in favor. The Resolution is hereby included as # 6-5-1995 Exhibit E.

(21) Res. app. to rezone prop. at 1177 Wade Rd. Mr. Phillips also presented this proposed consideration of amendment to "Zoning Map of Loudon County, Tennessee, to rezone property at 1177 Wade Road, Tax Map 73, Parcel 16.0 (Portion of) from A-1 Agriculture Forestry, to R-1, Suburban Residential, 4th District." The motion to accept the Resolution was made by Commissioner Masingo, and seconded by Commissioner Randolph. Voice vote indicated all in favor. Resolution hereby included as # 6-5-1995, Exhibit F.

(22) Item Rev. from ag.-grant. ease. Mr. Phillips removed this item, "Consideration of granting easement on right-of-way, Map 11, Parcel 15.1, 5th District.

(23) Res. app.- acc. of Right -of-way ADESA Blvd. Mr. Phillips presented this item: Consideration of acceptance of dedicated right-of-way of ADESA Boulevard, as shown on the subdivision plat of A.D.E of Knoxville, Inc., as filed in the Register of Deeds Office of Loudon County, Tennessee, Plat Cabinet D, Slide 5." Commissioner Parks made the motion that it be accepted, and it was seconded by Commissioner Ledbetter. Voice vote indicated motion carried, as announced by Chairman Maples. Hereby included as Resolution # 6-5-1995, Exhibit G.

(24) D. Lawrence Report Mr. Doug Lawrence, Building Commissioner, presented the following report for May 1995:

Permits issued	50	Value	\$2,705,000.
Fees collected	\$4,181.	New taxes	\$16,900.

(25) Permission granted to close end of Riverview Rd. Loudon County Road Commissioner, Don Palmer, presented the following request: That the end of Riverview Road (beginning at the Davis property) be closed (the road dead-ends at river), and become a private road where their property begins. Commissioner Park made the motion to approve this, with Commissioner Duff seconding the motion. Voice vote indicated all voted in favor.

(26) Approval granted to allow company that paves for County to pave parking lot- Corinth Ch.- at the Church's expense Mr. Palmer also asked the Commission's approval to allow the asphalt paving company (that has the County contract for paving), be allowed to pave a section of the parking lot at Corinth Church. Mr. Palmer asked that since the company would be working within 100 yards of the area to be paved, and the church would pay any expenses incurred, that County Commission approve this action. The motion that this be allowed was made by Commissioner Randolph, this was seconded by Commissioner Bivens. Voice vote indicated all voted in favor. The Chairman announced the motion carried.

(27) H. Luttrell-no report Howard Luttrell, Purchasing Agent, had no report.

(28) Approval of Bonds App. Commissioner Masingo made the motion that the following bonds be approved, with Commissioner Park seconding the motion, they are:
Glenn Alvin McNish John H. Lafevers
Benjamin Edward Williams
Voice vote indicated all voted in favor. Motion carried.

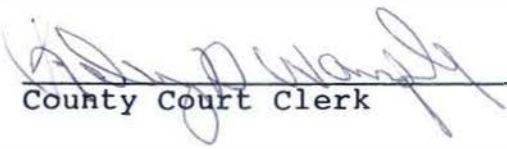
(29) Approval of Notaries Commissioner Masingo also made the motion that the following notaries be approved, and Commissioner Park seconded the motion:
Ross Millsaps Lisa P. Niles John H. Lefevers
Glenn Alvin McNish Jill Ann Brown Rex A. Dale
Tina M. Gilbert Charles T. Eblen Jackie McKee

Commissioner Ledbetter abstained, and voice vote indicated all others voted in favor. Motion carried


(30)
adjournment

Commissioner Park made the motion to adjourn at 9:15 P.M., and Commissioner Twigg seconded the motion.

Chairman



County Court Clerk



County Executive

DIVISION OF OVERLOOK IN-LIEU-OF TAX AGREEMENT

THIS AGREEMENT, entered into this 1st day of May, 1995, by and between the CITY OF LENOIR CITY, a municipal corporation of the State of Tennessee, and LOUDON COUNTY, a political subdivision of the State of Tennessee.

WHEREAS, both parties have entered in a cooperation agreement with Overlook Senior Citizens Housing of Loudon County (Overlook), wherein the governments have agreed not to levy real or personal property taxes or special assessments upon the senior citizens housing project located at Dogwood Terrace Blvd. in Lenoir City, composed of twenty (20) units, the project being dedicated to housing low-income elderly of the county and having received tax-exempt status under Internal Revenue Code Section 501(c)(3); and

WHEREAS, under Tennessee Code Annotated Section 67-5-207 and under Section 202 of the Housing Act of 1959 and federal legislation and other related laws, this project is eligible for tax-exempt status; and

WHEREAS, however, there is a provision for an in-lieu-of tax payment by the non-profit corporation to the applicable local governments; and

WHEREAS, there is an agreement required between the two affected local governments as to the division of the in-lieu-of tax payment, which, for example, as calculated for 1994, under the aforesaid separate agreements, was a total of One Thousand Six Hundred Twenty-Six Dollars (\$1,626.00); and

WHEREAS, the City and the County have agreed to divide and prorate the in-lieu-of tax payment on the basis of a proration percentage as between approximately the proration of the two tax rates, or in other words, thirty-five percent (35%) to the City, and sixty-five percent (65%) to the County; and

WHEREAS, it is further agreed that this division agreement is for the purposes of this particular project, and is not to be considered a precedent for other similar-type projects or developments, each of which will stand on their own.

NOW, THEREFORE, BE IT AGREED between the parties, in consideration of the premises, that the in-lieu-of tax payments made by Overlook Senior Citizens Housing of Loudon County for all past due and future in-lieu taxes will be divided based upon the 1994 property tax proration so that the City of Lenoir City shall receive a thirty-five percent (35%) proration of the annual payment, and Loudon County shall receive sixty-five percent (65%) of the annual payment.

This agreement is made, entered into, and is effective on the day and date first above written, and shall terminate upon expiration of the in-lieu agreement with Overlook.

CITY OF LENOIR CITY

BY: Charles E. Ehl
MAYOR

ATTEST:

Debbie Cook
CITY RECORDER

LOUDON COUNTY

BY: George M. Miller
COUNTY EXECUTIVE

ATTEST:

Patricia D. Wampler
COUNTY CLERK

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STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
NASHVILLE, TENNESSEE 37243

Suite 400 James K. Polk Building
Phone no. (615) 741-2877

May 25, 1995

Mr. George Miller
County Executive
100 River Road, #106
Loudon, TN 37774

Dear Mr. Miller:

We are pleased to inform you that the General Assembly has given final approval for the 1995-96 Litter Grant Program thereby making funds available to your county once again. It should be noted on the enclosed contracts that the funding level for 1995-96 reflects a marginal increase from last year's funding. While we are delighted that this increase is possible it must be emphasized that it is a one time occurrence which may not be repeated in future years.

The amount allocated for litter prevention education has also been increased by 5%, the last percent increase scheduled for the educational target areas. Your County is responsible for spending \$5,000.00 on litter prevention under 3 of the following categories: Student Education (S); Public Education (P); Government Education (G); Media Education (M); and Business Education (B).

As in previous years, we are requesting that the two enclosed contracts be signed by the County Executive and the County Attorney and returned to this office at your earliest convenience. In addition, the Department needs a copy of the line item budget for the Litter Grant, a narrative describing the program for 1995-96 with an emphasis on defining what is planned for each educational target area and an Approval Resolution which has been passed by the County Court. It would be helpful if you would submit these documents as a package under the heading of Exhibit A in order to expedite the processing of the Grant.

Please remember that in accordance with the contract, we are once again asking that you mail only one original and two copies of the invoice per month, along with one copy of the monthly Litter Status Report. The Status Report should reflect the amount and type of litter picked up as well as monthly expenditures for educational target areas. The name and location of the highway picked up, a brief narrative on litter prevention activity for the month, and any significant newspaper articles and advertisements that relate to the Litter Grant Program should be attached to this report as well.

Exhibit B

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Mr. George Miller
May 25, 1995
Page 2

We have made significant headway in dealing with the issue of litter over the past few years both in terms of amounts picked up and educational programs which try to prevent it in the first place. Much of this success can be attributed to your participation and cooperation. Hopefully 1995-1996 will continue this trend to keeping our state the most beautiful and litter free in the country.

Sincerely,

Ward L. Hopkins

Ward L. Hopkins
Highway Beautification Office

Enclosures

cc: Ms. Ann Hammontree

EDUCATION BUDGET BREAK-DOWN

STUDENT EDUCATION

Recycle Education	\$ 800.00
Litter Bags for KAB Month	1,000.00
KAB Activity Books	400.00
Essay Contest	950.00
Recycle Awards	1,000.00

MEDIA EDUCATION

Environmental Tips	500.00
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BUSINESS EDUCATION

Work-shops on recycling	250.00
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GOVERNMENT EDUCATION

Convenience Center Talk	50.00
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PUBLIC EDUCATION

Beautification Awards	50.00
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Total Education	\$5,000.00
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**LITTER ABATEMENT & EDUCATION
1995-1996**

The Loudon County Beautification will continue working toward the opening of a renovated Loudon County Convenience Center. A committee of County Commissioners is working with Ann Hammontree and Howard Luttrell to accomplish this. A recycling center is being considered in the Lenoir City area.

The up-dated curriculum will continue to be used in the Loudon County schools. A sign-up sheet will be put in the schools for the teachers to sign each time they use the material. At the end of the year, a drawing will be held for free dinners for two. Recycling awards and contests will be held for the students. An essay contest for the older students will be held on environmental issues.

Workshops will be held for the businesses that will recycle in their business. Litter tips will appear in the local newspapers to educate the public. Businesses will be encouraged to recycle cardboard.

**Ann D. Hammontree, Coordinator
Loudon County Beautification Board**



County of Loudon

GEORGE M. MILLER

COUNTY EXECUTIVE

100 RIVER RD. #106

LOUDON, TENNESSEE 37774

PH. 458-4664

July 1995

Mr. Ward Hopkins
Tennessee Department of Transportation
Highway Beautification Office
Suite 400, James K. Polk Building
Nashville, Tennessee 37243-0333

Dear Mr. Hopkins:

Enclosed is Loudon County's proposal to continue its Litter Control Grant funding for the fiscal year beginning July 1, 1995 and ending June 30, 1996, for a total of \$30,167.00. Loudon County will contribute the remaining portion of the budget.

We look forward to a favorable reply to our proposed program for the upcoming year.

Very truly yours,

George M. Miller
Loudon County Executive

GMM/adh

cc: Ann D. Hammontree, Coordinator
Nancy Richesin, Director of Accounts



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Contract No. CHB434
Project No. 53500-4063-04

CONTRACT

BETWEEN

**THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION AND
LOUDON COUNTY**

THIS CONTRACT is made and entered into by and between the State of Tennessee, acting through its Department of Transportation, hereinafter referred to as the "Department", and Loudon County, hereinafter referred to as the "County".

WITNESSETH:

WHEREAS, pursuant to the provisions of Tennessee Code Annotated, Section 41-2-123, the Commissioner of Transportation is authorized to make grants to counties for the purpose of funding programs for the collection of litter and trash along county, state and interstate roads and highways; and

WHEREAS, pursuant to the provisions of Tennessee Code Annotated, Sections 57-5-201 and 67-4-402, proportions of the privilege taxes imposed by said sections are allocated to the highway fund for the purpose of funding programs for the prevention and collection of litter and trash and matters related thereto; and

WHEREAS, the County has submitted an application to the Department for the purpose of obtaining program funds for the prevention of the accumulation of litter and depositing of trash and the collection of litter and trash along county, state, interstate roads and highways as described in said application, and

WHEREAS, said application has been approved by the Commissioner, and the parties want to enter into an agreement to provide the terms and conditions to govern the expenditure of program funds.

NOW, THEREFORE, in consideration of the premises, the parties agree that their respective obligations for administering the program for the prevention of the accumulation of litter and depositing of trash along county, state and interstate roads and highways and the collection of litter and trash from said roads and highways shall be as follows:

1. The County agrees that it will undertake its program for the prevention of the accumulation of litter and depositing of trash, and collection of litter and trash in accordance with its budget, attached hereto as "Exhibit A", which exhibit is hereby incorporated herein by reference.
2. The County agrees not to employ any elected official in carrying out the program.
3. The County agrees that not more than ten percent (10%) of the funds provided for herein shall be expended for the purpose of advertising or promoting the program, no part of such funds shall be used to purchase supplies, materials, or equipment displaying the name or likeness of the administrator of the program, or of any other individual. The County further agrees that it will spend \$5,000.00 for litter prevention education under 3 of the following categories: Student Education (S); Public Education (P); Governmental Education (G); Media Education (M); and Business Education (B).
4. It is understood by the County that if accomplishment of the program includes use of labor by prisoners, it will use those sentenced to the county workhouse. The County may require such labor pursuant to the provisions of T.C.A., Section 41-2-149.

5. It is understood by the County that the maximum amount of compensation subject to being paid to the County as reimbursement shall not exceed the sum of \$30,167.00.

6. The term of this Contract shall be from July 1, 1995 through June 30, 1996.

7. The County agrees to provide monthly invoices reflecting actual costs incurred subject to the cost limitation set forth in Provision No. 5. The monthly invoice shall set forth in detail the amount expended pursuant to the budget, be supported by receipted bills and payroll time sheets, contain a notarized statement relating to accuracy, be accompanied by a progress report describing accomplishments and problems encountered during the month and work anticipated during the subsequent month, and be submitted in triplicate. The invoice will be in accordance with the March 1994 County Uniform Chart of Accounts, including the utilization of Function Code 55720 if the program will be administered by the County Executive or Sheriff, or 64000 if administered by the County Highway Department. It is understood by the County that they will also use object codes contained in said chart of accounts and letter codes contained in parenthesis following each litter prevention education category listed in Section 3 of this contract. This monthly invoice shall be submitted to the Department's Highway Beautification Office, Suite 400, James K. Polk Building, Nashville, TN 37243-0333, within ten (10) days following the end of each month.

8. The Department agrees to honor all invoices for reimbursement of costs provided the County is complying with its obligations provided for in "Exhibit A". The Department will pay actual operating costs for any vehicles and other mobile equipment used in accomplishing program work, but not to exceed the amounts set forth in the Rental Rate Blue Book for Construction Equipment.

9. The County agrees to comply with applicable requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways.

10. The County agrees to require persons working on or adjacent to the highway right-of-way to wear safety colored vests.

11. The County agrees to use competitive bidding procedures in the procurement of goods, materials, supplies, equipment or services.

12. The County agrees to be responsible for the accountability, management, and inventory of all property acquired in whole or in part with funds provided hereunder.

13. The performance and effectiveness of the County in accomplishing the work shall be subject to quarterly review by Department officials.

14. If the County fails to fulfill in a timely and proper manner its obligations under this Contract, or if the County shall violate any of its terms, the Department shall have the right to immediately terminate this Contract and shall have no further obligation for payment in excess of fair reimbursement as compensation for work completed.

15. This Contract may be modified only by written amendment executed by all parties hereto.

16. No person on the ground of handicap, race, color, religion, sex or natural origin, will be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination in the performance of this Contract, or in the employment practices of the County. The County agrees, upon request, to show proof of such nondiscrimination, and to post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

17. This Contract may be terminated by either party, without cause being assigned, by giving written notice to the other at least thirty (30) days before the effective date of termination. In that event the County shall be entitled to receive fair reimbursement as compensation for any satisfactory authorized work completed as of the termination date.

18. The County agrees to maintain documentation for all charges against the Department under this Contract. The books, records and documents of the County

related to work performed or money received under this Contract, 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 Department, the Comptroller of the Treasury, or their duly appointed representatives. The records shall be maintained in accordance with generally accepted accounting principles and at no less than those recommended in the accounting Manual for Recipients of Grant Funds in Tennessee, published by the Comptroller of the Treasury, State of Tennessee.

19. This Contract is in implementation of T.C.A., Section 41-2-123(c) to fund the County's program for the collection of litter and trash along county, state and interstate roads and highways and for no other purpose. The County understands that it shall have full control of and liability for all work activities provided for as an independent contractor and not as an agent of the Department

20. The County agrees not to assign or sublet any interest in this Contract.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their duly authorized representatives on this the ____ day of _____, 1995.

LOUDON COUNTY

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: George M. Miller
TITLE: Loudon Co. Executive

BY: _____
J. Bruce Saltsman, Sr.
Commissioner

Certified as the legal
obligation of the
County.

BY: Harvey L. Sprad
County Attorney

APPROVED

BY: _____
Department Attorney

010

2

RESOLUTION

A RESOLUTION AUTHORIZING THE CAPITAL PROJECTS COMMITTEE AND COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT AND OPTION WITH RICHARD E. DOVER d/b/a FAMILY PRIDE CORPORATION, TO REDEVELOP THE BACON HOSPITAL BUILDING

Whereas, Loudon County has requested proposals for redevelopment of the former Bacon Hospital Building, located on Grove and Main Streets in Loudon, and

Whereas, said property includes a deteriorating structure as a result of nonuse and vandalism which is presently not contributing value to the community in use nor generating revenue through property taxes, and

Whereas, environmental reports confirm that an estimated \$75,000 in asbestos removal is necessary in order to comply with EPA standards, and

Whereas, demolition of the structure and asbestos removal may cost in excess of \$110,000, and the value of the property without the existing structure is estimated at \$75,000, and

Whereas, the Capital Projects Committee is recommending that a thirty day option agreement be extended to Mr. Richard E. Dover, hereafter referred to as Developer, as part of his proposal to construct a retirement/assisted living facility for senior citizens with an estimated capital investment of \$725,000, the option being necessary in order to complete engineering and asbestos removal reports, architectural design plans and reports, and a marketing and cost/budget analysis.

Now, Therefore, Be It Resolved that the Loudon County Commission does hereby accept the recommendation of the Capital Projects Committee and hereby authorizes the County Executive to enter into a thirty (30) day option agreement for an option consideration of \$1.00 with the Developer, said option to provide the prospective buyer the time necessary to complete studies of the property and a financial feasibility study of the project. Upon successful completion of said study and plans by the Developer, such information shall be supplied to the Capital Projects Committee for determination of the acceptableness of the reuse of the property and financial commitment to the project.

Now, Therefore, Be It Further Resolved that the Capital Projects Committee is hereby authorized to act on behalf of the County Commission to approve plans and the initial capital investment by the Developer and is hereby authorized to approve the transfer of property to the Developer for the agreed amount of Seventy Five Hundred dollars (\$7,500) with such conditions as the Committee determines to be necessary to ensure a quality retirement/assisted living development with an estimated project investment of \$725,000 by the Developer.

Now Therefore Be It Finally Resolved on June 5, 1995, that this Resolution shall take effect immediately the public welfare requiring it.

6-5-95
Date Approved

Attest

County Chairman

County Executive

Exp = C

358

INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF
INDEBTEDNESS BY LOUDON COUNTY, TENNESSEE, OF NOT
TO EXCEED \$2,000,000. BY THE EXECUTION WITH A
PUBLIC BUILDING AUTHORITY OF A LOAN AGREEMENT OR
OTHER INSTRUMENT EVIDENCING SUCH INDEBTEDNESS,
TO PROVIDE FUNDING FOR CERTAIN PUBLIC WORKS
PROJECTS, AND TO FUND THE INCIDENTAL AND
NECESSARY EXPENSES RELATED THERETO

WHEREAS, it is necessary and in the public interest of Loudon County, Tennessee (the "County") to incur indebtedness ("the Indebtedness"), through the execution with a public building authority of a loan agreement or other instrument evidencing such Indebtedness (a "Loan Agreement"), for the purpose of financing certain public works projects, as hereinafter more fully described, and to pay legal, fiscal, administrative, and engineering costs, and costs incident to the financing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LOUDON COUNTY, TENNESSEE, AS FOLLOWS:

SECTION 1. For the purpose of financing all or a portion of the costs of certain public works projects: Adesa Road Renovations and additions to county schools, improvements to county roads, GIS Mapping, and interiors design and completion of Annex Basement, the acquisition of all property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs incident thereto, and costs incident to incurring the Indebtedness (collectively, the "Project"), the County is hereby authorized to incur Indebtedness in the amount of not to exceed Two Million Dollars (\$2,000,000.) for the financing of the project through the execution of a Loan Agreement . The rate of interest payable pursuant to the provisons of a Loan Agreement shall be a variable rate which rate shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

Exh = D

SECTION 2. Principal of, premium, if any, and interest on, the Loan Agreement shall be payable from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the County, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the County will be irrevocably pledged.

SECTION 3. Principal of, premium, if any, and interest on, the Loan Agreement for monies borrowed for the construction and/or improvements to county roads shall be paid from the 3¢ gasoline and motor fuel tax distributed to the COUNTY HIGHWAY FUND AS PLEDGED _____, DON PALMER, HIGHWAY SUPERVISOR.

SECTION 4. Principal of, premium, if any, and interest on, the Loan Agreement for monies borrowed for the renovation, additions, equipment and /or improvements to county schools shall be paid from the GENERAL PURPOSE FUND AS PLEDGED _____, A.E. HEADLEE, SUPERINTENDENT OF SCHOOLS.

SECTION 5. ANY AND ALL ADDITIONAL CAPITAL PROJECTS ADDED TO AND NOT LISTED IN SECTION 1 OF THIS RESOLUTION SHALL BE REQUIRED TO COME BEFORE COUNTY COMMISSION IN REGULAR SESSION FOR APPROVAL BEFORE MONIES MAY BE DRAWN DOWN OR RECEIVED FROM THE ESTABLISHED \$2,000,000.


SECTION 6. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee code

Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

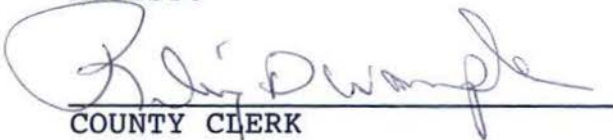
SECTION 7. After the adoption of this Resolution, the County Clerk is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the County.

SECTION 8. This Resolution shall take effect from and after its adoption, the welfare of the County requiring it.

ADOPTED AND APPROVED THIS 5TH DAY OF JUNE, 1995.


COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK


NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of Loudon County, Tennessee, shall have been filed with the County Clerk of Loudon County, Tennessee, protesting the incurrence of the Indebtedness by the execution of the Loan Agreement, such Loan Agreement will be executed, as proposed.

STATE OF TENNESSEE)
COUNTY OF LOUDON)

I, _____ hereby certify that I am the duly qualified and acting County Clerk of Loudon County, Tennessee (the "County"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board" of said County held on June 5, 1995; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record related, to, among other matters, the incurring of indebtedness in the amount of not to exceed \$2,000,000. by said County; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said County this 5th day of June, 1995.


County Clerk

(SEAL)

RESOLUTION NO. 6-5-1995

**A RESOLUTION CLOSING THE CONNECTION OF OLD SUGAR LIMB ROAD TO HIGHWAY 11
(S.R. 2)**

WHEREAS, the Loudon County Commission is vested with the authority to accept and close roads within the unincorporated areas of the county, and

WHEREAS, Old Sugar Limb Road was originally a major roadway connector to Hwy. 11 prior to the construction of Sugar Limb Road which is now the principal access route between I-75 and Hwy. 11, and

WHEREAS, Old Sugar Limb Road (between Hwy. 11 and Sugar Limb Road) is inadequately designed with vertical and horizontal curves which do not meet safety standards, and

WHEREAS, this section of roadway has been the site of 112 accidents between 1988 and February of 1995, and

WHEREAS, the cost to the community in property loss and public expenditure of funds for maintenance and law enforcement response to accidents is excessive and that the public safety and benefit would be served by closing the connection to Hwy. 11,

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission that the connection of Old Sugar Limb Road to Hwy. 11 be closed.

BE IT FURTHER RESOLVED that this section of roadway will continue to be maintained as a public road for the benefit of the property owners and residents of Old Sugar Limb Road.

BE IT FINALLY RESOLVED that this Resolution shall take effect immediately, the public welfare requiring it.

6-5-95
DATE

Ruby D. Wampler
ATTEST

George M. Miller
COUNTY EXECUTIVE

CERTIFICATION OF REVIEW

This is to certify that this amendment has been reviewed and a recommendation forwarded pursuant to the provisions of TCA 13-7-105 by the Regional Planning Commission.

CHAIRMAN

DATE

Extra E

363

RESOLUTION NO. _____

A RESOLUTION AMENDING THE ZONING RESOLUTION OF LOUDON COUNTY, TENNESSEE PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 13-7-105, TO REZONING PROPERTY AT 1177 WADE ROAD, TAX MAP 73 , PARCEL 16.0 (PORTION OF) FROM A-1, AGRICULTURE FORESTRY TO R-1, SUBURBAN RESIDENTIAL

WHEREAS, the Loudon County Commission in accordance with Chapter Four, Section 13-7-105 of the Tennessee Code Annotated, may from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts, or any other provision of any zoning resolution, and

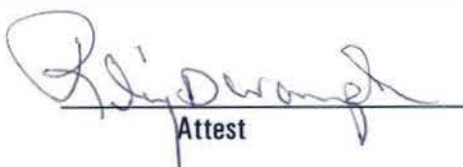
WHEREAS, the Regional Planning Commission has forwarded its recommendation regarding the amendment to the Zoning Map of Loudon County, Tennessee, and the necessary public hearing called for and held.

NOW THEREFORE BE IT RESOLVED by the Loudon County Commission that the Zoning Map of Loudon County, Tennessee be amended as follows:

Section 1. That property at 1177 Wade Road, referenced by county Tax Map 73, Parcel 16.0, being only that section of said parcel which is 200' in depth and parallel to Wade Road extending westerly approximately 1140' from the eastern property line of parcel 16.0, and further identified by the attached map, said map being a part of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall not take effect until this property is served by public water, which shall be extended the entire length of the property fronting on Wade Road.

NOW BE IT FINALLY RESOLVED, that this resolution shall take effect immediately, the public welfare requiring it.


Attest


County Executive

June 5, 1995
Date Adopted

CERTIFICATION OF REVIEW

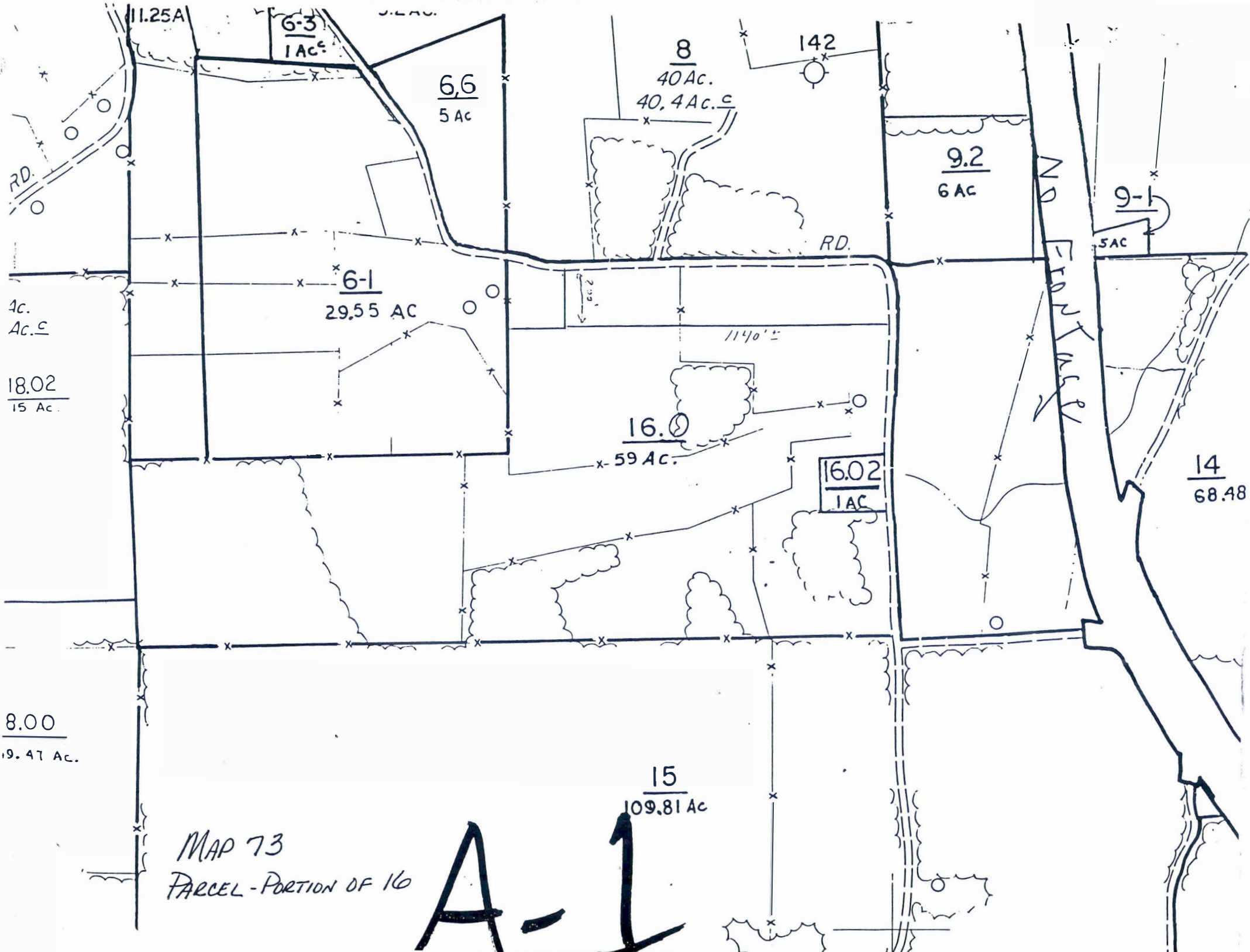
This is to certify that this amendment has been reviewed and a recommendation forwarded pursuant to the provisions of TCA 13-7-105 by the Regional Planning Commission.

CHAIRMAN

DATE

Encl - F

364



MAP 73
PARCEL - PORTION OF 16

A-1

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING AND OR NAMING CERTAIN ROADS IN LOUDON COUNTY, TENNESSEE
BY THE LOUDON COUNTY COMMISSION**

WHEREAS, the Loudon County Commission is vested with the authority to name and accept the dedication of roads and rights-of-way for public use, and

WHEREAS, the Regional Planning Commission has recommended the naming and or acceptance of the proceeding and right-of-way which has been designed and constructed pursuant to the County's road acceptance standards, and subdivision regulations.

NOW THEREFORE BE IT RESOLVED that the following right-of-way, and corresponding name(s) herein dedicated for public use be accepted into the County's roadway system:

Section 1. Acceptance of dedicated right of way of Adesa Boulevard, as shown on the subdivision plat of A. D. E. of Knoxville, Inc., as filed in the Register of Deeds Office for Loudon County, Tennessee, Plat Cabinet D, Slide 5.

BE IT FURTHER RESOLVED that this dedication is based on the Agreement Regarding Adesa Boulevard, executed April 30, 1995, by and between A.D.E. of Knoxville, Inc., Loudon County and the City of Lenoir City, Tennessee.

BE IT FINALLY RESOLVED that this Resolution shall take effect immediately the public welfare requiring it

6-5-95

Date Adopted

George M. Miller
County Commission Executive

Ruby D. Sample
Attest

Certification of Review

This is to certify that this amendment has been reviewed and a recommendation forwarded pursuant to the provisions of TCA 13-7-105 by the Regional Planning Commission.

CHAIRMAN

DATE

Exp = 2