

COUNTY COMMISSION MEETING

AUGUST 7, 1995

1. Call to order (Call to order, Roll Call, Invocation)
2. Approval of minutes--June 7, 1995, June 30, 1995, July(10)13, 1995.
3. Citizens Invited to speak.
4. No one else speaks
5. H. McGhee-Sch. Invitation
6. Amendment approved--Section 218--Social Security--Election Commission Workers.
7. Committee formed to study space to be available at Courthouse.
8. Planning Commission Appointment deferred.
9. Report on Old National Guard Armory.
10. Resolution Approved--Quitclaim Deed to Cagle, Ambrose, Albers (off Waller Ferry Rd.)
11. Approval granted to New Providence Church--Quitclaim Deed to Road.
12. Library Board--Appointment deferred.
13. Approval granted to release payment to Barge, Waggoner, Sumner, and Cannon.
14. Workshop--Budget set.
15. Henry Mitchell's Appointment confirmed to BZA.
16. Letter read--Atty. Allman--Fly Ash situation.
17. Motion fails to request BZA to rescind approval-CSM Corp. (fly ash issue)
18. Commissioner Bivens--addresses Committee issues
19. Atty. Sproul--no report
20. Nancy Richesin--no report
21. Resolution approved supporting investigating--Adoption of Bld. codes, Concept of Countywide Codes Enforcement.
22. Vcte of confidence give to Road Commissioner
23. H. Luttrell--no report
24. Approval given to allow Swisstronics and Defiance Electronics to purchase property in Sugar Limb Ind. Park.
25. Bond and Notary approvals
26. Dismissal

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COUNTY COMMISSION MEETING

AUGUST 7, 1995

(1)
Call to
Order

Be it remembered that the Loudon County Legislative Body met in regular session on August 7, 1995, with the Chairman Roy Bledsoe presiding, County Court Clerk, Riley D. Wampler, and County Executive George Miller were present whereupon Sheriff Tim Guider opened court, and led the Pledge of Allegiance, and Rev. Gary Amos gave the Invocation.

On Roll Call the following Commissioners were present:

Bivens	Ledbetter	Park
Randolph	Masingo	Duff
Maples	Bledsoe	Twiggs

(2)
App. of Min.
6-30-95
7-(10)13, 95
6-7-95

Chairman Bledsoe asked that the minutes of June 30, 1995, and July (10)13, 1995 be approved. Commissioner Twiggs made the motion that these minutes be approved. Commissioner Ledbetter seconded the motion. Commissioner Duff also requested that the minutes of June 7, 1995 include the transcription of a certain portion of the meeting to be included as part of those minutes. Voice vote indicated motion carried. Transcription hereby included as exhibit# A.

(3)
Citizens
inv. to
speak

Chairman Bledsoe asked if anyone wished to address the court, and the following citizens came forward:

Aileen Longmire-- stated that she wanted to follow up on statements that she made at last month's meeting and some of her concerns were:

1. Her request of a list of County-owned vehicles and uses thereof.
2. She asked for the resignation of Atty. Sproul and Pat Phillips, and stated her reasons for this action.
3. She inquired as to the uses of some County owned vehicles.

After which, comments concerning her questions were stated by Atty. Sproul and Mr. Miller.

Dawn Phillips--Inquired concerning the 5th Monday meeting, which was held July 31. Her questions were answered, and she indicated her support for this type of gathering.

Horace King--spoke concerning his support for truckers using the County Road to transport gravel to state highways.

(4)
No one else
to speak

No one else wished to speak on any other subject.

(5)
H. McGhee
sch inv.

Mr. Hank McGhee invited all Commissioners to a meeting at Loudon High School on August 21st (opening activities, and State Commissioner of Education would attend).

(6)
Adm. app
#218 SS. for
Election
Workers

Mr. George Miller, County Executive presented this Resolution for Consideration: " To Authorize Amendment to section 218, Social Security Coverage Agreement with Respect to Exclusion of Service performed by Election Workers and Election Officials." The motion to approve this was made by Commissioner Park and seconded by Commissioner Maples. Voice vote indicated motion carried. Hereby included as Resolution # 271995 Exhibit# B.

(7)
Committee
formed to
study avail.
space-Courth.

Mr. Miller also appointed a committee to study space which is to be available in the Courthouse with the completion of the Courthouse Annex. He appointed to the Committee: Capital Projects Committee members, Ms. Connie Clark, Mr. Fred Chaney.

- (8) Planning Comm. appt. deferred Concerning the appointments to the Planning Commission, Mr. Miller asked that this be discussed next month. He told the Commission the his office would notify them of the persons whose terms have expired, and asked for their input on these appointments.
- (9) Report-Old Nat. Guard Ar. Mr. Miller and Attorney Sproul updated the Commission concerning the progress on situation of the Old National Guard Armory.
- (10) Res. app.-- Quitclaim Deed to Cagle, Ambrose, Albers Attorney Terry Vann spoke to the Commission on behalf of his clients Mr. Tommy Cable, Ms. Kathleen Ambrose, and Ms. Wanda Albers. Their request is that the County grant a Quitclaim deed to an access of an old County road (previously deeded to County, but never formally accepted) leading to an access to Waller Ferry Rd. Commissioner Park made the motion that this be approved, with Commissioner Duff seconding the motion. Voice vote indicated all in favor. Chairman Bledsoe announced the motion carried. Resolution hereby included as # 871995, Exhibit # C.
- (11) App. granted New Providence Ch.--Quitclaim Deed to Rd. Mr. Miller presented a request from New Providence Church asking that the County convey interest to the Church which would allow them to Quitclaim a deed to a road leading to the Church. Commissioner Park made this motion with Commissioner Duff seconding the motion. Voice vote indicated the motion carried.
- (12) Lib. Brd. appt. deferred Mr. Miller also asked the County Library Board appointment be postponed until the September meeting.
- (13) App. granted to pay Barge, Waggoner. He also presented a proposal to allow that payment on the Courthouse Annex to Barge, Waggoner, Sumner, and Cannon, be released. He contends that since the issues in question have been resolved that payment should be authorized and the amount in question be released. Commissioner Park made the motion to release these funds, with Commissioner Duff seconding the motion. The results of a roll call vote being:
- | | | | | | |
|---------|-----|-----------|-----|--------|-----|
| Bledsoe | yes | Ledbetter | yes | Park | yes |
| Bivens | no | Masingo | yes | Duff | yes |
| Maples | yes | Randolph | yes | Twiggs | yes |
- 8--yes, 1--no. Motion carried.
- (14) Budget WS set A Commission workshop concerning the budget was set for August 16th, at 6:00 P.M.
- (15) H. Mitchell named to vac. on BZA Mr. Miller then presented an addendum item concerning an appointment to the Loudon County Board of Zoning Appeals. Mr. Henry Mitchell was suggested to fill this vacancy. Commissioner Bivens made a motion that this be deferred to a later date to allow for more time to investigate the matter. This motion was seconded by Commissioner Twiggs. Voice vote indicated the motion failed (which was announced by Chairman Bledsoe). A motion was then made by Commissioner Ledbetter to approve Mr. Mitchell, with Commissioner Park seconding the motion. Results of Roll Call:
- | | | | | | |
|---------|-----|-----------|-----|--------|-----|
| Bledsoe | yes | Ledbetter | yes | Park | yes |
| Bivens | no | Randolph | yes | Duff | yes |
| Maples | yes | Masingo | yes | Twiggs | yes |
- 8--yes, 1--no. Chairman announced motion carried.
- (16) Letter read Atty. Allman fly ash sit. Commissioner Bivens read a letter from Attorney Peter Allman, He has been retained by certain citizens to represent them concerning the fly ash issue at Matlock Bend Industrial Park. A copy is hereby attached as exhibit# 1.

- (17) Motion fail req. to BZA-fly ash sit. Much discussion resulted on the fly-ash (Matlock Bend Ind. Park) situation. Commissioner Twiggs then made a motion that the County Commission ask the BZA to consider rescinding their original approval (granting a permit to CSM Corp), with Commissioner Randolph's of a roll call:
- | | | |
|--------------|--------------|------------|
| Bledsoe no | Ledbetter no | Park no |
| Randolph yes | Masingo no | Duff no |
| Bivens yes | Maples no | Twiggs yes |
- 3- yes, 6--no. Motion failed to pass.
- (18) Comm. Bivens Committee issues Commissioner Bivens addressed several issues concerning committees that have not met, and requests from citizens concerning County property maintenance issues. Mr. Luttrell responded that no request had been made to his department.
- (19) Atty. Sproul no rep. Attorney Sproul had no report.
- (20) N. Richesin no rep. Nancy Richesin, Director of Budget and Accts. had no report.
- (21) Resolutions app. support. Ad. of Bld. Codes-Countywide Codes Enfor. Mr. Pat Phillips, Director of Planning and Community Development, presented proposals. The two Resolutions are:(1) "A Resolution Recommending and Supporting The Adoption Of Model Building Codes For The Unincorporated Areas Of Loudon County, Tennessee". The second Resolution is "A Resolution Endorsing The Concept Of Countywide Codes Enforcement Serving The City Of Loudon, City of Lenoir City and Loudon County". Commissioner Randolph made the motion that these two Resolutions be adopted, which would allow further discussion for these actions. Res. # 8717, Ex. # 8.
- The results of a roll call vote:
- | | | |
|--------------|---------------|------------|
| Bledsoe no | Ledbetter yes | Park no |
| Randolph yes | Masingo no | Duff yes |
| Bivens no | Maples yes | Twiggs yes |
- 5--yes, 4--no, Chairman announced motion carried.
- (22) Vote of confid. to Road Comm. As the result of several concerns of citizens involving county roads, Commissioner Duff made a motion that the Commission show a vote of confidence and support by allowing County Road Commissioner, Don Palmer, to do the job as elected. The motion was seconded by Commissioner Randolph. Roll call vote results:
- | | | |
|--------------|---------------|------------|
| Bledsoe no | Ledbetter yes | Park yes |
| Randolph yes | Masingo no | Duff yes |
| Bivens no | Maples no | Twiggs yes |
- 5--yes, 4--no. Chairman announced motion carried.
- (23) H. Luttrell-no report Mr. Howard Luttrell, County Purchasing Agent/Maint. Supervisor, had no report.
- (24) Approval given to Swisstronics an Defiance Elec. to locate in Sugarlimb Ind. Park. Doug Berry, Loudon County Industrial Recruiter, presented these two proposals:
- (1) "Consideration of request from Swisstronics, Inc. of Watertown, Mass. to purchase approximately 6 acres at U.S. Hwy. 11 in Sugarlimb Ind. Park to construct a 20,000 square foot manufacturing plant for precision machining".
- (2) Consideration of request from Defiance Electronics of Loudon County to purchase 2 acres and option 2-3 additional acres at U.S. Hwy. 11 in Sugarlimb Ind. Park to construct a 10,000 ft. Manufacturing plant".
- Commissioner Park made the motion to approve the request of

both Swisstronics Inc. and Defiance Ind., with Commissioner Maples seconding the motion. Roll call vote:

Bledsoe	yes	Ledbetter	yes	Park	yes
Randolph	pass	Masingo	yes	Duff	yes
Bivens	pass	Maples	yes	Twiggs	yes

The results were: 7--yes, 2--pass. Chairman Bledsoe announced the motion carried.

(25)
Bond Approval
Notaries App.

Commissioner Masingo had this request for Bond Approval, and made the motion that it be approved, with a second from Commissioner Randolph:
Jennifer Womac

Voice vote indicated all in favor. Motion carried.

Commissioner Masingo also presented these names for notaries and made the motion they be approved, with commissioner Ledbetter seconding the motion:

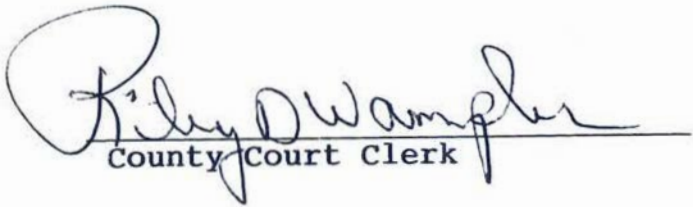
Clifford J. Fitzsimons	Robert E. Wilkerson
Theresa L. Yates	Jennifer Womac

Voice vote indicated all voted in favor. Motion carried.

(26)
Dismissal

Commissioner Park made the motion to dismiss at 10:20 P.M., with Commissioner Duff seconding.

Chairman


County Court Clerk

County Executive

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SS-B

Sarah Simpson-Bivens 5456 Harrison Bend Road, Loudon, Tennessee 37774

Telephone (615) 458-5908 or 458-8716

Corrections to Minutes of June meeting of County Commission -

RE: Discussion of action taken by BZA on coal ash fill

After motion and statement by County Attorney but before the vote, let the record show the following:

statements which refer to conflicts between governing boards, references to information given to commissioners in Nashville.

also, add "according to Gil Francis who telephoned me, the coal ash is not going to come from TVA."

statement to Pat Phillips, "I listened to the tape of the meeting and members said they didn't know anything about fly ash and you directed members how to vote even though you knew that this county had established an intergovernmental waste commission to deal with Solid Waste."

statements made by Com. Ted Randolph that "it should never have gone before the board of zoning appeals, there was nothing to appeal."

Harvey Sproul's statement that citizens would have to appeal to Chancery Court and my response, "Since the taxpayers pay you, why should they have to pay another attorney?"

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TRANSCRIPTION OF TAPE--LOUDON COUNTY COMMISSION--JUNE 5, 1995
(Part of tape pertaining to overturning action BZA)

Commissioner Bivins addressed the Commission:

Commissioner Bivens stated: "On the advise of an attorney consulted by citizens in the district I represent, I move that we overturn action taken by the Board of Zoning Appeals on April 13 regarding the fill site in Matlock Bend; which was requested by Bart Iddins for CSM/Matlock Bend Developers, Inc. because misinformation was given by Mr. Iddins on several points. I also wanted to point out that this information is well documented. The parcel number on the written Loudon County Zoning application is different than the parcel number that is recorded in the minutes which have been adopted, the location is not what the real location is, the parcel of land is not the one on that application, the acreage of the land is larger than listed, the fly-ash will not be coming from TVA as the BZA was told that it would be. We don't know where the fly ash has been coming from. And although action we took at the last meeting adopting the Jackson Law would protect us from out of County waste, they applied for this permit before we took that action. The Board of Zoning Appeals was told this site was not close to the river; however I and citizens have visited this site and it is located close to the river, across from what appears to be a populated area. The Board of Zoning Appeals was advised that it was a fill material and they classified it as a fill material and it is a waste as evidenced by the fact that they requested Solid Waste Disposal Permit. If it wasn't waste they wouldn't have had to get a permit. The State application says the ground will be used for solid waste disposal, this states that it would have to be out of county wastes because I don't think we have any coal ash in the county (to my knowledge). I think because of all the misinformation and misrepresentation---the conduct of the proprietors and the fact that misrepresentation occurred and was told to the committee. I urge that we use our authority and overturn this decision, although they (the members) probably acted in good faith by voting on the information they were given. Failure to take action would according to legal council put the County right the middle of another lawsuit. I have listened to the tape personally, have heard with my own ears, and heard what was said. I have talked to Gil Francis, of TVA, I have heard the denial, and given the fact that also this property is in arrears for at least 2 years of back taxes (it is owned by Gary Long, who is principal owner of both CSM and Matlock Bend Developers. He is not a Loudon County resident. Residents of Loudon County who do pay their taxes every year--and are not in arrears expect honest statements being made when they come before a court. I looked it up and our authority overrides the Board of Zoning, so I urge the Commissioners to vote to override this."

Commissioner Twiggs: "Is that your motion?"

Commissioner Bivens: "I move we override it."

Commissioner Twiggs: "Second."

Chairman Maples: "We have a motion by Commissioner Bivens to overturn the action of the Board of Zoning Appeals at our last meeting, and seconded by Commissioner Twiggs. Commissioner Duff".(recognizes him).

Commissioner Duff: "I would like to ask the County Attorney for his opinion concerning this motion and second."

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Attorney Sproul: "While Commissioner Bivens had not discussed this with me prior to the meeting so that I can give you a better answer or take time to do some research. Basically, the County Commission has no authority over the Board of Zoning Appeal in the appeal from the Board of Zoning Appeal the decision goes to the Chancery Court. I don't think that the County Commission has (in this County) any supervisory or overruling authority over the Board of Zoning Appeal to my knowledge." To Commissioner Bivens: "If you have a citation I could look at?"

Commissioner Bivens: " I just looked it up in the handbook they gave us in Nashville. I read the whole section on Zoning Appeals, and it said when there is a conflict the governing board with the greater authority shall prevail. I didn't bring that book, but we all have a copy and it's written in there, you can go look it up. From the very beginning I asked that copies of private acts, that maybe this County has some separate law, but this is in the handbook they gave us when we were elected and it says clearly there that our authority prevails, and if they want to test it-fine--, but this Commission needs to stand on the side of truth and the citizen."

Attorney Sproul: "Do you have a copy of the handbook, and the decision to which you are referring? My opinion is based upon somewhat 30 years of experience in planning matters in Loudon County. The County Commission has no authority over the Board of Zoning Appeals. The statute says any appeal of their decision goes to Chancery Court."

Commissioner Bivens: "It also gives the biggie about how their decisions can be appealed to the Board. Now surely there is some method, I believe I'm right on research(?). We realize in our district that many actions have been decided outside government and not in direct decision(?)--we know that. I think we should vote to override this thing and see what happens."

Commissioner Randolph; " Madam Chairman, we don't know (gap where tape is changed) let Loudon County take care of itself, we can do that, for at least a number of years until the technology comes along, and it will come along, in universities, to do something about waste as it is, but I'm just opposed to the fact that we should open up the county for any additional wastes. If it is fill ash or whatever it might be--just to pile something up in Loudon County , I don't think it should be done. As I understand from Mr. Crabtree, who I have talked to maybe twice. The fly ash could come from anyplace, no definite place it had come from. In other words it could come from any source, in the County, out of the County, even out of the State--don't know-hot place. We don't want Loudon County for this type of operation. Else we should be as old as some of us are, some of us should live to regret it. I hope although we may not have the power--I don't know if the power rests within the Commissioners or with the Planning Commission. We ought to resist as far as we can. That's what I want to do - resist it. My vote is to go along with Ms. Bivens. I just wanted to say that. We want to continue to make the County a good County that people want to move to. That's where taxes are coming from--so let's keep the County in good shape. I believe in all the County regardless of where its at--that's my objection for allowing those things to take place."

Commissioner Duff: "I concur with what Commissioner Randolph just got through saying, but I was under the impression that the Jackson Law we adopted last month's meeting took care of this situation. Does this not apply because a retroactive rule, or something like that. Is that not in effect?"

Commissioner Park: "The Jackson Law would take care of all

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others but not this one it would not."

Commissioner Duff: " It would not take care of this one--thanks."

Commissioner Twiggs: "One other important aspect that maybe Commissioner Bivens, and maybe Harvey too--I was just familiar because I was a member of the Solid Waste Disposal Board and I was the one who brought the proposal that we look at out of county wastes and certainly I was voted down by a majority of the Commissioners--so I guess once that decision was made I flipped sides, and I guess if we're to stay with that we should stay with that. I don't think this decision was (this part is unclear on the tape, due to other courtroom noise)but that's what was decided. A part of the current law says that each county is responsible for reducing the wastes it has. This could greatly damage our chances for getting grants from the solid waste and also fines, if we allow tremendous sums of wastes to come in. For example, Campbell County recently voted down an out-of-county landfill site proposal facility because of that particular issue. On that particular proposal they were just coming through Campbell County, again there were no plans to work out alternate agreement where trash could be taken over by another county, so I see this as a similar situation where we are in danger of getting ash coming to the county and no way to ever get rid of it. That could put us in jeopardy of losing some of those dollars from solid waste."

Commissioner Duff: " I'm not satisfied with the answer Counselor gave to us. To rephrase my question: Will we be in trouble by adopting this motion and a second tonight. From a legal standpoint can we do this without fear of getting into a lawsuit from those people from the action we are about to take."

Attorney Sproul: " Of course I agree many times with the theory behind motions the Commissioners make and, sometimes disagree, but I try give you what I think the law is, which is what I think you were asking. The County Commission, I think on some occasions in the past few years, has sometimes passed resolutions criticizing one of its boards it has appointed because of some action it has taken. I didn't hear all of the wording on the motion that was made--so I'm not sure how to answer that."

Commissioner Bivens: "I try to make it rather---In other words, based on misinformation-even the state says, on the application it has to be truthful, now when you have it in writing in the interest of time--I won't read it all. The parcel number that they wrote down on the application is different then the parcel number that they wrote down on the application. The Board of Zoning Appeals voted on so it brings up some legal issues here--so in other words--rather--I'm trying to do some things for the people in my district and save the county the legal expenses of another lawsuit because they have already been advised by an attorney that they have ample legal grounds, but why should they sue, if we can take care of it."

Attorney Sproul: "An example is the Overlay Lawsuit in which the County Commission may be defendants(Not sure of this word, unclear on tape),where the decisions were made by the Planning Commission were not satisfactory to the person who made the application. The suit was brought based upon alleged deficiencies, the suit was brought in a certain period of time under the statutes as far as I know at this time. When the BZA makes a resolution based on wrong information if the wrong information has relevance to the issue decided the appropriate person could bring a lawsuit or appeal that decision to the Chancery Court. But the statutes of Loudon County does not provide anyone can made an appeal to County Commission. Now

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you can pass a resolution saying: we do not agree with you, this is not what we wanted you to do, this is not our policy in Loudon County, and that sort of thing. You can also adopt the resolution as she is suggesting but I think in essence, you are doing what I said the first time, you are criticizing the what Board of Zoning Appeals has done but you have accomplished nothing because your resolution has no legal standing."

Commissioner Bivens: "I've been told by members, See, I called them and asked them why they voted why they voted for this thing, and they told me": "We were told this-- but we know better now," in other words some members of the BZA would change their minds, or that's what they told me, if could vote on it again. I asked Pat (Phillips) to send it back but it didn't get sent back(not sure of that, unclear on tape), but last meeting I was on record saying--isn't there anything we can do. You cannot convince me an unelected board has--we're elected--surely we have rights over an unelected board, if we don't, we're just a bunch of rubber stamps here to raise money. I will rephrase my motion to say--subject to---I read it in the book--that section, the board with the greater authority and I certainly hope it's still us."

Commissioner Twiggs: "Sarah, one question --If you think the board of appeals would change their minds, and I have done some legal research in other matters, sometimes different appeals can change their minds-, and changing their minds do carry some weight--Why don't you make the motion we (the County Commission)ask the Board of Zoning Appeals reconsider their options therefore get it on their agenda. If you want to do it that way I'll second that motion."

Commissioner Masingo: "We don't know if we voted to do it , would it kill it."

Commissioner Randolph: " Let me ask Pat Phillips , Why would the question of fly ash go to the Board of Zoning Appeals , and not first go City Planning Commission in Loudon who has jurisdiction 5 miles out. First, what are you appealing, there was no decision made, between a board meeting, as far as I know it was never brought up, so it was came to the BZA, what were they appealing, because there has never been a decision made on it. It was unknown to the County Commission, my question is if it was unknown to the County Commission then why was it not known by the County Commission. It went first to the BZA. They (City Planning), as in the city of Lenoir City, has jurisdiction five miles out, and that certainly is less than 5 mile out", (addresses Pat Phillips," Am I right on the five miles out? "

Pat Phillips: "They have the opportunity to review rezoning within their planning regions. They also have subdivision authority within that five mile region. Let me clarify a couple of points. The applicant on the initial application to Doug, when he issued a permit, I recommend to Doug, this landfill use is such a controversial issue, there may be some question as to the agreement of the use of that property. We decided to send it to the BZA for interpretation in the zoning law certain permitted use and use permit special exceptions (uncertain cannot understand on tape), after getting information from the state solid waste department as to the use of this property, they determined it to be a structural fill operation, and not a land fill operation. This is property than can be built on, it can be compacted for standards to build purposes, and a building more than likely will be built on this fill material. Based on this information it was brought before

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the BZA and the BZA, and they determined in their opinion, it was free to use for any kind of fill operation (could not understand exactly on tape). It was not a site specific or use specific and overall a fill operation--and not a landfill operation, and did not require a special exception you or citizens feel that decision was inappropriate was contrary to (unclear on tape) If you or any of your citizens feel that their decision was inappropriate then they have a right to file a suit in Chancery Court against the BZA."

Commissioner Bivens: "It says right here, I've listened to the tape. They asked this, we don't want any more landfills, is this a waste. This is a fill material--fly ash from TVA. They were lied to--those members. This is a solid waste application--Pat you knew it was a waste. Those people were led to approve this based on false information. I agree with Ted, I don't think it should ever have gone to the BZA unless it had been turned down somewhere else and then they wanted to appeal it. Why should the tax payers who pay your salary and the County Attorney's salary have to go to and pay another attorney to fight what true--all we're asking is a true representation of the facts, and not to be jerked around through this strange definition. Yes, the state defines a landfill a public wastes--that's how the State defines it. But this is waste and we have a Solid Waste Authority this one right here, this waste disposal, this one (indicating a paper in her hand), Gary Long's name 's one here not Bart Iddins, and you've got the wrong numbers on here, the citizens already have the money to file their lawsuit, but I would like to make the motion."

Chairman Maples: "We already have a motion and a second on the floor. The motion is to overturn the action of the Board of Zoning appeals that we voted in at our last meeting. Roll call vote:

Randolph	aye	Ledbetter	aye	Duff	aye
Bivens	aye	Masingo	no	Park	no
Maples	aye			Twiggs	aye

Chairman Maples announced the motion passed.

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**TO AUTHORIZE AMENDMENT TO SECTION 218
SOCIAL SECURITY COVERAGE AGREEMENT WITH
RESPECT TO EXCLUSION OF SERVICES PERFORMED
BY ELECTION WORKERS AND ELECTION OFFICIALS**

WHEREAS, Section 218 (c)(8) of the Social Security Act (42 USC 418 (c)(8)), as amended, authorizes states to modify agreements to exclude from Social Security/Medicare coverage, services performed by election workers and election officials if remuneration paid for such services in a calendar year is less than \$1,000 with respect to services performed during any calendar year on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under Section 218(c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1, 2000, with respect to services performed during any such calendar year, and


WHEREAS, Acting under authority of an Emergency Resolution passed and approved October 15, 1991, the County Governing Board authorized and directed the County Judge to execute an agreement with the Old Age and Survivors Insurance Agency, State of Tennessee, to extend the benefits of the Federal System of Old Age, Survivors, Disability, Health Insurance to include employees and officials thereof, except those excluded by applicable Federal State laws or regulations, or said Resolution, and

WHEREAS, notwithstanding any provisions of said Resolution, as amended, it is now deemed to be in the best interest of said County to exclude from its coverage group the services of election officials and elections workers if the remuneration paid for such services in a calendar year is less than \$1,000, for services performed on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under Section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year to be effective in and after calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate Federal Official.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission acting under authority of said Emergency Resolution, the County Executive is authorized and directed to execute an amendment to said Agreement to January 1, 1991 to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate Federal Official.

BE IT FURTHER RESOLVED, by the Loudon County Commission that this Resolution shall be in full force and effect as of the date of its passage and approval and shall be effective with respect to the date set forth herein above, the welfare of Loudon County requiring it.

Adopted this 7th day of August, 1995.


 Chairman, County Commission

(B)

RESOLUTION NUMBER 271995-B

TO AUTHORIZE AMENDMENT TO SECTION 218
SOCIAL SECURITY COVERAGE AGREEMENT WITH
RESPECT TO EXCLUSION OF SERVICES PERFORMED
BY ELECTION WORKERS AND ELECTION OFFICIALS

WHEREAS, Section 218 (c)(8) of the Social Security Act (42 USC 418 (c)(8)), as amended, authorizes states to modify agreements to exclude from Social Security/Medicare coverage, services performed by election workers and election officials if remuneration paid for such services in a calendar year is less than \$1,000 with respect to services performed during any calendar year on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under Section 218(c)(8)(B) of the Social Security Act for any calendar year commencing on or after January 1, 2000, with respect to services performed during any such calendar year, and


WHEREAS, Acting under authority of an Emergency Resolution passed and approved October 15, 1951, the County Governing Board authorized and directed the County Judge to execute an agreement with the Old Age and Survivors Insurance Agency, State of Tennessee, to extend the benefits of the Federal System of Old Age, Survivors, Disability, Health Insurance to include employees and officials thereof, except those excluded by applicable Federal State laws or regulations, or said Resolution, and


WHEREAS, notwithstanding any provisions of said Resolution, as amended, it is now deemed to be in the best interest of said County to exclude from its coverage group the services of election officials and elections workers if the remuneration paid for such services in a calendar year is less than \$1,000, for services performed on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under Section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year to be effective in and after calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate Federal Official.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission acting under authority of said Emergency Resolution, the County Executive is authorized and directed to execute an amendment to said Agreement to January 1, 1951 to exclude from coverage under the Federal System of Old Age, Survivors, Disability, Health Insurance, the services of an election worker and an election official if the remuneration paid for such services in a calendar year is less than \$1,000 on or after January 1, 1995, ending on or before December 31, 1999 and, the adjusted amount determined under section 218(c)(8)(B) of the Social Security Act for any calendar year, commencing on or after January 1, 2000, with respect to services performed during any such calendar year. This exclusion to be effective in and after a calendar year in which a State's Modification is mailed, or delivered by other means, to the appropriate Federal Official.

BE IT FURTHER RESOLVED, by the Loudon County Commission that this Resolution shall be in full force and effect as of the date of its passage and approval and shall be effective with respect to the date set forth herein above, the welfare of Loudon County requiring it.

Adopted this 7th day of August, 1995.


Chairman, County Commission



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LOUDON COUNTY COMMISSION

RESOLUTION NO. 27995

RESOLUTION AUTHORIZING EXECUTION OF QUITCLAIM DEED TO
TOMMY CAGLE, KATHLEEN AMBROSE, AND WANDA ALBERS

WHEREAS, F. H. Grubb and wife, Dorothy Grubb, conveyed a strip of land (24 feet by 361 feet, and shown on the tax map of Loudon County as an extension of Parcel 15-1 on Map 11), to Loudon County with the intention that it be used as a right-of-way for a public road and/or as access from the Waller Ferry Road to properties he had sold to other third parties, by deed dated June 18, 1955, and recorded in the Register's Office of Loudon County, Tennessee, in Deed Book 58, page 382; and

WHEREAS, this strip of land never was accepted or maintained by Loudon County as a public road; and

WHEREAS, the parties owning property adjacent to this strip of land, always thought this was a public road because of the deed on record conveying the strip to Loudon County; and

WHEREAS, without access to this strip, Parcels 15.1 (Tommy Cagle); 21 (Kathleen Ambrose); and 16.0 (Wanda Albers) are "landlocked"; and

WHEREAS, although Loudon County does not claim nor desire any interest in the strip of land, nevertheless, the public records show Loudon County as being the owner;

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commisison, in regular session assembled on this 7th day of August, 1995, that the County Executive be authorized to execute a Quitclaim Deed in order to relinquish any interest that the County might have, and to clarify that the County does not have any interest in the property, and to clear up the record title, the deed to be made to the aforesaid parcel owners who are landlocked and who need an access to the Waller Ferry public road, inasmuch as it would appear that giving the adjacent landowners access to the road was the intent of the original grantors.

BE IT FURTHER RESOLVED that Loudon County by this action does not attempt to grant or give anything more than what the County might have, and there are no warranties, assurances or preferences intended in reference to anyone who may have other claims or rights involving the property.

COUNTY CHAIRMAN

APPROVED:

COUNTY EXECUTIVE

ATTEST:



COUNTY CLERK

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LAW OFFICES OF
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AN ASSOCIATION OF ATTORNEYS
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600 SOUTH GAY STREET
KNOXVILLE, TN 37902
615/637-6258

August 7, 1995

Sarah Simpson
5456 Harrison Bend Road
Loudon, Tennessee 37774

Re: Loudon County - Coal Fly Ash Fill Site

Dear Ms. Simpson;

This letter is in response to your request for a legal opinion regarding the legality of the coal fly ash fill site located at Matlock Bend Industrial Park in Loudon County, Tennessee. You have retained our office to express this legal opinion to you based upon the facts which were presented to us.

After reviewing the documents and other information which you supplied, it is my opinion that the coal fly ash fill site located at Matlock Bend Industrial Park in Loudon County, Tennessee is a solid waste disposal site which is regulated under the Tennessee Solid Waste Disposal Act, as amended, T.C.A. § 68-211-101, et seq. T.C.A. § 68-211-906 provides for the establishment of solid waste authorities with the concomitant authority to manage the disposal of solid waste. As I understand it, the Loudon County Commission has established itself as the solid waste authority for Loudon County, Tennessee.

In that regard, it is my opinion that the authority to regulate the disposal of coal fly ash within Loudon County rests with the County Commission sitting as the solid waste authority.

It is also my understanding that the County's Board of Zoning Appeals has found that relocation of the coal fly ash fill site meets with the zoning regulations for the County. From my discussions with you, it appears that the Board of Zoning Appeals may have violated its own procedures in approving the coal fly ash site and may have based its decision upon erroneous or inaccurate information.

It is my further opinion that if the CSM Corporation continued construction on the coal fly ash fill site subsequent to the June 28, 1995 letter from Mr. George Miller regarding the actions of the

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Ms. Simpson
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Loudon County Commission in overturning the action of the Board of Zoning Appeals, that the corporation continued its construction on the site at its peril and that neither the County Commissioners personally nor Loudon County as an entity would be responsible for any alleged damages due to the corporation's continued construction in the area.

These opinions are based upon the information and documents which you supplied to me.

Best personal regards,



PETER ALLIMAN

PA/dl

1196.95d

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RESOLUTION *no 87195*

A RESOLUTION RECOMMENDING AND SUPPORTING THE ADOPTION OF MODEL BUILDING CODES FOR THE UNINCORPORATED AREAS OF LOUDON COUNTY, TENNESSEE

Whereas, Loudon County is a rapidly growing community affected by a strong economic development program and proximity to West Knox County and geographical location in the East Tennessee Region , and

Whereas, over the past 15 years the county has experienced significant growth in residential, commercial and industrial construction which have added value to the community, and

Whereas, construction is perhaps the single most important economic element of our free enterprise system, employing over 2.25 million craftsman representing 24 separate trades, crafts and disciplines, and

Whereas, buildings and structures are among a communities most tangible and enduring achievements, and

Whereas, buildings not built to codes and industry standards reduce property values resulting in lower valuations and reduction in tax revenues which effect essential public services, and

Whereas, building regulations provide for minimum standards that ensure health and safety of the occupants of both private and public structures which cover fire and structural safety as well as health, security and conservation of energy, and

Whereas, codes must be responsive to governments need to protect the public as well as to keep pace with a rapidly changing technology, and

Now, Therefore, Be It Resolved that the Loudon County Regional Planning does hereby endorse, encourage and recommend to the Loudon County Commission that model building codes be adopted for the stated purpose of serving the public need for protection from disasters due to fire, structural collapse, and general deterioration of buildings which are integral to the community's livability and investment in our future.

Be It Finally Resolved that this resolution be presented to the Loudon County Commission for consideration on August 7, 1995 the public safety and welfare demanding it.

July 25, 1995
Date Adopted

Bill Wolfe, Chairman

Billy Joe Littleton, Secretary

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RESOLUTION

A RESOLUTION ENDORSING THE CONCEPT OF COUNTYWIDE CODES ENFORCEMENT SERVING
THE CITY OF LOUDON, CITY OF LENOIR CITY AND LOUDON COUNTY

WHEREAS, the City of Lenoir City, City of Loudon and Loudon County have adopted land use standards to guide the development of the community consistent with long range plans, and

WHEREAS, Loudon County is considering the adoption of Standard Codes as part of the Southern Building Code Congress International model code, and

WHEREAS, Tennessee Code Annotated requires the certification of building officials involved with the enforcement of building codes in communities across the State of Tennessee, and

WHEREAS, three separate codes enforcement offices exist within the County which are currently under-staffed to carry out the provisions of the various codes and ordinances adopted by the community as a result of increases in development within the Cities and County, and

WHEREAS, compliance with the provisions of ICA and ability to uniformly enforce the Standard Codes requires certification of inspectors and additional fiscal appropriations for additional staffing,

NOW. THEREFORE, BE IT RESOLVED that the Regional Planning Commission does hereby endorse the concept of countywide codes enforcement which is funded primarily by fees generated by the issuance of permits for building codes and land use ordinances/resolutions.

BE IT FURTHER RESOLVED that the Regional Planning Commissions recommend to their respective legislative bodies that an organizational structure and budget be prepared for consideration.

BE IT FINALLY RESOLVED that this Resolution be adopted, the safety and convenience of the communities involved requiring it.

William J. Holpe
By: LENOIR CITY REGIONAL PLANNING COMMISSION

6/6/95
DATE ADOPTED

J. A. Carner
By: LOUDON REGIONAL PLANNING COMMISSION

6/7/95
DATE ADOPTED

William J. Holpe
By: LOUDON COUNTY REGIONAL PLANNING COMMISSION

6/8/95
DATE ADOPTED