

PUBLIC HEARING - COUNTY COMMISSION MEETING

DECEMBER 4, 1995

Public Hearing

1. Rezone property  
Teal Estates  
Lakewood DRIVE  
Citizens speak

County Commission Meeting

2. Call to order (Call to order, Roll Call, Invocation)
3. Approval of minutes of November 6, 1995
4. Citizens invited to speak
5. No one else speaks
6. Mr. Miller presents update on Convenience Center.
7. Mr. Miller reports on Impact Fees & Privilege Taxes.
8. Discussion on Fee Officers lawsuits.
9. Approval of Appropriation of \$2,200.--additional landscaping-Annex, Highway Dept. transfers
10. Atty Sproul reports on:
  - (a.) Underground fuel tank removal-Old Nat. Guard Armory.
  - (b.) Report-litigation-Lo. County VS Bap. Adult Homes, Inc.
  - (c.) Report on lawsuit--Gary Mayes VS Lo. County
  - (d.) Report on lawsuit-McCarroll VS BZA
  - (e.) Report on application by C4-Media Cable TV-to transfer ownership
  - (f.) Report on Matlock Bend Dev. Inc.
11. Item not allowed as agenda addition--Matlock Bend Esc. Acct.
12. Report on lawsuit--Trustee's Office
13. Resolution approved-Authorizing contact to fund Improvements to Intersection-Shaw Ferry Rd-Hwy 11.
14. Resolution delayed until Jan.- Teal Estates rezoning
15. Resolution approved rezoning of property-Lakeland Drive.
16. Doug Lawrence's report.
17. H. Luttrell--Approval to lease fax machine-Circuit Co. Clerk's office.
18. D. Berry--no report.
19. Bond Approvals
20. Notaries approved
21. Mr. Miller-report from Atty. Rodgers-Lawsuits-Fee Officers and motion to recess until 4:00, Dec. 5.
22. Commission reconvenes

23. Motion approved to allow Trustee's case to continue as scheduled.
24. Report from Atty. Russell Johnson on other Fee Officers lawsuits
25. Comm. Twiggs moves to go into Executive Session
26. Report from Atty Rodgers on lawsuits and motion to adjourn

COUNTY COMMISSION-PUBLIC HEARING

DECEMBER 4, 1995

(1)  
Public Hearing

- (1) Amendment to the Zoning Resolution of Loudon County, Tennessee, to rezone property in Teal Estates on Price Road, Tax Map 11, Parcels 43.03, 43.05, 43.06, and 43.07 from A-2, Rural Residential District, to R-1, Suburban Residential District.

No one wished to speak on this proposed resolution.

- (2) Amendment to the Zoning Regulation of Loudon County, Tennessee, to rezone property on Lakewood Drive to include the R-E, Single Family Exclusive Overlay District, Tax Map 35, Parcels 37,36,36.01,72,58, 59,57,56,55,54,53,52,51,50,49,38,48,47,46,45,44,43,42, 41,40, and 39.

Brad Allen, property owner, spoke for delegation and stated that they were in favor of the proposed overlay.

\*\*\*\*\*  
COUNTY OF LOUDON

COUNTY COMMISSION MEETING

(2)  
Call to  
Order, Roll  
Call, Inv.

Be it remembered that the Loudon County Legislative Body met in regular session on December 4, 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, led the Pledge of Allegiance, and the Rev. Gary Amos gave the invocation.

On Roll Call the following Commissioners were present:

Bivens	Masingo	Duff
Randolph	Maples	Park
Bledsoe	Ledbetter	Twiggs

(3)  
App.-Minutes  
Nov 6, 95

Reading and approval of minutes of November 6, 1995. The motion that these be approved as submitted was made by Commissioner Park, with Commissioner Masingo seconding the motion. Voice vote indicated all in favor.

(4)  
Citiz. inv.  
to speak

Remarks by members of audience pertaining to items on the agenda to be considered by the board:

Avery Norwood--Spoke to the Commission concerning his business currently under construction in Sugarlimb Ind. Park. He stated that Doug Berry, Ind. Recruiter, had been most helpful and instrumental in his making the decision to move the business to Loudon County.

Aileen Longmire--Spoke on certain items she wanted included in the minutes and also spoke concerning the Matlock Bend report that Atty. Sproul will be presenting.

John Akins--Citizen spoke to the Commission on several subjects. including the Sunshine Law.

Pat Hunter--5th district voter--discussed lawsuits of fee officers in the County, and also spoke of generosity of taxpayers to County officials and employees.

Connie Clark, Circuit Court Clerk, spoke on the increased workload in her office and needs of the Office.



Paul Baird--Spoke to the Commission on TCA budget laws and other subjects.

(5)  
No one else  
speaks.

No one else wished to speak.

(6)  
Update-  
Conv. Center

County Executive, George Miller, gave an update on the possibility of turning over the Convenience Center and the recycling center to the Solid Waste Commission for their operation. They have appointed a committee to study these issues.

(7)  
Report  
Impact Fees  
Privilage  
Taxes

He also gave a report on Impact Fees and Privilege Taxes--Mr. Miller says response to this has been favorable, and would like to set up a Commission Workshop to discuss this and other issue, be held on Monday, December 18th at 6:00 P.M. at the Annex.

(8)  
Disc.-Fee  
Officers  
Lawsuits

Commissioner Park introduced the subject of the lawsuits by the fee officers. He made the motion that the Circuit Court Clerk's contingency offer (for \$7,500. and \$1,600.) be accepted. The motion died for lack of a second.

He then made the motion to accept the offer made by the County Court Clerk, (for \$6,000.) that too died for lack of a second. He also made the motion to accept the Trustee, J.D. Click's offer (\$6,000. wage adj. \$150.). This motion also died for lack of a second.

He made the motion that the Sheriff's compromise offer be accepted (equipped vehicle \$18,000., wage adj. \$1,200., fingerprint system \$19,000.). It did not pass for lack of a second.

Finally, he made the motion to accept the Register of Deeds (Ralph Wear), \$6,000. offer. This died for lack of a second.

(9)  
Approval-  
App.-\$2,200.-  
Hwy.--Hwy.  
transfers

Nancy Richesin, Director of Accounts and Budgets, asked a motion be introduced to allow the following budget recommendations.

(1) Appropriation of \$2,200. for landscaping at annex (from the Capital Projects Funds), (2) Highway Dept. transfers (line item transfer, as attached). Commissioner Twiggs made the motion to concur with the budget committee on these requests. This was seconded by Commissioner Park. Roll call vote:

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

Results: 7--yes, 2--no. Chairman announced motion carried. Documentation hereby included as Exhibit # 11.

(10)  
Atty Sproul  
reports--  
(a)

Attorney Sproul reported on the removal of the underground fuel storage tanks at the old National Guard Armory. He reports that the bids for this (and other sites) will be taken on Dec. 6, 1995. This site will be the first on the list for removal.

Under fuel tanks

He reported further on the litigation-Loudon County vs Tennessee Baptist Adult Homes, Inc. for reimbursement of in lieu of tax payments made in earlier years relating to the Baptist Health Care Center.

(b)  
Lawsuit:  
Bap. Ad. Hom.

The next item is the lawsuit--Gary Mayes vs Loudon County--Judgment for County on all but one item, which Atty. Sproul considered a technicality.

(c)  
Gary Mayes  
(d)  
McCarroll vs  
BZA

Informed Commission of suit filed against the Lo. County BZA vs Jeffery McCarroll.

(e)  
C-4 Media  
Transfer  
Discussed

Informed Commission of an application to Loudon County Cable Television Authority by C-4 Media to transfer cable TV franchise ownership to Frontier Vision Operating Partners.

(f)  
Matlock Bend

He also presented a report on the Matlock Bend Development,

Exh# 12

Inc. contract- payment and partial payment made to the account.

(11.)  
Report  
Matlock Bend  
Escrow- Not  
allowed Age.

Commissioner Bivens made a motion the Atty. General be asked to look into the Matlock Bend Escrow Account to see if improprieties have occurred. Commissioner Twiggs seconded the motion. Commissioner Park stated that he objected to this item being placed on the agenda, and asked that the Chairman rule as to whether to allow this action. Chairman Bledsoe ruled that the item could not be placed on the agenda. Commissioner Twiggs then asked that a vote be taken to overrule Chairman's decision. The Roll call indicated:

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

Results: 4--yes, 5-no. Motion that the Chair be overruled and it be added to agenda failed to pass.

(12)  
Report -Lawsuit

County Atty. Sproul then informed the Commission that depositions are being taken on one of the cases (Trustee's Office) the next day (Dec. 5), Commissioner Duff then made the motion that the Commissioners go into executive session. Commissioner Twiggs seconded the motion. Voice vote indicated motion carried. After coming out of executive session, Commissioner Twiggs made the motion that the attorneys representing the County be called to inquire about a continuance in this matter, and Commissioner Ledbetter seconded the motion. Voice vote indicated all in favor (except Commissioner Park, and he abstained).

(13)  
Res. app.  
Hwy 11-  
Shaw Ferry Rd.

Mr. Pat Phillips, Director of Planning and Community Development, presented the resolution", A Resolution Authorizing the County Executive to County Executive to Execute Contract Agreement No. 676 Between Loudon County and the Tennessee Department of Transportation for Certain Improvements to Highway 11 (S.R. 2) at Shaw Ferry Rd. Funded through the Hazard Elimination Program, Optional Safety Funds". The motion that this be approved was made by Commissioner Park, and seconded by Commissioner Twiggs. Voice vote indicated motion carried. Contract and Resolution hereby included as #12495, Exh. B.

(14)  
Res. delayed  
Teal Est.

The next resolution introduced:

- (1) Amendment to the Zoning Resolution of Loudon County, Tennessee, to rezone property in Teal Estates on Price Road, Tax Map 11, Parcels 43.03, 43.05, 43.06, and 43.07 from A-2, Rural Residential District, to R-1, Suburban Residential District.

The motion that this be put on the agenda of the January meeting, to allow Commissioners Park and Duff to study the resolution (it being in their district), was made by Commissioner Park and seconded by Commissioner Duff. Voice vote indicated all in favor.

(15)  
Res. Appp  
Lakewood Dr.

Mr. Phillips then presented this resolution:

- (2) Amendment to the Zoning Regulation of Loudon County, Tennessee, to rezone property on Lakewood Drive to include the R-E, Single Family Exclusive Overlay District, Tax Map 35, Parcels 37,36,36.01,72,58, 59,57,56,55,54,53,52,51,50,49,38,48,47,46,45,44,43,42, 41,40, and 39.

The motion that this resolution be accepted was made by Commissioner Randolph, and was seconded by Commissioner Bivens. Voice vote indicated motion carried. Included as Resolution 12495 Exhibit C.

(16)  
D. Lawrence  
report

Doug Lawrence, Building Commissioner, gave the following report:

permits issued	37	Fees collected	\$3,135.
Est taxes	\$11,800.	Est value	1,810,500.



- (17) H. Luttrell-  
Lease Fax-  
Cir. Court  
Clerk  
Mr. Howard Luttrell, had the following request: Lease of facsimile machine for lease in the Circuit Court Clerk's office. The cost will be 53.93/month for 24 months. The money is in the budget. The motion that this be approved was made by Commissioner Maples, with Ledbetter seconding the motion. Voice vote indicated motion carried.
- (18) D. Berry  
no report  
Doug Berry, Ind. Recruiter had no report.
- (19) Bond App.  
Commissioner Masingo made the motion to approve the bond application of Anna P. McNabb. Commissioner Twiggs seconded the motion with voice vote indicating all in favor.
- (20) Notary app  
Commissioner Masingo also made the motion that the following notaries be approved, with Commissioner Ledbetter seconding the motion. The names are:  
William E. Shirk                      Suzanne B. Guider                      Barbara S. Purdy  
Abby Clendenen                      Patricia M. Lawson                      Carla A. Millsaps  
Edwin H. Arnold                      Doris C. Malone  
Voice vote indicated all in favor.
- (21) Rep. Lawsuit  
fee off.  
George Miller, County Executive, gave this report after consulting with Atty. Rodgers: Good possibility the suit would be held as scheduled on the 7th of December (with depositions being taken the 5th. of December). The Attorney will also ask that a continuance be granted. Commissioner Twiggs made the motion that County Commission recess until December 5, 1995, at 4:00 P.M., this was seconded by Commissioner Ledbetter. Voice vote indicated motion carried. Recessed at 9:45 P.M.

COUNTY COMMISSION MEETING  
RE-CONVENED--DECEMBER 5, 1995

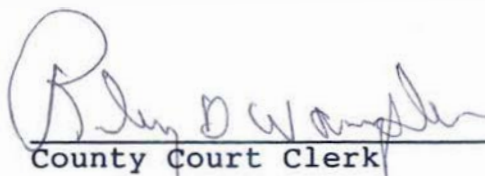
- (22) Comm. Re Con  
All Commissioners, except Commissioner Park, were again in attendance.
- (23) Motion allow  
Trustee's  
case to con.  
The Commissioners immediately called an Executive Session. Following this session Commissioner Twiggs made the motion that the Trustee's suit continue as scheduled for the 7th of December, with Commissioner Randolph seconding the motion. Voice vote indicated motion carried.
- (24) Motion to  
recon. app  
Commissioner Twiggs made a motion that the meeting be recessed until 11:30 A.M. the following day at the County Office Building, Commissioner Ledbetter seconded the motion. Voice vote indicated all in favor.
- (25) Exe. session  
app. Motion  
to come out of  
recess app  
Russell Johnson, Attorney for the fee officers then told the Commission that should the case tomorrow go to court all offers to settle the lawsuits were withdrawn. Commissioner Twiggs made the motion that the meeting come out of recess, with Commissioner Ledbetter seconding the motion. A roll call was requested, the results being.  
Bledsoe                      yes                      Maples                      no                      Park                      absent  
Bivens                      yes                      Masingo                      yes                      Duff                      yes  
Ledbetter                      yes                      Randolph                      yes                      Twiggs                      yes  
7--yes, 1--no, 1 absent. Chairman announced motion carried.
- Commissioner Twiggs made the motion to go into Executive Session, with Commissioner Ledbetter seconding the motion. Voice vote indicated motion carried.
- Commissioner Twiggs asked Attorney Rodgers if it were true that all prior offers of settlement were final, and not negotiable Commissioner Twiggs made the motion that the meeting be adjourned. Commissioner Randolph seconded the motion to

adjourn. Voice vote indicated motion carried with Commissioner Duff requesting that the record show that he objected to the adjournment.

(26)  
Adjournment

Meeting adjourned at approximately 4:55 P.M.

\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
County Court Clerk

\_\_\_\_\_  
County Executive

BUDGET COMMITTEE RECOMMENDATION -NOVEMBER 27, 1995

AT THE REQUEST OF PURCHASING AGENT LUTTRELL THE BUDGET COMMITTEE RECOMMENDED EXPENDING \$2,200 FROM THE CAPITAL PROJECTS FUND FOR THE COMPLETION OF THE LANDSCAPING AT THE ANNEX

AT THE REQUEST OF HIGHWAY SUPT. PALMER THE BUDGET COMMITTEE RECOMMENDED APPROVING THE ATTACHED REQUESTED BUDGET AMENDMENTS

BOTH OF THESE RECOMMENDATIONS REQUIRES THE APPROVAL OF FULL COMMISSION

*Nancy R.*

*Exhibit - A*



LOUDON COUNTY HIGHWAY DEPARTMENT

BUDGET AMENDMENTS

November 20, 1995

ACCOUNT NO: 131

	<u>DR.</u>	<u>CR.</u>
62000-404 ASPHALT - HOT MIX	45,000.00	
62000-399 OTHER CONTRACTED SERVICES		15,000.00
62000-409 CRUSHED STONE		10,000.00
62000-403 ASPHALT - COLD MIX		20,000.00

  
Don Palmer  
Road Superintendent

Exhibit = A

RESOLUTION NO. 11485

**A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE CONTRACT AGREEMENT NO. 676 BETWEEN LOUDON COUNTY AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR CERTAIN IMPROVEMENTS TO HIGHWAY 11 (S.R. 2) AT SHAW FERRY ROAD FUNDED THROUGH THE HAZARD ELIMINATION PROGRAM, OPTIONAL SAFETY FUNDS**

Whereas, the intersection of Highway 11 (S.R. 2) at Shaw Ferry Road in Loudon County is the scene of excessive accidents and based on rates and traffic volumes the actual to critical ratio is 2.51 acc/mvm, and

Whereas, the intersection, based on transportation engineering standards, does not meet the minimum sight distance requirements for the north approach at Shaw Ferry Road and, in addition, radii for each quadrant is insufficient to accommodate traffic movements, and

Whereas, the intersection of Shaw Ferry Road at Highway 11 is the third ranking project in the County's priority listing of transportation projects identified by the Loudon County Commission, and

Whereas, Loudon County has requested, and received confirmation of funds, in the amount of \$40,000 for improvements to said intersection for the installation of an actuated Flashing Advanced Warning sign on west bound Highway 11, east of the intersection as well as geometric improvements, which entail increasing the radii at each quadrant, pavement markings and additional warning signs on Shaw Ferry Road.

Now, Therefore, Be It Resolved, on this the third day of December, 1995, the Loudon County Commission does hereby authorize the County Executive to execute Agreement No. 676 (attached as exhibit) with the Tennessee Department of Transportation for the purpose of funding for the above stated improvements to Highway 11 at Shaw Ferry Road.

Be It Finally Resolved, that this Resolution shall take effect immediately the public safety and welfare requiring it.

Riley D. Wampler  
Attest, Court Clerk

December 4, 1995  
Date

George M. Miller  
County Executive

December 4, 1995  
Date

Exhibit B

**AGREEMENT NO: 676**

This **AGREEMENT** is entered into on this 4 day of Dec, 1995, between the **STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION**, hereinafter "Department", and **LOUDON COUNTY**, hereinafter "Local Government", for the purpose of providing an understanding between the parties of the Local Government's obligations for implementation of a highway safety improvement project under the Hazard Elimination Program, being Project No. STP-H-2(29), that is described in "EXHIBIT A" attached and incorporated into this Agreement.

The Department agrees to pay for 100% of the actual Project costs up to \$40,000.00. All other costs will be paid for by the Local Government.

Reimbursement from the Department to the Local Government will be made subject to the receipt from the Local Government of periodic certified and itemized Project costs submitted no more frequently than monthly.

The Local Government understands that the Project will be commenced within one month following the date hereof in accordance with a schedule that will provide for at least fifty percent (50%) completion within one year from the date of commencement and thereafter continued without interruption until completed in

Exhibit - B



accordance with "EXHIBIT A" and the Manual on Uniform Traffic Control Devices. The failure of the Local Government to comply with the above schedule or to complete the project within a reasonable time will be construed as a breach of this Agreement and subject the Project to termination for cause by the Department.

The Local Government understands and agrees that if such a breach or breach and termination occurs, the Local Government will be subject to and hereby binds itself to repayment of all sums of money paid to the Local Government as reimbursement on demand of the Department.

The Local Government agrees that when the Project is completed, it will provide the Department with a written certification that the Project was constructed in accordance with "EXHIBIT A" and the Manual on Uniform Traffic Control Devices.

Each party agrees to maintain the improvements made under the Project which are located on a road under its jurisdiction, with the exception of all electrically operated devices together with their related equipment, wiring and appurtenances which the Local Government agrees to maintain. In addition, the Local Government agrees to provide electric power to said devices.

The Local Government understands and agrees that if there is a determination by the Federal Highway Administration that part or all of the sums

of money paid to the Local Government as reimbursement are ineligible for federal funds participation, including without limitation federal law and regulations, the Local Government hereby binds itself to pay the Department the sum of money declared ineligible by the Federal Highway Administration.

The Local Government agrees to comply with all applicable federal and state laws and regulations in the performance of its duties under this agreement. The parties hereby agree that failure of the Local Government to comply with this provision shall constitute a material breach of this agreement and subject the Local Government to the repayment of all damages suffered by the State and or the Tennessee Department of Transportation as a result of said breach.

This Agreement will not be binding on the Department until it is approved by legislative action of the Local Government and a certified copy of approval attached to this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by their respective authorized officials.

**LOUDON COUNTY**

**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION**

By: George M. Miller  
County Executive

By: \_\_\_\_\_  
J. Bruce Saltsman, Sr.  
Commissioner

**APPROVED AS TO FORM AND  
LEGALITY**

**APPROVED AS TO FORM AND  
LEGALITY**

By: \_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
C. Timothy Gary  
Department Attorney

**CERTIFIED FOR THE AVAILABILITY  
OF FUNDING**

By: \_\_\_\_\_  
Mike Shinn  
Director of Finance



Exhibit "A"  
SAFETY PROJECT

~~STATE~~  
STATE

County: Loudon  
(U.S. 11)

Route or Road Name: State Route 2

Location(Termini and Description): State Route 2 with Shaw Ferry Road

Length: N/A

Problem: The intersection does not meet the minimum sight distance requirements for the north approach at Shaw Ferry. In addition, radii for each quadrant is insufficient to accommodate traffic movements.

Proposed Solution: Installation of an actuated Flashing Advance Warning sign on westbound State Route 2 just east of the intersection. Also, increase the radii at each quadrant with minimum 30'-40' radii, replace pavement markings and install additional warning signs on Shaw Ferry Road.

Note: Attach maps, sketches and/or pictures

Traffic: ADT: 8,225

Accident Data/Potential: Actual to Critical Ratio = 2.51  
Acc/MVM.

Estimated Cost: PE \$ \_\_\_\_\_ R/W \$ \_\_\_\_\_ Const. \$40,000

Additional Remarks: County will contract the installation of flashing warning sign, and the geometric improvements.

Submitted By: <sup>FBE</sup> Paul T. Beebe Date: November 2, 1995

Recommended: Asst. Exec. Dir. ~~Operations~~ <sup>Operations</sup> DDA WB

Asst. Exec. Dir. Plns. & Dev. ELF WCW

Approved: [Signature] Date: \_\_\_\_\_  
Exec. Dir. Plng. & Dev. [Signature] Exec Dir. Operations

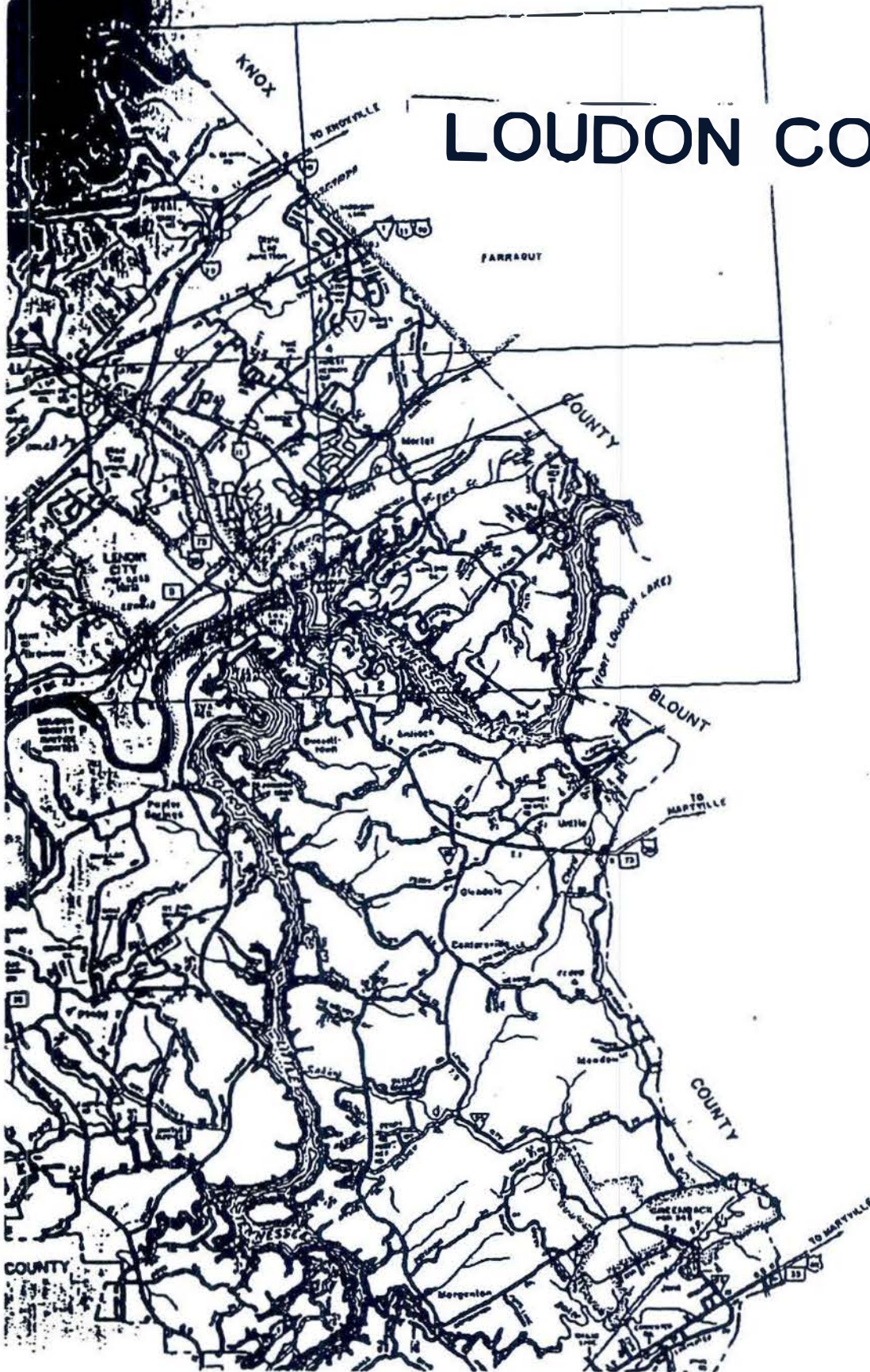
Date: 11-17-95

c: Mr. Steve Bosland  
Enclosures: Location Map  
Planning Director's Letter  
Additional Correspondences  
Example



Sheet C

# LOUDON COUNTY



**RESOLUTION**

**A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY ON LAKEWOOD DRIVE TO INCLUDE THE R-E, SINGLE FAMILY EXCLUSIVE OVERLAY DISTRICT, LOCATED IN THE FIRST LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 35, PARCELS 37, 36, 36.01, 72, 58, 59, 57, 56, 55, 54, 53, 52, 51, 50, 49, 38, 48, 47, 46, 45, 44, 43, 42, 41, 40, AND 39**

**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 recommendations regarding the amendment to the Zoning Map of Loudon County, Tennessee, and the necessary public hearing called for and held,

**WHEREAS**, a petition was submitted by property owners which met the minimum requirements for consideration by the Loudon County Planning Commission and County Commission,

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

1. That property on Lakewood Drive, located in the First Legislative District, referenced by Tax Map 35, Parcels 37, 36, 36.01, 72, 58, 59, 57, 56, 55, 54, 53, 52, 51, 50, 49, 38, 48, 47, 46, 45, 44, 43, 42, 41, 40, and 39 be rezoned to include the R-E, Single Family Exclusive Overlay District, as represented on the attached map; said map being part of this Resolution.

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

  
ATTEST

\_\_\_\_\_  
LOUDON COUNTY EXECUTIVE

December 4, 1995  
DATE

RES16(12/04/95)







**LOUDON COUNTY**  
**OFFICE OF**  
**PLANNING &**  
**COMMUNITY**  
**DEVELOPMENT**

274 Blair Bend Drive  
Loudon, Tennessee 37774  
615-458-3880  
Fax: 615-458-3792

**PETITION FOR REQUEST FOR R-E, SINGLE FAMILY EXCLUSIVE OVERLAY DISTRICT  
ON LAKEWOOD DRIVE**

There are 26 parcels of property in the bounded area with 21 property owners. Eighteen (18) property owner signatures were received on the petition making a participation of 86%.

I have verified the property owners with the information provided in the Property Assessor's office.

*Sheila Watson*  
\_\_\_\_\_  
Sheila Watson

*October 31, 1995*  
\_\_\_\_\_  
Date

*East-C*

**RESTRICTED RESIDENTIAL OVERLAY PETITION**  
**R-E SINGLE FAMILY EXCLUSIVE OVERLAY DISTRICT**

Purpose: To preserve and promote the integrity of residential areas from the encroachment of uses and structures which, because of their nature, decrease property value and/or create conditions which negatively affect the residential character.

District Description: The R-E district is a restricted residential overlay district which places additional restrictions on property within the base district. The overlay district may be placed over any residential base district. The district is intended to be used for established well defined single family residential uses. These areas are intended to be defined and protected from the encroachment of uses and structures not performing a function necessary to established single family areas.

Conditions for Designating an R-E Zone: Prior to the area being considered for such a designation, a petition shall be presented to the planning commission containing not less than 75 percent of all property owners who support the overlay zone on their property. Said petition shall include a map of the area proposed district boundaries.

Uses Permitted Detached single family dwellings.

Uses Permitted as Special Exception: Churches, Educational institutions, Public and private recreational facilities, Utility facilities necessary for the provision of public services, Cemeteries subject to Article 4, Section 4.210, Temporary mobile homes for medical variances.

Uses Prohibited: Mobile homes and mobile home parks, Customary home occupations or any non residential use. All uses except those uses specifically permitted, or permitted upon, approval as a special exception by the board are prohibited.

PROPOSED DISTRICT BOUNDARIES: The overlay boundaries for this petition shall include the properties bordering the following roadways and parcels: Starting at corner of parcel #59 thru #49 going west to east properties are bordered by parcel #5 owned by William P. Kirkland. Going south parcels #49 thru #47 are bordered by the Tennessee River. Going southwest parcels #46 thru #38 are bordered by parcels #26 thru #28 owned by Charles C. Mason. Parcels #37 and #72 are bordered by Matlock Bend Development Inc., which is parcel #35. Going north parcels #72, #36 and #59 are bordered by Matlock Bend Road. All properties except #72 join Lakewood Drive. A map of the proposed area is included on the reverse side of this petition.

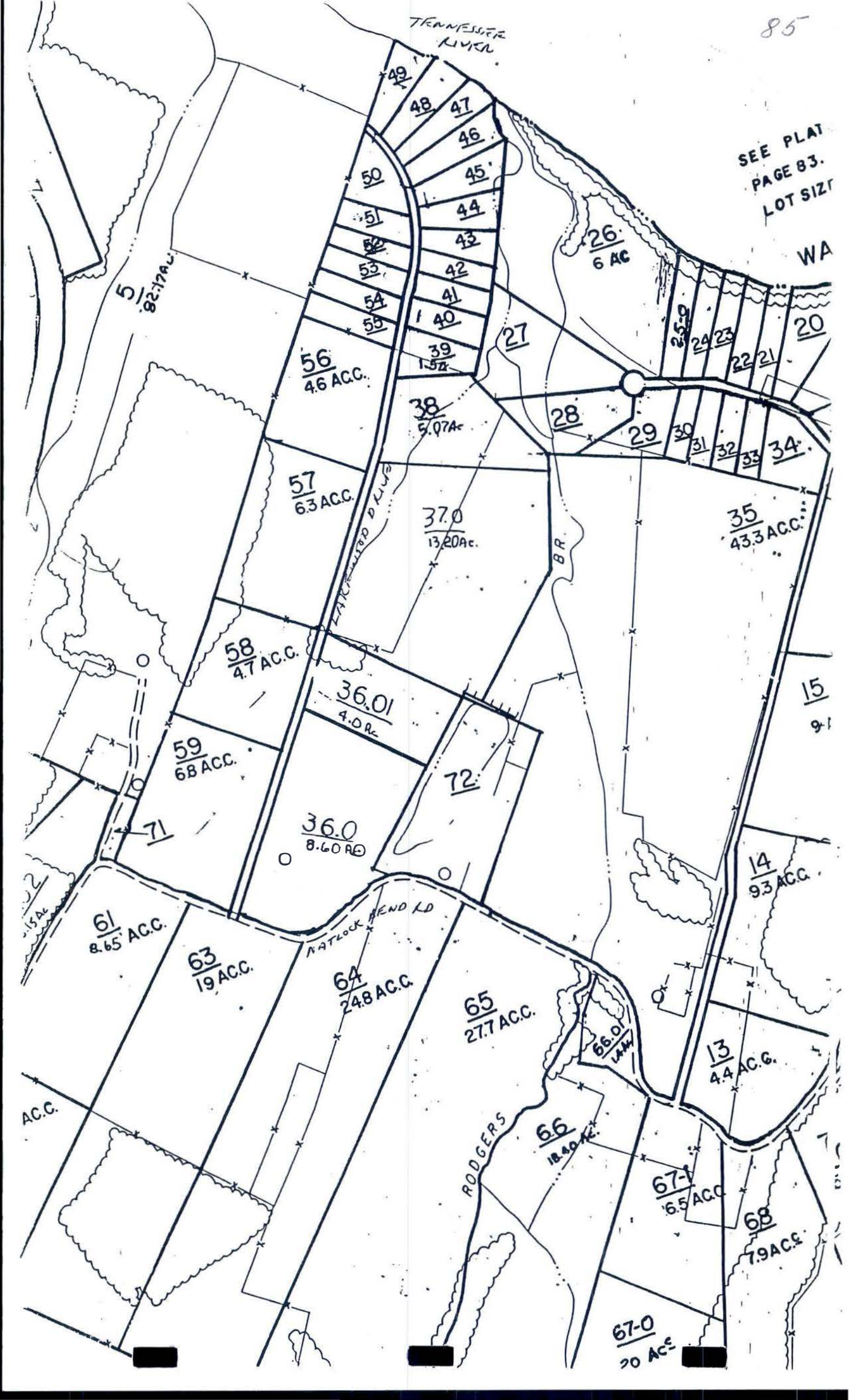
WE THE UNDERSIGNED HEREBY PETITION THE DESIGNATION OF THE R-E IN THE ATTACHED AREA

<u>PROPERTY OWNER</u>	<u>SIGNATURE(S)</u>	<u>DATE</u>	<u>MAILING ADDRESS</u>	<u>TAX MAP</u>	<u>PARCELS</u>
Joseph D., Thomas Jr. Helen Thomas	<i>Joseph D. Thomas Jr.</i> <i>Helen Thomas</i>		301 Lakewood Dr. Loudon, TN 37774	35	58, 5
Larry P. Sanders	<i>Larry P. Sanders</i>		2091 Lakewood Dr. Loudon, TN 37774	35	57, 5
Brad Lee Allen Reba Jane Allen Bradley L. & Sophia J. Allen	<i>Brad Lee Allen</i> <i>Reba Jane Allen</i> <i>Bradley L. &amp; Sophia J. Allen</i>		2092 Lakewood Dr. Loudon, TN 37774	35	55, 54, 5 52, 51, 5 49, 38
Creek, Inc. c/o Peter Stimpson			901 Grove St. Loudon, TN. 37774	35	48
Michael W. Neff Caryn Starkey Neff	<i>Michael W. Neff</i> <i>Caryn Starkey Neff</i>	10-1-95	51 Allensville Rd. Savierville, TN 37862	35	47
James R. Wyatt Lillian E. Wyatt	<i>James R. Wyatt</i> <i>Lillian E. Wyatt</i>		347 Land Oak Lane Knoxville, TN 37922	35	46, 45, 4
C.C. Miller Edna Miller	<i>C.C. Miller</i> <i>Edna Miller</i>		405 Fort Hill St. Loudon, TN 37774	35	43, 42, 4 40
Bradley L. Allen Sophia J. Allen	<i>Bradley L. Allen</i> <i>Sophia J. Allen</i>	10-1-95	2598 Lakewood Dr. Loudon, TN 37774	35	39

I verify that I was present and observed the signatures obtained for this page of the petition: *Brad Allen* 458-4718 (H) 1-99-9977 (W) *Cindy* P. 11.10.95 -84- 11/10



SEE PLAT  
PAGE 83.  
LOT SIZE





**RESTRICTED RESIDENTIAL OVERLAY PETITION**  
**R-E SINGLE FAMILY EXCLUSIVE OVERLAY DISTRICT**

Purpose: To preserve and promote the integrity of residential areas from the encroachment of uses and structures which, because of their nature, decrease property value and/or create conditions which negatively affect the residential character.

District Description: The R-E district is a restricted residential overlay district which places additional restrictions on property within the base district. The overlay district may be placed over any residential base district. The district is intended to be used for established well defined single family residential uses. These areas are intended to be defined and protected from the encroachment of uses and structures not performing a function necessary to established single family areas.

Conditions for Designating an R-E Zone: Prior to the area being considered for such a designation, a petition shall be presented to the planning commission containing not less than 75 percent of all property owners who support the overlay zone on their property. Said petition shall include a map of the area proposed district boundaries.

Uses Permitted Detached single family dwellings.

Uses Permitted as Special Exception: Churches, Educational institutions, Public and private recreational facilities, Utility facilities necessary for the provision of public services, Cemeteries subject to Article 4, Section 4.210, Temporary mobile homes for medical variances.

Uses Prohibited: Mobile homes and mobile home parks, Customary home occupations or any non residential use. All uses except those uses specifically permitted, or permitted upon, approval as a special exception by the board are prohibited.

PROPOSED DISTRICT BOUNDARIES: The overlay boundaries for this petition shall include the properties bordering the following roadways and parcels: Starting at corner of Parcel #59 thru #49 going west to east properties are bordered by Parcel #5 owned by William F. Kirkland. Going south Parcels #49 thru #47 are bordered by the Tennessee River. Going Southwest Parcels #46 thru #38 are bordered by Parcels #26 thru #28 owned by Charles C. Mason. Parcels #37 and #72 are bordered by Matlock Bend Development Inc. which is Parcel #35. Going North Parcels #72, 36 and 59 are bordered by Matlock Bend Road. All properties except #72 join Lakewood Drive. A map of the proposed area is included on the reverse side of this petition.

WE THE UNDERSIGNED HEREBY PETITION THE DESIGNATION OF THE R-E IN THE ATTACHED AREA

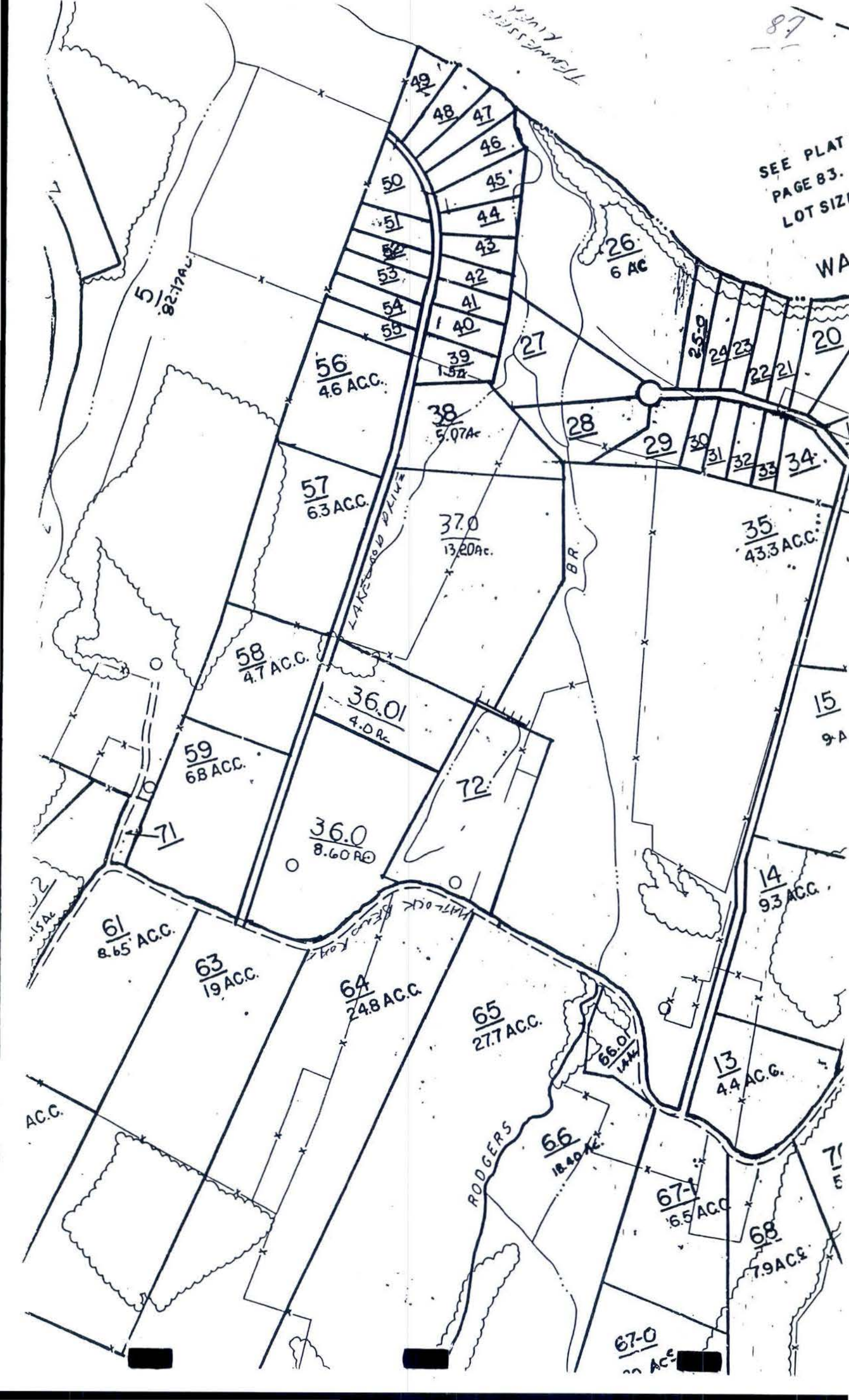
<u>PROPERTY OWNER</u>	<u>SIGNATURE(S)</u>	<u>DATE</u>	<u>MAILING ADDRESS</u>	<u>TAX MAP</u>	<u>PARCEL</u>
VFW POST 5150			Rt. #1 Loudon, TN 37774	35	37
(DECEASED) Sherman S. Surrett c/o Mary Chambers	✓ <i>Mary Ann Chambers</i> 302 Crawford Ave Loudon, TN			35	36
Russell S. Surrett Judy F. Surrett	✓ <i>Russell &amp; Judy S. Surrett</i> 1132 Lakewood Dr Loudon, TN 37774		Lakewood Dr. Loudon, TN 37774	35	36.01
Michal Moran	✓ <i>Mike Moran</i> 7864 Matlock Loudon Tenn.		7864 Matlock Bend Loudon TN, #7774	35	72

I verify that I was present and observed the signatures obtained for this page of the petition: *Dual Alb*

*Cindy Evans 10-13-95*  
*Expires: 9-16-97*



SEE PLAT  
PAGE 83.  
LOT SIZE





LAW OFFICES  
**SPROUL & HINTON**  
 206 S. BROADWAY  
 LENOIR CITY, TENNESSEE 37771

HARVEY L. SPROUL  
 ROBERT G. HINTON

TELEPHONE 986-8084  
 AREA CODE 423  
 FAX (423) 584-8706

December 4, 1995

Mr. Russ Lewis  
 Oliver Smith Realty & Auction, Inc.  
 7216 Wellington Drive, Suite 1  
 Knoxville, TN 37919

VIA TELECOPIER  
 (423) 584-2515

HARD COPY TO FOLLOW

Re: Matlock Bend -- Agreement with Matlock Bend Development,  
 Inc. in reference to Road Construction and Water Line  
 Improvements

Dear Mr. Lewis:

I believe I sent you a letter earlier, in reference to your letter concerning the status of the Matlock Bend Development, Inc. Agreement with Loudon County concerning the construction of the Matlock Bend road and the new water line, explaining that the County was deeply involved in budget preparation and negotiations, and that there was a considerable amount of information that needed to be gathered in order to answer all of your questions.

The information I am supplying here is based partially on information that is found in the Register's Office that I have obtained, but the rest of the information comes from Central Accounting Office, our Industrial Development Office, the Property Assessor's Office, and the County Executive's Office.

I compiled an updated accounting of the payments that have been made by Matlock Bend Development into the "Trust Fund", and I forwarded that to you sometime ago.

To answer the questions raised in your letter, I submit the following:

1. The funds supplied by Loudon County for the Matlock Bend project were included in a larger bond issue, to wit, \$2.3 Million Dollars, and some of that Bond Issue may have gone for at least one other project, to wit, for the Sugarlimb Industrial Park. The actual funds spent on the Matlock Bend Project was \$1,158,754.17 Million Dollars.
2. I am not sure why the Agreement when recorded in the Register's Office did not have Exhibit A and B attached, but Mr. Long should have an executed copy of the Agreement signed by both the County Executive and himself that included Exhibits A and B. I am enclosing herewith copies of those Exhibits for your information. (Attachments A and B).

Post-It™ brand fax transmittal memo 7571		# of pages 10
To Pat Clark	From Henry Spauld	
Co.	Co.	
Dept.	Phone # 986-8054	
Fax # 458-0871	Fax # 423-584-8706	

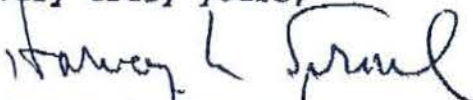
Exhibit - 0

Mr. Russ Lewis  
December 4, 1995  
Page Two

3. In reference to the recorded roadway right-of-way deeds, I am enclosing herewith a copy of a letter which I had sent to Doug Berry after the project was well underway, which includes all of the documentation concerning the recording of easements and rights-of-ways for the roadway and for the water lines. (Attachment E)
4. A. In reference to the Matlock Bend Project, the County received assistance from the State in the form of the paving of a portion of the road, but this was paid directly by the State, and is not a part of a cost listed in paragraph 1.  
B. The County has received no fees nor reimbursements from local utilities to date.  
C. An estimate of the increased property and personalty taxes received since June 12, 1989, from industries located in the portion of Matlock Bend "covered" by the agreement, has been compiled by the Loudon County Property Assessor, and is shown on Attachment C.
5. I previously had forwarded to you an itemization of the MBD, Inc. deposits into the interest bearing account, itemizing from whence they came, and the interest that has accrued, the report being effective as of October 1, 1995. (Attachment D).

I hope that this satisfactorily answers your questions, but if I can be of additional assistance, please let me know.

Very truly yours,

  
Harvey L. Sproul

HLS/spl

Enclosures: Exhibit A and B to Agreement  
Copy of Letter to Doug Berry/with documentation

cc: Honorable George Miller, County Executive  
Loudon County Commissioners  
Loudon County Industrial Director  
Loudon County Property Assessor  
Loudon County Budget Director  
Loudon County Independent  
Lenoir City News-Herald



EXHIBIT A TO AGREEMENT**PROPERTIES OWNED BY THE DEVELOPER OR IN WHICH THE DEVELOPER HAS AN INTEREST****I. Properties owned directly by Matlock Bend Development, Inc.**

1)	Tax Map No. 27 Parcel 3.03	25 Acres
2)	Tax Map No. 27 Parcel 3.02	37.5 Acres
3)	Tax Map No. 35 Parcel 4	66.60 Acres
4)	Tax Map 35 Parcel 9	134.65 Acres
5)	Tax Map 35 Parcel 7.0	42.5 Acres
6)	Tax Map 27 Parcel 1.01	50 Acres
7)	Tax Map 35 Parcel 6.0	46 Acres
8)	Tax Map 35 Parcel 35	43.3 Acres
9)	Tax Map 35 Parcel 13	4.4 Acres
10)	Tax Map 35 Parcel 14	9.3 Acres
11)	Tax Map 35 Parcel 15	9.0 Acres
12)	Tax Map 35 Parcel 16	9.0 Acres
		477.25 Acres

**II. Property in which the Developer has an interest**

**OWNER: FLIDCO/Matlock Bend, A Tennessee Limited Partnership**

Tax Map 27 Parcel 1	850 Acres
------------------------	-----------

E. Hunt - D

SPROUL & HINTON, ATTYS. 6159868706

P.04

**EXHIBIT B TO AGREEMENT**

Attached to this cover sheet are copies of the appropriate Tax Maps for Loudon County, Tennessee, reflecting the parcels of property listed on Exhibit A.

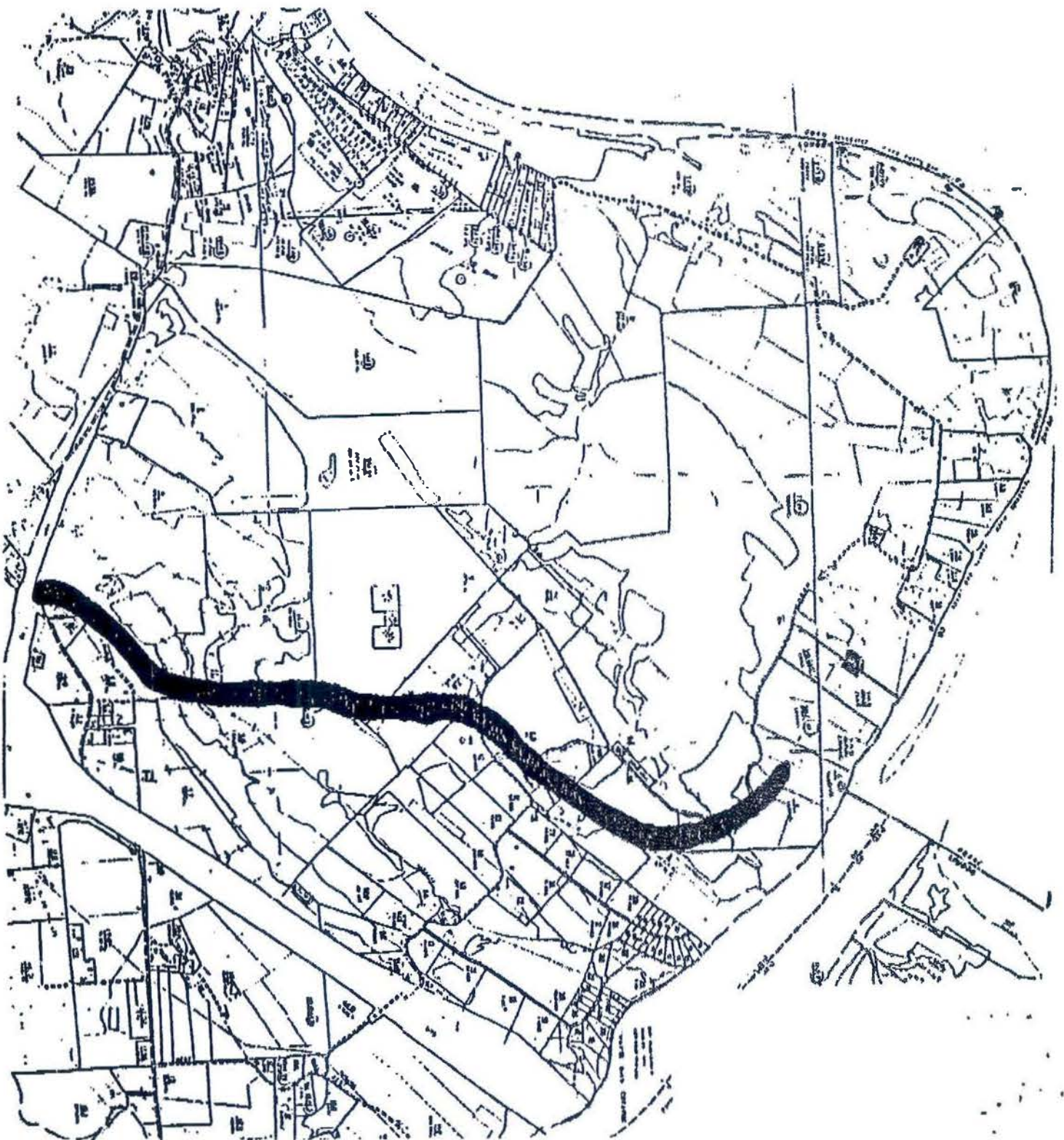


Exhibit D



### Attachment C

MAP	PARCEL	YEAR	*TAXES AFTER PURCHASE	**TAXES BEFORE PURCHASE	NET INCREASE
-----	--------	------	--------------------------	----------------------------	--------------

TRACTS PURCHASED BY ROBERTS:

35	9.01	93	686.73	43.73	643.00
		94	686.73	43.73	643.00
		95	714.09	45.50	668.59

TRACTS PURCHASED BY GILLMAN:

35	9.04	94	823.91	104.91	719.00
		95	857.00	109.18	747.82
95	9.05	96	78.00	9.98	68.02

If rate does not change.

TRACTS PURCHASED BY APAC: (Land only)

35	9.06	96	681.21	637.80	637.80
					\$4,127.23

Net increase of taxes for 1995 includes a small portion of estimated taxes for 1996, as shown.

\* This column indicates the amount of taxes paid by new industries which locates after the effective date of the Agreement (June 12, 1989). Please note that certain sales already were contemplated at the time and were exempted from consideration under the provisions of the contract.

\*\* This column indicates the amount of taxes that would have been paid if no sale had occurred.

SPROUL & HINTON, ATTYS. 6159868706

P.06



REPORT AS TO  
MATLOCK BEND INDUSTRIAL ROAD ESCROW FUND  
AS PAID BY MATLOCK BEND DEVELOPMENT, INC.  
PURSUANT TO AN AGREEMENT WITH LOUDON COUNTY DATED JUNE 12, 1989

Following are the eligible real estate sales and the amounts paid to Loudon County, all of which have partial releases except one, as listed:

<u>Buyer</u>	<u>Acres</u>	<u>Date</u>	<u>Amount Paid</u>
David W. Roberts et ux* Deed Book 198, page 193	1.5	4/23/92	\$ 2,700.00
Harry F. Gilman et ux Deed Book 206, page 636	10.94	5/18/93	19,692.00
Harry F. Gilman et ux Deed Book 212, page 346	1.034	4/19/94	2,800.00
APAC-TN, Inc. Deed Book 218, page 230	(Lot 2)	2/27/95	8,100.00
David W. Roberts et al** Deed Book 220, page 106	8.997	6/15/95	<u>11,211.45**</u>
Total			\$43,503.45

\*It should be noted that no partial release apparently was filed on the first transaction listed hereinabove.

\*\*The formula was modified on this check by the real estate closing agent to adjust for overpayments made on previous transactions because of a failure to deduct real estate commissions before calculating the respective escrow payments. The entry on the Trustee's ledger shows a deposit of \$11,650.73, which included interest when transferred from another ledger sheet.

PARTIAL RELEASES NOT REQUIRING ESCROW PAYMENT

All additional partial releases were for title clearance purposes only, and escrow payment was not required, inasmuch as the transactions were exempt under the agreement, as follows:

<u>Buyer</u>	<u>Acres</u>	<u>Date</u>
Bayou Steel Trust Book 302, page 793	26.405	9/01/92
McKinnon Bridge (sale from) Trust Book 300, page 281	13.080	9/18/92
North portion of Kirkland prop. (related to McKinnon Bridge and Eastman) Trust Book 300, page 283	10.394	9/18/92
McKinnon Bridge Trust Book 300, page 286	25.50	9/01/92
Interest accrued on account		\$ 2,116.28
Trustee Matlock Bend Account (10/1/95)		\$45,639.73

PREPARED BY:  
 Harvey L. Sproul  
 Loudon County Attorney

ATTACHMENT D

*Encl - D*

94

95  
SPROUL & HINTON, ATTYS. 6159868706

P.08

LAW OFFICES  
SPROUL & HINTON  
302 E. BROADWAY  
LENOIR CITY, TENNESSEE 37771

HARVEY L. SPROUL  
ROBERT G. HINTON  
CAROL A. HUMPHREY

TELEPHONE 680-8054  
AREA CODE 615

November 27, 1989

Mr. Doug Barry  
Loudon County Industrial Committee of 100  
P. O. Box "K"  
Loudon, TN 37774

Re: Kimberly-Clark, Sugar Limb  
Industrial Park, and Matlock Bend  
Project (Phase I) Recorded Documents

Dear Doug:

I am enclosing herewith the originals of the following recorded documents, with a photocopy of same going to the County Executive. A list of the documents is attached.

Very truly yours,



Harvey L. Sproul

dsh

cc: George Miller

enclosure

ATTACHMENT E

LIST OF ORIGINAL DEEDS, ROADWAY EASEMENTS, PARTIAL RELEASES, ETC.,TO DOUG BERRY - NOVEMBER 27, 1988KIMBERLY-CLARK AND SUGAR LIMB

<u>Date</u>	<u>Description</u>
9/12/89	Warranty Deed from Katharine W. Henry et vir, Tom G. Henry to County of Loudon and City of Loudon Recorded in Deed Book 182, page 400, 9/18/89
5/11/89	Power of Attorney of Thomas Glenn Henry, Jr., appointing his wife, Katharine W. Henry Recorded in Trust Book 254, page 622, 9/18/89
8/30/89	Roadway & Utility Easement between Katharine A. Henry et vir, Thomas G. Henry to County of Loudon Recorded in Deed Book 182, page 388, 9/18/89
10/10/89	Utility & Access Easements between Kimberly-Clark Corporation, a Delaware Corporation to Loudon County, Tennessee Recorded in Deed Book 183, page 397, 11/8/89
10/9/89	Quit-Claim Deed from Kimberly-Clark Corporation to the County of Loudon, Tennessee Recorded in Deed Book 183, page 433, 11/13/89
9/31/89	Utility Easement & Road Right-of-Way Deed between City of Loudon, Tennessee to County of Loudon Recorded in Deed Book 183, page 378, 11/8/89
11/3/89	Quit-Claim Deed from Lee Angle, d/b/a Maaco Excavating Company to Matlock Bend Development, Inc. Recorded in Deed Book 183, page 380, 11/8/89
8/28/89	Quit-Claim Deed between David W. Roberts et ux, Ruth Anne Roberts, to Matlock Bend Development, Inc. Recorded in Deed Book 183, page 382, 11/8/89
8/25/89	Quit-Claim Deed between Gary L. Collins (single) to Matlock Bend Development, Inc., a Tennessee Corporation Recorded in Deed Book 183, page 384, 11/8/89
11/3/89	Warranty Deed from Matlock Bend Development, Inc., a Tennessee Corporation to Loudon County, a political subdivision of the State of Tennessee Recorded in Deed Book 183, page 386, 11/8/89

Est = D



11/3/89      Warranty Deed from Lee Angle, d/b/a Maaco Excavating  
Company to Loudon County, Tennessee  
Recorded in Deed Book 183, page 390, 11/8/89

11/6/89      Warranty Deed from Loudon County to Lee Angle, d/b/a  
Maaco Excavating Company  
Recorded in Deed Book 183, page 394, 11/8/89

8/14/89      Partial Release of First National Bank of Loudon  
County, Tennessee by Gary Collins  
Recorded in Trust Book 256, page 633, 11/8/89

8/18/89      Partial Release of Third National Bank in Knoxville,  
by Matlock Bend Development, Inc.  
Recorded in Trust Book 256, page 634, 11/8/89

8/14/89      Partial Release of First National Bank of Loudon  
County, Tennessee by David W. Roberts et ux, Ruth  
Anne Roberts  
Recorded in Trust Book 256, page 729, 11/13/89