

## COUNTY COMMISSION MEETING

APRIL 1, 1996

1. Call to order, Roll Call
2. Minutes of March 4, 1996 approved.
3. Citizens speak
4. Discussion--Shaw Ferry/Highway 11 intersection
5. Report of possibility of audit charge-Matlock Band Investigation
6. Eminent Domain Powers Resolutions approved.
7. Motion fails--requiring BZA to seek County Commission's approval
8. Approval granted, and up to \$5,000 approved, for Engineering study-Hwy 11/Dixie Lee Junction Intersection.
9. Approval granted to apply for \$125,000. Convenience Center Grant.
10. \$80,000. approved for Justice Center Sewer Line hookup.
11. Approval granted to allow Election Commission to purchase new computer.
12. Attorney Sproul's Report
  - A. National Guard Armory
  - B. Settlement approved, Tennessee Adult Baptist Homes
  - C. Report BZA Vs McCarrell
  - D. Report on Constable Lawsuit
  - E. Report-lawsuit -Henry Vs Loudon County
  - F. Approval granted to work with City of Loudon- C Reed Davis Lawsuit.
13. Motion to recess until April 2nd-fails
14. Motion to defer remaining agenda items to May County Comm. Meeting fails
15. Pat Phillips presents proposals-
  - A. Resolution approving Beals Chapel Rd/Martel Road Intersection approved.
  - B. C-2 General Commercial District Resolution fails
16. Doug Lawrence's report
17. Don Palmer--Resolution approved limiting amount of used oil accepted at drop-off-center
18. Doug Berry's proposals
  - A. Approval granted to Howell Ind. Laundry Service to acreage tracts in Blair Bend Ind. Park
  - B. Approval granted- purchase of spec. Bld.--Brownlee Construction Co.
  - C. Permission denied-allowing talks to continue over property in litigation.
19. Bond approvals
20. Notaries approved
21. Adjournment

# COUNTY COMMISSION MEETING

APRIL 1, 1996

(1)  
Call to order,  
roll Call

Be it remembered that the Loudon County Legislative Body met in regular session on April 1, 1996 at the Loudon County Courthouse Annex, 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 gave the Invocation. On Roll Call the following Commissioners were present:

Bivens	Masingo	Duff
Randolph	Maples	Park
Bledsoe	Ledbetter	Twiggs

(2)  
Minutes  
March 4,  
1996 app.

Commissioner Ledbetter made the motion that the minutes of County Commission Meeting of March 4, 1996, be approved. Commissioner Duff seconded the motion. Voice vote indicated all in favor.

(3)  
Citizens  
speak

Chairman Bledsoe asked if anyone would like to speak, and these citizens came forward:

**Mr. Paul Baird**--County resident spoke on Building Codes and his opposition to the formation of a Codes Enforcement Dept.

**Mr. Donald Dickeson**--Resident of Brandwine Farm, asked that help be provided in getting something done about the Dixie lee Junction intersection re-designed.

**Ms. Aileen Longmire**--Spoke on the Matlock Bend Investigation.

**Ms. Carole Smith**, Tellico Village resident spoke on perception, and perceived obstruction and the need to be open concerning all public records and other inquires.

**Ms. Patricia Hunter**--Chestnut Ridge resident--spoke on Building Codes.

**Mr. Eddie Simpson**--Businessman and resident spoke on the C-2 General Commercial District, and the hardships it would place on builders and business owners.

**Mr. Martin Brown**--Member of the Loudon County Regional Planning Commission spoke in favor of the C-2 General Commercial District.

(4)  
Discussion  
of Highway 11/  
Shaw Ferry  
Road  
Intersection

Commissioner Twiggs--Highway 11/Shaw Ferry Road Intersection Improvements--Mr. Chris Rhodes-UT Traffic and Engineering Dept., assured Commissioner Twiggs that this project had a number-one-priority and the Eng. Study should be completed by the 15th of April. Comm. Twiggs asked Mr. Phillips (Dir. Of Planning and Comm. Dev.) if he had any idea of a time when work could actually begin on this project. Mr. Phillips stated that he did not know when work would actually begin; however, Mr. Phillips and Mr. Palmer(Road Commissioner) had met that day with representatives of Bell South and LCUB concerning the to re-location of phone service and utility service. The representative indicated work could possibly begin as early as the 15th of April.. Commissioner Twiggs asked that this discussion be recorded as part of the minutes of this meeting.

(5)  
Report on  
possibility  
of audit chg.  
Investigation

Mr. Miller discussed the possibility of audit charges from the State Comptroller's Office for the work done on the Matlock Bend investigation. He reported that the State would advise the County should a charge become necessary.

(6)

Eminent Domain Powers Resolutions Approved Mr. Miller then discussed the Eminent Domain Powers Resolutions. Commissioner Bivens Made the motion that these be approved with Commissioner Twiggs seconding the motion. Voice vote indicated motion carried. Hereby included as Resolutions # 4196, Exhibit # A.

(7)

Motion fails- Req. BZA to seek County Comm. App. Commissioner Park made the motion to recommend that the Loudon County Board of Zoning Appeals come before the County Commission for final approval of zoning requests. The motion was seconded by Commissioner Bivens. However; Attorney Sproul, when asked his opinion, stated that the County Commission (according to TCA) did not have the authority to enact this particular legislation. A voice vote on the motion indicated the motion failed.

(8)

Approval Granted Eng. Study Hwy. 11 Dixie Lee Junction Intersection Commissioner Duff made a motion concerning the Hwy. 11/Dixie Lee Junction Intersection. He asked that approval be granted to allow an engineering study to be completed. The cost to the County would not be greater than \$5,000. Commissioners Twiggs and Park seconded this motion. Results of roll call vote:

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

8--yes, 1 no--Motion passed.

(9)

Approval granted to apply for \$125,000. grant for Conv. Center Ms. Nancy Richesin, Director from Accounts and Budgets, presented a recommendation of the Budget Committee and Capital Projects committee concerning the Convenience Center situation. It was the recommendation of this committee that a grant application be submitted. The amount of the grant is \$125,000. A portion of these funds (approx. \$42,000.) would be used to upgrade the present facility. The moneys remaining would be used to help fund a new location, which would include a recycling facility. Commissioner Park made the motion that this be approved, with Commissioner Randolph seconding the motion. Voice vote indicated motion carried.

(10)

\$80,000. app. to allow for sewer connection Justice Center The second item concerned the drainfield at the Justice Center. The recommendation of the Budget Committee is that the County appropriate \$80,000.(estimated cost) , which would allow the Justice Center to be connected to the Loudon sewer line, thus allowing for a permanent solution to this recurring problem. The money would come from Capital to Projects Funding. Commissioner Randolph made the motion that this be approved, with Commissioner Masingo seconding the motion. The results of a roll call vote:

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

8--yes, 1 no--Motion passed.

(11)

Approval granted to allow Election Comm. to pur. new computer The next item was a request from the election commission concerning the purchase of a new computer system. The system recently failed and is now inoperable. The cost of a new system is approximately \$8,000. The money could be taken from the \$16,000. appropriated by the state for the March election.



Commissioner Maples made the motion to approve this purchase, with Commissioner Ledbetter seconding the motion. The results of a roll call vote:

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

Chairman Bledsoe announced the motion passed unanimously

(12)

Atty. Sproul's

Attorney Sproul had these items to discuss with the Commissioners:

- (A.) National Guard Armory situation--state certified all contaminated soil has been removed, when deed is signed (at state level), and a new contract assuring certain other matters have been resolved is finalized, then the County can move forward to complete this agreement.
- (B.) Tennessee Adult Baptist Homes has agreed to settle their suit with the County for \$6,977.79. Commissioner Park made the motion that the property assessor be given the authority to continue to work on this matter. Commissioner Randolph seconded this motion; however, after discussion Commissioner Randolph withdrew his second of the motion. Commissioner Twiggs then made the motion that the case be settled for the proposed amount. Commissioner Duff seconded the motion. Results of roll call vote:

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

Chairman Bledsoe announced the motion passed: 8 yes, 1 no.
- (C.) McCarrell vs. BZA--This matter has been compromised with applicant and BZA.
- (D.) Bickford and Pettyjohn vs. Loudon County--Court dismissed temporary restraining order, and declined to issue a temporary injunction. Commissioner Twiggs made the motion that the County Commission call an emergency session at the earliest possible time, after which the legislation has been passed in Nashville. Commissioner Park seconded the motion. Voice vote indicated motion carried.
- (E.) Henry vs. Loudon County--After much discussion the motion was made by Commissioner Park, and seconded by Commissioner Ledbetter that this issue be referred to the next County Commission Workshop. Voice vote indicated all in favor.
- (F.) C. Reed Davis Vs City of Loudon, Loudon City and Committee of 100 --Commissioner Twiggs made the motion (as suggested by the City of Loudon), that the City of Loudon's Attorney would also represent Loudon County, and that a memorandum of agreement be obtained(if possible). Also, the motion asked that the City of Loudon agree to pay all attorneys fees, and other expenses that may be incurred as a result of that litigation. Roll call results as follows:

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

Results of Roll Call: 5--yes, 2--no, 1--abstain, 1--pass: Motion carried.

(13) Motion to recess until tomorrow fails During this discussion Commissioner Park made the motion that the meeting dismiss and re-convene at 7:00 P.M. tomorrow. This was seconded by Commissioner Twiggs. Roll call requested:

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

Results of Roll Call: 4--yes, 5--no: Motion failed.

(14) Motion to defer items remaining to May- fails Commissioner Bivens also made the motion that any other items remaining to be discussed tonight(other than Notaries) be held over until the May meeting, and this motion was seconded by Commissioner Park. Results of Roll call:

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

Results of Roll Call: 3--yes, 6--no: Motion failed.

(15) Pat Phillips- presents items for consideration Mr. Pat Phillips, Dir. Of Planning and Community Dev., presented these items:

A. Resolution to adopt State of Tenn., Dept. Of Proposal to improve intersection of Beals Transportation's Chapel Rd, at Martel Road Intersection. The motion was made by Commissioner Twiggs that this be accepted, with Commissioner Randolph seconding this. Voice vote indicated motion carried. Hereby included as Resolution # 4196, Exhibit # B.

B. The second item was "Consideration of Amendment to Zoning Resolution of Loudon County, Section 5.045, C-2, General Commercial District." Commissioner Twiggs made the motion that this be accepted; however, that motion died for lack of a second.

(16) D. Lawrence report Doug Lawrence, Building Commissioner, had the following report for the month of March:

Permits	46	Approx. Taxes	\$25,000.
Approx. Value	\$3,895,900.	Fees collected	\$5,288.

(17) Don Palmer, - Res. Limiting Amount of Used Oil at Drop-off Center Don Palmer, Road Commissioner, had this resolution to present: "A Resolution to Limit the Amount of Uncontaminated Used Oil Drop Off Center to No More Than Five(5) Gallons Per Day Per Individual." The motion this be approved was made by Commissioner Park, and seconded by Commissioner Maples. Voice vote indicated motion carried. Hereby included as Resolution # 4196, Exhibit # C.

(18) Doug Berry's proposals Mr. Doug Berry, Loudon County Ind. Recruiter, introduced these proposals:

A. Howell Industrial Laundry Service, proposes to purchase between 2 acres, with option for 3 additional acres, at a price of \$15,000 per acre, in Blair Bend Ind. Park. The motion this be approved was made by Commissioner Twiggs, and seconded by Commissioner Ledbetter. Roll call vote:

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

Results of Roll Call: Passed unanimously

- B. Blair Bend Ind. Committee City has recommended the County ratify a tentative contract whereby the City of Loudon will purchase a spec building from Brownlee Construction Co. for \$156,000, and defer the final amount of the \$68,000. balance owed to the Blair Bend Fund (Blair Bend Ind. Park), until Jan 1st 1997. The motion that this be approved was made by Commissioner Park and seconded by Commissioner Randolph:

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

Results of Roll Call: 8--yes, 1--no.

- C. Continue without obligation talks between a third person interested in purchasing the property involved in litigation with C. Reed Davis. Commissioner Park made the motion to allow Mr. Berry to continue talks, with Commissioner Twiggs seconding the motion.

Results roll call:

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

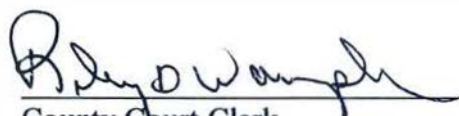
Results of Roll Call: 4--yes, 5--no. Motion failed.

- (19) Commissioner Masingo moved that these bond applications be approved, this was seconded by Commissioner Maples:  
 Bond Approvals Lee Ledbetter Dana L. Richesin  
 Voice vote indicated motion carried (with Comm. Ledbetter abstaining)

- (20) Commissioner Masingo made the motion that the follow notaries be approved, with Commissioner Maples seconding the motion:  
 Notaries Approved Lee E. Ledbetter Gerrell Foshee  
 Connie Sue Smith Brenda Darlene Sisk  
 Nancy Laughlin Foshee Cookie Wyrick Cheatham  
 Timothy Wayne Wampler  
 Voice vote indicated motion carried (with Comm. Ledbetter abstaining).

- (21) Meeting Adj. The meeting adjourned at 10:30 P.M.

\_\_\_\_\_  
 Chairman

  
 County Court Clerk

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



RESOLUTION # 4196  
LOUDON COUNTY, TENNESSEE

TO URGE THE GENERAL ASSEMBLY TO ENACT SENATE BILL NO. 2691, HOUSE  
BILL NO 2928, REGARDING MUNICIPAL CONDEMNATION PROCEDURES

WHEREAS, the current law regarding municipal condemnation proceedings does not address the interests of neighboring county government when a municipality attempts to condemn property in neighboring counties; and

WHEREAS, county governments are currently required to get the approval of the neighboring county legislative body if the county attempts condemning property across county lines; and

WHEREAS, Senate Bill No 2691 by Senator Haun, and the companion House Bill No. 2928 by Representative Roach, would require municipal governments to obtain the approval of the county legislative body before condemning property in a county other than the county where the municipality is located; and

WHEREAS, this bill would promote fairness by placing the same requirements on cities and counties; and

WHEREAS, this bill is needed to protect the interest of county governments and the rights of citizens who reside in the territories that are the subject of the condemnation;

NOW THEREFORE, BE IT RESOLVED, by the Board Of County Commissioners of Loudon County, Tennessee, meeting in regular session at Loudon, Tennessee, the General Assembly of the State of Tennessee, is strongly urged to enact Senate Bill No. 2691 by Senator Haun, and its companion House Bill No. 2928 by representative Roach. The County Clerk is directed to send certified copies of the Resolution to the members of the General Assembly representing the people of Loudon County.

Adopted this 1st day of April, 1996.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
County Executive

Attest: [Signature] Date: 4-1-96

17

RESOLUTION NO. 4196

A RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE CONTRACT AGREEMENT NO. 696 BETWEEN LOUDON COUNTY AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR CERTAIN IMPROVEMENTS TO MARTEL ROAD AT BEALS CHAPEL ROAD, PROJECT NUMBER STP-H-5300(7), FUNDED THROUGH THE HAZARD ELIMINATION PROGRAM, OPTIONAL SAFETY FUNDS

Whereas, the intersection of Martel Road and Beals Chapel Road in Loudon County is functionally deficient to accommodate existing and proposed traffic volumes, and

Whereas, the intersection, based on transportation engineering standards, does not meet design standard, and

Whereas, Loudon County has requested, and received confirmation of funds, in the amount of \$46,100 for improvements to said intersection for redesign, grading, drainage, and resurfacing all involved with geometric redesign.

Now, Therefore, Be It Resolved, on this the first day of April, 1996, the Loudon County Commission does hereby authorize the County Executive to execute Agreement No. 696 (attached as exhibit) with the Tennessee Department of Transportation for the purpose of funding for the above stated improvements to Martel Road and Beals Chapel Road.

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

  
\_\_\_\_\_  
Attest, Court Clerk

4-1-96  
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

B



**AGREEMENT NO. 696**

**This Agreement is entered into on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 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-5300(7), that is described in "EXHIBIT A" attached and incorporated into this Agreement.**

**The Department agrees to pay for 90 percent of the actual Project costs up to \$41,490.00. 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 required consultant selection process for the Project is attached as Exhibit "B" and incorporated herein.**

**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 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: \_\_\_\_\_  
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

RESOLUTION NO. 4196

A RESOLUTION TO LIMIT THE AMOUNT OF UNCONTAMINATED USED MOTOR OIL THAT DO-IT-YOURSELFERS CAN BRING TO THE USED OIL DROP OFF CENTER TO NO MORE THAN FIVE (5) GALLONS PER DAY PER INDIVIDUAL.

WHEREAS, the County of Loudon realizing the benefits of recycling for its citizens and,

WHEREAS, the County of Loudon wishes to provide a used oil drop off center for its citizens and,

WHEREAS, it is the goal of the County of Loudon to provide any and all recycling opportunities to its citizens in accordance with Federal and State regulations,

BE IT ORDAINED, that the County Commission of Loudon County does hereby limit the amount of uncontaminated oil brought to the County of Loudon used oil collection centers to five (5) gallons per day per individual in accordance with the "Used Oil Collection and Recycling Program Policy Guide", the welfare of the County requiring.

Adopted the 1st day of April, 1996.

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

ATTEST:

  
\_\_\_\_\_  
Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

C