

LOUDON COUNTY COMMISSION
REGULAR MEETING
March 2, 1998

1. Public Hearing
2. Opening of Meeting
3. Roll Call
4. Request to amend agenda
5. Motion to accept Amended Agenda
6. Minutes of February 9, 1998 Adopted
7. Audience Comments on Agenda Items
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9. Wage and Hour Study update
10. Motion to authorize County Executive to appoint someone from Tellico Village to recycling committee
11. Capital Projects Committee report
12. Motion to approve budget committee recommendation to accept proposal by Akins & Tombras for a wage and hour study
13. Motion to approve budget committee recommendation to transfer funds from grant account to salary account for additional personnel for property assessor office
14. Motion to adopt A RESOLUTION TO AUTHORIZE CERTAIN OPTIONAL BENEFIT IMPROVEMENTS
15. Motion to approve re-zoning request for property on Shaw Ferry Road
16. Motion to approve re-zoning request for property within ConKinnon Pointe Subdivision on Glen Mar Drive and Coppock Lane
17. Motion to approve re-zoning request for property on Hwy.321 South
18. Motion to deny re-zoning for property on West Meadow Road
19. Motion to approve re-zoning request for property on Peterson Road
20. Motion to adopt A RESOLUTION INCREASING THE LOUDON COUNTY LOCAL SALES TAX
21. Attorney Sproul report regarding lawsuit against county and school board
22. Building Commissioner's Report
23. Road Commissioner's Report
24. Purchasing Agent's Report
25. Motion to authorize purchasing agent to sign copier leases for Sheriff's department
26. Notaries approved
27. Adjournment

PUBLIC HEARING
March 2, 1998
6:00 PM

- (1) **Public Hearing**
- 1) Rezoning request for property on Highway 321, South, located in the Third Legislative District, referenced by Tax Map 31, Parcel 30.00, from A-2, Rural Residential District, to C-2, General Commercial District
Mr. Hugh Butler came forward to speak in favor of this request. His plans are to build storage building for farm machinery and equipment.
No opposition voiced.
- 2) Rezoning request for property within ConKinnon Pointe Subdivision on Glen Mar Drive and Coppock Lane (a private lane) off Paris Drive, located in the Third Legislative District, referenced by Tax Map 31, Parcel 12, from A-2, Rural Residential District, to R-1, Suburban Residential District, including the R-E, single Family Exclusive Overlay District
No opposition voiced.

LOUDON COUNTY COMMISSION
REGULAR MEETING
March 2, 1998

STATE OF TENNESSEE
COUNTY OF LOUDON

BE IT REMEMBERED, that the Commission of Loudon County, convened in regular session in Loudon, Tennessee on the 2nd day of March 1998.

(2) **Opening Of Meeting**

The meeting was called to order by **Chairman Roy Bledsoe**.

Sheriff Tim Guider opened Court and led the Pledge of Allegiance to the Flag of the United States of America.

Bob Anderson gave the Invocation.

(3) **Roll Call**

Present and presiding was the **Honorable Roy Bledsoe** and the following Commissioners: **Randolph, Bivens, Ledbetter, Maples, Masingo, Duff, Park, and Twiggs (9)**

Thereupon **Chairman Bledsoe** announced the presence of a quorum. Also present were **Honorable George Miller**, County Executive, **Harvey Sproul**, Attorney and **Riley Wampler**, County Court Clerk.

(4) **Request to amend agenda**

Executive Miller requested the agenda be amended to add a resolution regarding the TN Consolidated Retirement under the budget portion of the agenda.

(5) **Motion to accept amended agenda**

A **Motion** was made by **Commissioner Park** with a second by **Commissioner Twiggs** to accept the agenda with the addition.

Upon voice vote the motion was **passed** unanimously.

(6) **Minutes Adopted for Feb. 9, 1998**

Motion was made by **Commissioner Randolph** with second by **Commissioner Ledbetter** to adopt the minutes of February 9, 1998.

Upon voice vote the motion **passed** unanimously.

(7) **Audience Comments on Agenda Items**

Chairman Bledsoe asked for any visitor wishing to address the commission regarding items on the planned agenda to come forward.

Mr. David Hall came forward to express opposition to the rezoning request on Peterson Road and ask the commission to deny this request.

Mr. Don Franklin and Mr. Richman, developer, spoke in favor of the rezoning request and asked the county commission to consider approving this request.

(8)
Audience
Comments on
Non-Agenda
Items

Chairman Bledsoe asked for any visitor wishing to address the commission regarding items not on the agenda.

Ms. Aileen Longmire came forward to state her disagreement of the minutes of February 9th because the specific question she asked was not noted in the minutes.

Thereupon no other visitors wished to address the commission, **Chairman Bledsoe** requested **Executive Miller** to continue with the agenda items.

(9)
Wage and Hour
Study Update

George Miller, County Executive, gave an update on the wage and hour study proposals. A recommendation has been approved by the budget committee and will be discussed under the budget portion of the meeting.

Executive Miller reported on recycling efforts. The deadline for the recycling equipment grant will be met. Delivery has been promised by March 18 and will allow enough time to be in operation by the end of March. He also reported that a recycling committee has been formed and will be meeting soon. This committee consists of Executive Miller, Chris Garcovich with CTAS, Commissioner Randolph, Loudon City Manager Barry Baker, Lenoir City Administrator Manager Dale Hurst. Executive Miller requested that the commission give him authority to appoint someone to the committee from Tellico Village.

A motion was made by **Commissioner Randolph** with a second by **Commissioner Maples** to approve this request.

Upon voice vote the motion **Passed** unanimously

(10)
Motion on
Recycling
Committee

Commissioner Duff reported that the capital projects committee did not meet in the month of February. The parking lot adjacent to the annex will be discussed at the March capital projects meeting and will report at the April commission meeting for approval of the committee's recommendation.

(11)
Capital Projects
Committee
Report

Ms. Nancy Richesin, Director of Budgets and Accounts, reported that the budget committee met at 5:30 prior to this meeting and requested commission to approve a recommendation by the budget committee. This recommendation is to accept the proposal by Akins & Tombras on the wage and hour study which is not to exceed \$20,000. All members of the committee were in favor of this proposal.

Commissioner Duff made a motion with a second by **Commissioner Ledbetter** to approve this request.

Upon roll call vote the following commissioners voted Aye: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs (9)**.

Thereupon the chairman announced the motion **Passed** unanimously. (9-0)

(12)
Motion to accept
study proposal

Ms. Richesin requested approval of a recommendation by the budget committee to transfer funds from a state grant account into the salary account for field personnel for the property assessors office.

Commissioner Park made a motion with a second by **Commissioner Duff** to approve this request.

Upon roll call vote the following commissioners voted Aye: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs (9)**.

Thereupon the chairman announced the motion **Passed** unanimously. (9-0)

(13)
Motion to accept
budget
committee
request to
transfer funds

Ms. Richesin requested approval of a recommendation by the budget committee to adopt A RESOLUTION TO AUTHORIZE CERTAIN OPTIONAL BENEFIT IMPROVEMENTS FOR CONTRIBUTORY EMPLOYEES OF A POLITICAL SUBDIVISION WHICH HAVE BEEN ENACTED SINCE THE DATE THE SUBDIVISION JOINED THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM. This resolution will give a cost of living increase to the retirement benefits.

Commissioner Park made a motion with a second by **Commissioner Ledbetter** to approve this resolution.

Upon voice vote the motion **Passed** unanimously

Resolution #030298, Exhibit A

(14)
Motion to accept
resolution
regarding
retirement
benefits

Mr. Pat Phillips, Director of Planning and Community Development, requested discussion and possible action on the following items referred to the county commission by the planning commission:

(15)
Motion passed to approve rezoning request on Shaw Ferry Road

- 1) Rezoning request for property on Shaw Ferry Road, located in the Sixth Legislative District, referenced by Tax Map 17, Parcel 39.02, from R-1, Suburban Residential District, to C-2, General Commercial District.
Commissioner Twiggs made a motion with a second by Commissioner Duff to approve the rezoning request recommended by the planning commissions. Upon unanimous voice vote the chairman announced the motion Passed.

(16)
Motion passed to approve rezoning request within ConKinnon Pointe Sub

- 2) Rezoning request for property within ConKinnon Pointe Subdivision on Glen Mar Drive and Coppock Lane (a private lane) off Paris Drive, located in the Third Legislative District, referenced by Tax Map 31, Parcel 12, from A-2, Rural Residential District, to R-1, Suburban Residential District, including the R-E, single Family Exclusive Overlay District
Commissioner Masingo made a motion to approve this rezoning request recommended by the planning commissions with a second by Commissioner Randolph. Upon voice vote the chairman announced the motion Passed.

(17)
Motion passed to approve rezoning on Hwy. 321 S

- 3) Rezoning request for property on Highway 321, South, located in the Third Legislative District, referenced by Tax Map 31, Parcel 30.00, from A-2, Rural Residential District, to C-2, General Commercial District. This request was denied by both the city planning commission and the county planning commission.
Commissioner Masingo made a motion with a second by Commissioner Park to approve this request to rezone. Upon voice vote the chairman announced the motion Passed.

(18)
Motion Passed to deny rezoning on West Meadow Road

- 4) Rezoning request for property on West Meadow Road, located in the Third Legislative District, referenced by Tax Map 66, Parcel 9, from A-1, Agriculture-Forestry District, to R-1, Suburban Residential District. The planning commission denied this request 11-0 and recommends it be denied by the commission.
Commissioner Masingo made a motion with a second by Commissioner Park to deny this re-zoning request which was also denied by the planning commission. Upon unanimous voice vote the chairman announced the motion Passed.

(19)
Motion passed to approve rezoning on Peterson Road

- 5) Rezoning request for property on Peterson Road, located in the Third Legislative District, referenced by Tax Map 75, Part of Parcels 14.00, 14.01, and 14.02 consisting of approximately 40 acres, from A-1, Agriculture-Forestry District, to R-1, Suburban Residential District. The planning commission recommended this rezoning request by a vote of 7-4.
Commissioner Masingo made a motion with a second by Commissioner Park to approve the re-zoning request by the planning commission to rezone the property. Upon voice vote the chairman announced the motion Passed.

(20)
Motion to adopt Sales Tax Resolution

Attorney Sproul requested the commission to consider adoption of A RESOLUTION INCREASING THE LOUDON COUNTY LOCAL SALES TAX FROM THE CURRENT RATE OF 1.5 CENTS TO 2 CENTS TO BE USED FOR IMPROVEMENT OF EDUCATION BY LOUDON COUNTY SCHOOLS. Mr. Hank McGhee answered questions the commissioner had about the use of this revenue by the schools.

A motion was made by Commissioner Duff with a second by Commissioner Park to adopt this resolution.

Upon voice vote the motion Passed unanimously

Resolution #030298, Exhibit B

(21)
Attorney
Sproul's
litigation report.

Attorney Sproul gave an update on the lawsuit, known as Mother Doe A, against the county and the school board. This suit will be covered under the county's insurance. The Maddox case has been appealed. There will be a re-hearing before Chancellor Williams on April 20 regarding the Gilman case. The Bickford case is pending and a motion for summary judgement has been filed by the county to have this case dismissed.

(22)
Building
Commissioner's
Report

Chris West, Assistant to the Building Commissioner, gave the report totals for January 1998:

Permits issued:	31	Est. Value:	\$1,216,000
Amount collected:	\$2331	New taxes:	\$6,400

(23)
Road
Commissioner's
Report

Don Palmer, Road Commissioner, was not present.

(24)
Purchasing
Agent's Report

Howard Luttrell, Purchasing Agent, passed out a work order report for February. Mr. Luttrell requested approval for authorization to sign leases for two copiers for the Sheriff's Department. The leases are for a copier for jail at \$94.93/month/60 months and an office copier at \$268.93/month/48 months.

A motion was made by Commissioner Park with a second by Commissioner Ledbetter to give Mr. Luttrell the authority to sign both copier leases.

(25)
Motion to sign
copier leases

Upon roll call vote the following commissioners voted Aye: Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs (9).

Thereupon the chairman announced the motion Passed unanimously. (9-0)

(26)
Notaries
approved

A Motion was made by Commissioner Masingo with a second by Commissioner Maples to approve the following notaries:

Teresa Jane Dunlap	Toby J. Brewster
Peter Ponce, Sr.	Charlotte A. Traxel
Mary E. Allen	

The motion Passed unanimously upon voice vote.

(27)
Adjournment

A Motion being duly made and seconded, the March 2, 1998 meeting stood adjourned at 7:07 p.m.


CHAIRMAN

ATTEST:


COUNTY COURT CLERK


COUNTY EXECUTIVE

**LOUDON COUNTY COMMISSION
RESOLUTION NO. 0-30298**

A RESOLUTION TO AUTHORIZE CERTAIN OPTIONAL BENEFIT IMPROVEMENTS FOR CONTRIBUTORY EMPLOYEES OF A POLITICAL SUBDIVISION WHICH HAVE BEEN ENACTED SINCE THE DATE THE SUBDIVISION JOINED THE TENNESSEE CONSOLIDATED RETIRMENT SYSTEM.

WHEREAS, Tennessee Code Annotated, Title 8, Chapter 34-37 provides that a political subdivision opting to join the Tennessee Consolidated Retirement System does so under the laws governing the System as they exist at the time the political subdivision joins the retirement System; and

WHEREAS, subsequent legislative improvements are optional to the political subdivision if they result in increased cost to the subdivision. These optional improvements may be adopted by separate resolutions approved by the chief governing body of the political subdivision; and

WHEREAS, the Loudon County Commission of Loudon Co Emp desires to adopt through one (1) single resolution certain optional benefit improvements for employees of the political subdivision which have been enacted since the date the subdivision joined the Retirement System; and

WHEREAS, recommended employer contribution rate effective July 1, 1998 as the plan exists today is 0.00%; and

WHEREAS, the three(3) sets of optional benefit improvements from which the political subdivision desires to choose from and the respective cost associated with each such set are as follows:

<u>Sets</u>	<u>Accrued Liability</u>	<u>Increase in Employer Rate</u>
Set 1	\$642,616	1.74%
T.C.A. § 8-36-701(b) Compound cost-of-living increases		

Set 2	\$0	0.00%
T.C.A. § 8-36-124(a)(3) 5% increase in base retirement benefit		

Set 3	\$127,713	0.00%
T.C.A. § 8-34-604(c) Service credit for unused sick leave		
T.C.A. § 8-36-109(b) 100% joint and survivor spouse death benefit for member with 10 years if service		
T.C.A. § 8-36-209 Minimum benefit level increase		
T.C.A. § 8-36-204(b)(2) Reduce vesting requirements to qualify for retirement benefits from 10 years to 5 years		

T.C.A. § 8-36-123

Provide inactive members with certain death and disability benefits

T.C.A. § 8-36-208(b)

Allow for an actuarial equivalent of an age 65 benefit for employees retiring after age 65

T.C.A. § 8-34-605

Service credit for certain periods of military service

T.C.A. § 8-34-625

Service credit for periods of temporary disability during which the employee was receiving workers' compensation payments based on covered employment

T.C.A. § 8-35-203(b)(1)

Credit for service credit lost as a result of advanced age

T.C.A. § 8-34-612(b)

Purchase of service credit for probationary period

T.C.A. § 8-36-108(b)

Benefits upon death in line of duty

T.C.A. § 8-36-301(a)

25-year retirement with actuarially reduced benefits

T.C.A. § 8-36-501(c)(3)

Reinstate ordinary disability projection

T.C.A. § 8-37-202(a)(4)

Limit a Group 1 member's contribution rate to 5% and 5½% for Group 2 members

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission of the Loudon Co Emp hereby authorizes all its employees to receive the benefit improvements listed in Set 1 above pursuant to the terms and conditions contained in the applicable sections of the Tennessee Code and hereby agrees to accept the associated liability; and

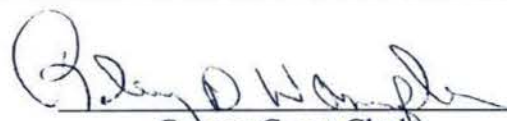
WHEREAS, the recommended employer contribution rate effective July 1, 1998 including the above benefit improvements will be 1.74%.

STATE OF TENNESSEE
COUNTY OF LOUDON

I, Riley D. Wampler, clerk of the Loudon County Court of Loudon Co Emp, Tennessee do hereby certify that this is a true and exact copy of the foregoing resolution that was approved and adopted at a meeting held on the 2nd day of March, 1998, the original of which is on file in this office. I further certify that nine member voted in favor of the resolution and that all nine members were present and voting.

IN WITNESS THEREOF, I have hereunto set my hand and the seal of the Loudon Co Emp.

Seal



County Court Clerk

Exhibit A

LOUDON COUNTY COMMISSION

RESOLUTION NO. 0.30298

RESOLUTION INCREASING THE LOUDON COUNTY LOCAL OPTION SALES TAX FROM THE CURRENT RATE OF 1.5 CENTS TO 2 CENTS TO BE USED FOR IMPROVEMENT OF EDUCATION BY LOUDON COUNTY SCHOOLS

WHEREAS, the resolution of the county legislative body of Loudon County, Tennessee, imposing a local sales and use tax as authorized under the provisions of §67-6-701 through 67-6-712, Tennessee Code Annotated, adopted by the county legislative body at its regular meeting on October 17, 1967, as recorded in Minute Book 14, pages 397 and 398, is hereby amended to levy a local sales and use tax at a rate of Two Percent (2%), not to exceed the maximum percentage as stated in the RETAILERS TAX ACT, Tennessee Code Annotated, §67-6-702, as amended, except as limited or modified by statute; and

WHEREAS, if a majority of those voting in the election, required by Tennessee Code Annotated §67-6-706, vote for the increase in the tax imposed by this resolution, collection of the increased tax levied by this resolution shall begin on the first day of the month occurring thirty (30) or more days after the county election commission makes its official canvass of the election returns; and

WHEREAS, the Department of Revenue of the State of Tennessee shall collect the additional tax imposed by this resolution concurrent with the collection of the state tax and the local tax now being collected for Loudon County, in accordance with rules and regulations promulgated by the Department; and

WHEREAS, in the event the tax is collected by the Department of Revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the State Commissioner of Revenue and the County Executive.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this 2nd day of March, 1998, that the levy of the local option sales tax increase as described herein, is ratified and confirmed, and the County Executive is hereby authorized to contract with the Department of Revenue for the collection of the additional tax imposed by this resolution, and to provide in the contract that the Department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of the tax.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be transmitted to the Department of Revenue by the County Clerk forthwith and shall be published one time in a newspaper of general circulation in Loudon County prior to the election called for herein.

This resolution is adopted as of the day and date first above written, the county welfare requiring it.


COUNTY CHAIRMAN

APPROVED:


COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK

Voting Aye: 9

Voting No: 0

Exhibit = B