

LOUDON COUNTY COMMISSION
REGULAR MEETING
June 1, 1998

1. Public Hearing
2. Opening of Meeting
3. Roll Call
4. Motion to adopt Agenda
5. Minutes of May 4, 1998 Adopted
6. Audience Comments on Agenda Items
7. Audience Comments on Non-Agenda Items
8. Discussion on Spring Floods '98
9. Motion passed to approve land exchange with John Deere
10. Discussion of 20-year contract with USMS for jail expansion
11. Motion passed to sign contract with USMS amending the contract to 15 years
12. Discussion on Shaw Ferry Road and Hwy. 11 intersection
13. Motion passed to reprioritize county roads
14. Motion passed to request traffic light at Dixie Lee Junction
15. Motion passed to adopt A Resolution Authorizing The Lending Of \$200,000 Capital Outlay Note To The Loudon County Highway Department
16. Motion passed to purchase 50 new voting machines including a satellite in Lenoir City
17. Motion passed to approve payment of \$1250 invoice for removal of tank
18. Motion passed to adopt A Resolution Authorizing The Application For Litter And Trash Collection Grant
19. Motion passed to purchase window treatments for the annex
20. Motion passed to defer Cloyds Creek property rezoning until next meeting
21. Motion passed to remove rezoning of Paw Paw Plains property from the agenda
22. Motion passed to rezone property on Hwy. 321 to C-2
23. Motion passed to deny rezoning of property on Marble Bluff Road
24. Report on current litigation by Attorney Sproul
25. Motion passed to adopt resolution regarding Eatonwood Sewer District
26. Motion passed to rescind prior motion on signing of contract with USMS
27. Motion passed to authorize the 15-year contract with the USMS to be signed
28. Building Commissioner's Report
29. Purchasing Agent's Report
30. Motion passed to authorize purchasing agent to donate three excess vehicles from the Sheriff's Department to the Loudon County Technology Center
31. Bonds approved
32. Notaries approved
33. Motion passed to postpone resolution to be presented to Doug Berry
34. Motion passed to reschedule July meeting to June 29th
35. Adjournment

**LOUDON COUNTY COMMISSION
STATE OF TENNESSEE
COUNTY OF LOUDON**

**PUBLIC HEARING
June 1, 1998
6:00 PM**

- 1) Rezoning request for property at 1438 Cloyds Creek Road., located in the Third Legislative District, referenced by Tax Map 57, Parcels 23.04, from A-1, Agricultural-Forestry District, to R-1, Suburban Residential District
No one came forward to speak.

**REGULAR MEETING
June 1, 1998**

BE IT REMEMBERED that the Commission of Loudon County convened in regular session in Loudon, Tennessee on the 1st day of June 1998.

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.

Howard Luttrell, Loudon County Purchasing Agent, gave the invocation.

Present and presiding was the **Honorable Roy Bledsoe** and the following Commissioners: **Randolph, Bivens, Maples, Ledbetter, 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**, County Attorney and **Riley Wampler**, County Court Clerk.

Chairman Bledsoe requested the June 1, 1998 agenda be adopted.

A **Motion** was made by **Commissioner Park** with a second by **Commissioner Ledbetter** to adopt the agenda.

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

Chairman Bledsoe requested the minutes of May 4, 1998 be read and accepted.

A **Motion** was made by **Commissioner Park** with second by **Commissioner Twiggs** to adopt the minutes of May 4, 1998.

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

(6)
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. Roy Hick came forward and spoke in opposition of rezoning request for Marble Bluff Rd.

Mr. Ron Scott came forward and spoke in favor of rezoning request on Paw Paw Plains Rd.

Mr. Paul Baird came forward and spoke in opposition of the contract with the USMS and in favor of purchase of new voting machines.

(7)
Audience
Comments on
Non-Agenda
Items

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

Ms. Carol Smith came forward and spoke in favor of resident requirements of county planners.

Ms. Aileen Longmire came forward to ask questions regarding the appointment of the industrial recruiter.

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

(8)
Discussion of
Spring Floods
'98

George Miller, County Executive, reported that the Army Corps of Engineers would be in the county on June 9th to look at the areas of flood concerns. Doug Lawrence, Building Commissioner, met with a representative with the State of Tennessee Water Pollution and toured the Browder Hollow area. This representative indicated that they would not take action and offered no solution to the problem.

Commissioner Randolph asked Attorney Sproul if a previous regulation passed by the county commission to enforce a \$500 fine for littering on public or private property could be applied to this situation with debris being thrown in the ditches along Browder Hollow. Attorney Sproul stated that it would probably be difficult to apply that regulation to this situation.

(9)
Motion passed
to approve land
exchange with
John Deere

Executive Miller requested consideration of a request by John Deere Commercial Worksite Products to exchange 0.80 acre of property owned by Loudon County for 0.80 acre of property owned by John Deere.

A motion was made by **Commissioner Park** with a second by **Commissioner Randolph** to make the land exchange.

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. (9-0)**

(10)
Discussion of
contract with
USMS on jail
expansion

Executive Miller requested discussion on the contract with the United States Marshal Service (USMS) regarding the funds available for the jail expansion.

He reported that after discussions with Nancy Richesin and Attorney Sproul it is considered a very complex situation. Ms. Richesin contacted CTAS for an opinion and they agreed it was a complex issue and wanted to discuss the contract at an upcoming meeting before they made a recommendation. The length of the contract, which is 20 years, is a concern because of possibility of two more expansions to the jail before this contract is fulfilled. Another concern is that if the county opted to be released from the contract the entire amount would have to be refunded to the USMS. This amount would not be pro-rated. **Commissioner Park** pointed out that this contract is to only commit the money from USMS to Loudon County. The Commissioners, Attorney Sproul, and Sheriff Guider commented on the issue.

A motion was made by **Commissioner Park** with a second by **Commissioner Duff** to sign the contract with USMS amending the contract making it a contract of intent for a 15 year obligation.

Upon roll call vote the following commissioners voted Aye: **Maples, Ledbetter, Duff, Park, and Twiggs. (5)**

The following Commissioners voted Nay: **Randolph, Bivens, Masingo, and Bledsoe. (4)**

Thereupon the chairman announced the motion **Passed. (5-4)**

(11)
Motion passed
to sign 15-year
contract with
USMS

Executive Miller reported that Representative Doug Gunnels had called and stated that due to prior commitment he could not attend this meeting but has spoken with officials at TDOT and they told him they were doing another study of the Shaw Ferry Road and Highway 11 intersection and would evaluate the information to see if the situation, in their opinion, had changed to warrant signaling at this intersection. **Commissioner Twiggs** stated that a grading change is needed before signaling. State Representative Howard Kerr was present and reported that a new county road priority list needs to be made with this intersection listed as one of the top priorities and an assessment of the grade change should be done. **Executive Miller** also reported that a new priority list would have to be approved by Loudon and Lenoir City and that the state may consider making Highway 11 a four lane, which will take care of this intersection and the Muddy Creek Road intersection.

A motion was made by **Commissioner Twiggs** with a second by **Commissioner Park** to reprioritize the roads and submit the list before the end of the state legislation in 1999 so that Loudon County will be one of the first in line to receive the new funds.

Upon voice vote the chairman announced the motion **Passed** unanimously.

Commissioner Duff had no report from the Capital Projects Committee.

A motion was made by **Commissioner Park** with a second by **Commissioner Duff** that a request be made to the state and Federal governments to put a traffic light at Dixie Lee Junction. Upon voice vote the chairman announced the motion **Passed** unanimously.

Commissioner Park requested the Chairman to appoint a committee to work on the issue of the Dixie Lee Junction traffic light. Chairman Bledsoe appointed Executive Miller, Commissioner Park, Commissioner Duff, and Pat Phillips. These appointments were accepted.

Nancy Richesin, Director of Budgets and Accounts, requested consideration of adoption of A Resolution Authorizing The Lending of \$200,000 Capital Outlay Note To The Loudon County Highway Department.

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

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. (9-0)**

Resolution #060198, Exhibit A

Nancy Richesin reported of a recommendation by the budget committee for consideration to purchase 50 new voting machines at the cost of approximately \$310,000, which includes software, staff training, equipment maintenance and software support. The budget committee recommends funding one-half of the amount in this fiscal year and the intent of the other one-half to be included in the 98-99 budget.

A motion was made by **Commissioner Duff** with a second by **Commissioner Bivens** to accept this recommendation.

A motion was made by **Commissioner Park** with a second by **Commissioner Ledbetter** to amend the prior motion and include putting a satellite in the Lenoir City area if the new voting machines are purchased.

Upon roll call vote the following commissioners voted Aye: **Randolph, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs (8)**

The following Commissioners voted Nay: **Bivens. (1)**

Thereupon the chairman announced the amendment to the motion **Passed. (8-1)**

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. (9-0)**

(17)
Motion Passed
to approve
payment of
invoice

Ms. Richesin requested consideration of payment of invoice for \$1,250. This was for the removal of tank that was lodged in the road tile on Leeper Parkway, which posed a threat of flooding upstream. This item was not recommended by the budget committee to be paid.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Twiggs** to pay the invoice out of the general fund and attempt to collect the amount from the owner of the tank.

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. (9-0)**

(18)
Motion passed
to adopt litter
grant resolution

Ms. Richesin requested consideration of A Resolution Authorizing The Application For Litter And Trash Collection Grant.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs. (8)**

The following commissioner passed: **Randolph.**

Thereupon the chairman announced the motion **Passed. (8-0)**

Resolution #060198, Exhibit B

(19)
Motion passed
to purchase
window
treatments

Ms. Richesin requested consideration of window treatments for the annex at a cost of \$4,000. The budget committee recommends this item for approval.

A **motion** was by **Commissioner Randolph** with a second by **Commissioner Ledbetter** to accept this recommendation.

Upon roll call vote the following commissioners voted Aye: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff and Park. (8)**

The following commissioner voted Nay: **Twiggs. (1)**

Thereupon the chairman announced the motion **Passed. (8-1)**

(20) 1)
Motion passed
to defer Cloyds
Creek property
rezoning request

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:

Rezoning request for property at 1438 Cloyds Creek Road, located in the Third Legislative District, referenced by Tax Map 57, Parcels 23.04, from A-1, Agricultural-Forestry District, to R-1, Suburban Residential District

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Park** to defer this item until next month's county commission meeting agenda.

Upon voice vote the chairman announced the motion **Passed** unanimously.

(21)
Motion passed
to rezone Paw
Paw Plains
property

2) Rezoning request for property on Paw Paw Plains Road, located in the Fifth Legislative District, referenced by tax Map 3, Parcel 22.00, from A-2, Rural Residential District, to R-1, Suburban Residential District.

A **motion** was made by **Commissioner Park** to remove this item from the agenda. Motion failed due to lack of a second.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Park** to rezone this property.

Upon voice vote the chairman announced the motion **Passed** unanimously.

(22) 3)
Motion passed
to rezone
property on
Hwy. 321

Rezoning request for property on Highway 321, located in the Fifth Legislative District, referenced by Tax Map 11-K, Group E, Parcel 2.00, from R-1, Suburban Residential District, to C-2, General Commercial District.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Park** to approve the resolution and accept the recommendation to rezone this property to C-2.

Upon voice vote the chairman announced the motion **Passed** unanimously.

(23)
Motion passed
to deny rezoning
of Marble Bluff
Road Property

4) Rezoning request for property located on Marble Bluff Road, located in the First Legislative District, referenced by Tax Map 34, Part of Parcels 2.00, consisting of approximately 40.5 acres, from A-1, Agricultural-Forestry District, to A-2, Rural Residential District.

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Bivens** to accept the recommendation by the planning commission and deny the request for rezoning.

Upon voice vote the chairman announced the motion **Passed** unanimously.

(24)
Report on
current
litigation

Attorney Sproul reported that an agreement of right-of-way has been reached and the Mounger case has been settled in favor of the county.

A request made by Oliver Smith Realty Co. to build a road in the Matlock Bend Industrial Park using trust fund money. **Attorney Sproul** recommends this request be postponed and looked into further before action is taken.

A motion for summary judgement has been filed in the Bickford case due to the fact that local government legislators cannot be sued individually for their actions in adopting legislation.

The Gilman case is under advisement and the Chancellor has not yet rendered his decision.

(25)
Motion passed
to adopt
resolution
regarding
Eatonwood
Sewer Dist.

Attorney Sproul requested consideration of adoption of resolution regarding the Eatonwood Sewer District which would extend the time for allowing the consolidation of lots.

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

Upon voice vote the chairman announced the motion **Passed** unanimously.

Resolution #060198, Exhibit C

Attorney Sproul requested clarifications of intent be made in reference to the prior discussion regarding the jail expansion contract with the USMS.

(26)
Motion passed
to rescind prior
motion on
USMS contract

A motion was made by **Commissioner Park** with second by **Commissioner Twiggs** to rescind the prior motion made to sign the contract on the Jail expansion with the USMS.

Upon voice vote the chairman announced the motion **Passed**. (6-2)

A motion was made by **Commissioner Park** with a second by **Commissioner Duff** to authorize the contract to be sign as the original contract is stated.

Upon roll call vote the following commissioners voted Aye: **Ledbetter, Duff, Park, and Twiggs**. (4)

The following Commissioners voted Nay: **Randolph, Bivens, Ledbetter, Masingo, and Bledsoe**. (5)

Thereupon the chairman announced the motion **Failed**. (4-5)

(27)
Motion passed
to sign 15-year
contract with
USMS

A motion was made by **Commissioner Twiggs** with a second by **Commissioner Park** to authorize the contract to be signed as is amending only the length of the contract from 20 years to 15 years.

Upon roll call vote the following commissioners voted Aye: **Maples, Ledbetter, Duff, Park, and Twiggs**. (5)

The following Commissioners voted Nay: **Randolph, Bivens, Masingo, and Bledsoe**. (4)

Thereupon the chairman announced the motion **Passed**. (5-4)

(28)
Building
Commissioner's
Report

Doug Lawrence, Building Commissioner, gave the report totals for May 1998:

Permits issued:	49	Est. Value:	\$1,918,012
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Amount collected:	\$3,694	New taxes:	\$10,117
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Don Palmer, Raod Commissioner, had no report.

Howard Luttrell, Purchasing Agent, passed out a work order report for May.

(29)
Purchasing
Agent's Report

Mr. Luttrell requested authorization to donate the three excess vehicles from the Sheriff's Department to the Loudon County Technology Center for instructional purposes.

A motion was made by **Commissioner Randolph** with a second by **Commissioner Maples** to give Mr. Luttrell the authority to donate the vehicles to the Technology Center.

Upon voice vote the chairman announced the motion **Passed** unanimously.

(30)
Motion passed
to donate
vehicles

(31)
Bonds approved

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

James Henry Harris

The motion **Passed** unanimously upon voice vote.

(32)
Notaries
approved

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

Nancy W. James

Beth Ann Merritt

Joyce V. Sherrill

Jennifer S. Norwood

Nancy P. Beaty

Aillen Williams

Sherry Morgan Stoutt

The motion **Passed** unanimously upon voice vote.

(33)
Motion passed
to postpone
Doug Berry
resolution

Executive Miller reported that the Mr. Doug Berry was not present at the meeting and the resolution to be presented to him will be postponed for action.

A **motion** was made by **Commissioner Twiggs** with a second by **Commissioner Ledbetter** to defer this issue to next meeting.

The motion **Passed** unanimously upon voice vote.

(34)
Motion passed
to reschedule
July meeting

Executive Miller recommended that the next County Commission meeting be set for June 29th at 6:00 P.M. due to the necessity of adopting the continuing budget resolution before July 1st.

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Ledbetter** to reschedule the meeting

(35)
Adjournment

A **Motion** being duly made and seconded, the June 1, 1998 meeting stood adjourned at 9:05 p.m.



CHAIRMAN

ATTEST:



COUNTY COURT CLERK



COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 060198-A

RESOLUTION AUTHORIZING THE LENDING OF TWO HUNDRED THOUSAND DOLLARS (\$200,000) IN CAPITAL OUTLAY NOTES TO THE LOUDON COUNTY HIGHWAY DEPARTMENT FROM THE RURAL DEBT SERVICE FUND OF LOUDON

WHEREAS, it is necessary and in the public interest of the LOUDON COUNTY HIGHWAY DEPARTMENT, to incur indebtedness for the purpose of financing road improvements and repair of damages created as a result of the "Spring Floods of '98" and to pay any and all costs incident to the financing thereof; and

WHEREAS, terms are as follows:

SECTION 1: For the purpose of financing all or a portion of the costs of the improvements and damages. (On file in the Road Commissioner's office.)

SECTION 2: Principal, and interest, if any, on the loan agreement shall be paid from the 3 cent gasoline and motor fuel tax distributed to the LOUDON COUNTY HIGHWAY DEPARTMENT

SECTION 3: Any additional revenue that may be received from FEMA by the way of reimbursement for expenses incurred as a result of the "Spring Floods of '98" shall be applied toward the retirement of this debt

SECTION 4: The full amount of this loan shall be repaid on or before June 30, 2001

SECTION 5: This loan agreement must have the approval of H. Wayne Williams, Director of Local Finance - Comptroller of the Treasury - State of Tennessee

CAPITAL OUTLAY NOTES - T.C.A. 9-21-601 THROUGH 9-21-611-Capital Outlay Notes are used by local governments to fund many types of capital improvements projects. Notes are issued initially for a period of up to three years and then renewed for two more three year periods, for a total of nine years; at least one-ninth of the original principal amount of these notes must be retired each year, unless this requirement is waived by the state director of local finance. T.C.A. 9-21-604 - Notes may also be issued for more than three but not greater than twelve years. A major advantage of issuing capital outlay notes is that the service of a fiscal advisor may not be needed.

NOW THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this Monday, the 1st day of June, 1998, the lending of two hundred thousand dollars (\$200,000) in Capital Outlay Notes to the Loudon County Highway Department from the Rural Debt Service Fund of Loudon County is authorized.


COUNTY CHAIRMAN

ACCEPTED:


COUNTY EXECUTIVE

ATTEST:

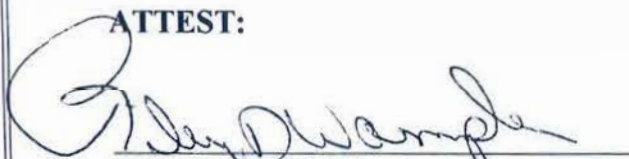

COUNTY CLERK

Exhibit - A

LOUDON COUNTY COMMISSION

RESOLUTION NO. 660198

RESOLUTION AUTHORIZING THE APPLICATION FOR A LITTER AND TRASH COLLECTING GRANT AND EXECUTION OF CONTRACTS OR OTHER NECESSARY DOCUMENTS

WHEREAS, Resolution authorizing submission of an application for a Litter and Trash Collecting Grant from the Tennessee Department of Transportation and authorizing the acceptance of the said grant, and

WHEREAS, The County of Loudon intends to apply for the aforementioned grant from the Tennessee Department of Transportation, and

WHEREAS, the contract for the grant will impose certain legal obligation upon the County of Loudon.

NOW THEREFORE, BE IT RESOLVED:

1. That George M. Miller, County Executive is authorized to apply on behalf of Loudon County for a litter and trash collecting grant from the Tennessee Department of Transportation.
2. That should application be approved by the Tennessee Department of Transportation, then George M. Miller, County Executive is authorized to execute contracts or other necessary documents, which may be required to signify acceptance of the litter and trash collecting grant by Loudon County.

Adopted this 1st day of June 1998.



COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY EXECUTIVE

Exhibit - B

LOUDON COUNTY COMMISSION

RESOLUTION NO. 060172

**RESOLUTION APPROVING EXTENSION OF TIME FOR CONSOLIDATION
OF MULTIPLE LOTS IN THE EATONWOOD SPECIAL SEWER DISTRICT**

WHEREAS, the County Commission previously has established the Eatonwood Special Sewer District, and has arranged for the construction of sewers in the Eatonwood Subdivision area; and

WHEREAS, as a part of this project, multiple lot owners in the area were allowed to consolidate the lots or parcels so as to have only one (or a lesser number) of special sewer assessments; and

WHEREAS, a sales transaction recently has occurred wherein multiple lots were sold to new buyers, but by inadvertence the information given to the real estate closing agency by the county, and later to the buyers, indicated that there was only one sewer assessment involving the three lots, when in fact the owners had not gone through the process of resubdividing (consolidating) the lots into one parcel; and

WHEREAS, the sale of the three lots (including a house on one of the lots) was closed, and the buyers now face the payment of three assessments for the remainder of the duration of the sewer project loan (approximately 11 years) when they had not planned for it; and

WHEREAS, inasmuch as the county has made an error in giving out information, and inasmuch as the buyers were unaware at the time of purchase that the lots were subject to three sewer assessments, rather than one sewer assessment, the County Commission feels it is equitable to avoid possible litigation and to assist the buyers who were not at fault, to extend the closing date for consolidating parcels through the end of the county fiscal year, or June 30, 1998, to allow the sellers and buyers to take the option of consolidating the lots if they choose to do so.

NOW THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this Monday, the 1st day of June, 1998, that the time frame for allowance of consolidation of parcels in the Eatonwood Special Sewer District is extended through June 30, 1998.


COUNTY CHAIRMAN

ACCEPTED:


COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK

Exhibit - C

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