

LOUDON COUNTY COMMISSION

REGULAR MEETING

June 29, 1998

1. Public Hearing
2. Opening of Meeting
3. Roll Call
4. Motion to adopt Agenda as amended
5. Minutes of June 1, 1998 Adopted
6. Audience Comments on Agenda Items
7. Audience Comments on Non-Agenda Items
8. Motion passed to re-appoint TASS Board Member
9. Motion passed to appoint Beer Board member from second district
10. Discussion on Dixie Lee Junction safety improvements
11. Motion passed to sell Sugarlimb Industrial property to Apex Canvas
12. Motion passed to hold a meeting on the 5<sup>th</sup> Monday in August to discuss new annexation laws
13. Motion failed to apply for ARC grant for Gentry Drive with a 45% match from the county
14. Motion failed to apply for ARC grant for Gentry Drive with a \$10,000 match from the county and residents funding the remaining match
15. Motion passed to survey Gentry Drive residents to see if they would be willing to fund the entire match of an ARC grant
16. Motion passed to adopt A Resolution Recognizing and Congratulation Kevin Chadwick
17. Motion passed to adopt A Resolution Recognizing and Congratulation Lenoir City High School Soccer Team
18. Motion passed to approve ARC grants for all areas of the county if residents are willing to fund the match
19. Motion to withdraw permit issued to Freedom Fireworks
20. Motion passed to amend prior motion and go into executive session
21. Motion passed to withdraw permit issued to Freedom Fireworks for the sale of fireworks at Watt Road
22. Discussion of Budget Committee hearings
23. Capital Projects Committee report
24. Motion to adopt Resolution Fixing The Tax Levy In Loudon County, Tennessee For The Fiscal Year Beginning July 1, 1998
25. Motion failed to amend prior motion to reduce the Rural School Debts portion of the tax levy
26. Original motion passed
27. Motion passed to adopt A Resolution Providing For The Expenditure Of Funds By The Various Departments, Institutions, Offices, and Agencies of Loudon County, Tennessee Until The Various Budgets Are Approved For The Fiscal Year Beginning July 1, 1998, Ending June 30, 1999.
28. Motion passed to accept recommendation for final budget amendment
29. Motion passed to amend zoning resolution for C-2 zoning
30. Motion passed to rezone property on Highway 411
31. Motion passed to deny rezoning of property on Cloyds Creek Road
32. Motion passed to adopt resolution accepting certain roads into the public system
33. Report on current litigation by Attorney Sproul
34. Building Commissioner's Report
35. Road Commissioner's Report
36. Purchasing Agent's Report
37. Notaries approved
38. Adjournment

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

**PUBLIC HEARING**  
**June 29, 1998**  
**6:00 PM**

(1)  
Public Hearing

- 1) Amendment to the Zoning Resolution of Loudon County, Tennessee, Article 5, Section 5.045, C-2, General Commercial District, Article 4, Supplementary Provisions Applying to Specific Districts, adding Section 4.210, Sexually Oriented Adult Businesses, and Article 2, Section 2.020, Definitions of General Terms.  
No one came forward to speak.
- 2) Rezoning request for property on Highway 411, located in the Third Legislative District, referenced by Tax Map 87, Parcel 2.01, from C-1, Rural Center District, to C-2, General Commercial District.  
Mr. Eddie Simpson came forward to speak in favor of rezoning this property.

**REGULAR MEETING**  
**June 29, 1998**

(2)  
Opening Of  
Meeting

**BE IT REMEMBERED** that the Commission of Loudon County convened in regular session in Loudon, Tennessee on the 29th 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.

**Hank McGhee**, Deputy Superintendent of Schools, gave the invocation.

(3)  
Roll Call

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, and **Harvey Sproul**, County Attorney.

(4)  
Motion to adopt  
agenda as  
amended

**Chairman Bledsoe** requested the June 29, 1998 agenda be adopted.

**Executive Miller** requested the agenda be amended to remove item #5 under his portion of the agenda pertaining to Eagle Racing Engines to be placed on a future agenda. Also adding the appointment of a beer board member from the 2<sup>nd</sup> district.

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

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

(5)  
Minutes  
Adopted for  
June 1, 1998

**Chairman Bledsoe** requested the minutes of June 1, 1998 be read and accepted.  
A **Motion** was made by **Commissioner Ledbetter** with second by **Commissioner Twiggs** to adopt the minutes of June 1, 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. Wayne Gardin, member of Loudon County Regional Planning Commission, came forward and spoke in opposition of a permit issued to Freedom Fireworks to sell fireworks from a tent on Watt Road. This business is in violation of the zoning resolution prohibiting this type of business.  
Attorney Brent Watson came forward and spoke on behalf of Freedom Fireworks stating that the business should be allowed to continue to sell fireworks at the Watt Road location because the property was leased before the new laws were in place and his client should be "grandfathered".

(7)  
Audience  
Comments on  
Non-Agenda  
Items

**Chairman Bledsoe** asked for any visitor wishing to address the commission regarding items not on the agenda.  
No one came forward to speak.

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

**George Miller, County Executive**, reported that there is no appointment to the planning commission as this time.

(8)  
Motion passed  
to reappoint  
TASS Board  
member

**Executive Miller** requested discussion and possible action on resolution to appoint TASS board member. It is recommended that Mr. Art Spurrier be re-appointed.  
A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Park** to accept this resolution.  
Upon voice vote the chairman announced the motion **Passed** unanimously.  
**Resolution #**062998**, Exhibit** A

(9)  
Motion passed  
to appoint Beer  
Board member

**Executive Miller** requested discussion and possible action on resolution to appoint a 2<sup>nd</sup> district representative to the Beer Board. Commissioner Maples has reported that Mr. R. C. Weaver has consented to serve in this position.  
A **motion** was made by **Commissioner Maples** with a second by **Commissioner Ledbetter** to accept this resolution appointing Mr. R.C. Weaver to serve on the Beer Board.  
Upon voice vote the chairman announced the motion **Passed** unanimously.  
**Resolution #**062998**, Exhibit** B

(10)  
Discussion on  
Dixie Lee safety  
improvements

**Executive Miller** requested discussion and possible action on the Dixie Lee Junction safety improvements. Loudon County has been awarded a traffic hazard elimination grant for \$50,000 with a 10% match. Executive Miller requested authorization to put out bid specification for these improvements. After discussion and comments a meeting will be held with the citizens of this area and possibly Mark Best with TDOT to discuss the improvements and this item will be placed on next meeting's agenda.



**Executive Miller** requested discussion and possible action on request by Apex Canvas to purchase a parcel, approximately two acres, in Sugarlimb Industrial Park. Apex Canvas currently operates on Martel Road and is looking to expand. A recommendation comes from the Blair Bend Industrial Committee.

A motion was made by **Commissioner Maples** with a second by **Commissioner Randolph** to sell this property to Apex Canvas.

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)**

**Executive Miller** reported requested consideration of a 5<sup>th</sup> Monday meeting in August to discuss new annexation legislation. Representatives from CTAS and MTAS will be invited to answer questions.

A motion was made by **Commissioner Randolph** with a second by **Commissioner Twiggs** to have a meeting on the 5<sup>th</sup> Monday in August.

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

**Executive Miller** requested discussion and possible action on ARC grant for sewer project on Gentry Drive. A CDBG grant was applied for earlier and the project did not qualify. This project was then considered for an ARC grant. This grant application requires a 45% match commitment and has a July 14<sup>th</sup> deadline to apply for the funding.

A motion was made by **Commissioner Park** with a second by **Commissioner Twiggs** to apply for this \$50,000 ARC grant and commit to the 45% match.

Upon roll call vote the following commissioners voted Aye: **Park and Twiggs (2).**

The following commissioners voted Nay: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, and Duff. (7)**

Thereupon the chairman announced the motion **Failed. (2-7)**

A motion was made by **Commissioner Duff** with a second by **Commissioner Park** to apply for the ARC grant and commit to up to \$10,000 with the residents funding the remaining match.

Upon roll call vote the following commissioners voted Aye: **Duff, Park and Twiggs (3).**

The following commissioners voted Nay: **Randolph, Bivens, Maples, Ledbetter, Masingo and Bledsoe. (6)**

Thereupon the chairman announced the amendment to the motion **Failed. (3-6)**

A motion was made by **Commissioner Duff** with a second by **Commissioner Randolph** to have the residents of this area surveyed, if time permits, to see if they would be in favor of funding the entire match themselves.

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)**

(16)  
Motion passed  
to adopt Kevin  
Chadwick  
resolution

**Commissioner Park** requested that Kevin Chadwick come forward at this time and be recognized and congratulated for his state championship achievement in discus throwing as well as other record setting accomplishments. **Commissioner Park** read A Resolution Recognizing and Congratulating Kevin Chadwick to be considered for adoption by county commission.

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

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

**Resolution #**062998, **Exhibit** C

(17)  
Motion Passed  
to adopt Lenoir  
City Soccer  
team resolution

**Commissioner Park** requested the Lenoir City High School Soccer Team and Coaches come forward and be recognized and congratulated for their state championship achievement.

**Commissioner Park** read A Resolution Recognizing and Congratulating Lenoir City High School 1998 Soccer Team to be considered for adoption by county commission.

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

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

**Resolution #**062998, **Exhibit** D

(18)  
Motion passed  
to approve all  
ARC grants

**Executive Miller** requested discussion on procedures for approving future ARC grants for all areas of the county and the matching funds.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Ledbetter** to approve ARC grants for all areas of the county if the residents are willing to fund the match.

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

(19)  
Motion to  
withdraw  
permit from  
Freedom  
Fireworks

**Commissioner Park** requested discussion of enforcement of fireworks laws. A permit was issued to Freedom Fireworks to sell fireworks from a tent on Watt Rd. This facility is in violation of the county planning and zoning ordinance regarding the sale of fireworks.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Duff** to withdraw the fireworks permit issued to Freedom Fireworks.

Due to possible litigation, Attorney Sproul recommended that the commission have an executive session to discuss this issue before a vote and to also discuss another lawsuit that is on the agenda.

A **motion** was made by **Commissioner Twiggs** with a second by **Commissioner Ledbetter** to amend the motion and go into an executive session to discuss these issues.

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

Upon returning from executive session a **motion** was made by **Commissioner Park** with a second by **Commissioner Duff** to withdraw the permit issued to Freedom Fireworks for the sale of fireworks at Watt Road.

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

(21)  
Motion passed  
to withdraw  
permit

(22)  
Motion  
discussion of  
budget  
committee  
hearings

**Commissioner Maples** requested discussion on the budget committee hearings. There have been misunderstandings previously on dates of the budget committee meetings and Commissioner Maples would like to see a clarification of the dates. A notice will go the day before each meeting as reminder of the meeting times. The next budget committee meeting is set for July 13, 1998 at 5:00 p.m.



(23)  
Capital Projects  
Committee  
Report

**Commissioner Duff** had no report from the Capital Projects Committee.

(24)  
Motion to adopt  
tax levy  
resolution

**Nancy Richesin**, Director of Budgets and Accounts, requested consideration and possible action on Resolution Fixing The Tax Levy In Loudon County, Tennessee For The Fiscal Year Beginning July 1, 1998. The budget committee recommended that the tax rate remain the same as the 97-98 rate as stated in the resolution.

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Maples** to adopt this resolution fixing the tax levy for July 1, 1998.

A **motion** was made by **Commissioner Bivens** with a second by **Commissioner Twiggs** to amend the previous motion and reduce the Rural School Debts portion of the tax levy by 2 cents changing the rate from 2.11 to 2.09 for Philadelphia, Greenback, Loudon City and Rural Loudon County.

(25)  
Motion failed to  
amend tax levy  
resolution

Upon roll call vote the following commissioners voted Aye: **Bivens and Twiggs (2)**.

The following commissioners voted Nay: **Randolph, Maples, Ledbetter, Masingo, Bledsoe, Duff and Park. (7)**

Thereupon the chairman announced the amendment to the motion **Failed. (2-7)**

The chairman called for a roll call vote on the original motion.

(26)  
Motion passed  
to adopt tax levy  
resolution

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 original motion **Passed. (8-1)**

**Resolution #062998, Exhibit E**

**Nancy Richesin** requested consideration and possible action on adoption of a Resolution Providing For The Expenditure Of Funds By The Various Departments, Institutions, Offices, and Agencies of Loudon County, Tennessee Until The Various Budgets Are Approved For The Fiscal Year Beginning July 1, 1998, And Ending June 30, 1999.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Twiggs** not to accept this resolution.

Upon roll call vote the following commissioners voted Aye: **Park and Twiggs (2)**.

The following commissioners voted Nay: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff and Park. (7)**

Thereupon the chairman announced the amendment to the motion **Failed. (2-7)**

(27)  
Motion passed  
to adopt  
continuing  
budget  
resolution

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Ledbetter** to accept the continuing budget resolution.

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)**

**Resolution #062998, Exhibit F**

(28)  
Motion passed  
for final budget  
amendment

**Nancy Richesin** requested consideration and possible action on adoption of the final budget amendment for the general-purpose schools fund, highway fund, county general fund and the reclass of the convenient centers and recycling centers. This final budget amendment comes by recommendation by the budget committee.

A **motion** was made by **Commissioner Ledbetter** with a second by **Commissioner Masingo** to accept this recommendation for the final budget amendment.

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

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

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

**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:

(29)  
Motion passed  
to amend C-2  
rezoning  
resolution

- 1) Amendment to the Zoning Resolution of Loudon County, Tennessee, Article 5, Section 5.045, C-2, General Commercial District, Article 4, Supplementary Provisions Applying to Specific Districts, adding Section 4.210, Sexually Oriented Adult Businesses, and Article 2, Section 2.020, Definitions of General Terms. This amendment came with recommendation by the planning commission.

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Maples** to accept this recommendation from the planning commission and amend the zoning resolution. Upon voice vote the chairman announced the motion **Passed**.

(30)  
Motion passed  
to rezone  
property - Hwy.  
411

- 2) Rezoning request for property on Highway 411, located in the Third Legislative District, referenced by Tax Map 87, Parcels 2.01, from C-1, Rural Center District, to C-2, General Commercial District. The planning commission unanimously recommended this property be rezoned.

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Duff** to accept the recommendation by the planning commission and rezone the property.

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

(31)  
Motion passed  
to deny rezoning  
- Cloyds Creek  
Rd.

- 3) 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. The planning commission unanimously recommended this property be rezoned.

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Twiggs** not to accept this recommendation and deny rezoning of this property.

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

(32)  
Motion passed  
to accept certain  
roads

- 4) Discussion and consideration of adopting a Resolution accepting certain roads into the public system located off Matlock Bend Road with Lake Shore Addition #2 in the First Legislative District. The planning commission recommended this resolution be accepted.

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

A **motion** was made by **Commissioner Bivens** with a second by **Commissioner Randolph** to amend the resolution changing the road from Lakeview to Lakeshore.

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

The following Commissioner voted Nay: **Park. (1)**

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

Upon voice vote the chairman announced the original motion as amended **Passed**.

(33)  
Report on  
current  
litigation

**Attorney Sproul** reported that Chancellor Williams has rendered a decision on the Gilman vs. Loudon County BZA suit in favor of the BZA and dismissed the Petition for Certiorari filed by Mr. And Mrs. Gilman. Attorney Sproul anticipates this will be appealed.

**Attorney Sproul** requested direction on the commission's desire to negotiate a settlement on the Sowards vs. Loudon County. No motion was made for negotiations.



(34)  
Building  
Commissioner's  
Report

**Doug Lawrence**, Building Commissioner, had no report.

(35)  
Road  
Commissioner's  
report

**Don Palmer**, Road Commissioner, had no report.

(36)  
Purchasing  
Agent's Report

**Howard Luttrell**, Purchasing Agent, had no report.

(37)  
Notaries  
approved

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

Amy C. Garnjost  
Tabatha A. Porter  
Donna J. Perry

Joanne M. Streiffert  
George T. Williams  
Sandra K. Chaffin

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

(38)  
Adjournment

A **Motion** being duly made and seconded, the June 29, 1998 meeting stood adjourned at 9:35 p.m.

  
CHAIRMAN

ATTEST:

  
COUNTY COURT CLERK

  
COUNTY EXECUTIVE



LOUDON COUNTY COMMISSION

RESOLUTION NO. 062998-A

**RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR  
COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE**

**WHEREAS**, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County Executive has authority to make certain committee and board appointments; and

**WHEREAS**, an appointment (or appointments) is necessary and/or desirable at this time; and

**WHEREAS**, the County Executive appoints the following as a member of the

**TELICO AREA SERVICES SYSTEM**

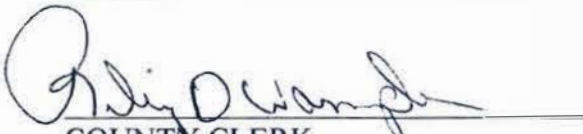
Appointee  
**Mr. Art Spurrier**

Term Expiration  
**June 30, 2001**

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 29th day of June, 1998 hereby approves and acknowledges (as appropriate), the said appointment(s).

  
COUNTY CHAIRMAN

ATTEST:

  
COUNTY CLERK

  
COUNTY EXECUTIVE

The remaining members and their continuing expiration terms for said board or committee are as follows:

Appointee  
**Mr. J. G. Hutson**  
**Mr. Steve Hurst**

Term Expiration  
**June 30, 1999**  
**June 30, 2000**

Exhibit A