

LOUDON COUNTY COMMISSION

REGULAR MEETING

May 3, 1999

1. Public Hearing
2. Opening of Meeting
3. Roll Call
4. Motion **passed** to adopt Agenda
5. Motion **passed** to adopt minutes of April 5, 1999
6. Correction to minutes of March 1, 1999 **passed**
7. Audience Comments on Agenda Items
8. Audience Comments on Non-Agenda Items
9. Report from hospital lease committee
10. Report on Eaton Forest Sewer project
11. Motion **passed** to adopt A Resolution Of Intent To Participate In And Support The Relocation Of Roane State Community College And One Stop Career Center In Conjunction With The Redevelopment Of The 100 Block Of Lenoir City Central Business District
Resolution # 050399, Exhibit A
12. Motion **passed** to fund 50% of cost on option for property of \$5500 for 100 Block of Broadway
13. Report from Intergovernmental Affairs Committee
14. Motion **passed** to adopt A Resolution Of Support For The Preservation Of The Right To Display The Ten Commandments In public Office Buildings
Resolution # 050399, Exhibit B
15. Report on status of Dixie Lee Junction safety improvements
16. Motion **passed** to approve the borrowing of \$79,000 from Capital Projects funds for the purchase of Purdy tract
17. Motion **passed** to approve request from Loudon Utilities for public works projects
Resolution # 050399, Exhibit C
18. Motion **passed** to adopt Initial Resolution Authorizing The Issuance Of Not To Exceed \$2,500,000 Industrial Park Revenue And Tax Bonds, Series 1999 (Taxable) Of Loudon County, Tennessee
Resolution # 050399, Exhibit D
19. Motion **passed** to adopt A Resolution Authorizing The Acquisition And Development Of An Industrial Park (Purdy Tract) And The Submission Of A Certificate Of Public Purpose And Necessity To The State Of Tennessee Building And Finance Committee For The Tennessee Industrial And Agricultural Development Commission
Resolution # 050399, Exhibit E
20. Motion **passed** to adopt a Resolution amending the Zoning Resolution, Article 7, Administration and Enforcement, Section 7.070, County Board of Zoning Appeals
Resolution # 050399, Exhibit F
21. Update from TDOT on railroad crossings at Morton Road
22. Attorney Sproul's report on pending litigation
23. Building Commissioner's Report
24. Motion **passed** to approve request for copier lease for Register of Deed's Office
25. Motion **passed** to approve sale of excess vehicle from Maintenance Dept.
26. Bonds approved
27. Notaries approved
28. Adjournment

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

PUBLIC HEARING

May 3, 1999

6:00 PM

(1)
Public Hearing

- 1) Discussion and consideration of adopting a Resolution amending the Zoning Resolution. Article 7, Administration and Enforcement, Section 7.070, County Board of Zoning Appeals.
No one came forward to speak.

REGULAR MEETING

BE IT REMEMBERED that the Commission of Loudon County convened in regular session in Loudon, Tennessee on the 3rd day of May 1999.

(2)
Opening Of
Meeting

The meeting was called to order by the **Honorable Earlena Maples**.

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

(3)
Roll Call

Present and presiding was the following Commissioners: **Randolph, Thomas, Jenkins, Maples, Masingo, Duff, Park, and Harold (8)**

Thereupon in the absence of **Chairman Bledsoe**, **Vice-Chair Earlena Maples** presided and announced the presence of a quorum. Also present were the **Honorable George Miller**, County Executive, and **Harvey Sproul**, County Attorney.

(4)
Motion passed
to adopt agenda

Madame Chair Maples requested the May 3, 1999 agenda be adopted.
A motion was made by **Commissioner Park** with a second by **Commissioner Harold** to adopt the agenda as presented.
Upon voice vote the motion was **passed** unanimously.

(5)
Minutes
Adopted for
April 5, 1999

Madame Chair Maples requested the minutes of April 5, 1999 be read and accepted.
A Motion was made by **Commissioner Jenkins** with second by **Commissioner Harold** to accept the minutes of April 5, 1999 as presented.
Upon voice vote the motion **passed** unanimously.

(6)
Correction to
minutes of
March 1, 1999
passed

Madame Chair Maples requested the acceptance of the correction of the minutes of March 1, 1999. Action taken to release escrow funds to Matlock Bend Development, Inc. was inadvertently omitted.
A Motion was made by **Commissioner Harold** with second by **Commissioner Park** to accept the correction of minutes of March 1, 1999 to include action taken on the release of escrow funds to MDB, Inc.
Upon voice vote the motion **passed** unanimously.

737

(7)
Audience
Comments on
Agenda Items

Madame Chair Maples asked for any visitor wishing to address the commission regarding items on the planned agenda to come forward.

Mary Anderson came forward and spoke in regards to the minutes of April 5th and the difficulty getting information from county officials and employees.

Wayne Gardin came forward and requested the denial of a settlement in the Freedom Fireworks v. Loudon County case.

June Griffith came forward and spoke in favor of the adoption of the resolution to which supports the preservation of the right to display the Ten Commandments ,if desired, in government buildings.

Attorney Brent Watson, representing American Promotional Events, came forward to explain his client's position and their offer of a possible settlement of the case

Pat Hunter came forward to request the industrial bond resolution be read and asked if this would require a tax increase.

(8)
Audience
Comments on
Non-Agenda
Items

Charles Eblen, Mayor of Lenoir City, came forward to speak in favor of the resolution regarding the Roane State Community College, answered questions the commission had in regard to the project and requested Loudon County to help fund the options on the property.

Madame Chair Maples asked for any visitor wishing to address the commission regarding items not on the agenda.

No one came forward.

Thereupon no other visitors wished to address the commission, **Madame Chair Maples** requested **Executive Miller** to continue with the agenda items.

(9)
Report from
Hospital lease
committee

Executive Miller reported that the Hospital Lease Negotiating Committee met with hospital officials and requested a proposal in writing from Covenant Health. Executive Miller reported that the committee might be making recommendations to the commission in the near future. He also reported that Loudon County had received approximately \$37,000 as a result from the 1997 audit of the Fort Sanders Loudon Hospital. Ms. Martha Chill was introduced to the commission as the new hospital administrator and Ms. Chill gave a presentation to commission on future plans for the hospital.

(10)
Report on Eaton
Forest sewer
project

Executive Miller reported that a community meeting with the residents of Eaton Forest Sewer project will be held on May 11th at the First National Bank at Eatons Crossroads.

(11)
Motion passed
to adopt Roane
State relocation
resolution

Executive Miller requested consideration of adopting A Resolution Of Intent To Participate In And Support The Relocation Of Roane State Community College And One Stop Career Center In Conjunction With The Redevelopment Of The 100 Block Of Lenoir City Central Business District

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

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

Resolution # 050399, Exhibit A

(12)
Motion passed
to fund 50%
cost of option on
land of 100
Broadway

A motion was made by **Commissioner Park** with a second by **Commissioner Jenkins** to fund 50% of the cost of the options on the property of \$5,500 at the 100 block of Broadway for possible site for Roane State Community College. The City of Lenoir City will fund the remaining 50%.

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Duff, Park and Harold (8)**.

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

Commissioner Maples reported from the Intergovernmental Affairs Committee and a survey was handed out to commissioners regarding traffic offender driving schools. Commissioner Maples also reported that a meeting was held with Mr. Ed Loy, Dr. Barry Gordon Commissioner Jenkins, Commissioner Thomas and Commissioner Maple to discuss options regarding animal control authority.

An Intergovernmental Affairs Committee meeting has been scheduled for May 10th, 5:00 p.m. at Lenoir City hall.

A motion was made by **Commissioner Park** with a second by **Commissioner Jenkins** to adopt A Resolution Of Support For The Preservation Of The Right To Display The Ten Commandments In Public Office Buildings.

A motion was made by **Commissioner Randolph** to table the motion to adopt the previous resolution but died due to lack of second.

Upon roll call vote the following commissioners voted Aye to the original motion to adopt the resolution: **Thomas, Maples, Jenkins, Masingo, Duff, Park and Harold (7).**

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

Thereupon the chairman announced the motion **Passed. (7-1)**

Resolution # 050399, Exhibit B

Commissioner Park reported on the status of the Dixie Lee Junction safety improvements. A meeting with the area residents was recently held and the engineer explained what and how improvements would be made. Bids for the project will open on May 25th.

Commissioner Park also reported there would be a jail committee meeting on May 6th, 4:00 p.m. at the Justice Center.

Commissioner Duff, Chairman of the Capital Projects Committee, requested consideration of the following items recommended by the Capital Projects Committee and the Budget Committee:

- 1) Approval of the borrowing of \$79,000 from the Capital Projects fund for the purchase of the Purdy tract.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Duff, Park and Harold (8).**

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

- 2) Approval of request from Loudon Utilities for public works project, which includes the acquisition of property outside the corporate limits of the City of Loudon.

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

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

Exhibit C

Nancy Richesin, Director of Budgets and Accounts, requested consideration of adopting Consideration of adoption an Initial Resolution Authorizing The Issuance Of Not To Exceed \$2,500,000 Industrial Park Revenue And Tax Bonds, Series 1999 (Taxable) of Loudon County, Tennessee.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Duff, Park and Harold (8).**

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

Resolution # 050399, Exhibit D

759

(19)
Motion passed
to adopt
resolution to
acquire Purdy
Tract

Pat Phillips, President of the Economic and Community Development Agency, requested consideration of adopting A Resolution Authorizing The Acquisition And Development Of An Industrial Park (Purdy Tract) And The Submission Of A Certificate Of Public Purpose And Necessity To The State Of Tennessee Building And Finance Committee For The Tennessee Industrial And Agricultural Development Commission

A motion was made by **Commissioner Harold** with a second by **Commissioner Thomas** to adopt this resolution as read.

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Duff, Park and Harold (8).**

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

Resolution # 050399, Exhibit E

(20)
Motion passed
amend Zoning
Resolution
Article 7.
Section 7.070

Mr. Russ Newman, Director of Office of Planning and Community Development, requested discussion and possible action on adopting a Resolution amending the Zoning Resolution. Article 7, Administration and Enforcement, Section 7.070, County Board of Zoning Appeals. This resolution would allow non-Planning Commission members to serve as BZA members.

A motion was made by **Commissioner Jenkins** with a second by **Commissioner Randolph** to adopt this resolution as read.

Upon roll call vote the following commissioners voted Aye: **Maples, Jenkins, Masingo, Duff, and Harold (5).**

The following commissioner voted Nay: **Randolph, Thomas, and Park. (3)**

Thereupon the chairman announced the motion **Passed. (5-3)**

Resolution # 050399, Exhibit F

(21)
Update from
TDOT on RR
crossing

Mr. Newman gave an update from TDOT on the Railroad crossings at Morton Road. A report will be given to the Capital Projects Committee.

(22) Attorney's
report

Attorney Sproul reported that the BZA been settled the Greenback Crushed Stone v. Loudon County BZA case by granting a special exception to Greenback Crushed Stone to allow an asphalt plant. An order of dismissal has been filed. No appeal has yet been filed.

Attorney Sproul reported on the American Promotional Events v. Loudon County case and did not make a recommendation to accept the proposed settlement by Attorney Brent Watson representing American Promotional Events.

(23)
Building
Commissioner's
Report

Doug Lawrence, Building Commissioner, reported the totals for April 1999:

Permits issued:	47	Est. Value:	\$2,125,000
Amount collected:	\$4,325	New taxes:	\$11,200

Don Palmer, Road Commissioner, had no report.

(24)
Motion passed
to approve lease
of copier

Howard Luttrell, Purchasing Agent, requested approval for lease of a copier for the Register of Deeds Office.

A motion was made by **Commissioner Duff** with a second by **Commissioner Harold** to approve this request.

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

(25)
Motion passed
to approve sale
of excess vehicle

Mr. Luttrell requested approval for the sale by sealed bid of an excess vehicle (1980 Chevrolet Pick up) from the Maintenance Department

A motion was made by **Commissioner Park** with a second by **Commissioner Thomas** to approve this request.

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

(26)
Bonds approved

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

Gayle G. Matlock Glenn Alvin McNish
Thomas R. Atchley

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

(27)
Notaries
Approved

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

Thomas R. Atchley Vickie P. Newberry
Misty S. Moore Lois A. Burnett
Wanda K. Joiner Gayle G. Matlock
Jackie McKee Debbie Cook
Frank A. Lackey Glenn A. McNish, Sr.

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

(28)
Adjournment

A **Motion** being duly made and seconded, the May 3, 1999 meeting stood adjourned at 8:55 p.m.



CHAIRMAN

ATTEST:



COUNTY COURT CLERK



COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 050399-A

A RESOLUTION OF INTENT TO PARTICIPATE IN AND SUPPORT THE RELOCATION OF ROANE STATE COMMUNITY COLLEGE AND ONE STOP CAREER CENTER IN CONJUNCTION WITH THE REDEVELOPMENT OF THE 100 BLOCK OF LENOIR CITY'S CENTRAL BUSINESS DISTRICT

WHEREAS, a survey of various corporate executives has identified labor and workforce development as the most important site location issue; and

WHEREAS, a trained and educated workforce contributes to Loudon County's competitiveness in attracting capital intensive business enterprises which contribute significantly to local tax revenues, which in turn benefit education, infrastructure, and other quality of life features in the community; and

WHEREAS, the earning potential of citizens obtaining a bachelor's or associate's degree has increased significantly which enhances life-time earnings and stimulates the local economy; and

WHEREAS, compared to the State of Tennessee, the per capita income for Loudon County is 9.1% less than the state average, and similarly, the percentage of persons obtaining a bachelor's degree in Tennessee is 16.0% compared to 9.6% for Loudon County; and

WHEREAS, the fire which destroyed and blighted the 100 Block of West Broadway, March 6, 1999, caused extensive and permanent loss of both business and personal property, impacting the economic stability and character of the central business district; and

WHEREAS, although the fire was disaster, an opportunity has risen to coordinate a redevelopment effort which promotes workforce development, creates a one stop career center and resource center improving the quality of life for the citizens of Loudon County; and

WHEREAS, Roane State Community College has approached Loudon County and the City of Lenoir City to assist them in identifying and constructing a facility; and

NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission desires to collaborate with the City of Lenoir City in the Construction of a career center, community college, and resource center in the 100 block of W. Broadway.


BE IT FURTHER RESOLVED, that the City of Lenoir City shall obtain the necessary 90 day land sales options for the referenced block and prior to the commitment of the expenditures of public funds for land acquisitions, land values shall be established by certified MAI appraisals.

BE IT FURTHER RESOLVED, that the Loudon County Economic Development Agency is requested to identify appropriate grant assistance sources and to submit the necessary applications on behalf of Loudon County and Lenoir City, to the Department of Commerce, Economic Development Administration and State of Tennessee Economic and Community Development's Appalachian Regional Planning Commission.

BE IT FINALLY RESOLVED, that the Loudon County Commission intends to enter into a joint interlocal agreement to cause for the successful implementation of this project and public welfare requiring it.

Adopted this 3rd day of May 1999.

APPROVED:


County Executive

ATTEST:


County Clerk

Exhibit = A

**LOUDON COUNTY COMMISSION
RESOLUTION NO. 050399 - B**

**A RESOLUTION OF SUPPORT FOR THE PRESERVATION OF THE RIGHT TO
DISPLAY THE TEN COMMANDMENTS IN PUBLIC OFFICE BUILDINGS**

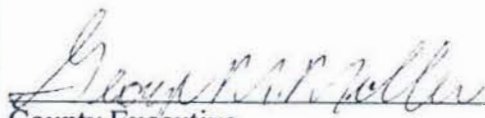
We, the below-signed sitting Commission of Loudon County, in consideration of our great Biblical history of Tennessee, both in our Tennessee Constitution and devotional activities in our heritage, hereby acknowledge the importance of the Ten Commandments of Almighty God and with to go on record in support of this Magnificent Document and state that we will defend our right to its display to the limit of our ability, against all enemies, domestic and foreign, public and private.

In the enacting of this Resolution, we hereby petition the God of Heaven to preserve the peace which He has so graciously extended to us by our ancient acknowledgement of the Ten Commandments and beg His continued protection and alleviation of ills which come to those who forget Him and His Law.

Adopted this 3rd day of May 1999.

APPROVED:

ATTEST:


County Executive


County Clerk

Exhibit = B



Loudon County Commission Meeting
50399 Exhibit C

LOUDON UTILITIES
P.O. BOX 904
LOUDON, TENNESSEE 37774

April 16, 1999

Mr. Harold Duff
Chairman
Capitol Projects Committee
Loudon County Board
100 River Road
Loudon, TN 37774

Dear Mr. Duff:

Whenever a city or a municipal utility has a public works project which includes the acquisition of property outside the corporate limits of the city, the Tennessee Code Annotated (TCA) requires that the County Board give its approval to the public works project.

The Loudon Utility Board is considering three projects which includes the probability of acquiring land outside the corporate limits of the city of Loudon. These projects are:

1. The construction of an electric substation in the Matlock Bend area and the construction of a 69 kV transmission line to serve the new substation.
2. The expansion of the water treatment plant.
3. Improvements in the water distribution system in the area that was formerly the Piney utility system.

The purpose of this letter is to request the approval of these public works projects.

Yours truly,


W. Barry Baker
Utility Manager

WBB/sl

Exhibit = C

764

RESOLUTION 050399 - D

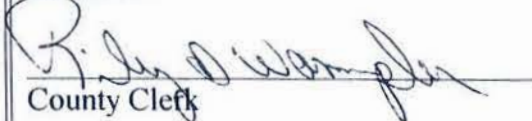
**INITIAL RESOLUTION Authorizing The Issuance Of Not To Exceed
\$2,500,000 (2.5 million) Industrial Park Revenue and Tax Bonds, Series
1999 (Taxable) of Loudon County, Tennessee**

BE IT RESOLVED by the Board of County Commissioners of Loudon County, Tennessee that for the purpose of financing in part the acquisition of land within the corporate limits of the County for use as an industrial park for the County, there shall be issued bonds of said County in the aggregate principal amount not to exceed \$2,500,000 (2.5 million), which shall bear interest at rate or rates not to exceed eight percent (8%) per annum, and which shall be payable from the net revenues of the industrial park and, if such revenues are insufficient to pay the principal of and interest on such bonds from ad valorem taxes to be levied on all taxable property with the County.

THEREUPON, the Chairman declared said resolution to have been duly and regularly adopted and said resolution was signed and approved by the Chairman and County Clerk in open meeting **this 3rd day of May, 1999.**


County Chairman

ATTEST:


County Clerk

APPROVED:


County Executive

Exhibit - D

LOUDON COUNTY COMMISSION

RESOLUTION NO. 050399-E

RESOLUTION AUTHORIZING THE ACQUISITION AND DEVELOPMENT OF AN INDUSTRIAL PARK TO BE LOCATED ON THE SOUTHWEST QUADRANT OF STATE HIGHWAY 72 AND INTERSTATE 75 INTERCHANGE IN LOUDON COUNTY AND THE SUBMISSION TO THE BUILDING FINANCE COMMITTEE FOR THE TENNESSEE INDUSTRIAL AND AGRICULTURAL DEVELOPMENT COMMISSION OF AN APPLICATION FOR CERTIFICATE OF PUBLIC PURPOSE AND NECESSITY AUTHORIZING THE ACQUISITION AND DEVELOPMENT OF SAID INDUSTRIAL PARK

WHEREAS, municipalities and counties in Tennessee are authorized, pursuant to Sections 9-21-101, et seq., and 13-16-201, et seq., *Tennessee Code Annotated*, to acquire and develop industrial parks for their own purposes or for the benefit and use of their inhabitants; and

WHEREAS, the County of Loudon is committed to fostering the orderly development of its communities by supporting specific projects to develop industrial properties; and

WHEREAS, the successful retention and creation of employment opportunities for Loudon County citizens as well as the maintenance and expansion of Loudon County's tax base will be greatly enhanced by the County's ability to expedite current efforts to develop property for industrial uses; and

WHEREAS, the Board of Commissioners of Loudon County (the "county") has determined that is in the best interest of the County and its inhabitants to acquire land for, and develop an industrial park; and

WHEREAS, it is the intention of the Board of County Commissioners to adopt this Resolution for the purpose of authorizing the acquisition of said land and the development thereof an industrial park, and to obtain from the State of Tennessee necessary approvals for said acquisition and development.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled, this 3rd day of May, 1999, as follows:

1. The County is hereby authorized to acquire a certain tract of land in the county containing approximately 284 acres, more or less, more fully described on Exhibit A attached hereto, and by this reference made a part hereof, for the purchase price of approximately Two Million and Five Hundred Dollars (\$2,500,000). The County Executive and County Clerk are authorized to take all actions necessary and proper to acquire said land, including the payment of the purchase price thereof, acceptance of the deed or deeds thereto conveying the property to the County, the execution of all closing documents and closing statements relating thereto, and the payment of the survey and other legal expenses required in the preparation for closing, and the closing of the transaction
2. The County is hereby authorized to develop the land as an industrial park and to construct all improvements, roads, and utilities therein and thereto as shall be necessary for said development. The County Executive is hereby authorized to make such actions as he shall deem necessary or appropriate to develop said land as hereinabove described and construct such improvements.

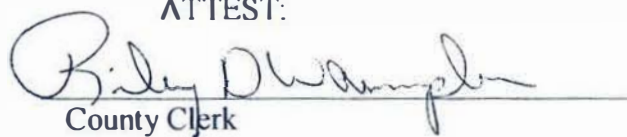
Exhibit = E

3. The County Executive and County Clerk are hereby authorized to cause to be prepared and submitted to the Building Finance Committee of the Tennessee Industrial and Agricultural Development Commission of the Department of Economic and Community Development, an application for the Certificate of Public Purpose and Necessity containing such information as is required by the rules of the Building Finance Committee and to do all things necessary and proper in order to obtain from the Building Finance Committee a Certificate of Public Purpose and Necessity authorizing acquisition of the land and the development of an industrial park thereon.
4. This resolution shall be in immediate effect from and after its adoption and all other resolutions and orders, or parts thereof, in conflict with the provision hereof are, to the extent of such conflicts, hereby repealed.

ADOPTED AND APPROVED this 3rd day of May 1999.


County Chairman

ATTEST:


County Clerk

APPROVED:


County Executive



Loudon County Commission Meeting
50399 - Exhibit F

RESOLUTION

**A RESOLUTION PURSUANT TO TENNESSEE CODE ANNOTATED 13-7-105 AMENDING THE
ZONING RESOLUTION OF LOUDON COUNTY, TENNESSEE, ARTICLE 7, ADMINISTRATION AND
ENFORCEMENT, SECTION 7.070, COUNTY BOARD OF ZONING APPEALS**

WHEREAS, the Loudon County Commission, in accordance with Chapter Four, Section 13-7-105 of the Tennessee Code Annotated, may from time to time, amend any provision of any zoning resolution; and

WHEREAS, the county zoning resolution as originally adopted provided that all of the members of the Board of Zoning Appeals must be appointed from the members of the Planning Commission, but that it is now the belief of the Planning Commission that the appointment of such members should not be restricted to a choice of only members from the Planning Commission; and

WHEREAS, the Loudon County Regional Planning Commission has forwarded its recommendation regarding the amendment of the Zoning Resolution of Loudon County, Tennessee; and

WHEREAS, a Notice of Public Hearing and a summary of the resolution describing the proposed amended resolution appeared in the Loudon County News Herald, a newspaper of general circulation within Loudon County, consistent with the provisions of Tennessee Code Annotated, Section 13-7-105; and

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

Section 1. That Article 7, Administration and Enforcement, Section 7.070, County Board of Zoning Appeals, be amended in its entirety and replaced with the following:

7.070. County Board of Zoning Appeals. A Loudon County Board of Zoning Appeals is hereby established in accordance with Section 13-7-106 of Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Loudon County Commission. Board members shall be appointed to five (5) year terms, with such terms arranged so that the term of one (1) member will expire each year. The county legislative body may appoint associate members of the Board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause, such Board member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body.

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

Exhibit = F

768

RESOLUTION TO AMEND THE ZONING RESOLUTION
SECTION 7.070, COUNTY BOARD OF ZONING APPEALS
PAGE 2


ATTEST


LOUDON COUNTY CHAIRMAN


LOUDON COUNTY EXECUTIVE

DATE: May 3, 1999

The vote on the question of approval of this Resolution by the Planning Commission is as follows

APPROVED: 7

DISAPPROVED: 4


ATTEST: SECRETARY, LOUDON COUNTY REGIONAL
PLANNING COMMISSION
APRIL 20, 1999

FILE #99-4-43-RGZ-CO

Exhibit = F

769

Loudon County Commission

RESOLUTION

No. 062998

**A RESOLUTION PURSUANT TO TENNESSEE CODE ANNOTATED 13-7-105
AMENDING THE ZONING RESOLUTION OF LOUDON COUNTY, TENNESSEE,
ARTICLE 5, SECTION 5.045, C-2 GENERAL COMMERCIAL DISTRICT, ARTICLE 2,
SECTION 2.020, DEFINITIONS OF GENERAL TERMS AND ARTICLE 4, ADDING
SECTION 4.210 SEXUALLY ORIENTED ADULT BUSINESSES**

WHEREAS, the Loudon County Commission, in accordance with Chapter Four, Section: 13-7-105 of the Tennessee Code Annotated, may from time to time, amend any provision of any zoning resolution; and

WHEREAS, the Loudon County Regional Planning Commission has forwarded its recommendation regarding the amendment of the Zoning Resolution of Loudon County, Tennessee; and a notice of public hearing has been published in the Loudon County News Herald, a paper of general circulation; and

WHEREAS, a stated purpose of the Loudon County Zoning Resolution is to promote the public health, safety, morals, convenience, order, prosperity and general welfare of its citizens; and

WHEREAS, the regulation of the height, bulk and size of buildings and structures; the uses of land, buildings and structures; the percentage of lot area; and required open space are designed to promote a safe convenient business environment while preserving community character; and

WHEREAS, the U.S. Supreme Court has upheld the validity of adult entertainment zoning regulations in Young v. American Mini Theaters, Inc., 427 U.S. 50, 96 S.Ct. 2440 (1976), and City of Renton v. Playtime Theaters, Inc., 475 U.S. 41, 106 S.Ct. 926 (1986); and

WHEREAS, the community's exposure to graphic violence in magazines, books and films in adult bookstores is a threat to the community as a whole and in particular to neighborhoods where such businesses may exist; and

WHEREAS, violence, prostitution, indecent exposure, sexual assault, drug sales and use are issues of public policy and which have been documented in earlier court cases in Broadway Books v. Roberts 642 F. Supp. 486 (E.D. Tenn. (1986); and in California v. LaRue 409 U.S. 109 (1972); and

WHEREAS, the community's interest in deterring not only unlawful activity, but conduct inimical to public health would not be achieved without this Resolution; and

WHEREAS, the secondary effects associated with sexually oriented adult businesses within the neighborhood include increased crime, increased traffic, decreased property values, and deteriorating neighborhood character and quality; and

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

Section 1. That Section 5.045, C-2, General Commercial District be deleted in its entirety and replaced with the following:

5.045 General Commercial District

1. General Description

The C-2, General Commercial district is a general commercial and business district located at specific sites customarily along certain arterials and major collector roads with adequate utilities on property physically suitable for such uses and where business uses shall not conflict with adjacent residential and agriculture uses of land. Special emphasis is placed on the physical design of such developments in order to promote the unique scale and character of the community and to protect and enrich the unique qualities of these uses to insure compatibility with the community.

2. Permitted uses

The expanding nature of commercial and business uses prevents identifying all permitted uses which would customarily be located in the district. The following uses and their accessory uses, in addition to being permitted, shall guide other uses not specifically identified which are of a similar nature.

- Retail
- Office
- Convenience stores
- Churches and Places of Worship
- Educational Facilities
- Professional services
- Lodging & restaurants
- Repair services except vehicle or equipment repair
- Wholesale business
- Automotive & marine sales
- Agriculture related sales
- Nursery and garden sales
- Day Care Centers
- Funeral Homes
- Medical Facilities
- Financial services
- Veterinary services

3. Uses Permitted as a Special Exception

The following uses and their related accessory uses may be permitted as a special exception. The decision to allow such uses will depend on the infrastructure necessary to accommodate such uses within the area and compatibility of adjacent uses and zones. In approving such uses the Board may

impose reasonable conditions and restrictions in addition to the requirements established in this resolution to insure the health, safety, general welfare and physical appearance of the community.

- Mobile homes sales lots
- Taverns
- Automotive repair services (body and engine repair)
- Storage Warehouse (except industrial storage)
- Transfer or storage terminal
- Trucking terminals
- Wrecker Services
- Amusement facilities
- Stadiums and Coliseums
- Implement and machinery sales and services

4. Uses Prohibited

- All other uses except those specifically permitted or of a similar nature, or permitted as a special exception
- Sexually Oriented Adult Businesses

5. Dimensional Regulations

All structures within the district shall comply with the following requirements except as provided in Article 6:

- Front Yard: The front yard setback shall not be less than thirty (30) feet.
- Rear Yard: The rear yard setback shall not be less than twenty (20) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required
- Side Yard: The side yard setback shall not be less than twenty (20) feet
- Land Area: No lot shall be used for commercial purposes unless said lot has a minimum lot area of not less than 20,000 square feet, provided said lot is served by public water and an approved sanitary disposal system. Where public water is not available, the minimum land area shall not be less than three (3) acres. Multiple structures may be permitted on a single lot provided that all applicable area and space requirements have been complied with and provided all buildings comply with the Southern Building Code Congress standards for connecting structures.
- Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback.

6. Height Requirement:

No building shall exceed three stories or forty (40) feet in height, except as provided for in Article 6, section 6.030.

7. Lot Area Coverage

There is no maximum lot area coverage within the district.

8. Parking

The number of parking spaces shall be determined by standards in section 4.010 of this Resolution. All parking areas and drives shall be paved with sufficient base, binder and surface to adequately

accommodate the anticipated traffic type and volumes. The periphery of all parking areas and entrances shall be curbed with a minimum of 6 inches of extruded concrete curbing or similar material. Parking and storage areas shall maintain a minimum of five (5) feet at each side and rear property lines. These areas shall be permanently maintained as a buffer/landscaped area.

9. Exterior Storage and loading areas

Exterior storage of materials, equipment, or damaged automobiles or parts shall not be permitted unless approved by the Board of Zoning Appeals. Any storage area permitted shall be landscaped or screened utilizing appropriate building materials. Loading areas shall be screened utilizing appropriate building materials, landscaping or earthen berms. Exterior solid waste disposal containers shall be enclosed.

10. Signs

In addition to section 4.090, the following provisions apply to the use of sign structures on any commercially zoned property. Signs shall be considered, in the C-2 district, as accessory structures incidental to the permitted use or use permitted as a special exception. The content of sign(s) shall not be regulated only the physical characteristics of the sign structure. One free standing structure, not to exceed twenty (20) feet in height, is permitted not to exceed 120 square feet in area per sign face; two minor sign structures, customarily intended for directional purposes, are permitted not to exceed three (3) feet in height and not exceeding four (4) square feet in area per structure. Signs attached to the wall of the primary structure (s) shall be permitted. The total area for such signs shall be calculated based on the length of the building facade facing the primary road. Wall signs shall not exceed 1 square foot per lineal foot of building facade and shall not be located above the building eaves.

11. Conflicts

If a conflict exists between this amendment and any existing or future amendment, the more stringent requirement shall prevail.

Section 2. That Article 2, Section 2.020, Definition of General Terms, be amended by adding the following:

Sexually Oriented Adult Businesses: Retail uses devoted to the sale, distribution, viewing or provision of services that are characterized by emphasis upon the depiction of "specified sexual activities" or "specified anatomical areas", hereinbelow defined. Sexually oriented adult businesses include, but are not limited to, adult bookstores, adult nightclubs/bars, adult motion picture theaters, cabarets, massage parlors, adult theaters, and all other businesses which regularly feature materials, acts or displays involving sexual excitement or enticements.

Specified Anatomical Sexual Areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks or anus:
2. Human female breasts below a point immediately above the top of the areolae, even if completely and opaquely covered; or
3. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activity:

1. Human genitals in a state of actual or simulated sexual stimulation or arousal;
2. Acts of actual or simulated human masturbation, sexual intercourse or sodomy;
3. Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Sexually oriented torture, beating or the infliction of pain;
5. Erotic touching, fondling or other such contact with an animal by a human being; or
6. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth above.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theater: Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for the observation by patrons therein.

Cabaret: Any restaurant, bar, dance hall, nightclub or other such public place which features exotic dancers, strippers, male or female impersonators or similar entertainers.

Massage Parlor: Any premise, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage service or procedure. This definition shall not apply nor be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, osteopath or licensed massage therapist, licensed through the State of Tennessee Division of Health Related Board. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist.

Massage: Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, body paint or other such embrocation to any person.


Section 3. That Article 4, Supplementary Provisions Applying to Specific Districts, be amended by adding Section 4.210., Sexually Oriented Adult Businesses.

4.210. Sexually Oriented Adult Businesses

Sexually oriented adult business, as herein defined in Article 2 of the Zoning Resolution of Loudon County, Tennessee, shall be **prohibited** in any zoning district within the unincorporated areas of Loudon County.

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


ATTEST



LOUDON COUNTY CHAIRMAN
DATE: 6/29/98


APPROVED: LOUDON COUNTY EXECUTIVE.

The vote on the question of approval of this Resolution by the Planning Commission is as follows:

APPROVED: 8

DISAPPROVED: _____


ATTEST: SECRETARY, LOUDON COUNTY REGIONAL
PLANNING COMMISSION
DATE: 5/19/98

FILE #96-3-14-RGZ-CO