

**LOUDON COUNTY COMMISSION**

**REGULAR MEETING**

**September 13, 1999**

1. Public Hearing
2. Opening of Meeting
3. Roll Call
4. Motion **passed** to amend the Agenda
5. Motion **passed** to adopt the Agenda as amended
6. Motion **passed** to elect Commissioner Roy Bledsoe as Chairman
7. Motion **passed** to elected Commissioner Earlena Maples as Chair Pro Tempore
8. Motion **passed** to adopt minutes of August 2, 1999
9. Motion **passed** to adopt minutes of Special Called Meeting August 16, 1999
10. Motion **passed** to have transcripts made of Public Hearings
11. Audience Comments on Agenda Items
12. Audience Comments on Non-Agenda Items
13. Motion **passed** to approve FOP memorial
14. Recognition of Boy Scout Troop #354
15. Motion **passed** to place Urban Growth Boundaries at current city limits
16. Motion **passed** to make committee appointments  
**Resolution # 091399. Exhibit A-J**
17. Motion **passed** to make Budget Committee appointments  
**Resolution # 091399. Exhibit K**
18. Motion **passed** to adopt A Resolution Requesting Approval To Increase The Loudon County Litigation Tax For Chancery Court To Match The State Litigation Tax  
**Resolution # 091399. Exhibit L**
19. Motion **passed** to adopt A Resolution Requesting Approval To Increase The Loudon County Litigation Tax For Circuit Court To Match The State Litigation Tax  
**Resolution # 091399. Exhibit M**
20. Motion **passed** to adopt Resolution Of Acceptance Of The Proposal Of The Tennessee Department Of Transportation To Construct A Project Designated As Federal Project No. Stp-Nh-73(23), State Project No. 53008-2228-14, Sr-73 (Us-321) From 0.5 Km South Of Fort Loudoun Dam To 1.25 Km Northwest Of Sr-95 In Loudon County  
**Resolution # 091399. Exhibit N**
21. Motion **passed** to make appointment to Solid Waste Commission  
**Resolution # 091399. Exhibit O**
22. Motion **passed** to adopt a Resolution To Urge The General Assembly To Reform The Local Option Sales Tax When General Tax Reform Is Considered  
**Resolution # 091399. Exhibit P**
23. Motion **passed** to adopt Resolution Ratifying Action Of County Executive And Loudon County Economic Development Agency Relating To Subordination Of Right Of First Refusal To Eastman Chemical Company And The Meeting Of Prerequisites In The Agreement With John Thornton  
**Resolution # 091399. Exhibit Q**

24. Motion **passed** to authorize County Executive to sign EDA contracts on Roane St./Career Center project
25. Motion **passed** to cancel Sept. 20<sup>th</sup> workshop
26. Motion **passed** to adopt a Resolution Authorizing Purchase Of Land For Expansion Of Highland Park Elementary School  
**Resolution # 091399. Exhibit R**
27. Report on safety improvements at Hwy.70 and Hickory Creek Rd.
28. Motion **failed** to approve purchase six cars for Sheriff's Dept.
29. Motion **failed** to approve purchase eight cars for Sheriff's Dept.
30. Motion **passed** to approve purchase of ten cars for Sheriff's Dept.
31. Motion **passed** to adopt a Resolution Authorizing The Issuance Of Interest Bearing Industrial Park Capital Outlay Notes (Taxable), Series 1999 Of Loudon County, Tennessee, In An Aggregate Principal Amount Not To Exceed Two Million Five Hundred Thousand Dollars (\$2,500,000); Making Provision For The Issuance, Sale And Payment Of Said Notes, Establishing The Terms Thereof And The Disposition Of Proceeds Therefrom; Providing For The Levy Of Tax For The Payment Of Principal Thereof And Interest Thereon; And Providing For Reimbursement Of Expenditures Made To Fund The Project Authorized Herein. Resolution # 091399, Exhibit S
32. Motion **passed** to adopt amended resolution on communication towers  
**Resolution # 091399. Exhibit T**
33. Motion **passed** to deny rezoning of property on Hines Valley Road
34. Motion **passed** to approve request to purchase property in the Sugarlimb Industrial Park
35. Motion **passed** to approve request to purchase property in the Blair Bend Industrial Park
36. Motion **passed** to approve sale property in Centre Seventy-Five
37. Motion **passed** to adopt a Resolution Approving Settlement Of Lawsuit (Charles D. Mounger And Katherine Nance Mounger V. Loudon County In Loudon County Chancery Cause No. 9320), Involving Acceptance Of Right-Of-Way On Hall Road, Estes Road, And New Providence To Pine Grove Road  
**Resolution # 091399. Exhibit U**
38. Motion **passed** to adopt a Resolution Levying 1999 Special Assessment On Buildable Parcels For Sewer Improvements In Eatonwood Special Sewer District
39. Motion **passed** to authorize the County Executive to seek council in the Connie Clark v. Loudon County case if meeting is unsuccessful
40. Building Commissioner's Report
41. Motion **passed** to approve request by Board of Education for copier
42. Motion **passed** to approve request by Planning Office for copier
43. Motion **passed** to approve request by Central Accounting for copier
44. Bond approved
45. Notaries approved
46. Adjournment



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

**PUBLIC HEARING  
September 13, 1999  
6:00 PM**

(1)  
Public Hearing

- 1) Review proposed standards for Telecommunication Towers  
Pat Hunter, 416 Chestnut Ridge Drive, came forward and stated that she felt this ordinance was way over due and she is glad Loudon County Planning Commission has done something about regulating the telecommunication Towers.
- 2) Review drainage problems created by Conkinnon Subdivision – Russ Newman  
No one came forward to speak.

**REGULAR MEETING**

(2)  
Opening Of  
Meeting

**BE IT REMEMBERED** that the Commission of Loudon County convened in regular session in Loudon, Tennessee on the 13<sup>th</sup> day of September 1999.

The meeting was called to order by the **Honorable Roy Bledsoe**.

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

(3)  
Roll Call

Present were the following Commissioners: **Randolph, Thomas, Jenkins, Maples, Bledsoe, Masingo, Duff, Park, and Harold (9)**

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

(4)  
Motion passed  
to amend  
agenda

**Executive Miller** requested the September 13, 1999 agenda be adopted.

**Commissioner Park** requested that consideration of the Growth Management Plan be added to the agenda.

**Executive Miller** requested a show of hands in favor of adding this to the agenda. Upon show of hands the addition to the agenda **passed**.

(5)  
Motion passed  
to adopt agenda  
as amended

**Commissioner Jenkins** requested that the transcripts be produced for the County Commission Public Hearings.

**Executive Miller** requested a show of hands in favor of adding this to the agenda. Upon show of hands the addition to the agenda **passed**.

(6)  
Motion passed  
to elect  
Chairman

**Executive Miller** entertained motions for the Election of Chairman of County Commission.

A **motion** was made by **Commissioner Thomas** with a second by **Commissioner Maples** to nominate Commissioner Roy Bledsoe for Chairman.

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

(7)  
Motion passed  
to elect Chair  
Pro Tempore

**Chairman Bledsoe** requested nominations for Chair Pro Tempore.

A **motion** was made by **Commissioner Thomas** with a second by **Commissioner Jenkins** to nominate Commissioner Earlena Maples as Chair Pro Tempore.

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

**Chairman Bledsoe** requested the minutes of August 2, 1999 be read and accepted.

**Commissioner Duff** requested that a statement be added to Pat Hunter's statement in the Public Hearing portion of the minutes. The statement is to say "Mr. and Mrs. Pat Hunter are in opposition of being in the Urban Growth Area of the Urban Growth Plan and are in opposition of being annexed by the city of Lenoir City."

**Commissioner Harold** requested that the 2<sup>nd</sup> to a motion on page three be inserted.

**Commissioner Jenkins** requested that a statement be added to Mary Anderson's statement in the Public Hearing portion of the minutes. The statement is to say "Ms. Mary Anderson does not wish to be included in the Urban Growth Area proposed by Lenoir City and does not wish to be annexed by the City of Lenoir City."

A **Motion** was made by **Commissioner Duff** with second by **Commissioner Park** to accept the minutes of August 2, 1999 with the additions and correction.

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

**Chairman Bledsoe** requested the minutes of the Special Called Meeting August 16, 1999 be read and accepted.

A **Motion** was made by **Commissioner Park** with second by **Commissioner Harold** to accept the minutes of August 16, 1999 as presented.

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

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Harold** to have transcripts made of Public Hearings.

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

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

Alleen Longmire, 3815 Matlock Bend Road, came forward and spoke in opposition of the proposed Urban Growth Area proposed by the City of Loudon and does not wish to be annexed into the city of Loudon.

Pat Hunter, 416 Chestnut Ridge Drive, came forward and thanked Commissioner Jenkins for making the motion to transcript the public hearings.

Alma Seals, Eaton Crossroads area, came forward and spoke in opposition of being a part of the Urban Growth Boundary proposed by Lenoir City.

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

Mr. Ken Shockley, representing the Fraternal Order of Police, came forward and requested the Commission to consider action on a request from the FOP to place a memorial by the flag pole at the Justice Center for those law officers who have past on or are no longer with us. Officers belonging to the FOP are the Loudon County Sheriff's Deputies, Loudon City Officers, Lenoir City Officers, TVA officers and the Bureau of Tobacco and Firearms.

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Harold** to waive the rules and add this item to the agenda for consideration.

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

A **motion** was made by **Commissioner Park** with a second by **Commissioner Randolph** to approve the placement of the memorial at the Justice Center by the FOP.

Thereupon no other visitors wished to address the commission, **Chairman Bledsoe** recognized the Boy Scouts, Troup #354, present at the meeting as part of their community citizenship requirements.

(8)  
Minutes  
Adopted for  
August 2, 1999

(9)  
Minutes  
Adopted for  
Special Called  
Meeting August  
16, 1999

(10)  
Motion passed  
to transcript  
public hearings

(11)  
Audience  
Comments on  
Agenda Items

(12)  
Audience  
Comments on  
Non-Agenda  
Items

(13)  
Motion passed  
to approve FOP  
memorial

(14)  
Recognition of  
Boy Scout  
Troop #354



County Executive George Miller suggested that action on the Growth Management Plan be considered at this time.

A motion was made by Commissioner Park with a second by Commissioner Randolph that the Urban Growth Boundaries are to be where the existing city limits are in all areas of the county including Loudon, Lenoir City, Greenback and Philadelphia.

Upon roll call vote the following commissioners voted Aye: Randolph, Thomas, Maples, Masingo, Bledsoe, Duff and Park (7).

The Following Commissioners voted Nay: Jenkins and Harold (2).

Thereupon the chairman announced the motion Passed. (7-2)

Executive Miller requested consideration of adoption of resolutions making appointments to committees. These resolutions may be adopted individually or as one motion.

A motion was made by Commissioner Harold with a second by Commissioner Maples to adopt the following resolutions making committee appointments as presented:

Capital Projects Committee	Resolution # <u>091399</u> , Exhibit <u>A</u>
Maintenance Committee	Resolution # <u>091399</u> , Exhibit <u>B</u>
Purchasing Committee	Resolution # <u>091399</u> , Exhibit <u>C</u>
Intergovernmental Affairs Committee	Resolution # <u>091399</u> , Exhibit <u>D</u>
Blair Bend Industrial Committee	Resolution # <u>091399</u> , Exhibit <u>E</u>
Industrial Committee of 100 Board	Resolution # <u>091399</u> , Exhibit <u>F</u>
Financial Advisory Committee	Resolution # <u>091399</u> , Exhibit <u>G</u>
Sheriff's Merit Services Board	Resolution # <u>091399</u> , Exhibit <u>H</u>
Senior Citizens Executive Committee	Resolution # <u>091399</u> , Exhibit <u>I</u>
Executive Planning Committee	Resolution # <u>091399</u> , Exhibit <u>J</u>

Upon voice vote the motion passed unanimously.

A motion was made by Commissioner Harold with a second by Commissioner Park to adopt a resolution making appointments to the Budget Committee, replacing Commissioner Randolph with Commissioner Bledsoe.

Upon voice vote the motion passed unanimously.

Resolution # 091399, Exhibit K

Executive Miller requested consideration of adoption of A Resolution Requesting Approval To Increase The Loudon County Litigation Tax For Chancery Court To Match The State Litigation Tax.

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

Upon roll call vote the following commissioners voted Aye: Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).

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

Resolution # 091399, Exhibit L

Executive Miller requested consideration of adoption of A Resolution Requesting Approval To Increase The Loudon County Litigation Tax For Circuit Court To Match The State Litigation Tax.

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

Upon roll call vote the following commissioners voted Aye: Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).

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

Resolution # 091399, Exhibit M

(20)  
Motion passed  
to adopt a  
resolution  
accepting TDOT  
contract

**Executive Miller** requested consideration of adopting a Resolution Of Acceptance Of The Proposal Of The Tennessee Department Of Transportation To Construct A Project Designated As Federal Project No. Stp-Nh-73(23), State Project No. 53008-2228-14, Sr-73 (Us-321) From 0.5 Km South Of Fort Loudoun Dam To 1.25 Km Northwest Of Sr-95 In Loudon County.

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

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

**Resolution # 091399, Exhibit N**

(21)  
Motion passed  
to appoint Solid  
Waste  
Commission  
member

**Executive Miller** requested consideration of adopting a resolution appointing Steve Field to the Solid Waste Commission. Mr. Field will complete the unexpired term of Ben Surret.

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

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

**Resolution # 091399, Exhibit O**

(22)  
Motion passed  
to adopt  
resolution on  
sales tax reform

**Executive Miller** requested consideration of adopting a Resolution To Urge The General Assembly To Reform The Local Option Sales Tax When General Tax Reform Is Considered

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, [REDACTED], Masingo, Bledsoe and Harold (6).**

**The Following Commissioners voted Nay: Jenkins Duff and Park (3).**

Thereupon the chairman announced the motion **Passed. (6-3)**

**Resolution # 091399, Exhibit P**

(23)  
Motion passed  
to adopt  
resolution  
regarding EDA

**Executive Miller** requested consideration of adopting a Resolution Ratifying Action Of County Executive And Loudon County Economic Development Agency Relating To Subordination Of Right Of First Refusal To Eastman Chemical Company And The Meeting Of Prerequisites In The Agreement With John Thornton.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

**Resolution # 091399, Exhibit Q**

(24)  
Motion passed  
to sign EDA  
Contract

**Executive Miller** requested consideration of approval for County Executive to sign EDA contracts on the Roane State/Career Center Project.

A motion was made by **Commissioner Maples** with a second by **Commissioner Randolph** to approve the County Executive to sign EDA contracts on Roane State/Career Center Project.

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

(25)  
Motion passed  
to cancel  
workshop

**Executive Miller** requested consideration of rescheduling the September 20<sup>th</sup> workshop due to the County Executive and the County Attorney will be out of town.

A motion was made by **Commissioner Duff** with a second by **Commissioner Maples** to cancel the workshop meeting on September 20, 1999.

Upon voice vote the motion **passed.**



(26)  
Motion passed  
to adopt  
resolution on  
purchase of land  
at Highland  
Park School

**Commissioner Duff**, Chairnman of the Capital Projects Committee, requested consideration of approval for acquisition of property adjacent to Highland Park School by the Board of Education and the adoption of a Resolution Authorizing Purchase Of Land For Expansion Of Highland Park Elementary School.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Harold** to adopt this resolution and approve this purchase on the condition that it is paid by the Board of Education.

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9)**.

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

**Resolution # 091399, Exhibit R**

(27)  
Report on Hwy.  
70/Hickory  
Creek Rd.  
intersection

**Commissioner Duff** reported that the safety improvement project at Hickory Creek Road and Highway 70 was discussed at the Capital Projects Committee meeting. Mr. Russ Newman reported that TDOT has verbally committed funds to go ahead with completing the project.

**Nancy Richesin**, Director of Budgets and Accounts, requested consideration of approval for the purchase of new cars for the Sheriff's Department. The Purchasing Committee recommended to the Budget Committee to purchase 10 new cars and extended warranties to be purchased. The Budget Committee referred this item to the County Commission without a recommendation. The new cars will be funded from the Capital Projects fund. A **motion** was made by **Commissioner Park** with a second by **Commissioner Harold** to purchase ten (10) cars for the Sheriff's Department.

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Thomas** to amend the motion and purchase eight (8) cars for the Sheriff's Department.

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Maples** to amend the amendment to the motion and purchase six (6) cars for the Sheriff's Department.

(28)  
Motion failed to  
purchase six  
cars for Sheriff's  
Dept.

Upon roll call vote on the amendment to the amendment to the original motion to purchase six cars the following commissioners voted Aye: **Randolph and Maples, (2)**.

The Following Commissioners voted Nay: **Thomas, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (7)**.

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

(29)  
Motion failed to  
purchase eight  
cars for Sheriff's  
Dept.

Upon roll call vote on the amendment to the motion to purchase eight cars the following commissioners voted Aye: **Thomas, Maples, Jenkins and Bledsoe (4)**.

The Following Commissioners voted Nay: **Randolph, Masingo, Duff, Park and Harold (5)**.

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

(30)  
Motion passed  
to purchase Ten  
cars for Sheriff's  
Dept.

Upon roll call vote on the original motion to purchase ten cars the following commissioners voted Aye: **Thomas, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (7)**

The Following Commissioners voted Nay: **. Randolph and Maples (2)**.

Thereupon the chairnman announced the motion **Passed. (7-2)**

(31)  
Motion passed  
to adopt Capital  
Outlay Notes

**Ms Richesin** requested consideration of adopting a Resolution Authorizing The Issuance Of Interest Bearing Industrial Park Capital Outlay Notes (Taxable), Series 1999 Of Loudon County, Tennessee, In An Aggregate Principal Amount Not To Exceed Two Million Five Hundred Thousand Dollars (\$2,500,000); Making Provision For The Issuance, Sale And Payment Of Said Notes, Establishing The Terms Thereof And The Disposition Of Proceeds Therefrom; Providing For The Levy Of Tax For The Payment Of Principal Thereof And Interest Thereon; And Providing For Reimbursement Of Expenditures Made To Fund The Project Authorized Herein.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9)**.

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

**Resolution # 091399, Exhibit S**



**Mr. Russ Newman**, Office of Planning and Community Development, requested discussion and possible action on the following items referred to the county commission by the planning commission:

- 1) Proposed standards for Telecommunication Towers and consideration of adoption of A Resolution Amending The Zoning Resolution Of Loudon County, Tennessee, Article 4, Supplementary Provisions Applying To Specific Districts, Adding Section 4.230 Development Standards For Permitting Telecommunication Towers And Antennas Pursuant To Tennessee Code Annotated Section 13-7-105

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

A motion was made by **Commissioner Randolph** with a second by **Commissioner Park** to amend the motion to amend Section E.-6 of the resolution to say that no signs will be allowed on the towers.

Upon voice vote the amendment to the motion passed.

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

The following Commissioner voted Nay: **Harold (1)**

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

**Resolution # 091399, Exhibit T**

- 2) Rezoning request for property on Hines Valley Road, North, located in the Fifth Legislative District, referenced by Tax Map 16, Parcel 1.04, From A-2, Rural Residential District, to R-1, Suburban Residential District – Tony Stafford

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

Upon voice vote the motion passed unanimously.

**Mr. Pat Phillips**, Loudon County Economic Development Agency, requested consideration of a request by Gary Johnson of Johnson Propellers to purchase 4.88 acres located between Nationwide Express (CCCH Real Estate, L.P.) and Johnson Propellers (Page property) in the Sugarlimb Industrial Park for \$17,500/acre (\$85,400).

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

**Mr. Phillips** requested consideration of a request by James Purdy to purchase 8 acres located between Loudon County Trucking and Howell Industrial Laundry in the Blair Bend Industrial Park for \$15,000/acre (\$120,000).

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

**Mr. Phillips** requested consideration of a request to sell to Timothy and Sheila Watson in Centre Seventy-Five Business Park approximately 12 acres, one residential dwelling and accessory structures located on Robinson Springs Road for \$175,000 per option agreement.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

(32)  
Motion passed  
to amend  
communication  
towers  
resolution

(33)  
Motion passed  
to deny rezoning  
on Hines Valley  
Road

(34)  
Motion passed  
to approve  
purchase of  
property in  
Sugarlimb Ind.  
Park

(35)  
Motion passed  
to approve  
purchase of  
property in  
Blair Bend Ind.  
Park

(36)  
Motion passed  
to sell property  
in Centre 75  
park



**Attorney Sproul** requested consideration of adopting a Resolution Approving Settlement Of Lawsuit (Charles D. Mounger And Katherine Nance Mounger V. Loudon County In Loudon County Chancery Cause No. 9320), Involving Acceptance Of Right-Of-Way On Hall Road, Estes Road, And New Providence To Pine Grove Road.

(37)  
Motion passed to adopt resolution to settle Mounger suit

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

**Resolution # 091399, Exhibit U**

**Attorney Sproul** requested consideration of adopting a Resolution Levying 1999 Special Assessment On Buildable Parcels For Sewer Improvements In Eatonwood Special Sewer District.

(38)  
Motion passed to adopt resolution for sewer assessments

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

**Resolution # 091399, Exhibit V**

**Attorney Sproul and Executive Miller** commented and answered questions regarding the **Connie Clark v. George Miller and Loudon County** suit. Mrs. Clark has sued for two additional personnel for General Sessions, which was not approved in the budget. Commissioner Jenkins suggested that he and other representatives meet with Mrs. Clark about the suit and request that she reconsidered because of the needs assessment study that will be done in the near future on the Justice Center.

(39)  
Motion passed to defend Connie Clark suit

A **motion** was made by **Commissioner Park** with a second by **Commissioner Maples** to authorize Executive Miller to seek council to defend this case if the meeting with Mrs. Clark is unsuccessful.

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

The following Commissioner voted Nay: **Harold (1)**

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

(40)  
Building Commissioner's Report

**Doug Lawrence**, Building Commissioner, reported the totals for May 1999:

Permits issued:	54	Est. Value:	\$2,718,000
Amount collected:	\$4,811	New taxes:	\$14,000

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

**Doug Lawrence** presented the following items for **Howard Luttrell**, Purchasing Agent,:

1) Consideration of request by the Board of Education for approval of lease of a copier for a 60-month term at \$589.07/month.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

2) Consideration of request by the Office of Planning and Community Development for approval of lease of a copier for \$220.02/month.

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

Upon roll call vote the following commissioners voted Aye: **Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).**

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

(41)  
Motion passed to approve lease of copier for BOD

(42)  
Motion passed to approve lease of copier for Planning Office

- 3) Consideration of request by Nancy Richesin for approval of lease of a copier used in the County Office Building for \$536.50/month.

(43)  
Motion passed  
to approve lease  
of copier for  
accounting

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

Upon roll call vote the following commissioners voted Aye: Randolph, Thomas, Maples, Jenkins, Masingo, Bledsoe, Duff, Park and Harold (9).

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

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

Oscar Jackson Hardin

The motion Passed unanimously upon voice vote.

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

(45)  
Notaries  
Approved

Jennifer John

Susan H. Fox

Susie J. Lee

Karen Johnson

Ramona M. Sutton

Sandra L. Hovis

Kattie Bright

Crystal D. Watkins

Drew D. Wisecarver

Gerald G. Pettyjohn

Guilford F. Tyler, Jr.

Ann W. Barr

Robert E. Wilkerson

Katherine H. Proaps

Oscar J. Hardin

Cynthia K. Culver

The motion Passed unanimously upon voice vote.

(46)  
Adjournment

There being no further business, a Motion being duly made and seconded, the September 13, 1999 meeting stood adjourned at 8:37 p.m.

  
CHAIRMAN

ATTEST:

  
COUNTY COURT CLERK

  
COUNTY EXECUTIVE



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-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

**LOUDON COUNTY  
CAPITAL PROJECTS COMMITTEE**

<u>Appointee</u>	<u>Term Expiration</u>
Commissioner Roy Bledsoe	8-31-2000
Commissioner Harold Duff (Chair)	8-31-2000
Commissioner Ed Harold	8-31-2000
Commissioner Earlena Maples	8-31-2000
Commissioner Ted Randolph	8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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:

<u>Appointee</u>	<u>Term Expiration</u>
None	

**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-B**

**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

**LOUDON COUNTY  
MAINTENANCE COMMITTEE**

<u>Appointee</u>	<u>Term Expiration</u>
Commissioner Earlena Maples	8-31-2000
Commissioner Jerry Park	8-31-2000
Commissioner Jim Thomas	8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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:

<u>Appointee</u>	<u>Term Expiration</u>
Howard Luttrell, Purchasing Agent	
Glenn Presley, Maintenance Supervisor	
George Miller, County Executive	
Edward Headlee, School Superintendent	
3 members appointed by School Board	



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-C**

**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

**LOUDON COUNTY  
PURCHASING COMMITTEE**

<u>Appointee</u>	<u>Term Expiration</u>
Commissioner Ted Randolph	8-31-2000
Commissioner Harold Duff	8-31-2000
Commissioner Earlena Maples	8-31-2000
Commissioner Jerry Masingo	8-31-2000
Commissioner Jim Thomas	8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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:

<u>Appointee</u>	<u>Term Expiration</u>
None	

**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-D**

**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

**LOUDON COUNTY  
INTERGOVERNMENTAL AFFAIRS COMMITTEE**

<u>Appointee</u>	<u>Term Expiration</u>
Commissioner Harold Duff	8-31-2000
Commissioner Chuck Jenkins	8-31-2000
Commissioner Earlena Maples	8-31-2000
Commissioner Jerry Park	8-31-2000
Commissioner Jim Thomas	8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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:

<u>Appointee</u>	<u>Term Expiration</u>
None	



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-E**

**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

**LOUDON COUNTY  
BLAIR BEND INDUSTRIAL COMMITTEE**

Appointee

Term Expiration


Commissioner Roy Bledsoe  
Commissioner Jerry Masingo  
Commissioner Jerry Park

8-31-2000  
8-31-2000  
8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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

Term Expiration

City of Loudon  
Mayor Bernie Swiney  
Ben Surret  
Nancy James

LOUDON COUNTY COMMISSION

RESOLUTION NO. 091399-F

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

**LOUDON COUNTY  
INDUSTRIAL COMMITTEE OF 100  
BOARD OF DIRECTORS**

Appointee

Term Expiration

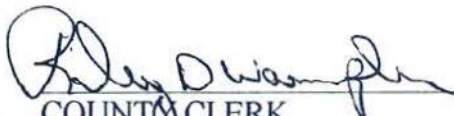
Commissioner Ted Randolph

8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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

Term Expiration

None



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-G**

**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

**LOUDON COUNTY  
FINANCIAL ADVISORY COMMITTEE**

Appointee

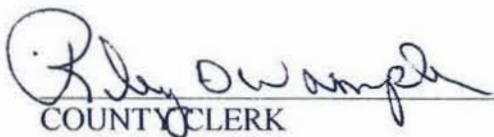
Term Expiration

Commissioner Harold Duff	8-31-2000
Commissioner Chuck Jenkins	8-31-2000
Commissioner Jerry Masingo	8-31-2000
George Miller, County Executive (Chair)	8-31-2000
Nancy Richesin, Director of Budgets	8-31-2000
Estelle Herron, Trustee	8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or acknowledges (as appropriate), the said appointment(s).

  
COUNTY CHAIRMAN

ATTEST:

  
COUNTY CLERK

  
COUNTY EXECUTIVE

**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-H**

**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 members of:

**LOUDON COUNTY  
SHERIFF'S MERIT SERVICES BOARD**

Appointee

Term Expiration

**Slot (B)**

**Jerry Masingo**

**8/31/99 - 8/31/2002**

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 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

Term Expiration

**Slot (A)**

**Roy Bledsoe**

**8/31/97 - 8/31/2000**

**Slot (C)**

**Earlena Maples**

**8/31/97 - 8/31/2000**



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-I**

**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

**LOUDON COUNTY  
SENIOR CITIZENS EXECUTIVE COMMITTEE**

Appointee

Term Expiration

Commissioner Roy Bledsoe

8-31-2000

Commissioner Harold Duff (Alternate)

8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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

Term Expiration

None

**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-J**

**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

**LOUDON COUNTY  
EXECUTIVE PLANNING COMMITTEE**

Appointee

Term Expiration


**Commissioner Chuck Jenkins**

**8-31-2000**

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or acknowledges (as appropriate), the said appointment(s).

  
COUNTY CHAIRMAN

ATTEST:

  
COUNTY CLERK

  
COUNTY EXECUTIVE



LOUDON COUNTY COMMISSION

RESOLUTION NO. 091399-K

**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

**LOUDON COUNTY  
BUDGET COMMITTEE**

Appointee

Term Expiration

Commissioner Ed Harold  
Commissioner Chuck Jenkins  
Commissioner Jerry Park  
Commissioner Roy Bledsoe

8-31-2000  
8-31-2000  
8-31-2000  
8-31-2000

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 13<sup>th</sup> day of September, 1999 hereby approves or 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

Term Expiration

George Miller, County Executive  
Nancy Richesin, Director of Budgets

**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-L**

**A RESOLUTION REQUESTING APPROVAL TO INCREASE THE LOUDON COUNTY LITIGATION TAX FOR CHANCERY COURT TO MATCH THE STATE LITIGATION TAX**

**WHEREAS**, the Loudon County Clerk & Master requests Loudon County Commission to increase the amount of litigation tax; and

**WHEREAS**, the Attorney General Opinion U88-109 updated September 28, 1998, stated that counties may by resolution levy a litigation tax in an amount not to exceed the amount of state litigation tax charged; and

**WHEREAS**, the County Commission must pass a resolution stating its desire to raise the litigation tax; and

**WHEREAS**, the State of Tennessee has increased the State Litigation Tax on Criminal, Circuit, General Sessions Civil, and General Sessions Criminal Court and

**WHEREAS**, by raising the local litigation tax Loudon County will receive more revenues from filing parties; and

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission of Loudon County, Tennessee meeting in regular session on this 13<sup>th</sup> day of September, 1999, that the Loudon County Commission increase litigation tax as follows to match the State Litigation Tax:

Chancery Court	\$23.75
----------------	---------


**BE IT FURTHER RESOLVED** that this resolution take effect on October 1, 1999 upon adoption, the public welfare requiring it.

Adopted this 13<sup>th</sup> day of September 1999.

APPROVED:

  
County Executive

ATTEST:

  
County Clerk



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-M**

**A RESOLUTION REQUESTING APPROVAL TO INCREASE THE LOUDON  
COUNTY LITIGATION TAX FOR CIRCUIT COURT TO MATCH THE STATE  
LITIGATION TAX**

**WHEREAS**, the Loudon County Circuit Court Clerk requests Loudon County Commission to increase the amount of litigation tax; and

**WHEREAS**, the Attorney General Opinion U88-109 updated September 28, 1998, stated that counties may by resolution levy a litigation tax in an amount not to exceed the amount of state litigation tax charged; and

**WHEREAS**, the County Commission must pass a resolution stating its desire to raise the litigation tax; and

**WHEREAS**, the State of Tennessee has increased the State Litigation Tax on Criminal, Circuit, General Sessions Civil, and General Sessions Criminal Court and

**WHEREAS**, by raising the local litigation tax Loudon County will receive more revenues from filing parties; and

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission of Loudon County, Tennessee meeting in regular session on this 13<sup>th</sup> day of September, 1999, that the Loudon County Commission increase litigation tax to match the State Litigation Tax as follows:

Criminal Court	\$28.50
Circuit Court	\$23.75
General Sessions Civil Court	\$23.75
General Sessions Criminal Court	\$34.50


**BE IT FURTHER RESOLVED** that this resolution take effect on October 1, 1999 upon adoption, the public welfare requiring it.

Adopted this 13<sup>th</sup> day of September 1999.

APPROVED:

  
County Executive

ATTEST:

  
County Clerk

# LOUDON COUNTY COMMISSION

RESOLUTION NO. 091399-N

**RESOLUTION OF ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE  
DEPARTMENT OF TRANSPORTATION TO CONSTRUCT A PROJECT  
DESIGNATED AS FEDERAL PROJECT NO. STP-NH-73(23), STATE PROJECT NO.  
53008-2228-14, SR-73 (US-321) FROM 0.5 KM SOUTH OF FORT LOUDOUN DAM  
TO 1.25 KM NORTHWEST OF SR-95 IN LOUDON COUNTY**

**WHEREAS**, The Tennessee Department of Transportation has presented a Proposal to Loudon County Commission concerning Federal Project No. STP-NH-73(23), State Project No. 53008-2228-14, SR-73 (US-321) from 0.5 km South of Fort Loudoun Dam to 1.25 km Northwest of SR-95 in Loudon County; and

**WHEREAS**, the Loudon County Commission has determined that the above referenced project will benefit Loudon County, Tennessee and the citizens thereof; and

**WHEREAS**, Loudon County Commission wishes to cooperate with the State of Tennessee, Department of Transportation in making road improvements in Loudon County; and

**WHEREAS**, said Proposal is incorporated herein by reference, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

**WHEREAS**, the terms and conditions of said proposal to Loudon County as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Loudon County Commission, and the County of Loudon shall fulfill all obligations concomitant thereto.

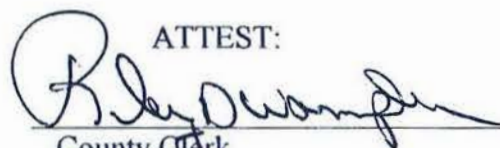
**NOW, THEREFORE, BE IT RESOLVED** by the Loudon County Legislative Body in regular session assembled this 13<sup>th</sup> day of September 1999, that this Resolution is duly passed and approved and shall; take affect from and after its passage.

Adopted this 13<sup>th</sup> day of September 1999.

  
County Chairman

APPROVED:

  
County Executive

ATTEST:  
  
County Clerk



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-Q**

**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

**LOUDON COUNTY  
SOLID WASTE DISPOSAL COMMISSION**

Appointee

Term Expiration

**Panel C**

Steve Field (completing term of Benny Surret)

March 2001

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission in regular session assembled this 1<sup>st</sup> day of March, 1999 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

Term Expiration

**Panel A**

Sally Proaps (Lenoir City)

March 1999

Robert Harrison (Loudon)

March 1999

Ted Sitzlar

March 2005

**Panel B**

Al Jordan

March 2003

Wayne Tolbert

March 2003

**Panel C**

Sidney Mayes

March 2001

**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 091399-P**

**A RESOLUTION TO URGE THE GENERAL ASSEMBLY TO REFORM THE  
LOCAL OPTION REQUESTING CHANGES TO STATE LAW CONCERNING  
SALES TAX REFUNDS**

**WHEREAS**, the General Assembly must soon deal with the fiscal crisis facing state government in Tennessee; and

**WHEREAS**, the entire structure of taxes in Tennessee should be examined and a program adopted that will consistently yield the needed revenue in a fair and efficient manner without the need for periodic rate increases; and

**WHEREAS**, reform of the sales tax is inequitable, producing greatly disparate amounts of revenue for cities and counties depending upon the city or county where it is collected; and

**WHEREAS**, since the enactment of the local option sales tax almost four decades ago, there has been an increasing concentration of retail sales at regional malls and other regional retail centers in a few cities producing windfall revenue for some fortunate local governments while other are left with little significant revenue from this source, making such retail-deficient localities overly dependant upon the property tax to fund essential local services such as education and corrections; and

**WHEREAS**, this inequitable distribution of local option sales tax revenues means that critical needs such as K-12 education may be underfunded in some areas while some cities, such as those with retail malls, are able to fund extensive services without having any property tax; and

**WHEREAS**, it is possible to more fairly distribute the revenue raised from the local option sales tax without jeopardizing existing commitments; and

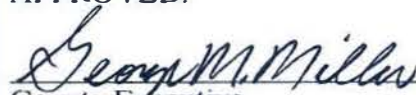
**WHEREAS**, true tax reform must also reform the local option sales tax.

**NOW, THEREFORE, BE IT RESOLVED** by the legislative body of Loudon County, Tennessee meeting in regular session on this 13<sup>th</sup> day of September, 1999, that the General Assembly is strongly urged to reform the local option sales tax to make the distribution of revenue more equitable whenever the General Assembly next meets and attempts to reform the tax structure of the State of Tennessee.

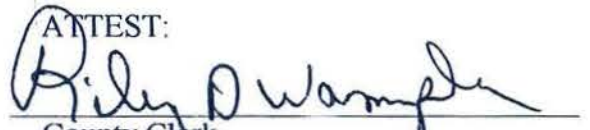
**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to each member of the General Assembly representing the people of Loudon County, Tennessee, and to the Honorable Don Sundquist, Governor of the State of Tennessee.

Adopted this 13<sup>th</sup> day of September 1999.

APPROVED:

  
County Executive

ATTEST:

  
County Clerk



LOUDON COUNTY COMMISSION

RESOLUTION NO. 091399-Q

RESOLUTION RATIFYING ACTION OF COUNTY EXECUTIVE AND  
LOUDON COUNTY ECONOMIC DEVELOPMENT AGENCY RELATING TO  
SUBORDINATION OF RIGHT OF FIRST REFUSAL TO EASTMAN CHEMICAL  
COMPANY AND THE MEETING OF PREREQUISITES IN THE AGREEMENT WITH  
JOHN THORNTON

WHEREAS, Loudon County (County) and the City of Loudon (City), through the Loudon County Industrial Committee of 100 (Committee), doing business as Loudon County Economic Development Agency (LCEDA), had an agreement with Eastman Chemical Company (Eastman) to have the right of first refusal in the event Eastman did not develop its Matlock Bend property, but decided to sell the property within a ten (10) year period; and

WHEREAS, Eastman decided not to build an industrial plant, but to sell the property, and gave an option to John Thornton (Thornton), a proposed purchaser from Eastman, under directions from Eastman, that Thornton should request that County/City subordinate their right of first refusal to the option Thornton had with Eastman, if Thornton desired to execute his option to buy the Matlock Bend property from Eastman; and

WHEREAS, it being important to the County/City that they have substantial input into the plans for Matlock Bend, in order to change the use from industrial to a mixed-use development, a part of the negotiations with Thornton was that the proposed development plans of Thornton be of high quality and appropriate to County/City overall land use plans in that area; and

WHEREAS, the County/City and Thornton had reached a general agreement of intent as to the development plans, and County/City, by a joint resolution (County Resolution No. 081699-B), had agreed to cooperate in a mixed-use development with Thornton, and to subordinate their right of first refusal and to cooperate with the general development plan; and

WHEREAS, however, the resolution itemized certain conditions that were to be met before the subordination was to be

made, but that it was obvious that the general intent of the joint resolution was to work with Thornton so that he would be able to exercise his option with Eastman at a favorable land-purchase price; and

WHEREAS, it became evident that Thornton was going to lose his option agreement because of a time factor inasmuch as there was not enough time for LCEDA, Thornton and County/City to complete all of the conditions before the time expired on the option; and

WHEREAS, County/City were able to negotiate a supplemental understanding and agreement with Thornton wherein he agreed that he would negotiate in good faith to achieve the conditions contained in the resolution of intent referred to hereinabove, and wherein he further agreed to grant to County/City a right of purchase of the property from him in the event that an agreement could not be reached concerning the preconditions for development of the area, a copy of the letter from Thornton being attached as Exhibit A to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this 13th day of September, 1999, that the County Commission ratifies and approves the actions of representatives of Loudon County, the City of Loudon, and the Loudon County Economic Development Agency:

1. In accepting a supplemental agreement from John Thornton, wherein he has agreed to negotiate in good faith the conditions contained in County Resolution No. 081699-B;
2. In obtaining the right to purchase all the Eastman land from Thornton based upon his own purchase price in the event that successful negotiations are not achieved; and
3. Subordinating the LCEDA right of first refusal to the option of Thornton.

BE IT FURTHER RESOLVED, that Resolution No. 081699-B be be hereby amended so as to include the additional agreements

contained in the Thornton letter dated August 25, 1999.

This resolution is to take effect upon adoption, the purpose of the resolution being to approve an amendment to Resolution No. 081699-B now for then.

  
COUNTY CHAIRMAN

ACCEPTED:

  
COUNTY EXECUTIVE

ATTEST:

\_\_\_\_\_  
COUNTY CLERK





633 Chestnut Street, Suite 1510 • Chattanooga, Tennessee 37450  
Telephone (423) 756-7847 • Fax (423) 267-3834

August 25, 1999

Mr. George Miller  
Loudon County Executive  
100 River Road, Box 106  
Loudon, Tennessee 37774

Mr. Bernie Swiney  
Mayor, City of Loudon  
P. O. Box 189  
Loudon, Tennessee 37774

Mr. Pat Phillips  
President  
Loudon County Economic Development Agency  
274 Blair Bend Drive  
Loudon, Tennessee 37774

Dear Gentlemen:

First I need to offer you my thanks for your personal hard work and efforts in paving the way to help bring about an exciting mixed use development. The relatively short time period that was available to satisfy requirements with Eastman Chemical Company and the University of Tennessee presented a challenge to us all. You saw quickly that the routine governmental red tape approach that one usually faces in today's business world would have been a killer for this project. Your prompt action in getting decisions from the Board of the Loudon County Economic Development Agency, the Loudon City Council, and the Loudon County Commission has been remarkable and shows the spirit of joint cooperation that is necessary between all parties to create a project which will be a source of pride for us all.

In every business deal a certain point is reached that requires some degree of mutual trust because it is just impossible to cover all contingencies that may arise. I have trusted the local leadership to expedite crossing barriers that can slow the pursuit of quality projects and I am impressed with the amount of work already accomplished in a short period of time. Likewise the local leadership has placed a certain amount of trust in me to help bring about the type development that has been discussed with Pat Phillips, Mayor Inky Swinney, and County Executive George Miller. The decisions by your office and the joint resolution by the City and County certainly reflect that trust. Please accept this letter as confirmation that I will diligently work in good faith to carry out the intent of the resolution and the conditions as adopted by the City and County on August 16, 1999.

Realizing that for my proposal to move forward with Eastman, your office had to release your first right to purchase the Eastman property without having a formal agreement with me. In order for your office to have an additional level of comfort with my intentions, I agree that if through a good faith effort we fail to reach an agreement on fulfilling the conditions of the joint resolution,

888

Nov-08-99 10:43A t#

423 458 3792

P.03

the City and County will have a right to purchase for a 120 day period at my cost plus interest carry. In the coming weeks I look forward to working with your office. I know that to create a truly unique development that all parties will have to perform the due diligence necessary to create a detailed master plan that incorporates residential and recreational areas as well as allocating certain areas for corporate and business park development possibly to be acquired by governmental entities. I believe once a final master plan has been developed through a cooperative effort, that reasonable assurances can be provided by myself and University Clubs of America to assure a first class project. With your continuing help we have the opportunity to create the finest mixed use development in the United States.

Sincerely,



John Thornton

NOV-08-1999 10:21

423 458 3792

96%

P.03

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LOUDON COUNTY COMMISSION

RESOLUTION NO. 091399-R

RESOLUTION AUTHORIZING PURCHASE OF LAND FOR EXPANSION OF  
HIGHLAND PARK ELEMENTARY SCHOOL

WHEREAS, enrollment has been increasing rapidly at Highland Park Elementary School, located on Highway 11 East in the Second Civil District of Loudon County, causing the need for additional classrooms; and

WHEREAS, there are no expansion possibilities left on the land on which the school is located; and

WHEREAS, the property immediately Northeast of the Highland Park Elementary School property, comprising approximately 1.8 acres, and owned by Rebecca Joan James and husband, Jack James, is presently for sale; and

WHEREAS, representatives of the Loudon County Board of Education have negotiated with the owners of the property, and have negotiated for the purchase of the house and lot for a purchase price of One Hundred Twenty-One Thousand Dollars (\$121,000.00), which is considered to be a fair price for the property; and

WHEREAS, the Loudon County Board of Education has requested that the Loudon County Commission approve and arrange for the purchase of said property at the negotiated purchase price, the Board of Education having the funds available for the purchase of the property; and

WHEREAS, the Loudon County Commission agrees and understands that the public good requires the purchase of the property.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled on this 13th day of September, 1999, as follows:

1. The purchase of the property of Rebecca Joan James and husband, Jack James, for the purchase price of One Hundred Twenty-One Thousand Dollars (\$121,000.00), is hereby approved and ratified;

2. The County Executive (and the County Clerk if necessary) is authorized to execute all documents necessary to complete the purchase.

This resolution shall take effect upon adoption, the public welfare requiring it.

  
COUNTY CHAIRMAN

APPROVED:

  
COUNTY EXECUTIVE

ATTEST:

  
COUNTY CLERK



**LOUDON COUNTY COMMISSION  
RESOLUTION NO. 091399-S**

#2046322.1

A RESOLUTION AUTHORIZING THE ISSUANCE OF INTEREST BEARING INDUSTRIAL PARK CAPITAL OUTLAY NOTES (TAXABLE), SERIES 1999 OF LOUDON COUNTY, TENNESSEE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000); MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID NOTES, ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; PROVIDING FOR THE LEVY OF TAX FOR THE PAYMENT OF PRINCIPAL THEREOF AND INTEREST THEREON; AND PROVIDING FOR REIMBURSEMENT OF EXPENDITURES MADE TO FUND THE PROJECT AUTHORIZED HEREIN.

WHEREAS, under the provisions of Sections 9-21-101 et seq., Tennessee Code Annotated, subject to the approval of the State Director of Local Finance, counties in Tennessee are authorized to issue interest bearing capital outlay notes for a period of not to exceed twelve (12) years from date of issue for all county purposes for which general obligation bonds can be legally authorized and issued; and

WHEREAS, the Board of County Commissioners of Loudon County, Tennessee (the "County") has entered into an Interlocal Agreement with the City of Loudon, Tennessee (the "City") to jointly acquire land for and develop an industrial park (the "Industrial Park"); and

WHEREAS, the Board of County Commissioners of the County has entered into a contract for the purchase of the land for the Industrial Park; and

WHEREAS, the Board of County Commissioners of the County finds that it is advantageous to the County to authorize the issuance of capital outlay notes to finance the cost of the acquisition of the land for the Industrial Park, to reimburse the County for prior expenditures for the land and to pay costs of issuance of the Notes; and

WHEREAS, it is the intention of the Board of County Commissioners of the County to adopt this resolution for the purpose of authorizing the notes hereinabove described when and as needed for such purposes pursuant to Sections 9-21-101 et seq., and 13-16-201 et seq., Tennessee Code Annotated, establishing the terms thereof, providing for the issuance, sale and payment of the notes and disposition of proceeds therefrom, and providing for the levy of a tax for the payment of principal thereof and interest thereon.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Loudon County, Tennessee, as follows:  
I, Billy D. Wampler, County Clerk of Loudon County, Tennessee, do hereby certify that this is a true and correct copy of the original which is on file in my office at the Court House in Loudon. Witness my hand and seal at office, this

9-13-99 1999 Pages 12  
By Billy D. Wampler Clerk  
D.C.

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**Section 1. Authority.** The Notes authorized by this resolution are issued pursuant to Sections 9-21-101 et seq., and 13-16-201 et seq., Tennessee Code Annotated, and other applicable provisions of law.

**Section 2. Definitions.** The following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

(a) "Application" shall mean the application for the Certificate submitted to the Building Finance Committee as it relates to the Industrial Park;

(b) "Building Finance Committee" shall mean the Building Finance Committee of Tennessee Industrial and Agricultural Development Commission;

(c) "Certificate" shall mean Certificate of Public Purpose and Necessity No.228, dated July 21, 1999, as it shall be amended, providing for the acquisition of land for and the development of an industrial park;

(d) "City" shall mean the City of Loudon, Tennessee;

(e) "Code" shall mean the Internal Revenue Code of 1986, as amended, and all lawful regulations promulgated or proposed thereunder;

(f) "County" shall mean Loudon County, Tennessee;

(g) "Governing Body" shall mean the Board of County Commissioners of the County;

(h) "Industrial Park" shall mean the County's industrial park to be developed jointly with the City on the Land in accordance with and as described in the Application and the Certificate;

(i) "Land" shall mean that certain real property consisting of 282.25 acres located in the southwest quadrant of Interstate 75 and State Highway 72, and all rights, rights-of-way, easements and privileges appurtenant thereto acquired pursuant to a Contract of Sale/Purchase between the County and James A. Purdy and Amy N. Purdy, dated August 19, 1999;

(j) "Notes" shall mean the not to exceed \$2,500,000 Industrial Park Capital Outlay Notes (Taxable), Series 1999, of the County, dated their date of issuance, or having such other series designation and dated date as shall be determined by the County Executive pursuant to Section 9 hereof, provided the dated date of the Notes, or any emission thereof, does not exceed twelve (12) years from the dated date of the emission of such Notes; and

(k) "Registration Agent" shall mean the County Trustee acting as registration and paying agent for the Notes, or any successor designated by the Governing Body.



Section 3. Authorization and Terms of the Notes. For the purpose of providing funds to pay for the acquisition of the Land, to reimburse the County for funds previously expended for the Land and to pay costs incident to the issuance and sale of the Notes as more fully set forth in Section 10 hereof, there are hereby authorized to be issued interest bearing capital outlay notes of the County in an aggregate principal amount not to exceed \$2,500,000. The Notes shall be issued in fully registered form, without coupons, in one or more emissions and shall be known as "Industrial Park Capital Outlay Notes (Taxable), Series 1999," or having such other series designation as shall be determined by the County Executive pursuant to Section 9 hereof, and shall be dated their date of issuance, or such other date as determined by the County Executive pursuant to authority conferred pursuant to Section 9 hereof, provided the maturity date of the Notes, or any emission thereof, does not exceed twelve (12) years from the dated date of the each emission of Notes. The Notes shall bear interest at a rate or rates not to exceed the lesser of the prime rate as published in The Wall Street Journal or the maximum rate permitted under State law, in effect from time to time. Subject to the adjustments permitted pursuant to Section 9 hereof, interest on the Notes shall be payable semi-annually until the Notes mature or are redeemed, commencing on a date established by the County Executive. The Notes shall be initially issued in \$5,000 denominations, or integral multiples thereof as shall be requested by the original purchaser thereof. Subject to the adjustments permitted pursuant to Section 9 hereof, the Notes shall mature serially and be payable on January 1 of each year commencing January 1 following the date of issue and each year thereafter in an amount equal to approximately level debt service or as otherwise permitted by the State Director of Local Finance, maturing not later than twelve years from the date of issue.

Subject to modification as set forth in Section 9 hereof, the Notes shall be subject to redemption prior to maturity at the option of the County as a whole or in part, at any time, at the redemption price of par plus accrued interest to the redemption date. If less than all the Notes shall be called for redemption, the maturities to be redeemed shall be designated by the Board of County Commissioners of the County, in its discretion, and, if less than all of the Notes of a maturity shall be called for redemption, the Notes within the maturity to be redeemed shall be selected by the Registration Agent by lot or in such other random manner as the Registration Agent shall determine. the Notes shall mature without option of prior redemption.

Pursuant to Section 9 hereof, the County Executive is authorized to sell the Notes, or any maturities thereof, as term Notes with mandatory redemption requirements. In the event any or all the Notes are sold as term Notes, the County shall redeem such term Notes on the redemption dates corresponding to the maturity dates set forth herein in aggregate principal amounts equal to the maturity amounts determined as set forth herein for each redemption date, as such maturity amounts may be adjusted pursuant to Section 9 hereof. Notes so redeemed shall be redeemed at a price of par plus accrued interest thereon to the date of redemption. The term Notes to be so redeemed shall be selected by lot or in such other random manner as the Registration Agent in its discretion may determine.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the County may (I) deliver to the Registration Agent for cancellation Notes to be



redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Notes of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Note so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the County on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Notes to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The County shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (I) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

Notice of call for redemption, whether optional or mandatory, shall be given by the Registration Agent on behalf of the County not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Notes to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Note registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Notes for which proper notice was given. The Registration Agent shall mail said notices, in the case of term Notes with mandatory redemption requirements as and when provided herein and in the Notes and, in the case of optional redemption, as and when directed by the County pursuant to written instructions from an authorized representative of the County given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Notes called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein.

The County hereby appoints the County Trustee as the Registration Agent for the Notes and hereby authorizes and directs the Registration Agent so appointed to maintain Note registration records with respect to the Notes, to authenticate and deliver the Notes as provided herein, either at original issuance, upon transfer, or as otherwise directed by the County, to effect transfers of the Notes, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Notes as provided herein, to cancel and destroy Notes which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the County at least annually a certificate of destruction with respect to Notes canceled and destroyed, and to furnish the County at least annually an audit confirmation of Notes paid, Notes outstanding and payments made with respect to interest on the Notes. The County Executive is hereby authorized to execute and the County Clerk is hereby authorized to attest such written agreement between the County and the Registration Agent as they shall deem necessary or proper with respect

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to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

The Notes shall be payable, both principal and interest, in lawful money of the United States of America at the office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Notes on each interest payment date directly to the registered owners as shown on the Note registration records maintained by the Registration Agent as of the close of business on a date which is the fifteenth day of the month next preceding the interest payment date, if the interest payment date is on the first day of the month, or on a date which is fifteen calendar days next preceding the interest payment date, if the interest payment date is a date other than the first day of the month (the "Regular Record Date") by check or draft mailed to such owners at such owners' addresses shown on said Note registration records, without, except for final payment, the presentation or surrender of such registered Notes, and all such payments shall discharge the obligations of the County in respect of such Notes to the extent of the payments so made. Payment of principal of the Notes shall be made upon presentation and surrender of such Notes to the Registration Agent as the same shall become due and payable.

Any interest on any Note which is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the County to the persons in whose names the Notes are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the County shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Note and the date of the proposed payment, and at the same time the County shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which Date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered owners. The Registration Agent shall promptly notify the County of such Special Record Date and, in the name and at the expense of the County, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner at the address thereof as it appears in the Note registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Notes shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the County to punctually pay or duly provide for the payment of principal of and interest on the Notes when due.



The Notes are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Note(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Note(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Note(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Note or Notes to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Note during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Note, nor to transfer or exchange any Note after the notice calling such Note for redemption has been made, nor to transfer or exchange any Note during the period following the receipt of instructions from the County to call such Note for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Note, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the County nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Notes shall be overdue. Notes, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of Notes of the same maturity in any authorized denomination or denominations.

The Notes shall be signed by the County Executive and attested by the County Clerk by their respective manual or facsimile signatures, and shall have imprinted or impressed thereon the seal of the County, or a facsimile thereof.

The Registration Agent is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof or as the original purchaser may designate upon receipt by the County of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Note(s) to be transferred in proper form with proper documentation as hereinabove described. The Notes shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Note form.

In case any Note shall become mutilated, or be lost, stolen, or destroyed, the County, in its discretion, shall issue, and the Registration Agent, upon written direction from the County, shall authenticate and deliver, a new Note of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Note, or in lieu of and substitution for such lost, stolen or destroyed Note, or if any such Note shall have matured or shall be about to mature, instead of issuing a substituted Note the County may pay or authorize payment of such Note without surrender thereof. In every case the applicant shall furnish evidence satisfactory to the County and the Registration Agent of the destruction, theft or loss of such Note, and indemnity satisfactory to the County and the Registration Agent; and the County may charge the applicant for

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the issue of such new Note an amount sufficient to reimburse the County for the expense incurred by it in the issue thereof.

Section 4. Source of Payment. The Notes shall be payable primarily from net revenues to be derived from the sale of property within the Industrial Park. In the event of a deficiency in such revenues, the Notes shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the County. For the prompt payment of principal of and interest on the Notes, the full faith and credit of the County are hereby irrevocably pledged.

Section 5. Form of Notes. The Notes shall be in substantially the following form, the omissions to be appropriately completed when the Notes are prepared and delivered:

(Form of Note)

REGISTERED

Number \_\_\_\_\_

REGISTERED

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TENNESSEE  
COUNTY OF LOUDON  
INDUSTRIAL PARK CAPITAL OUTLAY NOTE (TAXABLE); SERIES 1999

Interest Rate:

Maturity Date:

Date of Note:

CUSIP NO:

Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS: That Loudon County, Tennessee (the "County"), for value received hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity date hereinabove set forth, or upon earlier redemption as set forth herein, and to pay interest (computed on the basis of a 360 day year of twelve 30 day months) on said principal amount at the rate of interest [hereinabove set forth] [equal to \_\_\_\_\_ as \_\_\_\_\_] from the date hereof until this Note matures or is redeemed, said interest being payable on \_\_\_\_\_ and \_\_\_\_\_, commencing on \_\_\_\_\_, \_\_\_\_\_. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the principal office of the County Trustee of Loudon County, Tennessee, Loudon, Tennessee as registration and paying agent (the "Registration Agent"). The Registration Agent shall make all interest payments with respect to this Note on each interest payment date directly to the registered owner hereof shown on the Note registration records maintained by the Registration Agent as of the close of business on the \_\_\_\_\_ day next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on

said Note registration records, without, except for final payment, the presentation or surrender of this Note, and all such payments shall discharge the obligations of the County to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Note is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Notes of the issue of which this Note is one not less than ten (10) days prior to such Special Record Date. Payment of principal hereof shall be made upon presentation and surrender of this Note to the Registration Agent when due.

Reference is hereby made to the further provisions of this Note set forth on the reverse side hereof and such further provisions shall for all purposes have the same effect as if set forth on the front side hereof.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Note exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Note does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITN SS WHERE OF, Loudon County, Tennessee, has caused this Note to be signed by its County Executive with his (manual) (facsimile) signature and attested by its County Clerk with his (manual) (facsimile) signature under (a facsimile of) the corporate seal of the County, all

as of the day and date hereinabove set forth.  
STATE OF TENNESSEE, LOUDON COUNTY  
I, Riley D. Wampler, County Court Clerk for said county  
certify this to be a true and correct copy of the original  
which is on file in my office at the Court House in  
Loudon. Witness my hand and seal at office, this

9-12-1999 Pages 17  
By Riley D. Wampler Clerk  
D.C.

(SEAL)

LOUDON COUNTY

BY: Gay M. Miller  
County Executive

ATTESTED:

Riley D. Wampler  
County Clerk

Transferable and payable at the  
office of:

County Trustee  
Loudon, Tennessee

Date of Registration: \_\_\_\_\_

This Note is one of the issue of notes issued pursuant to the Resolution hereinabove described.

County Trustee of Loudon County ,  
Registration Agent

By: \_\_\_\_\_  
Authorized Representative

(Form of Reverse Side of Note)

The Notes shall be subject to redemption prior to maturity at the option of the County as a whole or in part, at any time, at the redemption price of par plus accrued interest to the redemption date. If less than all the Notes shall be called for redemption, the maturities to be redeemed shall be designated by the Board of County Commissioners of the County, in its discretion, and, if less than all of the Notes of a maturity shall be called for redemption, the Notes within the maturity to be redeemed shall be selected by the Registration Agent by lot or in such other random manner as the Registration Agent shall determine.

[Subject to the credit hereinafter provided, the County shall redeem Notes maturing \_\_\_\_\_ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. The Notes to be so redeemed shall be selected by lot or in such other random manner as the Registration Agent in its discretion may designate. The dates of redemption and principal amount of Notes to be redeemed on said dates are as follows:

<u>Final</u> <u>Maturity</u>	<u>Redemption</u> <u>Date</u>	<u>Principal Amount</u> <u>of Notes</u> <u>Redeemed</u>
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\*Final Maturity

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the County may (i) deliver to the Registration Agent for cancellation Notes to be



redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Notes of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Note so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the County on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Notes to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced.

Notice of call for redemption [whether optional or mandatory] shall be given by the Registration Agent on behalf of the County not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Notes to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Note registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Notes for which proper notice was given. From and after the redemption date, all Notes called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein.

This Note is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Note. Upon such transfer a new Note or Notes of authorized denomination or denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Note is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the County nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Note shall be overdue. Notes, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Notes of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Note during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Note, nor to transfer or exchange any Note after the notice calling such Note for redemption has been made, nor to transfer or exchange any Note during the period following the receipt of instructions from the County to call such Note; provided, the Registration Agent, at its option, may make transfers after any of said dates.

This Note is one of a total authorized issue aggregating \$ \_\_\_\_\_ and issued by the County for the purpose of providing funds to finance the purchase of land for and development of

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an industrial park (the "Industrial Park") as a joint project with the City of Loudon, Tennessee and to pay the costs incident to the issuance and sale of the Notes, under and in full compliance with the constitution and statutes of the State of Tennessee, including Sections 9-21-101 et seq. and 13-16-201 et seq., Tennessee Code Annotated, and pursuant to a Resolution duly adopted by the Board of County Commissioners of the County on the thirteenth day of September, 1999 (the "Resolution").

This Note is payable primarily from net revenues to be derived from the sale of property within the Industrial Park. In the event of a deficiency in such revenues, this Note is payable from unlimited ad valorem taxes to be levied on all taxable property within the County. For the prompt payment of principal of and interest on this Note, the full faith and credit of the County are irrevocably pledged. For a more complete statement of the general covenants and provisions pursuant to which this Note is issued, reference is hereby made to said resolution.

This Note and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) inheritance, transfer and estate taxes, (b) Tennessee excise taxes on interest on the Note during the period the Note is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee, and (c) Tennessee franchise taxes by reason of the inclusion of the book value of the Note in the Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

The County is advised by Bond Counsel that interest on this Note and the issue of which it is a part is not exempt from federal income taxes.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto \_\_\_\_\_, whose address is \_\_\_\_\_  
(Please insert Social Security or Federal Tax Identification Number \_\_\_\_\_), the within Note of Loudon County, Tennessee and does hereby irrevocably constitute and appoint \_\_\_\_\_, attorney, to transfer the said Note on the records kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Note in every particular, without alteration or enlargement or any change whatsoever.



Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent.

Section 6. Application of Revenues. Except as hereinafter provided, the net revenues derived from the sale of the land in the Industrial Park are hereby irrevocably pledged to the payment of principal of and interest on the Notes. The net revenues may, at the option of the chief financial officer of the County, be used to reimburse the County's debt service fund for monies at any time withdrawn from such fund to pay principal of and interest on the Notes. To the extent not so deposited, the net revenues shall be placed in a special fund to pay principal of and interest on the Notes as the same become due. The account shall be known as the "Industrial Park Note Sinking Fund" (the "Sinking Fund"). The money in the Sinking Fund shall be used solely and is hereby expressly and exclusively pledged to the extent needed to pay principal of and interest on the Notes and shall be used for that purpose before any other funds of the County are so used. The Sinking Fund shall be subject to the supervision and direction of the chief financial officer of the County and withdrawals therefrom shall be subject to the direction of said officer.

Section 7. Levy of Tax. The County, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the County, in addition to all other taxes authorized by law, sufficient to pay principal of and interest on the Notes when due, and for that purpose there is hereby levied a direct tax in such amount as may be found necessary each year to pay principal and interest coming due on the Notes. Principal and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the County and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected. The tax herein provided may be reduced to the extent of net revenues derived from the sale of the land in the Industrial Park and of any appropriations from other funds, taxes and revenues of the County to the payment of debt service on the Notes.

Section 8. Industrial Park Covenants. The County covenants with the owners of the Notes as follows:

(a) No Notes shall be issued until receipt of an amended Certificate of Public Purpose and Necessity by the Building Finance Committee providing for the purchase of the land for development and sale as an industrial park.

(b) Neither the Industrial Park nor the Land will not developed or disposed of in a manner which will violate the laws, statutes or Constitution of the State of Tennessee.



(c) The net proceeds of any sale of all or any portion of the Industrial Park shall be deposited in the Sinking Fund to be used to principal of or interest on the Notes or used to reimburse the debt service fund of the County.

(d) The County will comply with all requirements and conditions of the Certificate of Public Purpose and Necessity in the acquisition of the Land for and the development of the Industrial Park and the sale of the Land therein.

(e) The total bonded indebtedness of the County outstanding, including the Notes hereby authorized, solely for the purposes authorized by Sections 13-16-201 to 13-16-207, inclusive, and 7-55-101 to 7-55-116, inclusive, Tennessee Code Annotated, as amended, does not exceed ten percent (10%) of the total assessed valuation of the property in the County as ascertained by the last completed assessment.

Section 9. Sale of Notes. (a) The Notes shall be offered for competitive public sale or by informal bid process so long as the amount offered in any one emission is less than \$2,000,000, at the discretion of the County Executive, at a price of not less than ninety-nine percent (99.0%) of par, plus accrued interest, as a whole or in part from time to time, and may be offered in one or more emissions from time to time as shall be determined by the County Executive.

(b) If the Notes are sold in more than one emission, the County Executive is authorized to designate the series of each emission, to cause to be sold in each emission an aggregate principal amount of Notes less than that shown in Section 3 hereof for each emission, and to make corresponding adjustments to the maturity schedule of each emission designated in Section 3 hereof, so long as the total aggregate principal amount of all emissions issued does not exceed the total aggregate of Notes authorized to be issued herein.

(c) The County Executive is further authorized to change the dated date of the Notes or any emission thereof, to a date other than the date of issuance, to determine the series designation of each emission of Notes, to establish the first interest payment date on the Notes or any emission thereof, to adjust the principal and interest payment dates and maturity amounts of the Notes or any emission thereof, provided the total principal amount of all emissions of the Notes does not exceed the total amount of Notes authorized herein and that the final maturity is not greater than twelve (12) years from the date of issuance of such emission, to adjust the County's optional redemption dates of the Notes and to adjust the redemption price of the Notes to a premium not to exceed one percent (1%) of the par amount of the Notes called for redemption, but only if the Notes are originally sold at par, to sell the Notes or any maturities thereof as term notes with mandatory redemption requirements corresponding to the maturities set forth herein or as otherwise determined by the County Executive, as he shall deem most advantageous to the County, and to cause all or a portion of the Notes to be insured by a bond insurance policy issued by a nationally recognized bond insurance company to achieve the purposes set forth herein and to serve the best interest of the County.

(d) The County Executive is authorized to award the Notes to the bidder whose bid results in the lowest interest cost to the County, provided the rate on none of the Notes exceeds the rate set forth in Section 3 hereof. The award of the Notes by the County Executive to the lowest bidder shall be binding on the County, and no further action of the Governing Body with respect thereto shall be required. The form of the Note set forth in Section 5 hereof, shall be conformed to reflect any changes made pursuant to this Section 9 hereof.

(f) The County Executive and County Clerk, or either of them, are authorized to cause the Notes to be authenticated and delivered by the Registration Agent to the successful bidder and to execute, publish, and deliver all certificates and documents including an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Notes. The County Executive and County Clerk are hereby authorized to enter into a contract with J.C. Bradford & Co., Nashville, Tennessee, for financial advisory services in connection with the sale of the Notes.

(g) No such Notes shall be issued and no such loan shall be made until approved by the State Director of Local Finance and until receipt of an amended Certificate of Public Purpose and Necessity.

Section 10. Disposition of Note Proceeds. The proceeds of the sale of the Notes shall be disbursed as follows:

(a) all accrued interest, if any, shall be deposited to the appropriate fund of the County to be used to pay interest on the Notes on the first interest payment date following delivery of the Notes.

(b) the remainder of the proceeds of the sale of the Notes shall be paid to the County Trustee to be deposited with a financial institution regulated by the Federal Deposit Insurance Corporation or similar federal agency in a special fund known as the "Centre Seventy-Five Industrial Park Fund" (the "Acquisition Fund") to be kept separate and apart from all other funds of the County. The funds deposited in the Acquisition Fund shall be disbursed solely to pay the costs of the Land, to pay costs of issuance of the Notes, including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, administrative and clerical costs, Registration Agent fees and other necessary miscellaneous expenses incurred in connection with the issuance and sale of the Notes. Until spent, said proceeds shall be secured in the manner prescribed by applicable statutes relative to the securing of public or trust funds, if any, or, in the absence of such a statute, by a pledge of readily marketable securities having at all times a market value of not less than said unspent proceeds. Any proceeds remaining after payment for the Land and payment of authorized expenses shall be used to pay principal of and interest on the Notes. Unspent proceeds shall be invested at the direction of the County Trustee in such investments as shall be permitted by applicable law. Earnings from such investments shall be placed in the Acquisition Fund or debt service fund as directed by the County Executive, subject to any modifications by the Governing Body.



Section 11. Official Statement. The County Executive and County Clerk, or either of them, working with J. C. Bradford & Co., Nashville, Tennessee, the County's financial advisor, are hereby authorized to provide for the preparation and distribution of a Preliminary Official Statement, or other offering circular, describing the Notes if the Notes are sold at competitive public sale. After the Notes have been sold, the County Executive and County Clerk, or either of them, shall make such completions, omissions, insertions, and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(b)(3) of the Securities and Exchange Commission. The County Executive and County Clerk, or either of them, shall arrange for the delivery of a reasonable number of copies of the Official Statement within seven business days after the Notes have been sold for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom such bidder and members of his bidding group initially sell the Notes.

The County Executive and County Clerk, or either of them, are authorized, on behalf of the County, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the County except for the omission in the Preliminary Official Statement of such pricing and other information.

Section 12. Discharge and Satisfaction of Notes. If the County shall pay and discharge the indebtedness evidenced by any of the Notes in any one or more of the following ways:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Notes as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registration Agent) in trust or escrow, on or before the date of maturity, sufficient money or Federal Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay such Notes and interest thereon when due until the maturity date.

(c) By delivering such Notes to the Registration Agent, for cancellation by it; and if the County shall also pay or cause to be paid all other sums payable hereunder by the County with respect to such Notes, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Trustee to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Notes when due, then and in that case the indebtedness evidenced by such Notes shall be discharged and satisfied and all covenants, agreements and obligations of the County to the owners of such Notes shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.



If the County shall pay and discharge the indebtedness evidenced by any of the Notes in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Federal Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Federal Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Federal Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Notes; provided that any cash received from such principal or interest payments on such Federal Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the County as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Federal Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Notes on the maturity date thereof and interest earned from such reinvestments shall be paid over to the County, as received by the Registration Agent. For the purposes of this Section, Federal Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee Law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

Section 13. Reasonably Expected Economic Life. The "reasonably expected economic life" of the Project within the meaning of Section 9-21-602 et seq., Tennessee Code Annotated, is equal to or greater than twelve (12) years.

Section 14. Resolution a Contract. The provisions of this resolution shall constitute a contract between the County and the registered owners of the Notes, and after the issuance of the Notes, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Notes and interest due thereon shall have been paid in full.

Section 15. Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 16. Reimbursement. The County hereby declares its official intent that expenditures of funds to construct the Project may be reimbursed from the proceeds of bonds or notes in an appropriate amount of \$200,000.

Section 17. Repeal of Conflicting Resolutions and Effective Date. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

SEP. 7.1999 11:07AM

NO. 403

P. 18/20

Adopted and approved this 13th day of September, 1999.

George M. Miller  
County Executive

ATTEST:

Riley D. Wampler  
County Clerk

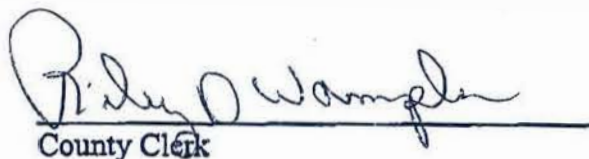
STATE OF TENNESSEE, LOUDON COUNTY  
I, Riley D. Wampler, County Clerk for said county  
certify this to be a true and correct copy of the original  
which is on file in my office at the Court House in  
Loudon. Witness my hand and seal of office, this  
2-13-99 1999 Pages 17  
Riley D. Wampler Clerk  
By \_\_\_\_\_ D.C.



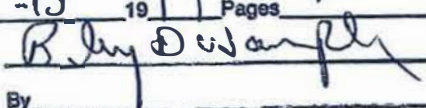
STATE OF TENNESSEE )  
COUNTY OF LOUDON )

I, Riley D. Wampler, hereby certify that I am the duly qualified and acting County Clerk of Loudon County, Tennessee, and as such official I further certify that attached hereto is a copy of excerpts from the minutes of a regular meeting of the governing body of the County held on July 6, 1999; that these minutes were promptly and fully recorded and are open to public inspection; that I have compared said copy with the original minute record of said meeting in my official custody; and that said copy is a true, correct and complete transcript from said original minute record insofar as said original record relates to not to exceed \$2,500,000 Industrial Park Capital Outlay Notes (Taxable), Series 1999 of said County.

WITNESS my official signature and seal of said County this 13<sup>th</sup> day of September, 1999.

  
County Clerk

(SEAL)

STATE OF TENNESSEE, LOUDON COUNTY  
I, Riley D. Wampler, County Court Clerk for said county  
certify this to be a true and correct copy of the original  
which is on file in my office at the Court House in  
Loudon. Witness my hand and seal at office, this  
9-13 1999 Pages 1  
 Clerk  
By \_\_\_\_\_ D.C.

RESOLUTION 091399 - T

**A RESOLUTION AMENDING THE ZONING RESOLUTION OF LOUDON COUNTY, TENNESSEE, ARTICLE 4, SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS, ADDING SECTION 4.230 DEVELOPMENT STANDARDS FOR PERMITTING TELECOMMUNICATIONS TOWERS AND ANTENNAS PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 13-7-105**

**Whereas**, Loudon County permits special exception use for communication towers in areas of the County zoned A-1, Agriculture-Forestry District, and A-2, Rural Residential District; and

**Whereas**, Loudon County presently does not regulate the development standards for permitting telecommunications towers and antennas with predefined performance standards; and

**Whereas**, the Loudon County Regional Planning Commission has forwarded its recommendation regarding the addition of Section 4.230 to Article 4 of the Zoning Resolution of Loudon County, Tennessee, and the necessary public hearing called for and held; and

**Whereas**, telecommunications towers and antennas are permitted uses as a special exception, subject to reasonable restrictions and conditions that the Board may impose; and

**Whereas**, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on July 26, 1999, consistent with the provisions of Tennessee Code Annotated, Section 13-7-105;

**NOW, THEREFORE**, be it resolved, that the Zoning Resolution of Loudon County, Tennessee be amended as follows by adding to Article 4, Supplementary Provisions Applying to Specific Districts, Section 4.230, Development Standards for Permitting Telecommunications Towers and Antennas:

**Section 4.230 Performance Standards for Permitting Telecommunications Towers and Antennas**

**A. Purpose.** The purpose of this resolution is to establish general guidelines for the siting of wireless communication towers and antennas. The resolution is thereby intended to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional towers; (5) encourage users of towers and antennas to locate in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

**B. Definitions.**

1. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, power poles or structures and similar alternative-design mounting structures that camouflage or conceal the presence of towers or antennas.



2. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
3. **FAA.** Federal Aviation Administration.
4. **FCC.** Federal Communications Commission.
5. **Height.** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
6. **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopoly towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and other similar structures. This term includes the structure and any support structures.

#### **C. Applicability**

1. **New Towers and Antennas.** All new towers or antennas in Loudon County shall be subject to these development standards, except as provided below.

#### **D. Exceptions**

1. **Amateur Radio Station Operator/Receive Only Antennas.** These standards shall not govern any tower, or the installation of any antenna, that is under forty feet (40') in height and is owned and operated by a radio station operator or is used exclusively for receive only antennas.
2. **Pre-existing Towers or Antennas.** Pre-existing towers and pre-existing antennas shall not be required to meet the standards of this Resolution.
3. **Telecommunications Equipment Co-locating on Existing Towers.** These standards shall not apply to additional equipment of telecommunications companies co-locating on existing towers, although a permit from the Loudon County Building Official is required.

#### **E. General Requirements**

1. **Principal or Accessory Uses.** Towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. **Lot Size.** For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot. There are no minimum lot area requirements for the locating of towers or antennas.
3. **Setbacks.**
  - a. All towers and antenna shall be setback a minimum of fifty (50') from each property line.

- b. Towers and antenna exceeding fifty (50') in height shall be setback a minimum of one foot for each additional one foot in height of the tower and antenna, unless the tower is certified by a registered engineer as collapsible within the 50' minimum setback. Setbacks shall be measured from the farthest most protrusion of the tower to the nearest point of any property line. A certified survey shall be submitted which shall verify tower and antenna heights and setbacks for the tower, antenna, and all accessory structures.
  - c. Towers shall not be located within 500' of a platted residential neighborhood, unless a camouflaged tower not exceeding 75' in height is approved by the Loudon County Board of Zoning Appeals (BZA). Approved camouflaged towers may not be located closer than 300' to any platted residential district.
4. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, such lighting shall be oriented inward so as not to project onto surrounding residential property.
  5. **Height.** The maximum height of a tower and antenna shall not exceed three hundred (300') feet.
  6. **Signs.** No signs shall be allowed on an antenna or tower.
  7. **Co-location.** All towers shall be designed to accommodate more than one primary user, which allows for multiple telecommunication companies to locate on a single tower.
  8. **Users.** A tower shall have a minimum of one user upon completion of tower construction.
  9. **Buildings and Support Equipment.** Buildings and support equipment associated with towers and antennas shall comply with the minimum set-backs set forth herein, and shall not exceed the height of required landscape screening.
  10. **Fencing.** All telecommunications towers and equipment will be surrounded by a security fence at least six (6') feet in height.

**F. Landscaping.** For all towers, at least one row of evergreen trees or shrubs capable of forming a continuous hedge at least five feet in height and screening the base of the tower from public view within two years of planting shall be planted and maintained in a healthy condition. A break in the hedge, not to exceed 10 feet in width, shall be allowed for access for maintenance personnel and vehicles. New or existing vegetation, earth berms, existing topographic features, walls, fences, building and features other than those described above may be used to meet the requirements of these regulations if the BZA finds that they achieve the same degree of screening.

**G. Tower Abandonment and Removal.** The operator or owner of real property on which the tower is located shall provide the County with a copy of the notice of intent to the FCC to cease operations of the tower. The operator/owner shall have 90 days from the date of ceasing of operations to remove the tower. In cases where the FCC does not require a notice of intent, the operator/owner must notify the County within 90 days after operations cease.

**H. Removal Bonds or Letter of Credit.** Prior to the issuance of a permit to construct the tower, the operator/owner shall submit to the Loudon County Planning Office demolition estimates from three licensed contractors to remove the tower, antenna, and buildings and support equipment and return the site to its original condition. After review and acceptance by the Planning Office, a bond or letter of credit will be provided to Loudon County in the amount of the average of the three demolition estimates. The bond or letter of credit shall have no termination date and shall only be released by the BZA upon satisfactory completion of the demolition and clearance of the site, and inspection by the Loudon County Building Official.

**I. Application Requirements.** The following information shall be submitted to the Loudon County Planning Office prior to review by the BZA:



1. Site and landscape plans prepared by a registered engineer or licensed surveyor and drawn to scale showing site boundaries, set-backs, location of existing structures, access, tower foot print, perspective view of tower with dimensions, topographic features of the site, and other information documenting compliance with the standards set-forth in this Resolution.
2. Construction plans including an elevation drawing of the proposed structure.
3. Names and addresses of the operator, telecommunications company(s) locating on the tower, and owner of the property.
4. Address of proposed site and tax map and parcel number.
5. Proof of ownership of the proposed site or authorization to utilize the site.
6. A report including a description of the tower with technical reasons for its design.
7. Certification from a registered engineering of the structural integrity of the tower for its proposed uses, and number of users the tower can accommodate, and if requesting a variance from the minimum set-back requirements certification of its ability to collapse within the set-back being requested.
8. An inventory of the operator/owner's existing towers, antennas, or sites approved within the County, including specific information about the location, height, and design of each tower.
9. An affidavit stating that space on the proposed tower will be made available to future users when technically possible at a reasonable rate commensurate with fees charged by other providers in the Knoxville Metropolitan area.
10. Three demolition cost estimates based on construction drawings and bond or letter of credit for the average cost of the three estimates.
11. A statement indicating the applicant has exhausted all avenues to co-location. Such statement shall include copies of certified letters sent to all other tower operators and other structures in the area that could accommodate the equipment requesting space, and responses received from the companies.
12. A visual study within a three (3) mile radius of the proposed site depicting areas where the tower can be seen.

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

*Ray O. Wampler*  
 ATTEST

*Roz B. Blanton*  
 LOUDON COUNTY CHAIRMAN  
 DATE: 9/13/99

*George M. Miller*  
 APPROVED: LOUDON COUNTY EXECUTIVE

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

APPROVED: 10

DISAPPROVED: 0

*Henry Mitchell*  
 ATTEST: SECRETARY, LOUDON  
 COUNTY PLANNING COMMISSION  
 DATE: July 20, 1999

FILE #99-7-93-RGZ-CO  
 Revised Date: 7-22-99



LOUDON COUNTY COMMISSION

RESOLUTION NO. 091399-V

RESOLUTION APPROVING SETTLEMENT OF LAWSUIT  
(CHARLES D. MOUNGER AND KATHERINE NANCE MOUNGER V. LOUDON COUNTY  
IN LOUDON COUNTY CHANCERY CAUSE NO. 9320), INVOLVING ACCEPTANCE  
OF RIGHT-OF-WAY ON HALL ROAD, ESTES ROAD, AND NEW PROVIDENCE  
TO PINE GROVE ROAD

WHEREAS, a suit was filed by Charles D. Mounger and Katherine Nance Mounger contesting a boundary line with Harold Rather, et al, and including Loudon County as a defendant because of alleged actions of the County Highway Department in using more right-of-way than it had, and in widening and improving a right-of-way at the intersection of Hall Road and Pickle Road in the Fifth Civil District of Loudon County; and

WHEREAS, because the traffic in the area is increasing and the described county roads are very narrow, and the county only has a ditch-line to ditch-line right-of-way, the need is significant for widening the County right-of-way in these locations, and particularly the dangerous intersection at Pickle Road with Hall Road; and

WHEREAS, insofar as the Loudon County portion of the lawsuit is concerned, as a part of settlement negotiations, the landowners and the County Highway Superintendent have reached an agreement wherein the landowners will convey a generalized fifty foot (50') metes and bounds right-of-way (25 feet in those locations where the landowners own on one side of the road only) in exchange for Four Thousand Dollars (\$4,000.00); and

WHEREAS, the County insurance company is providing Three Thousand Dollars (\$3,000.00) of the settlement amount, and the County Highway Department is providing the remaining One Thousand Dollars (\$1,000.00); and

WHEREAS, in three locations on these roads the landowner has agreed to provide an entirely new right-of-way for the straightening of three (3) curves, but the new "straightened" portions of the rights-of-way are given on the condition that the Highway Department must construct those short portions of road by January 1, 2004, and if the County Highway Department is not able to take advantage of the new right-of-way and straighten the curves by that date, then the right-of-way in those three locations reverts back to the landowners;

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this 13th day of September, 1999, that the settlement with Charles D. Mounger and Katherine Nance Mounger as outlined in the Preamble hereinabove, is hereby ratified and approved, and specifically the widened rights-of-way as described in the Easement Deed are accepted, subject to the condition that the portions of right-of-way on the described three curves revert to the owners as provided in the deed if the conditions are not met.

BE IT FURTHER RESOLVED, that the County Executive, and the County Clerk if required, is authorized to execute the Easement Deed Agreement, and any other related papers that may be required to carry out this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon adoption, the public welfare requiring it.

  
COUNTY CHAIRMAN

ATTEST:  
  
COUNTY CLERK

ACCEPTED:  
  
COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 091399-V

RESOLUTION LEVYING 1999 SPECIAL ASSESSMENT ON BUILDABLE PARCELS  
FOR SEWER IMPROVEMENTS IN EATONWOOD SPECIAL SEWER DISTRICT

WHEREAS, the Loudon County Commission has established the Eatonwood Subdivision Special Sewer District by Loudon County Resolution No. 090897-U; and

WHEREAS, a special assessment is required to be made annually on the buildable parcels as originally defined in Loudon County Commission Resolution No. 090897-U, and its two amendments, for the purpose of servicing the principal and interest on certain capital outlay notes issued under the authority of the Loudon County Commission, and for any other necessary expenses incurred in administering the project.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this 13th day of September, 1999, as follows:

Section 1: The per buildable parcel assessment for 1999 is established in the amount of Two Hundred Fifty Dollars (\$250.00).

Section 2: For informational purposes only, a copy of a listing of the current owners of the certified buildable parcels as designated by Loudon County Commission Resolution No. 090897-U is attached hereto as Exhibit A.

Section 3: Payment of the assessment shall be made to the Loudon County Trustee, and is due as of October 1, 1999, and shall be delinquent after February 29, 2000.

Section 4: Penalty and interest for delinquent payments shall be computed on the same basis and under the same criteria as required of Loudon County property owners for the payment of County real property taxes. All matters concerning the payment and collection of the special assessment levied herein are governed by the provisions of the aforesaid Loudon County Resolution No. 090897-U.

This resolution shall take effect upon adoption by the County Commission, the public welfare requiring it.

  
COUNTY CHAIRMAN

ACCEPTED:

  
COUNTY EXECUTIVE

ATTEST:

  
COUNTY CLERK