

LOUDON COUNTY COMMISSION

REGULAR MEETING

November 1, 1999

1. Public Hearing
2. Opening of Meeting
3. Roll Call
4. Motion **passed** to adopt Agenda with requested additions and changes
5. Motion **passed** to adopt minutes of October 4, 1999 County Commission Meeting with corrections and additions
6. Audience Comments on Agenda Items
7. Audience Comments on Non-Agenda Items
8. Motion **passed** to adopt a resolution on the Eaton Forest sewer project
Resolution # 110199, Exhibit A
9. Motion **passed** to adopt resolution granting LUB rights for natural gas facilities
Resolution # 110199, Exhibit B
10. Motion **passed** to adopt resolution recognizing Heritage Book volunteers
Resolution # 110199, Exhibit C
11. Motion **passed** to adopt a resolution re-appointing Beer Board member
Resolution # 110199, Exhibit D
12. Report on Connie Clark v. Loudon County
13. Motion **passed** to adopt resolutions re-appointing members to the Chamber of Commerce Board and the Tourism Board
Resolution # 110199, Exhibit E-F
14. Motion **passed** to approve funding for a Needs Assessment Study for the Jail/Judicial System
15. Motion **passed** to approve borrowing of funds for the Highway Department
16. Motion **passed** to refer map of Planned and Rural growth areas to the Coordinating Committee
17. Motion **passed** to accept Hammontree Lane as county road
Resolution # 110199, Exhibit G
18. Motion **passed** to accept Ness Lane as county road
Resolution # 110199, Exhibit H
19. Motion **passed** to adopt resolution on surface water drainage
Resolution # 110199, Exhibit I
20. Motion **passed** to adopt resolution authorizing submission of EDA grant – Centre Seventy-Five
Resolution # 110199, Exhibit J
21. Report from Loudon County Cable Authority
22. Motion **passed** to approve Cable Authority to use excess funds from Intermedia for a studio
23. Building Commissioner's Report
24. Bond approved
25. Notarics approved
26. Adjournment

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

PUBLIC HEARING

November 1, 1999

6:00 PM

**(1)
Public Hearing**

- 1) Consideration of request to accept Hammontree Lane as a county road located off Brook Road – Alice Hammontree
No one came forward to speak.
- 2) Consideration of request to accept Ness Lane as a county road, located in the Third Legislative District – Jack E. Headrick, Martha C. Polt, and Dr. Wilburn and Alice Ness (postponed from the July County Commission meeting)
No one came forward to speak.
- 3) Consideration of a Resolution Requesting Passage Of Legislation Establishing Responsibilities Of Property Owners And Definitions For Non-Natural Changes In Surface Water Drainage With Cost Recovery Provisions – referred by Commissioner Ed Harold
No one came forward to speak.

REGULAR MEETING

BE IT REMEMBERED that the Commission of Loudon County convened in regular session in Loudon, Tennessee on the 1st day of November 1999.

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

Chairman Bledsoe requested that **Commissioner Harold Duff** be in our thoughts and prayers. Commissioner Duff was absent due to an illness and upcoming surgery.

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.

Present were the following Commissioners: **Randolph, Thomas, Jenkins, Maples, Bledsoe, Masingo, Park, and Harold (8)**

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

Chairman Bledsoe requested the November 1, 1999 agenda be adopted.

Commissioner Park requested that the consideration of the Eaton Forest resolution be moved to the beginning of the agenda.

Commissioner Park also requested that the consideration of the Planned Growth Areas and the Rural Growth areas to be recommended to the Coordinating Committee be added to the agenda under Mr. Newman's portion of the agenda.

Executive Miller requested that the consideration of appointments to the Chamber of Commerce Board and the Visitor's Bureau Board be added to the agenda.

A **Motion** was made by **Commissioner Park** with second by **Commissioner Harold** to accept the November 1, 1999 agenda with the requested additions and changes.

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

Chairman Bledsoe requested the minutes of October 4, 1999 be read and accepted.

Commissioner Randolph requested that under the acceptance of Mayo Road as a county road the name of the road be changed to Mayo South Road in the minutes.

Commissioner Harold requested that under the acceptance of a portion of DeWitt Drive as a county road that the statement that "DeWitt Drive is a 130' newly constructed extension" be added to the minutes and also the acceptance of Mayo South and Gallagher Roads be made as non-precedence.

A **Motion** was made by **Commissioner Harold** with second by **Commissioner Park** to accept the minutes of October 4, 1999 with the requested corrections and additions.

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.

Ms. Helen Cole, member of the Loudon County Cable Television Authority, came forward and asked commission to approve the request by the Authority regarding the excess funds available for a possible studio.

Mr. James Wiggins came forward to thank the commission for their support in the Eaton Forest sewer project and requested that commission to do whatever it takes to complete the project.

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

Ms. Mary Anderson stated that a statement in the newspaper is possibly incorrect and that Highland Hills residents do not want to be a part of Lenoir City.

Mr. Rick Kirby, consultant representing the Martel Utility District, came forward and requested that the Martel Utility District not be included in Lenoir City's Urban Growth Boundary. He stated that most of the district would like to be in the Planned Growth area.

Ms. Pat Hunter came forward and spoke of a letter she had written to the County Executive requesting to view certain documents regarding the lease of office space for the EDA office and the Planning Office. She awaits a written response.

Mr. Paul Baird came forward and spoke of concerns regarding the County Clerk not taking the minutes of the County Commission Meetings and the accuracy and content of the minutes.

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

Commissioner Park requested consideration and possible action on the adoption of a Resolution Of Intent Of County Commission To Continue Eaton Forest Special Sewer District Project, Including, If Necessary, The Condemnation Of Necessary Easements For The Main Sewer Lines.

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

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

Resolution # 110199, Exhibit A

Executive Miller requested consideration and possible action on the adoption of Resolution Granting To Loudon Utilities, Its Successors And Assigns, The Right To Place And Maintain Natural Gas Facilities In Certain Portions Of Public Lands And Rights-Of-Way Of Loudon County, Tennessee, Together With The Conditions Of Said Grant.

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

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

Resolution # 110199, Exhibit B

(5)
Minutes
adopted for
October 4, 1999
meeting

(6)
Audience
Comments on
Agenda Items

(7)
Audience
Comments on
Non-Agenda
Items

(8)
Motion passed
to adopt Eaton
Forest sewer
project
resolution

(9)
Motion passed
to adopt
resolution for
LUB

Executive Miller requested consideration and possible action on the adoption of A Resolution Recognizing And Honoring The Efforts Of Those Who Contributed To The Success Of The Loudon County Heritage Book.

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

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

Resolution # 110199, Exhibit C

Executive Miller requested consideration of re-appointing Mr. Bob Snodgrass to the Loudon County Beer Board. Mr. Snodgrass represents the 4th District on the board.

A motion was made by **Commissioner Harold** with a second by **Commissioner Maples** to adopt a resolution making this re-appointment.

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

Resolution # 110199, Exhibit D

Executive Miller reported that Attorney Ward Phillips had been retained to defend the County in the Connie Clark suit. Attorney Phillips has worked on other cases for the county and is currently interviewing past and present employees of Ms. Clark.

Executive Miller requested consideration of re-appointing Commissioner Park to the Chamber of Commerce Board of Directors and Commissioner Duff to the Visitor's Bureau Board of Directors.

A motion was made by **Commissioner Jenkins** with a second by **Commissioner Thomas** to adopt resolutions making these re-appointments.

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

Resolution # 110199, Exhibit E-F

Nancy Richesin, Director of Budgets and Accounts, requested consideration of approval of funding for approximately \$30,000 for a Needs Assessment Study for the Jail/Judicial System. The Jail/Judicial Committee recommended this request to the Capital Projects Committee and the Budget Committee and they recommended approval. The funds will come from the borrowed funds for the jail expansion.

A motion was made by **Commissioner Park** with a second by **Commissioner Harold** to approve funds for the Needs Assessment Study on the Jail/Judicial System.

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

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

Ms Richesin requested consideration of approval of a request from the Don Palmer to borrow \$250,000 for operational purposes of the Highway Department. The funds will be paid back from the gasoline tax and the property tax collected for the Highway Department.

A motion was made by **Commissioner Park** 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, Park and Harold (8).**

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

Mr. Russ Newman, Office of Planning and Community Development, presented a map to the commission that represented the Planned Growth and Rural Areas in which county commission directed Mr. Newman to develop. The map included TVA areas, conservation and public recreation areas, and some TRDA areas in the Rural areas and all other areas outside the Urban Growth areas, previously recommended, be included in the Planned Growth areas.

A motion was made by **Commissioner Park** with a second by **Commissioner Jenkins** to refer this map to the Coordinating Committee as their proposal of the Planned and Rural Growth areas with the exception of TRDA property which will be taken out of the Rural area and placed in the Planned area.

Upon voice vote the motion **passed.**

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) Consideration of request to accept Hammontree Lane as a county road located off Brook Road. This road is 661' in length and is located in the 3rd District.

A motion was made by **Commissioner Masingo** with a second by **Commissioner Harold** to accept Hammontree Lane as a county road.

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

Resolution # 110199, Exhibit G

- 2) Consideration of request to accept Ness Lane as a county road, located in the Third Legislative District.

A motion was made by **Commissioner Masingo** with a second by **Commissioner Randolph** to accept Ness Lane as a county road.

Upon roll call vote on the motion the following commissioners voted **Aye: Randolph, Thomas, Masingo, Bledsoe and Park (5)**.

The Following Commissioners voted **Nay: Maples, Jenkins and Harold (3)**.

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

Resolution # 110199, Exhibit H

- 3) Consideration of a Resolution Requesting Passage Of Legislation Establishing Responsibilities Of Property Owners And Definitions For Non-Natural Changes In Surface Water Drainage With Cost Recovery Provisions

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

Upon roll call vote on the motion the following commissioners voted **Aye: Thomas, Jenkins, Masingo, Park and Harold (5)**.

The Following Commissioners voted **Nay: Randolph, Maples and Bledsoe (3)**

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

Resolution # 110199, Exhibit I

Mr. Pat Phillips, Loudon County Economic Development Agency, requested consideration of adopting a Resolution Authorizing The Submission Of An Economic Development Grant Application For Infrastructure And Site Development Improvements In The Centre Seventy-Five Business Park.

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

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

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

Resolution # 110199, Exhibit J

Attorney Sproul reported on the suit in conjunction with other counties in the state. The Board of Equalization has postponed indefinitely the hearing that was scheduled. Another decision is expected to be made from the Administrative Law Judge in deciding what is fair market value.

Attorney Sproul reported from the Loudon County Cable Television Authority (LCCTA). When Intermedia sold to Charter Communications an audit was done which showed that some fees had not been paid to the county and the cities for service inside Tellico Village. LCCTA and the Community Channel Advisory Committee are requesting that these excess funds which are due the county be used for the set up of a studio for the community channel. A possible site has been found at the Loudon County Technology Center for the studio.

A motion was made by **Commissioner Masingo** with a second by **Commissioner Randolph** to approve the use of excess funds from the audit of Intermedia for the purpose of establishing a studio contingent upon the approval of the cities allowing their excess funds to be used for the same purpose. If the cities don't approve the request this issue will go to a workshop meeting for further discussion.

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

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

(17)
Motion passed
to accept
Hammontree
Lane as county
road

(18)
Motion passed
to accept Ness
Lane as county
road

(19)
Motion passed
to adopt surface
water drainage
resolution

(20)
Motion passed
to adopt
resolution
authorizing
submission of
grant by EDA
for Centre
Seventy-Five

(21)
Report from
Cable Authority

(22)
Motion passed
to approve
request by cable
authority to use
excess funds for
studio

(23)
Building
Commissioner's
Report

Russ Newman gave the totals of October 1999 for the Building Commissioner's Office:

Permits issued:	35	Est. Value:	\$1,745,100
Amount collected:	\$3,025	New taxes:	\$9,000

Don Palmer, Road Commissioner, had no report

Howard Luttrell, Purchasing Agent, reported that Barge, Waggoner, Sumner & Cannon was awarded the contract to do the Needs Assessment Study for the Jail/Judicial System.

(24)
Bonds approved

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

Benjamin E. Williams

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

(25)
Notaries
approved

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

Angela M. Boyd

Melissa Harness

Leon F. Shields

John Kernica

Brenna C Williams

Barbara S. Purdy

Benjamin E. Williams

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

(26)
Adjournment

There being no further business, a **Motion** being duly made and seconded, the November 1, 1999 meeting stood adjourned at 8:27 p.m.


CHAIRMAN

ATTEST:


COUNTY COURT CLERK


COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 110199-A

**RESOLUTION OF INTENT OF COUNTY COMMISSION TO
CONTINUE EATON FOREST SPECIAL SEWER DISTRICT PROJECT,
INCLUDING, IF NECESSARY, THE CONDEMNATION OF
NECESSARY EASEMENTS FOR THE MAIN SEWER LINES**

WHEREAS, the soil composition in the Eaton Forest community of the Fifth Civil District of Loudon County, is not conducive to the use of septic tanks and drain fields, and

WHEREAS, there has been great growth and development in the Eaton Crossroads area to the point that the use of septic tanks and drain fields has become a serious health hazard in many situations, and also has seriously affected property values; and

WHEREAS, the great majority of the property owners and residents of the Eaton Forest community area earlier has petitioned the County Commission for help, and the County has obtained a One Hundred Thirty-Seven Thousand Five Hundred Dollar (\$137,500.00) grant, and previously has indicated its intent to assist the property owners in that community in getting a sewer system, using the same general conditions and restrictions that were approved in the Eatonwood Subdivision sewer project; and

WHEREAS, C. E. Designers, Inc. of Monterey, Tennessee, the engineer that has been retained by the county on this project, has completed the plans and specifications, but cannot proceed further with bidding the project at this time until there is assurance that all the necessary sewer easements that have to cross private property have been obtained, or until there is assurance that the remaining easements will be obtained if the construction bids are approved and the County Commission approves the completion of the project; and

WHEREAS, it had been the hope and understanding of the community that all, or almost all, of the property owners in the area over whose property the sewer lines would have to be constructed were willing to grant the necessary easements without compensation; and

WHEREAS, almost all of the easement property owners have signed or have agreed to sign easements, with the exception of approximately three (3) property owners; and

WHEREAS, the remaining steps are to advertise for construction bids, and for the County Commission to award a bid, if reasonable, and to establish the definite parameters for the special sewer district, with each parcel in the district as finally established by the Commission, to be subject to a special sewer assessment to be established each year for an annual amount on each parcel in the special district, the total of which will pay the principal and interest for the borrowing of the construction money, together with any additional amounts necessary for the administration of the project; and

WHEREAS, the great majority of the property owners continue to petition the County Commission to approve the project, and, under all the circumstances existing, it continues to be the intent of the County Commission to proceed with the project, and to take action to condemn the necessary right-of-way for easements if a voluntary granting of easement is not obtained from the necessary property owners, so that the refusal of a few property owners does not lose the benefit to the entire community of the work and expense that has been incurred thus far;

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled on this 1st day of November, 1999, that the Loudon County Executive and the Project Engineer be authorized to request bids for construction so as to

determine whether or not the project is feasible financially, and if it appears that the bids are within a range that will make the project financially feasible, that it will be the intent of the County Commission to accept the bids and to condemn any necessary remaining easements to assure the completion of the project.


COUNTY CHAIRMAN


ATTEST:


COUNTY CLERK

APPROVED:


COUNTY EXECUTIVE

PREPARED BY:


COUNTY ATTORNEY

LOUDON COUNTY COMMISSION

RESOLUTION NO. 110199-B

RESOLUTION GRANTING TO LOUDON UTILITIES, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PLACE AND MAINTAIN NATURAL GAS FACILITIES IN CERTAIN PORTIONS OF THE PUBLIC LANDS AND RIGHTS-OF-WAY OF LOUDON COUNTY, TENNESSEE, TOGETHER WITH THE CONDITIONS OF SAID GRANT

WHEREAS, Loudon Utilities, hereinafter referred to as "LUB", a natural gas utility, with its principal office in Loudon, Tennessee, engaged in the business of distribution and sale of natural gas in the cities of Loudon, Philadelphia, Vonore and Greenback, Tennessee, and in certain portions of Monroe and Loudon County; and

WHEREAS, due to the growth of Loudon County, LUB desires to expand its natural gas service to that area contiguous to territories presently being served by LUB; and

WHEREAS, it is to the best interest of the residents and businesses located, or that may locate in the future, in the below described areas of Loudon County, Tennessee, that they have natural gas available for their use; and

WHEREAS, LUB has adequate supplies of natural gas and the financial resources required for system expansion and, therefore, proposes to serve the below described areas as the need develops in accordance with the provisions relating thereto approved by various regulating agencies; and

WHEREAS, LUB desires to expand its service into areas of Loudon County not presently served, but contiguous to other territory now served by LUB in an area as hereinafter fully described as follows:

The area proposed to be served by LUB as it develops is more particularly described as follows:

Beginning at the intersection of the Tennessee River and the County line between Blount County and Loudon County, thence downstream along the meandering of the center line of the Tennessee River, generally in a southwesterly and then northwesterly direction, to its confluence with the Little Tennessee River; then, upstream along the meandering of the center line of the Little Tennessee River, generally in a southerly direction to the intersection of the County line between Loudon County and Monroe County; then, beginning in a southerly direction and then generally in an easterly direction along the Loudon-Monroe County line to the intersection of the County line between Loudon and Blount County; then, generally in northeasterly and then northerly direction along the Loudon-Blount County line to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED that the County Commission of Loudon County, Tennessee meeting in regular session on this 1ST day of November, 1999, the Loudon Utility Board, its successors and assigns, is hereby granted the right and permission to use the public lands and rights-of-ways now and hereafter owned and acquired in the area described in this petition, all being in the unincorporated areas of Loudon County, Tennessee, including any unincorporated municipalities within said area as now constituted, all is provided for and authorized under T.C.A. 65-22-103.

BE IT FURTHER RESOLVED, that the said Loudon Utilities Board, its successors and assigns, as a condition for the granting of this permission, shall lay, construct, and maintain all gas mains, service lines, fixtures, facilities, and other appliances with the most acceptable engineering practices and in full accord with all applicable engineering codes adopted or approved by the natural gas distribution industry and/or engineering profession, and in accordance with any applicable Statutes of the State of Tennessee and the Rules and Regulations of the Tennessee Public Service Commission or any other governmental regulatory commission, board or agency having jurisdiction over LUB; and additionally LUB shall be responsible for all damages, claims, or obligations arising out of the use of said rights-of-ways requesting by the cutting of roads for placing of its facilities, and shall repair expeditiously any damages to said roads occasioned by the placing or maintenance of its facilities in said roads or rights-of-way to the same condition as said roads were prior to the commencement of said work; and furthermore, LUB shall hold Loudon County, Tennessee, and its employees or agents, harmless from all liability to LUB for damage to LUB's line of transmission, equipment or other property, arising out of the County's maintenance of all roads and rights-of-ways under its jurisdiction, unless such negligence is of a gross nature as defined under Tennessee law. The Loudon County Highway Department agrees to notify LUB at least twenty-four (24) hours prior to when it will be working on a project where LUB's property will be affected, except in case of an extreme emergency where the county must begin repair work immediately, under which circumstances notice will be given as soon as possible. LUB agrees to follow the rules and regulations of the Loudon County Highway Department in the construction and maintenance of natural gas lines and facilities, and to give reasonable notice to the County Highway Superintendent before undertaking any project involving the county roads.

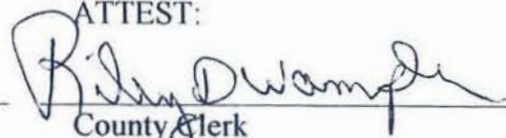
Adopted this 1st day of November 1999.


Chairman

APPROVED:


County Executive

ATTEST:


County Clerk

LOUDON COUNTY COMMISSION

RESOLUTION NO. 110199-C

A RESOLUTION RECOGNIZING AND HONORING THE EFFORTS OF THOSE WHO CONTRIBUTED TO THE SUCCESS OF THE LOUDON COUNTY HERITAGE BOOK

WHEREAS, on October 4, 1999 the first issue of "Loudon County And Its People" was released; and

WHEREAS, "Loudon County And Its People" gives accounts of Loudon County citizens and their family heritages from 1870-1999; and

WHEREAS, dedicated volunteers worked 16 months to compile and edit data and information submitted by families in Loudon County; and

WHEREAS, the book was cultivated by all volunteers who put forth many hours of service and dedication to the success of this book. Those volunteers are as follows:

Billye Snow	Co-Chairperson
Sarah Nell McEachern	Co-Chairperson
Gerald Augustus	Topical Co-Chairperson
James Watkins	Topical Co-Chairperson
Gerry Amos	Treasurer
Debbie Blackburn	Family Chairperson
Tammy Smallen	Family and Topical
Mary Grimes Stevens	Family and Topical
Carolyn Jenkins	Ads

NOW, THEREFORE, BE IT RESOLVED that the County Commission of Loudon County, Tennessee meeting in regular session on this 1st day of November, 1999, hereby recognizes commends, honors and thanks these volunteers for their contributions and efforts to the success of the book.

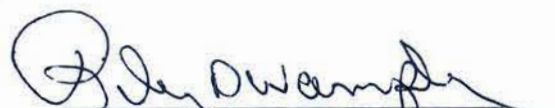
Adopted this 1st day of November 1999.

APPROVED:


Roy Bledsoe, Chairman


George M. Miller, County Executive

ATTEST:


Riley D. Wampler, County Clerk

LOUDON COUNTY COMMISSION
RESOLUTION NO. 110199-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
BEER BOARD

Appointee

Term Expiration

Panel B

Fourth District – Bob Snodgrass

August 31, 2002

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 1st day of November, 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

First District – Nat Campbell

August 31, 2001

Second District – No Appointment

August 31, 2001

Panel B

Third District – Bobby Brown

August 31, 1999

Panel C

Fifth District - Dana Zehner

August 31, 2000

Sixth District - James Williamson

August 31, 2000

LOUDON COUNTY COMMISSION

RESOLUTION NO. 110199-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

***VOTING DIRECTOR ON THE BOARD OF THE LOUDON COUNTY
CHAMBER OF COMMERCE***

Appointee

Commissioner Jerry Park

Term Expiration

December 2000

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 1st day of November, 1999 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 110199- 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

**VOTING DIRECTOR ON THE BOARD OF THE LOUDON COUNTY
VISITORS' BUREAU**

Appointee

Commissioner Harold Duff

Term Expiration

December 2000

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 1st day of November, 1999 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY EXECUTIVE

RESOLUTION NO. 110199-G

**A RESOLUTION ADOPTED BY THE LOUDON COUNTY COMMISSION ACCEPTING AN
ADDITIONAL 661 FEET OF HAMMONTREE LANE INTO THE PUBLIC ROADWAY
SYSTEM, LOCATED OFF BROOK ROAD IN THE THIRD LEGISLATIVE DISTRICT OF
LOUDON COUNTY, TENNESSEE**

WHEREAS, the chief legislative body of the county has the authority under Tennessee Code Annotated §13-3-406 to accept the dedication of roads, to adopt policies and standards for the acceptance of new roads and to reopen previously closed county roads; and

WHEREAS, the Loudon County Regional Planning Commission has received a request from the owner, Alice Hammontree, that a dedicated section of concrete paved road approximately 661' in length, and including 50' of dedicated right-of-way, be extended from the existing Hammontree Lane (a county road) and accepted into the County's public road system; and

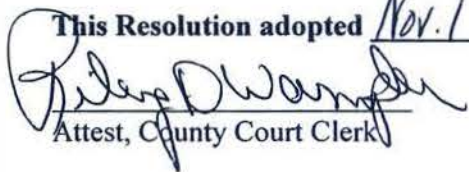
WHEREAS, said road consists of a gravel subsurface and poured concrete base, approximately 13' in width, and a 50' right-of-way; and

WHEREAS, the Loudon County Regional Planning Commission has reviewed this matter, and has recommends that this road **be accepted** into the County's Roadway System based on its existing conditions and the function of the road in the transportation network. The Loudon Regional Planning Commission recommends that any developer proposing to subdivide property fronting on this section of Hammontree Lane be required to improve the road to Loudon County subdivision regulation standards.

NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission considers the acceptance of this additional 661' of Hammontree Lane to be in the public benefit and that said road be accepted into the County's roadway system as indicated on the attached map, said map being a part of this Resolution.

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

This Resolution adopted Nov. 1, 1999


Attest, County Court Clerk

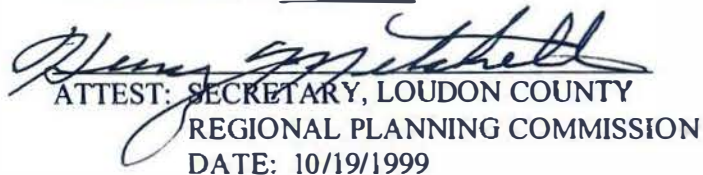

Loudon County Chairman


Approved: Loudon County Executive

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

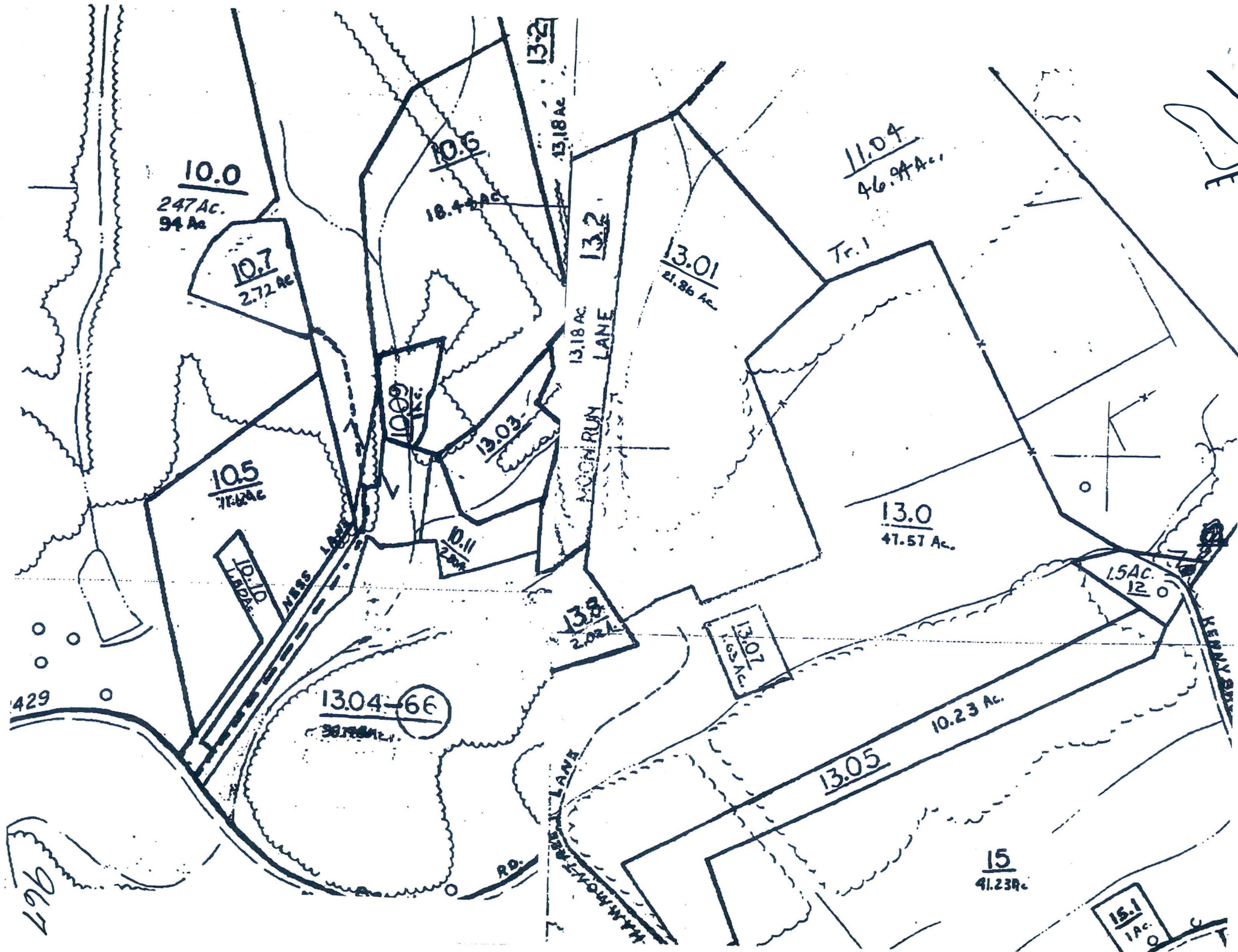
APPROVED: 10

DISAPPROVED: 0


ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
DATE: 10/19/1999

FILE #99-10-129-TR-CO

966



RESOLUTION NO. 110199-H

A RESOLUTION ADOPTED BY THE LOUDON COUNTY COMMISSION ACCEPTING NESS LANE INTO THE PUBLIC ROADWAY SYSTEM, LOCATED OFF OLD HIGHWAY 95 IN THE THIRD LEGISLATIVE DISTRICT OF LOUDON COUNTY, TENNESSEE

WHEREAS, the chief legislative body of the county has the authority under Tennessee Code Annotated to accept the dedication of roads, to adopt policies and standards for the acceptance of new roads and to reopen previously closed county roads; and

WHEREAS, the Loudon County Regional Planning Commission has received a request from the County Road Superintendent that a dedicated section of a private drive, measuring approximately 8-10' in length, be accepted into the county public road system; and

WHEREAS, said driveway consists of a mixed stone and dirt base, approximately four-tenths (4/10) of a mile in width, absent adequately constructed drainage swales and dedicated right of way; and

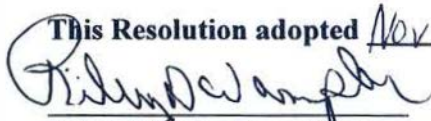
WHEREAS, the cost to improve this drive for public road purposes is estimated at \$105,600.00, based on a linear foot price of \$50.00 per foot for grading, drainage, base and paving; and

WHEREAS, the Loudon County Regional Planning Commission has reviewed this matter and the County Superintendent's recommendation in this regard, and has recommended that the drive **not be accepted** into the County's Roadway System based on the existing conditions and cost benefit of the anticipated improvement and function of the road in the transportation network.

NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission considers the acceptance of this private drive to be in the public benefit and that said road be accepted into the County's roadway system as indicated on the attached map, said map being a part of this Resolution.

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

This Resolution adopted Nov. 1, 1999

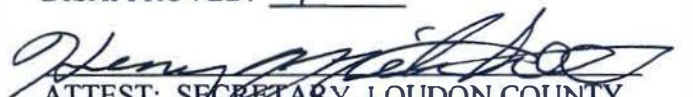

Attest, County Court Clerk

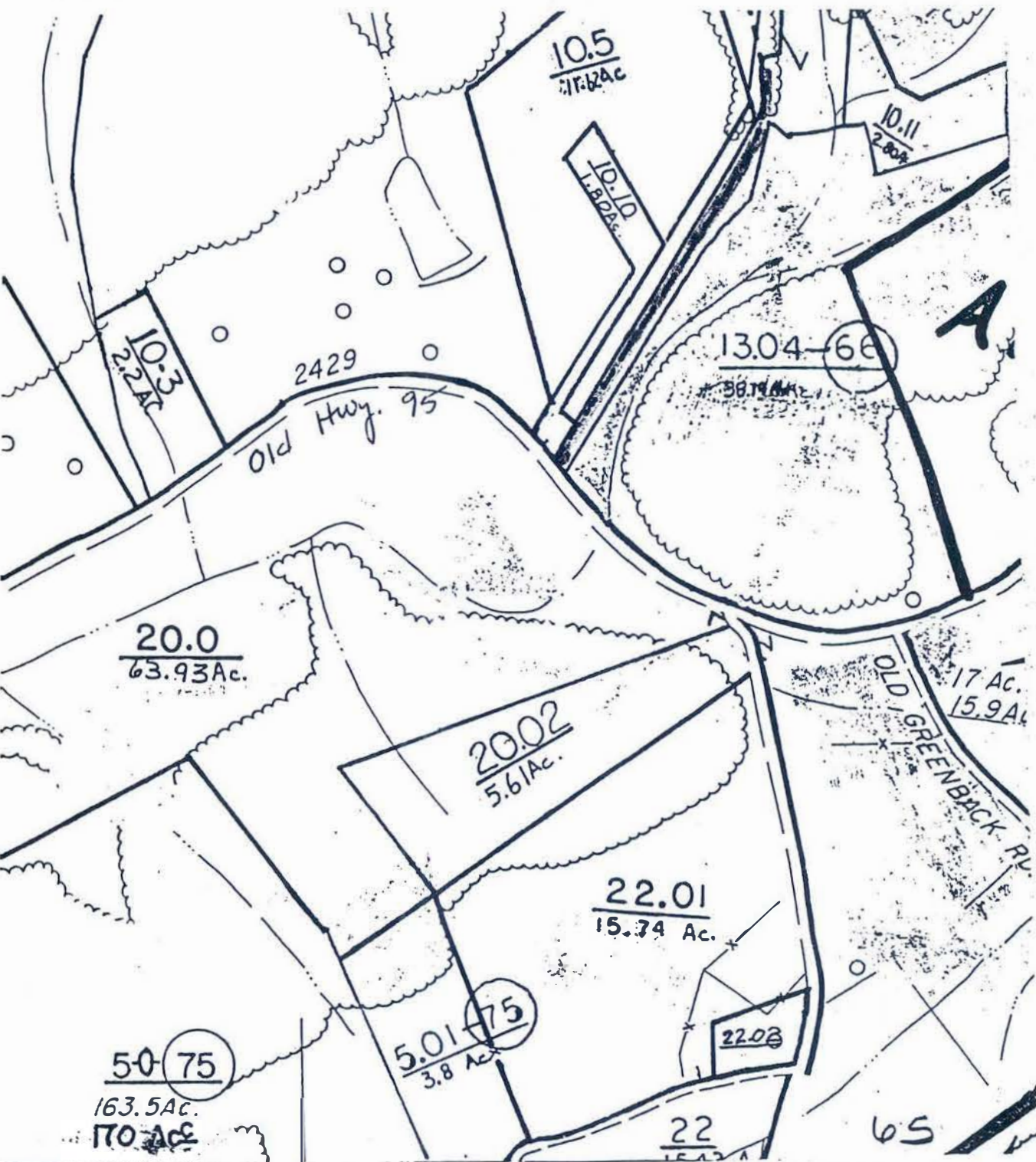

Loudon County Chairman


Approved, Loudon County Executive

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

APPROVED: 0
DISAPPROVED: 9


ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
DATE: 6/15/1999
FILE #99-6-72-TR-CO



6-15-99 BZA Item 5-F: Consideration of request to accept Ness Lane as county road.

LOUDON COUNTY COMMISSION
RESOLUTION NO. 110199-1

RESOLUTION REQUESTING PASSAGE OF LEGISLATION ESTABLISHING
RESPONSIBILITIES OF PROPERTY OWNERS AND DEFINITIONS FOR NON-
NATURAL CHANGES IN SURFACE WATER DRAINAGE WITH COST
RECOVERY PROVISIONS

Purpose of this request is: 1. Provide understanding of the terminology, 2. Encourage individuals to resolve and prevent problems, 3. Provide resolution for those that are in unique circumstances and cannot help themselves, 4. Provide a mechanism to deal with situations that are off the County Highway right-of-way that cause endangerment to public safety and unwarranted tax payer expense, 5. Provide a way for counties to help resolve complex situations where multi-properties are involved

WHEREAS, according to CTAS there are no current known statutes that establish definition and assign responsibilities for proper surface water drainage control by property owners, particularly when more than a single property is involved; and

WHEREAS, it is the responsibility of local government to provide for the public safety and welfare and to provide a reasonable means for the protection of property both public and private from intentional acts and negligence, and to control the cost burden of tax payers; and

WHEREAS, there exists an obligation to establish understanding and definition of and to assign responsibilities for proper surface drainage control that are forthright and equitable in their purpose and descriptions; and

WHEREAS, there are very costly repairs in significant and frequent situations that cause extenuating circumstances, and solutions are difficult. Corrections and resolution of these various and precarious situations, often involving several property owners, are extremely difficult to manage and resolve under present authority; and

WHEREAS, there are ample precedent setting appellate court rulings, common or case law and Tennessee Attorney General opinions relating to surface drainage case resolutions that establish firm grounds for support of this legislation. Also the Army Corps of Engineers deems that man-made situations caused by alterations to natural drainage are not within their responsibility; and

WHEREAS, there is no Tennessee statute in consolidated form that is practical for local administrative applications, providing clarity and practical understanding that will benefit all parties and facilitate resolution for otherwise difficult situations that lead to breakdown, failure, repeating damage and mounting cost.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Legislative Body meeting in regular session on this 1st day of November, 1999, to request establishment of certain definitions for proper surface water drainage control and establish responsibilities of property owners for proper water flow maintenance to down stream locations as follows:

Any property owner or any person is responsible whether caused by negligence or willful acts that result in unsafe conditions, nuisances, physical harm to property and financial cost coming from modifications of natural surface water drainage by obstructions, modifications, diversions, dams, deflections, blockages, junk and debris deposits, rerouting, volume and flow restraints, that changes the natural drainage and or causes a concentrated form in unnatural quantities, so as to interfere and change the natural flow of surface water, causing injury to adjoining and lower down stream properties either public or private, easements and public rights-of-ways including state and county highway systems.

BE IT FURTHER RESOLVED provided property damages have occurred and or the public safety and welfare are being jeopardized, counties be granted legal standing to intervene and be considered aggrieved on behalf of two or more property owners when petitioned by at least one of the property owners, there being two or more total properties involved. Counties can also be aggrieved when petitioned by the County Highway Department and or the County Planning Commission, subject to approval of the County Legislative Body.

That provisions be established for reasonable recovery of cost to the state and counties including costs for engineering, labor, material and use of equipment in repairs and restorations due to a willfulness and or negligence of property owners and any other person or persons involved that cause wrongful interference with natural drainage of surface water.

Where public safety and welfare is being jeopardized and a potential for damages exists, counties be given injunctive powers on behalf of itself and property owners to prevent mounting risks and escalating costs and be given authority to establish a daily fine of \$25 to \$100 per day until corrections are made.

BE IT FURTHER RESOLVED that County Highway Departments have full and complete authority to remedy any natural water flow alterations or restraints occurring on the County Highway System right-of-way and to recover any and all costs related to removal, reconstruction and repair in situations where property owners have obstructed or altered road side drainage either by willful acts or negligence defined above.

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Legislative Body meeting in regular session on this 1st day of November, 1999, strongly requests our state legislative representatives to introduce legislation as above and diligently work for passage in the next session.

BE IT FURTHER RESOLVED that the Loudon County Commission request that a copy of this resolution be forwarded to all Counties in Tennessee with a letter requesting it be passed by their County legislative bodies urging their state representatives to do the same.

Lastly, the Loudon County Executive be empowered and urged to seek the help and expertise of the Tennessee County Commissioners Association to lobby for the passage of this legislation.

Further, also mail to the Tennessee County Highway Officials Association, as recommended by Loudon County Road Superintendent and past Association President Mr. Don Palmer, asking them to lobby for introduction and passage.

Adopted this 1st day of November 1999 with the following Roll Call vote:

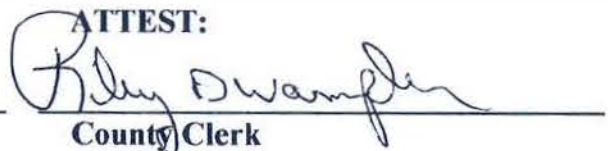
5 Aye(s)
3 Nay(s)


County Chairman

APPROVED:



County Executive

ATTEST:


County Clerk

The vote on the question of approval of this Resolution by the Loudon County Regional Planning Commission on October 19, 1999 is as follows:

Approved: 10
Disapproved: 0


Attest: Secretary, Loudon County
Regional Planning Commission

RESOLUTION NO. 110199-J

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN ECONOMIC DEVELOPMENT
ADMINISTRATION GRANT APPLICATION FOR INFRASTRUCTURE AND SITE
DEVELOPMENT IMPROVEMENTS IN THE CENTRE SEVENTY-FIVE BUSINESS PARK**

Whereas, the City of Loudon and County of Loudon recognize and support the need for industrial and commercial expansion with the City and County; and

Whereas, Loudon County and the City of Loudon have entered into a interlocal agreement for the acquisition and development of a 282 acre business park at the intersection of Interstate 75 and Hwy. 72 within the City of Loudon being developed as Centre 75; and

Whereas, Certain infrastructure and site development improvements must be made within the park to improve the site's marketability for industrial and commercial site locations; and

Whereas, the Economic Development Administration offers grant funds to local jurisdictions which may be used to fund infrastructure related and site improvements in industrial parks; and

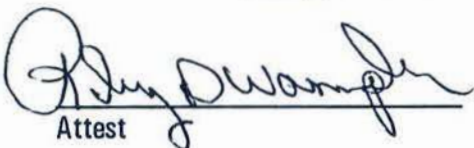
Whereas, Loudon County has previously submitted a preliminary application to EDA and the agency has requested the submittal of a formal application, which includes the commitment of local matching share by the County and City?

Now, Therefore Be It Resolved that the City of Loudon and County of Loudon, Tennessee hereby authorize the Mayor and County Executive to execute the necessary grant applications and documents with the Economic Development Administration for up to \$1,000,000 to partially fund infrastructure and site development improvements in the Centre 75 Business Park.

Be It Further Resolved that the City of Loudon and County of Loudon shall commit local funds in the amount of \$436,804 for the City of Loudon, and \$655,206 for the County of Loudon as the required proportionate share of the required match for the project.

Be It Finally Resolved that this Resolution shall take effect immediately the public welfare requiring it.

Adopted this the 1st day of November 1999


Attest


Attest


County Executive


Mayor

972