

LOUDON COUNTY COMMISSION

REGULAR MEETING

January 3, 2000

1. Public Hearing
2. Opening of Meeting
3. Roll Call
4. Motion **passed** to adopt Agenda
5. Motion **passed** to adopt minutes of December 6, 1999 County Commission Meeting
6. Audience Comments on Agenda Items
7. Audience Comments on Non-Agenda Items
8. Motion **passed** to adopt resolution appointing members to Loudon County Extension Committee
Resolution # 010300, Exhibit A
9. Motion **passed** to adopt resolution appointing member to Loudon County Solid Waste Disposal Commission
Resolution # 010300, Exhibit B
10. Report on Connie Clark case
11. Motion **passed** to deny proposed settlement in Connie Clark case
12. Motion **passed** to approve DGA contract with the state regarding the Health Department
13. Motion **passed** to adopt resolution to rezone Wade Road West property
Resolution # 010300, Exhibit C
14. Motion **passed** to adopt resolution establishing a payment in lieu of tax program
Resolution # 010300, Exhibit D
15. Motion **passed** to approve sale of Sugarlimb Ind. Park property to Johnson Propellers
16. Motion **passed** to adopt resolution establishing Eaton Forest Special Sewer District
Resolution # 010300, Exhibit E
17. Motion **passed** to approve sale of salvage vehicles from Sheriff's Department
18. Notaries approved
19. Adjournment

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

**PUBLIC HEARING
January 3, 2000
6:00 PM**

- 1) Rezoning request for property located at Wade Road West, referenced by Tax Map 73, Part of Parcel 14.04, First Legislative District, from R-1, Suburban-Residential District, to C-2, General Commercial District
Mr. Garrell Foshee came forward and spoke in favor of rezoning this property and stated that he would be willing to build a road accessing Hwy. 72 up to county standards and turn it over to the county.

REGULAR MEETING

BE IT REMEMBERED that the Commission of Loudon County convened in regular session in Loudon, Tennessee on the 3rd day of January 2000.

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

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, Duff, Park, and Harold (9)**

Thereupon **Chairman Bledsoe** announced the presence of a quorum. Also present was the **Honorable George Miller**, County Executive.

Chairman Bledsoe requested the January 3, 2000 agenda be adopted.

Executive Miller requested that the items under his part of the agenda pertaining to appointments to the Recreation Advisory Board and approval of application of a recreation grant be taken off the agenda and deferred to workshop.

A **Motion** was made by **Commissioner Masingo** with second by **Commissioner Randolph** to accept the January 3, 2000 agenda with requested items taken off.
Upon voice vote the motion **passed** unanimously.

Chairman Bledsoe requested the minutes of December 6, 1999 be read and accepted.

A **Motion** was made by **Commissioner Randolph** with second by **Commissioner Harold** to accept the minutes of December 6, 1999 as presented.
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.
No one came forward.

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

Chairman Bledsoe read a "Thank You" note from **Commissioner Park** thanking everyone for their sympathy during the passing of his father.

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

(8)
Motion passed
to adopt
resolution – Ag
Extension
Committee

Executive Miller requested consideration of adopting a resolution re-appointing members to the Loudon County Extension Committee.

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

Upon voice vote the motion passed unanimously.

Resolution # 010300, Exhibit A

(9)
Motion passed
to adopt
resolution –
Solid Waste
Commission
member

Executive Miller requested consideration of adopting a resolution appointing a member to the Loudon County Solid Waste Disposal Commission.

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

Upon voice vote the motion passed unanimously.

Resolution # 010300, Exhibit B

(10)
Report on
Connie Clark
case

Executive Miller reported on the Connie Clark v. Loudon County case. Depositions were completed on December 22, 1999 and a proposed settlement was offered by Ms. Clark. **Executive Miller** reported to Ms. Clark's attorney that he would present this proposal to the Budget Committee for consideration without a recommendation to accept it. **Executive Miller** reported that on January 3, 2000 another proposed settlement was offered by Ms. Clark and this proposal was presented to the Budget Committee for consideration with a recommendation to accept. A motion was made and seconded at the Budget Committee meeting to accept this proposed settlement offered on January 3, 2000 and passed by a vote of 3-2.

Executive Miller requested consideration of accepting this proposed settlement submitted by Ms. Clark's attorney as recommended by the Budget Committee.

A motion was made by **Commissioner Randolph** with a second by **Commissioner Park** to deny acceptance of the proposed settlement offered on January 3, 2000 and proceed with defending the case.

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

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

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

(11)
Motion passed
to deny
proposed
settlement

(12)
Motion passed
to approve DGA
contract

Executive Miller requested consideration of approval of a Departmental Grant Authority (DGA) contract for the Loudon County Health Department. This contract allows the Health Department to hire county employees of which funds will be reimbursed by the state.

A motion was made by **Commissioner Park** with a second by **Commissioner Maples** to approve the DGA contract with the state.

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)**

(13)
Motion passed
to rezone Wade
Rd. property

Mr. Russ Newman, Office of Planning and Community Development, requested discussion and possible action on the following item referred to the County Commission by the Planning Commissions:

- 1) Rezoning request for property located at Wade Road West, referenced by Tax Map 73, Part of Parcel 14.04, First Legislative District, from R-1, Suburban-Residential District, to C-2, General Commercial District

A motion was made by **Commissioner Randolph** with a second by **Commissioner Thomas** to approve this rezoning request with the condition that Mr. Foshee builds an access road to Hwy. 72 according to county road standards and turns it over to the county.

Upon voice vote the motion passed.

Resolution # 010300, Exhibit C

982

Mr. Pat Phillips, Loudon County Economic Development Agency, requested consideration of adopting a Resolution Adopted By The County Of Loudon Establishing A Payment In Lieu Of Tax Program For Project Phoenix Loudon, Tennessee Expansion Project.

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Thomas** 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 # 010300, Exhibit D

Mr. Phillips requested consideration of approving the sale of 7,367 sq. ft. of property in Sugarlimb Industrial Park to Johnson Propellers.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Jenkins** to approve this sale.

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)**

Executive Miller requested consideration of adopting a Resolution Establishing The Eaton Forest Special Sewer District.

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

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 # 010300, Exhibit E

Don Palmer, Road Commissioner, requested consideration of adopting a formal county road list. Commission requested that this item be referred to workshop for discussion.

Howard Luttrell, Purchasing Agent, requested approval to sell 11 salvage vehicles from the Sheriff's Department by sealed bid.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Masingo** to approve the sale of these vehicles by sealed bid.

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 Duff** to approve the following Notaries:

Donald R. Roberts

Elizabeth B. Allen

Libbie L. Morris

Edwin Arnold

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

Commissioner Park announced that there would be a Jail/Judicial Committee meeting on January 26th at 5:00 p.m. at the Justice Center.

There being no further business, a **Motion** being duly made and seconded, the January 3, 2000 meeting stood adjourned at 7:12 p.m.


CHAIRMAN

ATTEST:


COUNTY COURT CLERK


COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 010300-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 members of the

COUNTY EXTENSION COMMITTEE

Appointee

Harold B. Duff

W.M. Breazeale

Term Expiration

September 2001

September 2001

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 3rd day of January, 2000 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 are as follows:

Appointee

Ed Harold

Ted Randolph

James Messler, Chairman

Karen Hewett

Karen Simmons

Term Expiration

September 2000

September 2000

September 2000

September 2000

September 2000

LOUDON COUNTY COMMISSION

RESOLUTION NO. 010300-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
SOLID WASTE DISPOSAL COMMISSION**

Appointee

Term Expiration

Panel C

Larry Stafford (completing the term of Sidney Mayes) March 2001

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 1st 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)
Robert Harrison (Loudon)
Ted Sitzlar

March 1999
March 1999
March 2005

Panel B

Al Jordan
Wayne Tolbert

March 2003
March 2003

Panel C

Steve Field

March 2001

RESOLUTION 010300-C

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY AT WADE ROAD WEST, LOCATED IN THE FIRST LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 73, PARCEL 14.04, FROM DISTRICT R-1, SUBURBAN RESIDENTIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT.

WHEREAS, the Loudon County Commission, in accordance with Chapter Four, Section 13-7-105 of the Tennessee Code Annotated, may from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts, or any other provision of any zoning resolution, and

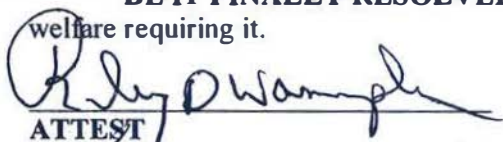
WHEREAS, the Regional Planning Commissions have forwarded recommendations regarding the amendment to the Zoning Map of Loudon County, Tennessee,

WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on December 6, 1999, consistent with the provisions of Tennessee Code Annotated, Section 13-7-105,


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

1. That property at Wade Road West, located in the First Legislative District, referenced by Tax Map 73, Parcel 14.04, be rezoned from R-1, Suburban Residential District, to C-2, General Commercial District, as represented on the attached map; said map being part of this Resolution.

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


ATTEST


APPROVED: LOUDON COUNTY EXECUTIVE


LOUDON COUNTY CHAIRMAN
DATE: 1/3/00

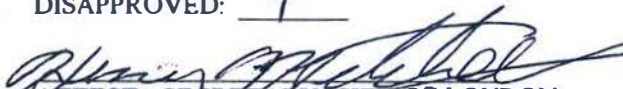
The vote on the question of approval of this Resolution by the Planning Commissions is as follows:


APPROVED: 0

DISAPPROVED: 7

APPROVED: 2

DISAPPROVED: 7


ATTEST: SECRETARY, CITY OF LOUDON
REGIONAL PLANNING COMMISSION
Dated: December 8, 1999


ATTEST: SECRETARY, LOUDON
COUNTY REGIONAL PLANNING
COMMISSION
Dated: December 21, 1999

RESOLUTION # 010300-D

**A RESOLUTION ADOPTED BY THE COUNTY OF LOUDON ESTABLISHING A
PAYMENT IN LIEU OF TAX PROGRAM FOR PROJECT PHOENIX LOUDON,
TENNESSEE EXPANSION PROJECT**

WHEREAS, Project Phoenix is considering the expansion of the Loudon, Tennessee operations and investing approximately \$101,000,000 for real and personal property and creation of not less than 70 employees, and

WHEREAS, Project Phoenix's presence within Loudon County has directly and indirectly supported the local community through charitable giving and in-kind support which have a tremendous positive impact on the community's quality of life, and

WHEREAS, the investment in real and personal property, employment, above average wage and benefits programs, workforce training, and work environment contribute significantly to the economic prosperity of the citizens of Loudon County, and

WHEREAS, construction and investment in capital expenditures stimulate both private and public revenue from new and existing business opportunities, additional sales of goods and services all of which contribute to the local and regional economy, and

WHEREAS, a company's initial capital start-up costs impacts short term profitability and delays future expansion efforts until market share is obtained, and

WHEREAS, Economic Development Corporations, or similar tax exempt public entities, may hold personal and real property and enter into Payment In Lieu Of Tax (PILOT) Agreements with local industry; said agreements stipulating the amount, timing and schedule for in-lieu of tax payments, and

WHEREAS, certain economic development entities may enter into agreements with local government to insure in-lieu of payments to the appropriate governing body.

Now, Therefore, Be It Resolved, that the Legislative Body hereby approve the entering into of a PILOT agreement with Project Phoenix for the expansion of the Loudon facility involving an investment of \$101,000,000 in real and personal property and the creation of seventy full time positions.

Be It Further Resolved, that the City of Loudon and Loudon County agree to enter into an agreement with The Industrial Bond Board or other legal entity authorized to establish PILOT agreements for a payment in-lieu agreement as follows:

1. An annual in-lieu of tax payment of not less than \$422,234/ year beginning in FY 2000 and extending through FY 2005 or beginning at the end of construction and extending for five tax years.
2. The minimum capital investment for the project shall not be less than \$100,000,000 and generating not less than 70 full time positions over the life of the agreement. If the capital investment exceeds the stated amount, the difference is subject to the same in-lieu base formula

988

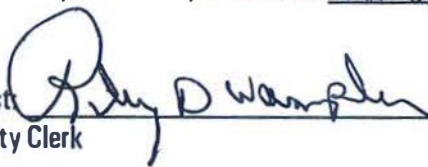
3. The distribution of the in lieu of tax payment between the City of Loudon and Loudon County shall be allocated on a percentage basis. The payment is based on the following factors and formula:
 - The projected average annual revenue generated from County and City property tax revenue for five (5) years is \$527,792. This amount is based on a 100,000,000 investment in both real and personal property. In-lieu payments for investments exceeding \$100,000,000 in real and personal property shall be calculated on the same formula as is the first \$100,000,000. The authorized in-lieu of tax payment is eighty percent (80%) of the five year average of \$527,792 or **\$422,234/year** for a period of five years
 - The primary consideration of this scenario is to insure a sufficient revenue source for both schools and general fund.
 - The City of Loudon and Loudon County shall distribute the annual base amount of \$422,234, or proportionate amount if the project is in excess of \$100,000,000, based on a 76% for the County of Loudon (\$320,898) and 24% for the City of Loudon (\$101,336).
4. A PILOT agreement for an additional expansion is authorized provided an investment of not less than \$30,000,000 if commenced within 3 years.
5. This agreement is limited to the proposed expansion of Project Phoenix's Loudon operations and does not establish a precedent, policy or obligation for future industry either existing or new.
6. The Economic Development Agency shall recommend specific policies, criteria and evaluations for economic development incentives/assistance programs, and shall submit same for approval to the County Commission prior to consideration of future incentive programs, exclusive of the Project Phoenix expansion.
7. The Economic Development Agency shall establish a fee for administration and legal expenses associated with the implementation of the in-lieu agreement. The Company shall pay said fee to the Economic Development Agency. Either party to this agreement shall not incur administrative or legal costs.

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

Adopted by the County of Loudon: JAN. 3, 2000 (date)

Attest

County Clerk



County Executive:


George M. Miller

Chairman:


Roy Bledsoe

LOUDON COUNTY COMMISSION

RESOLUTION NO. 010300-E

RESOLUTION ESTABLISHING THE EATON FOREST SUBDIVISION
SPECIAL SEWER DISTRICT

WHEREAS, the Loudon County Commission, within the last year, has agreed upon request by a significant majority of the property owners in the Eaton Forest Subdivision in the Fifth Civil District of Loudon County, Tennessee, because of geological characteristics in the subdivision that have caused a health and sanitation problem concerning the use of septic tanks and drain fields, to issue 12-year capital outlay notes for the construction of a sewer main through the subdivision, conditioned upon the cost of the entire project being paid by the property owners in the subdivision, with the principal and interest on the notes, and all the cost of administering the project during the payment term, to be paid through a special assessment against the property in the subdivision; and

WHEREAS, the County, in addition, has executed an intergovernmental agreement with the Lenoir City Utilities Board for the operation of the main sewer lines after they (and the "tie-ins" from the main line to existing buildings, if the "tie-ins" are requested and paid for by the property owners), are constructed; and

WHEREAS, the County Executive under authorization by the County Commission has entered into a contract with C. E. Designers, Inc., of Monterey, Tennessee, for the design of the project and to assist in the management of the construction of the project, and the County Commission further has authorized the condemnation of the necessary easements for the sewer main where the easements cannot be voluntarily obtained; and

WHEREAS, to make the special assessments to pay for the project as fair as possible, the County Commission previously has established a system for determining "buildable parcels" for the purpose of the final assessments, such parcels to constitute the permanent "class" which shall be subject to the annual special assessment; and

WHEREAS, bids have been received, with Kermit Everett Construction Co. (with a bid of \$240,315.43) being the low bidder, the bid papers have been reviewed, and the County's Engineer has recommended an awarding of the contract to the low bidder; and

WHEREAS, the boundaries of the special sewer district, and the conditions and regulations governing the project, now can be established, subject to a later supplemental resolution establishing and delineating specific "buildable parcel" numbers, and the assessment amount for the year 2000;

WHEREAS, any Eaton Forest property owner who owns two or more adjacent tracts may combine them into one assessable parcel, or who has a larger tract susceptible to division into smaller "buildable" parcels, will have the opportunity to do so, after which time a final designation of the number of "buildable (assessable) parcels" will be made, and after which time the per parcel assessment for the year 2000 can be set;

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this 3rd day of January, 2000, that the Eaton Forest Subdivision Special Sewer District is hereby established as described hereinbelow, and under the rules and regulations as set forth herein, as follows:

1. Purpose of the Project: To enable property owners in the Eaton Forest Subdivision area to have a sanitary sewer system because of the serious health and environmental hazards that have substantially increased over the years because of the increasing number of homes that have been built, and because the soil in that area does not percolate well;

2. Cost of Project: To approximate Three Hundred Thousand Dollars (\$300,000.00), including construction, engineering, legal, and easement acquisition.

3. How to be Financed: By a One Hundred Thirty-Seven Thousand Five Hundred Dollar (\$137,500.00) federal grant, and by the issuance of capital outlay notes to pay the balance of the construction costs, payable in twelve (12) years. The annual assessments shall be set so as to be sufficient to pay all costs involving the Special Sewer District until the notes are liquidated.

4. Description of Project Area: Primarily the Eaton Forest Subdivision, but to include, basically, property between Hines Valley Road and U.S. Highway 70, the specific geographic boundaries being shown on Exhibit A attached hereto.

5. Operation of New Sewer Lines: The Lenoir City Utilities Board will operate and maintain the sewer system in the District after it has been completed, with the ownership of the new part of the system to be assumed by LCUB after the capital outlay notes have been paid. The project relationship between the County and LCUB is governed by an intergovernmental agreement, the authorization for which was adopted by the County Commission, by Resolution No. 060799 - _____, dated June 7, 1999.

6. Project Period: From the beginning of planning for the project through the completion of the payment of the capital outlay notes for approximately 12 years, and until all project expenses have been paid.

7. Responsibility for Payment of the Notes and Other Costs: The entire cost of this project, including the construction contract, the engineer's fees, the legal fees, and any and all associated and related expenses concerning the project, from the beginning and throughout the project period, including legal fees and expenses incurred if litigation should become involved with any property owners, will be paid through special assessments levied annually by the County Commission on each "buildable parcel" within the project area, based upon the number of buildable parcels as further defined herein.

8. Definition of "Buildable Parcel": A buildable or "assessable" parcel is basically designated as each parcel that is located in the sewer district herein established, with the exception that the final designation of buildable parcels may be altered by virtue of certain options and/or

designations which are allowed to the property owners. These options and/or designations of buildable parcels are divided into categories as follows:

Category 1: Property owners who own single lots, which either have homes on them, or are buildable parcels on which a house may be built. These are automatically declared to be "buildable" assessable parcels.

Category 2: Subdivision parcel owners having more than one contiguous lot shall be given the option of replatting those lots into some number of parcels less than the number owned, but to be at least one. However, once the decision to reduce the number of lots has been made and a resubdivision has been completed, replatting at a later date to again increase the number of parcels (for the purpose of allowing an additional building permit and sewer hook-on) shall not be allowed during the capital outlay note period, inasmuch as it would not be fair to those lots which have had to pay from the beginning.

Category 3: Defined as subdivision parcel owners who have two contiguous parcels with one dwelling, but the dwelling is located on more than one lot, or one of the owned lots is a partial lot not large enough to receive a separate building permit. These parcels are not required to be replatted inasmuch as only one dwelling is allowed on each lot. Therefore, the second lot or portion of a lot is not eligible for a sewer tap because only one building permit may be issued for any one lot, or it may be a partial lot not large enough for a building permit.

Category 4: Property owners who have a parcel which is susceptible to be divided into more than one "buildable parcel" may exercise the option of resubdividing the large parcel so as to have additional lots that will be eligible for sewer taps during the 12-year period. The annual special assessment will be paid on each resubdivided lot.

9. Certification as to "Buildable Parcels": Final certification as to all buildable parcels that will be subject to the assessment will be designated by a supplemental resolution of the County Commission.

10. Assessment Procedures:

A. The annual assessment shall be made by the County Commission each year, usually at the approximate time as the annual County property tax bills are sent annually, with assessment notices to be prepared by the Property Assessor and seasonably sent to assessable parcel owners by the County Trustee who shall have the responsibility for the collection of the assessments.

B. The payment delinquent date shall be February 28 after each assessable calendar year. Interest and penalty on delinquent assessments will be computed after February 28 the same as is done on a regular County tax bill.

C. In the event of the failure by the property owner to pay the special sewer assessment by April 30 of each year, payment of the assessment shall be enforced

by the filing of suit in the Loudon County Chancery Court by the Trustee of Loudon County through the County Attorney. Upon obtaining judgment for the delinquent assessment, and penalty, interest, court costs and attorney fees, the attorney shall proceed to enforce the judgment by sale of the property if the assessment and all eligible costs expended are not sooner paid by the property owner.

D. After an assessment becomes delinquent, the Trustee shall release the property at any time before the property is sold upon receipt from the owner of payment of the assessment, interest and penalty, court costs, and a reasonable attorney fee as determined by the Trustee.

E. For the assessment year of 2000, and in future years, an itemization as to the buildable parcels being assessed shall be listed in the Resolution of Assessment.

F. Notice of Assessments shall be sent to the last known address of the property owners, as shown on the records of the Loudon County Property Assessor.

11. During the twelve-year capital outlay note payment period, the Loudon County Building Commissioner by this resolution is prevented from issuing a building permit in the Eaton Forest Subdivision Special Sewer District for any lot or parcel not identified by the County Commission as "buildable," and the Planning Commission is requested to restrict any new Eaton Forest replatted parcels so as to make such parcels ineligible for a building permit and a sewer tap during the 12-year period.

12. The District shall cease existence when all capital outlay notes and other District indebtedness has been paid.

13. Appeals: A property owner who is dissatisfied with a determination made by the County Commission as to the designation of buildable parcels may make an appeal of this decision to the Loudon County Board of Zoning Appeals. ANY SUCH APPEAL (AS TO THE DESIGNATION OF "BUILDABLE PARCELS") MUST BE FILED WITHIN THIRTY (30) DAYS FROM THE DATE OF THE VOTE OF THE COUNTY COMMISSION SPECIFYING THE BUILDABLE PARCELS. AN "APPEAL" OR PETITION FOR CERTIORARI FROM A DECISION OF THE COUNTY COMMISSION AS TO ANY OTHER MATTER CONCERNING THE PROJECT, OR FROM A DECISION OF THE BOARD OF ZONING APPEALS, SHALL BE MADE TO THE LOUDON COUNTY CHANCERY COURT, ANY SUCH PETITION TO BE FILED WITHIN THIRTY (30) DAYS AFTER THE DATE OF APPROVAL OF THE MINUTES OF THE COUNTY COMMISSION OR THE COUNTY BOARD OF ZONING APPEALS SETTING FORTH ANY SUCH ACTION DESIRED TO BE CHALLENGED.

14. Severability: Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of this Resolution as a whole or any part other than the part judged invalid.

BE IT FURTHER RESOLVED that the construction of the sewer project in accordance with the design and plans prepared by C. E. Designers, Inc., is hereby approved, the award of the construction contract to Kermit Everett Construction Co. for the low bid of \$240,315.43 is hereby

approved, and the County Executive is authorized to enter into the construction contract in accordance with standard County procedures.

BE IT FURTHER RESOLVED that acquisition of the necessary easements, as needed in accordance with the engineers' design and plans, by eminent domain from the following property owners, is authorized if necessary and if voluntary agreement cannot be reached:

Moody F. Stafford and wife, Shirley Stafford
Jimmy Lee Howard and wife, Ella Howard
David Michael Abney and wife, Lisa Diane Abney


This Resolution shall take effect upon passage, the public welfare requiring it.


COUNTY CHAIRMAN


ACCEPTED:


COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK

PREPARED BY:


HARVEY L. SPROUL
COUNTY ATTORNEY

