

LOUDON COUNTY COMMISSION

REGULAR MEETING

August 6, 2001

- (1) Public Hearing
- (2) Opening Of Meeting
- (3) Roll Call
- (4) Motion Passed To Adopt Agenda
- (5) Minutes Adopted For June 25, 2001
- (6) Audience Comments On Agenda Items
- (7) Audience Comments on Non-Agenda Items
- (8) Motion Passed To Adopt Resolution/TIIP and ARC Funds For Railway
Resolution #080601-A
- (9) Motion Passed To Adopt Resolution/ARC Grant For Health Department
Resolution #080601-B
- (10) Update On Hwy 70 Sewer Project
- (11) Resolution/Eminent Domain Procedures On Highway 70 West Sewer Project
Resolution #080601-C
- (12) Reading Of Resolution For LCUB and Justice Center
Resolution #080601-D
- (13) Proposed Demolition Landfill Expansion
- (14) Motion Passed To Adopt Resolution –Variance And Special Exception Fees
Resolution #080601-E
- (15) Motion Passed To Adopt Resolution/ Interlocal Agreement For Planning Assistance
Resolution #080601-F
- (16) Motion Passed To Adopt Resolution/Chota Road and Ritchey Road
Resolution #080601-G
- (17) Executive Session Requested
- (18) Update On KLCB, Inc.
- (19) Question As To Extension Of Public Road
- (20) Building Commission Reports (June And July)
- (21) Excess Property Sale
- (22) Mailing System For Annex Officials
- (23) Bonds/Notaries Approved
- (24) Executive Session Held
- (25) Recommendation From County Attorney
Resolution #080601-H
- (26) Motion Passed To Settle Pending Litigation With Ft. Sanders Loudon Medical Center
- (27) Motion Passed/ Negotiations Towards New Hospital
- (28) Adjournment

LOUDON COUNTY COMMISSION
STATE OF TENNESSEE
COUNTY OF LOUDON

PUBLIC HEARING

August 6, 2001

6:00 PM

(1)
Public
Hearing

- 1) Review recommendation from Loudon County Board of Zoning Appeals concerning review fees for special exception and variance requests for fiscal year 2002.
No one came forward to speak.

REGULAR MEETING

(2)
Opening Of
Meeting

BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 6th day of August, 2001.

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

Sheriff Guider opened Court and led the Pledge of Allegiance to the Flag of the United States of America. Mr. Howard Luttrell gave the invocation.

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

(3)
Roll Call

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

(4)
Motion Passed
To Adopt
Agenda

Chairman Bledsoe requested the August 6, 2001 agenda be adopted.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Harold** to adopt the agenda.

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

(5)
Minutes
Adopted For
June 25, 2001

Chairman Bledsoe requested the June 25, 2001 County Commission Meeting minutes be approved and accepted.

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Thomas** to approve the minutes of the June 25, 2001 County Commission Meeting as presented.

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

(6)
Audience
Comments On
Agenda Items

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

Martha Chill, Administrator for Fort Sanders Loudon Hospital stated that she and Keith Altshuler, representing Covenant Health, were available to answer questions regarding pending lawsuit of Fort Sanders Loudon Hospital vs. Loudon County.

Alma Seals requested a report on the Highway 70 West sewer project.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Duff** to place this item on the agenda under County Attorney Harvey Sproul.

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

Bob Cable, representing Liberty Waste, stated that he was available to answer any questions regarding the proposed expansion of the Matlock Bend Demolition Landfill.

(7)
Audience
Comments on
Non-Agenda
Items

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

Pat Hunter, 416 Chestnut Drive, commented on concerns regarding changes at the Convenience Center and differences she has seen in Loudon County Convenience Centers and surrounding counties (Knoxville). **County Executive George Miller** explained that there were problems with the transition, but should run more smoothly now.

Chairman Bledsoe requested **County Executive George Miller** to continue with the agenda items.

(8)
Motion Passed
To Adopt
Resolution/
TIIP and
ARC Funds
For Railway

Executive Miller requested consideration of adopting a Resolution Authorizing The Submission Of A Tennessee Industrial Infrastructure Program (TIIP) Application And A Appalachian Regional Commission (ARC) Application To Fund Public Improvements For The Blair Bend Rail Terminal In Loudon County, Tennessee.

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

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

The following commissioners voted **Nay: (0).**

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

Commission member(s) not present: **(0).**

Resolution #080601-A

(9)
Motion Passed
To Adopt
Resolution/
ARC Grant
For Health
Department

Executive Miller requested consideration of adopting a Resolution Authorizing Loudon County To Apply For The 2002 Appalachian Regional Commission (ARC) Grant Funds Up To The Amount Of \$500,000 For Improvements On Health Department.

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

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

The following commissioners voted **Nay: (0).**

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

Commission member(s) not present: **(0).**

Resolution #080601-B

(10)
Update On
Hwy 70 Sewer
Project

Executive Miller reported on Highway 70 West sewer project. There was a community meeting on Tuesday, July 31st. Community is supportive of this project with the exception of one (1) landowner who does not want to donate an easement and two (2) landowners who have requested review of easement location.

(11)
Resolution/
Eminent
Domain
Procedures
On Highway
70 West Sewer
Project

County Attorney Harvey Sproul distributed to commissioners a Resolution Authorizing Eminent Domain Procedures If Necessary On Eaton Cross Roads/Highway 70 West/ Gentry Drive/ Harmon Town Areas Sewer Project.

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, Jenkins, Park, Maples, Masingo, Bledsoe, Duff and Harold: (9).**

The following commissioners voted **Nay: (0).**

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

Commission member(s) not present: **(0).**

Resolution #080601-C

(12)
Reading Of
Resolution
For LCUB
and Justice
Center

Executive Miller read resolution encouraging Lenoir City Utilities Board to fund waterline extension for jail and justice center. Motion was passed on June 25, 2001 (reference number 9) authorizing County Executive and County Attorney to draft said resolution.

A motion was made by **Commissioner Park** with a second by **Commissioner Duff** to accept and place this resolution as official records of the August 6, 2001 minutes.

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

Resolution #080601-D

(13)
**Proposed
Demolition
Landfill
Expansion**

Commissioners Randolph and Thomas expressed opposition to proposed Matlock Bend Demolition Landfill expansion. After much discussion between commissioners, **County Attorney Harvey Sproul** explained the process and legal steps for holding a public hearing, which will be the next step.

(14)
**Motion Passed
To Adopt
Resolution –
Variance And
Special
Exception
Fees**

Mr. Russ Newman, Office of Planning and Community Development, requested discussion and possible action on the following items:

- 1) Review recommendation from Loudon County Board of Zoning Appeals concerning review fees for special exception and variance requests for fiscal year 2002 (beginning July 1, 2001).

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Harold** to accept this request.

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

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

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

Commission member(s) not present: **(0).**

Resolution #080601-E

(15)
**Motion Passed
To Adopt
Resolution/
Interlocal
Agreement
For Planning
Assistance**

- 2) Consideration of adopting renewal of Interlocal Agreement for planning assistance which continues present agreement (subject to approval of passing by Lenoir City Council).

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Randolph** to approve new Interlocal Agreement for planning office and for authorization of County Executive to sign agreement.

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

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

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

Commission member(s) not present: **(0).**

Resolution #080601-F

(16)
**Motion Passed
To Adopt
Resolution/
Chota Road
and Ritchey
Road**

- 3) Review request for acceptance of new public road serving Tellico Village Community Church and intersecting Tellico Parkway on the west side between Chota Road and Ritchey Road – Tellico Village Community Church.

Chairman Bledsoe gave Chair to **Commissioner Maples.**

A **motion** was made by **Commissioner Bledsoe** with a second by **Commissioner Park** to accept this request.

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

Commissioner Maples returned Chair to **Chairman Bledsoe.**

Resolution #080601-G

(17)
**Executive
Session
Requested**

County Attorney Harvey Sproul requested executive session to discuss specific items regarding pending litigation. County commission agreed to proceed and hold executive session at the end of agenda.

(18)
**Update On
KLCB, Inc.**

Commissioner Harold gave an update on Keep Loudon County Beautiful, Inc. The organization has applied for a 501c(3) tax exempt status. Officers have been elected, and there are now 80+ members.

(19)
**Question As
To Extension
Of Public
Road**

Commissioner Masingo requested that all of Newberry Drive be considered a public county road. At present time only half of the road is public road. The residents have made this road two (2) lane and formed a gravel base.

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Duff** to accept this request.

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

(20)
Building
Commission
Reports
(June And
July)

Russ Newman gave Building Commissioner's Report.

The totals for June 2001.

Permits issued:	45	Est. Value:	\$2,804,000
Amount collected:	\$4,577.63	Est. New Taxes:	\$12,618

Permits issued in the month of June 2000 were 47.

The totals for July 2001.

Permits issued:	31	Est. Value:	\$3,293,000
Amount collected:	\$4,065.00	Est. New Taxes:	\$14,817

Permits issued in the month of July 2000 were 31.

(21)
Excess
Property Sale

Mr. Howard Luttrell, Purchasing Agent, requested discussion on following items:

- 1) Discussion and possible action on Excess Property Sale.
Mr. Luttrell stated that the Purchasing Committee recommended absolute auction on eighteen (18) total pieces of property with a \$1.00 minimum bid.
A motion was made by **Commissioner Park** with a second by **Commissioner Thomas** to accept this recommendation and hold an absolute auction on these properties.
Upon roll call vote the following commissioners voted **Aye: Randolph, Thomas, Jenkins, Park, Maples, Masingo, Bledsoe, Duff and Harold: (9).**
The following commissioners voted **Nay: (0).**
Thereupon the chairman announced the motion **Passed: (9-0).**
Commission member(s) not present: **(0).**

(22)
Mailing
System For
Annex
Officials

- 2) Lease Of Mailing System For Officials In Annex.
Mr. Luttrell stated that the Courthouse Annex officials requested a new Digital Mailing System (Model J65) that will produce approximately \$200.00 in savings per year over current Neopost machine. Mr. Luttrell recommended that this request be accepted.
A motion was made by **Commissioner Park** with a second by **Commissioner Randolph** to accept this request.
Upon roll call vote the following commissioners voted **Aye: Randolph, Thomas, Jenkins, Park, Maples, Masingo, Bledsoe, Duff and Harold: (9).**
The following commissioners voted **Nay: (0).**
Thereupon the chairman announced the motion **Passed: (9-0).**
Commission member(s) not present: **(0).**

(23)
Bonds
Notaries/
Approved

Commissioner Masingo requested consideration of approving the following Bond applications:

Cynthia Cornelius

Pam Hamilton

A Motion was made by **Commissioner Masingo** with a second by **Commissioner Duff** to approve these bond applications.

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

Commissioner Masingo requested consideration of approving the following Notary applications:

Sherry Marcom

Helen L. Garrison

Harry A. Taylor

David S. Thornton

Verlin Moser

Cynthia M. Kolevar

James G. Kolevar

Courtney D. Pritchard

Barbara C. Paxton

DeLora Wright

Pam Hamilton

Cindy Cornelius

Jo Anne S. Kerr

Donna Montooth

Pamela E. Hodge

John C. Houston

Shauna C. Houston

Joan Hartline

A Motion was made by **Commissioner Masingo** with a second by **Commissioner Randolph** to approve these bond and notary applications.

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

(24)
Executive
Session Held

County Attorney Harvey Sproul requested executive session to discuss pending suit of Fort Sanders-Loudon Medical Center vs. Loudon County and other pending litigation matters.

Chairman Bledsoe called Commission for executive session at 9:10 p.m.

Commission returned from executive session at 9:45 p.m. Present were the following commissioners: **Randolph, Thomas, Jenkins, Maples, Masingo, Bledsoe, Park, Duff and Harold.**

(25)
Recommend-
ation From
County
Attorney

County Attorney, Harvey Sproul, recommended authorization for negotiations for settlement and dismissal of lawsuit pending against Loudon County by Fort Sanders-Loudon Medical Center.
Resolution #080601-H

(26)
Motion Passed
To Settle
Pending
Litigation
With Ft.
Sanders
Loudon
Medical
Center

A **Motion** was made by **Commissioner Duff** with a second by **Commissioner Park** to authorize the County Executive and the County Attorney to negotiate a settlement of dismissal in pending lawsuit between Fort Sanders-Loudon Medical Center and Loudon County, Loudon County Chancery Court #9663.
Upon roll call vote the following commissioners voted **Aye: Randolph, Thomas, Jenkins Maples, Masingo, Bledsoe, Park, Duff and Harold: (9)**.
The following Commission voted **Nay: (0)**
Thereupon the chairman announced the motion **Passed. (9-0)**
Commission member(s) not present **(0)**

(27)
Motion
Passed/
Negotiations
Towards New
Hospital

A **Motion** was made by **Commissioner Duff** with a second by **Commissioner Park** to authorize the County Executive and the County Attorney to continue to negotiate with Fort Sanders-Loudon Medical Center toward possibility of construction of new hospital and general surrounding matters that would be involved in such an endeavor.
Upon roll call vote the following commissioners voted **Aye: Randolph, Thomas, Jenkins Maples, Masingo, Bledsoe, Park, Duff and Harold: (9)**.
The following Commission voted **Nay: (0)**
Thereupon the chairman announced the motion **Passed. (9-0)**
Commission member(s) not present **(0)**

(28)
Adjournment

There being no further business, a **Motion** being duly made and seconded, the August 6, 2001 meeting stood adjourned at 9:56 p.m.


CHAIRMAN

ATTEST:


COUNTY COURT CLERK


COUNTY EXECUTIVE

RESOLUTION 080601-A

A RESOLUTION AUTHORIZING THE SUBMISSION OF A TENNESSEE INDUSTRIAL INFRASTRUCTURE PROGRAM (TIIP) APPLICATION AND A APPALACHIAN REGIONAL COMMISSION (ARC) APPLICATION TO FUND PUBLIC IMPROVEMENTS FOR THE BLAIR BEND RAIL TERMINAL IN LOUDON COUNTY, TENNESSEE

WHEREAS, Loudon County supports the development of public infrastructure that will provide service to local industries within the County, and

WHEREAS, Loudon County, through the Loudon County Economic Development Agency, has indicated its intentions to construct a public rail terminal in the Blair Bend Industrial Park; and

WHEREAS, the State of Tennessee offers local governments grants funds to finance public infrastructure projects through its Tennessee Industrial Infrastructure Program and the Appalachian Regional Commission Program;

WHEREAS, Loudon County must submit formal applications in order to acquire Tennessee Industrial Infrastructure Program funds and Appalachian Regional Commission Program funds to finance the construction of a public rail terminal in the Blair Bend Industrial Park;

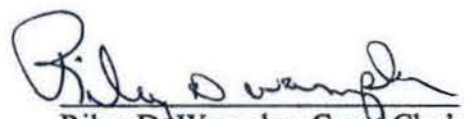
NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission hereby authorizes the County Executive or his representative to prepare and submit a Tennessee Industrial Infrastructure Program Grant application for \$200,000 and an Appalachian Regional Commission application for \$500,000.

BE IT FURTHER RESOLVED, that Loudon County agrees to contribute \$282,296 to the project in order to satisfy the local share requirements of the TIIP and ARC programs.

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

Date Adopted: August 6, 2001


George M. Miller, County Executive


Riley D. Wampler, Court Clerk

1362

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080601- B

A RESOLUTION AUTHORIZING LOUDON COUNTY TO APPLY FOR THE 2002 APPALACHIAN REGIONAL COMMISSION (ARC) GRANT FUNDS UP TO THE AMOUNT OF \$500,000

WHEREAS, Loudon County is submitting a pre-application to the Appalachian Regional Commission (ARC) for funding of the Loudon County Health Department Addition, and

WHEREAS, the Health Department serves all residents within the County and has been instructed by the State Department of Environment and Conservation Public Health Service to offer additional services to children under the age of eighteen (18), and

WHEREAS, the Loudon County Health Department is currently located in an antiquated structure offering limited space to perform the prescribed duties and services much less to be able to offer additional services, and

WHEREAS, Loudon County is aware of the need for renovation and expansion of the current facilities at the Health Department, and

WHEREAS, Loudon County is collaborating with the Loudon County Health Department to help secure monies to fund the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission meeting in regular session assembled this 6th of August 2001, hereby authorizes the appropriation of the required ARC local share from its fiscal year 2002 – 2003 General Fund budget and/or other fund sources available for successful project implementation.

This Resolution shall take effect from and after its passage.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK

COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080601-C

RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEDURES IF
NECESSARY ON EATON CROSS ROADS/HIGHWAY 70 WEST/GENTRY
DRIVE/HARMON TOWN AREAS SEWER PROJECT

WHEREAS, the Eaton Cross Roads area of Loudon County has a desperate need for sewer because of the health considerations caused by the condition of the soil in using septic tanks and drain fields; and

WHEREAS, the design and engineering on the above-captioned project has been completed, and the federal and state grants have been obligated, and the Loudon County Commission has confirmed the matching funds for the grants; and

WHEREAS, a gravity-flow system requires main sewer easements across the properties of approximately forty-three (43) property owners because of the necessity of following the lower terrain; and

WHEREAS, it appears that nearly One Hundred Percent (100%) of the property owners over whom the easements have to go are willing to donate the easement in order to get this project, but that nevertheless there is the possibility that a very small number of property owners may not be willing to participate, but that the cost of eminent domain should be contained within the budgets already approved for the project as determined by the County Executive and the County Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this 6th day of August, 2001, that eminent domain procedures be authorized as necessary for the above-captioned project.

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


COUNTY CHAIRMAN

ACCEPTED:


COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK

PREPARED BY:

COUNTY ATTORNEY

LOUDON COUNTY COMMISSION

RESOLUTION 080601-D

**RESOLUTION ENCOURAGING LENOIR CITY UTILITIES BOARD
TO FUND WATERLINE EXTENSION AT LOUDON COUNTY JAIL**

WHEREAS, the Loudon County Jail and Justice Center, both of which serve the cities and the county, are outgrowing and are in need of an addition plus extensive renovations, and

WHEREAS, Loudon County commission has acknowledged these needs, secured a needs assessment study, hired an architect and passed a resolution expressing its intent to fund the jail and justice center project, and

WHEREAS, Loudon County has issued bonds to provide funding for this project in the amount of approximately three million dollars (\$3,000,000), and

WHEREAS, the projected costs now exceed the monies held in reserve for this project, and

WHEREAS, Loudon County now has been informed that a portion of waterline on Loudon Ridge Road has to be increased in size to deliver enough water volume and pressure for the sprinkler system that has been mandated by the State Of Tennessee for the jail and justice center additions and renovations, and

WHEREAS, the area in which the county justice center is growing and the need for adequate water supply and pressure is more important every day, and

WHEREAS, the waterline to be improved had been on the Dixie Lee Utility District schedule to be replaced for some time, and

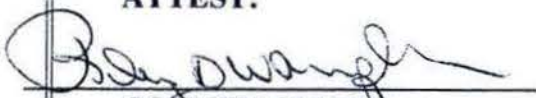
WHEREAS, Dixie Lee Utilities has now merged with Lenoir City Utility Board and therefore has accrued this waterline, and

WHEREAS, the Loudon County budget does not have appropriated funds for providing this waterline extension.

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, in regular session on June 25, 2001, request that LCUB take prompt action to make adequate waterline improvements for the welfare of the citizens and residents of the area, and for jail and justice center improvements.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK

APPROVED:


COUNTY EXECUTIVE

1365

A RESOLUTION AMENDING THE ZONING RESOLUTION OF LOUDON COUNTY, TENNESSEE, ARTICLE 7, ADMINISTRATION AND ENFORCEMENT, AMENDING SECTION 7.060, PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS, AND SECTION 7.080, VARIANCES, PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 13-7-105

WHEREAS, Loudon County, in accordance with Chapter 7 §13-7-201 through §13-7-204 of the Tennessee Code Annotated, may from time to time, amend any regulation of or within any district, or any other provision of any zoning ordinance; and

WHEREAS, the Loudon County Board of Zoning Appeals has forwarded its recommendation regarding the amendment to the Zoning Resolution of Loudon County, Tennessee; and

WHEREAS, a notice of public hearing and a description of the ordinance appeared in the Loudon County News-Herald on June 14, 2001, consistent with the provisions of Tennessee Code Annotated §13-7-203; and

WHEREAS, the promotion of public health, safety, general welfare and most appropriate land uses are stated purposes of the Zoning Resolution of Loudon County, Tennessee;

NOW, THEREFORE, BE IT ORDAINED that the Zoning Resolution of Loudon County, Tennessee be amended as follows (*amendments are italicized*):

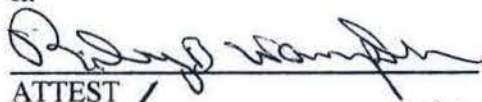
ARTICLE 7, ADMINISTRATION AND ENFORCEMENT, Section 7.060 Procedure for Authorizing Special Exceptions:

- A. Application: An application shall be filed.....which the Board may require. *A one hundred dollar (\$100.00) review fee shall accompany each application requesting special exception approval.*

That **SECTION 7.080, Variances**, be amended as follows (changes in italics):

- A. Application: After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals. *A one hundred dollar (\$100.00) review fee shall accompany each application requesting approval of a variance.*

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



ATTEST


LOUDON COUNTY CHAIRMAN
DATE: _____


APPROVED: LOUDON COUNTY EXECUTIVE

The vote on the question of approval of this Resolution by the Board of Zoning Appeals is as follows:

APPROVED: 6
DISAPPROVED: 0


ATTEST: CHAIRMAN, LOUDON COUNTY
BOARD OF ZONING APPEALS
Dated: June 19, 2001

080601-F

**INTERLOCAL GOVERNMENTAL AGREEMENT
AMONG LOUDON COUNTY, CITY OF LENOIR CITY, AND CITY OF
LOUDON SUPPORTING THE LOUDON COUNTY PLANNING AND
COMMUNITY DEVELOPMENT OFFICE**

This AGREEMENT made and entered into effective the 1st day of July, 2001, by and between LOUDON COUNTY, a political subdivision of the State of Tennessee, CITY OF LENOIR CITY, a municipal corporation located in Loudon County, Tennessee and the CITY OF LOUDON, a municipal corporation located in Loudon County, Tennessee.

WITNESSETH

WHEREAS, all the above named local governments for many years have had Regional Planning Commissions, formed under Tennessee law, and Boards of Zoning Appeals working in conjunction with and as a part of the planning program; and

WHEREAS, Loudon County has experienced rapid growth over the past decade, ranking as the second fastest growing county in the Knoxville MSA, and expects to continue this rate of growth into the near future; and

WHEREAS, the aforesaid local governments during the past seven years have contracted with the Loudon County Office of Planning and Community Development to provide professional planning assistance to the regional planning commissions and local governments; and

WHEREAS, the planning commissions representing the local governments recognize the need to continue maintaining a full-time, professional planning office to effectively plan for the future growth of Loudon County; and

WHEREAS, the local governments involved have considered these matters, and now desire to adopt this inter-local governmental agreement in accordance with Tennessee Code Annotated 12-9-101 et seq., for the purpose of funding the Loudon County Office of Planning to serve the three regional planning commissions, and to continue administration of the planning office through the Executive Planning Council;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the premises and the mutual covenants and conditions hereinafter contained, it is AGREED between the parties as follows:

1. PURPOSE: This agreement continues local support for the operation of the Loudon County Office of Planning and Community Development, which will serve the three planning commissions, the parties to this agreement and, upon request, to such other planning commissions within the County upon approval

of the Executive Planning Council. The further purpose of the planning office is to achieve the goals as set forth hereafter.

2. GOALS:

- a. Provide planning assistance to the planning commissions and building officials;
- b. Coordinate the efforts of all three planning commissions;
- c. Identify and pursue available grant programs for which the county and cities are eligible;
- d. Develop long-range plans and strategies to improve the quality of development in the County;
- e. Enhance local input into the planning process by improving contact with citizens, developers and governmental entities;
- f. Improve coordination and assistance to other programs in the county;
- g. Assist county communities with planning related efforts;
- h. Project management;
- i. Collect and publish development information about Loudon County.

3. JURISDICTION: The Loudon County Executive Planning Council shall provide planning services to the three local governments which are parties to this agreement, and to others who may contract with the planning office for services upon such terms and conditions as seems reasonable and appropriate to the Executive Planning Council.

4. COMPOSITION OF LOUDON COUNTY EXECUTIVE PLANNING COUNCIL:

- a. The Executive Planning Council shall be composed of seven (7) members, as follows:
 1. Chairman, Loudon County Planning Commission
 2. Chairman, Loudon Planning Commission
 3. Chairman, Lenoir City Planning Commission
 4. Member appointed by Loudon County*
 5. Member appointed by the City of Loudon*
 6. Member appointed by the City of Lenoir City*
 7. Representative from the agricultural sector of the County, as appointed by the Loudon County Farm Bureau Board of Directors.

(*These members are local government designees as appointed by the chief elected official and approved by the respective governing body.)

- b. The Chair representatives from each planning commission shall serve on the Executive Planning Council during their terms as Chairs of their respective planning commissions. If the same person should be serving as Chair of both a city planning commission and the county

planning commission, he/she shall select the planning commission to represent. In such event, the remaining planning commission shall appoint one of its planning commission members to serve as its representative on the Executive Planning Council.

- c. The members representing the local governments and the agriculture sector shall serve four (4) year terms. The term of any elected official, if appointed by the local government, shall terminate upon the vacating of the elective office of that individual, but may be reappointed as a citizen member representing that government to serve out the term.
- d. Upon a vacancy occurring in the slot of an appointed member, the appropriate local government shall appoint a member to fill out the remainder of that particular term.

5. POWERS AND RESPONSIBILITIES: There is hereby granted to the Loudon County Executive Planning Council all powers necessary or proper for the accomplishment of the purposes of this agreement, except as otherwise limited by law or by this agreement, including:

- a. To employ a Director of Planning and other personnel to efficiently and effectively perform the duties and responsibilities imposed by this agreement, within the budgetary limits established under this agreement. The authority to employ staff employees is delegated to the Director of Planning, subject to final approval of the Executive Planning Council.
- b. To contract with such consultants and other professionals as necessary to enhance the accomplishment of its functions, within budgetary limits.
- c. To provide contractual planning services to other planning commissions or governmental agencies in Loudon County provided such services do not significantly impede the services and resources available to the parties herein, with the Executive Planning Council to make such arrangements for financial reimbursement to the planning office as is commensurate with the services provided to the contractee, taking into consideration any benefits that may derive to the parties to this agreement.
- d. To approve a budget for the operation of the planning office in accordance with this agreement.
- e. To establish its own bylaws and to organize itself in such a manner as it shall determine, complying however with the requirements of this agreement, electing such officers as in its judgment shall deem appropriate to carry out the purposes for which it has been organized;
- f. To establish administrative fees as provided in paragraph 6(g) herein. Such fees are to be uniform for all the planning commissions represented by the Planning Council.

- g. To prepare and approve job descriptions for the director of planning and planning staff members, and annually evaluate the job performance of the Director of Planning.

6. FUNDING OF BUDGET:

- a. The County shall act as financial agent for the planning office, and shall approve the budget in accordance with its usual budgetary procedures as required by law.
- b. The physical location of the planning office shall be determined by the Executive Planning Council, which may negotiate or arrange for such facilities with the parties to this agreement.
- c. Loudon County, Lenoir City and Loudon will contribute annually to the planning office budget on a per capita basis, which is based upon the respective populations as determined initially by the 2000 U.S. Census, and subsequently by the annual certified populations for Tennessee municipalities. The initial budget is based upon a total budget of one hundred and one thousand dollars (\$101,000), proportioned as shown below:

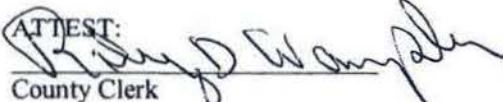
Allocation of Expense to Governments
(Loudon County Population 39,086, based on 2000 U.S. Census)

Lenoir City -17% (pop. 6,819)	\$17,170
City of Loudon-12%(pop. 4,476)	\$12,120
Loudon County-71%(pop. 27,791)	<u>\$71,710</u>
(including population of Greenback and Philadelphia)	
Total	\$101,000

- d. Future contributions to the budget after the initial year of this agreement shall be based upon the latest annual certified population for Tennessee municipalities, with the County's share to be based upon the net population after the population for both cities are deducted.
- e. The Executive Planning Council is responsible for preparing a budget for the coming fiscal year to present for funding to the respective local governments.
- f. All parties to this agreement are obligated to fund the planning office during the term of this agreement, in accordance with the provisions herein. The initial "base" amount shall be \$101,000 for the FY 2000-2001 budget year, and any "in-kind" contributions of office space, etc.. shall not be a part of the base amount.
- g. The Executive Planning Council may establish fees for the processing of subdivision plats. Fees for other services may be established by recommendation of the Executive Planning Council, but approval is required of the respective planning commissions.

7. EXECUTIVE PLANNING COUNCIL COMPENSATION: The members of the Executive Planning Council shall be compensated at the rate of Fifty Dollars (\$50.00) for each meeting attended, and shall be entitled to reimbursement for other actual expenses incurred in serving in the position if approved by the planning office. Compensation shall not be paid for more than twelve (12) meetings per year.
8. MEETINGS: The Executive Planning Council shall meet at least twice a year at a date, place and time selected by the Council, and may meet more often as it deems necessary.
9. DURATION: This agreement shall continue for a period of five (5) years from and after the date hereof, except that by mutual agreement of all of the parties hereto, this agreement may be terminated at any time. In addition, after three years, any party to the agreement may in writing, at least two years prior to a proposed withdrawal date established in the notice, withdrawing from this agreement. If only one party elects to withdraw under the provisions of this agreement, such party shall not be entitled to reimbursement or distribution of the withdrawing party's share of any assets the planning office may have accumulated. If two parties withdraw, dissolution shall proceed as provided in paragraph 10 herein.
10. TERMINATION: Upon termination, the planning office shall liquidate all its assets and after payment of all outstanding debts, shall distribute the remaining funds and assets to the parties hereto in the same proportion such withdrawing parties annual assessments are being paid at the time the withdrawal is effective.
11. CONFLICTS OF INTEREST: No person may serve on the Executive Planning Council if the Director of Planning or any of the staff members are relatives of the first degree or closer, and also including sons-in-law and daughters-in-law; and no member is eligible to vote wherein an applicant for the position of Director of Planning occupies an interested status as defined in this paragraph.
12. AMENDMENTS: This agreement may be altered or amended at any time by the unanimous agreement of all of the parties hereto, which agreement shall not become effective until reduced to writing.
13. EFFECTIVE DATE: This agreement shall become effective July 1, 2001.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed in triplicate on the day and date first above written.

ATTEST:

County Clerk

Loudon County, Tennessee
BY: 
County Executive

City of Loudon

BY: _____
Mayor

ATTEST:

City Recorder

Lenoir City

BY: _____
Mayor

ATTEST:

City Recorder

DRAFT

080601-G
RESOLUTION

**A RESOLUTION ADOPTED BY THE LOUDON COUNTY COMMISSION
ACCEPTING A PROPOSED NEW ROAD PROVIDING ACCESS TO TELLICO
VILLAGE COMMUNITY CHURCH INTO THE PUBLIC ROADWAY SYSTEM,
LOCATED IN THE FOURTH 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 property owner(s) to accept a proposed new road measuring approximately 278' in length into the County's public road system; and

WHEREAS, said road will be built to County road standards including a dedicated 50' right-of-way; and

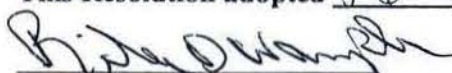
WHEREAS, the Tellico Village Community Church has agreed to maintain the road until such time that the County decides to extend the road to provide access to other properties; and


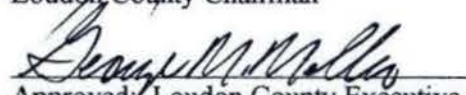
WHEREAS, the Loudon County Regional Planning Commission has reviewed this matter and has recommended that the road be accepted into the County's Roadway System subject to its construction to County standards and the commitment of Tellico Village Community Church to maintain it until such time that the County elects to extend the road.

NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission considers the acceptance of this proposed road to be in the public benefit and that said road be accepted into the County's roadway system upon completion 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 8-6, 2001.


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: 9
DISAPPROVED: 0

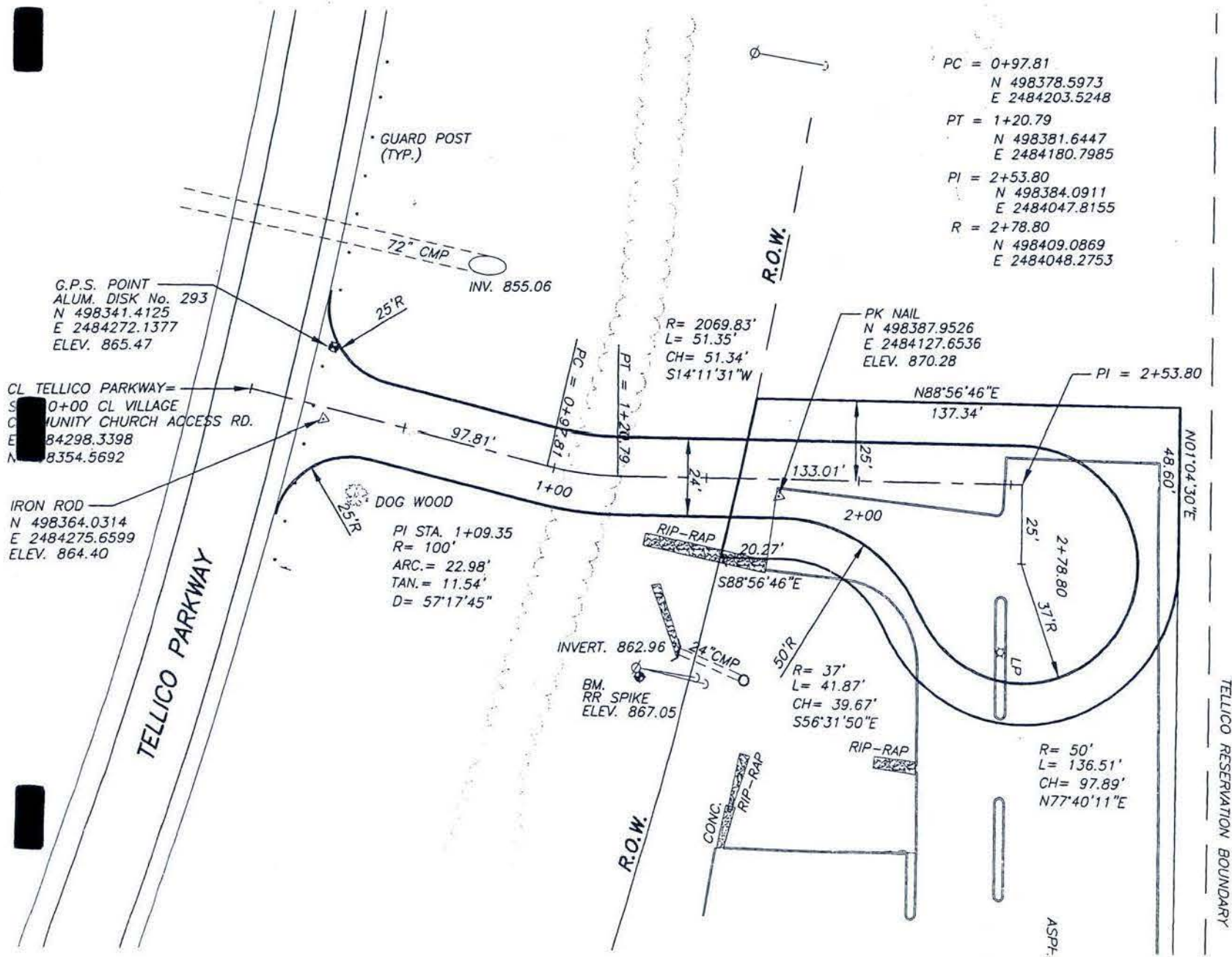
ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
DATE: July 24, 2001

1374

PROPOSED ACCESS ROAD AND LOT

PROJECT:

LAND DEVELOPMENT



LAYOUT PLAN

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080601-#

RESOLUTION AUTHORIZING NEGOTIATIONS FOR
SETTLEMENT AND DISMISSAL OF LAWSUIT PENDING AGAINST
LOUDON COUNTY BY FT. SANDERS-LOUDON MEDICAL CENTER

WHEREAS, a lawsuit filed by Ft. Sanders-Loudon Medical Center (FSLMC) against Loudon County has been pending for several months, based upon a difference in understanding as to matters concerning the second five-year option term provided for in the original lease agreement between the parties; and

WHEREAS, the parties have been working together to resolve those issues, and the time remaining on the lease agreement is less than two and one-half (2-1/2) years; and

WHEREAS, it would appear to be beneficial to both sides to settle the issues involved in the lawsuit, and to leave both parties in position to freely discuss and negotiate concerning long-range future arrangements for hospital services and health care in Loudon County;

I move → NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in regular session assembled this 6th day of August, 2001, that the Loudon County Executive and Loudon County Attorney be authorized to negotiate a settlement and dismissal of the pending lawsuit between Ft. Sanders-Loudon Medical Center and Loudon County (Loudon County Chancery Court Cause No. 9663), the County, *being* ~~generally willing~~ to agree to the terms of a proposed Settlement Agreement attached to this resolution as Exhibit A. *That mem. of Cs. have been provided.*

I further move ~~BE IT FURTHER RESOLVED~~ that the Loudon County Executive and Loudon County Attorney be authorized to continue to negotiate with Ft. Sanders-Loudon toward the possibility of the construction of a new hospital, and the general surrounding matters that would be involved in such an endeavor.

[Signature]
COUNTY CHAIRMAN

APPROVED:

[Signature]
COUNTY EXECUTIVE

ATTEST:

[Signature]
COUNTY CLERK

PREPARED BY:

COUNTY ATTORNEY

1375

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is entered into this _____ day of _____, 2001, by and between **FORT SANDERS-LOUDON MEDICAL CENTER**, a Tennessee not for profit public benefit corporation, with its principal office of business at 1125 Grove Street, Loudon, Tennessee 37774 ("**Ft. Sanders-Loudon**"); and Loudon County, Tennessee, a county and political subdivision of the State of Tennessee, organized and existing under the laws of the State of Tennessee, acting through its Board of County Commissioners ("**Loudon County**").

WITNESSED:

WHEREAS, the parties hereto are parties to an Agreement regarding Loudon County Memorial Hospital, dated December 21, 1988, as twice amended (the "Agreement"), a memorandum of which is recorded in the Office of the Register of Deeds of Loudon County, Tennessee, in Trust Book number 260, page 79.

WHEREAS, disagreements with respect to the Agreement have occurred, and litigation has ensued and is currently pending in the case of Fort Sanders Loudon Medical Center v. Loudon County, Tennessee, Loudon County Chancery Court Number 9663 ("**the Lawsuit**").

WHEREAS, the parties have agreed to settle and resolve the litigation and to amend the Agreement in accordance with the terms and provisions of this settlement agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto, intending to be legally bound, agree as follows:

1. The term of the Agreement is through the second option term, expiring on December 31, 2003. Otherwise, the Agreement, as amended, remains in full force and effect without any change or modifications.
2. The Lawsuit shall be dismissed with prejudice, with the clerk's costs taxed against the plaintiff. No discretionary costs shall be taxed. To accomplish the agreed dismissal, the parties will cause their counsel to approve and cause to be entered the Order of Dismissal in the form of attached Exhibit A.

EXECUTED this _____ day of July, 2001.

LOUDON COUNTY COMMISSION
for and on Behalf of
LOUDON COUNTY, TENNESSEE

FORT SANDERS-LOUDON
MEDICAL CENTER

By: _____
Title: County Executive

By: _____
Title: _____