

**LOUDON COUNTY COMMISSION**  
**REGULAR MEETING**  
**October 01, 2001**

- (1) Public Hearing
- (2) Opening Of Meeting
- (3) Roll Call
- (4) Motion Passed To Adopt Agenda
- (5) Minutes Adopted For September 10, 2001
- (6) Audience Comments On Agenda Items  
**Exhibit A**
- (7) Audience Comments on Non-Agenda Items
- (8) Motion Passed To Adopt Resolutions/Condemning Terrorists & Supporting President of the United States & Congress  
**Exhibit B**
- (9) Budget And By-Laws For Career Center Deferred To Next Month's Meeting
- (10) Request for Application Approval (TN Wastemovers, Inc.) Denied
- (11) Motion Passed To Adopt Resolution – Bond For School Improvements
- (12) Interfund Plans
- (13) Additional Hours of Part-Time Employee
- (14) Motion Passed To Adopt Resolution – Beals Chapel Road  
**Exhibit C**
- (15) Motion Passed To Adopt Resolution – Amend Zoning Resolution  
**Exhibit D**
- (16) Motion Passed To Adopt Interlocal Agreement – Blair Bend Public Rail Terminal  
**Exhibit E**
- (17) Crown Communications vs. Loudon County
- (18) Building Commission Report
- (19) Update On Jail
- (20) Request Approved – Sell Animal Control Truck
- (21) Copier Leases Approved For Various Departments
- (22) Bonds Approved
- (23) Notaries Approved
- (24) Adjournment

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

**PUBLIC HEARING**

**October 01, 2001**

**6:00 PM**

**(1)**  
**Public**  
**Hearing**

- 1) Request to vacate approximately 2,908 sq. ft. of Beals Chapel Road right-of-way, which borders property referenced by Tax Map 31, Parcel 39.00, 39.03, and 39.50, (Legislative District 3) – Thomas Koeing [01-08-145-TR-CO]  
**No one** came forward to speak.
- 2) Review proposed amendment for application time and posting signage to the Loudon County Zoning Resolution to amend Sections 7.060 Procedures for Authorizing Special Exceptions, 7.080, Variances, and 7.090 Amendments to the Resolution [01-08-138-RZ-CO]  
**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 1<sup>st</sup> day of October, 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 and gave the invocation.

**(3)**  
**Roll Call**

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

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

**(4)**  
**Motion Passed**  
**To Adopt**  
**Agenda**

**Chairman Bledsoe** requested the October 01, 2001 agenda be adopted.

At this time **Commissioner Randolph** stated for public record that he had desired that item A-3, Consideration of application by Tennessee Wastemovers, Inc./Liberty Waste for expansion of Class IV Demolition Landfill, Matlock Bend, be placed under his name as County Commissioner representing the 2<sup>nd</sup> District.

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Thomas** to adopt the agenda.

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

**(5)**  
**Minutes**  
**Adopted For**  
**September 10,**  
**2001**

**Chairman Bledsoe** requested the September 10, 2001 County Commission Meeting minutes be approved and accepted.

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Harold** to approve the minutes of the September 10, 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.

**Attorney Bud Gilbert**, with the law firm of Kennerly, Montgomery and Finley, came forward to speak on behalf of Tennessee Wastemovers, Inc. and to answer any questions from the County Commission and citizens present regarding the application for expansion of the Class IV Demolition landfill.



**Consultant Bo Ballard**, Beaver Creek Associates, came forward to speak on behalf of Tennessee Wastemovers, Inc. and to answer any questions from the County Commission and citizens present regarding the application for expansion of the Class IV Demolition landfill.

**Mr. John Thorton**, Matlock Bend property owner came forward to speak in opposition of Tennessee Wastemovers, Inc. application for expansion of Class IV Demolition landfill. Mr. Thorton expressed concerns that the expansion would have a negative impact on the 1300 acres that he has purchased for residential development, which would cause an economic impact on Loudon County due to the volume of houses that would be developed on this land, offering the county more yearly taxes and jobs during development.

**Commissioner Ted Randolph** came forward to speak as a public citizen to strongly express his concerns as to why requested application by Tennessee Wastemovers, Inc. should be denied. Mr. Randolph cited many concerns including: environmental issues, safety of residents, effects on depreciation of surround property values, possible EPA violations at existing demolition landfill, and effects on county as a whole with the possibility of additional landfill openings. Mr. Randolph closed urgently requesting the denial of the application.

**Ms. Aileen Longmire**, Loudon County resident, came forward to speak in opposition of Tennessee Wastemovers, Inc. application for expansion of Class IV Demolition landfill. Ms. Longmire provided handwritten statement to be entered as official minutes.

**Exhibit A**

**Ms. Patricia Hunter**, Loudon County resident, came forward to speak in opposition of Tennessee Wastemovers, Inc. application for expansion of Class IV Demolition landfill. Ms. Hunter expressed concerns regarding what is being dumped at the demolition landfill. Ms. Hunter cited violations retained by TDAC that included unsatisfactory immediate cover, wash out of solid waste, mishandling of special wastes, liche observed at the site, unauthorized waste accepted, potential for explosions, and several other issues. Ms. Hunter closed with strong request for County Commission to deny this application on the basis that the application does not meet all requirements of the Jackson Law and for the safety of area residents.

**Mr. Ted Lynn**, Loudon County resident, came forward to speak in opposition of Tennessee Wastemovers, Inc. application for expansion of Class IV Demolition landfill. Mr. Lynn expressed concerns of allowing out of county wastes and the depreciation of surrounding property values.

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

**Mr. Melvin Griffin**, Simpson Road resident, reported that on September 18, 2001, the BZA approved variance for multi-family housing pending site plan. Mr. Griffin expressed concerns regarding flooding water conditions and road safety. Mr. Griffin stated that signs posted for "Notice of Variance Request" was not visible.

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

**Executive Miller** requested consideration of adopting Resolutions Condemning The Cowardly And Deadly Actions Of Terrorists That Attacked America On September 11, 2001; And Supporting The President Of The United States And Congress As They Work With National Security Team To Defend Against Additional Attacks, And Find The Perpetrators To Bring Them To Justice.

**Commissioner Randolph** requested that "and Congress" be added following "the President of the United States".

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

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

**Exhibit B**

(7)  
Audience  
Comments on  
Non-Agenda  
Items

(8)  
Motion Passed  
To Adopt  
Resolutions/  
Condemning  
Terrorists &  
Supporting  
President of  
the United  
States &  
Congress



(9)  
**Budget And  
By-Laws For  
Career Center  
Deferred To  
Next Month's  
Meeting**

**Executive Miller** requested consideration of adopting budget and by-laws of Career Center from Executive Board. After much discussion, a **motion** was made by **Commissioner Park** with a second by **Commissioner Randolph** to pay outstanding bills this month and defer approval of budget and bylaws until next month's meeting. Upon roll call vote the following commissioners voted **Aye: Maples, Randolph, Thomas, Masingo, Bledsoe, Jenkins, Park, Harold, and Duff: (9)**. The following commissioners voted **Nay: (0)**. Thereupon the chairman announced the motion **Passed: (9-0)**. Commission member(s) not present: **(0)**.

(10)  
**Request for  
Application  
Approval (TN  
Wastemovers,  
Inc.) Denied**

**Executive Miller** presented request by Tennessee Wastemovers, Inc./Liberty Waste for application approval for expansion of Class IV Demolition Landfill, Matlock Bend. A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Thomas** to deny this request for application approval. Upon roll call vote the following commissioners voted **Aye: Maples, Masingo, Randolph, Thomas, Bledsoe, and Duff: (6)**. The following commissioners voted **Nay: Jenkins, Park, and Harold: (3)**. Thereupon the chairman announced the motion **Passed: (6-3)**. Commission member(s) not present: **(0)**.

**Nancy Richesin, Director of Budgets and Finance**, requested discussion and possible action on the following items:

(11)  
**Motion Passed  
To Adopt  
Resolution –  
Bond For  
School  
Improvements**

1) Consideration of bond resolution – school improvements  
A **motion** was made by **Commissioner Park** with a second by **Commissioner Masingo** to **accept** this recommendation of adopting resolution under variable rate. Upon roll call vote the following commissioners voted **Aye: Randolph, Thomas, Jenkins, Maples, Masingo, Harold, Park, Bledsoe, and Duff: (9)**. The following commissioners voted **Nay: (0)**. Thereupon the chairman announced the motion **Passed: (9-0)**. Commission member(s) not present: **(0)**.

(12)  
**Interfund  
Plans**

2) Consideration of resolution allowing for interfund plans.  
Mrs. Richesin stated that a letter will come asking for approval of interfund loan. Once that comes that will be entered into minutes if Commissioner so desires.

(13)  
**Additional  
Hours of  
Part-Time  
Employee**

3) Mrs. Richesin requested that recommendation by Budget Committee for additional hours of a part-time employee be deferred until next workshop. No one objected.

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

(14)  
**Motion Passed  
To Adopt  
Resolution –  
Beals Chapel  
Road**

1) Request to vacate approximately 2,908 sq. ft. of Beals Chapel Road right-of-way, which borders property referenced by Tax Map 31, Parcel 39.00, 39/03, and 39.50, (Legislative District 3) – Thomas Koeing [01-08-145-TR-CO]  
A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Randolph** to **accept** this request. Upon voice vote the motion **Passed** unanimously.  
**Exhibit C**

(15)  
**Motion Passed  
To Adopt  
Resolution –  
Amend  
Zoning  
Resolution**

2) Request for review of proposed amendment for application time and posting signage to the Loudon County Zoning Resolution to amend Sections 7.060 Procedures for Authorizing Special Exceptions, 7.080, Variances, and 7.090 Amendments to the Resolution [01-08-138-RZ-CO]  
A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Harold** to **accept** this request. Upon voice vote the motion **Passed** unanimously.  
**Exhibit D**



**Mr. Pat Phillips**, Loudon County Economic Development Agency, requested discussion and possible action on the following item:

(16)  
Motion Passed  
To Adopt  
Interlocal  
Agreement –  
Blair Bend  
Public Rail  
Terminal

1) Consideration of adopting Interlocal Agreement for Blair Bend Public Rail Terminal Project.

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Randolph** to approve this Interlocal Agreement.

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

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

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

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

**Exhibit E**

(17)  
Crown Com-  
munications  
vs. Loudon  
County

**Attorney Harvey Sproul**, Loudon County Attorney informed County Commission of current lawsuit. Crown Communication vs. Loudon County – placement of communication tower in residential zone.

(18)  
Building  
Commission  
Report

**Loudon County Building Commissioner, Chris West**, gave Building Commissioner's Report.

The totals for **September 2001:**

Permits issued:	45	Est. Value:	\$2,371,700
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Amount collected:	\$3,585.50	Est. New Taxes:	\$10,672
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Permits issued in the month of September 2000 were 33.

(19)  
Update On  
Jail

**Loudon County Sheriff, Tim Guider**, reported on overcrowding of jail facility. Blount County currently holds nineteen (19) Loudon County inmates, three (3) of which are state inmates.

(20)  
Request  
Approved –  
Sell Animal  
Control Truck

**Loudon County Purchasing Agent, Howard Luttrell**, requested approval of disposal of 1990 Chevrolet (former Animal Shelter truck) by bid.

A **Motion** was made by **Commissioner Randolph** with a second by **Commissioner Jenkins** to accept this request.

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

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

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

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

(21)  
Copier Leases  
Approved For  
Various  
Departments

**Loudon County Purchasing Agent, Howard Luttrell**, requested approval of copier leases for the following departments: County Court Clerk, Property Assessor, Register of Deeds, Circuit Court, Jail, Trustee, Justice Center (Sheriff's office).

A **Motion** was made by **Commissioner Park** with a second by **Commissioner Maples** to accept this request.

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

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

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

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

(22)  
Bonds  
Approved

**Commissioner Masingo** requested consideration of approving the following Bond applications:

Stephen A. Lucas

Deborah V. Christian

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

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

1405

(23)  
Notaries  
Approved

**Commissioner Masingo** requested consideration of approving the following Notary applications:

Stephen A. Lucas  
Linda Anderson  
Evelyn Stephens  
Deborah V. Christian  
Tony R. Aikens  
Linda M. Denton

Lisa A. Hatcher  
Mack A. Brooks  
Alice R. Cubberly  
Alfreda M. Ratledge  
Penny L. Cooper

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

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

(24)  
Adjournment

There being no further business, a **Motion** being duly made and seconded, the October 01, 2001 meeting stood adjourned at 9:05 p.m.

  
CHAIRMAN

ATTEST:

  
COUNTY COURT CLERK

  
COUNTY EXECUTIVE



October 1, 2001

Exhibit A

## London County Commission Meeting

My name is Allen Longmire. I am a London County taxpayer and I live in Mattock Bend.

I am here tonight to speak in opposition of item A-3 under London County Executive George Miller.  
- Consideration of application by Tennessee Waste Movers, Inc. / Liberty Waste for expansion of Class 18 Demolition Landfill Mattock Bend.

I raised many legal questions at the September 13, 2001 public hearing meeting on this issue. London County adopted the Jackson Law six years ago. This law is very clear in requesting detailed information. Its outlined requirements are there even for the public notice which in my opinion was not met. The notice did not list the Map #, Parcel #, acreage involved, types of waste, special wastes, volume of waste, owners of the property, correct addresses, etc. The application provided is a year and a half old (March 22, 2000) and does not provide the detailed and up to date information as the Jackson Law requires. According to the law a lateral expansion is considered a new landfill. No data has been presented to prove this property is even contiguous to the present landfill acreage. The application lists In. Waste Movers, Inc and Mattock Bend Development, Inc. as landowners.

1406A

1406A



## II

In. Waste Movers sold to Liberty Waste Systems  
425 Liberty Avenue Pittsburgh, Pa. 15222-3214.  
Courthouse records list the current landfill site as  
Map 35 Parcel 9.04 with <sup>(only landfill is a portion of this)</sup> 72.94 acres, taxes \$154,000  
for yr. 2000, new appraisal, 2001 \$104,700 - down  
33%. Landfills lower taxes! Matlock Bend Development  
owns Parcel 9, the original tract with 79.56 acres.  
There is a potential here for a hundred acres  
or more landfill! I and many other home  
owners in the area use well water.

In my opinion this landfill is not a good neighbor.  
Many problems have been documented by the  
State office during their on site visits. I myself  
have filed several complaints ① Trucks dumping  
at 10 p.m. in the rain. (Landfill does not have  
regular daylight operating hours) Truck driver  
had a key to the gate, opened it and entered. How  
many keys are out there floating around? ② Fly  
ash being dumped at 7:00 p.m. on a Sunday night.  
We watched as a huge plume of ash went into  
the air. ③ Waste not being covered on a timely basis  
or handled properly (I filed a complaint with TDEC  
on June 14, 2001 at 10:30 AM with Cratree about waste  
piled up and visible) ④ Fires at the landfill not  
reported to the proper authorities. This is very  
scary because of the asbestos special waste  
taken at this landfill. According to public information



the asbestos cell runs the entire length of the almost 13 acre landfill. Once asbestos is buried, the land site has to be permanently marked forever and the land can never be dug into.

Now already concerned about the asbestos, fly ash, fires and other information about this landfill, upon viewing documents at the TDEC State office in Knoxville and speaking with several of their employees discovered that on June 28, 2001 a notice of violation was issued by the State (signed Paula Plokt) landfill inspector based upon the review of site visits, site interviews and review of disposal logs.

Waste taken to  
class IV unlined  
landfills is  
more  
cost  
effective to  
industries  
+ business

I viewed  
several  
scenarios  
about  
state  
projected  
costs of  
cleanup  
of this  
site -  
The cost  
is in the  
millions!

In Waste Movers Class IV Demolition landfill took special waste generated at a listed Superfund site and State Hazardous Substance Site. This site being the Lenoir Car Works Industrial Site in Lenoir City. This notice of violation for improper offering, transportation acceptance and disposal of a special waste at the Matlock Bend In Waste Movers Demolition Landfill (SNL 53-103-0040) was given Robert Cable Jr, General Manager. Notice also went to Joe Oliver, Environmental Operations Manager Norfolk Southern Corporation and to Allen Russell, ACE Railroad Contractors of Harriman, TN.

The Lenoir Car Works site documents show



TV

high levels of heavy metals such as lead, etc. This is a grave concern because of our well water and also the air as it is dumped. Attorney Bud Gilbert and all the attending representatives of In. Waste Movers and Liberty Waste System had this information at the September 13, 2001 public hearing and did not disclose it voluntarily or when asked by members of the audience. This is serious!

I want to know when and how this is going to be cleaned up! I read documents that stated demolition work at this Super Fund Site has been going off and on for 2 years. Where was all that hazardous and special waste taken and where is the paper trail to prove it?

I am asking the question. Is this what we want for the future of our county? Do we want Loudon to be the dumping ground of the South East? Most waste comes from out of county. In September this year, this company petitioned the state (according to TDEC documents) for a permit by rule (this means no public notice, no public hearing) to have a truck transfer operation on Highway 11 Lenoir City.

What and where in the county will be next? I am asking County Commission tonight to vote no on this Request. Protect our health, safety.



Welfare and our valuable land resources by enforcing the Jackson Law. Chancellor Frank Williams found in favor of the county and said counties can adopt the Jackson Law, adopt zoning and regulations for its own protection and control. I attended a meeting of our industrial office now known as the Economic Development Agency (a 7:30 AM meeting) when Commissioner Chuck Jenkins employed by Bechtel Jacobs (an environmental company) discussed the Kenner City Car Works Industrial site. Since that meeting he has become the County Commission representative to that Industrial committee that has been trying for years to market the Kenner Car Works Site. George Miller and Harvey Sproul are members of this EDA - Industrial committee. Jenkins, Miller and Sproul served on the 9 county one vision group together with Attorney Bud Gilbert who was the attorney for Liberty and In Waste Movers at the Sept. 13, 2001 public hearing on this landfill issue. Documents show County Attorney Harvey Sproul was an officer of Ft. Loudon Industrial Development Cor. and changed its name to Matlock Bend Development Cor. Ladies and gentlemen - What about conflict of interest or just the appearance of impropriety here?

1406 E



VI

Ending with this statement, I was able to view a transcript late this afternoon of the public hearing Sept. 13, 2001 on this landfill request. In my opinion this transcript is unacceptable. The county needs to review the tapes and make the appropriate changes.

Thank you

I am presenting this written document to be made a <sup>legal</sup> part of this meeting's minutes.



**LOUDON COUNTY COMMISSION**

**RESOLUTION NO. 100101-B**

**A RESOLUTION CONDEMNING THE COWARDLY AND DEADLY ACTIONS OF TERRORISTS THAT ATTACKED AMERICA ON SEPTEMBER 11, 2001; AND SUPPORTING THE PRESIDENT OF THE UNITED STATES AND CONGRESS, AS THEY WORK WITH THE NATIONAL SECURITY TEAM TO DEFEND AGAINST ADDITIONAL ATTACKS, AND FIND THE PERPATRATORS TO BRING THEM TO JUSTICE**

***WHEREAS***, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists; and

***WHEREAS***, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, DC, and the fourth into a rural area of Pennsylvania; and

***WHEREAS***, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and

***WHEREAS***, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and

***WHEREAS***, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud,

***NOW, THEREFORE, BE IT RESOLVED*** that the Loudon County Commission meeting in regular session assembled this 1<sup>st</sup> day of **October, 2001**, condemns the cowardly and deadly actions of these terrorists and supports the President of the United States and Congress, as they work with the national security team to defend against additional attacks and find the perpetrators to bring them to justice, and recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

  
COUNTY CHAIRMAN

ATTEST:  
  
COUNTY CLERK

  
COUNTY EXECUTIVE



Exhibit C

**RESOLUTION 100101-C**

**A RESOLUTION ADOPTED BY THE LOUDON COUNTY COMMISSION  
VACATING APPROXIMATELY 2,908 SQUARE FEET OF RIGHT-OF-WAY  
ADJACENT TO TAX MAP 31, PARCELS 39.00, 39.03 AND 39.05, LOCATED  
OFF BEALS CHAPEL ROAD, THIRD LEGISLATIVE DISTRICT OF LOUDON  
COUNTY, TENNESSEE**

**WHEREAS**, the legislative body of the county has the authority, under Tennessee Code Annotated, to accept the dedication of roads, close existing roads, adopt standards for the acceptance of new roads and reopen previously closed or abandoned roads; and

**WHEREAS**, the Loudon County Regional Planning Commission has received for review a request from the owner of property located adjacent to Beals Chapel Road, requesting the closure of approximately 2,908 square feet of right-of-way which borders Parcels 39.00, 39.03 and 39.05 of Tax Map 31; and

**WHEREAS**, applicant feels the described right-of-way has no present nor future public use, and desires that any county encumbrance caused by the presence of the right-of-way be removed; and

**WHEREAS**, a public notice and description of the request appeared in the Loudon County News Herald on September 13, 2001, consistent with the provisions of Loudon County's Procedure for Closing a Public Road; and

**WHEREAS**, the Loudon County Regional Planning Commission has reviewed this matter, including the recommendation of the County Highway Superintendent, and based on its investigation has determined that, in its opinion, the closing of said right-of-way will not adversely affect any property owners or the present or future function of the County's roadway system, and recommends the closure of said road. Boundary description and map of said right-of-way are attached as Exhibit "A", and are incorporated herein as part of this Resolution.

**WHEREAS**, the County Commission feels the closure of the right-of-way is not detrimental to the community or to the present or future function of the County roadway system;

**NOW, THEREFORE, BE IT RESOLVED** by the Loudon County Commission, in regular session assembled on this 1<sup>st</sup> day of October, 2001, that the aforescribed section of the abandoned right-of-way is hereby closed, with any interest the County has in the right-of-way being hereby relinquished as provided by law.

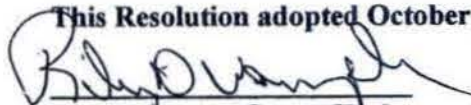


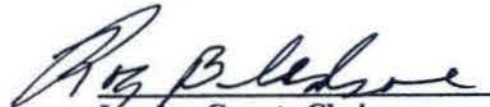
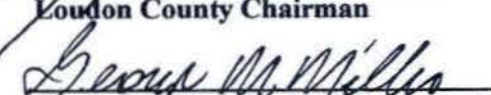
**Resolution to vacate Beals Chapel Rd. Right-of-Way**  
**Page 2**

**BE IT FURTHER RESOLVED** that although the only legal requirement of the County Commission is to adopt a resolution closing the described right-of-way, upon a request by an adjacent landowner, and upon review by the County Attorney and a determination that, in the attorney's opinion, the execution of a Quitclaim Deed evidencing the release and conveyance of any interest the County might have in the aforescribed right-of-way would not adversely affect the rights of any property owners, the Loudon County Executive is hereby authorized to execute a Quitclaim Deed for the right-of-way (or the portion thereof) hereby authorized to be closed, upon the payment of attorney's fees and any expenses involved by the applicant.

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

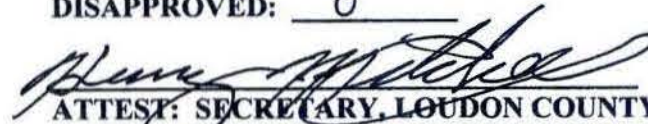
This Resolution adopted October 1, 2001.

  
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: 5  
DISAPPROVED: 0

  
ATTEST: SECRETARY, LOUDON COUNTY  
REGIONAL PLANNING COMMISSION  
DATE: September 18, 2001

FILE #01-08-145-TR-CO

1407B



Exhibit D

**RESOLUTION 100101-D**

**A RESOLUTION AMENDING THE ZONING RESOLUTION OF LOUDON COUNTY, TENNESSEE, ARTICLE 7, ADMINISTRATION AND ENFORCEMENT, AMENDING ARTICLE 7 ADMINISTRATION AND ENFORCEMENT, SECTION 7-060. PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS, SECTION 7.080. VARIANCES, AND SECTION 7.090. AMENDMENTS TO THE RESOLUTION, 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 resolution; and

**WHEREAS**, the Loudon County Regional Planning Commission 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 September 20, 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 RESOLVED** that the Zoning Resolution of Loudon County, Tennessee be amended as follows (*amendments are in bold and italicized*):

**Section 7.060 Procedure for Authorizing Special Exceptions:**

- A. Application: An application shall be filed with the Board of Zoning Appeals ***by the first day of the month in which the request will be reviewed.*** Said application shall show the location.... each application requesting special exception approval.

***Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of the application.***

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

- A. Application: After written denial of a permit, a property owner may make application for a ***variance by the first day of the month in which the variance request will be reviewed by the Board of Zoning Appeals***, using any form which might be made available by the Board of Zoning Appeals. A one



**Resolution to amend Section 7.080**  
**Page 2**

hundred dollar (\$100.00) review fee shall accompany each application requesting approval of a variance.

***Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of the application.***

That **Section 7.090 Amendments to the Resolution**, be amended as follows (changes in bold and italics):

...receive a recommendation from the Lenoir City or the Loudon Regional Planning Commission. ***Applications for zoning amendments must be submitted to the Loudon County Office of Planning and Community Development by the first day of the month in which the request for the amendment will be considered by the Planning Commission. Signage notifying the public about the request shall be posted within five (5) days of receipt of the application.***

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: 11-26-11

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

APPROVED: 5

DISAPPROVED: 0

ATTEST: SECRETARY, LOUDON COUNTY  
REGIONAL PLANNING COMMISSION  
Dated: September 18, 2001



**Interlocal Agreement  
Blair Bend Public Rail Terminal Project**

This Agreement, made and entered into this the 15th day of October, 2001, by and between the County of Loudon (County), a political subdivision of the State of Tennessee, and the City of Loudon (City), a municipal corporation formed under the laws of the State of Tennessee.

Whereas, rail transportation remains one of the most cost effective modes of transportation of bulk materials, especially during periods of escalating fuel prices, and

Whereas, Tennessee Code Annotated, Title 9, Chapter 21, Local Government Public Obligation Law authorizes local government to finance and construct rail terminal facilities and related uses, and

Whereas, the need exists, within the East Tennessee Region for a bulk rail terminal serving the present and future industrial base of Loudon County and the region, and

Whereas, Loudon County has submitted grant applications to the State of Tennessee Industrial Infrastructure Program and Appalachian Regional Commission to secure project funds in sufficient amounts to receive a grant of approximately 71% of the proposed rail spur and bulk terminal facility, and

Whereas, the Loudon County Economic Development Agency desires to enter into a long term lease agreement for the operation of a public bulk rail terminal within Blair Bend Industrial Park to serve existing business needs and as a marketing opportunity to attract additional capital investment to the community, and

Whereas, the Loudon County Commission and the City Council of the City of Loudon are intending to provide sufficient local funds for the construction of said facility.

Now, Therefore, in Consideration of the mutual covenants and agreements herein, the parties hereby agree as follows:

**WITNESSETH**

1. Project development: City and County agree to participate in the development of a Public Rail Bulk Terminal involving the construction of a rail spur, related switches, docks and terminal facility, approximately 20,000 sq. ft. in area within Blair Bend Industrial Park. The projected project cost is estimated at \$1,000,000. Parties anticipate that grant funds will be awarded in an amount of \$700,000 and that each party will assume 50% of the local share of development costs.
2. Fiscal agent: County shall serve as fiscal agent for the project, and shall assume responsibility for borrowing funds, payments to contractors and other necessary expenses, as well as appropriate disbursements to County and City. County shall serve as the grant eligible entity for the Industrial Infrastructure Program funds and Appalachian Regional Commission funds. The fiscal agent shall maintain a current and separate fund account indicating the source of all funds derived and an itemization of all expenditures and purposes of expenditures. When construction or design funds are required the fiscal agent shall notify and submit copies of invoices to City based on



the agreed percentage stated in section 1. City shall remit payment to County not more than 10 days following receipt. The fiscal agent shall send a quarterly financial report to all parties showing funds received, an itemization of payments made, and the amount and status of funds in hand. County shall employ the design professionals and award all bids and construction contracts. It is understood that the fiscal agent shall not charge against the project account for any administration costs incurred in this role.

3. Facility Leasing: Parties agree to enter into a long-term lease with agreement, including standard protective provisions, with the Loudon County Economic Development Agency (Agency), or its successor, at a rate not less than what is necessary to cover the cost of debt service and in addition, sufficient to provide an in-lieu of tax payment acceptable to both parties. Agency is granted the right to sublease the facility to an operator or may operate the facility on its own provided the facility is maintained as a public rail terminal serving local and regional businesses.
4. Project Management: During the design and construction phase of the project the Loudon County Economic Development Agency shall serve as the facility manager. The agency shall coordinate the project and shall supervise design and construction components. The agency shall, prior to payment, approve all invoices relating to the project.
5. Ownership: The property and all improvements shall be owned jointly by Loudon County and the City of Loudon.
6. Rights of First Refusal: Parties extend to Agency, or its successor, the first right to purchase said real property upon determination by the legislative bodies that their continued involvement in ownership is no longer in the best interest of the community and that a greater benefit can be derived by disposing of the assets.
7. Land Acquisition: Parties agree that land shall be acquired for the project and that a suitable land exchange for adjacent property in Blair Bend Industrial Park is authorized based on comparable values.
8. Reuse of Facilities: It is not contemplated that a substantial change in the use of the facility shall occur. In the event a need arises to alter the intended use of the facility, which may jeopardize grant funds awarded to the project, the reuse or sale shall be agreed upon by both parties after recommendation by the Agency. Each party shall receive 50% of the sale price less outstanding debt and encumbrances.
9. Amendments and termination of agreement: This agreement may be amended at any time upon approval of both parties. The agreement shall continue in affect for a period of twenty years and shall be automatically extended an additional 20 years if neither party gives notice of non-renewal during the 20-year period. To be effective, said notice of non-renewal must be given at least six months prior to the expiration date of the first twenty years or any subsequent twenty year period.
10. Adoption: This agreement shall take effect upon adoption by both parties and execution by the appropriate representatives.



IN WITNESS WHEREOF, the parties herein have executed this agreement  
in duplicate  
on the day and date first above written.

ATTEST:

*[Signature]*  
COUNTY CLERK

COUNTY OF LOUDON

*George M. Miller*  
COUNTY EXECUTIVE

ATTEST:

CITY OF Loudon

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
MAYOR

STATE OF TENNESSEE)

COUNTY OF LOUDON)

BEFORE ME, THE UNDERSIGNED AUTHORITY, A Notary Public in and for the State and County aforesaid personally appeared George M. Miller, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the County Executive of the County of Loudon, the within named bargainor, a political subdivision of the State of Tennessee, and that he as such County Executive being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the political subdivision by himself as County Executive.

WITNESS my hand and seal, at office in Loudon County, Tennessee, this  
26<sup>th</sup> day of Nov., 2001.

*Angela S. Chambers*

Notary Public

My Commission expires: 09-20-05

STATE OF TENNESSEE)

COUNTY OF LOUDON)

BEFORE ME, THE UNDERSIGNED AUTHORITY, A Notary Public in and for the State and County aforesaid personally appeared Bernie Ray Swiney, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Mayor of the City of Loudon, Tennessee, the within named bargainor, a political subdivision of the State of Tennessee, and that he as such Mayor being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the political subdivision by himself as Mayor.

WITNESS my hand and seal, at office in Loudon County, Tennessee, this  
\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

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