

**LOUDON COUNTY COMMISSION**

**REGULAR MEETING**

**November 05, 2001**

- (1) **Public Hearing**  
**Exhibits A-C**
- (2) **Opening Of Meeting**
- (3) **Roll Call**
- (4) **Motion Passed To Allow Ms. Longmire Voice Concerns Re: October 2001 Minutes**  
**Exhibit D**
- (5) **Motion Passed To Adopt Agenda**
- (6) **Minutes Adopted For October 01, 2001**
- (7) **Audience Comments On Agenda Items**
- (8) **Audience Comments on Non-Agenda Items**  
**Exhibit E**
- (9) **Motion Passed To Adopt Interlocal FEMA Agreement**  
**Exhibit F**
- (10) **Motion Passed To Pilot TADIR Program**
- (11) **Motion Passed To Accept Litter Control Grant**
- (12) **Motion Passed To Adopt Career Center Budget and Bylaws**
- (13) **Update On KLCB, Inc.**
- (14) **Motion Passed To Halt Development At Abbott Crossing**
- (15) **Reapportionment Discussion**
- (15a) **Motion Failed To Reduce Compensation For Additional Commissioner**
- (15b) **Motion Passed To Adopt Resolution - Reapportionment Plan**  
**Exhibit G**
- (16) **Motion Passed To Deny Resolution – Martel Road**
- (17) **Motion Passed To Adopt Declaration – Covenants For Centre 75**  
**Exhibit H**
- (18) **Attorney Comments On Abbott Crossing**
- (19) **Building Commission Report**
- (20) **Copier Leases Approved For Various Departments**
- (21) **Bonds Approved**
- (22) **Notaries Approved**
- (23) **Adjournment**



# LOUDON COUNTY COMMISSION

STATE OF TENNESSEE  
COUNTY OF LOUDON

## PUBLIC HEARING

November 05, 2001  
6:00 PM

(1)  
Public  
Hearing

- 1) Five year update for the Loudon County Municipal Solid Waste Planning Region.

**Ms. Pat Hunter**, Loudon County resident, spoke in opposition of approval for the five year update for the Loudon County Municipal Solid Waste Planning Region.

**Ms. Aileen Longmire**, Loudon County resident, spoke in opposition of approval for the five year update for the Loudon County Municipal Solid Waste Planning Region. Ms. Longmire provided handwritten statement to be entered as official minutes of this meeting.

### Exhibit A

- 2) Rezoning request for property located at 10510 Martel Road, referenced by Tax Map 17, Parcel 148.09, from R-1/RE, (Suburban Residential District with Single District Family Exclusive Overlay District), to C-2 (General Business District), located in the Sixth Legislative District – Owner: Timothy Cole [01-08-141-RZ-CO(LEPR)]

**Attorney Judy McCarthy**, with the law firm of McCarthy & McCarthy, came forward to speak as legal representative for Mr. Timothy Cole in favor of the rezoning request. Attorney McCarthy distributed documentation to County Commission and requested each be placed as part of the minutes.

### Exhibit B

**Mr. Wayne Gardin**, Sixth (6<sup>th</sup>) District citizen, came forward to speak in opposition of this rezoning request.

**Mr. Gerrell Foshee**, resident of Martel Road, came forward to speak in opposition of this rezoning request. Mr. Foshee submitted petitions signed by area residents to be placed as part of the minutes.

### Exhibit C

**Ms. Sylvia Sproul**, resident of Martel Road, came forward to speak in opposition of this rezoning request.

## 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 5<sup>th</sup> day of November, 2001.

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

Officer Sonny Rotson opened Court and Howard Luttrell led the Pledge of Allegiance to the Flag of the United States of America and Hank McGhee gave the invocation.



(3)  
Roll Call

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

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

(4)  
Motion Passed  
To Allow Ms.  
Longmire  
Voice  
Concerns Re:  
October 2001  
Minutes

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Thomas** to allow Ms. Aileen Longmire to voice concerns regarding October 2001 County Commission Minutes.

Upon voice vote the motion **Passed: (8-1).**

**Ms. Aileen Longmire** came forward to speak regarding concerns she had with the minutes of the October 2001 County Commission meeting. Ms. Longmire provided a handwritten statement to be entered as official minutes of this meeting.

**Exhibit D**

(5)  
Motion Passed  
To Adopt  
Agenda

**Chairman Bledsoe** requested the November 05, 2001 agenda be adopted.

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

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

(6)  
Minutes  
Adopted For  
October 01,  
2001

**Chairman Bledsoe** requested the October 01, 2001 County Commission Meeting minutes be approved and accepted.

**County Executive Miller** requested that under item #10 the word "requested" be replaced with "presented" – clarifying that the "request" was not by Executive Miller.

A **motion** was made by **Commissioner Randolph** with a second by **Commissioner Thomas** to approve the minutes of the October 01, 2001 County Commission Meeting as presented with stated change.

Upon voice vote the motion **Passed: (8-1).**

(7)  
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.

**Mr. Van Shaver**, Loudon County resident, came forward to speak on the reapportionment plan. Mr. Shaver sited that he was in favor of keeping the number of commissioners at nine (9).

**Ms. Pat Hunter**, Loudon County resident, came forward to speak on the reapportionment plan. Ms. Hunter sited that she was in favor of keeping the number of commissioners at nine (9).

(8)  
Audience  
Comments on  
Non-Agenda  
Items

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

**Ms. Pat Hunter**, Loudon County resident, came forward to speak regarding concerns she has with the minutes of County Commission meetings. Ms. Hunter provided a handwritten statement to be entered as official minutes of this meeting.

**Exhibit E**

**Commissioner Park** requested a five (5) minute recess at 7:05 p.m.

Meeting reconvened at 7:20 p.m.

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

(9)  
Motion Passed  
To Adopt  
Interlocal  
FEMA  
Agreement

**Executive Miller** requested consideration of approval for the Interlocal FEMA Agreement.

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

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

**Exhibit F**



(10)  
Motion Passed  
To Pilot  
TADIR  
Program

**Executive Miller** presented request by Mr. Joe Webb, owner of Aim Services, to grant preliminary approval for piloting TADIR program. After much discussion, a **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Duff** to approve piloting of TADIR program contingent on approval by Sheriff Guider and Judge Russell. Upon voice vote the motion **Passed** unanimously.

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

(11)  
Motion Passed  
To Accept  
Litter Control  
Grant

1) Consideration of Litter Control Grant  
A **motion** was made by **Commissioner Park** with a second by **Commissioner Maples** to **accept** the Litter Control Grant.  
Upon voice vote the motion **Passed** unanimously.

(12)  
Motion Passed  
To Adopt  
Career Center  
Budget and  
Bylaws

2) Consideration of adopting Career Center Bylaws  
A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Maples** to adopt the Career Center Budget and Bylaws.  
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)**.

(13)  
Update On  
KLCB, Inc.

**Commissioner Harold** gave update on Keep Loudon County Beautiful, Inc. KLCB, Inc. has obtained 501c-3 tax exempt status. KLCB, Inc. will have an official website in operation soon.

(14)  
Motion Passed  
To Halt  
Development  
At Abbott  
Crossing

**Commissioner Jerry Park** requested that Ms. Patty Terry address the Commission with concerns regarding Abbott Crossing.

**Ms. Patty Terry**, Loudon County resident, sited concerns regarding the development of Abbott Crossing. Ms. Patty stated that the developer has not stayed within the guidelines of what was originally planned. She also sited concerns of water drainage problems and mobile homes already in place that have not applied for/purchased building permits. After much discussion a **motion** was made by **Commissioner Park** with a second by **Commissioner Duff** to have Building Commissioner Chris West investigate and halt development until drainage issues are resolved and permits are purchased. Upon voice vote the motion **Passed** unanimously.

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

(15)  
Reapportion-  
ment  
Discussion

1) Review County Reapportionment Committee recommendation to adopt proposed District Plan 1 (Revision 1), a seven (7) District Plan with ten (10) Commissioners.  
A **motion** was made by **Commissioner Park** with a second by **Commissioner Jenkins** to delay approval of Reapportionment Plan until December's County Commission Meeting. After much discussion, **Commissioner Jenkins** retracted his second to **Commissioner Park's** motion.

A **motion** was made by **Commissioner Harold** with a second by **Commissioner Masingo** to **approve** District Plan 1 (Revision 1).

(15a)  
Motion Failed  
To Reduce  
Compensation  
For  
Additional  
Commissioner

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Maples** to reduce compensation paid to County Commissioners to compensate for the increased expense of an additional Commissioner.  
Upon roll call vote the following commissioners voted **Aye: Maples, Randolph, Jenkins, and Harold: (4)**.  
The following commissioners voted **Nay: Thomas, Masingo, Bledsoe, Duff, and Park (5)**.  
Thereupon the chairman announced the motion to reduce compensation **Failed: (5-4)**.  
Commission member(s) not present: **(0)**.

1414



(15b)  
Motion Passed  
To Adopt  
Resolution -  
Reapportionment Plan

Upon roll call vote the following commissioners voted Aye: **Thomas, Masingo, Bledsoe, Duff, Maples, Randolph, and Harold: (7).**  
The following commissioners voted Nay: **Park (1).**  
The following commissioner voted Pass: **Jenkins (1).**  
Thereupon the chairman announced the motion to accept District Plan 1 (Revision 1) **Passed: (7-1-1).**  
Commission member(s) not present: **(0).**  
**Exhibit G**

(16)  
Motion Passed  
To Deny  
Resolution -  
Martel Road

2) Rezoning request for property located at 10510 Martel Road, referenced by Tax Map 17, Parcel 148.09, from R-1/RE, (Suburban Residential District with Single District Family Exclusive Overlay District), to C-2 (General Business District), located in the Sixth Legislative District - Owner: Timothy Cole [01-08-141-RZ-CO(LEPR)]

A motion was made by **Commissioner Harold** with a second by **Commissioner Park** to **Deny** this request.  
Upon voice vote the motion **Passed** unanimously.

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

(17)  
Motion Passed  
To Adopt  
Declaration -  
Covenants  
For Centre 75

1) Consideration of adopting Declaration of covenants, conditions and restrictions for Centre 75.

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

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

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

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

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

**Exhibit H**

(18)  
Attorney  
Comments On  
Abbott  
Crossing

**Attorney Harvey Sproul**, Loudon County Attorney, directed County Commission and Loudon County Building Commissioner on resolving problem(s) with developers of Abbott Crossing. Development cannot be halted without confirmed noncompliance of County codes/regulations.

(19)  
Building  
Commission  
Report

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

The totals for October 2001:

Permits issued:	53	Est. Value:	\$3,358,450
Amount collected:	\$6,949	Est. New Taxes:	\$15,112

Permits issued in the month of October 2000 were 37.

(20)  
Copier Leases  
Approved For  
Various  
Departments

**Loudon County Purchasing Agent, Howard Luttrell**, requested consideration of approval for postage machine leases for circuit court and general sessions court.

A motion was made by **Commissioner Park** with a second by **Commissioner Thomas** 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)  
Bonds  
Approved

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

C. Angela Bailey

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.

(22)  
Notaries  
Approved

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

Kimberly P. Roberts  
Regina G. Smith  
Carolyn Sharp  
Kathryn A. Scott  
Angela Bailey

Karen S. Patty  
Lesley H. Brown  
Lisa A. Hatcher  
Lesia G. Wallace  
Whitney W. Stegall

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

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

(23)  
Adjournment

There being no further business, a **motion** being duly made and seconded, the November 05, 2001 meeting stood adjourned at 9:25 p.m.

  
CHAIRMAN

ATTEST:

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

  
COUNTY EXECUTIVE



November 5, 2001

County Commission Meeting  
Exhibit A

Five Year Update For The Municipal  
Solid Waste Regional Plan

My name is Aileen Longmire and I wish to comment on the Five Year Update Plan that was prepared by the Loudon County Solid Waste Disposal Commission and Southern Consulting, LLC and presented to County Commission for their consideration and vote.

In my opinion this plan should not be accepted as is. This five year update plan does not list or discuss the Jackson Law that was adopted by Loudon County Commission 6 years ago. This law clearly gives specific and very detailed guidelines for our waste stream in Loudon County now and the years to come.

When In. Waste Movers owned by Liberty Waste Systems of Pittsburgh, Pennsylvania applied for a new landfill in Matlock Bend through the Loudon County Solid Waste Disposal Commission, in my opinion the LCSWDC should have deferred this issue to the Loudon County Commission who is the governing body of record. County Commission has the final vote based upon the Jackson Law, zoning resolutions, etc. Loudon County also adopted a resolution several years ago to not allow a new landfill within a five mile radius of an existing landfill. We already have 3 in Matlock Bend.



## II.

County Commission should instruct the landfill commission to see that Santeek (the present operator of the county landfill) prepares a Class IV cell for construction and demolition waste that would meet the county need. There is property available at the county site that is not suitable for a Class I lined cell but would work for an unlined C+D cell. It would save the county taxpayers money and would conserve our valuable expensive Class I lined landfill. There would be no need for private landfills in the county that take waste from many other regions or sources such as the recent violation issued to In Waste Movers owned by Liberty Waste System for accepting special waste generated at a listed Superfund and State Hazardous Substance Site (Lencor Car Works). This is a serious violation. This private landfill is in Matlock Bend where many of us use well water.

There will be no more land so we must preserve what we have and use it wisely. This means not filling it up with landfills and waste from everywhere. There are laws to help counties protect the health, safety and welfare of its citizens. We must adopt and enforce them.

Please read and discuss this Five year Update for Loudon County waste carefully before you vote to pass it. Consider cautiously the part (Page 28+29)



### III.

creating a new position of waste director at a projected cost of approximately \$75,000.00. Has this Five Year Update plan been discussed in detail with the Solid Waste Commission? If so when?

I think it needs to be fine tuned before voted on. On page 55 of the update, why does it state that this plan was passed by County Commission October 1, 2001? This is inaccurate.

Thank You  
Gileen Loregmine

I am presenting my questions and comments in writing to be made a part of the legal record of this meeting.



## **LOUDON COUNTY COMMISSION**

### **EXHIBIT B**

Exhibit B of the November 05, 2001 Loudon County Commission Regular Meeting was not directly given to the acting clerk of that meeting. Several attempts were made to obtain documentation and pictures presented to the board and requested to be part of the minutes. Attorney Judy McCarthy, with McCarthy and McCarthy law firm in Knoxville, Tennessee was presenter of this Exhibit.

1420



## PETITION AGAINST REZONING

The undersigned resident and/or property owner is aware that an application has been made by Timothy Cole to rezone to C-2 approximately two hundred (200) feet of property on the South side of Martel Road, immediately East of the East Tennessee Scale Works property.

This is to advise all governmental and regulatory authorities that I am opposed to this application and to further industrialization and commercialization of Martel Road, inasmuch as the community is primarily residential.

Jeress Kay  
signature

9-9-61  
date

1421  
(82 AH)



County Commission Meeting November 5, 2001

My name is Aileen Longmire and I am a Loudon County taxpayer. I attended the October 1, 2001 County Commission meeting and spoke at length with documentation in hand against the In. Waste Movers owned by Liberty Waste System of Pittsburgh, Pennsylvania application to build a new landfill in Matlock Bend where I live. First District Commissioner Randolph requested the minutes be verbatim for comments and questions from speakers on this very important issue because of possible litigation.

County Executive George Miller's office prepares agendas and minutes for County Commission meetings. In. State law says that the County Court Clerk's office is suppose to prepare these documents. I drove to Miller's office 5 times and requested to view the minutes. Usually I was told by County Executive Miller's secretary that they weren't ready but later was told I couldn't see them until after the November 5, 2001 County Commission meeting and they had been approved. Agendas and minutes were not even given to County Commissioners until Friday November 2, 2001, one working day before the actual meeting tonight. Usually draft copies <sup>of minutes</sup> are available to view within 10 to 14 days after meetings. In my opinion this landfill issue and the critical



## II.

information brought out at the October 1, 2001 meeting by citizens could be the reason for withholding the minutes. It was said to be County Executive Miller's order to not release the minutes for viewing.

County Attorney Harvey Spraul is hired by County Executive George Miller and works for him. According to public documents Attorney Spraul reviews the county commission meeting agendas and minutes and suggests changes. Is it legal to control minutes of commission meetings and situations? Is this a conflict of interest?

Liberty Waste System is wanting to build a new landfill in Matlock Bend on land to be purchased from Matlock Bend Development according to their request (Item 10 October 1, 2001 County Commission Meeting).

County Attorney Harvey Spraul was an office holder and stock holder for Fort Industrial Development Corporation who later changed their name to Matlock Bend Development. I think everyone can start to see the big picture here now.

He did not even offer a legal opinion on this Liberty Waste System request nor did he state any of the laws adopted by Loudon County Commission such as (Jackson Law, no new landfill within a five mile



### III.

radius of an existing landfill), none of this was brought out and stated for the record at the Oct. 1, 2001 meeting. County Commission and citizens had no legal representation at this meeting even though Attorney Spraul will send us a bill for his time to attend this meeting.

I have requested to view Attorney Sprauls W2 or 1099 for Loudon County Attorney several times and have been told he doesn't receive one. I have also requested to view his contract with the county executive (who hires him) and was told there wasn't one. Attorney Spraul works for Miller, Loudon County Cable TV Authority, Loudon County Channel Advisory Committee, Economic Development Agency, Planning Commission, BZA, Sheriffs Dept, Road Dept, TASS and maybe more. He reviews agendas and minutes and suggests changes. Is this not too much control for one person for one county?

I would ask County Commission tonight to fire Attorney Spraul but since he doesn't work for anyone but George Miller you can't.

I am going to ask you to vote to cut his money off. Harvey Spraul doesn't really represent the citizens and taxpayers of this county nor County Commission. It was stated at a recent meeting that County Attorney Spraul loses more court cases than he wins for Loudon County so why keep paying high dollar



#### IV.

prices of taxpayers money. Sometimes change is good! Next year is an election year. County Commission could initiate change here and hire its own attorney. Hire an attorney that will work for them and for the citizens and taxpayers of this county full time or part time, not politics, just doing the right thing. I am asking county commission tonight to oversee the minutes and court transcripts of the September 13, 2001 and October 1, 2001 meetings to make sure they are verbatim and accurate in case of future litigation. The possibility of a hundred acre landfill being built on Matlock Bend is too important

Thank you  
Aileen Longmire

I am presenting these questions, comments and requests to be made a part of this meeting's legal record because of the importance of the minutes and transcripts and their accuracy.



Exhibit E

**MINUTES of last commission meeting**

County Commission Chair Bledsoe, County Commission members, County Executive Miller, Loudon County citizens, County Attorney Sproul:

I would like to bring an important matter to your attention. I am requesting this be made a part of the record.

At the last county commission meeting of October 1, 2001, testimony was given relative to the Request for Application of TN Wastemovers, Inc. One commissioner requested that testimony be recorded verbatim in the County Commission Minutes. Since the attorney representing the private landfill, had their court reporter in tow, I would think an accurate accounting of the Minutes would be of great importance to the county in view of possible litigation since the courts would review the Minutes, and what transpired.

I would like to go on record to state the Minutes were not verbatim. Further, the October 1 2001 Minutes and the agenda for the November 5, 2001 commission meeting were not released until NOVEMBER 2, 2001 by the county executive's office. This is contrary to Loudon County's Procedural Rules adopted by county commission in which the Clerk forwards tentative agendas FIVE 5 days in advance of the meeting. I do not understand how commission members would have adequate time to review pertinent information prior to deliberations at the next commission meeting. Your decisions on important matters affect all taxpayers.

Minutes of the meeting are to be prepared by the Clerk, and a copy of the Minutes shall be forwarded to each commission board member within SEVEN (7) days after said meeting. The Minutes should have been presented to commissioners by **October 8, 2001**. Since the County's Executive office can not keep up with these important matters, and state statues require the county clerk to act as clerk of the county legislative body, and to record the Minutes. To this end, I respectfully request, county commission uphold our Tennessee laws, and to follow the Loudon County Procedures as adopted by this governing body.

Thank you.

*Pat Hunter*



## INTERGOVERNMENTAL EMERGENCY MUTUAL AID AGREEMENT

STATE OF: *TENNESSEE*COUNTY OF: *LOUDON*

*WHEREAS*, Tennessee law authorizes local governments to contract with each other to provide services, and

*WHEREAS*, Tennessee law and policy also provides for certain reimbursements or financial aid to local government for certain natural disasters or emergency conditions declared by the Governor, and

*WHEREAS*, the Loudon County Government finds it to be in its best interest to have such mutual aid agreements with other local governmental bodies in the state and region.

*NOW, THEREFORE, BE IT RESOLVED*, in consideration of the above recitals and the covenants contained herein, the parties hereto agree as follows:

1. The Loudon County Government hereby agrees to provide through its EMA Director such mutual aid as may be requested by a governmental unit which has experienced emergency conditions from a natural disaster as defined by Tennessee law. The aid rendered shall be to the extent of available personnel and equipment not required for minimum needs of the Loudon County government. The judgment of the EMA Director or his/her designee shall be final as to the personnel and equipment so available.
2. Personnel dispatched to aid another jurisdiction shall remain employees of the Loudon County Government, but shall work under the supervision of the EMA Director or an official having equivalent authority, of the requesting jurisdiction. The Loudon County Government retains the right to withdraw any and all aid rendered upon direction of the EMA Director.
3. The EMA Director will provide a list of hourly rates and equipment costs, and hours worked for all such aid rendered to the requesting jurisdiction for all actual costs and the requesting jurisdiction agrees to compensate such claim for costs incurred as expeditiously as possible.
4. The Loudon County Government will maintain workers compensation coverage for its employees and liability coverage for its vehicles and equipment. Any uninsured or extraordinary expenses may be a part of claimed costs for reimbursement. The requesting jurisdiction agrees to maintain adequate liability insurance under state law and to hold harmless and indemnify the Loudon County Government for any and all claims occurring while its personnel and equipment are working under the direction of the EMA Director, or an official having equivalent authority, of the requesting jurisdiction. These indemnities shall include attorney's fees and costs that may arise from providing aid pursuant to this agreement.
5. The purpose of these recitals is to insure that the Loudon County Government is reimbursed all costs and assumes no additional liabilities as a result of this agreement. Neither party to this agreement shall be liable for its failure or refusal to render aid pursuant to this agreement. The EMA Director (or his/her designee in charge of operations) shall in his sole discretion determine the manner in which such emergency aid may be used.

*IN WITNESS WHEREOF*, this Agreement has been duly executed by the parties subscribed below:

**Loudon County, Tennessee**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
County Executive Date Witness Date

**City of Lenoir City, Tennessee**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor Date Witness Date

**City of Loudon, Tennessee**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor Date Witness Date

**City of Philadelphia, Tennessee**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor Date Witness Date

**City of Greenback, Tennessee**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Mayor Date Witness Date

**Lenoir City Utilities Board**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
General Manager Date Witness Date

**Loudon Utilities Board**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
General Manager Date Witness Date

**Loudon County Fire Rescue**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Fire Chief Date Witness Date

**Greenback Fire Department**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
Fire Chief Date Witness Date

**Tellico Village Property Owner's Association**

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
General Manager Date Witness Date



**RESOLUTION NO. 110501-G**

**A RESOLUTION REAPPORTIONING LEGISLATIVE DISTRICTS WITHIN LOUDON COUNTY, TENNESSEE, PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 5-1-111**

**WHEREAS**, Loudon County, as required by the Tennessee Code Annotated 5-1-110, has established legislative districts represented by maps and a description of the boundaries of the districts; and

**WHEREAS**, Tennessee Code Annotated 5-1-111, requires that county legislative districts be reapportioned prior to January 1, 1982, and at least every ten (10) years thereafter; and

**WHEREAS**, each member of the legislative body shall represent substantially equal populations based upon the most recent Federal Census; and

**WHEREAS**, County legislative district reapportionment based on the 2000 Census must be completed by January 1, 2002; and

**NOW, THEREFORE, BE IT RESOLVED** by the Loudon County Commission that the reapportionment plan for seven legislative districts in Loudon County, Tennessee, be established as represented by the attached map and more fully described as follows:

Section 1. Unless specifically described, district lines following roads, rivers, railroads or utilities will refer to the centerline of such boundaries; measurements, where indicated, are approximate.

Section 2. That the **First Legislative District** be described as follows: Beginning at a point of intersection of a branch of Polecat Creek and the Roane/Loudon County line; thence southeasterly to the main branch of Polecat Creek; thence southwesterly along the main branch of Polecat Creek to its intersection with State Highway 72; thence south along State Highway 72, to the intersection of State Highway 72 and Stockton Valley Road; thence west along Stockton Valley Road to its intersection with Jim Dyke Road; thence following Jim Dyke Road in a southeasterly direction to its intersection with Pond Creek; thence northeasterly along Pond Creek to its point of intersection with Edwards School Road; thence along Edwards School Road in an easterly direction to its intersection with Jim Dyke Road; thence east along Jim Dyke Road to its intersection with Prospect Church Road; thence in a southeasterly direction along Prospect Church Road to its intersection with Dry Valley Road; thence south along Dry Valley Road to its intersection with Dry Valley Branch Creek; thence east along Dry Valley Branch Creek to its intersection with Roberson Springs Road; thence south along Roberson Springs Road to its intersection with Sweetwater Creek; thence southwesterly along Sweetwater Creek to its intersection with State Route 11; thence continuing south along Sweetwater Creek to its intersection with Calloway Road; thence along Calloway Road in a southeasterly direction to its intersection with Corinth Church Road; thence east along Corinth Church Road to its intersection with Grimes Road; thence north along Grimes Road to its intersection with Green Drive; thence southeast along Green Drive to its intersection with Steekee Creek Road; thence northeast along



Steekee Creek Road to its intersection with Steekee Road; thence southeast along Steekee Road to its intersection with Steekee School Road; thence east along Steekee School Road to its intersection with Old Vonore Road; thence north along Old Vonore Road to its intersection with Davis Ferry Road; thence southeast along Davis Ferry Road to its intersection with Poplar Springs Road; thence north along Poplar Springs Road to its intersection with Little Valley Road; thence northeast along Little Valley Road to its intersection with Coyatee Drive; thence southeast along Coyatee Drive to its intersection with Tellico Parkway; thence northeast along Tellico Parkway to its intersection with Poplar Ridge Road; thence west along Poplar Ridge Road to its intersection with Poplar Springs Road; thence northeast along Poplar Springs Road to the main channel of the Tennessee River; thence west along the main channel of the Tennessee River to an unnamed creek on the north side of the Tennessee River just before mile marker 597; thence following the unnamed creek north to its intersection with State Highway 11; thence southwest along State Highway 11 to its intersection with Sugar Limb Road; thence northwest along Sugar Limb Road to its intersection with Interstate 75; thence south along Interstate 75 to the main channel of the Tennessee River; thence north along the Tennessee River to the Roane/Loudon County line; thence along the county line to the point of beginning at Polecat Creek.

Section 3: That the **Second Legislative District** be described as follows: Beginning at a mile marker 600.2 in the Tennessee River then heading north along Halls Ferry Road and intersection with Industrial Park Drive; thence north along Industrial Park Drive to its intersection with State Highway 11; thence west along State Highway 11 to its intersection with Browder Hollow Road; thence north along Browder Hollow Road to its intersection with Loudon Ridge Road; thence east along Loudon Ridge Road to its intersection with Harrison Road and continuing east on Harrison Road to its intersection with Kingston Street (Old Highway 95); thence northeast along Kingston Street to the intersection of Adessa Drive; thence east along Adessa to its intersection with Town Creek; thence south along Town Creek to its intersection with Town Creek Road; thence northeast along Town Creek Road to its intersection with Ford Road; thence southeast along Ford Road to its intersection with State Route 11; thence southwest along State Route 11 to its intersection with Old Midway Road; thence east along old Midway Road to its intersection with Shaw Ferry Road; thence south along Shaw Ferry Road to the intersection with Martel Road; thence east on Martel Road to its intersection with Lakeview Drive; thence south on Lakeview Drive to Ft. Loudon Lake; thence west along the lake to City Park Drive; thence west along City Park Drive to where it crosses under State Highway 321; thence south along Highway 321 to the Ft. Loudon Dam; thence west along the Tennessee River to mile marker 600.2, being the point of beginning.

Section 4: That the **Third Legislative District** be described as follows: Beginning at the Loudon /Blount County line in Ft. Loudon Lake and following the main channel to Ft. Loudoun Dam; thence continuing west along the Tennessee River to Tellico Dam; thence continuing south along the main channel of Tellico Lake to the Loudon/Monroe County line; thence following the Loudon County line east then northeast to the point of beginning.

Section 5: That the **Fourth Legislative District** be described as follows: Beginning at a point of intersection of a branch of Polecat Creek and the Roane/Loudon County line; thence southeasterly to the main branch of Polecat Creek; thence southwesterly along the main branch



of Polecat Creek to its intersection with State Highway 72; thence south along State Highway 72, to the intersection of State Highway 72 and Stockton Valley Road; thence west along Stockton Valley Road to its intersection with Jim Dyke Road; thence following Jim Dyke Road in a southeasterly direction to its intersection with Pond Creek; thence northeasterly along Pond Creek to its point of intersection with Edwards School Road; thence along Edwards School Road in an easterly direction to its intersection with Jim Dyke Road; thence east along Jim Dyke Road to its intersection with Prospect Church Road; thence in a southeasterly direction along Prospect Church Road to its intersection with Dry Valley Road; thence south along Dry Valley Road to its intersection with Dry Valley Branch Creek; thence east along Dry Valley Branch Creek to its intersection with Roberson Springs Road; thence south along Roberson Springs Road to its intersection with Sweetwater Creek; thence southwesterly along Sweetwater Creek to its intersection with State Route 11; thence continuing south along Sweetwater Creek to its intersection with Calloway Road; thence along Calloway Road in a southeasterly direction to its intersection with Corinth Church Road; thence east along Corinth Church Road to its intersection with Grimes Road; thence north along Grimes Road to its intersection with Green Drive; thence southeast along Green Drive to its intersection with Steekee Creek Road; thence northeast along Steekee Creek Road to its intersection with Steekee Road; thence southeast along Steekee Road to its intersection with Steekee School Road; thence east along Steekee School Road to its intersection with Old Vonore Road; thence north along Old Vonore Road to its intersection with Davis Ferry Road; thence southeast along Davis Ferry Road to its intersection with Bishop Road; thence south along Bishop Road to its intersection with Old Vonore Highway; thence southeast along Old Vonore Highway to its intersection with Branch Road; thence south along Branch Road to its intersection with Watkins Road; thence east along Watkins Road to its intersection with Clear Prong Creek; thence southeast along Clear Prong Creek to Tellico Lake; thence south along Tellico Lake to Wade Road East; thence west along Wade Road East to its intersection with State Highway 72; thence south along State Highway 72 to the Loudon/Monroe County line on Highway 72; thence west along the Loudon/Monroe County line and northeast along the Loudon/Roane County line to Polecat Creek, the point of beginning.

Section 6: That the **Fifth Legislative District** be described as follows: Beginning at a mile marker 600.2 in the Tennessee River then heading north along Halls Ferry Road and intersection with Industrial Park Drive; thence north along Industrial Park Drive to its intersection with State Highway 11; thence west along State Highway 11 to its intersection with Browder Hollow Road; thence north along Browder Hollow Road to its intersection with Loudon Ridge Road; thence east along Loudon Ridge Road to its intersection with Harrison Road and continuing east on Harrison Road to its intersection with Kingston Street (Old Highway 95); thence northeast along Kingston Street to the intersection of Adessa Drive; thence east along Adessa Drive to its intersection with Town Creek; thence south along Town Creek to its intersection with Town Creek Road; thence northeast along Town Creek Road to its intersection with Ford Road; thence southeast along Ford Road to its intersection with State Route 11; thence west across Highway 11 along Muddy Creek Road to its intersection with Forest Heights Circle; thence east along Forest Heights Circle to its intersection with Snow Road; thence south along Snow Road to its intersection with Virtue Road; thence east along Virtue Road to the Loudon/Knox County line; thence northwest along the Loudon/Knox County line to Melton Hill Lake; thence west along Melton Hill Lake and following the Loudon/Roane County line to the Tennessee River; thence southeast along the Tennessee River to its intersection with Interstate 75; thence east along



Interstate 75 to the Sugar Limb Road interchange; thence southeast along Sugar Limb Road to its intersection with State Highway 11; thence east along Highway 11 to an unnamed creek following the Tennessee River just before mile marker 597; thence east along the Tennessee River to mile marker 600.2, the point of beginning.

Section 7. That the Sixth Legislative District be described as follows: Beginning at the Loudon/Knox County line on Virtue Road extending west along Virtue Road to its intersection with Snow Road; thence north along Snow Road to its intersection with Forest Heights Circle; thence west along Forest Heights Circle to its intersection with Muddy Creek Road; thence north along Muddy Creek Road to its intersection with State Highway 11; thence southwest along State Highway 11 to its intersection with Old Midway Road; thence east along Old Midway Road to its intersection with Shaw Ferry Road; thence south along Shaw Ferry Road to its intersection with Martel Road; thence east along Martel Road to its intersection with Lakeview Road; thence south along Lakeview Road to Ft. Loudon Lake; thence west along the lake to City Park Drive; thence west along City Park Drive to where it crosses under State Highway 321; thence south along State Highway 321 to the Ft. Loudon Dam; thence southeast along Ft. Loudon Lake to the Loudon/Knox County line; thence northwest along the Loudon/Knox County line to Virtue Road, the point of beginning.

Section 8. That the Seventh Legislative District be described as follows: Beginning at the intersection of the Loudon/Monroe County line and State Highway 72 and following State Highway 72 northwest to its intersection with Wade Road East; thence east along Wade Road East to Tellico Lake; thence north along Tellico Lake to Clear Prong Creek; thence north along Clear Prong Creek to Watkins Road; thence east along Watkins Road to its intersection with Branch Road; thence north along Branch Road to its intersection with Old Vonore Highway; thence northwest along Old Vonore Highway to its intersection with Bishop Road; thence northeast along Bishop Road to its intersection with Watt Cemetery Road; thence west along Watt Cemetery Road to its intersection with Maple Hill Road; thence west along Maple Hill Road to its intersection with Davis Ferry Road; thence west on Davis Ferry Road to its intersection with Poplar Springs Road; thence north on Poplar Springs Road to its intersection with Little Valley Road; thence northeast along Little Valley Road to its intersection with Coyatee Drive; thence east on Coyatee Drive to its intersection with Tellico Parkway; thence north on Tellico Parkway to its intersection with Poplar Ridge Road; thence west on Poplar Ridge Road to its intersection with Poplar Springs Road; thence north on Poplar Springs Road to the Tennessee River; thence east along the Tennessee River to Tellico Dam; thence south along Tellico Lake to the Loudon/Monroe County line; thence west along the Loudon/Monroe County line to its intersection with State Highway 72, the point of beginning.

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

November 6, 2001

\_\_\_\_\_  
ATTEST

  
\_\_\_\_\_  
LOUDON COUNTY EXECUTIVE



**CENTRE SEVENTY-FIVE  
BUSINESS PARK**

**LOUDON, TENNESSEE**

**DECLARATION OF COVENANTS,  
CONDITIONS AND  
RESTRICTIONS**



**Centre Seventy-Five Business Park  
Declaration of Covenants, Conditions, and Restrictions**

This Declaration of Covenants, Conditions, and Restrictions (Declaration) is made and entered into this day of \_\_\_\_\_, 2001, by the County of Loudon and City of Loudon, a Tennessee Corporation (hereinafter referred to as Declarant) for the benefit of its successors and assigns.

**Witnesseth:**

WHEREAS, the Declarant is the Owner of certain real property located within the City of Loudon and the County of Loudon, Tennessee, commonly known as Centre Seventy-Five Business Park (Property), which property is more particularly described as shown on a plat of record in Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_, in the Register of Deed's Office of Loudon County, Tennessee, a copy of which Plat is attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the Declarant desires that the Property be developed and maintained as a planned mixed-use development intended as a premier regional location for businesses desiring to be associated with a quality designed location offering amenities, exposure to a primary interstate, and an accessible/convenient location. The park is designed to encourage significant capital investment in equipment and buildings and investment in labor

WHEREAS, Declarant desires to establish certain covenants, conditions, and restrictions regarding the use and occupancy of the Property.

NOW, THEREFORE, in consideration of the premises herein contained, the Declarant hereby subjects the Property to the following covenants, charges, assessments, conditions, and restrictions and declares that the Property is and shall be held, transferred, sold, conveyed, leased, subleased, and occupied subject to the following conditions, covenants, charges, assessments, restrictions, easements, and reservations hereinafter set forth (collectively, the "Restrictions"):

**Section 1: Definition of Terms**

- a) **"Building"** shall mean and include, but not be limited to, both the main portion of a structure built for permanent use and all projections or extensions thereof, including but not limited to outside platforms, docks, canopies, and enclosed accessory structures.
- b) **"Building Site"** shall mean any tract of real property within the Property, as determined by the legal description in a conveyance or lease from the Declarant to another entity, upon which improvements are to be constructed. If fee simple title to two or more Building Sites, as defined hereinabove, is acquired by the same owner, such commonly owned site may, at the option of said owner, be combined and treated as a single building site for purposes of this Declaration, provided that the location of the improvements on such combined sites shall be subject to the prior written approval of Declarant.
- c) **"Declarant"** shall mean the legislative bodies of the City of Loudon and Loudon County.
- d) **"Declaration"** shall mean this Declaration of Covenants, Conditions, and Restrictions, together with all of the provisions contained herein as they now appear and as they may be hereafter amended.
- e) **"Design Review Board"** and **"Board"** shall mean the Board of Directors of the Loudon County Economic Development Agency (LCEDA) or its successor.
- f) **"Greenway"** shall mean and include the easements shown on the plat of subdivision and used for pedestrian and non motorized purposes by the general public for recreation and transportation purposes.
- g) **"Improvements"** shall mean and include, but not be limited to, buildings, accessory buildings and structures, roads, driveways, parking areas, fences, walls, paved areas, signs, utilities, lawns, landscaping, or similar physical changes to and located on Building Sites, together with any construction, work, or treatment done or applied to a Building Site in connection therewith.



h) )**"Occupant"** shall mean an entity, whether it is an individual, corporation, joint venture, partnership or association, which has purchased, leased, rented, or otherwise legally acquired the right to occupy and use any building or site, whether or not such right is exercised.

i) **"Owner"** shall mean an entity, whether it is an individual, corporation, joint venture, partnership or association, which is a recorded owner of a fee simple estate in a Building Site or other tract of real property located in the Property.

j) **"Plat"** shall mean and refer to the plat entitled Centre Seventy-Five Business Park, dated \_\_\_\_\_, of record in Plat Cabinet \_\_\_\_\_, Slide \_\_\_\_\_, in the Register of Deeds Office for Loudon County, Tennessee.

k) **"Property"** shall mean all lands included in the recorded plat of subdivision.

l) **"Tenant"** shall mean an entity, whether it is an individual, corporation, joint venture, partnership or association, which has leased any building or site or any portion of thereof, whether or not such lease rights have been exercised.

## Section 2: Purpose of Declaration

The standards and covenants enumerated below protect the character, quality and investment of improvements on the Property by private sector property owners and Declarant. These standards are intended to describe a level of conformance fostering a unified park design, promoting visual interest in the building orientation and landscaping, fostering superior quality in architecture and landscape design and to minimizing and mitigating the potential impact of on-site uses.

## Section 3: Design Review

Physical improvements to the Property require review and approval prior to purchase. The Design Review Board shall meet as needed to expedite the review process.

## Section 4: Design Review Process

The Board shall review and approve all planned improvements within the park. Upon site selection, the applicant shall meet informally with the staff

of the LCEDA to review these standards and to establish an acceptable date and time for submittal of site plan for approval. Plans shall be submitted not less than 10 days prior to the Board's meeting. During this period, staff shall review the plans to determine compliance with the spirit and intent of the design standards. Site and construction plans shall be prepared by a Tennessee licensed design professional (architect, engineer, or landscape architect), and drawn at an appropriate scale clearly displaying all pertinent features and improvements. At a minimum, plans shall contain the following sheets: existing and proposed topography, site plan, storm water drainage, utilities, landscape plan and material list, and a general details/specifications sheet which includes at a minimum building elevations, signs, and lighting. In addition, exterior paint colors and/or samples of materials shall be presented as part of the process. A minimum of six (6) copies of the plan sheets shall be submitted for review. Under separate cover, applicant shall prepare a description of the planned use including the manufacturing process, transportation of materials, storage of materials, waste generation, utility consumption, employment estimates, and other pertinent information the Board may deem appropriate to determine the suitability of the business.

## Section 5: City of Loudon Review Process

In addition to plans review and approval by the Board, the City of Loudon's Planning Commission requires the submittal of plans prior to the issuance of a permit. While the park design standards are typically of a higher standard in contrast to local zoning provisions, planning board approval is necessary. In this regard, the staff of the LCEDA will assist in representing the applicant at meetings in order to expedite the approval process. Special meetings may be held to accommodate construction schedules.

## Section 6: Waivers to Design Standards

The Board maintains the authority to issue waivers or modifications from the standards. Waivers shall be considered only if the applicant can demonstrate that compliance is impractical or alternatives exist that satisfy the spirit and intent of the standards. All waivers shall be considered during the review process, and if approved shall be specifically shown on the construction plans and minutes of the Board's meeting.



## Section 7: Design Guidelines

The Property is a mixed-use planned development that will contain multi-family residential, commercial/office, and industrial sites. The following design standards are established for each of the land use classifications (residential, commercial, and industrial):

**a) Building Façade Materials:** Exterior materials used in construction shall establish a look of quality, permanence, and uniformity. It is the intent of these standards to create visual interest in buildings and walls. The primary front facing façade should incorporate a combination of materials and architectural elements to establish an individual character. Materials shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. Buildings shall normally be faced in medium-value range and earth tones should predominate. Use of excessively bright primary colors is normally not permitted except as intermittent accents or for signs.

Generally acceptable exterior façade materials include:

- Residential: brick, stone, stone veneers, wood siding (painted or stained), and composite siding (e.g. Hearty Plank or similar material).
- Commercial: brick, stone, stone veneers, wood siding (painted or stained), composite siding (e.g. Hearty Plank or similar material) pre-cast concrete, tilt up concrete panels, and stucco.
- Industrial: brick, brick veneers, stone, stone veneers, pre-cast concrete, tilt-up concrete panels, and stucco. Insulated metal panels, other than corrugated metal, may be permitted if approved by the Board. Inappropriate materials include corrugated metal skin, exposed concrete block, wood, or similar nonpermanent materials.

**b) Accessory Structures:** All accessory structures including service storage areas, loading docks, and refuse containers shall be concealed and contained within the building or will be concealed and contained by means of a screen wall of material similar to and compatible with that of the primary building. Accessory structures shall be located in the most inconspicuous manner possible.

**c) Docks and Storage areas:** Docks and storage areas shall typically not be visible from either interior roads within the park, or when practical, shall not be exposed to Interstate 75 or State Highway 72. Efforts shall be made to position the building on the site in such a manner to reduce the visual effects of loading and dock areas. A combination of landscape materials, earthen berms, and architectural screens shall be used to effectively buffer/screen such areas from adjoining properties and public roads. Exterior storage areas for raw or finished products and packing material, or similar items are normally not permitted unless approved by the Board and sufficient screening is provided. Areas not intended for landscaping and buildings shall be paved and curbed as provided for in item #4 below.

**d) Parking and access:** Parking lots shall fit the terrain through terracing to minimize cut and fill. Entrance roads to each building site, when practical, shall meander with the topography in order to avoid steep and continuous grades. Pavement cross sections shall reflect the intensity level of use in determining pavement surface, base, and binder depths. Parking areas, access, and internal traffic lanes shall be paved and curbed (curb and gutter typical cross section). Parking areas shall be screened from neighboring properties and public roads. A combination of evergreen plant material and earthen berms are appropriate screening materials and shall provide a screen not less than 4 feet in height. Parking setbacks are measured from the edge of the property line to the edge of the curb. Parking setbacks shall be: residential – 15 feet, commercial – 10 feet, industrial – 20 feet. All parking spaces shall be clearly striped to indicate a typical 9'x18' space for employee parking. Parking must be designed in accordance with acceptable engineering practices provided in the "Institute of Transportation Engineers Parking Design Guide."

**e) Building setbacks:** The minimum building setback is measured from the property line to the nearest building façade. Building setback lines are indicated on the plat for the Property and recorded in the Loudon County Register of Deeds Office, Plat Cabinet \_\_, slide \_\_\_\_.



**f) Landscaping/screening and buffering:** Landscaping materials shall meet industry standards for quality and longevity for this climate region. Plant material shall be maintained in an appropriate manner and replaced if it fails to survive. Areas not paved or designated for landscaped planting areas shall be seeded and mulched to ensure an established grassed lawn area. Grassed areas shall be mowed regularly during the typical growing season. Areas shall be mowed if the grass exceeds 6 inch in height. For every acre of ground impacted by building and paved areas the following plant material quantities shall apply:

	Evergreen Shrubs (min. 18")	Deciduous Trees (min. 2" caliper)
Residential	30/acre	8/acre
Commercial	45/acre	10/acre
Industrial	60/acre	12/acre

Plant material shall be predominately placed to be most visible from public rights of way and adjoining businesses. Plant material shall be grouped in clusters rather than individually planted to maximize the visual effect. A variety of plant material should be used and planted in a meandering fashion. Landscape islands shall be frequently incorporated into the parking design. Parking areas and exterior storage, when approved, shall be landscaped and buffered utilizing either/both plant material and earthen berms. Landscaping shall soften the effects of parking areas and storage areas from adjoining properties and rights of way.

**g) Site development, grading and storm water management:** Centre Seventy-Five is designed to preclude individual on-site storm water detention. A regional storm water detention facility is located within the park and is designed to accommodate discharge based on standards established in the City's zoning provisions. All storm water conveyances shall be designed in accordance with the City of Loudon land use standards. Catch basins shall be incorporated into parking areas and driveways, which shall discharge storm water through pipes or open drainage

channels. When open channels are used, swales shall maintain a 4:1 side slope and shall be sodded. For large conveyances exceeding 6' in width, rock riprap should be installed over erosion control matting. During land disturbance activity, erosion control measures shall be instituted.

**h) Vehicle Maneuvering:** Internal circulation shall allow sufficient maneuvering of transit vehicles for loading and unloading. In industrial sites, employee and guest parking areas shall be separated from areas designated for use by transit vehicles or heavy equipment.

**i) Rooftop structures:** All rooftop mechanical equipment shall be grouped in an orderly manner or screened from view with material that is architecturally compatible and appropriate with the building in such a way as to minimize its impact on the aesthetic quality of the structure.

**j) Lighting:** As lighting function changes from roadway orientation to parking and pedestrian orientation, the consistency in style and design should be maintained. All lighting shall be designed to avoid glare to adjoining properties and public rights of way. Parking area lighting standards shall not exceed 20 feet in height using high-pressure sodium. Light standards shall be limited to a neutral, preferably dark, color. In preparing a lighting plan, it is recommended that all site lighting shall provide uniform illumination. In addition, it is recommended that lighting should highlight and accent landscape and building elements through the use of concealed lighting sources.

**k) Utilities:** All electric power lines and piping shall be installed and maintained below the surface of the ground. The Board shall approve all above ground structures during plan approval. Utility boxes shall be screened using appropriate plant material.

**l) Fencing:** The Board shall approve all fence materials including location and height. Chain-link fences are permitted on industrial sites only and shall not be nearer the street than the front façade of the building on these sites. A decorative farm fence shall be required along the front perimeter of all properties. The decorative fence shall be setback from the front property line 5 feet. Specified materials include 6"x6" posts with four 1"x6" rails



constructed of treated lumber. The fence shall be stained to match colors on existing fences installed in the park.

**m) Greenway:** Owners have reserved a greenway easement for future construction to connect the business park with public roads on the periphery of the site. The greenway shall be used by the general public for pedestrian and non-motorized bicycles and recreation related uses, consistent with City of Loudon provisions. When the greenway crosses a private access the access shall be appropriately marked and signed for safety purposes.

**n) Signs:** All industrial building sites shall provide a ground mounted building identification sign near the entrance to the principal building. The maximum sign face shall not exceed 60 square feet, with the maximum sign height not to exceed 8 feet above the finished grade and located no closer than 10 feet to the road right-of-way. For commercial sites, the maximum sign face shall be 100 square feet. The maximum height shall not exceed 20 feet. Upon review, the Board may approve a unipole multi-tenant sign for interstate exposure. All ground-mounted signs shall be monument style and illuminated internally or non-illuminated. Wall signs shall be permitted for industrial and commercial properties based on the lineal feet of building façade facing the primary roadway. Wall signs shall not exceed one square foot per foot for commercial property and two square feet per foot for industrial property. Wall signs shall include only the standard name and logo of the business and shall be indirectly illuminated or non-illuminated. Additional signs essential to inform and direct the public such as tenant identification signs, receiving/shipping access, areas specified for parking, or other similar signs shall be permitted with no one sign exceeding an area of six square feet unless approved by the Board. Billboards and movable or portable signs are prohibited throughout the property. For residential tracts, requirements for signs shall conform to the City of Loudon's Zoning Ordinance

**o) Permitted and Prohibited Uses:** All properties shall conform to the City of Loudon's Zoning Ordinance for both permitted and prohibited uses. No noxious or offensive trades, services, or activities shall be conducted on the premises, nor shall anything

be done therein which may be or become an annoyance or nuisance to the Owner, Occupants, or neighbors by reason of unsightliness or excessive emission of fumes, odors, glare, vibration, gases, radiation, dust, liquid, wastes, smoke, or noise. In any case, the limit of such emissions of air pollutants shall be subject to the approval of the Design Review Board. The Owner and Occupant of any property shall at all time keep the site and improvements in a safe, clean condition that comply in all respects with government health and fire policy requirements and regulations. The Owner and/or Occupant shall be responsible for removing and adequately disposing of all waste generated on the property at its own expense and shall not burn any materials or rubbish of any description.

**p) Platting of adjoining lands:** Owners requesting to purchase adjoining land to the Property for use in conjunction with improvements located on the Property shall be required to submit a resubdivision plat incorporating all the lands in question. Upon recording of the plat, the adjoining lands shall be subject to the requirements of this Declaration.

**q) Conflicts with Existing Requirements:** Whenever a conflict arises between the standards of this Declarant and the land use or utility requirements of the City of Loudon's or other governmental entity the more stringent requirement shall prevail.

#### **Section 8: Approval of Property Sales**

The Property is a joint venture between the City of Loudon and Loudon County developed to promote a sound economic base for the community with emphasis on creating high capital investment, wages, and quality in design. The Board shall review the sale of property within the park and submit a recommendation to the legislative bodies for approval, denial, or approval subject to conditions. Property shall not be sold for speculative purposes. If Declarant determines the proposed project is inappropriate or incompatible, the property will not be sold and all option or earnest money will be returned. The Declarant has the discretion to attach conditions for repurchase in the event development does not commence within a specified time frame.



### Section 9: Covenants and Restrictions to Run with the Land

The Restrictions contained in this instrument are not personal, but are permanent and shall run with the land. Each and every Restriction is for the benefit of each Owner, Occupant, mortgagee, or other interest therein. Each Owner or Occupant, by acceptance of a deed or a lease to a lot, parcel, tract of real property, or a building located within the Property (whether or not it shall be so expressed in such deed or other conveyance) accepts the same subject to the restrictions and agrees for such property, interested owners and all heirs, successors, and assigns to be bound by each of the restrictions jointly and severally.

### Section 10: Privity of Contract and/or Estate

This declaration will create privity of contract and/or estate with and among the Declarant, all grantees of any lot, parcel or tract of real property located on the Property, their heirs, successors, executors, administrators, representatives, or assigns.

### Section 11: Enforcement

Enforcement of the provisions of this Declaration shall be by the terms hereof or by any appropriate proceedings at law or in equity against any person, corporation or other entity violating or attempting to violate said provisions, either to restrain such violation, to enforce personal liability, or to recover damages, or by any appropriate proceeding at law or in equity against the land to enforce any lien or charge arising by virtue hereof, or any combination of the above. The failure of the Declarant, Owner, or Occupant to enforce any of the provisions of this Declaration shall in no event be deemed a waiver of the right to do so thereafter. Every Owner or Occupant shall be obligated to pay the attorney's fees of the party or parties bringing an action against each Owner or Occupant for the enforcement of the provisions of this Declaration, provided such party or parties bringing said action has obtained a judgment in its favor by court of record and such judgment has become final. The court involved in such proceedings shall determine the amount of attorneys' fees.

### Section 12: Miscellaneous

1. **Severability:** Each and every Restriction shall be considered to be an independent separate covenant and agreement and in the

event any one or more of the Restrictions shall for any reason be held to be unenforceable, all remaining Restrictions shall nevertheless remain in full force and effect.

2. **Terms and Extensions:** The conditions, covenants, restrictions, easements, and reservations set forth in this Declaration shall run with and bind the land within the Property, as well as any adjoining real property to which this Declaration is extended in accordance with the provisions for extension of this Declaration to adjoining property as herein stated and shall be and remain in effect, shall inure to the benefit of and be enforceable by Declarant and/or any Occupant of the property subject to this Declaration, their respective legal representatives, heirs, successors and assigns for a term of 40 years from the date this Declaration is recorded and shall automatically extend for an additional 40 year period unless amended or deleted at any time by a majority of Property owners.
3. **Amendment, Termination or Extension.** This Declaration may be (i) amended from time to time, (ii) terminated, or (iii) renewed and extended in whole or in part beyond the aforementioned terms for successive periods not to exceed 10 years each. Any of the foregoing shall be done by an instrument in writing, properly executed, acknowledged, and filed with the Register of Deeds for Loudon County, Tennessee, in accordance with the following provisions: If Declarant is an Owner of fifty percent (50%) or more of the total acreage of the Property, Declarant shall have the right to amend, terminate, or extend this Declaration. If Declarant is an Owner of more than one percent (1%), but less than fifty percent (50%) of the total acreage of the Property, this Declaration may be amended, terminated, or extended by Declarant and any remaining Owners which together with Declarant own fifty percent (50%) of the remaining acreage of the Property. If Declarant is not an Owner of any acreage in the Property, this Declaration may be amended, terminated, or extended by the Owners of two-thirds of the total acreage of the Property. Any extension shall specify which conditions, covenants, restrictions, easements, and reservations are renewed and extended and the term for which they are extended. Any such extension shall be filed for record at least 90 days prior to the effective date thereof. Each purchaser,



Each purchaser, lessee, or grantee of any interest in any real property now or hereafter made subject to this Declaration by acceptance of a deed or other conveyance thereof, thereby agrees that the conditions, covenants, restrictions, easements, and reservations of this Declaration are applicable to such property and that they may be amended, terminated, or extended as provided above.

4. **Modification, Amendment, or Release:** Any tenant or any mortgagee of all or any portion of the Property is hereby put on notice that this instrument may be released, subordinated, modified, rescinded, or amended as authorized under the terms of this Declaration without the necessity of obtaining consent of the tenants or mortgagees.



RESOLUTION

A RESOLUTION APPROVING THE FIVE YEAR UPDATE PLAN FOR THE LOUDON COUNTY SOLID WASTE PLANNING REGION PURSUANT TO THE SOLID WASTE MANAGEMENT ACT OF 1991

WHEREAS, the Loudon County Municipal Solid Waste Commission is responsible for the management and disposal of solid waste collected in Loudon County; and

WHEREAS, effectively managing the flow of solid waste requires long-term planning to ensure proper disposal and reduction of solid waste to protect the environment and the County's valuable landfill space; and

WHEREAS, pursuant to the Solid Waste Management Act of 1991, the Loudon County Solid Waste Planning Region is required to prepare and submit to the state of Tennessee a Five Year Update to its adopted Ten Year Solid Waste Plan; and

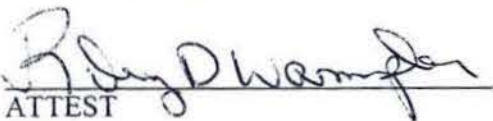
WHEREAS, the Five Year Update Plan was prepared and approved by the Loudon County Solid Waste Commission; and

WHEREAS, the Five Year Update Plan was reviewed by the Loudon County Regional Planning Commission on November 20, 2001; and

WHEREAS, a public notice concerning the plan update appeared in the Loudon County News-Herald on October 15 and October 29, 2001, and a public hearing on the plan was held on November 5, 2001; and

NOW, THEREFORE, BE IT RESOLVED that the preparation and adoption of the Five Year Update to the Ten Year Solid Waste Plan promotes the public health and welfare of citizens of Loudon County; and

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

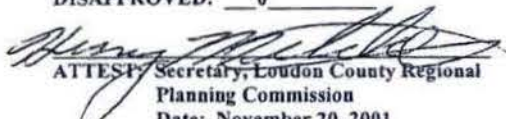
  
ATTEST

  
LOUDON COUNTY CHAIRMAN  
11-24-02  
DATE

  
APPROVED: LOUDON COUNTY EXECUTIVE

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

APPROVED: 7  
DISAPPROVED: 0

  
ATTEST: Secretary, Loudon County Regional  
Planning Commission  
Date: November 20, 2001

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