

LOUDON COUNTY COMMISSION

SPECIAL CALLED MEETING

May 09, 2002

- | | | |
|------|---|----------------------------|
| (1) | Public Hearing | |
| (2) | Opening Of Meeting | |
| (3) | Roll Call | |
| (4) | Motion Passed To Adopt Agenda | |
| (5) | Minutes Adopted For April 01, 2002 And April 22, 2002 | |
| (6) | Audience Comments On Agenda Items | |
| (7) | Audience Comments on Non-Agenda Items | |
| (8) | Board Of Health – Approved | <u>RESOLUTION 050902-A</u> |
| (9) | Waterline Extension Committee – Denied | <u>RESOLUTION 050902-B</u> |
| (10) | Equalization Board – Approved | <u>RESOLUTION 050902-C</u> |
| (11) | Erie Community Water Service – Approved | <u>RESOLUTION 050902-D</u> |
| (12) | Public Prayer House Joint Resolution 81 – Approved | <u>RESOLUTION 050902-E</u> |
| (13) | Reindustrialization Initiative – Approved | <u>RESOLUTION 050902-F</u> |
| (14) | TDOT/Hwy 72 – Approved | <u>RESOLUTION 050902-G</u> |
| (15) | Cancel Meeting – Approved | |
| (16) | Budget Report | |
| (17) | White Wing Road Rezoning – Denied | <u>RESOLUTION 050902-H</u> |
| (18) | Old Greenback Road Rezoning – Approved | <u>RESOLUTION 050902-I</u> |
| (19) | Vonore Road Rezoning – Denied | <u>RESOLUTION 050902-J</u> |
| (20) | Sexually Oriented Adult Businesses Referred To Executive Session | |
| (21) | Tellico Project Right – Of – Way – Rolled | |
| (22) | Authority To Settle Lawsuits – Approved | <u>RESOLUTION 050902-K</u> |
| (23) | Private Act/ Board Of Education – Approved | <u>RESOLUTION 050902-L</u> |
| (24) | Hayes v. Loudon County BZA – Rolled | |
| (25) | Building Commissioner Report | |
| (26) | Glendale Community Center – Approved | |
| (27) | Bond Approved | |
| (28) | Notaries Approved | |
| (29) | Executive Session Held | |
| (30) | Maples Explains Action On Waterline | |
| (31) | Sexually Oriented Adult Businesses Zoning Amendment – Approved | <u>RESOLUTION 050902-M</u> |
| (32) | Adjournment | |

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE
COUNTY OF LOUDON

PUBLIC HEARING

May 09, 2002

6:00 PM

(1)
Public Hearing

1. Rezoning request for 5.5 acres of property located on White Wing Road, referenced by Tax Map 7, Parcel 47.10, located in the Fifth Legislative District, from A-2, Rural Residential District, to R-1, Suburban Residential District – Cleo Hendrix, Owner [02-02-17-RZ-CO]
No one came forward to speak.
2. Rezoning request for property located off Old Greenback Road and Highway 321, referenced by Tax Map 301, Group A, Parcels 2.00 and 3.00, located in the Third Legislative District, from A-2, Rural Residential District, to C-2, General Commercial District – Bob Williams, Owner [02-03-46-RZ-CO(LEPR)]
No one came forward to speak.
3. Rezoning request for property located at 20622 Vonore Road, referenced by Tax Map 63, Parcel 32.04, located in the Fourth Legislative District, from District A-2, Rural Residential District, to C-2, General Commercial District – Peggy Brakebill, Owner [02-03-52-RZ-CO]
Ms. Peggy Brakebill, owner, came forward to speak in favor of rezoning.
4. Consideration of amendment to Loudon County Zoning Resolution for Sections 4.210: Sexually Oriented Adult Businesses and 5.046 General Industrial District (M-1) [02-04-69-RGZ-CO]
Mr. Russ Newman, Loudon County Planning, explained proposed amendment.
Attorney Sproul, Loudon County Attorney, explained importance of amendment that would allow sexually oriented businesses to be zoned somewhere within the county because of potential unconstitutionality of present county regulations which have been challenged in pending lawsuit against the county.
Ms. Pat Hunter, Loudon County resident, came forward to ask questions regarding the amendment.
Ms. Peggy Brakebill, Loudon County resident, came forward to speak in opposition of sexually oriented business being located off of Watt Road due to traffic concerns.
Commissioner Duff questioned why the zoning would be in an M-1, stressing that there are currently twenty-four (24) sites in Loudon County's M-1 zone.
Commissioner Maples requested to view map showing M-1 zones in Loudon County.
Ms. Aileen Longmire, Loudon County resident, came forward to ask questions regarding the amendment.
Mr. Morgan Davis, Pastor of First Church of God, Lenoir City, came forward to ask questions regarding the amendment.

(5 minute recess)

SPECIAL CALLED 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 9th day of May, 2002.

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

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

1648

(3)
Roll Call

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

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 May 09, 2002 agenda be adopted.

Executive Miller requested that item 7A2 "Consideration of adopting a Resolution approving or acknowledging board or committee appointments by County Executive to the Loudon County/Lenoir City waterline extension study committee" be removed from agenda at the request of the City of Lenoir City. No action was taken.

A **motion** was made by **Commissioner Harold** with a second by **Commissioner Maples** to adopt agenda as presented and amended.

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

(5)
Minutes
Adopted For
April 01, 2002
And April 22,
2002

Chairman Bledsoe requested the April 01, 2002 County Commission Meeting minutes and April 22, 2002 Special Called County Commission Meeting minutes be approved and accepted.

Commissioner Harold requested that Item 23 "*Motion Passed To Adopt Resolution – Martel Utility District Resolution 040102-H*" include the resolution prepared by Attorney Sproul.

A **motion** was made by **Commissioner Harold** with a second by **Commissioner Duff** to approve minutes as written with said correction.

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.

Mr. Paul Baird, Loudon County resident, came forward to speak in opposition of Item 7D2 "*Consideration of granting authority to County Executive and County Attorney in lawsuit settlement negotiations*".

Ms. Pat Hunter, Loudon County resident, came forward to ask questions regarding Item 7C4 "*Consideration of amendment to Loudon County Zoning Resolution for Sections 4.210: Sexually Oriented Businesses and 5.046 General Industrial District (M-1)*".

Ms. Aileen Longmire, Loudon County resident, came forward to ask questions regarding Item 7D2 "*Consideration of granting authority to County Executive and County Attorney in lawsuit settlement negotiations*".

(7)
Audience
Comments on
Non-Agenda
Items

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

Mr. Paul Baird, Loudon County resident, came forward to speak regarding audit findings.

Ms. Pat Hunter, Loudon County resident, came forward to speak regarding audit findings and stated opposition to Item 7D2 "*Consideration of granting authority to County Executive and County Attorney in lawsuit settlement negotiations*".

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

Executive Miller requested discussion and possible action on the following items:

(8)
Board Of
Health –
Approved

1. Consideration of adopting a Resolution Approving Or Acknowledging Board Or Committee Appointments By County Executive To The Loudon County Board of Health

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

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

RESOLUTION 050902-A

1649

(9)
Waterline
Extension
Committee –
Denied

2. Consideration of adopting a Resolution Approving Or Acknowledging Board Or Committee Appointments By County Executive To The Loudon County/Lenoir City Waterline Extension Study Committee
A **motion** was made by **Commissioner Jenkins** to adopt this resolution.
Motion **Denied** due to lack of second.
RESOLUTION 050902-B

(10)
Equalization
Board –
Approved

3. Consideration of adopting a Resolution Approving Or Acknowledging Board Or Committee Appointments By County Executive To The Loudon County Equalization Board
A **motion** was made by **Commissioner Harold** with a second by **Commissioner Maples** to adopt this resolution.
Upon voice vote the motion **Passed** unanimously.
RESOLUTION 050902-C

(11)
Erie
Community
Water Service
– Approved

4. Consideration of adopting a Resolution Of Support For Funding To Extend Water Service In The Erie Community Of Loudon County
Chairman Bledsoe gave Chair to **Chair Pro Tempore Maples**.
A **motion** was made by **Commissioner Bledsoe** with a second by **Commissioner Thomas** to adopt this resolution.
Upon voice vote the motion **Passed** unanimously.
RESOLUTION 050902-D
Chair Pro Tempore Maples returned Chair to **Chairman Bledsoe**.

(12)
Public Prayer
House Joint
Resolution 81 –
Approved

5. Consideration of adopting a Resolution Supporting House Joint Resolution 81 Introduced In The 107th Congress, 1st Session On December 20, 2001 To Amend US Constitution To Allow Prayer In Public Buildings
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Jenkins** to adopt this resolution.
Upon voice vote the motion **Passed** unanimously.
RESOLUTION 050902-E

(13)
Reindustrial-
ization
Initiative –
Approved

6. Consideration of adopting a Resolution Supporting And Encouraging The Reindustrialization Initiative In Oak Ridge
A **motion** was made by **Commissioner Harold** with a second by **Commissioner Maples** to adopt this resolution. **Commissioner Jenkins** requested to be excused from vote due to a conflict of interest with his job.
Upon voice vote the motion **Passed: (7-1)**
RESOLUTION 050902-F

(14)
TDOT/Hwy 72
– Approved

7. Consideration of adopting a Resolution Accepting The Proposal Of The Tennessee Department Of Transportation To Construct A Project Designated As No. 53007-1214-04, Described As From Near Loudon County Landfill To West Of I-75 In The County Of Loudon
A **motion** was made by **Commissioner Thomas** with a second by **Commissioner Randolph** to adopt this resolution.
Upon voice vote the motion **Passed** unanimously.
RESOLUTION 050902-G

(15)
Cancel
Meeting –
Approved

8. Consideration of canceling previously scheduled County Commission Meeting for May 13, 2002
A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Maples** to cancel May 13, 2002 meeting.
Upon voice vote the motion **Passed** unanimously.

(16)
Budget Report

Mrs. Nancy Richesin, Budget and Finance Director, stated that the financial statement is on file for viewing at the County Court Clerk's office.

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

(17)
White Wing
Road Rezoning
- Denied

1. Rezoning request for 5.5 acres of property located on White Wing Road, referenced by Tax Map 7, Parcel 47.10, located in the Fifth Legislative District, from A-2, Rural Residential District, to R-1, Suburban Residential District – Cleo Hendrix, Owner [02-02-17-RZ-CO]
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Masingo** to deny this request.
Upon voice vote the motion **Passed** unanimously.
RESOLUTION 050902-H

(18)
Old Greenback
Road Rezoning
- Approved

2. Rezoning request for property located off Old Greenback Road and Highway 321, referenced by Tax Map 301, Group A, Parcels 2.00 and 3.00, located in the Third Legislative District, from A-2, Rural Residential District, to C-2, General Commercial District – Bob Williams, Owner [02-03-46-RZ-CO(LEPR)]
A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Duff** to adopt this resolution.
Upon voice vote the motion **Passed** unanimously.
RESOLUTION 050902-I

(19)
Vonore Road
Rezoning –
Denied

3. Rezoning request for property located at 20622 Vonore Road, referenced by Tax Map 63, Parcel 32.04, located in the Fourth Legislative District, from District A-2, Rural Residential District, to C-2, General Commercial District – Peggy Brakebill, Owner [02-03-52-RZ-CO]
Chairman Bledsoe gave Chair to **Chair Pro Tempore Maples**.
A **motion** was made by **Commissioner Bledsoe** with a second by **Commissioner Jenkins** to deny this request.
Upon voice vote the motion **Passed** unanimously.
RESOLUTION 050902-J
Chair Pro Tempore Maples returned Chair to **Chairman Bledsoe**.

(20)
Sexually
Oriented Adult
Businesses
Referred To
Executive
Session

4. Consideration of amendment to Loudon County Zoning Resolution of Sections 4.210: Sexually Oriented Adult Businesses and 5.046 General Industrial District (M-1) [02-04-69-RGZ-CO]
Attorney Sproul recommended this item be referred to Executive Session at the end of the agenda for further confidential advice and information. There were no objections.

Loudon County Attorney Harvey Sproul requested discussion and possible action on the following items:

(21)
Tellico Project
Right – Of –
Way – Rolled

1. Consideration of use agreement of unopened Tellico Project road right-of-way
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Harold** to adopt this resolution. After much discussion, **Commissioner Duff** withdrew motion and **Commissioner Harold** withdrew second. County Commission requested resolution be further reviewed by Attorney Sproul and resubmitted at June 03, 2002 meeting.

(22)
Authority To
Settle Lawsuits
- Approved

2. Consideration of granting authority to County Executive and County Attorney in lawsuit settlement negotiations
After much discussion, a **motion** was made by **Commissioner Duff** with a second by **Commissioner Jenkins** to adopt this resolution with it to be amended to limit approval with to suits and claims recommended by and to be paid by the insurance company.
Upon roll call vote the following commissioners voted **Aye: Randolph, Maples, Duff, Thomas, Masingo, Bledsoe, Jenkins, and Harold: (8)**.
The following commissioners voted **Nay: (0)**.
Thereupon the chairman announced the motion **Passed: (8-0)**.
Commission member(s) not present: **Park (1)**.
RESOLUTION 050902-K

1651

(23)
Private Act/
Board Of
Education –
Approved

- 3. Presentation of resolution adopting Board of Education Reapportionment Private Act
A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Jenkins** to adopt this resolution.
Upon roll call vote the following commissioners voted **Aye: Randolph, Maples, Duff, Thomas, Masingo, Bledsoe, Jenkins, and Harold: (8).**
The following commissioners voted **Nay: (0).**
Thereupon the chairman announced the motion **Passed: (8-0).**
Commission member(s) not present: **Park (1).**
RESOLUTION 050902-L

(24)
Hayes v.
Loudon
County BZA –
Rolled

- 4. Consideration of action as to whether to appeal adverse decision of court case of Hayes v. Loudon County Board of Zoning Appeals.
After much discussion, **Attorney Sproul** requested any action be postponed, with him to give further advice during the executive session. There were no objections.

(25)
Building
Commissioner
Report

Mr. Russ Newman gave the Building Commission Report.
Permits issued: 55
Fees: \$ 5,342.00
Estimated value: \$3,833,000.00

Mr. Don Palmer, Loudon County Road Commissioner, requested discussion and possible action on the following item:

(26)
Glendale
Community
Center –
Approved

- 1. Request to fix drain at Glendale Community Center
A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Maples** to approve this request.
Upon voice vote the motion **Passed** unanimously.

(27)
Bond
Approved

Commissioner Masingo requested consideration of approving the following Bond application:
Pam Burnette
A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Duff** to approve these bond applications.
Upon voice vote the motion **Passed** unanimously.

(28)
Notaries
Approved

Commissioner Masingo requested consideration of approving the following Notary applications:

| | | |
|----------------------|-------------------|--------------------|
| Joanne M. Streiffert | Joyce V. Sherrill | Rex E. Galyon |
| Pam Burnette | Angela M. Ovens | Tommy D. Patterson |
| Brenda A. Daugherty | Desmond T. Lomax | Sue A. Julian |
| Penny L. Baker | | |

A **motion** was made by **Commissioner Masingo** with a second by **Commissioner Thomas** to approve these notary applications.
Upon voice vote the motion **Passed** unanimously.

(29)
Executive
Session Held

Executive Session with Attorney Sproul concerning pending lawsuits was held at 8:57 p.m.; Special Called Meeting reconvened at 9:50 p.m.

(30)
Maples
Explains
Action On
Waterline

Commissioner Maples stated that she did not second Item 7A2 "Consideration of adopting a resolution approving or acknowledging board or committee appointments by County Executive to the Loudon County/Lenoir City Waterline Extension Committee" because she had been contact by Lenoir City Mayor, Matt Brookshire, and asked to postpone the appointment of the committee at this time.

Loudon County Attorney Harvey Sproul requested discussion and possible action on the following item:

(31)
Sexually
Oriented Adult
Businesses
Zoning
Amendment -
Approved

1. Consideration of amendment to Loudon County Zoning Resolution for Sections 4.210: Sexually Oriented Adult Businesses and 5.046 General Industrial District (M-1)
After much discussion, a **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Randolph** to adopt this amendment with a sever ability clause that will maintain legality lest federal and/or state laws change.
Upon roll call vote the following commissioners voted **Aye: Randolph, Maples, Thomas, Masingo, Bledsoe, Jenkins, and Harold: (7).**
The following commissioners voted **Nay: Duff (1).**
Thereupon the chairman announced the motion **Passed: (7-1).**
Commission member(s) not present: **Park (1).**
RESOLUTION 050902- M

(32)
Adjournment

There being no further business, a **motion** being duly made and seconded, the April 01, 2002 meeting stood adjourned at 10:06 p.m.


CHAIRMAN

ATTEST:

COUNTY COURT CLERK


COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 050902-A

**RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR
COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE**

WHEREAS, by statute and/or intergovernmental agreement and/or County Procedural Regulations, the County Executive has authority to make certain committee and board appointments; and

WHEREAS, an appointment (or appointments) is necessary and/or desirable at this time; and

WHEREAS, the County Executive appoints the following as members of

LOUDON COUNTY BOARD OF HEALTH

| <u>Appointee</u> | <u>Term Expiration</u> |
|---|------------------------|
| George M. Miller, County Executive | May 2006 |
| Edward Headlee, County Superintendent | May 2006 |
| James (Bud) Guider, M.D. | May 2006 |
| Gordon A. Herrald, M.D. | May 2006 |
| Ruth Lambert, D.D.S. | May 2006 |
| Robert E. Richesin, Pharmacist | May 2006 |
| Cheryl Bower, R.N. | May 2006 |
| Heather L. O'Brien, D.V.M. | May 2006 |
| Nancy Foshee, Health Department (Ex-Officio) | May 2006 |
| Ken Marmon, M.D., Health Officer (Ex-Officio) | May 2006 |

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 9th day of May, 2002 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:

COUNTY CLERK


COUNTY EXECUTIVE

EXHIBIT A

LOUDON COUNTY COMMISSION

RESOLUTION NO. 050902-B

**RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR
COMMITTEE APPOINTMENTS BY COUNTY EXECUTIVE**

WHEREAS, by statute and/or intergovernmental agreement and/or County Procedural Regulations, the County Executive has authority to make certain committee and board appointments; and

WHEREAS, an appointment (or appointments) is necessary and/or desirable at this time; and

WHEREAS, the County Executive appoints the following as members of

**LOUDON COUNTY/LENOIR CITY
WATER-LINE EXTENSION STUDY
COMMITTEE**

Appointee

Commissioner Ed Harold
Commissioner Jerry Masingo
Commissioner Lynda Randolph

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 9th day of May, 2002 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:

COUNTY CLERK


COUNTY EXECUTIVE

DENIED

EXHIBIT B

1655

LOUDON COUNTY COMMISSION

RESOLUTION NO 050902 - C

**RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR
COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE**

WHEREAS, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County Executive has authority to make certain committee and board appointments; and

WHEREAS, an appointment (or appointments) is necessary and/or desirable at this time; and

WHEREAS, the County Executive appoints the following as a member of the

LOUDON COUNTY EQUALIZATION BOARD

Appointee

Term Expiration

Homer Millsaps

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 9th day of May, 2002 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY EXECUTIVE

The remaining members and their continuing expiration terms for said board or committee are as follows:

Tom Keener
H.C. Greenway
Mose L. Waller
Carl Smith

EXHIBIT C

LOUDON COUNTY COMMISSION
RESOLUTION NO. 050902 -D

A RESOLUTION OF SUPPORT FOR FUNDING TO EXTEND WATER SERVICE IN THE ERIE COMMUNITY OF LOUDON COUNTY

WHEREAS, the Watts Bar Utility District has been approached by residents of the Erie Community of Loudon County and have been asked to extend water lines to serve these residents; and

WHEREAS, these Loudon County residents are experiencing problems with private wells contaminated with bacteria and sulfides; and

WHEREAS, Watts Bar Utility District is requesting \$1,000,000 in Rural Development loan and grant funds to assist with this project cost; and

WHEREAS, project planners estimate it will cost another \$1,000,000 to extend sufficient lines to provide water to the majority of unserved residents in Erie Community of Loudon County; and

WHEREAS, Watts Bar Utility District requested the assistance of Congressman John Duncan in securing \$1,000,000 in grant funds to match the Rural Development funds that are being requested; and

WHEREAS, Watts Bar Utility District has agreed to provide any necessary matching funds, which may be required, to leverage these proposed additional grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, recognizing the need for safe and reliable public water for county residents, endorses and supports this request by Watts Bar Utility District for assistance from Congressman Duncan in securing an additional \$1,000,000 in federal funding for water line extension in the project area.



COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK



COUNTY EXECUTIVE



LOUDON COUNTY COMMISSION

RESOLUTION NO. 050902- E

A RESOLUTION SUPPORTING HOUSE JOINT
RESOLUTION 81 INTRODUCED IN THE
107TH CONGRESS, 1ST SESSION ON DECEMBER 20, 2001

WHEREAS, our Country was founded on the precepts of freedom, liberty, diversity and the right of people to acknowledge God according to the dictates of conscience; and

WHEREAS, neither the United States nor the State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage and traditions on public property, including schools, shall not be infringed; and

WHEREAS, the United States and the States shall not compose school prayers, nor require any person to join in prayer or other religious activity; and

WHEREAS, the Loudon County Board Of Commissioners urges all cities and counties across the United States to join in an effort to reinstate prayer in public schools by passing similar resolutions and uniting in a "grass roots" movement for that purpose.

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission meeting in regular session assembled this 9th day of May 2002, strongly supports House Joint Resolution 81 introduced in the 107th Congress, 1st Session on December 20, 2001.

This Resolution shall take effect from and after its passage.


COUNTY CHAIRMAN

ATTEST:

COUNTY CLERK


COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 050902-F

A RESOLUTION SUPPORTING AND ENCOURAGING THE
REINDUSTRIALIZATION INITIATIVE

WHEREAS, the Department of Energy (DOE) Oak Ridge Operations' Reindustrialization Program to accelerate the environmental cleanup at the former K-25 gaseous diffusion facility, now known as the East Tennessee Technology Park's Heritage Center, has proven highly successful over the course of the past five (5) years; and

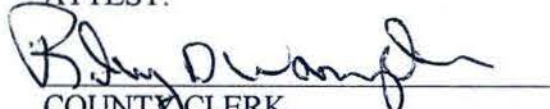
WHEREAS, the innovative program is converting what were once discarded and unusable DOE buildings, equipment and land into valuable brownfield industrial property for use by private industries, creating hundreds of new private-sector jobs for our region; and

WHEREAS, by putting these facilities to use by the commercial sector, the Reindustrialization Initiative has already saved taxpayers more than \$800 million and accelerated the environmental cleanup of Tennessee.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, meeting in regular session assembled this 9th day of May 2002, lends its full support and encouragement to the Reindustrialization Initiative, and strongly recommends Reindustrialization as the preferred path forward in cleaning up unusable DOE-Oak Ridge facilities for private sector use and as a national model for DOE's environmental management program.

This Resolution shall take effect from and after its passage.


COUNTY CHAIRMAN

ATTEST:

COUNTY CLERK


COUNTY EXECUTIVE

EXHIBIT F

1659

LOUDON COUNTY COMMISSION

RESOLUTION NO. 050902-G

**A RESOLUTION ACCEPTING THE PROPOSAL OF THE
TENNESSEE DEPARTMENT OF TRANSPORTATION TO
CONSTRUCT A PROJECT DESIGNATED AS NO. 53007-1214-04,
DESCRIBED AS FROM NEAR LOUDON COUNTY LANDFILL
TO WEST OF I-75 IN THE COUNTY OF LOUDON.**

WHEREAS, the Tennessee Department of Transportation has presented a Proposal to Loudon County, Tennessee, concerning project designated as No. 53007-1214-04; and

WHEREAS, the Loudon County Commission has determined that the above-referenced project will benefit the County of Loudon, Tennessee and the citizens thereof; and

WHEREAS, the Loudon County Commission wishes to cooperate with the State of Tennessee, Department of Transportation, in making road improvements in the County of Loudon, Tennessee; and

WHEREAS, said Proposal is incorporated herein by referenced, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said Proposal to the County of Loudon, Tennessee as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Loudon County Commission, and Loudon County shall fulfill all obligations concomitant thereto.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission meeting in regular session assembled this 9th day of May 2002, pass and approve this Resolution, authorizing County Executive George M. Miller to sign said Proposal and shall take affect from and after its passage.


COUNTY CHAIRMAN

ATTEST:

COUNTY CLERK


COUNTY EXECUTIVE

EXHIBIT G

1660

PROPOSAL
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE COUNTY OF LOUDON, TENNESSEE

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project designated as No. 53007-1214-04 that is described as From near Loudon County Landfill to West of I-75 in the COUNTY of LOUDON, hereinafter COUNTY, provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the COUNTY will agree:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right of way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 404 James Robertson Parkway, Nashville, Tennessee 37243-0487, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense; and
2. To close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law; and

3. To transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the COUNTY or by any of its instrumentalities as required for right of way or easement purposes, provided such land is being used or dedicated for road or other public way purposes; and

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right of way of any road or other public way owned by the COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the COUNTY.

The foregoing does not apply to those utility facilities which are owned by the COUNTY or one of its instrumentalities, it being understood that the COUNTY has the duty to relocate or adjust such facilities, if required, provided the COUNTY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the COUNTY; and

5. To maintain any frontage road to be constructed as part of the project; and

6. That after the project is completed and open to traffic, to accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map; and

7. That the COUNTY will make no changes or alter any segment of a road on its road system that lies within the limits of the right of way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right of way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT; and

8. That no provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system; and

9. That it is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT'S right of way shall be maintained and replaced by the COUNTY; and

10. That when traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.

11. If, as a result of acquisition and use of right of way for the project, any structures that become in violation of a COUNTY setback/building line requirement, the COUNTY agrees to waive enforcement of the COUNTY setback/building line requirement and take other proper governmental action therefor.

The acceptance of this proposal shall be evidenced by the passage of a resolution, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto. Thereafter, the DEPARTMENT will acquire the right of way and

easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the COUNTY.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this ____ day of _____, 2002.

THE COUNTY OF LOUDON

BY: George M. Miller
COUNTY EXECUTIVE

DATE: 05/09/02

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
J. Bruce Saltsman, Sr.
Commissioner

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
Mary Moody
General Counsel

DATE: _____

RESOLUTION 050902-H

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY LOCATED OFF WHITE WING ROAD, SITUATED IN THE FIFTH LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 7, PARCEL 47.10, FROM DISTRICT A-2, RURAL RESIDENTIAL DISTRICT, TO R-1, SUBURBAN RESIDENTIAL DISTRICT.

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

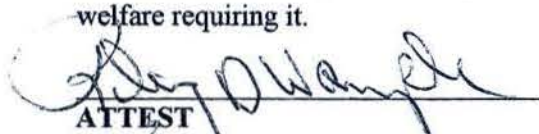
WHEREAS, the Loudon County Regional Planning Commission has forwarded its recommendation regarding the amendment to the Zoning Map of Loudon County, Tennessee; and

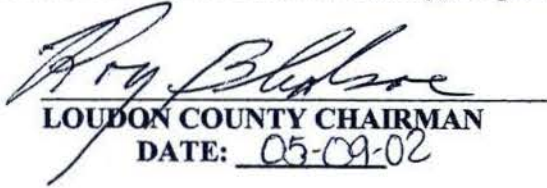
WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on April 25, 2002, consistent with the provisions of Tennessee Code Annotated, Section 13-7-105,

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

1. That property located off White Wing Rd., situated in the Fifth Legislative District, referenced by Tax Map 7, Parcel 47.10, be rezoned from A-2, Rural Residential District, to R-1, Suburban Residential District, as represented on the attached map; said map being part of this Resolution.

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


ATTEST

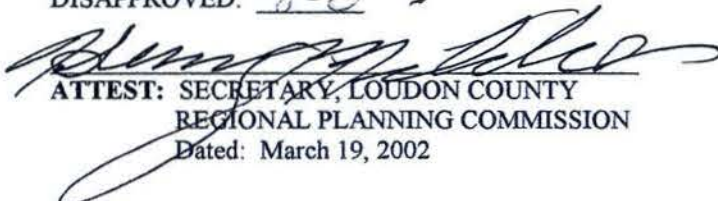

LOUDON COUNTY CHAIRMAN
DATE: 05-09-02


APPROVED: LOUDON COUNTY EXECUTIVE

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

APPROVED: _____

DISAPPROVED: 8-0 -


ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
Dated: March 19, 2002

DENIED

FILE #02-02-17-RZ-CO

RESOLUTION 050902-I

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY LOCATED OFF HIGHWAY 321 SOUTH AND OLD GREENBACK ROAD, LOCATED IN THE THIRD LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 30L, GROUP A, PARCELS 2.00 AND 3.00, FROM A-2 RURAL RESIDENTIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT.

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

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

WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on March 28, 2002, consistent with the provisions of Tennessee Code Annotated, Section 13-7-105,

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

- 1. That property located off Hwy 321 South and Old Greenback Road located in the Third Legislative District, referenced by Tax Map 30L, Group A, Parcels 2.00 and 3.00, be rezoned from A-2, Rural Residential District, to C-2, General Commercial District, as represented on the attached map; said map being part of this Resolution.

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

[Signature]
ATTEST

[Signature]
LOUDON COUNTY CHAIRMAN
DATE: 05-09-02

[Signature]
APPROVED: LOUDON COUNTY EXECUTIVE

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

APPROVED: 8-0

APPROVED: 6

DISAPPROVED: _____

DISAPPROVED: 0

[Signature]
ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
Dated: April 16, 2002

[Signature]
ATTEST: SECRETARY, LENOIR CITY
REGIONAL PLANNING COMMISSION
Dated: April 2, 2002

FILE #02-03-46-RZ-CO(LEPR)

RESOLUTION 050902-J

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY AT 20622 VONORE ROAD, LOCATED IN THE FOURTH LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 63, PARCEL 32.04, FROM DISTRICT A-2, RURAL RESIDENTIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT.

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

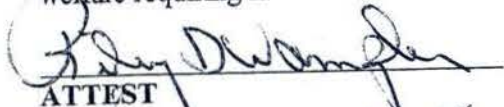
WHEREAS, the Regional Planning Commission has forwarded its recommendation regarding the amendment to the Zoning Map of Loudon County, Tennessee,

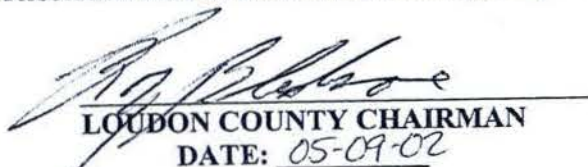
WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on April 1, 2002, consistent with the provisions of Tennessee Code Annotated, Section 13-7-105,

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

1. That property at 20622 Vonore Road, located in the Fourth Legislative District, referenced by Tax Map 63, Parcel 32.04, be rezoned from A-2, Rural Residential District, to C-2, General Commercial District, as represented on the attached map; said map being part of this Resolution.

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


ATTEST

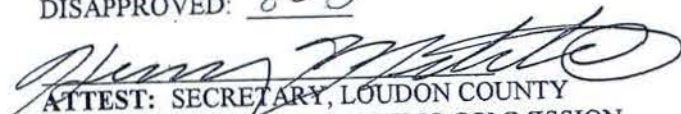

LOUDON COUNTY CHAIRMAN
DATE: 05-09-02


APPROVED: LOUDON COUNTY EXECUTIVE

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

APPROVED: _____

DISAPPROVED: 8-0


ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
Dated: April 16, 2002

FILE #02-03-52-RZ-CO

LOUDON COUNTY COMMISSION
RESOLUTION NO. 050902-K

RESOLUTION AUTHORIZING APPROVAL OF SETTLEMENT OF CLAIMS OR SUITS
BY COUNTY EXECUTIVE AND COUNTY ATTORNEY, WITH LIMITATIONS

WHEREAS, the County increasingly is involved in suits and claims; and

WHEREAS, many of these are such that decisions have to be made in a short time frame in order to achieve a favorable settlement for the County; and

WHEREAS, it will be the intention of the County Executive and the County Attorney to keep the County Commission apprised as to the current status of any suits that are pending, so that the County Commission, the County Executive and County Attorney will tend to be aware of the suits that are pending and the issues that are involved; and

WHEREAS, in many situations, the trial judges order the parties in a suit to participate in formal mediation, with the Order of Court directing that representatives of the parties to the lawsuit who attend the mediation session be representatives who have the authority to negotiate and approve settlements; and

WHEREAS, although serious suits involving greater sums of money at issue will require a specific decision by the County Commission; nevertheless, there are many situations where the county is being defended by attorneys retained by the county's insurance company, but the insurance company cannot settle the suits without approval of the county, and suits or claims can be favorably settled with nominal payment or commitment on the part of the County if such decision can be reached immediately or within a deadline, and it is the feeling of the County Commission that limited authorization should be granted to the County Executive and the County Attorney to authorize settlements in such claims and suits, by the County's insurance company attorney, wherein a recommendation of settlement has been made.

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission, in special session assembled this 9th day of May, 2002, that the County Executive and the County Attorney, jointly, are authorized to approve settlements of suits or claims against Loudon County wherein the amount of the judgment or the agreed settlement of claim is less than Ten Thousand Dollars (\$10,000.00), and the settlement is recommended by the insurance company and will be paid by the insurance company.


COUNTY CHAIRMAN

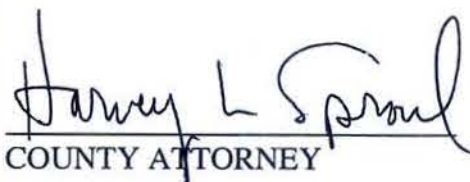
APPROVED:


COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK

PREPARED BY:


COUNTY ATTORNEY

State of Tennessee



Department of State

To all to whom these Presents shall come, Greeting:

I, Riley C. Darnell, Secretary of State of the State of Tennessee, do hereby certify that the annexed is a true copy of

PRIVATE CHAPTER NO. 122

SENATE BILL NO. 3197

PRIVATE ACTS OF 2002

the original of which is now on file and a matter of record in this office.

In Testimony Whereof, I have hereunto subscribed my Official Signature and by order of the Governor affixed the Great Seal of Tennessee at the Department in the

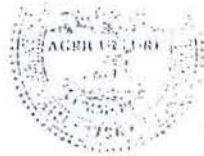
City of Nashville, this 22nd day of April, A.D. 2002



Riley C. Darnell
Secretary of State



SS-7010 (Rev. 1/00)



State of Tennessee
PRIVATE CHAPTER NO. 122

SENATE BILL NO. 3197

By McNally

Substituted for: House Bill No. 3253

By Johnson

AN ACT To repeal Chapter 172 of the Private Acts of 1979; to provide for election of the Board of Education for Loudon County, Tennessee, and to provide for duties, powers and compensation for the members of such board of education.

WHEREAS, The county legislative body of Loudon County has determined that ten (10) members should be elected to the board of education; and

WHEREAS, Chapter 172 of the Private Acts of 1979, which established the Loudon County Board of Education and which has not been amended, calls for the election of nine (9) members of the board of education; and

WHEREAS, Although Chapter 172 of the Private Acts of 1979 provides that all members of the board of education shall be elected to four (4) year terms in the same year, the members of the board of education are presently elected to staggered four (4) year terms in compliance with Tennessee Code Annotated, Section 49-2-201; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 172 of the Private Acts of 1979, is repealed in its entirety.

SECTION 2. The county board of education of Loudon County shall consist of ten (10) members to be elected from districts established by the county legislative body pursuant to Tennessee Code Annotated, Section 49-2-201. The term of the additional member authorized by this act shall be set to comply with the staggered term requirements of Tennessee Code Annotated, Section 49-2-201.

SECTION 3. The duties and compensation of members of the county board of education shall be as provided by law.

SECTION 4. Nothing in this act shall be construed as having the effect of removing an incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Loudon County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

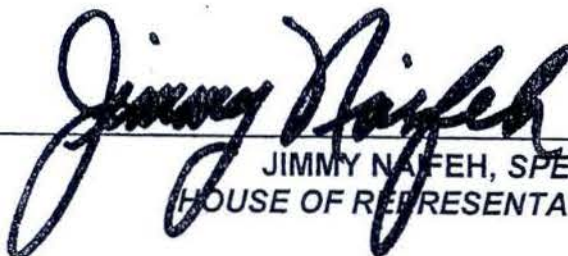
SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

SENATE BILL NO. 3197

PASSED: April 10, 2002

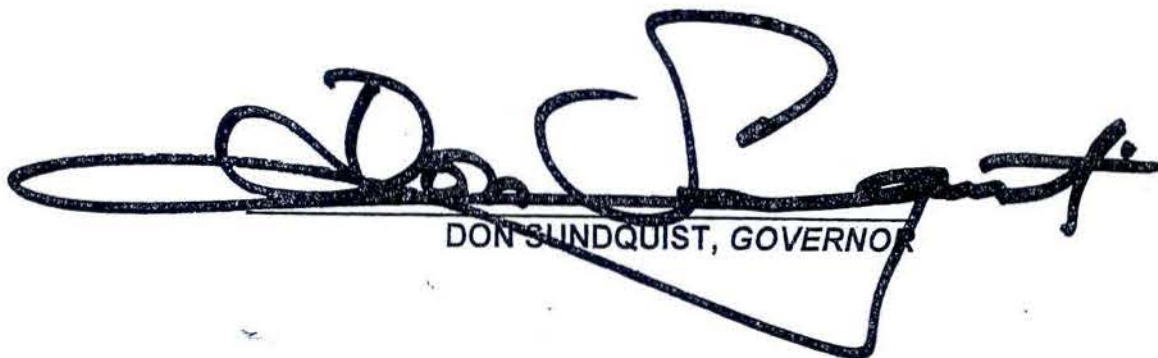


JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of April 2002



DON SUNDQUIST, GOVERNOR



NOTICE TO SECRETARY OF STATE OF RATIFICATION OF PRIVATE ACT

SECRETARY OF STATE Division of Publications 312 - 8th Avenue North Eighth Floor Snodgrass Tennessee Tower Nashville, TN 37243

Private Chapter No. 122, which is Senate (House or Senate) Bill No. 3197, of the 102nd General Assembly, was:

approved [checkmark] disapproved no action taken

[Signature] Presiding Officer of the Local Legislative Body

Embossed Seal: (if applicable)

London County County or City 05-09-02 Date

April 22, 2002



**NOTICE TO
LOCAL LEGISLATIVE BODY OF
LEGISLATIVE ACTION ON
PRIVATE ACT**

Private Chapter No. 122, which is Senate
(House or Senate)
Bill No. 3197, of the 102nd General Assembly, was passed on
April 10, 2002.

SECRETARY OF STATE

by: 
Division of Publications
312 - 8th Avenue North
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243

Pursuant to *T.C.A. 8-3-20-1* and *8-3-202*, the attached is being provided by the Secretary of State. A two-thirds majority of the local legislative body is required for approval. The presiding officer shall complete the attached form, certify within 30 days of action, and return to the Secretary of State, Publications Division at the given address. In the absence of a deadline in the act, failure to approve by December 1 of the year of passage by the General Assembly will render the act null and void. **TO GUARANTEE PROPER AND TIMELY DELIVERY OF YOUR DOCUMENTS TO THE SECRETARY OF STATE, PUBLICATIONS DIVISION, A COURIER DELIVERY SERVICE IS RECOMMENDED. (Examples: Overnight Postal, Express Postal, Federal Express, etc.)**

1673

RESOLUTION 050902-M

A RESOLUTION AMENDING THE LOUDON COUNTY ZONING RESOLUTION INCLUDING ARTICLE 2. DEFINITIONS, SECTION 2.020. DEFINITION OF GENERAL TERMS; ARTICLE 4. SUPPLEMENTARY CONDITIONS APPLYING TO SPECIFIC DISTRICTS, SECTION 4.210. SEXUALLY ORIENTED ADULT BUSINESSES; AND ARTICLE 5. ZONING DISTRICTS, SECTION 5.046. M-1, GENERAL INDUSTRIAL DISTRICT PURSUANT TO CHAPTER FOUR, SECTION 13-7-105 OF THE TENNESSEE CODE ANNOTATED

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

WHEREAS, Sexually Oriented Adult Businesses have been shown by studies completed in Kansas City, MO, Rochester, NY, New York, NY, Denver, CO, Whittier, CA, and other communities to have negative secondary effects on surrounding properties and the health, safety and welfare of the community and individual citizens; and

WHEREAS, these secondary effects include lowering property values, contributing to increased crime, and contributing to community and urban decline; and

WHEREAS, the 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 resolution will appear in the Loudon County News Herald on April 21, 2002, consistent with the provisions of the Tennessee Code Annotated, Section 13-7-105,

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

Article 2. Definitions. Section 2.020. Definitions of General Terms:

Obscene- *The basic guidelines for the trier of fact must be: (a) whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.*

Patently Offensive: *That which goes substantially beyond customary limits of candor in describing or representing such matters.*

Prurient Interest: *a shameful or morbid interest in sex.*

Sexually Oriented Adult Businesses: *Non-obscene retail uses devoted to the sale, distribution, viewing or provision of services that involve the performance of or depiction of "specified sexual activities" or "specified anatomical areas", herein below defined. Sexually oriented adult businesses include, but are not limited to, adult bookstores, adult night clubs/bars, adult motion picture theaters,*

cabarets, massage parlors, adult theaters, and all other businesses which regularly feature materials, acts or displays involving sexual excitement or enticements.

Specified Anatomical Sexual Areas: (1) *Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.*

Specified Sexual Activities: *Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.*

Article 4: Supplementary Provisions Applying to Specific Districts, Section 4.210: Sexually Oriented Adult Businesses:

Section 1: Purpose:

It is the purpose of these provisions to regulate Sexually Oriented Adult Businesses in order to promote the public health, safety, and welfare of the citizens of Loudon County, Tennessee, and to establish reasonable and uniform regulations to prevent the negative secondary effects caused by the location and concentration of Sexually Oriented Adult Businesses within the County. These provisions are intended to have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intended purpose of these provisions to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, nor is it the intended purpose or effect of these provisions to condone or legitimize the distribution of obscene material.

Section 2: Location Requirements.

Due to the negative effects of Sexually Oriented Adult Businesses on surrounding property values, crime rates, traffic congestion, and urban decay, the following minimum location conditions must be met:

- 1. Sexually Oriented Adult Businesses shall not be located within 1,000 feet of a residential district, school, daycare facility, place of worship, recreational facility, community facility, library, nursing home, assisted living facility, hospital, or other sexually oriented adult business.*
- 2. Sexually Oriented Adult Businesses shall not be located within 1,000 feet of any business selling alcoholic beverages, at the time of approval of the adult business.*
- 3. No structure or parcel of property containing a sexually oriented adult business shall contain any other sexually oriented adult business.*
- 4. Sexually Oriented Adult Businesses shall be located on arterial or collector roads.*
- 5. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot used for a sexually oriented business, to the nearest property line or zoning district boundary of a use listed in this Section.*

- 6. A survey, stamped by a registered surveyor in the State of Tennessee, shall be submitted to the Loudon County Building Commissioner showing the proposed location of the sexually oriented adult business and existing land uses within 1,000 feet of the proposed location.

In the event any provision of this regulation shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof or such otherwise invalid provision under circumstances other than those under which it was determined to be invalid, except to the extent that such provision is wholly dependent for its operation upon the part declared to be invalid, and to the extent the provisions hereof are agreed and declared to be severable.

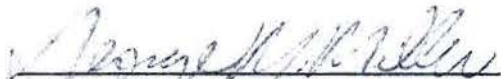
Article 5. Zoning Districts. Section 5.046. M-1, General Industrial District


B. Uses Permitted.

- 1. o. Sexually Oriented Adult Businesses

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

ATTEST


APPROVED: LOUDON COUNTY EXECUTIVE


LOUDON COUNTY COMMISSION CHAIRMAN
DATE

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

APPROVED: 8

DISAPPROVED: 0


ATTEST: SECRETARY, LOUDON COUNTY REGIONAL PLANNING COMMISSION

4-16-02
DATE