

LOUDON COUNTY COMMISSION

REGULAR MEETING

December 02, 2002

- | | | |
|------|--|-----------------------------------|
| (1) | Public Hearing | |
| (2) | Opening Of Meeting | |
| (3) | Roll Call | |
| (4) | Agenda Adopted | |
| (5) | Minutes Adopted For November 04 & November 18, 2002 | |
| (6) | Audience Comments On Agenda Items | |
| (7) | Animal Control Appointment Approved | <u>Resolution 120202-A</u> |
| (8) | Holidays Approved | <u>Exhibit B</u> |
| (9) | Meeting Dates Approved | <u>Exhibit C</u> |
| (10) | TCCA Appointment | |
| (11) | Workshop Cancellation Denied | |
| (12) | Building Commission Report | |
| (13) | Stormwater Permit Application Approved | <u>Resolution 120202-D</u> |
| (14) | Keaton Road Rezoning Approved | <u>Resolution 120202-E</u> |
| (15) | St. Thomas Way Approved As Public Roadway | <u>Resolution 120202-F</u> |
| (16) | Break The Cycle Funds Approved | |
| (17) | Purchasing/Annex. Copier Leases Approved | |
| (18) | EMA Grant Approved | |
| (19) | Juvenile Service Grant Approved | |
| (20) | Cable TV Authority Resolution Died | <u>Resolution 120202-G</u> |
| (21) | Cops Grant Approved | |
| (22) | Financial Report | |
| (23) | CPC Report | |
| (24) | Surplus Vehicle Sale Approved | |
| (25) | Rural Metro Contract Approved | |
| (26) | Irene Lane – Request State Funds Approved | <u>Resolution 120202-H</u> |
| (27) | AOB Board Report | |
| (28) | Executive Session Held | |
| (29) | Settlement Claims Approved | |
| (30) | Judy Long Case To Ward Phillips | |
| (31) | A.L. Newman Report | |
| (32) | El Camino Settlement Denied | |
| (33) | Bonds Approved | |
| (34) | Notaries Approved | |
| (35) | Audience Comments On Non-Agenda Items | |
| (36) | Adjournment | |

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE
COUNTY OF LOUDON

PUBLIC HEARING
December 02, 2002
6:00PM

(1)
Public Hearing

1. Request rezoning of property located on 645 Keaton Road from A-1, Agriculture-Forestry District, to A-2, Rural Residential District, referenced by Tax Map 40, Parcel 17.01, 3rd Legislative District. Owner: Steve Koons [02-11-272-RZ-CO]
No one came forward to speak.

REGULAR MEETING

(2)
Opening Of
Meeting

BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 2nd day of December, 2002.

The **Honorable Earlena Maples** called the meeting to order.

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

(3)
Roll Call

Present were the following Commissioners: **Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller (10).**

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

(4)
Agenda
Adopted

Chairman Maples requested the December 02, 2002 agenda be adopted.

The following changes were requested:

1. Commissioner Franke stated he would give a County Clerk Liaison Committee report at the end of the meeting.
2. Commissioner Harold requested that Item 6D4 "*Consideration of adopting a Resolution to add a Zoning and Codes Enforcement staff position to the Loudon County Building Commissioner's Office, and request adopting of building codes for Loudon County*" be removed from Agenda and sent to the next scheduled Budget Committee.
3. Commissioner Jenkins requested to add under item 6F "*Purchasing Committee Report/Recommendations*".

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Marcus** to adopt agenda with requested changes.

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

(5)
Minutes
Adopted For
November 04
& November
18, 2002

Chairman Maples requested the November 04, 2002 and November 18, 2002 County Commission Meeting minutes be approved and accepted.

Commissioner Franke requested that under section 10 of the November 04 minutes "*a motion was made by*" be deleted.

A **motion** was made by **Commissioner Bledsoe** with a second by **Commissioner Harold** to adopt minutes as presented, with requested deletion.

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

(6)
Audience
Comments On
Agenda Items

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

Ms. Evelyn Rainwater, Loudon County Break the Cycle, came forward to speak in favor of Loudon County Commission appropriating funds to the Break the Cycle program and made herself available to answer any questions.

Ms. Pat Hunter, Loudon County resident, came forward to speak in opposition of item 6E6 "Consideration of adopting a resolution amending the Interlocal Agreement establishing the Loudon County Cable Television Authority".

Attorney Louis Crossley, representing Bill Hayes/El Camino Theatre Club, came forward to answer any questions regarding proposal to settle.

(7)
Animal
Control
Appointment
Approved

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

1. Consideration of adopting a resolution appointing or acknowledging board or committee appointment by the County Executive to the Loudon County Animal Control Authority, 4th District.

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

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

Resolution 120202-A

(8)
Holidays
Approved

2. Consideration of adopting 2003 calendar of holidays for Loudon County offices.

A motion was made by **Commissioner Harold** with a second by **Commissioner Meers** to approve the 2003 holidays.

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

Exhibit B

(9)
Meeting Dates
Approved

3. Consideration of adopting 2003 calendar for Loudon County Commissioner, Capital Projects, Budget and Workshop meetings.

A motion was made by **Commissioner Franke** with a second by **Commissioner Marcus** to approve the 2003 meeting dates.

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

Exhibit C

(10)
TCCA
Appointment

4. Executive Miller requested, on behalf of Commissioner Bledsoe, nominations for TCCA appointment for local representation.

A motion was made by **Commissioner Bledsoe** with a second by **Commissioner Shaver** to appoint Commissioner Duff as local representative.

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

(11)
Workshop
Cancellation
Denied

5. **Commissioner Bledsoe** requested consideration of canceling the December 16, 2002 workshop.

A motion was made by **Commissioner Shaver** with a second by **Commissioner Franke** to have the workshop as scheduled.

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

(12)
Building
Commission
Report

Mr. Leo Bradshaw, Loudon County Building Commissioner, gave the monthly Building Commission report.

November

Permits issued:	30
Fees:	\$ 2,368.00
Estimated value:	\$ 1,840,700.00

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

(13)
Stormwater
Permit
Application
Approved

1. Consideration of adopting a resolution to hire a consultant to prepare Loudon County's Phase II NPDES Stormwater Permit Application

After much discussion, a motion was made by **Commissioner Miller** with a second by **Commissioner Franke** to adopt this resolution with the wording "subject to the participation of Lenoir City and the City of Loudon based on their per capita share of the county's total population" added to the 7th paragraph.

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

Resolution 120202-D

(14)
Keaton Road
Rezoning
Approved

2. Consideration of rezoning property located on 645 Keaton Road from A-1, Agriculture-Forestry District, to A-2, Rural Residential District, referenced by Tax Map 40, Parcel 17.01, 3rd Legislative District. Owner: Steve Koons [02-11-272-RZ-CO].

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Marcus** to accept this rezoning request.

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

Resolution 120202-E

(15)
St. Thomas
Way Approved
As Public
Roadway

3. Consideration of accepting St. Thomas Way as a public roadway, located in the 2nd Legislative District [02-09-242-TR-CO(LEPR)].

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Meers** to accept St. Thomas Way as a public roadway.

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

Resolution 120202-F

(Recess 7:07pm – 7:15pm)

Mrs. Nancy Richesin, Director of Budgets and Accounts, requested discussion and possible action on following items:

(16)
Break The
Cycle Funds
Approved

1. Consideration of approving funds of \$10,000 to assist Break the Cycle, Inc. After much discussion a **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to approve these funds for Break the Cycle, Inc. Upon roll call vote the following commissioners voted **Aye**: **Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller**: (10). The following commissioners voted **Nay**: (0). The following commissioners were **Absent**: (0). Thereupon the chairman announced the motion **Passed**: (10-0).

(17)
Purchasing/
Annex. Copier
Leases
Approved

2. Consideration of approving funds and signing lease agreements for copy machines for the Purchasing Department the downstairs Annex. A **motion** was made by **Commissioner Harold** with a second by **Commissioner Bledsoe** to approve these requests. Upon roll call vote the following commissioners voted **Aye**: **Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller**: (10). The following commissioners voted **Nay**: (0). The following commissioners were **Absent**: (0). Thereupon the chairman announced the motion **Passed**: (10-0).

(18)
EMA Grant
Approved

3. Consideration of accepting EMA grant in the amount of \$20,000. A **motion** was made by **Commissioner Miller** with a second by **Commissioner Meers** to accept this grant. Upon voice vote the motion **Passed** unanimously.

(19)
Juvenile
Service Grant
Approved

4. Consideration of accepting Juvenile Service Grant. A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to accept this grant. Upon voice vote the motion **Passed** unanimously.

(20)
Cable TV
Authority
Resolution
Died

5. Consideration of adopting a resolution amending the Interlocal Agreement establishing the Loudon County Cable Television Authority. A **motion** was made by **Commissioner Harold** to adopt this resolution. Motion **Died** due to lack of second.

Resolution 120202-G

(21)
Cops Grant
Approved

6. Consideration of accepting the Cops in Schools Award. A **motion** was made by **Commissioner Meers** with a second by **Commissioner Franke** to approve this request. Upon voice vote the motion **Passed** unanimously.

(22)
**Financial
Report**

Mrs. Richesin distributed quarterly report and October Financial Statement.

(23)
CPC Report

Commissioner Franke gave a report on the Capital Projects Committee – no action was needed.

(24)
**Surplus
Vehicle Sale
Approved**

Commissioner Jenkins gave a report on the Purchasing Committee.

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Duff** to sell two (2) surplus vehicles by sealed bid and sale remaining surplus vehicles by Adesa Auction, with a minimum bid required.

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

(25)
**Rural Metro
Contract
Approved**

Chairman Maples, Ambulance Committee Chair, requested consideration of allowing Covenant Health to enter one (1) year contract with Rural Metro.

After much discussion a **motion** was made by **Commissioner Shaver** with a second by **Commissioner Bledsoe** to accept this recommendation.

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

(26)
**Irene Lane--
Request State
Funds
Approved**

Commissioner Miller requested consideration of adopting a resolution authorizing Loudon County to request state funds for widening and extension of Irene Lane.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Bledsoe** to adopt this resolution.

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

Resolution 120202-H

(27)
**AOB Board
Report**

Commissioner Shaver gave a report on the Adult Oriented Business Board – no action was needed.

(28)
**Executive
Session Held**

County Attorney Harvey Sproul requested executive session to discuss pending suit of El Camino Theatre Club vs. Loudon County.

Chairman Maples called Commission for executive session at 8:05 pm.

Commission returned from executive session at 9:25 pm.

Present were the following commissioners: **Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller.**

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

(29)
**Settlement
Claims
Approved**

1. Clarification of previous County Commission resolution authorizing settlement of claims and suits against Loudon County for nuisance value.

After discussion and recommendation, a **motion** was made by **Commissioner Miller** with a second by **Commissioner Franke** to clarify resolution by stating "*the County Executive with the County Attorney and the Chair of the County Commission or the Vice-Chair, if Chair is not available, have the authority to settle suits involving expenditures of county funds up to \$10,000*".

(30)
**Judy Long
Case To Ward
Phillips**

2. Consideration of any matter relating to the claim of former Deputy Clerk, Judy Long.

After discussion and recommendation a **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Marcus** to hire Attorney Ward Phillips to represent the county in this matter.

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

(31)
**A.L. Newman
Report**

3. Report on 3rd party suit Albert L. Newman, Jr. vs. Cheatham County vs. City of Adamsville, et al and its effect on Loudon County.

(32)
El Camino
Settlement
Denied

4. Consideration of offer for compromise settlement of that El Camino Theatre Club be grand fathered in its present location but limiting only to adult literature, videos, etc. After much discussion a **motion** was made by **Commissioner Harold** with a second by **Commissioner Miller** to vote to see if there were enough votes to consider making a settlement. After further discussion and upon roll call vote, the following commissioners voted Aye: **Maples, Harold and Miller: (3)**. The following commissioners voted Nay: **Marcus, Meers, Jenkins, Franke, Bledsoe, Duff, and Shaver: (7)**. The following commissioners were Absent: **(0)**. Thereupon the chairman announced the motion **Failed: (3-7)**.

(33)
Bonds
Approved

Angie Chambers, County Executive's Assistant, requested consideration of approving the following Bond Applications:

<i>Charlotte Ward</i>	<i>Rebecca M Willis</i>
<i>Amy M. Millsaps</i>	<i>Terry C. McGill</i>
<i>K. Rene Anderson</i>	

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to approve these bond requests. Upon voice vote the motion **Passed** unanimously.

(34)
Notaries
Approved

Angie Chambers, County Executive's Assistant requested consideration of approving the following Notary Applications:

<i>Rebecca M. Willis</i>	<i>Amy M. Millsaps</i>
<i>Terry C. McGill</i>	<i>K. Rene Anderson</i>
<i>M'recia Oody</i>	<i>Joann C. Dotson</i>
<i>Marcie Brewster</i>	


A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Marcus** to approve these notary requests. Upon voice vote the motion **Passed** unanimously.

(35)
Audience
Comments On
Non-Agenda
Items

Chairman Maples asked for any visitor wishing to address the commission regarding items not on the planned agenda to come forward. **Mr. Larry Bandy, Loudon County resident**, came forward to state concerns regarding the Title V Permit filed by Trigen Biopower and why TDEC does not properly inform/respond to county government correspondence. **Ms. Aileen Longmire, Loudon County resident**, came forward to request that television stations be contacted regarding Tennessee Waste Movers newly issued permit and also to request that the County and the City of Loudon go on record opposing the issuance of this permit. **Ms. Pat Hunter, Loudon County resident**, came forward to thank Commissioner Shaver for comments regarding the El Camino Theatre Club's proposal to settle. **Commissioner Franke** gave a report on the County Clerk Liaison Committee. No action was needed.

(36)
Adjournment

There being no further business, a **motion** being duly made and seconded, the December 02, 2002 meeting stood adjourned at 10:20 p.m.


CHAIRMAN

ATTEST:


COUNTY COURT CLERK


COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 120202-A

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 is necessary and/or desirable at this time; and

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

**LOUDON COUNTY ANIMAL
CONTROL AUTHORITY**

Appointee

Expires

Panel A


Mr. Thomas Hebble

June 30, 2005

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission in regular session assembled this 2nd day of December, 2002 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


CO NTY CLERK


COUNTY EXECUTIVE

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

Panel A

Nancy James	(City of Loudon)	June 30, 2005
Sharon Buxkemper	(Citizen At Large)	June 30, 2005

Panel B

Com. Van Shaver	(County Commission Appt.)	June 30, 2006
Dr. Barry Gordon	(Loudon County Vet. Assoc.)	June 30, 2006
Cindy McDaniel	(City of Lenoir City)	June 30, 2006

Panel C

Miracle Nichols	(Citizen At Large)	June 30, 2003
Ed Loy	(Loudon County Human Soc.)	June 30, 2003
	(Shelter Employee)	No Expiration

Exhibit B

Loudon County 2003 Holidays

JANUARY

Wednesday 1st
Monday 20th

New Year's Day
Martin Luther King, Jr. Day

FEBRUARY

Monday 17th

President's Day

APRIL

Friday 18th

Good Friday

MAY

Monday 26th

Memorial Day

JULY

Friday 4th

Independence Day

SEPTEMBER

Monday 1st

Labor Day

OCTOBER

Monday 13th

Columbus Day

NOVEMBER

Tuesday 11th
Thursday – Friday 27th & 28th

Veteran's Day
Thanksgiving

DECEMBER

Wednesday – Friday 24th, 25th, 26th

Christmas

Exhibit C

Loudon County 2003 Meetings

January	6 th 27 th	County Commission Capital Projects, Budget, Workshop
February	3 rd 24 th	County Commission Capital Projects, Budget, Workshop
March	3 rd 17 th	County Commission Capital Projects, Budget, Workshop
April	7 th 21 st	County Commission Capital Projects, Budget, Workshop
May	5 th 19 th	County Commission Capital Project, Budget, Workshop
June	2 nd 16 th 30 th	County Commission Capital Projects, Budget, Workshop County Commission
July	21 st	Capital Projects, Budget, Workshop
August	4 th 18 th	County Commission Capital Projects, Budget, Workshop
September	8 th 15 th 29 th	County Commission Capital Projects, Budget, Workshop County Commission Meeting
October	20 th	Capital Projects, Budget, Workshop
November	3 rd 17 th	County Commission Capital Projects, Budget, Workshop
December	1 st 15 th	County Commission Capital Projects, Budget, Workshop

County Commission begins at 6:00 p.m. Capital Projects begins at 3:30 p.m.
Budget begins at 4:30 p.m. Workshop begins at 6:00 p.m.

RESOLUTION 120202-D

**A RESOLUTION ADOPTED BY THE LOUDON COUNTY COMMISSION
AUTHORIZING THE EXECUTION OF A CONSULTING AGREEMENT TO
PREPARE A PERMIT APPLICATION FOR LOUDON COUNTY TO COMPLY
WITH THE PHASE II NPDES STORM WATER REGULATIONS REQUIRED BY
THE CLEAN WATER ACT OF 1972**

WHEREAS, the Clean Water Act of 1972 and amendments of 1987 require local governments to obtain permits to continue discharging storm water runoff from roads, ditches and culverts into streams and lakes; and

WHEREAS, the Phase II provisions of the Clean Water Act require compliance by local governments that are located within urbanized areas; and

WHEREAS, Loudon County's population increase, as determined by the 2000 Census, resulted in the inclusion of portions of the County in the Knoxville urbanized area; and

WHEREAS, the required permit application will include a 5 year plan of action to develop and implement an ongoing program of storm water management directed at the protection and improvement of water quality in our local water resources; and

WHEREAS, the plan must address six minimum measures to improve the quality of local water resources including: public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site storm water runoff control, post-construction storm water runoff control, and pollution prevention for county facilities and operations; and

WHEREAS, the Loudon County Office of Planning has requested qualifications and proposals from engineering consultants with experience in environmental, water resources and storm water services; and

WHEREAS, based on a review of these qualifications and proposals, the Loudon County Office of Planning recommends awarding a consultant agreement to Jordon Jones and Goulding to prepare Loudon County's Phase II Storm Water Permit Application for a contract amount of thirty-eight thousand dollars (\$38,000), subject to the participation of Lenoir City and the City of Loudon based on their per capita share of the county's total population; and

NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission authorizes the County Executive to execute an agreement for these services on behalf of the County; and

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

This Resolution adopted December 02, 2002


ATTEST: COUNTY CLERK


CHAIRMAN


APPROVED: COUNTY EXECUTIVE

RESOLUTION 120202-E

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER FOUR, §13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY LOCATED AT 645 KEATON ROAD, SITUATED IN THE THIRD LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 40, PARCEL 17.01.

WHEREAS, the Loudon County Commission, in accordance with Chapter Four, §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

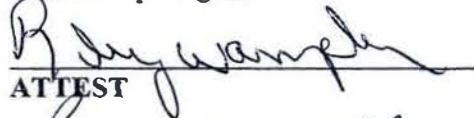
WHEREAS, the Regional Planning Commission has forwarded a recommendation regarding the amendment to the Zoning Map of Loudon County, Tennessee,

WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on November 11, 2002, consistent with the provisions of Tennessee Code Annotated, §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 at 645 Keaton Road, situated in the Third Legislative District, referenced by Tax Map 40, Parcel 17.01, be rezoned from A-1, Agriculture-Forestry District, to A-2, Rural 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.

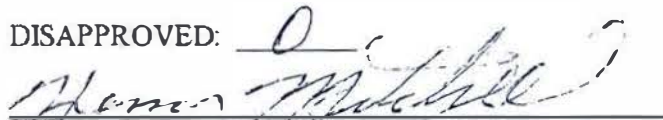

ATTEST


APPROVED: LOUDON COUNTY EXECUTIVE


LOUDON COUNTY CHAIRMAN
DATE: _____

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

APPROVED: 7

DISAPPROVED: 0

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

FILE #0211-272-RZ-CO



RESOLUTION 120202-F

A RESOLUTION ADOPTED BY THE LOUDON COUNTY COMMISSION ACCEPTING ST. THOMAS WAY INTO THE PUBLIC ROADWAY SYSTEM, LOCATED ON THE NORTHEAST SIDE OF STATE HIGHWAY 321, APPROXIMATELY ¼ MILE WEST OF FORT LOUDOUN DAM, IN THE SECOND LEGISLATIVE DISTRICT OF LOUDON COUNTY, TENNESSEE

WHEREAS, the chief legislative body of the county has the authority under Tennessee Code Annotated to accept the dedication of roads, to adopt policies and standards for the acceptance of new roads and to reopen previously closed county roads; and

WHEREAS, the Lenoir City Regional Planning Commission has received a request from the property owner to dedicate St. Thomas Way to Loudon County as a public road; and

WHEREAS, St. Thomas Way measures approximately 1,048' in length, with a 50' right of way; a paved two lane driving surface 24' feet wide with curbing and drainage structures ending in a hammer head turn around; and

WHEREAS, said road does meet the ~~minimum~~ road design standards adopted by Loudon County, and the County Highway Commissioner supports acceptance of the road; and

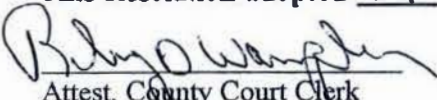
WHEREAS, there is no known additional costs to the County to bring this road up to County Road Standards; and

WHEREAS, the Lenoir City Regional Planning Commission has reviewed this matter and has recommended that St. Thomas Way be accepted into the County's Roadway System based on its existing conditions.

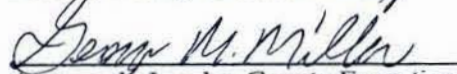
NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission considers the acceptance of this road to be in the public interest and that said road be accepted into the County's roadway system as indicated on the attached map, said map being a part of this Resolution.

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

This Resolution adopted 12-02-02, 2002.


Attest, County Court Clerk

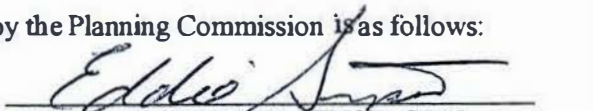

Loudon County Chairman


Approved: Loudon County Executive

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

APPROVED: 7

DISAPPROVED: 0


ATTEST: SECRETARY, LENOIR CITY
REGIONAL PLANNING COMMISSION
Date: November 7, 2002

FILE #02-09-242-TR-CO(LEPR)

RESOLUTION/ORDINANCE NO. 120202-G

AMENDMENT TO INTERLOCAL AGREEMENT ESTABLISHING
THE LOUDON COUNTY CABLE TELEVISION AUTHORITY

WHEREAS, the City of Lenoir City, the City of Loudon, and Loudon County, in 1994 established by interlocal agreement the Loudon County Cable Television Authority (LCCTA) for the purpose of regulating and monitoring cable television companies operating in Loudon County, the said board being composed of three (3) members, one (1) each being selected to serve on the board by the governing bodies involved; and

WHEREAS, said interlocal agreement provided for remuneration to the Authority members of Twenty-Five Dollars (\$25.00) per meeting; and

WHEREAS, the work of the board has been rather extensive, there having been several transfers of franchises from one company to another in the intervening period, as well as one renewal, and the process is presently underway for the renewal of the present Charter franchise, the business of the board generally requiring a meeting once a month lasting between two and three hours, probably averaging ten (10) meetings a year; and further involving rather extensive committee meetings and dealings with citizens, cable customers and government officials; and

WHEREAS, the members of the Authority, after consideration, have requested remuneration of Seventy-Five Dollars (\$75.00) per meeting as presently being more appropriate for the work and responsibility involved, and more in line with the remuneration and reimbursement of expense received by members of other comparable boards and commissions, and further have given assurance that the funds received by the Authority for its budget each year are sufficient to pay the increased amount;

NOW, THEREFORE, BE IT RESOLVED that the interlocal agreement, Section 10, be amended by striking the words "Twenty Five Dollars (\$25.00)", and inserting the words "Seventy-Five Dollars (\$75.00)".

This amendment is effective only when all three interlocal agreement governments have approved the amendment.

CITY OF LENOIR CITY

LOUDON COUNTY

BY: _____

DIED

BY: _____

Date: _____

CITY OF LOUDON

BY: _____

Date: _____

LOUDON COUNTY COMMISSION

RESOLUTION NO 120202- H

RESOLUTION AUTHORIZING LOUDON COUNTY TO REQUEST STATE FUNDS FOR WIDENING AND EXTENSION OF IRENE LANE

WHEREAS, Tellico Village Community Church has only one exit from their parking lot and this exit goes through a shopping center; and

WHEREAS, the traffic congestion associated with this exit creates a real safety and health hazard in the event of an emergency; and

WHEREAS, the church continues to grow rapidly, has a current membership of about 1200, and is often used by all 4500 citizens of Tellico Village as a Community Center for numerous events; and

WHEREAS, the church has attempted repeatedly to gain access to State Highway 444 as an exit from the church parking lot and this has been denied by the State of Tennessee Department of Transportation; and

WHEREAS, an alternative solution is to widen and extend Irene Lane, which is currently a one lane county road; and

WHEREAS, widening and extension of Irene Lane will alleviate the traffic congestion, safety and health concerns aforementioned; and

WHEREAS, widening and extension of Irene Lane may also alleviate the need for the County to provide a traffic officer during events at the church; and

WHEREAS, other property along Irene Lane will be developed in the future and the County will undoubtedly receive additional requests to widen it; and

WHEREAS, the church has agreed to provide \$30,000 to cover part of the costs of extending and widening Irene Lane.

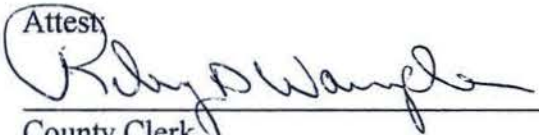
NOW THEREFORE BE IT RESOLVED:

1. That George M. Miller, Loudon County Executive, is authorized to request funding from the State of Tennessee to assist in widening and extending Irene Lane.
2. That, contingent upon adequate funding from the church and State of Tennessee, Loudon County will widen and extend Irene Lane.
3. That Loudon County will accept the extension as a county road.
4. That Loudon County will adequately maintain the entire length of Irene Lane.

Adopted this 2nd day of December, 2002.


County Chairman

Attest


County Clerk

Approved:


County Executive

I t I

AGREEMENT

This AGREEMENT made and entered into as of the ____ day of November, 2002, by and between LOUDON COUNTY, TENNESSEE (hereinafter referred to as the "County"), and WILLIAM R. HAYS (hereinafter referred to as "Hays"), an individual and real property owner in Loudon County, Tennessee.

WITNESSETH

WHEREAS, Hays owns property located at 14200 El Camino Lane in Loudon County (hereinafter referred to as the "Property") on which adult businesses, as that term was defined in the Loudon County Zoning Resolution on May 2, 2002, which Hays claims have been in operation since May 2, 2002; and

WHEREAS, the County, by amendment of its Zoning Resolution dated May 9, 2002, restricted the operation of adult businesses to a zone other than what the Property is zoned for; and

WHEREAS, Tennessee Code Annotated § 13-7-208 provides that when a zoning resolution is changed to prohibit a type of use of property that formerly was lawful on a such property, the owner may continue the pre-existing use notwithstanding the prohibition (hereinafter referred to as "Grandfather Status"); and

WHEREAS, Hays has filed suit (the "Lawsuit") in the Chancery Court for Loudon County seeking a determination that his use of the Property enjoys a Grandfathered Status under state law; and

WHEREAS, the County denies the claims of Hays in the Lawsuit and that his property enjoys a Grandfathered Status; and

WHEREAS, the Loudon County Adult Oriented Business Board has denied an application for a license to operate an adult business on the Property on the ground that the Property was not zoned properly for any adult-oriented business; and

WHEREAS, the County and Hays desire to end the Lawsuit, avoid further expense in litigating the issue of the Property's Grandfathered Status, and compromise the issues raised in the Lawsuit upon the terms, covenants, agreements and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The County agrees that, by virtue of the provisions of Tenn. Code Ann. § 13-7-208, the Property is entitled to Grandfather Status as an Adult Bookstore, as such term was defined in the Loudon County Zoning Resolution in effect on May 2, 2002, and such use may continue as provided in said statute, subject to the conditions Hays agrees to herein. The County and Hays agree to a judgment being entered in the Lawsuit

recognizing that the Property is grandfathered for the use of sales and/or rentals of written, pictorial or audiovisual works of an adult nature, adult novelties and products, and clothing, but for no other adult purpose.

2. Upon the issuance of a license to operate from the Loudon County Adult Oriented Business Board, Hays agrees to execute and record a deed restriction on the Property prohibiting any future use of the Property as an adult nightclub/bar, adult cabaret, massage parlor, adult theater, adult motion picture theater, adult mini-motion picture establishment, escort agency, sexual encounter center, rap parlor, exotic dance studio, encounter studio, sensitivity studio or model studio as those terms were used in the Tennessee Code Annotated or were used in the Zoning Resolution of Loudon County in effect on May 2, 2002, so long as the Zoning Resolution of Loudon County prohibits the operation of such businesses on the Property. The deed restriction shall be binding on all subsequent owners of the Property.

3. Upon the execution of this Agreement, Hays will surrender his beer license for the sale of beer on the Property and the records of the County shall reflect that such license was in good standing at the time it was surrendered.

4. The County and Hays agree that the provisions of this Agreement will be binding on Hays, and all persons or entities claiming through him, and all persons or entities engaged in the operation of any activity on the Property.

5. Hays and the County recognize that there is a legal issue remaining regarding whether the provisions of Tenn. Code Ann. § 7-51-1402 apply to the type of business that would be operated on the Property under this Agreement. In order to avoid any litigation on the application of Tenn. Code Ann. § 7-51-1402 to such business, the County will promptly request that one of the state representatives for Loudon County submit to the Tennessee Attorney General a request for a written legal opinion, pursuant to Tenn. Code Ann. § 8-6-109(b)(6), on the following question: "Do the provisions of Tenn. Code Ann. § 7-51-1402 regulate the hours of operation of a business that offers, as its predominate stock or trade, sales and/or rentals of written, pictorial or audiovisual works of an adult nature, adult novelties and products, and clothing, but that does not offer, sell, provide or rent for a fee any of the type of material described in Tenn. Code Ann. § 7-51-1401(4)(A)(i), (ii) or (iii)?" Hays and the County agree that the opinion of the Tennessee Attorney General in response to that question will be binding on the parties, and that neither party hereto will seek any judicial determination of this question.

6. By the signature of the County hereto, the County warrants and represents to Hays that it has the requisite authority and approvals to enter into this Agreement.

7. By his signature hereto, Hays warrants and represents to the County that he has the requisite authority and approvals to enter into this Agreement.

8. The provisions of this Agreement shall become operative and enforceable upon due execution of it by the County and Hays, and upon Hays' performance of paragraph 2 above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective representatives thereunto duly authorized as of the day and year first above written.

LOUDON COUNTY, TENNESSEE

WILLIAM R. HAYS

By: _____
County Executive

DENIED

STATE OF TENNESSEE)
)
COUNTY OF LOUDON)

Before me, the undersigned, a notary public of the state and county aforesaid, personally appeared GEORGE MILLER, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, swore to and acknowledged himself to be the County Executive of LOUDON COUNTY, TENNESSEE, the within named bargainor, and that he as such County Executive executed the foregoing instrument for the purposes therein contained, by signing the name of the County by himself as County Executive.

Witness my hand and official seal at office, this the ____ day of _____, 2002.

Notary Public

My Commission Expires: _____