

LOUDON COUNTY COMMISSION

REGULAR MEETING

August 04, 2003

- | | | |
|------|-------------------------------------------------------|------------------------------|
| (1) | Opening Of Meeting | |
| (2) | Roll Call | |
| (3) | Agenda Adopted | |
| (4) | Minutes Adopted For June 30, 2003 | |
| (5) | Audience Comments On Agenda Items | |
| (6) | Martel Underpass Recognition | |
| (7) | Board Appointments Approved | <u>Resolutions 080403A-N</u> |
| (8) | ACA 90 Days Approved | <u>Resolution 080403-O</u> |
| (9) | 321 Resolution Approved | <u>Resolution 080403-P</u> |
| (10) | City/County Meetings Approved | |
| (11) | ADA Report | <u>Exhibit Q</u> |
| (12) | Road Imp. Committee Recommendation Approved | <u>Exhibit R</u> |
| (13) | Monroe Wastewater Treatment Plant Transferred To TASS | <u>Resolution 080403-S</u> |
| (14) | Attorney Report | |
| (15) | Bonds Approved | |
| (16) | Notaries Approved | |
| (17) | Audience Comments On Non-Agenda Items | |
| (18) | Adjournment | |

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE
COUNTY OF LOUDON

August 04, 2003
6:00 PM

REGULAR MEETING

(1)
Opening
Of Meeting

BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 4th day of August, 2003.
The **Honorable Roy Bledsoe** 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 **Edward Headlee** gave the invocation.

(2)
Roll Call

Present were the following Commissioners: **Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller: (10).**
Thereupon **Chairman Bledsoe** announced the presence of a quorum. Also present was the **Honorable George Miller, County Mayor** and **County Attorney Harvey Sproul.**

(3)
Agenda
Adopted

Chairman Bledsoe requested the August 04, 2003 agenda be adopted.
A motion was made by **Commissioner Jenkins** with a second by **Commissioner Miller** to adopt agenda as presented.
Upon voice vote the motion **Passed** unanimously.

(4)
Minutes
Adopted
For June
30, 2003

Chairman Bledsoe requested the June 30, 2003 County Commission Meeting minutes be approved and accepted.
A motion was made by **Commissioner Harold** with a second by **Commissioner Franke** to adopt minutes as presented.
Upon voice vote the motion **Passed** unanimously.

(5)
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.
Mayor Miller recognized **Mr. Jim Condra**, Loudon County Chamber of Commerce Board member. **Mr. Condra** introduced **Ms. Teresa Ward**, the new President for the Loudon County Chamber of Commerce.

(6)
Martel
Underpass
Recognition

Mayor Miller announced that a \$1.4 million grant by the US Department of Transportation was awarded to Loudon County for improvements on the Martel Road underpass. **Mayor Miller** recognized **Commissioner Harold** for his efforts in obtaining funding.

(7)
Board
Appoint-
ments
Approved

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

1. Consideration of adopting resolutions appointing or acknowledging board or committee members to the Loudon County Beautification Board, Blair Bend Industrial Committee, Budget Committee, Capital Projects Committee, Economic Development Agency Board of Directors, Financial Advisory Committee, Governmental Affairs Committee, Litter Control Committee, Maintenance Committee, Regional Planning Commission, Executive Planning Committee, Purchasing Committee, Senior Citizens Executive Committee and the Sheriff's Merit Services Board.

A motion was made by **Commissioner Miller** with a second by **Commissioner Meers** to adopt these resolutions.
Upon voice vote the motion **Passed** unanimously.
Resolutions 080403-A-N

(8)
**ACA 90 Days
Approved**

2. Consideration of adopting a resolution granting the Loudon County Animal Control Authority and the Loudon County Humane Society ninety (90) days to raise funds for a new animal shelter facility.

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

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

Resolution 080403-O

(9)
**321
Resolution
Approved**

3. Consideration of adopting a resolution requesting the Tennessee Department of Transportation to proceed expeditiously with proposed improvements to US Highway 321 from US Highway 11 (SR2) to the Blount/Loudon County line.

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

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

Resolution 080403-P

(10)
**City/County
Meetings
Approved**

4. Consideration of approving City/County 5th Monday night meetings.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Meers** to approve this request, moving the previously scheduled September 29, 2003 County Commission meeting to October 06, 2003.

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

(11)
ADA Report

Commissioner Franke reported that the ADA Agreement was signed and mailed to the Department of Justice on July 24, 2003 and recognized **Commissioner Shaver** and **Building Commissioner Leo Bradshaw** for their efforts in reaching an agreement.

Exhibit Q

(12)
**Road Imp.
Committee
Recommend-
ation
Approved**

Commissioner Jenkins requested that the County Road Improvement Committee's recommendation be approved.

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Shaver** to accept recommendation.

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

Exhibit R

(13)
**Monroe
Wastewater
Treatment
Plant
Transferred
To TASS**

Loudon County Attorney Harvey Sproul requested consideration of adopting a resolution approving transfer of title of Monroe County Wastewater Treatment Plant to Tellico Area Services System (TASS) and approving plan of services for East Tellico Parkway/Greenback Public School/Highway 95/321 Sewer Lines.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to adopt this resolution.

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).**

Thereupon the chairman announced the motion **Passed: (10-0).**

Resolution 080403-S

(14)
**Attorney
Report**

Attorney Sproul reported that Mark Paul has filed suit against the County regarding rezoning; the Pearl Hawkins case was heard last week and matter is under advisement; and the County is working with CSX for property for Greenback Convenience Center.

(15)
**Bonds
Approved**

Angie Chambers, County Mayor's Assistant, requested consideration of approving the following Bond Applications: *Ramona M. Sutton* *Delinda L. Chambers*
Janet Chambers

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Marcus** to approve these Bond Applications.

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

(16)
Notaries
Approved

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

Gail McNabb

Gayle G. Matlock

Delinda L. Chambers

Estelle Herron

Jean M. King

Rex A. Dale

Barbara A. Garren

Nathaniel Dale Costner

Sharon Courtney

Linda P. Shockley

Ramona M. Sutton

Lindsay B. Amburn

Tina M. Gilbert

Donita Ann Scarbrough

Stephen G. Littleton

Jessica H. Garner

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Marcus** to approve these Notary Applications.

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

(17)
Audience
Comments
On Non-
Agenda
Items

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

No one came forward to speak.

(18)
Adjournment

There being no further business, a **motion** being duly made and seconded, the August 04, 2003 meeting stood adjourned at 6:42 p.m.

ATTEST:


COUNTY CLERK


CHAIRMAN


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-A

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

WHEREAS, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County Mayor 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 Mayor appoints the following as members of

**LOUDON COUNTY
BEAUTIFICATION BOARD**

Appointee

Commissioner Harold Duff

Commissioner Nancy Marcus

Term Expiration

August 31, 2004

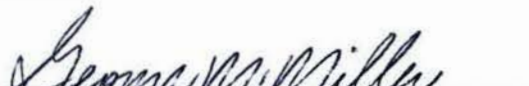
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-B

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
BLAIR BEND INDUSTRIAL COMMITTEE**

Appointee

**Commissioner Roy Bledsoe
Commissioner David Meers
Commissioner Harold Duff**

Term Expiration

**August 31, 2004
August 31, 2004
August 31, 2004**

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

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

City of Loudon

**Mayor Bernie Swiney
Ben Surrect
Nancy James**

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-C

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
BUDGET COMMITTEE**

Appointee

Commissioner Don Miller
Commissioner Earlena Maples
Commissioner Ed Harold
Commissioner Roy Bledsoe

Term Expiration

August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

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

Appointee

George Miller, County Mayor
Nancy Richesin, Director of Budgets

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-D

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
CAPITAL PROJECTS COMMITTEE**

Appointee

Commissioner Bob Franke
Commissioner Earlena Maples
Commissioner Nancy Marcus
Commissioner Van Shaver
Commissioner Don Miller

Term Expiration

August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-E

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

WHEREAS, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County Mayor 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 Mayor appoints the following as a member of

**LOUDON COUNTY
ECONOMIC DEVELOPMENT AGENCY
BOARD OF DIRECTORS**

Appointee

Commissioner Chuck Jenkins

Term Expiration

August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointment.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-F

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
FINANCIAL ADVISORY COMMITTEE**

Appointee

Commissioner Don Miller
Commissioner David Meers
Commissioner Nancy Marcus
George Miller, County Mayor (Chair)
Nancy Richesin, Director of Budgets
Estelle Herron, Trustee

Term Expiration

August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403 -G

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
GOVERNMENTAL AFFAIRS COMMITTEE**

Appointee

Commissioner Don Miller
Commissioner Chuck Jenkins
Commissioner Earlena Maples
Commissioner Roy Bledsoe
Commissioner Ed Harold

Term Expiration

August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-H

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
LITTER CONTROL COMMITTEE**

Appointee

Commissioner Ed Harold
Commissioner Nancy Marcus
Commissioner Van Shaver
Sheriff Tim Guider
Road Superintendent Don Palmer
Beautification Director Becki Cash

Term Expiration

August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403 -I

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
MAINTENANCE COMMITTEE**

<u>Appointee</u>	<u>Term Expiration</u>
Commissioner Roy Bledsoe	August 31, 2004
Commissioner Bob Franke	August 31, 2004
Commissioner Harold Duff	August 31, 2004
Purchasing Agent Nancy Richesin	August 31, 2004
Maintenance Supervisor Glen Presley	August 31, 2004
County Mayor George Miller	August 31, 2004
School Superintendent Edward Headlee	August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403 -J

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

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

WHEREAS, an appointment is necessary and desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
REGIONAL PLANNING COMMISSION**

Appointee

Howard Luttrell (6th District)

Term Expiration

June 15, 2007

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves and acknowledges (as appropriate), the said appointment.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

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

Appointee

David Hemelright (2nd District – Slot B)

Joe Henderson (1st District – Slot B)

J. C. Ingram (2nd District – Slot A)

Charles Harrison (4th District)

Roy Brooks (3rd District)

Martin Brown (5th District – Slot B)

Pam McNew (1st District – Slot A)

Eddie Simpson (5th District – Slot A)

Henry Mitchell (LRPC)

Toby Cheetham (LPC)

Term Expiration

June 15, 2007

June 15, 2006

June 15, 2006

June 15, 2006

June 15, 2005

June 15, 2005

June 15, 2004

June 15, 2004

Co-term

Co-term

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-K

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

WHEREAS, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County Mayor 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 Mayor appoints the following as a member of

**LOUDON COUNTY
EXECUTIVE PLANNING COMMITTEE**

Appointee

Commissioner Harold Duff

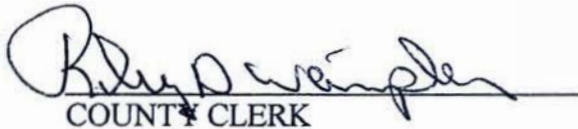
Term Expiration

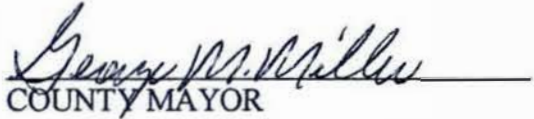
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-L

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
PURCHASING COMMITTEE**

Appointee

Commissioner Nancy Marcus
Commissioner Ed Harold
Commissioner David Meers
Commissioner Harold Duff
Commissioner Chuck Jenkins

Term Expiration

August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403-M

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

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

WHEREAS, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
SENIOR CITIZENS EXECUTIVE COMMITTEE**

Appointee

Commissioner Harold Duff
Commissioner Bob Franke (alt.)

Term Expiration

August 31, 2004
August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves and acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION NO. 080403 -N

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

WHEREAS, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County Mayor 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 Mayor appoints the following as a member of:

**LOUDON COUNTY
SHERIFF'S MERIT SERVICES BOARD**

<u>Appointee</u>	<u>Term Expiration</u>
Slot (A) Roy Bledsoe	August 31, 2004
Slot (B) Commissioner David Meers	August 31, 2004
Slot (C) Ed Harold	August 31, 2004

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 4th day of August, 2003 hereby approves and acknowledges (as appropriate), the said appointment(s).

ATTEST:


COUNTY CLERK


COUNTY CHAIRMAN


COUNTY MAYOR

Resolution 080403--O

**Resolution Granting The Loudon County Animal Control Authority
And The Loudon County Humane Society Ninety (90) Days
To Raise Funds For A New Animal Shelter Facility**

Whereas, in September 2001, the Loudon County Animal Shelter was destroyed by fire;
and

Whereas, since that time, insurance monies have been used for temporary housing for the animal shelter; and

Whereas, the Loudon County Animal Control Authority and the Loudon County Humane Society have been raising funds to build a new facility; and

Whereas, on July 21, 2003, Mr. Ed Loy, Chairman of the Loudon County Animal Control Authority and active member of the Humane Society, presented plans to the Loudon County Commission for the construction of a new shelter; and

Whereas, estimated cost of this project was stated to be approximatley \$700,000; and

Whereas, Chairman Loy assured Loudon County Commission that funds could be obtained through fund-raising events and donations; and

Whereas, Chairman Loy stated that already more than \$200,000 had been donated or committed for the construction of the new facility; and

Whereas, Chairman Loy requested ninety (90) days to collect additional monies to build the shelter; and

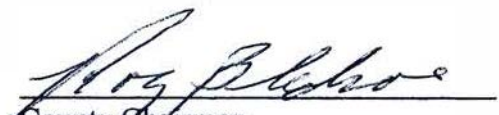
Whereas, Chairman Loy stated that once the facility was built, it would then be donated to the county, which would then assume responsibility for maintenance and operation of the facility.

Now therefore be it resolved, by the Loudon County Commission meeting in regular session assembled this 4th day of August, 2003, that the Loudon County Commission grant Chairman Loy's request to seek additional funds for the Loudon County Animal Shelter with the intent to proceed with construction if the fund-raising efforts are successful; and

Be it further resolved, that if funds are not secured and verifiable by Monday, November 03, 2003, this resolution shall become null and void.

Attest:


County Clerk


County Chairman


County Mayor

RESOLUTION 080403 -P

**A RESOLUTION REQUESTING THE TENNESSEE DEPARTMENT OF
TRANSPORTATION TO PROCEED EXPEDITIOUSLY WITH
PROPOSED IMPROVEMENTS TO U. S. HIGHWAY 321
FROM U.S. HIGHWAY 11 (S.R. 2) TO THE
BLOUNT/LOUDON COUNTY LINE**

WHEREAS, improvements in the safety and traffic carrying capacity of Hwy. 321 and Highway 11 (S.R. 2) are transportation priorities for the City of Lenoir City, Loudon County and the State of Tennessee; and

WHEREAS, improvements to Hwy. 321, consisting of continuing the 4-lane divided median from Hwy. 11 south to the Blount County line, construction of a new bridge over the Fort Loudoun Lake and a separated grade crossing at Hwy. 11 were identified as the top transportation issues in the County's transportation priority improvement list adopted by Loudon County, City of Lenoir City and City of Loudon and submitted to the Tennessee Department of Transportation several years ago; and

WHEREAS, the continuing developments of Tellico Village, Rarity Point, Rarity Bay and industrial properties located on Hwy. 321 in Blount County increase traffic volumes and decrease the level of service along Hwy. 321 from Hwy 11 south, and

WHEREAS, according to the 2002 Average Daily Traffic Flow Maps produced by the Tennessee Department of Transportation, traffic volumes have increased approximately 25% in the last 10 years; and

WHEREAS, nationally, attention has focused on security issues surrounding terrorism and accessibility to facilities with potential for damage to life and property; and

WHEREAS, Fort Loudoun Dam must be considered as a potential target for terrorism based on its access and potential damage to the community that would result, and


WHEREAS, the following organizations and legislative bodies, among others, have endorsed improvements to U.S. 321: City of Lenoir City, County of Loudon, Loudon County Economic Development Agency, Loudon County Chamber of Commerce, Lenoir City Committee of 100, Blount County Commission and Blount County Chamber of Commerce.

NOW, THEREFORE, BE IT RESOLVED, by the Loudon County Commission that:

1. The Tennessee Department of Transportation include in the Fiscal Year 2004 budget complete the 4-laning of Hwy. 321 from Hwy. 11 south to the Blount County line, including the Fort Loudoun Bridge and bridge over the Little Tennessee River; and
2. The Tennessee Department of Transportation fund the engineering design and acquisition of right of way in the fiscal year 2004 budget for a separated grade segment over Hwy. 11 (S.R. 2) along Hwy. 321.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that this Resolution shall be adopted the public welfare requiring it.

Adopted this the 4th day of August, 2003


Roy Bledsoe,
Loudon County Chairman



George M. Miller,
Loudon County Mayor

Exhibit Q

**SETTLEMENT AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND
LOUDON COUNTY, TENNESSEE
UNDER THE AMERICANS WITH DISABILITIES ACT
DJ 204-70-67**

BACKGROUND

SCOPE OF THE INVESTIGATION

1. This matter was initiated by a complaint filed under title II of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12131-12134, with the United States Department of Justice ("Department") against the County of Loudon, Tennessee ("County"). The complaint was received by the Civil Rights Division of the Department of Justice, under the authority of 28 C.F.R. Part 35, Subpart F. The complainant alleged that the County's newly-constructed Courthouse Annex Building and the historic Williamson House, which is not owned by the County but in which some County programs are conducted, are inaccessible to individuals with mobility impairments.
2. Because the County receives financial assistance from the Department of Justice, the investigation was also conducted under the authority of section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Department's implementing regulation, 28 C.F.R. Part 42, Subpart G.
3. As part of its review, the Department expanded the scope of the investigation to include the County's compliance with the following title II requirements:
 - a. To conduct a self-evaluation of its services, policies, and practices by July 26, 1992, and make modifications necessary to comply with the Department's title II regulation, 28 C.F.R. § 35.105;
 - b. To notify applicants, participants, beneficiaries, and other interested persons of their rights and the County's obligations under title II and the Department's regulation, 28 C.F.R. § 35.106;

- c. To designate a responsible employee to coordinate its efforts to comply with and carry out the County's ADA responsibilities, 28 C.F.R. § 35.107(a);
- d. To establish a grievance procedure for resolving complaints of violations of title II, 28 C.F.R. § 35.107(b);
- e. To operate each program, service, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, 28 C.F.R. § 35.150, by:
 - i. delivery of services, programs, or activities in alternate ways, including, for example, redesign of equipment, reassignment of services, assignment of aides, home visits, or other methods of compliance or, if these methods are not effective in making the programs accessible,
 - ii. physical changes to buildings (required to have been made by January 26, 1995), in accordance with the Department's title II regulation, 28 C.F.R. § 35.151, and the ADA Standards for Accessible Design (Standards), 28 C.F.R. pt. 36, App. A, or the Uniform Federal Accessibility Standards (UFAS), 41 C.F.R. § 101-19.6, App. A.
- f. To ensure that facilities for which construction or alteration was begun after January 26, 1992, are readily accessible to and usable by people with disabilities, in accordance with 1) the Department's title II regulation and 2) the Standards or UFAS, 28 C.F.R. § 35.151;
- g. To ensure that communication with applicants, participants, and members of the public with disabilities is as effective as communication with others, including furnishing appropriate auxiliary aids and services when necessary, 28 C.F.R. § 35.160;
- h. Where the County communicates by telephone, to communicate through a text telephone (TTY), or other equally effective telecommunications system, with individuals who have hearing or speech impairments, 28 C.F.R. § 35.161;
- i. To provide direct access via TTY or computer-to-telephone emergency services, including 9-1-1 services, for persons who use TTY's and computer modems, 28 C.F.R. § 35.162;
- j. To provide information for interested persons with disabilities concerning the existence and location of the County's accessible services, activities, and facilities, 28 C.F.R. § 35.163(a);

- k. To provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to information about accessible facilities, 28 C.F.R. § 35.163(b).
- 4. The Department reviewed the Loudon County Sheriff's Department's policies and procedures regarding providing effective communication to persons who are deaf or hard-of-hearing.
- 5. The Department reviewed the County's policies and procedures regarding voting, emergency management and disaster prevention, and sidewalk maintenance to evaluate whether persons with disabilities have an equal opportunity to utilize these programs.
- 6. The Department conducted program access reviews of the following polling places, neither of which is owned by the County, or operated by it, except during elections:
 - a. Tellico Village Recreation Center
 - b. Memorial Building

These reviews were limited to the areas of the facilities used by the voting public: parking, the routes from the parking areas to the areas used for voting, and the areas used for voting.

- 7. As part of its compliance review, the Department reviewed the following facilities, which – because construction or alterations commenced after January 26, 1992 – must comply with the ADA's new construction or alterations requirements:
 - a. County Health Department
 - b. Courthouse Annex
 - c. Juvenile Center
 - d. Justice Center (alterations are currently under construction, so only plans and construction documents were reviewed)
 - e. Highland Park School
 - f. Loudon High School
 - g. Philadelphia School
 - h. North Middle School
 - i. Greenback School.

Some of these reviews were limited to the areas open to the public during elections or when the facilities are used as emergency shelters.

8. Finally, the Department's program access review covered those of the County's programs, services, and activities that operate in the following facilities built prior to 1992 and not altered since then:
- a. County Office Building
 - b. Courthouse
 - c. Senior Citizens' Center
 - d. Tech Center (the review of the Tech Center was limited to the elements of the facility used by the public during elections)
 - e. Williamson House, which is not owned by the County, but in which several County programs are conducted.

JURISDICTION

9. The ADA applies to the County because it is a "public entity" as defined by title II. 42 U.S.C. § 12131(1).
10. The Department is authorized under 28 C.F.R. Part 35, Subpart F, to determine the compliance of the County with title II of the ADA and the Department's implementing title II regulation, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized, under 42 U.S.C. § 12133, to bring a civil action enforcing title II of the ADA should the Department fail to secure voluntary compliance pursuant to Subpart F.
11. The Department is authorized under 28 C.F.R. Part 42, Subpart G, to determine the County's compliance with section 504 of the Rehabilitation Act of 1973, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized, under 29 U.S.C. § 794 and 28 C.F.R. §§ 42.530 and 42.108-110, to suspend or terminate financial assistance to the County provided by the Department of Justice should the Department fail to secure voluntary compliance pursuant to Subpart G or to bring a civil suit to enforce the rights of the United States under applicable federal, state, or local law.
12. The parties to this Agreement are the United States of America and Loudon County, Tennessee.
13. In order to avoid the burdens and expenses of an investigation and possible litigation, the parties enter into this Agreement.
14. In consideration of, and consistent with, the terms of this Agreement, the Attorney General agrees to refrain from filing a civil suit in this matter regarding all matters contained within this Agreement, except as provided in the section entitled "Enforcement and Implementation."

ACTIONS TAKEN BY COUNTY

15. The County has appointed Leo Bradshaw, Loudon County Building Commissioner, as the ADA Coordinator.
16. The County reports that its Self-Evaluation and Transition Plan was completed soon after the effective date of title II.
17. The County has installed TTY's or TTY-enabled computers at each 9-1-1 call station.
18. The County has already adopted many employment policies to comply with the regulations of the U.S. Equal Employment Opportunity Commission implementing title I of the ADA, 29 C.F.R. Part 1630. The County's current policies require that it:
 - a. will not discriminate on the basis of disability in its hiring or employment practices;
 - b. will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the County's business; and
 - c. will maintain any employee's medical records separate from personnel files and keep them confidential.
19. To provide accessibility to persons with disabilities at the entrance of the Courthouse, built in 1874, without destroying the historic nature of the narrow double-doors at the entrance, the County installed signage indicating that persons who cannot enter unassisted should ring the nearby doorbell. During the Department's onsite inspection, Department personnel conducted unannounced testing and found that Court personnel responded promptly to the doorbell by opening both doors.
20. The County maintains that all County-owned sidewalks and curbing built after 1992 have been installed according to UFAS or the Standards, including providing curb cuts where such sidewalks and curbing intersect with streets and roadways. The County further maintains that all County-owned sidewalks and curbing built prior to 1992 have been upgraded to meet UFAS or the Standards.

REMEDIAL ACTION

NOTIFICATION

21. Within three months of the effective date of this Agreement, the County will adopt the attached Notice (Attachment A); distribute it to all agency heads; publish the Notice in a local newspaper of general circulation serving the County; post the Notice on its Internet Home Page in a format accessible to persons with disabilities; and post copies in conspicuous locations in its public buildings. It will refresh the posted copies, and update the contact information contained on the Notice, as necessary, for the life of the Agreement. Copies will also be provided to any person upon request.
22. Within three months of the effective date of this Agreement will implement and report to the Department its written procedures for providing information for interested persons with disabilities concerning the existence and location of the County's accessible programs, services, and activities. The County will submit updated reports on the anniversary dates of the effective date of this Agreement, until the Agreement expires.

GRIEVANCE PROCEDURE

23. Within three months of the effective date of this Agreement, the County will adopt the attached ADA Grievance Procedure (Attachment B), distribute it to all agency heads, and post copies of it in conspicuous locations in each of its public buildings. It will refresh the posted copies, and update the contact information contained on it, as necessary, for the life of the Agreement. The County will also provide copies to any person upon request.

GENERAL EFFECTIVE COMMUNICATION PROVISIONS

24. Within three months of the effective date of this Agreement, the County will identify sources of qualified sign language and oral interpreters, real-time transcription services, and vendors that can put documents in Braille, and will implement and report to the Department its written procedures, with time frames, for fulfilling requests from the public for interpreters, real-time transcription services, and documents in alternate formats (Braille, large print, cassette tapes, etc.).
25. The County has no central TTY telephone number. Within three months of the effective date of this Agreement, the County will take steps to ensure that all appropriate employees are trained and practiced in using the State of Tennessee Relay Service to make calls to and receive calls from persons who use TTY's.

9-1-1

26. Within three months of the effective date of this Agreement, the County will develop procedures for answering 9-1-1 calls that include training all call takers to use a TTY to take 9-1-1 calls, to recognize a "silent" open line as a potential TTY call and respond by TTY, and to ensure that TTY calls are answered as quickly as other calls.
27. Within three months of the effective date of this Agreement and continually thereafter, the County will monitor its incoming 9-1-1 TTY calls and take appropriate steps to ensure they are answered as quickly and accurately as other calls.
28. The County will incorporate correct TTY call-taking procedures into 9-1-1 call takers' performance evaluations and will amend its personnel policies to include written disciplinary procedures for call takers who fail to perform TTY call-taking consistent with the training and procedures. The County will implement and report to the Department its evaluation and procedures within three months of the effective date of this Agreement.

LAW ENFORCEMENT AND EFFECTIVE COMMUNICATION

29. Within three months of the effective date of this Agreement, the County will adapt for its own use and implement the Loudon County Sheriff's Department Policy Statement on Effective Communication with People Who are Deaf or Hard of Hearing [Attachment C] and distribute to all Sheriff's Department officers the Guide for Law Enforcement Officers When in Contact with People Who are Deaf or Hard of Hearing [Attachment D].
30. Within three months of the effective date of this Agreement, the County will contract with one or more local qualified oral/sign language interpreter agencies to ensure that the interpreting services will be available on a priority basis for all law enforcement functions, twenty-four hours per day, seven days a week, or make other appropriate arrangements (such as contracting directly with or hiring qualified interpreters).
31. Within three months of the effective date of this Agreement, the County will ensure that each Sheriff's station or substation and each jail facility and juvenile facility is equipped with a working TTY to enable persons who are deaf, hard of hearing, or who have speech impairments to make outgoing telephone calls to the same extent that similarly-situated non-disabled persons are allowed to make outgoing calls.

EMPLOYMENT

32. As discussed above, the County has already adopted many employment policies to comply with the regulations of the U.S. Equal Employment Opportunity Commission implementing title I of the ADA, 29 C.F.R. Part 1630. Within three months of the effective date of this Agreement, those policies will be amended to provide that the County:
- a. will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.
 - b. will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the County's selection criteria have the effect of disqualifying an individual because of disability, those criteria will be job-related and consistent with business necessity.

VOTING

33. The County recognizes that some of its polling places are not readily accessible to and usable by persons with mobility impairments.
34. Some of the County polling places are owned or operated by other public entities subject to title II or by public accommodations subject to title III and, as such, are subject to the obligation to provide program access or remove barriers to accessibility under the ADA. This Agreement does not limit such future enforcement action against the owners or operators of these polling places by any person or entity, including the Department.
35. Within one month of the effective date of this Agreement, the County will request in writing that the following barriers are removed at **Tellico Village Recreation Center**. The request will specify that the remediation be completed within one year of the effective date of this Agreement. The County will simultaneously send a courtesy copy of the request to the Department.
- a. The three designated accessible parking spaces have no access aisles, signs are mounted such that they can be obscured by parked vehicles, and none of the spaces is designated as "van-accessible." Provide at least one van-accessible parking space served by an access aisle at least 96 inches wide and a sign designating the space as "van-accessible" mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Provide access aisles at least 60 inches wide for the other two parking

spaces designated for persons with disabilities. Standards §§ 4.1.2(5)(a), (b), 4.6.3, Fig. 9, 4.6.4, Fig. 43(b).

- b. The front entrance is not accessible because there is no level landing at the door nor does the door have an automatic opener. Provide a level landing or an automatic door opening device. Standards § 4.3.9, 4.13.6, Fig. 25.
 - c. The ramp between the main reception area and the gym, where voting occurs, has many elements that do not meet the Standards. Provide a ramp so that the slope of each run does not exceed 1:12; the landings between the runs are 60 inches by 60 inches and level; and handrails on both sides of the ramp comply with the Standards. Standards §§ 4.3.8, 4.5.2, 4.8, Fig.17, 4.26.
36. Within one month of the effective date of this Agreement, the County will take appropriate steps, including seeking pre-clearance from the Voting Section of the Civil Rights Division of the Department of Justice under the Voting Rights Act of 1965, if necessary, to relocate the voting site at the **Memorial Building**, located at B Street in Lenoir City. The voting site will relocate to the fully accessible Community Room at the new Roane State College, located ½ block from the Memorial Building.
37. Within 14 months of the effective date of this Agreement, the County will survey the Tellico Village Recreation Center and the Memorial Building to determine whether the actions requested by the County have been implemented. If not, for each polling place that still contains inaccessible parking, exterior route, entrance, or interior route to the voting area, the County will identify within 18 months of the effective date of this Agreement an alternate nearby location where these elements are accessible. That identification will utilize the survey instrument that appears as Attachment E to this Agreement. The County will then take immediate steps to change its polling place to the new location.
38. Until all polling places in a precinct or voting district have accessible parking, exterior routes, entrances, and interior routes to the voting area, prior to each election, the County will identify and widely publicize to the public and to disability rights groups the most accessible polling place(s) for each precinct or voting district, starting within three months of the effective date of this Agreement.
39. Within three months of the effective date of this Agreement, the County will provide opportunities for same-day balloting for voters with disabilities whose assigned polling place does not have accessible parking, exterior route, entrance, and interior route to the voting area. The method for providing these opportunities may include allowing the individual to vote at another nearby location that is accessible, vote by an absentee ballot that is accepted if postmarked on the day of the election (or picked up by election officials at the home of the voter on the same day as the election), provide curbside voting at the

inaccessible polling place, or any other method that ensures that disabled voters have the same degree of information available to them when casting their ballots as others.

40. Within one year of the effective date of this Agreement, the County will develop and implement a way for persons who are blind or have low vision to vote independently and privately, whether through ballots and instructions in alternate formats (in-person and absentee), Braille templates and audio instructions, the provision of accessible voting machines, or some other method.
41. Within six months of the effective date of this Agreement, the County will make all voter registration materials available in alternate formats, including Braille, large print, and audio tape.
42. Starting six months from the effective date of this Agreement, when the County purchases or otherwise acquires new voting machines, one such newly-acquired machine per polling location will be the most accessible model for persons with disabilities (including those with mobility and visual impairments) that has been approved for County use by the applicable governing authority (e.g., State Secretary of Elections or other such official).
43. Starting three months from the effective date of this Agreement, when setting up its voting equipment, the County will ensure that the equipment's accessibility to persons with disabilities is maximized, such as setting up table-top equipment on accessible tables and within the reach ranges required by the Standards, as shown in Attachment E.
44. Within one month prior to the next election that utilizes the County polling places, and at least once annually throughout the term of this Agreement, the County will train poll workers on the rights of people with disabilities and the practical aspects of assuring those rights. The training will cover, at minimum, the need to maintain the physical accessibility of polling locations; how to assist people, as necessary; and how to operate the voting equipment (particularly new, accessible equipment)).

EMERGENCY PREPAREDNESS AND RECOVERY

45.
 - a. If the County contracts with another entity, such as the American Red Cross or another local government, to provide its emergency preparedness plans and emergency response services, the County will ensure that the other entity complies with the following provisions on its behalf.
 - b. Within 3 months of the effective date of this Agreement, the County will implement and report to the Department its written procedures that ensure that it regularly solicits and incorporates input from persons with a variety of disabilities and disability advocates regarding all phases of its Emergency Operations Plan.

- c. Within 6 months of the effective date of this Agreement, the County will implement and report to the Department its written procedures that ensure that its community evacuation plans enable those who have mobility impairments, vision impairments, hearing impairments, cognitive disabilities, mental illness, or other disabilities to safely self-evacuate or be evacuated by others. Some communities are instituting voluntary, confidential registries of persons with disabilities who may need individualized evacuation assistance or notification. If the County adopts or maintains such a registry, its report to the Department will discuss its procedures for ensuring voluntariness, appropriate confidentiality controls, and how the registry will be kept updated, as well as its outreach plan to inform persons with disabilities of its availability. Whether or not a registry is used, the County plan should address accessible transportation needs for persons with disabilities.
- d. Within 3 months of the effective date of this Agreement, the County will implement and report to the Department its written procedures that ensure that if its emergency warning systems use sirens or other audible alerts, it will also provide ways to inform persons with hearing impairments of an impending disaster. The use of auto-dialed TTY messages to pre-registered individuals who are deaf or hard of hearing, text messaging, e-mails, open-captioning on local TV stations and other innovative uses of technology may be incorporated into such procedures, as well as lower-tech options such as dispatching qualified sign language interpreters to assist with emergency TV broadcasts.
- e. Within 3 months of the effective date of this Agreement, the County will implement and report to the Department its written procedures that ensure that at least one emergency shelter has a back-up generator and a way to keep medications refrigerated (such as a refrigerator or a cooler with ice). Such shelter(s) will be made available to persons whose disabilities require access to electricity and refrigeration, for example, for using life-sustaining medical devices, providing power to motorized wheelchairs, and preserving certain medications, such as insulin, that require refrigeration. The written procedures will include a plan for notifying persons of the location of such shelter(s).
- f. Within 3 months of the effective date of this Agreement, the County will implement and report to the Department its written procedures that ensure that persons who use service animals are not separated from their service animals when sheltering during an emergency, even if pets are normally prohibited in shelters. The procedures will not unnecessarily segregate persons who use service animals from others but may take into account the potential presence of persons with disabilities who should not be in contact with certain types of animals, such as those with asthma, severe allergies, or certain phobic reactions.

- g. Some of the of the County's emergency shelters may be owned or operated by other public entities subject to title II or by public accommodations subject to title III and, as such, are subject to the obligation to provide program access or remove barriers to accessibility under the ADA. This Agreement does not limit such future enforcement action against the owners or operators of these facilities by any person or entity, including the Department.
- h. Within 3 months of the effective date of this Agreement and until all emergency shelters have accessible parking, exterior routes, entrances, interior routes to the shelter area, and toilet rooms serving the shelter area, the County will identify and widely publicize to the public and to disability rights groups the most accessible emergency shelters.
- i. Within 3 months of the effective date of this Agreement, the County will implement and report to the Department its written procedures that ensure that it has identified temporary accessible housing (such as accessible hotel rooms within the community or in nearby communities) that could be used if people with disabilities cannot immediately return home after a disaster if, for instance, necessary accessible features such as ramps or electrical systems have been compromised. If the County does not provide temporary housing for non-disabled residents, it does not have to provide temporary housing for persons with disabilities, but its plan should recognize that persons with disabilities may need assistance identifying accessible temporary housing. If the County does provide temporary emergency housing, its plan should take into account that persons with disabilities may need temporary housing for longer periods than others if necessary accessible features of their homes have been compromised.
- j. Within 3 months of the effective date of this Agreement, the County will implement and report to the Department its written procedures that ensure that during clean-up operations, such as the removal of debris after a hurricane or tornado, people with disabilities know how to inform the government of areas of significant concern (for instance, city workers piling debris on sidewalks, blocking access for persons who use wheelchairs).

SIDEWALKS

- 46. Within three months of the effective date of this Agreement, the County will implement and report to the Department its written process for soliciting and receiving input from persons with disabilities regarding the accessibility of its sidewalks, including, for example, requests to add curb cuts at particular locations.
- 47. Within three months of the effective date of this Agreement, the County will identify and report to the Department all County-owned streets, roads, and highways, if any, that have

been constructed or altered since January 26, 1992, that have curbs or other barriers to entry from all intersecting street-level pedestrian walkways. Paving, repaving, or resurfacing a street, road, or highway is considered an alteration for the purposes of this Agreement. Within three years of the effective date of this Agreement, the County will provide curb ramps or other sloped areas complying with the Standards or UFAS at all such intersections identified under this paragraph.

48. Beginning no later than one month of the effective date of this Agreement, the County will provide curb ramps or other sloped areas complying with the Standards or UFAS at any intersection having curbs or other barriers to entry from a street-level pedestrian walkway, whenever a new street, road, or highway is constructed or altered.
49. Within three months of the effective date of this Agreement, the County will identify and report to the Department all County-owned street-level pedestrian walkways, if any, that have been constructed or altered since January 26, 1992, that have curbs or other barriers to entry from all intersecting streets, roads, and highways. Paving, repaving, or resurfacing a walkway is considered an alteration for the purposes of this Agreement. Within three years of the effective date of this Agreement, the County will provide curb ramps or other sloped areas complying with the Standards or UFAS at all places where a street-level pedestrian walkway identified under this paragraph intersects with a street, road, or highway.
50. Beginning no later than three months of the effective date of this Agreement, the County will provide curb ramps or other sloped areas complying with the Standards or UFAS at all newly constructed or altered pedestrian walkways where they intersect a street, road, or highway.

PHYSICAL CHANGES TO FACILITIES

51. The elements or features of the County's facilities that do not comply with the Standards, including those listed in this section, prevent persons with disabilities from fully and equally enjoying the County's services, programs, or activities and constitute discrimination on the basis of disability within the meaning of 42 U.S.C. § 12132 and 28 C.F.R. §§ 35.149 and 35.150.
52. The County will comply with the cited provisions of the Standards when taking the actions required by this Agreement.
53. Within nine months of the effective date of this Agreement, the County will install signage as necessary to comply with 28 C.F.R. § 35.163(b) and Standards § 4.1.2(7)(c), after having surveyed all County facilities for the purpose of identifying those that have multiple entrances not all of which are accessible. Inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance.

Newly Constructed Facilities: In order to ensure that the following spaces and elements in County facilities, for which construction was commenced after January 26, 1992, are readily accessible to and usable by persons with disabilities, the County will take the following actions:

54. The County will make the following modifications within one year of the effective date of this Agreement to the **County Health Department**, located at 210 River Road, Loudon, TN, constructed in 1992:
- a. The parking space designated for persons with disabilities is not served by an adjacent access aisle, nor is it identified as van-accessible. Provide at least one 96-inch wide van-accessible parking space served by an access aisle at least 96 inches wide and install a sign designating the space as "van-accessible" mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Standards §§ 4.1.2(5)(a), (b), 4.6.3, Fig. 9, 4.6.4, Fig. 43(b).
 - b. Women's Single-User Toilet Room Off Lobby
 - i. The toilet room identification sign is mounted on the door. Provide a sign with raised characters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of the door. Standards §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
 - ii. The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes to protect against contact. Standards §§ 4.1.3(11), 4.22.6, 4.19.4.
 - iii. The lavatory faucets have twist-type hardware. Provide controls that are operable with one hand and do not require tight grasping, pinching or twisting of the wrist to operate. Standards §§ 4.1.3(11), 4.22.6, 4.19.5, 4.27.4.
 - iv. The lavatory has inadequate knee clearance. Provide clearance of at least 29 inches above the finished floor to the bottom of the apron. Standards §§ 4.1.3(11), 4.22.6, 4.19.2, Fig. 31.
 - v. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 43 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.6, 4.19.6.

- vi. The toilet centerline is 17 inches from the side wall or partition. Provide a toilet with a centerline exactly 18 inches from the side wall or partition. Standards §§ 4.1.3(11), 4.22.4, 4.16.2, Fig. 28.
- vii. The toilet flush valve control is on the narrow side of the toilet stall. Provide a toilet with the flush valve control located on the open or wide side of the stall or provide an automatic flush device. Standards §§ 4.1.3(11), 4.22.4, 4.16.5.
- viii. There is no rear grab bar at the toilet. Provide a rear grab bar that is at least 36 inches long and that is mounted no more than 6 inches from the side wall and 33-36 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.4, 4.16.4, Fig. 29(a).
- ix. The paper towel dispenser is located at 54 inches above the finished floor for a forward reach. Provide a dispenser so that it is no more than 48 inches above the finished floor for a forward reach. Standards §§ 4.1.3(11), 4.22.7, 4.27.3, 4.2.5.
- x. There is no visual alarm appliance in the toilet room. Provide a visual alarm device in the toilet room that permits persons with hearing impairments to be alerted in the event of emergency. Standards §§ 4.1.3(14), 4.28.1, 4.28.3.

c. Men's Single-User Toilet Room Off Lobby

- i. The toilet room identification sign is mounted on the door. Provide signage, with raised characters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of the door. Standards §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
- ii. The lavatory faucets have twist-type hardware. Provide controls that are operable with one hand and do not require tight grasping, pinching or twisting of the wrist to operate. §§ 4.1.3(11), 4.22.6, 4.19.5, 4.27.4.
- iii. The lavatory has inadequate knee clearance. Provide clearance of at least 29 inches above the finished floor to the bottom of the apron. Standards §§ 4.1.3(11), 4.22.6, 4.19.2, Fig. 31.
- iv. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 42-½ inches above the finished floor. Provide a mirror

that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.6, 4.19.6.

- v. There is no rear grab bar at the toilet. Provide a rear grab bar that is at least 36 inches long and is mounted no more than 6 inches from the side wall and 33-36 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.4, 4.16.4, Fig. 29(a).
 - vi. The paper towel dispenser is located at 54 inches above the finished floor for a forward reach. Provide a dispenser that is no more than 48 inches above the finished floor for a forward reach. Standards §§ 4.1.3(11), 4.22.7, 4.27.3, 4.2.5.
 - vii. There is no visual alarm appliance in the toilet room. Provide a visual alarm device in the toilet room that permits persons with hearing impairments to be alerted in the event of an emergency. Standards §§ 4.1.3(14), 4.28.1, 4.28.3.
- d. Lobby Drinking Fountain. The spout outlet of the drinking fountain is 41 inches above the finished floor. Provide a fountain with a spout no more than 36 inches above the finished floor that is accessible to a person in a wheelchair and a fountain that is accessible to persons who have difficulty bending and stooping. Standards §§ 4.1.3(10)(a), 4.15.2.
- e. Lobby Service Counter. The top of the lobby service counter is 42 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high, or provide an auxiliary counter with a maximum height of 36 inches in close proximity to the main counter, or provide equivalent facilitation. Standards § 7.2(2).
- f. The County will also submit its construction plans for its new Health Department Building, within two months of the effective date of this Agreement.
55. The County will make the following modifications within one year of the effective date of this Agreement, except as otherwise noted, to the **Courthouse Annex**, located at 101 Mulberry Street, Loudon, TN, constructed in 1996:
- a. Assistive Listening Systems and Devices. None of the facilities' meeting or assembly rooms is equipped with an assistive listening system. Provide permanent assistive listening systems or an adequate number of electrical outlets or other supplementary wiring in the meeting and assembly rooms necessary to support portable assistive listening systems, with a minimum number of receivers provided equal to 4% of the total number of seats, but no less than 2 receivers, and signage

indicating the availability of assistive listening devices, including the International Symbol of Access for Hearing Loss. Standards §§ 4.1.6(1)(b), 4.1.3(19)(b), 4.33.7, Fig. 43(d).

- b. Elevator. There is no elevator linking the upper and lower levels of this facility. The Department's title II regulation specifically provides that the elevator exemptions contained in Standards § 4.1.3(5) do not apply to title II facilities. 28 C.F.R. § 35.151(c). Within three years of the effective date of this Agreement, provide an elevator to ensure an interior accessible route between both floors of this facility and ensure that all elevator elements comply with the Standards. Standards §§ 4.1.3(5), 4.10.
- c. Permanent Room Signage. The permanent room number signs throughout the facility do not comply with the Standards. Provide room number signs that have raised and Brailled characters, appropriate finish and contrast, and are mounted on the wall adjacent to the latch side of the door with the centerline of the sign 60 inches above the finished floor. Standards §§ 4.1.2(7), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
- d. Stair Hand Rails. The hand rails at the top and bottom of the interior stairs do not extend beyond the top and bottom of the stairs. Provide hand rails that extend 12 inches beyond the top and bottom of the stairs. Standards §§ 4.1.3(4), 4.9.4(2), 4.26.
- e. Upper Parking Lot. There are 30 total parking spaces, 2 of which are designated for persons with disabilities. Both of the designated spaces lack adjoining access aisles, have slopes varying between 1:16 and 1:14, and lack vertical signage. Provide at least one van-accessible parking space served by an access aisle at least 96 inches wide and a second space served by a minimum 60-inch wide access aisle (or the 2 accessible spaces may share an access aisle). For the space served by the 96-inch wide access aisle, provide a "van-accessible" sign mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Provide appropriate signage for the other accessible parking space in a location that cannot be obscured by a vehicle parked in the space. Ensure that the slopes and cross-slopes of the access aisles do not exceed 1:50 in any direction. Standards §§ 4.1.2(5)(a)(b), 4.6.3, Fig. 9, 4.6.4, Fig. 43(b).
- f. Entrance from Upper Parking Lot
- i. The slope of the curb cut from the upper parking lot to the sidewalk outside the building entrance is 1:9.5. Provide a curb cut with maximum slope of 1:12. Standards §§ 4.1.2(1), 4.7.2, 4.8.2.

- ii. The slope of the concrete leading to the front entrance from the upper parking lot exceeds 1:11. Provide a ramp to the entrance with a slope no more than 1:12 and containing all elements required by the Standards, including handrails. Standards §§ 4.1.2(1), 4.3, 4.8, 4.26.
- iii. This entrance lacks signage indicating that it is the only route for persons with disabilities to the upper level, until the required elevator is installed. Standards § 4.1.2(7)(c).
- iv. This entrance lacks signage directing persons with disabilities who wish to go to the lower level that they have to enter through the lower level entrance off Mulberry Street, until the required elevator is installed.
- g. Lower Level Entrance off Cedar Street
 - i. This entrance lacks signage indicating that it is the only route for persons with disabilities to the lower level, until the required elevator is installed. Standards § 4.1.2(7)(c).
 - ii. The route to the lower entrance varies between 1:12 and 1:11, exceeding in part the maximum allowable slope for a ramp, and it lacks handrails. Provide a ramp to the entrance with a slope no more than 1:12 and containing all elements required by the Standards, including handrails. Standards §§ 4.1.2(1), 4.3, 4.8, 4.26.
- h. Exterior Signage at Base of Steps Leading to Upper Level from Mulberry Street. This inaccessible entrance up a flight of stairs to the upper level lacks signage directing persons with disabilities to the alternate entrance to the upper level from the upper parking lot. Standards § 4.1.2(7)(c).
- i. Women's Toilet Room - Lower Level
 - i. The signage is located on the door. Provide a sign on the wall adjacent to the latch side of the door so that the centerline is 60 inches above the ground and so that a person can approach within 3 inches of the signage without encountering obstructions or standing within a door swing. Standards §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
 - ii. The pressure required to open the toilet room door is 8 pounds. Ensure that the force required to open the door is no more than 5 pounds. Standards §§ 4.1.3(7)(b), 4.13.11(2)(b).
 - iii. The paper towel dispenser control requires tight grasping to operate. Provide a control that is operable with one hand and does not require tight grasping,

pinching, or twisting of the wrist to operate. Standards §§ 4.1.3(11), 4.22.7, 4.27.4.

- iv. The right-hand lavatory is obstructed by a waste paper can and the approach to the left-hand lavatory is obstructed by the location of the paper towel holder. Provide and maintain an unobstructed access to one of the lavatories. Standards §§ 4.1.3(11), 4.22.6, 4.19.3.
- v. The flush valve control of the toilet room is located on the narrow side of the toilet. Provide a flush control on the toilet that is located on the side of the toilet facing the open (wide) side of the toilet or provide an automatic control. Standards §§ 4.1.3(11), 4.22.4, 4.16.5.
- vi. The side grab bar in the designated accessible stall is 36 inches long. Provide a side grab bar so that the end nearest the back wall begins no more than 12 inches from the wall, is at least 40 inches long, and the end farthest from the back wall is located at least 52 inches from the back wall. Standards §§ 4.1.3(11), 4.22.4, 4.17.6, Fig. 30(a), 4.26.
- vii. The door coat hook in the toilet stall designated for persons with disabilities is located 56 inches above the finished floor. Provide a hook that is no more than 54 inches above the floor for a side reach or 48 inches above the floor for a front reach. Standards §§ 4.1.3(11), 4.2.5, 4.2.6.
- viii. The toilet paper dispenser is located at 18 inches above the finished floor. Provide a dispenser that is at least 19 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.4, 4.16.6, and Fig. 29(b).
- j. Men's Toilet Room - Lower Level
 - i. The toilet room identification sign is mounted on the door. Provide a sign with raised characters and Braille on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of the door. Standards §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.
 - ii. The pressure required to open the door to the men's toilet room is 11 pounds. Ensure that the force required to open the door is no more than 5 pounds. Standards §§ 4.1.3(7)(b), 4.13.11(2)(b).
 - iii. The paper towel dispenser control requires tight grasping to operate. Provide a control that is operable with one hand and does not require tight

grasping, pinching, or twisting of the wrist to operate. Standards §§ 4.1.3(11), 4.22.7, 4.27.4.

- iv. The side grab bar in the designated accessible toilet stall is only 36 inches long. Provide a side grab bar so that the end nearest the back wall begins no more than 12 inches from the wall, is at least 40 inches long, and the end farthest from the back wall is located at least 52 inches from the back wall. Standards §§ 4.1.3(11), 4.22.4, 4.17.6, Fig. 30(a), 4.26.
- v. The urinal in the toilet room lacks an elongated rim. Provide an accessible urinal with an elongated rim that is mounted no higher than 17 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.5, 4.18.2.

k. Upper Level Women's Toilet Room

- i. The pressure required to open the door to this toilet room is 8 pounds. Ensure that the force required to open the door is no more than 5 pounds. Standards §§ 4.1.3(7)(b), 4.13.11(2)(b).
- ii. The paper towel dispenser control requires tight grasping to operate. Provide a control that is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Standards §§ 4.1.3(11), 4.22.7, 4.27.4.
- iii. A trash can obstructs the clear floor space in front of the lavatory designated for persons with disabilities. Provide and maintain clear floor space in front of and under the lavatory that is at least 30 inches wide by 48 inches deep. Standards §§ 4.1.3(11), 4.22.6, 4.19.3.
- iv. The flush control of the toilet in the stall designated for persons with disabilities is on the closed or narrow side of the stall. Provide a flush control on the toilet that is located on the side of the toilet facing the open (wide) side of the toilet or an automatic flush device. Standards §§ 4.1.3(11), 4.22.4, 4.16.5.
- v. The coat hook in the stall designated for persons with disabilities is 57 inches above the finished floor. Provide a hook that is no more than 54 inches above the floor for a side reach or 48 inches above the floor for a front reach. Standards §§ 4.1.3(11), 4.2.5, 4.2.6.

l. Upper Level Men's Toilet Room

- i. The toilet room identification sign is mounted on the door. Provide a sign with raised characters and Braille on the wall adjacent to the latch side of

the door so that the centerline of the sign is 60 inches above the finished floor and a person can approach within 3 inches of the sign without encountering protruding objects or standing within the swing of the door. Standards §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6.

- ii. The pressure required to open the door to the men's toilet room is 8 pounds. Ensure that the force required to open the door is no more than 5 pounds. Standards §§ 4.1.6(b)(1), 4.1.3(7)(b), 4.13.11(2)(b).
- iii. The door coat hook in the toilet stall designated for persons with disabilities is located 61 inches above the finished floor. Provide a hook that is no more than 54 inches above the floor for a side reach or 48 inches above the floor for a front reach. Standards §§ 4.1.3(11), 4.2.5, 4.2.6.
- iv. The urinal in the toilet room lacks an elongated rim. Provide an accessible urinal with an elongated rim that is mounted no higher than 17 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.5, 4.18.2.
- m. Upper Level Drinking Fountain. This drinking fountain is inaccessible to persons who have difficulty bending or stooping. Provide a fountain that is accessible to persons who have difficulty bending and stooping. Standards §§ 4.1.3(10)(a).

56. The County will make the following modifications within one year of the effective date of this Agreement to the **Juvenile Center**, located at 12665 Highway 11 W, built in 1994 and altered in 2000:

- a. Parking. The designated parking space for persons with disabilities is not served by an adjacent access aisle, nor does it have appropriate signage. Provide a 96-inch wide van-accessible parking space served by a 96-inch wide access aisle that has a sign designating the space as "van accessible" mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Standards §§ 4.1.2(5)(a), (b), 4.6.3, Fig. 9, 4.6.4, Fig. 43(b).
- b. Accessible Route. The threshold at the entrance door is too high. Provide a threshold that is no greater than ½ inch high and beveled with a slope no greater than 1:2. Standards §§ 4.1.3(7)(a), 4.13.8.
- c. Drinking Fountain. The spout of the drinking fountain is 43 inches above the finished floor. Provide a fountain with a spout no more than 36 inches above the finished floor that is accessible to a person in a wheelchair and a fountain that is accessible to persons who have difficulty bending and stooping. Standards §§ 4.1.3(1)(a), 4.15.2.

- d. Cells. None of the four cells is accessible to persons with mobility impairments. Provide an accessible cell such that all elements, including the toilet, grab bars, lavatory, and mirror comply with the Standards. Standards §§ 4.1.3(11), 4.22.
- e. Women's Toilet Room.
 - i. This room lacks accessible signage. Provide signage with raised characters and Braille and the International Symbol of Accessibility on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. Standards §§ 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6, Fig. 43(b).
 - ii. The toilet's rear grab bar is 24 inches long. Provide a rear grab bar that is at least 36 inches long with the end closer to the side wall mounted no more than 6 inches from the side wall, at a height of between 33 and 36 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.4, 4.17.6(a), (d).
 - iii. The hot water and drain pipes beneath the lavatory are not insulated or otherwise configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes. Standards §§ 4.1.3(11), 4.22.6, 4.19.4.
 - iv. The paper towel dispenser control requires tight grasping to advance the paper towels. Provide a dispenser control that is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate, or provide another means for persons with disabilities to dry their hands. Standards §§ 4.1.3(11), 4.22.7, 4.27.4.
 - v. The paper towel dispenser protrudes into the lavatory's clear floor space. Provide clear floor space in front of and under the lavatory that is at least 30 inches wide by 48 inches deep. Standards §§ 4.1.3(11), 4.22.6, 4.19.3.
 - vi. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 46 inches above the finished floor. Provide a mirror mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.6, 4.19.6.
- f. Men's Toilet Room
 - i. The flush valve control of the toilet is located on the narrow side of the toilet area. Provide a flush control so that it is located on the side of the

toilet facing the open (wide) side of the toilet area or install an automatic flush device. Standards §§ 4.1.3, 4.22.4, 4.16.5.

- ii. The toilet's rear grab bar is 24 inches long. Provide a rear grab bar that is at least 36 inches long with the end closer to the side wall mounted no more than 6 inches from the side wall, at a height of between 33 and 36 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.4, 4.17.6, Fig. 30(a), (c).
- iii. The hot water and drain pipes beneath the lavatory are not insulated or otherwise configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes. Standards §§ 4.1.3(11), 4.22.6, 4.19.4.
- iv. The paper towel dispenser protrudes into the lavatory's clear floor space. Provide clear floor space in front of and under the lavatory that is at least 30 inches wide by 48 inches deep. Standards §§ 4.1.3(11), 4.22.6, 4.19.3.
- v. The mirror in the toilet room is mounted so that the bottom edge of the reflecting surface is 46 inches above the finished floor. Provide a mirror mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. Standards §§ 4.1.3(11), 4.22.6, 4.19.6.

Altered Facilities: In order to ensure that the following spaces and elements in County facilities, for which alterations commenced after January 26, 1992, are readily accessible to and usable by persons with disabilities, the County will take the following actions:

- 57. The County will make the following modifications within one year of the effective date of this Agreement to the **Justice Center** located at 12680 Highway 11W, Lenoir City, TN, built in 1974 and altered most recently in 2002:
 - a. The parking spaces for persons with disabilities do not have appropriate signage designating them as reserved for persons with disabilities. One space lacks a vertical sign and the other sign is mounted such that a vehicle parked in the space could obscure the sign. Neither space is marked "van-accessible." Provide signs at each space using the International Symbol of Accessibility, located so that the signs cannot be obscured by a vehicle parked in the space and include one sign designating the space as "van-accessible" that is mounted below the International Symbol of Accessibility. Standards 4.1.2(5)(a), (b), 4.6.4, 4.30.7(1), Fig. 43(b).
 - b. Women's Lobby Toilet Room (altered)

- i. There is no accessible signage. Provide signage with raised characters and Braille and the International Symbol of Accessibility on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. Standards §§ 4.1.6(1)(b), 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6, Fig. 43(b).
 - ii. The marble threshold at the entrance door to the toilet room is too high. Provide a threshold that is no higher than ½ inch and beveled with a slope no greater than 1:2. Standards §§ 4.1.6, 4.1.3(7)(a), 4.13.8.
 - iii. The entrance door to the toilet room has only 29 inches of clear opening width. Provide a minimum clear opening width of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. Standards §§ 4.1.6(1)(b), 4.1.3(7)(b), 4.13.5.
 - iv. The existing toilet stall designated for persons with disabilities is 60 inches deep and 34 inches wide. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including the stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls, and dispensers comply with the Standards. §§ 4.1.6(1)(b), 4.1.3(11), 4.17.
 - v. The lavatory has twist-type faucets. Provide controls that are operable with one hand and do not require tight grasping, pinching, or twisting of the wrist to operate. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.5, 4.27.4.
 - vi. The hot water and drain pipes beneath the lavatory are not insulated or otherwise configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.4.
 - vii. The mirror is mounted so that the bottom edge of the reflecting surface is 50 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.6, Fig. 31.
- c. Men's Lobby Toilet Room (altered)

- i. This toilet room lacks accessible signage. Provide signage with raised characters and Braille and the International Symbol of Accessibility on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the ground and so that a person can approach to within 3 inches of the signage without encountering obstructions or standing within a door swing. Standards §§ 4.1.6(1)(b), 4.1.3(16)(a), 4.30.1, 4.30.4, 4.30.5, 4.30.6, Fig. 43(b).
 - ii. The existing toilet stall designated for persons with disabilities is 62 inches deep and 40 inches wide. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including the stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls, and dispensers comply with the Standards. §§ 4.1.6(1)(b), 4.1.3(11), 4.17.
 - iii. The hot water and drain pipes beneath the lavatory are not insulated or otherwise configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.4.
 - iv. The paper towel dispenser is located at 57 inches from the finished floor. Provide a dispenser with a control that is no more than 54 inches above the finished floor for a side reach or 48 inches for a forward reach. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.7, 4.27.3.
 - v. The mirror in this room is mounted so that the bottom edge of the reflecting surface is 48 inches above the finished floor. Provide a mirror that is mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.6, Fig. 31.
- d. Grand Sessions Court (unaltered, so program access standard applies, except as to newly-installed sound system)
 - i. There is no accessible wheelchair seating for courtroom spectators. Provide wheelchair seating locations in the spectator seating area that are an integral part of the fixed seating plan, adjoin an accessible route, and have adjacent fixed companion seats. Standards §§ 4.1.3(19)(a), 4.33, Fig. 46.
 - ii. The force required to open the interior doors is 19 pounds. Ensure that the force required to open the door is no more than 5 pounds. Standards §§ 4.13.11(2)(b).

- iii. There is no assistive listening system available in the courtroom, despite the installation of a new sound system. Provide a permanent assistive listening system or an adequate number of electrical outlets or other supplementary wiring in the room necessary to support a portable assistive listening system, with a minimum number of receivers provided equal to 4% of the total number of seats, but no less than 2 receivers, and signage indicating the availability of assistive listening devices, including the International Symbol of Access for Hearing Loss. Standards §§ 4.1.6(1)(b), 4.1.3(19)(b), 4.33.7, Fig. 43(d).
 - iv. There is no accessible route to the jury box, the witness stand, the attorneys' bench, or other key non-spectator elements of this courtroom. *See* Paragraph 69 of this Agreement regarding the program access requirements that address this issue.
- e. Conference Room 2 (altered)
- i. The door to the room has knob hardware and the force required to open the door is 21 pounds. Ensure that the force required to open the door is no more than 5 pounds and provide hardware that is easy to use with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Standards §§ 4.1.6(1)(b), 4.1.3(7)(b), 4.1.3.11(2)(b), 4.1.3.9.
 - ii. The men's and women's toilet rooms near Conference Room 2 are inaccessible to persons with disabilities. Provide accessible toilet rooms or one accessible unisex toilet room such that all of the room's elements, including the door, door hardware, water closet, size and arrangement, grab bars, controls, lavatory, mirror, and dispensers comply with the Standards. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.
- f. There are no accessible jail cells for persons with disabilities in the Justice Center. Provide plans for at least one fully accessible jail cell for the Department's approval within 30 days of the effective date of this Agreement. The Department will review the plans within a reasonable period of time to allow the installation of the accessible cell in an expedited manner. After the Department has approved the plans, the County shall ensure the accessible jail cell is provided according to the approved plans within 12 months of the date of the approval.
- g. There is no accessible vertical access linking the upper and lower levels of this facility. No later than one year from the effective date of this Agreement, the County will install an incline lift in the stairway northwest of the courtroom to ensure that there is an interior accessible vertical route between both floors of the facility.

58. The Department reviewed the elements of **Highland Park School** that are used by the voting public: the parking serving the voting area, the route from the parking area to the area used for voting, and the area used for voting. This facility, located at 4404 Highway 11E, Lenoir City, TN, was built in 1970 and most recently altered in 2001. The County will make the following modifications to this facility within six months of the effective date of this Agreement:
- a. The parking space designated for persons with disabilities is not marked as “van-accessible” and its access aisle is only 68 inches wide. Provide a space with a minimum 96-inch wide access aisle and a sign designating the space as “van-accessible” mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Ensure that the slope and cross-slope of the space and access aisle does not exceed 1:50. Standards §§ 4.1.6(1)(b), 4.1.2(5)(a), (b), 4.6.3, 4.6.4, Figs. 9, 43(b). The County will provide this alternative van accessible parking space directly in front of the school entrance during the voting period.
 - b. The voting area entrance to the school has a one-inch threshold. Provide a threshold so that the change in level is no greater than ½ inch and beveled with a slope no greater than 1:2. Standards §§ 4.1.6(1)(b), 4.1.2(1), 4.3.8, 4.5.2.
59. The Department reviewed the cafeteria elements of **Loudon High School** that are used by the voting public: the parking serving the cafeteria, the route from the parking area to the cafeteria, and the entrance to the cafeteria. The Department also reviewed the gym elements of this facility that are available to the public when it is used as an emergency shelter, including the parking lot serving the gym, the route from the parking lot to the gym, and the toilet rooms serving the gym. This facility, located at 1039 Mulberry Street in Loudon, TN, was originally built in 1965 and altered in 2002. The County will make the following modifications to this facility within one year of the effective date of this Agreement:
- a. Cafeteria Parking. There are no access aisles or signs at the two parking spaces designated for persons with disabilities near the voting area. Provide at least one 96-inch wide van-accessible parking space served by an access aisle at least 96 inches wide and install a sign designating the space as “van-accessible” mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Standards §§ 4.1.6(1)(b), 4.1.2(5)(a), (b), 4.6.3, 4.6.4, Fig. 43(b).
 - b. Cafeteria Entrance. The entrance to the cafeteria, where voting occurs, has a one-inch threshold. Provide a threshold so that the change in level is no greater than ½ inch and beveled with a slope no greater than 1:2. Standards §§ 4.1.6(1)(b), 4.1.3(7)(b), 4.13.8.

- c. **Gym Parking.** The parking area serving the gym, which is used as an emergency shelter, has 46 spaces, 2 of which are designated for persons with disabilities. These spaces are separated by an unstriped access aisle. Provide a striped access aisle of at least 96 inches wide. At one space, install a vertical sign designating the space as "van-accessible" mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Provide a vertical sign with the International Symbol of Accessibility in the other space in a location that cannot be obscured by a vehicle parked in the space. Standards §§ 4.1.6(1)(b), 4.1.2(5)(a), (b), 4.6.3, 4.6.4, Fig. 43(b).
- d. **Women's Toilet Room – Gym.**
- i. There is only 35 inches plus the width of one door in the vestibule created by the two doors in a series. Provide a minimum space of 48 inches plus the width of any door swinging into the space within the vestibule created by the two hinged doors in a series. Ensure that the doors swing in the same direction or away from the vestibule created by the space between the doors. Standards 4.1.6(1)(b), 4.1.3(7)(b), 4.13.7.
 - ii. The stall designated for people with disabilities is the "alternate" stall configuration. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including the stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls, and dispensers comply with the Standards. §§ 4.1.6(1)(b), 4.1.3(11), 4.17.
 - iii. The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the hot water and drain pipes to protect against contact. Standards §§ 4.1.3(11), 4.22.6, 4.19.4.
- e. **Men's Toilet Room – Gym.**
- i. The stall designated for people with disabilities is the "alternate" stall configuration. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including the stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls, and dispensers comply with the Standards. §§ 4.1.6(1)(b), 4.1.3(11), 4.17.
 - ii. The hot water and drain pipes beneath the lavatory are not insulated or configured to protect against contact. Insulate or otherwise configure the

hot water and drain pipes to protect against contact. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.4.

- iii. The paper towel dispenser is located at 59 inches above the finished floor for a forward reach. Provide a dispenser so that it is no more than 48 inches above the finished floor for a forward reach. Standards §§ 4.1.3(11), 4.22.7, 4.27.3, 4.2.5.
 - f. In the event that the County decides to designate another site as an emergency shelter, the County agrees that such shelter will be fully accessible to persons with disabilities. Further, if the Loudon High School continues as a voting site, only subparagraphs 59.a.b.&c will be required.
60. The Department reviewed the elements of **The Philadelphia School** that are used by the voting public: the parking serving the voting area, the route from the parking area to the area used for voting, and the area used for voting. This facility, located at 300 Spring Street in Philadelphia, TN, was originally built in 1955 and most recently altered in 1994. The County will make the following modifications to this facility within six months of the effective date of this Agreement:
- a. The parking space designated for persons with disabilities lacks a marked access aisle and a sign indicating that it is van-accessible. Provide at least one 96-inch wide van-accessible parking space served by an access aisle at least 96 inches wide and install a sign designating the space as “van-accessible” mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Standards §§ 4.1.6(1)(b), 4.1.2(5)(b), 4.6.4, Fig. 43(b).
 - b. There is no curb cut near the access aisle. Provide a curb cut in or near the access aisle that complies with the Standards. Standards §§ 4.1.6(1)(b), (cites)
61. The Department reviewed the elements of **North Middle School** that are used by the voting public: the parking serving the voting area, the route from the parking area to the area used for voting, and the area used for voting. This facility, located at 421 Hickory Creek Road, Lenoir City, TN, was first built in 1978 and altered in 2002. The County will take appropriate steps, including seeking pre-clearance from the Voting Rights Section of the Civil Rights Division of the Department of Justice, if necessary, to relocate the voting site to the new North Intermediate School, which has an accessible route and parking. The County will submit pictures and other supporting documentation within three months of the effective date of the Agreement to demonstrate that the North Intermediate School is accessible.
62. The Department reviewed the elements of **The Greenback School** that are used by the voting public and persons who may use the facility as an emergency shelter: the parking

serving the gym, the route from the parking area to the gym, the gym, and the toilets serving the gym. This facility, located at 400 Chilhowee Ave., Greenback, TN, was originally constructed in 1920 and most recently altered in 2002. The County will make the following modifications to this facility within one year ~~six months~~ of the effective date of this Agreement:

- a. **Parking Area Serving the Gym.** There are 90 total parking spaces in the area serving the gym. Two are designated for persons with disabilities, but neither has an access aisle or vertical signage. Provide four accessible spaces for persons with disabilities, one of which is a van-accessible space. The van-accessible space should be 96 inches wide and be served by a 96-inch wide access aisle and vertical signage containing the words "van-accessible" below the International Symbol of Accessibility in a location that cannot be obscured by a parked vehicle. The other spaces should be 96 inches wide and served by minimum of 60-inch access aisles and vertical signage with the International Symbol of Accessibility in a location that cannot be obscured by a parked vehicle. Standards §§ 4.1.6(1)(b), 4.1.2(5)(a), (b), 4.6.3, Fig. 9, 4.6.4, Fig. 43(b).
- b. **Men's Toilet Serving the Gym.**
 - i. The entrance door to the men's toilet room has only 27 inches of clear opening width. Provide a minimum clear opening width of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. Standards §§ 4.1.6(1)(b), 4.1.3(7)(b), 4.13.5.
 - ii. The pressure required to open the door to the men's toilet room is 25 pounds. Ensure that the force required to open the door is no more than 5 pounds. Standards §§ 4.1.6(1)(b), 4.1.3(7)(b), 4.13.11(2)(b).
 - iii. There are three toilet stalls, but none is accessible to persons with disabilities. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including the stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls, and dispensers comply with the Standards. §§ 4.1.6(1)(b), 4.1.3(11), 4.17.
 - i. Neither lavatory has the necessary knee clearance. Provide clearance to at least one lavatory of at least 29 inches above the finished floor to the bottom of the apron. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.2, Fig. 31.
 - ii. The hot water and drain pipes on the lavatories are not insulated or otherwise configured to protect against contact. Insulate or otherwise

configure the hot water and drain pipes to protect against contact. Standards §§ 4.1.6(1)(b), 4.1.3(11), 4.22.6, 4.19.4.

- iii. The paper towel dispenser is located at 62 inches above the finished floor. Provide a dispenser that it is no more than 48 inches above the finished floor for a forward reach or 54 inches above the finished floor for a side reach. Standards §§ 4.1.3(11), 4.22.7, 4.27.3, 4.2.5, 4.2.6.

c. **Women's Toilet Serving the Gym.**

- i. The entrance door to the women's toilet room has only 27 inches of clear opening width. Provide a minimum clear opening width of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. Standards §§ 4.1.6(1)(b), 4.1.3(7)(b), 4.13.5.
 - ii. There are four toilet stalls, but none is accessible to persons with disabilities. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including the stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls, and dispensers comply with the Standards. §§ 4.1.6(1)(b), 4.1.3(11), 4.17.
- d. In the event that the County decides to designate another site as an emergency shelter, the County agrees that such shelter will be fully accessible to persons with disabilities. Further, if the Greenback School continues as a voting location, only subparagraph 62.a. will be required.

Program Access in Existing Facilities: In order to ensure that each of the County's programs, services, and activities operating at a facility that is the subject of this Agreement, when viewed in its entirety, are readily accessible to and usable by persons with mobility impairments, the County will take the following actions.

- 63. The Parties agree that the technical requirements and, where appropriate, the scoping requirements of the Standards are used as a guide for determining whether a program or activity held in an existing facility is "readily accessible to and usable by" persons with disabilities and for determining what changes are necessary to make this program or activity accessible if it continues to be provided in the existing facility in question. See 28 C.F.R. §§ 35.150(b)(1), 35.151.
- 64. The County will make the following modifications within one year of the effective date of this Agreement to the **County Office Building** located at 100 River Road, Loudon, TN, built in 1954:

- a. The threshold entrance to the front door is beveled to ½ inch, then there is an additional door stop that adds another ½ inch to the height of the threshold, for a total of 1 inch. Provide a threshold so that the change in level is no greater than ½ inch and beveled with a slope no greater than 1:2. Standards §§ 4.13.8, 4.5.2.
- b. The exterior side door to the library space opens into one of the parking spaces designated for persons with disabilities, which is located just outside of the doorway. Provide a 96-inch wide access aisle alongside the building with a 96-inch wide designated van-accessible parking space adjoining it, so that the swing of the exterior library door opens onto the access aisle and not the parking space. Provide signage designating the space as “van accessible” mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Because there are 42 total parking spaces, maintain the second 96-inch wide space with a 60-inch access aisle and signage with the International Symbol of Accessibility in a location that cannot be obstructed by a vehicle parked in the space. Standards §§ 4.1.2(5)(a), (b), 4.6.3, Fig. 9, 4.6.4, Fig. 43(b).
- c. The clear opening width of the exterior side door to the library space is 29-1/2 inches. Provide a minimum clear opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. Standards §§ 4.13.5, Fig. 24(b).
- d. The Library’s interior door to the main interior hallway has knob hardware and the door is kept closed to keep out noise. Provide door hardware that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Standards § 4.13.9.
- e. **Women’s Toilet Room**
 - i. Stored copier paper and a ladder in the entry way narrow the width of the path of travel to the toilet room to 23 inches. Provide and maintain an accessible route that has a minimum clear width of at least 36 inches. Standards § 4.3.3.
 - ii. The door has a clear opening width of only 28 inches and has knob hardware. Provide a door with a minimum clear opening width of at least 32 inches measured from the face of the door to the opposite door stop with the door open at 90 degrees. Provide door hardware that does not require tight grasping, pinching, or twisting of the wrist to operate. Standards §§ 4.13.5, Fig. 24(b), 4.13.9.
 - iii. This toilet room lacks any accessible stall. Provide a “standard” accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet

is wall-hung) in the toilet room such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls and dispensers comply with the Standards. Standards § 4.17.

- iv. The cabinet-style lavatory lacks the knee and toe clearances required by the Standards and the faucet hardware requires tight grasping, twisting, or pinching to operate. Provide a lavatory such that all elements, including hardware, height, clearances, pipes, and surfaces, comply with the Standards. Standards §§ 4.19, 4.19.5, 4.27.4.
- v. The paper towel dispenser requires tight grasping and pulling of the towels to operate and advance them. Provide a dispenser that does not require tight grasping to operate, or provide another way for persons with disabilities to dry their hands. Standards §§ 4.22.7, 4.27.4.

f. Men's Toilet Room

- i. The door opening pressure from a closed position is 25 pounds of force. Ensure that the force required to open the door is no more than 5 pounds. Standards § 4.13.11(2)(b).
- ii. This toilet room lacks an accessible stall. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls and dispensers comply with the Standards. Standards § 4.17.
- iii. The cabinet-style lavatory lacks the knee and toe clearances required by the Standards and the faucet hardware requires tight grasping, twisting, or pinching to operate. Provide a lavatory such that all elements, including hardware, height, clearances, pipes, and surfaces, comply with the Standards. Standards §§ 4.19, 4.19.5, 4.27.4.

- g. Drinking fountain. The spout outlet of the drinking fountain near the Men's Toilet Room is 37-1/2 inches above the finished floor. Provide a fountain with a spout no more than 36 inches above the finished floor and provide a way for persons who have difficulty bending or stooping to use the fountain; or install a cup dispenser next to the existing fountain so that cups dispense within reach ranges of persons who use wheelchairs. Standards §§ 4.15.2, Fig. 27(a).

65. The County will make the following modifications within one year of the effective date of this Agreement to the **Courthouse** located on Mulberry Street, originally built in 1872 and remodeled in the late 1940's:
- a. Accessible Route and Parking.
 - i. There is no accessible route from the Courthouse Annex parking lot to the Courthouse. Provide signage at the Courthouse Annex parking lot including directional signage and the International Symbol of Accessibility notifying persons with disabilities of the accessible Courthouse parking at the corner of Cedar and Grove Streets and the accessible route from that location to the Courthouse. Standards §§ 4.1.2(2), 4.3, 4.5, 4.1.3(7)(c).
 - ii. There is no access aisle next to the parking space designated for persons with disabilities at the small lot serving the Courthouse at the corner of Cedar and Grove Streets. Provide a 96-inch wide van-accessible parking space with a 96-inch wide access aisle, and a sign designating the space as "van accessible" mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Standards §§ 4.1.2(5)(b), 4.1.2(7)(a), 4.6.3, 4.6.4, Fig. 43(b).
 - iii. There is no accessible route to the War Memorial in front of the Courthouse. Provide an accessible route that is at least 36 inches wide and has a firm, stable, and slip-resistant surface. Standards §§ 4.1.2(2), 4.3, 4.5.
 - b. Room 105: The height of the service counter is 45 inches above the finished floor. Provide a counter that is at least 36 inches wide and no more than 36 inches high, or provide an auxiliary counter with a maximum height of 36 inches in close proximity to the main counter, or provide equivalent facilitation. Standards § 7.2(2).
 - c. Main Courtroom, Room 202.
 - i. There is one step up to the witness stand. Provide access to the witness stand via a ramp or a platform lift, or by lowering the witness stand to be flush with the finished floor. Standards §§ 4.1.2(2), 4.3.8.
 - ii. All seats in the jury box are fixed and the back row is on a riser, so there are no wheelchair locations in the jury box. Provide at least one wheelchair location within the jury box such that it is an integral part of the jury seating, including an accessible route, has adequate maneuvering space, and adequate space allowances for a wheelchair in compliance with the Standards. Standards §§ 4.32, 4.3, 4.2.

- iii. There are no accessible wheelchair seating areas in the courtroom's spectator area. Provide wheelchair locations for spectators that are an integral part of the fixed seating plan, adjoin an accessible route, have an adjacent fixed companion seat, and that have lines of sight comparable to those for the general public in compliance with the Standards. Standards § 4.33, 4.32, 4.3, 4.2.
 - iv. The courtroom doors require more than 5 pounds of force to open. Ensure that the force required to open the doors is no more than 5 pounds. Standards § 4.13.11(2)(b).
- d. **Drinking Fountain Near Main Courtroom.** The spout of the drinking fountain is 39 inches above the finished floor. Provide a fountain with a spout no more than 36 inches above the finished floor that is accessible to a person in a wheelchair and a fountain that is accessible to persons who have difficulty bending and stooping, or provide a cup dispenser near the existing fountain at a height that dispenses the cups within the reach ranges of persons who use wheelchairs. Standards § 4.15.2, Fig. 27(a).
- e. **Women's Toilet Room (Second Floor).**
- i. The toilet room does not have accessible signage. Provide a sign with raised characters and Braille and the International Symbol of Accessibility on the wall adjacent to the latch side of the door so that the centerline of the sign is 60 inches above the finished floor and so that a person can approach to within 3 inches of the sign without encountering obstructions or standing within a door swing. Standards §§ 4.1.3(16)(a), 4.30.1, 4.30.5, 4.30.6, Fig. 43(b).
 - ii. The door to the women's toilet room has a clear opening width of 29 inches. Provide a minimum clear opening width of at least 32 inches measured from the face of the door to the opposite door stop with the door opened 90 degrees. Standards §§ 4.13.5, Fig. 24(b).
 - iii. The door knob-style hardware requires tight twisting or grasping of the wrist. Provide hardware that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Standards § 4.13.9.
 - iv. There are 2 toilet stalls in this toilet room, but neither is accessible to people with disabilities. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including stall door,

stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls and dispensers comply with the Standards. Standards § 4.17.

- v. The paper towel dispenser requires tight grasping to advance the paper towels. Provide a dispenser control that is easy to use with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate, or provide another means for persons with disabilities to dry their hands. Standards §§ 4.22.7, 4.27.4.
- vi. The door coat hook is located at 71 inches above the finished floor. Provide a hook that is no more than 54 inches for a side reach or 48 inches for a forward reach above the finished floor. Standards §§ 4.2.5, 4.2.6.
- vii. The cabinet-style lavatory lacks the knee and toe clearances required by the Standards and the faucet hardware requires tight grasping, twisting, or pinching to operate. Provide a lavatory such that all elements, including hardware, height, clearances, pipes, and surfaces, comply with the Standards. Standards §§ 4.19, 4.19.5, 4.27.4.

f. Men's Toilet Room (Second Floor)

- i. The door to this toilet room has a clear opening width of 29-1/2 inches. Provide a minimum clear opening width of at least 32 inches measured from the face of the door to the opposite door stop with the door open 90 degrees. Standards §§ 4.13.5, Fig. 24(b).
- ii. There is only one toilet stall and it is not accessible to persons who have disabilities. Provide a "standard" accessible toilet stall at least 60 inches wide and 59 inches deep (56 inches if the toilet is wall-hung) in the toilet room such that all of the stall's elements, including stall door, stall door hardware, water closet, size and arrangement, toe clearances, grab bars, controls and dispensers comply with the Standards. Standards § 4.17.
- iii. The mirror in this toilet room is too high. Provide a mirror mounted with the bottom edge of the reflecting surface no higher than 40 inches above the finished floor. Standards §§ 4.22.6, 4.19.6.
- iv. The cabinet-style lavatory lacks the knee and toe clearances required by the Standards and the faucet hardware requires tight grasping, twisting, or pinching to operate. Provide a lavatory such that all elements, including hardware, height, clearances, pipes, and surfaces, comply with the Standards. Standards §§ 4.19, 4.19.5, 4.27.4.

- v. There is insufficient clear floor space in front of the lavatory. Provide a minimum of 30 inches wide by 48 inches deep clear floor space in front of and under an accessible lavatory to allow a forward approach for persons who use wheelchairs. Standards §§ 4.22.6, 4.19.3, Fig. 32.
 - g. **Drinking Fountain on First Floor.** This spout of the drinking fountain is 41 inches above the finished floor. Provide a fountain with a spout no more than 36 inches above the finished floor and provide a way for persons who have difficulty bending or stooping to use the fountain; or install a cup dispenser next to the existing fountain so that cups dispense within reach ranges of persons who use wheelchairs. Standards §§ 4.15.2, Fig. 27(a).
 - h. **Auxiliary Court on First Floor**
 - i. The door knob-style hardware requires tight twisting or grasping of the wrist. Provide hardware that is easy to grasp with one hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Standards § 4.13.9.
 - ii. The witness stand measures 34-1/2 inches wide by 48 inches deep and is on a 5-inch raised platform. There is a swinging gate providing a 24-inch opening to the witness stand. Provide a minimum 36-inch wide by 48-inch deep witness stand with sufficient maneuvering clearance and on an accessible route, including a vertical means of access such as a ramp or platform lift (or lower the witness stand so that it is flush with the floor level). Standards §§ 4.3.8, 4.5.2, 4.8, 4.11, 4.2, 4.3, Fig. 4.
 - i. There is no assistive listening system available in the Courthouse. Provide a permanent assistive listening system in each courtroom or an adequate number of electrical outlets or other supplementary wiring in each courtroom necessary to support a portable assistive listening system, with a minimum number of receivers equal to 4% of the total number of seats but no less than two receivers, and signage indicating the availability of an assistive listening system, including the International Symbol of Access for Hearing Loss. Standards §§ 4.33, Fig. 43(d), 4.30.7(4).
 - j. **Elevator.** The emergency communications system lacks signage in raised symbol or lettering. Provide an emergency system that complies with the Standards. Standards §§ 4.10.14, 4.30.4.
66. The County will make the following modifications within one year of the effective date of this Agreement to the **Senior Citizens' Center**, originally built in 1954:

The County will replace the current Senior Citizen's Center with a new facility. Within one year of the effective date of this Agreement, the County will submit to the Department for approval, a plan that includes architectural blueprints and construction documents showing the proposed new facility. The new facility will be completed within four years of the Department's approval of the plans.

67. The Department reviewed the elements of **The Tech Center** that are used by the voting public: the parking serving the voting area, the route from the parking area to the area used for voting, and the area used for voting. This facility, located at 4380 Harrison Road in Loudon, TN, was built prior to 1992 and has not been altered since then. The County will make the following modifications to this facility within six months of the effective date of this Agreement:
 - a. There are two designated accessible parking spaces that lack vertical signage, the International Symbol of Accessibility on the pavement is very faded, the access aisle is not marked appropriately, and there is a built-up curb ramp in the access aisle. Provide at least one van-accessible parking space served by an access aisle at least 96 inches wide. If the two spaces do not share the same access aisle, provide a minimum 60-inch wide access aisle for the other designated space. For the space served by the 96-inch wide access aisle, provide a "van-accessible" sign mounted below the International Symbol of Accessibility in a location that cannot be obscured by a vehicle parked in the space. Provide appropriate signage for the other accessible parking space in a location that cannot be obscured by a vehicle parked in the space. Ensure that the slope and cross-slope of the spaces and access aisles do not exceed 1:50 in any direction (i.e., remove the built-up curb ramp in the access aisle). The two accessible parking spaces may share the same access aisle. Provide a vertical means of access – such as a curb cut – between the sidewalk and the access aisle. Standards §§ 4.1.2(5)(a), (b), 4.6.3, Fig. 9, 4.6.4, Fig. 43(b), 4.6.2, 4.7.

OTHER MEASURES TO ACHIEVE PROGRAM ACCESS

68. Within three months of the effective date of this Agreement, the County will implement and report to the Department its written plan regarding how County programs, activities, or services, including those of the County's Economic Development Agency and the County Planning Commission, currently conducted at the **Williamson House**, located at 274 Blair Bend Road, which is not owned by the County, will be made accessible to persons with disabilities.
69. Within three months of the effective date of this Agreement, the County will implement and report to the Department its written plan regarding how County programs, services, and activities held in the Justice Center's Grand Sessions Court will be made accessible to persons with disabilities.

MISCELLANEOUS PROVISIONS

70. Except as otherwise specified in this Agreement, at three, six, nine, and 12 months after the effective date of this Agreement, and annually thereafter until the termination or expiration of the Agreement, the County will submit written reports to the Department summarizing the actions the County has taken pursuant to this Agreement. Reports will include detailed photographs showing measurements, architectural plans, work orders, notices published in the newspapers, copies of adopted policies, and proof of efforts to secure funding/assistance for structural renovations or equipment.
71. Throughout the life of this Agreement, consistent with 28 C.F.R. § 35.133(a), the County will maintain the accessibility of its programs, activities, services, facilities, and equipment, and will take whatever actions are necessary (such as routine testing of accessibility equipment and routine accessibility audits of its programs and facilities) to do so. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 C.F.R. § 35.133(b).
72. Within three months of the effective date of this Agreement, the County will develop or procure a two-hour training program on the requirements of the ADA and appropriate procedures for interacting with persons with disabilities. The County will use the ADA technical assistance materials developed by the Department and will consult with interested persons, including individuals with disabilities, in developing or procuring the ADA training program.
73. Within one year of the effective date of this Agreement, the County will deliver its training program to all County employees who interact with members of the public as part of their duties. At the end of that period, the County shall submit a copy of its training curriculum and materials to the Department, along with a list of employees trained and the name, title, and address of the trainer.

IMPLEMENTATION AND ENFORCEMENT

74. The County reserves the right to seek modifications to any portion of this Agreement because of changed conditions making performance impossible or impractical or for any other reason, and will promptly notify the Department in writing, setting forth the facts and circumstances thought to justify modification and the substance of the proposed modification. Until there is written Agreement by the Department to the proposed modification, the proposed modification will not take effect. These actions must receive the prior written approval of the Department, which approval shall not be unreasonably withheld or delayed.
75. The Department may review compliance with this Agreement at any time. If the Department believes that the County has failed to comply in a timely manner with any

requirement of this Agreement without obtaining sufficient advance written agreement with the Department for a modification of the relevant terms, the Department will so notify the County in writing and it will attempt to resolve the issue or issues in good faith. If the Department is unable to reach a satisfactory resolution of the issue or issues raised within 30 days of the date it provides notice to the County, it may institute a civil action in federal district court to enforce the terms of this Agreement, or it may initiate appropriate steps to enforce title II and section 504 of the Rehabilitation Act.

76. For purposes of the immediately preceding paragraph, it is a violation of this Agreement for the County to fail to comply in a timely manner with any of its requirements without obtaining sufficient advance written agreement with the Department for an extension of the relevant time frame imposed by the Agreement.
77. Failure by the Department to enforce this entire Agreement or any provision thereof with regard to any deadline or any other provision herein shall not be construed as a waiver of the Department's right to enforce other deadlines and provisions of this Agreement.
78. This Agreement is a public document. A copy of this document or any information contained in it will be made available to any person by the County or the Department on request.
79. This Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written Agreement (including its Attachments), shall be enforceable. This Agreement does not purport to remedy any other potential violations of the ADA or any other federal law. This Agreement does not affect the County's continuing responsibility to comply with all aspects of the ADA and section 504 of the Rehabilitation Act.
80. This Agreement will remain in effect for five years from the effective date of this Agreement, or until the parties agree that full compliance with this Agreement by the County has been achieved, whichever is later.
81. The person signing for the County represents that he or she is authorized to bind the County to this Agreement.
82. The effective date of this Agreement is the date of the last signature below.

For the County:

By: *George M. Miller*
GEORGE M. MILLER
Loudon County Executive

For the United States:

J. MICHAEL WIGGINS,
Acting Assistant Attorney General
Civil Rights Division
By: *Mary Lou Mobley*
JOHN L. WODATCH, Chief
MARY LOU MOBLEY, Acting Deputy Chief
ELIZABETH BACON, Supervisory Attorney
THOMAS ESBROOK, Investigator
MICHELE ANTONIO MALLOZZI, Architect
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Disability Rights Section - NYA
Washington, DC 20530

Date: 7-24-03

Date: July 25, 2003

Exhibit R

Memorandum

To: County Executive Miller
County Commissioners

From: County Road Improvement Committee

Subject: Final Report and Recommendation

The County Road Improvement Committee is an ad hoc committee formed by County Commission to study and recommend a path forward for improving transportation infrastructure in Loudon County.

After considerable discussion, the Committee hereby proposes that:

1. a County Road Assessment Team be established, consisting of the Road Superintendent, the Sheriff, the School Superintendent, and the County Planner – or their designees;
2. the Team meet as often as they deem necessary (and at least monthly during the first year of operation) for the purpose of assessing proposed, potential road improvement projects;
3. the Team create and maintain a master list of proposed projects that are submitted by County Commissioners, the County Executive, or members of the Team itself;
4. the Team use a standardized assessment tool (see form attached) to rank proposed projects systematically and objectively;
5. the Team submit its prioritized project list, including estimated cost for each, to County Commission by April of each year as part of the annual budget process;
6. all procedural/operational matters not specified above will be left to the discretion of the Team.

In addition, the Committee requests the support and cooperation of County Commission in this effort by:

1. including in the annual budget, funding adequate to initiate and sustain a viable Road Improvement Program;
2. approving projects in descending order as ranked by the Team, with the total number of approved projects being determined by available funding; and,
3. not amending the project list or modifying the scope of a proposed project in a way that circumvents the process outlined above.

LOUDON COUNTY ROAD IMPROVEMENT PROGRAM
-- Assessment Form --

Project name: _____
Description: _____
Location: _____
Type of Improvement:
☐ Single Intersection ☐ Single Road – Section ☐ Single Road – Entirety

Methodology: This process addresses two basic questions about a potential improvement project: how big is the problem and how difficult/costly will it be to fix. Both are valid concerns because (a) a situation posing the highest risk to citizens should have priority; and yet (b) this must be balanced by the project's cost or difficulty to implement.

This form is to be used by the County Roads Assessment Committee in its analysis of potential projects. Describe below, the relevant features, followed by scoring on a scale of 1-10.

I. Safety

<u>Feature:</u>	<u>Describe:</u>
Road too narrow	_____
Sharp/blind curve or hill	_____
No shoulder/drop-off	_____
Flood prone	_____
Sharp intersecting angles	_____
Traffic volume (Count? Source?)	_____
School bus traffic volume	_____
No. of school/church zones	_____
No. of railroad crossings	_____
Accident rate	_____
	(Source: Lo. Co. Planning Office)
Other	_____

SCORE 1-10 (1 = low risk, 5 = medium, 10 = high) _____

II. Difficulty (administrative/physical/logistical)

<u>Feature:</u>	<u>Describe:</u>
Natural growth	_____
Physical structures/features	_____
No. property owners affected	_____
No. parcels affected	_____
Percentage of owners coop.	_____
No. of driveway connections	_____
Property use/value loss	_____
ROW needed	_____
Other	_____

SCORE 1-10 (1 = high difficulty, 5 = medium, 10 = low) _____

TOTAL SCORE _____

Mitigating factors:

- Collateral damage. (Will fixing this problem likely create another one somewhere else?)

- Net gain. (Given the recommended remedy, how much risk reduction is likely achievable?)

- Short-term vs. long-term (Is the recommended remedy a temporary fix or a long-term solution?)

LOUDON COUNTY COMMISSION

RESOLUTION 080403--S

**RESOLUTION APPROVING TRANSFER OF TITLE OF MONROE COUNTY
WASTEWATER TREATMENT PLANT TO TELlico AREA SERVICES SYSTEM (TASS) AND
APPROVING PLAN OF SERVICES FOR EAST TELlico PARKWAY/GREENBACK PUBLIC
SCHOOL/HIGHWAY 95/321 SEWER LINES**

WHEREAS, the Tellico Reservoir Development Agency (TRDA) and Loudon County have been planning significant new projects that will require extension of sewer lines from U.S. 411 Highway to the new Rarity Pointe development area at Jackson Bend near Ft. Loudoun Dam, which is to be an extensive upscale development; and

WHEREAS, TRDA, as a part of a plan to assist the developer of projects at Jackson Bend near Ft. Loudoun and Tellico Dam, has agreed to "front" the construction of sewer lines from an existing point on U.S. 411, not requiring any initial financial contribution by Loudon County; and

WHEREAS, the Loudon County Board of Education and the City of Greenback have voted to extend sewer lines from the projected new main line to be located on East Tellico Parkway eastwardly on Morganton Road into the City of Greenback and possibly other adjacent locations, but with a primary goal to provide public sewer service to the Greenback Public School, which has an existing package sewage treatment plant which has to be replaced; and

WHEREAS, the TRDA property located on Wears Bend in Loudon County will be undergoing a probable significant development for industrial and/or residential purposes in the reasonable future; and

WHEREAS, there are other subdivision developments in Loudon County presently existing near the projected new sewer lines, which are in need of sewer services, and new residential and commercial developments that will occur when sewer becomes available; and

WHEREAS, the Monroe County Wastewater Treatment Plant, owned by Monroe County, is located in the Niles Ferry Industrial Park owned by Monroe County, but will now be used extensively by Loudon County, and the Loudon County usage of the sewage treatment plant will require additions and improvements to the Wastewater Treatment Plant in the future; and

WHEREAS, Loudon County and Monroe County entered into an Interlocal Agreement dated December 3, 1970 for the establishment of a jointly-owned and operated system, known as the Tellico Area Services System (TASS); and

WHEREAS, TASS was established for the purpose of providing water, sewer, and other utility services as needed in its area of service in Loudon and Monroe Counties; and

WHEREAS, Tellico Area Services System has been operating the Monroe County Sewage Disposal Plant under contract from Monroe County from the time it was built; and

WHEREAS, TRDA, as a part of its plan of financing and supplying the initial funds for the construction of new sewer lines from U.S. 411 on the East Tellico Coast Parkway to Jackson Bend, has required that the ownership of the sewage treatment plant be placed in TASS as a qualified utility agency prior to awarding construction contracts; and

WHEREAS, a plan of services has been prepared by engineers Vaughn & Melton; and

WHEREAS, the plan of service will require the customers of the new sewer service to pay a connection or tap fee that will be sufficient to reimburse the initial construction cost of this line, and maintenance and replacement costs.

WHEREAS, a final agreement is to be negotiated between TASS, the Loudon County Board of Education, the City of Greenback, Loudon County, and TRDA as to the various details concerning the construction of the lines, as to reimbursement, and as to the responsibilities in the implementation of the plan of services.

NOW, THEREFORE, BE IT RESOLVED, this 4th day of August, 2003, that the Loudon County Commission approves the basic services plan for the construction of new sewer lines from U.S. Highway 411 along East Coast Tellico Parkway, Highway 95/321 to Rarity Pointe, as well as to Greenback Public School, the City of Greenback, Foothills Pointe, and other subdivision and related areas;

BE IT FURTHER RESOLVED that the Loudon County Commission specifically approves the acceptance of ownership by TASS of the Monroe County Wastewater Treatment Plant and its collection system, subject to the approval of the Monroe County Commission and the TASS Board of Commissioners.


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


COUNTY CHAIRMAN

APPROVED:


COUNTY MAYOR

ATTEST:


COUNTY CLERK

PREPARED BY:


COUNTY ATTORNEY

PLAN OF SERVICE

JULY 25, 2003

On November 3, 1970, Loudon and Monroe Counties entered an agreement creating the Tellico Area Services System (TASS). TASS is to provide water, sewer, solid waste and other services for both counties. TASS was authorized to plan, construct, and operate facilities as mentioned above.

In recent years there has been a desire to provide sewer services to the areas of Jackson Bend, Morganton Peninsula, Greenback Region and the entire region east of Tellico Lake.

Two reports have been completed regarding service to these areas that have been previously distributed to Loudon and Monroe County Commissioners, which discusses several alternatives to provide these services. The plans that have been adopted are as follows:

To convey wastewater for the entire region to the Niles Ferry Wastewater Treatment Plant located in the Niles Ferry Industrial Park. The average design capacity of the Niles Ferry Wastewater Treatment Plant is 300,000-gallons per day. Currently the average daily flow of sewage treated is approximately 165,000-gallons per day. The treatment plant and ancillary facilities are in generally good condition.

The existing Niles Ferry Industrial Park (NFIP) Wastewater Treatment Plant is currently operating at greater than one-half capacity. Expansion of the NFIP WWTP would require new biological treatment facilities and new sludge treatment and disposal facilities. The existing laboratory and control building is in good condition and may continue in use. The existing treatment structure may be used as an aerobic digester. The Niles Ferry Wastewater Treatment Plant will need to be transferred to Tellico Area Services System (TASS) in order that the existing WWTP can serve both counties. We estimate the value of the existing Wastewater Treatment to be approximately \$750,000.00.

The conveyance system will be located on a new access road out of the Jackson Bend area to Highway 321, along Highway 321 to S. R. 95. Along SR 95 to National Campground, along National Campground Road to East Coast Tellico Parkway. Along East Coast Tellico Parkway to U. S. Highway 411 to the existing lift station. This will require nine (9) lift stations and approximately 53,560 feet of 8-inch force main and approximately 5,160 feet of gravity sewer. We estimate the total cost for this system to be between \$1,800,000.00 and \$2,000,000.00.

To service the Greenback Region the first phase will start at the Greenback School and go down Morganton Road to East Coast Tellico Parkway. This will require approximately 14,700 feet of 8-inch force main, 500 feet of gravity sewer and one lift station. All of the lift stations have been designed to accommodate additional flow in the future. We estimate the total cost for this system to be between \$300,000.00 and \$400,000.00.

Due to the complexity of sanitary sewage collection and treatment needs of Jackson Bend, Morganton Peninsula, and Greenback area, a flexible long-term plan has been formulated. A phased approach will allow maximum use of existing infrastructures.

It has been concluded that Phase I consist of construction of collection systems for the City of Greenback and for the initial users within the Morganton Peninsula and the Jackson Bend area. The initial flow would be conveyed across Tellico Lake to the existing Niles Ferry Wastewater Treatment Plant. As the Niles Ferry Wastewater Treatment Plant approaches it's design capacity, planning to implement Phase II should begin. The financing for Phase I of this project will be through Tellico Reservoir Development Agency (TRDA). In order for TRDA to be reimbursed for these costs, it is proposed that TASS will collect an additional fee of \$1,750.00 for each residential connection. From this fee \$1,500.00 will go to the Tellico Reservoir Development Agency and \$250.00 will go to TASS for administrative fees. Each commercial connection will be determined in an individual basis.

Phase II will consist of the expansion of the wastewater treatment plant. Several options will be explored for this expansion. These treatment expansion alternatives will be explored during Phase II of this project.