

LOUDON COUNTY COMMISSION
REGULAR MEETING
November 03, 2003

- | | | |
|------|---|----------------------------|
| (1) | Opening Of Meeting | |
| (2) | Roll Call | |
| (3) | Agenda Adopted | |
| (4) | Minutes Adopted For Oct. 06, 2003 | |
| (5) | Audience Comments On Agenda Items | |
| (6) | Steekee Resolution Adopted | <u>Resolution 110303-A</u> |
| (7) | "God As Foundation Of National Heritage" Resolution Adopted | <u>Resolution 110303-B</u> |
| (8) | Methamphetamine Resolution Adopted | <u>Resolution 110303-C</u> |
| (9) | Bridge Day Resolution Adopted | <u>Resolution 110303-D</u> |
| (10) | Local TV Station Request Approved | |
| (11) | LCACA Request Approved | |
| (12) | Board Vacancies | |
| (13) | Division II Court Withdrawn | |
| (14) | Financial Report | |
| (15) | ADA Exhibits Approved | <u>Exhibits E – F</u> |
| (16) | Sugarlimb Sale Approved | |
| (17) | Annexation Legality Request Approved | |
| (18) | TRDA/Rarity Pointe Denied | |
| (19) | Attorney Report | |
| (20) | Bond Applications Approved | |
| (21) | Notary Applications Approved | |
| (22) | Audience Comments On Non-Agenda Items | |
| (23) | Adjournment | |

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

**November 03, 2003
6:00 PM**

**(1)
Opening
Of Meeting**

BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 3rd day of November, 2003.
The **Honorable Roy Bledsoe** called the meeting to order.
Officer Sonny Routson opened Court, **Commissioner Meers** led the Pledge of Allegiance to the Flag of the United States of America, and **Officer Sonny Routson** 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 that the November 03, 2003 agenda be adopted.
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Shaver** to adopt agenda as presented.
County Mayor Miller requested that Item 6A7, "*Consideration of adopting Public Chapter No. 57, House Bill No. 2113 Private Acts of 2003 (Division II Court)*" be removed at Judge William H. Russell's request.
Upon voice vote the motion to adopt agenda as presented **Passed** unanimously.

**(4)
Minutes
Adopted
For Oct.
06, 2003**

Chairman Bledsoe requested the October 06, 2003 County Commission Meeting minutes be approved and accepted.
A **motion** was made by **Commissioner Miller** 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.
No one came forward to speak.

**(6)
Steekee
Resolution
Adopted**

County Mayor Miller requested discussion and possible action on the following items:
1. Consideration of adopting a resolution congratulating Steekee Elementary School for receiving the Blue Ribbon Award
A **motion** was made by **Commissioner Meers** with a second by **Commissioner Maples** to adopt this resolution.
Upon voice vote the motion **Passed** unanimously.
Resolution 110303-A

**(7)
"God As The
Foundation
Of Our
National
Heritage"
Resolution
Adopted**

2. Consideration of adopting a resolution supporting the recognition of God as the foundation of our National Heritage.
A **motion** was made by **Commissioner Maples** with a second by **Commissioner Shaver** to adopt this resolution.
Upon voice vote the motion **Passed** unanimously.
Resolution 110303-B

(8)
**Metham-
phetamine
Resolution
Adopted**

3. Consideration of adopting a resolution requesting increased penalties for manufacturing, possession and sale of methamphetamine.

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

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

Resolution 110303-C

(9)
**Bridge Day
Resolution
Adopted**

4. Consideration of adopting a resolution proclaiming November 08, 2003 "Bridge Day".

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

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

Resolution 110303-D

(10)
**Local TV
Station
Request
Approved**

5. Consideration of a request to send letter of endorsement for a local television station.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Duff** to accept this request.

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

(11)
**LCACA
Request
Approved**

6. Consideration of request from Loudon County Animal Control Authority to extend agreement on a month-to-month basis to raise additional funds for animal shelter facility.

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Meers** to accept this request.

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

(12)
**Board
Vacancies**

County Mayor Miller stated that there are at-large opening of the Loudon County Cable TV Authority and the Loudon County Solid Waste Disposal Commission. Nominations will be discussed at next workshop meeting.

(13)
**Division II
Court
Withdrawn**

7. Consideration of adopting Public Chapter No. 57, House Bill No. 2113, Private Acts of 2003 (Division II Court)

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Shaver** to withdraw this item and not be rescheduled in a regular or called meeting until the Tennessee General Assembly addresses this Private Act with "hire personnel" in Section 6 deleted.

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

(14)
**Financial
Report**

Nancy Richesin, Loudon County Director of Budgets and Accounts, stated that financial reports for month ending September 2003 were distributed at the October 20 workshop.

(15)
**ADA
Exhibits
Approved**

Leo Bradshaw, Loudon County ADA Coordinator, requested approval of Exhibits A & B of the ADA agreement with the United States Department of Justice.

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

Exhibits E – F

(16)
**Sugarlimb
Sale
Approved**

Pat Phillips, Loudon County Economic Development Agency, requested consideration of request to purchase approximately five (5) acres in the Sugarlimb Industrial Park.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Shaver** to approve this purchase.

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).**

(17)
Annexation
Legality
Request
Approved

Mr. Russ Newman, Office of Planning & Community Development, gave a presentation on the proposed Lenoir City annexation.

After much discussion, a **motion** was made by **Commissioner Shaver** with a second by **Commissioner Duff** for County Mayor Miller to send a letter to the Attorney General requesting legality of "checkerboard" annexation.

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

(18)
TRDA/
Rarity Pointe
Denied

Mr. Russ Newman requested consideration of request from Tellico Reservoir Development Agency (TRDA) to defer planning, zoning and building permit authority on approximately 323 acres of property in the proposed Rarity Pointe development to TRDA.

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Miller** to deny this request.

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

(19)
Attorney
Report

Attorney Sproul reported on the following items:

1. Covenant Health is still negotiating with Rural Metro regarding ambulance service in Loudon County, but the final agreement should be reached in a few days.
2. The Court of Appeals regarding Tennessee Waste Movers, Inc. vs. Loudon County and Loudon County Commission ruled in favor of Loudon County.

(20)
Bond
Applications
Approved

Angie Chambers, County Mayor's Assistant, requested consideration of approving the following Bond Application:

Abby Clendenen

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

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

(21)
Notary
Applications
Approved

Angie Chambers requested consideration of approving the following Notary Applications:

Karen Johnson

Blake Wilson McCoy

Wendy S. Presley

Beth A. Merritt

Loraine Ann France

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

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

(22)
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.

Ms. Pat Hunter, Loudon County resident, came forward to suggest that County Commission requests, at the beginning of each Legislative Session, that Loudon County be provided copies of all Private Acts that will impact Loudon County.


(23)
Adjournment

There being no further business, a **motion** being duly made and seconded, the October 06, 2003 meeting stood adjourned at 8:03 p.m.


CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

Resolution 110303-A

**Resolution Congratulating Steekee Elementary School
For Receiving The Blue Ribbon Award**

Whereas, the US Department of Education recognizes schools that have dramatically improved student performance on state assessments; and

Whereas, schools are nominated by the State Department of Education to receive the Blue Ribbon Award; and

Whereas, only two schools in the State of Tennessee achieved this designation; and

Whereas, Steekee Elementary School was one of the two schools selected to receive this honor; and

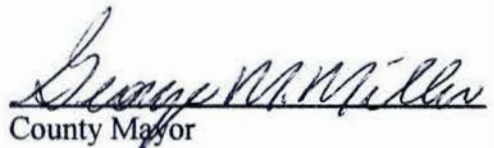
Whereas, this award was achieved by hard work and dedication of students, administrators and educators.

Now therefore be it resolved, by the Loudon County Commission meeting in regular session assembled this 3rd day of November, 2003, that the Loudon County Commission congratulate Steekee Elementary School for receiving the Blue Ribbon Award.


County Chairman

Attest:


County Clerk


County Mayor

Resolution 110113- B

**Resolution Supporting The Recognition Of God As
The Foundation Of Our National Heritage**

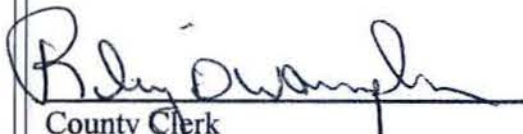
Whereas, our Government was founded upon a trust in God, that began when our Founding Fathers proclaimed in America's first official document, our Declaration of Independence, that our rights to "life, liberty and the pursuit of happiness", were *not* given to us by government, but by God "our Creator", the "Sovereign Judge of the Universe"; and

Whereas, it is fact that between 90 and 95% of those who drafted and signed the US Constitution had a strong belief and trust in God and never intended that there be a separation between HIM and the affairs of Government, only that each citizen be free to choose on a personal basis how to worship, or if to worship; and

Whereas, there is now a growing demand by some within the Judicial System to remove all visible recognitions of God from public institutions, which has recently resulted in a Federal Order to physically remove the Ten Commandments Monument from the Alabama State Supreme Court, rightfully placed there by the Chief Justice of the Alabama State Supreme Court to remind all that God is central to our National Heritage, and His Ten Commandments, without question, the foundation of American law, moral values and code of conduct.

Now therefore be it resolved, by the Loudon County Commission meeting in regular session assembled this 3rd day of November, 2003, that we urge all citizens to proclaim every level of Government (Local, State and Federal) its responsibility to publicly recognize God As The Foundation Of Our National Heritage, LEST OUR NATION FORGET AND OUR CHILDREN NEVER KNOW!

Attest:


County Clerk


County Chairman


County Mayor

Resolution 110303- C

**Resolution Requesting Increased Penalties For Manufacturing,
Possession And Sale Of Methamphetamine**

Whereas, Methamphetamine is the second most widely abused illicit drug in the world;
and

Whereas, Methamphetamine is the most prevalent synthetic drug manufactured in the
United States; and

Whereas, Methamphetamine is a powerfully addictive and violent drug that can result in
brain damage, liver damage, chronic depression, paranoia and other physical and mental
problems.

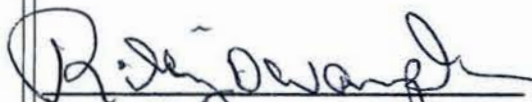
Whereas, the drug also leads to destruction of family life; and

Whereas, it would be in the best interest of Loudon County, Tennessee to increase
penalties for manufacturing, possession and sale of Methamphetamine and require mandatory jail
time for said actions; and

Now therefore be it resolved, by the Loudon County Commission meeting in regular
session assembled this 3rd day of November, 2003, that copies of this Resolution be forwarded to
our State Legislative Delegation and the District Attorney General for consideration.


County Chairman

Attest:


County Clerk


County Mayor

Resolution 110303-D

**Resolution Designating Saturday, November 08, 2003
As "Bridge Day"**

WHEREAS, the highway bridge spanning the Tennessee River at Loudon was completed in December 1929 by Whiting-Turner Construction Company at the cost of \$1,128,426.99. The new bridge allowed for a continuous north-south highway transportation link between Knoxville and Chattanooga along that portion of the Lee Highway (US Highway 11). This route and the Loudon Bridge continued to serve as one of the most important north-south transportation links for the eastern United States until the completion of the interstate highway system and the companion bridge over the Tennessee River for Interstate 75 just downstream from Loudon; and

WHEREAS, it is well remembered by more senior Loudon Countians that there was a period of time between 1929 and 1947 when the Loudon Bridge initially operated as a toll bridge. During that period of time, the toll ferry that crossed the Tennessee River at Loudon and had been in operation for over a century, kept up a colorful competition with the toll bridge until soon after February 1947 when the bridge was "freed" from its toll status; and

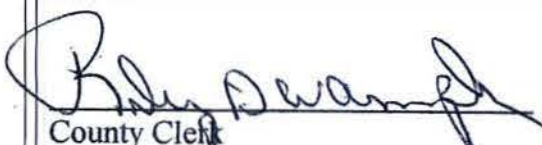
WHEREAS, even though completion of the bridge at Loudon served to link the former Blount, Monroe and Roane fractions of Loudon County together with one another and to make it easier for Loudon Countians to travel to the county seat at Loudon, the bridge has also served to symbolically foster community competition and an almost seventy-five year "battle of the bridge" rivalry between the high school athletic teams of Lenoir City and Loudon; and

WHEREAS, with the impending demolition of the "old" Loudon Bridge with its interesting camel-truss superstructure and concrete piers sometime in 2004 and its subsequent replacement by a new and wider concrete and steel span bridge, it is appropriate for the County Commission to pause in its deliberations to reflect upon the rich heritage and history of the Loudon Bridge. It is also a time for Loudon Countians to recall the stories of ancestors, family and friends who worked to build the bridge or helped operate it as a toll bridge. Also we fondly remember tales of first rides across the bridge with its narrow lanes and the number of times - before the coming of the interstate bridge and especially on UT home football game Saturdays - that traffic would back up on the bridge for long periods of time and one could feel the designed give and take of the bridge structure that caused the bridge to sway under its heavy burden; and

WHEREAS, for the purpose of celebrating this heritage and history William H. Russell and Russell Johnson, through their charitable organization, The Grove Street Foundation, have commissioned local artist, Joe Trout, to paint a watercolor rendering of "The Old Loudon Bridge", prints of which will be made available for sale to the public. The foundation is sponsoring a "Bridge Day" to further mark the eventual passing of the Loudon Bridge for Saturday, November 8, 2003 including as invited guests local and state political leaders, officials from Britton Bridge Company (the contractor for the new bridge), Martha Carver (the historian for the Tennessee Department of Transportation) and Gerald F. Nicely, Commissioner of the Tennessee Department of Transportation.

NOW THEREFORE BE IT RESOLVED, by the Loudon County Commission meeting in regular session on November 03, 2003, that Saturday, November 8, 2003 be declared "Bridge Day" in Loudon County and that the facilities of the Loudon County Courthouse Annex be opened for the display of historic memorabilia and for presentation ceremonies related to Bridge Day and that the County Commission encourage its members and the citizens of Loudon County and everyone anywhere who has a family or historical connection to the Loudon Bridge to attend Bridge Day which will take place from 10:00 am until noon that day.

Attest:


County Clerk


County Chairman

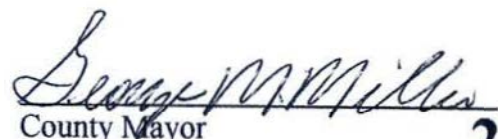

County Mayor

Exhibit E



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the County will not discriminate against qualified individuals with disabilities on the basis of disability in the County's services, programs, or activities.

Employment: The County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

Effective Communication: The County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the office of Leo Bradshaw, ADA Coordinator, at (865) 458-4470, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a County program, service, or activity is not accessible to persons with disabilities should be directed to Leo Bradshaw, ADA Coordinator, at (865) 458-4470.

The County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Attachment A to Settlement Agreement between the United States of America and Loudon County in DJ# 204-70-67.

Exhibit F

LOUDON COUNTY, TENNESSEE

Grievance Procedure Under The Americans With Disabilities Act

The Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County. The County's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Leo Bradshaw, ADA Coordinator
101 Mulberry Street
Suite 101
Loudon, TN 37774
(865) 458-4470

Within 15 calendar days after receipt of the complaint, Mr. Bradshaw or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Mr. Bradshaw or his designee will respond in writing, and where appropriate, in format accessible to the complaint, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

If the response by Mr. Bradshaw or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of within 15 calendar days after receipt of the response to the County Mayor or his designee.

Within 15 calendar days after receipt of the appeal, the County Mayor or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the County Mayor or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Leo Bradshaw or his designee, appeals to the County Mayor or his designee, and responses from these two offices will be retained by the County for at least three years.