

**LOUDON COUNTY COMMISSION
REGULAR MEETING**

September 12, 2005

- (1) **Public Hearing**
- (2) **Opening Of Meeting**
- (3) **Roll Call**
- (4) **Agenda Adopted**
- (5) **Chairman Elected**
- (6) **Chair Pro Tempore Elected**
- (7) **Minutes for August 01, 11 & 29, 2005 Approved**
- (8) **Comments: Agenda Items**
- (9) **Board Appointment Resolutions Adopted** Resolutions 091205A - N
- (10) **Highway 70 Work Approved**
- (11) **Salary Benefits Committee Amendments Approved** Exhibit O
- (12) **Eminent Domain Letter Approved**
- (13) **Hickory Creek Rezoning Resolution Adopted** Resolution 091205-P
- (14) **Coytee Road Rezoning Deferred**
- (15) **Highway 70 Rezoning Resolution Adopted** Resolution 091205-Q
- (16) **Adult Bookstore Definitions Amended** Resolution 091205-R
- (17) **Stormwater Resolution Adopted** Resolution 091205-S
- (18) **Juvenile Department Donations Accepted**
- (19) **Senior Citizens Center Donation Accepted**
- (20) **Homeland Security Grant Accepted**
- (21) **Capital Projects Budget Amendment Approved** Exhibit T
- (22) **Postage Machine Leases Approved**
- (23) **Bonds & Notaries Approved**
- (24) **Comments: Non-Agenda Items**
- (25) **Attorney Report**
- (26) **Adjournment**

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE

COUNTY OF LOUDON

September 12, 2005

6:00 PM

PUBLIC HEARING

(1)
Public
Hearing

1. Request consideration of rezoning approximately 37 acres of property located on Hickory Creek Road from R-1, Suburban Residential District, to C-2, General Commercial District, 5th Legislative District, referenced by Tax Map 7, Parcels 4.00 and 10.00.
Andrea Perkins, adjoining property owner, came forward to request that restrictions be placed on a portion of the parcel to maintain greenspace.
Richard Lemay, engineer for property owner, came forward to state that they were in agreement with leaving portion of parcel as greenspace.
2. Request consideration of rezoning approximately 20 acres of property located on Northshore Drive from A-2, Rural Residential District, to R-1, Suburban Residential District, referenced by Tax Map 17, Parcel 56.00, 6th Legislative District.
No one came forward to speak. *It was noted that a written request from the property owner's attorney had been given to the County Mayor requesting that this item be removed from the agenda.*
3. Request consideration of rezoning approximately 1 acre of property located on Steekee Road from A-2, Rural Residential District, to C-1, Rural Center District, referenced by Tax Map 57, part of Parcel 279.00, 4th Legislative District.
Carson Sparks came forward to speak in favor of this rezoning request.
4. Request consideration of rezoning approximately 39 acres of property located on Coytee Road from A-1, Agriculture-Forestry District, to R-1, Suburban Residential District, referenced by Tax Map 51, part of Parcel 8.00, 3rd Legislative District.
Michael Verson, Architect Planner, came forward to speak in favor of this rezoning request.
Mr. Rossy, area resident, came forward to speak in favor of this rezoning request.
Lynn Bright, area resident, came forward to speak in favor of this rezoning request.
Commissioner Don Miller, on behalf of Ted McDonald, came forward to speak in favor of this rezoning request.
Matthew Bingham, area resident, came forward to request that a plaque be placed in the area to remember the heritage and history of Coytee.
5. Request consideration of rezoning approximately 76.9 acres of property located on Highway 70 East from R-1, Suburban Residential District, to R-1/PUD, Suburban Residential District with Planned Unit Development Overlay, for 2.0 units per acre, referenced by Tax Map 7, Parcel 99.00, 5th Legislative District.
No one came forward to speak.
6. Consideration of resolution to amend the Loudon County Zoning Resolution, Article 2, Definitions, Section 2.020 Definitions of General Terms for Adult Bookstore.
No one came forward to speak.
7. Consideration of adopting the Loudon County Stormwater Resolution.
No one came forward to speak.

REGULAR MEETING

(2)
Opening
Of Meeting

BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 12th day of September, 2005.

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 gave the invocation.

(3)
Roll Call

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

The following Commissioners were absent: **(0).**

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

(4)
Agenda
Adopted

Chairman Bledsoe requested that the September 12, 2005 agenda be adopted.

Commissioner Meers requested that "Election of Chair and Chair Pro Tempore" be added to the agenda.

Chairman Bledsoe requested that Item 6D3, "*Request consideration of rezoning approximately 1 acre of property located on Steekee Road from A-2, Rural Residential District, to C-1, Rural Center District, referenced by Tax Map 57, part of Parcel 279.00, 4th Legislative District*" be removed from the agenda.

Commissioner Harold requested that Item 6D2, "*Request consideration of rezoning approximately 20 acres of property located on Northshore Drive from A-2, Rural Residential District, to R-1, Suburban Residential District, referenced by Tax Map 17, Parcel 56.00, 6th Legislative District*" be removed from the agenda.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Miller** to adopt agenda with requested additions and deletions.

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

(5)
Chairman
Elected

County Mayor Miller requested nominations for Chairman of County Commission for September 2005 – August 2006.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioners Duff and Miller** to nominate **Commissioner Bledsoe** as Chairman by acclamation.

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

(6)
Chair Pro
Tempore
Elected

Chairman Bledsoe requested nominations for Chair Pro Tempore for September 2005 – August 2006.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Jenkins** to nominate **Commissioner Maples** as Chair Pro Tempore by acclamation.

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

(7)
Minutes for
August 01, 11
& 29, 2005
Approved

Chairman Bledsoe requested that the August 01, 2005; August 11, 2005; and August 29, 2005 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.

(8)
Comments:
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.

(9)
Board
Appointment
Resolutions
Adopted

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

1. Consideration of adopting resolution appointing members to various Loudon County Boards and Committees.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Maples** to adopt these resolutions.

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

Resolutions 091205-A – N

(10)
Highway 70
Work
Approved

2. Consideration of authorizing Highway Department to move brush and limbs on private property at 451 Highway 70 West.
A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Duff** to authorize this request.
Upon voice vote the motion **Passed** unanimously.

(11)
Salary
Benefits
Committee
Amendments
Approved

- A **motion** was made by **Commissioner Marcus** with a second by **Commissioner Miller** to amend August 29, 2005 Commission approved recommendations of the Salary & Benefits Study Committee.
Upon roll call vote the following Commissioners voted **Aye: Marcus, Meers, Jenkins, Franke, Bledsoe, Duff, Harold and Miller: (8).**
The following Commissioners voted **Nay: Maples and Shaver: (2).**
Thereupon the Chairman announced the motion **Passed: (8-2).**
Exhibit O

(12)
Eminent
Domain
Letter
Approved

- A **motion** was made by **Commissioner Miller** with a second by **Commissioner Franke** to send a letter to Congressman Duncan and Senators Alexander and Frist regarding eminent domain powers of TVA.
Upon voice vote the motion **Passed** unanimously.

(13)
Hickory
Creek
Rezoning
Resolution
Adopted

Russ Newman, Loudon County Planning & Community Development, requested discussion and possible action on the following items:

1. Request consideration of rezoning approximately 37 acres of property located on Hickory Creek Road from R-1, Suburban Residential District, to C-2, General Commercial District, 5th Legislative District, referenced by Tax Map 7, Parcels 4.00 and 10.00.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Duff** to adopt this resolution, rezoning property from Northern edge of TVA easement North to Hickory Creek Road from R-1, Suburban Residential District, to C-2, General Commercial District, and from Northern edge of TVA easement South to property boundary from R-1, Suburban Residential District, to A-1, Agriculture Forestry District.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Jenkins** to amend the resolution by making approval of resolution contingent upon county developing a separate agreement with the developer/owner to dedicate the southern part of this property as greenspace conservation area.

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

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

Resolution 091205-P

(14)
Coytee Road
Rezoning
Deferred

2. Request consideration of rezoning approximately 39 acres of property located on Coytee Road from A-1, Agriculture-Forestry District, to R-1, Suburban Residential District, referenced by Tax Map 51, part of Parcel 8.00, 3rd Legislative District.

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Jenkins** to defer back to Planning Commission with changes made.

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

(15)
Highway 70
Rezoning
Resolution
Adopted

3. Request consideration of rezoning approximately 76.9 acres of property located on Highway 70 East from R-1, Suburban Residential District, to R-1/PUD, Suburban Residential District with Planned Unit Development Overlay, for 2.0 units per acre, referenced by Tax Map 7, Parcel 99.00, 5th Legislative District.

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

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

Resolution 091205-Q

Recess 8:10 pm – 8:20 pm

(16)
Adult
Bookstore
Definitions
Amended

4. Request consideration of resolution to amend the Loudon County Zoning Resolution, Article 2, Definitions, Section 2.020 Definitions of General Terms for Adult Bookstore.

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

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

Resolution 091205-R

(17)
Stormwater
Resolution
Adopted

5. Consideration of adopting the Loudon County Stormwater Resolution.
A **motion** was made by **Commissioner Harold** with a second by **Commissioner Marcus** to adopt this resolution.
A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Jenkins** to table this resolution for further study.
Upon roll call vote the following Commissioners voted **Aye** to table: **Jenkins, Maples, Franke, Bledsoe and Shaver: (5)**.
The following Commissioners voted **Nay: Marcus, Meers, Duff, Harold and Miller: (5)**.
Thereupon the Chairman announced the motion **Failed: (5-5)**.
Upon roll call vote the following Commissioners voted **Aye** on the original motion: **Marcus, Meers, Franke, Duff, Harold and Miller: (6)**.
The following Commissioners voted **Nay: Jenkins, Maples, Bledsoe and Shaver: (4)**.
Thereupon the Chairman announced the motion **Passed: (6-4)**.

Resolution 091205-S

Mayor Miller announced that the following Commissioners would serve on the Stormwater Committee: Marcus, Jenkins and Harold.

Tracy Blair, Loudon County Director of Accounts and Budgets, requested consideration and possible action on the following items:

(18)
Juvenile
Department
Donations
Accepted

1. Consideration of acceptance of \$20,000 donation from Lenoir City Schools for Juvenile Department.
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Meers** to accept this donation.
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)**.

(19)
Senior
Citizens
Center
Donation
Accepted

2. Consideration of acceptance of public donations for furnishings at the new Senior Citizens Center.
A **motion** was made by **Commissioner Miller** with a second by **Commissioner Franke** to accept these donations.
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)**.

(20)
Homeland
Security
Grant
Accepted

3. Consideration of acceptance of Homeland Security Grant (\$130,564).
A **motion** was made by **Commissioner Marcus** with a second by **Commissioner Meers** to accept this grant.
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)**.

(21)
Capital
Projects
Budget
Amendment
Approved

4. Consideration of amendment in the Capital Projects budget.
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Meers** to approve budget amendments.
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)**.

Exhibit T

(22)
Postage
Machine
Leases
Approved

Leo Bradshaw, Loudon County Director of Purchasing and Maintenance requested consideration of approving postage machine leases for Circuit Court, Trustee and Board of Education Central Office.
A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Marcus** to approve lease agreements.
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)**.

(23)
Bonds &
Notaries
Approved

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Shaver** to approve notaries for Tony R. Aikens, Cissy Chapman, Linda M. Denton, Michelle M. Strickland, Barry E. Sharp, Christopher Glen Workman, Jennifer Costner, Alfreda Mae Ratledge, Nickie A. Dunker, Imogene Tibbs and Donna L. Montooth.
Upon voice vote the motion **Passed** unanimously.

(24)
Comments:
Non-Agenda
Items

Chairman Bledsoe asked for any visitor wishing to address the Commission regarding items not on the agenda.
No one came forward to speak.

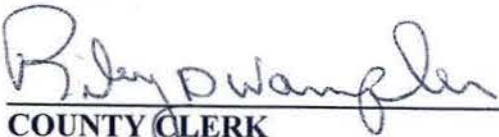
(25)
Attorney
Report

Loudon County Attorney Harvey Sproul stated that the Overlook Senior Housing in lieu of tax case had been settled.

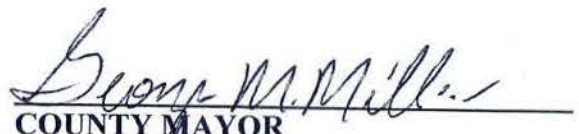
(26)
Adjournment

There being no further business, a **motion** being duly made and seconded, the September 12, 2005 meeting stood adjourned at 8:55 p.m.

ATTEST:


COUNTY CLERK


CHAIRMAN


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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 Nancy Marcus

Term Expiration

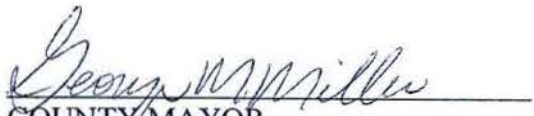
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION
RESOLUTION 091205-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, an appointment (or appointments) is necessary and/or desirable at this time; and

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

LOUDON COUNTY
BEER BOARD

Appointee

Panel B

Third District – Jim Brooks

Fourth District – Bill Grimes

Term Expiration

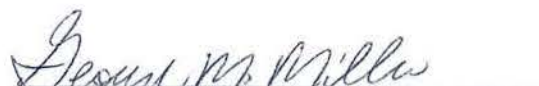
August 31, 2008

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

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

Appointee

Panel A

First District – John Lovelace

Second District – Connie Sledzinski

Term Expiration

August 31, 2007

Panel B

Seventh District – Bob Snogross

August 31, 2006

Panel C

Fifth District – Commissioner Van Shaver

Sixth District –

August 31, 2006

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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
BLAIR BEND INDUSTRIAL COMMITTEE**

Appointee

Commissioner Bob Franke
Commissioner Chuck Jenkins
Commissioner Ed Harold

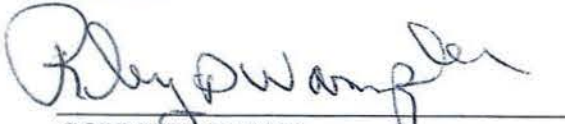
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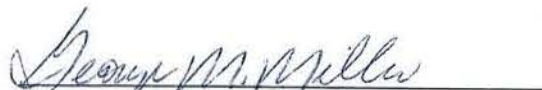
August 31, 2006
August 31, 2006
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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
BUDGET COMMITTEE**

Appointee

**Commissioner Nancy Marcus
Commissioner Chuck Jenkins
Commissioner Bob Franke
Commissioner David Meers**

Term Expiration

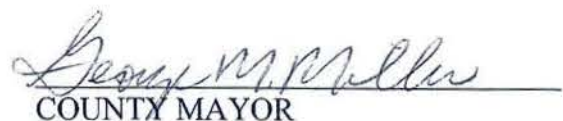
**August 31, 2006
August 31, 2006
August 31, 2006
August 31, 2006**

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, 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
Tracy Blair, Director of Budgets**

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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, 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 Ed Harold
Commissioner David Meers
Commissioner Don Miller
Commissioner Harold Duff
Commissioner Roy Bledsoe

Term Expiration

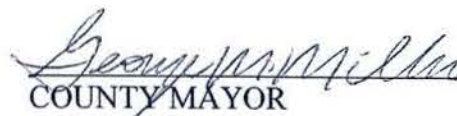
August 31, 2006
August 31, 2006
August 31, 2006
August 31, 2006
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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, 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 Harold Duff

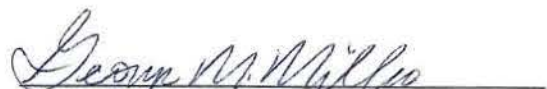
Term Expiration
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointment.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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
FINANCIAL ADVISORY COMMITTEE**

Appointee

Commissioner Earlena Maples
Commissioner Van Shaver
Commissioner David Meers
George Miller, County Mayor (Chair)
Tracy Blair, Director of Budgets
Estelle Herron, Trustee

Term Expiration

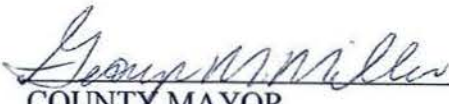
August 31, 2006
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August 31, 2006
August 31, 2006
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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
GOVERNMENTAL AFFAIRS COMMITTEE**

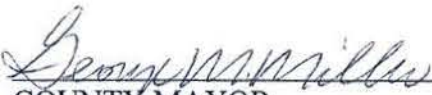
<u>Appointee</u>	<u>Term Expiration</u>
Commissioner Nancy Marcus	August 31, 2006
Commissioner David Meers	August 31, 2006
Commissioner Roy Bledsoe	August 31, 2006
Commissioner Earlena Maples	August 31, 2006
Commissioner Harold Duff	August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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
LITTER CONTROL COMMITTEE**

<u>Appointee</u>	<u>Term Expiration</u>
Commissioner David Meers	August 31, 2006
Commissioner Earlena Maples	August 31, 2006
Commissioner Roy Bledsoe	August 31, 2006
Sheriff Tim Guider	August 31, 2006
Road Superintendent Don Palmer	August 31, 2006
KLCB Director	August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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, appointments are necessary and/or desirable at this time; and

WHEREAS, the County Mayor appoints the following as members of

**LOUDON COUNTY
MAINTENANCE COMMITTEE**

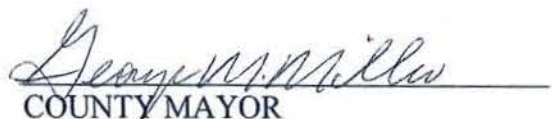
<u>Appointee</u>	<u>Term Expiration</u>
Commissioner Van Shaver	August 31, 2006
Commissioner Don Miller	August 31, 2006
Commissioner Roy Bledsoe	August 31, 2006
Purchasing Agent Leo Bradshaw	August 31, 2006
BOE Maintenance David Hemelright	August 31, 2006
County Mayor George Miller	August 31, 2006
School Superintendent Edward Headlee	August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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 Nancy Marcus

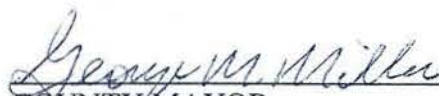
Term Expiration
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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 Don Miller
Commissioner Earlena Maples
Commissioner Bob Franke
Commissioner Van Shaver
Commissioner Chuck Jenkins

Term Expiration

August 31, 2006
August 31, 2006
August 31, 2006
August 31, 2006
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves or acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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 Bob Franke

Commissioner David Meers (alt.)

Term Expiration

August 31, 2006

August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves and acknowledges (as appropriate), the said appointments.


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 091205-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**

Appointee

Commissioner Harold Duff
Commissioner Van Shaver
Commissioner Ed Harold

Term Expiration

August 31, 2006
August 31, 2006
August 31, 2006

NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, meeting in regular session assembled this 12th day of September, 2005, hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK



COUNTY MAYOR

Exhibit O

The following recommendations are being made because the Salary and Benefit Committee feels that more time is needed to collect and study more data and then devise a plan regarding our employees' insurance coverage:

1. Newly hired employees will have the same options that current employees have. There will be no new plan for newly hired employees. Any changes that are made in the future will have the same effect for all employees.
2. Employees will have until October 01, 2005 before they are affected by their choice of HMO or PPO coverage. The County will continue paying the current premium during this time in order to provide each employee the opportunity to make needed adjustments regarding appointments and paperwork.
3. Each department head will be notified of each meeting of the Salary and Benefit Committee, which is an ad hoc committee, in order for them to attend and participate in the meetings, and then inform all employees regarding the results of the meetings.

RESOLUTION 091205-P

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER SEVEN, §13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY LOCATED ON HICKORY CREEK ROAD, CONTAINING APPROXIMATELY 37 ACRES, SITUATED IN THE FIFTH LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 7, PARCELS 4.00 AND 10.00, FROM NORTHERN EDGE OF TVA EASEMENT NORTH TO HICKORY CREEK ROAD FROM R-1, SUBURBAN RESIDENTIAL DISTRICT TO C-2, GENERAL COMMERCIAL DISTRICT, AND FROM NORTHERN EDGE OF TVA EASEMENT SOUTH TO PROPERTY BOUNDARY FROM R-1, SUBURBAN RESIDENTIAL DISTRICT TO A-1, AGRICULTURE FORESTRY DISTRICT.

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

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

WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on July 24-25, 2005, consistent with the provisions of Tennessee Code Annotated, §13-7-105,

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

That property located on Hickory Creek Road, approximately 37 acres, referenced by Tax Map 7, Parcels 4.00 and 10.00, from northern edge of TVA easement north to Hickory Creek Road from R-1, Suburban Residential District to C-2, General Commercial District, and from northern edge of TVA easement south to property boundary from R-1, Suburban Residential District to A-1, Agriculture Forestry District, as shown on the attached map; said map being part of this Resolution.

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


ATTEST


APPROVED: LOUDON COUNTY MAYOR


LOUDON COUNTY CHAIRMAN
DATE: 09/12/05

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

APPROVED: 0

DISAPPROVED: 10

ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
Dated: July 19, 2005

FILE #05-06-136-RZ-CO

Resolution 091205-Q

A RESOLUTION AMENDING THE ZONING MAP OF LOUDON COUNTY, TENNESSEE, PURSUANT TO CHAPTER SEVEN, §13-7-105 OF THE TENNESSEE CODE ANNOTATED, TO REZONE PROPERTY LOCATED ON HIGHWAY 70, CONTAINING APPROX. 76.9 ACRES, SITUATED IN THE 5TH LEGISLATIVE DISTRICT, REFERENCED BY TAX MAP 7, PARCEL 99.00, FROM R-1, SUBURBAN RESIDENTIAL DISTRICT TO R-1/PUD, SUBURBAN-RESIDENTIAL DISTRICT WITH PLANNED UNIT DEVELOPMENT OVERLAY

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

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

WHEREAS, a notice of public hearing and a description of the resolution appeared in the Loudon County News Herald on July 24-25, 2005, consistent with the provisions of Tennessee Code Annotated, §13-7-105,

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

That property located on Highway 70, approximately 76.9 acres, referenced by Tax Map 7, Parcel 99.00, be rezoned from R-1, Suburban Residential District, to R-1/PUD, Suburban-Residential District with Planned Unit Development Overlay at a density of 2.0 units per acre, as shown on the attached map; said map being part of this Resolution.

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


ATTEST


LOUDON COUNTY CHAIRMAN


APPROVED: LOUDON COUNTY MAYOR

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

APPROVED: 10

DISAPPROVED: 0

ATTEST: SECRETARY, LOUDON COUNTY
REGIONAL PLANNING COMMISSION
Dated: July 19, 2005

FILE #05-07-160-RZ-CO

Resolution 091205-R

A RESOLUTION TO AMEND ARTICLE 2, SECTION 2.020 DEFINITIONS OF GENERAL TERMS, PURSUANT TO SECTION 13-7-105 OF TENNESSEE CODE ANNOTATED

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

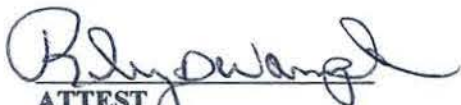
WHEREAS, the Loudon County Regional Planning Commission has reviewed and is forwarding its recommendations regarding amendments to Section 2.020, Definitions of General Terms, of the Loudon County Zoning Resolution; and

WHEREAS, a notice of public hearing and a description of the proposed amendment appeared in the Loudon County News Herald on July 24/25, 2005, consistent with the provisions of Tennessee Code Annotated, Section 13-7-105,

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Commission that Section 2.020 of the Zoning Resolution of Loudon County be amended as follows:

"Adult Bookstore" means a business which offers as its principal or predominant stock or trade sexually oriented material, devices or paraphernalia, whether determined by the total number of sexually oriented materials, devices or paraphernalia offered for sale, or by the retail value of such materials, devices or paraphernalia, or by the wholesale value of such materials, devices or paraphernalia, or that the majority of the businesses' interior floor space is dedicated to the display or sale of such materials, devices or paraphernalia, specified sexual activities or any combination or form thereof, whether printed, filmed, recorded, or live, which restricts or purports to restrict admission to adults, or to any class of adults, and such definition shall specifically include items sexually oriented in nature regardless of how labeled or sold, such as adult novelties, risqué gifts or marital aids.

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


ATTEST


LOUDON COUNTY CHAIRMAN


APPROVED: LOUDON COUNTY MAYOR

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

APPROVED: 10

DISAPPROVED: 0

ATTEST: SECRETARY, LOUDON COUNTY REGIONAL PLANNING COMMISSION

Date: July 19, 2005

05-07-167-RGZ-CO

LOUDON COUNTY COMMISSION
RESOLUTION 091205-S

**LOUDON COUNTY
STORMWATER
RESOLUTION**

PREPARED BY:

LOUDON COUNTY PLANNING OFFICE

BASED ON
2002 MTAS MODEL STORMWATER ORDINANCE
WITH DECEMBER 2004 AMENDMENTS

September, 2005

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STORMWATER ORDINANCE

Section 1. General provisions.

- (1). Purpose. It is the purpose of this resolution to:
 - (a) Protect, maintain, and enhance the environment of Loudon County and the public health, safety and the general welfare of the citizens of the county, by controlling discharges of pollutants to the county's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the county.
 - (b) Enable Loudon County to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR ' 122.26 for stormwater discharges.
 - (c) Allow Loudon County to exercise the powers granted in Tennessee Code Annotated ' 68-221-1105, which provides the power by ordinance or resolution to:
 - (1) Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the county, whether or not owned and operated by the county;

- (2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
 - (3) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;
 - (4) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;
 - (5) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;
 - (6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
 - (7) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
 - (8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.
- (2). Administering entity. The Loudon County Office of Planning shall administer the provisions of this resolution.
- (3). Loudon County Urbanized Area. This resolution is effective only within the urbanized

area of Loudon County as defined by the U.S. Census Bureau. The 2000 Census Bureau map is attached as part of this Resolution.

Section 2. Definitions. For the purpose of this chapter, the following definitions shall apply:

Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

- (1) *As built plans* means drawings depicting conditions as they were actually constructed.
- (2) *Best management practices* or *BMPs* are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by Loudon County, and that have been incorporated by reference into this ordinance as if fully set out therein.
[NOTE: See ' 5(1) for recommended BMP manual.]
- (3) *Channel* means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
- (4) *Community water* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Loudon County.

- (5) *Contaminant* means any physical, chemical, biological, or radiological substance or matter in water.
- (6) *Design storm event* means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
- (7) *Discharge* means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
- (8) *Easement* means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.
- (9) *Erosion* means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.
- (10) *Erosion and sediment control plan* means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
- (11) *Hotspot (priority area)* means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

- (12) *Illicit connections* means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
- (13) *Illicit discharge* means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under ' 3(3).
- (14) *Land disturbing activity* means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.
- (15) *Maintenance* means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
- (16) *Maintenance agreement* means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (17) *Municipal separate storm sewer system (MS4) (Municipal separate stormwater system)* means the conveyances owned or operated by the municipality or county for the collection and transportation of stormwater, including the roads and streets

and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

- (18) *National Pollutant Discharge Elimination System permit* or *ANPDES permit* means a permit issued pursuant to 33 U.S.C. 1342.
- (19) *Off-site facility* means a structural BMP located outside the subject property boundary described in the permit application for land development activity.
- (20) *On-site facility* means a structural BMP located within the subject property boundary described in the permit application for land development activity.
- (21) *Peak flow* means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (22) *Person* means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (23) *Priority area* means A hot spot as defined in ' 2(11).
- (24) *Runoff* means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.
- (25) *Sediment* means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

- (26) *Sedimentation* means soil particles suspended in stormwater that can settle in stream beds and disrupt the natural flow of the stream.
- (27) *Soils Report* means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
- (28) *Stabilization* means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.
- (29) *Stormwater* means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
- (30) *Stormwater management* means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.
- (31) *Stormwater management facilities* means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
- (32) *Stormwater management plan* means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
- (33) *Stormwater runoff* means flow on the surface of the ground, resulting from precipitation.
- (34) *Stormwater utility* means the stormwater utility created by ordinance or resolution of the county to administer the stormwater management ordinance, and other

stormwater rules and regulations adopted by the county.

- (35) *Structural BMPs* means devices that are constructed to provide control of stormwater runoff.
- (36) *Surface water* includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.
- (37) *Watercourse* means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (38) *Watershed* means all the land area that contributes runoff to a particular point along a waterway.

Section 3. Land disturbance permits.

(1). When required.

- (a) Every person will be required to obtain a land disturbance permit from the Loudon County Office of Planning in the following cases:
 - (1) Land disturbing activity disturbs one (1) or more acres of land;
 - (2) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land;
 - (3) Land disturbing activity of less than one (1) acre of land, if in the discretion of the Loudon County Office of Planning such activity poses a unique threat to water, or public health or safety;

- (4) The creation and use of borrow pits.
- (2). Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this resolution.
- (3). Exemptions. The following activities are exempt from the permit requirement:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - (c) Any logging or agricultural activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by a cognizant Federal or state agency.
 - (d) Additions or modifications to existing single family structures.
- (4). Application for a land disturbance permit.
 - (a) Each application shall include the following:
 - (1) Name of applicant;
 - (2) Business or residence address of applicant;
 - (3) Name, address and telephone number of the owner of the property of record in the office of the assessor of property;

- (4) Address and legal description of subject property including the Loudon County tax map and parcel reference number numbers of the subject property;
 - (5) Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 - (6) A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
 - (7) Where the property includes a sinkhole, the applicant shall obtain from the Tennessee Department of Environment and Conservation appropriate permits.
 - (8) The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not preclude the Loudon County Office of Planning from imposing additional development requirements and conditions, commensurate with this resolution, on the development of property covered by those permits.
- (b) Each application shall be accompanied by:
- (1) A sediment and erosion control plan as described in ' 5(5).
 - (2) A stormwater management plan as described in ' 5(4), providing for

stormwater management during the land disturbing activity and after the activity has been completed.

- (3) Each application for a land disturbance permit shall be accompanied by payment of a land disturbance permit and other stormwater management fees, which shall be set by resolution.

(5). Review and approval of application.

- (a) The Loudon County Planning Office will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 10 working days after receiving an application, the Loudon County Planning Office shall provide one of the following responses in writing:

- (1) Approval of the permit application;
- (2) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this resolution, and issue the permit subject to these conditions; or
- (3) Denial of the permit application, indicating the reason(s) for the denial.

- (b) If the Loudon County Planning Office has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the Loudon County Planning Office. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the Loudon County Planning Office.
- (c) No development plans will be released until the land disturbance permit has been approved.

(6). Permit duration.

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

(7). Notice of construction.

The applicant must notify the Loudon County Planning Office ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the Loudon County Planning Office or the Loudon County Building Commissioner. All inspections shall be documented and written reports prepared that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether construction is in compliance with the approved stormwater management plan;
- (3) Variations from the approved construction specifications;
- (4) Any violations that exist.

(8). Performance bonds.

- (a) The Loudon County Planning Office may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. [Or plus a certain percentage of the total estimated costs.] The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the Loudon County Planning Office. Alternatively the Loudon County Planning Office shall have the right to calculate the cost of the construction cost estimates.
- (b) The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The Loudon County Planning Office will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various

development stages can be made at the discretion of the Loudon County Planning Office.

Section 4. Stormwater system design and management standards.

(1) Stormwater design or BMP manual.

- (a) Adoption. The county adopts as its stormwater design and best management practices (BMP) manual the following publications, which are incorporated by reference in this resolution as if fully set out herein:

- (1) TDEC Sediment and Erosion Control Manual
- (2) TDEC Manual for Post Construction

- (b) This manual includes a list of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the governing body of the county, upon the recommendation of the Loudon County Planning Office, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.
- (2). General performance criteria for stormwater management. Unless granted a waiver or judged by the Loudon County Planning Office to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:
- (a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this resolution or in the BMP manual and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
 - (b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
 - (c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs)

may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

- (d) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices.
- (e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the Loudon County Office of Planning to determine if they are subject to additional stormwater design requirements.
- (f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.

(3). Minimum control requirements.

- (a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the BMP manual unless the Loudon County Planning Office has granted the applicant a full or partial waiver for a particular BMP under ' 6.
- (b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Loudon County Planning Office may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

- (4). Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the Loudon County Planning Office to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater

generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

- (a) Topographic Base Map: A 1" = 100' topographic base map of the site which extends a minimum of 500 feet beyond the limits of the proposed development and indicates:
 - (1) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
 - (2) Current land use including all existing structures, locations of utilities, roads, and easements;
 - (3) All other existing significant natural and artificial features;
 - (4) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
 - (5) Proposed structural BMPs;
 - (6) A written description of the site plan and justification of proposed changes in natural conditions may also be required.
- (b) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance

with this resolution and the guidelines of the BMP manual. Such calculations shall include:

- (1) A description of the design storm frequency, duration, and intensity where applicable;
 - (2) Time of concentration;
 - (3) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (4) Peak runoff rates and total runoff volumes for each watershed area;
 - (5) Infiltration rates, where applicable;
 - (6) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (7) Flow velocities;
 - (8) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
 - (9) Documentation of sources for all computation methods and field test results.
- (c) **Soils Information:** If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (d) **Maintenance and Repair Plan:** The design and planning of all stormwater

management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

- (e) **Landscaping Plan:** The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Tennessee.
- (f) **Maintenance Easements:** The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

(g) Maintenance Agreement:

- (1) The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
- (2) The maintenance agreement shall:
 - (a) Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
 - (b) Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this resolution. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee who will submit a sealed report of the inspection to the Loudon County Planning Office. It shall also grant permission to the county to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
 - (c) Provide that the minimum maintenance and repair needs

include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

- (d) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the Loudon County Planning Office.
- (e) Provide that if the property is not maintained or repaired within the prescribed schedule, Loudon County shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that Loudon County's cost of performing the maintenance shall be a lien against the property.

- (f) The county shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this resolution, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the county must also meet the county's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.
 - (h) Sediment and Erosion Control Plans: The applicant must prepare a sediment and erosion control plan for all construction activities that complies with ' 5(5) below.
- (5). Sediment and erosion control plan requirements. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the state of Tennessee. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:
 - (a) Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
 - (b) A topographic map with contour intervals of four (4) feet or less showing present conditions and proposed contours resulting from land disturbing activity.

- (c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
- (d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- (e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- (f) Approximate limits of proposed clearing, grading and filling.
- (g) Approximate flows of existing stormwater leaving any portion of the site.
- (h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (i) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (j) Proposed drainage network.
- (k) Proposed drain tile or waterway sizes.
- (l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property

- adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- (m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
 - (n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
 - (o) Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the Loudon County Planning Office. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the Loudon County Planning Office. Failure to remove the sediment, soil or debris shall be deemed a violation of this resolution.
 - (p) Proposed structures; location (to the extent possible) and identification of any

proposed additional buildings, structures or development on the site.

- (q) A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

Section 5. Post Construction.

(1). As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the Loudon County Planning Office is required before any performance security or performance bond will be released. The Loudon County Planning Office shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the Loudon County Planning Office.

(2). Landscaping and stabilization requirements.

- (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the Loudon County Planning Office. The following criteria shall apply to revegetation efforts:

- (1) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
 - (2) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - (3) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.
- (b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (3). Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for in ' 5(4)(g)(2)(b).
 - (4). Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation

of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least two (2) years. These records shall be made available to the Loudon County Planning Office during inspection of the facility and at other reasonable times upon request.

- (5). Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this resolution, the Loudon County Planning Office, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Loudon County Planning Office shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, Loudon County may take necessary corrective action. The cost of any action by the Loudon County under this section shall be charged to the responsible party.

Section 6. Waivers.

- (1). General. Every applicant shall provide for post-construction stormwater management as required by this resolution. Requests to waive the stormwater management plan requirements shall be submitted to the Loudon County Planning Office for approval.
- (2). Conditions for waiver. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- (a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this resolution.
 - (b) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Loudon County Planning Office.
 - (c) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (3). Downstream damage, etc. prohibited. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the Loudon County Planning Office that the waiver will not lead to any of the following conditions downstream:
- (a) Deterioration of existing culverts, bridges, dams, and other structures;
 - (b) Degradation of biological functions or habitat;
 - (c) Accelerated streambank or streambed erosion or siltation;
 - (d) Increased threat of flood damage to public health, life or property.
- (4). Land disturbance permit not to be issued where waiver requested. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

Section 7. Existing locations and developments.

- (1). Requirements for all existing locations and developments. The following

requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this resolution

- (a) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the Loudon County Planning Office.
- (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
- (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- (e) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:
 - (1) Ponds
 - (a) Detention pond
 - (b) Extended detention pond
 - (c) Wet pond
 - (d) Alternative storage measures
 - (2) Constructed wetlands
 - (3) Infiltration systems
 - (a) Infiltration/percolation trench
 - (b) Infiltration basin
 - (c) Drainage (recharge) well

- (d) Porous pavement
 - (4) Filtering systems
 - (a) Catch basin inserts/media filter
 - (b) Sand filter
 - (c) Filter/absorption bed
 - (d) Filter and buffer strips
 - (5) Open channel
 - (a) swale
- (2). Requirements for existing problem locations. The Loudon County Planning Office shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.
- (3). Inspection of existing facilities. The Loudon County Planning Office may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this resolution, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of

the county's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

- (4). Corrections of problems subject to appeal. Corrective measures imposed by the stormwater utility under this section are subject to appeal under ' 11 of this resolution.

Section 8. Illicit discharges.

(1). Scope. This section shall apply to all water generated on developed or undeveloped land entering the county's separate storm sewer system.

(2). Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
- (1) Water line flushing or other potable water sources,
 - (2) Landscape irrigation or lawn watering with potable water,
 - (3) Diverted stream flows,
 - (4) Rising ground water,
 - (5) Groundwater infiltration to storm drains,
 - (6) Pumped groundwater,
 - (7) Foundation or footing drains,

- (8) Crawl space pumps,
 - (9) Air conditioning condensation,
 - (10) Springs,
 - (11) Non-commercial washing of vehicles,
 - (12) Natural riparian habitat or wet-land flows,
 - (13) Swimming pools (if dechlorinated - typically less than one PPM chlorine),
 - (14) Fire fighting activities, and
 - (15) Any other uncontaminated water source.
- (b) Discharges specified in writing by the Loudon County Planning Office as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge if the Loudon County Planning Office has so specified in writing.
- (3). Prohibition of illicit connections.
- (a) The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (4). Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system.

Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(5). Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the Loudon County Planning Office in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Loudon County Planning Office within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

Section 9. Enforcement

- (1). Enforcement authority. The Loudon County Planning Commission or their designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.
- (2). Notification of violation.
 - (a) Written Notice. Whenever the Loudon County Planning Office finds that any permittee or any other person discharging stormwater has violated or is violating this resolution or a permit or order issued hereunder, the Loudon County Planning Office may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Loudon County Planning Office. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
 - (b) Consent Orders. The Loudon County Planning Commission is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

- (c) Show Cause Hearing. The Loudon County Planning Office may order any person who violates this resolution or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- (d) Compliance Order. When the Loudon County Planning Office finds that any person has violated or continues to violate this resolution or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- (e) Cease and Desist Orders. When the Loudon County Planning Office finds that any person has violated or continues to violate this resolution or any permit or order issued hereunder, the Loudon County Planning Office may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
- (1) Comply forthwith; or

- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
- (3). Conflicting standards. Whenever there is a conflict between any standard contained in this resolution and in the BMP manual adopted by the county under this resolution, the strictest standard shall prevail.

Section 10. Penalties.

- (1). Violations. Any person who shall commit any act declared unlawful under this resolution, who violates any provision of this resolution, who violates the provisions of any permit issued pursuant to this resolution, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the Loudon County Planning Office, shall be guilty of a civil offense.
- (2). Penalties. Under the authority provided in Tennessee Code Annotated ' 68-221-1106, the county declares that any person violating the provisions of this resolution may be assessed a civil penalty by the Loudon County Planning Commission of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3). Measuring civil penalties. In assessing a civil penalty, the Loudon County Planning Commission may consider:
 - (a) The harm done to the public health or the environment;
 - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

- (c) The economic benefit gained by the violator;
 - (d) The amount of effort put forth by the violator to remedy this violation;
 - (e) Any unusual or extraordinary enforcement costs incurred by the county;
 - (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (4). Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the county may recover;
- (a) All damages proximately caused by the violator to the county, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this resolution, or any other actual damages caused by the violation.
 - (b) The costs of the county's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this resolution.
- (5). Other remedies. The county may bring legal action to enjoin the continuing violation of this resolution, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (6). Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

Section 11. Appeals. Pursuant to Tennessee Code Annotated ' 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this resolution may appeal said penalty or damage assessment to the county's governing body.

- (1). Appeals to be in writing. The appeal shall be in writing and filed with the County Mayor's Office within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.
- (2). Public hearing. Upon receipt of an appeal, the county's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the county shall be final.
- (3). Appealing decisions of the county's governing body. Any alleged violator may appeal a decision of the county's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.

LOUDON COUNTY
General Capital Projects Fund 171
Ending June 30, 2006

	A	B	C	D	E	F	G	H	I	J	K
1											
2					09/08/05		2006	2006	2006		
3					9/8/05 9:42 AM		Original	Budget	Approved	Proposed	Proposed
4							Budget	Amendments	Amded Budget	Amendments	Amded Budget
5	REVENUE						2.50				
6		40000	Local Taxes				106,700				
7			40110		Current Property Taxes		266,750		266,750		266,750
8			40120		Trustee's Pr Yr		8,000		8,000		8,000
9			40125		Trustee's Collections-Bankruptcy		3,500		3,500		3,500
10			40130		Clerk and Master's Pr Yr						
11											
12					Total Local Revenue		278,250	0	278,250	0	278,250
13											
14											
15		43000	Charges for Services								
16			43190		Other General Ser Charges		0	0	0		
17											
18					Total Charges for Services		0	0	0		
19						GIS					
20		44000	Other Local Revenue								
21			44570		Contributions & Gifts		20,000		20,000		20,000
22			44990		Other Local Revenue						
23											
24					Total Other Local Revenue		20,000	0	20,000		20,000
25											
26		46000	State of Tennessee								
27			46290		Other Public Safety Grants (Irene Lane)		90,000		90,000		90,000
28											
29					Total State of Tennessee		90,000	0	90,000		90,000
30											

Exhibit T

LOUDON COUNTY
General Capital Projects Fund 171
Ending June 30, 2006

	A	B	C	D	E	F	G	H	I	J	K
1											
2					09/08/05		2006	2006	2006		
3					9/8/05 9:42 AM		Original	Budget	Approved	Proposed	Proposed
4							Budget	Amendments	Amded Budget	Amendments	Amded Budget
31	47000	Federal Revenue					-----				
32		47180			CDBG Grant (Hwy 70 Sewer)		91,000	0	91,000		91,000
33											
34					Total Direct Federal		91,000	0	91,000		91,000
35											
36	48000	Other									
37		48990			Other (TV Irene Lane)		15,000		15,000		15,000
38											
39					Total Other		15,000		15,000		15,000
40											
41	49000	Other Sources									
42		49500			Other Loans Issued		1,000,000	0	1,000,000		1,000,000
43											
44											
45											
46					TOTAL REVENUE		1,494,250	0	1,494,250	0	1,494,250
47											

LOUDON COUNTY
General Capital Projects Fund 171
Ending June 30, 2006

	A	B	C	D	E	F	G	H	I	J	K
1											
2					09/08/05		2006	2006	2006		
3					9/8/05 9:42 AM		Original	Budget	Approved	Proposed	Proposed
4							Budget	Amendments	Amded Budget	Amendments	Amded Budget
48					EXPENDITURES						
49					91120 Administration of Justice Projects						Juvenile Cntr
50			706		Building Construction		58,000		58,000	14,300	72,300
51			321		Engineering		0		0	9,700	9,700
52											
53					Justice Center - Contractor's contingency						
54					Total Adm of Justice		58,000	0	58,000	24,000	82,000
55											
56					91130 Public Safety Projects						
57			399		Other Contracted Services		113,300		113,300		113,300
58											
59					Total Public Safety		113,300	0	113,300	0	113,300
60											
61					91140 Public Health and Welfare Projects						
62			706		Building Construction		100,000		100,000		100,000
63			706		Building Construction		200,000		200,000		200,000
64			399		Other Contracted Services		71,400		71,400		71,400
65			499		Other Supplies & Materials		49,900		49,900		49,900
66											
67					Total Public Health & Welfare		421,300	0	421,300	0	421,300
68											
69					Sr Citizens Bldg						
70					91150 Social Cultural and Recreation Projects						
71			706		Building Construction		769,650		769,650		769,650
72			724		Site Development		110,000		110,000		110,000
73											
74					Total Social, Cultural & Recreation		879,650	0	879,650	0	879,650
75											
76			58000		Miscellaneous						
77			510		Trustee's Commission		6,000		6,000		6,000
78											
79					Total Miscellaneous		6,000	0	6,000	0	6,000
80											
81											
82											
83					TOTAL EXPENDITURES		1,478,250		1,478,250	24,000	1,502,250
84											

LOUDON COUNTY
General Capital Projects Fund 171
Ending June 30, 2006

	A	B	C	D	E	F	G	H	I	J	K
1											
2					09/08/05		2006	2006	2006		
3					9/8/05 9:42 AM		Original	Budget	Approved	Proposed	Proposed
4							Budget	Amendments	Amended Budget	Amendments	Amended Budget
85							-----				
86											
87											
88											
89					BEGINNING FUND BALANCE		897,162		897,162		897,162
90											
91					TOTAL REVENUE		1,494,250	0	1,494,250	0	1,494,250
92											
93					TOTAL AVAILABLE FUNDS		2,391,412	0	2,391,412	0	2,391,412
94											
95											
96					TOTAL EXPENDITURE/TRFS		1,478,250	0	1,478,250	24,000	1,502,250
97											
98											
99											
100											
101					ENDING FUND BALANCE		913,162	0	913,162	(24,000)	889,162