

LOUDON COUNTY COMMISSION
REGULAR MEETING
August 01, 2005

- (1) **Public Hearing**
- (2) **Opening Of Meeting**
- (3) **Roll Call**
- (4) **Agenda Adopted**
- (5) **Minutes for June 27, 2005 Approved**
- (6) **Comments: Agenda Items**
- (7) **Litter Grant Resolution Adopted** Resolution 080105-A
- (8) **BBIP Land Sale To LUB Resolution Adopted** Resolution 080105-B
- (9) **RDA Grant for Senior Center Resolution Adopted** Resolution 080105-C
- (10) **PUD Designation Amendment Resolution Adopted** Resolution 080105-D
- (11) **Eminent Domain Tabled**
- (12) **Postage Machine Lease Agreement Approved**
- (13) **Bell South Agreement Approved**
- (14) **Convenience Center Sewer Approved**
- (15) **Emory River Settled**
- (16) **Eminent Domain Resolution Adopted** Resolution 080105-E
- (17) **Bonds & Notaries Approved**
- (18) **Comments: Non-Agenda Items**
- (19) **Adjournment**

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

**August 01, 2005
6:15 PM**

PUBLIC HEARING

1. Consideration of adopting a resolution authorizing the submittal of a Rural Development Administration Grant application for improvements to the Loudon County Senior Citizens Center.
Commissioner Shaver asked if there was a match to this grant. **Pat Phillips** responded that there is a 50/50 match.
Mayor Miller asked if monies received from Covenant Health for computer lab could be used towards the match. **Pat Phillips** responded, "yes".

REGULAR MEETING

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**Minutes for
June 27, 2005
Approved**

(6)
**Comments:
Agenda
Items**

(7)
**Litter Grant
Resolution
Adopted**

BE IT REMEMBERED that the Board of Commissioners of Loudon County convened in regular session in Loudon, Tennessee on the 1st day of August, 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.

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**.

Chairman Bledsoe requested that the August 01, 2005 agenda be adopted.
A **motion** was made by **Commissioner Miller** with a second by **Commissioner Meers** to adopt agenda as presented.
Upon voice vote the motion **Passed** unanimously.

Chairman Bledsoe requested that the June 27, 2005 County Commission Meeting minutes be approved and accepted.
A **motion** was made by **Commissioner Franke** with a second by **Commissioner Maples** to adopt minutes as presented.
Upon voice vote the motion **Passed** unanimously.

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.

County Mayor Miller requested consideration of adopting a resolution authorizing submission of an application for a litter and trash collecting grant from the Tennessee Department of Transportation and authorizing the acceptance of said grant.
A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to adopt this resolution.
Upon roll call vote the following Commissioners voted **Aye: Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller: (10)**.
The following Commissioners voted **Nay: (0)**.
Thereupon the Chairman announced the motion **Passed: (10-0)**.
Resolution 080105-A

Pat Phillips, Loudon County Economic Development Agency, requested discussion and possible action on the following items:

(8)
BBIP Land
Sale To LUB
Resolution
Adopted

1. Consideration of adopting a resolution approving the conveyance of certain real property in Blair Bend Industrial Park to Loudon Utilities Board.

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

Upon roll call vote the following Commissioners voted **Aye: Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller: (10).**

The following Commissioners voted **Nay: (0).**

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

Resolution 080105-B

(9)
RDA Grant
for Senior
Center
Resolution
Adopted

2. Consideration of adopting a resolution authorizing the submittal of a Rural Development Administration Grant application for improvements to the Loudon County Senior Citizens Center.

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

Upon roll call vote the following Commissioners voted **Aye: Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller: (10).**

The following Commissioners voted **Nay: (0).**

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

Resolution 080105-C

(10)
PUD
Designation
Amendment
Resolution
Adopted

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

1. Consideration of amending Resolution 062705-E, "*A resolution to amend the Loudon County Zoning Resolution creating Section 4.050 Planned Unit Development (PUD) Overlay District and amending Section 4.080 Planned Unit Development Regulations, pursuant to Tennessee Code Annotated, Section 13-7-105*", Section 2, specifying minimum acreage for PUD designation.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Shaver** to adopt this resolution by rescinding action taken on June 27, 2005 to remove the minimum acreage of twenty (20) for PUD designation.

Upon voice vote the motion **Passed 8-2: (Jenkins and Miller voting No).**

Resolution 080105-D

(11)
Eminent
Domain
Tabled

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Miller** to adopt a resolution providing regulations concerning eminent domain within Loudon County. After much discussion a **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Shaver** to amend the resolution to clarify "public" and "private" uses. After further discussion it was requested that this item be tabled until the end of the meeting to produce correct wording of the amendment. There were no objections.

Leo Bradshaw, Loudon County Director of Purchasing and Maintenance, requested discussion and possible action on the following items:

(12)
Postage
Machine
Lease
Agreement
Approved

1. Consideration of approving a five (5) year lease agreement for postage machine at the Health Department.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Meers** to approve this recommendation.

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).**

(13)
Bell South
Agreement
Approved

2. Consideration of approving a two (2) year lease agreement with Bell South for service at the Justice Center.

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Miller** to approve this recommendation.

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).**

(14)
Convenience
Center Sewer
Approved

3. Consideration of approving sewer service for the Loudon Convenience Center.
A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Maples** to approve this recommendation.
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).**

(15)
Emory River
Settled

Harvey Sproul, Loudon County Attorney, reported that Emory River Investments v. City of Loudon and Loudon County suit has been settled.

(16)
Eminent
Domain
Resolution
Adopted

Motion to amend eminent domain resolution was restated by **Commissioner Jenkins** and remained seconded by **Commissioner Shaver** to read as follows:

*NOW, THEREFORE, BE IT RESOLVED, by the Loudon County Commission, meeting in regular session, assembled this the 1st day of August 2005, that any vote on eminent domain or condemnation for a **public** purpose will require a 2/3 majority of the membership of the Loudon County Commission to become effective. Furthermore, Loudon County Commission will neither initiate nor consider any proposal to use eminent domain or condemnation for the purpose of **private** economic development, as defined in the preceding paragraphs.*

Upon roll call vote the following Commissioners voted **Aye** to amend the motion: **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).**

Upon roll call vote the following Commissioners voted **Aye** to the motion as amended: **Marcus, Meers, Jenkins, Maples, Franke, Bledsoe, Duff, Shaver, Harold and Miller: (10).**

The following Commissioners voted **Nay: (0).**

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

Resolution 080105-E

(17)
Bonds &
Notaries
Approved

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Shaver** to approve notaries for James Harvey Hawkins II, William N. Moore, Sherry Marcom, Jeffrey Stephen Vittatoc, Angela H. Chambers, Kimberly K. Gray, Elizabeth B. Ivans, Vicki Vaughn Klatt, Samantha Collins, Susan R. Shoemaker, Lori Kay Vytlacil, Rachel Marie Bean, Helen M. Hamilton, Kathy Ranae Bennett, Leea M. Troiano, Cynthia M. Kolevar, Jennie Goley Brown and bond for Robert G. Hinton.

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

(18)
Comments:
Non-Agenda
Items

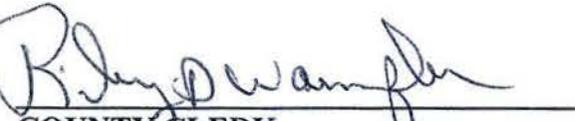
Chairman Bledsoe asked for any visitor wishing to address the Commission regarding items not on the agenda.

No one came forward to speak.

(19)
Adjournment

There being no further business, a **motion** being duly made and seconded, the August 01, 2005 meeting stood adjourned at 7:05 p.m.


CHAIRMAN

ATTEST:

COUNTY CLERK


COUNTY MAYOR

LOUDON COUNTY COMMISSION

RESOLUTION 080105-A

Resolution Authorizing Submission Of An Application For A
Litter And Trash Collecting Grant From The Tennessee
Department Of Transportation And Authorizing The
Acceptance Of The Said Grant

WHEREAS, the County of Loudon intends to apply for the aforementioned grant from the Tennessee Department of Transportation; and

WHEREAS, the contract for the grant will impose certain legal obligations upon the County of Loudon.

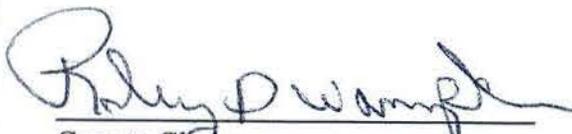
NOW, THEREFORE, BE IT RESOLVED:

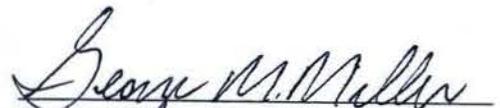
1. That George M. Miller, Loudon County Mayor, is authorized to apply on behalf of Loudon County for a litter and trash collecting grant from the Tennessee Department of Transportation.
2. That should application be approved by the Tennessee Department of Transportation, then George M. Miller, Loudon County Mayor, is authorized to execute contracts or other necessary documents, which may be required to signify acceptance of the litter and trash collecting grant by Loudon County.

Adopted this 1st day of August, 2005.


County Chairman

Attest:


County Clerk


County Mayor

RESOLUTION 080105-B

**A RESOLUTION APPROVING THE CONVEYANCE OF CERTAIN
REAL PROPERTY IN BLAIR BEND INDUSTRIAL PARK
TO LOUDON UTILITIES BOARD**

WHEREAS, Loudon County and City of Loudon jointly own certain properties on Blair Bend Drive in Blair Bend Industrial Park, and

WHEREAS, Loudon Utilities Board desires to purchase said property to construct an electric substation to serve industrial clients within Blair Bend and Sugarlimb Industrial Parks, and

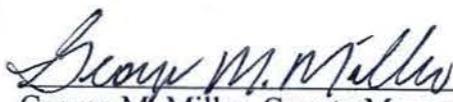
WHEREAS, the Loudon County Economic Development Agency and Blair Bend Committee recommend that the property be sold on the same basis as previous intergovernmental purchases in Blair Bend to Loudon Utilities Board for the construction of an electric substation.

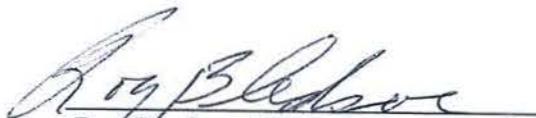
NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission does hereby approve the conveyance of property on Blair Bend Drive to Loudon Utilities Board for a price of \$5,000/acre, said property being described as Tax Map 41; Parcel 16.0 containing approximately 4.36 acres as shown on the survey of Terry Romans dated July 27, 2005. The purchase price shall be calculated only for developable acreage excluding the existing gas easement located on the property.

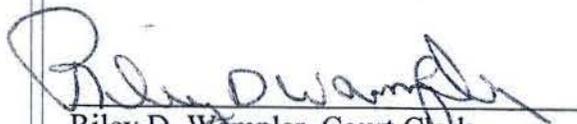
BE IT FURTHER RESOLVED, that the County Mayor is authorized to execute the necessary legal documents necessary to the transfer of property.

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

Passed on this the 1st. day of August 2005.


George M. Miller, County Mayor


Roy Bledsoe, Chairman


Riley D. Wampler, Court Clerk

RESOLUTION 080105-C

**A RESOLUTION AUTHORIZING THE SUBMITAL OF A RURAL
DEVELOPMENT ADMINISTRATION GRANT APPLICATION
FOR IMPROVEMENTS TO THE LOUDON
COUNTY SENIOR CITIZENS CENTER**

WHEREAS, Loudon County has completed the design and specifications for a new senior citizens center to be constructed on Main Street adjacent to Riverside Park, and

WHEREAS, senior citizens comprise a greater percentage of the total population in comparison to past demographics in part through improved health care and increase in retirees moving into the community over the past 20 years, and

WHEREAS, Loudon County is incurring significant investment in the construction of a new 6,900 sq. ft. facility with improved accessibility featuring designated areas for exercise, restrooms, dining, meeting rooms and computer training in addition to staff offices, and

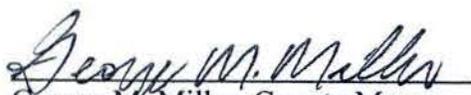
WHEREAS, Rural Development Administration provides grants for eligible community facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Loudon County Commission authorizes the submittal of a Community Facilities Grant to the Rural Development Administration in the amount of \$50,000 to fund interior furnishings essential to the operation of the facility.

BE IT FINALLY RESOLVED, that the Loudon County Commission authorizes the County Mayor to sign the appropriate grant documents.

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

Passed on this the 1st day of August, 2005


George M. Miller, County Mayor


Roy Bledsoe, County Chairman


Riley D. Wampler, Court Clerk

Resolution 080105-D

Resolution Amending Resolution 062705-E, "A resolution to amend the Loudon County Zoning Resolution creating Section 4.050 Planned Unit Development (PUD) Overlay District and amending Section 4.080 Planned Unit Development Regulations, pursuant to Tennessee Code Annotated, Section 13-7-105", Section 2, Specifying Minimum Acreage for PUD Designation

Whereas, Loudon County Resolution 040405-H requested the Loudon County Planning Commission to review procedures for designation of Planned Unit Development Overlay Zones and made a recommendation for the County Commission for amending the approval process; and

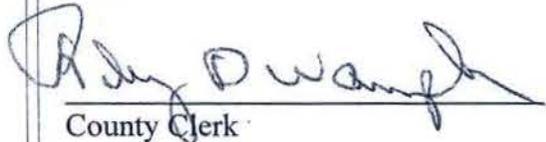
Whereas, the Loudon County Planning Commission reviewed request and approved recommendation on May 17, 2005; and

Whereas, the Loudon County Commission reviewed and adopted this recommendation (Resolution 062705-E, "A resolution to amend the Loudon County Zoning Resolution creating Section 4.050 Planned Unit Development (PUD) Overlay District and amending Section 4.080 Planned Unit Development regulations, pursuant to Tennessee Code Annotated, Section 13-7-105", with the understanding that Section 2, "That Section 4.080 Planned Unit Development regulations be amended as attached, specifically requiring review by the Loudon County Planning Commission and increasing the minimum acreage required for PUD designation to 20 acres" of resolution may be further reviewed and amended to change acreage designation amount.

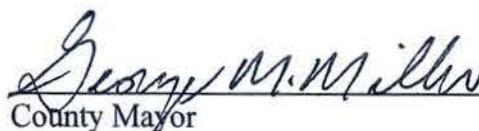
Now Therefore, Be It Resolved that the Loudon County Commission, meeting in regular session assembled this 1st day of August, 2005, hereby amends Section 2 of Resolution 062705-E to read as follows:

"That Section 4.080 Planned Unit Development regulations be amended as attached, specifically requiring review by the Loudon County Planning Commission and increasing the minimum acreage required for PUD designation to zero (0) acres"

Attest:


County Clerk


County Chairman


County Mayor

Resolution 080105-E

**A RESOLUTION PROVIDING REGULATIONS CONCERNING
EMINENT DOMAIN WITHIN LOUDON COUNTY**

WHEREAS, it is the intent of the Loudon County Commission that private property rights of Loudon County residents and businesses be protected over the interests of private developers and corporations; and

WHEREAS, with respect to the exercise of eminent domain, a public purpose shall not include the use of eminent domain solely or principally for the purpose of improving tax revenue or the tax base, or for the purpose of economic development; and

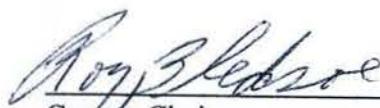
WHEREAS, the public purpose requirements of eminent domain shall not include the condemnation of properties of Loudon County residents and businesses for the purpose of transferring or leasing of such properties to a private developer, corporation or other non-governmental entity solely or principally for the expansion of tax revenue, increase in the taxable value of such property, or the promotion of economic development.

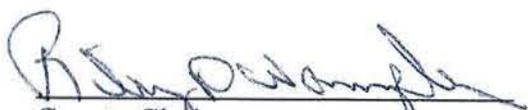
NOW, THEREFORE, BE IT RESOLVED, by the Loudon County Commission, meeting in regular session, assembled this the 1st day of August 2005, that any vote on eminent domain or condemnation for a *public* purpose will require a 2/3 majority of the membership of the Loudon County Commission to become effective. Furthermore, Loudon County Commission will neither initiate nor consider any proposal to use eminent domain or condemnation for the purpose of *private* economic development, as defined in the preceding paragraphs.

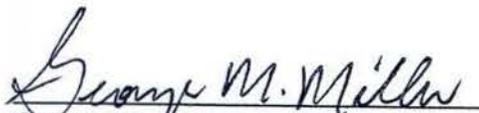
BE IT FINALLY RESOLVED, that this resolution shall take effect immediately the public welfare and safety requiring it.

Passed this the 1st day of August 2005.

Attest:


County Chairman


County Clerk


County Mayor