

LOUDON COUNTY COMMISSION

**January 05, 2009
6:00 pm
Courthouse Annex**

REGULAR MEETING

- 1. Opening of Meeting, Pledge of Allegiance, Invocation**
- 2. Roll-Call**
- 3. Adoption of Agenda – January 5, 2009**
- 4. Reading and acceptance of December 1, 2008 minutes**
- 5. This is the time for any visitor or a delegation to state the business for which he/she may wish to address concerning any item of interest on the planned agenda.**
- 6. Reports of County Officials, Departments and Committees:**
 - A. Loudon County Mayor – Doyle E. Arp**
 1. Consideration of adopting a resolution to express Loudon County’s support legislation to require all future Ethics Laws apply to both state and local governments.
 2. Consideration of adopting a resolution to affirm employment of licensed architect or engineer on public works.
 - B. Loudon County Property Assessor – Estelle Herron**
 1. Consideration of approval of a private act for mobile home removal permits.
 - C. TRDA Lawsuit – Attorney Wayne Henry**
 1. Respond to questions and concerns related to the TRDA Lawsuit.
 - E. Loudon County Director of Budgets and Accounts – Tracy Blair**
 1. Consideration of approving an application for a donation from Smokeless Tobacco for an ATV and acceptance of the donation if Loudon County was to be awarded.
 2. Consideration of recommendation to approve amendments and/or line adjustments in the followings funds:
 - a. 101 General Fund
 - b. 141 General Purpose School Fund
 - c. 177 Capital Projects Fund
 - D. Loudon County Purchasing Director – Leo Bradshaw**
 1. Consideration of approval of a postage machine upgrade for Finance Department and Health Department, 5 Year Lease at the same cost.
 2. Consideration of approval of a web base service GovDeals.com that will list and market surplus equipment no longer needed by Loudon County.
 - G. Commissioner David Meers**
 1. Election of Bonds and Notaries.

7. **This is the time for any visitor or a delegation to state the business for which he/she may wish to address concerning any item of interest not on the planned agenda.**
8. **Adjournment**

LOUDON COUNTY COMMISSION
STATE OF TENNESSEE
COUNTY OF LOUDON
December 01, 2008
6:00 PM

PUBLIC HEARING

Loudon County Planning – Russ Newman

- (1)
Public Hearing
1. Request Consideration of Approval of Request to Rezone Approximately 1.2 Acres of Property Located at 18529 Hwy 11 E. from R-1 Suburban Residential District, to O-1, Office Professional District, Referenced by Tax Map 7-N, Group A, Parcel 1.00, 5th Legislative District. Owner: Ross Croley [08-09-222-RZ-CO]
 2. Request Consideration of Approval of Rezoning Approximately 1.0 Acre of Property Located on Hwy 321, Adjacent to 5741 Waller Ferry Road, from R-1, Suburban Residential District, to C-2, General Commercial District, Referenced by Tax Map 9, Part of Parcel 12.00, 5th Legislative District. Owner: Frank Kamel [08-09-246-RZ-O(LEPR)]

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 1st day of December 2008.
The **Honorable Roy Bledsoe** called the meeting to order.

Commissioner Franke opened County Commission Meeting, 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, Maples, Shaver, Franke, Bledsoe, Duff, Park, Gardin and Miller: (10)**.
Thereupon **Chairman Bledsoe** announced the presence of a quorum.
Present were the **Honorable Mayor Doyle Arp**

- (4)
Agenda Adopted with Requested Items to the Top of Agenda Approved
- Chairman Bledsoe** requested that the December 01, 2008 agenda to be adopted.
Mayor Arp requested to move agenda **Item's E** of the **Loudon County Director of Budget** to **Item A**.
Chairman Bledsoe requested that the December 01, 2008 agenda to be adopted, with the requested agenda items of **Director of Budget** be moved to the top of the agenda.
A **motion** was made by **Commissioner Gardin** with a second by **Commissioner Maples** to adopt the agenda with the requested items move to **Item A**.
Upon voice vote the motion **Passed** unanimously.

- (5)
Minutes for November 3rd, 2008 Approved
- Chairman Bledsoe** Requested that the November 03, 2008 County Commission Minutes be Approved and Accepted.
A **motion** was made by **Commissioner Miller** with a second by **Commissioner Franke** to approve the November 03, 2008 County Commission Minutes.
Upon voice vote the motion **Passed** unanimously.

- (6)
Comments: Agenda Items
- Chairman Bledsoe** asked for any visitor wishing to address the Commission regarding items on the planned agenda to come forward.
One Audience Member came forward to voice their concern on the Tennessee Public Chapter No. 1108.

(7)
**Soil
Conservation
District to
Supplement
District's
Secretary
Approved**

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

1. Consideration of recommending acceptance of \$2,000.00 from the Soil Conservation District to use to supplement the District's Secretary.

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Gardin** to approve \$2,000.00 from the Soil Conservation District. To use to supplement the District's Secretary.

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

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

The following Commissioner was **Absent: (0)**.

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

(8)
**Extend
Agreement
for
Temporary
Animal
Shelter
Approved**

2. Consideration of recommendation to extend agreement with Blount County for temporary animal sheltering for up to six months, through June 30, 2009.

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Miller** to extend agreement with Blount County for temporary animal sheltering for up to six months, through June 30, 2009.

Upon roll call vote the following Commissioners voted **Aye: Franke, Bledsoe, Duff, Park, Gardin, Miller, Marcus and Meers: (8)**.

The following Commissioners voted **Nay: Maples and Shaver: (2)**.

The following Commissioner was **Absent: (0)**.

Thereupon the Chairman announced the motion **Passed: (8,2,0)**.

Exhibit

(9)
**Employee
Wages at
Health Dept.
Approved**

3. Consideration of recommendation to approve amendment to FY 2008-2009 Department of Health Grant for employee wages at the local Health Department.

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Miller** to approve amendment to FY 2008-2009 Department of Health Grant for employee wages at the local Health Department.

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

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

The following Commissioner was **Absent: (0)**.

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

Exhibit

(10)
**Increase in
Dental
Insurance
Premiums
Approved**

4. Consideration of recommendation to approve increase in dental insurance premiums.

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Miller** to approve the increase in dental insurance premiums.

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

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

The following Commissioner was **Absent: (0)**.

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

Exhibit

(11)
**\$5,000.00
Grant from
TDOT
Approved**

5. Consideration of recommendation to approve application and acceptance of \$5,000.00 grant from TDOT, Governor's Highway Safety Program and no matching funds required.

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Park** to approve application and acceptance of \$5,000.00 grant from TDOT, Governor's Highway Safety Program, with no match funds.

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

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

The following Commissioner was **Absent: (0)**.

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

Exhibit

(12)
Reimbursement
of Hourly
Wage
Differential
No Action
Taken

6. Consideration of recommendation to approve agreement with Loudon County Emergency Communications District for reimbursement of hourly wage differentials for second and third shifts.

Budget Committee forwards to full Commission with out any recommendation, **no Action Taken.**

7. Consideration of recommendation to approve amendments in the following funds:

a. 122 County Drug Fund

Consideration of recommendation to approve \$5,000.00 increase for overtime. Consideration of recommendation to approve \$15,000.00 to purchase law enforcement equipment.

Consideration of recommendation to approve \$40,500.00 to purchase (3) refurbished 2007 Vehicles.

Shaver made a motion to take the amendments up separately. Chairman Bledsoe agreed with Shaver and stated if there was no objection's they would. No objections made.

a. 122 County Drug Fund

Consideration of recommendation to approve \$5,000.00 increase for overtime.

After Discussion, A motion was made by **Commissioner Franke** with a second by **Commissioner Park** to approve \$5,000.00 increase for overtime.

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

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

The following Commissioner was **Absent: (0).**

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

Exhibit

b. 122 County Drug Fund

Consideration of recommendation to approve \$15,000.00 to purchase law enforcement equipment.

A motion was made by **Commissioner Miller** with a second by **Commissioner Meers** to approve \$15,000.00 to purchase Law Enforcement Equipment.

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

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

The following Commissioner was **Absent: (0).**

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

Exhibit

c. 122 County Drug Fund

Consideration of recommendation to approve the purchase of (3) refurbished 2007 Vehicles. This is contingent on vehicles inspected by a qualified mechanic.

After Much Discussion, A motion was made by **Commissioner Park** with a second by **Commissioner Miller** to approve the purchase of (3) refurbished 2007 vehicles; contingent on vehicles being inspected by a qualified mechanic.

Upon roll call vote the following Commissioners voted **Aye: Miller, Meers, Franke, Bledsoe, Duff, Park and Gardin: (7).**

The following Commissioners voted **Nay: Marcus, Maples and Shaver: (3).**

The following Commissioner was **Absent: (0).**

Thereupon the Chairman announced the motion **Passed: (7,3,0).**

Exhibit

(13)
122 County
Drug Fund,
Increase for
Overtime
Approved

(13)
122 County
Drug Fund,
Purchase
Law
Enforcement
Equipment
Approved

(14)
122 County
Drug Fund
Purchase of
2007 Vehicles
Approved

b. 141 General Purpose School

(13)
141 General
Purpose
School Fund
Approved

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Gardin** to approve the amendment in General Purpose School Fund 141.
Upon roll call vote the following Commissioners voted **Aye: Marcus, Meers, Maples, Franke, Bledsoe, Duff, Park, Gardin and Miller: (9)**.
The following Commissioners voted **Nay: Shaver: (1)**.
The following Commissioner was **Absent: (0)**.
Thereupon the Chairman announced the motion **Passed: (9,1,0)**.
Exhibit

c. 142 School Federal Projects

(14)
142 School
Federal
Projects
Approved

A **motion** was made by **Commissioner Gardin** with a second by **Commissioner Meers** to approve the amendment in School Federal Projects 142.
Upon roll call vote the following Commissioners voted **Aye: Meers, Maples, Shaver, Franke, Bledsoe, Duff, Park, Gardin, Miller and Marcus: (10)**.
The following Commissioners voted **Nay: (0)**.
The following Commissioner was **Absent: (0)**.
Thereupon the Chairman announced the motion **Passed: (10,0,0)**.
Exhibit

d. 143 School Cafeteria

(15)
143 School
Cafeteria
Approved

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Franke** to approve the amendment in School Cafeteria Federal Projects 143.
Upon roll call vote the following Commissioners voted **Aye: Marcus, Meers, Maples, Shaver, Franke, Bledsoe, Duff, Park, Gardin and Miller: (10)**.
The following Commissioners voted **Nay: (0)**.
The following Commissioner was **Absent: (0)**.
Thereupon the Chairman announced the motion **Passed: (10,0,0)**.
Exhibit

(16)
November
Financial
Statements
Distributed

November Financial Statements Distributed

Doyle E. Arp, Loudon County Mayor requested discussion and possible action on the following item's:

(17)
Resolution in
Opposition
with Item
(#2) Delete
the Words
(Rescinded
or)
Approved

1. Consideration of adopting a resolution in opposition to Tennessee Public Chapter No. 1108.
After Discussion, A **motion** was made by **Commissioner Marcus** with a second by **Commissioner Meers** to adopt a resolution in opposition to Tennessee Public Chapter No. 1108.
The first **motion** made by **Commissioner Marcus** with a second by **Commissioner Meers** was redrawn.
After Much Discussion, A **new motion** was made by **Commissioner Miller** with a second by **Commissioner Marcus** to amend and accept the resolution to the Tennessee Public Chapter No. 1108. *The amended will be on Item (#2) to delete the words (rescinded or)*.
Upon roll call vote the following Commissioners voted **Aye: Meers, Maples, Shaver, Franke, Bledsoe, Duff, Park, Gardin, Miller and Marcus: (10)**.
The following Commissioners voted **Nay: (0)**.
The following Commissioner was **Absent: (0)**.
Thereupon the Chairman announced the motion **Passed: (10,0,0)**.
Resolution

(18)
**Visitor's
Bureau
Board and
Chamber of
Commerce
Board
Resolution
Approved**

2. Consideration of adopting a resolution approving the appointment for the Loudon County Visitor's Bureau Board and Loudon County Chamber of Commerce Board of Director's.

A **motion** was made by **Commissioner Gardin** with a second by **Commissioner Maples** to approve the appointments for the Loudon County Visitor's Bureau Board and Chamber of Commerce Board.

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

Resolution

(19)
**2009 Meeting
Dates
Approved**

3. Consideration of adopting 2009 Meeting Dates.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Park** to adopt the 2009 meeting dates.

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

Exhibit

(20)
**2009
Holidays
Approved**

4. Consideration of adopting 2009 Holidays.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Franke** to adopt the 2009 Holidays.

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

Exhibit

(21)
**Construction
Board
Resolution
Approved**

5. Consideration of adopting a resolution approving the appointment for the Loudon County Construction Board of Adjustments and Appeals.

A **motion** was made by **Commissioner Park** with a second by **Commissioner Gardin** to approve the appointment for the Loudon County Construction Board of Adjustments and Appeals.

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

Resolution

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

(22)
**Rezone
18259 Hwy
11E.
Resolution
Adopted**

1. Request Consideration of Approval of Request to Rezone Approximately 1.2 Acres of Property Located at 18529 Hwy 11 E. from R-1 Suburban Residential District, to O-1, Office Professional District, Referenced by Tax Map 7-N, Group A, Parcel 1.00, 5th Legislative District. Owner: Ross Croley [08-09-222-RZ-CO]

A **motion** was made by **Commissioner Duff** with a second by **Commissioner Park** to approve this resolution.

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

Resolution

(23)
**Rezone
Property
Adjacent to
5741 Waller
Ferry Road
Resolution
Adopted**

2. Request Consideration of Approval of Request to Rezone Approximately 1.0 Acre of Property Located on Hwy 321, Adjacent to 5741 Waller Ferry Road, from R-1, Suburban Residential District, to C-2, General Commercial District, Referenced by Tax Map 9, Part of Parcel 12.00, 5th Legislative District. Owner: Frank Kamel [08-09-246-RZ-CO(LEPR)]

A **motion** was made by **Commissioner Park** with a second by **Commissioner Duff** to approve this resolution.

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

Resolution

Loudon County Commissioners – Commissioner Duff, Commissioner Gardin and Commissioner Park, requested discussion possible action on the following item:

(24)
**Take No
Further
Action**

1. Rural Metro and Loudon County Fire Rescue.
After Much Discussion, take no further action. A resolution was passed last month to keep as is.

Loudon County Sheriff – Tim Guider, requested discussion possible action on the following item:

(25)
**Dog Training
Facility
Approved**

1. Consideration of recommendation to approve the use of the Old 911 Center property as a dog training facility.

A **motion** was made by **Commissioner Gardin** with a second by **Commissioner Maples** to approve the use of the Old 911 Center property as a dog training facility.

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

(26)
**Additional
Compensation
for General
Session's
Employee
Approved**

Loudon County District Judge – William H. Russell, requested discussion possible action on the following item:

1. Consideration of request for additional compensation for General Session's Employee who also provides assistance to the Judicial Commissioner.

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Marcus** to roll to the next Budget Cycle 2009-2010.

Upon voice vote the motion **Passed**.

(27)
**Notaries
Approved**

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Franke** to approve the following notaries: Kimberly Lovelace, Holley Chitwood, Brenda J. O'Domirok and Grazyna Helena Gammons.

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

(28)
**Comments:
Non-Agenda
Items**

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

No one came forward.

(29)
Adjournment

There being no further business, a **motion** being duly made and seconded, the December 01, 2008 meeting stood adjourned at 7:39 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR

Resolution

**RESOLUTION TO EXPRESS LOUDON COUNTY'S SUPPORT
LEGISLATION TO REQUIRE ALL FUTURE ETHICS LAWS APPLY
TO BOTH STATE AND LOCAL GOVERNMENTS**

WHEREAS, the Tennessee General Assembly has the authority through its legislative powers to adopt legislation; and

WHEREAS, the Tennessee General Assembly has previously adopted ethical laws and regulations that apply to local county governments while exempting itself from the laws; and

WHEREAS, the Loudon County Board of Commissioners finds it would be in the interest of its citizens to express its support for the adoption of legislation requiring any future ethical laws that may be adopted by the Tennessee General Assembly apply to both state and local governmental entities.

NOW, THEREFORE BE IT RESOLVED by the action of the Board of Commissioners, meeting in regular session this 5th day of January, 2009, Loudon County expresses its support for the adoption of state legislation requiring any future ethical laws adopted by the Tennessee General Assembly apply to both state and local governmental entities;

AND BE IT FURTHER RESOLVED, that upon approval of this resolution and its signing, the Board of Commissioners directs the County Clerk's Office to mail a copy of this resolution to Loudon County's State Representatives and State Senator.

LOUDON COUNTY, TENNESSEE

APPROVED

County Mayor

APPROVED

Chairman

ATTEST:

County Clerk

Resolution

RESOLUTION TO AFFIRM EMPLOYMENT OF LICENSED ARCHITECT OR ENGINEER ON PUBLIC WORKS

WHEREAS, if a public works project is expected to cost more than fifty thousand (\$50,000);

WHEREAS, and involves architecture, engineering or landscape architecture, the plans, specification and estimates for the project must be prepared by a registered architect, engineer, or landscape architect.

WHEREAS, the relevant statute is T.C.A. §62-2107, which reads as follows:

- (a) Neither the state, nor any county, city, town or village, or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer or registered landscape architect.
- (b) Nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed twenty-five thousand dollars (\$25,000) and such work does not alter the structural, mechanical or electrical system of the project (*whereas Loudon County proposes the complete project does not exceed fifty thousand(\$50,00)*).
- (c) For the purposes of this chapter, “public work” does not include construction, reconstruction or renovation of all or any part of an electric distribution system owned or operated directly or through a board by a municipality, county, power district or other subdivision of the state of Tennessee, that is to be constructed, reconstructed or renovated according to specifications established in the American National Standard Electrical Safety Code, the National Electrical Code, or other recognized specifications governing design and construction requirements for such facilities. Notwithstanding the foregoing, “electrical distribution system: does not include any office buildings, warehouses or other structures containing walls and a roof which are to be open to the general public.

NOW, THEREFORE BE IT RESOLVED by the action of the Board of Commissioners, meeting in regular session this 5th day of January 2009, Loudon County expresses its support for legislation to change the project amount from \$25,000 to \$50,000 and ask our legislators to move accordingly.

AND BE IT FURTHER RESOLVED, that upon approval of this resolution and its signing, the Board of Commissioners directs the County Clerk’s Office to mail a copy of this resolution to Loudon County’s State Representatives and State Senator

Doyle Arp, Mayor

Riley D. Wampler, Court Clerk

Roy Bledsoe, Chairman