

LOUDON COUNTY COMMISSION

STATE OF TENNESSEE

COUNTY OF LOUDON

June 6, 2011

6:00 PM

PUBLIC HEARING

- (1) Loudon County Planning and Codes Director – Russ Newman
Public Hearing
A Resolution to Amend Section 4.070 Swimming Pool Restrictions of the Loudon County Zoning Resolution, Pursuant to Tennessee Code Annotated, Section 13-7-105.

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 6th day of June, 2011.
The **Honorable Roy Bledsoe** called the meeting to order.
Commissioner Jenkins opened the 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: **Jenkins, Meers, Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Miller: (10)**
The following Commissioners were **Absent: (0)**
Thereupon **Chairman Bledsoe** announced the presence of a quorum.
Present was the **Honorable Mayor Estelle Herron.**
- (4) Agenda Adopted
Chairman Bledsoe requested that the June 6, 2011 Agenda be adopted.
A **motion** was made by **Commissioner Franke** with a second by **Commissioner Meers** to adopt the Agenda.
Upon voice vote the motion **Passed** unanimously.
- (5) Minutes for May 2, 2011 & May 16, 2011 Approved
Chairman Bledsoe requested that the May 2, 2011 County Commission Meeting Minutes and the May 16, 2011 Special Called Meeting Minutes be approved and accepted.
A **motion** was made by **Commissioner Miller** with a second by **Commissioner Maples** to approve both sets of minutes.
Upon voice vote the motion **Passed** unanimously.
- (6) Comments: Agenda Items
Chairman Bledsoe asked that any visitor wishing to address the Commission regarding items on the planned Agenda come forward.
No one came forward.

(7)
Board
Appointments
Approved

Estelle Herron, Loudon County Mayor, requested consideration and possible action on the following item:

1. Consideration of Resolutions Approving Appointments to the Following Boards/Committees:
 - a. Board of Zoning Appeals
 - b. Equalization Board
 - c. Loudon County Library Board
 - d. Regional Library Board
 - e. Sick Leave Bank Board of Trustees
 - f. TCCA Legislative Committee
 - g. TASS Board of Directors (Loudon County)

A **motion** was made by **Commissioner Meers** with a second by **Commissioner Shaver** to vote on all of these appointments with one vote.

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

A **motion** was made by **Commissioner Shaver** with a second by **Commissioner Franke** to approve all of these Board/Committee appointments.

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

Resolutions 060611-A-G

(8)
Employee
Sick Leave
Bank
By-Laws
Approved

2. Request Consideration of Approving the By-Laws for the Employees Sick Leave Bank.

Commissioner Miller noted the change made to this document since the Workshop Meeting to add covering “voluntary withdrawals”.

A **motion** was made by **Commissioner Miller** with a second by **Commissioner Yarbrough** to approve these By-Laws.

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

Exhibit 060611-H

(9)
Establish
Redistricting
Committee
Approved

3. Request Consideration of Approving a Resolution to Establish a Redistricting Committee.

Mayor Herron announced that she had received notice that CTAS would be meeting later in June (on the 16th or 23rd) in Knoxville and that this committee would have to meet prior to that meeting to elect officers.

A **motion** was made by **Commissioner Franke** with a second by **Commissioner Jenkins** to approve this resolution.

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

Resolution 060611-I

Mayor Herron noted that she had received the following two documents from the Chamber of Commerce since the Commission Workshop Meeting and that they needed to be approved prior to the next meetings.

(10)
Strategic
Economic
Development
Plan for 2011-15
Approved

4. Request Consideration of Approving a Resolution Adopting the Strategic Economic Development Plan for 2011-2015.

Commissioner Shaver asked **Mayor Herron** if this plan commits the County to any spending and she responded “no”. **Commissioner Miller** requested that the **Mayor** make a request to the Chamber of Commerce that, in the future, they get this to the Commission in sufficient time for review at the Workshop Meeting prior to requiring a vote at the Commission Meeting. She agreed.

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

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

Resolution 060611-J

(11)
Affirm
Compliance
with Federal
Title VI
Regulations
Approved

5. Request Consideration of Approving a Resolution to Affirm Compliance with Federal Title VI Regulations.

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

Commissioner Franke agreed with **Commissioner Miller's** comments and noted that receipt of these documents to allow Commission Workshop review applied to both documents.

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

Resolution 060611-K

Loudon County Planning and Codes Director, Russ Newman, requested consideration and possible action on the following item:

(12)
Rezoning
Resolution
Approved

1. A Resolution to Amend Section 4.070 Swimming Pool Restrictions of the Loudon County Zoning Resolution, Pursuant to Tennessee Code Annotated, Section 13-7-105.

A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Yarbrough** to approve this resolution.

Commissioner Shaver made a **motion** with a second by **Commissioner Maples** to amend this resolution by eliminating the requirement for private swimming pools to have a fence around them as the State has already done. He stated that he does not believe that the Government has the right to tell a property owner what he must do on his/her own property – this is Government regulation and an infringement on individual rights. **Commissioner Miller** expressed concern that eliminating this fencing requirement might subject the County to future liability if there was an accident and the Commission had ruled that a fence was not required. **Commissioner Harrelson** noted that requiring a fence would not come as a surprise to County residents – they expect this to be a requirement. **Commissioner Meers** stated that instead of looking at this as more Government regulation, we should consider this a safety feature to protect County residents and families. **Commissioner Shaver** respectfully disagreed saying that this is Government regulation. **Commissioner Jenkins** felt that this is an issue that needs a common sense approach. **Commissioner Harrelson** stated that the reason the State took the action to eliminate a fencing requirement is that it adopted a requirement for an alarm system around private pools to replace the fence – they did not eliminate the requirement for a safety feature. **Russ Newman** provided more information on the State's alarm system requirement expressing his concern that an alarm system doesn't provide safety if there's no one around to hear it when it goes off – a fence provides more security. **Chairman Bledsoe** asked for a vote on the amendment - to eliminate the requirement for a fence around private pools - to the original motion.

Upon voice vote the amendment to the original motion **Failed**.

Chairman Bledsoe asked for a vote on the original motion.

Commissioner Maples expressed her view that while she understands the danger of having open pools she also understands the burdens of Government regulation on county residents.

Upon voice vote the original motion **Passed** with one dissenting vote.

Resolution 060611-L

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

1. Consideration of a Recommendation to Approve Amendments in the Following Funds:

- (13)**
Fund 101
Approved
- a. County General Fund 101
A **motion** was made by **Commissioner Franke** with a second by **Commissioner Maples** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Meers, Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, and Jenkins: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-M
- (14)**
Fund 116
Approved
- b. Recycling Center Fund 116
A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Meers** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, Jenkins, and Meers: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-N
- (15)**
Fund 122
Approved
- c. County Drug Fund 122
Commissioner Miller requested that **Ms. Blair** check into whether or not this fund could be used to draw officer's salaries from. She responded that she had checked into this and that it appears that it cannot. **Commissioner Harrelson** noted that you cannot use recurring funds to pay salaries and that's what prevents the use of this fund for that purpose.
A **motion** was made by **Commissioner Miller** with a second by **Commissioner Yarbrough** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, and Maples: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-O
- (16)**
Fund 131
Approved
- d. Highway Department Fund 131
A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Jenkins** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, and Shaver: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-P

- (17)
Fund 141
Approved
- e. General Purpose School Fund 141
Commissioner Shaver asked **Ms. Blair** if the new track surface at the High School that was approved at the recent Special Called Meeting was included in this printout. She responded that it was but that the Commission was not approving these funds twice – this document was produced prior to the Called Meeting vote.
A **motion** was made by **Commissioner Franke** with a second by **Commissioner Yarbrough** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Bledsoe, Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Shaver, and Franke: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman declared the motion **Passed: (10, 0, 0)**
Exhibit 060611-Q
- (18)
Fund 142
Approved
- f. School Federal Projects Fund 142
A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Jenkins** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Duff, Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Shaver, Franke, and Bledsoe: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-R
- (19)
Fund 151
Approved
- g. General Debt Fund 151
A **motion** was made by **Commissioner Duff** with a second by **Commissioner Franke** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Yarbrough, Harrelson, Miller, Jenkins, Meers, Maples, Shaver, Franke, Bledsoe, and Duff: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-S
- (20)
Fund 156
Approved
- h. Education Debt Services Fund 156
A **motion** was made by **Commissioner Miller** with a second by **Commissioner Shaver** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Harrelson, Miller, Jenkins, Meers, Maples, Shaver, Franke, Bledsoe, Duff, and Yarbrough: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-T
- (21)
Fund 176
Approved
- i. Highway Capital Projects Fund 176
A **motion** was made by **Commissioner Meers** with a second by **Commissioner Maples** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Miller, Jenkins, Meers, Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, and Harrelson: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-U

- (22) Fund 177 Approved j. Education Capital Projects Fund 177
A **motion** was made by **Commissioner Franke** with a second by **Commissioner Jenkins** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Jenkins, Meers, Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, and Miller: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Exhibit 060611-V
- (23) Resolution Amending Education Capital Projects Fund Approved 2. Consideration of a Recommendation to Approve a Resolution Amending the Education Capital Projects Fund.
A **motion** was made by **Commissioner Meers** with a second by **Commissioner Shaver** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Meers, Maples, Shaver, Franke, Bledsoe, Duff, Yarbrough, Harrelson, Miller, and Jenkins: (10)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: (0)**
Thereupon the Chairman announced the motion **Passed: (10, 0, 0)**
Resolution 060611-W
- (24) Summary Financial Statements Distributed **Budget Director, Tracy Blair**, requested that records reflect that the Summary Financial Statements for the month of May 2011 have been distributed.
Exhibit 060611-X
- (25) Notaries Approved **Loudon County Commissioner, David Meers**, made a **motion** with a second by **Commissioner Maples** to approve the following **Notaries: Megan Henderson; John Michael Williams; Murray Glenn Bailey; Michelle Krise-Daly; Carrie Greene; Susanne M. Parks; Amanda Scott; Tasha M. Roberts; Sandra M. Frank; Barbara E. Tipton; Bill R. Mellon; Bridget Johnson; and Ramona M. Sutton.**
Upon voice vote the motion **Passed** unanimously.
Exhibit 060611- Y
- (26) Comments: Non-Agenda Items **Chairman Bledsoe** asked that any visitor wishing to address the Commission regarding items not on the Agenda come forward.
Richard Truitt came forward to speak about the school bond issue and the cost of educating out-of-county students in County schools. He stated that we cannot afford to spend millions of dollars on kids whose parents don't even pay taxes in our County. He also spoke about the recent presentation of the financial group for the school building program saying that they were encouraging a long-term loan for 40 years that would require our children and grandchildren to pay it off and he encouraged consideration of a 20 year loan instead.
Jim Vreeland also spoke about the School Building Program and his concern about how we were going to pay for it. He suggested a "head tax" on each child attending school to help offset the cost of education. He also stated that there should be a referendum on this program to allow everyone in the County to have a vote on this before proceeding with any building plans.

Lawrence Johnson came forward to present his concerns about what he considers the serious out-of-control problems at the County Landfill. He stated that they operate absent of any control or oversight from anyone including the public. He stated that, on the advice of their attorney, they refuse to answer any questions about their operations and deny public access to any information related to their operations. He believes they are not following regulations and may be acting illegally. He said they have \$2.3M on hand which, according to current practices, can't be spent on anything but the landfill. He suggested that some of this money could be used to help with the other financial problems the County has and urged the Commission to look into this situation.

Pandora Vreeland spoke about the School Building Program stating that her group has asked the County Attorney General, thru Representative Matlock, to look into whether or not it is legal to build a new \$40M high school at Greenback where there are currently only 206 students. She believes that the existing Greenback School is a good, sound, safe building that could be renovated to provide a good school for the students at a much cheaper cost. She cited that teachers there bring their own children to the school so they can't believe that it's an unsafe school or they wouldn't bring their own kids there. Her group plans to put a petition together to circulate for signatures to request that a committee be formed to look at this program to come up with the right size facilities in the right locations before proceeding. She urged taking the time to do it right – slow down on raising taxes for a program that she considers overblown. She urged no PreK-12 big school at Greenback!

Pat Hunter spoke requesting that her comments and a copy of TCA 5-12-108 be included in the public record. She stated that, per this regulation, the Budget Committee is supposed to be holding Public Hearings to discuss budget requirements and provide a budgetary comparisons document in advance of passing the budget and 10 days prior to the beginning of the new fiscal year. She stated that the County does eventually do this but at the same time that the budget is passed – not in advance. She requested that the County abide by this law. She stated that there was no time allotted at the Budget Committee meetings for the public to speak. She also commented on **Mr. Johnson's** presentation on the Solid Waste Commission meetings and agreed with his presentation of how they are conducted. She was particularly critical of the role the Attorney plays in these meetings in preventing public disclosure. She pointed out that the Commission makes the appointments to this Board. She stated that she had witnessed the treatment of Mr. Johnson when he had attempted to get information on the Landfill's operations at these meetings and that he was treated badly. She urged the Commission to look into this matter.

Shirley Harrison spoke to agree with Pat Hunter's comments regarding the Budget Committee Meetings and the lack of Public Hearings and public participation.

Pandora Vreeland requested to speak again and **Chairman Bledsoe** responded that the speakers had already been given much more time than the required 5 minutes each and that the speakers were welcome to come back to future meetings to speak again. He thanked them for being there.

Chairman Bledsoe asked if there were any further comments and, upon receiving none, he asked for a motion to adjourn.

(27)
Adjournment

There being no further business, a **motion** being duly made and seconded, the June 6, 2011 County Commission Meeting stood adjourned at 7:20 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR