

LOUDON COUNTY COMMISSION
STATE OF TENNESSEE
COUNTY OF LOUDON
December 3, 2012
6:00 PM

PUBLIC HEARING

Loudon County Planning and Codes Director – Russ Newman

- (1)**
Public
Hearing
1. A Resolution Amending the Zoning Map of Loudon County, Tennessee, Pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone Approximately 0.97 Acres from R-1(Suburban-Residential) to C-2 (General Commercial), Referenced by: Tax Map 16A, Group D, Parcel 3.00 Located at 7505 Highway 11E, 2nd Legislative District.

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 3rd day of December, 2012. The **Honorable Roy Bledsoe** called the meeting to order.
- Commissioner Yarbrough** 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, Maples, Bledsoe, Duff, Yarbrough, Harrelson, and Miller: (7)**
The following Commissioners were **Absent: Meers, Quillen, and Franke: (3)**
Thereupon **Chairman Bledsoe** announced the presence of a quorum.
Present was the **Honorable Mayor Estelle Herron**.
- (4)**
Agenda
Adopted
As Amended
- Chairman Bledsoe** requested that the December 3, 2012 Agenda be adopted. **Mayor Herron** requested adding to the Agenda Consideration of Approval of Amendments to Fund 142 under the Budget Director's presentation. A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Maples** to adopt the Agenda as amended.
Upon voice vote the motion **Passed** unanimously.
- (5)**
Minutes for
Nov 5, 2012
Comm Mtg
Approved
- Chairman Bledsoe** requested that the November 5, 2012 County Commission Meeting Minutes be approved and accepted. A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Miller** to approve these 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.

Vernon Jenkins, Mike Gillery, Dorothy Graves, and Joyce Jenkins each spoke against the proposed rezoning request for their neighborhood citing that they didn't feel the access in and out of their community could accommodate commercial traffic and they wanted to keep their community strictly residential for the safety, security and comfort of its residents.

Richard Truitt spoke against authorizing additional funding approval for the School Building Program at this time. He would like them to finish the Phase 1 project that is in progress before going on to additional projects. He also cited the need for the School Board to implement a zoning plan so they could determine exactly how many children they were building for before they began design and construction of new facilities.

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

(7)
Board
Appointments
Approved

1. Request Consideration and Approval of Appointment Resolutions for the Following Boards/Committees:
 - a. Loudon County Chamber of Commerce Board of Directors
 - b. Loudon County Visitor's Bureau Board

A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Jenkins** to approve these appointments.

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

Resolutions 120312-A & B

(8)
Settlement
Of Covenant
Lawsuit
Discussions
Tabled

2. Request Consideration of Approval of Settlement of the Covenant Lawsuit for the sum of \$50,000.

Chairman Bledsoe asked if this had been to the Budget Committee and **Mayor Herron** responded that it had not because it just came up. **Commissioner Miller** asked what the previous settlement amount cited in the lawsuit was and the response was somewhere over \$100K but when the County declined that amount Covenant returned to their original amount of over \$200K. **Commissioner Miller** then asked what the County Attorney told them originally regarding their standing in this lawsuit. He thought he recalled the Attorney advising them that it was not at all clear that the County would win if this went to court. Lengthy discussion included the issue of whether the man in this case was a jail "inmate" and whether or not he was "indigent". **Commissioner Duff** said that the contract with Covenant included language addressing "indigent" situations and, in these cases, Covenant should cover his expenses. Further discussion of this issue failed to reach a conclusion on the man's status. **Commissioner Miller** said that he didn't think this was so much an issue of "indigence" but of the County's responsibility to take care of people in its jails. **Mayor Herron** said that **County Attorney Bowman** had already told the Commission that they would be lucky to settle this case for \$50K and that the Commission approving these funds tonight didn't mean they would be spent - if the attorney saw a problem with the settlement he would not pursue this course. **Chairman Bledsoe** asked if this should go back to the Budget Committee for discussion with the attorney and further consideration. **Commissioner Miller** thought it would be better to have an Executive Session with **Attorney Bowman** at the next Commission Workshop Meeting on December 17th and he made a **motion** to that affect.

Commissioner Harrelson asked if the amount of \$50K was acceptable to the Commission if the attorney advised them to accept it and he suggested a Special Called Meeting following that Executive Session so that they could formally approve the settlement if that was the conclusion reached. He then **seconded Commissioner Miller's motion**. **Mayor Herron** said that she was concerned that not approving this settlement tonight would kill the \$50K acceptance offer and take the case back to the old position with Covenant asking for much more. **Commissioner Duff** went back to the "indigency" issue stating that even if this man was an "inmate" he could also be "indigent" and **Commissioner Miller** responded that the County has a legal responsibility to take care of "inmates" and he feels that the Commission needs the Attorney's advice on what trumps what. **Mayor Herron** asked if the Commission wanted to table this discussion for tonight. **Commissioner Miller withdrew his previous motion regarding an executive session at the next Commission Workshop Meeting and made a motion with a second by Commissioner Harrelson to table this issue for tonight.**

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

Loudon County Planning and Codes Director – Russ Newman

(9)
Rezoning
on Hwy 11E
Request Denied

1. Request Consideration of Approving a Resolution Amending the Zoning Map of Loudon County, Tennessee, Pursuant to Chapter Seven, §13-7-105 of the Tennessee Code Annotated, to Rezone Approximately 0.97 Acres from R-1(Suburban-Residential) to C-2 (General Commercial), Referenced by: Tax Map 16A, Group D, Parcel 3.00 Located at 7505 Highway 11E, 2nd Legislative District.

A **motion** was made by **Commissioner Maples** with a second by **Commissioner Harrelson** to deny this request for rezoning.

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

Resolution 120312-C

Loudon County Budget Director – Tracy Blair

(10)
Establish
Fund 112
Approved

1. Consideration of a Recommendation to Approve a Resolution to Establish Fund 112 Courthouse and Jail Maintenance to Receipt and Expense a Portion of the Litigation Tax .

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

Upon roll call vote the following Commissioners voted **Aye: Maples, Bledsoe, Duff, Harrelson, Miller, and Jenkins: (6)**

The following Commissioners voted **Nay: Yarbrough: (1)**

The following Commissioners were **Absent: Meers, Quillen, and Franke: (3)**

Thereupon the Chairman declared the motion **Passed: (6, 1, 3)**

Resolution 120312-D

**(11)
Authorizing
Additional
School Building
Project Funding
Request Failed**

2. Consideration of Approval of Authorizing Funding for Combining the Loudon Elementary School and Ft. Loudoun Middle School and Completing Renovations for the Approximate Cost of \$5,000,000.

Director Blair said that this item had not been to the Budget Committee for consideration, although Budget Committee members were present when this was discussed, so there was no recommendation.

A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Jenkins** to approve this request.

Mayor Herron said that **Commissioner Franke** had called her earlier in the day to express his position on this item since he wasn't able to attend the meeting. He is not in favor of authorizing additional funding until Loudon High School and Phase 1 of the School Building Program are completed. **Commissioner Miller** agrees with this position and **moved to table this item until successful completion of Phase 1**. He cited the potential for significant interest savings by paying off existing debt proposed by **Chairman Bledsoe** and he wants to study the fund balance effects of this before moving forward. **His motion to table this discussion was seconded by Commissioner Maples.**

Chairman Bledsoe asked for a **vote on the motion to table this item.**

Upon roll call vote the following Commissioners voted **Aye: Maples, Bledsoe, Harrelson, and Miller: (4)**

The following Commissioners voted **Nay: Duff, Yarbrough, and Jenkins: (3)**

The following Commissioners were **Absent: Quillen, Franke, and Meers: (3)**

Thereupon the Chairman declared the motion **Failed: (4,3,3)**

Chairman Bledsoe then announced that we were back to the original motion.

Commissioner Yarbrough said that she believes the School Board has acted in good faith on this program and thinks the Commission should move forward with the project. **Commissioner Harrelson** said that he had heard thru a School Board Member that the Board was discussing drastically reducing the \$5M proposed cost and asked **Director of Schools, Jason Vance** about this. **Director Vance** confirmed that the Board was having these discussions but was unspecific regarding details and he added that the School Board has approved this project. **Commissioner Harrelson** said that he too wanted to move on with this project as soon as possible but that there were several questions to be answered and he agreed with tabling this issue at this time. **Commissioner Miller** cited three issues he felt needed further attention before going forward: Completion of Phase 1; the possibility of significant interest savings and the impact on timing; and the possibility of reducing the \$5M cost.

Commissioner Jenkins said that **Director Vance** was the Commission's face of the School Board and they should listen to him and not to individual School Board members and stated that he wants to finish what they've started and move forward. **Director Vance** said that there were differences of opinion on the School Board but that they had completed the program thus far within budget and he feels that this is an appropriate request to the Commission.

Chairman Bledsoe then asked for a **vote on the original motion to approve this request.**

Upon roll call vote the following Commissioners voted **Aye: Duff, Yarbrough, and Jenkins: (3)**

The following Commissioners voted **Nay: Maples, Bledsoe, Harrelson, and Miller: (4)**

The following Commissioners were **Absent: Quillen, Franke, and Meers: (3)**

Thereupon the Chairman declared the motion **Failed: (3,4,3)**

Exhibit 120312-E

- (12)
Fund 101
Approved
3. Consideration of Approval of Amendments in the Following Funds:
- a. County General Fund 101
- A **motion** was made by **Commissioner Harrelson** with a second by **Commissioner Miller** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Bledsoe, Duff, Yarbrough, Harrelson, Miller, Jenkins, and Maples: (7)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioners were **Absent: Meers, Franke, and Quillen: (3)**
- Thereupon the Chairman declared the motion **Passed: (7,0,3)**
- Exhibit 120312-F**
- (13)
Fund 115
Approved
- b. Public Library Fund 115
- A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Maples** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Bledsoe, Duff, Yarbrough, Harrelson, Miller, Jenkins, and Maples: (7)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioners were **Absent: Meers, Quillen, and Franke: (3)**
- Thereupon the Chairman declared the motion **Passed: (7,0,3)**
- Exhibit 120312-G**
- (14)
Fund 131
Approved
- c. Highway Department Fund 131
- A **motion** was made by **Commissioner Yarbrough** with a second by **Commissioner Harrelson** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Duff, Yarbrough, Harrelson, Miller, Jenkins, Maples, and Bledsoe: (7)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioners were **Absent: Meers, Quillen, and Franke: (3)**
- Thereupon the Chairman declared the motion **Passed: (7,0,3)**
- Exhibit 120312-H**
- (15)
Fund 141
Approved
- d. General Purpose School Fund 141
- A **motion** was made by **Commissioner Miller** with a second by **Commissioner Harrelson** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Yarbrough, Harrelson, Miller, Jenkins, Maples, Bledsoe, and Duff: (7)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioners were **Absent: Meers, Quillen, and Franke: (3)**
- Thereupon the Chairman declared the motion **Passed: (7,0,3)**
- Exhibit 120312-I**
- (16)
Fund 142
Approved
- e. School Federal Projects Fund 142
- A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Yarbrough** to approve this recommendation.
- Upon roll call vote the following Commissioners voted **Aye: Harrelson, Miller, Jenkins, Maples, Bledsoe Duff, and Yarbrough: (7)**
- The following Commissioners voted **Nay: (0)**
- The following Commissioners were **Absent: Meers, Quillen, and Franke: (3)**
- Thereupon the Chairman declared the motion **Passed: (7,0,3)**
- Exhibit 120312-J**

(17) f. General Capital Projects Fund 171
Fund 171
Approved

A **motion** was made by **Commissioner Jenkins** with a second by **Commissioner Maples** to approve this recommendation.
Upon roll call vote the following Commissioners voted **Aye: Miller, Jenkins, Maples, Bledsoe, Duff, Yarbrough, and Harrelson: (7)**
The following Commissioners voted **Nay: (0)**
The following Commissioners were **Absent: Meers, Quillen, and Franke: (3)**
Thereupon the Chairman declared the motion **Passed: (7,0,3)**
Exhibit 120312-K

(18)
Summary
Financial
Statements
Distributed

Budget Director, Tracy Blair, requested that records reflect that the Summary Financial Statements for November 2012 have been distributed.
Exhibit 120312-L

(19)
Notaries
Approved

Loudon County Commissioner, Brian Jenkins, made a **motion** with a second by **Commissioner Maples** to approve the following Notaries: ***Nancy D. Starritt; Sheila Brumley; Betsy Nicole Freshour; Kathy B. Knight; Diana Carol Pynnonen; Debra J. Heisch; Brenda J. Burnette; Della Demerchant; and Kimberly Lovelace.***
Upon voice vote the motion **Passed** unanimously.
Exhibit 120312-M

(20)
Comments:
Non-Agenda
Items

Chairman Bledsoe asked that any visitor wishing to address the Commission regarding items not on the Agenda come forward.
Pat Hunter spoke making a request to the Commission regarding selling the Greenback School and the school property on Hwy 321 (land). She reminded the Commission that they are still paying debt on Greenback School and she hopes that this building can be sold to pay off that debt and that the same situation is true with the Hwy 321 land purchase.
Director of Schools, Jason Vance, spoke stressing that he feels that time is of the essence with the School Building Program and he wants to get this completed as soon as possible. He understands the Commission's reluctance to commit funding but he hopes they will consider approving some funds for design work on the Loudon Elementary School. He asked what the Commission wanted from the School Board to get them to commit funding and what did the Commission feel was an appropriate timeframe.
Chairman Bledsoe reminded everyone that this was not the appropriate time for further discussion on this issue since items discussed here were supposed to be non-agenda items.
Richard Truitt spoke about talking and listening. He said that at one time, and for many years, he was president of a labor union and that during that time he learned to listen. He said that the School Board and Mr. Vance do not allow people to speak on non-agenda items at their meetings and if you wish to speak at the meetings you have to submit your items to the Board for approval before you can speak. He said that this was all done behind closed doors and he questioned what they were doing in this regard.

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

**(21)
Adjournment**

There being no further business, a **motion** being duly made and seconded, the December 3, 2012 County Commission Meeting stood adjourned at 7:45 p.m.

CHAIRMAN

ATTEST:

COUNTY CLERK

COUNTY MAYOR