

AGENDA
BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING
TUESDAY, SEPTEMBER 8, 2009, 6:30 P.M.
ROOM 430, BLOUNT COUNTY COURTHOUSE

A. ROLL CALL.

B. PUBLIC INPUT ON ITEMS ON THE AGENDA.

C. SETTING OF AGENDA.

D. ITEMS FOR CONSENT AGENDA.

1. Resolutions for special recognitions.
2. Appointments.
 - a. Standing Committees.
 - i.) Beer Board.
 - ii.) Education Committee.
 - iii.) Expo Committee.
 - iv.) Human Resources/Insurance Committee.
 - v.) Information Technology Committee.
 - vi.) Investment Committee.
 - b. Public Building Authority – Bob Kidd. (County Mayor)
 - c. School Construction Advisory Committee – Jake Jones. (Steve Samples)
 - d. Blount County Community Action Agency – Mike Lewis, Joan VanSickle Sloan. (Steve Samples)

E. UNFINISHED BUSINESS:

1. Resolution to prohibit persons from possessing handguns in public parks in Blount County. (Mike Lewis)
2. Resolution to amend the Zoning Resolution of Blount County, Tennessee, Section 7.2F adding authority of Storm Water Program Coordinator to Erosion Control Provisions in Site Plan Requirements, adding new Section 7.17 concerning erosion control during any permitted construction, and amending Article 13 definition of automobile junk and salvage yards. (Commission)

F. NEW BUSINESS:

1. Election of Agenda Committee Chairman.
2. Election of Agenda Committee Vice-chairman.
3. Election of Commission Chairman.
4. Election of Commission Chairman Pro Tempore.
5. Election of Commission Parliamentarian.
6. Budget Transfers.
7. Budget Increases.
8. Other Budget Items.
9. Continuation of delegation of authority to County Mayor to allocate space in county buildings. (Commission)
10. Petitions for traffic calming devices for Warrior Path Drive, Tomahawk Drive, and Robert Avenue. (Highway Department)
11. List of Outstanding petitions for traffic calming devices. (Mike Walker)
12. Naming of new Townsend Bridge. (Mike Walker)
13. Request to distribute zoning regulation amendments to members of Board of Zoning Appeals. (Wendy Pitts Reeves)
14. Resolution to adopt The Tennessee Home Improvement Contractor Licensing Act, Public Chapter 460, Title 62, Part 5. (David Ballard)
15. Setting of Public Hearings:
 - a. Setting of public hearing regarding a request to rezone the property located at 620 Nelson Lane from S-Suburbanizing to C-Commercial, identified on tax map 55, parcel 69.00.

G. PUBLIC INPUT ON ITEMS NOT ON AGENDA.

H. ADJOURNMENT.

COUNTY COMMISSION STANDING COMMITTEES

1. **Beer Board** – Tonya Burchfield, Gary Farmer, David Graham, Scott Helton, Gerald Kirby, **Holden Lail**, and Steve Samples.
2. **Board of Zoning Appeals** – **Rob Walker**, Larry Campbell, Stanley Headrick, Gordon Wright, and Harold Brown. *Alternate Members are Joe Everett and Jim Melton. (appointments are for five year terms.)*
3. **Budget Committee** – **Jerry Cunningham/County Mayor**, Mike Lewis, Kenneth Melton, John Keeble, and Steve Samples. *(Reappointments are in January of each year.)*
4. **Education Committee** - Gerald Kirby, Kenneth Melton, Bob Proffitt, Wendy Pitts Reeves, and **John Keeble**.
5. **Expo Committee** – **Jerry Cunningham/County Mayor**, Dave Bennett, Herb Handly, and John Keeble.
6. **Human Resources/Insurance Committee** – **Jerry Cunningham/County Mayor**, James Berrong, Bill Dunlap, Tonya Burchfield, Gary Farmer, Ron French, Holden Lail, Mike Lewis, Penny Whaley, and Troy Logan.
7. **Information Technology Committee** – **Jerry Cunningham/County Mayor**, John Herron, David Ballard, Scott Helton, Steve Samples, Roy Crawford, Brian Bell, Jeff Hatcher, Keith Hackney, and Scott Graves.
8. **Investment Committee** – **Jerry Cunningham/County Mayor**, John Keeble, Kenneth Melton, and Steve Samples.
9. **Purchasing Commission** - **Jerry Cunningham/County Mayor**, Mike Lewis, Kenneth Melton, John Keeble, and Steve Samples. *(Reappointments are in January of each year.)*

****Bold Name signifies Chairman**

Please call the Blount County Commission Office at 865-273-5830 for information.



JERRY G. CUNNINGHAM

Blount County Mayor

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705



JERRY G. CUNNINGHAM
Blount County Mayor

DAVID R. BENNETT, CPA, CGFM
Assistant County Mayor

TO: Blount County Board of Commissioners

FROM: Jerry G. Cunningham, County Mayor 

RE: Recommendation for Blount County Public Building Authority

DATE: August, 2009

For the consideration of the full commission, I am submitting my recommendation of the following name to serve on the Blount County Public Building Authority:

Mr. Bob Kidd

Burchfield – nay	Hasty – aye	McCulley – aye	Samples – aye
Farmer – aye	Helton – aye	Melton – aye	Walker – nay
French – aye	Keeble – aye	Murrell – aye	
Graham – aye	Kirby – aye	Proffitt – aye	
Hargis – aye	Lail – absent	Ramsey – aye	

There were 17 voting aye, 2 voting nay, and 2 absent. Chairman Ramsey declared the motion to have passed.

IN RE: RESOLUTION TO INCREASE BOARD OF EDUCATION COMPENSATION and AUTHORIZATION OF HIGHWAY SUPERINTENDENT TO APPLY FOR FEDERAL GRANTS.

Commissioner Samples made a motion to approve the resolution and grant the authorization. Commissioner Helton seconded the motion.

Commissioner Reeves made a motion to amend the resolution on Board of Education compensation to go into effect September 1. Commissioner Ballard seconded the motion.

A roll call vote was taken on the motion to amend:

Ballard – aye	Harrison – nay	Lewis – absent	Reeves – aye
Burchfield – aye	Hasty – aye	McCulley – aye	Samples – nay
Farmer – nay	Helton – nay	Melton – nay	Walker – nay
French – nay	Keeble – nay	Murrell – aye	
Graham – aye	Kirby – nay	Proffitt – aye	
Hargis – aye	Lail – absent	Ramsey – nay	

There were 9 voting aye, 10 voting nay, and 2 absent. Chairman Ramsey declared the motion to amend to have failed.

A roll call vote was taken on the original motion:

Ballard – aye	Harrison – aye	Lewis – absent	Reeves – aye
Burchfield – aye	Hasty – aye	McCulley – aye	Samples – aye
Farmer – aye	Helton – aye	Melton – aye	Walker – aye
French – aye	Keeble – aye	Murrell – aye	
Graham – aye	Kirby – aye	Proffitt – aye	
Hargis – aye	Lail – absent	Ramsey – aye	

There were 19 voting aye, and 2 absent. Chairman Ramsey declared the motion to have passed.

IN RE: RESOLUTION REGARDING SCHOOL CONSTRUCTION COMMITTEE.

Commissioner Walker made a motion to approve the resolution. Commissioner French seconded the motion.

A roll call vote was taken on the motion:

Ballard – aye	Harrison – aye	Lewis – absent	Reeves – nay
Burchfield – aye	Hasty – aye	McCulley – aye	Samples – aye
Farmer – aye	Helton – aye	Melton – aye	Walker – aye
French – aye	Keeble – aye	Murrell – aye	
Graham – aye	Kirby – aye	Proffitt – aye	
Hargis – aye	Lail – absent	Ramsey – aye	

There were 18 voting aye, 1 voting nay, and 2 absent. Chairman Ramsey declared the motion to amend to have passed.

IN RE: REPORTS.

Commissioner Farmer made a motion to accept the reports. Commissioner McCulley seconded the motion.

A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

IN RE: SETTING OF AGENDA.

Commissioner Melton made a motion to set the agenda. Commissioner Hargis seconded the motion.

A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

2B

RESOLUTION No. _____

Sponsored by Commissioners:

A RESOLUTION AUTHORIZING A SCHOOL BUILDING COMMITTEE

WHEREAS, the Blount County Commission in previous action approved the following wording in it's capital projects resolution: that the construction of the new elementary school on the Burnette Station property will be bid and construction completed under the oversight of the County Mayor's office in conjunction with the Director of Schools and that once completed, the school will be turned over to the School Board. In addition, there will be a work group established that consists of the County Mayor, the Director of Schools, the Chairman of the County Commission and the Chairman of the School Board which will oversee the design and construction of the new school, and

WHEREAS, the aforementioned resolution included an amendment which required approval of the Blount County School Board, and

WHEREAS, the School Board has met and approved the following: that the architect would be selected by the School Board and a committee be convened made up of the County Mayor, Director of Schools, Chairman of the County Commission and the entire School Board and this committee act in an advisory capacity with final approval of any contracts to be approved by the School Board,

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Blount County, Tennessee, assembled in regular session this 17th day of July 2008, that they hereby, by resolution, do hereby authorize the School Building Committee to be comprised of the Chairman of the County Commission, County Mayor, Director of Schools, and all sitting Board Members of the Blount County School Board.

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

Duly authorized and approved the 17th day of July, 2008.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
County Mayor

Date

August 24, 2009

TO Chairman Steve Samples, Blount County Commission
FROM: Ms. Nancy E. Sentell, Executive Director, BCCAA
RE: Appointments to Board of Directors.

Blount County Community Action Agency, Inc. is a non-profit charitable organization which is governed by a Board of Directors. Our Board is composed of three sectors (groups) to represent the residents of Blount County. Those groups are the Public Sector, Low-Income Sector, and Private Sector. The Public Sector is comprised of elected public officials or their representatives. We have two vacancies in the Public Sector and our nominating committee has found two people who are interested in serving on our Board of Directors and would be eligible under the definition. Our Board voted to approve these two people and we are asking for the Blount County Commission to appoint them to the Blount County Community Action Agency Board of Directors.

The two people who have been contacted and are interested in being appointed to our Board are: **Mike Lewis, Commissioner, District 2**

Joan VanSickle Sloan, Blount County Public Library Employee

Commissioner Mike Lewis would be appointed as a Blount County elected official and Ms. Joan VanSickle Sloan would be appointed as a representative of the Blount County Commission since she is a Blount County employee.

We would appreciate the Agenda Committee scheduling this on the agenda at their September 8, 2009 meeting and that the appointment be made at the September 17, 2009 Blount County Commission meeting.

If you have any questions about this matter, feel free to contact me at (w) 983-8411 ext. 22 or (cell) 414-9928. Thank you for your ongoing support of the programs of Blount County Community Action Agency, Inc. and the clients whom we seek to serve.

**BLOUNT COUNTY COMMUNITY ACTION AGENCY, INC.
BOARD OF DIRECTORS**

- **Purpose of Board** - The purposes and functions of the Blount County Community Action Agency, Inc. Board of Directors are:
 1. To administer the anti-poverty and human development programs of federal and state governments and other appropriate agencies in Blount County.
 2. To work with the low-income, the public sector, and the private sector; to seek out, identify, and eliminate the causes of poverty within this county.
 3. To encourage the entire community to be more responsive to the needs and interests of the low-income by mobilizing available resources and bringing about a greater institutional sensitivity.
 4. To plan and develop a system of priorities among projects, activities, and areas as needed for the most effective and efficient use of resources.

- **Requirements to be a board member** – The membership of the Board will include representatives of three groups: elected public officials or their representatives, private community organizations, and low-income individuals or their representatives.
 - A. **Public Sector** – At least 1/3 of the Board members shall be elected public officials, holding office on the date of selection, or their representatives, except that if the number of such elected officials reasonably available and willing to serve on the board is less than 1/3 of the membership on the board of appointive public officials or their representatives may be counted in the meeting such 1/3 requirement.

The Blount County Commission shall designate 3 members of the Commission, or their representatives, to serve on the board on their behalf. One official from the City of Maryville Commission and one official from the City of Alcoa Commission, or their representatives shall be appointed to the Board.

A public official who has been designated for Board membership may decide to appoint a permanent representative to serve on the Board in his behalf in which case he shall notify the Chairman of the Board in writing of the name of his representative.
 - B. **Representatives of the Low-Income** – At least 1/3 of the total Board membership must be democratically elected representatives of the low-income and reside in the neighborhood served.

Such representatives need not be low-income themselves, but must be chosen in a manner to insure that they truly represent the low-income.

The drafting of voting area boundaries and the democratic selection of the representatives from those areas will be done in such manner to insure proportionate representation of the low-income community as a whole. Within each county, each representative of the low-income will represent approximately the same number of low-income individuals.

C. Representatives of Private Community Organizations – The remainder of the Board will be comprised of representatives from private community groups and organizations. The private sector of the Board will not constitute more than 1/3 of its total membership.

Private community groups will be defined as any private non-profit organization, whether incorporated or not, which is concerned with business, industrial, labor, religious, private, law enforcement, education, civic, professional, significant minority groups or other community interests. Such organizations must not have any legal responsibility to perform official public governmental functions, and must not receive tax dollars for the costs of their operation.

The Board of Directors will determine which private groups will be represented on the Board. The Board will recruit private groups who are interested in alleviating poverty conditions. If there are more groups interested in sending representatives than there are membership positions on the Board, the Board will arrange for a rotation schedule.

Significant minority group representation will be continually present on the Board, and such groups will not be rotated off the Board.

- **Number of Members** – The membership of the Board of Directors will have 15 representatives. Membership of the Board may be increased by action of the Board, but the total membership of this Board will always be divisible by three.
- **Term of office** – There are no designated terms of office, however, any member who ceases to be a resident of the county, or who ceases to be a member of the private community organization which he/she represents, or any public official who ceases to hold the office which entitles him/her to sit on the Board, will no longer be a Board member.
- **When are the meetings held** – Regular bi-monthly meetings of the Board are held on the third Friday with breakfast beginning at 8:00 and the meeting from 8:30 – 9:30 a.m. The location varies and is announced the week prior to the meeting when the agenda is sent to the members.

Major responsibilities of the board member - Board members are legally and morally responsible for the activities of the agency. Their responsibilities include:

- Board Development: recruit and nurture new members; help each other grow
- Provide oversight and evaluation of the Executive Director
- Set policies for the Executive Director's employment
- Ensure that the Executive Director has up-to-date policies for staff
- Establish and review the agency's mission, philosophy, and goals
- Plan for program development and services
- Evaluate programs on a regular basis
- Ensure financial accountability
- Oversee process of budget development, approval, and review

- Raise funds for the agency and ensure that adequate funds are available to support the agency's mission
- Oversee properties and investments
- Ensure that the community's needs are being met through agency programs
- Advocate for the agency's programs in the community
- Participate in cooperative groups and coalitions to further the mission of the agency
- Ensure that administrative and management systems are adequate
- Ensure that the Board's operations are adequate
- Ensure that the legal structure of the organization is adequate
- Ensure that the agency and its Board Members meet all legal requirements

RESOLUTION NO. _____

SPONSORED BY COMMISSIONER MIKE LEWIS

**A RESOLUTION TO PROHIBIT PERSONS FROM POSSESSING HANDGUNS IN PUBLIC PARKS
IN BLOUNT COUNTY**

WHEREAS, Chapter 428 of the Public Acts of 2009 (“Public Chapter 428”) amends Tennessee Code Annotated § 39-17-1311 to make it legal, effective September 1, 2009, for persons authorized to carry a handgun pursuant to Tennessee Code Annotated § 39-17-1351 to carry a handgun while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place (hereinafter referred to as “public park”) that is owned or operated by a county or instrumentality thereof; and

WHEREAS, Public Chapter 428 authorizes counties, by a majority vote of the county legislative body, to elect to prohibit persons authorized to carry a handgun pursuant to Tennessee Code Annotated § 39-17-1351 from possessing such handgun while within or on public parks owned or operated by the county or instrumentality thereof; and

WHEREAS, Public Chapter 428 states that if a county legislative body elects to prohibit the possession of handguns within public parks owned or operated by a county or instrumentality thereof, the prohibition shall apply to the entire public park, notwithstanding the provisions of Tennessee Code Annotated § 39-17-1311(b)(1)(I); and

WHEREAS, Public Chapter 428 states that if such area is jointly owned or operated by municipalities or counties, then a resolution adopted by a majority vote of all affected legislative bodies, voting individually, is necessary for such municipalities or counties to prohibit persons from possessing handguns while within such public park; and

WHEREAS, Public Chapter 428 states that counties electing to prohibit persons from carrying handguns in their public parks shall display in prominent locations the sign authorized by § 39-17-1311 (c) (1), to give notice that handguns are not permitted; and

WHEREAS, pursuant to Public Chapter 428, it is a Class A misdemeanor for persons to possess handguns while within or on public parks owned or operated by a county or instrumentality thereof in a county that has passed a resolution prohibiting persons from possessing handguns in the aforementioned places; and

WHEREAS, the Board of County Commissioners of Blount County finds that it is in the best interests of Blount County to prohibit persons from carrying handguns in public parks owned or operated by Blount County or an instrumentality thereof as authorized by Tennessee Code Annotated § 39-17-1311:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County,

Tennessee, meeting in regular session on this the 17th day of September, 2009, in Blount County, Tennessee, that:

Section 1. Effective on the first day of the month following the final passage of this resolution, persons authorized to carry a handgun pursuant to Tennessee Code Annotated § 39-17-1351 shall be prohibited from possessing such handgun while within or on a public park that is owned or operated by Blount County or an instrumentality thereof.

Section 2. Pursuant to Tennessee Code Annotated § 39-17-1311, the county mayor shall post in prominent locations the sign authorized by § 39-17-1311 (c)(1) to give notice that handguns are not permitted in the public parks in Blount County, including, but not limited to, the following: Everett Recreation Center and Athletic Fields, Frank Bogle Greenway, Richard Williams Park, Louisville Point Park, and Eagleton Little League and Park.

Section 3. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Passed by a majority vote of the Board of County Commissioners of Blount County, this the 17th day of September, 2009.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date

MEMORANDUM

TO: Jerry Cunningham
Mike Lewis

FROM: Rob Goddard

DATE: August 21, 2009

RE: Blount County Resolution Prohibiting Persons From Possessing Handguns In
Public Parks In Blount County



We have now received the Resolution passed by the Cities of Maryville and Alcoa, copies of which I enclose with this Memorandum. Looking closely at each of these Resolutions, it is obvious that the Cities of Maryville and Alcoa's respective Resolutions, only affect parks which are owned or operated by the City of Maryville and the City of Alcoa respectively. The Resolutions are not broad enough in our opinion to cover the jointly operated parks under the pervue of the Parks and Recreation Commission. Therefore, it is our opinion that if the County desires to prevent registered handgun owners from possessing handguns in parks located outside the City of Maryville and outside the City of Alcoa in Blount County, that the County would be required to pass a Resolution pursuant to Section 2(d) of Public Chapter 428. If the County does not pass such a Resolution, then it is our opinion that registered handgun owners who have a carry permit would be entitled to possess handguns in the parks owned by Blount County.

If the County does not pass such a Resolution by September 1, 2009, then as of September 1, 2009, registered handgun owners who have a valid permit could possess firearms in the County parks. If the County passes the Resolution after September 1, 2009, then the possession of firearms in the parks by registered handgun owners would be unlawful as of the effective date of the Resolution passed by the County.

If you have further questions regarding this matter, please do not hesitate to call.

MEMORANDUM

TO: Jerry Cunningham
FROM: Rob Goddard
DATE: August 19, 2009
RE: Blount County Resolution Prohibiting Persons From Possessing Handguns In Public Parks In Blount County

You have asked me to research the recent legislation passed by the Tennessee Legislature specifically Public Chapter 428 and the impact that the proposed Resolution pending before the Blount County Commission will have under that Public Chapter.

The prior provisions of the Tennessee Code Annotated, Section 39-17-1311, prohibited the possession of handguns in public parks, natural areas, historic parks, etc., with certain exceptions. Public Chapter 428 added as an exception those persons who had a permit to carry a handgun, in other words, those persons who have a valid handgun permit could, pursuant to Public Chapter 428, carry a handgun in public parks.

Section 2 of Public Chapter 428 allows a municipality or county to pass a resolution to prohibit a person who has a valid handgun permit from possessing a handgun in a public park.

Section 2(d) of Public Chapter 428 provides in pertinent part as follows: "If such area (the public park) is jointly owned **or operated** by municipalities or counties, then a resolution adopted by a majority vote of all affected legislative bodies, voting individually, is necessary for such municipalities or counties to prohibit persons authorized to carry a handgun pursuant to Tennessee Code Annotated, Section 39-17-1351, from possessing such handgun while within such park".

It is my understanding that all of the public parks, natural areas, historic parks, nature trails, campgrounds, forest, greenways, waterways, or other similar public place that are owned by Blount County, are operated jointly with the City of Maryville and the City of Alcoa pursuant to an Intergovernmental Agreement which created the Blount County Parks and Recreation Commission. It is further my understanding that the City of Maryville and the City of Alcoa have both passed Resolutions pursuant to Section 2(b) of Public Chapter 428 prohibiting the possession of handguns in parks by persons who have a permit to carry a handgun. Therefore, since two of the three governmental entities have already passed such a resolution, it is my opinion that a person with a valid handgun permit cannot now possess a handgun in a park owned by the County which is operated under the umbrella of the Parks and Recreation Commission.

If there are certain public parks, natural areas, historic parks, nature trails, campgrounds, forest, greenways, waterways, or other similar public places, that are owned by Blount County, which are not operated with the City of Maryville and the City of Alcoa under the Blount County

Parks and Recreation Commission, then Blount County would need to pass the proposed resolution to prohibit the possession of handguns in those areas by persons who have a valid handgun permit issued under Tennessee Code Annotated, Section 39-17-1351.

If you have any other questions concerning this matter, please do not hesitate to call me.

AMENDMENT TO MEMORANDUM

TO: Jerry Cunningham
 (Via Fax #273-5705)

FROM: Rob Goddard

DATE: August 20, 2009

RE: Blount County Resolution Prohibiting Persons From Possessing Handguns in
 Public Parks in Blount County

As a follow up to my previous Memorandum to you dated August 19, 2009, on this subject, in writing my Memorandum, I assumed that the resolution passed by the Cities of Maryville and Alcoa was broad enough to encompass the parks jointly operated by the City of Maryville, the City of Alcoa, and Blount County. If the resolution passed by Maryville and Alcoa only dealt with parks located within the municipalities of Maryville and Alcoa, then the County would be required to pass the proposed resolution in order to ban possession of handguns in parks by persons who had a permit to carry a handgun.

/maz

August 21, 2009

Mr. Ron Woody
CTAS
1201 Oak Ridge Turnpike
Suite 101
Oak Ridge, TN 37830

Dear Ron:

The Blount County Board of Commissioners met in session on August 20, 2009, and agreed to postpone action on a *Resolution to Prohibit Persons from Possessing Handguns in Public Parks in Blount County*. I would like to request an opinion from CTAS regarding the following (3) questions concerning Public Chapter No. 428:

1. If a county chooses to opt out, must the County Legislative Body vote to approve a resolution to prohibit the possession of handguns within parks before September 1, 2009?
2. In Blount County, where the county is a part of the Maryville-Alcoa-Blount County Parks and Recreation Commission and two of the three governing bodies on the P&R Commission (Maryville City and Alcoa City) have approved resolutions to opt out, does the passage of the resolutions by Maryville and Alcoa constitute a majority vote; and, therefore, prohibit citizens from possessing handguns in the Blount County owned parks, as well? Therefore, the question is, "Does Blount County still maintain the option to allow the law to remain in effect, as prescribed by the legislature, or opt out of the law?"
3. Regarding requirements to opt out, is it necessary to specifically identify each individual park in the resolutions which are adopted by the three participating governments?

Since September 1st is quickly approaching, I would appreciate your most expedient reply. Thank you for your service to Blount County Government and for your assistance with this matter.

Sincerely,

Steve Samples
Chairman
Blount County Board of Commissioners

SS:rp

Via e-mail

August 25, 2009

Mr. Steve Samples
Chairman
Blount County Board of Commissioners

Dear Mr. Samples:

This letter is in response to your opinion request dated August 21, 2009. Please see below for our responses.

- (1) If a county chooses to opt out, must the County Legislative Body vote to approve a resolution to prohibit the possession of handguns within parks before September 1, 2009?

No. Under the law, persons authorized to carry a handgun pursuant to T.C.A. § 39-17-1351 may carry a handgun while within or on a public park beginning September 1, 2009; however, *county legislative bodies may opt out at any time after June 12, 2009.*

- (2) In Blount County, where the county is a part of the Maryville-Alcoa-Blount County Parks and Recreation Commission and two of the three governing bodies on the P&R Commission (Maryville City and Alcoa City) have approved resolutions to opt out, does the passage of the resolutions by Maryville and Alcoa constitute a majority vote; and, therefore, prohibit citizens from possessing handguns in the Blount County owned parks, as well? Therefore, the question is, "Does Blount County still maintain the option to allow the law to remain in effect, as prescribed by the legislature, or opt out of the law?"

Under the law, if a public park is jointly owned or operated by municipalities or counties, then a resolution adopted by a majority vote of all affected legislative bodies, voting individually, is necessary for such municipalities or counties to prohibit persons from possessing handguns while within such park. Thus, Blount County would have to adopt its own resolution in order to prohibit guns in any public parks jointly owned and/or operated with Maryville and Alcoa.

- (3) Regarding requirements to opt out, is it necessary to specifically identify each individual park in the resolutions which are adopted by the three participating governments?

While the law does not specifically require you to list the individual parks in the resolution, the law does require the county mayor to post signs in prominent locations throughout all covered public parks to provide the public with notice that handguns are prohibited. As possessing a handgun in violation of a resolution prohibiting persons from possessing handguns in public parks is a Class A misdemeanor, providing notice to the public of the prohibition is very important. As such, we would strongly recommend listing the parks so there is no confusion as to the parks to which the prohibition will apply. Our sample resolution, which is attached, includes a place to list the covered parks.

I hope you find this information helpful.

Sincerely,

A handwritten signature in cursive script that reads "Kristy Godsey Brown".

Kristy Godsey Brown
CTAS Legal Consultant

cc: Ron Woody, CTAS County Government Consultant

RESOLUTION NO _____

A RESOLUTION TO PROHIBIT HANDGUNS IN PUBLIC MUNICIPAL PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS, OR OTHER SIMILAR PUBLIC PLACES

WHEREAS, prior to September 1, 2009, Tennessee Code Annotated, 39-17-1311, essentially made carrying weapons in parks, playgrounds, civic centers or other building facilities, areas or properties owned, used or operated by the municipality for recreational purposes a Class A misdemeanor; and

WHEREAS, Public Chapter No. 428 (House Bill 716 and Senate Bill 976) of the 106th General Assembly, as adopted, removed the above mentioned prohibitions in public parks for persons authorized to carry handguns pursuant to Tennessee Code Annotated 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly permits municipal and county governments to prohibit, by resolution, the possession of handguns while within a public park that is owned or operated by a county, a municipality, or their instrumentalities; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE OF THE CITY OF ALCOA, TENNESSEE as follows:

SECTION 1. That any person authorized to carry a handgun under Tennessee Code Annotated 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the City of Alcoa. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of T.C.A. 39-17-1311 (b) (1) (I). However, this resolution does not prohibit lawful possession of any handgun in accordance with T.C.A. 39-17-1311 (b) (1) (A)-(H).

SECTION 2. That the City of Alcoa shall display signs in prominent locations about the public recreational property, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

Prominent locations shall at least include all entrances to the property and any building or structure located on the property, such as restrooms, picnic areas, sports facilities, welcome centers, gift shops, playgrounds, swimming pools, restaurants and parking lots.

SECTION 3. That this resolution shall take effect from and after its passage, the general welfare requiring it.

ADOPTED this 11th day of August, 2009.

Mayor

ATTEST:

City Recorder

Approved As To Form:

City Attorney

Maryville Resolution**RESOLUTION NO 2009-09****A RESOLUTION OF THE CITY OF MARYVILLE, TENNESSEE TO PROHIBIT HANDGUNS IN PUBLIC MUNICIPAL PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS, OR OTHER SIMILAR PUBLIC PLACES**

WHEREAS, prior to September 1, 2009, Tennessee Code Annotated, 39-17-1311, essentially made carrying weapons in municipally owned parks, playgrounds, civic centers, or other building facilities a Class A misdemeanor; and

WHEREAS, Public Chapter No. 428 (House Bill 716 and Senate Bill 976) of the 106th General Assembly, as adopted, removed the above mentioned prohibitions in public parks for persons authorized to carry handguns pursuant to Tennessee Code Annotated 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly permits municipal and county governments to prohibit, by resolution, the carrying of handguns while within a public park or other recreational area that is owned or operated by a county, a municipality, or their instrumentalities; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE as follows:

SECTION 1. That any person authorized to carry a handgun under Tennessee Code Annotated 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, or other similar public place that is owned or operated by the City of Maryville. This prohibition of handguns within any municipal park applies to the entire park, notwithstanding the provisions of T.C.A. 39-17-1311 (b) (1) (1). However, this resolution does not prohibit lawful possession of any handgun in accordance with T.C.A. 39-17-1311 (b) (1) (A)-(H).

SECTION 2. That the City of Maryville shall display signs in prominent locations about the public recreational property, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED

DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

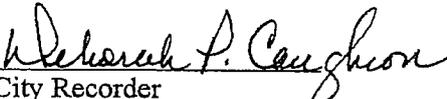
SECTION 3. That this resolution shall take effect from and after its passage, the general welfare requiring it.

ADOPTED this 4th day of August, 2009.



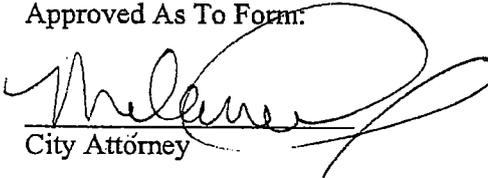
Mayor

ATTEST:



City Recorder

Approved As To Form:



City Attorney

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 428

HOUSE BILL NO. 716

By Representatives Niceley, Fincher, Watson, Curtis Johnson, Dean, Rich, Jim Cobb, Evans, Carr, Hill, Todd, Faulkner, Lollar, Campfield, Bell, Kelsey, Swafford, Hensley, Bass, McCormick, Weaver

Substituted for: Senate Bill No. 976

By Senators Beavers, Faulk, Crowe, Gresham

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13 and Title 70, relative to firearms.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1311(b)(1), is amended by adding the following new subdivisions thereto:

(I) Persons possessing a handgun, who are authorized to carry such handgun pursuant to § 39-17-1351, while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof, except as otherwise provided in subsection (d);

(J) Persons possessing a handgun, who are authorized to carry such handgun pursuant to § 39-17-1351, while within or on property designated by the federal government as a national park, forest, preserve, historic park, military park, trail, or recreation area, to the extent permitted by federal law.

SECTION 2. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting subsection (d) in its entirety and substituting instead the following new subsections:

(d) Notwithstanding the provisions of subdivision (b)(1)(I), any municipality or county may prohibit, by resolution adopted by a majority vote of its legislative body, persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing such handgun while within or on a public park that is owned or operated by a county, a municipality or instrumentality thereof. If a legislative body elects to prohibit the possession of handguns within a park, the prohibition shall apply to the entire park, notwithstanding the provisions of § 39-17-1311(b)(1)(I). If such area is jointly owned or operated by municipalities or counties, then a resolution adopted by a majority vote of all affected legislative bodies, voting individually, is necessary for such municipalities or counties to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing such handgun while within such park.

(e)

(1) Because signage prohibiting the possessing of firearms while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, or instrumentality thereof, and posted pursuant to § 39-17-1311, prior to July 1, 2009, remains necessary for visitors who are not authorized to carry a firearm pursuant to subsection (b), the department shall not replace or change any existing signs that prohibit firearms or erect any new signs at existing state areas relative to firearms. However, the department may replace or repair signs that have been damaged or are scheduled for replacement in accordance with the park's regular replacement schedule.

(2) If a municipality or county elects to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from possessing such handgun while within or on a public park, it shall display in prominent locations the sign authorized by § 39-17-1311(c)(1), to give notice that handguns are not permitted in the park.

(f) A violation of subsection (a) is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1314, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

Except as provided in § 39-17-1311(d), which allows counties and municipalities to prohibit the possession of handguns while within or on a public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by a county, a municipality or instrumentality thereof, no city, county, or metropolitan government shall occupy any part of the field of regulation of the transfer, ownership, possession or transportation of firearms, ammunition or components of firearms or combinations thereof; provided, that the provisions of this section shall be prospective only and shall not affect the validity of any ordinance or resolution lawfully enacted before April 8, 1986.

SECTION 4. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following language as a new, appropriately designated subsection:

(e) The provisions of this section shall not apply to the grounds of any public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof. The carrying of firearms in such areas shall be governed by § 39-17-1311.

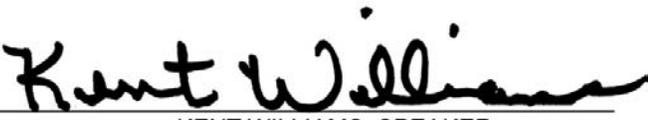
SECTION 5.

(a) For purposes of permitting municipalities or counties to elect to prohibit the carrying of handguns in parks pursuant to § 39-17-1311(d), this act shall take effect upon becoming a law, the public welfare requiring it.

(b) For purposes of it being lawful for persons authorized to carry a handgun pursuant to § 39-17-1351, to carry in places owned or operated by the state or federal government that are designated in Section 1 of this act, this act shall take effect upon becoming a law, the public welfare requiring it.

(c) For purposes of it being lawful for persons authorized to carry a handgun pursuant to § 39-17-1351, to carry in places owned or operated by municipalities or counties that are designated in Section 1 of this act, this act shall take effect on September 1, 2009.

PASSED: May 26, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 12th day of June 2008



PHIL BREDESEN, GOVERNOR

39-17-1351. Handgun carry permits. —

(a) The citizens of this state have a right to keep and bear arms for their common defense; but the general assembly has the power, by law, to regulate the wearing of arms with a view to prevent crime.

(b) Except as provided in subsection (r), any resident of Tennessee who is a United States citizen or permanent lawful resident, as defined by § [55-50-102](#)(30), who has reached twenty-one (21) years of age, may apply to the department of safety for a handgun carry permit. If the applicant is not prohibited from purchasing or possessing a firearm in this state pursuant to § [39-17-1316](#) or § [39-17-1307](#)(b), 18 U.S.C. § 922(g), or any other state or federal law, and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(c) The application for a permit shall be on a standard form developed by the department. The application shall clearly state in bold face type directly above the signature line that an applicant who, with intent to deceive, makes any false statement on the application commits the felony offense of perjury pursuant to § [39-16-702](#). The following are eligibility requirements for obtaining a handgun carry permit and the application shall require the applicant to disclose and confirm compliance with, under oath, the following information concerning the applicant and the eligibility requirements:

- (1) Full legal name and any aliases;
- (2) Addresses for the last five (5) years;
- (3) Date of birth;
- (4) Social security number;
- (5) Physical description (height, weight, race, sex, hair color and eye color);

(6) That the applicant has not been convicted of a criminal offense that is designated as a felony, or that is one of the disqualifying misdemeanors set out in subdivisions (c)(11), (c)(16), or (c)(18), with the exception of any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices;

(7) That the applicant is not currently under indictment or information for any criminal offense that is designated as a felony, or that is one of the disqualifying misdemeanors set out in subdivisions (c)(11), (c)(16), or (c)(18), with the exception of any federal or state offenses pertaining to antitrust violations, unfair trade practices, restraints of trade or other similar offenses relating to the regulations of business practices;

(8) That the applicant is not currently subject to any order of protection and, if so, the applicant shall provide a copy of the order;

(9) That the applicant is not a fugitive from justice;

(10) That the applicant is not an unlawful user of or addicted to alcohol or any controlled substance and the applicant has not been a patient in a rehabilitation program or hospitalized for alcohol or controlled substance abuse or addiction within ten (10) years from the date of application;

(11) That the applicant has not been convicted of the offense of driving under the influence of an

intoxicant in this or any other state two (2) or more times within ten (10) years from the date of the application and that none of the convictions has occurred within five (5) years from the date of application or renewal;

(12) That the applicant has not been adjudicated as a mental defective; has not been committed to or hospitalized in a mental institution; has not had a court appoint a conservator for the applicant by reason of a mental defect; has not been judicially determined to be disabled by reason of mental illness, developmental disability or other mental incapacity; and has not, within seven (7) years from the date of application, been found by a court to pose an immediate substantial likelihood of serious harm, as defined in title [33](#), chapter 6, part 5, because of mental illness;

(13) That the applicant is not an alien and is not illegally or unlawfully in the United States;

(14) That the applicant has not been discharged from the armed forces under dishonorable conditions;

(15) That the applicant has not renounced the applicant's United States citizenship;

(16) That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(33);

(17) That the applicant is not receiving social security disability benefits by reason of alcohol dependence, drug dependence or mental disability; and

(18) That the applicant has not been convicted of the offense of stalking.

(d) (1) In addition to the information required under subsection (c), the applicant shall be required to provide two (2) full sets of classifiable fingerprints at the time the application is filed with the department. The applicant's fingerprints may be taken by the department at the time the application is submitted or the applicant may have the fingerprints taken at any sheriff's office and submit the fingerprints to the department along with the application and other supporting documents. The sheriff may charge a fee not to exceed five dollars (\$5.00) for taking the applicant's fingerprints. At the time an applicant's fingerprints are taken either by the department or a sheriff's office, the applicant shall be required to present a photo identification. If the person requesting fingerprinting is not the same person as the person whose picture appears on the photo identification, the department or sheriff shall refuse to take the fingerprints. The department shall also be required to photograph the applicant in a manner that is suitable for use on the permit.

(2) An applicant shall also be required to present a photo identification to the department at the time of filing the application. If the name on the photo identification, name on the application and name on the fingerprint card, if taken by a sheriff, are not the same, the department shall refuse to accept the application. If the person whose picture appears on the photo identification is not the same as the applicant, the department shall refuse to accept the application.

(e) The department shall also require an applicant to submit proof of the successful completion of a department approved handgun safety course. The course shall include both classroom hours and firing range hours. An applicant shall not be required to comply with the firing range and classroom hours requirements of this subsection (e) if the applicant submits proof to the department that within five (5) years from the date the application for a handgun carry permit is filed the applicant has:

(1) Been certified by the peace officer standards and training commission;

(2) Successfully completed training at the law enforcement training academy;

(3) Successfully completed the firearms training course required for armed security guard/officer registration, pursuant to § [62-35-118](#)(b); or

(4) Successfully completed all handgun training of not less than four (4) hours as required by any branch of the military.

(f) The department shall make applications for permits available for distribution at any location where the department conducts driver license examinations.

(g) (1) Upon receipt of a permit application, the department shall:

(A) Forward two (2) full sets of fingerprints of the applicant to the Tennessee bureau of investigation; and

(B) Send a copy of the application to the sheriff of the county in which the applicant resides.

(2) Within thirty (30) days of receiving an application, the sheriff shall provide the department with any information concerning the truthfulness of the applicant's answers to the eligibility requirements of subsection (c) that is within the knowledge of the sheriff.

(h) Upon receipt of the fingerprints from the department, the Tennessee bureau of investigation shall:

(1) Within thirty (30) days from receipt of the fingerprints, conduct computer searches to determine the applicant's eligibility for a permit under subsection (c) as are available to the bureau based solely upon the applicant's name, date of birth and social security number and send the results of the searches to the department;

(2) Conduct a criminal history record check based upon one (1) set of the fingerprints received and send the results to the department; and

(3) Send one (1) set of the fingerprints received from the department to the federal bureau of investigation, request a federal criminal history record check based upon the fingerprints, as long as the service is available, and send the results of the check to the department.

(i) The department shall deny a permit application if it determines from information contained in the criminal history record checks conducted by the Tennessee and federal bureaus of investigation pursuant to subsection (h), or from other information that comes to the attention of the department, that the applicant does not meet the eligibility requirements of this section. The department shall not be required to confirm the applicant's eligibility for a permit beyond the information received from the Tennessee and federal bureaus of investigation and the sheriffs, if any.

(j) The department shall not deny a permit application if:

(1) The existence of any arrest or other records concerning the applicant for any indictment, charge or warrant have been judicially or administratively expunged; or

(2) An applicant's conviction has been set aside by a court of competent jurisdiction; or

(3) The applicant, who was rendered infamous or deprived of the rights of citizenship by judgment of any state or federal court, has had the applicant's full rights of citizenship duly restored pursuant to procedures set forth within title 40, chapter 29, or other federal or state law; provided, however, that the provisions of this subdivision (j)(3) shall not apply to any person who has been convicted of burglary,

any felony offense involving violence or use of a firearm or any felony drug offense involving a Schedule I, II, III, IV or V controlled substance. If the applicant has been convicted of a felony drug offense involving a Schedule VI controlled substance, the provisions of this subdivision (j)(3) shall not apply if the offense occurred within ten (10) years of the date of application or renewal.

(k) If the department denies an application, the department shall notify the applicant in writing within ten (10) days of the denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records or inquiries reviewed or relied upon by the department.

(l) The department shall issue a permit to an applicant not prohibited from obtaining a permit under this section no later than ninety (90) days after the date the department receives the application. A permit issued prior to the department's receipt of the Tennessee and federal bureaus of investigation's criminal history record checks based upon the applicant's fingerprints shall be subject to immediate revocation if either record check reveals that the applicant is not eligible for a permit pursuant to the provisions of this section.

(m) A permit holder shall not be required to complete a handgun safety course to maintain or renew a handgun carry permit. No permit holder shall be required to complete any additional handgun safety course after obtaining a handgun carry permit. No person shall be required to complete any additional handgun safety course if the person applies for a renewal of a handgun carry permit within six (6) months from the date of expiration.

(n) (1) Except as provided in subdivision (n)(2), a permit issued pursuant to this section shall be good for four (4) years and shall entitle the permit holder to carry any handgun or handguns that the permit holder legally owns or possesses. The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.

(2) A Tennessee permit issued pursuant to this section to a person who is in or who enters into the United States armed forces shall continue in effect for so long as the person's service continues and the person is stationed outside this state, notwithstanding the fact that the person may be temporarily in this state on furlough, leave, or delay en route, and for a period not to exceed sixty (60) days following the date on which the person is honorably discharged or separated from service or returns to this state on reassignment to a duty station in this state, unless the permit is sooner suspended, cancelled or revoked for cause as provided by law. The permit is valid only when in the immediate possession of the permit holder and the permit holder has in the holder's immediate possession the holder's discharge or separation papers, if the permit holder has been discharged or separated from the service.

(o) The permit shall be issued on a wallet-sized laminated card of the same approximate size as is used by the state of Tennessee for driver licenses and shall contain only the following information concerning the permit holder:

- (1)** The permit holder's name, address and date of birth;
- (2)** A description of the permit holder by sex, height, weight and eye color;
- (3)** A color photograph of the permit holder; and
- (4)** The permit number and expiration date.

(p) (1) The department shall charge an application and processing fee of one hundred fifteen dollars (\$115). The fee shall cover all aspects of processing the application and issuing a permit. In addition to any other portion of the permit application fee that goes to the Tennessee bureau of investigation, fifteen

dollars (\$15.00) of the fee shall go to the bureau for the sole purpose of updating and maintaining its fingerprint criminal history data base. On an annual basis, the comptroller of the treasury shall audit the bureau to ensure that the extra fifteen dollars (\$15.00) received from each handgun permit application fee is being used exclusively for the purpose set forth in this subsection (p). By February 1 of each year the bureau shall provide documentation to the judiciary committees of the senate and house of representatives that the extra fifteen dollars (\$15.00) is being used exclusively for the intended purposes. The documentation shall state in detail how the money earmarked for fingerprint data base updating and maintenance was spent, the number and job descriptions of any employees hired and the type and purpose of any equipment purchased.

(2) The provisions of subdivision (p)(1) increasing each permit application fee by fifteen dollars (\$15.00) for the purpose of fingerprint data base updating and maintenance shall not take effect if the general appropriation act provides a specific appropriation in the amount of two hundred fifty thousand dollars (\$250,000), to defray the expenses contemplated in subdivision (p)(1). If the appropriation is not included in the general appropriations act, the fifteen dollar (\$15.00) permit fee increase imposed by subdivision (p)(1) shall take effect on July 1, 1997, the public welfare requiring it.

(3) Beginning July 1, 2008, fifteen dollars (\$15.00) of the fee established in subdivision (p)(1) shall be submitted to the sheriff of the county where the applicant resides for the purpose of verifying the truthfulness of the applicant's answers as provided in subdivision (g)(1).

(q) (1) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of the permit by submitting, under oath, a renewal application with a renewal fee of fifty dollars (\$50.00). The renewal application shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (c), and shall require the applicant to certify that the applicant still satisfies all the eligibility requirements of this section for the issuance of a permit. In the event the permit expires prior to the department's approval or issuance of notice of denial regarding the renewal application, the permit holder shall be entitled to continue to use the expired permit; provided, however, that the permit holder shall also be required to prove by displaying a receipt for the renewal application fee that the renewal application was delivered to the department prior to the expiration date of the permit.

(2) Any person whose handgun carry permit expires and who applies for a renewal of the handgun carry permit within six (6) months from the date of expiration shall only be required to comply with the renewal provisions of subdivision (q)(1). If the renewal application is filed six (6) months or more from the date of expiration, the person shall, for all purposes, be considered a new applicant.

(3) If a person whose handgun carry permit remained valid pursuant to subdivision (n)(2) because the person was in the United States armed forces applies for a renewal of the permit within six (6) months of the expiration of the sixty (60) day period following discharge, separation, or return to this state on reassignment to a duty station in this state as provided in subdivision (n)(2), the person shall only be required to comply with the renewal provisions of subdivision (q)(1). If the renewal application is filed six (6) months or more from expiration of the sixty (60) day period following the date of honorable discharge, separation, or return to this state on reassignment to a duty station in this state, the person shall, for all purposes, be considered a new applicant.

(r) (1) A facially valid handgun permit, firearms permit, weapons permit or license issued by another state shall be valid in this state according to its terms and shall be treated as if it is a handgun permit issued by this state; provided, however, the provisions of this subsection (r) shall not be construed to authorize the holder of any out-of-state permit or license to carry, in this state, any firearm or weapon other than a handgun.

(2) For a person to lawfully carry a handgun in this state based upon a permit or license issued in another state, the person must be in possession of the permit or license at all times the person carries a handgun in this state.

(3) (A) The commissioner of safety shall enter into written reciprocity agreements with other states that require the execution of the agreements. The commissioner of safety shall prepare and publicly publish a current list of states honoring permits issued by the state of Tennessee and shall make the list available to anyone upon request. The commissioner of safety shall also prepare and publicly publish a current list of states who, after inquiry by the commissioner, refuse to enter into a reciprocity agreement with this state or honor handgun carry permits issued by this state. To the extent that any state may impose conditions in the reciprocity agreements, the commissioner of safety shall publish those conditions as part of the list. If another state imposes conditions on Tennessee permit holders in a reciprocity agreement, the conditions shall also become a part of the agreement and apply to the other state's permit holders when they carry a handgun in this state.

(B) If a person with a handgun permit from another state decides to become a resident of Tennessee, the person must obtain a Tennessee handgun permit within six (6) months of establishing residency in Tennessee. The permit may be issued based on the person having a permit from another state provided the other state has substantially similar permit eligibility requirements as this state. However, if during the six-month period the person applies for a handgun permit in this state and the application is denied, the person shall not be allowed to carry a handgun in this state based upon the other state's permit.

(C) (i) If a person who is a resident of and handgun permit holder in another state is employed in this state on a regular basis and desires to carry a handgun in this state, the person shall have six (6) months from the last day of the sixth month of regular employment in this state to obtain a Tennessee handgun carry permit. The permit may be issued based on the person having a permit from another state provided the other state has substantially similar permit eligibility requirements as this state. However, if during the six-month period the person applies for a handgun permit in this state and the application is denied, the person shall not be allowed to carry a handgun in this state based upon the other state's permit.

(ii) The provisions of this subdivision (r)(3)(C) shall not apply if the state of residence of the person employed in Tennessee has entered into a handgun permit reciprocity agreement with this state pursuant to this subsection (r).

(iii) As used in this subdivision (r)(3)(C), "employed in this state on a regular basis" means a person has been gainfully employed in this state for at least thirty (30) hours a week for six (6) consecutive months not counting any absence from employment caused by the employee's use of sick leave, annual leave, administrative leave or compensatory time.

(s) (1) The department shall make available, on request and payment of a reasonable fee to cover the costs of copying, a statistical report that includes the number of permits issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender and zip code of the applicant or permit holder and the reason for any permit revocation or suspension. The report shall also include the cost of the program, the revenues derived from fees, the number of violations of the provisions of the handgun carry permit law, and the average time for issuance of a handgun carry permit. By January 1 of each year, a copy of the statistical reports for the preceding calendar year shall be provided to each member of the general assembly.

(2) (A) The department shall maintain statistics related to responses by law enforcement agencies to incidents in which a person who has a permit to carry a handgun under this section is arrested and

booked for any offense.

(B) The department by rule promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title [4](#), chapter 5 shall adopt procedures for state and local law enforcement officials to report the information required by subdivision (s)(2)(A) to the department.

(t) Any law enforcement officer of this state or of any county or municipality may, within the realm of the officer's lawful jurisdiction and when the officer is acting in the lawful discharge of the officer's official duties, disarm a permit holder at any time when the officer reasonably believes it is necessary for the protection of the permit holder, officer or other individual or individuals. The officer shall return the handgun to the permit holder before discharging the permit holder from the scene when the officer has determined that the permit holder is not a threat to the officer, to the permit holder, or other individual or individuals provided that the permit holder has not violated any provision of this section and provided the permit holder has not committed any other violation that results in the arrest of the permit holder.

(u) Substantial compliance with the requirements of this section shall provide the department and any political subdivision thereof with immunity from civil liability alleging liability for issuance of the permit.

(v) Any permit issued pursuant to this section shall be deemed a "license" within the meaning of title [36](#), chapter 5, part 7, dealing with the enforcement of child support obligations through license denial and revocation.

[Acts 1996, ch. 905, § 3; 1997, ch. 476, § 1; 2000, ch. 947, § 8C; 2001, ch. 218, § 1; 2002, ch. 601, § 1; 2003, ch. 300, §§ 1, 2; 2003, ch. 349, §§ 1, 2; 2004, ch. 483, §§ 1, 2; 2004, ch. 776, § 1; 2005, ch. 343, § 1; 2005, ch. 423, § 1; 2008, ch. 1174, § 1.]

39-17-1311. Carrying weapons on public parks, playgrounds, civic centers and other public recreational buildings and grounds. —

(a) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any weapon prohibited by § [39-17-1302\(a\)](#), not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public park, playground, civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes.

(b) (1) The provisions of subsection (a) shall not apply to the following persons:

(A) Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

(B) Civil officers of the United States in the discharge of their official duties;

(C) Officers and soldiers of the militia and the national guard when called into actual service;

(D) Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, in the discharge of their official duties;

(E) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

(F) Any private police employed by the municipality, county, state or instrumentality thereof in the discharge of their duties; and

(G) Also, only to the extent a person strictly conforms the person's behavior to the requirements of one (1) of the following classifications:

(i) A person hunting during the lawful hunting season on lands owned by any municipality, county, state or instrumentality thereof and designated as open to hunting by law or by the appropriate official;

(ii) A person possessing unloaded hunting weapons while transversing the grounds of any public recreational building or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the public recreational building or property is posted prohibiting entry;

(iii) A person possessing guns or knives when conducting or attending "gun and knife shows" when the program has been approved by the administrator of the recreational building or property;

(iv) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any weapon from the vehicle or utilize it in any manner;

(v) A person who possesses or carries a firearm for the purpose of sport or target shooting and sport or target shooting is permitted in the park or recreational area; or

(H) A registered security guard/officer, who meets the requirements of title [62](#), chapter 35, while in the performance of the officer's duties;

(2) At any time the person's behavior no longer strictly conforms to one (1) of the classifications in subdivision (b)(1), the person shall be subject to the provisions of subsection (a).

(c) (1) Each chief administrator of public recreational property shall display in prominent locations about the public recreational property a sign, at least six inches (6") high and fourteen inches (14") wide, stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

(2) As used in this subsection (c), "prominent locations about public recreational property" includes, but is not limited to, all entrances to the property, any building or structure located on the property, such as restrooms, picnic areas, sports facilities, welcome centers, gift shops, playgrounds, swimming pools, restaurants and parking lots.

(3) The legislative body of any municipality or committee appointed by the body to regulate public recreational property may exempt public recreational property located within its jurisdiction from the requirements of subdivision (c)(1).

(d) A violation of this section is a Class A misdemeanor.

[Acts 1989, ch. 591, § 1; 1990, ch. 1029, § 9; 1993, ch. 480, §§ 1-3; 1996, ch. 1009, § 23.]

State of Tennessee  Comptroller of the Treasury
Real Estate Assessment Data

County Number: **005**County Name: **BLOUNT**Tax Year: **2009****Property Owner and Mailing Address****Jan 1 Owner:**

COUNTY BLOUNT BOARD OF
 EDUCATION
 COURT HOUSE
 MARYVILLE , TN 37801

Property Location**Address:** BROADWAY AVE

Map: 037F **Grp:** G **Ctrl Map:** 037F **Parcel:** 001.00 **PI:** **S/I:** 000

Value Information**Reappraisal Year:** 2006**Land Mkt Value:** \$0**Improvement Value:** \$0**Total Market Appraisal:** \$0**Assessment %:** 0**Assessment:** \$0**General Information****Class:** 01 - COUNTY**City #:** 000**SSD1:** 000**District:** 09**# Bldgs:** 0**Utilities - Water:** 1 - PUBLIC**Utilities - Elec:** 1 - PUBLIC**Utilities - Gas
Type:****City:****SSD2:** 000**Mkt Area:** E01**# Mobile Homes:** 0**Utilities - Sewer:** 1 - PUBLIC**Utilities - Gas:** 1 - PUBLIC**Zoning:****Additional Description**

EAGLETON LITTLE LEAGUE

Sale Information

Sale Date	Price	Deed Book	Page	Vac/Imp	Type Instrument	Qualification
06/10/1952	\$0	172	592			
01/01/1901	\$0	00000	00000			

Land Information

Deed Acres:	21.44	Calc Acres:	22.00	Total Land Units:	1.00
Land Type:	70 - EXEMPT	Soil Class:		Units:	1.00

[View GIS Map for this Parcel](#)**New Search**[Real Estate Assessment Data Home Page](#)**Glossary of Terms**[Division of Property Assessments Home Page](#)**How to Search**[Comptroller of the Treasury Home Page](#)**Fact Sheet**[State of Tennessee Home Page](#)


 State of Tennessee Comptroller of the Treasury
Real Estate Assessment Data

County Number: **005**County Name: **BLOUNT**Tax Year: **2009****Property Owner and Mailing Address****Jan 1 Owner:**

COUNTY BLOUNT BOARD OF
 EDUCATION
 831 GRANDVIEW DR
 MARYVILLE , TN 37803

Property Location**Address:** EVERETT HIGH RD S 300

Map: 047J **Grp:** C **Ctrl Map:** 047J **Parcel:** 001.00 **PI:** **S/I:** 000

Value Information**Reappraisal Year:** 2006**Land Mkt Value:** \$0**Improvement Value:** \$0**Total Market Appraisal:** \$0**Assessment %:** 0**Assessment:** \$0**General Information****Class:** 01 - COUNTY**City #:** 464**City:** MARYVILLE**SSD1:** 000**SSD2:** 000**District:** 09**Mkt Area:** E01**# Bldgs:** 0**# Mobile Homes:** 0**Utilities - Water:** 1 - PUBLIC**Utilities - Sewer:** 1 - PUBLIC**Utilities - Elec:** 1 - PUBLIC**Utilities - Gas:** 1 - PUBLIC**Utilities - Gas
Type:****Zoning:****Additional Description**

PARKS & RECREATION

Sale Information

Sale Date	Price	Deed Book	Page	Vac/Imp	Type Instrument	Qualification
01/01/1901	\$0	00N/R	00000			

Land Information

Deed Acres:	0.00	Calc Acres:	13.00	Total Land Units:	13.00
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Land Type:	70 - EXEMPT	Soil Class:		Units:	13.00
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[View GIS Map for this Parcel](#)**[New Search](#)**

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Guns in Public Parks

HB 716/ SB 976

July 23, 2009

History

- HB 716/ SB 976, as amended, was signed into law by Governor Bredesen on June 12, 2009
- Allows persons authorized to carry handguns in state and locally owned parks
- Includes an “opt-out” provision which allows cities and counties to adopt a resolution prohibiting authorized persons from carrying in city and county owned parks
- In state parks, the law has taken effect immediately
- In city and county owned parks, the law will take effect on September 1, 2009

Opt-out Provision

“...any municipality or county may prohibit, by resolution adopted by a majority vote of its legislative body, persons authorized to carry a gun pursuant to TCA 39-17-1351, from possessing such handgun while within or on a public park owned or operated by a county a municipality or instrumentality thereof.”

Parks / Buildings

- Public park
- Natural area
- Historic park
- Nature trail
- Campground
- Alcoa Municipal Building
- Forest
- Greenway
- Waterway
- Similar public place
- Parking Lots
- All Municipal / Buildings - Facilities

Alcoa Parks

- Springbrook Park
- Rock Gardens Park
- Alcoa Greenway Trail and adjacent Park land
- Howe St. Park
- MLK Park / Center
- Oldfield Park
- Pole Climber's Field
- All City School Property

Signage Requirements

- “Each chief administrator of public recreational property shall display in prominent locations about the public recreational property a sign, at least six inches (6”) high and fourteen inches (14”) wide stating:

MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.”

Prominent Locations

- Prominent Locations- include, but are not limited to:
 - All entrances to the property
 - Any building or structure located on the property
 - Restrooms
 - Picnic areas
 - Sports facilities
 - Welcome centers
 - Gift shops
 - Playgrounds
 - Swimming pool
 - Restaurants
 - Parking lots

Bottom Line

- If City Commission wishes to enact a resolution prohibiting the possession of handguns in city parks prior to it becoming law, the resolution must be passed before **September 1, 2009.**

RESOLUTION No. _____

Sponsored by Commissioners Gary Farmer and Brad Harrison.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTION 7.2.F ADDING AUTHORITY OF STORM WATER PROGRAM COORDINATOR TO EROSION CONTROL PROVISIONS IN SITE PLAN REQUIREMENTS, ADDING NEW SECTION 7.17 CONCERNING EROSION CONTROL DURING ANY PERMITTED CONSTRUCTION, AND AMENDING ARTICLE 13 DEFINITION OF AUTOMOBILE JUNK AND SALVAGE YARDS

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this _____, 2009:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such Resolution to address authority concerning erosion control in site plans, to address erosion control during any permitted construction, and to expand definition of automobile junk and salvage yards.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

1. That Section 7.2.F be amended to add the following sentence at the end of the Section: The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of site plan approval, and shall have authority to direct corrective actions or mitigation upon field inspection.
2. That a new Section 7.17 be added as follows: Section 7.17. Erosion control during any permitted construction. It shall be the responsibility of the building permit holder under these regulations to contain construction related erosion within the property subject to the building permit. The Stormwater Program Coordinator shall have authority under these regulations for inspecting worksites and erosion control measures of permitted construction, and shall have authority to direct corrective actions or mitigation upon field inspection.
3. That Article 13 definition of Automobile Junk and Salvage Yards be amended to read as follows: Any lot or place which is open. And upon which more than five (5) motor vehicles of any kind, incapable of being operated and/or without current registration, are placed located or found.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
County Mayor

Date

NOTICE OF PUBLIC HEARING. In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on August 11, 2009 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTION 7.2.F ADDING AUTHORITY OF STORM WATER PROGRAM COORDINATOR TO EROSION CONTROL PROVISIONS IN SITE PLAN REQUIREMENTS, ADDING NEW SECTION 7.17 CONCERNING EROSION CONTROL DURING ANY PERMITTED CONSTRUCTION, AND AMENDING ARTICLE 13 DEFINITION OF AUTOMOBILE JUNK AND SALVAGE YARDS

That Section 7.2.F be amended to add the following sentence at the end of the Section: The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of site plan approval, and shall have authority to direct corrective actions or mitigation upon field inspection. That a new Section 7.17 be added as follows: Section 7.17. Erosion control during any permitted construction. It shall be the responsibility of the building permit holder under these regulations to contain construction related erosion within the property subject to the building permit. The Stormwater Program Coordinator shall have authority under these regulations for inspecting worksites and erosion control measures of permitted construction, and shall have authority to direct corrective actions or mitigation upon field inspection. That Article 13 definition of Automobile Junk and Salvage Yards be amended to read as follows: Any lot or place which is open. And upon which more than five (5) motor vehicles of any kind, incapable of being operated and/or without current registration, are placed located or found.

Copies of the Resolutions may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours. Blount County does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

APPROVED:

ATTEST:

Steve Samples
Commission Chairman

Roy Crawford, Jr.
County Clerk

Jerry G. Cunningham
County Mayor

**STATE OF TENNESSEE
COUNTY OF BLOUNT**

BE IT REMEMBERED, that public hearing on zoning was held on Tuesday, August 11, 2009, at 6:30 pm at the courthouse in Maryville, Tennessee.

Roll call was taken by Roy Crawford, Jr., County Clerk:

David Ballard, Jr. – present	Mark Hasty – present	Joe McCulley – present
Tonya Burchfield – present	Scott Helton – present	Kenneth Melton – present
Gary Farmer – present	John Keeble – present	Monika Murrell – present
Ron French – present	Gerald Kirby – present	Robert Proffitt – present
David Graham – absent	Holden Lail – absent	Wendy Pitts Reeves – present
Steve Hargis – present	Peggy Lambert – present	Steve Samples – present
Brad Harrison – present	Mike Lewis – absent	Mike Walker – present

There were 18 present and 3 absent. Chairman Samples declared a quorum to exist. The following proceedings were held to-wit:

IN RE: PUBLIC HEARING ON RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTION 7.2.F ADDING AUTHORITY OF STORM WATER PROGRAM COORDINATOR TO EROSION CONTROL PROVISIONS IN SITE PLAN REQUIREMENTS, ADDING NEW SECTION 7.17 CONCERNING EROSION CONTROL DURING ANY PERMITTED CONSTRUCTION, AND AMENDING ARTICLE 13 DEFINITION OF AUTOMOBILE JUNK AND SALVAGE YARDS.

A public hearing on the resolution was held.

IN RE: ADJOURNMENT.

Chairman Samples declared the public hearing to be adjourned.

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Commission

FROM: John Lamb

DATE: June 30, 2009

SUBJECT: Recommendations from the June 25, 2009 regular meeting of the Planning Commission – for setting public hearing.

The Blount County Planning Commission made two recommendations for amendment of the zoning regulations regarding stormwater issues at their June 25, 2009 meeting. To proceed to vote, the County Commission must first set and hold public hearing. Next reasonable date would be work session for August, allowing for mandatory 15 days notice.

That Section 7.2 Site Plan Requirements, subsection F be amended to read as follows (change in italics):

F. An erosion control plan approved by an appropriate agency if such plan is required by any applicable state or local regulations. *The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of site plan approval, and shall have authority to direct corrective actions or mitigation upon field inspection.*

That a new Section 7.17 (now next in sequence) be added to read as follows:

Section 7.17. Erosion control during any permitted construction. It shall be the responsibility of the building permit holder under these regulations to contain construction related erosion within the property subject to the

building permit. The Stormwater Program Coordinator shall have authority under these regulations for inspecting worksites and erosion control measures of permitted construction, and shall have authority to direct corrective actions or mitigation upon field inspection.

The following is excerpt of staff memo to the Planning Commission on the items above. Note that this also constitutes a report requested by the County Commission and includes proposed amendments to the Subdivision Regulations. The Planning Commission has set public hearing on amendment to the Subdivision Regulations for August 27, 2009 at 5:30 PM.

Regarding erosion control standards in zoning and subdivision regulations:

At the April 7 work session, the County Commission referred to the Planning Commission the matter of possible incorporation of erosion control standards in the subdivision regulations and the zoning regulations. The timeline given by direction from the County Commission is to provide recommendations by the July County Commission meeting. To meet the timeline, the Planning Commission will need to make recommendations by the time that agenda for July County Commission work session is set, essentially by July 1. This item was deferred from the April regular meeting, and discussed with direction to staff at the May regular meeting. Following is a proposed set of amendments to the zoning and subdivision regulations that address erosion control plans and role of the Stormwater Program Coordinator. Suggested amendments are in grey highlight or strike-out.

FOR ZONING REGULATIONS

Section 7.2. Site Plan Requirements. For those uses requiring site plan review and approval, such site plan shall include the following:

- F. An erosion control plan approved by an appropriate agency if such plan is required by any applicable state or local regulations. *The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of site plan approval, and shall have authority to direct corrective actions or mitigation upon field inspection.*

(NEW) **Section 7.19. Erosion control during any permitted construction.** *It shall be the responsibility of the building permit holder under these regulations to contain construction related erosion within the property subject to the building permit. The Stormwater Program Coordinator shall have authority under these regulations for inspecting worksites and erosion control measures of permitted construction, and shall have authority to direct corrective actions or mitigation upon field inspection.*

FOR SUBDIVISION REGULATIONS

4.04.1 Policy Regarding All Subdivisions:

(f) A *Pre-Construction Meeting* shall be mandatory for all major subdivisions prior to any construction as part of any preliminary plat approval, unless waived by staff in cases where a new road, driveway, drainage area, or extension of utilities is not being proposed. This conference shall be scheduled by developer and staff following the preliminary plat approval of a major subdivision prior to any on-site construction, grading, earth moving, or clearing activities. This meeting shall include some or all of the following: planning staff, environmental health staff, engineering department staff, *stormwater program coordinator*; as well as the developer, project developer, surveyor, and project engineers (employed by developer), clearing and grading contractors, utility contractors, road contractors, drainage contractors, and any other contractors to be employed by the developer for the express purpose of making any and all improvements necessary to meet these regulations. This meeting may occur on-site of the proposed development, when feasible, and shall be coordinated by the developer and planning staff (see Section 4.04. Step 6). All Major subdivisions shall require that the developer submits any and all necessary permits at the time of the Pre-Construction Meeting. Including, but not limited to: Blount County Grading Permit *if required*, State SWPPP, ARAP, NPDES, TDOT Driveway Connection Permits, In addition to notification by the developer to Tennessee One Call, and the Utility Inspector for the Blount County Highway Department for any proposed work in the County ROW.

4.04.3 Procedure for Major Subdivisions; Preliminary through Final (Steps 1-14):

(f) **Step 6.** A *Pre-Construction Meeting* shall occur prior to any on-site development as part of any preliminary plat approval for a major subdivision

or any subdivision requiring the construction of any common facilities including a common driveway or drainage. This meeting shall occur at the Blount County Highway Department or on-site when deemed necessary by Planning staff [See Section 4.04.1(f), above]. Any construction activities, clearing, grading or earth moving prior to this conference is solely at the risk of the developer. Prior to any on-site construction activities, all erosion control measures must be in place according to the developer's project engineer's plan. A county grading permit, *if required*, and any other state permits for clearing, grading, earth moving, or highway connections from TDEC or TDOT must be supplied to planning staff prior to any on-site construction activities and shall be submitted prior to the Pre-Construction Meeting. It shall be the developer's responsibility to contact the Engineering Department to schedule the Pre-Construction Meeting. The developer shall be familiar with and comply with the Developer's Construction Checklist and policies of the Highway Department (Appendix III) for all road and drainage improvements and installation.

5.02.2 Features: The following shall be submitted:

(h) Four (4) copies of the *Erosion Control Plan* or *SWPPP* shall be submitted to the Planning Commission with the preliminary plat for any major subdivision. The Erosion Control Plan should be prepared on a topographic map for all major subdivisions, this plan should incorporate the erosion control practices as specified in the Tennessee Erosion and Sediment Control Handbook, 2nd Edition (available from the Blount County Soil Conservation Service or on-line from the State of Tennessee, Department of Environment and Conservation). ~~The Erosion Control Plan must also be in compliance with the Blount County Soil Erosion and Sediment Control Resolution, 2004. The owner/developer shall secure a Blount County Grading Permit when disturbing at least 1/10th of an acre, unless the project meets the exemption of the above referenced resolution.~~ All Major subdivisions shall require that the developer submit any and all necessary permits at the time of the Pre-Construction Meeting. Including, but not limited to: Blount County Grading Permit, if required, State SWPPP, ARAP, NPDES, TDOT Driveway Connection Permits, In addition to notification by the developer to Tennessee One Call, and the Utility Inspector for the Blount County Highway Department for any proposed work in the County ROW. The subdivider shall comply with all State and County erosion control ~~permitting~~ requirements prior to any on-site construction in addition to the requirements of the Planning Commission. The erosion control plan shall be

supplied with the preliminary plat, reviewed by staff and the Blount County Stormwater *Program* Coordinator and approved prior to construction. All required state and county permits shall be supplied at the time of the preconstruction conference. All applicable control measures shall be in place prior to any construction on-site. Whenever a Storm Water Pollution Prevention Plan (SWPPP) permit is required, as per the Tennessee Department of Environment and Conservation (TDEC) for site preparation or other activities; or any other permits for site preparation or stream crossings are necessary (NPDES, ARAP or other permits), it is the responsibility of the developer to comply with the State of Tennessee regulations and all permits and application documents shall be submitted to planning staff prior to any on-site construction activities. *The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of plat approval, and shall have authority to direct corrective actions or mitigation upon field inspection.*

8.02.1 Preliminary Soil Information, Site Preparation:

c) All erosion control measures must be in place prior to any on-site construction. An erosion control plan shall be submitted to the Storm Water *Program* Coordinator ~~and Grading Permit shall be required~~ *and approved* prior to any on-site construction of any and all Major Subdivisions ~~in accordance with the Water Quality Plan for Blount County, Tennessee.~~ In addition all erosion control measures shall be in accordance with the standards and practices in the Tennessee Erosion and Sedimentation Control Handbook by the Tennessee Department of Environment and Conservation. All Storm Water Pollution Prevention Plans and permits must be supplied to planning staff prior to any onsite construction, As well as any NPDES or ARAP permits from the State of Tennessee Department of Environment and Conservation. All topsoil shall be removed from area of roadbed and stockpiled along roadway. Stockpiles will be placed so that water will drain freely. Stockpiles will be placed outside areas of construction, including areas of cuts and fills. Erosion control measures, as approved, shall be employed immediately to mitigate impacts of erosion. *The Stormwater Program Coordinator shall have authority under these regulations for reviewing any erosion control plan and erosion control measures as part of plat approval, and shall have authority to direct corrective actions or mitigation upon field inspection.*

Memo

To: Blount County Commission
From: Roger D. Fields
CC: Mayor Cunningham and other commissioners
Date: July 3, 2009
Re: Setting a public hearing for August.

The amended definition below was passed onto the county commission from the planning commission at the June planning meeting, with a recommendation in favor of proposed amendment. A public hearing will need to be set for the August 11, 2009 work session. The amended section is highlighted in the definition below.

AUTOMOBILE JUNK AND SALVAGE YARDS: *Any lot or place which is open, and upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed located or found. The change that was mentioned at the meeting could read as follows; any lot or place which is open. And upon which more than five (5) motor vehicles of any kind, incapable of being operated and/or without current registration, are placed located or found.*

Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2009-2010

Fund Number 189 Cost Center Number 91300

Fund Name Other Capital Projects Cost Center Name Education Capital Projects

	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Appropriation:	189-091300-500399-xxxxx	Other Contracted Services	4,000.00
	189-091300-500706-xxxxx	Building Construction	54,000.00
	189-091300-500707-xxxxx	Building Improvements	76,000.00
	189-091300-500708-xxxxx	Communication Equipment	2,500.00
	189-091300-500709-xxxxx	Data Processing Equipment	20,000.00
	189-091300-500711-xxxxx	Furniture and Fixtures	10,000.00
	189-091300-500790-xxxxx	Other Equipment	165,016.00
	189-091300-500791-xxxxx	Other Construction	5,900.00
Total Appropriation:			337,416.00

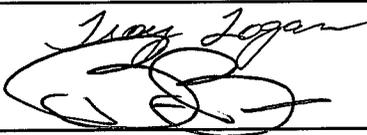
	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Estimated Revenue:	189-000000-498000-xxxxx	Transfers In	337,416.00
Total Estimated Revenue:			337,416.00

Reason for requested increase/decrease:

Capital projects approved by BOE funded with remaining balances on completed School Capital Projects.

Note:

Total appropriation must agree with total estimated revenue.



 Signature of Department Head

9-3-09

9-3-09

Date

"Approved By The Board Of Education" 9-3-09

MEMO

DATE: August 31, 2009
TO: Blount County Board of Education
FROM: Brian Bell, Director of Facilities
RE: Explanation of School Capital Projects Balances

The Blount County School System has four open capital project cost centers that still have positive account balances, with the projects being considered complete.

1. Union Grove Elementary School (05064)	\$4,286
2. Union Grove Middle School (05063)	\$171,505
3. O&M Phase IV (05066)	\$114,396
4. WBMS Renovation (06073)	<u>\$47,229</u>
Total	\$337,416

County Commission would have to give approval to reclassify these projects to use funds for different capital projects.

WBMS Renovation project would not have to be reclassified since we are requesting to use these funds at the Freshman Academy.

Attached are proposals for funding using the above project balances. They are requests made by the building principals, system facilities supervisor, and middle school athletic director. The total funding request is \$337,416.00.

School	Project (in order of Priority by School)	Estimated Cost	
Carpenters Middle School			
	DVR system	\$12,000.00	
	Storage Building for athletics	\$8,000.00	
	Pressbox for Baseball	\$6,000.00	
	Bleachers for Baseball Field	\$15,000.00	
	Exterior sound system	\$2,500.00	
		\$43,500.00	Total for CMS
Eagleton Middle School			
	DVR System	\$9,000.00	
	New computers for computer lab	\$20,000.00	
	New Student Lockers	\$40,000.00	
	Water/electric to softball field	\$4,000.00	
	New goal posts	\$10,000.00	
	Restroom, concession building	\$40,000.00	
	Bleachers for football/softball	\$15,000.00	
	Paint for football fence	\$2,000.00	
	New Carpet in office area	\$6,000.00	
	New library chairs	\$2,000.00	
	Science lab tables and stools	\$4,000.00	
	Teen living tables and chairs	\$4,000.00	
		\$156,000.00	Total for EMS
Heritage Middle School			
	DVR System	\$13,000.00	
		\$13,000.00	Total for HMS
Heritage High School			
	Outfield fence on baseball field	\$20,000.00	
	New goal posts	\$10,000.00	
		\$30,000.00	Total for HHS
WBHS 9th Academy			
	Roof Repairs	\$45,000.00	
		\$45,000.00	Total for WBHS
Townsend Elementary			
	Roof Painting	\$23,000.00	
	Additional concrete for Dumpster pad	\$2,400.00	
	Parking lot repair	\$3,500.00	
		\$28,900.00	Total for TES
Nine Schools			
	AEDs	\$11,944.24	
		\$11,944.24	Total for 9 Schools
		Total	\$328,344.24

Capital Balance	\$337,416.00
Unused	\$9,071.76

Commissioner Farmer made a motion to rescind the disapproval of the application and set a public hearing at the October meeting. Commissioner Helton seconded the motion.

A roll call vote was taken on the motion:

Ballard – aye	Harrison – aye	Lewis – aye	Reeves – aye
Burchfield – aye	Hasty – aye	McCulley – aye	Samples – aye
Farmer – aye	Helton – aye	Melton – aye	Walker – nay
French – aye	Keeble – aye	Murrell – nay	
Graham – nay	Kirby – aye	Proffitt – aye	
Hargis – nay	Lail – nay	Ramsey – absent	

There were 15 voting aye, 5 voting nay, and 1 absent. Chairman Samples declared the motion to have passed.

IN RE: RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN BLOUNT COUNTY AND THE BLOUNT COUNTY CHILDREN'S HOME, INC.

Commissioner Walker made a motion to approve the resolution. Commissioner Graham seconded the motion.

A voice vote was taken on the motion with Chairman Samples declaring the motion to have passed. Commissioner Lewis requested that his vote be recorded as an abstention.

IN RE: RESOLUTION ACCEPTING AN APPLICATION SEEKING TO FORM AN INDUSTRIAL DEVELOPMENT BOARD OF BLOUNT COUNTY AND THE CITIES OF ALCOA AND MARYVILLE, TENNESSEE, FINDING AND DETERMINING THAT SUCH BOARD BE FORMED AUTHORIZING THE PERSON MAKING SUCH APPLICATION TO PROCEED TO FORM SUCH BOARD, AND APPROVING THE FORM OF THE AMENDED AND RESTATED CERTIFICATE OF INCORPORATION OF SUCH BOARD.

Commissioner Ballard made a motion to approve the resolution. Commissioner Burchfield seconded the motion.

A voice vote was taken with Chairman Samples declaring the motion to have passed.

IN RE: DESIGNATION OF COMMISSIONER AS THE COUNTY'S REPRESENTATIVE TO THE OCTOBER 29-31, 2008, TCSA FALL CONFERENCE.

Commissioner Lail made a motion that the Chairman serve as the representative and the Chairman Pro Tem as alternative. Commissioner Keeble seconded the motion.

A voice vote was taken with Chairman Samples declaring the motion to have passed.

IN RE: APPROVAL OF DELEGATION OF ALLOCATION OF SPACE AUTHORITY.

Commissioner Farmer made a motion to approve the delegation. Commissioner French seconded the motion.

A voice vote was taken with Chairman Samples declaring the motion to have passed.

IN RE: TRAFFIC CALMING DEVICES FOR HEATHER GLENN DRIVE AND WOODSIDE DRIVE.

Commissioner Helton made a motion to approve the devices. Commissioner Lail seconded the motion.

A voice vote was taken with Chairman Samples declaring the motion to have passed.

IN RE: SETTING OF PUBLIC HEARING ON ZONING REGULATIONS AMENDMENT - 9.10 -B. USES PERMITTED AS SPECIAL EXCEPTIONS: MOTORCYCLE SAFETY TRAINING FACILITIES and SETTING OF PUBLIC HEARING ON ZONING REGULATIONS AMENDMENTS - 9.1 - B., 9.2 - B., 9.3 - B. USES PERMITTED AS SPECIAL EXCEPTIONS. ADDITION OF REAL ESTATE SALES AND RENTAL OFFICES AS MULTI-FAMILY DEVELOPMENTS and SETTING OF PUBLIC HEARING ON REQUEST FOR REZONING OF PROPERTY LOCATED AT 2733 EAST BROADWAY TO C-COMMERCIAL FROM S-SUBURBANIZING. THE PROPERTY IS IDENTIFIED ON TAX MAP 037G - GROUP C- PARCEL 037.00 and SETTING OF PUBLIC HEARING ON REQUEST FOR REZONING OF PROPERTY LOCATED AT THE CORNER OF TUCKALEECHIE PIKE AND EAST LAMAR ALEXANDER PARKWAY

IN RE: RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, FROM S-SUBURBANIZING TO C-COMMERCIAL FOR PROPERTY AT 3132 HIGHWAY 411 SOUTH, TAX MAP 78, PARCEL 84.01, TO 400 FEET TOTAL DEPTH OFF OF HIGHWAY 411 RIGHT-OF-WAY.

Commissioner Helton made a motion to approve the resolution. Commissioner Farmer seconded the motion.

A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

IN RE: RESOLUTION EXTENDING THE HOURS OF BEER SALES IN THE UNINCORPORATED AREAS OF BLOUNT COUNTY.

Commissioner Helton made a motion to approve the resolution. Commissioner Kirby seconded the motion.

A roll call vote was taken:

Ballard – aye	Harrison – aye	Lewis – aye	Reeves – aye
Burchfield – aye	Hasty – nay	McCulley – aye	Samples – aye
Farmer – aye	Helton – aye	Melton – aye	Walker – nay
French – aye	Keeble – nay	Murrell – nay	
Graham – aye	Kirby – aye	Proffitt – aye	
Hargis – nay	Lail – aye	Ramsey – aye	

There were 16 voting aye, and 5 voting nay. Chairman Ramsey declared the motion to have passed.

IN RE: RESOLUTION ADOPTING AND INCORPORATING BY REFERENCE THE PROVISIONS OF THE 2006 EDITION OF THE COMPREHENSIVE INTERNATIONAL BUILDING AND FIRE CODES, 2005 NATIONAL ELECTRIC CODE, AND 1999 NORTH CAROLINA ACCESSIBILITY CODE FOR THE UNINCORPORATED AREA OF BLOUNT COUNTY AND THOSE INCORPORATED CITIES WITHIN BLOUNT COUNTY WHICH HAVE NOT ADOPTED THEIR OWN CODES REGULATING BUILDING SAFETY AND CONSTRUCTION.

Commissioner McCulley made a motion to approve the resolution. Commissioner Farmer seconded the motion.

Commissioner Murrell made a motion to amend to refer item I to a workshop at a later date.

Commissioner Graham seconded the motion.

A voice vote was taken on the motion to refer with Chairman Ramsey declaring the motion to have passed.

A voice vote was taken on the motion as amended with Chairman Ramsey declaring the motion to have passed.

IN RE: RESOLUTION DELEGATING TO THE BLOUNT COUNTY MAYOR THE COUNTY COMMISSION'S AUTHORITY TO ALLOCATE SPACE WITHIN BLOUNT COUNTY BUILDINGS, FOR A TERM TO BE RECONSIDERED ANNUALLY EACH SEPTEMBER.

Commissioner Keeble made a motion to approve the resolution. Commissioner Hargis seconded the motion.

A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

IN RE: RESOLUTION ADOPTING RULES REGULATING THE PROCEDURES OF THE BOARD OF COUNTY COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE.

Commissioner Farmer made a motion to approve the resolution. Commissioner Helton seconded the motion.

Commissioner Samples made a motion to amend to leave the public input in its current position, 5A being input on items on the agenda and 5B being input on items not on the agenda; impose a strict time limit of three minutes on all items of input with no yielding of additional time, the exception to this rule being if the Commission is engaged in questions and answers with an individual, whether it is a public official or a member of the general public, then it would be at the chair's discretion to extend the time; all proclamations will be presented in the Mayor's Office, the only thing we would do in the Commission to

RESOLUTION No. _____

Sponsored by Commissioners Steve Hargis and Tonya Burchfield

A RESOLUTION DELEGATING TO THE BLOUNT COUNTY MAYOR THE COUNTY COMMISSION'S AUTHORITY TO ALLOCATE SPACE WITHIN BLOUNT COUNTY BUILDINGS, FOR A TERM TO BE RECONSIDERED ANNUALLY EACH SEPTEMBER.

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 15th day of February, 2007:

WHEREAS, the County Attorney has opined that the county legislative body has the authority to allocate space within county buildings for use by the elected officials and departments of the county; and

WHEREAS, the County Attorney has opined that all county-owned buildings are under the jurisdiction of the county legislative body except those county-owned buildings which are by law under the control of other public bodies, e.g., Blount County Board of Education, Trustees of Blount County Public Library; and

WHEREAS, the Board of County Commissioners of Blount County, Tennessee deems it in the best interest of the county to delegate the jurisdiction to the County Mayor.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE that the Board hereby delegates the authority to allocate space within county-owned buildings, except those county-owned buildings which are by law under the control of other public bodies, to the County Mayor; and

BE IT FURTHER RESOLVED that the delegation will be effective until September 2007 and subject to annual renewal each September; and

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

In an effort to make our neighborhood safer for children, we the residents of Indian Grove subdivision (Warrior Path and Tomahawk Drive), are requesting the installation of traffic calming devices, where necessary in our neighborhood. By signing this petition, we are requesting the Blount County Commission to install these devices as soon as possible.

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
1. Jeff and Kristy Bird	1342 Warrior Path Maryville, TN 37803	856-7090
2. Darrell & Debbie Millsaps	1358 Warrior Path Maryville, TN 37803	856-0716
3. Scott + Rebecca Blackett	1346 Warrior Path, Maryville TN 37803	856-0915
4. Beth & Lee Dismeyer	1341 Warrior Path, Maryville TN 37803	856-8067
5. Shandra + Jody Foster	1337 Warrior Path, Maryville TN 37803	865-856-5530
6. KETH + KRISTI LANE	1358 WARRIOR PATH MARYVILLE TN 37803	865-856-6053
7. Jen + Wes Pendergrass	1330 Warrior Path Maryville TN	865-206-7982
8. Bill Ownby	1331 WARRIOR PATH MARYVILLE, TN	865-8841
9. Kimberly Kelley	1306 Warrior Path Maryville, TN	865-2008
10. Jim & Shirley Soch	1323 Warrior Path, Maryville, TN	856-2271
11. Oliver	1318 Warrior Path, Maryville, TN	37803 856-5536
12. Jason A. Oliverio	1220 Tomahawk Dr. Maryville, TN 37803	578-0795
13. Jay Emmett	1302 TOMAHAWK DR. MARYVILLE, TN.	
14. Donald Brewer	1303 Tomahawk DR	(865) 850-2439
15. Khandi Brunelle	1305 Tomahawk Dr.	(865) 856-2103
16. Adam Hark	1343 Warrior Path	865 967-4383
17. Pat Caldas	1321 WARRIOR PATH	865-856-8615
18. Jane Towe	1322 Warrior Path	865-856-3304
19. Mary Boring	1367 Warrior Path	865-856-8179
20. Wendy Whitehead	1300 Tomahawk Dr.	856-7685

In an effort to make our neighborhood safer for children, we the residents of Indian Grove subdivision (Warrior Path and Tomahawk Drive), are requesting the installation of traffic calming devices, where necessary in our neighborhood. By signing this petition, we are requesting the Blount County Commission to install these devices as soon as possible.

	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
1.	Greg Cagle	1349 Tomahawk	856-4928
2.	Robin Cagle	1349 Tomahawk	856-4928
3.	Christi Dign	1340 Tomahawk Dr.	256-3330
4.	Abelissa Neiman	1337 Tomahawk Dr.	856-7790
5.	Scott Neiman	1337 TOMAHAWK DR.	856-7790
6.	Kim Stewart	1353 Tomahawk Dr.	856-6096
7.	Angie Lindsey	1345 Tomahawk Dr.	856-4647
8.	Rose Howard	1333 Tomahawk Dr.	856-7319
9.	Rose Blumfeld	1339 Tomahawk Dr.	856-6749
10.	Josephine Joplin	1348 Tomahawk Dr.	
11.	Raymond Bond	1352 TOMAHAWK ST.	
12.	Kay Mellin	1344 Tomahawk Dr.	856-0556
13.	Ralph F Hensley	1324 Tomahawk Dr.	291-8201
14.	Cindy Gardner	1325 Tomahawk Dr.	856-6574
15.	GARY GIESE	1326 TOMAHAWK DR	865-206-7235
16.	Marrin Keeton	1334 Warrior Path	865-856-5636
17.	Ken Parker	1351 Warrior Path	865-856-8062
18.			
19.			
20.			

Received
8/8/09

**We the residents of Robert Avenue in Clark Addition One
in Blount County, Tennessee request traffic calming be
put in on our street.**

Lon Ann Kirkland 8-5-09

Nora Baykin

Glenda J Baird 8-5-09

Willie White

Steve Nichols

Amy M. Long

to Lennie Powell
Marshall Powell POA.

NOEL DAVIS

James Wilboughby

Susan K. DeJettler

Received
3/8/09

**We the residents of Lina Street in Clark Addition One
in Blount County, Tennessee request traffic calming be
put in on our street.**

Roberta W. Walke

Peggy Smelcer

Jonathan Ed Roberts

David King

RESOLUTION _____

Sponsored by Commissioner David Ballard

**A RESOLUTION TO ADOPT THE TENNESSE HOME IMPROVEMENT
CONTRACTOR LICENSING ACT, PUBLIC CHAPTER 460, TITLE 62, PART 5.**

WHEREAS, by act of the General Assembly for the State of Tennessee, effective July 1, 1993, and amended July 1, 2007, all counties of this State desiring that the persons who perform home improvement, as defined by T.C.A. § 62-6-501(4)(A), be licensed, bonded, insured, and regulated by the Tennessee Board for Licensing Contractors, shall indicate their desire by a two-third (2/3) majority vote of the County Legislative Body; and

WHEREAS, the Act regulates home improvement contractors performing work where the total contract is \$3,000 to less than \$25,000, by requiring such contractor to obtain a license as a home improvement contractor; and

WHEREAS, a copy of this Act is attached hereby and incorporated herein; and

WHEREAS, it is deemed necessary by the Blount County Legislative Body that the provisions of this Act shall be administered by the Blount County Building Codes Department for the fee schedule and inspection requirement of work covered by this Act.

NOW, THEREFORE, BE IT RESOLVED that the Blount County Board of Commissioners of Blount County, Tennessee, assembled in regular session this 17th day of September, 2009, do hereby adopt, by 2/3 vote, the Home Improvement Contractor License Requirements.

BE IT FURTHER RESOLVED that this resolution, after its passage, shall take effect on January 1, 2010, the public welfare requiring it.

Duly authorized and approved the 17th day of September, 2009.

CERTIFICATION OF ACTION:

ATTEST:

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
HOME IMPROVEMENT COMMISSION
500 JAMES ROBERTSON PARKWAY, SUITE 110
NASHVILLE, TENNESSEE 37243-1140
(615) 741-1202 or 1-800-544-7693 or FAX: (615) 532-2868
www.state.tn.us/commerce/boards/contractors
Email: Carolyn.Lazenby@state.tn.us

Adopting the Home Improvement Law

Pursuant, T.C.A. §62-37-126, a county has the right to implement regulation of home improvement contractors upon 2/3 majority vote of their legislative body. The Home Improvement Commission was established in 1988 by the legislature in order to regulate the remodeling industry from unscrupulous contractors especially those taking advantage of the elderly and those on fixed incomes and violating the consumer's protection act. The Commission is made up of five (5) members; three in the remodeling business and two public members, and is a subdivision of the Board for Licensing Contractors. Since implementing the Commission, they have mediated hundreds of complaints, which prevent homeowners the expense of taking the matter to court and in some cases, allowed them to file against the surety bond. In addition, home improvement contracting is considered one of the top five (5) consumer related complaints.

The home improvement license law is set up for home remodelers performing jobs from \$3,000 to less than \$25,000, and of course, the homeowner is exempt from licensing requirements since they may perform their own remodeling. Commercial and industrial remodeling for projects less than \$25,000 is also considered exempt. The application process is simple and handled by the state. The contractor completes a one page application with proof of \$10,000 financial responsibility (which can be in the form of a surety bond), workers compensation insurance, references and there is not a requirement for examination. The home improvement licensed contractor is required to follow guidelines pertaining to local government's codes and permit requirements, as well as, adhere to the state law for advertising and contract requirements. More information regarding the home improvement licensing process may be downloaded from the website at: <http://www.state.tn.us/commerce/boards/contractors/remodeling.html>

This information is relative to how contractors may obtain this license, as well as, information relating to the benefits of hiring a licensed contractor. Presently, there are nine (9) counties which require a home improvement license: Bradley, Davidson, Hamilton, Haywood, Johnson, Knox, Robertson, Rutherford and Shelby.

Should your municipality be interested in adopting this license law, I will be happy to talk or meet with you at your convenience.

Sincerely,

Carolyn Lazenby
Carolyn Lazenby
Executive Director



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD FOR LICENSING CONTRACTORS
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-1150
(615) 741-1202 or 1-800-544-7693 or FAX: (615) 532-2868
<http://tennessee.gov/commerce/boards/contractors/>
Email: Carolyn.Lazenby@tn.gov

Adopting the Home Improvement Contractor License Requirement

Pursuant, T.C.A. § 62-6-516, a county has the right to implement regulation of home improvement contractors upon 2/3 majority vote of their legislative body. The Home Improvement Commission was established in 1988 by the legislature in order to regulate the remodeling industry from unscrupulous contractors, especially those taking advantage of the elderly and those on fixed incomes; violations of the consumer's protection act. As a subdivision of the Board for Licensing Contractors, the General Assembly merged with the Board on July 1, 2007, as a means to utilize more resources to regulate. Since implementing, hundreds of complaints have been mediated, which prevent homeowners the expense of taking the matter to court and in some cases, allowed them to file against the surety bond. In addition, home improvement contracting has been considered one of the top five (5) consumer related complaints.

The home improvement license law is set up for residential remodelers performing jobs from \$3,000 to less than \$25,000, and of course, the homeowner is exempt from licensing requirements since they may perform their own work without a license (homeowner is still subject to any local permit and inspection requirements). Commercial and industrial remodeling, for projects less than \$25,000, is also considered exempt. Any work where the total cost is \$25,000 or more requires a Contractor's license, in all counties.

The home improvement application process is simple and handled by our state office. The contractor completes an application, identifying experience, as well as, criminal convictions or court judgments, which could prevent them obtaining a license. The contractor must supply: proof of \$10,000 financial responsibility (*typically, in the form of a surety bond, to benefit the homeowner for problems*); workers compensation insurance; general liability insurance; and references. There is not a requirement for examinations, such as with the Contractor's license (required for projects \$25,000 and up). The home improvement licensed contractor is required to follow guidelines pertaining to local government's codes, permit requirements, as well as, adhere to strict state laws for advertising and contract requirements.

More information regarding the home improvement licensing process may be downloaded from the website at: <http://tennessee.gov/commerce/boards/contractors/> and consists of instructions to contractors in obtaining a license, as well as information to consumers, who want to file a complaint or to hire a properly licensed, insured and bonded contractor. Presently, there are eight (8) counties which require a home improvement license: Bradley, Davidson, Hamilton, Haywood, Knox, Robertson, Rutherford and Shelby; making up the majority of the State. It is suggested that a county allow time (approximately 90 days or more) to advertise the new license requirement, and give the contractors time to obtain a license; the licensing process is fairly quick, and all handled by our office.

Should your county be interested in adopting this license law, please feel free to contact me.

Sincerely,

Carolyn Lazenby
Carolyn Lazenby
Executive Director



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD FOR LICENSING CONTRACTORS

500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-1150
(615) 741-1202 or 1-800-544-7693 or FAX: (615) 532-2868
<http://tn.gov/commerce/boards/contractors/> Email: Carolyn.Lazenby@tn.gov

September 1, 2009

Blount County Commission Members

Mr. David Ballard, Jr.
Mr. Ron French
Mr. Brad Harrison
Mr. John Keeble
Ms. Peggy Lambert
Mr. Kenneth Melton
Ms. Wendy Pitts Reeves

Ms. Tonya Burchfield
Mr. David Graham
Mr. Mark Hasty
Mr. Gerald Kirby
Mr. Mike Lewis
Ms. Monika Murrell
Mr. Steve Samples

Mr. Gary Farmer
Mr. Steve Hargis
Mr. Scott Helton
Mr. Holden Lail
Mr. Joe McCulley
Mr. Bob Proffitt
Mr. Mike Walker

Blount County Commission
359 Court Street
Maryville, TN 37804-5906

RE: Adopting the Home Improvement Contractor License Requirement

Dear Honorable Commission Members:

I am very excited of the possibility for your county to consider adopting the Home Improvement License requirement. This is an excellent step toward offering protection to the public you represent in your community. To help in making an informed decision, the following is a summary of the advantages, benefits and how the law may offer assurance to the consumers in your county.

There are many reasons to require regulation for home improvement. This has been ranked as one of the top three (3) national consumer related complaints. Unlicensed contractors tend to prey on the elderly, those on a fixed income; and also those in need after a disaster, such as from a fire or tornado. Many desperate consumers end up as victims of con-artists performing substandard construction, where they pay up front and the contractor abandons before completing. We often see cases where those who do not pay up front and unhappy with the amount or type of work performed; a lien gets placed on their property. The home improvement law's language is in place to specifically protect consumers and provide a means for recourse. While the law does not protect everyone from criminals, it can certainly act as a deterrent. For example, once the law is adopted by a county, the statute requires the following from contractors:

- License required to perform residential remodeling from \$3,000 to less than \$25,000
- Contracts - Must be in writing with specific details (*see T.C.A. § 62-6-508*)
- Payment - Cannot require more than 1/3 down payment (*limiting consumers from paying for work not completed*)
- \$10,000 Protection - Financial Responsibility (Bond or Irrevocable Letter of Credit)
- Insured - Workers Compensations and \$100,000 General Liability Coverage
- Cannot advertise as licensed and insured unless they provide their HI license ID#
- Must disclose felony convictions
- Unlicensed contractors are prohibited from filing liens (*allows means to over-turn see T.C.A. § 62-6-128*)

September 1, 2009

The statute allows each county to decide whether to implement the state license requirement and requires a 2/3 majority vote of their legislative body (T.C.A. § 62-6-516). For history purpose, the Home Improvement Commission was first established in 1988 and just recently merged with the Contractor's Board on July 1, 2007 to utilize more resources to regulate. Since implementing, hundreds of complaints have been mediated, which prevents homeowners the expense of taking the matter to court. They also have a benefit of filing against the bond.

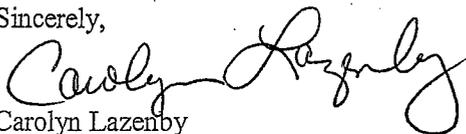
The home improvement license law is set up for residential remodelers performing jobs from \$3,000 to less than \$25,000, and of course, the homeowner is exempt from licensing requirements; allowing them to continue to perform their own work without a state license (homeowner is still subject to any applicable local permit and inspection requirements). Commercial and industrial remodeling, for projects less than \$25,000, is also considered exempt. Any work where the total cost is \$25,000 or more requires a Contractor's license, in all counties.

The home improvement application process is simple and handled by our state office. The contractor completes an application, identifying experience, as well as, criminal convictions or court judgments, which could prevent them obtaining a license. The contractor must supply: proof of \$10,000 financial responsibility (*typically, in the form of a surety bond, to benefit the homeowner for problems*); workers compensation insurance; general liability insurance; and references. There is not a requirement for examinations, such as with the Contractor's license (required for projects \$25,000 and up). The home improvement licensed contractor is required to follow guidelines pertaining to local government's codes, permit requirements, as well as, adhere to strict state laws for advertising and contract requirements.

More information regarding the home improvement licensing process is available from our website at: <http://tn.gov/commerce/boards/contractors/> and consists of instructions to contractors in obtaining a license, as well as information to consumers, who want to file a complaint or to hire a properly licensed, insured and bonded contractor. Presently, there are eight (8) counties which require a home improvement license: Bradley, Davidson, Hamilton, Haywood, Knox, Robertson, Rutherford and Shelby; making up the majority of the State. It is suggested for a county to allow time (approximately 90 days or more) to advertise the new license requirement, and give the contractors' time to obtain a license. Our goal is not to penalize those unaware and do not want to interrupt their livelihood in the transition process. However, the licensing process is fairly quick. Most conscientious contractors already abide by the workers compensation law and have general liability insurance; therefore, the increased expense would be the cost for a bond, which runs around \$200, and our two year license application fee (\$250). There are no costs to the county by our department.

I have included copies of the law and consumer brochures, which are available from our office and on our website. Please feel free to contact me should your county be interested in adopting this license law and I'll be happy to provide further assistance.

Sincerely,



Carolyn Lazenby
Executive Director

cc: Mr. Jerry Cunningham, County Mayor

Attachments

PUBLIC CHAPTER NO. 460

HOUSE BILL NO. 1006

By Representative Curtiss

Substituted for: Senate Bill No. 1728

By Senators Ketron, Tate

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 37 and Title 62, Chapter 6, relative to contractors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 37, is amended by deleting that chapter in its entirety.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 6, is amended by inserting the following as a new, appropriately designated part thereto:

62-6-501. As used in this part, unless the context otherwise requires:

(1) "Actual loss" means amounts paid or payable for the cost of restoration, repair, replacement, or completion of work performed in a poor or unworkmanlike manner or which is otherwise inadequate or incomplete;

(2) "Board" means the state board for licensing contractors;

(3) "Claimant" means an owner who:

(A)

(i) Resides in a residence or dwelling unit with respect to which a claim is made; or

(ii) Owns not more than four (4) residences or dwelling units; and

(B) Makes a claim against the bond;

(4) "Home improvement contractor" means any person, other than a bona fide employee of the owner, who undertakes or offers to undertake or agrees to perform any home improvement for the owner, whether or not such person is licensed or subject to the licensing requirements of this chapter;

(5)

(A) "Home improvement" means the repair, replacement, remodeling, alteration, conversion, modernization, improvement, or addition to any land or building, or that portion thereof which is used or designed to be used as a residence or dwelling unit for one (1), two (2), three (3), or four (4) dwelling units, and includes the construction, replacement, or improvement of driveways, swimming pools, porches, garages, landscaping, fences, fall-out shelters, roofing, painting and other improvements to structures or upon land which is adjacent to a dwelling house for one (1), two (2), three (3), or four (4) dwelling units. Without regard to the extent of affixation, "home improvement" includes the installation of central heating or air-conditioning systems, storm windows or awnings;

(B) "Home improvement" does not include:

(i) The construction of a new home building or work done by a contractor in compliance with a guarantee of completion of a new building project;

(ii) Any home improvement for which the contract price is three thousand dollars (\$3,000) or less;

(iii) The sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials, including the incidental installation thereof; provided, that the installation does not involve alterations to the structure of the building or its plumbing or wiring;

(iv) Any replacement, installation, or connection of appliances to existing exposed plumbing lines that requires alteration of the existing lines;

(v) The replacement, installation, and connection of dishwashers, disposals, and refrigerators with icemakers to existing exposed household plumbing lines, or dryers; or

(vi) Interior design services which are services in connection with the design, utilization, furnishing, or fabrication of elements in interior spaces of buildings and related structures and includes, without being limited to, any or all of the following:

(a) Identifying, researching or creatively solving problems pertaining to the function and quality of interior space;

(b) Performing services to include consultations, programming, design analysis,

drawings, specifications, and installations in connection with space utilization, the specification of fixtures and their location, furnishings, reflected ceiling plans, and the fabrication of nonstructural elements of interior spaces of buildings, excluding those services specified by law to require other licensed professionals, such as the design of mechanical, plumbing, electrical and load-bearing structural systems; and

(c) Preparing drawings and documents relative to the design of interior spaces;

(6) "Home improvement contract" means an agreement between a contractor and an owner for the performance of home improvement, and includes all labor, services and materials to be furnished and performed thereunder;

(7) "Licensee" means a person licensed to engage in the home improvement business under the provisions of this part;

(8) "Owner" means any homeowner, tenant, or any other person who orders, contracts for or purchases the home improvement services of a contractor, or the person entitled to the performance of the work of a contractor pursuant to a home improvement contract;

(9) "Person" includes an individual, partnership, corporation, trust, association, owner, contractor, salesperson or any other legal entity; and

(10) "Subcontractor" means any person other than a materialman or laborer who enters into a contract with a contractor for the performance of any part of the contractor's contract, or who enters into a contract with any subcontractor for the performance of any part of the subcontractor's contract, and who does not perform work other than as a subcontractor.

62-6-502.

(a) No person may engage in or transact any home improvement business, or represent such person to the public as doing home improvement business, or offer to transact any home improvement business in this state, except in compliance with the applicable provisions of this part. No such person, whether subject to licensing by any law or otherwise, may engage in this state in any trade practice or other act which is prohibited by any provisions of this part; and every person who willfully participates in a prohibited act or violation with knowledge of the same is subject to the criminal penalty therefore. The provisions of this part may not be waived by agreement.

(b)

(1) No person shall maintain, own, operate or transact a home improvement business unless a license is first obtained as hereinafter prescribed.

(2) An applicant for a home improvement contractor's license must establish that the applicant is the real owner and possesses title to, or is entitled to, the possession of the establishment, and will conduct, operate, engage in and transact a home improvement business.

62-6-503.

(a) No county or municipality of this state may require that any person obtain an additional authorization or license to transact home improvement business in such county or city. Nothing contained herein prohibits counties, municipalities or metropolitan governments from requiring licenses for persons performing plumbing work, electrical work or gas and mechanical work.

(b) A license issued pursuant to this part may not be construed to authorize the licensee to perform any particular type of work or kind of business which is reserved to qualified licensees under separate provisions of state or local law.

(c) Nothing in this part may be construed to limit or restrict the power of a municipality or county to regulate the quality, performance, or character of work of home improvement contractors, including a system of permits and inspections which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws, or to enforce other laws necessary for the protection of the public health and safety. Nothing in this part limits the power of a municipality or county to adopt any system of permits requiring submission to and approval by the municipality or county of plans and specifications for an installation prior to the commencement of construction of the installation or of inspection of work done; provided, that nothing in this section may be construed as authorizing a municipality or county to enact ordinances or regulations relating to the qualifications necessary to engage in the home improvement business. Nothing contained herein prohibits counties, municipalities or metropolitan governments from requiring licenses for persons performing plumbing work, electrical work or gas and mechanical work.

(d) Except for a permit for any home improvement work to be performed by the owner of property, a municipality or county may not issue a permit for any home improvement work unless the permit lists each contractor's home improvement license number.

(e) Any person subject to the provisions of this part who engages in construction or the home improvement business without a license shall, in any tort action arising out of such construction or home improvement business, be subject to the awarding of treble damages.

62-6-504.

(a) No license may be issued or become effective until the applicant pays all required fees as set by the board for licensing contractors. The biennial license fee shall not exceed two hundred fifty dollars (\$250).

(b) The fee for issuing a duplicate license for one lost, destroyed or mutilated shall be set by the board.

(c) The fee for copies of documents on file in the commissioner's office is two dollars (\$2.00) per page.

62-6-505.

(a) No home improvement contractor's license may be required of any person when acting in the particular capacity or particular type of transaction set forth in this section:

(1) An individual who performs labor or services for a home improvement contractor or subcontractor, for wages or salary;

(2) A plumber, electrician, architect or any other such person who is required by state or local law to attain standards of competency or experience as a prerequisite to engaging in such craft or profession, and who is acting exclusively within the scope of the craft or profession for which such person is currently licensed pursuant to such other law. The installation of central heating or air-conditioning systems by such a person shall be deemed within the scope of such person's craft or profession;

(3) Any retail clerk, clerical employee, salesperson or other employee of a licensed home improvement contractor;

(4) Any residential or commercial contractor who holds a valid license issued pursuant to this chapter and is engaged in contracting within the terms and conditions of such license; or

(5) An interior designer performing services as set forth in § 62-6-501(5)(B)(vi).

(b) A homeowner may secure a permit without a state license to do any improvements on such homeowner's own properties. However, in so doing, the homeowner shall have no claim to the fund.

62-6-506.

(a) An application for an original license required by this part shall be in writing upon a form prescribed by the board. The board may seek

from an applicant information pertinent to the applicant's character, experience, financial stability, and other information deemed necessary in order to evaluate the applicant's qualifications to be licensed pursuant to this part.

(b) The applicant shall file with the board information that includes, but is not limited to:

(1) A complete statement of the general nature of the applicant's home improvement contracting business or the applicant's duties;

(2) If the applicant is an individual, the applicant's name and address; if a partnership, the names and addresses of all partners; if a joint venture, the names and addresses of the parties to it; if a corporation, the names and addresses of all officers;

(3) A record of the previous experience of the applicant in the field of home improvements or other construction work, including dates and addresses of where the applicant has resided and done business;

(4) Whether the applicant has ever been licensed in Tennessee or any other state, or has had a professional or a vocational license refused, suspended or revoked;

(5) Evidence of workers' compensation coverage pursuant to title 50, chapter 6, or submission to the board of a copy of the applicant's insurance policy or a certificate of insurance issued by the carrier or self-insurer to the applicant indicating the date and duration of such coverage;

(6) Whether, in the five (5) years prior to the date of application, the applicant had any judgment rendered against the applicant in actions arising out of the field of home improvements or other construction work;

(7) Whether the applicant presently has outstanding judgment(s) against the applicant in actions arising out of the field of home improvements or other construction work; and

(8) Whether the applicant is involved in pending litigation arising out of the field of home improvements or other construction work.

(c) The board shall prescribe and furnish appropriate forms in connection with the issuance, renewal or termination of licenses.

(d) Temporary licenses may be issued in accordance with rules or regulations adopted by the board, to any applicant for a license who files an application in proper form and pays all required fees. A temporary

license shall automatically expire at the time the board either refuses to issue or grants a license, and shall be subject to termination at any time prior to action by the board.

(e) Unless revoked or suspended by the board, a license shall expire the last day of the twenty-fourth month from issuance and may be renewed upon payment of all required fees and upon completion of a statement indicating all material changes from the original application for a license.

(f) Every licensee, within thirty (30) days after change of control in ownership, management, or a change of address or trade name, shall notify the board of the change.

(g) The board, at any time, may require:

(1) Reasonable information of an applicant or licensee;
and

(2) The production of books and accounts and financial statements.

(h) An applicant for a home improvement contractor's license shall file with the board a cash, surety, or property bond or an irrevocable letter of credit in the amount of ten thousand dollars (\$10,000) for the benefit of any person who is damaged because of the breach of the home improvement contract. Any person so damaged may sue directly on the bond without assignment thereof. The bond may not be construed to require any surety to be responsible for the completion of a home improvement contract entered into by the principal on the bond. The liability of the surety under any bond may not exceed in the aggregate the amount of the bond. If the bond ceases to be in effect, the home improvement contractor's license shall become invalid.

62-6-507.

(a) All licenses, except temporary licenses, shall expire the last day of the twelfth month from date of issuance.

(b) No license shall be assignable or transferable except as hereinafter provided. A license to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or stockholder of such corporation owning not less than twenty-five percent (25%) of the outstanding stock at the time of such assignment or transfer. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one (1) member of such partnership; provided, that such member obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the board that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the commissioner and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made without payment of any fee.

(c) Any license, except a temporary license, which has not been suspended or revoked, may, upon the payment of the renewal fee prescribed by this part, be renewed for an additional period of twelve (12) months from its expiration, upon the filing of an application for such renewal, on a form to be prescribed by the board. The form shall include a statement to be completed by the applicant indicating all material changes from the original application for a license. A penalty fee of ten dollars (\$10.00) per month, not to exceed thirty dollars (\$30.00), will be assessed on any renewal application postmarked after the date of expiration. No renewal application will be accepted more than ninety (90) days after the expiration of the license.

(d) A duplicate license may be issued for one lost, destroyed or mutilated upon application therefore on a form prescribed by the board and the payment of the fee prescribed by this part. Each such duplicate license shall have the word "duplicate" stamped across the face thereof and shall bear the same number as the one it replaces.

62-6-508.

(a) Every home improvement contract shall:

(1) Be in legible writing and contain the complete agreement between the owner and the home improvement contractor;

(2) State the full names and addresses of all parties, the license number of the home improvement contractor, the date

when executed by the parties and contain a description of the work to be done and the goods to be used;

(3) Be completed in full without any blank spaces to be filled in after the contract is signed by the owner and clearly describe any other documents which are to be incorporated, and shall contain the following notice directly above the space provided for the signature of the owner:

“NOTICE TO OWNER: Do not sign this contract if blank. You are entitled to a copy of the contract at the time you sign”;

(4) Contain the approximate dates when the work will begin and be substantially completed;

(5) Contain the agreed upon consideration for the work;

(6) Contain a notice that all home improvement contractors must be licensed by the board and that any inquiries about a contractor should be transmitted to the board's office;

(7) Contain all other matters upon which the parties lawfully agree; and

(8) Not contain any power of attorney to confess judgment.

(b) No sales person, agent or employee of the home improvement contractor shall be authorized to make any changes in the agreement on behalf of the owner.

(c) Contracts which fail to comply with the requirements of this section shall not be invalid solely because of noncompliance.

62-6-509.

(a) The board may refuse to issue or renew, or suspend or revoke a license hereunder if it finds that the applicant or licensee:

(1) Has made a material omission or misrepresentation of fact on an application for a license;

(2) Has failed to furnish information to the board concerning an application for a license as required by this part;

(3) Lacks competence to engage in the home improvement business, as evidenced by work performed in a poor and unworkmanlike manner, or when the work involved is inadequate or incomplete;

(4) Has been convicted of a felony, is untrustworthy or not of good character;

(5) Has consistently failed to perform contracts, has manipulated assets or accounts, or has engaged in fraud or bad faith; or

(6) Has violated any provision of this part or is performing or attempting to perform any act prohibited by this part.

(b) In addition to or in lieu of any lawful action taken under subsection (a), the board may assess a civil penalty of not more than five hundred dollars (\$500) for each violation of any provision of this part. In determining whether to impose a civil penalty, the board shall consider the seriousness of the violation, the deleterious effect of the violation, any good faith on the part of the violator, and the violator's history of previous violations.

(c) Notwithstanding the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, relative to the amount of civil penalties that may be imposed, the commission may impose a civil penalty not to exceed one thousand dollars (\$1,000) against any person who engages in unlicensed home improvement contracting.

62-6-510. The following acts are prohibited:

(1) Abandonment or willful failure to perform, without justification, any home improvement contract or project engaged in or undertaken by a contractor; or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owners;

(2) Making any substantial misrepresentation in the procurement of a home improvement contract, or making any false promise of character likely to influence, persuade or induce;

(3) Any fraud in the execution of, or in the material alteration of, any contract, mortgage, promissory note or other document incident to a home improvement transaction;

(4) Preparing or accepting any mortgage, promissory note, or other evidence of indebtedness upon the obligations of a home improvement transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the home improvement work;

(5) Willful or deliberate disregard and violation of the building, sanitary and health laws of this state or of any political subdivision thereof, or of the safety, labor, or workers' compensation insurance laws of this state;

(6) Misrepresentation of a material fact by an applicant in obtaining or attempting to obtain a license;

(7) Failure to notify the board of any change of control in ownership, management or business name or location;

(8) Conducting a home improvement business in any name other than the one in which the contractor is licensed;

(9) Advertising in any manner that a licensee is licensed pursuant to this part unless the advertisement includes an accurate reference to the appropriate current license number consisting of and limited to a form as prescribed by the board;

(10) Failure to comply with any order, demand or requirement lawfully made by the board pursuant to and within the authority of this part;

(11) The demand for or the receipt of any payments prior to the signing of a home improvement contract;

(12) Receipt at or before the time of execution of a contract of a deposit of more than one third (1/3) of the contract price, unless:

(A) The home improvement contract allows for the home improvement contractor to furnish a performance and payment bond, lien and completion bond, or bond equivalent covering full performance and completion of the home improvement contract and the bond is furnished by the home improvement contractor; provided, that the amount of the bond or bond equivalent is not less than one percent (1%) of the net sales of the home improvement contractor's home improvement business with respect to the home improvement labor to be determined on an annual basis at January 1 of each year; or

(B) After being fully advised by contractor in writing of the right to withhold final payment up to one hundred percent (100%) of payment before completion of the project, the owner elects to make final payment to the home improvement contractor for the project before completion for such owner's convenience or the parties agree on a schedule of payments to be made before, during and after completion of the project;

(13) Failure to obtain the necessary permits as required by any local jurisdiction;

(14) Making false or deceptive representations in any advertisement or solicitation for services or products that such services or products have sponsorship, approval, affiliation or connection with a bank, savings and loan association, savings bank or subsidiary or affiliate thereof;

(15) Using the name or logo of any bank, savings and loan association, savings bank or subsidiary or affiliate thereof, without the express written consent of the person whose name is used; and

(16)

(A)(i) Having a controlling ownership interest in the lender providing a mortgage loan for home improvement for the work being performed by the home improvement contractor;

(ii) Accepting anything of value for the referral of a borrower to the lender; or

(iii) Being a cosigner or acting as a guarantor for a mortgage loan for home improvement.

(B) As used in this subdivision (16), "mortgage loan for home improvement" shall have the same meaning as defined in § 45-13-123(c).

62-6-511. Any person who accepts or receives a completion certificate or other evidence that performance of a home improvement contract is complete or satisfactorily concluded, with knowledge that such document is false and that the performance is not completed, or who utters, offers or uses such document in connection with the making or accepting of any assignment or negotiation of the right to receive any payment from the owner, under or in connection with a home improvement contract, or for the purpose of obtaining or granting any credit or loan on the security of the right to receive any payment, as aforementioned, knowing or having good reason to know such document to be false, commits a Class A misdemeanor.

62-6-512. Any person who owns, operates, conducts a home improvement business or procures a home improvement contract without a license pursuant to this part, or who violates any of the provisions of this part, or having had such license suspended or revoked continues to engage in such business, commits a Class A misdemeanor. Each violation is deemed a separate offense.

62-6-513. In addition to the powers and duties elsewhere prescribed in this part, the board may:

(1) Examine the qualifications and fitness of applicants for licenses under this part;

(2) Keep records of all licenses issued, suspended or revoked. These records shall be open to the public for inspection during regular business hours;

(3) Promulgate rules and regulations with respect to license applications, investigation and examination of applicants and their

qualifications, and any other matters incidental or appropriate to the board's powers and duties as prescribed by this part and for the proper administration and enforcement of the provisions of this part, and to amend or repeal any of such rules and regulations;

(4) Receive complaints from the public regarding home improvement contractors, and maintain records of such complaints.

62-6-514. The board, if it concludes that any continuing conduct by any person alleged to be in violation of this part may result in substantial or irreparable harm to any citizen of this state, may seek a permanent or temporary injunction with respect to the conduct from the circuit or chancery court of any county in which the alleged violation is occurring, or in which the violator has its principal place of business.

62-6-515. The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising pursuant to this part.

62-6-516.

(a) The provisions of this chapter do not apply to the official transactions of an authorized representative of the United States, or an instrumentality thereof, of any state or territory of the United States, any municipality or county thereof, or any instrumentality of a state or a political subdivision thereof.

(b) If home improvement contractors in a county are exempted from licensure under this chapter on the effective date of this act due to a county exclusion, the legislative body of such county may, by a two-thirds (2/3) majority vote, elect to make the provisions of this part applicable in such county. Any such county electing to come within the provisions of this part shall so notify the board.

62-6-517. The executive director of the board, acting on behalf of the board, is authorized to issue citations against persons acting in the capacity of or engaging in the business of home improvement without a license in violation of this part. Each citation shall be in writing and shall describe with particularity the basis of the citation. Each citation shall contain an order to cease all violations of this part and an assessment of a civil penalty in an amount not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250). The board shall promulgate rules and regulations to specify those conditions necessary to the issuance of a citation, and the range of penalties for violations of this chapter. The sanctions authorized by this part are in addition to any other remedies, civil and criminal, available to any person harmed by a violation of this part. Service of a citation issued pursuant to this section may be made by certified mail at the last known business address or residence address of the person cited. A citation issued pursuant to this section shall be issued by the executive director within one (1) year after the act or omission which is the basis for the citation. Any person served with a citation pursuant to this section may appeal to the executive director by written notice postmarked within fifteen (15) working days after service of the citation with respect to violations alleged, scope of the order, or amount of civil penalty assessed. If a person cited timely notifies the executive director that such person intends to contest the citation, the executive director shall afford an opportunity for a contested case hearing pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3. After all administrative appeals have been exhausted, the executive director may apply to the appropriate court for a judgment in an amount of the civil penalty, plus applicable court costs and for an order to cease activities in violation of this part. The motion for the order, which shall include a certified copy of the final order of the hearing officer or administrative judge, shall constitute a sufficient showing to warrant the issuance of the judgment and order. Notwithstanding any other provision of law to the contrary, the executive director may waive part of the civil penalty if the person against whom the civil penalty is assessed satisfactorily completes all the requirements for, and is issued, a license as a home improvement contractor. Any outstanding injury to the public shall be settled satisfactorily before a license as a home improvement contractor is issued. The provisions of § 62-6-509(c) and of this section do not apply to the construction, repair or replacement of detached permanent structures designed for the storage

of tools, farm implements, lawn care machinery, bulk products and other such items.

62-6-518.

(a) The board is authorized to impose a civil penalty in an amount not to exceed twenty-five thousand dollars (\$25,000) per violation for a violation of § 62-6-510(3), (4) or (14) after notice and an opportunity for a hearing. Such penalty shall be in addition to any other penalty authorized pursuant to this part.

(b) In addition to the civil penalty authorized pursuant to subsection (a), a violation of § 62-6-510(3), (4) or (14) shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of trade or commerce under the Tennessee Consumer Protection Act, compiled in title 47, chapter 18, and as such the private right of action remedy under such act shall be available to any person who suffers an ascertainable loss of money or property, real, personal, or mixed, or any other article, commodity, or thing of value wherever situated as a result of such violation.

62-6-519.

On the effective date of this part, the existing staff of the home improvement commission shall be transferred to the state board for licensing contractors.

62-6-520.

(a) There is established a subcommittee whose focus shall be related to issues concerning home improvement contractors. The subcommittee shall act as an advisory committee concerning home improvement contractors and report all findings and recommendations concerning licensure and disciplinary actions relative to home improvement contractors to the board; provided that all final decisions concerning such actions shall be decided by the board.

(b) All current members of the home improvement commission appointed pursuant to § 62-37-116 on or before the effective date of this part shall serve as the initial subcommittee and such members shall serve until the term of the most recent appointee expires. The terms of every other member of the commission shall be extended to coincide with the expiration of the term of the most recent appointee. At the expiration of such terms, the subcommittee as constituted pursuant to this subsection (b) shall cease to exist, and the board shall appoint a new subcommittee of board members to focus on issues relating to home improvement contractors.

(c) The members of the subcommittee shall receive the same amount of compensation and reimbursement as received by board

members for each day actually spent in the performance of their official duties.

(d) All issues concerning home improvement contractors shall be heard by the subcommittee which shall, pursuant to subsection (a), report its findings and recommendations to the board for final disposition and action by the board concerning such findings and recommendations.

62-6-521.

(a) In addition to the appointment of a subcommittee established pursuant to § 62-6-520, the board shall appoint two (2) additional subcommittees in accordance with the following:

(1) A subcommittee of board members whose focus shall be related to issues concerning home builders; and

(2) A subcommittee of board members whose focus shall be related to general contractor issues dealing with commercial construction, including electrical, mechanical, plumbing and heating, ventilation and air conditioning.

(b) Each such subcommittee shall act as an advisory committee concerning their respective areas pursuant to subsection (a) and shall report its findings and recommendations concerning licensure and disciplinary actions and other substantive issues to the board; provided that all final decisions concerning such actions shall be decided by the board.

(c) The members of the subcommittee shall receive the same amount of compensation and reimbursement as they would receive for performing their duties as board members for each day actually spent in the performance of their official duties.

SECTION 3.

(a) Tennessee Code Annotated, Section 4-29-228(a), is amended by deleting item (29) in its entirety.

(b) Tennessee Code Annotated, Section 4-29-230(a), is amended by adding a new item thereto, as follows:

() State board for licensing contractors, created by § 62-6-104;

SECTION 4. Tennessee Code Annotated, Section 62-6-111(a)(2), is amended by deleting the existing language in its entirety and substituting instead the following:

(2) Anyone desiring to be licensed as a contractor in this state shall take a written examination to determine the applicant's qualifications. This examination may be given orally at the discretion of the board if a written examination is precluded by reason of disability. Each applicant shall pay an

examination fee for each written and/or oral examination. If the results of the examination constitute a passing score, then such person shall make a written application to the board in accordance with the provisions of (a)(1).

SECTION 5. Tennessee Code Annotated, Section 62-6-111(e)(2), is amended by deleting the existing language in its entirety and substituting instead the following:

(2) In the case of a merger, purchase by nonstockholders of the majority interest, or reorganization pursuant to bankruptcy proceeding, of any licensee engaged in contracting, the licensee shall make written application to the board and obtain a new license before undertaking contracting.

SECTION 6. Tennessee Code Annotated, Section 62-6-120, is amended by adding the following as a new, appropriately designated subsection:

() Any individual or entity that fails to pay a civil penalty assessed by the board pursuant to the terms of a final order entered by the board after a contested case hearing against the individual or entity pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, may be referred to a collection agency.

() Failure to pay any civil penalty assessed by the board shall subject the individual or entity to suspension or revocation of a license issued pursuant to this part.

SECTION 7. Notwithstanding the provisions of Section 4-29-112 or any other law to the contrary, it is the intent of the general assembly that the home improvement commission created by Section 62-37-116 shall terminate and cease all activities on June 30, 2007.

SECTION 8. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: June 4, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 19th day of June 2007



PHIL BREDESEN, GOVERNOR

Memo

To: Blount County Planning Commission
From: Blount County Building Commissioner
CC: Other commission members and staff
Date: August 17, 2009
Re: Rezoning at 620 Nelson Lane.

Back Ground:

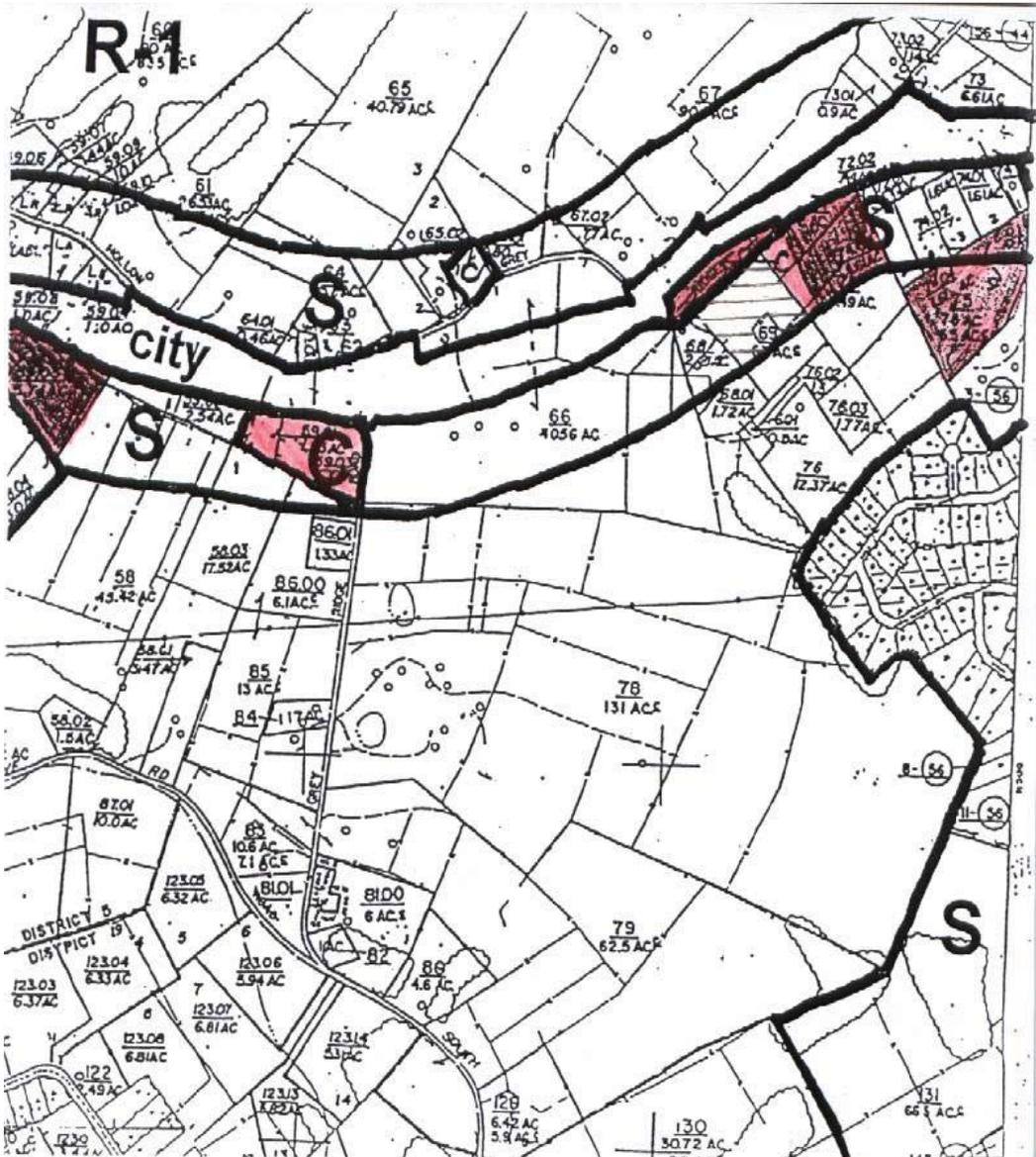
Mr. Cardin has requested that his property, at 620 Nelson Lane, be rezoned from S-suburbanizing to C- commercial. This property is identified on tax map 55 and parcel 69.00. This property is located within the urban growth boundary for the City of Maryville. The property is located in an area that has existing commercial zoned properties. Part of parcel 71 has been rezoned to commercial and all of parcel 67.01 has been rezoned to commercial. There are more commercial properties as you go west on Hwy 321.

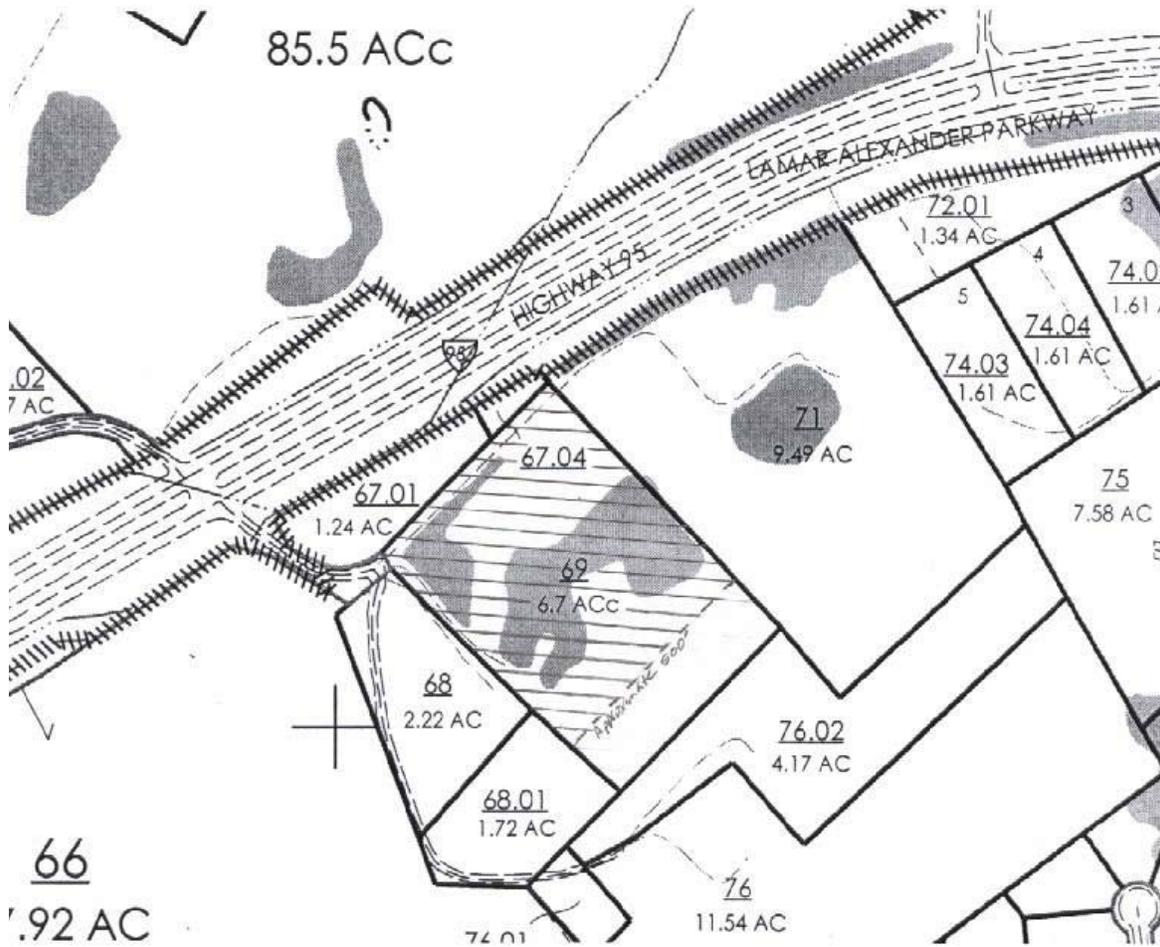
This property does not have direct frontage onto Hwy 321. The property is located on the Nelson Lane just off of the Highway. On Nelson Lane there is a grandfathered tractor business on parcel 68 and the commercially zoned properties mentioned above. The campus for Pellissippi State is also located in this area. Nelson Lane is a small dead end road and Nelson Way comes off of Nelson Lane. Together they provide access to Hwy 321 for seven (7) properties.

Rezoning requests have been held to a depth of 500 feet of the property in the past. This would leave a small portion at the back of the property that would not be rezoned. The property is approximately 662 feet deep on the West side and 672 feet deep on the East side. You will also notice that the line between S-suburbanizing and R-1- rural district 1 is located at the back of this property. This line lies at approximately 426 feet deep on the West side of the property and 576 feet deep on the East side of the property.

I have included copies of the zoning map and the tax map. I have tried map. You will find the property in question is hatched on each map. Do to the

location of the property on the zoning map; it is located in the upper right area of the map below. On the tax map it is located in the center of the page.





Tax map 55