

NOTICE OF PUBLIC HEARING, In accordance with Tennessee Code Annotated Section 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene in a called meeting and hold public hearing on January 10, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, BY AMENDING SECTIONS 7.4 C-4 TO CHANGE THE VISUAL EFFECTS AND SCREENING REQUIREMENTS TO ENCOURAGE THE USE OF MATERIALS, COLORS, TEXTURES, SCREENING, AND LANDSCAPING TO REDUCE THE VISUAL IMPACTS OF CELLULAR TOWERS .

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall meet any applicable standards of the FAA; (b) At a tower site, the design of the tower, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

APPROVED:

ATTEST:

Jerome Moon
Commission Chairman

Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor

RESOLUTION No. 12-01-009

Sponsored by Commissioners Gerald Kirby and Gordon Wright.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTION 7.4 C-4 THE VISUAL EFFECTS AND SCREENING REQUIREMENTS FOR CELLULAR TOWERS .

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 19th day of January, 2012:

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 encourage the use of materials, colors, textures, screening, and landscaping to reduce the visual impacts of cellular towers.

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

That Section 7.4 Subsection C- 4 is amended to read as follows:

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall meet any applicable standards of the FAA; (b) At a tower site, the design of the tower, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

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

Memo

To: Blount County Commission
From: Building Commissioner
CC: Other Commission Members, County Major and staff.
Date: 11/1/2011
Re: Cellular tower regulations.

At the October Planning Commission meeting the Commission made a motion to send the following changes of the Blount County Zoning Regulations to the County Commission with a recommendation to approve said changes. A public hearing will be required and could be set for the December agenda meeting date (12/06/11).

Current Regulations

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Regulations for discussion

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall meet any applicable standards of the FAA; (b) At a tower site, the design of the tower, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Memo

To: Blount County Planning Commission
From: Building Commissioner
CC: Other commission members
Date: 8/17/2011
Re: Cellular tower regulations.

Background:

The Major's office had forwarded a packet of information regarding the use of camouflage to reduce the visual impacts of cellular towers. I am presenting this information to the planning commission for discussion on whether changes should be made to our regulations. Our regulations currently do not require the use of camouflage, but does give the BZA the authority to impose conditions based on each specific tower request. Below I have included a copy of section 7.4 and a copy of the packet that was forwarded to my office.

Section 7.4. Wireless Telecommunication Towers and Antennas. The purpose of this section is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the county; (4) encourage the joint use of new and existing tower sites rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) consider the public health and safety effects of communication towers; and (8) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

A. **Definitions.** As used in this section, the following terms shall have the meanings set forth below:

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

B. Applicability and Exceptions.

1. New Towers and Antennas. All new towers or antennas shall be subject to regulations in this section, except as provided in subsections B.2 through B.5 below, inclusive.

2. Amateur Radio Station Operator/Receive Only Antennas. This Section shall not apply to any tower, or the installation of any antenna on such tower, that is seventy (70) feet in height or less, and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers greater than 70 feet in height and found within this Section shall continue to apply.

3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section.

4. AM Array. For purposes of implementing this Section, an AM array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. The provisions of this Section shall not apply to additional array tower units of equal or lesser height within the perimeter of the AM array.

5. Governmental, Emergency Communication and Airport Uses. The provisions of this Section shall not apply to towers, and antennas on such towers, located on property owned, leased, or otherwise controlled by governmental jurisdictions, airport authorities or utility providers, and required for governmental functions, air traffic control and communication, or emergency communications.

C. General Provisions and Requirements

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased areas within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Building Commissioner an inventory of its existing towers, antennas, or sites approved for towers or antennas, within Blount County and any of its municipalities and within 5,000 feet outside the boundary of Blount County, including specific information about the location, height, and design of each tower. All applications and documents submitted to the Building Commissioner shall be subject to the Tennessee Public Records Act, Tennessee Code Annotated, Sections 10-7-503, *et seq.*

4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Where lighting is required by FAA such lighting shall be of the "dual lighting" provisions as defined by the FAA (white during the day and red during the evening hours), or in the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA regulations.

6. Structural Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with

standards contained in applicable state building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

7. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the entirety of Blount County and surrounding counties irrespective of municipal and county jurisdictional boundaries.

8. Franchises, Authorizations, Licenses and Permits. Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and permits required by law or governmental regulations for the construction and/or operation of a wireless communication system in Blount County have been obtained and shall file a copy of all required franchises, authorizations, licenses and permits with the Building Commissioner.

9. Public Notice. For purposes of this ordinance, any special exception request, variance request, or appeal of an administrative decision shall require public notice to all abutting property owners and all owners of properties that are located within one thousand (1,000) feet of the property on which a tower is proposed or a decision is sought, in addition to any notice otherwise required by this Resolution.

10. Signs. No signs shall be allowed on an antenna or tower or within the tower compound, except for a property identification sign as provided in Section 7.5, and structure identification signs as may be required by the FCC or the FAA. Such signs shall not exceed four square feet in area or as required by the FCC or FAA, and shall be mounted no higher than six feet from the finished grade of the ground or as required by the FCC or FAA.

- D. Towers shall be a special exception use in any zone and subject to special exception procedures under the Board of Zoning Appeals as found in Article 11, with the following provisions and requirements.

(Amended August 17, 2000)

1. In granting a special exception, the Board of Zoning Appeals may impose conditions to the extent the Board concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under regulations of the State of Tennessee for such certifications.

3. For any tower, a site plan shall be required under provisions of Section 7.2, with the following additional information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities or counties), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other accessory structures, topography, parking, and other information deemed by the Board of Zoning Appeals to be necessary to assess compliance with this Resolution.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit.

(d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 7.4.C.3 shall be shown on a map of scale not less than one inch equal 2000 feet. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A landscape plan showing specific landscape materials for buffering from surrounding properties.

(f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination of the tower.

(g) A description of compliance with provisions and regulations contained in this Resolution, and all applicable federal, state or local laws and regulations.

(h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(i) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, which could provide the services intended to be provided through the use of the proposed new tower.

(j) A description of the feasible location(s) of future towers or antennas within Blount County based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. In addition to any standards for consideration of special exception applications found in Article 11, the Board of Zoning Appeals shall consider the following factors in determining whether to approve a special exception, although the Board may waive or reduce the burden on the applicant of one or more of these factors if the Board concludes that the goals of this Section are better served thereby: (a) Height of the proposed tower; (b) Proximity of the tower to residential structures and subdivisions; (c) Nature of uses on adjacent and nearby properties; (d) Surrounding topography; (e) Surrounding tree coverage and foliage; (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; (g) Proposed ingress and egress; and (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection 7.4.D.5 (following)..

5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing towers or structures that meet applicant's engineering requirements, including but not limited to height and structural strength, are located within the geographic area.

(b) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(c) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(d) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

6. Setbacks. The following setback requirements shall apply to all towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this Section would be better served thereby:

(a) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for commercial uses.

7. Separation. The following separation requirements shall apply to all towers and antennas for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this Resolution would be better served thereby.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses. Separation distance shall be 200 feet or 300 % the height of the tower, whichever is greater, in relation to an existing residential use or a platted subdivision lot intended predominantly for residential use.

(b) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table.

Existing Towers - Types

	L a t t i c e	G u y e d	M o n o p o l e 7 5 F t i n H e i g h t o r G r e a t e r	M o n o p o l e L e s T h a n 7 5 F t i n H e i g h t
Lattice	5, 0 0 0	5, 0 0 0	1,5 00	7 5 0
Guyed	5, 0 0 0	5, 0 0 0	1,5 00	7 5 0
Monopole 75 Ft in Height or Greater	1, 5 0 0	1, 5 0 0	1,5 00	7 5 0
Monopole Less Than 75 Ft in Height	7 5 0	7 5 0	75 0	7 5 0

8. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.

9. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this Section would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide along the outside the perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer if measures are proposed which will maintain such natural growth.

E. Accessory Cabinets or Structures.

A cabinet or structure accessory to an antenna shall be of sufficient area to accommodate the electronics required for the antenna and no greater than twelve feet in height. If the accessory cabinet or structure is associated with a tower on top of a building, then the cabinet or structure shall occupy no more than ten percent of the area of the roof of the structure on which the tower is attached. The cabinet or structure shall be constructed of materials that as much as possible blend in with other surrounding structures. The cabinet or structure shall be no closer than 40 feet to any residential lot line. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches. The requirements for floor area may be modified by the Board of Zoning Appeals to encourage collocation of antennas.

G. Removal of Abandoned Antennas and Towers.

Notwithstanding any other provision in this Resolution, any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower, or the owner of the real property upon which the abandoned antenna or tower is located, shall remove the same within ninety (90) days of receipt of notice from the Building Commissioner notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

H. Nonconforming Uses

1. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted for such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Resolution.

3. Bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special exception and without having to meet the separation requirements specified in Sections 7.4.D.7. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. If such tower or antenna is not rebuilt within twelve months of destruction, then the tower or antenna shall be deemed abandoned as specified in Section 7.4.G and shall not be rebuilt.

- I. Applications for the installation, erection and/or construction of Antennas, cabinets, shelters or similar equipment or structures may be approved by and permits issued by the Building Commissioner.

Cell Tower Siting Issues Rights of State and Local Governments

Overview of Federal Law:

- Section 332(c)(7) of the Communications Act of 1934 was amended by Congress in 1996 to include a section titled "Preservation of Local Zoning Authority."
- This zoning authority was adopted as part of the Telecommunications Act of 1996 which updated our nation's telecom laws.

o States that authority over decisions regarding "the placement, construction, and modification of personal wireless service facilities" falls to state or local government with a few specific limitations.

Federal Law and Regulation -Section 332(c)(7) -Local Zoning Authority Limitations:

- State or local governments "shall not unreasonably discriminate among providers of functionally equivalent services."
 - o Depending on state and local laws, they can treat wireless facilities differently based on aesthetic reasons, safety concerns, etc. as long as there is a "reasonable" explanation.
 - o Cannot favor one provider over another if they are similar sites.
- Example: Cannot grant AT&T a 150 foot tower and deny Verizon a 150 foot tower without a solid reason.
- State or local governments "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."
 - o State and locals cannot ban access to wireless service and generally may not create "significant gaps" in service by denying a cell site request.
 - o In November 2009, the FCC "interpreted" this section to mean that local officials cannot deny a siting "solely" because another provider has service covering the area.
- FCC did this to settle dispute: Courts have interpreted this differently:
 - Some rule there is no gap if any entity provides service in the area in question. (Ex: Verizon has coverage in an area but AT&T does not).
 - Others have ruled that if one provider has a gap in coverage, it is a "significant gap" and cannot be denied.
- ~ o However, even if a gap is found, the local government can put conditions, such as camouflaging, on a new tower or require alternate sites be considered.
- State or local governments "shall act on any request.within a reasonable period of time after the request is duly tiled...."

o FCC set "reasonable" time limits in November 2009 in which local governments must act on wireless tower applications.

- Within 90 days on collocation requests.
- Within 150 days on new tower site requests.
- • State or local decision to deny a siting request "shall be in writing and supported by substantial evidence contained in a written record."
- o If "aesthetics" apply under local ordinances, then evidence presented as an objection should be greater than just personal opinion expressing cell towers are eyesores.
- State or local governments may not regulate cell towers based on "the environmental effects of radio frequency emissions" if the facilities comply with the FCC's emission regulations.
- Sets forth a process if it is believed a state or local government may have violated Section 332(c)(7) in denying a siting request:

o Any person adversely affected by the action must file an action with the courts within 30 days.

- If state or local government found at fault most courts have found the appropriate remedy is an order for issuing the requested permit.
- Supreme Court ruled in 2005 that wireless provider may not recover attorney fees.

Current Blount County Zoning Resolution:

- The Board may deny an application if there are other available, less intrusive existing towers or other structures on which to collocate. [Blount County Zoning Regulations Section 7.4(D)(5)].
- • If a proposed tower would be a special exception according to Blount County Zoning Regulations, then more conditions can be applied.
- o As a result, the Board "may impose conditions to the extent the Board concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties." [Blount County Zoning Regulations Section 7.4(D)(1)]
- o And "the Board of Zoning Appeals shall consider the following factors in determining whether to approve a special exception..." including:
- • "(a) Height of the proposed tower; (b) Proximity of the tower to residential structures and subdivisions; ... (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage; (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; ... (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures." [Blount County Zoning Regulations Section 7.4(D)(4)]

- Examples of possible conditions that would still provide sufficient wireless coverage:

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- o Require the proposed tower to be "stealthed" to look like a pine tree or other structure to blend into the surrounding area.
- o Impose height limitations.
- Each carrier has a license from the FCC that requires a minimum level of coverage in the service territory.
- Often times a carrier will try to build a tower that gives it additional coverage.
- The tower may only need to be 100 feet or even shorter to provide the minimum coverage the carrier is legally obligated to provide under its license.
- o Approve multiple, shorter towers -possibly also "stealthed".
- o Approve a shorter tower in combination with collocating at existing sites.

Options for local governments:

- Local governments have a lot of options as long as their objections are "reasonable."
 - o Need solid objections to a proposed site -if they have an "aesthetic" objection can they tie it to tourism and the park entrance?
- Local governments should have tightly drafted zoning regulations up front to control placement of towers.
- Cannot prohibit the availability of cell service and create "significant gaps" BUT can require providers to explore aU feasible alternative sites, look at mitigating visual impact of proposed site, etc.

Questions local governments should ask when a controversial site is proposed and should incorporate into zoning regulations:

- Can the county hire (or have they already) an outside expert engineer/consultant to review alternative options to proposed tower site and look at what the cell provider actually needs.
 - o What is the problem provider is trying solve?
 - Do they have dead zones?
 - Do they have service but need more capacity due to grown in cell phones and PDAs (such as blackberries)?
 - Does proposed tower need to be that high? Or are they making taller due to future collocating, but is it actually needed?

- • Figure out the needs the provider is trying to meet and require all alternatives to be reviewed:
- o Is tower needed (see above) in the first place?
- o Would other locations work where they could collocate on an existing structure?
- o Would three 60 foot towers work instead of one 180 foot tower that could adversely impact tourism industry?

3 o Can they camouflage the tower to make it look like a tree or other structure elsewhere to blend in?

- This can be quite costly -there could be a point where it is deemed cost prohibitive and "unreasonable" but there isn't a set standard.

Under state and local law is it possible to collocate on existing electric utility structures?

o Could antennas be placed on transmission lines running through that area?

If County denies application to erect a new tower, they must provide a written denial that contains substantial evidence.

o Evidence is evaluated based on comparison with state law or the particular local zoning ordinances.

, 'Cell phones' towers use camouflage -The Sacramento Bee ^{Page 2 00}

One that his company Installed locally for Cingular Wireless last year hides an antenna in a cupola at the Folsom Premium Outlet~ mall.

A tradiDonal cell phone site typically co,sts about \$250,000, including all necessary electronics. But the cost of camouflaged towers varies from site to site.

The cupola at the Folsom outiet mall, for instance, cost about \$16,000, McKinney said. ,But a 50-foot tower designed to look like'a pine tree can run b'etween \$40,000 and \$50,000, ' depending on the density of its "foliage" and whether the pore gets a bark-like wrap. "The same pole without the camouflage would' be \$15,000 to \$20,000," McKinney said.

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Those higher costs are attributed to a Variety of factors, said Delmar Tompkins, cell site acquisition manager for Cingular in the Sacramento area, A tower that looks like a tree, for Instance, needs beefier construction because it's heavier and catches more wind than a standard tower, he said.

Camouflaged towers also require special materials that can withstand the elements and stili

retain a natural 'look.

Indeed, such towers have come a long way from a decade ago when huge poles dominated the skyline and prompted heated protests from neighbors.

"I remember one of the first major towers was at Madison Avenue and Interstate 80," said Pat Watters, a zoning administrator for the Sacramento County Planning and Community Development Department. "It was 150 feet high and when you were driving down the freeway you could see it for miles. It created a tremendous outcry."

Now, Watters said, most of the 25 to 30 requests his department receives annually for new towers are more modest. He said municipal planners almost always urge cell phone companies to locate antennas on existing towers, rather than build new ones.

"In the past few years, the companies have wised up and are coming in with alternative designs," said Chris Cochrane, president of the South Land Park Neighborhood Association, which keeps a close watch on such issues.

If locating them on existing towers isn't feasible, cell phone companies often come up with designs that, if not perfectly camouflaged, at least don't call attention to themselves.

The newest fakes, for instance, are often more realistic looking and placed within existing stands of trees, better blending in with their surroundings.

A cell phone tower on an alley near Broadway and 16th Street in Sacramento looks like any other telephone pole, said Thomas Pace, a senior planner with the City of Sacramento.

Months after it was installed, Pace said he got a call from a neighborhood activist wanting to know if the pole had been built yet.

"It's painted brown to look just like a telephone pole," he said. "It blends right in."

Such designs have significantly reduced community opposition to new towers, Pace said.

In some cases, neighborhoods are even asking for towers -- though not necessarily in the heart of their communities. In the affluent El Macero development near Davis, residents are lobbying Cingular to install antennas just outside the golf course community's southern boundary.

"Cell phone service is pretty bad here," said Bill Dendy, an El Macero resident who also advises Yolo County supervisors on neighborhood issues. "You see people standing in their driveways trying to use their cell phones,"

Dendy said he expects virtually no community opposition if the tower is well hidden. "The proposal is to put it among some grain silos so it won't be that noticeable," he said.

In addition to construction costs, cellular companies also continue to shell out significant lease payments to install their towers on private property.

At Fair Oaks Nursery, Woodruff said she receives about \$2,000 a month each from Verizon and Sprint Nextel for their antennas on her building. "That helped us get through the rainy spring," she said:

AGENDA
BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING
TUESDAY, JANUARY 10, 2012, 6:30 P.M.
ROOM 430, BLOUNT COUNTY COURTHOUSE

A. ROLL CALL.

B. PUBLIC INPUT ON ITEMS ON THE AGENDA.

C. APPROVAL OF AGENDA COMMITTEE MINUTES:

1. December 6, 2011 meeting.

D. SETTING OF AGENDA.

E. ITEMS FOR CONSENT AGENDA.

1. Resolutions for special recognitions.
 - a. Proclamation honoring Blount County Agriculture Extension. (John Wilson)
2. Appointments:
 - a. Agriculture Extension Committee – Tonya Burchfield, Mark Hasty, Mary Gentry, and Tom Bowers. (John Wilson)
 - b. Budget Committee – Holden Lail, Mike Lewis, Kenneth Melton, and Steve Samples. (County Mayor)
 - c. Purchasing Commission – Holden Lail, Mike Lewis, Kenneth Melton, and Steve Samples. (County Mayor)
 - d. Jail Inspection Committee – Sharon Hannum, Robert Mathis, Larry Shearer. (Scott Helton)
 - e. Solid Waste Authority – John Lamb. (County Mayor)
 - f. Blount County Public Building Authority – Jerry G. Cunningham. (County Mayor)

F. UNFINISHED BUSINESS:

G. NEW BUSINESS:

1. Resolution requesting that the members of the General Assembly representing Blount County, to introduce and seek passage of a private act to amend and restate Chapter 102 of the Private Acts of 1979, as amended. (Mike Lewis)
2. Budget Transfers.
3. Budget Increases.
4. Other Budget Items.
5. Report/Discussion regarding Harvard Street. (Scott Helton)
6. Approval of 2011 Roads List - A resolution classifying the roads of Blount County, Tennessee, according to *Tennessee Code Annotated* 54-10-103, et. seg. (Bill Dunlap)
7. Setting of Public Hearing regarding Judicial Commissioners. (Jerome Moon)
8. A resolution to amend the zoning resolution of Blount County, Tennessee, by amending sections 7.4 C.4 to change the visual effects and screening requirements to encourage the use of materials, colors, textures, screening, and landscaping to reduce the visual impacts of cellular towers. (Gordon Wright)

H. PUBLIC INPUT ON ITEMS NOT ON AGENDA.

I. ADJOURNMENT.



**STATE OF TENNESSEE
COUNTY OF BLOUNT**

BE IT REMEMBERED that a meeting of the Agenda Committee of the Blount County Board of County Commissioners was held on Tuesday, December 6, 2011 at 6:30 pm at the courthouse in Maryville, Tennessee.

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

Tonya Burchfield - absent	Roy Gamble - present	Peggy Lambert - present
Tab Burkhalter - present	Tom Greene - present	Mike Lewis - present
Rick Carver - present	Brad Harrison - present	Kenneth Melton - present
Mike Caylor - present	Mark Hasty - present	Jerome Moon - present
Gary Farmer - present	Scott Helton - present	Monika Murrell - present
Jim Folts - present	Gerald Kirby - present	Steve Samples - present
Ron French - present	Holden Lail - present	Gordon Wright - present

There were 20 present and 1 absent. Chairman Farmer declared a quorum to exist. The following proceedings were held to-wit:

IN RE: MINUTES OF NOVEMBER 8, 2011 MEETING.

Commissioner Lambert made a motion to approve the minutes. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: SETTING OF AGENDA.

Commissioner Moon made a motion to move the appointments of the Blount County Space Allocation Committee to new business on the agenda, remove report/discussion regarding Harvard Street from the agenda and set the agenda. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: PROCLAMATION HONORING MAC PATE.

Commissioner Hasty made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Gamble seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: APPOINTMENT OF TIM SEAY TO THE SMOKY MOUNTAIN CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS.

Commissioner Lewis made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Folts seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESIGNATION OF MIKE CAYLOR FROM THE EDUCATION COMMITTEE.

Commissioner French made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - abstain	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 19 voting yes, 1 abstaining, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: MEMBERSHIP OF EDUCATION COMMITTEE.

Commissioner French made a motion to send to the agenda of the December County Commission meeting reducing the number of members of the Education Committee to 5. Commissioner Gamble seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: APPOINTMENTS TO THE BLOUNT COUNTY ALLOCATION OF SPACE COMMITTEE.

Commissioner Lambert made a motion to send the appointment of Rick Carver, Mike Caylor, Holden Lail, Tab Burkhalter, and Peggy Lambert on the Space Allocation Committee to the agenda of the December County Commission meeting. Commissioner Wright seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 19 voting yes, 1 voting no, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND DEBT SERVICE FUND BUDGET - \$720,170.00.

Commissioner Samples made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - absent	Burkhalter - yes	Carver - yes	Caylor - yes
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Farmer - yes	Harrison - yes	Lambert - yes	Samples - yes
Folts - yes	Hasty - yes	Lewis - yes	Wright - yes
French - yes	Helton - yes	Melton - yes	
Gamble - yes	Kirby - yes	Moon - yes	
Greene - yes	Lail - yes	Murrell - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET - \$3,824.00.

Commissioner French made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Lewis seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$110,000.00.

Commissioner Samples made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Lail seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 19 voting yes, 1 voting no, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO CLOSE OUT THREE SCHOOL CAPITAL PROJECTS AND PUT THE UNSPENT MONIES INTO A SCHOOLS CAPITAL UNAPPROPRIATED PROJECT FUND.

Commissioner Helton made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 19 voting yes, 1 voting no, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO REALLOCATE CABLE FRANCHISE FEE REVENUE FROM GENERAL FUND TO HIGHWAY FUND FOR FY 2011-12.

Commissioner Helton made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - absent	Folts - no	Hasty - yes	Lewis - no
Burkhalter - yes	French - yes	Helton - yes	Melton - yes
Carver - yes	Gamble - yes	Kirby - yes	Moon - yes
Caylor - yes	Greene - yes	Lail - yes	Murrell - yes
Farmer - yes	Harrison - no	Lambert - yes	Samples - no

Wright - no

There were 15 voting yes, 5 voting no, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND RESOLUTIONS NO. 11- 10- 007 AND 11-10- 008 WHICH WERE ADOPTED THE 20TH DAY OF OCTOBER, 2011.

Commissioner Moon made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Kirby seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - abstain	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 19 voting yes, 1 abstaining, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO DISCHARGE AND DISSOLVE THE SCHOOL BUILDING COMMITTEE.

Commissioner Lambert made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO ALLOW SAFE PASSAGE IN BLOUNT COUNTY, TENNESSEE FOR A CERTAIN VISITOR FROM THE NORTH POLE.

Commissioner Burkhalter made a motion to send the item to the agenda of the December County Commission meeting. Commissioner Lail seconded the motion.

A vote was taken on the motion:

Burchfield - absent	French - yes	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 20 voting yes, and 1 absent. Chairman Farmer declared the motion to have passed.

IN RE: ADJOURNMENT.

Chairman Farmer declared the meeting to be adjourned.

RESOLUTION NO. 12-01-002

Sponsored by Commissioners Tonya Burchfield, Mark Hasty, and Roy Gamble

A PROCLAMATION RECOGNIZING UT-BLOUNT COUNTY AGRICULTURE EXTENSION FOR 100 YEARS OF SERVICE TO BLOUNT COUNTY.

BE IT PROCLAIMED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 19th day of January, 2012:

WHEREAS, the first Blount County Extension Agent, Miss Nancy Lee Broady, was appointed January 1, 1912 for Home Demonstration Work throughout Blount County; and

WHEREAS, this action by the visionary leaders of Blount County Government, in support of its citizenry needs, gave rise to a long and beneficial service to the families, farms and communities of Blount County; and

WHEREAS, the Smith-Lever Act was later passed in 1914, and under its provisions, the University of Tennessee College of Agriculture and the U.S. Department of Agriculture organized the Tennessee Division of Extension and the Tennessee General Assembly authorized the University of Tennessee to conduct agricultural extension work in 1915; and

WHEREAS, today, Blount County Extension continues as the informal educational arm of the UT Institute of Agriculture in cooperative partnership with Blount County Government and the United States Department of Agriculture; and

WHEREAS, UT-Blount County Extension educational programs have met the real needs of the past and are relevant today, and through educational training in production, management and marketing of agronomic and horticultural crops, livestock and natural resources, gardening, family and consumer sciences, and the 4-H Youth Development Programs, will continue to meet critical societal needs of the future; and

WHEREAS, 4-H Youth Development programs teach life skills for today and tomorrow, enhancing community volunteerism and exemplifying the motto of the 4-H Program, "To Make the Best Better."

NOW, THEREFORE, BE IT PROCLAIMED by Ed Mitchell, Mayor of Blount County, Tennessee, and the Blount County Board of Commissioners, meeting in regular session on this 19th day of January, 2012, that the 100 years of service by the UT-Blount County Agriculture Extension and Tennessee 4-H is sincerely appreciated and is hereby recognized and honored, and we encourage all Blount County citizens to join us in applauding them for a century of dedicated service to the citizens of Blount County.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

Blount Co. Agriculture Ext.
219 Court Street
Maryville, TN 37804-5917
January 5, 2012

Honorable Members
Blount County Board of Commissioners
359 S. Court Street
Maryville, TN 37804-5906

Dear Commissioners:

With regard to the Blount County Agriculture Extension Committee appointments, the following recommendations are submitted for your consideration.

1. Re-appoint Commissioner Mark Hasty as Commission representative.
2. Re-appoint Commissioner Tonya Burchfield as a Commission representative.
3. Re-appoint Mary Gentry as a Farm Women representative to begin a second 2-year term.
4. Re-appoint Tom Bowers as a Farm Men representative to begin a second 2-year term.

I would offer the following for your review regarding the qualifications for the Mrs. Gentry and Mr. Bowers to serve in this capacity. Additional qualifying and biographical information can be found on the accompanying pages.

- Both are residents of Blount County and are actively engaged in farming and the agricultural activities and organizations of Blount County.
- Both have a positive and enthusiastic attitude toward serving the Blount County community through agriculture related activities.
- Mrs. Gentry, as a farm woman with experience in business/government and daily farm management, has a vested personal/family interest in home & farm activities related to the agriculture community.
- Mr. Bowers, as a retired dairyman and active cattle farmer has a vested personal/family interest in home & farm activities related to the agriculture community in Blount County.

Thank you for your consideration of this request. If I may be of assistance please contact me at 982-6430 or e-mail jawilson@utk.edu.

Respectfully Yours,

John A. Wilson

John Wilson
County Director

RE: January 2012

Proposed appointees to the Blount County Agricultural Extension Committee:

Mrs. Mary Gentry

134 Ramsey Road

Maryville, TN 37801

Home: 865-856-2515

1. Graduate of Lanier High School and National Business College
2. Currently raises goats and forages with her husband in the family farm business
3. Active in the Blount County agriculture community through various organizations including the Blount County Master Gardeners and the Blount County Soil Conservation District.

- Mary Gentry is a native of Blount County and grew up on a Blount County Farm. She and her Husband presently farm in Blount County
- Mary graduated from Lanier High School and the National Business College.
- She retired as the purchasing coordinator of Blount County Schools and was an employee of Blount County Schools for more than 30 years.
- Mary has served as a Blount County 4-H Club volunteer for many years.
- She has completed a course in the Blount County Extension Master Gardener Program and is a certified Master Gardener.
- Mrs. Gentry also, in the farm woman role, recently completed the Blount County Extension Master Goat Producer Program and is a certified Master Goat Producer.
- Mary has a positive and enthusiastic attitude toward serving the Blount County community through agriculture related activities.

RE: January 2012

Proposed appointees to the Blount County Agricultural Extension Committee:

Mr. Tom Bowers

4877 Bethlehem Road
Walland, TN 37886
Home: 865-983-9417

Graduate of Maryville College, Maryville, TN

40 years in family dairy farm business

Currently raises beef cattle and forages

Active in the Blount County agriculture community through various organizations

- Mr. Bowers is a native and life-long resident of Blount County who is actively engaged in farming.
- Mr. Bowers was active as a dairy farmer for 40 years.
- He currently raises beef cattle and is active in the livestock industry in Blount County.
- Mr. Bowers has a positive and enthusiastic attitude toward serving the Blount County community through agriculture related activities.
- Mr. Bowers, as a farmer with experience in the daily rigors of farm management, has a vested personal/family interest in home & farm activities related to the agriculture community.
- Mr. Bowers serves and has served on various agricultural related organization boards and therefore has keen insight into the needs and interests of the Blount County agriculture community.



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Commission

FROM: Ed Mitchell, Mayor

RE: Recommendations for Budget Committee

DATE: January 5, 2012

For the consideration of the full commission, I am submitting my recommendation of the following names to be re-appointed to serve on the Budget Committee:

Mike Lewis
Kenneth Melton
Steve Samples
Holden Lail



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Commission

FROM: Ed Mitchell, Mayor

RE: Recommendations for Purchasing Committee

DATE: January 5, 2012

For the consideration of the full commission, I am submitting my recommendation of the following names to be re-appointed to serve on the Purchasing Committee:

Mike Lewis
Kenneth Melton
Steve Samples
Holden Lail

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Tenn. Code Ann. § 41-4-116 (Copy w/ Cite)

Pages: 2

Tenn. Code Ann. § 41-4-116

TENNESSEE CODE ANNOTATED
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*** CURRENT THROUGH THE 2011 REGULAR SESSION ***

Title 41 Correctional Institutions And Inmates
Chapter 4 Jails and Jailers

Tenn. Code Ann. § 41-4-116 (2011)

41-4-116. Jail inspectors.

(a) The county legislative body may, at its January term each year, appoint three (3) householders or freeholders, residents of the county, of lawful age, to act as jail inspectors for the ensuing year, or the court may appoint inspectors at any other time to act for a shorter period.

(b) The county mayor shall be an ex officio inspector of the jail in each county.

(c) It is the duty of the inspectors appointed to:

(1) Visit and examine the county jail at least once each month;

(2) Make rules and regulations for the preservation of the health and decorum of the prisoners;

(3) Decide all disputes between the jailer and the prisoners;

(4) Provide for the restraint, by ironing or segregation of prisoners who offer violence to fellow prisoners or to the jailer or the jailer's assistants, or for attempting to break jail; and

(5) Make a report, at each meeting of the county legislative body, of the state and condition of the prisoners and the jail.

HISTORY: Code 1858, §§ 5425-5427 (deriv. Acts 1826, ch. 45, § 2); Shan., §§ 7436-7438; mod. Code 1932, §§ 12043-12045; impl. am. Acts 1978, ch. 934, §§ 7, 16, 36; modified; T.C.A. (orig. ed.), §§ 41-1116 -- 41-1118; Acts 1984, ch. 652, § 1; 2003, ch. 90, § 2.

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Tenn. Code Ann. § 41-4-116 (Copy w/ Cite)

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In

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From: SYhannum@aol.com [mailto:SYhannum@aol.com]

Sent: Thursday, December 29, 2011 10:09 PM

To: rpitts@blounttn.org

Subject: Jail Inspection Committee 2012

Rhonda,

I am writing in reference to the 2012 Jail Inspection Committee. I would like to serve for another year if the Commission is willing. Serving in this capacity has been a true blessing to me and I hope that I have helped the County in some small way.

Blessings in the coming New Year,

Sharon



Biographical Sketch Sharon Hannum

Sharon Hannum was born to Robert and June Hannum in Blount County, Tennessee and was educated at Hale Elementary, Maryville Jr. High and Maryville High School. She is a graduate of the Maryville High School class of 1969. She attended Draughon's Business College where she attained an Associates Degree in Business Administration.

Sharon spent seven years as an employee of the Carborundum Company, Pollution Control Division and while working as a Marketing/PR Coordinator, received a phone call from The Aluminum Company of America, now known as Alcoa, Inc. and formerly known as "The Plant", recruiting her to employment at Alcoa. Sharon is currently retired from Alcoa, Inc. with 30 years of service. Sharon began her career as a Unit Supervisor in the North Plant Ingot Department. She was recruited especially for this role, as there were no women in this traditionally male dominated position. After working 10 years in the Ingot Department and rising to the level of Shift Supervisor, she transferred into Central Services, the Maintenance, Engineering and Utilities division of Tennessee Operations. It is from this division that she retired as an Area Coordinator.

Sharon is the mother of one son, Robert Todd Hannum, who is the light and joy of her life. Todd is a Marketing and Sales Product Manger for Caterpillar, Inc. and is presently residing in Atlanta, Georgia. Sharon is devoted to her family and St. Paul A.M.E. Zion Church of Maryville where she serves as a licensed Exhorter, serves on the board of Evangelism, Class Leader, Board of Activities for the Jehovah-Jireh Food Ministry, Prayer Counselor and member her Local Church, District and Conference Intercessory Prayer Teams and is also a Sunday School Teacher.

Sharon is currently the facilitator for Sisters 4 Tomorrow girls mentoring rites of passage program which is in it's second year, and also in its second year is her appointment to the position of Tennessee Conference Director of Christian Education . Sharon also continues to serve as District Officer for the Board of Christian Education for Young Adult Ministry, and is a District Worship Leader team member.

In the community Sharon is Chair of the MLK Celebration Planning Commission, Vice-President for the Board of Trustees for the Blount County Library, Co-Chair, Blount Economic Summit for Women, Chair of the Jail Inspection Committee for Blount County Government, acting Executive Director of blountAchieves Scholarship Program; Board of Directors for Leadership Blount and is a graduate of Leadership Blount, Class of 1998 and is also a member of the Pellissippi State Community College Foundation Board of Trustees and will begin a three year term on the Board of Directors for Child and Family Tennessee in January 2012.

It is Sharon's desire to serve as God would have her to serve and love as God has called her to love...with Christ as her model.

ROBERT T. MATHIS

821 Misty View Drive
Maryville, TN 37804

EMPLOYMENT: Semi-Retired

- D&S Vending Company

Former Small Business Owner:

- Houk Candy Company
- Display Services, Inc.

EDUCATION: Everett High School, 1954

**COMMUNITY
ACTIVITIES:** Past President, Eagleton Babe Ruth League 1988-89
Senior Outreach Program

FAMILY HISTORY: Born: August, 1936
Wife: Barbara Mathis
Sons: Barry and Danny Mathis

HOBBIES: Sports Activities
Spending time with grandchildren

Rev. Larry Shearer
245 West Watt Street
Alcoa, Tennessee 37701
865-984-1233 – office

Pastor of Cumberland Presbyterian Church – 6 years

Jail Ministry – 7 years

Served the Community – 19 years

Served on the Jail Inspection Committee – 4 years

Jail Ministry Educational Classes – Lee University

Local MIC Board – 1 year



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Board of Commissioners

FROM: Ed Mitchell, ~~Blount~~ County mayor

RE: Recommendation for Solid Waste Authority

DATE: January 5, 2012

For the consideration of the full commission, I am submitting my recommendation of the following name to be re-appointed to the Board of the Blount County Solid Waste Authority for a term expiring January 1, 2018:

John Lamb – Blount County Representative



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



MEMO

TO: Blount County Commission
FROM: Ed Mitchell, Mayor
RE: Appointment for the Blount County Public Building Authority
DATE: January 5, 2012

I hereby submit the following names as my recommendation for appointment to the Board of the Public Building Authority due to Darrell Tipton's resignation from the Board:

Jerry G. Cunningham, see resume attached, remaining term to expire 9/1/17

Thank you for your consideration and approval.

Jerry G. Cunningham

Born on October 19, 1941, in Blount County, Tennessee, a Cades Cove Descendant, a 6th generation Blount Countian and 9th generative Tennessean

Captain in the U.S. Marine Corps, Vietnam Veteran, Member of Veterans of Foreign Wars

Member of the Blount County Bar Association, Tennessee Bar Association, American Bar Association

U.S. Attorney for the Eastern District of Tennessee under First President George Bush & served on U.S. Attorney General William Barr's Subcommittee on Controlled Substances

Practicing Attorney for 38 years, Rule 31 Mediator, former Blount County Attorney, former State of Tennessee Assistant District Attorney

Served on: Arthritis Board, Kidney Foundation Board, Blount Children's Home Board, Chairman of Republican Party for 15 years, Blount County Election Commission, State of Tennessee Judicial Council

Hobbies include farming (raising & training Belgian Draft Horses) and boating

Graduate Maryville High School
University of Tennessee Undergraduate
University of Tennessee, School of Law

Member for over 55 years of First United Methodist Church, Maryville

Married for 43 years to Janis Kleppe Cunningham
3 Children: Kirk, Brett & Julie
3 Grandchildren: Kyle, Katie, Cody & Cade

Former Mayor of Blount County, Tennessee

October 21, 2011

Mayor Ed Mitchell
Blount County Mayor
Courthouse
Maryville, TN 37801

Mayor,
Please accept my resignation from the Blount County Public
Building Authority, effective today, Friday, October 21, 2011.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darrell L. Tipton".

Darrell L Tipton

RESOLUTION NO. 12-01-003

Sponsored by Commissioners: Gary Farmer, Scott Helton, Holden Lail, Tab Burkhalter, Ken Melton, Ron French, Tonya Burchfield, Gerald Kirby, Rick Carver, Peggy Lambert, Brad Harrison, Mark Hasty, Mike Caylor, Steve Samples, Mike Lewis, Monika Murrell, Tom Green

RESOLUTION REQUESTING THAT THE MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING BLOUNT COUNTY TO INTRODUCE AND SEEK PASSAGE OF A PRIVATE ACT TO AMEND AND RESTATE CHAPTER 102 OF THE PRIVATE ACTS OF 1979, AS AMENDED

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 19th day of January, 2012:

- WHEREAS**, the tourism industry provides many jobs in Blount County; and
- WHEREAS**, the tourism results in substantial spending by non-residents in Blount County, thereby contributing to the County's tax base; and
- WHEREAS**, the tourism industry benefits the entire community by helping provide an expanded and diverse economic base; and
- WHEREAS**, the tourism industry also helps benefit the entire community by helping maintain low property tax rates; and
- WHEREAS**, the Legislature of the State of Tennessee has previously enacted Chapter 102 of the Private Acts of 1979 as amended by Chapter 23 of the Private Acts of 1983, Chapter 181 of the Private Acts of 1988, Chapter 26 of the Private Acts of 1993, and Chapter 17 of the Private Acts of 2003, and Chapter 15 of the Private Acts of 2009 to, among other things, authorize an occupancy tax in Blount County (the "Existing Act"); and
- WHEREAS**, Blount County and the Cities of Alcoa and Maryville recognize that during these economic times a consolidated approach to the community's tourism efforts should be considered; and
- WHEREAS**, Blount County desires that the Existing Act be amended and restated to create a tourism authority to promote tourism, to provide additional transparency and oversight of occupancy tax revenues and to clarify other provisions of the Existing Act; and
- WHEREAS**, it is the intention of the Board of Commissioners to adopt this Resolution to request the applicable members of the General Assembly to introduce and seek passage of a Private Act for such purposes.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Blount County, Tennessee hereby requests that the members of the General Assembly representing Blount County introduce and seek passage of a Private Act, in substantially the form attached hereto as Exhibit A, to amend and restate the Existing Act for the purposes described above.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

AN ACT to amend Chapter 102 of the Private Acts of 1979; as amended by Chapter 23 of the Private Acts of 1983; Chapter 181 of the Private Acts of 1988; Chapter 26 of the Private Acts of 1993; Chapter 17 of the Private Acts of 2003 and Chapter 15 of the Private Acts of 2009; and any other acts amendatory thereto, relative to the hotel-motel taxes and a Tourism Authority in Blount County

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

SECTION 1. Chapter 102 of the Private Acts of 1979; as amended by Chapter 23 of the Private Acts of 1983; Chapter 181 of the Private Acts of 1988; Chapter 26 of the Private Acts of 1993; Chapter 17 of the Private Acts of 2003; Chapter 15 of the Private Acts of 2009; and any other acts amendatory thereto is amended by deleting all such language therein and substituting instead the following:

Section 1. As used in this act, unless the context requires otherwise, the following terms shall have the meanings indicated:

(a) "Alcoa" means the City of Alcoa.

(b) "Bonds" means bonds, notes, or other debt obligations of the authority issued pursuant to this act.

(c) "Authority" means the public corporation formed pursuant to the provision of this act, including Section 9 hereof.

(d) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and service of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when

the space provided to the person is complimentary from the operator and no consideration is charged or received from any person.

(e) "Cost", as applied to any project, means and includes the cost of acquisition or construction, the cost of labor, materials, and equipment, the cost of all lands, property rights, easements and franchises required; financing charges, interest and debt service prior to and during construction and up to one (1) year thereafter; costs of plans and specifications, services and estimates of costs and of revenues; costs of engineering and legal services; all expenses necessary or incident to determining the feasibility or practicability of such acquisitions or constructions; and administrative, legal and engineering expenses and such other expenses as may be necessary or incident to the acquisition or construction or the financing authorized in this act.

(f) "County" means Blount County, Tennessee.

(g) "Governing body" means each of the County Commission of Blount County, the Board of Commissioners of the City of Alcoa and the City Council of the City of Maryville, Tennessee, and "governing bodies" means collectively all of such legislative bodies.

(h) "Hotel" means any structure, or any portion of any structure, or any campground space, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, campground, tourist cabin, motel, or any place in which rooms, lodging or accommodations are furnished to transients for consideration.

(i) "Maryville" means the City of Maryville, Tennessee.

(j) "Municipalities" means, collectively, the County, Alcoa and Maryville.

(k) "Occupancy" means the use or possession or the right to use of possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days.

(l) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.

(m) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(n) "Project" means any facilities or group of facilities to be owned or controlled (either through ownership, lease or an easement) by the authority or other governmental entity and that is available for use by the public including, without limitation, visitor centers, recreational facilities such as greenways and trails, and other governmentally-owned tourist attractions, provided, that any such project shall be determined by the authority to promote tourism in the County.

(o) "Revenues" means all tax revenues and all other revenues derived from and on account of a project, directly or indirectly, and any other revenues paid, contributed and/or pledged to the authority by the state or a municipality pursuant to law, agreement or otherwise.

(p) "Tax collection official" means the county clerk.

(q) "Tax Revenues" means all revenues allocated to the authority from the privilege tax authorized to be levied pursuant to this act.

(r) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the County tourists, visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area, and shall also include the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourists, conventions, and recreational business.

(s) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations in a hotel room or campground for a period of less than thirty (30) days.

Section 2. The County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term by the governing body of the County, provided, however, that the authority created herein shall provide a recommendation to the County as to the amount of such tax prior to the vote each year establishing the amount of such tax. Such tax is a privilege tax upon the transient occupying the room or space and shall be paid by such transient.

Section 3. The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of such person's hotel. Such invoice shall be given directly or transmitted to the transient, and a copy thereof shall be filed each month by the operator and retained as provided by Section 7 hereof.

Section 4.

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any hotel for occupancy to the county clerk not later than the

twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The county clerk of the County will provide a list of the operators who remit the tax levied by this act each month to the property assessor of the County for review.

(b) For the purpose of compensating the operator for the expense of accounting for and remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the county clerk in the form of a deduction in submitting such operator's report and paying the amount due by such operator, provided, however, that the amount due was not delinquent at the time of payment.

(c) For the purpose of compensating the County for collecting the tax, the County shall be allowed to retain two percent (2%) of the amount of tax remitted by an operator.

Section 5. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

Section 6. Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight (8%) per annum, and in addition shall pay a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a

transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00). Any fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the county clerk.

Section 7. It is the duty of every operator liable for the collection and payment of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

Section 8. In administering and enforcing the provisions of this act, the tax collection official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in the Tennessee Code Annotated, Section 67-1-911, it being the intent of this act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-911, with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by him under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against such tax collection official.

Section 9. For the purposes set forth herein, including the promotion of tourism and conventions, authorization is hereby granted to establish, and there

is hereby established, a public nonprofit corporation and public instrumentality of the municipalities, to be known as the Smoky Mountain Tourism Authority and referred to in this act as the "authority". The formation of the authority shall be governed solely by the provisions of this act, and neither the authority nor any of the municipalities shall be required to file a charter or other instrument with the Secretary of State of Tennessee to evidence its formation. The authority shall exist in perpetuity until dissolved with the approval of the municipalities, provided the authority shall not be dissolved as long as any of its bonds are outstanding. Upon dissolution of the authority, any of its assets shall be distributed as shall be directed by agreement of the municipalities but in no event shall such costs be distributed to any person other than a governmental entity. The authority shall have a board of directors in which all corporate powers of the authority will be vested. The board of directors will be comprised of ten (10) directors, who shall be selected as follows and as provided in Section 11:

(1) A person who shall be either the County Mayor or a member of the governing body of the County and who shall be appointed by the governing body of the County;

(2) A person who shall be appointed by the governing body of Alcoa;

(3) A person who shall be appointed by the governing body of Maryville;

(4) A person who shall be appointed by the board of directors of the Blount County Chamber of Commerce.

(5) Two (2) persons who reside or operate a business within Alcoa, who shall be selected as provided in Section 11;

(6) Two (2) persons who reside or operate a business within the City of Townsend or Walland area, who shall be selected as provided in Section 11; and

(7) Two (2) persons who reside or operate a business within Maryville, who shall be selected as provided in Section 11.

The directors of the authority shall serve without compensation, except for reimbursement of necessary expenses incurred by directors in performance of their duties. All directors shall be residents of Blount County,

Section 10. The term of each director on the authority shall be for six (6) years, provided that any director shall continue to serve beyond the end of his or her term until his or her successor has been appointed, provided that the authority at its first organizational meeting shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year. The authority shall provide to each governing body the initial terms assigned to each director. The term of a director is renewable, subject to reappointment as provided in Section 11.

Section 11. The directors selected by the municipalities pursuant to clauses (1), (2) or (3) of Section 9 or by the Blount County Chamber of Commerce pursuant to clause (4) of such Section shall become directors of the authority without any further action by the municipalities, and upon any vacancy in the office of any such director, such vacancy shall be filled by appointment of the appropriate entity. Except for the foregoing directors, the directors of the authority shall be jointly elected by the governing bodies of the municipalities as provided in this Section. Upon the initial election of these directors, upon the appointment or reappointment of a director following the conclusion of a term in office, or upon any vacancy in term of such director, by reason of death, resignation or other cause, a membership advisory committee comprised of three (3) directors of the authority shall create a list of eligible candidates (with not less

than three (3) candidates on such list for each open director position) and shall submit such list to the authority for consideration. When such list of eligible directors of the authority is approved by resolution of the authority, said list shall be submitted for consideration to the governing bodies of the municipalities in order of preference. The governing bodies of the municipalities shall appoint by resolution the director(s) from such list with each such director requiring the approval of the governing body of each municipality. If a person is chosen to fill a vacancy as a director of the authority, such director shall hold office for the unexpired term with respect to which such vacancy occurred.

Section 12 . A majority of the whole authority shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required, or otherwise by state law, the vote of a simple majority of the directors of the authority present at any meeting at which a quorum is present shall be the action of the authority. To the extent permitted by applicable law, the authority may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

Section 13. Public notice of all meetings, whether annual, regular or special, of the authority, shall be given in accordance with the open meetings law compiled in Tennessee Code Annotated, title 8, act 44.

Section 14. The officers of the authority shall consist of a Chairman, Vice Chairman, Secretary, Treasurer, and such other officers as the authority shall from time to time deem necessary or desirable. The offices of Secretary and Treasurer may be held by the same person.

Section 15. The initial officers of the authority shall be elected by the board of directors at its first meeting following the appointment of the directors as provided in this act or as soon thereafter as may be convenient. Each initial officer shall hold office until the first annual meeting of the authority, which shall be held in January 2013, and thereafter until his or her successor has been duly elected and qualified. Subsequent officers of the corporation shall be elected at the annual meeting of the authority. Each such officer shall be elected for a one-year term but shall continue to hold office until his or her successor has been duly elected and qualified. The annual meeting of the authority shall be held in January of each year.

Section 16. The Chairman shall preside at all meetings of the directors, discharge all the duties which devolve upon a presiding officer, and perform such other duties as may be prescribed by the authority.

Section 17. The Vice-Chairman shall perform such duties as may be assigned to him or her. In the case of the death, disability or absence of the Chairman, the Vice Chairman shall perform and be vested with all the duties and powers of the Chairman. The Secretary shall keep the record of the minutes of the proceedings in each meeting and shall have custody of all books, records, and papers of the authority, except such as shall be in charge of the Treasurer or such other person or persons authorized to have custody and possession thereof by a resolution of the authority. The Treasurer shall keep account of all money received and disbursed and shall deposit same with a bank or trust company which is a member of the Federal Deposit Insurance Corporation.

Section 18. Other officers shall perform such duties as shall be designated by the authority.

Section 19. Each of such officers may be removed at any time by the affirmative vote of a majority of the whole authority.

Section 20. The proceeds from the tax levied herein (after the declarations provided in Section 4) shall be apportioned and distributed by the county trustee as follows on at least a monthly basis:

(a) Fifty (50%) percent of the proceeds of the tax shall be distributed to the authority to be used for any corporate purpose of the authority including the promotion of tourism, the maintenance, staffing and supplying of public visitor centers in the County, and the undertaking of any projects, including the financing thereof;

(b) Thirty (30%) percent of the proceeds of the tax shall be deposited in the general fund of the County; and

(c) Twenty (20%) percent of the tax shall be distributed to the authority and shall be used by the authority to pay the cost of that certain parcel of property to be acquired by the authority located directly adjacent to the existing Townsend Visitors Center located at 7906 East Lamar Alexander Parkway or debt service on bonds issued by the authority for such purpose. Once all costs relating to the acquisition of such property and all bonds relating thereto are fully paid, then seventy (70%) percent of the proceeds from the tax levied herein shall be apportioned to the authority and used as provided in subparagraph (a), above.

Section 21. The tax collected by the county clerk shall be remitted to the county trustee and distributed by the trustee in accordance with the terms of this act and the laws of the state of Tennessee.

Section 22. The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise,

license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

Section 23. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 24. The authority shall have the following powers, together with all powers incidental to the following powers or necessary for the performance of those powers, to:

(1) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(2) Acquire, whether by purchase, construction, exchange, gift, lease, or otherwise, and design, plan, site, improve, repair, extend, equip, furnish, operate and maintain one or more projects, which projects shall be within the County, including all real and personal properties that the board of directors of the authority may deem necessary in connection with the projects and regardless of whether or not any such projects shall then be in existence, and including the power to demolish such existing structures as may be on sites acquired when such structures are not needed for the project;

(3) To appoint agents and employees, describe their qualifications and fix their compensation;

(4) Operate, maintain, manage, and enter into contracts for the operation, maintenance and management of any project undertaken, and to make rules and regulations with regard to such operation, maintenance and management;

(5) Employ, contract with, fix the compensation of, and discharge engineering, architectural, legal, financial and other professional experts, consultants, agents and employees as may be necessary to carry out the purposes of this act and to provide for the proper construction, operation and maintenance of any project;

(6) Lease, rent and contract for the operation of all or any part of any project, and charge and collect rent for the project and terminate any such lease upon the failure of the lessee to comply with any of the obligations of the lease and include in or exclude from any such lease provisions that the lessee shall have the option to renew the term of the lease for such period or periods and at such rent as shall be determined by the board of directors;

(7) Lease such space in a project as from time to time may not be needed for related purposes to any other person, corporation, partnership or association for such purposes as the board of directors may determine are in the best interest of the authority or will help facilitate the purposes for which the authority was created, and upon such terms and in such manner as the board may determine;

(8) Fix and collect fees and charges for the use of any and all of the projects of the authority;

(9) Make contracts, including without limitation contracts with service providers;

(10) Sell, exchange, donate, and convey any or all of its properties, whenever the board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;

(11) Procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of

use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the authority in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary;

(12) Accept donations, contributions, revenues, capital grants or gifts from any individuals, associations, public or private corporations, and municipalities, the State of Tennessee or the United States, or any agency or instrumentality of the State of Tennessee or the United States, for or in aid of any of the purposes of this act and enter into agreements in connection with the donations, contributions, revenues, capital grants or gifts;

(13) Obtain such licenses, permits, approvals and accreditations as the authority deems necessary in connection with any project;

(14) Borrow money from time to time in the manner provided herein to time and, in evidence of any obligation incurred, issue and sell its bonds in accordance with the provisions of this act, in such form and upon such terms as its board of directors may determine, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority, for the purpose of financing the cost of any project and refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors;

(15) Mortgage and pledge as security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection with the bonds, any or all of the projects or any part or parts of the projects, whether then owned or thereafter acquired; and

(16) Exercise all powers expressly given herein and establish bylaws and make all rules and regulations not inconsistent with the charter or the provisions of this act, deemed expedient for the management of the affairs of the authority.

The authority shall not be required to have a seal.

Section 25.

(a) The board of directors of the authority shall cause an annual audit to be made of the books and records of its authority. Such audits shall be prepared in accordance with generally accepted governmental auditing standards and such audits shall meet any minimum standards prescribed by the comptroller of the treasury of the state for public entities such as the authority. Such audits shall be prepared by certified public accountants. Before the commencement of each fiscal year, the authority shall adopt a budget for such fiscal year and file such budget with the municipalities.

Section 26.

(a) For the purpose of aiding and cooperating with the authority, each municipality may assign or loan any of its employees, including its engineering staff and facilities, and may provide necessary office space, equipment, and other facilities for the use of the authority, as the governing body of such municipality shall approve.

(b) Each municipality may make donations of property, real or personal, or cash grants to the authority, and may loan funds to the authority in such amount or amounts as it may deem proper and appropriate in aiding the authority to accomplish its purpose.

(c) Each municipality may convey real property or personal property to the authority, and the authority is authorized to accept such a conveyance.

Section 27.

(a) The authority shall have power and is authorized to issue its bonds in order to finance:

(1) the costs of any project;

(2) the payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(3) reimbursement of the authority for moneys previously spent by the authority for any of the foregoing purposes; and

(4) the establishment of reasonable reserves for the payment of debt service on such bonds, for repair and replacement of any project, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of any project for the benefit of which the financing is being undertaken.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority. The proceeds of the sale of the bonds may be applied to:

(1) the payment of the principal amount of the bonds being refunded and refinanced;

(2) the payment of the redemption or tender premium thereon, if any;

(3) the payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) the payment of fees or other charges incident to the termination of any interest rate hedging agreements, liquidity or credit facilities, or other agreements related to the bonds being refunded and refinanced;

(5) the payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(6) the payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any escrow, and accounting, legal and other professional fees in connection therewith; and

(7) the establishment of reserves for the purposes set forth in subsection (a)(4) above.

Refunding bonds may be issued to refinance and refund more than one issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) No bonds shall be issued hereunder unless authorized to be issued or assumed by resolution of the board or directors of the authority. Bonds authorized to be issued hereunder may be issued in one or more series, may bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board of directors, or its designee, shall determine. The authority may enter into such agreements in connection with the issuance of any bonds as its board of directors may approve, including without limitation, credit agreements and bond purchase agreements.

(d) Bonds may be repurchased by the authority out of any available funds at such price as the board of directors shall determine, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board of directors may determine.

(e) (1) All bonds issued by the authority shall be payable solely out of the revenues of the authority, including tax revenues, as may be designated by the board of directors of the authority.

(2) The principal of and interest on any bonds issued by the authority shall be secured, as may be designated by the board of directors of the authority, by a pledge of the tax revenues allocable to the authority, by a pledge of the authority's rights under agreements, leases and other contracts, or by a mortgage or deed of trust covering all or any part of the projects from which the

revenues so pledged may be derived. The proceedings under which the bonds are authorized to be issued and any such pledge agreement or mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered by the bonds, the fixing and collection of rents for any portions of projects leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this act. Each pledge, agreement, or mortgage or deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the pledge, agreement, or mortgage or deed of trust were made shall have been fully paid. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security for the bonds, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage or deed of trust, or any one (1) or more of such remedies.

(i) Bonds and notes of the authority shall be executed in the name of the authority by such officers of the authority and in such manner as the board of directors may direct. If so provided in the proceedings authorizing the bonds, the facsimile signature of any of the officers executing such bonds may appear on the bonds in lieu of the manual signature of such officer.

(i) Any bonds and notes of the authority may be sold at public or private sale, for such price and in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous,

and the authority may pay all expenses, premiums and commissions that its board of directors may deem necessary or advantageous in connection with the issuance of the bonds.

Section 28. The authority is hereby declared to be performing a public function in behalf of the municipalities and to be a public instrumentality of such municipalities. Accordingly, the authority and all properties at any time owned by it and the income from the properties and all bonds issued by the authority and the income from the bonds, shall be exempt from all taxation in the state. Also, for purposes of the Tennessee Securities act of 1980, compiled in title 48, act 2, part 1, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the state.

Section 29. No municipality shall in any event be liable for the payment of the principal of or interest on any bonds of the authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever that may be undertaken by the authority, and none of the bonds of the authority or any of its agreements or obligations shall be construed to constitute an indebtedness of any municipality within the meaning of any constitutional or statutory provision whatsoever.

Section 30. Any municipality is authorized to aid or otherwise provide assistance to the authority, including entering into leases of projects, or parts of projects with an authority, for such term or terms and upon such conditions as may be determined by the governing body of such municipality, notwithstanding and without regard to the restrictions, prohibitions, or requirements of any other law, whether public or private.

Section 31. All leases, contracts, deeds of conveyance, or instruments in writing executed by the authority, shall be executed in the name of the authority

by the chairman of the authority, or by such other officer as the board of directors of the authority, by resolution, may direct.

Section 32. The authority shall be a public nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private individual, firm or corporation.

Section 33. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing bodies of the County, Alcoa, and Maryville. Its approval or non-approval shall be proclaimed by the presiding officer of each governing body and certified to the secretary of state.

Section 34. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 33.

10288053.5

BUDGET INCREASES/DECREASES

(COMMISSION ACTION NEEDED)

<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
151 – Debt Service Debt Service Fees	\$55,000.00	Recommended	5 - yes
141 – GPSF Adult Edu.	\$19,000.00	Recommended	5 - yes
101 – General County Other Econ. & Comm. Dev.	\$62,000.00	Recommended	5 – yes

RESOLUTION NO. 12-01-004

Sponsored by: Commissioners Steve Samples and Holden Lail

A RESOLUTION TO AMEND DEBT SERVICE FUND BUDGET.

WHEREAS, Blount County would like to amend the Debt Service Fund Budget to appropriate funds to cover the Switching Costs associated with changing the LOC provider for Series E-3-B Debt.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the Debt Service Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 19th day of January, 2012 that the Debt Service Fund Budget shall be amended as follows:

Revenue:

151-48990-0 Use of Fund Balance\$55,000.00

APPROPRIATION:

151-82310-500699 Other Debt Service.....\$55,000.00

Duly authorized and approved this 19th day of January, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

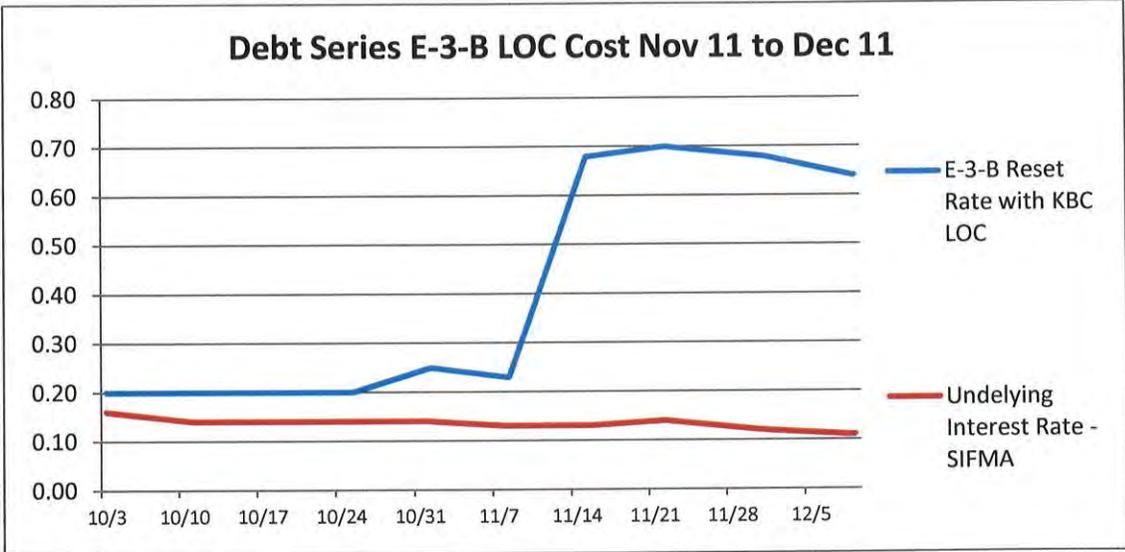
Approved: ____

Vetoed: _____

County Mayor

Date

Business Case to change LOC providers for Series E-3-B VRDO with outstanding principal of \$20.165 million



- 1) Annual Cost of Debt 0.0050 Basis Spread
 20,165,000
 100,825 Annual Cost Increase
 50,000 Annual LOC savings
 150,825 LOC Provider Change Opportunity

2) Longer Tenor KBC has 18 months remaining before renewal is required
 JPM-Chase is offering three years

3) Lower Risk - Strongest US Bank vs a European Bank

Switching Costs

JPM-Chase Legal Fees	\$30,000
Moody's Rating Fees	\$10,000
Bond Counsel	<u>\$15,000</u>
	\$55,000

**Summary: Extending Credit Support by 18 months with a stronger US bank
 Annual Cost Savings of \$150,000 vs switching Cost of \$55,000**

UPDATED: 12/16/11

Jefferies

Highlighted Ratings and Trading Spread Differentials have changed since last update on 11/30/11.

Credit Provider	Moody's Short Term	S&P Short Term	Fitch Short Term	Moody's Long Term	S&P Long Term	Fitch Long Term	**Trading Spread Differential
Allied Irish Bank, PLC	NR	B	F2	Ba3	BB	BBB	500 bps
Banco Santander S.A.	P-1	A1+	F1+	Aa2	AA-	AA-	25-30 bps
Bank of America, N.A.	P-1	A1	F1	A2	A	A	5-10 bps
Bank of Montreal	P-1	A1	F1+	Aa2	A+	AA-	0 bps
The Bank of New York Mellon	P-1	A1+	F1+	Aaa	AA-	AA-	0 bps
Bank of Scotland plc	P-1	A1	F1	A1	A	A	0 bps
Bank of the West (subsidiary BNP Paribas)	P-1	A1	F1	A1	A	A	15-25 bps
Barclays Bank PLC	P-1	A1	F1	Aa3	A+	A	0 bps
BBVA (Banco Bilbao Vizcaya Argentina, SA)	P-1	A1	F1	Aa3	A+	A+	50-85 bps
BNP Paribas	P-1	A1+	F1+	Aa3	AA-	A+	45-50 bps
BB&T (Branch Banking & Trust Co.)	P-1	A1	F1	A1	A+	A+	5 bps
CalPERS (California Public Employee Retirement System)	P-1	A1+		Aa3			5-10 bps
CalSTRS (California State Teachers Retirement System)	P-1	A1+	F1+	Aa3	AA-	AA+	10 bps
Canadian Imperial Bank of Commerce	P-1	A1	F1+	Aa2	A+	AA-	0 bps
Citibank, N.A.	P-1	A1	F1+	A1	A	A	0 bps
Comerica Bank	P-1	A1	F1	A1	A	A	10-15 bps
Commerzbank A.G.	P-1	A1	F1+	A2	A	A+	40 bps
Compass Bank (subsidiary of BBVA)	P-2	A1	F1	A3	A	A+	50-85 bps
Credit Agricole Corporate and Investment Bk (Calyon Bank)	P-1	A1	F1+	Aa3	A+	A+	50-85 bps
Credit Suisse AG	P-1	A1	F1+	Aa1	A+	AA-	0 bps
DEPFA Bank plc	P-3	A2	F-2	Baa3	BBB	BBB+	175 bps
Deutsche Bank AG	P-1	A1	F1+	Aa3	A+	A+	0 bps
Dexia CLF	P-2	A2	F1+	Baa1	BBB+	A+	50-150 bps
FHLB Boston (Federal Home Loan Bank of Boston)	P-1	A1+	F1+	Aaa	AAA	AAA	0 bps
FHLMC Freddiemac	P-1	A1+	F1+	Aaa	AAA	AAA	0 bps
FNMA Fanniemae	P-1	A1+	F1+	Aaa	AAA	AAA	0 bps
The Fifth Third Bank	P-2	A2	F1	A3	BBB+	A-	10-15 bps
Fortis Bank S.A./N.V. acquired by BNP 5/13/09	P-1	A1+	F1	A1	AA-	A	45-50 bps
Harris Bankcorp (subsidiary Bank of Montreal)	P-1	A1	F1+	A1	A+	AA-	0 bps
HSBC Bank PLC	P-1	A1+	F1+	Aa3	AA-	AA	0 bps
JP Morgan Chase Bank	P-1	A1	F1+	Aa1	A+	AA-	0 bps
KBC Bank NV	P-1	A2	F1	A1	A-	A	100-125 bps
KeyBank N.A. (KeyCorp)	P-2	A2	F1	A3	A-	A-	10-15 bps
Lloyds TSB Bank PLC	P-1	A1	F-1	A1	A	A	0 bps
M & T Bank	P-1	A1	F1	A2	A	A-	5 bps
Marshall & Isley Bank acquired by Bank of Montreal	P-1	NR	F1+	A1	NR	AA-	10-15 bps
Morgan Stanley Bank, N.A.	P-1	A2	F1	A2	A-	A	0 bps
National Australia Bank Limited	P-1	A1+	F1+	Aa2	AA-	AA	0 bps
National City Bank acquired by PNC on 12/31/08	P-1	A1	F1	A2	A	A+	0 bps
PNC Bank N.A.	P-1	A1	F1	A2	A	A+	0 bps
Northern Trust Company	P-1	A1+	F1+	Aa3	AA-	AA-	0 bps
Rabobank Nederland N.V.	P-1	A1+	F1+	Aaa	AA	AA+	0 bps
RBS Citizens NA	P-1	A1	F1	A2	A	A-	5-10 bps
Regions Bank	NR	A3	F2	Ba2	BBB-	BBB-	150-160 bps
Royal Bank of Canada	P-1	A1+	F1+	Aa1	AA-	AA	0 bps
ScotiaBank	P-1	A1+	F1+	Aa1	AA-	AA-	0 bps
Societe Generale	P-1	A1	F1+	A1	A+	A+	100-125 bps
Sovereign Bank acquired by Banco Santander 12/31/08	P-1	A1	F1	A2	A+	A+	25-30 bps
State Street Bank and Trust Company	P-1	A1+	F1+	Aa2	AA-	A+	0 bps
SunTrust Bank NA	P-2	A2	F2	A3	BBB+	BBB+	50-75 bps
TD Bank N.A.	P-1	A1+	F1+	Aa2	AA-	AA-	0 bps
UBS AG	P-1	A1	F-1	Aa3	A	A	0 bps

****Dexia trading spread varies based on underlying credit, terms of standby bond purchase agreement and reset mode.****

The information contained herein should not be construed as a recommendation by Jefferies. This material is not a research product of Jefferies Municipal Securities Group, and it should not be regarded as research or a research report. The source of the ratings displayed above are from the rating agencies Moody's, Standard & Poors and Fitch. The long term ratings reflect Senior Unsecured ratings of the institutions.

**The trading spread differentials represented herein are indicative versus the SIFMA Index and are based on estimates of VRDB weekly reset programs with the aforementioned LOC/Liquidity Providers. The trading spread differentials will vary with security specific attributes including but not limited to: underlying issuer credit ratings, size and state of issue, and tax status. The trading spread differentials constitute the preparer's best judgment as of the date of preparation, and is subject to change without notice. Trading differentials will vary from dealer to dealer. The information set forth herein was obtained from sources believed to be reliable, but has not been independently verified and errors may occur in the preparation of this document. Therefore, we do not guarantee its accuracy. The information and any opinions contained herein are as of the date of this material and the Firm does not undertake any obligation to update them. Additional information maybe available upon request. Jefferies & Company, Inc. is a member of the FINRA and SIPC. Copyright 2009

RESOLUTION NO. 12-01-005

Sponsored by: Commissioners Holden Lail and Kenneth Melton

A RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET.

WHEREAS, Blount County would like to amend the General Purpose School Fund Budget to appropriate funds to amend Adult Education budget based on grant amendment #2 from State for 10-11 school year.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General Purpose School Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 19th day of January, 2012 that the General Purpose School Fund Budget shall be amended as follows:

Revenue:

141-0-465909	State Grant – Adult Education	\$ 4,700.00
141-0-471200	Federal Grant – Adult Education.....	<u>\$14,250.00</u>
	TOTAL.....	<u>\$19,000.00</u>

APPROPRIATION:

141-071600-500429	Instructional Supplies.....	\$11,500.00
141-072260-500302	Advertising.....	\$ 2,000.00
141-072260-500307	Communication.....	\$ 1,000.00
141-072260-500399	Other Contracted Services.....	\$ 500.00
141-072260-500499	Other Supplies & materials.....	<u>\$ 4,000.00</u>
	TOTAL.....	<u>\$19,000.00</u>

Duly authorized and approved this 19th day of January, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date

Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2011-2012

Fund Number 141 Cost Center Number 71600;72260

Fund Name GPSF Cost Center Name Adult Education

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
141-071600-500429	Instructional Supplies	11,500.00
141-072260-500302	Advertising	2,000.00
141-072260-500307	Communication	1,000.00
141-072260-500399	Other Contracted Services	500.00
141-072260-500499	Other Supplies & Materials	4,000.00
Total Appropriation:		19,000.00

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
141-000000-465909	State Grant - Adult Education	4,750.00
141-000000-471200	Federal Grant - Adult Education	14,250.00
Total Estimated Revenue:		19,000.00

Reason for requested increase/decrease:
 Amend Adult Education budget based on grant amend#2 from State for ¹¹⁻¹²~~10-11~~ School Year.

Note:
 Total appropriation must agree with total estimated revenue.

Tracy Lopez

 Signature of Department Head

12-19-11

 Date

"Approved By The Board Of Education" 1-5-12



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

220 French Landing Drive
Nashville, Tennessee 37243-1002
615-741-6642

BILL HASLAM
GOVERNOR

KARLA DAVIS
COMMISSIONER

May 12, 2011

Carol Ergenbright - AE
Blount County Schools
1500 Jett Road
Maryville, TN 37804

Dear Ms. Ergenbright:

Enclosed is the fully executed Amendment 2 for the Adult Education Contract, PO 6710, for a Revised Total Contract Amount of \$226,529.00.

Amendment 2's purpose is to increase the Maximum Contract Amount by \$19,000.00. A revised Attachment 1, Grant Budget is enclosed. Note: Also enclosed, for your information, is Attachment 2, Grant Budget for Staff Development, which has not been revised.

If you have questions, please call Roger Borchers at 615.532.0010 or Roger.Borchers@tn.gov.

Sincerely,

Harold Shackelford, Administrator,
Administrative and Fiscal Services

Enclosures:



CONTRACT AMENDMENT

Agency Tracking # 33709-12811	Edison ID PO 6710	Contract #	Amendment # 2		
Contractor Legal Entity Name BLOUNT COUNTY SCHOOLS			Registration ID 15		
Amendment Purpose & Effect(s) ADULT EDUCATION: To Increase Maximum Liability of Contract					
Amendment Changes Contract End Date: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		End Date: 06/30/12			
Maximum Liability (TOTAL Contract Amount) Increase/Decrease per this Amendment:			\$19,000.00		
FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount
11	\$37,762.38	\$188,766.62			\$226,529.00
TOTAL:	\$37,762.38	\$188,766.62			\$226,529.00
American Recovery and Reinvestment Act (ARRA) Funding: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.				OCR USE	
<i>Harold Shuman</i>					
Speed Code LW00006444 LW00006446	Account Code 71303000				

**TDLWD
RECEIVED**

MAY 11 2011

**FISCAL SERVICES
NASHVILLE, TN**

RESOLUTION NO. 12-01-006

Sponsored by: Commissioners Holden Lail and Mike Lewis

A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.

WHEREAS, Blount County would like to amend the General County Fund Budget to appropriate funds for structural repairs to the Townsend Visitors Center.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General County Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 19th day of January, 2012 that the General County Fund Budget shall be amended as follows:

Revenue:

101-346350 Townsend Visitors Center Reserves.....\$62,000.00

APPROPRIATION:

101-58190-500335 Maintenance & Repairs – Bldg.....\$62,000.00

Duly authorized and approved this 19th day of January, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date



201S. Washington Street
Maryville, TN 37804-5728
Telephone: 865.983.2241; 865.983.7715
Fax: 865.984.1386

December 29, 2011

Mr. Steve Jennings, Director of Finance
Blount County
341 Court Street
Maryville, Tennessee 37804

Re: Improvements for Townsend Visitor's Center

Dear Mr. Jennings,

Please accept this letter as our request to transfer \$62,000 from our Convention and Visitor Bureau reserve account into a construction line item within our budget. Our board during its December meeting approved to take those monies and use those funds to renovate our restroom facilities in the Townsend Visitor's Center. Due to the age and acts of recent vandalism our board decided the best long term solution was to go forward with complete renovations. Our board publically bid the project and accepted the bid of Carico Construction based in Blount County, Tennessee for \$62,000.00. Our tourist season is at its lowest point between December 25 and February 1st, thus why we have decided to act upon this need.

Please let me know if there is any more information that you require.

Sincerely,

Bryan Daniels
President & CEO

OTHER BUDGET ITEMS

(COMMISSION ACTION NEEDED)

<u>ITEM</u>	<u>BUDGET COMM</u>	<u>VOTE</u>
Resolution for Grant application for Records Mgt. For temporary worker & digital image equipment	Recommended	5 – Yes
Resolution to adopt a Debt Management Policy For Blount County, TN	Recommended	5 - Yes

RESOLUTION NO. 12-01-010

Sponsored by: Commissioners Kenneth Melton and Mike Lewis

A RESOLUTION TO APPROVE IMLS GRANT APPLICATION

WHEREAS, the Institute of Museum and Library Services, “Sparks! Ignition Grants” has monies available for grants that could be used to hire a temporary part-time employee and purchase equipment necessary to get digital images on a web-site such as scanners, imaging equipment, software, and computers, and

WHEREAS, the part-time employee would be hired only if the grant is awarded to Blount County Records Management and Archives, and the temporary position would end at the end of the grant period, and

WHEREAS, the grant requires no matching money and would be fully funded.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 19th day of January 2012 that the request made by the Head of the Records Department for approval to write this application is granted.

Duly Authorized and approved this 19th day of January 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved:____

Vetoed:_____

County Mayor

Date

RESOLUTION NO. 12-01-011

Sponsored by: Commissioners Mike Lewis and Kenneth Melton

**A RESOLUTION TO ADOPT A DEBT MANAGEMENT POLICY
FOR BLOUNT COUNTY, TENNESSEE**

WHEREAS, *Tennessee Code Annotated*, Section 9-21-151(b)(1), authorizes the State Funding Board to develop model financial transaction policies for local governments and local government instrumentalities;

WHEREAS, the State Funding Board has adopted a statement on debt management and directed local governments and government entities that borrow money to draft their own debt management policies with certain mandatory provisions; and

WHEREAS, the Blount County Board of Commissioners has prepared a debt management policy that includes the mandatory provisions relative to transparency, professionals and conflicts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Blount County, Tennessee, assembled in regular session, this 19th day of January, 2012, that:

SECTION 1. The debt management policy attached as Exhibit A to this resolution, incorporated herein by reference, is hereby adopted.

SECTION 2. This resolution shall take effect upon passage, the public welfare requiring it.

Duly authorized and approved this 19th day of January, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

Exhibit A - Introduction

The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the Blount County Government. This policy articulates a commitment by the County Legislative Body to manage the financial affairs of the County so as to minimize risks, avoid conflicts of interest and ensure transparency while still meeting the capital needs of the County. A debt management policy signals to the public and the rating agencies that the County is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

The goal of this policy is to assist decision makers in planning, issuing and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, greater stability over the long-term will be generated by the use of consistent guidelines in issuing debt.

Long Term Goals and Strategy

Debt Level

At the time of adoption of this policy, Blount County Government has debt obligations totaling \$225 million payable from the Debt Service Fund and an additional \$2.1 million Capital Lease payable from the General Purpose School Fund.

To put this in perspective, we have benchmarked Blount County’s debt against three separate peer groups...1) Moody’s Median of 78 counties nationwide that have the Aa2 credit rating and population between 100,000 and 200,000, 2) the Moody’s median of all Tennessee Counties and 3) The Moody’s median of five Counties in Tennessee with the same credit rating and similar populations (Montgomery, Sullivan, Sumner, Washington, and Wilson). Blount County compares to these three separate peer groups as follows:

Metric (Moody's data based on 2010)	Moody's 78 County Nationwide Median	Moody's TN Counties Median	Moody's TN 5 County Peer Group	6-30-11 Blount County
Debt per Capita	325	1,420	1,250	1,820
Debt as % of Actual Taxable Value	0.5%	1.6%	1.5%	1.9%
Debt Service as % of Total Expenditures	8.5%	11.0%	9.5%	10.9%

It should be noted that the 78 county nationwide median numbers may not be a fair comparison, because not all states require the Primary Government to carry the debt for the discretely presented school system, as does the state of Tennessee. However, this set of statistics is in the comparison because the rating agencies use nationwide data in their comparisons.

The County recognizes as a goal to achieve a reasonable level of long term debt with an acceptable level of cost risk is the overarching goal of the County’s debt policy. Zero debt will likely never be achieved, nor should it be an objective. Citizens and taxpayers move into and out of the County over time. While they are here, they should contribute to the cost of long term capital infrastructure such as schools, bridges, roads, general county buildings, justice centers and jails. If infrastructure needs are paid entirely with cash reserves accumulated from prior tax collections, then new residents are not required to pay for these facilities. On the other extreme, if too much debt is issued because no cash equity was utilized in the construction of required infrastructure, then long term residents have enjoyed artificially low property taxes, causing the funding burden to be too heavily placed on future generations of taxpayers.

County Goals

- 1) Reduce and maintain the level of debt obligations within the target ranges set forth herein
- 2) Maintain a Capital Projects Fund with sufficient equity so as to build new infrastructure with a combination of cash and debt.
- 3) Maintain the County’s credit rating at a solid AA to low AAA rating

Target Ranges

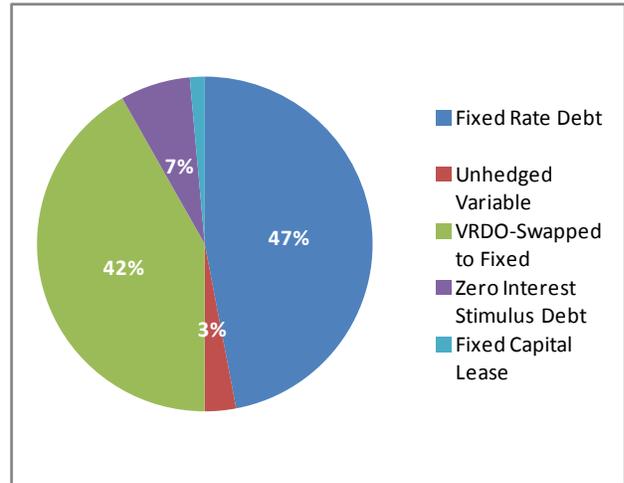
	<u>Minimum</u>	<u>Maximum</u>	<u>Current</u>
Debt per Capita	\$900	\$1,250	\$1,820
Debt as % of Taxable Value	0.85%	1.25%	1.90%

Note: Debt per Capita and Net Debt as a percentage of total assessable market value. excludes the overlapping debt of the Cities of Maryville and Alcoa.

Risk Profile

Fiscal Year 2010-11 had a weighted average cost of Capital of 3.8%. The County’s debt portfolio profile as of June 30, 2011 is detailed below:

		Wgt Avg Rate
Fixed Rate Debt	105,721,260	4.2
VRDO-Swapped to Fixed	94,000,000	4.2
Unhedged Variable Rate	6,755,000	1.5
Zero Interest Stimulus Debt	15,161,256	0.0
Fixed Capital Lease	3,236,470	<u>4.3</u>
Total Debt Outstanding	224,873,986	3.8



The County has \$100.7 million of Variable Rate Demand Obligations issued thru the Blount County Public Building Authority and the TN-Loans Program. There are five interest rate swaps with notional value totaling \$94 million, for which the counterparty is the Deutsche Bank, entered into to hedge the interest rate risk inherent with variable rate debt. These swaps have been deemed to be ineffective for GASB 53 reporting purposes, primarily because the swaps are based on 5 yr CMS (or 5 Year LIBOR) while the underlying debt is traded weekly based on SIFMA and the trading value of our credit support (BB&T and KBC Banks). The swaps being judged ineffective as cash flow hedges if evidenced by the fact that interest rate MMD yield curve over the past 10 years has been relatively steep between the front month and the 5 year point. Consequently, these swaps have served as an effective tool to lower the cost of capital vs. the traditional GO fixed rate debt alternative.

The synthetic structures of these debt obligations bear inherent risks to the County:

- Interest Rate Volatility Risk – The risk of rising interest rates on the unhedged VRDO
- Liquidity Risk – The cost of credit support (LOC or Reimbursement Agreement)
- Counterparty Risk – risk of Deutsche Bank being able to pay (when LIBOR is high)
- Renewal Risk – ability to renew LOC or Reimbursement Agreement
- Basis Risk – difference between SIFMA (underlying VRDO rate) and 5 Year LIBOR

County Goals:

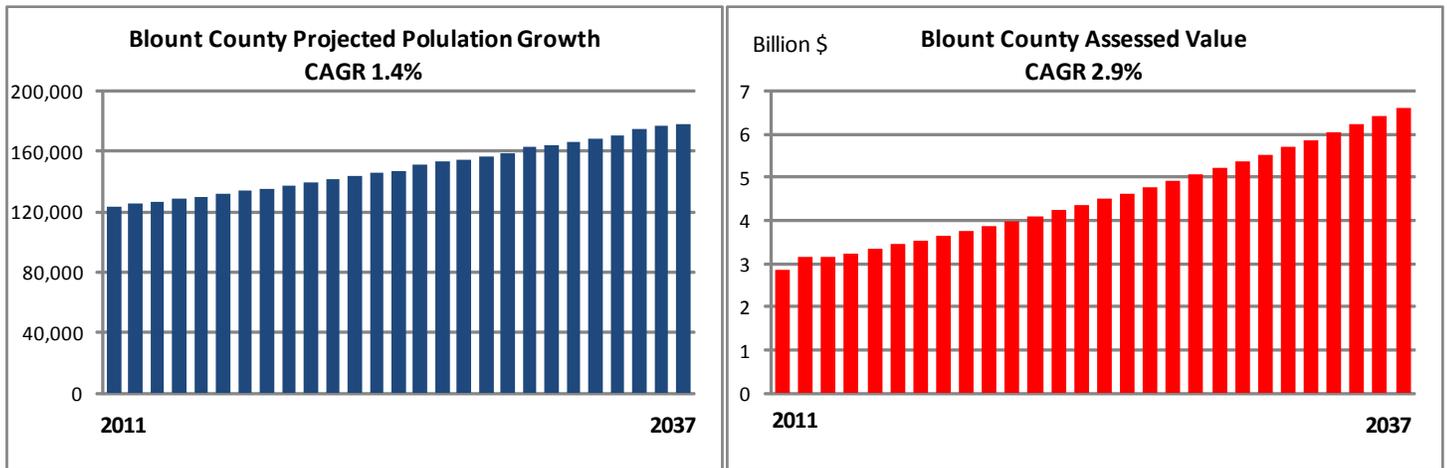
- 4) Reduce the risk profile by terminating swaps and converting the synthetically fixed structures to traditional GO Fixed Rate Debt when market conditions are optimal.
- 5) Reduce total proportion of the County’s debt which is subject to interest rate volatility to no more than 20%.
- 6) Reduce use of interest rate derivatives to 0%.

Feasibility and Action Plan

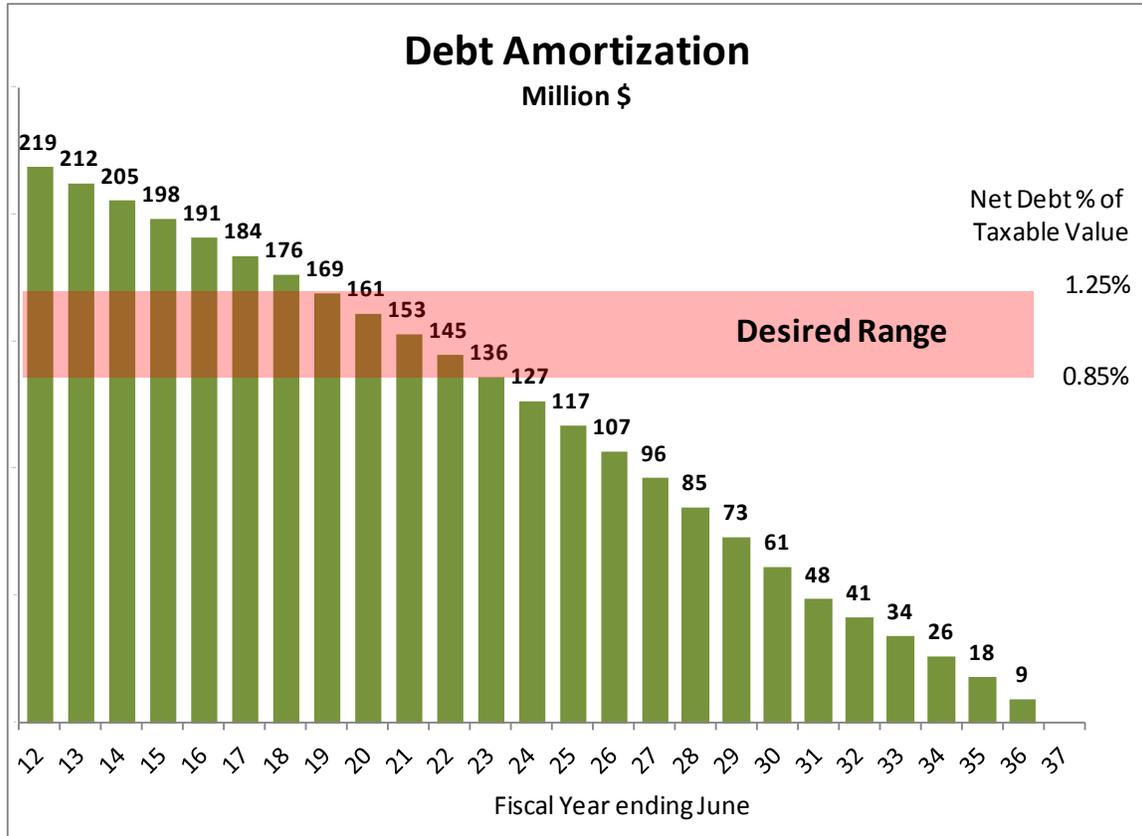
The County’s total taxable value is projected over time by the following:

- i. Population growth projections by the Center for Business and Economic Research at the University of Tennessee.
- ii. Assumption that taxable value will grow along population growth
- iii. Assumption that inflation will also increase the taxable value by 1.5% per year

Depicted below are projections of population growth and taxable value which are required to project Debt per Capita and Debt as a percentage of Taxable Value into the future



Based on the current amortization of Blount County’s Debt Obligations, and the projected growth in population and taxable value, the chart below indicates that the County’s total debt will make it into its target debt range by June 30, 2019 and would be at the bottom of the desired range at the end of fiscal 2023.



	<u>Minimum</u>	<u>Maximum</u>	<u>Current</u>	<u>6/30/2019</u>	<u>6/30/2023</u>
Debt per Capita	\$900	\$1,250	\$1,820	\$1,211	\$921
Debt as % of Taxable Value	0.85%	1.25%	1.90%	1.20%	0.86%

Analysis Assumptions

- i. No new debt obligations are undertaken.
- ii. When the economy begins to grow significantly again, the County Legislative Body will consider tax increases to accelerate debt retirement. This opportunity will be evaluated each year with the adoption of the new fiscal year budget.

Debt Policies

Definition of Debt: All obligations of the County to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of County resources. This includes but is not limited to notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund).

Types of Debt:

Security Structure -

General Obligation Bonds

The County may issue general obligation bonds supported by the full faith and credit of the County. General Obligation bonds shall be used to finance capital projects that do not have independent creditworthiness and significant ongoing revenue streams. The County may also use its General Obligation pledge to support other revenue-supported bond issues, if such support improves the economics of the other bond issue and is used in accordance with these guidelines.

Revenue Bonds

The County may issue revenue bonds, where repayment of the debt service obligations of the bonds will be made through revenues generated from specifically designated sources. Revenue bonds will typically be issued for capital projects which can be supported from project or enterprise-related revenues.

Capital Leases

The County may use capital leases to finance short-term projects.

Duration

Long-Term Debt (maturing after 3 years)

The County may issue long-term debt where it is deemed that capital improvements should not be financed from current revenues or short-term borrowings. Long-term borrowing will not be used to finance current operations or normal maintenance. Long-term debt will be self-supporting and structured such that financial obligations do not exceed the expected useful life of the project(s).

- a) *Serial and Term Bonds* may be issued in either fixed or variable rate modes to finance capital infrastructure projects with an expected life of three years or greater.
- b) *Capital Outlay Notes* may be issued to finance capital infrastructure projects with an expected life of three to seven years.

Short-Term Debt (maturing within three years)

Short-term borrowing may be utilized for the construction period of a long-term project or for the temporary funding of operational cash flow deficits or anticipated revenues (defined as an assured source with the anticipated amount based on conservative estimates) subject to the following policies:

- a) *Bond Anticipation Notes (BANs)*, including commercial paper notes issued as BANs, may be issued instead of capitalizing interest to reduce the debt service during the construction period of a project or facility. The BANs shall not mature more than 2 years from the date of issuance. BANs can be rolled in accordance with federal law and State statute. BANs shall mature within 6 months after substantial completion of the financed facility.
- b) *Revenue Anticipation Notes (RANs) and Tax Anticipation Notes (TANs)* shall be issued only to meet cash flow needs consistent with a finding by bond counsel that the sizing of the issue fully conforms to Federal IRS and state requirements and limitations.
- c) *Lines of Credit* shall be considered as an alternative to other short-term borrowing options. A line of credit shall be structured to limit concerns as to the Internal Revenue Code.
- d) *Inter-fund Loans* shall only be used to fund operational deficiencies among accounts or for capital projects to be paid from current fiscal year revenues. Such intrafund loans shall in no event extend beyond twelve (12) months and shall only be issued in compliance with state regulations and limitations.
- e) *Other Short-Term Debt*, including commercial paper notes, may be used when it provides an interest rate advantage or as interim financing until market conditions are more favorable to issue debt in a fixed rate mode. The County will determine and utilize the least costly method for short-term borrowing. The County may issue short-term debt when there is a defined repayment source or amortization of principal.

Interest Rate Modes

Fixed Rate Debt

To achieve the goals stated herein and to maintain a predictable debt service burden, the County may give preference to debt that carries a fixed interest rate.

Variable Rate Debt

The percentage of net variable rate debt outstanding (excluding (1) debt which has been converted to synthetic fixed rate debt and (2) an amount of debt considered to be naturally hedged to short-term assets in the Unreserved Fund Balance) shall not exceed 20% of the County's total outstanding debt and will take into consideration the amount and investment strategy of the County's operating cash.

The following circumstances may result in the consideration of issuing variable rate debt:

- a) Asset-Liability Matching
- b) Construction Period Funding
- c) High Interest Rates. Interest rates are above historic averages.
- d) Variable Revenue Stream. The revenue stream for repayment is variable, and is anticipated to move in the same direction as market-generated variable interest rates, or the dedication of revenues allows capacity for variability.
- e) Adequate Safeguards Against Risk. Financing structure and budgetary safeguards are in place to prevent adverse impacts from interest rate shifts; such structures could include, but are not limited to, interest rate caps and short-term cash investments in the County's General Fund.
- f) Financial Advisor Analysis. An analysis from the County's Financial Advisor evaluating and quantifying the risks and returns involved in the variable rate financing and recommending variable rate as the lowest cost option.
- g) As a Component to Synthetic Fixed Rate Debt. Variable rate bonds may be used in conjunction with a financial strategy, which results in synthetic fixed rate debt. Prior to using synthetic fixed rate debt, the County shall certify that present value savings of at least 3% results from issuing synthetic fixed rate debt relative to traditional fixed rate debt.

Role of Debt

- Long-term debt **shall not** be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the County will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.
- The final maturity will not exceed 25 years from issuance or the useful life of the assets purchased or built with the debt, whichever term is shorter.
- Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence.

Refinancing Outstanding Debt:

- The County will refund debt when it is in the best financial interest of the County to do so, and the Mayor or his/her designee shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.
- Debt Service Savings: Absent other compelling considerations such as the opportunity to eliminate onerous or restrictive covenants contained in existing debt documents, the County Mayor or his/her designee establishes a minimum present value savings threshold of 3.0% of the advanced refunded bond principal amount. The present value savings will be net of all costs related to the refinancing. If present value savings is less than 3.0%, the County Mayor or his/her designee may consider the option value captured as a percent of total savings. If the option value exceeds 70% and present value savings is less than 3.0%, the Finance Director may opt to complete a refunding. If the present value savings per maturity is at least 3.0% but less than 70% of the option value, the County Mayor or his/her designee may opt to complete a refunding. The decision to take savings on an upfront or deferred basis must be explicitly approved by the CLB. Current refunding opportunities will be considered by the County Mayor or his/her designee if the refunding generates positive present value savings.
- The County Mayor or his/her designee will consider the following issues when analyzing possible refunding opportunities:
 1. Onerous Restrictions – Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents.
 2. Refinancing for Economic Purposes – The County will refund debt when it is in the best financial interest of the County to do so. Current and advance refunding opportunities may be considered if the refunding generates positive present value savings, or if it is necessary to lower the risk profile of the County. All refunding plans and the business case for change will be presented by the Mayor or his/her designee to County Commission, and the preliminary plan of refinancing shall be presented in a public meeting.
 3. Term of Refunding Issues – The County will refund bonds within the term of the originally issued debt. In no case shall the County consider maturity extension unless the total debt obligations of the County are within this policy's stated target range, and extension is necessary to achieve an economically desired outcome (provided such extension is legally permissible.) The County may also consider shortening the term of the originally issued debt to realize greater savings and to move into the target range sooner than scheduled.

4. Escrow Structuring – The County shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the County from its own account.
5. Arbitrage – The County shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding.

Approval of Debt: Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be submitted to the State of Tennessee Comptroller’s Office and approved by County Legislative Body prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the Comptroller’s Office prior to issuance. Capital or equipment leases may be entered into by the County Commission; however, details on the lease agreement will be forwarded to the Comptroller’s Office on the specified form within 45 days.

Transparency

- The County shall comply with legal requirements for notice and for public meetings related to debt issuance.
- All notices shall be posted in the customary and required posting locations, including as required in local newspapers.
- The County Mayor or his/her designee shall present at a public meeting of the County Legislative Body the following aspects of the transaction
 - All costs, including principal, interest, issuance, continuing, and one-time
 - The terms and life of each debt issue
 - A debt service schedule outlining the rate of retirement for the principal amount
 - The specific source of payment for the resulting principal and interest costs. Examples of sufficient disclosure include increases in taxes or decreases in operating expenses to pay for the debt service without an increase to taxes or rates.

Methods of Issuance

The Mayor or his/her designee will determine the method of issuance on a case-by-case basis.

Competitive Sale

In a competitive sale, the County’s bonds shall be awarded to the bidder providing the lowest true interest cost as long as the bid adheres to the requirements set forth in the official notice of sale.

Negotiated Sale

While the County prefers the use of a competitive process, the County recognizes that some securities are best sold through negotiation. In its consideration of a negotiated sale, the County shall assess the following circumstances:

- a) State prohibitions against negotiated sales,
- b) A structure which may require a strong pre-marketing effort such as a complex transaction or a “story” bond,
- c) Size of the issue which may limit the number of potential bidders,
- d) Market volatility is such that the County would be better served by flexibility in timing a sale,
- e) Whether the Bonds are issued as variable rate demand obligations,
- f) Whether an idea or financing structure is a proprietary product of a single firm.
- g) Private Placement - From time to time the County may elect to privately place its debt. Such placement shall only be considered if this method is demonstrated to result in a cost savings to the County relative to other methods of debt issuance.

Underwriter Selection (Negotiated Transaction)

Senior Manager Selection

The County Mayor or his/her designee shall select the senior manager for a proposed negotiated sale. The selection criteria shall include but not be limited to the following:

- The firm’s ability and experience in managing complex transactions
- Prior knowledge and experience with the County
- The firm’s willingness to risk capital and demonstration of such risk
- Quality and experience of personnel assigned to the County’s engagement
- Financing ideas presented
- Underwriting fees

Co-Manager Selection

Co-managers will be selected on the same basis as the senior manager. In addition to their qualifications, co-managers appointed to specific transactions will be a function of transaction size and the necessity to ensure maximum distribution of the County’s bonds.

Selling Groups

The County may use selling groups in certain transactions. To the extent that selling groups are used, the Finance Director at his or her discretion may make appointments to selling groups as the transaction dictates.

Underwriter’s Counsel

In any negotiated sale of County debt in which legal counsel is required to represent the underwriter, the appointment will be made by the Senior Manager with input from the County.

Underwriter's Discount

The Finance Director will evaluate the proposed underwriter's discount against comparable issues in the market. If there are multiple underwriters in the transaction, the Finance Director will determine the allocation of fees with respect to the management fee, if any. The determination will be based upon participation in the structuring phase of the transaction.

All fees and allocation of the management fee will be determined prior to the sale date; a cap on management fee, expenses and underwriter's counsel will be established and communicated to all parties by the Finance Director. The senior manager shall submit an itemized list of expenses charged to members of the underwriting group. Any additional expenses must be substantiated.

Evaluation of Underwriter Performance

The Finance Director with assistance of an independent Financial Advisor will evaluate each bond sale after completion to assess the following: costs of issuance including underwriters' compensation, pricing of the bonds in terms of the overall interest cost and on a maturity-by-maturity basis, and the distribution of bonds and sales credits. Following each sale, the Finance Director shall provide a report to the County Commission on the results of the sale.

Syndicate Policies

For each negotiated transaction, the Finance Director will prepare syndicate policies that will describe the designation policies governing the upcoming sale. The Finance Director shall ensure receipt of each member's acknowledgement of the syndicate policies for the upcoming sale prior to the sale date.

Designation Policies

To encourage the pre-marketing efforts of each member of the underwriting team, orders for the County's bonds will be net designated, unless otherwise expressly stated. The County shall require the senior manager to:

- a) Equitably allocate bonds to other managers and the selling group
- b) Comply with Municipal Securities Rulemaking Board (MSRB) regulations governing the priority of orders and allocations
- c) Within 10 working days after the sale date, submit to the Finance Director a detail of orders, allocations and other relevant information pertaining to the County's sale

Other Debt Guidelines going forward

- The status of total outstanding debt in regards to this policy must be reviewed and reported to County Legislative Body by the Mayor or his/her designee prior to the approval of debt for new projects.
- The County's total outstanding debt obligation will be monitored and reported annually to the County Legislative Body by the Mayor or his/her designee (as of June 30 fiscal close) no later than October 31 of each year. This report shall include all costs related to the repayment of debt, including liabilities for future years.
- As a rule, the County shall not backload, use balloon payments or other exotic formats to structure the repayment of capital projects. The County may utilize non-level debt methods, but in such circumstances the structure must be presented in a public meeting to determine that such use is justified and in the best interest of the County.
- The County has outstanding debt issued through a conduit issuer... the Blount County Public Building Authority. The County may continue to issue debt through conduit issuers, but in such circumstances the decision to do so must be presented in a public meeting to determine that such use is justified and in the best interest of the County.
- Records of all costs associated with the initial issuance or incurrence of debt shall be maintained and available for public inspection by contacting the Finance Director

Professional Services:

The County shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the County and the lender or conduit issuer, if any. This includes "soft" costs or compensations in lieu of direct payments.

- Counsel: The County shall enter into an engagement letter agreement with each lawyer or law firm representing the County in a debt transaction. (No engagement letter is required for any lawyer who is an employee of the County or lawyer or law firm which is under a general appointment or contract to serve as counsel to the County. The County does not need an engagement letter with counsel not representing the County, such as underwriters' counsel.)
- Financial Advisor: The County shall enter into a written agreement with each firm serving as financial advisor for debt management and transactions.
 - Whether in a competitive sale or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance or broker any other debt transactions for the County

- Underwriter: The County shall require the Underwriter to clearly identify itself in writing as an underwriter and not as a financial advisor from the earliest stages of its relationship with the County with respect to that issue. The Underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction and that it has financial and other interests that differ from those of the Entity. The Underwriter in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the County Mayor or his/her designee in advance of the pricing of the debt.

Conflicts:

- Professionals involved in a debt transaction hired or compensated by the County shall be required to disclose to the County existing client and business relationships between and among the professionals to a transaction (including but not limited to financial advisor, bond counsel, trustee, paying agent, liquidity or credit enhancement provider, underwriter, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the County to appreciate the significance of the relationships.
- Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct.

Compliance:

The County Mayor is responsible for ensuring compliance with this policy.

TCA References: TCA 9, Chapter 21 – Local Government Public Obligations Law

January 19, 2012

RESOLUTION REGARDING THE ADDITION OF AN ADDITIONAL PORTION OF HARVARD STREET TO THE OFFICIAL ROADS LIST FOR BLOUNT COUNTY, TENNESSEE.

RESOLUTION NO. 12-01-007

SPONSORED BY COMMISSIONERS SCOTT HELTON AND HOLDEN LAIL

WHEREAS, certain roads in Blount County are maintained by the Blount County Highway Department and are listed on Blount County's "Official Roads List for Blount County"; and,

WHEREAS, the aforementioned "Official Roads List for Blount County" was adopted by the Blount County Quarterly Court in October, 1975; and,

WHEREAS, certain other roads were not included on the "Official Roads List for Blount County," but may have been maintained by the Blount County Highway Department for some period of time; and,

WHEREAS, it is apparent that there has been an omissions error in not including some of these roads or portions of these roads on the "Official Roads List for Blount County" with other County-maintained roads; and,

WHEREAS, it is required by law that the names of all roads maintained by the Blount County Highway Department be on the "Official Roads List for Blount County;" and,

WHEREAS, it has been determined that a portion of HARVARD STREET was erroneously omitted from the "Official Roads List for Blount County;"

NOW, THEREFORE, BE IT RESOLVED by the County Legislative Body of Blount County, Tennessee, in regular session on this the 19th day of January, 2012, that an additional portion of HARVARD STREET off Davenport Road in the Nineteenth Civil District of Blount County, Tennessee, shall be added to the "Official Roads List for Blount County," extending from its present terminus in a southwesterly direction and within an existing 50 feet wide right-of-way a distance of 528 feet to the northeastern property line of Parcel 027.00, Blount County Tax

Map 57, of record in the Office of the Assessor of Property for Blount County, Tennessee, said additional portion of Harvard Street to be improved in whole or in part at the discretion of the Blount County Highway Department, but initial improvements to consist of adding stone to the road bed to a width of 12 feet for a distance of approximately 125 feet from the southwest end of the existing portion of Harvard Street.

Duly passed and approved this 19th day of January, 2012.

RESOLUTION SPONSORS

COMMISSIONER Scott Helton

COMMISSIONER Holden Lail

Approved:

Commission Chairman

Attested:

Blount County Clerk

Approved:

Vetoed:

County Mayor

Date

**STATE OF TENNESSEE
COUNTY OF BLOUNT**

BE IT REMEMBERED, that a meeting of the Blount County Board of County Commissioners was held on Thursday, March 18, 2010, at 7:00 pm at the courthouse in Maryville, Tennessee. Lonnie Garner, Deputy Sheriff of Blount County, legally opened the Board. Rev. Larry Shearer, Robison Chapel Cumberland Presbyterian Church gave the invocation, and Boy Scout Troop 511 led in the pledge to the American Flag.

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 – absent
Ron French – present	Gerald Kirby – present	Robert Proffitt – present
David Graham – absent	Holden Lail – present	Wendy Pitts Reeves – present
Steve Hargis – present	Peggy Lambert – absent	Steve Samples – present
Brad Harrison – present	Mike Lewis – present	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: SETTING OF AGENDA.

Commissioner Walker made a motion to set the agenda, and remove the proclamation honoring Jan Gardner of the Blount County Children’s Home from the agenda. Commissioner Burchfield seconded the motion.

A vote was taken on the motion:

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

There were 18 voting yes, and 3 absent. Chairman Samples declared the motion to have passed.

IN RE: CONSENT CALENDAR:

**MINUTES OF FEBRUARY 18, 2010 COUNTY COMMISSION MEETING and
APPROVAL OF DEPUTY SHERIFF AND NOTARY PUBLIC BONDS AND OATHS and
ELECTION OF NOTARIES and
PROCLAMATION PROCLAIMING THE MONTH OF APRIL AS “EARTH MATTERS MONTH”
and
ELECTION OF MIKE LEWIS TO THE PARKS AND RECREATION COMMISSION and
ELECTION OF MARY GENTRY TO THE AGRICULTURE EXTENSION COMMITTEE.**

Commissioner Lail made a motion to approve the consent calendar. Commissioner French seconded the motion.

A vote was taken on the motion:

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

There were 18 voting yes, and 3 absent. Chairman Samples declared the motion to have passed.

IN RE: HARVARD STREET.

Commissioner Helton made a motion to add 175 feet of Harvard Street to the Official Roads List and that the road be brought up to standards and that it be funded out of fund balance and that the remaining portion beyond 175 feet be abandoned. Commissioner Proffitt seconded the motion.

A vote was taken on the motion:

Ballard – yes	Harrison – no	Lambert - absent	Reeves – yes
Burchfield – yes	Hasty – no	Lewis – no	Samples – no
Farmer – no	Helton – yes	McCulley – yes	Walker – no
French – no	Keeble – no	Melton – no	
Graham – absent	Kirby – yes	Murrell – absent	
Hargis – no	Lail – yes	Proffitt – yes	

There were 8 voting yes, 10 voting no, and 3 absent. Chairman Samples declared the motion to have failed.

Commissioner Farmer made a motion to implement the process to abandon the unused portion of Harvard Street in line with the County Attorney's opinion. Commissioner Lewis seconded the motion.

A vote was taken on the motion:

Ballard – no	Harrison – yes	Lambert - absent	Reeves – no
Burchfield – yes	Hasty – yes	Lewis – yes	Samples – no
Farmer – yes	Helton – no	McCulley – yes	Walker – yes
French – yes	Keeble – yes	Melton – yes	
Graham – absent	Kirby – no	Murrell – absent	
Hargis – yes	Lail – no	Proffitt – no	

There were 11 voting yes, 7 voting no, and 3 absent. Chairman Samples declared the motion to have passed.

IN RE: BUDGET TRANSFER - GENERAL COUNTY FUND BUDGET - \$3,683.07.

Commissioner Keeble made a motion to approve the transfer. Commissioner Farmer seconded the motion.

A vote was taken on the motion:

Ballard – yes	Harrison – no	Lambert - absent	Reeves – yes
Burchfield – yes	Hasty – yes	Lewis – yes	Samples – no
Farmer – yes	Helton – yes	McCulley – no	Walker – no
French – yes	Keeble – yes	Melton – yes	
Graham – absent	Kirby – yes	Murrell – absent	
Hargis – yes	Lail – no	Proffitt – yes	

There were 13 voting yes, 5 voting no, and 3 absent. Chairman Samples declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$1,750.00.

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

A vote was taken on the motion:

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

There were 18 voting yes, and 3 absent. Chairman Samples declared the motion to have passed.

IN RE: RESOLUTION TO PURCHASE TWO EMERGENCY EVACUATION CHAIRS.

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

A vote was taken on the motion:

Ballard – yes	Harrison – yes	Lambert - absent	Reeves – yes
Burchfield – yes	Hasty – yes	Lewis – yes	Samples – yes

February 8, 2010

Report Regarding Request Concerning Harvard Street

A letter of request from Mr. Myron Farner regarding Harvard Street in Morganton Acres Subdivision at the end of Davenport Road off Morganton Road, dated January 5, 2010, was received by the Blount County Highway Department in early January. A copy of the letter and its attachments was submitted to the Agenda Committee of the Blount County Commission at its January, 2010, meeting. The letter requested that an unfinished portion of Harvard Street be completed in a westerly direction to the end of the platted rights-of-way. The Highway Department was instructed to prepare a report concerning the request for submission to the Agenda Committee at its regular meeting on February, 9. The following is the information this Department has been able to gather from public records.

HISTORY:

Harvard Street is included on a plat of "Morganton Acres," a subdivision originally containing 29 lots located in the 19th Civil District off Morganton Road in Blount County outside of the Maryville, Tennessee city limits. The plat is dated November 24, 1956, and was recorded with the Register of Deeds in early December, 1956. (the record date was not shown on the plat, the approximate date was determined by the plat being bracketed between plats recorded with earlier and later dates.) The layout of the lots and streets of "Morganton Acres" on the plat of record is consistent with the layout depicted on current property maps of record in the Property Assessor's office. Harvard Street is located where the north end of Davenport Road "tees" into Harvard Street. A portion of Harvard Street approximately 100 feet in length lies west of the intersection and deadends into the unimproved rights-of-way described above, while the remaining portion approximately 1055 feet in length is a cul-de-sac extending east from Davenport Road. Harvard Street has an average width of 18 feet, a rights-of-way width of 50 feet, and the "Official Roads List" shows a current overall length of 1155 feet. Approximately 532 feet has not been completed and is not being maintained by the Highway Department, although a fifty feet wide rights-of-way is provided on the plat for the unfinished portion. The unused rights-of-way comprises approximately six tenths of an acre of which half is in grass and half consists of scrub growth and small to medium size trees. It is difficult to determine if ever or to what extent the original roadway in this area was completed when the other roads in the subdivision were built. There are two parcels of interest that derive their road access solely from Harvard Street, although four other lots lie adjacent to Harvard Street, but are primarily accessed by other county roads. The unimproved portion of rights-of-way terminates at the line of unimproved property lying to the west. Records of sales, home construction, and other such confirm the development of "Morganton Acres" in the late nineteen fifties and sixties.

ANALYSIS:

The letter from Mr. Farner requests that the uncompleted portion of Harvard Street, approximately 532 feet, lying to the west of Davenport road be completed to provide access to

property (Lot 25 of the "Davenport Acres" subdivision) recently purchased by his parents. Currently Lot 25 fronts on the unfinished rights-of-way, but no portion of this property actually fronts on any of the completed portion of Harvard Street. Lot 25 is bounded on the south by the aforementioned rights-of-way, on the west by undeveloped land, on the north by Big Springs Industrial Park and the Maryville city limits, and on the east by Lot 26 occupied by Morganton Acres Church of God, about three fourths of which property in Lot 26 fronts on the maintained portion of Harvard Street. In October, 1975, abiding by state law, the Blount County Legislative Body promulgated an "Official List of County Roads" that included all roads or portions thereof which were to be publicly maintained by the Blount County Highway Department. Any road in Blount County not named on this list and not maintained by TDOT, any of the various cities in Blount County, TVA, the National Park Service, or any other public agency, is deemed to be a private road, regardless of its actual use, even though that use may be public in nature. In creating that list, apparently Highway Department personnel were interviewed about each individual road and determinations were made as to which roads or portions thereof were to be included on the final list. Other information gathered included rights-of-way widths (some from plats of record, some from field measurements where no plats were available), road lengths from field measurements of actual portions maintained at that time, and other pertinent data from whatever sources were available. The focus apparently was on roads and portions of roads which were actually being maintained at the time the list was created. However, this project was a formidable (and tedious) task and it is not surprising that some errors have been discovered since that time. Regardless, the "List," even with some errors, in its final form as of October, 1975, was accepted as the final authority on the true status of a road. Errors, as they have been discovered on occasion, have been addressed individually on a case by case basis since that time. All changes and amendments to the "List" are done exclusively by the action of the Blount County Commission. The "Official Roads List" is amended by resolution regularly in January of each year to add roads which have been newly constructed as County roads and have been formally approved by one of the local planning authorities as meeting published standards for county-maintained roads.

CONCLUSION:

Regarding the request of Mr. Farner, there appears to be three options available to the Blount County Commission to address his request. The first option available is as follows. In 1988, at the request of the Blount County Legislative Body, a "Private Act" was passed by the Tennessee State Legislature which allowed the Blount County Commission to consider adding a private road to the "List" if the road is providing access to multiple parcels and if the road has existed and functioned in this manner since prior to January 1, 1977. This option requires that the interested property owners making the request shall provide for two-thirds and the County one-third of the costs of improving the road to a standard acceptable for addition to the "List." Additionally, sufficient rights-of-way must be provided by the landowners, and according to usual practice, the landowners must execute an agreement with the County to develop the project and must deposit the landowners' share of the project costs with the Blount County Trustee prior to the beginning of construction. To comply with state law prohibiting local highway departments from doing work on private roads, a resolution adding the road to the "List" must be approved by the Commission prior to the Highway Department conducting any construction or

maintenance on the road. Regarding the second option, on a very few occasions, the Commission has determined that indeed a road was omitted from the "List" in 1975 due to an error and that the practical and reasonable means to correct the error is to take action to amend the "List" to include the road. This action is also accomplished by the Blount County Commission approving a resolution amending the "List." The funds for all costs to make the required improvements are provided by the County. However, this option has rarely been used and has required substantive evidence to support the contention that the original omission was in error. The third option is to take no action in response to this request. Either of the first two options would involve clearing and grubbing, grading, ditching, paving, and other related tasks required to construct a new extension of roadway up to 532 feet in length and a minimum of 18 feet in width on existing rights-of-way with a minimum of one-third and up to a maximum of 100 percent of the estimated costs.

R.A. Abbott
Blount County Highway Department

February 9, 2010

ESTIMATE

SYNOPSIS OF WORK:

The tasks involved include the following:

Before any work can begin, a resolution adding this portion of Harvard Street to the "Official Roads List" must be acted on and approved by the County Commission.

The initial requirement will be the survey of the adjacent properties to locate and identify the limits of the rights-of-way for the installation of silt barriers for stormwater management and to insure no encroachments onto private property, and to locate and assess required drainage improvements (cross-drains, side-drains, ditches, silt ponds, and the like).

The property must be cleared and grubbed to clean up the site in preparation for grading. Refuse must be removed from the property and hauled to a waste area off the premises. Measures must be put in place to mitigate the tracking of mud and other debris onto existing road surfaces so as not to create traffic hazards or major inconvenience to the surrounding residents.

After a temporary centerline is located, grading of the site is begins. Topsoil must be removed from the proposed roadway and the subgrade is assessed to determine if the existing soil is suitable for the new road. Any required silt pond may be constructed at this time. Undercutting unsuitable soil is performed and that soil is hauled away for deposit at a waste area. Any needed topsoil is retained nearby for restoring the site after completion of grading. The site is graded to the finished subgrade, excess soil is hauled away after any required fills or backfills are completed. Initial ditching and the placement of any required crossdrains and sidedrains and the completion of any required silt ponds may be done. The replacement of topsoil to restore the site could begin at this stage. The site is then fine graded and the roadway itself is proof rolled in preparation for the placement of base stone. Damage to any silt fences and other related stormwater provisions may be repaired or adjusted as needed.

The placement of base stone begins. Crushed stone is hauled to the site by trucks and dumped on the roadway. The stone is spread and compacted by suitable equipment and generally made ready for the asphalt paving. Any soft spots observed in the roadway will be addressed during this process

After the possible application of a prime coat of liquid emulsified asphalt, the coldmix asphalt paving material is placed atop the base stone and compacted for a finished surface.

Final placement of topsoil to restore the site in preparation for seeding and strawing is completed. Final dressing of any ditches and the placement of any additional drainage features is completed. Silt fencing is left in place until vegetation is restored. Seeding and strawing is performed and a final dressing and cleanup of the site is done.

Required traffic control signs or markings and street name signs are installed.

The total estimated costs of the improvements for an extension of 532 feet to Harvard Street is-

\$ 16,825.00

RAA

1/5/2010

Myron Farner
1926 Harvard St
Maryville TN 37801

Bill Dunlap
1227 McArthur Road
Maryville TN 37804

Dear Sir

As per instructions given by Mr. Abbott, I am writing on behalf of my mother Juanita Farner, to request that the west end of Harvard Street, in Morganton Acres, Maryville TN, be re-opened or re-established and maintained by the county as it once was.

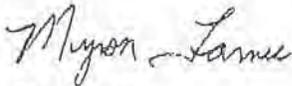
My family has lived in this subdivision since 1960. My father built the first house in here and myself and my brother have hunted, played, and rode over, quite possibly every foot of property here and Harvard Street was here from the beginning. It ran the entire distance from the George Ross property to the Robert Edmonson property.

My parents just recently purchased a parcel of property on Harvard Street from Mr. Robert White of Smyrna TN. Mr. White purchased the property on 6-18-1957 and the deed identifies the property as being on Harvard Street, but the street in its current condition does not continue on in front of the property. The original plat of the subdivision identifies Harvard Street, but shows it to be approximately 425 to 500 feet longer than is now maintained and the road bed is still discernable in satellite photos taken as recently as January 2007 (please see attached).

Why this section of the street has been neglected by the county is not known, but we request that it be re-established and maintained so as to allow access to said property.

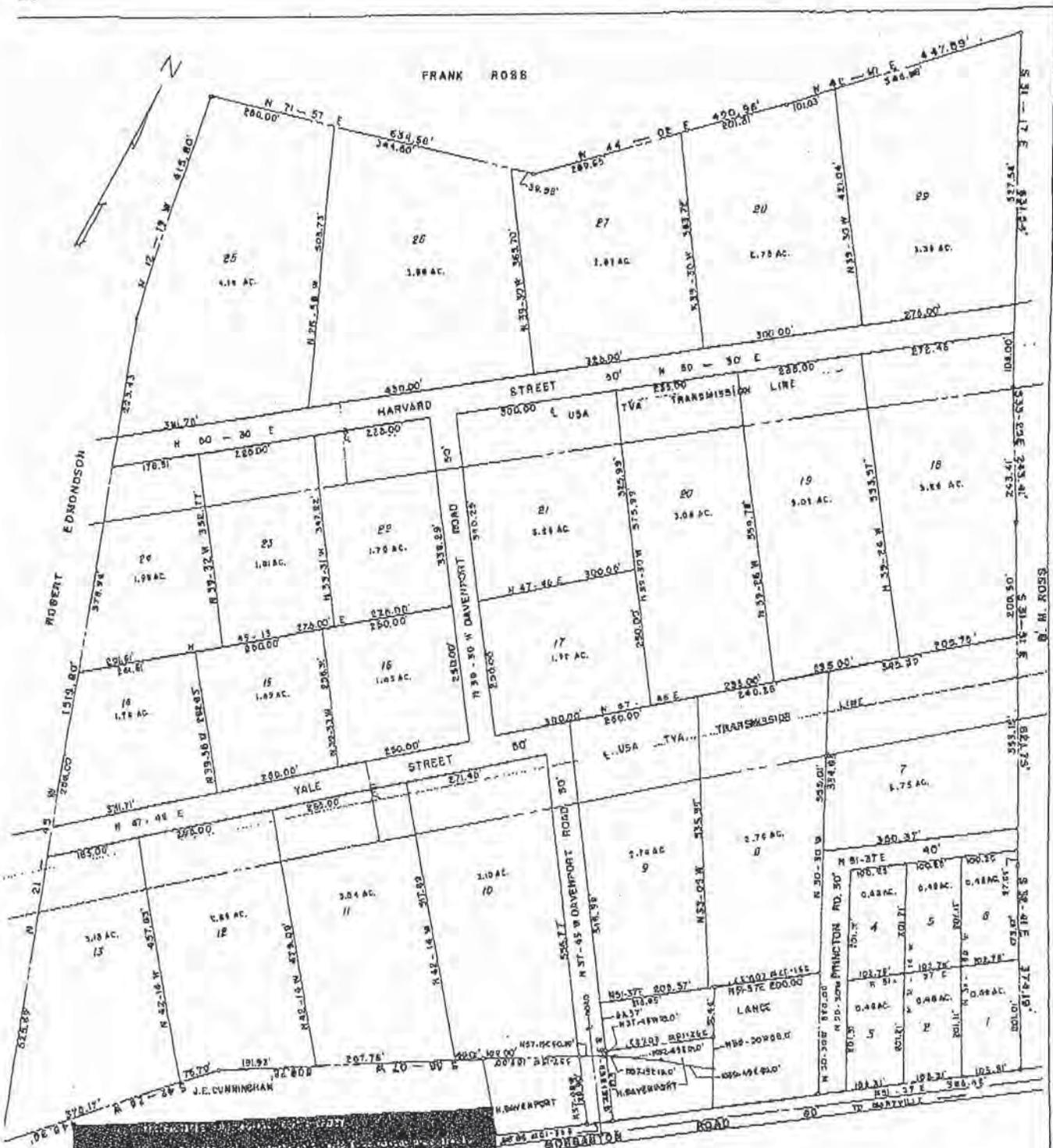
Your consideration and action regarding this matter will be greatly appreciated.

Thank you.



Myron Farner
1926 Harvard St
Maryville TN 37801
Phone 865-984-5958
865-363-5959

FRANK ROSS



MORGANTON ACRES
 1014 CIVIC DISTRICT
 BLOWNT COUNTY TENN.
 24 NOV. 29 SCALE 1" = 100'
 06.0 40.

J. COULTER

This satellite photo is identified as being taken on March 16, 1992 and was downloaded from the following site: <http://msrmaps.com/download.aspx?T=1&S=10&Z=16&X=3850&Y=19798&W=3&q=Harvard+St%7cMaryville%7cTennessee%7c&Addr=Harvard+St%2c+Maryville%2c+TN+37801&ALon=-84.0136900&ALat=35.7448593>).

As you can clearly see, sixteen ½ years after the roads list (with errors) was finished, this photo clearly shows the road bed. You can still vaguely see the portion past where the road was blocked years before.



The point where the road was blocked several years before is at the approximate point of the white line.



This photo is looking from my mother's property line back to the asphalt, approximately 155 feet away.



WARRANTY DEED

This Indenture, Made this 21st day of October, A.D. 19 68 between

EDWARD HARMON and wife, AUDINE HARMON

of Blount County, in the State of Tennessee of the first part, and
JAMES R. PELL, JAMES I. MCAFEE, CHARLES OSBORNE, NICKY J. OSBORNE,
R. D. WOODS and JOE TIPTON, Trustees of the Morganton Acres Church
of God and their successors in office

of Blount County, Tennessee of the second part,

Witnesseth: That the said parties of the first part for and in consideration of the sum of

One (\$1.00) Dollar

to them in hand paid by the said parties of the second part, the receipt of which is hereby acknowledged,
and other good and valuable considerations

have granted, bargained, sold, and conveyed and do hereby grant, bargain, sell, and convey unto the
said parties of the second part, the following described premises, to wit, situate in District No. NINETEEN
(19) of Blount County, Tennessee and being all of Lot No. 26
and approximately 39 feet of the west side of Lot No. 27 of
the Morganton Acres Subdivision as shown by plat of said Subdivision
of record in Map Book 4, page 100 in the Register's Office for
Blount County, Tennessee, and more particularly described
as follows, to-wit:

Beginning at an iron pin in the north edge of Harvard Street,
common corner of Lots Nos. 25 and 26; thence with the common
dividing line between Lots Nos. 25 and 26 N. 26-58 W. 503.73 feet
to an iron pin common corner of Lot No. 25 and 26 in line of Ross;
thence with Ross N. 71-57 E. 384.56 feet to an iron pin; thence
S. 39-30 E. approximately 360 feet to an iron pin in the north
edge of Harvard Street; thence with the north edge of Harvard
Street S. 50-30 W. 469 feet to an iron pin in the north edge of
Harvard Street, the point of beginning.

This conveyance is made subject to the restrictions, conditions,
etc. applicable to said Subdivision.

Being the same lands conveyed to first parties from Clell H. Hall
and wife, Myrtrude Hall, by deed dated February 13, 1964 and
recorded in Warranty Deed Book 265 page 59 at the Register's Office
for Blount County, Tennessee.

or we hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever
is greater is \$ 344.51 which amount is equal to or greater than the amount which property transferred would command at a
voluntary sale.

Amt. Tax Paid \$ 8.84

Subscribed and sworn to before me this the 18 day of November 1968

Howard L. Louderay
Affiant

RESOLUTION NO. 12-01-008

SPONSORED BY COMMISSIONERS SCOTT HELTON AND HOLDEN LAIL

**A RESOLUTION CLASSIFYING THE ROADS OF BLOUNT COUNTY, TENNESSEE
ACCORDING TO TENNESSEE CODE ANNOTATED 54-10-103 et.seq.**

WHEREAS, the Board of County Commissioners of Blount County, Tennessee, is required to classify the public roads of Blount County, Tennessee, and to provide for a record of said classification of public roads of Blount county, Tennessee, in the office of the County Clerk for Blount County, Tennessee, in accordance with 54-10-103 et. seq. of Tennessee code Annotated.

WHEREAS, at the October, 1975, meeting of the Blount County Legislative Body, an Official List of County Roads was adopted and has periodically been amended since that time to reflect changes occasioned by the addition and deletion of certain roads on the List by action of the Blount County Legislative Body; and,

WHEREAS, the Official List of County Roads must be updated on a regular interval to include those new roads constructed to a standard approved by a local planning commission for addition to the Official List of County Roads; and

WHEREAS, a separate listing of those new roads constructed during the past year to a standard approved by a local planning commission for addition to the Official List of County Roads is included herein as **EXHIBIT "A"** for reference; and,

WHEREAS, the Official List of County Roads must be revised occasionally to account for changes wrought by annexations of roads or portions of roads by municipalities within the County; and,

WHEREAS, a separate listing of those roads and the changes thereto effected by annexations is included herein as **EXHIBIT "B"** for reference; and,

WHEREAS, a new revised List of Official County Roads has been prepared incorporating all the amendments, additions, deletions, and other required changes occurring to date since the adoption of the previous revision of the List of Official County Roads and is being presented in the form of a report from an electronic data base file which can be easily accessed, copied,

or distributed, and the information contained therein is made conveniently available for official, public, or private use, said revised list presented here entitled "**Blount County Highway Department, Official County Road List for 2011.**"

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled on this 19th day of January, 2012, that the County does hereby amend the list of public roads of Blount County, Tennessee to be that included herein and entitled "**Blount County Highway Department, Official County Road List for 2011,**" said List including and incorporating within the additions and other revisions noted in the hereto attached **Exhibit "A"** and **EXHIBIT "B"** and does state that all of the roads described in said List are hereby declared to be public roads and subject to proper maintenance by Blount County in accordance with their classification; and

BE IT FURTHER RESOLVED that the County Clerk of Blount County, Tennessee, shall, in accordance with the appropriate section of Tennessee Code Annotated, maintain a record book in his office of the public roads of Blount County, Tennessee, and the aforementioned roads as presented in the schedule attached to this resolution shall be included in such record book; and

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, AND THAT ANY PART OF ANY PRIOR RESOLUTION TO THE CONTRARY IS HEREBY DECLARED NULL AND VOID, THE PUBLIC WELFARE REQUIRING IT.

Approved:

Commission Chairman

Attested:

Blount County Clerk

Approved:

Vetoed:

County Mayor

Date

**"EXHIBIT A"- ROADS ACCEPTED BY ACTION OF LOCAL
PLANNING COMMISSIONS AND PLATS RECORDED-JAN. 1 TO DEC. 31, 2011**

<u>SUBDIVISION</u>	<u>STREET NAME</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>ROW</u>
The Morganton Reserve, 60'	SPRING CREEK ST	2034'	24'-36'	50'-
Phases I & II	KINGFISHER ST	1537'	22'-36'	50'
Maps 2910A & 2910B	PINTAIL ST	312'	28'	50'
June 21, 2011	SANDPIPER ST	577'	28'	50'
Maps 2919A, 2919B	DRAKE ST	708'	24'	50'
2920A, 2920B, 2921A, 2921B, 2922A, 2922B, 2923A, 2923B, 2924A, 2924B.	SCARLET TANGER ST	854'	24'	50'
August 16, 2011				
District 19				

Total length of roads to be added to "**Blount County Highway Department, Official County Road List for 2011**" by action of local planning commissions during 2011 is 6022 feet (approximately 1.14 miles).

*Note: Lengths and widths are in feet. The rights-of-way widths for all roads are 50 feet unless otherwise noted; cul-de-sac diameters are 80 feet for pavement and 100 feet for rights-of-ways. Standard abbreviations for street, drive, road, circle, etc., may have been used for column spacing in this list. Road lengths in parenthesis are total lengths after extensions.

End of "EXHIBIT A"

**"EXHIBIT B"- TABULATION OF CHANGES TO LENGTHS OF ROADS
INCLUDED IN "BLOUNT COUNTY HIGHWAY DEPARTMENT, OFFICIAL COUNTY
ROAD LIST FOR 2011" RESULTING FROM ANNEXATIONS BY VARIOUS CITIES
AFFECTING COUNTY ROADS UP TO DECEMBER 31, 2011.**

<u>ROAD NAME</u>	<u>FORMER LENGTH</u>	<u>NET CHANGE</u>	<u>REVISED LENGTH</u>
CARVER RD	1150'	-133'	1017'
DOTSON MEMORAIL RD	8421'	-320'	8101'
DRUID HILL DR	2123'	-220'	1903'
FAIRVIEW DR	2005'	-1082	923'
FOCH ST	685'	-315	370'
GARWOOD LN	804'	-312	492'
GLENMORE DR	2112'	-2112	0'
GRADE RD	7466'	-1901'	5565'
JANES RD	783'	-385'	398'
KIMSEY ST	1418'	-1418'	0'
McCALL RD	1604'	-189'	1415'
MT PLEASANT CHURCH RD	280'	-280'	0'
MT TABOR RD	2280'	-1834'	3746'
MURPHY AVE	1056'	-1056'	0'
NELSON LN	762'	-231'	531'
OAKDALE ST	3905'	-1686'	2219'
OLD MT TABOR RD	5686'	-3172'	2514'
SCENIC POINT DR	2563'	-2563	0'
SHAW DR	1056'	-1056'	0'
WRIGHTS FERRY RD	13728'	-1745	11983'
Total		<u>22001'</u>	

Total length of roads to be deleted from "**Blount County Highway Department, Official County Road List for 2011**" as a result of various annexations by action of local jurisdictions up to December 31, 2011 is 22001 feet (approximately 4.17 miles).

End of "EXHIBIT B"

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Tenn. Code Ann. § 40-1-111 (Copy w/ Cite)

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Tenn. Code Ann. § 40-1-111

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*** CURRENT THROUGH THE 2011 REGULAR SESSION ***

Title 40 Criminal Procedure
Chapter 1 Jurisdiction and Venue

Tenn. Code Ann. § 40-1-111 (2011)

40-1-111. Appointment of judicial commissioners or magistrates -- Duties -- Terms -- Compensation -- Continuing education.

(a) (1) (A) The chief legislative body of any county having a population of less than two hundred thousand (200,000) or a population of not less than two hundred seventy-six thousand (276,000) nor more than two hundred seventy-seven thousand (277,000), according to the 1970 federal census or any subsequent federal census may appoint, and the chief legislative body of any county having a population of over seven hundred thousand (700,000), according to the 1970 federal census or any subsequent federal census, may initially appoint one (1) or more judicial commissioners whose duty or duties shall include, but not be limited to, the following:

(i) Issuance of search warrants and felony arrest warrants upon a finding of probable cause and pursuant to requests from on-duty law enforcement officers and in accordance with the procedures outlined in chapters 5 and 6 of this title;

(ii) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;

(iii) The appointing of attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county;

(iv) The setting and approving of bonds and the release on recognizance of defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county; and

(v) Issuance of injunctions and other appropriate orders as designated by the general sessions judges in cases of alleged domestic violence.

(B) (i) This subdivision (a)(1)(B)(i) applies to any county having a population of less than two hundred thousand (200,000) or a population of not less than two hundred seventy-six thousand (276,000) nor more than two hundred seventy-seven thousand (277,000), according to the 1970 federal census or any subsequent federal census. The term or terms of the officers shall be established by the chief legislative body of the county to which this subdivision (a)(1)(B)(i) applies but shall not exceed a four-year term. No member of the county legislative body of any county to which this subdivision (a)(1)(B)(i) applies shall be eligible for appointment as a judicial commissioner. Notwithstanding the provisions of this subdivision (a)(1)(B)(i) to the contrary, the presiding general sessions criminal judge of a county to which this subdivision (a)

(1)(B)(i) applies may appoint a temporary or part-time judicial commissioner to serve at the pleasure of the presiding judge in case of absence, emergency or other need. The legislative body of any county to which this subdivision (a)(1)(B)(i) applies, in appointing, evaluating and making decisions relative to retention and reappointment, shall take into consideration views, comments and suggestions of the judges of the courts in which the judicial commissioners are appointed to serve.

(ii) Any subsequent term of a judicial commissioner initially appointed by the chief legislative body of any county having a population of over seven hundred thousand (700,000), according to the 1970 federal census or any subsequent federal census, shall be by the general sessions judges of that county. The term or terms of the officers shall be established by the general sessions criminal court judges of the county but shall not exceed a four-year term. No member of the county legislative body of the county shall be eligible for appointment as a judicial commissioner. Notwithstanding the provisions of this subdivision (a)(1)(B)(ii) to the contrary, the presiding general sessions criminal court judge of the county may appoint a temporary, or part-time, judicial commissioner to serve at the pleasure of the presiding judge in case of absence, emergency or other need. The general sessions judges of the county in appointing, evaluating and making decisions relative to retention and reappointment shall take into consideration views, comments and suggestions of the judges of the courts in which the judicial commissioners are appointed to serve.

(C) In any county having a population greater than seven hundred thousand (700,000), according to the 1970 federal census or any subsequent federal census, to be eligible for appointment and service as a judicial commissioner a person must be licensed to practice law in the state of Tennessee.

(D) (i) Any county, having a population greater than seven hundred thousand (700,000), according to the 1970 federal census or any subsequent federal census, which appoints and makes use of judicial commissioners shall maintain records sufficient to allow an annual determination of whether the use of judicial commissioners is accomplishing the purposes intended.

(ii) On an annual basis the county legislative body shall conduct a public hearing to examine and evaluate the program of judicial commissioners and to determine if the program is being conducted in accordance with law and is contributing to the orderly, effective and fair administration of justice. As a part of the public hearing the county legislative body shall examine the effectiveness of the system of judicial commissioners and hear the opinions of the public concerning the system. The county legislative body shall give notice of the public hearing at least thirty (30) days prior to the meeting.

(iii) Following the hearing and not later than April 1 of each year, the county legislative body shall cause to be submitted to the judges of the general sessions criminal court of the county, the chair of the judiciary committee of the senate and the chair of the judiciary committee of the house of representatives a written report setting forth findings and the overall evaluation of the use of judicial commissioners.

(2) The judicial commissioner or commissioners shall be compensated from the general fund of the county in an amount to be determined by the chief legislative body. Fees established and authorized by § 8-21-401 shall be paid to the county general fund upon the services detailed in § 8-21-401 being performed by a judicial commissioner.

(b) (1) Notwithstanding any provision of this section to the contrary, a judge of a court of general sessions in a county having a population of not less than fourteen thousand seven hundred (14,700) nor more than fourteen thousand eight hundred (14,800), according to the 1970 federal census or any subsequent federal census, may appoint one (1) or more judicial commissioners whose duties shall be the same as those prescribed for judicial commissioners in subsection (a). The judge may appoint a commissioner if the county legislative body of the

counties noted in subsection (a) does not appoint a judicial commissioner before May 1, 1980. The term of the judicial officer shall be for one (1) year or until the county legislative body appoints a judicial commissioner as provided by subsection (a).

(2) A judicial commissioner who is appointed by a general sessions judge as outlined in subdivision (b)(1) shall serve without compensation unless an amount of compensation is specifically established by the county legislative body.

(c) Notwithstanding any provision of this section to the contrary, in any county having a population of not less than two hundred seventy-six thousand (276,000) nor more than two hundred seventy-seven thousand (277,000), according to the 1970 federal census or any subsequent federal census, any appointment of a judicial commissioner pursuant to subsection (a) shall be subject to the approval of a majority of the general sessions judges in the county.

(d) (1) Notwithstanding the provisions of subsections (a)-(c), the legislative body of any county having a population of not less than forty-one thousand four hundred (41,400) nor more than forty-one thousand six hundred (41,600), according to the 1990 federal census or any subsequent federal census, may, by resolution, create the position of one (1) or more judicial commissioners.

(2) The duties of a commissioner shall include, but are not limited to, the following:

(A) The issuance of arrest warrants upon a finding of probable cause;

(B) The setting of bonds and recognizance in accordance with the procedures outlined in chapters 5 and 6 of this title;

(C) The issuance of search warrants where authorized by the general sessions judge or a judge of a court of record; and

(D) The issuance of mittimus following compliance with the procedures prescribed by § 40-5-103.

(3) The term of a judicial commissioner shall be established by the general sessions judge of the county, but in no event shall the term exceed four (4) years.

(4) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the general sessions judge of the county and subject to the approval of the county legislative body. Fees established and authorized by § 8-21-401 shall be paid to the general fund upon the services detailed in § 8-21-401 being performed by a judicial commissioner.

(5) A judicial commissioner shall be selected and appointed by the general sessions judge in the county, and shall serve at the pleasure of such general sessions judge, but not longer than the term specified in subdivision (d)(3).

(e) (1) Notwithstanding the provisions of subsections (a)-(d), any county having a population of not less than three hundred seven thousand (307,000) nor more than three hundred eight thousand (308,000), according to the 2000 federal census or any subsequent federal census, may elect to establish judicial commissioners to assist the general sessions court in accordance with this subdivision (e)(1). The county legislative body may appoint one (1) or more attorneys to serve as judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

(A) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in chapters 5 and 6 of this title;

(B) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;

(C) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county;

(D) Setting and approving bonds and the release on recognizance of defendants in accordance with chapter 11 of this title; and

(E) Setting bond for the circuit court judges and chancellors in cases involving violations of orders of protection between the hours of nine o'clock p.m. (9:00 p.m.) and seven o'clock a.m. (7:00 a.m.) on weekdays, and on weekends, holidays and at any other time when the judge or chancellor is unavailable to set bond.

(2) The term of office for a judicial commissioner shall be established by the county legislative body, but such term shall not exceed four (4) years. A member of the county legislative body is not eligible for appointment as a judicial commissioner.

(3) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Fees established and authorized by § 8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a judicial commissioner.

(f) (1) Beginning January 1, 2010, each judicial commissioner who is appointed to serve pursuant to this section must complete twelve (12) hours of continuing education each calendar year, ten (10) hours of which must be completed by attendance at conferences or courses sponsored or approved by the Judicial Commissioners Association of Tennessee. The remaining two (2) hours may be completed by attendance at classes sponsored by either the Judicial Commissioners Association of Tennessee or the Tennessee Court Clerks Association, or by local in-service education. At least six (6) hours of the total twelve (12) hours must be taught by a person who is licensed to practice law in this state.

(2) Any judicial commissioner who is licensed to practice law in this state is authorized to use continuing legal education credits toward completion of the ten (10) hours, which otherwise must be completed by attendance at conferences or courses sponsored or approved by the Judicial Commissioners Association of Tennessee.

(3) All judicial commissioners must complete, as part of the twelve (12) required hours, the following classes:

(A) At least two (2) hours concerning domestic violence or child abuse;

(B) At least one (1) hour concerning bail and bonds; and

(C) At least one (1) hour concerning ethics.

(4) All counties for which judicial commissioners are appointed to serve pursuant to this section shall provide all necessary funding for their respective judicial commissioners to complete the continuing education required by this subsection (f).

(5) All records indicating satisfaction of the continuing education requirements for judicial commissioners shall be maintained by each county and kept on the file for at least seven (7) years.

(6) Notwithstanding the provisions of this subsection (f), in any county in which the judicial commissioner is selected by the general sessions judge or judges, the county legislative body of such county may elect, by a two-thirds (2/3) majority, to allow each judicial commissioner to

receive twelve (12) hours of appropriate continuing education each calendar year under the supervision of the appointing general sessions judge or judges rather than the Judicial Commissioners Association of Tennessee or the Tennessee Court Clerks Association.

(g) Judicial commissioners duly appointed pursuant to this section in any county with a population not less than two hundred seventy-six thousand (276,000) nor more than two hundred seventy-seven thousand (277,000), according to the 1970 federal census or any subsequent federal census, shall be known as "magistrates."

HISTORY: Acts 1978, ch. 933, § 4; 1979, ch. 15, § 1; 1980, ch. 781, § 1; 1981, ch. 209, §§ 1, 2; T.C.A., § 40-120; Acts 1991, ch. 444, § 1; 1993, ch. 241, § 57; 1998, ch. 984, § 1; 2001, ch. 316, §§ 1, 2; 2004, ch. 685, § 1; 2009, ch. 503, § 1; 2010, ch. 989, §§ 1, 2.

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Tenn. Code Ann. § 40-1-111 (Copy w/ Cite)

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RESOLUTION No. 12-01-009

Sponsored by Commissioners Gerald Kirby and Gordon Wright.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTION 7.4 C-4 THE VISUAL EFFECTS AND SCREENING REQUIREMENTS FOR CELLULAR TOWERS .

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 19th day of January, 2012:

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 encourage the use of materials, colors, textures, screening, and landscaping to reduce the visual impacts of cellular towers.

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

That Section 7.4 Subsection C- 4 is amended to read as follows:

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall meet any applicable standards of the FAA; (b) At a tower site, the design of the tower, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

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

Memo

To: Blount County Commission
From: Building Commissioner
CC: Other Commission Members, County Major and staff.
Date: 11/1/2011
Re: Cellular tower regulations.

At the October Planning Commission meeting the Commission made a motion to send the following changes of the Blount County Zoning Regulations to the County Commission with a recommendation to approve said changes. A public hearing will be required and could be set for the December agenda meeting date (12/06/11).

Current Regulations

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Regulations for discussion

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall meet any applicable standards of the FAA; (b) At a tower site, the design of the tower, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Memo

To: Blount County Planning Commission
From: Building Commissioner
CC: Other commission members
Date: 8/17/2011
Re: Cellular tower regulations.

Background:

The Major's office had forwarded a packet of information regarding the use of camouflage to reduce the visual impacts of cellular towers. I am presenting this information to the planning commission for discussion on whether changes should be made to our regulations. Our regulations currently do not require the use of camouflage, but does give the BZA the authority to impose conditions based on each specific tower request. Below I have included a copy of section 7.4 and a copy of the packet that was forwarded to my office.

Section 7.4. Wireless Telecommunication Towers and Antennas. The purpose of this section is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the county; (4) encourage the joint use of new and existing tower sites rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) consider the public health and safety effects of communication towers; and (8) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

A. **Definitions.** As used in this section, the following terms shall have the meanings set forth below:

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

B. Applicability and Exceptions.

1. New Towers and Antennas. All new towers or antennas shall be subject to regulations in this section, except as provided in subsections B.2 through B.5 below, inclusive.

2. Amateur Radio Station Operator/Receive Only Antennas. This Section shall not apply to any tower, or the installation of any antenna on such tower, that is seventy (70) feet in height or less, and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers greater than 70 feet in height and found within this Section shall continue to apply.

3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section.

4. AM Array. For purposes of implementing this Section, an AM array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. The provisions of this Section shall not apply to additional array tower units of equal or lesser height within the perimeter of the AM array.

5. Governmental, Emergency Communication and Airport Uses. The provisions of this Section shall not apply to towers, and antennas on such towers, located on property owned, leased, or otherwise controlled by governmental jurisdictions, airport authorities or utility providers, and required for governmental functions, air traffic control and communication, or emergency communications.

C. General Provisions and Requirements

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased areas within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Building Commissioner an inventory of its existing towers, antennas, or sites approved for towers or antennas, within Blount County and any of its municipalities and within 5,000 feet outside the boundary of Blount County, including specific information about the location, height, and design of each tower. All applications and documents submitted to the Building Commissioner shall be subject to the Tennessee Public Records Act, Tennessee Code Annotated, Sections 10-7-503, *et seq.*

4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Where lighting is required by FAA such lighting shall be of the "dual lighting" provisions as defined by the FAA (white during the day and red during the evening hours), or in the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA regulations.

6. Structural Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with

standards contained in applicable state building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

7. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the entirety of Blount County and surrounding counties irrespective of municipal and county jurisdictional boundaries.

8. Franchises, Authorizations, Licenses and Permits. Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and permits required by law or governmental regulations for the construction and/or operation of a wireless communication system in Blount County have been obtained and shall file a copy of all required franchises, authorizations, licenses and permits with the Building Commissioner.

9. Public Notice. For purposes of this ordinance, any special exception request, variance request, or appeal of an administrative decision shall require public notice to all abutting property owners and all owners of properties that are located within one thousand (1,000) feet of the property on which a tower is proposed or a decision is sought, in addition to any notice otherwise required by this Resolution.

10. Signs. No signs shall be allowed on an antenna or tower or within the tower compound, except for a property identification sign as provided in Section 7.5, and structure identification signs as may be required by the FCC or the FAA. Such signs shall not exceed four square feet in area or as required by the FCC or FAA, and shall be mounted no higher than six feet from the finished grade of the ground or as required by the FCC or FAA.

- D. Towers shall be a special exception use in any zone and subject to special exception procedures under the Board of Zoning Appeals as found in Article 11, with the following provisions and requirements.

(Amended August 17, 2000)

1. In granting a special exception, the Board of Zoning Appeals may impose conditions to the extent the Board concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under regulations of the State of Tennessee for such certifications.

3. For any tower, a site plan shall be required under provisions of Section 7.2, with the following additional information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities or counties), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other accessory structures, topography, parking, and other information deemed by the Board of Zoning Appeals to be necessary to assess compliance with this Resolution.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit.

(d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 7.4.C.3 shall be shown on a map of scale not less than one inch equal 2000 feet. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(e) A landscape plan showing specific landscape materials for buffering from surrounding properties.

(f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination of the tower.

(g) A description of compliance with provisions and regulations contained in this Resolution, and all applicable federal, state or local laws and regulations.

(h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(i) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, which could provide the services intended to be provided through the use of the proposed new tower.

(j) A description of the feasible location(s) of future towers or antennas within Blount County based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. In addition to any standards for consideration of special exception applications found in Article 11, the Board of Zoning Appeals shall consider the following factors in determining whether to approve a special exception, although the Board may waive or reduce the burden on the applicant of one or more of these factors if the Board concludes that the goals of this Section are better served thereby: (a) Height of the proposed tower; (b) Proximity of the tower to residential structures and subdivisions; (c) Nature of uses on adjacent and nearby properties; (d) Surrounding topography; (e) Surrounding tree coverage and foliage; (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; (g) Proposed ingress and egress; and (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection 7.4.D.5 (following)..

5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing towers or structures that meet applicant's engineering requirements, including but not limited to height and structural strength, are located within the geographic area.

(b) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(c) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(d) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

6. Setbacks. The following setback requirements shall apply to all towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this Section would be better served thereby:

(a) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for commercial uses.

7. Separation. The following separation requirements shall apply to all towers and antennas for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this Resolution would be better served thereby.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses. Separation distance shall be 200 feet or 300 % the height of the tower, whichever is greater, in relation to an existing residential use or a platted subdivision lot intended predominantly for residential use.

(b) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table.

Existing Towers - Types

	L a t t i c e	G u y e d	M o n o p o l e 7 5 F t i n H e i g h t o r G r e a t e r	M o n o p o l e L e s T h a n 7 5 F t i n H e i g h t
Lattice	5, 0 0 0	5, 0 0 0	1,5 00	7 5 0
Guyed	5, 0 0 0	5, 0 0 0	1,5 00	7 5 0
Monopole 75 Ft in Height or Greater	1, 5 0 0	1, 5 0 0	1,5 00	7 5 0
Monopole Less Than 75 Ft in Height	7 5 0	7 5 0	75 0	7 5 0

8. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.

9. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this Section would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide along the outside the perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer if measures are proposed which will maintain such natural growth.

E. Accessory Cabinets or Structures.

A cabinet or structure accessory to an antenna shall be of sufficient area to accommodate the electronics required for the antenna and no greater than twelve feet in height. If the accessory cabinet or structure is associated with a tower on top of a building, then the cabinet or structure shall occupy no more than ten percent of the area of the roof of the structure on which the tower is attached. The cabinet or structure shall be constructed of materials that as much as possible blend in with other surrounding structures. The cabinet or structure shall be no closer than 40 feet to any residential lot line. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches. The requirements for floor area may be modified by the Board of Zoning Appeals to encourage collocation of antennas.

G. Removal of Abandoned Antennas and Towers.

Notwithstanding any other provision in this Resolution, any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower, or the owner of the real property upon which the abandoned antenna or tower is located, shall remove the same within ninety (90) days of receipt of notice from the Building Commissioner notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

H. Nonconforming Uses

1. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted for such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Resolution.

3. Bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special exception and without having to meet the separation requirements specified in Sections 7.4.D.7. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. If such tower or antenna is not rebuilt within twelve months of destruction, then the tower or antenna shall be deemed abandoned as specified in Section 7.4.G and shall not be rebuilt.

- I. Applications for the installation, erection and/or construction of Antennas, cabinets, shelters or similar equipment or structures may be approved by and permits issued by the Building Commissioner.

Cell Tower Siting Issues Rights of State and Local Governments

Overview of Federal Law:

- Section 332(c)(7) of the Communications Act of 1934 was amended by Congress in 1996 to include a section titled "Preservation of Local Zoning Authority."
- This zoning authority was adopted as part of the Telecommunications Act of 1996 which updated our nation's telecom laws.

o States that authority over decisions regarding "the placement, construction, and modification of personal wireless service facilities" falls to state or local government with a few specific limitations.

Federal Law and Regulation -Section 332(c)(7) -Local Zoning Authority Limitations:

- State or local governments "shall not unreasonably discriminate among providers of functionally equivalent services."
 - o Depending on state and local laws, they can treat wireless facilities differently based on aesthetic reasons, safety concerns, etc. as long as there is a "reasonable" explanation.
 - o Cannot favor one provider over another if they are similar sites.
- Example: Cannot grant AT&T a 150 foot tower and deny Verizon a 150 foot tower without a solid reason.
- State or local governments "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."
 - o State and locals cannot ban access to wireless service and generally may not create "significant gaps" in service by denying a cell site request.
 - o In November 2009, the FCC "interpreted" this section to mean that local officials cannot deny a siting "solely" because another provider has service covering the area.
- FCC did this to settle dispute: Courts have interpreted this differently:
 - Some rule there is no gap if any entity provides service in the area in question. (Ex: Verizon has coverage in an area but AT&T does not).
 - Others have ruled that if one provider has a gap in coverage, it is a "significant gap" and cannot be denied.
- ~ o However, even if a gap is found, the local government can put conditions, such as camouflaging, on a new tower or require alternate sites be considered.
- State or local governments "shall act on any request.within a reasonable period of time after the request is duly tiled...."

o FCC set "reasonable" time limits in November 2009 in which local governments must act on wireless tower applications.

- Within 90 days on collocation requests.
- Within 150 days on new tower site requests.
- • State or local decision to deny a siting request "shall be in writing and supported by substantial evidence contained in a written record."
- o If "aesthetics" apply under local ordinances, then evidence presented as an objection should be greater than just personal opinion expressing cell towers are eyesores.
- State or local governments may not regulate cell towers based on "the environmental effects of radio frequency emissions" if the facilities comply with the FCC's emission regulations.
- Sets forth a process if it is believed a state or local government may have violated Section 332(c)(7) in denying a siting request:

o Any person adversely affected by the action must file an action with the courts within 30 days.

- If state or local government found at fault most courts have found the appropriate remedy is an order for issuing the requested permit.
- Supreme Court ruled in 2005 that wireless provider may not recover attorney fees.

Current Blount County Zoning Resolution:

- The Board may deny an application if there are other available, less intrusive existing towers or other structures on which to collocate. [Blount County Zoning Regulations Section 7.4(D)(5)].
- • If a proposed tower would be a special exception according to Blount County Zoning Regulations, then more conditions can be applied.
- o As a result, the Board "may impose conditions to the extent the Board concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties." [Blount County Zoning Regulations Section 7.4(D)(1)]
- o And "the Board of Zoning Appeals shall consider the following factors in determining whether to approve a special exception..." including:
- • "(a) Height of the proposed tower; (b) Proximity of the tower to residential structures and subdivisions; ... (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage; (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; ... (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures." [Blount County Zoning Regulations Section 7.4(D)(4)]

- Examples of possible conditions that would still provide sufficient wireless coverage:

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- o Require the proposed tower to be "stealthed" to look like a pine tree or other structure to blend into the surrounding area.
- o Impose height limitations.
- Each carrier has a license from the FCC that requires a minimum level of coverage in the service territory.
- Often times a carrier will try to build a tower that gives it additional coverage.
- The tower may only need to be 100 feet or even shorter to provide the minimum coverage the carrier is legally obligated to provide under its license.
- o Approve multiple, shorter towers -possibly also "stealthed".
- o Approve a shorter tower in combination with collocating at existing sites.

Options for local governments:

- Local governments have a lot of options as long as their objections are "reasonable."
 - o Need solid objections to a proposed site -if they have an "aesthetic" objection can they tie it to tourism and the park entrance?
- Local governments should have tightly drafted zoning regulations up front to control placement of towers.
- Cannot prohibit the availability of cell service and create "significant gaps" BUT can require providers to explore aU feasible alternative sites, look at mitigating visual impact of proposed site, etc.

Questions local governments should ask when a controversial site is proposed and should incorporate into zoning regulations:

- Can the county hire (or have they already) an outside expert engineer/consultant to review alternative options to proposed tower site and look at what the cell provider actually needs.
 - o What is the problem provider is trying solve?
 - Do they have dead zones?
 - Do they have service but need more capacity due to grown in cell phones and PDAs (such as blackberries)?
 - Does proposed tower need to be that high? Or are they making taller due to future collocating, but is it actually needed?

- • Figure out the needs the provider is trying to meet and require all alternatives to be reviewed:
- o Is tower needed (see above) in the first place?
- o Would other locations work where they could collocate on an existing structure?
- o Would three 60 foot towers work instead of one 180 foot tower that could adversely impact tourism industry?

3 o Can they camouflage the tower to make it look like a tree or other structure elsewhere to blend in?

- This can be quite costly -there could be a point where it is deemed cost prohibitive and "unreasonable" but there isn't a set standard.

Under state and local law is it possible to collocate on existing electric utility structures?

o Could antennas be placed on transmission lines running through that area?

If County denies application to erect a new tower, they must provide a written denial that contains substantial evidence.

o Evidence is evaluated based on comparison with state law or the particular local zoning ordinances.

, 'Cell phones' towers use camouflage -The Sacramento Bee ^{Page 2 00}

One that his company Installed locally for Cingular Wireless last year hides an antenna in a cupola at the Folsom Premium Outlet~ mall.

A tradiDonal cell phone site typically co,sts about \$250,000, including all necessary electronics. But the cost of camouflaged towers varies from site to site.

The cupola at the Folsom outiet mall, for instance, cost about \$16,000, McKinney said. ,But a 50-foot tower designed to look like'a pine tree can run b'etween \$40,000 and \$50,000, ' depending on the density of its "foliage" and whether the pore gets a bark-like wrap. "The same pole without the camouflage would' be \$15,000 to \$20,000," McKinney said.

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Those higher costs are attributed to a Variety of factors, said Delmar Tompkins, cell site acquisition manager for Cingular in the Sacramento area, A tower that looks like a tree, for Instance, needs beefier construction because it's heavier and catches more wind than a standard tower, he said.

Camouflaged towers also require special materials that can withstand the elements and stili

retain a natural 'look.

Indeed, such towers have come a long way from a decade ago when huge poles dominated the skyline and prompted heated protests from neighbors.

"I remember one of the first major towers was at Madison Avenue and Interstate 80," said Pat Watters, a zoning administrator for the Sacramento County Planning and Community Development Department. "It was 150 feet high and when you were driving down the freeway you could see it for miles. It created a tremendous outcry."

Now, Watters said, most of the 25 to 30 requests his department receives annually for new towers are more modest. He said municipal planners almost always urge cell phone companies to locate antennas on existing towers, rather than build new ones.

"In the past few years, the companies have wised up and are coming in with alternative designs," said Chris Cochrane, president of the South Land Park Neighborhood Association, which keeps a close watch on such issues.

If locating them on existing towers isn't feasible, cell phone companies often come up with designs that, if not perfectly camouflaged, at least don't call attention to themselves.

The newest fakes, for instance, are often more realistic looking and placed within existing stands of trees, better blending in with their surroundings.

A cell phone tower on an alley near Broadway and 16th Street in Sacramento looks like any other telephone pole, said Thomas Pace, a senior planner with the City of Sacramento.

Months after it was installed, Pace said he got a call from a neighborhood activist wanting to know if the pole had been built yet.

"It's painted brown to look just like a telephone pole," he said. "It blends right in."

Such designs have significantly reduced community opposition to new towers, Pace said.

In some cases, neighborhoods are even asking for towers — though not necessarily in the heart of their communities. In the affluent El Macero development near Davis, residents are lobbying Cingular to install antennas just outside the golf course community's southern boundary.

"Cell phone service is pretty bad here," said Bill Dendy, an El Macero resident who also advises Yolo County supervisors on neighborhood issues. "You see people standing in their driveways trying to use their cell phones."

Dendy said he expects virtually no community opposition if the tower is well hidden. "The proposal is to put it among some grain silos so it won't be that noticeable," he said.

In addition to construction costs, cellular companies also continue to shell out significant lease payments to install their towers on private property.

At Fair Oaks Nursery, Woodruff said she receives about \$2,000 a month each from Verizon and Sprint Nextel for their antennas on her building. "That helped us get through the rainy spring," she said:

NOTICE OF PUBLIC HEARING, In accordance with Tennessee Code Annotated Section 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene in a called meeting and hold public hearing on January 10, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, BY AMENDING SECTIONS 7.4 C-4 TO CHANGE THE VISUAL EFFECTS AND SCREENING REQUIREMENTS TO ENCOURAGE THE USE OF MATERIALS, COLORS, TEXTURES, SCREENING, AND LANDSCAPING TO REDUCE THE VISUAL IMPACTS OF CELLULAR TOWERS .

7.4, C-4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall meet any applicable standards of the FAA; (b) At a tower site, the design of the tower, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

APPROVED:

ATTEST:

Jerome Moon
Commission Chairman

Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor

CRAIG L. GARRETT

ATTORNEY AT LAW, PLLC

607 SMITHVIEW DRIVE
MARYVILLE, TENNESSEE 37803

PHONE: 865-984-8200
FAX: 865-981-2833

M E M O

TO: RHONDA PITTS

CC: MAYOR ED MITCHELL

FROM: CRAIG L. GARRETT

DATE: JANUARY 9, 2012

RE: FOX HOLLOW ROAD DAMAGE/STONEGATE COMMUNITY
PROPERTY OWNER'S ASSOCIATION

It is my understanding that a representative from the Stonegate Property Owner's Association plans to appear at the Agenda Meeting tomorrow night. I have been asked by Chairman Moon and Mayor Mitchell to attend the Agenda Meeting to address the above issue if necessary. It is my understanding the Stonegate Community is seeking the County's assistance with damage or repair work needed for Fox Hollow Road.

To help the Commissioners be prepared and understand the issues, I am enclosing the documents and correspondence dealing with this issue. I have been dealing with this issue for several months and hopefully these documents will help the Commissioners understand the issues.

The documents attached are as follows:

1. Letter from Roger Fields to G. Larry Wells of Wireless Properties dated 8/25/11
2. Letter from Craig L. Garrett to G. Larry Wells of Wireless Properties dated 9/9/11
3. Letter from G. Larry Wells of Wireless Properties to Craig L. Garrett dated 9/29/11
4. Memorandum from Craig L. Garrett to the Board of Zoning Appeals and Roger Fields dated 10/31/11
5. Memorandum from Craig L. Garrett to Mayor Ed Mitchell dated 12/30/11

Please place these documents into each Commissioner's packet for the Agenda Meeting to assist them with addressing this issue.

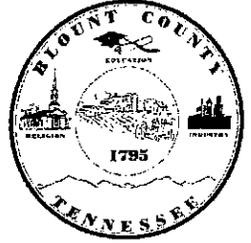
Blount County Government

Roger D. Fields, Building Commissioner

1221 McArthur Road

Maryville, TN 37804

Phone: 865-681-9301 Fax: 865-681-9502



August 25, 2011

G. Larry Wells
Wireless Properties
633 Chestnut Street, Suite 707
Chattanooga, TN 37450

Mr. Wells:

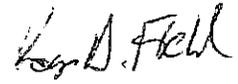
This is a follow up on the conditions at your Fox Hollow Road Tower site. I have met with a representative from your company as well as the home owner's association president of Stonegate. I do apologize for not making clear the issues that exist at this location. I would like to take this opportunity to point out the conditions that need to be addressed at that location.

First I would like to address the obvious conditions at the point where the tower road intersects Fox Hollow Road. There have been severe erosion issues that have developed since the improvements to the gravel road. The first is additional drainage that has created a high velocity of storm water into an existing natural drain area near the top of the access road, which has caused a great deal of erosion being dumped into Fox Hollow Road. Your company has been very responsive in getting the erosion cleaned up in the past. Another point is the connection of the access road to Fox Hollow Road itself. A tile has been installed, as we requested, but in a manner that would allow the pavement to be undercut. Lastly, the ditch from the access road should be redefined and the cross drain under Fox Hollow should be cleaned out so that it will function properly during storm events. These issues should be addressed as soon as possible to prevent the erosion issues in the future and it is my understanding that work is scheduled to begin soon on these issues.

Secondly are the pavement conditions and other infrastructure damage. I have photos of a drainage tile damage and pavement damage in a cul-de-sac that reportedly happened during the delivery of tower. I have also walked the road and had marked the areas of damage that appeared to be from heavy loads. I am not sure how to quantify the amount of responsibility your company has in these damages, but the BZA made their approval based on the condition that your company would be responsible for damages caused during construction. I believe that your company's liability should be reasonable, but should also satisfy the

home owners of Stonegate. It is my hope that your company and the home owners can reach an agreement on the paving issue. I have included photographs and two diagrams detailing areas of damage to the paved surface.

Sincerely,

A handwritten signature in black ink that reads "Roger D. Fields". The signature is written in a cursive style with a large, prominent initial "R".

Roger D. Fields
Blount County Building Commissioner

CRAIG L. GARRETT

ATTORNEY AT LAW, PLLC

607 SMITHVIEW DRIVE
MARYVILLE, TENNESSEE 37803

TELEPHONE: (865) 984-8200
FACSIMILE: (865) 981-2833
EMAIL: mail@cgarrettlaw.com

September 9, 2011

G. Larry Wells
Wireless Properties II
633 Chestnut Street, Suite 707
Chattanooga, Tennessee 37450

Re: *Fox Hollow Road damage – special exception granted by Blount County Board of Zoning Appeals*

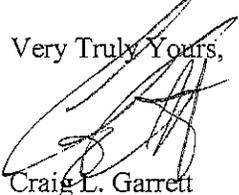
Dear Mr. Wells:

Thank you for your recent letter. I have shared that with Roger Fields, the Blount County Building Commissioner. Roger has furnished to me the enclosed letter and supporting documentation that outlines the specific issues that he feels need to be addressed. I ask you to please review Roger's letter and supporting documentation. Please contact Roger directly to make arrangements to correct any damages that were clearly caused by your company. As to damage that is disputed, I suggest that we sit down informally with Roger, a representative from the home owners association, along with you or a representative of your company and attempt to resolve any disputes. If this is agreeable, let me know and I will be glad to facilitate this meeting.

We look forward to hearing from you.

With kind regards, I am

Very Truly Yours,



Craig L. Garrett
Attorney for Blount County, Tennessee

CLG/jr

Enclosures

cc: Roger Fields



WIRELESS PROPERTIES®

September 29, 2011

Mr. Craig L. Garrett
Attorney for Blount County, Tennessee
607 Smithview Drive
Maryville, TN 37803

RE: Fox Hollow Road damage – special exception granted by Blount County Board of Zoning Appeals

Dear Mr. Garrett:

Wireless Properties II, LLC (“Wireless”) is in receipt of your letter dated September 9, 2011. Enclosed was a letter dated August 25, 2011 from Comm. Fields, Blount County’s Building Commissioner, that detailed the conditions he thought need to be addressed at our tower site.

Wireless exchanged emails and a phone call with Comm. Fields on September 20, 2011 to confirm all of the issues listed in his second paragraph of his letter had been addressed. Wireless addressed the issues with multiple preventative erosions measures. Wireless also sent photographs documenting the work. After a few rain events, we have not received any complaints from Blount County or the Stone Gate Community. It is our understanding and belief that all of the erosion issues have been addressed adequately and that no further action is needed in this matter.

In regards to Comm. Fields third paragraph concerning the supposed culvert and road damage there is still a large disagreement between the parties. On September 20, 2011 Wireless sent photos to Comm. Fields of the metal culvert that was described as damaged by a representative of the Stone Gate Community. Upon a visit to the site there is a random piece of black plastic in the ditch but there is absolutely no damage to the metal culvert at the intersection of Myers and Fox Hollow Road. We have requested that Comm. Fields review the information and also would respectfully request that someone makes a field inspection as well. Once again Wireless feels that this issue has been addressed adequately and that no further action is needed in this matter.

707 Republic Centre • 633 Chestnut Street
Chattanooga, Tennessee 37450
Tel: 423.757.7010 • Fax: 423.757.7020
Email: mail@wirelessproperties.com
www.wirelessproperties.com

RECEIVED
SEP 29 2011

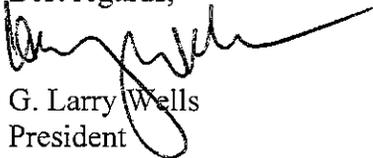
BY: _____

Comm. Fields also included 5 pictures of reported damage in a cul-de-sac that was supposedly caused by a tractor trailer delivering a section of the tower. There was no evidence detailing the prior condition of Fox Hollow Road as requested in our August 15, 2011 letter to your office. To date no one from Stone Gate or Blount County has provided Wireless with any evidence that shows that Fox Hollow road was in a better condition than its current state. Wireless' maintains its position that it did not cause the damage as reviewed in the site walk of Fox Hollow Road with Comm. Fields and Mr. Cox of Stone Gate Community on June 21st, 2011.

Wireless would again restate for the record that it took photographs all the way down Fox Hollow Road to clearly document the roads' condition prior to any construction activities. Those photographs were taken on November 11th, 2010 and have been provided to Comm. Fields. Those photographs we provided to Stone Gate Community and Blount County and clearly show signs of wear, damage, and "alligatoring" as it was first described to us by Mr. Cox. All instances of damage, with the exception of the cul-de-sac issue were already clearly evident in the pictures Wireless took prior to construction.

Based on a lack of evidence and false statements provided by Stone Gate, Wireless' position is that it has not caused any damage to Fox Hollow Road from "heavy loads". Wireless' also contends that it is not possible for anyone to inspect Fox Hollow Road almost 9 months after work had started and have any knowledge of it prior condition unless they had made an inspection of the road before construction. If concrete evidence is provided that shows that the road was damaged beyond its original condition we will gladly sit down and discuss a remedy and what parties may be responsible.

Best regards,



G. Larry Wells
President

Cc: Commissioner Fields, Blount County

CRAIG L. GARRETT

ATTORNEY AT LAW, PLLC

607 SMITHVIEW DRIVE
MARYVILLE, TENNESSEE 37803

PHONE: 865-984-8200
FAX: 865-981-2833

M E M O

TO: BOARD OF ZONING APPEALS
ROGER FIELDS, BLOUNT COUNTY BUILDING COMMISSIONER

FROM: CRAIG L. GARRETT, BLOUNT COUNTY ATTORNEY

RE: FOX HOLLOW ROAD DAMAGE

DATE: OCTOBER 31, 2011

I have been dealing with the issue of road damage to Fox Hollow Road for several months. Commissioner Fields made me aware of the circumstances of which Wireless Properties, II was granted a special exception by this Board for a cell tower to be located at 224 Myers Road. The special exception contained language that any road damage done during the cell tower construction would be repaired back to the original condition of the road.

Subsequent to the installation of the cell tower, there were some allegations of damage to the road, including erosion damage, damage to a drainage tile and damage to the pavement in a cul-de-sac on the road. When Commissioner Fields first presented this factual scenario to me, I advised him of the difficulty the County would have in addressing the issues of damage done to a private road that is not owned by Blount County. It was my opinion, however, that given the fact that the Board made a special exception and the contractor agreed to the special exception that the County should take reasonable steps to see that the contractor complied with the conditions of special exception.

Based upon this position, I contacted the president of Wireless Properties, II by letter on August 12, 2011. In this letter, I made formal demand on Wireless Properties, II that they repair any damage done to Fox Hollow Road during installation of the cellular tower. I enclose a copy of that letter for your consideration.

Wireless Properties, II complied with my request and apparently sent an individual to meet with Commissioner Fields and the president of Stone Gate's homeowners' association. Based upon

this meeting, Commissioner Field's furnished a follow-up letter to the president of Wireless Properties, II dated August 25, 2011, wherein he identified three (3) areas of damage that he wanted to clarify. These included erosion damage, damage to the drainage tile and damage to the cul-de-sac. I followed-up with a second letter to Wireless Properties, II on September 9, 2011, and I enclose a copy of that letter for your records.

The President of Wireless Properties, II, G. Larry Wells, responded to me by letter dated September 29, 2011. Wireless Properties, II maintains that they have repaired erosion damage identified by Commissioner Fields. They have disputed that there was any damage to the culvert, but indicated that there was merely a piece of black plastic in the ditch and they submitted photographs in support of their position. The remaining issue dealt with damage to the pavement and it is Wireless Properties, II's position that they did not cause any damage to the pavement and that they have photographs taken on November 11, 2010, of this road which show that there was pre-existing damage to the road. Wireless Properties, II concludes this letter by stating the following: "Based on lack of evidence and false statements provided by Stone Gate, Wireless' position is that it has not caused any damage to Fox Hollow Road from heavy loads."

It is my opinion that myself and Blount County has done all that we can do to enforce the conditions of the special exception. If Wireless Properties, II had disputed that they had a duty to repair pursuant to the special exception that we allowed, then we could certainly pursue legal action to impose this duty. Wireless Properties, II, however, does not dispute the duty owed but disputes that they caused the damage in question.

Neither this Board, Commissioner Fields, nor myself are in a position to determine whether the damage to this private roadway was pre-existing or caused by Wireless Properties, II. Furthermore, it is not our legal obligation to do so. Wireless Properties, II does not deny that they are responsible to repair any damage which they caused.

Given these facts and circumstances, there is nothing more this Board, Commissioner Fields or Blount County can do. If there is a legitimate dispute as to the cause of the damage to this private road it will have to be resolved by legal action between the road owner and Wireless Properties, II.

CRAIG L. GARRETT

ATTORNEY AT LAW, PLLC

607 SMITHVIEW DRIVE
MARYVILLE, TENNESSEE 37803

PHONE: 865-984-8200
FAX: 865-981-2833

M E M O

TO: MAYOR ED MITCHELL

FROM: CRAIG L. GARRETT

RE: FOX HOLLOW ROAD DAMAGE/STONEGATE MOUNTAIN
SUBDIVISION

DATE: DECEMBER 30, 2011

I am writing to follow-up with you on the issue dealing with the damage to Fox Hollow Road. As I advised, I sent a Memo to Roger Fields back on October 31, 2011 regarding the liability issues for potential damage to the road caused by the construction of the cell phone tower by Wireless Properties II. I enclose a copy of that Memo for you records. I still feel that this Memo correctly assesses the issues and the legalities surrounding these issues.

To summarize the matter, this is not a situation wherein Wireless Properties II, is denying that they have an obligation to fix any damage which they caused, but is an issue where they say that the damage existing to the road was not caused by them. In essence, this is a causation question. They claim to have before and after pictures which supports their position. To date, we have not been provided any before and after pictures from the homeowner's association that would refute this. Therefore, I think the recommendations I had set forth in the Memo to Roger is the correct legal assessment of the liability issues.

You had asked me if there is a mechanism wherein the County could assist the residents of Stonegate Mountain with road repairs for this private road. I have looked into this and as I suspected, we as a governmental entity, are limited in our ability to spend public funds. I can find no statutory authority or any other authority for the County expending money for the repair and upgrades of a private road. As you know, any expenditures of monies by the County for any reason has to come through the County Commission and not the Mayor's office, and I certainly

could not recommend to the Commission spending County funds for the maintenance or repair of this private road.

At this time, it seems the matter will have to be handled privately between the residents of the subdivision and Wireless Properties II. I would also suggest that the property owners look into their contractual agreements with the original owners of the road and the developer wherein the maintenance of the road was addressed when this road was constructed. There may be some remedies for the homeowners through that avenue.

I understand your desire and willingness to help all citizens of Blount County, but we have to operate within the parameters of the law when it comes to the expenditure of County funds.

If you have any further questions, feel free to contact me.