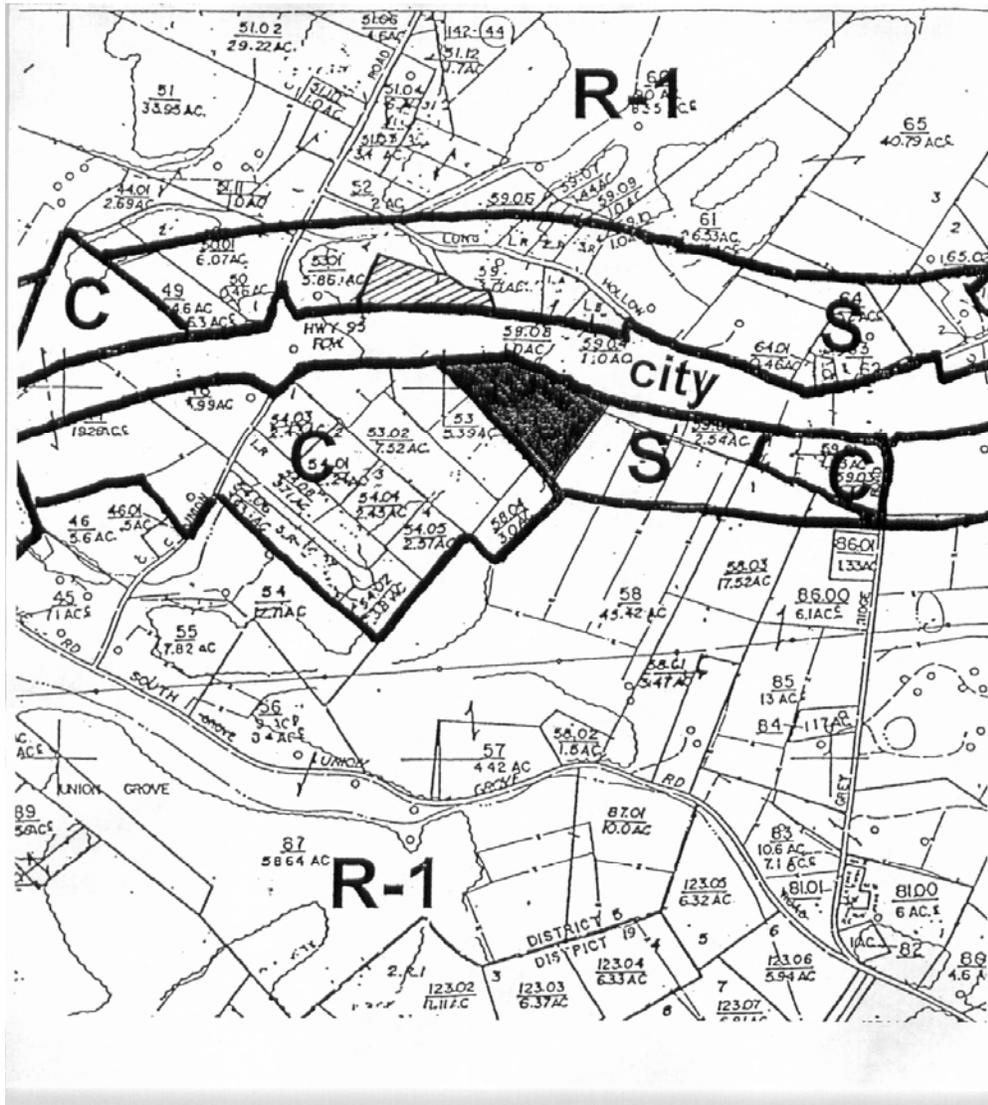


**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on August 7, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from S(Suburbanizing) to C- (Commercial) for property located at 2884 West Lamar Alexander Parkway, The property is identified on Tax Map 055 and Parcel 053.03 and is shown hatched on the map below.**



Copies of the Resolutions may be obtained at the offices of the Blount County Building Commissioner and Secretary to the County Commission, during regular office hours. Blount County does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d).

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 12-08-002**

**Sponsored by Commissioners Gerald Kirby and Gordon Wright**

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from S-Suburbanizing to Commercial for the property located at 2884 W. Lamar Alexander Parkway, being Tax Map 055, Parcel 053.03.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this , 2012:

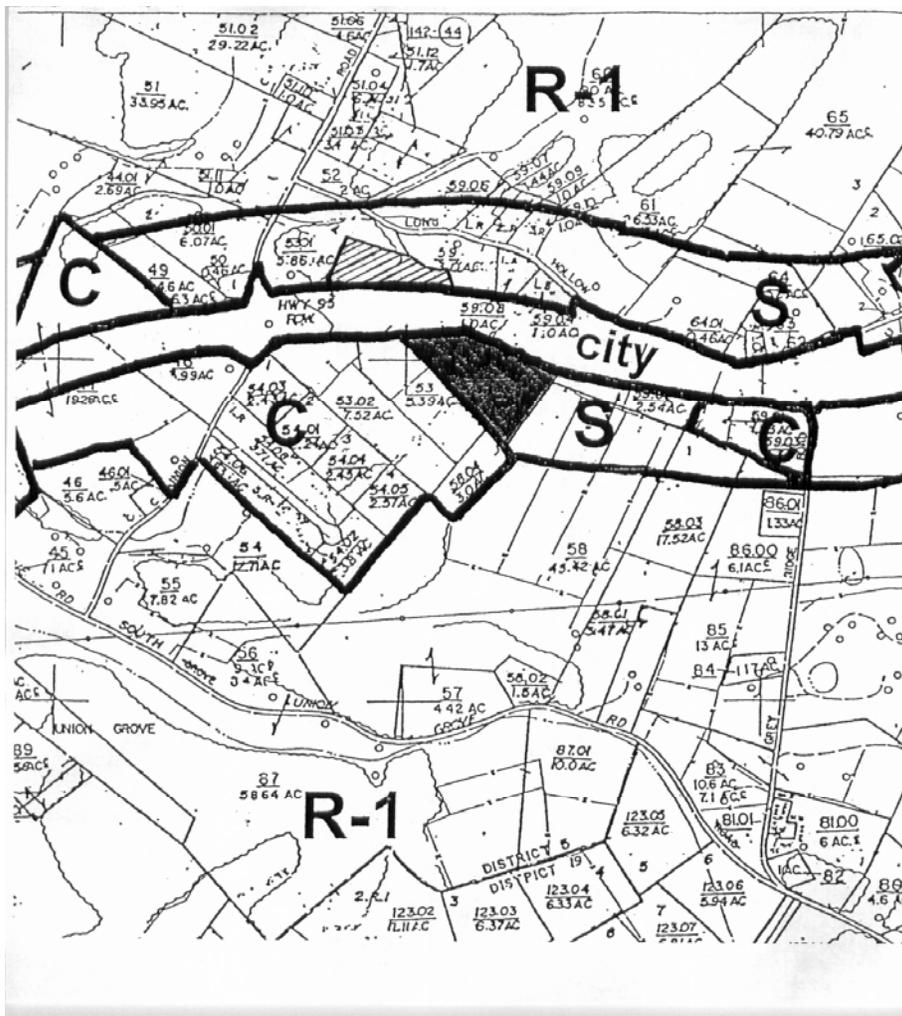
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

**WHEREAS**, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations, including the Zoning Map of Blount County, Tennessee 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 the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from S-suburbanizing to C-commercial for property located at 2884 W. Lamar Alexander Parkway, being Tax Map 055, Parcel 053.03, shown hatched on the following map.



**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 Planning Commission  
From: Blount County Building Commissioner  
CC: Other commission members and staff  
Date: June 19, 2012  
Re: Rezoning at 2884 W. Lamar Alexander Parkway.

---

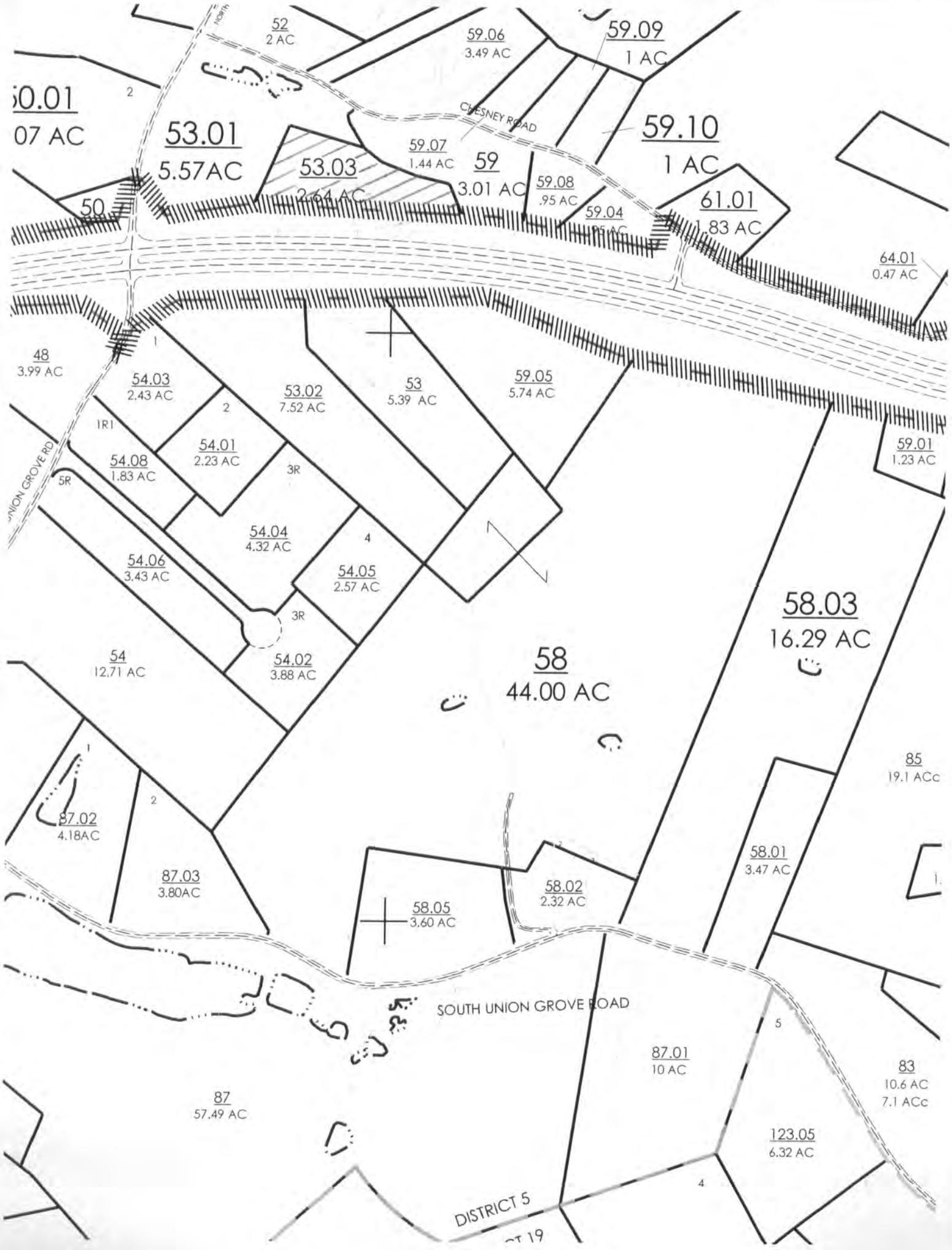
## **Back Ground:**

Mr. and Mrs. Collins have requested that their property, at 2884 W. Lamar Alexander Parkway, be rezoned from S-suburbanizing to C-commercial. This property is identified on tax map 55 and parcel 053.03. This property is located within the urban growth boundary for the City of Maryville. The property is in an area that has existing commercial zoned properties and is located just before the intersection of W. Lamar Alexander Parkway and Union Grove Road.

This property is approximately 2.6 acres with a depth of approximately 270 feet at its deepest point from the highway right-of-way. The applicant is requesting that the entire 2.6 acres be rezoned to commercial. This rezoning request is consistent with our zoning map and land use plan.

I have included copies of the zoning map and the tax map. You will find the property in question is hatched on each map. I have also included a copy of the tax card, which indicates the property is currently being taxed as residential.





50.01  
07 AC

52  
2 AC

59.06  
3.49 AC

59.09  
1 AC

53.01  
5.57 AC

53.03  
2.64 AC

59.07  
1.44 AC

59  
3.01 AC

59.08  
.95 AC

59.10  
1 AC

61.01  
1.83 AC

64.01  
0.47 AC

48  
3.99 AC

54.03  
2.43 AC

53.02  
7.52 AC

53  
5.39 AC

59.05  
5.74 AC

59.01  
1.23 AC

54.08  
1.83 AC

54.01  
2.23 AC

54.04  
4.32 AC

54.05  
2.57 AC

54.06  
3.43 AC

54.02  
3.88 AC

58  
44.00 AC

58.03  
16.29 AC

54  
12.71 AC

85  
19.1 AC

87.02  
4.18 AC

87.03  
3.80 AC

58.05  
3.60 AC

58.02  
2.32 AC

58.01  
3.47 AC

SOUTH UNION GROVE ROAD

87.01  
10 AC

87  
57.49 AC

83  
10.6 AC  
7.1 AC

123.05  
6.32 AC

DISTRICT 5

ST 19



July 17, 2012

Mr. Roger Fields  
1221 McArthur Road  
Maryville, TN 37804

**RE: AMENDMENT TO THE COUNTY'S ZONING RESOLUTION**

Dear Mr. Fields:

On July 16, 2012, the Maryville Regional Planning Commission took action on an amendment to the Blount County Zoning Resolution regarding the rezoning of 2884 W. Lamar Alexander Parkway from S-suburbanizing to C-commercial. The commission voted unanimously (two members absent) to endorse the rezoning amendment.

If I can be of further assistance, give me a call at 273-3520.

Sincerely,



John Jagger, Director  
Development Services

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on August 7, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010. A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS. In summary, establishing definition of Pain Management Clinic and regulation of same as Special Exception in the C-Commercial zone, with requirements specified for State licensing and permit, separation of 1000 feet from school, daycare facility, park or church, separation of 500 feet from residences, fencing and location on arterial road, and prohibiting of use in the S, R-1, R-2, and RAC zones. Copy of the Resolution may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours.

APPROVED:

ATTEST:

Jerome Moon  
Commission Chairman

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 12-08-003**

**Sponsored by Commissioners Gerald Kirby and Gordon Wright**

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> of August, 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 regulate pain management clinics.

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

**That Article 13 Definitions be amended to add the following definition:**

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;
- (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

**That Section 9.4.C for the C-Commercial District be amended to read as follows:**

C. Uses Permitted as Special Exceptions with Specific Limitations:

- (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across such abutting property lines by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

**That Section 9.1.D for the S-Suburbanizing District be amended to read as follows**

D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited

except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

**That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:**

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

**That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:**

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

**Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:**

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

**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

# Think Quality - Think Future

---

---

## Blount County Planning Department

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

**TO:** Blount County Commission

**FROM:** John Lamb

**DATE:** June 4, 2012

**SUBJECT:** Amendments to the zoning regulations to address Pain Management Clinics - new wording to conform to new state legislation.

The Planning Commission voted unanimously to refer with recommendation to approve new wording for amendments to the zoning regulations to address pain management clinics. See body of staff memo to Planning Commission attached for more detail on changes. This is a second version that incorporates changes made by the State Legislature in past session to amend definition of pain management clinic. Note that this is a change from the previous version considered by the County Commission at Public Hearing held May 8 and referred back to the Planning Commission for revision. This recommended version will also need to have a public hearing set. The following is recommended by the Planning Commission:

That Article 13 Definitions be amended to add the following definition:

**PAIN MANAGEMENT CLINIC:** A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;
- (2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;
- (3) Hospice services as defined in TCA 68-11-201;

- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

- C. Uses Permitted as Special Exceptions with Specific Limitations:
  - (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across such abutting property lines by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

- D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

- D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

- D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

**ATTACHMENT** body of staff memo to Planning Commission detailing changes.

At the February regular meeting, the Planning Commission made recommendation for amendments to the zoning regulations for pain management clinics. Since that time, the Tennessee State Legislature amended the basic statutes defining and regulating pain management clinics. In order to insure consistency between state statutes and our local regulations, the following are proposed as revised amendments.

That Article 13 Definitions be amended to add the following definition:

~~PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period.~~

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

~~(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.~~

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;

~~(2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;~~

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;

(3) Hospice services as defined in TCA 68-11-201;

(4) A nursing home as defined in TCA 68-11-201;

(5) A facility maintained or operated by this state; or

(6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

C. Uses Permitted as Special Exceptions with Specific Limitations:

(b) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across ~~property lines~~ **such abutting property lines** by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

**AGENDA**  
**BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING**  
**TUESDAY, AUGUST 7, 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. July 10, 2012 meeting.

**D. SETTING OF AGENDA.**

**E. ITEMS FOR CONSENT CALENDAR.**

1. Resolutions for special recognitions:
2. Election Results – August 2, 2012.
3. Appointments:
  - a. Board of Zoning Appeals – Andy Allen. (Gordon Wright)
  - b. Ocoee Regional Library Board – Bill Beaty. (Jerome Moon)
  - c. Board of Construction Appeals. (County Mayor)

**F. UNFINISHED BUSINESS.**

**G. NEW BUSINESS.**

1. Budget transfers.
2. Budget increases.
3. Other budget items:
4. Petition regarding addition of Custer Drive to the Official County Roads List. (Bill Dunlap)
5. Petition regarding addition of Parkline Way and Buffalo Springs Way to the Official County Roads List. (Bill Dunlap)
6. Petition to close unopened, unimproved dedicated right-of-way at west end of Byrd Drive and Kendra Drive in Woodthrush Subdivision. (Planning Commission)
7. Resolution to amend the zoning map of Blount County, Tennessee, from S (Suburbanizing) to C- (Commercial) for property located at 2884 W. Lamar Alexander Parkway. The property is identified on tax map 055 and parcel 053.03.
8. Resolution to amend the zoning resolution of Blount County, Tennessee, Article 13, and Sections 9.4C(a), 9.1D, 9.2D, 9.3D, and 9.10D, to regulate Pain Management Clinics.
9. Setting Of Public Hearing:
  - a. A request for rezoning from R-1(Rural District 1) to C-(Commercial) regarding property located at the corner of Towns End Lane and East Lamar Alexander Parkway, identified on tax map 097 and parcel 126.01.
10. Amendment to the Blount County Children's Home Charter. (Tab Burkhalter)
11. Re-establishment of Blount County Risk Management Committee. (Tab Burkhalter)
12. Records Management Grant Applications. (Monika Murrell)
13. Resolution for levying an additional sales and use tax in Blount County. (Kenneth Melton)

**H. PUBLIC INPUT ON ITEMS NOT ON THE 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 Commissioners was held on Tuesday, July 10, 2012 at 6:30 pm at the courthouse in Maryville, Tennessee.

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

Tonya Burchfield - present	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 - absent	Jerome Moon - absent
Gary Farmer - present	Scott Helton - present	Monika Murrell - absent
Jim Folts - present	Gerald Kirby - present	Steve Samples - present
Ron French - present	Holden Lail - present	Gordon Wright - present

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

**IN RE: MINUTES OF JUNE 12, 2012 MEETING.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: SETTING OF AGENDA.**

Commissioner Lewis made a motion to remove the resolution regarding possible action concerning allocation of sales tax split for South Blount Utility District, and move the petition regarding addition of Custer Drive to the Official County Roads List and the petition regarding addition of Parkline Way and Buffalo Springs Way to the Official County Roads List to the August meeting, and set the agenda. Commissioner Burchfield seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.**

Commissioner Wright made a motion to send the item back to the Planning Commission for review or change. Commissioner Lail seconded the motion.

A vote was taken on the motion:

Burchfield - yes	Farmer - yes	Greene - yes	Kirby - yes
Burkhalter - yes	Folts - yes	Harrison - yes	Lail - yes
Carver - yes	French - yes	Hasty - absent	Lambert - yes
Caylor - yes	Gamble - yes	Helton - yes	Lewis - yes

Melton - yes                                      Murrell - absent                                      Wright - yes  
 Moon - absent                                      Samples - yes

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: BUDGET TRANSFER – CITY SCHOOL ADA ALCOA - \$2,000.00 and  
 BUDGET TRANSFER – CITY SCHOOL ADA MARYVILLE - \$129,200.00 and  
 BUDGET TRANSFER – GENERAL COUNTY FUND - \$5,000.00 and  
 BUDGET TRANSFER – GENERAL PURPOSE SCHOOL FUND - \$5,000.00.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: BUDGET TRANSFER – GENERAL COUNTY FUND - \$4,100.00.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET – \$3,828.00 and  
 RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$78,163.92 and  
 RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$8,125.00.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: RESOLUTION TO AMEND OTHER CAPITAL PROJECTS FUND BUDGET - \$225,000.00.**

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

A vote was taken on the motion:

Burchfield - yes	Caylor - yes	French - yes	Harrison - yes
Burkhalter - yes	Farmer - yes	Gamble - yes	Hasty - absent
Carver - yes	Folts - yes	Greene - yes	Helton - yes

Kirby - yes	Lewis - yes	Murrell - absent
Lail - yes	Melton - yes	Samples - yes
Lambert - yes	Moon - absent	Wright - yes

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET - \$2,483,000.00.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: BUDGET TRANSFER – DISTRICT ATTORNEY - \$18,800.00.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: RESOLUTION ESTABLISHING A VICTIMS' ASSISTANCE ASSESSMENT FEE TO FUND PROGRAMS WHICH ASSIST VICTIMS OF CRIMES.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: RESOLUTION TO FORM AN AD HOC COMMITTEE TO STUDY THE OVERCROWDING OF THE BLOUNT COUNTY JAIL.**

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

A vote was taken on the motion:

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

Wright - yes

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

Commissioner Helton nominated Commissioner Caylor and the Sheriff and the Chief Deputy or their designated representative to the ad hoc committee. Commissioner Lail seconded the nominations.

Commissioner Lail nominated Commissioner Burkhalter to the ad hoc committee. Commissioner French seconded the nomination.

Commissioner Kirby nominated Commissioner Greene to the ad hoc committee. Commissioner Carver seconded the nomination.

Commissioner Carver nominated Commissioner Farmer to the ad hoc committee. Commissioner Lail seconded the nomination.

A vote was taken on the nominations:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - no	Helton - yes	Moon - absent	

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: REQUEST FROM PROBATION DEPARTMENT FOR ADDITIONAL OFFICE SPACE IN THE OLD HEALTH DEPARTMENT BUILDING.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
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 - absent	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: SETTING OF PUBLIC HEARING FOR SEPTEMBER 11, 2012, ON COMMERCIAL CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS.**

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

A vote was taken on the motion:

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

There were 15 voting yes, 3 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: SETTING OF PUBLIC HEARING FOR AUGUST 7, 2012 FOR REQUEST FOR REZONING AT 2884 W. LAMAR ALEXANDER PARKWAY, PROPERTY IDENTIFIED ON TAX MAP 55 AND PARCEL 053.03, FROM S-SUBURBANIZING TO C-COMMERCIAL.**

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

A vote was taken on the motion:

Burchfield - yes	Burkhalter - yes	Carver - yes	Caylor - yes
------------------	------------------	--------------	--------------

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

There were 17 voting yes, 1 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: NOMINATION OF THREE COUNTY COMMISSIONERS TO THE FINANCE COMMITTEE.**

Commissioner Helton nominated Tab Burkhalter to serve on the Finance Committee and forward the nomination to the agenda of the July County Commission meeting. Commissioner Lewis seconded the nomination.

Commissioner Melton nominated Holden Lail to serve on the Finance Committee and forward the nomination to the agenda of the July County Commission meeting. Commissioner Kirby seconded the nomination.

Commissioner Harrison nominated Steve Samples to serve on the Finance Committee and forward the nomination to the agenda of the July County Commission meeting. Commissioner Lambert seconded the nomination.

A vote was taken on the nominations:

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

There were 16 voting yes, 0 voting no, 2 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: RESOLUTION TO APPROVE AMENDMENT TO RULES, REGULATIONS, AND SPECIFICATIONS FOR PERMANENT EASEMENTS FOR PRIVATE ROADS AND COMMON DRIVEWAYS IN THE SUBDIVISION REGULATIONS OF THE BLOUNT COUNTY REGIONAL PLANNING COMMISSION.**

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

A vote was taken on the motion:

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

There were 14 voting yes, 4 voting no, 0 abstaining, and 3 absent. Chairman Farmer declared the motion to have passed.

**IN RE: ADJOURNMENT.**

Chairman Farmer declared the meeting to be adjourned.

**BOARD OF ZONING APPEALS**  
(TERMS - 5 YEARS)  
Blount County Article 11.1 and T.C.A.13-7-106

<u>Name/Address</u>	<u>Phone</u>	<u>Term Expires</u>
Bruce Damrow 2044 Stonybrook Road Louisville, TN 37777	977-8057 (APPT. 02/16/12) (Jim Melton appt. 9/16/10 - resigned 1/30/12)	9/16/15
Rob Walker 237 Meadow Road Friendsville, TN 37737	995-2564	8/20/14
Stanley Headrick 3806 E. Lamar Alexander Pkwy. Maryville, TN 37804	681-1846	8/31/13
Andy Allen (Appt. 9/16/10) 232 Littlebrook Circle Rockford, TN 37853	380-0996 (GORDON WRIGHT APPT. 8/16/07 <u>RESIGNED 9/1/2010</u> )	8/16/12
Larry Chesney (Appt.8/18/11) 350 Martin Valley Road Walland, TN 37886	980-0824	8/18/16

Associates:

Joe Everett (Appointed 02/21/08) Term expires 2/21/13

**CONTACT - COMMISSION CHAIRMAN JEROME MOON – 984-3304**

## ANDY ALLEN

---

### PROFILE

Life long residence of Blount County community for more than 30 years. Married to Jan Allen and daughter Kimberly Allen. Active member in church and civic duties. Professional career includes over fourteen years in the Electrical field, with extensive experience in all aspects of Project Management.

### RECENT PROJECTS

- Alcoa City Service Center
- Coulter Grove Intermediate School
- Tennessee Air National Guard Squad Operations Facility
- Union Grove Elementary School
- Union Grove Middle School
- Blount County Animal Shelter
- Gay Street – Streetscapes
- Pellissippi Place
- Athens Farmers CO-OP
- University of Tennessee Bio-Energy Building
- University of Tennessee Student Health Clinic
- National Energy Security Center

### PROFESSIONAL EXPERIENCE

**Massey Construction Inc.**

March 2001 – Present

Project Manager

**Allen Acoustical & Electric, Inc.**

December 1996 - February 2001

Vice-President, Electrician

**University of TN/Concert Security**

June 1997 - February 1998

Crowd Control

**Airport Auto Auction, Inc.**

March 1997 - November 1997

Driver

**Blount Farmers Co-Op**

September 1995 - June 1996

Farm Supply Loader

## EDUCATION/CERTIFICATIONS

Walter State Community College; Morristown, TN	Technical Certificate in Basic Emergency Medical Technician Graduated December 1996
Maryville High School; Maryville, TN	Graduated May 1996
Electrical Contractors License in General Construction	State of Tennessee
General Contractors License	State of Tennessee
Private Pilot Licenses	Federal Aviation Administration 2009

## AFFILIATED ORGANIZATIONS

Member of:

Master Mason-Rockford Chapter

The Associated General Contractors of Tennessee (AGC)

Scottish Rite-East Tennessee

FOCUS™ Terms

Search Within Original Results (1 - 1)

 Advanced...

[View Tutorial](#)

View Full 

1 of 1  

[Return to Results](#) | [Book Browse](#)

**Tenn. Code Ann. § 13-7-106** (Copy w/ Cite)

Pages: **3**

*Tenn. Code Ann. § 13-7-106*

TENNESSEE CODE ANNOTATED  
© 2012 by The State of Tennessee  
All rights reserved

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

Title 13 Public Planning And Housing  
Chapter 7 Zoning  
Part 1 County Zoning

Tenn. Code Ann. § 13-7-106 (2012)

**13-7-106. Creation of county board of zoning appeals -- Appointment of members -- Terms -- Vacancies -- Training and continuing education.**

(a) The legislative body of any county which enacts zoning regulations under the authority of this part shall create a county board of zoning appeals of three (3) or five (5) members. In any county which has adopted a charter form of government as provided in the Constitution of Tennessee, art. VII, § 1, and by § 5-1-201, and which has a population of less than six hundred thousand (600,000), according to the 1980 federal census or any subsequent federal census, the legislative body of any such county which enacts zoning regulations under the authority of this part shall create a county board of zoning appeals of five (5), seven (7) or nine (9) members. The county legislative body shall be the appointing power of the members of such board of appeals and may fix their compensation and their terms, which terms shall be of such length and so arranged that the term of one (1) member will expire each year. In any county which has adopted a charter form of government as provided in the Constitution of Tennessee, art. VII, § 1, and by § 5-1-201, and which has a population of less than six hundred thousand (600,000), according to the 1980 federal census or any subsequent federal census, the county legislative body shall arrange their terms in any fashion so long as no member's term exceeds five (5) years in length. The county legislative body may remove any member for cause upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The county legislative body may appoint associate members of the board, and, in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board, or other cause, such associate member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body. The county legislative bodies of two (2) or more counties may, by ordinances enacted by both or all of them, arrange and provide for a joint or common board of zoning appeals.

(b) (1) Each board of zoning appeals member shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (b)(5).

(2) Each full-time or contract building commissioner or professional planner or other administrative official whose duties include advising the board of zoning appeals shall, each calendar year, attend a minimum of eight (8) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (b)(5). A professional planner who is a member of the American Institute of Certified Planners (AICP) shall be exempt from this requirement.

(3) Each of the individuals listed in subdivisions (b)(1) and (2) shall certify by December 31 of each calendar year such individual's attendance by a written statement filed with the secretary of such individual's respective board of zoning appeals. Each statement shall identify the date of each program attended, its subject matter, location, sponsors, and the time spent in each program.

(4) The legislative body of the county shall be responsible for paying the training and continuing education course registration and travel expenses for each board of zoning appeals member and full-time building commissioner or other administrative official whose duties include advising the board of zoning appeals.

(5) The subjects for the training and continuing education required by subdivisions (b)(1) and (2) shall include, but not be limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the board of zoning appeals. Other topics reasonably related to the duties of the board of zoning appeals and the building commissioner or other administrative official whose duties include advising the board of zoning appeals may be approved by majority vote of the board of zoning appeals prior to December 31 of the year for which credit is sought.

(6) Each local board of zoning appeals shall keep in its official public record originals of all statements and the written documentation of attendance required to comply with these provisions for three (3) years after the calendar year in which each statement and appurtenant written documentation is filed.

(7) Each board of zoning appeals member and each building commissioner or other administrative official whose duties include advising the board of zoning appeals shall be responsible for obtaining written documentation signed by a representative of the sponsor of any training and continuing education course for which credit is claimed, acknowledging the fact that the individual attended the program for which credit is claimed.

(8) If a board of zoning appeals member fails to complete the requisite number of hours of training and continuing education within the time allotted by this subsection (b) or fails to file the statement required by this subsection (b), then this shall constitute a cause for the removal of the board of zoning appeals member from the board of zoning appeals.

(9) The legislative body of the county may, at any time, opt out of this subsection (b) by passage of a resolution. Further any such legislative body that has opted out may, at a later date, opt in by passage of a resolution.

**HISTORY:** Acts 1935, ch. 33, § 6; C. Supp. 1950, § 10268.6; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 13-406; Acts 1991, ch. 521, § 1; 1993, ch. 184, § 1; 2002, ch. 862, § 5; 2009, ch. 47, § 10.

View Full

1 of 1

[Return to Results](#) | [Book Browse](#)

**Tenn. Code Ann. § 13-7-106** (Copy w/ Cite)

Pages:3

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)  
Copyright © 2012 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

**Section 10.4. Planning Commission.** In instances where the Board of Zoning Appeals does not have authority to review and approve site plans required under provisions of this Resolution, the Planning Commission shall act as an administrative review panel for review of and decision on such site plans. The Planning Commission shall have authority to review and determine for approval the compliance of the site plan with the stated purposes, intent, goals, provisions and regulations in this Resolution, and will not have authority to vary any provisions or regulations nor to require any other provisions, regulations, conditions or requirements beyond the provisions and regulations contained in this Resolution. Notwithstanding any other provisions in this Resolution, the Planning Commission may, at its discretion when reviewing and approving site plans, require buffering along side and rear lot lines in the form of solid fencing and/or vegetative growth, for any use other than single family residential use that bounds a residential use or platted residential lot. In acting as an administrative review panel, the Planning Commission shall have all building permit powers of the Building Commissioner, such that an approval of a site plan shall constitute also an approval of a building permit for such site plan. The site plan shall be submitted to the Building Commissioner for forwarding to the Planning Commission at least fifteen calendar days prior to consideration at a regular or special called meeting of the Planning Commission. The Building Commissioner shall review any site plan before the Planning Commission and shall make recommendation for approval or denial with analysis and reasons for such recommendation. The decisions of the Planning Commission shall be by majority vote of the quorum present. The decisions of the Planning Commission shall be entered in the minutes of the Commission, and any denial of a site plan shall state the reasons for denial.

## **Article 11. BOARD OF ZONING APPEALS.**

**Section 11.1. \* Creation and Membership.** In accordance with Tennessee Code Annotated 13-7-106, the Blount County Board of Zoning Appeals, referred to elsewhere in this Resolution as Board of Zoning Appeals or Board, is hereby created with five regular members. The County Legislative Body shall appoint regular members of the Board. The terms of each regular member shall be five years, provided that the first appointments upon adoption of this Resolution shall be for staggered terms of one, two, three, four, and five years such that the term of one regular member shall expire each year thereafter. Regular members may be appointed for successive terms. Vacancies for regular members shall be filled for unexpired terms in the same manner as in the case of original appointments. The County Legislative Body may appoint and designate associate members of the Board. Such associate members are authorized to sit and act in the stead for any regular member who is temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause. The term of such associate members shall be for the specific time period that a regular member is temporarily unable to act. The County Legislative Body may remove any member of the Board for cause upon written charges and after a public hearing, causes to include but not limited to absence from any three consecutive meetings of the Board, or absence from more than five meetings of the Board within any twelve calendar months.

**Section 11.2. Rules and Procedures.** The Board of Zoning Appeals shall elect a Chairman and a Secretary from among the regular members, such Chairman and Secretary to serve for one year terms, and may be elected to successive terms. The Chairman is authorized to call a meeting of the Board for action as needed. All meetings of the Board shall be open to the public. In the absence of the Chairman, a quorum of the Board may elect a temporary Chairman to conduct business. A quorum of the Board shall consist of no less than three regular or associate members. Minutes of meetings shall be kept, reporting the members in attendance, reporting records and



**BLOUNT COUNTY  
PUBLIC LIBRARY**

508 North Cusick Street  
Maryville, TN 37804

TO: Jerome Moon, Chairman, Blount County Commission

FROM: Blount County Public Library Board of Trustees  
Kathy Pagles, Director, Blount County Public Library

DATE: July 25, 2012

RE: Appointment of Bill Beaty to Ocoee River Regional Library Board

The Blount County Public Library Board of Trustees recommends the appointment of their board chairman, Bill Beaty, to the Ocoee River Regional Library Board, formerly named the Fort Loudoun Regional Library Board. Mr. Beaty served the first year of a three year term before he joined the local library board. He has agreed to return to the regional library board as it reformulates itself to better serve the libraries of east Tennessee. The term of this appointment is from July 1, 2012 to June 30, 2015.

Enclosed please find Mr. Beaty's personal resume and a copy of the T.C.A. provisions for the appointment of regional library board members. Please forward our recommendation to the appropriate committee(s) for action. Should you need any further information, please do not hesitate to contact Kathy Pagles.

Attachment

# William Everett Beaty

3672 Crown Point Road  
Louisville, TN 37777  
865-984-3620 / 865-740-5180  
beatyfam@bellsouth.net

---

Proven leadership, business management, instructional experience, and communication skills to make significant contributions to students seeking higher education. Areas of proficiency:

- Leadership
- People Skills
- Presentations
- Training
- Operations
- Project Management

## CAREER HIGHLIGHTS

### **Director of Operations/Financial Manager**

Foothills Community Development Corporation

*Blount Tennessee affordable housing organization*

- Responsible for day to day general operations
- Overhaul of Finances and construction cost accountability

### **Vice President – Operations**

Florida Rock & Tank Lines, Inc.: Jacksonville, Florida

*A six-state transportation company which hauls petroleum and chemical products from twenty terminals.*

- Responsible for company-wide terminal and logistics business operations supported by 500 staff and drivers.
- Revitalized communications between corporate staff and field operations.
- Refocused regional and terminal manager work efforts to meet company objectives by conducting personal training sessions.
- Developed, implemented, and helped teach driver orientation and training classes at three locations in the Southeast.

### **Regional Manager**

Biosystems, Inc.: Middleton, Connecticut

*Nationwide industrial gas detection equipment company.*

- Expanded company presence in southeast region despite heavy competition from larger firms. Increased territorial sales by 15 percent

### **Adjunct Professor – Math and Algebra**

St. Johns River Community College: Orange Park, Florida

*Taught two courses while working full-time elsewhere (see below).*

- Received accolades from students for quality of math course instruction.
- At end of semester was offered full-time position by president of the college.

### **Site and Program Manager**

TSM Corporation: Jacksonville, Florida

*Oversight of curriculum development in support of a Navy fighter weapons school.*

- Developed tasking concepts, managed personnel, and performed day-to-day operations management for corporate production center.
- Planned and coordinated training programs.

- Analyzed, designed, validated, and presented classroom curriculum guides for instructors and students of several Navy aircraft.

### **Naval Officer – Highest Rank of Captain (O-6)**

#### **United States Navy**

*Various assignments as a pilot operating from aircraft carriers and as a leader of multiple commands.*

#### **Leadership**

- Promoted for higher command as Training Air Wing Commander in Meridian, Mississippi.
- Managed fiscal budget, maintenance, and flight training for 250 aircraft, 3000 air wing and base personnel.
- By fair treatment and building confidence and trust, healed rifts between base and city minority groups whose relationships had been strained from former incidents.
- Due to presentations before the Congressional Base Realignment and Closure Committee, was personally cited by Congressman Sonny Montgomery (D-Miss.) for being primarily responsible for saving Naval Air Station Meridian from closure.

#### **Aviation**

- Flew 155 successful combat missions in Vietnam as carrier jet aviator.
- Engaged in 7,000 accident-free flight hours and 1,100 carrier landings.
- Selected as the only American pilot to attend the 1977 Empire Test Pilot School in England.
- Accumulated experience on 40+ aircraft of multiple countries and services.
- Early-selected to be a carrier squadron commanding officer of 12 aircraft and 300 men.
- Ranked number one commanding officer of nine squadrons within the air wing.
- Appointed top commander of all 86 aircraft and 2,500 men onboard a major aircraft carrier.
- Selected from 50 test pilots to flight demonstrate for NASA shuttle pilots a landing system that eventually was installed in all space shuttles.

## **EDUCATION AND PROFESSIONAL DEVELOPMENT**

**Master of Business Administration:** Jacksonville University, Jacksonville, Florida

- Distinguished Graduate – 4.0 grade point average.

**Bachelor of Mechanical Engineering:** Vanderbilt University, Nashville, Tennessee

- Naval ROTC Scholarship

**Empire Test Pilot School:** RAF Boscombe Down, England.

**High School Graduate:** Maryville, Tennessee

**Eagle Scout**

FOCUS™ Terms

Search Within Original Results (1 - 142)

Advanced...

View Tutorial

View Full

← 46 of 142 →

Book Browse

**Tenn. Code Ann. § 10-5-102** (Copy w/ Cite)

Pages: 2

*Tenn. Code Ann. § 10-5-102*

TENNESSEE CODE ANNOTATED  
 © 2012 by The State of Tennessee  
 All rights reserved

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

Title 10 Public Libraries, Archives And Records  
 Chapter 5 Regional Library Boards  
 Part 1 General Provisions

Tenn. Code Ann. § 10-5-102 (2012)

**10-5-102. Members of regional board.**

**(a)** At least one (1) member shall be elected by the legislative body of each county in a multi-county region for a term of three (3) years in accordance with the contract between the counties and as provided in § 10-5-101. In accordance with the contract between the counties and as provided in § 10-5-101, the governing body of any municipality which contributes as much as one fourth (1/4) of the public funds available for the operation of a joint city-county system may elect one (1) of the two (2) members representing that county for a term of three (3) years. If more than one (1) municipality is entitled to elect a member, these municipalities shall alternate in electing one (1) member for a three-year term.

**(b)** A member shall represent and reside in the county or municipality from which the member was elected. In the event that a member removes such member's residence from the county or municipality from which the member was elected, the member shall thereby vacate such member's office. In the event of any vacancy in office, a successor shall be elected for the unexpired term at the next meeting of the governing body of the county or city in which the vacancy occurred. Members shall be elected for no more than two (2) successive terms except upon prior approval of the state librarian and archivist. Every member of the regional library board who is not an active member of a county library board is hereby designated an ex officio member of such county board. A member of the regional library board may be an active member of a county library board.

**HISTORY:** Acts 1955, ch. 88, § 2; 1961, ch. 73, § 2; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-602; Acts 1989, ch. 123, § 2.

View Full

← 46 of 142 →

Book Browse

**Tenn. Code Ann. § 10-5-102** (Copy w/ Cite)

Pages: 2

In

About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us  
 Copyright © 2012 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.



# BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: [emitchell@blounttn.org](mailto:emitchell@blounttn.org)



TO: Blount County Board of Commissioners

FROM: Ed Mitchell, County Mayor

RE: Board of Construction Appeals

DATE: July 26, 2012

For the consideration of the full commission, I am recommending the following persons to be reappointed to the Board of Construction Appeals:

Bob Reed, Board Member (Mechanical), 3 year term, August 2015

J. W. Baker, Board Member (Electrical), 3 year term, August 2015

Jeffery T. Fletcher, Board Member (Alternate), 3 year term, August 2015

Please see the attached bio information on each.

Thank you for your consideration.

---



**JEFFRY T. FLETCHER  
PRINCIPAL ARCHITECT  
FLETCHER ARCHITECTS INCORPORATED**

Jeff Fletcher is a Blount County native and a graduate of Maryville High School. He attended the University Of Tennessee School Of Architecture where he received his Bachelor of Architecture in 1974. He is a registered architect in the State of Tennessee since 1977.

In his 38 years of professional practice, Jeff has been involved in every aspect of architectural design, project management and construction administration. Included in his experiences are a partnership with two architectural firms and eight years as a Project Management Architect with the Tennessee Valley Authority.

While at the TVA, Jeff was in responsible charge of design and construction of office facilities at Browns Ferry and Watts Bar Nuclear Plants. He was Section Leader of twelve designers in charge of office spaces occupied by the nuclear division projects. Office spaces included the Haney Building at 160,000/SF, Cherokee Place at 135,000/SF and the TVA West Tower at 195,000/SF.

While attending the UT School of Architecture, Jeff developed the goal of having a successful practice in his home community of Maryville. He was first able to realize this goal in 1976 and has been an architectural presence within the community since. Active in historic preservation, Jeff is a charter and continuing member of the Blount County Historic Trust. He also serves the City of Maryville on numerous committees. Jeff has experience working in all types of architectural projects including commercial, educational and residential.

Jeff has worked on a variety of school projects for the Blount County Board of Education including Heritage and Carpenters Middle Schools where he served as principal architect. Jeff has provided services for the Blount County Schools ranging from building additions and renovations to roof repairs, code compliance projects, sprinkler installations, ADA adaptations and the development of modular classroom buildings. Jeff has worked at every facility in the Blount County School system. Other projects include the United Way office building and the Everett Adult Center.

Jeff is most proud of the number of repeat clients he has developed over the years. He has provided professional services for five Suntrust Bank projects, nine projects for Calloway Oil Company, five projects for Twin City Motors, four projects for Smith Mortuary and, of course, the already mentioned educational projects.

Jeff has served on the Blount County Board of Construction Appeals since its formation in 2006. He would like to continue as a member of this board in order to aid in any construction related issues that arise within the county.

Bob Reed Builders, Inc.

424 Wedgewood Dr

Alcoa, TN 37701

Bob Reed is the owner of Bob Reed Builders, Inc. He began his employment with the Aluminum Co. of American in 1981. His duties included Project Mechanical Engineer, Construction Superintendent and Special Projects Mechanical Engineer. His employment continued through 1993 where he completed many projects. However, in 1993, Bob decided to branch out and start his own business. He became a licensed general contractor and began to build homes in Blount, Loudon and Monroe counties. From 1993-present Bob has constructed approximately one hundred and fifteen homes. Also during this time he served as the Maryville/Alcoa Homebuilders Association President and Governmental Affairs Chairman.

Bob is very active in the governmental affairs of Blount County and feels that his continued service on the Board of Construction Appeals could provide a valuable asset. That is why he respectfully requests re-appointment to the board to help further the enforcement of building codes in the county.

J Baker Electric, Inc.

PO Box 1097

Louisville, TN 37777

License # 36134

JW "Jay" Baker is the owner and principal officer of J Baker Electric, Inc. He graduated from Maryville College in 1971. Upon graduation, he began teaching for the Blount County School System in 1972 and continued there until 1977.

During his time as a teacher, he developed a passion for electrical work. In 1973, he began wiring residential homes to help supplement his income as a teacher. He enjoyed this work tremendously and decided in 1977 to open his own electrical business, where J Baker Electric, Inc. was born. He has continued this business until the present and has been responsible for many commercial and residential wiring projects. He is a State licensed electrician and is responsible for quoting and overseeing most of the projects that are performed presently by J Baker Electric.

Jay is interested in raising the quality of construction in Blount County thru the enforcement of building and electrical codes. He has served on the Board of Construction Appeals since its inception in 2006 and would like to continue his service in this capacity. During his term, no cases have been heard by the board.

**CONTACT: BLOUNT COUNTY MAYOR – 865-273-5700**

**BOARD OF CONSTRUCTION APPEALS**

**3 year terms**

Patrick O'Hara (Board Member)(appt. 9/20/07 & 11/20/08) (term expires 11/20/11)

Leon Williams (Alternate) (appt.9/20/07 & 11/20/08) (term expires (11/20/11)

Bob Reed (Board Member) (appt 9/20/07) (reappointed 8/20/09) (term expires 8/20/12)

J.W. Baker (Board Member) (appt. 9/20/07) (reappointed 8/20/09)(term expires 8/20/12)

Jeffery T. Fletcher (Alternate) appt. 9/20/07) (reappointed 8/20/09)(term expires 8/20/12)

**Doug McClanahan (Board Member) 9/20/07) REAPPT. 9/16/2010**

**Donald Adsit (Board Member) 9/20/07 REAPPT. 9/16/2010**

## **BUDGET TRANSFER**

### **(COMMISSION ACTION NEEDED)**

<b><u>FUND</u></b>	<b><u>AMOUNT</u></b>	<b><u>BUDGET COMMITTEE</u></b>	<b><u>VOTE</u></b>
a) 101 - Gen. County Other Fed. Thru State	(-\$ 13,200.00)	Recommended	5 - yes
b) 131 - Hwy. - Hwy. & Bridge Mntce	\$ 10,000.00	Recommended	5 - yes
c) 131 - Hwy. - Hwy & Bridge Mntce	\$ 35,000.00	Recommended	5 - yes
d) 151 - Debt Service Lease/Rentals	(-\$200,000.00)	Recommended	5 - yes
e) 151 - Debt Service Parks & Rec.	(-\$ 33,000.00)	Recommended	5 - yes











VND#	52			07/16/12	
07/16/12		33,000.	.00	33,000.00	
CHECK TOTALS	----->	33,000.00	.00	33,000.00	

*Debt Retirement*  
*316 So. Everett High Rd*  
*151-0-499510-0*

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

Maryville • Alcoa • Blount County

15191



POST OFFICE BOX 789  
ALCOA, TN 37701-0789



FIRST TENNESSEE BANK

87-156/642

\*\*\*\*\* Thirty-Three Thousand AND 00/100 DOLLARS \*\*\*\*\*

DATE	CHECK NO.	AMOUNT
07/16/12	15191	***33,000.00

Blount County Government  
 Office of Acct. & Budgeting  
 341 Court Street  
 Maryville TN 37804-5906

PAY  
TO THE  
ORDER OF

*Joe Huff*  
 AUTHORIZED SIGNATURE

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

⑈015191⑈ ⑈064201560⑈ ⑈0218387⑈

48,990

151-  
Budget set up m 4/1/200

## **BUDGET INCREASES/DECREASES**

### **(COMMISSION ACTION NEEDED)**

	<b><u>FUND</u></b>	<b><u>AMOUNT</u></b>	<b><u>BUDGET COMMITTEE</u></b>	<b><u>VOTE</u></b>
a)	101 – Gen. County Tourism	(-\$874,033.00)	Recommended	5 - yes
b)	151 – Debt Service Principal/Interest	(-\$189,000.00)	Recommended	5 - yes
c)	365 – Other Agency Tourism	\$1,327,579.00	Recommended	5 - yes
d)	143 – Central Café. Food Services	\$ 19,700.00	Recommended	5 - yes
e)	177 – Edu. Capital Edu. Capital Projects	(-\$300,000.00)	Recommended	5 - yes
f)	177 – Edu. Capital Edu. Capital Projects	\$ 300,000.00	Recommended	5 - yes
g)	101 – Gen. County Contributions to Other Agencies	\$ 73,000.00	Recommended	4 – yes, 1 - no

**RESOLUTION NO. 12-08-007**

**Sponsored by: Commissioners Steve Samples and Holden Lail**

**A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.**

**WHEREAS**, Blount County would like to amend the General County Fund Budget to appropriate funds to close out the Tourism Board Account Numbers. The Chamber of Commerce will be handling this Private Act that will set up a Tourism Authority Board. Hotel Motel Tax will be split 70% to 365 Other Agency Funds, allocating these funds to Smoky Mountain Tourism Board and the remaining 30% will go to 101 General Fund. This is in preparation to close the note that the County had with Tourism, per County Auditor.

**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 16<sup>th</sup> day of August, 2012 that the General County Fund Budget shall be amended as follows:

**Revenue:**

**101-0-402200-0            Hotel/Motel Tax .....(-\$874,033.00)**

**APPROPRIATION:**

**58110                    See Attached .....(-\$699,233.00)**  
**58190                    See Attached .....(-\$174,800.00)**  
**TOTAL.....(-\$874,033.00)**

**Duly authorized and approved this 16<sup>th</sup> day of August, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
**Commission Chairman**

\_\_\_\_\_  
**County Clerk**

Approved: \_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
**County Mayor**

\_\_\_\_\_  
**Date**



REPORT 010-400

EXPENSE

APPROPRIATIONS

FUND 101: GENERAL GOVERNMENT

OBJECT	TITLE	ADOPTED 2012-13
	ACTIVITY 00000:	
	COST CENTER 50110: TOURISM	
302	ADVERTISING	335,000
320	DUES & MEMBERSHIPS	2,000
330	LEASE PAYMENTS	2,500
332	LEGAL NOTICES, RECORDING & COURT COSTS	200
348	POSTAL CHARGES	7,000
349	PRINTING-STATIONERY & FORMS	26,000
355	TRAVEL	2,400
356	TUITION/REGISTRATION	2,000
399	OTHER CONTRACTED SERVICES	304,203
435	OFFICE SUPPLIES	3,000
499	OTHER SUPPLIES & MATERIALS	2,200
599	OTHER CHARGES	11,000
709	DATA PROCESSING EQUIPMENT	1,730
50110:	TOURISM	699,233

REPORT 010-400

EXPENSE

APPROPRIATIONS

FUND 101: GENERAL GOVERNMENT

OBJECT	TITLE	ADOPTED 2012-13
ACTIVITY 00000:		
COST CENTER 58190: OTHER ECONOMIC & COMMUNITY DEVELOPMENT		
307	COMMUNICATION	14,000
335	MAINTENANCE & REPAIR - BUILDING	7,500
351	RENT	30,000
399	CONTRACTED SERVICES	86,000
410	CUSTODIAL SUPPLIES	6,000
435	OFFICE SUPPLIES	2,500
452	UTILITIES	11,000
499	OTHER SUPPLIES & MATERIALS	2,500
599	OTHER CHARGES	2,300
708	COMMUNICATION EQT	2,500
709	DATA PROCESSING	2,500
50190:	OTHER ECONOMIC & COMMUNITY DEVELOPMENT	174,800

**RESOLUTION NO. 12-08-008**

**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 in order to close out the Tourism Board Account Numbers. The Chamber of Commerce will be handling this Private Act that set up a Tourism Authority Board. Hotel/Motel Tax will be split 70% to 365 Other Agency Funds, allocating these funds to Smoky Mountain Tourism Board and the remaining 30% will go to 101 General Fund. This is in preparation to close the note that the County had with Tourism. Per the County Auditor.

**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 16<sup>th</sup> day of August, 2012 that the Debt Service Fund Budget shall be amended as follows:

**Revenue:**

**151-0-402200-0 Hotel/Motel Tax .....(-\$189,000.00)**

**APPROPRIATION:**

**151-82110-500602 Principal on Notes .....(-\$145,000.00)**  
**151-82210-500604 Interest on Notes .....(-\$ 44,000.00)**  
**Total .....(-\$189,000.00)**

**Duly authorized and approved this 16<sup>th</sup> day of August, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
**Commission Chairman**

\_\_\_\_\_  
**County Clerk**

Approved: \_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date



REPORT 010-400

EXPENSE

APPROPRIATIONS

FUND 151: GENERAL DEBT SERVICE FUND

OBJECT	TITLE	ADOPTED 2012-13
ACTIVITY 00000:		
COST CENTER 02110: GENERAL GOVERNMENT		
601	PRINCIPAL ON BONDS	3,529,000
602	PRINCIPAL ON NOTES	145,000
610	PRINCIPAL CAPITAL LEASE	288,000
612	PRINCIPAL ON LOANS	2,602,000
82110:GENERAL GOVERNMENT		6,564,000
COST CENTER 02210: GENERAL GOVERNMENT		
603	INTEREST ON BONDS	3,714,500
604	INTEREST ON NOTES	44,000
611	INTEREST CAPITAL LEASE	130,000
613	INTEREST ON LOANS	4,981,500
82210:GENERAL GOVERNMENT		8,870,000
COST CENTER 02310: GENERAL GOVERNMENT		
324	FINANCIAL ADVISORY SERVICES	5,000
510	TRUSTEE COMMISSIONS	294,720
599	OTHER DEBT SERVICE CHARGES	17,000
699	OTHER DEBT SERVICE	1,205,000
02310:GENERAL GOVERNMENT		1,521,720

**RESOLUTION NO. 12-08-009**

**Sponsored by: Commissioners Steve Samples and Holden Lail**

**A RESOLUTION TO AMEND OTHER AGENCY FUND BUDGET.**

**WHEREAS**, Blount County would like to amend the Other Agency Fund Budget to appropriate funds in order to close out the Tourism Board Account Numbers. The Chamber of Commerce will be handling this Private Act that will set up a Tourism Authority Board. Hotel/Motel Tax will be split 70% to 365 Other Agency Funds, allocating these funds to Smoky Mountain Tourism Board and the remaining 30% will go to 101 General Fund. This is in preparation to close the note that the County had with Tourism. Per County Auditor.

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

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16<sup>th</sup> day of August, 2012 that the Other Agency Fund Budget shall be amended as follows:

**Revenue:**

**365-0-402200-0 Hotel/Motel Tax .....\$1,327,579.00**

**APPROPRIATION:**

**365-58110-500312 Contracts w/Private Agencies .....\$1,327,579.00**

**Duly authorized and approved this 16<sup>th</sup> day of August, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
**Commission Chairman**

\_\_\_\_\_  
**County Clerk**

Approved: \_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
**County Mayor**

\_\_\_\_\_  
**Date**



**RESOLUTION NO. 12-08-010**

**Sponsored by: Kenneth Melton and Holden Lail**

**A RESOLUTION TO AMEND CENTRAL CAFETERIA FUND BUDGET.**

**WHEREAS**, Blount County would like to amend the Central Cafeteria Fund Budget to appropriate funds in order to establish receipt of Fresh Fruits and Vegetable Program grand for Rockford Elementary Cafeteria.

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

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16<sup>th</sup> day of August, 2012 that the Central Cafeteria Fund Budget shall be amended as follows:

**Revenue:**

**143-0-171140-73101            USDA – Other .....\$19,700.00**

**APPROPRIATION:**

<b>143-073100-500422-73101</b>	<b>Food.....</b>	<b>\$17,200.00</b>
<b>143-073100-500499-73101</b>	<b>Other Supplies.....</b>	<b>\$ <u>2,500.00</u></b>
	<b>TOTAL.....</b>	<b>\$19,700.00</b>

**Duly authorized and approved this 16<sup>th</sup> day of August, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
**Commission Chairman**

\_\_\_\_\_  
**County Clerk**

Approved: \_\_\_\_

Vetoed: \_\_\_\_

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

F.I.d

Blount County, Tennessee  
REQUEST FOR BUDGET INCREASE/DECREASE  
Fiscal Year 2012-2013

Fund Number 143 Cost Center Number 73100

Fund Name Central Cafeteria Cost Center Name Food Services

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
143-073100-500422-73101	Food	17,200.00
143-073100-500499-73101	Other Supplies	2,500.00
<b>Total Appropriation:</b>		<b>19,700.00</b>

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
143-000000-471140-73101	USDA - Other	19,700.00
<b>Total Estimated Revenue:</b>		<b>19,700.00</b>

Reason for requested increase/decrease:

Establish receipt of Fresh Fruits and Vegetable Program grant for Rockford Elementary cafeteria.

Note:

Total appropriation  
must agree with total  
estimated revenue.

Joy Logan  
Signature of Department Head

7-16-12  
Date

**"Approved By The Board Of Education"** 8-9-12

Budget Committee

Date \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Director



STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**  
6<sup>th</sup> FLOOR, ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243-0375

**BILL HASLAM**  
GOVERNOR

**KEVIN HUFFMAN**  
COMMISSIONER

June 18, 2012

Mr. Robert E. Britt, Director  
Blount County Schools  
831 Grandview Drive  
Maryville, TN 37803

Dear Mr. Britt:

We are pleased to announce that Rockford Elementary has been selected to receive up to \$ 19,700 for the 2012-2013 school year to operate the Fresh Fruit and Vegetable Program (FFVP). This school will have up to 18% of this amount available to spend between July 1, 2012 and September 30, 2012. Funds remaining after September 30 will be lost; they will not roll over to October 1. The remaining 82% of your funds must be spent between October 1, 2012 and June 30, 2013. New participating schools will be contacted to participate in a required conference call.

Funds are to be used to purchase, prepare and distribute fresh fruits and vegetables at no charge to the students in the school. The program should be structured so that maximum benefits go to the children. Each school will divide their total allotment into administrative and operating costs. The school may spend no more than 10% of the total allotment for administrative costs. They may spend no more than 15% of the total allotment for direct labor which is a part of operating costs.

If for some reason you are unable to participate in this program or no longer want to participate, let us know as soon as possible so we can reallocate the funds. This will not affect your ability to reapply next year.

If you have any questions, please contact Jane Crawford at 1-800-354-3663. We look forward to working with you in creating ways to help students develop lifelong, healthy eating habits.

Sincerely,

Kevin Huffman, Commissioner

CC: Kathleen Airhart, Deputy Commissioner  
Mike Herrmann, Executive Director  
Sarah White, State Director  
Troy Logan, School Nutrition Supervisor  
Lamar Smith, Regional Consultant  
Jane Crawford, Education Consultant

**RESOLUTION NO. 12-08-011**

**Sponsored by: Commissioners Holden Lail and Kenneth Melton**

**A RESOLUTION TO AMEND EDUCATIONAL CAPITAL FUND BUDGET.**

**WHEREAS**, Blount County would like to amend the Educational Capital Fund Budget to appropriate funds to decrease use of QSCB funds on Prospect to replace the roof on the main building at Porter Elementary.

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

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16<sup>th</sup> day of August, 2012 that the Educational Capital Fund Budget shall be amended as follows:

**Revenue:**

**177-0-473050-05065            ARRA-QSCB.....(-\$300,000.00)**

**APPROPRIATION:**

**177-058807-500399-05065    Other Contracted Services.....(-\$300,000.00)**

**Duly authorized and approved this 16<sup>th</sup> day of August, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
**Commission Chairman**

\_\_\_\_\_  
**County Clerk**

Approved: \_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
**County Mayor**

\_\_\_\_\_  
**Date**

F.I.E

Blount County, Tennessee  
REQUEST FOR BUDGET INCREASE/DECREASE  
Fiscal Year 2010-2011

Fund Number 177 Cost Center Number 58807

Fund Name Educational Capital Cost Center Name Education Capital Projects

	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Appropriation:	177-058807-500399-05065	Other Contracted Services	-300,000.00
		<b>Total Appropriation:</b>	<b>-300,000.00</b>

	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Estimated Revenue:	177-000000-473050-05065	ARRA - QSCB	-300,000.00
		<b>Total Estimated Revenue:</b>	<b>-300,000.00</b>

Reason for requested increase/decrease:  
Decrease use of QSCB funds on Prospect to replace the roof on the main bldg at Porter Elementary.

Note:  
Total appropriation must agree with total estimated revenue.

Mex Lopez 7-31-12  
Signature of Department Head Date

"Approved By The Board Of Education" 8-9-12

Budget Committee  
Date \_\_\_\_\_ Y08  
Approved \_\_\_\_\_ Y08 \_\_\_\_\_ 0808  
Resubmitted for \_\_\_\_\_ Y08 \_\_\_\_\_ 0808  
commission consideration  
Declined \_\_\_\_\_ Y08 \_\_\_\_\_ 0808  
Tabled \_\_\_\_\_ Y08 \_\_\_\_\_ 0808  
Deferred \_\_\_\_\_ Y08 \_\_\_\_\_ 0808

**RESOLUTION NO. 12-08-012**

**Sponsored by: Kenneth Melton and Holden Lail**

**A RESOLUTION TO AMEND EDUCATIONAL CAPITAL FUND BUDGET.**

**WHEREAS**, Blount County would like to amend the Educational Capital Fund Budget to appropriate funds for use of QSCB funds to replace the roof on the main building at Porter Elementary.

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

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16<sup>th</sup> day of August, 2012 that the Educational Capital Fund Budget shall be amended as follows:

**Revenue:**

**177-0-473050-11226            ARRA-QSCB.....\$300,000.00**

**APPROPRIATION:**

**177-091300-500707-11226    Building Improvements.....\$300,000.00**

**Duly authorized and approved this 16<sup>th</sup> day of August, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
**Commission Chairman**

\_\_\_\_\_  
**County Clerk**

Approved: \_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
**County Mayor**

\_\_\_\_\_  
**Date**



**RESOLUTION NO. 12-08-013**

**Sponsored by: Commissioners Steve Samples and Holden Lail**

**A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.**

**WHEREAS**, Blount County would like to amend the General County Fund Budget to appropriate funds to fund services previously funded from General Purpose School Funds. Funding was eliminated because client base is predominately adult.

**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 16<sup>th</sup> day of August, 2012 that the General County Fund Budget shall be amended as follows:

**Revenue:**

**101-0-40163-0      Payments in Lieu of Taxes – Other .....\$73,000.00**

**APPROPRIATION:**

**101-58500-316      Contributions.....\$73,000.00**

**Duly authorized and approved this 16<sup>th</sup> day of August, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_  
**Commission Chairman**

\_\_\_\_\_  
**County Clerk**

Approved: \_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
**County Mayor**

\_\_\_\_\_  
**Date**





STATE OF TENNESSEE  
Department Of Human Services  
Tennessee Rehabilitation Center at Maryville  
1749 Triangle Park Drive  
Maryville, TN 37801-3705  
Telephone: 865-981-2382 Fax: 865-981-1573  
TTY: 865-981-2382  
www.state.tn.us/humanserv/

BILL HASLAM  
GOVERNOR

RAQUEL HATTER, MSW, Ed.D.  
COMMISSIONER

Tennessee Rehabilitation Center  
Proposed Administrative Budget 7/1/2012-6/30/2013  
Revised July 31, 2012

Salaries	\$ 216,023
Employee Benefits	114,795
Travel	9,000
Utilities	25,100
Communication & Professional Services	10,500
Maintenance	7,500
Supplies	4,900
Rent & Insurance	216,200
Equipment	500
Computer Related Items	1,400
<b>Total</b>	<b>605,918</b>
<b>Total Local Funds Requested</b>	<b>\$179,990 (30% of Budget)</b>
City of Alcoa Share	45,635
City of Maryville Share	45,635
United Way Of Blount County	15,720
Blount County	73,000
<b>Vocational Rehabilitation Share (Federal Matched Money)</b>	<b>425,928 (70% of Budget)</b>

STATE AGENCY: DEPARTMENT OF HUMAN SERVICES  
DIVISION OF REHABILITATION SERVICES  
1749 TRIANGLE PARK; MARYVILLE, TN 37801

CERTIFICATE OF PUBLIC FUNDS MADE AVAILABLE FOR COMMUNITY TRC

I hereby certify that there will be available from Public Funds for expenditures by the Agency named above the sum enumerated below for the period indicated.

<u>Source Of Funds</u>	<u>Amount</u>	<u>Period</u>
Blount County Government	\$ 73,000.00	7/1/2012-6/30/2013

Sum to be transferred to the Division:

\_\_\_\_\_ In the entire amount on July 1, 2012

  X   One-fourth at the beginning of each four  
Quarters beginning July 1, 2012

It is understood that the Division of Rehabilitation Services will use these funds for the support and operation of the Community Tennessee Rehabilitation Center at Maryville-Alcoa at a ratio not exceeding 70 cents of Vocational Rehabilitation funds for each 30 cents of local public fund transferred to the division.

Name Of Person Certifying Funds: Mayor Ed Mitchell or Finance Director Randy Vineyard

Address: 831 Grandview Drive  
Maryville, TN 37803

Title: Blount County Mayor or Finance Director

Date: \_\_\_\_\_

Signature: \_\_\_\_\_



**STATE OF TENNESSEE**  
**Department Of Human Services**  
**Tennessee Rehabilitation Center at Maryville**  
1749 Triangle Park Drive  
Maryville, TN 37801-3705  
Telephone: 865-981-2382 Fax: 865-981-1573  
TTY: 865-981-2382  
[www.state.tn.us/humanserv/](http://www.state.tn.us/humanserv/)

BILL HASLAM  
GOVERNOR

RAQUEL HATTER, MSW, Ed.D.  
COMMISSIONER

**Tennessee Rehabilitation Center (TRC) – Question & Answer Summary**

**Q: How is TRC-Maryville funded?**

**A:** The administrative budget consists of 30% local funding which is **matched** by 70% federal money. The Center receives **no** money from the State of TN government. For the fiscal year 2012-2013, the Center receives funding from the City of Maryville, the City of Alcoa, United Way of Blount County, and is requesting funding from Blount County Government.

**Q: If TRC-Maryville was no longer in Blount County where would the clients have to go to receive the same service?**

**A:** Clients would have to travel to Cleveland TRC which is 70 miles from Maryville or travel to Greeneville TRC which is 78 miles from Maryville.

**Q: What is the percentage of school students served at the Center versus adults?**

**A:** School Students 6%    Adults 94%

**Q: What are the combined salaries of clients the Center assisted with employment from 7/2011-7/2012?**

**A:** The combined salaries = \$513,013.80 Most of these employed tax paying individuals are no longer on public assistance or receiving federal disability assistance.

**Q: What is the mission of TRC-Maryville?**

**A:** To improve the well-being of Tennesseans who are economically disadvantaged, vulnerable or living with disabilities through a network of financial, employment, protective and rehabilitative services.

**Q: How long has TRC-Maryville been in Blount County?**

**A:** Since 1968, we are currently in our 3<sup>rd</sup> location in our 40+ year history.

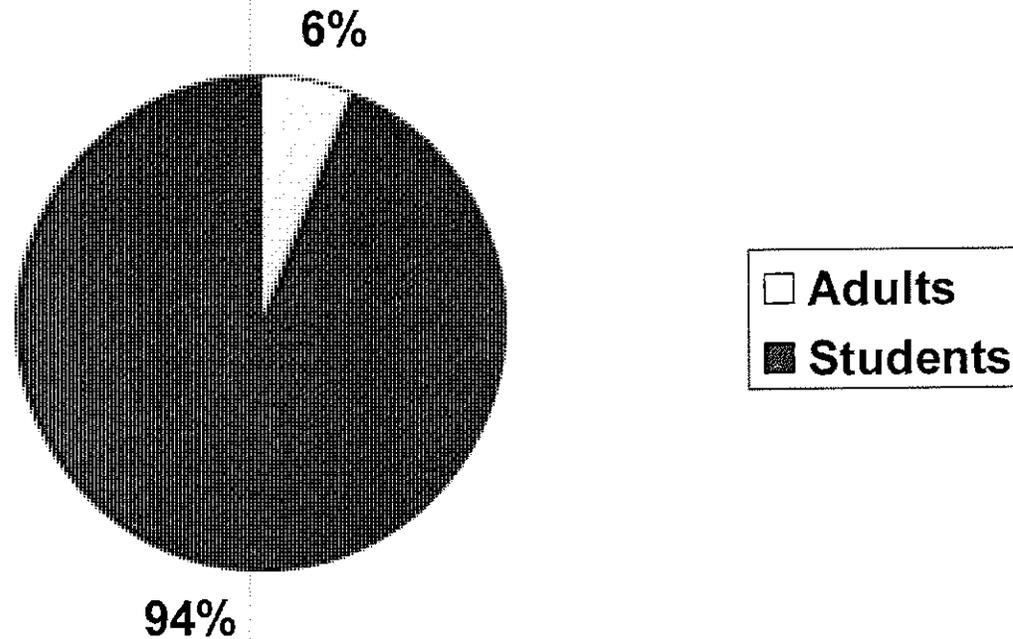
**Q: What disabilities does the Center serve?**

**A:** We serve individuals with all diversities of disabilities: deafness, blindness, wheel-chair users, traumatic brain injury, mental illness, intellectual disabilities, orthopedic, autism spectrum, and many other disabilities.

**Q: What is the ratio of disabled individuals in Blount County compared to the general population?**

**A:** According to the 2010 CENSUS, 20.4% of the population between the ages of 21-64 has a disability. This equals to 1 in 5 Blount Countains having a disability.

# Adults vs High School Students



# *DENSO*

DENSO MANUFACTURING TENNESSEE, INC.  
1720 Robert C. Jackson Drive  
Maryville, Tennessee 37801-3748

July 30, 2012

Deborah Quillen  
Tennessee Rehabilitation Center  
1749 Triangle Park Drive  
Maryville, TN 37801

Ms. Quillen:

We at DENSO Manufacturing Tennessee, Inc. appreciate all that your center does to help us provide quality to our customers and cost-competitiveness during our company's most challenging economic times -- from global recession and a Japan earthquake and tsunami that disrupted the auto industry's supply chain to recent increases in customer demand.

Since 1995, we have been proud to partner with the Tennessee Rehab Center's dedicated staff and associates, who have been so reliable and supportive of our company's needs.

We continue to value your contributions for our manufacturing plants. The center is a key community resource.

It is with pleasure that DENSO looks to the future with the Tennessee Rehab Center as a partner in our growing community. We send our best wishes to all who work at the center.

Best regards,



Bob Booker  
Senior Manager

## Success Stories:

Carrie: She was a single mother who had a mental illness. She had difficulty maintaining a job for much more than 3 months. She needed updated computer skills and VR sent her for some up dated training. She came to TRC-Maryville and we helped her with job placement services. She was placed with a local business for an internship program, to try out her new skills in a work setting. She was successful with the internship, and made such an favorable Impression on the employer, that they hired her at the end of her internship. We are proud to say she continues to be employed for over 6 months!!

Keith: He was a young man who has a orthopedic disability, and also academic disability. He was receiving Social Security benefits, and had never been employed. He struggled to even read the simplest of instructions, but could remember instructions given verbally. He was strongly motivated to want to work and no longer be receiving SS. He was very quite, and had no direction of what type of work he would be able to achieve. He came to TRC-Maryville and was provided vocational testing which showed he had more employable skills that he was not aware of. After testing, he was placed in the employment development program which helped him to improve his confidence and self-worth. He quickly started becoming more talkative, and out-going. He was placed in job placement which found him a job that did not require much academics, but was more focused on his quality of work, and his production speed, which he excelled. He began employment part-time with a local employer, but was quickly offered full-time employment. His employer states "He is one of our best employees". Keith is no longer receiving SS, and has been employed for over 6 months. With his paychecks he has now acquired a car, which is something he always dreamed of owning.

Aaron: Is in the newsletter.

# TRC MARYVILLE NEWS

Volume 1, Issue 1

2012

**Inside this issue:**

Disability Awareness	1
Success Story	1
TRC State Award	2
Tour of Issue 201	2
Hosts Fletcher	2

## Disability Awareness Day

On October 15, 2011, in collaboration with Maryville High School Special Education, TRC Maryville celebrated Disability Awareness Day. The event was held at the TRC Maryville, and was attended by 65 community individuals. The Blount County and City of Maryville officials proclaimed to recognize October 15th as Disability Awareness Day for Blount Co. as a official proclamation. The event recognized the contributions of individuals with disabilities in our area, along with employer and community resources that support the

disabled. There was also recognition by TRC as the local funding sources who provide annual funding for the operations of TRC Maryville. The employers recognized at the event are: Blount Memorial Hospital, Keiper's, Harley Davidson, Jones Manufacturing, Maryville College/Aurora Park, Manpower, and Falls Leave. These employers maintain awareness of employment, and mentoring opportunities, to enhance the lives of individuals with disabilities in Blount County. The local special education superintends shared with the attendees about Trans-

ition services for special education students and the influential role the TRC Maryville contributes.

The event speaker was Senator Doug Greenby who spoke of the statistics of individuals with disabilities in the State of TN, and the significant economic impact of employing the disabled here for the State economy. The event was covered by the Maryville Daily Times, and Channel 5 News.

Closing remarks were given by Michelle Harker with United Way of Blount County.

**Special points of interest:**

- 827 individuals were provided services at TRC Maryville in the 2010-11 F.Y.
- According to the 2010 census, 1 in 5 Blount County residents has a disability.

## PERSEVERANCE = SUCCESSFUL EMPLOYMENT

Aaron is a 23 year old young man, with Asperger's syndrome. He was diagnosed as a teenager, after he struggled all through school. His attention span was very short, and many social cues he just completely missed. Aaron came to TRC Maryville as a high school student, working in the employee development program for his senior year. Aaron came to us, somewhat quiet,

afraid to ask questions, but having a deep desire to prove to himself and others that he could achieve goals on his own. Aaron was successful in the programs at TRC Maryville, and chose to extend his training at TRC Smyrna. At TRC Smyrna, Aaron realized one of his strengths was maintaining order and cleanliness, and enrolled in the housekeeping program. Once he completed

the training he returned to Blount Co. for job placement assistance. Aaron determined he wanted to try to maintain a job on his own, and after some unsuccessful employments, he returned to TRC Maryville for job assistance. The TRC-M job placement coordinator was able to find him a job as housekeeping with Wilderness Lodge, in Sevierville, which he has maintained for over a year.

To: Mr. Dunlap

Received  
5-21-2012

From: Valerie Fitzgerald

Re: Petition to pave Custer Rd.

Custer Rd is marked coming off Keeble Rd.

When you get to end of Custer its the gravel  
drive to the left we are requesting to be paved.  
Thank you so much for you help answering my  
questions -

May 17, 2012

**To Whom It May Concern:**

**We are writing this petition in regards to paving the end of Custer Rd which is approximately 450 feet. We feel that this is a county road and should be treated as such. We greatly appreciate your prompt attention to this matter.**

1. Valene & Dan O'Leary 5423 Custer Rd. 233-3054
2. Sandy & Buddy Sheehan 5441 Custer Dr 207-3506
3. Glenna Cox 5422 Custer Rd 319-9444

PETITION

To: Blount County Highway Dept.

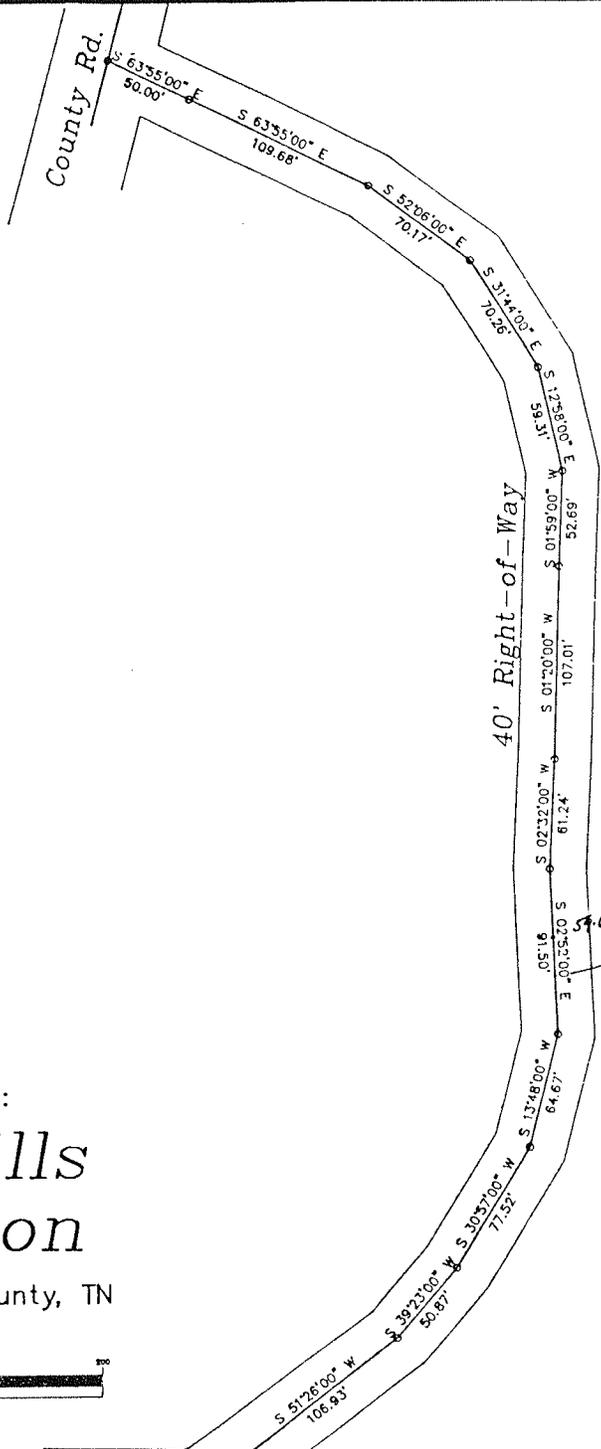
Attn: Mr. Bill Dunlap, Supt.

Date: June 1, 2012

We, the undersigned landowners of Windy Hill Subdivision, request that the Blount County Highway Dept. consider including all roadways in the subdivision (including Parkline Way and Buffalo Springs Way) in the Uniform Road List. We understand that this action will permit Blount County to maintain these roads.

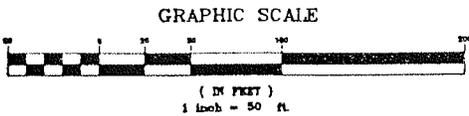
- Lot 1-James A. Webb *James A. Webb* ✓
- Lot 2- Kenneth Tidwell \_\_\_\_\_ OK ✓
- Lot 3 & 4- William L. McGuire \_\_\_\_\_ OK ✓
- Lot 5- Jon Parmalee \_\_\_\_\_ OK ✓
- Lot 6,7,8-Frances Pass *Frances Pass* OK ✓
- Lot 9,10,11,12,13-James Goode \_\_\_\_\_ ✓
- Lot 14-Melvin Skipper \_\_\_\_\_
- Lot 15-Billy Moore \_\_\_\_\_
- Lot 16-Andrea Lutzelschwab \_\_\_\_\_
- Lot 17-Baron Swafford \_\_\_\_\_ ✓
- Lot 18-Samuel Haley \_\_\_\_\_
- Lot 19-Travis Grant *Travis Grant* ✓
- Lot 20-Arthur Bushing \_\_\_\_\_ OK ✓
- Lot 21-John Plunkett \_\_\_\_\_
- Lot 22-Edward Cruze \_\_\_\_\_ OK ✓
- Lot 23,24,25-Gordon Jones *Gordon or Jayce Jones* ✓
- Lot 26,27—Miller & Sons \_\_\_\_\_ OK ✓

County Rd.



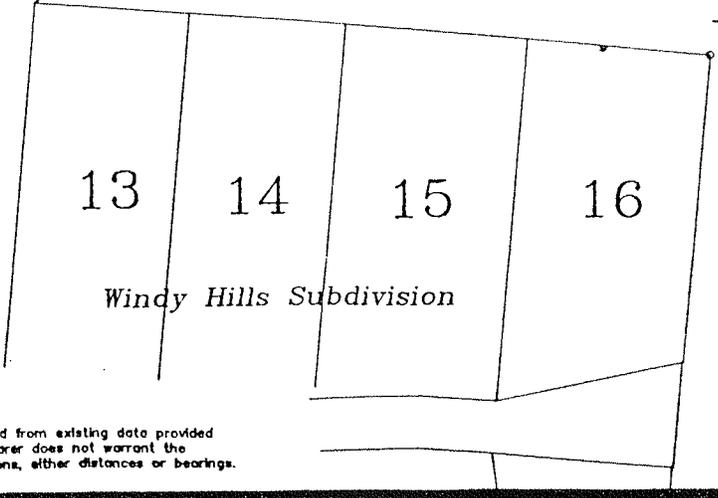
Right-of-Way Map:  
*Windy Hills*  
*Subdivision*

Civil District 15, Blount County, TN



February 1, 1993

Ref: Warranty Deed Book 540, Page 537  
Tax Map 97, Part of Parcel 133.01



JAMES F. BATCHLER, JR.  
REGISTERED LAND SURVEYOR  
REGISTRATION NO. 148  
807 MIZE LANE  
SEYBENVILLE, TENNESSEE 37862  
(615) 453-0080

930201

This drawing prepared from existing data provided by the owners. Preparer does not warrant the accuracy of dimensions, either distances or bearings.

Lot(s) #2, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed KENNETH A. TIDWELL, TRUSTEE + MARTELL G. TIDWELL, TRUSTEE

Permanent Address 101 PANAMA RD. OAK RIDGE, TN 37830

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed Kenneth A. Tidwell + Martell G. Tidwell

\*\*\*\*\*

Lot(s) 1, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed James & Barbara Webb

Permanent Address \_\_\_\_\_

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed James A. Webb Jr

\*\*\*\*\*

Lot(s) #5, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed James

Permanent Address \_\_\_\_\_

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

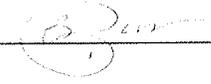
Signed James Earl Parmelee  
James Earl Parmelee

Lot(s) 6-7-8, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed James Puse

Permanent Address 2750 Wildwood  
Murfreesboro, TN 37004

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed 

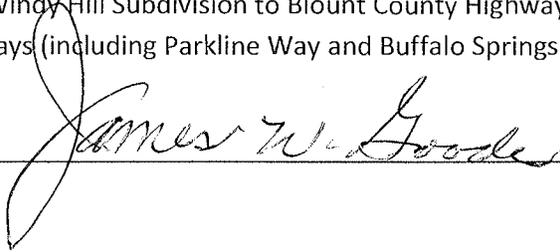
\*\*\*\*\*

Lot(s) 9-10-11-12-13, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed James W. Goode

Permanent Address 796 W. Cunningham St., Alcoa, TN 37701

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed 

\*\*\*\*\*

Lot(s) 3 & 4, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed WILLIAM L. MCGUIRE & MILDRED MCGUIRE

Permanent Address 4706 ROBINWOOD DRIVE - CHATTANOOGA, TN 37416

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed 

Lot(s) # 23-24-25, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed Gordon or Joyce Jones

Permanent Address 221 Parkline Way, Townsend, TN

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed Gordon or Joyce Jones

Lot(s) # 19, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed Travis J. Grant

Permanent Address 8325 Hwy 73, Townsend, TN 37882

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed Travis J. Grant

Lot(s) # 20 ← Buffalo Springs Way, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed Arthur (deceased) and Dorothy Bushing

Permanent Address 713 Jones Ave., Maryville, TN 37804

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed Dorothy Bushing

Lot(s) # 26 - 27, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed MILLER & SONS INVESTMENT PROPERTIES

Permanent Address 2650 MEADOW LAKE RD, SEANES, AL 36575

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed Gary Miller

\*\*\*\*\*

Lot(s) # 17, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed Baron Swafford

Permanent Address 5146 Old Niles Ferry Rd, Maryville, TN 37801

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed Baron Swafford

\*\*\*\*\*

Lot(s) # 22, Windy Hill Subdivision, Townsend, TN. 37882

Owner(s) Name on Deed EDWARD F. AND RELDA D. CRUZE

Permanent Address 10817 CHAPMAN HWY SEYMOUR TN 37865

As owner of the above described lot(s), I wish to add my name to the petition from Windy Hill Subdivision to Blount County Highway Dept. regarding placing all roadways (including Parkline Way and Buffalo Springs Way) on the Uniform Road List.

Signed Edward F. Cruze Relda D. Cruze

# Think Quality - Think Future

---

---

## Blount County Planning Department

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

**TO:** Blount County Commission

**FROM:** John Lamb

**DATE:** July 27, 2012

**SUBJECT:** Petition to close unopened, unimproved, dedicated right-of-way at west end of Byrd Drive off Kendra Drive in Woodthrush Subdivision – referral back to County Commission from Planning Commission.

This item was referred to the Planning Commission for review and recommendation on a right-of-way closure request. The Planning Commission considered the matter over several meetings, concluding with final consideration at the July 26 regular meeting.

The Planning Commission voted unanimously to refer the matter back to the County Commission with finding that the Planning Commission has no basis and no authority to review and make recommendation on the request to close the unopened, unimproved, dedicated right-of-way at west end of Byrd Drive off Kendra Drive in Woodthrush Subdivision, and to send supporting information along with the referral. Supporting information in the form of staff memo is attached for reference.

**TO:** Blount County Planning Commission

**FROM:** John Lamb

**DATE:** July 19, 2012

**SUBJECT: Petition to close unopened, unimproved, dedicated right-of-way at west end of Byrd Drive off Kendra Drive in Woodthrush Subdivision.**

This item was referred from the County Commission for review and recommendation by the Planning Commission. The Planning Commission first considered this item at the May 2012 regular meeting. The Planning Commission referred the matter for legal opinion since the “right-of-way” in question had not been improved and had not been accepted by the County, and there were legal questions about any closure action that may adversely affect other adjacent property owners who objected to the closure request.

The Planning Commission again considered this item at the June 2012 regular meeting along with memo of legal opinion from Rob Goddard (see memo attached). Goddard states: “Since Blount County took no action to accept the dedication of this right-of-way, it is my opinion that at the current time the County has no interest in or obligations for this sixty (60) foot right-of-way strip.” Goddard continues: “In this current situation, the County does not have a public or County maintained roadway or street. The only interest that the County has in the property is the previous dedication of the same to the County by the developers of the subdivision. The County could abandon the dedication of the sixty (60) foot right-of-way to the County.”

At the June 2012 meeting, the Planning Commission again deferred action in order for staff to further research the appropriate process and authority for the Planning Commission to take action. The Highway Department found a June 5, 1996 memo from Norman Newton, then Attorney for the County Executive, (see memo attached) noting that Blount County fell under a private act governing road closure. The private act did not have a role defined for the Planning Commission in road closure. However, Newton noted that TCA 54-10-216 did require Planning Commission recommendation on closure of public roads, if the statute was adopted by the County Commission. Staff could find no evidence that the statute was adopted by the County Commission.

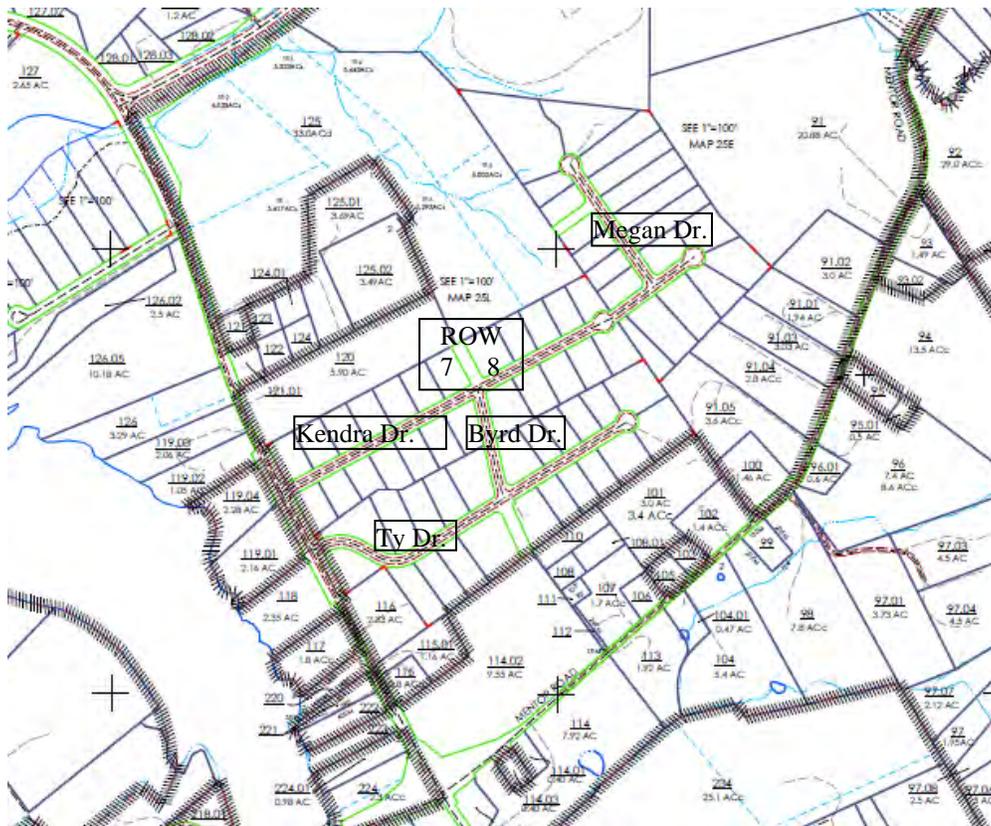
Staff finds that in the present request, drawing on the opinion of Goddard, the right-of-way does not have the character of a public road since it is not improved and has not been accepted by the County. In addition, staff finds that presently there is no clear authority for the Planning Commission to have a formal role in abandonment of a public road or right-of-way in the County. Therefore, the Planning Commission does not have any basis or authority for considering or making recommendation on the present petition for closing the dedicated right-of-way.

Staff suggests that any action to extinguish any potential interest in the dedication of the right-of-way would need to be accomplished by amendment of the original plat. This would involve submission by the owners of the right-of-way, possibly the owners at time of plat approval or

their heirs, of an amended plat for action by the Planning Commission. Staff cannot find any authority for the County Commission to take such an action outside the platting process since this does not involve a public road at present.

Staff suggests that it would be appropriate to send the present request back to the County Commission with finding that the Planning Commission has no authority or basis at present to make recommendation on the matter, and to provide the record of consideration to date.

The following is map of area and location of subject dedicated right-of-way between lots 7 and 9 for reference.



**RESOLUTION No. 12-08-002**

**Sponsored by Commissioners Gerald Kirby and Gordon Wright**

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from S-Suburbanizing to Commercial for the property located at 2884 W. Lamar Alexander Parkway, being Tax Map 055, Parcel 053.03.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this , 2012:

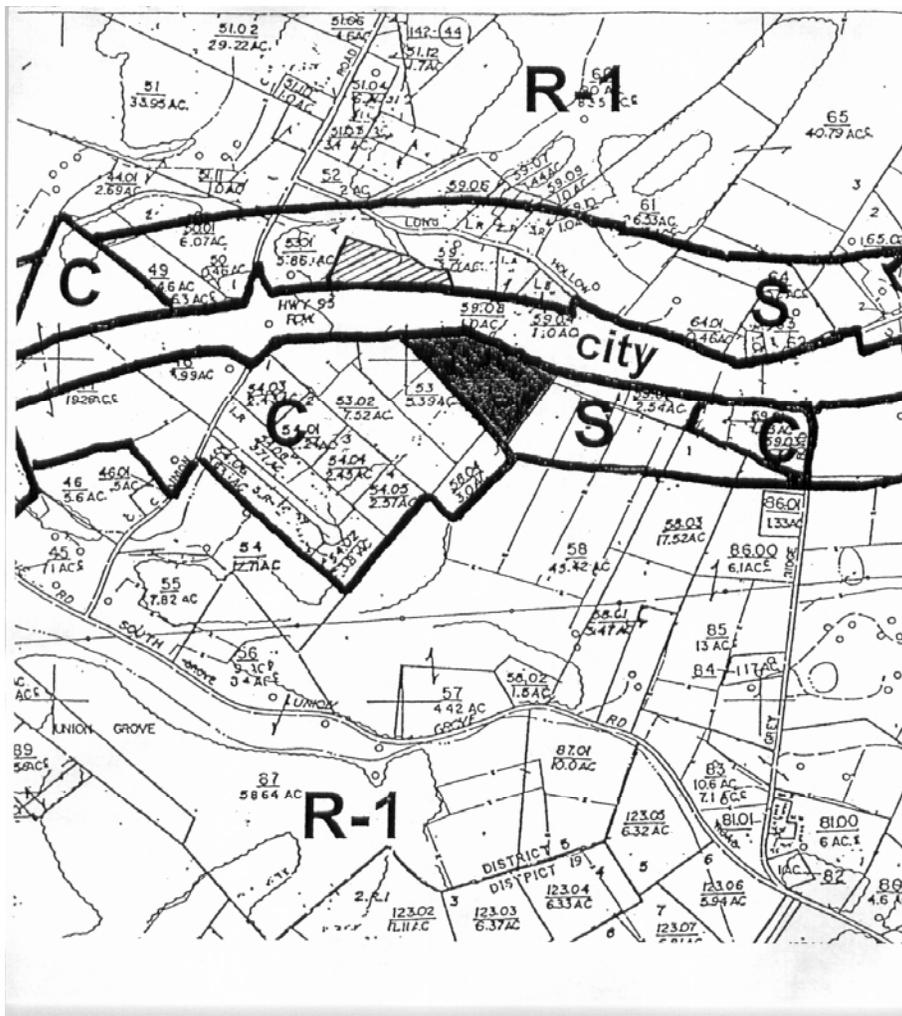
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

**WHEREAS**, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations, including the Zoning Map of Blount County, Tennessee 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 the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from S-suburbanizing to C-commercial for property located at 2884 W. Lamar Alexander Parkway, being Tax Map 055, Parcel 053.03, shown hatched on the following map.



**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 and staff  
Date: 7/3/2012  
Re: Setting public hearings.

---

## **Background:**

At the June 28<sup>th</sup> planning commission meeting action was taken on two items that will require public hearings before the county commission. The items are a rezoning request at 2884 W. Lamar Alexander Parkway and the revised campground regulations. The planning commission voted to send both items onto the county commission with recommendations to approve. Attached you will find copies of the memo's that went before the planning commission. These items are before you this month to have public hearings set for the month of August 2012.

# Memo

To: Blount County Planning Commission  
From: Blount County Building Commissioner  
CC: Other commission members and staff  
Date: June 19, 2012  
Re: Rezoning at 2884 W. Lamar Alexander Parkway.

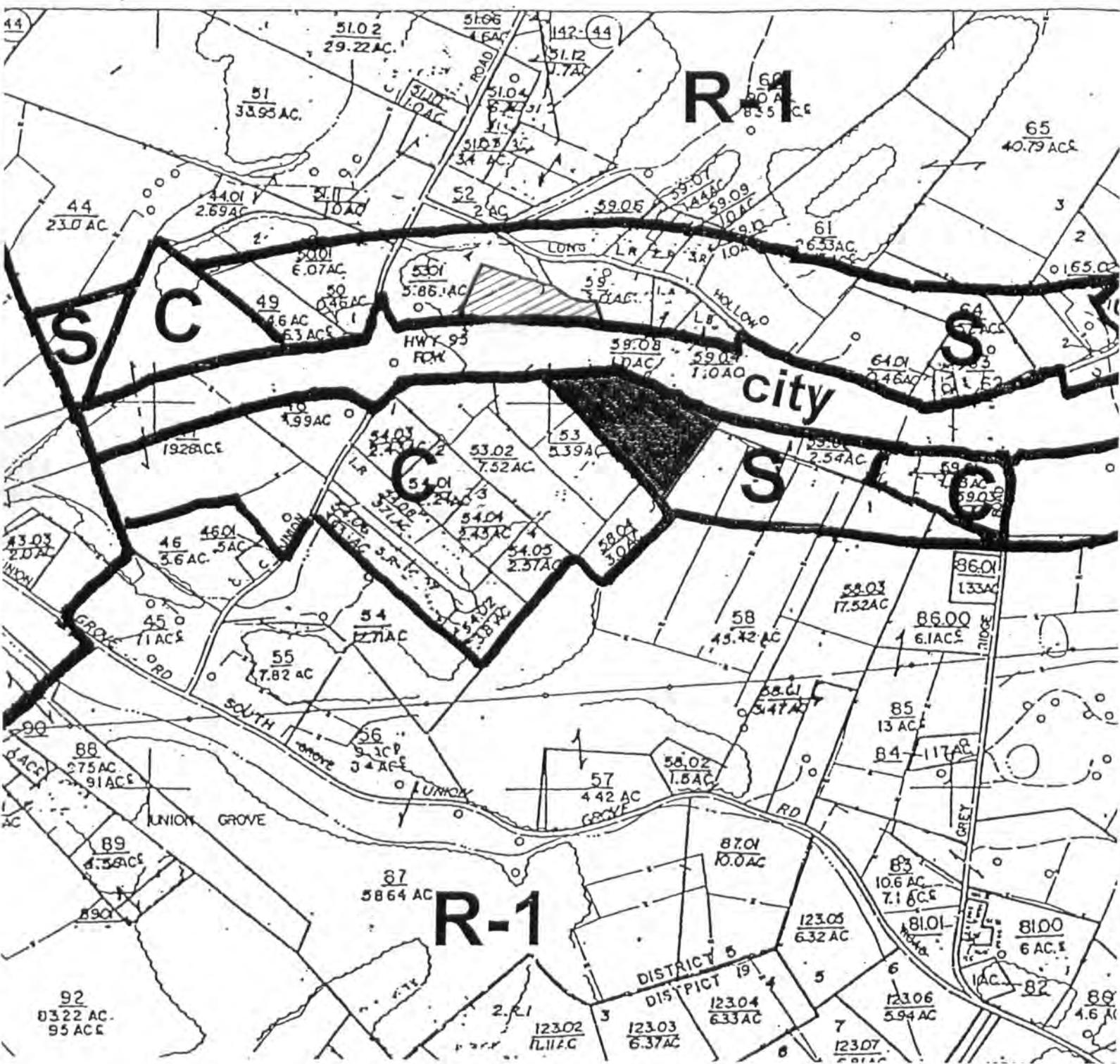
---

## **Back Ground:**

Mr. and Mrs. Collins have requested that their property, at 2884 W. Lamar Alexander Parkway, be rezoned from S-suburbanizing to C-commercial. This property is identified on tax map 55 and parcel 053.03. This property is located within the urban growth boundary for the City of Maryville. The property is in an area that has existing commercial zoned properties and is located just before the intersection of W. Lamar Alexander Parkway and Union Grove Road.

This property is approximately 2.6 acres with a depth of approximately 270 feet at its deepest point from the highway right-of-way. The applicant is requesting that the entire 2.6 acres be rezoned to commercial. This rezoning request is consistent with our zoning map and land use plan.

I have included copies of the zoning map and the tax map. You will find the property in question is hatched on each map. I have also included a copy of the tax card, which indicates the property is currently being taxed as residential.



R-1

S C

city

S C

S C

R-1

DISTRICT 5  
DISTRICT 19

81.00  
6 AC. ±

92  
83.22 AC.  
95 AC ±

123.02  
11.12 AC

123.03  
6.37 AC

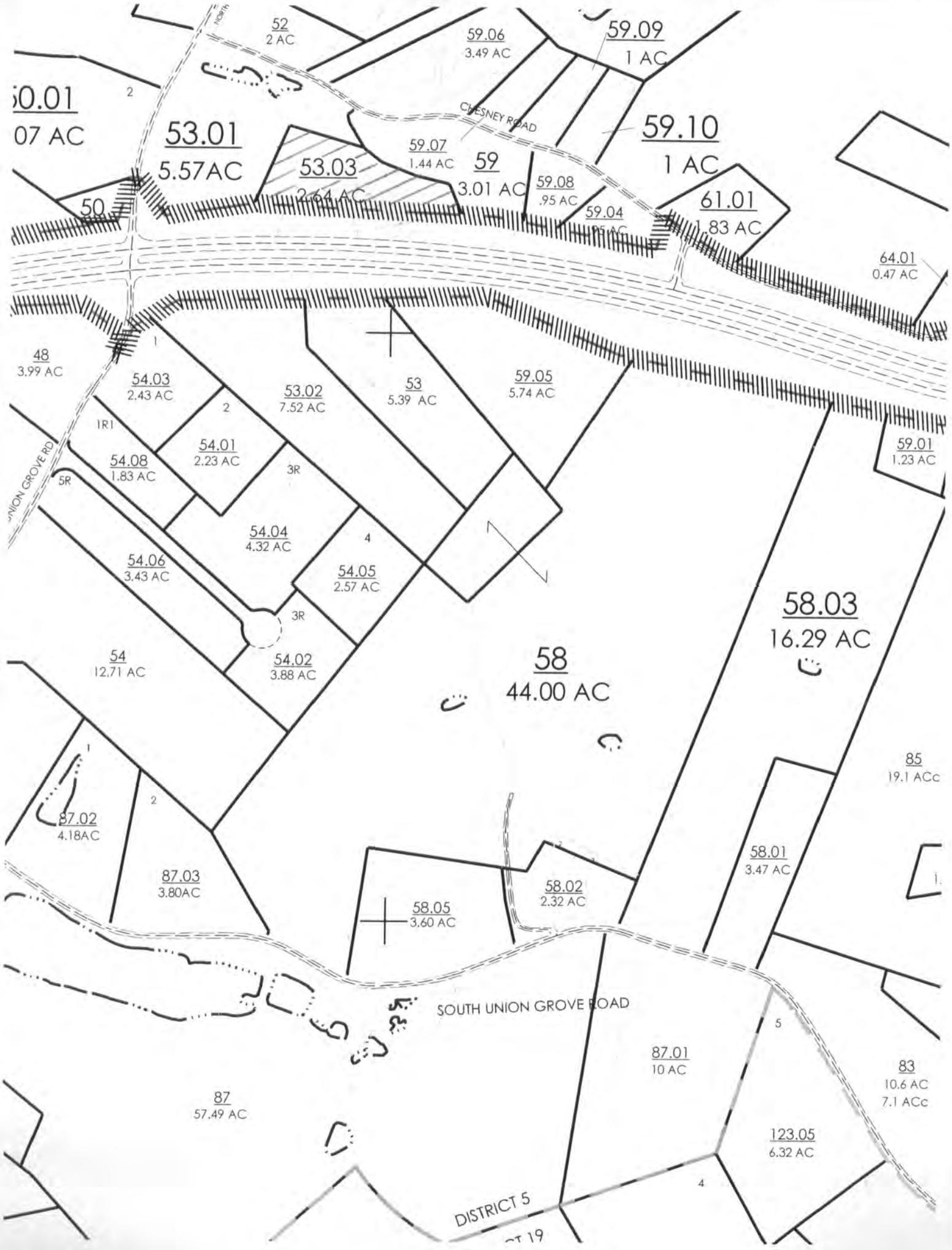
123.04  
6.33 AC

123.05  
6.32 AC

123.06  
5.94 AC

123.07  
6.12 AC

80  
4.6 AC



50.01  
07 AC

53.01  
5.57 AC

53.03  
2.64 AC

59.06  
3.49 AC

59.09  
1 AC

59.10  
1 AC

59.07  
1.44 AC

59  
3.01 AC

59.08  
.95 AC

59.04  
.95 AC

61.01  
1.83 AC

64.01  
0.47 AC

48  
3.99 AC

54.03  
2.43 AC

53.02  
7.52 AC

53  
5.39 AC

59.05  
5.74 AC

54.08  
1.83 AC

54.01  
2.23 AC

54.04  
4.32 AC

54.06  
3.43 AC

54.05  
2.57 AC

54  
12.71 AC

54.02  
3.88 AC

58  
44.00 AC

58.03  
16.29 AC

59.01  
1.23 AC

85  
19.1 AC

87.02  
4.18 AC

87.03  
3.80 AC

58.05  
3.60 AC

58.02  
2.32 AC

58.01  
3.47 AC

87  
57.49 AC

87.01  
10 AC

83  
10.6 AC  
7.1 AC

123.05  
6.32 AC

SOUTH UNION GROVE ROAD

DISTRICT 5

ST 19

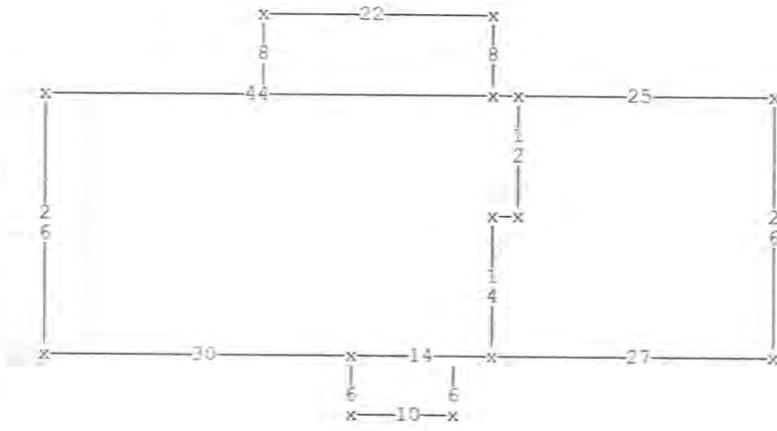
UNION GROVE RD

CHESNEY ROAD

STATE OF TENNESSEE REAL ESTATE APPRAISAL CARD

LAMAR ALEX PKWY W 2884		SUBDIV. 1		BK PG BLOCK LOT				TAX YEAR 2012		05	055	055	053.03	000		
PROPERTY ADDRESS		SUBDIV. 2		BK PG BLOCK LOT				COUNTY OF BLOUNT		DIST	MAP	GROUP	CONTROL MAP	PARCEL	PI	S/I
OWNER'S NAME AND MAILING ADDRESS		SUBDIV. 2		BK PG BLOCK LOT				COUNTY OF BLOUNT		DATE UPDATED 05/12/11		DATE PRINTED 06/19/12		CARDS IN PARCEL 1 OF 1		
COLLINS RICHARD E & SANDRA		SUBDIV. 2		BK PG BLOCK LOT				COUNTY OF BLOUNT		TOTAL LAND UNITS 2.64		APPRaised VALUE RECAP		IMPROVEMENTS 72,300		
P O BOX 252		ADDITIONAL DESCRIPTION		BK PG BLOCK LOT				COUNTY OF BLOUNT		DEED ACRES 2.64		LAND 74,400		TOTAL APPRAISAL 146,700		
LOUISVILLE TN 37777		DIMENSIONS		BK PG BLOCK LOT				COUNTY OF BLOUNT		CALC ACRES 0.0		ASSESSMENT 36,675		PROPERTY TYPE 00 25%		

FOUNDATION	CONTINUOUS FOOTING	HF	1.00
FLOOR SYSTEM	WOOD W/ SUB FLOOR	PWF	1.00
EXTERIOR WALL	SIDING AVERAGE		
STRUCTURAL FRAME	NONE		
ROOF FRAMING	GABLE/HIP		
ROOF COVER-DECK	COMPOSITION SHINGLE		
CABINET-MILLWORK	AVERAGE		
FLOOR FINISH	CARPET COMBINATION	RMS	0
INTERIOR FINISH	PANEL-PLAST-DRYWALL	PF	1.00
PAINT-DECOR	AVERAGE		
HEATING/AIR COND	RADIANT HEAT	WTD/AREA	
PLUMBING	NUMBER OF FIXTURES 6		1,759
BATH TILE	1/2 WALL		
ELECTRICAL	AVERAGE	BRF	
QUALITY	AVERAGE		1.00000



112	100	100	112	71.40	79.97	01	1940	1969
TOTAL UNITS	SHAPE FACTORS	SIZE	ADJ'D UNITS	BASE RATE	ADJ'D BASE RATE	IMPR TYPE	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT
AREA DESCR	% OF RATE	ADJ'D SQUARE FOOT RATE	AREA RATE	SQUARE FEET	REPLACEMENT COST NEW			
BASE	100	79.97	79.97	1,168	93,405			
EPF	80	79.97	63.98	176	11,260			
OPF	30	79.97	23.99	60	1,439			
BMU	20	79.97	15.99	1,144	18,293			
GRU	30	79.97	23.99	678	16,265			

TOTAL AREAS ->	AUX =	2,058	BASE =	1,168			
AGE	NORM PRYS	OTHER PRYS	FUNC	ECON	% COND	REPL COST NEW	DEPR REPL COST
41	51	0	0	0	49	140,662	68,924

EX FEAT/SPEC. BLDG. DESCRIPTION	QUAL	SIZE	UNIT PRICE	UNITS	EFF YR BUILT	ANNUAL DEPR RATE	PERCENT CONDITION	DEPRECIATED VALUE
1. FRPL	A		5,000.00	1	1969	1.25	48.75	2,438
2. WD DECK	A	8X8	19.31	64	2001	3.00	73.00	902
3.								
4.								
5.								
6.								
7.								
8.								

GENERAL PARCEL DATA									
LAND APPRAISAL BY	S.S.D.	WARD	F.D.D.	PLAN	OTHER	MORTG CODE	MOBILE HOME CODE	AREA CODE	
02/16/10	69				33			B01	
PARC. STAT	DIST	TOPO	TYPE	ROAD NO.	ROAD TYPE	CONST. CODE	SUBDIV. TRACT	COORDINATES	
2	0	1	0		0			N-S	
CENSUS TRACT				BLOCK	FACE	AREA	CONP	OPTIONAL	E-W
INTEREST CODE									
GENERAL CARD DATA									
BLDG APPRAISAL BY	SOURCE	NO. DWELL UNITS	UTILITIES	ZONING	OCC	COND			
10/10/94	15	OW	1 1 1 1 0		0	1			
PERMIT NO.	F.H.A. NUMBER	RENTAL SOURCE	RENTAL AMOUNT	RENTAL SCHEDULE					

EX FEAT/SPEC. BLDG. APPR. DATE	05/11/11	APPR BY	31	TOTAL CALCULATED EX. FEAT/SPEC. BLDG. VALUE	3,340											
LAND DESCRIPTION	DESC CODE	SIZE-DIMENSION	SOIL CLASS	UM	FLD	LOC	SIZE	DEPTH FACTOR	COND FACTOR	UNIT LAND PRICE	ADJ'D. UNIT LAND PRICE	LAND UNITS	MARKET LAND VALUE	USE COND. FACTOR	LAND USE UNIT PRICE	USE LAND VALUE
1. IMP SITE	04			25	100	100	100	100	100	28,181.82	28,181.82	2.64	74,400			
2.																
3.																
4.																
5.																
6.																

LAND USE CODES										1	11	2	3	4	LAND TOTAL	THIS CARD	2.64	74,400	THIS CARD	
MARKET DATA										DATE	PRICE	BOOK	PAGE	VII	INS	Q	DEED TRANSFER	BOOK	PAGE	NOTES
1.	12	31	92	74,900	545	480	I	WA	Q	12	31	92	545	480						
2.	08	02	89	62,400	509	275	I	WA	Q	08	02	89	509	275						
3.																				
4.																				

\*\*MKT1  
 BASE-12,EPF,38,222,+  
 ,144,226,230,OPF,36,  
 210,+.114,GRU,127,22  
 6,225,212,32,214,+,2  
 14,32,212,ST0,BMU,14  
 4,226,+.

A005 CT-0338

July 17, 2012

Mr. Roger Fields  
1221 McArthur Road  
Maryville, TN 37804

**RE: AMENDMENT TO THE COUNTY'S ZONING RESOLUTION**

Dear Mr. Fields:

On July 16, 2012, the Maryville Regional Planning Commission took action on an amendment to the Blount County Zoning Resolution regarding the rezoning of 2884 W. Lamar Alexander Parkway from S-suburbanizing to C-commercial. The commission voted unanimously (two members absent) to endorse the rezoning amendment.

If I can be of further assistance, give me a call at 273-3520.

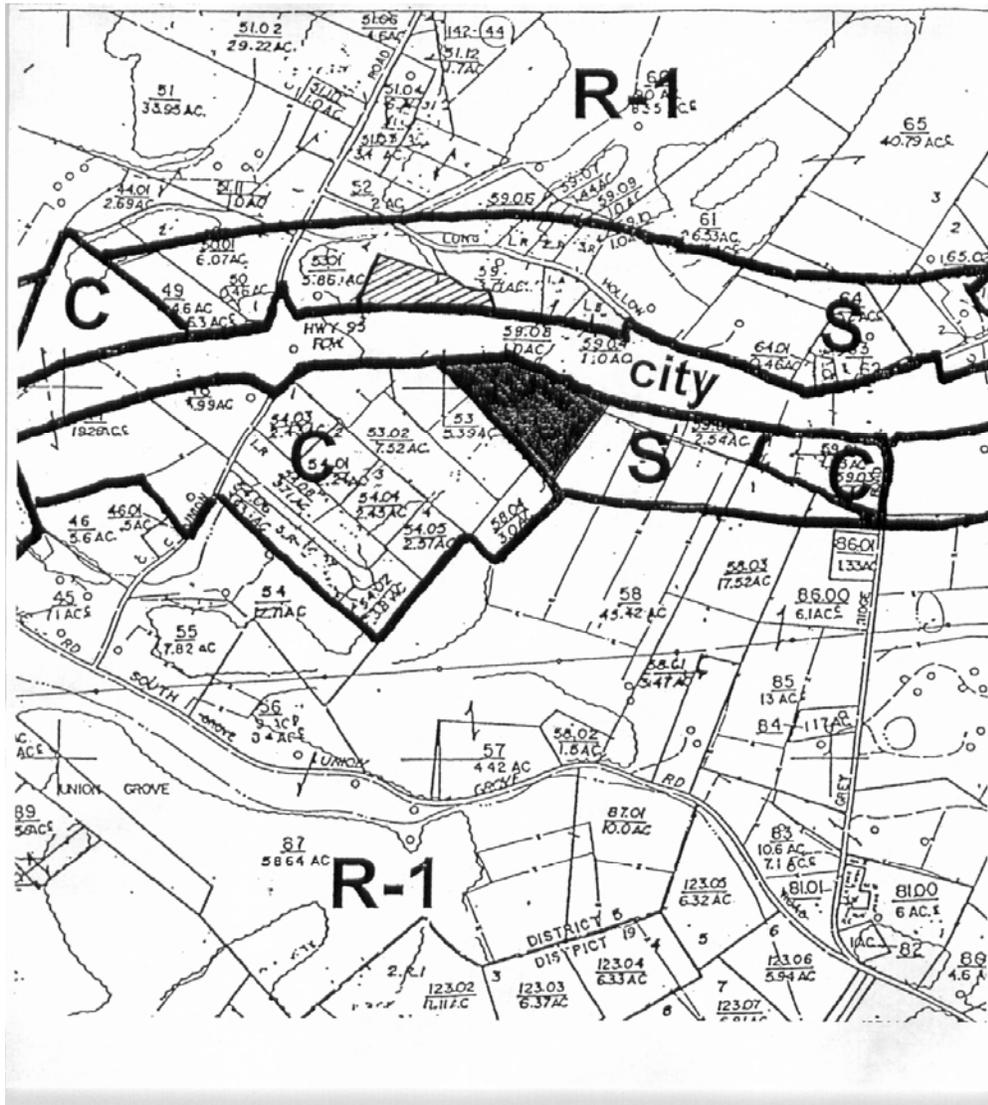
Sincerely,



John Jagger, Director  
Development Services

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on August 7, 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, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from S(Suburbanizing) to C- (Commercial) for property located at 2884 West Lamar Alexander Parkway, The property is identified on Tax Map 055 and Parcel 053.03 and is shown hatched on the map below.**



Copies of the Resolutions may be obtained at the offices of the Blount County Building Commissioner and Secretary to the County Commission, during regular office hours. Blount County does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d).

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 12-08-003**

**Sponsored by Commissioners Gerald Kirby and Gordon Wright**

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> of August, 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 regulate pain management clinics.

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

**That Article 13 Definitions be amended to add the following definition:**

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;
- (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

**That Section 9.4.C for the C-Commercial District be amended to read as follows:**

C. Uses Permitted as Special Exceptions with Specific Limitations:

- (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across such abutting property lines by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

**That Section 9.1.D for the S-Suburbanizing District be amended to read as follows**

D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited

except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

**That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:**

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

**That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:**

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

**Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:**

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

**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

# Think Quality - Think Future

---

---

## Blount County Planning Department

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

**TO:** Blount County Commission

**FROM:** John Lamb

**DATE:** June 4, 2012

**SUBJECT:** Amendments to the zoning regulations to address Pain Management Clinics - new wording to conform to new state legislation.

The Planning Commission voted unanimously to refer with recommendation to approve new wording for amendments to the zoning regulations to address pain management clinics. See body of staff memo to Planning Commission attached for more detail on changes. This is a second version that incorporates changes made by the State Legislature in past session to amend definition of pain management clinic. Note that this is a change from the previous version considered by the County Commission at Public Hearing held May 8 and referred back to the Planning Commission for revision. This recommended version will also need to have a public hearing set. The following is recommended by the Planning Commission:

That Article 13 Definitions be amended to add the following definition:

**PAIN MANAGEMENT CLINIC:** A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;
- (2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;
- (3) Hospice services as defined in TCA 68-11-201;

- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

- C. Uses Permitted as Special Exceptions with Specific Limitations:
  - (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across such abutting property lines by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

- D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

- D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

- D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

**ATTACHMENT** body of staff memo to Planning Commission detailing changes.

At the February regular meeting, the Planning Commission made recommendation for amendments to the zoning regulations for pain management clinics. Since that time, the Tennessee State Legislature amended the basic statutes defining and regulating pain management clinics. In order to insure consistency between state statutes and our local regulations, the following are proposed as revised amendments.

That Article 13 Definitions be amended to add the following definition:

~~PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period.~~

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

~~(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.~~

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;

~~(2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;~~

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;

(3) Hospice services as defined in TCA 68-11-201;

(4) A nursing home as defined in TCA 68-11-201;

(5) A facility maintained or operated by this state; or

(6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

C. Uses Permitted as Special Exceptions with Specific Limitations:

(b) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across ~~property lines~~ **such abutting property lines** by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on August 7, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010. A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS. In summary, establishing definition of Pain Management Clinic and regulation of same as Special Exception in the C-Commercial zone, with requirements specified for State licensing and permit, separation of 1000 feet from school, daycare facility, park or church, separation of 500 feet from residences, fencing and location on arterial road, and prohibiting of use in the S, R-1, R-2, and RAC zones. Copy of the Resolution may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours.

APPROVED:

ATTEST:

Jerome Moon  
Commission Chairman

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

# Memo

To: Blount County Planning Commission  
From: Blount County Building Commissioner  
CC: Other commission members and staff  
Date: July 18, 2012  
Re: Rezoning at corner of Towns End Lane and E. Lamar Alexander Parkway.

---

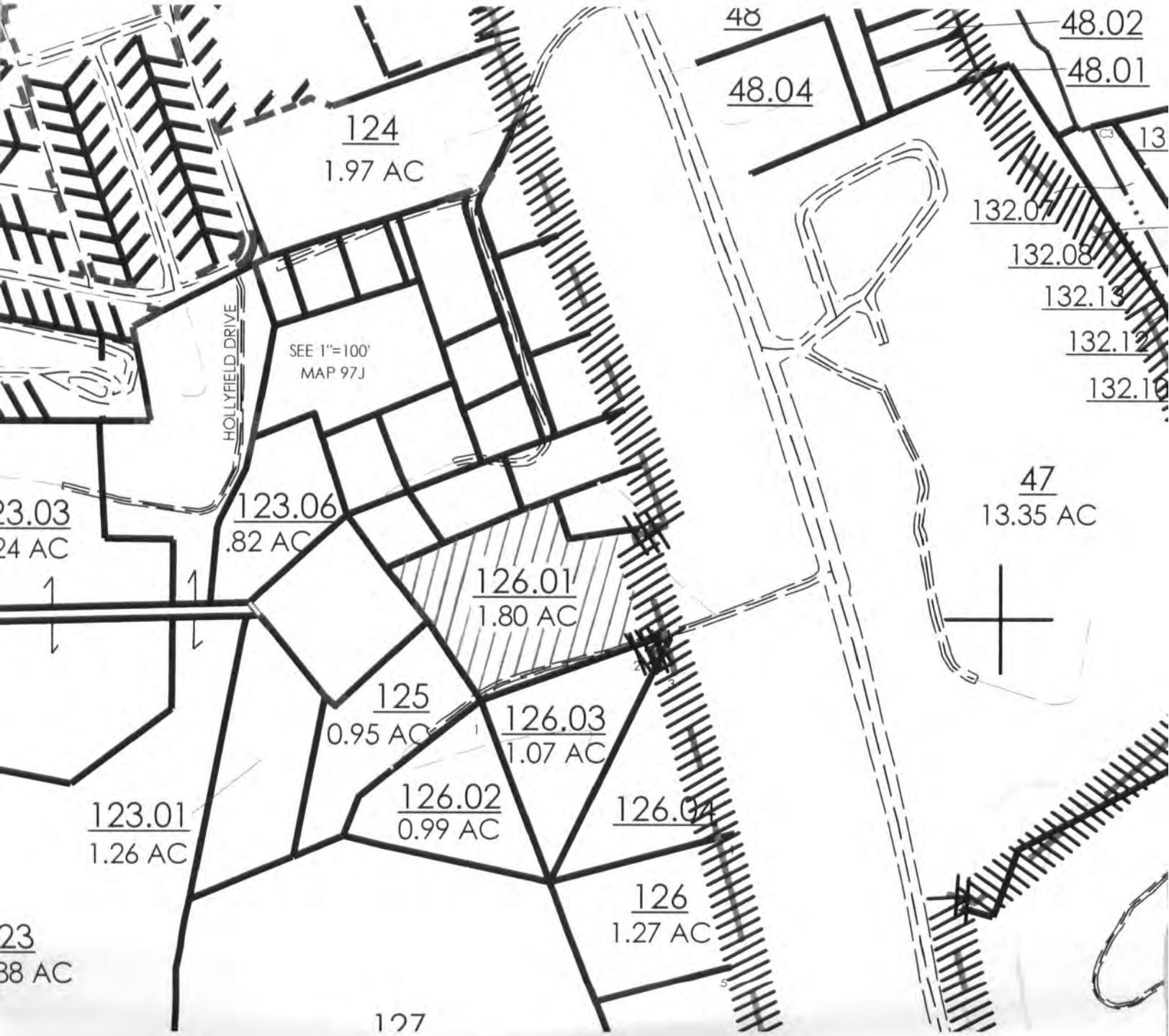
## **Back Ground:**

Mr. Wilsford is requested that his property, at the corner of Towns End Lane and East Lamar Alexander Parkway, be rezoned from R-1(Rural District 1) to C- (Commercial). This property is identified on tax map 097 and parcel 126.01. The property is in an area that has existing commercially zoned properties and is located just before the entrance to the "Smokey Mountains National Park".

The applicant is requesting that the entire 1.8 acres be rezoned to commercial. This rezoning request is consistent with the urban growth boundary of Townsend and our land use plan.

I have included copies of the zoning map and the tax map. You will find the property in question is hatched on each map. I have also included a copy of the tax card, which indicates the property is currently being taxed as residential.





124  
1.97 AC

48  
48.04

48.02  
48.01

13

132.07  
132.08  
132.13  
132.12  
132.10

SEE 1"=100'  
MAP 97J

HOLLYFIELD DRIVE

47  
13.35 AC

123.03  
1.24 AC

123.06  
1.82 AC

126.01  
1.80 AC

125  
0.95 AC

126.03  
1.07 AC

123.01  
1.26 AC

126.02  
0.99 AC

126.04

123  
1.38 AC

126  
1.27 AC

127



**RESOLUTION NO. 12-08-004**

**Sponsored by Commissioner Tab Burkhalter**

**A RESOLUTION TO CLARIFY THE AFFILIATION OF BLOUNT COUNTY CHILDREN'S HOME, INC. TO BLOUNT COUNTY GOVERNMENT AND TO AUTHORIZE AND APPROVE THE AMENDED AND RESTATED CHARTER OF BLOUNT COUNTY CHILDREN'S HOME, INC.**

**WHEREAS**, Blount County Children's Home, Inc. is a not-for-profit public benefit corporation that operates exclusively for charitable purposes associated with its stated mission to strengthen families and to help children and young adults reach their full potential;

**WHEREAS**, questions have arisen as to whether Blount County Children's Home, Inc. is an agency of Blount County Government, primarily because Blount County Government has held a limited role in certain aspects of the oversight and administration of Blount County Children's Home, Inc.;

**WHEREAS**, it is in the best interest of Blount County and all of its citizens to formally clarify that Blount County Children's Home, Inc. is a non-governmental organization;

**WHEREAS**, Blount County Children's Home, Inc. agrees that it is a non-governmental organization and the Board of Directors of Blount County Children's Home, Inc. have approved a modified and amended Charter that eliminates Blount County Government's limited role in certain aspects of the oversight and administration of Blount County Children's Home, Inc., including, but not limited to, the appointment and affirmation of members of the Board of Directors of Blount County Children's Home, Inc.;

**WHEREAS**, Blount County Children's Home, Inc. and the Blount County Commission agree that the elimination of Blount County Government's limited role in certain aspects of the oversight and administration of Blount County Children's Home, Inc. shall have no effect on the validity of the deeds referenced in the September 18, 2008 Resolution Authorizing an Agreement between Blount County and the Blount County Children's Home, Inc., nor shall it effect the Blount County Trustee's role as the administrator of the Ellis Trust that is held and managed for the benefit of Blount County Children's Home, Inc.;

**WHEREAS**, the original Charter of Blount County Children's Home, Inc. requires that the Blount County Commission approve of modifications or amendments to the Charter of Blount County Children's Home, Inc. by affirmative vote evidenced by a duly adopted resolution;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, meeting in session on this, the 16th day of August, 2012, that:

1. It is formally clarified and established that Blount County Children's Home, Inc. is a non-governmental organization;
2. The deeds referenced in the September 18, 2008 Resolution Authorizing an Agreement between Blount County and the Blount County Children's Home, Inc. shall remain valid and the provisions stated therein shall remain in full force and effect;
3. The Blount County Trustee's role as the administrator of the Ellis Trust that is held and managed for the benefit of Blount County Children's Home, Inc. is hereby affirmed;

4. The provisions of Paragraph 7 of September 18, 2008 Resolution Authorizing an Agreement between Blount County and the Blount County Children's Home, Inc. requiring that Blount County Children's Home, Inc. formally report on its activities and financial status to the Blount County Commission on a semi-annual basis are hereby declared null and void;

5. That pursuant to the requirements of the original Charter of Blount County Children's Home, Inc., the Amended and Restated Charter of Blount County Children's Home, Inc., a copy of which is attached hereto as Exhibit A to this Resolution, is hereby authorized and approved by the Blount County Board of Commissioners. Blount County Children's Home, Inc. is authorized to execute and deliver said Amended and Restated Charter to the Secretary of State for the State of Tennessee to be filed as the Amended and Restated Charter of Blount County Children's Home, Inc.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect from and after its passage, the public welfare requiring it.

Duly authorized and approved on this 16th day of August, 2012.

CERTIFICATION OF ACTION:

ATTEST:

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
County Clerk

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

AMENDED AND RESTATED  
CHARTER OF  
BLOUNT COUNTY CHILDREN'S HOME, INC.

TO THE SECRETARY OF STATE OF THE STATE OF TENNESSEE:

Corporate Control Number: 0126069

Pursuant to the Provisions of Section 48-60-105 of the Tennessee Nonprofit Corporation Act, the undersigned corporation, with approval of all necessary parties including the affirmative vote of the Blount County Commission evidenced by a duly adopted resolution attached hereto and incorporated herein by reference as Exhibit 1, adopts the following Articles of Amendment to its Charter:

1. The name of the corporation is Blount County Children's Home, Inc.
2. These amendments shall be effective when filed with the Secretary of State.
3. The principal address of the office of the corporation in the State of Tennessee is Blount County Children's Home, Inc., 903 McCammon Avenue, Maryville, Blount County, Tennessee 37801.

4. This corporation is a public benefit corporation and is not for profit. No part of the net earnings of the corporation shall inure to the private benefit of, or be distributable to, its directors, officers, members, or other private individuals or persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for goods and services rendered and to make payments in furtherance of the purposes set forth in the paragraph just above. Notwithstanding any other provisions of this Charter, the corporation shall not carry on any endeavors or activities not permitted to be carried on by a corporation exempt from Federal Income Tax under 501(c)(3) of the Internal Revenue Code of 1986, or corresponding section of any future Federal Tax Code.

5. This corporation is to have no members.

6. The purposes for which the corporation is organized are as follows: To operate exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding section of any future Federal Tax Code and shall be limited more specifically to the operation of the Blount County Children's Home, Inc., currently existing in Blount County and its mission to strengthen families and to help children and young adults reach their full potential.

7. The general powers of said corporation shall be coextensive with the maximum powers permitted by law for similar corporations in the State of Tennessee. It shall have the power to sue and be sued by the corporate name; to have and use a common seal, which it may alter at its pleasure; if no common seal, then the signature of the name of the corporation by any duly authorized officer shall be legal and binding; to purchase and hold, manage, invest, and reinvest or receive and hold, manage, invest and reinvest by gift, bequest or devise, personal property and real estate, also to accept any real estate or personal property in payment or in part payment of any debt due the corporation, and sell the same; to establish by-laws, to make all rules and regulations not inconsistent with the laws of the United States and Tennessee and the rules and regulations of the Tennessee Department of Human Services. All funds and personal property presently held by the Board of Directors of the Blount County Children's Home, Inc. shall be transferred to the herein constituted Board to be retained by said Board of Directors and maintained, invested and expended by them according to the terms under which such funds and personalty are presently held. The Board of Directors shall not at any time incur any obligations unless the money for such expenditures is either in the treasury or has been bona fide pledged for such purpose.

8. Upon the effective date of this Amended and Restated Charter of the Blount County Children's Home, Inc., the terms of all current members of the Board of Directors shall expire and a Transitional Board of Directors shall be immediately established that shall thereafter be the corporation's Board of Directors subject to the terms set forth herein. The Transitional Board of Directors shall be composed of eleven (11) members nominated and approved by the Blount County Children's Home, Inc. There shall be four (4) Transitional Directors appointed for three-year terms, specifically as follows: Cheryl Shepherd, Sabrina Lepkofker, David Dwyer, and Craig Hurst. There shall be four (4) Transitional Directors appointed for two-year terms, specifically as follows: Pamela Bain, Lynn Waters, Johnny Weston, and Robin McDaniel. There shall be three (3) Transitional Directors appointed for a one-year term, specifically as follows: James Snyder, Denette Flynn, and Debbie Dunn.

9. As the terms of the members of the Transitional Board of Directors expire, new members of the Board of Directors shall be appointed to the corporation's regular Board of Directors. Thereafter, any remaining members of the Transitional Board of Directors and the newly appointed members of the regular Board of Directors shall, together, be the Board of

Directors of the corporation until such time as all of the Transitional Board members have completed their initial terms. Thereafter, the regular Board of Directors shall continue to be composed of eleven (11) members. All new members of the regular Board of Directors shall serve for three (3) year terms from the date of their appointments.

10. As the expiration date approaches for each member of the Board of Director's term, whether on the Transitional Board of Directors or the regular Board of Directors that will follow, the Blount County Children's Home, Inc. shall nominate in writing to the current sitting Board of Directors the proposed nominations, and such nominations shall be voted upon by the Board of Directors of the corporation at any regular or special called meeting with a quorum present. In the event of a mid-term vacancy on the Board of Directors, such vacancy shall be filled for the remainder of the vacant term according to the procedures set forth above. Any Member of the Board of Directors may be appointed for one (1) additional and consecutive three-year term; however, no person may serve more than two (2) consecutive three-year terms on the Board of Directors. Mid-term vacancies shall not count as a three-year term, regardless of the length of service when filling a vacancy.

11. The Board of Directors will meet not less than quarterly. In the meetings of said Board of Directors, a majority of the members shall constitute a quorum for the transaction of business, and the result of any vote shall be determined by the vote of the majority of votes cast. The regular meetings and special meetings of said Board of Directors shall be held when, and in the manner provided by the by-laws, and the Board of Directors shall keep a record of all proceedings.

12. There shall be an annual audit of the books of the corporation by a Certified Public Accountant or a Licensed Public Accountant.

13. The general welfare of the society, not individual profit, is the object for which this Amended and Restated Charter is granted, and hence no dividends or profits shall be paid to the Directors or to any other party.

14. Upon dissolution, after all creditors of the corporation have been paid, its assets shall be distributed to one or more organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding section of any future Federal Tax Code, or shall be distributed to the federal government, or to a state or local

government, for exclusive public purposes as determined by a majority vote of the Board of Directors.

15. This Amended and Restated Charter may only be modified by a two-thirds (2/3) vote of the Board of Directors of the corporation.

16. The Amended and Restated Charter previously filed with the Secretary of State on or about October 8, 2008 is hereby declared null and void and of no force or effect.

This \_\_\_ day of August, 2012.

Board Member  
\_\_\_\_\_  
Signer's Capacity

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Signer (Printed)

Blount County Commissioner  
\_\_\_\_\_  
Signer's Capacity

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Signer (Printed)

County Executive/Mayor  
\_\_\_\_\_  
Signer's Capacity

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Signer (Printed)

**RESOLUTION NO.****SPONSORED BY COMMISSIONERS**

---

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN BLOUNT COUNTY AND THE BLOUNT COUNTY CHILDREN'S HOME, INC.**

**WHEREAS**, Questions have arisen concerning the ownership of property of Blount County Children's Home, Inc., the Amended and Restated Charter of Incorporation of Blount County Children's Home, Inc., and the eligibility of Blount County Children's Home, Inc., to receive certain income from the Ellis Trust being administered by the Blount County Trustee; and

**WHEREAS**, Blount County and Blount County Children's Home, Inc., have reached an agreement concerning all of the outstanding issues between the parties.

**NOW, THEREFORE, BE IT RESOLVED** by the Blount County Board of Commissioners meeting in regular session on this the 18th day of September, 2008, as follows:

1. That the Warranty Deed, previously executed and recorded, from Blount County to Blount County Children's Home, Inc., and of record in the Register's Office for Blount County, Tennessee, in Record Book 2088, page 715, is hereby ratified and confirmed as a proper conveyance of said real property from Blount County to Blount County Children's Home, Inc., and the County Mayor is authorized to execute and deliver to Blount County Children's Home, Inc., the correction Warranty Deed attached as Exhibit A.
2. That the Deed from Blount County to Blount County Children's Home, Inc., a copy of which is attached to this resolution and marked Exhibit B, is hereby authorized and approved and the County Mayor and County Clerk are directed to execute and deliver said Warranty Deed to Blount County Children's Home, Inc.
3. That the Deed from Blount County Children's Home, Inc., to Blount County, a copy of which is attached hereto and marked Exhibit C to this resolution, is hereby authorized and approved and the County Mayor is directed to receive said Warranty Deed after proper execution and delivery from Blount County Children's Home Inc., and to record the same in the Register of Deeds Office for Blount County, Tennessee.
4. That pursuant to the requirements of the original Charter of Blount County Children's Home, Inc., the Amended and Restated Charter of Blount County Children's Home, Inc., a copy of which is attached hereto and marked Exhibit D to this resolution, is hereby authorized and approved by the Blount County Board of Commissioners. The Blount County Children's Home is authorized to execute and deliver said Amended and Restated Charter to the Secretary of State for the State of Tennessee to be filed as the Amended and Restated Charter of Blount County Children's Home, Inc.

- 5. It is hereby recognized that the income from the Ellis Trust, being administered by the Blount County Trustee, should be used to further the various programs of Blount County Children's Home, Inc. The County Mayor is hereby authorized in conjunction with Blount County Children's Home, Inc., by and through their respective attorneys, to pursue obtaining the necessary authorization from the Blount County Probate Court to allow Blount County Children's Home, Inc., to continue to receive the income from the Ellis Trust. Upon receipt of proper authorization from the Blount County Probate Court, the Blount County Trustee is authorized and directed to remit to Blount County Children's Home, Inc., all income from the Ellis Trust being presently held by the Blount County Trustee, and to further pay to Blount County Children's Home, Inc., all income from the Ellis Trust hereafter received by the Blount County Trustee.
  
- 6. To the extent permitted by Federal and State laws and regulations, Blount County Children's Home, Inc. shall reaffirm its endeavor to focus its mission on the youth of Blount County, Tennessee; however, Blount County Children's Home, Inc.'s compliance with either Federal or State regulatory authorities in serving children from other counties will not form a basis of future complaints by Blount County against this corporation. Blount County and Blount County Children's Home, Inc. acknowledge that Blount County Children's Home, Inc. has very little choice on these matters, and it is very easy for Blount County Children's Home, Inc. to get caught in the middle of political disputes over which it has almost no influence.
  
- 7. Upon the adoption of this Amended and Restated Charter, Blount County Children's Home, Inc. will immediately begin formally reporting on its activities and financial status to the Blount County Commission on a semi-annual basis.

**BE IT FURTHER RESOLVED** this resolution shall take effect upon adoption, the general welfare requiring it.

Duly authorized and approved the \_\_\_\_\_ day of September, 2008.

**CERTIFICATION OF ACTION:**

**ATTEST:**

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
County Clerk

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

**RESOLUTION NO. 12-08-005**

**Sponsored by Commissioner Tab Burkhalter**

**A RESOLUTION TO ESTABLISH A RISK MANAGEMENT COMMITTEE FOR BLOUNT COUNTY**

**WHEREAS**, the primary purpose of a risk management program in county government is to prevent and/or mitigate losses at the lowest possible cost for the benefit of the county and all of its citizens;

**WHEREAS**, the primary functions of a risk management program in county government are to organize the process of preventing losses and to mitigate the losses that inevitably occur;

**WHEREAS**, the legislative body of Blount County does not currently have a risk management committee to carry out such purpose and perform such functions;

**WHEREAS**, it is in the best interest of Blount County and all of its citizens to establish a Risk Management Committee so that the purpose and function of risk management can be conducted as efficiently and economically as possible with centralized control to assure uniformity of practice and procedure;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, meeting in session on this, the 16th day of August, 2012, that:

SECTION 1. There is hereby established a Risk Management Committee for Blount County, consisting of five (5) members who shall be appointed by the county legislative body. The members of the Risk Management Committee shall be members of the county legislative body.

SECTION 2. The members shall be appointed or elected for one (1) year terms at the same time as other committees of the county legislative body are appointed or elected.

SECTION 3. The initial members shall serve until September, 2013, and may be reappointed.

SECTION 4. The Risk Management Committee shall be a standing committee of perpetual duration unless or until it is dissolved by the county legislative body.

SECTION 5. The Risk Management Committee shall have, and is hereby vested with, the rights and authority on behalf of the Blount County Commission to:

A. Manage all forms of property, casualty, and workers' compensation insurance and self-insurance to include the establishment of procedures for the administration, bidding and/or negotiations of said insurance and related support services according to the laws of the State of Tennessee that govern such functions. The Risk Management Committee shall recommend to the Blount County Commission programs of insurance or self-insurance appropriate for the protection and conservation of the assets and information of Blount County Government; provided however, any contracts for such insurance and for such related support services must be approved by the Blount County Commission.

B. Authorize the Blount County Executive to sign all forms, applications, endorsements, and miscellaneous documents associated with the procurement, maintenance and

servicing of Blount County's insurance and self-insurance programs; provided, however, any contracts for such insurance must be approved by the Blount County Commission.

C. Authorize the Blount County Budget Director to pay bills, statements and invoices that are directly associated with the Risk Management Committee's purpose and functions.

D. Engage in or undertake various studies or investigations associated with insurance or self-insurance program options, the prevention or control of claims/losses and the identification of suspected, potential or known hazards to citizens, employees, assets or information sources of Blount County Government.

E. Establish risk and insurance procedures intended to reduce the cost of insurance, self-insurance and uninsured claims or losses.

F. Retain attorneys, professional consultants (in an advisory capacity only), negotiate service fees, and generally supervise and direct the actions of such professionals; provided, however, any contract for professional insurance consultant and/or brokerage services must be approved by the Blount County Commission.

G. Authorize the payment of premiums, service fees and self-insured claims within the budget as set by the Blount County Commission.

H. Authorize the Blount County Executive to approve or disapprove loss or claim settlements, initiate and/or settle claim recoveries from or to others by way of subrogation in any amount up to Twenty-five Thousand and NO/100 Dollars (\$25,000.00).

I. Approve or disapprove loss or claim settlements, initiate and/or settle claim recoveries from or to others by way of subrogation not otherwise addressed in Subsection H herein.

J. Receive unsolicited insurance proposals, hear complaints, resolve disputes relating to property and casualty insurance and related support services.

K. Review any and all matters referred to it by the Blount County Commission for the purpose of general risk assessment and to issue reports and recommendations to the Blount County Commission regarding the results of its review of such matters.

L. Prepare reports and release information as requested or as may be appropriate for the proper notification to the public and elected officials or department heads of Blount County Government.

M. Work in conjunction with the Trustees of the Blount County Self-Insured Liability Trust Fund (the "Fund") with regard to all matters associated with revisions of the Fund to include self-insurance for all casualty risks and/or the drafting and execution of such documents and the creation of such accounts as may be necessary for the purpose of complying with the financial security requirements of stop loss insurers and/or ensuring the proper use of accumulated self-insured claim funds.

SECTION 6. The Risk Management Committee shall report to the Blount County Commission no less often than annually and it shall deliver in writing a summary of their past twelve (12) months of activity and their goals and objectives as a committee for the next twelve (12) months. These reports shall be in

addition to the minutes of regularly scheduled and called meetings of the Risk Management Committee. These reports shall also be in addition to any and all special reports requested by the Blount Count Commission with regard to any subject of special interest that may be referred to the Risk Management Committee for review.

**BE IT FURTHER RESOLVED** that this Resolution shall 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.

Duly authorized and approved on this 16th day of August, 2012.

CERTIFICATION OF ACTION:

ATTEST:

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
County Clerk

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

IN RE: REPORT OF INSURANCE/RISK MANAGEMENT COMMITTEE.

Commissioner Mike Walker made a motion to accept the report into the meeting. Commissioner Hill seconded the motion. A voice vote was taken with Chairman Walker declaring the motion to have passed.

A RESOLUTION ESTABLISHING THE BLOUNT COUNTY EMPLOYEES WORKERS' COMPENSATION TRUST FUND AND ADOPTING BYLAWS FOR THE MANAGEMENT THEREOF REVISION-OCTOBER 1995

\*\*\*\*\*

WHEREAS, by resolution duly adopted on June 23, 1994, the Board of County Commissioners of Blount County, Tennessee, resolved that the Blount County Government (the "County") would self-insure its exposure to the Tennessee Workers' Compensation Law (the "Law"); and

WHEREAS, under said resolution, the Blount County Risk and Insurance Management Committee (the "Trustees") was granted authority to draft and execute such documents and create such accounts as may be necessary for the purpose of complying with the financial security requirements of stop loss insurers and to assure the proper use of accumulated self-insured workers' compensation claim funds.

NOW, THEREFORE, BE IT RESOLVED by the Trustees that the Blount County Employees Workers' Compensation Trust Fund (the "Fund") is hereby established and the following Bylaws are hereby adopted for the management thereof:

COPY

ARTICLE I

NAME AND LOCATION

Section 1. The name of this organization shall be the Blount County Employees Workers' Compensation Trust Fund (the "Fund").

Section 2. Its principal office shall be located at 341 Court Street, Maryville, Tennessee, 37804-5906.

Section 3. Other offices for the transaction of business shall be located at such places as the Trustees may from time to time designate, upon notice.

Section 4. These bylaws are adopted pursuant to and all transactions hereunder shall be governed by the Laws of the State of Tennessee.

ARTICLE II

DEFINITIONS

Section 1. Administrator. The Blount County Executive, who is authorized to provide day to day management of the Fund in accordance with the policies established by the Trustees and applicable Tennessee Law.

Section 2. Fund. The Workers' Compensation Self-Insurance Trust Fund to be held and administered as set forth herein.

Section 3. The Fund Account. All monies paid into the Fund as premiums, contributions, or monies from any other sources shall be paid into, and shall hereinafter be referred to as, the Fund Account, which shall be the sole revenue account of the Fund.

Section 4. Fund Year. The period commencing at 12:01 a.m. on the 1st day of July each year, and ending at 12:01 a.m. on the 1st day of July of the following year.

Section 5. Claim Service Agent. The person or entity under the direction of the Trustees to provide claim services to the Fund as described by the claim service contract.

Section 6. Agent/Broker. The local service representative of the Trustees for the purpose of placing and servicing reinsurance agreements.

Section 7. Trustees. The property of the Fund and the supervision of its business and affairs shall be vested in a Board of Trustees, designated as the members of the Blount County Risk and Insurance Management Committee.

Section 8. Risk Management and Human Resources Coordinator. The person under the direction of the Trustees to provide service and support to the Fund and to promote communication between the Trustees and the Administrator, Special Trustee, elected officials, employees, attorneys, insurance agents, consultants, accountants, actuaries, insurers and any other service provider, vendor, or claimant and to otherwise carry out the instructions of the Trustees as respects the management of the Fund.

ARTICLE III

ESTABLISHMENT OF THE FUND

The Trustees hereby acknowledge receipt of \_\_\_\_\_  
/100 Dollars (\$ \_\_\_\_\_) from the County as the initial corpus of  
the Fund. The Trustees agree to receive from the County such additional monies as may be paid  
to them as Fund premiums or other monies and earnings thereon, and to hold and utilize the same,  
all under the terms and conditions hereinafter set forth.

ARTICLE IV

ORGANIZATION OF THE BOARD OF TRUSTEES

Section 1. Governing Board. The business, affairs, and property of the  
Fund shall be supervised by a Board of Trustees (the "Trustees"), which shall consist of the  
members of the Blount County Risk and Insurance Management Committee, as the same shall  
exist from time to time.

Section 2. Trustees. The Trustees must be duly elected members of the  
Blount County Commission and authorized/appointed to serve on the Blount County Risk and  
Insurance Management Committee.

Section 3. Eligibility to Serve as Special Trustee. The Special Trustee shall be  
the duly elected Blount County Trustee.

ARTICLE V

POWERS AND DUTIES OF THE TRUSTEES

Section 1. Powers of Trustees. In order to carry out the purposes of the  
Fund, the Trustees shall have the following rights and powers to the extent not inconsistent with  
or prohibited by the Laws of the State of Tennessee, and such other additional unspecified powers  
as may be required to accomplish the purposes of the Fund.

Section 2. Investment Powers. The Special Trustee shall have the power to invest the monies in the Fund Account. Such investments are limited to those approved under the laws of the State of Tennessee governing the use of such funds. Loans from the Fund Account to any political subdivision, organization or individual affiliated with such Fund, are not permitted.

Section 3. Administrative Powers and Duties. In addition to all the other powers and authority set forth herein, the Trustees shall have the following powers and authority in the administration of the Trust and the Fund Account to be exercised either directly or through the agents of the Trustees in accordance with and subject to the provisions of this instrument:

- (a) To make, execute, acknowledge and deliver any and all documents required to be made in connection with the settlement and defense of any claim; to deliver documents required by any insurer or re-insurer in connection with the issuance of any insurance policy, or in connection with the exercise of the rights of ownership of such policies; any and all forms, returns, notices, transfers, conveyances, and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted.
- (b) To settle, compromise, or submit to arbitration any claims, debts or damages due or owing to or from this Fund or arising in connection with any right, duty or obligation hereunder, to commence, or defend suits or legal or administrative proceedings, and to represent the Fund, the Administrator and the County in all suits and legal proceedings which may be allowed herein .
- (c) To employ or appoint an Administrator, supervisor(s), Risk Management and Human Resources Coordinator, clerical staff, consultants, attorneys, claims adjuster(s), Claim Service Agent, fund actuary, fund accountant, and any other agents, employees or representatives and to pay their reasonable expenses and compensation.
- (d) To contract for Reinsurance with the advice and direction of the Agent/Broker and/or Consultant.
- (e) To pay any and all expenses of administration, legal, actuarial, risk control management, claims management and like fees and costs.
- (f) To establish and assess any and all rates, premiums, contributions and penalties under the Fund, as reviewed by the Fund Actuary, Consultant or Administrator.
- (g) To do all such acts, take all such proceeds, and exercise all such rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary to administer the Fund and to carry out the purposes of the Fund.

(h) To take all reasonable precautions to protect the Fund from losses and to enter into any suitable excess insurance contracts to adequately protect the Fund against excess losses.

(i) To, at the discretion of the Trustees, purchase Errors and Omissions insurance which may include Fiduciary Liability Insurance Coverage to protect the Administrator, Special Trustee and Trustees.

(j) The Fund shall be named as an insured under the Blount County Government's General Liability Insurance, Auto Liability Insurance, Property and other miscellaneous insurance coverages as may be deemed appropriate by the Administrator.

(k) The Blount County Employees' Workers' Compensation Trust Fund shall be named as an insured under Blount County's Blanket Employee Dishonesty Bond.

## ARTICLE VI

### MEETINGS OF THE BOARD OF TRUSTEES

Section 1. Regular Board Meetings. The Trustees shall hold no less than quarterly meetings, the date of such meetings to be set by the Chairman of the Board of Trustees. The regular meeting of the Risk and Insurance Management Committee may be substituted or held consecutively with the quarterly meeting or any called meetings of the Trustees.

Section 2. Special Board Meetings. Special meetings of the Trustees may be called at any time by the Chairman or any two Members of the Board of Trustees. Notice of meetings shall be consistent with the notice required for public entity called committee meetings.

Section 3. Notice of Meetings. Notice of meetings shall be consistent with the notice required for public entity committee meetings.

Section 4. Place of Trustees Meetings. All regular and special meetings of the Trustees shall be held at such place or places within Blount County, as the Trustees may designate.

Section 5. Action by Unanimous Consent in Lieu of a Meeting. Any action which may be taken at a meeting of the Trustees may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all the Trustees. Such consent shall have the same force and effect as an unanimous vote of the Trustees, and may be stated as such in any writing. However, such decisions shall be made public and entered in the public record at the next regularly scheduled meeting.

Section 6. Trustee Committees. The Trustees may, by resolution or resolutions, passed by a majority of the whole Board, designate one or more committees, such committees to consist of two or more of the Trustees, which to the extent provided in such resolution or resolutions shall have and may, during intervals between the meetings of the Board, exercise the powers of the Trustees in the supervision of the business and affairs of the Fund and exercise the duties of the Trustees. The designation of such committee and delegation thereto of authority shall not operate to relieve the Trustees, or any member thereof, of any responsibility imposed by law or by this instrument.

Section 7. Quorum. A majority of the Trustees shall constitute a quorum for the transaction of business at any regular or special meeting of the Trustees.

Section 8. Voting. At all meetings of the Trustees, each Trustee, other than an ex-officio member, shall have one vote. A majority vote of the Trustees in attendance at any meeting shall be required to pass on any matter, except as hereinafter provided. A Trustee may appoint by proxy or otherwise, another commissioner of the County as a substitute Trustee, to vote, participate, and in all ways act in his/her stead at any special or regular meeting of the Trustees. Such appointment for any meeting shall not relieve that Trustee of the duties imposed upon him/her herein. A roll call vote shall be taken on all matters pertaining to the Fund.

## ARTICLE VII

### OFFICERS

Section 1. Election of Officers. The officers of the Fund and Trustees shall be elected by the Trustees and shall be a Chairman, Vice-Chairman and Secretary.

Section 2. Powers and Duties of the Chairman and Vice-Chairman. The Chairman of the Board of Trustees shall preside at all meetings of the Trustees of the Fund; shall have general supervision over the affairs of the Fund and over the other officers; and shall perform all such other acts and duties as are incident to this executive office and such other duties as may be prescribed by the Trustees from time to time. In the case of absence, disability or death of the Chairman, the powers and duties of the Chairman shall be assumed and discharged by the Vice-Chairman, and who shall perform such duties as may be assigned by the Trustees from time to time.

Section 3. Secretary. The Secretary shall be responsible for preparing minutes of the meetings of the Trustees and authenticating records of the Fund.

Section 4. Returns and Statements. It shall be the duty of each officer of the Fund to make and file any and all returns, reports, lists, or statements required by law to be made and filed by him, and to make full report to the Trustees respecting the affairs of the Fund in his/her charge whenever he/she may be requested to do so.

Section 5. Vacancy and Removal. Any vacancy in the office of Chairman, Vice-Chairman or Secretary due to resignation, incapacitation, disqualification, removal of the officer, or other reason shall be filled by the Trustees. Any

officer may be removed at any time without cause by majority vote of the remaining Trustees. Removal from the office of Chairman or Vice-Chairman or Secretary does not necessarily require removal from the Board of Trustees.

## ARTICLE VIII

### THE ADMINISTRATOR

Section 1. The Blount County Executive shall serve as Administrator of the Fund. The County Executive may delegate to the Blount County Director of Accounts and Budgets such authority as he/she sees fit and which is consistent with the laws of the State of Tennessee and the Fund.

Section 2. Powers and Duties of the Administrator. The Administrator shall issue notices of all meetings of the Trustees and shall attend such meetings (in person or through a designated representative); shall have charge of all Fund books, records and papers, and shall sign written contracts for and on behalf of the Fund. The Administrator shall have custody of the Fund, and shall, under the direction of the Special Trustee and the Trustees, manage the finances of the Fund. However, such management shall be limited to those types of activities as are approved by the State of Tennessee for public entities.

The Administrator shall perform any and all duties imposed by the Trustees. Such obligations may, but are not limited to, the following:

- (a) Pay all approved items of expense as directed by the Trustees.
- (b) Account for all monies so handled by monthly and/or quarterly reports.
- (c) Open the books and records of the Fund maintained by the Administrator to inspection by the Trustees or their duly authorized and appointed agent(s).
- (d) Retain an attorney, when necessary, for the proper administration of the Fund.

The Administrator shall perform any and all other duties imposed by the rules and regulations of the State of Tennessee and all applicable laws or regulations.

ARTICLE IX

THE CLAIM SERVICE AGENT

Section 1. Appointment of Claim Service Agent. The Trustees shall appoint, and enter into a separate agreement with, an entity to serve as its claim service agent and attorney-in-fact to act on its behalf under the Law and to abide by the rules and regulations of the Trustees. The initial Claim Service Agent of the Fund shall be Brentwood Services Administrators, Inc. The agreement between the Trustees and the entity to serve as Claim Service Agent shall state the method and grounds for termination, and either party may terminate such agreement according to the terms and conditions of the agreement.

Section 2. Powers and Duties of the Claim Service Agent. The Claim Service Agent shall perform any and all duties imposed upon it in its agreement with the Trustees of the Fund. Such obligations may include, but are not limited to, the following:

- (a) Claim Data Services, the preparation of various monthly, quarterly, and annual reports as required by the Trustees and reinsurance carriers.
- (b) Claims servicing of the Fund, including the instruction of the employees on filing of claims; processing of claims; investigating and payment of valid claims; filing of necessary reports with state agencies, reinsurance carriers and the Trustees on such claims; preparation and maintenance of records on all claims as required by law.
- (c) Loss control servicing.
- (d) Assist the Fund in obtaining reinsurance.

The Claim Service Agent shall perform any and all other obligations imposed upon it by the rules and regulations of the governing state agencies, and any other applicable laws.

Section 3. Service Fees. The Claim Service Agent shall receive, subject to the terms and conditions of the separate agreement between the Trustees of the Fund and the Claim Service Agent, a fee, the amounts to be set in such separate agreement, for its services to the Fund.

## ARTICLE X

### THE FUND ACCOUNT

Section 1. The monies of the Fund shall be deposited in a bank or savings account at the discretion of the Special Trustee, the Trustees of the Fund, and the Administrator. Such bank shall be the designated depository of the Fund.

Section 2. Account. All premiums, contributions or other monies coming into the Fund shall be paid into and become a part of the Fund Account, which shall be the sole revenue account of the Fund. From this account, the Trustees or their agent shall disburse all claims and claims cost items, service agent fees, administrative fees, legal and accounting fees, consulting fees, reinsurance costs, bonding costs, applicable taxes and any other expenses necessary to achieve the purposes of the Fund.

Section 3. Interest. Interest or other investment income shall inure to the benefit of and become a part of the Fund.

Section 4. Excess Reinsurance. A portion of the Fund's annual premium deposits shall be utilized for the purpose of purchasing a Workers' Compensation and the Employers' Liability Excess Reinsurance contract. Such contract shall be with a company rated A, VII or better by A.M. Best and Company if reasonably available and acceptable to the Trustees. Such contract shall be purchased by the Administrator and/or Agent/Broker at the direction of the Trustees and be in an amount not less than One Million and no/100 Dollars (\$1,000,000) over the Fund's retention.

## ARTICLE XI

### CLAIM PAYMENTS

Authorized claim payments are made directly to the injured employee or on his/her behalf by the Claim Service Agent, and are subject to review by the Trustees at their option. All checks shall be drawn in the name of the Fund from an established claims account and shall show the name of the department (e.g., Board of Education, County General, Highway) to which such claim is attributable.

ARTICLE XII

GENERAL PROVISIONS

Section 1. The Fund shall operate on a fiscal year from July 1 through June 30.

Section 2. Contracts. The Trustees may authorize any officer or officers, agent or agents, employee or employees to enter into any contract or other instrument on behalf of this Trust; any such authority may be general or confined to specific instances. Except as herein provided or as authorized by the Trustees, no officer, agent, or employee, other than the Chairman, Vice-Chairman, or Administrator, shall have any power or authority to bind this Trust by any contract or engagement, or to pledge its credit or to render it liable, for any purpose or for any amount.

Section 3. Claim Payments. Authorized claim payments are made directly to the injured employee or on his behalf by the Claim Service Agent, and are subject to review by the Trustees at their option. All checks shall be drawn in the name of the Fund from an established claims account and shall show the name or account number of the department to which such claim is attributable.

Section 4. Coverage by Fund. Coverage of the Fund to employees is limited to obligations directly imposed by the Law and civil suits alleging employer's liability. The Fund is to defend in the name of and on behalf of the County any suits or other proceedings which may at any time be instituted under the Law and pay all costs and judgments. Coverage of the Fund does not apply to punitive or exemplary damage on account of such injuries to any employee employed in violation of the law, or for retaliatory discharge claims.

ARTICLE XIII

LIABILITY OF TRUSTEES

Section 1. Liability of Trustees. No Trustee shall be responsible or liable for any loss to the Fund which may occur by reason of depreciation in value of the properties at any time belonging to the Fund, nor for any other loss to the Fund which may occur, except that each Trustee shall be liable for his/her own intentional torts or intentional breaches of duty, gross negligence or fraudulent conduct.

Section 2. Liability of Trustee for Acts of Others. No Trustee shall be liable or responsible for the acts, omissions, or defaults of any agent or other person to whom duties may be properly delegated under any instrument to which the Fund is subject, if such agent or person was appointed with due care. No Trustee shall be liable or responsible for failure to contest the actions of any other Trustee, or otherwise to compel any other Trustee to redress any breach of trust, unless requested in writing to do so by a beneficiary of the Fund. No Trustee shall be liable or responsible for any act within the sole power and discretion of any other Trustee.

Section 3. Limitation of Personal Liability of Trustee. No Trustee acting in a fiduciary capacity hereunder shall incur any personal liability to any third party who deals with the Trustee in the administration of the Fund, excepting those claims determined to have arisen from intentional torts or intentional breaches of duty, gross negligence, or fraudulent conduct by the Trustee in the administration of the Fund. Each Trustee shall be entitled to reimbursement from the Fund for any liability, whether in contract or in tort, except for liabilities determined to have arisen from the Trustee's intentional torts or intentional breaches of duty, gross negligence, fraudulent conduct, or other acts involving moral turpitude, incurred in the administration of the fund in accordance with the provisions hereof. Each Trustee may contract in such form as to exempt the Trustee from such personal liability and to cause such liability to be limited to the Fund. No successor Trustee shall have any duty, responsibility, obligation or liability whatsoever for failure to rectify the acts or omissions of the predecessor Trustee.

Section 4. Judgment and Discretion of Trustee Final. Wherever the judgment or discretion of any Trustee may be exercised, it shall be final and binding upon every person interested in the Fund. Any Trustee exercising any discretionary power relating to the distribution or accumulation of principal or income, or to the termination of any Trust, shall be responsible only for lack of good faith in the exercise of such power.

#### ARTICLE XIV

#### AMENDMENTS

This instrument may be amended or modified from time to time by a two-thirds (2/3) vote of the Trustees voting at any regular or special meeting of the Trustees, when the proposed amendment has been set forth in the notice of such meeting or, in the event the proposed amendment is not set forth in such notice, written consent to a vote on the proposed amendment is given by the Trustees. However, no such amendment or modification shall alter the

intention that the Fund be operated exclusively as a self-insured Workers' Compensation Fund under the provisions of the Law.

ARTICLE XV

TERM OF TRUST

The term of this instrument shall be twenty-one (21) years and shall be renewable at the end of that term, but with the assent of two-thirds (2/3) of the Trustees, this Fund may at any time be wound up and the assets distributed. Such distribution shall not be made until all claims and other lawful debts shall have been "discharged" as defined in Article V, Section 3 and Article XII, Section 3. Upon such winding up, the residual assets of this Fund shall be distributed to Blount County Government.

IN WITNESS WHEREOF, the Trustees have adopted the foregoing Bylaws as evidenced by their respective signatures on this the \_\_\_\_ day of June, 1994.

TRUSTEES:

Mike Webb  
Clara B. McAult  
Virginia C. Moxton  
J. Leroy Hoff  
Ann P. Hef

## **Archives/Records Dept Request for Grant application approval**

We are requesting permission to apply for a National Historical Public Records Commission “Documenting Democracy: Access to Historical Records Projects” Planning Grant to evaluate relocating the Records Department to the Operations Center. The Planning Grant can fund up to \$200,000 and requires matching money. NHPRC considers salary as matching money. I plan to include in the grant budget a percentage of my salary for time that I will spend administering the grant. The Planning Grant deadline for submission is October 4, 2012.

## Archives/Records Dept Request for Grant application approval

We are requesting permission to apply for a National Endowment for the Humanities, "Sustaining Cultural Heritage Collections" Planning Grant to evaluate relocating the Records Department to the Operations Center. The Planning Grant can fund up to \$40,000 and requires no matching money however I plan to include in the grant budget a percentage of my salary for time that I will spend administering the grant. The Planning Grant deadline for submission is December 1, 2012.

The planning grant is non-binding for implementation as is evidenced by the message below...

**From:** Word, Laura [<mailto:LWord@neh.gov>]  
**Sent:** Thursday, November 03, 2011 10:52 AM  
**To:** Jackie Glenn  
**Subject:** RE: "Sustaining Cultural Heritage Collections" Planning Grant

Hello Jackie,

No, you would not need to pay back grant funds if you don't implement the plan created from an NEH planning grant. Planning grants are intended to help institutions identify strategies for preserving humanities collections, and some strategies may ultimately be implemented while others might not.

I see that you sent another question about using staff time as cost share – yes, that is fine and it is what most applicants do.

Laura

**From:** Jackie Glenn [<mailto:jglenn@blounttn.org>]  
**Sent:** Thursday, November 03, 2011 10:33 AM  
**To:** Word, Laura  
**Subject:** "Sustaining Cultural Heritage Collections" Planning Grant

Ms. Word or NEH Staff: If you receive a Planning Grant to evaluate relocating the Records Department are you required to pay back the Grant funds if you don't move? Thank you, Jackie Glenn, Blount County Records Manager & Archivist

## **Archives/Records Dept Request for Grant application approval**

We are requesting permission to apply for a State and National Archival Partnership (SNAP) Regrant to evaluate relocating the Records Department to the Operations Center. The SNAP Grant can fund up to \$7,500 and requires matching money of 25% for any grant over \$2,500. I plan to include in the grant budget a percentage of my salary for time that I will spend administering the grant. The Planning Grant deadline for submission is September 1, 2012.

**Resolution No. 12-08-006**

**Sponsored by: Kenneth Melton and Holden Lail**

RESOLUTION FOR LEVYING AN ADDITIONAL SALES AND USE TAX  
IN BLOUNT COUNTY

WHEREAS the county legislative body has the authority to impose a local sales and use tax as authorized under the provisions of the Tennessee Code Annotated Sections 67-6-701-67-6-712; and

WHEREAS by statute a minimum of one-half (1/2) of the proceeds from a local sales and use tax shall be used for Education; and

WHEREAS by previous resolution the county legislative body has resolved to have proceeds from the local sales and use tax split equally one half to Education and one half to the Blount County Highway Department; and

WHEREAS the citizens of one municipality located inside the geographical boundary of Blount County has voted to increase the local option sales and use tax from 2.25% to the maximum rate of 2.75%; and

WHEREAS the citizens of Blount County have the choice to increase the local option sales and use tax to county-wide and all municipalities to 2.75%; therefore

BE IT RESOLVED by the county legislative body of Blount County, Tennessee:

SECTION 1. The resolution of the county legislative body of Blount County, Tennessee, imposing a local sales and use tax as authorized under the provisions of *Tennessee Code Annotated* Sections 67-6-701 through 67-6-712, adopted by the county legislative body at a special session date June 6, 1980, is amended to levy a local sales and use tax at a rate of 2.75%, not to exceed the maximum percentage as stated in the RETAILERS TAX ACT, *Tennessee Code Annotated* Section 67-6-702, as amended, except as limited or modified by statute.

SECTION 2. If a majority of those voting in the election required by *Tennessee Code Annotated*, Section 67-6-706, vote for the increase in the tax imposed by this resolution, collection of the increased tax levied by this resolution shall begin on the first day of the month occurring thirty (30) or more days after the county election commission makes its official canvass of the election returns.

SECTION 3. The Blount County Election Commission is requested to hold the election on the approval or disapproval of this resolution on the same date and simultaneously with the November General Election to be held on November 6<sup>th</sup>, 2012. A certified copy of this resolution shall be transmitted to the Blount County Election Commission within sixty (60) days prior to the 6<sup>th</sup> day of November, 2012, and a certified copy of this resolution shall be transmitted to the Department of Revenue of the State of Tennessee and shall be published one (1) time in a newspaper of general circulation in Blount County, Tennessee prior to the election called for herein.

SECTION 4. The county legislative body of Blount County affirms the previous actions of the body regarding the split of the proceeds of the local sales and use tax and therefore all proceeds from the local option sales tax shall be split one-half to Education and one-half to the Blount County Highway Department.

SECTION 5. The Blount County Election Commission is requested to place the following wording on the November Ballot: "Shall Resolution Number 12-08-006, passed by the County of Blount, which increases the Local Sales Tax Rate from 2.25% to 2.75% and one half proceeds to be used for Education and one half proceeds for Blount County Highway Department, become operative?:  
\_\_\_For \_\_\_Against"

SECTION 6. The Department of Revenue of the State of Tennessee shall collect the additional tax imposed by this Resolution concurrent with the collection of the state tax and the local tax now being collected for Blount County, in accordance with rules and regulations promulgated by the Department.

SECTION 7. The Blount County Trustee is hereby authorized to contract with the Department of Revenue for the collection of

the additional tax imposed by this Resolution, and to provide in the contract that the department may deduct from the tax collected a reasonable amount or percentage to cover the expense of the administration and collection of the tax.

SECTION 8. In the event the tax is collected by the Department of Revenue, suits for the recovery of any tax illegally assessed or collected shall be brought against the state Commissioner of Revenue and the Blount County Trustee.

Adopted this 16<sup>st</sup> day of August, 2012.

Certification of Action

Attest

\_\_\_\_\_  
Commission Chairman

\_\_\_\_\_  
County Clerk

Approved: \_\_\_\_

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

# **OTHER BUDGET ITEMS**

## **(COMMISSION ACTION NEEDED)**

<b><u>ITEM</u></b>	<b><u>BUDGET COMM</u></b>	<b><u>VOTE</u></b>
<b>3.b Consideration of Resolution for levying Additional Sales &amp; Use Tax in Blount County</b>	<b>Recommended</b>	<b>5 - yes</b>