

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Section 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene in a called meeting and hold public hearing on October 9, 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, BY AMENDING SECTION 7.5.I.4 TO PERMIT AND REGULATE ELECTRONIC MESSAGE CENTERS WITHIN THE COMMERCIAL ZONE, AND AMEND SECTION 13 TO INCLUDE A DEFINITION FOR ELECTRONIC MESSAGE CENTERS SIGN.**

**That the following Section 7.5 .I.4 be amended to read as follows:**

4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except as provided below.
  - a. Electronic message center signs permitted as changeable copy on premise business signs shall be permitted subject to the following.
    1. Shall be allowed only in the C- Commercial zone;
    2. Shall be limited to one display per parcel or lot;
    3. Shall hold constant a message for a minimum of sixty (60) seconds and shall have a minimum of five (5) seconds between intervals except signs indicating time, date or weather conditions; and
    4. Shall be at least one hundred (100) feet from a residential use or residential zoned property as measured on a straight line from the nearest property line of said residential use or residentially zoned property to the electronic message center sign, whether on a building or on a monument.

**That the following definitions be added to Section 13 of the zoning regulations:**

ELECTRONIC MESSAGE CENTER (EMC) SIGN: A type of changeable copy sign that use words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

APPROVED:

Jerome Moon  
Commission Chairman

Ed Mitchell  
County Mayor

ATTEST:

Roy Crawford, Jr.  
County Clerk

**RESOLUTION No. 12-10-006**

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

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, BY AMENDING SECTION 7.5 .I.4 TO PERMIT AND REGULATE ELECTRONIC MESSAGE CENTERS WITHIN THE COMMERCIAL ZONE, AND AMEND SECTION 13 TO INCLUDE A DEFINITION FOR ELECTRONIC MESSAGE CENTERS SIGN.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 18<sup>th</sup> day of October, 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 provide an avenue to permit electronic message center signs with standards upon review and approval,

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

**1. That the following Section 7.5 .I.4 be amended to read as follows:**

- 4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except as provided below.
  - a. Electronic message center signs permitted as changeable copy on premise business signs shall be permitted subject to the following.
    - 1. Shall be allowed only in the C- Commercial zone;
    - 2. Shall be limited to one display per parcel or lot;
    - 3. Shall hold constant a message for a minimum of sixty (60) seconds and shall have a minimum of five (5) seconds between intervals except signs indicating time, date or weather conditions; and
    - 4. Shall be at least one hundred (100) feet from a residential use or residential zoned property as measured on a straight line from the nearest property line of said residential use or residentially zoned property to the electronic message center sign, whether on a building or on a monument.

**2. That the following definitions be added to Section 13 of the zoning regulations:**

**ELECTRONIC MESSAGE CENTER (EMC) SIGN**: A type of changeable copy sign that use words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

**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  
Date: 8/29/2012  
Re: Setting of public hearing.

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**Background:**

The Blount County planning commission made a motion to send revisions of the zoning regulations onto the County Commission with a recommendation to approve said revisions during the August 2012 meeting. These revisions would define electronic message centers, accommodate electronic message centers within the C-commercial zone, and set standards for their use. These changes do require a public hearing to be held at the commission's discretion. I have included the background information below.

# Memo

To: Blount County Planning Commission  
From: Building commissioner  
CC: Other commission members and staff  
Date: 7/18/2012  
Re: Discussion on "Electronic message center signs"

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## **Background:**

At the June meeting we briefly discussed electronic message centers and whether or not we should explore changes in our zoning regulations to accommodate them. This body did give me the direction to bring information for further discussion on this topic and below you will find our current sign regulations and a copy of amendments that the City of Maryville has made in regards to regulating these types of signs.

The amendments that Maryville adopted accomplished six points. The first is that they defined what an electronic message center is. The second point makes them permissible by setting standards. The standards are the remaining points and include where they are permitted, limit the number permitted per lot or parcel, establish the length of time a message must be displayed, and establishes a distance that an electronic message center has to be from a residence. I hope that the following information will serve as a good starting point for our discussion.

**Section 7.5. Signs.** It is the intent of this Resolution to allow signs identifying properties, uses of properties, and events or businesses within the community, while at the same time to provide for the conservation of natural scenic beauty along the highways and roads in Blount County, and to provide a safe and attractive environment for tourists, travelers and residents to enjoy the scenic beauty of Blount County. To this end, the following shall apply:

A. Any lot shall be permitted one property identification sign to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

B. For a business use conducted in a residential structure or on a residential use lot, one business identification sign shall be permitted per lot to be no greater than ten (10) square feet in

area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

C. For commercial and industrial uses not identified in subsection B above, the following shall apply:

1. Any commercial or industrial lot shall be permitted one business identification sign per 1000 feet of frontage or fraction thereof fronting a SINGLE public road, to be no greater than 100 square feet in area, with a height no greater than 20 feet.

2. Signs for lots with more than one frontage.

a. For a commercial or industrial lot or parcel with corner frontage along more than one public road, one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in subsection 1 immediately above, provided that such sign is separated from the other sign by a distance no less than 1000 feet.

b. For frontage along a public road for a through lot (not corner frontage), one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in Subsection 1 immediately above, provided that such sign is separated by 1000 feet from any sign permitted under 2.A above.

3. Any commercial or industrial lot or parcel shall also be permitted one ground sign to be no greater than 25 square feet in area, with height no greater than eight (8) feet above the finished grade of the ground.

4. For commercial and industrial uses, signs on the vertical wall face of a principal structure or attached to such wall face of a principal structure with projection no greater than twelve inches from such wall face, and which do not extend more than three feet above the immediately adjacent roof line of the principal structure, shall be limited to no more than 100 square feet of total area per lot

D. For a unified development such as a major subdivision of more than four lots, multifamily development, manufactured home park development, or a planned unit development, one development identification sign shall be permitted per road frontage to such development, such sign to be no greater than 50 square feet in area with height no greater than ten (10) feet above the finished grade of the ground. Any decorative wall or fence on which such sign is placed shall not be considered as part of the sign.

E. The following signs shall not require permit:

1. Signs relating to agricultural uses or sale of agricultural products on the site of such agricultural uses.

2. Church identification signs, church bulletin boards, and church directional signs that do not exceed one each per abutting road with area no greater than 100 square feet total per abutting road.

3. All signs required by law, required for identification of hazard, posting for no trespass, street identification, traffic control, or governmental or utility function.

4. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

5. Political signs, election or referendum campaign signs, provided that such signs are no greater than 32 square feet in area.

6. Construction site identification signs, provided that there is no more than one sign each per contractor or subcontractor per lot or parcel, provided that such signs are no greater than 64 square feet in area if along arterial status roads and no greater than 32 square feet otherwise, with height no greater than 8 feet, and provided that such signs are removed within 10 days of completion of the related construction activity.

7. Signs of a temporary nature such as real estate sale signs, auction signs, special event signs, and the like, provided the area of such signs are no greater than 32 square feet, with height no greater than 8 feet, provided that any such signs are taken down no later than ten days after the sale or event relating to the signs, and provided that any special event or auction signs or the like are placed no earlier than 30 days prior to the relevant event or sale.

8. Signs designating entrance and/or exit for parking or circulation on a lot, provides that such signs are no greater than eight (8) square feet in area with height no greater than four (4) feet, and placed in such a manner that vision clearance for entering and exiting traffic shall not be hindered.

F. For the purposes of this Section, lights and other decorations relating to any holiday season shall not be considered as signs or parts of signs, provided that such lights or decorations, if placed on an existing sign, are placed no earlier than 60 days prior to the related holiday, and removed no later than 30 days after the related holiday.

G. The Board of Zoning Appeals may approve an off site directional sign for any business or industry or use of general community significance as a special exception under provisions of Article 11, provided that such sign shall be no greater than 50 square feet in area, shall have height no greater than eight (8) feet above the finished grade of the ground, shall be placed only along arterial status roads as identified in the Major Road Plan for Blount County or major road plan for any other planning region in the county, and shall be placed on a non-residential use lot or parcel. Such sign may be in addition to any other signs allowed on such nonresidential use lot or parcel.

H. Signs may be placed within the required front building setback of the districts, provided that any portion of the sign shall be no closer than ten feet to the right-of-way line. No sign shall

be placed in or overhang a public road right-of-way. Signs shall be placed in such a manner to meet requirements of vision clearance in Section 7.9. No commercial use sign shall be allowed which may be confused with signs required for governmental functions or traffic control signs, including but not limited to traffic lights, stop signs, yield signs, detour signs, turn signs, and traffic caution lights and signs.

I. Unless otherwise regulated by this Resolution, signs shall be illuminated in accordance with the following provisions.

1. Signs within one hundred and fifty (150) feet of a residential use shall not be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. To be considered entirely inconsequential, such lighting shall not cast light at the joint property line of adjacent residential use of more than 0.5 footcandles, certified as designed and installed by a licensed engineer or architect with documented experience in exterior lighting.

2. Signs with area greater than 10 square feet shall be lighted only with indirect lighting. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises. Lighting shall be directed in a downward angle toward the sign.

3. Except for seasonal holiday lighting noted in subsection F above, illuminated tubings or strings of lights that outline property lines, sales areas, or similar areas are considered as signs under provisions of this Section and are prohibited.

4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.

J. To compute and apply regulations to sign area, the following shall apply:

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or surface against which it is placed.

2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

3. With respect to two-sided, multi-sided, or three-dimensional signs, the following shall apply:

(a) The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed eighteen (18) inches, provided that the opposite face of the

double-faced, back-to-back sign may also have a sign of equal area facing in the opposite direction.

(b) The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign, so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet, provided that the opposite face of the double-sided "V" sign may also have a sign of equal area facing in the generally opposite direction.

(c) In all other instances, the sign surface area of a multi-sided or three dimensional sign shall be calculated using the total of all surfaces of the sign that can be seen at any one time by a person from one vantage point.

K. Any sign approved as part of a site plan for building permit or as part of a site plan for a special exception under provisions of this Resolution shall not require any further permit, provided that such sign is constructed and maintained as approved. Except as exempted in this Resolution, all other signs shall require a building permit for review of conformance by the Building Commissioner.

L. In addition to provisions under subsections A thru K above, any sign which may be subject to provisions of state statutes in Tennessee Code, Title 54, Chapter 17, Part 1 Scenic Highways also shall be subject to restrictions and regulations of such statutes as administered by the State of Tennessee, and any signs proposed for permit along designated scenic highways in TCA 54-17-114 shall provide documentation that proposed signs subject to permit in this Resolution will comply with such statutes, in addition to any information required for permit in this Resolution.

M. Notwithstanding any other provisions to the contrary, any non-conforming sign or sign structure which is partially destroyed or damaged by accident or natural causes beyond 50 percent of original value shall thereafter be removed or reconstructed in conformance to the regulations applicable to new signs. Notwithstanding any other provisions to the contrary, for any non-conforming sign that is proposed for replacement, such replacement sign shall be constructed in conformance to the regulations applicable to new signs.

ORDINANCE NO. 2012-11

**AN ORDINANCE AMENDING SECTION 14-218,  
"SIGNS," OF THE MARYVILLE MUNICIPAL CODE  
CONCERNING THE REGULATION OF  
ELECTRONIC MESSAGE CENTER (EMC) SIGNS  
WITHIN THE CITY OF MARYVILLE**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and

WHEREAS, both the Maryville Regional Planning Commission and the City Council of the City of Maryville desire to revise the regulations concerning Electronic Message Center (EMC) within the city of Maryville; and

WHEREAS, it is the intent of this legislation to reasonably regulate the location, size and operation of said EMC signs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT SECTION 14-218, "SIGNS," OF THE MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:**

**SECTION 1.** That Section 14-218 (2) Definitions be amended by eliminating the current wording in subsection (g) "Electronic message center (EMC) sign" in its entirety and replacing it with the following wording:

(g) "Electronic message center (EMC) sign." A type of changeable copy sign that uses a bank of lights or other lighting technology that can be electronically altered to form words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

**SECTION 2.** That Section 14-218 (13) Sign illumination and signs containing lights be amended by eliminating the current wording in subsection (f) in its entirety and replacing it with the following wording:

(f) Subject to subsection (g), no sign may contain or be illuminated by flashing or intermittent lights, or lights of changing intensity. Typical "time and temperature" displays are exempt from this requirement.

Electronic message center (EMC) signs permitted as changeable copy on-premise business signs shall be permitted subject to the following:

(i) Shall be allowed only in the Business & Transportation (B/T), High Intensity Retail, and Institutional zoning districts, except that EMC signs may also be used by public schools and public libraries in any

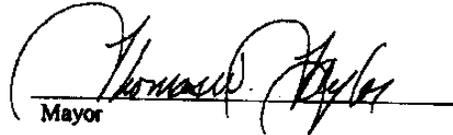
zone, subject to the development standards set forth for EMC signs in the B/T zone;

(ii) Shall be limited to one display per parcel, lot or development:

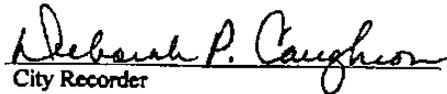
(iii) Shall hold a constant message for a minimum of sixty (60) seconds and the transition to a new message shall be instantaneous. Messages on EMC signs cannot scroll, be animated, contain moving video images, etc.

(iv) Shall be at least one hundred (100) feet from a residential structure, measured on a straight line from the nearest point on the EMC sign face to the nearest point on the structure.

**SECTION 3.** This ordinance shall be effective from and after its final passage, the public welfare requiring it.

  
Mayor

**ATTEST:**

  
City Recorder

**APPROVED AS TO FORM:**

  
City Attorney

Passed 1<sup>st</sup> Reading 4/3, 2012   
City Recorder

Passed 2<sup>nd</sup> Reading 5/1, 2012   
City Recorder

# Memo

To: Blount County Planning Commission  
From: Building Commissioner  
CC: Other members and staff  
Date: 8/15/2012  
Re: Electronic message centers.

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## Background:

Below you will find the changes that have been discussed for electronic message centers highlighted in yellow. The first is the addition of the definition that would be added to section 13 of our zoning regulations. The second are the provisions for regulating them in section 7.5, I, 4. These additions come from the city of Maryville's sign regulations that were provided at last month's meeting. You will notice that I have limited them to the C- commercial zone in this draft. I have also included the current section 7.5, I, 4 for comparison, that section is highlighted in green at the end of this memo.

**ELECTRONIC MESSAGE CENTER (EMC) SIGN:** A type of changeable copy sign that uses a bank of lights or other lighting technology that can be electronically altered to form words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

**Section 7.5. Signs.** It is the intent of this Resolution to allow signs identifying properties, uses of properties, and events or businesses within the community, while at the same time to provide for the conservation of natural scenic beauty along the highways and roads in Blount County, and to provide a safe and attractive environment for tourists, travelers and residents to enjoy the scenic beauty of Blount County. To this end, the following shall apply:

A. Any lot shall be permitted one property identification sign to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

B. For a business use conducted in a residential structure or on a residential use lot, one business identification sign shall be permitted per lot to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

C. For commercial and industrial uses not identified in subsection B above, the following shall apply:

1. Any commercial or industrial lot shall be permitted one business identification sign per 1000 feet of frontage or fraction thereof fronting a SINGLE public road, to be no greater than 100 square feet in area, with a height no greater than 20 feet.

2. Signs for lots with more than one frontage.

a. For a commercial or industrial lot or parcel with corner frontage along more than one public road, one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in subsection 1 immediately above, provided that such sign is separated from the other sign by a distance no less than 1000 feet.

b. For frontage along a public road for a through lot (not corner frontage), one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in Subsection 1 immediately above, provided that such sign is separated by 1000 feet from any sign permitted under 2.A above.

3. Any commercial or industrial lot or parcel shall also be permitted one ground sign to be no greater than 25 square feet in area, with height no greater than eight (8) feet above the finished grade of the ground.

4. For commercial and industrial uses, signs on the vertical wall face of a principal structure or attached to such wall face of a principal structure with projection no greater than twelve inches from such wall face, and which do not extend more than three feet above the immediately adjacent roof line of the principal structure, shall be limited to no more than 100 square feet of total area per lot

D. For a unified development such as a major subdivision of more than four lots, multifamily development, manufactured home park development, or a planned unit development, one development identification sign shall be permitted per road frontage to such development, such sign to be no greater than 50 square feet in area with height no greater than ten (10) feet above the finished grade of the ground. Any decorative wall or fence on which such sign is placed shall not be considered as part of the sign.

E. The following signs shall not require permit:

1. Signs relating to agricultural uses or sale of agricultural products on the site of such agricultural uses.

2. Church identification signs, church bulletin boards, and church directional signs that do not exceed one each per abutting road with area no greater than 100 square feet total per abutting road.

3. All signs required by law, required for identification of hazard, posting for no trespass, street identification, traffic control, or governmental or utility function.

4. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

5. Political signs, election or referendum campaign signs, provided that such signs are no greater than 32 square feet in area.

6. Construction site identification signs, provided that there is no more than one sign each per contractor or subcontractor per lot or parcel, provided that such signs are no greater than 64 square feet in area if along arterial status roads and no greater than 32 square feet otherwise, with height no greater than 8 feet, and provided that such signs are removed within 10 days of completion of the related construction activity.

7. Signs of a temporary nature such as real estate sale signs, auction signs, special event signs, and the like, provided the area of such signs are no greater than 32 square feet, with height no greater than 8 feet, provided that any such signs are taken down no later than ten days after the sale or event relating to the signs, and provided that any special event or auction signs or the like are placed no earlier than 30 days prior to the relevant event or sale.

8. Signs designating entrance and/or exit for parking or circulation on a lot, provided that such signs are no greater than eight (8) square feet in area with height no greater than four (4) feet, and placed in such a manner that vision clearance for entering and exiting traffic shall not be hindered.

F. For the purposes of this Section, lights and other decorations relating to any holiday season shall not be considered as signs or parts of signs, provided that such lights or decorations, if placed on an existing sign, are placed no earlier than 60 days prior to the related holiday, and removed no later than 30 days after the related holiday.

G. The Board of Zoning Appeals may approve an offsite directional sign for any business or industry or use of general community significance as a special exception under provisions of Article 11, provided that such sign shall be no greater than 50 square feet in area, shall have height no greater than eight (8) feet above the finished grade of the ground, shall be placed only along arterial status roads as identified in the Major Road Plan for Blount County or major road plan for any other planning region in the county, and shall be placed on a non-residential use lot or parcel. Such sign may be in addition to any other signs allowed on such nonresidential use lot or parcel.

H. Signs may be placed within the required front building setback of the districts, provided that any portion of the sign shall be no closer than ten feet to the right-of-way line. No sign shall be placed in or overhang a public road right-of-way. Signs shall be placed in such a manner to meet requirements of vision clearance in Section 7.9. No commercial use sign shall be allowed which may be confused with signs required for governmental functions or traffic control signs, including but not limited to traffic lights, stop signs, yield signs, detour signs, turn signs, and traffic caution lights and signs.

I. Unless otherwise regulated by this Resolution, signs shall be illuminated in accordance with the following provisions.

1. Signs within one hundred and fifty (150) feet of a residential use shall not be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. To be considered entirely inconsequential, such lighting shall not cast light at the joint property line of adjacent residential use of more than 0.5 footcandles, certified as designed and installed by a licensed engineer or architect with documented experience in exterior lighting.

2. Signs with area greater than 10 square feet shall be lighted only with indirect lighting. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises. Lighting shall be directed in a downward angle toward the sign.

3. Except for seasonal holiday lighting noted in subsection F above, illuminated tubings or strings of lights that outline property lines, sales areas, or similar areas are considered as signs under provisions of this Section and are prohibited.

4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except as provided below.

a. Electronic message center signs permitted as changeable copy on premise business signs shall be permitted subject to the following.

1. Shall be allowed only in the C- Commercial zone;
2. Shall be limited to one display per parcel or lot;
3. Shall hold constant a message for a minimum of sixty (60) seconds and shall have a minimum of five (5) seconds between intervals except signs indicating time, date or weather conditions; and
4. Shall be at least one hundred (100) feet from a residential use or residential zoned property as measured on a straight line from the nearest property line of said residential use or residentially zoned property to the electronic message center sign, whether on a building or on a monument.

J. To compute and apply regulations to sign area, the following shall apply:

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or surface against which it is placed.

2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

3. With respect to two-sided, multi-sided, or three-dimensional signs, the following shall apply:

(a) The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed eighteen (18) inches, provided that the opposite face of the double-faced, back-to-back sign may also have a sign of equal area facing in the opposite direction.

(b) The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign, so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet, provided that the opposite face of the double-sided "V" sign may also have a sign of equal area facing in the generally opposite direction.

(c) In all other instances, the sign surface area of a multi-sided or three dimensional sign shall be calculated using the total of all surfaces of the sign that can be seen at any one time by a person from one vantage point.

K. Any sign approved as part of a site plan for building permit or as part of a site plan for a special exception under provisions of this Resolution shall not require any further permit, provided that such sign is constructed and maintained as approved. Except as exempted in this Resolution, all other signs shall require a building permit for review of conformance by the Building Commissioner.

L. In addition to provisions under subsections A thru K above, any sign which may be subject to provisions of state statutes in Tennessee Code, Title 54, Chapter 17, Part 1 Scenic Highways also shall be subject to restrictions and regulations of such statutes as administered by the State of Tennessee, and any signs proposed for permit along designated scenic highways in TCA 54-17-114 shall provide documentation that proposed signs subject to permit in this Resolution will comply with such statutes, in addition to any information required for permit in this Resolution.

M. Notwithstanding any other provisions to the contrary, any non-conforming sign or sign structure which is partially destroyed or damaged by accident or natural causes beyond 50 percent of original value shall thereafter be removed or reconstructed in conformance to the regulations applicable to new signs. Notwithstanding any other provisions to the contrary, for any non-

conforming sign that is proposed for replacement, such replacement sign shall be constructed in conformance to the regulations applicable to new signs.

**7.5, I, 4.** No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.

**AGENDA**  
**BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING**  
**TUESDAY, OCTOBER 9, 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. September 11, 2012 meeting.

**D. SETTING OF AGENDA.**

**E. ITEMS FOR CONSENT CALENDAR.**

1. Resolutions for special recognitions:
2. Appointments:
  - a. The Little Tennessee Valley Education Cooperative Board – Holden Lail.
  - b. Smoky Mountain Tourism Development Authority. (Gary Farmer)

**F. UNFINISHED BUSINESS.**

**G. NEW BUSINESS:**

1. Budget transfers.
2. Budget increases.
3. Other budget items:
4. A Resolution to amend the zoning resolution of Blount County, Tennessee, by amending Section 7.5 I.4 to permit and regulate electronic message centers within the commercial zone, and amend Section 13 to include a definition for electronic message centers sign.(Gordon Wright)
5. Setting of public hearing regarding amendments to the zoning regulations regarding ridge-top and hillside regulations. (Gordon Wright)
6. Allocation of space requests. (Rick Carver)
7. A resolution adopting regulations to protect water quality in the urbanized areas of Blount County, by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation. (Gerald Kirby)
8. A resolution to discharge certain committees. (Jerome Moon)

**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, September 11, 2012 at 6:30 pm at the courthouse in Maryville, Tennessee.

Chairman Farmer announced that the roll would not be taken because it had been taken in the public hearings. The following proceedings were held to-wit:

**IN RE: ELECTION OF AGENDA COMMITTEE CHAIRMAN.**

Commissioner Helton nominated Commissioner Burkhalter as chairman. Commissioner Moon seconded the nomination.

Commissioner Lambert nominated Commissioner Farmer as chairman. Commissioner Greene seconded the nomination.

A vote was taken:

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

There were 15 voting for Burkhalter and 3 voting for Farmer, and 3 absent. Chairman Farmer declared Commissioner Burkhalter to be elected as chairman.

**IN RE: ELECTION OF AGENDA COMMITTEE VICE CHAIRMAN.**

Commissioner Moon nominated Commissioner Lail as vice chairman. Commissioner French seconded the nomination.

Commissioner Kirby made a motion that nominations cease. Commissioner French seconded the motion.

A vote was taken on the nomination:

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

There were 17 voting yes, 0 voting no, 1 abstaining, and 3 absent. Chairman Burkhalter declared Commissioner Lail to be elected as vice chairman.

**IN RE: MINUTES OF AUGUST 7, 2012 MEETING.**

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

A vote was taken on the motion:

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

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

**IN RE: SETTING OF AGENDA.**

Commissioner Lewis made a motion to remove the resolution approving a certain lease agreement with Eagleton Ball Park, Inc., and authorizing the execution thereof; and move the

appointment of the Human Resources/Insurance Committee to new business; and to set the agenda. Commissioner French seconded the motion.

A vote was taken on the motion:

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

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

#### **IN RE: RESOLUTION HONORING THE BLOUNT COUNTY SCHOOLS.**

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

A vote was taken on the motion:

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

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

#### **IN RE: ELECTION RESULTS – AUGUST 2, 2012 ELECTION.**

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

A vote was taken on the motion:

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

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

#### **IN RE: APPOINTMENTS TO ALLOCATION OF SPACE COMMITTEE, ANIMAL CENTER ADVISORY BOARD, BEER BOARD, EDUCATION COMMITTEE, AND INFORMATION TECHNOLOGY COMMITTEE.**

Commissioner Farmer made a motion to send the appointments to the agenda of the September County Commission meeting. Commissioner Moon seconded the motion.

A vote was taken on the motion:

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

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

#### **IN RE: PLACEMENT ON COMMISSION AGENDA OF THE ELECTION OF COMMISSION CHAIRMAN and PLACEMENT ON COMMISSION AGENDA OF THE ELECTION OF COMMISSION CHAIRMAN**

**PRO TEMPORE and  
PLACEMENT ON COMMISSION AGENDA OF THE ELECTION OF COMMISSION  
PARLIAMENTARIAN.**

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

A vote was taken on the motion:

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

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

**IN RE: BUDGET TRANSFER – GENERAL PURPOSE SCHOOL FUND - \$15,636.00.**

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

A vote was taken on the motion:

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

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

**IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$56,350.00 and  
RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$923,258.36 and  
RESOLUTION TO AMEND DEBT SERVICE FUND BUDGET \$923,258.36.**

Commissioner Farmer made a motion to send the items to the agenda of the September County Commission meeting. Commissioner Lewis seconded the motion.

A vote was taken on the motion:

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

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

**IN RE: RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE,  
BY ADDING A NEW SECTION 7.18 DESIGN STANDARDS FOR COMMERCIAL  
CAMPGROUND AND RECREATIONAL VEHICLE PARKS, AMEND SECTIONS 9.1B, 9.2B,  
AND 9.3B TO INCLUDE COMMERCIAL CAMPGROUND AND RECREATIONAL VEHICLE  
PARKS AND AMEND SECTION 13 TO INCLUDE DEFINITIONS FOR CAMPING CABINS AND  
COMMERCIAL CAMPGROUNDS.**

Commissioner Farmer made a motion to send the item back to the Planning Commission. Commissioner Helton seconded the motion.

A vote was taken on the motion:

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

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

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

**IN RE: RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, FROM R-1(RURAL DISTRICT 1) TO C-(COMMERCIAL) REGARDING PROPERTY LOCATED AT 8523 TOWNS END LANE, AND IDENTIFIED ON TAX MAP 097 AND PARCEL 126.01.**

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

A vote was taken on the motion:

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

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

**IN RE: SETTING OF PUBLIC HEARING FOR REVISION OF BLOUNT COUNTY ZONING REGULATIONS REGARDING ELECTRONIC MESSAGE CENTER SIGNS.**

Commissioner Kirby made a motion to send setting the public hearing for October 9 at 6:30 pm to the agenda of the September County Commission meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

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

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

**IN RE: RESOLUTION REGARDING THE ADOPTION OF AN ALTERNATIVE PROCEDURE FOR CLOSING ROADS IN BLOUNT COUNTY, TENNESSEE.**

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

A vote was taken on the motion:

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

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

**IN RE: ALLOCATION OF SPACE FOR CLERK & MASTER.**

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

A vote was taken on the motion:

Burchfield - absent	Caylor - yes	French - yes	Harrison - absent
Burkhalter - yes	Farmer - yes	Gamble - yes	Hasty - absent
Carver - yes	Folts - yes	Greene - yes	Helton - no

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

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

**IN RE: 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.**

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

A vote was taken on the motion:

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

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

**IN RE: RESOLUTION TO AMEND THE NAME AND OBJECTIVES OF THE AD HOC COMMITTEE TO STUDY OVERCROWDING AT THE BLOUNT COUNTY JAIL IN BLOUNT COUNTY, TENNESSEE.**

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

A vote was taken on the motion:

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

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

**IN RE: APPOINTMENTS TO HUMAN RESOURCES/INSURANCE COMMITTEE.**

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

Commissioner Lambert called for the previous question. Commissioner Moon seconded the motion.

A vote was taken on the motion:

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

There were 15 voting yes, 3 voting no, 0 abstaining, and 3 absent. Chairman Burkhalter declared the call for the previous question to be approved.

A vote was taken on the original motion:

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

Wright - yes

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

**IN RE: ADJOURNMENT.**

Chairman Burkhalter declared the meeting to be adjourned.

**STATE OF TENNESSEE  
COUNTY OF BLOUNT**

**BE IT REMEMBERED**, that a meeting of the Blount County Board of County Commissioners was held on Thursday, November 18, 2010, at 7:00 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
Ted Burkhalter - present	Tom Greene – present	Mike Lewis– present
Richard Carver – present	Brad Harrison – present	Kenneth Melton – present
Mike Caylor – present	Mark Hasty– present	Jerome Moon – present
Gary Farmer – present	Scott Helton – present	Monika Murrell – present
Jim Folts – present	Gerald Kirby – present	Steve Samples – present
Ron French - present	Holden Lail – present	Gordon Wright, Sr. – present

There were 21 present. Chairman Melton declared a quorum to exist. The following proceedings were held to-wit:

**IN RE: SETTING OF AGENDA.**

Commissioner Samples made a motion to remove the resolution to opt out of Planning Commission and Board of Zoning Appeals education requirements contained in T.C.A. 13-3-101(j) and 13-7-106(b), defer the resolution to amend General County Fund Budget - \$36,728.10 until the December Agenda Committee meeting, and set the agenda. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

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

There were 21 voting yes. Chairman Melton declared the motion to have passed.

**IN RE: CONSENT CALENDAR:  
MINUTES OF OCTOBER 21, 2010 MEETING AND NOVEMBER 9, 2010 ZONING PUBLIC HEARING and  
APPROVAL OF DEPUTY SHERIFF AND NOTARY PUBLIC BONDS AND OATHS and  
ELECTION OF NOTARIES and  
APPOINTMENT OF HOLDEN LAIL TO THE LITTLE TENNESSEE VALLEY EDUCATION CO-OPERATIVE BOARD and  
ADMINISTERING OF OATH OF OFFICE FOR SUICIDE PREVENTION COUNCIL.**

Commissioner French made a motion to suspend the rules to add Holden Lail as Blount County's representative to the Little Tennessee Valley Education Cooperative Board. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

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

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

Commissioner Farmer made a motion to approve Holden Lail as the County Commission's representative on the Little Tennessee Valley Education Cooperative Board and add the item to the Consent Agenda. Commissioner French seconded the motion.

A vote was taken on the motion:

Burchfield – yes	French – yes	Kirby – yes	Murrell – yes
Burkhalter - no	Gamble – yes	Lail – abstain	Samples – yes

November 10, 2010

Memo to: Holden Lail, Blount County Commissioner

Cc: Blount County Commission Secretary

From: Jerome H. Morton, Ph. D., Executive Director, LTVEC

Re: Confirmation that a Blount County Commissioner was a member of LTVEC's Board of Directors from the creation of the cooperative until 1980 when Alcoa City, Blount County and Maryville City Schools withdrew from it.

1. The original charter of the Little Tennessee Valley Educational Cooperative is attached. It was approved by the Tennessee Commissioner of Education and the Attorney General on June 6, 1972. The Tennessee Secretary of State approved it on January 22, 1975. Page 3, Section I states, "...each County Court shall designate one person in accordance with Section II hereof, for membership on a board of control which shall have the authority granted herein to plan, construct, operate and maintain the regional education service center heretofore and hereinafter described."
2. Page 4, Section II, B, 2 of the charter states, "The persons appointed to the Cooperative Board from the membership of County Courts shall also serve two-year terms,..."
3. Page 2 of the charter references the Little Tennessee Valley Educational Charrette Steering Committee (published in 1970). Attached is a copy of the cover pages of the report, the acknowledgement page, the table of contents, page 46 ("It is recommended that the Cooperative have a 10-member board of control; one member to be elected from and by each of the seven local school boards within the cooperative and one member to be elected from and by each of the three county courts within the Cooperative.") and page 49.
4. *Appalachian Advance: Appalachia Education Laboratory, Inc.*, Volume 5, number 6, Fall 1971, has two articles in it concerning LTVEC entitled, "New Coop Springing Up In Tennessee," and "Officials Speak Out on Coop Issues." The articles are attached (pages 17, 18, 19, 20 and 21 of *Appalachian Advance*). A section in page 17 reads, "The Little Tennessee Valley Educational Cooperative Board is organized somewhat differently from the boards of its sister coops. The local school system boards and the three county courts within the Cooperative each have one representative on the Coop board. Elected for a two-year term, board members establish policies of the Cooperative, employ and discharge staff, and approve the annual budget. At its first meeting in September the board elected Frank D. McClelland, Blount County Court representative, chairman, and Billy J. Littleton, Lenoir City Board of Education, vice chairman." The second article has a picture of Frank McClelland in it (page 21) and quotes him extensively (page 20).
5. If you need any additional information we will be pleased to provide it.

# State of Tennessee



## Department of State

### CERTIFICATE

The undersigned, as Secretary of State of the State of Tennessee, hereby certifies that the attached document was received for filing on behalf of LITTLE TENNESSEE VALLEY EDUCATIONAL COOPERATIVE,  
*(Name of Corporation)* was duly executed in accordance with the Tennessee General Corporation Act, was found to conform to law and was filed by the undersigned, as Secretary of State, on the date noted on the document.

THEREFORE, the undersigned, as Secretary of State, and by virtue of the authority vested in him by law, hereby issues this certificate and attaches hereto the document which was duly filed on January Twenty-Second 1975.



A handwritten signature in dark ink, appearing to read "J. H. ...", written over a faint horizontal line.

Secretary of State



TENNESSEE  
STATE DEPARTMENT OF EDUCATION  
OFFICE OF THE COMMISSIONER  
NASHVILLE 37219

June 6, 1972

Mr. William O. Oakes  
Executive Director  
Little Tennessee Valley  
Educational Cooperative  
P. O. Box C  
Greenback, Tennessee 37742

Dear Mr. Oakes:

The contract between the Boards of Education of Alcoa, Blount County, Lenoir City, Loudon County, Maryville, Monroe County, and Sweetwater, Tennessee concerning the establishment of the LITTLE TENNESSEE VALLEY EDUCATIONAL COOPERATIVE has been signed by Commissioner E. C. Stimbert and Attorney General David M. Pack, and it is attached hereto for your records.

Sincerely yours,

Robert K. Sharp, Attorney  
Chief of Administrative Services

RKS/mj

Enclosure

5 JAN 22 PM 12 56

CONTRACT

Between the

BOARDS OF EDUCATION

of

ALCOA, TENNESSEE  
BLOUNT COUNTY, TENNESSEE  
LENOIR CITY, TENNESSEE  
LOUDON COUNTY, TENNESSEE  
MARYVILLE, TENNESSEE  
MONROE COUNTY, TENNESSEE  
and  
SWEETWATER, TENNESSEE

RELATING TO THE LEGAL ESTABLISHMENT

of the

LITTLE TENNESSEE VALLEY EDUCATIONAL COOPERATIVE

THIS AGREEMENT, made and entered into this First  
day of September, 1971, by and between the

BOARD OF EDUCATION OF ALCOA, TENNESSEE,  
BOARD OF EDUCATION OF BLOUNT COUNTY, TENNESSEE,  
BOARD OF EDUCATION OF LENOIR CITY, TENNESSEE,  
BOARD OF EDUCATION OF LOUDON COUNTY, TENNESSEE,  
BOARD OF EDUCATION OF MARYVILLE, TENNESSEE  
BOARD OF EDUCATION OF MONROE COUNTY, TENNESSEE,

and the

BOARD OF EDUCATION OF SWEETWATER, TENNESSEE.

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W I T N E S S E T H :

WHEREAS, educational programs and services of higher quality, greater scope, and more readily accessible are needed in the Little Tennessee River Valley area; and

WHEREAS, the individual Boards of Education are unable to overcome many of their deficiencies with the limited resources available; and

WHEREAS, the Boards have determined that their power to render appropriate services may be extended through an educational cooperative, a regional educational service agency dedicated to comprehensive changes in the access to quality education; and

WHEREAS, enabling legislation for the establishment of educational cooperatives was enacted by the General Assembly of the State of Tennessee in 1970, Chapter 511, Public Acts of 1970, hereinafter referred to as Ch. 511; and

WHEREAS, preliminary planning on the organization and operation of the Little Tennessee Valley Educational Cooperative has been accomplished over the past year by the Timberlake Cooperative Planning Group and the Little Tennessee Valley Educational Charrette Steering Committee under authorization of the parties to this contract; and

WHEREAS, support for the organization and its initial services have been pledged by local, state, regional, and Federal agencies; and

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WHEREAS, said Boards of Education desire to enter into an agreement providing for the joint establishment and operation of such a cooperative in accordance with provisions of Ch. 511;

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants hereinafter contained, the parties agree as follows:

I

As soon as practicable, but not later than two months from the date this agreement is fully executed and approved, each Board of Education shall designate one person and each County Court shall designate one person in accordance with Section II hereof, for membership on a board of control which shall have the authority granted herein to plan, construct, operate, and maintain the regional education service center heretofore and hereinafter described. Said service center shall be known as the "Little Tennessee Valley Educational Cooperative" and said board shall be known as the "Little Tennessee Valley Educational Cooperative Board," hereinafter referred to as the Cooperative Board. Its duration shall be until terminated as provided herein.

II

A. (1) Each Board of Education shall appoint one of its members and each County Court shall appoint one of its members as members of the Cooperative Board.

(2) The Cooperative Director, hereinafter

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described, shall be an ex-officio member of the Cooperative Board.

B. (1) The persons appointed to the Cooperative Board from the memberships of County and City Boards of Education shall serve two-year terms, provided, however, that they shall serve only during their tenure as members of the local Boards of Education. Upon the termination of an appointee's membership on a local Board of Education, said Board shall appoint another of its members to complete the original appointee's unexpired term.

(2) The persons appointed to the Cooperative Board from the membership of County Courts shall also serve two-year terms, provided, however, that they shall serve only during their tenure as members of the local County Courts. Upon the termination of an appointee's membership on a local County Court, said Court shall appoint another of its members to complete the original appointee's unexpired term.

C. (1) There shall be no limit to the number of terms a person may serve as a member of the Cooperative Board.

(2) The body appointing a member shall have the authority to remove said member from the Cooperative Board by majority vote. For purposes of the agreement, such a removal shall be treated as a resignation.

### III

A. The Cooperative Board shall appoint a Chairman from among its ten members appointed by the local Boards of

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Education and County Courts. The Chairman shall serve a two-year term and may succeed himself; provided, however, that he shall serve only during his tenure as a member of the Cooperative Board. In the event the Chairman's membership on the Cooperative Board is terminated, said Board shall appoint another member to complete the Chairman's unexpired term.

B. The Cooperative Director shall serve as secretary to the Cooperative Board.

C. Members of the Cooperative Board may be compensated at a rate determined by their respective appointing agency and necessary travel expenses of the Cooperative Board members may be paid by the Cooperative.

D. The Cooperative Board may, at its discretion, retain or otherwise arrange for the services of attorneys, accountants, architects, engineers, contractors, consultants, or any other persons or agencies who may be desired by said Board to aid it in the performance of its duties.

E. The Cooperative Board may obtain bond on its members and/or employees.

F. The Cooperative Board may contract with any of the signatory Boards of Education to be fiscal agent for the Cooperative Board for one or more of the programs undertaken by the Cooperative Board. For all other programs the Cooperative Director shall have fiscal responsibility, subject to such requirements as may be established by the Cooperative Board.

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## IV

The Cooperative Board shall appoint a Cooperative Director who shall serve at the pleasure of said Board. The Cooperative Director shall be the chief administrative officer of the Cooperative and shall be responsible to the Board. The Board will establish policies concerning personnel, business management, services, and other matters related to the administration and operation of the Cooperative, which policies may be carried out by the Cooperative Director.

## V

The Cooperative Board shall have all power authorized by Ch. 511 and any other powers authorized by law, except to the extent that such powers are limited by this agreement.

## VI

The parties further agree that a Cooperative Planning Commission shall be formed and meet at least bimonthly with the Cooperative Director to develop plans and recommendations for the Cooperative Board.

## VII

The parties agree that the school lands, buildings, and other real property acquired by or for the Cooperative shall be held in the name of the Board of Education of the County in which said property is located; provided, however, that said property shall be held in trust for the Little Tennessee Valley Educational Cooperative Board; and provided further that

the Boards of Education not holding title to said real property shall be the beneficial owners of an amount equal to their respective proportionate and/or prorata share of the capital investment on said property. The parties further agree that all personal property of the Cooperative shall be held in the name of the Little Tennessee Valley Educational Cooperative Board, which shall have full power to acquire, hold, and dispose of personal property. Nothing contained herein shall prohibit the Cooperative from acting as agent for any Board of Education in acquiring property or facilities for such Board. Upon termination, all property held by or in trust for the Cooperative Board shall be disposed of as may be mutually agreed upon by the parties, and if no agreement can be reached, then by public auction.

## VIII

The Cooperative Board shall prepare an annual program of work itemizing the services to be rendered in the next school fiscal year, said program of work to be submitted in contract form to each Board of Education. The contract shall include an annual budget separately itemizing the capital and operating expenses for each major service to be rendered through the Cooperative for the next fiscal year. The Cooperative fiscal year shall be the same as the fiscal years of the three counties. The budget shall include itemized estimated total income from sources other than the participating local school districts and estimated net cost to each school district for

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its share of each major service to be provided through the Cooperative. Said share will have an operating and capital component. Shares of the operating component shall be based on the percentage of student participation each district has of the total student participation and/or on other equitable formulas mutually acceptable to the Cooperative Board and the seven Boards of Education. Each local Board of Education shall have the option to participate or not to participate in each major service of the Cooperative.

Unless some other mutually agreed upon formula is selected, the budget shall also contain a statement of the differences between the estimated percentage of student participation from each county for the preceding fiscal year and the actual participation for such students. An appropriate debit or credit shall be entered on the budget to resolve this difference which then would be added to or subtracted from the operating cost component of each county's share of the budget.

The Cooperative Board shall determine annually, at the time the budget is prepared, the charges it will make to provide educational services to districts other than those governed by the member local Boards of Education and the charges it will make for the use of Cooperative facilities and equipment for private use.

The Cooperative Director shall serve as the chief fiscal officer for the Cooperative Board. He shall deposit Cooperative funds in a bank located within the three counties.

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He shall further deposit Cooperative funds not immediately required for Cooperative expenses in interest-bearing accounts. An annual audit by a certified public accountant shall be obtained and the Director shall submit quarterly financial statements to the Cooperative Board and each participating local school system.

## IX

It is the intention of the parties that the Cooperative Board will forthwith enter into agreements with the Appalachia Educational Laboratory, Appalachian Regional Commission, Tennessee Valley Authority, and with other agencies or institutions providing for the establishment and development of the Little Tennessee Valley Educational Cooperative as an exemplary regional education service center, meeting not only the needs of the three counties, but serving as a demonstration to the nation. The Cooperative Board is authorized to fully cooperate with such agencies and is encouraged to extend the hospitality of Alcoa, Blount County, Lenoir City, Loudon County, Maryville, Monroe County, and Sweetwater to persons visiting the Cooperative.

## X

In the event additional Boards of Education desire to participate in the Cooperative, the Cooperative may contract with such Board of Education to provide services to it after approval by a two-thirds majority of the Cooperative Board. Such contract shall be for a term of not more than one year,

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renewable at the option of the parties, and shall provide for payment by the contracting Board of Education to the Cooperative Board of a fixed fee or of a percentage of the cost of the service. Such contract may further allow any such Board of Education to have representation on the Cooperative Board and Cooperative Planning Commission for the term of the contract. Such appointment shall conform to the provisions of Section II hereof.

## XI

The parties agree that in the event they disagree with each other or with the Cooperative Board concerning the interpretation, application, or operation of this agreement, the matter shall be referred to the Commissioner of Education for resolution, and his decision shall be final.

## XII

No person shall, on the grounds of race, color, religion, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried out by the Board of Control utilizing benefits or assets which it obtains by reason of the agreement, and the Cooperative Board, in conducting such services and activities, agrees to comply with Title VI of the Civil Rights Act of 1964 and Part 302 of Title 18 of the Code of Federal Regulations, and any future amendments of either, which provisions are incorporated herein by reference and made a part hereof.

XIII

The parties to this agreement recognize that the Cooperative as a developing entity should have balance between stability and alteration; that reformation and regrouping may occur on the total Cooperative operation or for specific functions to be performed; and that other counties may desire to join this endeavor. In regard to the foregoing, this agreement may be amended at any time by the parties, with the approval of the Commissioner of Education and the Attorney General. This agreement may be terminated by any party upon written notice to the other parties, which termination shall be effective one year following the beginning of the first fiscal year after the notice of termination is given.

XIV

This agreement shall not become effective until approved by the Attorney General, Commissioner of Education, the County Courts of Blount, Loudon, and Monroe Counties, and the City Commissions of Alcoa, Lenoir City, Maryville, and Sweetwater.

IN WITNESS WHEREOF, the parties hereto have executed this agreement by their respective duly authorized representatives as of the day and year first above written.

ATTEST:

CITY OF ALCOA BOARD OF EDUCATION

\_\_\_\_\_

By \_\_\_\_\_, Chairman

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ATTEST:

Wm O Ouler

ATTEST:

A L Warren

ATTEST:

W. R. Ross

ATTEST:

James A. ...

ATTEST:

James H. ...

ATTEST:

Ed L. ...

APPROVED:

E. ...  
STATE COMMISSIONER OF EDUCATION

LOUDON COUNTY QUARTERLY COURT

By Harvey L. Spradley, County Ju

MONROE COUNTY QUARTERLY COURT

By J. A. ..., County Ju

ALCOA CITY COMMISSION

By Robert ..., Mayor

LENOIR CITY COMMISSION

By Jack Grayson, Mayor

MARYVILLE CITY COMMISSION

By Harley ..., Mayor

SWEETWATER CITY COMMISSION

By ..., Mayor

APPROVED:

...  
STATE ATTORNEY GENERAL

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## MEMORANDUM

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**To: Blount County Commission**

**From: Bryan Daniels, President & CEO**

**Date: October 4, 2012**

**Re: Board Member Appointments**

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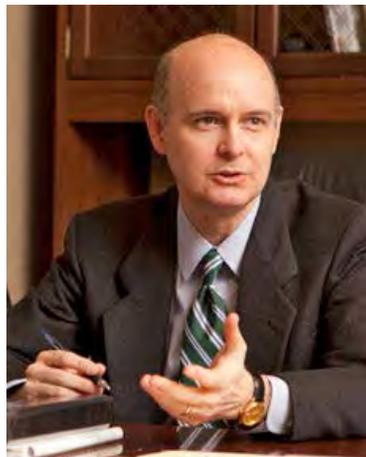
The Board of Directors of the Smoky Mountain Tourism Development Authority submits for your approval, the following individuals to fill one (1) of the two (2) remaining vacancies to the Board. In accordance with our guidelines, the three (3) names submitted are ranked in order of preference. We have also attached biographical information on each of the individuals.

1. Dr. William T. (Tom) Bogart, President, Maryville College
2. Boyce Smith, Manager, Wal-Mart Stores, Inc.
3. Mary Beth West, President, Mary Beth West Consulting

We request your selection of one of these individuals. The Maryville and Alcoa City Council have approved Dr. Bogart. Your consideration of this request at your next meeting is greatly appreciated.

# The Maryville Difference: Celebrate. Serve. Imagine.

THE PRESIDENTIAL INAUGURAL CELEBRATION FOR DR. WILLIAM T. BOGART • APRIL 13–16, 2011



## MEET DR. WILLIAM T. BOGART

### WILLIAM T. BOGART "TOM" BRIEF VITAE



Dr. William T. (Tom) Bogart is the 11th president of Maryville College in Maryville, Tennessee, having assumed his duties July 1, 2010. He previously served eight years as Dean of Academic Affairs at York College of Pennsylvania.

Dr. Bogart holds a B.A. degree in Economics and Mathematical Sciences from Rice University where he graduated in 1985. He received his A.M. (1987) and Ph.D. (1990) in Economics from Princeton University where his work was recognized with the Outstanding Dissertation Award from the National Tax Association. He most recently completed studies at the Graduate School of Education at Harvard University in the summer of 2010.

Dr. Bogart's professional history includes work at Case Western Reserve University from 1990 to 2002 as a member of the faculty in the Weatherhead School of Management. While at CWRU, he served as chair of the Department of Economics and as a research associate of the Center for Regional Economic Issues. Dr. Bogart has taught undergraduate courses in urban economics, public finance, real estate finance, the economics of state and local governments, principles of microeconomics and economic perspectives; and graduate courses on the economics of nonprofit organizations, economics for management and value creation through real estate.

He has received numerous teaching awards over the years. He was selected by the undergraduate students of CWRU to receive the Carl F. Wittke Award for Distinguished Undergraduate Teaching and the Undergraduate Teaching Excellence Award for Humanities and Social Sciences. He was also selected by the students of the Mandel Center for Nonprofit Organizations to receive the first Faculty Member of the Year award in 1994, and by the undergraduate students of the Weatherhead School to receive the Weatherhead Undergraduate Teaching Award in multiple years.

Dr. Bogart's research interests include state and local government tax and spending decisions, local government economic development and land use policy and the effects of school redistricting on real estate markets. He has been retained as an expert in court cases involving the effects of environmental damage on property values and on the impact of a professional football team leaving a city before the end of its lease. In 1998, his textbook for the urban economics course, *The Economics of Cities and Suburbs*, was published. *Don't Call It Sprawl: Metropolitan Structure in the Twenty-first Century* was published in 2006. His latest book is in the publication process.

He is married to Mary and they have one daughter, Elizabeth. They attend Broadway United Methodist Church, Maryville.



# B O Y C E S M I T H

General Manager, Wal-Mart Stores, Inc. - Hunter's Crossing, Alcoa, Tennessee

resident of Maryville, Tennessee

## Board Memberships and Affiliations

Board Member - Leadership Blount

Board Member - Blount County Habitat for Humanity

Board Member - Richard Williams Leadership Development Academy

Board Member - Blount County Chamber of Commerce

Membership Vice-Chair - Blount County Chamber of Commerce

Board Chair - Blount County Chamber of Commerce

Board Member - United Way of Blount County

Board Chair - United Way of Blount County

Board Member - Great Smoky Mountains Heritage Center

## Mary Beth West, APR, Principal Mary Beth West Consulting, LLC

Mary Beth West founded her public relations firm in March 2003, where she serves as the key strategist on agency accounts, leads the financial and business growth of the company, and manages the development of her team.

Mary Beth originally launched this 100-percent woman-owned business as an independent practice, with a prior 10-year career that included posts in the banking industry as well as corporate and agency sectors. She ultimately developed a client portfolio with annual billings at nearly three times the national industry average for solo public relations consultancies in the U.S.



Mary Beth and her staff manage a diverse client base in multiple industries, including the utility, construction, renewable energy, scientific, regional planning, financial services, retail, travel/tourism and education sectors. The firm also serves as one of the most vocal proponents of communications best-practices in the regional market through its award-winning blog, "In the Profession," ([www.marybethwest.com/blog](http://www.marybethwest.com/blog)) and through active outreach to the business community.

For the past several years, Mary Beth West Consulting, LLC, has been ranked among the top public relations firms in the *Greater Knoxville Business Journal's* Book of Lists. In 2010 and 2011, the firm was the largest recipient of local Public Relations Society of America "Award of Excellence" recognitions for its peer-reviewed work developing effective communications campaigns and tactics. In 2011, the firm won "Best in Show."

Mary Beth's award-winning work has included creation and implementation of national media relations campaigns, employee communications programs, consumer and business-to-business marketing initiatives, and crisis preparedness systems.

Accredited in Public Relations (APR) by the PRSA Universal Accreditation Board, Mary Beth holds a bachelor's degree in communications / public relations from the University of Tennessee, where she was honored as the Sammie Lynn Puett Public Relations Student of the Year in 1994 and received the UT Chancellor's Citation for campus leadership and service.



She has served in national leadership roles throughout the past decade with the largest public relations professional organization in the world, the 32,000-member, New York-based Public Relations Society of America (PRSA), for which she led the organization's National Advocacy Advisory Board from 2007-08 in close collaboration with PRSA's Board of Ethics and Professional Standards. She has also served on PRSA's national board.

A native of Columbia (Maury County), Tenn., Mary Beth lives in Maryville, Tenn., with her husband, Charles, president of West Chevrolet, a fourth-generation, family-owned franchise dealership. They have three daughters.

## Professional Experience:

- **2003-Present – Principal, Mary Beth West Consulting, LLC.** Manages all aspects of agency business development and financial management / growth. Provides account team leadership for all agency clients in developing strategic plans, execution and budgets – per client objectives and resources. Oversees account team.
  - *Current and most recent clients of note include Alcoa-Tennessee Operations, PlanET, DenTek, Blount Memorial Hospital, Red Chair Architects, Hickory Construction, Oak Ridge National Laboratory / Neutron Sciences Directorate, City of Maryville, LeConte Wealth Management, South Carolina Higher Education Foundation, Lumberjack Sports International, Maryville College, Clayton Center for the Arts, Dominion Virginia Power, Efficiency, Black Hills Energy, BP Solar, Douglas Cherokee Economic Authority, Rainscapes and the Maury County Chamber.*
- **1999-2002 – Vice President / Regional Marketing, Union Planters Bank of East Tennessee and Southeastern Kentucky (Knoxville, Tenn.)**. Oversaw marketing communications for a 39-office region, including public relations, advertising, branch merchandising, sales promotions, special events and charitable giving.
- **1998-1999 – Assistant Vice President / BankFirst (Knoxville, Tenn.)**. Produced award-winning work in employee communications following BankFirst's initial public offering and its acquisition of two other banking institutions in East Tennessee.
- **1996-1998 – Director of Community Relations / Corrections Corporation of America (Nashville, Tenn.)**. Created and managed public relations programs for the largest international private-sector builder and manager of prisons, jails and other detention facilities worldwide; created an award-winning crisis preparedness plan that gave CCA its first full-scale communications infrastructure for managing emergency situations that were subject to local, national and/or international media attention.
- **1993-1995 – Entry-level and internship positions with Cohn & Wolfe (New York City) in the public relations firm's health care division and Ackermann Public Relations (Knoxville, Tenn.)**

## General Areas of Expertise:

- Advertising program management
- Brand strategy and deployment
- Business development and sales-support communications plans and campaigns
- Charitable giving and strategic social responsibility planning
- Community relations / outreach plans and campaigns
- Corporate communications departmental development
- Corporate investor relations and capitalization support strategies
- Crisis communications preparedness, media training and management for business continuity
- Event concepts, planning and management
- Employee relations and internal communications / stakeholder development
- Issues monitoring, management and advocacy
- Media relations, publicity, editorial strategies and campaign implementation (local, regional, national; consumer, business-to-business)
- New product, facility or operations marketing communications plans / roll-outs
- Non-profit donor relations and fund-raising development
- Research strategies and management
- Social and interactive media strategies and content development
- Speakers bureau start-up and management
- Third-party stakeholder relationship and coalition-building
- Web, online and mobile marketing

### Highlights of Leadership, Professional and Volunteer Affiliations:

- 2012 – **First Tennessee Bank**, Advisory Board (Maryville Region)
- 2012 – **Knoxville Chamber of Commerce**
- 2012 – **The Legacy Centre** / EntreVision leadership team
- 2011 – **Leadership Oak Ridge** class
- 2011-Present – **East Tennessee Economic Council**
- 2001-13 – Board of Directors, **Blount County Library**
- 2011-13 – Board of directors, **Blount County Chamber of Commerce**
- 2010 – “40 Under 40” Honoree, *Greater Knoxville Business Journal*
- 2010 – Recipient of the David Ferguson Award, a national honor from the **Public Relations Society of America (PRSA)** Educators Academy for support of public relations education
- 2010-Present – Member, **Fort Loudoun Regional Library Board**
- 2008-Present – Member, **Oak Ridge Chamber of Commerce**
- 2008 – Senior counsel / Advocacy to the national board of the 32,000-member **PRSA**
- 2007-2010 – Board of directors, **Maryville City Schools Foundation**
- 2007-2008 – Board of directors, **Girl Scouts of Tanasi (now Southern Appalachian) Council**
- 2007 – National Chair, Advocacy Advisory Board, PRSA
- 2006 – Recipient of PRSA Harvey I. Cobert Award for professional contributions in East Tennessee
- 2006 – Alumna of the Year, Knoxville Alumnae Chapter – **Alpha Omicron Pi**
- 2002-Present – **University of Tennessee College of Communication & Information** Board of Visitors
- 2002-07 – Instructor, University of Tennessee Personal & Professional Development Program (seminars on strategic planning and media relations)
- 2002-04 – Board of directors of the **Blount County Education Foundation**
- 2001-04 – Board of directors of **Second Harvest Food Bank of East Tennessee**
- 2001-02 – Youngest director elected to PRSA’s national board in organization’s 50-year history; two-year term
- 2001-02 – Adjunct faculty member, public relations undergraduate program / University of Tennessee-Knoxville College of Communication & Information
- 2000 – Chapter president of the 100-plus member Volunteer Chapter of PRSA
- 1999 – **Accredited in Public Relations (APR)** certification earned from the PRSA Universal Accreditation Board
- 1998-Present – Member, **National Investor Relations Institute**
- 1997 – Nashville Young Leaders Council
- 1997 – Board of directors, Nashville Area CrimeStoppers
- 1996-97 – Board of directors, PRSA Nashville Chapter

**IN RE: RESOLUTION TO APPROVE A PRIVATE ACT RELATING TO HOTEL-MOTEL TAXES AND A TOURISM BOARD AND APPROVING THE CREATION OF A TOURISM DEVELOPMENT AUTHORITY.**

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

A vote was taken on the motion:

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

There were 15 voting yes, 2 voting no, and 4 absent. Chairman Moon declared the motion to have passed by the required  $\frac{2}{3}$  majority.

Resolution No: 12-05-008

**Commission Sponsors:** Gary Farmer, Scott Helton, Kenneth Melton, Brad Harrison, Holden Lail, Tonya Burchfield, Rick Carver, Gerald Kirby, Tom Greene, Gordon Wright, Roy Gamble, Steve Samples, Monika Murrell, Mark Hasty, Mike Caylor, Mike Lewis, Tab Burkhalter

**A Resolution to approve a Private Act relating to  
Hotel-Motel Taxes and a Tourism Board and approving the creation of  
a Tourism Development Authority**

**Whereas**, during the month of February, Blount County, the City of Alcoa, and the City of Maryville requested the adoption of a private act creating a tourism development authority and approving certain changes relating to hotel-motel taxes; and,

**Whereas**, the approved proposed private act was sent for consideration to the Tennessee General Assembly; and,

**Whereas**, the General Assembly was very impressed by the concept of a multi-jurisdiction tourism development authority; and,

**Whereas**, the General Assembly decided to use Blount County's tourism development authority proposal as a best practice for other municipalities to follow; and,

**Whereas**, the General Assembly has now created a public law called the Tourism Development Authority Act (the "Public Act") that allows all Tennessee municipalities to participate in the same manner as the originally proposed private act; and,

**Whereas**, this new public law allows municipalities to form tourism development authorities that have the financial ability to operate without encumbering their forming governmental legislative bodies; and,

**Whereas**, the General Assembly unanimously approved the Public Act; and,

**Whereas**, the General Assembly unanimously approved the Private Act, as modified, which Private Act was identified as House Bill 3874 (the "Private Act"); and,

**Whereas**, Governor Bill Haslam has reviewed and approved both acts and has signed them into Tennessee law; and,

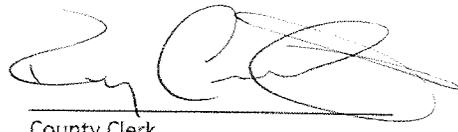
**Whereas**, the City of Maryville and Alcoa, Tennessee have ratified the public and private acts during their scheduled May council meetings.

**Now Therefore Be It Resolved**, by the Board of County Commissioners (the "Board of County Commissioners") of Blount County, Tennessee (the "County") as follows:

1. The County hereby approves the Private Act as enacted by the Tennessee General Assembly, and the County Mayor of the County is hereby directed to proclaim said approval and certify such approval to the Secretary of State of Tennessee.
2. The County acknowledges that it is and was the legislative intent of the Private Act for the existing members of the Tourist Commission created under the Section 9 of the original private act (the "Original Private Act") that was amended and restated by the Private Act and that represented specific civil districts (and are not County officials) would continue to serve on the Smoky Mountain Tourism Board (the "Board") that is created pursuant to the Private Act. Therefore, the County confirms that the members of the Tourist Commission presently representing the civil districts that include the City of Alcoa will be the two directors of the Board who reside or operate a business within Alcoa and that the members of the Tourist Commission presently representing the civil districts that include the City of Townsend will be the two directors of the Board who reside or operate a business within the Townsend or Walland area. The remaining directors shall be appointed as provided by the Private Act.
3. The Board of County Commissioners hereby establishes jointly with the City of Alcoa, Tennessee and the City of Maryville, Tennessee and authorizes the creation of a tourism development authority pursuant to the Public Act to be known as the Smoky Mountain Tourism Development Authority (the "Authority"). The presiding officer of the Board of County Commissioners is directed to proclaim and countersign evidence of such authorization and certify the same to the Secretary of State of Tennessee.
4. The Board of County Commissioners, along with each of the other governments creating the Authority, indicates its willingness to appropriate sufficient funds, if necessary, to provide for the initial administration of the Authority. **No such funds shall be necessary in this case.**
5. The initial board of directors of the Authority shall be the members of the Board created under the Private Act, and future directors shall be selected in the same manner as is provided for the selection of the members of the Board provided in the Private Act, and such directors shall have the same terms and qualifications as such members of the Board.
6. Upon the certification of the creation of the Authority to the Secretary of State of Tennessee, the Board created pursuant to the Private Act shall terminate and all duties and responsibilities shall transfer to the Authority as provided by the Private Act.

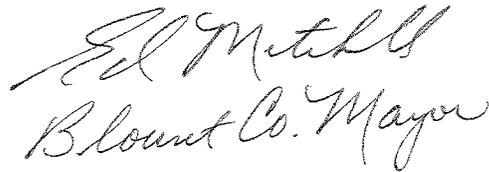
Adopted this 17<sup>th</sup> day of May, 2012

  
County Commission Chairman

  
County Clerk

10769547.2

Approved

  
Blount Co. Mayor

5-21-12



State of Tennessee

HOUSE BILL NO. 3874

By Representatives Swann, Ramsey

Substituted for: Senate Bill No. 3802

By Senator Overbey

AN ACT to amend Chapter 102 of the Private Acts of 1979; as amended by Chapter 23 of the Private Acts of 1983; Chapter 181 of the Private Acts of 1988; Chapter 26 of the Private Acts of 1993; Chapter 17 of the Private Acts of 2003 and Chapter 15 of the Private Acts of 2009; and any other acts amendatory thereto relative to the Blount County occupancy tax and a Tourism Board for Blount County, Alcoa and Maryville.

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

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

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

- (a) "Alcoa" means the City of Alcoa.
- (b) "Board" means the Tourism Board created pursuant to Section 9 whose purpose it shall be to promote tourism and convention business in Blount County.
- (c) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and service of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged or received from any person.
- (d) "County" means Blount County, Tennessee.
- (e) "Governing body" means each of the following: County Commission of Blount County, the Board of Commissioners of the City of Alcoa and the City Council of the City of Maryville, Tennessee, and "governing bodies" means collectively all of such legislative bodies.
- (f) "Hotel" means any structure, or any portion of any structure, or any campground space, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, campground, tourist cabin, motel, or any place in which rooms, lodging or accommodations are furnished to transients for consideration.
- (g) "Maryville" means the City of Maryville, Tennessee.
- (h) "Municipalities" means, collectively, the County, Alcoa and Maryville.

HB 3874

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

(j) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise, and shall include governmental entities.

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

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

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

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

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

Section 2. The County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term by the governing body of the County, provided, however, that the board shall provide a recommendation to the County as to the amount of such tax at least twenty (20) days prior to the vote each year establishing the amount of such tax. Such tax is a privilege tax upon the transient occupying the room or space and shall be paid by such transient.

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

Section 4.

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any hotel for occupancy to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The county clerk of the County will provide a list of the operators who remit the tax levied by this act each month to the property assessor of the County for review.

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

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

HB 3874

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

Section 6.

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

(b) Each occurrence of knowing refusal of an operator to collect or remit the tax or knowing refusal of a transient to pay the tax imposed is a separate violation of this act and may result in the imposition of a civil penalty, to be imposed separately for each violation, not to exceed fifty dollars (\$50.00) upon a finding of such knowing refusal by a court of competent jurisdiction. As used in this section, "each occurrence" means each day.

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

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

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

Section 9. For the purposes set forth herein, including the promotion of tourism and conventions, authorization is hereby granted to establish, and there is hereby established, an entity to be known as the Smoky Mountain Tourism Board and referred to in this act as the "board". The board shall have a board of directors in which all powers of the board will be vested. The board of directors shall be comprised of ten (10) directors, who shall be selected as follows and as provided in Section 11:

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

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

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

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

HB 3874

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

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

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

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

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

Section 11. The directors selected by the municipalities pursuant to subdivisions (1), (2) or (3) of Section 9 or by the Blount County Chamber of Commerce pursuant to subdivision (4) of such Section shall become directors of the authority without any further action by the municipalities, and upon any vacancy in the office of any such director, such vacancy shall be filled by appointment of the appropriate entity. Except for the foregoing directors, the directors of the board shall be jointly elected by the governing bodies of the municipalities as provided in this Section 11. Upon the initial election of these directors, upon the appointment or reappointment of a director following the conclusion of a term in office, or upon any vacancy in term of such director, by reason of death, resignation or other cause, a membership advisory committee comprised of three (3) directors of the board shall create a list of eligible candidates (with not less than three (3) candidates on such list for each open director position) and shall submit such list to the board for consideration. When such list of eligible directors of the board is approved by resolution of the board, such list shall be submitted for consideration to the governing bodies of the municipalities in order of preference. The governing bodies of the municipalities shall appoint by resolution the director(s) from such list with each such director requiring the approval of the governing body of each municipality. If a person is chosen to fill a vacancy as a director of the board, such director shall hold office for the unexpired term with respect to which such vacancy occurred.

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

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

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

Section 15. The initial officers of the board shall be elected by the board of directors at its first meeting following the appointment of the directors as provided in this act or as soon thereafter as may be convenient. Each initial officer shall hold office until

HB 3874

the first annual meeting of the board, which shall be held in January 2013, and thereafter until his or her successor has been duly elected and qualified. Subsequent officers of the board shall be elected at the annual meeting of the board. Each such officer shall be elected for a one-year term but shall continue to hold office until his or her successor has been duly elected and qualified. The annual meeting of the board shall be held in January of each year.

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

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

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

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

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

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

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

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

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

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

Section 23. The board created by this act may become the initial board of a Tourism Development Authority if the municipalities create a Tourism Development Authority as provided by general law and upon approval of all creating municipalities at which point the board created pursuant to this act shall terminate and then the existing terms of office of each particular board member shall remain until the expiration of each board member's term of office. In addition:

HB 3874

(1) All duties and responsibilities of the board shall be transferred to the Tourism Authority.

(2) All documents in the possession of the board shall be transferred to and remain in the custody of the Tourism Development Authority.

(3) All leases, contracts and contract rights and responsibilities in existence with the board with respect to the duties transferred shall be preserved and transferred to the Tourism Development Authority.

(4) All assets, liabilities, properties and obligations of the board with respect to the duties transferred shall become the assets, liabilities, properties and obligations of the Tourism Development Authority.

Section 24. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

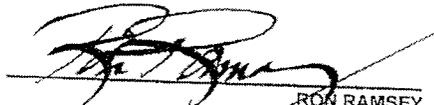
SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing bodies of Blount County, Alcoa, and Maryville. Its approval or non-approval shall be proclaimed by the presiding officer of each governing body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

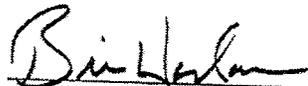
HOUSE BILL NO. 1959

PASSED: APRIL 25, 2012

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 27<sup>th</sup> day of April 2012

  
BILL HASLAM, GOVERNOR

IN RE: ADJOURNMENT.

Chairman Moon declared the meeting to be adjourned.

# BUDGET TRANSFERS

## (COMMISSION ACTION NEEDED)

	<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
F.1.a	141 – GPSF/Contracts Other Govt. Agencies	\$46,700.00	Recommended	3 – yes 2 – absent

COPY  
F.I.a

BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13

TYPE OF AMENDMENT

TRANSFER: x

INCREASE/DECREASE:

DEPARTMENT: Blount County Schools

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
141-072210-500309	Contracts with Other Governmental Agencies	46700

Total transferred to:

FROM ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
141-072610-500415	Electricity	46700

Total transferred from:

Justification / Explanation: State mandated cost of Schools' students admitted to residential mental health facilities in Tennessee. Payment set by State at \$37 per day.

1 student from School Year 11-12 owe = \$5,145.

4 current students School Year 12-13 admitted to facilities; est 177 days = \$26,196.

1 current student School Year 12-13 admitted and stayed 15 days = \$555.

4 projected future students School Year 12-13 to be admitted; est 100 days = \$14,800.

TOTAL = \$46,700.

~~"Approved By The Board Of Education"~~ 10-4-12

*Please attach additional sheet if necessary for additional information.*

JUST Ray Logan 9-26-12  
 Signature of Department Head Date Signature of County Mayor Date

**Important Note:** This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

## **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>
F.1.b	131 – Hwy./ Hwy. Capital	\$250,000.00	Recommended	3 - yes 2 - absent
F.1.c	101 – Gen. County/ Sheriff	\$ 18,267.00	Recommended	3 - yes 2 - absent
F.1.d	101 – Gen. County/ Juvenile Court	\$ 12,000.00	Recommended	3 - yes 2 - absent
F.1.e	101 – Gen. County/ Property Assessor	\$255,886.00	Recommended	3 - yes 2 – absent

**RESOLUTION NO. 12-10-002**

**Sponsored by: Commissioners Kenneth Melton and Steve Samples**

**A RESOLUTION TO AMEND HIGHWAY FUND BUDGET.**

**WHEREAS**, Blount County would like to amend the Highway Fund Budget to appropriate funds for purchasing highway equipment. Appropriation was approved for FY 12-13 in Fund 176. Per auditors, transfer appropriation to Fund 131 and when Cable Franchise revenues come in later in the year, Fund 176 will refund Fund 131.

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

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 18<sup>th</sup> day of October, 2012 that the Highway Fund Budget shall be amended as follows:

**Increase Expenditure Code:**

**131-068000-500714-0 Highway Equipment .....\$250,000.00**

**Increase Revenue Code:**

**131-0-489900-0 Use of Fund Balance – Highway .....\$250,000.00**

**Duly authorized and approved this 18<sup>th</sup> day of October, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

Approved: \_\_\_\_

Vetoed: \_\_\_\_

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

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



**RESOLUTION NO. 12-10-003**

**Sponsored by: Steve Samples and Kenneth Melton**

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

**WHEREAS**, Blount County would like to amend the General County Fund Budget to appropriate funds for purchasing mobile radios, to be paid for from a Justice Assistance Grant awarded to the BCSO by the U.S. Dept. of Justice.

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

**Increase Expenditure Code:**

**101-054110-500708                      Communication Equipment.....\$18,267.00**

**Increase Revenue Code:**

**101-0-479900-00003                      Other Direct Fed/Edward Byrne.....\$18,267.00**

**Duly authorized and approved this 18<sup>th</sup> day of October, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

Approved: \_\_\_\_

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

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

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

COPY

F10

BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE:

DEPARTMENT: 054110 - SHERIFF'S OFFICE

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-054110-500708	COMMUNICATION EQUIPMENT	\$18,267.00
		\$18,267.00

Total transferred to:

FROM ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-0-479900-00003	OTHER DEDICATED/ EDWARD BYRNE	\$18,267.00
		\$18,267.00

Total transferred from:

Justification / Explanation:

THE BLOUNT COUNTY SHERIFF'S OFFICE WILL PURCHASE  
MOBILE RADIOS.

\*\*Please attach additional sheet if necessary for additional information.

James Lee R  
Signature of Department Head

9/24/12  
Date

Signature of County Mayor

Date

Important Note: This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

 <p>Department of Justice Office of Justice Programs <b>Bureau of Justice Assistance</b></p>	<p><b>Grant</b></p>	<p>PAGE 1 OF 7</p>																
<p>1. RECIPIENT NAME AND ADDRESS (Including Zip Code)</p> <p>Blount County 341 Court Street Maryville, TN 37804</p>	<p>4. AWARD NUMBER: 2012-DJ-BX-0413</p>																	
	<p>5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2013 BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2013</p>																	
<p>1A. GRANTEE IRS/VENDOR NO. 626000499</p>	<p>6. AWARD DATE 07/11/2012</p>	<p>7. ACTION Initial</p>																
	<p>8. SUPPLEMENT NUMBER 00</p>																	
<p>9. PREVIOUS AWARD AMOUNT \$ 0</p>																		
<p>3. PROJECT TITLE Blount County Sheriff's Office FY 2012 JAG Equipment Project</p>	<p>10. AMOUNT OF THIS AWARD \$ 18,267</p>																	
	<p>11. TOTAL AWARD \$ 18,267</p>																	
<p>12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).</p>																		
<p>13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY12(BJA - JAG) 42 USC 3750, et seq.</p>																		
<p>15. METHOD OF PAYMENT GPRS</p>																		
<p>AGENCY APPROVAL</p>		<p>GRANTEE ACCEPTANCE</p>																
<p>16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director</p>		<p>18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL James Berrong Sheriff</p>																
<p>17. SIGNATURE OF APPROVING OFFICIAL <i>[Signature]</i></p>		<p>19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>[Signature]</i></p>																
		<p>19A. DATE 9/24/12</p>																
<p>AGENCY USE ONLY</p>																		
<p>20. ACCOUNTING CLASSIFICATION CODES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>DJ</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>18267</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT	X	B	DJ	80	00	00		18267	<p>21. LDJUGT0380</p>
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT											
X	B	DJ	80	00	00		18267											

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

*[Handwritten initials]*

**RESOLUTION NO. 12-10-004**

**Sponsored by: Commissioners Kenneth Melton and Steve Samples**

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

**WHEREAS**, Blount County would like to amend the General County Fund Budget to appropriate funds for funding temporary personnel in Juvenile Court until Jan. 2013 due to illness of Magistrate.

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

**Increase Expenditure Code:**

**101-053500-500168                      Temporary Personnel .....\$12,000.00**

**Increase Revenue Code:**

**101-48990                                      Undesignated Fund Balance.....\$12,000.00**

**Duly authorized and approved this 18<sup>th</sup> day of October, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

Approved: \_\_\_\_

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

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

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

F1.d

COPY

BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE:

DEPARTMENT: Juvenile Court

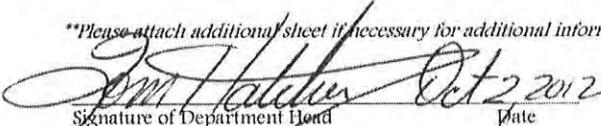
<u>TO ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
101-053500-500168	Temporary Personnel	12,000.00
Total transferred to:		12,000.00

<u>FROM ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
48990	Undesignated Fund Balance	12,000.00
Total transferred from:		12,000.00

**Justification / Explanation:**

Medical emergency request - Magistrate has had a severe medical problem and will not be able to perform her duties in Juvenile Court until January 2013.

*\*\*Please attach additional sheet if necessary for additional information.*


Date
Signature of County Mayor
Date

**Important Note:** This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

**RESOLUTION NO. 12-10-005**

**Sponsored by: Commissioners Kenneth Melton and Steve Samples**

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

**WHEREAS**, Blount County would like to amend the General County Fund Budget to appropriate funds to address budget deficit originated by former office holder and to move the office toward compliance with State standards.

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

**Increase Expenditure Code:**

101-52300-103	Assistants .....	\$145,616.00
101-52300-162	Clerical Personnel .....	[\$ 6,025.00]
101-52300-201	Social Security .....	\$ 7,489.00
101-52300-204	State Retirement.....	\$ 13,725.00
101-52300-205	Employee Insurance.....	\$ 5,748.00
101-52300-206	Employee Insurance – Life.....	[\$ 410.00]
101-52300-210	Unemployment Compensation.....	\$ 720.00
101-52300-212	Employer Medicare Liability .....	\$ 1,752.00
101-52300-425	Gasoline.....	\$ 2,000.00
101-52300-513	Workers Compensation Insurance.....	\$ 181.00
101-52310-103	Assistants .....	\$ 99,002.00
101-52310-201	Social Security .....	\$ 6,448.00
101-52310-204	State Retirement.....	\$ 11,330.00
101-52310-205	Employee Insurance.....	[\$ 7,180.00]
101-52310-206	Employee Insurance – Life.....	\$ 115.00
101-52310-207	Employee Insurance – Health .....	[\$ 13,300.00]
101-52310-208	Employee Insurance – Dental .....	[\$ 900.00]
101-52310-210	Unemployment Compensation.....	\$ 216.00
101-52310-212	Employer Medicare Liability .....	\$ 1,436.00
101-52310-513	Workers Compensation Insurance...	[\$ 77.00]
	<b>Total .....</b>	<b>\$255,886.00</b>

**Increase Revenue Code:**

101-48990	Use of Fund Balance .....	\$255,886.00
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Duly authorized and approved this 18<sup>th</sup> day of October, 2012.

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

Approved: \_\_\_\_

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

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

\_\_\_\_\_  
Date

File

BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13

COPY

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE: X

DEPARTMENT: Property Assessor/Reappraisal

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-52300-103	Assistants	145,616.00
101-52300-162	Clerical Personnel	-16,025.00
101-52300-201	Social Security	7,489.00
101-52300-204	State Retirement	13,725.00
101-52300-205	Employee Insurance	5,748.00
101-52300-206	Employee Insurance--Life	-410.00
101-52300-210	Unemployment Compensation	720.00
101-52300-212	Employer Medicare Liability	1,752.00
101-52300-425	Gasoline	2,000.00
101-52300-513	Workers Compensation Insurance	181.00
101-52310-103	Assistants	99,002.00
101-52310-201	Social Security	6,448.00
101-52310-204	State Retirement	11,330.00
101-52310-205	Employee Insurance	-7,180.00
101-52310-206	Employee Insurance--Life	115.00
101-52310-207	Employee Insurance --Health	-15,300.00
101-52310-208	Employee Insurance--Dental	-900.00
101-52310-210	Unemployment Compensation	216.00
101-52310-212	Employer Medicare Liability	1,436.00
101-52310-513	Compensation Insurance	-77.00
	Total transferred to:	255,886.00

FROM ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-48990	Use of Fund Balance	255,886.00
	Total transferred from:	255,886.00

Justification/Explanation \_\_\_\_\_ The original budget was decreased 56% by former office holder. Request is being made to correct this budget deficit and bring the office in compliance with the State standards.

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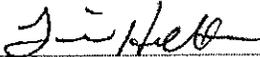
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*\*\*Please attach additional sheet if necessary for additional information.*

	10-4-12		
Signature of Department Head	Date	Signature of County Mayor	Date

Important Note: This form is due to the Budget Manager's Office by 10:00 a.m. on the Tuesday before the Budget Committee meeting.

<u>Positions</u>	<u>Annual cost</u>	<u>Approved Budget</u>	<u>Appropriation Needed</u>
Assistants 10	\$429,880	\$185,262	\$244,618
Clerical 4	\$136,506	\$152,530	<\$16,024>
	<u>\$566,386</u>	<u>\$337,792</u>	<u>\$228,594</u>
Benefits	\$273,416	\$248,123	\$25,292
Gas	\$4,000	\$2,000	\$2,000
			<u>\$255,886</u>

# **OTHER BUDGET ITEMS**

## **(COMMISSION ACTION NEEDED)**

<b><u>ITEM</u></b>	<b><u>BUDGET COMM</u></b>	<b><u>VOTE</u></b>
H. Resolution authorizing the transfer of Cable Franchise Fees from Hwy. Dept. budget to Debt Service budget, if Local Option Sales Tax is approved by voters.	Recommended	3 – yes 2 – absent

**RESOLUTION NO. 12-10-009**

Sponsored by: Commissioners Steve Samples and Kenneth Melton

A resolution authorizing the transfer of Cable Franchise Fees from Highway Department budget to Debt Service budget, if the Local Option Sales Tax is approved by voters.

**WHEREAS** the Blount County Commission voted in regular session August 16, 2012 to place the Local Option Sales Tax referendum on the November 6, 2012 ballot; and

**WHEREAS** the Blount County Commission voted that if the Local Option Sales Tax referendum passes, one-half of the funds will be allocated to Education and one-half will be allocated to the Highway Department; and

**WHEREAS**, in the 2012-13 adopted budget, the Highway Department receives \$625,000.00 in Cable Franchise Fees; and

**WHEREAS**, Blount County desires to make additional revenues available for the retirement of bonded indebtedness; and

**WHEREAS**, the Blount County Commission Budget Committee voted in regular session October 8, 2012 to recommend that if the Local Option Sales Tax increase is approved by the voters, all of the Cable Franchise Fees shall be transferred from the Highway Department budget to Debt Service budget until June 30, 2018. The Blount County Commission shall revisit this matter for the purpose of extending the effective date before June 30, 2018.

**NOW, THEREFORE BE IT RESOLVED**, by the Blount County Board of Commissioners meeting in regular session this 18<sup>th</sup> day of October, 2012, that if the Local Option Sales Tax increase is approved by the voters, the Cable Franchise Fees shall be transferred from the Highway Department budget to the Debt Service budget.

Duly authorized and approved on this 18<sup>th</sup> day of October, 2012.

**CERTIFICATION OF ACTION:**

**ATTEST:**

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

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

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

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

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

\_\_\_\_\_  
Date

**RESOLUTION No. 12-10-006**

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

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, BY AMENDING SECTION 7.5 .I.4 TO PERMIT AND REGULATE ELECTRONIC MESSAGE CENTERS WITHIN THE COMMERCIAL ZONE, AND AMEND SECTION 13 TO INCLUDE A DEFINITION FOR ELECTRONIC MESSAGE CENTERS SIGN.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 18<sup>th</sup> day of October, 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 provide an avenue to permit electronic message center signs with standards upon review and approval,

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

**1. That the following Section 7.5 .I.4 be amended to read as follows:**

- 4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except as provided below.
  - a. Electronic message center signs permitted as changeable copy on premise business signs shall be permitted subject to the following.
    - 1. Shall be allowed only in the C- Commercial zone;
    - 2. Shall be limited to one display per parcel or lot;
    - 3. Shall hold constant a message for a minimum of sixty (60) seconds and shall have a minimum of five (5) seconds between intervals except signs indicating time, date or weather conditions; and
    - 4. Shall be at least one hundred (100) feet from a residential use or residential zoned property as measured on a straight line from the nearest property line of said residential use or residentially zoned property to the electronic message center sign, whether on a building or on a monument.

**2. That the following definitions be added to Section 13 of the zoning regulations:**

**ELECTRONIC MESSAGE CENTER (EMC) SIGN**: A type of changeable copy sign that use words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

**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  
Date: 8/29/2012  
Re: Setting of public hearing.

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**Background:**

The Blount County planning commission made a motion to send revisions of the zoning regulations onto the County Commission with a recommendation to approve said revisions during the August 2012 meeting. These revisions would define electronic message centers, accommodate electronic message centers within the C-commercial zone, and set standards for their use. These changes do require a public hearing to be held at the commission's discretion. I have included the background information below.

# Memo

To: Blount County Planning Commission  
From: Building commissioner  
CC: Other commission members and staff  
Date: 7/18/2012  
Re: Discussion on "Electronic message center signs"

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## **Background:**

At the June meeting we briefly discussed electronic message centers and whether or not we should explore changes in our zoning regulations to accommodate them. This body did give me the direction to bring information for further discussion on this topic and below you will find our current sign regulations and a copy of amendments that the City of Maryville has made in regards to regulating these types of signs.

The amendments that Maryville adopted accomplished six points. The first is that they defined what an electronic message center is. The second point makes them permissible by setting standards. The standards are the remaining points and include where they are permitted, limit the number permitted per lot or parcel, establish the length of time a message must be displayed, and establishes a distance that an electronic message center has to be from a residence. I hope that the following information will serve as a good starting point for our discussion.

**Section 7.5. Signs.** It is the intent of this Resolution to allow signs identifying properties, uses of properties, and events or businesses within the community, while at the same time to provide for the conservation of natural scenic beauty along the highways and roads in Blount County, and to provide a safe and attractive environment for tourists, travelers and residents to enjoy the scenic beauty of Blount County. To this end, the following shall apply:

A. Any lot shall be permitted one property identification sign to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

B. For a business use conducted in a residential structure or on a residential use lot, one business identification sign shall be permitted per lot to be no greater than ten (10) square feet in

area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

C. For commercial and industrial uses not identified in subsection B above, the following shall apply:

1. Any commercial or industrial lot shall be permitted one business identification sign per 1000 feet of frontage or fraction thereof fronting a SINGLE public road, to be no greater than 100 square feet in area, with a height no greater than 20 feet.

2. Signs for lots with more than one frontage.

a. For a commercial or industrial lot or parcel with corner frontage along more than one public road, one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in subsection 1 immediately above, provided that such sign is separated from the other sign by a distance no less than 1000 feet.

b. For frontage along a public road for a through lot (not corner frontage), one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in Subsection 1 immediately above, provided that such sign is separated by 1000 feet from any sign permitted under 2.A above.

3. Any commercial or industrial lot or parcel shall also be permitted one ground sign to be no greater than 25 square feet in area, with height no greater than eight (8) feet above the finished grade of the ground.

4. For commercial and industrial uses, signs on the vertical wall face of a principal structure or attached to such wall face of a principal structure with projection no greater than twelve inches from such wall face, and which do not extend more than three feet above the immediately adjacent roof line of the principal structure, shall be limited to no more than 100 square feet of total area per lot

D. For a unified development such as a major subdivision of more than four lots, multifamily development, manufactured home park development, or a planned unit development, one development identification sign shall be permitted per road frontage to such development, such sign to be no greater than 50 square feet in area with height no greater than ten (10) feet above the finished grade of the ground. Any decorative wall or fence on which such sign is placed shall not be considered as part of the sign.

E. The following signs shall not require permit:

1. Signs relating to agricultural uses or sale of agricultural products on the site of such agricultural uses.

2. Church identification signs, church bulletin boards, and church directional signs that do not exceed one each per abutting road with area no greater than 100 square feet total per abutting road.

3. All signs required by law, required for identification of hazard, posting for no trespass, street identification, traffic control, or governmental or utility function.

4. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

5. Political signs, election or referendum campaign signs, provided that such signs are no greater than 32 square feet in area.

6. Construction site identification signs, provided that there is no more than one sign each per contractor or subcontractor per lot or parcel, provided that such signs are no greater than 64 square feet in area if along arterial status roads and no greater than 32 square feet otherwise, with height no greater than 8 feet, and provided that such signs are removed within 10 days of completion of the related construction activity.

7. Signs of a temporary nature such as real estate sale signs, auction signs, special event signs, and the like, provided the area of such signs are no greater than 32 square feet, with height no greater than 8 feet, provided that any such signs are taken down no later than ten days after the sale or event relating to the signs, and provided that any special event or auction signs or the like are placed no earlier than 30 days prior to the relevant event or sale.

8. Signs designating entrance and/or exit for parking or circulation on a lot, provides that such signs are no greater than eight (8) square feet in area with height no greater than four (4) feet, and placed in such a manner that vision clearance for entering and exiting traffic shall not be hindered.

F. For the purposes of this Section, lights and other decorations relating to any holiday season shall not be considered as signs or parts of signs, provided that such lights or decorations, if placed on an existing sign, are placed no earlier than 60 days prior to the related holiday, and removed no later than 30 days after the related holiday.

G. The Board of Zoning Appeals may approve an off site directional sign for any business or industry or use of general community significance as a special exception under provisions of Article 11, provided that such sign shall be no greater than 50 square feet in area, shall have height no greater than eight (8) feet above the finished grade of the ground, shall be placed only along arterial status roads as identified in the Major Road Plan for Blount County or major road plan for any other planning region in the county, and shall be placed on a non-residential use lot or parcel. Such sign may be in addition to any other signs allowed on such nonresidential use lot or parcel.

H. Signs may be placed within the required front building setback of the districts, provided that any portion of the sign shall be no closer than ten feet to the right-of-way line. No sign shall

be placed in or overhang a public road right-of-way. Signs shall be placed in such a manner to meet requirements of vision clearance in Section 7.9. No commercial use sign shall be allowed which may be confused with signs required for governmental functions or traffic control signs, including but not limited to traffic lights, stop signs, yield signs, detour signs, turn signs, and traffic caution lights and signs.

I. Unless otherwise regulated by this Resolution, signs shall be illuminated in accordance with the following provisions.

1. Signs within one hundred and fifty (150) feet of a residential use shall not be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. To be considered entirely inconsequential, such lighting shall not cast light at the joint property line of adjacent residential use of more than 0.5 footcandles, certified as designed and installed by a licensed engineer or architect with documented experience in exterior lighting.

2. Signs with area greater than 10 square feet shall be lighted only with indirect lighting. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises. Lighting shall be directed in a downward angle toward the sign.

3. Except for seasonal holiday lighting noted in subsection F above, illuminated tubings or strings of lights that outline property lines, sales areas, or similar areas are considered as signs under provisions of this Section and are prohibited.

4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.

J. To compute and apply regulations to sign area, the following shall apply:

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or surface against which it is placed.

2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

3. With respect to two-sided, multi-sided, or three-dimensional signs, the following shall apply:

(a) The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed eighteen (18) inches, provided that the opposite face of the

double-faced, back-to-back sign may also have a sign of equal area facing in the opposite direction.

(b) The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign, so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet, provided that the opposite face of the double-sided "V" sign may also have a sign of equal area facing in the generally opposite direction.

(c) In all other instances, the sign surface area of a multi-sided or three dimensional sign shall be calculated using the total of all surfaces of the sign that can be seen at any one time by a person from one vantage point.

K. Any sign approved as part of a site plan for building permit or as part of a site plan for a special exception under provisions of this Resolution shall not require any further permit, provided that such sign is constructed and maintained as approved. Except as exempted in this Resolution, all other signs shall require a building permit for review of conformance by the Building Commissioner.

L. In addition to provisions under subsections A thru K above, any sign which may be subject to provisions of state statutes in Tennessee Code, Title 54, Chapter 17, Part 1 Scenic Highways also shall be subject to restrictions and regulations of such statutes as administered by the State of Tennessee, and any signs proposed for permit along designated scenic highways in TCA 54-17-114 shall provide documentation that proposed signs subject to permit in this Resolution will comply with such statutes, in addition to any information required for permit in this Resolution.

M. Notwithstanding any other provisions to the contrary, any non-conforming sign or sign structure which is partially destroyed or damaged by accident or natural causes beyond 50 percent of original value shall thereafter be removed or reconstructed in conformance to the regulations applicable to new signs. Notwithstanding any other provisions to the contrary, for any non-conforming sign that is proposed for replacement, such replacement sign shall be constructed in conformance to the regulations applicable to new signs.

ORDINANCE NO. 2012-11

**AN ORDINANCE AMENDING SECTION 14-218,  
"SIGNS," OF THE MARYVILLE MUNICIPAL CODE  
CONCERNING THE REGULATION OF  
ELECTRONIC MESSAGE CENTER (EMC) SIGNS  
WITHIN THE CITY OF MARYVILLE**

WHEREAS, the Maryville Regional Planning Commission has heard, reviewed and recommended that this amendment be granted favorable consideration by the Council of the City of Maryville; and

WHEREAS, both the Maryville Regional Planning Commission and the City Council of the City of Maryville desire to revise the regulations concerning Electronic Message Center (EMC) within the city of Maryville; and

WHEREAS, it is the intent of this legislation to reasonably regulate the location, size and operation of said EMC signs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, THAT SECTION 14-218, "SIGNS," OF THE MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:**

**SECTION 1.** That Section 14-218 (2) Definitions be amended by eliminating the current wording in subsection (g) "Electronic message center (EMC) sign" in its entirety and replacing it with the following wording:

(g) "Electronic message center (EMC) sign." A type of changeable copy sign that uses a bank of lights or other lighting technology that can be electronically altered to form words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

**SECTION 2.** That Section 14-218 (13) Sign illumination and signs containing lights be amended by eliminating the current wording in subsection (f) in its entirety and replacing it with the following wording:

(f) Subject to subsection (g), no sign may contain or be illuminated by flashing or intermittent lights, or lights of changing intensity. Typical "time and temperature" displays are exempt from this requirement.

Electronic message center (EMC) signs permitted as changeable copy on-premise business signs shall be permitted subject to the following:

(i) Shall be allowed only in the Business & Transportation (B/T), High Intensity Retail, and Institutional zoning districts, except that EMC signs may also be used by public schools and public libraries in any

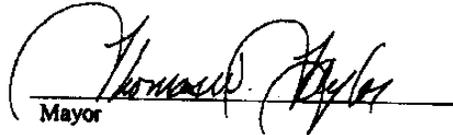
zone, subject to the development standards set forth for EMC signs in the B/T zone;

(ii) Shall be limited to one display per parcel, lot or development:

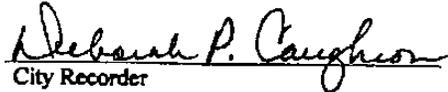
(iii) Shall hold a constant message for a minimum of sixty (60) seconds and the transition to a new message shall be instantaneous. Messages on EMC signs cannot scroll, be animated, contain moving video images, etc.

(iv) Shall be at least one hundred (100) feet from a residential structure, measured on a straight line from the nearest point on the EMC sign face to the nearest point on the structure.

**SECTION 3.** This ordinance shall be effective from and after its final passage, the public welfare requiring it.

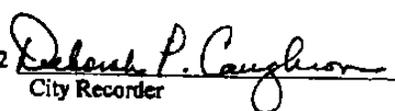
  
Mayor

**ATTEST:**

  
City Recorder

**APPROVED AS TO FORM:**

  
City Attorney

Passed 1<sup>st</sup> Reading 4/3, 2012   
City Recorder

Passed 2<sup>nd</sup> Reading 5/1, 2012   
City Recorder

# Memo

To: Blount County Planning Commission  
From: Building Commissioner  
CC: Other members and staff  
Date: 8/15/2012  
Re: Electronic message centers.

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## Background:

Below you will find the changes that have been discussed for electronic message centers highlighted in yellow. The first is the addition of the definition that would be added to section 13 of our zoning regulations. The second are the provisions for regulating them in section 7.5, I, 4. These additions come from the city of Maryville's sign regulations that were provided at last month's meeting. You will notice that I have limited them to the C- commercial zone in this draft. I have also included the current section 7.5, I, 4 for comparison, that section is highlighted in green at the end of this memo.

**ELECTRONIC MESSAGE CENTER (EMC) SIGN:** A type of changeable copy sign that uses a bank of lights or other lighting technology that can be electronically altered to form words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

**Section 7.5. Signs.** It is the intent of this Resolution to allow signs identifying properties, uses of properties, and events or businesses within the community, while at the same time to provide for the conservation of natural scenic beauty along the highways and roads in Blount County, and to provide a safe and attractive environment for tourists, travelers and residents to enjoy the scenic beauty of Blount County. To this end, the following shall apply:

A. Any lot shall be permitted one property identification sign to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

B. For a business use conducted in a residential structure or on a residential use lot, one business identification sign shall be permitted per lot to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

C. For commercial and industrial uses not identified in subsection B above, the following shall apply:

1. Any commercial or industrial lot shall be permitted one business identification sign per 1000 feet of frontage or fraction thereof fronting a SINGLE public road, to be no greater than 100 square feet in area, with a height no greater than 20 feet.

2. Signs for lots with more than one frontage.

a. For a commercial or industrial lot or parcel with corner frontage along more than one public road, one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in subsection 1 immediately above, provided that such sign is separated from the other sign by a distance no less than 1000 feet.

b. For frontage along a public road for a through lot (not corner frontage), one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in Subsection 1 immediately above, provided that such sign is separated by 1000 feet from any sign permitted under 2.A above.

3. Any commercial or industrial lot or parcel shall also be permitted one ground sign to be no greater than 25 square feet in area, with height no greater than eight (8) feet above the finished grade of the ground.

4. For commercial and industrial uses, signs on the vertical wall face of a principal structure or attached to such wall face of a principal structure with projection no greater than twelve inches from such wall face, and which do not extend more than three feet above the immediately adjacent roof line of the principal structure, shall be limited to no more than 100 square feet of total area per lot

D. For a unified development such as a major subdivision of more than four lots, multifamily development, manufactured home park development, or a planned unit development, one development identification sign shall be permitted per road frontage to such development, such sign to be no greater than 50 square feet in area with height no greater than ten (10) feet above the finished grade of the ground. Any decorative wall or fence on which such sign is placed shall not be considered as part of the sign.

E. The following signs shall not require permit:

1. Signs relating to agricultural uses or sale of agricultural products on the site of such agricultural uses.

2. Church identification signs, church bulletin boards, and church directional signs that do not exceed one each per abutting road with area no greater than 100 square feet total per abutting road.

3. All signs required by law, required for identification of hazard, posting for no trespass, street identification, traffic control, or governmental or utility function.

4. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

5. Political signs, election or referendum campaign signs, provided that such signs are no greater than 32 square feet in area.

6. Construction site identification signs, provided that there is no more than one sign each per contractor or subcontractor per lot or parcel, provided that such signs are no greater than 64 square feet in area if along arterial status roads and no greater than 32 square feet otherwise, with height no greater than 8 feet, and provided that such signs are removed within 10 days of completion of the related construction activity.

7. Signs of a temporary nature such as real estate sale signs, auction signs, special event signs, and the like, provided the area of such signs are no greater than 32 square feet, with height no greater than 8 feet, provided that any such signs are taken down no later than ten days after the sale or event relating to the signs, and provided that any special event or auction signs or the like are placed no earlier than 30 days prior to the relevant event or sale.

8. Signs designating entrance and/or exit for parking or circulation on a lot, provided that such signs are no greater than eight (8) square feet in area with height no greater than four (4) feet, and placed in such a manner that vision clearance for entering and exiting traffic shall not be hindered.

F. For the purposes of this Section, lights and other decorations relating to any holiday season shall not be considered as signs or parts of signs, provided that such lights or decorations, if placed on an existing sign, are placed no earlier than 60 days prior to the related holiday, and removed no later than 30 days after the related holiday.

G. The Board of Zoning Appeals may approve an offsite directional sign for any business or industry or use of general community significance as a special exception under provisions of Article 11, provided that such sign shall be no greater than 50 square feet in area, shall have height no greater than eight (8) feet above the finished grade of the ground, shall be placed only along arterial status roads as identified in the Major Road Plan for Blount County or major road plan for any other planning region in the county, and shall be placed on a non-residential use lot or parcel. Such sign may be in addition to any other signs allowed on such nonresidential use lot or parcel.

H. Signs may be placed within the required front building setback of the districts, provided that any portion of the sign shall be no closer than ten feet to the right-of-way line. No sign shall be placed in or overhang a public road right-of-way. Signs shall be placed in such a manner to meet requirements of vision clearance in Section 7.9. No commercial use sign shall be allowed which may be confused with signs required for governmental functions or traffic control signs, including but not limited to traffic lights, stop signs, yield signs, detour signs, turn signs, and traffic caution lights and signs.

I. Unless otherwise regulated by this Resolution, signs shall be illuminated in accordance with the following provisions.

1. Signs within one hundred and fifty (150) feet of a residential use shall not be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. To be considered entirely inconsequential, such lighting shall not cast light at the joint property line of adjacent residential use of more than 0.5 footcandles, certified as designed and installed by a licensed engineer or architect with documented experience in exterior lighting.

2. Signs with area greater than 10 square feet shall be lighted only with indirect lighting. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises. Lighting shall be directed in a downward angle toward the sign.

3. Except for seasonal holiday lighting noted in subsection F above, illuminated tubings or strings of lights that outline property lines, sales areas, or similar areas are considered as signs under provisions of this Section and are prohibited.

4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except as provided below.

a. Electronic message center signs permitted as changeable copy on premise business signs shall be permitted subject to the following.

1. Shall be allowed only in the C- Commercial zone;
2. Shall be limited to one display per parcel or lot;
3. Shall hold constant a message for a minimum of sixty (60) seconds and shall have a minimum of five (5) seconds between intervals except signs indicating time, date or weather conditions; and
4. Shall be at least one hundred (100) feet from a residential use or residential zoned property as measured on a straight line from the nearest property line of said residential use or residentially zoned property to the electronic message center sign, whether on a building or on a monument.

J. To compute and apply regulations to sign area, the following shall apply:

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or surface against which it is placed.

2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

3. With respect to two-sided, multi-sided, or three-dimensional signs, the following shall apply:

(a) The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed eighteen (18) inches, provided that the opposite face of the double-faced, back-to-back sign may also have a sign of equal area facing in the opposite direction.

(b) The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign, so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet, provided that the opposite face of the double-sided "V" sign may also have a sign of equal area facing in the generally opposite direction.

(c) In all other instances, the sign surface area of a multi-sided or three dimensional sign shall be calculated using the total of all surfaces of the sign that can be seen at any one time by a person from one vantage point.

K. Any sign approved as part of a site plan for building permit or as part of a site plan for a special exception under provisions of this Resolution shall not require any further permit, provided that such sign is constructed and maintained as approved. Except as exempted in this Resolution, all other signs shall require a building permit for review of conformance by the Building Commissioner.

L. In addition to provisions under subsections A thru K above, any sign which may be subject to provisions of state statutes in Tennessee Code, Title 54, Chapter 17, Part 1 Scenic Highways also shall be subject to restrictions and regulations of such statutes as administered by the State of Tennessee, and any signs proposed for permit along designated scenic highways in TCA 54-17-114 shall provide documentation that proposed signs subject to permit in this Resolution will comply with such statutes, in addition to any information required for permit in this Resolution.

M. Notwithstanding any other provisions to the contrary, any non-conforming sign or sign structure which is partially destroyed or damaged by accident or natural causes beyond 50 percent of original value shall thereafter be removed or reconstructed in conformance to the regulations applicable to new signs. Notwithstanding any other provisions to the contrary, for any non-

conforming sign that is proposed for replacement, such replacement sign shall be constructed in conformance to the regulations applicable to new signs.

**7.5, I, 4.** No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Section 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene in a called meeting and hold public hearing on October 9, 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, BY AMENDING SECTION 7.5.I.4 TO PERMIT AND REGULATE ELECTRONIC MESSAGE CENTERS WITHIN THE COMMERCIAL ZONE, AND AMEND SECTION 13 TO INCLUDE A DEFINITION FOR ELECTRONIC MESSAGE CENTERS SIGN.**

**That the following Section 7.5 .I.4 be amended to read as follows:**

4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except as provided below.
  - a. Electronic message center signs permitted as changeable copy on premise business signs shall be permitted subject to the following.
    1. Shall be allowed only in the C- Commercial zone;
    2. Shall be limited to one display per parcel or lot;
    3. Shall hold constant a message for a minimum of sixty (60) seconds and shall have a minimum of five (5) seconds between intervals except signs indicating time, date or weather conditions; and
    4. Shall be at least one hundred (100) feet from a residential use or residential zoned property as measured on a straight line from the nearest property line of said residential use or residentially zoned property to the electronic message center sign, whether on a building or on a monument.

**That the following definitions be added to Section 13 of the zoning regulations:**

ELECTRONIC MESSAGE CENTER (EMC) SIGN: A type of changeable copy sign that use words, letters, figures, symbols, pictures or patterns to convey a message without altering the sign face. An EMC sign shall only be used as a marquee or message center on-premise business sign and shall be attached to a pylon, monument or wall sign.

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

# AFFIDAVIT OF PUBLICATION IN **THE DAILY TIMES**

### NOTICE OF PUBLIC HEARING

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That the following Section 7.5.1.4 be amended to read as follows:

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APPROVED:  
Jerome Moon  
Commission Chairman

ATTEST:  
Roy Crawford, Jr.  
County Clerk

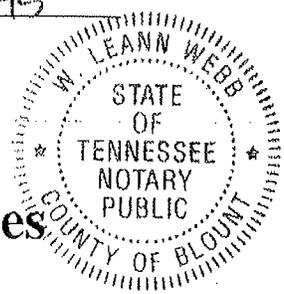
Ed Mitchell  
County Mayor

State of Tennessee, County of Blount,  
ss: Carl Esposito being duly sworn, deposes  
and says that he is the Publisher of the Daily  
Times, a newspaper published in Maryville,  
Blount County, Tennessee and that the  
notice hereto attached was published 1  
consecutive days/weeks in said news-paper,  
first publication date being  
September 21 2012, the last  
publication date being September 24  
2012.

Signed: Carl Esposito

Subscribed and sworn to before me this  
24 day of Sept, 2012.

Notary Public: W. Leann Webb  
My commission expires: 5-31-15



**The Daily Times**  
P.O. Box 9740  
Maryville, TN 37802-9740  
(865) 981-1100

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## Blount County Planning Department

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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:** September 28, 2012

**SUBJECT:** Revised Ridge-top and Hillside Regulations recommendation from Planning Commission.

A set of proposed amendments to the zoning regulations concerning ridge-top and hillside regulations was recommended by the Planning Commission to the County Commission January 2012. The County Commission held public hearing on the proposed regulations on April 12, 2012. The Agenda Committee subsequently referred the proposed regulations for legal opinion. Craig Garrett, Attorney for the County Mayor, provided his opinion in a confidential memo to the County Commission. The County Commission Agenda Committee at their July 10, 2012 meeting referred the matter back to the Planning Commission, and the legal opinion was shared. The Planning Commission assigned reconsideration to an ad hoc committee. The ad hoc committee met on September 13 and proposed changes indicated in the following text within boarders, being new wording for one of the preambles, and new wording for proposed new Section 9.3.I. The Planning Commission considered the changes at their September 27 regular meeting and voted to recommend a revised resolution text as attached to the County Commission. This item is open for consideration to set a public hearing.

**OLD**

**WHEREAS**, it is desired to amend such Resolution to address ridge-top and hillside development in the R-2 zone.

**NEW**

**WHEREAS**, it is desired to amend such regulations to address ridge-top and hillside development in the R-2 zone and the effect of such development on erosion control, soil stability, and the natural environment.

**OLD 9.3.I.** It is the intent of this sub-section to preserve vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots in the process of constructing and maintaining principal use and accessory structures shall be limited to that necessary to accommodate proper fire protection (Firewise program principles may be used), to accommodate access to and within the property, to accommodate extension of utilities, and to accommodate required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

**NEW 9.3.I.** It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

RESOLUTION No. \_\_\_\_\_

Sponsored by Commissioners \_\_\_\_\_ and \_\_\_\_\_.

**A 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.**

**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 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 regulations to address ridge-top and hillside development in the R-2 zone and the effect of such development on erosion control, soil stability, and the natural environment.

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

That Section 7.3 introductory paragraph be amended to read as follows:

**Section 7.3. Planned Unit Development.** The purposes of these provisions for planned unit development are to allow flexibility in design of a large development, and to allow mixed use where such mixed use may be reasonably designed and integrated into a large development. The following shall apply only to the S-Suburbanizing and R-1-Rural District 1 zones:

That Section 7.11.A be amended to read as follows:

A. In the R-1 – Rural District 1 zone and the R-2-Rural District 2 zone, the maximum density of vacation rental cabins shall be no greater than for single family density in the zone.

That Section 9.3.G be amended to read as follows:

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be as shown on the registered plat, and (c) 20 feet if the lot fronts on a local road with slope of property greater than 30 percent falling away from the road.

2. Rear Setback: the minimum building setback from the rear property line shall be 30 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

3. Side Setback: the minimum building setback from the side property line shall be 30 feet.

That Section 9.3.F be amended to read as follows:

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be three acres. For other than one unit per lot, or for planned unit development, the density shall be no greater than 0.33 units per gross acre.

That a new Section 9.3.I be added to read as follows:

I. It is the intent of this sub-section to preserve vegetation and limit complete removal of trees and other vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots shall be limited to constructing and maintaining principal uses and structures and accessory uses and structures, establishing necessary fire protection (Firewise program principles may be used), accommodating access to and within the property, accommodating extension of utilities, and accommodating required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

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

# Think Quality - Think Future

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## Blount County Planning Department

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on-line - [www.blounttn.org/planning/](http://www.blounttn.org/planning/)

**TO:** County Commission

**FROM:** John Lamb

**DATE:** October 2, 2012

**SUBJECT:** Supporting information in relation to proposed Ridge-top and Hillside Regulations.

See separate memo concerning recommendation from the Planning Commission on new wording for the proposed Ridge-top and Hillside Regulations. In addition to proposed new wording, the confidential legal review suggested that supporting information relating to the purpose of erosion control, soil stability, and the natural environment should be presented as part of the record for consideration for the new regulations. The attached are offered to address that suggestion, and consist of excerpts from "Tennessee Erosion and Sedimentation Control Handbook" and "Blount County Land Use Plan: A Plan for Mountain Areas".

Excerpt from: “Tennessee Erosion and Sedimentation Control Handbook” Second Edition, Tennessee Department of Environment and Conservation, March 2002, pages xii to xiv, link on web at [http://www.tn.gov/environment/wpc/sed\\_ero\\_controlhandbook/eschandbook.pdf](http://www.tn.gov/environment/wpc/sed_ero_controlhandbook/eschandbook.pdf)

## INTRODUCTION

Soil is formed when chemical, physical, and biological weathering processes break down underlying bedrock. It may take hundreds or thousands of years for one foot of soil to develop. Soils have properties like texture, structure, porosity, and chemistry that are determined by the parent bedrock material, but may also be influenced by the actions we take to alter the soil profile. Soil fertility, or the ability of soil to sustain life, is the product of a combination of those properties. The alteration or destruction of one or more of these properties may have serious adverse effect on the soil's ability to grow stabilizing vegetative cover.

Erosion is the detachment of a portion of the soil profile or soil surface. This can occur by either the impact of raindrops, or by the shear forces of water flowing across the soil surface. Soil particles can be transported a short distance (like the splash from a raindrop impact), or may be transported a longer distance (to the bottom of the slope, or into a water conveyance) before being deposited. The transport and deposition process is called sedimentation.

Erosion and sedimentation are natural processes. These processes occur daily, on all land, as the result of wind, water, ice, and gravity. However, the effect of natural erosion is usually only noticeable on a geologic time scale. The global average, natural geologic rate of soil erosion is about 0.2 tons per acre per year. This is approximately equal to the rate that soil is being created by the weathering of bedrock and parent material. Disturbance of the soil surface, including activities like construction, farming, or logging, greatly increases the amount of sediment loss from the site due to erosion. Soil loss from pastureland averages 1.5 tons per acre per year. Cultivated cropland can lose 20 tons per acre per year. Major land disturbances, such as mines or construction sites, can experience annual soil loss from 150 to 200 tons per acre. Erosion may occur unnoticed on exposed soil even though large amounts of soil are being lost. One millimeter of soil removed from an area of one acre weighs about five tons. Five tons of silty clay loam equates to about 4.5 cubic yards of soil. Lost soil is a lost resource of the property. Lost soil may carry off important nutrients needed for reestablishing effective, attractive vegetation after the site development is complete. If erosion is severe enough, soil might have to be brought in from other locations to regrade eroded areas, or to provide a suitably fertile growing medium for vegetation establishment.

Sediments that escape the site will eventually enter a stream or wetland. Solids suspended in the water column will interfere with the photosynthesis of plant life that form the base of the aquatic system food web. Sediments may carry other pollutants, in the form of metals, pesticides, or nutrients, into streams, or cause organic enrichment of streams, which also disrupts the food web. Suspended sediments increase the costs of drinking-water treatment for municipalities.

Sediment deposition changes the flow characteristics of a water body. These changes may result in physical hindrances to navigation or increased possibility of flooding. Deposits may actually cause further erosion within a water body if the deposit occurs at a critical spot. Sedimentation in wetlands can alter the hydrology or destroy hydric vegetation. Sedimentation that occurs in streams can cover up habitat that certain integral parts of the food web rely on. Certain types of soil particles actually bind to the gills of aquatic insects or fish. Sediment may also smother nesting sites for fish or amphibians, or cover mussel beds that filter significant quantities of pollutants from water that ultimately becomes our drinking water.

The average erosion from a designated area over a designated time may be computed by using the Revised Universal Soil Loss Equation (RUSLE). RUSLE is an erosion model developed by the U. S.

Department of Agriculture to help make good decisions in soil conservation planning. It is a set of mathematical equations used to determine what conservation practices might be applied to a landscape to reduce or limit the amount of erosion and sediment loss. The original application for RUSLE was agriculture, primarily cropland production. Subsequent revisions have widened the program's applicability to be useful to other land-disturbing activities like mining, forest management, and construction sites.

The four major factors that RUSLE uses to compute the amount of soil loss from a site are: climate, soil erodibility, topography, and land use. The important climatic variables are the amount of rainfall and the intensity of the rainfall. Soils differ in their inherent erodibility, which is based on the previously mentioned properties: texture, structure, porosity, and chemistry. Climate and soil information are obtained from regionally mapped or surveyed data. Climatic and soil variables are independent of the activities we undertake at a worksite, however, the length of time that a bare area is exposed to precipitation is considered within the climate factor of RUSLE and may considerably affect the soil loss from the worksite. In this way, phasing and sequencing the surface disturbing activities at a worksite reduces the total erosion and reduces the amount of sediment that must be controlled by other means.

Site topography, ground cover, and best management practice (BMP) use are the most variable factors in determining erosion. These three factors are also what we have control over. Slope length, slope steepness, and slope shape are the important components of topography. Much of the work done at construction sites is to change the slope length, steepness, or shape to make the property better suited for development. Obviously, the original vegetation must be disturbed to accomplish this work, however, ground cover is the single most influential variable in determining soil loss. The soil loss from a site that has been graded bare and has no BMP's in use may be 100 times the soil loss from the same site with an average stand of grass present. BMP's can reduce the amount of sediment leaving the site, but no single practice is 100% effective.

There are two types of BMP's. One type, **erosion prevention practices** are ground covers that prevent any of the types of erosion from occurring. Ground covers include vegetation, riprap, mulch, and blankets that absorb the energy of a raindrop's impact and reduce the amount of sheet erosion. Diversions, check dams, slope drains, and storm drain protection, while they may also trap sediment, are primarily used to prevent rill and gully erosion from starting. Rill and gully erosion are more difficult and expensive to repair, and result in greater volumes of sediment to control.

The second type, **sediment control practices** attempt to prevent soil particles that are already being carried in storm waters from leaving the site and entering streams or rivers. Silt fence, sediment traps, sediment basins, check dams, and even vegetative cover are sediment control practices. Of course, all BMP's must be chosen carefully, located and installed correctly, and maintained well to be effective at keeping sediment on a site.

It is important to note that a particular BMP may be an erosion prevention practice, or a sediment control practice, or it may serve both purposes at the same time.

Using RUSLE as our model, we can see that a combination of erosion prevention, consisting of leaving original vegetation whenever possible and reestablishing vegetative cover as quickly as conditions allow, as well as sediment controls, like clean water diversions, silt fences, and sediment basins can prevent sediment loss from a construction site (or any other site) during most storm events. We also see that leaving original vegetation in place for as much of the construction period as possible reduces the opportunity for a precipitation event that occurs to cause significant erosion and soil loss on a worksite.

Excerpt from: “Blount County Land Use Plan: A Plan for Mountain Areas” , approved by the Blount County Planning Commission, March 9, 1998, pages 4 to 11, link on web at <http://www.blounttn.org/planning/mountain%20area%20plan%201997%20with%20maps.pdf>

## **ANALYSIS**

The 1976 plan developed a wealth of technical information and analysis which may be used as a starting point for addressing many of the above aspects of mountain area planning. Much of the following technical analysis on topography, geology and soils was taken from the 1976 plan analysis sections.

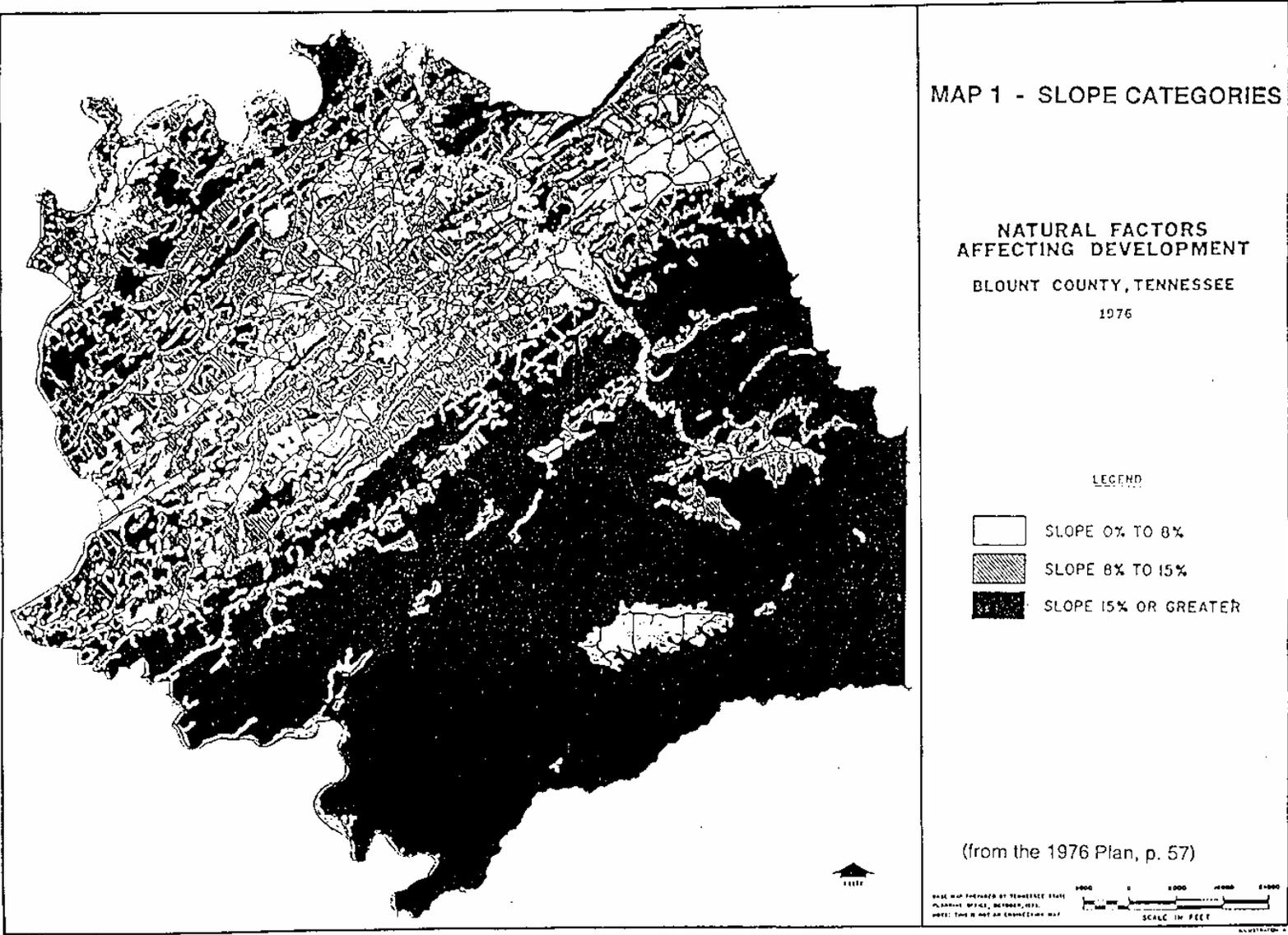
**Topography.** Mountain areas in the county are identified or defined by three main criteria. First is topography, or the elevation of the land. It is obvious from USGS topographic maps that certain parts of the county from Chilhowee Mountain range to the Great Smoky Mountains National Park reach elevations in excess of 2,000 feet which set these areas apart as different from the lower elevated land toward Maryville and Alcoa. Second is land form, which is directly related to topographic elevation but also considers the characteristic prominence of elevation from surrounding context. Again, there is a dramatic change in land form from the lowland hills and valleys to the prominent mountains of the Chilhowee Mountain range and other mountains into the Great Smoky Mountains National Park.

Also of importance in defining mountain areas is slope of land, or the relationship of vertical elevation of land over a horizontal distance. Slope may be measured in three ways - as angle, as ratio, and as percent slope. For planning purposes, the last measure is most commonly used. Percent slope places the relation between elevation and horizontal distance in whole number form. For example, for an elevation of 60 feet over a horizontal distance of 200 feet, the slope would be  $60/200=.30$ , or 30 percent. Using this measure, the 1976 plan (pp. 56-59) noted the following major slope categories for development.

**Slope 0 - 8 %.** Development and land use choices in this area may generally be made with limited attention to topographic factors. However, land use choices must respect other natural factors which influence the land's development capability. Special attention should be given to areas having less than 2 % slope in order that adequate drainage is provided.

**Slope 8 - 15 %.** The topographic characteristics of land in these areas usually pose no significant barriers to land use or development as long as other natural factors are respected. Land use and development should proceed with caution, however, because slope problems such as road grades, soil erosion, and drainage may occur, especially in the construction of roads. Development should occur in accordance with the basic standards described in the Subdivision Regulations.

**Slope 15 % or greater.** Land development in these areas is subject to many problems including steep road grades, sewerage disposal, soil erosion and landslides, availability of water, and even vehicular access to the building site.



Except for very low density residential development in some cases, it is recommended that development be restricted in these areas of extreme slope conditions. In cases where land owners wish to subdivide land in these areas, they should do so in accordance with the "Special Development Standards" established by the "Hillside Subdivision Regulations" of the Blount County Planning Commission. A detailed study of all the natural factors is recommended for these areas.

In addition to the above analysis from the 1976 plan, there are two other slope categories of importance to mountain area development planning.

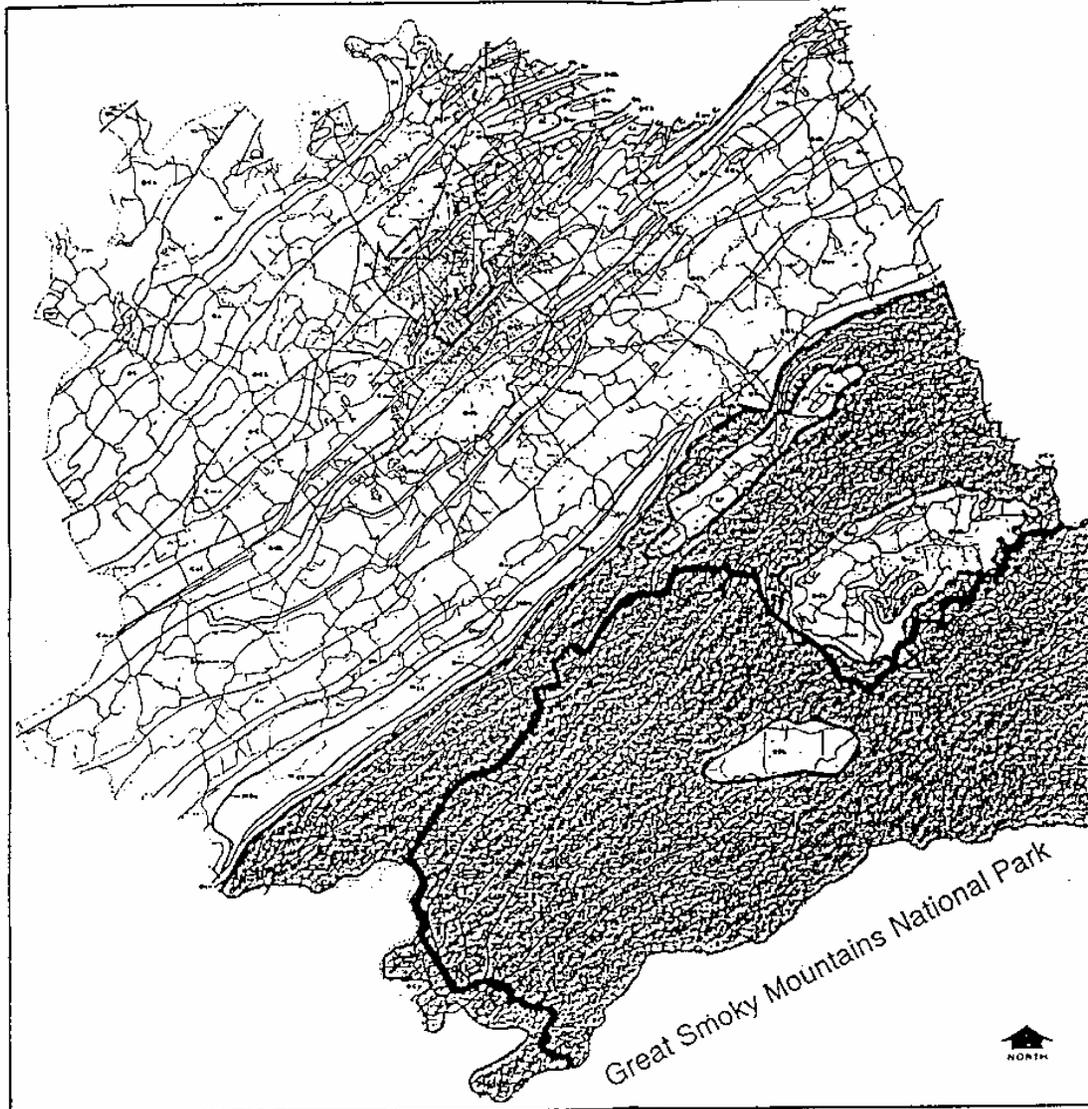
**Slope 30 % or greater.** This slope is defined in the "Hillside Development Standards" of the Blount County Subdivision Regulations as undevelopable except when the subdivider can prove that development is feasible. This does not apply to division into tracts of five acres or greater, or to land which will be developed with no division involved.

**Slope 50 % or greater.** Septic fields can be approved on slopes up to 50 %. Thus 50 % or greater slope identifies an extreme classification of feasible development potential under present regulations.

Map 1 is taken from the 1976 plan and shows the extent of the first three slope categories above. The darkest shading highlights the mountainous region in the south of the county, generally from the Chilhowee Mountain range onto the Great Smoky Mountains National Park.

**Slope Stability**. The 1976 plan provides a detailed analysis of geological constraints to development in the county. In summary, the plan identifies two main geological associations, being the ridge and valley formations of the lowlands, and the Unaka Mountains. The 1976 plan (pp. 71-72) summarizes analysis of the mountain areas of the county as follows (emphasis added):

The Unaka Mountains are the high, rugged peaks and ranges in southern Blount County. The rocks are meta-morphosed sediments, and consist of slates, quartzites, and conglomerates, with minor limestones. These rocks are greatly folded and faulted, relatively tough and resistant and underlie the high ridges and mountains. They are generally lacking in available lime and so weather to produce acid soils. The steep slopes, high rainfall, and slow decay of the rocks result in generally thin soil cover, commonly with stone fragments in a humic clay. The slaty rocks have cleavages (partings) as a result of metamorphism and break up into slabs or thin sheets. All the rocks are thoroughly fractured. Water and roots penetrate these fractures, loosen the broken fragments, and start them moving down-slope. These conditions produce masses of unstable materials that if undercut, over-saturated, or denuded of vegetation may slide suddenly and with great force and possibly disastrous consequences. Many of the streams and wet weather drainage courses are marked by trains of bouldery material so formed. Cuts and structures through or located on such materials are extremely hazardous as are developments located down slope from these hazards.



**MAP 2 - GEOLOGY**  
 Shaded areas delimit mountain  
 geological formations with hazards  
 or limitations to development.

**GEOLOGIC MAP**  
**BLOUNT COUNTY, TENNESSEE**  
 1976

**LEGEND**

- MZZ — BRIDGES AND GREAT CREEK FORMATION
- MDK — CHATTANOOGA SHALE
- QBa — QUATERNARY
- Qa — ALLUVIAL SANDS
- Qc — CLAY SHALE
- Qcp — CLAY SHALE
- Qk — KENTON FORMATION
- Qs — SILICEOUS SHALE
- Qv — VERMILION CLAY SHALE
- Qw — WHEELING SHALE
- Qx — WEST VIRGINIA SHALE
- Qy — YONKONIA SHALE
- Qz — ZEPHYRUS SHALE
- DCk — CANTON SHALE
- DCs — CANTON SHALE
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- DCe — CANTON SHALE
- DCf — CANTON SHALE
- DCg — CANTON SHALE
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- DC98 — CANTON SHALE
- DC99 — CANTON SHALE
- DC00 — CANTON SHALE

(adapted from the 1976 Plan, p. 73)

STATE GEOLOGICAL SURVEY OF TENNESSEE  
 DIVISION OF GEOLOGICAL ENGINEERING  
 1976



ILLUSTRATION 8

These rocks are generally poor aquifers and yield only small amounts of water to wells. Most of the subsurface water flows along the soil-bedrock interface. Dug wells in places where soils are 10 feet or more thick may supply enough water for a household. Large-yield drilled wells are rare.

The 1976 plan thus documents hazards associated with slope stability in the mountain areas of the county, and also identifies two other constraints of thin soil cover and limited well water supply capability which are related to the geology of the area. Map 2 delimits (with shading) those geological associations identified as having poor capability for mountain development based on slope stability and other geological constraints.

**Soils.** Given that public sewer treatment is not a viable option in mountainous areas at present, and probably within the foreseeable future, private septic systems or leachate fields will be a necessary part of any development in the mountains of the county. For this reason, soils are of utmost importance in analysis for planning in such areas. As seen in the analysis under slope stability, soils are generally thin in mountain areas due to underlying geological characteristics. The 1976 plan (pp. 59-69) identifies six major soil associations present in the mountain areas as follows:

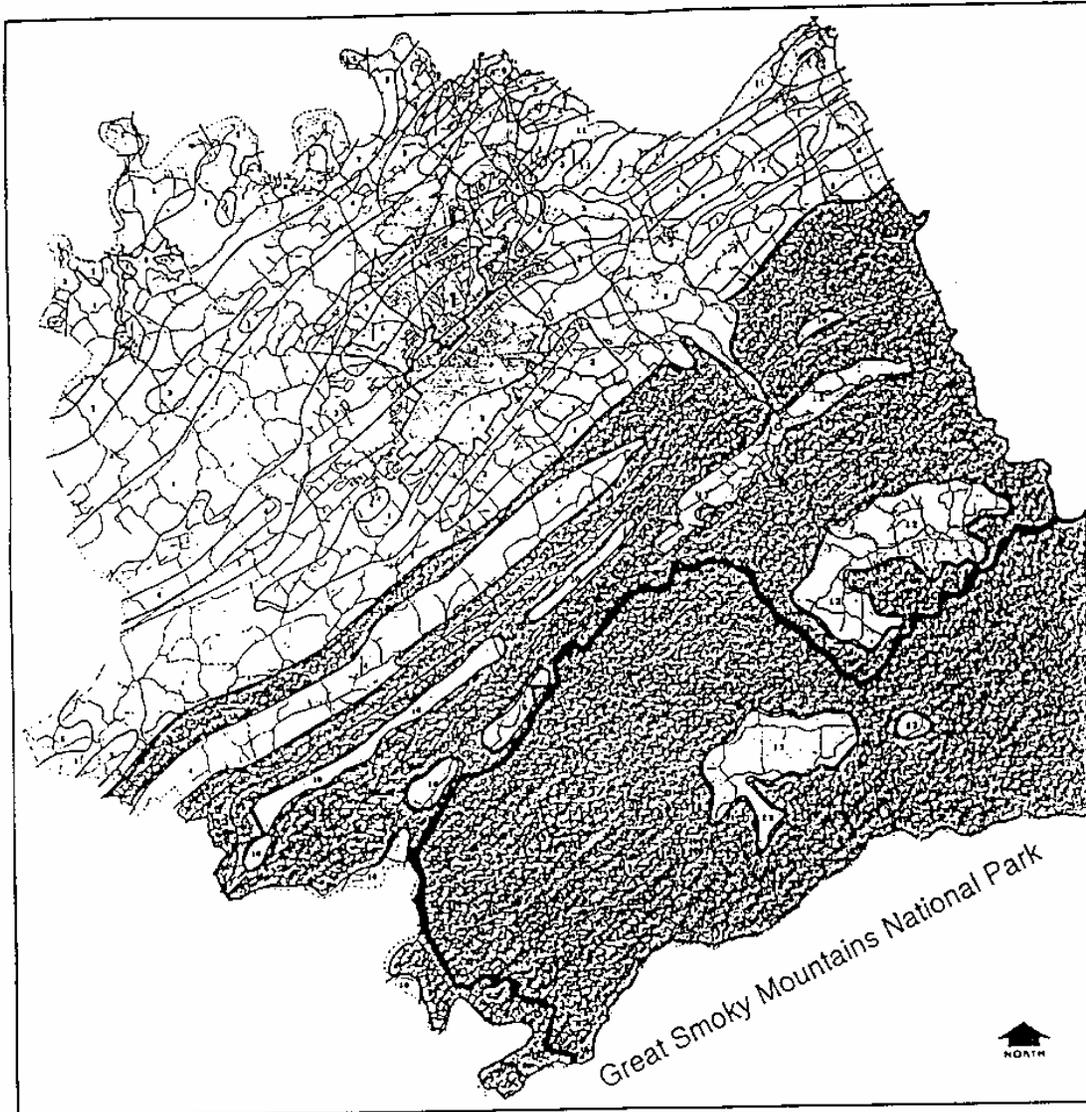
**Ramsey Association:** In general, housing is not recommended for this area. Septic tank systems, due to steep, shallow soils, do not function well. (Great Smoky Mountains, Chilhowee Mountains, other mountains in-between.)

**Bland Association:** In general this land is not suitable for housing or to septic systems, due to steep, shallow soils. (Little and Short Mountains in southwest of county)

**Dandridge-Whitesburg-Hamblen Association:** In general, this area is not suitable for housing or to septic tank systems due to steep, shallow, hillsides and wet bottom lands. (Knobs, downslopes of Short and Little Mountains in southwest of county, downslopes of Chilhowee Mountain north of Walland Gap.)

**Tellico- Alcoa-Neubert Association:** In general, the area is not suitable for housing or septic tanks due to steep slopes and shallow bedrock. There are some areas of gentle slopes with deeper soils, however, that may be suited for urban use. (Land either side of Six Mile and Old Piney Road.)

**Jefferson-Montevallo Association:** Except for the steepest parts, this area is suitable for housing. Septic tank systems will function in some of the area but the steeper and more stony areas often prevent proper functioning. (Happy Valley, parts of steep slopes of Chilhowee Mountains north of Happy Valley.)



**MAP 3 - SOILS**

Shaded areas delimit mountain soils with limited development potential.

**SOIL RESOURCE AREAS  
BLOUNT COUNTY, TENNESSEE  
1976**

LEGEND

- 1 - BROWN-AMERICAN-BONWILL
- 2 - BUNNELL-FAIR-LESTERDALE
- 3 - COLUMBIAN-LESTER-ANDALYN
- 4 - TAYLOR-ALLEN-HELESTON
- 5 - CUMBERLAND-STRONG-TRACY
- 6 - FAYASPORT-SEQUEST
- 7 - FAYASPORT-LEONARD-LEONOR
- 8 - SANDERS-AMERICAN-ANDALYN
- 9 - BROWN
- 10 - JEFFERSON-MONTECALVO
- 11 - LEWIS
- 12 - ALUMINUM
- 13 - CLAY

SOURCE: U. S. DEPARTMENT OF AGRICULTURE  
SOIL CONSERVATION SERVICE

(adapted from the 1976 Plan, p.63)

THIS MAP WAS PREPARED BY THE SOILS UNIT  
IN COOPERATION WITH THE U. S. GEOLOGICAL SURVEY  
AND THE TENNESSEE DEPARTMENT OF REVENUE

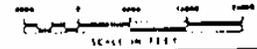


ILLUSTRATION 3

**Allen-Hayter Association:** Except for the steepest parts, this area is well-suited for housing and septic tank systems. (Millers Cove, Tuckaleechee Cove, and Cades Cove.)

Note that the first three soils associations are identified as not suitable for development. Map 3 highlights (with shading) those soils and shows that they are characteristic of most of the mountain area in the county from the Chilhowee Mountain range and into the Great Smoky Mountains National Park.

**Infrastructure - Utilities.** Public utilities such as, electricity, water and sewer are often necessary to make development feasible. Electricity can generally be provided to any development in the county. However, provision by means of poles can often mar a mountainside due to the poles and wires themselves, and due to the cutting of trees necessary to clear a path for the lines. Underground power lines are also an option, but face the problem of cutting into already hazardous geology.

Provision for utility water is generally not available at this time at extended mountain elevations due to limits of water pressure. Well water is often not feasible due to limits of aquifer recharge in the mountain geology. Leaching from private septic fields may also pose a problem for on site and down slope wells and springs.

Public sewer is not available to and generally not feasible in mountainous terrain. Private septic systems require disturbance of hazardous geology, construction in poor soils, and leaching into underground drainage flows which may cause health hazards down slope.

**Infrastructure - Roads.** There are several aspects of roads which are of concern in mountain area planning. Roads are difficult to engineer in mountainous terrain, and the cutting and filling required disturbs the already hazardous geology of the area. Road cuts divert and concentrate drainage on sensitive slopes, increasing hazards of erosion and land slides. Maintenance of roads is more expensive in mountainous terrain, especially for snow removal. Road cuts on mountain slopes require removal of vegetation and exposing of underlying rock that leaves highly visible disturbance to the natural viewscape. Existing roads leading into mountain areas are often of limited capacity for further development. Other aspects of roads are considered under access below.

**Access.** Existing access to mountain areas is often limited and constrained by road width. Public fire and emergency access is often constrained by narrow road width, excessive slope of roads, sharp cut-back curves, and remoteness of developed sites. Access to development parcels for construction and for driveways is often constrained on slopes perpendicular to main access roads. Although lowland road engineering design standards may be relaxed in mountainous terrain, construction of new roads often pushes the limits of reasonable access standards for slope and curve of roads. The frequent choice of private roads in mountainous terrain often poses problems of long term maintenance and limits to access for public services such as school buses.

**Fire Hazard.** Fire hazard is increased with introduction of development and other human activity into forested mountain areas. Remoteness of sites and limitation of both access and infrastructure capacity makes fire response difficult. Sloping land tends to intensify spread of fire due to generally higher winds and upslope drafts.

**Natural Qualities.** The mountains provide natural habitat for many species of plants and animals, particularly the bear population which ranges from the Great Smoky Mountains National Park over to the foot slopes of Chilhowee Mountain.

**Aesthetics.** The Chilhowee Mountain range provides a very important component of the mountain viewscape for most lowland development in the county. Chilhowee Mountain and other mountains in the county provide a very important viewscape not only for residents in the coves and hollows of the mountains, but also for the tourist industry in the county. Natural and uninterrupted ridgetops and uninterrupted steep side slopes of mountains are an especially important component of county viewscales.

**Recreation/Open Space Values.** Mountains have traditionally been a rural recreational resource for hiking, camping, nature observation and hunting. Open space is often lost to functional use due to fragmentation of parcels with development of mountains.

**Historic Development.** Any planning for mountain development should consider existing, historical development patterns which have generally not intruded onto steep slopes. Traditional values of contiguous, extended family homesites are common in the community and should be accommodated whenever possible. Existing parcels with formal plans, developed infrastructure, and intended for immediate development should be accommodated whenever possible.

**WILLIAM TERRY DENTON**  
Judge, General Sessions & Juvenile Court  
Blount County, Tennessee

335 Court Street  
Maryville, Tennessee 37804-5906

Bus. (865) 273-5952  
Fax. (865) 273-5941

September 21, 2012

**Attention:** Rick Carver  
Space Allocation Chairman

**Re:** Requesting office space in Room 212

**Blount County Commissioners:**

Juvenile Court is in need of more office space for meetings of attorneys, clients, mediating, etc prior to court. Therefore, we would like to request an extra room (specifically Room #212) if available.

Thank you for your assistance in this matter.

*William Terry Denton*

**William Terry Denton**  
**Juvenile Judge**

*By Mary Russell  
"oked" by Judge <sup>(me)</sup>*

WTD/mr

## **BLOUNT COUNTY ALLOCATION OF SPACE COMMITTEE**

**Tuesday, September 11, 2012 – 6:00 p.m.**

**Room 430, Blount County Courthouse**

### **MINUTES**

**Members Present:** Tab Burkhalter (arrived after the roll was taken,) Rick Carver, Mike Caylor, Holden Lail, and Peggy Lambert

**Members Absent:** None

**Others Present:** Mayor Ed Mitchell, Jackie Glenn, Stephen Ogle, David Kemp, Naomi Asher, Kenneth Melton, Rhonda Pitts, and others

Chairman Rick Carver called the meeting to order.  
Chairman Carver read the Emergency Evacuation Notice.

#### **Roll Call**

The roll was taken by Rick Carver, Chairman.

#### **Approval of Minutes – July 10, 2012, Allocation of Space Committee Meeting**

Peggy Lambert made a motion to approve the minutes of the July 10, 2012, Allocation of Space Committee Meeting. The motion was seconded by Holden Lail. A voice vote was taken with Chairman Carver declaring the motion to have passed.

#### **Setting of the Agenda**

Peggy Lambert made a motion to set the agenda. Holden Lail seconded the motion. A voice vote was taken. Chairman Carver declared the motion to have passed.

#### **Public Input on Items on the Agenda**

Chairman Carver asked if anyone wished to speak on Items on the Agenda. There was no response.

#### **New Business:**

##### **Requests for Office Space in County Buildings:**

##### **Clerk and Master Request for Office Space**

Stephen Ogle, Blount County Clerk and Master, made a request for additional space at the Old Health Department at 1006 E. Lamar Alexander Parkway. Mr. Ogle made a request for four rooms for temporary storage of records. The rooms requested by the Clerk and Master were rooms numbered 086,087,088, and 089. A motion was made by Holden Lail and seconded by Peggy Lambert to approve the request to get the item on the floor for purposes of discussion. The motion to approve the request of the Blount County Clerk and Master for additional space at the Old Health Department Building at 1006 E. Lamar Alexander Parkway for rooms numbered 086,087,088, 089, to be forwarded to the Commission for consideration, was made by Holden Lail and seconded by Peggy Lambert. A voice vote was taken with Chairman Carver declaring the motion to have passed.

#### **Update from Blount County Records Management and Archives Department.**

Jackie Glenn, Blount County Records Manager, gave an update regarding certain grant applications concerning the Blount County Records Management and Archives Department. Ms. Glenn stated the largest cost for the move to the Operations Center would be for the HVAC system, and she would concentrate on trying to get funding for this. She said the grant for this is about \$5,000.00 for HVAC engineering design, and she should know by October if she will receive this grant. She said she had also checked on the sprinkler system. Ms. Glenn made a request for the committee to hold the area at the Operations Center for the Records Management Department until she could try to get the funding for the move. She said this would hopefully be within a year. She said the area behind the front offices at the Operations Center is approximately 7,500 square feet. Peggy Lambert made a motion to allow Ms. Glenn to hold the space at the Operations Center until she has funding. Mike Caylor seconded the motion. A voice vote was taken with Chairman Carver declaring the motion to have passed and the item would be forwarded to the Agenda Committee.

### Other

#### **AYSO**

David Kemp, local Commissioner for AYSO, made a request to the Committee to allow the AYSO organization to use the fields at the former property of the Boys and Girls Club on 241 Curie Avenue, Maryville, TN, for practice space for youth soccer teams until the end of October. Holden Lail stated this committee is not charged with grounds and the committee had been dealing with office space inside buildings. He stated this was the ruling that CTAS had given. Peggy Lambert suggested that the Mayor give permission. Mayor Mitchell expressed concerns regarding committing to AYSO to use the fields and the parking lot, and the possibility of the space being allocated to someone else. He said there could be confusion if he allocated the grounds and the Commissioners allocated the building. This was concerning the building being occupied by someone that may need the grounds. Peggy Lambert said their time line is only through October. She stated unless the building is occupied through October, or someone moves in before October, to let them go ahead and use it until the time it is leased or whatever. Mayor Mitchell stated he did not want AYSO to come out there and spend a lot of money thinking that they would have it through October, and then have to come out and tell them I'm sorry. Ms. Lambert said she thought they could put it in the contract that they couldn't take the field until after October. Ms. Lambert said she thinks the people need the field to practice on. Ms. Lambert said this is such a short time frame until the end of October. Holden Lail stated if the AYSO and the Mayor could come up with a solution with the possibility of a week's notice involved, this would take care of the issue. Peggy Lambert made a motion that this committee be supportive of the AYSO using the field and to send a recommendation to the esteemed Mayor in support of AYSO. Tab Burkhalter seconded the motion. A voice vote was taken with Chairman Carver declaring the motion to have passed.

#### **CASA**

Naomi Asher, Executive Director of CASA Tennessee Heartland Program, made a request to the Allocation of Space Committee for office space near Juvenile Court in the Courthouse for use by the CASA program. Ms. Asher stated the program became official in Blount County as of September 1, 2012. She stated there were two reasons for needing the office space in the Juvenile Court building - one is that they would be able to be available for the judges and magistrates to answer questions, etc., and, also that they may get their volunteers prepared to go to court. She said they also have a grant requirement to have an in kind match, and if they had the required space, they could use it for their grant requirement. Tab Burkhalter asked what space specifically are they requesting for downstairs. She said they don't have a specific request for a room. She said they just need space for a desk and a

couple of chairs, and a locking file cabinet. She said it could be a very small amount of space. Peggy Lambert asked if they could come back to the next meeting with all of the specifics and give the 30 day notice as required. Tab Burkhalter suggested that she find an office that would be sufficient for their needs and come back to next month's meeting with the specifics. Holden Lail asked if the space is already allocated to Judge Denton's Juvenile Court. Holden Lail stated should that be the case, and should Judge Denton wish for this to be a part of this program, he could allocate space from the area that is allotted to him. Ms. Asher stated she will check with Judge Denton. Rick Carver also suggested that she could speak with Tom Hatcher, Circuit Court Clerk. There was no action taken in this matter.

### **County Mayor**

Chairman Carver asked the County Mayor if he had anything he would like to add. The Mayor stated the explanation and the information was all he needed. There was no action taken in this matter.

### **Next Meeting**

The committee agreed to meet on Tuesday, October 9, 2012, 5:30 p.m. in Room 430.

### **Public Input on Items Not on the Agenda**

There was no public input on Items Not on the Agenda.

### **Adjournment**

Holden Lail made a motion, which was seconded by Mike Caylor, to adjourn the meeting. Chairman Carver declared the meeting adjourned. The Allocation of Space Committee meeting adjourned at 6:15 p.m. on September 11, 2012.

To: The Space Allocation Committee

From: Jackie Glenn  
Blount County Records Manager

Date: September 5, 2012

Subject: Update on funding sources

I am attaching a floor plan of the Blount County Operations Center area requested for records storage and records office space at the April 12, 2012 Space Allocation meeting. This space request was approved contingent upon approval of grant.

I was notified in July that we did not receive the National Endowment of the Humanities "Sustaining Cultural Heritage Collections" planning grant. I have the grant review board's evaluations and plan to re-apply for another NEH grant in December. The NEH review board agreed that Blount County's record collections are historically significant. I applied for a \$5,000 SNAP grant that was due September 1, 2012. The SNAP grant would cover the cost of engineering fees to design the HVAC system for the records storage area. The SNAP grant notice of funding should go out in October, 2012.

The records storage room is a semi-enclosed area that is approximately 125' X 59'. This area would need an eight foot fire rated wall and exit door installed to close it off from the hall near the Building Codes offices. The records storage area has an existing sprinkler system that will meet the Alcoa Fire codes if we do not lower the ceilings. The largest cost of renovating this area will be the cost of upgrading the HVAC system.

We still need the previously requested office space of approximately 2500 square feet that is adjacent to the Building Codes offices. The office space will consist of two offices, processing area and lobby area.

We are currently out of space. We have records at an off-site location and have County offices that are on the waiting list to send permanent records. I will explore every funding opportunity that I can to fund the renovations. I would like the Space Allocation committee to reserve the same previously requested area until funding can be obtained to complete renovations.

Thank you for your consideration.

**RESOLUTION NO. 12-10-007**

**A RESOLUTION ADOPTING REGULATIONS TO PROTECT WATER QUALITY IN THE URBANIZED AREA OF BLOUNT COUNTY BY PROHIBITING, SUPPRESSING, AND PREVENTING THE CONTAMINATION OF STORM WATER BY GRADING, EROSION, AND SEDIMENTATION.**

\*\*\*\*\*

**WHEREAS**, Tenn. Code Ann. § 5-1-118© authorizes counties, by adoption of a resolution by two-thirds (2/3) vote of their respective legislative bodies, to exercise those powers granted to all or certain municipalities by Tenn. Code Ann. § 6-2-201(22) and (23), with specified exceptions; and

**WHEREAS**, on September 21, 2000, the Board of County Commissioners of Blount County, Tennessee, by a vote of 20 in favor, 0 opposed, and 1 absent adopted Resolution No. 00-09-01 authorizing Blount County to exercise said powers granted to all or certain municipalities; and

**WHEREAS**, upon the adoption of said Resolution No. 00-09-01 and pursuant to Tenn. Code Ann. § 6-2-201(22), Blount County became authorized to define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to unincorporated areas of the county and to exercise general police powers; and

**WHEREAS**, Tenn. Code Ann. § 68-221-1101-1106 authorizes counties to adopt regulations for storm water discharges and contaminates in order to protect water quality in their respective unincorporated areas; and

**WHEREAS**, on March 19, 2009, the Board of County Commissioners of Blount County, Tennessee, adopted an amended Resolution No. 09-03-004 authorizing Blount County to exercise said powers granted within the urbanized areas of Blount County; and

**WHEREAS**, pursuant to the authority of Tenn. Code Ann. § 5-1-118(c), 6-2-201(22) and 68-221-1101-1106 and Resolution No. 00-09-01, Blount County desires to revise the previously adopted regulations hereinafter set forth to protect water quality in the urbanized area by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation.

**NOW, THEREFORE, BE IT RESOLVED** the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 18<sup>th</sup> day of October, 2012, that the following regulations to protect water quality in the urbanized area by prohibiting, suppressing, and preventing the contamination of storm water by grading, erosion, and sedimentation are hereby adopted to wit:

**Section 1. Rules applying to resolution.** For the purpose of this resolution, certain rules of construction shall apply as follows:

- A. Words used in the present tense shall include the future tense, and the singular includes the plural, unless otherwise indicated in the text.
- B. The terms "shall" and "must" are always mandatory and not discretionary; the words "may" and "should" are permissive.
- C. Except as herein provided, all words used in this resolution shall have their common dictionary definition.

**Section 2. Definitions.**

- A. "Applicant." Person submitting the application for a grading permit. Typically, this is the owner or developer of the land-disturbing activity.
- B. "Blount County Board of Zoning Appeals." The body which has the authority to hear appeals by any person (see *infra* definition Y) or permit holder who has been assessed a civil penalty under the provisions of this resolution, or by any person who has been denied a grading permit under the provisions of this resolution, or by any person who has been aggrieved by any decision or interpretation of the provisions of this resolution by the Inspector.
- C. "Construction related waste." Waste that is generated through construction, land development and land-disturbing activities that may cause adverse impacts to water quality. Construction related waste includes, but is not limited to, discarded building materials, concrete truck washout, chemicals, litter, hazardous materials, oil and sanitary waste at the construction site.
- D. "County." Blount County, Tennessee.
- E. "Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.
- F. "Developer." The person (*see infra* definition Y) authorized to carry out the development of land.
- G. "Development." The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved land or other similar activities when not excluded by exemptions from this resolution.
- H. "Drainage structure." A device composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point of storm water management drainage control or flood control purposes.

- I. "Erosion." The wearing away of land by action of wind, water, ice, or gravity.
- J. "Erosion and sediment control plan." A plan for the control of erosion and sediment resulting from land-disturbing activity (*see infra* definition U). The plan shall be reviewed and approved before a grading permit may be issued. *See* "final plan," *infra* definition O. The plan may be included as part of a preliminary plan required by any Blount County resolution or regulation, including zoning, building codes and safety, subdivision regulations, or a separate plan following the specifications set out in this resolution.
- K. "Excavation." *See* "cut," *supra* definition E.
- L. "Exceptional Tennessee waters." Are surface waters of the State of Tennessee that satisfy characteristics of exceptional Tennessee waters as listed in Chapter 1200-4-3-.06 of the official compilation – Rules and Regulations of the State of Tennessee.
- M. "Existing grade." The slope or elevation of existing land surface prior to cutting or filling.
- N. "Fill." Portion of surface or area of land to which soil, rock or other materials have been or will be added; height above original land surface after the material has been or will be added.
- O. "Final grade." The final slope or elevation of land surface after cutting or filling and conforming to the final plan (*see infra* definition O).
- P. "Final plan." The approved erosion and sediment control plan. The final plan may differ from the submitted erosion and sediment control plan if adjustments or amendments are required by the Inspector.
- Q. "Finished grade." *See* "final grade," *supra* definition N.
- R. "Formal plan." An erosion and sediment control plan required for land-disturbing activity equal to or greater than one (1) acre in size.
- S. "Grading." Any operation or occurrence by which the existing elevations of land are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed or any water course or body of water, either natural or man-made, is relocated thereby creating an unprotected area. "Grading" shall be synonymous with "land-disturbing activity" (*see infra* definition U).
- T. "Grading permit." A permit issued by the Inspector to authorize grading (*see supra* definition R) to be performed under the provisions of this resolution.
- U. "Impaired Waters." Means any segments of surface waters that has been identified by Tennessee Department of Environment and Conservation (TDEC) as failing to support one or more classified uses.

V. "Inspector." The person designated by the County Mayor as the Storm Water Administrator, or his/her designee, who shall issue grading permits and carry out inspections and enforcement as provided hereunder.

W. "Land-disturbing activity." Any activity on land that may result in soil erosion and/or movement of sediment. Land disturbing activities include, but are not limited to, development, re-development, construction, re-construction, clearing, grading, excavating, demolition of structures, landscaping, transporting and filling.

X. "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.

Y. "NPDES." National Pollutant Discharge Elimination System.

Z. "Owner." The legal owner of land at the time of application for a grading permit. The person ultimately responsible for adhering to the provisions of this resolution.

AA. "Person." Any and all persons, natural or artificial, including any individual, firm, partnership, entity, or association, and any municipal or private corporation organized or existing under the laws of this or any other state.

BB. "Priority construction activity." Any land-disturbing activity that is one (1) acre or greater that discharges into, or upstream of, waters the State of Tennessee recognizes as impaired for siltation or high quality waters. Also, priority construction activities can include land-disturbing activities of any size that, in the judgment of the Inspector, require coordination with adjacent construction activities or have conditions that indicate a higher than normal risk for discharge of sediment or other construction related wastes.

CC. "Project." The entire proposed development regardless of the size of the area of land to be disturbed.

DD. "Redevelopment." The improvement of a lot or lots that have been previously developed.

EE. "Responsible person." A specific individual designated to be responsible for erosion and sediment control practices and maintenance of same on each site where land-disturbing activity takes place.

FF. "Sediment." Solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

GG. "Sedimentation." The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

HH. "Sediment basin, trap, barrier or perimeter dike." A barrier or dam built across a waterway or water course, or at other locations, to retain sediment.

II. "Slope." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

JJ. "Soil stabilization." Measures which protect soil from erosion.

KK. "Stabilizing slopes." The utilization of adequate structural and/or vegetative erosion and sediment control practices (see *infra* definitions MM and QQ) for preventing erosion from occurring on an incline.

LL. "Waters of the state." Any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters. These waters include, but are not limited to the following: rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, and wells.

MM. "Stripping." Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

NN. "Structural erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of land or storing, regulating, or disposing of runoff to prevent excess sediment loss. Examples are silt fence, structural diversions, grade stabilization structures, sediments traps and land grading, etc. Such measures can be found in the publication Tennessee Erosion and Sediment Control Handbook, latest edition.

OO. "Unstable." The tendency for land surface to change due to lack of structural and/or vegetative erosion and sediment control (see *infra* definitions MM and QQ) support.

PP. "Urbanized Area." A land area comprising one or more places — central place(s) — and the adjacent densely settled surrounding area — urban fringe — that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as per the U.S. Census Bureau.

QQ. "Variance." A grant of relief from the requirements of this resolution that permits construction or activity in a manner otherwise prohibited by this resolution where strict enforcement would result in unnecessary hardship.

RR. "Vegetative buffer." The area of land adjacent to waters of the state in a condition of vegetation which facilitates the protection of water quality and aquatic habitat.

SS. "Vegetative erosion and sediment control practices." Measures for the stabilization of erodible or sediment producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with turf or perennial sod-forming grass.

TT. "Watercourse." Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows either continuously or intermittently and which has a defined channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Section 3. Existing eroding areas.** Upon written notification from the Inspector, the owner of land which exhibits unstable or eroding soil conditions shall correct such conditions within thirty (30) calendar days. The Inspector may extend this period upon request if conditions warrant. Minimum correction measures shall include stabilizing slopes and vegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the Inspector to determine an acceptable method of correction.

**Section 4. Grading permit required.** Except as provided in Section 5, no person shall engage in any land-disturbing activity, including but not limited to clearing, grading, filling and excavating, within the urbanized area of Blount County without obtaining a grading permit issued by the Inspector in accordance with the requirements set forth below:

Any development or redevelopment that will result in a land-disturbing activity equal to or greater than one (1) acre in size or a project or development of less than one (1) acre of land disturbance, but if the construction activities are part of a larger common plan of development or sale that comprise at least one (1) acre of land disturbance requires:

1. Application with two (2) copies of legible engineering drawings of a formal plan
2. Appropriate fee
3. Engineering review by the Inspector and/or County Engineer
4. Site inspection
5. Grading permit
6. Ongoing (monthly at a minimum) and final inspection
7. After final inspection and permit compliance, certificate of completion from the Stormwater Department.

All development activities which require right-of-way cuts or excavation within the development site and shown on a formal plan shall be subject to all applicable fees. Grading activities which involve no construction or right-of-way cuts shall be subject to the grading permit fee schedule only.

All exceptions to this resolution which are outlined in Section 5 will be required to use, maintain and follow the minimum requirements for controlling erosion and sediment set forth in Section 9. If unstable or eroding soil conditions exist during land-disturbing activities exempted in Section 5, then Section 3 shall prevail.

The person engaging in land-disturbing activities not exempted in Section 5 of this resolution must obtain from the Tennessee Department of Environment and Conservation (TDEC) a Notice of Coverage (NOC) under the State of Tennessee General NPDES Permit for Discharge of Stormwater Associated with Construction Activities, or documentation that the land-disturbing activity does not require coverage under the State permit, prior to obtaining a grading permit. A copy of the NOC and the associated Stormwater Pollution Prevention Plan (SWPPP) or documentation that the site does not require coverage under the State permit must be submitted with the formal plan.

**Section 5. Exemptions.** Grading permits shall not be required for the following types of land-disturbing activity:

- A. Installation, maintenance and repair of any underground public utility line when such activity has a land-disturbance less than one (1) acre, occurs on an existing right-of-way, and a cut or excavation permit has been obtained from the Blount County Road Superintendent, unless the activity is within fifty (50) feet of any waters of the state, in which event a grading permit is required.
- B. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
- C. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, farm ponds, dairy operations, livestock and poultry management practices, and forestry land management practices including harvesting.
- D. Emergency work to protect life or property. Upon completion of emergency work, the disturbed area shall be shaped and stabilized in accordance with this resolution. The Inspector must be notified of the incident within seventy-two (72) hours thereof.

The owner or developer whose land-disturbing activity has been exempted from the requirements for a grading permit shall nevertheless be responsible for otherwise conducting such activity in accordance with the provisions of this resolution and other applicable laws including responsibility for controlling erosion, sedimentation, and runoff.

**Section 6. Application and plan review.** No grading permit shall be issued until a formal plan has been approved by the Inspector. Such plan shall comply, at a minimum, with the requirements set forth in Section 9 of this resolution.

All applications for grading permits shall be filed with the Inspector at least ten (10) days prior to the commencement of the proposed land-disturbing activity. All applications shall include a formal plan.

**Formal plan.** No person shall initiate land-disturbing activity equal to or greater than one (1) acre (43, 560 ft<sup>2</sup>) in size unless a formal erosion and sediment control plan for such activity is filed with and approved by the Inspector. Any formal plan shall require a pre-construction conference. The formal plan shall include, but not be limited to, the following:

1. Property boundaries
2. Two (2) ft. topographic contours – existing and proposed for slopes greater than fifteen percent (15%) or five (5) ft. intervals may be allowed
3. Site conditions prior to development and as they will be upon completion of the development
4. Proposed final groundcover within disturbed areas
5. All structural and/or vegetative erosion and sediment control practices proposed to be installed
6. Finished elevations of buildings, streets, roads, drives, stormwater utilities, sanitary sewer utilities and other related appurtenances within the proposed development
7. Volumetric and velocity rates of stormwater runoff
8. Watercourses, sinkholes, bodies of water and other similar features affecting runoff on or adjacent to the proposed development
9. Stream designated as impaired by the state's most current 303(d) report
10. Indication of fill material used or deposited and where it is located
11. Name, address and telephone number of the owner or developer of the land
12. Brief project description
13. Clearing and grading limits
14. Location of existing trees
15. Trees to be removed
16. Location of site relevant to highways, municipalities, or other prominent landmarks
17. Recognition of priority construction activity if applicable
18. TDEC Level 1 certification - Fundamentals of Erosion Prevention and Sediment Control Workshop as of June 17, 2007

All formal plans shall be prepared by a licensed, qualified professional engineer or landscape architect and shall include a time schedule for completion and periodic maintenance after completion, details of structural and/or vegetative erosion and sediment control practices, daily clean-up and site control practices and any other information needed to accurately depict erosion and sediment control practices unique to the development. Additionally, any legally protected state or federally listed threatened or endangered species and/or critical habitat located in the

area of the land-disturbing activities (if any) shall be identified in the formal plan. If such species are identified in the formal plan or by the county, then the formal plan shall also include written documentation from the United State Fish and Wildlife Service that indicates:

- (a) approval of the best management practices (BMPs) that will be utilized to eliminate potential impacts to legally protected state or federally listed threatened or endangered species and/or critical habitat. Said BMPs shall also be included on the formal plan; or,
- (b) a finding of no potential impact as a result of the proposed land-disturbing activity.

Formal plans should be prepared to meet the Tennessee Construction General Permit, latest edition, requirements. These requirements include, but are not limited to the following:

- (a) Necessity of an erosion prevention and sediment control/pollution prevention plan. The plan shall include the following items: site description, description of stormwater runoff controls, erosion prevention and sediment controls, stormwater management, description of other items needing control, maintenance, inspections, pollution prevention measures for non-stormwater discharges, and documentation of permit eligibility related to Total Maximum Daily Loads (TMDL).
- (b) Erosion and sediment control measures shall be designed in accordance with good engineering practices and the latest edition of the Tennessee Erosion and Sediment Control Handbook. The measures shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm, as a minimum, either from total rainfall in the designated period or the equivalent intensity as specified on the following website [http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn\\_pfds.html](http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html).
- (c) For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff coefficient from each disturbed acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site.

The Inspector shall review all formal plans with necessary staff and make a determination with respect to the sufficiency thereof within ten (10) working days from submittal of the plan. If a plan is determined insufficient, the Inspector shall inform the owner or developer of the plan's deficiencies by written notification. The applicant shall then revise the plan to comply with this resolution and submit a revised plan to the Inspector, or the applicant may submit documentation to substantiate the validity of the original plan. If the Inspector finds corrections and additions to the plan acceptable, the Inspector will then notify the applicant of approval and a grading permit shall be issued. Grading permits shall expire one (1) year from the date of issuance unless extended by the Inspector. After one (1) year,

the grading permit will become null and void and the plan must be resubmitted for approval.

The inspector may request that additional information be submitted as necessary to allow a thorough review of the site conditions and proposed erosion prevention and sediment control measures.

Attendance at a pre-construction meeting with the inspector and other associated county departments prior to issuance of a grading permit is required for owners and developers of developments and redevelopments that will be engaging in land-disturbing activity equal to or greater than one (1) acre in size and/or a priority construction activity, as defined in this resolution.

If the land is to be developed in phases, with final plat approval at the end of each construction phase, then a separate grading permit shall be required for each phase. Construction phasing is required to keep the total disturbed area less than fifty (50) acres at any one time for a project. No more than fifty (50) acres of active soil disturbance is allowed at any time during the construction project. If no final plat approval is requested for phased projects totaling more than fifty (50) acres of soil disturbance, then separate grading permits are not required for each individual phase.

A grading permit issued by the Inspector may specify any condition under which the land-disturbing activity shall be undertaken. The issuance of a grading permit does not authorize the discharge of hazardous substances or oil resulting from a spill that occurs on the site of the land-disturbing activity. The issuance of a grading permit does not relieve the permit holder of any obligation or responsibility of complying with the provisions of any other law or rules and regulations of any federal, state or additional local authority.

#### **Section 7. Inspection and enforcement.**

A. After the grading permit is issued, the Inspector shall inspect the site to determine whether structural and/or vegetative erosion and sediment control practices have been installed according to the formal plan submitted, and whether the practices are adequate for erosion and sediment control and are otherwise in compliance with this resolution.

For applications submitted with a formal plan, if the site inspection indicates the structural and/or vegetative erosion and sediment control practices have been installed according to the plan submitted and if the technical review of the plan by the Inspector indicates compliance with this resolution, the Inspector shall allow work to commence.

B. The requirements of this resolution shall be enforced by the Inspector, who shall inspect the work, grading or construction involved. If the Inspector finds any person has engaged in land disturbing activity without having obtained a required grading permit, the following shall occur:

1. First offense - A stop work order and a notice of violation shall be issued by the Inspector.
2. If work continues - Assessment of a civil penalty by the Inspector for each day work continues without a permit.

C. If the Inspector finds that the grading permit holder has failed to properly install, maintain or use proper structural and/or vegetative erosion and sediment control practices as specified in the final plan, the following shall occur:

1. First offense – Written warning issued by the Inspector (maximum of two (2) days for compliance); if conditions warrant, a stop work order shall be issued immediately by the Inspector.
2. Second offense – Notice of violation issued, issuance of stop work order by the Inspector, suspension of all building until violation corrected, and notification to TDEC of violation.
3. Third offense – Assessment of a civil penalty by the Inspector for each day work continues.
4. Each additional offense – Assessment of a civil penalty by the Inspector for each day work continues and suspension of the issuance of subsequent grading permits.
5. Failure to clean up site – Permit holder liable for three (3) times the cost of clean-up starting with the first offense (see *infra* subsection G).

D. If the Inspector determines that significant erosion and/or sedimentation is occurring on a graded site despite approved structural and/or vegetative erosion and sediment control practices, he shall require the permit holder to take additional corrective action to protect the adversely affected area. The additional corrective action required shall be part of an amended erosion and sediment control plan.

E. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Notice of a stop work order shall be in writing and shall be given by the Inspector to the owner or developer of the land, an agent of the owner or developer or the responsible person or shall be conspicuously posted by the Inspector at the project and shall state the necessary corrective action with a completion date before other activity can resume. Notice given to the owner or developer, an agent of the owner or developer or the responsible person may be given by first class U. S. Mail mailed to the address shown on the application for the grading permit, or if there is no application, to any address known by the Inspector for such owner or developer, agent of the owner or developer or responsible person, and it will be presumed that the notice is received by the addressee if it is not returned to the Inspector by the U. S. Postal Service.

F. All persons conducting land-disturbing activities which requires a grading permit shall keep a copy of the grading permit along with the approved SWPPP at a central location on-site at all times for the use of the inspector and all of those identified as having responsibilities under the plan whenever they are on the site of the land-disturbing activity. If the site is inactive or does not have an on-site

location adequate to store the permit and SWPPP, the location of these documents, along with a contact phone number, shall be posted on-site. If these documents are located off-site, reasonable local access to them, during normal working hours, must be provided.

G. If, upon inspection, the Inspector finds that a person engaged in land-disturbing activity has failed to comply with a final plan and/or this resolution, the Inspector shall serve a written notice to comply upon that person in the same manner as provided in subsection E of this section. The notice shall identify the violation, set forth the corrective action necessary to achieve compliance, and shall state the time within which such corrective action must be complete. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this resolution and in addition to other penalties, shall forfeit any security provided under the provisions of Section 8 of this resolution. The County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity, including clean-up of the site, and bring the site into compliance with this resolution.

H. Any responsible person who receives three (3) related written notices under subsection G of this section will be required to retake the Level I - Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by TDEC or an approved equivalent course. If after completing the course, the same person receives another written notice under subsection G of this section within three (3) years of completing the course, subsequent requests for grading permits shall be denied to that person. Such person may appeal the denial of a grading permit to the Blount County Board of Zoning Appeals by requesting a hearing within thirty (30) days of the denial.

I. Any uncovered area existing on the effective date of this resolution which resulted from land-disturbing activity and which is subject to continued accelerated erosion and which is causing off-site damage from sedimentation, shall be provided with structural and/or vegetative erosion and sediment control practices to prevent erosion and control off-site sedimentation.

1. The Inspector shall give a written notice to comply to the owner or developer of land where any such uncovered area existed on the effective date of this resolution in the same manner as provided in subsection E of this section. The notice will set forth the corrective action necessary to achieve compliance with this resolution and shall state the time within which such corrective action must be completed. In determining the structural and/or vegetative erosion and sediment control practices required and the time allowed for compliance, the Inspector shall take into consideration the economic feasibility, technology and quantity of work required and shall set reasonable and attainable time limits for compliance.

2. An erosion and sediment control plan may be required by the Inspector where extensive structural and/or vegetative erosion and sediment control practices are necessary.

**Section 8. Security requirements and fees.**

A. Prior to the issuance of a grading permit, the owner or developer may be required to provide security in the form of a cash deposit, letter of credit or other acceptable form of security for the work to be completed or any portion thereof pursuant to the final plan. When reviewing any application for a grading permit, the Inspector shall consider the past record of the applicant in complying with any previous permits and/or this resolution. The Inspector may require the applicant to provide acceptable security in a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof for the proposed land-disturbing activity prior to issuing the permit. If an applicant has had three (3) or more violations of previous permits or this resolution within three (3) years prior to the date of filing the application under consideration, the Inspector shall require security. If the owner or developer does not comply with this resolution or with the conditions of the permit after issuance, the security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to stabilize the site of the land-disturbing activity and bring the site into compliance with this resolution.

B. Security in the form of a cash deposit, letter of credit or other acceptable form of security must be provided for the following conditions:

1. Rough grading, site development, large residential development or commercial development when there is land-disturbing activity of an area equal to or greater than five (5) acres.
2. A potential for runoff, erosion and/or sedimentation to adversely impact public right-of-ways, other property or waters of the state.
3. When a site drains into sinkholes or when the site is used for a borrow pit or waste area.

C. With regard to potential runoff, erosion and/or sedimentation which would adversely impact public right-of-ways, the actual amount of the security shall be based on a remediation and completion estimate for the disturbed area as determined by the Blount County Road Superintendent, with a minimum amount of three thousand dollars (\$3,000.00) per acre or fraction thereof of land-disturbing activity. The Road Superintendent may refuse any proffered security based upon past performance, ratings of the permit holder and/or surety of the security or other appropriate sources of reference information.

D. Within sixty (60) days of the completion and acceptance of all requirements of the final plan, the security shall be refunded or terminated.

E. The Board of County Commissioners of Blount County, Tennessee, shall set fees for obtaining grading permits by resolution.

**Section 9. General criteria.** The following general criteria are minimum requirements for controlling pollutants, erosion, and sedimentation from land-disturbing activity and shall be incorporated into all erosion and sediment

control plans as determined by the Inspector and/or County Engineer. All soil erosion and sediment control measures and practices shall conform to the requirements of this resolution. The measures and practices shall apply to all features of the site including street and utility installations, drainage facilities and other temporary and permanent improvements. Practices shall be implemented to prevent or control erosion and sedimentation during all stages of any land-disturbing activity. No grading permit issued using the following General Criteria is intended to restrict the use of other innovative practices or modifications to the specified practices if such practices are thoroughly described and detailed and approved as part of or a supplement to the final plan prior to installation.

A. Minimum requirements for land disturbing activity. The minimum requirements for controlling erosion and sedimentation from land disturbing activity shall be as set forth in the Tennessee Erosion and Sediment Control Handbook, latest edition.

B. Requirements for best management practices. Owners and developers of land-disturbing activities shall implement appropriate erosion prevention and sediment control best management practices (BMPs). BMPs shall be maintained and repaired by the permittee or his/her designee as often as necessary to maintain compliance with the approved plan and this resolution.

C. Technical design criteria. The design of erosion prevention, sediment, and pollution management controls, including BMPs, stabilization practices and structural practices, shall be performed in accordance with criteria and requirements stated in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. All controls must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable) and good engineering practices. Measures selected for erosion prevention and sediment control must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of stormwater runoff may be required, and must be fully described on the formal plan if required.

D. Priority construction activities. Additional design, installation, inspection, inspection certification, and buffer zone requirements for discharges into impaired or high quality waters that are included in the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities shall be implemented for all priority construction activities, as defined in this resolution.

E. Stabilization of disturbed areas and soil stockpiles. Temporary or permanent soil stabilization measures must be applied to areas subject to land-disturbing activity when and where deemed necessary by the Inspector for the purpose of good soil stabilization practices. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact and flowing water, and include, but are not necessarily limited to, the growing of vegetative cover, sod, application of straw, mulching, fabric mats and early application of gravel base on areas to be

paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except in the following two situations:

1. where the initiation of stabilization measures by the fourteenth day is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

2. where construction activity on a portion of the site has temporarily ceased and land-disturbing activity will be resumed within fifteen (15) days, temporary stabilization measures do not have to be initiated on that portion of the site. Soil stockpiles not stabilized by vegetation must be stabilized or protected with sediment trapping measures to prevent soil loss.

F. Establishment of permanent vegetation. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the Inspector, is mature enough to control soil erosion satisfactorily and to survive seasonal weather conditions. In most cases, a uniform density of at least 70 percent of perennial vegetative cover for the disturbed areas that are unpaved and not covered by a permanent structure will be sufficient.

G. Protection of adjacent properties. Properties adjacent to the site of land-disturbing activity shall be protected from sedimentation. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land-disturbing activity, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

H. Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment on site must be constructed as a first step in grading and be made functional before upslope land-disturbing activity takes place. Earthen structures such as dams, dikes, and diversions must be seeded and mulched within seven (7) days of installation. These measures must be maintained in good working order and must remain in place until such time as the Inspector finds that the area is stabilized.

I. Sediment basins. Stormwater runoff from drainage areas with five (5) acres or greater of area subject to land-disturbing activity must pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity as specified in the Tennessee Erosion and Sediment Control Handbook, latest edition. Sediment basins or traps for smaller areas subject to land-disturbing activity may be required where deemed necessary. The sediment basin requirement may also be waived by the Inspector if site conditions do not warrant its construction. Vegetative measures must be installed from the permanent pool elevation to the top of the berm.

J. Sodding detention ponds, ditches and drainage swales. Sod shall be used on detention ponds, ditches and drainage swales or if velocities warrant stabilization. Stabilization methods other than sod may be approved by the Inspector and/or County Engineer. The owner or developer shall maintain sodded areas until they become established.

K. Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. Slopes which are found to be eroding excessively within one (1) year of project completion must be provided with additional slope stabilizing measures until the erosion is corrected. The following guidelines are provided to aid in developing an adequate design for slopes:

1. Topsoil for the area should be stockpiled and then used for replacement on the graded area.
2. Roughened soil surfaces are generally preferred to smooth surfaces on slopes.
3. Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.
4. Concentrated storm water should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume or slope drain structure.
5. Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.
6. Slopes 2:1 or greater shall be stabilized with erosion control matting or other method(s) approved by the Inspector. The owner or developer shall maintain matted areas until permanent vegetation is established.
7. Steep slopes of 35% grade or greater shall be temporarily stabilized no later than seven (7) days after construction activity on the slope has temporarily or permanently ceased.

L. Protection of storm sewer inlets. All existing storm sewer inlets and/or inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment. All new storm sewer inlets should be properly manufactured with precast warnings as to not allow any draining of chemicals, toxic, or hazardous substances due to draining to waters of the state.

M. Working in or crossing watercourses. Construction vehicles shall be kept out of watercourses. The channel (including bed and banks) must always be stabilized immediately after in-channel work is completed. Where a live (wet) watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing must be provided, the design of which must be approved by the Inspector and the State of Tennessee, where appropriate.

N. Underground utility construction. The construction of underground utility lines shall be subject to the following criteria:

1. Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.
2. Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems or off-site property.

O. Temporary stone construction entrance. Wherever construction access routes intersect paved public roads, provisions must be made to minimize the transport of sediment (e.g., mud) by runoff or vehicle tracking onto the paved surface by clearing the area at the entrance of all vegetation, roots and other objectionable material and placing a TDOT #1 or #2 (1.5" to 3.5" diameter) aggregate stone layer at least six (6) inches thick underlain with filter fabric for a minimum of fifty (50) feet from the edge of the hard surface public road. This entrance shall be a minimum of twenty (20) feet in width and shall be maintained for the duration of the project or until a permanent access drive is constructed. The stone layer shall be replaced or overlain with new stone when necessary to ensure that sediment is not transported off the site. If sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

P. Disposition of temporary practices. All temporary erosion and sediment control practices shall be disposed of within 30 days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise directed by the Inspector. Trapped sediment and other disturbed soft areas resulting from the disposition of temporary practices shall be properly disposed of and/or permanently stabilized to prevent further erosion and sedimentation.

Q. Control measure construction and maintenance standards. The installation and maintenance of erosion prevention and sediment control practices, stabilization practices and structural practices shall be performed in accordance with the standards provided in the Tennessee Erosion and Sediment Control Handbook, latest edition, except where more stringent standards are set forth in this resolution or are required by the Inspector. If periodic inspections or other information indicate that a control measure has been used inappropriately, or incorrectly, the owner or developer must replace or modify the control for relevant site situations. All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to insure continued performance of their intended function.

R. Erosion control before grading begins. Erosion and sediment control practices and measures for the control of other construction related wastes shall be in place and functional before land-disturbing activity begins and shall be constructed and maintained during the entire construction period. Temporary

measures may be removed at the beginning of the work day, but must be replaced at the end of the work day.

S. Responsible person. A specific individual shall be designated to be responsible for erosion and sediment control on each site. This individual shall have a minimum training of the Level I - Fundamentals of Erosion Prevention and Sediment Control Workshop sponsored by TDEC or an approved equivalent course. The responsible person must possess a valid certificate of completion for the Level I course or approved equivalent that is to be kept on site.

T. Inspections. The permit holder shall perform inspections of erosion and sediment control practices weekly in dry periods, before anticipated storm events (or a series of storm events as intermittent showers over one (1) or more days) and within twenty-four (24) hours after any rainfall of one-half (1/2) inch or greater within a twenty-four (24) hour period. During prolonged rainfall, daily inspections shall be performed. Erosion and sediment control shall be repaired as necessary. The permit-holder shall maintain on-site a record of such inspections and repairs.

U. Site Assessment. A site assessment shall be performed for quality assurance of erosion prevention and sediment controls. The assessment shall be performed as per the Tennessee Construction General Permit, latest edition, at each outfall involving drainage totaling ten (10) or more acres or five (5) or more acres if draining to an impaired or exceptional quality waters.

V. Storm water discharge. There shall be no distinctly visible floating scum, oil, or other matter contained in the storm water discharge. The storm water discharge must not cause the receiving stream to change color.

W. Control of other construction related wastes. Owners and developers of land-disturbing activities shall control other construction related wastes, as defined in this resolution, in accordance with the State of Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities, except where more stringent criteria are set forth in this resolution or are required by the Inspector. The discharge of such wastes in stormwater discharges from a land-disturbing activity shall be prevented or minimized in accordance with the formal plan for the site of the activity.

X. Vegetative buffers during construction. An undisturbed, natural vegetative buffer of an average of thirty (30) feet (as measured from the top-of-bank) shall be maintained adjacent to all free-flowing waters of the state, wetlands, lakes, hydraulically connected ponds, etc., during permitted construction. The minimum width of the averaged buffer may be no less than fifteen (15) feet at any measured location.

For permitted construction sites that contain and/or are adjacent to a receiving stream designated as impaired (by the most recent TDEC 303(d) list) or Exceptional Tennessee waters, an average of sixty (60) feet undisturbed, natural vegetative buffer applies measured from the top of the bank. The minimum width of the averaged buffer must be no less than thirty (30) feet at any measured location.

The Inspector may allow a variance with mitigation that is at least as protective of natural resources and the environment or where drainage structures and road crossings must be constructed, provided that adequate erosion control measures are incorporated in the submitted plans. The following requirements shall apply to any such buffer:

1. No land-disturbing activity shall be conducted within the buffer, and the buffer shall remain in its undisturbed state of vegetation until all land-disturbing activity on the site is complete and all disturbed areas on the site are stabilized.
2. Nothing contained in this section shall prevent the County from adopting rules and regulations or resolutions that contain requirements that exceed the minimum requirements in this section.

Y. Stripping, cleaning and grading to be minimized. Stripping of vegetation, grading, and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to a minimum necessary for grading and equipment operation. Preconstruction vegetative cover shall not be destroyed, removed or disturbed more than ten (10) calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface areas.

Z. Dewatering. Discharges from dewatering activities, including but not limited to dewatering of trenches, excavations, and temporary sediment ponds or traps, are prohibited unless managed by appropriate controls. Appropriate controls include, but not limited to: weir tank, dewatering tank, gravity bag filter, sand media particulate filter, cartridge filter, or other control units providing the level of treatment necessary to comply with permit requirements.

AA. Discharges into Impaired or Exceptional Tennessee Waters. For sites containing these type of waterbodies, the SWPPP must be prepared so that erosion prevention and sediment controls used at the site are designed to control stormwater runoff generated by a 5 year, 24 hour storm event as a minimum, either from total rainfall in the design period or the equivalent intensity as specified on the following website [http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn\\_pfds.html](http://hdsc.nws.noaa.gov/hdsc/pfds/orb/tn_pfds.html).

**Section 10. Variations.** The Inspector may waive or modify any of the General Criteria which are deemed inappropriate or too restrictive for site conditions by granting a variance. Variations may be granted in writing under the following conditions:

A. At the time of plan submission, an applicant may request a variance(s) to become part of the final plan. The applicant must set forth the reasons for requesting a variance(s) in writing. Specific variance(s) must be documented on the final plan.

B. During construction, the permit holder may request amendments to the final plan. The amended plan shall be reviewed pursuant to the procedures set forth in Section 6. Until such time as the amended plan is approved by the Inspector, the

land-disturbing activity shall not proceed except in accordance with the original final plan. A response in writing for plan review approving or disapproving such request shall be given within ten (10) working days. Without written approval, no amendment shall be considered valid.

**Section 11. Right of Entry.** The Inspector may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; stream; natural drainage way; or other stormwater system during reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this resolution.

**Section 12. Final inspection and certification of completion.** Upon completion of the work specified in the final plan, the permit holder shall request a final inspection. Final inspection shall occur within five (5) working days of the request. If upon final inspection, the Inspector finds that the permit holder has complied with the requirements of the final plan and that the project has been completed, the Inspector shall issue a certificate of completion and close the grading permit. Should the Inspector find that there has not been compliance; the Inspector shall notify the permit holder of the reason(s) therefore. The permit holder shall then correct any deficiency(ies) and request a final inspection and issuance of a certificate of completion, or the permit holder shall submit security in the form of a cash deposit, letter of credit or other acceptable form of security guaranteeing completion of the work by a certain date. If the permit holder does not comply with the requirements of the final plan and complete the project, such security shall be forfeited, and the County may use the proceeds of the security to employ a contractor to bring the site into compliance with the requirements of the final plan. Should the Inspector conduct three (3) requested final inspections for the same permit without a certificate of completion being issued, the permit holder shall pay to the county a fee of fifty dollars (\$50.00) for each additional inspection conducted by the Inspector thereafter.

**Section 13. Appeals.** Any applicant or permit holder may appeal any decision or interpretation of the provisions of this resolution by the Inspector to the Blount County Board of Zoning Appeals by filing a petition for review with the board within thirty (30) days of such decision or interpretation. Any person aggrieved by a final decision of the board may seek review by a court of competent jurisdiction.

**Section 14. Civil penalty.**

A. Any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector shall be liable for a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per violation and/or failure to comply. Each day during which the violation and/or failure to comply continues shall constitute a separate offense. *See* Tenn. Code Ann. § 68-221-1106(a).

B. The following minimum penalties shall apply to land-disturbing activity which violates any provision of this resolution or any permit condition or limitation:

1. There shall be a minimum penalty of fifty dollars (\$50.00) per day for each violation involving residential construction; and
2. There shall be a minimum penalty of two hundred and fifty dollars (\$250.00) per day for each violation involving land-disturbing activity other than provided in sub-subsection 1. of this subsection B.

C. The Inspector is authorized and empowered to assess a civil penalty against any person or permit holder who violates any provision of this resolution or any permit condition or limitation or who fails to comply with any order issued by the Inspector. Notice of such assessment shall be served upon the person or permit holder incurring the civil penalty in any manner authorized by law.

D. Any person or permit holder incurring a civil penalty may seek review thereof by filing a petition for review with the Blount County Board of Zoning Appeals. If a petition for review of a civil penalty is not filed within thirty (30) days after notice of the civil penalty is served upon the person or permit holder incurring the civil penalty in any manner authorized by law, such person or permit holder shall be deemed to have consented to the civil penalty, and it shall become final. A decision of the Blount County Board of Zoning Appeals may be appealed pursuant to the provisions of title 27, chapter 8 of the Tennessee Code Annotated. *See* Tenn. Code Ann. § 68-221-1106(d).

E. Whenever any civil penalty has become final, the county may apply to the chancery court for the county for a judgment and seek execution on such judgment. Failure to seek review of and/or to appeal a civil penalty shall be treated as a confession of judgment. *See* Tenn. Code Ann. § 68-221-1106(e).

F. In assessing a civil penalty, the Inspector may consider the following factors:

1. The harm done to the public health or the environment;
2. Whether the civil penalty imposed will be a substantial economic deterrent to the prohibited activity;
3. The amount of effort put forth by the person or permit holder incurring the civil penalty to remedy the violation;
4. Any unusual or extraordinary enforcement costs incurred by the County;
5. The amount of penalty established by resolution for specific categories of violations;
6. Any equities of the situation which outweigh the benefit of imposing any civil penalty; and
7. The economic benefit gained by the person or permit holder incurring the civil penalty.

*See* Tenn. Code Ann. § 68-221-1106(b).

G. Any civil penalty incurred by a person or permit holder pursuant to this resolution shall be in addition to any civil penalty that may be assessed by the





# BLOUNT COUNTY GOVERNMENT

## STORMWATER DEPARTMENT

1221 McArthur Road  
Maryville, TN 37804  
Phone: 865-681-9301 Fax: 865-681-9502

# MEMO

**TO:** Blount County Commission  
**FROM:** Justin Teague, Stormwater Program Coordinator  
**DATE:** October 3, 2012  
**RE:** Agenda Item: Proposed Revised Sediment and Erosion Control Resolution

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**I.** Please consider the attached resolution for adoption. This resolution allows the Blount County Stormwater Department the ability to require engineering plans, issue grading permits, and inspect construction sites disturbing one or more acres within the urbanized areas of Blount County. Blount County previously adopted the first draft of this resolution in 2004 and an amended version in 2009. This resolution is required by TDEC to be adopted by November 24, 2012.

Blount County is required to amend the existing Sediment and Erosion Control Resolution as per Tennessee Department of Environment and Conservation (TDEC) requirements for Phase II Small Municipal Separate Storm Sewer Systems (MS4). TDEC has recently adopted their new NPDES General Permit for construction activity. Therefore, Blount County is required to amend our Sediment and Erosion Control Resolution to meet TDEC's current General Construction Permit standards.

**II.** The TDEC permit language requiring the amendment of this resolution is below:

### Small MS4 General NPDES Permit

#### *4.2.4. Construction Site Stormwater Runoff Control*

*a. An ordinance or other regulatory mechanism to require erosion prevention and sediment controls, as well as sanctions to ensure compliance. The ordinance must allow for the maximum penalties per day for each day of violation as specified in TCA 68-221-1106. Modifications to ordinances or other regulatory mechanisms for construction site runoff control program to be consistent with requirements of the current NPDES general permit for construction stormwater runoff must be implemented within 18 months of coverage under this permit. Permit coverage began May 2011. The state permit can be found at link below:*

[http://www.tn.gov/environment/wpc/stormh2o/finals/tns000000\\_ms4\\_phase\\_ii\\_2010.pdf](http://www.tn.gov/environment/wpc/stormh2o/finals/tns000000_ms4_phase_ii_2010.pdf)

**III.** TDEC staff have reviewed the proposed amended resolution and had no concerns with the document.

IV. The amendments to the proposed resolution are listed below in a summary. The existing resolution adopted in 2009 can be viewed for comparison at:

<http://www.blounttn.org/Stormwater/FINAL%20REVISED%20ADOPTED%20EROSION%20CONTROL%20RESOLUTION.pdf>.

**Proposed Sediment and Erosion Control Resolution Changes:**

*Page 3, Sec. 2: Added definition: L. Exception Tennessee Waters*

*Page 3, Sec. 2: Added definition: U. Impaired Waters*

*Page 5, Sec. 2: Added definition: PP. Urbanized Area*

*Page 6, Sec. 4: Added: Further defined land-disturbing activity*

*Page 6, Sec. 4: Added: Further defined project size*

*Page 8, Sec. 6: Added: Who can prepare a formal plan*

*Page 9, Sec. 6 a & b: Added: Updated formal plan requirements*

*Page 10, Sec. 6: Added: Defined construction phasing*

*Page 11, Sec. 7: Added: Proper posting and access to grading permit and related paperwork*

*Page 15, Sec. 9, F: Added: Further defined establishment of permanent vegetation*

*Page 16, Sec. 9, K: Added: Steep slope stabilization guideline*

*Page 17, Sec. 9, S: Added: Further defined responsible person certification*

*Page 18, Sec. 9, U: Added: Site Assessment requirement for contractor*

*Page 18, Sec. 9, X: Amended: Construction buffer requirements*

*Page 19, Sec. 9, Z: Added: Dewatering criteria for construction ponds, trenches, excavations, etc.*

*Page 19, Sec. 9, AA: Added: Engineering design plans for discharges into impaired or exceptional waters*

I can be reached at (865)681-9301 or [jteague@blounttn.org](mailto:jteague@blounttn.org) with any questions or comments you may have in regard to the changes to the existing resolution.

Sincerely,

Justin M. Teague  
Blount County Stormwater Program Coordinator

**RESOLUTION NO. 12-10-008**

**SPONSORED BY COMMISSIONERS JEROME MOON AND GARY FARMER**

**A RESOLUTION TO DISCHARGE CERTAIN COMMITTEES**

**WHEREAS**, the Blount County Legislative Body, assembled in regular session on May 15, 2008, and September 17, 2009, and approved the appointments of members to the Investment Committee; and

**WHEREAS**, the Blount County Legislative Body, assembled in regular session on January 18, 2007, and changed the name of the Fairgrounds Committee to the Expo Committee, and on September 17, 2009, members of the Expo Committee were reappointed; and

**WHEREAS**, the Blount County Legislative Body, assembled in regular session on June 16, 2011, and adopted Resolution No. 11-06-014, authorizing the establishment of a Redistricting Committee; and

**WHEREAS**, since the duties and responsibilities of the Investment Committee, Expo Committee, and Redistricting Committee, have been completed, it is appropriate that these committees should be officially discharged.

**NOW THEREFORE, BE IT RESOLVED** by the Blount County Legislative Body, meeting in regular session at Maryville, Tennessee on this 18<sup>th</sup> day of October, 2012, that the Investment Committee, Expo Committee, and Redistricting Committee, are hereby discharged.

**Duly authorized and approved this 18<sup>th</sup> day of October, 2012.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

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