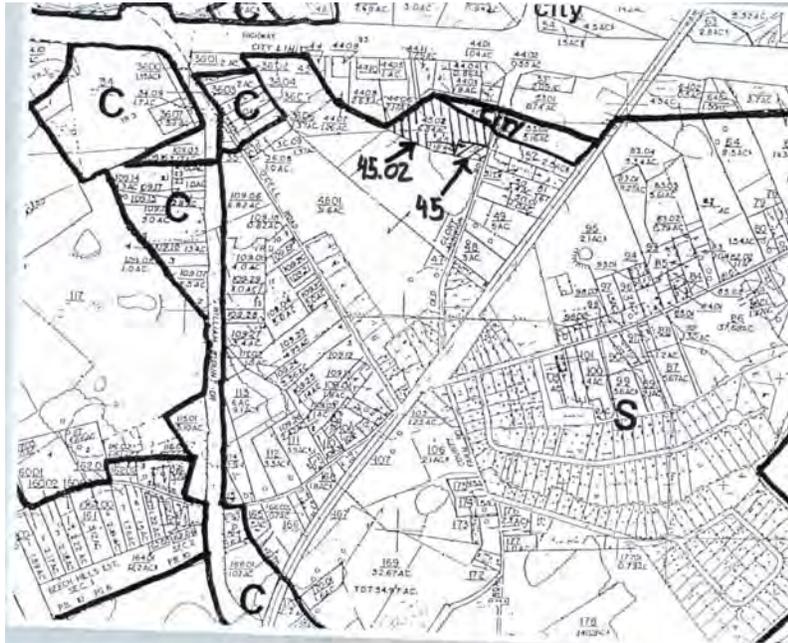


**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from S (Suburbanizing) to C (Commercial) for the property located at 225 & 235 S. Old Glory Road, The property is identified on Tax Map 056 and Parcels 045.00 and 045.02, and is shown hatched on the map below.**



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

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 13-05-003**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from S-Suburbanizing to C-Commercial for the property located at 225 & 235 S. Old Glory Road, being Tax Map 056, Parcels 045.00 and 045.02.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of May, 2013:

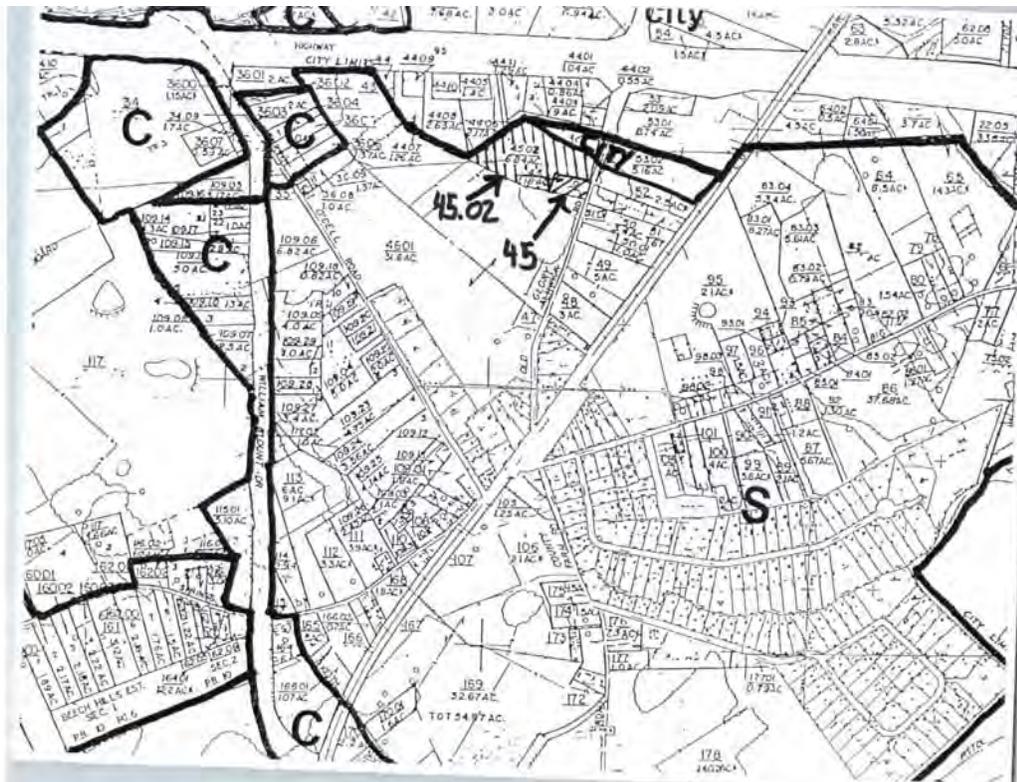
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

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

**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from S-Suburbanizing to C-Commercial for the property located at 225 & 235 S. Old Glory Road, being Tax Map 056, Parcels 045.00 and 045.02, shown hatched on the following map.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Memo

**To:** Blount County Planning Commission  
**From:** Building Commissioner  
**CC:** Other commission members and staff  
**Date:** 3/20/2013  
**Re:** Rezoning Request at 225 & 235 S. Old Glory Road.

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**Background:**

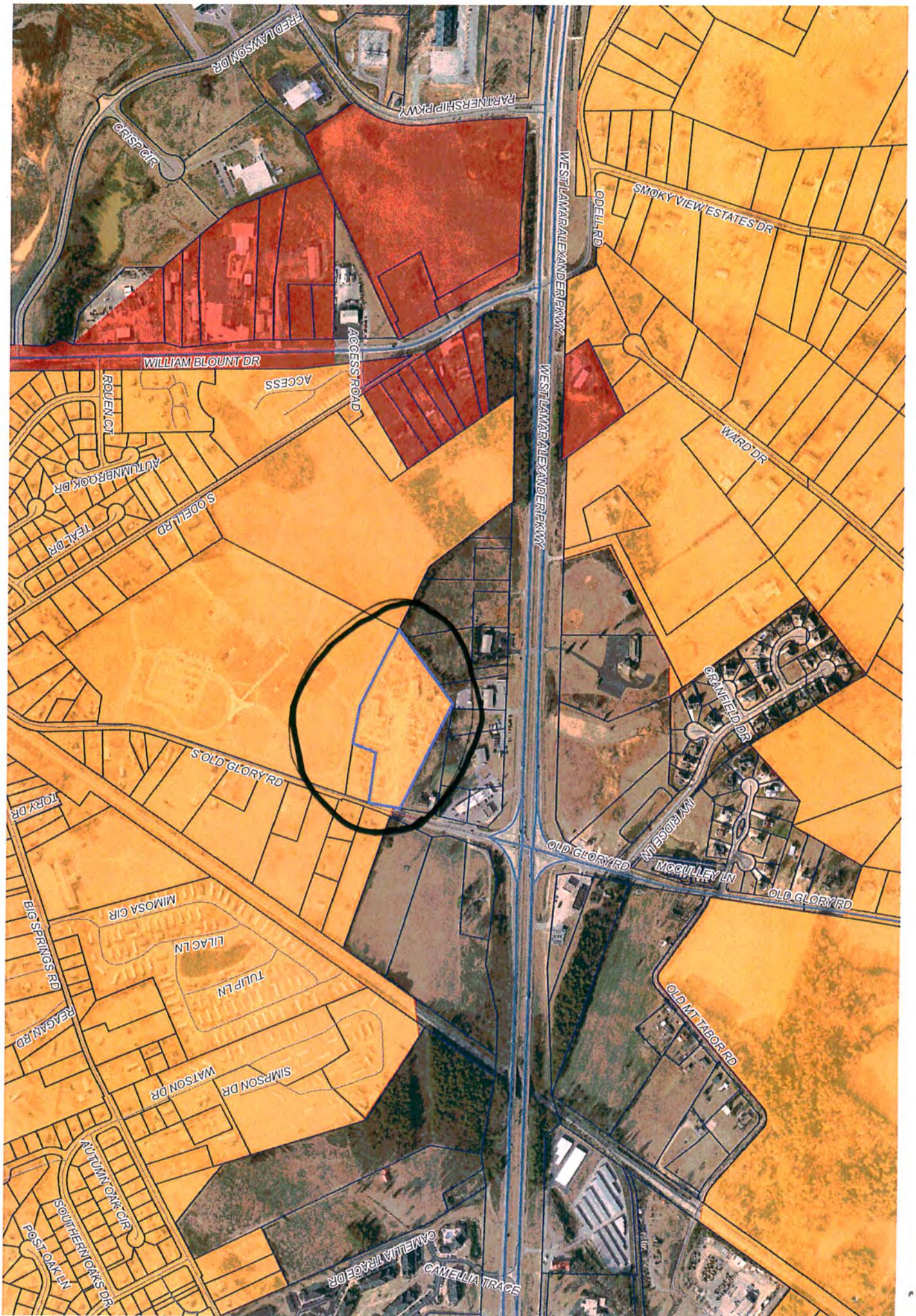
This rezoning request is for the property at 225 & 235 S. Old Glory Road to be rezoned from S-suburbanizing to C-commercial. The property is identified on tax map 056, parcels 045.00 and 045.02.

This property is located on S. Old Glory Road near the intersection with Highway 321. This property abuts property that has been annexed into the City of Maryville, which they have zoned Business/ Transportation. The opposite side of the property is abutted by Mary Blount Elementary School. The section of S. Old Glory Road that runs in front of these two properties is listed as a minor collector road, according to the road plan for Maryville City. These properties are located approximately 620-860 feet from the intersection with Highway 321.

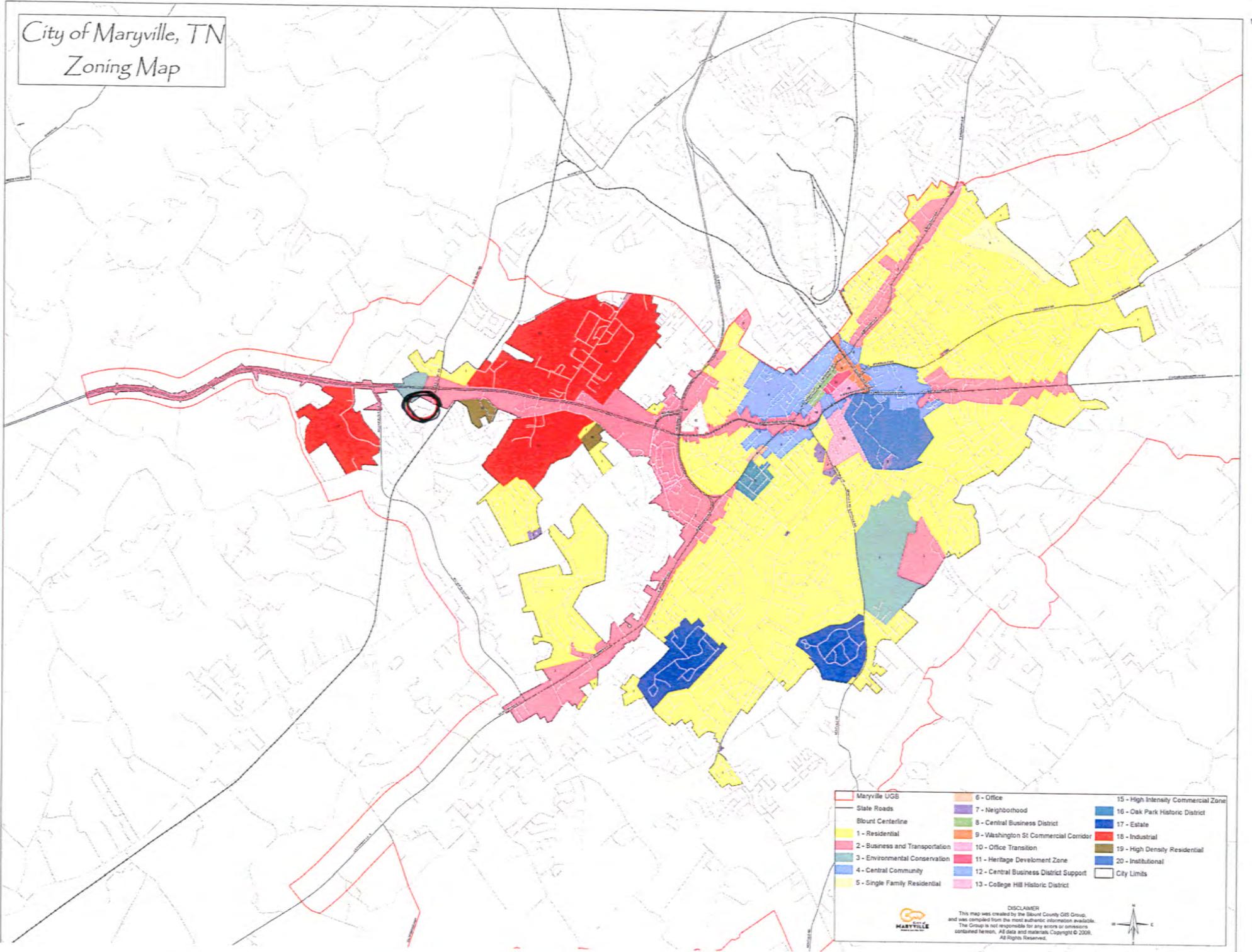
These properties are located in an area that has existing commercially zoned and used properties. Currently parcel 45.02 is listed as commercial on the tax card and parcel 45.00 is listed as residential. They both have road frontage on S. Old Glory Road.

I have included a copy of the zoning map with these two parcels labeled and hatched along with a copy of the GIS map of the area. I have also included a copy of the City of Maryville's zoning map for your review.





City of Maryville, TN  
Zoning Map



**DISCLAIMER**  
 This map was created by the Blount County GIS Group, and was compiled from the most authentic information available. The Group is not responsible for any errors or omissions contained herein. All data and materials Copyright © 2008. All Rights Reserved.





**Development Services**  
416 West Broadway  
Maryville, TN 37801  
(865) 273-3500 phone  
(865) 273-3994 fax  
[www.maryvillegov.com](http://www.maryvillegov.com)

April 16, 2013

Mr. Roger Fields  
1221 McArthur Road  
Maryville, TN 37804

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

Dear Mr. Fields:

On April 15, 2013, the Maryville Regional Planning Commission took action on a proposed amendment to the Blount County Zoning Resolution regarding the rezoning of 225 and 235 S. Old Glory Road from S-suburbanizing to C-commercial. The commission voted unanimously (three members absent) to recommend that the properties be rezoned based on the fact that they have been used for commercial purposes for years and adjacent properties inside the city of Maryville are zoned for commercial uses.

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

Sincerely,

John Jagger, Director  
Development Services

**BLOUNT COUNTY PLANNING COMMISSION  
REGULAR SESSION  
THURSDAY, MARCH 28, 2013  
5:30 P.M.**

The Blount County Planning Commission met in regular session on Thursday, March 28, 2013, at the Courthouse. Staff was represented by: John Lamb - Director of Planning; Doug Hancock - Senior Planner; Roger Fields - Building Commissioner; Jeff Hatcher – Highway Department; Justin Teague, Stormwater Program Coordinator; and Administrative Assistant, Marlene Hodge.

Commissioners Present: David Caldwell – Vice Chairman, Ron French, Brad Harrison, Tom Hodge, Gerald Kirby, Bruce McClellan, Jerry Roddy, Ed Stucky – Chairman, Clifford Walker, and Gordon Wright. Commissioners Absent: Mike Caylor and Geneva Harrison.

The minutes for the February 28, 2013, regular monthly meeting were approved. Minutes were given to members for review prior to the meeting.

**PUBLIC HEARINGS:**

**Rezoning Request Suburbanizing (S zone) to Commercial (C zone) at 225 and 235 South Old Glory Road:**

The owner requested that the property located on Tax Map 056, Parcels 045.00 and 045.02 be rezoned from S-suburbanizing to C-Commercial. The property on one side of the lots has been annexed into the City of Maryville and zoned Business/Transportation and the opposite side is adjacent to Mary Blount Elementary School.

Both parcels have road frontage on S. Old Glory Road and are located in an area that has existing commercially zoned and used properties. Parcel 45.02 is listed as commercial on the tax card and Parcel 45.00 is listed as residential.

No one spoke and the public hearing was closed.

Commissioner McClellan made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Brad Harrison. Motion received unanimous approval.

**HEARINGS:**

**Preliminary Plats – Major Subdivisions:**

**Renewal of preliminary plat for Sparks Cabin Sites off Christy Lane in Laurel Valley: 5 new lots and 1 existing tract (Lane Property) to be served by a private easement:**

The preliminary plat was approved at the March 2010 for 24 months until March of 2012. The plat was renewed for 12 months until March 2013.

This is a proposed five-lot subdivision containing 4.9 acres and is located in the Rural District 1 (R-1) zone. All of the lots are to be served off a shared access easement and are

to be served by electric, a private water system and a shared septic system. The Lane Property is also served by this easement.

Mr. Sparks requested an extension of the preliminary plat approval for an additional 12 months - until March 2014.

Outstanding items to be completed:

1. Variance consideration to allow for the five Sparks lots and Lane Property to be divided off a common driveway Easement. (Variance granted in March of 2010).
2. Copy of a Maintenance Agreement for common driveway, shared septic system and common area maintenance responsibility. Suitable arrangements for maintenance of the private water distribution system.
3. Property Owner's Association documentation to be supplied to staff for review prior to final plat submission, inclusive of maintenance responsibility for these lots for internal Laurel Valley Roads.
4. A preconstruction meeting is required prior to any on-site work. An Erosion Control Plan and any permits to staff. All instructions in this staff analysis for the construction of the common driveway, and paving of entrance.
5. Confirmation by Mr. Lane that he concurs with the division of the Sparks property and understands the limitation from additional lots off the common driveway easement. (Confirmed by Mr. Lane at March 2010 Meeting)
6. Add access easement for common area below shared septic easement on plat and specify on plat that common area may also be used for future well(s).
7. At the March 2012 meeting Mr. Lane reminded staff that the cabin on Lot 5 needed to be moved out of the easement. (During a storm the cabin was moved off its foundation and into the easement.) It has since been partially moved but not completely out of the easement.

Commissioner Kirby made a motion to approve the preliminary plat subject to staff recommendations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Miscellaneous Items:**

**Big Springs Presbyterian Church: 2 lots off Meadow Road. 1 lot with road frontage and 1 lot served by a 25' easement. Variance Request:**

The proposed plat is to divide the Church building and parking lot on one lot and the cemetery on a separate lot. The cemetery lot is to be served by a 25' access easement.

The variance request would be to waive the Health Department evaluation requirements for Lot 2, the cemetery.

Such variances have been granted in the past, giving consideration to the unique use of the property. A note should be placed on the plat concerning limitation of the use of land to cemetery use only for Lot 2.

The property boundary is currently being adjusted through two minor lot line adjustments with adjoining properties.

Outstanding Items to be completed:

1. Consideration of variance request.
2. Placing note on the plat concerning limitation of use.
3. Completion of lot line adjustment plats.
4. Signature plats and \$20.00 per lot platting fee.

Commissioner Hodge made a motion to approve the plat and variance request to waive the Health Department evaluation requirements for the cemetery, Lot 2, subject to completion of the outstanding items; seconded by Commissioner Wright. Motion received unanimous approval.

**David and Sherryl Cooper Property off Charles Young Road: 3 lots. 2 with county road frontage and 1 served by a 25' easement. Variance request to minimum lot size:**

Owners presented a concept plan for review purposes only and consideration of variance request.

The Cooper property is a 2.1 acre parcel and has three residential structures located on the property.

There are currently two homes on Lot 1. One of those homes is going to be removed and replaced on Lot 2. Lot 3 contains one home and the 25' easement serving Lot 2. Lots 2 and 3 are to share driveway access off the easement. The condition of the existing driveway is satisfactory with no additional improvements necessary to meet the intent of the regulations.

In order to divide the owner is requesting the following variances to be granted:

Variance request to the Subdivision Regulations for minimum lot size for Lot 3. While Lot 3 is 32,000 square feet, approximately 9,000 square feet is encumbered by the easement. The subdivision regulations require 30,000 square feet out side of any area of development hindrance (including a driveway easement)

According to the Building Commissioner there are no variances required from the Board of Zoning Appeals per this request.

Mr. Ferguson discussed the situation with staff and agreed in principle that a subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission. Mr. Ferguson will review Lot 3 for adequate reserve area upon preliminary plat submittal and Lot 2 will require a soil map.

Items to be acted on:

1. Consideration of Variance request subject to the Health Department approval.

Commissioner Kirby made a motion to approve the variance request for minimum lot size for Lot 3; seconded by Commissioner Roddy. Motion received unanimous approval.

**LONG RANGE PLANNING:**

**STAFF REPORTS:**

Members were reminded of upcoming training opportunities and of the training session immediately following the Planning Commission Meeting.

**ADJOURNMENT:**

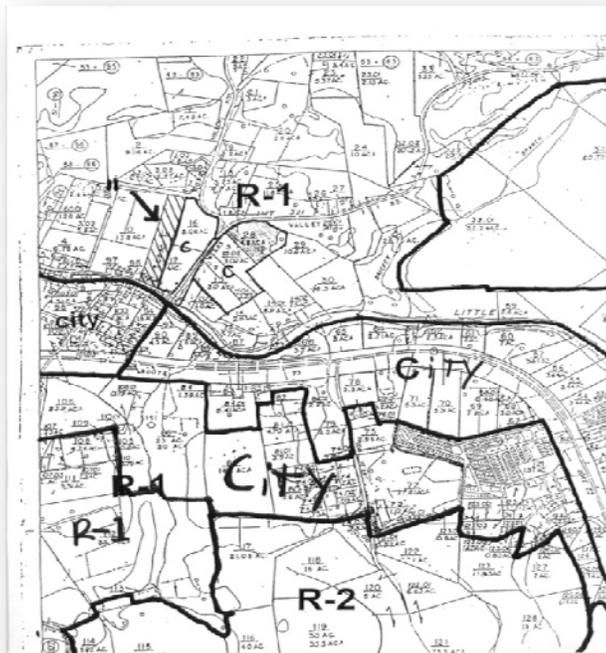
There being no further business to conduct, the Chairman declared the meeting adjourned.

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Secretary

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from R-1 (Rural District 1) to C (Commercial) for the property located on Cedar Creek Road, The property is identified on Tax Map 097 and Parcel 011.00, and is shown hatched on the map below.**



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

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 13-05-004**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 to C-Commercial for the property located on Cedar Creek Road, being Tax Map 097, Parcel 011.00.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of May, 2013:

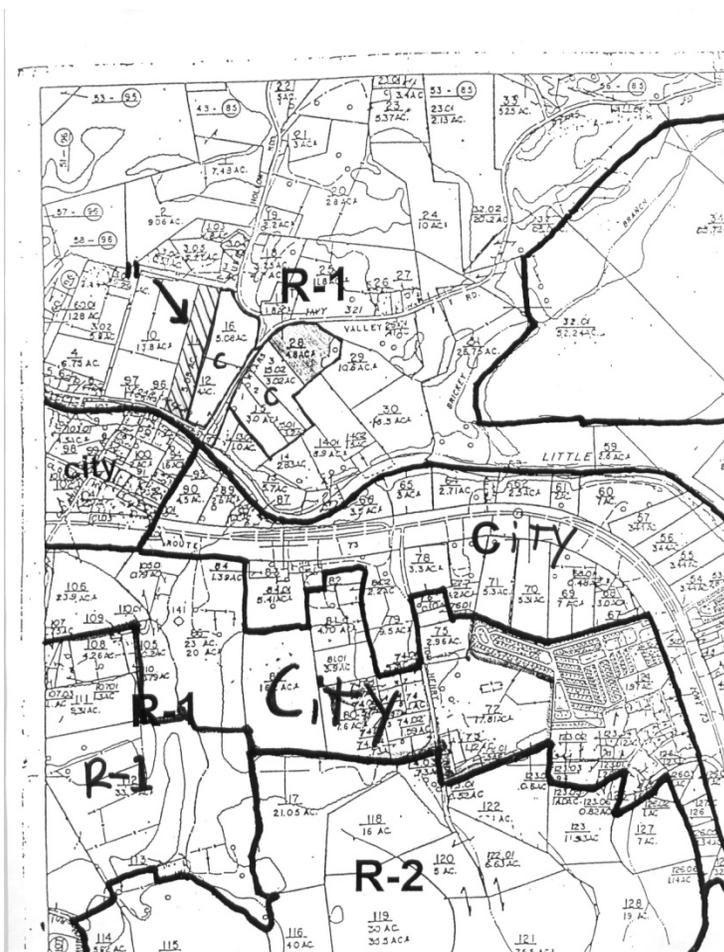
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

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

**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from R-1-Rural District 1 to C-Commercial for a portion of the property located on Cedar Creek Road, being Tax Map 097, Parcel 011.00, shown hatched on the following map.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Memo

To: Blount County Planning Commission  
From: Building Commissioner  
CC: Other commission members and staff  
Date: 2/20/2013  
Re: Rezoning Request on Cedar Creek Road.

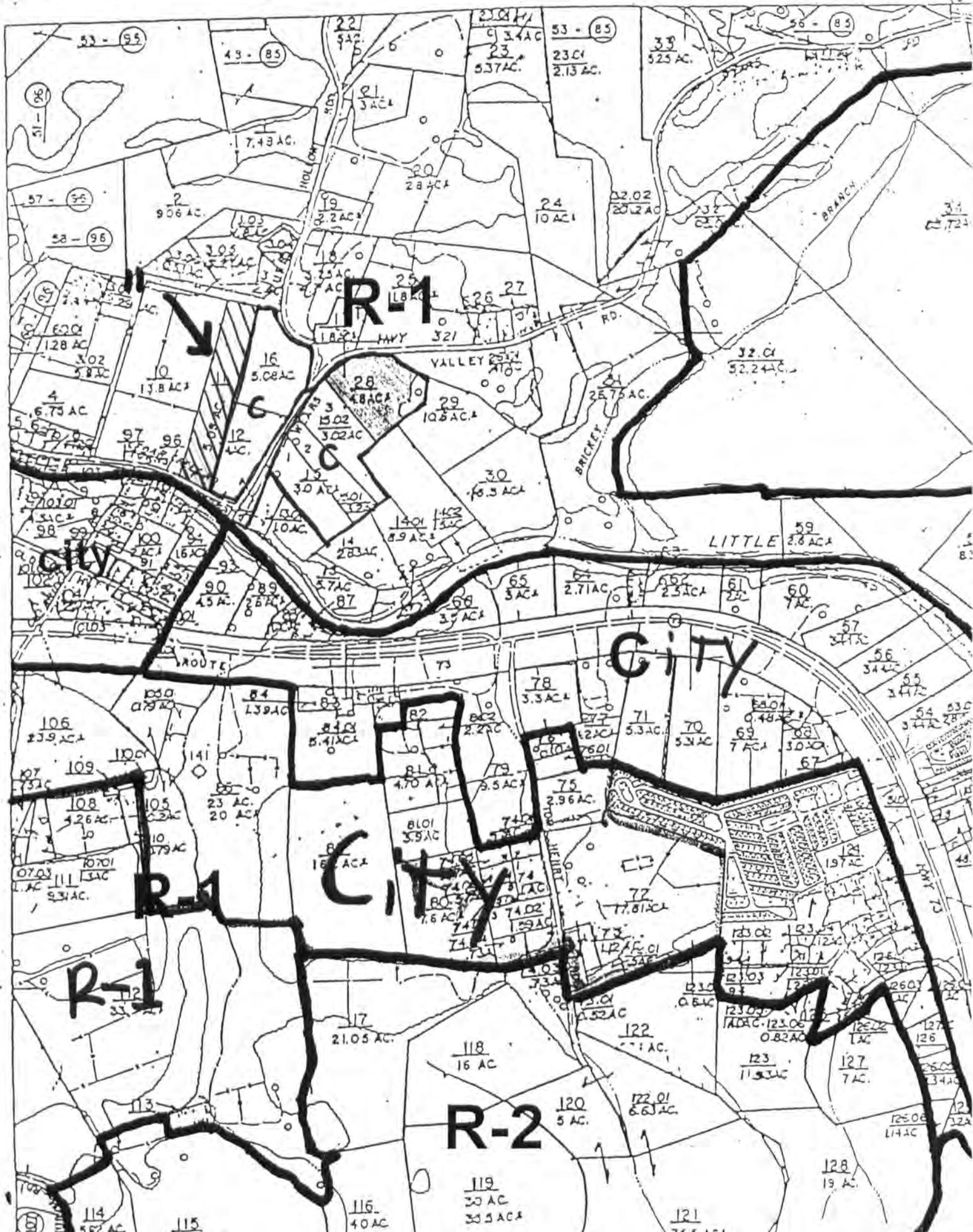
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## **Background:**

This request is to rezone the property on Cedar Creek Road near the intersection of Wears Valley Road to C-commercial from R-1-rural district one. The property is identified on tax map 097 and parcel 011.00. This property is currently located between commercially zoned property and an existing grandfathered campground.

The owner of this property also owns the property at 205 Wears Valley Road. That property is identified on tax map 097 and parcel 012.02, which currently houses a tubing business. The property owner has a plat to combine the parcel in question with the lot at 205 Wears Valley Road in order for the lot in question to have access onto Wears Valley Road, which is an arterial road. I have included a copy of that plat, but it has not been approved at this time. The combination of these parcels would allow parcel 011.00 to have the frontage on an arterial status road, which is better suited to handle commercial traffic than Cedar Creek Road. This request is consistent with the zoning and use of the properties that are located in that immediate area.

There is a small portion of this parcel that extends across Cedar Creek Road that lies on the bank of the Little River. This portion of the lot has not been included in this report simply because it is not suitable for development. I have attached the zoning map and the survey I mentioned for your review.



**CERTIFICATION FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulation for the Blount County Planning Region, with the exception of such variances, if any, as noted in the minutes of the planning commission, and that it has been approved by that body for recording in the office of the county register.

Secretary Planning Commission      Date

**CERTIFICATION OF OWNERSHIP AND DEDICATION**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL RIGHTS-OF-WAY, STREETS, ALLEYS, WALKS, EASEMENTS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

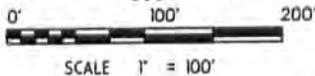
DATE      SO  
OWNER  
OWNER

**CERTIFICATION OF ACCURACY**

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Blount County Planning Commission and that the monuments have been placed as shown hereon to the specifications of the Blount County Subdivision Regulations.

Registered Surveyor      DATE

BIG MEADOW  
CAMPGROUND



6.16 AC.(T)

BIG MEADOW  
CAMPGROUND

TRACT 1

I HEREBY CERTIFY THAT I HAVE CONSULTED THE F.E.M.A. FLOOD MAP 47009C031K AND HAVE FOUND THAT THE SHOWN PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOOD ZONE.

RICK YOUNGER

S 70°24'33"E  
193.51'

FANCHER  
540/525

Line	Bearing	Distance
1	S 33°03'41"W	75.17'
2	N 21°16'42"E	58.89'
3	N 21°26'02"E	54.10'

N 21°27'21"E  
1062.75'

S 21°16'42"W  
978.31'



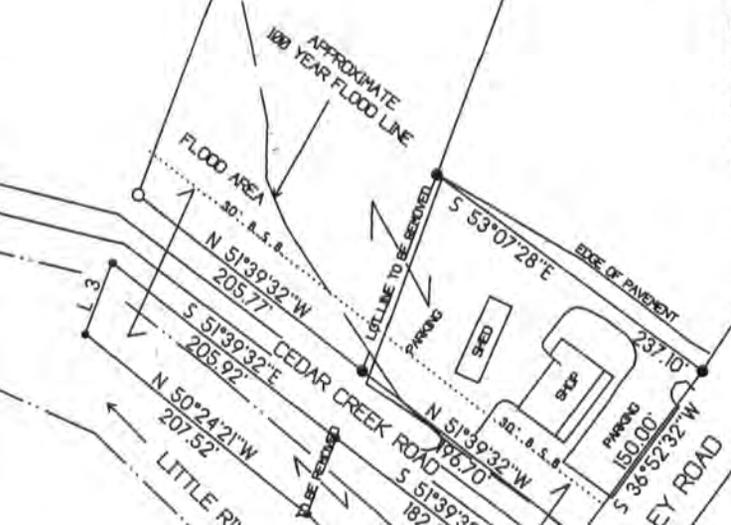
**CERTIFICATION**  
I HEREBY CERTIFY THAT THIS IS A FIELD SURVEY TO ESTABLISH THE BOUNDARY ONLY, BEING A TENNESSEE CATEGORY 3 WITH A CLOSURE OF 1:10,000 OR BETTER. I CERTIFY THAT THIS PLAT SHOWS ONLY ENCROACHMENTS, RIGHT OF WAYS AND EASEMENTS WHICH ARE OBVIOUS IN FIELD OR CALLED FOR IN LATEST RECORDED DEED, FLOOD DATA AND UNRECORDED EASEMENT ARE NOT PART OF CERTIFICATIONS. NO TITLE WORK WAS FURNISHED AND THE DOCUMENT USED TO ESTABLISH THIS BOUNDARY ARE SHOWN ON DRAWING. THERE MAY BE OTHER DOCUMENTS THAT WILL AFFECT THIS PROPERTY. THIS SURVEY AND CERTIFICATION IS TO THE OWNER OF PROPERTY AND THE PERSON WHO THE SURVEY WAS PREPARED FOR (AS STATED ON SURVEY) AND DOES NOT TRANSFER. THIS CERTIFICATION EXPIRES 4 YEARS FROM DATE OF SURVEY OR DATE OF UPDATE.

RICK YOUNGER RLS #1422

**LEGEND**

- EXISTING IRON PIN (EIP)
- NEW IRON PIN (NIP)
- NOT SET OR INACCESSIBLE POINT

SKINMORE PROPERTY



**BLOUNT COUNTY PLANNING COMMISSION  
REGULAR SESSION  
THURSDAY, FEBRUARY 28, 2013  
5:30 P.M.**

The Blount County Planning Commission met in regular session on Thursday, February 28, 2013, at the Courthouse. Staff was represented by: John Lamb - Director of Planning; Doug Hancock - Senior Planner; Roger Fields - Building Commissioner; Jeff Hatcher – Highway Department; and Administrative Assistant, Marlene Hodge.

Commissioners Present: David Caldwell – Vice Chairman, Ron French, Brad Harrison, Geneva Harrison, Tom Hodge, Gerald Kirby, Bruce McClellan, Jerry Roddy, Ed Stucky – Chairman, Clifford Walker, and Gordon Wright. Commissioner Absent: Mike Caylor.

The minutes for the January 24, 2013, regular monthly meeting were approved. Minutes were given to members for review prior to the meeting.

**PUBLIC HEARINGS:**

**Rezoning Request Suburbanizing (S zone) to Commercial (C zone) at 228 Keith Road:**

The owner requested the property to be rezoned from S-suburbanizing to C-commercial. This property is identified on Tax Map 056, Parcel 171.00, and is approximately one acre in size. The property is located in an area of other commercially zoned properties along William Blount Drive. Rezoning would be contiguous with the commercial zone in that immediate area and would be consistent with the zoning map. Two of the five properties located on Keith Road are already zoned C-commercial.

Keith Road is a short dead end road that ranges from thirty feet in width to seventeen feet in width. The driveway to this property is approximately two hundred feet from William Blount Drive, but the property corner is approximately seventy feet from William Blount Drive.

This property is currently taxed as residential and has a vacant home on it. The property owner has stored several cars on this property while construction is being done at the site of his used car lot. He assured Roger Fields that he is not conducting business there, but only using it for temporary storage and will be removing them once the construction is done.

County Commissioner Holden Lail spoke for two constituents regarding the rezoning, one for and one against the rezoning as well as a personal interest since the family farm surrounds the property. Mr. Lail and family members, Allen Lail and Brent Lail, are opposed to the rezoning.

Shannon Cheshire, Roland Zehendner, and Betty Maynard also spoke against the rezoning.

Those opposed of the rezoning did not want a car lot in that area and had concerns regarding the increase in traffic, the potential of more crime on that property and to surrounding properties, and would like to keep the area as is.

No one else spoke and the public hearing was closed.

Commissioner Hodge inquired if the property had frontage on William Blount Drive and wanted to verify that if the property was rezoned to Commercial that any commercial use would be allowed not just a car lot. Mr. Fields stated that the property did not have frontage on William Blount Drive. A list of commercial uses is available in the zoning regulations.

The rezoning and surrounding parcels were discussed.

Commissioner Kirby made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Brad Harrison. Roll call vote was taken:

Commissioner Caldwell - No	Commissioner Kirby - Yes
Commissioner Caylor - Absent	Commissioner McClellan – No
Commissioner French - No	Commissioner Roddy - No
Commissioner Brad Harrison - Yes	Commissioner Stucky - Yes
Commissioner Geneva Harrison - Yes	Commissioner Walker - Yes
Commissioner Hodge - No	Commissioner Wright - Yes

Motion to forward the rezoning request with a favorable recommendation was approved with 6 yes, 5 no, and 1 absent.

#### **Rezoning Request at corner of Wears Valley Road and Cedar Creek Road:**

Owners requested to rezone the property near the intersection of Wears Valley Road to C-Commercial from Rural District 1 (R-1 zone), identified on Tax Map 097, Parcel 011.00. This property is currently located between commercially zoned property and an existing grandfathered campground. The owner of this property also owns the property at 205 Wears Valley Road, identified on Tax Map 097, Parcel 012.02, which currently houses a tubing business. This request is consistent with the zoning and use of the properties that are located in that immediate area.

The property owner has a plat to combine the parcel in question with the lot at 205 Wears Valley Road in order for the lot in question to have access onto Wears Valley Road. The combination of these parcels would allow Parcel 011.00 to have the frontage on an arterial status road (Wears Valley Road), which is better suited to handle commercial traffic. The plat has not been approved at this time.

A small portion of this parcel that extends across Cedar Creek Road lies on the bank of the Little River. This portion of the lot was not been included in the staff memo because it is not suitable for development.

No one spoke and the public hearing was closed.

Commissioner Wright made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Roddy. Motion received unanimous approval.

#### **HEARINGS:**

### **Preliminary and Final Plats – Minor Subdivisions:**

#### **Revised Robert Hearon Property off of Murphy Road by Bob Hearon, 3 lots: 2 with frontage along the county road and 1 to be served exclusively by a common driveway easement:**

The Robert Hearon Plat was approved as a revised preliminary plat at the December 2012 special called meeting. At that time the plat consisted of four lots, 2 with road frontage and two to be served exclusively by a common driveway easement. Prior to that, the Concept Plan was presented to the planning commission at the September 2012 regular meeting as a 7 lot subdivision of the Raymond Beasley Property.

The Robert Hearon Property is now a proposed 3 lot subdivision containing 5.2 acres off Murphy Road. A portion of the property containing the floodplain has been added to a neighbors parcel and is no longer part of this proposed subdivision. (Staff memo was sent to members for review prior to the meeting.)

Lots 1 and 3 have road frontage along the county road and Lot 2 is to be served exclusively by a 25 foot common driveway easement across the flag stem of Lot 3. There is an existing home on Lot 1. This parcel is in the R-1 zone and all of the lots meet the minimum lot size requirements.

No construction activity is required for final plat approval. Any future driveway construction shall be the responsibility of the owner. While an erosion control plan is not required, erosion control measures should be employed during driveway construction. The owner shall contact the highway department prior to construction of a new driveway access along Murphy Road.

#### **Outstanding items to be completed:**

1. Copy of modified Maintenance Agreement to be supplied to staff prior to releasing the final plat.
2. Signature plats with all certifications including water and electric utilities.
3. \$20. 00 per lot platting fee.

Commissioner McClellan made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Kirby. Motion received unanimous approval.

#### **Amended Road Plat for Joe Pye Lane. A private Road in Singing Brook Subdivision owned by the Singing Brook Conservancy:**

The Singing Brook Subdivision was approved as a 15 lot subdivision with open space and a one way private gravel road to serve all of the lots in 2005. In 2010, the Singing Brook Cottages Subdivision was approved by the planning commission adding 7 more lots. From the original final plat in 2005 and the later in 2010 the private gravel road was paved by the owners. In order to confirm the road was build to county standards for a private paved road; planning staff requested a study of the road be presented by the owners. Upon completion of the road report, the County Engineering Department confirmed the road had been

constructed to meet the standards of a paved private roadway and the final plat for the Singing Brook Cottages was approved allowing the additional 7 lots to be recorded.

The owners have acquired an adjacent parcel owned by the David Long Trustee and the intent is to add two tracts with the remainder of the David Long trustee property to have access along Joe Pye Lane. In order to add the new lots, the Singing Brook Conservancy is widening the private road right-of-way along a section of Joe Pye Lane.

The Singing Brook Conservancy wants to add large lots off of the neighboring tract to be included into the private road subdivision. The status of the private road and condition of the roadway meet the requirements for further subdivision. West Millers Cove Road meets the standards for the additional tracts. Any additional tracts off of Joe Pye Lane shall be jointly responsible for the maintenance of the private road or be a part of the same maintenance regime as determined by the owners.

Outstanding items to be completed:

1. Signature plats with all certifications.

Commissioner Wright made a motion to approve the preliminary and final plat subject to completion of all certifications; seconded by Commissioner Brad Harrison. Motion received unanimous approval.

**Beall Property, Tract 2 and 4 by David Long, Trustee: 2 large tracts and a remainder greater than 5 acres off of Joe Pye Lane (private road).**

The proposed Beall Property off of Joe Pye Lane contains 2 large tracts with a total of 19.5 acres and a remainder greater than five acres. Tract 2 will have road frontage along the private road right-of-way of Joe Pye Lane. Tract 4 is to be served by a 25' driveway easement across the remainder of the David Long Trustee property.

The regulations state that a one-lot subdivision with an easement does not require the easement to be improved; therefore the driveway to Tract 4 does not need to be constructed for final plat consideration.

The proposed preliminary and final plat was reviewed inclusive of subdivision regulations for large tracts along an existing private road easement with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats and a \$20 per lot platting fee.

Commissioner Kirby made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Walker Property (re-plat) off Rudd Hollow Road by Dan Walker: 3 lots with county road frontage:**

The Walker Property is a proposed 3 lot re-plat containing 16.4 acres along Rudd Hollow Road and Lizzie Lane. The parcel is in the R-1 zone and none of the parcel is located in a floodplain. All three of the lots have county road frontage and adequate sight distance. Tract 3 is being made larger with a portion of both Tracts 1 and 2.

The proposed subdivision has been reviewed inclusive of subdivision regulations for small lots with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats, including water and electric, and a \$20.00 per lot platting fee.

Commissioner McClellan made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Wright. Motion received unanimous approval.

**Miscellaneous Items:**

**Charles Lunsford Property by Charles Lunsford off Calderwood Highway. 2 Lots with Road Frontage along Calderwood Highway. Variance Request for lots in the floodplain:**

The Lunsford property is a 1.6 acre parcel located along Calderwood Highway (Hwy. 129) and currently has two residential structures located on the property.

The owner would like to subdivide the parcel in order to separate the two homes onto two separate lots. According to the FEMA flood map, the entire parcel is located within the 100 year flood plain. In order to do divide the owner is requesting the following variances to be granted:

- Variance request to the Subdivision Regulations for minimum lot size for lot 2 from 30,000 square feet to 26,250 square feet.
- Variance request to the subdivision regulations that requires all lots to have a buildable area outside of the floodplain.
- Variance to minimum frontage along a minor arterial, from 150 feet to 142 feet for Lot 1 and 99 feet for Lot 2.

According to the Building Commissioner there are no variances required from the Board of Zoning Appeals per this request.

Mr. Ferguson has discussed the situation with staff, and agreed in principle that subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission.

Outstanding items to be completed:

1. Consideration of Variance requests.
2. An updated plat showing the front setback and dedication of right-of-way off of Calderwood Highway.

3. Signature plats and a \$20 per lot platting fee.
4. The owner is responsible for contacting TDOT for any additional driveway connections.

Commissioner McClellan wanted to verify that the flood information will be on the plat. Staff stated that a note will be added indicating that the entire area is in the floodplain.

Commissioner Kirby made a motion to approve the variances to minimum lot size, the subdivision regulations that requires all lots to have a buildable area outside of the floodplain, and to minimum frontage along a minor arterial, with an addition of a floodplain statement to the plat and a note indicating that if the current buildings are removed any new structures must meet current FEMA regulations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Shultz Property off Boat Gunnel Road by Randy Shultz. 3 lots, 2 lots served exclusively off of a 25' common driveway easement. Variance Request to minimum lot size:**

This property is a 2.6 acre parcel and currently has three residential structures located on the property. The owner wishes to subdivide the parcel to separate the two homes on Lot 1 onto two separate lots. Lot 1 is a flag lot and a 25 driveway easement serves Lot 2.

This proposal would add a second lot to be served exclusively off of the easement. This meets with the common driveway requirements and the condition of the existing driveway is satisfactory with no additional improvements necessary to meet the intent of the regulations.

The owner is requesting a variance to the Subdivision Regulations for minimum lot size for the two new lots created from Lot 1, 30,000 square feet to approximately 20,000 square feet for the smaller lot and approximately 37,000 square feet for the larger.

According to the Building Commissioner there are no variances required from the Board of Zoning Appeals per this request.

Staff notes precedent in granting variances to allow the subdivision of lots with assumption that this would accommodate an existing constructed situation. To insure full disclosure of lot situation, approval could be with condition that the plat include Environmental Department certification of reserve septic capability for the two new lots and any easements noted on the plat for septic that crosses the new property line.

Outstanding items to be completed:

1. Consideration of Variance requests.
2. An updated plat showing the proposed division.
3. Signature plats and a \$20 per lot platting fee.

Commissioner Wright made a motion to approve the variance request subject to completion of the outstanding items, seconded by Commissioner Geneva Harrison. Motion received unanimous approval.

**LONG RANGE PLANNING:**

**Proposed Plan Rural Resort District:** This proposal is already in process in the County Commission and a public hearing has been set for March 21, 2013. The State Statutes requires that the Planning Commission make a recommendation before the County Commission can vote on final approval of the amendment resolution. Staff memo and a copy of the resolution were given to members for review prior to the meeting.

The proposed amendment is for a resort type of overall low to moderate density development, and may be considered as consistent with preserving rural character, in the context of a gateway to the Great Smoky Mountains National Park.

One issue concerns the road infrastructure. West Millers Cove Road may be considered adequate for higher order development but at present is classified as a local road. (Most of the plans refer to a context of a collector status road.) The Blount County Major Road Plan may need to be amended to reclassify West Millers Cove Road as collector status for consistency between plans and proposal. Consideration for the collector status road for West Millers Cove Road would be from Highway 321 (East Lamar Alexander Parkway) to Mountain Homes Subdivision property line.

Staff recommended consideration of the resolution and recommendation to County Commission and to reclassify West Millers Cove Road as a collector status road.

Commissioner Hodge made a motion to set a public hearing for April 4 at 5:30 P.M. for consideration to reclassify West Millers Cove Road from a local road to a collector status road; seconded by Commissioner Walker. Motion received unanimous approval.

Commissioner Hodge made a motion to forward the resolution as written (amending the Zoning Regulations by adding a new Planned Rural Resort District) to the County Commission with a favorable recommendation, seconded by Commissioner Wright. Motion received unanimous approval.

**STAFF REPORTS:**

Staff verified that members agreed to have training after the regular meetings. Training is tentative scheduled to follow the next meeting.

**ADJOURNMENT:**

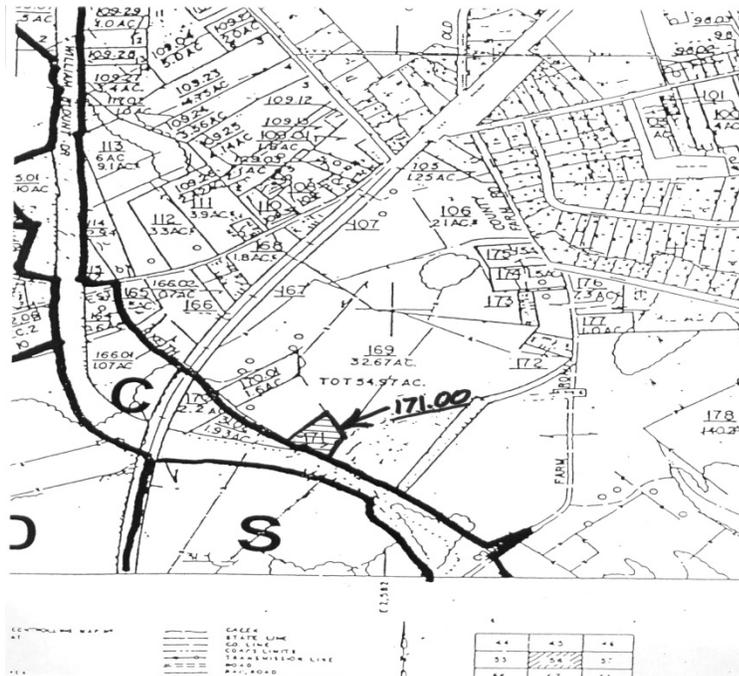
There being no further business to conduct, the Chairman declared the meeting adjourned.

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Secretary

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from S (Suburbanizing) to C (Commercial) for the property located at 228 Keith Road, The property is identified as part of Tax Map 056 and Parcel 171.00, and is shown hatched on the map below.**



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

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 13-05-005**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from S-Suburbanizing to C-Commercial for the property located at 228 Keith Road, being Tax Map 056, Parcel 171.00.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of May, 2013:

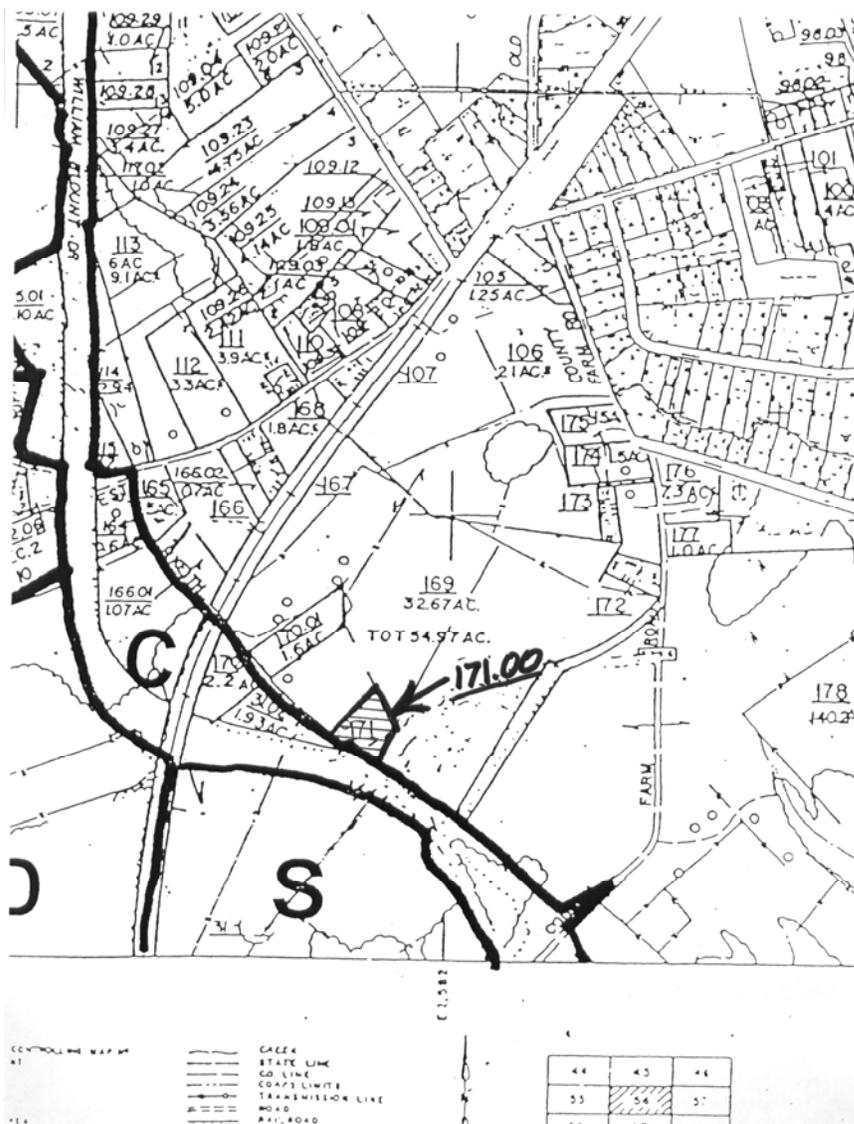
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

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

**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from S-Suburbanizing to C-Commercial for the property located at 228 Keith Road, being Tax Map 056, Parcel 171.00, shown hatched on the following map.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Memo

**To:** Blount County Planning Commission  
**From:** Building Commissioner  
**CC:** Other commission members and staff  
**Date:** 2/20/2013  
**Re:** Rezoning Request at 228 Keith Road.

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## **Background:**

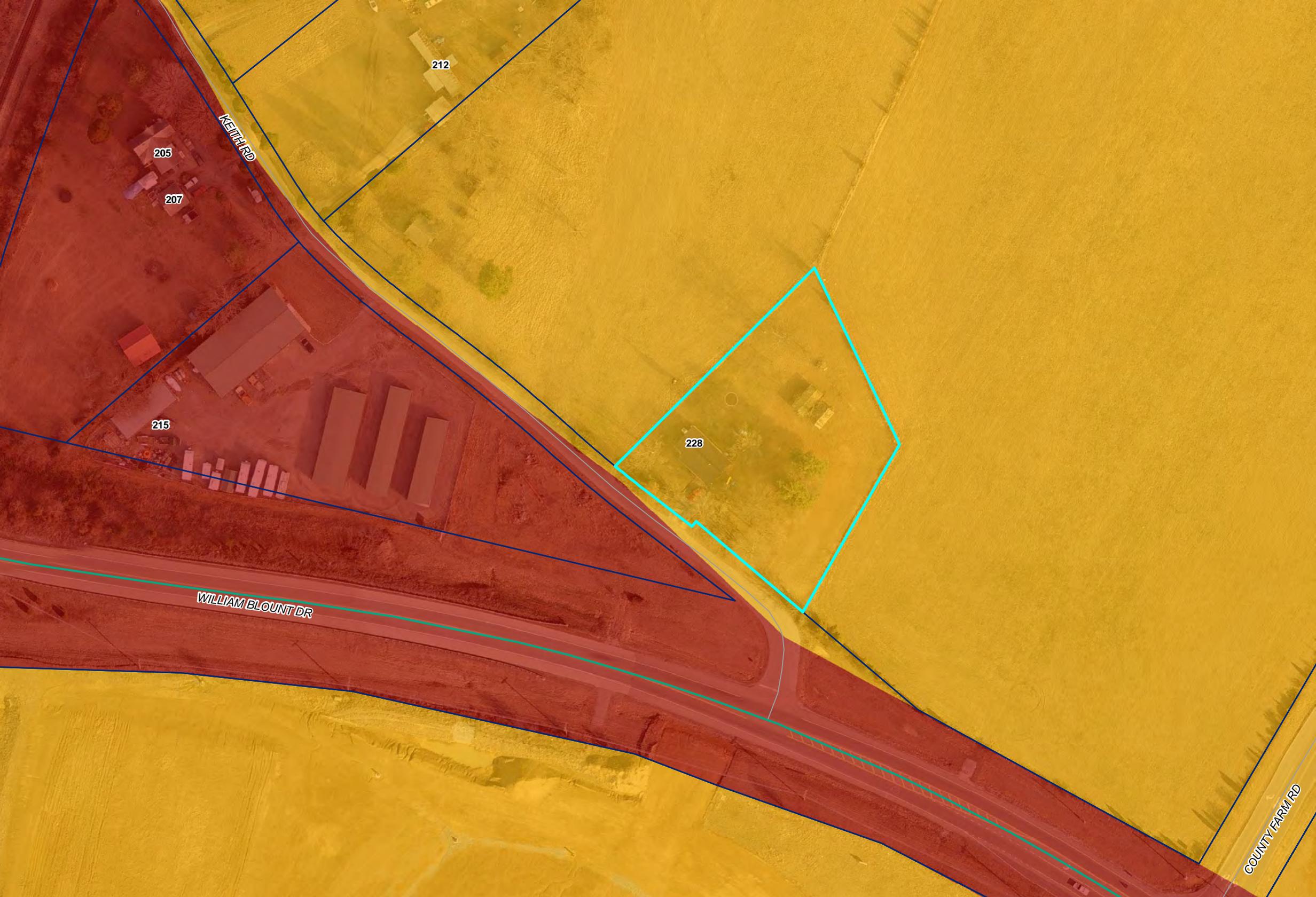
This rezoning request is for the property at 228 Keith Road to be rezoned from S-suburbanizing to C-commercial. The property is identified on tax map 056, parcel 171.00, and is approximately 1 acre in size.

This property is located in an area of other commercially zoned properties along William Blount Drive. Rezoning would be contiguous with the commercial zone in that immediate area and would be consistent with our zoning map. Two of the five properties located on Keith Road are already zoned C-commercial and this property has the closest access to William Blount Drive. Directly across the street from this property is a commercially zoned property that currently houses a self storage business.

Keith Road is a short dead end road that ranges from thirty feet in width to seventeen feet in width at the entrance to the self storage business. The driveway to this property is approximately two hundred feet from William Blount Drive, but the property corner is approximately seventy feet from William Blount Drive.

This property is currently taxed as residential and has a vacant home on it. The property owner has stored several cars on this property while construction is being done at the site of his used car lot. He has assured me that he is not conducting business there, but only using it for temporary storage and will be removing them once the construction is done. The property in question is shown hatched on the following map.





212

205

207

215

228

KETH RD

WILLIAM BLOUNT DR

COUNTY FARM RD



**Development Services**  
416 West Broadway  
Maryville, TN 37801  
(865) 273-3500 phone  
(865) 273-3994 fax  
[www.maryvillegov.com](http://www.maryvillegov.com)

March 28, 2013

Mr. Roger Fields  
1221 McArthur Road  
Maryville, TN 37804

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

Dear Mr. Fields:

On March 25, 2013, the Maryville Regional Planning Commission took action on an amendment to the Blount County Zoning Resolution regarding the rezoning of 228 Keith Road from S-suburbanizing to C-commercial. The commission voted unanimously (two members absent) to recommend that the rezoning be denied based on there being no commercial properties on the north side of Keith Road.

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

Sincerely,

John Jagger, Director  
Development Services

**BLOUNT COUNTY PLANNING COMMISSION  
REGULAR SESSION  
THURSDAY, FEBRUARY 28, 2013  
5:30 P.M.**

The Blount County Planning Commission met in regular session on Thursday, February 28, 2013, at the Courthouse. Staff was represented by: John Lamb - Director of Planning; Doug Hancock - Senior Planner; Roger Fields - Building Commissioner; Jeff Hatcher – Highway Department; and Administrative Assistant, Marlene Hodge.

Commissioners Present: David Caldwell – Vice Chairman, Ron French, Brad Harrison, Geneva Harrison, Tom Hodge, Gerald Kirby, Bruce McClellan, Jerry Roddy, Ed Stucky – Chairman, Clifford Walker, and Gordon Wright. Commissioner Absent: Mike Caylor.

The minutes for the January 24, 2013, regular monthly meeting were approved. Minutes were given to members for review prior to the meeting.

**PUBLIC HEARINGS:**

**Rezoning Request Suburbanizing (S zone) to Commercial (C zone) at 228 Keith Road:**

The owner requested the property to be rezoned from S-suburbanizing to C-commercial. This property is identified on Tax Map 056, Parcel 171.00, and is approximately one acre in size. The property is located in an area of other commercially zoned properties along William Blount Drive. Rezoning would be contiguous with the commercial zone in that immediate area and would be consistent with the zoning map. Two of the five properties located on Keith Road are already zoned C-commercial.

Keith Road is a short dead end road that ranges from thirty feet in width to seventeen feet in width. The driveway to this property is approximately two hundred feet from William Blount Drive, but the property corner is approximately seventy feet from William Blount Drive.

This property is currently taxed as residential and has a vacant home on it. The property owner has stored several cars on this property while construction is being done at the site of his used car lot. He assured Roger Fields that he is not conducting business there, but only using it for temporary storage and will be removing them once the construction is done.

County Commissioner Holden Lail spoke for two constituents regarding the rezoning, one for and one against the rezoning as well as a personal interest since the family farm surrounds the property. Mr. Lail and family members, Allen Lail and Brent Lail, are opposed to the rezoning.

Shannon Cheshire, Roland Zehendner, and Betty Maynard also spoke against the rezoning.

Those opposed of the rezoning did not want a car lot in that area and had concerns regarding the increase in traffic, the potential of more crime on that property and to surrounding properties, and would like to keep the area as is.

No one else spoke and the public hearing was closed.

Commissioner Hodge inquired if the property had frontage on William Blount Drive and wanted to verify that if the property was rezoned to Commercial that any commercial use would be allowed not just a car lot. Mr. Fields stated that the property did not have frontage on William Blount Drive. A list of commercial uses is available in the zoning regulations.

The rezoning and surrounding parcels were discussed.

Commissioner Kirby made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Brad Harrison. Roll call vote was taken:

Commissioner Caldwell - No	Commissioner Kirby - Yes
Commissioner Caylor - Absent	Commissioner McClellan – No
Commissioner French - No	Commissioner Roddy - No
Commissioner Brad Harrison - Yes	Commissioner Stucky - Yes
Commissioner Geneva Harrison - Yes	Commissioner Walker - Yes
Commissioner Hodge - No	Commissioner Wright - Yes

Motion to forward the rezoning request with a favorable recommendation was approved with 6 yes, 5 no, and 1 absent.

#### **Rezoning Request at corner of Wears Valley Road and Cedar Creek Road:**

Owners requested to rezone the property near the intersection of Wears Valley Road to C-Commercial from Rural District 1 (R-1 zone), identified on Tax Map 097, Parcel 011.00. This property is currently located between commercially zoned property and an existing grandfathered campground. The owner of this property also owns the property at 205 Wears Valley Road, identified on Tax Map 097, Parcel 012.02, which currently houses a tubing business. This request is consistent with the zoning and use of the properties that are located in that immediate area.

The property owner has a plat to combine the parcel in question with the lot at 205 Wears Valley Road in order for the lot in question to have access onto Wears Valley Road. The combination of these parcels would allow Parcel 011.00 to have the frontage on an arterial status road (Wears Valley Road), which is better suited to handle commercial traffic. The plat has not been approved at this time.

A small portion of this parcel that extends across Cedar Creek Road lies on the bank of the Little River. This portion of the lot was not been included in the staff memo because it is not suitable for development.

No one spoke and the public hearing was closed.

Commissioner Wright made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Roddy. Motion received unanimous approval.

#### **HEARINGS:**

### **Preliminary and Final Plats – Minor Subdivisions:**

#### **Revised Robert Hearon Property off of Murphy Road by Bob Hearon, 3 lots: 2 with frontage along the county road and 1 to be served exclusively by a common driveway easement:**

The Robert Hearon Plat was approved as a revised preliminary plat at the December 2012 special called meeting. At that time the plat consisted of four lots, 2 with road frontage and two to be served exclusively by a common driveway easement. Prior to that, the Concept Plan was presented to the planning commission at the September 2012 regular meeting as a 7 lot subdivision of the Raymond Beasley Property.

The Robert Hearon Property is now a proposed 3 lot subdivision containing 5.2 acres off Murphy Road. A portion of the property containing the floodplain has been added to a neighbors parcel and is no longer part of this proposed subdivision. (Staff memo was sent to members for review prior to the meeting.)

Lots 1 and 3 have road frontage along the county road and Lot 2 is to be served exclusively by a 25 foot common driveway easement across the flag stem of Lot 3. There is an existing home on Lot 1. This parcel is in the R-1 zone and all of the lots meet the minimum lot size requirements.

No construction activity is required for final plat approval. Any future driveway construction shall be the responsibility of the owner. While an erosion control plan is not required, erosion control measures should be employed during driveway construction. The owner shall contact the highway department prior to construction of a new driveway access along Murphy Road.

#### **Outstanding items to be completed:**

1. Copy of modified Maintenance Agreement to be supplied to staff prior to releasing the final plat.
2. Signature plats with all certifications including water and electric utilities.
3. \$20. 00 per lot platting fee.

Commissioner McClellan made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Kirby. Motion received unanimous approval.

#### **Amended Road Plat for Joe Pye Lane. A private Road in Singing Brook Subdivision owned by the Singing Brook Conservancy:**

The Singing Brook Subdivision was approved as a 15 lot subdivision with open space and a one way private gravel road to serve all of the lots in 2005. In 2010, the Singing Brook Cottages Subdivision was approved by the planning commission adding 7 more lots. From the original final plat in 2005 and the later in 2010 the private gravel road was paved by the owners. In order to confirm the road was build to county standards for a private paved road; planning staff requested a study of the road be presented by the owners. Upon completion of the road report, the County Engineering Department confirmed the road had been

constructed to meet the standards of a paved private roadway and the final plat for the Singing Brook Cottages was approved allowing the additional 7 lots to be recorded.

The owners have acquired an adjacent parcel owned by the David Long Trustee and the intent is to add two tracts with the remainder of the David Long trustee property to have access along Joe Pye Lane. In order to add the new lots, the Singing Brook Conservancy is widening the private road right-of-way along a section of Joe Pye Lane.

The Singing Brook Conservancy wants to add large lots off of the neighboring tract to be included into the private road subdivision. The status of the private road and condition of the roadway meet the requirements for further subdivision. West Millers Cove Road meets the standards for the additional tracts. Any additional tracts off of Joe Pye Lane shall be jointly responsible for the maintenance of the private road or be a part of the same maintenance regime as determined by the owners.

Outstanding items to be completed:

1. Signature plats with all certifications.

Commissioner Wright made a motion to approve the preliminary and final plat subject to completion of all certifications; seconded by Commissioner Brad Harrison. Motion received unanimous approval.

**Beall Property, Tract 2 and 4 by David Long, Trustee: 2 large tracts and a remainder greater than 5 acres off of Joe Pye Lane (private road).**

The proposed Beall Property off of Joe Pye Lane contains 2 large tracts with a total of 19.5 acres and a remainder greater than five acres. Tract 2 will have road frontage along the private road right-of-way of Joe Pye Lane. Tract 4 is to be served by a 25' driveway easement across the remainder of the David Long Trustee property.

The regulations state that a one-lot subdivision with an easement does not require the easement to be improved; therefore the driveway to Tract 4 does not need to be constructed for final plat consideration.

The proposed preliminary and final plat was reviewed inclusive of subdivision regulations for large tracts along an existing private road easement with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats and a \$20 per lot platting fee.

Commissioner Kirby made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Walker Property (re-plat) off Rudd Hollow Road by Dan Walker: 3 lots with county road frontage:**

The Walker Property is a proposed 3 lot re-plat containing 16.4 acres along Rudd Hollow Road and Lizzie Lane. The parcel is in the R-1 zone and none of the parcel is located in a floodplain. All three of the lots have county road frontage and adequate sight distance. Tract 3 is being made larger with a portion of both Tracts 1 and 2.

The proposed subdivision has been reviewed inclusive of subdivision regulations for small lots with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats, including water and electric, and a \$20.00 per lot platting fee.

Commissioner McClellan made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Wright. Motion received unanimous approval.

**Miscellaneous Items:**

**Charles Lunsford Property by Charles Lunsford off Calderwood Highway. 2 Lots with Road Frontage along Calderwood Highway. Variance Request for lots in the floodplain:**

The Lunsford property is a 1.6 acre parcel located along Calderwood Highway (Hwy. 129) and currently has two residential structures located on the property.

The owner would like to subdivide the parcel in order to separate the two homes onto two separate lots. According to the FEMA flood map, the entire parcel is located within the 100 year flood plain. In order to do divide the owner is requesting the following variances to be granted:

- Variance request to the Subdivision Regulations for minimum lot size for lot 2 from 30,000 square feet to 26,250 square feet.
- Variance request to the subdivision regulations that requires all lots to have a buildable area outside of the floodplain.
- Variance to minimum frontage along a minor arterial, from 150 feet to 142 feet for Lot 1 and 99 feet for Lot 2.

According to the Building Commissioner there are no variances required from the Board of Zoning Appeals per this request.

Mr. Ferguson has discussed the situation with staff, and agreed in principle that subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission.

Outstanding items to be completed:

1. Consideration of Variance requests.
2. An updated plat showing the front setback and dedication of right-of-way off of Calderwood Highway.

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4. The owner is responsible for contacting TDOT for any additional driveway connections.

Commissioner McClellan wanted to verify that the flood information will be on the plat. Staff stated that a note will be added indicating that the entire area is in the floodplain.

Commissioner Kirby made a motion to approve the variances to minimum lot size, the subdivision regulations that requires all lots to have a buildable area outside of the floodplain, and to minimum frontage along a minor arterial, with an addition of a floodplain statement to the plat and a note indicating that if the current buildings are removed any new structures must meet current FEMA regulations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Shultz Property off Boat Gunnel Road by Randy Shultz. 3 lots, 2 lots served exclusively off of a 25' common driveway easement. Variance Request to minimum lot size:**

This property is a 2.6 acre parcel and currently has three residential structures located on the property. The owner wishes to subdivide the parcel to separate the two homes on Lot 1 onto two separate lots. Lot 1 is a flag lot and a 25 driveway easement serves Lot 2.

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Staff notes precedent in granting variances to allow the subdivision of lots with assumption that this would accommodate an existing constructed situation. To insure full disclosure of lot situation, approval could be with condition that the plat include Environmental Department certification of reserve septic capability for the two new lots and any easements noted on the plat for septic that crosses the new property line.

Outstanding items to be completed:

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2. An updated plat showing the proposed division.
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Commissioner Wright made a motion to approve the variance request subject to completion of the outstanding items, seconded by Commissioner Geneva Harrison. Motion received unanimous approval.

**LONG RANGE PLANNING:**

**Proposed Plan Rural Resort District:** This proposal is already in process in the County Commission and a public hearing has been set for March 21, 2013. The State Statutes requires that the Planning Commission make a recommendation before the County Commission can vote on final approval of the amendment resolution. Staff memo and a copy of the resolution were given to members for review prior to the meeting.

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Staff recommended consideration of the resolution and recommendation to County Commission and to reclassify West Millers Cove Road as a collector status road.

Commissioner Hodge made a motion to set a public hearing for April 4 at 5:30 P.M. for consideration to reclassify West Millers Cove Road from a local road to a collector status road; seconded by Commissioner Walker. Motion received unanimous approval.

Commissioner Hodge made a motion to forward the resolution as written (amending the Zoning Regulations by adding a new Planned Rural Resort District) to the County Commission with a favorable recommendation, seconded by Commissioner Wright. Motion received unanimous approval.

**STAFF REPORTS:**

Staff verified that members agreed to have training after the regular meetings. Training is tentative scheduled to follow the next meeting.

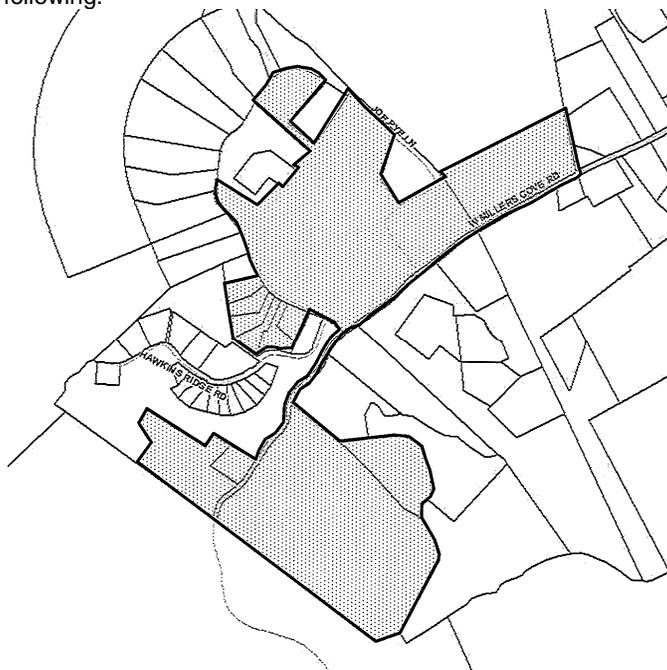
**ADJOURNMENT:**

There being no further business to conduct, the Chairman declared the meeting adjourned.

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Secretary

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on Tuesday, May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee. **A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for property owned by Blackberry Farm LLC and Singing Brook Conservancy accessed off of West Millers Cove Road, Joe Pye Lane and Pawpaw Lane.** That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for parcels owned by Blackberry Farm LLC and Singing Brook Conservancy, and associated road right-of-way, accessed off West Millers Cove Road, Joe Pye Lane and Pawpaw Lane, as described following. West Millers Cove Road right-of-way from western most corner of Tax Map 094(082) parcel 067.02 to eastern most corner of Tax Map 082 parcel 066.00, and including the following parcels identified by Tax Map(Control Map) - parcel number – address: 094(082) - 067.02 - 1471 W. Millers Cove Road; 094(082) – 067.06 – W. Millers Cove Road; 094(082) – 067.27 – W. Millers Cove Road; 094(082) – 067.03 - 1471 W. Millers Cove Road; 082 – 067.00 – W. Millers Cove Road and also accessed off Joe Pye Lane; 094A&B"A"(082A) – 002.00 - 319 321 Pawpaw Lane off Joe Pye Lane; 094A&B"A"(082A) – 003.00 – 316 318 Pawpaw Lane off Joe Pye Lane; 094A"A"(082A) – 004.00 – 312 314 Pawpaw Lane off Joe Pye Lane; 094A"A"(082A) – 005.00 – 308 310 Pawpaw Lane off Joe Pye Lane ; 094A"A"(082A) – 006.00 – 300 302 Pawpaw Lane off Joe Pye Lane; 094A"A"(082A) – 007.00 – 304 306 Pawpaw Lane off Joe Pye Lane; 082 – part of 066.00 – W. Millers Cove Road, more particularly described as Tract 1 of Record Book 2344 page 246, less and except Record Book 2356 page 2393, containing 9.29 acres more or less, and being in depth approximately 483 feet from and parallel to center line of West Millers Cove Road; in total all parcels containing 74 acres, more or less, and being shown on map following.



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

APPROVED:

Jerome Moon  
Commission Chairman

Ed Mitchell  
County Mayor

ATTEST:

Roy Crawford, Jr.  
County Clerk

**RESOLUTION No. 13-05-007**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for property owned by Blackberry Farm LLC and Singing Brook Conservancy accessed off of West Millers Cove Road, Joe Pye Lane and Pawpaw Lane.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16th day of May, 2013:

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

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

**WHEREAS**, property owned by Blackberry Farm LLC and Singing Brook Conservancy in West Millers Cove meets criteria as a planned rural resort in conformity with standards set forth in the Planned Rural Resort District, and

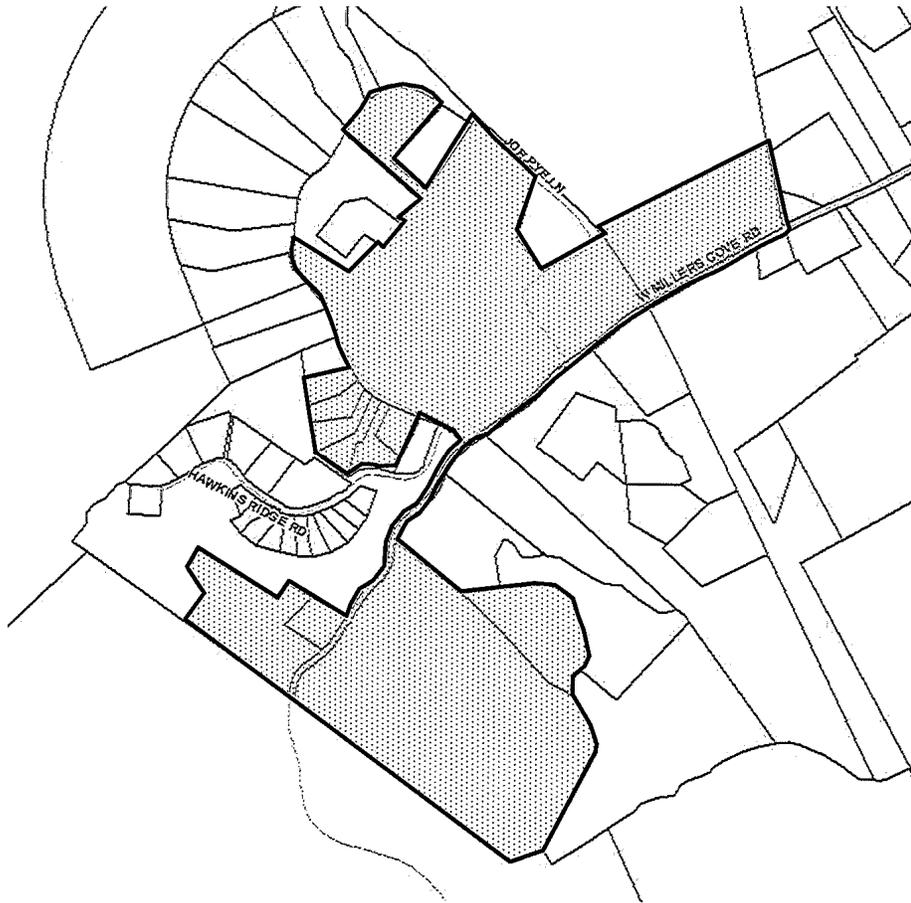
**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee in conformity with purposes set forth in the Planned Rural Resort District.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for parcels owned by Blackberry Farm LLC and Singing Brook Conservancy, and associated road right-of-way, accessed off West Millers Cove Road, Joe Pye Lane and Pawpaw Lane, as described following:

West Millers Cove Road right-of-way from western most corner of Tax Map 094(082) parcel 067.02 to eastern most corner of Tax Map 082 parcel 066.00, and including the following parcels identified by Tax Map(Control Map) - parcel number – address: 094(082) - 067.02 - 1471 W. Millers Cove Road; 094(082) – 067.06 – W. Millers Cove Road; 094(082) – 067.27 – W. Millers Cove Road; 094(082) – 067.03 - 1471 W. Millers Cove Road; 082 – 067.00 – W. Millers Cove Road and also accessed off Joe Pye Lane; 094A&B”A”(082A) – 002.00 - 319 321 Pawpaw Lane off Joe Pye Lane; 094A&B”A”(082A) – 003.00 – 316 318 Pawpaw Lane off Joe Pye Lane; 094A”A”(082A) – 004.00 – 312 314 Pawpaw Lane off Joe Pye Lane; 094A”A”(082A) – 005.00 – 308 310 Pawpaw Lane off Joe Pye Lane ; 094A”A”(082A) – 006.00 – 300 302 Pawpaw Lane off Joe Pye Lane; 094A”A”(082A) – 007.00 – 304 306 Pawpaw Lane off Joe Pye Lane; 082 – part of 066.00 – W. Millers Cove Road, more particularly described as Tract 1 of Record Book 2344 page 246, less and except Record Book 2356 page 2393, containing 9.29 acres more or less, and being in depth approximately 483 feet from and parallel to center line of

West Millers Cove Road; in total all parcels containing 74 acres, more or less, and being shown on map following.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Think Quality - Think Future

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## Blount County Planning Department

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

**TO:** Blount County Commission

**FROM:** John Lamb

**DATE:** April 5, 2013

**SUBJECT:** Setting Public Hearing on Blackberry Farm LLC and Singing Brook Conservancy request for rezoning from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District.

The Blount County Planning Commission recommended amendment to the zoning regulations for a new Planned Rural Resort District at its February 28, 2013 regular meeting. The County Commission approved the amendment at its March 21, 2013 meeting. Copy of the approved resolution is attached to this memo for reference.

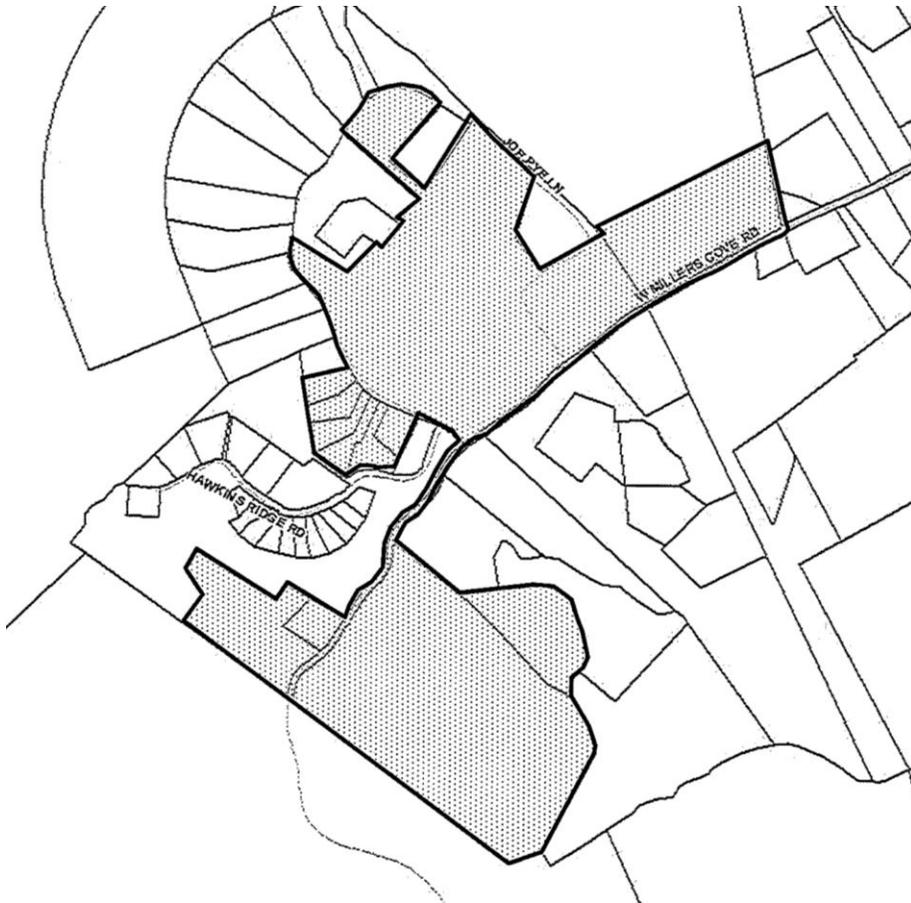
Blackberry Farm LLC and Singing Brook Conservancy have submitted an application and request rezoning of approximately 74 acres of land along West Millers Cove Road from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District. In accordance with requirements of the Blount County Zoning Resolution, the Planning Commission will hold public hearing and consider action to recommend on this matter on April 25, 2013 at its regular meeting, and results will be reported to the County Commission prior to final vote on the matter. The land requested for rezoning is shown on map on the following page.

The proposed rezoning meets the requirements and purposes of the new PRRD zone. The property is accessed off of West Millers Cove Road as required, and is greater than the 40 acres minimum required for the zone. The majority of the land is presently in the R-1 zone as required, with only about three acres, integral to the planned area, extending into the surrounding R-2 zone along Joe Pye Lane. The principals of Blackberry Farm LLC and Singing Brook Conservancy are interrelated and form the basis of an agreement to apply for this rezoning, with the present resort related activities on land owned by both entities functionally related in a planned unit. Note that much of the surrounding land was developed by the same or related partners, and is also related to the overall planned development of the larger surrounding area, but is under mixed ownership from past transfers and is more residential in nature and not included in this rezoning.

The present use of the land is mixed and integrated as a resort area that pre-existed zoning in the County. According to tax records, much of the area is in greenbelt agricultural use, and includes

20 percent open space in formal conservation easement. The larger area of related developments includes a mix of residential and commercial uses. The commercial uses within the rezoning area include restaurant and resort type accommodations, along with recreation facilities. The overall character of the land developed by Blackberry Farm LLC and Singing Brook Conservancy is of low to moderate density, mixed-use, resort themed development consistent with the purpose of the PRRD zone. The proposal is also consistent with adopted plans considered below.

### **Area of Rezoning Request**



### **Context of “Blount County Policies Plan”**

The “Blount County Policies Plan” was revised and adopted in September 25, 2008. The Policies Plan provides general context for reviewing this proposal for rezoning. The Plan provides five Guiding Policies as follows:

1. The rural, small town and natural character of the county should be preserved.
2. Land use and development should be managed and regulated in order to preserve the quality of our growing county.

3. The guiding policy in any government actions in relation to the use and development of land should be to limit regulations to specific public health, safety and welfare objectives balanced with responsible freedom in the use of land.
4. County roads should be improved and maintained to a level consistent with present development and expected future development.
5. Growth and development should be *balanced* with provision of adequate *public* infrastructure.

The proposed rezoning is geared to resort type of low to moderate density development, and may be considered as consistent with preserving rural character in the context of a gateway to the Great Smoky Mountains National Park. As part of rural character, the Policies Plan also recognizes the importance of mixed use in a planned manner. Of the five Guiding Policies, the two that may raise the most issues are numbers 4 and 5 concerning adequacy of infrastructure, particularly road infrastructure.

West Millers Cove Road has been judged as adequate for major residential development, and shows a pavement width up to 20 feet. Care should be taken to also consider the impact on roads of possible commercial development. The “Blount County Major Road Plan” was recently amended to reclassify West Millers Cove Road as Minor Collector status.

Given the commercial aspects of the new zone, care should also be taken to insure adequate utilities, particularly water, in any future development plans for the zone. The water supply for past development has proven to be adequate. Since there is no public sewer in the area, the capacity of the soil to support any commercial uses should also be considered. The soils for past related development have proven to be adequate.

The area from Walland through Townsend is generally considered as a gateway to the Great Smoky Mountains National Park. The Policies Plan recognizes the importance of Townsend for tourism in the county.

### **Context of “Conceptual Land Use Plan for Blount County”**

The “Conceptual Land Use Plan for Blount County” was adopted March 23, 2000, and was reviewed along with the Policies Plan in 2008 with conclusion that there was no pressing need for amendment. The residential uses that are surrounding and related to the overall development of the proposed rezoning are consistent with the Land Use Plan. Commercial uses are addressed directly in the Land Use Plan as follows:

Although the cities are expected to contain the major concentration of high density commercial land use and activity in the county, other commercial activity already exists outside the cities and outside the area identified for the high density commercial land use category. This type of commercial use is expected to grow in the future. The Plan projects that medium to low density commercial activities will establish in other areas of the county along arterial roads and collector roads.

In the context of rural areas, the Land Use Plan provides the following:

In deference to the predominantly residential nature of the area, only limited commercial activity is expected, particularly of medium to low density along arterial and collector status roads.

However, concerning other land use considerations, the Land Use Plan provides the following:

Mixed use and flexible clustering of development is accepted as a valid land use concept if planned for appropriately. Thus, planned unit developments will be an accepted type of development.

Taken together, low to moderate mixed commercial and residential development is accepted, with limitation based on quality of supporting road infrastructure. West Millers Cove Road may be considered adequate for higher order development, and is classified as a Collector.

### **Context of the Zoning Resolution**

Planned Unit Development is recognized as appropriate in the Zoning Resolution 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 PRRD zone expands on this concept to identify and formalize a specific type of planned unit development with its own zone identity.

The R-1 zone is referenced in the zoning regulations to identify permitted uses, special exception uses and special exception with specific limitation uses consistent with present R-1 zoning. For context, the provisions for the R-1 zone are as follows:

**Section 9.2 R-1 – Rural District 1.** It is the purpose and intent of this district to regulate rural development of expected moderate to low density within the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County.

A. Permitted Uses: one or two single family dwellings or manufactured home dwellings on a single lot, duplex dwellings, customary home occupations, group homes as provided in Tennessee Code Annotated, Section 13-24-101, *et seq*; churches, temples and other places of worship, cemeteries associated with churches and other places of worship; local, state and federal government and utility uses necessary for providing services to land or population within the district; and accessory structures customarily associated with the above uses.

B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities; commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population

within a broader region including the district; sawmills and associated lumberyards; bed and breakfast accommodations; golf driving range; vacation cabin rental (see also section 7.11); and accessory structures customarily associated with the above uses.

C. Uses Permitted as Special Exceptions with Specific Limitations: Indoor Sport Shooting Range (Subject to provisions and requirements in Section 7.13); Outdoor Sport Shooting Range (Subject to provisions and requirements in Section 7.13); Convenience Stores with vehicle fuel sales, provided that any such convenience stores with vehicle fuel sales shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet, and that buffering of the use from surrounding residential land shall be constructed and maintained.

### **Context of the 1101 Growth Plan**

The 1101 Growth Plan was completed in 2001 and is the only plan adopted by the Blount County Commission. State statutes require that all land use decisions be consistent with the plan, and this would include amendment of the zoning regulations text and amendment of the zoning map (rezoning). The plan approved for Blount County is very general, and the only issue of concern in the present proposal is whether or not the proposal is consistent with the Rural Area limitation of low to moderate density development. As noted above, the rezoning proposal, and the limitations inherent in the PRRD zone, meets the criteria of low to moderate density development.

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

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

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ADDING A NEW PLANNED RURAL RESORT DISTRICT.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this \_\_\_\_\_, 2013:

**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**, promoting and facilitating tourist related developments at the gateway to the Great Smoky Mountains National Park (GSMNP) is important for the economy of Blount County, and

**WHEREAS**, providing specific allowance and standards for tourist related resort facilities at the gateway to the GSMNP will facilitate proper and appropriate development in the rural area of the County,

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

**That Article 8 Establishment of Districts be amended to list a new Planned Rural Resort District to read as follows:**

**PRRD Planned Rural Resort District** for low to medium density integrally planned mixed-use resort development

**That a new Section 9.11 be added to read as follows:**

**Section 9.11 Planned Rural Resort District.** In consideration of the substantial importance of tourism in the County, it is the intent of this district to allow low to moderate density mixed-use planned developments that combine resort type residential and recreational uses along with resort oriented accommodations and commercial uses in the rural gateway area to the Great Smoky Mountains National Park, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq.*), and consistent with plans adopted by Blount County. Resort oriented commercial uses includes production of resort-related food, beverage, and alcohol items for retail, agricultural, and wholesale trade. The rural gateway area to the Great Smoky Mountains

National Park is defined as that area past Walland Gap and extending toward Townsend and the entrance to the Great Smoky Mountains National Park. For initial application, the area is limited to land adjacent to or directly accessible from West Millers Cove Road containing R-1 zoned land and any adjacent R-2 zoned land integral to a planned concept. The minimum area for application of the zone shall be 40 acres under one concept for development, and shall be either under one ownership, under partnership, under lease or contract or agreement for integrated use and development. This section does not amend the Zoning Map, nor zone, nor rezone any land to Planned Rural Resort District, but only identifies limits to location for any land that may in the future be zoned as such.

A. Permitted Uses:

1. All permitted uses allowed in R-1 Rural District 1, as described in Section 9.2A.
2. Within an overall mixed-use planned development, resort facilities and functions; restaurants, taverns and drinking establishments; hotels, motels, rooming and boarding houses, bed and breakfast and other similar uses; indoor and outdoor recreational facilities, including commercial guided activities, equestrian facilities, spa, gym and health club facilities; sales and rental of real estate and real estate development; and use of land and structures associated with resort-type facilities for the production of food, crafts, and beer, and for retail and wholesale trade. Any mixed-use planned development within the zone shall include all the following: integrated resort accommodations, restaurant, recreational facilities, and defined open space of at least 20 percent of the zone as the core of the zone development.
3. Working farm facilities and functions, which may be included in required 20 percent open space.
4. Agricultural, natural area uses, and farming activities, including breeding animals for consumption and for resale, production of food items from farm animals, harvesting farm animals for retail and wholesale trade industry purposes, which may be included in required 20 percent open space.

B. Uses permitted as special exception: Special exception uses identified in Section 9.2B for the R-1 Rural District 1.

C. Uses permitted as special exception with specific limitations: Special exception uses with specific limitations identified in Section 9.2C for the R-1 Rural District 1.

D. Uses Prohibited: All uses are prohibited except those uses permitted or permitted as special exception specifically above.

E. Uses Requiring Site Plan Review: All uses and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: Land within the zone may be divided into separate lots with mixed uses. For residential structures as required in Section 9.2 for the R-1 Rural District 1 zone, or greater as appropriate for previously R-2 zoned land on steep slopes. For all other uses: all lots shall be adequately sized to accommodate necessary parking requirements, setbacks, buffering, and soils requirements for any required on site septic disposal. A minimum of 20 percent of the zone shall be set aside as open space exclusive of required setbacks.

G. Setback Requirements: All uses 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.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any residential accessory structure.

3. Side Setback: the minimum building setback from the side property line shall be ten (10) feet, provided that the side setback shall be 20 feet for any non-residential use with a side property line abutting a residential use lot, or abutting a lot in the R-1 or R-2 zones.

4. Zone Boundary Setback: the minimum building setback from the zone boundary shall be 40 feet for all but single family and duplex residential use structures.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Section, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

I. Additional Site Plan Requirements: In addition to the site plan requirements in Section 7.2, site plans for any commercial use permit under this Section shall be drawn by a qualified professional, and shall include front elevation of any proposed structure.

J. Additional design requirements: All site plans shall be accompanied by a stormwater drainage plan, if necessary, prepared by a qualified engineer, and shall address the need for detention, if necessary, and pollution control. All non residential and non-agricultural uses permitted under this Section shall provide a vegetative landscape buffer, to be determined during site plan review, between the use/buildings on any commercial site, and any parcel or lot zoned other than Planned Rural Resort District. Such buffering shall apply to rear lot lines of the commercial site, and also to side lot lines behind the minimum front building setback lines, except where there is an immediately adjacent residential use that would require screening within the minimum front building setback line. All non-residential and non-agricultural uses permitted under this Section shall have a building elevation, along all fronting public roads, constructed of at least 50 percent nonmetal building materials, or shall be screened from view from all fronting public roads. All external lighting shall be directed away from or screened from land used or zoned for residential use, and away from any public right-of-way. Where noise is determined to be a probable off-site impact of a proposed use, a noise mitigation barrier of solid structure or

earth berm, in addition to vegetative buffer, shall be designed as part of the site plan and constructed.

K. Review on change of use.

1. For any change of use to special exception use under provisions for change of use requiring Board of Zoning Appeals approval, the Board of Zoning Appeals shall have permit and review authority under provisions of these regulations.

2. For other change of use, excluding change to uses allowed in Section 9.11.A, a permit application for zoning compliance shall be submitted, to be reviewed by the Building Commissioner for conformity to requirements for the zone and any previously approved site plan. The Building Commissioner shall require information on the application sufficient for determination of zoning compliance, and certification of zoning compliance in writing shall be considered as approval of the permit for change of use.

3. Notwithstanding subsection 2 above, upon determination by the Building Commissioner that a use will be of greater impact or will require new or changed site design elements upon change of use, the Building Commissioner shall require a new permit application and site plan to be reviewed by the Planning Commission as a new permit for that change of use.

4. All changes of use under this subsection shall require new permit application and charged fees as such.

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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

Vetoed: \_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

# Think Quality - Think Future

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## Blount County Planning Department

Blount County Courthouse - 327 Court Street  
Maryville, TN 37804-5906  
Tel (865) 273-5750 - FAX (865) 273-5759  
e-mail - [planning@blounttn.org](mailto:planning@blounttn.org)  
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**TO:** Blount County Commission

**FROM:** John Lamb – Secretary, Blount County Planning Commission

**DATE:** April 26, 2013

**SUBJECT:** Recommendation of Blount County Planning Commission on proposed rezoning resolution - **A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for property owned by Blackberry Farm LLC and Singing Brook Conservancy accessed off of West Millers Cove Road, Joe Pye Lane and Pawpaw Lane.**

The Blount County Planning Commission at its April 25, 2013 regular meeting held public hearing, after required 10 days public notice in newspaper and posting on property, and considered the above subject captioned resolution for rezoning. No one spoke to the matter during the public hearing. This is to certify that the Blount County Planning Commission acted to recommend for approval of the proposed resolution by unanimous vote of 10 yes, 0 no, with 2 absent.

**AGENDA**  
**BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING**  
**TUESDAY, MAY 7, 2013, 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. April 9, 2013 meeting.

**D. SETTING OF AGENDA.**

**E. ITEMS FOR CONSENT CALENDAR.**

1. Resolutions for special recognitions.
  - a. Proclamation – Clara Peals. (County Mayor)
2. Appointments.
  - a. A resolution appointing Jason Holt as a Judicial Commissioner for Blount County, Tennessee, and relieving Tom Hatcher, Teri Travis, David French, and Kenneth Hodson of the duties of same. (Gary Farmer)

**F. UNFINISHED BUSINESS.**

**G. NEW BUSINESS:**

1. Budget transfers.
2. Budget increases.
3. Other budget items.
4. Resolution of the Commission of Blount County, Tennessee, establishing a policy regarding opening invocations before meetings of the Blount County Commission. (Gerald Kirby)
5. Resolution to amend the zoning map of Blount County, Tennessee, from S-Suburbanizing to C-Commercial for the property located at 225 and 235 S. Old Glory Road, being Tax Map 056, parcels 045.00 and 045.02. (Gordon Wright)
6. Resolution to amend the zoning map of Blount County, Tennessee, from R-1-Rural District 1 to C-Commercial for the property located on Cedar Creek Road, being Tax Map 097, parcel 011.00. (Gordon Wright)
7. Resolution to amend the zoning map of Blount County, Tennessee, from S-Suburbanizing to C-Commercial for property located on 228 Keith Road, being Tax Map 056, parcel 171.00. (Gordon Wright)
8. Resolution to amend the zoning map of Blount County, Tennessee, from R-1-Rural District 1 and R-2-Rural District 2 to PRRD – Planned Rural Resort District for property owned by Blackberry Farm LLC and Singing Brook Conservancy accessed off of West Millers Cove Road, Joe Pye Lane and Pawpaw Lane. (Gordon Wright)
9. Resolution to Institute fees for items issued to jail inmates upon admission to the Blount County Jail pursuant to T.C.A. §41-4-142. (Mike Caylor)
10. A resolution to protect and defend the Constitutional right to keep and bear arms; and providing other matters related to the subject. (Mark Hasty)
11. Resolution to set compensation of School Board Members of Blount County, Tennessee. (Scott Helton)
12. A resolution amending resolution No. 02-02-004 entitled "A resolution adopting regulations for the unincorporated areas of Blount County pursuant to the authority of T.C.A. Sections 5-1-118(c) and 6-2-201(22). (Holden Lail)
13. Resolution authorizing a continuous five (5) year reappraisal cycle. (Jerome Moon)
14. Request to declare the old Boys/Girls Club property surplus property. (Gordon Wright)
15. Request to declare the Fifth Judicial Drug Task Force property surplus property. (Gordon Wright)
16. Setting of Public Hearing for request for rezoning from R-1 Rural District 1 to RAC-Rural Arterial Commercial for property located at 4907 and 4911 US Highway 411 South, and identified on tax map 100. parcels 027.00 and 028.00. (Gerald Kirby)
17. Blount County Employee Health Plan changes. (Gary Farmer)
18. Blount County Employee Dental Rate changes. (Gary Farmer)
19. Addition of the Blount County Emergency Communications District employees to Blount County Employee Health Plan. (Gary Farmer)

**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, April 09, 2013 at 6:30 pm at the courthouse in Maryville, Tennessee.

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

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

There were 19 present and 2 absent. Chairman Burkhalter declared a quorum to exist. The following proceedings were held to-wit:

**IN RE: MINUTES OF MARCH 5, 2013 MEETING.**

Commissioner Lewis made a motion to approve the minutes. Commissioner French 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 - absent	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 19 voting yes, 0 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: SETTING OF AGENDA.**

Commissioner French made a motion to pull the request from Chilhowee Baptist Association for use of the old Boys/Girls Club building to form an Eagleton Community Center and set the agenda. Commissioner Folts 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 - absent	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 19 voting yes, 0 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: RESOLUTION HONORING ALCOA FIRE DEPARTMENT FOR THEIR EXEMPLARY SERVICE AND OUTSTANDING ACHIEVEMENTS.**

Commissioner Lewis made a motion to send the item to the agenda of the April County Commission meeting. Commissioner Caylor seconded the motion. Commissioner Kirby requested that Commissioners Burkhalter, French, and Kirby be added to the resolution as additional sponsors.

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 - absent	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 19 voting yes, 0 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: APPOINTMENT TO ALLOCATION OF SPACE COMMITTEE.**

Commissioner Farmer made a motion to send the appointment of Kenneth Melton to the Allocation of Space Committee to the agenda of the April County Commission meeting. Commissioner French 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 - absent	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - abstain	
Folts - yes	Helton - yes	Moon - absent	

There were 18 voting yes, 0 voting no, 1 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: BUDGET INCREASE - CIRCUIT COURT CLERK - \$7,454.00 and  
BUDGET INCREASE - SHERIFF - \$87,000.00 and  
BUDGET INCREASE - EDUCATION CAPITAL PROJECTS - \$90,000.00.**

Commissioner Carver made a motion to send the items to the agenda of the April County Commission meeting. Commissioner Lail 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 - absent	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - abstain	Moon - absent	

There were 18 voting yes, 0 voting no, 1 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION FOR LITTER AND TRASH  
COLLECTING GRANT FROM THE STATE OF TENNESSEE, DEPARTMENT OF  
TRANSPORTATION AND AUTHORIZING ACCEPTANCE OF THE GRANT.**

Commissioner Lewis made a motion to send the item to the agenda of the April County Commission meeting. Commissioner Melton 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 - absent	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 19 voting yes, 0 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: RESOLUTION APPROVING NON-PAYMENT OF DELINQUENT TAX ON ONE PARCEL OF  
PROPERTY WHICH WAS AUTHORIZED IN RESOLUTION #13-03-008.**

Commissioner Farmer made a motion to send the item to the agenda of the April County Commission meeting. Commissioner Greene seconded the motion.

A vote was taken on the motion:

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

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

There were 19 voting yes, 0 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: RESOLUTION TO CALL A REFERENDUM ON THE QUESTION OF WHETHER A COUNTY-WIDE MOTOR VEHICLE TAX SHOULD BE LEVIED FOR BLOUNT COUNTY, TENNESSEE.**

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

Commissioner Samples made a motion to amend to section 5 of the resolution to read "Upon passage of the wheel tax the said tax would sunset after five years from the date of its inception and return to the ballot for the citizens to either approve or disapprove. If at any time during the five year period the additional sales tax is approved county-wide the wheel tax would automatically sunset at the inception of the additional sales tax." Commissioner Kirby seconded the motion.

A vote was taken on the motion to amend:

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

There were 9 voting yes, 9 voting no, 1 abstaining, and 2 absent Chairman Burkhalter declared the motion to have failed.

A vote was taken on the original motion:

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

There were 15 voting yes, 4 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: SETTING PUBLIC HEARING ON RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, FROM S-SUBURBANIZING TO C-COMMERCIAL FOR PROPERTY LOCATED AT 225 AND 235 S. OLD GLORY ROAD, BEING TAX MAP 056, PARCELS 045.00 AND 045.02 and SETTING PUBLIC HEARING ON RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, FROM R-1-RURAL DISTRICT 1 TO C-COMMERCIAL FOR PROPERTY LOCATED ON CEDAR CREEK ROAD, BEING TAX MAP 097, PARCEL 011.00 and SETTING OF PUBLIC HEARING ON RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, FROM R-1-RURAL DISTRICT 1 AND R2-RURAL DISTRICT 2 TO PRRD – PLANNED RURAL RESORT DISTRICT FOR PROPERTY OWNED BY BLACKBERRY FARM LLC AND SINGING BROOK CONSERVANCY ACCESSED OFF OF WEST MILLERS COVE ROAD, JOE PYE LANE AND PAWPAW LANE.**

Commissioner Lewis made a motion to send the items to the agenda of the April County Commission meeting to set the public hearings for 6:00 pm May 7, 2013. Commissioner Carver 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 - absent	Wright - yes
Caylor - yes	Harrison - absent	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

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 PUBLIC HEARING ON RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, FROM S-SUBURBANIZING TO C-COMMERCIAL FOR PROPERTY LOCATED ON 228 KEITH ROAD, BEING TAX MAP 056, PARCEL 171.00.**

Commissioner Kirby made a motion to send the item to the agenda of the April County Commission meeting to set the public hearing for 6:00 pm May 7, 2013. Commissioner Wright seconded the motion.

A vote was taken on the motion:

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

There were 12 voting yes, 7 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: AMENDMENTS TO EMPLOYEE HANDBOOK.**

Commissioner Farmer made a motion to send the item to the agenda of the April County Commission meeting. Commissioner French 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 - absent	Wright - yes
Caylor - yes	Harrison - yes	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - absent	

There were 19 voting yes, 0 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: RESOLUTION TO ESTABLISH AD HOC COMMITTEE TO STUDY THE RE-ESTABLISHMENT OF LAUREL LAKE.**

Commissioner Farmer made a motion to table the resolution indefinitely. Commissioner Lail seconded the motion.

A vote was taken on the motion:

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

There were 12 voting yes, 7 voting no, 0 abstaining, and 2 absent. Chairman Burkhalter declared the motion to have passed.

**IN RE: ADJOURNMENT.**

Chairman Burkhalter declared the meeting to be adjourned.

**RESOLUTION 13-05-013**

Sponsored by Blount County Board of Commissioners and Blount County Mayor

**A RESOLUTION HONORING CLARA PEALS FOR OUTSTANDING SERVICE**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16h day of May, 2013:

**WHEREAS:** Clara Peals, born on March 23, 1923, in Tellico Plains, Tennessee, to the late J.C. and Ellen Peals, celebrated her 90th birthday this year.

**WHEREAS:** Clara was the owner of Clara Peals Realtors and sold real estate for many years, holding the oldest real estate license in the State of Tennessee. Prior to working in real estate, she worked for Crum insurance Agency. She also was part owner of the Back Porch Café and The Barn in Maryville. Clara especially loves blue-grass music and playing the spoons, and

**WHEREAS:** Clara was a member of the Blount County Republican Women’s Club, Business and Professional Women’s Club, Blount County Realtors, Woodmen of the World Fraternal Organization and New Providence Presbyterian Church. She served on the Tennessee Real Estate Commission, one of the first women to serve in this capacity, and

**WHEREAS:** Clara served her community in a variety of ways and has been honored for her volunteer work. She has served in many civic and community activities working with the Blount County Chamber of Commerce, the old Sam Houston School-house, the Older Timers Association of Blount County, the Blount County Community Action Agency, and many others. The pavilion at the Welcome Center in Townsend is co-named after her, and

**WHEREAS:** The entire Blount County community is a better place to live because of the leadership that Clara has shown in all of her professional and personal roles.

**NOW THEREFORE I, ED MITCHELL, MAYOR OF BLOUNT COUNTY, and WE, THE BLOUNT COUNTY BOARD OF COMMISSIONERS** do hereby give honor and recognition to Clara Peals, and invite all Blount County citizens to join us in congratulating Clara on her 90<sup>th</sup> birthday celebration and thanking Clara for her many years of service to our community.

**Duly authorized and approved the 16th day of May, 2013.**

**CERTIFICATION OF ACTION:**

**ATTEST:**

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

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

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

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

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

\_\_\_\_\_  
Date

**RESOLUTION 13-05-012**

**Sponsored by Commissioners Gary Farmer and Brad Harrison**

**A RESOLUTION APPOINTING JASON HOLT AS A JUDICIAL COMMISSIONER FOR BLOUNT COUNTY, TENNESSEE, and RELIEVING TOM HATCHER, TERI TRAVIS, DAVID FRENCH and KENNETH HODSON OF THE DUTIES OF SAME.**

**WHEREAS**, the Blount County Legislative Body has heretofore determined the need for the appointment of twelve (12) Judicial Commissioners for Blount County, Tennessee, pursuant to authority granted by Tennessee Code Annotated § 40-1-111; and

**WHEREAS**, the Blount County Legislative Body employees five (5) full time Judicial Commissioners; and

**WHEREAS**, it is appropriate to relieve Tom Hatcher, Teri Travis, David French and Kenneth Hodson of the duties of Judicial Commissioner.

**NOW THEREFORE**, be it resolved by the Blount County Legislative Body, in regular session on this 16<sup>th</sup> day of May, 2013 as follows to wit:

1. That Jason Holt be and the same is hereby appointed as Judicial Commissioner for Blount County, Tennessee.
2. That Tom Hatcher, Teri Travis, David French and Kenneth Hodson are relieved of the duties of Judicial Commissioner.
3. Duties: That said Judicial Commissioner shall perform the duty or duties prescribed and authorized by Tennessee Code Annotated § 40-1-111.
4. Term of Office: That the compensation for said Judicial Commissioner shall be one dollar (\$1.00) per calendar year to be paid from the general fund of the County.

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

Vetoed: \_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

# **BUDGET TRANSFERS**

## **(COMMISSION ACTION NEEDED)**

<b><u>FUND</u></b>	<b><u>AMOUNT</u></b>	<b><u>BUDGET COMMITTEE</u></b>	<b><u>VOTE</u></b>
101 – Gen. County – BCSO Adult Detention Center	\$2,200.00	Recommended	5 – yes

BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE:

DEPARTMENT: Blount County Sheriff's Office-Adult Detention Center

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-064000-500309	Contract/w Govt. Agency	2,200.00
Total transferred to:		2,200.00

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
101-054210-500355	Travel	2,200.00
Total transferred from:		2,200.00

Justification / Explanation:

Landfill fee shortfall for inmate litter crew roadside trash collections.

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

Janice B. 4/29/13  
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 Committee  
 Date: 5-6-13      vote  
 \_\_\_\_\_ Approved \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ pass  
 Transferred by \_\_\_\_\_ 50% \_\_\_\_\_ pay \_\_\_\_\_ pass  
 \_\_\_\_\_ Excluded \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ pass  
 \_\_\_\_\_ Deleted \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ pass  
 \_\_\_\_\_ Deleted \_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ pass

## **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>
177 – Edu. Capital ARRA – QSCB Funds	\$ 8,300.00	Recommended	5 – yes
177 – Edu. Capital ARRA-QSCB Funds	\$20,000.00	Recommended	5 – yes
177 – Edu. Capital ARRA-QSCB Funds	\$ 2,000.00	Recommended	5 – yes

**RESOLUTION NO. 13-05-014**

**Sponsored by: Commissioners Gerald Kirby and Jerome Moon**

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

**WHEREAS**, Blount County would like to amend the Educational Capital Fund Budget to use QSCB funds to replace lighting in the Heritage High School auditorium.

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

**NOW THEREFORE, BE IT RESOLVED BY THE** Board of Commissioners of Blount County, Tennessee assembled in regular session this 16<sup>th</sup> day of May, 2013 that the Educational Capital Fund Budget shall be amended as follows:

**From Account Number:**

**177-0-473050-11228           ARRA-QSCB.....\$8,300.00**

**To Account Number:**

**177-091300-500707-11228   Building Improvements.....\$8,300.00**

**Duly authorized and approved this 16<sup>th</sup> day of May, 2013.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

Approved: \_\_\_\_

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

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

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

BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE: X

DEPARTMENT:

<u>TO ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
177-091300-500707-11228	Building Improvements	8300.00
	Total transferred to:	

<u>FROM ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
177-000000-473050-11228	ARRA - QSCB	8300.00
	Total transferred from:	

Justification / Explanation: Use of QSCB funds to replace lighting in HHS auditorium.

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

Troy Zepher      4-30-13      \_\_\_\_\_  
 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.

**"Approved By The Board Of Education"** 5-2-13

Budget Committee  
 Date 5-6-13

Approved      vote  
 Recommended for      5  yes  noy  pass  
     commission consideration       yes  noy  pass  
 Decided       yes  noy  pass  
 Tabled       yes  noy  pass  
 Deferred       yes  noy  pass

**RESOLUTION NO. 13-05-015**

**Sponsored by: Commissioners Mike Lewis and Gerald Kirby**

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

**WHEREAS**, Blount County would like to amend the Educational Capital Fund Budget to use QSCB funds for removal of existing pump house and water tank and to reline water source to vocational building for sprinkler system at William Blount High School.

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

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16<sup>th</sup> day of May, 2013 that the Educational Capital Fund Budget shall be amended as follows:

**From Account Number:**

**177-0-473050-11229            ARRA-QSCB.....\$20,000.00**

**To Account Number:**

**177-091300-500707-11229    Building Improvements.....\$20,000.00**

**Duly authorized and approved this 16<sup>th</sup> day of May, 2013.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

Approved: \_\_\_\_

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

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

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

**BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13**

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE: X

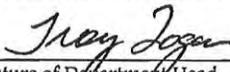
DEPARTMENT:

<u>TO ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
177-091300-500707-11229	Building Improvements	20000.00
	Total transferred to:	

<u>FROM ACCOUNT NUMBER:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
177-000000-473050-11229	ARRA - QSCB	20000.00
	Total transferred from:	

Justification / Explanation: | Use of QSCB funds to removal of existing pump house and water tank; reline water source to vocational building for sprinkler system. (WBHS)

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

 Signature of Department Head	4-30-13 Date	_____ Signature of County Mayor	_____ Date
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**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.

"Approved By The Board Of Education" 5-2-13

Budget Committee  
 Date: 5-6-13      vote

Approved                       yes    noy    pass  
 Recommended by                      5    yes    noy    pass  
committee members  
 Rejected                               yes    noy    pass  
 Tabled                                   yes    noy    pass  
 Deferred                                 yes    noy    pass

**RESOLUTION NO. 13-05-016**

**Sponsored by: Commissioners Jerome Moon and Mike Lewis**

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

**WHEREAS**, Blount County would like to amend the Educational Capital Fund Budget to use QSCB funds for removal of metal hay lights and change to T-8 fluorescent at WBHS 9<sup>th</sup> Grade Library.

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

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 16<sup>th</sup> day of May, 2013 that the Educational Capital Fund Budget shall be amended as follows:

**From Account Number:**

**177-0-473050-11230          ARRA-QSCB.....\$2,000.00**

**To Account Number:**

**177-091300-500707-11230    Building Improvements.....\$2,000.00**

**Duly authorized and approved this 16<sup>th</sup> day of May, 2013.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

Approved: \_\_\_\_

Vetoed: \_\_\_\_

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

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

F.I.C

BLOUNT COUNTY GOVERNMENT  
BUDGET AMENDMENT REQUEST  
FY 12/13

TYPE OF AMENDMENT

TRANSFER:

INCREASE/DECREASE: X

DEPARTMENT:

TO ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
177-091300-500707-11230	Building Improvements	2000.00
	Total transferred to:	

FROM ACCOUNT NUMBER:	DESCRIPTION	AMOUNT
177-000000-473050-11230	ARRA - QSCB	2000.00
	Total transferred from:	

Justification / Explanation: | Use of QSCB funds to removal of metal hay/lights  
and change to T-8 flouorescent at WBHS 9<sup>th</sup> Grade Library. |

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

Tracy Logan 4-30-13      \_\_\_\_\_  
 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.

"Approved By The Board Of Education" 5-2-13

Section 501(c)(3)  
 Section 501(c)(3)  
 Date: 5-6-13  
 Approved  
 Budget needed for  
 committee consideration  
 Expedited  
 Tabled  
 Deferred  
 YES      NO  
 YES      NO      PASS  
 YES      NO      PASS  
 YES      NO      PASS

# **OTHER BUDGET ITEMS**

## **(COMMISSION ACTION NEEDED)**

<b><u>ITEM</u></b>	<b><u>BUDGET COMM</u></b>	<b><u>VOTE</u></b>
Purchasing – Resolution regarding surplus personal property.	Recommended	5 – yes
BCSO - Request to apply for Alcohol Saturation Patrols/Roadside Sobriety Checkpoint Grant	Recommended	5 – yes
BCSO – Request to apply for Motorcycle/Motorist Safety Grant – The Dragon	Recommended	5 – yes
BCSO – Request to apply for Network Coordinator Grant	Recommended	5 – yes
Ad-Hoc Recycling Committee /Keep Blount Beautiful – Request to apply for Recycling Grant	Recommended	5 – yes
Finance – Resolution to extend the E-1-A and E-5-A Series Letters of Credit and immediately seek proposals for better pricing.	Recommended	5 - yes

RESOLUTION No. 13-05-17

Sponsored By: Commissioners Jerome Moon and Gerald Kirby

A RESOLUTION DECLARING THE ATTACHED LIST OF PERSONAL PROPERTY SURPLUS AND AVAILABLE FOR SALE ON INTERNET AUCTION.

WHEREAS, Tennessee Code Annotated 5-14-108 (o) (1) states "All sales of county-owned property, real or personal in nature, that has become surplus, obsolete or unusable shall be made by public auction or by sealed bid under this section, in the discretion of the purchasing agent or responsible official. "Public auction" includes sale by Internet auction."; and

WHEREAS, the responsible official has declared the property surplus; and

WHEREAS, the transaction of this sale must be recorded by June 30, 2013 to be reflected in this budget year; and

WHEREAS, the purchasing agent has suspended internet auction sales pending approval by Blount County Commission of updated Blount County property management policies and procedures; and

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in session assembled this 16th day of May, 2013, that the attached list of personal property is hereby declared surplus and sale of the items by public auction is hereby authorized.

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

CERTIFICATION OF ACTION

ATTEST

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

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

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

Vetoed: \_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

## **Surplus to be auctioned on GovDeals.com**

Declared surplus by Bill Dunlap, Hwy. Dept.:

- 1996 Ford Bronco
- 1993 International 1HS
- 1985 Chevy D3P Truck

Declared surplus by Ron Talbott, 5JDTF:

- 2004 Dodge SQ1 Truck

Declared surplus by Nathan Weinbaum, Veterans Affairs:

- 2000 Ford CVP

Blount County, Tennessee  
Grant (Contract) Worksheet

G.1.a

(adopted February 21, 2013)

Please provide the information below for any Grant being applied for or recently awarded.

Once completed, return the worksheet via e-mail to the Grant Accountant at accounting@blounttn.org.

Requesting Department: Blount County Sheriff's Office

Contact Persons Name, email, phone # (person applying for grant):  
Doug Hancock, dhancock@blounttn.org 273.5750  
Chief Jeff French, jfrench@bcso.com 273.5308 Lt.  
Randy Ailey, bso319@gmail.com 273.5136

Reporting Persons information (if different than contact):

Name of Granting Agency: State of Tennessee, Governors Highway Safety Office  
2013-14 BCOS Alcohol Saturation Patrols/Roadside Sobriety Checkpoints

Grant Name:

Is a grant application required? YES X NO     

Is this a one-time grant? YES      NO X If no, is the grant recurring? Yes

**Grant Funds Requested:**

**Are County Funds Required (Match)?** If so when approved, a budget amendment for match will need to be included with this form

Not Applicable - No Matching Funds Required

**Total Amount of Grant:**

\$ 75,284

Brief Description for Use of Grant Funds:  
(Equipment, Gear, Personnel, etc.)

Funding for overtime for patrol deputies, traffic safety unit deputies and supervisors for working Saturation Patrols for DUI, speeding and aggressive driving and for overtime for working Sobriety Checkpoints.

If the grant is in the application processes, what is the submission deadline?

April 30th, 2013

Worksheet reviewed by -

Grant Accountant and/or Finance Director:

Date of Commission approval:

Please provide the remaining information once the Grant is approved.

Grant CFDA# (Catalog of Federal Domestic Assistance):

To be supplied by GHSO with Grant - if awarded

Date of Grant Award:

Grant Period: (such as: Oct 1 - Sept 30)

Expiration Date of Grant, as established by the Granting Agency:

Anticipated Closing Date of Grant Project:

How will we receive the Grant Funds? (direct deposit, check, other)

How often will the Grant Funds be sent? (monthly, quarterly, one payment, other)

\*\*\*\* Attach Budget Amendment(s) to this form when grant approved \*\*\*\*

**Blount County, Tennessee  
Grant (Contract) Worksheet**

G.1.b

(adopted February 21, 2013)

Please provide the information below for any Grant being applied for or recently awarded.

Once completed, return the worksheet via e-mail to the Grant Accountant at [accounting@blounttn.org](mailto:accounting@blounttn.org).

Requesting Department: Blount County Sheriff's Office

Contact Persons Name, email, phone # (person applying for grant):  
Doug Hancock, dhancock@blounttn.org 273.5750

Reporting Persons information (if different than contact):  
Chief Jeff French, jfrench@bcso.com 273.5308 Lt.  
Randy Ailey, bcso319@gmail.com 273.5136

Name of Granting Agency: State of Tennessee, Governors Highway Safety Office

Grant Name: 2013-14 Motorcycle/Motorist Safety -The Dragon

Is a grant application required? YES  NO

Is this a one-time grant? YES  NO  If no, is the grant recurring? Yes

**Grant Funds Requested:**

Are County Funds Required (Match)? If so when approved, a budget amendment for match will need to be included with this form

Not Applicable - No Matching Funds Required

**Total Amount of Grant:**

\$ 89,880

Brief Description for Use of Grant Funds:  
(Equipment, Gear, Personnel, etc.)

Overtime funding for patrol division deputies, traffic safety unit deputies and supervisors for patrolling The Dragon, (U.S. Highway 129) during peak motorcyclist and sports car enthusiasts seasons.

If the grant is in the application processes, what is the submission deadline?

April 30th, 2013

Worksheet reviewed by -

Grant Accountant and/or Finance Director:

Date of Commission approval:

Please provide the remaining information once the Grant is approved.

Grant CFDA# (Catalog of Federal Domestic Assistance): To be supplied by GHSO with Grant - if awarded

Date of Grant Award:

Grant Period: (such as: Oct 1 - Sept 30)

Expiration Date of Grant, as established by the Granting Agency:

Anticipated Closing Date of Grant Project:

How will we receive the Grant Funds? (direct deposit, check, other)

How often will the Grant Funds be sent? (monthly, quarterly, one payment, other)

\*\*\*\* Attach Budget Amendment(s) to this form when grant approved \*\*\*\*

**Blount County, Tennessee  
Grant (Contract) Worksheet**

G.1 c.

(adopted February 21, 2013)

**Please provide the information below for any Grant being applied for or recently awarded.**

Once completed, return the worksheet via e-mail to the Grant Accountant at [accounting@blounttn.org](mailto:accounting@blounttn.org).

Requesting Department: Blount County Sheriff's Office

Contact Persons Name, email, phone # (person applying for grant):  
Doug Hancock, dhancock@blounttn.org 273.5750

Reporting Persons information (if different than contact):  
Chief Jeff French, jfrench@bcso.com 273.5308 Lt.  
Randy Ailey, bcso319@gmail.com 273.5136

Name of Granting Agency: State of Tennessee, Governors Highway Safety Office

Grant Name: 2013-14 BC SO Network Coordinator

Is a grant application required? YES  NO

Is this a one-time grant? YES  NO  If no, is the grant recurring? Yes

**Grant Funds Requested:**

Are County Funds Required (Match)? If so when approved, a budget amendment for match will need to be included with this form  
Not Applicable - No Matching Funds Required

**Total Amount of Grant:** \$ 15,000

Brief Description for Use of Grant Funds:  
(Equipment, Gear, Personnel, etc.)  

GHSOs Law Enforcement Liaison Officers (LEL's) are the point of contact between GH SO and the Sheriff's Office. The BC SO Network Coordinator works with LEL to carry out established initiatives to reduce traffic fatalities and accidents.

If the grant is in the application processes, what is the submission deadline?  
April 30th, 2013

Worksheet reviewed by -  
Grant Accountant and/or Finance Director: \_\_\_\_\_

Date of Commission approval: \_\_\_\_\_

**Please provide the remaining information once the Grant is approved.**

Grant CFDA# (Catalog of Federal Domestic Assistance): To be supplied by GH SO with Grant - if awarded

Date of Grant Award: \_\_\_\_\_

Grant Period: (such as: Oct 1 - Sept 30) \_\_\_\_\_

Expiration Date of Grant, as established by the Granting Agency: \_\_\_\_\_

Anticipated Closing Date of Grant Project: \_\_\_\_\_

How will we receive the Grant Funds? (direct deposit, check, other) \_\_\_\_\_

How often will the Grant Funds be sent? (monthly, quarterly, one payment, other) \_\_\_\_\_

\*\*\*\* Attach Budget Amendment(s) to this form when grant approved \*\*\*\*

**Blount County, Tennessee  
Grant (Contract) Worksheet**

(adopted February 21, 2013)

G.I.D

**Please provide the information below for any Grant being applied for or recently awarded.**

Once completed, return the worksheet via e-mail to the Grant Accountant at [accounting@blounttn.org](mailto:accounting@blounttn.org).

Requesting Department: \_\_\_\_\_

Contact Persons Name, email, phone # (person applying for grant):  
Charlene DeSha keepblo@earthlink.net 865-681-4809

Reporting Persons information (if different than contact): \_\_\_\_\_

Name of Granting Agency: Keep Blount Beautiful

Grant Name: Keep America Beautiful/Waste Management Think Green Grant

Is a grant application required? YES  NO \_\_\_\_\_ If no, is the grant recurring? \_\_\_\_\_

Is this a one-time grant? YES  NO \_\_\_\_\_ If no, is the grant recurring? \_\_\_\_\_

**Grant Funds Requested:** \$10,000

Are County Funds Required (Match)? If so when approved, a budget amendment for match will need to be included with this form  
NO

**Total Amount of Grant:** \$ 10,000

Brief Description for Use of Grant Funds:  
(Equipment, Gear, Personnel, etc.)  
Recycling Ad Hoc Committee Grant. Keep Blount Beautiful will apply for the grant. If received KBB will be responsible for facilitating, spending and reporting grant outcomes. Grant funds to be used to promote recycling to residents in Blount County.

If the grant is in the application processes, what is the submission deadline? 12-Jun-13

Worksheet reviewed by - \_\_\_\_\_

Grant Accountant and/or Finance Director: \_\_\_\_\_

Date of Commission approval: \_\_\_\_\_

**Please provide the remaining information once the Grant is approved.**

Grant CFDA# (Catalog of Federal Domestic Assistance): \_\_\_\_\_

Date of Grant Award: \_\_\_\_\_

Grant Period: (such as: Oct 1 - Sept 30) \_\_\_\_\_

Expiration Date of Grant, as established by the Granting Agency: \_\_\_\_\_

Anticipated Closing Date of Grant Project: \_\_\_\_\_

How will we receive the Grant Funds? (direct deposit, check, other) \_\_\_\_\_

How often will the Grant Funds be sent? (monthly, quarterly, one payment, other) \_\_\_\_\_

\*\*\*\* Attach Budget Amendment(s) to this form when grant approved \*\*\*\*

**From:** [Rhonda Pitts](#)  
**To:** [Susan Gennoe](#)  
**Subject:** FW: Grant Information Worksheet.xls  
**Date:** Monday, April 29, 2013 3:23:04 PM  
**Attachments:** [image001.jpg](#)  
[Copy of Grant Information Worksheet.xls](#)

---

Susan,

Below is a portion of the minutes from the Ad Hoc Committee To Study Solid Waste and Recycling. Also, below is Charlene DeSha's contact information. Charlene completed the attached information. Since this grant is going through Keep Blount Beautiful, she wasn't sure about how to list the department. Susan, please keep this penciled in on the agenda until I can confirm with Gary Farmer, Chairman of the Ad Hoc Committee.

Thanks,

Rhonda Pitts

### **Keep America Beautiful Grant**

Charlene DeSha explained the Keep America Beautiful Grant. She stated this is a Waste Management Think Green grant and it is specifically for recycling programs. She said it has to be in by June 12, 2013. She stated if the County is looking to have to pay for sites, or needing supplies for sites, or having need of media or public education for these sites, this grant could be used for this. She said they will have to come up with a plan as to what they would want to use this money for by June 12, 2013. Tab Burkhalter made a motion to forward to the Budget Committee and the full Commission to seek approval for Ms. Desha to apply for the \$10,000.00 Keep America Beautiful Waste Management Think Green grant. Holden Lail seconded the motion. A voice vote was taken with Chairman Farmer declaring the motion to have passed. Ms. Desha stated they will need to come up with a budget. Ms. DeSha stated she will pull something together and present it at the next meeting. Ms. DeSha stated Keep Blount Beautiful would receive the grant, but Blount County would be a partner with them. Chairman Farmer stated the grant would be an item on the agenda of the next meeting.

Charlene DeSha  
Coordinator/Director  
Keep Blount Beautiful  
373 Ellis Ave.  
Maryville, TN 37804  
865-681-4809  
(F) 865-681-1436  
[www.keepblountbeautiful.org](http://www.keepblountbeautiful.org)  
logo 2



RESOLUTION NO. 13-05-018

Sponsored by: Commissioners Steve Samples and Mike Lewis

WHEREAS, Blount County has Letters of Credit (LOC) associated with the E-1-A and E-5-A series of bonds. They mature in August, 2013 and August 2014, respectively, and

WHEREAS, extensions of these LOCs have been submitted to Blount County for approval, and

WHEREAS, these extensions reflect a reduced cost to Blount County, and

WHEREAS, after consultation with the County's financial advisor, PFM, the Blount County Budget Committee recommends the following to the full commission:

"Extend the Letter of Credit (LOC) on the Series E-1-A and Series E-5-A Bonds **and** initiate a request for proposal process (RFP) for new Letters of Credit. This process will be initiated by PFM after the May Commission meeting and completed prior to the expiration of the LOCs."

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee meeting in session assembled this 16<sup>th</sup> day of May, 2013, to approve the recommendation of its financial advisor and Budget Committee.

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

CERTIFICATION OF ACTION

ATTEST

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

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

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

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

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

\_\_\_\_\_  
Date

THIRD AMENDMENT AGREEMENT TO REIMBURSEMENT AGREEMENT

This THIRD AMENDMENT AGREEMENT TO REIMBURSEMENT AGREEMENT (this "Amendment Agreement"), dated as of March 1, 2013, is by and among THE PUBLIC BUILDING AUTHORITY OF BLOUNT COUNTY, TENNESSEE, a Tennessee nonprofit public corporation (the "Authority"), BLOUNT COUNTY, TENNESSEE, a political subdivision of the State of Tennessee (the "Borrower"), and BRANCH BANKING AND TRUST COMPANY, a North Carolina banking corporation (the "Bank").

PRELIMINARY STATEMENTS:

(1) Pursuant to a Reimbursement Agreement dated as of August 1, 2008 as amended by the First Amendment Agreement to Reimbursement Agreement dated as of August 1, 2009, as further amended by the Second Amendment Agreement to Reimbursement Agreement dated as of May 1, 2011, each by and among the Borrower, the Authority and the Bank (the "Reimbursement Agreement"), the Bank agreed to issue its letter of credit aggregating \$129,202,042 to support the Authority's Local Government Public Improvement Bonds, Series E-5-A issued for the benefit of the Borrower (the "Letter of Credit");

(2) The Borrower has requested that the Bank extend the Scheduled Termination Date (as defined in the Reimbursement Agreement) of the Letter of Credit from August 15, 2014 to August 15, 2016; and

(3) The Bank has agreed to extend the Scheduled Termination Date and amend the Reimbursement Agreement upon the terms and conditions set forth herein.

NOW, THEREFORE, the parties hereto, in consideration of the premises and mutual covenants and promises set forth herein and for other valuable consideration, the receipt and adequacy of which are hereby acknowledged, hereby agree as follows:

1. Terms. All terms used herein without definition, unless the context clearly requires otherwise, shall have the meanings provided therefor in the Reimbursement Agreement.

2. Amendment to Reimbursement Agreement.

(a) The definition of "Schedule Termination Date" in Section 1.1 is hereby amended to read as follows:

""Scheduled Termination Date" means August 15, 2016, subject to extension as set forth in Section 8.6."

(b) The last two sentences of Section 2.2(b) are hereby amended to read as follows:

"Effective June 1, 2013, Schedule 2.2 is no longer effective and the Borrower agrees that the Commitment Fee shall be computed at the rate of ~~0.73%~~

0.68%

per annum. In addition to the foregoing, upon the occurrence of any Event of Default, and for so long as said Event of Default has not been cured or waived by the Bank, whether or not said Event of Default has resulted in a request for an advance hereunder, the Commitment Fee shall increase automatically and immediately by 1.00% per annum above the Commitment Fee in effect immediately prior to the occurrence of said Event of Default.”

3. Representations and Warranties of the Borrower. The Borrower hereby represents and warrants that:

(a) The representations and warranties contained in Article VI of the Reimbursement Agreement are hereby made by the Borrower on and as of the date hereof;

(b) There has been no material change, and there exists no prospective change, in the condition, financial or otherwise, of the Borrower since the date of the most recent financial reports received by the Bank, other than changes in the ordinary course of business;

(c) The business and properties of the Borrower are not, and since the date of the most recent financial reports thereof received by Bank has not, been materially adversely affected as the result of any fire, explosion, earthquake, chemical spill, accident, strike, lockout, combination of workmen, flood, embargo, riot, or cancellation or loss of any major contracts;

(d) No event has occurred and no condition exists which, either prior to or upon the consummation of the transactions contemplated hereby, constitutes an Event of Default under the Reimbursement Agreement, either immediately or with the lapse of time or the giving of notice, or both;

(e) The execution, delivery and performance by the Borrower of its obligations under this Amendment Agreement will not cause a violation or default under any indenture, reimbursement agreement, or other agreement of, or applicable to, the Borrower; and

(f) The Borrower has the requisite corporate power and authority to execute, deliver and perform this Amendment Agreement; each of such documents has been duly authorized, executed and delivered; and each of such documents constitutes a valid, binding and enforceable instrument, obligation or agreement of the Borrower, in accordance with its respective terms, except as enforcement thereof may be limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws affecting enforcement of creditors' rights generally.

4. Representations and Warranties of the Authority. The Authority hereby represents and warrants that:

(a) The representations and warranties contained in Article IV of the Reimbursement Agreement are hereby made by the Authority on and as of the date hereof;

(b) No event has occurred and no condition exists which, either prior to or upon the consummation of the transactions contemplated hereby, constitutes an Event of Default under the Reimbursement Agreement, either immediately or with the lapse of time or the giving of notice, or both;

(c) The execution, delivery and performance by the Authority of its obligations under this Amendment Agreement will not cause a violation or default under any indenture, reimbursement agreement, or other agreement of, or applicable to, the Authority; and

(d) The Authority has the requisite corporate power and authority to execute, deliver and perform this Amendment Agreement; each of such documents has been duly authorized, executed and delivered; and each of such documents constitutes a valid, binding and enforceable instrument, obligation or agreement of the Authority, in accordance with its respective terms, except as enforcement thereof may be limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws affecting enforcement of creditors' rights generally.

5. Effectiveness of Documents. The terms and conditions hereof shall not be effective until each of the following are delivered to the Bank:

(a) Amendment Agreement. Two fully executed originals of this Amendment Agreement.

(b) Notice. Delivery of the Notice attached hereto as Exhibit A to Regions Bank, as trustee.

(c) Other Documents, Etc. Such other documents, instruments and certificates as the Bank may reasonably request.

6. Miscellaneous.

(a) This Amendment Agreement sets forth the entire understanding and agreement of the parties hereto in relation to the subject matter hereof and supersedes any prior negotiations and agreements among the parties relative to such subject matter. No promise, condition, representation or warranty, express or implied, not herein set forth shall bind any party hereto, and none of them has relied on any such promise, condition, representation or warranty. Each of the parties hereto acknowledges that, except as in this Amendment Agreement otherwise expressly stated, no representations, warranties, or commitments, express or implied, have been made by any other party to the other regarding the subject matter hereof. None of the terms or conditions of this Amendment Agreement may be changed, modified, waived or canceled, orally or otherwise, except in

a writing, signed by the party to be charged therewith, specifying such change, modification, waiver or cancellation of such terms or conditions, or of any preceding or succeeding breach thereof, unless expressly so stated.

(b) Except as hereby specifically amended, modified, or supplemented, the Reimbursement Agreement, and all other agreements, documents, and instruments related thereto are hereby confirmed and ratified in all respects and shall remain in full force and effect according to their respective terms.

(c) This Amendment Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument.

(d) This Amendment Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Tennessee.

(e) Upon request of the Bank, each of the parties hereto will duly execute and deliver or cause to be duly executed and delivered to the Bank such further instruments and do and cause to be done such further acts that may be reasonably necessary or proper in the opinion of the Bank to carry out more effectively the provisions and purposes hereof, including documents deemed necessary by the Bank to more fully evidence the obligations of Borrower to Bank and protect and perfect the collateral therefor.

(f) The Borrower agrees to pay all reasonable costs and expenses of the Bank in connection with the preparation, execution and delivery of the documents executed in connection with this Amendment Agreement, including without limitation, the reasonable fees and out-of-pocket expenses of counsel to the Bank.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment Agreement to be duly executed, all as of the date first above written.

BLOUNT COUNTY, TENNESSEE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE PUBLIC BUILDING AUTHORITY OF  
BLOUNT COUNTY, TENNESSEE

By: Robert H. Kidd  
Name: Robert H. Kidd  
Title: Chairman

BRANCH BANKING AND TRUST COMPANY

By: \_\_\_\_\_  
John Harris  
Senior Vice President

EXHIBIT A

Form of Notice Letter

Regions Bank, as Trustee  
315 Deaderick Street, 4th Floor  
Nashville, Tennessee 37237  
Attention: Corporate Trust

Re: Branch Banking and Trust Company Irrevocable Letter of Credit No. 9631577072-00001 issued in connection with The Public Building Authority of Blount County, Tennessee Local Government Public Improvement Bonds, Series E-5-A in the aggregate principal amount of \$127,525,000

To Whom It May Concern:

Reference is made to our Irrevocable Letter of Credit No. 9631577072-00001 having an Expiration Date of August 15, 2014. Branch Banking and Trust Company hereby extends the Expiration Date to August 15, 2016.

Very truly yours,

BRANCH BANKING AND TRUST COMPANY.

By: \_\_\_\_\_  
John Harris  
Senior Vice President

cc: Blount County, Tennessee

## SECOND AMENDMENT AGREEMENT TO REIMBURSEMENT AGREEMENT

This SECOND AMENDMENT AGREEMENT TO REIMBURSEMENT AGREEMENT (this "Amendment Agreement"), dated as of March 1, 2013, is by and among THE PUBLIC BUILDING AUTHORITY OF BLOUNT COUNTY, TENNESSEE, a Tennessee nonprofit public corporation (the "Authority"), BLOUNT COUNTY, TENNESSEE, a political subdivision of the State of Tennessee (the "Borrower"), and BRANCH BANKING AND TRUST COMPANY, a North Carolina banking corporation (the "Bank").

### PRELIMINARY STATEMENTS:

(1) Pursuant to a Reimbursement Agreement dated as of July 1, 2009, as amended by the First Amendment Agreement to Reimbursement Agreement dated as of May 1, 2011, each by and among the Borrower, the Authority and the Bank (the "Reimbursement Agreement"), the Bank agreed to issue its letter of credit aggregating \$51,164,110 to support the Authority's Local Government Public Improvement Bonds, Series E-1-A issued for the benefit of the Borrower (the "Letter of Credit");

(2) The Borrower has requested that the Bank extend the Scheduled Termination Date (as defined in the Reimbursement Agreement) of the Letter of Credit from August 15, 2013 to August 15, 2016; and

(3) The Bank has agreed to extend the Scheduled Termination Date and amend the Reimbursement Agreement upon the terms and conditions set forth herein.

NOW, THEREFORE, the parties hereto, in consideration of the premises and mutual covenants and promises set forth herein and for other valuable consideration, the receipt and adequacy of which are hereby acknowledged, hereby agree as follows:

1. Terms. All terms used herein without definition, unless the context clearly requires otherwise, shall have the meanings provided therefor in the Reimbursement Agreement.

2. Amendment to Reimbursement Agreement.

(a) The definition of "Schedule Termination Date" in Section 1.1 is hereby amended to read as follows:

""Scheduled Termination Date" means August 15, 2016, subject to extension as set forth in Section 8.6."

(b) Effective June 1, 2013, the Commitment Fee is decreased by changing the reference to "0.75%" in Section 2.2(b) to "~~0.75~~%".

0.68%

3. Representations and Warranties of the Borrower. The Borrower hereby represents and warrants that:

(a) The representations and warranties contained in Article VI of the Reimbursement Agreement are hereby made by the Borrower on and as of the date hereof;

(b) There has been no material change, and there exists no prospective change, in the condition, financial or otherwise, of the Borrower since the date of the most recent financial reports received by the Bank, other than changes in the ordinary course of business;

(c) The business and properties of the Borrower are not, and since the date of the most recent financial reports thereof received by Bank has not, been materially adversely affected as the result of any fire, explosion, earthquake, chemical spill, accident, strike, lockout, combination of workmen, flood, embargo, riot, or cancellation or loss of any major contracts;

(d) No event has occurred and no condition exists which, either prior to or upon the consummation of the transactions contemplated hereby, constitutes an Event of Default under the Reimbursement Agreement, either immediately or with the lapse of time or the giving of notice, or both;

(e) The execution, delivery and performance by the Borrower of its obligations under this Amendment Agreement will not cause a violation or default under any indenture, reimbursement agreement, or other agreement of, or applicable to, the Borrower; and

(f) The Borrower has the requisite corporate power and authority to execute, deliver and perform this Amendment Agreement; each of such documents has been duly authorized, executed and delivered; and each of such documents constitutes a valid, binding and enforceable instrument, obligation or agreement of the Borrower, in accordance with its respective terms, except as enforcement thereof may be limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws affecting enforcement of creditors' rights generally.

4. Representations and Warranties of the Authority. The Authority hereby represents and warrants that:

(a) The representations and warranties contained in Article IV of the Reimbursement Agreement are hereby made by the Authority on and as of the date hereof;

(b) No event has occurred and no condition exists which, either prior to or upon the consummation of the transactions contemplated hereby, constitutes an Event of Default under the Reimbursement Agreement, either immediately or with the lapse of time or the giving of notice, or both;

(c) The execution, delivery and performance by the Authority of its obligations under this Amendment Agreement will not cause a violation or default under any indenture, reimbursement agreement, or other agreement of, or applicable to, the Authority; and

(d) The Authority has the requisite corporate power and authority to execute, deliver and perform this Amendment Agreement; each of such documents has been duly authorized, executed and delivered; and each of such documents constitutes a valid, binding and enforceable instrument, obligation or agreement of the Authority, in accordance with its respective terms, except as enforcement thereof may be limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws affecting enforcement of creditors' rights generally.

5. Effectiveness of Documents. The terms and conditions hereof shall not be effective until each of the following are delivered to the Bank:

(a) Amendment Agreement. Two fully executed originals of this Amendment Agreement.

(b) Notice. Delivery of the Notice attached hereto as Exhibit A to Regions Bank, as trustee.

(c) Other Documents, Etc. Such other documents, instruments and certificates as the Bank may reasonably request.

6. Miscellaneous.

(a) This Amendment Agreement sets forth the entire understanding and agreement of the parties hereto in relation to the subject matter hereof and supersedes any prior negotiations and agreements among the parties relative to such subject matter. No promise, condition, representation or warranty, express or implied, not herein set forth shall bind any party hereto, and none of them has relied on any such promise, condition, representation or warranty. Each of the parties hereto acknowledges that, except as in this Amendment Agreement otherwise expressly stated, no representations, warranties, or commitments, express or implied, have been made by any other party to the other regarding the subject matter hereof. None of the terms or conditions of this Amendment Agreement may be changed, modified, waived or canceled, orally or otherwise, except in a writing, signed by the party to be charged therewith, specifying such change, modification, waiver or cancellation of such terms or conditions, or of any preceding or succeeding breach thereof, unless expressly so stated.

(b) Except as hereby specifically amended, modified, or supplemented, the Reimbursement Agreement, and all other agreements, documents, and instruments related thereto are hereby confirmed and ratified in all respects and shall remain in full force and effect according to their respective terms.

(c) This Amendment Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument.

(d) This Amendment Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Tennessee.

(e) Upon request of the Bank, each of the parties hereto will duly execute and deliver or cause to be duly executed and delivered to the Bank such further instruments and do and cause to be done such further acts that may be reasonably necessary or proper in the opinion of the Bank to carry out more effectively the provisions and purposes hereof, including documents deemed necessary by the Bank to more fully evidence the obligations of Borrower to Bank and protect and perfect the collateral therefor.

(f) The Borrower agrees to pay all reasonable costs and expenses of the Bank in connection with the preparation, execution and delivery of the documents executed in connection with this Amendment Agreement, including without limitation, the reasonable fees and out-of-pocket expenses of counsel to the Bank.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment Agreement to be duly executed, all as of the date first above written.

BLOUNT COUNTY, TENNESSEE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE PUBLIC BUILDING AUTHORITY OF  
BLOUNT COUNTY, TENNESSEE

By: Robert H. Bidd  
Name: Robert H. Bidd  
Title: Chairman

BRANCH BANKING AND TRUST COMPANY

By: \_\_\_\_\_  
John Harris  
Senior Vice President

EXHIBIT A

Form of Notice Letter

Regions Bank, as Trustee  
315 Deaderick Street, 4th Floor  
Nashville, Tennessee 37237  
Attention: Corporate Trust

Re: Branch Banking and Trust Company Irrevocable Letter of Credit No. 9631577072-00003 issued in connection with The Public Building Authority of Blount County, Tennessee Local Government Public Improvement Bonds, Series E-1-A in the aggregate principal amount of \$50,500,000

To Whom It May Concern:

Reference is made to our Irrevocable Letter of Credit No. 9631577072-00003 having an Expiration Date of August 15, 2013. Branch Banking and Trust Company hereby extends the Expiration Date to August 15, 2016.

Very truly yours,

BRANCH BANKING AND TRUST COMPANY.

By: \_\_\_\_\_  
John Harris  
Senior Vice President

cc: Blount County, Tennessee

**RESOLUTION NO. 13-05-002**

**Sponsored by Commissioners Gerald Kirby and Tom Greene**

**A RESOLUTION OF THE COMMISSION OF BLOUNT COUNTY, TENNESSEE, ESTABLISHING A POLICY REGARDING OPENING INVOCATIONS BEFORE MEETINGS OF THE BLOUNT COUNTY COMMISSION.**

**WHEREAS**, the Blount County Commission (the “Commission”) is an elected legislative and deliberative public body, serving the citizens of Blount County, Tennessee; and

**WHEREAS**, the Commission has long maintained a tradition of solemnizing its proceedings by allowing for an opening devotional before each meeting, for the benefit and blessing of the actions of the Commission; and

**WHEREAS**, the Commission now desires to adopt a formal, written policy to clarify and codify its invocation practices; and

**WHEREAS**, such invocations before deliberative public bodies have been consistently upheld as constitutional by our courts, up to and including the United States Supreme Court.

**NOW THEREFORE BE IT RESOLVED** by the Commission of Blount County as follows:

The Blount County Commission hereby approves the following written policy regarding opening invocations before meetings of the Commission of Blount County, Tennessee:

- 1.) In order to solemnize proceedings of the Blount County Board of Commissioners, it is the policy of the Commission to allow for an invocation or devotional to be offered before its meetings for the benefit of the Commission.
- 2.) No member or employee of the Commission or any other person in attendance at the meeting shall be required to participate in any devotional that is offered.
- 3.) The devotional shall be voluntarily delivered by a single Commission member, or his/her designee, scheduled on a rotating basis among all Commission members who voluntarily choose to participate in the rotational list.
- 4.) The designated Commission member shall deliver the devotional or invocation in his or her capacity as a private citizen, and according to the dictate of his or her own conscience.
- 5.) No guidelines or limitations shall be issued regarding an invocation’s content, except that the Commission shall request by the language of this policy that no devotional should proselytize or advance any faith, or disparage the religious faith or non-religious views of others.
- 6.) No Commission member shall be scheduled to offer a devotional at consecutive meetings of the Commission, or at more than two (2) Commission meetings in any calendar year.
- 7.) No other member(s) of the Commission shall engage in any prior inquiry, review of, or involvement in, the content of any devotional to be offered by the scheduled Commission member.
- 8.) This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Commission with, nor express the Commission’s preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Commission’s respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the County of Blount.

**BE IT FURTHER RESOLVED**, that this Resolution is to take effect from and after its passage.

Adopted this 16th day of May, 2013.

**CERTIFICATION OF ACTION:**

**ATTEST:**

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

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

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

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

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

\_\_\_\_\_  
Date

**RESOLUTION No. 13-05-003**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from S-Suburbanizing to C-Commercial for the property located at 225 & 235 S. Old Glory Road, being Tax Map 056, Parcels 045.00 and 045.02.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of May, 2013:

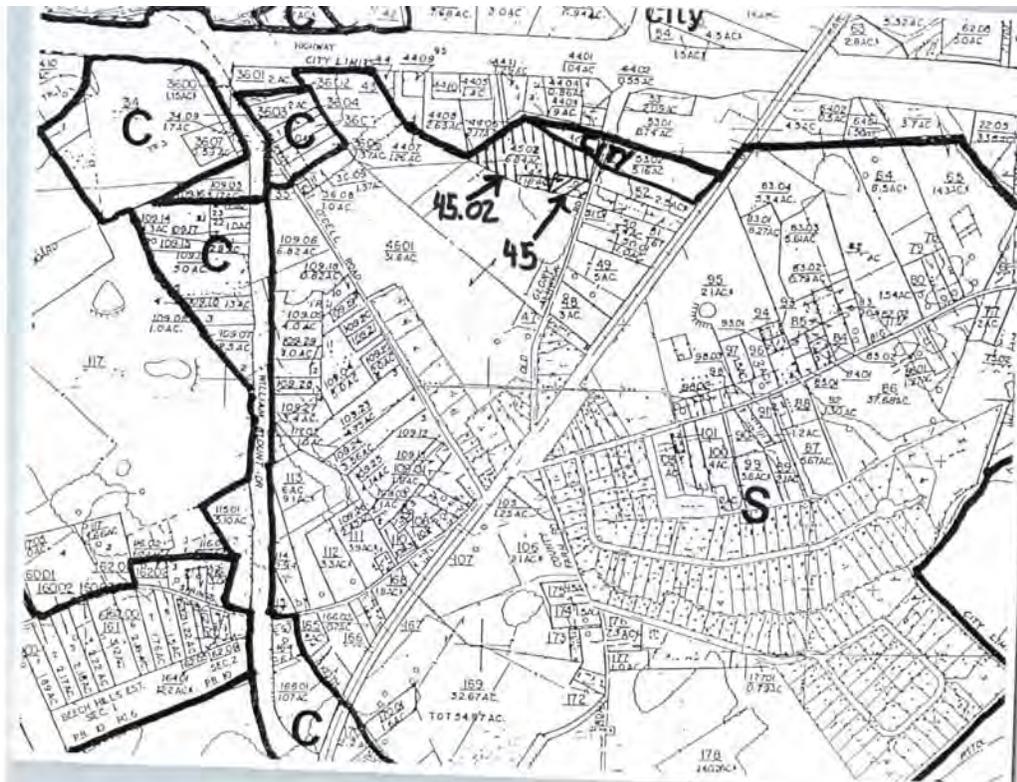
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

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

**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from S-Suburbanizing to C-Commercial for the property located at 225 & 235 S. Old Glory Road, being Tax Map 056, Parcels 045.00 and 045.02, shown hatched on the following map.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Memo

**To:** Blount County Planning Commission  
**From:** Building Commissioner  
**CC:** Other commission members and staff  
**Date:** 3/20/2013  
**Re:** Rezoning Request at 225 & 235 S. Old Glory Road.

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**Background:**

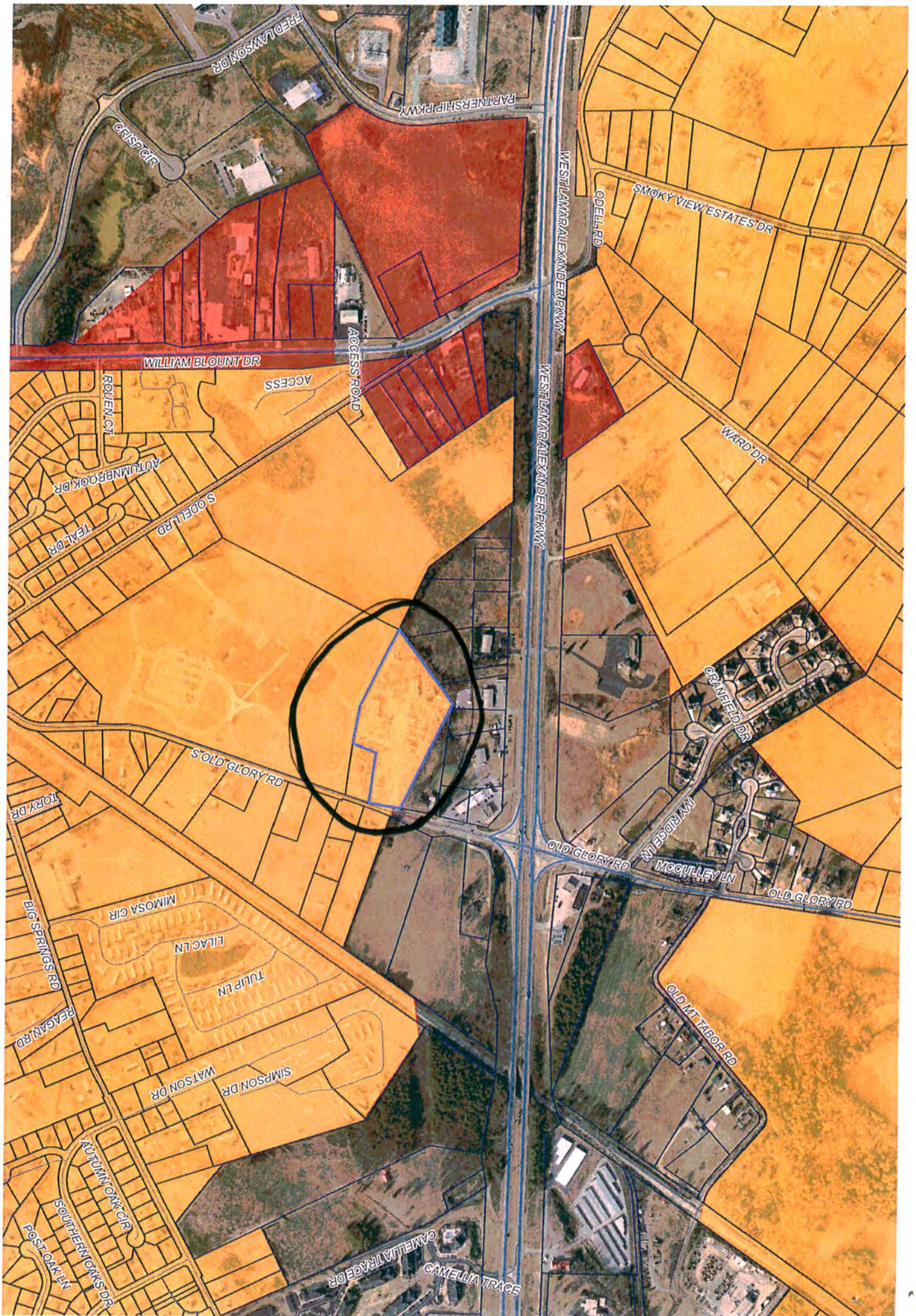
This rezoning request is for the property at 225 & 235 S. Old Glory Road to be rezoned from S-suburbanizing to C-commercial. The property is identified on tax map 056, parcels 045.00 and 045.02.

This property is located on S. Old Glory Road near the intersection with Highway 321. This property abuts property that has been annexed into the City of Maryville, which they have zoned Business/ Transportation. The opposite side of the property is abutted by Mary Blount Elementary School. The section of S. Old Glory Road that runs in front of these two properties is listed as a minor collector road, according to the road plan for Maryville City. These properties are located approximately 620-860 feet from the intersection with Highway 321.

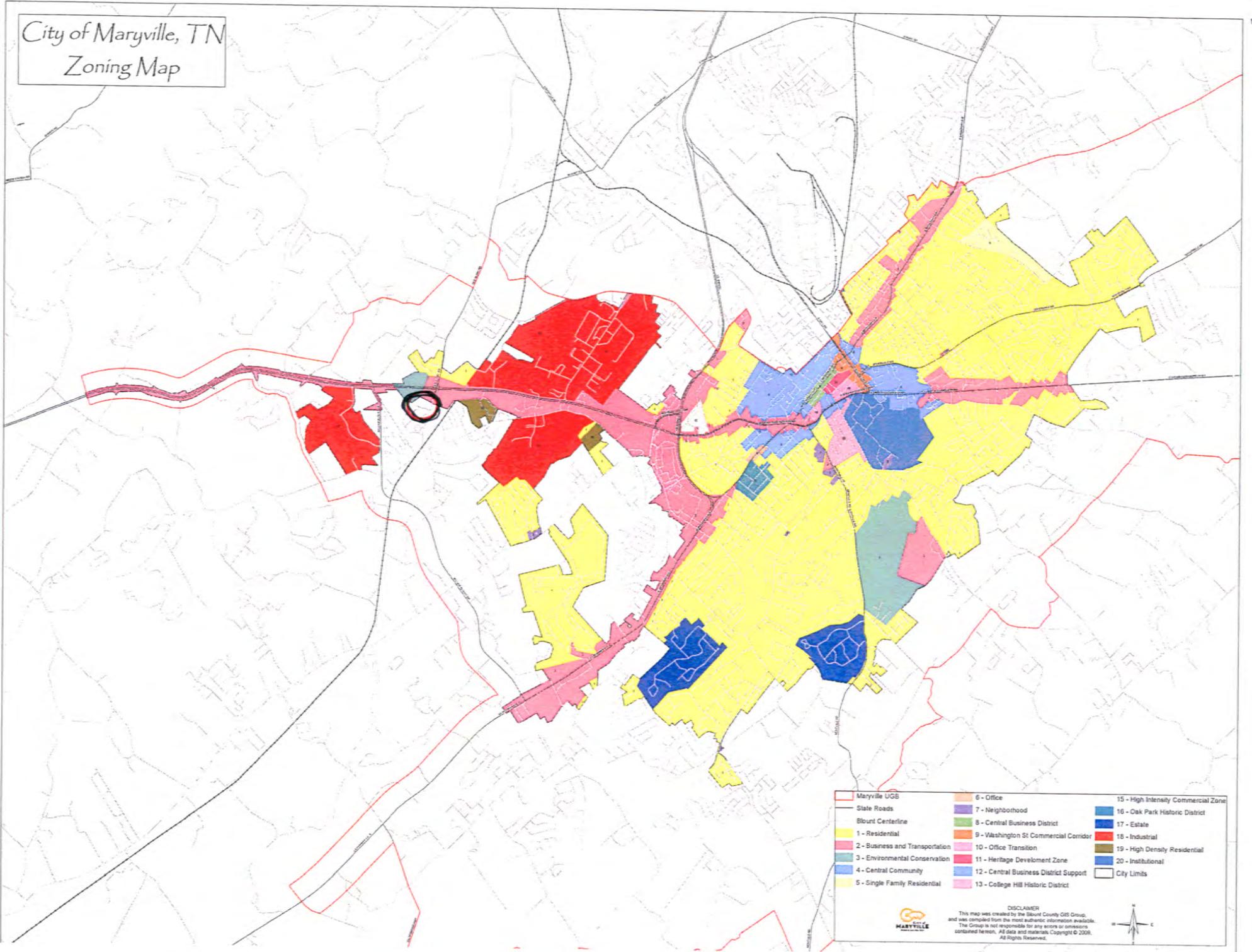
These properties are located in an area that has existing commercially zoned and used properties. Currently parcel 45.02 is listed as commercial on the tax card and parcel 45.00 is listed as residential. They both have road frontage on S. Old Glory Road.

I have included a copy of the zoning map with these two parcels labeled and hatched along with a copy of the GIS map of the area. I have also included a copy of the City of Maryville's zoning map for your review.





City of Maryville, TN  
Zoning Map



**DISCLAIMER**  
This map was created by the Blount County GIS Group, and was compiled from the most authentic information available. The Group is not responsible for any errors or omissions contained herein. All data and materials Copyright © 2008. All Rights Reserved.





**Development Services**  
416 West Broadway  
Maryville, TN 37801  
(865) 273-3500 phone  
(865) 273-3994 fax  
[www.maryvillegov.com](http://www.maryvillegov.com)

April 16, 2013

Mr. Roger Fields  
1221 McArthur Road  
Maryville, TN 37804

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

Dear Mr. Fields:

On April 15, 2013, the Maryville Regional Planning Commission took action on a proposed amendment to the Blount County Zoning Resolution regarding the rezoning of 225 and 235 S. Old Glory Road from S-suburbanizing to C-commercial. The commission voted unanimously (three members absent) to recommend that the properties be rezoned based on the fact that they have been used for commercial purposes for years and adjacent properties inside the city of Maryville are zoned for commercial uses.

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

Sincerely,

John Jagger, Director  
Development Services

**BLOUNT COUNTY PLANNING COMMISSION  
REGULAR SESSION  
THURSDAY, MARCH 28, 2013  
5:30 P.M.**

The Blount County Planning Commission met in regular session on Thursday, March 28, 2013, at the Courthouse. Staff was represented by: John Lamb - Director of Planning; Doug Hancock - Senior Planner; Roger Fields - Building Commissioner; Jeff Hatcher – Highway Department; Justin Teague, Stormwater Program Coordinator; and Administrative Assistant, Marlene Hodge.

Commissioners Present: David Caldwell – Vice Chairman, Ron French, Brad Harrison, Tom Hodge, Gerald Kirby, Bruce McClellan, Jerry Roddy, Ed Stucky – Chairman, Clifford Walker, and Gordon Wright. Commissioners Absent: Mike Caylor and Geneva Harrison.

The minutes for the February 28, 2013, regular monthly meeting were approved. Minutes were given to members for review prior to the meeting.

**PUBLIC HEARINGS:**

**Rezoning Request Suburbanizing (S zone) to Commercial (C zone) at 225 and 235 South Old Glory Road:**

The owner requested that the property located on Tax Map 056, Parcels 045.00 and 045.02 be rezoned from S-suburbanizing to C-Commercial. The property on one side of the lots has been annexed into the City of Maryville and zoned Business/Transportation and the opposite side is adjacent to Mary Blount Elementary School.

Both parcels have road frontage on S. Old Glory Road and are located in an area that has existing commercially zoned and used properties. Parcel 45.02 is listed as commercial on the tax card and Parcel 45.00 is listed as residential.

No one spoke and the public hearing was closed.

Commissioner McClellan made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Brad Harrison. Motion received unanimous approval.

**HEARINGS:**

**Preliminary Plats – Major Subdivisions:**

**Renewal of preliminary plat for Sparks Cabin Sites off Christy Lane in Laurel Valley: 5 new lots and 1 existing tract (Lane Property) to be served by a private easement:**

The preliminary plat was approved at the March 2010 for 24 months until March of 2012. The plat was renewed for 12 months until March 2013.

This is a proposed five-lot subdivision containing 4.9 acres and is located in the Rural District 1 (R-1) zone. All of the lots are to be served off a shared access easement and are

to be served by electric, a private water system and a shared septic system. The Lane Property is also served by this easement.

Mr. Sparks requested an extension of the preliminary plat approval for an additional 12 months - until March 2014.

Outstanding items to be completed:

1. Variance consideration to allow for the five Sparks lots and Lane Property to be divided off a common driveway Easement. (Variance granted in March of 2010).
2. Copy of a Maintenance Agreement for common driveway, shared septic system and common area maintenance responsibility. Suitable arrangements for maintenance of the private water distribution system.
3. Property Owner's Association documentation to be supplied to staff for review prior to final plat submission, inclusive of maintenance responsibility for these lots for internal Laurel Valley Roads.
4. A preconstruction meeting is required prior to any on-site work. An Erosion Control Plan and any permits to staff. All instructions in this staff analysis for the construction of the common driveway, and paving of entrance.
5. Confirmation by Mr. Lane that he concurs with the division of the Sparks property and understands the limitation from additional lots off the common driveway easement. (Confirmed by Mr. Lane at March 2010 Meeting)
6. Add access easement for common area below shared septic easement on plat and specify on plat that common area may also be used for future well(s).
7. At the March 2012 meeting Mr. Lane reminded staff that the cabin on Lot 5 needed to be moved out of the easement. (During a storm the cabin was moved off its foundation and into the easement.) It has since been partially moved but not completely out of the easement.

Commissioner Kirby made a motion to approve the preliminary plat subject to staff recommendations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Miscellaneous Items:**

**Big Springs Presbyterian Church: 2 lots off Meadow Road. 1 lot with road frontage and 1 lot served by a 25' easement. Variance Request:**

The proposed plat is to divide the Church building and parking lot on one lot and the cemetery on a separate lot. The cemetery lot is to be served by a 25' access easement.

The variance request would be to waive the Health Department evaluation requirements for Lot 2, the cemetery.

Such variances have been granted in the past, giving consideration to the unique use of the property. A note should be placed on the plat concerning limitation of the use of land to cemetery use only for Lot 2.

The property boundary is currently being adjusted through two minor lot line adjustments with adjoining properties.

Outstanding Items to be completed:

1. Consideration of variance request.
2. Placing note on the plat concerning limitation of use.
3. Completion of lot line adjustment plats.
4. Signature plats and \$20.00 per lot platting fee.

Commissioner Hodge made a motion to approve the plat and variance request to waive the Health Department evaluation requirements for the cemetery, Lot 2, subject to completion of the outstanding items; seconded by Commissioner Wright. Motion received unanimous approval.

**David and Sherryl Cooper Property off Charles Young Road: 3 lots. 2 with county road frontage and 1 served by a 25' easement. Variance request to minimum lot size:**

Owners presented a concept plan for review purposes only and consideration of variance request.

The Cooper property is a 2.1 acre parcel and has three residential structures located on the property.

There are currently two homes on Lot 1. One of those homes is going to be removed and replaced on Lot 2. Lot 3 contains one home and the 25' easement serving Lot 2. Lots 2 and 3 are to share driveway access off the easement. The condition of the existing driveway is satisfactory with no additional improvements necessary to meet the intent of the regulations.

In order to divide the owner is requesting the following variances to be granted:

Variance request to the Subdivision Regulations for minimum lot size for Lot 3. While Lot 3 is 32,000 square feet, approximately 9,000 square feet is encumbered by the easement. The subdivision regulations require 30,000 square feet out side of any area of development hindrance (including a driveway easement)

According to the Building Commissioner there are no variances required from the Board of Zoning Appeals per this request.

Mr. Ferguson discussed the situation with staff and agreed in principle that a subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission. Mr. Ferguson will review Lot 3 for adequate reserve area upon preliminary plat submittal and Lot 2 will require a soil map.

Items to be acted on:

1. Consideration of Variance request subject to the Health Department approval.

Commissioner Kirby made a motion to approve the variance request for minimum lot size for Lot 3; seconded by Commissioner Roddy. Motion received unanimous approval.

**LONG RANGE PLANNING:**

**STAFF REPORTS:**

Members were reminded of upcoming training opportunities and of the training session immediately following the Planning Commission Meeting.

**ADJOURNMENT:**

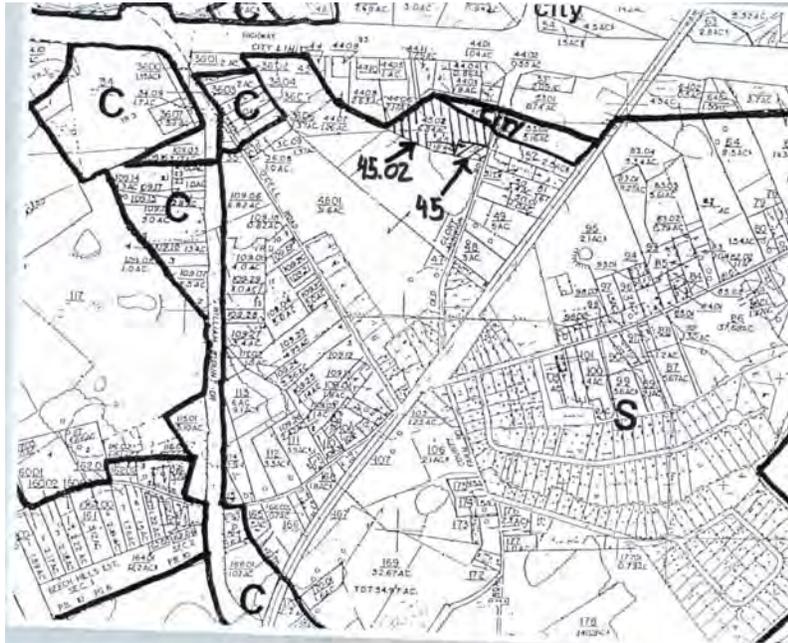
There being no further business to conduct, the Chairman declared the meeting adjourned.

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Secretary

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from S (Suburbanizing) to C (Commercial) for the property located at 225 & 235 S. Old Glory Road, The property is identified on Tax Map 056 and Parcels 045.00 and 045.02, and is shown hatched on the map below.**



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

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 13-05-004**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 to C-Commercial for the property located on Cedar Creek Road, being Tax Map 097, Parcel 011.00.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of May, 2013:

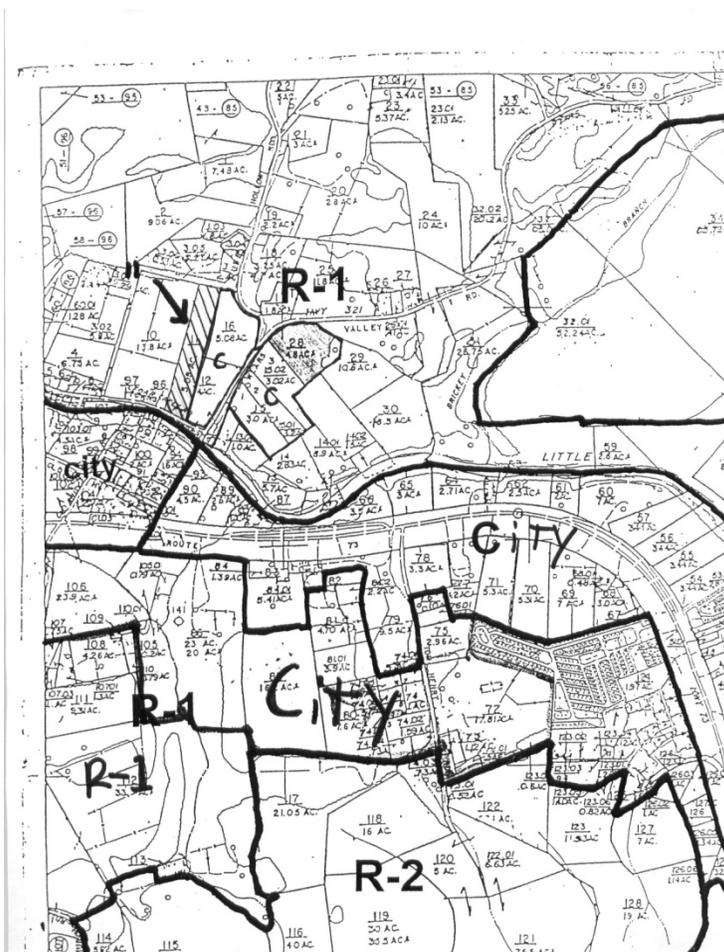
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

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

**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from R-1-Rural District 1 to C-Commercial for a portion of the property located on Cedar Creek Road, being Tax Map 097, Parcel 011.00, shown hatched on the following map.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Memo

To: Blount County Planning Commission  
From: Building Commissioner  
CC: Other commission members and staff  
Date: 2/20/2013  
Re: Rezoning Request on Cedar Creek Road.

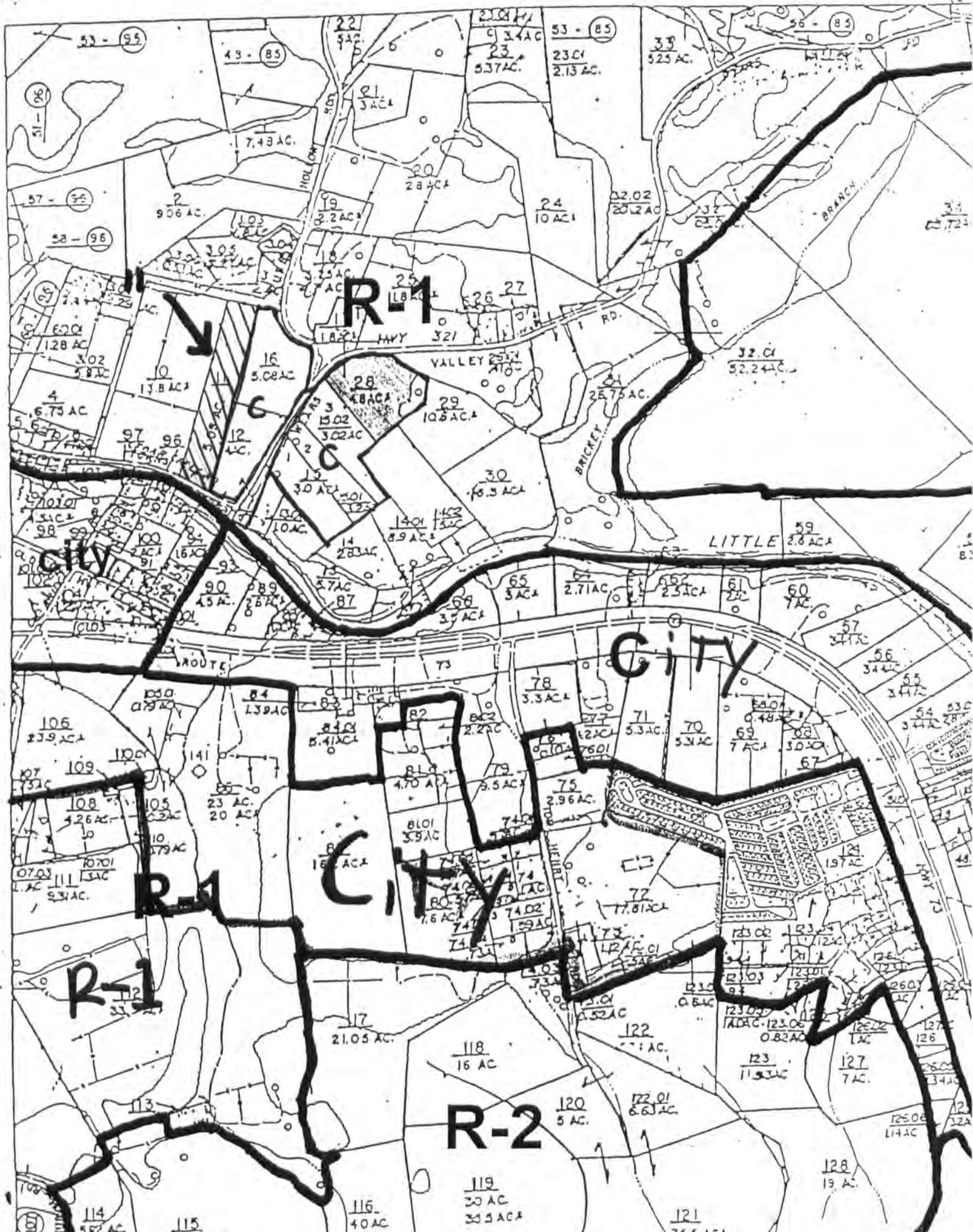
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## **Background:**

This request is to rezone the property on Cedar Creek Road near the intersection of Wears Valley Road to C-commercial from R-1-rural district one. The property is identified on tax map 097 and parcel 011.00. This property is currently located between commercially zoned property and an existing grandfathered campground.

The owner of this property also owns the property at 205 Wears Valley Road. That property is identified on tax map 097 and parcel 012.02, which currently houses a tubing business. The property owner has a plat to combine the parcel in question with the lot at 205 Wears Valley Road in order for the lot in question to have access onto Wears Valley Road, which is an arterial road. I have included a copy of that plat, but it has not been approved at this time. The combination of these parcels would allow parcel 011.00 to have the frontage on an arterial status road, which is better suited to handle commercial traffic than Cedar Creek Road. This request is consistent with the zoning and use of the properties that are located in that immediate area.

There is a small portion of this parcel that extends across Cedar Creek Road that lies on the bank of the Little River. This portion of the lot has not been included in this report simply because it is not suitable for development. I have attached the zoning map and the survey I mentioned for your review.



**CERTIFICATION FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulation for the Blount County Planning Region, with the exception of such variances, if any, as noted in the minutes of the planning commission, and that it has been approved by that body for recording in the office of the county register.

Secretary Planning Commission      Date

**CERTIFICATION OF OWNERSHIP AND DEDICATION**

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL RIGHTS-OF-WAY, STREETS, ALLEYS, WALKS, EASEMENTS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

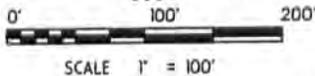
DATE      SO  
OWNER  
OWNER

**CERTIFICATION OF ACCURACY**

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Blount County Planning Commission and that the monuments have been placed as shown hereon to the specifications of the Blount County Subdivision Regulations.

Registered Surveyor      DATE

BIG MEADOW  
CAMPGROUND



6.16 AC.(T)

BIG MEADOW  
CAMPGROUND

TRACT 1

I HEREBY CERTIFY THAT I HAVE CONSULTED THE F.E.M.A. FLOOD MAP 47009C031K AND HAVE FOUND THAT THE SHOWN PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOOD ZONE.

RICK YOUNGER

S 70°24'33"E  
193.51'

FANCHER  
540/525

Line	Bearing	Distance
1	S 33°03'41"W	75.17'
2	N 21°16'42"E	58.89'
3	N 21°26'02"E	54.10'

N 21°27'21"E  
1062.75'

S 21°16'42"W  
978.31'



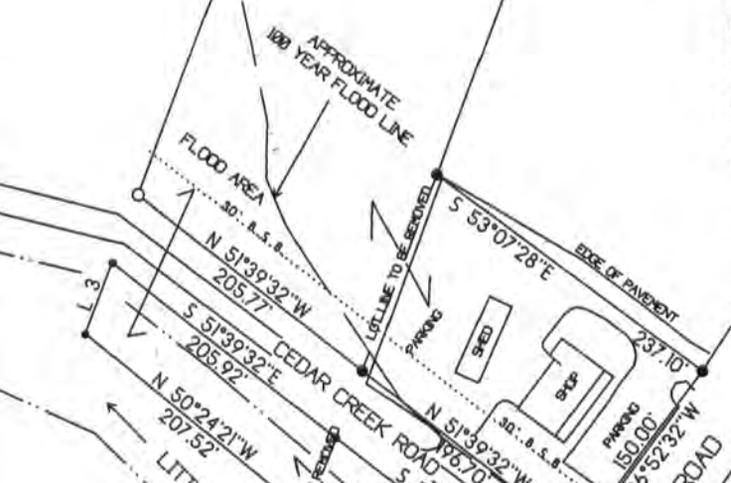
**CERTIFICATION**  
I HEREBY CERTIFY THAT THIS IS A FIELD SURVEY TO ESTABLISH THE BOUNDARY ONLY, BEING A TENNESSEE CATEGORY 3 WITH A CLOSURE OF 1:10,000 OR BETTER. I CERTIFY THAT THIS PLAT SHOWS ONLY ENCROACHMENTS, RIGHT OF WAYS AND EASEMENTS WHICH ARE OBVIOUS IN FIELD OR CALLED FOR IN LATEST RECORDED DEED, FLOOD DATA AND UNRECORDED EASEMENT ARE NOT PART OF CERTIFICATIONS. NO TITLE WORK WAS FURNISHED AND THE DOCUMENT USED TO ESTABLISH THIS BOUNDARY ARE SHOWN ON DRAWING. THERE MAY BE OTHER DOCUMENTS THAT WILL AFFECT THIS PROPERTY. THIS SURVEY AND CERTIFICATION IS TO THE OWNER OF PROPERTY AND THE PERSON WHO THE SURVEY WAS PREPARED FOR (AS STATED ON SURVEY) AND DOES NOT TRANSFER. THIS CERTIFICATION EXPIRES 4 YEARS FROM DATE OF SURVEY OR DATE OF UPDATE.

RICK YOUNGER RLS #1422

**LEGEND**

- EXISTING IRON PIN (EIP)
- NEW IRON PIN (NIP)
- NOT SET OR INACCESSIBLE POINT

SKINMORE PROPERTY



**BLOUNT COUNTY PLANNING COMMISSION  
REGULAR SESSION  
THURSDAY, FEBRUARY 28, 2013  
5:30 P.M.**

The Blount County Planning Commission met in regular session on Thursday, February 28, 2013, at the Courthouse. Staff was represented by: John Lamb - Director of Planning; Doug Hancock - Senior Planner; Roger Fields - Building Commissioner; Jeff Hatcher – Highway Department; and Administrative Assistant, Marlene Hodge.

Commissioners Present: David Caldwell – Vice Chairman, Ron French, Brad Harrison, Geneva Harrison, Tom Hodge, Gerald Kirby, Bruce McClellan, Jerry Roddy, Ed Stucky – Chairman, Clifford Walker, and Gordon Wright. Commissioner Absent: Mike Caylor.

The minutes for the January 24, 2013, regular monthly meeting were approved. Minutes were given to members for review prior to the meeting.

**PUBLIC HEARINGS:**

**Rezoning Request Suburbanizing (S zone) to Commercial (C zone) at 228 Keith Road:**

The owner requested the property to be rezoned from S-suburbanizing to C-commercial. This property is identified on Tax Map 056, Parcel 171.00, and is approximately one acre in size. The property is located in an area of other commercially zoned properties along William Blount Drive. Rezoning would be contiguous with the commercial zone in that immediate area and would be consistent with the zoning map. Two of the five properties located on Keith Road are already zoned C-commercial.

Keith Road is a short dead end road that ranges from thirty feet in width to seventeen feet in width. The driveway to this property is approximately two hundred feet from William Blount Drive, but the property corner is approximately seventy feet from William Blount Drive.

This property is currently taxed as residential and has a vacant home on it. The property owner has stored several cars on this property while construction is being done at the site of his used car lot. He assured Roger Fields that he is not conducting business there, but only using it for temporary storage and will be removing them once the construction is done.

County Commissioner Holden Lail spoke for two constituents regarding the rezoning, one for and one against the rezoning as well as a personal interest since the family farm surrounds the property. Mr. Lail and family members, Allen Lail and Brent Lail, are opposed to the rezoning.

Shannon Cheshire, Roland Zehendner, and Betty Maynard also spoke against the rezoning.

Those opposed of the rezoning did not want a car lot in that area and had concerns regarding the increase in traffic, the potential of more crime on that property and to surrounding properties, and would like to keep the area as is.

No one else spoke and the public hearing was closed.

Commissioner Hodge inquired if the property had frontage on William Blount Drive and wanted to verify that if the property was rezoned to Commercial that any commercial use would be allowed not just a car lot. Mr. Fields stated that the property did not have frontage on William Blount Drive. A list of commercial uses is available in the zoning regulations.

The rezoning and surrounding parcels were discussed.

Commissioner Kirby made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Brad Harrison. Roll call vote was taken:

Commissioner Caldwell - No	Commissioner Kirby - Yes
Commissioner Caylor - Absent	Commissioner McClellan – No
Commissioner French - No	Commissioner Roddy - No
Commissioner Brad Harrison - Yes	Commissioner Stucky - Yes
Commissioner Geneva Harrison - Yes	Commissioner Walker - Yes
Commissioner Hodge - No	Commissioner Wright - Yes

Motion to forward the rezoning request with a favorable recommendation was approved with 6 yes, 5 no, and 1 absent.

#### **Rezoning Request at corner of Wears Valley Road and Cedar Creek Road:**

Owners requested to rezone the property near the intersection of Wears Valley Road to C-Commercial from Rural District 1 (R-1 zone), identified on Tax Map 097, Parcel 011.00. This property is currently located between commercially zoned property and an existing grandfathered campground. The owner of this property also owns the property at 205 Wears Valley Road, identified on Tax Map 097, Parcel 012.02, which currently houses a tubing business. This request is consistent with the zoning and use of the properties that are located in that immediate area.

The property owner has a plat to combine the parcel in question with the lot at 205 Wears Valley Road in order for the lot in question to have access onto Wears Valley Road. The combination of these parcels would allow Parcel 011.00 to have the frontage on an arterial status road (Wears Valley Road), which is better suited to handle commercial traffic. The plat has not been approved at this time.

A small portion of this parcel that extends across Cedar Creek Road lies on the bank of the Little River. This portion of the lot was not been included in the staff memo because it is not suitable for development.

No one spoke and the public hearing was closed.

Commissioner Wright made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Roddy. Motion received unanimous approval.

#### **HEARINGS:**

### **Preliminary and Final Plats – Minor Subdivisions:**

#### **Revised Robert Hearon Property off of Murphy Road by Bob Hearon, 3 lots: 2 with frontage along the county road and 1 to be served exclusively by a common driveway easement:**

The Robert Hearon Plat was approved as a revised preliminary plat at the December 2012 special called meeting. At that time the plat consisted of four lots, 2 with road frontage and two to be served exclusively by a common driveway easement. Prior to that, the Concept Plan was presented to the planning commission at the September 2012 regular meeting as a 7 lot subdivision of the Raymond Beasley Property.

The Robert Hearon Property is now a proposed 3 lot subdivision containing 5.2 acres off Murphy Road. A portion of the property containing the floodplain has been added to a neighbors parcel and is no longer part of this proposed subdivision. (Staff memo was sent to members for review prior to the meeting.)

Lots 1 and 3 have road frontage along the county road and Lot 2 is to be served exclusively by a 25 foot common driveway easement across the flag stem of Lot 3. There is an existing home on Lot 1. This parcel is in the R-1 zone and all of the lots meet the minimum lot size requirements.

No construction activity is required for final plat approval. Any future driveway construction shall be the responsibility of the owner. While an erosion control plan is not required, erosion control measures should be employed during driveway construction. The owner shall contact the highway department prior to construction of a new driveway access along Murphy Road.

#### Outstanding items to be completed:

1. Copy of modified Maintenance Agreement to be supplied to staff prior to releasing the final plat.
2. Signature plats with all certifications including water and electric utilities.
3. \$20. 00 per lot platting fee.

Commissioner McClellan made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Kirby. Motion received unanimous approval.

#### **Amended Road Plat for Joe Pye Lane. A private Road in Singing Brook Subdivision owned by the Singing Brook Conservancy:**

The Singing Brook Subdivision was approved as a 15 lot subdivision with open space and a one way private gravel road to serve all of the lots in 2005. In 2010, the Singing Brook Cottages Subdivision was approved by the planning commission adding 7 more lots. From the original final plat in 2005 and the later in 2010 the private gravel road was paved by the owners. In order to confirm the road was build to county standards for a private paved road; planning staff requested a study of the road be presented by the owners. Upon completion of the road report, the County Engineering Department confirmed the road had been

constructed to meet the standards of a paved private roadway and the final plat for the Singing Brook Cottages was approved allowing the additional 7 lots to be recorded.

The owners have acquired an adjacent parcel owned by the David Long Trustee and the intent is to add two tracts with the remainder of the David Long trustee property to have access along Joe Pye Lane. In order to add the new lots, the Singing Brook Conservancy is widening the private road right-of-way along a section of Joe Pye Lane.

The Singing Brook Conservancy wants to add large lots off of the neighboring tract to be included into the private road subdivision. The status of the private road and condition of the roadway meet the requirements for further subdivision. West Millers Cove Road meets the standards for the additional tracts. Any additional tracts off of Joe Pye Lane shall be jointly responsible for the maintenance of the private road or be a part of the same maintenance regime as determined by the owners.

Outstanding items to be completed:

1. Signature plats with all certifications.

Commissioner Wright made a motion to approve the preliminary and final plat subject to completion of all certifications; seconded by Commissioner Brad Harrison. Motion received unanimous approval.

**Beall Property, Tract 2 and 4 by David Long, Trustee: 2 large tracts and a remainder greater than 5 acres off of Joe Pye Lane (private road).**

The proposed Beall Property off of Joe Pye Lane contains 2 large tracts with a total of 19.5 acres and a remainder greater than five acres. Tract 2 will have road frontage along the private road right-of-way of Joe Pye Lane. Tract 4 is to be served by a 25' driveway easement across the remainder of the David Long Trustee property.

The regulations state that a one-lot subdivision with an easement does not require the easement to be improved; therefore the driveway to Tract 4 does not need to be constructed for final plat consideration.

The proposed preliminary and final plat was reviewed inclusive of subdivision regulations for large tracts along an existing private road easement with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats and a \$20 per lot platting fee.

Commissioner Kirby made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Walker Property (re-plat) off Rudd Hollow Road by Dan Walker: 3 lots with county road frontage:**

The Walker Property is a proposed 3 lot re-plat containing 16.4 acres along Rudd Hollow Road and Lizzie Lane. The parcel is in the R-1 zone and none of the parcel is located in a floodplain. All three of the lots have county road frontage and adequate sight distance. Tract 3 is being made larger with a portion of both Tracts 1 and 2.

The proposed subdivision has been reviewed inclusive of subdivision regulations for small lots with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats, including water and electric, and a \$20.00 per lot platting fee.

Commissioner McClellan made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Wright. Motion received unanimous approval.

**Miscellaneous Items:**

**Charles Lunsford Property by Charles Lunsford off Calderwood Highway. 2 Lots with Road Frontage along Calderwood Highway. Variance Request for lots in the floodplain:**

The Lunsford property is a 1.6 acre parcel located along Calderwood Highway (Hwy. 129) and currently has two residential structures located on the property.

The owner would like to subdivide the parcel in order to separate the two homes onto two separate lots. According to the FEMA flood map, the entire parcel is located within the 100 year flood plain. In order to do divide the owner is requesting the following variances to be granted:

- Variance request to the Subdivision Regulations for minimum lot size for lot 2 from 30,000 square feet to 26,250 square feet.
- Variance request to the subdivision regulations that requires all lots to have a buildable area outside of the floodplain.
- Variance to minimum frontage along a minor arterial, from 150 feet to 142 feet for Lot 1 and 99 feet for Lot 2.

According to the Building Commissioner there are no variances required from the Board of Zoning Appeals per this request.

Mr. Ferguson has discussed the situation with staff, and agreed in principle that subdivision that did not result in any net detriment to the property would be acceptable subject to approval of the Planning Commission.

Outstanding items to be completed:

1. Consideration of Variance requests.
2. An updated plat showing the front setback and dedication of right-of-way off of Calderwood Highway.

3. Signature plats and a \$20 per lot platting fee.
4. The owner is responsible for contacting TDOT for any additional driveway connections.

Commissioner McClellan wanted to verify that the flood information will be on the plat. Staff stated that a note will be added indicating that the entire area is in the floodplain.

Commissioner Kirby made a motion to approve the variances to minimum lot size, the subdivision regulations that requires all lots to have a buildable area outside of the floodplain, and to minimum frontage along a minor arterial, with an addition of a floodplain statement to the plat and a note indicating that if the current buildings are removed any new structures must meet current FEMA regulations; seconded by Commissioner Roddy. Motion received unanimous approval.

**Shultz Property off Boat Gunnel Road by Randy Shultz. 3 lots, 2 lots served exclusively off of a 25' common driveway easement. Variance Request to minimum lot size:**

This property is a 2.6 acre parcel and currently has three residential structures located on the property. The owner wishes to subdivide the parcel to separate the two homes on Lot 1 onto two separate lots. Lot 1 is a flag lot and a 25 driveway easement serves Lot 2.

This proposal would add a second lot to be served exclusively off of the easement. This meets with the common driveway requirements and the condition of the existing driveway is satisfactory with no additional improvements necessary to meet the intent of the regulations.

The owner is requesting a variance to the Subdivision Regulations for minimum lot size for the two new lots created from Lot 1, 30,000 square feet to approximately 20,000 square feet for the smaller lot and approximately 37,000 square feet for the larger.

According to the Building Commissioner there are no variances required from the Board of Zoning Appeals per this request.

Staff notes precedent in granting variances to allow the subdivision of lots with assumption that this would accommodate an existing constructed situation. To insure full disclosure of lot situation, approval could be with condition that the plat include Environmental Department certification of reserve septic capability for the two new lots and any easements noted on the plat for septic that crosses the new property line.

Outstanding items to be completed:

1. Consideration of Variance requests.
2. An updated plat showing the proposed division.
3. Signature plats and a \$20 per lot platting fee.

Commissioner Wright made a motion to approve the variance request subject to completion of the outstanding items, seconded by Commissioner Geneva Harrison. Motion received unanimous approval.

**LONG RANGE PLANNING:**

**Proposed Plan Rural Resort District:** This proposal is already in process in the County Commission and a public hearing has been set for March 21, 2013. The State Statutes requires that the Planning Commission make a recommendation before the County Commission can vote on final approval of the amendment resolution. Staff memo and a copy of the resolution were given to members for review prior to the meeting.

The proposed amendment is for a resort type of overall low to moderate density development, and may be considered as consistent with preserving rural character, in the context of a gateway to the Great Smoky Mountains National Park.

One issue concerns the road infrastructure. West Millers Cove Road may be considered adequate for higher order development but at present is classified as a local road. (Most of the plans refer to a context of a collector status road.) The Blount County Major Road Plan may need to be amended to reclassify West Millers Cove Road as collector status for consistency between plans and proposal. Consideration for the collector status road for West Millers Cove Road would be from Highway 321 (East Lamar Alexander Parkway) to Mountain Homes Subdivision property line.

Staff recommended consideration of the resolution and recommendation to County Commission and to reclassify West Millers Cove Road as a collector status road.

Commissioner Hodge made a motion to set a public hearing for April 4 at 5:30 P.M. for consideration to reclassify West Millers Cove Road from a local road to a collector status road; seconded by Commissioner Walker. Motion received unanimous approval.

Commissioner Hodge made a motion to forward the resolution as written (amending the Zoning Regulations by adding a new Planned Rural Resort District) to the County Commission with a favorable recommendation, seconded by Commissioner Wright. Motion received unanimous approval.

**STAFF REPORTS:**

Staff verified that members agreed to have training after the regular meetings. Training is tentative scheduled to follow the next meeting.

**ADJOURNMENT:**

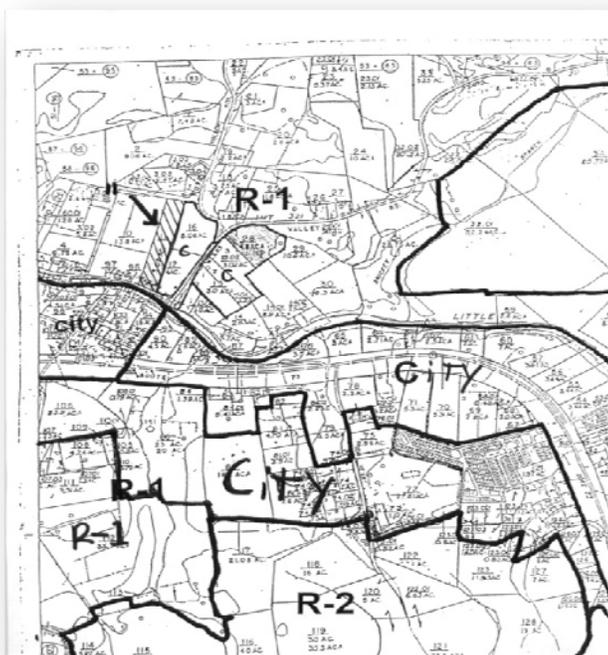
There being no further business to conduct, the Chairman declared the meeting adjourned.

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Secretary

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from R-1 (Rural District 1) to C (Commercial) for the property located on Cedar Creek Road, The property is identified on Tax Map 097 and Parcel 011.00, and is shown hatched on the map below.**



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

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 13-05-005**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from S-Suburbanizing to C-Commercial for the property located at 228 Keith Road, being Tax Map 056, Parcel 171.00.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of May, 2013:

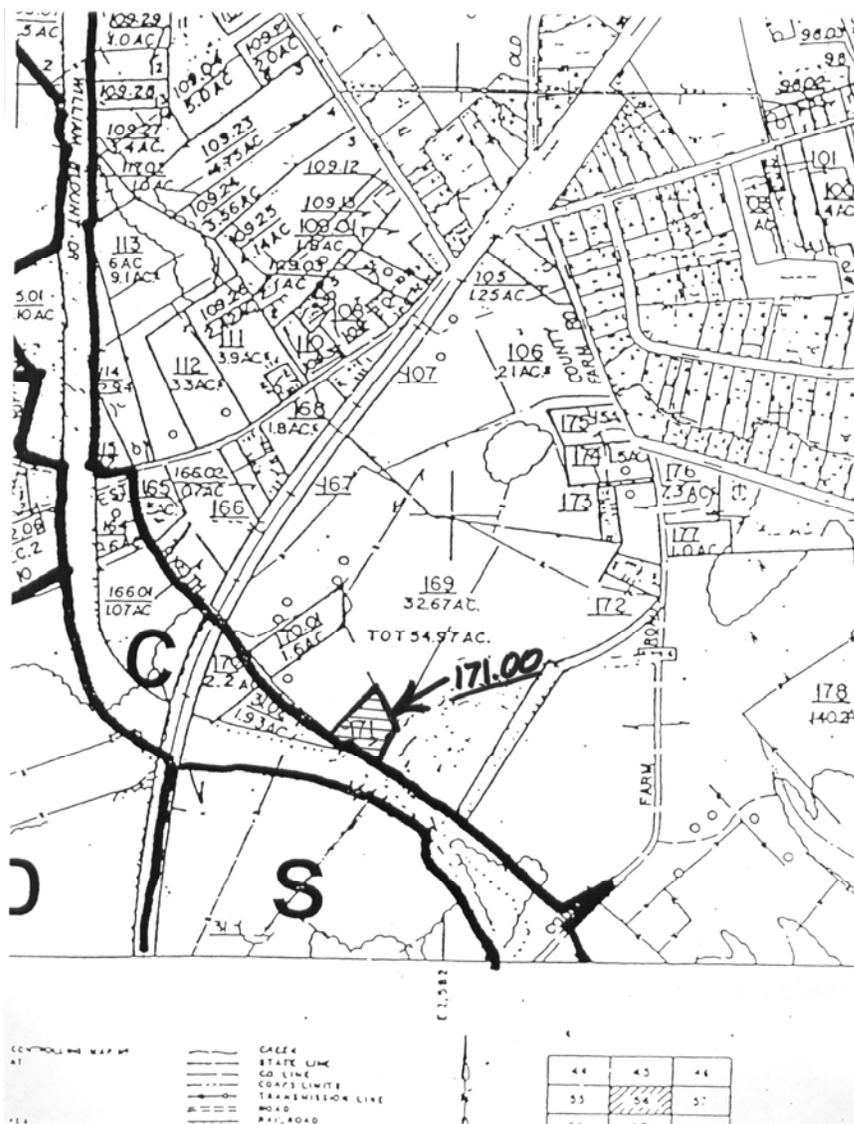
**WHEREAS**, the legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Section 13-7-101, *et seq.*, and

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

**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from S-Suburbanizing to C-Commercial for the property located at 228 Keith Road, being Tax Map 056, Parcel 171.00, shown hatched on the following map.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Memo

**To:** Blount County Planning Commission  
**From:** Building Commissioner  
**CC:** Other commission members and staff  
**Date:** 2/20/2013  
**Re:** Rezoning Request at 228 Keith Road.

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## **Background:**

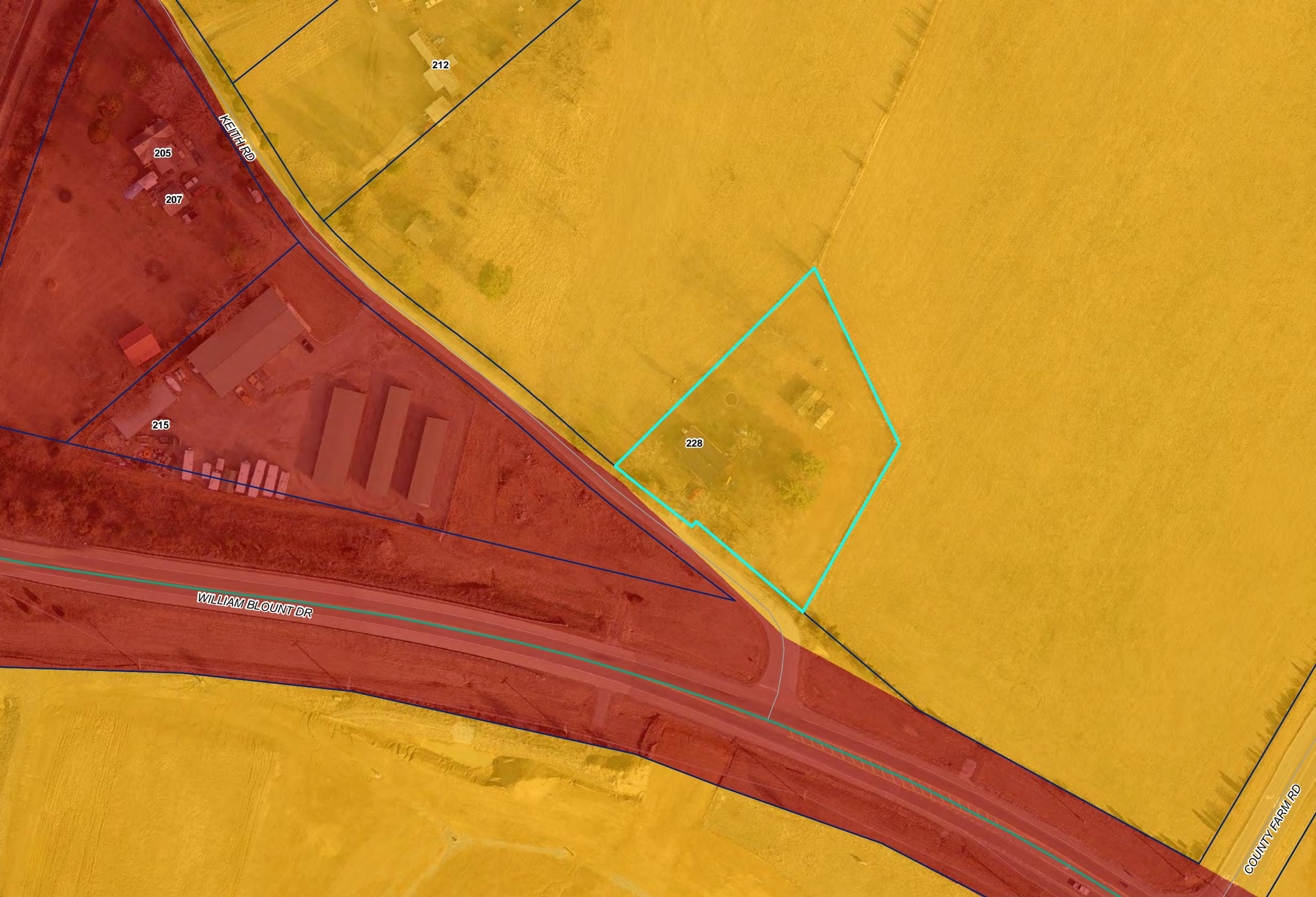
This rezoning request is for the property at 228 Keith Road to be rezoned from S-suburbanizing to C-commercial. The property is identified on tax map 056, parcel 171.00, and is approximately 1 acre in size.

This property is located in an area of other commercially zoned properties along William Blount Drive. Rezoning would be contiguous with the commercial zone in that immediate area and would be consistent with our zoning map. Two of the five properties located on Keith Road are already zoned C-commercial and this property has the closest access to William Blount Drive. Directly across the street from this property is a commercially zoned property that currently houses a self storage business.

Keith Road is a short dead end road that ranges from thirty feet in width to seventeen feet in width at the entrance to the self storage business. The driveway to this property is approximately two hundred feet from William Blount Drive, but the property corner is approximately seventy feet from William Blount Drive.

This property is currently taxed as residential and has a vacant home on it. The property owner has stored several cars on this property while construction is being done at the site of his used car lot. He has assured me that he is not conducting business there, but only using it for temporary storage and will be removing them once the construction is done. The property in question is shown hatched on the following map.





212

205

207

215

228

KETH RD

WILLIAM BLOUNT DR

COUNTY FARM RD



**Development Services**  
416 West Broadway  
Maryville, TN 37801  
(865) 273-3500 phone  
(865) 273-3994 fax  
[www.maryvillegov.com](http://www.maryvillegov.com)

March 28, 2013

Mr. Roger Fields  
1221 McArthur Road  
Maryville, TN 37804

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

Dear Mr. Fields:

On March 25, 2013, the Maryville Regional Planning Commission took action on an amendment to the Blount County Zoning Resolution regarding the rezoning of 228 Keith Road from S-suburbanizing to C-commercial. The commission voted unanimously (two members absent) to recommend that the rezoning be denied based on there being no commercial properties on the north side of Keith Road.

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

Sincerely,

John Jagger, Director  
Development Services

**BLOUNT COUNTY PLANNING COMMISSION  
REGULAR SESSION  
THURSDAY, FEBRUARY 28, 2013  
5:30 P.M.**

The Blount County Planning Commission met in regular session on Thursday, February 28, 2013, at the Courthouse. Staff was represented by: John Lamb - Director of Planning; Doug Hancock - Senior Planner; Roger Fields - Building Commissioner; Jeff Hatcher – Highway Department; and Administrative Assistant, Marlene Hodge.

Commissioners Present: David Caldwell – Vice Chairman, Ron French, Brad Harrison, Geneva Harrison, Tom Hodge, Gerald Kirby, Bruce McClellan, Jerry Roddy, Ed Stucky – Chairman, Clifford Walker, and Gordon Wright. Commissioner Absent: Mike Caylor.

The minutes for the January 24, 2013, regular monthly meeting were approved. Minutes were given to members for review prior to the meeting.

**PUBLIC HEARINGS:**

**Rezoning Request Suburbanizing (S zone) to Commercial (C zone) at 228 Keith Road:**

The owner requested the property to be rezoned from S-suburbanizing to C-commercial. This property is identified on Tax Map 056, Parcel 171.00, and is approximately one acre in size. The property is located in an area of other commercially zoned properties along William Blount Drive. Rezoning would be contiguous with the commercial zone in that immediate area and would be consistent with the zoning map. Two of the five properties located on Keith Road are already zoned C-commercial.

Keith Road is a short dead end road that ranges from thirty feet in width to seventeen feet in width. The driveway to this property is approximately two hundred feet from William Blount Drive, but the property corner is approximately seventy feet from William Blount Drive.

This property is currently taxed as residential and has a vacant home on it. The property owner has stored several cars on this property while construction is being done at the site of his used car lot. He assured Roger Fields that he is not conducting business there, but only using it for temporary storage and will be removing them once the construction is done.

County Commissioner Holden Lail spoke for two constituents regarding the rezoning, one for and one against the rezoning as well as a personal interest since the family farm surrounds the property. Mr. Lail and family members, Allen Lail and Brent Lail, are opposed to the rezoning.

Shannon Cheshire, Roland Zehendner, and Betty Maynard also spoke against the rezoning.

Those opposed of the rezoning did not want a car lot in that area and had concerns regarding the increase in traffic, the potential of more crime on that property and to surrounding properties, and would like to keep the area as is.

No one else spoke and the public hearing was closed.

Commissioner Hodge inquired if the property had frontage on William Blount Drive and wanted to verify that if the property was rezoned to Commercial that any commercial use would be allowed not just a car lot. Mr. Fields stated that the property did not have frontage on William Blount Drive. A list of commercial uses is available in the zoning regulations.

The rezoning and surrounding parcels were discussed.

Commissioner Kirby made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Brad Harrison. Roll call vote was taken:

Commissioner Caldwell - No	Commissioner Kirby - Yes
Commissioner Caylor - Absent	Commissioner McClellan – No
Commissioner French - No	Commissioner Roddy - No
Commissioner Brad Harrison - Yes	Commissioner Stucky - Yes
Commissioner Geneva Harrison - Yes	Commissioner Walker - Yes
Commissioner Hodge - No	Commissioner Wright - Yes

Motion to forward the rezoning request with a favorable recommendation was approved with 6 yes, 5 no, and 1 absent.

#### **Rezoning Request at corner of Wears Valley Road and Cedar Creek Road:**

Owners requested to rezone the property near the intersection of Wears Valley Road to C-Commercial from Rural District 1 (R-1 zone), identified on Tax Map 097, Parcel 011.00. This property is currently located between commercially zoned property and an existing grandfathered campground. The owner of this property also owns the property at 205 Wears Valley Road, identified on Tax Map 097, Parcel 012.02, which currently houses a tubing business. This request is consistent with the zoning and use of the properties that are located in that immediate area.

The property owner has a plat to combine the parcel in question with the lot at 205 Wears Valley Road in order for the lot in question to have access onto Wears Valley Road. The combination of these parcels would allow Parcel 011.00 to have the frontage on an arterial status road (Wears Valley Road), which is better suited to handle commercial traffic. The plat has not been approved at this time.

A small portion of this parcel that extends across Cedar Creek Road lies on the bank of the Little River. This portion of the lot was not been included in the staff memo because it is not suitable for development.

No one spoke and the public hearing was closed.

Commissioner Wright made a motion to send the rezoning request to the County Commission with a favorable recommendation, seconded by Commissioner Roddy. Motion received unanimous approval.

#### **HEARINGS:**

### **Preliminary and Final Plats – Minor Subdivisions:**

#### **Revised Robert Hearon Property off of Murphy Road by Bob Hearon, 3 lots: 2 with frontage along the county road and 1 to be served exclusively by a common driveway easement:**

The Robert Hearon Plat was approved as a revised preliminary plat at the December 2012 special called meeting. At that time the plat consisted of four lots, 2 with road frontage and two to be served exclusively by a common driveway easement. Prior to that, the Concept Plan was presented to the planning commission at the September 2012 regular meeting as a 7 lot subdivision of the Raymond Beasley Property.

The Robert Hearon Property is now a proposed 3 lot subdivision containing 5.2 acres off Murphy Road. A portion of the property containing the floodplain has been added to a neighbors parcel and is no longer part of this proposed subdivision. (Staff memo was sent to members for review prior to the meeting.)

Lots 1 and 3 have road frontage along the county road and Lot 2 is to be served exclusively by a 25 foot common driveway easement across the flag stem of Lot 3. There is an existing home on Lot 1. This parcel is in the R-1 zone and all of the lots meet the minimum lot size requirements.

No construction activity is required for final plat approval. Any future driveway construction shall be the responsibility of the owner. While an erosion control plan is not required, erosion control measures should be employed during driveway construction. The owner shall contact the highway department prior to construction of a new driveway access along Murphy Road.

#### Outstanding items to be completed:

1. Copy of modified Maintenance Agreement to be supplied to staff prior to releasing the final plat.
2. Signature plats with all certifications including water and electric utilities.
3. \$20. 00 per lot platting fee.

Commissioner McClellan made a motion to approve the preliminary and final plat subject to staff recommendations; seconded by Commissioner Kirby. Motion received unanimous approval.

#### **Amended Road Plat for Joe Pye Lane. A private Road in Singing Brook Subdivision owned by the Singing Brook Conservancy:**

The Singing Brook Subdivision was approved as a 15 lot subdivision with open space and a one way private gravel road to serve all of the lots in 2005. In 2010, the Singing Brook Cottages Subdivision was approved by the planning commission adding 7 more lots. From the original final plat in 2005 and the later in 2010 the private gravel road was paved by the owners. In order to confirm the road was build to county standards for a private paved road; planning staff requested a study of the road be presented by the owners. Upon completion of the road report, the County Engineering Department confirmed the road had been

constructed to meet the standards of a paved private roadway and the final plat for the Singing Brook Cottages was approved allowing the additional 7 lots to be recorded.

The owners have acquired an adjacent parcel owned by the David Long Trustee and the intent is to add two tracts with the remainder of the David Long trustee property to have access along Joe Pye Lane. In order to add the new lots, the Singing Brook Conservancy is widening the private road right-of-way along a section of Joe Pye Lane.

The Singing Brook Conservancy wants to add large lots off of the neighboring tract to be included into the private road subdivision. The status of the private road and condition of the roadway meet the requirements for further subdivision. West Millers Cove Road meets the standards for the additional tracts. Any additional tracts off of Joe Pye Lane shall be jointly responsible for the maintenance of the private road or be a part of the same maintenance regime as determined by the owners.

Outstanding items to be completed:

1. Signature plats with all certifications.

Commissioner Wright made a motion to approve the preliminary and final plat subject to completion of all certifications; seconded by Commissioner Brad Harrison. Motion received unanimous approval.

**Beall Property, Tract 2 and 4 by David Long, Trustee: 2 large tracts and a remainder greater than 5 acres off of Joe Pye Lane (private road).**

The proposed Beall Property off of Joe Pye Lane contains 2 large tracts with a total of 19.5 acres and a remainder greater than five acres. Tract 2 will have road frontage along the private road right-of-way of Joe Pye Lane. Tract 4 is to be served by a 25' driveway easement across the remainder of the David Long Trustee property.

The regulations state that a one-lot subdivision with an easement does not require the easement to be improved; therefore the driveway to Tract 4 does not need to be constructed for final plat consideration.

The proposed preliminary and final plat was reviewed inclusive of subdivision regulations for large tracts along an existing private road easement with public water, electric and individual septic systems.

Outstanding items to be completed:

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**Walker Property (re-plat) off Rudd Hollow Road by Dan Walker: 3 lots with county road frontage:**

The Walker Property is a proposed 3 lot re-plat containing 16.4 acres along Rudd Hollow Road and Lizzie Lane. The parcel is in the R-1 zone and none of the parcel is located in a floodplain. All three of the lots have county road frontage and adequate sight distance. Tract 3 is being made larger with a portion of both Tracts 1 and 2.

The proposed subdivision has been reviewed inclusive of subdivision regulations for small lots with public water, electric and individual septic systems.

Outstanding items to be completed:

1. Signature plats, including water and electric, and a \$20.00 per lot platting fee.

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**Miscellaneous Items:**

**Charles Lunsford Property by Charles Lunsford off Calderwood Highway. 2 Lots with Road Frontage along Calderwood Highway. Variance Request for lots in the floodplain:**

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Staff recommended consideration of the resolution and recommendation to County Commission and to reclassify West Millers Cove Road as a collector status road.

Commissioner Hodge made a motion to set a public hearing for April 4 at 5:30 P.M. for consideration to reclassify West Millers Cove Road from a local road to a collector status road; seconded by Commissioner Walker. Motion received unanimous approval.

Commissioner Hodge made a motion to forward the resolution as written (amending the Zoning Regulations by adding a new Planned Rural Resort District) to the County Commission with a favorable recommendation, seconded by Commissioner Wright. Motion received unanimous approval.

**STAFF REPORTS:**

Staff verified that members agreed to have training after the regular meetings. Training is tentative scheduled to follow the next meeting.

**ADJOURNMENT:**

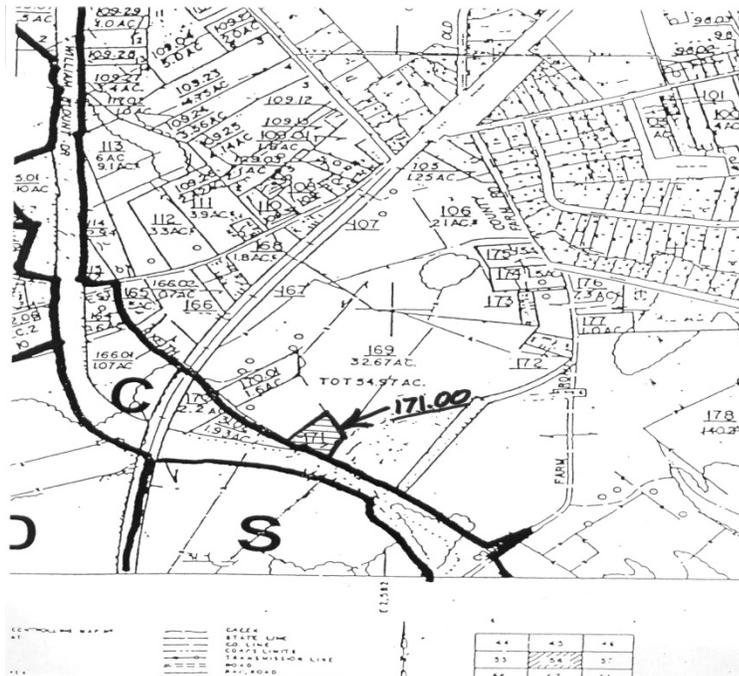
There being no further business to conduct, the Chairman declared the meeting adjourned.

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Secretary

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY TENNESSEE, from S (Suburbanizing) to C (Commercial) for the property located at 228 Keith Road, The property is identified as part of Tax Map 056 and Parcel 171.00, and is shown hatched on the map below.**



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

APPROVED:

Jerome Moon  
Commission Chairman

ATTEST:

Roy Crawford, Jr.  
County Clerk

Ed Mitchell  
County Mayor

**RESOLUTION No. 13-05-007**

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

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for property owned by Blackberry Farm LLC and Singing Brook Conservancy accessed off of West Millers Cove Road, Joe Pye Lane and Pawpaw Lane.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16th day of May, 2013:

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

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

**WHEREAS**, property owned by Blackberry Farm LLC and Singing Brook Conservancy in West Millers Cove meets criteria as a planned rural resort in conformity with standards set forth in the Planned Rural Resort District, and

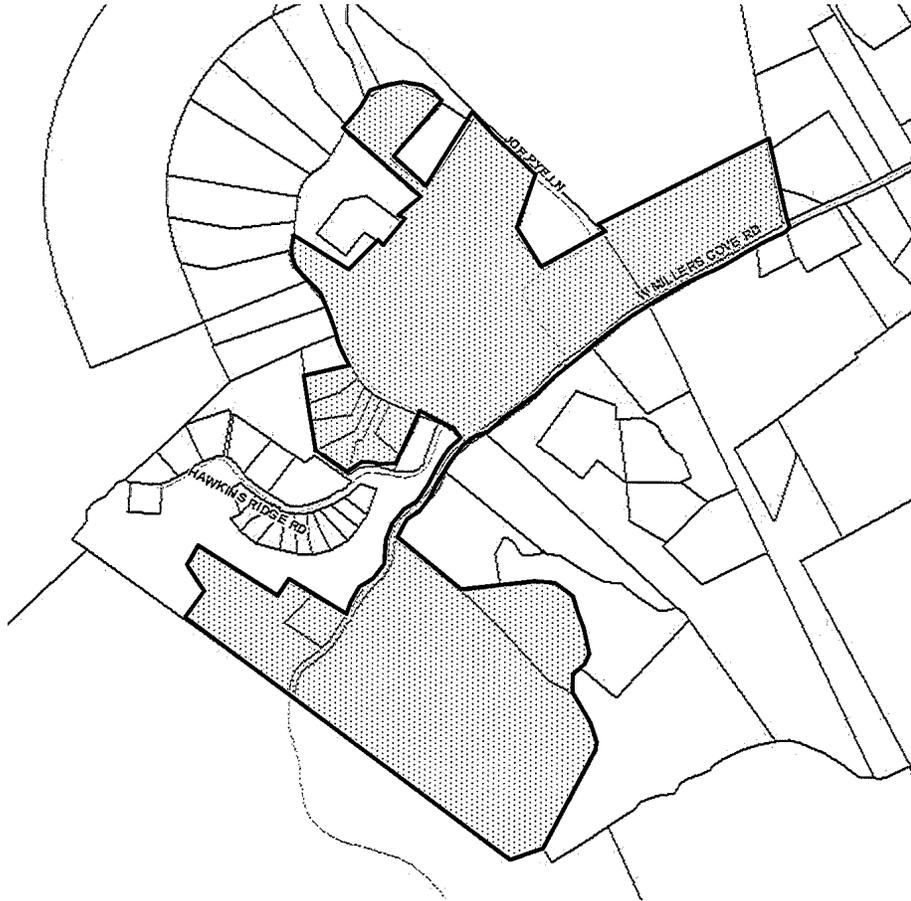
**WHEREAS**, it is desired to amend the Zoning Map of Blount County, Tennessee in conformity with purposes set forth in the Planned Rural Resort District.

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

That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for parcels owned by Blackberry Farm LLC and Singing Brook Conservancy, and associated road right-of-way, accessed off West Millers Cove Road, Joe Pye Lane and Pawpaw Lane, as described following:

West Millers Cove Road right-of-way from western most corner of Tax Map 094(082) parcel 067.02 to eastern most corner of Tax Map 082 parcel 066.00, and including the following parcels identified by Tax Map(Control Map) - parcel number – address: 094(082) - 067.02 - 1471 W. Millers Cove Road; 094(082) – 067.06 – W. Millers Cove Road; 094(082) – 067.27 – W. Millers Cove Road; 094(082) – 067.03 - 1471 W. Millers Cove Road; 082 – 067.00 – W. Millers Cove Road and also accessed off Joe Pye Lane; 094A&B”A”(082A) – 002.00 - 319 321 Pawpaw Lane off Joe Pye Lane; 094A&B”A”(082A) – 003.00 – 316 318 Pawpaw Lane off Joe Pye Lane; 094A”A”(082A) – 004.00 – 312 314 Pawpaw Lane off Joe Pye Lane; 094A”A”(082A) – 005.00 – 308 310 Pawpaw Lane off Joe Pye Lane ; 094A”A”(082A) – 006.00 – 300 302 Pawpaw Lane off Joe Pye Lane; 094A”A”(082A) – 007.00 – 304 306 Pawpaw Lane off Joe Pye Lane; 082 – part of 066.00 – W. Millers Cove Road, more particularly described as Tract 1 of Record Book 2344 page 246, less and except Record Book 2356 page 2393, containing 9.29 acres more or less, and being in depth approximately 483 feet from and parallel to center line of

West Millers Cove Road; in total all parcels containing 74 acres, more or less, and being shown on map following.



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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

# Think Quality - Think Future

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## Blount County Planning Department

Blount County Courthouse - 327 Court Street  
Maryville, TN 37804-5906  
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e-mail - [planning@blounttn.org](mailto:planning@blounttn.org)  
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**TO:** Blount County Commission

**FROM:** John Lamb

**DATE:** April 5, 2013

**SUBJECT:** Setting Public Hearing on Blackberry Farm LLC and Singing Brook Conservancy request for rezoning from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District.

The Blount County Planning Commission recommended amendment to the zoning regulations for a new Planned Rural Resort District at its February 28, 2013 regular meeting. The County Commission approved the amendment at its March 21, 2013 meeting. Copy of the approved resolution is attached to this memo for reference.

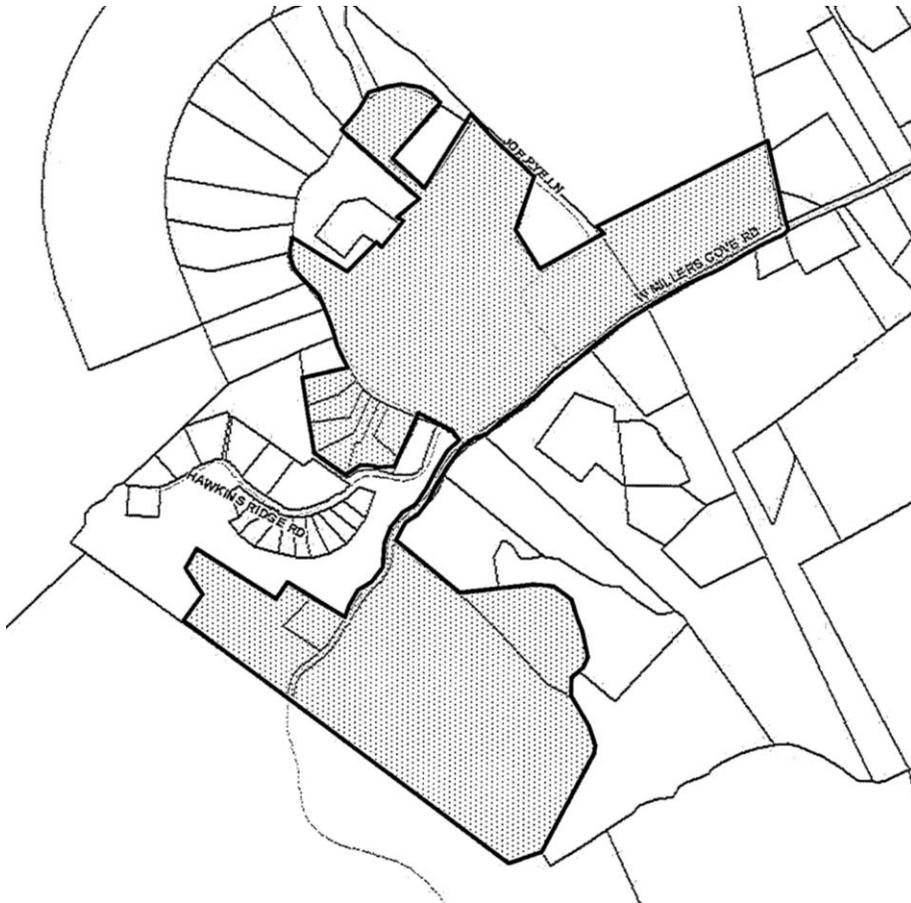
Blackberry Farm LLC and Singing Brook Conservancy have submitted an application and request rezoning of approximately 74 acres of land along West Millers Cove Road from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District. In accordance with requirements of the Blount County Zoning Resolution, the Planning Commission will hold public hearing and consider action to recommend on this matter on April 25, 2013 at its regular meeting, and results will be reported to the County Commission prior to final vote on the matter. The land requested for rezoning is shown on map on the following page.

The proposed rezoning meets the requirements and purposes of the new PRRD zone. The property is accessed off of West Millers Cove Road as required, and is greater than the 40 acres minimum required for the zone. The majority of the land is presently in the R-1 zone as required, with only about three acres, integral to the planned area, extending into the surrounding R-2 zone along Joe Pye Lane. The principals of Blackberry Farm LLC and Singing Brook Conservancy are interrelated and form the basis of an agreement to apply for this rezoning, with the present resort related activities on land owned by both entities functionally related in a planned unit. Note that much of the surrounding land was developed by the same or related partners, and is also related to the overall planned development of the larger surrounding area, but is under mixed ownership from past transfers and is more residential in nature and not included in this rezoning.

The present use of the land is mixed and integrated as a resort area that pre-existed zoning in the County. According to tax records, much of the area is in greenbelt agricultural use, and includes

20 percent open space in formal conservation easement. The larger area of related developments includes a mix of residential and commercial uses. The commercial uses within the rezoning area include restaurant and resort type accommodations, along with recreation facilities. The overall character of the land developed by Blackberry Farm LLC and Singing Brook Conservancy is of low to moderate density, mixed-use, resort themed development consistent with the purpose of the PRRD zone. The proposal is also consistent with adopted plans considered below.

### **Area of Rezoning Request**



### **Context of “Blount County Policies Plan”**

The “Blount County Policies Plan” was revised and adopted in September 25, 2008. The Policies Plan provides general context for reviewing this proposal for rezoning. The Plan provides five Guiding Policies as follows:

1. The rural, small town and natural character of the county should be preserved.
2. Land use and development should be managed and regulated in order to preserve the quality of our growing county.

3. The guiding policy in any government actions in relation to the use and development of land should be to limit regulations to specific public health, safety and welfare objectives balanced with responsible freedom in the use of land.
4. County roads should be improved and maintained to a level consistent with present development and expected future development.
5. Growth and development should be *balanced* with provision of adequate *public* infrastructure.

The proposed rezoning is geared to resort type of low to moderate density development, and may be considered as consistent with preserving rural character in the context of a gateway to the Great Smoky Mountains National Park. As part of rural character, the Policies Plan also recognizes the importance of mixed use in a planned manner. Of the five Guiding Policies, the two that may raise the most issues are numbers 4 and 5 concerning adequacy of infrastructure, particularly road infrastructure.

West Millers Cove Road has been judged as adequate for major residential development, and shows a pavement width up to 20 feet. Care should be taken to also consider the impact on roads of possible commercial development. The “Blount County Major Road Plan” was recently amended to reclassify West Millers Cove Road as Minor Collector status.

Given the commercial aspects of the new zone, care should also be taken to insure adequate utilities, particularly water, in any future development plans for the zone. The water supply for past development has proven to be adequate. Since there is no public sewer in the area, the capacity of the soil to support any commercial uses should also be considered. The soils for past related development have proven to be adequate.

The area from Walland through Townsend is generally considered as a gateway to the Great Smoky Mountains National Park. The Policies Plan recognizes the importance of Townsend for tourism in the county.

### **Context of “Conceptual Land Use Plan for Blount County”**

The “Conceptual Land Use Plan for Blount County” was adopted March 23, 2000, and was reviewed along with the Policies Plan in 2008 with conclusion that there was no pressing need for amendment. The residential uses that are surrounding and related to the overall development of the proposed rezoning are consistent with the Land Use Plan. Commercial uses are addressed directly in the Land Use Plan as follows:

Although the cities are expected to contain the major concentration of high density commercial land use and activity in the county, other commercial activity already exists outside the cities and outside the area identified for the high density commercial land use category. This type of commercial use is expected to grow in the future. The Plan projects that medium to low density commercial activities will establish in other areas of the county along arterial roads and collector roads.

In the context of rural areas, the Land Use Plan provides the following:

In deference to the predominantly residential nature of the area, only limited commercial activity is expected, particularly of medium to low density along arterial and collector status roads.

However, concerning other land use considerations, the Land Use Plan provides the following:

Mixed use and flexible clustering of development is accepted as a valid land use concept if planned for appropriately. Thus, planned unit developments will be an accepted type of development.

Taken together, low to moderate mixed commercial and residential development is accepted, with limitation based on quality of supporting road infrastructure. West Millers Cove Road may be considered adequate for higher order development, and is classified as a Collector.

### **Context of the Zoning Resolution**

Planned Unit Development is recognized as appropriate in the Zoning Resolution 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 PRRD zone expands on this concept to identify and formalize a specific type of planned unit development with its own zone identity.

The R-1 zone is referenced in the zoning regulations to identify permitted uses, special exception uses and special exception with specific limitation uses consistent with present R-1 zoning. For context, the provisions for the R-1 zone are as follows:

**Section 9.2 R-1 – Rural District 1.** It is the purpose and intent of this district to regulate rural development of expected moderate to low density within the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County.

A. Permitted Uses: one or two single family dwellings or manufactured home dwellings on a single lot, duplex dwellings, customary home occupations, group homes as provided in Tennessee Code Annotated, Section 13-24-101, *et seq*; churches, temples and other places of worship, cemeteries associated with churches and other places of worship; local, state and federal government and utility uses necessary for providing services to land or population within the district; and accessory structures customarily associated with the above uses.

B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities; commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population

within a broader region including the district; sawmills and associated lumberyards; bed and breakfast accommodations; golf driving range; vacation cabin rental (see also section 7.11); and accessory structures customarily associated with the above uses.

C. Uses Permitted as Special Exceptions with Specific Limitations: Indoor Sport Shooting Range (Subject to provisions and requirements in Section 7.13); Outdoor Sport Shooting Range (Subject to provisions and requirements in Section 7.13); Convenience Stores with vehicle fuel sales, provided that any such convenience stores with vehicle fuel sales shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet, and that buffering of the use from surrounding residential land shall be constructed and maintained.

### **Context of the 1101 Growth Plan**

The 1101 Growth Plan was completed in 2001 and is the only plan adopted by the Blount County Commission. State statutes require that all land use decisions be consistent with the plan, and this would include amendment of the zoning regulations text and amendment of the zoning map (rezoning). The plan approved for Blount County is very general, and the only issue of concern in the present proposal is whether or not the proposal is consistent with the Rural Area limitation of low to moderate density development. As noted above, the rezoning proposal, and the limitations inherent in the PRRD zone, meets the criteria of low to moderate density development.

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

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

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ADDING A NEW PLANNED RURAL RESORT DISTRICT.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this \_\_\_\_\_, 2013:

**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**, promoting and facilitating tourist related developments at the gateway to the Great Smoky Mountains National Park (GSMNP) is important for the economy of Blount County, and

**WHEREAS**, providing specific allowance and standards for tourist related resort facilities at the gateway to the GSMNP will facilitate proper and appropriate development in the rural area of the County,

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

**That Article 8 Establishment of Districts be amended to list a new Planned Rural Resort District to read as follows:**

**PRRD Planned Rural Resort District** for low to medium density integrally planned mixed-use resort development

**That a new Section 9.11 be added to read as follows:**

**Section 9.11 Planned Rural Resort District.** In consideration of the substantial importance of tourism in the County, it is the intent of this district to allow low to moderate density mixed-use planned developments that combine resort type residential and recreational uses along with resort oriented accommodations and commercial uses in the rural gateway area to the Great Smoky Mountains National Park, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq.*), and consistent with plans adopted by Blount County. Resort oriented commercial uses includes production of resort-related food, beverage, and alcohol items for retail, agricultural, and wholesale trade. The rural gateway area to the Great Smoky Mountains

National Park is defined as that area past Walland Gap and extending toward Townsend and the entrance to the Great Smoky Mountains National Park. For initial application, the area is limited to land adjacent to or directly accessible from West Millers Cove Road containing R-1 zoned land and any adjacent R-2 zoned land integral to a planned concept. The minimum area for application of the zone shall be 40 acres under one concept for development, and shall be either under one ownership, under partnership, under lease or contract or agreement for integrated use and development. This section does not amend the Zoning Map, nor zone, nor rezone any land to Planned Rural Resort District, but only identifies limits to location for any land that may in the future be zoned as such.

A. Permitted Uses:

1. All permitted uses allowed in R-1 Rural District 1, as described in Section 9.2A.
2. Within an overall mixed-use planned development, resort facilities and functions; restaurants, taverns and drinking establishments; hotels, motels, rooming and boarding houses, bed and breakfast and other similar uses; indoor and outdoor recreational facilities, including commercial guided activities, equestrian facilities, spa, gym and health club facilities; sales and rental of real estate and real estate development; and use of land and structures associated with resort-type facilities for the production of food, crafts, and beer, and for retail and wholesale trade. Any mixed-use planned development within the zone shall include all the following: integrated resort accommodations, restaurant, recreational facilities, and defined open space of at least 20 percent of the zone as the core of the zone development.
3. Working farm facilities and functions, which may be included in required 20 percent open space.
4. Agricultural, natural area uses, and farming activities, including breeding animals for consumption and for resale, production of food items from farm animals, harvesting farm animals for retail and wholesale trade industry purposes, which may be included in required 20 percent open space.

B. Uses permitted as special exception: Special exception uses identified in Section 9.2B for the R-1 Rural District 1.

C. Uses permitted as special exception with specific limitations: Special exception uses with specific limitations identified in Section 9.2C for the R-1 Rural District 1.

D. Uses Prohibited: All uses are prohibited except those uses permitted or permitted as special exception specifically above.

E. Uses Requiring Site Plan Review: All uses and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: Land within the zone may be divided into separate lots with mixed uses. For residential structures as required in Section 9.2 for the R-1 Rural District 1 zone, or greater as appropriate for previously R-2 zoned land on steep slopes. For all other uses: all lots shall be adequately sized to accommodate necessary parking requirements, setbacks, buffering, and soils requirements for any required on site septic disposal. A minimum of 20 percent of the zone shall be set aside as open space exclusive of required setbacks.

G. Setback Requirements: All uses 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.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any residential accessory structure.

3. Side Setback: the minimum building setback from the side property line shall be ten (10) feet, provided that the side setback shall be 20 feet for any non-residential use with a side property line abutting a residential use lot, or abutting a lot in the R-1 or R-2 zones.

4. Zone Boundary Setback: the minimum building setback from the zone boundary shall be 40 feet for all but single family and duplex residential use structures.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Section, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

I. Additional Site Plan Requirements: In addition to the site plan requirements in Section 7.2, site plans for any commercial use permit under this Section shall be drawn by a qualified professional, and shall include front elevation of any proposed structure.

J. Additional design requirements: All site plans shall be accompanied by a stormwater drainage plan, if necessary, prepared by a qualified engineer, and shall address the need for detention, if necessary, and pollution control. All non residential and non-agricultural uses permitted under this Section shall provide a vegetative landscape buffer, to be determined during site plan review, between the use/buildings on any commercial site, and any parcel or lot zoned other than Planned Rural Resort District. Such buffering shall apply to rear lot lines of the commercial site, and also to side lot lines behind the minimum front building setback lines, except where there is an immediately adjacent residential use that would require screening within the minimum front building setback line. All non-residential and non-agricultural uses permitted under this Section shall have a building elevation, along all fronting public roads, constructed of at least 50 percent nonmetal building materials, or shall be screened from view from all fronting public roads. All external lighting shall be directed away from or screened from land used or zoned for residential use, and away from any public right-of-way. Where noise is determined to be a probable off-site impact of a proposed use, a noise mitigation barrier of solid structure or

earth berm, in addition to vegetative buffer, shall be designed as part of the site plan and constructed.

K. Review on change of use.

1. For any change of use to special exception use under provisions for change of use requiring Board of Zoning Appeals approval, the Board of Zoning Appeals shall have permit and review authority under provisions of these regulations.

2. For other change of use, excluding change to uses allowed in Section 9.11.A, a permit application for zoning compliance shall be submitted, to be reviewed by the Building Commissioner for conformity to requirements for the zone and any previously approved site plan. The Building Commissioner shall require information on the application sufficient for determination of zoning compliance, and certification of zoning compliance in writing shall be considered as approval of the permit for change of use.

3. Notwithstanding subsection 2 above, upon determination by the Building Commissioner that a use will be of greater impact or will require new or changed site design elements upon change of use, the Building Commissioner shall require a new permit application and site plan to be reviewed by the Planning Commission as a new permit for that change of use.

4. All changes of use under this subsection shall require new permit application and charged fees as such.

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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

Vetoed: \_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

# Think Quality - Think Future

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## Blount County Planning Department

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

**TO:** Blount County Commission

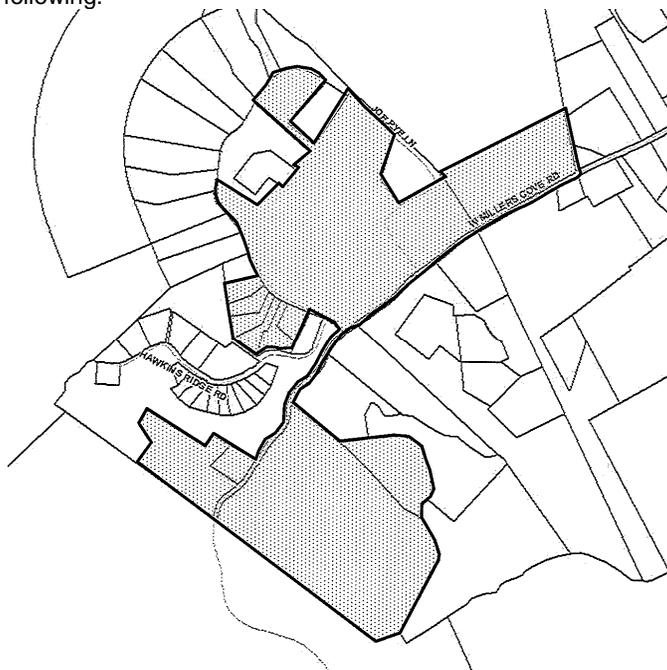
**FROM:** John Lamb – Secretary, Blount County Planning Commission

**DATE:** April 26, 2013

**SUBJECT:** Recommendation of Blount County Planning Commission on proposed rezoning resolution - **A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for property owned by Blackberry Farm LLC and Singing Brook Conservancy accessed off of West Millers Cove Road, Joe Pye Lane and Pawpaw Lane.**

The Blount County Planning Commission at its April 25, 2013 regular meeting held public hearing, after required 10 days public notice in newspaper and posting on property, and considered the above subject captioned resolution for rezoning. No one spoke to the matter during the public hearing. This is to certify that the Blount County Planning Commission acted to recommend for approval of the proposed resolution by unanimous vote of 10 yes, 0 no, with 2 absent.

**NOTICE OF PUBLIC HEARING.** In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will convene and hold public hearing on Tuesday, May 7, 2013 at 6:00 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010, and specifically the Zoning Map of Blount County, Tennessee. **A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for property owned by Blackberry Farm LLC and Singing Brook Conservancy accessed off of West Millers Cove Road, Joe Pye Lane and Pawpaw Lane.** That the Zoning Map of Blount County, Tennessee, be amended by rezoning land from R-1-Rural District 1 and R-2-Rural District 2 to PRRD-Planned Rural Resort District for parcels owned by Blackberry Farm LLC and Singing Brook Conservancy, and associated road right-of-way, accessed off West Millers Cove Road, Joe Pye Lane and Pawpaw Lane, as described following. West Millers Cove Road right-of-way from western most corner of Tax Map 094(082) parcel 067.02 to eastern most corner of Tax Map 082 parcel 066.00, and including the following parcels identified by Tax Map(Control Map) - parcel number – address: 094(082) - 067.02 - 1471 W. Millers Cove Road; 094(082) – 067.06 – W. Millers Cove Road; 094(082) – 067.27 – W. Millers Cove Road; 094(082) – 067.03 - 1471 W. Millers Cove Road; 082 – 067.00 – W. Millers Cove Road and also accessed off Joe Pye Lane; 094A&B"A"(082A) – 002.00 - 319 321 Pawpaw Lane off Joe Pye Lane; 094A&B"A"(082A) – 003.00 – 316 318 Pawpaw Lane off Joe Pye Lane; 094A"A"(082A) – 004.00 – 312 314 Pawpaw Lane off Joe Pye Lane; 094A"A"(082A) – 005.00 – 308 310 Pawpaw Lane off Joe Pye Lane ; 094A"A"(082A) – 006.00 – 300 302 Pawpaw Lane off Joe Pye Lane; 094A"A"(082A) – 007.00 – 304 306 Pawpaw Lane off Joe Pye Lane; 082 – part of 066.00 – W. Millers Cove Road, more particularly described as Tract 1 of Record Book 2344 page 246, less and except Record Book 2356 page 2393, containing 9.29 acres more or less, and being in depth approximately 483 feet from and parallel to center line of West Millers Cove Road; in total all parcels containing 74 acres, more or less, and being shown on map following.



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

APPROVED:

Jerome Moon  
Commission Chairman

Ed Mitchell  
County Mayor

ATTEST:

Roy Crawford, Jr.  
County Clerk

**RESOLUTION NO. 13-05-006**

**SPONSORED BY COMMISSIONERS MIKE CAYLOR, TAB BURKHALTER, AND  
MARK HASTY**

**RESOLUTION TO INSTITUTE FEES FOR ITEMS ISSUED TO JAIL INMATES UPON  
ADMISSION TO THE BLOUNT COUNTY JAIL PURSUANT TO T.C.A. §41-4-142.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of May, 2013:

**WHEREAS**, *Tennessee Code Annotated* Section 41-4-142(a) authorizes any county to pass a resolution permitting the administrator of the county jail or workhouse to institute fees for items issued to inmates at the time of each new admission to the county jail or workhouse; and

**WHEREAS**, pursuant to *Tennessee Code Annotated* Section 41-4-142(a), a resolution instituting fees for items issued to inmates at the time of each new admission to the county jail or workhouse must receive two-thirds (2/3) vote of the county legislative body in order to be adopted; and

**WHEREAS**, pursuant to *Tennessee Code Annotated* Section 41-4-142(a), the fees for items issued to inmates at the time of each new admission shall not exceed the actual cost of the issued items; and

**WHEREAS**, the said fees are to be used to defray costs associated with obtaining and issuing items to inmates at the time of each new admission to the county jail or workhouse; and

**WHEREAS**, *Tennessee Code Annotated* Section 41-4-142(c) permits the county to deduct these fees from the inmate's trust account or any other account or fund established by or for the benefit of the inmate while incarcerated; and

**WHEREAS**, *Tennessee Code Annotated* Section 41-4-142(c) expressly forbids the denial of necessary clothing or hygiene items because of an inmate's inability to pay the fee or costs; and

**WHEREAS**, the Blount County Board of Commissioners is desirous to institute fees for items issued to inmates at the time of each new admission in an amount not to exceed the actual cost of the issued items and expressly bestow upon the administrator of the Blount County Jail the authority to institute such fees as permitted by *Tennessee Code Annotated* Section 41-4-142.

**NOW THEREFORE, BE IT RESOLVED** by the Blount County Board of Commissioners, following the receipt of two-thirds (2/3) vote of the Blount County Board of Commissioners in favor of the adoption of this Resolution, that:

1. Pursuant to the provisions of *Tennessee Code Annotated* Section 41-4-142(a), the administrator of the Blount County Jail shall demand and receive fees for items issued to inmates at the time of each new admission in an amount not to exceed the actual cost of the issued items.

2. Such fee shall be collected from each and every inmate at the time of each new admission to the Blount County Jail unless the inmate is expressly exempted from payment by *Tennessee Code Annotated* Section 41-4-142(c) or other governing law.

3. Pursuant to *Tennessee Code Annotated* Section 41-4-142(c), the administrator of the Blount County Jail may deduct these fees from the inmate's trust account or any other account or fund established by or for the benefit of the inmate while incarcerated.

4. Pursuant to *Tennessee Code Annotated* Section 41-4-142(c), no inmate shall be denied necessary clothing or hygiene items based on his or her inability to pay the fees for the issued items at the time of each new admission to the Blount County Jail.

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

**ADOPTED THIS 16th DAY OF MAY, 2013.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

**RESOLUTION NO. 13-05-008**

Mark Hasty, Jerome Moon, Peggy Lambert, and Mike Caylor

**A RESOLUTION TO PROTECT AND DEFEND THE CONSTITUTIONAL RIGHT TO KEEP AND BEAR ARMS;  
AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, a government of, by, and for the people has long been a cherished American value and the foundation of our freedom; and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the U.S. Constitution and the Declaration of Independence, and;

**WHEREAS**, the Second Amendment to the United States Constitution provides: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

**WHEREAS**, the Ninth Amendment to the United States Constitution provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

**WHEREAS**, the Tenth Amendment to the United States Constitution provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," and;

**WHEREAS**, the Tennessee Constitution, Article I, Section 26 declares: "That the citizens of this state have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime." and;

**WHEREAS**, the citizens of Blount County, Tennessee recognize their duty as law-abiding citizens to act in accordance with the U.S. Constitution and the Tennessee Constitution, and agree that the right to keep and bear arms shall not be infringed upon by any government or organization, political or otherwise.

**NOW, THEREFORE, BE IT RESOLVED BY THE BLOUNT COUNTY BOARD OF COMMISSIONERS**, as follows:

**Section 1.** The citizens representatives, the Blount County Board of Commissioners hereby call upon our state legislators and elected officials to join with us in the affirmation of the rights of our citizens under the 2nd Amendment.

**Section 2.** All federal acts, laws, executive orders, agency orders, and rules or regulations of all kinds with the purpose, intent, or effect of confiscating any legally possessed firearm, banning any firearm, limiting the size of a magazine or clip for any firearm, imposing any limit on the ammunition that may be purchased for any firearm, excessive taxing of any firearm or ammunition therefore, or requiring the

registration of any firearm or ammunition therefore, infringes upon Tennesseans' right to bear arms in direct violation of the Second Amendment to the Constitution of the United States, and therefore, any such law is not made in pursuance of the Constitution, is not authorized by the Constitution, and thus, is not the supreme law of the land, and consequently, is invalid in the State of Tennessee and shall be further considered null and void and of no effect in this County.

**Section 3.** That all agencies of the Blount County, Tennessee are instructed to refuse requests or directives by federal agencies acting under unconstitutional powers enumerated in Section 2 above that would infringe upon our residents' second, ninth, and tenth amendment rights, or other inalienable rights not here explicitly enumerated.

**Section 4.** The Blount County Board of Commissioners calls on other communities and jurisdictions to join with us in this action by passing similar Resolutions.

**Section 5.** That copies of this Resolution be immediately transmitted to the President of the United States; the President of the United States Senate; the Speaker of the House of Representatives; each member of Congress from the State of Tennessee; the justices of the United States Supreme Court; the Attorney General of the State of Tennessee; the President of the Senate and the Speaker of the House of Representatives of Tennessee's legislature; each individual legislator that represents our district in the State of Tennessee; and the Sheriff of Blount County, Tennessee.

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

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

\_\_\_\_\_  
Date

**RESOLUTION NO. 13-05-009**

**SPONSORED BY COMMISSIONERS SCOTT HELTON AND JEROME MOON**

**RESOLUTION TO SET COMPENSATION OF SCHOOL BOARD  
MEMBERS OF BLOUNT COUNTY, TENNESSEE**

**WHEREAS**, Tennessee Code Annotated, Section 49-2-202 , The compensation of members of the county board shall be fixed by the county legislative body for their services when attending regular and special meetings and discharging the duties imposed by this title; provided, that the county trustee shall pay no voucher issued to members unless the voucher has been approved by the county mayor; and provided, further, that no member of any board shall receive less than four dollars (\$4.00) per day for the member's services ; and,

**WHEREAS**, the county legislative body of Blount County recognizes that the members of the Blount County School Board serve a critical role in the administration of the Blount County School System; and,

**WHEREAS**, the Blount County School Board is charged with significant duties as set forth in Tennessee Code Annotated 49-2-203; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Blount County Board of Commissioners , meeting this 16 day of May , 2013, that:

**SECTION 1.** The total compensation for each member of the Blount County School Board is hereby fixed at Four Hundred dollars (\$400.00) per month.

**SECTION 2.** The school board member's compensation, as authorized by TCA Section 49-2-202, shall only be modified by a resolution of this County Legislative Body separate from any other funding resolution which is adopted pertaining to the Blount County Schools.

**SECTION 3.** This resolution shall take effect upon adoption, the general welfare requiring it.

Adopted this 16th day of May, 2013.

**CERTIFICATION OF ACTION**

**ATTEST**

\_\_\_\_\_

Commission Chairman

\_\_\_\_\_

County Clerk

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

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

\_\_\_\_\_

County Mayor

\_\_\_\_\_

Date

**RESOLUTION NO. 13-05-010**

Sponsored by Commissioners Holden Lail and Scott Helton

**A RESOLUTION AMENDING RESOLUTION NO. 02-02-004 ENTITLED  
“A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED  
AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF  
T.C.A. SECTIONS 5-1-118(c) AND 6-2-201(22)”**

WHEREAS, on February 21, 2002, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 02-02-004 entitled “A Resolution Adopting Regulations for the Unincorporated Areas of Blount County Pursuant to the Authority of Tennessee Code Annotated Sections 5-1-118(c) and 6-2-201(22);” and

WHEREAS, on May 16, 2002, the Board of County Commissioners of Blount County, Tennessee, amended said Resolution No. 02-02-004, by adopting Resolution No. 02-05-011, which amendment, among other things, added Regulations Nos. 46 and 47 thereto; and

WHEREAS, on October 17, 2002, the Board of County Commissioners of Blount County, Tennessee, amended said Resolution No. 02-02-004 by adopting Resolution No. 02-10-011; and

WHEREAS, on September 20, 2007, the Board of County Commissioners of Blount County, Tennessee, adopted said Resolution No. 02-02-004 by the adopting of Resolution No. 07-09-010; and

WHEREAS, it has been determined that it is necessary and proper to amend said Resolution No. 02-02-004 by adding Regulation No. 48.

**Regulation No. 48**

**“No Solicitation on County Roadways”**

1. It shall be unlawful to solicit money, funds or donations on any County roadway or right-of-way.

2. This Regulation is enacted for the purpose of protecting the health, safety, and welfare of the public and County citizens, insuring the free and safe passage of vehicular traffic on the streets and highways of the County.

3. A violation of this Regulation shall be punishable in the same manner as set forth in Resolution No. 02-02-004, Sections 3 and 4, as amended.

These Regulations shall take effect upon their adoption, the public welfare requiring it.

Adopted this 16th day of May, 2013.

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

\_\_\_\_\_  
Date

IN RE: RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118 AND 6-2-201(22).

Commissioner Morton made a motion to approve the resolution. Commissioner Evans seconded the motion.

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

RESOLUTION SPONSORS: \_\_\_\_\_

RESOLUTION NO. 02-02-004

**A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118(c) AND 6-2-201(22).**

\*\*\*\*\*

WHEREAS, the Tennessee General Assembly enacted Chapter No. 969 of the Public Acts of 2000 of the State of Tennessee ("Public Chapter 969"), effective June 21, 2000, which amends Tennessee Code Annotated Section 5-1-118 by adding subsections (b) and (c) thereto relative to county powers shared with municipalities; and

WHEREAS, said new subsection (c) of Tennessee Code Annotated Section 5-1-118 authorizes certain counties, including Blount County, to exercise those powers granted to municipalities by subsections (22) and (23) of Tennessee Code Annotated section 6-2-201, with specified exceptions, provided that any county authorized by subsection (c) to exercise such powers must first approve Public Chapter 969 by the adoption of a resolution by two-thirds (2/3) vote of its legislative body; and

WHEREAS, on September 21, 2000, the Board of County Commissioners of Blount County, Tennessee, by a vote of 20-0 with 1 absent, adopted Resolution No. 00-09-01 approving Public Chapter No. 969 and authorizing Blount County to exercise the powers granted thereunder; and

WHEREAS, upon the adoption of such resolution and pursuant to the provisions of said subsection (22) of Tennessee Code Annotated section 6-2-201, Blount County is 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 the health, morals, comfort, safety, convenience or welfare of the inhabitants of the unincorporated areas of the county, and to exercise general police powers; and

WHEREAS, Blount County desires to adopt regulations for the unincorporated areas of the county pursuant to the authority of Tennessee Code Annotated sections 5-1-118(c) and 6-2-201(22).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 21st day of February, 2002, as follows:

**SECTION 1. Traffic regulations.** The following traffic regulations are hereby adopted for the unincorporated areas of Blount County, to wit:

Regulation No. 1. Motor vehicle requirements. No person shall operate a motor vehicle unless such vehicle (1) is equipped with a properly operating muffler, lights, brakes, horn, safety belts and such other equipment as prescribed and required by chapter 9, title 55 of the Tennessee Code Annotated and (2) is registered and/or has a proper certificate of title as described and required by chapters 1, 3 and 4, title 55 of the Tennessee Code Annotated. The provisions of this regulation are deemed conditions precedent to the operation of a motor vehicle upon the highways, streets, roads and public ways of the unincorporated areas of Blount County.

Regulation No. 2. Operators of motor vehicles to be licensed. No person shall operate a motor vehicle unless such person shall have a valid license as an operator or chauffeur under the provisions of and as required by chapter 7, title 55 of the Tennessee Code Annotated. This regulation is deemed a condition precedent to the operation of a motor vehicle upon the highways, streets, roads and public ways of the unincorporated areas of Blount County.

Regulation No. 3. Speed limits generally. No person operating a motor vehicle shall drive upon any highway, street, road or public way at a rate of speed in excess of forty-five (45) miles per hour except where official signs have been posted indicating other speed limits, in which cases the posted speed limits shall apply.

Regulation No. 4. Speed limit in school zones. No person operating a motor vehicle shall drive within a posted school zone at a rate of speed in excess of fifteen (15) miles per hour when passing a school during recess or while children are going to or leaving school during its opening or closing hours.

Regulation No. 5. Reckless driving. Irrespective of the posted speed limit, no person, including persons operating emergency vehicles, shall operate a vehicle in willful or wanton disregard for the safety of persons or property.

Regulation No. 6. Miscellaneous traffic-control signals, signs, markings or devices; officer's directions. No person operating a vehicle shall violate or fail to comply with any official traffic-control signal, sign, marking or device unless otherwise directed by a law enforcement officer. No person operating a vehicle shall willfully disobey the reasonable directions of any law enforcement officer.

Regulation No. 7. Traffic-control signals generally. Traffic-control signals exhibiting different colored lights successively one at a time, or with arrows, shall apply to persons operating vehicles and pedestrians as follows:

- (1) Green alone, or "Go":
  - (a) Persons operating vehicles facing the signal may proceed straight through at the intersection or turn right or left unless a sign prohibits such turn. Persons operating

vehicles, including those turning right or left, shall yield the right of way to other vehicles within the intersection and to pedestrians in an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing such signal may proceed across the highway, street, road or public way within any marked or unmarked crosswalk.

(2) Steady yellow alone or "Caution":

(a) Persons operating vehicles facing the signal are thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such persons shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(b) Pedestrians facing such signal shall not proceed across the highway, street, road or public way unless authorized to do so by a pedestrian or "Walk" signal or sign.

(3) Steady red alone or "Stop":

(a) Persons operating vehicles facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain stopped until the green or "Go" signal is exhibited.

(b) Pedestrians facing such signal shall not proceed across the highway, street, road or public way unless authorized to do so by a pedestrian or "Walk" signal or sign.

(4) Steady red with green arrow:

(a) Persons operating vehicles facing such signal may cautiously enter the intersection only to make the turning movement indicated by such arrow but shall yield the right of way to other vehicles within the intersection and to pedestrians in an adjacent crosswalk at the time such signal is exhibited.

(b) Pedestrians facing such signal shall not proceed across the highway, street, road or public way unless authorized to do so by a pedestrian or "Walk" signal or sign.

(5) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, this regulation shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop is to be made, but in the absence of any such sign or marking, the stop shall be made a vehicle length short of the signal.

#### Regulation No. 8. At flashing traffic-control signals.

(1) Whenever an illuminated flashing red or yellow light is used in a traffic signal, persons operating vehicles shall:

(a) When a red lens is illuminated with intermittent flashes, persons operating vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection and shall thereafter proceed subject to the rules applicable after making a stop at a stop signal or sign.

(b) When a yellow lens is illuminated with intermittent flashes, persons operating vehicles may proceed through the intersection or pass such signal only with caution.

(2) This regulation shall not apply at railroad crossings. The conduct of persons operating vehicles approaching railroad crossings shall be governed by the provisions of Regulation No. 13 hereinafter.

Regulation No. 9. At "stop" signs. A person operating a vehicle approaching a "stop" sign at an intersection shall bring such vehicle to a complete stop immediately before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then immediately before entering the intersection and shall remain stopped until he/she can proceed through the intersection in safety.

Regulation No. 10. At "yield" signs. A person operating a vehicle shall yield the right of way to approaching vehicles before proceeding at all places where "yield" signs have been posted.

Regulation No. 11. Stops to be signaled. No person operating a motor vehicle shall stop such vehicle, whether in obedience to a traffic signal or sign or otherwise, without first signaling his/her intention in accordance with the requirements of section 143 of chapter 8, title 55 of the Tennessee Code Annotated, except in an emergency.

Regulation No. 12. To prevent obstructing an intersection. No person operating a vehicle shall enter any intersection or marked crosswalk unless there is sufficient space on the other side of such intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of vehicles in or upon the intersecting street or crosswalk. This regulation shall be effective notwithstanding any traffic-control signal indication to proceed.

Regulation No. 13. Stopping at railroad crossings. A person operating a vehicle approaching a railroad crossing shall stop within not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed farther while any of the following conditions exist:

- (1) A clearly visible electrical or mechanical signal device gives warning of the approach of a railroad train.
- (2) A crossing gate is lowered or a flagman signals the approach of a railroad train.
- (3) A railroad train is approaching within one thousand five hundred (1,500) feet of the railroad crossing and is emitting an audible signal indicating its approach.
- (4) An approaching railroad train is visible and is in hazardous proximity to the railroad crossing.

Regulation No. 14. Stopping when emerging from alleys, etc. A person operating a vehicle emerging from any alley, parking lot, driveway or building shall stop such vehicle immediately prior to driving upon any sidewalk, highway, road or public way and shall remain stopped until he/she can safely proceed without colliding or interfering with approaching pedestrians or vehicles.

Regulation No. 15. Turning movements generally. No person operating a motor vehicle shall make any turning movement which might affect the operation of any other vehicle or any pedestrian without first ascertaining that such movement can be made in safety and signaling

his/her intention in accordance with the requirements of section 143 of chapter 8, title 55 of the Tennessee Code Annotated.

**Regulation No. 16. Right turns.** A person operating a motor vehicle shall approach for a right turn and make a right turn as close as practicable to the right hand curb or edge of the highway, street, road or public way.

**Regulation No. 17. Left turns on two-way streets.** At any intersection where vehicular traffic is permitted to move in both directions on each of the intersecting highways, streets, roads or public ways, a person operating a motor vehicle shall approach for a left turn at the intersection in that portion of the right half of the highway, street, road or public way nearest the centerline thereof and by passing to the right of the intersection of the centerlines of the intersecting highways, streets, roads or public ways.

**Regulation No. 18. Left turns on other than two-way streets.** At any intersection where vehicular traffic is restricted to one direction on one or more of the intersecting highways, streets, roads, or public ways, a person operating a motor vehicle shall approach for a left turn at the intersection in the extreme left hand lane lawfully available to vehicles moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to vehicles moving in such direction upon the highway, street, road or public way being entered.

**Regulation No. 19. U-turns.** No person operating a motor vehicle shall make a U-turn upon any highway, street, road or public way.

**Regulation No. 20. One-way streets.** No person operating a vehicle shall drive upon any highway, street, road or public way designated for one-way traffic with posted signs except in the indicated direction of travel.

**Regulation No. 21. Unlaned streets.**

(1) A person operating a vehicle shall drive in the right half of any unlaned highway, street, road or public way except:

- (a) When lawfully overtaking and passing another vehicle proceeding in the same direction;
- (b) When the right half of the highway, street, road or public way is closed to vehicle traffic while under construction or repair; or
- (c) Upon a highway, street, road or public way designated and sign posted or marked for one-way traffic.

(2) A person operating a vehicle at less than the normal speed of vehicular traffic at the time and place and under the conditions then existing, shall drive as close as practicable to the right hand curb or edge of the highway, street, road or public way, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

Regulation No. 22. Laned streets. On highways, streets, roads or public ways marked with traffic lanes, no person operating a vehicle shall fail or refuse to keep such vehicle within the boundaries of the proper lane for his/her direction of travel, except when lawfully passing another vehicle or preparatory to making a lawful turning movement. On highways, streets, roads or public ways with two (2) and three (3) lanes, the proper lane for travel shall be the right hand lane unless otherwise clearly marked. On highways, streets, roads or public ways with four (4) or more lanes, either of the right hand lanes shall be proper for travel except that any person operating a vehicle at less than the normal rate of speed shall use the extreme right hand lane. On one-way highways, streets, roads or public ways with more than one (1) lane, any lane is proper for travel in the absence of marking to the contrary.

Regulation No. 23. Passing.

(1) Except when overtaking and passing on the right is permitted, a person operating a vehicle passing another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway, street, road, or public way until safely clear of the overtaken vehicle. The person operating the overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle.

(2) When the highway, street, road or public way is wide enough, a person operating a vehicle may overtake and pass another vehicle on the right which is making or about to make a left turn.

(3) A person operating a vehicle may overtake and pass another vehicle proceeding in the same direction either on the left or the right upon a highway, street, road or public way with four (4) or more lanes when such movement can be made in safety.

(4) No person operating a vehicle shall drive off the pavement or upon the shoulder of any highway, street, road, or public way in overtaking or passing on the right.

(5) No person operating a vehicle shall overtake and pass another vehicle which is stopped at a marked crosswalk or at an intersection to permit a pedestrian to cross any highway, street, road or public way.

(6) No person operating a vehicle shall attempt to pass another vehicle proceeding in the same direction unless he/she can see that the highway, street, road or public way ahead is sufficiently clear and unobstructed to enable him/her to make the movement in safety.

Regulation No. 24. Yellow lines. On highways, streets, roads or public ways with a yellow line placed to the right of any lane line or centerline, such yellow line shall designate a no-passing zone, and no person shall operate a vehicle or any part thereof across or to the left of such yellow line except when necessary to make a lawful left turn from such highway, street, road or public way.

Regulation No. 25. Authorized emergency vehicles defined. Authorized emergency vehicles shall be the vehicles of any law enforcement agency, the vehicles of any fire department and such ambulance and other emergency vehicles as are designated by the sheriff.

Regulation No. 26. Stopping upon approach of authorized emergency vehicles. Upon the immediate approach of any authorized emergency vehicle making use of audible and/or visual signals as required by state law, a person operating any other vehicle shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the highway, street, road or public way clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer.

Regulation No. 27. Following emergency vehicles. No person operating a vehicle shall follow within five hundred (500) feet of any authorized emergency vehicle traveling in response to an emergency call and making use of audible and/or visual signals as required by state law.

Regulation No. 28. Following too closely. No person operating a vehicle shall follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicles and the vehicular traffic on and the condition of the highway, street, road or public way upon which such vehicles are being operated.

Regulation No. 29. Backing vehicles. No person operating a vehicle shall back the same unless such movement can be made with reasonable safety and without interfering with other vehicles.

Regulation No. 30. Causing unnecessary noise. No person operating a motor vehicle shall cause unnecessary noise by sounding the horn, "racing" the motor or causing the "screeching" or "squealing" of the tires thereof.

Regulation No. 31. Driving on streets closed for repairs or other lawful purpose. Except for necessary access to property abutting thereon, no person operating a motor vehicle shall drive upon any highway, street, road or public way that is barricaded or closed for repairs or other lawful purpose.

Regulation No. 32. Driving through funerals or other processions. Except when otherwise directed by a law enforcement officer, no person operating a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while such vehicles are in motion and when such vehicles are conspicuously designated.

Regulation No. 33. Running over fire hoses or fire fighting equipment. No person operating a motor vehicle shall drive over any fire hose line or other fire fighting equipment of any fire department except in obedience to the direction of fire fighting personnel and/or law enforcement personnel.

Regulation No. 34. Damaging pavements. No person shall operate any vehicle, motor propelled or otherwise, which by reason of its weight or the character of its wheels or track is likely to damage the surface or foundation of any highway, street, road or public way.

Regulation No. 35. Clinging to vehicles in motion. No person operating or traveling upon any bicycle, motorcycle, coaster, sled, roller skates or any other vehicle shall cling to, or attach himself/herself or such vehicle to any other vehicle moving upon any highway, street, road or public way.

Regulation No. 36. Riding on outside of vehicles. No person shall ride, and no owner or operator shall permit any person to ride, on the outside of any vehicle being operated upon any highway, street, road or public way. This regulation shall not apply to persons engaged in the necessary discharge of lawful duties or to persons riding in the load-carrying space of trucks.

Regulation No. 37. Projections from rear of vehicles. Whenever the load or any projecting portion of any vehicle shall extend beyond the rear of the bed or body thereof, any person operating such vehicle shall display at the end of any such load or projection a red flag not less than twelve (12) inches square in such position as to be clearly visible from the rear of such vehicle. Between one-half (1/2) hour after sunset and one-half (1/2) before sunrise, there shall be displayed in place of the flag a red light plainly visible under normal atmospheric conditions at least two hundred (200) feet from the rear of such vehicle.

Regulation No. 38. Bicycles, motorcycles and motorscooters.

(1) Any person operating a bicycle, motorcycle or motorscooter shall be subject to the provisions of all traffic regulations and rules of Blount County applicable to the driver or operator of other vehicles except as to those provisions which by their nature can have no application to bicycles, motorcycles or motorscooters.

(2) No person operating a bicycle, motorcycle or motorscooter shall ride other than upon or astride the permanent and regular seat attached thereto nor shall such operator carry any other person upon such vehicle other than upon a firmly attached and regular seat thereon.

(3) No person operating a bicycle, motorcycle or motorscooter shall carry more persons at one time than the number for which such bicycle, motorcycle or motorscooter is designed and equipped.

(4) No person operating a bicycle, motorcycle or motorscooter shall carry any package, bundle or article which prevents such person from keeping both hands upon the handlebars thereof.

(5) A person operating a motorcycle or motorscooter and any passenger thereon shall wear a crash helmet of a type approved by the state's commissioner of safety.

(6) No parent or guardian shall permit any minor for whom he/she is responsible to operate a motorcycle or motorscooter in violation of this regulation.

**SECTION 2: Miscellaneous regulations.** The following miscellaneous regulations are hereby adopted for the unincorporated areas of Blount County, to wit:

**Regulation No. 39. Disturbing the peace.**

(1) No person shall disturb the peace of others by conduct or language calculated to provoke violence or a violation of the law, and no person shall knowingly permit such conduct or language upon any premises owned or possessed by him/her or under his/her control.

(2) The language prohibited by this regulation is that language which by its common acceptance causes or tends to cause or incite an immediate breach of the peace.

**Regulation No. 40. Loitering.**

(1) No person shall loiter, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner as to:

(a) Obstruct any public street, public highway, public sidewalk or any public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

(b) Commit in or upon any public street, public highway, public sidewalk or any public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any public place of building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

(2) For purpose of this regulation "loitering" means to be idle in essentially one location and includes the concepts of spending time idly, being dilatory, lingering, staying, moving slowly and standing around. "Public place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purposes, but does not necessarily mean a place devoted solely to the uses of the public, and includes, but is not limited to, streets; highways; places of business; the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops; the front or immediate area of any store, shop, restaurant or other place of business; and public grounds, areas or parks.

**Regulation No. 41. Prowling.**

(1) No person shall prowl in the day or night upon or about the grounds of any dwelling or business house, outbuilding, school or other building when he/she has no right to occupy the same.

(2) For the purpose of this regulation, "prowling" shall mean roaming about in a secretive or furtive manner.

**Regulation No. 42. Resisting or interfering with official duties.** No person shall knowingly resist or in any way interfere with or attempt to interfere with any law enforcement officer

or employee of the county while such law enforcement officer or employee is performing or attempting to perform his/her official duties.

Regulation No. 43. Unauthorized depositing of sand, gravel, asphalt and other loose material on streets.

(1) No person shall operate, drive or move any truck, trailer or other vehicle upon any highway, street, road or public way that is so constructed or loaded as to allow the contents thereof to drop, sift, leak or otherwise escape therefrom.

(2) Any such vehicle hauling sand, gravel, asphalt or any other loose material shall be loaded so that any such material transported therein remains at least four (4) inches below the walls of such vehicle's bed as measured at the front, back and sidewalls, but such load may be piled higher in the center of the bed such vehicle. Loose material shall include any substance which could spill, drop off or blow away from the bed when the vehicle is in operation.

(3) This regulation shall not apply to the Blount County Highway Department or its employees when depositing sand, salt or other material necessary for snow and ice removal or when spraying water on the highways, streets, roads or public ways of the county for purposes of sanitation.

Regulation No. 44. Possessing an open container of or consuming any alcoholic beverage or beer on certain property prohibited.

(1) No person shall possess an open container of or consume any alcoholic beverage or beer as defined by state law on the premises of any business selling alcoholic beverages or beer at retail which does not have a by-the-drink and/or on-premises permit; on any public street, sidewalk, playground, school property, public park or recreational facility or parking lot; and on any privately owned parking lot held open to use by the public.

(2) For the purposes of this regulation, an "open container" is one which has an opening through which its contents may pass in order to be consumed by any person.

Regulation No. 45. Antinoise regulations. No person shall create or cause any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare.

(1) The following noises are declared to be in violation of this regulation, but this enumeration shall not be deemed to be exclusive, to wit:

(a) Blowing horns. The sounding of any horn or audible signal device on any motor vehicle while such motor vehicle is not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of such motor vehicle is intended; the creation by means of any horn or audible signal device on any motor vehicle of any unreasonably loud or harsh sound; and the sounding of any horn or audible signal device on any motor vehicle for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, tape recorder or player or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently or in connection with motion pictures, radio or television, in such a manner or with such volume, particularly during the hours of 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any office or hospital, or of any person in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, hooting, etc. Yelling, shouting, hooting, whistling or singing on any highway, street, road or public way, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any office or hospital, or of any person in any dwelling, hotel or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the quiet, comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any motor vehicle so out of repair, so loaded or in any manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

(f) Exhaust discharge. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Noises near schools, hospitals, churches, etc. The creation of any loud and excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church or court while the same is in session.

(h) Noises to attract attention. The use of any drum(s), loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show or sale or display of merchandise.

(i) Loudspeakers or amplifiers on vehicles. The use of loudspeakers or amplifiers on motor vehicles, either moving or standing, for advertising or other purposes.

(2) None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) Government vehicles and authorized emergency vehicles. Any vehicle of any government while engaged in necessary public business and any authorized emergency vehicle.

(b) Repair of streets, etc. Excavations or repairs of bridges, highways, streets, roads or public ways by or on behalf of any government.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of loudspeakers or amplifiers in the course of noncommercial public addresses and in the course of noncommercial functions of nonprofit organizations.

**SECTION 3. Jurisdiction.** The General Sessions Court for Blount County, Tennessee, shall have jurisdiction to enforce the provisions of this resolution and the regulations herein contained by assessing the monetary penalty hereinafter provided.

**SECTION 4. Penalty.** A violation of any provision of this resolution or any regulation herein contained is punishable by a civil penalty of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00); provided, that Blount County carries the burden of proof of such violation by a preponderance of the evidence.

**SECTION 5. Initiation of proceedings.**

(1) All proceedings for the violation of any provision of this resolution or any regulation herein contained shall be initiated by the issuance of a citation by a law enforcement officer. The citation shall:

- (a) State the name and address of the person cited, the name of the issuing officer and the violation charged;
- (b) Demand the person cited to appear in court at a stated time; and
- (c) Give notice to the person that failure to appear as ordered is punishable as contempt of court.

(2) The citation shall be executed in triplicate, the original to be delivered to the court specified therein, and one (1) copy to be given to the person cited and one (1) copy to be retained by the officer issuing the citation. The original citation delivered to the court shall be sworn to by the issuing officer.

(3) The person cited shall signify the acceptance of the citation and the agreement to appear in court as directed by signing the citation.

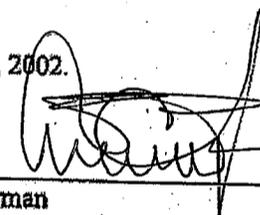
(4) Whenever a citation has been prepared, accepted and the original delivered to the court as herein provided, the original citation delivered to the court shall constitute a complaint to which the person cited must answer and the officer issuing the citation shall not be required to file any other affidavit of complaint with the court.

(5) Prior to the time set for the person cited to appear in court to answer the violation charged, the person cited may elect not to contest the charge and may, in lieu of appearance in court, submit the fine and costs to the clerk of the court. The submission to fine must be with the approval of the court.

(6) If the person cited has not paid the citation upon submission to fine as herein provided, and the person cited fails to appear in court at the time specified, or such later date as may be fixed by the court, the court may declare a judgment of forfeiture for the violation charged and assess a civil penalty within the limits provided in this resolution and court costs which may be collected in the same manner as a judgment in a civil action.

**SECTION 6. Effective date.** This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 21st day of February, 2002.

  
Chairman

Attest:

Ray Crawford  
County Clerk

Resolution Sponsors:

[Signature]  
Commissioner Chairman

\_\_\_\_\_  
Commissioner

Approved:

Vetoed: \_\_\_\_\_ William A. Cresp 25 Feb. 02  
County Executive Date

**IN RE: RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO ALLOW CERTAIN IMPROVEMENTS TO BE MADE AT THE INTERSECTION OF SR - 335 (WILLIAM BLOUNT DRIVE) WITH BIG SPRINGS ROAD, BLOUNT COUNTY, TENNESSEE.**

Commissioner Franklin made a motion to approve the resolution. Commissioner Hill seconded the motion.

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

Center under the terms of this agreement. Union County shall pay Blount County for such services within thirty (30) days after being billed therefor. Blount County shall have the right to refuse to provide services at the Blount County Center to Union County if Union County fails to pay for such services within thirty (30) days after being billed therefor.

6. Either party may terminate this agreement by given the other party sixty (60) days written notice thereof, such notice to be sent by first class U.S. Mail, postage prepaid, to the other party's county executive.

7. This agreement has been approved by the county legislative body of each party, and the undersigned representatives have been authorized to execute this agreement on behalf of the respective parties.

8. This agreement shall remain in full force and effect until terminated as provided herein.

IN WITNESS WHEREOF, the parties have executed duplicate counterparts of this agreement, each of which may be deemed an original, as of the 8th day of April, 2002.

BLOUNT COUNTY, Tennessee

By: William A Crisp  
County Executive

Attest: [Signature]  
County Clerk

COUNTY, Tennessee

By: Larry Ray  
County Executive

Attest: Jim Houston  
County Clerk

IN RE: RESOLUTION AMENDING RESOLUTION NO. 02-02-004 ENTITLED "A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118(C) AND 6-2-201(22)".

Commissioner Brock made a motion to approve the resolution. Commissioner Melton seconded the motion.

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

RESOLUTION No. 02-05-011

Sponsored by Commissioners Steve Hargis and Kenneth Melton

A RESOLUTION AMENDING RESOLUTION NO. 02-02-004 ENTITLED "A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118© AND 6-2-201(22)."

WHEREAS, on February 21, 2002, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 02-02-004 entitled "A Resolution Adopting Regulations for the Unincorporated Areas of Blount County Pursuant to the Authority of Tennessee Code Annotated Sections 5-1-118 (c) and 6-2-201(22)"; and

WHEREAS, it has been determined that it is necessary and proper to amend said Resolution No. 02-02-004 as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Blount County, Tennessee, meeting in regular session assembled this 16<sup>th</sup> day of May, 2002 as follows:

**SECTION 1. Miscellaneous regulations.** The following miscellaneous regulations are hereby added to Section 2 of Resolution No. 02-02-004 and adopted for the unincorporated areas of Blount County, to wit:

Regulation No. 46. No sale or distribution of beer without identification. No person shall sell or distribute beer pursuant to a permit issued by the Blount County Beer Committee unless that person shall have had produced to him/her a facially valid picture identification document issued by a state or the Federal government, or an agency thereof, showing that the prospective purchaser or distributee of the beer is not less than twenty-one (21) years of age. This regulation shall be mandatory for every sale or distribution of beer and shall apply in all cases regardless of the apparent age of the prospective purchaser or distributee.

Regulation No. 47. Signs required. No person shall engage in selling or distributing beer pursuant to a permit issued by the Blount County Beer Committee unless signs not less than six (6) inches in height and ten (10) inches in width are prominently displayed at the entrance to or on the front door of the location or building where such sale or distribution of beer will take place and at the point within such location or building where the beer is displayed for sale or distribution, which provide as follows:

Any person less than twenty-one (21) years of age attempting to purchase or obtain beer will be prosecuted to the fullest extent of the law.

**SECTION 2. Penalty** The wording "fifty dollars (\$50.00)" is hereby deleted from Section 4 of Resolution No. 02-02-004, and the wording "ten dollars (\$10.00)" is substituted in lieu thereof.

**SECTION 3. Initiation of Proceedings.** A new subsection (6) is added to Section 5 of Resolution 02-02-004 as follows:

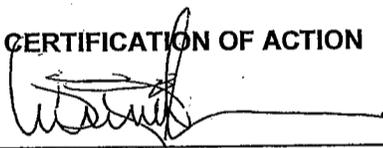
(6) The fine for a first offender shall be ten dollars (\$10.00). A first offender may, with the approval of the court, submit such fine to the clerk of the court prior to the time set for the first offender to appear to answer the violation charged, and in such event, the costs may be suspended by the court.

Old subsection (6) of said Section 5 of Resolution No. 02-02-004 is renumbered as new subsection (7).

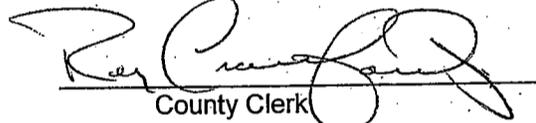
**SECTION 4. Effective date.** This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 16<sup>th</sup> day of May, 2002.

**CERTIFICATION OF ACTION**

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

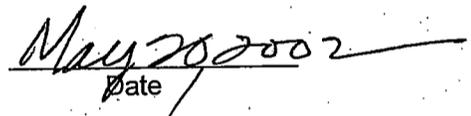
**ATTEST**

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

Approved:

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

  
\_\_\_\_\_  
County Executive

  
\_\_\_\_\_  
Date

**IN RE: COMMISSIONER WILLIAMS' STATEMENT.**

Commissioner Williams requested that the following statement be included in the minutes:

I came here tonight in hopes of doing the County's business, not monkey business. The people of the County elected me, and when they get tired of me they will send me home. And when that day comes, and this is in some instances, I will thank them and thank my Supreme Being for the opportunity of serving. I will pick up my hat and graciously walk out of here. I will not sit idly by and gouge other commissioners, nor the County. I would look in a mirror at myself and see if there's a problem with me. Should there be any pride or dignity left, I will walk away like a gentleman and find a friend if there's any left and some front porch to look to the East for the beautiful sun to rise over the majestic Smoky Mountains. I want the record to reflect that and thank you. I will take this document and show it to all the people of Blount County just to show them how I've been treated.

**IN RE: ADJOURNMENT.**

Chairman Samples declared the meeting to be adjourned.

CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW

FIRST TENNESSEE BANK BUILDING

P.O. BOX 4338

MARYVILLE, TENNESSEE 37802

JOHN C. CRAWFORD (1875-1948)

JOHN C. CRAWFORD, JR. (1904-1981)

DUNCAN V. CRAWFORD

NORMAN H. NEWTON

STEPHEN S. OGLE

TELEPHONE (661) 962-51

TELECOMIX (661) 964-33

MEMORANDUM

TO: Judy Hackney  
Purchasing Agent

FROM: Norman H. Newton *NHN*

DATE: October 7, 2002

SUBJECT: Sewage lift station

You have asked me to review a request from the City of Alcoa for the county to grant the city an easement for the installation and operation of a new sewage lift station on certain real property owned by the county which fronts on Currie Avenue.

I have reviewed the letter dated September 30, 2002, from the city's Engineering & Public Works Director and the plan for the new lift station prepared by the city's consulting engineers. The city is requesting an easement from the county that will be 55 ft. wide and approximately 39 ft. deep.

As the owner of this property, the county is authorized to grant this easement if approved by the county commission. The city will prepare all documents in connection with the easement at its expense. If the county commission approves this request, please provide me with copies of the easement documents for review before they are executed by the County Executive.

mdg

RESOLUTION

Sponsored by Commissioners David Graham and Bob Kidd

A RESOLUTION AMENDING REGULATION NO. 46 OF RESOLUTION NO. 02-02-004 ENTITLED "A RESOLUTION ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118(c) AND 6-2-201(22)."

WHEREAS, on February 21, 2002, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 02-02-004 entitled "A Resolution Adopting Regulations for the Unincorporated Areas of Blount County Pursuant to the Authority of Tennessee Code Annotated Sections 5-1-118(c) and 6-2-201(22)."; and

WHEREAS, on May 16, 2002, the Board of County Commissioners of Blount County, Tennessee, amended said Resolution No. 02-02-004, which amendment, among other things, added Regulations Nos. 46 and 47 thereto; and

WHEREAS, it has been determined that it is necessary and proper to amend Regulation No. 46 of said Resolution No. 02-02-004 as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 17<sup>th</sup> day of October, 2002 as follows:

**SECTION 1. Regulation No. 46.** A semicolon (;) is substituted for the period (.) at the end of the first sentence of Regulation No. 46, and the following language is added at the end of such sentence, to wit:

provided, however, any such prospective purchaser or distributee who is sixty (60) years of age or older may produce a valid identification document issued by a state or the Federal government, or an agency thereof, which verifies his/her age but does not have a picture of the person or distributee thereon.

**SECTION 2. Effective date.** This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 17<sup>th</sup> day of October, 2002.

CERTIFICATION OF ACTION

*Robert Ramsey*

ATTEST

*Ray Crawford*

Commission Chairman

County Clerk

Approved: ✓

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

Beverly D. Woodruff  
County Executive

10/23/02  
Date

in re: use of the former Blount County Public Library Building by the

**IN RE: ORDINANCE OF THE COMMISSION OF BLOUNT COUNTY, TENNESSEE, RATIFYING HOUSE BILL 1055 OF THE ACTS OF 1999 AND ESTABLISHING AN ADDITIONAL \$1.00 LITIGATION TAX TO PROVIDE REVENUE TO SUPPORT A VICTIM OFFENDER MEDIATION CENTER.**

Commissioner Walker made a motion to table the resolution until a legal opinion is received by the County Commission. Commissioner Evans seconded the motion. A voice vote was taken with Chairman Ramsey declaring the motion to have passed.

**ORDINANCE**

**AN ORDINANCE OF THE COMMISSION OF BLOUNT COUNTY, TENNESSEE, RATIFYING HOUSE BILL 1055 OF THE ACTS OF 1999 AND ESTABLISHING AN ADDITIONAL \$1.00 LITIGATION TAX TO PROVIDE REVENUE TO SUPPORT A VICTIM OFFENDER MEDIATION CENTER.**

ORDINANCE NO. \_\_\_\_\_

REQUESTED BY \_\_\_\_\_

PREPARED BY \_\_\_\_\_

APPROVED AS TO FORM AND CORRECTNESS \_\_\_\_\_  
DIRECTOR OF LAW

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

VETOED \_\_\_\_\_ DATE \_\_\_\_\_

VETO OVERRIDE \_\_\_\_\_ DATE \_\_\_\_\_

MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

WHEREAS, the Tennessee State Legislature has enacted House Bill No. 1055 which allows any County by a two-thirds vote of its legislative body to levy a \$1.00 litigation tax per case in matters before the General Sessions and Juvenile Courts, the proceeds of which are to be used exclusively for the support of a victim-offender mediation center as contemplated by Chapter 20, Title 16 of the Tennessee Code; and

WHEREAS, the Intergovernmental Committee and the Finance Committee recommend ratification of House Bill No. 1055 and the levy of a \$1.00 litigation tax on all cases before the General Sessions and Juvenile Courts for the support of a victim-offender mediation center in Blount County.

RESOLUTION No. 07-09-009

Sponsored by: John Keeble and Steve Samples

A RESOLUTION TO AMEND THE HIGHWAY DEPARTMENT FUND BUDGET.

WHEREAS, Blount County would like to amend the Highway Department Fund Budget to appropriate funds due to the receipt of a Retro Filter grant from the state of Tennessee which is reimbursed at 100%; and

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

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Blount County, Tennessee, assembled in regular session this 20<sup>th</sup> day of September 2007, that the Highway Department Fund Budget shall be amended as follows:

REVENUE:

131-000000-469800-00000 Other State Grants ..... \$66,000.00

APPROPRIATION:

131-063000-500399-00000 Other Contracted Services..... \$66,000.00

Duly authorized and approved the 20<sup>th</sup> day of September 2007.

CERTIFICATION OF ACTION

ATTEST

*Dr. Robert L. Ramsey*  
Commission Chairman

*Ray Crawford*  
County Clerk

Approved:

Vetoed:

*[Signature]*  
County Mayor

27 Sept 07  
Date

**IN RE: RESOLUTION AMENDING RESOLUTION 02-05-011 REGARDING ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED 5-1-118(C) AND 6-2-201 (22).**

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

Commissioner Reeves made a motion to amend to approve the resolution as stated, but only to change section 4 to say that this resolution shall take effect upon its adoption with all money collected returning to the County General Fund. Commissioner Proffitt seconded the motion.

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

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

RESOLUTION NO. 07-09-010

Sponsored by: Commissioner Mike Walker

A RESOLUTION AMENDING RESOLUTION NO. 02-05-011 REGARDING ADOPTING REGULATIONS FOR THE UNINCORPORATED AREAS OF BLOUNT COUNTY PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED SECTIONS 5-1-118 AND 6-2-201 (22).

WHEREAS, on May 16, 2002, the Board of County Commissioners of Blount County, Tennessee, adopted Resolution No. 02-05-011 which was an amendment to Resolution No. 02-02-004 which lowered the fine amount of first time offenders from "fifty dollars" (\$50.00) to "ten dollars" (\$10.00); and

WHEREAS, it has been determined that it is necessary and proper to amend said Resolution No. 02-05-011 increasing the ten dollar (\$10.00) fine to twenty dollars (\$20.00) and to designate such fine(s) collected for "Officer Training Programs".

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, meeting in regular session assembled this 20<sup>th</sup> day of September, 2007 as follows:

SECTION 2. Penalty. The wording "ten dollars" (\$10.00) is hereby deleted from Section 4 of Resolution No. 02-05-011, and the wording "twenty dollars" (\$20.00) is substituted in lieu thereof.

SECTION 3. Initiation of Proceedings.

(7) The fine for a first offender shall be "twenty dollars" (\$20.00). A first offender may, with the approval of the court, submit such fine to the clerk of the court prior to the time set for the first offender to appear to answer the violation charged, and in such event, the costs may be suspended by the court.

SECTION 4. Effective date. This resolution shall take effect upon its adoption, with all monies collected funding Officer Training Programs as offered by the Sheriff's Department and as the public welfare requiring it.

ADOPTED this 20<sup>th</sup> day of September, 2007.

Certification of Action

Dr. Robert d. Ramsey  
Commission Chairman

Attest  
[Signature]  
County Clerk

Approved: [Signature]

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

[Signature]  
County Mayor

27 Sept. 07  
Date

IN RE: REPORTS.

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

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

**RESOLUTION NO. 13-05-011**

Sponsored by Commissioners Jerome Moon, Mike Caylor, and Peggy Lambert

**RESOLUTION AUTHORIZING  
A CONTINUOUS FIVE (5) YEAR REAPPRAISAL CYCLE**

WHEREAS, Tennessee Code Annotated Section 67-5-1601 establishes a general six (6) year reappraisal for updating and equalizing property values for every county in Tennessee for property tax purposes, and

WHEREAS, a six (6) year reappraisal program consists of an on-site review of each parcel of real property over a five-year period followed by revaluation of all such property in the year following completion of the review period and includes a current value updating during the third year of the review cycle and sales ratio studies during the second and fifth years of the review cycle, and

WHEREAS, Tennessee Code Annotated Section 67-5-1601 provides that upon the submission of a plan by the assessor and upon approval of the State Board of Equalization, a reappraisal program may be completed by a continuous five (5) year cycle comprised of an on-site review of each real property over a four (4) year period followed by revaluation of all such property in the year following completion of the review period, and

WHEREAS, the county legislative body of Blount County understands that by approving such a five (5) year reappraisal cycle, a sales ratio study will be conducted during the second year of the review cycle and the centrally assessed properties and commercial/industrial tangible personal property will be equalized by the sales ratio adopted by the State Board of Equalization;

NOW, THEREFORE, BE IT RESOLVED by the county legislative body of Blount County, meeting in regular session on this the 16th day of May, 2013, that:

PURSUANT to Tennessee Code Annotated Section 67-5-1601, reappraisal shall be accomplished in Blount County by a continuous five (5) year cycle beginning July 1, 2010, comprised of an on-site review of each parcel of real property over a four (4) year period followed by revaluation of all such property for tax year 2015.

Adopted this 16th day of May, 2013.

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

Vetoed: \_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Date

# MEMORANDUM OF UNDERSTANDING

Between

**Blount County and the Division of Property Assessments**

**DATE:** May 1, 2013

**TO:** Tim Helton, Assessor of Property

Ed Mitchell, County Mayor (or Executive)

**RE:** Blount County 2015 Year Reappraisal Program

**FROM:** State of Tennessee  
Division of Property Assessments  
Lyle Lane, AAS, Assistant Director, Division of Property Assessments

The purpose of this Memorandum of Understanding is to clarify the areas of responsibility for all parties involved in the reappraisal of Blount County. It is intended to express the requirements needed to successfully complete reappraisal and to define the extent of involvement expected of the State of Tennessee, Division of Property Assessments. A reappraisal program is defined as the updating of all values in the county by analyzing current information and establishing new tables, models, schedules, rates and depreciation.

TCA 67-5-1601 provides for Assessors of Property to have the option to reappraise either on a 6-year cycle with an update of values in the third year or to reappraise on a 4 or 5 year cycle with no updates. TCA 67-5-1601 (d) requires the Division of Property Assessments to provide technical assistance to counties during the year of reappraisal. The resources available to the Division of Property Assessments may enable them to provide technical assistance to counties during the reappraisal year, however, the amount of Division involvement will be determined by the workload resulting from all counties that are scheduled for reappraisal during each year.

**The amount of Division of Property Assessments involvement must be determined and clearly understood prior to the county producing a plan for reappraisal. The Assessor of Property will prepare a Plan for Reappraisal that accomplishes reappraisal in accordance**

with standards and procedures prescribed by the Division of Property Assessments. The Plan for Reappraisal must include all specific items identified in this Memorandum of Understanding.

## I. County Responsibility

(These items will be the county's responsibility unless specifically identified as being performed by the Division of Property Assessments.) The Assessor of Property will be responsible for ensuring that all phases of the reappraisal program are conducted in accordance with Division of Property Assessment's policies and procedures relating to **property valuation, sales verification, appeal defense and statistical standards**. The county must **resolve data quality reports, provide accurate property characteristics, provide adequate data entry, demonstrate its ability to organize and manage a program, provide adequate staffing and provide financial support**. The following is an overview of the process and can be used in conjunction with manuals developed by the Division of Property Assessments. The manuals should be used for more specific information on each of the topics identified.

**A. Property Valuation:** All types of property will be valued following standard procedures.

**1. Residential** - Residential properties will be valued by determining the proper base cost for each residential improvement type in the jurisdiction. The base cost will be developed using sale properties with recently constructed improvements whenever possible to reduce the difficulties of estimating depreciation and to increase the accuracy of the land values. The base cost analysis will consider the new depreciation that will automatically be calculated when the year of reappraisal changes. The Assessor of Property shall retain all base cost analyses for appeal purposes. Appropriate depreciation and/or effective age will be used to adjust groups of parcels identified as having unique market consideration. When additional depreciation or effective age changes are used to adjust values, market analysis must be retained to support the adjustments. Individual property characteristics will not be improperly altered to effect acceptable analysis results. Out Buildings and Yard Items will be valued using standard abbreviations and updated cost tables. The cost tables will be developed from the local market when possible, and the Assessor of Property will retain all necessary supporting documentation for review and appeal purposes. Residential land will be valued using accepted appraisal practices and available computer techniques. All residential market neighborhoods will be reviewed to determine their accuracy, and the

necessary action will be taken to correct any changes indicated by the market since the last reappraisal program.

**2. Rural Land** - Rural land will be valued using standard rural land valuation procedures. Rural sales will be located and verified to determine if they meet the requirements of a valid transaction. All rural sales will be reviewed by the Assessor of Property or a staff member with the buyer, seller, agent or other individuals having detailed knowledge of the transaction to determine the conditions of the sale and if any adjustments are needed. A rural land sales verification form will be completed on all rural sales. These forms will be separated into Qualified and Disqualified sales and maintained in the Assessor of Property's office for review and use in appeals. All rural land will be valued using the rural land tables. Appropriate sales analysis must be conducted to produce a rural land schedule and also to determine all factors affecting value. Areas of the county that cannot be valued using the base rural land schedule will be valued using the rural land schedule adjusted to the appropriate level of value. Land grade maps will be used to determine the appropriate land grade for each parcel. The land grade maps, if not already available, will be constructed by using all available USDA soil survey information. All maps will be updated to reflect the most current base features such as wooded areas and areas that have been cleared since the last reappraisal program. It is appropriate to use home sites on all rural tracts where a home site exists. The Rural Land Procedures Manual published by the Division of Property Assessments will be followed in the valuation of all rural land. All rural market neighborhoods will be reviewed to insure they conform to current market conditions.

**3. Commercial/Industrial Property** - All commercial and industrial property shall be valued using standard valuation procedures. The listing of commercial and industrial properties will be reviewed for accuracy. All commercial property will be reviewed to determine if valuation by the income approach is the most appropriate method. In these instances, it will be necessary to gather sufficient income and expense data to calculate an indication of value by the income approach. All the completed income and expense forms will be retained for review and appeal purposes. All income data must be analyzed by making comparisons with like properties such as comparing offices to offices, warehouses to warehouses, and restaurants to restaurants. All commercial sales will be verified to determine if any special circumstances such as personal property or unusual financing are included. Commercial and industrial base rates will be developed for each type of commercial and industrial improvement in the jurisdiction. This is typically accomplished

using a combination of local information and a professional cost service. All industrial properties shall be revalued using the most appropriate method, typically the cost approach. All commercial and industrial land will be revalued using the most appropriate method such as front foot price, square foot price or unit, and all pertinent information such as zoning will be indicated on the land valuation maps. All analyses and sales information used to determine the commercial and industrial land values will be retained by the Assessor of Property for review and appeal purposes. All commercial and industrial market neighborhoods will be verified to determine if they need to be revised due to changes in the market. All commercial and industrial property will be valued following the Commercial and Industrial Valuation Manual prepared by the Division of Property Assessments.

**4. Small Tracts** - Land that does not qualify as a farm and is not part of an organized development is considered a small tract. It is typically valued as an individual unit and priced per unit or per acre. A total countywide small tract analysis must be accomplished in order to determine reasonable values. After the analysis has been accomplished and a pricing guide developed, the existing small tracts are to be reviewed to determine consistency. After making any needed adjustments to improve consistency, the small tracts will be revalued using accepted appraisal practices and any appropriate computer techniques. The Assessor of Property should maintain all analyses and sales information used in the valuation of small tracts for review and appeal purposes. All market neighborhoods that have an effect on the valuation of small tracts will be reviewed to determine accuracy, and any necessary adjustments will be made.

**5. Unique Properties** - Unique properties that exist in a county usually will require special treatment. These can be lake properties, mobile homes, large industrial complexes, mineral interest, leasehold interest, etc. The Plan for Reappraisal will address these properties and explain how they will be valued.

**B. Sales Verification:** A major element in the success of a reappraisal program is the completeness and accuracy of the sales file. The Division of Property Assessments has published the Property Assessor's Procedures for Sales Data Collection and Verification. These procedures will be followed to ensure the desired accuracy. Any attempt to influence the results of the analysis by inaccurate sales verification must be avoided. The quality of the analysis depends on the accuracy of the sales file and every effort should be made to ensure this accuracy. The Assessor of Property will maintain sufficient records on the verification of sales for review and appeal purposes.

**C. Appeal Defense:** Any reappraisal program must have the necessary data and information to defend the appraisals. The Assessor of Property and staff must have the ability to present the value-supporting data in a manner that provides the property owners and appeal boards with the information necessary to understand how and why the value conclusions were determined. The Assessor of Property and staff will resist making unnecessary changes just to satisfy the property owner when the appraisal is correct. All elements of the valuation process must consider the appeal process. An effort must be made to maintain sufficient data to defend the values, and this data includes the following: Base Cost Analysis; Sales Analysis; Cost Information; Land Valuation Information; Adjustments to Sales; Income and Expense Information; and any other information that will be useful in the appeal process.

**D. Statistical Standards for Reappraisal:** The Division of Property Assessments has developed statistical standards for evaluating the results of reappraisal programs. The reappraisal program should be completed with these standards as the goal. Failure to meet these standards provides indications that the reappraisal program may be flawed and unacceptable. The standards apply to property by its statutory classification such as residential, commercial, industrial, and farm. Within each classification, properties may be further stratified based on a detailed analysis of the information available. The data used to produce the analysis must be accurate and uninfluenced by personal desires to attain a certain goal. The discovery of inaccurate data that has an influence on the results of the statistical analysis will be considered in the overall evaluation of the program. If the results of the statistical analysis fail to meet the standards, said results will be reported to the State Board of Equalization for appropriate action.

**E. Data Quality Reports:** The Data Quality Reports include edits that enable the assessor to identify data problems. Since the success of a reappraisal program is determined by the accuracy of the data, each county must resolve all errors found on the Data Quality Reports. Typically, this information is produced from the Assessor of Property's computer file and analyzed locally. The ability to produce this information locally requires certain computer skills. Counties not on the State's Computer Assisted Appraisal System will develop similar capabilities and produce and use these types of reports to resolve all erroneous data. These reports will be made available to the Division of Property Assessments upon request.

**F. Data Entry:** A reappraisal increases the amount of data entry because of changes and adjustments to the file, especially where extensive field reviews are required. Any plan for reappraisal must consider this additional data entry workload, identify detailed expected production levels, produce a completion schedule and provide for terminals and sufficiently trained personnel.

**G. Organization and Management:** The completion of a successful reappraisal program is dependent upon the ability of the Assessor of Property to organize the work activities and to manage the employees.

1. The initial indication of the Assessor of Property's ability is the Plan for Reappraisal. If the Assessor of Property can properly complete a Plan for Reappraisal that considers all aspects of the program, it is likely the Assessor has the necessary organization skills. In addition to the normal items of real property associated with reappraisal, the Assessor of Property's plan shall include a program of discovery, data collection, analysis and valuation for any assessable leasehold or mineral properties in the county. The Plan for Reappraisal shall include a detailed schedule showing the beginning and ending dates of each phase of the program, the personnel responsible for each phase and the person-months necessary for the completion of each phase. The Plan for Reappraisal will contain a plan for notifying property owners of the new assessed values and providing them the opportunity to appeal such values.

2. The Assessor of Property will also need to consider the normal maintenance that is the daily occurrence in the assessor's office. New construction continues, deeds are recorded and the public continues to make inquiries. This work must proceed and the organization of the Assessor of Property's office must consider these items as well as the reappraisal. The plan for reappraisal must include a section on maintenance that provides specific information such as a completion schedule for all mapping and ownership maintenance and a completion schedule for collecting data and valuing all new construction. This information must also include the specific names of the employees that will perform these tasks.

3. After the Assessor of Property has properly organized the office and planned for all aspects of reappraisal while continuing to perform normal maintenance, the Assessor must manage the staff and resources. The management includes making personnel assignments and determining which phase of the program should be completed next, as

well as overseeing and supervising the quality and quantity of the work being performed. The Assessor of Property will develop and maintain production reports and quality control reports to ensure that the program is completed accurately and on time.

**H. Staffing:** The Plan for Reappraisal shall contain a staffing plan that provides for adequate reappraisal staff, sufficient review and clerical staff to accomplish the necessary work with regard to the on-site review. The Plan for Reappraisal must be specific in identifying the personnel necessary for each phase of the reappraisal as well as all other phases of the normal maintenance work accomplished by the Assessor of Property's office.

1. The Assessor of Property shall assume the responsibilities and duties of the reappraisal manager or employ a qualified reappraisal manager having previous experience in directly related programs. The qualifications of the reappraisal manager shall be included in the Plan for Reappraisal and submitted to the Division of Property Assessments for approval.
2. The Plan for Reappraisal shall include the training and experience levels of all employees that will be involved in the reappraisal program. The qualifications of the employees will be determined by the courses and seminars they have attended as well as the amount of their reappraisal experience.

**I. Approval for 4-Year and 5-Year Cycles:** The Assessor of Property in any county that plans a 4 or 5-year reappraisal program must have approval by resolution from the county legislative body. The Plan for Reappraisal prepared by the Assessor of Property must be submitted for review to the county mayor or executive and the county legislative body. The county legislative body must provide the funding to accomplish the reappraisal program as outlined in the Plan for Reappraisal. It shall also be understood that reappraisal on a 4 or 5-year cycle does not entitle the county to any additional state funds beyond those determined for a 6-year reappraisal cycle.

## **II. State Division of Property Assessments' Responsibility:**

TCA 67-5-1601 (d) (1) (B) (3) provides that all work (accomplished by the Assessor of Property) is subject to the supervision and approval of the director of the Division of Property Assessments. The Division of Property Assessments is required to supervise and direct all reappraisal and revaluation programs. The Division of Property Assessment's statutory responsibility is to (1) provide technical assistance and (2) ensure the accuracy of the

reappraisal program. **All counties conducting reappraisal programs accept the condition of limited involvement from the Division of Property Assessments and also agree to maintain records and provide sufficient data and reports to enable the Division of Property Assessments to evaluate the quality of the reappraisal program.**

Counties which are not on the state computer assisted appraisal system must provide data files of current sales to the Division of Property Assessments along with the submission of their quarterly progress report, or upon request by the Division. Additionally, parcels files must be provided upon request by the Division.

**A. Technical Assistance:** Technical assistance is provided to a county by experienced staff members of the Division of Property Assessments. The technical assistance to be provided by the Division of Property Assessments will be determined considering available resources and existing workload of county reappraisal programs scheduled during each year.

**TECHNICAL ASSISTANCE TO THE ASSESSOR MAY INVOLVE THE FOLLOWING ACTIVITIES:**

- Residential Base Cost Development
- Residential Analysis (V & I)
- OBY Cost Tables Development
- Rural Land Schedule Development
- Home-Site Analysis
- Commercial & Industrial Base Cost Development
- Income & Expense Analysis
- Commercial Market Analysis
- Unique Industrial Properties Appraisal
- Small Tract Sales Analysis
- Small Tract Pricing Guide Development
- Sales Adjustments Determination
- Sales Verification Instruction
- Unique Properties Appeal Preparation
- Data Preparation for Appeals Defense
- Overall Statistical Results Review
- Data Quality Reports Production
- Assessable Mineral Interest Valuation
- Assessable Leasehold Interest Valuation
- On-The-Job Training for Assessor's Staff
- Neighborhood Review

**B. Modification of Responsibility**

Due to level of expertise, number of staff members and resources available to the Assessor of Property, there may be a need to modify areas of responsibility in the Memorandum of Understanding. The purpose of the modification of responsibility is to provide latitude between the assessor and the division regarding the identified areas of responsibility. The following are

specific modifications to this agreement that will be mutually beneficial for both parties and allow for better utilization of resources during the revaluation program:

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**III. Accuracy of Program**

The Assessor will prepare a Final Value Report that will give an overview of the reappraisal program and support the value indications. The accuracy of the reappraisal program shall be determined by a review of the supporting documentation for the following: base cost development; land valuation; the application of market adjustments; neighborhood analysis; rural land sales analysis; small tract analysis; the identification and valuation of unique properties; the completeness of the sales file; the quality of records developed for appeal defense; the results of the statistical analysis; the resolution of the data quality reports; and the property characteristic data. The Assessor and/or all members of their staff involved in the reappraisal will attend periodic meetings throughout the reappraisal with Division personnel to insure uniformity, consistency and to assure that the reappraisal stays on an acceptable schedule for a timely completion. A Final Value Meeting at the conclusion of all work, prior to mailing of notices, will be held to discuss all areas of the reappraisal, to resolve any issues of significance, adjust any rates or land values, sign any necessary documentation, and to finalize the successful completion of the revaluation program.

**IV. Computer Appraisal System**

In the event the assessor of property chooses to change the current computer appraisal system, information regarding the new system and a detailed plan of implementation must be included with the reappraisal plan for approval by the State Board of Equalization.

**V. Failure to Comply**

It is the expressed intent of this Memorandum of Understanding to provide the County and the Division of Property Assessments with a clear understanding of the responsibility of each party in regard to the completion of the next reappraisal program. It is the intent of the Division of Property Assessments to take whatever action necessary to ensure the accurate and timely completion of the reappraisal program. Failure on the part of the county on any of the items agreed to herein shall result in the reporting of said failure to the State Board of Equalization for appropriate action.

**It is with full understanding that we accept the conditions identified in this Memorandum of Understanding and accept responsibility to accomplish all items identified herein. We recognize that failure on the part of the county legislative body or the Assessor of Property to complete the agreed to requirements will result in the action identified herein.**

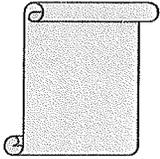
County Mayor (or Executive) \_\_\_\_\_     /    /      
*Signature* *Date*

County Assessor of Property \_\_\_\_\_     /    /      
*Signature* *Date*

Area Appraisal Supervisor \_\_\_\_\_     /    /      
Div of Property Assessments *Signature* *Date*

Area Appraisal Manager \_\_\_\_\_     /    /      
Div. of Property Assessments *Signature* *Date*

Lyle Lane, AAS, Asst. Dir. \_\_\_\_\_     /    /      
Div of Property Assessments *Signature* *Date*



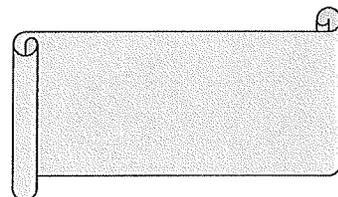
**2015 - YEAR  
REAPPRAISAL PLAN**

**BLOUNT COUNTY**

**SUBMISSION DATE  
JANUARY 2013**

**ASSESSOR OF PROPERTY**

**TIM HELTON**



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**ATTACHMENTS**

(To Be Submitted With Completed Plan)

- County Summary Sheet
- Fiscal Year Budget Requirements Breakdowns
- Resolution of Legislative Body

**SECTION I**

**FOUR -YEAR VISUAL INSPECTION CYCLE**

COUNTY **BLOUNT** REVALUATION YEAR **2015**  
 CYCLE BEGINNING DATE **JULY 1, 2010** ASSESSOR **TIM HELTON**

**COUNTY SUMMARY**

(Attach Parcel Distribution Report Summary Sheet)

TOTAL PARCELS	URBAN 1"=50' & 100' MAPS	<u>36,785</u>	(Except C//Other)
(Projected)*	RURAL 1"=400' MAPS	<u>24,096</u>	(Except C//Other)
	COMMERCIAL/INDUSTRIAL	<u>3,159</u>	(Total)
	ALL OTHER	<u>1,460</u>	(Total)
<b>TOTAL PARCELS*</b>		<b>65,500</b>	
(County Wide Projected through Revaluation Year)		*Actual parcel counts as of 1/2013. Reappraisal year parcels will be projected. New growth Will be handled through normal office work.	

TOTAL MAPS	1" = 50'	<u>13</u>
	1' = 100'	<u>573</u>
	1" = 400'	<u>178</u>
	Other Scale (_____)	<u>N/A</u>
	Total	<u>764</u>

ESTIMATED TOTAL TRANSFERS PER YEAR	<u>2,500</u>
ESTIMATED NUMBER OF SPLIT TRANSFERS	<u>200</u>

**SCHEDULED MAP MAINTENANCE**

Daily  Monthly \_\_\_\_\_ Annual \_\_\_\_\_  
 Other (Specify) \_\_\_\_\_

**DAILY PRODUCTION REQUIREMENTS FOR INSPECTION  
(Number of Parcels Reviewed Per Person Per Day)**

URBAN	50
	<hr/>
RURAL	25
	<hr/>
COMM./INDUSTRIAL	10
	<hr/>
OTHER PARCELS	30
	<hr/>
	115

TOTAL NUMBER OF PARCELS PER INSPECTION YEAR

<b>YEAR 1: 22,182</b>	<b>YEAR 2: 22,677</b>
<b>YEAR 3: 10,500</b>	<b>YEAR 4: 10,141</b>
<b>TOTAL: 65,500</b>	

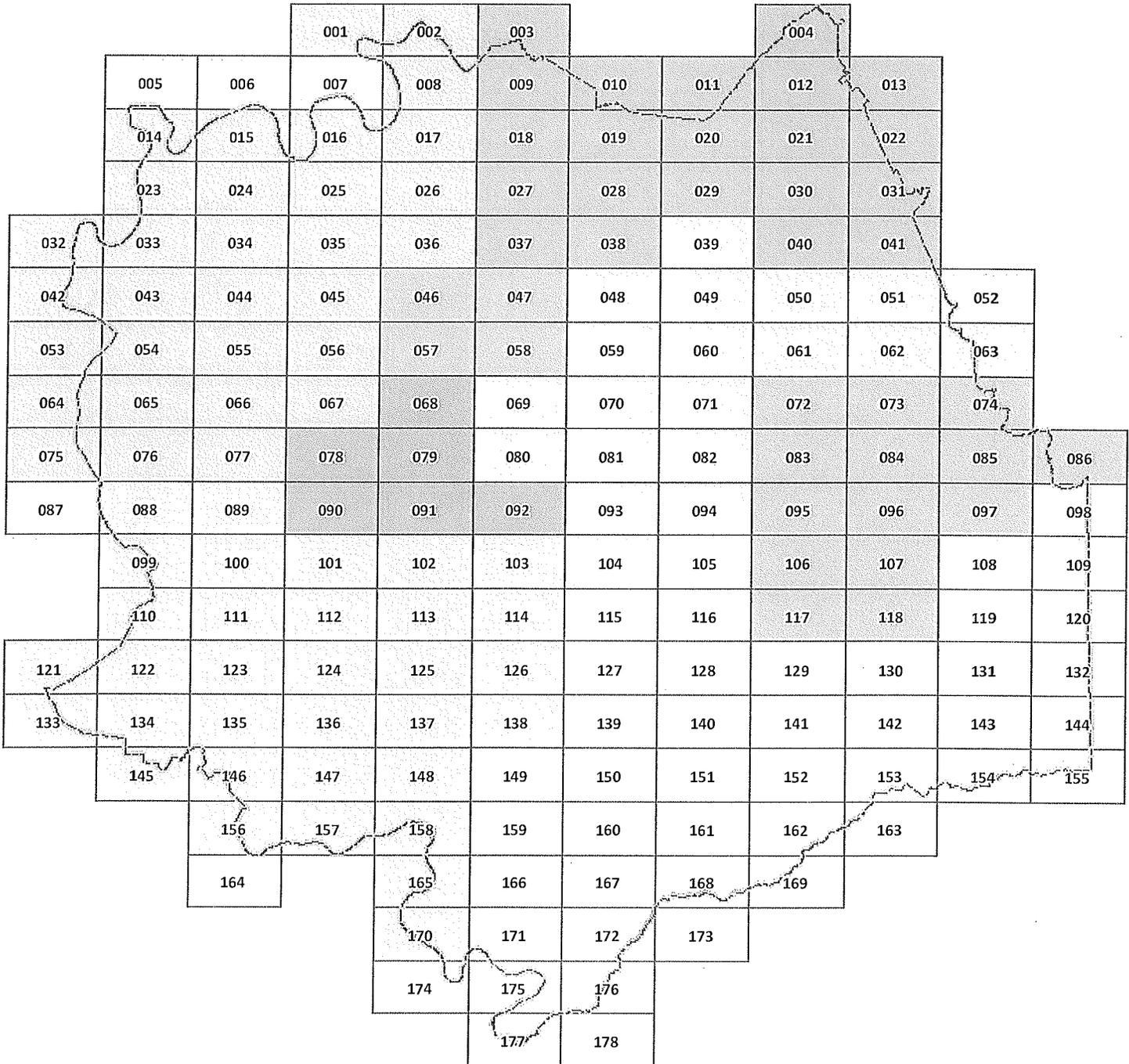
ESTIMATED NUMBER OF INSPECTION PERSONNEL REQUIRED	8.0
	<hr/>
ESTIMATED NUMBER OF CLERICAL PERSONNEL REQUIRED	2.0
	<hr/>
SCHEDULED REPORTING PERIOD	
QUARTERLY <input checked="" type="checkbox"/>	

\*\*\*ATTACH COUNTY WIDE INDEX MAP SHOWING INSPECTION CYCLE AREAS BY YEAR\*\*\*

\*Actual parcel counts as of 1/2013. New growth will be handled through normal office work.

# BLOUNT COUNTY MAP INDEX

by Map Area



## Legend

- |  |  |  |
|--|--|--|
|  Area 1 |  Area 5 |  No Value       |
|  Area 2 |  Area 6 |  CountyBoundary |
|  Area 3 |  Area 7 |  |
|  Area 4 |  Area 8 |  |



FIRST INSPECTION YEAR OF CYCLE  
JULY 2010 TO JUNE 2011

NUMBER OF PARCELS TO BE INSPECTED:

URBAN 11,709 RURAL 9,190 COMM/IND 944 OTHER 339 TOTAL 22,182  
PERCENT OF PARCELS TO BE INSPECTED:

URBAN 52.8 % RURAL 41.4 % COMM/IND 4.3 % OTHER 1.5 % TOTAL 100 %

GEOGRAPHIC AREA TO BE INSPECTED (Specific Map Sheets)

1" = 400' Maps See pages 5A 5B & 5C

1" = 100' Maps See pages 5A 5B & 5C

Other

PERCENTAGE OF TOTAL PARCEL COUNT TO BE INSPECTED THIS YEAR: 34%

QUALITY ASSURANCE BY SENIOR STAFF MEMBER OR ASSESSOR

Percentage of Inspected Parcels to be Reviewed:

URBAN 5% RURAL 5% COMM/IND 5% OTHER 5% TOTAL 5%

## First Inspection Year of Cycle: July 2010 to June 2011

### Five Year Reappraisal Cycle

#### Geographic Area to be inspected:

1" = 400': 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 24, 34, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 61, 62, 63, 68, 72, 73, 74, 76, 82, 83, 84, 85, 86, 87, 93, 94, 95, 98, 101, 102, 103, 104, 105, 107, 108, 109, 112, 113, 114, 115, 116, 117, 118, 119, 120, 124, 125, 126, 127, 137, 138, 139, 148, 149, 158, 159, 170, 171

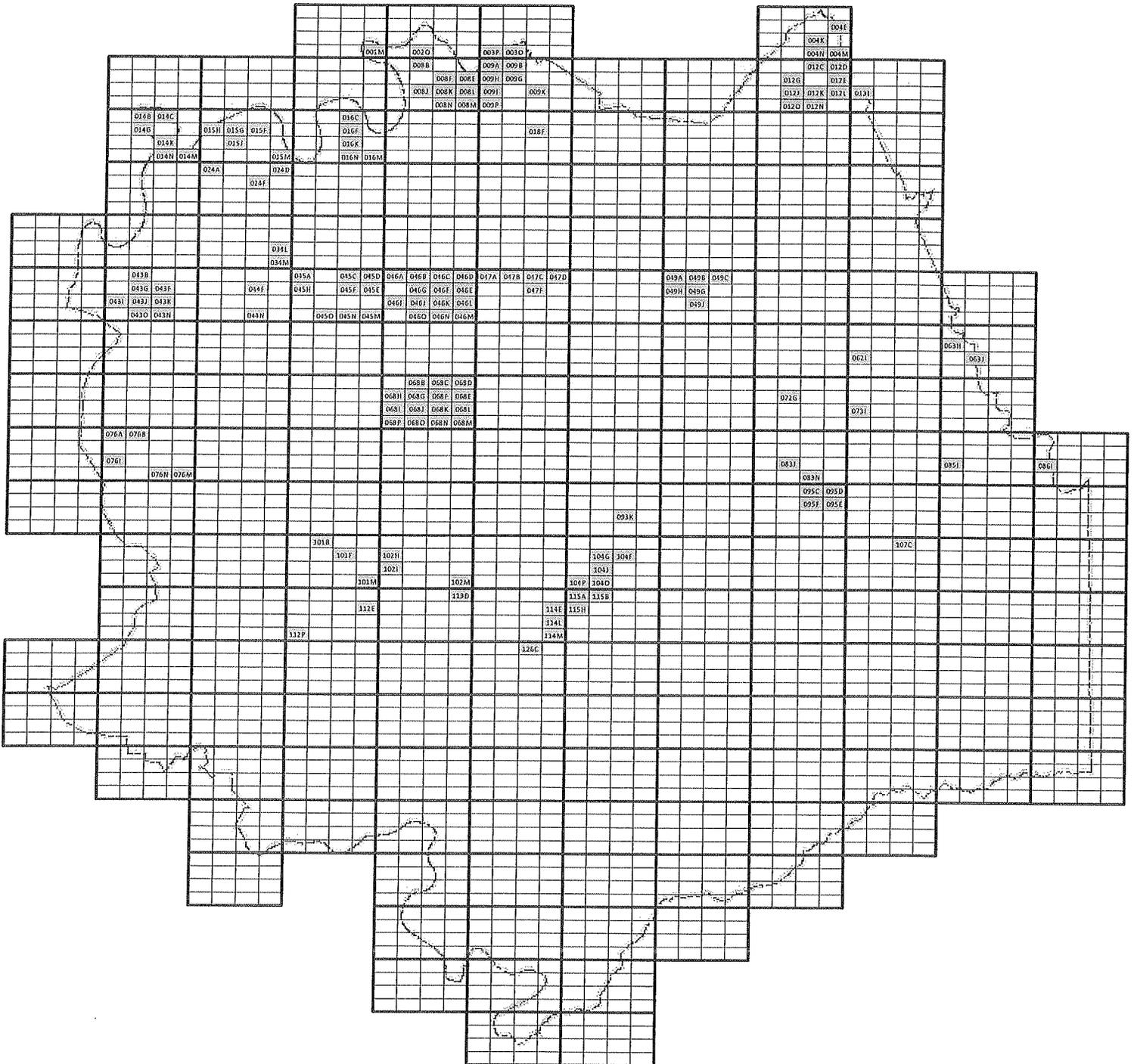
1" = 100': 1M, 2O, 3O, 3P, 4E, 4K, 4M, 4N, 8B, 8E, 8F, 8J, 8K, 8L, 8M, 8N, 9A, 9B, 9G, 9H, 9I, 9K, 9P, 12C, 12D, 12E, 12G, 12J, 12K, 12L, 12N, 12O, 13I, 14B, 14C, 14G, 14K, 14M, 14N, 15F, 15G, 15H, 15J, 15M, 16C, 16F, 16K, 16M, 16N, 18F, 24A, 24D, 24F, 34L, 34M, 43B, 43F, 43G, 43I, 43J, 43K, 43N, 43O, 44F, 44N, 45A, 45C, 45D, 45E, 45F, 45H, 45M, 45N, 45O, 46A, 46B, 46C, 46D, 46E, 46F, 46G, 46I, 46J, 46K, 46L, 46M, 46N, 46O, 47A, 47B, 47C, 47D, 47F, 49A, 49B, 49C, 49G, 49H, 49J, 62I, 63H, 63J, 68B, 68C, 68D, 68E, 68F, 68G, 68H, 68I, 68J, 68K, 68L, 68M, 68N, 68O, 68P, 72G, 73I, 76A, 76B, 76I, 76M, 76N, 83J, 83N, 85I, 86I, 93K, 95C, 95D, 95E, 95F, 101B, 101F, 101M, 102H, 102I, 102M, 104F, 104G, 104J, 104JC, 104NA, 104O, 104OB, 104P, 107C, 112E, 112P, 113D, 114E, 114L, 114M, 115A, 115B, 115H, 126C



# REAPPRAISAL PLAN

## First Inspection Year of Cycle

July 2010 to June 2011



### Legend

 Index\_100

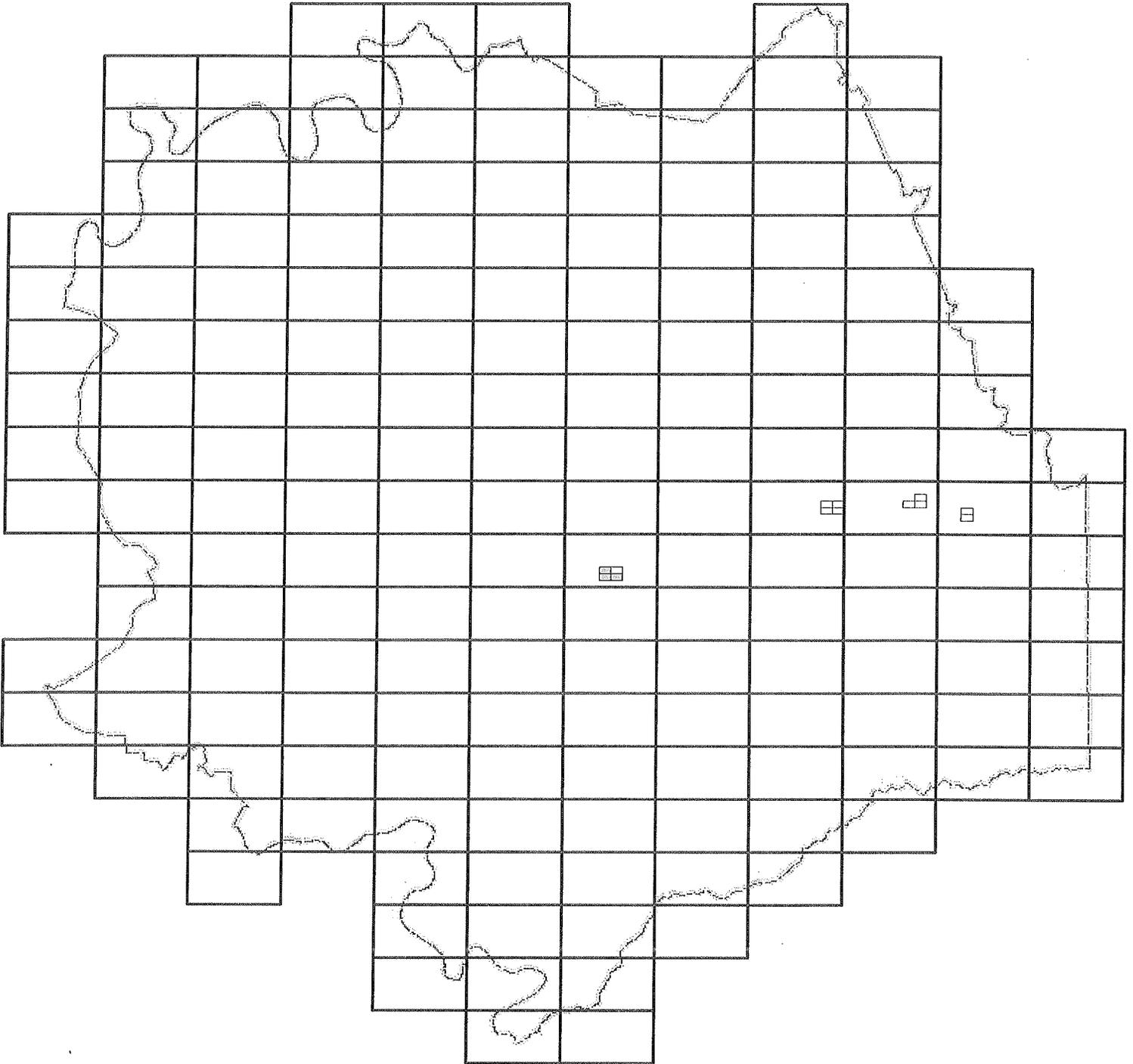
 CountyBoundary



# REAPPRAISAL PLAN

First Inspection Year of Cycle

July 2010 to June 2011



## Legend

-  Index\_50
-  CountyBoundary

**SECOND INSPECTION YEAR OF CYCLE  
JULY 2011 TO JUNE 2012**

NUMBER OF PARCELS TO BE INSPECTED:

URBAN 12,812 RURAL 8,096 COMM/IND 1,225 OTHER 544 TOTAL 22,677

PERCENT OF PARCELS TO BE INSPECTED:

URBAN 56.5 % RURAL 35.7 % COMM/IND 5.4 % OTHER 2.4 % TOTAL 100 %

GEOGRAPHIC AREA TO BE INSPECTED (Specific Map Sheets)

1" = 400' Maps See Pages 6A 6B & 6C

1" = 100' Maps See Pages 6A 6B & 6C

Other

PERCENTAGE OF TOTAL PARCEL COUNT TO BE INSPECTED THIS YEAR: 35 %

QUALITY ASSURANCE BY SENIOR STAFF MEMBER OR ASSESSOR

Percentage of Inspected Parcels to be Reviewed:

URBAN 5% RURAL 5% COMM/IND 5% OTHER 5% TOTAL 5%

## Second Inspection Year of Cycle: July 2011 to June 2012

### Five Year Reappraisal Cycle

#### Geographic Area to be inspected:

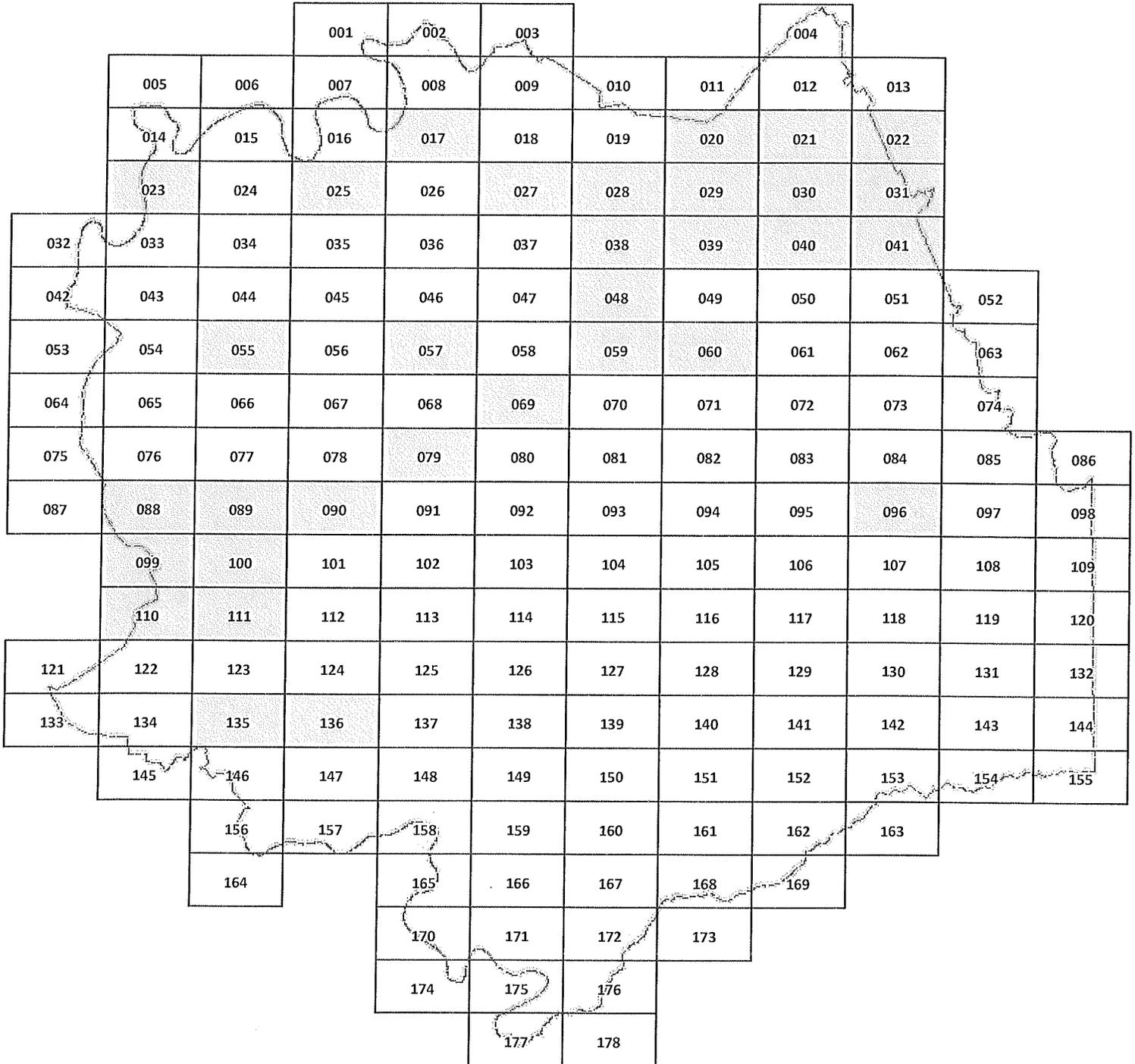
1" = 400': 17, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 38, 39, 40, 41, 48, 55, 57, 59,  
60, 69, 79, 88, 89, 90, 96, 99, 100, 110, 111, 135, 136

1" = 100': 17B, 17C, 17D, 17F, 17I, 17K, 17L, 17N, 17O, 17P, 18K, 21B, 21E,  
21H, 21L, 21M, 21N, 22A, 23J, 27A, 27B, 27C, 27G, 27H, 27I, 27K,  
27N, 27P, 29E, 29I, 29M, 29P, 30G, 30H, 30I, 30J, 30P, 38A, 38D, 38H,  
38I, 38K, 38L, 38N, 39A, 39D, 39G, 39I, 39J, 39K, 39L, 39O, 40B, 47G,  
47H, 47I, 47J, 47K, 47L, 47M, 47N, 47O, 47P, 48A, 48C, 48D, 48E, 48F,  
48H, 48I, 48J, 48L, 48K, 48M, 48O, 54C, 54G, 55I, 55J, 55N, 55P, 57B,  
57C, 57D, 57E, 57F, 57G, 57I, 57J, 57K, 57L, 57M, 57N, 57O, 57P, 59D,  
59E, 59G, 59K, 59O, 60A, 60B, 69F, 69H, 69I, 69J, 69K, 69M, 69N, 69P,  
78N, 78O, 79B, 79C, 79D, 79E, 79F, 79G, 79H, 79I, 79J, 79K, 79L, 79M,  
79N, 79O, 79P, 88E, 88F, 89A, 89C, 89H, 89I, 89L, 89M, 90B, 90D, 90I,  
90J, 90N, 90O, 90P, 99C, 100E, 100F, 100K, 110L, 111D, 111E, 111L, 110

# REAPPRAISAL PLAN

## Second Inspection Year of Cycle

July 2011 to June 2012



### Legend

-  Index\_400
-  CountyBoundary



**THIRD INSPECTION YEAR OF CYCLE  
JULY 2012 TO JUNE 2013**

NUMBER OF PARCELS TO BE INSPECTED:

URBAN 6,440 RURAL 3,350 COMM/IND 430 OTHER 280 TOTAL 10,500  
PERCENT OF PARCELS TO BE INSPECTED:

URBAN 61.3 % RURAL 31.9 % COMM/IND 4.1 % OTHER 2.7 % TOTAL 100 %

GEOGRAPHIC AREA TO BE INSPECTED (Specific Map Sheets)

1" = 400' Maps See Pages 7A 7B & 7C

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1" = 100' Maps See Pages 7A 7B & 7C

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Other

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PERCENTAGE OF TOTAL PARCEL COUNT TO BE INSPECTED THIS YEAR: 16 %

QUALITY ASSURANCE BY SENIOR STAFF MEMBER OR ASSESSOR

Percentage of Inspected Parcels to be Reviewed:

URBAN 5% RURAL 5% COMM/IND 5% OTHER 5% TOTAL 5%

## Third Inspection Year of Cycle: July 2012 to June 2013

### Five Year Reappraisal Cycle

#### Geographic Area to be inspected:

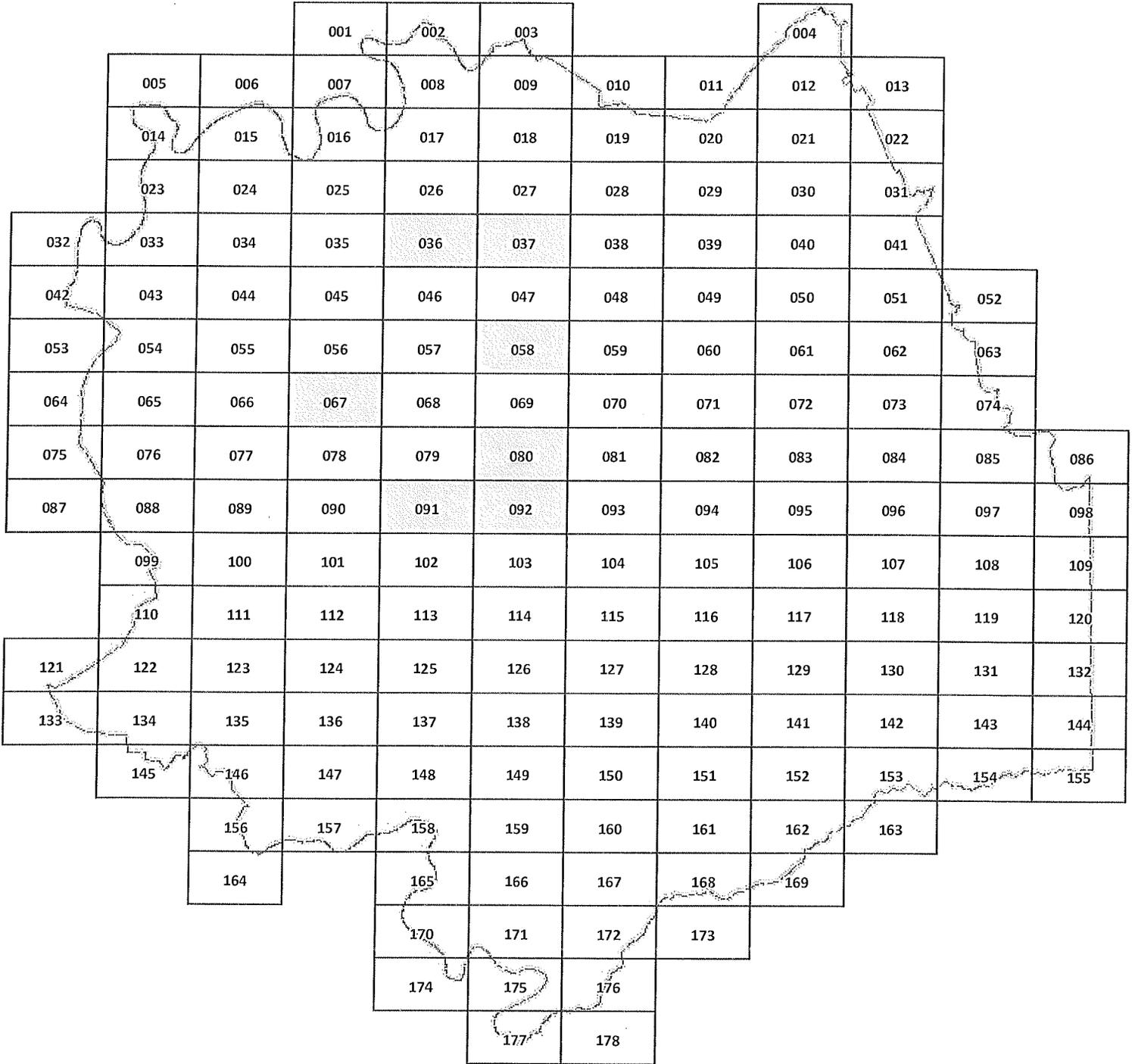
1" = 400': 36, 37, 58, 67, 80, 91, 92,

1" = 100': 36C, 36D, 36E, 36F, 36G, 36I, 36J, 36L, 36M, 36O, 36P, 37B, 37C, 37E,  
37F, 37G, 37I, 37J, 37K, 37L, 37M, 37N, 37O, 37P, 58A, 58B, 58C, 58D,  
58E, 58F, 58G, 58H, 58I, 58J, 58K, 58L, 58M, 58N, 58O, 58P, 067C, 67D,  
67E, 67F, 67I, 67L, 67N, 67O, 67P, 80B, 80D, 80G, 80I, 80J, 80O, 80P,  
91A, 91C, 91E, 91H, 91I, 91M, 91O, 91P, 92A, 92H, 92I,

# REAPPRAISAL PLAN

Third Inspection Year of Cycle

July 2012 to June 2013



## Legend

 Index\_400

 CountyBoundary



**FOURTH INSPECTION YEAR OF CYCLE  
JULY 2013 TO JUNE 2014**

NUMBER OF PARCELS TO BE INSPECTED:

URBAN 5,824 RURAL 3,460 COMM/IND 560 OTHER 297 TOTAL 10,141  
PERCENT OF PARCELS TO BE INSPECTED:

URBAN 57.4% RURAL 34.2% COMM/IND 5.5% OTHER 2.9% TOTAL 100%

GEOGRAPHIC AREA TO BE INSPECTED (Specific Map Sheets)

1" = 400' Maps See Pages 8A 8B & 8C

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1" = 100' Maps See Pages 8A 8B & 8C

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Other NONE

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PERCENTAGE OF TOTAL PARCEL COUNT TO BE INSPECTED THIS YEAR: 15%

QUALITY ASSURANCE BY SENIOR STAFF MEMBER OR ASSESSOR

Percentage of Inspected Parcels to be Reviewed:

URBAN 5% RURAL 5% COMM/IND 5% OTHER 5% TOTAL 5%

## Fourth Inspection Year of Cycle: July 2013 to June 2014

### Five Year Reappraisal Cycle

#### Geographic Area to be inspected:

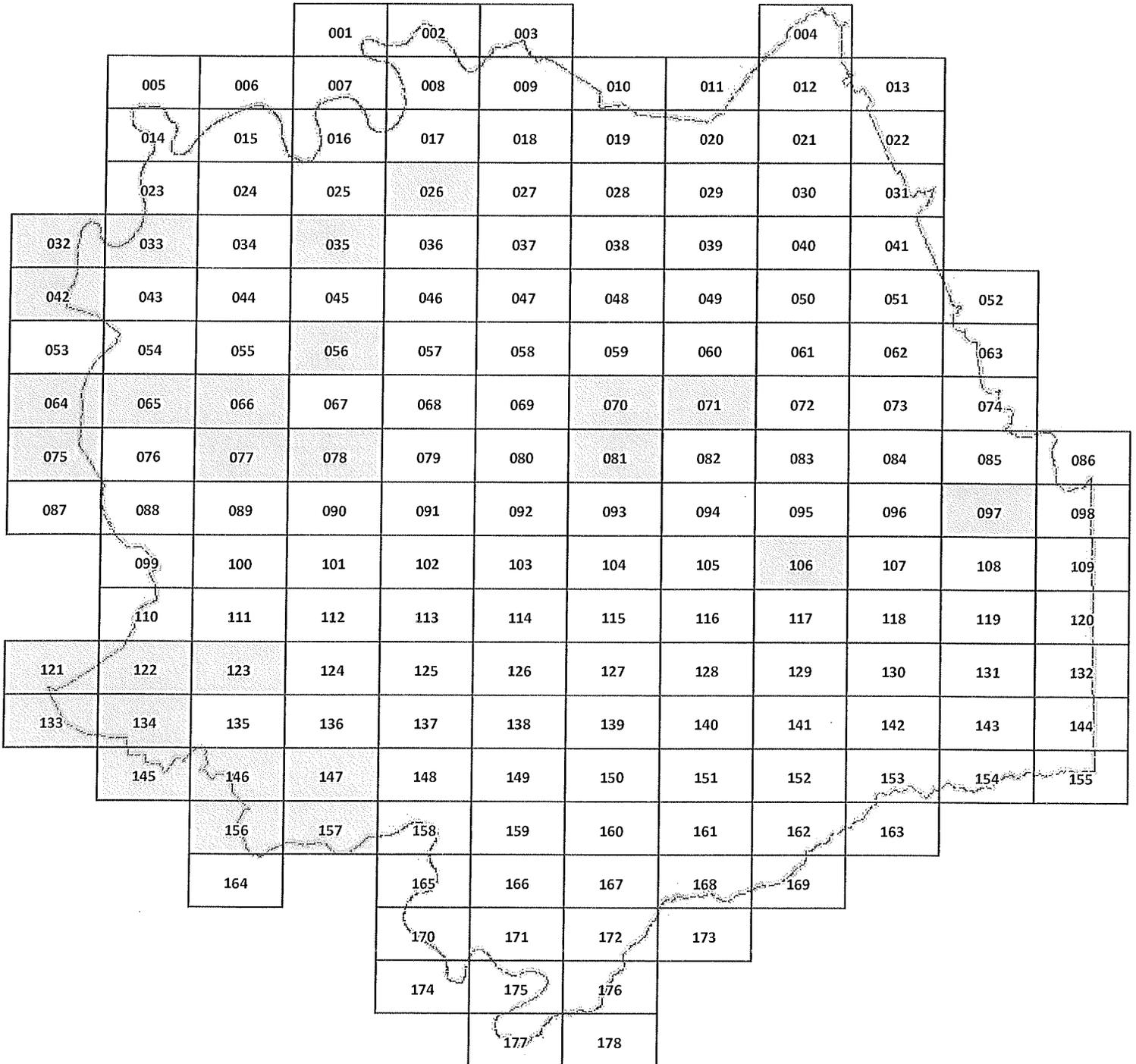
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118, 121, 122, 123, 133, 134, 145, 146, 147, 156, 157

1" = 100': 25A, 25B, 25D, 25G, 25F, 25K, 25L, 26A, 26E, 26G, 26H, 26L, 26N, 33E,  
33F, 33G, 33P, 35A, 35M, 42D, 42K, 56B, 56C, 56G, 56H, 56J, 56K, 56M,  
66B, 66C, 66D, 66E, 66F, 66G, 66K, 66L, 66M, 70H, 70I, 70M, 70P, 71A,  
71B, 71C, 77D, 77E, 77F, 77J, 77L, 77N, 78, 81A, 82A, 95EC, 95K, 95L,  
95LB, 95N, 96E, 96F, 96ED, 96J, 96K, 96L, 96M, 97J, 97JA, 97JD, 97O,  
106AI, 106B, 106C, 106N, 107C, 122F, 122G, 122H, 123C, 134C, 156M,  
157H, 157I,

# REAPPRAISAL PLAN

Fourth Inspection Year of Cycle

July 2013 to June 2014



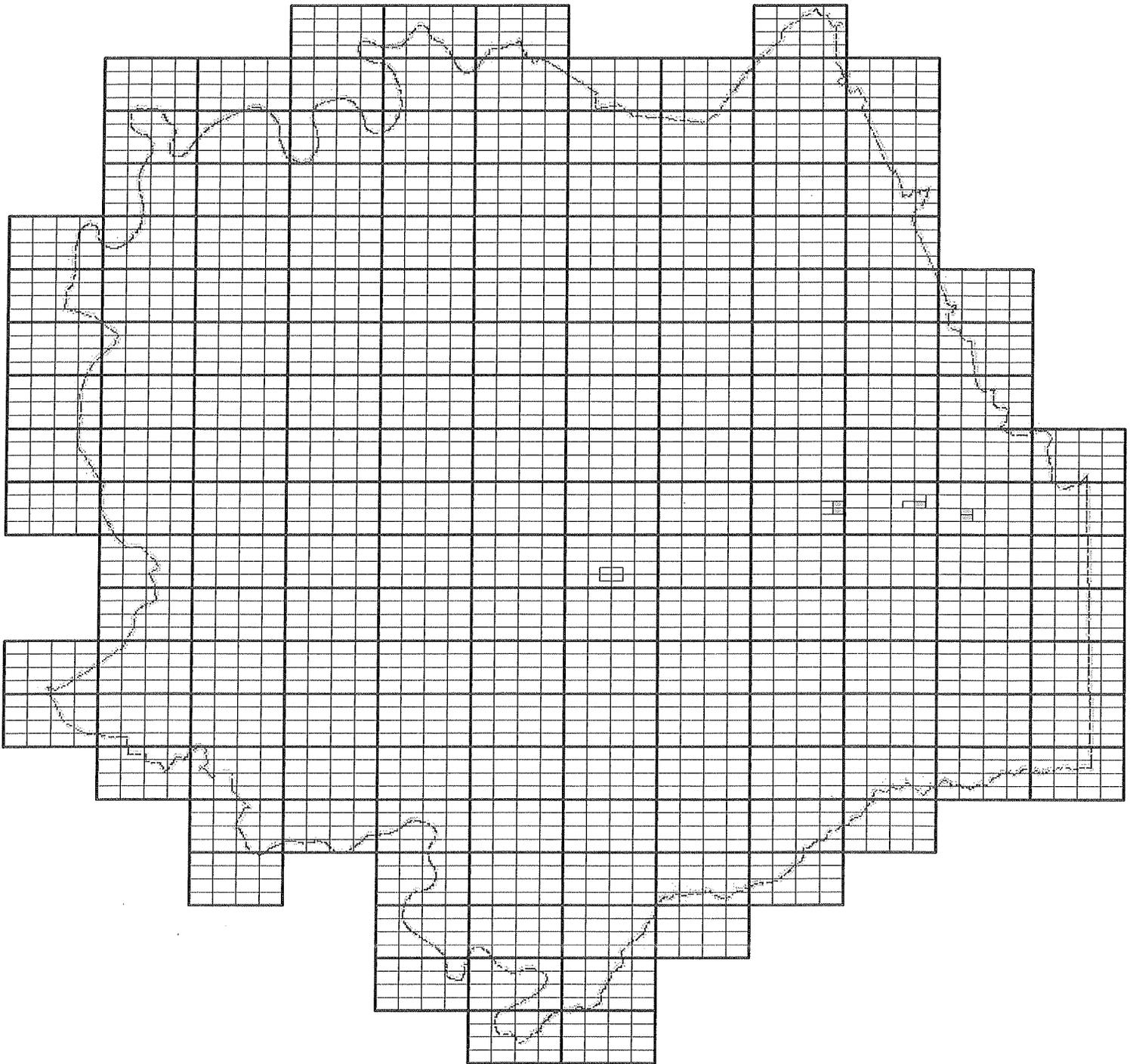
## Legend

-  Index\_400
-  CountyBoundary

# REAPPRAISAL PLAN

Fourth Inspection Year of Cycle

July 2013 to June 2014



## Legend

 Index\_50

 CountyBoundary



**NARRATIVE INFORMATION --- VISUAL INSPECTION**

(Attach Additional Sheets If Needed.)

- A. Personnel Needs: Inspections and new construction will be completed by seven full-time field employees working 25-30% of their time. Data entry and correlation will be completed by one full-time clerical employee. Actual parcels on Jan 2013 are 66,968. Growth rate is less than 1% per year and real property parcel count is estimated at 67,975 for the 2015 reappraisal. Additional splits & growth will be handled through normal office work as they occur.
- B. Office and Equipment Needs: Adequate space is available for visual inspection personnel. There will be a need to purchase supplies and equipment as they are needed.
- C. Training Planned and Needed for Staff: Assessor and staff will continue to attend formal appraisal classes, seminars, and courses that are available. DPA Assistance may be requested from time to time as necessary.
- D. Geographic Areas of Responsibility Assigned to Inspection Personnel: The County is divided into eight areas which will be reviewed by seven appraisers. In addition, they will be responsible for all new construction and the pricing of land splits for their area.
- E. Production Rates: Daily production rates will be listed on page 4. Monthly production is listed by area per year.
- F. Map Maintenance Schedule and Explanations: Maps maintenance will be worked daily. Reviewers will correlate mapping and appraisal cards for accuracy and remove unnecessary lines and parcel information.
- G. **Quality Assurance Efforts Planned:** The Assessor and assigned staff personnel will inspect field work on a regular basis to review consistency and quality of work. A minimum of 5% of the work will be reviewed.
- H. Other: Neighborhood lines and boundaries will be reviewed and developed for the new IMPACT computer system.

SECTION II

REVALUATION YEAR OF CYCLE  
JULY 2014 TO JUNE 2015

	REVALUATION YEAR	<u>2015</u>	
TOTAL PARCELS (Projected)	URBAN (1" = 100' Maps)	<u>36,785</u>	(Except Comm/Ind)
	RURAL (1" = 400' Maps)	<u>24,096</u>	(Except Comm/Ind)
	Commercial/Industrial	<u>3,159</u>	(All Maps)
	OTHER	<u>1,460</u>	
	TOTAL	<u>65,500</u>	

**NARRATIVE INFORMATION – REVALUATION YEAR**

(Attach Additional Sheets If Needed)

- A. Personnel Needs: Eight field appraisers that are assigned to visual inspection, including one commercial appraiser/specialist and one rural land appraiser/specialist. A reappraisal manager will be responsible for the activities. Two additional appraiser will be hired prior to the reappraisal program. One additional clerical person will be needed for data entry and correlation.
- B. Office Space and Equipment Needs (Space for State Personnel Providing Assistance) Adequate office space will be provided for all assessor and DPA reappraisal staff. Equipment provided: phones, desks, tables, file cabinets, computer lines, and office supplies as needed for the revaluation year.
- C. Use of Aerial Photographs: Latest GIS aerial photography and other data available will be used.
- D. Assistance Request of Division of Property Assessments: The Division of Property Assessment's assistance may be requested for complex property appraising, appraisal analysis, statistical analysis, and program management.
- E. Development of Sales File: A sales verification program has been developed to keep the sales file current. The processing of transfers will be posted to the computer system on a daily basis and in accordance with the DPA guidelines.
- F. Area Codes: Area Codes will be reviewed and adjusted as needed. Neighborhoods will be developed according to guidelines for the new IMPACT computer system.
- G. Improvement Valuation
1. Base Rate Development: Base rates for all improvements will be developed by sales analysis, income and expense analysis, or cost estimates by improvement type. The use of commercial base rates provided by the DPA will be adjusted by local multipliers, rates developed from market data, or the use of local cost providers.
  2. Analysis: Analysis will be done by assessor's staff with assistance of DPA personnel.

3. Special Building & Extra Feature Valuation: Extra features and special building costs and depreciation tables will be upgraded to reflect current values based on market data and construction cost information.
4. Collection & Use of Income & Expense Information: Income and expense data will be collected via personal interviews, mailed questionnaires, and courthouse records. DPA assistance may be requested.
5. Quality Assurance Efforts: Edit and error reports along with computer analysis will be used. Additional clean-up reports will be used via computers. DPA assistance may be requested.

H. Land Valuation

1. Rural Land & Use Value: Rural land sales will be used to develop new market values. DPA assistance may be requested for the analysis. Use values will be developed according to current statutes. Individual market land pricing will be the responsibility of the assessor's rural land appraiser and staff. DPA assistance may be requested.
2. Residential/Small Tract: Land tables, computer land models, or mass land updates will be used. Individual land pricing will be the responsibility of the assessor's reappraisal staff.
3. Commercial & Industrial: Land pricing will be done according to its highest and best use based on market data. Individual land pricing will be the responsibility of the assessor's reappraisal staff. DPA assistance may requested.
4. Quality Control: Will be done by the assessor's reappraisal staff and Reappraisal Manager.

I. Mineral and/or Leaseholds: Will be done according to current statutes by the assessor's reappraisal staff with DPA assistance may be requested.

J. Valuation Analysis

1. Detailed Analysis: To be done based on property type, land type, location, highest and best use, condition, and all other value affecting factors.
2. Final Value Correlation: Will be based on market data from sales, income and expense data, and cost information. Appraisal Principles will be used to estimate all values.

K. Updating of Ownership Information: Will be current as of January 1 of the revaluation year.

L. New Construction: This is an ongoing function throughout the reappraisal program. Buildings constructed and completed in 2015 will be prorated according to current statutes.

M. Final Value Meeting: To be scheduled early in the year 2015.

N. Hearings (Formal and Informal): Informal hearings will be scheduled in the spring of 2015. Hearings to be held by phone and appointments. County Board of Equalization meetings will be held according to statutes beginning in June of 2015.

O. Computer Appraisal System:

1. Do you currently use the State of Tennessee Computer Assisted Appraisal System (CAAS)? Yes \_\_\_

No X \_\_\_ If No, name of system currently in use. IMPACT (Integrated Multi Processing Administrative & Cama Technology) . One of twenty five counties that have made transition to IMPACT statewide.

2. Do you plan to change to another computer system during the reappraisal cycle covered in this plan?

Yes X No \_\_\_ If yes, detailed information must be included that defines the computer system and explains the county's plan of implementation. Blount Co anticipates being converted from the CAAS System to the new IMPACT computer system under development by the Division of Property of Assessments. This system may change some of the features as well as the current procedures and / or tools by which we currently perform revaluations. Any unforeseen changes as a result of the implementation of IMPACT which may alter the current plan regarding any phase of the visual inspection, review cycles, and the revaluation phase will be analyzed and necessary adjustments will be made as required. It is not anticipated that this new system will alter the above narrative at to our organization and performance of the revaluation nor the expected standards which are required.

## REVALUATION PHASE DELINEATION CHART DESCRIPTIONS

### A. ADMINISTRATION

1. Planning/Organizing - The time an administrator spends in establishing goals, policies and procedures and organizing the work activities for a timely completion of each reappraisal phase.
2. Directing/Controlling - The time an administrator spends in guiding and supervising personnel responsible for the accomplishment of the clerical and appraisal activities necessary to complete each phase.

### B. CLERICAL

1. File Cleanup - Time required in the correction of file reports such as incorrect land codes, improvement types, property types, etc.
2. Acreage Correlation - Time required to compare acreage amounts on the property record card with the tax maps and to correct any discrepancies.
3. Inspection Corrections - Time required to make corrections to properties reviewed during the inspection cycle.
4. Data Entry - Time required to key changes and corrections.
5. Processing/Screening - Time required to process and examine all data prior to data entry and to edit completed data upon return from data processing
6. Acreage Grid - Time required to calculate the acreage of each land grade on tracts that may be eligible for greenbelt.
7. Other - Time required to perform other clerical duties necessary to the successful completion of the reappraisal program.

### C. PRELIMINARY ANALYSIS OF FILE

1. Area Codes - Time required to review the current area code assignments and determine the need for any changes or corrections.
2. Improvement Types - Time required to review the current improvement types used and to determine any needed changes, corrections or additions.
3. Extra Features/Special Buildings - Time required to review the current status of the extra features as special buildings and to determine any needed changes, corrections or additions.

4. Small Tracts - Time required to review the current small tract listings for accuracy and consistency, and to review the methods used to establish values and to determine any needed changes or corrections.
5. Rural Land - Time required to review the current rural land listings for accuracy and consistency, and to review the methods used to establish values and to determine any needed changes or corrections.
6. Income and Expense - Time required to review the commercial properties and to determine the methods and forms to be used in the collection of income and expense information.
7. Sales File Cleanup - Time required to review the status of the sales file using sales reports and deed inventories. The sales file should be up-to-date and listed correctly.
8. Override Properties - Time required to review the listing of properties that have an override code. Delete all override codes making any needed changes or corrections.

#### **D. LAND VALUATION**

1. Urban - Time required to analyze vacant and improved sales to determine appropriate units of comparison, to establish base lot values, front foot and square foot values as well as units buildable. Urban parcels are located on 1" - 100' or larger scaled maps.
2. Commercial/Industrial - Time required to analyze vacant and improved sales and to determine appropriate units of comparison as well as establish base front foot, square foot and acreage values.
3. Rural - Time required to analyze vacant and improved sales of 15 acres or greater and to determine a preliminary rural land schedule. Rural land listings should be changed or corrected as needed.
4. Small Tracts - Time required to analyze vacant and improved sales of parcels less than 15 acres on rural maps and to establish a small tract pricing guide. Small tract listings should be changed or corrected as needed.

**E. IMPROVEMENT VALUATION**

1. Base Rates - Time required to develop tentative market base rates for all improvement types, utilizing sales of particular properties or in absence of sales an approved cost index service.
2. Factors - Time required to determine the use, if any, of base rate factors or land factors.
3. Effective Ages - Time required to review the condition factors (effective ages) of all improvements and to adjust those improvements due to the change in the base year for depreciation calculations.
4. Extra Features/Special Buildings - Time required to develop and/or to update extra features and special buildings rates and depreciation tables.

**F. SPECIAL PROPERTIES VALUATION**

1. Commercial/industrial - Time required appraising special purpose properties such as large industrials, golf courses or recreational facilities.
2. Minerals - Time required to collect data and to appraise mineral interests.
3. Leaseholds - Time required to analyze the leases on fee exempt properties and to value leasehold interests.
4. Exempt Properties - Time required to review and to compare the approved exemption applications with a current exempt properties listing, and to determine any changes that may alter the exemptions status of the properties.
5. Other - Time required to value other unique or complex properties that need additional resources for appraisal.

**G. ASSESSOR FILE MAINTENANCE**

1. New Construction - Time required to measure and list all new construction completed prior to the reappraisal date.
2. Mapping Splits - Time required for map maintenance during year prior to reappraisal.
3. Treelines/Land Grades - Time required to update tree lines and land grade changes on the tax maps and to correct the resulting land grade listing for the property.
4. Sales File - Time required to maintain an up-to-date-sales file during the year prior to the reappraisal date.

**H. FINAL VALUATION REVIEW**

1. Urban - Final determination of values for residential properties located on 1' = 100' or larger scaled maps.
2. Rural - Final determination of values for residential/farm properties located on 1"= 400' maps.
3. Use Schedule - Final review of the use schedule calculations and the greenbelt parcels listing.
4. Commercial/Industrial - Final determination of values on commercial and industrial properties on all maps.
5. Final Value Meeting - Meeting with the State Division of Property Assessments to review all phases of the completed reappraisal program for accuracy and completion. Appraisal change reports and all analysis reports should be reviewed to determine needed changes or corrections.
6. Final Analysis - Interpreting final sales analysis prior to printing assessment change notices and property record cards. Compiling pertinent appraisal tables, schedules, manuals and maps for future reference to be used in appeals.

**I. INFORMAL HEARINGS**

1. Urban - Estimate the number of parcels that will be reviewed during the assessor's hearings.
2. Rural - Estimate the number of parcels that will be reviewed during the assessor's hearings.
3. Commercial/Industrial and Special Properties - Estimate the number of parcels that will be reviewed during the assessor's hearings.
4. Clerical- Maintaining files and appointment logs and processing appraisal changes including data entry.
5. Field Checks - Field reviews due to informal hearings.

**J. FORMAL HEARINGS**

1. County Board of Equalization - Appraisal and clerical personnel required to assist the County Board of Equalization during the reappraisal year.

COUNTY: BLOUNT ASSESSOR'S REVALUATION PHASE DELINEATION CHART

PHASE (Reappraisal Activity)	UNITS M OR P	DAILY PROD RT	BEGINNING DATE	COMPLETION DATE	TOTAL MAN-MO	PERSONNEL (MAN-MO-TIME)
<b>A: ADMINISTRATION</b>						
PLAN/ORGANIZING	65,500	400	01-Jan-14	30-Jun-15	9.1	0.50
DIRECTING/CONTROLLING	65,500	400	01-Jan-14	30-Jun-15	9.1	0.50
<b>B: CLERICAL</b>						
FILE CLEANUP	3,000	20	01-Jan-14	30-Jun-15	8.3	0.46
ONGOING ASMT ROLL MAINT	2,500	15	01-Jan-14	30-Jun-15	9.3	0.51
INSP CYCLE CORRECTIONS	1,500	20	01-Jan-14	30-Jun-15	4.2	0.23
DATA ENTRY	65,500	200	01-Jan-14	30-Jun-15	14.0	1.00
PROCESSING/SCREENING	2,000	15	01-Jan-14	30-Jun-15	3.5	0.41
SALES FILE CLEANUP	2,000	15	01-Jan-14	30-Jun-15	3.5	0.41
OVERRIDE PROPERTIES	20	1	01-Jan-14	30-Jun-15	3.5	0.06
<b>C: PRELIMINARY ANALYSIS</b>						
AREA CODES	14,825	1000	01-Jan-14	30-Jun-15	0.8	0.05
IMPROVEMENT TYPE	43,700	1000	01-Jan-14	30-Jun-15	2.4	0.13
EXTRA FEATURES	47,280	875	01-Jan-14	30-Jun-15	3.0	0.17
RES LAND	59,000	1000	01-Jan-14	30-Jun-15	3.3	0.18
RURAL LAND	2,850	285	01-Jan-14	30-Jun-15	0.6	0.03
INCOME/EXPENSES	100	10	01-Jan-14	30-Jun-15	0.6	0.03
SALES FILE CLEANUP	1,000	100	01-Jan-14	30-Jun-15	0.6	0.03
OVERRIDE PROPERTIES	20	1	01-Jan-14	30-Jun-15	1.1	0.06
<b>D: LAND VALUATION</b>						
URBAN LAND	36,785	250	01-Jan-14	30-Jun-15	8.2	0.45
COMM/IND LAND	3,159	20	01-Jan-14	30-Jun-15	8.8	0.48
RURAL LAND	20,034	160	01-Jan-14	30-Jun-15	7.0	0.38
SMALL TRACTS	4,062	40	01-Jan-14	30-Jun-15	5.6	0.31
<b>E: IMP VALUATION</b>						
BASE RATES	43574	500	01-Jan-14	30-Jun-15	4.8	0.27
FACTORS	43574	500	01-Jan-14	30-Jun-15	4.8	0.27
EFFECTIVE AGES	43574	500	01-Jan-14	30-Jun-15	4.8	0.27
XFSB (EXTRA FEATURES)	47280	500	01-Jan-14	30-Jun-15	5.3	0.29
<b>F: SPECIAL PROPERTIES</b>						
COMM/IND	100	10	01-Jan-14	30-Jun-15	0.6	0.03
MINERALS	4	1	01-Jan-14	30-Jun-15	0.2	0.01
LEASEHOLDS	10	1	01-Jan-14	30-Jun-15	0.6	0.03
EXEMPT PARCELS	1475	150	01-Jan-14	30-Jun-15	0.6	0.03
OTHER ( RES & FARM )	100	10	01-Jan-14	30-Jun-15	0.6	0.03
<b>G: ASSESSOR FILE MAINT</b>						
NEW CONSTRUCTION	1,000	10	01-Jan-14	30-Jun-15	5.6	0.31
MAPPING SPLITS	300	10	01-Jan-14	30-Jun-15	1.7	0.09
MAPPING PROBLEMS	100	3	01-Jan-14	30-Jun-15	1.9	0.10
SALES FILE CLEANUP-4 YR	4,000	60	01-Jan-14	30-Jun-15	3.7	0.20
<b>H: FINAL VALUE REVIEW</b>						
URBAN 100%	36,785	300	01-Jan-14	31-Jul-15	6.8	0.35
RURAL 100%	24,096	300	01-Jan-14	31-Jul-15	4.5	0.23
USE SCHEDULE	1,460	20	01-Jan-14	31-Jul-15	19.2	0.21
COMM/IND 100%	3,159	350	01-Jan-14	31-Jul-15	0.5	0.03
FINAL VALUE MEETING	65,500	1000	01-Jan-14	31-Jul-15	19.2	0.19
FINAL ANALYSIS	65,500	1000	01-Jan-14	31-Jul-15	19.2	0.19
<b>I: INFORMAL HEARINGS</b>						
URBAN (EST)	1,900	100	20-May-15	30-Jul-15	1.1	0.45
RURAL (EST)	1,250	100	20-May-15	30-Jul-15	0.7	0.29
COMM/IND (EST)	200	10	20-May-15	30-Jul-15	1.1	0.47
CLERICAL (SUM OF ABOVE)	3,350	220	20-May-15	30-Jul-15	0.9	0.36
FIELD CHKS	250	20	20-May-15	30-Jul-15	0.7	0.29
<b>J: FORMAL HEARINGS</b>						
CO BD OF EQ (10% OF INF)	335	12	01-Jun-15	30-Jul-15	1.6	0.79
TOTAL ADMINISTRATIVE PERSONNEL REQUIRED			(Sum of Phase "A")		1.00	
TOTAL CLERICAL PERSONNEL REQUIRED			(Sum of Phase "B")		3.08	
TOTAL APPRAISAL PERSONNEL REQUIRED			(Sum of Phases "C" thru "J")		8.08	



COUNTY: BLOUNT DIVISION OF PROPERTY ASSESSMENTS  
 REVALUATION PHASE DELINEATION CHART

ENTER AS:

PHASE (Reappraisal Activity)	UNITS M OR P	DAILY PROD RT	BEGINNING DATE	COMPLETION DATE	TOTAL MAN-MO	PERSONNEL (MAN-MO-TIME)
<b>A: ADMINISTRATION</b>						
PLAN/ORGANIZING	65,500	400	01-Jan-14	30-Jun-15	9.1	0.50
DIRECTING/CONTROLLING	65,500	400	01-Jan-14	30-Jun-15	9.1	0.50
<b>B: CLERICAL</b>						
FILE CLEANUP			01-Jan-14	30-Apr-15		
ACREAGE CORELATION			01-Jan-14	30-Apr-15	0.0	0.00
INSP CYCLE CORRECTIONS			01-Jan-14	30-Apr-15	0.0	0.00
DATA ENTRY			01-Jan-14	30-Apr-15	0.0	0.00
PROCESSING/SCREENING			01-Jan-14	30-Apr-15	0.0	0.00
ACREAGE GRID			01-Jan-14	30-Apr-15	0.0	0.00
OTHER			01-Jan-14	30-Apr-15	0.0	0.00
<b>C: PRELIMINARY ANALYSIS</b>						
AREA CODES	14,825	14825	01-Jan-14	30-Apr-15	0.1	0.00
IMPROVEMENT TYPE	43,700	43700	01-Jan-14	30-Apr-15	0.1	0.00
EXTRA FEATURES	47,280	47280	01-Jan-14	30-Apr-15	0.1	0.00
RES LAND	59,000	59000	01-Jan-14	30-Apr-15	0.1	0.00
RURAL LAND	2,850	2850	01-Jan-14	30-Apr-15	0.1	0.00
INCOME/EXPENSES 50%	100	100	01-Jan-14	30-Apr-15	0.1	0.00
SALES FILE CLEANUP	1,000	1000	01-Jan-14	30-Apr-15	0.1	0.00
OVERRIDE PROPERTIES	10	10	01-Jan-14	30-Apr-15	0.1	0.00
<b>D: LAND VALUATION ASSISTANCE</b>						
URBAN LAND	36,785	36785	01-Jan-14	30-Apr-15	0.1	0.00
COMM/IND LAND	3,159	3159	01-Jan-14	30-Apr-15	0.1	0.00
RURAL LAND	20,034	20034	01-Jan-14	30-Apr-15	0.1	0.00
SMALL TRACTS	4,062	4062	01-Jan-14	30-Apr-15	0.1	0.00
<b>E: IMP VALUATION ASSISTANCE</b>						
BASE RATES	43574	43574	01-Jan-14	30-Jun-15	0.1	0.00
FACTORS	43574	43574	01-Jan-14	30-Jun-15	0.1	0.00
EFFECTIVE AGES	43574	43574	01-Jan-14	30-Jun-15		
XFSB (EXTRA FEATURES)	47,280	47280	01-Jan-14	30-Jun-15	0.1	0.00
<b>F: SPECIAL PROPERTIES ASSISTANCE</b>						
COMM/IND 5%	100	100	01-Jan-14	30-Jun-15	0.1	0.00
MINERALS	4	4	01-Jan-14	30-Jun-15	0.1	0.00
LEASEHOLDS	10	10	01-Jan-14	30-Jun-15	0.1	0.00
EXEMPT PARCELS	1475	1475	01-Jan-14	30-Jun-15	0.1	0.00
OTHER ( RES & FARM )	100	100	01-Jan-14	30-Jun-15	0.1	0.00
<b>G: ASSESSOR FILE MAINT</b>						
NEW CONSTRUCTION	1,000		01-Jan-14	30-Jun-15	0.0	0.00
MAPPING SPLITS	300		01-Jan-14	30-Jun-15	0.0	0.00
TREELINES/LAND GRADES	100		01-Jan-14	30-Jun-15	0.0	0.00
SALES FILE	4,000	4000	01-Jan-14	30-Jun-15	0.1	0.00
<b>H: FINAL VALUE REVIEW ASSISTANCE</b>						
URBAN 5%	36,785	36785	01-Jan-14	30-Jun-15	0.1	0.00
RURAL 5%	24,096	24096	01-Jan-14	30-Jun-15	0.1	0.00
USE SCHEDULE 100%	1,460	1460	01-Jan-14	30-Jun-15	0.1	0.00
COMM/IND 5%	3,159	3159	01-Jan-14	30-Jun-15	0.1	0.00
FINAL VALUE MEETING	65,500	65,500	01-Jan-14	30-Jun-15	18.2	0.00
FINAL ANALYSIS	65,500	65500	01-Jan-14	30-Jun-15	0.1	0.00
<b>I: INFORMAL HEARINGS (ORGANIZATIONAL &amp; TECHNICAL ASSISTANCE)</b>						
URBAN (EST) 1%	1,900	1900	01-Jan-14	30-Jun-15	0.1	0.00
RURAL (EST) 1%	1,250	1250	01-Jan-14	30-Jun-15	0.1	0.00
COMM/IND (EST) 1%	200	200	01-Jan-14	30-Jun-15	0.1	0.00
CLERICAL (SUM OF ABOVE)	3,350		01-Jan-14	30-Jun-15		
FIELD CHKS (10% OF HEAR)	250	250	01-Jan-14	30-Jun-15	0.1	0.00
<b>J: FORMAL HEARINGS (ORGANIZATIONAL &amp; TECHNICAL ASSISTANCE)</b>						
CO BD OF EQ (1% OF INF)	335	335	01-Jan-14	30-Jun-15	0.1	0.00
<b>TOTAL ADMINISTRATIVE PERSONNEL REQUIRED</b>					(Sum of Phase "A")	1.00
<b>TOTAL CLERICAL PERSONNEL REQUIRED</b>					(Sum of Phase "B")	0.00
<b>TOTAL APPRAISAL PERSONNEL REQUIRED</b>					(Sum of Phases "C" thru "J")	0.00



## ASSESSOR'S PERSONNEL ASSIGNMENT

(Attach additional sheets if necessary)

1. Position: Reappraisal Manager Name: Gabe Looney  
Phase Responsibility: Oversee reappraisal program, assist in appraisals, and coordinate activities with assessor and the DPA.  
Appraisal Experience and Training: Assistant Property Assessor, 7 years as Senior appraiser, Oversee and appraise commercial/industrial properties. Coordinate and assist staff appraisers as they prepare appeal documents for the County and State Boards of Equalization, etc. Appraises complex/special use properties. 12 years Field Appraiser, Certified Florida Evaluator, Marshall & Swift Trained Appraiser, College degree, Education includes IAAO courses and DPA workshops; currently pursuing AAS designation.
2. Position Assistant Reappraisal Manger Name: David Easter  
Phase Responsibility: Serves as review appraiser in Reappraisal program. Responsible for one of eight assigned areas. Assists in valuation of commercial / industrial properties. Senior appraiser, training coordinator. Monitors and assists all activities of the county board of equalization.  
Appraisal Experience and Training: 15 years field appraiser of residential, commercial, and industrial properties. Education includes IAAO courses and DPA workshops.
3. Position: Field Appraiser Name: Matt Miller  
Phase Responsibility: Reappraisal review continuous cycle and 5th year reappraisal. Mobile home park and building permit coordinator.  
Appraisal Experience and Training: 7 years as field appraiser, college degree. Education includes IAAO courses and DPA workshops.
4. Position: Field Appraiser Name: Jeff Welshan  
Phase Responsibility: Reappraisal review continuous cycle and 5th year reappraisal.  
Appraisal Experience and Training: 5 years as Field Appraiser, college degree. Education includes IAAO courses and DPA workshops.

5. Position: Field Appraiser Name: Tammy Hall  
Phase Responsibility: Reappraisal review continuous cycle and 5<sup>th</sup> year reappraisal  
Appraisal Experience and Training: 2 years as field appraiser, 3 years data entry, 3 years as GIS mapping technician, college degree, IAAO courses and DPA workshops.

6. Position: Field Appraiser Name: Brad Bowers  
Phase Responsibility: Reappraisal review continuous cycle and 5<sup>th</sup> year reappraisal  
Appraisal Experience and Training: New hire. Will train.

7. Position: Field Appraiser Name: Travis Benson  
Phase Responsibility: Reappraisal review continuous cycle and 5<sup>th</sup> year reappraisal  
Appraisal Experience and Training: New hire. Will train.

8. Position: Field Appraiser Name: To be hired  
Phase Responsibility: Reappraisal review continuous cycle and 5<sup>th</sup> year reappraisal  
Appraisal Experience and Training: Will train.

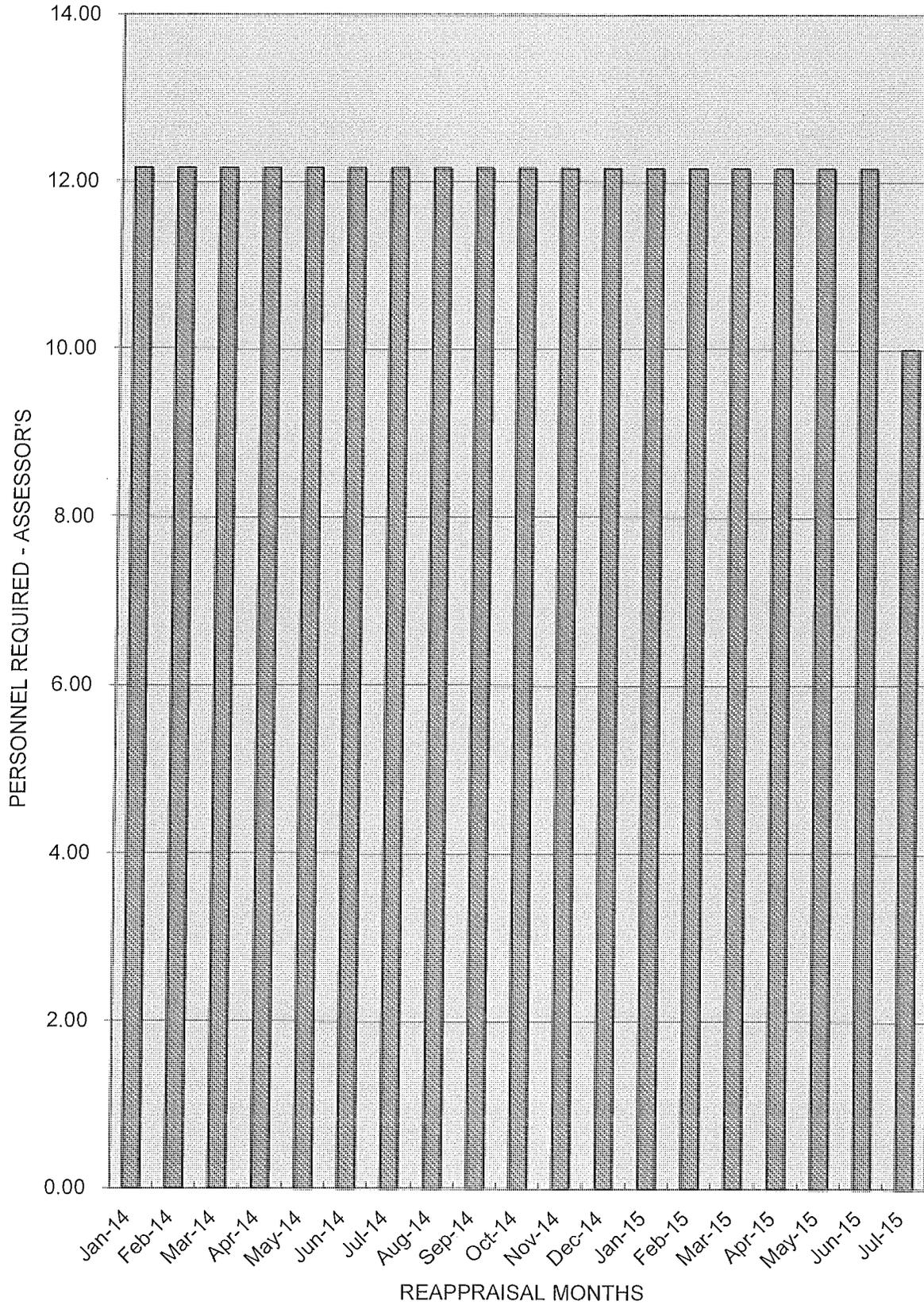
9. Position: Field Appraiser Name: To be hired  
Phase Responsibility: Reappraisal review continuous cycle and 5<sup>th</sup> year reappraisal  
Appraisal Experience and Training: Will train.

10. Position: Clerical Name: Vickie Phillips  
Phase Responsibility: Keying for reappraisal review continuous cycle and 5<sup>th</sup> year reappraisal  
Appraisal Experience and Training: 8 years reappraisal clerical office work and data entry.

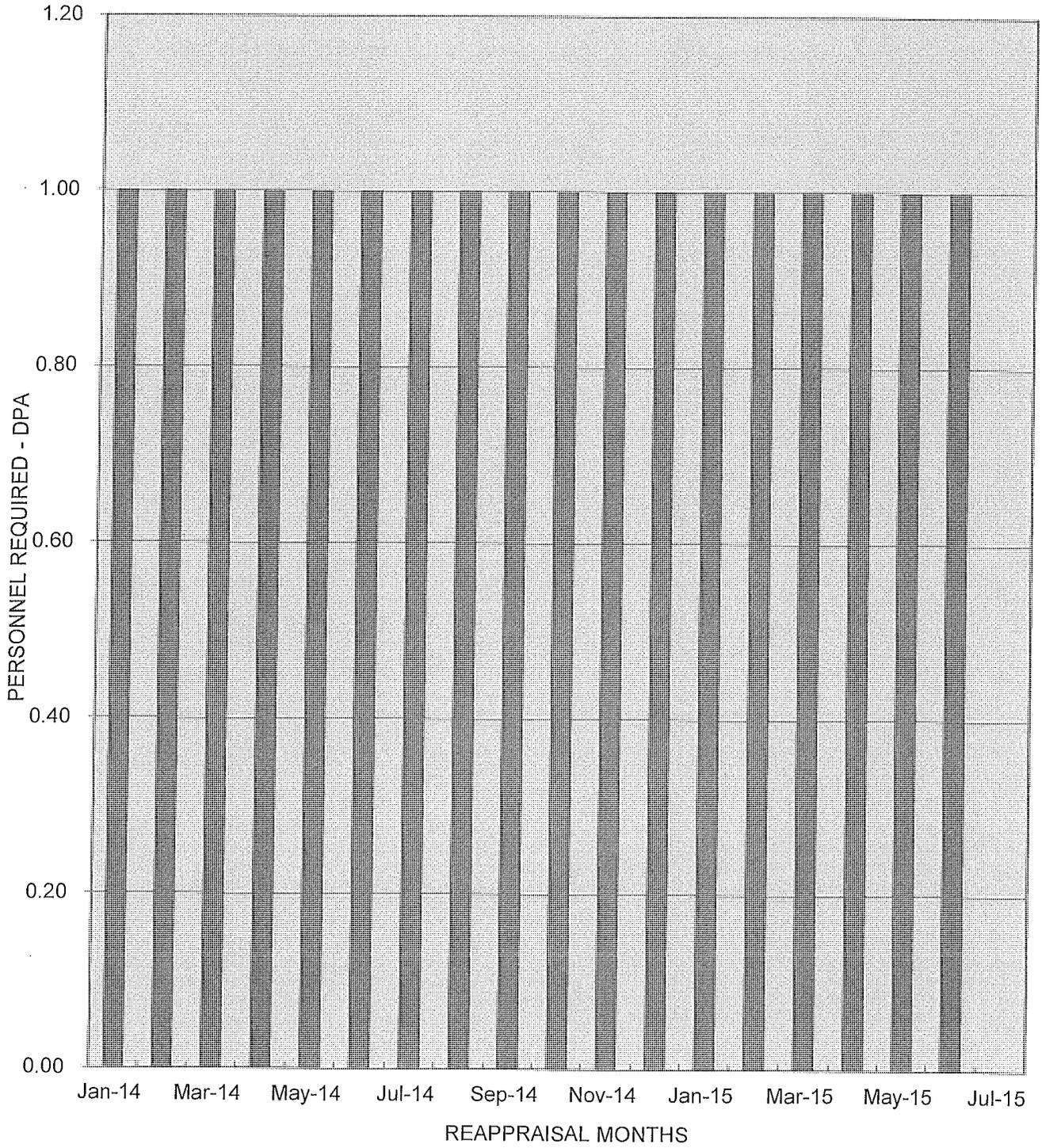
11. Position: Clerical Name: Amy McMillan  
Phase Responsibility: Data entry and correlation  
Appraisal Experience and Training: Will train.

12. Position: Clerical Name: To be hired.  
Phase Responsibility: Data entry and correlation  
Appraisal Experience and Training: Will train.

BLOUNT COUNTY  
2015 REAPPRAISAL  
ASSESSOR'S



BLOUNT COUNTY  
2015 REAPPRAISAL  
DPA



This Plan is hereby submitted for Reappraisal of Blount County as required by TCA 67-5-1601.

\_\_\_\_\_  
ASSESSOR OF PROPERTY (Signature)

DATE \_\_\_\_\_

**REVIEWED BY:**

\_\_\_\_\_  
COUNTY MAYOR (Signature)

DATE \_\_\_\_\_

**RESOLUTION BY COUNTY COMMISSION:  
(required for 4 or 5 year cycle)**

APPROVED \_\_\_\_\_ (Attach Copy of Resolution)

DISAPPROVED \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN, COUNTY COMMISSION (Signature)

DATE \_\_\_\_\_

<p><b>DATE SUBMITTED TO STATE BOARD OF EQUALIZATION:</b> _____</p>
--

## Rhonda Pitts

---

**From:** Robertson, Wesley Ross <wrober25@utk.edu>  
**Sent:** Thursday, April 25, 2013 10:05 AM  
**To:** Rhonda Pitts (rpitts@blounttn.org)  
**Subject:** Surplus

Here is the information you requested for the disposition of surplus property under the 1957 Purchasing Act.

In the 1957 Purchasing Law, the sale of surplus property is covered under TCA 5-14-108:

(o)(1) All sales of county-owned property, real or personal in nature, that has become surplus, obsolete or unusable shall be made by public auction or by sealed bid under this section, in the discretion of the purchasing agent or responsible official. "Public auction" includes sale by Internet auction.

(2) The county purchasing agent shall give public notice of such auction by inserting at least once in a newspaper of county-wide circulation or by posting on a public bulletin board in the county courthouse at least five (5) days prior to the date of such auction, a notice specifying the auction date, time, place, property to be sold and terms of such auction.

(3) The provisions of this subsection (o) do not apply to any books, recordings, or other material previously in general circulation at a county public library; provided, however, that the county public library shall conduct a public sale of surplus, obsolete or otherwise unusable books, recordings or other materials previously in general circulation at the county public library and shall give public notice of such sale by inserting at least once in a newspaper of county-wide circulation, by posting such sale on a Web site maintained by the county, or by posting on a public bulletin board in the county courthouse and at the county public library at least five (5) days prior to the date of such sale, a notice specifying generally that such a sale shall occur, including the dates, times, places, and terms of such sale.

The purchasing agent handles the sale after the property has been declared surplus by the county legislative body under TCA 5-7-101 (I assume from the letter than this is not school property, which is a bit different and falls under Title 49). See Attorney General Opinion 81-233, attached. Under TCA 5-7-101, I think the county legislative body could determine the manner in which they want the property sold within the parameters of the statute quoted above, but if they don't it will be up to the purchasing agent to determine. They can hire an auctioneer, they can do a sealed bid process, or they can do an Internet auction. They cannot do a privately negotiated sale in a county that operates under the 1957 Purchasing Law. Their best way to do it depends on what type of surplus property they are selling, among other issues.

If you have any other questions let me know.

Wesley Robertson  
Budget & Finance Consultant

**CRAIG L. GARRETT**

---

**ATTORNEY AT LAW, PLLC**

607 SMITHVIEW DRIVE  
MARYVILLE, TENNESSEE 37803

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

**M E M O R A N D U M**

TO: THE HONORABLE ED MITCHELL, BLOUNT COUNTY MAYOR  
TERESA JOHNSON, BLOUNT COUNTY PURCHASING AGENT

FROM: CRAIG L. GARRETT, BLOUNT COUNTY ATTORNEY

RE: SALE OR DISPOSITION OF REAL PROPERTY (i.e. FIFTH JUDICIAL  
DRUG TASK FORCE PROPERTY & BOYS & GIRLS CLUB  
PROPERTY)

DATE: APRIL 22, 2013

Mayor, you and I have previously discussed the sale of the property owned by the County and used by the Fifth Judicial Drug Task Force. I have also discussed this property with Sheriff Berrong. Teresa and Randy have sent me a couple of e-mails regarding the Task Force's desire to relocate due to outgrowing this property. We can certainly sell that property.

Mayor, you asked me last week about the possible sale of the Boys & Girls Club property and indicated that some of the Commissioners were interested in selling this property and talking to a potential buyer. It is also my understanding that there is a possible interested buyer for the Drug Task Force property.

With that background, I will outline the procedure necessary to sell these properties. Blount County is subject to the County Purchasing Law of 1957 found at T.C.A. §5-14-101 et. seq. This Purchasing Law also requires that all sales of County owned real property which has become surplus, obsolete or unusable, shall be made by public auction or by sealed bid. Public auction shall be as defined in T.C.A. §47-2-328 and §62-19-101. These Code Sections basically define an auction process wherein bids are made and the highest bid is ultimately accepted.

The sealed bid would be under the typical purchasing rules and regulations of the County. Under either an auction scenario or a sealed bid scenario, I would recommend that we set a reserve or beginning price with this real estate so that we do not receive substantially under the market value of the property. I feel the Commission could do this when they pass the resolution authorizing the sale of the property.

Based on the above, the scenario that needs to be followed is set forth in the following checklist:

1. The County Commission needs to address the issue and declare the subject real estate to be surplus or unusable for County purposes.
2. The County Commission needs to decide whether the property should be sold by sealed bid or auction. The Commission could choose to leave that to the discretion of the County Purchasing Agent, but it would be my recommendation that the Commission address the method of sale to be implemented.
3. The County Commission needs to decide the reserve price or beginning price for either the auction or sealed bid for each piece of property.
4. Either the County Commission or the County Purchasing Agent needs to decide how the property should be advertised and whether, in fact, the County should auction the property through the Purchasing Agent or should employ the services of a licensed auctioneer to auction the property.

In my opinion, it is up to the Commission and/or the Purchasing Agent to decide whether auction or sealed bid should be used but inasmuch as this is valuable real estate, our best efforts should be made to publicize the sale in an effort to obtain as many bidders as possible.

If further information is needed, please let me know.

37J F 1.00  
241 Currie Ave

***Cost Approach (Marshall & Swift Valuation)***

Gymnasium	\$221,400
Mobile Home	\$5,600
Other Improvements	\$4,000
<hr/>	
Improvement Value	\$231,000

Land Value (3.2 Acres)	\$51,200
<hr/>	
Total Value Indication	\$282,200
\$/SF	\$29.36

***Income Approach***

Gymnasium (9610 sf @ \$3.50/sf) \$33,635

Vacancy and Collection Loss (5%) 

---

-\$1,682

Effective Gross Income \$31,953

Expenses

Management (5%) -\$1,682

Insurance (5%) -\$1,682

Maintenance & Repair (5%) -\$1,682

Total Expenses 

---

-\$5,046

Net Operating Income \$26,907

Overall Capitalization Rate 

---

10.00%

Value Indication \$269,070

\$/SF \$27.99



THORNHILL DR

CURRIE AVE

ORTON DR

Part of 37J F 1.00  
3.2 ACc

1 inch = 100 feet



Realty Executives Associates

Daniel Monat — (865) 297-2112

Industrial Property For Sale

## 508 High Street

508 High Street, Maryville, TN 37804



Price:	<b>\$369,000</b>
Building Size:	9,180 SF
Price/SF:	\$40.20
Property Type:	Industrial
Property Sub-type:	Office Showroom
Additional Sub-types:	Free Standing Bldg Warehouse Distribution Warehouse
Property Use Type:	Vacant/Owner-User
Commission Split:	4%
No. Stories:	2
Year Built:	1920
Lot Size:	0.44 AC

Last Updated 23 days ago  
Listing ID 18017650

[Show Map](#)

Gloria Gregory Realty

Gloria Gregory, CCIM — (865) 297-3290

Industrial Property For Sale

## Warehouse on 1 Acre Owner Financing

5165 Hwy 411 S, Maryville, TN 37801



Price:	<b>\$299,000</b>
Building Size:	6,000 SF
Price/SF:	\$49.83
Property Type:	Industrial
Property Sub-type:	Warehouse
Property Use Type:	Vacant/Owner-User
Commission Split:	3.5%
Clear Ceiling Height:	25 ft.
Lot Size:	0 AC
APN / Parcel ID:	100 012.30
Features:	
Electricity/Power	

Last Updated 26 days ago  
Listing ID 17966779

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**Tenn. Code Ann. § 5-14-108** (Copy w/ Cite)

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*Tenn. Code Ann. § 5-14-108*

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\*\*\* Current through the 2012 Regular Session \*\*\*

Title 5 Counties  
Chapter 14 County Purchasing  
Part 1 County Purchasing Law of 1957

Tenn. Code Ann. § 5-14-108 (2012)

**5-14-108. Purchases, sales, etc. -- Bidding, auctions.**

**(a) (1)** All purchases of and contracts for purchases of supplies, materials, equipment and contractual services, and all contracts for the lease or rental of equipment, and all sales of county-owned property that has become surplus, obsolete or unusable, shall be based wherever possible on competitive bids.

**(2)** Contracts for legal services, auditing services by certified public accountants, and similar services by professional persons or groups of high ethical standards shall not be based upon competitive bids but shall be awarded on the basis of recognized competence and integrity.

**(3)** Bids need not be required for services for which the rate or price is fixed by a public authority authorized by law to fix such rates or prices.

**(4)** The prohibition in this subsection (a) against competitive bidding shall not prohibit the county from interviewing eligible persons or groups to determine the capabilities of such persons or groups.

**(b)** The county may purchase materials, supplies, commodities and equipment from any federal, state or local governmental unit or agency, without conforming to the competitive bidding requirements of this part.

**(c) (1)** If the amount of the expenditure or sale is estimated to exceed five hundred dollars (\$500), sealed bids shall be solicited, unless the county legislative body by resolution establishes a higher amount not to exceed ten thousand dollars (\$10,000).

**(2)** The county legislative body by resolution may exempt perishable commodities from the requirements of sealed or competitive bidding when such items are purchased in the open market.

**(3)** The county purchasing agent shall solicit sealed bids by public notice inserted at least once in a newspaper of county-wide circulation, five (5) days prior to the final date for submitting bids or by posting notices on a public bulletin board in the county courthouse.

**(4)** The county purchasing agent shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers.

**(5)** All such notices shall include a general description of the commodities or contractual services to be purchased or property to be sold, and shall state where bid blanks and specifications may be obtained and the time and place of opening bids.

**(d) (1)** All purchases or sales in amounts that do not require bid solicitation pursuant to subsection (c) may be made by the county purchasing agent in the open market without newspaper notice, but shall whenever possible be based upon at least three (3) competitive bids.

**(2)** Requisitions for items estimated to cost an amount such as to require public newspaper notice shall not be subdivided in order to circumvent the requirement for public newspaper notice as herein provided.

**(3)** All sales by the purchasing agent shall be made to the highest responsible bidder.

**(e)** Bids on purchases shall in all cases be based on such standards as may be adopted and promulgated by the county purchasing agent and approved by the county purchasing commission.

**(f)** All open market purchase orders or contracts made by the county purchasing agent or in extreme emergencies by any county department or agency shall be awarded to the lowest and best bidder, taking into consideration the qualities of the articles to be supplied, their conformity with specifications, their suitability to the requirements of the county government, and the delivery terms. Any or all bids may be rejected for good cause.

**(g)** All bids taken under the requirements of this part, and all other documents, including purchase orders, pertaining to the award of contracts on such bids, shall be preserved for a period of five (5) years.

**(h)** If all bids received on a pending contract are for the same unit price or total amount, the county purchasing agent shall have authority to reject all bids and to purchase the required supplies, materials, equipment or contractual services in the open market; provided, that the price paid in the open market does not exceed the bid price.

**(i)** All sealed bids received shall be opened publicly at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on a record, and each record with the names of the bidders, the amounts of their bids, and the name of the successful bidder indicated thereon, shall, after the award or contract or order, be open to public inspection.

**(j)** All contracts shall be approved as to form by the county attorney, and the original copy of each long-term contract shall be filed with the county clerk.

**(k)** No purchase shall be made or purchase order or contract of purchase issued but in consequence of a written requisition for the supplies, materials, equipment or contractual services required, which requisition shall be signed by the head of the department, office or agency of the county requiring such articles or services. Original copies of all such requisitions shall be kept on file in the office of the county purchasing agent.

**(l)** No purchase shall be made or purchase order or contract of purchase issued for tangible personal property or services by county officials or employees, acting in their official capacity, from any firm or individual whose business tax or license is delinquent.

**(m) (1)** The county purchasing agent is authorized to purchase and contract to purchase materials, supplies, equipment and contractual services on a fiscal year basis, but no commitment shall be made that extends beyond the end of the current fiscal year for which appropriations have been made by the county legislative body, except such commitments as

are authorized by resolution of the county legislative body.

**(2)** In the determination of the county's annual needs of certain commodities or services, or both, the county purchasing agent may request the various departments, offices and agencies of the county government to anticipate their needs for the remainder of the fiscal year and to issue their requisitions based upon such estimates.

**(n) (1)** Perishable commodities, at the election of the local governing body, may be exempted from the requirements of public advertisements and competitive bidding when such items are purchased in the open market.

**(2)** A record of all such purchases shall be made by the purchasing agent and shall specify the amount paid, the items purchased, and from whom the purchase was made.

**(3)** A report of such purchases shall be made to the county mayor and the governing body of the county at frequencies specified by the governing body.

**(4)** Fuel and fuel products may be purchased in the open market without public newspaper notice, but shall whenever possible be based on at least three (3) competitive bids. Fuel and fuel products may be purchased from the department of general services' contract where available.

**(5)** This subsection (n) shall apply to any county having a population of not less than seventy-seven thousand seven hundred (77,700) nor more than seventy-seven thousand eight hundred (77,800), according to the 1980 federal census or any subsequent census, if it is approved by a two-thirds (2/3) vote of the county legislative body of any county to which it may apply.

**(o) (1)** All sales of county-owned property, real or personal in nature, that has become surplus, obsolete or unusable shall be made by public auction or by sealed bid under this section, in the discretion of the purchasing agent or responsible official. "Public auction" includes sale by Internet auction.

**(2)** The county purchasing agent shall give public notice of such auction by inserting at least once in a newspaper of county-wide circulation or by posting on a public bulletin board in the county courthouse at least five (5) days prior to the date of such auction, a notice specifying the auction date, time, place, property to be sold and terms of such auction.

**(3)** The provisions of this subsection (o) do not apply to any books, recordings, or other material previously in general circulation at a county public library; provided, however, that the county public library shall conduct a public sale of surplus, obsolete or otherwise unusable books, recordings or other materials previously in general circulation at the county public library and shall give public notice of such sale by inserting at least once in a newspaper of county-wide circulation, by posting such sale on a Web site maintained by the county, or by posting on a public bulletin board in the county courthouse and at the county public library at least five (5) days prior to the date of such sale, a notice specifying generally that such a sale shall occur, including the dates, times, places, and terms of such sale.

**(p)** In any county having a population of not less than one hundred seven thousand one hundred (107,100) nor more than one hundred seven thousand two hundred (107,200), according to the 2000 federal census or any subsequent federal census, the county may purchase and enter into contracts for group health insurance for county employees and officials without conforming to the competitive bidding requirements of this part. The provisions of this subsection (p) shall only be implemented in any county to which this subsection (p) applies upon the adoption of a resolution by a two-thirds (2/3) vote of the county legislative body of such county.

**HISTORY:** Acts 1957, ch. 312, § 7; 1963, ch. 367, § 1; 1975, ch. 53, § 1; 1977, ch. 119, §§ 1, 2; 1977, ch. 288, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 22, 36; modified; T.C.A., § 5-1408; Acts 1984, ch. 604, § 1; 1984, ch. 647, §§ 2-5; 1984, ch. 822, § 1; 1984, ch. 895, §§ 1, 2; 1988, ch. 770, §§ 1, 2; 1995, ch. 179, § 1; 2004, ch. 500, § 1; 2006, ch. 509, § 1; 2007, ch. 122, § 1; 2007, ch. 135, § 1; 2007, ch. 415, § 1; 2009, ch. 173, §§ 1, 2; 2010, ch. 974, § 1.

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## AD HOC COMMITTEE TO STUDY LOST TAX REVENUES

Tuesday, April 30, 2013 – 5:30 p.m.  
Room 315, Blount County Courthouse

### MINUTES

**Members Present:** Tab Burkhalter, Richard Carver, Gordon Wright, and Tim Helton – Ex Officio

**Members Absent:** Mike Caylor and Ron French

**Others Present:** Jim Snyder, Tony Collins, Keith Ross, Gabe Looney, Janice McPhearson, and Rhonda Pitts

Chairman Gordon Wright called the meeting to order.

#### **Roll Call**

The roll was taken by Rhonda Pitts, Deputy County Clerk/Commission Secretary.

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

Chairman Wright asked if there was any public input on items on the agenda. There was no response.

#### **Setting of Agenda**

Tab Burkhalter made a motion to move the old Boys/Girls Club Property at 241 Currie Avenue item to the first item on the agenda and to set the agenda, which was seconded by Rick Carver. A voice vote was taken with Chairman Wright declaring the motion to have passed.

#### **Approval of Minutes of October 25, 2011 Meeting**

Tab Burkhalter made a motion, which was seconded by Richard Carver, to approve the minutes of the October 25, 2011, Ad Hoc Committee to Study Lost Tax Revenues meeting. A voice vote was taken with Chairman Wright declaring the motion to have passed.

#### **Old Boys/Girls Club Building at 241 Currie Avenue**

Tab Burkhalter made a motion to declare as surplus property parcel 37JF1.00 approximately 3.2 Acres as defined by the map provided by the Blount County Property Assessor's Office with a recommendation for the Purchasing Agent of Blount County to conduct public auction on the property pending approval of final survey once it is done. Rick Carver seconded the motion.

Tab Burkhalter explained the action taken by the County Commission regarding a master leasing policy to be created by the Allocation of Space Committee. Mr. Burkhalter explained this item was discussed at the Allocation of Space Committee. Mr. Burkhalter stated if this property were to be declared surplus it could be sold either by sealed bid or public auction. The committee discussed the property lines and easements regarding the Animal Shelter, since the Animal Shelter is on the same property. Rick Carver said the property had not been subdivided out and it needs to be subdivided. Rick Carver explained some of the plans of the Animal Center concerning the property regarding walking trails, a dog park, etc. He said it is knowing where the property lines are and coming up with an agreement on that. Tim Helton, Property Assessor, explained it is part of a 20 acre tract and it has the Animal Shelter on the tract. Mr. Helton stated it would need to be surveyed and split before you could do anything with it. Jim Snyder stated they were interested in having the field behind the building. He said they are open to the walking track on both sides of the property. It was also stated

they would be willing to pay for the survey pending if they were the purchaser of the property. It was stated this could be part of the bid. Jim Snyder stated they would be comfortable with the bid process. The committee discussed the mobile home on the property and the liability. Tim Helton stated he thought the lines were drawn to follow the tree lines. Rick Carver suggested a meeting with the Animal Shelter and Chilhowee Baptist. Tim Helton stated the property would have to be surveyed. Tab Burkhalter explained the expenditure for the survey would have to be subject to the County Commission approval of declaring the property surplus and to have it divided off and this would be a conditional approval. The committee discussed getting a survey of the property. Tab Burkhalter asked if they wanted to recommend with a 12 ft. easement around the property edge for future County usage. Tab Burkhalter stated this was an easement primarily for the dog walk. Tab Burkhalter recommended the partitioning of parcel 37JF1.00 faced roughly along the lines that are on the survey map provided by the Blount County Property Assessor's Office with a 12 ft. easement for County use along the Currie Avenue and the NW side of the property, pending approval of the survey as performed by the County Mayor's Office. Tab Burkhalter stated this would be taken out of fund balance.

Tab Burkhalter restated the first motion is to recommend to the full Commission to declare as surplus property parcel 37JF1.00 approximately 3.2 Acres as defined by the map provided by the Blount County Property Assessor's Office with a recommendation for the Purchasing Agent of Blount County to conduct public auction on the property pending approval of final survey once it is done. Rick Carver seconded the motion. A voice vote was taken with Chairman Wright declaring the motion to have passed.

Tab Burkhalter made a motion to authorize the Blount County Mayor to spend up to \$4,000.00 from fund balance to have the whole tract of 37JF1.00 surveyed, and to cut out approximately 3.2 acres that includes the building of the Boys/Girls Club, so that it could be declared surplus property, and putting into that survey a 12 ft. easement for future walking trails that are to be used by the Animal Park and to recommend this to the Budget Committee. Rick Carver seconded the motion. A voice vote was taken with Chairman Wright declaring the motion to have passed.

### **Unfinished Business:**

#### **Properties Owned by Blount County:**

##### **Report on 116 Parcels**

Gordon Wright informed the members the report is not complete and the County Mayor is working on this. Chairman Wright stated legal review and issues have become an issue with some of these properties. There was no action taken in this matter.

##### **Recommendation on Unregistered Deeds and Surplus Property**

Tab Burkhalter made a motion to recommend that we have a formal request from the Commission to the Mayor to have a report to the Committee within 90 days, of all surplus property of the County so that we could declare it as surplus property and have it auctioned off and sold. Chairman Wright informed the committee one of the reasons it is taking so long is some of the school property come under different categories and some of the parcels we were looking at belong to the Board of Education. Chairman Wright said we could look at it if the Board of Education releases them back to the County. He explained there were other issues, too. There was no action taken on this motion.

Tab Burkhalter made a motion to recommend to the full Commission that the current property that is occupied by the 5<sup>th</sup> Judicial Task Force be declared as surplus property and sold at public auction with a reserve being 90% fair market value as determined by the Property Assessor's Office. Tab Burkhalter recommended because of the confidentiality of the Drug Task Force still being there, that the location should not be disclosed or discussed by specific part and parcel and just leave off the location of the property and just put fair market value until they are out of that location. Rick Carver seconded the motion. A voice vote was taken with Chairman Wright declaring the motion to have passed.

### **In Lieu of Taxes/Other**

#### **Great Smoky Mountains National Park**

Gordon Wright informed the committee he had written a letter to Jimmy Duncan and they had looked into it. He said our allotment is approximately \$234,000.00. Chairman Wright stated he had heard back from them verbally and due to economic conditions, we are not going to get an increase. There was no action taken in this matter.

### **Local Sales Tax Revenue – Mayor's report on Revenue Distribution**

There was no update concerning this matter.

### **Property Removed from Tax Rolls**

Gordon Wright reported this report is still pending. There was no action concerning this matter.

### **Exempt/Non-profit Properties**

There was no update concerning this matter.

### **Streamline Sales Tax Act**

Tab Burkhalter reported Tennessee has chosen to put this off for another two years because the Federal Government may be forcing a nationwide sales tax policy on all of the states, where it will go to point of destination of product and not origin of sale. Tab Burkhalter stated this will probably hurt Blount County. He said this will have an effect on us, but we just don't have any idea of what it is going to be. There was no action taken in this matter.

### **Property Assessor's Report Concerning Reclassifications**

The committee discussed the four classifications of properties. Tab Burkhalter explained they wanted to look at the Greenbelts, so that they can look at two different classifications. Tim Helton stated that is state regulated. There was no action taken in this matter.

### **Properties in the R-2 Districts**

Gordon Wright stated they have an ad hoc committee working on this and that has not been finalized. There was no action taken in this matter.

### **Greenways**

Tab Burkhalter made a motion to recommend to the Property Assessor that he approach the Budget Committee regarding the hiring of one additional Property Assessor for the Property Assessor's Office, a deputy assessor, at a base salary of \$32,000.00 plus benefits for the sole purpose of having greenways enforcement and inspection division, and that this committee issue a letter of recommendation and support to him on that endeavor. Rick Carver seconded the motion. A voice vote was taken, with Chairman Wright declaring the motion to have passed.

### **Next Meeting**

The Committee agreed the Chairman would call the next meeting of the Ad Hoc Committee to Study Lost Tax Revenues.

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

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

### **Adjournment**

Tab Burkhalter made a motion, which was seconded by Rick Carver, to adjourn the meeting. A voice vote was taken with Chairman Wright declaring the meeting to be adjourned. The Ad Hoc Committee to Study Lost Tax Revenues meeting adjourned at 6:20 p.m., April 30, 2013.

G.3.a

**From:** [Rhonda Pitts](#)  
**To:** [Susan Gennoe](#)  
**Cc:** [Randy Vineyard](#)  
**Subject:** FW: Boys and Girls Club--241 Currie Ave  
**Date:** Wednesday, May 01, 2013 8:20:59 AM  
**Attachments:** [371 F 1.00.pdf](#)

---

Susan,

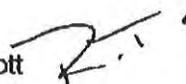
The Ad Hoc Committee to Study Lost Tax Revenues met yesterday evening, April 30, 2013, and approved a motion to recommend to the Budget Committee to authorize the County Mayor to request a survey, not to exceed \$4,000.00, of the attached listed property. It was recommended this money be taken from fund balance. This motion is connected with another motion made at the meeting to forward to the Commission a request to declare this property surplus. Gordon Wright, the Chairman of the Committee, will probably be by today to explain, and I will send you the minutes concerning this request as soon as I have them prepared.

Thanks,  
Rhonda Pitts

Budget Committee  
Date 5-6-13 Vote  
 Approved 5 yes no abs  
 Recommended for 5 yes no abs  
committee consideration  
 Declined yes no abs  
 Tabled yes no abs  
 Deferred yes no abs

G.3.b

# Memo

**To:** Teresa Johnson  
**From:** Captain Ron Talbott   
**Date:** May 2, 2013  
**Re:** Bid assistance of Drug Task Force property

As you are aware from our past discussions the Drug Task Force has outgrown our existing office. We are in need of more office space as well as a warehouse type facility to better accommodate operations.

I have recently been given approval from the Drug Task Force Board of Directors to move forward in the sale of our existing space. I request your assistance in this matter as well as any recommendations that you may have to make this process move more smoothly.

Fudget Committee  
 Date: 5-6-13 VJH  
 Approved \_\_\_Y\_\_ \_\_\_N\_\_ \_\_\_P\_\_  
 Recommended for \_\_\_Y\_\_ \_\_\_N\_\_ \_\_\_P\_\_  
 commission consideration  
 Decided \_\_\_Y\_\_ \_\_\_N\_\_ \_\_\_P\_\_  
 Tabled \_\_\_Y\_\_ \_\_\_N\_\_ \_\_\_P\_\_  
 Deferred \_\_\_Y\_\_ \_\_\_N\_\_ \_\_\_P\_\_

# Memo

**To:** Blount County Agenda Committee

**From:** Building Commissioner

**CC:** Other commission members

**Date:** 5/3/2013

**Re:** Setting a public hearing

---

**Background:**

At the April 25, 2013 planning commission meeting, a motion was made and approved to forward a rezoning request onto the full commission for properties located at 4907 and 4911 Hwy 411 South. The planning commission sends this request with a recommendation to approve. The request will require a public hearing and June 11, 2013 would be the next available date to hold a public hearing. I have attached a copy of the staff memo to the planning commission.



feet away from the right-of-way lines of the above delineated highways. This section does not amend the Zoning Map, nor zone nor rezone any land to RAC, but only identifies limits to location for any land that may in the future be zoned RAC.

- **9.10 A.** Permitted Uses: General retail sales and rental of goods and merchandise; Restaurants; bed and breakfast, office of a physician, dentist, or other similar medical professional; campgrounds; Golf driving ranges, miniature golf courses, and similar uses; Kennels and veterinarian services; Miscellaneous public and semi-public facilities including post offices; Commercial greenhouses; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Golf courses; Commercial cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.2.A and 9.2.B.
- **9.10 B.** Uses permitted as special exception: Motorcycle safety training facilities.

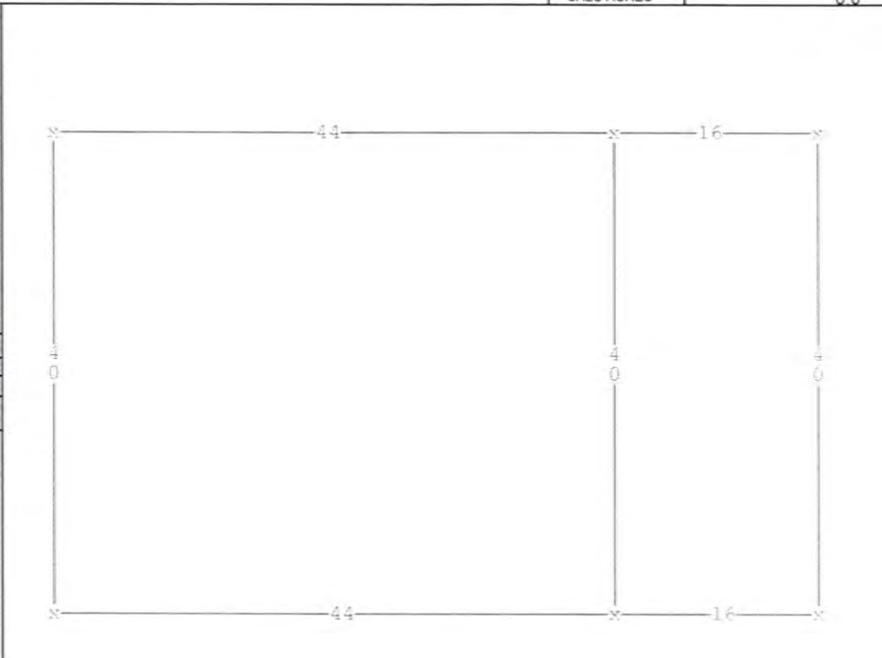




STATE OF TENNESSEE REAL ESTATE APPRAISAL CARD

HWY 411 S 4907		SUBDIV. 1	MCREYNOLDS FARM			TAX YEAR	06	100	100	028.00	000	
PROPERTY ADDRESS		BK 4388 PG BLOCK LOT P 3			2012	DIST	MAP	GROUP	CONTROL MAP	PARCEL	PI	SI
OWNER'S NAME AND MAILING ADDRESS		SUBDIV. 2	BK PG BLOCK LOT			COUNTY OF	BLOUNT					
GILMORE JAMES S & VIRGINIA L		ADDITIONAL DESCRIPTION	USA AUTO REPAIR			TOTAL LAND UNITS	1.02			DATE UPDATED	08/03/11	
1830 HUNTERS HILL BLVD MARYVILLE TN 37803		DIMENSIONS				DEED ACRES	1.02			DATE PRINTED	03/28/13	
						CALC ACRES	0.0			CARDS IN PARCEL	1 OF 1	

FOUNDATION	CONTINUOUS FOOTING	HF	1.00
FLOOR SYSTEM	SLAB ON GRADE	PWF	1.00
EXTERIOR WALL	PREFINISHED METAL CRIMPED		
STRUCTURAL FRAME	NONE		
ROOF FRAMING	STEEL TRUSS/PURLINS		
ROOF COVER-DECK	PREFINISHED METAL CRIMPED		
CABINET-MILLWORK	AVERAGE		
FLOOR FINISH	CONCRETE FINISH	RMS	1
INTERIOR FINISH	UNFINISHED	PF	1.00
PAINT-DECOR	AVERAGE		
HEATING/AIR COND	UNIT HEATER	WTD/AREA	
PLUMBING	NUMBER OF FIXTURES		2 3,040
BATH TILE	NONE		
ELECTRICAL	AVERAGE	BRF	
QUALITY	AVERAGE		1.00000



113	100	115	130	22.05	28.67	40	2000	2000
TOTAL UNITS	SHAPE FACTORS	SIZE	ADJD UNITS	BASE RATE	ADJD BASE RATE	IMPR TYPE	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT
AREA DESCR	% OF RATE	ADJD SQUARE FOOT RATE	AREA RATE	SQUARE FEET	REPLACEMENT COST NEW			
BASE	100	28.67	28.67	1,760	50,459			
OFA	200	28.67	57.34	640	36,698			

TOTAL AREAS ->	AUX =	0	BASE =	2.400			
DEPRECIATION							
AGE	NORM PHYS	OTHER PHYS	FUNC	ECON	% COND	REPL COST NEW	DEPR REPL COST
10	18	0	0	0	82	87,157	71,469

EX FEAT/SPEC. BLDG. DESCRIPTION	QUAL	SIZE	UNIT PRICE	UNITS	EFF YR BUILT	ANNUAL DEPR RATE	PERCENT CONDITION	DEPRECIATED VALUE
1. OH DOOR	A	10X14	11.95	140	2000	1.50	85.00	1,422
2. OH DOOR	A	10X14	11.95	140	2000	1.50	85.00	1,422
3.								
4.								
5.								
6.								
7.								
8.								

GENERAL PARCEL DATA											
LAND APPRAISAL BY	S.S.D.	WARD	E.D.D.	PLAN	OTHER	MORTG. CODE	MOBILE HOME NO. %	AREA CODE			
04/17/09	68				33			F01			
PARC. STAT.	DIST.	TOPO	TYPE OWNER	ROAD NO.	ROAD TYPE	CONST. CODE	SUBDIV. TRACT	COORDINATES			
2	0	1	0		0			N-S			
CENSUS TRACT	BLOCK	FACE	AREA	COND	OPTIONAL			E-W			
								INTEREST CODE			
GENERAL CARD DATA											
BLDG APPRAISAL BY	BY	SOURCE	NO. DWELL UNITS	UTILITIES	ZONING	OCC	COND				
04/03/01	05	IN	1	1 3 1 0			0	0			
PERMIT NO.	F.H.A. NUMBER	RENTAL SOURCE	RENTAL AMOUNT	RENTAL SCHEDULE							

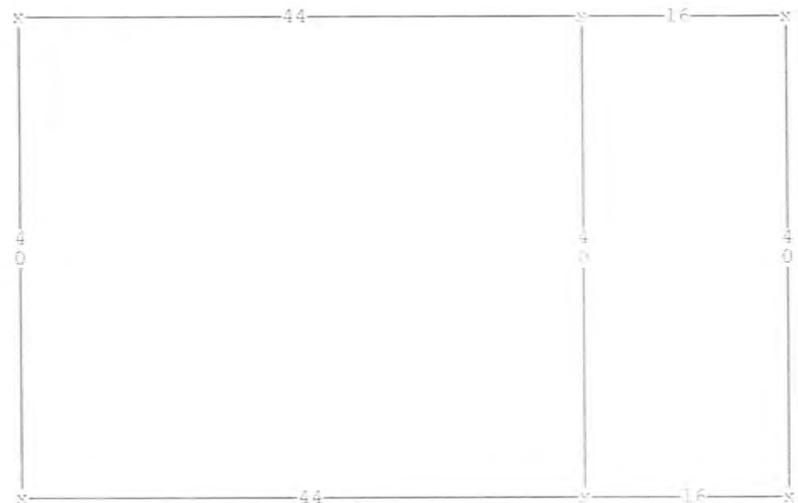
EX FEAT/SPEC. BLDG. APPR. DATE	04/17/09	APPR BY	68	TOTAL CALCULATED EX FEAT/SPEC. BLDG. VALUE	2,844											
LAND DESCRIPTION	DESC CODE	SIZE-DIMENSION	SOIL CLASS	UM	FLD	LOC	SIZE	DEPTH FACTOR	COND FACTOR	UNIT LAND PRICE	ADJD. UNIT LAND PRICE	LAND UNITS	MARKET LAND VALUE	USE COND. FACTOR	LAND USE UNIT PRICE	USE LAND VALUE
1. COMM RURAL	11			30	100	100	100	100	100	54,501.96	54,501.96	1.02	55,592			
2.																
3.																
4.																
5.																
6.																

LAND USE CODES		1, 11	2, 10	3	4	LAND TOTAL	THIS CARD	1.02	55,592	THIS CARD
MARKET DATA										
DATE	PRICE	BOOK	PAGE	V/I	INS	Q	DEED TRANSFER	BOOK	PAGE	NOTES
1. 02 12 07	160,000	2145	255	I	WP	D	02 11 09	2222	126	R.O.W. 591/898 10-23-96*NEW COMM BLDG FOR 01*AC CHG BY DEED FOR 06*
2. 03 09 00	92,000	638	144	I	WP	D	02 15 07	2145	255	
3. 05 11 88	26,000	496	186	I	WM	D	08 03 05	2069	1301	
4. 04 18 88	26,000	495	303	I	WM	D	03 10 00	638	144	

STATE OF TENNESSEE REAL ESTATE APPRAISAL CARD

HWY 411 S 4911		SUBDIV. 1	MCREYNOLDS FARM			TAX YEAR	06	100	100	027.00	000	
PROPERTY ADDRESS		BK 438B PG BLOCK LOT P3			2012	DIST	MAP	GROUP	CONTROL MAP	PARCEL	PI	SI
OWNER'S NAME AND MAILING ADDRESS		SUBDIV. 2	BK PG BLOCK LOT			COUNTY OF BLOUNT		DATE UPDATED		04/21/10		
GILMORE JAMES SHELBY & VIRGINIA L		ADDITIONAL DESCRIPTION				TOTAL LAND UNITS		1.05		DATE PRINTED		03/28/13
1830 HUNTERS HILL BLVD		DIMENSIONS				DEED ACRES		1.05		CARDS IN PARCEL		1 OF 1
MARYVILLE TN 37803					CALC ACRES		0.0		APPRaised VALUE RECAP			

FOUNDATION	CONTINUOUS FOOTING	HF	1.00
FLOOR SYSTEM	SLAB ON GRADE	PWF	1.00
EXTERIOR WALL	PREFINISHED METAL CRIMPED		
STRUCTURAL FRAME	NONE		
ROOF FRAMING	STEEL TRUSS/PURLINS		
ROOF COVER-DECK	PREFINISHED METAL CRIMPED		
CABINET-MILLWORK	AVERAGE		
FLOOR FINISH	CONCRETE FINISH	RMS	1
INTERIOR FINISH	UNFINISHED	PF	1.00
PAINT-DECOR	AVERAGE		
HEATING/AIR COND	UNIT HEATER	WTD/AREA	
PLUMBING	NUMBER OF FIXTURES		4
BATH TILE	NONE		
ELECTRICAL	AVERAGE	BRF	
QUALITY	AVERAGE		1.00000



114	100	115	131	22.05	28.89	40	2000	2000
TOTAL UNITS	SHAPE FACTORS	SIZE	ADJD UNITS	BASE RATE	ADJD BASE RATE	IMPR TYPE	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT
AREA DESCR	% OF RATE	ADJD SQUARE FOOT RATE	AREA RATE	SQUARE FEET	REPLACEMENT COST NEW			
BASE	100	28.89	28.89	1,760	50,846			
OFA	200	28.89	57.78	640	36,979			

TOTAL AREAS -> AUX = 0 BASE = 2.400

AGE	NORM PHYS	OTHER PHYS	FUNC	ECON	% COND	REPL COST NEW	DEPR REPL COST
10	18	0	0	0	82	87,825	72,017

EX FEAT/SPEC. BLDG. DESCRIPTION	QUAL	SIZE	UNIT PRICE	UNITS	EFF YR BUILT	ANNUAL DEPR RATE	PERCENT CONDITION	DEPRECIATED VALUE
1. OH DOOR	A	10X14	11.95	140	2000	1.50	85.00	1,422
2. OH DOOR	A	10X14	11.95	140	2000	1.50	85.00	1,422
3.								
4.								
5.								
6.								
7.								
8.								

GENERAL PARCEL DATA											
LAND APPRAISAL	BY	S.S.D.	WARD	E.D.D.	PLAN	OTHER	MORTG. CODE	MOBILE HOME CODE	AREA CODE		
04/17/09	68					74			F01		
PARC. STAT.	DIST.	TOPO.	TYPE OWNER	ROAD NO.	ROAD TYPE	CONST. CODE	SUBDIV. TRACT	COORDINATES			
2	0	1	0		0			N-S			
CENSUS TRACT								BLOCK	FACE	AREA	OPTIONAL
											E-W
INTEREST CODE											
GENERAL CARD DATA											
BLDG APPRAISAL	BY	SOURCE	NO. DWELL UNITS	UTILITIES	ZONING	OCC	COND				
04/03/01	05	IN	1	3 3 1 0		0	0				
PERMIT NO.		F.H.A. NUMBER		RENTAL SOURCE		RENTAL AMOUNT		RENTAL SCHEDULE			

EX FEAT/SPEC. BLDG. APPR. DATE	04/17/09	APPR BY	68	TOTAL CALCULATED EX FEAT/SPEC BLDG. VALUE					2,844							
LAND DESCRIPTION	DESC CODE	SIZE-DIMENSION	SOIL CLASS	UM	FLD	LOC	SIZE	DEPTH FACTOR	COND FACTOR	UNIT LAND PRICE	ADJD. UNIT LAND PRICE	LAND UNITS	MARKET LAND VALUE	USE COND. FACTOR	LAND USE UNIT PRICE	USE LAND VALUE
1. COMM RURAL	11			30	100	100	100	100	100	53,790.48	53,790.48	1.05	56,480			
2.																
3.																
4.																
5.																
6.																

LAND USE CODES		1. 11	2.	3.	4.	LAND TOTAL	THIS CARD	1.05	56,480	THIS CARD
MARKET DATA										
DATE	PRICE	BOOK	PAGE	VII	INS	Q	DEED TRANSFER	BOOK	PAGE	NOTES
1. 04 22 05	160,000	2055	890	I	WA	Q	04 29 05	2055	890	PART OF LOT 3 R.O.W.591/898 10-23-96*AC CHG BY DEED SURVEY FOR 06*
2. 03 09 00	92,000	638	144	V	WP	D	03 10 00	638	144	
3. 05 11 88	26,000	496	186	V	WM	D	05 11 88	496	186	
4. 04 18 88	26,000	495	303	V	WM	D	04 18 88	495	303	

Human Resources/Insurance Committee Meeting Minutes  
Tuesday April 30, 2013 – 5:00 P.M.  
County Commission Room

*Committee Members Present:*

Holden Lail	Tonya Burchfield	Mike Lewis	Ron French
Gary Farmer	Phyllis Crisp	Bill Dunlap	
Ed Mitchell	David Murrell	James Berrong	

*Committee Members Absent: none*

*Others Present:*

Don Stallions	Randy Vineyard
Jodie King	Megan White and Drew Mann with Trinity Benefits

Minutes

- 1.) Approval of April 16, 2013 minutes. James Berrong made the motion, Mike Lewis second, all in favor.
- 2.) The Committee was given information regarding employee comments on the proposed changes to the health plan. No discussion.
- 3.) Bill Dunlap made the motion to rescind the original proposal and start over with a new motion on the health plan and James Berrong second. The motion is as follows:

Deductible 500/1000

A 4 tier employee contribution monthly:

Employee Only	\$25.00
Employee + Spouse	\$150.00
Employee + Child(ren)	\$125.00
Family	\$175.00

A per spouse per month surcharge of \$50.00 if the employee's spouse works full time equivalent hours and has other coverage available through his/her own employer and chooses to enroll in the Blount County Plan.

A per spouse per month surcharge of \$250.00 if the employee's spouse works full time equivalent hours and has other coverage available through his/her own employer and that employer offers monetary incentives if he/she waives their health plan and chooses to enroll in the Blount County Plan.

An amendment was made by Ed Mitchell and second by Holden Lail to leave existing retirees as is under the plan currently available with no change; but to change new retirees under the plan motion. A roll call vote was taken on the amendment to leave as is for the retirees:

Ed Mitchell-yes	Mike Lewis-no	Ron French-no	Holden Lail-yes
Phyllis Crisp-no	James Berrong-no	Bill Dunlap-no	
Gary Farmer-no	David Murrell-no	Tonya Burchfield-no	

Amendment failed.

A roll call vote was taken on the motion by Bill Dunlap regarding the proposed health plan changes:

Ed Mitchell-yes	James Berrong-yes	Bill Dunlap-yes
Phyllis Crisp-yes	David Murrell-yes	Tonya Burchfield-yes
Gary Farmer-yes	Ron French-yes	Holden Lail-yes
Mike Lewis-yes		

Motion passed for the new proposed changes regarding the health care plan to be presented to the commission for approval.

4.) Holden Lail made the motion to keep the medical rates for budget purposes the same as is and James Berrong second. All in favor, motion passed.

5.) Regarding the amendment to the East TN Medical Group contract, Drew Mann told the committee that Blount Memorial Hospital CEO Don Heinemann will have updated information to him within the next couple weeks.

6.) Judge William Brewer addressed the committee to consider adding the Blount County Emergency Dispatch employees to the county health plan. Gary Farmer requested a motion for the request to be presented to the Commission pending approval and or response from County Attorney regarding the request. Ron French made the motion and Phyllis Crisp second. All in favor.

7.) Adjourned 6:20 pm

Human Resources/Insurance Committee Meeting Minutes  
Tuesday April 16, 2013 – 5:00 P.M.  
County Commission Room

*Committee Members Present:*

Holden Lail	Tonya Burchfield	Mike Lewis	Ron French
Gary Farmer	Phyllis Crisp	Bill Dunlap	
Ed Mitchell	David Murrell	James Berrong	

*Committee Members Absent: none*

*Others Present:*

Don Stallions	Randy Vineyard
Jodie King	Megan White and Rachel Humpherys with Trinity Benefits

Minutes

1.) Approval of April 2, 2013 minutes. Holden Lail made the motion, Tonya Burchfield second, all in favor.

2.) Bill Dunlap made the motion to table the discussion regarding the cost saving strategies report for 2 weeks. Holden Lail second. Vote was taken:

Ed Mitchell yes	James Berrong no	Tonya Burchfield no
Phyllis Crisp no	David Murrell yes	Holden Lail yes
Gary Farmer yes	Ron French no	
Mike Lewis no	Bill Dunlap yes	

5 votes yes; 5 votes no; motion failed.

3.) Megan White with Trinity Benefits spoke to the Committee regarding the Cost Saving Strategies report that was emailed to all Committee members on April 3<sup>rd</sup>.

4.) James Berrong made a motion to go with the \$200 spousal surcharge and Bill Dunlap second. Phyllis Crisp made the suggestion for a mandatory survey to all employees asking if their spouse is offered insurance or not.

5.) Mayor Mitchell wanted the overall cost to employees regarding the dual plan design with the 4 tier contribution. Also to show certain add-ons to determine overall cost to employees. A motion was made by Bill Dunlap and second by James Berrong. Vote was taken:

Ed Mitchell yes	James Berrong yes	Tonya Burchfield absent
Phyllis Crisp yes	David Murrell yes	Holden Lail yes
Gary Farmer yes	Ron French yes	
Mike Lewis yes	Bill Dunlap yes	

9 votes yes; 1 absent; motion passed.

6.) An amended motion was made by Phyllis Crisp and second by Mike Lewis to vote on surcharge motion tonight and to be presented to the Commission. Vote was taken:

Ed Mitchell yes	James Berrong yes	Tonya Burchfield absent
Phyllis Crisp yes	David Murrell no	Holden Lail no
Gary Farmer no	Ron French no	
Mike Lewis yes	Bill Dunlap yes	

5 votes yes; 4 votes no; 1 absent; motion failed.

(The original motion(5)that was made by Bill Dunlap and then amended by Phyllis Crisp which failed by vote makes the original motion(5)by Bill Dunlap passed by vote)

7.) A call for question vote regarding spousal surcharge of \$150 to be an add-on. Vote was taken:

Ed Mitchell yes	James Berrong yes	Tonya Burchfield absent
Phyllis Crisp yes	David Murrell yes	Holden Lail yes
Gary Farmer yes	Ron French yes	
Mike Lewis yes	Bill Dunlap yes	

9 votes yes; 1 absent; motion passed.

8.) Another call for question vote regarding tobacco surcharge of \$20 to be an add-on. Vote was taken:

Ed Mitchell yes	James Berrong absent	Tonya Burchfield absent
Phyllis Crisp yes	David Murrell yes	Holden Lail yes
Gary Farmer no	Ron French yes	
Mike Lewis yes	Bill Dunlap yes	

7 votes yes; 1 vote no; 2 absent; motion passed.

9.) Mike Lewis asked Randy Vineyard if he could put together the overall cost of the dual plan with 4 tier contribution, with the add-ons of the spousal surcharge and the tobacco surcharge; to submit the information to the committee via email before the next called meeting, April 30, 2013 at 5:00 pm.

10.) Discussion of medical rates will be presented by Drew Mann. Motion was made by Mike Lewis and second by Bill Dunlap for the dental rates to be recommended to full commission. Vote was taken:

Ed Mitchell yes	James Berrong absent	Tonya Burchfield absent
Phyllis Crisp yes	David Murrell yes	Holden Lail yes
Gary Farmer yes	Ron French yes	
Mike Lewis yes	Bill Dunlap yes	

8 votes yes; 2 absent; motion passed to be presented to Commission for dental rates.

11.) Discussion of the clinic contract will be presented by Drew Mann.

12.) Adjourned 7:15 pm

(#10 in minutes)

# 2012 Blount County Dental Funding

## Current Funding Level

## 2012 - 2013 Funding Level

Employee Only	\$25.00	/ \$24.66
Family	\$44.00	\$44.00

## Current Monthly Funding

## 2012 - 2013 Monthly Funding

Employee Only	\$25,850.00	\$25,498.44
Family	<u>\$61,686.00</u>	<u>\$61,382.04</u>
Monthly Total	\$87,536.00	\$86,880.48
Difference		-\$655.52

## Current BCBS Billed

## 2012 - 2013 BCBS Billed

Employee Only	\$22,820.38	\$22,820.38
Family	<u>\$61,060.20</u>	<u>\$61,060.20</u>
Monthly Total	\$83,880.58	\$83,880.58

\*\*Based on September 2012 Enrollment

**RESOLUTION NO. 11-11-011**

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

**A RESOLUTION TO APPROVE ARCHIVES GRANT APPLICATION.**

**WHEREAS**, the National Endowment for the Humanities, "Sustaining Cultural Heritage Collections" has monies available for planning grants that could be used for study, evaluation, and establishing the cost of relocating Blount County's Records Department to the Operating Center, and

**WHEREAS**, it is deemed to be in the best interest of Blount County to understand how this would be done and what the total cost of said relocation would be, and

**WHEREAS**, the planning grant would be totally non-binding as to the implementation of the relocation of the records department.

**NOW THEREFORE, BE IT RESOLVED** BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 17<sup>th</sup> day of November 2011 that the request made by the Head of the Records Department for approval to write this application is granted.

Duly authorized and approved this 17<sup>th</sup> day of November 2011.

**CERTIFICATION OF ACTION**

**ATTEST**

  
Commission Chairman

  
County Clerk

Approved:   
Vetoed:

  
County Mayor

  
Date

**IN RE: RESOLUTION ESTABLISHING A BLOUNT COUNTY ALLOCATION OF SPACE COMMITTEE.**

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

A vote was taken on the motion:

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

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

**RESOLUTION NO. 11-11-002**

**SPONSORED BY COMMISSIONERS RICK CARVER AND MONIKA MURRELL**

**A RESOLUTION ESTABLISHING A BLOUNT COUNTY ALLOCATION OF SPACE COMMITTEE.**

**WHEREAS,** the County Legislative Body has authority to allocate space in county-owned buildings; and

**WHEREAS,** it is in the best interest of Blount County that the Blount County Legislative Body establish a committee to make recommendations to allocate space in county-owned buildings not under the control of other public bodies.

**NOW, THEREFORE, BE IT RESOLVED** by the Blount County Board of Commissioners meeting in regular session on this the 17<sup>th</sup> day of November, 2011:

1. That the Blount County Allocation of Space Committee (hereinafter referred to as "the committee") is hereby established to make recommendations to the Board of Commissioners on allocation of space in county-owned buildings not under the control of other public bodies.
2. That the committee shall be composed of five members of the Blount County Legislative Body and appointed by the Blount County Legislative Body.
3. That the committee shall meet as needed to evaluate and consider requests from county officials and department heads to use space in county-owned buildings not under the control of other public bodies.
4. That the committee shall forward their recommendations concerning requests for office space in county-owned buildings to the Blount County Legislative Body for consideration and approval.
5. That the committee shall follow all rules and procedures of other committees of the County Legislative Body set forth in the Rules Regulating the Procedures of the Board of County Commissioners of Blount County, Tennessee.

Duly authorized and approved the 17<sup>th</sup> day of November, 2011.

**CERTIFICATION OF ACTION:**

**ATTEST:**

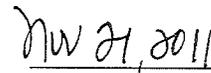
  
 \_\_\_\_\_  
 Commission Chairman

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

Approved:

Vetoed:

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

  
 \_\_\_\_\_  
 Date

**IN RE: RESOLUTION IMPOSING RESTRICTIONS ON THE USE OF MT. TABOR ROAD BY MOTOR VEHICLES OF A SPECIFIC CLASS AND TYPE.**

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

A vote was taken on the motion:

Burchfield - yes	French - yes	Kirby - yes	Murrell - absent
Burkhalter - yes	Gamble - absent	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 - absent	Moon - yes	

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

## **Custody and Security of the Courthouse Access to County Offices**

While it is true that the sheriff is charged with the custody and security of the courthouse, unless the county legislative body assigns this duty to someone else, individual county office holders may prescribe rules and regulations with respect to access to their offices, to include but not limited to the times when their office will be open to the public and who may be given access to their offices. Neither the sheriff or the county mayor may dictate to the other county office holders who may or may not have access to their offices.

Pursuant to T.C.A. § 5-7-108, the sheriff is charged with the custody and security of the courthouse unless the county legislative body assigns this duty to someone else. It is the duty of the sheriff to prevent trespasses, exclude intruders, and keep the courthouse and the courthouse grounds in order, reporting from time to time the repairs required and the expense, to the county legislative body. *See also Ferriss v. Williamson*, 67 Tenn. 424 (1874); *Driver v. Thompson*, 358 S.W.2d 477 (Tenn. 1962).

The courthouse is one of the county buildings which the [county legislative body] is empowered to erect and keep in order and in repair. The sheriff of the county has charge of the courthouse, unless some other person is specially appointed by the [county legislative body] for that purpose.

The [county mayor] is the accounting officer and general agent of the county, and has the care and custody of all the county property, except such as is by law placed in the custody of other officers.

These provisions of the law are explicit and unambiguous. The sheriff of the county is the officer specially designated to have charge of the courthouse, that is, to have custody of it, and to protect it from trespassers and intruders, and to keep it and the grounds attached thereto in order. But the [county legislative body] has the power to appoint another person to perform these duties. **The [county mayor] has no custody or charge of the courthouse, for the reason that the care and custody of courthouses are given to the sheriff.**

*Ferriss v. Williamson*, 67 Tenn. 424 (1874) (emphasis added).

Addressing the former version of TCA 5-7-106 and 5-7-108, the Tennessee Court of Appeals stated:

When these sections of the Code are read together it seems perfectly clear that the Sheriff, as custodian of the Courthouse, is a mere agent or administrator of the [county legislative body] and must report from time to time to the [county legislative body] such repairs as are required, and this implies that he must get the authorization of the [county legislative body] for any major repairs that are required to be made. **There is neither express**

**or implied authority for the Sheriff to dictate to the other elected officials of the County what space they shall occupy in the Courthouse and other such matters affecting them in the discharge of their official duties.** This is peculiarly a function of the [county legislative body] as to matters in its jurisdiction.

*Driver v. Thompson*, 358 S.W.2d 477 (Tenn. 1962) (emphasis added).

**While entitled to examine and copy public records maintained by a county office holder pursuant to the public records law, Tennessee citizens are subject to such reasonable rules regulations as the office holder may prescribe, and they may be excluded from the office holder's office by the sheriff upon their failure to obey such reasonable rules and regulations.** See *Shelby County v. Memphis Abstract Co.*, 203 S.W. 339 (Tenn. 1918) (Abstract companies are entitled to examine and copy any records in the office of a register of deeds, subject only to such reasonable regulations as that officer may prescribe.).

The county legislative body has no statutory authority to establish uniform courthouse hours and require other officials to remain open or closed during these scheduled hours. However, elected officials cannot neglect the business of the office without being subject to removal from office in an ouster suit. T.C.A. § 8-47-101. Therefore, each official is under a duty to maintain office hours that will allow the public reasonable access to the offices and allow the work of the office to be performed in a timely and efficient manner. Each official can decide whether to remain open on holidays. T.C.A. § 15-1-101. The county legislative body has the authority to assign office space within the courthouse. See *Anderson County Quarterly Court v. Judges of the 28th Judicial Circuit*, 579 S.W.2d 875 (Tenn. Ct. App. 1978).

## AUTHORITY OF THE COUNTY MAYOR

Pursuant to TCA 5-6-108, the mayor, is designated the custodian of county property that is not otherwise placed in the custody of other officers. Like the sheriff, (pursuant to TCA 5-7-108), the mayor, as the custodian of these other properties, is a mere agent or administrator of the county legislative body and must report from time to time to the county legislative body when repairs are required. The mayor must get the authorization of the county legislative body for any major repairs that are required to be made. SEE *Driver v. Thompson*, 358 S.W.2d 477 (Tenn. 1962).

There is neither express or implied authority for the mayor to dictate to the other elected officials of the County what space they shall occupy in the county buildings and other such matters affecting them in the discharge of their official duties. This is peculiarly a function of the county legislative body as to matters in its jurisdiction. SEE *Driver v. Thompson*, 358 S.W.2d 477 (Tenn. 1962).

## THE COUNTY LEGISLATIVE BODY

**TCA 5-5-121.** Powers and duties — Control of public buildings.

The county legislative bodies have power to erect or control, and dispose of public county buildings, as provided in chapter 7 of this title.

Generally, county legislative bodies are authorized to build and maintain the county courthouse. Tenn. Code Ann. § 5-5-121; Tenn. Code Ann. § 5-7-106. Under Tenn. Code Ann. § 5-7-108(a):

The sheriff has charge of the courthouse, unless some other person is specially appointed by the county legislative body for that purpose, and shall prevent trespasses, exclude intruders, and keep it and the grounds attached thereto in order, reporting from time to time the repairs required, and the expense, to the county legislative body.

Under these statutes, the sheriff acts as an agent or administrator of the county commission. *Driver v. Thompson*, 49 Tenn. App. 646, 651, 358 S.W.2d 477, p.t.a. denied (Tenn. 1962). Thus, "[t]here is neither express or implied authority for the Sheriff to dictate to the other elected officials of the County what space they shall occupy in the Courthouse and other such matters affecting them in the discharge of their official duties. **This is peculiarly a function of the [county legislative body] as to matters in its jurisdiction.**" *Id.*, 358 S.W.2d at 479. SEE Tenn. Atty. Gen. Op. No. 02-052 (April 24, 2002).

SEE *Driver v. Thompson*, 358 S.W.2d 477 (Tenn. 1962) (When these sections [5-7-106 and 5-7-108] of the Code are read together it seems perfectly clear that the Sheriff, as custodian of the Courthouse, is a mere agent or administrator of the County Court and must report from time to time to the County Court such repairs as are required, and this implies that he must get the authorization of the County Court for any major repairs that are required to be made. There is neither express or implied authority for the Sheriff to dictate to the other elected officials of the County what space they shall occupy in the Courthouse and other such matters affecting them in the discharge of their official duties. This is peculiarly a function of the Quarterly County Court as to matters in its jurisdiction.

**TCA 5-7-103.** Sites for offices.

The county legislative body of every county, a majority of the members being present and voting for it, may purchase and hold suitable sites for offices of the county clerks, and such other county offices as may be deemed expedient by the legislative body.

Additionally, the county legislative body provides sites for the offices of the county clerk and other county officers, including constitutional officers, although these need not be established within the courthouse. Tenn. Code Ann. § 5-7-103. *SEE* Tenn. Atty. Gen. Op. No. 99-049 (March 2, 1999).

**TCA 5-7-106.** Construction and maintenance costs.

The county buildings are to be erected and kept in order and repair at the expense of the county, under the direction of the county legislative body, and it may levy a special tax for this purpose.

**TCA 5-7-107.** Employment of superintendent.

The county legislative body is authorized, but not required, to employ a competent person to superintend the construction and repair of such county buildings, bridges, levees, etc., as may be necessary; the superintendent to be paid such salary as may be agreed upon, out of the county treasury, but no contract to continue longer than twelve (12) months.

## **THE MAYOR**

**TCA 5-6-108.** Powers and duties — County property and accounts.

The county mayor shall be the accounting officer and general agent of the county; and, as such, the county mayor shall have power, and it shall be the county mayor's duty to:

(1) Have the care and custody of all the county property, except such as is by law placed in the custody of other officers;

(2) Appoint an agent or attorney to take care of such property, and fix such agent's or attorney's compensation;

*SEE* Tenn. Atty. Gen. Op. No. 81-547 (October 1, 1981) (On the other hand, if an attorney is appointed by the county executive under T.C.A. 5-6-108 in his capacity as accounting officer and general agent of the county, the county executive has the authority to fix the attorney's compensation. This section, however, authorizes the appointment of an attorney only for the limited purpose of "tak[ing] care of" that county property which is in the care and custody of the county executive, and this post could be filled alternatively by a mere "agent." T.C.A. § 5-6-108(1), (2)).

*Easterly v. Harmon*, 1997 WL 718430, n4 (Tenn.Ct.App.,1997).

FN4. *Easterly* testified that County Executive Harmon approved some functions. The Plaintiff's reliance on approval from County Executive Harmon is misplaced. Even though Harmon presides over the Commission, his vote is entitled to no more weight than the vote of any other commissioner. Thus, he alone cannot speak on behalf of the commission; there must be action by the majority,

reflected in the minutes. *See Connell v. County Judge of Davidson*, 39 Tenn. (2 Head) 189 (1858). Furthermore, Easterly may not rely on Harmon in his capacity as county executive. **The county executive and county clerk are independent entities and Easterly is not subject to his control.** *See Mankin*, 1989 WL 44924 at \*2.



# BLOUNT COUNTY MAYOR

Ed Mitchell

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## MEMO

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**TO:** Blount County Commissioner Rick Carver

**FROM:** Ed Mitchell, Mayor

**RE:** Space Allocation Committee

**DATE:** April 29, 2013

I have personally received numerous complaints, along with complaints received by my office, of ongoing parking issues here at the Courthouse. Citizens, including elderly and veterans, coming into the Courthouse to conduct business continue to have ongoing struggles finding a place close to the building.

I am very aware that we have employees, and family members of employees parking in the closest parking spaces available in the building on a daily basis. Our employees should only be parking in the large parking lot located across the street. Court Circle, the visitor lot next to the building, and the parallel spaces in front of the Courthouse without question should be left available for customer parking only. I am also aware that the previous Mayor administrations before me attempted to remedy this problem with repeated Memorandums sent out to all employees, which would help remedy the problem only for a short time. A Memo from our office will not remedy this problem long term.

As Chairman of the Space Allocation Committee, you are aware that I do not have authority to address this problem here at the Courthouse or any Blount County building for that matter. The Committee, and you as Chairman, have addressed soccer fields, event schedules for the main parking lot, and other "space" issues that do not affect "office" space, so I do not want to debate the issue of whether this is a Space Allocation Committee issue or not. On behalf of the Blount County citizens, I am forwarding this Memo to you as a request that the Space Allocation Committee address this issue. I have done due diligence in passing this issue along. I will trust that action is taken to remedy this ongoing problem.

Thank you.

A handwritten signature in black ink, appearing to read "Ed Mitchell".

**From:** Robertson, Wesley Ross \_\_\_\_\_  
**Sent:** Friday, January 13, 2012 1:52 PM  
**To:** Rhonda Pitts  
**Subject:** RE: Question from Commissioner Rick Carver

Rhonda,

This committee should only be considering office space allocation. Depending on how the county legislative body has given authority to the mayor and or sheriff, I would assume the maintenance department would handle maintenance request as funds are available and I am assuming the maintenance department falls under the mayor. Smoking violations at the courthouse would have to be handled by the sheriff. Environmental concerns would probably go to TDEC. The highway department could possibly get involved with the clean up. I've attached a couple resources on authority of mayor and courthouse custody. Let me know if you are looking for more information.

Wesley Robertson  
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The University of Tennessee  
County Technical Assistance Service  
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*CTAS Mission:*

*Promoting better county government through direct assistance to county officials and their associations*

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