

**AGENDA**  
**PUBLIC HEARING ON CHANGES TO BLOUNT COUNTY ZONING REGULATIONS**  
**THURSDAY, NOVEMBER 16, 2000, 6:50 P.M.**

1. Resolution to amend article 4 of the Zoning Resolution of Blount County, Tennessee by addition of new section 4.4 concerning residential structures in progress.
2. Resolution to amend the Zoning Resolution of Blount County, Tennessee, sections 9.1b and 9.2b, by addition of bed and breakfast accommodations as a use permitted as special exception in the S – Suburbanizing District and the R-1 – Rural District 1.
3. Resolution to amend article 2 of the Zoning Resolution of Blount County, Tennessee by addition of new section 2.5 concerning decks, patios, pools and other structures of limited height.
4. Resolution to amend article 2 of the Zoning Resolution of Blount County, Tennessee by addition of new section 2.6 concerning fences.
5. Resolution to amend the Zoning Resolution of Blount County, Tennessee, section 7.4b.2, raising exempted height of certain antennas to 70 feet.

**AGENDA**  
**BLOUNT COUNTY BOARD OF COMMISSIONERS**  
**THURSDAY, NOVEMBER 16, 2000, 7:00 P.M.**

- A. **PRAYER** – Rev. David Webster, East Maryville Baptist Church.
- B. **PLEDGE** – William Blount High School Junior R.O.T.C.
- C. **ROLL CALL.**
- D. **APPROVAL OF MINUTES:**
  1. October 19, 2000 meeting.
- E. **“BEST OF BLOUNT”**
- F. **INPUT ON ITEMS NOT ON AGENDA.**
- G. **INPUT ON ITEMS ON THE AGENDA.**
- H. **RESOLUTIONS FOR SPECIAL RECOGNITION, MEMORIALS, ETC.**
- I. **ELECTIONS, APPOINTMENTS, AND CONFIRMATIONS:**
  1. Approval of Deputy Sheriff and Notary Public bonds and oaths.
  2. Election of notaries.
  3. Report of Nominating Committee and election of members to boards and committees:
- J. **REPORTS - COUNTY OFFICIALS, STANDING AND SPECIAL COMMITTEES:**
  1. Report of Budget Committee:
    - a. Budget transfers:
      - General County - \$7,000.00.
    - b. Budget increases/decreases:
      - Resolution to amend General Purpose School Fund Budget - \$49,304.00.
      - Resolution to amend Drug Fund Budget - \$15,000.00.
    - c. Other Budget Committee items:
  2. Report of Public Services Committee.
  3. Report of Intergovernmental Committee.
  4. Report of Courthouse Renovation Committee.
  5. Report of Education Department.
  6. Report of Insurance/Risk Management Committee.
  7. Any other committee reports.

**K. UNFINISHED BUSINESS.**

1. Discussion regarding procedures for closing county roads.
2. Approval of Public Chapter 1101 dispute resolution process agreement.
3. Approval of contract between the State of Tennessee and Blount County regarding Townsend Bike Trail.
4. Resolution to amend the Zoning Map of Blount County from S-Suburbanizing to C-Commercial for parcel 90.00 of Blount County Tax Map 8.
5. Resolution to amend the Zoning Map of Blount County from R-2 Rural District 2 To R-1 Rural District 1 for part of Parcel 10 of Tax Map 95.

**L. NEW BUSINESS:**

1. Resolution regarding the use of the County Commission Room.
2. Resolution approving the execution of an agreement with the Tennessee Department of Transportation to make certain improvements at the intersection of Hembree Hollow Road with Inez Burns Parkway (US 321, Wears Valley Road).
3. Resolution to urge the General Assembly to enact legislation to authorize a Local-Option Realty Transfer Tax.
4. Discussion and possible action concerning public hearings on zoning matters.
5. Resolution to amend article 4 of the Zoning Resolution of Blount County, Tennessee by addition of new section 4.4 concerning residential structures in progress.
6. Resolution to amend the Zoning Resolution of Blount County, Tennessee, sections 9.1b and 9.2b, by addition of bed and breakfast accommodations as a use permitted as special exception in the S – Suburbanizing District and the R-1 – Rural District 1.
7. Resolution to amend article 2 of the Zoning Resolution of Blount County, Tennessee by addition of new section 2.5 concerning decks, patios, pools and other structures of limited height.
8. Resolution to amend article 2 of the Zoning Resolution of Blount County, Tennessee by addition of new section 2.6 concerning fences.
9. Resolution to amend the Zoning Resolution of Blount County, Tennessee, section 7.4b.2, raising exempted height of certain antennas to 70 feet.
10. Setting public hearing on amendment to the Zoning Resolution regarding deletion of Sections 7.6 A and C in their entirety and the substitution of new Sections 7.6 A and C.
11. Setting public hearing on amendment to Section 9.1.B of the Zoning Resolution regarding uses permitted as special exceptions in the S-Suburbanizing District, and to Section 9.2.B concerning uses permitted as special exception in the R-1 – Rural District 1.
12. Setting public hearing on amendment to Section 10.4 regarding buffering for any use other than single-family residential use that bounds a residential use or platted residential lot.
13. Setting public hearing on amendment to Zoning Map from S – Suburbanizing to C – Commercial for Tax Map 57G"A" parcels 9, 10, 11 and 12, Tax Map 57B"B" parcels 7.10, 18 and 19, Tax Map 46N"C" parcels 16.01, 16.02, 16.03, 17, 18, 19,19.01, 19.02, 20, 20.01, 20.03, 21, 21.01, 21.02, 22, 23, and that part of parcel 1 under power lines.

**M. ANNOUNCEMENTS AND STATEMENTS.**

## NOTICE OF PUBLIC HEARING

**In accordance with Tennessee Code Annotated Section 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on November 16, 2000, at 6:50 P.M. at the Blount County Courthouse Commission Meeting Room for the following five proposed amendments to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010.**

1. **That the Zoning Resolution of Blount County, Tennessee be amended** by addition of a new section as follows: **Section 4.4. For Residential Structures in progress.** Any single family residential structure, being one unit or two units per lot or parcel, or accessory structure to a single family residential structure, started prior to the effective date of this Resolution shall be allowed to proceed to completion, notwithstanding non-conformity of structure, provided that progress on physical construction toward completion is continuous.
2. **That the Zoning Resolution of Blount County, Tennessee be amended** by addition of the words “bed and breakfast accommodations” to Section 9.1B Uses Permitted as Special Exceptions (in S-Suburbanizing District) , and to Section 9.2B Uses Permitted as Special Exceptions (in R-1 – Rural District 1).
3. **That the Zoning Resolution of Blount County, Tennessee be amended** by addition of a new section 2.5 under Article 2 as follows: **Section 2.5. Decks, patios, pools and other structures of limited height.** Accessory structures such as decks, patios, pools and other unenclosed structures less than thirty (30) inches in height shall be exempt from setback requirements and exempt from building permit, provided that all requirements of Section 7.9 for vision clearance for traffic are met.
4. **That the Zoning Resolution of Blount County, Tennessee be amended** by addition of a new section 2.6 under Article 2 as follows: **Section 2.6. Fences.** Fences less than ten (10) feet in height and which are not a part of a site plan required by other sections in this Resolution shall be exempt from setback requirements and exempt from building permit, provided that all requirements of Section 7.9 for vision clearance for traffic are met.
5. **That the Zoning Resolution of Blount County, Tennessee be amended** by deletion of Section 7.4.B.2. in its entirety and the substitution of the following in its stead: 2. Amateur Radio Station Operator/Receive Only Antennas. This Section shall not apply to any tower, or the installation of any antenna on such tower, that is seventy (70) feet in height or less, and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers greater than 70 feet in height and found within this Section shall continue to apply.

**STATE OF TENNESSEE  
COUNTY OF BLOUNT**

**BE IT REMEMBERED**, that a public hearing on changes to the Blount County Zoning Resolution was held on Thursday, October 19, 2000, at the courthouse in Maryville, Tennessee.

The following County Commissioners were present:

Keith Brock	Steve Hargis	Virginia Morton
Dennis Cardin	Leroy Huff	Dan Neubert, Sr.
Bob Evans	John Keeble	Robert Ramsey
J. C. Franklin	Bob Kidd	Steve Samples
Ron French	Ralph Lindsey	Kevin Shepherd
Larry Garner	Jeff McCall	Richard Williams, Jr.
David Graham	Kenneth Melton	

Citizens of Blount County were given the opportunity to make comments regarding the following resolutions:

1. Resolution to amend the Zoning Map of Blount County from SSuburbanizing to GCommercial for Parcel 90.00 of Blount County Tax Map 8.
2. Resolution to amend zoning map of Blount County from R-2 Rural District 2 to R-1 Rural District 1 for part of Parcel 10 of Tax Map 95.

**STATE OF TENNESSEE  
COUNTY OF BLOUNT**

**BE IT REMEMBERED**, that a meeting of the Blount County Board of County Commissioners was held on Thursday, October 19, 2000, at the courthouse in Maryville, Tennessee. Sgt. Joe Benson, Deputy Sheriff of Blount County, legally opened the Board. Rev. Clarence Byrd, Pastor of Zion Chapel Baptist Church, gave the invocation, and Boy Scout Troop 81 led in the pledge to the American Flag.

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

Keith Brock – present	Steve Hargis – present	Kenneth Melton – present
Dennis Cardin – present	James Hill – absent	Virginia Morton – present
Bob Evans – present	Leroy Huff – present	Dan Neubert, Sr. – present
J. C. Franklin – present	John Keeble – present	Robert Ramsey – present
Ron French – present	Bob Kidd – present	Steve Samples – present
Larry Garner – present	Ralph Lindsey – present	Kevin Shepherd – present
David Graham – present	Jeff McCall – present	Richard Williams, Jr. – present

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

**IN RE: APPROVAL OF MINUTES OF SEPTEMBER 21, 2000 MEETING.**

Commissioner Brock made a motion to approve the minutes of the meeting. Commissioner Evans seconded the motion.

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

**IN RE: “BEST OF BLOUNT.”**

Assistant Agricultural Agent Sharon Davis gave a presentation on the 4H Program in Blount County.

**IN RE: ADDITION OF ITEM TO AGENDA.**

Commissioner Franklin made a motion to suspend the rules of the Commission to allow the addition of an item to the agenda regarding the Burkhart School Gymnasium. Commissioner Cardin seconded the motion.

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

**IN RE: STATEMENT OF HIGHWAY SUPERINTENDENT.**

Highway Superintendent Dunlap requested that the record reflect that he intends to use property located at 561 Old Piney Road as a waste dump for the Highway Department.

**IN RE: PROCLAMATION HONORING GERALDINE UPTON.**

Commissioner Evans made a motion to approve the proclamation. Commissioner Neubert seconded the motion.

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

Commissioners Williams, Kidd, and Evans presented the proclamation to Ms. Upton.

**IN RE: RESOLUTION TO ACCEPT THE BONDS AND OATHS OF DEPUTY SHERIFFS AND THE BONDS AND OATHS OF NOTARIES OF BLOUNT COUNTY, TENNESSEE.**

Commissioner Evans made a motion to approve the resolution. Commissioner Shepherd seconded the motion.

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

**IN RE: ELECTION OF NOTARIES.**

Commissioner Brock made a motion to approve the following as notaries:

David T. Black	Sue B. Coley	Cheryl R. Gamble
Cynthia C. Blair	Helen M. Diggs	Cindy Harmon
Gail S. Blair	Charles J. Dulin	Katherine Jane Hill
Beverly Carrigan	Patti Edmondson	Barbara Houser
Leah Chason	Michael E. Ferguson	Clyde B. Huskey

Marilyn J. Kirchoff  
James Lusby  
Allyson J. McGill  
Martha A. Miller

Kim Minutolo  
Julie Morrow  
William Orr  
Linda E. Rimmer

Brenda K. White  
Jonathan A. Young

Commissioner Brock seconded the motion.

A roll call vote was taken:

Brock – aye	Graham – aye	Lindsey – aye	Samples – aye
Cardin – aye	Hargis – aye	McCall – aye	Shepherd – aye
Evans – aye	Hill – absent	Melton – aye	Williams – aye
Franklin – aye	Huff – aye	Morton – aye	
French – aye	Keeble – aye	Neubert – aye	
Garner – aye	Kidd – aye	Ramsey – aye	

There were 20 voting aye and 1 absent. Chairman Samples declared the motion to have passed.

**IN RE: ELECTION OF DARRELL TIPTON TO THE PLANNING COMMISSION.**

Commissioner Evans made a motion to approve the recommendation of the Intergovernmental Committee that Darrell Tipton be elected to replace Mike Ross on the Blount County Planning Commission. Commissioner Kidd seconded the motion.

A roll call vote was taken:

Brock – aye	Graham – aye	Lindsey – aye	Samples – aye
Cardin – aye	Hargis – aye	McCall – aye	Shepherd – aye
Evans – aye	Hill – absent	Melton – aye	Williams – aye
Franklin – aye	Huff – aye	Morton – aye	
French – aye	Keeble – aye	Neubert – aye	
Garner – aye	Kidd – aye	Ramsey – aye	

There were 20 voting aye and 1 absent. Chairman Samples declared the motion to have passed.

**IN RE: ELECTION OF KEITH BROCK AND JIM HILL TO THE SMOKY MOUNTAIN VISITORS BUREAU.**

Commissioner Evans made a motion to reappoint Keith Brock and Jim Hill to the Smoky Mountain Visitors Bureau. Commissioner Cardin seconded the motion.

A roll call vote was taken:

Brock – pass	Graham – aye	Lindsey – aye	Samples – aye
Cardin – aye	Hargis – aye	McCall – aye	Shepherd – aye
Evans – aye	Hill – absent	Melton – aye	Williams – aye
Franklin – aye	Huff – aye	Morton – aye	
French – aye	Keeble – aye	Neubert – aye	
Garner – aye	Kidd – aye	Ramsey – aye	

There were 19 voting aye, 1 passing, and 1 absent. Chairman Samples declared the motion to have passed.

**IN RE: BUDGET TRANSFER – GENERAL COUNTY - \$65,036.00.**

Commissioner Lindsey made a motion to approve the transfer. Commissioner Neubert seconded the motion.

A roll call vote was taken:

Brock – aye	Graham – nay	Lindsey – aye	Samples – aye
Cardin – aye	Hargis – nay	McCall – aye	Shepherd – aye
Evans – pass	Hill – absent	Melton – nay	Williams – pass
Franklin – aye	Huff – aye	Morton – nay	
French – aye	Keeble – aye	Neubert – aye	
Garner – nay	Kidd – pass	Ramsey – aye	

There were 12 voting aye, 5 voting nay, 3 passing, and 1 absent. Chairman Samples declared the motion to have passed.

**IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$10,000.00 and  
RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$41,135.00 and  
RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$13,840.00.**

Commissioner Keeble made a motion to approve the resolutions. Commissioner Garner seconded the motion.

A roll call vote was taken:

Brock – aye	Graham – aye	Lindsey – aye	Samples – aye
Cardin – aye	Hargis – aye	McCall – aye	Shepherd – aye
Evans – aye	Hill – absent	Melton – aye	Williams – aye
Franklin – aye	Huff – aye	Morton – aye	
French – aye	Keeble – aye	Neubert – aye	
Garner – aye	Kidd – aye	Ramsey – aye	

There were 20 voting aye and 1 absent. Chairman Samples declared the motion to have passed.

**IN RE: REPORT OF THE PUBLIC SERVICES COMMITTEE and  
REPORT OF THE INTERGOVERNMENTAL COMMITTEE and  
REPORT OF THE EDUCATION SUB-COMMITTEE and  
REPORT OF THE INSURANCE/RISK MANAGEMENT COMMITTEE and  
REPORT OF THE PURCHASING COMMISSION and  
REPORT OF THE SHERIFF'S DEPARTMENT and  
REPORT OF THE HEALTH DEPARTMENT and  
REPORT OF BLOUNT MEMORIAL HOSPITAL and  
REPORT OF THE INDUSTRIAL DEVELOPMENT BOARD and  
REPORT OF THE VETERAN'S COMMITTEE.**

Commissioner Franklin made a motion to approve the reports. Commissioner McCall seconded the motion.

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

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

**IN RE: APPROVAL OF CONTRACT BETWEEN THE STATE OF TENNESSEE AND BLOUNT  
COUNTY REGARDING TOWNSEND BIKE TRAIL.**

Commissioner Keeble made a motion to table action on the contract until the November meeting. Commissioner Evans seconded the motion.

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

**IN RE: BINFIELD ROAD BRIDGE.**

Commissioner Franklin made a motion to allow Superintendent Dunlap to see if he can transfer grant money for the Binfield Bridge to the Springview Bridge project and see if Blount County, with the help of C.S.X. Railroad, can perform the Binfield Project. Commissioner Morton seconded the motion.

A roll call vote was taken:

Brock – aye	Graham – aye	Lindsey – aye	Samples – aye
Cardin – aye	Hargis – aye	McCall – aye	Shepherd – aye
Evans – aye	Hill – absent	Melton – aye	Williams – aye
Franklin – aye	Huff – aye	Morton – aye	
French – aye	Keeble – aye	Neubert – aye	
Garner – aye	Kidd – aye	Ramsey – aye	

There were 20 voting aye and 1 absent. Chairman Samples declared the motion to have passed.

**IN RE: CLOSURE OF CALLAHAN ROAD.**

Commissioner Evans made a motion to approve Tennessee Code Annotated section 54-10-216 as the procedure to close Blount County roads. Commissioner Cardin seconded the motion.

Commissioner Evans withdrew his motion.

Commissioner Evans made a motion that the County Attorney notify the Airport that the process of closing the road is pending approval by the County Commission and that for the time being Callahan Road be left open to local traffic. Commissioner Cardin seconded the motion.

Commissioner Kidd made a motion to amend that the road remain temporarily closed until procedures are put in place to permanently close the road. Commissioner Brock seconded the motion.

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

Commissioner Evans withdrew his motion.

**IN RE: RELEASE OF FUNDS FOR CHILD AND FAMILY SERVICES.**

Commissioner French made a motion that funds appropriated for Child and Family Services remain with the County until Mr. Larry Titsworth's claim against Child and Family is paid in full. Commissioner Keeble seconded the motion.

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

**IN RE: GYMNASIUM FOR BURKHART SCHOOL.**

Commissioner Franklin made a motion to ask the Education Department and the Public Building Authority to reinstate a full-size gymnasium at Burkhart School and have the Music and Art rooms put on the wing of the school beside the gymnasium using approximately \$340,000 left over from the Heritage Middle School project and to have the Budget Committee locate additional funding sources for the remaining money needed for the gymnasium. Commissioner Kidd seconded the motion.

A roll call vote was taken:

Brock – aye	Graham – aye	Lindsey – aye	Samples – aye
Cardin – aye	Hargis – aye	McCall – aye	Shepherd – aye
Evans – aye	Hill – absent	Melton – aye	Williams – aye
Franklin – aye	Huff – aye	Morton – aye	
French – aye	Keeble – aye	Neubert – aye	
Garner – aye	Kidd – aye	Ramsey – aye	

There were 20 voting aye and 1 absent. Chairman Samples declared the motion to have passed.

**IN RE: APPROVAL OF THE ACQUISITION OF REAL PROPERTY AND EASEMENTS FROM BLOUNT COUNTY FOR WASHINGTON AVENUE VIADUCT CONSTRUCTION.**

Commissioner Kidd made a motion to approve the acquisition by the State of Tennessee with the stipulation that County be given the right to continue to operate it's trail across the property the State intends to acquire and that the State commit to construct the improvements proposed. Commissioner Neubert seconded the motion.

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

**IN RE: RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY FROM S-SUBURBANIZING TO C-COMMERCIAL FOR PARCEL 90.00 OF BLOUNT COUNTY TAX MAP 8.**

Commissioner Garner made a motion to approve the resolution.

Chairman Samples declared the motion to have failed due to a lack of a second.

**IN RE: RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY FROM R2 RURAL DISTRICT 2 TO R1 RURAL DISTRICT 1 FOR PART OF PARCEL 10 OF TAX MAP 95.**

Commissioner McCall made a motion to approve the resolution. Commissioner Lindsey seconded the motion.

Commissioner Garner made a motion to table the resolution until the next meeting. Commissioner French seconded the motion.

A voice vote was taken on the motion to table until the next meeting with Chairman Samples declaring the motion to have passed.

**IN RE: PUBLIC HEARING ON ADDITION OF SECTION 4.4 TO THE ZONING RESOLUTION and PUBLIC HEARING ON AMENDMENT TO ZONING RESOLUTION THAT ADDS THE WORDS "BED AND BREAKFAST ACCOMODATIONS" TO SECTION 9.1B USES PERMITTED AS SPECIAL EXCEPTIONS (IN S-SUBURBANIZING DISTRICT), AND TO SECTION 9.2B USES PERMITTED AS SPECIAL EXCEPTIONS (IN R-1 – RURAL DISTRICT 1) and PUBLIC HEARING ON AMENDMENT TO THE ZONING RESOLUTION THAT THE ZONING RESOLUTION BE AMENDED BY ADDITION OF A NEW SECTION 2.5 UNDER ARTICLE 2 REGARDING DECKS, POOLS AND OTHER STRUCTURES OF LIMITED HEIGHT and PUBLIC HEARING ON AMENDMENT TO THE ZONING RESOLUTION REGARDING EXPLICIT EXEMPTION OF FENCES LESS THAN 10 FEET IN HEIGHT FROM REGULATION and PUBLIC HEARING ON AMENDMENT TO SECTION 7.4.B.2 OF THE ZONING RESOLUTION REGARDING AMATEUR RADIO ANTENNAS.**

Chairman Samples set the public hearing on the changes to the Zoning Resolution for November 16, 2000, at 6:50 P.M.

**IN RE: ADJOURNMENT.**

Chairman Samples declared the meeting to be adjourned.

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

**Sponsored by Commissioners Bob Kidd and Jim Hill**

**A RESOLUTION TO APPROVE AND ACCEPT THE BOND AND OATHS OF DEPUTY SHERIFFS, AND THE BONDS AND OATHS OF NOTARIES OF BLOUNT COUNTY, TENNESSEE.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

**WHEREAS**, Roy Crawford, Jr., Blount County Clerk, has certified according to the records of his office that the persons named on the attached listing labeled "OATHS AND BONDS OF DEPUTY SHERIFFS" have submitted bonds in the required statutory amounts, and have taken their oaths of office; and

**WHEREAS**, said Roy Crawford, Jr. has certified according to the records of his office that the persons named on the attached listing labeled "NOTARY PUBLIC BONDS AND OATHS" have given approved bonds for the office of Notary Public and have taken their oaths of office.

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

1. That the persons named on the attached listing labeled "OATHS AND BONDS OF DEPUTY SHERIFFS" are hereby approved for such and the bonds are accepted and their oaths therefor are approved as taken; and
2. That the persons named on the attached listing labeled "NOTARY PUBLIC BONDS AND OATHS" are hereby approved for such and the bonds are accepted and their oaths therefor are approved as taken; and
3. That each such person named on the listing hereinabove mentioned (which listing is attached hereto and incorporated herein by reference) is hereby deemed to have been individually considered according to the particular matter relating thereto.

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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

Vetoed: \_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date



BLOUNT COUNTY

# Office of the County Clerk

345 COURT STREET, MARYVILLE, TENNESSEE 37804

Roy Crawford, Jr.  
County Clerk

Telephone (865) 273-5800  
Fax (865) 273-5815

## OATHS AND BONDS OF DEPUTY SHERIFFS SEPTEMBER 21, 2000

<u>Deputy</u>	<u>Oath Administered</u>
Kimberly Ann Johnson .....	October 10, 2000
David B. Allen .....	October 10, 2000
Steven D. Hammonds.....	October 10, 2000
Cynthia Clabough.....	October 10, 2000
William E. Simcox.....	October 10, 2000

REPORT FROM THE OFFICE OF THE COUNTY CLERK  
 TO THE BLOUNT COUNTY COMMISSION  
 NOTARY PUBLIC BONDS AND OATHS  
 November 16, 2000

The following notaries public elect of Blount County appeared in the County Clerk's Office to receive their commissions duly signed by the Honorable Don Sundquist, Governor, and countersigned by the Honorable Riley C. Darnell, Secretary of State. They gave an approved bond of Ten Thousand Dollars and qualified as by law required.

<u>Name of Notary Public</u>	<u>Date Qualified</u>
Phyllis Gail Goforth.....	October 16, 2000
M. G. Hughes.....	October 16, 2000
Sharon L. Crisp.....	October 17, 2000
Melanie Davis .....	October 17, 2000
Laura A. McKenry.....	October 17, 2000
Stacey L. Heil .....	October 17, 2000
Judy C. Thompson.....	October 18, 2000
Kay McMahan.....	October 19, 2000
Robert M. Davis.....	October 20, 2000
Angela Cox .....	October 20, 2000
Kimberly L. Kidd .....	October 23, 2000
Leah A. Joines .....	October 23, 2000
Brain G. Smith.....	October 23, 2000
Debbie Smith.....	October 23, 2000
Maureen A. LaValette .....	October 24, 2000
Cindy F. Cutshaw.....	October 24, 2000
William Orr .....	October 26, 2000
Mary L. Latham.....	October 26, 2000
Paula Rae Abbott .....	October 26, 2000
Susan G. Page.....	October 27, 2000
Nancy Eggers.....	October 27, 2000
Brenda K. White.....	October 31, 2000
Barbara S. Lane .....	November 2, 2000
William Justice.....	November 2, 2000
Teresa D. Hurst.....	November 2, 2000
Ronald W. French.....	November 3, 2000
Terry M. Bledsoe .....	November 8, 2000



BLOUNT COUNTY

# Office of the County Clerk

345 COURT STREET, MARYVILLE, TENNESSEE 37804

Roy Crawford, Jr.  
*County Clerk*

Telephone (865) 273-5800  
Fax (865) 273-5815

## NOTARIES AT LARGE TO BE ELECTED NOVEMBER 16, 2000

Roberta C. Anthony

Deborah L. Barbra

Eileen M. Blake

Debra K. Chase

Cindy Daniel

Sherry L. Disney

Liddie Dockery

Anthony Dunnings

Cindy L. Fortney

Diane K. Gilmore

Kim Head

Vickie S. Hill

Angela F. Key

Meredith Liemohn

Paul W. Long

Pamela McLemore

Melissa Michaels

James Harold Ritchey

R. Carl Shamblin

Helen B. Taylor

Pamela A. Vest

Faye A. Watkins

Martha L. Weems

Tonya M. Wilson

G. C. Wright

# **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>
General County (Utilities consolidation mediator fees)	\$7,000	Recommends	3-yes 2-absent

**Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER  
Fiscal Year 2000-01**

Fund Number 101

Cost Center Number 51100,58900

Fund Name General County

Cost Center Name County Commission  
Miscellaneous

Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-058900-500309-0	Other contracted services	7,000.00
Total Transferred to:		7,000.00

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-051100-500599-0	Other charges	7,000.00
Total Transferred from:		7,000.00

Reason for Transfer Request:

To allocate funds to pay mediator re: utilities consolidation.

Note:

Total transferred to  
must agree with total  
transferred from.

\_\_\_\_\_  
Signature of Department Head Date

Budget Committee  
Date 11/16/00

\_\_\_\_\_  
Signature of County Executive Date

- vote
- Approved       yes    nay    pass
- Recommended for  
commission consideration       yes    nay    pass
- Declined       yes    nay    pass
- Tabled       yes    nay    pass
- Deferred       yes    nay    pass

*Zalisen J*

# **BUDGET INCREASES**

## **(COMMISSION ACTION NEEDED)**

<b><u>FUND</u></b>	<b><u>AMOUNT</u></b>	<b><u>BUDGET COMMITTEE</u></b>	<b><u>VOTE</u></b>
School Department	\$49,304	Recommends	3-yes 2-absent
Drug Fund	\$15,000	Recommends	3-yes 2-absent

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

**Sponsored by Commissioners J. C. Franklin and Leroy Huff**

**A RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

**WHEREAS**, Blount County would like to amend the General Purpose School Fund Budget to appropriate funds for Adult Basic Education teacher salary and benefits for the remaining 8 months of the 2000-01 year; and

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

**NOW THEREFORE, BE IT RESOLVED** by the County Legislative Body of Blount County, Tennessee, assembled in regular session on this 16<sup>th</sup> day of November, 2000 that the General Purpose School Fund budget shall be amended as follows:

**REVENUE:**

141-000000-471200-000000	Adult Basic Education (Fed)	\$42,750.00
141-000000-465110-000000	Basic Education Program	<u>6,554.00</u>
		<u>\$49,304.00</u>

**APPROPRIATION:**

141-071600-500116-000000	Teachers	\$10,491.00
141-071600-500201-000000	Social Security	388.00
141-071600-500204-000000	State Retirement	819.00
141-071600-500205-000000	Emp. Ins. – Dependent	0.00
141-071600-500206-000000	Emp. Ins. – Life	69.00
141-071600-500207-000000	Emp. Ins. – Health	2,000.00
141-071600-500208-000000	Emp. Ins. – Dental	124.00
141-071600-500212-000000	Employer Medicare Liability	91.00
141-071600-500790-000000	Other Equipment	35,232.00
141-071600-500513-000000	Workers Comp Insurance	<u>90.00</u>
		<u>\$49,304.00</u>

**Duly passed and approved this 16<sup>th</sup> day of November, 2000.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

**Sponsored by Commissioners J. C. Franklin and Leroy Huff**

**A RESOLUTION TO AMEND THE DRUG FUND BUDGET.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

**WHEREAS**, Blount County would like to amend the Drug Fund Budget to appropriate funds for the Sheriff's Department Swat Team equipment; and

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

**NOW THEREFORE, BE IT RESOLVED** by the County Legislative Body of Blount County, Tennessee, assembled in regular session on this 16<sup>th</sup> day of November, 2000 that the Drug Fund budget shall be amended as follows:

**REVENUE:**

122-000000-499998-000000 Fund Balance \$15,000.00

**APPROPRIATION:**

122-054110-500716-000000 Law Enforcement Equipment \$15,000.00

**Duly passed and approved this 16<sup>th</sup> day of November, 2000.**

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

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

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW

FIRST TENNESSEE BANK BUILDING

P.O. BOX 4338

MARYVILLE, TENNESSEE 37802

JOHN C. CRAWFORD (1875 - 1949)  
JOHN C. CRAWFORD, JR. (1906 - 1981)

DUNCAN V. CRAWFORD  
NORMAN H. NEWTON  
STEPHEN S. OGLE

TELEPHONE (423) 982-5431  
TELECOPIER (423) 984-6300

MEMORANDUM

**TO:** William A. Crisp  
County Executive

**FROM:** Norman H. Newton

**DATE:** October 27, 2000

**SUBJECT:** Procedure for closing county public roads

COPY

Reference is made to my memorandum of October 16, 2000, to Commissioner W. C. (Bob) Evans.

In the October 16, 2000, memorandum, I noted that there are two methods which may be utilized for closing county public roads. One method is found under section 14 of Chapter 265 of the 1959 Private Acts (the "private act method"). The other method is found under the general law at T.C.A. § 54-10-216 (the "alternative method") and can be used as an alternative to the private act method if the county commission has adopted T.C.A. § 54-10-216 by resolution approved by two-thirds (2/3) majority vote.

The private act method may be utilized to open, change, close or restore to the public use any and all county roads or highways, while the alternative method can only be used to close a county road.

In my October 16, 2000, memorandum, I outlined the procedure under the alternative method. I did not outline the procedure under the private act method because it does not involve action by the county commission and in my experience, has not been utilized.

Per your request, the procedure for closing a county public road under the private act method is as follows:

1. An application must be made by regular petition signed by at least one of the citizens affected thereby and filed with the Road Superintendent.
2. This petition shall:
  - (a) state the district or districts in which the road is located,
  - (b) give a complete description of the present road and the proposed changes, and
  - (c) state the names of the landowners to be affected by the proposed changes.
3. Within ten (10) days after the filing of such application or petition, the Road Superintendent

shall give notice:

- (a) in writing,
- (b) to the person first named on the petition and the landowners affected by the proposed change,
- (c) of the date on which the Road Superintendent will be present at the place designated as the beginning point in said petition, to act on the application, and
- (d) which notice must be served at least five (5) days before the date for acting on the petition; however, if any landowner affected by the proposed change is a non-resident of the county, ten (10) days written notice shall be served on him, and if any land owner affected thereby is a non-resident of the state or his place of residence is unknown, publication shall be made for four (4) consecutive weeks in a newspaper published in the county of the time and place of the acting upon the petition.

4. After giving the required notice, the Road Superintendent shall:

- (a) attend at the appointed time and place, and
- (b) act upon the application, and
- (c) if he decides that the proposed change is for the best interest of the county, assess whatever damages there may be if any against the county, and
- (d) report in writing his action to the County Executive, and
- (e) file his report, the original petition and copies of all notices to land owners with the county clerk.

5. The County Executive shall:

- (a) consider the report and facts connected with the matter, and
- (b) prepare such order or orders as he may deem for the welfare and best interest of the county.

6. Any party affected may:

- (a) within ten (10) days of the date of the entry of the decision or judgment of the County Executive, appeal such finding or judgment,
- (b) to the circuit court,
- (c) upon the execution of a proper appeal bond.

A copy of section 14 of Chapter 265 of the 1959 Private Acts is attached hereto for your information.

mrt

enclosure

c: Blount County Commission members

Bill Dunlap

~~constructed so as to release the Sheriff or Jailor of any responsibility for such prisoners which may be now or hereafter imposed by law. And it shall be the duty of the County Road Superintendent to work all of the prisoners committed to the workhouse upon the roads of said County, excepting such prisoners as are physically unfit for hard labor, and excepting female prisoners; but prisoners shall not be required to work during periods rendered unsuitable and unfit by weather conditions.~~

SECTION 14. *Be it further enacted*, That all applications to open, change, close or restore to the public use any and all roads or highways shall be made by regular petition signed by at least one of the citizens affected thereby and filed with the said County Road Superintendent, which petition shall state the district or districts in which the road is located and giving complete description of the present road and the proposed changes and the names of the landowners to be affected and within ten (10) days after the filing of said application or petition, the said Superintendent shall notify by written notice the person first named on the petition and the land owners affected by the proposed change of the date on which said Superintendent will be present at the place designated as the beginning point in said petition, to act on said application, which notice shall be served at least five (5) days before the date set for the acting on said petition. If any land owner affected by the proposed change is a non-resident of the County, ten (10) days written notice shall be served on him and if any land owner affected thereby is a non-resident of the State or if his place of residence is unknown, publication shall be made for four (4) consecutive weeks in a newspaper published in the County, of the time and place of the acting upon said petition.

Upon giving the required notice as above, the said Superintendent shall attend at the appointed time and place and shall act upon the application and if he decides the proposed change is for the best interest of the County, he shall assess whatever damages there may be if any against the County and report in writing his action thereon to the Judge of the County Court and with said report shall file with the Clerk of the County Court, the original petition and copies of all notices to land owners. The Judge of the County Court shall consider the report and facts connected with the matter and prepare such order or orders as he may deem for the welfare and best interest of the County. Any party affected may within ten (10) days from the date of the entry of the decision or judgment of the Judge of the County Court, appeal such finding or judgment to the next term of the Circuit Court upon execution or proper appeal bond.

**54-10-216. Closure of public roads by application to county highway department.** — Notwithstanding the provisions of this part to the contrary, a county legislative body, by resolution adopted by a two-thirds ( $\frac{2}{3}$ ) majority vote, may adopt the provisions of this section as an alternative procedure for the closing of public roads in the county which are not maintained by any other governmental entity. After adopting the provisions of this section, each application to close a designated public road in the county shall be made in writing to the chief administrative officer. Upon receiving an application to close a public road, the chief administrative officer shall give notice to interested parties as provided in this part. The chief administrative officer shall make a recommendation to the regional planning commission regarding whether or not the public road should be closed. Before making any recommendation with respect to closing a road pursuant to this section, the regional planning commission shall provide notice of such action either by written notice mailed to affected property owners or by notice advertised in a newspaper of general circulation in the county not less than fourteen (14) days before such recommendation is made. After receiving the recommendation of the chief administrative officer, the regional planning commission shall make its recommendation to the county legislative body, and shall attach the recommendation of the chief administrative officer. After receiving the recommendations as provided herein, the county legislative body may, by resolution adopted by a majority of its members, order the closure of the public road. [Acts 1995, ch. 478, § 1.]



**State of Tennessee**  
**Department of State**  
Administrative Procedures Division  
312 Eighth Avenue North  
8<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243  
Phone: (615) 741-7008 Fax: (615) 741-4472

October 24, 2000

The Honorable William A. Crisp  
County Executive, Blount County  
Courthouse  
341 Court Street  
Maryville, TN 37804

The Honorable Steve West, Mayor  
404 West Broadway  
Maryville, TN 37801-4710

The Honorable Donald R. Mull, Mayor  
441 North Hall Road  
Alcoa, TN 37701

The Honorable Bob Russell, Mayor  
P.O. Box 307  
Townsend, TN 37882

The Honorable Geraldine Anderson, Mayor  
P.O. Box 215  
Louisville, TN 37777

The Honorable Gail Dalton, Mayor  
P.O. Box 32  
Rockford, TN 37853

The Honorable Bill Palmer, Mayor  
P.O. Box 56  
Friendsville, TN 37737

Re: Blount County Comprehensive Growth Plan  
Dispute Resolution Process  
Docket No. 46.00-011652J

Dear Parties:

The Secretary of State has referred the matter of your county growth plan dispute to the Administrative Procedures Division for resolution in accordance with Tennessee Code Annotated, Section 6-58-104(b).

October 24, 2000

Page 2

I will assign Administrative Judges for the resolution process who will be contacting you soon with more specific procedural instructions. Our Judges are trained and experienced in alternative dispute resolution and approved as mediators in accordance with Rule 31 of the Supreme Court of Tennessee. You can be assured of a fair, impartial and expedient resolution.

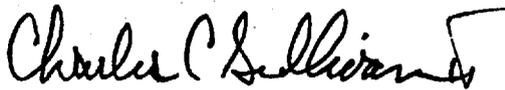
Our main goal is to assist you in working out a reasonable growth plan that is acceptable in light of all the interests involved. However, if agreement is not possible, our mandate in subsection (3) of the Statute is to adopt a growth plan for you, and we will be prepared to do so if necessary.

I have enclosed a **Procedure Outline** to help explain the dispute resolution process. I have also enclosed a **Party Agreement** for you to fill out and return within the next thirty days. A structured environment is necessary to make the most productive use of the resolution sessions, and it is important that the parties understand and agree to that structure before the process begins.

Please note that under sub-paragraph (4) of the Statute, the parties are responsible for the costs of the resolution process; that would include a cost of \$80.00 per hour for each judge involved, consultant's fees and the costs for a court reporter if a hearing is necessary.

If you have any questions about this information, feel free to call Assistant Director Thomas G. Stovall or me at 615-741-7008.

Sincerely,



Charles C. Sullivan, II  
Director

Attachments

**BLOUNT COUNTY COMPREHENSIVE GROWTH PLAN  
DISPUTE RESOLUTION PROCESS  
PROCEDURE OUTLINE**

**Overview**

Tennessee Code Annotated, Section 6-58-104(b), provides that growth plan impasses are to be resolved by a dispute resolution panel composed of Administrative Judges from the Office of the Secretary of State.

The Panel will consist of three Judges unless, as provided in T.C.A. 6-58-104(b)(2), the parties agree for one Judge to preside. The same Panel will preside over the entire resolution process, and the procedure will be the same whether the "Panel" consists of one or three Judges.

The Panel will first mediate the dispute and encourage an agreed settlement. If agreement is not possible, the panel will propose a non-binding resolution. If the proposed resolution is not accepted, the panel will hear the matter on the record and impose a binding plan.

All resolution sessions will be held in Nashville, Tennessee, at a time and place designated by the Panel. The Panel will try to schedule the sessions on dates that are convenient to the parties, but since prompt attention must be given to this matter, the persons who participate must be prepared to attend even if they are otherwise inconvenienced by the session scheduling.

Mediation will be structured, but relatively informal. A hearing on the record will be more formal and the imposed plan will conform to the provisions of T.C.A. 6-58-106.

**Mediation**

The Panel will first encourage and help the parties to resolve their dispute by agreement. The parties will be urged to set aside their positions as litigants and work together as problem solvers.

The mediation process is one of defining the problem, considering the needs and interests of the participants, and exploring alternative resolutions that could reasonably meet the needs of all concerned. There are no set formalities for the process, but a structured environment is important to make the sessions productive, and the Panel will more specifically advise the participants as to that structure.

During mediation, the parties can use any visual or written information necessary to explain the dispute and their interests, and persons other than the parties may be allowed to speak, if the Panel decides that the information would be helpful. One or more consultants with expertise in urban planning, growth, and development may be called upon to participate as authorized by T.C.A. §6-58-104(b)(3).

Mediation has proven to be an effective method of resolving disputes, but a key ingredient for success is a commitment by the participants to participate with a good faith effort toward resolving the problem. This includes appropriate preparation for the sessions.

Ordinarily, mediation is conducted in closed, confidential sessions. The nature of your dispute and the entities involved suggest that the Open Meetings Law applies, and adjustments to the mediation procedure may have to be made to accommodate that requirement.

If an impasse is reached in mediation, the Panel will propose a non-binding resolution and give the county legislative body and the municipalities a reasonable period in which to consider the proposal. If the proposal is not accepted, and the parties cannot otherwise agree upon a resolution, the matter will proceed with a hearing on the record.

### HEARING ON THE RECORD

If the Panel must adopt a growth plan for the parties, a hearing will be convened to take information upon which the adoption will be based. A court reporter will be employed, and a record of the proceeding will be kept.

The law does not contemplate that the matter will be heard under the strict procedural guidelines of the Administrative Procedures Act; however, some safeguards are necessary to ensure a fair and impartial decision. The hearing will be a formal proceeding, and the rules of evidence will apply. Witnesses will testify under oath, and exhibits will be numbered for entry into the record. Parties will be allowed to cross-examine witnesses and provide rebuttal testimony, with the understanding that the Panel may impose limitations on any procedural or evidentiary rules as are necessary for an expedient resolution.

Once the Panel has heard the matter, it will consider all the information provided on the record and issue the imposed growth plan. The plan will conform to the provisions of T.C.A. 6-58-106.

**BLOUNT COUNTY COMPREHENSIVE GROWTH PLAN  
DISPUTE RESOLUTION PROCESS  
PARTY AGREEMENT**

I, \_\_\_\_\_, am the authorized representative of the participants for \_\_\_\_\_, a party in the dispute resolution process concerning the Blount County Comprehensive Growth Plan. For myself, and on behalf of the other participants representing my party in this process, I **UNDERSTAND AND AGREE** that:

1. Depending upon the number of parties involved and the number of representatives for each party, it may be necessary for the mediator to limit the number of persons who are directly involved in the mediation discussions. However, all party representatives may be seated in the conference room, and may change places with the participating representatives as needed.

2. The number of persons expected to attend the mediation as representatives for my party is \_\_\_\_\_.

3. The contact person who will receive written correspondence, telephone calls and E-mail for my party is:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

4. Tennessee Code Annotated, Section 6-58-104(b)(2), provides that the resolution panel shall consist of three members; however, that section allows a single Administrative Judge to conduct the resolution process, if it is by agreement of the parties. The process will be the same whether it is conducted by one or three Judges. Check the appropriate space to indicate your preference:

\_\_\_\_\_ My party prefers to have the proceeding conducted by a panel of three Administrative Judges.

\_\_\_\_\_ My party agrees to having one Administrative Judge conduct the proceeding.

5. All dispute resolution sessions will be held in Nashville, Tennessee, at a time and place designated by the Panel. The Panel will confer with the parties to try to arrange the sessions at convenient times for all representatives, but because it is important to proceed expeditiously with the process, session times may have to be set which are not convenient for everyone concerned.

6. Participants will attend the resolution sessions and participate in a good faith effort to reach a reasonable agreement.

7. Mediation will be a less formal proceeding than the hearing on the record. However, a structured environment is necessary for productive mediation sessions, and the participants will conduct themselves courteously, with respect for the opinions of others.

8. The participants will follow the procedural instructions and orders of the Panel.

9. One or more consultants with expertise in urban planning, growth and development may participate in the process as authorized by T.C.A. § 6-58-104(b)(3).

10. In accordance with T.C.A. § 6-58-104(b)(4), the parties are responsible for the reasonable and necessary costs incurred in the resolution process. These will include a cost of eighty dollars (\$80.00) per hour for each judge involved, and the costs for consultants and court reporters.

So **AGREED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

(Signature) \_\_\_\_\_

(Printed Name) \_\_\_\_\_

Representative for \_\_\_\_\_

CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW  
FIRST TENNESSEE BANK BUILDING  
P. O. BOX 4338  
MARYVILLE, TENNESSEE 37802

TELEPHONE (423) 982-5431  
TELECOPIER (423) 984-6300

JOHN C. CRAWFORD (1875 - 1949)  
JOHN C. CRAWFORD, JR. (1906 - 1981)

DUNCAN V. CRAWFORD  
NORMAN H. NEWTON  
STEPHEN S. OGLE

MEMORANDUM

TO: William A. Crisp  
County Executive

FROM: Norman H. Newton *NHN*

DATE: October 9, 2000

SUBJECT: Tennessee Code Annotated § 54-1-126

As a condition precedent to constructing pedestrian-bicycle underpasses under US Highway 321 in the Townsend area of the county, the Tennessee Department of Transportation ("DOT") will require that a local agency enter into a contract to maintain the greenway underpasses, including the walkways for safe passage of pedestrians. This obligation will also include responsibility for the maintenance of and to provide electrical current to all electrical equipment installed to serve the underpasses. Inquiry has been made as to whether the Maryville-Alcoa-Blount County Recreation and Parks Commissions ("Parks & Rec") may legally enter into this contract with DOT rather than the county.

Tennessee Code Annotated § 54-1-126 requires that DOT enter into a written contract with each city, county or metropolitan government before undertaking any work or providing any funds for work with respect to public roads, streets, highways or bridges and similar structures, within their boundaries which are not on the state system. The statute requires that the contract include a provision that such city, county or metropolitan government is solely responsible for all maintenance of the completed work. No such contract shall be valid in the absence of such maintenance provision.

Parks and Rec is not a city, county or metropolitan government. Consequently, the requirements of Tennessee Code Annotated § 54-1-126 would not be met by DOT contracting with Parks and Rec.

If the county contracts with DOT for the construction of pedestrian-bicycle underpasses under US 321, the county will be responsible for the maintenance of the underpasses and walkways, but the county can delegate the actual maintenance work to Parks and Rec.

bbc

CRAWFORD, CRAWFORD & NEWTON

ATTORNEYS AT LAW

FIRST TENNESSEE BANK BUILDING

P.O. BOX 4338

MARYVILLE, TENNESSEE 37802

JOHN C. CRAWFORD (1875 - 1949)  
JOHN C. CRAWFORD, JR. (1906 - 1981)

DUNCAN V. CRAWFORD  
NORMAN H. NEWTON  
STEPHEN S. OGLE

TELEPHONE (423) 982-5431  
TELECOPIER (423) 984-6300

MEMORANDUM

**TO:** William A. Crisp  
County Executive

**FROM:** Norman H. Newton

**DATE:** October 6, 2000

**SUBJECT:** Pedestrian-bicycle underpasses under US Highway 321

COPY

Inquiry has been made as to the county's exposure to liability by agreeing to maintain greenway underpasses and walkways under US Highway 321 in the Townsend area of the county.

The county's exposure for liability is governed by the Tennessee Governmental Tort Liability Act, Tennessee Code Annotated §§ 28-20-101, *et seq.* (the "Act"). In general, the Act immunizes the county from suit for any injury which may result from the county's activities when the county is engaged in the exercise and discharge of any of its functions. However, the county's general immunity is removed under four circumstances, one of which is for any injury caused by a defective, unsafe or dangerous condition of any street, alley, sidewalk or highway owned or controlled by the county. See T.C.A. § 29-20-203.

With regard to the pedestrian-bicycle underpasses, the county could be liable under T.C.A. § 29-20-203 if the county does something or fails to do something in maintaining the underpasses and walkways that results in a defective, unsafe or dangerous condition thereof, and someone is injured as a consequence of such defective, unsafe or dangerous condition. The county's limits of liability under the Act for personal injury are \$130,000.00 per person and \$350,000.00 per accident. The county's Self-Insured Liability Trust Fund provides coverage for the first \$50,000.00 of any claim or judgment with commercial liability insurance being responsible for any amounts over \$50,000.00 up to the statutory limits of liability.

bbc

341 COURT STREET  
MARYVILLE, TN 37804-5906  
PHONE (865) 273-5700  
FAX (865) 273-5705

# BLOUNT COUNTY GOVERNMENT

WILLIAM A. CRISP  
COUNTY EXECUTIVE



## MEMO

**To:** Blount County Commission  
**From:** William A. Crisp *bin*  
Blount County Executive  
**Subject:** Townsend Bike Trail  
**Date:** September 12, 2000

---

It is my recommendation that the Commission approve the attached agreement between the State of Tennessee and Blount County to maintain the box culverts. Although these underpasses now reside inside the City of Townsend, the original agreement allowed for the County to perform routine maintenance. Townsend has agreed to maintain the remaining length of the trail.

Joe Huff, Recreation and Parks Director, has agreed to perform the maintenance within his existing budget. Therefore, no new money will be required.

Thank you for your consideration with this matter.

WAC/rjp

Attachment

**CONTRACT NO: 1999119**

**PROJECT NUMBER: STP-EN-500(19)**

**THIS CONTRACT, made and entered into by and between THE STATE OF TENNESSEE, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the Department, and the BLOUNT COUNTY, hereinafter referred to as the Local Agency.**

**W I T N E S S E I H:**

**WHEREAS, the Local Agency desires to modify the design of a project, more fully described in Section I below and**

**WHEREAS, the Department is agreeable to cooperation with the Local Agency in this matter.**

**NOW THEREFORE, in consideration of these premises, the Department and the Local Agency hereby enter into agreement to provide for funding and performance of the project.**

**SECTION I: The Project to be performed is described as follows:**

**"The construction of pedestrian-bicycle underpasses under US-321."**

**SECTION II: The parties agree to fulfill their respective obligations with regard to maintenance of this facility that are imposed by the applicable Federal and State laws and regulations. Specifically, in accordance with T.C.A. Section 54-1-126, the Department will be responsible for the maintenance of the concrete box culvert only, and the Local Agency shall be solely responsible for all other maintenance of the greenway underpass. The Local Agency's responsibility for maintenance of the greenway underpass shall include, but not be limited to, maintaining the walkway for safe passage of pedestrians.**

**The Local Agency agrees to be solely responsible for the maintenance of and to provide electrical current to all electrical equipment of any kind whatsoever installed hereunder to serve the underpasses described herein.**

#### **STANDARD TERMS**

**SECTION I: The Department is not bound by this Contract until it is approved by the appropriate Department officials as indicated on the signature page of this Contract.**

**SECTION II: This Contract may be modified only by a written amendment which has been executed and approved by the appropriate parties as indicated on the signature page of this Contract.**

**SECTION III: The Department may terminate the Contract by giving the Local Agency at least ninety (90) days notice before the effective termination date.**

**SECTION IV: If the Local Agency fails to properly perform its obligations under this Contract or violates any terms of this Contract, the Department shall have the right to immediately terminate the Contract. The**

**Local Government shall not be relieved of liability to the Department for damages sustained by virtue of any breach of this Contract by the Local Agency.**

**SECTION V: The Local Government understands that if there is a determination by the Federal Highway Administration that any cost of the project is ineligible for federal funds because of any failure to the Local Agency, the Local Agency will be obligated to pay the Department the sum of money declared ineligible by the Federal Highway Administration.**

**SECTION VI: The Local Agency agrees to comply with all applicable federal and state laws and regulations in the performance of its duties under this agreement. The parties hereby agree that failure of the Local Agency to comply with this provision shall constitute a material breach of this agreement and subject the Local Agency to the repayment of all damages suffered by the State and or the Tennessee Department of Transportation as a result of said breach.**

**SECTION VII: Records of costs shall be kept by the Department and shall be available for inspection and copying by the Department during normal business hours for a period of not less than three years following the completion or termination of the Project.**

IN WITNESS WHEREOF, the parties hereto have caused this contract  
to be executed by their respective authorized officials on this the day of  
\_\_\_\_\_, 20\_\_\_\_\_.

**BLOUNT COUNTY**

**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_  
County Executive

By: \_\_\_\_\_  
J. Bruce Saltsman, Sr.  
Commissioner

**APPROVED AS TO FORM AND  
LEGALITY**

**APPROVED AS TO FORM AND  
LEGALITY**

By: \_\_\_\_\_  
Attorney

By: \_\_\_\_\_  
Mary G. Moody  
General Counsel

**CERTIFIED FOR THE  
AVAILABILITY OF FUNDING**

By: \_\_\_\_\_  
Janice Marston  
Director of Finance

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

Sponsored by Commissioners GARNER and GRAHAM.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, Parcel 90 of Tax Map 8.**

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 19th day of October, 2000:

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, 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 from S-Suburbanizing to C-Commercial for Parcel 90.00 of Blount County Tax Map 8, described as follows: starting at the southernmost corner of Parcel 90.00 of Blount County Tax Map 8, being also on the right-of-way line of Singleton Station Road and also the city limits of the City of Alcoa; thence northwest following the right-of-way line of Singleton Station Road to the eastern most corner of said parcel, also along a railroad right-of-way; thence northeast following the railroad right-of-way, also the northwestern property line of said parcel, to a corner intersection with the right-of-way line of Topside Road, also the city limit line of the City of Alcoa; thence eastward following the right-of-way line of Topside Road to another corner of said parcel; thence southeast following the property line of said parcel to the eastern most corner of said parcel; thence southwest following the property line of said parcel to the point of beginning; containing approximately 14 acres or the total land area of said Parcel 90.00 of Blount County Tax Map 8.

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 Executive

\_\_\_\_\_  
Date

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

Sponsored by Commissioners GARWER and GRAMHAM.

**A RESOLUTION TO AMEND THE ZONING MAP OF BLOUNT COUNTY, TENNESSEE, part of Parcel 10 of Tax Map 95.**

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 19th day of October, 2000:

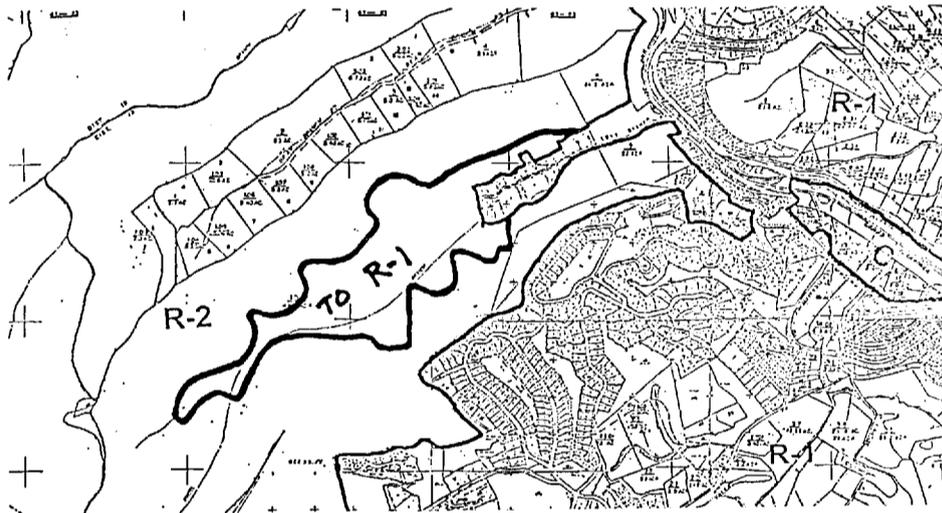
**WHEREAS**, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations, including a zoning map, in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

**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**, 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 from R-2 Rural District 2 to R-1 Rural District 1 for part of parcel 10 of Tax Map 95, at the end of Long Branch Road and containing part of Kinzel Branch, being an area bounded as shown 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 Executive

\_\_\_\_\_  
Date

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

**Sponsored by Commissioners Steve Samples and J. C. Franklin**

**A RESOLUTION REGARDING USE OF THE COUNTY COMMISSION MEETING ROOM.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

**WHEREAS**, the former Criminal Court Room has been remodeled for use as a meeting room for the County Commission; and

**WHEREAS**, the meeting room is less economical to heat and cool than other meeting rooms in the courthouse due to the room's large size and high ceiling.

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

1. That location of County Commission committees shall be at the discretion of the committee's chair; and
2. That committees shall not use the County Commission Room unless the number of participants and audience is projected to be greater than the capacity of other meeting rooms in the Courthouse; and
3. That the Maintenance Department shall schedule the use of all meeting rooms in the Courthouse.

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

**CERTIFICATION OF ACTION**

**ATTEST**

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

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

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

Vetoed: \_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

RESOLUTION

A RESOLUTION APPROVING THE EXECUTION OF  
AN AGREEMENT WITH THE TENNESSEE DEPARTMENT  
OF TRANSPORTATION TO MAKE CERTAIN IMPROVE-  
MENTS AT THE INTERSECTION OF HEMBREE HOLLOW  
ROAD WITH INEZ BURNS PARKWAY (US 321, "WEARS  
VALLEY ROAD)

\*\*\*\*\*

WHEREAS, the State of Tennessee Department of Transportation ("Department") and Blount County, Tennessee ("Local Government") have proposed an agreement to construct certain road improvements at the intersection of Inez Burns Parkway (US 321, "Wears Valley Road) with Hembree Hollow Road, Blount County, Tennessee, said improvements to widen and improve the intersection at the aforementioned intersection; and,

WHEREAS, Blount County has been approved to receive a safety grant to fund the contemplated improvements; and,

WHEREAS, a copy of the proposed agreement between the Department and Blount County for the funding and construction of such road improvements is available for inspection at the Offices of the Blount County Highway Department; and

WHEREAS, the funding, purchase, and installation of certain intersection improvements at the aforementioned intersection is necessary in order for the general highway program of the State of Tennessee to be carried out in accordance with the intent of the General Assembly of the state, and it is in the best interest of Blount County that such improvements be made; and,

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Blount County, Tennessee, meeting in regular session assembled this 16th day of November, 2000, as follows:

**SECTION 1.** A contract with the State of Tennessee Department of Transportation for "LP Project No: 2800, Box Culvert Replacement @ Hembree Hollow Road, Blount County," a copy of which available for viewing in the Offices of the Blount County Highway Department, is hereby approved and the County Executive is authorized and directed to execute the same for and on behalf of Blount County; and,

**SECTION 2.** An agreement between the Treasury Department of the State of Tennessee and/or the State of Tennessee Department of Transportation and the County of Blount for the investment of state funds of up to \$45,000.00 (forty-five thousand dollars) and local funds of up to \$5000.00 (five thousand dollars) for such project is hereby authorized, and the County Executive is authorized and directed to execute such agreement for and on behalf

of Blount County.

SECTION 3. This resolution shall take effect upon its adoption, the public welfare requiring it.

ADOPTED this 16th day of November, 2000

\_\_\_\_\_  
Chairman

Attest:

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

Resolution Sponsors:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

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

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

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
Program Development and Scheduling  
SUITE 600, JAMES K. POLK BUILDING  
NASHVILLE, TENNESSEE 37243-0341  
Voice (615)741-4850; FAX (615)741-9673  
E-Mail sralph@mail.state.tn.us**

**October 16, 2000**

**Bill Dunlap  
Road Superintendent  
415 Louisville Rd.  
Alcoa, TN 37701**

**Re: LP Project No: 2800, Box Culvert Replacement @ Hembree Hollow  
Road, Blount County**

**Dear Mr. Dunlap:**

**We are attaching a contract providing for the development of the  
referenced project. Please review it and advise us of any provisions that  
need an explanation.**

Please note that you must return a certified ordinance or a resolution  
in order for the contract to be acceptable to the Department.

**If you find the contract fully satisfactory, please execute it in  
accordance with all rules, regulations and laws and return the contract,  
along with the certified ordinance or resolution to me.** Federal regulations  
require that no work for which reimbursement is expected be done prior to  
authorization by the Federal Highway Administration of the funding. Begin  
no work for which you expect reimbursement before you receive written  
authorization from the Optional Safety Coordinator.

**If you have any questions or need any additional information, please  
let me know.**

**Sincerely,**

**Susan B. Ralph  
Administrative Services Asst.  
Optional Safety Coordinator**

AGREEMENT NO: 2000633

Project No:

LP Project No: 2800

This AGREEMENT is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION, hereinafter "Department", and Blount County, hereinafter "Local Government", for the purpose of providing an understanding between the parties of the Local Government's obligations for implementation of a highway safety improvement project under the Hazard Elimination Program, being LP Project No. 2800, that is described in "EXHIBIT A" attached and incorporated into this Agreement.

The Department agrees to pay for 90% of the actual Project costs up to \$45,000.00. All other costs will be paid for by the Local Government.

#### STANDARD TERMS

1. The Local Government shall submit invoices, in a form acceptable to the Department with all necessary supporting documentation, prior to any payment of allowable costs. Such invoices shall be submitted no more often than monthly and indicate at a minimum the amount charged for the period invoiced, the amount charged to date, the total amounts charged under this Contract for the period invoiced and the total amount charged to date. Each invoice shall be accompanied by proof of payment in the form of a canceled check or other means acceptable to both parties hereto.

2. The payment of an invoice by the Department shall not prejudice the Department's right to object to or question any invoice or matter in relation thereto. Such payment by the Department shall neither be construed as acceptable of any

part of the work or service provided nor as an approval of any of the costs invoiced therein. The Local Government's invoice shall be subject to reduction for amounts included in any invoice or payment theretofore made which are determined by the Department, on the basis of audits conducted in accordance with the terms of this Contract, not to constitute allowable costs. Any payment shall be reduced for overpayments, or increased for under-payments on subsequent invoices.

3. Should a dispute arise concerning payments due and owing to the Local Government under this Contract, the Department reserves the right to withhold said disputed amounts pending final resolution of the dispute.

4. The Local Government understands that the construction phase of the Project will be commenced immediately following the completion of all of its applicable responsibilities in accordance with a schedule that will provide for at least fifty percent completion of the construction phase within one year from its commencement and thereafter continued without interruption until completed in accordance with the provisions of "EXHIBIT A". The failure of the Local Government to follow the schedule for the construction phase will be construed as a breach of this Agreement.

5. The Local Government understands and agrees that if such a breach occurs the Local Government will be subject to repayment of all sums of money paid to the Local Government.

6. The Department is not bound by this Contract until it is approved by the appropriate Department officials as indicated on the signature page of this Contract.

7. This Contract may be modified only by a written amendment which has been executed and approved by the appropriate parties as indicated on the signature page of this Contract.

8. The Department may terminate the Contract by giving the Local Government at least ninety (90) days notice before the effective termination date.

The Local Government shall be entitled to receive equitable compensation for satisfactory authorized services completed as of termination date.

9. The Local Government agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.), and the Department of Transportation Implementing Regulations (49 CFR Part 21).

10. It is the policy of the Department that minority business enterprises (MBEs) as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of subcontracts financed with Federal funds. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Contract. The Local Government agrees to ensure that such MBEs have the maximum opportunity to participate in the performance of subcontracts financed in whole or in part with Federal funds under this Contract. In this regard, the Local Government shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform subcontracts.

11. If the Local Government fails to properly perform its obligations under this Contract or violates any terms of this Contract, the Department shall have the right to immediately terminate the Contract and withhold payments in excess of fair compensation for completed services. The Local Government shall not be relieved of liability to the Department for damages sustained by virtue of any breach of this Contract by the Local Government.

12. The Local Government agrees that when the construction phase is completed, it will provide the Department with a written certification that the Project was constructed in accordance with the terms of this Contract.

13. The Local Government understands that if there is a determination by the Federal Highway Administration that part or all of the sums of money paid to the Local Government are ineligible for federal funds participation because of the failure to the Local Government to adhere to federal law and regulations, the

Local Government will be obligated to pay the Department the sum of money declared ineligible by the Federal Highway Administration.

14. The Local Government agrees to comply with all applicable federal and state laws and regulations in the performance of its duties under this agreement. The parties hereby agree that failure of the Local Government to comply with this provision shall constitute a material breach of this agreement and subject the Local Government to the repayment of all damages suffered by the State and or the Tennessee Department of Transportation as a result of said breach.

15. Each party agrees to maintain the improvements made under the Project which are located on a road under its jurisdiction, with the exception of all electrically operated devices together with their related equipment, wiring and appurtenances which the Local Government agrees to maintain. In addition, the Local Government agrees to provide electric power to said devices.

16. Records of costs shall be kept by the Local Government and shall be available for inspection and copying by the Department during normal business hours for a period of not less than three years following the completion or termination of the Project.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by their respective authorized officials.

Blount County

STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Road Superintendent

By: \_\_\_\_\_  
J. Bruce Saltsman, Sr.  
Commissioner

~~APPROVED AS TO FORM AND  
LEGALITY~~

By: \_\_\_\_\_  
Mary G Moody  
General Counsel

~~CERTIFIED FOR THE AVAILABILITY  
OF FUNDING~~

By: \_\_\_\_\_  
Janice Marston  
Director of Finance

APPLICATION FOR  
OPTIONAL SAFETY PROJECT

*Feb 19 11*

County/City: Blount Route/Road Name: SR73 (US 321)

Project Termini/ Description: Box bridge over branch at intersection of State Route 73 (US 129) with Hembree Hollow Road (see attached maps and pictures)

Problem: The Blount County Highway Department maintains presently motorists are having trouble negotiating turning movements from and onto SR 73 at Hembree Hollow Road due to insufficient roadway width at the box bridge. There is little shoulder and minimal available turning radius onto SR 73 from Hembree Hollow Road requiring traffic executing a right turn onto SR 73 to encroach into the opposite lane of traffic. There is anticipated future development in the vicinity which is expected to increase the existing problem.

Proposed Solution: Replace or widen the existing box culvert on SR 73 to allow the addition of sufficient shoulders and paved turning radius to improve the turning movements. (See attached design)

Note: Attach map, sketches, pictures, etc. as supporting documentation

Traffic:

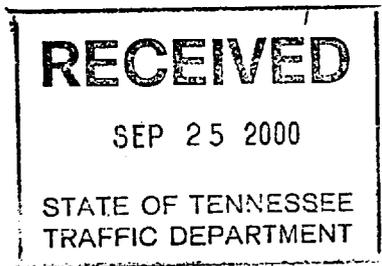
Accident Data/Potential:

Estimated Construction Cost: \$ 50,000

Work Performed By: (Please Check One)

Local Agency: X State Maintenance Forces:      State Let to Contract:     

Remarks: \_\_\_\_\_



Submitted By: Mr. Bill Dunlap Date 9-1-00

Title: Blount County Highway Superintendent

Recommended by: Amul / [Signature] Date: 10/6/00

Approved by: [Signature] Date: 10/9/00



# Tennessee County Services Association

Representing Tennessee's County Executives, County Highway Officials, and County Commissioners since 1954

Bob Wormsley  
Executive Director

226 Capitol Boulevard, Suite 700, Nashville, Tennessee 37219  
Phone: 615/532-3767 Fax: 615/532-3769  
www.tncounties.org

Pat Mitchell  
Executive Secretary

## MEMORANDUM

Date: October 26, 2000

To: County Executives  
County Commission Chairs

From: Bob Wormsley  
Doug Goddard

Subject: Realty Transfer Tax Legislation

At the recently concluded TCSA Annual Fall Conference, the Board of Directors recommended, and the membership adopted, a legislative platform for the upcoming year. The adopted platform included proposed legislation which would authorize county legislative bodies by resolution to adopt by 2/3 vote at two consecutive regular meetings a tax on the privilege of recording instruments transferring interest in real property in the office of the register of deeds in the same manner and at the same rate as the state transfer tax. As you will recall, similar legislation failed last year in the General Assembly.

This permissive legislation is vitally needed by most counties in Tennessee to relieve pressure on the growing over dependence on the property tax. Additionally, it would provide a viable alternative to an adequate facilities tax by spreading the burden over a broader base and at an overall lower rate/burden.

There were several reasons why this legislation failed last year. The grassroots support from county officials needed to pass a major bill such as this did not materialize; the Tennessee Association of Realtors (TAR) made it their number one priority to defeat the bill; the bill, as amended, excluded the majority of the 95 counties, which weakened support for the bill; and the bill contained a provision which caused the Tennessee Municipal League to oppose the bill.

We now have an opportunity to overcome all but one of the reasons cited above and pass this legislation in the first session of the 102<sup>nd</sup> General Assembly. Obviously, the TAR will still vigorously oppose this legislation. Their stated primary opposition to the bill was that the tax would slow housing sales. However, there is no evidence to support their argument.

Many legislators told us last year they would have supported the bill if they had received a resolution from their county legislative body requesting their support. Passing a resolution urging support for this legislation is an important first step in garnering legislative support. Enclosed is a draft resolution which we would encourage you to pass at your next regular meeting and forward to your members of the General Assembly after the November elections. We would also request that you furnish us a copy for our use in lobbying the bill.

## Enclosure

RESOLUTION NO. \_\_\_\_

TO URGE THE GENERAL ASSEMBLY TO ENACT  
LEGISLATION TO AUTHORIZE A LOCAL-OPTION  
REALTY TRANSFER TAX.

WHEREAS, many counties in the State of Tennessee are struggling to find sufficient revenue sources in order to meet the growing demands of their citizens for services which are vital and fundamental to the health, welfare, and safety of the residents of this state, to provide improvements to infrastructure required by population and economic growth, and to meet state mandates such as those required by the Basic Education Program; and,

WHEREAS, meeting the demands for capital improvements required by the standards and mandates of the Basic Education Program has been especially burdensome on the financial resources of county governments for that last few years, with a record amount of debt being incurred for school construction and renovation; and

WHEREAS, county governments are limited by state law regarding the forms of taxation and revenue generation which the county is authorized to use, leaving many counties overly dependant on the property tax as a primary source of revenue; and

WHEREAS, proposed legislation to authorize counties to levy a local option transfer tax would provide a desperately needed additional revenue source for counties by authorizing county legislative bodies to levy, by a resolution adopted by a 2/3 vote at two consecutive regular meetings, a tax on the privilege of recording instruments that transfer interests in real property in the office of the register of deeds in the same manner and amount as the state transfer tax; and

WHEREAS, this proposed legislation would be permissive and would not levy a tax, but merely authorize counties to levy a transfer tax if the county legislative body finds it is in the best interest of the county to do so;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of \_\_\_\_\_ County, meeting in \_\_\_\_\_ session on this \_\_\_\_ day of \_\_\_\_\_, 2000, that the Tennessee General Assembly is strongly urged to pass the proposed local option transfer tax legislation, in order to provide needed fiscal relief to county governments.

BE IT FURTHER RESOLVED, that the county clerk shall mail certified copies of this resolution to the members of the Tennessee General Assembly representing the people of \_\_\_\_\_ County.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2000.

APPROVED: \_\_\_\_\_

County Executive

ATTEST: \_\_\_\_\_

County Clerk

## **MEMORANDUM**

**TO:** County Commission Members

**FROM:** John Lamb

**DATE:** November 6, 2000

**SUBJECT:** Questions on matters of amendment to the zoning regulations and zoning map.

The County Executive has asked staff to summarize procedures for amendment of the zoning regulations and the zoning map. The following will be in the format of questions and answers.

### **Who has authority to amend the county zoning regulations and zoning map?**

Only the County Commission can amend the zoning regulations and zoning map. The adoption of zoning was a local legislative action that can be changed only by local legislative action.

### **Is a public hearing required for amendments to the zoning regulations and the zoning map?**

Yes, state statutes require a public hearing with 15 days public notice in a newspaper of general circulation within the county.

### **Who is required to hold the public hearing?**

The County Commission is required by state statute to hold public hearing on matters of amendment of the zoning regulations and zoning map.

### **Is there a difference in public notice requirements between amendment to the zoning regulations and amendment to the zoning map?**

State statutes require only 15 days notice, prior to public hearing, in a newspaper of general circulation for both types of amendment. However, the county zoning regulations also have requirement for notice, by mail, to property owners adjoining an area of an amendment to the zoning map (rezoning). In addition, the property subject of rezoning is required to be posted by sign giving notice 15 days prior to public hearing.

**Must the public hearing be held at the same meeting that action is taken on an amendment?**

No, the public hearing must only be held prior to action. Action may be taken at a subsequent meeting of the County Commission.

**Must the public hearing be held at a regular meeting?**

No, the public hearing must only be held at the call of and under the auspices of the County Commission as required by law. There is no statutory requirement for venue or hearing format. The attorney for the County Executive may provide a set of appropriate options from case law and legal of requirements for public hearing.

**Who can initiate amendment to the zoning regulations?**

A request for amendment to the zoning regulations can come from any of a number of sources. Often requests come from within county government as needed changes are identified. Planning staff, Building Commissioner, Planning Commission, and County Commission are points of possible initiation of amendment. In addition, citizens may initiate amendment in response to their needs for accommodation under specific regulations.

**Who can initiate amendment to the zoning map?**

The same sources as for amendment to the zoning regulations may initiate amendment to the zoning map (rezoning). However, most amendments will be for specific properties where owners wish to establish uses not currently accommodated under existing zoning. Such owners will usually be required to apply for rezoning through the office of the Building Commissioner.

**Who should be the first to consider a request for amendment to the regulations or map?  
Who subsequently considers the request?**

There are no statutory requirements for first consideration of a request. The County Commission has indicated to staff that the County Planning Commission should be first to consider any request and should make recommendation prior to any further consideration. The Intergovernmental Committee then considers the request and may make recommendation to the full Commission. If a rezoning is within a city planning region, then that city-regional planning commission must be notified and allowed the opportunity for review and recommendation. If the request is for amendment of the zoning regulations (text), then both city-regional planning commissions must be notified and allowed an opportunity for review and recommendation. The full County Commission first considers the request in order to set public hearing. Finally, the Commission holds public hearing, after which it is authorized to act on the request.

**What is the role of the Building Commissioner in amendment of the zoning regulations and the zoning map?**

There is no statutory role for the Building Commissioner in amendment of the zoning regulations (text). Under local regulations, the Building Commissioner is responsible for accepting the application and charging a fee for a rezoning request (amendment of the zoning map). In addition, the Building Commissioner is required to post notice in the newspaper, post notice on the property, and send notice by mail to adjoining property owners for any rezoning. The Building Commissioner is often the recipient of written public comment on rezoning, and will pass such along to the County Commission for the record. The Building Commissioner is often the initial point of contact for information requests by the public concerning rezoning.

**What is the role of the Planning Department in amendment of the zoning regulations and the zoning map?**

There is no statutory role for the Planning Department in amendment of the zoning regulations or zoning map. As staff support to the Planning Commission, the Planning Department provides analysis and recommendation on requests for amendment. The planning staff assists the Building Commissioner in his role as identified above. The planning staff traditionally forwards requests and any recommendations for amendments to the Intergovernmental Committee, the full Commission, and the two city-regional planning commissions, and usually handles any required public notice and publication requirements.

**What is the role of the Board of Zoning Appeals in amendment of the zoning regulations and zoning map?**

The Board of Zoning Appeals has no statutory or regulatory role in any request for amendment of the zoning regulations or map. The authority of the Board of Zoning Appeals is limited to special exceptions, variances, zoning map boundary interpretation, and appeals from decisions or actions of the Building Commissioner.

**What is the role of the two city-regional planning commissions?**

Maryville and Alcoa have extraterritorial planning regions. County zoning superceded any previous city zoning in those regions. However, the County must refer any amendment affecting regulation of land or zoning classification within such planning regions to the appropriate city-regional planning commission. The city-regional planning commission has 30 days in which to review and recommend. The County Commission should not take action on any such amendment until such recommendation has been made.

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

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

**A RESOLUTION TO AMEND ARTICLE 4 OF THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE BY ADDITION OF NEW SECTION 4.4 CONCERNING RESIDENTIAL STRUCTURES IN PROGRESS.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

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

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

**WHEREAS**, it is desired to amend such Resolution to specify status of residential structures as projects in progress.

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

**That the Zoning Resolution of Blount County, Tennessee be amended** by addition of a new section as follows: **Section 4.4. For Residential Structures in progress.** Any single family residential structure, being one unit or two units per lot or parcel, or accessory structure to a single family residential structure, started prior to the effective date of this Resolution shall be allowed to proceed to completion, notwithstanding non-conformity of structure, provided that progress on physical construction toward completion is continuous.

**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 Executive

\_\_\_\_\_  
Date

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

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

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTIONS 9.1B AND 9.2B, BY ADDITION OF BED AND BREAKFAST ACCOMMODATIONS AS A USE PERMITTED AS SPECIAL EXCEPTION IN THE S – SUBURBANIZING DISTRICT AND THE R-1 – RURAL DISTRICT 1.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

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

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

**WHEREAS**, it is desired to amend such Resolution to allow bed and breakfast accommodations as a use permitted as special exception in the S – Suburbanizing District and the R-1 Rural District 1.

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

**That the Zoning Resolution of Blount County, Tennessee be amended** by addition of the words “bed and breakfast accommodations” to Section 9.1B Uses Permitted as Special Exceptions (in S-Suburbanizing District) , and to Section 9.2B Uses Permitted as Special Exceptions (in R-1 – Rural District 1).

**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 Executive

\_\_\_\_\_  
Date

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

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

**A RESOLUTION TO AMEND ARTICLE 2 OF THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE BY ADDITION OF NEW SECTION 2.5 CONCERNING DECKS, PATIOS, POOLS AND OTHER STRUCTURES OF LIMITED HEIGHT.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

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

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

**WHEREAS**, it is desired to amend such Resolution to exempt decks, patios, pools and other structures of limited height from setback requirements and permit.

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

**That the Zoning Resolution of Blount County, Tennessee be amended** by addition of a new section 2.5 under Article 2 as follows: **Section 2.5. Decks, patios, pools and other structures of limited height.** Accessory structures such as decks, patios, pools and other unenclosed structures less than thirty (30) inches in height shall be exempt from setback requirements and exempt from building permit, provided that all requirements of Section 7.9 for vision clearance for traffic are met.

**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 Executive

\_\_\_\_\_  
Date

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

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

**A RESOLUTION TO AMEND ARTICLE 2 OF THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE BY ADDITION OF NEW SECTION 2.6 CONCERNING FENCES.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

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

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

**WHEREAS**, it is desired to amend such Resolution to exempt fences of certain height from setback requirements and permit

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

**That the Zoning Resolution of Blount County, Tennessee be amended** by addition of a new section 2.6 under Article 2 as follows: **Section 2.6. Fences.** Fences less than ten (10) feet in height and which are not a part of a site plan required by other sections in this Resolution shall be exempt from setback requirements and exempt from building permit, provided that all requirements of Section 7.9 for vision clearance for traffic are met.

**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 Executive

\_\_\_\_\_  
Date

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

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

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, SECTION 7.4B.2, RAISING EXEMPTED HEIGHT OF CERTAIN ANTENNAS TO 70 FEET.**

**BE IT RESOLVED**, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 16<sup>th</sup> day of November, 2000:

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

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

**WHEREAS**, it is desired to amend such Resolution to exempt certain antennas of height 70 feet or less from regulations in Section 7.4

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

**That the Zoning Resolution of Blount County, Tennessee be amended** by deletion of Section 7.4.B.2. in its entirety and the substitution of the following in its stead: 2. Amateur Radio Station Operator/Receive Only Antennas. This Section shall not apply to any tower, or the installation of any antenna on such tower, that is seventy (70) feet in height or less, and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers greater than 70 feet in height and found within this Section shall continue to apply.

**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 Executive

\_\_\_\_\_  
Date

The following amendments were recommended by action of the Planning Commission at their regular October 26, 2000 meeting and forwarded by action of the Public Service Committee at their November 7, 2000 meeting.

1. That the Zoning Resolution of Blount County, Tennessee be amended by deletion of Sections 7.6 A and C in their entirety and the substitution of the following in their stead:

A. Manufactured home parks and multifamily uses shall have constructed and maintained a buffer along the perimeter of the park development to consist of a minimum building setback of no less than 40 feet from all side and rear property lines, and either a solid non-metallic fence of at least 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least four feet and a depth of at least eight feet along side and rear property lines.

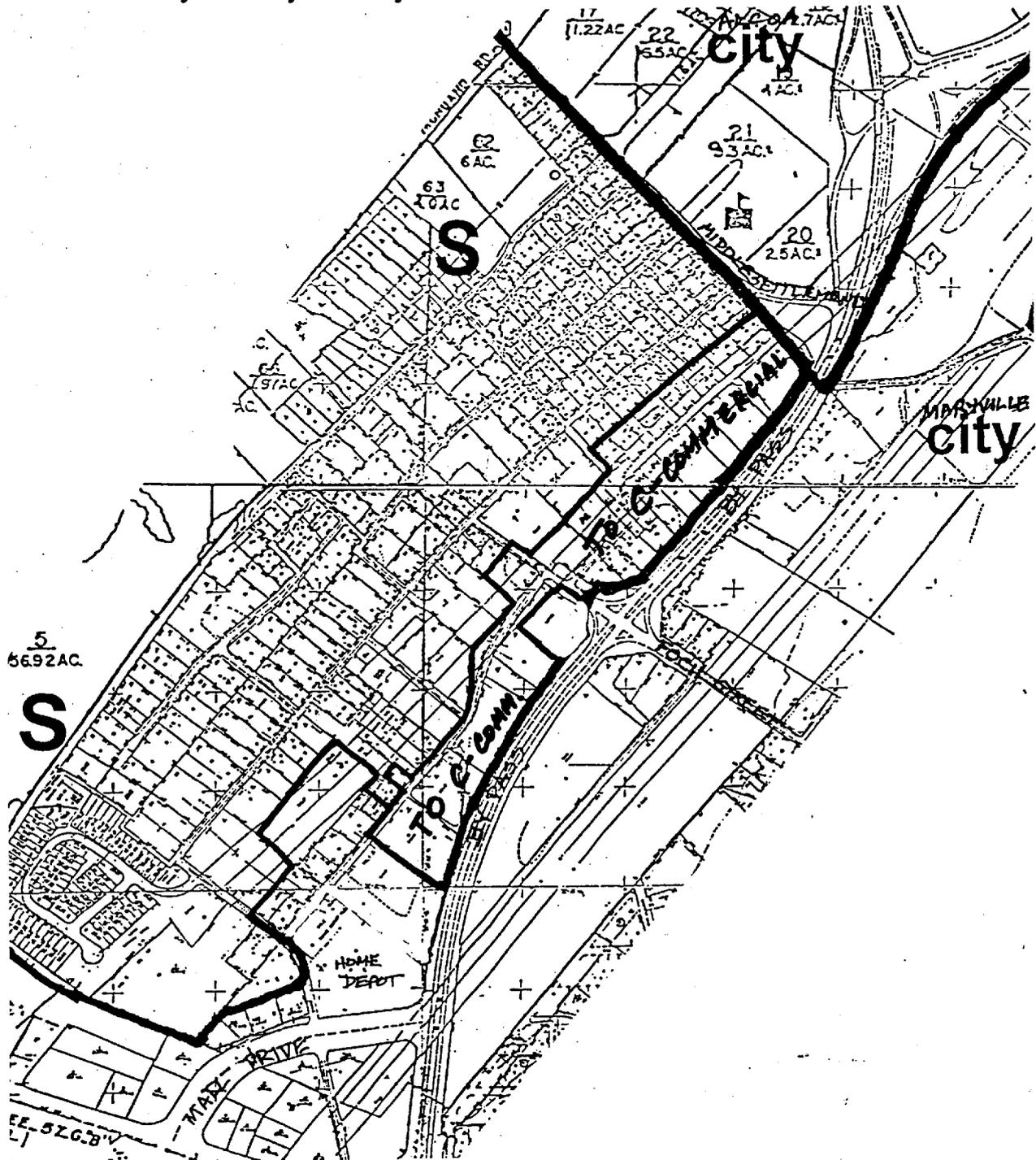
Notwithstanding the above, accessory structures to the residential units may be placed within the required 40 foot setback buffer but no closer than 10 feet to any side or rear property line, provided that such accessory structures shall be no higher than 12 feet and be used only by residents in the developments.

C. All parking within the development shall be off of the paved drives or streets on prepared paved surfaces.

2. That the Zoning Resolution of Blount County, Tennessee be amended by addition of the phrase "golf driving range" to Section 9.1.B concerning uses permitted as special exception in the S – Suburbanizing District, and to Section 9.2.B concerning uses permitted as special exception in the R-1 – Rural District 1.

3. That Section 10.4 be amended by addition of the following sentence: Notwithstanding any other provisions in this Resolution, the Planning Commission may, at its discretion when reviewing and approving site plans, require buffering along side and rear lot lines in the form of solid fencing and/or vegetative growth, for any use other than single family residential use that bounds a residential use or platted residential lot.

4. That the Zoning Map of Blount County, Tennessee be amended from S – Suburbanizing District to C – Commercial District for the following properties indexed by Blount County Tax Map and parcel number: Tax Map 57G”A” parcels 9, 10, 11 and 12, Tax Map 57B”B” parcels 7.10, 18 and 19, Tax Map 46N”C” parcels 15, 16, 16.01, 16.02, 16.03, 17, 18, 19, 19.01, 19.02, 20, 20.01, 20.03, 21, 21.01, 21.02, 22, 23, the rear portion of parcel 4, and that part of parcel 1 under power lines; being more particularly that area off of Highway 129 Bypass in the vicinity of Foch Street, Roosevelt Drive and Whitecrest Drive, defined on the following map with correction for current City of Maryville city limits.



BEER BOARD

MINUTES

November 7, 2000

The Blount County Beer Board met on Tuesday, November 7, 2000, at 6:00 p.m. at the Blount County Courthouse. Present were J. C. Franklin; Steve Hargis; Jim Hill, Vice Chairman; Leroy Huff; Bob Kidd; Ralph Lindsey; Kenneth Melton; Bob Ramsey; Steve Samples and Roy Crawford, Jr., Beer Board Secretary.

Bob Kidd made a motion to approve the minutes of the October 10, 2000 meeting. Ralph Lindsey seconded the motion. A voice vote was taken with Vice Chairman Hill declaring the motion to have passed.

Bob Kidd made a motion to adjourn the meeting. Ralph Lindsey seconded the motion. A voice vote was taken Vice Chairman Hill declaring the motion to have passed.

INTERGOVERNMENTAL COMMITTEE  
MINUTES  
November 7, 2000

The Intergovernmental Committee of the Blount County Board of County Commissioners met on Tuesday, November 7, 2000, at 6:30 p.m. at the Blount County Courthouse. Present were Bob Evans, Chairman; Ron French; Larry Garner; John Keeble; Jeff McCall; Virginia Morton; Dan Neubert; and Kevin Shepherd. Bob Ramsey substituted for Keith Brock, J. C. Franklin substituted for Dennis Cardin, and Steve Hargis substituted for David Graham.

Larry Garner made a motion to approve the minutes of the October 10, 2000 meeting. Kevin Shepherd seconded the motion. A voice vote was taken with Chairman Evans declaring the motion to have passed.

Judge Terry Denton gave a report on the Juvenile Detention Center. The new detention facility should be completed by the end of January 2001. Blount County presently is 2<sup>nd</sup> on the list of statewide list of violations regarding housing of status offenders. Any time the facility is in secure mode and status offenders are also held for a period of 24 hours, the facility is in violation. He requested that the current temporary holding facility be retained to place status offenders when the new facility is completed. Kevin Shepherd made a motion that the Juvenile Department get a written report by next month's meeting from TCCY and DCS regarding current problems with Blount County's facility and what it would take to solve the problem. John Keeble seconded the motion. A voice vote was taken with Chairman Evans declaring the motion to have passed.

Sheriff Berrong discussed the possibility of the County adopting ordinances regarding open containers, noise violations, parking, and speeding. This would allow the County to keep fines, rather than the State. He will consult the County Attorney and present the ordinances to the committee next month.

Jim Hill gave a report for the Education Sub-Committee. The committee met at Friendsville Elementary School. Hot water will be provided to all schools at a cost of \$8,000. Friendsville School is experiencing crowded conditions. A new high school was discussed. The school will cost between \$40 and \$50 million. Construction is expected to start in 2003. The gymnasium size at Eagleton School was discussed. Larry Garner made a motion that the Public Building Authority and the School Construction Committee give the Intergovernmental Committee cost estimates on bringing the gymnasium at Eagleton up to the same size and quality as other middle school gymnasiums in the County. Jeff McCall seconded the motion. A voice vote was taken with Chairman Evans declaring the motion to have passed.

The problem of overcrowding at schools caused by subdivision construction was discussed. The consensus of opinion is that this problem needs to be addressed.

Larry Garner made a motion to send the Public Chapter 1101 dispute resolution process to the County Commission without recommendation. Jeff McCall seconded the motion. A voice vote was taken with Chairman Evans declaring the motion to have passed.

Building Commissioner Roger Fields requested guidance regarding grandfathering of mobile home parks built for rental of lots. Larry Garner made a motion that a memo be sent to the Planning Commission and the Assistant County Executive that no zoning related items be sent to the Intergovernmental Committee or the Commission until the item has a recommendation by the Planning Commission. Virginia Morton seconded the motion. A voice vote was taken with Chairman Evans declaring the motion to have passed.

County Planner John Lamb presented a memorandum regarding questions on matters of amendment to the zoning regulations and zoning map. He also presented recommendations from the Planning Commission for amendments to the zoning regulations. J. C. Franklin made a motion to send the items to the County Commission with a recommendation that a public hearing be set for the December meeting.

Virginia Morton seconded the motion. A voice vote was taken with Chairman Evans declaring the motion to have passed.

Larry Garner suggested that public hearings for amendments to the zoning regulations be held in conjunction with committee meetings. He suggested that the public hearing be held at 6:30 between the Public Services Committee and the Intergovernmental Committee meeting so that the maximum number of commissioners is present. Chairman Evans requested that this item be placed on the agenda of the November County Commission meeting for discussion.

J. C. Franklin made a motion to send to the County Commission a resolution to urge the General Assembly to enact legislation to authorize a Local-Option Realty Transfer Tax. Bob Evans seconded the motion. A voice vote was taken with Chairman Evans declaring the motion to have passed.

Kevin Shepherd made a motion to adjourn the meeting. Larry Garner seconded the motion. Chairman Evans declared the meeting to be adjourned.

PUBLIC SERVICES COMMITTEE  
MINUTES  
November 7, 2000

The Public Services Committee of the Blount County Board of County Commissioners met on Tuesday, November 7, 2000, at 6:00 p.m. at the Blount County Courthouse. Present were J. C. Franklin; Steve Hargis; Jim Hill, Vice Chairman; Leroy Huff; Bob Kidd; Ralph Lindsey; Kenneth Melton; Bob Ramsey; Steve Samples; and Richard Williams, Chairman.

Bob Kidd made a motion to approve the minutes of the October 10, 2000 meeting. J. C. Franklin seconded the motion. A voice vote was taken with Vice Chairman Hill declaring the motion to have passed.

The Beer Board was convened. The Board approved the minutes of the October 10, 2000 meeting.

The Public Services Committee was reconvened.

A letter from Transportation Commissioner J. Bruce Saltsman regarding the Binfield Road Bridge was received.

Bob Evans discussed traffic problems in the Bungalow area. He hopes to hold a public meeting on the problem before next month's meeting. Mr. Evans and the Highway Superintendent will report back to the committee next month.

Billy Anderson discussed with the committee the possibility of an extension to Melody Lane. Tony Abbott and Leroy Huff will do research on the problem and report back to the committee next month.

A report from County Attorney Norman Newton regarding procedure for closing county roads was received.

Tony Abbott reported that the bridge on Melrose Station Road over Little River is nearing completion. He also gave out information on the National Pollutant Discharge Elimination System. A system must be in place by March 2003.

Mr. Abbott informed the committee that Blount County has been approved for a grant for improvements to the intersection of Hembree Hollow Road and Inez Burns Parkway. J. C. Franklin made a motion to send the resolution to the County Commission. Bob Kidd seconded the motion. A voice vote was taken with Vice Chairman Hill declaring the motion to have passed.

J. C. Franklin reported that the Public Building Authority had taken over the former County Commission room and had said that no meetings were to be scheduled for that room. He said that the renovation committee would address the problem at their next meeting. Steve Samples requested that a policy be adopted regarding the use of the new County Commission room. He suggested that the use of the room be at the discretion of committee chairman and that the room remained locked otherwise. All scheduling of the room will be handled by the Maintenance Department. The County Clerk will prepare a resolution for the next County Commission meeting.

Richard Williams made a motion to adjourn the meeting. Bob Kidd seconded the motion. Vice Chairman Hill declared the meeting to be adjourned.

**BUDGET COMMITTEE MEETING**  
**Monday, October 2, 2000 – 12 noon**  
**4<sup>th</sup> Floor Conference Room**

**Minutes**

**Members Present:** County Executive Bill Crisp, J.C. Franklin,  
Steve Samples, Leroy Huff,

**Members Absent:** Bob Kidd

**Others Present:** Susan Gennoe, Dana West, Dave Bennett, Beverley Woodruff, Damon Fortney, Thomas Fraser, Kenneth Melton, Roger Fields, Troy Logan, Jeff French, Jeff Caylor, Bill Dunlap, Mrs. J.C. Franklin, Judy Hackney, Mike Morton

**Called to Order by:** Chairman Bill Crisp

**Approval of Minutes**

The motion was made by Steve Samples and seconded by J.C. Franklin to dispense with the reading of the minutes and to approve them as presented. The motion passed with 4 yes and 1 absent.

**Budget Increases**

**Tourism**

To fund an analysis for marketing opportunities, a request was made for a budget increase in the amount of \$10,000. Monies have already been received and were reserved at June 30, 2000. The motion was made by J.C. Franklin and seconded by Leroy Huff to approve the request. The vote passed with 4 yes and 1 absent.

**Sheriff's Department**

To purchase an Emergency Reverse 911 System, a request was made for a budget increase in the amount of \$41,135. This is a federal grant with the match coming from the Emergency Communications District. The motion was made by Steve Samples and seconded by J.C. Franklin to approve the request. The vote passed with 4 yes and 1 absent.

### **Sheriff's Department**

To purchase the Spectrum 9000 Forensic Light Source, a request was made for a budget increase in the amount of \$13,840. The motion was made by J.C. Franklin and seconded by Steve Samples to approve the request. The vote passed with 4 yes and 1 absent.

### **Budget Transfers**

#### **Property Assessor**

A request was made for a budget transfer in the amount of \$65,036 from cost center 52320 to 52300. The motion was made by J.C. Franklin and seconded by Steve Samples to approve the request. The vote passed with 4 yes and 1 absent.

### **Payment of Invoices Preceding the Purchase Order**

#### **County Executive**

A request was made to pay an invoice from Green Thumb, Inc. in the amount of \$200 for contribution by county employees. The motion was made by J.C. Franklin and seconded by Steve Samples to approve the request. The vote passed with 4 yes and 1 absent.

#### **Highway Department**

A request was made to pay an invoice from Wilds Auto Parts in the amount of \$473.88 for repair parts. The motion was made by J.C. Franklin and seconded by Steve Samples to approve the request. The vote passed with 4 yes and 1 absent.

#### **Building Commissioner**

A request was made to pay invoices from Office Depot in the amount of \$199.98 and \$45.74 for office furniture and supplies. The motion was made by J.C. Franklin and seconded by Leroy Huff to approve the request. The vote passed with 4 yes and 1 absent.

## **Payment of Invoices Exceeding 10% Variance or \$50 of the P.O.**

### **Election**

A request was made to pay an invoice from Stinnett Printing in the amount of \$623 for paper ballots. The motion was made by Steve Samples and seconded by Leroy Huff to approve the request. The vote passed with 4 yes and 1 absent.

### **Other Purchase Order Related Items**

#### **Sheriff's Department**

A request was made to approve a payment authorization issued due to incorrect vendor number on original purchase order. The motion was made by J.C. Franklin and seconded by Steve Samples to approve the request. The vote passed with 4 yes and 1 absent.

### **Discussion/Possible Action**

#### **Building Commissioner**

Roger Fields, Building Commissioner, made a request to purchase a cell phone and pager due to appointments outside the office. The motion was made by J.C. Franklin and seconded by Leroy Huff to approve the request. The vote passed with 3 yes, 1 absent, and 1 abstain.

**Adjourned meeting at 12:40 p.m.**

**BUDGET TRANSFERS**

**INFORMATION ONLY**

**(NO COMMISSION ACTION NEEDED)**

Blount County, Tennessee  
 REQUEST FOR BUDGET TRANSFER  
 Fiscal Year 2000-01

00005299

**POSTED**

Fund Number 101

Cost Center Number 51920

Fund Name Gen.

Cost Center Name INS/RISK Mgmt.

Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-51920-500356	Tuition	300.00
Total Transferred to:		

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-51920-500437	Periodicals	300.00
Total Transferred from:		300.00

Reason for Transfer Request:

Tuition for Risk Mgr. + Adm. Asst  
for "In. Return To Work in Workers'  
Comp" 12/19/00

Note:  
 Total transferred to  
 must agree with total  
 transferred from.

Cynthia Marrow 10/23/00  
 Signature of Department Head Date

Bin Cusp 10-23-00  
 Signature of County Executive Date

00004769

**POSTED**

**Blount County, Tennessee  
REQUEST FOR TRANSFER  
Fiscal Year 2000-2001**

Fund Number 101 Cost Center Number \_\_\_\_\_ Sheriff's Office \_\_\_\_\_

Fund Name General Cost Center Name 054110

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-054110-500709	Data Processing Equipment	1660.00
<b>Total Transferred to:</b>		<b>1660.00</b>

Transfer from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-054110-500411	Data Processing Supply	1660.00
<b>Total Transferred from:</b>		<b>1660.00</b>

Reason for Transfer Request:  
To purchase encase software.

Note:  
Total transferred to  
must agree with total  
transferred from.


10/5/00  
 \_\_\_\_\_  
 Signature of Department Head Date


10/5/00  
 \_\_\_\_\_  
 Signature of County Executive Date

00004766

**POSTED**

**Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER  
Fiscal Year 2000-2001**

Fund Number 142 Cost Center Number 071100

Fund Name School Federal Projects Cost Center Name Regular Education Program

Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
142-071100-500399-11101	Other Contracted Services	2,000.00
Total Transferred to:		2,000.00

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
142-071100-500429-11101	Instructional Supplies	2,000.00
Total Transferred from:		2,000.00

Reason for Transfer Request:

Need additional funds to purchase other contracted services for the "Even Start" program.

Note:  
Total transferred to  
must agree with total  
transferred from.

David L. Cook  
Signature of Department Head

9/28/00  
Date

\_\_\_\_\_  
Signature of County Executive

\_\_\_\_\_  
Date

00004356

Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER  
Fiscal Year 1997-98

POSTED

Fund Number 115

Cost Center Number 56500

Fund Name Blount County Public Library

Cost Center Name Libraries

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
115-56500-709	Data Processing Equipment	\$500.00
Total Transferred to:		\$500.00

Transfer from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
115-56500-711	Furniture & Fixtures	\$500.00
Total Transferred from:		\$500.00

Reason for Transfer Request:

Cover Cost of Site Licenses  
for Microsoft Office

Note:  
Total transferred to  
must agree with total  
transferred from.

Richard E. Payles 9/29/00  
Signature of Department Head Date

Bill Crisp 10/2/00  
Signature of County Executive Date

Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER  
Fiscal Year 2000-01

00005012

POSTED

Fund Number 101

Cost Center Number 51600

Fund Name General County

Cost Center Name Registry Roads

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-51600-500-711	Furniture + Fixtures	164.40
<del>101-51600-500-709</del>	<del>Communication</del>	
Total Transferred to:		164.40

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-51600-500-499	Other Supplies	164.40
Total Transferred from:		164.40

Reason for Transfer Request:

Cabinets

Note:  
Total transferred to  
must agree with total  
transferred from.

B. Woodley  
Signature of Department Head

10-23-00  
Date

B. C.  
Signature of County Executive

10-23-00  
Date

00005380

Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER

**POSTED**

Fiscal Year 2000-01

FUND NO. 101

COST CENTER NO. 053300

FUND NAME General County

COST CENTER NAME General Sessions

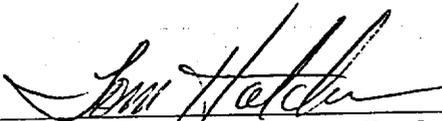
Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-053300-500711	Furniture & Fixtures	\$300.00
Total Transferred to:		\$300.00

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-053300-500399	Other Contracted Services	\$300.00
Total Transferred from:		\$300.00

Reason for Transfer Request For purchase of door\*frame for clerk's office.

  
Signature of Department Head

Oct 31, 2000  
Date

NOTE: Total Transferred  
to must agree with total  
transferred from.

  
Signature of County Executive

Oct 31 00  
Date

Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER  
Fiscal Year 2000-01

00005378

POSTED

Fund Number 101 Cost Center Number 511000  
Fund Name General County Cost Center Name Register of Needs

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
307	Communication	249.90
Total Transferred to:		249.90

Transfer from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
499	Other Supplies	249.90
Total Transferred from:		249.90

Reason for Transfer Request:

I changed phone calls to my calling card that were work related. I was not aware that the recurring charges would be so expensive.

Note:  
Total transferred to must agree with total transferred from.

Beverly Woodley 10-24-00  
Signature of Department Head Date  
Shonda Pitts 10-27-00  
Signature of County Executive Date

**Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER  
Fiscal Year 2000-2001**

0000 **POSTED**

Fund Number 101

Cost Center Number 052200

Fund Name General County

Cost Center Name Purchasing

Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-052200-499	Other supplies & materials	165.00
Total Transferred to:		165.00

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-052200-349	Printing	165.00
Total Transferred from:		165.00

Reason for Transfer Request:

To purchase lockers for employees.

Note:  
Total transferred to  
must agree with total  
transferred from.

Judy Hackney  
Signature of Department Head

10/27/00  
Date

Shonda Pitts  
Signature of County Executive

10-27-00  
Date

Blount County, Tennessee  
 REQUEST FOR BUDGET TRANSFER  
 Fiscal Year 1998-99

00004768  
**POSTED**

Fund Number 131 Cost Center Number 062000

Fund Name HIGHWAYPUBLIC WORKS Cost Center Name HIGHWAYBRIDGE MAINT.

Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
131-062000-500440-00000	Metal Pipe	\$20,000.00
Total Transferred to:		\$20,000.00

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
131-062000-500404-00000	Hot mix Asphalt	\$20,000.00
Total Transferred from:		\$20,000.00

Reason for Transfer Request:

Bridge repair.

Note:

Total transferred to  
must agree with total  
transferred from.

Bill D... [Signature]  
Signature of Department Head

Bill Cisp [Signature]  
Signature of County Executive

10/04/2000

Date

POSTED.

Blount County, Tennessee

REQUEST FOR BUDGET TRANSFER

Fiscal Year 1993-1994

JE Number 00004767

Date Posted 10-5-00

FUND NUMBER 101

COST CENTER NUMBER 051910

FUND NAME General County

COST CENTER NAME Preservation of Records

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101051910500356	Tuition	75.00
Total Transferred to:		75.00

Transfer from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101051910500355	Travel	75.00
Total Transferred from:		75.00

Reason for Transfer Request To pay registration for In Archives Institute.

Joseph M. Cain  
Signature of Department Head

10-5-00  
Date

[Signature]  
Signature of County Executive

10-5-00  
Date

NOTE: Total transferred to must agree with total transferred from.

Form No. BT12792-5

Blount County, Tennessee  
 REQUEST FOR BUDGET TRANSFER  
 Fiscal Year 1997-98

00004377

**POSTED**

Fund Number 101

Cost Center Number 52300

Fund Name General Government

Cost Center Name Property Assessors Office

Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-052300-500349-0	Printing, Stationary, & Forms	200. <sup>00</sup>
Total Transferred to:		

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-052300-500355-0	Travel	200. <sup>00</sup>
Total Transferred from:		

Reason for Transfer Request:

To allow sufficient funds in 349 for payment of supplies ordered.

Note:  
Total transferred to  
must agree with total  
transferred from.

Mike Minton 10-03-00  
Signature of Department Head Date

Bill Crisp 10-3-00  
Signature of County Executive Date

00004357

POSTED

Blount County, Tennessee  
REQUEST FOR TRANSFER  
Fiscal Year 2000-2001

Fund Number 122 Cost Center Number \_\_\_\_\_ Sheriff's Office \_\_\_\_\_

Fund Name Drug Fund Cost Center Name 054110

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
122-054110-500716	Law Enforcement Equipment	9132.00
Total Transferred to:		9132.00

Transfer from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
122-054110-500599	Other Charges	9132.00
Total Transferred from:		9132.00

Reason for Transfer Request:  
Transfer funds in proper account to purchase a DARE car.

Note:  
Total transferred to  
must agree with total  
transferred from.

James Z Berry 10-2-00  
Signature of Department Head Date

Bill Crisp 10-3-00  
Signature of County Executive Date

Blount County, Tennessee  
 REQUEST FOR BUDGET TRANSFER  
 Fiscal Year 1998-1999

0000 4376

**POSTED**

Fund Number 131 Cost Center Number 061000

Fund Name HIGHWAYPUBLIC WORKS Cost Center Name ADMINISTRATION

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
131-061000-500355-00000	Travel	\$750.00
131-061000-500599-00000	Other Charges	\$1,000.00
<b>Total Transferred to:</b>		<b>\$1,750.00</b>

Transfer from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
131-061000-500515-00000	Liability Claims	\$1,750.00
<b>Total Transferred from:</b>		<b>\$1,750.00</b>

Reason for Transfer Request:  
Travel expenses.  
 \_\_\_\_\_  
 \_\_\_\_\_

Note: Total transferred to must agree with total transferred from.

Bill D...  
 Signature of Department Head

Bin Crisp  
 Signature of County Executive

10-02-2000  
 Date

Blount County, Tennessee  
 REQUEST FOR BUDGET TRANSFER  
 Fiscal Year 1998-99

00004375

**POSTED**

Fund Number 131 Cost Center Number 062000

Fund Name HIGHWAYPUBLIC WORKS Cost Center Name HIGHWAYBRIDGE MAINT.

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
131-062000-500399-00000	Contracted Services	\$90,000.00
Total Transferred to:		\$90,000.00

Transfer

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
131-062000-500404-00000	Hot Mix Asphalt	\$90,000.00
Total Transferred from:		\$90,000.00

Reason for Transfer Request: Paving.

---



---



---

Note:  
 Total transferred to  
 must agree with total  
 transferred from.

*Bill W...*  
 Signature of Department Head

*Bill Crisp*  
 Signature of County Executive

10/02/2000  
 Date

Blount County, Tennessee  
**REQUEST FOR BUDGET TRANSFER**  
 Fiscal Year 1993-1994

00004374  
**POSTED**

FUND NUMBER 101

COST CENTER NUMBER 54240

FUND NAME Gen. Gov't

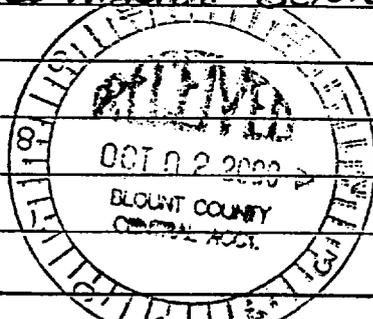
COST CENTER NAME Juvenile Services

Transfer to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-54240-499	other supplies + materials.	\$ 500. <sup>00</sup>
Total Transferred to:		\$ 500. <sup>00</sup>

Transfer from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
101-54240-399	other contracted services	\$ 500. <sup>00</sup>
Total Transferred from:		\$ 500. <sup>00</sup>



Reason for Transfer Request for J.V. & other supplies & materials

John P. Odom  
 Signature of Department Head

10-2-00  
 Date

Bill Crisp  
 Signature of County Executive

10-2-00  
 Date

NOTE: Total transferred to must agree with total transferred from.

**Blount County, Tennessee  
REQUEST FOR BUDGET TRANSFER  
Fiscal Year 1999-00**

00005381  
**POSTED**

Fund Number 101

Cost Center Number 51600

Fund Name General Court

Cost Center Name Register & Deeds

Transfer  
to:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
499	Other Supplies & Materials	1,000-
Total Transferred to:		1,000-

Transfer  
from:

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
399	Other Contracted Services	1,000-
Total Transferred from:		1,000-

Reason for Transfer Request:

Dejected

Note:  
Total transferred to  
must agree with total  
transferred from.

[Signature] 11-2-00  
Signature of Department Head Date

[Signature] 11/2/00  
Signature of County Executive Date

CRAWFORD, CRAWFORD & NEWTON  
 Attorneys at Law  
 P. O. Box 4338  
 Maryville, TN 37802

November 02, 2000

Blount County Government  
 c/o William A. Crisp  
 Blount County Executive  
 341 Court Street  
 Maryville TN 37804-5906

**INFORMATION  
 ONLY**

	Fees/ Costs	Payments/ Credits/ Refunds	Prev. Bal/ New Chgs/ Pm/Cr/Ref/ New Bal
REFERENCE: Allison v. Blount			
	\$484.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$484.00
		\$0.00	\$0.00
			\$484.00
REFERENCE: County Commission			
	\$726.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$726.00
		\$0.00	\$0.00
			\$726.00
REFERENCE: County Executive			
	\$1,144.00	\$0.00	\$0.00
	\$100.47	\$0.00	\$1,244.47
		\$0.00	\$0.00
			\$1,244.47
REFERENCE: Clerk and Master			
	\$11.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$11.00
		\$0.00	\$0.00
			\$11.00
REFERENCE: Coward v. Blount			
	\$33.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$33.00
		\$0.00	\$0.00
			\$33.00

	Fees/ Costs	Payments/ Credits/ Refunds	Prev. Bal/ New Chgs/ Pm/Cr/Ref/ New Bal
REFERENCE: Election Commission	\$198.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$198.00
		\$0.00	\$0.00
			\$198.00
REFERENCE: Everett v. Holden	\$55.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$55.00
		\$0.00	\$0.00
			\$55.00
REFERENCE: Fleming v. Berrong	\$77.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$77.00
		\$0.00	\$0.00
			\$77.00
REFERENCE: Insurance/Risk Management	\$132.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$132.00
		\$0.00	\$0.00
			\$132.00
REFERENCE: Knouff v. Blount	\$33.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$33.00
		\$0.00	\$0.00
			\$33.00
REFERENCE: Lewis v. Lenoir	\$55.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$55.00
		\$0.00	\$0.00
			\$55.00
REFERENCE: Public Building Authority	\$2,222.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$2,222.00
		\$0.00	\$0.00
			\$2,222.00
REFERENCE: Planning Department			

	Fees/ Costs	Payments/ Credits/ Refunds	Prev. Bal/ New Chgs/ Pm/Cr/Ref/ New Bal
	\$297.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$297.00
		\$0.00	\$0.00
REFERENCE: Potter v. Berrong			\$297.00
	\$1,012.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$1,012.00
		\$0.00	\$0.00
REFERENCE: Purchasing Department			\$1,012.00
	\$11.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$11.00
		\$0.00	\$0.00
REFERENCE: Rauhuff v. Aycocke			\$11.00
	\$11.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$11.00
		\$0.00	\$0.00
REFERENCE: Sheriff's Department			\$11.00
	\$242.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$242.00
		\$0.00	\$0.00
REFERENCE: Smith v. Blount			\$242.00
	\$330.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$330.00
		\$0.00	\$0.00
			\$330.00
<b>GRAND TOTAL</b>	<b>\$7,073.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
	\$100.47	\$0.00	\$7,173.47
		\$0.00	\$0.00
			<b>\$7,173.47</b>

CRAWFORD, CRAWFORD & NEWTON

Attorneys at Law  
P. O. Box 4338  
Maryville, TN 37802

November 02, 2000

Blount County Government  
c/o William A. Crisp  
Blount County Executive  
341 Court Street  
Maryville TN 37804-5906

REFERENCE: Allison v. Blount

	<u>Hrs/Rate</u>	<u>Amount</u>
10/02/00 Answers to interrogatories, response to request for production, receive and review case law from Sixth Circuit, review cases and research notes re use of K-9s	3.40 110.00/hr	374.00
10/03/00 Telephone conference with S. Lawhorn, conference with S. Lawhorn, answers to interrogatories, response to request to admit	0.90 110.00/hr	99.00
10/18/00 Receive and review correspondence	0.10 110.00/hr	11.00
For professional services rendered:	<u>4.40</u>	<u>\$484.00</u>

REFERENCE: County Commission

	<u>Hrs/Rate</u>	<u>Amount</u>
10/06/00 Telephone conference with D. Morgan at Department of Transportation, telephone conference with county clerk	0.30 110.00/hr	33.00
10/10/00 Telephone conference with county clerk, memorandum, Public Services committee meeting	1.40 110.00/hr	154.00
10/11/00 Office conference with county clerk	0.30 110.00/hr	33.00
10/13/00 Receive and review agenda; research re closure of public road	1.40 110.00/hr	154.00
10/16/00 Memorandum; conference with county clerk re information packet documents	1.60 110.00/hr	176.00

Blount County Government

	<u>Hrs/Rate</u>	<u>Amount</u>
10/17/00 Receive and review Attorney General Opinion Nos. 99-216 and 98-034	0.30 110.00/hr	33.00
10/18/00 Receive and review information packet and committee minutes, telephone conference with county clerk	0.60 110.00/hr	66.00
10/25/00 Receive and review minutes for 10/19/00 commission meeting, telephone conference with county clerk	0.40 110.00/hr	44.00
10/26/00 Receive and review corrected minutes, telephone conference with county clerk	0.30 110.00/hr	33.00
For professional services rendered:	<u>6.60</u>	<u>\$726.00</u>

REFERENCE: County Executive

	<u>Hrs/Rate</u>	<u>Amount</u>
10/02/00 Telephone conference with B. Crisp	0.20 110.00/hr	22.00
10/05/00 Three telephone conferences with B. Crisp, research, memorandum	0.80 110.00/hr	88.00
10/06/00 Memoranda	1.40 110.00/hr	154.00
10/09/00 Receive and review Attorney General Opinion No. 00-152, conference with R. Goddard	0.30 110.00/hr	33.00
10/10/00 Telephone conference with R. Pitts; memorandum	0.40 110.00/hr	44.00
10/11/00 Telephone conference with D. Morgan at Tennessee Department of Transportation	0.20 110.00/hr	22.00
10/17/00 Conference with D. Bennett, conference with B. Crisp	0.30 110.00/hr	33.00
10/23/00 Telephone conference with B. Crisp, review T.C.A. 13-7-105; telephone conference with David Black, conference with B. Crisp; review Chapter 231, 1988 Private Acts	1.10 110.00/hr	121.00
10/24/00 Telephone conference with D. Bennett; memorandum; telephone conference with D. Black, telephone conference with R. Pitts, letter	1.50 110.00/hr	165.00
10/25/00 Conference with B. Crisp	0.10 110.00/hr	11.00

	<u>Hrs/Rate</u>	<u>Amount</u>
10/27/00 Memorandum	0.40 110.00/hr	44.00
10/30/00 Conference with B. Crisp, preparation for Chapter 1101 meeting	1.30 110.00/hr	143.00
10/31/00 Conference with B. Crisp, G. Hensley and D. Black; memorandum, telephone conference with B. Bradshaw	2.40 110.00/hr	264.00
For professional services rendered:	<u>10.40</u>	<u>\$1,144.00</u>

## Costs Advanced:

	<u>Qty/Price</u>	
10/16/00 Long distance telephone	1 0.47	0.47
10/30/00 Tennessee County Attorneys Association membership (G7299)	1 100.00	100.00
Total costs		<u>\$100.47</u>

## REFERENCE: Clerk and Master

	<u>Hrs/Rate</u>	<u>Amount</u>
10/23/00 Telephone conference with B. Shamblin	0.10 110.00/hr	11.00
For professional services rendered:	<u>0.10</u>	<u>\$11.00</u>

## REFERENCE: Coward v. Blount

	<u>Hrs/Rate</u>	<u>Amount</u>
10/06/00 Receive and review notice	0.10 110.00/hr	11.00
10/13/00 Research re summary judgment	0.20 110.00/hr	22.00

For professional services rendered:

<u>Hours</u>	<u>Amount</u>
0.30	\$33.00

REFERENCE: Election Commission

	<u>Hrs/Rate</u>	<u>Amount</u>
10/25/00 Research re sale of alcoholic beverages for consumption on election day, telephone conference with Alcoholic Beverage Commission, telephone conference to Secretary of State, telephone conference to State Election Coordinator, telephone conference with B. Henry-Robertson	1.20 110.00/hr	132.00
10/26/00 Research re political signs in road rights of way, telephone conference with D. Elks at Alcoholic Beverage Commission	0.60 110.00/hr	66.00
For professional services rendered:	1.80	\$198.00

REFERENCE: Everett v. Holden

	<u>Hrs/Rate</u>	<u>Amount</u>
10/11/00 Notice, letter	0.50 110.00/hr	55.00
For professional services rendered:	0.50	\$55.00

REFERENCE: Fleming v. Berrong

	<u>Hrs/Rate</u>	<u>Amount</u>
10/24/00 Receive and review Order and Memorandum and Order, memorandum	0.70 110.00/hr	77.00
For professional services rendered:	0.70	\$77.00

REFERENCE: Insurance/Risk Management

	<u>Hrs/Rate</u>	<u>Amount</u>
10/02/00 Telephone conference with C. Marrow, receive and review documents re child care programs	0.60 110.00/hr	66.00
10/03/00 Telephone conference with C. Marrow	0.10 110.00/hr	11.00
10/04/00 Two telephone conferences with C. Marrow, receive and review memoranda	0.30 110.00/hr	33.00
10/12/00 Telephone conference with C. Marrow	0.10 110.00/hr	11.00
10/23/00 Receive and review memorandum and correspondence	0.10 110.00/hr	11.00
For professional services rendered:	1.20	\$132.00

REFERENCE: Knouff v. Blount

	<u>Hrs/Rate</u>	<u>Amount</u>
10/26/00 Receive and review memorandum and correspondence, telephone conference with I. King	0.30 110.00/hr	33.00
For professional services rendered:	0.30	\$33.00

REFERENCE: Lewis v. Lenoir

	<u>Hrs/Rate</u>	<u>Amount</u>
10/25/00 Receive and review Order and Memorandum and Order, memorandum	0.50 110.00/hr	55.00
For professional services rendered:	0.50	\$55.00

REFERENCE: Public Building Authority

	<u>Hrs/Rate</u>	<u>Amount</u>
10/03/00 Receive and review proposed construction manager agreement with Merit Construction, Inc.	1.00 110.00/hr	110.00
10/04/00 Review proposed construction manager agreement with Merit Construction, Inc.	2.60 110.00/hr	286.00
10/05/00 Memorandum, telephone conference with J. Greer	3.70 110.00/hr	407.00
10/10/00 Two telephone conferences with J. Greer, indemnity agreement	0.30 110.00/hr	33.00
10/11/00 Indemnity agreement, office conference with J. Greer, telephone conference with L. Brown	0.60 110.00/hr	66.00
10/16/00 Memorandum, telephone conference with J. Fletcher, receive and review legal description and related documents, receive and review sewer line easement legal description, title research in Property Assessor and Register of Deeds offices	2.30 110.00/hr	253.00
10/17/00 Title research in probate clerk's office, two telephone conferences with J. Greer, grant of sewer line easement, memorandum	2.00 110.00/hr	220.00
10/18/00 Memorandum, review plats and MHA acquisition files re deed for library property, research in Property Assessor and Register of Deeds offices	2.70 110.00/hr	297.00
10/23/00 Deed of conveyance	1.10 110.00/hr	121.00
10/24/00 Deed of conveyance, telephone conference with J. Greer, telephone conference with B. Judkins	0.50 110.00/hr	55.00
10/26/00 Telephone conference with J. Greer, resolution authorizing conveyance of Greenbelt property to county for library project, operating agreement for Carpenter's School, conference with J. Greer, telephone conference with W. Judkins	1.70 110.00/hr	187.00
10/27/00 Resolution, deed, telephone conference with M. Hodge, receive and review agenda, telephone conference with W. Judkins, preparation for Public Building Authority meeting, Public Building Authority meeting	1.70 110.00/hr	187.00
For professional services rendered:	20.20	\$2,222.00

REFERENCE: Planning Department

	<u>Hrs/Rate</u>	<u>Amount</u>
10/10/00 Telephone conference with R. Fields, review zoning resolution and T.C.A. 13-7-111	0.50 110.00/hr	55.00

10/11/00 Memorandum

<u>Hrs/Rate</u>	<u>Amount</u>
0.40 110.00/hr	44.00

10/25/00 Conference with J. Lamb, research re private easements

0.50 110.00/hr	55.00
-------------------	-------

10/26/00 Memorandum, telephone conference with B. Collins

1.30 110.00/hr	143.00
-------------------	--------

For professional services rendered:

<u>2.70</u>	<u>\$297.00</u>
-------------	-----------------

REFERENCE: Potter v. Berrong

10/06/00 Telephone conference with G. Prince's office, telephone conference with J. Long, preparation for conference with officers

<u>Hrs/Rate</u>	<u>Amount</u>
1.20 110.00/hr	132.00

10/09/00 Preparation for conference with officers, conference with six officers, Sheriff Berrong and G. Prince, revise answer

4.80 110.00/hr	528.00
-------------------	--------

10/10/00 Revise answer

0.80 110.00/hr	88.00
-------------------	-------

10/11/00 Three telephone conferences with G. Prince, telephone conference with H. Moncier, telephone conference with J. Long, revised answer, memorandum

2.10 110.00/hr	231.00
-------------------	--------

10/12/00 Telephone conference with G. Prince, telephone conference with J. Long

0.20 110.00/hr	22.00
-------------------	-------

10/23/00 Receive and review correspondence

0.10 110.00/hr	11.00
-------------------	-------

For professional services rendered:

<u>9.20</u>	<u>\$1,012.00</u>
-------------	-------------------

REFERENCE: Purchasing Department

10/31/00 Telephone conference with F. Martin

<u>Hrs/Rate</u>	<u>Amount</u>
0.10 110.00/hr	11.00

For professional services rendered:

<u>0.10</u>	<u>\$11.00</u>
-------------	----------------

REFERENCE: Rauhuff v. Aycocke

10/11/00 Receive and review notice

<u>Hrs/Rate</u>	<u>Amount</u>
0.10 110.00/hr	11.00
<u>0.10</u>	<u>\$11.00</u>

For professional services rendered:

REFERENCE: Sheriff's Department

10/06/00 Two telephone conferences with Mercks, research re polygraph exam, T.C.A. 62-27-101, et seq., administrative rules and federal Employees Polygraph Protection Act

<u>Hrs/Rate</u>	<u>Amount</u>
0.80 110.00/hr	88.00

10/25/00 Telephone conference with T. Crisp, research re inmate commissary

0.30 110.00/hr	33.00
-------------------	-------

10/30/00 Telephone conference with D. Wheeler

0.10 110.00/hr	11.00
-------------------	-------

10/31/00 Telephone conference with R. Dunn, review T.C.A. 71-4-501, et seq., memorandum

1.00 110.00/hr	110.00
-------------------	--------

For professional services rendered:

<u>2.20</u>	<u>\$242.00</u>
-------------	-----------------

REFERENCE: Smith v. Blount

10/03/00 Telephone conferences with G. Prince's office, review Scottsdale policy, conference with G. Prince, A. Hord, D. A. Young, D. Young and T. McNeilley, letter, review accident report and bus route agreement, telephone conference with county clerk, receive and review vehicle title and registration information

<u>Hrs/Rate</u>	<u>Amount</u>
2.70 110.00/hr	297.00

10/06/00 Receive and review correspondence, telephone conference with G. Prince's office

0.20 110.00/hr	22.00
-------------------	-------

10/27/00 Receive and review correspondence

0.10 110.00/hr	11.00
-------------------	-------

For professional services rendered:

<u>3.00</u>	<u>\$330.00</u>
-------------	-----------------

4857 Sevierville Road  
Maryville, TN 37804  
November 2, 2000

**INFORMATION  
ONLY**

Blount County Budget Committee &  
Blount County Commission  
c/o Blount County Executive's Office  
341 Court Street  
Maryville, TN 37804-5906

Dear Sirs:

Re: Wheel Tax/Highway Improvements

The lead article in the November 1, 2000 Daily Times suggests that a few concerns of the residents of Blount County should be addressed.

I first started investigating Eastern Tennessee in 1991 as a potential area in which to retire. At the time a sailboat on the Gulf Coast, the Florida Keys, and the Bahamas was our only home. We are originally from Michigan, but have also lived in Indiana, Oklahoma, Texas, New Mexico, Kentucky, and Mississippi. One of the items which impressed me about Eastern Tennessee during our early reviews was the quality of it's roads. Not necessarily their surfaced widths and certainly not the shoulders of many of them, but the condition of the surfaces was excellent by comparison to many other states. In the summer of 1999 my wife and I, being of an age where we felt that we should see the National Parks which we had not visited, while we were still able to do so, took a trip of close to 10,000 miles through the Northwest U.S. and Canadian Southwest and traveled through 19 National Parks. Should you wish to see a road which will make your hair stand on end, try California 190!

The following are a few observations which I believe merit consideration. These are primarily generated as a result of the Daily Times article.

Lawsuits: Of course, I'm not privy to the exact cause of those mentioned, but I would not be surprised to learn that they were mainly the result of lack of adequate surfaced width and sufficient shoulder width. Excessive speed for the road conditions might also be a contender as speed limits are rarely enforced.

Roads "...immediate needs...improvements." One of those mentioned was Sevierville Road on which I have lived for the past six years. I once drove a truck, transporting up to 2,000 gallons of hydrochloric acid, for a living. About the only thing that Sevierville Road needs, between Maryville and the Sevierville County line would be the same attention given to it just north east of the Little River bridge, some lane widening and additional shoulder width. A treatment similar to that of US 411 south of Maryville is not presently a necessity in my opinion. It appears to me that, other than local trucks, the

majority of the larger trucks using the stretch are those attempting to avoid the weigh masters. When a truck bed is barely 2+ inches from riding on its tires, one suspects overloading. Another question as to the proposed upgrading is that of who pays the cost. This is in fact, US 411. This, it seems, would be a much better choice for Federal funds than the ill fated "Parkway." One might go on at length about the need [?] to finish it to the valley.

While there are a number of the roads "...needing attention..." which I am not all that knowledgeable about, I do drive the Old Niles Ferry Road weekly. I cannot say that I have found it to be any type of problem when the speed limits and stop signs are adhered to. At least, I have found this to be true as far as a couple of miles south of the Mint Road junction.

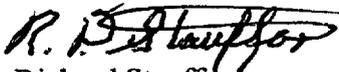
One criticism, if I may, correction of which should certainly save lives and reduce lawsuits, is that it is rare to see an automobile in this area which stops at a stop sign. In fact, most only slow down enough to make it around the corner without "squealing" their tires.

Consideration to holding the migration of people to this county to a more acceptable rate could be partly a result of not converting US 411 from Maryville to the Sevierville County line in the manner that US 411 south of Maryville was changed. I do understand the need to make that change. It would also tend to reduce the loss of private land to the government. Has anyone noted that the US Government now owns over 40% of the United States?

In summary, it would appear that there may be some viable alternatives which would resolve problems in a more cost effective manner.

Thank you very much for your time and consideration in this matter.

Sincerely,

  
Richard Stauffer

CC/Computer file: BCO1100