

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
AGENDA

Monday
November 10, 2025
6:00 p.m. Room 312

1. Call to Order

2. Prayer / Pledge of Allegiance

3. Approval of Agenda

4. Appearance of Citizens

5. Oak Ridge Housing Authority – Speaker Maria Catron – requested by Commissioner Verran

6. Intergovernmental

- Tennessee Waste to Jobs – presentation by Gary Cohen – requested by Commissioner Wandell
- Rosedale Clean Water Update – requested by Commissioner Wandell
- CRESO / Poor Farm / Blockhouse Valley Landfill Site – discussion requested by Commissioner Wandell
- Public forum requested for the American Nuclear Site clean-up / use of property – from September Operations meeting
- Tele-Health for Animals – Deferred from September Operations

7. Legislative

- Fireworks Private Act – deferred from October Operations meeting

8. AI System for Minutes – requested by County Clerk, Jeff Cole

9. Mayor's Report

- National Flood Insurance Program Draft Resolution
- Request to approve installing two small plaques in the new Dental Clinic
- AI Business Case

10. Law Director's Report

- A. Contract Approvals
- B. Zoning Violations
- C. Bankruptcies
- D. Other
 - Senior Center Copyright Claim (Pixsy)
 - General Session II Update
- E. Litigation Updates

11. Claxton Kids Palace Park – discussion requested by Chairman Isbel

12. ACWA Minutes

13. Strategic Planning Update

Unfinished Business

New Business

Adjourn

Annette Prewitt

From: Commissioner Tracy Wandell
Sent: Wednesday, November 5, 2025 10:11 AM
To: isbelt@ymail.com; Annette Prewitt
Subject: Operations Agenda request

Dear Chairman Isbel,

I respectfully ask the following items be added to the Operations agenda for discussion.

Claxton Kids Palace Park - discussion
Tennessee Waste to Jobs - Gary Cohen presentation
Rosedale clean water - update request
CRESO / Poor Farm - discussion

Respectfully,

Tracy

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Tracy Wandell

Anderson County Commissioner

District 1

865-388-0921 cell

twandell@andersoncountyttn.gov

22

Anderson County, Tennessee
Board of Commissioners
RESOLUTION NO: 09-321

**RESOLUTION DECLARING THE BLOCKHOUSE VALLEY LANDFILL
SITE A NATURE PRESERVE AND OUTDOOR RESEARCH CENTER**

WHEREAS, the 290 acre Blockhouse Valley Landfill site is currently progressing through the remediation process as mandated and supervised by the Tennessee Department of Environment and Conservation, and

WHEREAS, the remediation process is scheduled to be completed in 2016 and Anderson County anticipates at that time transferring operational control to the Anderson County Conservation Board for utilization as a county park for the use and benefit of all Anderson County citizens, and

WHEREAS, the Tennessee Department of Environment and Conservation has agreed to allow limited public access to the site for educational and scientific research efforts, and

WHEREAS, the Anderson County Board of Commissioners desires to establish regulations and guidelines for limited public use of the site.

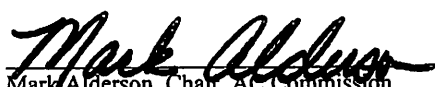
NOW THEREFORE, BE IT RESOLVED, by the Anderson County Board of Commissioners meeting in regular session this 17th day of August 2009 that the former Blockhouse Valley Landfill site is declared a county nature preserve and outdoor research center for educational and scientific research efforts.

BE IT FURTHER RESOLVED that the following land use restrictions are established:

- 1) Access to the site will be scheduled through the Office of the County Mayor or designee.
- 2) Only educational and research users will be permitted. All other public uses are prohibited.
- 3) No access or encroachment of any type on the identified waste cells will be allowed.
- 4) No hunting, fishing or recreational activities are permitted.
- 5) No structures shall be erected, wells drilled or excavation permitted without prior consent by the Office of the County Mayor or designee.

BE IT FURTHER RESOLVED, that Anderson County and the Commissioner of the Tennessee Department of Environment and Conservation may enforce land use restrictions by means of civil action and fines up to ten thousand dollars (\$10,000.00) per violation, injunctions or criminal prosecution pursuant to *Tennessee Code Annotated §68-212-213* punishable as a Class B misdemeanor.

RESOLVED DULY PASSED AND APPROVED this 17th day of August 2009.


Mark Alderson, Chair, AC Commission


Rex Lynch, Anderson County Mayor

ATTEST:


Jeff Cole, Anderson County Clerk

12. Commissioner Rose moved to approve written request from District Attorneys' Office the following appropriation in the 101 County General Fund. Seconded by Commissioner Moore.

Voting Aye: Alley, Bolling, Cox, Creasey, Haun, Iwanski, Jernigan, Moore, Rose and White. NO: Alderson, Archer, Dickens, Fritts, Gillenwaters and Stonecipher. Motion carried.

Increase Expenditure Code:

101-53600-161	Secretary	514.45
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Decrease Code:

101-39000	Undesignated Fund Balance	514.45
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13. Commissioner White moved to approve written request from Gail D Cook, Director of Accounts and Budgets the following appropriation in 101 County General Fund. Seconded by Commissioner Iwanski.

Voting Aye: Alderson, Alley, Archer, Bolling, Cox, Creasey, Fritts, Gillenwaters, Haun, Iwanski, Moore, Rose, Stonecipher and White. NO: Dickens and Jernigan. Motion carried.

Increase Expenditure Code:

101-51800-162-5500	Clerical Personnel	13,500.00
101-51800-187-5500	Overtime	4,860.00
101-51800-189-5500	Part-time Personnel	3,800.00
101-51800-349-5500	Printing & Forms	720.00
101-51800-355-5500	Travel	1,676.00
101-51800-435-5500	Office Supplies	300.00
101-51800-499-5500	Other Supplies & Materials	680.00
101-51800-524-5500	Staff Development	700.00
	Total	26,236.00

Increase Revenue Code:

101-47990-5500	Grant Revenue	23,612.00
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Decrease Code:

101-39000	Undesignated Fund Balance	2,624.00
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14. Commissioner Rose moved to approve written request from Gail D Cook, Director of Budgets and Accounts the following transfer in 101 County General Fund and to move oversight responsibility of Block House Valley Landfill to Engineering and Public Works Department. Seconded by Commissioner Archer. Motion carried by voice vote. NO: Alley.

Increase Expenditure Code:

101-51900-331-3311	Legal Fees - Landfill	3,000.00
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Decrease Expenditure Code:

101-51900-399-3311	Contracted Services - Landfill	3,000.00
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15. Commissioner Rose moved to approve written request from Gail D Cook, Director of Budget and Accounts the following appropriation in 101 County General Fund of \$30,000.00 for Probation Department. Seconded by Commissioner Iwanski.

Voting Aye: Alley, Archer, Haun, Iwanski, Rose and White. NO: Alderson, Bolling, Cox, Creasey, Dickens, Fritts, Gillenwaters, Jernigan, Moore and Stonecipher. Motion failed.

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
MINUTES
September 8, 2025
6:00 PM Room 312

Members Present: Tim Isbel, Tracy Wandell, Joshua Anderson, Ebony Capshaw, Michael Foster, Stephen Verran and Robert McKamey.

Members Absent: Phil Yager

Call to Order: Chairman Isbel called the meeting to order.

Commissioner Vowell said the prayer.

Chairman Wandell led the Pledge of Allegiance

Commissioner Wandell made a motion to approve the agenda as amended. Motion passed.
Commissioner Wandell requested to move TN Waste to Jobs up to #6 Intergovernmental
County Clerk moved to next month.
Add Oak Ridge General Sessions Court to Intergovernmental.

Appearance of Citizens
Todd Waterman
Robin Graham

Election of Chairman and Vice-Chairman

Commissioner Wandell nominated Isbel for Chairman. Second by Commissioner McKamey.
Motion passed.

Commissioner McKamey nominated Tracy Wandell for Vice-Chairman. Second by
Commissioner Foster. Motion passed.

Intergovernmental

↖ Tennessee Waste to Jobs - Presentation by Gary Cohen, needs support for recycling materials.
Commissioner Wandell made a motion to send to Solid Waste Board for further evaluation and
come back to this Committee in 30 days. Second by Commissioner Capshaw. Motion passed.

New River Water Line – Commissioner Wandell made a motion that ACWA pursue the TDEC
AML Program Fee Grant and an IIJA AML Grant to finish the water lines up to Fork Mountain
Church. Second by Commissioner Anderson. Motion passed unanimously to forward to full
commission for approval.

Commissioner Allen requested that the Operations Committee consider having a public forum for
citizens input on how to use the clean-up property. *Ann Nuclear Corp site clean-up event*
Commissioner Wandell made a motion to get a copy of the resolution about the 294+ acres that
was done previously and bring back to this committee next meeting. Second by Commissioner
Capshaw. Motion passed.

Oak Ridge General Sessions Court – Commissioner Wandell made a motion for the Law Director
to respond to Mayor Gooch and City Council with \$50,000 a year thru 2030 with a one time
payment of \$50,000 for improvements. Second by Commissioner Capshaw. Motion passed to

put on
Nov
Agenda
per Tracy
OK

old
POOR Farm
Block House
Valley LF
Nature

Anderson County, Tennessee
Board of Commissioners
RESOLUTION NO:10-354

**RESOLUTION REQUESTING FEDERAL AND STATE ASSISTANCE FOR THE
REMEDATION AND CLEAN-UP OF THE FORMER AMERICAN NUCLEAR SITE**

WHEREAS, the former American Nuclear site is located in the Claxton community of Anderson County, Tennessee and is currently under the control and ownership of the Tennessee Department of Environment and Conservation (TDEC), and

WHEREAS, prior to the abandonment and insolvency of the business in the early 1970's, the company processed cobalt and cesium for medical treatment facilities and received the majority of these highly enriched materials from the Oak Ridge National Laboratories and various subcontractors servicing Department of Energy facilities, and

WHEREAS, to date the site contains significant measurable amounts of toxic nuclear waste and is an immediate danger to health, safety and welfare of the surrounding residents.

NOW THEREFORE BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 17th day of May, 2010 that we pledge our support and cooperation in the remediation of the American Nuclear site and we are ready and willing to accept ownership and control of the land, once completely acceptable for public use by TDEC, with the intended stated public use as parking facility for the future Blockhouse Valley public recreational complex, nature preserve and outdoor research center.

BE IT FURTHER RESOLVED that we respectfully request:

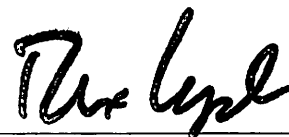
- 1) Our Congressional delegation to the United States Congress request and appropriate federal stimulus money to the clean-up and remediation efforts dedicated to the American Nuclear site, and
- 2) Our state representatives to the Tennessee General Assembly assist with this endeavor by requesting state stimulus monies be appropriated to the project and urging TDEC to remediate the site for the public safety of surrounding residents, and
- 3) The Department of Energy to partner with Anderson County and TDEC to facilitate the successful clean-up and remediation of the former American Nuclear site, and
- 4) Authorize the Anderson County Environmental Coordinator to immediately apply for federal Environmental Protection Agency - Brownfields Environmental Assessment and Remediation Grants, and
- 5) That TDEC authorize any Anderson County expenditures needed for the characterization and assessment study to be considered as setoffs and payments for fines attributed to the former Blockhouse Valley Landfill site, and
- 6) That the Anderson County Clerk be directed to send a copy of this approved resolution to our federal delegation to the United States Congress, representatives to the Tennessee General Assembly, Secretary to the Department of Energy, Environmental Protection Agency and Commissioner for the Tennessee Department of Environment and Conservation.

RESOLVED DULY PASSED AND APPROVED this 17th day of May 2010.



Mark Alderson, Chair, AC Commission





Rex Lynch, Anderson County Mayor

ATTEST:



Jeff Cole, Anderson County Clerk

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
AMENDED MINUTES
October 13, 2025
6:00 PM Room 312

Members Present: Tim Isbel, Tracy Wandell, Joshua Anderson, Ebony Capshaw, Michael Foster, Phil Yager, Stephen Verran and Robert McKamey.

Members Absent: None

Call to Order: Chairman Isbel called the meeting to order.

Reverend Otis Phillips said the prayer.

Civil Air Patrol led the Pledge of Allegiance

Commissioner Wandell made a motion to approve the agenda as amended. Second by Commissioner Capshaw. Motion passed.
Commissioner Wandell requested to add VSO Scott Nation update to the agenda at 5A.
Commissioner Capshaw requested to add Civil Air Patrol to the agenda.

Appearance of Citizen
No one addressed the committee.

VSO Scott Nation Update
No Action Taken

Civil Air Patrol
Commissioner McKamey made a motion to issue a certificate of occupancy to the Civil Air Patrol for space at DARC for meetings. Second by Commissioner Yager. Motion passed to forward to full commission for approval.

Intergovernmental
Commissioner McKamey made a motion to move the support for recycling materials to next month and have Mr. Cohen come back. Second by Commissioner Wandell. Motion passed.

Tele-Health for Animals
Commissioner Foster made a motion to defer to next meeting. Second by Commissioner Yager. Motion passed.

Legislative
Commissioner Foster made a motion to defer the Fireworks Private Act to November. Second by Commissioner Wandell. Motion passed.

ASAP Quarterly Report
No Action

Mayor
No Report

PRIVATE ACTS, 2021

Chapter No. ____

Senate Bill No. ____

By McNally

House Bill No. ____

By Ragan

AN ACT to Amend Chapter 291 of the Private Acts of 1947 and any other acts amendatory thereto, and to regulate the possession, storage, use, manufacturing, display or sales of pyrotechnics in Anderson County, Tennessee.

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

SECTION 1. GENERAL APPLICABILITY AND SCOPE

That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture, display or sell pyrotechnics, as hereinafter defined, in Anderson County, Tennessee subject to following exceptions, regulations, permitting requirements and prohibitions contained herein. This Act permits and allows the use, display, sales of fireworks, commonly identified as D.O.T. Class C Consumer Grade fireworks during seasonable sales periods and under reasonable regulations designed to protect the health, safety and welfare of the general public. The safe possession and storage of D.O.T. Class C Consumer Grade fireworks shall not be infringed upon and shall be lawful at any time within the boundaries of Anderson County. The manufacturing and transportation of pyrotechnics of any form or type shall be governed by federal, state and local law provided that all required local permits, including zoning classifications are obtained.

SECTION 2. LIMITATIONS ON EFFECT

Nothing contained herein is intended to limit, supersede or preempt the provisions of Tenn. Code Ann. §§ 68-104-101 *et seq.*, or any state or federal law regarding the possession, storage, use, manufacturing, display or sales of pyrotechnics. Nothing within the terms and provisions embodied in this Act shall be construed or interpreted to relieve any person from the provisions of licensing, permitting or taxation required under Tennessee law.

SECTION 3. DEFINITIONS

The following definitions of various operative words and phrases contained herein shall be interpreted, and held to mean, within the context of this Act, as follows:

(A) **Pyrotechnics:** Any device or composition containing combustible or explosive substances prepared for the purpose of visual or audible effect by combustion, explosion, deflagration or detonation by any means of ignition, to include but not limited to:

(1) **Permissible Fireworks:** Any device or composition identified as, "D.O.T. Class C Common Fireworks" or commonly referred to a Consumer Grade, including all articles of fireworks as are now or hereafter classified as D.O.T. Class C Common fireworks in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles.

(2) **Restricted Special Fireworks:** Any device or composition held to mean by the terms of this Act, or be identified as:

- (a) All articles of fireworks that are classified as D.O.T. Class B explosives in the regulations of the United States Department of Transportation; and
- (b) All articles of fireworks commonly referred to as Display Grade other than those articles classified as D.O.T. Class C (Consumer Grade) Fireworks; and
- (c) Any undefined, unclassified or homemade article or substance of pyrotechnics; including, but not limited to, unmanned free-floating devices such as sky lanterns or articles capable of producing an open flame, sparks, gas, smoke intended for audible or visual effect.

(B) **Display:**

- (1) **Display for Use:** the knowing and intentional show, exhibition or use of Pyrotechnics causing either visual or audible effect;
- (2) **Display for Sale:** the intentional display for sale of any item identified as Permissible Fireworks.

- (C) **Manufacture:** Any person engaged in the process of making, manufacturing or construction of pyrotechnics and/or fireworks of any kind within this state.
- (D) **Permit:** The written authority of the State Fire Marshal issued under the authority of Tennessee Law and additional local permits expressly authorized by this Act including: permits, licenses, fees, taxes and zoning regulations adopted by local authority.
- (E) **Person:** Any individual, firm, partnership, company, business entity or corporation.
- (F) **Possess:** Any person that knowingly has actual physical control of any substance or item defined herein as Pyrotechnics, Fireworks or Restricted Special Fireworks.
- (G) **Sale:** An exchange of articles of fireworks for money or trade including, but not limited to: barter, exchange, gift or offer thereof, and each such individual transaction made by one or more persons, whether as principal, proprietor, salesperson, employee, agent, association, co-partnership.
- (H) **Seasonal Retailer:** Any person engaged in the business of making retail sales of D.O.T. Class C, Consumer Grade Fireworks within this state from June 20 through July 5 and December 10 through January 2 of each year; provided such person has obtained the proper permit(s).
- (I) **Seasonal Sales Period:** Any properly permitted person may engage in the sale of D.O.T. Class C Consumer Fireworks from June 20 through July 5 and December 10 through January 2 of each year.
- (J) **Use:** To intentionally and knowingly ignite or discharge causing any item or substance to produce a visual or audible effect by combustion, explosion, deflagration or detonation.
- (K) **Store:** To keep or retain any item defined herein as Permissible Fireworks in a safe and secure container or place.

SECTION 2. LAWFUL CONDUCT; PERMISSIBLE USES

- (A) **Possession:** It shall be lawful for any person to possess D.O.T. Class C Consumer Grade Fireworks at any time within the geographic boundaries of Anderson County.
- (B) **Store:** It shall be lawful for any person to safely store D.O.T. Class C Consumer Grade Fireworks at any time during the calendar year.
- (C) **Use and Display:** It shall be lawful for any person to use and display D.O.T. Class C Consumer Grade Fireworks during the Seasonal Sales Period subject to state law and the Anderson County Noise Resolution.
- (D) **Sale:** It shall be lawful for any person to sell D.O.T. Class C Consumer Grade Fireworks during the seasonable sales period, provided required state and local permits are obtained.

SECTION 3. UNLAWFUL CONDUCT; IMPERMISSIBLE USES

- (A) **Manufacture:** No person may manufacture pyrotechnics within the boundaries of Anderson County without first obtaining the proper state and local permits, including zoning approval.
- (B) **Use and Display:** No person shall use or display D.O.T. Class C. Consumer Grade Fireworks except during the seasonal sales period. No person shall use or display any item or substance defined as Restricted Special Fireworks without first obtaining approval of the State Fire Marshal and any other permit required under federal, state or local law.
- (C) **Sale:** No person shall sell D.O.T. Class C Consumer Grade Fireworks except during the seasonal sales period, provided proper state and local permits are obtained. Sales of Restricted Special Fireworks shall not be sold by seasonal retailers.
- (D) **Possession:** No Person shall possess any item or substance defined as Restricted Special Fireworks without first obtaining the approval of the State Marshal and any other permit required under federal, state or local law.
- (E) **Storage:** No person shall store any item or substance defined as Restricted Special Fireworks without first obtaining the approval of the State Fire Marshal and any other permit required under federal, local or state law.

SECTION 4. That any person guilty of violating any provision(s) of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars and not more than Four Hundred (\$400.00) Dollars, or by confinement in the County jail for not less than thirty (30) days and not more than eleven (11) months and twenty-nine (29) days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 5. That nothing in this Act shall be construed as applying to governmental entities conducting or sponsoring public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly, legal holiday or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside Anderson County, and further keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

SECTION 6. Notwithstanding any provision of this Act to the contrary, it shall be lawful for Seasonal Retailers including companies, firms, not-for-profit entities, including volunteer fire departments, and corporations, recognized by the Secretary of State and properly permitted by the State Fire Marshal and local authority to offer for sale, use, display, store and otherwise possess D.O.T. Class C. Consumer Grade Fireworks during and throughout June 20 to July 5 and December 10 to January 2 of each year subject to reasonable regulations, permits, licenses, taxes, fees and zoning regulations lawfully adopted by the Anderson County Legislative Body. Persons or individual purchasers from properly permitted Seasonal Retailers may lawfully use and display D.O.T. Class C. Consumer Grade Fireworks during and throughout June 20 to July 5 and December 10 to January 2 of each year. Furthermore, persons may possess and safely store all articles and substances classified as D.O.T. Class C Consumer Grade Fireworks at all times.

SECTION 7. The provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 8. That this Act shall take effect from and after its passage upon two-thirds (2/3) vote of the Anderson County Legislative Body, the public health, safety and welfare requiring same.

Passed: _____, 2021.

Section 6. (Proposed replacement for discussion)

The Anderson County Fire Marshall or designee or individual appointed by the county legislative body shall be designated as the responsible authority for regulating seasonal retail sales of fireworks and compliance with this product and the County's adopted fire cuts.

The responsible authority shall have discretion to revise or amend regulations related to the seasonal sales of fireworks so as to ensure compliance with applicable state and local laws.

Should the responsible authority receive a complaint regarding a violation of Section 5 or a fire code violation at a seasonal fireworks location come the vendor shall be assessed a two-hundred, fifty-dollar (\$250) reinspection if a violation is found at the retail location. Further, the responsible authority may issue a citation fining the vendor fifty dollars (\$50) per violation discovered upon reinspection. Revenue generated from fines and fees shall be used for fire education, inspection or prevention.



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

November 5, 2025

Commissioner Tim Isbel
Chairman, Operations Committee

Re: Agenda

Dear Chairman Isbel and Honorable Members of Operations Committee,

I would like to request the following items be added to the agenda:

1. To maintain our ability to participate in the National Flood Insurance Program, we must update our authorizing resolution (12-425). Next month, I will bring the final draft of Resolution No. 25-11-1242 for your approval, but I'm sharing it on November's Agenda as there is a lot of information. I want to allow extra time for review in case there are questions you may have over the next month. We still must insert a few items, including the map details, and work with the Law Director on the legal review.
2. **Request motion to approve** installing two small plaques in the new Dental Clinic space posthumously honoring Dr. Joe Rainey in recognition of his commitment to the Anderson County Dental Clinic and honoring Art Miller for his years of service for the dental program.
3. **AI Business Case.** We are exploring the use of AI to assist citizens in finding the information they need, to answer questions, etc. We explored virtual chat a year or two ago, but the costs were high, and we had to build a lot of the questions and answers. AI has changed this, with cost coming down, and no need to create questions and answers in advance. But in performing some trial questions and answers, our minutes are used by AI for several of the answers. I would like to discuss with Commission the possibility of perhaps a bit more robust

documentation for agendas and explore the possibility of requiring motions created in advance with further detail to assist with an eventual employment of this technology. I've attached Oak Ridge and TPO agendas as examples. It would require a little more work on the front end, but would pay dividends in terms of answering questions, reducing phone calls and emails, etc. (Note: pre-written motions can obviously have wording changed by commissioners, but it would assist with the recording fully documented details for the record.)

Sincerely,

A handwritten signature in blue ink, appearing to be "C. Row", with a large, stylized initial "C" that loops around the first part of the name.

**Anderson County, Tennessee
Board of Commissioners**

RESOLUTION NO. 25-11-1242

COUNTY FLOOD DAMAGE PREVENTION RESOLUTION

A RESOLUTION ADOPTED FOR THE PURPOSE OF AMENDING THE ANDERSON COUNTY, TENNESSEE REGIONAL ZONING RESOLUTION REGULATING DEVELOPMENT WITHIN THE JURISDICTION OF ANDERSON COUNTY, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Anderson County, Tennessee, Mayor and Anderson County Board of Commissioners do resolve as follows:

Section B. Findings of Fact

1. The Anderson County, Tennessee, Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of Anderson County, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Resolution are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding"

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that

could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Anderson County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

"Letter of Map Change (LOMC)" means an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

"Letter of Map Amendment (LOMA)" An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.

"Conditional Letter of Map Revision Based on Fill (CLOMR-F)" A determination that a parcel of land or proposed structure that will be elevated by

fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

"Letter of Map Revision Based on Fill (LOMR-F)" A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

"Conditional Letter of Map Revision (CLOMR)" A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.

"Letter of Map Revision (LOMR)" Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Resolution and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this resolution or the effective date of the initial floodplain management resolution and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Resolution, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which

have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Resolution.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Resolution shall apply to all areas within the unincorporated area of Anderson County, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Anderson County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) _____, dated _____, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Anderson County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this resolution or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Anderson County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Resolution Administrator

The Anderson County Building Official is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
 - An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
 - Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
 - A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
 - A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Finished Construction Stage

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Anderson County, Tennessee FIRM meet the requirements of this Resolution.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.
12. A final Finished Construction Elevation Certificate (the latest edition of FEMA Elevation Certificate Form) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings

sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the

lessor, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, floodway width or base flood discharge provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.
3. ONLY if Article V, Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements

and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.

3. ONLY if Article V, Section D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Anderson County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of

Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article IV, Section B(1) (c) and Article V, Section B(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Section H. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section I. Standards for Unmapped Streams

Located within the Anderson County, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.
3. ONLY if Article V Section I, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Regional Board of Zoning Appeals

1. Authority

The Anderson County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Procedure

Meetings of the Regional Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Regional Board of Zoning Appeals shall be open to the public. The Regional Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Regional Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Regional Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part

upon the provisions of this Resolution. Such appeal shall be taken by filing with the Regional Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$25.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (number of) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Regional Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Anderson County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Regional Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;

- d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Resolution, the Regional Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.
 - 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Resolutions

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Anderson County, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

Section C. Effective Date

This Resolution shall become effective on _____, the public welfare demanding it.

Approved and adopted by the Anderson County, Tennessee, Mayor and the Anderson County Board of Commissioners.

Date

Mayor of Anderson County, Tennessee

County Commission Chairwoman

ATTEST: _____
County Clerk

Date of Public Hearing

Date of Publication of
Caption and Summary



**OAK RIDGE CITY COUNCIL
REGULAR MEETING**

Central Services Complex Courtroom
100 Woodbury Lane

October 13, 2025 - 7:00 PM

AGENDA

I. INVOCATION

- a. Pastor Will Conner - Kern United Methodist Church

II. PLEDGE OF ALLEGIANCE

- a. Anna Berven - Oak Ridge High School Senior and Youth Advisory Board Vice-Chair

III. ROLL CALL

IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS

- a. A Proclamation Recognizing the 10th Anniversary of the Manhattan Project National Historical Park
Manhattan National Historical Park Proclamation.docx
- b. A Proclamation Recognizing Emory Valley Center on its 70th Anniversary
Emory Valley Center 70th Anniversary Proclamation .docx
- c. A Proclamation Designating October 25, 2025 as NAMI Walks Day
2025 NAMI Walks Proclamation.docx
- d. A Proclamation Designating October, 2025 as Breast Cancer Awareness Month
Breast Cancer Awareness Month Proclamation.docx
- e. A Proclamation Designating October, 2025 as Fire Prevention Month
Fire Prevention Month Proclamation 2025.docx
- f. A Proclamation Recognizing Councilmember Chuck Hope for his Election as Chairman of the Energy Communities Alliance
Chuck Hope ECA Proclamation.docx

V. SPECIAL REPORTS

VI. CONSENT AGENDA

- a. Approval of September 8, 2025 Regular Meeting Minutes
September 8, 2025 Regular_Meeting_Minutes.docx

- b. Approval of September 16, 2025 City Council Special Meeting Minutes
September 16, 2025 Special Meeting Minutes.docx
- c. Purchase of Bucket Truck for Electric Department
Picture 2025 Altec AA55.pdf
2025 Altec Price and Spec Sheet.pdf
Vehicle being Replaced.pdf
Resolution - Vehicle Purchase for Electric - Bucket Truck.docx
- d. Purchase of Dump Truck for Electric Department
2026 Ford F550 SALES QUOTATION.pdf
Vehicle being replaced.pdf
Resolution - Vehicle Purchase for Electric - Dump Truck.docx
- e. A Resolution in Support of and Authorizing the City to Apply for, and to Accept if Awarded,
a TDOT Transportation Planning Grant
Transportation Planning Grant Study Area
Resolution - TDOT Transportation Planning Grant.docx
- f. A Resolution Approving On-Call Architectural Services with Clark Nexsen Architects, in the
Amount of \$37,000 for the design of new offices and renovation of the lobby in the Civic
Center (recreation area).
Oak Ridge - Rec Center Lobby Renovation- Revised 9-17-25 - Final.pdf
Resolution - Architectural Services Contract - Civic Center Lobby and Office Space.docx

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

- a. Amendment to the FY 2026 Budget
Q1 26 BGA list.xlsx
Ordinance - FY2026 Budget Amendment.docx
- b. Land Use Plan Map Amendment: Pratt Lane (Parcel 106 A B 038.00 or 106 Pratt Lane), 'R'
Residential to 'B' General Business
LafayetteCrossingAerial.pdf
LafayetteCrossingGISLocationMap.pdf
Revised_Site_Plan.pdf
Ordinance - Land Use Plan Amd - Lafayette Crossing - Add 106 Pratt Ln.docx
- c. Rezoning Request and PUD Preliminary Master Plan Amendment: Pratt Lane (Parcel 106
A B 038.00 or 106 Pratt Lane)
LafayetteCrossingAerial.pdf
LafayetteCrossingGISLocationMap.pdf
Revised_Site_Plan.pdf
Ordinance - Rezoning for 106 Pratt Ln and PUD Preliminary Master Plan Amd - Lafayette
Crossing.docx
- d. Zoning Ordinance Text Amendment: Single Family Attached Dwellings
Townhomes Strikethrough
R-3 Zoning
Zoning Ordinance - R-3 - Single Family Attached Dwellings.docx
- e. Zoning Ordinance Text Amendment: Zero Lot Line Setbacks for Adjoining Industrial
Parcels
IND Setback Strikethrough
Article 08 VIII Amended
Zoning Ordinance - Zero Lot Line Setback for Adjoining Industrial Parcels.docx

VIII. FINAL ADOPTION OF ORDINANCES

- a. Rezoning Request: 624 W Outer Dr from R-2 Low-Density Residential District in the MDO to B-1 Neighborhood Business District.
624 W Outer Rezoning Map
Street View Images
MDO Map
Applicant Rezoning Letter
B-1 Neighborhood Business District.pdf
Ordinance_-_Rezoning_624_W_Outer_Drive.docx
- b. Zoning Ordinance Text Amendment: Portable Storage Containers
Storage_Container_Text_Amendment_Post_PC_Edits_for_PUB.docx
Zoning_Ordinance_-_Portable_Storage_Container_Amendments.docx
- c. City Code Section 14- 506(2)(a) - Stormwater Management Code Amendment - Steep Slopes
Bold Strikethrough Changes Section 14-506(2)(a).pdf
Ordinance_-_Stormwater_Management_Code_Amendment_-_Steep_Slopes.docx
- d. Amendment to City Code Section 1-201 - Name/Title Change - Information Services Department to Information Technology Department
Ordinance_-_City_Code_Section_1-201_-_Information_Technology (1).docx

IX. RESOLUTIONS

- a. A Resolution for Approval of the Additional Funds Requested for Oak Ridge Schools-Woodland Elementary School
ORS Woodland School Memo.pdf
J.VanDyke.email.Woodland.pdf
Resolution - Woodland Portable.docx
- b. Recommendation to Name a New Youth Poet Laureate
Resolution - Designating a New Youth Poet Laureate.docx
- c. A Resolution Authorizing the Payment of \$100,150.00 to File Savers Data Recovery LLC for Data Recovery Services in the Recovery of Lost Police Video Data.
File Savers PO 1735.pdf
Hard Drive Form Agreement.pdf
FY2026-077 Addendum #1 Data Recovery Services - Signed.pdf
Resolution - Emergency Contract - FileSavers Data Recovery.docx
- d. A Resolution Authorizing the City to Accept a Direct Appropriation Grant from the State of Tennessee to Purchase Body-worn Cameras for the Police Department and Authorizing the City Manager to Contact Lieutenant Governor Randy McNally and State Representative Rick Scarbrough to Request Assistance in Expanding the Scope of Use of the Direct Appropriation Grant Funds
Direct Appropriation - Oak Ridge.pdf
Resolution - Body Camera - Direct Appropriation Acceptance.docx

X. APPEARANCE OF CITIZENS

ALL CITIZENS ARE GIVEN 3 MINUTES

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Confirmation of Mayoral Appointments to Budget and Finance Committee

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT
- b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT



**OAK RIDGE CITY COUNCIL
SPECIAL MEETING**

Central Services Complex Courtroom
100 Woodbury Lane

October 23, 2025 - 6:00 PM

AGENDA

I. ITEMS FOR CONSIDERATION

- a. A Resolution Authorizing the City Manager to Enter into an MOU by and Between the City of Oak Ridge, the State of Tennessee Department of Economic and Community Development (TNECD), the Oak Ridge Corridor Development Corporation (ORCDC), and Heritage Center LLC.
Resolution - Approval of MOU for Oklo Project.docx
- b. GSA Deed Abrogation Offer - Airport Tract A
Resolution - Abrogation of Airport Restriction and Reversion on Airport Tract A.docx
OTA Oak Ridge Airport Tract A.pdf
- c. A Resolution Authorizing the City to Submit a State Industrial Access Project Application to the State of Tennessee Department of Transportation for the Realignment of SR 327 (Blair Road) to Accommodate an Industrial Development Project at the Heritage Center
UPDATED Roane SR 327 Project Condor.pdf
SIA App temp rev 7-30-24.pdf
Resolution - Blair Road Rerouting - Contract with TDOT.docx

Agenda

9:00 AM | Small Assembly
400 Main St, Knoxville

All meeting materials **can be found here** 5 to 7 days prior to the scheduled meeting.

* Attachments available online.

1. Call to Order

- Determination of a Quorum
- Introduction of Participants
- Introduction of Zoom Participants
- Amendments to the Agenda

Presenter Mayor Glenn Jacobs, Chair

2. Minutes*

Motion to approve the minutes of the September 24, 2025, TPO Executive Board Meeting

Presenter Mayor Glenn Jacobs, Chair

3. Fiscal Year 2026-2029 Transportation Improvement Program (TIP) and Associated Air Quality Conformity Determination*

Motion to Approve a Resolution to Adopt the Fiscal Year 2026-2029 Transportation Improvement Program (TIP) and Associated Air Quality Conformity Determination, and Certifying that the Metropolitan Planning Process is Being Followed

The Transportation Improvement Program (TIP) is updated on a 3-year cycle. The new TIP covers fiscal years 2026-2029 and will supersede the current FY 2023-2026 TIP. The federal review process has been completed with no comments on the draft TIP.

Attachment #3A: FY 2026-2029 TIP Adoption Resolution

Attachment #3B: Metropolitan Planning Process Self-Certification

Attachment #3C: FY 2026-2029 TIP

Attachment #3D: FY 2026-2029 TIP Appendices (Includes Air Quality Conformity Determination)

Presenter Craig Luebke, TPO Staff

Technical Committee recommends approval unanimously.

When you click, the attachments open.



4. Update Presentation on the I-40/I-75 Corridor - Planning and Environmental

Linkages (PEL) Study

No action required

TDOT and a consultant team are studying the Interstate 40/Interstate 75 corridor west of Knoxville, from the I-40/I-75 Interchange in Loudon County to the I-640 Interchange just west of downtown. This study will include design work and how to prioritize any recommended improvements in relation to the TDOT 10-Year Project Plan. TDOT's goal is to develop a holistic strategy for improving the corridor instead of a series of independent improvements. TDOT staff and its consultants will provide an update of the study and its progress.

Presenter Dexter Justis, Director, TDOT Region 1 and Brad Thompson, Vice President, STV inc.

5. TDOT and FHWA Updates

6. Other Business

TPO Technical Committee Meeting Tuesday, November 4, 2025, at 9 a.m. in the Main Assembly Room of the City County Building.

TPO Executive Board Meeting Wednesday, November 19, 2025, at 9 a.m. in the Small Assembly Room of the City County Building.

7. Public Comment

Members of the public may address the Executive Board with a five-minute time limit for each person.

8. Adjournment



**OFFICE OF THE COUNTY LAW DIRECTOR
ANDERSON COUNTY, TENNESSEE**

101 South Main Street, Suite 310
CLINTON, TENNESSEE 37716

TELEPHONE: (865) 457-6290
FACSIMILE: (865) 457-3775

MEMORANDUM

TO: Ms. Annette Prewitt
CC: Operations Committee
FROM: Law Director's Office
DATE: November 5, 2025
RE: Law Director's Report – November 10, 2025

This Report does not contain any action items.

A. Contract Approvals:

1. Skilled Services (renovations at Health Department)
2. Passport Security (IT)
3. Comcast (IT)
4. L.E.A.D. MOU 2025 (Sheriff's Office)
5. Health Department Grants 26-0066 & 260067
6. Blue Cross Blue Shield of Tennessee
7. Digitech Contract Amendment
8. Personal Services Agreement – EMA Director
9. Amerimed
10. Tennessee Internship Consortium in Psychology
11. UT Health Science Center
12. MOU – Rocky Top Dispatch Services
13. Highway Department – Professional Services Agreement
14. Lively Reflective Concrete
15. Access Medical Billing
16. Intellesearch (Register of Deeds)
17. Senior Center Grant
18. Archives Development Grant
19. First Two

B. Anderson County Zoning Violations:

Closed:

1. 3075 Lake City Highway

Newly Filed:

Motion for Default Judgment:

Contempt:

1. 438 Old Fratersville Hollow Lane- If contempt is granted will allow us to record a lien on the property until it is brought into compliance.

Liens:

1. 230 Haney Hollow Road- daily fine of \$100 beginning August 26, 2024
2. 177 Scott Brogan Lane- daily fine of \$50 beginning December 9, 2024
3. 1824 Lake City Highway- daily fine of \$20 beginning August 8, 2025

C. Bankruptcies:

1. Newman- Order for Dismissal
2. Justice- Order for Dismissal
3. Genesis Healthcare- Notice of Date which Parties Must File Proof of Claims
4. Shipley- Order of Discharge
5. Sewell- Order to Shorten Time for Motion to Dismiss
6. Rainey- Order of Discharge
7. Baird & Baird- Order Granting Motion to Modify Chapter 13
8. Hooks- Order of Discharge
9. Grubb – Notice of Date which Parties Must File Proof of Claims
10. Willings – Order Confirming Plan

D. Other:

1. Drafted Resolution establishing the Anderson County Animal Shelter Advisory Committee pursuant to action of County Commission.
2. Senior Center Copyright Claim (Pixsy) – Discussed options for resolution of issue with Knoxville attorney Michael Bradford.
3. Assisting ACSO with effort to obtain court order to permit disposal of unclaimed property including abandoned vehicle.
4. General Sessions II update – Proposed strategy to Legal Services Advisory Committee (LSAC) to obtain MOU with City of Oak Ridge. (See LSAC Minutes from October 31)
5. Civil Air Patrol (CAP) – Our office is engaged with Mayor Frank, Commissioner Capshaw, CAP, Roger Lloyd and Lisa Crumpley (OR Building official) in collaborative effort to locate suitable space in county buildings for meetings of the CAP.
6. Spoke to the Oak Ridge League of Women Voters on operation of County Government.

F. Litigation Updates:

1. Pro-Vision- Pending Discovery – Meeting scheduled for November 10, 2025 with Attorney Morris Kizer to discuss potential of bringing him on as co-counsel.
2. Rick Schubert v. Terry Frank and Webster Heirs v. Terry Frank- Motion to Dismiss heard on August 18, 2025. Chancellor Forrester did not rule on our Motion to Dismiss. We are awaiting a decision in the underlying delinquent payer case which will be dispositive of both lawsuits.
3. Zayo v. AC Commission, ACS, & AC Purchasing- Status conference with Judge Kelly Thomas via Zoom is scheduled for 1:00 pm on November 7, 2025.
4. Samuel Marra v. ACSO et. al- Awaiting Order of Dismissal.
5. Shane Dietlin v. Kirk, et al.– We received a copy of a RESERVATION OF RIGHTS letter from Paul Mangrum, Safety Engineering and Claims (Insurer) sent to Deputy Nathan Kirk.
6. Nathan Partin v. ACSO, et al. – Insurance defense counsel is Knoxville attorney Reid Spaulding –Trial date has been set for March 27, 2027. We will continue to monitor status
7. Michael Harber et.al. v. A.C. and the Estate of Jay Yeager. Answer filed by Knoxville attorney Ron Attanasio on behalf of Estate of Jay Yeager. We are in the discovery phase.
8. Williams Manor, Inc. v. AC and the BZA – Writ of Certiorari and Claim for Damages pending in Chancery Court. Trial date is set for April 16, 2026. Case is defended by Art Knight at this time.
9. Anderson County Circuit Court – We have asked by Rex Lynch to pursue collection of Final Forfeitures of appearance bonds owed by bonding company and its Surety.

Respectfully submitted,

James W. Brooks, Jr.
Law Director



SEC

SAFETY ENGINEERING
& CLAIMS MANAGEMENT

Go Forward with Confidence.

November 3, 2025

Mr. Nathan Kirk
Anderson County Sheriff's Department
101 South Main Street
Suite 400
Clinton, TN 37716

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

RE: Member: Anderson County Government
 Claim number: GC-114195
 Plaintiff: Shane Dietlin

RESERVATION OF RIGHTS

Dear Mr. Kirk:

This letter will supplement our June 11, 2025, correspondence. We have recently received a Supplemental Amended Complaint filed by the plaintiff. In this new pleading, Mr. Dietlin claims your actions in this lawsuit were intentional and malicious constituting violations of civil rights and were deliberate actions undertaken in bad faith, beyond the bounds of lawful governmental authority.

We have reviewed this new pleading for coverage and the duty to defend, pursuant to the applicable Tennessee Risk Management Trust Coverage Document ("Coverage Document") and have determined that Tennessee Risk Management Trust will provide a defense to you under a full reservation of rights as outlined below.

When reviewing this lawsuit for the Duty to Defend and Indemnify the named Defendants in this matter, Tennessee Risk Management Trust reviewed the following sections of the Coverage Document. Certain words may be in all capital letters or bold print and can be found in the coverage document.

The GENERAL COVERAGE CONDITIONS section of the Coverage Document states:

G. DUTIES

It is understood and agreed that the TNRMT has the right to investigate, handle, defend and, at TNRMT's sole discretion, settle any claim, proceeding or SUIT against the MEMBER or against any person or organization for which coverage applies under this document.

GENERAL COVERAGE DEFINITIONS

M. MEMBER means not only the NAMED MEMBER as accepted by TNRMT for coverage, but also includes any past, present or future officials, MEMBERS of boards or commissions, trustees, directors, officers, partners, volunteers, student teachers or employees of the MEMBER while acting within the scope of their duties as such, and any person, organization, trustee or estate to whom the MEMBER is obligated by virtue of a written contract or agreement to provide coverage such as is offered by this coverage document, but only in respect of operations by or on behalf of the MEMBER.

We also refer you to SECTION II of the Tennessee Risk Management Trust Coverage Document captioned COMPREHENSIVE GENERAL LIABILITY:

SECTION II COVERAGE AGREEMENTS

The TNRMT agrees, subject to the coverage limitations, terms and conditions to pay on behalf of the MEMBER, all sums which the MEMBER is legally liable by reason of the liability imposed upon the MEMBER by law or assumed by the MEMBER under contract or agreement, for damage direct or consequential, and expenses, all as more fully defined by the term LOSS, on account of PERSONAL INJURY or BODILY INJURY, suffered or alleged to have been suffered by any person(s) or organization(s), and/or PROPERTY DAMAGE or the loss of use thereof, arising out of any CLAIM for any cause including HOST LIQUOR LIABILITY and/or LIQUOR LIABILITY, INCIDENTAL MEDICAL MALPRACTICE, or liability arising out of LAW ENFORCEMENT ACTIVITIES.

SECTION II COVERAGE EXCLUSIONS

IN ADDITION TO THE GENERAL EXCLUSIONS OF THIS COVERAGE DOCUMENT, THIS SECTION DOES NOT INSURE AGAINST:

- A. Any CLAIM for damages, whether direct or consequential, or for any cause of action which is covered under any other Section of this coverage;
- B. BODILY INJURY, PROPERTY DAMAGE, or PERSONAL INJURY, which the MEMBER intended or expected; unless resulting from:
 - a. An act alleged to be assault and battery for the purpose of preventing injury to persons or damage to property;
 - b. Corporal punishment (unless providing coverage for corporal punishment is prohibited by law); or
 - c. An act alleged to be assault and battery by a MEMBER resulting from LAW ENFORCEMENT ACTIVITIES during the time of arrest or incarceration process, but only as respects claims against the MEMBER for liability of the MEMBER.

SECTION II DEFINITIONS

A. CLAIM means all notices or SUITS demanding payment of money based on, or arising out of, the same OCCURRENCE or a series of related OCCURRENCES by one or more MEMBERS.

E. OCCURRENCE means an accident or a happening or event or a continuous or repeated exposure to conditions, which result in BODILY INJURY, PROPERTY DAMAGE, or PERSONAL INJURY.

All BODILY INJURIES or PERSONAL INJURIES to one or more persons and/or PROPERTY DAMAGE arising out of an accident or a happening or event or a continuous or repeated exposure to conditions shall be deemed one OCCURRENCE. Only one coverage and one LIMIT OF COVERAGE are applicable to any one OCCURRENCE.

When evaluating coverage in a lawsuit, we must review the matter based on the allegations asserted in the Complaint. You have now been sued for intentional and malicious conduct. To the extent that it may be determined, during this litigation, that your actions were intentional, malicious or outside the course and scope of your duties with the Anderson County Sheriff's Department, then pursuant to the definition of MEMBER as noted above, coverage may not apply to those actions taken by you individually or intentionally and Tennessee Risk Management Trust may no longer have the duty to defend and/or indemnify you.

Subject to the above referenced Coverage Document sections and analysis, Tennessee Risk Management Trust will continue to provide a defense subject to a full reservation of rights as outlined above. The Tennessee Risk Management Trust does not intend to waive any of the terms and conditions of the Tennessee Risk Management Trust Coverage Document by accepting the defense of this matter, nor does it waive any other defense to coverage that may now or hereafter exist.

If you have additional information that you believe may affect our coverage decision, please contact us as soon as possible so that we can give that information proper consideration. Should you receive any additional legal documents, please immediately contact our office so we can provide you with instructions on where to send the documents. If you move or cease your employment with Anderson County Government, you should immediately notify us of your new address and phone number. Failure to do so could eliminate any coverage for you under the county's policy.

Additionally, we suggest that you do not discuss this matter with anyone other than attorney Michel or someone from his office, your county or personal attorney or a representative of Safety Engineering and Claims Management.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul K. Mangrum". The signature is fluid and cursive, with a large initial "P" and "M".

Paul K. Mangrum, CPCU, AIC, SCLA

Sr. Claims Representative

Safety Engineering and Claims Management

111 Hazel Path

Hendersonville, TN 37075

P-615-826-4274

F-615-826-6378

Cc: Attorney James Brooks
Mayor Terry Frank
Sheriff Russell Barker