

RESOLUTION NO. 2009052606

RESOLUTION TO ERECT SPEED LIMIT SIGNS ON ETHRIDGE RED HILL ROAD

WHEREAS, Ethridge Red Hill Road is in a residential area in Lawrence County, Tennessee; and


WHEREAS, the Lawrence County Legislative Body deems that the public safety requires that additional speed limit signs of 45 miles per hour should be erected from Crossroads to McCaleb Road.

NOW, THEREFORE, be it resolved by the Lawrence County Legislative Body meeting in regular session this 26th day of May, 2009, that additional speed limit signs of 45 miles per hour be erected on Ethridge Red Hill Road at its intersection with Buffalo Road to McCaleb Road.

BE IT FURTHER RESOLVED by the Lawrence County Legislative Body meeting in regular session this 26th day of May, 2009, that the County Road Superintendent for Lawrence County is hereby requested to erect appropriate additional signs to reflect that the speed limit is 45 miles per hour on Ethridge Red Hill Road at its intersection with Buffalo Road to McCaleb Road and to erect appropriate traffic control devices.

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26th day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: JERRY PUTMAN

Resolution to erect speed limit signs on Ethridge Red Hill Road

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.	X		X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.		X	X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/> <b>Roll Call</b>	<input checked="" type="checkbox"/> <b>Voice</b>	<input type="checkbox"/> <b>Roll Call</b>
----------------------	--	--	---

**Comments:**

RESOLUTION NO. 2009052607

RESOLUTION TO ERECT SPEED LIMIT SIGNS ON DUNN LEOMA ROAD

WHEREAS, Dunn Leoma Road is in a residential area in Lawrence County, Tennessee; and

WHEREAS, the Lawrence County Legislative Body deems that the public safety requires that additional speed limit signs of 35 miles per hour should be erected on Dunn Leoma Road from Highway 43 South to the intersection of Fair Street

NOW, THEREFORE, be it resolved by the Lawrence County Legislative Body meeting in regular session this 26th day of May, 2009, that additional speed limit signs of 35 miles per hour be erected on Dunn Leoma Road from Highway 43 South to the intersection of Fair Street

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26th day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSORS: SANDRA HYATT and PAUL ROSSON

## Resolution to erect speed limit signs on Dunn Leoma Road

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.		X	X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.	X		X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

TYPE OF VOTE:	X	Voice	Roll Call

Comments:

RESOLUTION NO. 2009052608

RESOLUTION REQUESTING THE TENNESSEE DEPARTMENT OF TRANSPORTATION  
TO CONDUCT SAFETY STUDY ON HIGHWAY 64 EAST FROM THE BRASS LANTERN  
RESTAURANT TO NEW PROSPECT MARKET

WHEREAS, Highway 64 East from the Brass Lantern Restaurant to New Prospect Market is heavily traveled and there have been numerous automobile accidents; and


WHEREAS, the Lawrence County Legislative Body deems it in the best interest for the safety of the citizens of Lawrence County that the Department of Transportation conduct a safety study of Highway 64 East from the Brass Lantern Restaurant to New Prospect Market in order to determine better traffic control and reduce the number of accidents.

NOW, THEREFORE, be it resolved by the Lawrence County Legislative Body meeting in regular session this 26th day of May, 2009, that the Tennessee Department of Transportation is respectfully requested to conduct a safety study on Highway 64 East from the Brass Lantern Restaurant to New Prospect Market in Lawrence County, Tennessee, for the purpose of recommending better traffic control to reduce the number of accidents on this roadway.

The County Executive is directed to forward a certified copy of this resolution to the Tennessee Department of Transportation upon its passage.

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26th day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON

Resolution requesting TDOT to conduct safety study on Highway 64 East from the Brass Lantern Restaurant to New Prospect Market

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.	X		X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergeses, Mark			X			X	
4	Keener, Alan J.		X	X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Voice	<input type="checkbox"/> Roll Call
----------------------	---------------------------------------	--------------------------------	------------------------------------

**Comments:**

RESOLUTION NO. 2009052609

RESOLUTION TO FORM A COMMITTEE TO STUDY THE PLANNING AND ZONING  
CODES IN LAWRENCE COUNTY AND TO MAKE A RECOMMENDATION

WHEREAS, Lawrence County government has implemented certain planning and zoning ordinances and that a committee should be formed to study such planning and zoning ordinances and make recommendations to the Lawrence County Legislative Body.

THEREFORE, BE IT RESOLVED by the Lawrence County Legislative body meeting in regular session this 26<sup>th</sup> day of May, 2009, that the County Executive shall appoint a committee of a maximum of 5 members, with at least 3 members being from the county commission, and two members from the private sector to study whether Lawrence County should implement county zoning pursuant to T.C.A. § 13-7-101, *et seq.*, and to make a recommendation to the Lawrence County Legislative Body at its regularly scheduled September, 2009, meeting.

Tabled this 26<sup>th</sup> day of May, 2009.

\_\_\_\_\_  
JERRY DRYDEN, CHAIR

\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR:

Table Resolution to form a Committee to study the Planning and Zoning Codes in Lawrence County and to make a recommendation

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.				X		X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.				X		X	
8	Niedergeses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.		X	X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray	X		X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>15</b>	<b>2</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>		<b>Voice</b>	<b>X</b>	<b>Roll Call</b>
----------------------	--	--------------	----------	------------------

**Comments:**



RESOLUTION NO. 2009052610

RESOLUTION TO ADOPT THE STRATEGIC ECONOMIC DEVELOPMENT PLAN

WHEREAS, the Tennessee Department of Economic and Community Development is committed to assist the communities it serves in creating opportunities for sustained economic growth through the Three-Star Program; and

WHEREAS, participation in the Three-Star Program affords certified communities the opportunity to develop and implement programs affecting the economic appeal and viability considered by business and industry in making investment decision; and

WHEREAS, certification as a Three-Star community in the Three-Star Program involves a cooperative effort by numerous local entities;

WHEREAS, Beth Keaton is the designated contact for the Three-Star Program.

NOW THEREFORE, BE IT RESOLVED by the Lawrence County Legislative Body meeting in regular session at Lawrenceburg, Tennessee, on this 26th day of May, 2009, that Lawrence County will participate in the Three-Star Program.

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26th day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON

## Resolution to adopt the Strategic Economic Development Plan

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark		X	X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.	X		X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		TOTAL		17	0	0	17	0

TYPE OF VOTE:	X	Voice		Roll Call
---------------	---	-------	--	-----------

Comments:

RESOLUTION NO. 2009052611

RESOLUTION TO APPROVE THE NATURAL RESOURCES CONSERVATION SERVICE  
FLOOD PLAIN WORK


WHEREAS, the Natural Resources Conservation Service, United States Department of Agriculture, has agreed to fund the cost of the removal of woody and non-woody tornado debris and stacking/piling the debris for removal at a cost of approximately \$191,250.00 with it being the responsibility of Lawrence County to provide in-kind contribution by performing the disposal of all stacked and piled woody and non-woody debris within ninety calendar days after completion; and

WHEREAS, the Natural Resources Conservation Service also requires Lawrence County to give assurances that workers will be allowed to enter the property which is to be covered by the proposed agreement.

NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Legislative body meeting in regular session this 26th day of May, 2009, that the County Executive is hereby authorized to enter into the Cooperative Agreement between the United States Department of Agriculture Natural Resources Conservation Service in Lawrence County attached hereto and also the agreement granting assurances relating to real property attached hereto.

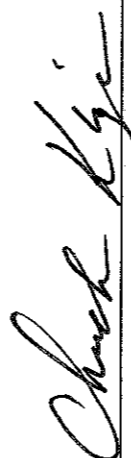
This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON

UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

COOPERATIVE AGREEMENT

THIS AGREEMENT by and between **LAWRENCE COUNTY GOVERNMENT**, called the **Sponsor**, and the **NATURAL RESOURCES CONSERVATION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE**, called **NRCS**, is made and entered into as of the date of the signature by the final party signing this agreement.

WITNESSETH THAT:

WHEREAS, under the provisions of Section 216 of the Flood Control Act of 1950, Public Law 81-516, 33 U.S.C. 701-b-1; and Section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127, 16 U.S.C. 2203, the Sponsor and NRCS agree to certain emergency watershed protection measures;

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by the parties hereto as set forth, the Sponsor and NRCS do hereby agree as follows:

A, It is agreed that the following described work is to be performed at:

- Site 1 – East of Andrew Jackson Highway
- Site 2 – West of Andrew Jackson Highway
- Site 3 – Railroad to Beasley Road
- Site 4 – South of Beasley Road
- Site 5 - Crawfish Road
- Site 6 – Mint Springs Road

in Lawrence County, Tennessee, at an estimated cost of **\$255,000.00**:

1. Removal of woody and non-woody tornado debris and stacking/piling debris for removal - **\$191,250.00**
2. Disposal of all stacked and piled woody and non-woody debris within 90-calendar days after completion of Item A.1. - **\$63,750.00**

B. The Sponsor will:

1. Provide in-kind contribution by performing the work described in A.2 in accordance with specifications provided by NRCS. The maximum value of the in-kind contribution will not exceed **25 percent** of the actual cost of constructing the emergency watershed protection measures described in Section A. The actual cost of the construction will consist of contract(s) awarded to contractors plus eligible Sponsor in-kind contributions of labor, materials, and equipment. The Sponsor will provide records to support costs incurred by the Sponsor equal to the amount of the in-kind contribution.

2. Provide cash contribution for any portion of the required 25% of the actual cost of constructing the emergency watershed protection measures described in Section A.1, not provided by in-kind contribution described in A.1.
3. Designate an individual to serve as liaison between the Sponsor and NRCS:
4. Provide certification that real property rights have been obtained for installation of emergency watershed protection measures prior to advertising. Certification will be provided on Form SCS-ADS-78, Assurances Relating to Real Property Acquisition, as amended (An attorney's opinion is not required for emergency projects of a short duration, however, the sponsor may determine it is in their best interest to obtain verification of the adequacy of the land rights through an attorney's opinion that certifies an examination of the real property instruments and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired. The Sponsor is financially responsible for the expense of an attorney's opinion.)
5. Accept all financial and other responsibility for excess costs resulting from their failure to obtain or their delay in obtaining adequate land and water rights, permits, and licenses needed for the emergency protection measures described in Section A.

6. **Comply with the applicable requirements in Attachment A to this agreement.**

C. NRCS will:

1. Contract for the construction of the works improvement described in Section A.1, in accordance with Federal Acquisition Regulations.
2. Provide 100% of the contract costs for constructing the works of improvement described in A.1. The cost to NRCS is estimated to be **\$191,250.00** and represents 75% of the total estimated cost of this project.
3. Provide authorized technical services, including but not limited to obtaining basic information; preparation of contract drawings and designs, contract administration; and quality assurance during construction.
4. Arrange for and conduct final inspection of the completed works of improvement with the Sponsor to determine whether all work has been performed in accordance with contractual requirements. Accept work from the contractor and notify the Sponsor of acceptance.

D. It is mutually agreed that:

1. The furnishing of financial and other assistance by NRCS is contingent on the availability of funds appropriated by Congress from which payment may be made and shall not obligate NRCS upon failure of the Congress to so appropriate funds.

2. NRCS may terminate this agreement in whole or in part when it is determined by NRCS that the Sponsor has failed to comply with any of the conditions of this agreement. NRCS will promptly notify the Sponsor in writing of the determination and reasons for the termination, together with the effective date. Payments or recoveries made by the NRCS under this termination shall be in accord with the legal rights and liabilities of NRCS and the Sponsor.
3. This agreement may be temporarily suspended by NRCS if it determines that corrective action by the Sponsor is needed to meet the provisions of this agreement. Further, NRCS may suspend this agreement when it is evident that a termination is pending.
4. This agreement is effective the day it is fully executed by all parties to the agreement. It may be renegotiated, amended, extended, or modified by a written amendment as mutually agreed by both parties.
5. In the event of default, any additional funds required to ensure completion of the work will be provided in the same ratio as construction funds are contributed by the parties under the terms of this agreement; and any excess costs collected from the defaulting contractor or their surety are to be prorated between the Sponsor and NRCS under the same ratio as construction funds are contributed under the terms of the agreement.

**LAWRENCE COUNTY GOVERNMENT  
LAWRENCEBURG, TENNESSEE**

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

Title: County Executive

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

This action authorized at an official meeting of the  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ State of Tennessee.

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

\_\_\_\_\_  
(Title)  
(Leave blank if a meeting was not required by the Sponsor's governing body  
prior to signing this document.)

**UNITED STATES DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE**

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

Title: State Conservationist

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

## ASSURANCES RELATING TO REAL PROPERTY ACQUISITION

A. PURPOSE - This form is to be used by sponsor(s) to provide the assurances to the Natural Resources Conservation Service of the U. S. Department of Agriculture which is required in connection with the installation of project measures which involves Federal financial assistance by the Natural Resources Conservation Service (NRCS).

B. PROJECT MEASURES COVERED -

Name of Project Lawrence County Emergency Watershed Protection - Storm Even 5057

Identity of improvement or development Removal and disposal of tornado debris

Location - Work is to be performed at the following sites in Lawrence County, Tennessee:

- Site 1 - East of Andrew Jackson Highway
- Site 2 - West of Andrew Jackson Highway
- Site 3 - Railroad to Beasley Road
- Site 4 - South of Beasley Road
- Site 5, Crawfish Road
- Site 6 - Mint Springs Road

C. REAL PROPERTY ACQUISITION ASSURANCE -

This assurance is applicable if real property interests were acquired for the installation of project measures, and/or if persons, businesses, or farm operations were displaced as a result of such installation; and this assurance was not previously provided for in the watershed, project measure, or other type of plan.

If this assurance was not previously provided, the undersigned sponsor(s) hereby assures they have complied, to the extent practicable under State law, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), as implemented in 7 C.F.R. Part 21. Any exceptions taken from the real property acquisition requirements under the authority of 42 U.S.C. 4655 because of State law have been or is hereby furnished to the Natural Resources Conservation Service along with the opinion of the Chief Legal Office of the State containing a full discussion of the facts and law furnished.

D. ASSURANCE OF ADEQUACY OF REAL PROPERTY RIGHTS -

The undersigned sponsor(s) hereby assures that adequate real property rights and interests, water rights if applicable, permits and licenses required by Federal, State, and local law, ordinance or regulation, and related actions have been taken to obtain the legal right to install, operate, maintain, and inspect the above-described project measures, except for structures of improvement that are to be removed, relocated, modified, or salvaged before and/or during the installation process.

This assurance is given with the knowledge that sponsor(s) are responsible for any excess costs or other consequences in the event the real property rights are found to be inadequate during the installation process.

Furthermore, this assurance is supported by an attorney's opinion attached hereto that certified an examination of the real property instructions and files was made and they were found to provide adequate title, right, permission and authority for the purpose(s) for which the property was acquired.

If any of the real property rights or interests were obtained by condemnation (eminent domain) proceedings, sponsor(s) further assure and agree to prosecute the proceedings to final conclusion and pay such damages as awarded by the court.

**LAWRENCE COUNTY GOVERNMENT  
LAWRENCEBURG, TENNESSEE**

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

Title: County Executive

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

This action authorized at a meeting of the \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_, State of Tennessee.

**ATTACHMENT A – SPECIAL PROVISIONS**

- I. DRUG FREE WORKPLACE CERTIFICATION**
- II. CERTIFICATION REGARDING LOBBYING**
- III. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**
- IV. CLEAN AIR AND WATER CERTIFICATION**
- V. ASSURANCES AND COMPLIANCE**
- VI. EXAMINATION OF RECORDS**
- VII. NONDISCRIMINATION REQUIREMENTS**



## ATTACHMENT A – SPECIAL PROVISIONS

The signatories agree to comply with the following special provisions which are hereby incorporated into this agreement.

### I. Drug Free Workplace

By signing this agreement, the sponsors are providing the certification set out below. If it is later determined that the sponsors knowingly rendered a false certification, or otherwise violated the requirements of the Drug Free Workplace Act, the Service in addition to any other remedies available to the Federal Government, may take action authorized under the Drug Free Workplace Act.

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation 21 CFR 1308.11 through 1308.15;

Conviction means a finding of (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal of State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacturing, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee or cooperator directly engaged in the performance of work under a grant or cooperative agreement, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; or (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant or cooperative agreement who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employee of subcontractors in covered workplaces).

#### Certification:

A. The sponsors certify that it will continue to provide a drug free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (2) Establishing an ongoing drug free awareness program to inform employees about:
  - (a) The danger of drug abuse in the work place;
  - (b) The grantee's policy of maintaining a drug free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by (1);
- (4) Notifying the employee in the statement required by paragraph (1) that as a condition of employment under the grant, the employee will:
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such a conviction;
- (5) Notifying the Service in writing, within ten calendar days after receiving notice under paragraph 4.b. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph 4b with respect to any employee who is so convicted:
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
- (7) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraph (1) through (6).
- (8) Agencies shall keep the original of all disclosure reports in the official files of the agency.

B. The sponsors may provide a list of the site(s) for the performance of work done in connection with a specific project or other agreement.

### II. Certification Regarding Lobbying (7 CFR 3018) (Applicable if this agreement exceeds \$100,000.00)

The Sponsors certify to the best of their knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the sponsors, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, and officer or employer of Congress, or a Member of Congress in connection with the awarding of any Federal contract, the marking of any Federal grant, the making of any Federal loan, the entering into of any cooperative

agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The sponsors shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be the subject of a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **III. Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transaction, (7 CFR 3017)**

A. The sponsors certify to the best of its knowledge and belief, that it and its principals:

- (1) Are not presently debarred, suspended, proposed by debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
  - (2) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or in performing a public (Federal, state or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
  - (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and
  - (4) Have not within a three-year period preceding this application/proposal has none or more public transactions (Federal, state or local) terminated for cause or default.
- B. Where the primary sponsor is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this agreement.

### **IV. Clean Air and Water Certification**

(Applicable if this agreement exceeds \$100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)91) or the Federal Water Pollution Control Act (33 U.S.C. 1319 (C)) and is listed by EPA, or is not otherwise exempt.)

The project sponsoring organization(s) signatory to this agreement certifies as follows:

- (a) Any facility to be utilized in the performance of this proposed agreement is not listed on the Environmental Protection Agency List of Violating Facilities.
- (b) To promptly notify the State Administrative Officer prior to the signing of this agreement by NRCS, of the receipt of any communication from the Director, Office of Federal Activities, U.S. Environmental Protection Agency, indicating that any facility which he proposes to use for the performance of the agreement is under consideration to be listed on the Environmental Protection Agency List of Violating Facilities.
- (c) To include substantially this certification, including this subparagraph (c), in every nonexempt subagreement.

### **CLEAN AIR AND WATER CLAUSE**

(Applicable if this agreement exceeds \$100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)91) or the Federal Water Pollution Control Act (33 U.S.C. 1319 (C)) and is listed by EPA, or is not otherwise exempt.)

A. The project sponsoring organization(s) signatory to this agreement agrees as follows:

- (1) To comply with all the requirements of section 114 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq., as amended by public law 91-604) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., as amended by Public Law 92-500), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder before the signing of this agreement by NRCS.
- (2) That no portion of the work required by this agreement will be performed in a facility listed on the Environmental Protection Agency List of Violating Facilities on the date when this agreement was signed by NRCS unless and until the EPA eliminates the name of such facility or facilities from such listing.

- (3) To use their best efforts to comply with clean air standards and clean water standards at the facilities in which the agreement is being performed.
  - (4) To insert the substance of the provisions of this clause in any nonexempt subagreement, including this subparagraph A(4).
- B. The terms used in this clause have the following meanings:
- (1) The term "Air Act" means the Clean Air Act, as amended (33 U.S.C. 1251 et seq., as amended by Public Law 92-500).
  - (2) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Public Law 92-500).
  - (3) The term "clean air standards" means any enforceable regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 1110(d) of the Clean Air Act (42 U.S.C. 1857c-5(d)), an approved implementation procedure or plan under section 111(c) or section 111(d), or an approved implementation procedure under section 112(d) of the Air Act (42 U.S.C. 1857c-7(d)).
  - (4) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. 1342), or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act (33 U.S.C. 1317).
  - (5) The term "compliance" means compliance with clean air or water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air or water pollution control agency in accordance with the Air Act of Water Act and regulations issued pursuant thereto.
  - (6) The term "facility" means any building, plant, installation, structure, mine, vessel or other floating craft, location or site of operations, owned, leased, or supervised by a sponsor, to be utilized in the performance of any agreement of subagreement. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are collocated in one geographical area.

**V. Assurances and Compliance**

As a condition of the grant or cooperative agreement, the recipient assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive Orders, and other generally applicable requirements, including those set out in 7 CFR 3015, 3016, 3017, 3018, and 3051 which are hereby incorporated in this agreement by reference, and such other statutory provisions as are specifically set forth herein.

**VI. Examination of Records**

Give the Service or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this agreement. Retain all records related to this agreement for a period of three years after completion of the terms of this agreement in accordance with the applicable MOB Circular(s).

**VII. Nondiscrimination**

Activities conducted under this agreement will be in compliance with the nondiscrimination provisions as contained in the Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B) which provide that no person in the United States shall on the grounds of race, color, national origin, gender, religion, age, disability, marital status, familial status, sexual orientation, or because all or part of an individual's income is derived from any public assistance source be excluded from participation in, be denied the benefits of or otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency thereof.



Resolution to approve the Natural Resources Conservation Service Flood Plain Work

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.	X		X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergeses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.		X	X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Voice	<input type="checkbox"/> Roll Call
----------------------	---------------------------------------	--------------------------------	------------------------------------

**Comments:**

RESOLUTION NO. 2009052612

COUNTY FLOOD DAMAGE PREVENTION RESOLUTION

A RESOLUTION ADOPTED FOR THE PURPOSE OF AMENDING THE LAWRENCE COUNTY, TENNESSEE REGIONAL ZONING RESOLUTION REGULATING DEVELOPMENT WITHIN THE JURISDICTION OF LAWRENCE 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

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 Lawrence County, Tennessee, County Executive and Board of County Commissioners, do resolve as follows:

B. Findings of Fact

1. The Lawrence County, Tennessee, County Executive 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 Lawrence 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.

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.

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 flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone 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 (1) 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 (1) 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"** means 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.

**"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 **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of **"Flood"** or **"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 Lawrence 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.

**"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) Four hundred (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.

**"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 (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBMs. 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 Department of Economic and Community Development's, Local Planning Assistance 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**

#### **A. Application**

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

#### **B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Lawrence County, Tennessee, as identified by FEMA, and in its **Flood Insurance Study (FIS) Number 47099CV000A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47099C0020C, 0030C, 0035C, 0040C, 0045C, 0065C, 0070C, 0090C, 0115C, 0135C, 0145C, 0155C, 0160C, 0163C, 0164C, 0165C, 0168C, 0170C, 0180C, 0190C, 0205C, 0210C, 0215C, 0220C, 0230C, 0235C, 0240C, 0245C, 0251C, 0252C, 0253C, 0256C, 0260C, 0265C, 0270C, 0290C, 0305C, 0310C, 0315C, 0320C, 0330C, 0335C, 0340C, 0345C, 0360C, 0365C, 0370C, 0380C, 0390C**, dated, **January 2, 2009**, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

#### **C. Requirement for Development Permit**

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

#### **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.

#### **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.

#### **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.

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 Lawrence 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.

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 Lawrence County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**ARTICLE IV. ADMINISTRATION**

A. Designation of Resolution Administrator

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

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 nonresidential 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 nonresidential floodproofed building will meet the floodproofing criteria in Article V, Subsections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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 nonresidential 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 nonresidential 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.

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 Department of Economic and Community Development, Local Planning Assistance 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, Subsection 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, Subsection 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, Subsection 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 Lawrence 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.

#### **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **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, Subsection 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.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Subsection 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. Nonresidential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential 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 nonresidential 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".

Nonresidential 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, Subsection 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.
  - i. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - iii. 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, Subsection 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:
  - i. 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
  - ii. 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, Subsections 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:
  - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
  - ii. 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;
  - iii. 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 fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Subsection E).

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, Subsection 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 earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Lawrence County, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B.

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, Subsection B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, 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 community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections A and B.

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

Located within the Special Flood Hazard Areas established in Article III, Subsection 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, Subsections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (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, Subsection 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, Subsection 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 (20) feet, 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 Lawrence 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, Subsections A and B. Within approximate A Zones, require that those subsections of Article V, Subsection 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.

F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Subsections A and B, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Subsection B.
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on

the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. 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 of this Resolution and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Subsection B.

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

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Subsection 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.

H. Standards for Unmapped Streams

Located within Lawrence 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.

**ARTICLE VI. VARIANCE PROCEDURES**

A. Regional Board of Zoning Appeals

1. Authority

The Lawrence 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 zero 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 fifteen (15) 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:

- i. The Lawrence County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
- ii. 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.
- iii. 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.
- iv. 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.
  - v. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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, Subsection 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**

**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 Lawrence County, Tennessee, the most restrictive shall in all cases apply.

**B. Severability**

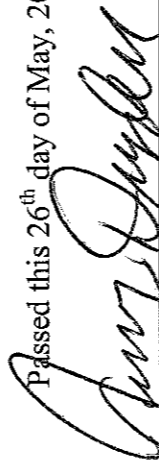
If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

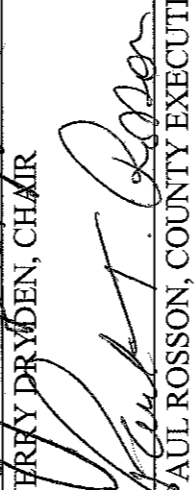
**C. Effective Date**

This Resolution shall become effective immediately after its passage, the public welfare demanding it.

Approved and adopted by the Lawrence County, Tennessee, County Executive and Legislative Body.

Passed this 26<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON

LAWRENCE COUNTY TN RESOLUTION NO: 2009052612

Resolution adopted for the purpose of amending the Lawrence County TN Regional Zoning Resolution regulating development within the jurisdiction of Lawrence County TN to minimize danger to life and property due to flooding, and to maintain eligibility for participating in the National Flood Insurance Program

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.	X		X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark		X	X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Voice	<input type="checkbox"/> Roll Call
----------------------	---------------------------------------	--------------------------------	------------------------------------

**Comments:**

RESOLUTION NO. 2009052613

RESOLUTION TO ESTABLISH A COMMITTEE FOR RESALE OF LAND BOUGHT AT  
DELINQUENT TAX SALES AND FOR THE SALE OF SURPLUS LAND OWNED BY  
LAWRENCE COUNTY

WHEREAS, Lawrence County has purchased land at tax sales, particularly a tract of land located on Butler Creek Road and more particularly identified as Tax Map 171, Parcel 6.01; and

WHEREAS, Lawrence County is the owner of certain other land that could be considered surplus property including, but not limited to, the property located at 221 South Military Street, Lawrenceburg, also known as the Harbor House, and approximate 14.5 acre tract of land known as the Old David Crockett School site; and

WHEREAS, Tennessee Code Annotated § 67-5-2507, provides a committee of four members shall be elected by the County Legislative Body, from the County Legislative Body, who, together with the County Executive, shall place a fair price on each tract of land, for which price the same shall be sold in order to dispose of land purchased by a county at tax sales; and

WHEREAS, the Lawrence County Legislative Body deems it a good plan to use such a committee to dispose of other surplus property or to suggest to the County Legislative Body the best way to dispose of such surplus county property.

NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Legislative body meeting in regular session this 26th day of May, 2009, that:


1. The following members shall comprise the committee:

Jerry Putman  
Jerry Dryden  
Ronnie Benefield  
Anne Brown  
Alan Keener  
Paul Rosson, County Executive

2. Such committee shall be charged with the duties specified in Tennessee Code Annotated § 67-5-2507 and to report to the Lawrence County Legislative Body the best and most efficient way to dispose of its surplus real property.

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:  
  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON

LAWRENCE COUNTY TN RESOLUTION NO: 2009052613

Resolution to establish a committee for resale of land bought at delinquent tax sales and for the sale of surplus land owned by Lawrence County

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.	X		X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray		X	X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/>	<b>Vote</b>	<input type="checkbox"/>	<b>Roll Call</b>
----------------------	-------------------------------------	-------------	--------------------------	------------------

Comments:

Members of budget committee and chairman of facilities committee

RESOLUTION NO. 2009052614

RESOLUTION TO CONFIRM APPOINTMENT OF MEMBERS TO LAWRENCE COUNTY  
SENIOR CITIZENS BOARD

WHEREAS, there are vacancies on the Lawrence County Senior Citizens Board and Chuck Kizer and James Jaco have been appointed by the County Executive to serve on the Lawrence County Senior Citizens Board for a term ending in September, 2010.

NOW, THEREFORE, be it resolved by the Lawrence County Legislative Body meeting in regular session this 26th day of May, 2009, that Chuck Kizer and James Jaco are hereby confirmed as members of the Lawrence County Senior Citizens Board.

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26th day of May, 2009.

  
\_\_\_\_\_  
JERRY PRODEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON

Resolution to confirm appointment of members to Lawrence County Senior  
Citizen Board

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.		X	X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergeses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.	X		X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Voice	<input type="checkbox"/> Roll Call
----------------------	---------------------------------------	--------------------------------	------------------------------------

**Comments:**



RESOLUTION NO. 2009052615

RESOLUTION TO APPROVE APPOINTMENT TO BUDGET COMMITTEE

WHEREAS, Lawrence County has adopted the county budgeting law of 1957; and

WHEREAS, pursuant to T.C.A. §5-12-104, a county Budget Committee is created which committee shall consist of five (5) members, one of whom is to be the County Executive and the other four to be appointed by the County Executive with the approval of the county Legislative Body; and

WHEREAS, the County Executive has appointed Jerry Dryden to serve on the Budget Committee.

NOW, THEREFORE, be it resolved by the Lawrence County Legislative Body meeting in regular session this 26th day of May, 2009, the appointment of Jerry Dryden to the Budget Committee are hereby approved.

This resolution will take effect upon its passage, the public welfare requiring it.

Passed this 26th day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON

Resolution to approve appointment to Budget Committee

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.	X		X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.		X	X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

TYPE OF VOTE:	X	Voice	Roll Call
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

20090526

Election of Commissioner for 18<sup>th</sup> District due to Resignation of W. Charles Doerflinger

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.		X	X			X	
15	Robertson, Charles H.				X		X	
14	Putman, Jerry N.				X		X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.	X		X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.				X		X	
3	Gillespie, Dennis C.				X		X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.				X		X	
13	Brazier, Ray				X		X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano				X		X	
		<b>TOTAL</b>		<b>10</b>	<b>7</b>	<b>0</b>	<b>17</b>	<b>0</b>

TYPE OF VOTE:	<input type="checkbox"/>	Voice	<input checked="" type="checkbox"/>	Roll Call
---------------	--------------------------	-------	-------------------------------------	-----------

Comments:

Motion made by Chris Jackson to recess meeting for 2 weeks to have time to consider nominees – reconvene June 8 at 5:00

NOTARY LIST

May 26, 2009 Regular Session

APPLICANTS NAME	BONDING AGENT
Marsha Lanning	State Farm Ins
Deborah L. Ezell	CNA Surety
Deniece McCroskey	Surety Bonding Co. of Am.
Gayle Inman	Surety Bonding Co. of Am.
Bonnie A. Tatum	Elliott & Associates
Julianna Dunkin	Western Surety Co.
Sheila H. Frisbie	Western Surety Co.
Donna VanRosenberg	Surety bonding Co. of Am.
Laura McFall	Western Surety Co.
Rual P. Orton	Harold & Dean Richmond
Cheryle D. Patterson	Western Surety Co.
Andria Smith	Western Surety Co.
Rouea E. Cruey	Western Surety Co.

LAWRENCE COUNTY TN  
 May 26, 2009 Regular Session  
 NOTARIES

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.	X		X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.		X	X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

**TYPE OF VOTE:**     Voice     Roll Call

**Comments:**

20090526

Election of Commissioner for 18<sup>th</sup> District due to Resignation of W. Charles Doerflinger

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.		X	X			X	
15	Robertson, Charles H.				X		X	
14	Putman, Jerry N.				X		X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.		X	X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.				X		X	
3	Gillespie, Dennis C.				X		X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.				X		X	
13	Brazier, Ray				X		X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano				X		X	
		<b>TOTAL</b>		<b>10</b>	<b>7</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input type="checkbox"/> Roll Call	<input checked="" type="checkbox"/> Voice	<input type="checkbox"/> Roll Call
----------------------	------------------------------------	---	------------------------------------

**Comments:**

Motion made by Chris Jackson to recess meeting for 2 weeks to have time to consider nominees – reconvene June 8 at 5:00

**LAWRENCE COUNTY TN**  
**May 26, 2009 REGULAR SESSION**  
**SUSPEND THE RULES**

- 16. Resolution in support of application to USDA Rural Development Community Facilities Loan/Grant Funds
- 17. Resolution to commend Summertown High School baseball team on 2009 State Class A Championship Title

DISTRICT	COMMISSIONERS	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.		X	X			X	
12	Hill, Richard L.	X		X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input type="checkbox"/> Roll Call	<input checked="" type="checkbox"/> Voice	<input checked="" type="checkbox"/> Roll Call
----------------------	------------------------------------	---	---

**Comments:**

RESOLUTION NO. 2009052616

RESOLUTION IN SUPPORT OF APPLICATION TO USDA RURAL DEVELOPMENT  
COMMUNITY FACILITIES LOAN/GRANT FUNDS

WHEREAS, U. S. Department of Agriculture Rural Development has funds available through its Community Facilities Loan/Grant Program to assist in the development of public facilities and infrastructure in rural areas;

WHEREAS, Lawrence County is in need to make renovations to the Lawrence County Courthouse and renovations and/or additions to the Lawrence County Transfer Station;

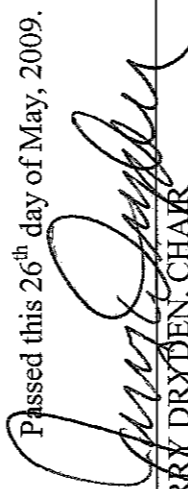
WHEREAS, Lawrence County wishes to apply for U.S.D.A. Rural Development Community Facilities loan/grant funds for said project; and

NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Legislative body meeting in regular session this 26th day of May, 2009, that, that the County Executive for Lawrence County shall have the authority to apply to the U.S. Department of Agriculture for Community facilities funds in the amount of \$400,000.00 for the purpose of making renovations to the Lawrence County Courthouse and renovations and/or additions to the Lawrence County Transfer Station.

BE IT FURTHER RESOLVED that the County Executive shall have the authority to execute and sign any and all documents and agreements with U.S.D.A. Rural Development to accept and administer grant funds.

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26<sup>th</sup> day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: BUDGET COMMITTEE AND FACILITIES COMMITTEE



Resolution in support of application to USDA Rural Development Community Facilities Loan/Grant

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.				X		X	
17	Wray, Joe R.				X		X	
5	Sanders, John C., Jr.				X		X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergeses, Mark		X		X		X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.			X			X	
11	Hyatt, Sandra K.				X		X	
12	Hill, Richard L.	X		X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>12</b>	<b>5</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input type="checkbox"/>	<b>Voice</b>	<input checked="" type="checkbox"/>	<b>Roll Call</b>
----------------------	--------------------------	--------------	-------------------------------------	------------------

**Comments:**

RESOLUTION NO. 2009052617

RESOLUTION TO COMMEND SUMMERTOWN HIGH SCHOOL BASEBALL TEAM ON 2009 STATE CLASS A CHAMPIONSHIP TITLE

WHEREAS, the Summertown High School Baseball Team has completed a remarkable season, claiming the 2009 State Class A Baseball Championship and finishing with a record of 36 wins and 6 losses under direction of Coach Greg Burleson; and

WHEREAS, the Summertown Eagles wrapped up the regular season with a record of 14 wins and no losses in District 12 play; and

WHEREAS, the Summertown Eagles advanced to the post season, claiming the District 12 and Region 6 championships before winning at the Sub-State level to advance to the State Class A Baseball Tournament in Murfreesboro; and

WHEREAS, the Summertown Eagles defeated Monterey 11-0 in the first round of play on Tuesday, May 19, 2009, defeated Jackson Christian 15-6 in the second round on Wednesday, May 20, 2009 and defeated Cascade 18-4 in the semifinals on Thursday, May 21, 2009; and


WHEREAS, the Summertown Eagles claimed the State Class A Baseball Championship by defeating Decatur County Riverside 3-2 in extra innings on Friday, May 22, 2009 at Middle Tennessee State University; and

WHEREAS, the 2009 championship will become part of the history of athletics at Summertown High School and is reason to be celebrated and recognized by the entire community; and so

NOW, THEREFORE, BE IT RESOLVED by the Lawrence County Legislative Body meeting in regular session this 26th day of May, 2009, that the Lawrence County Board of Commissioners hereby congratulates the Summertown Eagles Baseball Team and Coach Greg Burleson on winning the 2009 State Class A Baseball Championship.

This Resolution shall take effect upon its passage, the public welfare requiring it.

Passed this 26th day of May, 2009.

  
\_\_\_\_\_  
JERRY DRYDEN, CHAIR

  
\_\_\_\_\_  
PAUL ROSSON, COUNTY EXECUTIVE

ATTEST:  
  
\_\_\_\_\_  
CHUCK KIZER, COUNTY CLERK

SPONSOR: PAUL ROSSON  
CO-SPONSORS: RAY BRAZIER, DELANO BENEFIELD, RONALD BENEFIELD, ANNE BROWN, BOBBY CLIFTON, JERRY DRYDEN, DENNIS GILLESPIE, RICHARD HILL, SANDRA HYATT, CHRIS JACKSON, ALAN KEENER, MARK NIEDERGESES, JERRY PUTMAN, CHARLES ROBERTSON, JOHN SANDERS, JR., JOE WRAY, AND WAYNE YOCOM

Resolution to commend Summertown High School Baseball Team on 2009 State  
Class A Championship Title

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.			X			X	
17	Wray, Joe R.			X			X	
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.			X			X	
14	Putman, Jerry N.			X			X	
8	Niedergeses, Mark			X			X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.	X		X			X	
11	Hyatt, Sandra K.			X			X	
12	Hill, Richard L.		X	X			X	
3	Gillespie, Dennis C.			X			X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.			X			X	
16	Brown, Anne N.			X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.			X			X	
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>17</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/>	<b>Voice</b>	<input type="checkbox"/>	<b>Roll Call</b>
----------------------	-------------------------------------	--------------	--------------------------	------------------

**Comments:**

LAWRENCE COUNTY COMMISSION  
 May 26, 2009 Regular Session  
 RECESS

DISTRICT	COMMISSIONERS	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.							
17	Wray, Joe R.							
5	Sanders, John C., Jr.							
15	Robertson, Charles H.							
14	Putman, Jerry N.							
8	Niedergeses, Mark							
4	Keener, Alan J.							
2	Jackson, Chris D.							
11	Hyatt, Sandra K.							
12	Hill, Richard L.							
3	Gillespie, Dennis C.							
7	Dryden, Jerry W.							
18								
6	Clifton, Bobby R.							
16	Brown, Anne N.							
13	Brazier, Ray							
9	Benefield, Ronald L.							
10	Benefield, Delano							
		<b>TOTAL</b>						

**TYPE OF VOTE:**  Voice  Roll Call

**Comments:**

**Meeting in recess until June 8<sup>th</sup> at 5:00**

LAWRENCE COUNTY COMMISSION  
 Reconvened May 26, 2009 Regular Session June 8, 2009

**CALL TO ORDER BY:** Jerry Dryden, Chair  
**ROLL CALL:** Chuck Kizer, County Clerk

DISTRICT	COMMISSIONERS	PRESENT	ABSENT
1	Yocom, Wayne A.		X
17	Wray, Joe R.		X
5	Sanders, John C., Jr.	X	
15	Robertson, Charles H.		X
14	Putman, Jerry N.	X	
8	Niedergereses, Mark		X
4	Keener, Alan J.	X	
2	Jackson, Chris D.	X	
11	Hyatt, Sandra K.		X
12	Hill, Richard L.	X	
3	Gillespie, Dennis C.		X
7	Dryden, Jerry W.	X	
18			
6	Clifton, Bobby R.		X
16	Brown, Anne N.	X	
13	Brazier, Ray	X	
9	Benefield, Ronald L.		X
10	Benefield, Delano	X	
<b>TOTAL</b>		<b>9</b>	<b>8</b>

Reconvened 20090608  
 20090526 Election of Commissioner for 18<sup>th</sup> District due to Resignation of W.  
 Charles Doerflinger

DISTRICT	COMMISSIONER	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.						X	X
17	Wray, Joe R.						X	X
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.						X	
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark						X	
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.		X	X			X	
11	Hyatt, Sandra K.						X	
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.						X	
7	Dryden, Jerry W.			X			X	
18								
6	Clifton, Bobby R.							X
16	Brown, Anne N.	X		X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.							X
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>9</b>			<b>9</b>	<b>8</b>

<b>TYPE OF VOTE:</b>	<input checked="" type="checkbox"/> Voice	<input type="checkbox"/> Roll Call
----------------------	---	------------------------------------

**Comments:**

**Bill Burks nominated by Anne Brown; seconded by Chris Jackson**

LAWRENCE COUNTY COMMISSION  
 June 8, 2009 Reconvened May 26, 2009 Regular Session  
 ADJOURNMENT

DISTRICT	COMMISSIONERS	MOTION	SECOND	AYE	NAY	PASS	PRESENT	ABSENT
1	Yocom, Wayne A.							X
17	Wray, Joe R.							X
5	Sanders, John C., Jr.			X			X	
15	Robertson, Charles H.							X
14	Putman, Jerry N.			X			X	
8	Niedergereses, Mark							X
4	Keener, Alan J.			X			X	
2	Jackson, Chris D.		X	X			X	
11	Hyatt, Sandra K.							X
12	Hill, Richard L.			X			X	
3	Gillespie, Dennis C.							X
7	Dryden, Jerry W.			X			X	
18				X			X	
6	Clifton, Bobby R.							X
16	Brown, Anne N.	X		X			X	
13	Brazier, Ray			X			X	
9	Benefield, Ronald L.							X
10	Benefield, Delano			X			X	
		<b>TOTAL</b>		<b>9</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>8</b>

**TYPE OF VOTE:**     **Voice**     **Roll Call**

**Comments:**