

RESOLUTION

No. 2024 / 05 / 01

To the HONORABLE MARK DEWITTE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session, met this 20th day of May 2024.

RESOLUTION IN REF: APPOINTMENT OF EQUALIZATION BOARD MEMBER TO FULFILL A VACANCY AND APPOINT AN ALTERNATE.

WHEREAS the Equalization Board is appointed by the county legislative body on every even calendar year per TCA 67-1-401; and

WHEREAS the board consists of five members and one alternate that are taxpayers and are from different areas of the county with the term being two years; and

WHEREAS due to Gloria Silvers resigned effective April 26th, 2024, leaving a vacancy for the two-year term ending 2024-2025 the following person be nominated to fulfill said term:

Terry Whitson
703 Williams Rd
Rogersville, TN 37857

AND

WHEREAS the following person desires to be appointed to the Equalization Board as an alternate for a two-year term 2024-2025 ending June 2025:

Robert Cooper
1956 Carters Valley Road
Surgoinsville, TN 37873

THEREFORE, BE IT RESOLVED that TERRY WHITSON be appointed to fill the vacancy of the two-year term ending June 2025, and ROBERT COOPER be appointed as the board alternate for said term.

Introduced By Esq. JEFF BARRETT

ACTION: AYE NAY PASSED

Seconded By _____

Roll Call _____

Date Submitted 04-29-2024

Voice Vote _____

[Signature]
County Clerk

Absent _____

COMMITTEE ACTION

Chairman: MARK DEWITTE

RESOLUTION

No. 2024 / 05 / 02

To the HONORABLE Mark DeWitte, Chairman, and Members of the Hawkins County Board of Commissioners in Regular Session, met this 20th day of May, 2024.

RESOLUTION IN REF

APPROVAL OF A ONE-TIME DONATION OF \$6500 BE GRANTED TO THE GOSHEN VALLEY FIRE DEPARTMENT

WHEREAS, identified issues have arisen with the Goshen Valley Bridge, which currently maintains a posted weight limit of 10,000 pounds,

WHEREAS, the vehicles utilized by the Goshen Valley Volunteer Fire Department may weigh as much as Twenty Five Tons,

WHEREAS, discontinuing the use of the bridge by the Goshen Valley Volunteer Fire Department will inevitably impact the community it serves directly,

WHEREAS, the anticipated rise in travel expenses, particularly fuel costs, poses a significant financial strain on the Goshen Valley Volunteer Fire Department,

WHEREAS, the Goshen Valley Volunteer Fire Department has formally requested assistance in procuring a fuel tanker and covering associated fuel costs to mitigate travel requirements for refueling,

THEREFORE, BE IT RESOLVED that a one-time donation in the amount of \$5000 for the installation of a fuel tank and an additional \$1500 allocated for fuel, totaling \$6500, be granted to the Goshen Valley Volunteer Fire Department. This funding is intended to facilitate the acquisition, installation, and initial filling of an in-ground fuel tanker, thereby aiding in addressing the identified logistical challenges.

Introduced By Esq. John Gibson

Seconded By Esq. _____

Date Submitted 05-03-2024

Nancy A Davis
County Clerk

By: Cynthia Rutledge D.C.

Chairman _____

Mayor _____

ACTION: AYE NAY PASS

Roll Call _____

Voice Vote _____

Absent _____

COMMITTEE ACTION

MAYOR'S ACTION: Approved _____ Veto _____

RESOLUTION

No. 2024/05/ 03

To the HONORABLE MARK DEWITTE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session met this 20th day of May 2024.

RESOLUTION IN REF: APPROVAL OF QUIT CLAIM DEED TRANSFERRING COUNTY PROPERTY BEING USED BY THE STANLEY VALLEY FIRE DEPARTMENT INC. (SVFD) FROM COUNTY OWNERSHIP TO SVFD OWNERSHIP

WHEREAS, the Stanley Valley Fire Department Inc. (SVFD) is housed in and operates from property currently owned by Hawkins County at the intersection of Stanley Valley and Bray Roads; and

WHEREAS, SVFD has maintained and improved the building in which they are housed on several occasions; and

WHEREAS, SVFD has expressed interest in owning and continuing to maintain their headquarters building; now

THEREFORE, BE IT RESOLVED that Hawkins County, by Quitclaim Deed attached to this resolution, transfers ownership of the property as described on the deed; and

BE IT FURTHER RESOLVED that this transfer is effective as long as SVFD continues to occupy and use the premises solely for the provision of fire protection services to the community, and allows Hawkins County to use the building as a voting precinct for all elections where it is required; and

BE IT FURTHER RESOLVED, that SVFD will be paid the same amount for use by the Election Commission as other non-county owned facilities used for same; and

BE IT FURTHER RESOLVED, that should SVFD fail to fully meet any aforesaid reservation and condition, ownership of the property shall automatically revert to Hawkins County, and Hawkins County shall have the right to without notice re-enter and retake the property as fully and effectively as if this deed had not been executed.

Introduced By Esq. Jason Roach, Chair, Public Buildings Committee

Seconded By Esq. _____

Date Submitted 05-06-2024

Nancy A. Davis

County Clerk

Chairman Cynthia Rutledge D.C.

ACTION: AYE NAY PASSED

Roll Call _____

Voice Vote _____

Absent _____

QUITCLAIM DEED

THIS QUITCLAIM DEED made and entered into this the ____ day of _____, 2024, by and between **HAWKINS COUNTY, TENNESSEE**, hereinafter known as the Grantor, and **STANLEY VALLEY VOLUNTEER FIRE DEPARTMENT, INCORPORATED**, hereinafter known as the Grantee, is for so long as Grantee continues to exist as Stanley Valley Volunteer Fire Department, Incorporated; continues to occupy and use the premises solely for the provision of fire protection services to the community; and allows Grantor to without charge use the building as a voting precinct for all elections. If Grantee should fail to fully meet any of the aforesaid reservations and conditions, ownership of the property shall automatically revert to Grantor and Grantor shall have the right to without notice re-enter and retake the property as fully and effectively as if this deed had not been executed.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the above reservations and conditions, the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby remise, release and forever quitclaim unto the Grantee all of it's right, title, and interest, if any, in and unto the following described property, a tract of parcel land lying and being in the Fifth (5th) Civil District of Hawkins County, Tennessee, to wit:

Pursuant to Tenn. Code Ann. §66-24-121, no boundary survey having been made at the time of this conveyance, the description is the same as in the previous deed of record.

BEGINNING at the point where the northern margin of the Stanley Valley Road intersects the eastern margin of the Bray Road, and running thence northerly with the eastern margin of the Bray Road to an existing fence line. Thence southeasterly with the existing fence, and with the rear end of the new store building, to a fence post in the northern margin of the Stanley Valley Road. Thence westerly with the northern margin of the Stanley Valley Road to the point of beginning. Said tract of land is triangular in shape, and contains one (1) acre, more or less.

AND BEING the same property conveyed to Grantor from Fred Williams and wife, Helen Williams, and William C. Johnson and wife, Clara H. Johnson via deed dated November 20, 1970 of record in the Register of Deeds Office for Hawkins County at Rogersville, Tennessee in Deed Book 178, Page 232.

The following information is set forth to comply with the requirements of Tenn. Code Ann. §66-24-122 only and shall not be construed as amending or altering the description set forth above in any way.

Tax Map ____ Group ____ Control Map 052 Parcel 077.00

This conveyance is also expressly made subject to any and all restrictions, limitations,

THIS INSTRUMENT PREPARED BY:
LAW OFFICE OF MAY & CLUMP
130 WEST MAIN STREET
POST OFFICE BOX 1804
MOUNT CARMEL, TENNESSEE 37645

encumbrances, reservations, covenants and conditions contained in former deeds and other instruments of record as may now be binding on said property, and to any easements apparent from an inspection of said property.

IN WITNESS WHEREOF, the Grantor has hereto fixed his signature as Mayor of Hawkins County, Tennessee, on the day and date first above written.

**MARK DEWITTE, MAYOR
HAWKINS COUNTY, TENNESSEE**

STATE OF TENNESSEE:
COUNTY OF HAWKINS:

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, **MARK DEWITTE**, with whom I am personally acquainted and who, upon oath, acknowledged himself to be County Mayor of Hawkins County, Tennessee, as such official, he signed the foregoing instrument as his free and voluntary act on behalf of Grantor, Hawkins County, Tennessee, being duly authorized to do so, for the uses and purposes therein set forth.

WITNESS my hand and official seal at office in the State and County aforesaid, this the ____ day of _____, 2024.

My Commission Expire: _____

Notary Public

TAXPAYER(S) AND PROPERTY OWNER(S):

STATE OF _____
COUNTY OF _____

Pursuant to *Tennessee Code Annotated §67-4-409(a)(4)*, I hereby swear or affirm this is a Quitclaim Deed and that the actual consideration for this conveyance is zero dollars.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 2024.

AFFIANT

My Commission Expires:

NOTARY PUBLIC

The legal description has been furnished to the preparer by the Grantor, or by a third-party, or has been obtained from the record title. The preparer assumes no liability as to the accuracy or content thereof. No representation is made by the preparer as to compliance with subdivision regulations. Preparer assumes no liability as to the state of title to the property, unless a separate Title Opinion is furnished to the Grantee, and then only to the extent of the state of title to the property as set forth in the Title Opinion. This instrument was prepared from information furnished by the parties herein for which the preparer assumes no responsibility. FAILURE TO PROPERLY RECORD THIS INSTRUMENT MAY JEOPARDIZE YOUR RIGHTS IN THIS PROPERTY.

RESOLUTION

No. 2024/05/04

To the Honorable Chairman, Mark DeWitte and Members of the Hawkins County Board of Commissioners in Regular Session, met this 20th day of May 2024.

RESOLUTION IN REF: APPROVAL TO RESCIND RESOLUTION 2024/04/07 AND APPROVAL OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$70,000 FROM THE U.S. DEPARTMENT OF TRANSPORTATION WITH A SELF-FUNDED LOCAL MATCH OF \$3,750 FOR THE HAWKINS COUNTY AIRPORT.

WHEREAS, the U.S. Department of Transportation has offered Hawkins County a grant to conduct a Drainage Easement Review through a Land Acquisition Study, and

WHEREAS, the Airport has a Building Restriction Line violation in reference to offsite and onsite drainage, and

WHEREAS, the evaluation will cover drainage patterns, assess options with the potential of property acquisition including appraisal services, and provide a recommendation for future considerations of stormwater management; and

WHEREAS, this evaluation will be conducted by the firm of Michael Baker International Incorporated, with whom Hawkins County has a contract in place through June of 2024, and

WHEREAS, a previous resolution (2024/04/07) was passed with an amendment that the project be put out to bid but due to the existing contract being in place accepting bids is not necessary, now

THEREFORE, BE IT RESOLVED THAT previous resolution 1024/04/07 be rescinded and approval be given to apply and accept said grant for Hawkins County Airport with authorization given to the County Mayor to sign any and all necessary documents for said grant

Introduced by Esq Jason Roach, Chair Budget Committee

Seconded By Esq. _____

Date Submitted 05-06-2024

Nancy A. Rutledge
COUNTY CLERK

BY Cynthia Rutledge D.C.
CHAIRMAN: _____

ACTION:	AYE	NAY	PASSED
Roll Call	_____	_____	_____
Voice Vote	_____	_____	_____
Absent	_____	_____	_____

COMMITTEE ACTION: _____

RESOLUTION

No. 2024/05/ 05

To the HONORABLE MARK DEWITTE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session met this 20th day of May, 2024.

RESOLUTION IN REF: APPOINTMENT OF THE HAWKINS COUNTY BOARD OF HEALTH WITH TERMS BEGINNING JUNE 1, 2024, AND ENDING MAY 31, 2028.

WHEREAS, T.C.A. 68-2-601 requires the County Board of Health to have a full complement of membership to be appointed by the County Legislative Body for a term of four years; and

WHEREAS, the County Board of Health must consist of the following:

- 1. County Mayor
- 2. County Director of Schools
- 3. Two Physicians
- 4. One Dentist
- 5. One Pharmacist
- 6. One Nurse
- 7. County Health Officer and County Health Director to serve as ex officio members

THEREFORE, BE IT RESOLVED the following be approved as members of the Hawkins County Board of Health:

- Mark DeWitte, County Mayor
- Matt Hixson, Director of Schools
- Dr. Mark J. Dalle-Ave, MD
- Dr. Robert Purvis, DDS
- Dr. Beth Bryan, Pharmacist
- Hannah Hunter, RN, Hawkins County Health Department
- Dr. David Kirschke, Physician (Ex Officio)
- Shaun Street, County Director, Hawkins County Health Dept. (Ex Officio)

The term of the board members above will begin on June 1, 2024, and end on May 31, 2028. The County Mayor position will be determined by term in office.

Introduced By Esq. Robbie Palmer, Chairman, Public Safety Comm

Seconded By Esq. _____

Date Submitted 05-06-2024

County Clerk Nancy A. Davis
by Cynthia Rutledge D.C.

Chairman _____

ACTION:	AYE	NAY	PASSED
Roll Call	_____	_____	_____
Voice Vote	_____	_____	_____
Absent	_____	_____	_____

RESOLUTION

No. 2024/05/ 06

To the HONORABLE MARK DEWITTE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session met this 20th day of May, 2024.

RESOLUTION IN REF: TO ALLOW ICON ENVIRONMENTAL LLC TO CONSTRUCT AND OPERATE A SOLID WASTE PROCESSING FACILITY AT 142 BRADLEY CREEK ROAD IN CHURCH HILL, TENNESSEE PER THE GUIDELINES SET OUT IN THE "JACKSON LAW."

WHEREAS, ICON Environmental LLC has given written notice to the Hawkins County Mayor's Office, stating their desire to construct a processing facility to handle and recycle tires to be located at 142 Bradley Creek Road, Church Hill ; and

WHEREAS, on December 17, 2018, the Hawkins County Commission accepted TCA Title 68, Chapter 211, Part 7, also known as the "Jackson Law," which provides for local approval of the construction of privately-owned landfills and recycling centers by vote of the county legislative body. Such approval is being requested by ICON Environmental LLC; and

WHEREAS, their written notice states they will be shredding tires for recycling and disposal, creating little to no odor and minimal noise when the shredder is running, having little to no impact on property values of surrounding areas, and will be located on a road adequate to carry the increased traffic as a result of the proposed facility; and

WHEREAS, the facility will create a minimum of five employment positions, bring tax revenue to the county and state, and help resolve tire recycling issues in the area; now

THEREFORE, BE IT RESOLVED that with the Jackson Law in effect, the Hawkins County Commission hereby grants ICON Environmental LLC permission to construct and operate their proposed facility at 142 Bradley Creek Road in Church Hill and pursue a Processing Facility Permit from the state of Tennessee.

Introduced By Esq. **Robbie Palmer**

Seconded By Esq. _____

Date Submitted 05-06-2024

County Clerk Nancy A. Davis

By: Cynthia Rutledge, D.C.

Chairman _____

ACTION: AYE NAY PASSED

Roll Call _____

Voice Vote _____

Absent _____

COMMITTEE ACTION



ICON Environmental LLC

208 Lynn Garden Drive
Kingsport, TN 37660
(423) 830 2004

April 15, 2024

Hawkins County Mayors Office
150 E Washington Str # 2
Rogersville, TN 37857

To Whom This May Concern:

ICON Environmental LLC, located at 142 Bradley Creek Rd, Church Hill, TN 37642, Hawkins County, is seeking the approval/exemption from the Hawkins County mayor's office in regards to the "Jackson Law". We respectfully submit this letter with the purpose of obtaining a "Processing Facility Permit" through the State of Tennessee Department of Environment and Conservation Division of Solid Waste Management. Due to ICON Environmental LLC proposing to open a processing facility located within your jurisdictions, in which the "Jackson Law" is applicable, we are submitting a notification of intent for your approval.

**WRITTEN NOTIFICATION OF INTENT IN REFERENCE
TO PROCESSING FACILITY**

Type of Permit:

Processing Facility

Facility Location County:

Hawkins County

Facility Information:

Location of Facility

ICON Environmental LLC
142 Bradley Creek Rd
Church Hill, TN 37642

Mailing Address of Facility

ICON Environmental LLC
208 Lynn Garden Drive
Kingsport, TN 37663

Facility Manager

Kristen Kwiecinski
kkwiecinski@icon-env.com
(607) 651-6980

Operations Manager

Robert Chmielnik

bchmielnik@icon-env.com

(423) 416-8975

Applicants (Permittee)

Seth Glass

Member

seth.glass@r2enterprises.com

(540) 239-5670

Landowner

ICON Environmental LLC / Gregory Glass

(276) 393-9550

208 Lynn Garden Drive

Kingsport, TN 37660

Per the Rules of Tennessee Department of Environmental and Conservation Solid Waste Management, Chapter 0400-11-01 .02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities, Section 1; Part (C) Coordinating Local Approval with Review of Permits and Permits by Rule, Section 2; Local Approval under T.C.A. Title 68, Chapter 211, Part 7; Part (vii) 1; sub-parts (I) through (VIII).

ICON Environmental LLC is submitting additional information...

- (I) The type of waste to be processed;
 - Tires
- (II) The method of processing;
 - Shredding tires for recycling & disposal
- (III) The project impact on surrounding areas from noise and odor;
 - Odor - Little to none
 - Noise - Minimal noise when shredder is running
- (IV) The project impact on property values on surrounding areas;
 - Little to none, no residential areas border the property. Surroundings consist of farm land, City of Church Hill's substation fire house, and a similar business: wood grinding facility, West Stone Industries INC, is adjacent to the property. Approximately 3 miles north on at the end of Bradley Creek Road is Republic Services Carter Valley Landfill.

- (V) The adequacy of existing roads and bridges to carry the increased traffic projected to result from the proposed facility;
- There are no bridges to be crossed.
 - Bradley Creek Rd was purposely built as a Super 2 lane road to access the Hawkins County Class 1 Landfill; Republic Services Carter Valley Landfill. All turn lanes leading to and from 11W have acceleration and deceleration turning lanes.
- (VI) The economic impact on the county, city or both;
- Will create a minimum of 5 employment positions, bring tax revenue to the county and state, and help resolve tire recycling issues in the area.
- (VII) The compatibility with existing development or zoning plans;
- No zoning / County location / Outside urban development zone
- (VIII) Any other factor which may affect the public health, safety or welfare;
- None

Please review the information above for approval by your office. Upon approval ICON Environmental LLC will need approval/exemption documentation to submit to the State of Tennessee Department of Environment and Conservation, Division of Solid Waste Management.

Thank you and we greatly appreciate your time and consideration in this matter.

If you have any additional questions please feel free to contact Robert Chmielnik at (423) 416-8975. You may also reach out to Kristen Kwiecinski at (607) 651-6980.

Sincerely,



Seth Glass
Member / ICON Environmental LLC
(540) 239 5670

RESOLUTION

No. 2024/05/ 07

To the HONORABLE MARK DEWITTE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session met this 20th day of May 2024.

RESOLUTION IN REF: APPROVAL OF EXTENSION OF LEASE WITH 107 E MAIN LLC FOR THE TERM OF JULY 1, 2024, UNTIL JUNE 20, 2027, FOR OFFICE SPACE FOR THE HAWKINS COUNTY INDUSTRIAL BOARD

WHEREAS, the Hawkins County Industrial Board has leased space in the former US Bank Building located at 107 E Main Street, Rogersville, TN, beginning August 1, 2009; and

WHEREAS, the original lease for the space was dated August 1, 2009, and was amended July 30, 2012; September 28, 2015; July 1, 2018, and July 1, 2021; and

WHEREAS, the current lease expires June 30, 2024; and

WHEREAS, the Hawkins County Industrial Board wishes to extend the lease for the space beginning July 1, 2024, and expiring June 30, 2027, and:

WHEREAS, the rent for the space will be on an incremental scale as follows:

TERM	ANNUAL RENT	MONTHLY RENT
July 1, 2024 – June 30, 2025	\$13,200	\$1100.00
July 1, 2025 – June 30, 2026	\$15,000	\$1250.00
July 1, 2026 – June 20, 2027	\$16,800	\$1400.00

THEREFORE, BE IT RESOLVED that Hawkins County Mayor Mark DeWitte be authorized to sign the above-mentioned updated lease amendment, a copy of which is attached to this resolution, for the office space being used by the Hawkins County Industrial Board.

Introduced By Esq. Jason Roach, Chair, Public Buildings Committee

Seconded By Esq. _____

Date Submitted 05-06-2024

County Clerk Nancy A. Davis
by Cynthia Rutledge D.C.

Chairman _____

ACTION: AYE NAY PASSED

Roll Call _____

Voice Vote _____

Absent _____

AMENDMENT NO. 5 TO LEASE

It is hereby mutually agreed this _____ day of June, 2024, between 107 E. Main, LLC, as Landlord, and Hawkins County Industrial Board as Tenant, that all terms, covenants, conditions, and agreements of the Lease between Landlord and Tenant, dated August 1, 2009 and amended, July 30, 2012, September 28, 2015, July 1, 2018, and July 1, 2021 (collectively, the "Lease") covering premises located at 107 East Main Street, Rogersville, TN 37857 which space contains 1674 rentable square feet, located on the second floor and designated Suite 221 (the "Leased Premises"), is hereby amended (the "Amendment") as follows:

- 1. **Renewal Term.** The renewal term of the Lease with respect to the Leased Premises shall be for a period of three (3) years and shall commence July 1, 2024. The Lease shall now expire on June 30, 2027.
- 2. **Basic Rent Effective July 1, 2024** Tenant covenants and agrees to pay to Landlord, without demand and without deduction or offset, basic rent at the following rates:

<u>Term</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
July 1, 2024 - June 30, 2025	\$13,200.00	\$1100.00
July 1, 2025 - June 30, 2026	\$15,000.00	\$1250.00
July 1, 2026 - June 30, 2027	\$16,800.00	\$1400.00

- 3. **Leasehold Improvements.** Tenant acknowledges that Landlord shall not be obligated to make any improvements to the Leased Premises nor shall Tenant be entitled to any construction, build-out or other allowance with respect thereto because of the extension of the term as provided in this Amendment.
- 4. **Acknowledgement.** Tenant hereby acknowledges that Tenant has no extension, renewal, expansion, contraction or termination rights or rights of first offer or refusal with respect to the Leased Premises or any other space in the Building or this Lease (collectively, "Modification Rights"). Any provision in the Lease that might be interpreted to establish any such Modification Rights is hereby deleted.
- 5. **Brokerage Commission.** Landlord and Tenant hereby represent and warrant to each other that no commission is due and payable to any broker or leasing agent in connection with this Amendment as a result of its own dealings with any such broker or leasing agent. Landlord and Tenant hereby agree to indemnify, defend and hold each other harmless from and against all losses, damages, costs and expenses (including reasonable attorneys' fees) suffered by the other party as a result of any breach of the foregoing representation and warranty.
- 6. **Counterparts.** This Amendment may be executed in any number of counterparts, all of which shall be considered one and the same Amendment, even though all parties hereto have not signed the same counterpart. Signatures on this Amendment which are transmitted by facsimile or PDF scan shall be valid for all purposes. Any party shall, however, deliver an original signature for this Amendment to the other party upon request.

7. Reaffirmation of Lease. Except as expressly amended herein, all of the terms and conditions of the Lease remain in full force and effect.
8. Use of Name and/or Trademark. Tenant may not use Landlord's name or trademarks in connection with any advertisement, electronic or print publication, metatag, news release or release to any professional or trade publications without Landlord's prior written consent which may only be given by a Senior Vice President of Landlord.
9. USA Patriot Act. To help the government fight the funding of terrorism and money laundering activities, federal law requires all financial institutions to obtain, verify, and record information that identifies each individual/business requesting services from Landlord. Accordingly, Landlord may ask Tenant for information, including but not limited to, name, address, date of incorporation or formation, principal place of business, state of incorporation and other information about Tenant and Tenant's business that will allow Landlord to identify Tenant, and Tenant will furnish that information to Landlord.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment No. 5 to Lease as of the day and year first above written.

107 E. Main, LLC
as Landlord

Hawkins County Industrial
Board
as Tenant

By:

Name:

Date:

By:

Name:

Date:

By:

Name:

Date:

RESOLUTION

No. 2024/05/ 08

To the HONORABLE MARK DEWITTE, Chairman, and Members of the Hawkins County Board of Commission in Regular Session met this 20th day of May 2024

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

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

Section A. Statutory Authorization

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

Section B. Findings of Fact

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

Section C. Statement of Purpose

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

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

Section D. Objectives

The objectives of this Resolution are:

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

ARTICLE II. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

"Building" see "Structure".

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction".

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

"Flood" or "Flooding"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

"Conditional Letter of Map Revision Based on Fill (CLOMR-F)" A determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

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

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

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

report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;

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

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

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

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

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

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

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

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

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

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

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

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement

or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

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

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

ARTICLE III. GENERAL PROVISIONS

Section A. Application

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

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

The Areas of Special Flood Hazard identified on the Hawkins County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47073CIND0D, 47073C0025D, 47073C0050D, 47073C0075D, 47073C0080D, 47073C0085D, 47073C0090D, 47073C0095D, 47073C0105D, 47073C0110D, 47073C0115D, 47073C0130D, 47073C0140D, 47073C0175D, 47073C0180D, 47073C0185D, 47073C0190D, 47073C0195D, 47073C0205D, 47073C0210D, 47073C0215D, 47073C0216D, 47073C0217D, 47073C0218D, 47073C0219D, 47073C0230D, 47073C0235D, 47073C0236D, 47073C0237D, 47073C0238D, 47073C0239D, 47073C0245D, 47073C0255D, 47073C0260D, 47073C0265D, 47073C0270D, 47073C0280D, 47073C0285D, 47073C0290D, 47073C0295D, 47073C0310D, 47073C0320D, 47073C0330D, 47073C0335D, 47073C0340D, 47073C0355D, 47073C0360D, 47073C0365D, 47073C0370D, 47073C0380D, 47073C0385D, 47073C0390D, 47073C0425D, 47073C0430D, 47073C0435D, dated July 3 2006, Panel Number(s) 47073CIND0E, 47073C0116E, 47073C0117E, 47073C0120E, dated June 6 2024, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

Section C. Requirement for Development Permit

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

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

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

Section F. Interpretation

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

Section G. Warning and Disclaimer of Liability

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

Section H. Penalties for Violation

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

ARTICLE IV. ADMINISTRATION

Section A. Designation of Resolution Administrator

The Hawkins County Floodplain Coordinator or is / her designee is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section B. Permit Procedures

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

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
 - b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
 - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.

- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
 - An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
 - Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
 - A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
 - A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. Construction Stage

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

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

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

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

3. Finished Construction Stage

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

Section C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Hawkins County, Tennessee FIRM meet the requirements of this Resolution.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.
12. A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152, formerly 086-0-33) required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2

additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

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

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

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

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

1. Residential Structures

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

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

2. Non-Residential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

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

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.
4. Standards for Manufactured Homes and Recreational Vehicles
- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
 - c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Sections A and B.
 - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.
5. Standards for Subdivisions and Other Proposed New Development Proposals
- Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

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

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

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

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

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

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

- 1. Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- 2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) from FEMA prior to the start of construction. Upon completion of the project, the applicant shall apply for a Letter of Map Revision (LOMR) from FEMA. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.

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

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

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

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

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

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

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be

watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article IV, Section B(1) (c) and Article V, Section B(2).

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

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

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

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

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

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

Section I. Standards for Unmapped Streams

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

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

ARTICLE VI. VARIANCE PROCEDURES

Section A. Regional Board of Zoning Appeals

1. Authority

The Hawkins 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 50 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 Seven (7) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

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

a. Administrative Review

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

b. Variance Procedures

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

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

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

Section B. Conditions for Variances

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

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Resolutions

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

Section B. Severability

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

Section C. Effective Date

This Resolution shall become effective upon passage, the public welfare demanding it.

Approved and adopted by the Hawkins County, Tennessee, Mayor and Legislative Body.

Introduced By Esq. Jeff Barrett, Chair, Parks and Environmental Comm.

ACTION: AYE NAY PASSED

Seconded By Esq. _____

Roll Call _____

Date Submitted 05-06-2024

Voice Vote _____

Nancy A. Davis

Absent _____

County Clerk by Cynthia Rutledge D.C.

Chairman _____

Account Number	Description				
	COUNTY CLERK	Current Budget			Amended Budget
	Increase Expenditure		Increase		
52500-106	Deputy(ies)	504,716.00	2,729.00		507,445.00
52500-201	Social Security	47,297.00	209.00		47,506.00
52500-204	State Retirement	42,474.00	191.00		42,665.00
52500-206	Life Insurance	910.00	6.00		916.00
52500-207	Medical Insurance	86,066.00	1,608.00		87,674.00
52500-210	Unemployment Compensation	450.00	21.00		471.00
	Decrease Expenditure/Reserve/UDF			Decrease	
34515	Restricted for Finance	167,205.00		(2,729.00)	164,476.00
39000	Undesignated Fund Balance	9,950,712.00		(2,035.00)	9,948,677.00
	Sub-total Expenditures/Reserve/UDF	\$ 10,799,830.00	4,764.00	(4,764.00)	10,799,830.00
The above increases are needed to reflect the new County Clerk employee as per resolution No 2024/04/03.					
The funding for the employee's salary will come from one of the County Clerk's reserves and the benefits will come from fund balance.					
	TRANSFERS OUT	Current Budget			Amended Budget
	Increase Expenditure		Increase		
99100-590	Transfers to Other Funds (EDS)	106,657.00	855.00		107,512.00
	Increase Revenue		Increase		
47715	Tax Credit Bond Rebate	106,657.00	855.00		107,512.00
	Sub-total Revenues	\$ 106,657.00	855.00	0.00	107,512.00
	Sub-total Expenditures	\$ 106,657.00	855.00	0.00	107,512.00
The above increase is needed to proper reflect the actual amount received for the 2010 QSCB. The funding will come from an increase in the offsetting revenue.					
	HCSO	Current Budget			Amended Budget
	Increase Expenditure		Increase		
54110-509	Refunds	0.00	320,029.00		320,029.00
	Increase Revenue		Increase		
46240	School Resource Officer Grants	954,971.00	320,029.00		1,275,000.00
	Sub-total Revenues	\$ 954,971.00	320,029.00	0.00	1,275,000.00
	Sub-total Expenditures	\$ 0.00	320,029.00	0.00	320,029.00
The above increase in Refunds is needed in the event we can not maximize the \$75,000.00 per officer per school grant and owe any funds back to the State. The funding will come from recognizing the full revenue.					
		Current Budget	Increase	Decrease	Amended Budget
	Page Totals- Revenues	\$ 1,061,628.00	\$ 320,884.00	\$ 0.00	\$ 1,382,512.00
	Page Totals- Expenditures	\$ 10,906,487.00	\$ 325,648.00	\$ (4,764.00)	\$ 11,227,371.00

RESOLUTION NO. 2024, 05, 13

TO THE HONORABLE MARK DEWITTE, CHAIRMAN, AND MEMBERS OF THE HAWKINS COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION, MET THIS 20th DAY OF MAY 2024.

RESOLUTION IN REF: GENERAL PURPOSE SCHOOL FUND BUDGET AMENDMENT

WHEREAS, the Hawkins County Board of Education has approved the attached budget amendment to the General Purpose School Fund, and now requests approval of said amendment by the Hawkins County Board of Commissioners.

NOW THEREFORE BE IT RESOLVED THAT the Hawkins County Board of Commissioners, meeting in regular session, May 20, 2024, go on record as passing this resolution.

Introduced by Esq. Nancy Barker
Vice-Chairman Budget Committee Estimated Cost: _____

Seconded by Esq. _____ Paid From _____ Fund

ACTION: Aye Nay Abstain Date Submitted 0506-2024

Roll Call _____ County Clerk: Nancy A. Davis

Voice Vote _____ By: Cynthia Rutledge, D.C.

Absent _____

COMMITTEE ACTION: APPROVED DISAPPROVED

CHAIRMAN: _____

FUND: 141 GENERAL PURPOSE SCHOOL FUND
 AMENDMENT NUMBER: 7
 DATE: May 20, 2024

ORIGINAL BUDGET AMOUNT	67,504,749.00
PREVIOUS AMENDMENTS	2,134,443.77
TOTAL	69,639,192.77
REQUESTED AMENDMENT	1,253,389.20
TOTAL	70,892,581.97

Board approved 4/4/2024

	ACCOUNT NO	DESCRIPTION	CURRENT BUDGET	INCREASE	DECREASE	AMENDED BUDGET
		EXPENDITURES				
1	To budget the Niswonger grant for part-time tutors.					
		71100 REGULAR INSTRUCTION PROGRAM				
	71100-163-NISWO	Educational Assistants	-	402,830.50		402,830.50
	71100-201-NISWO	Social Security	-	21,467.14		21,467.14
	71100-204-NISWO	Pensions	-	1,590.97		1,590.97
	71100-212-NISWO	Employer Medicare	-	5,839.15		5,839.15
	71100-217-NISWO	Retirement - Hybrid Stabilization	-	202.20		202.20
				431,929.96		
	44990-NISWO	Other Local Revenues		431,929.96		
2	To budget a donation received for the Mini Grant fund for the 2024-2025FY.					
		71100 REGULAR INSTRUCTION PROGRAM				
	71100-429-MINGR	Instructional Supplies and Materials	-	1,500.00		1,500.00
	71100-722-MINGR	Instructional Equipment	-	1,500.00		1,500.00
				3,000.00		
	44570-MINGR	Contributions and Gifts		3,000.00		
3	To budget donations received for Reward Schools celebrations and snacks for Summer School.					
		72210 REGULAR INSTRUCTION PROGRAM, 72130 OTHER STUDENT SUPPORT				
	72210-599	Other Charges	-	586.00		586.00
	72130-599-DONGR	Other Charges	-	100.00		100.00
				686.00		
	44570	Contributions and Gifts	-	586.00		586.00
	44570-DONGR	Contributions and Gifts	-	100.00		100.00
				686.00		
4	To budget the USDA Rural Utilities Service (RUS) Distance Learning Grant.					
		72250 TECHNOLOGY				
	72250-790-RUS	Other Equipment	-	764,839.00		764,839.00
	47790-RUS	Other Direct Federal Revenue	-	764,839.00		764,839.00
5	To budget reimbursement for custodians for facility use.					
		72610 OPERATION OF PLANT				
	72610-166-FACIL	Custodial Personnel	-	700.00		700.00
	72610-201-FACIL	Social Security	-	43.00		43.00
	72610-204-FACIL	Pensions	-	49.00		49.00
	72610-212-FACIL	Employer Medicare	-	10.00		10.00
				802.00		
	44990-FACIL	Other Local Revenues	-	802.00		802.00
6	To budget donations received for the Employee of the Year celebration.					
		72520 HUMAN SERVICES/PERSONNEL				
	72520-599-TOY	Other Charges	-	1,075.00		1,075.00
	44570-TOY	Contributions and Gifts	-	1,075.00		1,075.00
7	To make amendments to the SAFE grant funds.					
		72210 REGULAR INSTRUCTION PROGRAM, 72620 MAINTENANCE OF PLANT				
	72620-790-SAFE	Other Equipment	80,905.84		26,000.00	54,905.84
	76100-304-SAFE	Architects		26,000.00		26,000.00
8	To budget reimbursement of facility use for Northeast State Community College for adult education.					
		72610 OPERATION OF PLANT, 72250 TECHNOLOGY				
	72610-415-NESCC	Electricity		4,700.00		4,700.00
	72610-434-NESCC	Natural Gas		1,250.00		1,250.00
	72610-454-NESCC	Water and Sewer		192.00		192.00
	72250-350-NESCC	Internet Connectivity		3,000.00		3,000.00
				9,142.00		
	44990-NESCC	Other Local Revenues		9,142.00		

9	To make amendments to the Public School Security Grant for additional funds.				
		72210 REGULAR INSTRUCTION PROGRAM, 72620 MAINTENANCE OF PLANT			
	72210-399-PSSG	Other Contracted Services	200,000.00	41,765.24	241,765.24
	46980	Other State Grants		41,765.24	
10	To budget donations received for Family Resource Center.				
		73300 COMMUNITY SERVICES			
	73300-499-FRC-DON	Other Supplies and Materials	11,994.75	150.00	12,144.75
	44570-FRC-DON	Contributions and Gifts	3,532.75	150.00	3,682.75
		TOTAL EXPENDITURES		1,279,389.20	26,000.00
		TOTAL REVENUES		1,253,389.20	

FUND: 141 GENERAL PURPOSE SCHOOL FUND
 AMENDMENT NUMBER: 7
 DATE: May 20, 2024

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	71100-201-NISWO	Social Security	-	21,467.14		21,467.14
	71100-204-NISWO	Pensions	-	1,590.97		1,590.97
	71100-212-NISWO	Employer Medicare	-	5,839.15		5,839.15
	71100-217-NISWO	Retirement - Hybrid Stabilization	-	202.20		202.20
				431,929.96		
	44990-NISWO	Other Local Revenues		431,929.96		
2	To budget a donation received for the Mini Grant fund for the 2024-2025FY.					
		71100 REGULAR INSTRUCTION PROGRAM				
	71100-429-MINGR	Instructional Supplies and Materials	-	1,500.00		1,500.00
	71100-722-MINGR	Instructional Equipment	-	1,500.00		1,500.00
				3,000.00		
	44570-MINGR	Contributions and Gifts		3,000.00		
3	To budget donations received for Reward Schools celebrations and snacks for Summer School.					
		72210 REGULAR INSTRUCTION PROGRAM, 72130 OTHER STUDENT SUPPORT				
	72210-599	Other Charges	-	586.00		586.00
	72130-599-DONGR	Other Charges	-	100.00		100.00
				686.00		
	44570	Contributions and Gifts	-	586.00		586.00
	44570-DONGR	Contributions and Gifts	-	100.00		100.00
				686.00		
4	To budget the USDA Rural Utilities Service (RUS) Distance Learning Grant.					
		72250 TECHNOLOGY				
	72250-790-RUS	Other Equipment	-	764,839.00		764,839.00
	47790-RUS	Other Direct Federal Revenue	-	764,839.00		764,839.00
5	To budget reimbursement for custodians for facility use.					
		72610 OPERATION OF PLANT				
	72610-166-FACIL	Custodial Personnel	-	700.00		700.00
	72610-201-FACIL	Social Security	-	43.00		43.00
	72610-204-FACIL	Pensions	-	49.00		49.00
	72610-212-FACIL	Employer Medicare	-	10.00		10.00
				802.00		
	44990-FACIL	Other Local Revenues	-	802.00		802.00
6	To budget donations received for the Employee of the Year celebration.					
		72520 HUMAN SERVICES/PERSONNEL				
	72520-599-TOY	Other Charges	-	1,075.00		1,075.00
	44570-TOY	Contributions and Gifts	-	1,075.00		1,075.00
7	To make amendments to the SAFE grant funds.					
		72210 REGULAR INSTRUCTION PROGRAM, 72620 MAINTENANCE OF PLANT				
	72620-790-SAFE	Other Equipment	80,905.84		26,000.00	54,905.84
	76100-304-SAFE	Architects		26,000.00		26,000.00
8	To budget reimbursement of facility use for Northeast State Community College for adult education.					
		72610 OPERATION OF PLANT, 72250 TECHNOLOGY				
	72610-415-NESCC	Electricity		4,700.00		4,700.00
	72610-434-NESCC	Natural Gas		1,250.00		1,250.00
	72610-454-NESCC	Water and Sewer		192.00		192.00
	72250-350-NESCC	Internet Connectivity		3,000.00		3,000.00
				9,142.00		
	44990-NESCC	Other Local Revenues		9,142.00		

9	To make amendments to the Public School Security Grant for additional funds.				
		72210 REGULAR INSTRUCTION PROGRAM, 72620 MAINTENANCE OF PLANT			
	72210-399-PSSG	Other Contracted Services	200,000.00	41,765.24	241,765.24
	46980	Other State Grants		41,765.24	
10	To budget donations received for Family Resource Center.				
		73300 COMMUNITY SERVICES			
	73300-499-FRC-DON	Other Supplies and Materials	11,994.75	150.00	12,144.75
	44570-FRC-DON	Contributions and Gifts	3,532.75	150.00	3,682.75
		TOTAL EXPENDITURES		1,279,389.20	26,000.00
		TOTAL REVENUES		1,253,389.20	

RESOLUTION NO. 2024, 05, 14

TO THE HONORABLE MARK DEWITTE, CHAIRMAN, AND MEMBERS OF THE HAWKINS COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION, MET THIS 20th DAY OF MAY 2024.

RESOLUTION IN REF: SCHOOL TRANSPORTATION FUND BUDGET AMENDMENT

WHEREAS, the Hawkins County Board of Education has approved the attached budget amendment to the School Transportation Fund, and now requests approval of said amendment by the Hawkins County Board of Commissioners.

NOW THEREFORE BE IT RESOLVED THAT the Hawkins County Board of Commissioners, meeting in regular session, May 20, 2024, go on record as passing this resolution.

Introduced by Esq. Nancy Barker
Vice-Chairman Budget Committee

Estimated Cost: _____

Seconded by Esq. _____

Paid From _____ Fund

ACTION: Aye Nay Abstain

Date Submitted 05-06-2024

Roll Call _____ _____ _____

County Clerk: Nancy A. Davis

Voice Vote _____ _____ _____

By: Cynthia Rutledge D.C.

Absent _____ _____ _____

COMMITTEE ACTION:

APPROVED

DISAPPROVED

CHAIRMAN: _____

FUND: 144 SCHOOL TRANSPORTATION FUND
 AMENDMENT NUMBER: 5
 DATE: May 20, 2024

ORIGINAL BUDGET AMOUNT	4,536,117.00
PREVIOUS AMENDMENTS	<u>52,283.43</u>
TOTAL	4,588,400.43
REQUESTED AMENDMENT	<u>121,683.33</u>
TOTAL	<u>4,710,083.76</u>

Desc Code	ACCOUNT NO	DESCRIPTION	CURRENT BUDGET	INCREASE	DECREASE	AMENDED BUDGET
		EXPENDITURES				
1		To budget insurance recovery funds for Bus #109.				
		72710 TRANSPORTATION				
	72710-729	Transportation Equipment	350,000.00	121,683.33		471,683.33
	49700	Insurance Recovery		121,683.33		
2		To make appropriations for transportation for the remainder of the year for students coded as homeless.				
		72710 TRANSPORTATION				
	72710-313	Contracts with Parents	400.00	10,000.00		10,400.00
	72710-207	Medical Insurance	381,614.00		10,000.00	371,614.00
3		To make appropriations for transportation consultant services.				
		72710 TRANSPORTATION				
	72710-399	Other Contracted Services	15,000.00	76,855.00		91,855.00
	72710-207	Medical Insurance	371,614.00		50,000.00	321,614.00
	72710-201	Social Security	132,300.00		15,000.00	117,300.00
	72710-142	Mechanic(s)	342,840.00		11,855.00	330,985.00
				76,855.00	76,855.00	
		TOTAL EXPENDITURES		208,538.33	86,855.00	
		TOTAL REVENUES		121,683.33		

RESOLUTION NO. 2024, 05, 15

TO THE HONORABLE MARK DEWITTE, CHAIRMAN, AND MEMBERS OF THE HAWKINS COUNTY BOARD OF COMMISSIONERS IN REGULAR SESSION, MET THIS 20th DAY OF MAY 2024.

RESOLUTION IN REF: EDUCATION CAPITAL PROJECTS FUND BUDGET AMENDMENT

WHEREAS, the Hawkins County Board of Education has approved the attached budget amendment to the Education Capital Projects Fund, and now requests approval of said amendment by the Hawkins County Board of Commissioners.

NOW THEREFORE BE IT RESOLVED THAT the Hawkins County Board of Commissioners, meeting in regular session, May 20, 2024, go on record as passing this resolution.

Introduced by Esq. Nancy Barker
Vice-Chairman Budget Committee Estimated Cost: _____

Seconded by Esq. _____ Paid From _____ Fund

ACTION: Aye Nay Abstain Date Submitted _____

Roll Call _____ County Clerk: Nancy A. Davis

Voice Vote _____ By: Cynthia Rutledge D.C.

Absent _____

COMMITTEE ACTION: APPROVED DISAPPROVED

CHAIRMAN: _____

FUND: 177 EDUCATION CAPITAL PROJECTS FUND
 AMENDMENT NUMBER: 2
 DATE: May 20, 2024

ORIGINAL BUDGET AMOUNT	1,514,237.00
PREVIOUS AMENDMENTS	
TOTAL	1,514,237.00
REQUESTED AMENDMENT	-
TOTAL	1,514,237.00

Desc Code	ACCOUNT NO	DESCRIPTION	CURRENT BUDGET	INCREASE	DECREASE	AMENDED BUDGET
1		To add additional funds to architects and trustee's commission.				
		91300 EDUCATION CAPITAL PROJECTS				
	91300-304	Architects	40,000.00	23,000.00	-	63,000.00
	91300-510	Trustee's Commission	30,000.00	3,000.00		33,000.00
	91300-707	Building Improvements	1,444,237.00		26,000.00	1,418,237.00
				26,000.00	26,000.00	
		TOTAL EXPENDITURES	-	26,000.00	26,000.00	-
		TOTAL REVENUES		-		

CERTIFICATE OF ELECTION OF NOTARIES PUBLIC

Resolution No. 2024/05/16

AS CLERK OF THE COUNTY OF HAWKINS, TENNESSEE

I HEREBY CERTIFY THAT THE FOLLOWING WERE ELECTED TO THE OFFICE OF:

NOTARY PUBLIC APPROVAL DURING THE MARCH 25, 2024 MEETING OF THE GOVERNING BODY:

NAME HOME ADDRESS BUSINESS ADDRESS

NAME	HOME ADDRESS	BUSINESS ADDRESS
1. JENNIFER LYNN BRUNER	108 FRISCO AVE CHURCH HILL, TN 37642	338 E MAIN ST (NEXSTAR/WJHL) JOHNSON CITY, TN 37801
2. KAREN SUE GIVENS	924 OLD STAGE RD ROGERSVILLE, TN 37857	155 HURD RD (USW LOCAL 458) SURGOINSVILLE, TN 37873
3. ASHLYN B. GORDON	129 BEAVER LN ROGERSVILLE, TN 37857	225 S DEPOT ST (STAPLETON LAW OFFICE) ROGERSVILLE, TN 37857
4. BRITTANY HENARD	174 CHRISTIANA DR ROGERSVILLE, TN 37857	184 JOE R MCCRARY RD (THP FALL BRANCH DISTRICT) FALL BRANCH, TN 37814
5. DONNA KAY HIPSHIRE	175 STEELE RD ROGERSVILLE, TN 37857	2291 E MAIN ST (HAWKINS COUNTY E-911) ROGERSVILLE, TN 37857
6. JEREMY ALLEN JONES	508 SPRINGFIELD CT CHURCH HILL, TN 37642	523 W MAIN BLVD (FIRST UTILITY DISTRICT OF HAWKINS CO) CHURCH HILL, TN 37642
7. ELIZABETH ELLEN MENZEL	924 OLD STAGE RD ROGERSVILLE, TN 37857	924 OLD STAGE RD (SELF) ROGERSVILLE, TN 37857
8. LUCINDA MUNOZ	3311 HWY 86 S ROGERSVILLE, TN 37857	130 W MAIN ST (LAW OFFICES OF MAY & COUP) MOUNT CARMEL, TN 37645

Nancy A. Davis
Clerk of the County of Hawkins, Tennessee

(Seal)

Date