



**CITY OF MARYVILLE**  
400 West Broadway  
Maryville, TN 37801

**BEER BOARD / PUBLIC HEARING  
CITY COUNCIL MEETING  
6:55 P.M. TUESDAY, APRIL 2, 2024  
MARYVILLE MUNICIPAL CENTER**

**NOTICE:** Individuals who wish to speak at council meetings should sign up on the public comment sheets available outside the council chamber. There are sign-up sheets for the following comment periods: public hearings, non-agenda items (Hear Citizens), and existing agenda items. The Mayor will use the sign-up sheets to call upon citizens for comments during the correlating comment period. Please remain seated until called upon to speak.

**6:55 P.M. BEER BOARD**

1. CONSIDERATION OF A MOTION TO GRANT AN OFF-PREMISE PERMIT TO DOLGENCORP, LLC. d/b/a DOLLAR GENERAL #962, 2115 E. BROADWAY AVENUE, MARYVILLE, TN 37804

**6:56 P.M. BEER BOARD**

2. CONSIDERATION OF A MOTION TO GRANT AN OFF-PREMISES BEER PERMIT TO WEIGEL STORES, INC., d/b/a/ WEIGEL'S #114, 2651 US HIGHWAY 411 S, MARYVILLE, TN 37801

**6:57 P.M. PUBLIC HEARING**

1. A PUBLIC HEARING REGARDING AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PROPERTY AT 600 W. BROADWAY AVENUE IDENTIFIED AS PARCELS 004.00, 005.00 and 006.00 ON BLOUNT COUNTY TAX MAP 057E GROUP J FROM THE BUSINESS & TRANSPORTATION DISTRICT TO THE CENTRAL COMMUNITY DISTRICT.

Individuals with disabilities who require accommodation for participation in meetings must request accommodation at least 72 hours ahead of the scheduled meeting. Contact the ADA Coordinator, at (865) 273-3430 or email at [adainfo@maryville-tn.gov](mailto:adainfo@maryville-tn.gov).

Meeting attendees who have difficulty hearing can sign out an assisted listening device prior to the meeting. Please let a member of staff know before the meeting starts to use a device.

6:58 P.M PUBLIC HEARING

2. A PUBLIC HEARING REGARDING AN ORDINANCE ON FIRST READING TO AMEND §14-211(5) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING ALLOWING A LIMITED AMOUNT OF CERTAIN BUILDING MATERIALS IN THE CITY COMMERCIAL DESIGN CRITERIA.

6:59 P.M PUBLIC HEARING

3. A PUBLIC HEARING REGARDING CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND §14-210 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING PERMITTED RESIDENTIAL USES IN THE BUSINESS & TRANSPORTATION ZONING DISTRICT.

### Public Comments

7:00 P.M.

CITY COUNCIL

CALL TO ORDER

ROLL CALL

INVOCATION

APPROVAL OF MINUTES

ACCEPTANCE OF AGENDA

HEAR CITIZENS ON NON-AGENDA ITEMS

### BUSINESS

1. CONSIDERATION OF AN ORDINANCE ON SECOND READING AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2024.
2. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PROPERTY AT 600 W. BROADWAY AVENUE IDENTIFIED AS PARCELS 004.00, 005.00 and 006.00 ON BLOUNT COUNTY TAX MAP 057E GROUP J FROM THE BUSINESS & TRANSPORTATION DISTRICT TO THE CENTRAL COMMUNITY DISTRICT.

3. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND §14-211(5) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING ALLOWING A LIMITED AMOUNT OF CERTAIN BUILDING MATERIALS IN THE CITY COMMERCIAL DESIGN CRITERIA.
4. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND §14-210 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING PERMITTED RESIDENTIAL USES IN THE BUSINESS & TRANSPORTATION ZONING DISTRICT.
5. CONSIDERATION OF AN ORDINANCE ON FIRST READING REPEALING AND REPLACING CITY CODE 7-105, FIREWORKS REGULATED, TO PROVIDE ADDITIONAL AND NECESSARY REGULATIONS.
6. CONSIDERATION OF A MOTION TO AUTHORIZE THE MAYOR TO SIGN AMENDMENTS TO THE PURCHASE POWER AGREEMENTS WITH SILICON RANCH.
7. CERTIFICATE OF APPROVAL BY THE CITY MAYOR OF THE CITY OF MARYVILLE, TENNESSEE OF A PLAN OF FINANCING FOR THE ISSUANCE OF BONDS BY THE NATIONAL FINANCE AUTHORITY, A NEW HAMPSHIRE CORPORATION, FOR THE BENEFIT OF QCF/I, INC. AND ITS AFFILIATES (THE "BORROWER")



**CITY OF MARYVILLE**  
**400 West Broadway**  
**Maryville, TN 37801**  
**(865) 273-3401**

## AGENDA ITEM BACKGROUND

1. Consideration of a motion to grant an off-premise beer permit to Dolgencorp, LLC. d/b/a Dollar General #962, 2115 E. Broadway Avenue, Maryville, TN 37804.

**A) Introduction:** This is an existing business that has moved locations in the City of Maryville and is requesting an off-premise beer permit. The background investigation revealed that the applicant meets the criteria for the permit.

**B) Financial Impact of Action:** None

**C) Impact of Action on Other Departments/Agencies:** No additional impact other than enforcement laws.

**D) Proposed Action:** Staff recommends approval based on the information provided



# Memo

**Date:** March 6, 2024

**To:** Sherri Phillips

**From:** Chief Tony Jay Crisp *Tony Jay Crisp*

**RE:** Beer Permit

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Background investigation has been conducted on Christopher Walter Arnold DOB: 09/16/1968, 1513 Randall Park Drive, Knoxville, TN 3792 doing business as Dollar General #962 (2115 East Broadway Ave, Maryville, TN 37804).

Based on these findings I have concluded that the applicant is eligible to be granted a permit at this time pursuant to the City of Maryville Municipal Code.



**CITY OF MARYVILLE**  
**400 West Broadway**  
**Maryville, TN 37801**  
**(865) 273-3401**

### AGENDA ITEM BACKGROUND

2. Consideration of a motion to grant an off-premise beer permit to Weigel Stores, Inc., d/b/a Weigel's #114, 2651 US Highway 411 S, Maryville, TN 37801.

**A) Introduction:** This is a new business in the City of Maryville requesting an off-premise beer permit. The background investigation revealed that the applicant meets the criteria for the permit.

**B) Financial Impact of Action:** None

**C) Impact of Action on Other Departments/Agencies:** No additional impact other than enforcement laws.

**D) Proposed Action:** Staff recommends approval based on the information provided





# Memo

**Date:** March 8, 2024

**To:** Sherri Phillips

**From:** Chief Tony Jay Crisp *Tony Jay Crisp*

**RE:** Beer Permit

---

Background investigation has been conducted on:

William Browder Weigel  
DOB: 05/09/1938  
7104 Hickory Hills Dr  
Knoxville, TN 37919

Laurie Weigel Keville  
DOB: 10/17/1969  
3477 Darby Road  
Keswick, VA 22947

William Kurt Weigel  
DOB: 10/08/1971  
838 Ethans Glen Drive  
Knoxville, TN 37923

Margaret Browder Weigel  
DOB: 10/18/1977  
1571 Reserve Circle  
Decatur, GA 30033

doing business as Weigel's #144 2651 US Highway 411 South, Maryville TN 37801.

Based on these findings I have concluded that the applicant is eligible to be granted a permit at this time pursuant to the City of Maryville Municipal Code.



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**PUBLIC HEARING ITEM BACKGROUND**

1. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PROPERTY AT 600 W. BROADWAY AVENUE IDENTIFIED AS PARCELS 004.00, 005.00 and 006.00 ON BLOUNT COUNTY TAX MAP 057E GROUP J FROM THE BUSINESS & TRANSPORTATION DISTRICT TO THE CENTRAL COMMUNITY DISTRICT.

**A) Introduction:** Development Services has requested that 600 W. Broadway Ave. be rezoned from the Business & Transportation district to the Central Community district. The Maryville Board of Education, Inc. owns the property and is in agreement with the rezoning.

The issue is whether the Central Community district is appropriate for this property. The three subject parcels are part of the Maryville High School (MHS) campus and developed with the culinary school and associated parking at MHS, which is an acceptable use in the Central Community zoning district. The entire MHS campus is zoned Central Community, with the exception of the three subject parcels. If the rezoning is approved, the entire MHS campus will have consistent Central Community zoning.

The Future Land Use Map designates the property and the surrounding area as Mixed Use. The rezoning request is consistent with that designation.

Section 14-220(4) of the Zoning and Land Use Ordinance provides City Council the following when considering proposed zoning map amendments:

- (a) The council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible uses permitted in the requested classification. Rather, the council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (b) The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.
- (c) The council shall not zone property to a district in conflict with the Land Use Plan and the Future Land Use Map without first amending said plan.
- (d) The council shall consider the recommendation made by the planning commission.

The Maryville Municipal Planning Commission recommended approval of the rezoning at their meeting on March 18, 2024.

**B) Financial Impact of Action:** None.





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**400 West Broadway**  
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**C) Impact of Action on Other Departments/Agencies:** No impact.

**D) Proposed Action:**

- Public Hearing
- First Reading



**CITY OF MARYVILLE**  
**400 West Broadway**  
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**(865) 273-3401**

## PUBLIC HEARING ITEM BACKGROUND

2. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND §14-211(5) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING ALLOWING A LIMITED AMOUNT OF CERTAIN BUILDING MATERIALS IN THE CITY COMMERCIAL DESIGN CRITERIA.

**A) Introduction:** Development Services is requesting an amendment to §14-211(5) of the Zoning and Land Use Ordinance to allow a limited amount of certain building materials in the City Commercial Design Criteria.

- Currently, the City Commercial Design Criteria prohibits metal and flat-faced concrete block on walls visible from the street. Part of proposed new language is as follows: “Exterior walls visible from public roads may not be comprised of more than 25 percent of vertical surfaces with metal or flat-faced concrete block.”
- Staff believes that the proposed amendment is reasonable because it will help to provide clarity and guidance for the community.
- This amendment will allow the Development Services Department to be more consistent when providing feedback to our constituents. The City of Maryville is experiencing tremendous commercial growth, and we need to have clear Commercial Design Criteria Guidelines regarding what is allowed.

The Maryville Municipal Planning Commission voted to recommend the proposed amendment at their meeting on March 18, 2024.

**B) Financial Impact of Action:** None.

**C) Impact of Action on Other Departments/Agencies:** None.

**D) Proposed Action:**

- Public Hearing
- First Reading



**CITY OF MARYVILLE**  
**400 West Broadway**  
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### PUBLIC HEARING ITEM BACKGROUND

3. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND §14-210 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING PERMITTED RESIDENTIAL USES IN THE BUSINESS & TRANSPORTATION ZONING DISTRICT.

**A) Introduction:** Development Services is requesting an amendment to §14-210 of the Zoning and Land Use Ordinance to require special exception by the Board of Zoning Appeals for two-family residential uses.

- The Business & Transportation zoning district currently allows two-family residences, including duplex, primary residence with accessory apartment and two-family conversion as permitted uses allowed by right.
- The description of the Business & Transportation district only includes medium and high-density residential uses as appropriate.
- Staff believes any residential development in the Business & Transportation district should require approval of a special exception by the Maryville Board of Zoning Appeals.
- City Council has made it clear that residential development should not be allowed by right in the Business & Transportation zoning district.
- Staff believes that the current land use table contains errors in allowing two-family residences by right.

The Maryville Municipal Planning Commission voted to recommend the proposed amendment at their meeting on March 18, 2024.

**B) Financial Impact of Action:** None.

**C) Impact of Action on Other Departments/Agencies:** None.

**D) Proposed Action:**

- Public Hearing
- First Reading

Maryville, Tennessee  
March 5, 2024  
7:00 P.M.

## REGULAR MEETING

The Maryville City Council convened for a regular business meeting on March 5, 2024, at 7:00 p.m. at the Maryville Municipal Center when the following members were present: Mayor Andy White presiding, Councilmembers Sarah Herron, Fred Metz, Drew Miles, and Tommy Hunt. Also present were City Manager Greg McClain, City Recorder Sherri Phillips, and City Attorney Melanie Davis. The Mayor declared a quorum to be present.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Metz to approve the minutes from the February 6, 2024, Council Meeting. On roll call the vote was unanimous.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Herron to accept the agenda. On roll call the vote was unanimous.

At this time, Mayor White recognized Baron Swafford, Public Utility Director, for his thirty-six years of service and presented him with a Certificate of Retirement.

At this time, Mayor White recognized Mike Caylor, Deputy Fire Chief, for his thirty-five years of service and presented him with a Certificate of Retirement.

At this time, the Mayor proclaimed May 2, 2024, as Arbor Day in the City of Maryville.

At this time, Parker Benson, Pastor of Smokey Mountain Global Methodist Church, previously denied permission to obtain a permit to attach to the City of Maryville Sewer System, addressed City Council to appeal the denial.

THEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD AND ENTERED OF RECORD TO-WIT:

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2024.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2024-04 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on second reading:

AN ORDINANCE AMENDING THE FY24 ANNUAL OPERATING BUDGET RELATIVE TO SCHOOL FUNDS.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Metz that said ordinance be passed on second reading. On roll call the vote was unanimous. The Mayor declared that said ordinance had been adopted. The ordinance was signed by the Mayor and City Recorder. The Mayor ordered said ordinance numbered 2024-05 and recorded in the Ordinance Book of the City.

Thereupon, the following captioned ordinance was presented, considered, and placed for passage on first reading:

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2024.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Metz that said ordinance be passed on first reading. On roll call the vote was unanimous. Thereupon, The Mayor declared that said ordinance had passed on first reading.

Thereupon, the following resolution was presented, considered, and placed for adoption:

A RESOLUTION AUTHORIZING THE SPECIAL EVENT  
“UNCORKED” TO BE HELD FROM 4:30 PM UNTIL 9 PM,  
APRIL 25, 2024.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Hunt that said resolution be adopted. On roll call the vote was unanimous. The Mayor declared that said resolution had been adopted. The resolution was signed by the Mayor and City Recorder. The Mayor ordered said resolution numbered 2024-04 and recorded in the Resolution Book of the City.

Thereupon, the following resolution was presented, considered, and placed for adoption:

A RESOLUTION AUTHORIZING THE PUBLIC UTILITY  
DIRECTOR TO SIGN CERTAIN DOCUMENTS.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Miles that said resolution be adopted. On roll call the vote was unanimous. The Mayor declared that said resolution had been adopted. The resolution was signed by the Mayor and City Recorder. The Mayor ordered said resolution numbered 2024-05 and recorded in the Resolution Book of the City.

Thereupon, the following resolution was presented, considered, and placed for adoption:

A RESOLUTION AMENDING THE CLASSIFICATION-  
COMPENSATION PLAN OF THE CITY OF MARYVILLE,  
TENNESSEE.

Thereupon, it was moved by Councilmember Metz and seconded by Councilmember Herron



that said resolution be adopted. On roll call the vote was unanimous. The Mayor declared that said resolution had been adopted. The resolution was signed by the Mayor and City Recorder. The Mayor ordered said resolution numbered 2024-06 and recorded in the Resolution Book of the City.

Thereupon, there being no further business, Mayor White adjourned the meeting until the next scheduled meeting unless sooner called by the Mayor or as otherwise provided by law.

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Mayor

Attest:

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City Recorder



CITY OF MARYVILLE  
400 West Broadway  
Maryville, TN 37801  
(865) 273-3401

## AGENDA ITEM BACKGROUND

### 1. CONSIDERATION OF AN ORDINANCE ON SECOND READING AMENDING THE ANNUAL OPERATING BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR FISCAL YEAR 2024.

A) Introduction: In the course of the fiscal year, certain adjustments to the budget ordinance are necessary.

B) Financial Impact of Action: Changes to certain estimated revenues and budgeted appropriations as recommended by Staff.  
State Street Aid increase by \$200,000  
Grant Fund-Local increase by \$25,000

C) Impact of Action on Other Departments/Agencies: Approval of budget amendment allows for budget revisions as described in attached ordinance.

D) Proposed Action: Approval- 2<sup>nd</sup> Reading

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ANNUAL OPERATING  
BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR  
FISCAL YEAR 2024**

**WHEREAS**, the budget process is one of the most important activities undertaken by governments for the public welfare with the budget process being used to make program, service and capital decisions and allocate scarce resources to programs, services and capital;

**WHEREAS**, *Tennessee Code Annotated* Title 6 Chapter 56 Section 208 allows the governing body to amend the annual budget ordinance in the same manner as any other ordinance may be amended;

**WHEREAS**, *Tennessee Code Annotated* Title 9 Chapter 1 Section 116 requires that all funds first be appropriated before being expended and that only funds that are available may be appropriated;

**WHEREAS**, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any moneys regardless of there source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds;

**WHEREAS**, the budget ordinance is the legal document whereby the governing body appropriates funds and thereby gives the legal authority for expenditures of the City as required by state law;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** The State Street Aid revenue and appropriation budget will be adjusted as shown below:

	Revenue Amount	Appropriation Amount
Use of Fund Balance	200,000	
Street Resurfacing		\$200,000
Total Change	\$200,000	\$200,000

Due to rising material costs and a change in scope of street resurfacing projects an additional \$200,000 will be needed to complete.

**SECTION 2.** The Grant Fund-Local revenue and appropriation budget will be adjusted as shown below:

	Revenue Amount	Appropriation Amount
State Grant	25,000	
VCIF Collaborative Grant		\$25,000
Total Change	\$25,000	\$25,000

The City of Knoxville Police Department was awarded a collaborative grant through the Violent Crime Intervention Fund in which \$25,000 is to be shared with the City of Maryville. Funds will be used to add equipment to the Police command center.

**SECTION 3.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder

Passed 2nd reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder



**CITY OF MARYVILLE**  
**400 West Broadway**  
**Maryville, TN 37801**  
**(865) 273-3401**

#### AGENDA ITEM BACKGROUND

2. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PROPERTY AT 600 W. BROADWAY AVENUE IDENTIFIED AS PARCELS 004.00, 005.00 and 006.00 ON BLOUNT COUNTY TAX MAP 057E GROUP J FROM THE BUSINESS & TRANSPORTATION DISTRICT TO THE CENTRAL COMMUNITY DISTRICT.

**A) Introduction:** Development Services has requested that 600 W. Broadway Ave. be rezoned from the Business & Transportation district to the Central Community district. The Maryville Board of Education, Inc. owns the property and is in agreement with the rezoning.

The issue is whether the Central Community district is appropriate for this property. The three subject parcels are part of the Maryville High School (MHS) campus and developed with the culinary school and associated parking at MHS, which is an acceptable use in the Central Community zoning district. The entire MHS campus is zoned Central Community, with the exception of the three subject parcels. If the rezoning is approved, the entire MHS campus will have consistent Central Community zoning.

The Future Land Use Map designates the property and the surrounding area as Mixed Use. The rezoning request is consistent with that designation.

Section 14-220(4) of the Zoning and Land Use Ordinance provides City Council the following when considering proposed zoning map amendments:

- (a) The council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible uses permitted in the requested classification. Rather, the council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (b) The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.
- (c) The council shall not zone property to a district in conflict with the Land Use Plan and the Future Land Use Map without first amending said plan.
- (d) The council shall consider the recommendation made by the planning commission.

The Maryville Municipal Planning Commission recommended approval of the rezoning at their meeting on March 18, 2024.

**B) Financial Impact of Action:** None.



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**C) Impact of Action on Other Departments/Agencies:** No impact.

**D) Proposed Action:**

- Public Hearing
- First Reading



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PROPERTY AT 600 W. BROADWAY AVENUE IDENTIFIED AS PARCELS 004.00, 005.00 AND 006.00 ON BLOUNT COUNTY TAX MAP 057E GROUP J FROM THE BUSINESS & TRANSPORTATION DISTRICT TO THE CENTRAL COMMUNITY DISTRICT**

**WHEREAS**, the City of Maryville has received a request from Development Services to rezone 600 W. Broadway Avenue to the Central Community district; and

**WHEREAS**, the Central Community district is consistent with the property's current designation as Mixed Use on the Future Land Use Map; and

**WHEREAS**, the Council of the City of Maryville, Tennessee desires to amend the Zoning Map of the City of Maryville, Tennessee; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed, and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, the rezoning advances the public health, safety and welfare of the City of Maryville.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE** as follows:

**SECTION 1.** That parcels 004.00, 005.00 and 006.00 on Blount County Tax Map 057E Group J within the Maryville corporate limits which is currently designated as Business & Transportation on the Zoning Map be rezoned in its entirety to the Central Community district. Said property is shown on the attached Exhibit.

**SECTION 2.** That the provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

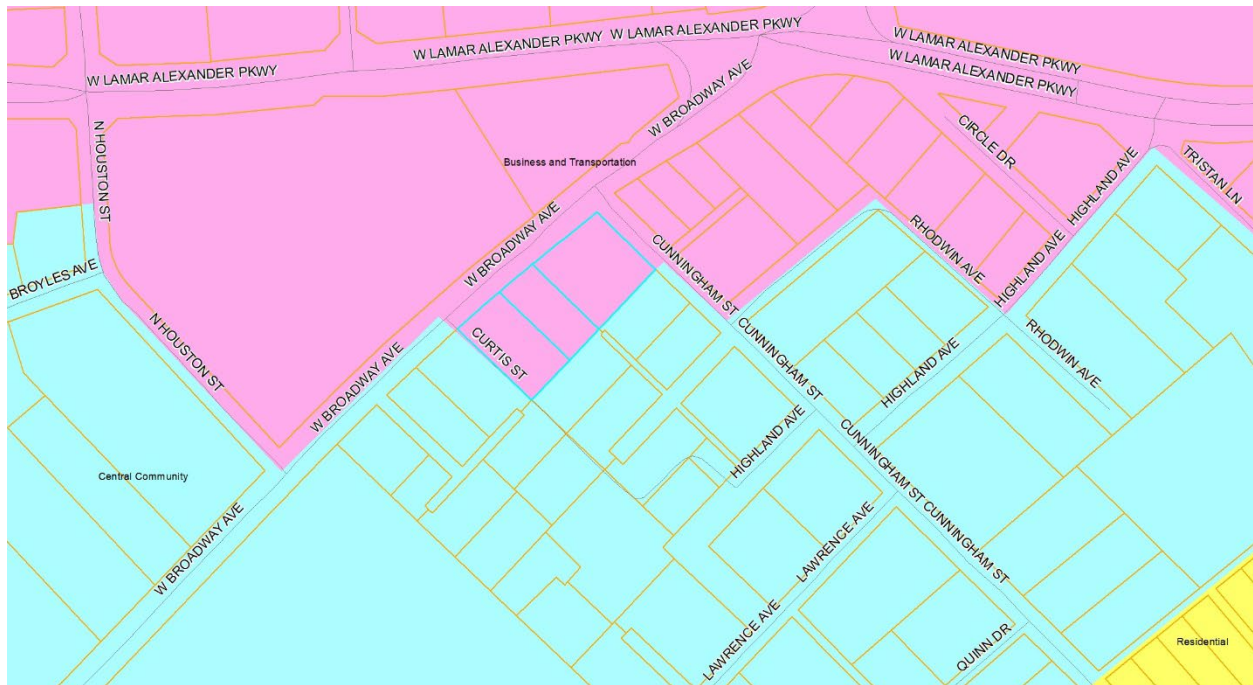
APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder

Passed 2nd reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder

Exhibit:





**CITY OF MARYVILLE**  
**400 West Broadway**  
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**(865) 273-3401**

### AGENDA ITEM BACKGROUND

3. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND §14-211(5) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING ALLOWING A LIMITED AMOUNT OF CERTAIN BUILDING MATERIALS IN THE CITY COMMERCIAL DESIGN CRITERIA.

**A) Introduction:** Development Services is requesting an amendment to §14-211(5) of the Zoning and Land Use Ordinance to allow a limited amount of certain building materials in the City Commercial Design Criteria.

- Currently, the City Commercial Design Criteria prohibits metal and flat-faced concrete block on walls visible from the street. Part of proposed new language is as follows: “Exterior walls visible from public roads may not be comprised of more than 25 percent of vertical surfaces with metal or flat-faced concrete block.”
- Staff believes that the proposed amendment is reasonable because it will help to provide clarity and guidance for the community.
- This amendment will allow the Development Services Department to be more consistent when providing feedback to our constituents. The City of Maryville is experiencing tremendous commercial growth, and we need to have clear Commercial Design Criteria Guidelines regarding what is allowed.

The Maryville Municipal Planning Commission voted to recommend the proposed amendment at their meeting on March 18, 2024.

**B) Financial Impact of Action:** None.

**C) Impact of Action on Other Departments/Agencies:** None.

**D) Proposed Action:**

- Public Hearing
- First Reading

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 14-211(5) OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING ALLOWING A LIMITED AMOUNT OF CERTAIN BUILDING MATERIALS IN THE CITY COMMERCIAL DESIGN CRITERIA.**

**WHEREAS**, the Maryville Municipal Code Title 14 Section 14-211(5) contains the Commercial Design Guidelines requirements for building materials and prohibits metal siding and smooth-faced concrete block on building walls visible from a street; and

**WHEREAS**, allowing metal siding and smooth-faced concrete block in a limited fashion would not be detrimental to the stated intent of the guidelines; and

**WHEREAS**, allowing metal siding and smooth-faced concrete block in a limited fashion would provide designers greater creativity in designing building facades; and

**WHEREAS**, the Maryville Planning Commission has heard, reviewed, and recommended this amendment be granted favorable consideration by the Council of the City of Maryville; and

**WHEREAS**, the amendment promotes the health, safety, and welfare of the general public; and

**WHEREAS**, the amendment is consistent with the vision and goals of the City of Maryville; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE, as follows:**

**SECTION 1.** Title 14, Chapter 2, Section 14-211, (5) General provisions - commercial design criteria - city wide, (iii) Facades and elevations; part (C) is hereby amended as follows:

The text

“Exterior walls visible from public roads may not be comprised of metal or flat-faced concrete block.”

is hereby deleted in its entirety and replaced with:

“Exterior walls visible from public roads may not be comprised of more than 25 percent of vertical surfaces with metal or flat-faced concrete block. Metal which has the appearance of wood or masonry may be considered for a greater percentage of the wall(s). Metal coping, scuppers, metal storefront framing systems supporting glass panels and similar appurtenances are allowed and shall not contribute toward the percentage of metal allowed.”

**SECTION 2.** This Ordinance takes effect from and after its final passage, the public welfare requiring it.

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Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

Approved As to Form

\_\_\_\_\_  
City Attorney

Passed 1st Reading \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder

Passed 2nd Reading \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder





**CITY OF MARYVILLE**  
**400 West Broadway**  
**Maryville, TN 37801**  
**(865) 273-3401**

#### AGENDA ITEM BACKGROUND

4. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND §14-210 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING PERMITTED RESIDENTIAL USES IN THE BUSINESS & TRANSPORTATION ZONING DISTRICT.

**A) Introduction:** Development Services is requesting an amendment to §14-210 of the Zoning and Land Use Ordinance to require special exception by the Board of Zoning Appeals for two-family residential uses.

- The Business & Transportation zoning district currently allows two-family residences, including duplex, primary residence with accessory apartment and two-family conversion as permitted uses allowed by right.
- The description of the Business & Transportation district only includes medium and high-density residential uses as appropriate.
- Staff believes any residential development in the Business & Transportation district should require approval of a special exception by the Maryville Board of Zoning Appeals.
- City Council has made it clear that residential development should not be allowed by right in the Business & Transportation zoning district.
- Staff believes that the current land use table contains errors in allowing two-family residences by right.

The Maryville Municipal Planning Commission voted to recommend the proposed amendment at their meeting on March 18, 2024.

**B) Financial Impact of Action:** None.

**C) Impact of Action on Other Departments/Agencies:** None.

**D) Proposed Action:**

- Public Hearing
- First Reading

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 14-210 OF TITLE 14 OF  
THE MARYVILLE MUNICIPAL CODE, THE ZONING AND  
LAND USE ORDINANCE, REGARDING PERMITTED  
RESIDENTIAL USES IN THE BUSINESS & TRANSPORTATION  
ZONING DISTRICT**

**WHEREAS**, the Zoning and Land Use Ordinance currently allows two-family residences (including duplexes, primary residences with apartment, and two-family conversions) as permitted uses by right; and

**WHEREAS**, the Business & Transportation zoning district description only references medium and high density residential as acceptable land uses; and

**WHEREAS**, staff believes that when the land use table was codified, that errors were made in the land use table, regarding residential land uses in the Business & Transportation zoning district; and

**WHEREAS**, the Maryville Municipal Planning Commission has heard, reviewed, and recommended that this amendment be approved by the Council of the City of Maryville; and

**WHEREAS**, in accordance with Tennessee Code Annotated (TCA) §13-7-203(a) the Council of the City of Maryville conducted a public hearing regarding this matter; and

**WHEREAS**, the amendment advances the public health, safety, and welfare of the City of Maryville.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**SECTION 1.** That Title 14, Chapter 2, Section 14-210 Permissible uses, subsection (1) Table of permissible uses, (Two-family residences) is amended to require a special exception for a duplex, primary residence with apartment and two-family conversion in the Business & Transportation zoning district, as shown below.

Two family Residences (in the Business & Transportation (II) zoning district)  
Duplex - 2 (requires special exception)  
Primary residence with accessory apartment - 2 (requires special exception)  
Two-family conversion - 2 (requires special exception)

**SECTION 2.** The provisions of this Ordinance shall be effective from and after its final passage, the public welfare requiring it.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading on this \_\_\_\_ day of \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder

Passed 2<sup>nd</sup> reading on this \_\_\_\_ day of \_\_\_\_\_, 2024 \_\_\_\_\_  
City Recorder



**CITY OF MARYVILLE**  
**400 West Broadway**  
**Maryville, TN 37801**  
**(865) 273-3401**

#### AGENDA ITEM BACKGROUND

5. CONSIDERATION OF AN ORDINANCE ON FIRST READING REPEALING AND REPLACING CITY CODE 7-105, FIREWORKS REGULATED, TO PROVIDE ADDITIONAL AND NECESSARY REGULATIONS.

**A) Introduction:**

Whereas the City of Maryville allows the retail sale and discharge of fireworks within the corporate limits of the City of Maryville, with certain limitations, this amendment provides for additional regulations deemed necessary to regulate fireworks in the City of Maryville. The ordinance amends such items as application fees, minimum age to purchase fireworks and allowable sales period.

**B) Financial Impact of Action:** Potential for a minimal increase in revenue.

**C) Impact of Action on Other Departments/Agencies:** N/A

**D) Proposed Action:** Pass on first reading.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING AND REPLACING CITY CODE 7-105,  
FIREWORKS REGULATED, TO PROVIDE ADDITIONAL AND NECESSARY  
REGULATIONS.**

**WHEREAS**, the City Council of the City of Maryville, Tennessee, allows the retail sale and discharge of fireworks within the corporate limits of the City of Maryville with certain limitations, and

**WHEREAS**, the City Council has determined additional regulations are necessary to regulate fireworks in the City of Maryville

**WHEREAS**, the amendment advances the public health, safety and welfare of the City of Maryville;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE, TENNESSEE**, as follows:

**Section 1.** The following repeals and replaces Title 7 of the City Code,

**FIREWORKS**

Section -001, Manufacture Prohibited. It shall be unlawful for any person, firm, partnership, or corporation to manufacture within the corporate limits of Maryville, Tennessee, pyrotechnics, commonly known as fireworks, of any kind or description.

Section -002, Storage, Sale and Use Restricted. It shall be unlawful for any person, firm, partnership, or corporation to store for resale or sell in the corporate limits of Maryville, Tennessee, any pyrotechnics, commonly known as fireworks, except those fireworks classified as permissible fireworks in T.C.A. §68-104-108. The storage for resale and retail sale of fireworks shall be subject to the following restrictions:

1. The storage for resale and retail sale of fireworks is permitted only on lots zoned to allow retail sales located adjoining U. S. Highway 321 or U. S. Highway 411 or State Route 33 in the City of Maryville.
2. Any person, firm, partnership, or corporation desiring to store and sell retail fireworks within the corporate limits of the City of Maryville shall make application for a permit to do so on forms provided for that purpose by the City Recorder. The application shall be accompanied by a non-refundable fee of \$500.00 for each location for applicants who have registered their business with the Tennessee Department of Revenue listing the City of Maryville as the principal situs address for the purpose of collection and distribution of location sales tax. Additionally, applicants who do not register with the Tennessee Department of Revenue may otherwise obtain a Transient Vendor License pursuant to the provision of Maryville Municipal Code Title 9, Chapter 5 and purchase a City fireworks permit in the amount of \$4,000.00 for each location. No permit shall be issued for any person under eighteen years of age. All permits shall expire as of midnight on July 4th. The application shall include the name of the person making the application; the firm, partnership or corporation he represents; the business address of both the applicant and the partnership, firm or corporation he represents; the address and description of the premises where

the storage and sale of fireworks is contemplated; sales tax numbers and any other information the City Recorder deems pertinent to aid in the investigation of the application. The City Recorder shall refer the applicant to the Fire Chief or his designee who shall interview the applicant if desired and inspect the premises on which the storage and sale of fireworks is contemplated and make whatever additional investigation of the applicant or premises he deems appropriate to ensure that the premises and its operation by the applicant will not constitute a fire, explosion, or similar safety hazard. If the Fire Chief approves the application, the City Recorder shall issue a permit. The permit shall not be transferable to any other person, firm, partnership, corporation or premise.

3. No fireworks shall be sold from an automobile or any other vehicle. No fireworks shall be sold through a drive-thru window. Fireworks must not be thrown into any vehicle when lit nor thrown from any vehicle at any time.
4. Placing, storing, locating or displaying fireworks in any window where the sun may shine through glass onto the fireworks is prohibited.
5. The presence of lighted cigars, cigarettes or pipes within ten (10) feet of where fireworks are offered for sale or are stored is declared unlawful and prohibited.
6. All places where fireworks are stored or sold, there must be posted the words "Fireworks. No smoking" in letters not less than four (4) inches high.
7. No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers. Fireworks may not be sold anywhere where any resin, turpentine, gasoline or other flammable substance is used, stored or sold.
8. It shall be unlawful to offer for retail sale or to sell any fireworks to children under eighteen (18) years of age or to any intoxicated person.
9. It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, or public school. It shall be unlawful to explode or ignite fireworks within 200 feet of where fireworks are stored, sold or offered for sale.
10. Fireworks may be sold exclusively from June 25-July 4 each year.

Section -003, Use of Fireworks Restricted. It shall be unlawful for any person to fire, set off, shoot, discharge or otherwise explode any fireworks within the corporate limits of the City of Maryville except as follows:

1. Fireworks may be fired, set off, shot, discharged or exploded on a seasonal basis from July 3-4 and at no other time.
2. Fireworks may only be fired, set off, shot, discharged or exploded on those dates listed above from 11:00 a.m. to 11:00 p.m.
3. Igniting and firing or exploding fireworks must be done entirely on private property unless otherwise permitted herein.
4. Use of fireworks on all public streets, roadways, alleys, sidewalks, parks, parking lots, and public property within the City of Maryville is prohibited.

Section -005, Penalty for Violation. An individual violating any of the provisions of this Chapter shall be guilty of a misdemeanor punishable pursuant to the General Penalty Clause of this Code. Further, the Fire Chief or any police officer may seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered for sale, stored, held or used in violation of this Chapter.

Section -006, Exceptions. Nothing in this Chapter shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of



public or private transportation. This Chapter shall further not apply to the military of the United States or any peace officers. Further, this Chapter shall not be read to prohibit the sale or use of blank cartridges for ceremonial, theatrical or athletic events. Sale or use of fireworks solely for agricultural purposes is permitted where approved by the State Fire Marshal.

**Section 2.** This ordinance shall be effective upon final passage, the public welfare requiring it.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Passed 1<sup>st</sup> reading this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Recorder

Passed 2<sup>nd</sup> reading this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Recorder



**CITY OF MARYVILLE**  
**400 West Broadway**  
**Maryville, TN 37801**  
**(865) 273-3401**

#### AGENDA ITEM BACKGROUND

#### 6. CONSIDERATION OF A MOTION TO AUTHORIZE THE MAYOR TO SIGN AMENDMENTS TO THE PURCHASE POWER AGREEMENTS WITH SILICON RANCH.

**A) Introduction:** We have signed Purchase Power Agreements (PPA's) with Silicon Ranch (SR) to purchase power from 3 solar facilities within our system. The rate for these PPA's is determined by the construction cost of the facility. Two of these facilities have been delayed a year due to a water line easement that was missed during replating of the property at one location and an access easement at the other. With the delay comes an increase in construction costs and therefore the request from SR to amend the agreements. The amendments also request to extend the date for delivery due to the delay of the project.

**B) Proposed Action:** Approve the Motion

**C) Financial Impact of Action:**  
Purchase power rate changes from \$.0475 to \$.049 per kilowatt hour.

**D) Impact of Action on Other Departments/Agencies:** none

**E) Staff Recommendation:** Approve

**FIRST AMENDMENT TO**  
**LPC POWER PURCHASE AGREEMENT**

THIS FIRST AMENDMENT TO LPC POWER PURCHASE AGREEMENT (this “**Amendment**”) is made and entered into, effective for all purposes and in all respects, as of March \_\_\_, 2024 (the “**Amendment Effective Date**”), by and between CITY OF MARYVILLE ELECTRIC DEPARTMENT, a public utility owned by the city of Maryville, Tennessee (“**LPC**”), and SR BLOUNT, LLC, a Delaware limited liability company (“**Seller**”). For purposes of this Amendment, (a) LPC and Seller are hereinafter sometimes referred to, individually, as a “**Party**” and, collectively, as the “**Parties**” and (b) capitalized terms used but not defined herein shall have the meanings ascribed to them in that certain LPC Power Purchase Agreement, dated July 7, 2022 (as amended, the “**PPA**”), by and between the Parties.

**WHEREAS**, the Parties desire to amend the PPA to extend the Expected Initial Delivery Date and increase the Contract Price and Test Energy Price; and

**WHEREAS**, the parties hereto desire to set forth herein the terms and conditions of their agreements and understandings with respect to the foregoing.

**NOW, THEREFORE**, in consideration of the foregoing, of the mutual promises of the Parties contained herein and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending legally and equitably to be bound, hereby covenant, and agree as follows:

**1. Amendments.** The PPA is hereby amended as follows:

(a) Section 4.4(a) of the PPA is hereby amended and restated in its entirety as follows:

“(a) The price payable by LPC for Energy Output, Economic Curtailment Output, and all related Other Project Attributes (the “**Contract Price**”) shall be equal to \$49.00/MWh.”

(b) Section 4.4(b) of the PPA is hereby amended and restated in its entirety as follows:

“(b) The price payable by LPC for Test Energy and all related Other Project Attributes (the “**Test Energy Price**”) shall be equal to \$49.00/MWh.”

(c) The last sentence contained in Exhibit A (Project Description) is hereby deleted in its entirety and replaced with the following:

“The date upon which Seller anticipates achieving the Initial Delivery Date (the “**Expected Initial Delivery Date**”) is June 1, 2025.”

(d) Exhibit C (Project Milestones) is hereby deleted in its entirety and replaced with Appendix 1 attached hereto.

2. **Compliance with PPA.** By their respective execution hereof, the Parties acknowledge and agree that this Amendment is intended to and shall fully satisfy the requirements set forth in Section 14.19 of the PPA with respect to amendment thereof.

3. **Representations and Warranties.** Each Party hereby confirms that each of the representations and warranties made by such Party in the PPA remain true and correct as of the Amendment Effective Date.

4. **Effectiveness of PPA.** Except as modified hereby, the PPA and its terms and provisions are hereby ratified and confirmed for all purposes and in all respects and they remain in full force and effect. The PPA, as modified hereby, constitutes the entire agreement between LPC and Seller.

5. **Choice of Law.** This Amendment shall be governed, construed, and interpreted in accordance with the state laws of the State of Tennessee.

*{Signatures appear on the following pages.}*

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed as of the Amendment Effective Date.

**SELLER:**

SR BLOUNT, LLC

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

Name: D. Reagan Farr

Title: President

**LPC:**

CITY OF MARYVILLE ELECTRIC  
DEPARTMENT

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**APPENDIX 1**  
**New Exhibit C to PPA**

**EXHIBIT C**  
**PROJECT MILESTONES**

Permitting, Diligence & Site Pre-Construction	Effective Date – June 2024
Construction	May 2024 – May 2025
Expected Initial Delivery Date	June 1, 2025

**SECOND AMENDMENT TO**  
**LPC POWER PURCHASE AGREEMENT**

THIS SECOND AMENDMENT TO LPC POWER PURCHASE AGREEMENT (this “**Amendment**”) is made and entered into, effective for all purposes and in all respects, as of March \_\_, 2024 (the “**Amendment Effective Date**”), by and between CITY OF MARYVILLE ELECTRIC DEPARTMENT, a public utility owned by the city of Maryville, Tennessee (“**LPC**”), and SR MARYVILLE, LLC, a Delaware limited liability company (“**Seller**”). For purposes of this Amendment, (a) LPC and Seller are hereinafter sometimes referred to, individually, as a “**Party**” and, collectively, as the “**Parties**” and (b) capitalized terms used but not defined herein shall have the meanings ascribed to them in that certain LPC Power Purchase Agreement, dated July 7, 2022 (as amended, the “**PPA**”), by and between the Parties.

**WHEREAS**, the Parties desire to amend the PPA to increase the Contract Price and Test Energy Price; and

**WHEREAS**, the parties hereto desire to set forth herein the terms and conditions of their agreements and understandings with respect to the foregoing.

**NOW, THEREFORE**, in consideration of the foregoing, of the mutual promises of the Parties contained herein and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending legally and equitably to be bound, hereby covenant, and agree as follows:

1. **Amendments.** The PPA is hereby amended as follows:

(a) Section 4.4(a) of the PPA is hereby amended and restated in its entirety as follows:

“(a) The price payable by LPC for Energy Output, Economic Curtailment Output, and all related Other Project Attributes (the “**Contract Price**”) shall be equal to \$49.00/MWh.”

(b) Section 4.4(b) of the PPA is hereby amended and restated in its entirety as follows:

“(b) The price payable by LPC for Test Energy and all related Other Project Attributes (the “**Test Energy Price**”) shall be equal to \$49.00/MWh.”

2. **Compliance with PPA.** By their respective execution hereof, the Parties acknowledge and agree that this Amendment is intended to and shall fully satisfy the requirements set forth in Section 14.19 of the PPA with respect to amendment thereof.

3. **Representations and Warranties.** Each Party hereby confirms that each of the representations and warranties made by such Party in the PPA remain true and correct as of the Amendment Effective Date.

4. **Effectiveness of PPA.** Except as modified hereby, the PPA and its terms and provisions are hereby ratified and confirmed for all purposes and in all respects and they remain in full force and effect. The PPA, as modified hereby, constitutes the entire agreement between LPC and Seller.

5. **Choice of Law.** This Amendment shall be governed, construed, and interpreted in accordance with the state laws of the State of Tennessee.

*{Signatures appear on the following pages.}*



IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed as of the Amendment Effective Date.

**SELLER:**

SR MARYVILLE, LLC

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

Name: D. Reagan Farr

Title: President

**LPC:**

CITY OF MARYVILLE ELECTRIC  
DEPARTMENT

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**CITY OF MARYVILLE**  
**400 West Broadway**  
**Maryville, TN 37801**  
**(865) 273-3401**

#### AGENDA ITEM BACKGROUND

7. Consideration of a Motion for Council to approve of and give permission for Mayor White signing a Certificate of Approval by the City of Maryville, Tennessee of a Plan of Financing for the Issuance of Bonds by the National Finance Authority, a New Hampshire corporation, for the benefit of QCF/I, Inc. and its Affiliates, with the understanding that 1) the City and the Mayor are in no way obligated to pay anything or do anything else relating to such private issue bonds and 2) that some of the funds available though the bonds can be used to upgrade Fairpark Nursing Home in Maryville.

**A) Introduction:**

Melanie Davis as City Attorney was approached by attorneys for QCF/I, Inc, a Georgia nonprofit corporation, asking for the mayor to approve a plan of financing for up to \$30,000,000 in private issue bonds for upgrading and refurbishing Fairpark Nursing Home, 307 North 5<sup>th</sup> Street, Maryville. This approval by the Mayor as the highest elected officer in the City is required by IRS code (Section 147(f)) for this type of bond issuance. The City and the Mayor are not liable in any way for the payment or issuance of these bonds. Signing the requested document is an accommodation to try to help Fairpark Nursing Home get money to be improved. Melanie checked, and this is a legitimate IRS requirement.

**B) Financial Impact of Action:**

None

**C) Impact of Action on Other Departments/Agencies:**

None at this time.

**D) Proposed Action:**

Pass the motion and give Mayor White authority to sign the certificate.

**CERTIFICATE OF APPROVAL BY THE CITY MAYOR OF THE CITY OF  
MARYVILLE, TENNESSEE OF A PLAN OF FINANCING FOR THE ISSUANCE OF  
BONDS BY THE NATIONAL FINANCE AUTHORITY, A NEW HAMPSHIRE  
CORPORATION, FOR THE BENEFIT OF QCF/I, INC. AND ITS AFFILIATES  
(THE “BORROWER”)**

**WHEREAS**, QCF/I, Inc., a Georgia nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, or one or more of its tax-exempt nonprofit affiliates or controlled disregarded entities (the “Borrower”), has requested that the National Finance Authority (the “Authority”) participate in the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$700,000,000 (the “Bonds”), the proceeds of which will be used to (1) finance the cost of the acquisition by the Borrower of skilled nursing and assisted living facilities, including facilities located within the City of Maryville, Tennessee (the “City”); (2) finance capital improvements at such facilities; (3) make a deposit to a debt service reserve fund, if any; and (4) pay certain expenses incurred in connection with the issuance of the Bonds;

**WHEREAS**, facilities to be financed by the Bonds located within the City (the “Project”), and the maximum stated principal amount of Bonds to be issued in relation to such facilities, are as follows:

Fairpark Health & Rehabilitation, 307 North Fifth St., Maryville, TN - \$30,000,000

**WHEREAS**, the Project will be owned and principally used by the Borrower or its affiliates;

**WHEREAS**, the Bonds will be issued as qualified 501(c)(3) bonds and pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of qualified 501(c)(3) bonds must be approved by the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of such bonds is located;

**WHEREAS**, the Mayor of the City is the chief elected executive officer of the City and is thereby an “applicable elected representative” able to give the required approval of the issuance of the Bonds under Section 147(f) of the Code; and

**WHEREAS**, pursuant to Section 147(f) of the Code, the Authority has, following notice duly given, held a public hearing regarding the plan of financing for the issuance of the Bonds and the projects located in Tennessee; and

**WHEREAS**, the Bonds will be limited obligations of the Authority payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower, and the principal of and interest on the Bonds will not constitute obligations of the State of Tennessee, or any political subdivision thereof, including the City.

**NOW, THEREFORE**, I, Andy White, Mayor of the City, the governmental unit over the area in which one or more facilities financed with the proceeds of the Bonds is located, hereby certify as follows:

1. I am the Mayor of the City, the chief elected executive officer of the City, and have been duly empowered to execute this certificate.

2. I have been informed of the purpose, set forth above, for which the Bonds are proposed to be issued and that the Authority at 10:00 a.m. EDT (9:00 a.m. CDT) on March 19, 2024, held a public hearing via toll-free telephone and Zoom, at which time interested individuals were provided a reasonable opportunity to express their views, both orally and in writing, on the plan of financing for proposed issuance of the Bonds for projects located in Tennessee, including the Project.

3. Attached hereto as Exhibit "A", and made a part hereof by reference, is a copy of an Affidavit of Publication which reflects that notice of the public hearing was published not less than 7 days prior to the scheduled date of the public hearing in the newspaper referenced above which is in general circulation in the City.

4. For the purpose of complying with the requirements of Section 147(f) of the Code with respect to approval by an applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, the plan of financing for the issuance of Bonds by the Authority in one or more series and in one or more years for the Project in the City as set forth above is hereby approved provided that in no event shall the City, the State of Tennessee or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the City, the State of Tennessee, or any political subdivision thereof.

5. This approval shall not be construed to impose any liability on the City, and is issued solely as an accommodation by the City to satisfy the requirements of Section 147(f) of the Code. For the avoidance of doubt, the City is not the issuer of the Bonds hereunder.

DATED: \_\_\_\_\_, 2024

---

Andy White,  
Mayor of the City of Maryville, Tennessee

**EXHIBIT “A”**

**AFFIDAVIT OF PUBLICATION**

[Follows this Page]

## AFFIDAVIT OF PUBLICATION

STATE OF TENNESSEE  
COUNTY OF BLOUNT

ACCOUNT NAME:  
ADAMS & REESE, LLP

ADAMS & REESE, LLP  
1600 West End Ave Ste 1400  
Nashville, TN 37203-7004

ACCT. NUMBER:  
STARL

COST OF PUBLICATION:  
\$585.00

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Robin Householder who being first duly sworn, deposes and says: that he (she) is Business Office Clerk (Publisher or other officer or employee authorized to make affidavit) of ADAMS PUBLISHING GROUP, LLC, engaged in the publication of a newspaper known as **The Daily Times**, published, issued, and entered as periodicals class mail in the city of **MARYVILLE** in said County and State of Tennessee, that he (she) is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Daily Times** on the following dates:

03/06/24

# THE DAILY TIMES

226 GILL ST. ALCOA, TN 37701  
865-981-1121

Subscribed and sworn to before me on this 7th day of March, 2024

Newspaper Representative: Robin Householder

Notary Public: Rebecca Jane Payne

My Commission Expires: Oct. 26, 2024

The referenced publication of notice has been posted (1) On the newspaper's website, where it shall be published contemporaneously with the notice's first print publication and will remain on the website for at least as long as the notice appears in the newspaper; and (2) On a statewide website established and maintained as an initiative and service of the Tennessee Press Association as a repository for such notices.



# NOTICE OF PUBLIC HEARING

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on March 19, 2024, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, accessible to the public by telephone and Zoom, will be held with respect to a plan of finance that will consist of the proposed issuance by the National Finance Authority (the "Authority") of its revenue bonds in one or more series and in one or more years in an amount not to exceed \$700,000,000 (the "Bonds"). The Bonds are proposed to be issued as qualified 501(c)(3) bonds and the proceeds of the Bonds will be used to: (1) finance the cost of the acquisition by the Borrower (as defined herein) of 29 skilled nursing and assisted living facilities located in Kentucky and Tennessee (as more particularly described below); (2) finance capital improvements at the facilities; (3) make a deposit to a debt service reserve fund, if any; and (4) pay certain expenses incurred in connection with the issuance of the Bonds.

The properties being acquired and improved, and the maximum stated principal amount of Bonds to be issued in relation to each property, are as follows:

<u>Property</u>	<u>Maximum Amount</u>
The following skilled nursing and assisted living facilities located in Kentucky:	
Bradford Heights Nursing & Rehabilitation, 950 Highpoint Dr., Hopkinsville, KY	\$35,000,000
Creekwood Nursing & Rehabilitation, 107 Boyles Dr., Russellville, KY	\$35,000,000
Madisonville Health & Rehabilitation, 419 North Seminary St., Madisonville, KY	\$30,000,000
Mills Nursing & Rehabilitation, 500 Beck Ln., Mayfield, KY	\$45,000,000
Princeton Nursing & Rehabilitation, 1333 W. Main St., Princeton, KY	\$40,000,000
Spring View Nursing & Rehabilitation, 718 Goodwin Ln., Leitchfield, KY	\$25,000,000
Countryside Center for Rehabilitation & Nursing, 47 Margo Ave., Bardwell, KY	\$25,000,000
Fair Oaks Health & Rehabilitation, 1 Sparks Ave., Jamestown, KY	\$35,000,000
Green Acres Healthcare, 402 W. Farthing St., Mayfield, KY	\$30,000,000
Maple Health & Rehabilitation, 515 Greene Dr., Greenville, KY	\$30,000,000
Stonecreek Health & Rehabilitation, 4747 Alben Barkley Dr., Paducah, KY	\$40,000,000
Cherokee Park Rehabilitation, 2100 Millvale Rd., Louisville, KY	\$30,000,000
Barren County Nursing & Rehabilitation, 300 Westwood St., Glasgow, KY	\$30,000,000
Bedford Springs Health & Rehabilitation, 50 Shepard Ln., Bedford, KY	\$15,000,000
Clinton Place, 106 Padgett St., Clinton, KY	\$35,000,000
Fulton Nursing & Rehabilitation, 1004 Holiday Ln., Fulton, KY	\$25,000,000
Glenview Health & Rehab, 1002 Glenview Dr., Glasgow, KY	\$25,000,000
Jeffersontown Rehabilitation, 3500 Good Samaritan Way, Jeffersontown, KY	\$30,000,000
Sycamore Heights Health & Rehabilitation, 2141 Sycamore Ave., Louisville, KY	\$25,000,000
The following skilled nursing and assisted living facilities located in Tennessee:	
Smith County Health & Rehabilitation, 112 Healthcare Dr., Carthage, TN	\$35,000,000
Fairpark Health & Rehabilitation, 307 North Fifth St., Maryville, TN	\$30,000,000
Mt. Pleasant Health & Rehabilitation, 904 Hidden Acres Dr., Mount Pleasant, TN	\$20,000,000
River Grove Health & Rehabilitation, 1520 Grove St., Loudon, TN	\$40,000,000
Collierville Nursing & Rehab, 490 W. Poplar Ave., Collierville, TN	\$30,000,000
Magnolia Creek Nursing & Rehabilitation, 1992 Highway 51 S., Covington, TN	\$45,000,000
Midtown Center for Health & Rehabilitation, 141 N. McLean Blvd., Memphis, TN	\$60,000,000
The Palace Healthcare & Rehabilitation Center, 309 Main St., Red Boiling Springs, TN	\$20,000,000
Soddy-Daisy Healthcare Center, 701 Sequoyah Rd., Soddy-Daisy, TN	\$40,000,000
Willow Branch Health & Rehabilitation, 415 Pace St., McMinnville, TN	\$25,000,000

The facilities are to be initially owned and principally used by QCF/I, Inc., a Georgia nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, or one or more of its tax-exempt nonprofit affiliates or controlled disregarded entities (the "Borrower").

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the Authority, the States of Kentucky or Tennessee, or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

The hearing with respect to the plan of finance for the issuance of Bonds for the facilities located in Tennessee will commence on March 19, 2024 at 10 a.m. EDT (9 a.m. CDT) or as soon thereafter as the matter can be heard. Interested persons wishing to express their views on the plan of finance for the issuance of the Bonds for the facilities located in Tennessee or on the nature and location of such facilities proposed to be financed may attend the public hearing by telephone toll-free by dialing 1-877-853-5257 (the conference code is 6308532545) or through Zoom at <https://nortonrosefulbright.zoom.us/join/6308532545>, or, prior to the time of the hearing, submit written comments.

Additional information concerning the above matter may be obtained from, and written comments should be addressed to, National Finance Authority, Attn: John P. Stoecker, 11 S. Main St., Suite 202, Concord, NH 03301 or by email at [john@nfabonds.com](mailto:john@nfabonds.com).

Dated: March 6, 2024.