



CITY OF MARYVILLE
400 West Broadway
Maryville, TN 37801

**BEER BOARD / PUBLIC HEARING
CITY COUNCIL MEETING
6:57 P.M. TUESDAY, JANUARY 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.

6:57 P.M. BEER BOARD

6:58 P.M. PUBLIC HEARING

1. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND §14-218 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING DEFINITIONS AND SIGN PERMIT FEES.
2. A PUBLIC HEARING REGARDING AN ORDINANCE TO ABANDON AN ALLEY LOCATED BETWEEN JETT ROAD AND NORTHEAST TERMINUS IDENTIFIED AS ALLEY #97

Public Comments

7:00 P.M.

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.

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.

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 TO AMEND §14-214 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING REVIEW REQUIREMENTS OF ACCESSORY STRUCTURES FOR RESIDENTIAL PROPERTIES.
2. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO AMEND §14-218 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING DEFINITIONS AND SIGN PERMIT FEES.
3. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO ABANDON AN ALLEY LOCATED BETWEEN JETT ROAD AND NORTHEAST TERMINUS IDENTIFIED AS ALLEY #97
4. CONSIDERATION OF A MOTION TO AUTHORIZE THE MAYOR TO SIGN AMENDMENTS TO THE PURCHASE POWER AGREEMENTS WITH SILICON RANCH.
5. CONSIDERATION OF A JOINT RESOLUTION BETWEEN ALCOA CITY SCHOOLS, MARYVILLE CITY SCHOOLS, ALCOA BOARD OF COMMISSIONERS, AND MARYVILLE CITY COUNCIL OPPOSING THE ADOPTION AND IMPLEMENTATION OF THE EDUCATION FREEDOM SCHOLARSHIP ACT
6. CITY COUNCIL APPOINTMENT TO THE INDUSTRIAL BOARD OF BLOUNT COUNTY
7. CITY COUNCIL APPOINTMENT TO THE BLOUNT MEMORIAL HOSPITAL BOARD OF DIRECTORS.

8. DISCUSSION OF BLOUNT MEMORIAL HOSPITAL BOARD'S PROPOSED RESTATING OF AND AMENDMENTS TO THEIR CHARTER



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

AGENDA ITEM BACKGROUND

Consideration of a motion to grant an on/off premises beer permit to Mark H. Oldham and Sharon C. Oldham, d/b/a Peaceful Side Brewery, 106 Everett Avenue, Maryville, TN 37804.

A) Introduction: This is a new business located in the City of Maryville requesting an on/off premise beer permit. The current background investigation revealed that the applicants meet the criteria for the permit.

B) Financial Impact of Action: The City will realize revenue from beer tax and permit fees.

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

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



Memo

Date: December 12, 2023

To: Sherri Phillips

From: Chief Tony Jay Crisp *Tony Jay Crisp*

RE: Beer Permit

Background investigation has been conducted on:

Mark H Oldham
137 Apple Valley Way
Townsend, TN 37882

Sharon C Oldham
137 Apple Valley Way
Townsend, TN 37882

doing business as:

Peaceful Side Brewery
106 Everett Ave.
Maryville, TN 37804

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



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

PUBLIC HEARING ITEM BACKGROUND

1. A PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND §14-218 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING DEFINITIONS AND SIGN PERMIT FEES.

A) Introduction: Development Services is requesting an amendment to §14-218(2) and §14-218(3) of the Zoning and Land Use Ordinance by proposing the following changes to the signage regulations, applicable to all zoning districts:

- Create a definition of “Cabinet” signage to provide clarity for the new proposed permitting fee structure; and
- Delete sign permit application fees and sign permit fees for replacement or modification of existing freestanding sign panels or signs attached to a building.

These changes are in response to business and property owners requesting the removal of sign permit application fees and sign permit fees for the replacement or modification of existing freestanding sign panels or signs attached to a building, often known as cabinet signage, to avoid superfluous fees.

Currently, the sign regulations do not provide a definition for cabinet signage, which encompass most of the requests for replacement or modified signage. A definition for “cabinet” signage will be added to the regulations.

This ordinance removes sign permit application fees and sign permit fees for the replacement or modification of existing freestanding sign panels and signs attached to a building, as long as the replacement or modified signage remains within the same/does not alter the square footage of the previous sign panel. A sign permit application/sign permit will still be required for all replacements or modifications of existing freestanding signs/signs attached to a building to ensure they adhere to regulations.

The Maryville Municipal Planning Commission voted to recommend the proposed amendment at their meeting on December 18, 2023.

B) Financial Impact of Action: Applicants will no longer be charged a sign permit fee of one dollar (\$1.00) per sq. ft. beyond what is allowed without a permit, nor the sign permit application fee of ten dollars (\$10.00).

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

D) Proposed Action:

- Public Hearing
- First Reading



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

PUBLIC HEARING ITEM BACKGROUND

2. A PUBLIC HEARING REGARDING AN ORDINANCE TO ABANDON AN ALLEY LOCATED BETWEEN JETT ROAD AND NORTHEAST TERMINUS IDENTIFIED AS ALLEY #97

A) Introduction: John Weston is requesting abandonment of alley #97 located between Jett Road and northeast terminus. City departments have reviewed the alley and recommended its abandonment. There is a water line in the alley that will retain an easement.

The Maryville Municipal Planning Commission recommended approval of the abandonment at their meeting on December 18, 2023.

B) Financial Impact of Action: If abandoned, quit claim deeds will be prepared by the city attorney and filed with the Register of Deeds office. The Property Assessor's office will also be notified so that the tax maps will be revised, and the abandoned property will be placed on the tax rolls.

C) Impact of Action on Other Departments/Agencies: If abandoned, it will release the city from liability issues.

D) Proposed Action:

- Public Hearing
- First Reading

Maryville, Tennessee
December 5, 2023
6:59 P.M.

PUBLIC HEARING
AND
REGULAR MEETING

The Maryville City Council convened for a public hearing and regular business meeting on December 5, 2023, at 6:59 p.m. at the Maryville Municipal Center when the following members were present: Councilmembers Sarah Herron, Tommy Hunt, Vice-Mayor Fred Metz, and Drew Miles. Mayor Andy White was absent. Also, present were City Manager Greg McClain, City Recorder Sherri Phillips, and City Attorney Melody Davis. The Vice-Mayor declared a quorum to be present.

Thereupon, the Vice-Mayor declared the Council in session for a Public Hearing at 6:59 p.m. regarding an ordinance to amend §14-214 of Title 14 of the Maryville Municipal Code, The Zoning and Land Use Ordinance, regarding review requirements of accessory structures for residential properties. After some discussion, the Vice-Mayor declared the hearing closed.

Thereupon, Council convened for regular business at 7:00 p.m. with the following members of Council present and answering roll call: Councilmembers Sarah Herron, Tommy Hunt, Vice-Mayor Fred Metz, and Drew Miles. Mayor Andy White was absent. The Vice-Mayor declared a quorum to be present.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Miles to approve the minutes from the November 7, 2023, Council Meeting. On roll call the vote was unanimous.

Thereupon, it was moved by Vice-Mayor Fred Metz and seconded by Councilmember Hunt to accept the agenda. On roll call the vote was unanimous.

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 TO AMEND THE ZONING MAP OF THE CITY OF MARYVILLE, TENNESSEE BY REZONING PARCELS 001.00, 002.00, 003.00, 004.00, 005.00, 006.00, 007.00, 008.00, 009.00, 010.01, 010.02, AND 010.00 ON BLOUNT COUNTY TAX MAP 047B GROUP H, LOCATED OFF EAST

LINCOLN ROAD, FROM OFFICE AND RESIDENTIAL TO
BUSINESS AND TRANSPORTATION.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Herron that said ordinance be passed on second reading. On roll call the vote was unanimous. The Vice-Mayor declared that said ordinance had been adopted. The ordinance was signed by the Vice-Mayor and City Recorder. The Vice-Mayor ordered said ordinance numbered 2023-39 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 TO ADOPT ADJUSTMENTS TO THE RATES
AND CHARGES FOR ELECTRIC SERVICES FOR THE CITY
OF MARYVILLE EFFECTIVE WITH THE BILLING CYCLE
FOR THE MONTH OF JANUARY 2024.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said ordinance be passed on second reading. On roll call the vote was unanimous. The Vice-Mayor declared that said ordinance had been adopted. The ordinance was signed by the Vice-Mayor and City Recorder. The Vice-Mayor ordered said ordinance numbered 2023-40 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 TO ADOPT ADJUSTMENTS TO THE RATES
AND CHARGES FOR WATER AND WASTEWATER
SERVICES FOR THE CITY OF MARYVILLE EFFECTIVE
WITH THE BILLING CYCLE FOR THE MONTH OF JANUARY
2024.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Miles that said ordinance be passed on second reading. On roll call the vote was unanimous. The Vice-Mayor declared that said ordinance had been adopted. The ordinance was signed by the Vice-Mayor and City Recorder. The Vice-Mayor ordered said ordinance numbered 2023-41 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 ANNUAL OPERATING
BUDGET OF THE CITY OF MARYVILLE, TENNESSEE FOR
FISCAL YEAR 2024.

Thereupon, it was moved by Councilmember Hunt and seconded by Councilmember Herron that said ordinance be passed on second reading. On roll call the vote was unanimous. The Vice-Mayor declared that said ordinance had been adopted. The ordinance was signed by the Vice-Mayor and City Recorder. The Vice-Mayor ordered said ordinance numbered 2023-42 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 TO AMEND §14-214 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING REVIEW REQUIREMENTS OF ACCESSORY STRUCTURES FOR RESIDENTIAL PROPERTIES.

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

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

A RESOLUTION AMENDING THE CITY OF MARYVILLE'S POSITION CLASSIFICATION-COMPENSATION PLAN.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Hunt that said resolution be adopted. On roll call the vote was unanimous. The Vice-Mayor declared that said resolution had been adopted. The resolution was signed by the Vice-Mayor and City Recorder. The Vice-Mayor ordered said resolution numbered 2023-24 and recorded in the Resolution Book of the City.

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

A RESOLUTION DIRECTING PAYMENT OF TAX EQUIVALENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2023.

Thereupon, it was moved by Councilmember Herron and seconded by Councilmember Miles that said resolution be adopted. On roll call the vote was unanimous. The Vice-Mayor declared that said resolution had been adopted. The resolution was signed by the Vice-Mayor and City Recorder. The Vice-Mayor ordered said resolution numbered 2023-25 and recorded in the Resolution Book of the City.

Thereupon, it was moved by Councilmember Miles and seconded by Councilmember Herron to declare certain items as surplus and to authorize their disposal. On roll call the vote was unanimous.

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

Mayor

Attest:

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 TO AMEND §14-214 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING REVIEW REQUIREMENTS OF ACCESSORY STRUCTURES FOR RESIDENTIAL PROPERTIES.

A) Introduction: Development Services is requesting an amendment to §14-214 of the Zoning and Land Use Ordinance to allow for larger residential accessory structures to be permitted without requiring approval of a special exception by the Board of Zoning Appeals.

There have been 40 special exception cases heard by BZA since 2018 for either height over 15 feet, area over 600 square feet, or both. All were approved, as submitted. Slightly larger accessory structures should be permitted by right, to eliminate the extra time, cost and process involved for approval of certain smaller residential accessory structures.

The Maryville Municipal Planning Commission voted to recommend the proposed amendment at their meeting on November 20, 2023.

B) Financial Impact of Action: None.

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

D) Proposed Action:

- Public Hearing
- Second Reading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §14-214 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING REVIEW REQUIREMENTS OF ACCESSORY BUILDINGS FOR RESIDENTIAL PROPERTIES.

WHEREAS, the Zoning and Land Use Ordinance requires approval of a special exception by the Board of Zoning Appeals for accessory structures over 600 square feet in ground floor area or over 15 feet in height; and

WHEREAS, forty special exception requests for accessory structures have been approved by the Board of Zoning Appeals since June of 2018, with none being denied; and

WHEREAS, slightly larger accessory structures should be permitted by right, to eliminate the extra time, cost and process involved for approval of certain smaller residential accessory structures; 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 14-214 Accessory building setback requirements, subsection (9)(e) is deleted in its entirety and replaced with the following:

(9)(e) The cumulative total of accessory structures shall not exceed nine hundred (900) square feet of ground floor area nor shall any accessory structure exceed eighteen (18) feet in height without a special exception permit granted by the board of zoning appeals.

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 1st 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 §14-218 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING DEFINITIONS AND SIGN PERMIT FEES.

A) Introduction: Development Services is requesting an amendment to §14-218(2) and §14-218(3) of the Zoning and Land Use Ordinance by proposing the following changes to the signage regulations, applicable to all zoning districts:

- Create a definition of “Cabinet” signage to provide clarity for the new proposed permitting fee structure; and
- Delete sign permit application fees and sign permit fees for replacement or modification of existing freestanding sign panels or signs attached to a building.

These changes are in response to business and property owners requesting the removal of sign permit application fees and sign permit fees for the replacement or modification of existing freestanding sign panels or signs attached to a building, often known as cabinet signage, to avoid superfluous fees.

Currently, the sign regulations do not provide a definition for cabinet signage, which encompass most of the requests for replacement or modified signage. A definition for “cabinet” signage will be added to the regulations.

This ordinance removes sign permit application fees and sign permit fees for the replacement or modification of existing freestanding sign panels and signs attached to a building, as long as the replacement or modified signage remains within the same/does not alter the square footage of the previous sign panel. A sign permit application/sign permit will still be required for all replacements or modifications of existing freestanding signs/signs attached to a building to ensure they adhere to regulations.

The Maryville Municipal Planning Commission voted to recommend the proposed amendment at their meeting on December 18, 2023.

B) Financial Impact of Action: Applicants will no longer be charged a sign permit fee of one dollar (\$1.00) per sq. ft. beyond what is allowed without a permit, nor the sign permit application fee of ten dollars (\$10.00).

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

D) Proposed Action:

- Public Hearing
- First Reading

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §14-218 OF TITLE 14 OF THE MARYVILLE MUNICIPAL CODE, THE ZONING AND LAND USE ORDINANCE, REGARDING SIGN DEFINITIONS AND PERMIT FEES

WHEREAS, city staff review and approve sign permit applications for the replacement or modification of existing freestanding sign panels or signs attached to a building; and

WHEREAS, the addition and clarification of cabinet signage is needed for city staff to review such proposals; and

WHEREAS, the removal of sign permit application fees and sign permit fees for replacement or modified signage will avoid superfluous fees for property and business owners; 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 14-218 (2) Definitions, is amended to include the following subsection as subsection (d) and subsequent subsections will be renumbered accordingly:

(d) “Cabinet sign.” A cabinet sign, also known as a box sign, is a sign with text or symbols printed on plastic or acrylic sheet that is mounted on a cabinet or box that houses or does not house a lighting source and associated equipment.

SECTION 2. That Title 14, Chapter 2, Section 14-218 (3) Permit required for signs, is amended to include the following subsection as subsection (e) and subsequent subsections will be renumbered accordingly:

(e) Replacement or modification of existing freestanding sign panels or signs attached to a building, such as cabinet signage, will not be charged a sign permit fee of one dollar (\$1.00) per square foot beyond what is allowed without a permit, nor the sign permit application fee of ten dollars (\$10.00), so long as the replacement or modified sign does not alter the square footage of the previous sign panel. Sign permit applications and sign permits for any replacement or modifications of existing freestanding signs and signs attached to a building will still be required.

SECTION 5. 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 1st 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

3. CONSIDERATION OF AN ORDINANCE ON FIRST READING TO ABANDON AN ALLEY LOCATED BETWEEN JETT ROAD AND NORTHEAST TERMINUS IDENTIFIED AS ALLEY #97

A) Introduction: John Weston is requesting abandonment of alley #97 located between Jett Road and northeast terminus. City departments have reviewed the alley and recommended its abandonment. There is a water line in the alley that will retain an easement.

The Maryville Municipal Planning Commission recommended approval of the abandonment at their meeting on December 18, 2023.

B) Financial Impact of Action: If abandoned, quit claim deeds will be prepared by the city attorney and filed with the Register of Deeds office. The Property Assessor's office will also be notified so that the tax maps will be revised, and the abandoned property will be placed on the tax rolls.

C) Impact of Action on Other Departments/Agencies: If abandoned, it will release the city from liability issues.

D) Proposed Action:

- Public Hearing
- First Reading

ORDINANCE NO. _____

**AN ORDINANCE TO ABANDON AN ALLEY LOCATED
BETWEEN JETT ROAD AND NORTHEAST TERMINUS
DESIGNATED AS ALLEY #97**

WHEREAS, the City Council of the City of Maryville has determined that it is in the best interest of the city to abandon all unneeded alleys and rights-of-way within Maryville, Tennessee; and;

WHEREAS, the Maryville Planning Commission has reviewed the proposed abandonment of an alley located between Jett Rd. and northeast terminus and identified as Alley #97 on the attached Exhibit; and,

WHEREAS, the Planning Commission has determined that abandonment of the unneeded right-of-way will not be detrimental to the health, safety, and welfare of the general public.

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

SECTION 1. That Alley #97 described herein and shown on the attached Exhibit be and hereby is abandoned by the City Council of the City of Maryville, and such property is situated in District 09 of Blount County, Tennessee, and being more particularly described as follows:

Beginning at a point, said point being the southernmost corner of Parcel 003.00 along the northeastern right-of-way line of Jett Road, as shown on the Blount County Tax Map 47G Group D; thence northeasterly direction 435 feet, more or less, along the northwestern property line of Parcel 003.00 to a point along the southwestern property line of Parcel 003.03; thence in a southeasterly direction 37 feet, more or less, along the southwestern property line of Parcel 003.03 to a point, said point being a corner of Parcel 002.00; thence in a southwesterly direction 407 feet, more or less, along the northwestern property line of Parcels 002.00 to a point, said point being the westernmost corner of Parcel 002.00; thence in a northwesterly direction 32 feet, more or less, to the POINT OF BEGINNING.

SECTION 2. 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

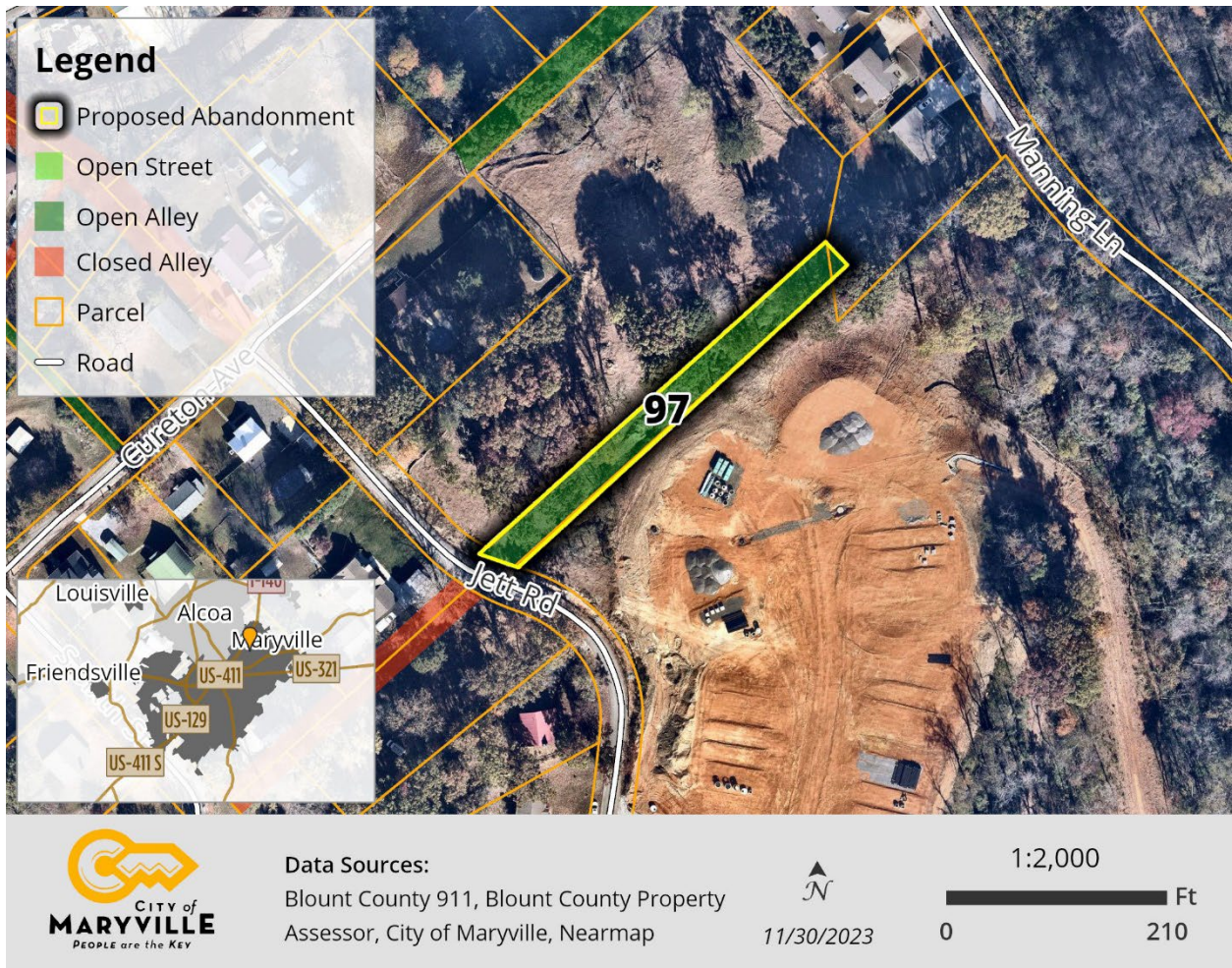
APPROVED AS TO FORM:

City Attorney

Passed 1st reading on this _____ day of _____, 2024 _____
City Recorder

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

Exhibit A:





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

AGENDA ITEM BACKGROUND

4. 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 delay the delivery of the project.

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

C) Impact of Action on Other Departments/Agencies: none

D) Proposed Action: Approve the Motion

**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 December __, 2023 (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 hereby, the “**PPA**”), by and between the Parties.

WHEREAS, the Parties desire to amend the PPA to extend the Expected Initial Delivery Date; 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) The last sentence contained in Exhibit A (Project Description) is hereby deleted in its entirety and replaced with the following (language in bold font illustrating modifications to the language in the original PPA):

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

(b) 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 MARYVILLE, 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

**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 December __, 2023 (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 EAST, 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 hereby, 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 (language in bold font illustrating modifications to the language in the original PPA):

“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 MARYVILLE EAST, 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



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

AGENDA ITEM BACKGROUND

5. CONSIDERATION OF A JOINT RESOLUTION BETWEEN ALCOA CITY SCHOOLS, MARYVILLE CITY SCHOOLS, ALCOA BOARD OF COMMISSIONERS, AND MARYVILLE CITY COUNCIL OPPOSING THE ADOPTION AND IMPLEMENTATION OF THE EDUCATION FREEDOM SCHOLARSHIP ACT

A) Introduction: Alcoa City Schools, Maryville City Schools, Alcoa Board of Commissioners and Maryville City Council are strongly urging the Tennessee General Assembly to reject the Education Freedom Scholarship Act or similar voucher programs.

B) Financial Impact of Action: N/A

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

D) Proposed Action: Pass Resolution

RESOLUTION NO. _____

A JOINT RESOLUTION BETWEEN ALCOA CITY SCHOOLS, MARYVILLE CITY SCHOOLS, ALCOA BOARD OF COMMISSIONERS, AND MARYVILLE CITY COUNCIL OPPOSING THE EDUCATION FREEDOM SCHOLARSHIP ACT

WHEREAS, Article XI, Section 12 of the Constitution of the State of Tennessee, requires that the General Assembly “shall provide for the maintenance, support and eligibility standards of a system of free public schools;” and

WHEREAS, public schools that provide a free and appropriate education for all, including students with disabilities, require all available state funding in order to continue to improve without necessitating an increased burden on local taxpayers or reducing services for students; and

WHEREAS, vouchers often divert public funds from the many who attend public schools to supplement those families who have already chosen a different option for the education of their children; and

WHEREAS, proponents have spent millions to convince the public and lawmakers of their efficacy, yet, more than five decades after introduction, vouchers still remain unproven; and

WHEREAS, the Alcoa City Commission and Maryville City Council enthusiastically supports the mission, vision, beliefs, and goals of the Alcoa City Schools and Maryville City Schools and believes public funds should be directed to public schools for the betterment of the student population and community overall; and

WHEREAS, Alcoa City Schools and Maryville City Schools educates and serves every eligible student in our community who wishes to enroll; and

WHEREAS, Alcoa City Schools and Maryville City Schools are fully transparent to parents and the public as the districts adhere to open record requests and state-mandated academic and financial standards; and

WHEREAS, all educational institutions receiving public funds should have the same accountability and performance reporting expectations so that parents and the public may better understand the use and efficacy of those public funds; and

WHEREAS, school choice already exists via district transfers, home schools, virtual schools, and private schools.

NOW, THEREFORE, BE IT RESOLVED, that the Alcoa City School Board, Maryville City School Board, Alcoa Board of Commissioners, and Maryville City Council are united in strongly urging the Tennessee General Assembly to reject the Education Freedom Scholarship Act or similar voucher initiatives that would divert public dollars away from public schools.

RESOLVED, DULY ADOPTED AND EFFECTIVE upon passage, the public welfare requiring same.

Adopted by Alcoa City Schools this _____ day of January 2024

Adopted by Alcoa City Commission this _____ day of January 2024.

Adopted by Maryville City Schools this _____ day in January 2024.

Adopted by Maryville City Council this _____ day in January 2024.

Tanya Martin, Alcoa City Mayor

Julie Rochelle, ACS Chair

Andy White, Maryville City Mayor

Julie Elder, MCS Chair



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

AGENDA ITEM BACKGROUND

6. CITY COUNCIL APPOINTMENT TO THE INDUSTRIAL BOARD OF BLOUNT COUNTY

A) Introduction:

Appoint Justin Marcus, Rick Shephard, or Kevin Painter for a term of six years.

B) Financial Impact of Action: N/A

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

D) Proposed Action: Recommend an appointment for Industrial Board member.



MEMORANDUM

To: Andy White, Mayor, City of Maryville
Greg McClain, City Manager, City of Maryville

From: Matt Murray, Chair
Bryan Daniels, President & CEO
Industrial Development Board of Blount County & the Cities of Alcoa & Maryville

Date: December 20, 2023

RE: Board Member Appointment

At the meeting today, the Industrial Development Board of Blount County & the Cities of Alcoa and Maryville, Tennessee, selected three candidates to fill the vacancy left with the passing of Charles "Chuck" Alexander. The board ranked their choices by preference, for your consideration. They are as follows:

1. Justin Marcus, President, Joseph Construction Company
2. Rick Shepard, Retired Banker, Staff Member at Leadership Blount
3. Kevin Painter, Partner, LeConte Wealth Management

We ask that during the next meeting of the Maryville City Council, that you appoint one of these community leaders to the Industrial Development Board of Blount County and the Cities of Alcoa & Maryville, for a term of six years.

Justin Marcus
2108 Middlewood Drive,
Maryville, TN 37803



Justin Marcus is a lifelong Blount resident. He attended Fort Craig Elementary, Maryville Middle School and is a graduate of Maryville High School (1996). After high school he attended Middle Tennessee State University, graduating with a Degree in Industrial Technology, with an emphasis in Construction Management (2002). In December of 2002, prior to graduation, he was hired by Hickory Construction where he worked as a project manager from January 2003 to June of 2005. He worked for Caughron and Co from July 2005 to May 2006 as a project manager. On June 1, 2006, Justin began his career with Joseph Construction as an assistant estimator, progressed into project management, and in 2015 was honored with a promotion to President of Joseph Construction where he has served as leader of the organization since that time. On January 1, 2024, Justin will become one of the owners of Joseph Construction.

As an employee of Joseph Construction Justin has had the opportunity to learn and be advised by Joe Zappa. Under Joe's leadership and support, Justin has been afforded the opportunity to work with and lead teams of people in developing properties and constructing buildings in all the industrial parks in Blount County as well as other private developments. At Joseph Construction, Justin has worked with Blount County clients Clayton Homes, DENSO, Maryville College, Metropolitan Knoxville Airport Authority, Blount Memorial Hospital, Asbury, Blount Partnership, Blount County Schools, Maryville City Schools, Alcoa City Schools, and all three local Governments just to name a few. Most recently Justin and other partners have invested in downtown Maryville where they purchased and are in the process of renovating the J&K Grocery Store building that has been vacant since 1978. J&K Partners LLC has leased space in the building partnering with Maryville College to create the new Maryville College Downtown Center set to open in 2024.

Community Boards, Organizations and Associations

- Leadership Blount Class of 2019
- Great Smoky Mountains Heritage Center Board of Directors 2022-Present
- SmartBank Blount County Advisory Board 2023-Present
- Associated Builders and Contractors (ABC) Greater Tennessee Board of Directors 2016-Present
 - Executive Committee 2019-Present
 - 2023 Chair of the Board
- Keep Blount Beautiful Board of Directors 2003-2005
- Maryville, Alcoa, Blount County Parks and Rec Soccer and Basketball Coach 2013-2022
- Maryville Little League Baseball Coach 2013-2019

Justin is married to Megan Marcus (Hearon). Megan is a Licensed Clinical Social Worker who owns and runs her own private therapy practice here in Blount County. They have two children, Landon (15) and Clara (12), who both attend Maryville City Schools. They are members of Middlesettlements United Methodist Church where Justin, Megan, and Landon participate with the praise and worship music team. Justin served as Trustee Chairman at MUMC from 2018-2023. Justin plays music in a local band called the Drift Boat Cowboys made up of lifelong local friends that love music as much as he does.

William R. “Rick” Shepard

My family is the fifth generation of Blount County natives who settled in Cades Cove in the 1800s. I grew up on a small family farm in the Wildwood community. I served as a banker in the area for over 38 years. I proudly served over 21 years as a member of the Tennessee Air National Guard in the 13th Air Refueling Group based at McGhee Tyson. I am a veteran of Operation Desert Storm in 1991 and participated in the Bosnia/Kosovo Conflict in 1998/1999.

Education

EAST TENNESSEE STATE UNIVERSITY – GRADUATE CLASS OF 1979

Experience

LEADERSHIP BLOUNT

2018 – Present – Serves as a staff member focusing on the Leadership Roundtable Program and fundraising

FORMER PRESIDENT – UNITED COMMUNITY BANK, INC., ALCOA, TN

2008 - Retired

REGIONAL PRESIDENT – SUNTRUST BANK

1984 – 2008

TENNESSEE AIR NATIONAL GUARD – 134TH AIR REFUELING WING

1979-2000

Leadership/Community Service/Current & Past

- Currently serves on the Board of Directors for the Blount County Chamber of Commerce
- Currently serves as the Blount County Election Commissioner
- Serves as Treasurer of the Blount Hearing and Speech Foundation
- Board member of Presbyterian Homes of East Tennessee/Shannondale
- Church Session for New Providence Presbyterian Church
- United Way of Blount County – 1999-2016 – served as Campaign Chair in 2016
- Smoky Mountain Council Executive Board – Boy Scouts of America – 2001-2010
- Blount County Education Foundation – 2001-2010
- Secret Safe Place for Newborns – 2002-2003
- Banker of the Year – by SunTrust Corporation – 2002
- Maryville College Community Campaign – 2003-2008
- Good Samaritan Health Clinic Gala Chair – 2004
- American Cancer Society’s Relay for Life – 2005-2010
- East Tennessee American Cancer Society Leadership Council – 2008-2009
- New Hope Blount County Children’s Advocacy Center – 2008-2014
- Leadership Blount – 2012-2015
- Leadership Blount County – Community Leadership Award – 2010

Kevin Painter

Kevin Painter's life is deeply rooted in Blount County, where his family goes back more than five generations. Born in 1975 to George "Gig" and Kathy Lambert Painter at Blount Memorial, Kevin's upbringing instilled in him a profound appreciation for community service.

From an early age, Kevin witnessed his father, Gig, dedicating his time to Chair the United Way Board, the Boy Scouts, and the Blount Chamber of Commerce. He saw his father graduate as a member of the inaugural Leadership Blount Class in 1991. He also saw his grandparents, Harold and Jean Lambert, give back to Maryville College, the Boys and Girls Clubs and the Boy Scouts. Inspired by his family's volunteer leadership and philanthropic commitment, Kevin embarked on a journey of giving back, earning his Eagle Scout rank in 1991, and becoming the first second-generation graduate of Leadership Blount in 2003. This early exposure to community leadership sparked a lifelong dedication to service.

A graduate of Maryville High School in 1993, Kevin continued his education at Furman University, where he excelled academically, earning a B.A. in Political Science and Music with honors. Returning to Rocky Top, he obtained an MBA with honors in Finance at UT in 1999, witnessing firsthand all thirteen games of the Vols 1998 championship season.

Kevin's professional journey in the investment and wealth management arena began at AmSouth Bank in Birmingham, Alabama in 1999, where he served as Portfolio Manager in the Trust Department. Feeling the call to come back home, he returned to Blount County in 2001 to SunTrust Bank, collaborating with his father until his passing in 2003. He also worked closely with Hoy Grimm and after a successful partnership in the Investment Services department, the two established LeConte Wealth Management in 2007, a thriving independent and Blount County owned practice serving over 290 families and managing over \$250 million in client assets. At LeConte, Kevin serves as Managing Partner and Chief Financial Officer of the firm and creates charitable giving strategies and bespoke financial and estate planning outcomes for their clients.

Community engagement has always been at the forefront of Kevin's priorities. He has played pivotal roles serving as Board Chair and Campaign Chair for the United Way of Blount County, contributing to the Maryville City Schools Foundation board, and leading successful fundraising campaigns for the Clayton Center for the Arts at Maryville College and First United Methodist Church in Maryville.

Kevin's commitment extends beyond fundraising; he actively participates in volunteer initiatives, supporting organizations like the New Hope Children's Advocacy Center, Blount County Habitat for Humanity and engaging in career shadowing and job recruiting events for local schools. Kevin currently chairs the Government Affairs committee on the Board of Directors for the Blount Chamber. He has also previously served as VIP chair and volunteered as a Team Captain for the organization's Membership event.

At home in Maryville, Kevin finds joy and fulfillment in family life with his wife, Vanessa, and their four children, ages 16, 14, 12, and 8. When not working or spending time with them, you will likely find Kevin cooking in his backyard on one of his four different smokers or planning the family's next National Park adventure.



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

AGENDA ITEM BACKGROUND

7. CITY COUNCIL APPOINTMENT TO THE BLOUNT MEMORIAL HOSPITAL BOARD OF DIRECTORS.

A) Introduction:

Appoint Keri Prigmore for a three-year term

B) Financial Impact of Action:

C) Impact of Action on Other Departments/Agencies:

D) Proposed Action:

For Maryville City Council

At an open meeting of the BMH BOD nominating committee on December 14, 2023 at BMH auditorium Dr. Keri Prigmore was nominated to fill the BOD seat of David Cockrill, whose term ends January 1, 2024. This new term would be for 2024-2026.

Dr. Prigmore has been very involved with teaching and administration in the Alcoa City School and Blount County School systems since 2002. Additionally she is very active and chairs numerous very impactful community organizations. She does live in Maryville and would be outstanding representative for Maryville and our community overall as a BMH BOD member.

Please consider confirming Dr. Prigmore for this BMH BOD position at your earliest convenience and notify me of your decision. Thank you.

Sincerely yours,

Stephen Kiefer MD
Chairman of the BMH BOD Nominating Committee

DR. KERI PRIGMORE

CAREER PROFILE - More than twenty years of experience and achievements in teaching and administration in the Blount County area. A change agent in education with a focus on student welfare, exhibiting a supportive and actively engaged leadership style. A visionary leader who engages all stakeholders to maintain excellence in education and increase student achievement. A trustworthy professional with excellent communication skills that foster strong and long-lasting relationships with all members of the school community.

EDUCATION

EAST TENNESSEE STATE UNIVERSITY – JOHNSON CITY, TN

EDUCATIONAL DOCTORATE DEGREE

Educational Leadership and Policy Analysis

December 2012

UNIVERSITY OF TENNESSEE, KNOXVILLE – KNOXVILLE, TN

MASTER OF SCIENCE DEGREE

Education

May 2002

UNIVERSITY OF TENNESSEE, KNOXVILLE – KNOXVILLE, TN

BACHELOR OF SCIENCE DEGREE

Communications (Minor – African and African American Studies)

May 2001

PROFESSIONAL EXPERIENCE

DIRECTOR OF ATTENDANCE

JULY 2019 - PRESENT

DISTRICT ENROLLEMENT COORDINATOR

- Establish and maintain good public and employee relations for all areas of responsibility.
- Provide leadership and supervision in the planning, implementation, and evaluation of student attendance.
- Liaison for Homeschool and Homebound education.
- Complete and file legal notifications and court documents to enforce compulsory attendance.
- Conduct home visits to communicate with students and parents on school attendance concerns.
- Conduct teacher evaluations
- Coordinate and provide professional development opportunities focused on student needs and diversity.
- Coordinate and conduct disciplinary hearings
- Handle difficult situations in a calm, sensitive, fair, and respectful manner.
- Implement the provisions required by the McKenney-Vento Homeless Assistance Act to provide support to our students and families experiencing homelessness.
- Maintain close and frequent contact with staff, parents, students, and local community organizations to implement effective interventions that will improve school attendance.
- Regularly review student attendance data and communicate with parents about the importance of school attendance and its impact on achievement.
- Regularly update the Director of Schools and other Educational Support Center Staff of information related to school attendance and discipline.
- Support the philosophy and mission of Alcoa City Schools and complete additional tasks as assigned.

**DIRECTOR OF PERSHING ACADEMY
ALCOA HIGH SCHOOL**

JULY 2015 - May 2019

- Establish and maintain good public and employee relations for all areas of responsibility.
- Provide leadership and supervision in the evaluation of student academic progress and attendance.
- Conduct teacher evaluations.
- Coordinate and conduct disciplinary hearings.
- Coordinate with school administration to develop a plan for re-entry into the regular education setting.
- Collaborate with department leaders and faculty to compile annual Coordinated School Health budget requests for documented needs.
- Handle difficult situations in a calm, sensitive, fair, and respectful manner.
- Implement classroom modifications as outlined in student IEP, 504, or health plan.
- Provide leadership and supervision in the planning, implementation, and evaluation of student attendance.
- Maintain close and frequent contact with staff, parents, students, and local community organizations to implement effective interventions that will improve school attendance.
- Schedule and oversee school-based counseling programs
- Regularly review student attendance data and communicate with parents about the importance of school attendance and its impact on achievement.
- Regularly update the Director of Schools and other Educational Support Center Staff of information related to school attendance and discipline.
- Support the philosophy and mission of Alcoa City Schools and complete additional tasks as assigned.

**LECTURER
JOHNSON UNIVERSITY**

FALL 2013 – FALL 2015

- Design, develop, and deliver materials and activities focused on effective teaching strategies.
- Support the philosophy and mission of Johnson University and complete additional tasks as assigned.

**ASSESSMENT AND ACCOUNTABILITY COORDINATOR
ALCOA MIDDLE SCHOOL**

JULY 2009 – JULY 2015

- Establish and maintain good public and employee relations for all areas of responsibility.
- Provide leadership and supervision in the evaluation of student academic progress and attendance.
- Establish and maintain good public and employee relations for all areas of responsibility.
- Assist with safety inspections and safety drill practice activities.
- Collaborate with department leaders and faculty to compile annual Title I budget requests for documented needs.
- Conduct teacher evaluations.
- Ensure that Alcoa Middle School programs and activities conform to federal, state, and local guidelines.
- Help plan daily school activities by participating in the development of class schedules and teacher assignments.
- Implement and maintain the school-wide Title I and 504 programs.
- Oversee the implementation and validity of the RTI process.
- Participate in the development and evaluation of educational programs.
- Supervise operations in the absence of the principal.
- Support the philosophy and mission of Alcoa City Schools and complete additional tasks as assigned.

**TEACHER – SIXTH GRADE
ALCOA MIDDLE SCHOOL**

JULY 2005 – MAY 2009

- Developed and implemented learning activities that relate to content standards in mathematics
- Encourage and monitor the progress of individual students and use information to adjust teaching strategies.
- Incorporate technology to support and differentiate learning.
- Implement classroom modifications as outlined in student IEP, 504, or health plan.

- Maintain accurate and complete records of student's progress and development.
- Participate in appropriate professional development and school activities.

**TEACHER – EIGHTH GRADE
ALCOA MIDDLE SCHOOL**

JULY 2004 – MAY 2005

- Developed and implemented lesson plans that relate to content standards in reading
- Encourage and monitor the progress of individual students and use information to adjust teaching strategies.
- Incorporate technology to support and differentiate learning.
- Implement classroom modifications as outlined in student IEP, 504, or health plan.
- Maintain accurate and complete records of student's progress and development.
- Participate in appropriate professional development and school activities.

**ACES PROGRAM TEACHER (ALTERNATIVE LEARNING)
HERITAGE MIDDLE SCHOOL**

JULY 2003 – MAY 2004

- Developed and implemented lesson plans and activities that relate to content standards in language arts, mathematics, reading, science, and social studies for students with behavioral and academic challenges.
- Encourage and monitor the progress of individual students and use information to adjust teaching strategies.
- Incorporate technology to support and differentiate learning.
- Implement classroom modifications as outlined in student IEP, 504, or health plan.
- Maintain accurate and complete records of student's progress and development.
- Participate in appropriate professional development and school activities.

**TEACHER - SIXTH GRADE
HERITAGE MIDDLE SCHOOL**

JULY 2002 – MAY 2003

- Developed and implemented lesson plans and activities that relate to content standards in mathematics, reading, and social studies
- Encourage and monitor the progress of individual students and use information to adjust teaching strategies.
- Incorporate technology to support and differentiate learning.
- Implement classroom modifications as outlined in student IEP, 504, or health plan.
- Maintain accurate and complete records of student's progress and development.
- Participate in appropriate professional development and school activities.

**TEACHER INTERN
FRIENDSVILLE ELEMENTARY SCHOOL**

AUGUST 2001 – MAY 2002

- Observe and provide support to the cooperating teacher and students.

**LICENSES AND
CERTIFICATION**

**ELEMENTARY K-8
ILL ADMINISTRATOR PRE K-12**

**COMMUNITY
AFFILIATION**

Blount Memorial Hospital Foundation – (Board Member)
Family Promise (Board Member)
Maryville-Alcoa-Blount Parks and Recreation (Chairwoman)
Maryville Regional Planning Commission (Chairwoman)
NAACP (Committee Chair)
New Hope Child Advocacy Center (Board Member)
TDASC Steering Committee Member (East Region)



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

AGENDA ITEM BACKGROUND

8. DISCUSSION OF BLOUNT MEMORIAL HOSPITAL BOARD'S PROPOSED RESTATING OF AND AMENDMENTS TO THEIR CHARTER

A) Introduction: The hospital board has sent a document entitled "Amended and Restated Charter of Blount Memorial Hospital, Inc." for City Council's review and comments.

B) Financial Impact of Action: N/A

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

D) Proposed Action: Review document and make appropriate comments, changes, and questions.

Prepared by and return to:
Blount Memorial Hospital, Inc.
907 E. Lamar Alexander Parkway
Maryville, TN 37804

AMENDED AND RESTATED CHARTER
OF
BLOUNT MEMORIAL HOSPITAL, INC.

The undersigned natural person, having capacity to contract and acting as the President of a corporation organized under the Tennessee Nonprofit Corporation Act (the “Act”), adopts the following Amended and Restated Charter for such corporation:

1. The name of the Corporation is as follows: Blount Memorial Hospital, Incorporated.
2. This Corporation is a public benefit corporation and the duration of the Corporation is perpetual.
3. The Corporation is not a religious corporation.
4. The Corporation shall not have members.
5. The street address of the current registered office of the Corporation in the State of Tennessee is 907 E. Lamar Alexander Parkway, Maryville, TN 37804. The name of the current registered agent at this office is Jonathan C. Smith.
6. The street address of the current principal office of the Corporation in the State of Tennessee is 907 E. Lamar Alexander Parkway, Maryville, TN 37804.
7. The Corporation is not for profit.
8. The Corporation is irrevocably dedicated to, and operated exclusively for, nonprofit purposes, to-wit: operating a community hospital in Blount County, Tennessee, providing related health care and other ancillary services, and engaging in any lawful business and transactions related thereto or arising therefrom. No part of the income or assets or net earnings of the Corporation shall be distributed to or inure to the benefit of any Directors, officers, or other private individuals or persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments in furtherance of the purposes set forth herein.
9. Upon dissolution, after all the creditors of the Corporation have been paid, its assets shall be distributed in accordance with its Bylaws or distributed to: (i) one (1) or more persons or entities recognized as exempt under Section 501(c)(3) of the Internal Revenue Code and engaged in providing or supporting health care services in Blount County, Tennessee, (ii) one (1) or more public benefit corporations engaged in providing or supporting health care services in Blount County, Tennessee, or (iii) the state of Tennessee or any county, municipality, or political subdivision thereof, provided any such distributions shall be exclusively for public health purposes.

10. The affairs of the Corporation shall be managed by a Board of Directors of not fewer than nine (9) Directors, four (4) of whom shall be approved by the Blount County Commission, two (2) of whom shall be approved by the Maryville City Council, (2) of whom shall be approved by the Alcoa Board of Commissioners, and one (1) of whom shall be approved by the Board of Directors of Maryville College (the "Appointing Bodies"). Directors shall be nominated by a Nominating Committee which shall be composed of the following: (1) the Blount County Mayor or his/her designee; (2) the Alcoa City Manager or his/her designee; (3) the Maryville City Manager or his/her designee; (4) the Maryville College President or his/her designee; (5) the President/CEO of the Blount Partnership or his/her designee; (6) the President of the Blount Memorial Hospital, Inc. Board of Directors; and (7) one member appointed by the Blount County Medical Society. The President of the Blount Memorial Hospital, Inc. Board of Directors shall be the permanent Chairperson of the Nominating Committee, which shall convene annually to nominate Directors for expiring terms and as needed to fill vacancies on the Board of Directors, said nominations to be made by simple majority vote of the Nominating Committee. Upon nomination of candidate(s), the Nominating Committee shall submit the name(s) of the nominee(s) to the respective Appointing Body, which Appointing Body shall then vote on the appointment of said nominee(s). A nominee shall be seated immediately upon approval of the respective Appointing Body. In the event a nominee is not so approved, the Nominating Committee shall reconvene and submit a new nominee who may not be an individual who was nominated in the previous three (3) years and whose nomination to the Board of Directors was not approved. If the Nominating Committee fails to submit a nominee to a respective Appointing Body for more than thirty (30) consecutive days of a seat becoming open, whether by expiration of a term or by death, resignation, or removal, then the Appointing Body may nominate and appoint a Director on its own motion.
11. A Director may be removed, with or without cause, by the Appointing Body who so approved the Director's nomination by a two-thirds (2/3) majority vote of those present and voting at a regular meeting or special called meeting for this purpose. A Director may also be removed by a simple majority vote by the Appointing Body who so approved the Director's nomination upon a recommendation from the Board of Directors of the Corporation made in accordance with the bylaws of the Corporation. Any such removal, regardless of which of the two foregoing procedures is used, is effective immediately, and such Director shall immediately cease serving as a Director, unless specifically stated otherwise by the Appointing Body removing said Director.
12. Directors shall be appointed for terms of three (3) years, and no Director shall serve more than three (3) consecutive terms, except that any Director appointed to complete a partial term due to a vacancy may then serve an additional three (3) consecutive three (3) year terms.
13. To the fullest extent permitted by the Act, no Director of the Corporation shall be personally liable to the Corporation for monetary damages for breach of fiduciary duty as a Director, except: (i) for any breach of the Director's duty of loyalty to the Corporation; (ii) for acts or omissions not in good faith or which involve intentional

misconduct or a knowing violation of law; or (iii) under Tenn. Code Ann. § 48-58-302 or any amendment thereto.

14. The Corporation shall hold harmless and indemnify officers and directors, whether or not then in office, and their respective executors, administrators, and heirs from and against any and all claims, demands, expenses (including attorneys' fees), judgments, fines, amounts paid in settlement, and any other costs with respect to any demand, threat, suit, or proceeding, whether civil or criminal, arising with respect to such person's previous, present, or future service as an officer or director of the Corporation to the maximum extent permitted by law.
15. The Corporation's fiscal year shall begin July 1 of each year and end June 30 of the following year.
16. This Charter may be amended only by approval of the Board of Directors and all the governing bodies of Blount County, the City of Alcoa, and the City of Maryville.
17. This Charter is to be effective immediately upon filing by the Tennessee Secretary of State.
18. This Amended and Restated Charter has been duly adopted as of the date hereof by the Directors of the Corporation and replaces all previous Charter(s) and Amendment(s).

DATED effective as of _____, 20__.

Stephen Kiefer, M.D., President

ATTEST:

Secretary