

A public hearing was held December 13, 2011 at 7:00 P.M. in the Chancery Court Room, 3<sup>rd</sup> floor of the Bedford County Courthouse on the following:

# **PUBLIC NOTICE**

## **PUBLIC HEARING TO BE HELD**

**Dec. 13, 2011, 7:00 PM**

**IN THE CIRCUIT COURT ROOM,**

**2<sup>ND</sup> FLOOR, OF THE BEDFORD COUNTY COURTHOUSE**

**The Bedford County Board of Commissioners will conduct an open public hearing for the following requests:**

- A. Public hearing for the purpose of discussing requested zoning amendment to Zoning Resolutions concerning type I and type II home occupations.**

*This item was placed on the Dec.13, 2011 County Commission Agenda unanimously by the Rules and Legislative Committee with a favorable recommendation.*

**ITEM 1.CALL TO ORDER, 2. PRAYER & PLEDGE, 3. OPEN MEETING 4. ROLL CALL**

Be it remembered that the Bedford County Commissioners, acting as the County Legislative Body of the County met in a regular session in the Bedford County Courthouse in Shelbyville, TN on Tuesday December 13, 2011 at 7:00 P.M. Chairman Eugene Ray called the meeting to order. Prayer was led by County Attorney John T. Bobo. County Clerk Kathy Prater led the Pledge of Allegiance and called roll. Sheriff Randall Boyce opened the meeting.

<b>TONY SMITH</b>	<b>J.D. (BO) WILSON</b>	<b>DON GALLAGHER</b>
<b>JOHN E BROWN</b>	<b>JOE TILLET</b>	<b>LINDA YOCKEY</b>
<b>JIMMY PATTERSON</b>	<b>JIMMY WOODSON</b>	<b>JANICE BROTHERS</b>
<b>BOBBY FOX</b>	<b>TONY BARRETT</b>	<b>ED CASTLEMAN</b>
<b>PHILLIP FARRAR</b>	<b>DENISE GRAHAM</b>	<b>MARK THOMAS</b>
<b>BILLY KING JR.</b>	<b>JEFF YOES</b>	

With seventeen commissioners present, Chairman Ray called the meeting to order. Commissioner Bobby Vannatta was absent.

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**5. APPROVAL OF THE NOVEMBER 8, 2011 COMMISSION MINUTES**

Commissioner Wilson moved to approve the November 8, 2011 Commission minutes, seconded by Commissioner Thomas, and passed by unanimous vote of the Board.

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**6. NOTARY APPROVALS**

FROM: BEDFORD COUNTY CLERK RE: NOTARY APPLICANTS FOR **December, 2011**

TO: RULES AND LEGISLATIVE COMMITTEE DATE: **November 8, 2011**

NAME	NEW/RENEW	RECOMMENDED BY
1. Rex A. Bicknell	Renew	
2. Curtis M. Cobb	Renew	
3. Magdalena Gomez Bates	Renew	
4. Richard T. Smith	Renew	
5. Matilda Harris	Renew	
6. Rodger M. Eyman	Renew	
7. Teresa Haley	Renew	
8. Pam Dickens	Renew	
9. Shannon M. Teston	Renew	
10. Vicky Jennings	Renew	
11. Mary Jo Withrow	Renew	
12. Vivian Lanius	Renew	
13. Kathryn E. Keeney	Renew	
14. Eric S. Michael	Renew	
15. Dawn M. Hutson	Renew	
16. Jacque K. Daffern	Renew	
17. Kim Burrow	Renew	

NOTARY APPROVALS CONT'D

FROM: BEDFORD COUNTY CLERK RE: NOTARY APPLICANTS FOR December 2011

TO: RULES AND LEGISLATIVE COMMITTEE DATE: November 8, 2011

NAME	NEW/RENEW	RECOMMENDED BY
18. Leslie McAnally	Renew	
19. Elaine L. Pinkston	Renew	
20. Laurie Batey	New	Graham/King
21. Eva Ewton	New	Fox/Thomas
22. Joyce Ann Marsh	New	Brown/King
23. Deborah B. Snell	New	Fox/King
24. Bryan Mitchell	New	Smith/Patterson
25. Sandra Roberts	New	Background ck'd by D.A.
26. Benita B. Caldwell	New	Background ck'd by D.A.

Commissioner Thomas moved to approve the notary applicants/renewals as submitted by the County Clerk, seconded by Commissioner Castleman, and passed by unanimous vote of the Board.



7. REPORTS OF STANDING COMMITTEES

7.A. RULES AND LEGISLATIVE COMMITTEE

7.A.1. Consideration of Planning Commission amendment to Zoning Resolutions concerning type 1 and Type II home occupations. Item was placed on the Rules and Legislative agenda by the Planning Commission with a favorable recommendation.

(Item was placed on the agenda by the Rules and Legislative Committee with a favorable recommendation.) This item was deferred last month for everyone to take time to read the amendments. Item placed on Nov. 8, 2011 Commission Agenda and deferred in order for a public hearing to be held. Placed on the Dec. 13, 2011 Commission Agenda with a favorable recommendation from Rules and Legislative Committee and with a recommendation for a public hearing.

**BEDFORD COUNTY, TENNESSEE**

**RESOLUTION NO. 12.8**

**A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BEDFORD COUNTY, TENNESSEE BY AMENDING ARTICLE III, SECTION 3.020, AND ARTICLE V, SECTIONS 4.041 THRU 4.044**

WHEREAS, the Bedford County Regional Planning Commission has recommended the adoption of standards to regulate customary incidental home occupations; and

WHEREAS, the County Commission has reviewed such recommendations and have conducted a public hearing thereon.

**NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF BEDFORD COUNTY, TENNESSEE, AS FOLLOWS:**

That the Zoning Resolution of Bedford County, Tennessee be amended as follows:

**Section 1:**

Article III, Section 3.020 be amended by the deletion of Section 3.020 in its entirety and replaced with new language which reads as follows:

See **ATTACHMENT #1**

**Section 2:**

Article IV, Sections 4.041 thru 4.044, the omission and addition of new language, respectively, to read as follows:

See **ATTACHMENT #2**

**Section 3:**

Article VIII, Section 8.060 be amended by the deletion of Sub-section Y. Special Conditions for Accessory Dwelling Units, (4) in its entirety and replaced with new language which reads as follows:

See **ATTACHMENT #3**

7A.1. CONT'D

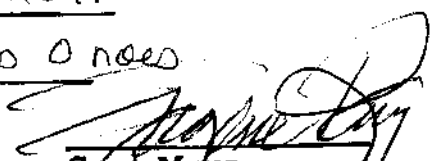
**BE IT ENACTED** that this Resolution shall take effect from and after its adoption, the public welfare requiring it.

Recommended by the Bedford County Regional Planning Commission \_\_\_\_\_

Public Hearing Held on 12-13-2011

Passed Final Reading: 17 yeas 0 noes

Kathy Proctor  
Recording Secretary

  
County Mayor  
Bedford County, Tennessee

**ATTACHMENT #1**

**ARTICLE III  
SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS**

**3.020 Customary Incidental Home Occupations**

**A. Type I Home Occupations**

A Type I Home Occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any structure shall indicate from the exterior that the structure is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory structures. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. Type I Home Occupations will require a special exception permit from the Board of Zoning Appeals.

**B. Type II Home Occupations**

The purpose of the Type II Home Occupations section of this resolution is to provide the opportunity for the use of the home or an accessory structure for limited business purposes.

These criteria are designed to maintain the character of the surrounding residential or agricultural area, to minimize any conflicts of the home occupational use with the surrounding residential use, and to maintain and protect property values.

A Type II Home Occupation means an accessory use of a dwelling unit or an accessory structure for gainful occupation or profession conducted by members of a family residing on the premises. A Type II Home Occupation must be clearly incidental to the primary use of the dwelling as a residence. An announcement sign of not more than four (4) square feet in area is permitted.

No nuisance effects (noise, vibration, odor, discharge of materials, fluids, gases, excessive lighting, glare, fumes, electrical interference or any similar activity) shall emanate from the conduct of the home occupation which would adversely affect the health, safety, or

7A.1. CONT'D

tranquility of the surrounding neighborhood. This includes delivery or storage of trucks greater than eleven thousand (11,000) pounds gross vehicle weight.

Type II Home Occupations will require a special exception permit from the Board of Zoning Appeals.

To be classified as a home occupation under the Type II category, the following criteria must be met:

1. No more than one (1) employee may work at the site of the business other than family members who reside in the dwelling. In no case shall the home occupation have more than three (3) employees working at the site.
2. No alteration to the dwelling shall indicate from the exterior that the structure is being utilized for any purpose other than as a residential unit.
3. The Type II Home Occupation may be conducted in an accessory structure located on the same property as the owner's principal dwelling. This accessory structure, if newly constructed, shall be incidental to and subordinate in size to the principal structure. Pre-existing agricultural structures, even if they are larger than the allowed square footage, can be converted and re-utilized for incidental home occupations if approved by the Board of Zoning Appeals. Refer to Article II, Section 2.070 for applicable provisions related to accessory structures. Any Type II Home Occupation that utilizes an accessory structure shall have a minimum lot size of five (5) acres. Accessory structures shall be setback seventy-five (75) feet from adjacent residential or agricultural lots and at least one hundred-fifty (150) feet from an existing adjacent residence.
4. Accessory structures used for home occupations shall be suitably screened from view from the road and adjacent residential and agricultural lots. This may be a decorative fence or year-round vegetation or a combination of both.
5. No outdoor storage and/or display of merchandise shall be permitted. However, auto/light truck, marine, motorcycle, and farm equipment repair home occupations may build a fully screened (360 degrees) storage area for equipment awaiting repair. This area may be no larger than the size of the accessory structure used for the home occupation. This area shall not be used for vehicles used for parts or other salvage equipment.
6. Retail sales shall be prohibited except for the retail sales of products, goods, or services produced on the premises as a result of the home occupation.
  7. All parking (loading/unloading) associated with the conduct of the home occupation shall be off-road. Ample area shall be provided on the site for these activities.
  8. A general sketch plat (layout) of the applicant's property showing the location of the dwelling, driveway, parking area, accessory structures, landscaping, etc., shall be submitted with the application.

When questions arise regarding the legality of specific home occupation, or if a previously permitted Home Occupation creates a potential nuisance or problems to the surrounding area, the Board of Zoning Appeals shall determine whether said Home Occupation meets the conditions set forth in this section.

Uses permitted as special exceptions for Type II Home Occupations:

Appliance Repair of items intended for normal household use including:  
 Heat/Air Conditioner Systems, Electronics, Washers and Dryers, etc.  
 Auto and Light Truck Repair  
 Baking/Confectionary  
 Beauty/Barber Shops  
 Ceramics, Pottery, Sculpture, Art, Crafts  
 Construction related services including:  
 Cabinet Making/Woodworking, General Building Contractors,  
 Masonry, Stonework, Tile Setting, Plastering, Painting,  
 Paper Hanging, Plumbing, Electrical Contractors,  
 and other similar construction related professions not  
 requiring outdoor storage of vehicles greater  
 than 11,000 pounds gross vehicle weight  
 Cooking/Food preparation  
 Farm Equipment Repair  
 Lawn Mower Repair  
 Marine and Watercraft Repair (but not their storage for a fee)  
 Motorcycle Repair  
 Offices Used for Professionals, including:  
 Accounting/Bookkeeping, Law, Real Estate, Architects, and Engineers.  
 Small Engine Repair  
 Small-scale meat processing/butcher  
 Tailor Shops  
 Taxidermy  
 Textiles  
 Upholstery Shops  
 Welding Shops

Other uses may be allowed that are similar to the above specified uses. In the

7A.1. CONT'D

ATTACHMENT #2

ARTICLE IV  
ZONING DISTRICTS

4.041 A-1, Agriculture-Forestry District

C. Uses Permitted as Special Exceptions

- 8. Type I and Type II Customary Incidental Home Occupations, as regulated in Article III, Section 3.020.

4.042 R-1, Suburban Residential District

B. Uses Permitted

Omit #3 (move to Subsection C as a Special Exception)

C. Uses Permitted as Special Exceptions

- 14. Type I Customary Incidental Home Occupations, as regulated in Article III, Section 3.020.

4.043 C-1, Rural Center District

B. Uses Permitted

Omit #11 (move to Subsection C as a Special Exception)

C. Uses Permitted as Special Exceptions

- 9. Type I Customary Incidental Home Occupations, as regulated in Article III, Section 3.020.

ATTACHMENT #3

ARTICLE VIII,  
PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

**8.060. Procedure For Authorizing Special Exceptions.**

Y. Special Conditions for Accessory Dwelling Units (Guest Houses).

- 4. The maximum size of an accessory dwelling unit shall be limited to the requirements of the zoning ordinance or 1100 square feet, whichever is more restrictive. Accessory dwelling structures shall always be subordinate in size to the principle structure. In the case where a pre-existing agricultural structure or barn is proposed to be improved with an accessory dwelling unit inside, the square footage of the heated living space must be subordinate in size or scope to the principle structure. Minimum dimensions of the accessory dwelling unit shall be determined by adopted building codes.

Commissioner Yockey moved to approved Item 7.A.1., seconded by Commissioner Brown, and passed by unanimous vote of the Board.



**7.B. FINANCIAL MANAGEMENT COMMITTEE**

**7.B.1. Consideration of Holiday Pay, Sheriff's Dept. (Placed on the Dec. 13, 2011 Commission Agenda with a recommendation to approve, unanimously by the Finance Dept.)**

Commissioner Wilson moved to approve Item 7.B.1., seconded by Commissioner Thomas. Commissioner Wilson stated that the Finance Committee had learned that some people were receiving holiday pay and some were not and they felt this was not right. Commissioner Barrett worked out a solution to cut the number of deputies in Court from fourteen down to three and as a result saved enough money for the Sheriff's Dept employees who worked to receive holiday pay. Commissioner Wilson stated the Finance Committee needed to revisit this the first of the year and come up with a policy on paying holiday pay. County Mayor Ray stated that \$1000. would allow the Juvenile Detention Center employees to receive holiday pay, after which Commissioner Wilson made this a part of his motion for approval, accepted by Commissioner Thomas, and motion as amended then passed by unanimous vote of the Board.

**7.C. COURTHOUSE AND PROPERTY COMMITTEE**

Commissioner Wilson stated he thought this Committee needed to be recognized for getting the surplus property sold in a speedy time frame and adding around \$97,000. to County funds.

**7.D. LAW ENFORCEMENT COMMITTEE**

Upon question from Commissioner Wilson, about a story in the local newspaper, Commissioner Barrett stated there was not a lack of deputies in the Courthouse to watch prisoners but rather a lack of space to put the prisoners. Commissioner Barrett stated that 6 deputies were on duty every day, three at the Courthouse and three on the road not counting administration.

Commissioner Fox moved to suspend the rules to discuss Resolution 12-10. Motion to suspend passed by unanimous vote of the Board.

**RESOLUTION NO. 12-10**

**TO PROVIDE FOR FILLING VACANCIES IN COUNTY OFFICES ELECTED FROM DISTRICTS IN BEDFORD COUNTY FROM THE NEWLY ADOPTED REAPPORTIONMENT PLAN**

WHEREAS, *Tennessee Code Annotated*, Section 5-1-104, authorizes the County legislative body to provide by Resolution duly certified to the County Election Commission that elections to fill vacancies in offices which are elected from districts, including but not limited to County legislative body members, school board members, County highway commissions, and constables, shall be elected from the most recently adopted reapportionment plan in the County; and

WHEREAS, it is in the best interest of the citizens of Bedford County for vacancies in County offices which are elected from districts, including but not limited to County legislative body members, school board members, County highway commissions, and constables, to be filled by elections from the most recently adopted reapportionment plan; and

WHEREAS, a vacancy on the Bedford County Commission was created as a result of the death of Phillip Vincent on February 6, 2011, who had served as Commissioner for District one (1); and

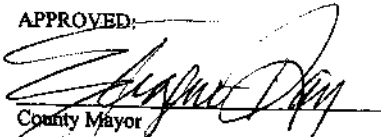
WHEREAS, such vacancy has been temporarily filled by action of the Bedford County Commission.

NOW, THEREFORE, BE IT RESOLVED by the Bedford County legislative body meeting in regular session at Shelbyville, Tennessee, on this the 13<sup>th</sup> day of December, 2011, that:

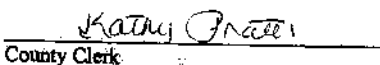
SECTION 1. The vacancy in County Commission District one (1), shall be filled by an election using the most recently adopted applicable reapportionment plan.

SECTION 2. The County Clerk is requested, upon proper approval thereof, to immediately certify a copy of this Resolution to the County Election Commission.

APPROVED:

  
County Mayor

ATTEST:

  
County Clerk

Commissioner Fox moved to approve Resolution 12-10, seconded by Commissioner Gallagher, and passed by unanimous vote of the Board.



**8. QUARTERLY REPORTS (absent in Nov.)**

**8.A. TRUSTEE**

Report on file in County Clerk's office

Trustee Davis went over the highlights of her report after which Commissioner Wilson commented that it was an excellent report. He asked for the next report to include the breakdown of the sales tax to the state and the local school system.



**8.B. COMMUNICATION DIRECTOR**

Report on file in County Clerk's office



**8.C. Register of Deeds**

No report



**8.D. CLERK AND MASTER**

Clerk and Master Cobb stated his revenues were up with child support cases growing. The largest docket they have had was the Friday before Thanksgiving with 103 cases.



**9. ANNOUNCEMENTS**

**9.1. Lisa Moore with MTEC will join us for an update.**

Lisa Moore stated they have more students registered for the spring session than the fall, but enrollment is not finished. They still offer the education and the business administration programs and are looking at other programs that could be offered. She stated County Mayor Ray had created the Ambassador's Council and those people are very helpful with ideas. There has been some physical changes made and she hopes to work with the Arts Council to bring in some local art. She hopes to publish one MTEC Messenger every semester.



School Superintendent Butram stated that an initiative with the business community and the graduating Seniors about the graduation rate was held last night with Commissioner Yockey being a part of it as the graduation coach. He stated their purpose was to have people in Bedford County value education and graduation. Commissioner Graham stated that she as well as other Commissioners would like to be involved and made aware of any other events. Commissioner Woodson suggested that the Rules and Legislative Committee prepare a Resolution with the County Commissioners endorsement of this initiative.





