



Bedford County Board of Commissioners

Commissioner Board Meeting

Date: **Tuesday, June 13, 2023**

Time: **7:00 PM**

Location: **Bedford County Historic Courthouse, 2nd Floor, Courtroom**

Minutes

Public Hearing

PUBLIC NOTICE

The Bedford County Board of Commissioners

On March 28, 2023, the Bedford County Regional Planning Commission voted unanimously to favorably recommend two (2) amendments of the Zoning Resolution of Bedford County. Specifically, Article III, Section 3.340 titled Private Airstrips AND Article III, Section 3.360 titled Signs, Billboards, and other Advertising Structures.

A public hearing will occur immediately before the Bedford County Commission meeting which will begin at 7:00 p.m. on June 13, 2023. The public hearing and commission meetings will be held at the historic Bedford County Courthouse on the Shelbyville Public Square in the 2nd floor County Commission Chambers.

Accommodations

Persons with a disability who wish to request a special accommodation to participate in the Public Meeting should notify Suzanne Alexander at least one (1) business day prior to the Meeting at (931) 684-7944 or email your request to suzanne.alexander@bedfordcountyttn.gov to discuss accommodations. Every reasonable effort will be made to meet your need.

Chairman Graham opened the hearing and invited anyone to speak for or against. No one came forward and Graham closed the hearing.

Call to Order: Chairman, Mayor Chad D. Graham

Prayer and Pledge of Allegiance

Open Meeting: Sheriff Austin Swing

Roll Call: County Clerk Donna Thomas

PRESENT

Bill Anderson
John Boutwell
Janice Brothers
Anita Epperson
Biff Farrar
Drew Hooker
Scott Johnson
Eric Maddox
Diane Neeley
Sylvia Pinson
Julie Sanders
Tony Smith
Adam Thomas
Mark Thomas
Troy Thompson
Greg Vick
Linda Yockey

ABSENT

Jason Boyette

Minutes Approval:

1. Approval of Commission Meeting Minutes from May 9, 2023 - *Placed on the agenda without a recommendation by Rules & Legislative Committee.*

Motion to approve by Mark Thomas. Seconded by Epperson. Passed by voice vote.

Elections & Confirmations:

2. Elect Notaries for July 2023 - *Placed on the agenda by Rules & Legislative Committee.*

Motion to approve by Vick. Seconded by Brothers. Passed by voice vote.

BEDFORD COUNTY CLERK
DONNA THOMAS COUNTY CLERK
100 PUBLIC SQ STE 104
SHELBYVILLE TN 37160
Telephone 931-684-1921
Fax 931-685-9590

Notaries to be elected June 13, 2023

NOLAN BARNES	JOE M LAMBERT JR
TRACEY L BOYCE	AMANDA MCCALL
NAN R BUCHANAN-TOMERLIN	MARIA S SEBASTIAN
HANNAH DEASON	TINA RENE STEM
MARGARET B EVERETT	KAY TEMPLETON
KIMBERLY HAND	JANE TOWNES

3. Shelbyville-Bedford County Public Library Appointment to replace Cherie Beatty.

Library Director Lis Ann Greiner recommended Mary Pitner who will be moving from the city seat to the newly vacated county seat. Motion to approve by Epperson. Seconded by Yockey. Passed by voice vote.

4. Bedford County Regional Planning Commission Re-Appointments

Graham recommended re-appointing Jeff Sweeney and Reid Farmer. Motion to approve by Mark Thomas. Seconded by Boutwell. Passed by voice vote.

5. Bedford County Board of Education - 4th District Appointment to Replace Courtney Bogle - Nominations from the floor. *Placed on the agenda by Rules & Legislative Committee.*

Graham opened the floor for nominations. Epperson nominated Lana Craig. There were no other nominations. Mark Thomas made a motion that nominations cease. Seconded by Anderson. Passed by voice vote.

Presentations: None.

Resolutions:

6. Resolution No. 23-21 - Amendment to Zoning Resolution of Bedford County, Article III, Section 3.340, Private Airstrips- *Placed on the agenda by the Rules & Legislative Committee (unanimous).*

Motion to approve by Anderson. Seconded by Hooker. Passed by voice vote.



BEDFORD COUNTY BOARD OF
COMMISSIONERS

Resolution No. 23-21

Tennessee by adding the underlined (underlined) words below, deleting the words struck through (~~struck through~~), and by following italicized instructions (*do this or that*) in parenthesis as follows:

Article III, Section 3.340. Private Airstrips

A Resolution to amend Article III, of the Zoning Resolution of Bedford County:

PURPOSE: To amend, for the purpose of updating the requirements for private airstrips, found in Section 3.340 (Private Airstrips).

WHEREAS; Title 13, Sections 13-7-101 through 13-7-401, of the Tennessee Code, empower a Tennessee Regional Planning Commission to recommend the enactment of a Zoning Resolution to a county legislative body and to provide for its administration, enforcement, and amendment. The Bedford County Regional Planning Commission thus certified and recommended the Zoning Resolution of Bedford County Tennessee to the Bedford County Commission on January 18, 1997, and

WHEREAS, the Bedford County Commission, as recommended by the Bedford County Regional Planning Commission, deemed it necessary in the promotion of public health, safety, morals, convenience, order, prosperity, and the general welfare of the County to enact the certified Zoning Resolution of Bedford County on January 13, 1998, and

WHEREAS, the Regional Planning Commission has, in its administrative capacity, recommended an amendment to the said Zoning Resolution of Bedford County and the Bedford County Commission has, after hearing evidence in support of said amendment, deemed it necessary to make such an amendment as required, for the said promotion of public health, safety, convenience, order, prosperity, and general welfare of the County.

NOW, THEREFORE BE IT RESOLVED by the Bedford County Commission meeting at Shelbyville, Tennessee on this the 13th day of June, 2023, that:

The Bedford County Commission hereby amends the specifically described Article, Sections and Subsections of the Zoning Resolution of Bedford County,

a) (2.) **Planning**

A detailed site plan, in conformance to the specifications listed in Article II, Section 2.080, prepared by a registered Tennessee architect, ~~or~~ licensed Tennessee engineering firm, or licensed Tennessee Surveyor, is a prerequisite to application submission. Federal Aviation Regulation (FAR) part 157 states that anyone proposing to build a personal or private use airport (used solely for VFR (Visual Flight Rules) conditions, located more than twenty (20) nautical miles from an airport for which an instrument approach procedure (IFR) is authorized and located more than five (5) nautical miles from any airport open to the public. The applicant must submit FAA form 7480-1 at least thirty (30) days before work is to begin. All private strips shall be required to be noted on the FAA sectional chart with a notation as to the nature of the strip as well as the prevailing wind patterns important to safe operation of aircraft in the vicinity.

b) (5.) **Public/Private Use**

All private airstrips shall be for private use only and shall not be considered primary airstrips nor public use airports as defined by the Federal Aviation Administration (FAA) or Tennessee Aviation Standards. Private airstrips shall be principally designed and intended to serve light aircraft of a maximum gross takeoff weight of twelve thousand five hundred (12,500) pounds or less. No rental of hanger space to customers nor fees of any kind may be charged persons using the private airstrip ~~except for fuel~~.

c) (6.) **Runways**

1. **Edit sub-section numbering to consistent format. From numbers (1-6) to letters (a - f).**

2. **(2.) Structures** - Tie downs or hangar structures shall be located a minimum of two hundred fifty (250) feet away from any portion of the airstrip. Only ~~one (1)~~ **two (2)** hangar structures for the storage of no more than ~~three (3)~~ six (6) aircraft is permitted.
3. **(6.)(b.) Length** - The formula for calculating the minimum runway length is as follows:
Using the Aircraft Manual(s) (ACM) for the aircraft owned and intended to utilize the proposed runway, determine which of the aircraft requires the longest maximum runway length at its maximum weight, load, and with the most resistant of runway and weather conditions. This aircraft will be identified as the owner's critical aircraft.
Using the maximum runway length for the critical aircraft (e.g., multiplicand) with a multiplier of 1.8; calculate the product. The minimum allowed airstrip length shall be the product of said multiplication or one thousand five hundred (1,500) feet, whichever is greater. In no instance shall any runway length be less than one thousand five hundred (1,500) feet in length.
~~airstrip shall be a minimum of three thousand (3,000) feet in length and no longer than three thousand six hundred (3,600) feet in length. There shall be a designated RPZ at the approach end of the airstrip no less than one thousand five hundred (1,500) (1,000) feet in length. The opposite end of the airstrip shall have a designated RPZ of a minimum length of one thousand (1000) feet.~~

(250) feet from the Runway Surface Area and a minimum of two hundred fifty (250) feet from any hangar, accessory structure, or tie-down area for the storage of aircraft. On site fuel shall be for personal use only; no commercial sale of fuel to anyone except in a documented emergency.

BE IT RESOLVED, this Resolution shall take effect immediately, the public welfare requiring it.

Chad Graham
 BEDFORD COUNTY COMMISSION CHAIRMAN
 CHAD GRAHAM, COUNTY MAYOR

6-13-2023
 DATE

Donna Thomas
 BEDFORD COUNTY CLERK
 DONNA THOMAS

6-13-23
 DATE

- d) **(8) Aircraft Rescue and Fire Fighting (ARFF) Access**
 Access roads shall be ~~provided~~ constructed to provide unimpeded two-way access for rescue and fire-fighting equipment to the potential accident areas. Obvious signage for the purpose of directing first responders toward the runway and hangar area shall be required. Connecting these roads/drives, to the extent possible, with the operational surfaces of public roadways shall be required.
- e) **(9) Fuel Storage**
In the event a fuel storage facility is planned to be installed, construction of an approved fuel storage pad with accidental spillage area shall be made part of the site plan. Fuel storage facilities shall be located a minimum of two hundred fifty

7. Resolution 23-22 - Amendment to the Zoning Resolution of Bedford County, Article III, Section 3.360 - Signs, Billboards, and other Advertising Structures - *Placed on the agenda by the Rules & Legislative Committee (unanimous).*

Motion to approve by Yockey. Seconded by Mark Thomas. Passed by voice vote.



BEDFORD COUNTY BOARD OF COMMISSIONERS

Resolution No. 23-22

A Resolution to amend Article III, of the Zoning Resolution of Bedford County:

PURPOSE: To amend, for the purpose of eliminating known 1st Amendment Constitutional non-conformities in Article III, Section 3.360 (Signs, Billboards, and other Advertising Structures).

WHEREAS; Title 13, Sections 13-7-101 through 13-7-401, of the Tennessee Code, empower a Tennessee Regional Planning Commission to recommend the enactment of a Zoning Resolution to a county legislative body and to provide for its administration, enforcement, and amendment. The Bedford County Regional Planning Commission thus certified and recommended the Zoning Resolution of Bedford County Tennessee to the Bedford County Commission on January 18, 1997, and

WHEREAS, the Bedford County Commission, as recommended by the Bedford County Regional Planning Commission, deemed it necessary in the promotion of public health, safety, morals, convenience, order, prosperity, and the general welfare of the County to enact the certified Zoning Resolution of Bedford County on January 13, 1998, and

WHEREAS, the Regional Planning Commission has, in its administrative capacity, recommended an amendment to the said Zoning Resolution of Bedford County and the Bedford County Commission has, after hearing evidence in support of said amendment, deemed it necessary to make such an amendment as required, for the said promotion of public health, safety, convenience, order, prosperity, and general welfare of the County.

NOW, THEREFORE BE IT RESOLVED by the Bedford County Commission meeting at Shelbyville, Tennessee on this the 13th day of June, 2023, that:

The Bedford County Commission hereby amends the specifically described Article, Sections and Subsections of the Zoning Resolution of Bedford County, Tennessee by adding the underlined (underlined) words below, deleting the

words struck through (~~struck through~~), and by following italicized instructions (*do this or that*) in parenthesis as follows:

1) Article III, Section 3.360. Signs, Billboards, and Other Advertising Structures

a) (A.) In Any Zoning District, the Following General Regulations Shall Apply:

i. (8.) Temporary Signs

- a. ~~(d.) No temporary event sign shall be placed before fifteen (15) days prior to the advertised event and all such signs advertising events shall be removed within ten (10) days after the event date, except the following:~~
- b. ~~(e.) Political signs advertising candidates for a general or primary election may place signage up to thirty (30) days prior to such election primary and through to the general election, removing said signage within ten (10) days after the general election date.~~

An analysis of the above sections revealed that there is a clear 1st Amendment constitutional conflict by treating temporary and political signage differently than any other sign types - specifically with the amount of time the speech is permitted. Certain types of speech cannot be restricted differently in the law than other types of speech. Speech on signage is either free or it is restricted. If it is restricted, all signage speech must be similarly restricted. The law allows local government to place certain restrictions on signage and speech from signage, so long as all types of signage and speech are treated the same and that there is valid rationale in so doing.

b) (B.) In the A-1, Agricultural District, the Following Regulations Shall Apply:

- i. ~~(2.) Not more than two (2) non-illuminated signs, not to exceed a total of thirty-two (32) square feet in area, advertising the sale of agricultural products produced on the premises shall be permitted.~~

An analysis of the above determined that agricultural retail, on premises of a farm, is exempt activity. The entire subsection should be deleted.

- ii. ~~(3.) Church, school, or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area permitted. Exception: No bulletin board or identification signs shall be located on a designated scenic highway or parkway.~~

An analysis of the above recognized that we have several TDOT approved scenic highways (41A South, Dixie Hwy., 130E, etc.). State designated scenic highways prohibit the placement of signage and billboards along the designated limitations. Local government, however, must enforce these state rules or otherwise the highways can lose their official designations. An exception prohibiting signs along this type of roadway designation is needed to protect the designations.

6-13-23
DATE

Other Business:

11. Bedford County & Elected Officials' Personnel Policy Amendments 2023 - *For Information Only - To Be Spread Across the Minutes So Amendments Can Be Added Appropriately to Personnel Policies*

Announcements

- Juneteenth Celebration on the Square, Saturday, June 17 from 8 a.m. until 5 p.m.
- County offices will be closed on Monday, June 19.
- Celebration City Car Club on the Square, Friday, June 23 from 6 p.m. until 8 p.m.
- County offices will be closed on July 4.
- Special-called Finance Committee Meeting, June 29 at 6:30 before the Special-called Commission Meeting.
- There will be an attorney-client meeting after tonight's meeting adjourns.
- Southside Elementary School shoe distribution was a success. Almost 400 students receive new shoes, socks and backpacks.
- Bedford County is one among only 6 counties that have been selected to be a part of the TVA Connected Communities.
- Broadband Acceleration Program surveys will be conducted via a link to Connect Bedford. There will be paper surveys available to anyone without computer access. On June 20 there will be a Broadband Summit. The goal is to be the first rural county that is fully connected.
- There will be a port BBQ butt sale and a cornhole fundraiser for the Peels family in Flat Creek on Saturday.
- Mrs. Phillips with Bluebird Antiques in Bell Buckle was featured on the Mike Huckabee show.
- Former District 3 Commissioner Sewell Griffy passed away. Visitation tonight and funeral services tomorrow at 2:00 at Lawrence Funeral Home.

Adjourn

Motion to adjourn by Epperson. Seconded by Pinson. Meeting adjourned at 7:33 p.m.

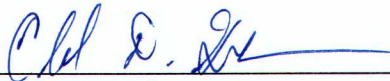
Attestation

I certify that the minutes were completed on the 20th day of June 2023 and delivered to the Bedford County Mayor's office.



Donna Thomas
Bedford County Clerk

I certify that I received these minutes on the 24 day of June 2023.



Chad Graham
Bedford County Mayor

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