

ORDINANCE # 07-157

AN ORDINANCE TO AMEND THE BY LAWS OF THE BOARD OF ZONING APPEALS OF THE TOWN OF UNICOI, TENNESSEE.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee as follows:

Section 1: The Town of Unicoi Board of Zoning Appeals By-Laws, adopted by Ordinance No. 02-95, is hereby amended as follows, in Section 2, 3, 4, 5, 6, and 7:

Section 2: That Article I, is hereby amended to add a Section 1 with the following: The Board of Zoning Appeals shall consist of five (5) members: one of which shall be the Mayor of the Town of Unicoi; one (1) shall be a member of the Board of Mayor and Aldermen, selected by the Mayor; and the remaining members shall be appointed by the Mayor. The Board of Mayor and Aldermen may determine whether, and in what amount to compensate members of the Board of Zoning Appeals. The terms of the members appointed shall be for four (4) years. The terms of the Mayor and the representative from the Board of Mayor and Aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor, who shall also have the authority to remove any appointive member at his will and pleasure.

Section 3: That Article II, Section 1 is hereby amended by deleting the term Secretary-Treasurer from the list of officers of the Board of Zoning appeals.

Section 4: That Article II, Section 3 is hereby amended to add: The Chairman will be a voting commissioner on all matters which come before the Board of Zoning Appeals.

Section 5: That Article IV, Section 1 is hereby amended to change the following sentence "Meetings shall be held on an as-needed basis, when

issues arise requiring Board of Zoning Appeals review, at the Unicoi Town Hall.” to read: Meetings shall be held on an as-needed basis, when issues arise requiring Board of zoning appeals review, on the 1st Monday of each month, at 5:30 pm at the Unicoi Town Hall.”

Section 6: That Article IV, Section 3 is hereby amended to permit voting on all matters by the Chairman of the Board of Zoning Appeals, by deleting the last sentence which reads “The Chairman will be a non-voting commissioner, with the exception of voting to tie break.”

Section 7: This ordinance shall be effective from and after its passage, the public welfare requiring it.

Voting by the Board, as follows, on August 20, 2007:

First Reading:

	<u>Aye</u>	<u>No</u>
Dwight Bennett	<u>✓</u>	___
Doug Hopson	<u>✓</u>	___
Ken Kisiel	<u>✓</u>	___
Mark Ramsey	<u>✓</u>	___
Mayor Johnny Lynch	<u>✓</u>	___

Voting by the Board, as follows, on September 17, 2007:

Second Reading and Final Reading:

	<u>Aye</u>	<u>No</u>
Dwight Bennett	<u>✓</u>	___
Doug Hopson	<u>✓</u>	___
Ken Kisiel	<u>✓</u>	___
Mark Ramsey	<u>✓</u>	___
Mayor Johnny Lynch	<u>✓</u>	___

Johnny Lynch, Mayor

ATTEST:

Connie R. Mullins
Connie R. Mullins, Town Recorder



BY-LAWS
OF THE
UNICOI, TENNESSEE
BOARD OF ZONING APPEALS

ARTICLE I

Objective

The objective and purposes of the Unicoi Board of Zoning Appeals shall be as set forth in Section 13-7-205 through 13-7-207 of the Tennessee Code Annotated, and amendments and supplements thereto, and those powers and duties delegated to the Board of Zoning Appeals by the Board of Mayor and Aldermen by Ordinance, in accordance with the above mentioned enabling law.

Section 1. The Board of Zoning Appeals shall consist of five (5) members: one of which shall be the Mayor of the Town of Unicoi; one (1) shall be a member of the Board of Mayor and Aldermen, selected by the Mayor; and the remaining members shall be appointed by the Mayor. The Board of Mayor and Aldermen may determine whether, and in what amount to compensate members of the Board of Zoning Appeals. The terms of the members appointed shall be for four (4) years. The terms of the Mayor and the representative from the Board of Mayor and Aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the Mayor, who shall also have the authority to remove any appointive member at his will and pleasure.

ARTICLE II

Officers and Their Duties

Section 1. The officers of the Board of Zoning Appeals shall consist of Chairman and Vice Chairman.

Section 2. The Chairman shall preside at all meetings and hearings of the Board of Zoning Appeals and have the duties normally conferred by parliamentary usage of such officers.

Section 3. The Chairman shall be one of the appointive members of the Board of Zoning Appeals. He shall have the privilege of discussing all matters before the Board of Zoning Appeals. The Chairman will be a voting commissioner on all matters which come before the Board of Zoning Appeals.

Section 4. The Vice Chairman shall be one of the members of the Board of Zoning Appeals and shall act for the Chairman in his absence.

Section 5. The Town Recorder shall keep the minutes and records of the Board of Zoning Appeals, prepare with the Chairman, the agenda of meetings, provide notice of meetings to Board of Zoning Appeals members, arrange proper and legal notice of hearings, attend to correspondence of the Board and such other duties as are normally carried out by a Secretary.

ARTICLE III

Election of Officers

Section 1. Nomination of officers shall be made from the floor and officers shall be elected at the annual organization meeting, which shall be held in the month of July of each year.

Section 2. The candidate for each office receiving a majority vote of the members present at the Board of Zoning Appeals shall be declared elected.

Section 3. All officers shall be elected for a term of one year and all officers shall be eligible to succeed themselves.

Section 4. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

ARTICLE IV

Meetings

Section 1. Meetings shall be held on an as-needed basis, when issues arise requiring Board of Zoning Appeals review, on the 1st Monday of each month, at 5:30 pm at the Unicoi Town Hall.

Section 2. A quorum of the membership of the Board of Zoning Appeals shall be a majority of the members. A majority of those present in voting shall be required to pass a motion.

Section 3. All plans, reports and recommendations of the Board of Zoning Appeals must be approved by at least a majority of those members present and voting.

Section 4. A record of the vote of each member on each question shall be kept as a part of the minutes except when the vote is unanimous.

Section 5. Special meetings may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so in writing by a majority of the members of the Board of Zoning Appeals. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Board. The Town Recorder shall notify all members of the Board in writing, in advance of such special meeting.

Section 6. All meetings at which official action is taken shall be open to the general public.

ARTICLE V

Order of Business

The order of business at regular meetings shall be:

- a) Roll Call
- b) Reading of minutes of previous meeting
- c) Recognition of persons having business with the Board
- d) Adjournment

ARTICLE VI

Other

Section 1. The Board of Zoning Appeals may appoint such employees and staff as it may deem necessary for its work and may contact the State Planning Office for assistance it may require.

Section 2. The expenditures of the Board shall be within the amounts appropriated for the purpose by the Board of Mayor and Aldermen in the current budget.

Section 3. Any member not in attendance at three consecutive meetings will be automatically removed from the Board.

ARTICLE VII

Hearings

Section 1. In addition to those required by law, the Board may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Notice of such hearings shall be published in a newspaper of general circulation within the county prior to the date of such public hearing.

Section 3. The case before the Board shall be presented in summary by the Chairman or a designated member of the Board and parties in interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Section 4. A record shall be kept of those speaking before the Board.

ARTICLE VIII

Amendments

These By-laws may be amended by a majority vote of the Board of Mayor and Aldermen.

By-laws amended on Sept. 17, 2007.

Johnny Lynch, Mayor

Attest:

Connie R. Mullins
Connie R. Mullins, Town Recorder

Approved as to form:

Lois B. Shults-Davis
Lois B. Shults-Davis, Town Attorney

