

From: Hardy, William P (Pat)
Sent: Monday, February 06, 2012 4:13 PM
To: 'ekershaw.lkh@comcast.net'
Cc: 'Sid Hemsley'
Subject: FW: Pain Clinics

Ed,

I checked with MTAS Attorney Sid Hemsley in Knoxville about pain clinics. He opined that you cannot exclude them from a community but you can guide their location via zoning. If a clinic is already in place (or in your case a building already purchased and thus a significant investment already made), you cannot require them to move, assuming they are currently in compliance with existing zoning regulations. If you pass a new zoning ordinance in the future it will only apply to clinics locating after that point. The current clinic is considered a "Pre-existing, non-conforming" use and must be allowed to stay in their current location. I have attached a letter Sid wrote which touches on this issue.

Please let me know if you need anything else.