

COUNTY COMMISSION- REGULAR SESSION

APRIL 19, 2004

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, APRIL 19, 2004, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE . PRESENT AND PRESIDING WAS HONORABLE RICHARD S. VENABLE, COUNTY MAYOR, JEANIE F. GAMMON, COUNTY CLERK AND WAYNE ANDERSON, SHERIFF OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by County Mayor Richard S. Venable. Sheriff Wayne Anderson opened the commission and Rev. John Everett gave the invocation. Pledge to the flag was led by the Sheriff Wayne Anderson.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

GARTH BLACKBURN	LINDA K. BRITTENHAM
JAMES "MOE" BROTHERTON	RAY CONKIN
JOHN CRAWFORD	O. W. FERGUSON
CLYDE GROSECLOSE, JR.	LARRY HALL
RALPH P. HARR	JOE HERRON
DENNIS HOUSER	MARVIN L. HYATT
SAMUEL C. JONES	ELLIOTT KILGORE
JAMES "BUDDY" KING	JAMES L. KING, JR.
R. WAYNE MCCONNELL	JOHN MCKAMEY
RANDY MORRELL	HOWARD PATRICK
JACK SITGREAVES	MICHAEL SURGENOR
MARK A. VANCE	EDDIE WILLIAMS

23 PRESENT 0 ABSENT,

The following pages indicates the action taken by the Commission on re-zoning requests, approval of notary applications and personal surety bonds, motions, resolutions and other matters subject to the approval of the Board of Commissioners.

Motion was made by Comm. Morrell and seconded by Comm. Harr to approve the minutes of the March 15, 2004 Regular Session of County Commission. Said motion was approved by voice vote.

PUBLIC COMMENTS: APRIL 19, 2004

THOSE SPEAKING DURING THE PUBLIC COMMENT TIME WERE AS FOLLOWS:

- 1. Teresa Jordan in support of Resolution #2 on today's agenda.**

Presentation was made by Ambre Torbett and Mayor Venable to Mr. Jim Street for his service of 15 years on the Board of Zoning Appeals.

Nomination was made by Comm. Houser and seconded by Comm. Brittenham of Anita Long to serve on the Board of Zoning Appeals to replace Mr. Jim Street. Being no other nominations, nominations ceased and Anita Long was approved by voice vote of the Commission this 19th day of April, 2004 for appointment to the Board of Zoning Appeals.

Presentation was made by Mayor Venable to Wanda Valentine, representing Tourism Industry, Proclaiming May 8-15, 2004 as "Welcome Center Staff Appreciation Week".

STATE OF TENNESSEE
COUNTY OF SU³LLVIAN

ELECTION OF NOTARY'S

MARCH 15, 2004

Claudia P. Alexander

Shirley P. Walters

Debbie Baker

W. B. Whisman, III

Christina Barbour

George M. Williams

Wenda P. Branson

Mary Winegar

Robert W. Brown

Helen H. Qualls

Arlene Cliffton

Patricia J. Collings

Dee Davis

UPON MOTION MADE BY COMM. HARR AND SECONDED BY
COMM. HYATT AND MCCONNELL TO APPROVE THE NOTARY
APPLICATIONS HEREON, SAID MOTION WAS APPROVED BY
ROLL CALL VOTE OF THE COMMISSION. 24 AYE

Sandra J. Davis

Jane B. Hughes

karen Lowry

Sherry Lynn Maynard

Charlotte Kay McDaniel

John Q. McInturff, III

Regina D. McKay

Cindy Minton

Nancy J. Moretz

Donna S. Murphy

Sonja M. Kern-Nixon

Linda D. Quillen

Lillian M. Reece

Frederick A. Souder

Martha Y. Southerland

STATE OF TENNESSEE
COUNTY OF SULLIVAN

APPROVAL OF NOTARY
PUBLIC SURETY BONDS

APRIL 19, 2004

Mary Alice Crouch

Martha R. Freeman

Margaret Hensley

Rebecca Rush

Teresa Susong

Rebecca J. Myers

UPON MOTION MADE BY COMM. HARR AND SECONDED BY COMM. HYATT AND MCCONNELL
TO APPROVE THE NOTARY BONDS OF THE ABOVE NAMED INDIVIDUALS, SAID MOTION WAS
APPROVED BY ROLL CALL VOTE OF THE COMMISSION. 24 AYE..

QUESTIONS BEFORE THE COMMN.

No.
Roll
Call

Election
No.
Notary
App.
Bonds

No.

No.
App.
Bonds

No.

NAMES OF COMMISSIONERS

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

- Blackburn ✓
- Brittenham ✓
- Brotherton ✓
- Conkin ✓
- Crawford ✓
- Ferguson ✓
- Grosclose ✓
- Hall ✓
- Harr ✓
- Herron ✓
- Houser ✓
- Hyatt ✓
- Jones ✓
- Kilgore ✓
- Buddy King ✓
- James King ✓
- McConnell ✓
- McKamey ✓
- Marrell ✓
- Patrick ✓
- Sitgreaves ✓
- Surgeon ✓
- Tance ✓
- Williams ✓

24 Pro. 24 Aye

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Agenda

Sullivan County Board of County Commission
April 19, 2004

The Sullivan County Board of County Commissioners will hold a public hearing on Monday, April 19, 2004 at 9:00 A.M. in the Sullivan County Courthouse, Blountville, TN to consider the following requests:

- (1) File No. 02/04/03 Phillip Blevins
Reclassify P.B.D. property located at 190 Spurgeon Lane to A-1 for the purpose of returning the property to agricultural use. Property ID. No. Tax map 79, Parcel 60.95 located in the 18th Civil District. **Sullivan County Planning**

- (2) File No. 02/04/04 Voriece & Royce McNew
Reclassify A-1 property located 240 feet south of the intersection of Tipton Lane and County Home Road to R-1 for the purpose of allowing for a new residential subdivision. Property ID. No. Tax map 51, Parcel 60.00 located in the 5th Civil District. **Sullivan County Planning**

- (3) File No. 02/04/05 Ruby McNew
Reclassify A-1 property located at the corner of Tipton Lane and County Home Road to R-1 for the purpose of allowing for a new residential subdivision. Property ID. No. Tax map 51, Parcel 59.15 located in the 5th Civil District. **Sullivan County Planning**

PETITION TO SULLIVAN COUNTY FOR REZONING #02/04/03

A request for rezoning is made by the person named below; said request to go before the Sullivan County Regional Planning Commission for recommendation to the Sullivan County Board of Commissioners.

<p>Property Owner: <u>Phillp Blevins</u></p> <p>Address: <u>190 Spurgeon Lane</u> <u>Blountville, TN 37617</u></p> <p>Phone <u>646-3201</u> Date of Request <u>02/09/2004</u></p> <p>Property Located in <u>18th</u> Civil District</p>	<p>OFFICE USE ONLY</p> <p>Meeting Date <u>03/16/2004</u> Time <u>7:00 pm</u></p> <p>Place <u>Blountville Courthouse</u></p> <hr/> <p>Planning Commission Approved _____ Denied _____</p> <p>County Commission Approved <u>X</u> Denied _____</p> <p>Other <u>Roll Call 24 Aye</u></p> <p>Final Action Date <u>04-19-04</u></p>
<p><u><i>Phillp Blevins</i></u> Signature of Applicant</p>	

PROPERTY IDENTIFICATION

Tax Map No. 79 / Group _____ / Parcel 60.95

Zoning Map 16 Zoning District P.B.D. Proposed District A-1

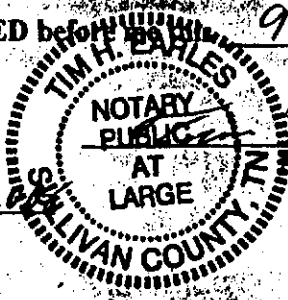
Property Location : 190 Spurgeon Lane

Purpose of Rezoning: To return the property to agricultural use.

The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.

Phillp Blevins

SWORN TO AND SUBSCRIBED before me this 9 day of February, 2004.



T. H. Earles
Notary Public

My Commission Expires: 1-16-2005

FINDINGS OF FACTS

Property Owner: Phillip Blevins
Parcel ID: Tax Map 79, Parcel 60.95
Zoning Request: PBD to A-1
Civil District: 18th
Location: 190 Spurgeon Lane, Blountville
Purpose: For the purpose of returning property to agricultural use
PC 1101 Growth Plan: Sullivan County Planned Growth Area
Public Water Provider: Johnson City Utility District
Public Sewer Provider: N.A.
Roadway Classification: local rural road
Surrounding Zoning: A-1, PBD-3 up the street, R-1 and manufacturing near airport
Size of Lot/Tract: approximately three acres
Topography: mostly level, gently rolling
Neighborhood Opposition: None stated at this time, although several phone calls of inquiry
Recorded Subd. Plat: plat being prepared by, surveyor
Existing Structures: N.A.
Rezoning History: Rezoned by owner from A-1 to PBD (6-19-95)

Staff Recommendation

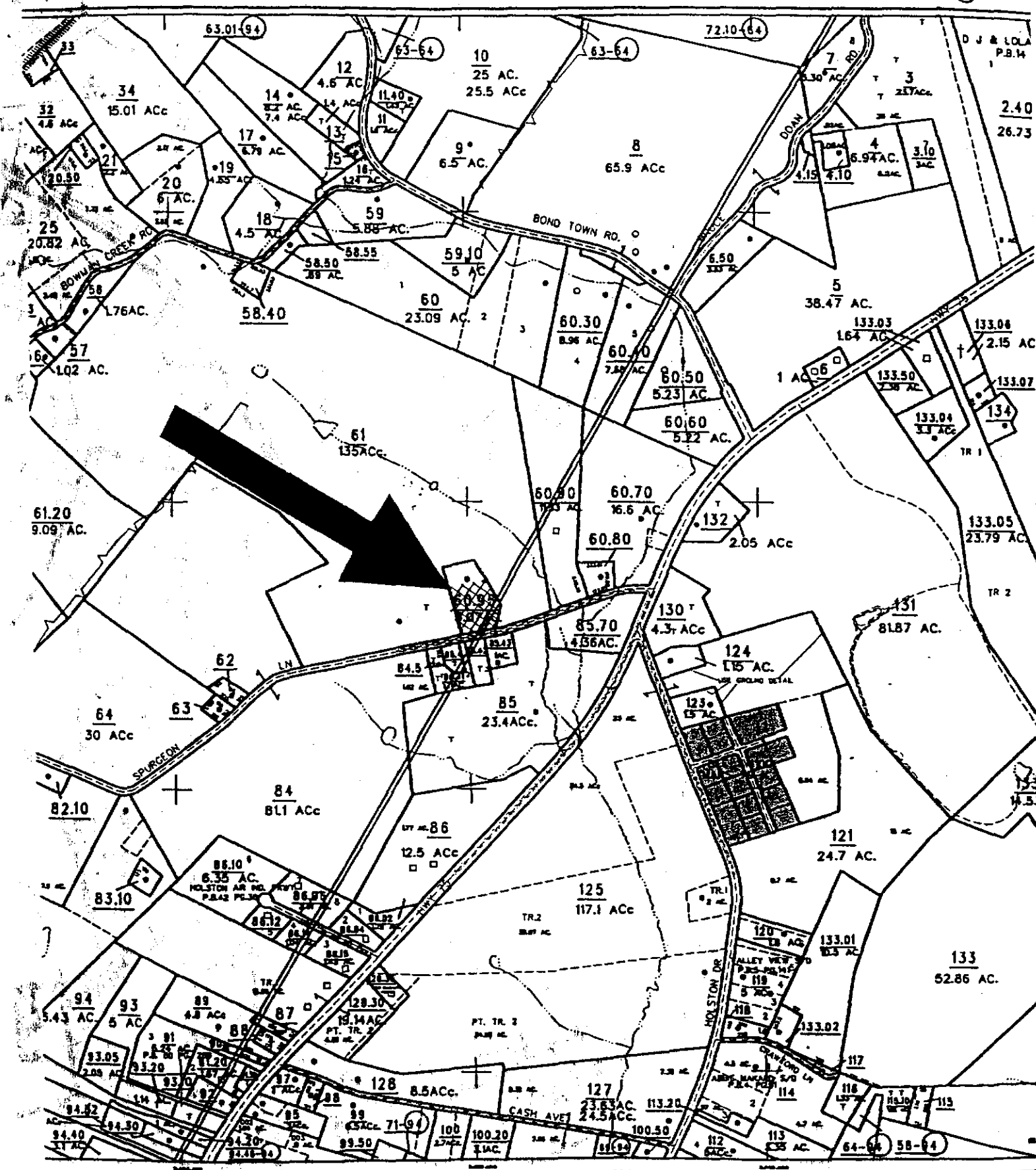
- Staff recommends in favor of this rezoning request as it would be in character with the surrounding land uses along Spurgeon Lane;
- The road is not classified as a collector or arterial road as required per zoning;
- The property is already being used as his residence.

Discussion at the PC meeting

- Mr. Manning Blevins, son of owner, was present to speak on behalf of his father. They had no plans for the property at this time.

Sullivan County Regional Planning Commission Action - 9 of the 9 members present	
Approval: King, McIntire - motion to approve passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

DRAFT

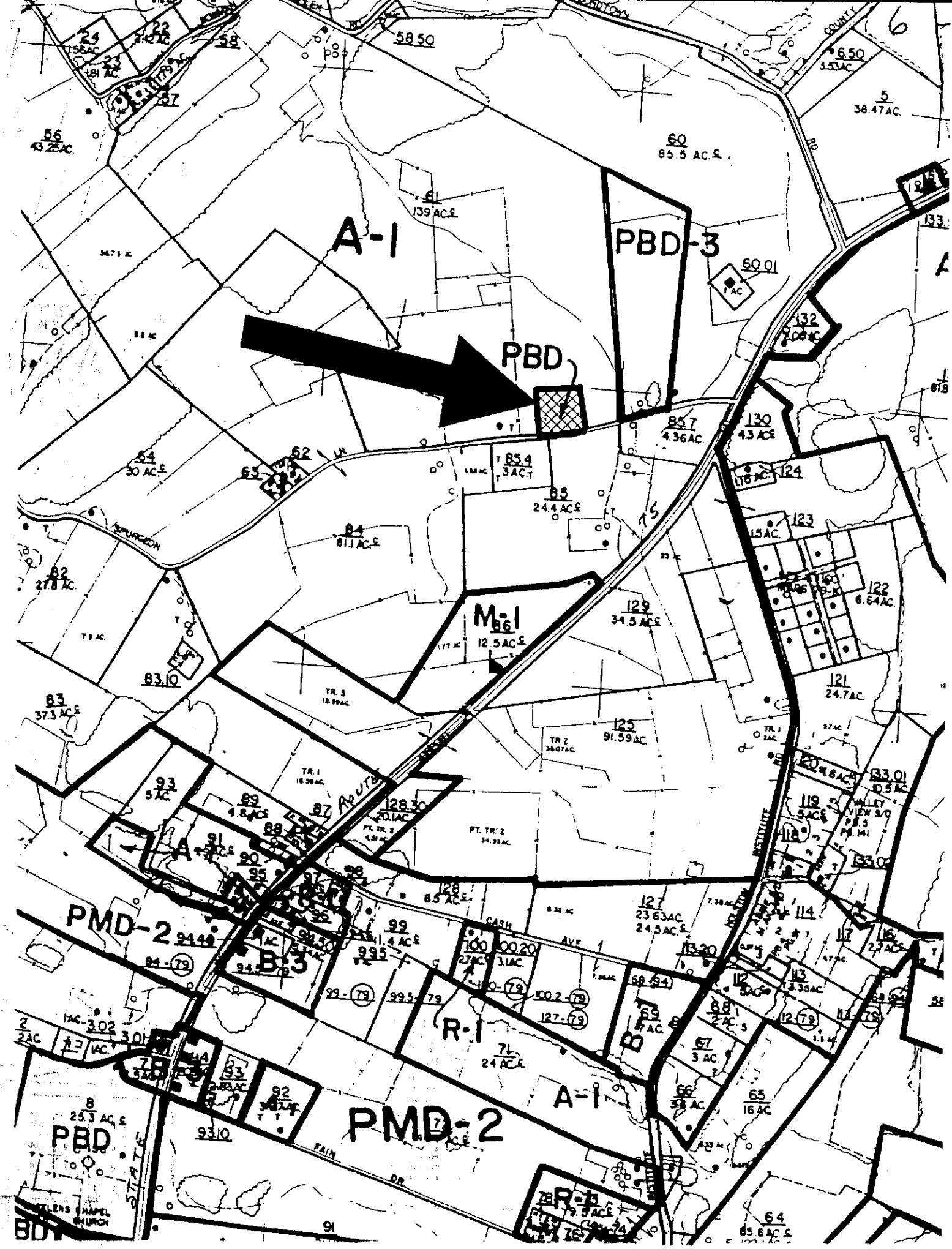


PARCEL BOUNDARY

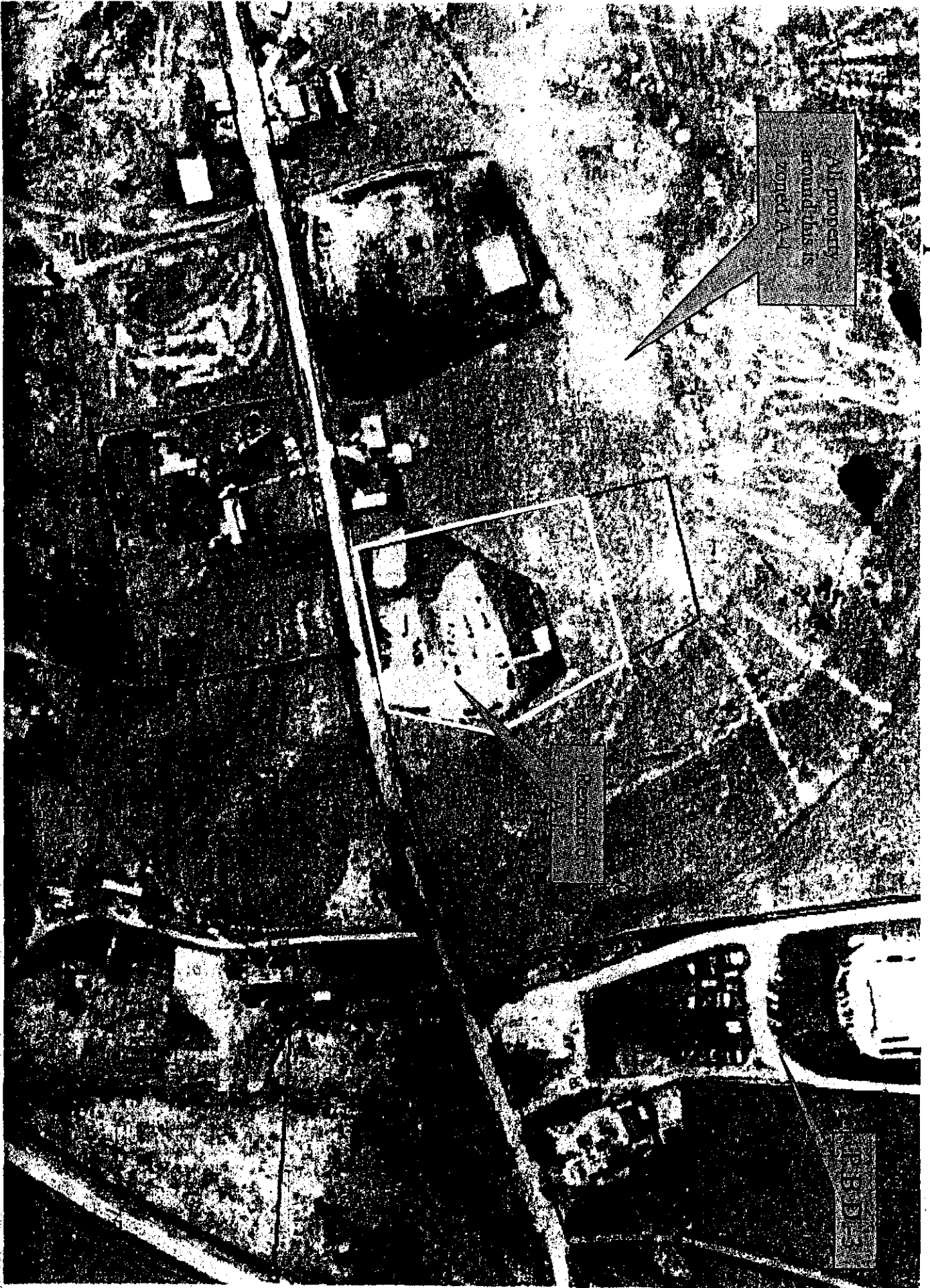
PLANIMETRIC MAP

- | | | | |
|--|--|--|--|
| <ul style="list-style-type: none"> 1 PARCEL NUMBER AC DEED ACREAGE AC CALCULATED ACREAGE 1 DEED/PLAT DIVISION 2 SCALED DIVISION 3 SURVEYED DIVISION 4 SUBG. LOT NO. | <ul style="list-style-type: none"> —+— PARCEL HOOK — INTERIOR TRACT LINE — DISTRICT LINE — PARCEL OUTLINE — SECTION CORNERS — CO. LINE — CORP. LIMITS | <ul style="list-style-type: none"> ② PARCEL & CONTROL MAP NO. ☩ CEMETERY ☩ CHURCH ☩ SCHOOL — STATE LINE — ROAD ROW — RAILROAD ROW | <ul style="list-style-type: none"> — STREAM — POND — TRANSMISSION LINE POLE — TRANSMISSION LINE TOWER — EDGE OF PAVEMENT W/C — DRIVE — RODEE LINE |
|--|--|--|--|

063	064	065
078	079	080
083	084	085



Phillip Blevins



PETITION TO SULLIVAN COUNTY FOR REZONING # 02/04/04 8

A request for rezoning is made by the person named below; said request to go before the Sullivan County Regional Planning Commission for recommendation to the Sullivan County Board of Commissioners.

OFFICE USE ONLY

Property Owner Vince & Joyce McNew

Address 110 Tiffany Ln
Be Ln 37600

Phone 323-4562 Date of Request 2-13-04

John Oney
Property Located in 5th Civil District

John R. Oney, Esq
Signature of Applicant

Meeting Date 3-16-04 Time 7:00 PM
Place 2nd Floor - Courthouse

Planning Commission Approved _____
Denied _____

County Commission Approved X
Denied _____

Other Roll Call Vote 24 Aye _____

Final Action Date 04-19-04

PROPERTY IDENTIFICATION

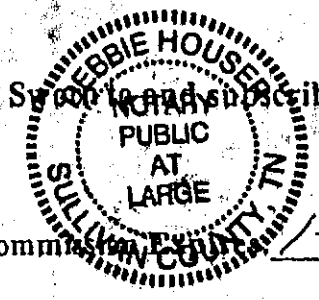
Tax Map 51 Group _____ Parcel 60.00

Zoning Map 8 Zoning District A-1 Proposed District R-1

Property Location County Home Rd

Purpose of Rezoning To allow a residential subdivision

The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.



Subscribed before me this 13th day of Feb, 2004.

Debbie House
Notary Public

My Commission Expires 1-16-08

FINDINGS OF FACTS

Property Owner: Voriece and Royce McNew
Parcel ID: Tax Map 51, parcel 60
Zoning Request: A-1 to R-1
Civil District: 5th
Location: County Home Road near Tipton Lane
Purpose: For the purpose of future subdivision
PC 1101 Growth Plan: Sullivan County Planned Growth Area
Public Water Provider: Blountville Utility District
Public Sewer Provider: not available
Roadway Classification: Rural Residential
Surrounding Zoning: A-1 with residential subdivisions all along the area
Size of Lot/Tract: 12.3 acres +/-
Topography: lowland with two creeks on the site, partly wooded
Neighborhood Opposition: None stated at this time
Recorded Subd. Plat: not yet - on agenda
Existing Structures: N.A.
Rezoning History: A-1 zoning since 1988 original zoning plan

Staff Recommendation

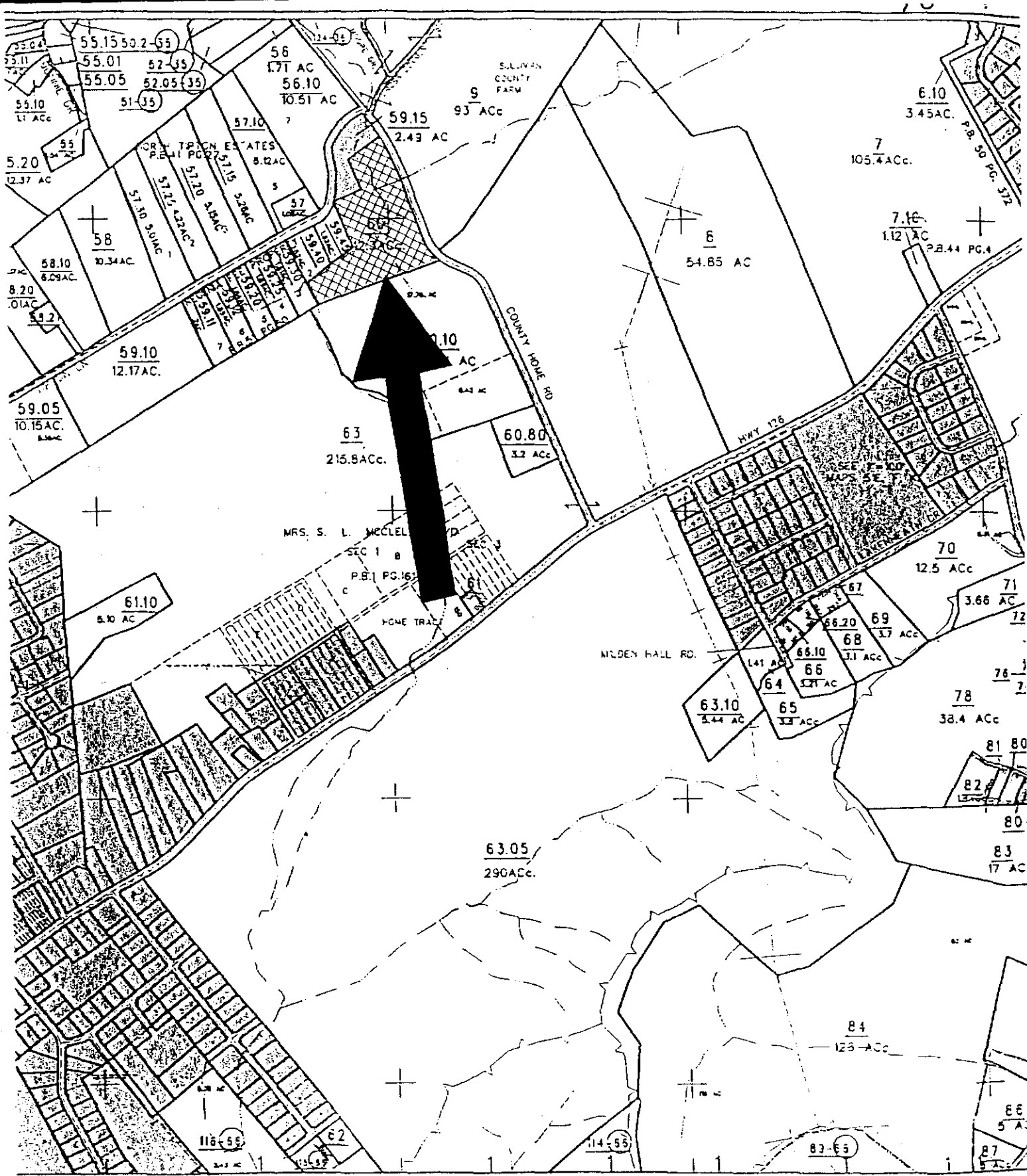
- Staff recommends in favor of this rezoning request, as the proposed land use would be compatible with the surrounding land uses, while similar rezoning requests have been made in the area.

Discussion at the PC meeting

- Kevin Rasnik with Mize & Associates surveyors was present to represent the property owner and the Lonesome Dove plan.

Sullivan County Regional Planning Commission Action – 9 of the 9 members present	
Approval by unanimous vote - motion to approve passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

DRAFT

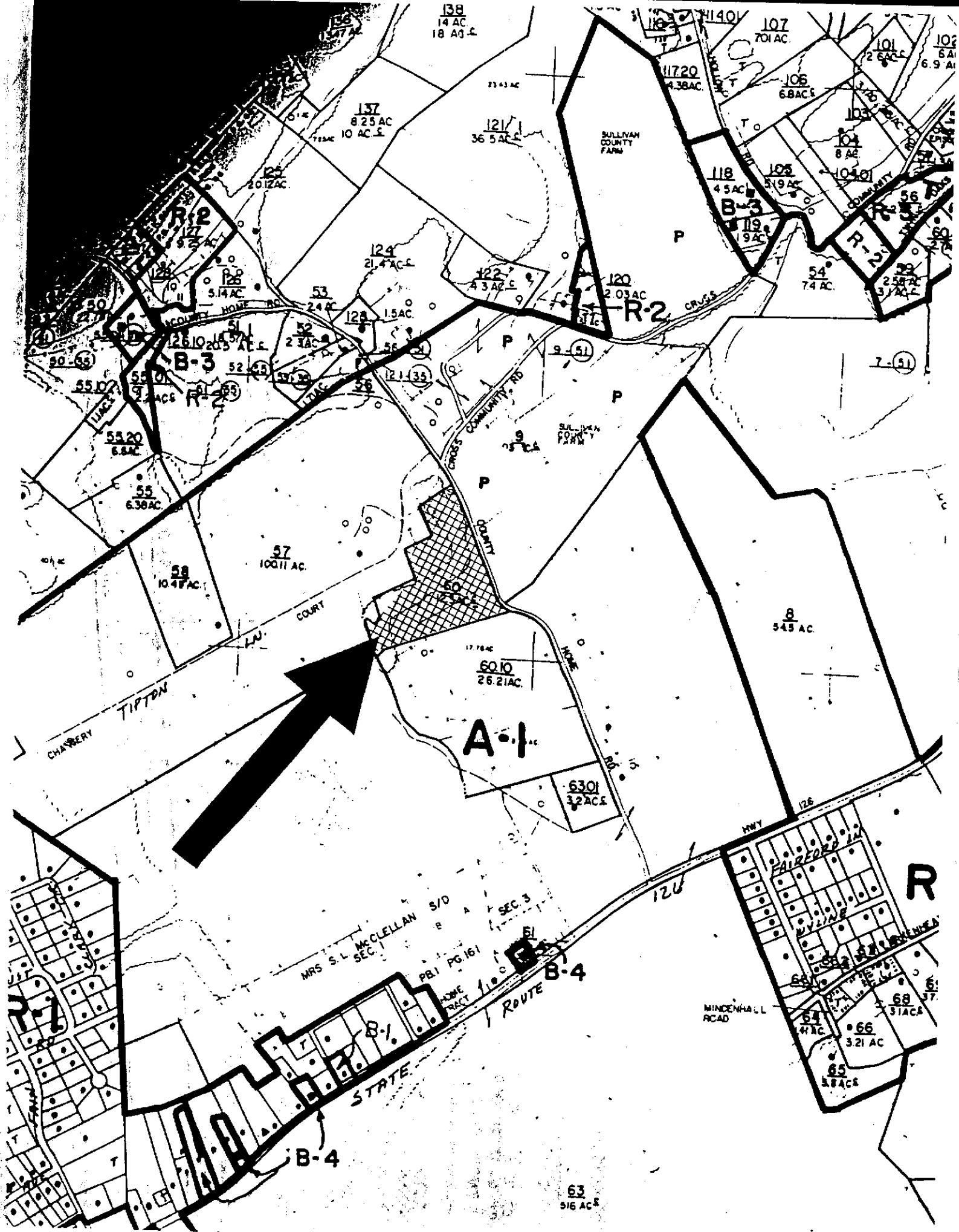


PARCEL BOUNDARY

PLANIMETRIC MAP

- | | | | | | |
|---|--|--|---|--|---|
| <ul style="list-style-type: none"> MANEER STAGE 1/4 SECTION 1/2 SECTION 3/4 SECTION SECTION | <ul style="list-style-type: none"> PARCEL BOUNDARY INTERIOR PART LINE DISTRICT LINE PARCEL DUNE SECTION CORNER CO. LINE CON. LINE | <ul style="list-style-type: none"> PARCEL & CONTROL MAP NO. DEVELOP. CHURCH SCHOOL STATE LINE ROAD RAILROAD | <ul style="list-style-type: none"> STREAM POND TRANSMISSION LINE POLE TRANSMISSION LINE TOWER | <ul style="list-style-type: none"> EDGE OF PLANNED AREA 50 FT. WIDE ROAD LINE | <ul style="list-style-type: none"> SULLY SCALE PHOTO COMP LAST |
|---|--|--|---|--|---|

C34	C35	C36
C60	C61	C62
C63	C64	C67

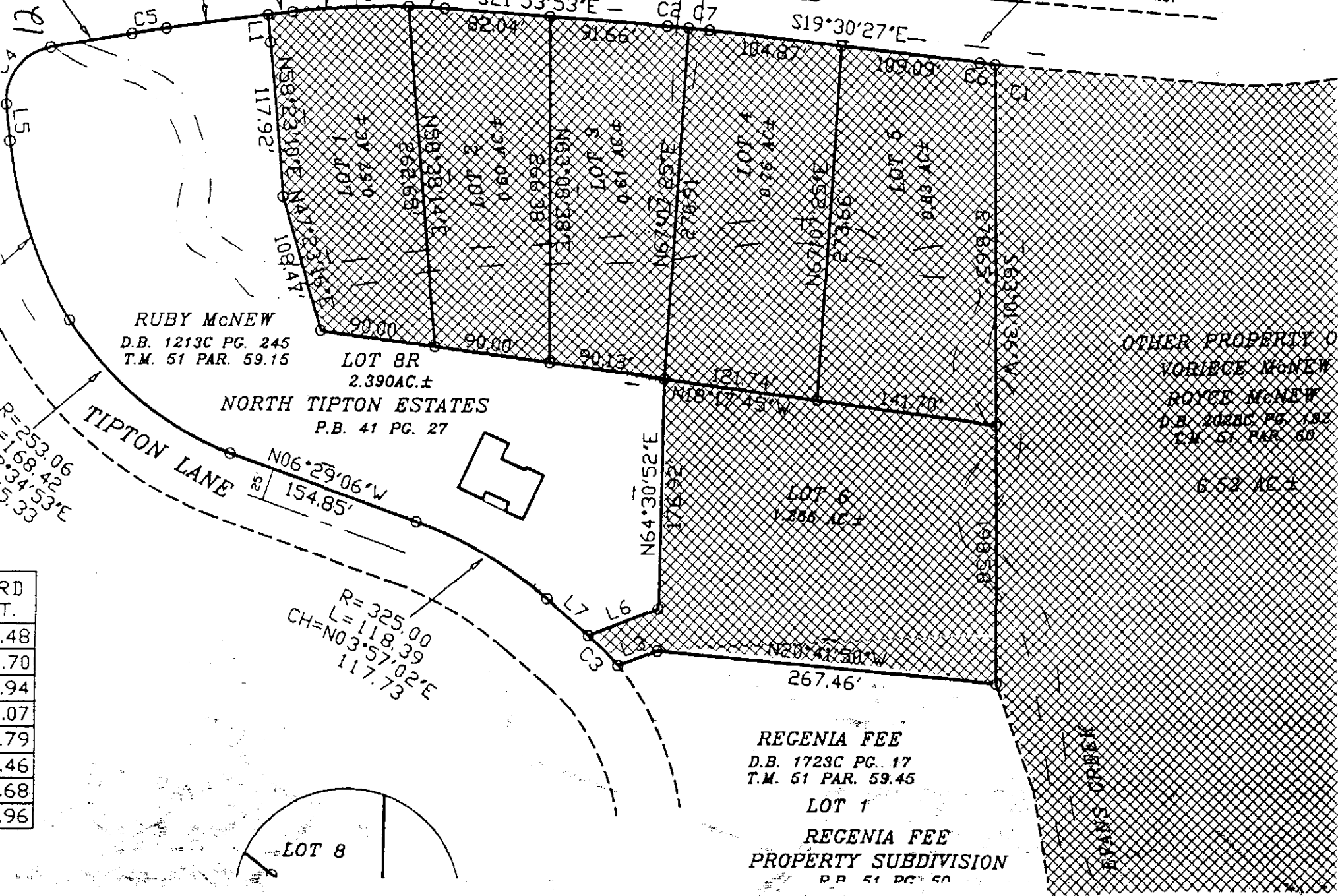


$S35^{\circ}20'22''E$ $N33^{\circ}20'55''W$
 $63.99'$ $81.59'$ $L2$
 $L=90.77$
 $CH=N28^{\circ}58'18''W$
 90.68

COUNTY HOME ROAD

4" WATERLINE
BLOUNTVILLE UTILITY DISTRICT

$S21^{\circ}53'53''E$ — $C8$ $d7$
 $S19^{\circ}30'27''E$



RUBY McNEW
 D.B. 1213C PG. 245
 T.M. 51 PAR. 59.15

LOT 8R
 2.390 AC ±
NORTH TIPTON ESTATES
 P.B. 41 PG. 27

OTHER PROPERTY OF
VORRICE McNEW
ROYEE McNEW
 D.B. 2021C PG. 182
 T.M. 51 PAR. 60

REGENIA FEE
 D.B. 1723C PG. 17
 T.M. 51 PAR. 59.45
LOT 1
REGENIA FEE
PROPERTY SUBDIVISION
 P.B. 51 PG. 50

LOT 8

$R=253.06$
 $L=168.42$
 $CH=N34^{\circ}53''E$
 155.33

$N06^{\circ}29'06''W$
 $154.85'$

$R=325.00$
 $L=118.39$
 $CH=N03^{\circ}57'02''E$
 117.73

RD
 T.
 .48
 .70
 .94
 .07
 .79
 .46
 .68
 .96



PETITION TO SULLIVAN COUNTY FOR REZONING #02/04/05 14

A request for rezoning is made by the person named below; said request to go before the Sullivan Co Regional Planning Commission for recommendation to the Sullivan County Board of Commissioners.

OFFICE USE ONLY

Property Owner Quay B. McNew
Address 205 Tipton Ln
Beth In 37617
Phone 323-4562 Date of Request 2-13-04
Property Located in 5th Civil District

Meeting Date 3-16-04 Time 7:00pm
Place 2nd Floor - Courthouse
.....
Planning Commission Approved _____
Denied _____
County Commission Approved X _____
Denied _____
Other Roll Call Vote 24 Aye
Final Action Date 04-19-04

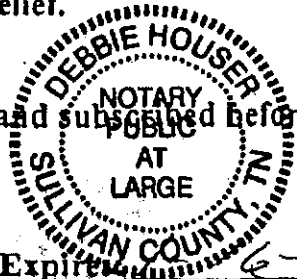
Quay B. McNew
Signature of Applicant

PROPERTY IDENTIFICATION

Tax Map 51 Group _____ Parcel 5915
Zoning Map 8 Zoning District A-1 Proposed District R-1
Property Location Tipton Lane

Purpose of Rezoning To allow a residential subdivision

The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.



Sworn to and subscribed before me this 13th day of Feb, 2004.

Debbie Houser
Notary Public

My Commission Expires 6-08

MOTION was made this 19th day of April, 2004 by Comm. Ferguson to lift from the table and reconsider previous action taken on Rezoning Request #02/03/02 dated April 21, 2003 by Okie Taylor. Motion was seconded by Comm. McConnell. Motion to lift from the table failed by roll call vote of the Commission. 3 Aye, 21 Nay.

Reyeung) Paga.
 No. No. No.

motion
 Ferguson
 Taylor

No. No. No.

QUESTIONS BEFORE THE COMMN.

1 2 3 1 2 3

NAMES OF COMMISSIONERS

Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay

Blackburn	✓		✓		✓		✓							✓	
Brittenham	✓		✓		✓		✓		✓					✓	
Brotherton	✓		✓		✓		✓		✓					✓	
Conkin	✓		✓		✓		✓		✓					✓	
Crawford	✓		✓		✓		✓		✓					✓	
Ferguson	✓		✓		✓		✓		✓					✓	
Groedelose	✓		✓		✓		✓		✓					✓	
Hall	✓		✓		✓		✓		✓					✓	
Narr	✓		✓		✓		✓		✓					✓	
Herron	✓		✓		✓		✓		✓					✓	
Houser	✓		✓		✓		✓		✓					✓	
Nyatt	✓		✓		✓		✓		✓					✓	
Jones	✓		✓		✓		✓		✓					✓	
Kilgore	✓		✓		✓		✓		✓					✓	
Buddy King	✓		✓		✓		✓		✓					✓	
James L. King, Jr.	✓		✓		✓		✓		✓					✓	
McConnell	✓		✓		✓		✓		✓					✓	
McKamey	✓		✓		✓		✓		✓					✓	
Marrell	✓		✓		✓		✓		✓					✓	
Patrick	✓		✓		✓		✓		✓					✓	
Sitgreaves	✓		✓		✓		✓		✓					✓	
Singer	✓		✓		✓		✓		✓					✓	
Vance	✓		✓		✓		✓		✓					✓	
Williams	✓		✓		✓		✓		✓					✓	

21 Aye 21 Aye 21 Aye 3 Aye 21 Aye
 21 Nay

CTIONS BEFORE THE COMMN.

No. 4/5 No. 6 No. 7 No. 8 No. 9 No. 10 No. 11 No.

NAMES OF COMMISSIONERS

	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye
Blackburn	✓		✓								✓		✓		
Brittenham	✓		✓								✓		✓		
Brotherton	✓		✓								✓		✓		
Conlin	✓		✓								✓		✓		
Crawford	✓		✓								✓		✓		
Ferguson	✓		✓								✓		✓		
Groseclose	✓		✓								✓		✓		
Hall	✓		✓								✓		✓		
Haan	✓		✓								✓		✓		
Herron	✓		✓								✓		✓		
Houser	✓		✓								✓		✓		
Nyatt	✓		✓								✓		✓		
Jones	✓		✓								✓		✓		
Kilgore	✓		✓								✓		✓		
Buddy King	✓		✓								✓		✓		
James H. King Jr.	✓		✓								✓		✓		
McComell	✓		✓								✓		✓		
McKamoy	✓		✓								✓		✓		
Marrell	✓		✓								✓		✓		
Patrick	✓		✓								✓		✓		
Sitgreaves	✓		✓								✓		✓		
Surgenor	✓		✓								✓		✓		
Pance	✓		✓								✓		✓		
Williams	✓		✓								✓		✓		
	24 Aye		24 Aye								27 Aye		23 Aye		
													1 Pass		

QUESTIONS BEFORE THE COMMN.

No. 12 No. 13 No. 14 No. No. No.

NAMES OF COMMISSIONERS

Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye

Blackburn
 Brittenham
 Brotherton
 Conkin
 Crawford
 Ferguson
 Grosellese
 Hall
 Harr
 Herron
 House
 Hyatt
 Jones
 Kilgore
 Buddy King
 James L. King Jr.
 McConnell
 McKamey
 Morrell
 Patrick
 Sitgraves
 Surgenor
 Vance
 Williams

24 Aye 23 Aye
 1 Pass

RESOLUTIONS ON DOCKET FOR APRIL 19, 2004

RESOLUTIONS

ACTION

RESOLUTIONS	ACTION
1. AMENDMENTS TO THE SULLIVAN COUNTY ZONING RESOLUTION	APPROVED 04-19-04
#2 SUPPORT THE RECOGNITION OF GOD AS THE FOUNDATION OF OUR NATIONAL HERITAGE	APPROVED 04-19-04
#3 AUTHORIZE RETIREMENT CREDIT FOR MILITARY SERVICE RENDERED IN THE ARMED FORCES DURING THE PERSIAN GULF WAR	APPROVED 04-19-04
#4 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 1 ST C.D.	APPROVED 04-19-04
#5 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 21 ST C.D.	APPROVED 04-19-04
#6 AMEND THE BUDGET FOR THE SULLIVAN COUNTY SHERIFF'S OFFICE	APPROVED 04-19-04
#7 AUTHORIZE THE INCREASE OF THE GENERAL PURPOSE SCHOOL TAX RATE FROM \$1.58 TO \$1.78 FOR THE FISCAL YEAR 2004-2005	DEFERRED 04-19-04
#8 AUTHORIZE AMENDMENTS TO REGULATIONS GOVERNING HEALTH AND SAFETY STANDARDS OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES IN SULLIVAN COUNTY	1 ST READING 04-19-04
#9 AUTHORIZE AMENDMENT TO DUTIES OF PLANNING DIRECTOR	1 ST READING 04-19-04
#10 JOIN AND PARTICIPATE IN THE NORTHEAST TENN/VIRGINIA HOME CONSORTIUM	APPROVED 04-19-04
#11 AUTHORIZE TEMPORARY FINANCING OF HIGHWAY (STATE AID) PROJECTS BY THE ISSUANCE OF CAPITAL OUTLAY NOTES NOT TO EXCEED \$1,000,000	APPROVED 04-19-04
#12 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 16 TH C.D.	1 ST READING 04-19-04
#13 AUTHORIZE A 2004-2005 CONTRACT WITH BLUE CROSS/BLUE SHIELD OF TENN. FOR TEN. GOVERNMENT EMPLOYEES HEALTH INSURANCE BENEFITS	APPROVED 04-19-04
#14 AUTHORIZE COUNTY MAYOR TO ENTER DISCUSSIONS REGARDING SCHOOL CONSOLIDATION	APPROVED 04-19-04

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 1
No. 2004-03-00

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Consider Amendments to the Sullivan County Zoning Resolution

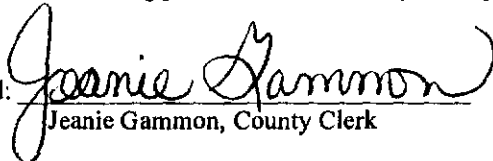
WHEREAS, the attached rezoning petitions have been duly initiated; have been before the Planning Commission (recommendations enclosed); and have received a public hearing as required; and,

WHEREAS, such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby consider the attached rezoning petitions and vote upon the proposed amendments, individually or otherwise at the discretion of the Commission, by roll call vote and that the vote be valid and binding and that any necessary amendments to the official zoning map be made so.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 19th day of April 2004.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced By: Commissioner: King (Buddy)

Seconded By: Commissioner(s): Ferguson

2004-03-00	County Commission
ACTION	APPROVED 04-19-04 Voice Vote

Comments: Motion made to approve by Harr, second by Patrick.

SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

2
Item 6

Administrative Executive Budget
No. 2004-03-020

To the Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 15th day of March 2004.

1 **RESOLUTION To Support the Recognition of God as the Foundation of Our National**
2 **Heritage**

3
4 WHEREAS, our Government was founded upon a trust in God, that began when our Founding
5 Fathers proclaimed in America's first official document, our Declaration of Independence, that
6 our rights to life, liberty, and the pursuit of happiness, were not given to us by government, but
7 by God, "our Creator, the Sovereign Judge of the Universe"; and,
8

9 WHEREAS, it is fact that between 90% and 95% of those who drafted and signed the U.S.
10 Constitution had a strong belief and trust in God and never intended that there be a separation
11 between God and the affairs of Government, only that each citizen be free to choose on a
12 personal basis how to worship or if to worship; and,
13

14 WHEREAS the recognition of God by our Government was further established when Congress,
15 in 1954, added the phrase "ONE NATION UNDER GOD" to our Pledge of Allegiance, followed
16 by the official establishment of "IN GOD WE TRUST" as our National Motto; and,
17

18 WHEREAS, there is now a growing demand by some within the judicial system to remove all
19 visible recognitions of God from public institutions, which has recently resulted in a federal
20 order to physically remove the Ten Commandments monument from the Alabama State Supreme
21 Court, rightfully placed there by the Chief Justice of the Alabama State Supreme Court to remind
22 all that God is central to our National Heritage, and His Ten Commandments, without question,
23 are the foundation of American law, moral values, and code of conduct.
24

25 **NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of**
26 **Sullivan County, Tennessee, assembled in Regular Session hereby urge all Americans**
27 **citizens, to proclaim to every level of Government (local, state and federal) its responsibility**
28 **to publicly recognize God as the Foundation of Our National Heritage Lest Our Nation**
29 **Forget and Our Children Never Know!**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April 2004.

Attested: *Jeanie F. Gammon*
Jeanie F. Gammon, County Clerk

Approved: *Richard S. Venable*
Richard S. Venable, County Mayor

Introduced by Commissioner: Ferguson
Seconded by Commissioner(s): McConnell, Herron / *Patrick*

2004-03-020	Administrative	Budget	Executive	County Commission
ACTION	Approve 3-1-04	Approve 3-4-04	Approve 3-3-04	Approve 4-19-04

Comments: Voice Vote
1st Reading 03-15-04; Request by Patrick to be added as Co-Sponsor
04-19-04

SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

3

Item 9
Budget

No. 2004-03-023

To the Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 15th day of March 2004.

RESOLUTION To Authorize Retirement Credit for Military Service Rendered in the Armed Forces During the Persian Gulf War

WHEREAS, T.C.A. § 8-34-605(c)(1)(A)(ii) provides that any member who leaves or left services with the State of Tennessee or any political subdivision thereof participating pursuant to T.C.A. Title 8, Chapter 35, Part 2 in order to perform military duty in the armed forces of the United States during the Persian Gulf War, and who is reemployed by the State of Tennessee or a participating political subdivision within six (6) months after being relieved of such military duty shall have the option to establish retirement credit for such military service without charge to the member. The Persian Gulf War means the period from and including August 2, 1990 to the date thereafter prescribed by presidential proclamation or by federal law.

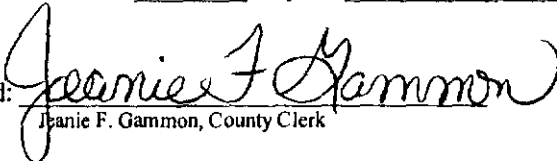
WHEREAS, credit for such military service may only be granted under the following conditions:


1. The credit cannot be established in any other retirement system;
2. The member was honorably discharged from such military service;
3. The credit shall be granted conditionally upon the member becoming vested; prior to vesting, the credit may not be used to establish any rights under this system;
4. In no case shall retirement credit granted for such military service be combined with any other military service credit granted exceed an aggregate of four years.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorizes the provisions of Tennessee Code Annotated, Section 8-34-605(c)(1)(A)(ii) and agrees to accept the associated liability, as outlined above.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April, 2004.

Attested: 
Jeanie F. Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Hyatt
Seconded by Commissioner(s): Herron

2004-03-023	Administrative	Budget	Executive	County Commission
ACTION	---	Approve 3-4-04	Approve 3-03-04	Approve 4-19-04

Comments: 1st Reading 03-15-04;

24 Aye

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 4
Executive
No. 2004-04-036
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Authorize Traffic Sign Changes in the 1st Civil District

WHEREAS, the Sullivan County Highway Department has recommended the following traffic sign changes be made in the 1st Civil District (1st Commission District).

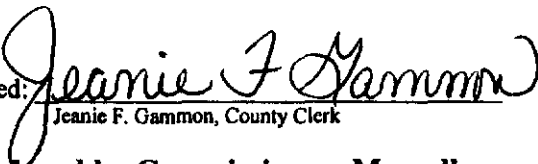
NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the following changes to traffic signs in Sullivan County:

1st Civil District (1st Commission District)

- 1) To place a 15 MPH Speed Limit sign on Clark Hill Road;
- 2) To place a STOP sign on Lake View Estates Drive at the intersection with Painter Creek Road;
- 3) To place a 25 MPH Speed Limit sign on Lake View Estates Drive.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April 2004.

Attested: 
Jeanie F. Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Morrell

Seconded by Commissioner(s): Hyatt

2004-04-036	Administrative	Budget	Executive	County Commission
	---		Approve 4-7-04	Approve 4-19-04

Comments:

24 Aye

**SULLIVAN COUNTY
HIGHWAY DEPARTMENT**

P.O. BOX 590
BLOUNTVILLE, TENNESSEE 37617

John R. LeSueur, Jr.
Commissioner of Highways

(423) 279-2820
FAX (423) 279-2876

March 15, 2004

COMMISSIONER: Randy Morrell

Dear Commissioner:

I would like to request that you consider passing the following resolution:

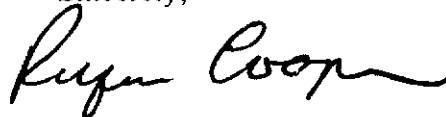
To place a 15 MPH SPEED LIMIT sign on Clark Hill Road.

Request made by Commissioner Randy Morrell.

This is in the 1st Civil District and 1st Commissioner District.

If you have any questions , please feel free to contact me.

Sincerely,



Rufus Cooper
Traffic Coordinator

RC/jb

c: Angela Taylor

**SULLIVAN COUNTY
HIGHWAY DEPARTMENT**

P.O. BOX 590
BLOUNTVILLE, TENNESSEE 37617

John R. LeSueur, Jr.
Commissioner of Highways

(423) 279-2820
FAX (423) 279-2876

March 31, 2004

COMMISSIONER: Randy Morrell

Dear Commissioner:

I would like to request that you consider passing the following resolutions:

To place a STOP sign on Lake View Estates Dr., intersection with Painter Creek Rd.

To place a 25 MPH SPEED LIMIT ON Lake View Estates Dr.

Request made by Commissioner Randy Morrell.

These are in the 1st Civil District and 1st Commissioner District.

If you have any questions, please feel free to contact me.

Sincerely,



Rufus Cooper
Traffic Coordinator

RD/jb

c: Angela Taylor

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 5
Executive
No. 2004-04-037
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Authorize Traffic Sign Changes in the 21st Civil District

WHEREAS, the Sullivan County Highway Department has recommended the following traffic sign changes be made in the 21st Civil District (4th Commission District).

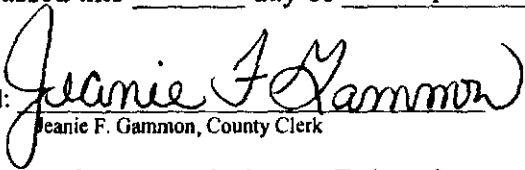
NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the following changes to traffic signs in Sullivan County:


21st Civil District (4th Commission District)

- 1) To place a 25 MPH Speed Limit sign on Country Meadow Circle;
- 2) To place a STOP sign on County Meadow Circle at the intersection with Paddle Creek Road.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April 2004.

Attested: 
Jeanie F. Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Brittenham
Seconded by Commissioner(s): Houser, Blackburn

at

2004-04-037	Administrative	Budget	Executive	County Commission
	---		Approve 4-7-04	Approve 4-19-04

Comments:

24 Aye

**SULLIVAN COUNTY
HIGHWAY DEPARTMENT**

P.O. BOX 590
BLOUNTVILLE, TENNESSEE 37617

John R. LeSueur, Jr.
Commissioner of Highways

(423) 279-2820
FAX (423) 279-2876

March 31, 2004

COMMISSIONERS: Linda Brittenham
Dennis Houser
Garth Blackburn

Dear Commissioners:

I would like to request that you consider passing the following resolutions:

To place a STOP sign on Country Meadow Circle, intersection with Paddle Creek Rd.

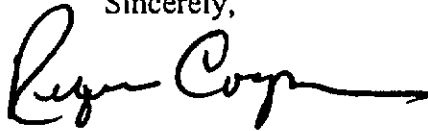
To place a 25 MPH SPEED LIMIT sign on Country Meadow Circle.

Request made by Commissioner Linda Brittenham.

These are in the 21st Civil District and 4th Commissioner District.

If you have any questions, please feel free to contact me.

Sincerely,



Rufus Cooper
Traffic Coordinator

RC/jb

c: Angela Taylor

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 6
Administrative
No. 2004-04-038

To Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Amend the Budget for the Sullivan County Sheriff's Office

WHEREAS, the Sullivan County Sheriff's Office participated in the "Bulletproof Vest Partnership" of the U. S. Department of Justice, and

WHEREAS, the U. S. Department of Justice provided a grant in the amount of eleven-hundred-seventy-eight dollars and seven cents (\$1,178.07) for our participation in the program for the purchase of bulletproof vests, and

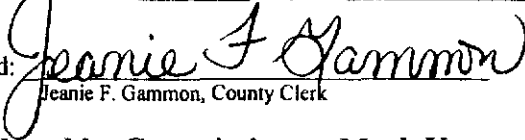
WHEREAS, the Sullivan County Sheriff's Office purchased the bulletproof vests from its budget, and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the nineteenth day of April 2004, approve that these monies received be used to offset the expenses incurred by the Sheriff's Office in the following manner: 54110-450 - \$1,178.07.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April 2004.

Attested:


Jeanie F. Gammon, County Clerk

Approved:


Richard S. Venable, County Mayor

Introduced by Commissioner: Mark Vance

Seconded by Commissioner(s): Randy Morrell, John Crawford

2004-04-038	Administrative	Budget	Executive	County Commission
	Approve 4-5-04		Approve 4-7-04	Approve 4-19-04

Comments:

24 Aye

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 7
Budget
No. 2004-04-039

To Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Authorize the Increase of the General Purpose School Tax Rate From \$1.58 to \$1.78 for the Fiscal Year 2004-2005

WHEREAS, the Sullivan County Parent, Teach Association (PTA), Parent, Teacher, Student Association (PTSA), and Parent Teacher Organization (PTO) representing schools of Sullivan County prepared the Superior Funds for Superior Students Resolution that was approved by the Sullivan County Board of Commissioner at the Regular Session meeting for March 15, 2004 with a vote of 23 in favor, 0 votes opposed and 1 absent; and,

WHEREAS, the resolution for Superior Funding for Superior Students resolved to make educational funding the first priority in the Sullivan County budget preparation; and,

WHEREAS, the Sullivan County Board of Commissioners in Regular Session, March 15, 2004, by a vote of 23 in favor, 0 opposing and 1 absent approved the resolution supporting the Mayors' (Sullivan County, Bluff City, Bristol and Kingsport) Blue Ribbon Task Force Report establishing an intergovernmental cooperative agreement to create the Economic Development Partnership Organization for Sullivan County and its municipalities; and

WHEREAS, business, industrial recruitment and economic development can only be enhanced by the presence of an exemplary public education system;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 19th day of April 2004 establish a tax rate for the General Purpose School Fund of \$1.78.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this _____ day of _____ 2004.

Attested: _____
Jeanie F. Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Introduced by Commissioner: Dennis Houser
Seconded by Commissioner(s): Larry Hall, Mike Surgenor, ~~John Crawford~~, Sam Jones, James Brotherton

2004-04-039	Administrative	Budget	Executive	County Commission
	No Action 4-5-04		Defer to Budget Cmte 4-7-04	

Comments: Request by Comm. Crawford to be removed as co-sponsor 04-19-94;
Deferred 04-19-04;

Sullivan County, Tennessee
Board of County Commissioners

Item 8
Executive
No. 2004-04-040

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April, 2004.

RESOLUTION To Authorize Amendments to Regulations Governing Health and Safety Standards of Residential and Non-Residential Properties in Sullivan County

WHEREAS, the Sullivan County Board of Commissioners on May 19, 1997 approved Resolution No. 2 authorizing the adoption of Regulations Governing Health and Safety Standards of Residential and Non-Residential Properties in Sullivan County, which Regulations need to be amended;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 19th day of April, 2004 hereby amend the Regulations Governing Health and Safety Standards of Residential and Non-Residential Properties in Sullivan County such that said Regulations now shall read as follows:

According to Tennessee Code Annotated §39-14-504, §5-1-115 and other authority including the general police power of the county and in the interest of the public good and the safety and welfare of the people, counties, by resolution of their legislative bodies may impose regulation concerning the maintenance, condition and occupancy of residential and nonresidential properties; and

These regulations may be imposed in order:

- (1) To protect the public health, safety and welfare of all residents by establishing minimum standards governing the maintenance, condition and occupancy of residential and nonresidential premises;
- (2) To fix certain responsibilities and duties upon owners, operators, and occupants;
- (3) To authorize and establish procedures for the inspection of residential and nonresidential premises; and
- (4) To fix penalties for violations of these minimum standards and provide a means of repair, demolition or vacation of premises unfit for human habitation or use.

**REGULATIONS GOVERNING HEALTH AND SAFETY STANDARDS OF
RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES**

SECTION I – APPOINTMENT OF ENFORCEMENT OFFICER

This resolution shall be enforced by an individual, under the supervision of the Sullivan County Building Commissioner, who shall be known as the Sullivan County Code Enforcement Officer

1 (hereinafter "Enforcement Officer") appointed by the County Mayor subject to confirmation by
2 the county legislative body.

3
4 **SECTION II – PROPERTY STANDARDS**

5
6 (a) A structure is unfit for human occupation or use and, therefore, unlawful if conditions exist in
7 or around such structure which are dangerous or injurious to the health or safety of the occupants
8 of such structure, the occupants of neighboring structures or other residents of the county,
9 assuming ordinary health and sensibilities; such conditions may include: defects therein
10 increasing the hazards of fire, accidents or other calamities; dilapidation; disrepair; structural
11 defects; and/or unsanitary conditions.

12
13 (b) It shall be unlawful for any owner of property to create, maintain or permit to be maintained
14 on property the obvious neglect and overgrowth of vines, grass, underbrush and/or the
15 accumulation of discarded or worthless personal property, debris, trash, litter, garbage, rubbish,
16 refuse, etc., or any combination of the preceding elements, or a vacant dilapidated building or
17 structure, or to encourage the infestation of rats or other harmful animals, so as to endanger the
18 health, safety, or welfare of other citizens of ordinary health and sensibility.

19
20 (c) It shall be unlawful to allow any violation identified in subsections (a) or (b) above to exist or
21 continue in, on or around any building, structure or property affected by this resolution.

22
23 **SECTION III--- OWNER AND OCCUPANT RESPONSIBILITIES**

24
25 It is the obligation of the owner(s) of property to maintain such property so as not to endanger
26 the health, safety, or welfare of county residents and/or so as not to violate the terms of these
27 Regulations. If said property fails to comply with the above-stated regulations, the property
28 owner(s) is responsible and liable.

29
30 **SECTION IV – INSPECTION PROCEDURES**

31
32 Whenever the Enforcement Officer on his own can visibly observe from a public road that
33 violation(s) of any of these Regulations exist, the Enforcement Officer shall, after making a
34 preliminary investigation which discloses a basis for such violation(s), issue and cause to be
35 served upon the owner of record of such properties a notice stating the violations and requesting
36 the condition to be remedied immediately.

37
38 **SECTION V --- PENALTIES AND REMEDIES FOR VIOLATIONS**

39
40 (a) For owners of and parties in interest of properties found by the Enforcement Office to be in
41 violation of the above-mentioned regulations, a notice of violation shall be given by personal
42 service upon the owner or by United States Certified Mail, Return Receipt Requested, addressed
43 to the last known address of the owner(s) of record. The notice of violation shall state that the
44 owner of the property is entitled to a hearing. The notice of violation shall be written in plain
45 language and shall also include, but not be limited to, the following elements:

46
47 (1) A brief statement of the violations and date noted;

48
49 (2) A brief statement of Tennessee Code Annotated §5-1-115 which shall contain the
50 consequences and penalty of failing to remedy the violation;

1 (3) The person, office, address and telephone number of the department or person giving
2 notice;

3
4 (4) A cost estimate for remedying the noted condition which shall be in conformity with
5 the standards of cost in the community; and

6
7 (5) A place wherein the notified party may return a copy of the notice of violation
8 indicating the desire for a hearing or waiver of hearing and agreement to remedy.

9
10 If the whereabouts of the owner(s) of record is unknown and the same cannot be ascertained by
11 the Enforcement Officer in the exercise of reasonable diligence or if for any reason notice by
12 Certified Mail, Return Receipt Requested, cannot be obtained, and the Enforcement Officer shall
13 make a written statement to that effect, then the serving of such notice of violation upon such
14 person(s) may be made by publishing the same one (1) time in a newspaper of general circulation
15 in Sullivan County. A copy of such notice of violation shall also be posted in a conspicuous
16 place on the premises affected by the notice.

17
18 (b) A copy of such notice of violation may also be filed for record in the office of register of
19 deeds for the county and such filing of the notice of violation shall have the same force and
20 effects as other lis pendes notices provided by law.

21
22 (c) Upon receipt of the notice of violation as provided hereinabove, the property owner shall
23 proceed forthwith to take appropriate measure to comply with these regulations. The county shall
24 provide for a hearing upon request by an aggrieved property owner, said hearing to be held
25 before the Enforcement Officer.

26
27 A request for hearing shall be made within thirty (30) days following receipt of said notice of
28 violation. If the property owner timely requests a hearing as provided herein, the Enforcement
29 Officer shall, within a reasonable time following the receipt of the request for hearing, upon a
30 record hold a hearing to review and reconsider the appropriateness of the requirements imposed
31 on the property owner and the cost of remedying the condition. The time period established
32 herein shall be stayed pending review by the Enforcement Officer. Failure to make the request
33 for a hearing within the time limit allowed by this regulation shall, without exception, constitute
34 a waiver of right to a hearing and judicial review. Immediately following the hearing, the
35 Enforcement Officer may:

36
37 (1) Grant a continuance at the request of either party if the Enforcement Officer
38 considers the continuance appropriate;

39
40 (2) Dismiss the notice of violation and such notice shall become ineffective;

41
42 (3) Confirm the notice of violation; or

43
44 (4) Modify the notice of violation.

45
46 (d) Any person who disagrees with the final decision of the Enforcement Officer after having
47 held a hearing under the provisions of this resolution may seek judicial review of same. The
48 time period established herein shall be stayed pending judicial review.

49
50 (e) If the owner fails to comply with the notice within thirty (30) days of receipt of same, subject
51 to stay pending review and any modifications made pursuant to review as provided for above, the

1 Enforcement Officer may cause such property to be repaired, altered or improved or be vacated
2 and closed, removed or demolished as necessary to remedy the condition and the costs shall be
3 assessed against the owner of the property. Upon performance, the actual cost of such repairs,
4 alterations or improvements or vacating and closing or removal or demolition shall upon the
5 filing of a notice with the office of the register of deeds be a lien in favor of the county against
6 the real property on which such cost was incurred, second only to liens of the state and county
7 for taxes, any lien of the county for special assessments, and any valid lien, right or interest in
8 such property duly recorded or duly perfected by filing prior to the filing of such notice. Such
9 notice shall identify the owner of record of the real property, contain the property address,
10 describe the property sufficiently to identify it and recite the amount of the obligation secured by
11 the lien. These costs shall be collected by the County Trustee at the same time and in the same
12 manner as property taxes are collected.

13
14 (f) Owner(s), individually and/or jointly, of property found to be in violation of these
15 Regulations shall be subject to a penalty of not less than fifty dollars (\$50.00) nor more than five
16 hundred dollars (\$500.00) for each violation. Each and every day during which such illegal
17 condition or use exists or continues is deemed a separate violation.

18 SECTION VI – EXCEPTIONS

19
20
21 (a) The provisions of this resolution shall apply county-wide exclusive of incorporated
22 municipalities lying within Sullivan County.

23
24 (b) The provisions of Section V(e) of this resolution permitting Sullivan County to remedy
25 conditions pursuant to Tennessee Code Annotated §5-1-115(c) shall not apply to any parcel of
26 property upon which an owner-occupied residence is located.

27
28 (c) This resolution shall not apply to any business operated pursuant to the Tennessee Solid
29 Waste Disposal Act, Tennessee Code Annotated §68-31-101, et seq.

30 SECTION VII – RULES

31
32
33 (a) The county governing body and/or the Enforcement Officer may establish any rules and
34 regulations necessary for the administration and enforcement of this resolution.

35
36 (b) The Enforcement Officer shall keep the following:

- 37
38 (i) All complaints filed with the Enforcement Officer;
- 39
40 (ii) The address including the civil district of any property in violation of this
41 resolution;
- 42
43 (iii) All notices delivered to property owners found to be in violation of this resolution
44 and any expenses associated therewith;
- 45
46 (iv) All waivers of hearing and agreements to remedy;
- 47
48 (v) All requests for hearing received;
- 49
50 (vi) Decisions issued by the Enforcement Officer after hearings;
- 51

1 (vii) All records of the hearings including evidence, minutes and recordation of
2 hearing;

3
4 (viii) All request for judicial review and final decision of the judicial review.

5
6 **SECTION VIII - CONSTITUTIONALITY AND CONFLICT WITH OTHER**
7 **RESOLUTIONS**

8
9 If any section, clause, provision, or portion of this resolution shall be held to be invalid or
10 unconstitutional by any court of competent jurisdiction, such holding shall not affect any other
11 section, clause, provision, or portion of this resolution which is not of itself invalid or
12 unconstitutional.

13
14 BE IT FURTHER RESOLVED that outside counsel employed to assist in enforcing the
15 provisions of this resolution shall be employed by contract which shall be executed by the
16 County Mayor and the County Attorney and all costs associated therewith shall be paid from the
17 Self-Insurance Fund.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this _____ day of _____ 2004.

Attested: _____
Jeanie Gammon, County Clerk Date

Approved: _____
Richard S. Venable, County Mayor Date

Introduced By: Commissioner: Morrell

Seconded By: Commissioner(s): Jones

2004-04-040	Administrative	Budget	Executive	County Commission
ACTION	No Action 4-5-04		No Action 4-7-04	

Comments: 1st Reading 04-19-04;

Sullivan County, Tennessee
Board of County Commissioners

Item 9
Executive
No. 2004-04-041

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April, 2004.

RESOLUTION To Authorize Amendment to Duties of Planning Director

WHEREAS, the Sullivan County Board of Commissioners on February 21, 2000 approved Resolution No. 3 creating the position of Planning Director for Sullivan County; and

WHEREAS, the aforesaid Resolution provided that the Planning Director shall be responsible for the day-to-day supervision of the Building Commissioner, Building Inspector(s), Code Enforcement Officer and all other employees in the Planning & Zoning office; and

WHEREAS, Tennessee Code Annotated §13-7-110 provides that the Building Commissioner shall be appointed by the County Mayor subject to the confirmation of the county legislative body.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 19th day of April, 2004 hereby amends the duties of the Director of Planning such that said position shall not be responsible for the day-to-day supervision of the Building Commissioner. The Building Commissioner shall report directly to the County Mayor.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this _____ day of _____ 2004.

Attested: _____
Jeanie Gammon, County Clerk Date

Approved: _____
Richard S. Venable, County Mayor Date

Introduced By: Commissioner: Morrell
Seconded By: Commissioner(s): Jones

2004-04-041	Administrative	Budget	Executive	County Commission
ACTION	No Action 4-5-04		No Action 4-7-04	

Comments: 1st Reading 04-19-04;

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 10
Administrative
No. 2004-04-042

To Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Join and Participate in the Northeast Tennessee/Virginia Home Consortium

WHEREAS, the County of Sullivan recognizes the creation of the Northeast Tennessee/Virginia HOME Consortium as a Participating Jurisdiction authorized by the U.S. Department of Housing and Urban Development; and,

WHEREAS, the County of Sullivan understands that the U.S. Department of Housing and Urban Development allows for local governments to apply for annual entitlement funding through the Northeast Tennessee/Virginia HOME Consortium program; and,

WHEREAS, the County of Sullivan desires to join with the Town of Bluff City, Cities of Johnson City, Kingsport, Bristol, Tennessee and Bristol, Virginia to become a participating member of the Northeast Tennessee/Virginia HOME Consortium program;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorize the Mayor of the County of Sullivan to enter into a Joint Cooperative Agreement with said unites of general local government in order to apply for funds under the HOME Investment Partnership Act.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April 2004.

Attested: Jeanie F. Gammon Approved: Richard S. Venable
Jeanie F. Gammon, County Clerk Richard S. Venable, County Mayor

**Introduced by Commissioner: Crawford
Seconded by Commissioner(s): Patrick, Brotherton**

2004-04-042	Administrative	Budget	Executive	County Commission
	Approve 4-5-04		Approve 4-7-04	Approve 4-19-04

Comments:

24 Aye

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 11
Executive/Budget
No. 2004-04-043

To Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Authorize Temporary Financing Of Highway (State Aid) Projects By The Issuance Of Capital Outlay Notes Not To Exceed \$1,000,000

WHEREAS, the governing body of Sullivan County, Tennessee has determined that State-Aid funding for roads and bridges in Sullivan County has accumulated to exceed \$1,000,000 as of this date and is expected to increase for the 2004-2005 fiscal year; and,

WHEREAS, it is necessary and desirable to provide the temporary financing for these public works projects for the county with state reimbursement at a ratio of 75/25; and,

WHEREAS, the regular operating budget for the Sullivan County Highway Fund has funding available in the Personnel, Materials & Supplies Account, etc. appropriated to pay the County's twenty-five percent (25%) portion; and,

WHEREAS, six projects totaling \$781,000 have already been set up by the state and can be started immediately, these include:

Bunker Hill- Chinquapin Grove Rd.	Rock Springs Road (1)
Old Jonesboro Road	Reservoir Road
Vance Tank Road	Elizabethton Hwy.
Massengill-Seneker Lane	Rock Springs Road (2)

The remainder of the state earmarked funds can be set up for additional projects after the new contract prices for asphalt, etc. are available; and,

WHEREAS, the seventy-five percent share (75%) to be reimbursed by the State must be expended before reimbursements will be made by the State of Tennessee; and,

WHEREAS, under the provisions of Parts I, IV and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"); local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and,

WHEREAS, under provisions of T.C.A. Section 9-21-408 of Title 9, Chapter 21, local governments in Tennessee are authorized to make interfund loans in accordance with procedures for issuance of notes in part. VIII of Title 9, Chapter 21, Tennessee Code Annotated; and,

WHEREAS, the Sullivan County Commission finds that it is advantageous to the Sullivan County to authorize the issuance of capital outlay notes to finance the cost of the Project and repay the loan upon receipt of the State funds;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves:

Section 1. That, for the purpose of providing funds to finance the cost of the Project in and for Sullivan County, the County Mayor of Sullivan County is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed One Million Dollars (\$1,000,000) the "Notes" at either a competitive public sale or at a

1 private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms,
2 provisions, and conditions permitted by law. The Notes shall be designated "State Road Projects"
3 Capital Outlay Notes, Series 2004, shall be number serially from 1 upwards; shall be dated as of the
4 date of issuance; shall be in a denomination(s) as agreed upon with the purchaser at a rate or rates
5 not to exceed three and one-half percent (3.5%) per annum, and in no event shall the rate exceed
6 the legal limit provided by law.

7
8 **Section 2.** That, the Notes shall mature not later than two (2) years after the date of issuance
9 and that the Notes and any extension or renewal notes shall not exceed the reasonably expected
10 economic life of the Project, which is hereby certified by the Governing Body to be at least 10 years.
11 Provided however, that each year the Notes are outstanding, one-half (1/2), but in no event not less
12 than one-fourth (1/4), of the original principal amount of the Notes shall mature without renewal
13 but subject to prior redemption.

14
15 **Section 3.** That, the Notes shall be subject to redemption at the option of Sullivan County in
16 whole or in part, at any time, at the principal amount and accrued interest to the date of
17 redemption.

18
19 **Section 4.** That, the Notes shall be direct general obligations of Sullivan County for which the
20 punctual payment of the principal and interest on the notes, the full faith and credit of Sullivan
21 County is irrevocably pledged and Sullivan County hereby pledges its taxing power as to all taxable
22 property in Sullivan County for purpose of providing funds for the payment of principal of and
23 interest on the Notes. The governing body of Sullivan County hereby authorizes the levy and
24 collection of a special tax on all taxable property of Sullivan County over and above all other taxes
25 authorized by Sullivan County to create a sinking fund to retire the Notes with interest as they
26 mature in an amount necessary for that purpose. The Notes shall be further secured by revenues
27 generated by State Aid funds.

28
29 **Section 5.** That, the Notes shall be executed in the name of Sullivan County and bear the
30 manual signature of the County Mayor of Sullivan County and the manual signature of the County
31 Clerk with the local government seal affixed thereon; and shall be payable as to principal and
32 interest at the Sullivan County Office of Accounts and Budgets or the paying agent duly appointed
33 by Sullivan County. Proceeds of the Notes shall be deposited with the banking institution of
34 Sullivan County and shall be paid out for the purpose of financing the Project pursuant to this
35 Resolution and as required by law.

36
37 **Section 6.** That, the Notes will be issued in fully registered form and that at all times during
38 which any Notes remains outstanding and unpaid, Sullivan county or its agent shall keep or cause
39 to be kept at its office a note register, if held by an agent of Sullivan County, shall at all times be
40 open for inspection by Sullivan County or any duly authorized officer of Sullivan County. Each
41 Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only
42 upon the note register kept by Sullivan County or its agent, by the registered owner of the Note in
43 person or by the registered owner's attorney duly authorized in writing, upon presentation and
44 surrender to Sullivan County duly executed by the registered owner of the registered owner's duly
45 authorized attorney. Upon the transfer of any such Note, Sullivan County shall issue in the name of
46 the transferee a new registered note or notes of the same aggregate principal amount and maturity
47 as the surrendered Notes. Sullivan County shall not be obligated to make any such Note transfer
48 during the fifteen (15) days next preceding an interest payment date of the Notes or, in the case of
49 any redemption of the Notes, during the forty-five (45) days next preceding the date of redemption.

50
51 **Section 7.** That, the Notes shall be in substantially the form attached hereto and shall recite
52 that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

53
54 **Section 8.** That the Notes shall be sold only after the receipt of the written approval of the
55 State of Local Finance for the sale of the Notes.
56

1 Section 9. That, the notes are hereby designated as qualified tax-exempt obligations for
2 purpose of Section 265(b)(3) of the Internal Revenue Code of 1986.
3

4 Section 10. That, after the sale of the Notes, and for each year that any of the notes are
5 outstanding, Sullivan County shall prepare an annual budget in a form consistent with accepted
6 governmental standards and as approved by the State Director of Local Finance (the "Director".)
7 The budget shall be kept balanced during the life of the notes. The annual budget shall be
8 submitted to the Director immediately upon its adoption; however, it shall not become the official
9 budget for the fiscal year until such budget is approved by the Director in accordance with Title 9,
10 Chapter 21, Tennessee Code Annotated (the "Statutes"). If the Director determines that the budget
11 does not comply with the Statutes, Sullivan County shall adjust its estimates or make additional tax
12 levies sufficient to comply with the Statutes, or as directed by the Director.
13

14 Section 11. That, if any of the Notes shall remain unpaid at the end of two (2) years from the
15 issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from
16 the funds of Sullivan County or be converted into bonds pursuant to Chapter 11 of Title 9 of
17 Tennessee Code Annotated, or any other law, or be otherwise liquidated as approval by the State
18 Director of Local Finance.
19

20 Section 12. That, all orders or resolutions in conflict with this Resolution are hereby repealed
21 insofar as such conflict exists and this Resolution shall become effective immediately upon its
22 passage.
23

24 Section 13. The account codes for these funding projects to be assigned by the Director of Accounts
25 and Budgets.

WAIVER OF THE RULES REQUESTED

Duly passed this 19th day of April 2004.

Attested: Jeanie F. Gammon
Jeanie F. Gammon, County Clerk

Approved: Richard S. Venable
Richard S. Venable, County Mayor

Introduced by Commissioner: Harr

Seconded by Commissioner(s): McConnell

at

2004-04-043	Administrative	Budget	Executive	County Commission
ACTION				Approve 4-19-04

Comments:

23 Aye, 1 Pass

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 12
Executive
No. 2004-04-044
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Authorize Traffic Sign Changes in the 16th Civil District

WHEREAS, the Sullivan County Highway Department has recommended the following traffic sign changes be made in the 16th Civil District (5th Commission District).

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the following changes to traffic signs in Sullivan County:

16th Civil District (5th Commission District)

- 1) To place a 25 MPH Speed Limit sign on Humphreys Road;
- 2) To place a STOP sign on Crussell Drive, intersection with Enterprise Road.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this _____ day of _____ 2004.

Attested: _____
Jeanie F. Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Introduced by Commissioner: McKamey

Seconded by Commissioner(s): Hyatt

at

2004-04-044	Administrative	Budget	Executive	County Commission
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Comments: 1st Reading 04-19-04;

**SULLIVAN COUNTY
HIGHWAY DEPARTMENT**

P.O. BOX 590
BLOUNTVILLE, TENNESSEE 37617

John R. LeSueur, Jr.
Commissioner of Highways

(423) 279-2820
FAX (423) 279-2876

April 14, 2004

COMMISSIONERS: John McKamey
Marvin Hyatt

Dear Commissioners:

I would like to request that you consider passing the following resolution:

To place a 25 MPH Speed Limit on Humphreys Road.

Request made by Commissioner John McKamey.

This is in the 16th Civil District and 5th Commissioner District.

If you have any questions, please feel free to contact me.

Sincerely,



Rufus Cooper
Traffic Coordinator

RC/jb

c: ~~Angela Taylor~~

**SULLIVAN COUNTY
HIGHWAY DEPARTMENT**

P.O. BOX 590
BLOUNTVILLE, TENNESSEE 37617

John R. LeSueur, Jr.
Commissioner of Highways

(423) 279-2820
FAX (423) 279-2876

April 14, 2004

COMMISSIONERS: John McKamey
Marvin Hyatt

Dear Commissioners:

I would like to request that you consider passing the following resolution:

To place a STOP sign on Crussell Dr., intersection with Enterprise Rd..

Request made by Commissioner John McKamey.

This is in the 8th Civil District and 5th Commissioner District.

If you have any questions, please feel free to contact me.

Sincerely,



Rufus Cooper
Traffic Coordinator

RC/jb

c: Angela Taylor

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 13
Executive
No. 2004-04-045
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Authorize a 2004-2005 Contract with Blue Cross/Blue Shield of Tennessee for General Government Employees Health Insurance Benefits

WHEREAS, the Purchasing Agent solicited proposals for the general government employees health insurance benefits to become effective July 1st 2004; and,

WHEREAS, the Insurance Committee has reviewed the benefits and pricing offered by various insurance carriers; and

WHEREAS, the prices offered by our present carrier reflected a 15%+ increase (approximately \$1 million dollars) while Blue Cross/Blue Shield of Tennessee provided prices at or near last year's prices; and,

WHEREAS, the Insurance Committee has recommended Blue Cross/Blue Shield of Tennessee to be the health insurance provider for Sullivan County Employee's health insurance coverage beginning July 1, 2004; and

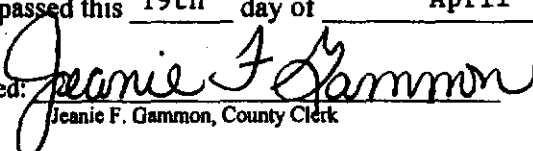
WHEREAS, the new contract will be to provide a fully insured plan of insurance coverage as recommended by the Insurance Committee billed on a three-tier rate plan for employees.


NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorizes the County Mayor and the Purchasing Agent to sign any and all documents necessary to enter into a contract with Blue Cross/Blue Shield of Tennessee to provide employee health insurance coverage for Sullivan County (excluding the education department employees) from July 1, 2004 through June 30, 2005. The county will participate at 89.3 percent of the cost of the base plan provided, with the employees provided two other plan options; additional cost to be borne by the employee if the employee selects one of the optional plans.

WAIVER OF THE RULES REQUESTED

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April 2004.

Attested: 
Jeanie F. Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Jones

Seconded by Commissioner(s): Brittenham, Conkin, Groseclose, Herron, King McKamey

2004-04-045	Administrative	Budget	Executive	County Commission
ACTION				Approve 4-19-04

Comments:

24 Aye

BCBST ADDITIONAL PLANS	PLATINUM 1 NETWORK 'P'		GOLD 1 NETWORK 'P'		SILVER 1 NETWORK 'S'	
PLAN DESIGN	CO-PAY PPO POS 15/100/80		CO-PAY/CO-INS PPO POS 20/90-70		CO-PAY/CO-INS PPO POS 20/90-70	
OFFICE VISIT		\$15		\$20		\$20
INPATIENT SERVICE		\$100		90%		90%
OUTPATIENT SERVICE		\$75		90%		90%
EMERGENCY SERVICE		\$75		\$100		\$100
AMBULANCE SERVICE		\$50		90%		90%
DEDUCTIBLE/S	IN NET	OUT NET	IN NET	OUT NET	IN NET	OUT NET
IN-NETWORK & OUT-OF NETWORK	I NONE F NONE	I \$250 F \$500	I \$100 F \$200	I \$200 F \$400	I \$100 F \$200	I \$200 F \$400
OUT-OF-POCKET MAXIMUM	IN NET	OUT NET	IN NET	OUT NET	IN NET	OUT NET
IN-NETWORK & OUT-OF-NETWORK	I \$1,000 F \$2,500	I \$1,500 F \$3,000	I \$1,000 F \$2,000	I \$3,000 F \$6,000	I \$1,000 F \$2,000	I \$3,000 F \$6,000
THERAPEUTIC SERVICE (INCLUDES CHIROPRACTIC)		\$0 COPAY		90%		90%
PRESCRIPTION DRUG PLAN (100-102 DAYS SUPPLY FOR MAINTENANCE DRUGS @ 1 CO-OPAY) PLATINUM PLANS INCLUDE LIFESTYLE RX		10/20/35		10/20/35		10/20/35
VISION PLAN \$10 CO PAY INCLUDES 1 SET REGULAR OR CONTACT LENSES EACH YEAR AND 1 SET FRAMES EVERY 2 YEARS (UP TO \$ MAXIMUM AMOUNTS DENOTED)		\$10 CO-PAY OPEN ACCESS		\$10 CO-PAY OPEN ACCESS		NO VISION PLAN IN THIS OPTION
BEHAVIORIAL HEALTH MENTAL HEALTH & SUBSTANCE ABUSE INPATIENT: 30 DAYS/YR OUTPATIENT: 30 VISITS/YR		\$200/ADMISSION (IN-NET) INPATIENT \$20/VISIT (IN-NET) OUPATIENT		INPATIENT/OUTPATIENT SUBJ TO CO-INSURANCE & DEDUCTIBLE		INPATIENT/OUTPATIENT SUBJ TO CO-INSURANCE & DEDUCTIBLE
OUT OF NETWORK BENEFITS		80%		70%		70%
LIFETIME MAXIMUM	\$5 MILLION	\$2 MILLION	\$5 MILLION	\$5 MILLION	\$5 MILLION	\$5 MILLION
EMPLOYEE ONLY POLICY		\$310.55		\$289.79		\$266.09
2-PERSON POLICY		\$620.62		\$579.10		\$531.70
FAMILY POLICY		\$892.86		\$833.10		\$764.91
*ANNUAL \$\$\$ BUDGET *ROUNDED		\$5,392,608		\$5,031,858		\$4,619,989

C

**SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS**

Item 14
Administrative Executive Budget
No. 2004-04-046

To the Honorable Richard S. Venable, Mayor of Sullivan County, and Board of Sullivan County Commissioners meeting in Regular Session this 19th day of April 2004.

RESOLUTION To Authorize County Mayor to Enter Discussions Regarding School Consolidation

WHEREAS, Sullivan County is required by the Constitution of the State of Tennessee to provide a public education system for the children of this County; and,

WHEREAS, Sullivan County along with other counties across the state continue to face an increasing burden for education costs, as well as, other government program costs provided to its citizens; and,

WHEREAS, in an effort to provide the most efficient and most effective educational system for the children of Sullivan County;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby request and authorize County Mayor Richard Venable to enter into discussions with City and County school officials regarding the potential consolidation of all or part of the public education system in Sullivan County.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed this 19th day of April 2004.

Attested: Jeanie F. Gammon
Jeanie F. Gammon, County Clerk

Approved: Richard S. Venable
Richard S. Venable, County Mayor

Introduced by Commissioner: McKamey

Seconded by Commissioner(s): Crawford, Groseclose, Hall, Hyatt, Herron,

2004-04-046	Administrative	Budget	Executive	County Commission
ACTION				Approve 4-19-04

Comments:

Request made by Commissioners that all voting Aye be added as Co-Sponsors 04-19-04.

23 Aye, 1 Pass

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON
MOTION MADE BY COMM. HARR TO MEET AGAIN IN REGULAR
SESSION MAY 17, 2004.



Richard S. Venable
RICHARD VENABLE

COMMISSION CHAIRMAN

