

COUNTY COMMISSION, SPECIAL SESSION

AUGUST 12, 1991

MONDAY MORNING, AUGUST 12, 1991

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT FOR A SPECIAL SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS AND MEETING THIS MONDAY MORNING, AUGUST 12, 1991, BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE WILLIAM H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, GAY B. FEATHERS, COUNTY CLERK AND KEITH CARR, SHERIFF OF SAID BOARD OF COMMISSIONERS AND OF SAID COUNTY, TO WIT:

The meeting was called to order by John McKamey, County Executive. Keith Carr, Sheriff, opened County Commission and Commissioner Jones Fortune gave the invocation. Pledge to the flag was led by County Executive, John McKamey.

Roll was called by County Clerk, Gay Feathers. Commissioners present and answering roll call as follows:

ROBERT L. (BOB) AMMONS
WAYNE ANDERSON
A. B. ARRINGTON
CAROL BELCHER
FRED CHILDRESS
HAROLD CHILDRESS
MARGARET DeVAULT
O. W. FERGUSON
R. JONES FORTUNE
RITA GROSECLOSE
RALPH P. HARR
EDLEY W. HICKS

MARVIN HYATT
TERRY D. JONES
JAMES L. KING, JR.
CARL R. KRELL
WAYNE MCCONNELL
PAUL A. MILHORN
HOWARD PATRICK
CRAIG M. ROCKETT, JR.
MICHAEL RUTHERFORD
MICHAEL SURGENOR
RANDY TRIVETT
HOWARD PATRICK

Motion was made by Commissioner Ferguson and Seconded by Commissioner McConnell that minutes of the previous meeting be approved, treat same as read, made a matter of record and filed. This motion was unanimously adopted by acclamation.

The following indicates the action taken by the Commission on rezoning requests, election of Notaries and resolutions.

SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS

August 12, 1991

Consider the following:

Motion by: (1) File # 5-91-6 A request by Nellie Carrier to rezone the property described below from
 Comm. Belcher R-1 to B-3:
 Seconded by: TO DISAPPROVE REQUEST Motion Passed 8/12/91 Roll Call
 Comm. Hicks Being several tracts of land lying in the 5th Civil District at the intersection of State Route
 126 and Sixth Street and further described as parcels 25, 26, 27, 28, 29, and 30 group C
 map 36-C of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 5-91-6, Nellie Carrier Request.

The commission considered a request to rezone a tract of land located in the 5th Civil District at the intersection of State Route 126 and Sixth Street from R-1 to B-3 to permit the location of commercial development.

Staff noted that this request had been deferred from the May meeting to allow staff to notify the owners of the property located between the lot to be rezoned and the existing B-3 zone that the commission was considering rezoning their property. Staff recommended that the request be approved.

On a motion by Eldreth, seconded by Trivett, the commission voted unanimously to approve the request.

Motion by: (2) File # 6-91-1 A request by Island Road Evangelical Methodist Church to rezone the
 Comm. Milhorn property described below from A-1 to R-1:
 Seconded by: TO APPROVE REQUEST Passed 8/12/91 Roll Call
 Comm. McConnell Being a tract of land lying in the 6th Civil District at the intersection of State Route 37 and
 Island Road and further described as parcel 168 map 34 of the Sullivan County Tax
 Maps.

The Planning Commission took the following action:

File No. 6-91-1, Island Road Evangelical Methodist Church Request.

The commission considered a request to rezone a tract of land located in the 6th Civil District at the intersection of State Route 37 and Island Road from A-1 to R-1 to permit the location of a fellowship hall with reduced building setbacks.

Mr. and Mrs. Harrison appeared in opposition to the request. They expressed concerns for the effects of reducing the setbacks on their property.

Staff recommended the request be approved.

On a motion by Eldreth, seconded by Hickam, the commission voted unanimously to approve the request.

Motion by: (3) File # 6-91-2 A request by Kenny Bouton ETAL to rezone the property described
Comm. Hyatt below from A-1 to PBD :
Seconded by: TO REZONE FROM A-1 To B-3 PASSED 8/12/91 Roll Call
Comm. Jones Being a tract of land lying in the 16th Civil District on the west side of the Old
Elizabethton Highway approximately 200 feet north of its intersection with U. S. 19E and
further described as lot 11 parcel 8 group A map 125-B of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 6-91-2, Kenny Bouton ETAL Request.

The commission considered a request to rezone a tract of land located in the 16th Civil District on the west side of the Old Elizabethton Highway approximately 200 feet north of its intersection with U. S. 19E from A-1 to B-3 to permit the location of commercial development.

Mr. Davies appeared representing Mr. Bouton and noted the property's proximity to the four-laned U. S. 19-E. Mrs. Ward appeared in support of the request.

Staff noted the property had no direct access to U. S. 19-E and the area was almost entirely low density residential and agricultural land due to the recent construction of 19-E. Staff recommended because of the relatively undeveloped nature of the area, the property be rezoned to PBD to allow additional controls on the development in order to protect the character of the area.

On a motion by Eldreth, seconded by Koehner, the commission voted unanimously to approve rezoning the property to PBD (Planned Business District).

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The Planning Commission took the following action:

File No. 5/91-8, Kenneth D. Keith Request.

A request was presented to rezone a tract of land located in the 18th Civil District on the west side of State Route 75 at its intersection with Sanders Street from R-1 to PMD to permit the location of manufacturing development.

Staff noted that the property included in this request was located behind the property approved for rezoning to PBD in the first two requests considered. Staff further noted that the request included a residence which at present contained a business use. Staff recommended that the commission approve rezoning the property to PBD with the exception of parcel 27 group B map 94-G of the Sullivan County Tax Maps and pointed out that by excluding this lot would provide an even property line for the required buffer zone.

Mrs. Keith stated that she had no objection to this change in the request.

On a motion by Jones, second by Greene, the commission voted unanimously to accept staff's recommendation.

Motion by: (6) File # 5/91-10 A request by Pauline Vance to rezone the property described below
 Comm. Belcher from R-1 to R-2:
 Seconded by: TO APPROVE REQUEST PASSED 8/12/91 Roll Call
 Comm. Rockett Being a tract of land lying in the 5th Civil District on the north side of Cross Community Road near its intersection with Moore Drive and further described as parcel 120 map 35 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 5/91-10, Pauline Vance Request.

A request was presented to rezone a tract of land located in the 5th Civil District on the north side of Cross Community Road near its intersection with Moore Drive from R-1 to R-2 to permit the location of a mobile home.

Staff noted that there was a double wide and a mobile home already located on the lot and that rezoning the property would not allow an additional mobile home to be placed without subdividing the property. Staff noted that due to the location of the existing structures it would be extremely difficult to subdivide. Staff recommended that the request be denied.

Mrs. Vance stated that there was already a septic system on the lot for an additional unit and that it would be possible to subdivide the lot.

On a motion by Greene seconded by Trivett the commission voted unanimously to approve the request.

Motion by: (7) File # 5/91-11 A request by Jack McNutt to rezone the property described below from
 Comm. McConnell R-1 to R-2:
 Seconded by: TO APPROVE REQUEST PASSED 8/12/91 Roll Call
 Comm. Ferguson Being a tract of land lying in the 18th Civil District on the south side of State Route 75 west of its intersection with Hawley Road and further described as that part of parcel 1.20 map 80 of the Sullivan County Tax Maps lying north of a line drawn from the southeastern corner of parcel 27.20 map 65 of the Sullivan County Tax Maps to the southwestern corner of parcel 1.30 map 80 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 5/91-11, Jack McNutt Request.

A request was presented to rezone a tract of land located in the 18th Civil District on the south side of State Route 75 west of its intersection with Hawley Road from R-1 to R-2 to permit the location of a mobile home.

Staff noted that the property adjacent to the request had mobile homes located on it and recommended that the request be approved.

Mr. Salts appeared and expressed concerns for the septic system on the property. Mr. McNutt stated that the septic system for the mobile home had already received approval of the health department.

On a motion by Jones seconded by Trivett the commission voted unanimously to approve the request.

SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS

July 15, 1991

Consider the following:

Motion by: (1) File # 5/91-2 A request by Charles A. Poss to rezone the property described below
 Comm. McConnell from R-1 to PBD:
 Seconded by: TO APPROVE REQUEST PASSED 8/12/91 Roll Call
 Comm. Ferguson Being a tract of land lying in the 18th Civil District on the west side of State Route 75
 approximately 100 feet south of its intersection with Sanders Street and further
 described as parcel 2 group B map 94-G of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 5/91-2, Charles A. Poss Request.

A request was presented to rezone a tract of land located in the 18th Civil District on the west side of State Route 75
 approximately 100 feet south of its intersection with Sanders Street from R-1 to PBD to permit the location of business
 development.

The commission combined this request with the Frank Afton Roller request.

Staff noted that the property was adjacent to State Route 75 and an existing B-4 zone. Staff recommended the request be
 approved.

On a motion by Eldreth, second by Trivett, the commission voted unanimously to accept staff's recommendation.

Motion by: (2) File # 5/91-3 A request by Frank Afton Roller to rezone the property described below
 Comm. McConnell from R-1 to PBD:
 Seconded by: TO APPROVE REQUEST PASSED 8/12/91 Roll Call
 Comm. Ferguson Being two tracts of land lying in the 18th Civil District on the west side of State Route 75
 at its intersection with Sanders Street and further described as parcels 3 and 4 group B
 map 94-G of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 5/91-3, Frank Afton Roller Request.

A request was presented to rezone a tract of land located in the 18th Civil District on the west side of State Route 75 at its
 intersection with Sanders Street from R-1 to PBD to permit the location of business development.

See Charles A. Poss Request.

Motion by: (3) File # 5/91-4 A request by Donald R. Johnson to rezone the property described below
 Comm. Blalock from R-1 to R-3A:
 Seconded by: TO APPROVE REQUEST PASSED 8/12/91 Roll Call
 Comm. H. Childress Being a tract of land lying in the 7th Civil District on the south side of Old Stage Road
 and further described as parcel 34 group A map 47-M of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 5/91-4, Donald R. Johnson Request.

A request was presented to rezone a tract of land located in the 7th Civil District on the south side of Old Stage Road from R-1 to R-2A to permit the location of a garage apartment.

Staff noted that existing garage located on the property was to be expanded vertically for the apartment. While the garage meets the setback requirements for an accessory building, it would not meet the setback requirements for an additional residential unit. Further the lot size required in an R-2A is 16,000 square feet and the property contains approximately 13,200 square feet; therefore, the density requirements could not be met in an R-2A zone. Staff further noted the property is located in a very nice single family residential area and the use would be incompatible with existing land use. Staff recommended the request be denied.

Mrs. Johnson stated that the apartment was for the use of her son and daughter-in-law who were at present living in her house. She also stated that there was one other house with an apartment across the street from the property. Mr. Hickam asked if the density requirement in an R-3A zone would allow the apartment. Mr. Parker stated that an R-3A zone would address the density but would not correct the setback. The commission asked staff if a request for an R-3A zoning classification would effect staff's recommendation. Staff stated that it would not. Mr. Greene expressed concern for locating an R-3A zone on a small lot in the middle of an R-1 area.

On a motion by Trivet, second by Hickam, the commission voted unanimously to approve the rezoning of the property to R-3A.

Motion by: (4)

Comm. Belcher

Seconded by: Comm. Ferguson

File # 5/91-7 A request by Alma Eisea to rezone the property described below from R-1 to R-2: PASSED 8/12/91 R011 Call TO APPROVE REQUEST Being a tract of land lying in the 5th Civil District on the west side of Walnut Hill Road near its intersection with Brookshire Drive and further described as parcel 2 group B map 36-B of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 5/91-7, Alma Eisea Request.

A request was presented to rezone a tract of land located in the 5th Civil District on the west side of Walnut Hill Road near its intersection with Brookshire Drive from R-1 to R-2 to permit the location of a mobile home.

Mrs. Eisea stated that the mobile home was to for allow her granddaughter to assist her.

Staff noted that there were no mobile homes in the area and that the rezoning would be incompatible with existing land use. Staff recommended the request be denied.

On a motion by Trivet, second by Jones, the commission voted to approve the request with Koehner passing.

Motion by: (5)

Comm. McConnell

Seconded by: Comm. Ferguson

File # 5/91-8 A request by Kenneth D. Keith to rezone the property described below from R-1 to R2: PASSED 8/12/91 R011 Call TO APPROVE REQUEST Being five tracts of land lying in the 18th Civil District on the west side of State Route 75 at its intersection with Sanders Street and further described as parcels 5, 28, 29, 30 and 33 group B map 94 G of the Sullivan County Tax Maps.

SULLIVAN COUNTY BOARD OF COUNTY COMMISSIONERS

June 17, 1991

Consider the following:

- (1) File # 4/91-1 A request by a group of property owners to rezone the property described below from A-1 and M-1 to PBD :

Being several tracts of land located in the 7th Civil District along Shipley Ferry Road between its intersections with Tri-City Airport Road and Lynn Road and further described as parcels 68, 69, 69.5, 70, 72, 72.10, and 75 map 78 and parcels 40, 42, 43, 45, 46, 47, and 47.2 map 79 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 4/91-1, a group of property owners Request. A request was presented to rezone a tract of land located in the 7th Civil District along Shipley Ferry Road between its intersections with Tri-City Airport Road and Lynn Road from A-1 and M-1 to PBD to permit the location of future business development.

The county commission had referred two rezoning requests (Ron Zimmerman and Sharon Glass) in this area back to the planning commission for further consideration. Ron Kilgore, Sharon Glass, George Tabor, Paul Coates, among other property owners in this area, appeared before the commission to discuss the proposed rezoning and to present a petition (attached) from other property owners in the area in favor of rezoning a portion of the area to PBD. Ron Zimmerman questioned the effect of the rezoning on his property and was answered by staff.

Staff noted that the request had been reviewed, presented a revised rezoning map outlining the area recommended to be rezoned (attached). The property owners present agreed to accept staff's proposal.

On a motion by Eldreth, second by Trivett, the commission voted unanimously to accept staff's recommendation.

Motion by:
Comm. Belcher
Seconded by:
Comm. Harr

- (2) File # 4/91-2 A request by Sherman Utsman to rezone the property described below from A-1 to R-3 :

TO APPROVE REQUEST PASSED 8/12/91 Roll Call

Being a tract of land located in the 6th Civil District on the west side of Johnson Chapel Road approximately 400 feet north of its intersection with Ott Laughtner Road and further described as parcel 71 map 8 of the Sullivan County Tax Maps.

The Planning Commission took the following action:

File No. 4/91-2, Sherman Utsman Request. A request was presented to rezone a tract of land located in the 6th Civil District on the west side of Johnson Chapel Road approximately 400 feet north of its intersection with Ott Laughtner Road from A-1 to R-3 to permit the location of a mobile home and an apartment.

A letter was presented in opposition to the request. Mr. William Rutter appeared in opposition and stated that the mobile homes located on the site were only 10 feet from his property line. Ms. Mary Pippin appeared and stated that there were problems with the septic system on the property which were affecting her property.

Staff noted that there were 7 apartments and 3 mobile homes located on the property and that one of the mobile homes had been located on the property in violation of the zoning regulations, further, the property is located in an area which is predominantly single family neighborhood. Staff stated that the property was not of sufficient size to allow the development of a mobile home park and due to the configuration of the lot the buildings could not meet setback requirements if the property were subdivided. Staff recommended the request be denied.

On a motion by Eldreth, second by Walkey, the commission voted to deny the request with Belcher and Trivett passing.

REZONING OVERVIEW

SULLIVAN COUNTY COMMISSION MEETING

August 12, 1991

APPLICATION FILE NO.	APPLICANT NO.	APPLICANT	NEIGHBOR OPPOSITION	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
<u>Scheduled for July 15th</u>					
1	5/91-2	Charles A. Poss	None	Approve	Approval
2	5/91-3	Frank Apton Roller	None	Approve	Approval
5	5/91-8	Kenneth D. Keith	None	Approve	Approval
7	5/91-11	Jack McNutt	None	Approve	Approval
3	5/91-4	Donald R. Johnson	None	Deny	Approval
4	5/91-7	Alma Elsea	None	Deny	Approval
6	5/91-10	Pauline Vance	None	Deny	Approval
<u>Scheduled for August 12th</u>					
3	6/91-2	Kenny Bouton ETAL	None	Approve	Approval
1	5/91-6	Nellie Carrier	Yes	Approve	Approval
2	6/91-1	Island Rd. Evangelical Methodist Church	Yes	Approve	Approval
<u>Deferred from June Meeting</u>					
<u>Public hearings held June 17th</u>					
	4/91-2	Sherman Utzman	Yes	Deny	Deny

STATE OF TENNESSEE
COUNTY OF SULLIVAN

August 12, 1991

Election of Notaries

Wallace D. Alley
Wallace D. Alley, Jr.
Johnnie T. Baker
James E. Bisceglia
Monty Bisceglia
Cynthia L. Bragg
Terri L. Brown
Tywana Lisa Childress
Diana Joan Crawford
William A. Curtis
Carol Lee Edwards
Vicky K. Fields
Elizabeth Fisher
Barbara J. Foust
George B. Heflin
Mark E. Isaac
Tina O. Ison
J. Myron Johnson
Linda K. Lawson
Nancy Lisic
Joyce G. Maxwell
Edie Joe Pond
Deborah G. Scott
Donna M. Smith
W. H. Smith
Kristin Jo Vaughn
Edward N. Williams

ELECTION | The names listed hereon were
OF | read before the County Commission
NOTARIES | to be elected Notaries for a
| period of four years. Upon
| motion made by Commissioner
| Ferguson and seconded by Commissioner
| McConnell to approve, they were

elected by roll call vote of the Commission.

22 Aye 2 Absent

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 19th DAY OF November 1990.

RESOLUTION AUTHORIZING Request State of Tennessee To Do Traffic Study at Three Intersections In Vicinity of Central High School

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 19th day of November 1990

THAT WHEREAS, There is an increased traffic flow caused by the opening of Carolina Pottery Mall, therefore

BE IT RESOLVED, That the Sullivan County Commission request the State of Tennessee to do a traffic study from the Intersection of Carolina Pottery on Highway 126, through the Intersection of Highway 81 to the Intersection of Central High School.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this ___ day of _____, 19__.

Attested:

County Clerk Date: _____ County Executive Date: _____

INTRODUCED BY COMMISSIONER C. Belcher ESTIMATED COST: _____
SECONDED BY COMMISSIONER E. Hicks FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	<u>X</u>	_____	<u>X</u>	<u>3/4/91</u> <u>12/3/90</u>
Budget	_____	_____	_____	_____
Executive (No action 12/5/90)	_____	_____	<u>X</u>	<u>3/6/91</u>
Executive (Approved)	(Deferred 5/1/91)	_____	_____	<u>4/3/91</u>

COMMISSION ACTION {AYE } {NAY } {PASS } {ABSENT} {TOTAL}

Roll Call _____

Voice Vote _____

COMMENTS: FIRST READING 11/1/90 DEFERRED until March, 1991 12/17/90
 DEFERRED 3/18/91 DEFERRED 4/15/91 DEFERRED 5/20/91
 DEFERRED 6/17/91 DEFERRED 7/11/91 WITHDRAWN 8/12/91

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 18th DAY OF March 1991.

RESOLUTION AUTHORIZING Acceptance of 500 ft. Roadway as County Road in 11th Civil District

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 18th day of March 1991.

THAT BE IT RESOLVED, That part of Skyview Drive which exits eastward off of Rogers Avenue located in the Bloomingdale/Cedar Grove Community (11th Civil District) be accepted as a County Road (estimated at 500 ft. of roadway); and

FURTHER BE IT RESOLVED, That deeds of R.O.W., survey and street maps will be provided by residents at no expense to the County.

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of AUGUST, 1991

Attested: Gay B. Teaches County Clerk Date: 8-12-91
Wm H. "John" McKamey County Executive Date: 8-12-91

INTRODUCED BY COMMISSIONER Surgenor ESTIMATED COST: _____

SECONDED BY COMMISSIONER Patrick FUND: _____

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	<u>X</u>	_____	_____	<u>4/1/91</u>
Budget	_____	_____	_____	_____
Executive (To Table 5/1/91)	_____	_____	<u>X</u>	<u>4/3/91</u>

COMMISSION ACTION	{AYE }	{NAY }	{PASS }	{ABSENT}	{TOTAL}
Roll Call	<u>16</u>	<u>1</u>	<u>6</u>	<u>1</u>	_____
Voice Vote	_____	_____	_____	_____	_____

COMMENTS: FIRST READING 3/18/91 DEFERRED 4/15/91 DEFERRED 5/20/91
DEFERRED 6/17/91 DEFERRED 7/11/91
PASSED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Regular SESSION THIS THE 17th DAY OF June 1991.

RESOLUTION AUTHORIZING Adoption of a Drug Free Work Place Program

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION AUTHORIZES COUNTIES TO

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 17th day of June 1991.

THAT WHEREAS, It is the requirement of the Federal Government to have in place a policy as to a drug free work place in order to continue receiving Federal Funds; therefore

BE IT RESOLVED, That the attached model policy be adopted.

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

This resolution shall become effective on 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Attested: Gay B. Fisher Date: 8-12-91 Wm. H. "John" McKamey Date: 8-12-91

INTRODUCED BY COMMISSIONER Blalock ESTIMATED COST: SECONDED BY COMMISSIONER McConnell FUND:

Table with columns: COMMITTEE ACTION, APPROVED, DISAPPROVED, DEFERRED, DATE. Rows: Administrative, Budget, Executive.

Table with columns: COMMISSION ACTION, {AYE}, {NAY}, {PASS}, {ABSENT}, {TOTAL}. Rows: Roll Call, Voice Vote.

COMMENTS: FIRST READING 6/17/91 DEFERRED 7/11/91 PASSED 8/12/91 ROLL CALL

DRUGS, NARCOTICS, AND ALCOHOL

Policy:

It is the policy of the Company to maintain a work place¹² that is free from the effects of drug and alcohol abuse.¹

Comment:

(1) Employees are prohibited from the use, sale, dispensing, distribution, possession, or manufacture of illegal drugs and narcotics or alcoholic beverages on ~~Company~~^{County} premises or work sites. In addition, employees are prohibited from the off-premises use of alcohol and possession, use, or sale of illegal drugs when such activities adversely affect job performance, job safety, or the ~~Company's~~^{County's} reputation in the community.²

(2) The ~~Company~~^{County} will not hire,¹³ unless ~~state~~^{Federal} or local law provides otherwise, alcoholics or drug abusers³ whose current use of such substances prevent them from performing their jobs or who would constitute a direct threat to the property or safety of others. Whenever applicants for employment are to be tested for the presence of such substances, they are to be informed of the test in advance in writing.¹⁴

(3) Employees will be subject to disciplinary action,⁴ up to and including dismissal, for violations of this policy. Such violations include, but are not limited to, possessing illegal or nonprescribed drugs and narcotics or alcoholic beverages at work; being under the influence of such substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on ~~Company~~^{County} premises and work sites. Employees, their possessions, and ~~Company~~^{County}-issued equipment and containers under their control are subject to search and surveillance at all times while on ~~Company~~^{County} premises or while conducting ~~Company~~^{County} business. (See SECURITY, page 606:1.)

(4) Employees may be required to take a test at any time to determine the presence of drugs, narcotics, or alcohol, unless such tests are prohibited by law.¹⁴ Testing positive for drugs or alcohol is a violation of this policy. Employees subject to the Drug-Free Workplace Act who are convicted of any criminal drug violation occurring in the work place must report such conviction to ~~the Personnel Department~~^{that employer} ~~within five days~~^{Head}, and the ~~Personnel~~^{Head} Department is then to take appropriate action as required by law.¹²

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809:2

(5) Supervisors should report immediately to the Personnel Department ^{Head} any action by an employee who demonstrates an unusual behavior pattern.⁵ The Personnel Department ^{Head} will determine whether the employee should be examined by a physician or clinic and/or tested for drugs and alcohol. Employees believed to be under the influence⁶ of drugs, narcotics, or alcohol will be required to leave the premises. The Security Officer ^{Head} should be notified to arrange safe transit.⁷

(6) Employees who must use prescribed drugs or narcotics ^{Head} during work should report this fact to the Personnel Department along with acceptable medical documentation. A determination will then be made as to whether the employee should be able to perform his job safely and properly.⁸ (See MEDICAL PROCEDURES, page 203:1.)

(7) Employees who are experiencing work-related problems resulting from drug, narcotic, or alcohol abuse or dependency may request, or be required to seek, counseling help. (See EMPLOYEE COUNSELING, page 506:1.) ^{County} Company-sponsored or required counseling⁹ is to be kept confidential and is to have no influence on performance appraisals. Job performance alone, not the fact that an employee seeks counseling, is to be the basis of all performance appraisals.

(8) Any employee who is abusing drugs or alcohol may be granted a leave of absence to undertake rehabilitation treatment.¹⁰ (See LEAVES OF ABSENCE, page 703:1). The employee will not be permitted to return to work until certification is presented to the Personnel Department ^{Head} that the employee is capable of performing his job. Failure to cooperate with an agreed-upon treatment plan may result in discipline, up to and including termination. Participation in a treatment program does not insulate an employee from the imposition of discipline for violations of this or other ^{County} Company policies.

(9) The ^{County} Company will, to the extent feasible, provide continuing education for the work force about the ill effects of drug and alcohol abuse.¹¹

Management Rationale

¹POLICY FOCUS AND EMPLOYER GOALS: The cost of drug and alcohol abuse in terms of reduced job performance, absenteeism, and safety risks has become so great that employers cannot ignore it. However, each employer's response to the problem should be carefully thought out so that its policy accurately reflects management's philosophy and the organization's overall culture. Some employers approach the problem from a detached, results oriented position and focus only on an employee's job performance without concern for the underlying cause for poor performance. On the other hand, a growing number of employers are adopting tough policies to identify and deter abusers and require rehabilitation if the employee is to keep the job. This latter position is used in the Model Policy and seeks to balance preventive action with rehabilitation help.

PPM 7/90

In shaping and determining policy on drugs and alcohol, each organization should involve managers from at least the following areas: human resources, medical, legal, benefits, safety, and security. Normally, a task force representing these areas should be formed. A resource for the task force is the National Institute on Drug Abuse (NIDA), which is part of the Department of the Health and Human Services. NIDA has a Drug-Free Workplace Helpline (1-800-843-4871) to help employers in planning drug policy and has published a guide, *Strategic Planning for Workplace Drug Abuse Programs*.

Employers who do not have a substance abuse problem may want to omit the portions in the Model Policy that deal with substance testing. However, employers with certain Defense Department contracts are required to do so, and some other Federal contractors and grant holders must take affirmative action to provide a drug-free work place. Such employers should tailor their programs to the appropriate Federal regulations and their own special requirements. (See notes 12 and 14, below.) All employers who test should consider the comprehensive guidelines published by the Health and Human Services Department. (See also, note 14, below.) The comprehensive procedures recommended there may become a standard for acceptability. In particular, employers should avoid having adverse employment actions on test results unless they have done a second confirming test of the sample.

Employers who decide to test for drugs and alcohol should do so with great care because such programs can create morale and legal problems. Random testing of existing employees is the most effective form of abuse control but it is also the most controversial form of testing because of privacy issues and the connotation of mistrust. Testing when there is reason to believe that the employee is using or under the influence of drugs is less controversial. Regardless, any employer deciding to institute a testing program should do so only after careful legal review, because some courts and state or local laws have prohibited or restricted certain forms of testing. (See note 14, below.)

Scope of Prohibitions and Coverage: The Model Policy goes beyond the requirements of Federal law and covers all employees, deals with alcohol abuse, and addresses off-premises use of alcohol and drugs. The Drug-Free Workplace applies only to employees working directly on Federal contracts or grants, and the Defense Department interim rule applies only to employees working on Defense Department contracts involving access to classified information.

Drug Abusers: A drug abuser commonly is defined as an individual who is either a habitual abuser of drugs or who is a compulsive user on a regular basis. Such individuals are bad employment risks, and most employers will not knowingly hire them. (For a synopsis of Federal law on when employers may refuse to hire such persons, see note 13, below.)

Disciplinary Action: Employers subject to the Drug-Free Workplace Act must inform employees about the consequences of violating the organization's drug policy. In addition, employees must be made to understand the difference between an employee assistance program ("EAP") (see Comment (1), above) and company rules and disciplinary procedures. The EAP should be considered as a supplement to, but not a substitute for, appropriate disciplinary action. Employees must understand that the company rules against drug, narcotic, or alcohol usage will be enforced even though the company maintains an EAP program to help abusers. In fact, documentation of poor performance and of disciplinary action can be a positive inducement in helping a supervisor convince an employee to seek help and in responding to recalcitrant employees who resist their treatment in an EAP.

UNUSUAL BEHAVIOR PATTERNS: Supervisors need to be trained to spot mood and behavior changes that indicate an employee is having problems. When these changes involve drug or alcohol abuse, the employee when confronted is very likely to be defensive and deny the existence of a problem. Because of the sensitivity of the subject and the possibility of litigation, first-line supervisors should report any unusual behavior patterns immediately to the Personnel Department, or to some other designated individual, before taking any action at all. The supervisor's role should be to identify that a problem exists, not to diagnose or treat it. Employers exhibiting behavior problems should be handled like any other disciplinary problem, as discreetly as possible. Leaping to conclusions or making a public display of requiring an employee to have a drug or alcohol test could expose the employer to claims of retaliation, intentional infliction of emotional distress, invasion of privacy, or other legal action.

UNDER THE INFLUENCE: When supervisors feel strongly that a worker is under the influence of drugs or alcohol, they should follow the steps in Comment (2), above. In less clear-cut situations, the supervisor may want merely to make a determination that the employee is unable to perform assigned duties safely or properly and respond accordingly. This determination can be made without regard to the cause of the individual's inability to perform.

⁷**SAFE TRANSIT:** In order to limit accident and liability exposure, employers should not allow employees who have been judged unable to perform their assigned duties, because of intoxication or other impairment, to leave the premises without escort. A designated individual, such as the Security Officer, should be responsible for arranging safe transit. Both the employee's and the public's safety must be considered.

⁸**EMPLOYEES TAKING PRESCRIBED DRUGS OR NARCOTICS:** Since many prescribed medicines contain powerful drugs or narcotics, employers need some way to monitor their usage in the work place. The use of these medicines may have the unintended result of impairing an employee the same as illegal drugs or alcohol. The company needs to have control of this situation, particularly when the work is hazardous or requires precision. The Personnel Department (or medical staff) should monitor such situations and determine whether the affected employees can work safely and properly.

⁹**EMPLOYEE ASSISTANCE PROGRAMS:** Employee assistance programs ("EAPs") usually are designed to cover a whole range of employee personal problems, including those dealing with drug and alcohol abuse. The Department of Defense interim rule (see note 14, below) requires employers to provide EAP's for covered employees, while the Drug-Free Workplace Act (see note 12, below) does not. To be effective, these programs must be confidential and nonthreatening so that the employee can seek help privately and without fear of career damage. Enrollment in such programs may be either voluntary or mandatory. Employers that do not automatically terminate employees who test positive in a drug or alcohol test will often require that the employee successfully complete an EAP drug rehabilitation program as a condition for continued employment.

¹⁰**REHABILITATION TREATMENT:** A growing number of companies handle drug and alcohol addiction like any other illness and cover time-off and costs of rehabilitation treatment in their benefits and leaves of absence policies. Experience is showing, however, that, as in other areas of health care costs, the employee should have a stake in holding down the cost of the program and in making sure the treatment works. It may be advisable to have the employee share part of the cost and to limit any reimbursement to one occurrence, or a specified number, so that the employee has an extra incentive not to allow a relapse after rehabilitation.

¹¹**DRUG AWARENESS PROGRAMS:** The Drug-Free Workplace Act requires that covered employers must engage in continuing awareness programs to educate covered employees about the dangers of drug abuse in the work place. (See note 12, below.) The Act does not spell-out the requirements for awareness programs, but it would appear that compliance can be achieved by making available materials provided by such organizations as the National Institute on Drug Abuse. (See note 1, above.)

References for Legal Counsel

FEDERAL

¹²**DRUG-FREE WORKPLACE ACT:** As of March 19, 1989, all private employers that have federal contracts of \$25,000 or more, including those with the Department of Defense anti-drug contract provision (see note 14 below), are subject to The Drug-Free Workplace Act of 1988, 41 U.S.C. §§701 *et seq.* This Act neither authorizes nor prohibits employee or applicant drug screening. However, it requires employers to certify that they will provide a drug-free work place, 41 U.S.C. §702. They must issue a written statement to all employees prohibiting the illegal manufacture, distribution, dispensation, possession, or use of a controlled substance in the work place and specify the consequences of violating the policy. *Id.* In addition, the statement must require employees engaged in contract-related work to notify the employer of any criminal conviction for a drug violation occurring in the work place within 5 days of the conviction. *Id.* Employers who receive such notices must, within 30 days, either take appropriate action against the employee, up to and including termination, or require him to participate satisfactorily in a rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. 41 U.S.C. §703. Contractors must also notify the contracting government agency within 10 days after receiving notice of any employee drug convictions occurring in the work place. 41 U.S.C. §701. Finally, covered employers must also establish drug awareness programs for their employees. *Id.* A government-wide interim rule pertaining to the Act was published on January 31, 1989; final rules amending the interim rule were published on May 25, 1990 and became effective on July 24, 1990. 55 Fed. Reg. 21677.

The only contracts which are covered by the Act are procurement contracts, including purchase orders, awarded pursuant to the provisions of the Federal Acquisition Regulation. Thus, for example, the sale by banks of U.S. Treasury bonds does not subject banks to the Act, nor is the receipt of third-party Medicare reimbursements subject to the Act.

13 EMPLOYMENT OF ALCOHOLICS AND DRUG ADDICTS: Under the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., which applies to federal contractors and those employers receiving federal assistance, the term "handicapped individual" includes alcoholics and drug addicts. If an alcoholic or drug addict is performing or cause of equal employment opportunities or refusal to make reasonable accommodations to a direct threat to property or the safety of others (see 29 U.S.C. § 706(8) (B)), denial of such persons by employers subject to the Act may be deemed discriminatory. A blanket policy against the employment of current and former drug abusers may be discriminatory. See *Wallace v. Veterans Administration*, 583 F. Supp. 758 (D.C. Kan., 1988); *Johnson v. Smith*, 39 Empl. Prac. Cases (CCH) ¶ 136,020 (D. Minn., 1988); *Davis v. Bucher*, 451 F. Supp. 191 (E.D. Pa., 1978); *Whitaker v. Board of Higher Education of the City of New York*, 481 F. Supp. 99 (E.D. N.Y., 1978); *Alkins v. Board of Education of School District III, Highland Park, Illinois*, 28 EP Cases (BNA) 569 (N.D. Ill., 1980). But see *Traylor v. Insurance*, 455 U.S. 335, 99 L. Ed. 2d 618 (1988) (upholding Veterans Administration's treatment of alcoholism as "willful misconduct" resulting in denial of certain benefits). Alcohol and drug addiction may also be protected "handicaps" under state employment discrimination statutes.

An individual's use of drugs which impairs his ability to perform job duties safely or adequately may justify an employer's refusal to hire such person. In *New York City Transit Authority v. Beazer*, 440 U.S. 568 (1982), the United States Supreme Court held that the policy of the New York Transit Authority excluding the employment of narcotic users was acceptable even though such individuals may be in a rehabilitation program. In finding this exclusion constitutional, the Court suggested that federal courts could not intervene in an employer's policy decision which excluded from employment individuals with drug problems which could affect their performance or threaten public safety or property. See also *Heron v. McGuire*, 503 F. 67 (2d Cir. 1986).

14 DRUG SCREENING: In the private sector, in the absence of a state or local statute or a union agreement, employers are generally unrestricted in their responses to employee drug abuse. Many employers may find that they do not need to develop drug testing policies for employees or applicants and can, instead, rely on discipline policies to control any drug and alcohol use problems. Private employers who are not required to test employees should adopt testing policies only after careful consideration of their needs. This care should be taken because testing is expensive and the procedures for obtaining samples and protecting their integrity can be very cumbersome. Also, testing is a sensitive issue that is likely to provoke litigation. Those private employers who decide to implement testing programs should be careful to consult state and local law, which may restrict or regulate the employer's conduct in a variety of ways.

Under the Americans with Disabilities Act ("ADA"), P.L. 101-336, employer testing to determine the "illegal use of drugs" is not considered a medical examination for purposes of the Act. (For coverage and effective dates of ADA, see page 10:0A.) The ADA permits employers to test applicants for illegal drug use before a conditional offer of employment has been extended. The Act also permits private sector employers to test current employees for illegal drug use on a random or "for cause" basis. Note, however, that an employer may only test for the "illegal use of drugs." In addition, an applicant who is taking drugs under medical supervision need not disclose such medical condition before a conditional offer of employment is made. Accordingly, an employer must ensure that any pre-offer drug screen it uses only identifies "illegal drugs." Despite the ADA's explicit approval of drug testing, employers should continue to exercise caution and ensure reliability in maintaining a drug-testing program. It remains an open question whether an individual who is not hired or is discharged based upon a false-positive or a positive result caused by medication being taken under medical supervision may challenge this action under the ADA.

Some private employers may be required to test their employees. Under the Department of Defense's ("DOD's") interim rule, 48 C.F.R. § 223.252, employers who have certain kinds of DOD contracts must develop a drug-free work place program that meets the following criteria: (i) develop policies for testing at least those employees in sensitive positions; (ii) develop policies for random drug testing (other employees and applicants may also be tested, but the rule is concerned only with illegal drug use not for instance, with alcohol use); (iii) develop policies for removing employees found to use illegal drugs from sensitive positions and for determining when they may return to those positions; (iv) develop policies to deal with other employees not in sensitive positions found to use illegal drugs; and (v) train supervisors to identify and address illegal drug use. The interim rule is effective for solicitation and certain kinds of resulting contracts issued on or after October 31, 1988.

The majority of courts which have considered private employers' drug testing programs have upheld them where there was no statutory restriction. See *Brooker-*

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hood of Maintenance of Way Employees, Lodge 18 v. Burlington Northern Railroad Co., 302 F.2d 1016 (8th Cir. 1986); *Oil, Chemical & Atomic Workers Local 8-10 v. Amoco Oil Co.*, 653 F. Supp. 300 (D. N.D. 1986); *D'Tomasa v. Electronic Data Systems, No. 87-CV-80320-AA* (E.D. Mich. 1988) (Michigan constitutional provision against search and seizure inapplicable to a private company); *Luedtke v. Nabors Alaska Drilling, Inc.*, 768 P.2d 1123 (Alas. 1989) (constitutional right to privacy inapplicable to private company). But, a federal district court in Utah enjoined a company from testing its employees for drug use until an arbitrator could decide whether the program violated the collective bargaining agreement in effect at one of its plants. *Workers Local 2-236 v. Amoco Oil Co.*, No. 86-C-09889 (D. Utah 1986). In New Jersey, the state Supreme Court found that the New Jersey state constitutional right against unreasonable searches prohibits random drug testing by a private company. *Hennessey v. Coastal Eagle Point Oil Co.*, No. W-903611-26 (N.J. S. Ct. 1989). And in California, a state court enjoined a company from continuing its 11-month-old random drug testing program, finding that the workers' right to privacy, protected by the state constitution, outweighed the company's interests. The court noted, however, that proof that the program alleviated serious safety risks or reduced a "major" drug problem might tip the balance in the company's favor. See also, *Luck v. Southern Pacific Transportation Co.*, 213 Cal. App. 3d 267 Cal. Rptr. 613 (1990), appeal denied, (random drug test of a computer operator violates privacy right because it's not a safety position); *James Semour v. Eric Pool, et al.*, 217 Cal. App. 3d 1087, 266 Cal. Rptr. 230 (1990), appeal denied. Yet another California appellate court upheld the constitutionality of screening job applicants for drugs given the limited intrusiveness of the drug screen and the minimal expectation of privacy of a job applicant as opposed to an employee. *Wilkinson v. Times Mirror Corp., et al.*, 215 Cal. App. ed. 1034 (3rd Div. 1989), appeal denied, No. 5013479, (March 15, 1990).

In the absence of an agreement, a unionized employer seeking to implement a drug testing program must first notify the union, and, upon request, bargain on the matter. *Johnson-Bateman v. International Association of Machinists and Aerospace Workers*, 295 N.L.R.B. No. 36 (1989). The NLRB General Counsel has stated that injunctive relief under §10(j) of the National Labor Relations Act ("NLRA") is available to block unilateral implementation. Further, the General Counsel plans to seek reinstatement of employees who are discharged for testing positive on unlawfully implemented drug tests. Daily Labor Report (BNA) No. 115, June 15, 1988, at A-4. The General Counsel will argue that an unlawful test creates a presumption in favor of reinstatement with backpay; however, employers may rebut the presumption by establishing that the employee is unfit for employment and may use the test results to do so. Daily Labor Report (BNA) No. 79, April 25, 1988, at D-1.

However, employers need not bargain with unions over drug testing of job applicants. In *Star Tribune v. The Newspaper Guild of the Twin Cities*, 295 N.L.R.B. No. 63 (1989), the Board held that drug screening for prospective employees is not a mandatory bargaining subject. According to the Board, job applicants do not fall within the ordinary meaning of "employees" under the National Labor Relations Act; moreover, such testing does not vitally affect the terms and conditions of employment for current employees.

In contrast to cases under the NLRA, the Supreme Court has ruled that under the Railway Labor Act, drug testing gives rise to a "minor" dispute, rather than a "major" dispute, and is thus not a mandatory subject of bargaining. *Consolidated Rail Corp. v. Railway Labor Executives' Association*, 491 U.S. —, 105 L. Ed. 2d 250 (1989).

If a collective bargaining agreement prohibits or provides for some form of drug testing, disputes over testing will be decided by an arbitrator's interpretation of the agreement and federal judicial review is extremely limited. See *Northwest Airlines, Inc. v. Air Line Pilots Ass'n*, 308 F.2d 75 (D.C. Cir. 1987), cert. denied, 100 L. Ed. 2d 212 (1988) (court upheld arbitration award directing airline to rehire pilot who was discharged for dying a passenger jet while intoxicated). But see *Delta Air Lines, Inc. v. Air Line Pilots Ass'n*, 361 F.2d 665 (11th Cir. 1988) (declining to enforce arbitration award on similar facts); *S. D. Warren Co. v. United Paperworkers Int'l Union*, 345 F.2d 3 (1st Cir.), cert. denied, 109 S. Ct. 555 (1988) (arbitrator exceeded authority by reinstating workers fired for selling marijuana on company property).

Employees asked to submit to drug tests or those who are discharged, disciplined, counselled, or not hired because of test results indicating drug usage may consider filing a variety of legal claims against the employer. These claims may include: invasion of privacy (relating to sampling procedures or reporting test results); intentional or negligent infliction of emotional distress (relating to any part of the testing process); negligence (relating to the conduct of the test or the selection of a laboratory, the supervision of the sampling process, or the supervision of those who asked the employee to submit to the test); defamation (relating to disclosure of test results or disclosure that the individual was asked to submit to a test because of a "reasonable suspicion" of drug use); wrongful discharge in violation of public policy (relating to testing procedures not legally proper); breach of express or implied contract (relating

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The Department of Transportation ("DOT") has adopted an interim final rule, 49 C.F.R. § 390.40 *et seq.*, specifying drug testing procedures for both private and public employers subject to regulation by its operating administrations (Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, and U.S. Coast Guard, Urban Mass Transportation Administration, and Research and Special Programs Administration). The rule was effective January 2, 1990. The above listed subordinate administrations of the DOT have all issued their own final rules concerning such issues as which employees and applicants can be tested, under what circumstances and for what substances they can be tested, and how the employer must respond to tests including illegal drug use. The rules were effective December 21, 1988, although some agencies provided extensions for employers meeting certain criteria. The Federal Railroad Administration's rule, 49 C.F.R. § 390.40, amends its earlier rule, which the United States Supreme Court upheld as constitutional in *Skinner v. Railway Labor Executives Association*, 489 U.S. 103 L. Ed. 2d 639 (1989). The earlier rule mandated drug and alcohol testing when employees had been involved in accidents and permitted tests when supervisors had reasonable suspicion that an employee was under the influence of alcohol or had been involved in a safety incident. Similarly, the Court approved the Customs Service's testing of employees seeking transfer or promotion to sensitive positions. *National Treasury Employees Union v. Von Raab*, 489 U.S. 103 L. Ed. 2d 685 (1989). The new rule goes further and requires random testing for drug usage.

Testing public sector employees may raise privacy considerations because government employers are constrained by the constitutional guarantees against invasions of privacy and unreasonable searches and seizures. Pursuant to Executive Order 12564, issued September 13, 1986, the Department of Health and Human Services issued final guidelines on drug testing programs in federal agencies, 54 Fed. Reg. 11970 (April 11, 1988). The guidelines require, among other things, a secure site with personnel and equipment to collect, store, and ship specimens; employee privacy while providing a specimen, except where there is reason to expect tampering or substitution of the specimen; random testing for assuring the sample's integrity; substances to be tested for; and qualification standards for testing laboratories.

Some federal courts have held that random testing of state or local public employees is unconstitutional where reasonable suspicion of the individual is lacking. See *Loewen v. City of Chattanooga*, 846 F. 2d 1539 (6th Cir. 1988) (testing of all firefighters, police officers, and emergency personnel without any suspicion of individualized drug use or evidence of a department-wide problem is unconstitutional). However, other courts have approved drug testing in certain situations. For example, in *Shoemaker v. Handal*, 795 F. 2d 1136 (3d Cir. 1986), the court ruled that the New Jersey Racing Commission requirement that jockeys submit to random breathalyzer tests and urinalysis was constitutional. The court's ruling took note of the state's strong interest in assuring the public of the industry's integrity and the jockey's reduced expectation of privacy resulting from the state's historically heavy regulation of the industry. The court did, however, note that the Commission must comply with its own rules regarding confidentiality of the test results. In order to preserve the jockey's right to privacy of medical information, the U.S. Court of Appeals for the Eighth Circuit relied on *Shoemaker v. Handal*, 809 F. 2d 1302 (8th Cir. 1987). The court upheld the use of urinalysis and random urinalysis testing for medium and maximum security prison employees who came into regular contact with inmates. The court reasoned that the use of drugs by such employees posed a real threat to the security of the prison and that the testing program was the least intrusive method of controlling the problem. The court qualified its ruling, however, saying that urinalysis testing other than that performed randomly or uniformly may be done only on the basis of a reasonable suspicion, supported by specific objective facts and reasonable inferences that the employee was then under the influence of drugs or alcohol or that the employee had used a controlled substance within twenty-four hours before the test. The court also required the establishment of the strict guidelines to assure confidentiality and an accurate and trustworthy testing procedure. The "reasonable suspicion" restriction was also applied to the more intrusive measures of strip searches of prison employees suspected of carrying drugs and to blood testing, which were also challenged and approved in the case. See also, *Jones v. McKinnis*, 333 F. 2d 335 (D.C. Cir. 1987).

In addition, several states and municipalities have enacted legislation regulating drug testing. Such legislation often requires employers to inform applicants in advance that they will be tested, restricts testing of current employees to situations where the employer has reasonable or probable cause to believe that an employee is using or under the influence of drugs, and/or specifies the qualifications and procedures to be applied by testing laboratories. Employers who wish to institute drug testing procedures should keep abreast of new legislative enactments that may apply to them and take care to develop clear, written testing procedures.

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Public Sector

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 11th DAY OF July 1991.

RESOLUTION AUTHORIZING 25 mph Speed Limit Sign(s) on Hunters Trail - 5th C.D.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 11th day of July 1991.

THAT BE IT RESOLVED, That 25 mph speed limit sign(s) be posted on Hunters Trail (road to the Sullivan County Landfill) in the 5th Civil District.

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991.

Attested: Gay B. Feacher Date: 8-12-91 Wm H. "John" McKamey 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER Belcher ESTIMATED COST: _____
SECONDED BY COMMISSIONER Hicks FUND: _____

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	<u>{AYE }</u>	<u>{NAY }</u>	<u>{PASS }</u>	<u>{ABSENT}</u>	<u>{TOTAL}</u>
Roll Call	_____	_____	_____	_____	_____
Voice Vote	<u>X</u>	_____	_____	_____	_____

COMMENTS: FIRST READING 7/11/91 PASSED 8/12/91 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 11th DAY OF July 1991.

RESOLUTION AUTHORIZING Accountability for Overtime Pay

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 11th day of July 1991.

THAT WHEREAS, It is recognized that in many cases the use of overtime is essential for a department of county government to provide essential services for its citizens, and,

WHEREAS, Not all county offices are reflecting the practice of using overtime pay in their budgets; and

WHEREAS, Indiscriminate use of overtime can add considerable expense to the cost of government; and

WHEREAS, A county commission operating under the County Budgeting Laws of 1957 has the authority to alter proposed budgets of county officials elected county-wide; therefore

BE IT RESOLVED, That all Sullivan County Officials, both appointed and elected, be requested to submit an accounting of any overtime pay incurred in the operation and duties of their respective office.

AMENDMENT:

FURTHER BE IT RESOLVED, That a quarterly report be made to the Sullivan County Commission said report to include the following specifics: Date, Employee, Nature of Emergency, Time (In and Out), and Cost.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 18th day of August, 1991

Handwritten signature: Gay R. Feathers

Date: 8-12-91 Wm. H. "John" McKamey County Executive Date: 8-12-91

INTRODUCED BY COMMISSIONER R. Groseclose ESTIMATED COST: _____
SECONDED BY COMMISSIONER M. Rutherford FUND: _____

Table with columns: COMMITTEE ACTION, APPROVED, DISAPPROVED, DEFERRED, DATE. Rows: Administrative, Budget, Executive.

Table with columns: COMMISSION ACTION, {AYE}, {NAY}, {PASS}, {ABSENT}, {TOTAL}. Rows: Roll Call, Voice Vote.

COMMENTS: First Reading 7/11/91 (will be amended for second reading)
Second Reading 8/12/91
RESOLUTION + AMENDMENTS PASSED 8/12/91 ROLL CALL
(See next page)

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 11th DAY OF July 1991.

RESOLUTION AUTHORIZING No Parking Sign(s) on Spardale Street in the 7th Civil District

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 11th day of July 1991.

THAT BE IT RESOLVED, That in order to ensure the protection and safety of the residents of Spardale Street, and to allow emergency vehicles to enter the subdivision that "No Parking" sign(s) be posted on Spardale Street from the intersection of Spardale with Cooks Valley Road to power pole #1082-229 in the 7th Civil District.

8-12-91

AMEND: COMM. BLALOCK - BE POSTED ON BOTH SIDES OF THE STREET.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 18th day of August, 1991

Gay B. Fechner
County Clerk

Date: 8-12-91 Wm. H. "John" McKamey 8-12-91
County Executive

INTRODUCED BY COMMISSIONER Blalock ESTIMATED COST: _____
SECONDED BY COMMISSIONER H. Childress/Krell FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	<u>X</u>	_____	_____	<u>8-5-91</u>
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE}	{NAY}	{PASS}	{ABSENT}	{TOTAL}
Roll Call	_____	_____	_____	_____	_____
Voice Vote	<u>x</u>	_____	_____	_____	_____

COMMENTS: _____ FIRST READING 7/11/91 PASSED ^{as amended} 8/12/91 Voice Vote

ACCOUNTABILITY FOR OVERTIME PAY

THAT WHEREAS, it is recognized that in many cases the use of overtime is essential for a department of government to provide needed services for its citizens; and,

WHEREAS, not all county offices are reflecting the practice of using overtime pay in their budgets; and,

WHEREAS, indiscriminate use of overtime can add considerable expense to the cost of government.

NOW, THEREFORE, BE IT RESOLVED, that all Sullivan County Officials, both appointed and elected, be requested to submit an accounting of any overtime pay incurred in the duties and operation of their respective office, and

BE IT FURTHER RESOLVED, that a quarterly report be made to the Sullivan County Commission, said report to include the following specifics: Date, Employee, Nature of Emergency, Time (In & Out), Cost.

Groseclose
Rutherford

Amendment:

EMS is to submit date, total hours of overtime per employee, and amount - this will be unscheduled overtime.

RESOLUTION + AMENDMENT PASSED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 11th DAY OF July 1991.

RESOLUTION AUTHORIZING 4-Way Stop Sign at I/S of Bell and Hawk Streets - 18th Civil District

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 11th day of July 1991.

THAT BE IT RESOLVED, That a 4-Way Stop Sign be posted at the intersection of Bell and Hawk Streets in the 18th Civil District.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Gay P. Feacher
County Clerk

Duly passed and approved this 12th day of August, 1991

Attested: _____ Date: 8-12-91 Wm H. "John" McKamey County Executive Date: 8-12-91

INTRODUCED BY COMMISSIONER BLALOCK ESTIMATED COST: _____

SECONDED BY COMMISSIONER H. CHILDRESS/KRELL FUND: _____

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	<u>X</u>	_____	_____	<u>8-5-91</u>
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	<u>{AYE }</u>	<u>{NAY }</u>	<u>{PASS }</u>	<u>{ABSENT}</u>	<u>{TOTAL}</u>
Roll Call	_____	_____	_____	_____	_____
Voice Vote	<u>x</u>	_____	_____	_____	_____

COMMENTS: FIRST READING 7/11/91 PASSED 8/12/91 Voice Vote

TO THE HONORABLE Wm. H. McKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION

THIS THE 11 DAY OF July, 1991.

RESOLUTION AUTHORIZING the assignment of a General Fund Account number to
the Drug Task Force for the purpose of paying the Drug Task
Force secretary

WHEREAS, TENNESSEE CODE ANNOTATED, SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County Tennessee, assembled in special Session on the 11 day of July, 1991,

THAT the Sullivan County Commission has ratified the execution of a contract
through the State of Tennessee to operate the Drug Task Force of the
Second Judicial District and all funds thereof come from State, Federal
and local matching monies and that the Board of Directors of said Drug
Task Force by authority granted them has employed Johnnie Baker as a
full-time secretary with her salary and the employer's portion of FICA
to be fully paid from DTF funds. In order that Federal Withholding
taxes and employee FICA may be deducted from her salary, it is necessary
that she be placed on County payroll register, and it is hereby
resolved that as a bookkeeping measure only, this be done through
assignment of a General Fund account number.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991.

ATTESTED:

Ray B. Feathers
County Clerk
Date: 8-12-91

APPROVED:

Wm H. John McKamey
County Executive
Date: 8-12-91

INTRODUCED BY COMMISSIONER Harr ESTIMATED COSTS: _____

SECONDED BY COMMISSIONER W. Anderson FUND: _____

COMMISSION ACTION: (aye) (nay) (absent)

ROLL CALL 23 _____ 1

VOICE VOTE _____

COMMITTEE ACTION: APPROVED DISAPPROVED DATE

Administrative X _____ 8-5-91

Budget X _____ 8-8-91

Executive _____ _____

COMMENTS: FIRST READING 7/11/91 PASSED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN SPECIAL SESSION THIS THE 12th DAY OF AUGUST 1991

RESOLUTION AUTHORIZING APPROVAL OF PRE-HOSPITAL CARE REGULATORY BOARD (PHCRB) BY-LAWS

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in SPECIAL Session on the 12th day of August 1991

THAT the Pre-Hospital Care Regulatory Board (PHCRB) will enhance the medical response system in Sullivan County and,

WHEREAS, the PHCRB will be allowed to govern pre-hospital care providers and the pre-hospital care system,

NOW THEREFORE BE IT RESOLVED, that the by-laws of the Pre-Hospital Care Regulatory Board be adopted by the Sullivan County Commission.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 12th day of August, 19__ 91

Attest: *Gay B. Feathers* Date: 8-12-91 *Wm H "John" McKamey* Date: 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER R. Groseclose ESTIMATED COST:

SECONDED BY COMMISSIONER W. Anderson/W. McConnell FUND:

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	<u>{AYE }</u>	<u>{NAY }</u>	<u>{PASS }</u>	<u>{ABSENT}</u>	<u>{TOTAL}</u>
Roll Call	<u>22</u>	<u>1</u>	<u>1</u>		
Voice Vote					

COMMENTS: Waiver of Rules PASSED 8/12/91 Roll Call

ATTACHMENT
Res. #15

BY-LAWS
OF
SULLIVAN COUNTY PRE-HOSPITAL CARE REGULATORY BOARD

ARTICLE I

NAME

The name of the organization is Pre-Hospital Care Regulatory Board (hereinafter called The Board). The Board has been designated to govern and support all pre-hospital care providers, dispatch centers or any agency or organization that provides emergency or convalescent care in a pre-hospital setting within the boundaries of Sullivan County.

ARTICLE II

OBJECTIVES AND PURPOSE

- 1) Develop a county-wide quality assurance program.
- 2) Coordinate pre-hospital care in Sullivan County.
- 3) Standardize training for each agency in Sullivan County.
- 4) Standardize protocols for each type of service or agency.

- 5) Design, maintain and enforce a standard of care for Sullivan County.
- 6) Assure rapid and equal patient care by all agencies.
- 7) Coordinate medical dispatch centers.
- 8) Submit necessary reports to Sullivan County Commission.

ARTICLE III

POSITIONS

The Board shall consist of the following members for the indicated terms as appointed by the Sullivan County Commission. Members after these initial appointments will be appointed for a three year term, beginning October 1, ending September 30.

County Commissioner	one year
County Commissioner	two year
County Commissioner	one year
Emergency Room Physician, HVH&MC	one year
Emergency Room Physician, IPMC	two year
Emergency Room Physician, BRMC	one year
Emergency Medical Technician	one year
Emergency Medical Technician	two year
Certified Registered Nurse (Critical Care RN preferred)	one year
E-9-1-1, Communications	permanent
Paramedic	three year

First Responder	one year
EMA Director	permanent
Citizen at Large	one year

Election of officers shall be held at the first regular meeting following October 1.

The Chairman of the Board shall be elected by the majority of the present membership for a two year term and will chair all meetings in accordance to Robert's Rules of Order. The Chairman shall be a voting member.

The Vice Chairman of the Board shall be elected by the majority of the present membership for a two year term and will chair meetings in the absence of the chairman.

The Secretary shall be elected by the majority of membership present for a two year term. The secretary is responsible for the minutes and distribution and all correspondence concerning Board business.

Should a member resign or for any other reason cease to represent his or her organization or category, that person will resign and be replaced by another qualified person to complete the expired term.

Vacancies shall be filled by the County Commission for the positions. Terms shall be as described as above. Any member who is absent for more than two (2) consecutive meetings, shall be considered to have resigned. Resignation will be subject to approval of the Board.

ARTICLE IV**MEETINGS**

The Board shall meet quarterly or as needed for special called meetings.

Special meetings may be called for by either the Chairman, Vice Chairman, or three (3) members of the board. Fifty percent of the Board Members shall be present {including one (1) Physician} in order to conduct a meeting.

ARTICLE V**AMENDMENTS**

Amendments to the By-Laws shall be submitted by the Secretary, to the Board sixty (60) days before the Board meetings; and must be approved by three-fourths majority present for approval.

ARTICLE VI**POWERS**

Under provisions of TCA 7-61-103, the governing body of any county may adopt, and enforce regulations for the protection of the public welfare. The Board shall have the authority to reprimand, place on probation, or prohibit from working within the county,

the following list: paramedics, EMTs, first responders, or rescue squads, private ambulance services, and Sullivan County Emergency Medical Service or any agency/organization which provides or helps to provide pre-hospital care services in the boundaries of Sullivan County. The Board shall also make recommendations to the Tennessee and/or Virginia State EMS Boards for appropriate action in regard to licenses or certifications regarding persons and/or organizations which might be in violation of any statute of their respective state.

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING 25 mph Speed Limit Signs on Newland Ave. off Bloomingdale Rd. - 10th C.D.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That 25 mph Speed Limit signs be posted on Newland Avenue in the Bloomingdale Community, 10th Civil District, of Sullivan County.

Delete BE IT FURTHER RESOLVED, That "Children At-Play" signs also be erected on Newland Avenue.

AMEND:
8/12/91 Comm. Surgenor - DELETE LAST PARAGRAPH

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Gay
Duly passed and approved this 12th day of August 1991
Attested: B. Feathers Date: 8-12-91 Wm. H. "John" McKamey Date: 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER Surgenor ESTIMATED COST: _____
SECONDED BY COMMISSIONER Patrick FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	<u>X</u>	_____	_____	<u>8-5-91</u>
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE}	{NAY}	{PASS}	{ABSENT}	{TOTAL}
Roll Call	_____	_____	_____	_____	_____
Voice Vote	<u>X</u>	_____	_____	_____	_____

COMMENTS: WAIVER OF RULES PASSED 8/12/91 as amended 2/3 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING Appropriation to Correct Salaries Paid During the Fiscal Year 1990-1991

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT WHEREAS, Through errors and omissions the following employees were underpaid during the Fiscal Year 1990-91:

	PAID	CORRECT AMT.	DIFFERENCE
Bob Larkins, Youth Svc. Officer	\$ 23,341.50	\$ 23,360.25	\$ 18.75
Kim Sims, Youth Service Officer	22,932.00	23,215.50	283.50
J.D. Wilson, Highway Commissioner	43,218.00	46,848.00	3,630.00
TOTAL ADJUSTMENT			\$ 3,932.25

THEREFORE BE IT RESOLVED, That \$3,932.25 be appropriated from Unappropriated Surplus Account No. 39000.000 and distributed to the following personnel accounts:

53502.100 - Personal Services - Juvenile Court Kingsport	\$ 302.25
61000.100 - Personal Services - Highway Administration	3,630.00
TOTAL AMOUNT	\$ 3,932.25

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991.

Gay
 Attested: B. Feathers Date: 8-12-91 Wm H. John W H. Kamey Date: 8-12-91
 County Clerk County Executive

INTRODUCED BY COMMISSIONER Blalock ESTIMATED COST: _____
 SECONDED BY COMMISSIONER Ferguson FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	<u>X</u>	_____	_____	<u>8-5-91</u>
Budget	<u>X</u>	_____	_____	<u>8-3-91</u>
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE}	{NAY}	{PASS}	{ABSENT}	{TOTAL}
Roll Call	<u>23</u>	_____	_____	_____	<u>1</u>
Voice Vote	_____	_____	_____	_____	_____

COMMENTS: Waiver of Rules PASSED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING 25 MPH Speed Limit Signs on Flatwoods Road - 3rd C.D.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That 25 mile per hour speed limit signs be posted on Flatwoods Road (about 2-3/4 miles of roadway) from where it intersects with State Route 44 to its entrance to the National Forest property.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Gay

Attested B. Feathers
County Clerk

Date: 8-12-91 Wm H. "John" McKamey Date: 8-12-91
County Executive

INTRODUCED BY COMMISSIONER Jones ESTIMATED COST: _____
SECONDED BY COMMISSIONER Hyatt FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	X			8-5-91
Budget				
Executive				

COMMISSION ACTION	{AYE}	{NAY}	{PASS}	{ABSENT}	{TOTAL}
Roll Call					
Voice Vote	X				

COMMENTS: WAIVER OF RULES PASSED 8/12/91 2/3 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING 25 MPH Speed Limit Signs on McKee Road - 9th C.D.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That 25 mile per hour speed limit signs be posted on McKee Road, (approximately 3/4 mile in length) off Carter Hill Road in the 9th Civil District of Sullivan County.

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Attested: Gay B. Feathers Date: 8-12-91 Wm H. "John" McKamey 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER Jones ESTIMATED COST: _____

SECONDED BY COMMISSIONER Hyatt FUND: _____

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	<u>X</u>	_____	_____	<u>8-5-91</u>
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	<u>{AYE}</u>	<u>{NAY}</u>	<u>{PASS}</u>	<u>{ABSENT}</u>	<u>{TOTAL}</u>
Roll Call	_____	_____	_____	_____	_____
Voice Vote	<u>X</u>	_____	_____	_____	_____

COMMENTS: Waiver of Rules PASSED 8/12/91 2/3 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING Pedestrian Walkway on Franklin Street to Accomodate Tri-City Bank Employees Traveling To and From Bank Locations

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT WHEREAS, Tri-City Bank has a newly built facility located across Franklin Street in Blountville, and

WHEREAS, Employees walk from the main location of the Bank to its new facility, therefore

BE IT RESOLVED, That a pedestrian walkway be designated on Franklin Street by painting yellow lines on the the pavement of that street to indicate that it is a cross walk and W.Va.

FURTHER BE IT RESOLVED, That signs be posted on Franklin Street to specify the Pedestrian Crossing.

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Gay

Attested: B. Teachus
County Clerk

Date: 8-12-91 Wm H. "John" McKamey
County Executive

INTRODUCED BY COMMISSIONER Belcher ESTIMATED COST: _____
SECONDED BY COMMISSIONER Hicks FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	<u>X</u>	_____	_____	<u>8-5-91</u>
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE }	{NAY }	{PASS }	{ABSENT}	{TOTAL}
Roll Call	_____	_____	_____	_____	_____
Voice Vote	<u>X</u>	_____	_____	_____	_____

COMMENTS: Waiver of Rules PASSED 8/12/91 2/3 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING 15 mph Speed Limit Signs on Mockingbird Place - 5th C.D.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That two (2) 15 mile per hour speed limit signs be posted on Mockingbird Place (off Highway 37) in the 5th Civil District.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Attested: *Gay B. Feacher* Date: 8-12-91 *Wm H. "John" McKamey* 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER Belcher ESTIMATED COST: _____
SECONDED BY COMMISSIONER Hicks FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	<u>X</u>	_____	_____	<u>8-5-91</u>
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION {AYE } {NAY } {PASS } {ABSENT} {TOTAL}
Roll Call _____
Voice Vote X

COMMENTS: Waiver of Rules PASSED 8/12/91 2/3 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING A Maintenance Supervisor - County Buildings

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT WHEREAS, The Sullivan County Purchasing Department functions under the Private Act of 1947, and

WHEREAS, Section 10 of the 1947 Act reads as follows: "That the County Purchasing Agent shall devote his or her full and entire time to the duties imposed under the provisions of this Act, and office shall be opened and maintained at Blountville and shall remain open for business at least five (5) days during the week except at such times when it is necessary for the County Purchasing Agent to be on official business elsewhere in the County", therefore

BE IT RESOLVED, That the Purchasing Agent be released from supervising the maintenance and renovation of County Buildings, and

FURTHER BE IT RESOLVED, That a Supervisory Position be filled from a current employee who will continue to perform his or her currently assigned task in addition to taking on these additional duties. This position will report and be accountable to the County Executive, and this resolution does comply with Resolution Number 6, approved July 11, 1991, and

FURTHER BE IT RESOLVED, That the Chair, Vice-Chair, Protem Committee make recommendations as to the Renovation Projects for County Buildings, and the County Executive advise and make recommendations to the Sullivan County Board of Commissioners as to Renovation Projects, and

FURTHER BE IT RESOLVED, That the Chair, Vice-Chair, Protem Committee interview all applicants and make their recommendation to the Sullivan County Board of Commissioners, as to the person they feel is most suited for filling this position.

(SEE PAGE #2 FOR AMENDMENT)

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Attested: Gay B. Frazier County Clerk Date: 8-12-91 Wm H. "John" McKamey County Executive Date: 8-12-91

INTRODUCED BY COMMISSIONER O.W. Ferguson ESTIMATED COST: _____
SECONDED BY COMMISSIONER C. Belcher FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE }	{NAY }	{PASS }	{ABSENT}	{TOTAL}
Roll Call	19	2	1	2	
Voice Vote					

COMMENTS: AMEND: 8/12/91
Motion by: Comm. DeVault
SECONDED BY: Comm. Mithorn
Delete last paragraph and substitute -
BE IT FURTHER RESOLVED, That the County Executive interview applicants for
this position. ADMENDMENT APPROVED - 2/3 Voice Vote

WAIVER OF RULES PASSED AS AMENDED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN ~~Regular~~ Special SESSION THIS THE 12th DAY OF July, 1991

RESOLUTION AUTHORIZING approval of certain amendments to the lease agreement between the Industrial Development Board of Sullivan County and Tennessee Distribution, Inc.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 11th day of July, 1991

THAT the Industrial Development Board of Sullivan County and Tennessee Distribution, Inc., having entered into a lease agreement containing an in-lieu-of-tax arrangement, now desire to amend such lease by placing a cap on the amount of the in-lieu-of-tax benefits. Further, that Sullivan County, through its County Executive, shall review and execute such documents as may be necessary to evidence Sullivan County's approval of such lease, as amended.

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

This resolution shall become effective on Aug. 12 ~~July 11~~, 1991 the public welfare requiring it.

Duly passed and approved this 12th day of Aug, 1991
Attested: Gay B. Fickus County Clerk Date: 8-12-91
Wm. H. "John" McKamey County Executive Date: 8-12-91

INTRODUCED BY COMMISSIONER H. Chisum ESTIMATED COST: _____
SECONDED BY COMMISSIONER C. Becke FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE }	{NAY }	(PASS)	(ABSENT)
Roll Call	<u>21</u>	_____	<u>1</u>	<u>2</u>
Voice Vote	_____	_____	_____	_____

COMMENTS: WAIVER OF RULES PASSED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING 3-Way Stop Sign at I/S of Peoples Road and Crestview Subdivision - 2nd C.D.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That a 3-way stop sign be posted at the intersection of Peoples Road and Crestview Subdivision in the 2nd Civil District of Sullivan County.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Gay

Attested: S. Teague Date: 8/12/91 Wm. H. "John" McKamey 8-12-91

County Clerk _____ County Executive _____
INTRODUCED BY COMMISSIONER Trivett ESTIMATED COST: _____
SECONDED BY COMMISSIONER Rutherford FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE }	{NAY }	{PASS }	{ABSENT}	{TOTAL}
Roll Call	_____	_____	_____	_____	_____
Voice Vote	_____	_____	<u>X</u>	_____	_____

COMMENTS: Waiver of Rules PASSED 8/12/91 2/3 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING No Parking Sign at 247 Nita Street - 2nd C.D.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT WHEREAS, Vehicles parked in front of the Poston residence at 247 Nita Street are preventing U.S. Mail delivery, therefore _____

BE IT RESOLVED, That a No Parking sign be posted at 247 Nita Street in the 2nd Civil District of Sullivan County.

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991.

Attested: *Gay B. Feathers* Date: 8-12-91 *Wm H. "John" McKamey* 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER Trivett ESTIMATED COST: _____
SECONDED BY COMMISSIONER Rutherford FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	{AYE }	{NAY }	{PASS }	{ABSENT}	{TOTAL}
Roll Call	_____	_____	_____	_____	_____
Voice Vote	X	_____	_____	_____	_____

COMMENTS: Waiver of Rules PASSED 8/12/91 2/3 Voice Vote

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING Up to \$35,000 from R.O.W. Acct. #58901.700 - Overhill Drive Project

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That up to \$35,000.00 be used from the Right-of-Way Account #58901.700 to purchase Right-of-Way from eight (8) property owners for the widening of Overhill Drive.

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Gay B. Feathers
County Clerk

Date: 8-12-91 *Wm H. "John" McKamey* County Executive Date: 8-12-91

INTRODUCED BY COMMISSIONER McConnell ESTIMATED COST: _____

SECONDED BY COMMISSIONER Fortune FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	<input checked="" type="checkbox"/>	_____	_____	<u>8-7-91</u>

COMMISSION ACTION	{AYE}	{NAY}	{PASS}	{ABSENT}	{TOTAL}
Roll Call	<u>20</u>	<u>2</u>	<u>2</u>	_____	_____
Voice Vote	_____	_____	_____	_____	_____

COMMENTS: WAIVER OF RULES PASSED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING Transfer \$152,406.00 from Acct. #35555 to Acct. #62004.700 - Highway Fund

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That a transfer of \$152,406.00 from Account #35555 (Reserve for Bridges) to Account #62004.700 (Capital Outlay) be made for the Rock Springs Road Project.

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

This resolution shall become effective on _____, 1991, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Attested: Gay B. Teaches County Clerk Date: 8-12-91 Wm H. "John" McKamey County Executive Date: 8-12-91

INTRODUCED BY COMMISSIONER McConnell ESTIMATED COST: _____
SECONDED BY COMMISSIONER Fortune FUND: _____

COMMITTEE ACTION:	APPROVED	DISAPPROVED	DEFERRED	DATE
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	<input checked="" type="checkbox"/>	_____	_____	<u>8-7-91</u>

COMMISSION ACTION	{AYE }	{NAY }	{PASS }	{ABSENT}	{TOTAL}
Roll Call	<u>21</u>	<u>1</u>	<u>2</u>	_____	_____
Voice Vote	_____	_____	_____	_____	_____

COMMENTS: WALVER OF RULES PASSED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August 1991.

RESOLUTION AUTHORIZING The Special Committee on Health Insurance Benefits to Formulate Accident Policy and Study Workers Comp. and Sick Leave

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT BE IT RESOLVED, That the requested Special Committee on Health Insurance Benefits for Sullivan County employees formulate an accident policy for the County and also study the subjects of Worker's Compensation and sick leave and report recommendations on each of the above to the Sullivan County Commission.

AMEND: 8/12/91
Motion by: Comm. DeVault - change to uniform accident policy and include LIFE INSURANCE in the study.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991.

Attested: Gay B. Feathers Date: 8-12-91 Wm H. "John" McKamey Date: 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER Belcher ESTIMATED COST: _____
SECONDED BY COMMISSIONER Ferguson FUND: _____

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	<u>{AYE}</u>	<u>{NAY}</u>	<u>{PASS}</u>	<u>{ABSENT}</u>	<u>{TOTAL}</u>
Roll Call	<u>21</u>	_____	_____	<u>3</u>	_____
Voice Vote	_____	_____	_____	_____	_____

COMMENTS: AMENDMENT ACCEPTED BY THE SPONSOR.
WAIVER OF RULES-PASSED AS AMENDED 8/12/91 ROLL CALL

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION THIS THE 12th DAY OF August, 1991.

RESOLUTION AUTHORIZING Honoring James Myers, Jr.

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991.

THAT WHEREAS, The Honorable James Myers, Jr. was first elected as magistrate to the Sullivan County Quarterly Court in a special election, on May 20, 1969 and nominated and then elected by that body to serve as a member of the Sullivan County Youth Center Operating Committee beginning October 2, 1969, and

WHEREAS, As the Honorable James Myers, Jr. has been re-elected for appointment by the County Governing body to serve as a member of the Sullivan County Youth Center Operating Committee each time a new Committee has been formed since October 2, 1969 until the present time (twenty-two years continuous service), and

WHEREAS, As the Honorable James Myers, Jr. was elected as Chairman of the Sullivan County Youth Center Operating Committee, and has been re-elected to serve in that capacity by the members of that Committee until the present day (nine years continuous service), and

WHEREAS, The Honorable James Myers, Jr. has given unselfishly of his time, direction, and leadership of the Sullivan County Youth Center and his care, concern, love and devotion to the cause of providing a "home" for our Children in need in Sullivan County, and

WHEREAS, The Honorable James Myers, Jr. has served his country in military service, his county as a respected magistrate, his community in various organizations, his church in many capacities, and his fellow man in all he has done to make a better world. (Please see Resolution 26, January 15, 1990 attached), therefore

BE IT RESOLVED, That on this date, August 12, 1991, the gentlemen and ladies as representative of the Sullivan County Commission recognize and thus show the appreciation of the good citizenry of our respective communities of Sullivan County by naming the reception room at the Sullivan County Youth Center the

James Myers, Jr. Reception Room

FURTHER BE IT RESOLVED, That Sullivan County Executive, John McKamey, take steps necessary to obtain a permanent plaque to be attached to the wall of said room, identifying it as

James Myers, Jr. Reception Room

so that anyone entering the Sullivan County Youth Home may know, "There are good men of merit amongst us whom we should and do honor for all they have done".

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991

Attested:

0593

Paul Ferguson
County Clerk

Date: 8-12-91 *Wm H. "John" McKinnley* 8-12-91
County Executive

INTRODUCED BY COMMISSIONER Surgenor ESTIMATED COST: _____

SECONDED BY COMMISSIONER Hicks, Ferguson, Anderson FUND: _____

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	<u>{AYE }</u>	<u>{NAY }</u>	<u>{PASS }</u>	<u>{ABSENT}</u>	<u>{TOTAL}</u>
Roll Call	<u>21</u>			<u>3</u>	_____
Voice Vote	_____	_____	_____	_____	_____

COMMENTS: Waiver of Rules Passed 8/12/91 Roll Call

TO THE HONORABLE WILLIAM H. "JOHN" McKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE
SULLIVAN COUNTY BOARD OF COMMISSIONERS IN Special SESSION ON **0594**
THIS THE 12th DAY OF August, 1991.

RESOLUTION AUTHORIZING the reopening of the ten (10) day bidding period on the six (6)
tracts of property auctioned by Sullivan County, June 13, 1991, and approved by the
Sullivan County Commission on June 17, 1991.

THAT, WHEREAS, on June 13, 1991, Sullivan County offered at public auction forty (40)
tracts of property acquired from previous delinquent tax auctions and six (6) of said
tracts failed to receive bids sufficient to satisfy the total of base tax, penalty,
interest and costs; and

WHEREAS, on June 17, 1991, the Sullivan County Commission approved bids received on sai
six (6) tracts on the recommendation of the Delinquent Tax Attorney(pursuant to
T.C.A. 67-5-2507); and

WHEREAS, said six (6) tracts were not held open for the entirety of the ten (10) day
rebidding period as announced at the time of sale and whereas it appears at least one
party expressed a desire to raise the previous high bid on one of said six (6) tracts
prior to the expiration of the ten (10) day rebidding period but after the Commission
approval of said bids.

Now, Therefore, be it Resolved, that said six tracts shall be reopened for raised bids
for a period of ten (10) days following publication; that the costs of publication of
legal notice shall be borne by the Delinquent Tax Attorney; and that parties previously
submitting high bids on said six (6) tracts shall have the option of withdrawing their
bids and being refunded any deposits made thereon.

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

This resolution shall become effective on _____, 1991, the public welfare
requiring it.

Duly passed and approved this 12 day of August, 1991.

ATTESTED: Gay B. Feathers DATE 8-12-91 APPROVED: William H. "John" McKamey DATE 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER Raymond P. Shaw ESTIMATED COSTS _____
SECONDED BY COMMISSIONER James M. Roberts FUND _____

COMMISSION ACTION:	(AYE)	(NAY)	(PASS)	(ABSENT)
ROLL CALL	<u>20</u>	<u> </u>	<u>1</u>	<u>3</u>
VOICE VOTE	<u> </u>	<u> </u>	<u> </u>	<u> </u>

~~XXXXXXXXXXXXXXXXXXXX~~ WAIVER OF RULES PASSED 8/12/91 ROLL CALL

COMMENTS: _____

PARCELS SOLD ON JUNE 13, 1991 THAT NEEDS SULLIVAN COUNTY COMMISSION APPROVAL

C.D.	PROPERTY	BID AMOUNT	AMT. OWED COUNTY	PURCHASER	ADDRESS
6th	Carico	100.00	240.75	C. Oliver Wimbish	4159 Skyland Dr. Kingsport, TN 37664
20th	Carter	2,075.00	2,548.48	Marvin Hyatt	Route 2 Piney Flats, TN 37686
12th	Reedy	1,200.00	1,989.52	Gene Snapp	5092 Hwy 11-W Kingsport, TN 37660
12th	Howell	300.00	641.27	C. Oliver Wimbish	4159 Skyland Dr. Kingsport, TN 37664
11th	Fritz	725.00	1,315.93	Ray Amyx	1651 Denton Street Kingsport, TN 37660
11th	Lackey	250.00	463.23	Floyd Horne	4399 Hwy 11-W Blountville, TN 37617

Miss BK-14 Pg. 324

RESOLUTION NUMBER 38

TO THE HONORABLE Wm. H. "JOHN" MCKAMEY, COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN SPECIAL SESSION THIS THE 12th DAY OF AUGUST 19 91

RESOLUTION AUTHORIZING 1991-1992 SCHOOL BUDGET

WHEREAS, TENNESSEE CODE ANNOTATED; SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Special Session on the 12th day of August 1991

THAT WHEREAS, Sullivan County School Superintendent, Wallace Ketron and Assistant Superintendent, Leonard Fugate, presented the school budget for FY 1991-1992, and WHEREAS, their budget reflected Revenues of \$51,695,000.00 and Expenditures of \$52,546,745.00, leaving them with an unbalanced budget in the amount of \$851,745.00, and WHEREAS, due to the lack of State funding, they requested the Commission to appropriate enough money to take care of this shortfall which would mean \$.13 on the tax rate, and WHEREAS, after much discussion of said budget, Commissioner Wayne Anderson made a motion to fund the same as last year at \$2.37 and seconded by Commissioner Ralph Harr. The motion was approved by roll call vote of the Commission.

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

This resolution shall become effective on _____, 19__, the public welfare requiring it.

Duly passed and approved this 12th day of August, 1991.

Attested: Ray B. Feathers Date: 8-12-91 Wm H. "John" McKamey Date: 8-12-91
County Clerk County Executive

INTRODUCED BY COMMISSIONER ANDERSON ESTIMATED COST: _____
SECONDED BY COMMISSIONER HARR FUND: _____

COMMITTEE ACTION:	<u>APPROVED</u>	<u>DISAPPROVED</u>	<u>DEFERRED</u>	<u>DATE</u>
Administrative	_____	_____	_____	_____
Budget	_____	_____	_____	_____
Executive	_____	_____	_____	_____

COMMISSION ACTION	<u>{AYE }</u>	<u>{NAY }</u>	<u>(PASS)</u>	<u>(ABSENT)</u>
Roll Call	<u>18</u>	<u>3</u>	<u>2</u>	<u>1</u>
Voice Vote	_____	_____	_____	_____

COMMENTS: SCHOOL DEPARTMENT BUDGET REQUEST DENIED AND COMMISSION APPROVED THE MOTION TO FUND THE SAME AS LAST YEAR = = \$2.37 ROLL CALL VOTE AS SHOWN ABOVE 8/12/91

597

TO THE HONORABLE WILLIAM H. "JOHN" McKAMEY COUNTY EXECUTIVE, AND THE MEMBERS OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS IN SPECIAL SESSION THIS THE 12th DAY OF August, 1991.

RESOLUTION AUTHORIZING SETTING TAX RATE FOR BUDGET REQUESTS EXCLUDING SCHOOL DEPARTMENT

WHEREAS, TENNESSEE CODE ANNOTATED, SECTION _____, AUTHORIZES COUNTIES TO _____

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in SPECIAL Session on the 12th day of AUGUST, 1991,

THAT WHEREAS, the tax rate for the school department having been approved on this date at \$2.37 of the total tax rate,

BE IT RESOLVED, That the tax rate be set at the next meeting of the County Commission for the remainder of the budget requests.

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

This resolution shall become effective on _____, 19____, the public welfare requiring it.

July passed and approved this 12th day of August, 1991.

TESTED: Ray B. Feather Date: 8-12-91
County Clerk

APPROVED: William H. "John" McKamey Date: 8-12-91
County Executive

INTRODUCED BY COMMISSIONER DeVAULT ESTIMATED COSTS: _____

SECONDED BY COMMISSIONER AMMONS FUND: _____

COMMISSION ACTION: [aye] [nay]
ROLL CALL _____
VOICE VOTE X _____

COMMITTEE ACTION: APPROVED DISAPPROVED DATE

COMMENTS: APPROVED 8/12/91 Voice Vote

AND THEREUPON COUNTY COMMISSION RECESSED TO MEET AGAIN IN AN
ADJOURNED SESSION AFTER THE SCHOOL DEPARTMENT COMES BACK WITH A BALANCED
BUDGET.

WILLIAM H. "JOHN" MCKAMEY
COUNTY EXECUTIVE

7

