

COUNTY COMMISSION- REGULAR SESSION

DECEMBER 19, 2005

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, DECEMBER 19, 2005, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE RICHARD S. VENABLE, COUNTY MAYOR, JEANIE GAMMON, COUNTY CLERK AND SHERIFF WAYNE ANDERSON OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by County Mayor Richard S. Venable. Sheriff Wayne Anderson opened the commission and Pastor Phil Hoskins gave the invocation. Presentation of the colors and pledge to the flag was led by the Sullivan North ROTC.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

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

24 PRESENT 3 ABSENT (Absent-McKamey, Groseclose, Patrick)

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

Motion was made by Comm. Morrell and seconded by Comm. Buddy King to approve the minutes of the November 21, 2005 Regular Session of County Commission. Said motion was approved by voice vote.

PUBLIC COMMENTS: DECEMBER 19, 2005

THOSE SPEAKING DURING THE PUBLIC COMMENT TIME WERE AS FOLLOWS:

1. Max Wininger, 233 Harr Trail Rd., Blountville- concerning the Landfill.
2. Patrick Young, 148 Mill St., Piney Flats- concerning proposed Hwy 357.
3. Jim Beeler, Kingsport- announcing his campaign for Judge.
4. Joey Crane- Blountville- concerning the Landfill Resolution #2- Ms. Crane was not able to make the time allotted for public comments but was allowed time to speak.

Special music was presented to the Commission by Jordan Fleenor on the violin and Josh Culbertson on the guitar. Both are students at Colonial Heights Middle School.

John Campbell, CEO of the Network Economic Partnership gave an update to the Commission concerning the Partnership.

Upon presentation by Paul Harr, Sullivan County Tax Attorney, concerning the K-Mart Property bankruptcy and taxes owed, Comm. Vance made a motion that the County authorize the Tax Attorney to accept the compromise presented. The compromise presented was for 100% of the base amount of the Real Estate taxes owed and 70% of the base amount of Personal Property taxes owed. Motion was seconded by Herron and approved by roll call vote – 21 Aye, 3 Absent this 19th day of December, 2005.

STATE OF TENNESSEE
COUNTY OF SULLIVAN

ELECTION OF NOTARIES

November 21, 2005

VICKIE STRICKLER ARMS	JUDY A. FREE	STEPHANIE DON MILLSAP
DORIS ARNOLD	JAMES I. GENTRY	PATSY S. MORALES
GLENNA YVONNE BARTLEY	E. MOZELLE GUFFEY	CECIL R. MOWDY, JR
STACY C. BAUMGARDNER	KIMBERLEY D. HAMMOND	DONNA SUE MURRAY
PEGGY ANN BENTON	EDWARD GUY HARDIN	CHRISTINA LEE NELSON
NANCY P. BISHOP	MELISSA K. HAUK	CHRISTINA NICOLE NIDA
LOIS A. BOWERS	TRACI ANN HENSLEY	DEBRA KAYE OLIVER
LEANE MARY BUDINGER	KIMBERLY D. HILTON	CYNTHIA DARLENE PHILLIPS
JOE W. BYRD	DAVID D. HYDE	RENA C. PICKEL
ANGIE NICOLE CALHOUN	WENDY DAWN JACOBS	ROBERT L. POWELL
BRENT WARREN CARRIER	BRENDA R. JENKINS	TIMOTHY E. QUEEN
CHARLES LEE CARSWELL	ANISSA KAYE JOHNSON	EDNA J. QUILLEN
MAXINE SNYDER CARTER	CONNIE J. JONES	STEVE C. RAY
ROY O. CASSELL	MARY E. JONES	SHIRLEY A. RHEA
WILLIAM HORACE CATE	JOYCE R. KERNS	APRIL R. RIGSBY
CYNTHIA L. CHAFIN	C.K. KERRIGAN	JAMES W. ROGERS, JR
AMY M. CODY	MILDRED F. KESTNER	KATHY E. ROGERS
DOROTHY L. COKER	CHARLENE D. KNICELY	LINDA H. ROSE
JUDY MARIE COLE	RANDAL KEITH LANE	JAMES BRET SALYERS
JOEL A. CONKIN	RHONDA L. LEACH	TOMMY LEE SHULER
JERRY LYNN COTTER	CAROLYN C. LIGHT	MARTHA D. SLIKER
BRIAN ADRIAN DILLARD	ANGELA K. LIVESAY	ASHLEY BROOKE SHELTON
RITA H. DINGUS	REBECCA T. LOWE	ERNESTINE SMITH
JOYCE DOCKERY	CHARLENE ANN MANCUSO	DAVID ALAN SNYDER
GALE EASTERLING	MARTHA DIANA MCCANN	JONI E. STANLEY
SHERRY D. EMMERT	JEWELL A. MCKINNEY	KEITH HERBERT STEERE
SHELBURNE FERGUSON, JR.	GEORGE W. MCREE	TIM E. STRAYHORN
AMY E. FORTNER	DONNA FAYE MILLER	ANGELA RENEE STUART

ELECTION OF NOTARIES
(CONT)

DAVID MATTHEW SURGENER

CHRISTINE L. TART

RICK TAYLOR

MELISSA ANN TOOTLE

CAROL J. VAUGHN

RHONDA GAIL VENABLE

MARCIA D. VERMILLION

ERNEST B. WALLEN

FRANK CARL WALLING, JR

DIANE G. WALLS

SHARON KAY WEBB

DURRELL LYNN WISE

WILLIAM C. WITCHER

AMY C. WOODALL

DENISE BOOKER WRIGHT

REBECCA A. WYATT

MARK YOUNG

**UPON MOTION MADE BY COMM. HARR AND SECONDED BY COMM. MCCONNELL AND
COMM. HYATT TO APPROVE THE NOTARY APPLICATIONS HEREON, SAID MOTION WAS
APPROVED BY ROLL CALL VOTE OF THE COMMISSION. 21 AYE, 3 ABSENT.**

STATE OF TENNESSEE
COUNTY OF SULLIVAN

APPROVAL OF NOTARY
SURETY BONDS

DECEMBER 19, 2005

DANA M. CUNNINGHAM

PAULA LORETTA FREEMAN

LISA T. HORNE

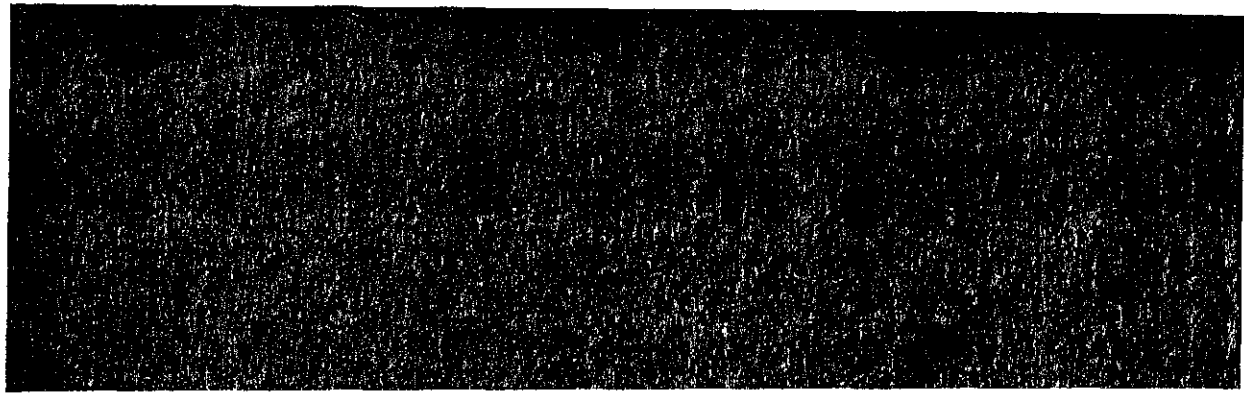
BRIAN KEITH KENNEDY

DIANE SLUDER

JOE EDWIN WATERS, II

CHAD W. WHITEFIELD

UPON MOTION MADE BY COMM. HARR AND SECONDED BY COMM. MCCONNELL AND COMM. HYATT
TO APPROVE THE NOTARY BONDS OF THE ABOVE NAMED INDIVIDUALS, SAID MOTION WAS
APPROVED BY ROLL CALL VOTE OF THE COMMISSION. 21 AYE, 3 ABSENT.



MEMBERS OF COMMISSIONERS	No. Roll Call		Election Notarize App. Bonds		No.		No.		No. Motion K-Mart for 30		No.		No.		No.		No.	
	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
Blackburn	✓		✓						✓									
Brittenham	✓		✓						✓									
Brotherton	✓		✓						✓									
Conkin	✓		✓						✓									
Crawford	✓		✓						✓									
Ferguson	✓		✓						✓									
Groseclose	A		A						A									
Hall	✓		✓						✓									
Harr	✓		✓						✓									
Herron	✓		✓						✓									
Houser	✓		✓						✓									
Hyatt	✓		✓						✓									
Jones	✓		✓						✓									
Kulgore	✓		✓						✓									
Beeddy King	✓		✓						✓									
James L. King Jr.	✓		✓						✓									
McConnell	✓		✓						✓									
McKamey	A		A						A									
Marrell	✓		✓						✓									
Patrick	A		A						A									
Sitgreaves	✓		✓						✓									
Surgenor	✓		✓						✓									
Tance	✓		✓						✓									
Williams	✓		✓						✓									
	21 Present		21 Aye						21 Aye									
	3 Absent		3 Aye						3 Aye									

AGENDA
Sullivan County Board of County Commission

December 19 2005

The Sullivan County Board of County Commissioners will hold a public hearing on Monday, December 19, 2005 at 9:00 A.M. in the Sullivan County Courthouse, Blountville, TN to consider the following requests:

- (1) File No. 10/05/02 Aaron Enterprises INC

Reclassify R-1 property located at 4322 Fort Henry Drive to B-4 for the purpose of allowing for future commercial use. Property ID. No. Tax map 92-J, Group C, Parcel 61.00 located in the 14th Civil District.

Kingsport Planning

- (2) File No. 10/05/03 Annas & Rosemary Clark

Reclassify R-1 property Located at 4318 Fort Henry Drive to B-4 for the purpose of allowing for future commercial use. Property ID. No. Tax map 92-J, Group C, Parcel 60.00 located in the 14th Civil District.

Kingsport Planning

8-26-05
PETITION TO SULLIVAN COUNTY FOR REZONING # 10/05/02 3

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

Property Owner AARON Enterprises, Inc
Address Box 5482
Kingsport, TN 37663
Phone 239-8079 Date of Request 8-25-05
Property Located in 14th Civil District

Michael V. Clayton for Aaron Enterprises, Inc
Signature of Applicant

OFFICE USE ONLY

Meeting Date 11-17-05 Time 7:00 pm
Place City HALL - Kingsport

Planning Commission Approved
Denied

County Commission Approved
Denied

Other Roll Call Vote 5 Aye, 15 Nay,
1 Pass, 3 Absent

Final Action Date 12-19-05

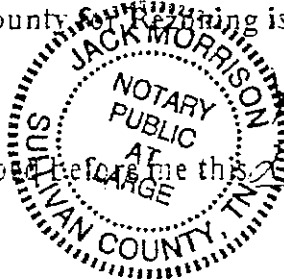
PROPERTY IDENTIFICATION

Tax Map 92-K Group C 92-J Parcel 61.00
Zoning Map 15 Zoning District R-1 Proposed District B-4
Property Location 4322 Ft. Henry Dr.

Purpose of Rezoning Future Commercial

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

Sworn to and subscribed before me this 25th day of Aug, 2005.



Michael V. Clayton for Aaron Enterprises, Inc
Jack Morrison
Notary Public

My Commission Expires: 1-16-08

PETITION TO SULLIVAN COUNTY FOR REZONING #10105103 13

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

ANNAS, CLARK <POA>

Property Owner Rosemary Mills Clark

Address 170 Peach Orchard Hill

WATKINS TN 37694

Phone 677-8637 Date of Request 8-25-05

Property Located in 14th Civil District

Cyrene E. Clark <POA>
Signature of Applicant

OFFICE USE ONLY

Meeting Date 11-17-05 Time 7:00 pm

Place CITY HALL - KINGSBORT

Planning Commission Approved Denied

County Commission Approved Denied

Other Roll Call 5 Aye, 15 Nay, 1 Pass,
3 Absent

Final Action Date 12-19-05

PROPERTY IDENTIFICATION

Tax Map 92-K Group C-92-J Parcel 60.00

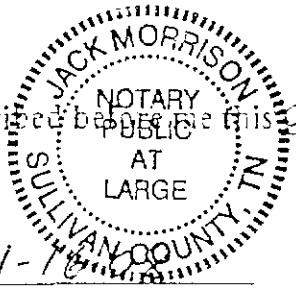
Zoning Map 15 Zoning District R-1 Proposed District B-4

Property Location 4318 Fort Henry Dr.

Purpose of Rezoning Future Commercial

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

Sworn to and subscribed before me this 25th day of Aug, 2005.



Cyrene E. Clark <POA>

Jack Morrison
Notary Public

My Commission Expires: 1-1-06

RE THE COMMN.	No. 4		No. 5		No. 6		No. 7		No. 8		No. 9		No. 10		No. 11		No.	
	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
Blackburn ✓					✓		✓		✓					✓				
Brittonham ✓					✓		✓		✓					✓				
Brotherton ✓					✓		✓		✓					✓				
Conkin ✓					✓		A		A					✓				
Crawford ✓					✓		✓		✓					✓				
Ferguson ✓					✓		✓		✓					✓				
Hoseloe ✓	A				A		A		A		A		A		11			
Hall ✓					✓		✓		✓					✓				
Harr ✓					✓		✓		✓					✓				
Herron ✓					✓		✓		✓					✓				
Houser ✓					✓		✓		✓					✓				
Hvatt ✓					✓		✓		✓					✓				
Gomis ✓					✓		✓		✓					✓				
Kilgore ✓					✓		✓		✓					✓				
Waddy King ✓					✓		✓		✓					✓				
Mess. King ✓					✓		✓		✓					✓				
McConnell ✓					✓		✓		✓					✓				
McKamey ✓	A				A		A		A		A		A		A			
Morrell ✓					✓		✓		✓					✓				
Patrick ✓	A				A		A		A		A		A		A			
Setgrove ✓					✓		✓		✓					✓				
Surgemor ✓					✓		✓		✓					P				
Vance ✓					✓		✓		✓					✓				
Williams ✓					✓		✓		✓					✓				
	21 Aye				21 Aye		20 Aye		20 Aye					20 Aye				
	Balls				Balls		4 balls		4 balls					1 Pass				
														Balls				

E THE COMMN.	No.		No.		No.		No.		No.		No.		No.		No.		No.	
	12	13	14	15	16	17												
MISSIONERS	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
Blackburn												✓						
Brittenham												✓						
Brotherton												✓						
Conlin												✓						
Crawford												✓						
Ferguson												✓						
Hoselose												A						
Hall												✓						
Harr												✓						
Herron												✓						
Houser												✓						
Hycatt												✓						
Jones												✓						
Killgore												✓						
Waddy King												✓						
W. L. King Jr.												✓						
McConnell												✓						
McKamey												A						
Morrell												✓						
Patrick												A						
Sitgreaves												✓						
Surgenor												✓						
Tance												✓						
Williams												✓						
													21 Aye					
													3 Abs.					

RESOLUTIONS ON DOCKET FOR DECEMBER 19, 2005

RESOLUTIONS	ACTION
#1 AMENDMENTS TO THE SULLIVAN COUNTY ZONING RESOLUTION	APPROVED 12-19-05
#2 TO ALLOW APPROVAL OF APPLICATION-PART I BY ECOSAFE, LLC FOR CLASS I LANDFILL	APPROVED 12-19-05
#3 TO AUTHORIZE TRAFFIC SIGN CHANGES IN THE 6 TH C.D.	APPROVED 12-19-05
#4 TO AUTHORIZE TRAFFIC SIGN CHANGES IN THE 16 TH C.D.	APPROVED 12-19-05
#5 TO OPPOSE SENATE JOINT RESOLUTION 1 RELATIVE TO PROPERTY TAX RELIEF	WITHDRAWN 12-19-05
#6 TO URGE THE GENERAL ASSEMBLY TO CONSIDER LEGISLATION RELATIVE TO EMINENT DOMAIN	APPROVED 12-19-05
#7 AUTHORIZE THE SUBMISSION OF A BROWNFIELDS ASSESSMENT GRANT APPLICATION UNDER THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S BROWNFIELDS REDEVELOPMENT GRANT PROGRAM	APPROVED 12-19-05
#8 AUTHORIZING FRANCHISE TO BRISTOL TENN. ESSENTIAL SERVICES THROUGH ITS CABLE AND INTERNET BUSINESS UNIT	APPROVED 12-19-05
#9 TO FUND THE UPDATING OF AERIAL PHOTOS OF SULLIVAN COUNTY	DEFERRED 12-19-05
#10 AUTHORIZING LEASE AGREEMENT WITH HOLSTON VALLEY BIBLE CHURCH FOR MAINTENANCE OF PROPERTY LOCATED AT 1647 BRISTOL CAVERNS HIGHWAY	APPROVED 12-19-05
#11 AUTHORIZE AMENDING THE 2005-2006 GENERAL PURPOSE SCHOOL BUDGET FOR THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT, DIVISION OF ADULT EDUCATION INCENTIVE GRANTS	1 ST READING 12-19-05
#12 AUTHORIZE AMENDING THE 2005-2006 GENERAL PURPOSE SCHOOL BUDGET WITH REIMBURSEMENT REVENUES RECEIVED FOR HIGH COST CHILDREN IN SPECIAL EDUCATION	1 ST READING 12-19-05
#13 AUTHORIZE AMENDING THE 2005-2006 GENERAL PURPOSE SCHOOL BUDGET FOR THE SAFE SCHOOLS ACT OF 1998 GRANT	1 ST READING 12-19-05
#14 AUTHORIZE AMENDING THE 2005-2006 GENERAL PURPOSE SCHOOL BUDGET IN ORDER TO GIVE DEPARTMENT OF EDUCATION SUPPORT STAFF PERSONNEL A ONE TIME BONUS	1 ST READING 12-19-05
#15 AUTHORIZE THE ADOPTION OF THE SULLIVAN COUNTY ROAD ATLAS	1 ST READING 12-19-05

Sullivan County, Tennessee
Board of County Commissioners

Item 1
No. 2005-12-001

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Consider Amendments to the Sullivan County Zoning Resolution


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


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

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

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

Duly passed and approved this 19th day of December 2005.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Sponsor: James "Buddy" King
Prime Co-Sponsor(s): O.W. Ferguson

2005-12-001	County Commission
ACTION	Approved 12-19-05 Voice Vote

Comments:

Sullivan County, Tennessee
Board of County Commissioners



Item 9
Administrative/Budget/Executive
No. 2005-10-089

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 17th day of October 2005.

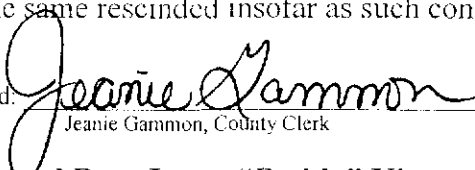
RESOLUTION To Allow Approval of Application-Part I by EcoSafe, LLC for Class I Landfill

WHEREAS, Ecosafe Systems, LLC seeks to permit a Class I landfill on property, at present, owned by Sullivan County; and,

WHEREAS, Ecosafe Systems, LLC seeks Sullivan County approval for said facility and also seeks permission to include to the Sullivan County land parcel in the Part I application process as required by the Tennessee Department of Environment and Conservation (TDEC) to determine suitability of the parcel and other adjacent parcels controlled by Ecosafe Systems, LLC for said use. Said land parcel being Parcel 118.30 Map 34 in Sullivan County, Tennessee.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby grants signatory rights to the Sullivan County Mayor for the purpose of signing, for the parcel in question, the Part I application to indicate Sullivan County's acknowledgement of the property during the permit process.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Sponsored By: James "Buddy" King
Prime Co-Sponsor(s): Ralph Harr

2005-10-089	Administrative	Budget	Executive	County Commission
ACTION				Approved 12-19-05

~~14 Aye, 7 Nay, 3 Absent~~

Notes: 1st Reading 10-17-05; Deferred 11-21-05; Amended as attached 12-19-05.

Sullivan County, Tennessee
Board of County Commissioners

AMENDMENT # 1
TO
RESOLUTION No. 2005-10-089

AMEND AS FOLLOWS: Replace the resolution in its entirety; new language to read as follows:

Resolution to Allow Approval of Application-Part I by EcoSafe Systems, LLC for Class I Landfill

WHEREAS, Ecosafe Systems, LLC seeks to permit a Class I landfill on property, at present, owned by Sullivan County; and

WHEREAS, Ecosafe Systems, LLC seeks Sullivan County's permission to include the Sullivan County land parcel in the Part I application process as required by the Tennessee Department of Environment and Conservation (TDEC) to determine suitability of the parcel and other adjacent parcels controlled by Ecosafe Systems, LLC for said use. Said land parcel being Parcel 118.30, Map 34 in Sullivan County, Tennessee; and

WHEREAS, the Board of Commissioners of Sullivan County has no objection to Ecosafe Systems, LLC pursuing a permit at its risk and expense; but, the County has made no determination whatsoever regarding whether it would approve any sale, lease, or other agreement with Ecosafe Systems, LLC to operate this parcel as a landfill should Ecosafe Systems, LLC be successful in obtaining a permit; and the County therefore, reserves all rights to approve or deny any future sale, lease, or other agreements in regards to this parcel.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby grants signatory rights to the Sullivan County Mayor for the purpose of signing, for the parcel in question, the Part I application solely as owner to indicate Sullivan County's acknowledgement that the property is included in the permit process.

BE IT FURTHER RESOLVED that no sampling or testing of the parcel in connection with such permit application, whether by or on behalf of EcoSafe Systems, LLC, the Tennessee Department of Environment and Conservation, or any other party, shall be conducted unless and until an agreement with respect thereto, satisfactory to the Mayor of Sullivan County and the Counsel for Sullivan County, has been executed by Ecosafe Systems, LLC, which agreement shall include a full assumption of liability by Ecosafe Systems, LLC and an indemnity of Sullivan County by Ecosafe Systems, LLC.

Amendment submitted by: Commissioner James "Buddy" King
Seconded by: Ralph Harr

Commission Action: Amendment #1 to Amendment #1 made by James L. King, Jr., seconded by Comm. Crawford that the Commission instructs the Mayor and County Attorney to negotiate with Ecosafe to provide either a surety agreement or insurance bond that would protect the County in the event of any liability. Amendment by Williams that there should be a financial statement for the Company be made a part of the bond application. Amendments accepted and approved with Resolution 12-19-05.

Sullivan County, Tennessee
Board of County Commissioners

3
Item 8
Executive
No. 2005-11-092
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November 2005.

RESOLUTION To Authorize Traffic Sign Changes in the 6th Civil District

WHEREAS, Commissioner Howard Patrick requested the Sullivan County Highway Department to make traffic sign changes on Scott Lane located in the 6th Civil District (6th Commission District); and,

WHEREAS, the Sullivan County Highway Department reviewed the request and approved same;

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

6th Civil District (6th Commission District)

To place 25 MPH Speed Limit signs on Scott Lane.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 19th day of December 2005.

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk

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

Sponsor: Howard Patrick

Prime Co-Sponsor(s): Michael Surgenor

HWY

2005-11-092	Administrative	Budget	Executive	County Commission
ACTION	Approve 11-7-05			Approved 12-19-05 21 Aye, 3 Absent

Notes: 1st Reading 11-21-05;

RESOLUTION REQUEST REVIEW

DATE: 10-25-05

TO: Sullivan County Commission

REQUEST MADE BY: Howard Patrick

SUBJECT: To place a 25 MPH SPEED LIMIT sign on Scott Lane.

6 CIVIL DISTRICT

6 COMMISSIONER DISTRICT

Michael Surgenor

Howard Patrick


X RECOMMENDED BY HIGHWAY DEPARTMENT

_____ NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____

 10/25/2005

TRAFFIC COORDINATOR

 10/25/2005

HIGHWAY COMMISSIONER

2005-11-092

Sullivan County, Tennessee
Board of County Commissioners

4
Item 9 ✓

Administrative/Budget/Executive
No. 2005-11-093
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November 2005.

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

WHEREAS, Commissioner John McKamey requested the Sullivan County Highway Department to make traffic sign changes on Wassum Lane located in the 16th Civil District (5th Commission District); and,

WHEREAS, the Sullivan County Highway Department reviewed the request and approved same;

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

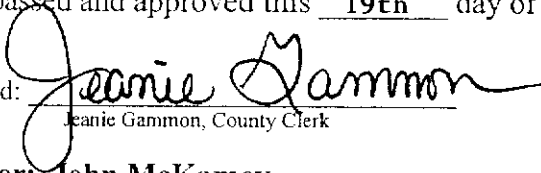
16th Civil District (5th Commission District)

To place 20 MPH Speed Limit signs on Wassum Lane.

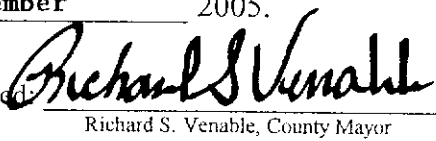
This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 19th day of December 2005.

Attested:


Jeanie Gammon, County Clerk

Approved:


Richard S. Venable, County Mayor

Sponsor: John McKamey

Prime Co-Sponsor(s): Marvin Hyatt

HWY

2005-11-093	Administrative	Budget	Executive	County Commission
ACTION	Deferred 11-7-05			Approved 12-19-05

21 Aye, 3 Absent

Notes: 1st Reading 11-21-05;

RESOLUTION REQUEST REVIEW

DATE: 10-31-05

TO: Sullivan County Commission

REQUEST MADE BY: John McKamey

SUBJECT: To place a 20 MPH SPEED LIMIT sign on Wassum Lane.

16 CIVIL DISTRICT

5 COMMISSIONER DISTRICT John McKamey

Marvin Hyatt

X RECOMMENDED BY HIGHWAY DEPARTMENT

____ NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____



TRAFFIC COORDINATOR 10/31/2005



HIGHWAY COMMISSIONER 10/31/2005

Sullivan County, Tennessee
Board of County Commissioners

5
Item 11
Administrative/Budget/Executive
No. 2005-11-095

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November 2005.

RESOLUTION To Oppose Senate Joint Resolution 1 Relative to Property Tax Relief

WHEREAS, in 2004, Senate Joint Resolution 1 was introduced to propose an amendment to Article II, Section 28, of the Constitution of the State of Tennessee, to authorize a new method of property tax relief for senior citizens in Tennessee; and

WHEREAS, the program proposed by Senate Joint Resolution 1 would freeze property taxes for elderly taxpayers at the rate paid when the program is enacted or when the taxpayer turns sixty-five years of age; and

WHEREAS, the language of Senate Joint Resolution 1 provides little detail with regard to the parameters of the program which would be established by the General Assembly in the future; and

WHEREAS, the program would be authorized and paid for by local governments, but control of specifics of the program would rest with the General Assembly; and

WHEREAS, if the program described in Senate Joint Resolution 1 is authorized, there would be substantial political pressure for local governments to establish such programs which would then be under the discretion and control of the General Assembly; and

WHEREAS, a program for low income elderly property tax relief is already authorized under state law pursuant to *Tennessee Code Annotated, Section 67-5-701, et seq.* and provides a significant level of relief to needy taxpayers.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby strongly urges the Tennessee General Assembly to defeat Senate Joint Resolution 1 and to reject similar legislative proposals which would have the effect of authorizing local property tax relief programs where the parameters and conditions of such programs are outside the control of local governments.

BE IT FURTHER RESOLVED, that the County Clerk shall mail certified copies of this resolution to the members of the Tennessee General Assembly representing the people of Sullivan County.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Sponsored By: Marvin Hyatt
Prime Co-Sponsor(s): John McKamey

2005-11-095	Administrative	Budget	Executive	County Commission
ACTION	Motion to Approve Failed 11-7-05			

Notes: 1st Reading 11-21-05; **Withdrawn 12-19-05.**

Sullivan County, Tennessee
Board of County Commissioners

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Item 12

Administrative/Budget/Executive
No. 2005-11-096

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November 2005.

RESOLUTION To Urge The General Assembly to Consider Legislation Relative to Eminent Domain

WHEREAS, on June 23, 2005, the United States Supreme Court reached its decision in the case of *Suzette Kelo, et al. v. City of New London, et al.*, upholding the use of condemnation powers by a Connecticut municipality to seize residential property for an economic development project; and

WHEREAS, the 5-4 decision of the Supreme Court expanded the understanding of what constitutes a "public use" relative to the exercise of eminent domain authority by a local government and has sparked a firestorm of objections from representatives at all levels of government as well as from advocacy groups and citizens; and

WHEREAS, legislation has been filed at both the state and federal level in response to the *Kelo v. New London* decision to limit abusive uses of eminent domain; and

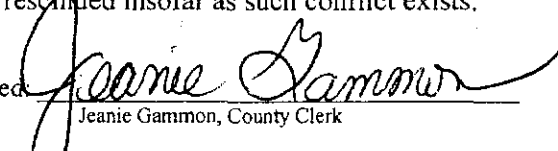
WHEREAS, county governments in Tennessee have heard a clear message from Tennessee citizens that they are concerned about abusive uses of local government condemnation authority;

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

- 1) Opposes the exercise of eminent domain or condemnation powers by a local government for the sole or primary benefit of private parties;
- 2) Finds that eminent domain powers should be used as a last resort and should be limited to the acquisition of property for county purposes. The only circumstance where condemned property could be sold or transferred at a later date to a private entity would be in the context of redevelopment of blighted areas.
- 3) Urges the Tennessee General Assembly to thoughtfully consider issues relative to the use of eminent domain by local governments in Tennessee and to enact legislation to protect private property owners in Tennessee from abusive use of eminent domain.

BE IT FURTHER RESOLVED, that the County Clerk shall mail certified copies of this resolution to the members of the Tennessee General Assembly representing the people of Sullivan County.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Attested 
Jeanie Gammon, County Clerk

Approved 
Richard S. Venable, County Mayor

Sponsored By: Marvin Hyatt
Prime Co-Sponsor(s): John McKamey, Crawford, Sitgreaves, Brotherton

2005-11-096	Administrative	Budget	Executive	County Commission
ACTION	Approve 11-7-05			Approved 12-19-05 21 Aye, 3 Absent

Notes: 1st Reading 11-21-05; Motion 12-19-05 made to add all Commissioners voting in the affirmative as Prime Co-Sponsors.

Sullivan County, Tennessee
Board of County Commissioners

7
Item 14
Executive
No. 2005-11-098

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November 2005.

RESOLUTION To Authorize the Submission of a Brownfields Assessment Grant Application Under the U.S. Environmental Protection Agency's Brownfields Redevelopment Grant Program

WHEREAS, Sullivan County supports the reuse of abandoned and under-utilized industrial and commercial property, referred to as Brownfields, and

WHEREAS, the Sullivan County believes that the redevelopment of Brownfield sites is a key component of the community's future economic and social well-being, and

WHEREAS, the former Davis Pipe site is an abandoned industrial property which, if redeveloped, could significantly enhance the community's visual image, bolster the surrounding neighborhood and strengthen the local economy, and

WHEREAS, the United States Environmental Protection Agency will be awarding grants in 2006 for up to \$300,000 to be used to inventory, characterize, assess, and conduct planning and community involvement activities related to the use of Brownfield sites, and

WHEREAS, it is important that Sullivan County have a better understanding of how the Davis Pipe property can and should likely be utilized.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves Sullivan County submitting an application to the United States Environmental Protection Agency for up to \$300,000 to fund the cost to characterize, assess and develop a plan for the reuse of the Davis Pipe manufacturing facility, Blountville Tennessee.

BE IT RESOLVED that the County Mayor is authorized to enter into any and all agreements, assurances, and/or contracts to accept grant funds and implement this project; that upon approval of said grant application, Sullivan County is hereby authorized to receive, appropriate, and expend said grant funds; and that account codes are to be assigned by the Director of Accounts & Budgets.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this 19th day of December 2005.
Attested: Jeanie Gammon Jeanie Gammon, County Clerk Approved: Richard S. Venable Richard S. Venable, County Mayor

Sponsored By: **Marvin Hyatt**
Prime Co-Sponsor(s): **Ralph Harr**

2005-11-098	Administrative	Budget	Executive	County Commission
ACTION				20 Aye, 4 Absent Approved 12-19-05

Notes: Amendment #1 made by Vance, 2nd by Groseclose that Sullivan County will not be financially obligated or assume liability - amendment accepted by Hyatt; Resolution and amendment FAILED by roll call vote and put back on 1st Reading 11-21-05;

Sullivan County, Tennessee
Board of County Commissioners

8
Item 15
Executive
No. 2005-11-099

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November, 2005.

RESOLUTION Authorizing Franchise to Bristol Tennessee Essential Services through its Cable and Internet Business Unit

WHEREAS, Sullivan County desires to grant a franchise to Bristol Tennessee Essential Services through its cable and Internet business unit to build, construct, operate and maintain a cable television system in Sullivan County, Tennessee and hereby sets forth conditions accompanying the granting of this franchise:

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 21st day of November, 2005, hereby authorize a franchise to Bristol Tennessee Essential Services as follows:

Section 1 - Title. This Resolution shall be known and may be cited as the Terms and Conditions of the Cable Television Franchise.

Section 2 - Definitions. For the purpose of this Resolution, and when not inconsistent with the context, words used herein in the present tense include the future; words in plural include the singular, and vice versa. The word "shall" is always mandatory. The captions supplied herein for each section are for convenience only. Said captions have no force of law, are not part of the section, and are not to be used in construing the language of the section. The following terms and phrases, as used herein, shall be given the meaning set forth below:

(a) "County" or "Grantor" is Sullivan County, Tennessee, a County under the laws of the State of Tennessee, or any successor to the Legislative powers of the present County.

(b) "Grantee" or "Company" is Bristol Tennessee Essential Services through and limited to its cable and Internet business unit. It is the grantee of rights under this franchise. Notwithstanding anything in this franchise to the contrary, the requirements of this franchise shall only apply to the cable and Internet business unit of Bristol Tennessee Essential Services and shall not apply to all or any portion of any other operations of the Bristol Tennessee Essential Services.

(c) "Franchise" is the rights granted to any person by Sullivan County under the terms of this and any agreement entered into by and between Sullivan County, Tennessee, and such person according to the terms of this Code.

(d) "County Commission" is the governing legislative body of Sullivan County, Tennessee.

(e) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(f) "Cable System" or "Cable Television System" means a system of coaxial cables or other conductors and equipment used to receive or transmit television or radio signals originated directly or indirectly or take off the air and to transmit them to the subscribers for a fee,

(g) "CATV System" shall mean cable system.

(h) "Federal Communications Commission" or "FCC" is the Federal Commission or Agency created pursuant to the Communications Act of 1934 or its successor agency.

(i) "Channels" shall mean a portion of the electro-magnetic frequency spectrum (or any other means of transmission, including but not limited to optical fibers) which is capable of carrying the equivalent of one six-Mega Hertz television broadcast signal and includes uses of all or any portion of such band of frequencies.

(j) "Basic Cable Service" means any service tier which includes the re-transmission of local television broadcast signals, which tier also meets the definition of Basic Service contained in 47 U.S.C. 543(b)(7).

(k) "Resolution" or "Franchise Resolution" means this Resolution which grants a franchise and defines the specific rights and obligations of each party pursuant to the general authority, powers and restrictions of this Resolution.

(l) "Streets" shall mean the surface of and all rights-of-way and the space above and below any public street, road, highway, bridge, freeway, lane, path, public way or place, sidewalk, alley, court, boulevard, parkway, drive, waterway, dock, wharf, pier, or easement now or hereafter held by the County for the purpose of public travel and shall include other easements or rights-of-way as shall be now held or hereafter held by the County which shall, within their proper use and meaning entitle the franchisee to the use thereof for the purposes of installing or transmitting cable television system transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a cable television system.

(m) "Year" means the remaining portion of any calendar year in which a franchise is granted. Thereafter, "Year" means a full calendar year.

Section 3 - Grant of Authority.

(a) The County warrants it has a right to issue a franchise and the Grantee, by acceptance, acknowledges and accepts the right of the County to issue the same.

(b) The County hereby grants to Grantee, subject to the right of amendment as hereinafter provided, the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, roads, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the County, poles, wires, cables, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation in the County of a cable system for the interception, retransmission, sale and distribution of television signals, radio, and data upon the limitations, terms, and conditions in this Resolution contained, as the same may be from time to time amended.

(c) The right to use and occupy said streets, roads, alleys, public ways and places for the purposes herein set forth shall not be exclusive when granted by the County.

Section 4 - Compliance with Applicable Laws.

(a) Grantee, at all times during the life of its franchise, shall be subject to all lawful exercise of the police power by the County. Unless otherwise prohibited by State or Federal law, or where jurisdiction has been or shall be conferred upon a State or Federal commission, board or body, the County reserves a right by resolution to regulate such cable system as to installation fees, if any; rates and charges to be paid by the subscribers for the service; the quality of service to be provided subscribers excluding channel line-up or content; and to adopt such other rules and regulations it may now or hereafter lawfully impose in keeping with and not in conflict with applicable State or Federal law, or the lawful rules and regulations heretofore or hereafter adopted by any Federal commission, board or body and/or any lawful State rules and/or regulations lawfully adopted by any State commission, board or body.

(b) Grantee, its successors and assigns granted a franchise hereunder shall be subject to lawful regulations heretofore or hereafter adopted by the Federal Communications Commission and should it now be or hereafter become subject to the jurisdiction of any other commission then also to the lawful rules and regulations adopted by such commission and also to the lawful rules and regulations adopted by any similar Federal commission or State regulatory body, having jurisdiction. If the Grantee, its successors or assigns, shall fail to comply with any material Federal and/or State statute, rules, regulations, orders or conditions lawfully vested under Federal law in any Federal regulatory body and/or rules, regulations, orders and conditions lawfully vested in the County, the County shall have the right to terminate or cancel any franchise granted hereunder after written notice to the Grantee to correct such failure or default and such failure or default shall continue for a period of time specified in such notice, not less than 90 days.

Section 5 - Franchise and Area. Any franchise granted hereunder relates to the present area within the boundaries of the County which is outside of the city or town limits of any incorporated places within the County. The foregoing franchise area shall be further limited to the electric system service area of Bristol Tennessee Essential Services.

Section 6 - Services. The cable television system provided by the Grantee shall be capable of delivering 70 channels to all customers.

Section 7 - Customer Service and Signal Quality Requirements. The Grantee shall:

(a) Company with the technical standards provided by the Federal Communications Commission at 47 C.F.R. 76.601 through 76.609, as from time to time amended.

(b) Limit failures which leave five or more subscribers with no cable service to a minimum by locating and correcting such malfunctions properly and promptly, but in no event longer than 24 hours after notice unless prevented by an act of God or causes beyond the control of the Grantee, e.g., power failure.

(c) Demonstrate by instruments or otherwise to subscribers that a signal of adequate strength and quality is being delivered.

(d) In the case of any outage from any cause, other than an act of God, in which one or more customers are completely without cable service for 24 hours or more, upon the request of the customer calculate a pro rata reduction in the charge for cable service to be itemized and included in the next regular bill to the customer(s) involved.

(e) Comply with the Customer Service and Consumer Protection Standards at 47 C.F.R. 76.309, as from time to time amended by the Federal Communications Commission.

Section 8 - Public, Educational & Governmental Access Channels and Emergency Broadcast Services Required.

(a) The Grantee shall provide, but without charge and subject to the rules and regulations of the Federal Communications Commission, public emergency broadcast capabilities whereby the County can interrupt service on all channels in order to make such public emergency communications as it deems necessary.

(b) Grantee shall reserve a minimum of one channel for public, educational and governmental (PEG) access use. With prior approval of the County, such channel(s) may be used by Grantee for other purposes when not required by PEG users. The County shall assume all responsibility for regulation and/or scheduling the use of the PEG channel(s) by any and all users.

Section 9 - Indemnification. To the extent permitted by law, Grantee shall indemnify and save the County harmless from all liability and loss including reasonable attorney's fees and expenses sustained by the County on account of any suit, judgment, execution, claim or demand whatsoever against the County resulting from negligence on the part of Grantee in the construction, operation or maintenance of its cable television system in the County; and for this purpose, Grantee shall carry property damage and personal injury insurance with some responsible insurance company or companies qualified to do business in the State of Tennessee. The amounts of such insurance to be carried for liability due to property damages shall be \$1,000,000 as to any one occurrence; and against liability due to injury to or death of person \$1,000,000 as to any one occurrence. The County shall notify Grantee, in writing, within 10 days after the presentation of any claim or demand, either by suit or otherwise, made against the County on account of any negligence as aforesaid on the part of Grantee. Where any such claim or demand against the County is made by suit or legal action, written notice thereof shall be given by the County to Grantee not less than five days prior to the date upon which an answer to such legal action is due or within 10 days after the claim or demand is made upon the County, whichever notice period yields Grantee the larger amount of time within which to prepare an answer.

Section 10 - Construction and Maintenance.

(a) All structures, lines and equipment erected by Grantee within the County shall be so located as to cause minimum interference with the proper use of streets, roads, alleys, public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners.

Existing poles, posts, conduits, and other such structures of any electric power system, telephone company, or other public utility located in the County shall be used to the extent practicable in order to minimize interference with travel and avoid unnecessary duplication of facilities. The County shall actively assist Grantee to the fullest extent necessary in obtaining reasonable joint pole or conduit use agreements from the owners of existing poles or conduits. To the extent that existing poles, posts, conduits, and other such structures are not available, or are not available under reasonable terms and conditions, including excessive cost or unreasonable limitation upon the use of Grantee's cable television system, Grantee shall have the right to purchase, lease, or in any other manner acquire land, rights-of-way, or public utility easements upon or under which to erect and maintain its own poles, conduits, and other such structures as may be

necessary for the construction and maintenance of its cable television system. Where all other existing utilities are underground, Grantee shall locate its facilities underground.

(b) In case of any disturbance by Grantee of pavement, sidewalk, driveway or other surfacing, Grantee shall, at its owner cost and expense and in a manner approved by the County, replace and restore all paving, sidewalk, driveway or surface so disturbed in as good condition as before said work was commenced.

(c) Grantee shall, on the request of any person holding a building moving permit issued by the County, temporarily raise or lower its lines to permit the moving of the building. The expense for such temporary removal shall be paid by the person requesting the same, and Grantee shall have the authority to require such payment advance.

(d) All poles, lines, structures and other facilities of Grantee in, on, over and under the streets, sidewalks, alleys, public utility easements and public grounds or place of the County shall be kept by Grantee at all times in a safe condition.

(e) When the County undertakes any reconstruction, realignment or any other work on the County streets which would require relocation or modification of Grantee's poles, wires or other facilities, County shall notify Grantee, and Grantee shall be responsible for such relocations of Grantee's facilities.

Section 11 - Service Extension. Grantee agrees to extend its cables or provide additional service within the limits of the franchise area so as to make the service available to all residential occupancies within the franchise area which request such service where such residential occupancies exist at a density of 25 homes per mile of service cable as measured from the nearest point of the existing System and the extension area is not served by another cable television operator. A standard installation, i.e., an aerial drop of 150 feet or less, will be done at normal rates. Non-standard installations, i.e., underground drops and aerial drops in excess of 150 feet, will be done on a time-and-material basis.

Section 12 - Amendments and Supplemental Agreements. It shall be the policy of the County to amend the Franchise, upon application of the Grantee, when necessary to enable the Grantee to take advantage of any development or developments in the field of transmission of television and radio signals which will afford it an opportunity to more efficiently, effectively or economically serve its customers. Provided, however, that this section shall not be construed to require the County to make any amendment.

Section 13 - Maps, Plats and Reports.

(a) The Grantee shall file with the County Mayor a true and accurate map or plat of all existing and proposed installations. Such map or plat shall be updated at least annually. Grantee shall also provide annually a map showing the areas where the Grantee anticipates cable service will be extended in the coming 12 months.

(b) The Grantee shall file with the County Mayor a true and accurate map or plat of all existing and proposed installations. Such map or plat shall be updated at least annually. Grantee shall also provide annually a map showing the areas where the Grantee anticipates cable service will be extended in the coming 12 months.

(c) The Grantee shall at all times keep on file with the County Mayor a current list of its officers and directors.

Section 14 - Franchise Term and Renewal. This franchise shall take effect and be in full force upon acceptance by Grantee as provided in Section 19, and the same shall continue in full force and effect for a term expiring March 4, 2011. Renewals shall be accomplished as provided for in Federal law and regulations.

Section 15 - Forfeiture. If Grantee should violate any material terms, conditions, or provisions of this franchise or if Grantee should fail to comply with any material provisions of any resolution of the County regulating the use by Grantee of the streets, alleys, public utility easements or public ways of the County, and should Grantee further continue to violate or fail to comply with the same for a period of 90 days after the Grantee shall have been notified in writing by the County to cease and desist from any such violation or failure to comply so specified, then Grantee may be deemed to have forfeited and annulled and shall thereby forfeit and annul all the rights and privileges granted by this franchise; provided, however, that such forfeiture shall be declared only by written decision of the County Commission after an appropriate public proceeding before the County Commission affording Grantee due process and full opportunity to be heard and to respond to any such notice of violation or failure to comply; and provided further that the County Commission may, in its discretion and upon a finding of violation or failure to comply, impose a lesser penalty than forfeiture of this franchise or excuse the violation or failure to comply upon a showing by Grantee of mitigating circumstances. Grantee shall have the right to appeal any finding of violation or failure to comply with any resultant penalty to any court of competent jurisdiction, as provided in 47 U.S.C. 555. In the event that forfeiture is imposed upon Grantee, it shall be afforded a period of six months within which to sell, transfer, or convey this cable television system to a qualified purchaser at fair market value. During this six-month period, which shall run from the effective date of the final order or decision imposing forfeiture, including any appeal, Grantee shall have the right to operate this cable television system pursuant to the provisions of this franchise.

Section 16 - Surrender Right. Grantee may surrender this franchise at any time upon filing with the County Mayor of the County a written notice of its intention to do so at least six months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges and all of the obligations, duties and liabilities of Grantee in connection with this franchise shall terminate. Further, should the Grantee, his and/or its successors and assigns discontinue the business for which the franchise is granted, all poles, wires, cables and other devices shall be removed without expense to the County, within 90 days after demand for such removal is made by the County.

Section 17 - Transfers. All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the County and the successors and assigns of Grantee; and the same shall not be assigned or transferred without the written approval of the County Commission, which approval shall not be unreasonably withheld, in compliance with the requirements of 47 U.S.C. 537(d); provided, however, that this Section shall not prevent the assignment or hypothecation of the franchise by Grantee as security for debt without such approval; and provided further that transfers or assignments of this franchise between any parent and subsidiary corporation or between entities of which at least 50 percent of the beneficial ownership is held by the same person, persons, or entities shall be permitted without the prior approval of the County Commission.

Section 18 - Franchise Fee. In consideration of the terms of this franchise, and in conformity with 47 U.S.C. 542, Grantee agrees to pay the County a sum of money equal to three percent (3%) of the gross annual receipts from basic cable service charges plus any additional service tier, any new product tier, and a la carte tiers received by Grantee from its subscribers in that portion of the Sullivan County covered by this franchise, but not including charges for connections, disconnections and other charges which are normally nonrecurring in character. Such sum shall be payable quarterly, no later than the 30th of the month following the end of the quarter. This payment shall be in addition to any other tax or payment owed to the County by Grantee, including ad valorem and business taxes.

Section 19 - Effective Date and Acceptance. This Resolution shall become effective upon passage and, after acceptance by Grantee, shall then be and become a valid and binding contract between the County and Grantee; provided, however, that this Resolutions shall be void unless Grantee shall, within 90 days after the final passage of this Resolution, file with the County Mayor of the County a written acceptance of this Resolution and the franchise herein granted, agreeing that it will comply with all of the provisions and conditions hereof and that it will refrain from doing all of the things prohibited by this Resolution.

Section 20 - Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any Federal or state court or administrative or governmental agency of competent jurisdiction, specifically including the Federal Communications Commission, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 21 - Notice. All Notices shall be in writing and shall be sufficiently given and served upon the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by facsimile with confirmed transmission and addressed as follows:

County/ Grantor:

Sullivan County
Attn: County Mayor's Office
3411 Highway 126, Suite 206
Blountville, TN 37617

Grantee:

General Manager
Bristol Tennessee Essential Services
2470 Volunteer Pkwy
Bristol, TN 37620

Section 22 - Entire Agreement. This Franchise Agreement embodies the entire understanding and agreement of the Grantor and the Grantee with respect to the subject matter hereof. All Resolutions or parts of Resolutions or other agreements whether written, verbal, or otherwise between the Grantee and the Grantor that are in conflict with the provisions of this Franchise Agreement are hereby declared invalid and superseded and this Franchise Agreement shall control.

Section 23- Governing Law. This Franchise Agreement shall be deemed to be executed in Sullivan County, State of Tennessee, and shall be governed in all respects, including validity,

interpretation and effect, and construed in accordance with, the laws of the State of Tennessee, as applicable to contracts entered into and performed entirely within the State.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk

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

Sponsored By: M. Vance
Prime Co-Sponsor(s): B. King, Sitgreaves

2005-11-099	Administrative	Budget	Executive	County Commission
ACTION				Approved 12-19-05 20 Aye, 4 Absent

Notes: 1st Reading 11-21-05;

Sullivan County, Tennessee
Board of County Commissioners

9
Item 16

Budget

No. 2005-11-100

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 21st day of November 2005.

Resolution to Fund the Updating of Aerial Photos of Sullivan County

WHEREAS, Sullivan County aerial photos being utilized for various purposes by county and city departments are almost 10 years old; and

WHEREAS, it is very important to the users of these maps that they be updated periodically; and

WHEREAS, the need for updated maps has been noted by economic developers as well as the Property Assessor's Office; and

WHEREAS, these photos must be taken during the winter months when visibility is not deterred by foliage or by winter weather.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby approves the County Mayor to negotiate and to enter into contracts to initiate the completion of aerial photos at the earliest date possible. Funds in the amount up to \$70,000 are hereby appropriated for this purpose. Account codes to be assigned by the Director of Accounts and Budgets.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____ 20__.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Sponsored By: Ralph Harr

Prime Co-Sponsor(s): Eddie Williams, Morrell, Brotherton

igt

2005-11-100	Administrative	Budget	Executive	County Commission
ACTION				

Notes: 1st Reading 11-21-05; Amendment made by McConnell and accepted by Sponsor that "if City uses that they be billed for their part".
Deferred 12-19-05;

**Sullivan County, Tennessee
Board of County Commissioners**

Item 10
Executive
No. 2005-12-101

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December, 2005.

RESOLUTION Authorizing Lease Agreement with Holston Valley Bible Church for Maintenance of Property Located at 1647 Bristol Caverns Highway

WHEREAS, Sullivan County acquired property located at 1647 Bristol Caverns Highway, Bristol, Tennessee on December 8, 2003 as part of a mitigation program through the Federal Emergency Management Agency; and

WHEREAS, the mitigation program requires specific restrictions to be placed against the property such that there is very little which can be done with the property; and

WHEREAS, Holston Valley Bible Church, Inc. owns adjacent property and has requested that Sullivan County lease to it the aforesaid property so that it can maintain the same, at no cost to Sullivan County, by mowing the grass, cutting the brush, etc., such that the church may enjoy the aesthetic value of the property;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 19th day of December, 2005 hereby authorize Sullivan County to enter into the attached Lease Agreement with Holston Valley Bible Church, Inc. The Sullivan County Mayor and Sullivan County Purchasing Agent is hereby authorized to execute the Lease Agreement on behalf of Sullivan County.

[WAIVER OF RULES REQUESTED]

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this 19th day of December 2005.

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

Sponsored By: R. Morrell
Prime Co-Sponsor(s): M. Hyatt

2005-12-101	Administrative	Budget	Executive	County Commission
ACTION	Approve 12-5-05	Approve 12-8-05	Approve 12-7-05	Approved 12-19-05 20 Aye, 1 Pass, 3 Absent

Notes:

LEASE AGREEMENT

THIS AGREEMENT entered into this ____ day of _____, ____, by and between COUNTY OF SULLIVAN, TENNESSEE, a political subdivision of the State of Tennessee, hereinafter called "Lessor", and HOLSTON VALLEY BIBLE CHURCH, INC., hereinafter called "Lessee";

WITNESSETH:

That for and in consideration of the mutual covenants and agreements herein contained, it is mutually agreed as follows:

1. Lessor does hereby lease the hereinafter described property which is generally known as 1647 Bristol Caverns Highway , Bristol, Tennessee:

BEGINNING at a point 483 feet northwest of a fence, said beginning point being in the center of the Holston Valley Pike, known as Route 421; thence with the center of said Route 421 in a northwesterly direction 100 feet to a point; thence in a northerly direction 150 feet to a stake; thence in an easterly direction 100 feet to a stake; thence in a southerly direction along an existing fence line 150 feet to the point of beginning; and being the same property conveyed to Sullivan County, Tennessee by deed dated December 8, 2003 of record in the Register of Deed's Office for Sullivan County at Bristol, Tennessee in Deed Book 579, at page 486. (Tax Map 39N-A-3.00)

2. The term of this lease shall commence on _____ and shall continue on a month-to-month basis until terminated as hereinafter provided.

3. Lessee shall pay rent at the rate of \$1.00 per year, nonproratable in the event of termination of this Lease Agreement as provided herein, said rent payable at the end of each year. Said rent shall be paid to the Lessor at the Office of Sullivan County Mayor, 3411 Highway 126, Suite 206, Blountville, Tennessee 37617.

4. The premises demised herein shall be leased to Lessee for the sole purpose of Lessee maintaining same by mowing the grass, cutting brush, etc., such that Lessee may enjoy the aesthetic value of the property so maintained. In the event Lessee utilizes said property for any other reason than set forth herein, such breach of Lessee's covenant shall be good cause for this Lease Agreement to be terminated immediately. In consideration of this agreement, Lessee hereby covenants, agrees and assures the Lessor that he is experienced in this type of work and is insured against any and all risks and has insurance covering any and all employees he may use. Lessee acknowledges that he shall receive no monies whatsoever from Lessor for maintaining the leased premises.

5. Lessee agrees to follow all restrictions applicable to said property including, but not limited to, Declarations of Restrictions which are of record in the Sullivan County Register of

To Lessee At: Holston Valley Bible Church, Inc.
 Route 4
 Bristol, Tennessee 37620

IN WITNESS-WHEREOF, the parties hereto have executed their signatures of the day and
year first above written.

SULLIVAN COUNTY, TENNESSEE

BY: _____
RICHARD S. VENABLE
Sullivan County Mayor

Attest:

Jeanie Gammon, County Clerk

BY: _____
NELDA HULSE
Sullivan County Purchasing Agent

Lessor

HOLSTON VALLEY BIBLE CHURCH, INC.

BY: _____
Title: _____

Lessee

Sullivan County, Tennessee
Board of County Commissioners

Item 11
Budget
No. 2005-12-102

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Amending The 2005 – 2006 General Purpose School Budget For The Department Of Labor And Workforce Development, Division Of Adult Education Incentive Grants Received From The State Of Tennessee In The Amount Of \$6,903.00

WHEREAS, the Sullivan County Department of Education Board approved a budget for this grant, now

THEREFORE, BE IT RESOLVED that the Sullivan County Board of Commissioners approve amending the General Purpose School Budget as follows:

Account Number	Account Description	Amount
47120.000	Adult Basic Education (Revenue)	+6,903.00
71600.116	Teachers (Expenditures)	+3,389.75
71600.201	Social Security (Expenditures)	+241.99
71600.204	State Retirement (Expenditures)	+214.67
71600.212	Medicare (Expenditures)	+56.59
71600.429	Instructional Supplies and Materials (Expenditures)	+3,000.00

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____, 2006.

Attest: _____
Jeanie Gammon, County Clerk

Approve: _____
Richard S. Venable, County Mayor

Sponsored By: Larry Hall
Prime Co-Sponsor(s): Dennis Houser

2005-12-102	Administrative	Budget	Executive	County Commission
ACTION		Approve 12-8-05	Approve 12-7-05	

Notes: 1st Reading 12-19-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 12
Budget
No. 2005-12-103

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Amending The 2005 – 2006 General Purpose School Budget With Reimbursement Revenues Received For High Cost Children In Special Education From The State Of Tennessee In The Amount Of \$200,286.50

WHEREAS, the Sullivan County Department of Education Board amending the General Purpose School Budget for this grant, now

THEREFORE, BE IT RESOLVED that the Sullivan County Board of Commissioners approve amending the General Purpose School Budget as follows:

Account Number	Account Description	Amount
47143.000	Federal thru State (Revenue)	+200,286.50
71200.116	Teachers (Expenditure)	+20,000.00
71200.524	Staff Development	+153,286.50
71200.709	Data Processing Equipment (Expenditure)	+20,000.00
72220.189	Other Salaries and Wages (Exp)	+2,000.00
72220.336	Maintenance and Repair - Equipment (Exp)	+2,500.00
72220.351	Rentals	+2,500.00

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____, 2006.

Attest: _____
Jeanie Gammon, County Clerk

Approve: _____
Richard S. Venable, County Mayor

Sponsored By: Larry Hall
Prime Co-Sponsor(s): Dennis Houser

2005-12-103	Administrative	Budget	Executive	County Commission
ACTION		Approve 12-8-05	Approve 12-7-05	

Notes: 1st Reading 12-19-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 13
Budget
No. 2005-12-104

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Amending The 2005 – 2006 General Purpose School Budget For The Safe Schools Act Of 1998 Grant Received From The State Of Tennessee In The Amount Of \$61,975.00

WHEREAS, the Sullivan County Department of Education Board approved a budget for this grant, now

THEREFORE, BE IT RESOLVED that the Sullivan County Board of Commissioners approve amending the General Purpose School Budget as follows. The County's portion of the required match are funds budgeted within the 72210.308 Consultants Budget of the General Purpose School Budget for the purpose of training students and employees on safety issues concerning harassment and discrimination.

Account Number	Account Description	Amount
46590.000	Other State Grants (Revenue)	+61,975.00
72210.307	Communications (Expenditure)	+28,000.00
72210.308	Consultants (Expenditure)	+13,000.00
72210.399	Other Contracted Services (Expenditure)	+1,000.00
72210.429	Instructional Materials and Supplies (Exp)	+6,000.00
72620.426	General Construction Material (Exp)	+13,975.00

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____, 2006.

Attest: _____
Jeanie Ganmon, County Clerk

Approve: _____
Richard S. Venable, County Mayor

Sponsored By: Larry Hall
Prime Co-Sponsor(s): Dennis Houser

2005-12-104	Administrative	Budget	Executive	County Commission
ACTION		Approve 12-8-05	Approve 12-7-05	

Notes: 1st Reading 12-19-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 14
Budget
No. 2005-12-105

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Amending The 2005 – 2006 General Purpose School Budget In Order To Give Department Of Education Support Staff Personnel A One Time Bonus In Various Series As Listed Below

WHEREAS, the Sullivan County Department of Education Board approved the budget amendment for the Fiscal Year 2005-06 in the School Board Meeting of December 05, 2005, now

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee assembled in Regular Session on the 19th day of December, 2005 approve amending the General Purpose School Budget as follows:

Account Number	Account Description	Amount
General Purpose School		
71100.114	Computer Repair Technicians (Regular Instruction – Direct)	+1,000.00
71100.116	Teachers (Regular Instruction – Direct)	-62,277.00
71100.163	Educational Assistants (Regular Instruction – Direct)	+45,000.00
71100.309	Contracts with Government Agencies (Nurse/Sheriff)	+6,000.00
71100.429	Instructional Supplies and Materials (Regular Instruction – Direct)	-6,750.00
71200.163	Educational Assistants (Special Education)	+37,250.00
71200.201	Social Security	+2,310.00
71200.204	State Retirement	+4,597.00
71200.212	Employer Medicare	+541.00
71200.524	Staff Development (Special Education)	-59,695.00
72130.123	Guidance Personnel (Other Student Support)	-2,000.00
72130.161	Secretary(s) (Other Student Support)	+2,000.00
72130.201	Social Security	+124.00
72130.204	State Retirement	+247.00
72130.212	Employer Medicare	+29.00
72210.147	Truck Drivers (Regular Instruction – Indirect)	+1,000.00
72210.161	Secretary(s) (Regular Instruction – Indirect)	+2,500.00
72210.163	Educational Assistants (Regular Instruction – Indirect)	+1,000.00
72210.189	Other Salaries and Wages (Regular Instruction – Indirect)	+2,750.00
72210.201	Social Security	+450.00
72210.204	State Retirement	+895.00
72210.212	Employer Medicare	+106.00
72210.348	Postal Charges	-600.00
72220.161	Secretary (Special Education – Indirect)	+500.00
72220.201	Social Security	+31.00
72220.204	State Retirement	+62.00
72220.212	Employer Medicare	+8.00
72230.161	Secretaries (Vocational Education – Indirect)	+1,500.00
72230.201	Social Security	+93.00
72230.204	State Retirement	+186.00
72230.212	Employer Medicare	+22.00
72230.355	Travel (Vocational Education – Indirect)	-1,500.00
72320.161	Secretary(s) (Office of the Superintendent)	+1,500.00
72320.201	Social Security	+93.00

72320.204	State Retirement	+186.00
72320.212	Employer Medicare	+22.00
72320.709	Data Processing Equipment (Office of Superintendent)	-1,801.00
72410.104	Principals (Office of the Principal)	-27,000.00
72410.119	Accountants and Bookkeepers (Office of the Principal)	+6,500.00
72410.161	Secretary(s) (Office of the Principal)	+20,500.00
72410.201	Social Security	+1,674.00
72410.204	State Retirement	+3,332.00
72410.212	Employer Medicare	+392.00
72510.119	Accountants and Bookkeepers (Fiscal Services)	+2,500.00
72510.201	Social Security	+155.00
72510.204	State Retirement	+309.00
72510.212	Employer Medicare	+37.00
72510.349	Printing, Stationery and Forms	-151.00
72510.709	Data Processing Equipment	-2,850.00
72620.141	Foremen (Maintenance of Plant)	+2,500.00
72620.148	Dispatcher (Maintenance of Plant)	+500.00
72620.161	Secretary(s) (Maintenance of Plant)	+1,000.00
72620.167	Maintenance Personnel (Maintenance of Plant)	-4,000.00
72810.161	Secretary(s) (Central and Other)	+500.00
72810.189	Other Salaries and Wages (Central and Other)	+1,500.00
72810.201	Social Security	+124.00
72810.204	State Retirement	+247.00
72810.212	Employer Medicare	+29.00
72810.355	Travel (Central and Other)	-2,000.00
73100.119	Accountants and Bookkeepers (Food Service)	+500.00
73100.147	Truck Drivers (Food Service)	+500.00
73100.161	Secretary(s) (Food Service)	+1,000.00
73100.165	Cafeteria Personnel (Food Service)	+30,000.00
73100.201	Social Security	+1,984.00
73100.204	State Retirement	-32,000.00
73100.212	Employer Medicare	+464.00
Federal Projects		
72710.142	Mechanics (Transportation)	+1,000.00
72710.146	Bus Drivers (Transportation)	+11,000.00
72710.201	Social Security	+720.00
72710.204	State Retirement	+1,481.00
72710.212	Employer Medicare	+174.00

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____, 2006.

Attest: _____
Jeanie Gammon, County Clerk

Approve: _____
Richard S. Venable, County Mayor

Sponsored By: Larry Hall
Prime Co-Sponsor(s): Dennis Houser

ht

2005-12-104	Administrative	Budget	Executive	County Commission
ACTION		Approve 12-8-05	Approve 12-7-05	

Notes: 1st Reading 12-19-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 15
Executive
No. 2005-12 -106
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize the Adoption of the Sullivan County Road Atlas

WHEREAS, annually the Sullivan County Highway Department reviews the Sullivan County Road Atlas; and

WHEREAS, attached hereto is a summary of revisions that are necessary to bring the Sullivan County Road Atlas up-to-date;

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby adopts the Sullivan County Road Atlas as amended. (The Sullivan County Road Atlas in its entirety is on record and available in the Office of the County Mayor for review.)

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this _____ day of _____ 2006.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Sponsored by: McConnell
Prime Co-Sponsor(s): Brotherton

at

2005-12-106	Administrative	Budget	Executive	County Commission
ACTION		Approve 12-8-05	Approve 12-7-05	

Notes: Attachment: Road Atlas Changes dated December 2005 marked PRELIMINARY submitted at 12-7-05 Executive Committee Meeting; 1st Reading 12-19-05;

Sullivan County Highway Department
Atlas Changes
December 2005

Changes				
Humphreys Road	(length correction)	from 0.7 to 0.84		0.14
Dulaney Road	(length correction)	from 0.02 to 0.15		0.13
Lewis Street	(length correction)	from 0.1 to 0.08		-0.02
New Beasonwell Road	(length correction)	from 1.73 to 0.63		-1.10
Pridemore Street	(length correction)	from 0.25 to 0.28		0.03
			total	-0.82
Name Change				
			total gain / loss from changes	-1.79
			total gain from additions	3.30
			TOTAL MILEAGE GAIN / LOSS	1.51

Sullivan County, Tennessee
Board of County Commissioners

Item 16
Executive
No. 2005-12-107

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize President's Day as Holiday for Sullivan County

WHEREAS, all state, federal, and adjoining local county offices, as well as, most banking institutions honor the third Monday in the month of February, President's Day, as an holiday; and,

WHEREAS, upon the closure of these offices and institutions, Sullivan County's business is impeded; and,

WHEREAS, in respect of our founding fathers, Sullivan County wishes to acknowledge President's Day as a holiday;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorizes President's Day, the third Monday in the month of February, as an annual County holiday and hereby amend the Sullivan County Handbook to include this holiday as a paid holiday for all Sullivan County Employees.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this _____ day of _____ 2005.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Introduced by Commissioner: McConnell

Seconded by Commissioner(s): Ferguson

2005-12-107	Administrative	Budget	Executive	County Commission
ACTION		No Action Taken 12-8-05	Motion to Take No Action 12-7-05	

Notes:

1st Reading 12-19-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 17
Executive
No. 2005-12-108
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December, 2005.

RESOLUTION Abandoning Sullivan County's Interest, If Any, in Portion of Brookmeade Lane (Unimproved Right-of-Way) in the Evergreen Ledge Subdivision

WHEREAS, Brookmeade Lane located in the 10th Civil District of Sullivan County was set aside by plat as a public right-of-way as part of the Evergreen Ledge Subdivision; however, Brookmeade Lane was never built and never became a public road; and

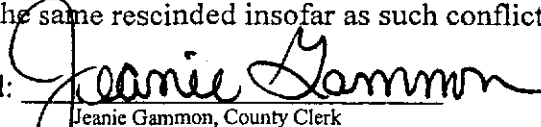

WHEREAS, Hiram E. Gardner and James M. Gardner are the sole owners of property which adjoins the portion of the unimproved Brookmeade Lane as shown on the attached survey and said owners have requested that Sullivan County abandon any interest, if any, which it might have in and to said property; and

WHEREAS, upon consideration of the petition of the adjoining property owners and upon consideration of the recommendations of the Highway Commissioner, the Sullivan County Planning Commission and the Executive Committee of the Sullivan County Board of Commissioners;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 19th day of December, 2005 hereby abandon any interest as a public way which Sullivan County has, if any, in and to the portion of Brookmeade Lane as shown on the attached survey and hereby authorize the transfer of any and all rights of Sullivan County, Tennessee, if any, to said property to Hiram E. Gardner and James M. Gardner. The County Mayor is hereby authorized to execute and deliver quitclaim deeds to said property subject to said transfers being done at no cost to Sullivan County.

WAIVER OF RULES REQUESTED

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

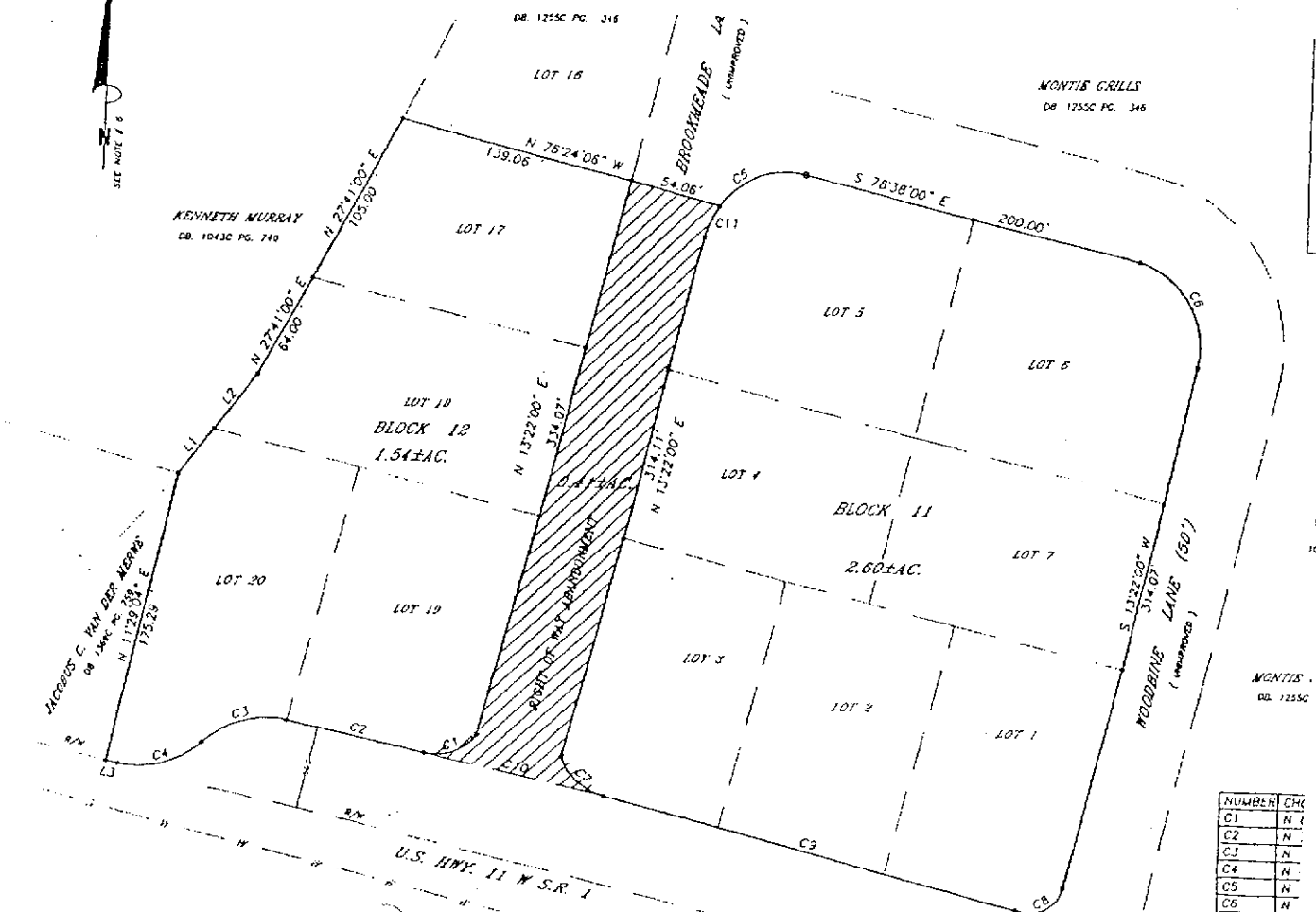
Attested:  Approve: 
Jeanie Gammon, County Clerk Richard S. Venable, County Mayor

Sponsored By: McConnell
Prime Co-Sponsor(s): Hall, Patrick, Surgenor

2005-12-108	Administrative	Budget	Executive	County Commission
ACTION		Approve 12-8-05	Approve 12-7-05	Approved 12-19-05

21 Aye, 3 Absent

Notes:



KENNETH MURRAY
DB. 1043C PG. 740

DB. 1255C PG. 346

MONTIE GRILLS
DB. 1255C PG. 346

JACOBUS C. VAN DER WERF
DB. 1043C PG. 740

MONTIE
DB. 1255C

NUMBER	DIRECTION	DISTANCE
17	N 36°24'00" E	32.27'

APPROX. LOCATION OF WATER LINE
BLOOMINGDALE WATER

NUMBER	CHK
C1	N
C2	N
C3	N
C4	N
C5	N
C6	N
C7	N
C8	N
C9	N
C10	N
C11	N

Sullivan County Regional Planning Commission Action - 7 of the 9 members present	
Approval: Mullins, King - motion to approve passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

AGENDA ITEM E3

FINDINGS OF FACTS

Property Owner: Hiram E. and James M. Gardner
 Final/Abandonment: De-subdivision of a portion of the Evergreen Ledge Subdivision, and abandonment of a portion of the Brookmeade Lane Unimproved Right-of-Way ("paper street")
 Parcel ID: Tax Map 33H, Parcels 33.10, 30.00 through 40.00 (lots 1-7 of Block 11, lots 17-20 of Block 12)
 Zoning: Currently PMD-1
 Civil District: 10th
 Location: U.S. Hwy 11-W / S.R. 1
 Surveyor: Joe B. Fugate, Jr.
 PC 1101 Growth Plan: Rural Area of Sullivan County
 Water District: Bloomingdale Water Authority - 6" line on highway
 Sewer District: n/a - not approved for individual septic systems

Discussion at the PC meeting

- Mr. Gardner was present and gave staff additional copies of the proposed desubdivision.

Staff Field Notes

- This plat consists of 11 lots and a fifty-foot unimproved right-of-way, all of which were platted prior to the adoption of zoning codes and enforcement. Such subdivision has not been improved.
- The applicant had the parcels rezoned to PMD-1 in 2001 and would like to be able to prepare a comprehensive development plan for the temporary storage of construction equipment and future development of the whole site pending sewer or septic.
- This site has little potential for individual lot development per the rezoning and other site constraints.
- The right-of-way would not prohibit access to any other properties as there are other rights-of-way provided to the other owner involved (see plat).
- Staff recommends in favor of this de-subdivision request along with the abandonment of the first 350 +/- feet of right-of-way to be added to the Gardner's' property, subject to passage of corresponding resolution by the County Commission.

7/23/04 - 9:53 AM

D:\My Documents\COUNTY BOARDS\Planning Commission\PC 2004\2004 Minutes\minutes 07 20 04 PC.doc

3 of 5
amt

Sullivan County Regional Planning Commission Action - 7 of the 9 members present	
Approval: Settle, King - motion to recommend approval passed unanimously	
Denial:	Reason for denial:
Defer:	Reason for denial:

AGENDA ITEM E4

FINDINGS OF FACTS

Property Owner/Developer: Terry Orth
 Preliminary/Construction Plans: Arbor Hills Subdivision, Phase II - 29 lots
 Parcel ID: Tax Map 105, Parcels 41.10 and 42.50
 Zoning: Currently A-1
 Civil District: 9th
 Location: Taylor Drive and Austin Springs Road, Piney Flats
 Surveyor: Todd Johnson, RLS
 Engineer: Ryan McReynolds and Bobby Jobe, PE with Lamar Dunn & Associates
 PC 1101 Growth Plan: Johnson City Urban Growth Boundary
 Water District: City of Johnson City (existing 2" and 4" lines)
 Sewer District: n/a - served by septic systems

Discussion at the PC meeting

Sullivan County, Tennessee
Board of County Commissioners

Item 18
Budget
No. 2005-12-109

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Accept Grant Funds for Used Oil Collection and Recycling Program

WHEREAS, the Sullivan County Sanitation Department wishes to submit an application and accept grant funds from the State of Tennessee, Department of Environment and Conservation for an Used Oil Collection and Recycling Program;

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves Sullivan County submitting and accepting a grant in an amount up to \$14,500.00 from the State of Tennessee, Department of Environment and Conservation for a Used Oil Collection And Recycling Program.

BE IT FURTHER RESOLVED that the County Mayor is authorized to enter into any/all agreements and assurances to make application, accept funds, appropriate funds, and implement this grant project. No matching funds are required. Account Codes to be assigned by the Office of Accounts & Budgets.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 19th day of December 2005

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk

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

Sponsored by: Brittenham
Prime Co-Sponsor(s): Harr, Williams

at 2005-12-109	Administrative	Budget	Executive	County Commission
ACTION		Approve 12-8-05		Approved 12-19-05 21 Aye, 3 Absent

Notes:

Sullivan County, Tennessee
Board of County Commissioners

Item 19
Administrative/Budget/Executive
No. 2005-12-110
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Adopt Sullivan County Employee Handbook – Revised 2005

WHEREAS, the current Handbook provided to Sullivan County Employees is dated April 2000 and concerns have surfaced with regard to the need to update and clarify certain sections; and

WHEREAS, as per the procedures for revising the Sullivan County Handbook, the Handbook has been reviewed by the Sullivan County Attorney, a committee of Sullivan County Officials, and recommended for approval by the Sullivan County Executive Committee;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby adopts the Sullivan County Handbook dated Revised October 2005 for Sullivan County Employees.

BE IT RESOLVED that personnel policies contained in the Handbook may be modified or repealed at any time and shall not give any contractual rights or obligations between Sullivan County and its employees and shall not be construed in any way to affect the employment-at-will status of County Employees.

BE IT FURTHER RESOLVED that pursuant to Public Chapter 361 each County Official and/or Department Head, in cooperation with the Office of Accounts & Budgets – Payroll & Personnel Office, shall be responsible to their respective employees to ensure that each employee under his/her direction has received a copy of the Sullivan County Employee Handbook – Revised 2005 and any additional departmental personnel policies in effect.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this 19th day of December 2005.

Attest: Jeanie Gammon Jeanie Gammon, County Clerk
Approve: Richard S. Venable Richard S. Venable, County Mayor

Sponsored By: McConnell
Prime Co-Sponsor(s): Brittenham

at

2005-12-110	Administrative	Budget	Executive	County Commission
ACTION				Approved 12-19-05 18 Aye, 2 Nay, 1 Pass, 3 Absent

Notes:

Sullivan County, Tennessee
Board of County Commissioners

AMENDMENT # 1
TO
RESOLUTION No. 2005-12-110

AMEND AS FOLLOWS: Replace section titled "SEXUAL HARASSMENT" in its entirety and replace with the following language:

SEXUAL HARASSMENT

Sexual harassment is a violation of law. The County will not tolerate such activity. Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when such is made, either explicitly or implicitly, a term or condition of an individual's employment, or is used as a basis for employment decisions, and/or is such as to interfere with an individual's work performance, or to create an intimidating, hostile, or offensive working environment are strictly prohibited. Sexual harassment charges will not be taken lightly, and all reports of sexual harassment will be thoroughly investigated. Any employee found responsible for harassment of another employee will be subject to discipline up to and including discharge.

An employee who feels he or she has suffered sexual harassment, or who has knowledge of any incident that may involve sexual harassment, should immediately report the incident. The employee may choose to report the incident to a supervisor within the organizational structure of their department or the employee may choose to report the incident to a staff member in the Payroll & Personnel Office. If an employee feels uncomfortable reporting the incident to either of the above noted personnel, the employee may report it to one of the following Constitutional Officers of the County: Sheriff, Assessor of Property, County Clerk, Register of Deeds, County Trustee, Circuit Court Clerk, Clerk & Master, or County Mayor.

Amendment submitted by: Commissioner James "Buddy" King
Seconded by: Ralph Harr

Commission Action: Amendment accepted by Sponsor and approved with Resolution
12-19-05.

Sullivan County, Tennessee
Board of County Commissioners

Item 20
Executive
No. 2005-12-111
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Traffic Sign Changes in the 15th Civil District

WHEREAS, Commissioner Eddie Williams requested the Sullivan County Highway Department to make traffic sign changes on Honeysuckle Road, Deerborn Lane, and Ridge Road in the 15th Civil District (8th Commission District); and,

WHEREAS, the Sullivan County Highway Department reviewed the request and approved same;

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

15th Civil District (8th Commission District)

To place a STOP sign at Honeysuckle Road and Ridge Road.

To place a STOP sign at Deerborn Lane and Honeysuckle Lane.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this _____ day of _____ 20_____.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Sponsor: Eddie Williams
Prime Co-Sponsor(s): Ray Conkin

HWY	Administrative	Budget	Executive	County Commission
2005-12-111				
ACTION				

Notes: **1st Reading 12-19-05;**

RESOLUTION REQUEST REVIEW

DATE: 12-09-05

TO: Sullivan County Commission

REQUEST MADE BY: Eddie Williams

SUBJECT: To place a STOP sign at Honeysuckle Road and Ridge Road.

15 CIVIL DISTRICT
8 COMMISSIONER DISTRICT Eddie Williams
Ray Conkin

RECOMMENDED BY HIGHWAY DEPARTMENT
 NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____



TRAFFIC COORDINATOR



HIGHWAY COMMISSIONER

Resolution 2005-12-111

RESOLUTION REQUEST REVIEW

DATE: 12-09-05

TO: Sullivan County Commission

REQUEST MADE BY: Eddie Williams

SUBJECT: To place a STOP sign at Deerborn Lane and Honeysuckle Lane.

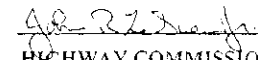
15 CIVIL DISTRICT
8 COMMISSIONER DISTRICT Eddie Williams
Ray Conkin

RECOMMENDED BY HIGHWAY DEPARTMENT
 NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____



TRAFFIC COORDINATOR



HIGHWAY COMMISSIONER

Resolution 2005-12-111

Sullivan County, Tennessee
Board of County Commissioners

Item 21
Executive
No. 2005-12-112

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Sullivan County Highway Department to Adopt Health Education Road and Emergency Road in Blountville as County Roads

WHEREAS, the Health Education Road and Emergency Road are both located on County owned property; and

WHEREAS, it is reasonable to request the Sullivan County Highway Department to adopt Health Education Road and Emergency Road as County Roads and thereby maintain these roads;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby adopts Health Education Road and Emergency Road as County Roads to be maintained by the Sullivan County Highway Department.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____, 20____.

Attest: _____
Jeanie Gammon, County Clerk

Approve: _____
Richard S. Venable, County Mayor

Sponsored By: Dennis Houser
Prime Co-Sponsor(s): Wayne McConnell, Mark Vance

at

2005-12-112	Administrative	Budget	Executive	County Commission
ACTION				

Notes: **1st Reading 12-19-05;**

Sullivan County, Tennessee
Board of County Commissioners

Item 22
Executive
No. 2005-12-113

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Sullivan County Highway Department to Maintain Delph Private Drive

WHEREAS, Sullivan County has leased a right-of-way on Delph Private Drive to access the County's radio tower; and

WHEREAS, it is in the best interest of the County to maintain Delph Private Drive in order to have unobstructed access to the radio tower in the event of a emergency;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorizes the Sullivan County Highway Department to maintain Delph Private Drive as long as the County leases said right-of-way.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____, 20____.

Attest: _____
 Jeanie Gammon, County Clerk

Approve: _____
 Richard S. Venable, County Mayor

Sponsored By: Wayne McConnell
Prime Co-Sponsor(s): Mark Vance

at

2005-12-113	Administrative	Budget	Executive	County Commission
ACTION				

Notes: 1st Reading 12-19-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 23
Administrative
No. 2005-12-114

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of December 2005.

RESOLUTION To Authorize Clinical Affiliation Agreements Between Sullivan County, Tennessee and Accredited Educational Institutions

WHEREAS, on a consistent basis, accredited educational institutions in the Northeast Tennessee region request Sullivan County, by and through Sullivan County Emergency Medical Services, to enter into Clinical Affiliation Agreements to provide clinical experience for students enrolled in paramedical programs; and

WHEREAS, due to the educational systems' class scheduling, these agreements need to be authorized in a timely fashion in order to provide the best training for these students;

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorizes Sullivan County to enter into Clinical Affiliation Agreements with accredited educational institutions in the Northeast Tennessee region.

BE IT RESOLVED that within the Clinical Affiliation Agreements that specific professional liability insurance coverage will be required to be documented by each educational institution.

BE IT FURTHER RESOLVED that the County Attorney will review such Clinical Affiliation Agreements on an ongoing basis and negotiate any changes prior to authorization by the County Mayor.

This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Hereby approved this _____ day of _____, 20_____.

Attest: _____
Jeanie Gammon, County Clerk

Approve: _____
Richard S. Venable, County Mayor

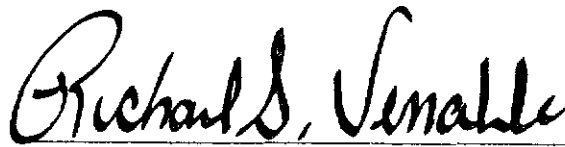
Sponsored By: Joe Herron
Prime Co-Sponsor(s): John Crawford

at

2005-12-114	Administrative	Budget	Executive	County Commission
ACTION				

Notes: 1st Reading 12-19-05;

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON
MOTION MADE BY COMM. HARR TO MEET AGAIN IN REGULAR
SESSION JANUARY 17, 2005.

A handwritten signature in black ink, reading "Richard S. Venable". The signature is written in a cursive style with a large initial "R".

RICHARD VENABLE

COMMISSION CHAIRMAN

