

# COUNTY COMMISSION- REGULAR SESSION

**FEBRUARY 16, 2004**

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, FEBRUARY 16, 2004, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE . PRESENT AND PRESIDING WAS HONORABLE RICHARD S. VENABLE, COUNTY MAYOR, JEANIE F. GAMMON, COUNTY CLERK AND WAYNE ANDERSON, SHERIFF OF SAID BOARD OF COMMISSIONERS,

TO WIT:

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

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

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

23 PRESENT 1 ABSENT, ( Herron Absent)

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

Motion was made by Comm. Morrell and seconded by Comm. Hyatt to approve the minutes of the January 20, 2004 Regular Session of County Commission. Said motion was approved by voice vote.

**PUBLIC COMMENTS: FEBRUARY 16, 2004**

**THOSE SPEAKING DURING THE PUBLIC COMMENT TIME WERE AS FOLLOWS:**

- 1. Joe McCray, 121 Daleview Drive, Blountville concerning the Position of Animal Cruelty Prevention Officer.**
- 2. Aisha Sabo, 124 Daleview Drive, Blountville –Position of Animal Cruelty Prevention Officer.**

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MAYOR VENABLE, SPEAKING IN REGARDS TO THE POSITION OF COUNTY ARCHIVIST, ASKED THAT THE PUBLIC RECORDS COMMISSION RECOMMEND TO HIM A PERSON FOR CONSIDERATION OF THIS POSITION, AFTER WHICH TIME HE WILL TRANSMIT TO THE COUNTY COMMISSION IN WRITING.

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AMENDMENT TO THE CONTRACT APPROVED ON JANUARY 29, 2004 BETWEEN SULLIVAN COUNTY AND TRI-CITIES CHRISTIAN SCHOOL WAS PRESENTED TO THE COMMISSION. MOTION MADE BY FERGUSON AND SECONDED BY HARR TO APPROVE SAME. AMENDMENT WAS APPROVED BY VOICE VOTE THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2004.

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Quarterly Reports filed for Nov. 2003- Dec. 2003 with the County Clerk were:

1. Library

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

ELECTION OF NOTARY'S

JANUARY 20, 2003

Regina Aldridge	Joe A. Musselwhite
David Almen	Mae R. Oliver
Stephanie R. Arnold	W. D. Overbay
Susan M. Baker	Kelly Christian Payne
Vickie Lynn Ballard	Melody A. Pyle
Lynne D. Barker	James A. Ray
N. Malinda Bell	Pamela Rehart
Candi D. Blair	Anita K. Smith
Sherri Brown	Teresa Susong
Don W. Cooper	Michael R. Trent
Heather R. Cooper	Helen Jayne Wolfe
Tracie M. Coppedge	Julian Kenneth Wright
Tracy L. Feathers	Mark D. Yankee
Melanie D. Gibson	Mary Kay English
Karen A. Gilmore	Wanda Wallen Gilliam
Margaret Hensley	
Constance L. Hicks	UPON MOTION MADE BY COMM. HARR AND SECONDED BY COMM. HYATT TO APPROVE THE NOTARY APPLICATIONS HEREON, SAID MOTION WAS APPROVED BY ROLL CALL VOTE OF THE COMMISSION. 23 AYE, 1 ABSENT.
Marlene K. Hughes	
E. Bruce Johnston	
Jacque L. Jones	
Amy Keen	
Cynthia S. Kessler	
Deanetta R. Kowalski	
John R. LeSueur, Jr.	
Edna M. Light	
Thomas McKinney, Jr.	

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

APPROVAL OF NOTARY  
PUBLIC SURETY BONDS

FEBRUARY 16, 2004

David A. Blythe

James R. Boatright

O. W. Ferguson

Susan Faye Lawson

Edward D. Marsh

Dorothy L. Range

Samuel K. Rose

Phillip R. Rust

Shelia Ann Simpson

Marcell Victoria Szulewski

Rebekah V. Whitaker

UPON MOTION MADE BY COMM. HARR AND SECONDED BY COMM. HYATT TO APPROVE THE  
NOTARY BONDS OF THE ABOVE NAMED INDIVIDUALS. SAID MOTION WAS APPROVED BY  
ROLL CALL VOTE OF THE COMMISSION. 23 AYE, 1 ABSENT.

QUESTIONS BEFORE THE COMMN.

No.  
Roll  
Call

election  
Notary  
April  
1960

No.

No.

No.

No.

No.

NAMES OF COMMISSIONERS

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Aye

Nay

Blackburn ✓

Brittenham ✓

Brotherton ✓

Conkin ✓

Crawford ✓

Ferguson ✓

Groseclose ✓

Hall ✓

Harr ✓

Herron A

Houser ✓

Hyatt ✓

Jones ✓

Kelgore ✓

Buddy King ✓

James L King ✓

McKamoy ✓

Morrall ✓

Patrick ✓

Fitzgrewes ✓

Surganor ✓

Vance ✓

Williamis ✓

McConnell ✓

23 Present 23 Aye

1 absent 1 Nay

Monday, February 16, 2004

Amendment to Contract between Sullivan County and Tri Cities Christian School.

At last months County Commission meeting you authorized the County Mayor to enter into a contract for the lease purchase of Lynn View Middle School by Tri Cities Christian School. An oversight in the contract which resulted in leaving in a "Reversion" provision has delayed the signing of the instrument. The Reversion language was not acceptable for a variety of reasons and is in my opinion not necessary to achieve the purpose for which it was originally included. It has been deleted and replaced with the language you see in Section 15.1 of the attached. This is a right of first refusal granted to the County which sets a price on a repurchase at any time that the property may be put up for sale. This price is based on a formula using the selling price (\$250,000.) and a depreciated value of capital improvements made to the property by Tri Cities Christian.

(Example: TCCS makes \$250,000. in improvements in year one of the contract and \$250,000. in year two. The first \$250K satisfies the lease purchase contract. The capital improvements (\$250,000.) in the second year are depreciated at 1/10 of its value over the next 10 years. If after the tenth year TCCS decides to sell the property the purchase price for the County would be \$25,000. (\$250,000. purchase price and \$225,000. in depreciation in 9 years, leaving a depreciated value and purchase price for the County of \$25,000.) The repurchase price to the County at any time 10 years after the actual purchase by TCCS will be \$250,000.

I believe this change is fair and equitable in that it allows TCCS to make needed improvements to the facility, which the community wants and allows TCCS to recover a portion (unused depreciation) of their investment should they want or need to sell the building. It also allows the County to continue to insure that the property is used in the highest and best interest of the Community.

AMENDMENT ATTACHED APPROVED 02-16-04 BY VOICE VOTE OF THE COUNTY COMMISSION.  
ORIGINAL CONTRACT IN FULL APPROVED 01-20-04 AND FILED WITH JANUARY MINUTES.

proceeds for any damage or destruction to the improvements to the Premises made by Tenant in bringing the Premises within the building code requirements applicable to the Tenant's use of the Premises under this Lease. All other proceeds from insurance payable for any damage or destruction of the improvements or the Premises shall be the sole and exclusive property of Landlord, without further participation or interest by Tenant therein.

14.3. Tenant, at Tenant's expense, shall obtain and maintain in effect at all times during the Term of this Lease, a policy or policies of comprehensive general public liability insurance protecting Landlord and Tenant against any liability for bodily injury, death or property damage occurring on the Premises, with such policies to afford protection to the limit of not less than One Million Dollars (\$1,000,000.00) with respect to bodily injury or death or property damage from one occurrence, with a limit of Two Million Dollars (\$2,000,000.00) in the general aggregate. The comprehensive liability insurance may be effected by a policy or policies of blanket insurance which cover other property in addition to the Premises, provided that the protection afforded thereunder shall be no less than that which would have been afforded under a separate policy or policies relating only to the Premises.

14.4 Lessee agrees to furnish to Lessor Certificates of Insurance demonstrating that the Lessee has complied with the terms of this paragraph of this Lease Agreement.

#### **15. THE CLOSING OF TENANT'S PURCHASE OF THE PREMISES.**

15.1. In the event Tenant elects to exercise its option pursuant to Paragraph 13, good and marketable fee simple title to the Premises shall be conveyed by Landlord to Tenant at Closing by special warranty deed, in recordable form and in a form acceptable to the Tenant ("Deed"), subject only to such matters affecting title prior to the Commencement Date and to any encumbrances created, suffered or permitted by the Tenant during the Term hereof. Conveyance of the Premises shall be conditioned upon Landlord retaining a first right of refusal subject to the following terms and conditions:

(a) Should Tenant ever wish to sell the Premises, Landlord shall first be offered the property, in writing, at a price (hereinafter "Exercise Price of the Right of First Refusal") to be determined as follows:

- (1) Begin with the amount of actual cash paid at Closing to Landlord by Tenant upon purchase of the Premises by Tenant pursuant to Paragraph 13 above, said amount to be after reduction of the Purchase Price pursuant to the terms of Paragraph 13.
- (2) Add the cost of all capital improvements [being any improvement which has to be depreciated according to the Internal Revenue Service instead of expensed (herein "Capital Improvements")] made to the Premises over the ten (10) year period since the sale of the Premises to Tenant by Landlord pursuant to Section 13 above. However, in determining the cost of Capital Improvements to be added, only costs timely provided to Landlord pursuant to the following terms will be allowed: Beginning with the sale of the Premises to Tenant, Tenant shall thereafter within sixty (60) days of expenditure on Capital Improvements, send copies of evidence of payment of such expenditures with indication of date paid to the Sullivan County Mayor, and shall by January 5 of each

year thereafter provide to the Sullivan County Mayor a cumulative list of all expenditures on Capital Improvements with amounts and dates of expenditures.

- (3) Deduct one-tenth (1/10) of each dollar spent, as identified in (2) above, for each year that has past since the date of expenditure of such dollar. A half of a year will be rounded up to the next full year, less than a half of year will be rounded down to the next full year.
- (4) It is understood that the Exercise Price of the Right of First Refusal during the first ten (10) years after purchase could be \$0.00.
- (5) Provided, however, that ten (10) years after the purchase of Premises by Tenant as pursuant to Section 13, the Exercise Price of the Right of First Refusal shall be Two hundred fifty thousand (\$250,000.00) Dollars.

(b) Landlord shall have sixty (60) days after the date of Tenant's notice of intent to sell within which to exercise its right of first refusal by providing written notice to Tenant of Landlord's acceptance of Tenant's offer; and

(c) Landlord shall be obligated to close on the purchase of the Premises from Tenant within seventy (70) days from the date of Landlord's written notice to Tenant regarding Landlord's acceptance of Tenant's offer. If Landlord fails to notify Tenant of its intent to exercise or waive its right of first refusal within sixty (60) days of Landlord's receipt of Tenant's notice of intent to sell, the right of first refusal shall terminate automatically and be of no further force or effect and Tenant shall be free to sell the Premises.

Landlord further shall execute all affidavits, indemnities and other documents as are customarily requested by a purchaser, its lender or a title company as a condition to its issuance of the title policy to Tenant. The Premises will be conveyed "AS IS, WHERE IS" without warranty as to the condition of the Premises, expressed or implied, (except for the warranties of title in the deed).

15.2. The closing will be held at a time and location selected by Tenant and Landlord (the "Closing"). At Closing, Landlord and Tenant will execute and deliver to each other the documents provided in this Lease and such other documents as may be reasonably requested by either party.

15.3. Tenant shall bear recording costs in connection with the conveyance of title and Tenant's other expenses incurred in connection therewith. Landlord shall be responsible for Landlord's expenses in connection with the Closing and conveyance.

**16. NOTICES.** Any notice required or permitted hereunder must be made in writing and will be deemed given when personally delivered or, if sent to an address in the United States, three business days after being deposited, U. S. certified mail, postage prepaid, return receipt requested, or with a nationally-recognized overnight courier, and addressed as follows:



**RESOLUTIONS ON DOCKET FOR FEBRUARY 16, 2004**

RESOLUTIONS	ACTION
#1 APPROPRIATE FUNDS TO CONSTRUCT A SULLIVAN COUNTY EMS STATION TO SERVE THE COMMUNITIES OF HICKORY TREE, WEAVER PIKE AND HOLSTON VALLEY	APPROVED 02-16-04
#2 APPROVE & APPROPRIATE FUNDS FOR A 3% RAISE TO ALL COUNTY EMPLOYEES (FULL & PART-TIME) IN THE GENERAL, HIGHWAY, SOLID WASTE, HEALTH, AND THE EDUCATION DEPT. (SUPPORT STAFF ONLY)	DEFERRED UNTIL BUDGET TIME 02-16-04
#3 SUPPORT SUPERIOR FUNDING FOR SUPERIOR STUDENTS	DEFERRED <del>UNTIL</del> <del>BUDGET TIME</del> 02-16-04
#4 AMEND THE OBSERVATION KNOB PARK BUDGET	APPROVED 02-16-04
#5 PROVIDE HEALTH INSURANCE BENEFITS TO RETIRED DISABLED EMPLOYEES	APPROVED 02-16-04
#6 DESIGNATE A PORTION OF THE SNOW HOUSE FOR SULLIVAN COUNTY ARCHIVES	APPROVED 02-16-04
#7 APPLY AND ACCEPT GRANT FUNDS FOR THE SULLIVAN COUNTY ARCHIVES OFFICE	APPROVED 02-16-04
#8 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 11 <sup>TH</sup> C.D.	APPROVED 02-16-04
#9 AMEND HEALTH DEPARTMENT BUDGET FOR ADDITIONAL STATE FUNDING	APPROVED 02-16-04
#10 UPDATE THE SULLIVAN COUNTY OCCUPATIONAL SAFETY AND HEALTH PROGRAM	APPROVED 02-16-04
#11 AUTHORIZE REQUEST FOR UNCLAIMED BALANCE OF ACCOUNTS REMITTED TO STATE TREASURER UNDER UNCLAIMED PROPERTY ACT	APPROVED 02-16-04
#12 APPROPRIATE FUNDS FOR THE RESTORATION OF THE BLUFF CITY SWINGING BRIDGE	1 <sup>ST</sup> READING 02-16-04
#13 AUTHORIZE THE ISSUANCE, SALE AND PAYMENT OF E.M.S. STATION (EAST) CAPITAL OUTLAY NOTES NOT TO EXCEED \$120,000	APPROVED 02-16-04
#14 AUTHORIZE THE SALE OF LAND IN THE TRI-COUNTY INDUSTRIAL PARK	1 <sup>ST</sup> READING 02-16-04



QUESTIONS BEFORE THE COMMN.

No. 8 9 10 11 12 13 14

NAMES OF COMMISSIONERS

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

Blackburn	✓		✓		✓		✓							
Brittenham	✓		✓		✓		✓							
Brotherton	✓		✓		✓		✓							
Conlin	✓		✓		✓		✓							
Crawford	✓		✓		✓		✓							
Ferguson	✓		✓		✓		✓							
Groselore	✓		✓		✓		✓							
Hall	✓		✓		✓		✓							
Narr	✓		✓		✓		✓							
Nerron	A		A		A		A							
Houser	✓		✓		✓		✓							
Hyatt	✓		✓		✓		✓							
Jones	✓		✓		✓		✓							
Kelgore	✓		✓		✓		✓							
Buddy King	✓		✓		✓		✓							
James & King Jr.	✓		✓		✓		✓							
McConnell	✓		✓		✓		✓							
McKamey	✓		✓		✓		✓							
Morrell	✓		✓		✓		✓							
Patrick	✓		✓		✓		✓							
Fitzgrees	✓		✓		✓		✓							
Surgenor	✓		✓		✓		✓							
Umce	✓		✓		✓		✓							
Williams	✓		✓		✓		✓							

23 Aye 23 Aye 23 Aye 23 Aye  
1 a/s 1 a/s 1 a/s 1 a/s

Sullivan County, Tennessee  
Board of County Commissioners

123  
Item 13  
Budget Committee  
No. 2003-12-127

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 15<sup>th</sup> day of December, 2003.

**RESOLUTION Appropriating Funds to Construct a Sullivan County EMS Station to Serve the Communities of Hickory Tree, Weaver Pike and Holston Valley**

WHEREAS, Sullivan County EMS provides ambulance service for all of Sullivan County including the Hickory Tree, Weaver Pike and Holston Valley communities; and

WHEREAS, the owners of the facility where the Sullivan County EMS ambulances and staff that serve these communities are currently housed has requested that Sullivan County EMS vacate the facility due to their own need of the space for expansion and growth of their department; and

WHEREAS, an agreement has been established to utilize a portion of the county-owned property on Hickory Tree Road, known as the Old Sunrise School Property, which is a relatively central location for the area which this EMS station serves;

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby appropriate up to the sum of \$120,000 for the purpose of constructing a Sullivan County EMS station on a portion of the Old Sunrise School Property to serve the above-referenced communities of Sullivan County. Account Codes to be designed by the Accounts and Budgets Director.**

**BE IT FURTHER RESOLVED that upon completion of the project, the total cost shall be reimbursed by the EMS fund to the General Fund over a period of four (4) years with equal annual payments being made to the General Fund from the EMS Fund beginning July, 2004.**

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

Duly passed and approved this 16<sup>th</sup> day of February, 2004 ~~2003~~.

Attested: Janie Gammon 2/16/04 Approved: Richard S. Venable 2/16/04  
Janie Gammon, County Clerk Date Richard S. Venable, Mayor Date

**Introduced By: Commissioner: R. Morrell**

**Seconded By: Commissioner(s): M. Hyatt, J., McKamey, L. Brittenham,  
D. Houser, G. Blackburn**

(j)

2003-12-127	Administrative	Budget	Executive	County Commission
ACTION				Approve 02-16-04 22A, 2Absent

Comments: 1st Reading 12-15-03; Deferred 01-20-04;

Sullivan County, Tennessee  
Board of County Commissioners

Item 4  
Budget  
No. 2004-02-008

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of February 2004.

**RESOLUTION To Amend the Observation Knob Park Budget**

WHEREAS, Observation Knob Park operates in a separate fund dependent upon revenues generated from the park; and

WHEREAS, utility expenses which are a major portion of the park's operations continue to escalate; and

WHEREAS; revenues at the Park as of December 31<sup>st</sup> have exceeded last year's revenue by \$26,000 on which this year's budget was based and should continue to increase for the remainder of the fiscal year; and,

WHEREAS; an appropriation for Trustee's Commission was overlooked in the original budget which should be corrected at this time; and,

WHEREAS, the revenue collections are sufficient to meet the needs of the request according to the Office of Accounts & Budgets;

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approve that Revenue Account 43340 for Observation Knob Park (Fund 123) be increased by \$10,000 and the Appropriation Account 56700.400.5600 be increased by \$7,500 and 56700.500 Trustee's Commission increased by \$2,500.**

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

Duly passed and approved this 16th day of February 2004.

Attested: Jeanie F. Gammon 2/16/04 Approved: Richard S. Venable 2/16/04  
Jeanie F. Gammon, County Clerk Richard S. Venable, Mayor

**Introduced By Commissioner: Morrell**  
**Seconded By Commissioner(s): Sitgreaves**

2004-02-008	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	No Action 2-2-04	Approve 2-5-04	Refer to Budget Cmte 2-4-04	Approve 02-16-04 23 Aye, 1 Absent

Comments:





# SULLIVAN COUNTY

## OFFICE OF ACCOUNTS & BUDGETS

3411 Highway 126, Suite 202 · Blountville, Tennessee 37617  
(423) 323-6413 · Fax: (423) 279-7429

FINANCE  
BUDGETING  
ACCOUNTS PAYABLE

PERSONNEL  
PAYROLL  
EMPLOYEE BENEFITS

To: Sullivan County Insurance Committee  
From: Gayvern Moore, Personnel Mgr.  
Date: January 26, 2004  
Subject: Proposed Medical Benefits for Disabled Retirees

Sullivan County has five (5) retired employees participating in the medical insurance plan, who have taken an unplanned early retirement due to a disability. At the November insurance meeting Commissioner Herron ask that I bring back to the committee the cost to Sullivan County if the attached plan was recommended to the County Commission for approval.

Four of the five retirees selected the A Plan and one selected the B Plan. The cost is as follows:

Plan	Yrs of Service	County Cost Per Month	County Cost Per Year
A	14	\$ 96.28	\$1,155.00
A	19	\$192.57	\$2,311.00
A	21	\$192.57	\$2,311.00
A	26	\$236.34	\$2,836.00
B	13	\$ 92.58	\$1,111.00
			\$9,724.00

The amount listed above is based on the current premium and the current number of participating retirees.

**ATTACHMENT**  
Resolution No. 2004-02-009  
Pages 3



# SULLIVAN COUNTY

## OFFICE OF ACCOUNTS & BUDGETS

3411 Highway 126, Suite 202 · Blountville, Tennessee 37617  
(423) 323-6413 · Fax: (423) 279-7429

FINANCE  
BUDGETING  
ACCOUNTS PAYABLE

PERSONNEL  
PAYROLL  
EMPLOYEE BENEFITS

To: Sullivan County Insurance Committee  
From: Gayvern Moore, Payroll & Personnel Mrg  
Date: August 26, 2003  
Subject: Proposed Medical Benefits for Disabled Retirees

Employees who have completed 5 years of full-time employment with Sullivan County and are forced to retire early due to a disability and are approved by TCRS to draw a monthly disability benefit will be provided the following rate reductions based on the length of employment with Sullivan County.

An employee with medical coverage under Plan A and completes 6 -15 years of service, applies and is approved for disability retirement, Sullivan County will contribute 33% toward the cost of the employees individual medical premium.

(Example: Premium	291.78
Co. Cont.	96.28
Employee Cost	195.50

An employee completing 16 - 25 years of service, Sullivan County will contribute 66%

Premium	291.78
Co Cont.	192.57
Employee Cost	99.21

Employees who have completed 25+ years of service and become disabled will be able to continue their medical coverage at the same rate as an active employee. The current individual rate under plan A is 55.44

\*Disabled employees who are eligible for this benefit and only have a spouse listed under their medical plan at the time of retirement will pay the full Individual Rate per month to keep their spouse covered.

\*Disabled employees who are eligible for this benefit with family coverage at the time of retirement will pay the difference between the Individual Rate and Family Rate. (Example Ind. 291.78 Family 787.81 the cost to the retiree \$496.03 per month.)

Coverage under this plan will be in effect as long as premiums are paid for both Individual and Family members, until the retired employee reaches age 65 or until the covered members are no longer eligible dependents as defined in Sullivan County's Contract.

2004-02-09 (2)



Sullivan County, Tennessee  
Board of County Commissioners

COPY  
Item 24  
Administrative  
11/2003-06-71

COPY

To the Honorable Richard S. Venable, Sullivan County Executive and the Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of June 2003.

**RESOLUTION To Provide for the County's Contribution to Disabled Sullivan County Employees Receiving Tennessee Consolidated Retirement System Benefits due to Their Disability**

WHEREAS, A number of dedicated employees of Sullivan County have become disabled while being an active employee of the County, and;

COPY

WHEREAS, Those employees have applied for and qualified for early disability retirement benefits pursuant to the guidelines set forth by the TCRS regulations, and;

COPY

WHEREAS, Currently, Sullivan County does not have any provisions for a financial contribution to the health insurance coverage for those employees, and;

WHEREAS, While due to their disability, these former employees are in most need of insurance coverage, the cost of insurance continues to escalate creating a hardship on these individuals who need to maintain health insurance coverage, and;

WHEREAS, As with all Elected Officials and Department Heads of Sullivan County, the County Executive is concerned for the welfare of these individuals.

COPY

**THEREFORE BE IT RESOLVED** that the County Executive of Sullivan County is to develop and present to the Insurance Committee for their approval a policy to provide for measured, but reasonable financial assistance in providing contribution toward disabled employee's health insurance coverage. The County's contribution should be graduated based upon years of actual service to Sullivan County and not to exceed the cost share for currently active employees.

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists. Duly passed and approved this 21st day of July 2003.

COPY

Attested: Jeanie F. Gammon 7/21/03  
Jeanie F. Gammon, County Clerk Date

Approved: Richard S. Venable 7/21/03  
Richard S. Venable, County Executive Date

Introduced By Commissioner: Harr  
Seconded By Commissioner(s): Williams

2003-06-62	Administrative	Budget	Executive	County Commission
ACTION				Approved 07-21-03

Comments: 1st Reading 06-16-03;

22 Aye, 2 Absent

COPY

COPY

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

Item 6  
Executive  
No. 2004-02-010

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of February 2004.

**RESOLUTION To Designate a Portion of the Snow House for Sullivan County Archives**

WHEREAS, in February 2003 the Sullivan County Commission went on record in support of establishing an official County Archives as a repository for storing Sullivan County historical and genealogical records creating a position for a County Archivist; and,

WHEREAS, said Office of County Archives needs to establish a permanent residence in order to conduct business;

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves designating a portion of the Snow House as an office and repository for housing the part-time personnel and providing office space for the Sullivan County Archives.**

***WAIVER OF THE RULES REQUESTED***

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 16th day of February 2004.

Attested: Jeanie F. Gammon 2/16/04 Approved: Richard S. Venable 2/16/04  
Jeanie F. Gammon, County Clerk Richard S. Venable, Mayor

**Introduced By Commissioner: Houser**

**Seconded By Commissioner(s): Brittenham, Brotherton, Hall, Morrell**

2004-02-010	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Approve 2-2-04	Approve 2-5-04	Approve 2-4-04	Approve 02-16-04

Comments:

23 Aye, 1 Absent

Sullivan County, Tennessee  
Board of County Commissioners

Item 7  
Executive  
No. 2004-02-011  
ATTACHMENTS

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of February 2004.

**RESOLUTION To Apply and Accept Grant Funds for the Sullivan County Archives Office**

WHEREAS, T.C.A. Title 10, Chapter 7, requires that records of permanent value be preserved and made available for public inspection; and,

WHEREAS, the Tennessee State Library and Archives, Local Archives Development Program has made available funds to counties to development their local archives offices; and,

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the submission of an application and the acceptance of grant funds in the amount up to \$5,000 (no match required) provided through the Tennessee State Library and Archives, Local Archives Development Program for use in the development of the Sullivan County Archives Office.**

**WAIVER OF THE RULES REQUESTED**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.  
Duly passed and approved this 16th day of February 2004.

Attested: Jeanie F. Gammon 2/16/04      Approved: Richard S. Venable 2/16/04  
Jeanie F. Gammon, County Clerk      Richard S. Venable, Mayor

Introduced By Commissioner: Houser  
Seconded By Commissioner(s): Morrell/Biotherton

2004-02-011	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Approve 2-2-04	Approve 2-5-04	Approve 2-4-04	Approve 02-16-04

23 Aye, 1 Absent

Comments:

**TSLA DIRECT GRANTS TO LOCAL ARCHIVES**

**APPLICATION FORM**

Name of county (or city): Sullivan County, Tennessee

Street address of archives: 3411 Hwy. 126, Suite 206, Blountville, TN 37617

[Please include zip code.]

Name of county (or city) executive: Hon. Richard Venable, County Mayor

Name of county (or city) archivist: to be appointed

Mailing Address: 3411 Hwy. 126, Suite 206, Blountville, TN 37617

Phone number: 423-323-6417 E-mail address: \_\_\_\_\_

Names of members of the public records commission:

Hon. John S. McLellan III (Chairperson) Mary Lou Duncan, Register of Deeds

Hon. Ralph Harr, Commissioner \_\_\_\_\_

Shelia Steele Hunt, Genealogist \_\_\_\_\_

Nancy Hamblen Acuff, Historian \_\_\_\_\_

Jeannie Gammon, County Clerk \_\_\_\_\_

The archivist reports to (county/city/town officer): County Mayor

Date archives established: January 2004

Scheduled days and hours of operation: to be announced

Scheduled hours open to the public: to be announced

Amount requested: \$ \$5,000

To be spent for: Conservation supplies, General Office Supplies, Filing cabinets, Shelving

**ATTACHMENT**

Date span of archives (years of oldest and newest records): 1779 to 2004

Describe briefly the principal kinds of county (or city) records and their **approximate** volume in cubic feet (linear shelf feet)<sup>5</sup> that your archives keeps and makes available to the public:

Record Group or Series	Volume in Cubic Feet
[e.g.: Loose chancery court records, 1835-1900	20.0]
<u>Early Tax Books, 1850s-1860s</u>	
<u>Old Register Books (from tax assessor's office), ca1863-ca1920</u>	
<u>Tax Assessment Records, pre-1863 -- ca1930</u>	
<u>Poll Tax Records, 1865-1930</u>	
<u>Loose Chancery Records, 1863-1950</u>	
<u>Wills, 1845-ca1950</u>	
<u>School records, 1900-1930</u>	
<u>Loose marriage records, 1863-1950</u>	
<u>Miscellaneous loose records 1779-1930</u>	
<u>Early ledger books, 1863-1920</u>	

→ Please note that the above is listing is speculative and may change upon initial start-up of the official Sullivan County Archives. The actual volume of records to be housed in the archives is anticipated to greatly increase from the above list.

Typed name and title of official making request: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<sup>5</sup> A rough approximation is acceptable. Precise measurement is not required.

**ATTACHMENT**

Resolution No. 2004-02-011

Page 2 of 4



**Direct Grants to Local Governments  
for  
Support of Archives**

**PROPOSED GRANT BUDGET**

**Name of County:** Sullivan County, Tennessee

**Total Grant Requested:** \$5,000

Archival document boxes, 15x12x10, 300	\$ 1,125
Archival, acid-free, legal size folders, 4000	\$ 1,000
Conservation supplies – (15-20 dry sponges for cleaning, 2 dusting brushes, 2-3 spatulas for removing staples, 2 needle-nose pliers, gloves, &c, hand-held vacuum cleaner & vacuum bags, 10 scalpel blades, scalpel handle, &c)	\$ 350
General Office Supplies (Pencils, erasers, sharpener, paper, note pads, &c)	\$ 200
Roller Shelving	\$ 500
4 Filing Cabinets, legal-size	\$ 700
Table, large table for processing incoming records	\$ 400
Office desk	\$ 400
Office chair	\$ 200
Miscellaneous	\$ 125
<b>Total Budget Expenditure:</b>	<b>\$5,000</b>

**Date:** \_\_\_\_\_

**Typed Name and Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**ATTACHMENT**

Resolution No. 2004-02-011  
Page 4 of 4

Sullivan County, Tennessee  
Board of County Commissioners

Item 8  
Executive  
No. 2004-02-012  
ATTACHMENTS

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of February 2004.

**RESOLUTION To Authorize Traffic Sign Changes in the 11<sup>th</sup> Civil District**

WHEREAS, the Sullivan County Highway Department has recommended the following traffic sign changes be made in the 11<sup>th</sup> Civil District ( 10<sup>th</sup> Commission District ).

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

11<sup>th</sup> Civil District ( 10<sup>th</sup> Commission District )

**To place a No Parking signs along both side of Northcott Circle  
(Petition Attached)**

**WAIVER OF THE RULES REQUESTED**

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

Duly passed and approved this 16th day of February 2004.

Attested: Jeanie F. Gammon 2/16/04 Jeanie F. Gammon, County Clerk  
Approved: Richard S. Venable 2/16/04 Richard S. Venable, Mayor

**Introduced By Commissioner: Kilgore**

**Seconded By Commissioner(s): Crawford, King**

at

2004-02-012	Administrative	Budget	Executive	County Commission
<b>ACTION</b>		Approve 2-5-04	Approve 2-4-04	Approve 02-16-04

23 Aye, 1 Absent

Comments:



# SULLIVAN COUNTY HIGHWAY DEPARTMENT

P.O. BOX 590  
BLOUNTVILLE, TENNESSEE 37617

**John R. LeSueur, Jr.**  
Commissioner of Highways

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

January 4, 2004

COMMISSIONERS: ELLIOTT KILGORE  
JOHN CRAWFORD

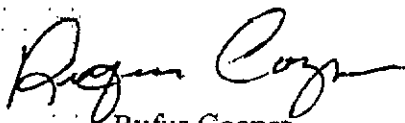
Dear Commissioners:

I have reviewed the request from Commissioner Elliott Kilgore and the attached two(2) pages of signed petitions. I would like to request that you consider passing a the following resolution:

**To place NO PARKING signs on along both sides of Northcott Circle.**

Northcott Circle is in the 11<sup>th</sup> Civil District  
10<sup>th</sup> Commissioner District

Sincerely,



Rufus Cooper  
Traffic Coordinator

RC/jsm

c: Angela Taylor

## ATTACHMENT

Resolution No. 2004-02-012  
Pages 3

NORTHCOT CIR  
NO PARKING ON BOTH SIDE OF ROAD.

2/05/2004

Page 1 of 2

- 1 Marwin S. Salley 1405 Northcott Cir. KPT 37660
- 2 Emma L. Salley 1405 Northcott Circle Kpt 37660
- 3 Cheryl Tate 1408 Northcott Circle, Kpt TN 37660
- 4 Randy Tate 108 Greenwood Ln. Kpt. TN 37660
- 5 Phyllis DeBard 637 Northcott Dr. Kpt. 37660
- 6 Limer DeBard 637 Northcott Dr. Kpt 37660
- 7 Tracy Sumpter 1404 Northcott Cir Kpt 37660
- 8 Carlos Mullins 621 Rogers Ave. Kpt TN 37660
- 9 Karen Mullins 617 Rogers Ave Kpt TN 37660
- 10 Baler Mullins 617 Rogers Ave Kpt TN 37660
- 11 Joyce DeBard 637 Northcott Dr. Kpt, Tenn. 37660
- 12 Pat Dyer - 1424 Northcott Ci. Kpt. TN 37660
- 13 Pat Dyer 1424 Northcott Ci. Kpt TN 37660
- 14 Cindy Haynes 1505 Parton Dr. Kingsport, TN 37660
- 15 " " " " " " " " " " " "
- 16 " " " " " " " " " " " "
- 17 Dena Winger 1417 Northcott Cir Kpt TN 37660
- 18 Thomas J. Winger 1417 Northcott Cir Kpt TN 37660
- 19 Joyce Wood 625 Northcott Dr. Kpt. In. 37660
- 20 Rex Wood 625 Northcott Dr. Kpt. TN 37660
- 21 Kelly Overmyer Lindsey 423 Parkway 3A Good Pk. Va. 24251
- 22 David Guilan 629 Northcott Dr. Kpt In 37660
- 23 Jody Guilan 629 Northcott Dr. Kpt, In. 37660
- 24 Nicole Price 625 Northcott Dr. Kpt, In. 37660
- 25 Mark Casey 630 Northcott Dr, Kingsport
- 26 Sharon Casey 630 Northcott Dr Kpt, In 37660
- 27 Jean Casey 628 Northcott Dr. Kpt, In 37660
- 28 Al R. R. 633 Northcott Dr Kpt TN 37660

page 2 of 2

- ② 29 Brian & Melissa <sup>Reed</sup> 1428 Northcott Cir. Kpt. TN 37660
- ② 30 ~~Peggy~~ & Mary <sup>Green</sup> 1432 Northcott Cir. Kpt. TN 37660
- 31 Eric Messer 1436 Northcott Cir Kpt. TN 37660
- 32 Phyllis Messer 1436 Northcott Cir Kpt TN 37660
- ② 33 Ronald & Vaughn <sup>and</sup> Dorene Reed 1440 <sup>NORTH COH. CR.</sup> Kingsport, TN 37660
- 34 Rhonda G. France 1412 Northcott Cir, Kpt. TN 37660
- 35 Angela R. France 1500 Carole St. Kpt. TN. 37660
- 36 Mary Farmer Bonds, 2061 Welch Rd., Kpt., TN 37660
37. ~~Carl~~ ~~Baker~~, 2061 Welch Rd Kpt TN 37660
- 38 Marietta Williams 1005 pine grove apt 1 kpt, TN 37660
39. Theresa Flanery 232 Flanery St. Kpt. 37660
40. Dave Flanery 232 Flanery St. Kpt. 37660
41. ~~Curt~~ ~~Overby~~ 1134 Qualls Rd., Kingsport, TN 37660
42. ~~Kathy~~ ~~Overby~~ 1124 Qualls Rd., Kpt., TN 37660
43. Susan Overby 1134 Qualls Rd
44. Wade Overby 1134 Qualls Rd, Kpt., TN 37660
45. ~~Blind~~ ~~Anderson~~ 473 ~~Aracadio~~ Dr. Kpt, TN 37660
46. Jim Anderson 473 ~~Aracadio~~ Dr. Kingsport, TN 37660
47. Charles E. Farmer Steffle Heights, Kingsport, TN 37660
48. Barbara Farmer Steffle Heights, Kingsport, TN 37660
49. Ann Farmer 1412 Northcott Circle, Kingsport, TN 37660
50. Cal E Farmer Polcat Knob, Kingsport, TN 37657

Sullivan County, Tennessee  
Board of County Commissioners

Item 9  
Budget  
No. 2004-02-013

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 16th day of February 2004.

**RESOLUTION To Amend Health Department Budget For Additional State Funding**

WHEREAS, funding has become available from the State of Tennessee through the MCH Program during the fiscal year for additional supplies and equipment for the Sullivan County Health Department;

WHEREAS, no additional local funds are required to match these funds.

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approve the Health Fund budget be amended by increasing Revenue Account 46310 State Grant Revenue by \$43,869.20 and Appropriation Account 55110 Local Health Department by \$13,500, and Appropriation Account 55190.P104 TN Home Visitation Grant by \$30,369.20. No additional personnel positions are included.**

**WAIVER OF THE RULES REQUESTED**

All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists. Duly passed and approved this 16th day of February 2004.

Attested: Jeanie F. Gammon 2/16/04 Approved: Richard S. Venable 2/16/04  
Jeanie F. Gammon, County Clerk Richard S. Venable, Mayor

**Introduced By Commissioner: Williams**  
**Seconded By Commissioner(s): Harr**

2004-02-013	Administrative	Budget	Executive	County Commission
ACTION		Approve 2-5-04		Approve 02-16-04
				23 Aye, 1 Absent

Comments:

Sullivan County, Tennessee  
Board of County Commissioners

Item 10  
Executive  
No. 2004-02-014

To the Honorable Richard S. Venable, Mayor of Sullivan County and the Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of February 2004.

**RESOLUTION To Update The Sullivan County Occupational Safety and Health Program**

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee the Sullivan County Commission previously established the Occupational Safety and Health Program for the Employees of the Sullivan County Government; and,

WHEREAS, such program was established in the year of 1975 and the State of Tennessee has requested that all counties update their plans;

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby approves the following amendments to the Occupational Safety and Health Program for the Employees of the Sullivan County Government as follows:

**TITLE:** This section shall provide authority for continuing and administering the Occupational Safety and Health Program for the employees of Sullivan County.

**PURPOSE:** The County Commission in electing to update their established program plan will maintain an effective occupational safety and health program for its employees and shall:

1. Provide a safe and healthful place and condition of employment that includes:
  - a) Top Management Commitment and Employee Involvement;
  - b) Continually analyze the worksite to identify all hazards and potential hazards;
  - c) Develop and maintain methods for preventing or controlling existing or potential hazards; and,
  - d) Train managers, supervisors, and employees to understand and deal with worksite hazards.
2. Acquire, maintain, and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
3. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development of the State of Tennessee, his designated representatives, or persons within the Tennessee Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
4. Consult with the State Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
5. Consult with the State Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.
6. Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this program, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7. Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this program.

**COVERAGE:** The provisions of the Occupational Safety and Health Program for the Employees of Sullivan County Government shall apply to all employees of each administrative department, commission, board, division, or other agency of Sullivan County whether part-time or full-time, seasonal or permanent.

**STANDARDS AUTHORIZED:** The occupational safety and health standards adopted by the County Commission are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 5).

**VARIANCES FROM STANDARDS AUTHORIZED:** Sullivan County may, upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, Chapter 0800-1-2, as authorized by T.C.A., Title 5. Prior to requesting such temporary variance, Sullivan County shall notify or serve notice to employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board as designated by Sullivan County shall be deemed sufficient notice to employees.

**ADMINISTRATION:** For the purposes of this resolution, the Risk Manager is designated as the Director of Occupational Safety and Health to perform duties and to exercise powers assigned so as to plan, develop, and administer said plan. The Director shall develop a plan of operation for the program and said plan shall become a part of this resolution when it satisfies all applicable sections of the Tennessee Occupational Safety and Health Act of 1972 and Part IV of the Tennessee Occupational Safety and Health Plan.

**FUNDING THE PROGRAM:** Sufficient funds for administering and staffing the program pursuant to this resolution shall be made available as authorized by the County Commission.

**SEVERABILITY:** That if any section, sub-section, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

Duly passed and approved this 16th day of February 2004.

Attested: Jeanie F. Gammon 2/16/04  
 Jeanie F. Gammon, County Clerk

Approved: Richard S. Venable 2/16/04  
 Richard S. Venable, Mayor

**Introduced By Commissioner: Harr**

**Seconded By Commissioner(s): McConnell, Brotherton**

2004-02-014	Administrative	Budget	Executive	County Commission
<b>ACTION</b>		Approve 2-5-04	Approve 2-4-04	Approve 02-16-04

23 Aye, 1 Absent

Comments:

Sullivan County, Tennessee  
Board of County Commissioners

Item 11  
Budget  
No. 2004-02-015

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of February, 2004.

**RESOLUTION To Authorize Request for Unclaimed Balance of Accounts Remitted to State Treasurer Under Unclaimed Property Act**

WHEREAS, Tennessee Code Annotated §66-29-102 and §66-29-123, as amended by Public Chapter 401, Acts of 1985, provide that a municipality or county in Tennessee may request payment for the unclaimed balance of funds reported and remitted by or on behalf of the local government and its agencies if it exceeds One hundred (\$100.00) Dollars, less a proportionate share of the cost of administering the program; and

WHEREAS, Sullivan County and/or its agencies have remitted unclaimed accounts to the State Treasurer in accordance with the Uniform Disposition of Unclaimed Property Act for the report year ending December 31, 2002; and

WHEREAS, Sullivan County agrees to meet all of the requirements of Tennessee Code Annotated §66-29-101, et seq., and to accept liability for future claims against accounts represented in funds paid to it and to submit an annual report of claims received on these accounts to the State Treasurer; and

WHEREAS, it is agreed that Sullivan County will retain a sufficient amount to insure prompt payment of allowed claims without deduction for administrative costs or service charge and that the balance of funds will be deposited in Sullivan County's general fund;

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 16<sup>th</sup> day of February, 2004 hereby request the State Treasurer to pay the unclaimed balance of funds remitted for the 2002 report year to Sullivan County in accordance with the provisions of Tennessee Code Annotated §66-29-121.

[WAIVER OF RULES REQUESTED]

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

Duly passed and approved this 16th day of February, 2004.

Attested: Jeanie Gammon 2/16/04 Approved: Richard S. Venable 2/16/04  
Jeanie Gammon, County Clerk Richard S. Venable, County Executive

**Introduced By: Commissioner: McConnell**  
**Seconded By: Commissioner(s): Brittenham / Bueherton**

tr1

2004-02-015	Administrative	Budget	Executive	County Commission
<b>ACTION</b>		Approve 2-5-04		Approve 02-16-04 23 Aye, 1 Absent

Comments: Waiver of Rules Requested

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

Item 13  
Budget  
No. 2004-02-017

To Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 16<sup>th</sup> day of February 2004.

**RESOLUTION To Authorize the Issuance, Sale and Payment of E.M.S. Station (East) Capital Outlay Notes Not to Exceed \$120,000**

WHEREAS, the governing body of Sullivan County, Tennessee has determined that it is necessary and desirable to provide funds for a public works project in the form of an E.M.S. Station to service the eastern portion of the County (the "Project"); and,

WHEREAS, the governing body of Sullivan County has determined that the Project will provide a public purpose under the provisions of Parts I, IV and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"); local governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and,

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

WHEREAS, the Sullivan County Commission finds that it is advantageous to the Sullivan County to authorize the issuance of capital outlay notes to finance the cost of the Project;

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

**Section 1.** That, for the purpose of providing funds to finance the cost of the Project in and for Sullivan County, the County Mayor of Sullivan County is hereby authorized in accordance with the terms of this resolution to issue and sell interest-bearing capital outlay notes in a principal amount not to exceed One Hundred And Twenty Thousand Dollars (\$120,000) the "Notes" at either a competitive public sale or at a private negotiated sale upon approval of the State Director of Local Finance pursuant to the terms, provisions, and conditions permitted by law. The Notes shall be designated "E.M.S. Building (East) Capital Outlay Notes, Series 2004, shall be number serially from 1 upwards; shall be dated as of the date of issuance; shall be in a denomination(s) as agreed upon with the purchaser at a rate or rates not to exceed three percent (3%) per annum, and in no event shall the rate exceed the legal limit provided by law.

**Section 2.** That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the Governing Body to be at least 20 years. Provided however, that each year the Notes are outstanding, one-fourth (1/4), but in no event not less than one-ninth (1/9), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.



1  
2 **Section 3.** That, the Notes shall be subject to redemption at the option of Sullivan  
3 County in whole or in part, at any time, at the principal amount and accrued interest to the  
4 date of redemption.

5  
6 **Section 4.** That, the Notes shall be direct general obligations of Sullivan county for  
7 which the punctual payment of the principal and interest on the notes, the full faith and  
8 credit of Sullivan County is irrevocably pledged and Sullivan County hereby pledges its  
9 taxing power as to all taxable property in Sullivan County for purpose of providing funds  
10 for the payment of principal of and interest on the Notes. The governing body of Sullivan  
11 County hereby authorizes the levy and collection of a special tax on all taxable property of  
12 Sullivan County over and above all other taxes authorized by Sullivan County to create a  
13 sinking fund to retire the Notes with interest as they mature in an amount necessary for  
14 that purpose. If applicable, the Notes shall be further secured by revenues generated by  
15 E.M.S. collections.

16  
17 **Section 5.** That, the Notes shall be executed in the name of Sullivan County and bear  
18 the manual signature of the County Mayor of Sullivan County and the manual signature of  
19 the County Clerk with the local government seal affixed thereon; and shall be payable as to  
20 principal and interest at the Sullivan County Office of Accounts and Budgets or the paying  
21 agent duly appointed by Sullivan County. Proceeds of the Notes shall be deposited with the  
22 banking institution of Sullivan County and shall be paid out for the purpose of financing  
23 the Project pursuant to this Resolution and as required by law.

24  
25 **Section 6.** That, the Notes will be issued in fully registered form and that at all times  
26 during which any Notes remains outstanding and unpaid, Sullivan county or its agent shall  
27 keep or cause to be kept at its office a note register, if held by an agent of Sullivan County,  
28 shall at all times be open for inspection by Sullivan County or any duly authorized officer  
29 of Sullivan County. Each Note shall have the qualities and incidents of a negotiable  
30 instrument and shall be transferable only upon the note register kept by Sullivan County  
31 or its agent, by the registered owner of the Note in person or by the registered owner's  
32 attorney duly authorized in writing, upon presentation and surrender to Sullivan County  
33 duly executed by the registered owner of the registered owner's duly authorized attorney.  
34 Upon the transfer of any such Note, Sullivan County shall issue in the name of the  
35 transferee a new registered note or notes of the same aggregate principal amount and  
36 maturity as the surrendered Notes. Sullivan County shall not be obligated to make any  
37 such Note transfer during the fifteen (15) days next preceding an interest payment date of  
38 the Notes or, in the case of any redemption of the Notes, during the forty-five (45) days next  
39 preceding the date of redemption.

40  
41 **Section 7.** That, the Notes shall be in substantially the form attached hereto and shall  
42 recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

43  
44 **Section 8.** That, the Notes shall be sold only after the receipt of the written approval of  
45 the State of Local Finance for the sale of the Notes.

46  
47 **Section 9.** That, the notes are hereby designated as qualified tax-exempt obligations for  
48 purpose of Section 265(b)(3) of the Internal Revenue Code of 1986.

49  
50 **Section 10.** That, after the sale of the Notes, and for each year that any of the notes are  
51 outstanding, Sullivan County shall prepare an annual budget in a form consistent with

1 accepted governmental standards and as approved by the State Director of Local Finance  
2 (the "Director".) The budget shall be kept balanced during the life of the notes. The  
3 annual budget shall be submitted to the Director immediately upon its adoption; however,  
4 it shall not become the official budget for the fiscal year until such budget is approve by the  
5 Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the  
6 "Statutes"). If the Director determines that the budget does not comply with the Statutes,  
7 Sullivan County shall adjust its estimates or make additional tax levies sufficient to comply  
8 with the Statutes, or as directed by the Director.

9  
10 Section 11. That, if any of the Notes shall remain unpaid at the end of three (3) years  
11 from the issue date, then the unpaid Notes shall be renewed or extended as permitted by  
12 law, or retired from the funds of Sullivan County or be converted into bonds pursuant to  
13 Chapter 11 of Title 9 of Tennessee Code Annotated, or any other law, or be otherwise  
14 liquidated as approval by the State Director of Local Finance.

15  
16 Section 12. That, all orders or resolutions in conflict with this Resolution are hereby  
17 repealed insofar as such conflict exists and this Resolution shall become effective  
18 immediately upon its passage.

Duly passed this 16th day of February 2004.

Attested:

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

Approved:

*Richard S. Venable* 2/16/04  
Richard S. Venable, County Mayor

19 Introduced by Commissioner: Morrell

Seconded by Commissioner(s): Blackburn, Brittenham, Houser, Hyatt, McKamey

at

2004-02-017	Administrative	Budget	Executive	County Commission
ACTION				Approve 02-16-04

22 Aye, 2 Absent

Comments:

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON  
MOTION MADE BY COMM. HARR TO MEET AGAIN IN REGULAR  
SESSION MARCH 15, 2004.

A handwritten signature in black ink that reads "Richard Venable". The signature is written in a cursive style with a large initial "R" and a long, sweeping underline.

---

RICHARD VENABLE

COMMISSION CHAIRMAN

