

COUNTY COMMISSION- REGULAR SESSION

JANUARY 24, 2005

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, JANUARY 24, 2005, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE . PRESENT AND PRESIDING WAS HONORABLE RICHARD S. VENABLE, COUNTY MAYOR, JEANIE 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 Pastor Boyd Holder gave the invocation. Pledge to the flag was led by the Sheriff Wayne Anderson.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

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

24 PRESENT 0 ABSENT

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

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

STATE OF TENNESSEE
COUNTY OF SULLIVAN

APPROVAL OF NOTARY
PUBLIC SURETY BONDS

JANUARY 24, 2005

JESSICA T. GOAD

LIBBY LAURICE MARCUS

DEBORAH R. NELSON

CARL W. VOGEL

JAMES A. YANCEY

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. 24 AYE.

IS BEFORE THE COMMN.

Roll Copy
Call Bonds

No. No. No. No. No. No. No.

S OF COMMISSIONERS

Ave Nay Ave Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay Aye Nay

Blackburn ✓	✓																		
Brittenham ✓	✓																		
Brotherton ✓	✓																		
Conkin ✓	✓																		
Crawford ✓	✓																		
Ferguson ✓	✓																		
Groseclose ✓	✓																		
Hall ✓	✓																		
Harr ✓	✓																		
Herron ✓	✓																		
Houser ✓	✓																		
Nyatt ✓	✓																		
Jones ✓	✓																		
Kelgore ✓	✓																		
Buddy King ✓	✓																		
James & King ✓	✓																		
McConnell ✓	✓																		
McKamey ✓	✓																		
Monnell ✓	✓																		
Patrick ✓	✓																		
Sitgreaves ✓	✓																		
Surgenor ✓	✓																		
Vance ✓	✓																		
Williams ✓	✓																		

24 Aye

AGENDA

Sullivan County Board of County Commission

January 24 2005

The Sullivan County Board of County Commissioners will hold a public hearing on Tuesday, January 24, 2005 at 9:00 A.M. in the Sullivan County Courthouse, Blountville, TN to consider the following requests:

- (1) File No. 10/04/01 Rick Millsap
Reclassify R-3 property located on the northwest corner of Tate Road and New Beason Well Road to B-3 to allowing for mini storage units to be built. Property ID. No. Tax map 31-G, Group F, Parcel 31.04 located in the 10th Civil District. **Sullivan County Planning**
- (2) File No. 11/04/01 Janice Waugh
Reclassify R-1 property located at 3346 Hwy 75 to A-1 for the purpose of allowing a bed and breakfast. Property ID. No. Tax map 107-E, Group A, Parcels 3.00 & 3.02 located in the 18th Civil District. **Sullivan County Planning**
- (3) File No. 11/04/02 Ronald Torbett
Reclassify A-1 property located on the southeast side of Hwy 11-E approximately 2,000 feet southwest from the intersection of Hwy 11-E and Piney Flats Road to B-4 for the future sale of commercial property. Property ID. No. Tax map 135, Parcel part of 178.00 located in the 8th Civil District. **Sullivan County Planning**
- (4) File No. 11/04/03 R. K. Rose
Reclassify B-3 property on the south side corner of Midway road and Walnut Hill Road to R-1 for the purpose of allowing two homes to be built on the property. Property ID. No. Tax map 36-G, Group A, Parcel part of 6.00 located in the 5th Civil District. **Bristol Planning**
- (5) File No. 11/04/04 Orth Construction
Reclassify A-1 property located in the 200 block of Webb Road to R-1 for the purpose of allowing for a new residential subdivision. Property ID. No. Tax map 124, Parcel 137.00 located in the 9th Civil District. **Sullivan County Planning**
- (6) File No. 11/04/05 Hartland Development
Reclassify R-1 property located in the 2100 block of Ramsey Ave. to R-3B for the purpose of allowing for higher density single-family houses. Property ID. No. 29-F, Group A, Parcel 28.00 located in the 12th Civil District. **Kingsport Planning**
- (7) File No. 11/04/07 Herbert Blizard Etal
Reclassify PMD-2 property located on the south side corner of Hwy 394 and Red Bud Lane to R-1 for future residential development. Property ID. No. Tax map 50, Parcels 61.30 & 61.00 located in the 5th Civil District. **Sullivan County Planning**

CO 15-7-04

PETITION TO SULLIVAN COUNTY FOR REZONING #10/04/01 3

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

Pink Millsap
Property Owner David Crosswell
Address 1905 Brookside Ln
Kpt Ln 37668
Phone 246-1500 Date of Request 10-06-04
Property Located in 10th Civil District

Pink Millsap
Signature of Applicant

OFFICE USE ONLY
Meeting Date 11-16-04 Time 7:00 pm
Place 2nd Floor - Courthouse
Main St
Planning Commission Approved
Denied
County Commission Approved
Denied
Other Roll Call Vote 22 Nay, 1 Aye,
1 Pass
Final Action Date 01-24-05

PROPERTY IDENTIFICATION 31.04

Tax Map 314 Group F Parcel 031.02
Zoning Map 6 Zoning District R-3 Proposed District B-3
Property Location New Beason Will Rd / Gate Rd

Purpose of Rezoning To allow mini storage units

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 6th day of Oct, 2004.

Debbie Hansen
Notary Public

My Commission Expires: 1-16-08

PETITION TO SULLIVAN COUNTY FOR REZONING # 11/04/01 13

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

Property Owner Janice Waugh
Address 334 Aug 75
Kpt. In 37663
423
Phone 967-3536 Date of Request 10-18-04

Property Located in 18th Civil District

Janice A. Waugh
Signature of Applicant

OFFICE USE ONLY

Meeting Date 12-21-04 Time 7:00pm.
Place 2nd Floor - Courtroom

Planning Commission Approved
Denied

County Commission Approved
Denied

Other Roll Call 22 Nay, 2 Aye

Final Action Date 01-24-05

PROPERTY IDENTIFICATION

Tax Map 107E Group A Parcel 3.00 & 3.02

Zoning Map 9 Zoning District R-1 Proposed District A-1

Property Location 3346 Aug 75

Purpose of Rezoning To allow a bed & breakfast

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 18th day of Oct., 2004.

Janice A. Waugh
Rebecca Houser
Notary Public

My Commission Expires: 1-18-08

PETITION TO SULLIVAN COUNTY FOR REZONING

#11/04/02/19.

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

Property Owner Ronald Toibett
Address 114 Hall Road
Jonesborough, TN
(423) 37659
Phone 477-8841 Date of Request 10/19/04
Property Located in 9th Civil District

Terry Cell
Signature of Applicant
Terry Greenwell -
Surveyor

OFFICE USE ONLY

Meeting Date 12/21/04 Time 7pm

Place Blountville
Courthouse

Planning Commission Approved
12/22/04 Denied

County Commission Approved
1/19/05 Denied

Other Roll Call 21 Aye, 1 Pass, 2 Absent

Final Action Date 01-24-05

PROPERTY IDENTIFICATION

Tax Map 135 Group Parcel part of parcel 178-00

Zoning Map 26 Zoning District A-1 Proposed District B-4

Property Location Hwy 11-E, Piney Flats
near crossroads

Purpose of Rezoning future sale of commercial
property

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.

Terry Cell

Sworn to and subscribed before me this 19th day of October, 2004.

J. Kerbell
Notary Public

My Commission Expires: 8-31-05

PETITION TO SULLIVAN COUNTY FOR REZONING #11/04/03

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

Property Owner: R.K. Rose
Address: 220 Chatham Road
Bristol, TN 37620
Phone 652-1921 Date of Request 10/22/2004
Property Located in 5th Civil District

R.K. Rose
Signature of Applicant

OFFICE USE ONLY

Meeting Date 12/20/2004 Time 6:00 pm

Place Slater Center

Planning Commission Approved ✓
Denied _____

County Commission Approved X
Denied _____

Other Roll Call 21 Aye, 1 Pass, 2 Absent

Final Action Date 01-24-05

PROPERTY IDENTIFICATION

Tax Map No. 36-G / Group A / Parcel 6.00

Zoning Map 2 Zoning District B-3 Proposed District R-1

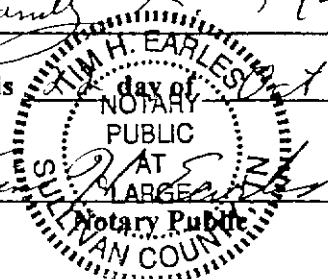
Property Location : Corner of Walnut Hill Road & Midway Road

Purpose of Rezoning: So two houses can be built.

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.

Randy K. Rose

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



My Commission Expires: 1-16-2008

34
11/04/04

PETITION TO SULLIVAN COUNTY FOR REZONING

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

<p>Property Owner: <u>Orth Construction Co.</u></p> <p>Address: <u>101 Old Gray Station Road</u> <u>Gray, TN 37615</u></p> <p>Phone <u>477-1101</u> Date of Request <u>11/12/04</u></p> <p>Property Located in <u>9th</u> Civil District</p> <p>X <u>[Signature]</u> Signature of Applicant</p>	<p><u>OFFICE USE ONLY</u></p> <p>Meeting Date <u>12/21/04</u> Time <u>7:00 p.m.</u></p> <p>Place <u>Blountville Courthouse</u></p> <p>Planning Commission Approved <input checked="" type="checkbox"/> <u>Sullivan Co.</u> Denied <input type="checkbox"/></p> <p>County Commission Approved <input checked="" type="checkbox"/> <u>1/18/04</u> Denied <input type="checkbox"/></p> <p>Other <u>Roll Call 21 Aye, 1 Pass, 2 Absent</u></p> <p>Final Action Date <u>01-24-05</u></p>
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PROPERTY IDENTIFICATION

Tax Map No. 124 / Group / Parcel 137.00

Zoning Map 26 Zoning District A-1 Proposed District R-1

Property Location : In the 200 Block of Webb Road

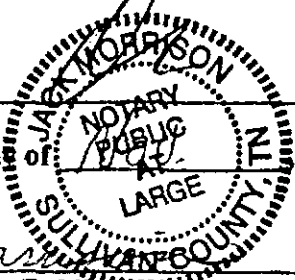
Purpose of Rezoning: For a new residential subdivision.

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

X [Signature]

SWORN TO AND SUBSCRIBED before me this 10th day of August, 2004.

[Signature]
Notary Public



My Commission Expires: 1-16-08

PETITION TO SULLIVAN COUNTY FOR REZONING # 11/14/05 39

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 Hartland Development
Address 1400 PANAY Rd
Kingsport, TN 37660
Phone 423-341-7979 Date of Request 11/12/04
Property Located in 12th Civil District

Mickey Burtas
Signature of Applicant

OFFICE USE ONLY
PC Thursday
Meeting Date 12-16-04 Time 7PM
Place Kingsport City Hall
BMA Board Room
.....
Planning Commission Approved ✓
12-16-04 Denied _____
County Commission Approved X
1-18-05 Denied _____
Other Roll Call 21 Aye, 1 Pass, 2 Absent
Final Action Date 01-24-05

PROPERTY IDENTIFICATION

Tax Map 29F Group A Parcel 28.00 (parcel hook)
Zoning Map 5 Zoning District R-1 Proposed District R-3B
Property Location Ramsey Ave, Kpt area

Purpose of Rezoning 75-100 single-family lots
on sewer - need reduced lot sizes
allowed in higher density zone

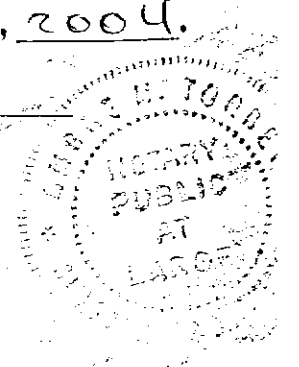
The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.

x Mickey Burtas

Sworn to and subscribed before me this 12 day of November, 2004.

J. Parbett
Notary Public

My Commission Expires: 8-31-05



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

Property Owner Herbert R. Blyard et al
Address 1084 St. Rt. 37
Bct. In 37612
Phone 279-0644 Date of Request 11-15-04
Property Located in 5th Civil District

OFFICE USE ONLY

Meeting Date 12-21-04 Time 7:00 p.m
Place 2nd Floor Courthouse
.....
Planning Commission Approved Denied _____
County Commission Approved Denied _____
Other Roll Call 21 Aye, 1 Pass, 2 Absent
Final Action Date 01-24-05

Herbert R. Blyard
Signature of Applicant

PROPERTY IDENTIFICATION

Tax Map 50 Group _____ Parcel 61.30
61.00
Zoning Map 8 Zoning District PMD-2 Proposed District R-1
Property Location Red Bud Lane

Purpose of Rezoning Future residential development

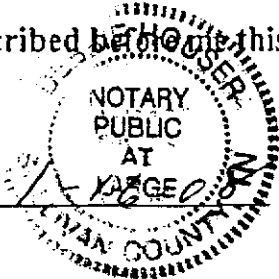
The undersigned, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.

Herbert R. Blyard

Sworn to and subscribed before me this 15th day of Nov, 2004.

Ressie Newser
Notary Public

My Commission Expires: 1-16-08



Resigning Requests

IONS BEFORE THE COMM.

1 2 3/4
5/6/7 4 5 6 7

AMES OF COMMISSIONERS

	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye
Blackburn	✓		✓		A												
Brittenham	✓		✓		✓												
Brotherton	✓		✓		✓												
Conkin	✓		✓		✓												
Crawford	✓		✓		✓												
Ferguson	✓		✓		✓												
Groseclose	✓		✓		P												
Hall	✓		✓		✓												
Harr	✓		✓		A												
Herron	✓		✓		✓												
Houser	✓		✓		✓												
Hvatt	✓		✓		✓												
Jones	✓		✓		✓												
Kilgore	✓		✓		✓												
Buddley King	✓		✓		✓												
James & King	✓		✓		✓												
McCormell	✓		✓		✓												
McKamey	✓		✓		✓												
Morrell	✓		✓		✓												
Patrick	✓		✓		✓												
Fitgreaves P.	✓		✓		✓												
Surgenor	✓		✓		✓												
Vance	✓		✓		✓												
Williams	✓		✓		✓												

~~22 Aye~~ 22 Nay 21 Aye
 1 Pass 2 Aye 1 Pass
 1 Aye 2 Aye

RESOLUTIONS ON DOCKET FOR JANUARY 24, 2005

RESOLUTIONS	ACTION
#1 AMENDMENTS TO THE SULLIVAN COUNTY ZONING RESOLUTION	APPROVED 01-24-05
#2 APPROPRIATE FUNDING FOR TRAFFIC SIGNALS AT THE INTERSECTION OF HIGHWAY 11-E, PINEY FLATS ROAD, AND ALLISON ROAD	APPROVED 01-24-05
#3 AUTHORIZE THE ADOPTION OF THE SULLIVAN COUNTY ROAD ATLAS	APPROVED 01-24-05
#4 AFFIRM COMPLIANCE WITH FEDERAL TITLE VI REGULATIONS	APPROVED 01-24-05
#5 AUTHORIZING CABLE FRANCHISE AGREEMENT WITH COMCAST OF THE SOUTH	APPROVED 01-24-05
#6 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 12 TH C.D.	APPROVED 01-24-05
#7 AUTHORIZING CABLE FRANCHISE AGREEMENT WITH BRISTOL TENN ELECTRI SYSTEM	WITHDRAWN 01-24-05
#8 APPROPRIATE FUNDING FOR FIRE HYDRANTS FOR HISTORIC STRUCTURES	APPROVED 01-24-05
#9 AUTHORIZE AMENDING THE 2004-2005 GENERAL PURPOSE SCHOOL BUDGET FOR THE CAREER TECHNICAL EDUCATION PROFESSIONAL DEVELOPMENT INCENTIVE GRANT RECEIVED FROM THE STATE OF TENNESSEE IN THE AMOUNT OF \$20,000	APPROVED 01-24-05
#10 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 12 TH C.D.	APPROVED 01-24-05
#11 ACCEPT AND APPROPRIATE ADDITIONAL FUNDS FOR THE SULLIVAN COUNTY HEALTH DEPARTMENT	APPROVED 01-24-05
#12 AUTHORIZE PUBLIC HEARING FOR REVELOPMENT PLAN FOR THE DOWNTOWN KINGSPORT REDEVELOPMENT DISTRICT	APPROVED 01-24-05
#13 AUTHORIZE PARTICIPATION IN THE THREE-STAR PROGRAM	APPROVED 01-24-05
#14 AUTHORIZE ADJUSTMENT IN EMS RATES TO COINCIDE WITH THE INCREASE IN MEDICARE REIMBURSEMENT RATES SINCE NOVEMBER 2000	1 ST READING 01-24-05
#15 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 7 TH C.D.	APPROVED 01-24-05
#16 APPOINT MEMBERS TO THE SULLIVAN COUNTY REGIONAL SOLID WASTE PLANNING BOARD	APPROVED 01-24-05
#17 AUTHORIZING REQUEST FOR UNCLAIMED BALANCE OF ACCOUNTS REMITTED TO STATE TREASURER UNDER UNCLAIMED PROPERTY ACT	APPROVED 01-24-05

<p>#18 AUTHORIZING AMENDMENT TO RES. NO. 2004-12-147 (AFFIRM THE DELEGATION OF POWERS TO THE ADMINISTRATIVE COMM. TO APPROVE REGULATIONS OF PRE-HOSPITAL CARE IN SULLIVAN COUNTY AND AMBULANCE SERVICE APPLICATION FORM)</p>	<p>APPROVED 01-24-05</p>
<p>#19 AUTHORIZING THE DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) IN SULLIVAN COUNTY</p>	<p>1ST READING 01-24-05</p>
<p>#20 AUTHORIZING THE RECOGNITION OF THE KINGSFORT LIFESAVING CREW AND KINGSFORT FIRE DEPT. AS SULLIVAN COUNTY'S SPECIALIZED RESCUE TEAM</p>	<p>1ST READING 01-24-05</p>

MEMBERS BEFORE THE COMM. No. 15/10

MEMBERS OF COMMISSIONERS

	10		11		12		13		14		15		16		17		No.
	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye
Blackburn	✓		✓		✓		✓						✓		✓		
Brittenham	✓		✓		✓		✓						✓		✓		
Brotherton	✓		✓		✓		✓						✓		✓		
Conkin	✓		✓		✓		✓						✓		✓		
Crawford	✓		✓		✓		✓						✓		✓		
Ferguson	✓		✓		✓		✓						✓		✓		
Grosdelose	✓		✓		P		✓						✓		✓		
Hall	✓		✓		✓		✓						✓		✓		
Harr	✓		✓		✓		✓						✓		A		
Herron	✓		✓		✓		✓						✓		✓		
Hauser	✓		✓		✓		✓						✓		✓		
Hyatt	✓		✓		✓		✓						✓		✓		
Jones	✓		✓		✓		✓						✓		✓		
Kilgore	✓		✓		✓		✓						✓		✓		
Buddy King	✓		✓		✓		✓						✓		✓		
James L King Jr	✓		✓		✓		✓						✓		✓		
McConnell	✓		✓		✓		✓						✓		✓		
McKamag	✓		✓		✓		✓						✓		✓		
Morrill	✓		✓		✓		✓						✓		✓		
Patrick	✓		✓		✓		✓						✓		✓		
Pitgreaves	✓		✓		P		✓						✓		✓		
Surgenor	✓		✓		P		✓						✓		✓		
Vance	✓		✓		✓		✓						✓		✓		
Williams	✓		✓		A		✓						✓		✓		

24 Aye 24 Aye 19 Aye 24 Aye
 1 Nay
 3 Abs
 1 Abs

24 Aye 23 Aye
 1 Abs

Sullivan County, Tennessee
Board of County Commissioners

Item 1
No. 2005-01-00

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2005.

RESOLUTION To Consider Amendments to the Sullivan County Zoning Resolution

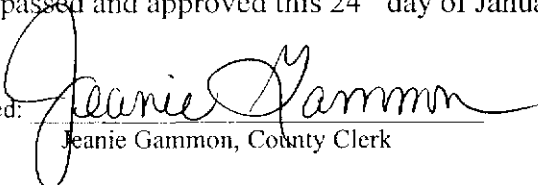
WHEREAS, the attached rezoning petitions have been duly initiated; have been before the Planning Commission (recommendations enclosed); and have received a public hearing as required; and,

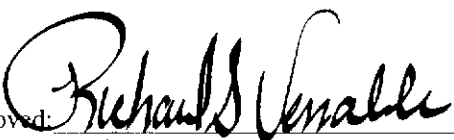
WHEREAS, such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution.

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 24th day of January 2005.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced By: Commissioner: King (Buddy)

Seconded By: Commissioner(s): Ferguson

2005-01-00	County Commission
ACTION	Approved 01-24-05 Voice Vote

Comments: Motion to approve by Buddy King, second by Ferguson.

SULLIVAN COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

2
Item 10

Executive / Budget
No. 2004-12-131

To Honorable Richard S. Venable, Mayor of Sullivan County and Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December 2004.

1 **RESOLUTION To Appropriate Funding for Traffic Signals at the Intersection of Highway**
2 **11-E, Piney Flats Road, and Allison Road**

3
4 WHEREAS, the Piney Flats area has grown steadily in both residential and business traffic over
5 the past several years thereby naturally increasing the traffic flow in the area; and,
6

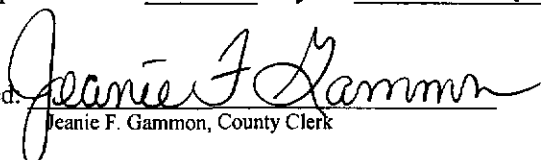
7 WHEREAS, multiple accidents have occurred at the intersection of Highway 11-E, Piney Flats
8 Road, and Allison Road; and,
9

10 WHEREAS, the busy intersection would be considerably safer to navigate with the installation
11 of left turn traffic signals in both north and south bound lanes;
12

13 **NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of**
14 **Sullivan County, Tennessee, assembled in Regular Session hereby approves**
15 **appropriating funds not to exceed \$5,000 for the installation of traffic turn signals at the**
16 **intersection of Highway 11-E, Piney Flats Road, and Allison Road in Piney Flats.**

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

Duly passed this 24th day of January ~~2004~~ 2005

Attested: 
Jeanie F. Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

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

at	2004-12-131	Administrative	Budget	Executive	County Commission
	ACTION	Defer 12-6-04		Approve 12-1-04	Approve 01-24-05

Comments: Deferred 12-20-04;

Amended by Sponsor 01-24-05 for amount not to exceed \$5,600 instead of the \$5,000 as stated above. Amendment approved along with Resolution 01-24-05.

Amendment #2 made by Harr and accepted by Sponsor Hyatt that passage of Resolution would be subject to Johnson City's action. Amendment approved along with Resolution 01-24-05.

23 Aye, 1 Nay

Sullivan County, Tennessee
Board of County Commissioners

Item 3
Executive
No. 2004-12-135
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December 2004.

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

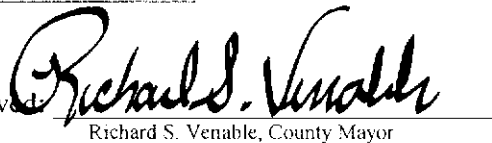
WHEREAS, attached hereto is a summary of revisions dated November 30, 2004, that are necessary to bring the Sullivan County Road Atlas up-to-date;

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 24th day of January ~~2004~~, 2005

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: McConnell

Seconded by Commissioner(s): McKamey

at (1)

2004-12-135	Administrative	Budget	Executive	County Commission
ACTION	Approve 12-6-04		Approve 12-1-04	Approved 01-24-05 24 Aye

Comments: Attachment dated 11-30-04 was revised on 1-5-05 and submitted. Revisions include the deletion of four roads in the Bristol area due to annexation.

1st Reading 12-20-04;

DATE	SUBDIVISION AND ROAD	C.D	TAXMAP	LENGTH	R.OW.	CLASS	P.B: & Pg
Additions	for 2005 year						
Oct-04	Eagle Pointe Subdivision						
	Eagle Pointe Drive	10	47	0.33	50	1	51 pg 755
Sep-04	Magnolia Grove Subdivision						
	Magnolia Grove Drive	9	124	0.10	50	1	51 pg 732
	Magnolia Grove Court	9	124	0.16	50	1	51 pg 732
Jul-04	Sunny Field Subdivision						
	Sunny Field Drive	6	50	0.25	50	1	51 pg 684
	Cargo Center Drive	18	94	0.24	60	1	resolution 1/2003
	Lawson Corners Drive	5	50	0.08	60	1	51 pg 622
	Hickory Tree Road (from US 421 to SR 435)	1	54	0.60	70-100	1	
	total gained from additions			1.76			
Changes							
	Baines Avenue (length correction)			from 0.25 to 0.12			-0.13
	Blackburn Road (length correction)			from 0.20 to 0.50			0.30
	Dalton View Drive (length correction)			from 0.25 to 0.21			-0.04
	Gale Avenue (length correction)			from 0.25 to 0.50			0.25
	Old Mill Road (length correction)			from 0.10 to 0.80			0.70
	Lana View Drive (R.O.W. correction)			from 50 to 40			
	Old Weaver Pike (R.O.W. correction)			from 40 to 30-50			
	Pinecrest Road (length correction)			from 0.75 to 0.41			-0.34
Name change							
	Plantation Dr.same as Red Oak Plantation Dr. deleting Plantation Drive from Atlas						-0.23
	Cold Springs Cemetery Road to Richards Drive						
Deletions							
12/31/04	Apple Ridge Drive			Annexed by Bristol			-0.21
12/31/04	Old Thomas Bridge Road			Annexed by Bristol			-0.20
12/31/04	Orchard Lane			Annexed by Bristol			-0.12
12/31/04	Ridgetop Drive			Annexed by Bristol			-0.25
	total gain from changes						-0.27
	total gain from additions						1.76
	TOTAL MILEAGE GAIN						1.49

2004-12-135

REVISED 1/5/05

Sullivan County, Tennessee
Board of County Commissioners

4
Item 15

Administrative Budget Executive
No. 2004-12-136

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December 2004.

RESOLUTION To Affirm Compliance with Federal Title VI Regulations

WHEREAS, both Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 provide that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance; and,

WHEREAS, the Tennessee Attorney General opined in Opinion No. 92.47 that state and local governments are required to comply with the Title VI of the Civil Rights Act in administering federally funded programs; and,

WHEREAS, the Community Development Division of the Tennessee Department of Economic and Community Development administers the Three-Star Program and the Three-Star Pilot Program and awards financial incentives for communities designated as Three-Star communities; and,

WHEREAS, by virtue of the Tennessee Department of Economic and Community Development receiving federal financial assistance all communities designated as Three-Star communities must confirm that the community is in compliance with the regulations of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987;

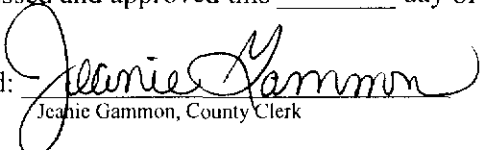
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, that:

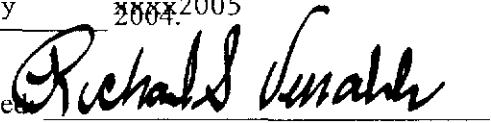
Section 1. The legislative body of Sullivan County declares that the County is in compliance with the federal Title VI regulations.

Section 2. The Department of Economic and Community Development may from time to time monitor the county's compliance with federal Title VI regulations.

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 24th day of January ~~2004~~ 2005

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Howard Patrick
Seconded by Commissioner(s): Marvin Hyatt

2004-12-136	Administrative	Budget	Executive	County Commission
ACTION	Approve 12-6-04			Approved 01-24-05 24 Aye

Comments:
1st Reading 12-20-04;

Sullivan County, Tennessee
Board of County Commissioners

Item 5
Executive
No. 2004-12-139

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December, 2004.

RESOLUTION Authorizing Cable Franchise Agreement with Comcast of the South

Whereas, Sullivan County desires to grant a franchise to Comcast of the South to build, construct, operate and maintain a cable television system in Sullivan County, Tennessee due to the previous franchise having expired, 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 20th day of December, 2004 hereby approve a cable franchise to Comcast of the South 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 Comcast of the South. It is the grantee of rights under this franchise.
- (c) "Franchise" is the rights granted to Grantee by Grantor under the terms of this agreement entered into by and between Grantor and Grantee according to the terms of this Franchise Agreement.
- (d) "County Commission" is the governing legislative body of Sullivan County, Tennessee.
- (e) "Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for profit, but shall not mean the County.
- (f) "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Customers within a community, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves Customers without using any public right-of-way; (C) a facility of a

1 common carrier which is subject, in whole or in part, to the provisions of Title II of the
2 Communications Act of 1934 (47 U.S.C. Sections 201-226), except that such facility
3 shall be considered a Cable System (other than for purposes of Section 621(c) of the
4 Cable Act) to the extent such facility is used in the transmission of video programming
5 directly to Customers, unless the extent of such use is solely to provide interactive on-
6 demand service; (D) an open video system that complies with Section 653 of the Cable
7 Act; or (E) any facilities of any electric utility used solely for operating its electric utility
8 systems.

- 9 (g) "Federal Communications Commission" or "FCC" is the Federal Commission or Agency
10 created pursuant to the Communications Act of 1934 or its successor agency.
- 11 (h) "Cable Service" means: (A) the one-way transmission to Customers of (i) video
12 programming, or (ii) other programming service, and (B) Customer interaction, if any,
13 which is required for the selection or use of such video programming or other
14 programming service.
- 15 (i) "Resolution" or "Franchise Resolution" means this Resolution which grants a Franchise
16 and defines the specific rights and obligations of each party pursuant to the general
17 authority, powers and restrictions of this Resolution.
- 18 (j) "Streets or Public Way" shall mean the surface of, and the space above and below, any
19 public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way,
20 lane, public way, drive, circle or other public right-of-way, including, but not limited to,
21 public utility easements, dedicated utility strips or rights-of-way dedicated for compatible
22 uses and any temporary or permanent fixtures or improvements located thereon now or
23 hereafter held by the Grantor in the Franchise Area, which shall entitle the Grantor and the
24 Grantee to the use thereof for the purpose of installing, operating, repairing, and
25 maintaining the Cable System. Public Way shall also mean any easement now or
26 hereafter held by the Grantor within the Franchise Area for the purpose of public travel or
27 for utility or public service use dedicated for compatible uses, and shall include other
28 easements or rights-of-way as shall, within their proper use and meaning, entitle the
29 Grantor and the Grantee to the use thereof for the purposes of installing, operating, and
30 maintaining the Grantee's Cable System over poles, wires, cables, conductors, ducts,
31 conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may
32 be ordinarily necessary and appurtenant to the Cable System.
- 33 (k) "Year" means the remaining portion of any calendar year in which this Franchise is
34 granted. Thereafter, "Year" means a full calendar year.

35
36 **Section 3 – Grant of Authority.**

- 37
38 (a) The Grantor warrants it has a right to issue a Franchise and the Grantee, by acceptance,
39 acknowledges and accepts the right of the Grantor to issue the same.
- 40
41 (b) The Grantor hereby grants to Grantee, subject to the right of amendment as hereinafter
42 provided, the right and privilege to construct, erect, operate and maintain, in, upon, along,
43 across, above, over and under the Streets, roads, alleys, Public Ways and public places now
44 laid out or dedicated, and all extensions thereof, and additions thereto, in the County, poles,
45 wires, cables, underground conduits, manholes, and other conductors and fixtures necessary
46 for the maintenance and operation in the County of a Cable System for the interception,
47 retransmission, sale, and distribution of television signals, radio, data, or other electronic
48 signals as may be deemed appropriate by the Grantee, upon the limitations, terms, and
49 conditions in this Resolution.
- 50

1 (c) The right to use and occupy said Streets, roads, alleys, Public Ways and places for the
2 purposes herein set forth shall not be exclusive when granted by the Grantor.
3

4 **Section 4 -- Compliance With Applicable Laws.**
5

6 (a) Grantee, at all times during the life of this Franchise, shall be subject to all lawful exercise of
7 the police power by the Grantor. Unless otherwise prohibited by State or Federal law, or
8 where jurisdiction has been or shall be conferred upon a State or Federal commission, board
9 or body, the Grantor reserves a right by resolution to regulate such Cable System as to
10 installation fees, if any; rates and charges to be paid by the subscribers for the service; the
11 quality of service to be provided subscribers excluding channel line-up or content; and to
12 adopt such other rules and regulations it may now or hereafter lawfully impose in keeping
13 with and not in conflict with applicable State or Federal law, or the lawful rules and
14 regulations heretofore or hereafter adopted by any Federal commission, board or body and/or
15 any lawful State rules and/or regulations lawfully adopted by any State commission, board or
16 body.
17

18 (b) Grantee, its successors and assigns granted a Franchise hereunder shall be subject to lawful
19 regulations heretofore or hereafter adopted by the Federal Communications Commission and
20 should it now be or hereafter become subject to the jurisdiction of any other commission then
21 also to the lawful rules and regulations adopted by such commission and also to the lawful
22 rules and regulations adopted by any similar Federal commission or State regulatory body,
23 having jurisdiction. If the Grantee, its successors or assigns, shall fail to comply with any
24 material Federal and/or State statute, rules, regulations, orders or conditions lawfully vested
25 under Federal law in any Federal regulatory body and/or rules, regulations, orders and
26 conditions lawfully vested in any State regulatory body and/or rules, regulations, orders and
27 conditions lawfully vested in the County, the Grantor shall have the right to terminate or
28 cancel, subject to notification and cure provisions, any Franchise granted hereunder after
29 forty-five (45) days prior written notice to the Grantee to correct such failure or default and
30 such failure or default shall continue for a period of time specified in such notice, not less
31 than ninety (90) days.
32

33 **Section 5 – Franchise and Area.**
34

35 Any Franchise granted hereunder relates to the present area within the boundaries of the County
36 which is outside of the city or town limits of any incorporated places within the County.
37

38 **Section 6 – Services.**
39

40 The Cable System provided by the Grantee shall be capable of delivering seventy (70) channels
41 to all customers by December 31, 2006.
42

43 **Section 7 – Customer Service and Signal Quality Requirements.**
44

45 The Grantee shall:

46 Comply with the technical standards provided by the Federal Communications Commission at 47
47 C.F.R. 76.601 through 76.609, as from time to time amended.
48

49 (a) Limit failures which leave five (5) or more subscribers with no Cable Service to a minimum
50 by locating and correcting such malfunctions properly and promptly, but in no event longer
51 than twenty-four (24) hours after notice unless prevented by an act of God or causes beyond

1 the control of the Grantee, e.g., power failure.

- 2
- 3 (b) Demonstrate by instruments or otherwise to subscribers that a signal of adequate strength and
4 quality is being delivered.
- 5
- 6 (c) In the case of any outage from any cause in which one or more customers are completely
7 without Cable Service for twenty-four (24) hours or more, Grantee will, upon request from
8 the customer, calculate a pro rata reduction in the charge for Cable Service, to be itemized
9 and included in the next regular bill to the customer(s) involved.
- 10
- 11 (d) Comply with the Customer Service and Consumer Protection Standards at 47 C.F.R. 76.309,
12 as from time to time amended by the Federal Communications Commission.
- 13

14 **Section 8 – Public, Educational & Governmental Access Channels and Emergency**
15 **Broadcast Services Required.**

16

- 17 (a) The Grantee shall provide, but without charge and subject to the rules and regulations of
18 the Federal Communications Commission, a public Emergency Alert System (“EAS”) or
19 successor to that system, that complies with the requirements currently set forth in FCC
20 Regulations.
- 21 (b) Grantee shall reserve channel capacity consisting of one (1) channel for non-commercial
22 educational and governmental (EG) access use as it exists as of the Effective Date of this
23 Franchise Agreement. With prior approval of the Grantor, such capacity may be used by
24 Grantee for other purposes when not required by EG users. The Grantor shall assume all
25 responsibility for regulation and/or scheduling the use of the EG channel capacity by any
26 and all users.
- 27

28 **Section 9 -- Indemnification.**

29

30 Grantee shall save the Grantor harmless from all loss and liability, including reasonable
31 attorney’s fees and expenses, sustained by the Grantor on account of any suit, judgment,
32 execution, claim or demand whatsoever against the Grantor resulting from negligence on the part
33 of Grantee in the construction, operation or maintenance of its Cable System in the County; and
34 for this purpose Grantee shall carry property damage and personal injury insurance with some
35 responsible insurance company or companies qualified to do business in the State of Tennessee.
36 The amounts of such insurance to be carried for liability due to property damage shall be
37 \$1,000,000 as to any one occurrence; and against liability due to injury to or death of person,
38 \$1,000,000 as to any one occurrence. The Grantor shall notify Grantee, in writing, within twenty
39 (20) days after the presentation of any claim or demand, either by suit or otherwise, made against
40 the Grantor on account of any negligence as aforesaid on the part of Grantee. Where any such
41 claim or demand against the Grantor is made by suit or legal action, written notice thereof shall
42 be given by the Grantor to Grantee not less than five (5) days prior to the date upon which an
43 answer to such legal action is due or within twenty (20) days after the claim or demand is made
44 upon the Grantor, whichever notice period yields Grantee the larger amount of time within which
45 to prepare an answer.

46

47 **Section 10 -- Construction & Maintenance.**

48

- 49 (a) All structures, lines, and equipment erected by Grantee within the County shall be so located
50 as to cause minimum interference with the proper use of Streets, roads, alleys, Public Ways
51 and places and to cause minimum interference with the rights or reasonable convenience of

1 property owners.

2
3 Existing poles, posts, conduits, and other such structures of any electric power system,
4 telephone company, or other public utility located in the County shall be used to the extent
5 practicable in order to minimize interference with travel and avoid unnecessary duplication
6 of facilities. The Grantor shall actively assist Grantee to the fullest extent necessary in
7 obtaining reasonable joint pole or conduit use agreements from the owners of existing poles
8 or conduits. To the extent that existing poles, posts, conduits, and other such structures are
9 not available, or are not available under reasonable terms and conditions, including excessive
10 cost or unreasonable limitation upon the use of Grantee's Cable System, Grantee shall have
11 the right to purchase, lease, or in any other manner acquire land, rights-of-way, or public
12 utility easements upon or under which to erect and maintain its own poles, conduits, and
13 other such structures as may be necessary for the construction and maintenance of its Cable
14 System. Where all other existing utilities are underground, Grantee shall locate its facilities
15 underground.

- 16
17 (b) In case of any disturbance by Grantee of pavement, sidewalk, driveway or other surfacing,
18 Grantee shall, at its own cost and expense and in a manner approved by the Grantor, replace
19 and restore all paving, sidewalk, driveway or surface so disturbed in as good condition as
20 immediately before said work was commenced.
- 21
22 (c) Grantee shall, on the request of any Person holding a building moving permit issued by the
23 Grantor, temporarily raise or lower its lines to permit the moving of the building. The
24 expense of such temporary removal shall be paid by the Person requesting the same, and
25 Grantee shall have the authority to require such payment in advance. The Person making
26 said request shall provide Grantee with adequate advance notice of at least five (5) days
27 before said move date to allow Grantee to schedule its work.
- 28
29 (d) All poles, lines, structures and other facilities of Grantee in, on, over and under the Streets,
30 sidewalks, alleys, public utility easements and public grounds or place of the County shall be
31 kept by Grantee at all times in a safe condition.
- 32
33 (e) When the Grantor undertakes any reconstruction, realignment or any other work on County
34 Streets which would require relocation or modification of Grantee's poles, wires or other
35 facilities, Grantor shall notify Grantee, and Grantee shall be responsible for such relocations
36 of Grantee's facilities, at its expense, provided however, that if the Grantor requests such
37 relocation, removal or reinstallation of Grantee's property in any of the Streets in the
38 Franchise Area for the sole purpose of installing its own cable television or
39 telecommunications services or those of a second cable television or telecommunications
40 service provider in competition with Grantee, then such cost shall not be borne by Grantee
41 but by the requesting entity.

42
43 **Section 11 – Service Extension.**

44
45 Grantee agrees to extend its cables to provide additional service within the limits of Sullivan
46 County so as to make the service available to all residential occupancies within the County
47 which request such service, where such residential occupancies exist at a density of twenty-five
48 (25) homes per mile of service cable as measured from the nearest point of connection to the
49 existing Cable System and the extension area is not served by another cable television operator.
50 A standard installation, i.e., an aerial drop of one hundred fifty (150) feet or less, will be done at

1 normal rates. Non-standard installations, i.e. underground drops and aerial drops in excess of
2 one hundred fifty (150) feet, will be done on a time and material basis.

3
4 **Section 12 – Amendments & Supplemental Agreements.**

5
6 It shall be the policy of the Grantor to amend the Franchise, upon application of the Grantee,
7 when necessary, to enable the Grantee to take advantage of any development or developments in
8 the field of transmission of television and radio signals which will afford it an opportunity to
9 more efficiently, effectively or economically serve its customers. Provided, however, that this
10 section shall not be construed to require the Grantor to approve such amendment.

11
12 **Section 13 – Maps, Plats & Reports.**

- 13
14 (a) Upon prior written request, The Grantee shall file with the County Mayor a true and accurate
15 map or plat of all existing and proposed installations. Such map or plat shall be updated at
16 least annually.
- 17
18 (b) The Grantee shall file quarterly with the County, or its designee, not later than ninety (90)
19 days after the end of the company's fiscal quarter, a gross receipts statement certified by an
20 officer of Grantee applicable to the operations within the County during the preceding three
21 month period. There shall be submitted along with them such other reasonable information
22 as the County shall request with respect to the Grantee's gross receipts.
- 23
24 (c) The Grantee shall at all times keep on file with the County Executive a current list of its
25 partners and stockholders with an interest of ten percent (10%) or greater, its officers and
26 directors and bond holders.

27
28 **Section 14 – Franchise Term & Renewal.**

29
30 This Franchise shall take effect and be in full force upon acceptance by Grantee as provided in
31 Section 19, and the same shall continue in full force and effect for a term of fifteen (15) years.
32 Renewals shall be accomplished as provided for in Federal law and regulations.

33
34 **Section 15 – Forfeiture.**

35
36 If Grantee should violate any material terms, conditions, or provisions of this Franchise or if
37 Grantee should fail to comply with any material provisions of any resolution of general
38 applicability of the Grantor regulating the use of the Streets, alleys, public utility easements or
39 Public Ways of the Grantor, and should Grantee further continue to violate or fail to comply with
40 the same for a period of ninety (90) days after Grantee shall have been notified in writing by the
41 Grantor to cease and desist from any such violation or failure to comply so specified, then
42 Grantee may be deemed to have forfeited and annulled and shall thereby forfeit and annul all the
43 rights and privileges granted by this Franchise; provided, however, that such forfeiture shall be
44 declared only by written decision of the County Commission after an appropriate public
45 proceeding before the County Commission affording Grantee due process and full opportunity to
46 be heard and to respond to any such notice of violation or failure to comply; and provided further
47 that the County Commission may, in its discretion and upon a finding of violation or failure to
48 comply, impose a lesser penalty than forfeiture of this Franchise or excuse the violation or failure
49 to comply upon a showing by Grantee of mitigating circumstances. Grantee shall have the right
50 to appeal any finding of violation or failure to comply with any resultant penalty to any court of
51 competent jurisdiction, as provided in 47 U.S.C. 555. In the event that forfeiture is imposed

1 upon Grantee, it shall be afforded a period of six (6) months within which to sell, transfer, or
2 convey this Cable System to a qualified purchaser. During this six (6) month period, which shall
3 run from the effective date of the final order or decision imposing forfeiture, including any
4 appeal, Grantee shall have the right to operate this Cable System pursuant to the provisions of
5 this Franchise.

6
7 **Section 16 – Surrender Right.**

8
9 Grantee may surrender this Franchise at any time upon filing with the County Mayor of the
10 County a written notice of its intention to do so at least six (6) months before the surrender date.
11 On the surrender date specified in the notice, all of the rights and privileges and all of the
12 obligations, duties and liabilities of Grantee in connection with this franchise shall terminate.
13 Further, should the Grantee, his and/or its successors and assigns discontinue the business for
14 which this franchise is granted, all poles, wires, cables and other devices shall be removed
15 without expense to the Grantor, within ninety (90) days after demand for such removal is made
16 by the Grantor.

17
18 **Section 17 – Transfers.**

19
20 All of the rights and privileges and all of the obligations, duties and liabilities created by this
21 Franchise shall pass to and be binding upon the successors of the Grantor and the successors and
22 assigns of Grantee; and the same shall not be assigned or transferred without the written approval
23 of the County Commission, which approval shall not be unreasonably withheld, in compliance
24 with the requirements of 47 U.S.C. 537(e); provided, however, that this Section shall not prevent
25 the assignment or hypothecation of the Franchise by Grantee as security for debt without such
26 approval; and provided further that transfers or assignments of this franchise between any parent
27 and subsidiary corporation or between entities of which at least fifty percent (50%) of the
28 beneficial ownership is held by the same Person, Persons, or entities shall be permitted without
29 the prior approval of the County Commission.

30
31 **Section 18 – Franchise Fee.**

32
33 In consideration of the terms of this Franchise, and in conformity with 47 U.S.C. 542, Grantee
34 agrees to pay the County a sum of money equal to three percent (3%) of the gross annual receipts
35 from basic Cable Service charges plus any additional service tier, any new product tier, a la carte
36 tiers, shopping commissions and advertising sales revenue net agency commissions received by
37 Grantee from its subscribers in that portion of Sullivan County covered by this Franchise and
38 covered by Grantee, but not including charges for connections, disconnections and other charges
39 which are normally nonrecurring in character. Such sum shall be payable quarterly, no later than
40 the 30th of the month following the end of the quarter. This payment shall be in addition to any
41 other tax or payment owed to the County by Grantee, including ad valorem and business taxes.

42
43 **Section 19 – Effective Date and Acceptance.**

44
45 This Resolution shall become effective upon passage and, after acceptance by Grantee, shall then
46 be and become a valid and binding contract between the County and Grantee; provided,
47 however, that this Resolution shall be void unless Grantee shall, within ninety (90) days after the
48 final passage of this Resolution, file with the County Executive of the County a written
49 acceptance of this Resolution and the Franchise herein granted, agreeing that it will comply with
50 all of the provisions and conditions hereof and that it will refrain from doing all of the things
51 prohibited by this Resolution.

1
2 **Section 20 – Severability.**
3

4 If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason
5 held invalid or unconstitutional by any Federal or state court or administrative or governmental
6 agency of competent jurisdiction, specifically including the Federal Communications
7 Commission, such portion shall be deemed a separate, distinct and independent provision, and
8 such holding shall not affect the validity of the remaining portions hereof.
9

10 **Section 21 – Force Majeure.**
11

12 The Grantee shall not be held in default under, or in noncompliance with, the provisions of this
13 Franchise Agreement, nor suffer any enforcement or penalty relating to noncompliance or
14 default (including termination, cancellation or revocation of the Franchise), where such
15 noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake,
16 flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic
17 act of nature, failure of utility service necessary to operate the Cable System, or other event that
18 is reasonably beyond the Grantee's ability to anticipate or control.
19

20 **Section 22 – Notice.**
21

22 All notices shall be in writing and shall be sufficiently given and served upon the other party by
23 hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or
24 by facsimile with confirmed transmission and addressed as follows:
25

26 The Franchising Authority: Sullivan County
27 Attn: County Mayor's Office
28 3411 Highway 126, Suite 206
29 Blountville, TN 37617
30

31 The Grantee: Comcast of the South
32 1794 Old Gray Station Road
33 Gray, TN 37615
34 General Manager
35 Facsimile: (423) 283-4485
36

37 with a copy to: Comcast Cable Communications, Inc.
38 Attn: Vice President, Government Affairs
39 360 Interstate North Parkway, Suite 600
40 Atlanta, GA 30339
41 Facsimile: (678) 385-5101
42

43 and: Comcast Cable Communications, Inc.
44 Attn: Legal Dept.
45 1500 Market Street
46 Philadelphia, PA 19102
47 Facsimile: (215) 640-4050
48
49
50
51

1 **Section 23 – Entire Agreement.**

2
3 This Franchise Agreement, including all Exhibits, embodies the entire understanding and
4 agreement of the Franchising Authority and the Grantee with respect to the subject matter hereof.
5 All ordinances or Resolutions or parts of ordinances or Resolutions or other agreements whether
6 written, verbal, or otherwise between the Grantee and the Grantor that are in conflict with the
7 provisions of this Franchise Agreement are hereby declared invalid and superseded and this
8 Franchise Agreement shall control.
9

10 **Section 24 – Governing Law.**

11
12 This Franchise Agreement shall be deemed to be executed in Sullivan County, State of
13 Tennessee, and shall be governed in all respects, including validity, interpretation and effect, and
14 construed in accordance with, the laws of the State of Tennessee, as applicable to contracts
15 entered into and performed entirely within the State.
16

17 Attest: Sullivan County, Tennessee

18
19 _____ By: _____
20 County Clerk Richard S. Venable, County Mayor

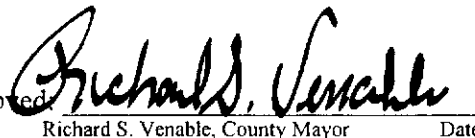
21
22 Attest: Comcast of the South
23 By: Comcast of the South, L.P., its general partner
24 By: COM South, LLC, its general partner
25 By: Comcast of the South, Inc. its sole member
26

27 _____ By: _____
28 JOHN H. RIDALL, JR.
29 President, Southern Division

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

Duly passed and approved this 24th day of January ~~2004~~ 2005

Attested: 
Jeanie Gammon, County Clerk Date

Approved: 
Richard S. Venable, County Mayor Date

Introduced By: Commissioner: Jones
Seconded By: Commissioner(s): McConnell, Kilgore, Brotherton

dps

2004-12-139	Administrative	Budget	Executive	County Commission
ACTION			Approve 1-5-05	Approved 01-24-05 24 Aye

Comments: 1ST Reading 12-20-04;

Amendment #2 made by Harr second by Buddy King that "any future contracts the same cancellation policies apply to both the grantee and the grantor". Amendment #2 was amended by Amendment made by Conkin, seconded by McConnell. Harr accepted the amendment to Amendment #2 which is "TO STRIKE SECTION 16 FROM CONTRACT". Amendment by Conkin approved with Resolution and replaces Amendment #2 by Harr

1
2 AMENDMENT #1 TO RESOLUTION NO. 2004-12-139
3
4

5 Amend as Follows:
6

7 **Delete Section 6 in its entirety and substitute in lieu thereof the following:**
8
9

10 **Section 6 -- Services.**
11

- 12 (a) The Cable System provided by the Grantee shall be capable of delivering seventy 70)
13 channels to all customers by December 31, 2006.
- 14 (b) The Grantee shall provide free "Basic" and "Expanded Basic" tier Cable Service, and
15 free installation of one outlet to each accredited K through 12 public and private school,
16 not including "home schools," located in the Franchise Area within one hundred twenty
17 five (125) feet of the Grantee's existing distribution cable as of the Effective Date of this
18 Franchise Agreement.
- 19 (c) The Grantee shall provide free "Basic" and "Expanded Basic" tier Cable Service and
20 free installation of one outlet to each non-residential municipal building located in the
21 Franchise Area within one hundred twenty five (125) feet of the Grantee's existing
22 distribution cable as of the Effective Date of this Franchise Agreement. Municipal
23 buildings are those non-residential buildings owned or leased by the Franchising
24 Authority for government administrative purposes, and shall not include buildings
25 owned by Franchising Authority but leased to third parties or buildings such as storage
26 facilities at which government employees are not regularly stationed.

27
28 Introduced by Commissioner: Jones
29 Seconded By Commissioner(s): McConnell, Kilgore
30

31 **COMMENTS:**

32 Amendment approved along with Resolution 01-24-05.
33
34
35

Sullivan County, Tennessee
Board of County Commissioners

6
Item 19
Executive
No. 2004-12-140
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December 2004.

RESOLUTION To Authorize Traffic Sign Changes in the 12th Civil District

WHEREAS, Commissioner Ferguson (and local residents – if petition attached) requested the Sullivan County Highway Department make traffic sign changes on Darnell Drive in the 12th Civil District (9th 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:

12th Civil District (9th Commission District)

To place 15 MPH Speed Limit signs on Darnell Drive.

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 24th day of January, ~~2004~~²⁰⁰⁵.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Ferguson
Seconded by Commissioner(s): McConnell

2004-12-140	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-24-05 24 Aye

Comments:
1st Reading 12-20-04;

RESOLUTION REQUEST REVIEW

DATE: December 15, 2004

TO: Sullivan County Commission

REQUEST MADE BY: O. W. Ferguson

SUBJECT: To place a 15 MPH SPEED LIMIT on Darnell Dr.

12 **CIVIL DISTRICT**

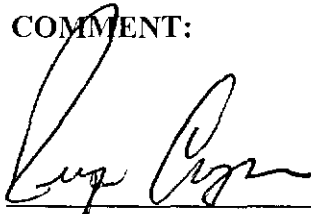
9 **COMMISSIONER DISTRICT**

O. W. Ferguson
Wayne McConnell

X **APPROVED BY HIGHWAY DEPARTMENT**

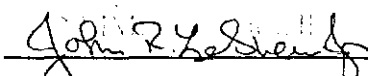
 DENIED BY HIGHWAY DEPARTMENT

COMMENT:



12/15/2004

TRAFFIC COORDINATOR



12/15/2004

HIGHWAY COMMISSIONER

ATTACHMENT

Resolution 2004-12-140

Page(s) 1

Sullivan County, Tennessee
Board of County Commissioners

7
Item 20
Executive
No. 2004-12-141

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December, 2004.

RESOLUTION Authorizing Cable Franchise Agreement with Bristol Tennessee Electric System

Whereas, Sullivan County desires to grant a franchise to Bristol Tennessee Electric System to build, construct, operate and maintain a cable television system in Sullivan County, Tennessee;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 20th day of December, 2004 hereby approve a cable franchise to Bristol Tennessee Electric System, the terms and conditions of which are set forth in a separate document to be attached hereto.

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

Duly passed and approved this _____ day of _____ 2004.

Attested: _____
Jeanie Gammon, County Clerk Date

Approved: _____
Richard S. Venable, County Mayor Date

Introduced By: Commissioner: M. Vance

Seconded By: Commissioner(s): B. King, J. Sitgreaves, R. Harr

2004-12-141	Administrative	Budget	Executive	County Commission
ACTION				

Comments: 1st Reading 12-20-04; Withdrawn 01-24-05.

Sullivan County, Tennessee
Board of County Commissioners

8
Item 25
Administrative/Budget
No. 2004-12-146

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December 2004.

RESOLUTION To Appropriate Funding for Fire Hydrants For Historic Structures

WHEREAS, Sullivan County is rich in history and there are numerous historic structures located throughout Sullivan County, some dating to the late 1700's; and,

WHEREAS, it is a concern of Sullivan County to make available fire protection for these historical structures and preserve its history to the best of its ability;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby commits to appropriating funds to one local volunteer fire department for the installation of one fire hydrant per year to protect historical structures located outside of municipal boundaries in Sullivan County being served by volunteer fire departments.

BE IT RESOLVED THAT the attached application must be submitted under the following terms:

- 1) Upon passage, applications may be picked up in the Office of the Sullivan County Mayor; thereafter applications, may be picked up in the months of January and February each year;
- 2) The completed applications with all attachments and documentation must be submitted to the Office of the Sullivan County Mayor no later than March 1st of each year (new applications must be filed each year with updated information);
- 3) Said applications will be reviewed by the Sullivan County Historic Preservation Association with preference going to those on the National Register of Historic Places, and those structures in greatest need of fire protection.
- 4) The Sullivan County Historic Preservation Association will notify the Sullivan County Mayor's Office in writing by April 30th each year of the chosen applicant.

BE IF FURTHER RESOLVED THAT it is the responsibility of the applicant to work with their local water utility provider and local volunteer fire department to determine the best location for the fire hydrant. Applicants may be required to surrender any right-of-way or easements necessary to secure the proper installation of fire hydrants.

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 24th day of January ²⁰⁰⁵~~2004~~

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Brotherton
Seconded by Commissioner(s): Houser, McConnell

2004-12-146	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-24-05 24 Aye

Comments:
1st Reading 12-20-04;

**REQUEST FOR FIRE HYDRANT
FOR
SULLIVAN COUNTY HISTORIC SITE**

Physical Location of Structure: _____

Community Located Within: _____

Structure Known As: _____

Approx. Year Built: _____

Registered on the National Register of Historic Places? Yes No

Current Property Owner: _____

Mailing Address: _____

Phone: _____

Please submit the following with your application:

- 1) Documentation of structure being registered on the National Register of Historic Places.
- 2) A letter from your local water utility provider stating that there is adequate water pressure for the installation of a fire hydrant.
- 3) A letter from your local volunteer fire department stating they provide fire protection to your area.
- 4) A site plan signed by both the water utility provider and the local volunteer fire department stating that they approve the location of the fire hydrant.

In making application:

I understand that the above documents must be submitted with my application prior to the Office of the Sullivan County Mayor by March 1st.

I understand that I may be required to surrender any right-of-way or easement necessary to secure the proper installation of the fire hydrant.

I acknowledge that all property taxes are paid and current on the above property.

Owner's Signature: _____

Sullivan County, Tennessee
Board of County Commissioners

Item 9
Budget
No. 2005-01-001

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2004.

RESOLUTION To Authorize Amending the 2004 – 2005 General Purpose School Budget for the Career Technical Education Professional Development Incentive Grant Received From the State of Tennessee in the Amount of \$20,000

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

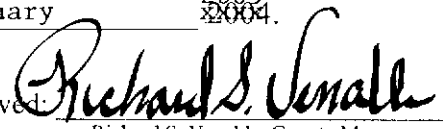
NOW THEREFORE, BE IT RESOLVED that the Sullivan County Board of Commissioners approve amending the General Purpose School Budget as follows: Matching Funds from the County for this grant are not required and this grant is not required to be continued next fiscal year with County Funds.

Account Number	Account Description	Amount
47139.000	Other Vocational (Revenue)	20,000.00
71300.429	Instructional Materials and Supplies (Exp)	20,000.00

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.

Duly passed and approved this 24th day of January 2005.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Larry Hall
Seconded by Commissioner(s): Dennis Houser

2005-01-001	Administrative	Budget	Executive	County Commission
ACTION	Approve 1-3-05		Approve 1-5-05	Approved 01-24-05 24 Aye

Comments: Waiver of Rules Requested.

Sullivan County, Tennessee
Board of County Commissioners

Item 10
Executive
No. 2005-01-002
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2005.

RESOLUTION To Authorize Traffic Sign Changes in the 12th Civil District

WHEREAS, Commissioner McConnell requested the Sullivan County Highway Department make traffic sign changes on Brentwood Drive in the 12th Civil District (9th 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:

12th Civil District (9th Commission District)

To place 25 MPH Speed Limit signs on Brentwood Drive.

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 24th day of January ~~2004~~ ²⁰⁰⁵.

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk

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

Introduced by Commissioner: McConnell

Seconded by Commissioner(s): Ferguson

at

2005-01-002	Administrative	Budget	Executive	County Commission
ACTION	Approve 1-3-05		Approve 1-5-05	Approved 01-24-05 24 Aye

Comments: 1/3/05 Administrative Committee requested Highway Department to recheck Civil District – should be 12th (not 14th).

Waiver of Rules Requested.

RESOLUTION REQUEST REVIEW

DATE: December 21, 2004

TO: Sullivan County Commission

REQUEST MADE BY: Wayne McConnell

SUBJECT: To place a 25 MPH SPEED LIMIT on Brentwood Drive.

12/14

CIVIL DISTRICT

9

COMMISSIONER DISTRICT

Wayne McConnell

X

APPROVED BY HIGHWAY DEPARTMENT

 DENIED BY HIGHWAY DEPARTMENT

COMMENT: _____

 12/21/2004
TRAFFIC COORDINATOR

 12/21/2004
HIGHWAY COMMISSIONER

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

Item 11
Budget
No. 2005-01-003

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2005.

RESOLUTION To Accept and Appropriate Additional Funds for the Sullivan County Health Department

WHEREAS, the State of Tennessee, Department of Health has allocated an additional \$57,900 to the Sullivan County Health Department for use in the dental health program;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves accepting and appropriating funds in the amount of \$57,900 from the State of Tennessee, Department of Health for use in the Sullivan County Dental Health Program. Account Codes to be assigned by the Director of Accounts and Budgets.

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

Duly passed this 24th day of January ~~2004~~ ²⁰⁰⁵.

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

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

**Introduced by Commissioner: Vance
Seconded by Commissioner(s): Brittenham**

at

2005-01-003	Administrative	Budget	Executive	County Commission
ACTION	Approve 1-3-05		Approve 1-5-05	Approved 01-24-05

Comments: Waiver of Rules Requested.

24 Aye

Sullivan County, Tennessee
Board of County Commissioners

Item 12
Administrative/Budget/Executive
No. 2005-01-004

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2005.

RESOLUTION To Authorize Public Hearing for Redevelopment Plan for the Downtown Kingsport Redevelopment District

WHEREAS, prior to considering the adoption of a Redevelopment Plan for the Downtown Kingsport Redevelopment District ("Redevelopment Plan"), a public hearing will be required to determine the necessity for said Redevelopment Plan, and to obtain public input regarding the proposed Redevelopment Plan;

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

Section I. That pursuant to Tennessee Code Annotated § 13-20-201 et. seq., the Kingsport Housing & Redevelopment Authority is hereby designated and empowered by the Sullivan County Commission to hold any public hearings which may be required by such code section prior to the approval, amendment or implementation of any Redevelopment Plan currently being considered or which may be considered in the future for the Downtown Kingsport Redevelopment District.

Section II. That the Kingsport Housing & Redevelopment Authority, prior to any public hearings, make copies of the proposed Redevelopment Plan available for public inspection at such reasonable times as it deems appropriate.

Section III. That the Kingsport Housing & Redevelopment Authority provide such public notice as is required by law for said hearings.

Section IV. That the Kingsport Housing & Redevelopment Authority during any said public hearings, have a representative available to provide an explanation of the Redevelopment Plan and answer any questions raised by persons at the hearing.

Section V. This Resolution shall be in full force and effect from and after its passage by the Sullivan County Commission.

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

WAIVER OF THE RULES REQUESTED

Duly passed and approved this 24th day of January, 2005~~2004~~.

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk

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

Introduced by Commissioner: Williams
Seconded by Commissioner(s): Conkin

J Conkin

2005-01-004	Administrative	Budget	Executive	County Commission
ACTION	Approve 1-3-05		Approve 1-5-05	Approved 01-24-05

Comments:

19 Aye, 1 Nay, 3 Pass,
1 Absent.

Sullivan County, Tennessee
Board of County Commissioners

Item 13
Executive
No. 2005-01-005

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2004.

RESOLUTION To Authorize Participation in the Three-Star Program

WHEREAS, the Tennessee Department of Economic and Community Development is committed to assist the communities it serves in creating opportunities for sustained economic growth through the Three-Star Program; and,

WHEREAS, participation in the Three-Star Program affords certified communities the opportunity to develop and implement programs affecting the economic appeal and viability considered by business and industry in making investment decisions; and,


WHEREAS, certification as a Three-Star community in the Three-Star Program involves a cooperative effort by numerous local entities; and,

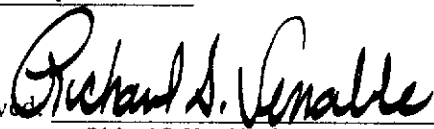
NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby approves Sullivan County participating in the Three-Star Program.

BE IT RESOLVED THAT the Sullivan County Economic Development Partnership is the designated contact for the Three-Star Program.

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 24th day of January 2005 ~~2004~~.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Howard Patrick
Seconded by Commissioner(s): Marvin Hyatt

2005-01-005	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-24-05 24 Aye

Comments: Waiver of Rules Requested.

Request made 01-24-05 that all commissioners voting "AYE" be added as co-sponsors.

Sullivan County, Tennessee
Board of County Commissioners

Item 14
Administrative/Budget
No. 2005-01-006

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2004.

RESOLUTION To Authorize Adjustment in EMS Rates to Coincide with the Increase in Medicare Reimbursement Rates since November 2000

WHEREAS, Resolution 2000-11-157 approved December 2000 adjusted the ambulance reimbursement rates to cover the allowable charges by Medicare; and

WHEREAS, since December 2000 the Medicare reimbursement rates have increased, while ambulance charges have not; and,

WHEREAS, the current rates need to be adjusted to coincide with those increases to allow the citizens of Sullivan County to receive the same level Medicare coverage as other counties and states.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, on this date hereby approve rate increases consistent with the current Medicare rates of reimbursement.

BE IT FURTHER RESOLVED That any future rate increases based upon the Medicare reimbursement rates shall be filed with the Budget Committee 30 days before implementation.

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 _____ 2004.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Introduced by Commissioner: Williams

Seconded by Commissioner(s): Harr

lb

2005-01-006	Administrative	Budget	Executive	County Commission
ACTION				

Comments: 1st Reading 01-24-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 15
Executive
No. 2005-01-007
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2005.

RESOLUTION To Authorize Traffic Sign Changes in the 7th Civil District

WHEREAS, Commissioner Larry Hall and local residents requested the Sullivan County Highway Department make traffic sign changes on Warrior Falls Drive and Arrowhead Drive in the 7th 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:

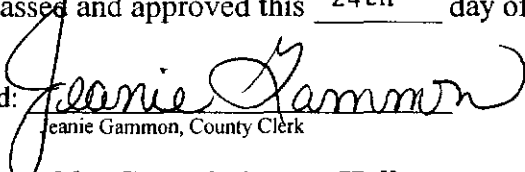
7th Civil District (6th Commission District)

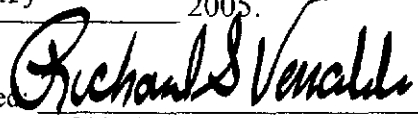
To place 3-WAY STOP signs at Warrior Falls Drive and Arrowhead Drive.

WAIVER OF THE 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.

Duly passed and approved this 24th day of January 2005.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

Introduced by Commissioner: Hall

Seconded by Commissioner(s): Patrick , Surgenor, Herron

at

2005-01-007	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-24-05 24 Aye

Comments:

RESOLUTION REQUEST REVIEW

DATE: 1/19/2005

TO: Sullivan County Commission

REQUEST MADE BY: Larry Hall

SUBJECT: To place a 3-WAY STOP at Warrior Falls Drive and
Arrowhead Drive.

7 **CIVIL DISTRICT**

6 **COMMISSIONER DISTRICT**

Larry Hall

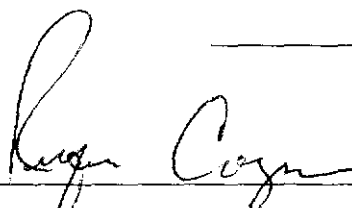
Howard Patrick

Michael Surgenor

X **APPROVED BY HIGHWAY DEPARTMENT**

_____ **DENIED BY HIGHWAY DEPARTMENT**

COMMENT: _____

 1-19-05

TRAFFIC COORDINATOR

 1-19-05

HIGHWAY COMMISSIONER

Sullivan County, Tennessee
Board of County Commissioners

Item 16
Administrative
No. 2005-01-008

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January 2005.

1 **RESOLUTION To Appoint Members to the Sullivan County Regional Solid Waste**
2 **Planning Board**

3
4 WHEREAS, in accordance with T.C.A. § 68-211-813 and the Solid Waste Management Act of
5 1991 the Sullivan County Board of Commissioners has designated Sullivan County as a
6 Municipal Solid Waste Region; and,

7
8 WHEREAS, the Sullivan County Regional Solid Waste Planning Board was established by the
9 above referenced Act, two of the terms of the Sullivan County representatives on are expiring.

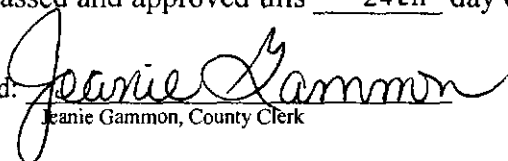
10
11
12 **NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of**
13 **Sullivan County, Tennessee, assembled in Regular Session, hereby approve appointing**
14 **Linda Brittenham to serve a six year term and reappoint Roy Settle to serve a six year term**
15 **Sullivan County Regional Solid Waste Planning Board.**

WAIVER OF THE RULES REQUESTED

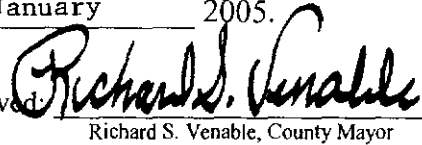
This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 24th day of January 2005.

Attested:


Jeanie Gammon, County Clerk

Approved:


Richard S. Venable, County Mayor

Introduced by Commissioner: McConnell

Seconded by Commissioner(s): Ferguson

at

2005-01-008	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-24-05 24 Aye

Comments:

Sullivan County, Tennessee
Board of County Commissioners

Item 17
Budget Committee
No. 2005-01-009

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January, 2005.

RESOLUTION Authorizing 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, 2003; 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 24th day of January, 2005 hereby request the State Treasurer to pay the unclaimed balance of funds remitted for the 2003 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 24th day of January 2005.

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk Date

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

Introduced By: Commissioner: McConnell
Seconded By: Commissioner(s): Vance, Brotherton

trf

2005-01-009	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-24-05 23 Aye, 1 Absent

Comments: Waiver of Rules Requested

Sullivan County, Tennessee
Board of County Commissioners

Item 18
Executive
No. 2005-01-010
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January, 2005.

RESOLUTION Authorizing Amendment to Resolution No. 2004-12-147 [Affirm the Delegation of Powers to the Administrative Committee to Approve Regulations of Pre-Hospital Care in Sullivan County and Ambulance Service Application Form]

Whereas, the Sullivan County Board of Commissioners approved Resolution No. 2004-12-147 on December 20, 2004, a copy of which is attached hereto, relative to regulation of ambulance service in Sullivan County; and

WHEREAS, said resolution needs to be amended to clarify the membership of the Pre-Hospital Care Committee;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 24th day of January, 2005 hereby amend Resolution No. 2004-12-147 by deleting the second paragraph beginning with "BE IT RESOLVED" on Page 1 of the Resolution in its entirety and substituting in lieu thereof the following:

BE IT RESOLVED that the Pre-Hospital Care Committee is hereby established as a permanent subcommittee of the Sullivan County Administrative Committee, with the method of membership of said committee to be determined by the Administrative Committee, and is thereby empowered to issue licenses and permits which includes, but is not limited to, the following provisions:

1. The provisions for licensing will provide for independent periodic vehicle inspection;
2. The provisions for licensing will provide for review of reported violations of regulations by an outside agency approved by the Pre-Hospital Care Committee; and
3. ~~Deadline will be February 1, 2005.~~ Deadline for licensing will be set by the Hospital Regulatory Committee.

All remaining provisions of Resolution No. 2004-12-147 shall remain in full force and effect.

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

Duly passed and approved this 24th day of January 2005.

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk Date

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

Introduced By: Commissioner: Hyatt
Seconded By: Commissioner(s): Crawford

2005-01-010	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-24-05 22 Aye, 2 Nay

Comments: Amendment made by Williams and accepted by Sponsor Hyatt as follows:
"Delete #3 as stated above and replace with "#3. Deadline for licensing will be set by the Hospital Regulatory Committee." Amendment accepted by sponsor and approved along with Resolution 01-24-05.

Sullivan County, Tennessee
Board of County Commissioners

COPY
Item 26
Administrative
No. 2004-12-147

COPY
To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of December 2004.

1 **RESOLUTION To Affirm the Delegation of Powers to the Administrative Committee To**
2 **Approve Regulations of Pre-Hospital Care in Sullivan County and Ambulance Service**
3 **Application Form**
4

5 WHEREAS, by Resolution No. 2 passed November 20, 2000, the Sullivan County legislative
6 body delegated the duties and powers to regulate ambulance service in Sullivan County as set
7 forth in Tennessee Code Annotated §7-61-101, *et seq.* to the Sullivan County Administrative
8 Committee; and
9

10 WHEREAS, the Sullivan County Administrative Committee has adopted an application form
11 and a set of rules and regulations to be used in regulating ambulance service providers wishing to
12 be licensed to provide ambulance services as needed; and,
13

14 WHEREAS, the Sullivan County legislative body has been asked to approve and show its
15 support for these changes in the way ambulance service in Sullivan County is provided and
16 regulated;
17

18 **NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of
19 Sullivan County, Tennessee, assembled in Regular Session, hereby affirms its delegation of
20 the duties and powers to regulate ambulance service in Sullivan County as set forth in
21 Tennessee Code Annotated §7-61-101, *et seq.* to the Sullivan County Administrative
22 Committee.
23

24 **BE IT RESOLVED** that the Sullivan County legislative body hereby approves the
25 application form and the rules and regulations adopted by the Administrative Committee,
26 it being understood that the Sullivan County legislative body has delegated such power to
27 the Administrative Committee and, therefore, that any changes made to such application
28 form and/or the rules and regulations hereafter by the Administrative Committee within
29 the powers delegated to the Administrative Committee need not come back to the full
30 Sullivan County legislative body for approval and that said rules will be amended to
31 provide for granting of "licenses" in any place where the term "contract" is referenced and
32 that all references to "franchise" is hereby deleted.
33

34 **BE IT RESOLVED** that the Pre-Hospital Care Committee is hereby established as a
35 permanent subcommittee of the Sullivan County Administrative Committee and is thereby
36 empowered to issue licenses and permits, which includes, but is not limited to the following
37 provisions:

1. The provisions for licensing will provide for independent periodic vehicle inspection;
2. The provisions for licensing will provide for review of reported violations of regulations by an outside agency approved by the Pre-Hospital Care Committee.
3. Deadline will be February 1, 2005.

COPY
Attachment

COPY

Resolution

BE IT FURTHER RESOLVED that this ~~amendment~~ shall supersede and cancel the original resolution.

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 20th day of December 2004.

Attested: Jeanie Gammon
Jeanie Gammon, County Clerk

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

Introduced by Commissioner: Harr

Seconded by Commissioner(s): Williams

at

2004-12-147	Administrative	Budget	Executive	County Commission
ACTION				Approved 12-20-04 17Aye,

Comments:

2 Nay, 2 Pass, 3 Absent

Amendment #1 made by Sponsor and approved along with Resolution as follows
"ANY APPEAL COULD BE MADE BACK TO THE ADMINISTRATIVE COMMITTEE-IF THE ADMINISTRATIVE COMMITTEE CAN'T SOLVE IT WE APPEAL BACK TO THE COUNTY COMMISSION AS A WHOLE. ANY ISSUE THEY HAVE THAT CAN'T BE SOLVED BY THE ADMINISTRATIVE COMMITTEE WILL BE APPEALED TO THE COUNTY COMMISSION AS A WHOLE".

AMENDMENT #2 made by sponsor and approved along with Resolution as follows:
On page one of Resolution in bottom paragraph add: 3. Deadline will 02/01/05.

AMENDMENT #3 made by Sponsor and approved along with Resolution as follows:
On page two - first paragraph - the word "amendment" be changed to the word "resolution" as reflected above.

COPY

Sullivan County, Tennessee
Board of County Commissioners

Item 19
Executive/Administrative/Budget
No. 2005-01-011
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January, 2005.

RESOLUTION Authorizing the Designation of the National Incident Management System (NIMS) in Sullivan County

WHEREAS, the Homeland Security Department together with state officials are encouraging a unified command structure across the State of Tennessee with all federal and state emergency responders; and

WHEREAS, during a federal, state or local disaster, all emergency responders are required to work jointly together;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 24th day of January, 2005 hereby establish the National Incident Management System (NIMS) as the standards for incident management in Sullivan County and encourage all local responders to work jointly in being trained in the new standards.

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

Duly passed and approved this ____ day of _____ 2005.

Attested: _____
Jeanie Gammon, County Clerk Date

Approved: _____
Richard S. Venable, County Mayor Date

Introduced By: Commissioner: Vance

Seconded By: Commissioner(s): E. Williams, J. Crawford

mv

2005-01-011	Administrative	Budget	Executive	County Commission
ACTION				

Comments: 1st Reading 01-24-05;

September 8, 2004

Dear Governor:

In Homeland Security Presidential Directive (HSPD)-5, Management of Domestic Incidents, the President directed me to develop and administer the National Incident Management System (NIMS). The NIMS provides a consistent nationwide approach for Federal, State, territorial, tribal, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. On March 1, 2004, the Department of Homeland Security (DHS) issued the NIMS to provide a comprehensive national approach to incident management, applicable at all jurisdictional levels and across functional disciplines. HSPD-5 also required DHS to establish a mechanism for ongoing coordination to provide strategic direction for, and oversight of, the NIMS. To this end, the NIMS Integration Center (NIC) was established to support both routine maintenance and the continuous refinement of the NIMS.

All Federal departments and agencies are required to adopt the NIMS and use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation activities, as well as in support of all actions that assist State or local entities. The NIC is working with Federal departments and agencies to ensure that they develop a plan to adopt NIMS and that all fiscal year (FY) 2005 Federal preparedness assistance program documents begin the process of addressing State, territorial, tribal, and local NIMS implementation.

This letter outlines the important steps that State, territorial, tribal, and local should take during FY 2005 (October 1, 2004- September 30, 2005) to become compliant with the NIMS.

The NIMS provides the framework for locals, tribes, territories, States, and the Federal Government to work together to respond to any domestic incident. Many of the NIMS requirements are specific to local jurisdictions. In order for NIMS to be implemented successfully across the nation, it is critical that States provide support and lead tribal and local entities to ensure full NIMS implementation. We are looking to your State Administrative Agency (SAA) to coordinate with the State agencies, tribal governments, and local jurisdictions to ensure NIMS implementation. Given the importance and urgency of this effort, Federal, State, territorial, tribal, and local should begin efforts to implement the NIMS, if such efforts are not already underway.

Implementation of and compliance with the NIMS is critical to ensuring full and robust preparedness across our nation. HSPD-5 established ambitious deadlines for NIMS adoption and implementation. FY 2005 is a start up year for NIMS implementation and full compliance with the NIMS is not required for you to receive FY 2005 grant funds. Since FY 2005 is a critical year for initial NIMS adoption, you should start now by prioritizing your FY 2005 preparedness assistance (in accordance with the eligible allowable uses of the grant) to facilitate its implementation. The NIC is working with Federal departments and agencies to identify all of preparedness assistance programs. The NIC will then provide this information to the States, territories, tribes, and local governments.

To the maximum extent possible, States, territories, tribes, and local entities are encouraged to achieve full NIMS implementation and institutionalization across the entire response system during FY 2005. This memorandum highlights the important features of NIMS implementation that should receive special emphasis in FY 2005, but does not represent all of the actions necessary to fully implement the NIMS.

The NIMS is the nation's first-ever standardized approach to incident management and response. The NIMS unifies Federal, State, territorial, tribal, and local lines of government into one coordinated effort. This integrated system makes America safer by establishing a uniform set of processes, protocols, and procedures that all emergency

responders, at every level of government, will use to conduct response actions. This system ensures that those involved in emergency response operations understand what their roles are and have the tools they need to be effective.

This system encompasses much more than the Incident Command System (ICS), although ICS is a critical component of the NIMS. It also provides a common foundation for training and other preparedness efforts, communicating and sharing information with other responders and with the public, ordering resources to assist with a response and for integrating new technologies and standards to support incident management. The first time, all of the nation's emergency responders will use a common language, a common set of procedures when working individually and together to keep America safe. The NIMS ensures that they will have the same preparation, the same goals and expectations, and most importantly, they will be speaking the same language.

Minimum FY 2005 NIMS Compliance Requirements:

State and territory level efforts to implement the NIMS must include the following:

- ? Incorporating NIMS into existing training programs and exercises
- ? Ensuring that Federal preparedness funding (including DHS Homeland Security Grant Program, Urban Area Security Initiative (UASI) funds) support NIMS implementation at the State and local levels (in accordance with the eligibility and allowable uses of the grants)
- ? Incorporating NIMS into Emergency Operations Plans (EOP)
- ? Promotion of intrastate mutual aid agreements
- ? Coordinating and providing technical assistance to local entities regarding NIMS
- ? Institutionalizing the use of the Incident Command System (ICS)

At the State, territorial, tribal, and local levels, jurisdictions should support NIMS implementation by:

- ?1 Completing the NIMS Awareness Course: "National Incident Management System (NIMS), An Introduction" IS 700
This independent study course developed by the Emergency Management Institute (EMI) explains the purpose, principles, key components and benefits of NIMS. The course contains "Planning Activity" screens, allowing participants an opportunity to complete some planning tasks during the course. The planning activity screens are printable they can be used after the course is complete. The course is available on-line and take between forty-five minutes to three hours to complete. The course is available the EMI web page at: <http://training.fema.gov/EMIWeb/IS/is700.asp>.

- ② Formally recognizing the NIMS and adopting the NIMS principles and policies. States, territories, tribes, and local entities should establish legislation, executive resolutions, or ordinances to formally adopt the NIMS. The NIC will provide sample language and templates to assist you in formally adopting the NIMS through legislative and/or executive/administrative means.

- ?3 Establish a NIMS baseline by determining which NIMS requirements you already meet
We recognize that State, territorial, tribal, and local entities have already implemented many of the concepts and protocols identified in the NIMS. The 2004 DHS Homeland Security Grant Program encouraged grantees to begin utilizing the NIMS concepts, principles, terminology, and technologies. The NIC is developing the NIMS Capability Assessment Support Tool (NIMCAST). The NIMCAST is a web-based self-assessment system that States, territories, tribes, and local governments can use to evaluate their incident response and management capabilities. This useful tool identifies the requirements established within the NIMS and can assist you in determining the extent which you are already compliant, as well as identify the NIMS requirements that you not currently meeting. As gaps in compliance with the NIMS are identified, States,

territories, tribes, and local entities should use existing initiatives, such as the Domestic Preparedness (ODP) Homeland Security grant programs, to develop strategies for addressing those gaps. The NIC will formally pilot the NIMCAST with a limited number of States in September. Upon completion of the pilot, the NIC will provide a potential future users with voluntary access to the system. Additional information the NIMCAST tool will be provided later this year.

- ? 4 Establishing a timeframe and developing a strategy for full NIMS implementation
States, territories, tribes, and local entities are encouraged to achieve full NIMS implementation during FY 2005. To the extent that full implementation is not possible during FY 2005, Federal preparedness assistance must be leveraged to complete NIMS implementation by FY 2006. By FY 2007, Federal preparedness assistance will be conditioned by full compliance with the NIMS. Again, in order for NIMS to be implemented successfully across the nation, it is critical that States provide support leadership to tribal and local entities to ensure full NIMS implementation. States work with the tribal and local governments to develop a strategy for statewide compliance with the NIMS.
- ? 5 Institutionalizing the use of the Incident Command System (ICS)
If State, territorial, tribal, and local entities are not already using ICS, you must institutionalize the use of ICS (consistent with the concepts and principles taught DHS) across the entire response system. The 9/11 Commission Report recommended national adoption of the Incident Command System (ICS) to enhance command, control, and communications capabilities. All Federal, State, territory, tribal, and local jurisdictions will be required to adopt ICS in order to be compliant with the NIMS. Additional information about adopting ICS will be provided to you by the NIC.

FY 2006 and FY 2007 Requirements:

In order to receive FY 2006 preparedness funding, the minimum FY 2005 compliance requirements described above must be met. Applicants will be required to certify as of their FY 2006 grant applications that they have met the FY 2005 NIMS requirements. Additional information about NIMS compliance and resources for achieving compliance will be forthcoming from the NIC. In addition, FY 2005 Federal preparedness assistance program documents will address State and local NIMS compliance. The NIC web page, www.fema.gov/nims, will be updated regularly with information about the NIMS and guidance for implementation. The NIC may be contacted at the following:

Gil Jamieson, Acting Director
NIMS Integration Center
500 C Street, SW
Washington, DC 20472
(202) 646-3850
NIMS-Integration-Center@dhs.gov
web page: www.fema.gov/nims

Thank you for your support in implementing the NIMS. I look forward to continuing our collective efforts to better secure the homeland and protect our citizens and appreciate your hard work in this important endeavor.

Sincerely,

Tom Ridge

Sullivan County, Tennessee
Board of County Commissioners

Item 20
Executive/Administrative/Budget
No. 2005-01-012
ATTACHMENT

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 24th day of January, 2005.

RESOLUTION Authorizing the Recognition of the Kingsport Lifesaving Crew and Kingsport Fire Department as Sullivan County's Specialized Rescue Team

WHEREAS, Kingsport's specialized rescue team has taken extensive training in trench, high angle, collapse, swiftwater, confined space and search and rescue operations; and

WHEREAS, this team has some of the best equipment and trained personnel in the State of Tennessee;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 24th day of January, 2005 hereby recognize the hard work and dedication of the Kingsport Lifesaving Crew and Kingsport Fire Department by making them Sullivan County's Specialized Rescue Team.

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

Duly passed and approved this _____ day of _____ 2005.

Attested: _____
Jeanie Gammon, County Clerk Date

Approved: _____
Richard S. Venable, County Mayor Date

Introduced By: Commissioner: E. Williams
Seconded By: Commissioner(s): M. Vance, J. Crawford

my

2005-01-012	Administrative	Budget	Executive	County Commission
ACTION				

Comments: 1st Reading 01-24-05;



CITY OF KINGSPORT FIRE DEPARTMENT



CRAIG DYE, CHIEF

130 Island Street
Kingsport, TN 37660
Office 423 / 229-9444
Fax 423 / 224-2528

December 9, 2004

Integrated Emergency Preparedness Council

Sullivan County Tennessee

Ladies and Gentlemen:

The Kingsport Fire Department, along with the Kingsport Lifesaving Crew, has been doing **specialized rescue** for about 15 years in Sullivan County. Our combined resources are second to none in the State other than Memphis, who has an Urban Search and Rescue Team equipped by the federal government. The KFD has a 21 member team trained and certified in all aspects of rescue. Several other members also have the training, but are not on the team. The KLSC has a group of certified rescuers also. We have a combined cache of equipment equal to what the Federal Emergency Management Agency requires of their USAR teams. No one else in this region can match these two entities in certification and equipment, including the surrounding states.

I am asking that Sullivan County name the Kingsport Fire Department and the Kingsport Lifesaving Crew as the official **Specialized Rescue Team, (this includes trench, high angle, collapse, swift water, confined space, search and rescue, etc.)**, for Sullivan County. I am doing this because we know all the dangers of rescue and that if there is not a specialized team rescuers could die. In most of these rescues more rescuers die than the initial victims. This is from well meaning people having no training or they have taken a class and consider themselves an expert without years of experience.

The Fire Department provides on duty members that can respond immediately. They will be supported by a backup of off duty KFD and KLSC members with more equipment. The only stipulation I request is to have a KFD officer in the unified command and one in charge of operations of the incident. We also do not want to spend taxpayer's money on duplication of services. No one else should spend the hundreds of thousands of dollars to try and do what has already been done. I cannot stress to you how important this is. I am concerned for our citizen's safety, including well meaning first responders. Just ask the people that were at the trench rescue in Bluff City. The initial responders were lucky they were not injured or killed by the trench falling in again.

I am asking for this to keep the citizens of Sullivan County safe. You have this resource and have already used us. Please understand the seriousness of this. I am certified in all aspects of rescue myself, therefore I speak from experience. We have always been proactive and will continue to serve our citizens to the best of our abilities. Thank you for considering this offer.

Sincerely,


Craig Dye
Fire Chief

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON
MOTION MADE BY COMM. HARR TO MEET AGAIN IN REGULAR
SESSION FEBRUARY 21, 2005.

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

RICHARD VENABLE

COMMISSION CHAIRMAN



STATE OF TENNESSEE
COUNTY OF SULLIVAN

ELECTION OF NOTARIES

JANUARY 24, 2005

MANDY ADAMS	GEORGE ANN GARRETT	BETTY L. RUMPH
ELINOR M. BAKER	JOHN K. GILLENWATER	JODY RUTLEDGE
PATTI ANN BAKER	MARTHA S. GODSEY	DON E. SHEPHERD
JESSICA BINGHAM	RICHARD S. GURLEY	H. LYNN SHOEMAKER
BRENDA S. BOWERS	MARK HALVORSEN	TAMMIE SLUSS
LON V. BOYD	JUDY C. HELTON	BRIAN SMITH
JAMA BURNETT	LINDA LADY JONES	MANDY SMITH
KATHY LYNN CASEY	JUDY KAYE KING	TRISH SMITH
DEBRA A. CASTLE-HARTMAN	MARGARETHA E. KINSLER	WENDI P. STRATTON
JUDY ANN CODY	ALBERT LAY	PAMELA KAY TALBOTT-MILLER
GARY CARLTON CONLEY	ELAINE LONG	CHARLANNE J. THOMPSON
ROBERT B. CROSS	VIRGINIA M. MCCLAIN	MARGARET ANN TOLBERT
DONNA M. CROUSE	SUSAN D. MCDAVID	ROSEMARIE E. TRENT
ANITA L. DEBOARD	BRENDA KAY MCNUTT	GENE H. TUNNELL
B. A. DICKENSON	CONSTANCE H. MCQUEEN	JACOBUS C. VANDERMERWE
DOROTHY R. DYKES	ERIC D. MIDDLEMAS	JACOBUS C. VANDERMERWE, II
VESTAL V. ELLIOTT	THERESA M. OLLIS	JACK M. VAUGHN
JEAN ENGLISH	KIMBERLY D. OSBORNE	JEFFERY S. WAGERS
JENNY EVERHART	JUDITH K. OVERBAY	ROSEANN G. WELLS
LES M. FERRELL	PATRICIA S. PITTS	SHARI A. WILLIAMS
CHARLES R. FIELDS	CARLA P. PUCKETT	
ANGIE FLEENOR	DARRELL E. RASNAKE	
N. MARLENE FOGLEMAN	BETH RINGLEY	
DARLA L. FREEMAN	JOHN M. ROBINETTE	

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.
24 AYE.

STATE OF TENNESSEE
COUNTY OF SULLIVAN

APPROVAL OF NOTARY
PUBLIC SURETY BONDS

JANUARY 24, 2005

JESSICA T. GOAD

LIBBY LAURICE MARCUS

DEBORAH R. NELSON

CARL W. VOGEL

JAMES A. YANCEY

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. 24 AYE.