

COUNTY COMMISSION- REGULAR SESSION

JANUARY 20, 2009

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS TUESDAY MORNING, JANUARY 20, 2009, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE STEVE GODSEY, COUNTY MAYOR, JEANIE GAMMON, COUNTY CLERK OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by County Mayor Steve Godsey. Sheriff Wayne Anderson opened the commission and Comm. James King, Jr. gave the invocation. Pledge to the flag was led by Sheriff Wayne Anderson.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

CATHY L. ARMSTRONG	GARTH BLACKBURN
LINDA K. BRITTENHAM	"MOE" BROTHERTON
DARLENE R. CALTON	O. W. FERGUSON
CLYDE GROSECLOSE	LARRY HALL
TERRY HARKLEROAD	JOE HERRON
DENNIS HOUSER	SAMUEL C. JONES
ELLIOTT KILGORE	W. BILL KILGORE
DWIGHT KING	J. BUDDY KING
JAMES L. KING, JR.	BART LONG
WAYNE MCCONELL	W. JOHN MCKAMEY
RANDY MORRELL	MICHAEL SURGENOR
MARK A. VANCE	EDDIE WILLIAMS

24 PRESENT 0 ABSENT (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. Ferguson and seconded by Comm. Bill Kilgore to approve the minutes of the December 15, 2008 Regular Session of County Commission. Said motion was approved by voice vote.



SULLIVAN COUNTY, TENNESSEE

PROCLAMATION

To Recognize Mary Lou Duncan

Whereas, Mary Lou Duncan has served the people of Sullivan County as Register of Deeds in an effective professional manner for more than 47 years; and

Whereas, Mary Lou Duncan has long been recognized as being dedicated to public service by her constituents in Sullivan County and others across the State of Tennessee; and

Whereas, Mary Lou Duncan was recently recognized by the members of the Tennessee County Officials Association for her many commendable attributes as the Distinguished County Official for 2008; and

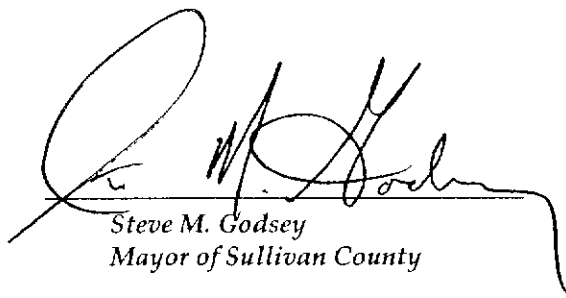
Whereas, this honor reflects her as an able ambassador for Sullivan County and its citizens to the people of the State of Tennessee; and

Whereas, we encourage all of the citizens of Sullivan County to offer their thanks and appreciation to Mary Lou Duncan for a job well done.

Now, therefore, I, Steve Godsey, Mayor of Sullivan County, and the Sullivan County Board of Commissioners, do hereby commend Mary Lou Duncan, Register of Deeds for Sullivan County, in appreciation for her recognized service by her counterparts across the State of Tennessee.

In witness whereof, I have hereunto set my hand and caused this seal of the County of Sullivan to be affixed this 20th day of January, 2009.




Steve M. Godsey
Mayor of Sullivan County



SULLIVAN COUNTY, TENNESSEE

PROCLAMATION

In Support of January As Radon Action Month In Sullivan County

Whereas, Radon is a colorless, odorless, naturally occurring radioactive gas that threatens the health of our citizens; and

Whereas, Radon is the second leading cause of lung cancer deaths in the United States and the number one cause among non-smokers; and

Whereas, One in 15 homes across the U.S. has an elevated radon level which results in more than 20,000 deaths each year; and

Whereas, Testing for radon is simple and inexpensive; and identified radon problems can be fixed; and

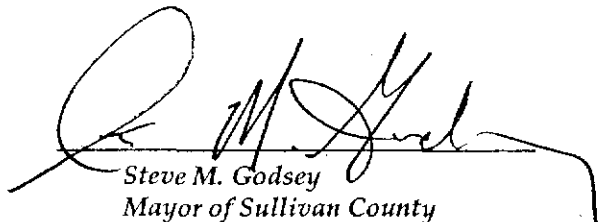
Whereas, The Tennessee Department of Environment and Conservation and the U.S. Environmental Protection Agency are supporting efforts to encourage Americans to test their homes for radon, mitigate elevated levels of radon, and build new homes with radon-resistant materials and features.

Now, therefore, I, Steve Godsey, Mayor of Sullivan County, and the Sullivan County Board of Commissioners, do hereby declare January 1 through January 31, 2009 to be the

Official Radon Action Month in Sullivan County, Tennessee.

In witness whereof, I have hereunto set my hand and caused this seal of the County of Sullivan to be affixed this 20th day of January, 2009.




Steve M. Godsey
Mayor of Sullivan County



PUBLIC COMMENTS: JANUARY 20, 2009

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

-
- 1. Mary Susan Dougherty concerning the swimming pool at Central High School.**
-
-

STATE OF TENNESSEE
COUNTY OF SULLIVAN

ELECTION OF NOTARIES

DECEMBER 15, 2008

ROBIN L. ANDERSON

IMOGENE J. BAILEY

JACQUIE BARRETT

JAN COX BLACK-RAMEY

WENDY BOWERY

ASHLEY SUZANNE BRIGGS

POLLY R. BURNETTE

JUDY CHURCH

PENNY MICHELLE CRESSELL

SHARON K. DURNIN

BILLIE KAY DYKES

COLETTE P. GEORGE

DEBRA L. HANSEN

CARL A. HOUSER

SUSAN MARIE JESSEE

E. BRUCE JOHNSTON

MARY BLANCHE JOHNSTON

SEAN N. MAIDEN

L. CARTER MASSENGILL

KATHY JEAN MATNEY

DEBORA ANN MONTGOMERY

AARON MICHAEL MULLIKIN

BRIAN MULLINS

MARGARET CONNIE NEAL

GAIL B. O'DELL

PHILLIP DAVID OWEN

CHARLOTTE MADELINE REED

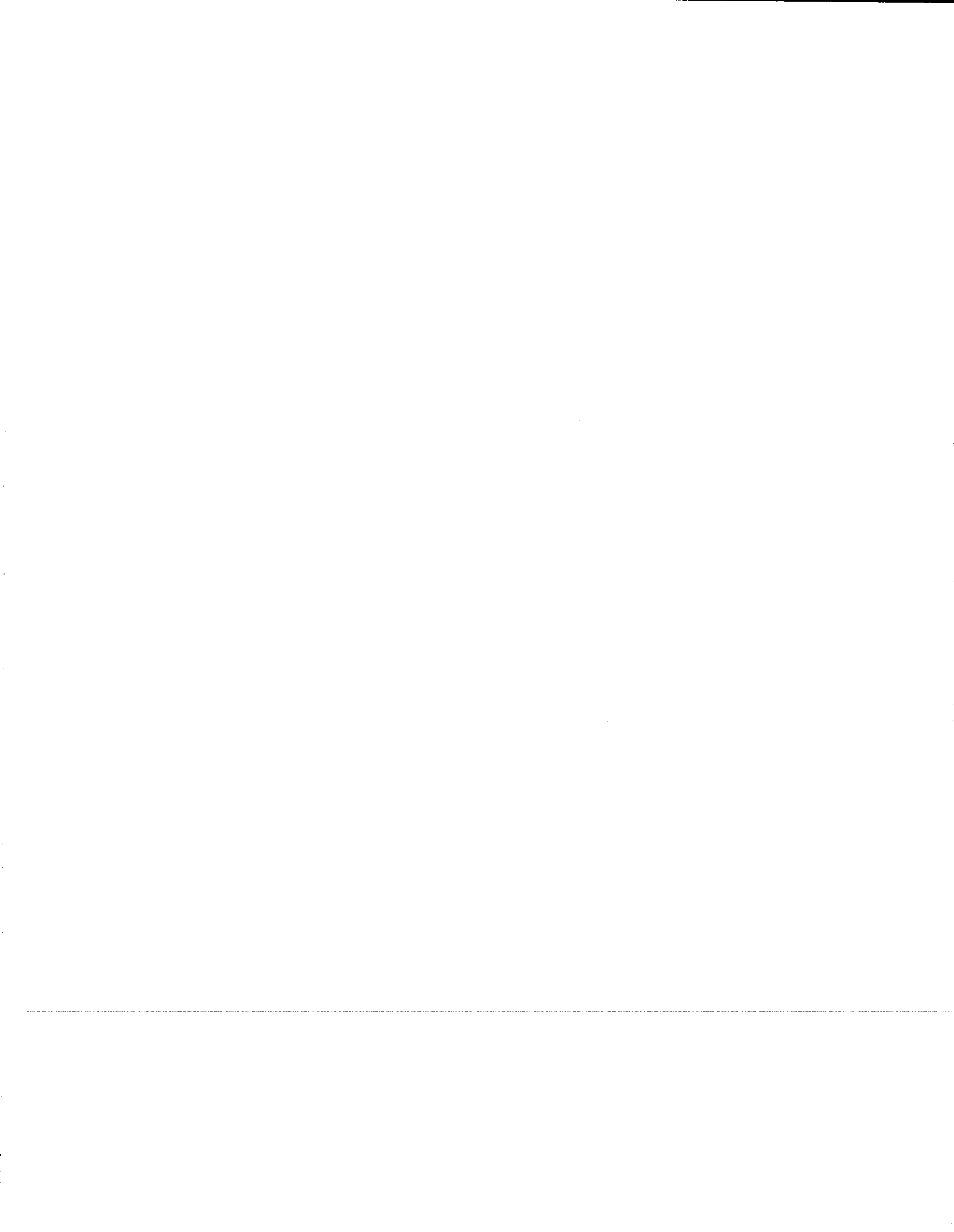
GENE W. ROSS

SANDY J. WHITE

AMBER CELESTE WILLIAMS

JOHN MARK WOODARD

**UPON MOTION MADE BY COMM. MCCONNELL AND
SECONDED BY COMM. FERGUSON 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
SURETY BONDS

JANUARY 20, 2009

WILLIAM R. BRANSON

JASON BRIGHT

FREDDIE L. CROSS

M. KAREN FORGETY

LEVITA MICHELLE HAYNES

TIMOTHY W. HUDSON

SARAH ELLEN MOODY

DEBORAH R. NELSON

MARSHA A. PANGELINAN

TIM STINNETT

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

AGENDA

Sullivan County Board of County Commission


January 20, 2009

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

- (1) File No. 11/08#1 Lori Kindle
Reclassify R-1 property located at 120 Lebanon Road to B-4 for the purpose of allowing a bookkeeping and income tax office. Property ID No Tax Map 92-J, Group B, Parcel 22.00 also located in the 14th Civil District.
Kingsport Planning

PETITION TO SULLIVAN COUNTY FOR REZONING #11/08#1

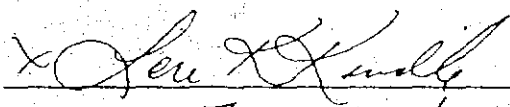
A request for rezoning is made by the person named below; said request to go before the Kingsport Regional Planning Commission for recommendation to the Sullivan County Board of Commissioners.

Property Owner: <u>Lori Kindle</u> Address: <u>4227 Fort Henry Drive</u> <u>Kingsport, Tn 37663</u> Phone <u>416-8911</u> Date of Request <u>10/17/08</u> Property Located in <u>14th</u> Civil District  _____ Signature of Applicant	<p style="text-align: center;"><u>OFFICE USE ONLY</u></p> Meeting Date <u>12/18/08</u> Time <u>7:00 pm</u> Place <u>City Hall 2nd floor</u> <hr/> Planning Commission Approved <input checked="" type="checkbox"/> <u>✓</u> Denied _____ County Commission Approved <input checked="" type="checkbox"/> <u>X</u> Denied _____ Other <u>Roll Call Vote 24 Aye</u> Final Action Date <u>01-20-09</u>
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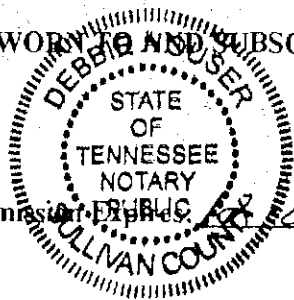
PROPERTY IDENTIFICATION

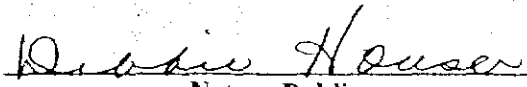
Tax Map No. 092J / Group B / Parcel 02200
 Zoning Map 15 Zoning District R-1 Proposed District B-4
 Property Location : 120 Lebanon Road
 Purpose of Rezoning: To allow bookkeeping and income tax preparation

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 17th day of Oct, 2008





 Notary Public

My Commission Expires 06-11



ORE THE COMMN.

No. Reasoning	No. Reg.	No. Amend.	No. Resolutions	No. No.	No.
1		2	2	3	4 5

COMMISSIONERS	1		2		3		4		5		6		7	
	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

McConnell	✓						✓		✓				✓		✓				
McKamey	✓						✓		✓				✓		✓				
Marrell	✓						✓		✓				✓		✓				
Surgener	✓						✓		✓				✓		✓				
Wance	✓							✓		✓			✓		✓				
Williams	✓							✓		✓			✓		✓				
Armstrong	✓							✓		✓			✓		✓				
Blackburn	✓						✓		✓				✓		✓				
Brittenham	✓						✓		✓				✓		✓				
Brotherton	✓						✓		✓				✓		✓				
Calton	✓						✓		✓				✓		✓				
Ferguson	✓						✓		✓				✓		✓				
Grosdese	✓						✓		✓				✓		✓				
Hall	✓						✓		✓				✓		✓				
Hanklehead	✓							✓		✓			✓		✓				
Herron	✓						✓		✓				✓		✓				
Houser	✓						✓		✓				✓		✓				
Jones	✓						✓		✓				✓		✓				
Elliott Kilgore	✓						✓		✓				✓		✓				
W Bill Kilgore	✓							✓		✓			✓		✓				
Dwight King	✓							✓		✓			✓		✓				
Buddy King	✓						✓		✓				✓		✓				
James L King	✓							✓		✓			✓		✓				
Long	✓							✓		✓			✓		✓				

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RESOLUTIONS ON DOCKET FOR JANUARY 20, 2009

RESOLUTIONS	ACTION
#1 AMENDMENTS TO THE SULL CO ZONING RESOLUTION	APPROVED 1-20-09
#2 TO IMPROVE MANAGEMENT OF SULLIVAN COUNTY'S INCREASING FUNDING COST FOR HEALTH INSURANCE COST/CLAIMS FOR RETIREES	APPROVED 1-20-09
#3 TO IMPROVE FIRE SAFETY WITHIN THE BORDERS OF SULLIVAN COUNTY	DEFERRED 1-20-09
#4 ENDORSE AN AMENDMENT BY THE STATE LEGISLATURE TO TCA TITLE 54 TO ENACT THE "STATE ROUTE 126 (MEMORIAL BLVD) SAFETY IMPROVEMENT ACT"	APPROVED 1-20-09
#5 TO APPROVE ACCEPTANCE OF A GRANT FOR PROJECTS AT THE TRI-CITIES REGIONAL AIRPORT, TN/VA	APPROVED 1-20-09
#6 ESTABLISH A PUBLIC SAFETY PROGRAM AT THE SULLIVAN COUNTY SHERIFF'S OFFICE TO PROTECT AND LOCATE MISSING PERSONS SUFFERING FROM DEVELOPMENTAL OR DEMENTIA-TYPE DISORDERS THAT WANDER - PROJECT LIFESAVER	1 ST READING 1-20-09
#7 REQUESTING STATE OF TN TO PROHIBIT CELL PHONE USE BY DRIVER WHILE MOTOR VEHICLE IS IN MOTION	1 ST READING 1-20-09
#8 REQUESTING AMENDMENT TO THE "SUNSHINE LAW" REGARDING COMMUNICATION OUTSIDE PUBLIC MEETINGS	1 ST READING 1-20-09
#9 UPGRADE THE 800 MHZ TRUNKING RADIO SYSTEM	APPROVED 1-20-09
#10 APPOINTING JAMES BROTHERTON TO THE TRI-CITIES AIRPORT COMMISSION	1 ST READING 1-20-09



Sullivan County, Tennessee
Board of County Commissioners

Item 1
No. 2009-01-00

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January 2009.

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,

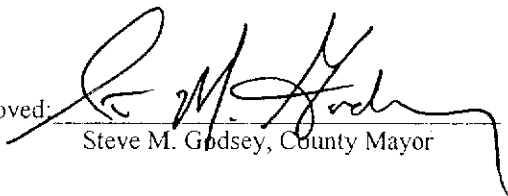
WHEREAS, such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution.

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 20th day of January 2009.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

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

2009-01-00	County Commission
ACTION	Approved 01-20-09 Voice Vote

Comments:



Sullivan County, Tennessee
Board of County Commissioners

Item 2
Administrative/Budget/Executive
No.2008-10-125

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of October, 2008.

RESOLUTION to Improve Management of Sullivan County's Increasing Funding Cost for Health Insurance Cost/Claims for Retirees

WHEREAS, Sullivan County has a significant cost annually for health insurance provided for its active employees, as well as it's retirees; and,

WHEREAS, Sullivan County, is required under GASB 45, must change accounting methods to reflect retiree health insurance liabilities on behalf of current and future retirees; and,

WHEREAS, Sullivan County has a responsibility to maintain the viability of it's health insurance program for its current and future retirees as well as its active employees.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session require those who retire after January 1, 2013 ~~2013-2010~~, who have not satisfied the minimum of 25 years of service to pay the full cost of the applicable insurance for the group and Medicare supplement coverage for their Medicare Supplement health insurance coverage based upon the number of years of full time service with Sullivan County Government as follows; and,

<u>Years of Service</u>	<u>Sullivan County</u>	<u>Retiree</u>
25+years	100%	0%
20-24 years	75%	25%
15-19 years	50%	50%
10-14	25%	75%

BE IT FURTHER RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session require all future retirees and/or covered dependents to participate in any applicable disease management program provided by Sullivan County Government. Failure to reasonably participate would result in the retiree and/or dependent no longer being eligible for coverage under the retiree health insurance plan; and,

BE IT FURTHER RESOLVED THAT retirees with 25 years of service who retire from Sullivan County and are employed elsewhere, where health insurance is offered, may elect to dis-enroll from Sullivan County's health insurance plan. The retiree may elect to re-enroll in the Sullivan County health insurance plan upon loss of the other coverage; and,

BE IT FURTHER RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session change the dependent eligibility for future retiree health insurance benefits, to allow dependent spouses of eligible retirees to remain on the health insurance until the earlier of the dependent obtaining age 65 or the dependent becoming eligible for Medicare; and,

(Early Retirees Separated Due to Disability)

BE IT FURTHER RESOLVED that Sullivan County is a member of the Tennessee Consolidated Retirement System (TCRS) and as such recognizes those employees that qualify for disability benefits based upon TCRS requirements and allows them to participate in the County Health Insurance Plan based upon prior years service; and,

BE IT FURTHER RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session clarify that the retiree eligible for retiree health insurance benefits due to a disability must apply and elect Medicare Parts A & B when first eligible. Failure to apply and elect Medicare Parts A & B will result in the disabled retiree no longer being eligible for continuation of health insurance under the Plan; and,

(Future Retirees - Over 65)

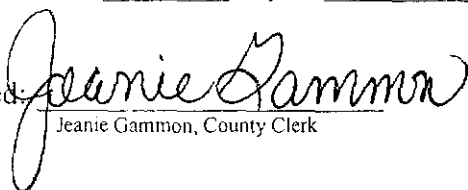
BE IT FURTHER RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session change the self-insured health insurance benefits offered to those who retire after January 1, 2010, to a **Medicare Advantage option that includes prescription drug coverage.** ~~to a Medicare Supplement plan that excludes coverage for prescription drugs; and,~~

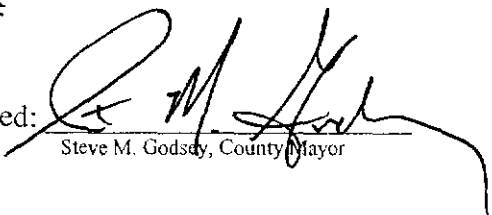
~~BE IT FURTHER RESOLVED that the Board of County Commissioners of Sullivan County, assembled in Regular Session offer an insured Medicare Advantage option that includes prescription drug coverage.~~

This resolution shall take effect January 1, 2009. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

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

Approved this 20th day of January ~~2008~~ 2009

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsay, County Mayor

Sponsored By: Joe Herron

Prime Co-Sponsor(s): Linda Brittenham, James L. King, Jr., Clyde Groseclose, Cathy Armstrong, Bill Kilgore, Eddie Williams

2008-10-125	Administrative	Budget	Executive	County Commission
ACTION	Approved 11-3-08; Deferred 12-1-08 & 1-5-09	Approved 11-3-08; No Action 12-4-08; Approved Revised Version 1-8-09	Approved 11-5-08, No Action 12-3-08; Deferred 1-7-09	Approved 01-20-09 23 Aye, 1 Nay

Notes: 1st Reading 10-20-08; Deferred 11-17-08; Deferred 12-15-08;

Amended by Sponsor to the year "2013" in the Fourth Paragraph and shown above.

Amendment #1

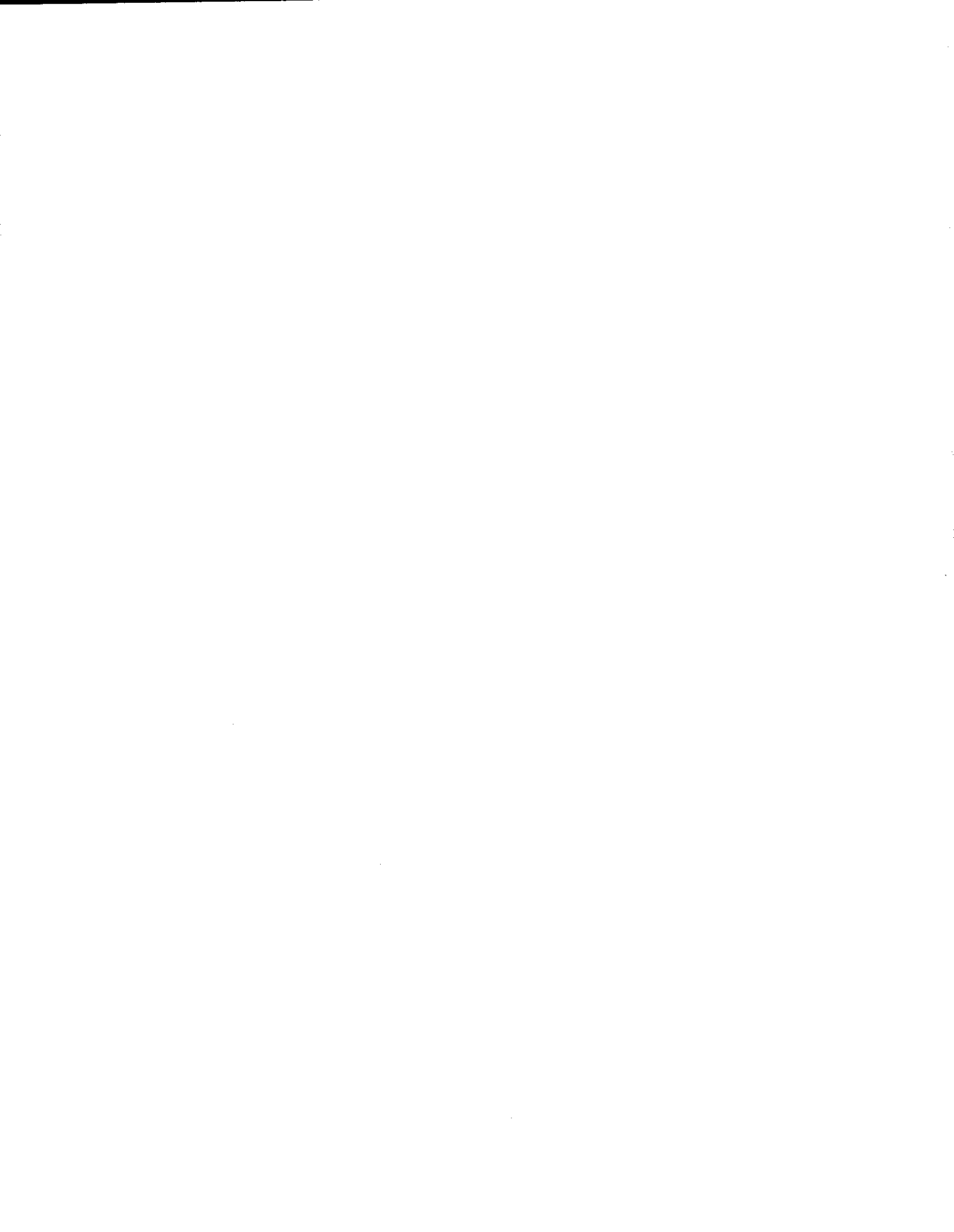
Re: Resolution No. 2008-10-125

Amend the "NOW THEREFORE BE IT RESOLVED" paragraph to add as follows:

"to provide that all current employees that retire with 10 or more years of service and qualify for Medicare will have 25% of the premium paid by the County and those employees that have 20 years or more of service at retirement and qualify for Medicare will have 50% of the premium paid by the County".

Amendment submitted by Comm. Blackburn No Action taken on amendment.

AMENDMENT WITHDRAWN 01-20-09 by BLACKBURN.



PROPOSED AMENDMENT 2 TO

RES. # 2008-10--125

AMEND AS FOLLOWS:

ADD TO YEARS OF SERVICE BETWEEN 10 – 14 YEARS OF SERVICE WITH SULLIVAN COUNTY SHARE TO BE 25% AND RETIREE SHARE TO BE 75%.

INTRODUCED BY: BLACKBURN

SECONDED BY: HOUSER

COMMENTS: AMENDMENT APPROVED BY ROLL CALL VOTE. APPROVED WITH RESOLUTION AND REFLECTED IN RESOLUTION IN FOURTH PARAGRAPH.



Sullivan County, Tennessee
Board of County Commissioners

Item 3
Administrative
No. 2008-12-134

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 15th day of December, 2008.

RESOLUTION To Improve Fire Safety Within The Borders Of Sullivan County

WHEREAS, Sullivan County has the obligation to our citizens to improve fire safety; and

WHEREAS, Sullivan County has no standards on the size of water service lines or the placement of fire hydrants serviced by any public utility provider; and

WHEREAS, there are areas within the borders of Sullivan County with insufficient supply line sizing and lack of sufficient fire hydrants for adequate fire safety.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby require all water utilities within the County, including all municipalities, to install fire hydrants and supply lines in all new, replacement, and upgrade construction to the standards required within residential areas inside the city limits of Kingsport or Bristol, Tennessee; and these be checked and maintained on a regular basis on a schedule no less than what's provided within the boundaries of the cities by the utilities that controls and regulate the water lines & fire hydrants in their utilities district or area.

BE IT FURTHER RESOLVED that if any utility provides service to an industrial park or other major industrial site, sufficient water supply, line sizing and fire hydrants must be installed to meet or exceed any codes required within the city limits of Kingsport, Bristol, Tennessee, or any other utility district providing service in Sullivan County.

~~**BE IT FURTHER RESOLVED** that money to help facilitate this resolution be earmarked from the Health and Safety Program or Homeland Security Program in an amount no less than five thousand dollars (\$5,000) annually and be dedicated to the rural portions of the County that have utility supplied water service and an insufficient supply line sizing or an insufficient number of fire hydrants.~~

BE IT FURTHER RESOLVED that \$5,000 annually be put in each years budget to help facilitate this resolution. This money is to be put in the Health & Safety program overall Planning & Zoning Dept.'s Budget. The \$5,000 annually to be dedicated to the rural protions of the County that have utility supplied water service and no fire hydrants or an insufficient number 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.

Approved this _____ day of _____ 2008.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

Sponsored By: James "Moe" Brotherton

Prime Co-Sponsor(s): Sam Jones, Terry Harkleroad, Larry Hall, Darlene Calton

2008-12-134	Administrative	Budget	Executive	County Commission
ACTION	Approved 12-1-08, No Action 1-5-09	No Action 12-4-08; Deferred 1-8-09	Approved 12-3-08; No Action 1-7-09	

Notes: 1st Reading 12-15-08; **Amended by Sponsor as reflected above in Resolution 01-20-09; Deferred 01-20-09;**

Sullivan County, Tennessee
Board of County Commissioners

Item 4
Executive
No. 2009-01-01

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January, 2009.

RESOLUTION To endorse an amendment by the State Legislature to Tennessee Code Annotated, Title 54, to enact the "State Route 126 (Memorial Boulevard) Safety Improvement Act"

WHEREAS, the 8.8 miles of highway between I-81 and E. Center Street in Kingsport on State Route 126 is one of the more dangerous stretches of highway in Tennessee as confirmed by both crash and fatality documentation; and

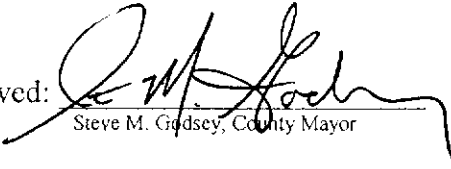
WHEREAS, a detailed plan has been outlined identifying the needs and procedures that should be implemented for this project to be successfully completed.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby endorse "State Route 126 (Memorial Boulevard) Safety Improvement Act".

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.

Approved this 20th day of January 2009.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Joe Herron

Prime Co-Sponsor(s): James L. King, Jr., Clyde Groseclose

All Commissioners Voting in the Affirmative

2009-01-01	Administrative	Budget	Executive	County Commission
ACTION		Approved 1-8-09	Deferred for more information 1-7-09	Approved 01-20-09 24 Aye

Notes: **Waiver of rules requested.**

House Bill _____

By Shipley

AN ACT to amend Tennessee Code Annotated, Title 54, to enact the "State Route 126 (Memorial Boulevard) Safety Improvement Act."

WHEREAS, State Route 126 (8.8 miles between I-81 and E. Center St. of Kingsport) in Sullivan County is one of the State's most dangerous highways as documented by fatality and crash data; and,

WHEREAS, immediate safety enhancements are sought by area residents and supported by city and county legislators for this dangerous outdated highway; and

WHEREAS, State Route 126 is the State's first Context Sensitive Solutions (CSS) project, and immediate safety improvements fit perfectly within the CSS approved long-range plan as recommended by the CSS Team;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "State Route 126 (Memorial Boulevard) Safety Improvement Act".

SECTION 2. The department of transportation shall initiate the following safety improvements to State Route 126 (Memorial Boulevard) in Sullivan County:

- (a) Assist in the construction of an alternate access to Condo development on Minton Court and provide appropriate signage;
- (b) Straighten curves, develop shoulder for east-bound traffic and pull-off area for west-bound traffic, and provide appropriate signage between Old Stage Road and Holiday Hills Road in coordination with the CSS Team's recommended improvements;
- (c) At the intersection of SR126 and Chestnut Ridge Road fill in the depression between Chestnut Ridge Road and SR 126, develop highway shoulder, install appropriate guardrail, and provide appropriate signage;

(d) Construct a west-bound left turn lane at Cooks Valley Road and provide appropriate signage;

(e) Construct a turning lane just west of Greenwood Market to just east of Island Road, straighten curve at Island Road, modify entrances to commercial developments, and provide appropriate signage;

(f) Construct a west-bound left turn lane at Fall Creek Road and provide appropriate signage, including a "Stop Ahead" sign for Fall Creek Road;

(g) Increase sight distance near Cassidy Road by cutting back the roadside bank just west of Cassidy Road, construct a center turning lane between Cassidy Road and east-bound left turn lane at Harrtown Road, and provide appropriate signage;

(h) Construct a west-bound left turn lane at Cochise Trail, improve sight distance by cutting back the roadside bank on SR 126 opposite Cochise Trail.

(i) Install a 4' wide hatched center median with rumble strips along both sides from the intersection with Center Street to the intersection with Orebank Road;

(j) Install lateral rumble strips and appropriate signage from the intersection with Orebank Road to mile marker four point four zero (4.40);

(k) Remove certain commercial entrances near State Route 93;

(l) Install pavement markings and edge of pavement rumble strips, develop shoulder, and provide appropriate signage from intersection with Stratford Drive to intersection with Harbor Chapel Road;

(m) Install post delineators and edge of pavement and lateral rumble strips, widen shoulder and clear vegetation from intersection with Harbor Chapel Road to intersection with Old Stage Road;

(n) Install guardrails, stop bars and edge of pavement rumble strips, widen shoulders, provide even pavement, remove obstacles in clear zones, and provide appropriate signage from intersection with Old Stage Road to intersection with Shuler Drive;

Comment: Next revision is the last Major improvement that was left off this draft. If included all other lettering needs to be revised.



(o) Install guardrails and edge of pavement rumble strips, widen shoulders, fill rutting in asphalt, remove obstacles in clear zones, and provide appropriate signage from intersection with Shuler Drive to mile marker seven point four (7.4);

(p) Install guardrails and stop bars, widen shoulders, fill rutting in asphalt, remove or relocate utility poles, and provide appropriate signage from mile marker seven point four (7.4) to mile marker seven point seven (7.7);

(q) Widen shoulders, clear vegetation and remove obstacles in clear zones, add stop bars, lower speed limit and provide appropriate signage from intersection with Fisher Drive to intersection with Country Drive;

(r) Widen shoulders, fill rutting in asphalt, clear vegetation and remove obstacles in clear zones, install stop bars and edge of pavement rumble strips, lower speed limit and provide appropriate signage from intersection with Country Drive to intersection with Montezuma Road;

(s) Widen shoulders, fill rutting in asphalt, remove obstacles in clear zones, install edge of pavement rumble strips, lower speed limit and provide appropriate signage from intersection with Montezuma Road to intersection with Harrtown Road;

(t) Install guardrails and edge of pavement rumble strips, widen shoulders, fill rutting in asphalt, remove obstacles in clear zones, lower speed limit and provide appropriate signage from intersection with Harrtown Road to intersection with Samlola Road;

(u) Widen shoulders, fill rutting in asphalt, clear vegetation and remove obstacles in clear zones, install edge of pavement rumble strips, lower speed limit and provide appropriate signage from intersection with Samlola Road to mile marker eleven point one (11.1); and

(v) Install lateral rumble strips and signage from mile marker eleven point one (11.1) to mile marker eleven point four (11.4).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Sullivan County, Tennessee
Board of County Commissioners

Item 5
Executive
No. 2009-01-02

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January, 2009.

RESOLUTION To approved acceptance of a grant for projects at the Tri-Cities Regional Airport, TN/VA

WHEREAS, federal fiscal year 2009 grants may become available from the U.S. Department of Transportation, Federal Aviation Administration to the Tri-Cities Airport Commission for airport improvements to the Tri-Cities Regional Airport, TN/VA; and

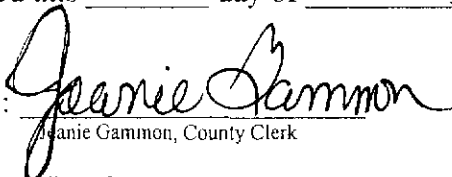
WHEREAS, Airport Owners are required to formally accept said grants and authorize execution of documents relating thereto.

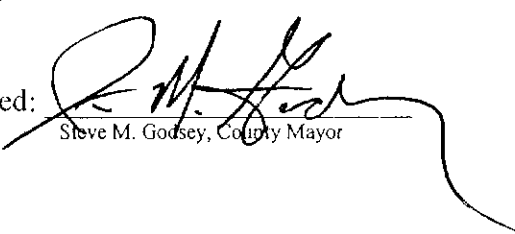
NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session approve the Tri-Cities Airport Commission to enter into a Grant Agreement with the United States of America, acting through the Federal Aviation Administration, for the purpose of obtaining federal funds to be used for capital projects at the Tri-Cities Regional Airport, and that the County Mayor is authorized to sign any and all documents necessary to approve and accept said grant.

Waiver of Rules Requested

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

Approved this 20th day of January 2009.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Sam Jones
Prime Co-Sponsor(s): James "Moe" Brotherton

2009-01-02	Administrative	Budget	Executive	County Commission
ACTION		Approved 1-8-09	Approved 1-7-09	Approved 01-20-09 23 Aye, 1 Absent

Notes:



Sullivan County, Tennessee
Board of County Commissioners

Item 6
Administrative
No. 2009-01-03

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January, 2009.

RESOLUTION to Establish a Public Safety Program at the Sullivan County Sheriff's Office to Protect and Locate Missing Persons suffering from developmental or dementia-type disorders that wander – Project Lifesaver.

WHEREAS, Sullivan County's population in 2006 was approximately 154,239 citizens and the number of persons aged 65 and older was 26,050 or 17% of the total population; and,

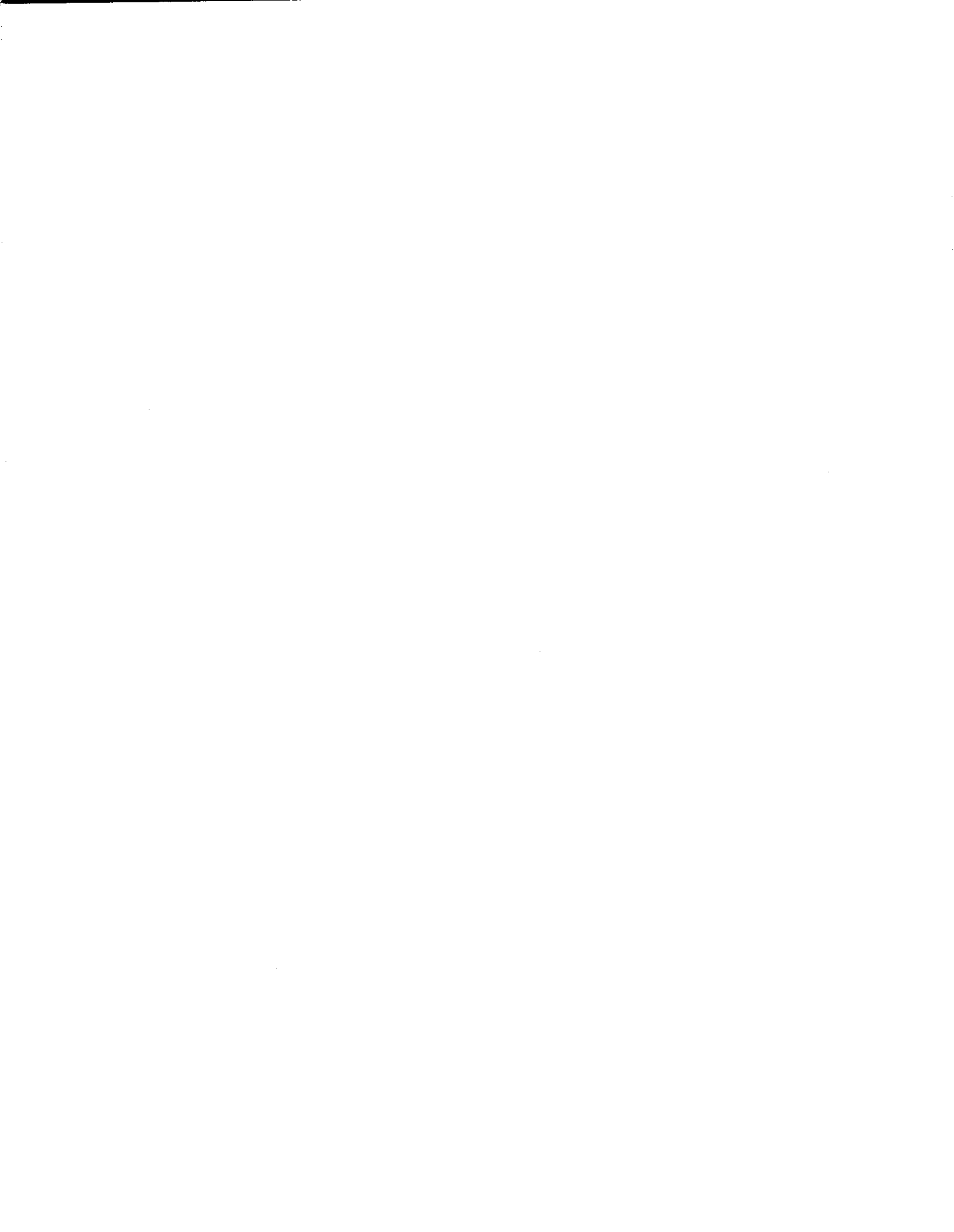
WHEREAS, data supports the finding that Alzheimer's disease affects 10% of the population ages 65 to 84 and affects 50% of the population over age 85 and much time can be spent searching for these patients as they tend to wander and time can be paramount in survival; and,

WHEREAS, Project Lifesaver has electronic technology to locate patients with Alzheimer's as well as Autism, Down Syndrome and Developmental Disorders of various ages; and,

WHEREAS, Sullivan County has a responsibility to the safety and protection of these citizens; and,

WHEREAS, Bristol, TN, Bristol, VA, Washington County, VA have established Project Lifesaver systems and Sullivan County could become a vital part of this regional effort and could be expanded to include the city of Kingsport; and,

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session approve the one-time appropriation not to exceed \$10,000.00 to purchase the Project Lifesaver Start-Up Equipment Package (consisting of 2 Receivers, 2 chargers, 2 antennas and cables, 2 headsets, 2 transmitters/batteries/bands, 2 cases and 2 software Disks for downloading Search Information), training and an additional 10 transmitters (total equipment for 12 participants).



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.

Approved this _____ day of _____ 2009.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

Sponsored By: Linda Brittenham
Prime Co-Sponsor(s): Mark Vance, Eddie Williams

2009-01-03	Administrative	Budget	Executive	County Commission
ACTION				

Notes: **1st Reading 01-20-09;**



Sullivan County, Tennessee
Board of County Commissioners

Item 7
Executive
No. 2009-01-04
Attachment

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January, 2009.

RESOLUTION Requesting State of Tennessee to Prohibit Cell Phone Use By Driver While Motor Vehicle is in Motion

WHEREAS, the use of cell telephones by drivers in automobiles is a definite safety hazard in which the driver's attention to the task of driving is lessened if not completely taken away from fast changing traffic conditions on the road, and

WHEREAS, as a result, accidents have a strong potential of occurring.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby calls upon the Tennessee State Legislature to pass legislation in the next session of the Legislature to make it unlawful for the driver of a motor vehicle to use a cell telephone while the vehicle is in motion, and that the use of a cell telephone under above conditions shall be considered a presumption of negligence if an accident occurs.

Exceptions to the above are:

- (1) if the cell phone can be used without the driver holding it in his or her hand
- (2) in the case of an emergency

BE IT FURTHER RESOLVED by the Board of Commissioners that upon passage, a copy of this resolution be forwarded to each of our state legislators from Sullivan County requesting that they introduce such legislation.

(See Attached Articles)

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.

Approved this 20th day of January 2009.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

Sponsored By: James L. King, Jr.

Prime Co-Sponsor(s): Elliott Kilgore, O. W. Ferguson

2009-01-04	Administrative	Budget	Executive	County Commission
ACTION				

Notes:

1st Reading 01-20-09;

Study equates talking on a cell phone with drunken driving

By REX BARBER
NET News Service

It happens again.

You're driving down the road and the cell phone rings.

Two choices present themselves at this point.

One: Leave the phone alone and check the caller ID after you stop; if it's important, they'll leave a voicemail.

Two: Fumble for the phone, look away from the road to see who it is, flip it open only to find out they've hung up, decide to dial them back and possibly send your car careening off the side of the road and into a ditch or plow it directly into the back of a car stopped on the road in front of you.

What do you do?

The second choice has expensive if not deadly consequences.

It has been estimated that between 25 percent to 30 percent of all accidents are the result of driver distraction, according to AAA of East Tennessee and the National Highway Traffic Safety Administration.

A cell phone is little more than a distraction when it is used while driving.

"What happens is that readily we get too involved in the conversation," said Don Lindsey with AAA. "This is especially true with important calls, emotional calls. It's really remarkable that we don't have more crashes than we do," he said.

Talking on the phone and paying attention to the road are things best done by themselves — people are not good multitaskers, Lindsey said.

"If you choose to do it, know what your cell phone can do before you get into it," Lindsey said.

Johnson City Police Department Lt. Larry Williams has been with the department's traffic team for years, and has seen lots of crashes in which seconds can mean the difference between life and death.

"Well, you know, driving is probably the most dangerous task we have to perform and we do it on a daily basis," Williams said.

"Under optimum conditions, the most time that you have to respond to an emergency situation is 1.6 seconds," Williams said. "Every one-tenth of a second in that response time is critical, because once you perceive the hazard, you've got to go through the decision-making process of what evasive action to take."

Williams said that a recent study released by the National Highway Traffic Safety Administration equates talking on a cell phone with drunken driving.

"What they found was people talking on a cell phone have the same perception/reaction time as an individual that has a blood alcohol level of .10 or .12," Williams said. "That is scary. Anybody talking on a cell phone might as well be driving drunk, because their perception/reaction time is the same as a drunk driver."

Under optimum conditions, the most time that you have to respond to an emergency situation is 1.6 seconds. Every one-tenth of a second in that response time is critical, because once you perceive the hazard, you've got to go through the decision-making process of what evasive action to take.

— Lt. Larry Williams,
Johnson City Police Department

He said reaction time slows from 1.6 seconds to 3 or 3.5 seconds for a distracted driver, just like an intoxicated driver.

"In my career I've worked thousands of wrecks, but I've worked a lot of wrecks where one- or two-tenths of a second made the difference between somebody living and somebody dying, just from where the car got hit."

Because cell phones have become so much a part of life in this country, they are becoming common on the roads.

"We're starting to see more and more of it," Williams said of motorists talking on cell phones while driving. "And you can go down the road and you'll see people, probably almost 40 to 50 percent of the people you pass are talking on a cell phone."

Sometimes, speaking on a cell phone while driving can cause a driver to see or hear nothing else but the conversation.

"The problem with cell phones is they take their attention off the driving and they get engrossed in their conversation so they get what we call tunnel vision," Williams said. "They only see what is directly in front of them to see. And a lot of times they don't even see that until it's too late."

The only law Tennessee has regarding cell phone use while driving is for minors, preventing them from talking on a cell phone while driving unless it's with their parents or with 911 dispatchers.

Williams said that law is weak because officers usually can not tell if a driver is under 18 or whom they are talking to.

"And we have all kinds of distractors," Williams said, citing children, tuning a radio, reaching for a drink, or just about anything else.

Williams said cell phones definitely help law enforcement by allowing the motoring public to be in constant communication with them.

Williams' advice to the motoring public is to limit the things that will take your attention off the road as much as possible.

"Just try to eliminate as many distractions as possible," Williams said.

"And that's all you can do. Some distractors we can eliminate. We just have to do the best we can with what we have to deal with."



J.S. Group Calls for Cell-Driving Bans Nationwide

Stephen Lawson, IDG News Service

Jan 12, 2009 9:40 pm

Email Print RSS 8 Comments

Digg Submit

38 Yes

28 No

Recommends

The nonprofit National Safety Council on Monday called on all U.S. states to ban the use of cell phones while driving.

The NSC, which says it counts 55,000 companies as members, compared talking or texting while driving to drunken driving and urged states to ban even the use of phones with hands-free kits.

No state has completely banned cell-phone use while driving, though 23 have passed some form of restriction, according to John Ulczycki, the NSC's executive director of communications and public affairs. The group believes it will take years to reach its goal, but it has gone through similar efforts. The NSC has spent years pushing for stronger laws on seatbelt use and drunken driving, he said.

The group said cell phone use contributes to 6 percent of all crashes, referring to a study by the Harvard Center of Risk Analysis. That represents 636,000 crashes, 12,000 serious injuries and 2,600 deaths each year, plus a financial cost of \$43 billion, the NSC said, citing the Harvard study.

Almost all driving laws in the U.S. are set by states. Car cell-phone bans have been advancing in recent years. Eighteen states, plus the District of Columbia, have banned teen-aged drivers from using phones while driving, according to the NSC. But only six have banned the use of handheld phones for everyone, and they have all allowed the use of hands-free systems. That isn't good enough, according to the NSC.

"Hands-free laws are giving people a placebo, in effect," Ulczycki said. A law that allows people to make hands-free calls sends a message that this is safer, but research

is beginning to indicate that it's not, because either kind of call distracts the driver from the road, he said. Laws allowing hands-free use may even increase the accident rate if drivers make more calls in the false belief that they are safe, Ulczycki added.

Calling while driving should concern businesses, too, because crashes can cause injuries and raise costs, maybe even opening up employers to liability, Ulczycki said. An NSC survey indicated 45 percent of its member companies have banned the practice for their employees. For 85 percent of them, the policies haven't affected productivity, the group said. Member companies come from a wide range of industries and join the group to take advantage of safety education and training, Ulczycki said.

The mobile phone industry group CTIA disagreed with the NSC's position. It cited situations where cell-phone use could be critical, such as when children need to tell parents they are waiting somewhere to be picked up.

"We believe that safe, sensible and limited use of a cell phone when you're behind the wheel is possible," wrote John Walls, CTIA's vice president of public affairs, in a blog post Monday. "If someone is driving irresponsibly because of cell phone use, they should be cited for that. And under current law, they can be."

Sullivan County, Tennessee
Board of County Commissioners

Item 8
Executive
No. 2009-01-05

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January, 2009.

RESOLUTION Requesting Amendment to the “Sunshine Law” Regarding Communication Outside Public Meetings

WHEREAS, present state law under the “Sunshine Law” raises an interpretation that one member of a public body cannot discuss or communicate with one other member on public matters or business without being subject to the “Sunshine Law” and being done in a public meeting; and

WHEREAS, the “Sunshine Law” is certainly a good and essential law, and decisions that are made and done by public bodies should be made with proper notice in the open and subject to public view. However, the interpretation of the word “meeting” that prohibits one member of a public body from discussing or communicating with one other member without being subject to the “Sunshine Law” limits a good discussion between 2 members on the pros and cons, the things that would make a matter better, things that should not be, the good points and the bad points of a matter, etc., without having a public meeting. This is not practical and actually hinders good homework and preparation outside of the public meeting. It can stifle coming up with good ideas. It tends to discourage extra dialogue that could occur between one member with another because of having to have a public meeting for these discussions. It doesn’t make good sense prohibiting 2 commissioners, 2 school board members, or 2 aldermen from talking one on one without it being done in a public meeting; and

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, recommend to the Tennessee State Legislature that in TCA 8-44-102 where “meeting” is defined that language be added that will permit and have the effect that 2 members of a public body can discuss or communicate with each other on any matter if those 2 members do not constitute a quorum which would be necessary to make a decision for the public body without such discussion or communication being considered a public meeting under the “Sunshine Law”. This communication shall include a face to face discussion, written communication, and electronic communication.

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.

Approved this _____ day of _____ 2009.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

Sponsored By: James L. King, Jr.

Prime Co-Sponsor(s): Elliott Kilgore

2009-01-05	Administrative	Budget	Executive	County Commission
ACTION				

Notes: **1st Reading 01-20-09;**

Sullivan County, Tennessee
Board of County Commissioners

Item 9
Administrative
No. 2009-01-06

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January, 2009.

RESOLUTION To Upgrade the 800 Mhz Trunking Radio System

WHEREAS, the Sullivan County 800 Mhz Trunking Radio System has been in operation for approximately 10 years; and,

WHEREAS, there are many parts of this system that drive key components, one being the “Gold Elite Radio Console System”, which includes hardware and software that drives the consoles in all three dispatch centers for our Emergency Services; and,

WHEREAS, the software component supporting the operating system is outdated and no longer can supplies, parts, service, as well as, technical support be made available from Microsoft resulting in the potential failure of dispatch capabilities among any or all of our dispatch system impacting responders during emergency situations; and,

WHEREAS, the new upgrade of our Console System has a current cost of \$158,884 which will be divided among the three governments of Sullivan County, Kingsport, and Bristol based on a plan set forth by the inter-local agreement between these users; and,

WHEREAS, the City of Kingsport and the City of Bristol have committed \$87,286 in funding for their prorate share of the cost; and,

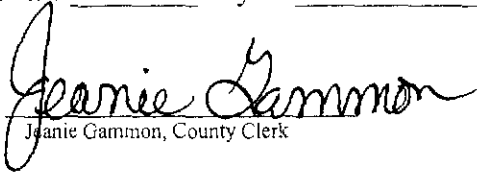
WHEREAS, the county’s portion of the funding is \$71,598, which includes \$45,346 from E-911, \$9,252 from Federal Grant Funds with the remaining \$17,000 being applied to the various county users of the system based upon the number of the radios used by the respective departments; and,

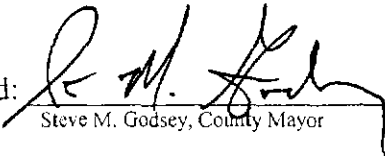
WHEREAS, the time required for design and installation will require a number of months; therefore, it is important that the County initiate the purchase of this updated equipment as soon as possible with assurance by the two cities for their share as guaranteed by a letter of commitment.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, TN, assembled in Regular Session approve the expending of these funds in the amount of \$158,884 as follows, from Payments from Cities of Bristol & Kingsport in the amount of \$87,286, Federal Grant \$9,252, E-911 in the amount of \$45,346 and Other County User Departments in the amount of \$17,000 with no new county funds appropriated (Account Codes to be Assigned by the Director of Accounts and Budgets).

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

Approved this 20th day of January 2009.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Steve M. Godsey, County Mayor

Sponsored By: Eddie Williams
Prime Co-Sponsor(s): James "Buddy" King

2009-01-06	Administrative	Budget	Executive	County Commission
ACTION				Approved 01-20-09 24 Aye

Notes: **Waiver of rules requested.**

Sullivan County, Tennessee
Board of County Commissioners

Item 10
Executive
No. 2009-01-07

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20th day of January, 2009.

RESOLUTION Appointing James Brotherton to the Tri-Cities Airport Commission

WHEREAS, the Tri-Cities Regional Airport is governed by a Board of Commissioners known as the Tri-Cities Airport Commission; and

WHEREAS, two members of the Tri-Cities Airport Commission serve as representatives of Sullivan County, Tennessee and are to be appointed by the Sullivan County Board of Commissioners; and

WHEREAS, pursuant to Resolution No. 20 adopted by the Sullivan County Board of Commissioners on January 18, 1971 the County Mayor automatically upon taking the oath of office becomes one of Sullivan County's representatives on the Tri-Cities Airport Commission and that nominations for the second representative shall be made by the county legislative body at the first session of each newly elected body with election of such second representative to occur at the succeeding session; and

WHEREAS, County Mayor Steve Godsey automatically became one of Sullivan County's representatives upon taking his oath of office as County Mayor on August 31, 2006; and

WHEREAS, the Sullivan County Board of Commissioners has not appointed Sullivan County's second representative on the Tri-Cities Airport Commission subsequent to the election in 2002 nor 2006 as required under Resolution No. 20. The last time the Sullivan County Board of Commissioners appointed its second representative to the Tri-Cities Airport Commission was in May, 2002 at which time Jerry Repass was appointed to said position.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby appoints James Brotherton to serve on the Tri-Cities Airport Commission as the second representative of Sullivan County.

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

Approved this _____ day of _____ 2009.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Steve M. Godsey, County Mayor

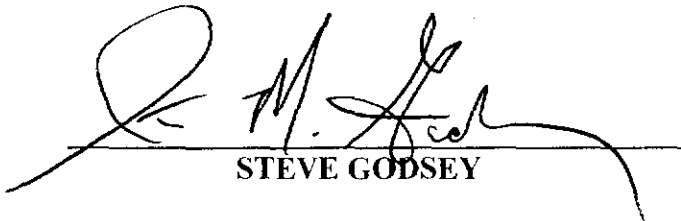
Sponsored By: Wayne McConnell
Prime Co-Sponsor(s): Linda Brittenham, Darlene Calton

2009-01-07	Administrative	Budget	Executive	County Commission
ACTION				

Notes: **1st Reading 01-20-09;**



**AND THEREUPON COUNTY COMMISSION ADJOURNED UPON
MOTION MADE BY COMM. BLACKBURN TO MEET AGAIN IN REGULAR
SESSION FEBRUARY 17, 2009.**



STEVE GODSEY
COMMISSION CHAIRMAN

