

COUNTY COMMISSION- REGULAR SESSION

NOVEMBER 21, 2005

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, NOVEMBER 21, 2005, 9:00 A.M. IN BLOUNTVILLE, TENNESSEE. PRESENT AND PRESIDING WAS HONORABLE RICHARD S. VENABLE, COUNTY MAYOR, JEANIE GAMMON, COUNTY CLERK AND SHERIFF WAYNE ANDERSON OF SAID BOARD OF COMMISSIONERS,

TO WIT:

The Commission was called to order by County Mayor Richard S. Venable. Sheriff Wayne Anderson opened the commission and 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:

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

19 PRESENT 5 ABSENT (Absent-Conkin,Harr,Houser,McKamey,Patrick)

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

Motion was made by Comm. Surgenor and seconded by Comm. Hyatt to approve the minutes of the October 17, 2005 Regular Session of County Commission. Said motion was approved by voice vote.

PUBLIC COMMENTS: NOVEMBER 21, 2005

THOSE SPEAKING DURING THE PUBLIC COMMENT TIME WERE AS FOLLOWS:

- 1. Gary Melvin- Presenting plaque "Virginia Statute for Religious Freedom" to be hung in the Courthouse.**
- 2. Mack Winger concerning the landfill situation.**

PROCLAMATION was presented by Mayor Venable to the Sullivan County Retired Teachers Association recognizing the retired teachers of Sullivan County. Representing the Association and accepting the Proclamation were Nancy Holland, Marilyn Hammond and Ann Wills.

Nomination was made by Comm. Blackburn of Comm. Linda Brittenham to fill vacancy on the Library Board. Nomination was seconded by Comm. Vance. Nominations ceased and Comm. Brittenham was elected by voice vote of the Commission.

Presentation was made by Jack Lawson, NETWORKS regarding Resolution #14 on today's agenda.

STATE OF TENNESSEE
COUNTY OF SULLIVAN

ELECTION OF NOTARIES

OCTOBER 17, 2005

BARBARA A. ANDERSON

BILLIE DORIS ANDERSON

REBECCA SUE APPLGATE

CONNIE B. BALL

KATHY SUE BELL

DONNA KAYE BLESSING

KATHLEEN S. CAUDILL

IVANELL CHAPMAN

DONNA K. COBB

DANA M. CUNNINGHAM

JAMES FRANKLIN GOODWIN

JO ELLA GRAY

MATTHEW T. HARROD

MARCELLA L. HITE

ANGELA HOBBS

LISA T. HORNE

ANDREA L. HUFF

MEREDITH JOANNE HUGHES

ALISA J. JOHNSON

TONYA M. JOHNSON

JOYCE KAY KEGLEY

BRIAN KEITH KENNEDY

BRENDA W. KISER

TINA LYNN LANE

JUSTIN A. LESTER

LORI ANN MANN

MARK ANDREW MANNING

MICHAEL C. MANNING

JANET B. MULLINS

PAMELA R. MURRAY

KAREN G. NIGHSWANDER

H. CHARLENE PETERSON

AMY M. PHIPPS

FORREST D. PILGRIM

MATTHEW VAN PORTER

PETER W. RABER

CARLYLE T. REES

JOE W. RIGGS

J. B. SHELTON

LISA P. SHERFEY

JOE EDWIN WATERS, II

LARRY S. WEDDINGTON

**UPON MOTION MADE BY COMM. BROTHERTON AND SECONDED
BY COMM. HYATT TO APPROVE THE NOTARY APPLICATIONS
HEREON, SAID MOTION WAS APPROVED BY ROLL CALL VOTE
OF THE COMMISSION. 17 AYE, 7 ABSENT.**

STATE OF TENNESSEE
COUNTY OF SULLIVAN

APPROVAL OF NOTARY
SURETY BONDS

NOVEMBER 21, 2005

L. ROBIN ARNOLD

BETHANY BISHOP

NANCY BISHOP

GARY L. BOYD

PATRICIA A. CUMMINGS

MARTIN H. HALE

JILL MORGAN HARRISON

JOSPEH MARTINO, JR

R. WAYNE MCCONNELL

CHARLOTTE D. THOMAS

**UPON MOTION MADE BY COMM. BROTHERTON 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. 17 AYE, 7 ABSENT.**

ARE THE COMM. No. ^{No.} ^{Clair} ^{Roll} ^{Call} ^{Roll} ^{Call} No. No. No. No. No. No. No.

COMMISSIONERS	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
Blackburn	✓		✓															
Brittenham	✓		✓															
Brotherston	✓		✓															
Conlin	A		A															
Crawford	✓		✓															
Ferguson	✓		✓															
Greschlose	✓		✓															
Hall	✓		✓															
Harr	A		A															
Herron	✓		✓															
Houser	A		A															
Huatt	✓		✓															
Jones	✓		A															
Kelgore	✓		✓															
Buddy King	✓		✓															
mes L King, Jr.	✓		✓															
McConnell	✓		✓															
McKamey	A		A															
Marrell	✓		✓															
Patrick	A		A															
Sitgreaves	✓		✓															
Surgener	✓		✓															
Tamee	✓		✓															
Williams	✓		A															

19 Aug 17 Aug
5 absent 7 absent

is left right
is left right

AGENDA

Sullivan County Board of County Commission

November 19 2005

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

- (1) File No. 09/05/01 Tim O'Neill
 Reclassify R-1 property located at 145 Emily Drive to R-2 for the purpose of allowing a singlewide mobile home to be moved in on the property. Property ID. No. Tax map 124-F, Group C, Parcel 14.50 located in the 9th Civil District.
Sullivan County Planning

- (2) File No. 09/05/04 David Williams & Donald Latimer
 Reclassify PRD property located in the 900 block of Moreland Drive to B-4 for the purpose of allowing for a landscape & tree trimming business. Property ID. No. Tax map 76, Parcel 45.00 located in the 13th Civil District.
Kingsport Planning

PETITION TO SULLIVAN COUNTY FOR REZONING #09/05/01 3

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.

Property Owner Tom O'Neill
Address 107 Sequoyah Dr
Johnson City, In 37604
Phone 791-4012 Date of Request 8/17/05
Property Located in 9th Civil District

x J. O.
Signature of Applicant

OFFICE USE ONLY

Meeting Date 10-18-05 Time 7:00pm
Place 2nd Floor Courthouse
Bet. Main St
.....
Planning Commission Approved ✓
Denied _____
County Commission Approved x
Denied _____
Other ROLL CALL VOTE 18 AYE, 6 ABSENT
Final Action Date 11-21-05

PROPERTY IDENTIFICATION

Cont. 124 F
Tax Map 124 C Group C Parcel 14.5d
Zoning Map 26 Zoning District R-1 Proposed District R-2
Property Location 145 Emily Dr.

Purpose of Rezoning To allow a single wide

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 Aug, 2005.

Debbie House
Notary Public

My Commission Expires: 1-16-08

PETITION TO SULLIVAN COUNTY FOR REZONING #09/05/04 8

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

OFFICE USE ONLY

Property Owner: Donald Latimer

Address 1158 Hillview Lane
Franklin, TN 37064

Phone _____ Date of Request 9/2/05

Property Located in 13th Civil District

x [Signature]
Signature of Applicant

applicant = David Williams
349-4545 - cell

Meeting Date 10/20/05 Time 7 PM

Place Kingport City Hall
2nd Floor

Planning Commission Approved _____
Denied _____

County Commission Approved X
11/17/05 Denied _____

Other 21 ROLL CALL VOTE 18 AYE, 6 ABSENT

Final Action Date 11-21-05

PROPERTY IDENTIFICATION

Tax Map 076 Group - Parcel 045.00

Zoning Map 15 Zoning District PRD Proposed District B-4

Property Location Moreland Drive (900 Block)

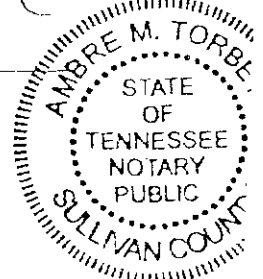
Purpose of Rezoning landscape & tree trimming
business (A-1 Expert Tree Service, LLC)

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 2nd day of September, 2005

x [Signature]
[Signature]
Notary Public

My Commission Expires: 08-31-05



E THE COMMN.

MISSIONERS	No. Resolving		No. Requests		No. Amend		Resolutions						No.					
	Aye	Nay	Aye	Nay	Aye	Nay	1	2	3	Aye	Nay	Aye		Nay				
Blackburn	✓		✓					✓	✓		✓	✓						
Brittenham	✓		✓					✓	✓		✓	✓						
nottherton	✓		✓					✓	✓		✓	✓						
Conkin	A		A					A	A		A	A						
Crawford	✓		✓					✓	✓		✓	✓						
Ferguson	✓		✓					✓	✓		✓	✓						
Gravelose	✓		✓					✓	✓		✓	✓						
Hall	✓		✓					✓	✓		✓	✓						
Harr	A		A					A	A		A	A						
Herron	✓		✓					✓	✓		✓	✓						
Hauser	A		A					A	A		A	A						
Hyatt	✓		✓					✓	✓		✓	✓						
Jones	A		A					A	A		A	A						
Kilgore	✓		✓					✓	✓		✓	✓						
Buddy King	✓		✓					✓	✓		✓	✓						
mess. King Jr.	✓		✓					✓	✓		✓	✓						
McConnell	✓		✓					✓	✓		✓	✓						
McKerney	A		A					A	A		A	A						
Monell	✓		✓					✓	✓		✓	✓						
Patrick	A		A					A	A		A	A						
Sitgreaves	✓		✓					✓	✓		✓	✓						
Surgenor	✓		✓					✓	✓		✓	✓						
Vance	✓		✓					✓	✓		✓	✓						
Williams	✓		✓					✓	A		✓	✓						
	18 Aye		18 Aye						4 Aye		17 Aye		11 Aye		18 Aye			
	6 ails.		6 ails.						13 Nay		7 ails.		7 Nay		6 ails.			
									1 Pass				6 absent					
									6 ails									

RESOLUTIONS ON DOCKET FOR NOVEMBER 21, 2005

RESOLUTIONS	ACTION
#1 AMENDMENTS TO THE SULLIVAN COUNTY ZONING RESOLUTION	APPROVED 11-21-05
#2 AUTHORIZE PRESIDENT'S DAY AS HOLIDAY FOR SULLIVAN COUNTY EMPLOYEES	FAILED 11-21-05
#3 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 15 TH C.D.	APPROVED 11-21-05
#4 APPROPRIATE ADDITIONAL FUNDS FOR LIGHTING AT EXIT 69, I-81 INTERCHANGE	APPROVED 11-21-05
#5 AUTHORIZE TRAFFIC SIGN CHANGES IN THE 14 TH C.D.	APPROVED 11-21-05
#6 TO ALLOW APPROVAL OF APPLICATION-PART I BY ECOSAFE, LLC FOR CLASS I LANDFILL	DEFERRED 11-21-05
#7 TO AUTHORIZE GRANT APPLICATION & ACCEPT FUNDS TO PROVIDE FIRE BOOSTER PROTECTION PUMP TO ASSIST IN THE EXPANSION OF EDWARDS & ASSOCIATES	APPROVED 11-21-05
#8 TO AUTHORIZE TRAFFIC SIGN CHANGES IN THE 6 TH C.D.	1 ST READING 11-21-05
#9 TO AUTHORIZE TRAFFIC SIGN CHANGES IN THE 16 TH C.D.	1 ST READING 11-21-05
#10 TO HONOR OUR MEMBERS OF THE TENNESSEE NATIONAL GUARD	APPROVED 11-21-05
#11 TO OPPOSE SENATE JOINT RESOLUTION I RELATIVE TO PROPERTY TAX RELIEF	1 ST READING 11-21-05
#12 TO URGE THE GENERAL ASSEMBLY TO CONSIDER LEGISLATION RELATIVE TO EMINENT DOMAIN	1 ST READING 11-21-05
#13 TO ACCEPT AND APPROPRIATE GRANT FUNDS FOR THE SULLIVAN COUNTY LIBRARY	APPROVED 11-21-05
#14 AUTHORIZE THE SUBMISSION OF A BROWNFIELDS ASSESSMENT GRANT APPLICATION UNDER THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S BROWNFIELDS REDEVELOPMENT GRANT PROGRAM	1 ST READING 11-21-05
#15 AUTHORIZING FRANCHISE TO BRISTOL TENN. ESSENTIAL SERVICES THROUGH ITS CABLE AND INTERNET BUSINESS UNIT	1 ST READING 11-21-05
#16 TO FUND THE UPDATING OF AERIAL PHOTOS OF SULLIVAN COUNTY	1 ST READING 11-21-05

Sullivan County, Tennessee
Board of County Commissioners

Item 1
No. 2005-11-001

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

RESOLUTION To 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,

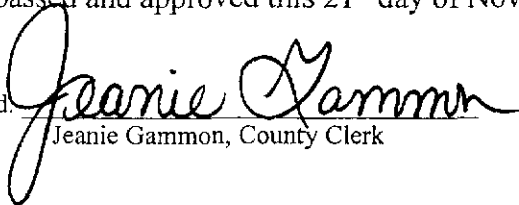
WHEREAS, such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution.

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.

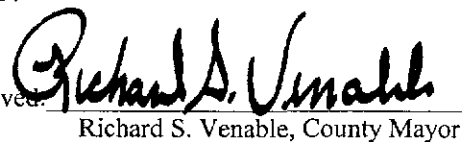
All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 21st day of November 2005.

Attested:


Jeanie Gammon, County Clerk

Approved:


Richard S. Venable, County Mayor

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

2005-11-001	County Commission
ACTION	Approved 11-21-05 17 Aye, 7 Absent

Comments:

Sullivan County, Tennessee
Board of County Commissioners


Item 7

Executive
No. 2005-05-036

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 16th day of May 2005.

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

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

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

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

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

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

Duly passed and approved this _____ day of _____ 2005.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

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

at

2005-05-036	Administrative	Budget	Executive	County Commission
ACTION	Defer to Budget Cmte 5-2-05	Defer 5-5-05	Defer 5-4-05	Failed 11-21-05 11 Aye, 7 Nay, 6 Absent

Notes: 1st Reading 05-16-05; Deferred 06-27-05; Motion to defer by Williams, second by Kilgore to defer Resolution and refer to Committees for a study to evaluate extending the hours of County Offices without taking away any holidays- motion to defer approved 07-18-05 by voice vote; Committee appointed 08-15-05 by Mayor Venable consisting of Williams, McConnell, Hyatt, Kilgore, and Buddy King for study of above Resolution and to come back to the Commission with a recommendation; Deferred until committee brings back recommendation 08-15-05; **Deferred 09-19-05; Deferred 10-17-05; Amendment made by Williams, 2nd by Kilgore 11-21-05 as follows "Authorize President's Day as Holiday provided each office is open for the public on that day". Amendment failed- 4 Aye, 15 Nay, 1 Pass, 6 Absent. 11-21-05.**

**OFFICIAL HOLIDAYS OBSERVED BY COUNTIES
IN NORTHEAST TENNESSEE**

SULLIVAN	CARTER	HAWKINS	WASHINGTON	JOHNSON
New Year's Day	New Year's Day	New Year's Day	New Year's Day	New Year's Day
Martin Luther King Jr Day	Martin Luther King Jr Day	Martin Luther King Jr Day	Martin Luther King Jr Day	Martin Luther King Jr Day
President's Day	President's Day	President's Day	President's Day	President's Day
Good Friday	Good Friday	Good Friday	Good Friday	Good Friday
Memorial Day	Memorial Day	Memorial Day	Memorial Day	Memorial Day
Independence Day	Independence Day	Independence Day	Independence Day	Independence Day
Labor Day	Labor Day	Labor Day	Labor Day	Labor Day
Veterans' Day	Veterans' Day	Veterans' Day	Veterans' Day	Veterans' Day
Thanksgiving - Th/Fri	Thanksgiving - Th/Fri	Thanksgiving - Th/Fri	Thanksgiving - Th/Fri	Thanksgiving - Th/Fri
Election Days	Election Days	Election Days	Election Days	Election Days
Christmas - 2 Days	Christmas - 3 Days	Christmas - 3 Days	Christmas - 2 Days	Christmas - 2 Days
			Jonesborough Car Show 1 Friday in May	
			Nat'l Storytelling Festival 1 Friday in October	

Sullivan County, Tennessee
Board of County Commissioners

3
Item #
Executive
No. 2005-10-084
ATTACHMENT

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

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

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

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

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


15th Civil District (8th Commission District)

To place 25 MPH Speed Limit signs on Potato Hill Road.

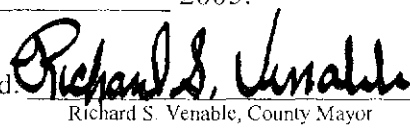
This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 21st day of November 2005.

Attested:


Jeanie Gammon, County Clerk

Approved:


Richard S. Venable, County Mayor

Sponsor: Williams

Prime Co-Sponsor(s): Conkin

HWY

2005-10-084	Administrative	Budget	Executive	County Commission
ACTION	Approve 10-3-05		Approve 10-5-05	Approved 11-21-05 18 Aye, 6 Absent

Notes: 1st Reading 10-17-05;

RESOLUTION REQUEST REVIEW

DATE: 09-28-05

TO: Sullivan County Commission

REQUEST MADE BY: Eddie Williams

SUBJECT: To place a 25 MPH SPEED LIMIT on Potato Hill Road.


15 CIVIL DISTRICT

8 COMMISSIONER DISTRICT Ray Conkin

X RECOMMENDED BY HIGHWAY DEPARTMENT

____ NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____



TRAFFIC COORDINATOR 9/28/2005



HIGHWAY COMMISSIONER 9/28/2005

Sullivan County, Tennessee
Board of County Commissioners

4
Item 5
Budget

No. 2005-10-085

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

RESOLUTION To Appropriate Additional Funds for Lighting at Exit 69, I-81 Interchange

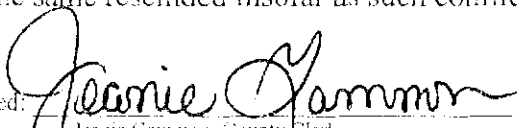
WHEREAS, in October 2002, the Sullivan County Commission approved contracting with the State of Tennessee, Department of Transportation to install lighting at the Exit 69, Interstate 81 interchange with State Route 394; and,

WHEREAS, when the State estimated the construction costs for this project, the costs were significantly underestimated;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize appropriating an additional \$128,500 for installation of lighting at Exit 69, I-81 Interchange.

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

Attested:


Jeanie Gammon, County Clerk

Approved:


Richard S. Venable, County Mayor

Sponsored By: Surgenor

Prime Co-Sponsor(s): Hall, Harr, Blackburn

2005-10-085	Administrative	Budget	Executive	County Commission
ACTION	Approve 10-3-05		No Action 10-5-05	Approved 11-21-05 14 Aye, 2 Nay, 8 Absent

Notes:

1st Reading 10-17-05;

Sullivan County, Tennessee
Board of County Commissioners

5
Item 8

Executive
No. 2005-10-088
ATTACHMENT

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

1 **RESOLUTION To Authorize Traffic Sign Changes in the 14th Civil District**

2
3 WHEREAS, Commissioner Sam Jones requested the Sullivan County Highway Department to
4 make traffic sign changes on Belvedere Lane in the 14th Civil District (7th Commission District);
5 and,
6

7 WHEREAS, the Sullivan County Highway Department reviewed the request and approved same;
8

9 **NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of
10 Sullivan County, Tennessee, assembled in Regular Session, hereby authorizes the following
11 changes to traffic signs in Sullivan County:
12

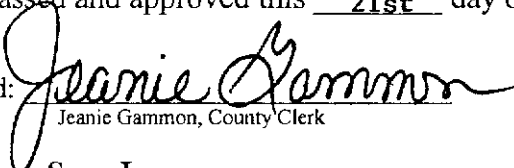
13 **14th Civil District (7th Commission District)**

14
15 **To place 25 MPH Speed Limit signs on Belvedere Lane.**
16
17

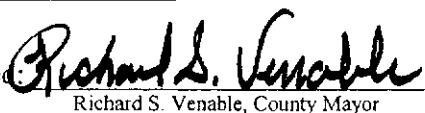
This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

Duly passed and approved this 21st day of November 2005.

Attested:


Jeanie Gammon, County Clerk

Approved:


Richard S. Venable, County Mayor

Sponsor: Sam Jones

Prime Co-Sponsor(s): James Brotherton , Brittenham

HWY

2005-10-088	Administrative	Budget	Executive	County Commission
ACTION				Approved 11-21-05

18 Aye, 6 Absent

Notes: **1st Reading 10-17-05;**

RESOLUTION REQUEST REVIEW

DATE: 10-12-05

TO: Sullivan County Commission

REQUEST MADE BY: Sam Jones

SUBJECT: To place a 25 MPH SPEED LIMIT on Belvedere Lane

14 CIVIL DISTRICT

7 COMMISSIONER DISTRICT Sam Jones

James Brotherton

X RECOMMENDED BY HIGHWAY DEPARTMENT

____ NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____

 10/12/2005
TRAFFIC COORDINATOR

 10/12/2005
HIGHWAY COMMISSIONER

Sullivan County, Tennessee
Board of County Commissioners

6
Item 9

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

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

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

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

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

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

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

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

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

2005-10-089	Administrative	Budget	Executive	County Commission
ACTION				

Notes: 1st Reading 10-17-05; Deferred 11-21-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 7
Budget/Executive
No. 2005-11-091

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

RESOLUTION To Authorize Grant Application & Accept Funds to Provide Fire Booster Protection Pump to Assist in the Expansion of Edwards & Associates

WHEREAS, this resolution authorizes an application for grant funds to the Fast Track Infrastructure Development Program (FIDP) of the Tennessee Department of Economic and Community Development. The FIDP program was formerly known as the Tennessee Industrial Infrastructure Program (TIIP); and

WHEREAS, the project will provide the necessary infrastructure improvements to install a fire protection booster pump for the construction of Edwards & Associates new facility within Sullivan County; and

WHEREAS, Fast Track Infrastructure Development Program (FIDP) funds can be used to construct the fire booster pump and necessary infrastructure; and

WHEREAS, the estimated cost of the project is \$530,500 with proposed funding of \$387,265 from the Fast Track Infrastructure Development Program, \$40,500 from Sullivan County and \$102,735 from Edwards & Associates.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorizes Sullivan County to submit an application to Tennessee Department of Economic and Community Development FIDP program for this project.

BE IT FURTHER RESOLVED that this resolution hereby replace Resolution No. 2005-08-069 approved August 2005.

BE IT RESOLVED that the Board approves the proposed funding of \$387,265 from the Fast Track Infrastructure Development Program, \$40,500 from Sullivan County and \$102,735 from Edwards & Associates.

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

Duly passed and approved this 21st day of November, 2005.

Attested: 
Jeanie Gammon, County Clerk

Approved: 
Richard S. Venable, County Mayor

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

2005-11-091	Administrative	Budget	Executive	County Commission
ACTION	Approve 11-7-05			Approved 11-21-05 18 Aye, 6 Absent

Notes:

Sullivan County, Tennessee
Board of County Commissioners

Item 8
Executive
No. 2005-11-092
ATTACHMENT

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

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

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

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

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

6th Civil District (6th Commission District)

To place 25 MPH Speed Limit signs on Scott Lane.

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

Duly passed and approved this _____ day of _____ 2005.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Sponsor: Howard Patrick

Prime Co-Sponsor(s): Michael Surgenor

HWY

2005-11-092	Administrative	Budget	Executive	County Commission
ACTION	Approve 11-7-05			

Notes: **1st Reading 11-21-05;**

RESOLUTION REQUEST REVIEW

DATE: 10-25-05

TO: Sullivan County Commission

REQUEST MADE BY: Howard Patrick

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

6 CIVIL DISTRICT

6 COMMISSIONER DISTRICT Michael Surgenor
Howard Patrick

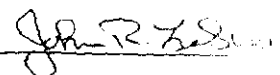
X RECOMMENDED BY HIGHWAY DEPARTMENT

____ NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____



TRAFFIC COORDINATOR 10/25/2005



HIGHWAY COMMISSIONER 10/25/2005

2005-11-092

Sullivan County, Tennessee
Board of County Commissioners

Item 9
Administrative/Budget/Executive
No. 2005-11-093
ATTACHMENT

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

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

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

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

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

16th Civil District (5th Commission District)

To place 20 MPH Speed Limit signs on Wassum Lane.

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

Duly passed and approved this _____ day of _____ 2005.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

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

HWY

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

Notes: 1st Reading 11-21-05;

RESOLUTION REQUEST REVIEW

DATE: 10-31-05

TO: Sullivan County Commission

REQUEST MADE BY: John McKamey

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

16 CIVIL DISTRICT

5 COMMISSIONER DISTRICT John McKamey

Marvin Hyatt

X RECOMMENDED BY HIGHWAY DEPARTMENT

____ NOT RECOMMENDED BY HIGHWAY DEPARTMENT

COMMENT: _____



TRAFFIC COORDINATOR 10/31/2005



HIGHWAY COMMISSIONER 10/31/2005

2005-11-092

Sullivan County, Tennessee
Board of County Commissioners

Item 10
Administrative/Budget/Executive
No. 2005-11-094

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

RESOLUTION To Honor Our Members of The Tennessee National Guard

WHEREAS, by volunteering to serve their community, state and country, the men and women of the Tennessee National Guard from Sullivan County has demonstrated their patriotism and love for all things we hold sacred; and

WHEREAS, by doing so they have knowingly and continually placed themselves in harm's way whenever and wherever called upon, whether in Tennessee or throughout the world; and

WHEREAS, they have demonstrated their commitment to the values of loyalty, duty, respect, unselfish service, honor, integrity, and personal courage, often risking their lives as they help restore order and safeguard property, while protecting liberty and human dignity wherever needed; and

WHEREAS, they have given everything asked of them, many crossing the ocean to join up with comrades, showing bravery in the face of unbelievably ruthless enemies; and

WHEREAS, more than 10,000 Tennessee National Guardsmen have left their homes, their families and their loved ones to deploy on Active Duty since September 11, 2001.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby extends its deep appreciation and heartfelt "thank you" to the members of the Tennessee National Guard from Sullivan County as they serve their community, state, and nation, and in doing so are upholding the finest traditions of the Volunteer State.

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

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

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

2005-11-094	Administrative	Budget	Executive	County Commission
ACTION	Approve 11-7-05			Approved 11-21-05 Voice Vote

Notes: Amended by Sponsor 11-21-05 to "HONOR ALL MILITARY PERSONNEL" and to add all Commissioners as Prime Co-Sponsors.

Sullivan County, Tennessee
Board of County Commissioners

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

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

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

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

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

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

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

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

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

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

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

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

Attested: _____
 Jeanie Gammon, County Clerk

Approved: _____
 Richard S. Venable, County Mayor

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

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

Notes: 1st Reading 11-21-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 12
Administrative/Budget/Executive
No. 2005-11-096

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

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

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

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

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

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

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

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

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

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

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

Sponsored By: Marvin Hyatt

Prime Co-Sponsor(s): John McKamey, Crawford, Sitgreaves, Broterton

2005-11-096	Administrative	Budget	Executive	County Commission
ACTION	Approve 11-7-05			

Notes: 1st Reading 11-21-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 13
Administrative/Budget
No. 2005-11-097

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

RESOLUTION To Accept and Appropriate Grant Funds for the Sullivan County Library

WHEREAS, a grant has become available through the Tennessee State Library and Archives in an amount up to \$4,000.00 for the purchase of computers and other various peripheral equipment for library patrons and staff;

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 an amount up to \$4,000.00 from the Department of State, Tennessee State Library and Archives.

BE IT RESOLVED that the Sullivan County Library will provide matching funds per grant guidelines from their current budget – no new money involved. Account codes have been assigned by the Office of Accounts & Budgets as follows:

Revenue	101.46990.Pgm 141
Appropriation	101.56500.700. Pgm 141

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

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

Sponsored By: Jones
Prime Co-Sponsor(s): Houser

2005-11-097	Administrative	Budget	Executive	at
ACTION				County Commission
				Approved 11-21-05
				18 Aye, 6 Absent

Notes:

Sullivan County, Tennessee
Board of County Commissioners

Item 14
Executive
No. 2005-11-098

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

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

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

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

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

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

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

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

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

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

Hereby approved this _____ day of _____ 2005.

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

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

2005-11-098	Administrative	Budget	Executive	County Commission
ACTION				

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

Sullivan County, Tennessee
Board of County Commissioners

Item 15
Executive
No. 2005-11-099

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

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

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

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

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

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:

"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.

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

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

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

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

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

"CATV System" shall mean cable system.

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

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

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

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

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

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

Grant of Authority.

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

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

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

Compliance with Applicable Laws.

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

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

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

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

Customer Service and Signal Quality Requirements. The Grantee shall:

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

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

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

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

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

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

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

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

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

Construction and Maintenance.

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

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

In case of any disturbance by Grantee of pavement, sidewalk, driveway or other surfacing, Grantee shall, at its owner cost and expense and in a manner approved by the County, replace and restore all paving, sidewalk, driveway or surface so disturbed in as good condition as before said work was commenced. Grantee shall, on the request of any person holding a building moving permit issued by the County, temporarily raise or lower its lines to permit the moving of the building. The expense for such temporary removal shall be paid by the person requesting the same, and Grantee shall have the authority to require such payment advance.

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

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

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

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

Maps, Plats and Reports.

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

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

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

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

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

Surrender Right. Grantee may surrender this franchise at any time upon filing with the County Mayor of the County a written notice of its intention to do so at least six months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges and all of the obligations, duties and liabilities of Grantee in connection with this franchise shall terminate. Further, should the Grantee, his

and/or its successors and assigns discontinue the business for which the franchise is granted, all poles, wires, cables and other devices shall be removed without expense to the County, within 90 days after demand for such removal is made by the County.

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

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

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

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

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

County/ Grantor:

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

Grantee:

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

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

Section 23- Governing Law. This Franchise Agreement shall be deemed to be executed in Sullivan County, State of Tennessee, and shall be governed in all respects, including validity, interpretation and effect, and construed in accordance with, the laws of the State of Tennessee, as applicable to contracts entered into and performed entirely within the State.

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

Approved this _____ day of _____, 20_____.

Attested: _____
Jeanie Gammon, County Clerk

Approved: _____
Richard S. Venable, County Mayor

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

2005-11-099	Administrative	Budget	Executive	County Commission
ACTION				

Notes: 1st Reading 11-21-05;

Sullivan County, Tennessee
Board of County Commissioners

Item 16
Budget
No. 2005-11-100

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

Resolution to Fund the Updating of Aerial Photos of Sullivan County

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

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

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

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

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

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

Hereby approved this _____ day of _____ 20__.

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

Sponsored By: Ralph Harr
Prime Co-Sponsor(s): Eddie Williams , Morrell, Brotherton

2005-11-100	Administrative	Budget	Executive	County Commission
ACTION				

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

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON
MOTION MADE BY COMM. SITGREAVES TO MEET AGAIN IN REGULAR
SESSION DECEMBER 19, 2005.

A handwritten signature in black ink, reading "Richard Venable", written in a cursive style. The signature is positioned above a horizontal line.

RICHARD VENABLE
COMMISSION CHAIRMAN