

# COUNTY COMMISSION- REGULAR SESSION

**OCTOBER 20, 2008**

BE IT REMEMBERED THAT:

COUNTY COMMISSION MET PURSUANT TO ADJOURNMENT IN REGULAR SESSION OF THE SULLIVAN COUNTY BOARD OF COMMISSIONERS THIS MONDAY MORNING, OCTOBER 20, 2008, 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 the Sullivan South ROTC.

COMMISSIONERS PRESENT AND ANSWERING ROLL WERE AS FOLLOWS:

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

**23 PRESENT 1 ABSENT (ABSENT-DWIGHT KING)**

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

Motion was made by Comm. Morrell and seconded by Comm. Calton to approve the minutes of the September 15, 2008 Regular Session of County Commission. Said motion was approved by voice vote.

**PUBLIC COMMENTS: OCTOBER 20, 2008**

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

- 1. Shirley Toof, 124 Shuler Drive, Kingsport, Tennessee**
- 2. Dallas L. Miller, 1461 Dunlap Road, Kingsport, Tennessee**
- 3. James L. King, Jr.**
- 4. Jeff Gasperson, 2630 Hwy 75, Blountville, Tennessee**
- 5. Margaret Feierabend, Bristol, Tennessee Council Member**

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**Presentation was made by Mayor Godsey to Pat Patrick and Jon Harr for their service to Sullivan County serving as County Commissioners.**

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**A committee made up of Comm. Blackburn as Chair, Comm. Houser, Comm. Brittenham, Comm. Williams, Comm. Buddy King, Comm. McKamey and Comm. Surgenor was appointed by Chairman Godsey to look at establishing a policy and procedure when making appointments to various Boards when a vacancy occurs.**

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**SULLIVAN COUNTY BOARD OF COMMISSIONERS**  
**Confirmation of Appointment**

Whereas in accordance with Tennessee Code Annotated § 13-7-106, as duly adopted by Sullivan County, Tennessee, the County Legislative Body has the authority to appoint members to the Board of Zoning Appeals;

Now therefore, the Sullivan County Board of Commissioners hereby do confirm the following appointment(s) as set below:

*Sullivan County Board of Zoning Appeals*

**David H. Stauffer, Jr.**

**220 Southridge Drive**

**Blountville, TN 37617**

Term: October 20, 2008 to September 1, 2012

Approved and confirmed this 20th day of October 2008.

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Steve M. Godsey, County Mayor

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Attest: Jeanie F. Gammon, County Clerk

Commission Action:

Approved by Roll Call Vote

Approved by Voice Vote

Rejected on Vote

**Deferred 10-20-08**

AYE	NAY	PASS	ABSENT



**DAVID H. STAUFFER, JR**  
**220 SOUTHRIDGE DRIVE**  
**BLOUNTVILLE, TN 37617**

**TELEPHONE:** HOME (423) 323-2454 WORK- CELL (423) 817-0896

**BORN:** August 30, 1940 – Kingsport, Tennessee

**PARENTS:** Harold & Lucille Stauffer (Deceased)

**EDUCATION:** Sullivan Elementary – Kingsport, Tennessee  
Sullivan High School – Kingsport, Tennessee Graduated 1959  
Pre-Engineering – East Tennessee State University  
Graduated University of Tennessee 1967 BS – Industrial Engineering

**MARRIED:** Paula Carico Stauffer – 1963  
Paula graduated East Tennessee State University – 1965

**CHILDREN:** Michelle Stauffer Cotton – BS – University of Tennessee – 1991  
Deborah Stauffer Carson – BS – University of Tennessee – 1993  
Doctor of Pharmacy – Mercer University – 1997

Five Grandchildren

**EMPLOYMENT:** Mason Dixon Truck Line – through 1965  
Holston Defense Corp. – 1967 – 1997  
Retiring April 1, 1997 – 30+ years

**EMPLOYMENT DUTIES:** HDC Process Improvement Engineer  
Explosive Maintenance Engineer  
Engineering Programming  
Project Manager – Reactivation \$26 Million Project  
Senior Engineer Responsible for Quality Assurance & Surveillance  
Senior Engineer Environmental

**CONCURRENT  
EMPLOYMENT:** First House Construction - 1969  
General Contractor's License – 1978  
(Partnership with Paula)  
Approximately 35 years in the Building Industry  
Current License Limit – BA, \$1 Million

**OTHER  
EXPERIENCE:** Junior Achievement of Kingsport  
Girls, Inc of Kingsport  
Member of Kingsport Area Chamber of Commerce  
Licensed Real Estate Agent - Since 1992  
Licensed Plumber – Kingsport – Since 1980  
Member Home Builders Association of Greater Kingsport – Since 1978  
President of Home Builders Association of Greater Kingsport – 1981,  
1982, 1995, 1996 and 1997  
Home Builders Association of Tennessee Board of Directors – Since 1997  
National Association of Home Builders Director – Since 1995

**HOBBIES:** Antique Automobiles

**SULLIVAN COUNTY BOARD OF COMMISSIONERS**  
**Confirmation of Appointment**

Whereas in accordance with Tennessee Code Annotated § 13-7-106, as duly adopted by Sullivan County, Tennessee, the County Legislative Body has the authority to appoint members to the Board of Zoning Appeals;

Now therefore, the Sullivan County Board of Commissioners hereby do confirm the following appointment(s) as set below:

*Sullivan County Board of Zoning Appeals*

**Darryl Chambers**  
326 Webb Road  
Piney Flats, TN 37686  
Term: October 20, 2008 to September 1, 2012

Approved and confirmed this 20th day of October 2008.

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Steve M. Godsey, County Mayor

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Attest: Jeanie F. Gammon, County Clerk

Commission Action:

- Approved by Roll Call Vote
- Approved by Voice Vote
- Rejected on Vote

**Deferred 10-20-08**

AYE	NAY	PASS	ABSENT

# Darryl Chambers

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326 Webb Road  
Piney Flats, TN 37686  
Phone (423) 538-8156

## HISTORY

My name is Darryl Chambers and I was born in Sullivan County in 1943 were I have been married for over 41 years to Joyce Reece Chambers. I have 3 children and 6 grandchildren. Entered the U.S. Navy in 1962 and was honorable discharged after 6 years of service. For four years I worked in the Electrical Maintenance Department at the Raytheon Corporation. In 1972, I was hired with the Sullivan County Sheriff's Department and retired with 30 years of service as a Shift Captain. In the year 2000, I was hired as a Training Officer and Peace Keeper thru the U.S. State Department with the International Police Force in Kosovo. I hold a State electrical license with the State of Tennessee. I am a charter member of Fellowship Baptist Church in Bluff City and currently serve as Vice Chairman of the Deacon Board and Chairman of the Building Committee. I was personally involved with the new construction of Fellowship Baptist Church during the construction phase of the new building. I owned & developed Rolling Hills Estates, an apartment complex, as rental property in 1987 and developed Country Oaks Estates Subdivision in Bristol in 1994. Currently I am working part time with the Sullivan County Sheriff's Department in courthouse security.

## EMPLOYMENT

<u>JOB TITLE</u>	<u>YEARS EMPLOYED</u>
* <i>U.S. Navy</i> Crewmen on the USS Constellation Aircraft Carrier. _____	1962 - 1968
* <i>Raytheon Corporation</i> Electrical Maintenance	1967 - 1971
* <i>Sullivan County Sheriff's Department</i> Retired as Shift Captain	1972 - 1999
* <i>U.S. State Department</i> International Police Training Officer & Peace Keeper in Kosovo.	2000 - 2001
* <i>Sullivan County Sheriff's Department</i> Courthouse security officer.	2008 -

# Before the Mayor of Sullivan County, Tennessee

IN RE: Intermont Utility District  
Bristol, Tennessee

## *Order Appointing Utility District Commissioner*


Upon certification by the Board of Commissioners of the above-named utility district, pursuant to Section 7-82-307 Tennessee Code Annotated, as amended, certifying a vacancy on said Board of Commissioners.

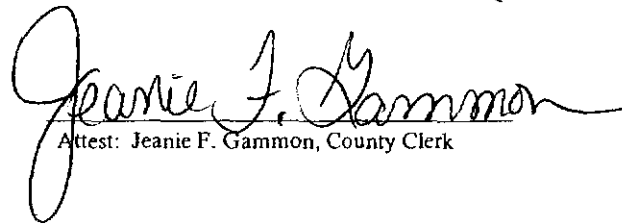
Nominee Is Listed Below:

1. John H. Taylor, Jr.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED pursuant to Section 7-82-307, Tennessee Code Annotated, as amended, that John H. Taylor, Jr. be appointed to the Board of Commissioners for Intermont Utility District. Said term to expire March 19, 2011.

Approved and entered into the record of the Sullivan County Commission this 20th day of October 2008.

  
Steve M. Godsey, Sullivan County Mayor

  
Attest: Jeanie F. Gammon, County Clerk

Commission Action:

- Approved by Roll Call Vote  
 Approved by Voice Vote  
 Rejected on Vote

AYE	NAY	PASS	ABSENT
23			1



CERTIFICATION OF NOMINEES FOR APPOINTMENT  
AS UTILITY DISTRICT COMMISSIONER

BEFORE THE COUNTY MAYOR OF SULLIVAN COUNTY, TENNESSEE

IN RE: INTERMONT UTILITY DISTRICT OF  
SULLIVAN COUNTY, TENNESSEE

The undersigned Commissioners of the above - named utility district do hereby certify to the County Executive, pursuant to T.C.A. S7-82-307, that a vacancy upon the said Board of Commissioners has occurred by virtue of: death or resignation or is scheduled to expire by virtue of term expiration as of March 19, 2011 and the remaining Commissioners do hereby nominate and certify the nomination of the following qualified individuals for appointment to such vacancy, the same being listed in order of preference.

1. John H. Taylor Jr.
2. \_\_\_\_\_
3. \_\_\_\_\_

Wherefore, the said district petitions the County Executive to make appointment from such nominees to fill the said vacancy within 24 days from and after the date of the filing of this instrument with the County Executive.

This \_\_\_\_\_

Larry G. Barker  
Commissioner, Larry G. Barker

O. Wayne King  
Commissioner, O. Wayne King

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

ELECTION OF NOTARIES

SEPTEMBER 15, 2008

APRIL AKERS

PATRICIA K. BAGLEY

JUDY M. BASS

GREGORY D. BLEVINS

MARTHA C. BLEVINS

AMY L. CARTER

CATRINA M. CHRISTI

LINDA E. COLE

TAMMY M. CROSS

NANCY A. CYBULLA-JOHNSON

JACKIE SUE DAVENPORT

NANCY J. DAVIS

PATRICIA K. DILLMAN

PAMELA HOLT

GINA Y. EDENS

KAREN G. ELDRIDGE

G. KIRK FINCH, II

PENNY FORBES

REBECCA LOYD FRAZIER

JERRI R. HALE

TIMOTHY W. HUDSON

DEBBIE L. ISLEY

BRENDA K. JACKSON

LETTIE T. JACKSON

KATHY BOYD KING

CHARLOTTE R. LANGREL

ANN M. LARKEY

GINGER LITTON

RONNIE MCCLAIN

JOHN W. MCINTURFF, III

BONNIE RISNER MILLER

BECKY A. MOORE

MILES JUSTIN NIDIFFER

SARA E. NIDIFFER

DONNA S. NUNLEY

HOWARD ORFIELD

WENDY OWENS

MARSHA A. PANGELINAN

HEATHER PORTER

EDDIE L. SIMS

TARA M. SMITH

STELLA STEVENSON

KASEY THRIFT

SHARON R. WALLACE

LADONNA WILLIAMS

SANDRA K. WILLIS

**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. 23 AYE, 1 ABSENT.**

STATE OF TENNESSEE  
COUNTY OF SULLIVAN

APPROVAL OF NOTARY  
SURETY BONDS

OCTOBER 20, 2008

RAY H. ADAMS

ANNIS FAYE BASS

REBECCA L. BRANSON

MICHELE L. BYRD

MICKI G. FOSTER

ANNA F. HORNE

MYERS NEWTON MASSENGILL, II

SANDRA LEE SAWYER

LINDA E. SCHOFIELD

BRITTANY GAIL SMITH

LISA G. STARNES

SHELIA THOMPSON

JUDY L. VAUGHN

SALLY P. WAMPLER

MARK HENRY WEBB

**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. 23 AYE, 1 ABSENT.**









**AGENDA**  
**Sullivan County Board of County Commission**

*October 20 2008*

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:

**No Rezoning**

- 1 Resolution for Water Quality Management of Permanent Stormwater Systems.



**PUBLIC NOTICE**

The Sullivan County Board of County Commissioners will hold a public meeting on October 20, 2008 at 9:00AM, within the Historic Sullivan County Courthouse at 3411 Hwy. 126, Blountville, TN. The purpose of the public meeting will be for the board to adopt the *Resolution for Water Quality Management of Permanent Stormwater Systems*. The public is invited to attend and make comments on the proposed resolution. A copy of the draft resolution is available at the County Planning & Zoning Department at the courthouse as well as the county's website at [www.sullivancounty.org](http://www.sullivancounty.org) – Planning & Zoning Department.

**SULLIVAN COUNTY, TENNESSEE - RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION FOR THE  
WATER QUALITY MANAGEMENT OF PERMANENT STORMWATER SYSTEMS**

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**WHEREAS**, the County of Sullivan is the holder of a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit No. TN3075281; and,

**WHEREAS**, a resolution is needed to regulate storm drainage facilities, grading, excavation, clearance, and other alteration of the land in order to limit the dangers of personal injury, property or environmental damage caused by Stormwater runoff; and

**WHEREAS**, a resolution is needed for compliance with state and federal regulations of the Clean Water Act; and

**WHEREAS**, the proposed County Resolution has been developed with input from the North East Tennessee Stormwater Association; the Sullivan County Regional Planning Commission, the Municipal Technical Advisory Service as well as the Tennessee Department of Environment & Conservation.

**NOW, THEREFORE, BE IT ORDAINED BY THE HONORABLE MAYOR AND THE BOARD OF COUNTY COMMISSIONERS OF SULLIVAN COUNTY, TENNESSEE, AS FOLLOWS:**

## SECTION 1. GENERAL PROVISIONS

### 1.1 Purpose.

It is the purpose of this resolution to:

- a) Apply to all areas located within the jurisdiction of the County of Sullivan, Tennessee. **(NOTE: T.C.A. §68-221-1105(d) says county only empowered to exercise authority outside jurisdiction of incorporated city or town.)**
- b) Protect, maintain, and enhance the environment of the County of Sullivan and the public health, safety and the general welfare of the citizens of the County, by controlling discharges of pollutants to the public Stormwater system, with the intent of maintaining and improving the quality of the receiving waters into which the Stormwater outfalls flow, including, without limitation, Lakes, rivers, Streams, Ponds, Wetlands, and groundwater of the County.
- c) Enable the County of Sullivan to comply with the National Pollutant Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for Stormwater discharges.
- d) Allow the County of Sullivan to exercise the powers granted in Tennessee Code Annotated 68-221-1105 and other powers counties and municipalities have with respect to water quality management including the power to:
  - 1) Exercise general regulation over the planning, location, construction, and operation and maintenance of Stormwater facilities and Water Quality Management Facilities in the County, whether or not owned and operated by the County;
  - 2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
  - 3) Establish standards to regulate the quantity of Stormwater discharged and to regulate Stormwater contaminants as may be necessary to protect water quality;
  - 4) Review and approve plans and plats for Stormwater management and water quality management in proposed subdivisions or commercial Developments;
  - 5) Issue permits for Stormwater discharges or for the Construction, alteration, extension, or repair of Stormwater facilities and Water Quality

- Management Facilities;
- 6) Suspend or revoke permits when it is determined that the permittee has violated any applicable provision of this resolution or condition of the permit;
  - 7) Regulate and prohibit discharges into Stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
  - 8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of Stormwater contamination, whether public or private.

#### 1.2. Administration.

The Stormwater Administrator and the staff under the Stormwater Administrator's supervision shall administer the provisions of this resolution.

## SECTION 2. DEFINITIONS

For purposes of this chapter, words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary. For the purpose of this chapter, the following definitions shall apply:

**Best Management Practices (BMP or BMPs)** - Schedules of activities, prohibitions of practices, maintenance procedures, Water Quality Management Facilities, structural controls and other management practices designed to prevent or reduce the pollution of waters of the United States. Water quality BMPs may include structural devices, such as Water Quality Management Facilities, or non-structural practices such as buffers or natural open spaces.

**CFR** - Code of Federal Regulations.

**Channel** - A natural or man-made watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

**County** - County of Sullivan, Tennessee

**Stormwater Administrator** - The Stormwater Administrator of the County of Sullivan, Tennessee, or designee.

**Construction** - Any placement, assembly, forming, making, establishment or installation of facilities, structures, or equipment (including contractual obligations to purchase such) at the premises where such facilities, structures, or equipment will be used or located, including preparation work at such premises.

**Covenant for Permanent Maintenance of Water Quality Facilities and Best Management Practices** - A legal document executed by the Property Owner, or a homeowners' association as Owner of record, and recorded with the Register of Deeds in Sullivan County, Tennessee, which guarantees perpetual and proper maintenance of Water Quality Management Facilities and Best Management Practices.

**Development** - Any land change that alters the hydrologic or hydraulic conditions of any property - often referred to as "site development". Development includes, but is not limited to, providing access to a site, clearing of vegetation, grading, earth moving, providing utilities, roads and other services such as parking facilities, Water Quality Management Facilities and erosion control systems, potable water and wastewater systems, altering land forms, or construction or demolition of a Structure on the land.

**Development Plan** - Detailed engineered/architectural drawing(s) of a commercial, industrial, institutional or residential development project, showing existing site conditions and proposed improvements with sufficient detail (e.g. technical reports, specifications, survey) for County review, approval, and then subsequent construction. The contents of a Development Plan are further defined

by the Sullivan County Zoning Resolution and/or Subdivision Regulations.

**Existing Stormwater Facility** - Any existing structural feature that slows, treats, filters, or infiltrates runoff after a rainfall event.

**Hotspot** - An area where the land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in Stormwater.

**Lake** - An inland body of standing water, usually of considerable size.

**NPDES** - National Pollutant Discharge Elimination System. NPDES is the program administered by the United States Environmental Protection Agency to eliminate or reduce pollutant discharges to the waters of the United States.

**Owner or Property Owner** - The legal owner of the property as recorded in the Register of Deeds office for Sullivan County, Tennessee, including a lessee, guardian, receiver or trustee, operator of a business, and the said Person's duly authorized agent.

**Person** - Any individual, firm, corporation, partnership, association, organization or entity, including governmental entities, or any combination thereof.

**Pond** - An inland body of standing water that is usually smaller than a Lake.

**Redevelopment** - The improvement of a lot or lots that have been previously developed.

**Sediment** - Solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by erosion.

**Stormwater** - Also "Stormwater Runoff" or "Runoff". Surface water resulting from rain, snow or other form of precipitation, which is not absorbed into the soil and results in surface water flow and drainage.

**Stream** - For the specific purpose of Vegetated Buffers, a Stream is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow and:

- a. is regulated by the County as a Special Flood Hazard Area (SFHA); or
- b. is, or has been, identified by the County, the United States Army Corps of Engineers or the Tennessee Department of Environment and Conservation as a Stream.

**Structure** - Anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Such construction includes, but is not limited to, objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls.

**TDEC's Permanent Stormwater Management Guidance Manual** - A document prepared and maintained by the State of Tennessee which contains policies, design standards and criteria, technical specifications and guidelines, maintenance guidelines, and other supporting documentation to be used, as amended by the Stormwater Administration, as the policies and technical guidance for implementation of the provisions of this resolution.

**TDEC** - The Tennessee Department of Environment & Conservation.

**TMDL** - Total Maximum Daily Load. A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the source(s) of the pollutant.

**Transporting** - Any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

**Vegetated Buffer** - A use-restricted vegetated area that is located along the perimeter of Streams, Ponds, Lakes or Wetlands, containing natural vegetation and grasses, or enhanced or restored vegetation.

**Water Quality Management Facilities** - Structures and constructed features designed to prevent or reduce the discharge of pollution in Stormwater runoff from a Development or Redevelopment. Water Quality Management Facilities can often be referred to as BMPs.

**Water Quality Management Plan** - An engineering plan for the design of Water Quality Management Facilities and Best Management Practices within a proposed Development or Redevelopment. The Water Quality Management Plan includes a map showing the extent of the land development activity and location of Water Quality Management Facilities and BMPs, design calculations for Water Quality

Management Facilities and BMPs, and may contain record drawings/certifications and Covenants for Permanent Maintenance of Water Quality Facilities and Best Management Practices.

**Water Quality Volume Reduction** – A decrease in the water quality volume for one or more areas of a proposed Development which is obtained only for specific site Development features or approaches that can reduce or eliminate the discharge of pollutants in Stormwater runoff. Water Quality Volume Reductions can only be obtained when specific guidelines presented in the TDEC's Permanent Stormwater Management Guidance Manual are met.

**Water Quality Volume Reduction Areas** - Areas with the proposed Development or Redevelopment for which a Water Quality Volume Reduction can be obtained.

**Wetland** - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland determination shall be made by the United States Army Corps of Engineers, and/or the Tennessee Department of Environment and Conservation, and/or the Natural Resources Conservation Service.

### SECTION 3. AUTHORITY

- a) Authority for this resolution is derived from state and federal law, including, but not limited to, those set forth in Section 1.1 "Purposes" hereinabove.
- b) The Stormwater Administrator is authorized to adopt additional policies, criteria, specifications and standards in addition to the TDEC's Permanent Stormwater Management Guidance Manual for the proper implementation of the requirements of this resolution. The policies, criteria and requirements of the TDEC's Permanent Stormwater Management Guidance Manual shall be enforceable, consistent with other provisions of this resolution.
- c) The Stormwater Administrator shall have the authority to prepare, or have prepared, master plans for drainage basins and to establish regulations and require necessary capital improvements to carry out said master plans.
- d) In the event that the Stormwater Administrator determines that a violation of any provision of this resolution has occurred, or that work or Development does not have a required plan or permit, or that work or Development does not comply with an approved plan or permit, the Stormwater Administrator may issue a Notice of Violation to the permittee or Property Owner and/or any other Person or entity having responsibility for construction work or Development performed at a site development.

### SECTION 4. WATER QUALITY MANAGEMENT

#### 4.1 General Requirements

- a) Owners of land Development activities not exempted under section 4.3 must submit a Water Quality Management Plan. The Water Quality Management Plan shall include the specific required elements that are listed and/or described in the TDEC's Permanent Stormwater Management Guidance Manual. The Stormwater Administrator may require submittal of additional information in the Water Quality Management Plan as necessary to allow an adequate review of the existing or proposed site conditions.
- b) The Water Quality Management Plan shall be subject to any additional requirements set forth in the subdivision regulations, zoning resolution, or other County resolutions and regulations.
- c) Water Quality Management Plans shall be prepared and stamped by an engineer, landscape architect, or architect competent in civil and site design and licensed to practice in the State of Tennessee. Portions of the Plan that require hydraulic or

- hydrologic calculations and design shall be prepared and stamped by a licensed professional competent in civil and site design and licensed to practice in the State of Tennessee.
- d) The approved Water Quality Management Plan shall be adhered to during grading and Construction activities. Under no circumstance is the Owner or operator of land Development activities allowed to deviate from the approved Water Quality Management Plan without prior approval of a plan amendment by the Stormwater Administrator.
  - e) The approved Water Quality Management Plan shall be amended if the proposed site conditions change after plan approval is obtained, or if it is determined by the Stormwater Administrator during the course of grading or Construction that the approved plan is inadequate.
  - f) The Water Quality Management Plan shall include a listing of any legally protected state or federally listed threatened or endangered species and/or critical habitat (if applicable) located in the area of land disturbing activities, and a description of the measures that will be used to protect them during and after grading and Construction (refer to the Notice of Coverage Permit from TDEC for this information).
  - g) Water Quality Management Facilities, BMPs, Vegetated Buffers and Water Quality Volume Reduction Areas shown in Water Quality Management Plans shall be maintained through the declaration of a protective covenant entitled Covenants for Permanent Maintenance of Water Quality Facilities and Best Management Practices (Covenant) and shall also be referenced on such final plat. The Covenant shall be recorded with the Register of Deeds in Sullivan County, Tennessee and shall run with the land and continue in perpetuity.
  - h) Water Quality Management Facilities, BMPs, Vegetated Buffers and Water Quality Volume Reduction Areas shall be illustrated on all final Development Plans and/or subdivision plats.
  - i) A maintenance right-of-way or easement, having a minimum width of twenty (20) feet shall be provided to all Water Quality Management Facilities, BMPs, Vegetated Buffers and Water Quality Volume Reduction Areas from a driveway, public road or private road.
  - j) Owners of land Development activities not exempted from submitting a Water Quality Management Plan may be subject to additional watershed or site-specific requirements than those stated in section 4.2 of this resolution in order to satisfy local or State NPDES, TMDL or other regulatory water quality requirements. Areas subject to additional requirements may also include Developments, Redevelopments or land uses that are considered pollutant Hotspots or areas where the Stormwater Administrator has determined that additional restrictions are needed to limit adverse impacts of the proposed Development on water quality or Channel protection.
  - k) The Stormwater Administrator may waive or modify any of the requirements of Section 4 of this resolution if adequate water quality treatment and Channel protection are suitably provided by a downstream or shared off-site water quality management facility, or if engineering studies determine that installing the required Water Quality Management Facilities or BMPs would actually cause adverse impact to water quality or cause increased Channel erosion or downstream flooding.
  - l) This resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or existing resolutions and regulations. However, where the provisions of this resolution and another regulation conflict or overlap, that provision which is more restrictive or imposes higher standards or requirements shall prevail. It is required that the Stormwater Administrator be advised of any such regulatory conflicts upon submittal of the Water Quality Management Plan.

#### 4.2 Design Criteria

- a) All Developments or Redevelopments that must submit a Water Quality Management Plan shall provide treatment of Stormwater runoff in accordance with the following requirements:
- 1) Stormwater runoff site must be treated for water quality prior to discharge from the Development or Redevelopment site in accordance with the Stormwater treatment standards and criteria provided in the TDEC's Permanent Stormwater Management Guidance Manual.
  - 2) The treatment of Stormwater runoff shall be achieved through the use of one or more Water Quality Management Facilities and/or BMPs that are designed and constructed in accordance with the design criteria, guidance, and specifications provided in the TDEC's Permanent Stormwater Management Guidance Manual.
  - 3) Methods, designs or technologies for Water Quality Management Facilities or BMPs that are not provided in the TDEC's Permanent Stormwater Management Guidance Manual may be submitted for approval by the Stormwater Administrator if it is proven that such methods, designs or technologies will meet or exceed the Stormwater treatment standards set forth in the TDEC's Permanent Stormwater Management Guidance Manual and this resolution. Proof of such methods, designs, or technologies must meet the minimum testing criteria set forth in the TDEC's Permanent Stormwater Management Guidance Manual.
  - 4) BMPs shall not be installed within public rights-of way or on public property without prior approval of the Stormwater Administrator.
- b) All Owners of Developments or Redevelopments who are required to submit a Water Quality Management Plan shall provide downstream Channel erosion protection in accordance with design criteria stated in the TDEC's Permanent Stormwater Management Guidance Manual. Downstream Channel erosion protection can be provided by an alternative approach in lieu of controlling the Channel protection volume subject to prior approval by the Stormwater Administrator. Sufficient hydrologic and hydraulic analysis that shows that the alternative approach will offer adequate Channel protection from erosion must be presented in the Water Quality Management Plan.
- c) All Developments or Redevelopments that must submit a Water Quality Management Plan shall establish, protect and maintain a Vegetated Buffer in accordance with the policies, criteria and guidance set forth in the TDEC's Permanent Stormwater Management Guidance Manual along all Streams, Ponds, Lakes and Wetlands. Exemptions from this requirement are as follows:
- 1) Vegetated Buffers are not required around the perimeter of Ponds that have no known connection to Streams, other Ponds, Lakes or Wetlands (such as man-made cattle ponds).
  - 2) Vegetated Buffers are not required around Water Quality Management Facilities or BMPs that are designed, constructed and maintained for the purposes of water quality and/or quantity (i.e., Stormwater drainage) control, unless expressly required by the design standards and criteria for the facility that are provided in the TDEC's Permanent Stormwater Management Guidance Manual.
- d) In addition to the above requirements, all Owners of Developments or Redevelopments that must submit a Water Quality Management Plan shall:
- 1) provide erosion prevention and Sediment control in accordance with the resolutions and regulations of the County;
  - 2) control Stormwater drainage and provide peak discharge/volume control in accordance with the resolutions and regulations of the County; and



- 3) adhere to *The Sullivan County Flood Damage Protection Resolution* regarding Development requirements.

#### 4.3 Exemptions

- a) Owners of Developments and Redevelopments who conform to the criteria in section 4.3.c are exempt from the requirements of this Section, unless the Stormwater Administrator has determined that treatment of Stormwater runoff for water quality is needed in order to satisfy local or State NPDES, TMDL or other regulatory water quality requirements, or the proposed Development will be a pollutant Hotspot, or to limit adverse water quality or Channel protection impacts of the proposed Development.
- b) The exemptions listed in section 4.3.c shall not be construed as exempting these Owners of Developments and Redevelopments from compliance with Stormwater requirements stated in the subdivision regulations, zoning resolution, or other County resolutions and regulations.
- c) The following Developments and Redevelopments are exempt from the requirements for a Water Quality Management Plan:
  - 1) Developments or Redevelopments that disturb less than one (1) acre of land. No exemption is granted if the Development or Redevelopment is part of a larger common plan of Development or sale that would disturb one (1) acre or more, and the Stormwater runoff from the Development or Redevelopment is not treated for water quality via a downstream or regional Water Quality Management Facility or BMP that meets the requirements of this resolution;
  - 2) minor land disturbing activities such as residential gardens and residential or non-residential repairs, landscaping, or maintenance work;
  - 3) individual utility service connections, unless such activity is carried-out in conjunction with the clearing, grading, excavating, Transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;
  - 4) installation, maintenance or repair of individual septic tank lines or drainage fields, unless such activity is carried out in conjunction with the clearing, grading, excavating, Transporting, or filling of a lot or lots for which a Water Quality Management Plan would otherwise be required;
  - 5) installation of posts or poles;
  - 6) farming activities; and
  - 7) emergency work to protect life, limb or property, and emergency repairs.

#### 4.4 Performance Bonds - Performance Bonds may be required by the Sullivan County Regional Planning Commission for an initial minimum period of one year post final Construction and/or final plat approval for maintenance purposes of the permanent stormwater systems constructed, pursuant to the *Subdivision Regulations, Article IV, Section B*.

- a) A performance bond which guarantees satisfactory completion of construction work related to Water Quality Management Facilities, Channel protection, and/or the establishment of Vegetated Buffers may be required.
- b) Performance bonds shall name the County of Sullivan, Tennessee, as beneficiary and shall be guaranteed in the form of a surety bond, cashier's check, or letter of credit from an approved financial institution or insurance carrier. The surety bond, cashier's check, or letter of credit shall be provided in a form and in an amount to be determined by the Stormwater Administrator or the Highway Commissioner for the County as approved by the Sullivan County Regional Planning Commission. The actual amount shall be based on submission of plans and estimated construction, installation or potential maintenance and/or remediation expenses.
- c) The Stormwater Administrator may refuse brokers or financial institutions the right to provide a surety bond, letter of credit, or cashier's check based on past performance, ratings of the financial institution, or other appropriate sources of reference information.

#### 4.5 Special Pollution Abatement Requirements

- a) A Special Pollution Abatement Plan shall be required for the following land uses, which are considered pollutant Hotspots:
- 1) vehicle, truck or equipment maintenance, fueling, washing or storage areas including but not limited to: automotive dealerships, automotive repair shops, and car wash facilities;
  - 2) recycling and/or salvage yard facilities;
  - 3) restaurants, grocery stores, and other food service facilities;
  - 4) confined animal feeding operations of a commercial nature with outside animal housing areas and commercial facilities such as but not limited to animal shelters, fish hatcheries, kennels, livestock stables, veterinary clinics, or zoos;
  - (5) Developments or Redevelopments occupying potentially hazardous locations as follows:
    - (a) Any site on a list, register, or database compiled by the United States Environmental Protection Agency (EPA), the State of Tennessee Department Environment and Conservation (TDEC), or the County, for investigation, clean up, or other action regarding contaminants under any federal or state environmental law shall be a potentially hazardous location under this Subtitle. When EPA or TDEC removes the site from the list, register or database, or when the Owner otherwise establishes that contaminants do not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.
    - (b) The following properties may also be designated by the Stormwater Administrator as potentially hazardous locations:
      - (i) Existing and abandoned solid waste disposal sites;
      - (ii) (ii) Hazardous waste treatment, storage, or disposal facilities, all as defined by the federal Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
      - (iii) Sites in which historical knowledge of land use or known past land use activity on the site requires designation as a potentially hazardous location. When the Owner provides evidence satisfactory to the Stormwater Administrator that contaminants do not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.
- 6) other producers of pollutants identified by the Stormwater Administrator as a pollutant Hotspot using information provided to or collected by him/her or his/her representatives, or reasonably deduced or estimated by him/her or his/her representatives from engineering or scientific study.
- b) A Special Pollution Abatement Plan may be required for land uses or activities that are not identified by this resolution as Hotspot land uses, but are deemed by the Stormwater Administrator to have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.
- c) The Special Pollution Abatement Plan shall be submitted as part of the Water Quality Management Plan, and the BMPs submitted on the plan shall be subject to all other provisions of this resolution. Technical requirements for the plan shall be based on the provisions and guidelines set forth in the TDEC's Permanent Stormwater Management Guidance Manual.

- d) Best Management Practices specified in the Special Pollution Abatement Plan must be appropriate for the pollutants targeted at the site and must be approved with the Water Quality Management Plan.
- e) A Special Pollution Abatement Plan will be valid for a period of five (5) years, at which point it must be renewed. At the time of renewal, any deficiency in the pollutant management method must be corrected.

## SECTION 5. NPDES PERMITS

Persons or entities who hold NPDES general, individual and/or multi-sector permits shall provide either a copy of such permit or the permit number assigned to them by the Tennessee Department of Environment and Conservation to the Stormwater Administrator no later than sixty (60) calendar days after issuance of the permit (Notice of Coverage Permit).

## SECTION 6. RECORD DRAWINGS/AS-BUILT PLANS AND PLATS/DESIGN CERTIFICATION

- a) Prior to the release of a bond, or before a Certificate of Occupancy is granted, record drawings shall be provided to the Stormwater Administrator, certifying that all Water Quality Management Facilities and BMPs comply with the design shown on the approved Water Quality Management Plan(s). Features such as the boundaries of Vegetated Buffers and Water Quality Volume Reduction Areas shall be provided to verify approved plans. Other contents of the record drawings must be provided in accordance with guidance provided in the TDEC's Permanent Stormwater Management Guidance Manual.
- b) Record drawings shall include sufficient design information to show that Water Quality Management Facilities required by this resolution will operate as approved. This shall include all necessary computations used to determine percent pollutant removal and the flow rates and treatment volumes required to size Water Quality Management Facilities and BMPs.
- c) The record drawings shall be stamped by the appropriate design professional required to stamp the Water Quality Management Plan, as stated in section 4.1 of this resolution.

## SECTION 7. INSPECTIONS AND MAINTENANCE

### 7.1 Right of Entry

- a) During and after Construction, the Stormwater Administrator may enter upon any property during all reasonable hours to inspect for compliance with the provisions of this resolution, or to request or perform corrective actions.
- b) Failure of a Property Owner to allow such entry onto a property for such purposes shall be cause for the issuance of a stop work order, withholding of a certificate of occupancy, and/or civil penalties and/or damage assessments in accordance with Section 11 of this resolution.

### 7.2 Requirements

- a) The Owner(s) of existing Stormwater facilities, Water Quality Management Facilities, BMPs, Vegetated Buffers and Water Quality Volume Reduction Areas shall at all times inspect and properly operate and maintain all facilities and systems of water quality treatment and drainage control (and related appurtenances), and all Vegetated Buffers and Water Quality Volume Reduction Areas in such a manner as to maintain the full

- function of the facilities or Best Management Practices which are installed or used by the Property Owner(s) to achieve compliance with this resolution.
- b) Inspection and maintenance of privately-owned facilities, including existing Stormwater facilities, Water Quality Management Facilities, Best Management Practices, Vegetated Buffers and Water Quality Volume Reduction Areas shall be performed at the sole cost and expense of the Owner(s) of such facilities/areas.
  - c) Inspections and maintenance shall be performed in accordance with specific requirements and guidance provided in the TDEC's Permanent Stormwater Management Guidance Manual. Inspection and maintenance activities shall be documented by the Property Owner (or his/her designee), and such documentation shall be maintained by the Property Owner for a minimum of three (3) years, and shall be made available for review by the Stormwater Administrator upon request.
  - d) The Stormwater Administrator has the authority to impose more stringent inspection requirements as necessary for purposes of water quality protection and public safety.
  - e) Prior to release of the performance bond, or before a Certificate of Occupancy is granted, the Property Owner shall provide the County with an as-built site plan/final plat and an executed Covenant for Permanent Maintenance of Water Quality Facilities and Best Management Practices for all BMPs, Vegetated Buffers, and areas that receive Water Quality Volume Reductions. The Property Owner shall record these items in the Office of the Register of Deeds for Sullivan County, Tennessee. The location of the Best Management Practices, Water Quality Management Facilities, Vegetated Buffers and Water Quality Volume Reduction Areas, and the water quality easements associated with these facilities/areas, shall be shown on the plat that is also recorded in the Office of the Register of Deeds for Sullivan County, Tennessee.
  - f) The removal of Sediment and/or other debris from existing Stormwater facilities, Water Quality Management Facilities and Best Management Practices shall be performed in accordance with all County, State, and Federal laws. Guidelines for Sediment removal and disposal are referenced in the TDEC's Permanent Stormwater Management Guidance Manual. The Stormwater Administrator may stipulate additional guidelines if deemed necessary for public safety.
  - g) The Stormwater Administrator may order corrective actions to Best Management Practices, existing Stormwater facilities, Water Quality Management Facilities, Vegetated Buffer areas and/or Water Quality Volume Reduction Areas as are necessary to properly maintain the facilities/areas within the County for the purposes of water quality treatment, Channel erosion protection, adherence to local performance standards, and/or public safety. If the Property Owner(s) fails to perform corrective action(s), the Stormwater Administrator shall have the authority to order the corrective action(s) to be performed by the County or others. In such cases where a performance bond exists, the County shall utilize the bond to perform the corrective actions. In such cases where a performance bond does not exist, the Property Owner shall reimburse the County for double its direct and related expenses. If the Property Owner fails to reimburse the County, the County is authorized to file a lien for said costs against the property and to enforce the lien by judicial foreclosure proceedings.
  - h) This resolution does not authorize access to adjoining private property by the Property Owner or site operator. Arrangements concerning removal of Sediment or pollutants on adjoining property must be settled by the Owner or operator with the adjoining landowner.

## SECTION 8. PERMIT CONTROLS AND STORMWATER SYSTEM INTEGRITY

- a) Any alteration, improvement, or disturbance to Water Quality Management Facilities, Vegetated Buffers or Water Quality Volume Reduction Areas shown in certified record drawings shall be prohibited without authorization from the Stormwater Administrator. This does not include alterations that must be made in order to maintain the intended performance of the Water Quality Management Facilities or BMPs.
- b) Other State and/or Federal permits that may be necessary for Construction in and around Streams and/or Wetlands shall be approved through the appropriate lead regulatory agency prior to submittal of a Water Quality Management Plan to the County.

## SECTION 9. SEVERABILITY

- a) Each separate provision of this resolution is deemed independent of all other provisions herein so that if any provision or provisions of this resolution shall be declared invalid, all other provisions thereof shall remain enforceable.
- b) If any provisions of this resolution and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

## SECTION 10. RESPONSIBILITY

This resolution does not imply a warranty or the assumption of responsibility on the part of the County for the suitability, fitness or safety of any Structure with respect to flooding, water quality, or structural integrity. This resolution is a regulatory instrument only, and is not to be interpreted as an undertaking by the County to design any Structure or facility.

## SECTION 11. PENALTIES AND APPEALS

- a) Violations of this resolution shall be cause for the requirement for corrective action(s), the issuance of a stop work order, withholding of a permit, withholding of permit inspections, withholding of a certificate of occupancy, and/or civil penalties and/or damage assessments as set forth below.
- b) Any Person who violates the provisions of this resolution shall be subject to a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of each violation. Each day of violation may constitute a separate violation. The County shall give the alleged violator reasonable notice of the assessment of any civil penalty. The County may also recover all damages proximately caused to the County by such violations.
- c) In assessing a civil penalty, the following factors may be considered:
  - (1) The harm done to the public health or the environment;
  - (2) Whether the civil penalty imposed will be substantial economic deterrent to the illegal activity;
  - (3) The economic benefit gained by the violator;
  - (4) The amount of effort put forth by the violator to remedy this violation;
  - (5) Any unusual or extraordinary enforcement costs incurred by the County;
  - (6) The amount of penalty established by resolution or resolution for specific categories of violations; and

- (7) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- d) In addition to the civil penalty in subsection (b) above, the County may also assess damages proximately caused by the violator to the County which may include any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation.
- e) Notice of damage assessment and civil penalty shall be served upon the alleged violator by personal delivery or certified mail, return receipt requested. Service by mail shall be deemed complete upon mailing. If the alleged violator is dissatisfied, the alleged violator may appeal said civil penalty or damage assessment. Appeal from any assessment of civil penalty or damages or both, shall be to a five-member panel comprised of the Sullivan County Highway Commissioner or designee, the Building Commissioner, the County Attorney, the Stormwater Administrator or designee, and the Commission Member who represents the County on the Sullivan Regional Planning Commission. Said appeal must be received by the Stormwater Administrator's office within thirty (30) days after service of the notice of damage assessment and civil penalty. The appeal shall be heard by the panel within thirty (30) days of receipt. The panel may continue the hearing and allow continuances to either the County or the alleged violator for good cause shown. If a timely appeal of the damage assessment or civil penalty is not filed with the Stormwater Administrator's office, the violator shall be deemed to have consented to the damage assessment or civil penalty and it shall become final. If the alleged violator files a timely appeal with the Stormwater Administrator's office and the violator is dissatisfied with the decision of the panel, the alleged violator may appeal the decision of the panel pursuant to the provisions of title 27, chapter 8, section 102 of the Tennessee Code.
- f) Whenever any damage assessment or civil penalty has become final because of a Person's failure to appeal the damage assessment or civil penalty, the County may apply to the appropriate chancery court for a judgment and seek execution of such judgment. The court, in such proceedings, shall treat the failure to appeal such damage assessment or civil penalty as a confession of judgment.

***Planning Commission Public Meeting - First Reading on August 19, 2008***  
***Planning Commission Public Hearing - Final Reading on September 16, 2008***  
***County Commission Administrative Committee Meeting -***  
***County Commission Executive Committee Meeting -***  
***County Commission Budget Committee Meeting -***  
***County Commission Public Hearing/Final Reading -***

**SPONSOR: JOHN MCKAMEY**  
**PRIME CO-SPONSOR: O.W. FERGUSON**

**COMMISSION ACTION: APPROVED 10-20-08 21 Aye, 2 Pass, 1 Absent**

**RESOLUTIONS ON DOCKET FOR OCTOBER 20, 2008**

RESOLUTIONS	ACTION
#1 AMENDMENTS TO THE SULL CO ZONING RESOLUTION	APPROVED 10-20-08
#2 URGING SULLIVAN COUNTY COMMISSIONERS AND OTHER OWNERS OF THE TRI-CITIES REGIONAL AIRPORT TO SUPPORT TRI-CITIES REGIONAL AIRPORT CONTROLLING DOCUMENTS OF OCTOBER 25, 1935; AND NOT SUPPORT THE CONCEPT OF CREATING TRI-CITIES REGIONAL AIRPORT AUTHORITY	DEFERRED 10-20-08
#3 AUTHORIZING AN APPROPRIATION OF MONIES TO FUND THE CONTINUED UPKEEP OF THE TRI-COUNTY INDUSTRIAL PARK	APPROVED 10-20-08
#4 TO LEASE AN OFFICE COMPARTMENT FOR APPALACHIAN MOUNTAIN PROJECT ACCESS (AMPA)	APPROVED 10-20-08
#5 TO APPROVE AGREEMENT WITH MILLIGAN HOUSING FOR THE ELDERLY OF BRISTOL, INC. (RIDGE VIEW APARTMENTS PROJECT) FOR PAYMENT IN LIEU OF TAXES	APPROVED 10-20-08
#6 TO APPROVE ENTERING INTO CONTRACT WITH BLUE CROSS-BLUE SHIELD OF TENN. FOR EMPLOYEE HEALTH INSURANCE EFFECTIVE JANUARY 1, 2009	APPROVED 10-20-08
#7 AMENDING THE 2008-2009 GENERAL PURPOSE SCHOOL BUDGET BY \$56,973.97 FOR FY09 CONNECTN PAYMENTS	APPROVED 10-20-08
#8 AMEND THE 2008-2009 GENERAL PURPOSE SCHOOL BUDGET FOR THE REIMBURSEMENT FOR HIGH COST STUDENTS IN THE AMOUNT OF \$43,291.77	APPROVED 10-20-08
#9 AMEND THE 2008 – 2009 GENERAL PURPOSE SCHOOL BUDGET FOR THE IDEA GRANT FOR BLOUNTVILLE MIDDLE SCHOOL IN THE AMOUNT OF \$25,000	APPROVED 10-20-08
#10 AMEND THE 2008-2009 GENERAL PURPOSE SCHOOL BUDGET FOR THE SAFE SCHOOLS ACT OF 1998 GRANT RECEIVED FROM THE STATE OF TN IN THE AMOUNT OF \$53,200.00	APPROVED 10-20-08
#11 AMEND THE 2008-2009 GENERAL PURPOSE SCHOOL BUDGET BY \$310,130.04 FOR STATE FUNDED ONE-TIME TEACHER BONUS	APPROVED 10-20-08
#12 AUTHORIZING ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS FROM FAST TRACK INFRASTRUCTURE DEVELOPMENT PROGRAM (FIDP) THROUGH THE TENN. DEPT. OF ECONOMIC AND COMMUNITY DEVELOPMENT TO EXTEND WATER AND SEWER INFRASTRUCTURE TO PARTNERSHIP PARK ONE WITH ADDITIONAL FUNDING PROVIDED BY LOCAL JURISDICTIONS	APPROVED 10-20-08

<p>#13 AUTHORIZING SETTLEMENT OF LITIGATION AND TRANSFER OF PROPERTY TO STATE OF TENNESSEE</p>	<p>APPROVED 10-20-08</p>
<p>#14 TO IMPROVE MANAGEMENT OF SULLIVAN COUNTY'S INCREASING FUNDING COST FOR HEALTH INSURANCE COST/CLAIMS FOR RETIREES</p>	<p>1<sup>ST</sup> READING 10-20-08</p>
<p>#15 TO HAVE SULLIVAN COUNTY SET ASIDE \$5,000.00 ENTERING INTO A PARTNERSHIP WITH BRISTOL, TENNESSEE, AND BRISTOL REGIONAL MEDICAL CENTER FOR STUDY OF EXTENDING MEDICAL PARK BOULEVARD TO STATE ROUTE 126</p>	<p>1<sup>ST</sup> READING 10-20-08</p>



Sullivan County, Tennessee  
Board of County Commissioners

Item 1  
No. 2008-10-00

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 October 2008.

**RESOLUTION To Consider Amendments to the Sullivan County Zoning Resolution**

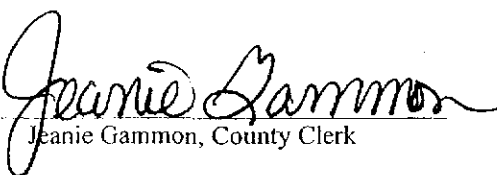
WHEREAS, the attached rezoning petitions have been duly initiated; have been before the Planning Commission (recommendations enclosed); and have received a public hearing as required; and,

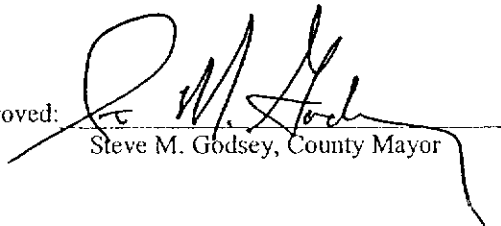
WHEREAS, such rezoning petitions will require an amendment to the Sullivan County Zoning Resolution.

**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 October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

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

2008-10-00	County Commission	
ACTION	Approved 10-20-08	Voice Vote

Comments:

Sullivan County, Tennessee  
Board of County Commissioners

Item 2  
Executive  
No. 2008-02-13  
Attachment

To the Honorable Steve M. Godsey, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 19th day of February, 2008.

**RESOLUTION Urging Sullivan County Commissioners and other owners of the Tri-Cities Regional Airport to support Tri-Cities Regional Airport controlling documents of October 25, 1935; and not support the concept of creating Tri-Cities Regional Airport Authority; and**

WHEREAS, in 1935 the Cities of Bristol, Johnson City and Kingsport, Tennessee and the County of Sullivan, Tennessee joined to construct, own, and operate a public airport which is now known as "Tri-Cities Regional Airport, TN/VA"; and

WHEREAS, in 1948 Johnson City subsequently transferred one-half of its ownership interest in the airport to the County of Washington, Tennessee; and

WHEREAS, in 1964 the City of Bristol, Virginia acquired an ownership interest in the airport; and

WHEREAS, the six owners of the Tri-Cities Regional Airport have delegated its operation to a twelve member commission whose members are appointed by, and serve at the pleasure of, the respective owners; and

WHEREAS, the Tri-Cities Regional Airport is owned and operated by its owners as an unincorporated association or joint venture, and neither the airport nor its commission is a distinct legal entity; and

WHEREAS, the Sullivan County Commissioners would ask that the Sullivan County legislators not submit legislation to the Tennessee General Assembly to change the Tri-Cities Regional Airport Commission.

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session does not support the concept of creating the Tri-Cities Regional Airport Authority and urges the other owners of the Tri-Cities Regional Airport to support Tri-Cities Regional Airport controlling document of October 25, 1935. Prior to any legislation proposed for creating the Tri-Cities Regional Airport Authority, the same will be presented to the Sullivan County Board of Commissioners for review and consideration.**

**BE IT FURTHER RESOLVED** that upon passage of this resolution that the office of the Sullivan County Mayor forward a copy of the same to the Cities of Bristol, Kingsport, and Johnson City, Tennessee, the City of Bristol, Virginia and the County of Washington, Tennessee, and also send copies to the Governor of Tennessee, the Tennessee Department of Property Management, and all elected state, county, and local officials representing Sullivan County.

*Waiver of Rules Requested*

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

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): Darlene Calton**

2008-02-13	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	No Action 2-4-08, 3-3-08, 4-7-08, 5-5-08, 6-2-08, 7-7-08, 8-4-08, 9-2-08 & 10-6-08	Deferred 2-7-08, 3-6-08 & 4-10-08, No Action 5-8-08, 6-5-08, 7-10-08, 8-12-08, 9-4-08 & 10-9-08	No Action 2-6-08, 3-5-08, 4-2-08, 5-7-08, 6-4-08, 7-2-08, 8-6-08, 9-3-08 & 10-1-08	

Notes: 1st Reading 02-19-08; Deferred 03-17-08; Deferred 04-21-08; Deferred 05-19-08;  
 Deferred 06-16-08; Deferred 07-21-08; Deferred 08-18-08; Deferred 09-15-08; **Deferred 10-20-08;**

Sullivan County, Tennessee  
Board of County Commissioners

Item 3  
Budget  
No. 2008-09-113

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 September, 2008.

**RESOLUTION AUTHORIZING an appropriation of monies to fund the continued upkeep of the Tri-County Industrial Park**

WHEREAS, typical upkeep costs (lighting, sign maintenance, building removal, land clearing, surveying, etc.) run approximately \$6,200.00 annually; and


WHEREAS, these costs have, in the past, been covered by revenues from the lease of houses and land on Tri-County Industrial Park properties; and

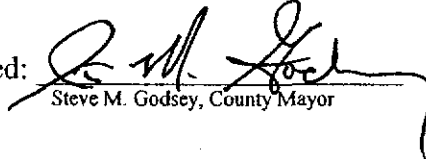
WHEREAS, the removal of such houses and a decrease in leasable acreage has resulted in a significant decline in revenues.

**NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby appropriates \$10,000.00 to insure the continued upkeep of the Park. Such funds to be appropriated from Account #58120-700 Subfund 021 (Return from previous land sales).**

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 October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

Sponsored By: ~~Dwight King~~ John McKamey  
Prime Co-Sponsor(s): ~~John McKamey~~ Joe Herron

2008-09-113	Administrative	Budget	Executive	County Commission
ACTION	Approved 10-6-08	Approved 10-9-08	Approved 10-1-08	Approved 10-20-08 23 Aye, 1 Absent

Notes: 1st Reading 09-15-08;

Sullivan County, Tennessee  
Board of County Commissioners

Item 4  
Budget  
No. 2008-10-115  
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 October, 2008.

**RESOLUTION To lease an office compartment for Appalachian Mountain Project Access (AMPA)**

**WHEREAS**, AMPA will need this office space to establish service for the citizens of Sullivan County. The intent is to help them establish organization in Sullivan County.

AMPA or "Appalachian Mountain Project Access," and it is under the umbrella of Kingsport Tomorrow's Community Health Improvement Project, a non-profit 501(c) 3 organization. The goal of AMPA is to help coordinate free primary and specialty-care services for the medically needy and underserved.

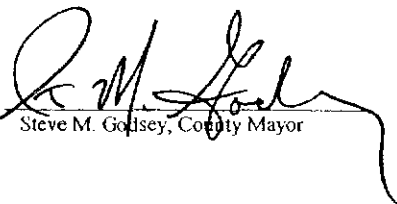
AMPA's model is the highly successful and nationally recognized Project ACCESS initiative, which was developed in 1995 in Buncombe County, N.C. The Buncombe County initiative -- the first Project ACCESS -- was successfully designed to provide a system that delivered free health care to low-income, uninsured patients. As examples of the project's success: The number of uninsured patients with access to care rose from 7,500 patients in 1996 to 13,500 in 2000. The number of ER visits from Project Access patients dropped from 28 percent to 8 percent within a three-year period. The uninsured were able to receive assistance, services became more efficient, and physicians no longer had to worry about screenings, paperwork or overload.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize the County Mayor to sign the attached lease agreement.

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 October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

Sponsored By: Sam Jones

Prime Co-Sponsor(s): Joe Herron

2008-10-115	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Approved 10-6-08	No Action 10-9-08	Approved 10-1-08	<b>Approved 10-20-08</b> <b>23 Aye, 1 Absent</b>

Notes: **Waiver of rules requested.**

**LEASE AGREEMENT**

**THIS AGREEMENT** entered into this first day of November, 2008, by and between **COUNTY OF SULLIVAN, TENNESSEE**, a political subdivision of the State of Tennessee, hereinafter called "Lessor", and **APPALACHIAN MOUNTAIN PROJECT ACCESS (AMPA)**, hereinafter called "Lessee";

**WITNESSETH:**

**NOW, THEREFORE**, in consideration of One (\$1.00) Dollar, cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable considerations as hereinafter set forth, and in consideration of and subject to the covenants and conditions hereinafter set out, Lessor does hereby demise and lease to Lessee limited use of the property generally known as office space/compartment at the Sullivan County Health Department located at 154 Blountville Bypass, Blountville, Tennessee.

**TERMS AND CONDITIONS**

1. Lessee shall be allowed to utilize office workspace compartment at the Sullivan County Health Department located at 154 Blountville Bypass, Blountville, Tennessee for the purpose of providing, to those individuals who qualify, case management services for the referral of medical services.

2. The term of this Lease shall be for a period of one (1) year beginning November 1, 2008 and ending at midnight on August 31, 2009. This Lease shall automatically renew on September 1<sup>st</sup> of each year for an additional one (1) year term unless either party terminates this Lease Agreement. In spite of the above language, Lessor may terminate this Lease Agreement for any or no cause at any time upon sixty (60) days notice as set forth herein in Paragraph 10.

3. In the event Lessee utilizes said property for any reason other than as set forth herein or otherwise approved by Lessor, such use shall be good cause for this Lease Agreement to be terminated immediately.

4. Lessee shall not assign this Lease nor sub-let the premises at any time.

5. Lessee agrees not to make any alterations, additions, improvements or changes to the premises, interior or exterior, or to the equipment and fixtures located thereon.

6. All personal property placed or moved upon or into the above described premises by Lessee, Lessee's officers, employees, agents or invitees, shall be at the sole risk of Lessee and/or owner of such personal property and the Lessor shall not be liable for any damages to such personal property. Further, Lessor shall not be liable to Lessee or third parties for damages caused by bursting or leaking of water pipes, roof leaks, fire or any other casualty to any personal property placed or stored on the property by Lessee, Lessee's officers, employees, agents or invitees, or for other casualty or for damages resulting from any negligence of Lessee or any third party, or any occupant, invitee or user of the premises, or from any spectator or any other person whomsoever. Lessee agrees to save harmless and indemnify Lessor from any such loss and/or liability including Lessor's reasonable attorney fees and expenses and shall insure Lessor as hereinafter provided.

7. Lessee agrees that it will be responsible for any damages to the premises and/or damages to or loss of personal property caused by Lessee, its agents, officers, or employees. invitees.

8. (a) Lessee agrees to save harmless and indemnify Lessor from and against all loss, liability, claim or expense due to injury to person or property that may be suffered by Lessee, its agents, officers, employees, invitees and/or any third party by reason of any accident or any damage, neglect, or misadventure arising from or in any way growing out of the use, misuse or abuse of the premises leased herein by Lessee, its agents, officers, employees and/or invitees. Lessee will maintain adequate insurance for such purposes, including general public liability insurance in the minimal amounts set forth in subsection (b) of this paragraph.

(b) Lessee agrees to maintain at all times during the term of this Lease Agreement general public liability insurance in the minimal amount of One Million Dollars (\$1,000,000) per

person and One Million Dollars (\$1,000,000) per occurrence and shall list Sullivan County as an additional insured on the policy.

(c) Neither Lessee nor Lessor shall have any obligation to maintain fire insurance on buildings existing at the time of this Agreement; such insurance may or may not be provided at the sole discretion of Lessor as Lessor deems necessary in the name of Lessor.

(d) Lessee agrees to furnish to Lessor Certificates of Insurance demonstrating that the Lessee has complied with the terms of this section of this Lease Agreement.

9. Lessor shall have the right to enter the premises at all times and this right shall exist whether or not Lessee shall be on the premises at such time.

10. (a) Lessor reserves the absolute right to terminate this Lease Agreement for any reason or for no reason by giving written notification to Lessee in writing thirty (30) days prior to the date when such termination becomes effective and the parties stipulate that the mailing of notice to the hereinafter stated address shall constitute compliance with this article of this Lease Agreement.

(b) Lessee reserves the right to terminate this Lease Agreement by giving written notification to Lessor in writing thirty (30) days prior to the date when such termination becomes effective, such notice to be sent to Lessor at the address hereinafter stated.

(c) Upon termination or expiration of this Lease Agreement, Lessee shall peacefully surrender said property to Lessor in as good a condition as is now.

11. All notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed as follows:

To Lessor At:           Office of the County Mayor  
                                  3411 Highway 126, Suite 206  
                                  Blountville, Tennessee 37617

To Lessee At:           \_\_\_\_\_



12. Lessee covenants and agrees with Sullivan County, Tennessee that it does not discriminate on the basis of race, sex, color, religion, national origin, age, disability or veteran's status in the provision of opportunity for service and benefits provided by the undersigned.

13. Lessee acknowledges, understands, covenants and agrees with Sullivan County as follows:

- a. Lessee is not in any way a part of Sullivan County government;
- b. Lessee is factually and legally independent and distinct from Sullivan County, Tennessee;
- c. No agency, partnership, association, joint venture, or other business relationship of any kind or nature is hereby created or intended;
- d. The officers, employees, and/or agents of Lessee shall not be deemed or construed to be the employees or agents of Sullivan County, Tennessee for any purpose whatsoever;
- e. Nothing herein is intended to allow either party to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services; and
- f. Lessee will never represent or portray itself in any way which could contradict, appear to contradict, or be perceived by anyone or any entity as contradicting the terms set forth above, and Lessee will immediately correct any known representation, portrayal, and/or perception to the contrary.

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

**Lessor**

**SULLIVAN COUNTY, TENNESSEE**

**BY:** \_\_\_\_\_  
**STEVE GODSEY**  
**Sullivan County Mayor**

**Attest:**

\_\_\_\_\_  
**Jeanie Gammon, County Clerk**

**Lessee**

**APPALACHIAN MOUNTAIN PROJECT**  
**ACCESS (AMPA)**

**BY:** \_\_\_\_\_

**Title:** \_\_\_\_\_

Sullivan County, Tennessee  
Board of County Commissioners

Item 5  
Administrative/Budget/Executive  
No. 2008-10-116  
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 September, 2008.

**RESOLUTION To Approve Agreement with Milligan Housing for the Elderly of Bristol, Inc. (Ridge View Apartments Project) for Payment in Lieu of Taxes**

WHEREAS, Milligan Housing for the Elderly of Bristol, Inc. is proposing to construct housing at 340-343 Brown Avenue within the City of Bristol for elderly and handicapped persons with financing provided through the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the project is exempt from all personal and real property taxes as long as Ridge View Apartments remains a qualified not-for-profit corporation and there are unpaid outstanding balances on the loan provided through HUD; and

WHEREAS, annual payments in lieu of taxes will be based on ten percent (10%) of the shelter rent collected by the owner; and

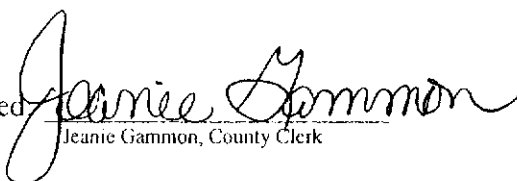
WHEREAS, the City of Bristol has agreed to participate in this agreement for payment in lieu of taxes to confer with the County to determine the percentage of distribution of annual payments.

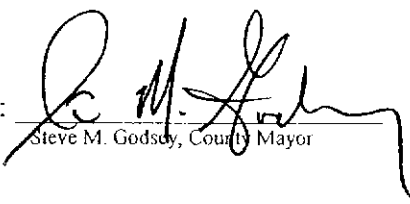
**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby approves the County Mayor entering an agreement with Milligan Housing for the Elderly of Bristol, Inc. (Ridge View Apartments) at 340-343 Brown Avenue; Bristol, Tennessee, to accept annual payments in lieu of taxes as long as Ridge View Apartments remains a qualified not-for-profit corporation and there are unpaid outstanding balances on the loan provided through HUD.

**BE IT FURTHER RESOLVED** that the County agrees to confer with the City of Bristol to determine the percentage of distribution of annual payments.

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 October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

Sponsored By: Bart Long

Prime Co-Sponsor(s): James "Buddy" King, Cathy Armstrong, Mark Vance

2008-10-116	Administrative	Budget	Executive	County Commission
ACTION	Approved 10-6-08	Deferred 10-9-08	Approved 10-1-08	Approved 10-20-08 23 Aye, 1 Absent

Notes:

**Waiver of rules requested.**

*Attachment To Resolution*  
 Sullivan County, Tennessee *No. 2008-10-1169*  
 Board of County Commissioners

Item 20  
 Administrative/Budget/Executive  
 No. 2006-03-28

To the Honorable Richard S. Venable, Mayor of Sullivan County, and the Board of Sullivan County Commissioners meeting in Regular Session this 20<sup>th</sup> day of March 2006.

**RESOLUTION To Approve an Agreement with Forest Ridge Apartments, Inc. for Payment in Lieu of Taxes**

WHEREAS, Forest Ridge Apartments, Inc. d/b/a Forest Ridge Manor is proposing to construct housing at 1300 Bloomingdale Pike within the City of Kingsport for elderly and handicapped persons with financing provided through the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the project is exempt from all personal and real property taxes as long as Forest Ridge Apartments, Inc. remains a qualified not-for-profit corporation and there are unpaid outstanding balances on the loan provided through HUD; and

WHEREAS, annual payments in lieu of taxes will be based on ten percent (10%) of the shelter rent collected by the owner; and

WHEREAS, the City of Kingsport has agreed to participate in this agreement for payment in lieu of taxes and agrees to confer with the County to determine the percentage of distribution of annual payments;

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby approves the County Mayor entering an agreement with Forest Ridge Apartments, Inc. d/b/a Forest Ridge Manor at 1300 Bloomingdale Pike, Kingsport, Tennessee, to accept annual payments in lieu of taxes as long as Forest Ridge Apartments, Inc. remains a qualified not-for-profit corporation and there are unpaid outstanding balances on the loan provided through HUD.

**BE IT FURTHER RESOLVED** that the County agrees to confer with the City of Kingsport to determine the percentage of distribution of annual payments.

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 17th day of April, 2006.

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

Sponsored By: Elliott Kilgore  
 Prime Co-Sponsor(s): James "Buddy" King

2006-03-28	Administrative	Budget	Executive	County Commission
ACTION				Approved 04-17-06 20 Aye, 1 Pass, 3 Absent

Notes: 1st Reading 03-20-06;

## COOPERATION AGREEMENT

(Private Nonprofit Owner -- Project Located in City or Town)

**THIS AGREEMENT** entered into as of the \_\_\_\_\_ day of October, 2008 by and between **MILLIGAN HOUSING FOR THE ELDERLY OF BRISTOL, INC.**, a Tennessee nonprofit corporation (hereinafter the "Owner"); and the **CITY OF BRISTOL TENNESSEE**, a Tennessee municipal corporation (hereinafter the "City"); and **SULLIVAN COUNTY, TENNESSEE**, a political subdivision of the State of Tennessee (hereinafter the "County").

### WITNESSETH:

In consideration of the mutual covenants hereinafter set forth, the parties hereby agree as follows:

1. As used in this Agreement, the term "Project" shall mean the Ridge View Apartments project which will be financed with a grant from or loan insured by the U. S. Secretary of Housing and Urban Development (hereinafter "HUD") under Section 202 of the Housing Act of 1959 (12 U.S.C. § 1701q), under Section 811 of the National Affordable Housing Act (42 U.S.C. §§ 8013, 12741), under Sections 221, 231 or 236 of the National Housing Act (12 U.S.C. § 17151, 1715v, 1715z-1), or under Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974 (42 U.S.C. § 1427f), as the same shall apply to lower income housing for elderly or handicapped persons as defined by the National Housing Act, the Housing Act of 1959, or the United States Housing Act of 1937, as amended, who have income not in excess of those limits established by HUD.

2. As used in this Agreement, the term "Shelter Rent" shall mean the total amounts payable by all tenants of the Project toward the rents charged for dwelling units and non-dwelling units (excluding all other income of the Project), less the cost to the Owner of all dwelling and non-dwelling utilities. In the case of all Section 8 assisted units, "Shelter Rent" is the tenants' share of the Section 8 contract rents.

3. The owner (a) has obtained a grant from HUD for the financing of the Ridge View Apartments – an eligible Project comprising approximately twenty (20) units of lower income housing, and (b) has agreed to develop, own and administer such Project which shall be located within the City and the County.

4. If the Project is determined by the Tennessee Board of Equalization to be exempt from real and personal property taxes and special assessments levied or imposed by the City and County (see Tennessee Code Annotated § 67-5-207) and, thereafter, as long as the Project continues to be so exempt:

(a) The City and the County agree that they will not impose any real or personal property taxes or special assessments upon the Project or upon the Owner with respect thereto;

(b) The Owner shall make annual payments to the City and the County (hereinafter "Payments in Lieu of Taxes") in lieu of such taxes and special assessments and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to the Project;

(c) For each fiscal year established for the Project, a total Payment in Lieu of Taxes shall be paid in an amount equal to the lower of: (i) ten percent (10%) of the Shelter Rent actual collected from residents but no more than charged by the Owner in respect to the Project during the fiscal year, or (ii) the maximum amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is lower, or (iii) the amount of the real property taxes which would have been paid to the City and the County for such year if the Project were not exempt from taxation.

(d) Payments in Lieu of Taxes that are due under this Agreement shall be paid to the City and the County, respectively, within ninety (90) days after the end of the Project's fiscal year and at the time of making such payment, the Owner shall file with the City and the County a report setting forth the total amount of Shelter Rent actually collected from residents of the Project so that the correct amount of Payments in Lieu of Taxes may be calculated and verified.

(e) The annual Payments in Lieu of Taxes shall be allocated between the City and the County and paid separately by the Owner as follows:

To the City: 50%

To the County: 50%

5. Upon failure of the Owner to make any Payment in Lieu of Taxes, no lien against the Project shall attach, nor shall any interest or penalties accrue or attach on account thereof, provided, however, the foregoing shall not prevent the City or the County from obtaining a judgment for any unpaid Payments in Lieu of Taxes (including collection costs and attorney fees) against the Owner and then executing on any non-Project assets of the Owner.

6. During the period commencing with the date of the acquisition of any part of the site or sites of the Project and continuing so long as the Owner remains a qualified not-for-profit corporation and as long as HUD has an interest in or lien on the Project as a result of its loan or grant, the City and the County, respectively, without cost or charge to the Owner of the tenants of the Project (other than the Payments in Lieu of Taxes) shall:

- (a) Furnish or cause to be furnished to the Owner and the tenants of the Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other similar dwellings and inhabitants in the jurisdictional limits of the City and County;
- (b) Accept grants of easements necessary for the development of the Project; and
- (c) Cooperate with the Owner by such other lawful action or ways as the City or County, respectively, and the Owner may find necessary in connection with the development and administration of the Project.

7. If by reason of the failure or refusal of the City or the County, respectively, to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Owner or to the tenants of the Project, the Owner incurs any expense to obtain such services or facilities, then the Owner may deduct the amount of such expense from any Payments in Lieu of Taxes due to become due to the City or County, respectively, in respect to the Project. This shall be in addition to any other remedies for default which the Owner may have under the laws of the State of Tennessee, including the right to seek specific performance of this Agreement.

8. No Cooperation Agreement which may have been heretofore entered into between the City or the County and the Owner shall be construed to apply to the Project covered by this Agreement.

9. No member of the governing of the City or the County or any other public official of the City or County who exercises any responsibilities or functions with respect to the Project during his or her tenure or for one year thereafter shall have any interest, direct or indirect, in the Project or in any property included or planned to be included in the Project, or any contracts in connection with the Project or property. If any such governing body member or such other public

official of the City or County involuntarily acquires, or had acquired prior to the beginning of his or her tenure, any such interest, such person shall immediately disclose that interest to the Owner.

10. So long as the loan or grant, in connection with the Project is held or insured by HUD, this Agreement shall not be abrogated, changed, or modified without the consent of HUD. The privilege and obligations of the City and the County under this Agreement shall remain in full force and effect with respect to the project so long as the Project is determined by the Tennessee Board of Equalization to be exempt from real and personal property taxes.

11. Notwithstanding anything to the contrary, this Agreement will remain in effect for only as long as the Project has been granted an exemption by the Tennessee Board of Equalization from real and personal property taxation under the laws of the State of Tennessee which grant an exemption from real and personal property taxation and is required by said laws to make Payments in Lieu of Taxes to the City and the County. From and after the time that the exemption from real and personal property taxation has been revoked or rescinded, the Owner shall pay all City and County taxes that are assessed against the Project.

IN WITNESS WHEREOF, this Agreement has been duly executed by and on behalf of the parties hereto.

**MILLIGAN HOUSING FOR THE ELDERLY  
OF BRISTOL, INC.**

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_

~~CITY OF BRISTOL TENNESSEE~~

By: Jeffrey J. Broughton, City Manager

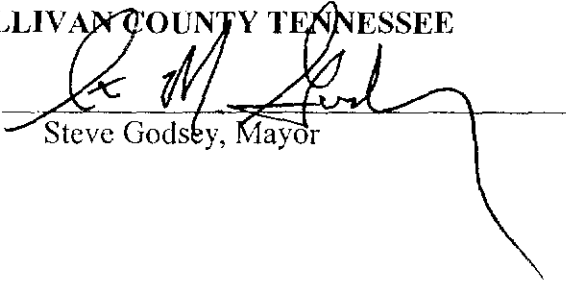
ATTEST:

Tara E. Musick  
Tara E. Musick, City Recorder

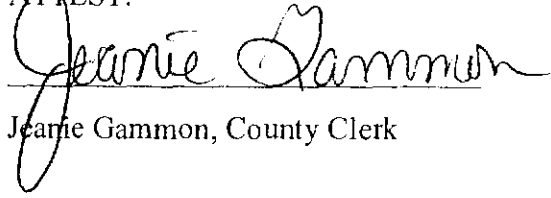


SULLIVAN COUNTY TENNESSEE

By:

  
Steve Godsey, Mayor

ATTEST:

  
Jeanie Gammon, County Clerk

Sullivan County, Tennessee  
Board of County Commissioners

Item 6  
Budget  
No. 2008-10-117

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 Approve Entering into Contract with Blue Cross-Blue Shield of Tennessee for Employee Health Insurance Effective January 1, 2009**

WHEREAS, the Insurance Committee has reviewed various employee health insurance renewal proposals for the 2009 year; and

WHEREAS, the Committee has recommended that Sullivan County enter into a Health Insurance Contract with Blue Cross Blue Shield of Tennessee to provide for three plans including the Silver, an optional Platinum, and a High-Deductible Savings Plan with a 4-tier billing rate for each plan.

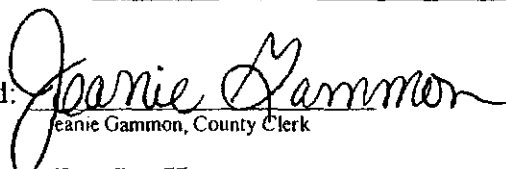
**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, authorize entering into a contract for Employee Health Insurance with Blue Cross Blue Shield of Tennessee for the 2009 calendar year with the employee rate of contribution set at 12.8% of the Silver Plan and the High Deductible Plan with employer contribution for the optional Platinum Plan be based upon the Silver Plan. The employer contribution to the employee's Health Savings Account shall continue to be made at the same level as the 2008 year. The additional funding cost for the employee health insurance contract will be provided from the 39000 account of the respective funds for the participating employees.

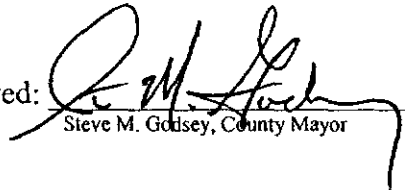
This resolution shall take effect from and after its passage. All resolutions in conflict herewith be and the same rescinded insofar as such conflict exists.

*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 October 2008.

Attested:   
Joanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

Sponsored By: Joe Herron

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

2008-10-117	Administrative	Budget	Executive	County Commission
ACTION	Approved 10-6-08	Approved 10-9-08	Approved 10-1-08	Approved 10-20-08 21 Aye, 1 Nay, 2 Absent

Notes:

AMENDMENT made by Comm. James King, Jr. that "RESOLUTION SHOULD SHOW THE INCREASE OF 3.49%" Amendment accepted by Sponsor and approved

Attachment  
Res. #6

Sullivan County Government  
(BlueCross BlueShield Network S)

NETWORK BENEFITS	CIGNA - Silver	BCBS - Silver	CIGNA - High Deductible	BCBS - High Deductible	CIGNA - Platinum	BCBS - Platinum
<b>Enrollment</b>						
Employee Only	235		6		17	
Employee + Spouse	172		2		9	
Employee + Child(ren)	67		2		1	
Employee + Family	212		6		1	
<b>Premiums - Current</b>						
	<u>CIGNA - Silver</u>		<u>CIGNA - High Ded</u>		<u>CIGNA - Platinum</u>	
Employee Only	\$360.85		\$287.93		\$522.54	
Employee + Spouse	\$758.45		\$611.05		\$1,097.33	
Employee + Child(ren)	\$703.22		\$586.99		\$1,018.95	
Employee + Family	\$1,118.14		\$904.79		\$1,619.86	
<b>Est Monthly Premium</b>	<b>\$530,325</b>	\$499,415	\$9,512		\$21,398	
<b>Premiums - Renewal</b>						
		<u>BCBS - Silver</u>		<u>BCBS - High Ded</u>		<u>BCBS - Platinum</u>
Employee Only		\$384.56		\$263.72		\$517.88
Employee + Spouse		\$807.10		\$510.12		\$1,088.60
Employee + Child(ren)		\$691.85		\$437.46		\$931.43
Employee + Family		\$1,152.78		\$728.61		\$1,552.08
<b>Est Monthly Premium</b>	<b>\$548,853</b>	\$519,941		\$7,849		\$21,063
<b>Annualized Difference</b>	<b>\$222,342</b>					
<b>% Increase</b>	<b>3.49%</b>					
<b>Employee Contributions</b>						
	<u>Current (12.8%)</u>	<u>Proposed (12.8%)</u>	<u>Current (10.0%)</u>	<u>Proposed (12.8%)</u>	<u>Current (Difference)</u>	<u>Proposed (Difference)</u>
Employee Only	\$47.02	\$49.23	\$28.51	\$33.76	\$208.82	\$182.33
Employee + Spouse	\$98.73	\$103.31	\$57.03	\$65.30	\$438.09	\$382.81
Employee + Child(ren)	\$91.68	\$88.56	\$54.17	\$55.99	\$407.89	\$328.14
Employee + Family	\$145.75	\$147.56	\$88.39	\$93.26	\$647.35	\$546.86
<b>Employee Contributions - Totals</b>						
Employee Only	\$11,050	\$11,568	\$171	\$203	\$1,253	\$1,094
Employee + Spouse	\$16,982	\$17,769	\$114	\$131	\$876	\$786
Employee + Child(ren)	\$6,143	\$5,933	\$108	\$112	\$816	\$656
Employee + Family	\$30,899	\$31,282	\$530	\$560	\$3,884	\$3,281
<b>Monthly Increase</b>	\$65,073	\$66,552	\$924	\$1,005	\$6,829	\$5,797
<b>Annualized</b>	<b>\$6,342</b>	\$1,480		\$81		-\$1,032
		\$17,755		\$971		-\$12,384

Employee Contributions	Monthly Increase	Monthly Increase	Monthly Increase
Employee Only	\$2.21	\$5.25	(\$26.49)
Employee + Spouse	\$4.58	\$8.27	(\$55.28)
Employee + Child(ren)	(\$3.12)	\$1.82	(\$79.75)
Employee + Family	\$1.81	\$4.87	(\$100.49)
<b>Per Paycheck</b>			
	<u>Per Paycheck (Bi-Weekly)</u>	<u>Per Paycheck (Bi-Weekly)</u>	<u>Per Paycheck (Bi-Weekly)</u>
Employee Only	\$1.02	\$2.42	(\$12.23)
Employee + Spouse	\$2.11	\$3.81	(\$25.51)
Employee + Child(ren)	(\$1.44)	\$0.84	(\$36.81)
Employee + Family	\$0.83	\$2.25	(\$46.38)

**Sullivan County Government  
(BlueCross BlueShield Network S)**

<b>NETWORK BENEFITS</b>	<b>CIGNA - Silver</b>	<b>BCBS - Silver</b>	<b>CIGNA - High Deductible</b>	<b>BCBS - High Deductible</b>	<b>CIGNA - Platinum</b>	<b>BCBS - Platinum</b>
<b>Physician Office Copay</b>						
Primary Care	\$20	\$20	\$ 20 (Wellness Only)	\$ 20 (Wellness Only)	\$15	\$15
Specialist	\$40	\$40	80% after deductible	80% after deductible	\$25	\$25
<b>Deductible</b>						
Individual	\$500	\$500	\$1,100	\$1,150	n/a	n/a
Family	\$1,000	\$1,000	\$2,200	\$2,300	n/a	n/a
<b>Outpatient Services</b>						
Chiropractic	\$ 15 copay	\$ 20 copay	80% after deductible	80% after deductible	\$ 15 copay	\$ 20 copay
Urgent Care	\$ 100 copay		80% after deductible	80% after deductible	\$ 50 copay	
Physician Services	80% after deductible	80% after deductible	80% after deductible	80% after deductible	Paid @ 100%	Paid @ 100%
MRI, PT & CT Scans	80% after deductible	80% after deductible	80% after deductible	80% after deductible	Paid @ 100%	\$ 50 copay
Facility	80% after deductible	80% after deductible	80% after deductible	80% after deductible	\$ 75 copay	\$ 75 copay
<b>Hospital Services</b>						
Emergency Room	\$ 200 copay	\$ 200 copay	80% after deductible	80% after deductible	\$ 100 copay	\$ 100 copay
Facility	80% after deductible	80% after deductible	80% after deductible	80% after deductible	\$ 200 copay/admission	\$ 200 copay/admission
<b>Maximum Out-of-Pocket</b>						
Individual	\$1,500	\$1,500	\$3,000	\$3,000	\$1,000	\$1,000
Family	\$3,000	\$3,000	\$6,000	\$6,000	\$2,000	\$2,000
<b>Prescription Drug Copays</b>						
Tier 1	\$10	\$10	70% after deductible	70% after deductible	\$10	\$10
Tier 2	\$20	\$20	80% after deductible	80% after deductible	\$20	\$20
Tier 3	\$50	\$50	50% after deductible	50% after deductible	\$40	\$40
<b>Enrollment</b>						
Employee Only	235		6		17	
Employee + Spouse	172		2		9	
Employee + Child(ren)	67		2		1	
Employee + Family	212		6		1	
<b>Premiums - Current</b>						
	<u>CIGNA - Silver</u>		<u>CIGNA - High Ded</u>		<u>CIGNA - Platinum</u>	
Employee Only	\$360.85		\$287.93		\$522.54	
Employee + Spouse	\$758.45		\$811.05		\$1,097.33	
Employee + Child(ren)	\$703.22		\$566.99		\$1,018.95	
Employee + Family	\$1,118.14		\$904.79		\$1,619.86	
<b>Est Monthly Premium</b>	<b>\$530,325</b>	\$499,415	\$9,512		\$21,398	
<b>Premiums - Renewal</b>						
		<u>BCBS - Silver</u>		<u>BCBS - High Ded</u>		<u>BCBS - Platinum</u>
Employee Only		\$384.58		\$283.72		\$517.68
Employee + Spouse		\$807.10		\$510.12		\$1,088.60
Employee + Child(ren)		\$691.85		\$437.46		\$931.43
Employee + Family		\$1,152.78		\$728.61		\$1,552.08
<b>Est Monthly Premium</b>	<b>\$548,853</b>	\$18,528	\$519,941	\$7,849		\$21,083
<b>% Increase</b>	<b>3.49%</b>	\$222,342				

Sullivan County, Tennessee  
Board of County Commissioners

Item 7  
Budget  
No. 2008-10-118  
Amendment Attached

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** amending the 2008 – 2009 General Purpose School Budget by \$56,973.97 for FY09 ConnecTN Payments.

WHEREAS, this represents flow through money, based on ADM, which is used for system wide internet connections; and,

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

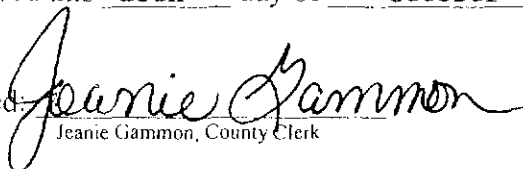
WHEREAS, no local funds are required to fund this program.

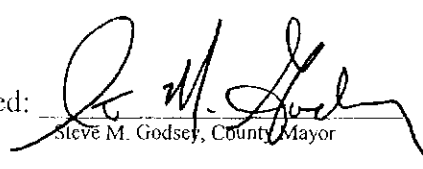
**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize amending the General Purpose School Budget as follows:

Account Number	Account Description	Amount
46590.000	Other State Grants (Revenue)	+56,973.97
72410.399	Other Contracted Services (Expenditure)	+56,973.97

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 October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

Sponsored By: Sam Jones  
Prime Co-Sponsor(s): Dennis Houser, *Calton*

2008-10-118	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Approved 10-6-08	Approved 10-9-08		<b>Approved 10-20-08</b> <b>23 Aye, 1 Absent</b>

Notes: **Waiver of rules**

Amendment No. 1 To Resolution No. 2008-10-118

Sullivan County School Director Jack Barnes has made the following monetary change as follows in the highlighted column:

<b>Account Number</b>	<b>Account Description</b>	<b>Amount</b>
46590.000	Other State Grants <b>(Revenue)</b>	+56,973.97
72410.399	Other Contracted Services <b>(Expenditure)</b>	+8,973.97

**AMENDMENT** submitted by sponsor and approved with resolution 10-20-08.

Sullivan County, Tennessee  
Board of County Commissioners

Item 8  
Budget  
No. 2008-10-119

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 amending the 2008 – 2009 General Purpose School Budget for the Reimbursement for High Cost Students in the amount of \$43,291.77.**

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

WHEREAS the purpose of these funds is to provide educational assistants for students with disabilities; and,

WHEREAS, no local funds are required to match this grant.


**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize amending the General Purpose School Budget as follows:**

Account Number	Account Description	Amount
47143.000	Other State Grants (Revenue)	+43,291.00
71200.163	Educational Assistants (Expenditure)	+43,291.00

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

Approved this 20th day of October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

Sponsored By: Linda Brittenham  
Prime Co-Sponsor(s): Sam Jones, *Carlton*

2008-10-119	Administrative	Budget	Executive	County Commission
ACTION	Approved 10-6-08	Approved 10-9-08		Approved 10-20-08 23 Aye, 1 Absent

Notes: **Waiver of rules**

Sullivan County, Tennessee  
Board of County Commissioners

Item 9  
Budget  
No. 2008-10-120

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 amending the 2008 – 2009 General Purpose School Budget for the IDEA Grant for Blountville Middle School in the amount of \$25,000.**

WHEREAS, the purpose of this program is it to increase the achievement of students with disabilities at Blountville Middle; and,

WHEREAS, by implementing the use of Accelerated Math as a prescriptive tool, utilizing the services of a certified math consultant with expertise in special education, and provide opportunities for teacher visits to observe in model classrooms; and,

WHEREAS, the School Board is not required to provide matching funds: and,

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

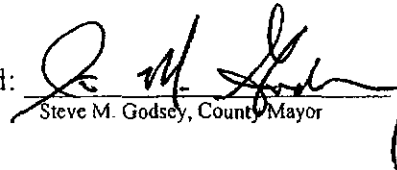
**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize amending the General Purpose School Budget as follows:**

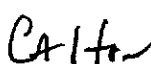
Account Number	Account Description	Amount
47131.000	Other State Grants (Revenue)	+25,000.00
72210.429	Instructional Supplies and Materials (Expenditure)	+11,750.00
72220.524	Staff Development (Expenditure)	+6,000.00
72220.355	Travel (Expenditure)	+750.00
71200.195	Substitutes (Expenditure)	+1,500.00
71200.725	Special Education Equipment (Expenditure)	+5,000.00

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

Approved this 20th day of October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

Sponsored By: Garth Blackburn  
Prime Co-Sponsor(s): Linda Brittenham 

2008-10-120	Administrative	Budget	Executive	County Commission
<b>ACTION</b>	Approved 10-6-08	Approved 10-9-08		<b>Approved 10-20-08</b> <b>23 Aye, 1 Absent</b>

Notes:

**Waiver of rules**



Sullivan County, Tennessee  
Board of County Commissioners

Item 10  
Budget  
No. 2008-10-121

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 amending the 2008 – 2009 General Purpose School Budget for the Safe Schools Act of 1998 Grant received from the State of Tennessee in the amount of \$53,200.00**

WHEREAS, the purpose of this money is for re-keying doors in the schools for security purposes, the purchase of radios for one elementary schools, and ID tags for school staff.

WHEREAS, the School Board is required to provide matching funds; and, matching School Board funds are in the approved budget.

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

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize amending the General Purpose School Budget as follows:**

Account Number	Account Description	Amount
46590.000	Other State Grants (Revenue)	+53,200.00
72210.799	Other Capital Outlay (Expenditure)	+6,500.00
72210.308	Consultants (Expenditure)	+9,500.00
72210.499	Other Supplies and Materials (Expenditure)	+1,000.00
72130.790	Other Equipment (Expenditure)	+2,000.00
72210.429	Instructional Supplies and Materials (Expenditure)	+2,800.00
72620.426	General Construction Materials (Expenditure)	+31,400.00

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

Approved this 20th day of October 2008.

Attested: Jeanie Gammon Approved: Steve M. Godsey  
Jeanie Gammon, County Clerk Steve M. Godsey, County Mayor

Sponsored By: Sam Jones  
 Prime Co-Sponsor(s): Dennis Houser, Calton

2008-10-121	Administrative	Budget	Executive	County Commission
ACTION	Approved 10-6-08	Approved 10-9-08		Approved 10-20-08 23 Aye, 1 Absent

Notes: **Waiver of rules.**

Sullivan County, Tennessee  
Board of County Commissioners

Item 11  
Budget  
No. 2008-10-122

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 Amend the 2008 – 2009 General Purpose School Budget by \$310,130.04 for State Funded One-time Teacher Bonus.**

WHEREAS, the State of Tennessee provided funding for bonuses to be paid to teachers without any local funds required; and,

Whereas, the amounts for the bonuses were not available from the State of Tennessee to include in the annual budget.

**NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session, hereby authorize amending the General Purpose School Budget as follows:**

Account Number	Account Description	Amount
46590.000	Other State Grants (Revenue)	+310,130.04
71100.116	Teachers (Expenditure)	+271,876.96
71100.201	Matching Social Security 6.20% (Expenditure)	+16,856.36
71100.204	State Retirement 6.42% (Expenditure)	+17,454.50
71100.212	Matching Medicare 1.45% (Expenditure)	+3,942.22

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.

*Waiver of Rules Requested*

Approved this 20th day of October 2008.

Attested: Jeanie Gammon Approved: Steve M. Godsey  
Jeanie Gammon, County Clerk Steve M. Godsey, County Mayor

Sponsored By: Dennis Houser  
 Prime Co-Sponsor(s): Joe Herron, *CAH*

2008-10-122	Administrative	Budget	Executive	County Commission
ACTION	Approved 10-6-08	Approved 10-9-08		Approved 10-20-08 23 Aye, 1 Absent

Notes:

Sullivan County, Tennessee  
Board of County Commissioners

Item 12  
Budget  
No. 2008-10-123

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 Authorizing Acceptance and Expenditure of Grant Funds from Fast Track Infrastructure Development Program (FIDP) through the Tennessee Department of Economic and Community Development to Extend Water and Sewer Infrastructure to Partnership Park One with Additional Funding Provided by Local Jurisdictions**

WHEREAS, the Sullivan County Board of Commissioners approved Resolution No. 2008-09-108 on September 15, 2008 authorizing the application for grant funds from the Fast Track Infrastructure Development Program through the Tennessee Department of Economic and Community Development to provide water and sewer infrastructure to the Partnership One Park to serve FedEx Freight; and

WHEREAS, the grant application has been approved in the amount of \$557,600.

**NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 20th day of October, 2008, hereby authorize the acceptance of grant funds in the amount of \$557,600 from the Fast Track Infrastructure Development Program through the Tennessee Department of Economic and Community Development to extend water and sewer infrastructure to Partnership Park One.**

**BE IT FURTHER RESOLVED that the County Mayor is authorized to enter into any and all agreements, assurances, and/or contracts to accept said grant funds and implement this project.**

**BE IT FURTHER RESOLVED that Sullivan County is hereby authorized to receive, appropriate, and expend said grant funds as required by the grant contract.**

**BE IT FURTHER RESOLVED that the portion of funding for the water line to be provided by the Blountville Utility in the amount not to exceed \$594,472 be accepted and approved for expending by Sullivan County to complete the water project; and,**

**BE IT FURTHER RESOLVED that the local funding will be provided by Sullivan County Networks in an amount not to exceed \$133,225 to complete the project. Account codes to be assigned by the Director of Accounts & Budgets.**

*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 October 2008.

Attested: Jeanie Gammon  
Jeanie Gammon, County Clerk

Approved: Steve M. Godsey  
Steve M. Godsey, County Mayor

**Sponsored By: Eddie Williams**

**Prime Co-Sponsor(s): Dwight King, Sam Jones, Moe Brotherton**

2008-10-123	Administrative	Budget	Executive	County Commission
ACTION				Approved 10-20-08 23 Aye, 1 Absent

Notes: **Waiver of rules**

Sullivan County, Tennessee  
Board of County Commissioners

Item 13  
Executive  
No. 2008-10-124

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 Authorizing Settlement of Litigation and Transfer of Property to State of Tennessee**

WHEREAS, litigation was filed in the matter of Carol A. Keith, Sandy J. Madison, Dorothy L. Harville, Peggy A. Madison, Phyllis J. Baker, Danniele Madison, Robert E. Madison, Jr. and Jackie W. Madison v. Sullivan County, Tennessee Department of Highways and Tennessee Department of Transportation, being Blountville Circuit Court Case No. C3209, on May 23, 2005 wherein the Plaintiffs alleged that Sullivan County had failed to properly design and construct State Route 44 such that it had rendered Plaintiffs' property (Tax Map 97K, Group D, Parcels 6, 7, 8, and 9) unusable, uninhabitable and unsellable thereby constituting an adverse taking of the subject property; and

WHEREAS, subsequent to the realignment and construction of State Route 44, the State of Tennessee assumed responsibility and maintenance for the right-of-way and roadway known as State Route 44; and

WHEREAS, subsequent to the filing of the litigation, Sullivan County acquired title to the four parcels of property which are the subject of the litigation through a delinquent tax sale; and

WHEREAS, the State of Tennessee has offered to contribute the sum of \$9,600.00 in an effort to resolve this matter in exchange for Sullivan County quitclaiming title to the four parcels to the State of Tennessee for use as future right-of-way for State Route 44 with the understanding that the proceeds first be used to pay to Sullivan County delinquent taxes including penalties and interest thereon, with the remainder going to the Plaintiffs in the pending litigation, said individuals being the heirs of the original owners of the property ;

WHEREAS, all parties have agreed, subject to proper approval, that in exchange for the State of Tennessee contributing the sum of \$9,600, Sullivan County will quitclaim its interest in the four parcels to the State of Tennessee and that all delinquent taxes due and owing Sullivan County, including penalties and interest, will be paid first from the proceeds with the remaining funds to be paid to the Plaintiffs at which time the Plaintiffs will dismiss their cause of action against Sullivan County.

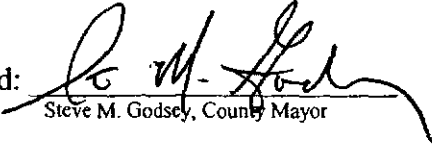
**NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session on the 20th day of October, 2008, hereby authorize the settlement as set forth hereinabove and authorize the County Mayor to execute on behalf of Sullivan County a Quitclaim Deed conveying title to the four subject parcels of property to the State of Tennessee.**

*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 October 2008.

Attested:   
Jeanie Gammon, County Clerk

Approved:   
Steve M. Godsey, County Mayor

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

2008-10-124	Administrative	Budget	Executive	County Commission
ACTION				Approved 10-20-08 23 Aye, 1 Absent

Notes:

Sullivan County, Tennessee  
Board of County Commissioners

Item 14  
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 its retirees; and,

WHEREAS, Sullivan County, as 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 its 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, 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; and,**

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 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.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

Attested: \_\_\_\_\_  
Jeanie Gammon, County Clerk

Approved: \_\_\_\_\_  
Steve M. Godsey, 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				

Notes: **1st Reading 10-20-08;**



Sullivan County, Tennessee  
Board of County Commissioners

Item 15  
Budget  
No. 2008-10-126  
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 October, 2008.

**RESOLUTION To Have Sullivan County Set Aside \$5,000.00 Entering Into A Partnership with Bristol, Tennessee, and Bristol Regional Medical Center for Study of Extending Medical Park Boulevard to State Route 126**

WHEREAS, this is considered to be of major importance for economic development as well as being safety related in making quicker access to hospital and emergency facilities.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Sullivan County, Tennessee, assembled in Regular Session hereby authorize \$5,000.00 in County Funds to be set aside for a study on extending Medical Park Boulevard in Bristol, Tennessee to State Route 126.

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: Bart Long**

**Prime Co-Sponsor(s): Mark Vance, James "Buddy" King, Cathy Armstrong**

2008-10-126	Administrative	Budget	Executive	County Commission
<b>ACTION</b>				

Notes: **1st Reading 10-20-08;**



THE CITY OF BRISTOL, TENNESSEE  
801 Anderson Street  
P. O. Box 1189  
Bristol, Tennessee 37621-1189

Office of the City Manager

Telephone: (423) 989-5503  
Facsimile: (423) 989-5506  
Email: [jbroughton@bristoltn.org](mailto:jbroughton@bristoltn.org)

October 15, 2008

Mr. Steve M. Godsey  
County Mayor  
Sullivan County Courthouse  
3411 Highway 126, Suite 206  
Blountville, Tennessee 37617

Dear Mayor Godsey:

I appreciate being able to meet with you and Bart Hove last week regarding the extension of Medical Park Boulevard from its terminus at Bristol Regional Medical Center to State Route 126. I came away from that meeting impressed with shared recognition of the importance of this project by you and Bart. I believe the long-term commitment of Bristol, Sullivan County and Bristol Regional Medical Center/Wellmont Health Systems is critical to our success in achieving this important economic development and health and safety related project.

As discussed, we reviewed this project with the Tennessee Department of Transportation and have identified the Interstate Connecting Routes Program as a funding source. This program provides funding on a 50 percent matching basis for qualified projects, limited to \$2,000,000 in state funding per fiscal year. Projects can be phased to allow for multiple year funding.

To facilitate our analysis of this project, we have retained the services of Mattern and Craig, Inc., to prepare a preliminary engineering report (PER) to analyze two alternative routes for the extension of Medical Park Boulevard to SR 126. This report will allow us to better understand the cost of the project, the relative cost of the two alternatives, and will assist us to make a more informed decision on the best course of action. If we proceed with a funding application, information generated by this report will assist us in that endeavor. The PER will cost \$15,000. Bristol and BRMC are prepared to move forward with the PER, and if Sullivan County agrees to participate as well, the total cost to each party will be \$5,000. Mattern & Craig has committed to delivering a draft report within 60 days of execution of the contract.

Please advise me on your interest in participating in the funding of this report. While the Interstate Connecting Routes Program grant source is not heavily used, it is competitive and our decision to move forward should be made in a timely manner.

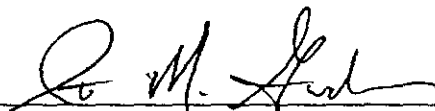
Again, thanks for your input at our meeting. I look forward to working together on this important project for Sullivan County, Bristol Regional Medical Center, and Bristol.

Very truly yours,

Jeffrey J. Broughton  
City Manager

Cc: Bart Hove  
Mike Sparks

AND THEREUPON COUNTY COMMISSION ADJOURNED UPON  
BLACKBURN  
MOTION MADE BY COMM. VANCE TO MEET AGAIN IN REGULAR  
SESSION NOVEMBER 17, 2008.

  
\_\_\_\_\_  
STEVE GODSEY  
COMMISSION CHAIRMAN

